

## Afghanistan: New U.S. Administration, New Directions

### I. OVERVIEW

Seven years after the U.S.-led intervention in Afghanistan the country is still at war against extremists and has developed few resilient institutions. A policy review by the Obama administration has reopened debate about how to defeat the forces of violent global jihadism – al-Qaeda and its Taliban protectors – in Afghanistan and in neighbouring Pakistan. In most cases, the ideas on offer – from declaring victory and pulling out, to negotiating with the insurgents, to organising regional conferences, to prioritising relationships with favoured individuals and allies over the development of strong democratic institutions – have been tried at least once in the past two decades, with no success: we know now what not to do.

Knowing what to do, and how to do it, is harder. What is needed in Afghanistan is the creation of a resilient state, which will only emerge if moderate forces and democratic norms are strengthened and robust institutions are built that can uphold and are accountable to the rule of law. Only when citizens perceive the state as legitimate and capable of delivering security, good governance and rule of law will Afghans be able to resist jihadi pressures and overtures. The Afghanistan crisis is the outcome of decades of internal conflict. No short-term solution will resolve the crisis overnight. Time and patience are needed to build the infrastructure and institutions to stabilise the Afghan state and root out the jihadi networks.

While it has made military gains, the Taliban today enjoys little support among an Afghan public tired of war. Its leadership does not command a significant standing army; indeed the Taliban is a disparate network of groups using the name as they pursue different agendas. Disillusionment with both the international community and the state has grown but the vast majority of people remain far more fearful of what would happen if foreign troops were to leave rather than stay. Strengthening popular support and goodwill should be the heart of the counter-insurgency and the creation of a resilient state.

It will be impossible to root out al-Qaeda and other extremist networks without tackling not only the local but also the regional conditions that nurture and sustain them. The Taliban and other jihadis like the Hizb-e Islami and the Haqqani network do not have deep local and popular roots. They are the outgrowth of years of civil war and the Pakistani military's support to Islamist militant groups, dating back to the U.S.-led anti-Soviet jihad during the 1980s. Militant networks in neighbouring Pakistan today spawn new groups that are increasingly focused not only on undermining the new civilian government there, but also on carrying out attacks in neighbouring Afghanistan and India.

The narrow focus on confronting al-Qaeda through counter-terrorism measures often characterised by aggressive military action, arbitrary detentions, indiscriminate raids and house searches in the Pashtun areas of Afghanistan has not only failed to reduce religious extremism, but fuelled local discontent and violence.

### What Should Be Done

#### In Afghanistan

- ❑ *Back representative government:* Any successful and sustainable effort to stabilise Afghanistan rests on the presence of robust, representative and accountable governing institutions, with checks and balances between the executive, legislative and judicial branches. There is need for more democracy, not less. International efforts should strengthen the legitimacy and reach of constitutionally-mandated institutions, not support parallel structures, as well as placing new emphasis on strengthening local government structures for delivery of services. Such an approach is also preferable to relying on the good intentions or promises of chosen individual clients.
- ❑ *Emphasise the rule of law:* There should be an intense new focus on building the institutions to enforce the law, as well as new emphasis on holding officials accountable for any abuse of power, incompetence or illegal actions. Law and order are basic building blocks to ensure state legitimacy and integral to any successful counter-terrorism measures, as well as efforts to combat opium production and

trafficking. U.S. actions must similarly conform to legal norms, including an end to arbitrary detentions. The Obama administration should also have a time-frame for closing the Bagram prison and negotiating a Status of Forces agreement.

- *Expand Afghan oversight and U.S. civilian management of development assistance:* Development efforts must enhance the capacity of Afghan government structures and respect Afghan sovereignty. Additional project funding should be expanded to a range of Afghan agencies, with provisions for careful monitoring and evaluation. At the same time, the U.S. Congress should shift control over assistance funding away from the Defense Department to experienced civilian agencies. USAID's direct-hire staff for Afghanistan should increase.
- *Improve coordination:* Success in Afghanistan requires far more effective coordination by the U.S. not just with the Afghan government, but also with the UN and other nations involved. Formal and informal mechanisms should be developed to ensure a consistency of purpose and effort.
- *Build Afghan army and police:* Training the Afghan army must be a core role for new U.S. troop commitments. The reform of the Ministry of Interior should also be a priority, with greater civilian oversight over police reform. The development of professional security services, under clear civilian command and control, would provide foreign forces their ultimate exit strategy. Emphasis must shift from using the police to fight the insurgency to using it to fight crime and reinforce law and order. Corruption and political appointments are derailing these efforts and must be addressed. Tangible steps include appointing a career police commissioner and establishing community liaison boards.
- *Identify appropriate roles for U.S. security forces:* In addition to helping build the Afghan army and police, the U.S. military should focus on securing and protecting population centres and roads rather than on large-scale sweeps through areas with a limited Afghan institutional presence. The U.S. should also work with Pakistan to secure known crossing points along the border. U.S. Special Forces operations should be brought under the command of the head of ISAF and U.S. Forces in Afghanistan.
- *Respect government advice on use of force:* The Afghan government's appraisals of the sustainability of political and development initiatives should guide the efforts of additional military forces, from training local forces to securing areas. There must be no fighting for fighting's sake. U.S. forces should

severely limit the use of air power, given its potential for significant civilian casualties.

#### In Pakistan

- *Strengthen civilian rule in Pakistan:* By helping to consolidate civilian control over national security policy, U.S. support for Pakistan's democratic transition will help a fragile civilian government, committed to preventing Pakistan's borderlands from being used by al-Qaeda, Afghan insurgents and Pakistani extremists to launch attacks to its region and beyond. It will also empower the civilian leadership to implement its policy preferences. Another direct or indirect military intervention in Pakistan's political governance will, as in the past, only serve to embolden jihadi groups and networks in Pakistan and across the border in Afghanistan.
- *Support political reform in FATA:* The U.S. should support political reform in the Federally Administered Tribal Areas (FATA) and make further economic assistance, including for Reconstruction Opportunity Zones, contingent on such efforts. The U.S. should also respond to a humanitarian crisis by expanding assistance to the hundreds of thousands displaced by the conflict in FATA and Swat. This will help win hearts and minds and deprive the jihadis of a potential pool of recruits.
- *Condition and monitor military assistance:* The U.S. should improve oversight and accountability mechanisms over the disbursement of Coalition Support Funds. It should also condition military assistance on demonstrable steps by the Pakistani military to support the civilian government's efforts to eliminate al-Qaeda command and control and to wind up local and regional jihadi networks countrywide, imposing targeted sanctions in the event of non-compliance.

#### **What Should Not Be Done**

- *Negotiations with jihadi groups, especially from a position of weakness:* While the possibility should not be excluded of identifying and negotiating with Afghan insurgent groups prepared to abandon their jihadi ambitions, lay down arms, and accept the Afghan constitution and rule of law, great caution is appropriate. Numerous peace agreements with jihadi groups and networks, in Pakistan and in Afghanistan, have broken down within months. In each case they have enhanced the power and activities of violent insurgents while doing nothing to build sustainable institutions. While agreement may be reached not to attack Afghan or Pakistani forces, violence then tends to be directed at others, mostly

unarmed civilians, until agreements break down and insurgents once again target security institutions.

- *Focus on generalised regional solutions at this time:* Iran, Pakistan and the Central Asian states will all play a major role in Afghanistan's future, but separate bilateral negotiations are likely to be more immediately productive than attempting a regional package deal brokered by the U.S., which would be difficult to obtain now, and probably have little impact on the ground.
- *Pulling out:* Withdrawing international troops with the threat that any regrouping of jihadis or al-Qaeda can be countered by air power and special forces would simply return the country to the control of jihadis. Air power has not proven successful against insurgents or terrorist bases. Neglect would allow the region to descend into further chaos, as it did in the 1990s.
- *Find the right Pashtun:* Putting in power a tough Pashtun leader to rule with an iron fist would inflame ethnic tensions within Afghanistan, reignite a proxy war among regional powers and return the country to an even worse cycle of violence.
- *Arm the villagers:* Afghanistan is awash with weapons and armed groups. Creating unaccountable local militias – based on false analogies with Iraq – will only worsen ethnic tensions and violence.

## II. THE INSURGENCY AND ITS ROOTS

### A. AFGHANISTAN TODAY

The Taliban<sup>1</sup> holds sway over much of the countryside in the south, east and centre of Afghanistan, and is increasing its presence in the west. It also carries out terror attacks in major population centres.<sup>2</sup> It aims to

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<sup>1</sup>The many networks involved in the insurgency act with varying degrees of allegiance to the Taliban leadership, from its old rival Hizb-e Islami, which appears to have little operational tie-in with the Taliban, to the more closely linked Haqqani network and below this various individual commanders and criminals. The term "Taliban" is, however, the name under which the vast majority of the anti-government violence is committed, and will be used throughout this paper. For previous Crisis Group analysis on the insurgency see Crisis Group Asia Reports N°158, *Taliban Propaganda: Winning the War of Words?*, 24 July 2008; N°123, *Countering Afghanistan's Insurgency: No Quick Fixes*, 2 November 2006; and N°62, *Afghanistan: The Problem of Pashtun Alienation*, 5 August 2003.

<sup>2</sup>The Afghan government says twelve districts out of nearly 400 are completely out of its control while the United Nations

demoralise the Afghan population and wear down the patience of the international community. The insurgents' strategy is not to use indiscriminate violence but rather to prevent citizens from accessing already limited government services, and to target and isolate the international community, the Karzai administration and those associated to them. An increasingly bold focus on disrupting the road network – including the Kabul-Kandahar highway, which was the U.S. flagship project – suggests the insurgents' enhanced strength.

The use of allied, primarily U.S., air power has caused significant civilian casualties, which have in turn highlighted President Karzai's lack of authority over foreign forces, fuelled Taliban propaganda of a "foreign invasion", and produced an upsurge of nationalist and anti-U.S. sentiment.<sup>3</sup> Such tactics are at least partly a result of having too few soldiers on the ground: there are currently 35,000 U.S. troops in Afghanistan, compared to 150,000 in Iraq, a smaller country. As a deputy commander of NATO forces in Afghanistan noted "When you're spread kind of thin, sometimes the cavalry has [to have] wings".<sup>4</sup>

Accounting for around 82 per cent of the world's opium, narcotics production in Afghanistan is both a symptom and driver of the conflict.<sup>5</sup> While nearly all of it is grown in the southern provinces, at the very heart of the insurgency, the general increase of production also denotes the government's failure to tackle many high-level national networks involved, including those with ties to local powerbrokers whom foreign forces accept as allies against the Taliban. Although narcotics financing of the Taliban has received much international attention, it is these links to ostensibly allied powerbrokers that more immediately impede stability, rule of law, and the growth of strong state institutions. Their widespread impunity<sup>6</sup> has pro-

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Department of Safety and Security (UNDSS) assesses some 90 districts as extremely risky in terms of humanitarian access. "The situation in Afghanistan and its implications for international peace and security" (A/63/372-S/2008/617), 23 September 2008, p. 6.

<sup>3</sup>In the first nine months of 2008, 2,983 bombs were dropped, up from 2,764 during the same period the previous year. Jim Michaels, "Airstrikes in Afghanistan increase 31 per cent", *USA Today*, 5 November 2008.

<sup>4</sup>Michaels, op. cit.

<sup>5</sup>This is a 2007 statistic, with the 2008 figure not yet available. "Afghanistan Opium Survey 2008", Executive Summary, United Nations Office on Drugs and Crime (UNODC), August 2008, p. 1.

<sup>6</sup>There have been some high profile cases in the U.S., with four Afghan "drug lords" now jailed: Haji Bashir Noorzai, Mohammad Essa, Khan Mohammad and Haji Juma Khan. Thomas Schweich, "Obama's Men in Afghanistan", *Globe*

voked enormous local discontent, as poppy eradication policies seem targeted only at the poor.

There are some positive developments. A new currency has proved relatively stable. Millions of refugees have returned, including many to Kabul, although challenging its absorption capacity. Restrictions on women and girls in the capital have eased, marked by the significant number of female students returning to school.<sup>7</sup> Nevertheless, government institutions and foreign compounds are blocked off by razor wire, sandbags, roadblocks and security checks, isolating them from the population. Furthermore, with deteriorating security, the gains made in basic services such as health and education are increasingly at risk.<sup>8</sup>

## B. HOW DID IT GET TO THIS?

The U.S.-led forces ousted the Taliban rapidly and at little cost, in part by paying Afghan commanders to enlist militias against the Taliban and its supporters. These commanders included some of the most hated figures in the country. Subsequently, the international community stationed only 4,500 peacekeepers – all in Kabul – in 2002, at a time when more than 25,000 were needed in the major regional centres.<sup>9</sup> Potential spoilers were co-opted rather than challenged, in the belief that they could provide support to U.S. troops deployed on

a separate mission against al-Qaeda.<sup>10</sup> In many instances, those troops were given bad information from Afghan commanders who prioritised their own local power struggles over fighting the global jihadis. Heavy-handed raids in the Pashtun-majority south and east, and reports of prisoner abuses in American detention centres, further fuelled retaliatory violence and helped draw recruits to the reconstituting Taliban.<sup>11</sup>

Political engagement in Afghanistan was similarly premised on a “light footprint” partly out of a misapprehension that Afghans would not accept a heavy foreign presence. The United Nations Assistance Mission to Afghanistan (UNAMA) held only advisory status, while at the December 2001 Bonn Conference,<sup>12</sup> convened to map the political transition, ministries were distributed as war booty, with smaller democratic groups actively excluded.<sup>13</sup> The Bonn Agreement mandated two Loya Jirgas (Grand Councils) to choose a transitional administration and frame a constitution. After much work to elect representatives for the first, all provincial governors – many of them unreformed warlords – were subsequently given seats of honour, thus squandering an opportunity to marginalise them.<sup>14</sup>

A centralised winner-take-all presidential system, with a limited role for political parties, was promoted by President Karzai and then U.S. Ambassador Zalmay Khalilzad. It prevented the emergence of robust and representative political competition.<sup>15</sup> Local level (district, village and municipal) councils, mandated under

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*and Mail*, 14 February 2009. In Afghanistan, however, nine metric tonnes of opium were found in the office of the governor of Helmand, Sher Mohammad Akhundzada. “Statement of The Honorable Karen P. Tandy, Administrator Drug Enforcement Administration”, Committee on Armed Services U.S. House of Representatives, 28 June 2006, p. 6. Although later removed at international insistence, Akhundzada was appointed by President Karzai to the Senate.

<sup>7</sup>In 2005 it was estimated that some 1,500,000 girls were back in primary school and 150,000 in secondary school. “Afghanistan Human Development Report”, Centre for Policy and Human Development, p. 161. Ongoing – and reliable – statistics are hard to find, but Afghan government figures for 2007-2008 showed 5,675,951 children in “general education”, 35 per cent of these female. Afghan Statistical Yearbook (2007-2008), p. 32.

<sup>8</sup>At the 2008 National Assembly opening, President Karzai said 300,000 schoolchildren in the south were forced to stay at home by the rising violence, a 50 per cent increase in a year. “Afghan strife keeps children home”, BBC News, 21 January 2008.

<sup>9</sup>See Crisis Group Asia Briefing N°13, *Securing Afghanistan: The Need for More International Action*, 15 March 2002. For more detail on internal debate over expansion of the UN-mandated, NATO-led International Security Assistance Force (ISAF), which is commanded by a U.S. general, see also Amb. James Dobbins, *After the Taliban: Nation-Building in Afghanistan* (Washington, 2008), pp. 125-130.

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<sup>10</sup>A year after combat operations began in late 2001, Operation Enduring Freedom had 14,000 troops from 27 countries. See “Operation Enduring Freedom: One Year of Accomplishments”, at [www.whitehouse.gov/infocus/defense/enduringfreedom.html](http://www.whitehouse.gov/infocus/defense/enduringfreedom.html).

<sup>11</sup>See Crisis Group Report, *Afghanistan: The Problem of Pashtun Alienation*, op. cit.

<sup>12</sup>The UN Talks on Afghanistan took place from 27 November 2001 to 5 December 2001 in Bonn and resulted in the Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions, otherwise known as the Bonn Agreement.

<sup>13</sup>Thomas Ruttig, “Islamists, Leftists – and a Void in the Center: Afghanistan’s political parties and where they come from (1902-2006)”, Konrad-Adenauer-Stiftung, 27 November 2006, p. 17.

<sup>14</sup>Crisis Group Asia Briefing N°19, *The Afghan Transitional Administration: Prospects and Perils*, 30 July 2002. For more on the second Loya Jirga see Crisis Group Asia Report N°56, *Afghanistan’s Flawed Constitutional Process*, 12 June 2003; and Crisis Group Asia Briefing N°29, *Afghanistan: The Constitutional Loya Jirga*, 12 December 2003.

<sup>15</sup>See Crisis Group Asia Briefing N°39, *Political Parties in Afghanistan*, 2 June 2005; and Crisis Group Asia Report N°101, *Afghanistan Elections: Endgame or New Beginning?*, 21 July 2005. Party symbols did not even appear on the ballot paper.

the constitution, were never elected, while provincial councils received so little power as to be virtually meaningless. Instead, a patronage-based system saw some of the most notorious figures in several regions appointed as governors, police chiefs and other prominent officials, with no accountability other than to the presidential palace.

This political set-up has effectively disenfranchised many communities, and allowed few avenues of legitimate political expression at the local level.<sup>16</sup> Vital political reforms have lagged, including a census, civil service reform and judicial reform.<sup>17</sup> While President George Bush spoke of a Marshall Plan for Afghanistan,<sup>18</sup> his administration allocated minimal resources to this end as it shifted its attention to Iraq.<sup>19</sup> Having initially raised the Afghan people's expectations, the international community's failure to provide services and stability, through functioning government institutions, caused all the more public disillusionment. The only institution to receive consistent attention and comprehensive reform was the Afghan National Army (ANA), and even there results were slow.<sup>20</sup>

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<sup>16</sup>For a description of how tribal allegiances have been brought into the official government appointments process, with favoured groups receiving a disproportionate share, see Crisis Group Report, *Afghanistan: The Problem of Pashtun Alienation*, op. cit.

<sup>17</sup>See Crisis Group Asia Report N°45, *Afghanistan: Judicial Reform and Transitional Justice*, 28 January 2003.

<sup>18</sup>President Bush said: "Marshall knew that our military victory in World War II had to be followed by a moral victory that resulted in better lives for individual human beings". He correctly noted that: "Peace will be achieved by helping Afghanistan develop its own stable government. Peace will be achieved by helping Afghanistan train and develop its own national army. And peace will be achieved through an education system for boys and girls which works". See James Dao, "A nation challenged: Bush sets role for U.S. in Afghan rebuilding", *The New York Times*, 18 April 2002.

<sup>19</sup>For a comparison of the resourcing of Iraq and Afghanistan, see Anthony H. Cordesman, "Follow the Money: Why The U.S. Is Losing the War in Afghanistan", Centre for Strategic and International Studies (CSIS), 22 September 2008.

<sup>20</sup>In 2002 various aspects of security sector reform were divided up between donor nations to lead reform efforts, with the U.S. taking the ANA, the Germans the Afghan National Police (ANP), the Japanese disarmament, the British counter-narcotics, and the Italians the justice sector. This was supposed to encourage ownership and oversight but instead led to a lack of coordination between interlocking sectors as well as a disparity of resources.

Across the border, Pakistan's military regime continued its pre-11 September 2001 policies.<sup>21</sup> Reacting to the irredentist claims of successive Afghan governments on its Pashtun belt,<sup>22</sup> Pakistan had long covertly supported Islamist Pashtun proxies, including the Taliban, to extend its influence in Afghanistan. To counter its moderate secular opposition, the Musharraf regime empowered Islamist parties, such as the Jamaat-i-Islami and Fazlur Rehman's Jamiat Ulema-e-Islam (JUI-F). With JUI-F support, the Taliban was able to recruit from Deobandi madrasas and regroup, reorganise and rearm in the border provinces of Balochistan and NWFP. Al-Qaeda, too, shifted its centre of operations to Pakistan, strengthening links between local, regional and global jihadis.<sup>23</sup>

Even as cross-border incursions into Afghanistan became undeniable, and the Musharraf government concluded peace accords with the Pakistani Taliban, the U.S. remained reluctant to pressure its Pakistani ally. The U.S. was seemingly convinced that turning a blind eye to the military's acceptance of jihadi groups, and their recruiting and training centres on Pakistani soil, was the price it had to pay to obtain Islamabad's cooperation against al-Qaeda. Instead, it highlighted Iran's alleged role in Afghanistan's increasing instability. While Tehran had proved very helpful at Bonn,<sup>24</sup> the U.S. excluded it from regional efforts at building peace rather than pursuing cooperation, or at least allowing the new Afghan government a separate relationship with its western neighbour.

### III. PRIORITIES IN STABILISING AFGHANISTAN

While countering the jihadi threat requires the use of force, relying on military means alone will prove counterproductive. By also helping to strengthen state legitimacy and capacity, the U.S. can defeat the jihadis and devise an exit strategy in Afghanistan. A state that can guarantee security and functioning institutions able to

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<sup>21</sup>See Crisis Group Asia Reports N°49, *Pakistan: The Mullahs and the Military*, 20 March 2003; and N°73, *Unfulfilled Promises: Pakistan's Failure to Tackle Extremism*, 16 January 2004.

<sup>22</sup>The Durand Line, the border essentially laid down by the British in an 1893 treaty, split the Pashtun ethnic group between Afghanistan and British India. Afghanistan has refused to recognise this border with what is now Pakistan.

<sup>23</sup>See Crisis Group Asia Report N°125, *Pakistan's Tribal Areas: Appeasing the Militants*, 11 December 2006; and Crisis Group Asia Briefing N°69, *Pakistan: The Forgotten Conflict in Balochistan*, 22 October 2007.

<sup>24</sup>Dobbins, op. cit., pp. 74-92.

provide basic services would bolster the standing of the moderate majority and dry up jihadi recruitment pools. The inter-related goals of long-term stability and state legitimacy will also depend on the Afghan government's ability to tackle broad and often valid grievances within the framework of the current constitution.

The U.S. must not embark on a premature dialogue with the Taliban in the misguided belief that this would help stabilise the state and ensure an orderly withdrawal of foreign forces.<sup>25</sup> While the Taliban are a disparate network of groups using the name as they pursue different agendas, there is an absolutist Taliban leadership fighting for power, not merely representation in the cabinet, parliament or provincial administrations. Its demand for the withdrawal of foreign troops, if met, would only return the country to civil war, ceding further ground to transnational, regional and local jihadis.

Under this leadership, conducting much of the actual fighting are disparate networks and commanders, of varying degrees of affiliation, motivated by different grievances and rivalries. Attempts at appeasement at any level would give vulnerable Afghan populations little incentive to stand up to the insurgents, especially if they believe that the insurgents have the upper hand. Any compromise with religious extremists will also send a message not just within Afghanistan but also across the border to violent extremists in Pakistan that terror pays dividends. And negotiating with the Taliban from a position of weakness would make long-term political solutions all the more elusive. To the extent it is possible to identify Afghan insurgent groups prepared to abandon their jihadi ambitions, lay down arms, and accept the constitution and rule of law, the possibility of negotiations with them should not be excluded, but any such dialogue should be approached with great caution.

## A. CHANGING REGIONAL EQUATIONS

### 1. Pakistan

Long-term peace will depend equally on Afghanistan's neighbours.<sup>26</sup> The Pakistani military has fuelled decades of conflict in Afghanistan, supporting one Islamist faction after another for decades, motivated by the desire to have an ally in power in Kabul. Civilian governments in Pakistan are far more aware that a stable Afghanistan would help stabilise Pakistan's troubled borderlands. Strengthening civilian rule in Pakistan is vital to achieving regional stability and success in Afghanistan. President Karzai and his Pakistani counterpart Asif Ali Zardari have endorsed peace between their neighbouring states. The Pakistan Peoples Party (PPP)-led government in Islamabad has committed to preventing the borderlands from being used by al-Qaeda, Afghan insurgents and Pakistani extremists to launch attacks on its region and beyond. The PPP government can, however, only implement its policy preferences if civilian rule is consolidated. Another direct or indirect military intervention into government will, as in the past, only serve to embolden jihadi groups and networks. Many of them, including those responsible for the November 2008 Mumbai attacks, have flourished under military patronage, and have established a close working relationship with al-Qaeda, the Pakistani Taliban and their Afghan counterparts.

The U.S. should urge the Pakistan government to implement its pledge to incorporate FATA<sup>27</sup> into the state and constitutional framework, depriving the jihadis of a safe haven in what has, for all practical purposes, become a no-man's land. The region's seven agencies (districts) would then fall under the executive control of the province and jurisdiction of the regular provincial and national court system. The region would also have representation in the provincial assembly. The PPP government should also implement its pledge to extend the Political Parties Act to FATA, thereby empowering moderate forces and voices. Acknowledging that political reform is integral to stabilising FATA, the U.S. should make further economic assistance to Pakistan's western borderlands, including the

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<sup>25</sup> See former EU Special Representative Francesc Vendrell's interview on negotiations in Ron Moreau, "A complicated picture: talking to the Taliban is not as simple as it sounds", *Newsweek*, 25 October 2008; also see Crisis Group Report, *Countering Afghanistan's Insurgency*, op. cit.

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<sup>26</sup> The Obama administration, and its special representative Richard Holbrooke, have recently adopted the expression, "AfPak", to highlight the inextricable linkages between developments in these two countries.

<sup>27</sup> FATA consists of seven administrative districts—Bajaur, Khyber, Kurram, Mohmand, Orakzai, South Waziristan and North Waziristan. It also includes tribal areas adjoining the Peshawar, Kohat, Bannu and Dera Ismail Khan districts of the Northwest Frontier Province (NWFP).

establishment of Reconstruction Opportunity Zones, contingent on such efforts.

The U.S. should strongly urge the Pakistani military to refrain from entering into peace deals with militants in FATA or in NWFP's settled districts like Swat,<sup>28</sup> and against arming and supporting any Pakistani insurgent group or tribal militia. In the absence of reliable intelligence, to minimise the chances of civilian casualties, the U.S. must itself carefully calibrate unilateral cross-border missile strikes. To win hearts and minds, to respond to a humanitarian crisis and to deprive the jihadis of a potential pool of recruits, the U.S. should also expand assistance to the hundreds of thousands of civilians displaced by the conflict in FATA and Swat.

The U.S. should improve oversight and accountability mechanisms to monitor the disbursement of Coalition Support Funds and condition military assistance on demonstrable steps by the Pakistani military to support the civilian government's efforts to eliminate al-Qaeda command and control and to wind up local and regional jihadi networks countrywide. Should the Pakistani military fail to respond positively, as a last resort, the U.S. should consider targeted and incremental sanctions, including travel and visa bans and the freezing of financial assets of key military leaders and military-controlled intelligence agencies.

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<sup>28</sup> The Swat deal between NWFP's provincial government and the Tehreek Nifaz-e-Shariat-e-Mohammadi (TNSM), a militant Sunni organisation, centres on the imposition of a Taliban-inspired version of sharia (Islamic law), unfamiliar to the region, where the vast majority, as witnessed in the 2008 elections, supports moderate parties. The deal also includes the removal of all military checkpoints and the militants' monitoring of military movements, including the supply of rations to troops, the release of all militants, including those responsible for such acts of violence as public executions and rape, and severe restrictions on the social and economic mobility of women. Pakistani Ambassador to the U.S. Hussain Haqqani and other officials defended the deal as a means of restoring peace in the region and permitting the opening of girls' schools there. But most independent analysts have warned that the deal will likely provide only a temporary respite from violence and risks empowering radical leaders like TNSM chief Sufi Muhammad, who signed the deal with the NWFP government. Sufi Muhammad recently stated that, "From the very beginning, I have viewed democracy as a system imposed on us by the infidels. Islam does not allow democracy or elections." See, for example, "Shariah in Swat", *The News*, 17 February 2009, and "Sufi wants Islamic rule worldwide", *Daily Times*, 18 February 2009.

## 2. Other regional actors

Iran has pursued a multi-pronged approach including public assistance to the Karzai administration and development initiatives particularly in the west of the country;<sup>29</sup> support to the Northern Alliance (Karzai's opposition), its traditional non-Pashtun, anti-Taliban allies as well as the minority Shia community;<sup>30</sup> and possibly covert support to the Taliban, not out of a desire to see them win but to ensure that U.S. forces remain mired in the region.<sup>31</sup> Dialogue between Washington and Tehran is essential to ensuring that Iran does not feel threatened by the presence of U.S. troops in Afghanistan, that it plays a responsible role in stabilising Afghanistan, and that its relationship with its Afghan neighbour is not impeded by third parties.

Unresolved issues like refugee returns, transport, trade and narcotics smuggling feed conflict and are best addressed through a sustained dialogue between the concerned actors – Afghanistan, Pakistan and Iran – rather than one-time solutions such as regional conferences. The major regional powers, China and Russia, much as they may seem to benefit from U.S. setbacks, have little interest in an unstable neighbour. India as well has a constructive role to play, especially in assisting the delivery of services in health care, education, power generation and other infrastructure.

Seeking a regional "grand bargain" distracts from core regional concerns that are more often driven by bilateral differences and problems of governance. While it is worth considering new, more formal coordination mechanisms in the future, a regional package deal brokered by the U.S. would be difficult to obtain now and would probably have little impact on the ground. Separate bilateral negotiations are likely to be more immediately productive.

## B. REPRESENTATIVE GOVERNMENT

The U.S. must understand the integral relationship between issues of governance and security. Seven years after the U.S.-led intervention, the international community has failed to support the building of a political system that is representative and responsive to the elec-

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<sup>29</sup> According to Iranian government figures up to March 2008, Iran had disbursed some \$302 million. "Iran and Reconstruction of Afghanistan 2001-2008", Ministry of Foreign Affairs of the Islamic Republic of Iran, undated, 2008.

<sup>30</sup> See Pamela Constable, "Afghan Shiites embrace new acceptance", *Washington Post*, 4 January 2009.

<sup>31</sup> See for instance Brian Bennett, "Iran raises the heat in Afghanistan", *Time*, 22 February 2008.

torate's concerns. The winner-take-all presidential system is not appropriate for a post-conflict country with such deep ethnic, linguistic, sectarian and regional divides. The absence of any significant role for political parties in the electoral law has further hampered progress towards issues-based politics and, together with weak vetting before the 2005 National Assembly elections, has favoured old mujahidin networks over fresh, moderate voices.

The new Independent Directorate of Local Governance (IDLG) established, amid great expectations, the Afghan Social Outreach Program (ASOP) to create short-term selected councils in priority areas. However, such centralised control of council appointments may simply reinforce central government patronage rather than meet the stated aim of encouraging grassroots representation and outreach.

Provincial governors, who are not even mentioned in the constitution, should be elected rather than appointed by the president to ensure greater accountability. The constitutionally mandated elections for local bodies, starting with the municipalities, should also be held. Political appointments, where they are to continue, must involve far greater consultation, and all appointees must be held accountable for any abuse of power, incompetence or illegal action. Indeed a demonstrable will to tackle corruption is essential to restoring public confidence in government.

Power should also devolve to the regions to the extent currently allowed under the constitution in order to improve decision-making and service delivery at a local level.<sup>32</sup> If local administrations are to be effective, there must be a major new commitment to the civil service to ensure the skills and systems to turn plans into action.

The National Assembly, meanwhile, must amend the electoral law to enhance the role of political parties before the scheduled 2010 parliamentary elections. The executive must also focus on creating a more meaningful relationship with the legislature, which despite its faults is a representative body where national debate should be taking place, including over the fair distribution of resources.<sup>33</sup> The Karzai administration and international donors much too often bypass the legislature's oversight mandate to speed up development efforts.

There is an ongoing debate on changing the balance of power between the executive and legislative branches, or replacing the presidential system with a parliamentary one, and transferring more powers to the regions. Reopening debate about the basic constitutional framework, some fear, would only lead to further disputes and deadlocks, but such a decision should be left to Afghanistan's elected representatives.

### C. THE RULE OF LAW

Law enforcement is one of the most effective ways of countering insurgencies, and should be the target of intense new efforts. Protecting citizens from crime is a basic building block of state legitimacy. The police have a primary role in combating terrorism, with responsibility over investigations, identification of potential suicide bombers, arrests and detentions, house searches and search-and-seizure operations. To be fully effective in such roles, the police must be part of an integrated system, which includes courts and prisons.

Police reform in Afghanistan has received more international attention in recent years than ever before. Such efforts have, however, too often focused on training and equipping the ANP as an auxiliary security force rather than clearly defining and strengthening its role in fighting crime and upholding the law (see below). Additional problems have been associated with a failure to coordinate the various reform support programs of the foreign donors; the EU not providing adequate resources and personnel, despite its nominal lead role; and an absence of political will in Kabul or foreign capitals to take on corrupt powerbrokers impeding reform.

The ministry of interior, which oversees the law enforcement apparatus, has become "the locus of interactions between state institutions and criminal interests".<sup>34</sup> Meanwhile, the apparent increase in crime in the major population centres of Kabul, Herat and Kandahar, including kidnapping of high-profile businessmen, encourages business flight and helps the Taliban portray its regime in the 1990s as one of relative law and order.

The rest of the justice sector lags even further behind. There is increasing disillusionment as crimes go unpunished and courts are unable to impartially adjudicate even civil cases, such as those over land, a primary

<sup>32</sup> See for instance "Service Delivery and Governance at the Sub-National Level in Afghanistan", World Bank, July 2007.

<sup>33</sup> See Crisis Group Asia Report N°116, *Afghanistan's New Legislature: Making Democracy Work*, 15 May 2006.

<sup>34</sup> Doris Buddenberg and William A. Byrd (eds.), "Afghanistan's Drug Industry: Structure, Functioning, Dynamics and Implications for Counter-Narcotics Policy", United Nations Office on Drugs and Crime and the World Bank, 2006, p. 198.

source of dispute in Afghanistan.<sup>35</sup> Without recourse to legitimate state institutions, including courts, many Afghans are likely to have no choice but to accept the Taliban's rough justice.

Following the 2001 intervention, justice was deemed a "luxury" for a devastated country. Powerful international actors, including the U.S., viewed action against predatory powerbrokers as too destabilising, which fuelled criminality. Ignoring abuses by influential figures since 2001 – let alone establishing transitional justice mechanisms to address crimes before then – has encouraged widespread impunity. The treatment of Taliban prisoners and reprisal attacks on Pashtun communities in the north in the invasion's aftermath, for instance, were not addressed.

The U.S. has lost much credibility and moral authority with the reports of prisoner abuses in Guantanamo Bay, and its larger facility in Afghanistan at Bagram airbase. Having often turned a blind eye to the actions of notorious allies, the U.S. also has little standing when it blames the Karzai administration for unchecked corruption. The U.S. must end the practice of differentiating between "anti-terrorism" and wider state-building efforts, since this policy has spawned the very conditions that allow extremism to flourish.

The rule of law also means addressing the growing opium production and trafficking problem. While a few top-level drug dealers have been brought to justice in the U.S.,<sup>36</sup> international actors continue to turn a blind eye to the involvement of favoured individuals in trafficking, undermining any real progress in countering the drug trade and highlighting to the population that some people are considered above the law. The head of UNODC noted: "[T]he acceptance of opium trafficking by foreign military forces as a way to extract intelligence information and occasional military support in operations against the Taliban and Al Qaeda undermines stabilisation efforts".<sup>37</sup>

Political will from the international community and the Afghan government to halt trafficking and prosecute officials and other individuals involved is the prerequisite to any successful attack on the drug trade. Law enforcement has to be the number one priority, com-

binced with a far more intensive effort at undermining the financial lure of drug traffickers by offering farmers credit, fertiliser and guaranteed purchase of their licit crop at harvest – part of a nationwide rural development plan. The new willingness of ISAF and the U.S. military – if rhetoric is followed by action – to offer intelligence and back up Afghan law enforcement in taking down labs and rolling up drug convoys also could make an impact on the trade.

#### D. SECURING CITIZENS

U.S. policy must emphasise the crucial role of preparing local security forces, both as a vital state organ and the key to an ultimate exit strategy for U.S. troops. The ANA, built through U.S. efforts, has been depicted as a fledgling success, and has received more resources and attention than any other institution. Yet longer-term threats to internal stability have emerged from the policy of building the military at a substantially faster pace than the civilian institutions to oversee it.

Public perceptions of security are the ultimate measures of success or failure in an insurgency. While the ANA has received significant training and support in operations, the ANP have been left to fight on the ground as an auxiliary force. The absence of a more clearly defined role, along with a sheer lack of necessary personnel, has led to significant police failures. For example, while police have been used to fire rockets at insurgents in Panjwayi, a district on the outskirts of Kandahar, 1,000 prisoners escaped unchallenged in a Taliban-led breakout in the city in June 2008, an incident that severely damaged government credibility. The different roles of security sector agencies, including local intelligence agencies, must be clearly defined by the Afghan National Security Council in its National Internal Security Strategy. A draft of this strategy was prepared in 2006, but has still not been finalised even as the ANA and ANP's size has been expanded.

The new, more paramilitary-style Afghan National Civil Order Police (ANCOP) has reportedly been more successful, and its expansion should be considered – but closely linked to local police on the ground to avoid the two forces working at cross purposes. Current proposals to mobilise and arm local Pashtun groups should, however, be discarded. A country awash with guns – and men who know how to use them – needs more accountability and institutionalisation, not armed factions in state uniforms. Providing weapons for one ethnic group, while asking another to disarm, may well lead to an internal arms race. The failure of the 2006 Afghan National Auxiliary Police program, in

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<sup>35</sup> Matt Waldman, "Community Peacebuilding in Afghanistan: The Case for a National Strategy", Oxfam, 28 February 2008. Land was the primary source of dispute for 50 per cent of 500 surveyed. See also See Crisis Group Asia Report N°64, *Peacebuilding in Afghanistan*, 29 September 2003.

<sup>36</sup> See fn. 6.

<sup>37</sup> Antonio Maria Costa, "Afghanistan Opium Survey 2007", UNODC, preface, p. v.

which 10,000 men were to be given weapons and uniforms, serves as warning against arming militias.<sup>38</sup> Instead of resorting to such quick fixes, police reform should be at the heart of local and international efforts if the insurgency is to be effectively countered.

#### IV. U.S. ROLE

The United States remains the dominant international player in the region, bringing significant military, economic and political resources and clout. Altogether the U.S. has pledged some \$21 billion in security assistance and \$11 billion of reconstruction and humanitarian assistance in Afghanistan over the last seven years.<sup>39</sup> The U.S. has also devoted tremendous military resources as the main troop contributor to Afghanistan, with some 24,900 of the 56,400 ISAF personnel, in addition to thousands of troops involved in training the Afghan National Army and Police and separate counter-terrorism forces. An American general heads ISAF and the U.S. has the lead in Regional Command-East, bordering on Pakistan, along with twelve Provincial Reconstruction Teams (PRTs).

It is welcome that Afghanistan is high on President Obama's foreign policy agenda, as evidenced in the early appointment of Richard Holbrooke as special representative for Afghanistan and Pakistan. Current strategic reviews will hopefully be informed by the very highest levels of government, in addition to key members of Congress, and not just driven by the U.S. military. The Central Command (CENTCOM) review of U.S. policy towards Afghanistan, the first to be finalised, should feed into President Obama's policy but only in the context of a civilian-led framework.

Some immediate steps to improve U.S. standing in Afghanistan should include a timetable for the closing of the Bagram prison, and the beginning of negotiations for a Status of Forces agreement. Bearing in mind the priorities discussed above, the U.S. must aim its policies towards reinforcing the principles of civilian supremacy; security; institutional development; and greater coordination within the international community. U.S. policy has too often prioritised short-term

stability over demands for accountability of its favoured allies in Afghanistan and Pakistan. In seeking change, the new administration must focus on supporting legitimate civilian institutions across the region.

#### A. CIVILIANS TO THE FORE

In the absence of robust, flexible civilian approaches to fragile states in recent years, the Pentagon has expanded into many areas that are traditionally the domain of civilian agencies. The Department of Defense (DOD) has now designated global stability operations as "a core U.S. military mission ... given priority comparable to combat operations",<sup>40</sup> stretching traditional concepts of security. The military has assumed an increasing number of tasks: between 2002 and 2005, globally the share of U.S. official development assistance channelled through the Pentagon budget increased by some \$5 billion, from 5.6 per cent to 21.7 per cent.<sup>41</sup> There has, however, not been a corresponding rethink within and among civilian agencies, nor a clear division of roles and responsibilities. For example, in the absence of any one U.S. agency holding principal responsibility for police reform assistance abroad, this task in Afghanistan has largely fallen to the DOD, resulting in the current military-oriented focus of these efforts. This is an area requiring much greater civilian oversight, including enhanced monitoring of weapons distributed,<sup>42</sup> many of which have likely fallen into Taliban hands.

The Commanders' Emergency Response Program (CERP), with funding of around \$200 million in both 2006 and 2007 and more than double that in 2008, has been one of the most visible sources of U.S. aid in the regions.<sup>43</sup> Under this flexible funding arrangement, "it is not uncommon for an army captain or major to have wide latitude in directing tens of thousands of dollars in assistance funds to projects of their choosing while a USAID program officer has to navigate a Byzantine bureaucracy in the field and in Washington to allocate

<sup>38</sup> See Crisis Group Asia Report N°138, *Reforming Afghanistan's Police*, 30 August 2007, p. 13. For more recent analysis on policing see Asia Briefing N°85, *Policing in Afghanistan: Still Searching for a Strategy*, 18 December 2008.

<sup>39</sup> "Quarterly Report to the United States Congress", Special Inspector General for Afghanistan Reconstruction, First Report, 30 October 2008, p. 21 (Table 3). This report (p. 1) estimated all other countries had provided some \$25 billion.

<sup>40</sup> Department of Defense Directive 3000.05, November 2005.

<sup>41</sup> Stewart Patrick and Kaysie Brown, "The Pentagon and Global Development: Making Sense of the DoD's Expanding Role", Center for Global Development, November 2007, p. 1.

<sup>42</sup> "Afghanistan Security: Lack of Systematic Tracking Raises Significant Accountability Concerns about Weapons Provided to Afghan National Security Forces", U.S. Government Accountability Office (GAO), 30 January 2009.

<sup>43</sup> "Quarterly Report to the United States Congress", Special Inspector General for Afghanistan Reconstruction, op. cit., p. 39. It said \$479 million was allocated in 2008 for CERP funding in Afghanistan.

a similar sum".<sup>44</sup> Congress must shift control over assistance funding away from the Defense Department to experienced civilian agencies.

## B. SECURITY NOT SWEEPS

Troop reinforcements, while needed, are no panacea. Where they produce violence and result in civilian casualties, they risk inflaming the security situation even further by enhancing the insurgents' public appeal. Besides the immediate and essential task of ensuring security until Afghan national institutions can take over, the U.S. should use additional military resources to train and mentor the ANA. Even before the decision to increase the size of the ANA, foreign mentors were in short supply.<sup>45</sup> They must now be accorded top priority in building the Afghan security apparatus, which can then take over the role of countering the insurgency, and thus provide the U.S. with a longer-term and viable exit strategy.

U.S. security forces must also focus on securing and protecting population centres and roads rather than on large-scale sweeps through areas with a limited Afghan institutional presence. While such sweeps may temporarily disrupt some insurgent networks, their effectiveness is limited against an enemy that can disperse or disappear into the civilian population. Areas that are not permanently secured provide propaganda victories to the insurgents who, when they return, may retaliate against the local populace. The military presence and objectives in any given area should also be determined by the Kabul government's appraisals on the sustainability of political and development initiatives. Currently, it is often the other way around, with military forces "securing" an area and then demanding a civilian set-up.

Complaints about the actions of U.S. Special Forces, particularly night raids, come not just from the population, but also from other American units stationed in areas where apparently uncoordinated raids have caused

much public resentment.<sup>46</sup> These operations should be brought under the command of General David McKiernan, commander both of ISAF and U.S. Forces in Afghanistan. U.S. forces should severely limit the use of air power, with its potential for significant civilian casualties. Winning hearts and minds should take priority over killing insurgents who are easily replaced from a vast recruitment pool.

Securing known crossing points along the border with Pakistan, and taking timely action on intelligence regarding cross-border infiltration, will no doubt be productive, but only if complemented by concerted U.S. pressure to ensure that the Pakistani military does not continue to turn a blind eye to the activities of insurgent groups, operating, recruiting, rearming and fundraising in Pakistani territory.<sup>47</sup> While these sanctuaries exist, no amount of effort to curb cross-border attacks can prove successful.

## C. INSTITUTIONS NOT INDIVIDUALS

Although there is growing disillusionment over President Karzai's indecisiveness and unwillingness to transcend narrow political interests, the U.S. must refrain from simply searching for a substitute figure. Indeed, relying on individual leaders is a mistake the U.S. can ill afford to repeat. With presidential elections due in 2009 and parliamentary polls planned for 2010, the U.S. must support fair electoral processes rather than attempt, or be seen as attempting, to pick the winner.

U.S. officials would also be better served by engaging diverse Afghan institutions rather than an almost exclusive focus on the presidency. They should also ensure sustainable systems for the delivery of services to ordinary Afghans rather than establishing parallel processes. Since this is not solely a bilateral effort, it will therefore require far more effective coordination with the Afghan government, UN and other nations involved. Indeed, the U.S. has frequently called for greater UN lead on coordinating international efforts. It must now ensure that it includes and engages effectively with the UN in such efforts, including identifying a lead role for the United Nations Assistance Mission in Afghanistan (UNAMA) when possible and appropriate.

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<sup>44</sup>Reuben E. Brigety, "Humanity as a Weapon of War: Sustainable Security and the Role of the U.S. Military", Center for American Progress, June 2008, p. 13.

<sup>45</sup>As of November 2008 U.S. ETT (Embedded Training Teams) require an estimated 2,225 personnel with only 1,138 assigned. Furthermore, as of December 2008, NATO had only provided 42 of the 103 planned Operational Mentor and Liaison Teams (OMLTs), performing similar functions. "Progress Toward Security and Stability in Afghanistan", Department of Defense Report to Congress in Accordance with the 2008 National Defense Authorisation Act, January 2009, p. 38.

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<sup>46</sup>For instance six police were killed and many others wounded when air strikes were called in by a Special Forces operation in the area, apparently after a confused gun battle in which each party did not realise the other was there. "U.S.-led strikes kill Afghan police", BBC News, 10 December 2008.

<sup>47</sup>See Crisis Group Report, *Pakistan's Tribal Areas*, op. cit.

At the same time, the U.S. must respond more forcefully when Kabul fails to meet agreed commitments. The 2006 Afghanistan Compact, for instance, clearly set out a new vetting process for senior government positions, including identification of past human rights abuses and drugs links.<sup>48</sup> This was to be an entirely Afghan process, with an independent board assessing candidates' legibility.<sup>49</sup> Although this board, which was to be a central component of purging the administration of undesirable elements, has played a negligible role, international censure has been limited to a few paragraphs buried deep in a report on the Compact.<sup>50</sup> Foreign donors, who will finance the upcoming presidential and parliamentary elections, must demand a transparent vetting process this time. Concerted efforts that ensured that the ministry of defence reformed its leadership to achieve better ethnic representation before large-scale donor programs began demonstrate what can be achieved with strong and unified international pressure.<sup>51</sup>

#### D. ALIGNED DEVELOPMENT

All development programs should enhance the capacity of Afghan government structures and respect Afghan sovereignty. Parallel systems that operate outside the purview of Afghan government more often than not fail to align projects with wider strategies, while undermining local institutions and Afghan authority and oversight. For example, while the 2008 launch of the Afghan government's national development strategy supposedly set new priorities for future efforts, few if any foreign donors have paid much attention or realigned their own priorities. Afghans generally believe that development assistance goes where the donor country stations its military. In the case of the U.S. this means especially

the east, although the south has seen significant spending on alternative livelihood programs.<sup>52</sup>

ISAF's PRTs are an expression of the tendency to accept the military as the default driver of reconstruction assistance. Providing some assistance through them is justified in areas of serious insecurity, where more appropriate Afghan, multilateral and civilian structures cannot act. Even in these cases, military elements of the PRTs should be more explicitly refocused on the security sector.

However, the suitability and effectiveness of a network of country-led, military-dominated teams to achieve wider national development goals is questionable. Using an ISAF analogy of PRTs as "scaffolding" meant to assist the host country, a World Bank report pointed out: "The potential difficulty is that while the scaffolding functions as a structure onto which an increasing number of things can be loaded, precious little attention may be placed on building the wall".<sup>53</sup> U.S. plans to significantly reinforce the civilian presence in PRTs are welcome, provided the civilians obtain more authority and interact with local Afghan officials. To do this, civilian personnel must be permitted to assume greater security risks, rather than confining themselves to secured compounds.

As a result of the fall in USAID's global direct-hire staff from more than 18,000 in the late 1960s to below 2,000 today,<sup>54</sup> by one estimate international contractors are responsible for almost three quarters of U.S. development assistance in Afghanistan.<sup>55</sup> Layers upon layers of subcontracting appear to Afghans as a case of many hands legally taking a cut before funds reach the target program. Similarities between this structure and the

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<sup>48</sup>"A clear and transparent national appointments mechanism will be established within six months, applied within 12 months and fully implemented within 24 months for all senior level appointments to the central government and the judiciary, as well as for provincial governors, chiefs of police, district administrators and provincial heads of security". Afghanistan Compact, Annex I, Benchmarks and Timelines.

<sup>49</sup>"Factsheet: Special Consultative Board for Senior Government Appointments", UNAMA, September 2006.

<sup>50</sup>"In flagrant violation of the terms of reference, the Board was not consulted on the appointments of provincial chiefs of police and heads of national security". Afghanistan Compact Benchmark Status Report, March 2007-March 2008, Joint Coordination and Monitoring Board (JCMB) Secretariat, April 2008, p. 11.

<sup>51</sup>See Crisis Group Report N°65 *Disarmament and Reintegration in Afghanistan*, 30 September 2003; and Crisis Group Asia Briefing N°35 *Afghanistan: Getting Disarmament Back on Track*, 23 February 2005.

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<sup>52</sup>If it were a separate country, Helmand province, the world's largest narcotics provider, would be the sixth-largest recipient of USAID funding. The province produces 66 per cent of Afghanistan's crop, which in turn accounts for 82 per cent of the world's production. "Opium Survey 2008", UNODC, op. cit., p. 7. See also David T. Johnson, Assistant Secretary, Bureau for International Narcotics and Law Enforcement Affairs, Department of State, "Counternarcotics Strategy and Police Training in Afghanistan", statement before the Senate Committee on Foreign Relations, 31 January 2008.

<sup>53</sup>"Service Delivery and Governance at the Sub-National Level in Afghanistan", World Bank, July 2007, p. 28.

<sup>54</sup>Gayle E. Smith, David Sullivan and Andrew Sweet, "The Price of Prevention: Getting Ahead of Global Crises", Center for American Progress, November 2008, p. 26.

<sup>55</sup>Afghanistan Compact Procurement Monitoring Project, Peace Dividend Trust, 1 April 2007, p. 11. It further reports that 60 per cent of the ODA in Afghanistan is handled by five large contractors.

Afghan patronage networks that the international community criticises so stridently are not lost on them.

The U.S. should increase USAID's direct-hire staff for Afghanistan. At the same time, it should extend additional project funding to a range of Afghan agencies, ensuring that there are provisions for careful monitoring, accountability and evaluation. Once there is evidence of transparent management, additional non-project budget support could be introduced as part of the effort to strengthen national and local institutions.

## V. CONCLUSION

The Bush administration's goals in Afghanistan, enunciated in the run-up to the U.S.-led intervention in late 2001 bear little resemblance to the current state of U.S. policy. Instead of helping build an Afghan state able to provide security, justice, rule of law and democratic governance, the U.S. opted for a failed policy that has almost exclusively focused on relations with individual powerbrokers. Adopted ironically in the hopes of countering the al-Qaeda threat, promoting human security and disrupting drug trafficking, this policy has resulted in the absence of democratic governance and served to fuel the insurgency and undercut these efforts. What are routinely cited as accomplishments, including elections and the fledgling Afghan National Army, are those that have seen the heaviest donor investment, demonstrating that international resolve can achieve results.

Democratic aspirations are not alien to Afghanistan, as reflected in ongoing national debate over the country's direction, with public opinion strongly in favour of constitutionalism, justice, rule of law and a government that is accountable to the electorate. The problem of the past seven years has not been one of the bar being raised too high, but rather "one of lowering expectation and standards in order to reach arbitrary targets set in Bonn, New York or Washington".<sup>56</sup> The new U.S. administration has an opportunity to adopt policies – political, economic and military – that empower Afghan civilian institutions and ensure greater civilian oversight and authority over U.S. efforts. The Obama administration should learn from past mistakes and above all focus U.S. efforts on enabling the Afghan government to expand its reach and legitimacy through the provision of security, rule of law and public services to its

citizens. This is the only sustainable path to stability in Afghanistan.

Islamabad's willingness and ability to eliminate al-Qaeda's command and control and to counter insurgent groups operating, recruiting, rearming and fundraising in Pakistani territory is vital for Afghanistan's stability. Unlike its military predecessor, the PPP-led government is committed to countering these jihadi forces. However, its capacity to implement its policy preferences depends on effective civilian control over national security policy and hence on the consolidation of civilian rule. U.S. support for democratic governance will play a major role in dissuading an interventionist military from exploiting a fragile transition. The Obama administration must also send clear signals to the Pakistani military that there will be a very high price to pay for tacit or explicit support for jihadis, local or regional. This is the minimum necessary to dissuade Pakistani spoilers from trying to destabilise the Afghan enterprise.

**Kabul/Washington/Brussels, 13 March 2009**

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<sup>56</sup> Jonathan Goodhand and Mark Sedra, "Bargains for Peace? Aid, Conditionality and Reconstruction in Afghanistan", Netherlands Institute of International Relations, August 2006, p. 78.

## APPENDIX A

### MAP OF AFGHANISTAN



Map No. 3958 Rev. 5 UNITED NATIONS  
October 2005

Department of Peacekeeping Operations  
Cartographic Section

## APPENDIX B

### SUMMARIES OF SELECT PAST CRISIS GROUP REPORTS ON AFGHANISTAN

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***Policing in Afghanistan: Still Searching for a Strategy, Asia Briefing N°85, 18 December 2008***

Corruption and lack of political will in Afghanistan have prevented comprehensive police reform, which is essential in combating the lawlessness that fuels popular disillusionment. The sector was receiving more attention than ever in late 2008, but increased efforts had not been matched by significant improvements in police effectiveness and accountability. The briefing points out the pressing need for an improved strategic focus across the security and rule-of-law sectors, ensuring police reform takes place within larger state-building efforts. This report followed on from ***Reforming Afghanistan's Police, Asia Report N°138, 30 August 2007***, which urged police reforms focused on accountability, ethnic representation and professionalism to establish a police service rather than a police force.

***Taliban Propaganda: Winning the War of Words?, Asia Report N°158, 24 July 2008***

The Taliban has created a sophisticated communications apparatus that projects an increasingly confident movement. Using the full range of media, it successfully taps into strains of Afghan nationalism and exploits policy failures by the Kabul government and its international backers, helping weaken public support for them. This July 2008 report warned the Karzai government and its allies that they must make greater efforts, through word and deed, to address sources of alienation exploited in Taliban propaganda, particularly by ending arbitrary detentions and curtailing civilian casualties from aerial bombing.

***Afghanistan: The Need for International Resolve, Asia Report N°145, 6 February 2008***

In early 2008, six years after the Taliban's ouster, the international community lacked a common diagnosis of what is needed to stabilise the country as well as a common set of objectives. The report identified long-term improvement of institutions as vital for both state building and counter-insurgency. Crisis Group pointed out that tensions over burden-sharing risk undermining the very foundations of multilateralism, including NATO's future. Similarly, ***Afghanistan's Endangered Compact, Asia Briefing N°59, 29 January 2007***, sounded alarm bells about faltering long-term efforts to build solid governmental institutions. Crisis Group called on the international community to demand greater accountability of the Karzai government while ensuring its own obligations are met in a

more coherent way to build, rather than undermine, the emerging state.

***Countering Afghanistan's Insurgency: No Quick Fixes, Asia Report N°123, 2 November 2006***

In late 2006, fierce battles raged in southern Afghanistan, insurgent attacks in the east crept towards the provinces surrounding Kabul and a new campaign of terrorist violence targeted urban centres. Diplomatic pressure on Pakistan was needed, the report stressed, and the government of President Karzai should have showed political will to respond to internal discontent with serious efforts to attack corruption and end the culture of impunity. Crisis Group again called for putting more international forces into battle zones, an argument presciently made in our earlier briefing, ***Securing Afghanistan: The Need for More International Action, Asia Briefing N°13, 15 March 2002***.

***Political Parties in Afghanistan, Asia Briefing N°39, 2 June 2005 and Afghanistan Elections: Endgame or New Beginning?, Asia Report N°101, 21 July 2005***

In the lead-up to Afghanistan's National Assembly and provincial council elections in September 2005, Crisis Group emphasised the need for representative and functional elected institutions to stabilise Afghanistan. But early hopes that a strong, pluralistic political party system would consolidate the political transition had faded, with an inappropriate voting system and legal framework sidelining the role of parties. After the elections, Crisis Group's ***Afghanistan's New Legislature: Making Democracy Work, Asia Report N°116, 15 May 2006*** urged the executive and legislative branches of government to work together and avoid approaching their relationship as a zero sum game.

***Afghanistan: Getting Disarmament Back on Track, Asia Briefing N°35, 23 February 2005***

In early 2005, the two-year-old process of disarmament, demobilisation and reintegration (DDR) of forces was in danger of derailing. If the program's weaknesses were not addressed, Crisis Group predicted that militia networks would remain a major destructive element in the country's political and economic life.

***Peacebuilding in Afghanistan, Asia Report N°64, 29 September 2003***

In 2003, Crisis Group argued greater efforts were needed to deal with local disputes which local commanders would exploit to consolidate their positions.

Although these were attracting less attention than the threat from the resurgent Taliban, the report argued they were undermining the legitimacy of the Afghan Transitional Administration in Kabul. Reconciliation initiatives were necessary through three interdependent levels: sustained international engagement, security sector reform and local level measures.

***Afghanistan: The Problem of Pashtun Alienation, Asia Report N°62, 5 August 2003***

A key obstacle to enduring peace in Afghanistan is the perception among ethnic Pashtuns that they are not meaningfully represented in the central government. Crisis Group warned that without measures to address Pashtun grievances the political process could end in failure.

***Afghanistan: Women and Reconstruction, Asia Report N°48, 14 March 2003***

Crisis Group suggested the lack of a coherent policy on gender issues in Afghanistan meant much donor assistance was being channelled into likely symbolic women's projects. The report argued for increased attention to mainstreaming gender issues in the development process.

***Afghanistan: Judicial Reform and Transitional Justice, Asia Report N°45, 28 January 2003***

Crisis Group called for rebuilding the justice system to move higher up the political agenda. In early 2003, the process required conspicuous support from the United Nations and full implementation of the Bonn Agreement's mechanism to build a new justice system. Donors needed to provide technical and financial support in a timely manner.

***The Afghan Transitional Administration: Prospects and Perils, Asia Briefing N°19, 30 July 2002***

The 2002 Emergency Loya Jirga was a small but critical step in Afghanistan's political development. It produced mixed results. From a narrow perspective, it was a success: representatives from across Afghanistan came together to elect, or rather anoint, a head of state, and the major armed factions kept their hats in the political ring rather than resort to violence. However, the Loya Jirga also failed in important respects: the opportunity to assert civilian leadership, promote democratic expression and draw authority away from the warlords was squandered.

## APPENDIX C

### ABOUT THE INTERNATIONAL CRISIS GROUP

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by the former European Commissioner for External Relations Christopher Patten and former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

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**March 2009**

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---

**International Headquarters**

149 Avenue Louise, 1050 Brussels, Belgium · Tel: +32 2 502 90 38 · Fax: +32 2 502 50 38  
Email: [brussels@crisisgroup.org](mailto:brussels@crisisgroup.org)

**New York Office**

420 Lexington Avenue, Suite 2640, New York 10170 · Tel: +1 212 813 0820 · Fax: +1 212 813 0825  
Email: [newyork@crisisgroup.org](mailto:newyork@crisisgroup.org)

**Washington Office**

1629 K Street, Suite 450, Washington DC 20006 · Tel: +1 202 785 1601 · Fax: +1 202 785 1630  
Email: [washington@crisisgroup.org](mailto:washington@crisisgroup.org)

**London Office**

48 Gray's Inn Road, London WC1X 8LT · Tel: +44 20 7831 1436 · Fax: +44 20 7242 8135  
Email: [london@crisisgroup.org](mailto:london@crisisgroup.org)

**Moscow Office**

Belomorskaya st., 14-1 – Moscow 125195 Russia · Tel/Fax: +7-495-455-9798  
Email: [moscow@crisisgroup.org](mailto:moscow@crisisgroup.org)

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