



**Universiteit Utrecht**

# **Culture as an Obstacle to Universal Human Rights? The Encounter of the Royal Netherlands Army with the Afghan Culture in Uruzgan**

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## **Abstract**

The aim of this thesis is to investigate how Dutch soldiers of the Royal Netherlands Army dealt with the distinctive Afghan culture during the mission in Uruzgan from 2006 to 2010. This thesis indicates the conflicting cultural values Dutch soldiers encountered when engaging with the local population and the Afghan National Security Forces (ANSF). Ultimately, this paper demonstrates the complexity of human rights in international relations, the accompanied moral dilemmas and the effects of modernization theory in practice.

In the first part, culture functioning as one of the obstacles to contemporary human rights is identified. Also, the cultural training of Dutch soldiers indicated that they were deemed to let go of their Western mindset: interfering in human rights abuses, committed by Afghans, was not part of the mission.

The thesis then shows the perceptions of Dutch soldiers on the local culture when they arrived in Uruzgan. On an operational level, in order to defeat the Taliban, the winning of the hearts and minds of the Afghan people was essential. Therefore, Dutch soldiers acted respectfully, despite the precarious circumstances they had to operate in. Simultaneously, reconstruction projects were based upon a Western vision of modernization, trying to eliminate the ingrained corruption and to change the Afghan mentality.

Finally, moral dilemmas experienced by Dutch soldiers are analyzed, whereas the existing gender norms in Afghanistan generated a culture shock amongst Dutch soldiers. While, Dutch soldiers empathized, to a certain extent, with the Afghan population, this stopped when being confronted by sexual abuse of boys and the oppression of women, committed, mainly, by their Afghan allies. As a result, the ANSF are identified as the lesser of two evils, in comparison to the Taliban. Moreover, the thesis stresses the deep-rooted cultural convictions within the Afghan society regarding gender, demonstrating culture functioning as an obstacle to the enjoyment of human rights.

In conclusion, this thesis argues that the enforcement of human rights in Afghanistan was pushed aside by security interests of the Western forces. After the ousting of the Taliban, human rights violations continued and Dutch soldiers were not tasked to do anything about it. From a human rights perspective, this thesis questions the validity of cooperation with the lesser of two evils in future interventions.

## Glossary of acronyms and terms

ANA	Afghan National Army
ANCOP	Afghan National Civil Order Police
ANP	Afghan National Police
ANSF	Afghan National Security Forces
Bacha bazi	A wide variety of activities involving sexual relations between older men and younger adolescent men, or boys
CEDAW	The Convention on the Elimination of All Forms of Discrimination against Women
DoD	United States Department of Defense
HRW	Human Rights Watch
HTPs	Harmful Traditional Practices
HTS	Human Terrain System
IEA	Islamic Emirate of Afghanistan (Taliban Regime)
IED	Improvised Explosive Device
HUMINT	Human Intelligence
ISAF	International Assistance Force
JMK	Jan Muhammed Khan
Malik	Tribal leader
MK	Matiullah Khan
Mullah	Founder of the Taliban
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organization
Northern Alliance	Fundamentalist warlords and criminals who largely share the Taliban's ideology
OMF	Opposing Militant Forces
OEF	Operation Enduring Freedom
PDPA	People's Democratic Party of Afghanistan
PRT	Provincial Reconstruction Team
Shura	Afghan word for meeting/gathering
TFU	Task Force Uruzgan
UAE	United Arab Emirates
UN	United Nations
USSR	Union of Soviet Socialist Republics

## Introduction

The Taliban were not the first to violate human rights in Afghanistan, nor did this practice disappear with their defeat. American President George W. Bush, however specifically emphasized the brutalization and repression of 'Afghanistan's people' by the Taliban, in his 'War on Terror' speech of 21 September 2001.<sup>1</sup> He also referred to atrocities committed by the Taliban, when declaring in his State of the Union Address in 2002 that 'America will always stand firm for the non-negotiable demands of human dignity.'<sup>2</sup> However, the view that removal of the oppressive Taliban regime would produce a grateful Afghan population, eagerly embracing newfound opportunities to reorient their society in a Western direction, proved unfounded.<sup>3</sup> Moreover, the objective of helping the Afghan people was secondary to the objective of exterminating the terrorist threat. It is illustrative that the suffering of the Afghan population had been clear long before the United States (US) and its allies chose to address it.<sup>4</sup>

The Kingdom of the Netherlands was one of the Western states that has stationed military troops in Afghanistan. Human rights are officially the cornerstone of Dutch foreign policy: the Netherlands considers itself a 'guiding country' ('gidsland') of human rights.<sup>5</sup> Historically, the Netherlands has pursued an active intervention policy since the 1970s, justified under the banner of human rights protection and international peace.<sup>6</sup> The objective of fighting human rights abuses featured prominently in the decision-making process regarding the contribution of Dutch troops to the *International Security Assistance Force* (ISAF), the North Atlantic Treaty Organization (NATO)-led security mission in Afghanistan. This had also been the case during the mission in Uruzgan from 2006 to 2010.<sup>7</sup> Securing popular support of the local population, by winning the 'hearts and minds' of the Afghan people, was one of the objectives of Task

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<sup>1</sup> George W. Bush, 'Address to the Joint Session of Congress and the American People', *The Guardian*, 21 September 2001.

<sup>2</sup> George W. Bush, 'State of the Union Address', 29 January 2002.

<sup>3</sup> M.E. Latham, *The Right Kind of Revolution: Modernization, Development, and U.S. Foreign Policy from the Cold War to the Present* (Ithaca 2011) 205.

<sup>4</sup> W. Maley, *Rescuing Afghanistan* (Sydney 2006) 10.

<sup>5</sup> P. Malcontent, 'Nederland en de Mensenrechten' in: J. Pekelder, R. Raben en Mathieu Segers (ed.), *De Wereld volgens Nederland: Nederlandse buitenlandse politiek in historisch perspectief* (Amsterdam 2015) 128-151.

<sup>6</sup> I. Duyvensteijn and L. Arlar, 'Nederland en humanitaire interventie', in: J. Pekelder, R. Raben en Mathieu Segers (ed.), *De Wereld volgens Nederland: Nederlandse buitenlandse politiek in historisch perspectief* (Amsterdam 2015) 221-245; Malcontent, 'Nederland en de Mensenrechten', 132.

<sup>7</sup> Brief minister van Buitenlandse Zaken, Defensie en Ontwikkelingssamenwerking aan de Tweede Kamer, 22 december 2005, TK 2005-2006, 27925, nr. 193; Nationaal Archief, Den Haag, 2.15.104, Ministerie van Sociale Zaken en Werkgelegenheid, 2002, inventarisnummer 6091, brief 30 oktober 2002, voorstel aan Bureau Secretaris-Generaal van ministers Buitenlandse Zaken en Defensie.

Force Uruzgan (TFU).<sup>8</sup> However, this was complicated by Afghan cultural values, which are often considered inhuman, cruel and objectionable by international standards and Dutch norms and values.<sup>9</sup> Culture, a heterogeneous and complex concept, is defined in this context as the 'totality of values, institutions and forms of behavior transmitted within a society.'<sup>10</sup> How did the Royal Netherlands Army deal with Afghan culture during the military operation in Uruzgan?

### *Historiography*

The September 11 attacks and the subsequent War on Terror prompted the return of modernization theory in American strategy.<sup>11</sup> Modernization theory had dominated early Cold War foreign policy before it was discredited. In *Mandarins of the Future: Modernization Theory in Cold War America*, Nils Gilsman describes the construction of a common and essential pattern of state development from the late 1950s through the 1960s, which involved transformations in forms of economic organizations, political institutions and central cultural and social values holding societies together.<sup>12</sup> The objective was to promote change in order to make postcolonial regions more like the West, and less like the Eastern communist superpower: the Union of Soviet Socialist Republics (USSR).<sup>13</sup> However, as Gilsman and Michael E. Latham, show, modernization was functioning as an instrument to understand reality, exemplified by the devastating consequences of the practical implementation of the modernization ideal, especially the Vietnam War, defamed the theory.<sup>14</sup>

The War on Terror, however, brought modernization theory back to the fore and with that the accompanying historiographical debate. In *The Great American Mission: Modernization and the Construction of an American World Order*, David Ekbladh explains that modernization theory implied the search for control and improvement: development would stifle the appeal of extremist ideologies.<sup>15</sup> Furthermore, Ekbladh argues that terrorist attacks were regarded

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<sup>8</sup> Winning the hearts and minds of the people is to prevail by securing popular support of the local population, instead of using force. The term was first used by the French general and local administrator Louis Hubert Gonzalve Lyautey during a rebellion along the Indochina-Chinese border in 1895. The strategy became well-known because of the Vietnam War.

<sup>9</sup> A. An-Na'im, *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus* (Philadelphia 1992) 2.

<sup>10</sup> An-Na'im, *Human Rights in Cross-Cultural Perspective*, 2.

<sup>11</sup> D. Ekbladh, *The Great American Mission: Modernization and the Construction of an American World Order* (Princeton 2010) 3,10.

<sup>12</sup> N. Gilsman, *Mandarins of the Future: Modernization Theory in Cold War America* (Baltimore 2003) 3.

<sup>13</sup> And the People's Republic of China (PRC).

<sup>14</sup> M.E. Latham, 'Modernization', in: T.M. Porter and D. Ross, *The Cambridge History of Science* (Cambridge 2003) 733; Gilsman, *Mandarins of the Future*, 3.

<sup>15</sup> Ekbladh, *The Great American Mission*, 10.

as the product of failed modernization of the Middle East/Afghanistan.<sup>16</sup> Therefore, modernization was mobilized anew to expose the Afghan traditional society to the 'Western way of life'. This should have prompted cultural changes.<sup>17</sup> Moreover, it should have generated proper enforcement of the existing human rights laws in Afghanistan.<sup>18</sup> However, ultimately, the application of human rights standards to Afghan culture was not part of the War on Terror in Afghanistan.

These issues bear on the question whether human rights are applicable to any culture. Are human rights universal? The debate between the universality of human rights and cultural relativism has existed for decades. Universalists claim that human rights are universal and should apply to every human being: 'human rights are derived from the essence of humanity itself.'<sup>19</sup> Cultural relativists, on the other hand, object: human rights are culturally dependent and no moral principles can be made to administer all cultures.<sup>20</sup> For example, Abdullahi An-Na'im argues that the interpretation and practical application of human rights laws in the context of a particular society, should be determined by the moral standards of that society.<sup>21</sup>

Jack Donnelly, on the other hand, a political scientist, dismisses the relativist argument, disagreeing with its assumption that 'whatever a culture says is right is right.'<sup>22</sup> Donnelly argues that international human rights norms demand that we act on them, even in the absence of agreement by others. He believes that strongly sanctioned traditions do not deserve toleration.<sup>23</sup>

However, the debate between universalists and cultural relativists lacks empirical foundations. Overall, the enforcement of human rights is problematic, because the Western vision on human rights is not globally shared. Furthermore, the implementation of human rights is left to sovereign states, which cannot be sanctioned when failing.<sup>24</sup> The situation becomes even more complicated in light of the legacy of colonialism, which requires Western states to be cautious in cross-cultural interaction.<sup>25</sup> In practice, it seems that contextual

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<sup>16</sup> Ekbladh, *The Great American Mission*, 264.

<sup>17</sup> Latham, 'Modernization', 725.

<sup>18</sup> United Nations, 'Bonn Agreement', 5 December 2001.

<sup>19</sup> L.S. Bell, A.J. Nathan and I. Peleg, *Negotiating Culture and Human Rights* (New York 2001) 5.

<sup>20</sup> Bell, *Negotiating Culture and Human Rights*, 5.

<sup>21</sup> L.J. Peach, 'Are Women Human? The Promise and Perils of "Women's Rights as Human Rights"', in: L.S. Bell, A.J. Nathan and I. Peleg, *Negotiating Culture and Human Rights* (New York 2001) 188.

<sup>22</sup> J. Donnelly, 'The Relative Universality of Human Rights', *Human Rights Quarterly* 29 (2007) 282, 294.

<sup>23</sup> Donnelly, 'The Relative Universality of Human Rights', 304.

<sup>24</sup> Peach, 'Are Women Human? The Promise and Perils of "Women's Rights as Human Rights"', 177.

<sup>25</sup> Donnelly, 'The Relative Universality of Human Rights', 296.

circumstances and national interests determine international policies. In other words, power politics prevails. Generally, human rights violations are due to ‘human action and inaction, [...] because individual persons act or fail to act in certain ways.’<sup>26</sup>

In Afghanistan, security interests, namely fighting the Taliban and related terrorism, turned out to be the predominant incentive. The Netherlands, a long-devoted ally of the US, could not dismiss the importance of the Atlantic relation. Despite the prominence of humanitarian motives and altruistic intentions, the Netherlands adapted to the American strategy by pushing humanitarian norms aside. At the same time, Afghan society was not receptive to Western influences. Ultimately, however, differences between Afghan and Western cultural values hampered the mission. This paper discusses this dilemma in light of the Dutch mission in Uruzgan in the context of the War on Terror.

This thesis consists of three chapters. First, it describes the development of human rights norms since the adoption of the ‘Universal Declaration on Human Rights’ by the United Nations (UN) in 1948. This chapter also elaborates on the debate on universality. Do national cultures function as barriers to the implementation of human rights? Moreover, this chapter gives a discourse analysis of the decision-making process regarding the Dutch mission in Afghanistan. What motivations did the Dutch government express? What was the policy of the Dutch Ministry of Defense regarding the engagement of the Afghan population and their culture? What did the ‘preparation of Afghan culture’ entail?

The second chapter briefly considers the wars in Afghanistan, which began in 1978. Namely, the conflict history of war-torn Afghanistan is key to understanding the Afghan social, economic and political situation, including the role of warlords. Furthermore, the effects of Dutch boots on Uruzgan ground are described. In what kind of circumstances did they had to operate? How did they perceive the Afghan people? On an operational level, the engagement with the local population and the ANSF is discussed.

Finally, the last chapter discusses gender in the Afghan culture, which is fundamentally distinctive from the Western vision and constituted the biggest culture shock of Dutch soldiers. Gender refers to the socially constructed characteristics of women and men. The third chapter touches upon the norms, roles and (sexual) relationships between women and men in the southern Pashtun culture of Afghanistan. How did Dutch soldiers understand the

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<sup>26</sup> An-Na’im, *Human Rights in Cross-Cultural Perspective*, 19.

gender system in Afghanistan? In particular, homosexual behavior, pedophilia and the status of women?

### *Methodology*

This history research paper makes use of relevant secondary literature and primary sources. Government documents are used to understand the rationale of the Dutch cabinet towards involvement in Afghanistan and, in particular, TFU. Furthermore, these documents, as well as newspaper articles and NGO reports, indicate progress in the Afghan human rights situation, or identify its absence. Moreover, personal accounts of Western military personnel are fruitful sources for strengthening the argument. Interviews are conducted with five military men, whom were deployed in different periods in Uruzgan. Also, the books *Task Force Uruzgan: Getuigenissen van een Missie*, *Uruzgan: Militair, Mens, Missie* and *Task Force Uruzgan* contain unanalyzed testimonials of soldiers. It is important to note that the consulted soldiers hold different functions, resulting in divergent accounts. Also, some stories maybe biased or exaggerated. Therefore, various sources are consulted. Last of all, in some references only first names are used, due to privacy or safety considerations. Ultimately, this paper demonstrates the complexity of human rights in international relations, the accompanied moral dilemmas and the effects of modernization theory in practice.

## Chapter 1: The Status of Human Rights and Culture in the Path to Uruzgan

### *Introduction*

Over the last decades, there has been a significant increase in the number of interventions under the banner of international peace and the safeguarding of human rights.<sup>27</sup> The notion of the existence of inalienable individual human rights, however, has raised criticism and resistance. Some regard it to be a set of Western values cloaked as a universal concept. Meanwhile, nationalist claims of the right to individual culture prevail: 'objectionable' traditions have free reign in many countries. Moreover, security interests of the states involved increasingly trump humanitarian concerns, as in the case of TFU. This chapter describes the development of the universal normative framework of human rights and examines one of its primary challenges: Culture. How did the concept of culture and cultural distinctiveness function in the preparation of TFU?

### *1.1 Universalization of Human Rights*

After the devastating human atrocities of the Second World War, the international community committed itself to the development of the concept and practice of universal human rights, which culminated in its contemporary prominence within public debate.<sup>28</sup> For the first time, fundamental human rights were to be universally protected.<sup>29</sup> In 1948 the UN adopted the 'Universal Declaration on Human Rights' as a common standard of achievements for all people and all nations.<sup>30</sup> Although these documents were negotiated among most of the then-existing states, with different legal and cultural backgrounds, religions, and nationalities, such differences per se did not lead to conflict. The main friction, namely, occurred between Western states and Socialist states and concerned the nature of these fundamental human rights. Western states wished to emphasize civic, political and individual rights, while Socialist countries aimed to stress socioeconomic and collective rights.<sup>31</sup>

Despite the non-legal binding status of the 'Universal Declaration of Human Rights,' the role of the UN was frequently disputed. The USSR and its allies rejected any form of oversight

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<sup>27</sup> Duyvensteyn and L. Arlar, 'Nederland en humanitaire interventie', 132.

<sup>28</sup> Bell, *Negotiating Culture and Human Rights*, 3.

<sup>29</sup> United Nations, 'Universal Declaration of Human Rights', 1948.

<sup>30</sup> UN, 'Universal Declaration of Human Rights'.

<sup>31</sup> Bell, *Negotiating Culture and Human Rights*, 3.

or monitoring by the UN, whereas most other states agreed that the UN should play a (weak) role.<sup>32</sup> In the following decades, the declaration was elaborated upon by a series of human rights declarations and treaties. In the process, it became apparent that there was no worldwide consensus about human rights as universal values.<sup>33</sup>

Samual Moyn identifies in *Human Rights and the Uses of History* the emergence of a universal human rights culture in the 1970s. This development followed the demise of credibility of the conventional utopias: American liberal capitalism and Soviet communism. The rise of new and more exotic forms of communism, such as in Cuba and Chili, brought about new change for human rights. To support his argument, Moyn depicts two important events in the 1970s: the transformation of Amnesty International into the world's most important human rights organization and American President Jimmy Carter's 1977 speech about human rights as an integral aspect of American foreign policy.<sup>34</sup>

The 1980s-witnessed increasing human rights activities by non-governmental organizations (NGOs) and the incorporation of human rights into states' foreign policy accelerated. This, too, occurred in the Netherlands, which developed a prominent international human rights policy in 1979, which is still its guiding principle.<sup>35</sup> The fall of the Iron Curtain and the end of the Cold War ushered in the practice of humanitarian intervention, arising from a new geopolitical environment. The end of US-USSR rivalry generated an atmosphere of consensus between UN Security Council members. In this context, states expressed an increased willingness to deploy their armed forces in case of humanitarian emergencies or events of large-scale human rights violations.<sup>36</sup>

## 1.2 Culture as an obstacle to human rights

The institutionalization of human rights was paralleled by globalization, understood as the creation of structures and processes that span the entire globe. People, goods and ideas increasingly move and interact across national territorial boundaries. Markets, politics, and, more importantly in this context, culture acquire a transnational, even global, rather than national character.<sup>37</sup> On the one hand, globalization suggests that states, international

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<sup>32</sup> J. Donnelly and D.J. Whelan, *International Human Rights* (New York 2017) 7.

<sup>33</sup> Malcontent, 'Nederland en de Mensenrechten', 135.

<sup>34</sup> S. Moyn, *Human Rights and the Uses of History* (London 2014) 80-81.

<sup>35</sup> Donnelly, *International Human Rights*, 11; Malcontent, 'Nederland en de Mensenrechten', 132.

<sup>36</sup> Duyvensteyn, 'Nederland en humanitaire interventie', 222.

<sup>37</sup> Donnelly, *International Human Rights*, 201.

organizations, and NGOs will assume and stress the central state role in implementing and protecting human rights.<sup>38</sup> On the other hand, despite signing core treaties, certain states have never given serious attention to applying internationally recognized human rights in their territory.<sup>39</sup> A small number of states even contend that parts of the Universal Declaration of Human Rights do not apply to them.<sup>40</sup>

Moreover, as Xiaorong Li describes in *Ethics, Human Rights and Culture*, the challenges to cultural diversity, namely the fairness of particular cultures, have become more acute and complex due to globalization.<sup>41</sup> In other words, globalization resulted in questioning local cultural, religious and moral codes and simultaneous raising awareness about other cultures, including the occurrence of human rights abuses in specific countries.<sup>42</sup>

For instance, the concept of harmful traditional practices (HTPs) was developed by the UN as a mean to name and combat the most blatant forms of male domination of women.<sup>43</sup> These practices are not always sanctioned by law. Despite their harmful and inhumane nature, these practices persist because the society in question itself does not question their morality.<sup>44</sup> Such 'customs,' at least for their agents, have positive cultural value. However, cultural outsiders often struggle to reconcile these values with human rights standards: 'when "culture" causes suffering and emotional distress, is it still culture or should it be renamed "oppression?"'<sup>45</sup>

Moreover, as the report 'The Trouble With Tradition' of the NGO Human Rights Watch argues, such discriminatory elements of traditions and customs have often impeded, rather than enhanced, the protection of human rights social, political, civil, cultural, and economic rights.<sup>46</sup> Local cultures are typically defined by men, usually by those in positions of political authority, as described by Lucinda Joy Peach in 'Are Women Human: The Promise and Perils of Women's Rights as Human Rights'.<sup>47</sup> Men frequently choose to use women as symbols of

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<sup>38</sup> Donnelly, *International Human Rights*, 203-204.

<sup>39</sup> *Ibidem*, 16.

<sup>40</sup> Donnelly, 'The Relative Universality of Human Rights', 282.

<sup>41</sup> X. Li, *Ethics, Human Rights and Culture: Beyond Relativism and Universalism* (Hampshire 2006) xiii.

<sup>42</sup> United Nation Human Rights Office of the High Commissioner, 'Harmful Tradition Practices Affecting the Health of Women and Children', 1979.

<sup>43</sup> B. Winter, D. Thompson and S. Jeffreys, 'The UN Approach to Harmful Cultural Practices', *International Feminist Journal of Politics* 4 (2002) 72.

<sup>44</sup> United Nation Human Rights Office of the High Commissioner, 'Harmful Tradition Practices Affecting the Health of Women and Children', 1979.

<sup>45</sup> E. Brems, 'Reconciling Universality and Diversity in International Human Rights: A Theoretical and Methodological Framework and Its Application in the Context of Islam', *Human Rights Review* (2004) 10;

M.J. Granato, 'Is Culture a Barrier to Human Rights?', *Américas* (2003).

<sup>46</sup> Human Rights Watch, 'The Trouble with Tradition: When "Values" Trample over Rights' (2013) 1-2.

<sup>47</sup> Peach, 'Are Women Human? The Promise and Perils of "Women's Rights as Human Rights"', 173.

their beliefs or politics. Women, meanwhile, are rarely empowered to create similar cultural norms, but instead are simply swept into a culture in the broadest sense.<sup>48</sup> Therefore, the argument that women's rights are based on cultural values is illegitimate when women have been excluded from the establishment of those values. The lack of recognition of women's rights by local cultures, should not necessarily rule out the propriety of a human rights strategy focused upon women, argues Peach.<sup>49</sup>

Despite the existence of practices like HTPs, the view of the right to culture as an essential individual right, as prescribed by international law, remains largely unchallenged. The issue on women's rights and their relation to cultural values described above gained momentum through the development of the Universal Declaration of Human Rights.<sup>50</sup> While women's rights are acknowledged in *The Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), this 1979 treaty only occasionally discussed culture in a negative sense.<sup>51</sup> The adapted *Beijing Declaration and Platform for Action*, adopted during the UN Fourth World Conference on Women in 1995, however, did recognize culture as a possible barrier to the equal enjoyment of human rights, formulated in paragraph 32:

'Intensify efforts to ensure equal enjoyment of all human rights and fundamental freedoms for all women and girls who face multiple barriers to their empowerment and advancement because of such factors as their race, age, language, ethnicity, culture, religion or disability, or because they are indigenous people'<sup>52</sup>

However, critics appealed for cultural sensitivity and tolerance of cultural differences, though, international human rights law is not opposed to the existence of customary law, religious law and tradition: it is opposed to those aspects that violate rights.<sup>53</sup> Culture is frequently used as a veil to continue with a practice that violates human rights standards, when the aim is to maintain the state of affairs. In certain circumstances, conforming to human rights would signify a fundamental change in society that the elite is not willing to undertake, fearing a potential change in the balance of power.<sup>54</sup> 'Traditional values' are often corrupted, serving as a handy tool for governments in the business of repression. Also,

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<sup>48</sup> B. Crossette, 'Culture, Gender, and Human Rights', in: L.E. Harrison and S. Huntington (ed.), *Culture Matters: How Values Shape Human Progress* (New York 2000) 181-182.

<sup>49</sup> Peach, 'Are Women Human? The Promise and Perils of "Women's Rights as Human Rights"', 173.

<sup>50</sup> J. Almqvist, *Human Rights, Culture, and the Rule of Law* (Portland 2005) 20.

<sup>51</sup> United Nations, 'The Convention on the Elimination of All Forms of Discrimination against Women', 1979; Almqvist, *Human Rights, Culture, and the Rule of Law*, 20.

<sup>52</sup> United Nations, 'Beijing Declaration and Platform for Action', 1995.

<sup>53</sup> Li, *Ethics, Human Rights and Culture*, xiii; HRW, 'The Trouble with Tradition', 1-2.

<sup>54</sup> Peach, 'Are Women Human? The Promise and Perils of "Women's Rights as Human Rights"', 176.

targeting one group in time of crisis is easy and appealing in the face of instability.<sup>55</sup> In particular the accusation that human rights activists are out to destroy a certain culture can be a powerful tool in the hands of those who wish to preserve the status quo.<sup>56</sup>

This is further problematized, because states are the central mechanism for implementing and enforcing internationally recognized human rights. Although sovereignty crumbled over recent decades, to a certain extent, caused by humanitarian considerations, states still carry the responsibility to realize human rights standards. The extensive and substantively body of international human rights obligations is not matched by comparably strong international implementation procedures. States have largely reserved for themselves the right to interpret the meaning of their international human rights obligations.<sup>57</sup> In practice, 'it is largely a function of where one has the good or bad fortune to live'.<sup>58</sup>

### *1.3 The Road to Uruzgan: Policy of the Ministry of Defense*

A historical, economic, political and emotional relation between the Netherlands and Afghanistan was largely absent before TFU. The Netherlands viewed, Afghanistan primarily as a former country in the periphery of Cold War politics. Like military historians Christ Klep and Simon Chesterman explain in 'Humanitarian Intervention and Afghanistan,' if it had not been for 9/11, Afghanistan would most likely have remained an obscure country in Central Asia for the Netherlands, the US, and the rest of the world.<sup>59</sup> Following increased globalization and the incorporation of human rights in Dutch foreign policy, the Dutch government took it upon itself to relieve suffering and counter injustice in other parts of the world. However, the mandate of the ISAF mission did not include the enforcement of human rights in Afghanistan.<sup>60</sup> In addition, in a letter sent to parliament, the Dutch government expressed that cultural transformation cannot be dictated. On the other hand, the Netherlands believed that cultural change was essential in establishing development and reconstruction in Afghanistan.<sup>61</sup> The mandate recognized Afghanistan's status as a sovereign state,

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<sup>55</sup> HRW, 'The Trouble with Tradition', 3.

<sup>56</sup> Peach, 'Are Women Human? The Promise and Perils of "Women's Rights as Human Rights"', 176.

<sup>57</sup> Donnelly, *International Human Rights*, 15.

<sup>58</sup> Donnelly, 'The Relative Universality of Human Rights', 283.

<sup>59</sup> C. Klep, *Uruzgan: Nederlandse militairen op missie, 2005-2010* (Amsterdam 2011) 113; S. Chesterman, 'Humanitarian Intervention and Afghanistan', in: J.M. Welsh, *Humanitarian Intervention and International Relations* (Oxford 2006) 163.

<sup>60</sup> North Atlantic Treaty Organization, 'ISAF Mission in Afghanistan 2001-2014', 2015.

<sup>61</sup> Kamerbrief ministers van Buitenlandse Zaken en Ontwikkelingssamenwerking, 'Inzake een verzoek over de situatie van vrouwen in Afghanistan', 10 april 2009.

underwriting that the Afghan administration and its rule of law was responsible for administering human rights.<sup>62</sup>

Nevertheless, the Minister of Foreign Affairs Ben Bot, Minister of Defense Henk Kamp and Minister of Development Cooperation Bert Koenders strongly articulated moral arguments in their *Artikel 100-brief* of 22 December 2005, a letter which informs parliament about the deployment of military forces. The letter emphasized the improvement of living conditions and societal reconstruction by means of winning the hearts and minds of the Afghan population.<sup>63</sup> In essence, the Royal Netherlands Army would be engaged in promoting stability and safety in Uruzgan by eliminating the Taliban. Creating a stable security environment was crucial in facilitating reconstruction activities.<sup>64</sup>

Before TFU, Dutch boots were already on Afghan grounds in the context of Operation Enduring Freedom (OEF), which was the American response to the September 11 attacks. NATO members invoked Article 5 of the NATO treaty, which implicates ‘than an armed attack against one or more [...] shall be considered an attack against them all’, blowing ISAF into life.<sup>65</sup> On 30 October 2002, the previous Ministers of Defense Ben Korthals and Foreign Affairs Jaap de Hoop Scheffer, requested advice to extent and expand the Dutch contribution to the ISAF mission to the Ministry of Social Affairs and Employment, with regard to available financial space.<sup>66</sup> They used similar arguments, as in the *Artikel 100-brief* regarding TFU. They argued that the situation in Afghanistan was threatening international peace and safety and emphasized that the improvement of human rights regulations was an ‘essentieel terrein’ (essential area) to enforce a break with the past.<sup>67</sup>

Because OEF did not succeed in definitively eradicating the influence of the Taliban and al-Qaeda, the Bush administration and the Secretary General of NATO, former Dutch Minister of Foreign Affairs De Hoop Scheffer, pushed NATO members to commit themselves to the

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Kamerbrief ministers van Buitenlandse Zaken en Ontwikkelingssamenwerking, ‘Inzake een verzoek over de situatie van vrouwen in Afghanistan’, 10 april 2009; NATO, ‘ISAF Mission in Afghanistan 2001-2014’; Brief minister van Buitenlandse Zaken, Defensie en Ontwikkelingssamenwerking aan de Tweede Kamer, 22 december 2005, TK 2005-2006, 27925, nr. 193; Interview Lieutenant-Colonel Robèrt Gooren, Utrecht, 28 September 2017.

<sup>63</sup> Brief minister van Buitenlandse Zaken, Defensie en Ontwikkelingssamenwerking aan de Tweede Kamer, 22 december 2005, TK 2005-2006, 27925, nr. 193.

<sup>64</sup> Ministers van Buitenlandse Zaken, Buitenlandse Handel en Ontwikkelingssamenwerking en Veiligheid en Justitie, ‘Leidraad geïntegreerde benadering: De Nederlandse visie op een samenhangende inzet op veiligheid en stabiliteit in fragiele staten en conflictgebieden’ (2014) 16.

<sup>65</sup> North Atlantic Treaty Organization, ‘The North Atlantic Treaty’, 1949.

<sup>66</sup> NL-HaNa, 2.15.104, Ministerie van Sociale Zaken en Werkgelegenheid, 2002, inventarisnummer 6091, brief 30 oktober 2002, voorstel aan Bureau Secretaris-Generaal van ministers Buitenlandse Zaken en Defensie.

<sup>67</sup> Ibidem.

expanding ISAF operation. For the Netherlands, this meant a significant contribution of troops. For the Netherlands, the mission in Uruzgan was, for instance, the biggest overseas deployment since the decolonization war in Indonesia.<sup>68</sup> Moreover, it was a chance to rectify its peacekeeping record by internationally showing the improvement of Dutch deployment policy after the Srebrenica debacle in 1995 and its strong allegiance to the US and NATO.<sup>69</sup>

Despite the general optimism of the *Artikel 100-brief*, the mission was not without danger. In other words, achieving the mission goals in Uruzgan faced several obstacles. In significant parts of the province the Taliban and other insurgents, referred to as *Opposing Militant Forces* (OMF), had great freedom of action.<sup>70</sup> ISAF, the US Army and the Afghan government, headed by president Hamid Karzai, had hardly any influence in Uruzgan: operations executed by aforementioned parties did more harm than good. Furthermore, the abuse of power by local and regional administrations was persistent and Uruzgan was characterized by internal and external strife between several tribes. However, Afghan culture in itself was not mentioned as realistic obstacle to the mission.<sup>71</sup>

Although, to be fully prepared, every Dutch soldier was obliged to adhere to cultural training before deployment, provided by several departments of the Ministry of Defense. The Section Culture Historical Backgrounds and Information (CAI) was responsible for the cultural training of the Royal Netherlands Army.<sup>72</sup> For most Dutch soldiers dealing with the Afghan culture was only temporary and a necessary part of their job. Units of TFU were relieved and replaced after four to six months.<sup>73</sup> However, it is important to bear in mind, that one's function not necessarily involved interaction with the local population or the ANSF. Several deployed soldiers did not have to leave the camp.

By explaining the historical background and the culture of the area and thereby countering stereotypes and prejudices, cross-cultural competences are created, meaning that a soldier is able to effectively communicate with someone with a different cultural background.<sup>74</sup> Consequently, soldiers are able to function properly and to engage respectfully with the local

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<sup>68</sup> C. Klep, *Uruzgan: Nederlandse militairen op missie, 2005-2010* (Amsterdam 2011) 21.

<sup>69</sup> A Dutch battalion could not prevent the fall of the Muslim enclave, caused by the Serbs.

<sup>70</sup> OMF are Taliban fighters, armed insurgents of Hezb-I Islami Gulbuddin, militias of drug lords and local warlords: Ministerie van Defensie, 'International Security Assistance Force (ISAF)', *Nederlands Instituut voor Militaire Historie* 2010.

<sup>71</sup> Brief minister van Buitenlandse Zaken, Defensie en Ontwikkelingssamenwerking aan de Tweede Kamer, 22 december 2005, TK 2005-2006, 27925, nr. 193.

<sup>72</sup> Interview Gooren.

<sup>73</sup> Ministerie van Defensie, 'International Security Assistance Force (ISAF)'.

<sup>74</sup> B.J.H. Ooink, 'Cross Cultural Training': een nieuw model voor cultuurtrainingen', *Militaire Spectator* 3 (2010) 139.

population and their counterparts, namely the ANSF. The approach was primarily functional in nature. It was, for example, of great importance that the populace did not regard ISAF troops as an occupying power.<sup>75</sup>

According to Ralph, Lieutenant Operations of *Air Assault* RC(S), Regional Command South, commenting on the training program: 'it was insisted on that everybody had to adapt to the local culture.'<sup>76</sup> Next to the military aspect of the mission, the Afghan culture was considered by soldiers to be challenging.<sup>77</sup> Instructors of CAI and the soldiers engaged in the enactment of applicable scenarios these training days. Furthermore, a cultural advisor was installed in Uruzgan, while Afghan interpreters provided additional information on local practices and traditions.<sup>78</sup> The Dutch Ministry of Defense, meanwhile, distributed folders with background information, advice about Afghanistan, including 'Do's and Don'ts', customs and some general facts.<sup>79</sup> For instance, this information stimulated the awareness of the possible clashing of principles: 'Western conceptions and ideals are generally not appreciated by Afghans.'<sup>80</sup> Soldiers were also summoned to be wary of critical remarks, especially regarding interaction with women. Policy dictated that only female soldiers should be preoccupied with the searching of women and their rooms in their *qala*, a name for an Afghan house.<sup>81</sup>

A hand-out from the US Department of Defense (DoD), was also used by the Dutch Ministry of Defense, expressed corresponding instructions.<sup>82</sup> This hand-out explicitly requested restraint and caution: 'don't show a woman attention by addressing, touching, or staring at here. Don't ask men direct questions about their female relatives.'<sup>83</sup> The US hand-out devoted significant attention to more practical matters, like Afghan numbers, timing, communication instruments and weapons.<sup>84</sup>

The cultural training was regarded as interesting, well-conducted and was adjusted when necessary.<sup>85</sup> Although, some Dutch soldiers considered the cultural training to be

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<sup>75</sup> Interview Gooren.

<sup>76</sup> J.H.M. Groen, *Task Force Uruzgan: Getuigenissen van een missie* (Ede 2012) 441.

<sup>77</sup> Interview George (12 December 2017).

<sup>78</sup> Interview Gooren.

<sup>79</sup> Ministerie van Defensie, 'Afghanistan: Cultuur, historie en gebruiken', folder *Sectie Cultuurhistorische Achtergronden & Informatie* (2005).

<sup>80</sup> Ministerie van Defensie, 'Afghanistan: Cultuur, historie en gebruiken'.

<sup>81</sup> United States Department of Defense, 'Afghanistan', Afghan Culture Card *U.S. Marine Corps Intelligence Activity* (MCIA) (2010).

<sup>82</sup> Interview Gooren; US DoD, 'Afghanistan', Afghan Culture Card.

<sup>83</sup> US DoD, 'Afghanistan', Afghan Culture Card.

<sup>84</sup> Ibidem.

<sup>85</sup> Interview Major Bas de Haan, Apeldoorn, 12 December 2017; Interview Major Edwin Maes, Apeldoorn, 12 December 2017.

insufficient.<sup>86</sup> According to Military Doctor Anke, the cultural training was necessary but not sufficient, as in practice the huge cultural gap hindered contact with the local population. Dennis, Lieutenant Military Engineering, on the other hand, labelled the content of the training as ‘myths’. While most servicemen worried about forbidden topics, Dennis experienced no indignant responses from local Afghans when deviating from the Ministry of Defense’s guidelines. For example, displaying the sole of your shoe, considered an insult in Islamic culture, was not viewed as offensive in Afghanistan.<sup>87</sup> Also, explaining one’s incentives to act or operate in a certain way was often met by Afghan understanding, explained Lieutenant-Colonel Robèrt Gooren, head of CAI at the Royal Netherlands Army.<sup>88</sup> There was room for maneuver, but overall, Dutch servicemen were deemed to put their own norms, values, beliefs and principles on hold in favor of the mission’s goals. ‘Je moet je Westerse bril naast je neerleggen’ (let go of your Western mindset).<sup>89</sup>

At the same time, soldiers had to adhere human rights standards. Before deployment, soldiers also imparted the basic knowledge of humanitarian law and human rights. However, these lessons only focused upon the compliance of human rights by Dutch soldiers. Thus, policy existed regarding respecting human rights, but only applied to Dutch soldiers.<sup>90</sup>

### *Conclusion*

While human rights law developed, gained recognition, and has been increasingly nationally implemented over the past decades, its enforcement and protection are problematic. However, this does not lead to the conclusion that human rights are not universal. This issue merely prompts another, more important, question: Is the right to culture more important than one’s enjoyment of individual human rights? Globalization sheds light upon supposed ‘wrongdoings’ of some cultural traditions, thereby raising awareness of culture’s ability to obstruct human rights. Despite the centrality of human rights to Dutch foreign policy and the emphasis on improving of Afghan living conditions, it was not recommended that Dutch soldiers expressed those Western values and ideals: applying human rights standards and

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<sup>86</sup> Interview De Haan.

<sup>87</sup> Groen, *Task Force Uruzgan*, 445.

<sup>88</sup> Interview Gooren.

<sup>89</sup> M. Schut and E. van Baarle, ‘Dansjongens in de schijnwerpers: Een artikel over de praktijk van bacha bazi’, *Carré 2* (2014) 26.

<sup>90</sup> Ministerie van Defensie, ‘Antwoorden op schriftelijke vragen van de leden Hachchi (D66) en Eijsink (PvdA) over kindermisbruik in Afghanistan’, 15 oktober 2015.

related Western values on humanitarianism was deemed under desired in Uruzgan. At the same time, realization of cultural transformation in order to modernize Afghanistan was longed-for. Furthermore, there was no clear policy on how to act in response to human rights violations committed by Afghan citizens. The cultural training and the hand-outs the soldiers received served to make the execution of the mission as smooth as possible. For this to succeed, interaction with the population was crucial. In the next chapter, the war environment of 'biblical Uruzgan', in which TFU had to operate, and the engagement of TFU with the local population and the ANSF will be described and analyzed.

## Chapter 2: The Royal Netherlands Army in Pashtun Dominated Uruzgan during the War on Terror

### *Introduction*

The British colonizers had great difficulties in pacifying Afghan tribes around 1900, despite their material superiority. Moreover, in the 1980s, the Soviets and its gigantic army were similarly forced to retreat. The ISAF-missions also encountered complications. On the one hand, the missions were, again, military interventions in domestic Afghan affairs. On the other hand, terms of progress, nation building, democracy and human rights were central to ISAF.<sup>91</sup> Uruzgan, however, has quite a unique character compared to other Afghan provinces. The province is characterized by sectarianism, the development of which was a response to precarious living conditions and the lack of central authorities and local government structures.<sup>92</sup> For ISAF, therefore, the reconstruction of and the establishment of security in Uruzgan was an arduous challenge. Meanwhile, Western soldiers, holding Western cultural values, were stationed in Uruzgan and forced to cooperate with the Afghan local population to achieve the mission's goals. This chapter describes Dutch soldiers' perceptions of this issue and analyses the background and effects of these views.

### *2.1 War in Afghanistan*

Prior the American intervention in Afghanistan, violence was already an everyday occurrence. However, before 1978, 'Afghanistan was one of the most peaceful countries in Asia'.<sup>93</sup> The Saur revolution of 1978, a military coup executed by the communist *People's Democratic Party of Afghanistan* (PDPA), significantly disrupted political, economic and social life. Moreover, neighboring countries started meddling in Afghan political volatile climate. Significantly, the USSR invaded Afghanistan to replace dictator Hafizullah Amin with a communist leader more to its liking.<sup>94</sup> At the same time, Pakistan lend active support to the resistance movement of the Mujahedeen, Islamist Afghan warriors, to fulfill its own interests.<sup>95</sup> Meanwhile, the US, Great Britain and other Muslim countries backed the Mujahedeen for similar reasons. They

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<sup>91</sup> K. Koch, 'Afghanistan: draagvlak achter de horizon', *International Spectator* 6 (2008) 321.

<sup>92</sup> A. Gopal, *No Good Men Among the Living: America, the Taliban, and the War Through Afghans Eyes* (New York 2014) 74.

<sup>93</sup> Maley, *Rescuing Afghanistan*, 8.

<sup>94</sup> Amin distanced himself from the USSR, while he tried to improve relations with the US.

<sup>95</sup> Mujahedeen refers to a group of Afghan insurgents who fought to overthrow the communist rule of Afghanistan.

wished not only to free Afghanistan from communist rule, but primarily aimed to stop Cold War violence in the Persian Gulf.<sup>96</sup>

In the 1980s Afghanistan was a breeding ground for terrorist training camps and similar insurgent activities. Also, for the first time in history, Afghan Islamists received official recognition and were able to get access to unchecked financial and military assistance.<sup>97</sup> Following the fall of the communist regime and the subsequent end of the war, the US did little to help rebuild Afghan society. They left the Mujahedeen to fend for themselves. The Mujahedeen, however, were internally divided and descended into a bloody power struggle, using weapons provided by the US. Consequently, Afghanistan slipped deeper into civil war.<sup>98</sup>

Afghan society, in those years, was characterized by a culture of impunity, corruption, mass poverty, destruction of cities and villages. Women were most susceptible to 'attack and rape'.<sup>99</sup> The internal division of the Mujahedeen heralded an area of *warlordism*. These warlords fought for military, economic, and political power amongst themselves. This chaos in Afghanistan provided space for the emergence of the Taliban.<sup>100</sup>

Between 1994 and 1996, the Taliban achieved a series of remarkable strategic victories against their Mujahedeen rivals. The Taliban is a Sunni Islamic fundamentalist political movement founded by Mullah Muhammad Omar. Mullah Omar was a veteran Mujahedin and previously headed a religious school in the province of Kandahar. The main Taliban military forces consisted of students and graduates from religious schools built during the Soviet occupation, mostly with Saudi financial support.<sup>101</sup>

The Taliban held power over most of Afghanistan from 1996 until 2001. The emergence of the Taliban's Islamic Emirate of Afghanistan (IEA) conformed with what al-Qaeda, a militant Sunni Islamist transnational organization founded in 1988, hoped to see in Afghanistan. The Taliban, namely, aimed to impose a strict Sharia law on Afghan society. Such legislation would supposedly bring Afghanistan back to an Islamic-centered way of life. This aim was articulated as a jihad against Muslims and non-Muslims who harmed the Afghan people.<sup>102</sup>

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<sup>96</sup> M.L. Runion, *The History of Afghanistan* (Westport 2007) 105.

<sup>97</sup> N. Nojumi, 'The Rise and Fall of the Taliban', in: R.D. Crews and A. Tarzi (ed.), *The Taliban and the Crisis of Afghanistan* (Cambridge 2008) 91.

<sup>98</sup> Runion, *The History of Afghanistan*, 119.

<sup>99</sup> Ibidem 120: Many young girls had been repeatedly kidnapped and raped by the mujahedeen forces, often being taken by night and then stripped, raped, and beaten by gang of mujahedeen.

<sup>100</sup> Ibidem, 120.

<sup>101</sup> Nojumi, 'The Rise and Fall of the Taliban', 105.

<sup>102</sup> Ibidem, 105.

Despite the hardships of the pre-Taliban period, the Taliban years can be regarded as the darkest period in the history of Afghanistan, describes Meredith L. Runion in *The History of Afghanistan*: ‘once the Taliban united with the fundamentalists of al-Qaeda, Afghanistan was thrust into an Islamic maelstrom of darkness and despair’.<sup>103</sup> Only three countries recognized the Taliban as legitimate authority, while the majority of states supported Afghanistan’s Northern Alliance, a coalition of mainly Tajik, Uzbek and ethnic Hazara fighting the Taliban.<sup>104</sup> The Northern Alliance, however, was notorious for its well-known human rights abuses.<sup>105</sup> Nevertheless, its military forces were successful in preventing the Taliban from controlling the entire territory of Afghanistan.<sup>106</sup>

The 9/11 terrorist attacks prompted great change for Afghanistan: Western forces defeated al-Qaeda and the collapse of the Taliban regime. The latter event spurred the development of dramatic symbols of liberation in Afghanistan’s society. Women raised their burqas to reveal their faces, men shaved their beards, and boys and girls dreamed of reentering the classroom.<sup>107</sup> The US and its allies did not merely see these development as the liberation of Afghanistan from the Taliban, but saw and seized this opportunity to reinvent and modernize Afghan society.

## 2.2 Dutch Boots on Uruzgan Ground

Biblical scenes were found in Uruzgan: several Dutch soldiers described Uruzgan’s landscape as similar to that of the Old Testament.<sup>108</sup> ‘You travel through history to a thousand years ago.’<sup>109</sup> Some Afghan villages were unaware of the Red Army’s withdrawal.<sup>110</sup> Moreover, the Russians did not even operate in Uruzgan because of its remote location.<sup>111</sup> Despite extensive cultural training, it was hard for the Dutch to imagine the real local conditions in advance. Only cellphones and radios were, to a certain extent, comparable to Western standards.<sup>112</sup> Marcel,

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<sup>103</sup> Runion, *The History of Afghanistan*, 120.

<sup>104</sup> Also known as the *United National Islamic Front for the Salvation of Afghanistan*.

<sup>105</sup> HWR, ‘Today We Shall All Die: Afghanistan’s Strongmen and the Legacy of Impunity’, 12.

<sup>106</sup> Runion, *The History of Afghanistan*, 128.

<sup>107</sup> A. Sawari and R.D. Crews, ‘Afghanistan and the Pax Americana’, in: R.D. Crews and A. Tarzi (ed.), *The Taliban and the Crisis of Afghanistan* (Cambridge 2008) 312.

<sup>108</sup> R. Pasterkamp, *Uruzgan: Militair, Mens, Missie* (Kampen 2007) 42, 106, 120; Groen, *Task Force Uruzgan*, 277, 330.

<sup>109</sup> Groen, *Task Force Uruzgan*, 277.

<sup>110</sup> Pasterkamp, *Uruzgan*, 66.

<sup>111</sup> Interview Georg.

<sup>112</sup> Groen, *Task Force Uruzgan*, 277.

platoon commander of the 17<sup>th</sup> Armor Infantry Battalion, described his first impressions of Uruzgan: an unknown and alien world, outside his comfort zone.<sup>113</sup>

However, despite their 'Old Testament' reference, the soldiers did not label Afghans as backward. Respect for the Afghans was widespread among the soldiers. 'What you encounter is medieval, but the people are not crazy'.<sup>114</sup> The civilians had endured long-term violence and suffering, which had made them emotionally strong and resilient, described several Dutch servicemen.<sup>115</sup> Besides, treating the Afghans as inferior would endanger the mission goals.<sup>116</sup> Dutch forces perfectly understood the importance of winning people's hearts and minds in order to achieve a steady cooperation with the local population.

The population-centric strategy of winning hearts and minds was primarily a means to reach the mission goals: 'once people observe that [...] works and services provided by the government or by a foreign military that backs the government improve their economic situation, the logic goes, they become less likely to help or join the insurgents'.<sup>117</sup> The Netherlands took a broad approach to achieve this: the so-called '3D Approach': *Defense, Development and Diplomacy*: a mix between civil and military instruments. However, this prescribed the restricted use of violence. Also, collateral damage, the incidental killing or wounding non-combatants or damage to non-combatant property during an attack on a legitimate military target, was to be prevented at all times.<sup>118</sup> As a result, it seemed that the Dutch soldiers avoided combat.<sup>119</sup>

The Liaison Office (TLO), an independent Afghan non-governmental organization seeking to improve local governance, stability and security, described in its socio-political assessment 'The Dutch Engagement in Uruzgan: 2006 to 2010' that the reception of the Dutch approach was positive in general: 'the Dutch never killed on purpose'.<sup>120</sup> However, there was a downside to this: the Royal Netherlands Army gained a reputation of being soft. The Dutch were less convincing as a 'worst enemy' to the Taliban: 'flower-strewers', as The Economist noted.<sup>121</sup> Moreover, a local police commander expressed that 'the only time the Dutch are fighting is

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<sup>113</sup> Ibidem, 277.

<sup>114</sup> Pasterkamp, *Uruzgan*, 106.

<sup>115</sup> N. van Bommel, *Task Force Uruzgan* (Amsterdam 2009) 27, 46, 92; Groen, *Task Force Uruzgan*, 277.

<sup>116</sup> Groen, *Task Force Uruzgan*, 330.

<sup>117</sup> A. Beath, F. Christia, R. Enikolopov, 'Winning Hearts and Minds? Evidence from a Field Experiment in Afghanistan, *Working Paper* (2011) 2.

<sup>118</sup> Klep, *Uruzgan*, 40.

<sup>119</sup> The Economist, 'The Dutch Model' (version 12 March 2009) <http://www.economist.com/node/13279199> (12-11-2017).

<sup>120</sup> The Liaison Office, 'The Dutch Engagement in Uruzgan: 2006 to 2010' (2010) 51.

<sup>121</sup> The Economist, 'The Dutch Model'.

when they are in bed and dreaming'.<sup>122</sup> Also, an Afghan interpreter claimed that Dutch armed forces systematically ran back to their armed vehicles when the fighting started.<sup>123</sup> Local Afghans regarded the Dutch as indecisive and less forceful in comparison to American and Australian forces, which were also stationed in Uruzgan.<sup>124</sup>

However, Dutch Lieutenant-Colonel Gooren, provided an opposing narrative. He described that the construction of sustainable safety and security was the soldiers' main priority.<sup>125</sup> In addition, the *Artikel 100-brief* emphasized that a potential future for Afghanistan as a sanctuary for terrorists should be avoided at any cost.<sup>126</sup> It was, after all, the 'War on Terror.' This illustrates a more 'hard,' as opposed to 'soft,' role for the Dutch military. Brigadier-General Tom Middendorp, Commander of TFU, recalls that Dutch forces 'have been in more than 1,000 firefights since 2006'.<sup>127</sup>

Testimonials of Dutch soldiers confirmed that enemy contact was not averted. In the Battle of Chora, for example, the Dutch were involved in the largest Taliban offensive of 2007. Colonel Hans Griensven successfully ordered Dutch troops to stay and fight.<sup>128</sup> Furthermore, some soldiers were eager to experience action and adventure, especially young military men.<sup>129</sup> For Dutch servicemen, the military environment was highly variable and had its own dynamic. Therefore, acting quickly was crucial.<sup>130</sup> On top of that, Dutch soldiers received large amounts of information and had many specific military orders and tasks to execute.<sup>131</sup> Infantry battalions, in particular, were often exposed to multiple forms of stress while operating in risky situations.<sup>132</sup> This was compounded by another conflict raging in Uruzgan at the time: pro-government strongmen were fighting the Taliban and internal community divisions.<sup>133</sup> Fighting such insurgent groups required the adoption counterinsurgent military strategies. In a counterinsurgency (COIN) it is incredibly complicated or impossible to detect the enemy: 'je vecht tegen spoken' (you are fighting ghosts).<sup>134</sup> Arguably, TFU turned out to be a

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<sup>122</sup> Ibidem.

<sup>123</sup> Pasterkamp, *Uruzgan*, 66.

<sup>124</sup> TLO, 'The Dutch Engagement in Uruzgan: 2006 to 2010', 51.

<sup>125</sup> Interview Gooren.

<sup>126</sup> Brief minister van Buitenlandse Zaken, Defensie en Ontwikkelingssamenwerking aan de Tweede Kamer, 22 december 2005, TK 2005-2006, 27925, nr. 193.

<sup>127</sup> The Economist, 'The Dutch Model'.

<sup>128</sup> Van Bommel, *Task Force Uruzgan*, 75.

<sup>129</sup> Pasterkamp, *Uruzgan*, 57; Groen, *Task Force Uruzgan*, 54, 105; Van Bommel, *Taskforce Uruzgan*, 61.

<sup>130</sup> Groen, *Task Force Uruzgan*, 63.

<sup>131</sup> Interview Gooren.

<sup>132</sup> Interview De Haan.

<sup>133</sup> TLO, 'The Dutch Engagement in Uruzgan: 2006 to 2010', 5.

<sup>134</sup> Groen, *Task Force Uruzgan*, 431.

predominantly military project. Soldiers regarded the mission in Uruzgan as a counterinsurgency: they were to defeat insurgents indirectly by means of a population-centric approach.<sup>135</sup> They were the embodiment of the indispensable intermediary between the Afghan population and the political-military goals of the Dutch administration and NATO.<sup>136</sup>

## *2.2 The Encounter with the Local Population and the Afghan National Security Forces on an Operational Level*

Nation-building was a substantial part of the War on Terror in Afghanistan. This required the stabilization and securitization of a future government.<sup>137</sup> The ISAF mandate prescribed supporting the Afghan government in assisting the ANSF in its security operations throughout the country. This was meant to reduce the occurrence of violent insurgency.<sup>138</sup> After the fall of the Taliban, many Northern Alliance militia forces and southern strongmen were incorporated into the ANSF. According to Human Rights Watch, these armed groups are the most unaccountable pro-government forces in the country. This is due to their track record of numerous human rights atrocities.<sup>139</sup> In isolated and divided Uruzgan, the Royal Netherlands Army was dealing with several influential local power-holders. These warlords were tribal leaders and mullahs, Muslims educated in religious law and doctrine. They were in authority positions, dominating the largely illiterate local population. The TFU aimed to identify local power-holders who might enhance the government's control over the population.<sup>140</sup>

The *Artikel 100-brief*, however, devoted only one sentence to the existence of warlords, identifying them as disruptive. However, the letter pays no attention to warlords' human rights abuses, such as sexual violence or torture, nor does it address the male-dominated Pashtun culture in southern Afghanistan. Conversely, a Dutch government report about the situation in Afghanistan in 2002, elaborates upon the issue of warlords. This report indicated that many warlords engaged in widespread human rights violations in the period before 2001

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<sup>135</sup> Klep, *Uruzgan*, 141.

<sup>136</sup> *Ibidem*, 171.

<sup>137</sup> Chesterman, 'Humanitarian Intervention and Afghanistan', 167.

<sup>138</sup> NATO, 'ISAF Mission in Afghanistan 2001-2014'.

<sup>139</sup> HRW, 'Today We Shall All Die', 12.

<sup>140</sup> M. Kitzen, 'Close Encounter of the Tribal Kind: The Implementation of Co-optation as a Tool for De-escalation of Conflict – The Case of the Netherlands in Afghanistan's Uruzgan Province', *The Journal of Strategic Studies* 5 (2012) 718.

had been holding or aspiring to prominent military positions since the departure of the Taliban.<sup>141</sup>

Upon arrival, the Dutch, the British and the Canadians demanded the dismissal of Jan Muhammed Khan (JMK), the governor of Uruzgan, which they considered to be corrupt and incompetent. JMK privileged his own Popalzai tribe significantly. Dutch forces also refused to cooperate with warlord Matiullah Khan (MK), nephew of JMK, because of his bloodthirsty activities as the head of the Highway Police. Collaboration with these controversial local leaders, depicted by Dutch soldiers as violent dictators, would not be compatible with goals of reconstruction and democratization.<sup>142</sup> However, Afghan President Karzai selected JMK, one of his best friends and fellow Popalzai, as his senior adviser. Moreover, after the departure of the Dutch armed forces, Australia appointed MK as police chief of Uruzgan. While the political decision was made from a human rights perspective, without these powerful men, whom managed to control the population, it questions whether Uruzgan and Afghanistan were made safer.

In 2006, TLO ranked Uruzgan as one of the most conservative areas in Afghanistan, meaning that no governmental structures were in place. However, the provincial governor and police had some, albeit limited, influence on the government in Kabul. A small number of tribes were holding most power positions at the provincial level.<sup>143</sup> Therefore, TFU was obliged to take the tribal structure into account, as the sectarian composition varied per area. Each tribe had its own set of intricate rules, decided by elders elected by the clan's male population.<sup>144</sup> For example, the Pashtuns, the ethnic majority in the province, adhere to Pashtunwali, an ancient code of conduct that defines Pashtun relationships. One basic pillar is the *Nanawatey*, which implicates that 'a Pashtun must grant refuge to all who ask, even enemies'.<sup>145</sup> As a result, the Taliban forced people, adhering the code, to protect them.<sup>146</sup> Such customs were difficult for Dutch soldiers to comprehend.<sup>147</sup> Most Pashtuns distrusted the Karzai administration and his

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<sup>141</sup> Nationaal Archief, Den Haag, 2.15.104, Ministerie van Sociale Zaken en Werkgelegenheid, 2002, inventarisnummer 6040, Algemeen Ambtsbericht, augustus 2002.

<sup>142</sup> Klep, *Uruzgan*, 67. Interview Mark; Interview De Haan.

<sup>143</sup> TLO, 'The Dutch Engagement in Uruzgan: 2006 to 2010', 29.

<sup>144</sup> Gopal, *No Good Men Among the Living*, 79; Interview Georg: The elders derived their status from experience but also from their age and grey beard.

<sup>145</sup> US DoD, 'Afghanistan', Afghan Culture Card.

<sup>146</sup> Klep, *Uruzgan*, 173.

<sup>147</sup> Interview Georg.

Popalzai tribe.<sup>148</sup> In general, the inhabitants of Uruzgan did not trust the national authorities and would rather rely on traditional networks of family and tribes, or just on themselves.<sup>149</sup>

While Dutch soldiers admired the resilience of Afghans, they also perceived them as selfish. According to them, Afghans did not shy away from self-enrichment. Afghans were only willing to cooperate when there was something to be gained for themselves.<sup>150</sup> Mark, an Intelligence Officer, emphasized that the ongoing world had created a self-help world, in which all Afghans merely struggled to survive.<sup>151</sup> Some joined the Taliban, which sometimes seemed the only beneficial option in view of lack of future prospects.<sup>152</sup> For the Dutch, in order to convince the Afghan population to cooperate, resorting to their sense of honor was an effective leverage: 'It was all about honor.'<sup>153</sup> Still, it was difficult for Dutch soldiers to assess the allegiance of the local population and empathize with the Afghan mentality.<sup>154</sup>

Due to the self-interested nature of many Afghans, information retrieval was complex. Afghans regularly tried to settle long-term feuds by categorizing their 'enemies' (unfairly) as Taliban supporters.<sup>155</sup> Sometimes, they struck deals with the Taliban to get rid of rivals, as Intelligence Officer Martijn Kitzen observed.<sup>156</sup> Moreover, the abuse of the water supply was not unusual in tribal conflicts.<sup>157</sup> Also, the local population was often reluctant to inform TFU about the location of improvised explosive devices (IEDs).<sup>158</sup> TFU, and in particular its Human Intelligence (HUMINT) unit, which attempted to gather intelligence through interpersonal contact, treated information from the local population with skepticism. Generally, more sources were acquired before drawing any conclusions. Nonetheless, in some cases, because of the perceived Afghan ulterior motives, the attitude of the Dutch forces towards the local population hardened: 'the men just wanted to go home unscathed'.<sup>159</sup>

The soldiers did thus not consider the Afghan informers to be trustworthy. However, the Afghan population did not automatically have faith in TFU either. Dutch forces were stationed

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<sup>148</sup> Klep, *Uruzgan*, 55.

<sup>149</sup> Interview Mark; Interview De Haan.

<sup>150</sup> Interview Mark; Van Bommel, *Task Force Uruzgan*, 160; Groen, *Task Force Uruzgan*, 322.

<sup>151</sup> Interview Mark; Interview Georg, Interview De Haan.

<sup>152</sup> Groen, *Task Force Uruzgan*, 316; Harm Edje Botje, 'Nee, de vijand in Uruzgan was niet 'de Taliban'', *Vrij Nederland*, 11 januari 2017.

<sup>153</sup> Interview Georg; Groen, *Task Force Uruzgan*, 189.

<sup>154</sup> Groen, *Task Force Uruzgan*, 297, 383, 442; Van Bommel, *Task Force Uruzgan*, 105

<sup>155</sup> Groen, *Task Force Uruzgan*, 19.

<sup>156</sup> Botje 'Nee, de vijand in Uruzgan was niet 'de Taliban'.

<sup>157</sup> Groen, *Task Force Uruzgan*, 314.

<sup>158</sup> Groen, *Task Force Uruzgan*, 49.

<sup>159</sup> *Ibidem*, 19, 37, 49; Interview Mark; Klep, *Uruzgan*, 225.

in shielded and controlled camps, not in the public eye. In addition, TFU rarely conducted patrols at night, despite pertinent instability.<sup>160</sup> The local population desired guaranteed security in the face of this instability, from the ISAF, its counterparts, the Taliban, or their tribes. Moreover, parts of the population thought of the ANSF as illegitimate and oppressive.<sup>161</sup> For example, members of the Afghan National Army (ANA) mostly came from other Afghan provinces. Additionally, the Dutch presence in Uruzgan was only temporary, while the Taliban enjoys the advantages of permanent presence: ISAF has the clock, but the Taliban has the time.<sup>162</sup> Consequently, villagers only seemed willing to cooperate with the ANSF and ISAF during the day. However, at night, insurgents came to villages in order to persuade or pressure the local population to support them.<sup>163</sup>

The interaction between the ANSF and TFU can also be depicted as ambiguous. On the one hand, TFU regarded the ANSF as driven and brave. On the other hand, soldiers characterized the ANSF as unorganized, impulsive, corrupt and unpredictable.<sup>164</sup> However, the Dutch soldiers did see a significant improvement the ANA's capabilities, in contrast with the Afghan National Police (ANP).<sup>165</sup> Overall, the population and TFU did not appreciate the ANP's behavior. Police officers were regularly under the influence of drugs and corruption was deeply rooted in their organization.<sup>166</sup> For instance, a police commander resold received weapons from ISAF.<sup>167</sup>

Tribal structures remained central to Afghan society throughout the mission. This societal make-up was believed to encourage corruption. The Dutch government argued in a letter to parliament that increasing the effectiveness of local and provincial administration was central to the improvement of Afghanistan's future.<sup>168</sup> However, the TFU evaluation of the Dutch mission in Uruzgan indicated that corruption among government officials was widespread and

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<sup>160</sup> Interview Georg; Groen, *Task Force Uruzgan*, 352.

<sup>161</sup> Groen, *Task Force Uruzgan*, 37, 49.

<sup>162</sup> Franklin Spinney, 'Americans Have the Clock, But the Taliban Have the Time', *CounterPunch*, 9 August 2011; Interview Mark.

<sup>163</sup> Vice, Documentary: 'This is What Winning Looks Like' (2013); Interview Georg; Groen, *Task Force Uruzgan*, 352.

<sup>164</sup> Interview De Haan; Interview Mark.

<sup>165</sup> Klep, *Uruzgan*, 34; Groen, *Task Force Uruzgan*, 258, 324.

<sup>166</sup> Van Bommel, *Task Force Uruzgan*, 105; Pasterkamp, *Uruzgan*, 121-122; Groen, *Task Force Uruzgan*, 383; Interview De Haan.

<sup>167</sup> Groen, *Task Force Uruzgan*, 470.

<sup>168</sup> Kamerstuk Ministerie van Buitenlandse Zaken, 'Inzake periodieke stand van zaken Afghanistan', 28 oktober 2008.

a matter for great concern.<sup>169</sup> Soldiers were generally dissatisfied with the current approaches being taken to tackle corruption, which failed to address the gravity of the situation.<sup>170</sup>

However, the incentive, of the Dutch government, was to change the mentality of the Afghans in Uruzgan by means of Western-inspired reconstruction projects: 'development is also the change of mentality'.<sup>171</sup> Aforementioned is embodied in the expectations of the *Artikel 100-brief*, namely that the enlargement of influence and power of the local and provincial authorities, creating a degree of independence, will provide security and stability and, eventually, substantive economic development.<sup>172</sup> The policy of 'Afghanization' (Afghaniseren), the process of returning control to the people of Afghanistan, was therefore overemphasized during the mission, argues Klep.<sup>173</sup> Moreover, the strategy of 'Afghan face' was applied, meaning the infusing of Afghan and Dutch efforts, such as mixed patrols.<sup>174</sup> For instance, Afghan soldiers or policemen entered a *qala* before Dutch soldiers did, showing that Afghans, ultimately, bore responsibility.<sup>175</sup>

### *Conclusion*

Dutch servicemen were supposed to help and protect the Afghan people in a foreign socio-cultural environment, while being at risk themselves. Despite these circumstances, Dutch soldiers acted respectfully towards the Afghan population. In general, they were well-aware of the importance of smooth interactions with the Afghan people and the ANSF. Nonetheless, Dutch soldiers encountered challenges, especially the Afghan mentality and the ingrained corruption. The Dutch government, however, tried, by means of development, to generate a mentality change within the Afghan culture. Though, TFU, was mainly a military project, implying that successful military performance was dependent on the positive cooperation between Dutch soldiers and Afghans. Naturally, in the context of a military mission, disrespectful behavior by foreign military personnel towards the local population can harm operational goals. Rejecting the host culture is not an option. However, the next chapter

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<sup>169</sup> TLO, 'The Dutch Engagement in Uruzgan: 2006 to 2010', viii.

<sup>170</sup> Interview De Haan; Groen, *Task Force Uruzgan*, 470.

<sup>171</sup> Kamerbrief ministers van Buitenlandse Zaken en Ontwikkelingssamenwerking, 'Inzake een verzoek over de situatie van vrouwen in Afghanistan', 10 april 2009; Groen, *Task Force Uruzgan*, 470.

<sup>172</sup> Brief minister van Buitenlandse Zaken, Defensie en Ontwikkelingssamenwerking aan de Tweede Kamer, 22 december 2005, TK 2005-2006, 27925, nr. 193.

<sup>173</sup> Klep, *Uruzgan*, 53.

<sup>174</sup> *Ibidem*, 54.

<sup>175</sup> Van Bommel, *Task Force Uruzgan*, 186.

discusses the likelihood of the occurrence of morally and culturally critical situations in the private sphere. The analysis will demonstrate that diverging personal moral values were particularly prone to conflict and contestation.<sup>176</sup>

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<sup>176</sup> M. Schut and R. Moelker, 'Respectful Agents: Between the Scylla and Charybdis of Cultural and Moral Incapacity', *Journal of Military Ethics* 14 (2015) 233.

## Chapter 3: A System of Gender Reversal in Afghanistan: Perceptions of Dutch Soldiers on Gender in Afghanistan

### *Introduction*

Following the US' invasion of Afghanistan and subsequent international involvement, Western soldiers were soon confronted by a practice called *bacha bazi*, literally meaning 'boy play', which consist of a variety of activities involving sexual relations between older men and younger adolescent men, or boys, during which use of force and coercion was not unusual. The custom was widespread in Pashtun-dominated Uruzgan, causing Dutch soldiers to encounter sexual abuse of young boys committed by Afghans, including their Afghan counterparts. Also, intimate social interaction between Pashtun males quickly become knowledge among Western soldiers: in 2002, British marines 'spoke [...] of an alarming new threat – being propositioned by swarms of gay local farmers'. 'They were more terrifying than the al-Qaeda'.<sup>177</sup> Pedophilia and homosexuality, however, have disturbing connotations in Afghanistan for the subordinate position of women in the Afghan tribal society, characterized by an honor culture. This chapter analyzes the Afghan culture and its effects on human rights standards, applied to *bacha bazi* and women's rights, in order to understand the contradictory cultural environment in which the Royal Netherlands Army had to operate. How did Dutch servicemen perceive *bacha bazi*? How did the Ministry of Defense respond to this custom, which differs greatly from Western norms and values? Also, on a rhetorical level, both the international community and the Netherlands continuously emphasized the necessity of improving women's rights. What was the effect of such rhetoric?

### *3.1 Gender in Afghanistan: Women are for children and boys are for pleasure*

The ousting of the Taliban prompted the resurfacing of homosexual behavior, especially practiced by Pashtuns. Dutch soldiers were aware of the practice of sexual contact between Afghan males on all societal levels. Dutch servicemen described such contact was displayed publicly: men would hold hands, regularly touch each other, or exhibit flirtatious behavior by, for instance, making prolonged intense eye-contact.<sup>178</sup> Some Afghans adopted a feminine appearance, wearing make-up and dressing up in female clothes. Some issues, however, were

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<sup>177</sup> Chris Steven, 'Startled Marines find Afghan Men All Made Up to See Them', *The Scotsman*, 24 May 2002.

<sup>178</sup> Interview Georg; Interview Mark; Interview De Haan; Van Bommel, *Task Force Uruzgan*, 156-157, 59; Groen, *Task Force Uruzgan*, 333, 452.

less innocent. An anecdote, recalled by Lieutenant-Colonel Gooren, was that a transferred ANSF-recruit transmitted a venereal disease to a whole unit, causing all of them to call in sick.<sup>179</sup>

Afghans do not consider sexual conduct between men as homosexuality; 'we just enjoy each other for pleasure'.<sup>180</sup> Homosexuality is regarded as something 'Western' and is strictly prohibited in Islam, causing great shame and condemnation. In the unclassified report 'Pashtun Sexuality', written by AnnaMaria Cardinalli, member of the US Human Terrain System (HTS), which consisted of sociologists and anthropologists, whom advised military commanders and staff report about culture, outlined the roots of sexual conduct between men within the Afghan/Pashtun culture.<sup>181</sup> The report was requested by US and British forces, whom felt that they were being propositioned.<sup>182</sup> As Cardinalli explains, the necessity of cultural interpretations of Islamic teachings provide loopholes. Loving a man would be a sin, whereas using a man for sexual gratification is considered something different. Therefore, homosexual behavior by men does not per se imply committing a sin, nor violate the laws of Islam. This holds as long as their relationship with the man or boy is strictly sexual in nature and not emotional. Furthermore, the Arabic language of the Quran is mostly not translated, local Mullahs transfers the Islamic teachings to the community.<sup>183</sup> As a result, the exercise of the Islam in Afghanistan and Uruzgan was based on tribal cultures and their accompanying traditions.<sup>184</sup> According to Cardinalli, 'the more rural the area the far less likely it becomes that the Mullah himself understand Arabic and the more likely that what is taught is based upon local cultural tradition'.<sup>185</sup>

Heterosexual relationships are only allowable between the bounds of marriage. Most men in Afghanistan spend the vast majority of their time in the company of other men and rarely see glimpse more than the feet of any woman other than their mother, sister of wife:

'In his 29 years, Mohammed Daud has seen the faces of perhaps 200 women. A few dozen were family members. The rest were glimpses stolen when he should not have been looking and the women were caught without their face-shrouding burkas'.<sup>186</sup>

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<sup>179</sup> Interview Gooren.

<sup>180</sup> A. Cardinalli, *Crossing the Wire: One's Woman Journey into the Hidden Dangers of the Afghan War* (Oxford 2013) 135.

<sup>181</sup> Human Terrain System, 'Pashtun Sexuality', US Army (2009) 1.

<sup>182</sup> HTS, Pashtun Sexuality', 1-2.

<sup>183</sup> Ibidem, 5.

<sup>184</sup> Interview Mark.

<sup>185</sup> HTS, 'Pashtun Sexuality', 5.

<sup>186</sup> The Los Angeles Times, 'Kandahar's Lightly Veiled Homosexual Habits'.

The mutual intimate behavior of Afghans was also aimed at Dutch soldiers, which was perceived by Dutch servicemen as 'gay-like' or 'strange', but it mostly generated amusement. For instance, one day, a large blonde Dutch soldier received a flower from a girly Afghan policeman.<sup>187</sup> Furthermore, Afghan recruits stood enthusiastically in line to be searched by a particular Dutch soldier, who appeared to be attractive.<sup>188</sup> Captain Harry Lammers, described that his men often were glazed and winked at by 'bearded men'.<sup>189</sup> Tight running pants, worn by Dutch servicemen, when doing their daily round of exercise, also attracted a lot of Afghan attention.<sup>190</sup>

A few Dutch soldiers even went along with this behavior, viewing it as means through win the hearts and minds of the Afghan people. For instance, Platoon Commander Steven, accepted the 'sticky hand' of a tribal leader (a Malik) with the objective of establishing a good mutual relationship. He did not mind the laughter of his fellow soldiers.<sup>191</sup> Furthermore, the Head of Operations and the interpreter of Colonel Griensven, participated in an Afghan dance party during Islamic New Year. Retrospectively, Griensven regarded it as a unique chance to win hearts and minds.<sup>192</sup>

However, homosexual behavior of Afghans has a notorious downside. Due to the isolated position of women, whereas women in Pashtun communities are subjugated to extreme veiling, segregation and exclusion of public life, strong masculine bonds are created in the tribal society of Uruzgan, which has resulted in pedophilia. During the War on Terror in Afghanistan, several reports and news articles revealed that Afghan soldiers and police officers, allied with the US military and ISAF forces, sexually abused young boys, who were often held captive against their will.<sup>193</sup> Child abuse is a persistent phenomenon in Afghanistan: Pashtuns, in particular, have long been notorious for their pedophilic activities in order to express their homosexuality. Before the Taliban came to power, 'the streets were filled with

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<sup>187</sup> M. Schut, M.C. de Graaff and D. Verweij, 'Moral Emotions during Military Deployments of Dutch Forces: A Qualitative Study on Moral Emotions in Intercultural Interactions', *Armed Forces & Society* 4 (2015) 627.

<sup>188</sup> Interview De Haan; Interview Maes.

<sup>189</sup> Van Bommel, *Task Force Uruzgan*, 59; "Zeker als Erwin langsloopt, een grote Zeeuw, in zijn sportbroekje en slippers. Dan draaiden de hoofden mee en zie ik de Afghaans mondhoeken omhoog krullen".

<sup>190</sup> Interview De Haan.

<sup>191</sup> Groen, *Task Force Uruzgan*, 333.

<sup>192</sup> Van Bommel, *Task Force Uruzgan*, 157.

<sup>193</sup> Craig S. Smith, 'Kandahar Journal; Shh, It's an Open Secret: Warlords and Pedophilia', *The New York Times*, 21 February 2002; Joseph Goldstein, 'U.S. Soldiers Told to Ignore Sexual Abuse of Boys by Afghan Allies', *The New York Times*, 20 September 2015; Thomas Gibbons-Neff, 'Troops Detail Order to Ignore Sexual Abuse in Afghanistan, Despite General's Denial', *The Washington Post*, 23 September 2015.

teenagers and their sugar daddies, flaunting their relationship'.<sup>194</sup> It is argued that the rape of young boys by warlords was one of the key factors that contributed significantly to Mullah Omar's mobilization of support for the Taliban. In spite of the Taliban's aversion of women and penchant for eyeliner, they immediately suppressed homosexuality.<sup>195</sup>

They outlawed the practice by imposing strict nationwide Sharia law. As a result, keeping 'chai boys' became taboo, and the men who practiced it, were now forced to do so in secret. Since the ousting of the Taliban in 2001 and the subsequent lawlessness, *bacha bazi* evolved: 'boys were raped, kidnapped and trafficked as sexual predators regained their positions of regional powers'.<sup>196</sup> These 'sexual predators' were former Mujahedeen fighters, empowered warlords serving in important positions, as governors, police chiefs and military commanders.<sup>197</sup>

Rampant sexual abuse among the ranks of Afghan police commanders, dominating much of the rural landscape and control the population, turned out to be a challenge to the ISAF mission; 'try to find a police commander who does not fuck young boys'. 'By empowering sexual predators, the coalition built a government around a 'a lesser evil'.<sup>198</sup> The Dutch Ministry of Defense recognized the popularity of the Taliban, holding a connection with the practice of *bacha bazi*.<sup>199</sup> Local villagers disclosed that ISAF were putting people in power, who did far worse things than the Taliban.<sup>200</sup> However, ANSF member generally, regarded sexual interaction with boys as a normal commodity. A local police commander emphasized this in the Vice documentary 'This is What Winning Looks Like': 'If they do not fuck the asses of the boys, what should they fuck? The pussies of their own grandmothers?'<sup>201</sup> In his eyes, abusing young boys was indispensable.

Despite the significant documentation of pedophilia in the Afghan province of Kandahar, a province south of Uruzgan, as the New York Times, the Los Angeles Times and the Times in 2002 reported, many Dutch soldiers were not fully prepared for the confrontation with this

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<sup>194</sup> Gibbons-Neff, 'Kandahar Comes out of the Closet'.

<sup>195</sup> Ibidem; men accused of homosexuality faced punishment of having a wall toppled on them.

<sup>196</sup> Chris Mondloch, 'The Afghan Tragedy: The Pashtun Practice of Having Sex with Young Boys', *The Independent*, 29 October 2013.

<sup>197</sup> Mondloch, 'The Afghan Tragedy: The Pashtun Practice of Having Sex with Young Boys'.

<sup>198</sup> Vice, Documentary: 'This is What Winning Looks Like' (2013).

<sup>199</sup> Ministerie van Defensie, 'Seksueel misbruik van kinderen in Afghanistan', *WOB-verzoek (Wet openbaarheid van bestuur)*, 20 maart 2016; Vice, Documentary: 'This is What Winning Looks Like' (2013).

<sup>200</sup> Goldstein, 'U.S. Soldiers Told to Ignore Sexual Abuse of Boys by Afghan Allies'.

<sup>201</sup> Vice, Documentary: 'This is What Winning Looks Like' (2013).

phenomenon.<sup>202</sup> Dutch soldiers found the lack of attention in the cultural training regrettable.<sup>203</sup> In the early years of TFU, the practice was not explicitly elaborated upon in the culture lessons. Ultimately, after numerous Dutch confrontations with child abuse and accompanied disturbance, *bacha bazi* was more extensively incorporated in the training, explained Edwin Maes, Liaison Officer for Culture Heritage at the Ministry of Defense.<sup>204</sup>

The Ministry of Defense also voiced its response to the practice. The Ministry emphasized that *bacha bazi* was a fundamental obstacle to improving human rights standards in Afghanistan. However, it was added that ‘according to our Western standards and values we disapprove, but we cannot impose our norms upon another country with a different culture’ and ‘when possible, Dutch soldiers addressed the behavior of those involved’.<sup>205</sup> Moreover, it seemed that the Dutch Ministry of Defense tried to defend itself from criticism by emphasizing that, first, not all ‘tea boys’ or ‘chai boys’, given that the boys often functioned as tea pourers, were sexually abused and, second, it was not always clear if ‘tea boys’ actually were sexually exploited.<sup>206</sup>

The Ministry did not articulate any specific policy concerning sexual child abuse.<sup>207</sup> However, a few pragmatic measures were taken. Mail exchange between officials of the Ministry of Defense, discussing parliamentary questions regarding *bacha bazi*, shows that that soldiers were to report cases of sexual abuse of so-called ‘tea boys’ or ‘chai boys’, outside the military basis to their commanders. Within the Dutch and the ANSF bases, supervised by TFU, underage boys were prohibited entry.<sup>208</sup> However, the Ministry of Defense did not articulate the effects of these guidelines.

Conversely, US soldiers were taught otherwise: to unconditionally ignore sexual abuse of boys by Afghan allies. Training guides of the Marines and Army soldiers show that they were not to intervene to prevent sexual assault.<sup>209</sup> Moreover, young boys were allowed at the ANSF and American bases. In September 2015, American newspapers published a number of articles

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<sup>202</sup> Smith, ‘Kandahar Journal; Shh, It’s an Open Secret: Warlords and Pedophilia’; Maura Reynolds, ‘Kandahar’s Lightly Veiled Homosexual Habits’ *The Los Angeles Times*, 3 April 2002; Gibbons-Neff, ‘Kandahar Comes out of the Closet’.

<sup>203</sup> Interview Edwin Maes; Schut, ‘Dansjongens in de schijnwerpers’, 26.

<sup>204</sup> Interview Maes

<sup>205</sup> Ministerie van Defensie, ‘Mailuitwisseling Kamervragen over kindermisbruik Afghanistan’, 30 September 2015.

<sup>206</sup> Ministerie van Defensie, ‘Antwoorden op schriftelijke vragen van de leden Hachchi (D66) en Eijssink (PvdA) over kindermisbruik in Afghanistan’, 15 oktober 2015.

<sup>207</sup> Ministerie van Defensie, ‘Antwoorden op schriftelijke vragen van de leden Hachchi (D66) en Eijssink (PvdA) over kindermisbruik in Afghanistan’, 15 oktober 2015.

<sup>208</sup> Ministerie van Defensie, ‘Mailuitwisseling Kamervragen over kindermisbruik Afghanistan’, 30 September 2015.

<sup>209</sup> Shane Harris, ‘Marines Trained that Rape in Afghanistan is a ‘Cultural’ Issue’, *Daily Beast*, 23 September 2015.

describing the situation, generating national outrage and disgust. For instance, Dan Quinn, a former Special Forces Captain, told the New York Times that he was relieved of his command by the Army because of beating up an American-backed Afghan militia commander for keeping a boy chained to his bed as a sex slave.<sup>210</sup> In other words, Captain Quinn was kicked out of Afghanistan for intervening in gross human rights violations.

The Pentagon and Army General John Campbell, the US top general in Afghanistan, however, denied that any such US policies ever existed: 'there is no policy in place that direct any U.S. military or government overseas to ignore human rights abuses.'<sup>211</sup> Private First Class Daniel Ledbetter tells an opposite story. He reported to his chain of command, in vain, that a family approached his detachment and told them that the Afghan National Civil Order Police (ANCOP) were raping their children.<sup>212</sup> 'They turned a blind-eye to it.'<sup>213</sup> Similar to the Dutch case, U.S. Marines preparing to go overseas are given detailed training sessions about the Marine Corps' own rules against sexual assault, crimes that would result in sentencing American servicemen's to prison.<sup>214</sup> Moreover, when rape is used as a weapon of war, by either the local population or the enemy, the US military should report it.<sup>215</sup>

As mentioned, the US created the HTS to improve understanding of the local population and their customs.<sup>216</sup> However, HTS quickly became controversial, when it became apparent that HTS members rationalized pedophilia and rape: '[...] getting American soldiers to stop making moral judgments about a local Afghan cultural practice in which older men go off with younger boys on 'love Thursdays' and do some 'hanky-panky'.<sup>217</sup> As a result, US military officials began to view pedophilia as a cultural oddity.<sup>218</sup>

In accordance with the TLO evaluation, Dutch servicemen respected the local customs and the culture within the framework of the local population's customs.<sup>219</sup> However, this does not

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<sup>210</sup> Goldstein, 'U.S. Soldiers Told to Ignore Sexual Abuse of Boys by Afghan Allies'

<sup>211</sup> Gibbons-Neff, 'Troops Detail Order to Ignore Sexual Abuse in Afghanistan, Despite General's Denial'.

<sup>212</sup> Ibidem.

<sup>213</sup> Ibidem.

<sup>214</sup> Shane, 'Marines Trained that Rape in Afghanistan is a 'Cultural' Issue'.

<sup>215</sup> Christine Hauser, 'Green Beret Who Beat Up Afghan Officer for Raping Boy Can Stay in Army' *The New York Times*, 29 April 2016.

<sup>216</sup> Strategic Culture Foundation, 'The Use and Abuse of Culture (and Children): The Human Terrain System's Rationalization of Pedophilia in Afghanistan' (version 12 October 2015) <https://www.strategic-culture.org/news/2015/10/12/the-use-and-abuse-of-culture-and-children-the-human-terrain-systems-rationalization-of-pedophilia-in-afghanistan.html> (21-11-2017).

<sup>217</sup> Strategic Culture Foundation, 'The Use and Abuse of Culture (and Children).

<sup>218</sup> Ibidem.

<sup>219</sup> TLO, 'The Dutch Engagement in Uruzgan: 2006 to 2010', 51-52.

imply that Dutch soldiers did not experience moral dilemmas. Although few soldiers came across these and similar practices, it was common knowledge: ‘rumors spread like wildfire in Uruzgan’.<sup>220</sup> In case of *bacha bazi*, some soldiers felt powerless. The practice was perceived as morally incomprehensible and as disgusting. Consequently, one might wonder about the general utility of the mission in Afghanistan: they were fighting the Taliban because of their committed atrocities and human rights violations, while their Afghan allies were sexually abusing young boys.<sup>221</sup> This issue is morally ambiguous and contradictory.

As Michelle Schut concludes in ‘Moral Emotions during Military Deployments of Dutch Forces’, most soldiers did not mediate in the situation, because they put the situation in perspective and accepted it. In doing so, they gave priority to the mission goals.<sup>222</sup> Western soldiers could not change the deep-rooted custom, as it was ‘common practice’ at every police station.<sup>223</sup> Rob, Platoon Commander Infantry, recalled how an ANP member negotiated with a father for having sex with his son. Rob had to work with this policeman, while there was regularly a drugged boy sitting on the policeman’s lap.<sup>224</sup> Another Dutch serviceman, a Captain of the Marine Corps, did not intervene when he was confronted with a boy that was being held captive by a police commander. Namely, he required the police commander’s information, because he ‘really needed to know things’ about a specific area. In spite of this, he found the practice repulsive.<sup>225</sup> Soldiers generally kept their distance, focusing primarily, upon their tasks and the mission in general. Naturally, they did not applaud the tradition.<sup>226</sup> Respect for Afghan cultural values was also a reason for non-intervention: ‘the situation is culturally determined and therefore unchangeable’.<sup>227</sup> ‘Kunnen wij niks aan doen’.<sup>228</sup> ‘Zo gaat het nu eenmaal’.<sup>229</sup>

However, in a few cases, Western soldiers have taken measures themselves to stop the sexual abuse. An extreme example is the sending of an young sex slave of a warlord to Guantanamo Bay, the US military prison in Cuba, in order to protect the boy:

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<sup>220</sup> Interview Mark; Interview De Haan; Interview Georg.

<sup>221</sup> Interview Mark; an ethical dilemma.

<sup>222</sup> Schut, ‘Moral Emotions during Military Deployments of Dutch Forces’, 627, 629.

<sup>223</sup> Interview Mark.

<sup>224</sup> Groen, *Task Force Uruzgan*, 452.

<sup>225</sup> Schut, ‘Moral Emotions during Military Deployments of Dutch Forces’, 629.

<sup>226</sup> Interview Mark.

<sup>227</sup> Schut, ‘Moral Emotions during Military Deployments of Dutch Forces’, 629.

<sup>228</sup> Interview Gooren.

<sup>229</sup> Klep, *Uruzgan*, 174.

‘The US Army did not know what to do with the kid. Send him back to the family that sold him into sex slavery? Send him back to Bagram where he’d undoubtedly be raped again?’<sup>230</sup>

Furthermore, one time, an American Captain brought a chai boy he had found at a police station back to his family. However, the boy was killed by his family: he had violated the honor of the family.<sup>231</sup> Also, a Dutch servicemen responsible for the operational diary, recalled that a chai boy of an ANP-commander, reappeared at the police checkpoint after being returned to his parents.<sup>232</sup> ‘Those little boys stay willingly in the patrol bases and offer their asses in the night’, claimed an Afghan police commander.<sup>233</sup> Most boys did not have any other choice in light of widespread poverty and the lack of future prospects. ‘Hij wil terug naar de post. Thuis heeft hij het niet goed, zegt hij’ (he wants to go back to the checkpoint, he claims that the situation at home is not good).<sup>234</sup>

Accepting a morally reprehensible situation leads to moral relativism. This, in turn, results in the sidelining of personal values and negligence of the negative impacts of cultural practices on both the local population and oneself.<sup>235</sup> Moral relativism causes non-engagement with any evaluation of the morality of practices: one refuses to criticize culture, despite occurring atrocities. This also hinders moral progression.<sup>236</sup> In other words, any commitment to international human rights standards is discarded. For example, a Dutch Major voiced his positive opinion about *bacha bazi*, because of the alleged status-enhancing role it played in Afghan society.<sup>237</sup> Another Major admitted that he had no problems with the sexual abuse of boys, assuming a cultural relativist point of view.<sup>238</sup> Servicemen sidelining their personal values seemed likely to develop feelings of guilt, due to non-action or misplaced respect for morally abject situations.<sup>239</sup>

Pedophilia takes on several forms, each of which has great consequences for its victims. As the documentary ‘The Dancing Boys of Afghanistan’ shows, young boys from poor families are

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<sup>230</sup> Cardinali, *Crossing the Wire*, 227-228. More young boys were imprisoned in Guantanamo Bay, they were held as servants and for sexual pleasure of tribal chiefs: Al Jazeera, Documentary: ‘Growing Up Guantanamo’ (2015).

<sup>231</sup> Schut, ‘Dansjongens in de schijnwerpers’, 26.

<sup>232</sup> Ministerie van Defensie, ‘Mailuitwisseling Kamervragen over kindermisbruik Afghanistan’, 30 september 2015.

<sup>233</sup> Vice, Documentary: ‘This is What Winning Looks Like’ (2013).

<sup>234</sup> Ministerie van Defensie, ‘Mailuitwisseling Kamervragen over kindermisbruik Afghanistan’, 30 september 2015.

<sup>235</sup> Schut, ‘Respectful Agents: Between the Scylla and Charybdis of Cultural and Moral Incapacity’, 242.

<sup>236</sup> Strategic Culture Foundation, ‘The Use and Abuse of Culture (and Children).

<sup>237</sup> Schut ‘Dansjongens in de schijnwerpers’, 25.

<sup>238</sup> Interview Georg.

<sup>239</sup> Schut, ‘Respectful Agents: Between the Scylla and Charybdis of Cultural and Moral Incapacity’, 243.

kidnapped off the streets and subsequently forced to dance in female clothes for warlords and other powerful men, after which they are often victim of sexual violence.<sup>240</sup> The boys are practically owned by these powerful men, who see them as a prestigious status symbol.<sup>241</sup> The prepubertal features make them particularly attractive. They are called *bacha beeresh*: ‘a boy without a beard.’<sup>242</sup>

However, when the boys get facial hair, mostly in their late teens, they are discarded from servitude. The boys end up on the street, struggling with mental and physical traumas. Often, they are stigmatized and seen as ‘gay’ by the Afghan society. This can lead to drug abuse. Some boys become themselves a *bacha baz*, a man who is guilty of the collective exploitation, enslavement or raping of young boys in systematic and organized manner. Others marry their owner’s daughter and continue the sexual relation. Still others do not even survive the practice: sometimes, they are killed by jealous Afghan men, or become victims of honor killings.<sup>243</sup>

While being well-aware of the occurrence of this practice and the consequences it brings with it, the Afghan government has remained largely silent on the subject of pedophilia: ‘government’s response [...] is largely of inaction,’ neglecting the victims but protecting the perpetrators.<sup>244</sup> Most noteworthy, as mentioned, police officers themselves are engaged in the practice. The documentary ‘The Dancing Boys of Afghanistan’ shows a police officer attending a *bacha bazi* party in the Northern province of Takhar together with the police chief investigator, while being tasked with the prosecution of *bacha bazi*.<sup>245</sup> Nazir Alimy, who compiled a report on the issue for the United Nations Children’s Fund (UNICEF), has explained that this happens in all of Afghanistan, including Uruzgan, and even in Kabul.<sup>246</sup>

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<sup>240</sup> In the documentary, former warlord Dastagir just randomly picked a 11-year old boy from the street and offered him money for his family; Najibullah Quraishi, ‘The Dancing Boys of Afghanistan’, *Frontline* (2010). Dancing boys are a blooming form of entertainment and revenues. In the Takhar province there are even advertisements for the dancing school of Rafi, the protégé of Dastagir.

<sup>241</sup> Quraishi, ‘The Dancing Boys of Afghanistan’ (2010).

<sup>242</sup> Reuters, ‘Afghan Boy Dancers Sexually Abused by Former Warlords’ (version 19 November 2007) <https://www.reuters.com/article/us-afghan-dancingboys/afghan-boy-dancers-sexually-abused-by-former-warlords-idUSISL1848920071119> (23-11-2017).

<sup>243</sup> Quraishi, ‘The Dancing Boys of Afghanistan’; Interview Maes; Jealousy among warlords also culminates in local conflict.

<sup>244</sup> A. Noman, ‘The Tragedy of the Dancing Boys in Afghanistan: The US Silence on Bacha Bazi’, *Seattle Journal for Social Justice* 2 (2016) 507.

<sup>245</sup> Quraishi, ‘The Dancing Boys of Afghanistan’.

<sup>246</sup> *Ibidem*.

The Afghan legal system is inapt to handle issues on sexual contact and abuse of children.<sup>247</sup> To consent to sex, boys have to be 18 years and girls 16 years old.<sup>248</sup> However, customary laws, based on Islamic law, are mostly applied. These rules completely forbid anal sex or sodomy. Nevertheless, perpetrators are rarely punished because of their power and influence.<sup>249</sup>

The environment of poverty and hopelessness maintains the practice. The same environment also limits the ability of men, for example, to buy abundant wedding gifts for their bride and her parents. This negatively affects their position in society, as Pashtun honor demands men to demonstrate their ability to support a wife and family.<sup>250</sup> Another significant factor that seemingly perpetuates *bacha bazi*, is the apparent normalization of the widespread sexual relations between men, resulting in the alienation of women. This is clearly obvious in Afghan men's rhetoric: 'how can we quit? We do not like women, we want boys' and 'how could one feel desire to be with a woman, who God had made unclean, when one could be with a man, who is clean? Surely this must be wrong.'<sup>251</sup> Limited access to women and the intensive male companionship may have significant long-term consequences, according to Cardinalli. Sexual abuse at a young age could lead to anger and outrage among boys. Such anger could be directed at the 'foreign object', resulting in misogyny: 'Men and boys therefore remain the object of affection and security for these boys as they grow into men themselves, and the cycle is repeated.'<sup>252</sup>

### 3.2 Afghanistan as one of the Worst Countries to Live in as a Woman

In contrast to the practice of *bacha bazi*, it has been well-known that Afghan women and girls have limited access to their fundamental human rights. Significantly, the poor state of women's rights was one of the primary moral justification for the intervention. As mentioned, Uruzgan is one of the most conservative areas of Afghanistan. This is illustrated by the 2005 political elections, where Uruzgan was the only province that produced not a single female

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<sup>247</sup> M. Schut and E. van Baarle, 'Dansjongens in de schijnwerpers: Een artikel over de praktijk van bacha bazi', *Carré* 1 (2014) 35.

<sup>248</sup> Quraishi, 'The Dancing Boys of Afghanistan'.

<sup>249</sup> Schut, 'Dansjongens in de schijnwerpers', 35.

<sup>250</sup> HTS, 'Pashtun Sexuality', 4.

<sup>251</sup> *Ibidem*, 6.

<sup>252</sup> *Ibidem*, 13-14.

candidate. Moreover, most girls and women in the province were deprived of education, health and employment opportunities before the arrival of TFU.<sup>253</sup>

Besides the mentioned possibility to improve women and girls' access to education, the *Artikel 100-brief* did not elaborate upon the distressing situation of women in Uruzgan.<sup>254</sup> Approximately five years later, a letter sent to parliament, by Minister Koenders and Minister Maxime Verhagen of Foreign Affairs, concerning the situation of women and girls in Uruzgan, displayed the relative improvement of the position of women, accredited solely to the ousting of the Taliban.<sup>255</sup> In 2004, for example, a new constitution was adopted guaranteeing women's equal rights.<sup>256</sup> In addition, progress can be identified in the field of education and health care.<sup>257</sup> Next to the ratification of CEDAW in 2003, the adoption of the Law on the Elimination of Violence against Women (EVAW), which strengthened protections for women against a broad range of (sexual) abuses, in 2009, posed a landmark.<sup>258</sup> However, no noteworthy change had occurred: the culturally deep-rooted discrimination against woman remained intact.<sup>259</sup>

It is striking that the position of Afghan women in the Afghan society is hardly mentioned in Dutch soldiers' testimonies: it is illustrative for the position of women within Afghanistan and specifically in Uruzgan, namely their social isolation and marginalization. Everyday life for Afghan women in Uruzgan, especially in Pashtun communities, takes place within the walls of their *qala*.<sup>260</sup> The subordinate position of Afghan women was well-known and amongst Dutch soldiers. Most Dutch soldiers felt pity for them and they struggled with the women's living conditions and prospects.<sup>261</sup>

Only some personal accounts can add nuances to the supposedly marginalized position of women. Georg, for instance, who had regular contact with the local population, argued that women did actually hold influential power. When their husband went to a *shura*, the Afghan

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<sup>253</sup> TLO, 'The Dutch Engagement in Uruzgan: 2006 to 2010', 23.

<sup>254</sup> Brief minister van Buitenlandse Zaken, Defensie en Ontwikkelingssamenwerking aan de Tweede Kamer, 22 december 2005, TK 2005-2006, 27925, nr. 193.

<sup>255</sup> Kamerbrief ministers van Buitenlandse Zaken en Ontwikkelingssamenwerking, 'Inzake een verzoek over de situatie van vrouwen in Afghanistan', 10 april 2009.

<sup>256</sup> Human Rights Watch, 'I had to Run Away: The Imprisonment of Women and Girls for "Moral Crimes" in Afghanistan' (2012) 1.

<sup>257</sup> Kamerbrief ministers van Buitenlandse Zaken en Ontwikkelingssamenwerking, 'Inzake een verzoek over de situatie van vrouwen in Afghanistan', 10 april 2009.

<sup>258</sup> HRW, 'I had to Run Away', 25.

<sup>259</sup> Kamerbrief ministers van Buitenlandse Zaken en Ontwikkelingssamenwerking, 'Inzake een verzoek over de situatie van vrouwen in Afghanistan', 10 april 2009.

<sup>260</sup> TLO disclosed that it appears to be easier for Tajik and Hazara women to acquire a public position in Uruzgan, than for Pashtun women; TLO, 'The Dutch Engagement in Uruzgan: 2006 to 2010', 24.

<sup>261</sup> Van Bommel, *Task Force Uruzgan*, 46, 146-147, 212; Pasterkamp, *Uruzgan*, 42, 74, 104-105, 116, 118; Groen, *Task Force Uruzgan*, 455, 468; Interview Mark; Interview De Haan.

word for meeting, they gave him a message which served their interests. These meetings were often organized by the Provincial Reconstruction Team (PRT), supporting and implementing reconstruction projects. These projects made use of the *cash for work* principal, relying upon the capacity of the local population and local executors.<sup>262</sup> Maaïke, PRT member, supports Georg's perception, arguing that women within the Afghan culture are 'the man of the house'.<sup>263</sup> Women generally determine housekeeping activities. These interpretations contest the notion of female oppression in the Afghan society.

Nevertheless, most Dutch soldiers were shocked and outraged by the way in which Afghan men treated their wives and daughters. Major Maes recalled that Afghan men only mentioned their sons, when asking how many children a man had.<sup>264</sup> Girls are mainly regarded as 'temporary residents'. Many girls that have been married off perceive their situation to be hopeless, fleeing into the 'the raw dream world of opium', described Piet Wit, a Major of PRT.<sup>265</sup> He added that 'some men love their animals more than their wives'.<sup>266</sup>

In general, Dutch female soldiers were treated with respect by Afghan men, despite their unveiled appearance.<sup>267</sup> Western women are not part of the Afghan community, therefore other standards apply. Major Bas de Haan, functioning in Uruzgan as an Intelligence Officer, described the Afghan attitude as somewhat pragmatic: 'crazy Westerners' determine their own norms of conduct, as Afghans do.<sup>268</sup> However, there are exceptions. One day, Lieutenant-Colonel Esmeralda Kleinreesink was harassed by an Afghan boy, whom told her to wear a burqa. This made her feel inferior and infuriated.<sup>269</sup>

Reconstruction projects focused upon women were often met with opposition. Wilfred Rietdijk, Commander of PRT, described the rare and unique moment he was allowed to talk with an Afghan woman. However, during the same conversation, tension rose when discussing a women's education project.<sup>270</sup> As TLO described, 'certain Afghan leaders support women to improve their image rather than out of concern for the position of women'.<sup>271</sup> This often

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<sup>262</sup> K. Homan, 'Militair and wederopbouw: Zo civiel als mogelijk en zo militair als nodig', *Internationale Spectator* 61 (2007) 65.

<sup>263</sup> Groen, *Task Force Uruzgan*, 295.

<sup>264</sup> Interview Maes.

<sup>265</sup> Van Bommel, *Task Force Uruzgan*, 212.

<sup>266</sup> Pasterkamp, *Uruzgan*, 74.

<sup>267</sup> Van Bommel, *Task Force Uruzgan*, 109, 158; Groen, *Task Force Uruzgan*; Interview Georg; Interview Mark; Interview De Haan.

<sup>268</sup> Interview De Haan.

<sup>269</sup> Van Bommel, *Task Force Uruzgan*, 146.

<sup>270</sup> *Ibidem*, 35-36.

<sup>271</sup> TLO, 'The Dutch Engagement in Uruzgan: 2006 to 2010', 24.

resulted in half-hearted initiatives.<sup>272</sup> Also, several Dutch soldiers perceived the facial impressions of women to be frightened. Moreover, they were not allowed to talk with ISAF, some received punishment if they did.<sup>273</sup> Moreover, Major Maes denounced what he considered to be a defective policy: gender projects were only directed at women, while their position is inextricably linked with the perceived roles of men and boys within the Afghan society.<sup>274</sup> The the execution of gender policy, formulated by the Dutch government, thus faced difficulties and did not suffice to improve the situation of women's rights.

Security of Uruzgan was the main priority. This limited the possibilities for generating change in the position of women in Afghan society. As Klep argued, a 'good enough governance' became the criterion, referring to the minimal conditions of governance allowing political and economic development.<sup>275</sup> Subsequently, the Dutch government hoped to trigger cultural alteration.<sup>276</sup> As a result, the commitment to improving the status of women faded into the background. Responsibility for this issue was transferred to the international community.<sup>277</sup>

Afghan President Karzai guaranteed the international community, including Dutch Ministers, to abstain from signing texts contrary to international or to human rights law.<sup>278</sup> However, in the same year of the enactment of EAW, which criminalized rape, Karzai signed a law governing Shia relations that legalized marital rape and allowed for women to be imprisoned in their home, in spite of the international outcry.<sup>279</sup> Moreover, the ideologies of the Taliban, warlords and government officials are strikingly similar.<sup>280</sup>

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<sup>272</sup> Ibidem, 23-24; Groen, *Task Force Uruzgan*, 285, 295.

<sup>273</sup> Groen, *Task Force Uruzgan*, 455, 468; Interview De Haan.

<sup>274</sup> Interview Maes.

<sup>275</sup> Klep, *Uruzgan*, 121.

<sup>276</sup> Kamerbrief ministers van Buitenlandse Zaken en Ontwikkelingssamenwerking, 'Inzake een verzoek over de situatie van vrouwen in Afghanistan', 10 april 2009.

<sup>277</sup> Kamerbrief ministers van Buitenlandse Zaken en Ontwikkelingssamenwerking, 'Inzake een verzoek over de situatie van vrouwen in Afghanistan', 10 april 2009; Kamerbrief ministers van Defensie, Buitenlandse Zaken en Ontwikkelingssamenwerking, 'Inzake tussentijdse evaluatie Nederlandse bijdrage ISAF', 2 september 2009.

<sup>278</sup> Kamerbrief ministers van Defensie, Buitenlandse Zaken en Ontwikkelingssamenwerking, 'Inzake aanvullende informatie Afghanistan', 24 augustus 2007.

<sup>279</sup> Mohammed Ishaq Aloko, Attorney General of the Islamic Republic of Afghanistan, 'Know Your Rights and Duties: The Law on the Elimination of Violence against Women' (2009) 4; Channel 4, 'Women's Rights under Attack in Afghanistan' (version 28 January 2010)

[http://www.channel4.com/news/articles/world/asia\\_pacific/womenaposs+rights+under+attack+in+afghanistan/3518842.html](http://www.channel4.com/news/articles/world/asia_pacific/womenaposs+rights+under+attack+in+afghanistan/3518842.html) (27-11-2017). Shias represent about 10% of the population and have a separate family law based on traditional Shia jurisprudence.

<sup>280</sup> Interview De Haan; Vice, Documentary: 'Afghan Women's Rights & Floating Armories' (2016); Conservative Afghan male parliamentarians are not afraid to speak out about their beliefs. Member of Parliament Nazir Ahmad Hanafi said to Vice reporter, Isobel Yeung, when she asked critical questions about his viewpoints regarding rape, "maybe I should give you to an Afghan man to take your nose off".

Islam and its manifestations in local culture, was depicted by the Dutch government as the cause of the negligence of women's rights.<sup>281</sup> Lieutenant-Colonel Marcel Duvekot, for example, also identified the Islam as primary reason for the situation of women.<sup>282</sup> In Afghanistan, many arguments against the enforcement of women's rights are only acceptable when strictly in accordance with Islam.<sup>283</sup> Moreover, 'in war-torn Afghanistan it is not the Taliban that poses the greatest threat to women – it is their own families'.<sup>284</sup> In the private sphere, violence against women is prevalent. Women have to deal with domestic violence, honor killings, child marriages, forced marriages and polygamy. In the public sphere, women face discriminatory laws, customs and attitudes.<sup>285</sup>

Western forces were also confronted by these HTPs. Invited for a dinner at a warlord's house, Major De Haan met the youngest bride of his host, working in the kitchen. She looked 12 years old.<sup>286</sup> Maaïke encountered in a women's prison two young veiled girls, around the age of 12. Both fled their homes as a result of forced marriage. The girls were incarcerated for their own safety, to prevent honor killings, believed by Afghans to be 'Islamic'.<sup>287</sup> Nearly half of all women in Afghan prisons are being held for moral crimes. Most have been guilty of 'running away', women or girls fled from their husbands and family (-in-law) following domestic abuse, forced marriage or *zina*, meaning sexual intercourse, including rape, by two individuals who are not married to each other.<sup>288</sup> The last distressing scenario, Maaïke was informed of was that the girls were put back on the streets.<sup>289</sup>

Generally, mistreatment of Afghan children generated emotional reactions among Dutch soldiers. 'When something terrible happens to children, you will never forget'.<sup>290</sup> Child casualties, for example, left their marks upon Dutch soldiers.<sup>291</sup> Moreover, Lieutenant-Colonel Duvekot felt disheartened, when seeing young girls serving as a 'pack mule', while their older

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<sup>281</sup> Kamerbrief ministers van Buitenlandse Zaken en Ontwikkelingssamenwerking, 'Inzake een verzoek over de situatie van vrouwen in Afghanistan', 10 april 2009; Klep, *Uruzgan*, 120.

<sup>282</sup> Pasterkamp, *Uruzgan*, 104.

<sup>283</sup> Azam Ahmed and Habib Zahori, 'Despite West's Efforts, Afghan Young Cling to Traditional Ways', *The New York Times*, 31 July 2013.

<sup>284</sup> Al Jazeera, 'Afghanistan: No Country for Women' (version 3 July 2015) <http://www.aljazeera.com/programmes/101east/2015/06/afghanistan-country-women-150630115111987.html> (21-11-2017); Kamerbrief ministers van Buitenlandse Zaken en Ontwikkelingssamenwerking, 'Inzake een verzoek over de situatie van vrouwen in Afghanistan', 10 april 2009.

<sup>285</sup> Al Jazeera, 'Afghanistan: No Country for Women'.

<sup>286</sup> Interview De Haan; the oldest wife occupies a dominant position within a polygamous marriage.

<sup>287</sup> Groen, *Task Force Uruzgan*, 296.

<sup>288</sup> HRW, 'I had to Run Away', 34-36.

<sup>289</sup> Groen, *Task Force Uruzgan*, 296-297.

<sup>290</sup> *Ibidem*, 454.

<sup>291</sup> *Ibidem*, 468; Interview Georg.

brothers fooling around.<sup>292</sup> In Pashtun culture, boys start engaging with the men of the village around the age of six or seven. Meanwhile, girls pick up household chores.<sup>293</sup> Furthermore, precarious living conditions and poverty led to the rough treatment of children. For instance, a child was being punished by her/his father by putting the child's feet in the fire. As a result, the foot had to be amputated.<sup>294</sup> Dutch soldiers were forced to accept these harsh realities of life in Uruzgan. Nevertheless, a sense of powerlessness dominated.

The culture of impunity indicates the existence of a gap between law and its implementation. This is confirmed by several NGO reports describing the prevalent and pervasive (domestic) violence against women: 'practically every Afghan woman will experience it in her lifetime'.<sup>295</sup> Police, prosecutors, and judges have generally taken the defendant's side. These perpetrators, mostly husbands, effectively enjoy impunity from prosecution, under the veil of cultural convictions and corruption.<sup>296</sup> Reporting a case to the police may actually endanger victims. Furthermore, because of the absence of education and the existence of widespread illiteracy, women are not aware about their basic (human) rights and constitutional guarantees and provisions. Lastly, many women do not believe in justice, especially in underdeveloped regions such as Uruzgan: 'capacity and faith in the formal justice system is low'.<sup>297</sup> In other words, a culture of impunity is ruling.

### *Conclusion*

Contrary to the intensive cooperation with the ANSF on an operational level, the interaction between Dutch soldiers and Afghans in the private sphere was onerous. The willingness and ability of Dutch soldiers to empathize with the Afghan population was limited by the systematic abuse the most vulnerable: women and children. *Bacha bazi* and the lack of women's rights demonstrate the Afghan culture functioning as an obstacle to the enjoyment of human rights. The Ministry of Defense acknowledged the abusive nature of *bacha bazi* and the harmful treatment of women, but respected the sovereignty of Afghanistan and Uruzgan's culture. Fighting sexual abuse of children or improving women's rights was not part of the

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<sup>292</sup> Pasterkamp, *Uruzgan*, 104.

<sup>293</sup> Cardinali, *Crossing the Wire*, 172-175.

<sup>294</sup> Groen, *Task Force Uruzgan*, 454.

<sup>295</sup> Global Rights: Partners for Justice, 'Living with Violence: A National Report on Domestic Abuse in Afghanistan' (2008) 1.

<sup>296</sup> HRW, 'I had to Run Away', 2; Global Rights: Partners for Justice, 'Living with Violence: A National Report on Domestic Abuse in Afghanistan'.

<sup>297</sup> TLO, 'The Dutch Engagement in Uruzgan: 2006 to 2010', 37.

mission, despite the rhetoric of Dutch foreign affairs' officials. Dutch soldiers' behavior reflected this mindset: the execution of the mission tasks was the primary priority. To this end, cooperation with the ANSF and the local population was essential. Nevertheless, cultural differences manifested themselves. Knowledge of human rights abuses among the Afghan population often resulted in moral dilemmas for Dutch soldiers.

## Conclusion

Over the last decades, the universality of basic and fundamental human rights was increasingly recognized internationally. This is illustrated by the integration of human rights in numerous states' foreign policy, including that of the Netherlands. However, those rights went unacknowledged during the intervention in Afghanistan. Despite Western and Dutch rhetoric on the importance of human rights, especially those of women, pursuing the improvement of human rights standards was made inferior to security interests.

What this research has shown, is that Dutch soldiers stationed in Uruzgan, too, adhered to this approach. The engagement of Dutch soldiers with the Afghan culture was pragmatic in nature. Soldiers had been taught by the Dutch Ministry of Defense to sideline their Western norms, values and principles during their deployment in Uruzgan. Such cultural training aimed to make the execution of the mission as smooth as possible. Winning the 'hearts and minds' of the Afghan population was crucial to achieve the set goals. This required an attuned and respectful attitude towards Afghan cultural principles.

While the Royal Netherlands Army was internationally known for its respectful and controlled conduct during peace operations and similar military missions, testimonials of Dutch soldiers show that cooperation with the local population and the ANSF was ambiguous. Although, the vast majority of Dutch soldiers enjoyed the interaction with the locals, the perception of making measurable progress was, to a certain extent, absent. Throughout past decades, violence, corruption and poverty have contributed to the survivalist nature of life in the remote Afghan province Uruzgan. Moreover, the lack of governmental structures gave tribal cultures and their leaders free reign in the province. Furthermore, the Afghan way of life was sometimes difficult to comprehend.

During the mission, ambitious Western-inspired ideas of development culminated into reconstruction projects, directed towards enhancing local and provincial governance and establishing economic progress. Such policies were aiming to prompt cultural change. However, many deep-rooted Afghan cultural values remained untouched, including its view on gender. The cultural practice of *bacha bazi* and the general oppression of Afghan women generated anger and disbelief among Dutch soldiers. While they themselves had to behave by internationally set human rights standards, impunity for violations of human rights by the Afghan population and the ANSF was seemingly the Afghan standard. The goal of improving the conditions of Afghan people, in particular of women and girls, underwritten by the Dutch

government in the *Artikel 100-brief*, was half-hearted and was merely rhetoric. Western intervention could not simply spur a change of Afghan cultural mentality.

In addition, this study found that discrimination of women is deeply rooted within Afghan culture and widespread amongst government officials and tribal leaders. In other words, this discriminatory ideology was not specific to the Taliban. Also, *bacha bazi*, one of the most significant violations of human rights in Afghanistan, benefited the Taliban, whereas no specific and elaborated policies to fight this practice were implemented. In context of the War on Terror, eliminating Afghanistan as a disruptive force remained the central objective. Therefore, Dutch soldiers remained focused upon the mission goals.

One of the limitations of this history research paper is, however, the complexity of researching the conflicting cultural values concerning human rights of Dutch soldiers, from a Western academic perspective. It is important to note that the Western understanding of human rights is not worldwide shared and often contested. Another significant factor, is that the colonial past of many Western states, including the Netherlands, complicates participations in interventions or conducting an intervention in general, despite one's motives.

As a result, questions regarding the overall utility of the intervention in Afghanistan remained. Therefore, future study of the effects of cooperation between the Netherlands and the United States is necessary. Prior to the intervention of Afghanistan, the Taliban was designated, mainly by the US, as the 'real evil' threatening human rights, and especially women's, rights. The Netherlands supported its longstanding ally by stabilizing and eradicating terrorism in Uruzgan. However, by doing so, a paradox occurred: fighting the human-right violating Taliban, while the Western Afghan allies themselves were sexually abusing young boys and mistreating women. Besides considering the relations with the US, the moral validity of collaboration with the lesser of two evils in future interventions should be examined. Finally, the security interests of the Netherlands in Afghanistan and the region should be researched, to determine the cohesive position of the Netherlands in the international arena and thereby its motivations, given that interactions driven by norms and values are influential and therefore important. In doing so, theoretical approaches based on International Relations can be applied, such (neo)realism and neoliberalism.

During the military mission of the Royal Netherlands Army in Uruzgan, the government of Afghanistan was primarily responsible for the implementation and enforcement of international human rights. Culturally and morally situations, however, in the interaction with

the alien culture of Uruzgan, emerged. In case of human rights violations committed by Afghan people and allies, Dutch hands were tied. The culture of Afghanistan was protected by its state sovereignty. TFU makes one wonder why the Netherlands should cooperate with 'the lesser of two evils'.

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