COUNTERING AFGHANISTAN'S INSURGENCY:

NO QUICK FIXES

Asia Report N°123 – 2 November 2006

International Crisis Group
WORKING TO PREVENT CONFLICT WORLDWIDE

TABLE OF CONTENTS

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

Fierce battles rage in southern Afghanistan, insurgent attacks in the east creep towards the provinces surrounding Kabul and a new campaign of terrorist violence targets urban centres. The country's democratic government is not immediately threatened but action is needed now. This includes putting more international forces into the battle zones but insurgencies are never beaten by military means alone, and there are no quick fixes. Diplomatic pressure on Pakistan is needed, and the government of President Karzai must show political will to respond to internal discontent with serious efforts to attack corruption, work with the elected National Assembly and extend the rule of law by ending the culture of impunity. Afghanistan needs a renewed, long-term effort to build an effective, fair government that provides real security to its people.

The desire for a quick, cheap war followed by a quick, cheap peace is what has brought Afghanistan to the present, increasingly dangerous situation. It has to be recognised that the armed conflict will last many years but the population needs to be reassured now that there is a clear political goal of an inclusive state. Actions to fight the insurgency must be based on and enforce the rule of law with priority given to the reform of the police and judiciary. Short-term measures such as reliance on ill-trained and poorly disciplined militias, harsh, ad hoc anti-terrorism legislation and discredited power brokers from past eras will only undermine the long-term goal of building sustainable institutions. Political strategy talk seems to focus increasingly on making a deal with the Taliban. That is a bad idea. The key to restoring peace and stability to Afghanistan is not making concessions to the violent extremists but meeting the legitimate grievances of the population – who for the most part have eagerly supported democratisation.

The intervention in Afghanistan has been done on the cheap. Compared even to many recent post-conflict situations (Bosnia, Kosovo) it was given proportionately many fewer peacekeepers and less resources – and Afghanistan has never been a post-conflict situation. Even the numbers do not tell the full story since force protection, rather than the creation of durable security, remains the first priority for some NATO members. Those prepared to go south and east to confront the Taliban – mainly the U.S., UK, Canada, the Netherlands, Romania, Australia and Denmark – are to be congratulated. Others, such as Germany, Italy, Spain, France and Turkey, must be persuaded to be more flexible and remove restrictions that impede true interoperability of the international forces.

Wrong-headed choices of allies within Afghanistan and across the border have contributed greatly to the current crisis. Pakistan has been at best a most grudging ally. The Taliban and al-Qaeda found refuge there and regrouped. Actions against them by the Pakistani military government have been non-existent or ineffectual. President Musharraf has devoted more effort to consolidating alliances of convenience with Islamist parties than fighting the jihadis. International efforts to stabilise Afghanistan will be about containment at best until the international community puts real, sustained diplomatic pressure on Pakistan to tackle militant leaderships and reverse policies that feed extremism, including reform of the extremist madrasas.

Internal reform is equally essential to end nearly five years of misrule by predatory leaders and a culture of impunity. The exploding drugs trade is both a symptom and a source of instability and corruption. This state of affairs has particular implications in the south, where many of the worst provincial and district leaders have close links to the central administration. As a result, the disillusioned, the disenfranchised and the economically desperate are responding again to the call of extremists in a region radicalised through decades of conflict. Self-interested spoilers, particularly those in the narcotics trade, which has exploded in the last five years, further fuel the violence. The traffickers and facilitators – often corrupt government officials – have no desire to see their trade threatened and hence forge alliances of convenience with anti-government elements.

The police and judiciary have been woefully neglected in reconstruction efforts. The former are mostly a source

of fear rather than security for citizens and are often little more than local militias. The latter is corrupt or non-existent in many parts of the country, although the new Supreme Court appointees offer a glimmer of hope. In the absence of visible justice and security, people may hark back to the Taliban's harsh rule but they are not rejecting alternative models based on a rule of law – none have been offered to them. Democracy has not failed but representative institutions have not been given a chance to function.

Along with extending central authority, aiding economic progress and protecting women and the vulnerable, building the rule of law is central to beating the insurgents. Strict adherence to due process would emphasise that this is a conflict between a legitimate authority and rebels and show the population that no one is above the law. International forces need to recognise this too; the deaths at the U.S. base at Bagram, aggressive house searches and detentions without the benefit of law feed public disillusionment and enemy propaganda.

Fighting the insurgency and nation-building are mutually reinforcing. The Afghan government and the international community must accept that some short-term pain is inevitable and hold their nerve to pursue deep-rooted, substantive reform. The current violence is an urgent wake-up call for remedial action, not an excuse to give up at the hopelessness of it all. There is nothing inevitable about failure in Afghanistan. However, without rethinking policies, there is equally nothing inevitable about success.

RECOMMENDATIONS

To the Government of Afghanistan:

1. Launch an anti-corruption drive, headed by the president, that includes in its targets those involved in the narcotics trade and meets international norms of transparency as required by the Afghanistan Compact, including by:
   (a) requiring all provincial governors, heads of provincial councils and members of the National Assembly to declare their assets annually;
   (b) referring those declarations for review to the Wolesi Jirga (lower house of the National Assembly) and releasing them to the public;
   (c) monthly presidential review of progress with the heads of agencies involved in anti-corruption work; and
   (d) taking legal action when impropriety is found, without regard to the position or status of the suspected offender.
2. Revive and push ahead with the Action Plan for Peace, Reconciliation, and Justice, emphasising that it is about accounting for all eras, from the communists to the Taliban, including by:
   (a) the president immediately announcing a new timetable for implementing the five stages in the plan and demonstrating political will in driving forward with it; and
   (b) ensuring all relevant positions go before the Consultative Board for Senior Appointments to develop a vetted shortlist of nominees.
3. Identify why the Afghan National Army (ANA) is doing poorly in retaining personnel and take remedial measures, including improving the welfare of soldiers' family members.
4. Seek establishment of branch offices of the military-to-military Tripartite Commission (Afghanistan/Pakistan/NATO-ISAF) in Peshawar and Quetta in Pakistan and at Regional Commands South and East in Afghanistan.
5. Assemble a top-level team at the ministry of foreign affairs to guide the relationship with Pakistan and pursue measures including:
   (a) exchanges of visits by media and civil society representatives to improve people-to-people links;
   (b) establishment of a Tripartite Political Commission (Afghanistan/Pakistan/UN); and
   (c) regular meetings of the signatories of the Kabul Declaration on Good Neighbourly Relations (Afghanistan, China, Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan) to work towards a regional conflict resolution plan.
6. Put priority on policing by:
   (a) pushing forward with Tier III pay and rank reform and ensuring that proper procedures are used to select candidates;
   (b) ensuring Tier II officers on probation are held to tough but fair criteria for past actions and ongoing performance; and
   (c) instituting strict internal discipline in cases of abuse.
7. Create a communications unit in the president's office to counter militant propaganda proactively and appoint spokespersons on security matters in the south and east.

8. Facilitate access by independent monitoring groups to information on civilian casualties, detainees and displaced persons.

9. Charge the Policy Action Group (PAG) to:

   (a) create a rule of law working group including the ministries of interior and justice, the attorney general's office, the Anti-Corruption and Bribery Office and the Afghanistan Independent Human Rights Commission (AIHRC);

   (b) assess the work and standing of all governors and security chiefs in an area and oversee a local strategy plan to overcome bottlenecks in the reform of subnational governance and courts before proceeding with an Afghan Development Zone (ADZ);

   (c) hold monthly briefings with the National Assembly's Defence and Internal Affairs Committees; and

   (d) undertake a joint assessment of insurgents' financing sources.

To the National Assembly:

10. Prioritise legislation relevant to good governance, accountability and the security sector, including:

   (a) delineation of administrative boundaries, laws for district and municipal elections, and creation of a special commission on subnational governance to examine devolution of more powers and budget to the provinces;

   (b) agreement on the structure of the court system;

   (c) establishment of a special commission to examine the criminal code in its entirety, with technical expertise from the international community; and

   (d) enactment of only such anti-terrorism laws as are consistent with the rule of law.

11. The Internal Affairs and Defence Committees should make oversight of the police and army a priority, and the ministers of defence and interior should provide a full accounting of their structures and need for resources to the National Assembly.

To the U.S. and Other Allied and Donor Governments:

12. Insist that due process is followed on senior appointments and in police reform.

13. Emphasise rule of law in commitments by:

   (a) embedding substantial numbers of police trainers in every province;

   (b) providing significantly more funds for the judicial sector; and

   (c) aiding capacity-building of the new representative institutions, including the Provincial Councils and the National Assembly committees, and ensuring their voice is heard in decision-making.

To NATO/ISAF Governments:

14. Ensure sustained diplomatic pressure on Pakistan to try in court or hand over Taliban leaders, to end political and military sanctuary for insurgents, reform the madrasa sector and strengthen progressive and democratic forces through free and fair elections in 2007.

15. Publicly release monthly figures on militant incursions from Pakistan.

16. Meet the force requirements of the ISAF Operational Plan by sending additional troops and equipment urgently to Afghanistan as requested by the NATO Secretary General and conduct a fresh audit of required troop numbers and resources, with the U.S. taking the lead in increasing commitments.

17. Remove national caveats that impede interoperability so that all international troops in Afghanistan can be used where and as needed in the country.

18. Coordinate counter-terrorism operations with counter-insurgency operations and carry out all such operations in consultation with Afghan authorities.

19. Ensure that all countries with troops in Afghanistan conclude appropriate status of forces agreements and standardise bilateral agreements on the treatment of prisoners with the government, subject to the approval of the National Assembly.

20. Give relevant Afghan and international authorities all available information on narcotics cultivation and trading, including information that may be related to the activities of allied Afghan figures and groups, and facilitate Afghan institutions and security forces in implementing the national counter-narcotics strategy.

To the United Nations Assistance Mission in Afghanistan:

21. Ensure that all parties to the conflict are called to account through impartial and independent reporting on possible violations and abuses.

Kabul/Brussels, 2 November 2006

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I. INTRODUCTION

Afghanistan's growing insurgency well and truly challenges attempts by President Hamid Karzai's government to assert authority over at least one-third of the country. It has diverted vital resources and attention at what otherwise is a time of promise and rebuilding.[1] It also risks igniting factional and ethnic tensions and emboldening criminal elements amid a growing tide of lawlessness.[2] The violence is not a new phenomenon but the result of a failure of the international intervention in 2001/2002 to break the cycle of decades of conflict. Today the Afghan government and international community are facing not one but a series of inter-linked challenges:

- a battle against a resurgent Taliban and other anti-government elements from previous eras;
- a crisis of government legitimacy amid a culture of impunity;
- constantly expanding drug production and trade; and
- failure to meet popular expectations of development and improved lives.

While outside elements are undoubtedly aiding the violence, and al-Qaeda could again spread its tentacles in Afghanistan should the insurgency succeed, this report focuses mainly on the Taliban and other groups that arose either in Afghanistan or in the radicalised cross-border milieu of the years of war. The result of field research conducted in Ghazni, Jalalabad, Kandahar and Helmand, it also draws on trips in earlier years to southern Afghanistan and Khost, security assessments provided by national and international bodies and Crisis Group's work in Pakistan.[3] While security constraints restricted research in Afghanistan to the provincial capitals, interviews with individuals and delegations from villages were held in Kabul, Ghazni and Lashkar Gah.

The insurgency in the southern provinces and the eastern borderlands and mounting terror strikes in Kabul and other urban centres present a real and immediate challenge to state and regional stability. While a military response is a vital part of tackling the insurgency, military intervention must be an element of wider political and development actions both within and outside Afghanistan. This report focuses largely on the necessary external diplomacy and internal institution-building and good governance. While such actions often receive lip service, they are a forgotten feature in most analysis on fighting the insurgency in Afghanistan. "Development" – although the term is often

[1] See Crisis Group Asia Briefing N°19, *The Afghan Transitional Administration: Prospects and Perils*, 30 July 2002; Crisis Group Asia Briefing N°29, *Afghanistan: The Constitutional Loya Jirga*, 12 December 2003; Crisis Group Asia Briefing N°31, *Elections and Security in Afghanistan*, 30 March 2004; Crisis Group Asia Report N°88, *Afghanistan: From Presidential to Parliamentary Elections*, 23 November 2004; and Crisis Group Asia Report N°101, *Afghanistan Elections: Endgame or New Beginning?*, 21 July 2005.

[2] Many other fault-lines for conflict, including ethnic and factional fissures, have been largely locally contained, although such tensions still hold the seeds of future challenges to nation-building. Most recently this includes ongoing fighting in the northern province of Farayab between commanders allied to Junbish-i Milli-yi Islami, headed by Abdul Rashid Dostum – currently army chief of staff – and Abdul Malik Pahlavan's Hizb-e Azadi. See "Afghanistan: government turns its sights on northern warlords", Radio Free Europe, 21 August 2006; Sayed Yaqub Ibrahimi, "Afghan Interior Ministry takes on armed factions", Afghanistan Recovery Report no. 288, Institute for War and Peace Reporting, 1 September 2006; "It's rough up north", *The Economist*, 31 August 2006. There are actually more recorded attacks on non-governmental organisations (NGOs) in the western and northern regions, most unconnected to the insurgency and attributed to factional or criminal motives. Of the 23 deaths of NGO workers for 2006 through August, one was in the south, eight in the north, ten in the west and four in the central regions. Afghanistan NGO Safety Office (ANSO) Database, Kabul.

[3] See Crisis Group Asia Report N°119, *Pakistan: The Worsening Conflict in Balochistan*, 14 September 2006; Crisis Group Asia Report N°49, *Pakistan: The Mullahs and the Military*, 20 March 2003, and Crisis Group Asia Briefing Nº 12, *Pakistan: The Dangers of Conventional Wisdom*, 12 March 2002.

muddled with straight humanitarian assistance– has received more attention However without the rule of law, accountable and representative institutions to ensure fair distribution and sustainable planning, development assistance will not gain the people's loyalty or trust. Rather than more money, the immediate focus of the international community should be on using what is available in a more efficient manner.

There may seem little to feel positive about right now. But while suspicions are rising about foreigners' presence in Afghanistan, with growing animosity because of civilian casualties, there is little demand – as yet – for them to go. Most Afghans still believe that the international presence is vital if there is to be any chance of stability. That this will not last forever is one of the reasons for urgency. The insurgents are not widely popular. There is, however, a longing for security by a people tired of nearly three decades of conflict. Defeating the insurgency will not be quick or easy.[4] If it is to happen, quick fixes, which damage the ultimate goal, must be avoided and the objective of a stable, sustainable state, accountable to its people, kept to the forefront when selecting actions to combat the insurgency.

[4] According to Seth G. Jones of the RAND Corporation, who studied 91 conflicts since World War II, it took an average of fourteen years for governments to beat an insurgency. "Five Years On", seminar organised by the Centre for Conflict and Peace Studies, Afghanistan, Kabul, 10 September 2006.

II. BACKGROUND

Some 30 years of conflict preceded the state building efforts undertaken after the Taliban's fall in 2001. Traditional community and state structures were dislocated and power held by those with guns. Islamist militant leaders, championed and heavily armed by Pakistan and the U.S. to repel Soviet forces, had hardened the local, inclusive approach to Islam. A generation had grown up radicalised in the madrasas and refugee camps of Pakistan's Pashtun borderlands, knowing nothing but war. These all presented massive challenges but there was certainly nothing inevitable about today's rising tide of violence. The insurgency has its roots in the way that nation building was approached in 2001-2002, when the U.S. and others opted for a quick, cheap war followed by a quick, cheap peace.

A. POST-TALIBAN: THE LIGHT FOOTPRINT

International military intervention swiftly followed the tragic events of 11 September 2001. But rather than using many of its own ground troops, the U.S.-led coalition under Operation Enduring Freedom (OEF) chose local proxies to fight the Taliban and al-Qaeda, mainly discredited warlords and commanders from previous eras. [5] Many were part of the fratricidal 1992-1996 civil war and one of the reasons for the Taliban's initial popularity.

In the wake of OEF bombardment of Taliban frontlines, the Tajik-dominated Northern Alliance[6] swept into Kabul with little in the way of fighting. Indeed, throughout the country the Taliban largely melted away undefeated. Kandahar, the de facto capital in its southern Pashtun heartland, fell on 6 December 2001 with slight resistance. The hard-line regime had begun to lose support even in such Pashtun areas once consensual decision-making gave way to narrower power structures in which moderates were sidelined, and al-Qaeda gained increasing influence.[7]

[5] The first American military combat death was on 4 January 2002 – nearly a month after the Taliban had fallen. Stephen Tanner, *Afghanistan: A Military History from Alexander the Great to the Fall of the Taliban*, (New York, 2002), p. 311.

[6] More correctly known as the United Islamic Front for the Salvation of Afghanistan, it consisted of mainly non-Pashtun elements, including the largely Tajik Jamiat-i Islami, the Uzbek Junbish-i Milli-yi Islami and the Hazara Hizb-e Wahdat.

[7] See Crisis Group Asia Report N° 62, *Afghanistan: The Problem of Pashtun Alienation*, 5 August 2003.

The Bonn Agreement[8] offered a victor's peace with ministries in the Interim Administration distributed as the spoils of war.[9] Determined to tread lightly,[10] the international community turned to notorious Afghan commanders and warlords who had been all but marginalised during the Taliban years, co-opting them to leadership positions at central, provincial and district level.[11] By favouring failed powerbrokers the new set-up failed to make a clean break with Afghanistan's bloody past. In many ways the conflict today is a continuation of almost three decades of war involving nearly all the same players.[12]

Anti-Taliban Pashtun leaders in the south and east, as in earlier years, failed to demonstrate cohesiveness. Commanders raced to establish their own authority, creating a patchwork of predatory, competing fiefdoms. A culture of impunity was allowed to take root in the name of "stability", with abusers free to return to their old ways as long as they mouthed allegiance to the central government. Human security was sublimated to what was seen as the quickest route to state security. But as a member of Jalalabad civil society lamented, "a wolf is still a wolf".[13]

The "light footprint" was mirrored in international military commitments. The Bonn Agreement had called for an international security force in Kabul with the explicit possibility of expansion.[14] However, despite appeals by Karzai and the UN,[15] this was hindered by the U.S.,[16] which apparently feared it would interfere with its priority of hunting "high-value" al-Qaeda and Taliban targets, and by the reluctance of many other nations to put up the troops. In 2002, when there were only 4,500 troops under the International Security Assistance Force (ISAF) and all in Kabul, Crisis Group estimated 25,000 to 30,000 peacekeepers were needed to secure major cities and transport routes.[17]

OEF, meanwhile, concentrated on "counter-terrorism" in the southern and eastern Pashtun belt, picking and choosing favoured allies who often had unsavoury pasts and links to the drugs trade. In many cases they did not turn out to be reliable partners, even calling upon foreign airpower to settle old, local scores.[18] Tales of invasive house searches and a lack of cultural sensitivity towards women also quickly multiplied – perhaps beyond their actual incidence – at the same time as stories of abuses

[8] The "Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions", commonly referred to as the Bonn Agreement, was endorsed by the UN Security Council on 7 December 2001.

[9] "The Interim Administration shall be composed of a Chairman, five Vice Chairmen and 24 other members. Each member, except the chairman, may head a department of the Interim Administration", Bonn Agreement, op. cit., III (A1).

[10] Briefing the Security Council, 6 February 2002 (S/PV.4469), on the structure of the UN mission, the Special Representative of the Secretary-General (SRSG) to Afghanistan, Lakhdar Brahimi (now a member of the Crisis Group Board), said: "It will be an integrated mission that will operate with a 'light footprint', keeping the international United Nations presence to the minimum required, while our Afghan colleagues are given as much of a role as possible".

[11] At the last minute and with international complicity, 100 unelected officials, including newly appointed provincial governors, were added as delegates to the June 2002 Emergency Loya Jirga, which was tasked with forming the Transitional Administration. Many were unreconstructed warlords. See Crisis Group Briefing, *The Afghan Transitional Administration*, op. cit.

[12] Three of the seven Islamist parties based in Peshawar that led the anti-Soviet jihad are now actively anti-government: Hizb-e Islami (Hekmatyar), Hizb-e Islami (Khalis) and Harakat-i Inqilab-i Islam-yi Afghanistan. The four others are part of the new political set-up, with their leaders in the National Assembly: Jamiat-i Islami (Burhanuddin Rabbani), Ittihad-i Islami (Abdul Rabb al-Rasul Sayyaf), Mahaz-i Milli-yi Islami-yi Afghanistan (Pir Sayed Ahmad Gailani) and Jabha-yi Najat-i Milli-yi Afghanistan (Sebghatullah Mujaddedi).

[13] Crisis Group interview, Jalalabad, 28 June 2006.

[14] "Conscious that some time may be required for the new Afghan security and armed forces to be fully constituted and functioning, the participants in the UN talks on Afghanistan request the United Nations Security Council to consider authorising the early deployment to Afghanistan of a United Nations mandated force. This force will assist in the maintenance of security for Kabul and its surrounding areas. Such a force could, as appropriate, be progressively expanded to other urban centres and other areas", Bonn Agreement, op. cit., Annex I (3).

[15] Brahimi appealed for extending the force beyond Kabul on 6 February 2002 when briefing the Security Council (S/PV.4469) on factional clashes in the countryside and the relative safety of Kabul: "This has led to increasingly vocal demands by ordinary Afghans, as well as by members of the Interim Administration and even warlords, for the expansion of ISAF to the rest of the country. We tend to agree with these demands, and we hope that these will receive favourable and urgent consideration by the Security Council".

[16] White House press briefing, 25 February 2002, spokesman Ari Fleischer: "The President's position is unchanged about the use of the United States combat forces. The President continues to believe the purpose of the military is to be used to fight and win wars and not to engage in peacekeeping of that nature".

[17] ISAF's creation was mandated in Security Council Resolution 1386. See Crisis Group Afghanistan Briefing N°13, *Securing Afghanistan: The Need for More International Action*, 15 March 2002.

[18] See, for instance, Michael Ware, "How the U.S. killed the wrong Afghans", *Time*, 6 February 2002, and "Afghan leader says U.S. bombed civilians", BBC, 6 February 2002 about the bombing of a convoy of what Karzai later said were tribal elders on their way to the presidential inauguration.

at Bagram and other secret prisons filtered out to add to the sources of resentment.[19]

NATO took command of ISAF in August 2003,[20] and peacekeepers finally moved north in 2004 and west the following year, mainly in the form of small, country-led Provincial Reconstruction Teams (PRTs).[21] With the Taliban never decisively defeated and expectations running high among the population, however, the Pashtun belt was largely left to fester without the troops who would have then been welcomed with open arms. It was only at the start of 2006 that the Canadians and British began to go south in meaningful numbers. This failure to get peace enforcers out into the regions early meant a crucial loss of momentum.

B. FIVE YEARS ON: THE STATE OF THE STATE

Five years into a fragile post-conflict transition, the head of Coalition forces, General Karl Eikenberry, argues that: "The enemy we face is not particularly strong, but the institutions of the Afghan state remain relatively weak".[22]

Rebuilding those institutions was never going to be fast. Social indicators show Afghanistan to be one of the poorest, least developed countries outside sub-Saharan Africa.[23] Indeed, part of the problem has been the failure to manage expectations of what could be achieved and to emphasise loudly and often that this was a long-term effort. A senior UN official emphasises: "The population should be rallied around a twenty or 30-year vision. In building a house, it is always the foundations that take the longest".[24] Indeed the capacity of the local ministries has remained so low that only 44 per cent of the government's development budget was disbursed in 2005.[25]

The situation is so dire that large amounts of funds pledged for reconstruction have been diverted to humanitarian needs and the salaries of officials. Ordinary people see little change in their everyday lives; and while it is true, as Eikenberry said, that the institutions are weak or even non-existent, in many cases where they do exist they are so corrupt and predatory that people would rather they were not there at all. Afghanistan continues to rank bottom of the South Asian region in the World Bank's corruption and rule of law indicators.[26] The absence of functioning courts, trustworthy administrators and police undermines the development of the legitimate economy.

A 2005 UN assessment concluded that only the military was benefiting from comprehensive reform:

> So far only the Afghan National Army program has been able to encompass the various dimensions of institution building, from in-depth reform of the ministry itself, to the vetting and training of officers and soldiers, to post-deployment assistance and mentoring. In order to be successful, the creation of a national police force, civil service and justice system will need to adopt a similar comprehensive approach.[27]

Part of the problem has been the constitution pushed by Karzai, his Pashtun backers and the U.S., with a strong presidency at the core. On paper Afghanistan has one of the most centralised administrations in the world.[28] Provincial governors and police chiefs are appointed by the centre, which is also where all budgets are set in the line ministries, with no fiscal discretion at provincial level. This centralisation of power, based on the perception that giving any away is "losing it", is partly responsible for the lack of progress in the provinces.

At the same time, a new source of power has entrenched itself: the drugs trade. A record yield of 6,100 tonnes of

[19] "Report of the Independent Expert on the Situation of Human Rights in Afghanistan, M. Cherif Bassiouni", highlighted the need to investigate reports of eight prisoner deaths in Coalition custody. Allegations, which it said were difficult to confirm, included: "forced entry into homes, arrest and detention of nationals and foreigners without legal authority or judicial review, sometimes for extended periods of time, forced nudity, hooding and sensory deprivation, forced squatting and standing for long periods of time in stress positions, sexual abuse, beatings, torture, and use of force resulting in death". UN (E/CN.4/2005/122), 11 March 2005, p. 16.

[20] Until then individual troop-contributing countries had rotated in the ISAF command.

[21] ISAF's mandate was extended outside Kabul on 13 October 2003 by Security Council Resolution 1510.

[22] Testimony to House Armed Services Committee, Washington, 28 June 2006.

[23] The United Nations Development Programme (UNDP) National Human Development Report (2004) placed Afghanistan 173rd of 177 countries.

[24] Crisis Group interview, Deputy Special Representative of the Secretary General Ameerah Haq, Kabul, 18 September 2006.

[25] Summary of Proceedings, Joint Co-ordination and Monitoring Board (Afghanistan Compact), Second Meeting, 30 July 2006, p. 2.

[26] See "Governance Indicators 1996-2005", World Bank.

[27] "Report of the Secretary-General on the Situation in Afghanistan and its Implications for International Peace and Security", (S/2005/183), 18 March 2005, p. 14.

[28] Sarah Lister and Hamish Nixon, "Provincial Governance Structures: From Confusion to Vision?", briefing paper, Afghanistan Research and Evaluation Unit, May 2006.

opium – 92 per cent of the world total – is predicted for 2006.[29] Of this the south accounts for some 60 per cent.[30] This has warped the fabric of the state at every level. If not a narco-state, Afghanistan is now, at the very least, a narco-economy.

The major political timelines in the Bonn process have been met. The state bodies have all been assembled but little actual power shared. For instance, Provincial Councils were elected in 2005, but the law gives them few powers and no budget.[31] There is an elected, two-house National Assembly,[32] one of whose finest hours was the rejection of the anti-reform chief justice and confirmation of a new slate for the Supreme Court. Yet the president has far greater power than the legislature. With the judicial arm, essential for any functional democracy, remaining largely non-functional, corruption has seeped into the newly established institutions.

When new international commitments were endorsed in January 2006 with the Afghanistan Compact,[33] the sustained ferocity of the growing insurgency had yet to become clear. The weakness and corruption of institutions fed a groundswell of disillusionment with the government and the international community that in turn was ripe for exploitation by leaders of past regimes who – following the tradition of recent Afghan conflicts – had regrouped across the border in Pakistan and were about to prove that they were far from a spent force.

III. WHAT IS HAPPENING?

> *Analogically, the guerrilla fights the war of the flea and his military enemy suffers the dog's disadvantages: too much to defend; too small, ubiquitous, and agile an enemy to come to grips with. If the war continues long enough – this is the theory – the dog succumbs to exhaustion and anaemia without ever having found anything on which to close its jaws or rake its claws.*[34]

When ISAF took command of the south in July 2006, it found itself fighting fierce battles against waves of insurgents, not enforcing the peace. A British officer, comparing it to a bout of chemotherapy in which "only when you start treatment do you find out that the cancer had spread further than you thought", admitted that the "effectiveness of the enemy was much greater than we anticipated".[35]

But many within Afghanistan have long watched security deteriorate. "High risk" areas were just a few islands on UN Risk Maps as recently as the start of 2003. Joined by a new "extreme" risk category, they have since steadily expanded to cover nearly all the east and south, including the length of the border with Pakistan, slicing the country almost in half on a diagonal slant.

The conflict is not just in far-flung, remote areas. The southern districts of Ghazni, just two hours drive from Kabul, are now considered off-limits to outsiders, with Taliban and government authorities vying for control of the roads.[36] International humanitarian workers are not to be seen in even the provincial centre, Ghazni city, and local staff of aid agencies have taken down their signs.

One such worker was a passenger in a taxi stopped by a group of men in dark turbans at a check post in the Qarabagh district of Ghazni on 27 August 2006: "They told us we should not play or listen to music. They were searching for NGO cards or any documents that showed a relationship to the government".[37] The district head of

[29] This compares to a previous record production in 1999 of some 4,600 tonnes and 200 tonnes in 2001 when the Taliban was enforcing a ban. "The Opium Situation in Afghanistan, 2006 Annual Opium Poppy Survey (Summary of Findings)", United Nations Office on Drugs and Crime (UNODC), 2 September 2006, pp.1, 8.

[30] Of the 2,000 metric ton rise in production in 2005, 1,953 tonnes were in the southern region that covers Helmand, Uruzgan, Kandahar, Zabul, Ghazni and Paktika. Ibid, p. 9.

[31] Crisis Group Report, *Afghanistan Elections*, op. cit. The National Assembly's first attempt at legislation, on 9 August 2006, was to give the Provincial Councils more powers but the president has not yet signed the bill.

[32] Crisis Group Asia Report N°116, *Afghanistan's New Legislature: Making Democracy Work*, 15 May 2006.

[33] The London Conference at which the agreement was presented brought together over 60 states and international institutions.

[34] Robert Taber, *The War of the Flea: Guerrilla Warfare in Theory and Practice*, (New York, 1965), pp. 27-28.

[35] Crisis Group interview, Kandahar, 11 July 2006.

[36] In the southern district of Andar, the Taliban has banned cars from the roads after police had banned motorbikes (a common Taliban method of transport). Motorbikes are trickling back onto the roads but not cars. Borhan Younus, "Taliban call the shots in Ghazni", Afghanistan Recovery Report 213, Institute for War and Peace Reporting, 25 April 2006.

[37] Crisis Group interview, Kabul, 13 September 2006.

education had been kidnapped and killed just days earlier.[38]

From around 2003 there were indications that anti-government elements were determined and regrouping. But every winter, during the cold-weather lull in violence, there would be claims that the militants were defeated. As late as April 2005, a news magazine reported: "U.S., Afghan and even some former Taliban officials say the insurgency increasingly looks like a spent force".[39]

As the tactics of asymmetrical warfare slowly took shape, including attacks on soft targets and suicide bombings – previously all but unknown in Afghanistan – it took time to recognise them. An international security adviser noted: "The Coalition said this showed signs of weakness. It was not a sign of weakness; it was a sign of cleverness. It was very well organised and very effective".[40] A qualitative and quantitative change in the violence dates to around the final months of 2005. Since then the wave of suicide attacks and remote controlled bombs has grown unrelentingly. As of 22 October 2006, there had been 106 suicide bombings, or attempts, for the year – 22 in September alone. There were seventeen suicide attacks in the whole of 2005.[41]

Soft targets have included government officials – the most high-ranking being the provincial governor of Paktia and the head of the Department of Women's Affairs in Kandahar – and those seen to support Kabul in any capacity, including religious figures. Schools, often the only sign of government presence in rural areas, have also been increasingly hit. The Ministry of Education recorded 202 attacks on schools in 27 provinces with 41 students, teachers and support staff killed between January and July 2006.[42]

In all of 2004, there were 147 bomb blasts. The figure for 2006, through August, was 224 – including 78 in the south and 81 in the east.[43] Missile attacks rose from 196 in 2004 to 265 in the first eight months of 2006 – including 76 in the south and 148 in the east.[44] Much attention is focused on the regions furthest south where there are bloody standing battles, but the south east, while having a lower casualty rate, has consistently recorded a higher number of individual incidents, which are often intricately planned, targeting mainly security forces. Rough UN figures for the first eight months of 2006 (and before some of the year's fiercest fighting took place in the next two months) show more than 2,000 Afghans dead due to the insurgency – approximately one-third anti-government militants, one-third Afghan security forces and one-third civilians – three times more than in 2005.[45]

As intended by the insurgents, the level of fear and intimidation reverberates far beyond the immediate casualties, with the growing insecurity slowing or even halting the paying out of the long-awaited "peace dividend":

- The Afghanistan Independent Human Rights Commission (AIHRC) curtailed an estimated 30 per cent of its operations, mostly field missions in the southern provinces, in mid-2006, the first such restrictions in its five-year history.[46]
- Non-Governmental Organisations (NGOs) carrying out humanitarian and reconstruction work have

[38] The district education officer who had been abducted four days previously was apparently an ex-communist accused of spying for the U.S. "Body of kidnapped Afghan education official recovered in Ghazni", Pajhwok Afghan News, 10 September 2006.
[39] Tim McGirk, "Is the Taliban fading away", *Time*, 3 April 2005.
[40] Crisis Group interview, Kabul, 18 June 2006.
[41] These statistics were supplied by the United Nations Department of Safety and Security. Seventeen of those reported for 2006, and four of those for September, were detonated or discovered before reaching a target. In 2005 pre-detonations and discoveries were not tracked the same way and were, therefore, included as actual attacks. In the biggest attacks, 21 lives were claimed by a suicide bomber in the bazaar in Panjwayi, Kandahar on 3 August 2006, and seventeen in Lashkar Gah, Helmand on 28 August 2006 by a remote-controlled device. A suicide bomb on 8 September 2006 killed two U.S. soldiers and fourteen Afghan passer-bys in Kabul. According to Coalition figures, as of 12 August 2006, 105 of 124 people killed by suicide bombs were civilians; five were foreign troops, fourteen ANA or ANP. "Suicide bombing attack statistics", press release, Coalition Press Information Centre, Kabul, 3 September 2006.
[42] This compares to 123 attacks on schools in fifteen provinces in 2005 and 47 in 2004. "Education Under Fire", Ministry of Education release, August 2006. See also "Lessons in Terror: Attacks on Education in Afghanistan", Human Rights Watch, vol. 18, no. 6c. The report makes the important point that while many attacks are by Taliban or allied groups, others indicate the involvement of militias of local warlords or criminal groups. A few cases appear to involve local grievances and rivalries.
[43] Afghans divide the regions into three distinct areas: the east covering Kunar, Nuristan and Nangarhar; the south east including Khost, Paktika and Paktia; and the south west (relative to Kabul) including Helmand and Kandahar. However, this report will not go into such geographic detail.
[44] The figures come from the database of the Afghanistan NGO Safety Office, Kabul. Its data collection effort was only in its initial stages in 2002 and 2003.
[45] "Report of the Secretary-General on The Situation in Afghanistan and Its Implications for Peace and Security", 11 September 2006, (A/61/326-S/2006/727).
[46] Crisis Group interview, AIHRC Commissioner Nader Nadery, Kabul, 21 August 2006.

restricted visible activity to urban centres and are unable to properly assess community needs or monitor local partners in other districts.[47]

- 208 schools were closed in Zabul, Helmand, Kandahar, Ghazni, Khost and Paktika between April and July 2006.[48]
- The Program for the Disbandment of Illegal Armed Groups (DIAG) is all but moribund, as the south refuses to disarm in the face of insurgent security threats, and the north refuses to disarm if the south does not.[49]
- Immunisation and health campaigns have been scaled back; polio cases have increased six-fold in 2006, all but one of the 28 in the south.[50]

The cost of reconstruction and development has increased dramatically as more security is required.[51] There is also rising frustration at how little development work can be done. "You can't do development in an environment with no security. It's White City [staff movement completely restricted, or 'locked down'] one day, White City the next and the day after that. You are still getting paid but it just doesn't move forward".[52]

Taliban commander Mullah Dadullah[53] showed a thorough grasp of guerrilla warfare in a July 2005 interview with Al Jazeera:

> Taking cities is not part of our present tactics. Our tactics now are hit and run; we attack certain locations, kill the enemies of Allah there, and retreat to safe bases in the mountains to preserve our mujahidin. This tactic disrupts and weakens the enemies of Allah and in the same time allows us to be on the offensive. We decide the time and place of our attacks; in this way the enemy is always guessing. We have attacked and occupied certain locations for a short period of time. This was done only to achieve the objectives of the operation. But we will always retreat to our safe bases.[54]

However, in 2006, the southern provinces of Helmand and Kandahar have been the site of dramatic standing battles between international forces and insurgents. Militants have attacked forward operating bases and held their ground during assaults by international and local security forces. In Operation Medusa in September 2006, ISAF claimed to have killed 1,000 militants in fierce fighting that showed the level of insurgent strength immediately outside Kandahar.

In mid-July 2006 the Taliban gained control over the district centres of Garmser and Naway-i-Barakazayi in Helmand, which international and local security forces recaptured a few days later. District centres in Zabul, Uruzgan and Farah – as well as Garmser a second time – were later claimed by insurgents and again retaken. In some areas where the state has a limited presence, the fighting is often over little more than district headquarters buildings, in many cases vacated by the district governor

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[47] For instance Mercy Corps, which had around 500 staff in 2002, is down to 350, the majority of the layoffs being in the south due to security concerns that have restricted work to provincial capitals and a few surrounding districts. It no longer has any international staff in the south. Crisis Group interview, Nigel Pont, Mercy Corps Afghanistan country director, 21 October 2006.

[48] "Education Under Fire", Ministry of Education release, August 2006.

[49] "Report of the Secretary-General", 11 September 2006, op. cit., p. 6. The DIAG program was launched in five provinces – Kapisa, Herat, Farah, Takhar and Laghman – in May and June 2006. The UN has termed compliance "disappointing with few commanders willing to take part". A total of 137 commanders and 42 government officials were issued notification letters. Of these, 41 commanders and sixteen officials surrendered 616 weapons, far below the 23,200 weapons which the Joint Secretariat of the Disarmament and Reintegration Commission estimates. In Kapisa more than half the surrendered weapons were not serviceable. In a parallel part of the project to tackle government officials with links to armed groups, 32 officials received notifications. Three are judged to be compliant. The Ministry of Interior claims to have dismissed thirteen officials under its purview, although several remain in their posts. It appears unlikely that the Afghanistan Compact benchmark, Annex I (Disbandment of Illegal Armed Groups), will be met: "All illegal armed groups will be disbanded by end-2007 in all provinces". The earlier Disarmament, Demobilisation and Reintegration (DDR) Program was charged with decommissioning military forces on the Ministry of Defence payroll. Altogether just over 60,000 combatants were disarmed; there are fears for the sustainability of reintegration. See Crisis Group Asia Briefing N°35, *Afghanistan: Getting Disarmament Back on Track*, 23 February 2005.

[50] Press briefing by spokesperson for the UN SRSG and UN agencies, Kabul, 25 September 2006.

[51] Highway reconstruction projects in 2005, for instance, saw direct spending on security increase project costs 3-15 per cent. This excluded such expensive indirect overheads as time lost, secure housing and armoured transport. "Improving Public Financial Management in the Security Sector", World Bank Report no. 34582-AF, Volume V, 22 December 2005, p. 29.

[52] Crisis Group interview, contractor, southern Afghanistan, 13 June 2006.

[53] During the Taliban era, Dadullah apparently pursued a scorched-earth policy in Hazarajat so violently that Mullah Omar relieved him of his command for a period. William Maley (ed.), *Fundamentalism Reborn? Afghanistan and the Taliban* (London, 2001), p.vii.

[54] Al Jazeera interview, 20 July 2005. English transcript/translation available at http://www.pakistandefenceforum.com.

and other officials as insurgents approach. Such seizures, however short-lived, have propaganda value. There is talk of insurgents running a court system and naming their own provincial "officials". But what really matters to the insurgents is not holding their ground but access to sanctuaries and supplies. Within southern and eastern Afghanistan, the insurgents have continually demonstrated that swathes of territory outside the district centres are largely under their sway.

The conflict is spreading now to the western provinces of Ghor and Nimroz and the southern areas of Daikundi province. The insurgents also appear to be pushing into the central region, with fears that Wardak and Logar may become safe havens for terror attacks on Kabul. By attacking urban centres that they do not control, the insurgents hope to demonstrate that their reach extends beyond traditional power bases; hence the attacks on Herat city in the west and Kunduz in the north, which saw its first suicide bombing on 27 June 2006.

IV. WHO IS BEHIND IT?

The interlocking agendas of anti-government insurgents and self-interested spoilers are fuelling the violence. In the south, moreover, the arrival in 2006 of international soldiers in far larger numbers than previously seen has galvanised the insurgency, bringing together widely divergent interests. Predominant factors – and factions – vary from area to area.

If solutions are to be found, it is vital that Afghan and international officials address both internal and external factors. The Afghan people certainly acknowledge this. A member of the Ghazni provincial council said:

> The problems we face are like scissors cutting our nation. On one side there is administrative corruption, the mistreatment of people [by government officials]…The other part of this is training [bases] outside the country. They appear to be separate and even operate in different directions but in reality they catch people between the blades.[55]

Taliban commanders are mainly driving today's violence from sanctuaries in Pakistan. However, other elements contribute, while an enabling environment of corrupt and weak government helps provide recruits. One local security official in the restive southern province of Helmand estimated that only 20 per cent of the insurgents are ideological "Taliban". Their numbers are augmented by non-ideological recruits, including those who oppose Kabul, local leaders or the international presence for their own reasons but are happy to do so under cover of the Taliban banner. "Some are joining the Taliban, some are worsening the situation in the name of the Taliban".[56]

This is not to suggest there is a grand alliance between disparate interests. Rather, there are fluid alliances of convenience at the local level. Indeed, in many ways the key fissures and fault lines of the current instability can be traced to local conflicts and the uses that insurgents and spoilers make of them. The one potentially positive factor lies in the fact there is little coherence and cohesion among the different groups – and even sometimes within the group – involved. As time goes on, these internal contradictions will likely increase. Some, however, fear that this could lead to a competition to prove oneself and one's group the most radical.

[55] Crisis Group interview, Dr Mohammad Ghani, Ghazni, 26 June 2006.
[56] Crisis Group interview, Lashkar Gah, 17 July 2006.

A. RADICAL LEADERSHIP

The leaders of today's violence have all participated in previous fighting in tangled and ever-changing alliances. They are the same old guard who were backed by successive governments in Islamabad.

The Taliban derives some of its strength from its Deobandi networks largely based on the Pakistan side of the Durand Line, where youths were radicalised during the Afghan civil war. In 2001 it survived the rout largely intact, and the top leadership regrouped across the border in Pakistan's Pashtun belt, a region transformed by the "mass violence, migrations and ideological mobilisation of the past three decades".[57] The Taliban's political mentor and main Pakistani ally, Fazlur Rehman's Jamiat Ulema-e-Islam (JUI-F), controls the two provinces that border on Afghanistan, running the government in the Pashtun-majority Northwest Frontier Province (NWFP) [58] and in the ruling coalition with President Musharraf's Pakistan Muslim League (Quaid-i-Azam) in Balochistan.[59]

In 2003, Mullah Omar[60] set up his Rahbari Shura (Leadership Council) of hardline Taliban commanders to lead the jihad in Afghanistan.[61]

Overseeing the fighting in the Taliban heartlands of Kandahar, Uruzgan and Helmand is the Quetta Shura, named after Balochistan's capital, the province where most commanders are based, as acknowledged by NATO Supreme Allied Commander (Europe) General Jim Jones.[62] Further up the Pakistan borderlands and within Afghanistan are other leadership bases, including in South and North Waziristan Agencies in Pakistan's Federally Administered Tribal Areas (FATA), which direct violence in Afghanistan's more eastern provinces.[63] The exact nature of coordination and cooperation is hazy, with apparent disagreements on matters such as the validity of attacking NGOs, and made even less clear by splinter groups and the tactical alliances of past enemies.[64]

Jalaluddin Haqqani, a former member of Hizb-e Islami (Khalis) who switched to the Taliban and served as a minister in its regime, has his own networks, including madrasas, which are largely independent and self-sustaining. His interests and influence – and increasingly his son Sirajuddin's – are particularly prominent in south-eastern Afghanistan through to areas of Ghazni.

Even more independent is former Taliban foe Gulbuddin Hekmatyar and his party Hizb-e Islami (Hekmatyar).[65] It operates in Nuristan and Kunar, reaching as far inland as Laghman, Ghazni and Logar. It is also believed to be behind the occasional incidents in the north (Hekmatyar was born in Kunduz and retains influence there). After

[57] Barnett Rubin, "Afghanistan's Geo-Strategic Identity", prepared for presentation at the annual meeting of the American Political Science Association, 1 September 2006, p.12.

[58] NWFP borders on Afghanistan's eastern provinces.

[59] Balochistan borders on Afghanistan's southern provinces.

[60] Dadullah, in an interview with the BBC's Pashtu service in March 2003, said of Mullah Omar: "We have appointed leaders and commanders based on his handwritten letter; we have started jihad based on his handwritten letter, and we work based on his order". "Taliban commander calls for offensive against U.S. troops in BBC interview", Agence France-Presse, 30 March 2003. In his Al Jazeera interview broadcast on 18 July 2005, Dadullah stated: "We do not see or meet with Mullah Omar. His orders reach us and are implemented as ordered". English transcript/translation available at http://www.pakistandefenceforum.com.

[61] Journalist Rahimullah Yusufzai names the original 2003 members as Jalaluddin Haqqani, Saifur Rahman Mansoor, Mullah Dadullah, former Taliban army chief Akhtar Mohammad Osmani, Akhtar Mohammad Mansoor, former Taliban defence minister Mullah Obaidullah, Kandahar's ex-security chief Hafiz Abdul Majeed, former Nimroz provincial governor Mullah Mohammad Rasul, Mullah Barodar and former Taliban corps commander in northern Afghanistan Mullah Abdur Razzaq Akhundzada. Rahimullah Yusufzai, "Omar names council to resist occupation", *The News*, 24 June 2003.

[62] When asked "do you agree with the assessment of some that the Taliban headquarters is somewhere in the region of Quetta?" at a congressional hearing, General Jones replied: "That's generally accepted, yes, sir". "Senate Foreign Relations Committee Holds Hearing on Changing Command Structure in Afghanistan", Congressional Transcripts, 21 September 2006, p.18. See also Crisis Group Report, *The Worsening Conflict in Balochistan*, op. cit.

[63] The UN identifies five distinct leadership centres: the Hizb-e Islami (Hekmatyar) for Kunar and neighbouring provinces, Taliban northern command for Nangarhar and Laghman; Jalaluddin Haqqani mainly for Khost and Paktia; the Wana (district headquarters of Southern Waziristan agency) shura for Paktika and the Taliban southern command. "Report of the Secretary-General", 11 September 2006, op. cit.

[64] For instance Harakat-i Inqilab-i Islami-yi's networks in south eastern Afghanistan, while still structured around its factional commanders, generally transferred allegiance to the Taliban during their rule. Prominent among its leaders was Saifur Rahman Mansoor, who helped lead resistance to the U.S.-led Operation Anaconda in Shahikot, spring 2002, and whom some analysts put in a separate category. For more on the insurgency in the south east, see Sebastien Trives, "Afghanistan: Tackling the Insurgency, the Case of the Southeast", *Politique Etrangere*, 1:2006.

[65] The most hard-line of the seven Islamist parties, Hizb-e Islami (Hekmatyar), received the bulk of assistance from the U.S. via its Pakistani interlocutors. In the years of civil war that followed, Hekmatyar was responsible for much of the destruction of Kabul. As it became apparent that he could not win, his Pakistani backers switched support to the rising Taliban movement, and he fled.

the Taliban's fall, Hekmatyar denounced what he calls an American puppet government and in a video aired on Al Jazeera in May 2006, pledged allegiance to the al-Qaeda leadership, saying: "We look forward to fighting by their side and under their banner".[66] He controls one of the most organised and extensively spread networks, and many see his call to arms as another reason for the upswing in violence this year.

An even more radical splinter group, Hizb-e Islami (Khalis) is a much smaller part of the mix in the east. Its founder, Mawlawi Yunis Khalis, who declared jihad against the U.S. in 2003, died in July 2006.

Certainly technical advice, resources and encouragement, and probably a small number of fighters, come from outside the region to what hard-line Islamists increasingly see as a second front to Iraq. At the very least, the planning, technology and growing cold-bloodedness of the insurgency show that the tactics born in Iraq are closely monitored.

With the insurgency's domestic opposition being formed substantially by the factional leaders of other eras, who are now part of the administration in Kabul, this in many ways is simply another phase in continuing conflict. And like in earlier stages, the use of Pakistan as a sanctuary for leadership, a source of recruitment and a staging post for attacks is a decisive factor in sustaining the conflict.

The cross-border character of the insurgency is no longer a matter of debate. However, there is continuing debate – or rather public denial – over the degree of the Pakistan government's tacit complicity. The British representative in the south says that: "Nobody denies that there is a lot of cross-border movement. Nobody denies that a lot of Taliban crossed there at the end of the war". He is quick, however, to add that: "Both countries are trying to combat terrorism in ways most effective to them".[67]

It is, however, clear to most long-time observers that President Pervez Musharraf is playing a double game, gaining international support as an ally in the "war on terror" while failing to change policies of his government that feed extremism. The Pakistan military government's political survival rests upon accommodation with the very Islamist parties who supported – and continue to support – the Taliban.[68] Balochistan, in particular, has become a sanctuary where spokespersons and Taliban leaders brazenly operate.

There have been hundreds of arrests of foreign fighters in Pakistan but little sustained action against the Taliban and other Afghan radical groups, in part due to the Bush administration's early preoccupation with al-Qaeda. There is the odd arrest or sweep when international pressure is on. For instance, 40 Afghans were detained in Balochistan on 7 October 2006, accused of being members of the Taliban, upon Musharraf's return from the U.S.[69] These are one-offs, however, taken under the international spotlight; experience shows they are not aimed at the top leadership. A large number arrested in July 2006 and handed over to Afghan authorities, shortly after a visit by U.S. Secretary of State Condoleezza Rice, were apparently released when none were found to be Taliban members.[70]

Nor has Musharraf taken any steps to reform the Deobandi madrasas, which continue to produce jihadi warriors, imbued with extremist ideology.[71] These young Afghans, and their Pakistani Pashtun counterparts, dislocated from their roots and having less compunction about civilian deaths, are likely behind the bloodiest actions.

Musharraf's attention is not focused on steering or controlling the insurgency within Afghanistan but rather on ensuring regime security and quick fixes for his own domestic woes. The April 2004 and September 2006 peace accords with pro-Taliban Pakistani militants in South and North Waziristan Agencies were aimed at withdrawing the Pakistani military from an internal

[66] "Hekmatyar vows allegiance to bin Laden", *Gulf Times*, 6 May 2006.

[67] Crisis Group interview, Nick Kay, British Foreign and Commonwealth Office (FCO) representative for southern Afghanistan, Lashkar Gah, 14 July 2006.

[68] Balochistan's minister of public health – and radical cleric – Maulana Abdul Bari, attending the funeral of a local youth killed while fighting for the Taliban in Afghanistan, told the gathering: "Azizullah was a true martyr; his place in paradise is guaranteed". Declan Walsh and Bagarzai Saidan, "Across the border From Britain's troops, Taliban rises again", *The Guardian*, 27 May 2006.

[69] In a previous sweep in October 2005, self-claimed Taliban spokesperson Abdul Latif Hakimi, who had long operated out of Quetta, was arrested. Ron Synovitz, "Afghanistan: Pakistan hails capture of Taliban spokesman as breakthrough", Radio Free Europe/Radio Liberty, 5 October 2005; Carlotta Gall, "Pakistan arrests chief spokesman for Taliban", *The New York Times*, 5 October 2005; also, Carlotta Gall, "Pakistan says it arrested 29 Taliban who fought in Afghanistan", *The New York Times*, 16 August 2006; "Pakistan arrests Over 40 Taliban suspects", Reuters, 7 October 2006.

[70] "Pakistan arrests scores of Taliban in crackdown", Reuters, 18 July 2006; "Pakistan arrests over 40 Taliban suspects", Reuters, 7 October 2006.

[71] See Crisis Group Report N°36, *Pakistan: Madrasas, Extremism and the Military*, 29 July 2002.

conflict in which it had paid a considerable price in casualties and morale and amounted to capitulation. This appeasement policy will only add to the cross-border maelstrom. Reports of infiltration rose quickly in the area immediately across the border in Afghanistan after the 2006 accord.[72]

The anti-Soviet jihad demonstrated the importance of sanctuaries, recruitment, and logistical bases in Pakistan. As long as the leadership of the insurgency is secure, and cross-border lines of logistics and recruits are in place, there will never be anything more than containment within Afghanistan. As an international security official pointed out, draining "the swamp" of insurgency is impossible "if there is a stream feeding the swamp from across the border".[73]

B. LOCAL RECRUITS

The leadership and many of the ideological foot soldiers, particularly those prepared for suicide missions, are part of a radical cross-border milieu. However, within Afghanistan there are also mid-level commanders, who may have sat on the fence in the intervening years. One analyst calls these mid-level commanders the "networkers":

> …local leaders of various kinds (mullahs, tribal chiefs, ex-mujahidin and local commanders) who practise flexible alignment politics depending upon the balance of threats, rewards and solidarity factors. During the 1990s many of them – particularly in the Pashtun population – progressively lined up with the Taliban as the latter swept to power.[74]

They are continually balancing the options in terms of what it best for them and their followers. With the Taliban pushed from power but undefeated back in 2001 and Hizb-e Islami's networks undisturbed, they became dormant. Just as when the Taliban regime swept to power, they are now joining, or will join, the anti-government forces when there appears momentum behind the insurgency or something in it for them. Their reassessments could be part of the reason for the gathering pace of the insurgency. Local recruits – conscripted, paid or volunteer – then swell the ranks.

At one stage the British had estimated there were 200 ideologically committed Taliban in Helmand. But between March and mid-July 2006 alone, their troops killed some 200 insurgents, and the violence has only become worse.[75] There were claims of up to 1,000 "Taliban" killed during Operation Medusa outside Kandahar and 300 in Operation Mountain Fury in the east in September/October 2006. It is increasingly apparent, however, that numbers count for little, since there is a seemingly endless supply of recruits, or "as many insurgents as you want", as a senior Western diplomat admitted.[76]

Fuelling such recruitment is not so much an appealing vision of the future that the Taliban holds out but rather a loss of trust in the government after numerous promises have not been kept to a people who can see little change in their everyday lives, while abusive and corrupt leaders are back in power. The continuing absence of a functioning judicial system or other conflict resolution mechanisms also allows anti-government elements to use local conflicts for their own advantage.

When asked who the insurgents are, the head of Kandahar's Ulema council explained in February 2006: "The 'Taliban' are [from] the people". Asked why they should take direction from what he called a "foreign hand pushing them to do violence", he pointed to bad and corrupt administrators. "What should take one day will take one year. What should cost one Afghani will cost 10,000 Afghanis".[77] In Ghazni a local aid worker spoke for many when he said that: "It is hard to tell the difference between the Taliban, robbers and the government".[78]

Factors that were repeatedly pointed to as driving people to oppose the government included:

Political disenfranchisement. The favouring of one group or tribe while leaving others out of decision-making and power structures was seen in Uruzgan where former governor Jan Mohammad put a Popalzai-dominated administration in place to the exclusion of nearly all others. In Kandahar former Governor Sherzai similarly formed a largely Barakzai administration.[79]

[72] "Preliminary indications are that the movements across the border have increased since the signing of agreements on the other side of the border", said General James Jones. "Militant infiltration up in Afghanistan since Pakistan deal: NATO", *The News*, 28 October 2006.
[73] Crisis Group interview, senior international military officer, Kabul, 12 August 2006.
[74] Astri Suhrke, "When More is Less: Aiding Statebuilding in Afghanistan", working paper, *Fundacion Para Las Relaciones Internacionales* Y *El Dialogo Exterior*, 26 September 2006.
[75] Crisis Group interview, southern Afghanistan, 12 July 2006.
[76] Crisis Group interview, 10 August 2006.
[77] Crisis Group interview, Mawlawi Ghulam Mohammad, Kandahar, 7 February 2006.
[78] Crisis Group interview, Ghazni, 26 June 2006.
[79] Hamid Karzai belongs to the Popalzai tribe.

Resource quarrels. These are particularly over land and water and have been exacerbated by the return of millions of refugees and internally displaced people as well as a long drought. Given the lack of an impartial judiciary or local administrations that can help resolve such disputes, which often go back decades, they are left to fester. If heard at all, the outcome may well be settled by bribes and do little to ensure long-term stability.

Corruption. This includes large-scale ransacking of state and donor resources by officials who regard state property as their own.[80] Just as important are people's interactions with local administrators and security officials in which they have to battle and pay bribes for the simplest procedures. Even when senior officials are themselves above corruption, their failure to take action against close relatives who are perceived as corrupt tars them, in public perceptions, with the same brush.

Lack of opportunities and development. Having been oversold the benefits that democracy would bring, there is growing public discontent and a backlash at the lack of change in everyday life, especially among the many jobless youths, who have few options and no stake in the current administration.

Abuse by local and international security forces. This mainly involves mistreatment by local police or army, but also includes mistreatment by international forces in rough-house raids and illegal detentions.

A human rights worker said: "The people distance themselves from the government because the government has distanced itself from them. This is why the people may turn to insurgents". He described senior visitors flying in after a confrontation between local people and authorities in a district of Helmand. An investigation and follow-up action was promised but nothing materialised after the helicopters left. "After this they [the local population] joined hands with anti-government elements".[81] Making unfulfilled promises is no better, and may be worse, than doing nothing at all.

This is not a popular uprising. According to a senior government official, "the people are dissatisfied with this administration, not the system itself".[82] An educated woman from the insurgency-ridden district of Greshk in Helmand gave a fairly representative response when she expressed regrets for voting for Karzai: "The promises he made he has backed out of. Even I would not vote for him now". When pressed further, she did not object to the system itself; women in particular have no desire for a return of the Taliban. "The Taliban were wild; they had no education".[83]

Millions put themselves at risk to vote, demonstrating their enthusiasm for democracy, but they have yet to see the government demonstrate that it is on their side.[84] Such disillusionment is not only a source of recruitment but also helps ensure an acquiescent population for the insurgents – essential for sanctuary and support if they are to penetrate deeper into the country. "People are not asking the Taliban to come to the community, the Taliban are coming to the community", said a development worker in southern Afghanistan. "The problem is the people don't believe that the government will stay with them and protect them".[85]

A government perceived as legitimate by the people because it is able to provide services and security is, therefore, key to defeating the insurgency. Today people are pulling back from a government that is failing them, if not preying on them. This has particular implications in the south, where many corrupt and exploitive officials are seen as closely linked to the government. Their inclusion is justified on the grounds that a strong anti-Taliban position is more important than any abuses they may commit towards the population; in actuality, "[bad] governors have created as many Taliban as they have killed".[86]

C. SPOILERS

Spoilers are those who for reasons of personal power or economic interests have no desire to see rule of law or central authority spread. This includes some corrupt local power-holders who do not just indirectly feed the insurgency by creating disillusionment about the government but also actively fuel it. Corrupt and abusive power-holders removed from their positions are believed to be stoking the violence in Helmand in an effort to prove their indispensability to "security".

Such self-interested actors are not necessarily seeking to overthrow the government but to protect their patch;

[80] In one of the most blatant examples of corruption, key officials in the Transitional Administration grabbed land in the Shirpoor area of central Kabul in 2003. A commission of investigation was announced and the city's head of security was fired but otherwise no action was taken, mansions were built on the site, and the officer involved was moved to another job. See Crisis Group Asia Report N°64, *Peacebuilding in Afghanistan*, 29 September 2003.

[81] Crisis Group interview, human rights worker, Kabul, 4 July 2006.

[82] Crisis Group interview, Kabul, 20 June 2006.

[83] Crisis Group interview, Lashkar Gah, 15 July 2006.

[84] Some 8.1 million persons voted in the presidential election and 6.4 million in the parliamentary polls.

[85] Crisis Group interview, southern Afghanistan, 16 July 2006.

[86] Crisis Group interview, senior Western diplomat, 10 August 2006.

they are only too happy to have their actions attributed to the "Taliban". An NGO worker in the south put it vividly: "To slip through the water unseen, the fish must first muddy the pool. If there is no government control you can do anything".[87] In its quest to be seen as all-pervasive, the Taliban are pleased to claim the whole murky pond.

As Crisis Group argued in 2002, Afghanistan is still a war economy.[88] A transition to real peace would threaten the predator economy that provides many power-holders with resources to maintain their authority and finance their militias. The rule of law could challenge those, for instance, who, as part of local administrations, abuse the powers and resources at their disposal to take advantage of taxes and check posts, timber, mines and land, and most importantly, the drugs trade.

The mass cultivation of narcotics is a potent symbol of the lack of rule of law, says a senior official of the UN Office on Drugs and Crime (UNODC): "Drugs never do anything by themselves. Drugs follow social processes, as an expression or symptom of conflict".[89] Illegal crops require large tracts of lawless land – Afghanistan's comparative advantage.

The traffickers and facilitators, who drive the trade, receive an estimated 79 per cent of in-country profits from narcotics – some $2.14 billion in 2005.[90] Many are government officials, thus warping and corrupting fledgling institutions. The open way in which these "big fish" operate, with opulent mansions and convoys of SUVs, further feeds accusations of government corruption and hypocrisy. As one Ghazni development worker said, the government's failure to tackle traffickers, despite its rhetoric, undermines all counter-narcotic efforts. "We see that they [the government] are not saying it from the heart".[91] A senior international military figure noted: "Issues of drugs are almost impossible to distinguish from issues of governance and security".[92]

While there is little evidence of direct, large-scale involvement in poppy cultivation by the insurgents, the illegal trade fuels the violence in various ways. Insurgents gain financially from protecting drug convoys and taxing drugs.[93] They may also seek to promote an illicit economy that lies beyond government control. Traffickers in turn can buy protection, while a climate of insecurity ensures that the land under cultivation, and hence their trade, remains beyond the rule of law. There is, therefore, a shared interest in preventing the spread of central authority.

Nowhere is this more clearly demonstrated than in Helmand. The site of some of the worst violence of 2006, the province is home to 42 per cent of the country's total poppy cultivation,[94] and the areas of major drug production and violence show remarkable continuity.

[87] Crisis Group interview, southern Afghanistan, 16 July 2006.
[88] See Crisis Group Report, *Peacebuilding in Afghanistan*, op. cit.
[89] Crisis Group interview, Dr Doris Buddenberg, UNODC Afghanistan country director, Kabul, 10 September 2006.
[90] "Afghanistan Opium Survey 2005", UNODC, p.84.
[91] Crisis Group interview, local aid worker, Ghazni, 26 June 2006. For instance, nine tonnes of opium was found in the office of former Helmand governor Sher Mohammad Akhundzada in June 2005. See statement of Karen Tandy, administrator of the Drug Enforcement Administration, before the Committee on Armed Services, U.S. House of Representatives, 28 June 2006, p.6. He was later removed from office at international insistence but the president nominated him as a senator in the upper house of the National Assembly. His brother, previously excluded from standing for the National Assembly because of links to armed groups, was made deputy governor.
[92] Crisis Group interview, Kabul, 21 January 2006.
[93] There is need for an in-depth joint national and international assessment of the sources of insurgent funding, including the role of drugs in sustaining the insurgency.
[94] "Afghanistan Opium Survey 2006 (Summary of Findings)", UNODC, 2 September 2006, p.3.

V. BATTLING THE INSURGENTS

More foreign forces after five years than at the beginning of the intervention was the wrong way to do the numbers. International troops now face far greater resistance – and public suspicion – than they would have in 2002. This makes it all the more vital to ensure that the forces receive the numbers and resources they need now; heavy fighting will not be tolerated by the population forever. It is essential to press on with the reform and training of local security forces, an integral component of any exit strategy.

While military action is a vital part of counter insurgency, it is worrying that it appears to be the predominant element in Afghanistan. It is already evident that without police to hold the area and clearly sequenced political strategies, it often takes only a few weeks for insurgents to re-emerge in areas that have been "cleared". To fill the void, there is increasing emphasis on "development", or building things – preferably quickly – but the political component is missing.

Crucial decisions on troop numbers and deployment may be made by politicians at home based at least partly on domestic political considerations. In the field, however, it is the international security force, the largest and most extended foreign presence in Afghanistan, which is driving policy and planning for a wider counter-insurgency strategy.

Civilian casualties are an unpleasant fact of conflict but every effort must be made to avoid them, since the goal of counter-insurgency is to win over the population, and each incident can drive a family, or even tribe, to the insurgents.[95] The International Committee of the Red Cross has released a public statement calling on "all parties to respect the rules of international humanitarian law".[96] The insurgents themselves seem to care little for civilian lives but though there is increasing concern also about military actions, there is little public acknowledgement of such casualties by international forces, and the Karzai government has often appeared torn.[97]

Following an aerial bombardment in Panjwayi, outside Kandahar, in which international forces say twelve civilians were killed, while government officials talked of 25 and some local people reckoned dozens,[98] Karzai pledged to form a commission to investigate. The UN SRSG also released a statement.[99] However, this is an area in which the UN should be doing much more independent information gathering and verification. To gain credibility and to assuage civilian unrest, Kabul and the international forces should also facilitate access to information for the local media and monitoring by independent local organisations such as the Afghanistan Independent Human Rights Commission. The need for access, transparency and monitoring also applies to those internally displaced by the fighting – some 15,000 families in Kandahar, Uruzgan and Helmand in recent months.[100] The UN should play a much more public role on both issues, acting as an impartial voice for and protector of the civilian population.

A. INTERNATIONAL SECURITY FORCES

NATO-led ISAF is now in charge of all military operations in Afghanistan, although assumption of command in the east in October 2006 largely involved re-badging U.S. forces already in place. Hopefully, this unity of command will resolve some of the confusion and incoherence that had resulted from different regions operating under separate commands. However, the U.S still retains 10,000 troops under its command, including some tasked specifically with counter-terrorism operations. The U.S. also remains the predominant supplier of

[95] An angry villager, bringing an injured family member to hospital in Kandahar, declared: "We were happy when the foreigners came. They said it was for reconstruction. Now they bomb us, just like the Russians". Crisis Group interview during Operation Mountain Thrust, Mirwais Hospital, Kandahar, 22 July 2006.

[96] "Afghanistan: ICRC deplores increasing number of civilian victims", press release, Geneva, 27 October 2006.

[97] Karzai has on occasion been vocal on the issue. For instance, when asked about civilian casualties, he told an audience at the Council on Foreign Relations in New York on 21 September 2006: "[T]here was a bombing in Kandahar, Panjwayi, where some seventeen civilians were also killed. I had just a few days before that warned the coalition that 'look, I'll be very angry if there is another bombing in which civilians lose [lives]'. So I was furious, and I wanted to ask my press spokesperson to issue a very strong statement of condemnation. And then I called the province where the bombing had taken place and spoke to some of the tribal chiefs and the elders there. They told me: 'Mr President, we understand your anger, but please do not criticise because we need tough action'. So we are between a rock…and a hard place". Transcript of interview, Federal News Service, 21 September 2006.

[98] "Karzai 'sadness' at raid deaths", BBC Online, 27 October 2006. Up to 21 civilians were killed in two NATO operations the previous week in Helmand and Kandahar.

[99] It said the mission was "very concerned by reports that a great number of civilians may have died during the conduct of military operations" and that "the United Nations has always made it clear that the safety and welfare of civilians must always come first and any civilian casualties are unacceptable, without exception". "Statement by the spokesman for the UN Assistance Mission in Afghanistan on reports of civilian casualties in Kandahar province", Office of Communication and Public Information, 26 October 2006.

[100] The Office of the United Nations High Commissioner for Refugees, briefing notes, 3 October 2006.

forces in Afghanistan: half the 40,000 now on the ground[101] an American four-star general will lead ISAF, the first time that the force will be under a U.S. commander.[102] Earlier talk of U.S. troop-drawdown appears to have been quietly dropped.[103]

The upswing in violence in the south at the start of 2006 can be partly attributed to ISAF expansion, since foreign troops moved into areas where there were none before. Helmand, for example, now has some 3,000 troops. Prior to ISAF expansion, there was only a PRT of 100 to 200 people, along with some special forces. This influx has brought together disparate interests opposed to their presence. The Taliban resurgence can also be attributed to a perception that the Americans had been beaten and replaced by weaker European and Canadian troops who, given domestic questions over their mission, could be easily and quickly driven away by casualties.[104]

In its first mission outside the Euro-Atlantic zone, one whose outcome is vital not just to Afghanistan but also to the Alliance itself, NATO has found itself in the midst of ground battles. "If NATO fails in Afghanistan, NATO fails", reckons a senior Western diplomat.[105] But even with more forces than ever before, Afghanistan has only around a quarter of the international troops that Iraq has even though it is bigger. In fact, it has comparatively fewer international troops than any other recent military intervention; tiny Kosovo received some 40,000 and Bosnia 60,000.[106]

An urgent appeal on 7 September 2006 for an additional 2,000 to 2,500 troops to form a manoeuvre force has proved hard going. It took a month to receive public pledges from Poland for a further 900, to arrive in early 2007, and Romania for 200 to come at the end of 2006. And this is NATO moving at comparatively lightening speed. Nor do the numbers tell the whole story since many of these troops will not be based in the regions where they are needed most. Indeed, troop presence in Afghanistan often appears to be about demonstrating an alliance with the U.S. rather than meeting the country's needs. Only a handful of NATO members are prepared to go to the south and east and to go robustly – mainly the U.S., UK, Canada, the Netherlands, Romania, Australia and Denmark. Hard questions need to be asked of those such as Germany, Spain, France, Turkey and Italy who are not, and who sometimes appear to put force protection, not mission needs, at the fore.

The challenges in Afghanistan reflect a wider problem in NATO. Since much of the decision-making is done in the capitals of contributing nations on political rather than military grounds, national caveats about troop deployment and missions are hindering cohesion and interoperability on the ground.[107] Such caveats should be removed, and the needs of the mission should dictate where and how soldiers are used. For example, the manoeuvre force requested by NATO commanders should be quickly established and troops moved to the south if requested. There have not been public calls for large increases in troop numbers, probably because it is well understood that they would not be forthcoming. Despite this, an audit of how many are needed should be urgently undertaken and troop numbers rapidly augmented by first the U.S. and then others.

B. AFGHAN SECURITY FORCES

Afghan forces still have a long way to go before they could tackle the insurgency on their own but getting an Afghan face in the field is vital to counter propaganda of "foreign invaders" and to gain more local knowledge and awareness. A local development worker observed: "If Afghan people come to the community, people will help them if they are doing right by the community…foreigners should be here [only] while the ANA [Afghan National Army] and ANP [Afghan National Police] are built up".[108]

When the size and competencies of the new Afghan security forces were designed, fighting of this scale was not envisaged, certainly not at this early stage in their development. Despite basic equipment, and in the case of the police, limited numbers in isolated areas, they have borne the brunt of the insurgency so far. It is also privately acknowledged that the national army and police are "bleeding" personnel.[109] Attrition rates have

[101] There are now around 30,000 troops in ISAF, approximately 10,000 of them American.
[102] General Daniel K. McNeil has been nominated by President George Bush.
[103] Crisis Group interviews, diplomatic and military officials, Kabul, August 2006.
[104] In the Canadian parliament, for instance, the decision to commit troops to Kandahar until 2009 was passed by just 149 votes to 145 in May 2006.
[105] Crisis Group interview, senior Western diplomat, Kabul, 9 August 2006.
[106] Michael Bhatia, Kevin Lanigan and Philip Wilkinson, "Minimal Investments, Minimal Results: The Failure of Security Policy in Afghanistan", briefing paper, Afghanistan Research and Evaluation Unit, June 2004. Paul Krugman "The math of failure", *International Herald Tribune*, 28-29 October 2006, p.7.
[107] National caveats are not public but believed to include such provisions as bars on combat and night patrols.
[108] Crisis Group interview, southern Afghanistan, 16 July 2006.
[109] Crisis Group interview, senior international military personnel, Kabul, 11 August 2006. The observation was

not been publicly released but such talk was consistent throughout interviews. The figures used below do not reveal the extent of desertions, absences, vacations, phantom personnel and those who have simply finished their contracted periods. More work is needed to retain trained personnel. Issues such as irregular salaries and the difficulty of getting the money to families, often a bigger bone of contention than the rate of pay, need to be addressed. The other side of the equation is, of course, systems to hold personnel to their commitments.

The roles of the army and police are often muddled in the heat of battle. Ultimately, in any insurgency it is the police that must hold any gains. Only by providing security to communities will the population be brought on side. The local knowledge of police officers also means they can quickly detect outsiders. It is vital that training and mentoring programs continue, even amid the fighting. In quieter areas, the role of foreign forces should be reviewed, since they might be better used in training and mentoring the police.

1. Afghan National Army (ANA)

The Afghan National Army (ANA) is widely considered a nascent success as a multi-ethnic national institution.[110] It has benefited from having the U.S. as the lead nation, with resources and attention simply not seen in other areas, as well as effective local leadership from Defence Minister Wardak. However, questions remain about its long-term fiscal sustainability and when it will actually be ready to conduct operations on its own.[111]

The emphasis has so far been on basic fighting units – "light trigger pullers", as a senior diplomat called them.[112] Much more work is still needed on logistics and supply. This has got off to a much better start than most other institutions but like everything else in rebuilding Afghanistan, this requires a long-term commitment. There are still fewer ANA than international forces, with some 34,000 soldiers trained out of a projected force of 70,000.[113] But a figure mentioned several times in the south was of battalions at 60 per cent strength. More weapons, vehicles and equipment are also essential. One ANA soldier spoke of being sent to Helmand with just five magazines of ammunition.[114]

2. Afghan National Police (ANP)

The Afghan National Police (ANP) is a very different story. Often little more than private militias, they are regarded in nearly every district more as a source of insecurity than protection. Instead of gaining the confidence of communities, their often-predatory behaviour alienates locals further. "In your country if you have a problem you go to the police", said an official from Kandahar province. "If you can't talk to the police where do you go? To those who are against the government".[115]

Rather than completely new recruits like the ANA, the police mainly consist of previous personnel. The ANP supposedly has some 65,497,[116] above the projected force of 62,000,[117] but these figures make anyone in the know laugh and reveal little of the ground reality. Kandahar's governor reckons that there are only 35 to 60 police in each district of his province.[118] A "rebalancing" plan in the middle of the year was supposed to send several hundred police from Kunduz

backed by several interviews in southern Afghanistan in June and July 2006.

[110] Its deployment is roughly as follows: 201 Corps in Kabul has two brigades, with one now stationed in Kunar; 203 Corps based in Gardez has three brigades, one each in Khost and Paktika, while the third has yet to be activated; 205 Corps in Kandahar has three brigades: one each in Helmand, Kandahar and Zabul; 207 Corps, based in Herat has one brigade with one battalion each in Shindan and Farah; 209 Corps, based in Mazar, has one brigade with battalions in Kunduz, Mazar and Faryab. A brigade is roughly 2,800 personnel. Crisis Group interview, ANA chief of operations, Lieutenant General Sher Mohammad Karimi, Kabul, 21 September 2006.

[111] ISAF's Operation Plan calls for 1,600 embedded trainers.

[112] Crisis Group interview, Kabul, 9 August 2006.

[113] Afghanistan Compact, Annex I (Afghan Nation Army): "By end-2010: A nationally respected, professional, ethnically balanced Afghan National Army will be fully established that is democratically accountable, organised, trained and equipped to meet the security needs of the country and increasingly funded from government revenue, commensurate with the nation's economic capacity; the international community will continue to support Afghanistan in expanding the ANA towards the ceiling of 70,000 personnel articulated in the Bonn talks; and the pace of expansion is to be adjusted on the basis of periodic joint quality assessments by the Afghan Government and the international community against agreed criteria which take into account prevailing conditions".

[114] Crisis Group interview, Qurban, an ANA soldier, Kabul, June 2006.

[115] Crisis Group interview, Kabul, 12 February 2006.

[116] "Report of the Secretary-General", 11 September 2006, op. cit., p.7.

[117] Afghanistan Compact, Annex I (Afghan National Police and Border Police): "By end-2010, a fully constituted, professional, functional and ethnically balanced Afghan National Police and Afghan Border Police with a combined force of up to 62,000 will be able to meet the security needs of the country effectively and will be increasingly fiscally sustainable".

[118] Crisis Group interview, Assadullah Khaled, Kandahar, 21 July 2006.

and Nangarhar to assist in the south but under half reported for duty.[119]

A pay and rank review process, starting at the very top, aims to professionalise the service and increase wages. However Tier II reform in mid-2006, which included reviewing the heads of provincial forces, saw fourteen candidates who had failed to pass the examinations or vetting put back on the list by the presidential palace on the grounds of political necessity.

Once again Afghanistan's leadership has demonstrated its failure to comprehend that a clean process and overturning the culture of impunity is not an international imposition but something the Afghan people are crying out for. It is to be hoped that Tier III, looking into district police chiefs, and the probation process imposed on the above-mentioned fourteen,[120] will not be subjected to such interference. If so, donors must stand together. Why should they pay for something that is not in the population's best interest and would undermine an agreed and transparent process?

The dismal state of policing has resulted in growing support for enhancing traditional tribal policing systems (*arbakai*). Many fear that such calls, which emanated from the palace in June 2006, reek of the dying days of the Soviet-backed Najibullah regime and its desperate attempt to hold onto power. "It is like watching the rivers run backwards", lamented a government official in Ghazni.[121]

Ad hoc efforts are already happening in some provinces. The Ghazni provincial police chief said he could call upon 500 militia.[122] There were reliable reports of similar forces in Kunar, Daikundi, Farah and Helmand. Command and control as well as funding of such militias remain unclear, with the money often appearing to come from governors' discretionary funds.

A more regular Afghan National Auxiliary Police (ANAP) is now getting underway with a target figure of 11,000 members in "high risk districts". The president approved the concept on 28 August 2006, and recruitment has begun. It is envisaged that ANAP participants, who are to receive ten days' training, will operate under the command of the district police chiefs. They will have the same pay and conditions as regular police but be on one-year contracts.[123] While it has been emphasised that ANAP personnel would be recruited individually, many fear the result will be the regularisation of militias.

Such short-term solutions have the potential to inflame the situation countrywide, with northerners questioning why local units are built up in the south while they are asked to disarm.[124] It is only through the rule of law and due process that a government can claim legitimacy; militias and auxiliary police with ten days' training will only undermine the effort. Instead, the benchmark numbers for police under the Afghanistan Compact – which it is argued prevents the recruitment of additional regular officers – should be urgently re-examined, and recruitment, training and equipping of professionals should be redoubled.

[119] Crisis Group interview, Western diplomat, Kabul, 15 October 2006.
[120] After vocal international objections, the fourteen were placed on "probation".
[121] Crisis Group interview, Ghazni, 25 June 2006.
[122] Crisis Group interview, Tafsir Khan Khogyani, Ghazni, 25 June 2006.
[123] The ANAP is to receive an additional four-weeks training during the year. Whether this will happen is questionable, given that in-service ANA training is already being skipped or postponed because of the insurgency.
[124] See Crisis Group Asia Briefing N°30, *Nepal: Dangerous Plan for Village Militias*, 17 February 2004, for background on the dangers of informal militias.

VI. BUILDING POLITICAL STRATEGIES

An insurgency fought by guerrillas using terrorist tactics can never be defeated on the battlefield alone. "Tactically we can unequivocally say that we have defeated the enemy in every fight", a senior international military figure said, while agreeing that strategically this was only part of the story.[125]

The principles of counter-insurgency that Sir Robert Thompson deemed essential in defeating communist insurgency in Malaya long ago are valid in Afghanistan. The government must:

- have a clear political aim: to establish and maintain a free, independent and united country, which is politically and economically stable and viable;
- function in accordance with law;
- have an overall plan; and
- give priority to defeating the political subversion, not the guerrillas.126

Military operations must be seen as a means of holding insurgents at bay until state-building and institutional reform can take place, which will help drive sustainable development. While a state in the midst of a very fragile democratic transition is particularly vulnerable, it is essential that state-building and counter-insurgency be seen as mutually reinforcing. It is only through the rule of law that a government differentiates itself from being simply another party in a conflict.

Government legitimacy and institution-building are undermined if the top leadership believes that militias, rather then the police, are the answer and invites factional leaders to the palace for chats on security,[127] instead of working with democratically elected representatives. Eyes need to remain firmly fixed on the final goal, instead of grasping at short-term measures that will not defeat the insurgency and will damage long-term objectives.

The lack of unity of command also is a major challenge. Few tools of government, including the bulk of military forces and money, are in Afghan hands, and many national institutions are weak or rotten. On the international side there is a plethora of actors, which the ISAF Commander has said, creates a situation that is sometimes "close to anarchy" in terms of planning.[128]

A. EARLY EFFORTS

1. Countering propaganda: Information strategies

Through propaganda ranging from television interviews to the distribution of pamphlets, the insurgents have made themselves appear far more powerful and pervasive than they really are.[129] While they attempt to seize the agenda, the government and its international allies have been reactive at best in countering lies and highlighting cruelties.

In the absence of a real media or information strategy, the government has simply sought to ban reporting of bad news stories, with security agencies issuing media "guidelines" in June 2006 that sought to bar "broadcasting

[125] Crisis Group interview, senior international military official, Kabul, 12 August 2006.

[126] Sir Robert Thompson, *Defeating Communist Insurgency: Experiences from Malaya and Vietnam (Study in International Security*) (London, 1966), pp. 51-57. There is also a fifth principle: "In the guerrilla phase the government must secure its base areas first".

[127] President Karzai has met with key factional leaders, including Burhanuddin Rabbani, Abdul Rabb al-Rasul Sayyaf, Pir Sayed Ahmad Gailani, Ahmad Zia Masoud, Karim Khalili, Younus Qanooni, Mohammad Qassem Fahim, Mohammad Mohaqqeq and Hedyat Amin Arsala, to discuss "ways of improving the security situation". It was "agreed that such meetings should continue to be held in the future". "President Karzai Meets With Jihadi Leaders", press release, office of the president, 26 July 2006.

[128] The transcript of a presentation by Lieutenant General David Richards to the Royal United Services Institute, reproduced in a letter to the *Guardian*: "The current lack of unity and coordination between the numerous different organisations and agencies often manifests itself in a situation close to anarchy, both military and civil….Add to this the multifarious agendas of the many NGOs; well-meaning but uncoordinated and lacking in strategic direction, and you have a recipe for confusion, disaffection due to the promises undelivered and aggravated distrust of Western intentions amongst the Afghan population". This was intended to clarify a story, which implied that Richards had warned Afghanistan itself was close to anarchy. Richard Norton-Taylor, "Afghanistan close to anarchy, warns General", *Guardian*, 22 July 2006; Lieutenant Colonel Chris Borneman, "Afghanistan is not close to anarchy", *Guardian*, Letters, 25 July 2006.

[129] For instance, a Taliban letter distributed in the districts of Kandahar in July 2005 warned people not to work with foreigners: "Those who work with foreigners are not Muslims and must stop such work. Nobody is allowed to work with non-Muslims … we know those scholars who are praying the verses of the Holy Quran for foreigners during their conferences and meetings. These people must resign from their posts. We are not requesting them but compelling them to resign. If they do not resign we will execute them".

those materials which deteriorate the morale of the public, cause security problems and which are against the national interest". These include statements or interviews with "armed organisations and terrorist groups", reports of terrorist activities used as the lead story, and reports "that aim to represent that the fighting spirit in Afghanistan's armed forces is weak".[130]

But restricting media does not make the public think the problem has gone away; instead the public simply stops trusting its own media and government. The administration and its international allies should work on their own strategy. Effective local security spokespersons should to be appointed in Kabul and in Regional Commands South and East to set an agenda, communicate with local journalists and stakeholders on military operations and react quickly to insurgent claims as well as erroneous reporting.

Such a strategy must also include facilitating access for independent organisations – both local media and human rights observers – to the situation on the ground. It is not through government propaganda that the information war will be won but by demonstrating to the public, including through the testimony of independent organisations, who is in the right. Some of this has begun with a new subcommittee bringing together spokespersons of most government ministries as part of the Policy Action Group (PAG) discussed below. But much work, with the president taking a strong lead, is needed if insurgent propaganda is to be neutralised. This should include a weekly address to the nation specifically on the security situation. The president and ministers should also visit casualties of the violence. This would not only demonstrate their concern for security forces and civilians who bear the brunt of the violence but also highlight the cruel nature of the insurgency.

2. Legal framework

The constitution gives the president, with the National Assembly's confirmation, the power to declare a State of Emergency,[131] which would transfer powers from that body to him[132] and override articles on arbitrary detention, demonstrations, private correspondence and entry into private homes.[133] There has apparently been some high-level consideration of such a move although it has been decided against at this stage.[134]

International efforts are underway to draft counter-terrorism legislation. This is not the way to develop Afghanistan's legal system and to approach an insurgency. There is less need for special laws than for an urgent and comprehensive review of the Criminal Code. Special bodies or rules would only draw resources and attention, as well as legitimacy, away from wider attempts to build the rule of law.

Noticeable in such efforts is lack of Afghan involvement. To be effective any legal framework should be broadly and publicly discussed; the involvement of members of the National Assembly is critical since they would have to pass any law. The reform of the legal system benefits, of course, from international technical support and funding for capacity and institution building. However, decisions must be grounded in Afghan institutions and realities, be widely understood and enjoy popular support and the approval of democratically elected representatives.

Discussion on legal matters should include the treatment of prisoners by both the Afghans and international military forces. Currently subject to bilateral agreements, the provisions should be standardised and brought before parliament.[135] International efforts in Afghanistan should also be grounded in the rule of law. Most urgently required is a Status of Forces Agreement between Afghanistan and the U.S., who presently have only an "exchange of notes" in place.

3. Reconciliation efforts

Many now argue that the Taliban should have been allowed to take part in the Bonn process in 2001. Indeed, many in Pakistan's government advocated their inclusion then.[136] "It was the first mistake, not to invite Taliban to join the Bonn Process. From the first day they were not a part of this government and kept isolated",

[130] Translation of media guidelines distributed to local broadcasters and agencies in June 2006.
[131] "If due to war, serious rebellion, natural disasters or situations similar to those protecting the independence or nation's survival becomes impossible by following the provision of this Constitution, the President in confirmation of the National Assembly shall declare a state of emergency in some or all parts of the country", Constitution of Afghanistan, Article 143.
[132] Ibid, Article 144.
[133] Ibid, Article 145.
[134] Crisis Group interviews, diplomatic sources, September 2006.
[135] Article 90(5) of the constitution gives the National Assembly the authority to ratify international treaties and agreements or abrogate Afghanistan's commitment to them.
[136] In October 2001, Pakistan Foreign Ministry spokesperson Riaz Mohammad Khan reportedly disclosed that key officials had met with Taliban commander Jalaluddin Haqqani to discuss participation in a broad-based government in Kabul. "Pakistan talks to Taliban about future government", *Taipei Times*, 22 October 2001.

said a government official in Kandahar.[137] The Taliban's former unofficial envoy to the UN complained of international hypocrisy: "Under the Soviets millions are dead, and now they invite communists into high positions, directorships and ministries. The mujahidin war kills civilians, and they are allowed to work here politically".[138]

The official reconciliation program, *Takhim e-Solh* (Peace Through Strength, PTS) began late, in May 2005. Headed by a former president, Sebghatullah Mujaddedi, it is aimed at the Taliban, Hizb-e Islami and other armed groups, although there are differences over the ranks of anti-government elements eligible to participate. Mujaddedi early on stated that even Mullah Omar would be welcome, but U.S. officials were quick to reject this and insist it is aimed at the mid-level Taliban.[139] Based in Kabul, the program spread to the regions only at the end of 2005. It was run in Kandahar by relatively junior officials until mid-2006.[140] While it is claimed that around 2,000 anti-government forces have joined the process, there is widespread scepticism over both the numbers and the level of involvement of those brought in.

Nevertheless, many ex-Taliban and other anti-government elements have, on their own volition, accepted government authority and are working in the system. At least four men formerly associated with the Taliban won Wolesi Jirga (lower house of the National Assembly) seats in the September 2005 elections, including Abdul Salam Rocketi, who topped the poll in Zabul. President Karzai appointed the former Taliban deputy religious affairs minister, Mawlawi Arsallah Rahmani, to the Meshrano Jirga (upper house) along with Hekmatyar's former close ally, Abdul Saboor Farid. After pledging it had cut ties with Hekmatyar, the Hizb-e Islami (Afghanistan) party was registered, and its leader, Khalid Farooqi, elected to the Wolesi Jirga.[141] Another former Taliban official, Abdul Hakim Munib, has been appointed governor of Uruzgan.[142]

Those who wished to join the process have had their chance. While more efforts should have gone into reconciliation in the early days, seeking to quell the insurgency now by rewarding criminal behaviour would only perpetuate a culture of impunity and betray the trust of those who have backed the new, democratic, participatory institutions. It appears that the concept of reconciliation is being used interchangeably with amnesty. While such compromise may bring some measure of short-term relief, it would ultimately do nothing to break the cycle of violence. Those who have not taken up arms but remain outside the political fold should, of course, be welcomed back. And those who are willing to give up arms should be offered the chance for rehabilitation, but only after due process and a vigorous vetting process to assess culpability.

Rather than a separate process, Taliban reconciliation should be part of the effort to achieve transitional justice across the eras, which was set out in the Action Plan for Peace, Reconciliation and Justice but has been all but shelved amid the rising violence. Launched by President Karzai in December 2005, the Action Plan includes five stages, from memorialising and recording victims to deciding the most appropriate forum in which to tackle human rights abusers. Its timelines are now well out of date, and commitments to it made in the Afghanistan Compact appear impossible to meet.[143] Some in the international community appear to believe that tackling abusers who are in power during an insurgency would be destabilising; but toleration of the climate of impunity is undermining stabilisation and counter-insurgency efforts.

B. MOVING TOWARDS CO-ORDINATION: POLICY ACTION GROUP (PAG)

The Policy Action Group (PAG), created in July 2006, grew out of an inter-agency assessment of security threats and responses undertaken by national and international players at President Karzai's behest. Comprised of key international military and diplomatic players as well as

[137] Crisis Group interview, head of *Takhim e-Solh* for Kandahar province, Agha Lallai Dastgeeri, Kandahar, 19 July 2006.
[138] Crisis Group interview, Abdul Hakim Mujahed, Kabul, 4 September 2006.
[139] When asked about Hekmatyar and Mullah Omar's inclusion, Mujaddedi reportedly said: "Our terms are if they lay down their weapons, respect the constitution and obey the government, we don't have big conditions for them". "Amnesty offer to Taliban leader", BBC, 9 May 2005. See also Ron Synovitz, "Karzai confirms amnesty offer is for all willing Afghans", Radio Free Europe, 10 May 2005.
[140] There are now seven regional offices: Kunar, Nangarhar, Paktia, Khost, Kandahar, Herat and Kunduz.
[141] Because the party was registered only after the election and all candidates stood as individuals, it is impossible to say with certainty how many allies it has within the body; it has claimed up to 40, most people feel this is an overestimate. It has not acted cohesively in the National Assembly, and the exact nature of its relationship to Hekmatyar is ambiguous.
[142] A deputy minister of frontier affairs under the Taliban, Munib, like some of the others mentioned, remains on a UN list of individuals belonging to or associated with the Taliban who, pursuant to Security Council Resolution 1267, are subject to asset freezes and travel bans. While there have been efforts to remove individuals who are now working with the government from the list, the process has been slow and painstaking.
[143] Afghanistan Compact, Annex I (Human Rights): "…The implementation of the Action Plan on Peace, Justice and Reconciliation will be completed by end-2008".

ministers and heads of relevant ministries, it meets weekly under the auspices of the National Security Council (NSC), with the president chairing it once a month. An implementation team follows up, along with four working groups: intelligence, security, strategic communications and development.

The PAG is the first attempt to link different aspects of counter-insurgency into a broader strategy. Coordination and communication on security matters is obviously needed but regular channels largely fell into disrepair after the September 2005 National Assembly elections. Drawing in key political and civilian players, the PAG consists of the national directorate for security, the national security council, the ministries of defence, information and culture, education, rural rehabilitation and development, finance, foreign affairs and interior, UNAMA, ISAF, the Coalition, and the UK, Canadian and Dutch embassies, as well as other embassies as necessary. Some PAG groups had initial difficulties in accommodating large numbers of representatives but proceedings are now regularised. Still in its initial stages, PAG is focusing on assessments and consultations at provincial level. This is promising, because institution building and listening to representations at this level are needed.

So far it has been the major driver on the terms of reference for the Auxiliary Police. There are also plans on the broader strategic level to create Afghan Development Zones (ADZs).[144] ISAF, which is driving this approach, perceives them as "zones where improvements in security and governance, delivered through an integrated approach by all relevant actors, will create conditions for sustained development".[145] Discussion has focussed on the districts of Qalat, Tirin Kot, Lashkar Gah and Kandahar.

No new money is to be allocated to ADZ development work. Rather approaches will be identified to ease systemic bottlenecks and work around security restrictions. This sound good in theory but there are concerns about whether those immediately outside a zone, in a country where nearly everyone is poor, would resent the ADZs. Moreover, like the PRT concept, the ADZ is supply-driven by the international community, dividing up a small amount of resources to do something, rather than a needs-led approach to tackle the insurgency comprehensively.

[144] The concept was approved by the presidential directive of 16 August 2006.
[145] ISAF ADZ Concept Brief as of 11 August 2006.

C. THE MISSING LINK: THE RULE OF LAW

When political strategies to counter the insurgency are discussed in Kabul, the government and sections of the international community too often appear to focus on drawing in the Taliban. This reflects a lack of recognition that such strategies should instead aim at gaining popular confidence and support, since it is ultimately the population that determines the outcome of any insurgency. If it is to defeat the insurgency, the Afghan government must meet the needs and address the grievances of its people, instead of cutting deals with those who threaten them. Kabul must respond, and urgently, to popular demands for real, sustained, institutionalised reform – political, administrative and economic – not simply trying to sell better what is already there. Fundamental change is needed to ensure that institutions and leaders function fairly and transparently and allow people to get on with their lives.

Development projects for instance, will be unlikely to win hearts and minds so long as corrupt and unprofessional officials are in positions of authority. As an Afghan civil society representative who has worked extensively in the south east said, "schools or clinics are useless if people hate the district level administration. What can you build so that a community will accept a corrupt or brutal leader?"[146] But these appointments continue to be made in the misplaced belief that such powerbrokers can hold off the Taliban rather than further alienate the population. Even where there is change, such as in the governorships of Helmand and Uruzgan, the reassignments have been at international insistence and have only been individual, leaving the newcomers unsupported and vulnerable.[147].

International troops should not have to fight and die to support warlords and drug traffickers, and international funds should not be used to buy support for them. A long-time development worker in southern Afghanistan noted: "It is only worth pacifying if there is something (worthwhile) to pacify it for".[148]

[146] Crisis Group interview, Kabul, 27 September 2006.
[147] In Helmand the former governor's brother – who was himself excluded from standing for the National Assembly because of links to armed groups – was then made deputy governor. Several people in the area told Crisis Group that removing someone but not decisively closing the door behind him was worse than doing nothing. Crisis Group interviews, Lashkar Gah and Kabul, July and August 2006.
[148] Crisis Group interview, southern Afghanistan, 18 July 2006.

1. Listening to representative institutions

After time and energy-consuming elections, which were the focus of the Bonn process, there appears to be little respect among the executive and the international community for the fledgling democratic institutions. The international community has long put all its eggs in President Karzai's basket, expecting far more than one man can possibly deliver.[149] As the security situation worsens, there is now disgruntlement and bizarre rumours about the president's future. After five years, the emphasis should be on institutions, not an individual.

However, discussions in Kabul, within and outside international circles, are focusing more and more on working with and through "traditional" and "tribal" structures – tribal elders, jirgas and shuras – rather than representative, elected ones. In many cases such groups are not "traditional" but rather those who seized power through the gun during years of war. Continuing to give them importance is no way to win the peace. Many of these are also men who continue to wield hard-line, religious rhetoric as a weapon against those who dare to challenge them. Great care needs to be taken not to promote them beyond their real importance. Moreover, for all the international community's talk of including women's voices and the constitution's reserved seats in the National Assembly and Provincial Councils for females, there is too much readiness to put aside fair representation when notions of working through jirgas appear.

The National Assembly and Provincial Councils are rarely mentioned in counter-insurgency plans. At the end of October, members of the defence committee of the Wolesi Jirga (the National Assembly's lower house) were not able to describe PAG or ADZs,[150] despite the legislature's constitutionally-sanctioned oversight role.[151] This was just after the defence and interior ministers had testified to the Internal Affairs and Defence Committees behind closed doors following threats of a vote of no-confidence. The National Assembly as the voice of the people needs to be listened to. In its own report on the security situation, while offering few practical solutions, the assembly proved far more willing than the executive to point the finger at internal causes of the insurgency.[152]

Similarly, Provincial Councils are representative, elected bodies that could play a constructive role in any counter-insurgency if they received international and central government support.[153] The lowest tiers of representative government, municipal[154] and district councils,[155] could have played a part but they have not been formed yet. Parliament should prioritise the delineation of administrative boundaries and laws to hold district and municipal elections so that those institutions, which would be closest to the people and likely to be most responsive to their needs, can be got up and running.

Afghanistan needs more democracy, not less, if local leaders are to be empowered to drive change and are also to be held accountable. Administrative decision-making and budgets should be decentralised. Community-level input and decision-making on development priorities would ensure local buy-in. If these bodies are neglected, the institutions that are most needed for a sustainable reconstruction process could be gravely damaged and

[149] Karzai insisted on, and the international community accepted, a strong presidential system with an extremely narrow role for political parties, though the latter are crucial for a robust democracy, including for mediating political conflict. See Crisis Group Asia Briefing N°39, *Political Parties in Afghanistan*, 2 June 2005.

[150] Crisis Group interviews at the National Assembly, Kabul, August-September 2006.

[151] The National Assembly has, according to Article 90(2) of the constitution, the authority to approve "plans for economic, social, cultural and technological development". Article 91(2) similarly provides for the National Assembly's "special authority" in "taking decisions about the state's development programmes and the state budget".

[152] The internal factors identified by the National Assembly included corruption, lack of merit-based appointments, joblessness and poverty, lack of rule of law, lack of reconciliation, lack of attention to religious scholars and leaders, ethnic tensions, deficiencies in DDR and DIAG, ill-planned and executed military operations and disrespect by international forces of local culture. "The National Assembly assessment of insecurity factors and proposals for improving the security situation", 7 October 2006, p.3.

[153] Since their constitutional purpose includes giving "advice on important issues falling within the domain of the province" (Article 139), being consulted on counter-insurgency efforts would appear well within their mandate. The Law of Provincial Councils (2006), Article 4, lists the roles of the Councils, including that they shall: "(1) Participate in determining the development objectives of the government such as economic, social, health, education, reconstruction and contribute to improve the other affairs of the related province;… (4) Provide consultation to design the development plan of the province and anticipated plans before proposing to government;…(6) analyse and evaluate the actions of law enforcement bodies and provide related report to provincial administration".

[154] Article 141 of the Constitution of Afghanistan: "Municipalities shall be set up in order to administer city affairs. The mayor and members of the municipal councils are elected by free, general, secret and direct elections".

[155] Ibid, Article 140: "In order to organise activities involving people and provide them with the opportunity to actively participate in the local administration, councils are set up in districts and villages in accordance with the provinces of the law. Members of these councils are elected by local people through free, general, secret and direct elections for a period of three years".

the opportunity to gain local, representative input for counter-insurgency decisions lost.

2. Vetting appointments

The appointments process must be adhered to and institutionalised. The government should realise that this is a popular demand, not an international imposition. In the case of senior appointments, all appropriate positions should go through the Consultative Board for Senior Appointments. Named in mid-September 2006, the panel consists of one member appointed by the Afghanistan Independent Human Rights Commission, two by the president, one by the co-chairs of the Joint Coordination and Monitoring Board of the Afghanistan Compact and a fifth by them collectively. The president has the final say on appointments but the board is to provide a three-person shortlist for governors, deputy ministers, provincial chiefs of police, provincial heads of security and members of the Independent Civil Service Commission. The candidates are to be vetted "for their integrity, competency and human rights record" and should not "have links with illegal armed groups, drugs or a record of human rights violations".[156]

This process is to be followed only for new appointments, made after March 2007. The leaderships within ADZs, such as provincial and district governors and security chiefs, should also be subject to the scrutiny of this or other appropriate bodies.

More broadly, a public debate on such positions should be part of the process; ultimately more positions – including provincial governors – should be subject to public approval following vetting. All wings of the state – executive, legislative, and judicial, including top provincial officials – should also be held accountable, with mandatory declarations of assets and a mandated number of spot checks every year.[157]

3. Countering corruption and drugs

The government urgently needs to prove that it is for the people. A deep and sustained campaign against corruption should be an opening salvo. While procedurally the government may be moving towards benchmarks under the Afghanistan Compact that match international anti-corruption legislative norms, there is little substance to show.[158]

The absence of political will is more than evident. The Anti-Corruption and Bribery Office, for instance, has a staff of some 140 and has been operating for over two years but has yet to obtain a conviction.[159] The acting head reckoned that those it has identified more often than not get promoted.[160] A few well-known offenders must be publicly and transparently tried – not reshuffled or given higher office – if the government is to show the public it is serious about reform. Anti-corruption was one of the Taliban's claims to legitimacy and was popular, although the summary trials and harsh punishments also alienated many. Kabul could gain popular support and counter enemy propaganda by demonstrating the advantages of due process over rough justice.

This is particularly important in the context of narco-trafficking. Large-scale eradication, including aerial spraying, is increasingly advocated by some as the drug trade continues to expand. But experts warn that such efforts, quite apart from enraging local farmers, would prove counter-productive in tackling the real drivers of the illegal trade. "Eradication without providing alternative

[156] "Fact Sheet and Q&A: Special Consultative Board for Senior Appointments", handout from the UN mission (UNAMA), September 2006. The board is an obligation under the Afghanistan Compact, Annex I (Under Public Administration Reform): "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, chief of police, district administrators and provincial heads of security". Further under the Afghanistan Compact, Annex I (Counter Narcotics): "By end-2010, the Government will … improve its information base concerning those involved in the drugs trade, with a view to enhancing the selection system for national and sub-national public appointments, as part of the appointments mechanism mentioned earlier in this annex". Afghanistan Compact timelines start from the Afghan New Year, 21 March 2006.

[157] Article 154 of the Constitution of Afghanistan states: "The wealth of the President, Vice Presidents, Ministers, members of the Supreme Court and the Attorney General before and after their term of office would be registered and monitored by an organ to be set by law". This should be extended and rigorously implemented. Article 151 states: "The President, Vice Presidents, Ministers, Head and members of the Supreme Court, Attorney General, Head of the Central Bank, National Security Directorate, Governors and Mayors cannot engage in any profitable business contracts with the government during their term in office".

[158] Afghanistan Compact: Annex I (Anti-Corruption): "The UN Convention against Corruption will be ratified by end-2006, national legislation adapted accordingly by end-2007, and a monitoring mechanism to oversee implementation will be in place by end-2008".

[159] According to acting head of the office, Zabihullah Asmatey, 32 cases have been forwarded to prosecutors, of which three have gone to court, all resulting in acquittals. Crisis Group interview, Kabul, 1 August 2006.

[160] Crisis Group interview, Kabul, 1 August 2006.

livelihoods may actually work as a price-support program that benefits traders, protectors and big-time landlords who have the freedom to choose when to produce and sell their products".[161] Eradication certainly has its place as one tool in the box, particularly in those areas new to cultivating poppy. But just as the drug trade damages state-building and feeds the insurgency, so can wrongly applied counter-narcotics actions.

There are, for instance, growing calls for NATO's involvement in interdiction.[162] This is not realistic since the troops are already stretched thin. What is needed is a wider and long-term strategy of improving the judicial system and comprehensive rural development for poor farmers. As a first, long overdue step, law enforcement agencies should target high-profile traffickers and their accomplices, within and outside government. In August 2006, Karzai directed the new attorney general, Abdul Jabbar Sabbit, to take decisive action against corruption.[163] The president and his administration need to prove that this was more than just a gesture by moving firmly against drug traffickers and ending the culture of impunity.[164]

VII. CROSS-BORDER DIPLOMACY

Many of Afghanistan's woes are rooted in its troubled regional relationships. While the problems are regional, so must be the solutions. These may not be the neighbours anyone would choose but they are the neighbours Afghanistan has to live with. The relationship with Pakistan is the most problematic. It is based on mistrust going back decades, and historically rooted in Afghanistan's refusal to accept the Durand Line as the international border and its claims to large parts of Pakistan's Pashtun-majority borderlands.[165] In response, Pakistan has supported Islamist Pashtun proxies in Afghanistan to counteract its domestic Pashtun ethnic nationalism and to either bog down or control governments in Kabul. Afghanistan is also a political football in the rivalry of Pakistan and India, both of which attempt to use it to undermine the other's regional interests.

Currently relations between Afghanistan and Pakistan appear to be conducted largely through the media, in an increasingly shrill and loud manner. There are few sustained back channels for quiet and effective diplomacy. In March 2006, for instance, Musharraf lashed out on CNN at reports that Afghan officials had presented him a list of alleged Taliban leaders living in Pakistan: "I feel there is a very, very deliberate attempt to malign Pakistan by some agents, and President Karzai is totally oblivious of what is happening in his own country".[166] Karzai has repeatedly and publicly held Pakistan responsible for the insurgency, warning it that: "[I]t is like trying to train a snake against somebody else. You don't train a snake. You cannot train a snake. It will come and bite you".[167]

There was a somewhat more conciliatory tone in a September 2006 state visit to Kabul, although Musharraf fiercely denied the Taliban received official help: "Let me say neither the government of Pakistan nor ISI [Pakistani intelligence] is involved in any kind of

[161] J. Koehler and C. Zurcher, "Conflict Processing and the Opium Poppy Economy in Afghanistan", Project for Alternative Livelihoods in Eastern Afghanistan, internal document No. 5, abridged version, Jalalabad/Berlin, August 2005, p. 16.

[162] "The Revised NATO Operational Plan for ISAF", 8 December 2005 (unclassified version), appendix three, states: "Supporting Afghan Government counter narcotics programmes is an ISAF Key Supporting Task … facilitating Afghan institutions and security forces in a long-term national counter narcotics strategy is consistent with ISAF's role to support the Afghan government extend its authority across the country". But, under stated "Parameters": "Poppy eradication is not a task for ISAF. Any support must be within authorised rules of engagement and the varying roles and capabilities of the forces in any particular area".

[163] "I am assigning him to take decisive actions in eliminating corruption at all levels, even if its tentacles reach high levels of the Government, and to present a report to me". "President Karzai assigns the Attorney General to take decisive action against corruption", press release, office of the spokesperson to the president, 28 August 2006.

[164] Those in the Afghan government who are serious about counter narcotics, along with U.S. officials, have told Karzai that he personally must ensure that high government officials are either moved out of the country, out of office and/or prosecuted if the counter-drug problem is to succeed. Crisis Group interview, Washington, 30 October 2006.

[165] For instance, Afghanistan voted against Pakistan's admission to the United Nations upon independence.

[166] See "Pakistan President Blasts Afghan Leader", CNN, 5 March 2006. Of the information apparently provided by the Afghans, Musharraf said: "We've already gone through it, this list. Two thirds of it is months old, and it is outdated, and there is nothing".

[167] Transcript of President Karzai's address to the Council on Foreign Relations in New York, Federal News Service, 21 September 2006. In October, Karzai again insisted that Mullah Omar was in Pakistan. "We know he's in Quetta", he said. Kathy Gannon, "Afghan leader: Taliban chief in Pakistan", Associated Press, 17 October 2006.

interference inside Afghanistan".168 But just weeks later in Washington, he stressed that the violence in Afghanistan is a domestic Pashtun phenomenon and gaining popular support: "He [Karzai] is not oblivious. He knows everything but he is openly denying – turning a blind eye like an ostrich".169 A working dinner President Bush hosted for the two leaders produced only vague plans for tribal jirgas on both sides of the border, which would again bypass representative institutions such as the two parliaments.

Building trust in this relationship is key to both reining in the militants and Afghanistan's longer-term stability and sustainability. However, Kabul has no high-level and consistent strategy. Within the ministry of foreign affairs, there are not enough senior policymakers dedicated to the relationship with Pakistan. The government has publicly blown hot and cold, with Karzai at one moment blasting "the source" of terrorism and the next talking about the countries as brothers – often under pressure from the Bush administration that would rather its two regional allies settled their differences privately.

The international community needs to help the two build mutual trust. Strong pressure is required on the Pakistan government not to interfere in Afghanistan and to take strong and sustained action against those on its soil who seek to destabilise that country. There is likewise a need to strengthen democratic, progressive forces in both countries, as an end goal but also as a means to counter the radicalised climate that feeds the insurgency.

In the Pakistani context, this requires robust international support for free, fair and democratic elections in 2007. Such elections would most likely marginalise pro-Taliban Islamist parties and bring moderate forces into power, committed to good neighbourly relations with Afghanistan. In Balochistan, bordering on southern Afghanistan, where the JUI-F currently runs the provincial government, a free and fair election could be expected to bring Baloch and Pashtun regional parties into power that are adamantly opposed to the Taliban using their territory as a sanctuary and a base of operations against the Afghan government and its international allies.170

One of the two moderate national parties, the centre-left Pakistan People's Party [PPP] or the centre-right Pakistan Muslim League-Nawaz [PML-N], would likely form governments in Islamabad and, in alliance with like-minded regional parties, in the provinces. In May 2006, the leaders of the two parties, former prime ministers Benazir Bhutto and Sharif signed the "Charter of Democracy", a pact on democratic governance, in which they vowed to pursue "peaceful relations" with Afghanistan.171 However, if the international community again turns a blind eye to election rigging, the military's religious allies and the Taliban's mentors and supporters will continue to control Balochistan and NWFP, the two provinces that border the main theatre of the insurgency in Afghanistan.

The lack of pressure from the U.S. and other Western nations on Pakistan, particularly when it is costing them the lives of their own troops, is extremely puzzling to the Afghans and has become the source of conspiracy theories. They simply cannot understand why the U.S. does not take action against its wayward ally if its stated goals are to rebuild Afghanistan and clamp down on extremism. A sample of representative comments:

> America can give an ultimatum to Iran [over its nuclear program], why does it not do the same for Pakistan [over its interference in Afghanistan]? If Pakistan did not interfere, it [the violence] would stop. Even a small child knows this.[172]

> The Americans, if they wanted to bring peace, could put pressure on Pakistan but everyone knows that they have their own relationship with Pakistan. That means that they don't want to bring peace to Afghanistan. They just say they want peace but take no action as Afghans are killed.[173]

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[168] "Pakistan president appeals for end to blame game", Radio Free Afghanistan, Daily Afghan Report, 8 September 2006 quoting the Associated Press on a press conference in Kabul, 7 September 2006.

[169] "The Situation Room", CNN, 26 September 2006, available at http://transcripts.cnn.com.

[170] See Crisis Group Report, *The Worsening Conflict in Balochistan*, op. cit,

[171] During the flawed democratic transition of the 1990s, the PPP and the PML-N entered into alliances of expediency with the military to gain or retain power, in which they ceded control over crucial areas of foreign policy, including relations with Afghanistan, to the high command. In the Charter of Democracy, they have vowed to refrain from making past mistakes and to change course from the "militaristic" approach of "Bonapartist regimes". Charter of Democracy, signed by Benazir Bhutto and Nawaz Sharif, London, 14 May 2006. See also Crisis Group Asia Report N°40, *Pakistan: Transition to Democracy*?, 3 October 2002.

[172] Crisis Group interview, doctor from Greshk, Helmand, in Lashkar Gah, 15 July 2006.

[173] Crisis Group interview, human rights worker, Kandahar, 19 July 2006.

> If the Americans want to finish the Taliban they could do this in one day but they want this war; they have their policies with Pakistan.[174]

The military-to-military Tripartite Commission is a useful channel of direct communications. Consisting of senior Afghan, Pakistani and NATO-ISAF officers, it first met in June 2003.[175] It had a slow start, only settling into a regular timetable of meetings in 2006, but now has a certain momentum. Increasingly it can turn to substantive matters, with subcommittees and working groups dealing with issues such as cross-border violence and intelligence sharing. After its August 2006 session, the commission announced there would be coordinated patrols, a useful first step, though joint patrols would be far more effective. There is talk of creating a Joint Information Operations Centre, with Afghan and Pakistani liaison officers, in Afghanistan, a useful initiative which should be supplemented by branch offices in Quetta, Peshawar and Regional Commands East and South in Afghanistan that also include NATO-ISAF officers. Military-to-military links, however, have limitations since there are vital issues outside the military's mandate. A Tripartite Political Commission – Pakistan, Afghanistan and the UN – could play an important role in stabilising Afghan-Pakistani relations.

Similar endeavours by diplomatic and civil society institutions in Pakistan and Afghanistan would be equally valuable and might be enhanced if representatives from other neighbouring countries were included. Indeed, as the situation deteriorates, those countries are likely to become more fearful of their own interests and may seek again to interfere in Afghanistan. Pro-active steps are needed now. In December 2002 China, Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan signed the Kabul Declaration on Good Neighbourly Relations, "solemnly reaffirm[ing] their commitment to constructive and supportive bilateral relationships based on the principles of territorial integrity, mutual respect, friendly relations, co-operation and non-interference in each other's internal affairs". This was little more than a goodwill statement at the time but it might yet be utilised to develop a forum for regional dialogue.

VIII. CONCLUSION

Nation-building must be a long-term process, not the product of quick fixes, if it is to prove sustainable. The same is true of counter-insurgency. Indeed, the two must be viewed as mutually reinforcing. In Afghanistan, military force, understandably a vital part of a counter-insurgency strategy, has for too long been the only strategy and one that will lose any utility if it is reduced to fighting for "business as usual". The government must realise that human security will help build state security. International allies should back such a strategy while also taking steps to ensure the right conditions for their forces to succeed. This includes sustained diplomatic pressure on Pakistan to cut off the sources of recruitment, as well as sanctuaries and staging posts, which protect the leaderships of anti-government forces.

Internally the promotion of the rule of law and ending the culture of impunity are crucial to Kabul's legitimacy and must be the central planks in the counter-insurgency political platform. The current crisis has not come about because there is too much democracy, or the country is not ready for democracy. More democracy, not less, is the only viable solution for domestic unrest. Representative institutions are just finding their feet and need to be encouraged. Corrupt and abusive officials, both elected and appointed, must be tackled through strengthened judicial institutions. Challenging such figures, whether they are allies or adversaries, would shore up the government's fading legitimacy with a disillusioned population. The head of the Anti-Corruption and Bribery Office rightfully argues that apprehending the corrupt "will not undercut but strengthen, like removing the dead leaves".[176]

Institution building from the centre to district levels will be onerous, particularly during a crisis, but this is both the means and the ends of promoting long-term stability. It is vital to show people they have a stake in their government and its leaders are accountable. Both the government and its international backers need to show the political will that has been lacking so far and have the courage to admit mistakes and change course where necessary. Afghanistan is not for the insurgents to win. It is for the government and its international backers to lose.

Kabul/Brussels, 2 November 2006

[174] Crisis Group interview, Kandahari intellectual, Kandahar, 20 July 2006.

[175] The third seat was originally taken by the head of the U.S.-led Coalition. He was joined by the ISAF commander in June 2006, making it a four-party forum transitionally until NATO-led ISAF assumed the sole international seat.

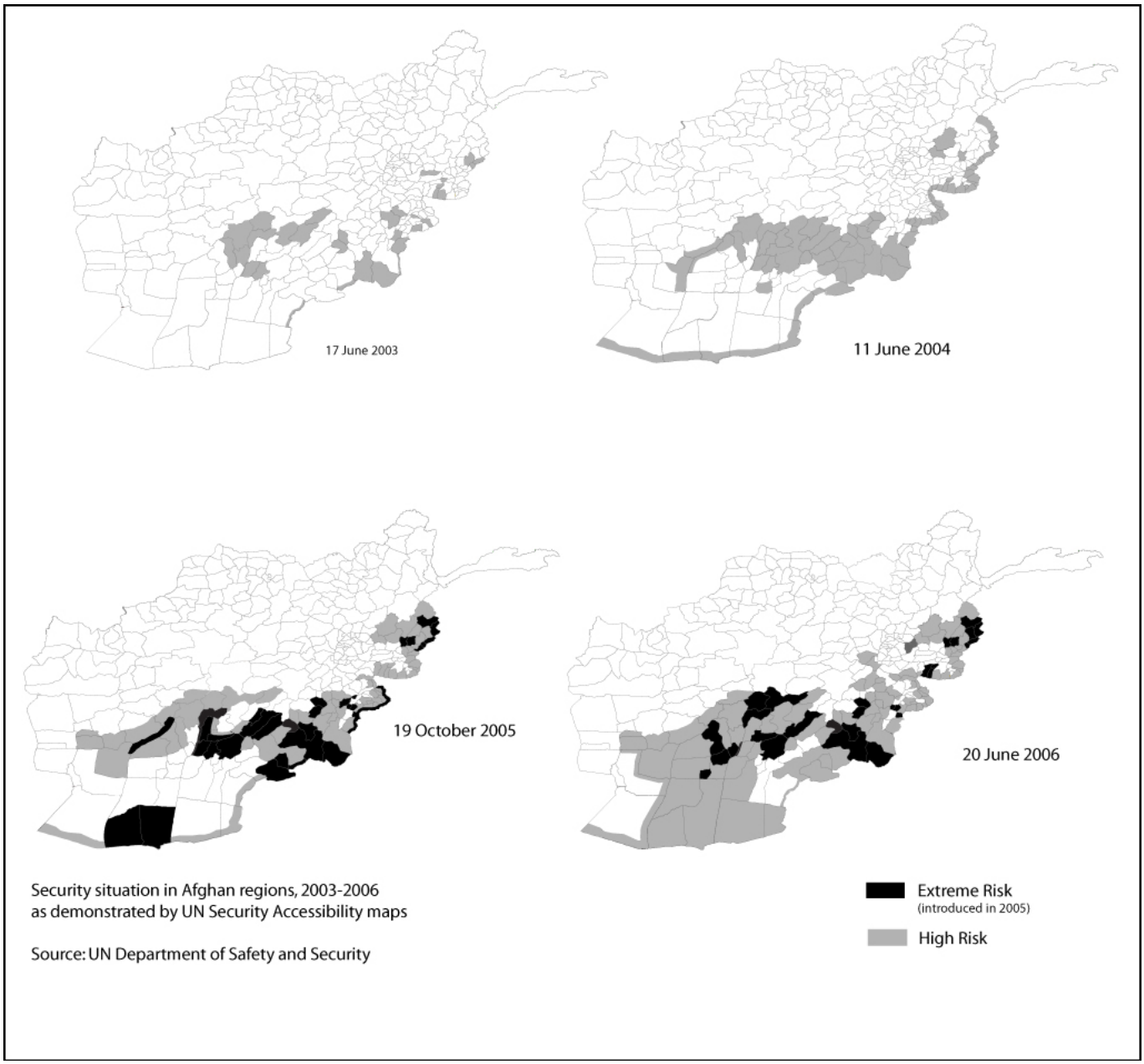
[176] Crisis Group interview, Kabul, 1 August 2006.

APPENDIX A

MAP OF AFGHANISTAN

APPENDIX B

GROWTH OF EXTREME AND HIGH RISK AREAS IN AFGHANISTAN, JUNE 2003 – JUNE 2006



APPENDIX C

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with nearly 120 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.

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