Understanding

Afghanistan

Collection of Articles

2001-2012

Ketabton.com

Shahmahmood Miakhel

(c) ketabton.com: The Digital Library

empty

(c) ketabton.com: The Digital Library

بسم الله الرحمن الرحيم

In the name of God, the Merciful, the Compassionate

(c) ketabton.com: The Digital Library

empty

(c) ketabton.com: The Digital Library

About the Author:

Shahmahmood Miakhel is the Country Director of United States Institute of Peace in Afghanistan. Prior to joining USIP, Miakhel worked as a governance adviser/deputy head of governance unit for the U.N. Assistance Mission in Afghanistan (2005-2009) and served as Senior Advisor/Deputy Minister of Interior of Afghanistan (2003-2005). Miakhel also worked as a reporter for the Pashto and Dari Services of the *Voice of America* (1985-1990) and as the Deputy Director of SOS/Belgium, an international organization assisting Afghan refugees in Pakistan. Mr. Miakhel worked for UNDP/UNOPS program in Afghanistan as Senior Liaison Officer to establish District Rehabilitation Shuras (DRS) in the eastern and south-eastern provinces of Afghanistan. He has also consulted on the Williams-Afghan Media Project at Williams College to preserve war footage of Afghanistan in the 1980s.

A native of Afghanistan, Miakhel was elected to the Emergency Loya Jirga in 2002, the Peace Jirga between Afghanistan and Pakistan in August 2007, and the

(c) ketabton.com: The Digital Library

Consultative Peace Jirga in June 2010. Prior to this book, he has published three books in Pashto, including “The Emergency Loya Jirga and the Election Process in the Eastern Provinces of Afghanistan,” and “In the Light of Truth,” a personal account of the Mujahideen uprising in the Kunar Province and refugee life in Pakistan. His most recent book is “Ministry of Interior: Challenges and Achievements - Personal Account (2003-2005)”.

Miakhel has an executive M.B.A. from Preston University in Pakistan and completed a fellowship program on Democracy, Development and the Rule of Law at Stanford University in 2006. Mr. Miakhel also completed an Executive Leadership Program at Harvard’s Kennedy School of Government and the National Defense University in the US in 2011.

(c) ketabton.com: The Digital Library

This book is dedicated to my wife and children who were self-motivated and dedicated to have better education and needed less supervision. They gave me time and utmost support to focus on my work. Without their support, it would be impossible to publish these articles and my other books.

(c) ketabton.com: The Digital Library

Contents

1. Foreword
2. Enlisting Afghan Aid: Op-ed in *The Washington Post* (16 September 2001)
3. Understanding Afghanistan: The Importance of Tribal Culture and Structure in Security and Governance
4. A Plan to Stabilize Afghanistan
5. Challenges and Dilemmas of Reconstruction and Institution-building: Social, Economic and Political Factors
6. Human Security and the Rule of Law: Afghanistan's Experience
7. Repeating History: Parallels between *Mujahidin* Tactics and Afghanistan's Current Insurgency
8. Advantages and Disadvantages of Supporting a Community Force: The History of the Arbaki System and Its Use in the Present Context of Afghanistan
9. Peace Negotiation with Afghan Taliban: Options and Constraints

(c) ketabton.com: The Digital Library

10. Fundamentalism and Islamic Militancy in Afghanistan: History and the Situation Today
11. The Role of Development Aid in the Afghanistan Campaign
12. Finding Common Grounds for Peace: Afghanistan-Pakistan-India Trilateral Track Two Dialogue
13. Transparency and Communication
14. Speech to High Level Conference on Multidimensional and Integrated Peace Operations: Organized by Foreign Ministry of Norway in Oslo
15. Talking While Fighting: Conditions and Modalities of Negotiating while Fighting
16. Rethinking International Intervention in Afghanistan
17. We should support the Afghans' Approach to Justice
18. A brief overview of the Afghanistan Stabilisation Program (ASP): A National Program to Improve Security and Governance
19. Myths and the Impact of Bad Governance on Stability in Afghanistan
20. Rebuilding Afghanistan's Political Immunity
21. Many *Shuras* Do Not a Government Make: *International Community Engagement with Local Councils in Afghanistan*
22. Myths and Misconceptions in the Afghan Transition
23. Resolving Provincial-Level Disputes and Stability in Afghanistan: USIP's Provincial Dispute Councils Program

(c) ketabton.com: The Digital Library

Foreword

On 16 September 2001, Professor David Edwards and I wrote our first op-ed in *The Washington Post*, just five days after the tragic incident of 9/11. In that op-ed, we warned US policy makers not to repeat the mistakes of the past and suggested a few steps which still apply. In the last paragraph of our op-ed, we noted that, "…..those of us who have enjoyed the prosperity of the last two decades must recognize that terrorism is born of political and economic despair. If we fail to take into account Afghanistan's future, as well as its past and present, Afghanistan will remain a place where terrorists can find safe haven, and all the military might in the world won't make us safe again."

Unfortunately, after 11 years of efforts by the international community, especially the US, the expenditure of hundreds of billions of dollars, and the loss of thousands of precious human lives, history repeats itself, and Afghanistan faces the prospect of even more serious challenges after the 2014 withdrawal of NATO forces. The problem of Afghanistan from the very onset was political, but unfortunately the international community wanted to find technical solutions, and they stubbornly insisted that the combination of money and the increase of military force would suffice, while ignoring the reality on the ground. More money and more military mainly just contributed to the expansion of a war economy in which a few national and international actors, including contractors

(c) ketabton.com: The Digital Library

and war profiteers benefited at the expenses of world tax-payers and with little benefit to ordinary Afghans most in need of assistance.

In this collection of articles that were written over more than a decade, I have attempted to explain that the problem of Afghanistan cannot be solved only with money and military forces and that there is a need to pay greater attention to the political realities , which exist in Afghanistan. In 2010, in one of my meetings with senior US officials who were on a fact-finding mission related to President Obama's evolving strategy on Afghanistan, I was asked what I thought about the US strategy. I responded, "Do you have any strategy?" The head of delegation told me that it seems that I doubted that they did. I told them, "I don't know whether you have a strategy or not, but I have not seen evidence of it. It seems that either you don't have it or you are not able to explain it to the people of Afghanistan or even to Americans." Then, he asked me what progress I see. In response, I told them the famous story of Mulla Nasruddin: "Once upon a time, Mulla Nasruddin was riding on a donkey, and the donkey was trotting very quickly. Someone asked him: 'Mulla! Where are you going?' He replied, 'Ask the donkey where he is going because I am just sitting on him and don't know which direction he is headed'."[1]

[1] Most people attribute most funny stories to Mulla Nasrudin throughout Central Asia, South-Asia and even in Iran and Turkey.

(c) ketabton.com: The Digital Library

During the last 34 years, I have worked for various Non-Governmental Organizations, the *Voice of America* as local reporter covering the Afghanistan war, the United Nations, the government of Afghanistan, and I am currently working as Country Director of Afghanistan for United States Institute of Peace. Of course during these three and a half decades of war in Afghanistan, my immediate and extended family and I faced a lot of challenges and difficult life as refugee and immigrant in the tribal areas of Afghanistan and Pakistan and in the United States to make a living. But I never give up hope and never depended on welfare or refugee assistance and worked hard to have two or even three jobs to support my family. I am very proud of my seven children that one of them finished medical school, two finished graduate schools and four of them are in colleges. I consider myself as the luckiest person to have a wonderful family.

Since 1978 and especially after the collapse of the Taliban regime at the end of 2001, I was keenly involved and participated in many events that continue to define the present and future of Afghanistan, such as the Emergency Loya Jirga, the Constitutional Loya Jirga, the Peace Jirga between Afghanistan and Pakistan, the Consultative Peace Jirga, and the presidential and provincial elections that have taken place since 2003. I have organized and attended many seminars, conferences and roundtable discussions on Afghanistan in the United States and many other countries and have expressed my views candidly to national and international policy makers, politician and practitioners. Most of my papers and speeches have been published by

(c) ketabton.com: The Digital Library

various organizations and media outlets. Most of my writings are based on my personal experience on the ground. I would like to mention that these are my personal views and not attributed to any institution or organization I worked for in the past or that I am working for presently.

Of the various writings assembled in this collection of papers, five op-eds and peace briefs have been co-authored with my friends and colleagues, Professor David Edwards, Dr. Noah Coburn and Whit Mason. The rest were written at different times and, for the most part, published by various organizations and institutions and distributed widely.

Many friends and colleagues had input and helped with editing my papers, and I am indebted to them forever. I would like to thank Professor David Edwards for almost thirty years of friendship and support, Dr. Noah Coburn, Tim Luccaro, Hodei Sultan, Paul Feinstein, Shakti Sinha, Hassan Elhag, Abdullah Khan, Mohsin Jalal, Nicholas Hercules, and Donna Singmaster. I also thank Sanaullah Tasal and Assadullah Sahil for typing and their help in printing this book. Finally, I would also like to thank my family for their support and for allowing me the time away from them to write these articles, op-eds and books, especially my sons Nail, Zia and Tariq for reading the first draft and my brother Ghazee for technical support.

Shahmahmood Miakhel
Herndon, Virginia
25 May 2012

(c) ketabton.com: The Digital Library

Enlisting Afghan Aid[2]

David B. Edwards & Shahmahmood Miakhel

September 16, 2001

Osama bin Laden is waiting for George Bush to attack Afghanistan. It is the response he expects, and he can't wait. For him, this is a holy war, a clash of civilizations, and he has no compunction about using Afghans as kindling to start a conflagration that would involve the entire Muslim world. One hopes the policymakers in Washington realize where bin Laden's strategy leads and will think carefully about how to avoid his trap.

To develop a strategy that confounds bin Laden's plans, we must begin by thinking of Afghans not as enemies but as potential allies. It is no coincidence that none of the names so far identified in the list of hijackers are Afghans. Bin Laden and his Arab followers live in restricted enclaves, and few Afghans, outside the Taliban regime itself, harbor any sympathies for his cause. Afghanistan now, no less than during the decade of Soviet control, is an occupied nation, and we must enlist in our struggle the many Afghans inside the country and out who would welcome the opportunity to unseat the Taliban and get rid of the

[2] http://people.hofstra.edu/daniel_m_varisco/wtccom.htm (last accessed on April 1, 2009). After September 11, 2001, my long time friend and colleague, Professor David Edwards and I shared a lot of concern about the situation in Afghanistan. In order to play positive role, David and I wrote the following Op-ed in Washington Post on 16 September 2001, just five days after the tragic incident of September 11 in order that the US policy makers should not repeat the mistakes of 80s. This Op-ed is widely published by different media outlets now after 11 years, Afghanistan face the same uncertainty as before after spending hundreds of billions of dollars and thousands of human life. History repeat itself. David Edwards is Professor of Anthropology in William College in Massachusetts, USA.

(c) ketabton.com: The Digital Library

Arab interlopers in their country. Two steps must be taken to raw these people into the international community in its attack on bin Laden and his supporters.

First, the international community must assemble experienced Afghan leaders to provide the nucleus of an interim government. This group should include exiled moderates who were forced out of the political picture first by the extremist resistance parties in Peshawar back in the 1980s and then by the Taliban. They must be joined by the handful of moderate commanders forced into exile by the Taliban who Afghans still trust. The number of recognized Afghan leaders who have managed to both survive and maintain their reputation in the polarized politics of the last two decades is small, but they exist and must be persuaded to put aside their partisan disputes and participate in a transitional coalition to govern Afghanistan until democratic elections can be held. As this group is brought together, Afghans generally must be convinced that these leaders will not be puppets of the United States or any other foreign power. Similarly, Afghanistan's neighbors must understand that the interim government will avoid foreign entanglements and dedicate itself to the immediate goals of reestablishing the foundations of government, helping the Afghan people become economically self-sufficient, and preparing the ground for general elections.

The second step is an international commitment made up front to provide a massive influx of development assistance to reconstruct the economic and social infrastructure of Afghan society. After 23 years of foreign occupation and civil war, the country's roads, irrigation systems, and electrical grid are in a state of ruin, and Afghanistan now is in the grip of a drought that has turned much of the region into a desert. Afghans remember well that the international community largely forgot about them after the Soviets withdrew from their country, and they must be

(c) ketabton.com: The Digital Library

assured that this will not happen again and that we will work with them to rebuild the once vibrant and modernizing society that existed prior to the Marxist revolution of 1978. Without such commitments, Afghans will find little reason to take the risks that opposing Bin Laden and the Taliban will entail. On the other hand, the promise of sustained international support for Afghanistan will send a message not only to Afghans, but to Muslims generally that the West is committed to their welfare rather than their destruction.

No group has suffered more in the last quarter century than the Afghans, but they are a resilient people and will be a formidable foe again if they believe themselves to be under invasion from a foreign enemy. Respected Afghan leaders must be at the forefront of our efforts, and it must be clear that our intentions are to help rebuild rather than to destroy. Those of us who have enjoyed the prosperity of the last two decades must recognize that terrorism is born of political and economic despair. If we fail to take into account Afghanistan's future, as well as its past and present, Afghanistan will remain a place where terrorists can find safe haven, and all the military might in the world won't make us safe again.

(c) ketabton.com: The Digital Library

Understanding Afghanistan:

The Importance of Tribal Culture and Structure in Security and Governance

Updated November 2009[3]

"Over the centuries, trying to understand the Afghans and their country was turned into a fine art and a game of power politics by the Persians, the Mongols, the British, the Soviets and most recently the Pakistanis. But no outsider has ever conquered them or claimed their soul."[4]

"Playing chess by telegraph may succeed, but making war and planning a campaign on the Helmand from the cool shades of breezy Shimla (in India) is an experiment which will not, I hope, be repeated".[5]

Synopsis:

---

[3] Originally this paper was published by Maulana Abdul Kalam Azad Institute in India in 2008 under title: "The Importance of Tribal Structures and Pakhtunwali in Afghanistan: Their Role in Security and Governance" In Challenges and Dilemmas of State-Building in Afghanistan: Report of a Study Trip to Kabul, ed.: Arpita Basu Raj, Delhi, Shipra Publications, 2008, pp. 97-110. The original targets for this paper was international military that they were rotating after each six month and had no clue about culture and local understanding of Afghanistan. This paper is very widely distributed and quoted by many people.

[4] Rashid, Ahmed, Taliban: Islam, Oil and the New Great Game in Central Asia, 2001.

[5] In spring 1880, during the famous Maiwand war with British, in Helmand province of Afghanistan, one British officer sent a letter to his generals in which he issued this caveat.
(http://www.senliscouncil.net/modules/publications/010_publication/chapter_01).

(c) ketabton.com: The Digital Library

Afghanistan is widely considered ungovernable. But it was peaceful and thriving during the reign of King Zahir Shah (1933-1973). And while never held under the sway of a strong central government, the culture has developed well-established codes of conduct. *Shuras* (councils) and *Jirgas* (meeting of elders) appointed through the consensus of the populace are formed to resolve conflicts.

Key to success in Afghanistan is understanding the Afghan mindset. That means understanding their culture and engaging the Afghans with respect to the system of governance that has worked for them in the past. A successful outcome in Afghanistan requires balancing tribal, religious and government structures.

This paper outlines 1) the traditional cultural terminology and philosophy for codes of conduct, 2) gives examples of the complex district structure, 3) explains the role of councils, *Jirgas* and religious leaders in governing and 4) provides a critical overview of the current central governmental structure.

It will be demonstrated that in order to achieve security, governance and development, participation must be based at the district level, with leaders appointed by the people. While consensus building from a "bottoms up" approach is time consuming, in the end, that approach will save time, resources and avoid catastrophic mistakes. It is imperative that consensus building at the district level is part of the planning procedure. If time is spent on proper

(c) ketabton.com: The Digital Library

planning, involving recognized local leaders in gaining consensus, implementation will go smoothly.

District rule by councils and *Jirgas* are the time-honored acknowledged Afghan form of democracy and it is embraced by the majority of the people.

Cultural Background:

Since the establishment of modern Afghanistan in 1747 by Ahmad Shah Durrani (Abdali) in Kandahar, tribes have played an important role in installing and in deposing their rulers. The tribes have also played an equally important role in establishing order in the country, especially in those areas where the reach of government, in terms of security and governance, was low or non-existent.

The **"*qawm*",** which can be loosely translated to mean **"*solidarity group*"** has had a dual effect in Afghanistan's history. On the one hand it has prevented the central government from promoting modernity, while on the other hand, it has provided crucial "social capital" for the resilience of the Afghan society to external shocks, such as war, drought and failed governance.[6]

Absent of a functioning government since 1978, in most parts of Afghanistan, the tribal and district structures, the ***qawn***, have played a strong role in keeping security and ensuring governance. In most parts of Afghanistan, tribal

[6]Research paper by Raphy Favre, "Interface between State and Society in Afghanistan, a discussion on key social features affecting governance, reconciliation and reconstruction, February 2005, (www.aizon.org).

(c) ketabton.com: The Digital Library

structure or locally established ***Shuras*** (councils) and ***Jirgas*** (meeting to solve problems) have been the only source of social justice in the last thirty years, and to some extent, even before than that.

The tribal structures or Pakhtun code of conduct (***Pakhtunwali/Pashtunwali***) is very strong among Pakhtun majority and plays a significant role in the population which comprise of more than 50 percent of Afghanistan[7].

Pakhtunwali, the Pakhtun code of conduct, is based on the centerpieces of:

Seyal(Equality),
Seyali (applying equality through competition)
Namus (protection of female family members and wealth)
Ezzat or Nang (honor)
Ghairat (heroism)

Other components of ***Pakhtunwali*** are:

Gundi (rivalry)
Patna (feud)
Qawm (ethnicity, tribe, social network) and ***Qawmi Taroon*** (tribal binding)
Hamsaya (protection of neighbors or outsiders living with a family or in a village)
Jirga (meeting of elders gathered to solve a specific issue)
Pur, Ghach, Enteqam or ***Badal*** (revenge) and ***Nanawati*** (forgiveness).

7 The Decline of the Pashtuns in Afghanistan, Anwar-ul-Haq Ahady *Asian Survey*, Vol. 35, No. 7 (Jul., 1995)

(c) ketabton.com: The Digital Library

The application of these rules is called ***Narkh*** (informal or traditional law or rules), the implementation of which is being the responsibility of a ***Jirga, Shura*** or government.

These codes of conduct are an inherited way of life, especially for the Pakhtuns in rural areas on both sides of the Durand Line. Though many scholars and writers have written about these codes of conduct, as an Afghan who lived and grew up in rural Afghanistan, I have had first hand experience. My goal here is to elaborate and explain these terms more fully. First of all, it is important to understand that most of these terms are used in a string-like manner; each term is connected to another one. Frankly, it is difficult for Westerners to grasp.

"Certain things are not known to those who eat with forks."

~ Rudyard Kipling, (1865-1936)

1. Pakhtunwali Terms

1.1 *Seyali* (Competition) and *Turborwali* (Rivalry):

Key in understanding ***Pakhtunwali*** is ***Seyali*** (Competition). Bear in mind, ***Seyal*** means equal. These two words are delicately and intricately intertwined to create balance and justice. Competition and rivalry among equals exists in all aspects of life. You have ***Seyali*** with those who are equal with you in status. It would be shameful to have ***Seyali*** with those who are not your equal in status, e.g., a Khan or tribal chief will not have ***Seyali***

(c) ketabton.com: The Digital Library

with laborers or with ***Hamsaya*** *(outsiders living in the village),* as they are considered sub-ordinate in status.

A Khan has ***Seyali*** with his cousin or other Khan.

First or distant cousins are called ***Turbor*** and ***Turbor***s are considered rivals. If one cousin is poor and another is wealthy, they are ***Turbor*** (rival) but they are not ***Seyal*** because they are considered equal in terms of lineage, but not wealth. In marriage, wealth is important, but in terms of prestige and ***Turborwali***, wealth is not counted. In marriage there is saying: "***O' turbor me e- kho makhay (seyal) ma na e***" (*"Yes, you are my rival, but not my equal").*

Among the Safi tribe, there is a saying **"*Safi sam samake"***, (*"All Safis are equal").* Legend has it that once several Safis were sleeping in a ***Hujra*** (guest house) and there was only one ***Kat*** or ***Charpai*** (bed) in the room. Since all of them thought that they were each equal in seniority, age and status, they didn't allow anyone to sleep on the bed. Instead they put the ***Kat*** in the middle of the room, each one put one leg on the ***Kat*** and that's how they spent the night.

1.2 ***Namus*** (protection of wealth, property and female family members*)* and ***Ezzat*** (honor):

In order to live in Pakhtun family, village or society, you should be able to protect your ***Namus*** and should have ***Ezzat.*** Land, property and female members of the family are ***Namus***.

(c) ketabton.com: The Digital Library

Homeland is also ***Namus***. Protection of the homeland is the same as protecting your own family. If someone cannot protect his ***Namus***, he loses ***Ezzat*** in his society. That person will not have a place in the family, village or in the larger Pakhtun society. People without Ezzat either have to leave the family and village or have to fight for regain his or her honor. To die for ***Ezzat*** is better than to live without ***Ezzat*** because it will be ***Paighour*** (ridicule) for his family and children as well as for future generations of his family.

There is a Pakhtu proverb, ***Mal me da Sara Jar Sha aw Sar me da Namus na Jar sha"*** or *"I will sacrifice my wealth for my head and will sacrifice my life for my Namus"*. If a Pakhtun cannot protect his ***Namus,*** there is no place for him to live among the tribe and that person has to migrate to another location to live as ***Hamsaya*** (to take protection and live outside of ones tribe, an asylum seeker). As ***Hamsaya***, a person doesn't have the same status and privileges as the other inhabitants who live in the village. ***Hamsaya*** live under the protection of the family with whom they dwell.

In the present context, Arabs or Bin Laden in Afghanistan live as ***Hamsaya.*** One reason that the Taliban insisted that Bin Laden was to be protected is that because during the Jihad against the Soviet Union occupation, bin Laden and his people supported the Mujahedin. Now that bin Laden is in trouble with the West, ***Pashtunwali*** dictates that he be protected because he is ***Hamsaya.***

(c) ketabton.com: The Digital Library

1.3 *Gundi (Rivalry):*

In the Pashto language ***Gund*** means party, faction, group or a bloc of people. ***Gundi*** means factional, tribal or personal rivalry. ***Gundi*** can start from an internecine rivalry between brothers or between cousins, within a clan or tribes. ***Gundi*** within the family or among cousins is also called ***Turborwali.*** In ***Gundi,*** each side tries to develop relationships with other ***Gundi*** or rival factions in other villages or sub-tribes, which may eventually lead to larger rivalries between two influential families of major tribes. The goal is to have supporters among other tribes, outside of one's own clan and among cousins, in the event of enmity or need.

These informal relationships are strong and when an event occurs that requires support from others, help comes from the connections and relationships of ***Gundi***. Those who come out in support are called ***Gundimar.*** In the Pashto language, ***Gundimar*** is also used to describe people who pursue rivalry, never forgeting personal enmity, always seeking revenge. In order to strengthen your ***Gundi,*** you and your family should have a reputation for supporting others in times of need. Credibility and reliability are essential in having good support within the families and tribes.

In many instances, the bonds of ***Gundi*** are based on marital relationships, which is why establishing such relationships is often a calculated decision taken by a family. For example, if a brother's son or daughter is

(c) ketabton.com: The Digital Library

married to another family, it would be unwise for his brother to marry into the same family. The reason is, in the event of a rivalry between these two brothers, that family could support only one side. Therefore, marriage becomes a very calculated game, with each side considering the possibility of future rivalry and enmity. A wrong move in marriage carries the risk of losing support of some family members, either within the family or outside of the family.

If a member of a ***Gundi*** was ever killed in enmity, he or she will be counted in the last or final peace agreement by ***Jirga***. So, when both sides finally agree to have long term peace, the ***Jirga*** will count all of the people who have been killed or wounded in the duration, as well as all damages inflicted upon each side during the duration of their conflict. If the conflict has continued for several generations, they count all the people who were killed in each generation. Hostility is carried from one generation to the next.

1.4 *Patna* (Feud):

Patna usually starts with a small issue that ends in killing on both sides and continues for generations. For example, in Shali area of Khas Kunar district of Kunar province, there is a feud between two families of Haji Feroz and Haji Ghazi from Zopailikhel sub tribe of Momand tribe. They were cousins. Their families have been fighting over Qeran (50 pouls)[8]. The story goes on that several decades ago, one man lent 50 pouls (two cents) to his cousin, but his cousin didn't pay it back. The man

[8] One Afghani divided by 100 pouls. Currenly one USD is equal to 50 Afghanis.

(c) ketabton.com: The Digital Library

who lent money warned his cousin that if he didn't get his money back, he would kill him. Eventually, he did. This feud still continues between these two families. Dozens of people have been killed. This feud or ***Patna*** is called ***Qeran Patna*** (the Feud of Two Cents).

1.5 ***Narkh*** (Traditional or informal law or rules)**:**

In those areas where the government has no presence or is very weak, Pakhtuns solve all their disputes through ***Jirgas*** or ***Shuras.*** The rules of dispute resolution are called ***Narkh. Narkh*** are unwritten rules and are based on precedent. Literally, ***Narkh*** means "price" because each decision involves certain costs. ***Narkhis*** are people in society or in tribes who understand or at least have the reputation for understanding these rules. Elders of the Ahmadzai tribe are well known for their understanding of ***Narkh***.

In the absence of a functional government in the last three decades in Afghanistan, due to occupation and civil war, the people of Afghanistan ruled themselves on the basis of these traditional codes through local ***Jirga*** or ***Shuras.*** They were able to solve their day to day problems and receive social justice.

Presently, in the rural areas of Afghanistan, most people solve their disputes and problems through ***Jirga*** or ***Shuras*** because the formal judicial system is weak, inaccessible, expensive, lacking in capacity and is viewed as being very corrupt. Because of this lack of confidence in the formal judiciary, formal rulings are generally

(c) ketabton.com: The Digital Library

considered invalid and cannot prevent the possibility of future revenge.

Therefore most people go through the informal system. According to the United States Institute of Peace (USIP), 85% of the time people preferred to take their problems to a village or tribal council, local notables or a cleric, while only 15% used the formal system. [9]

Additionally, the informal dispute resolution system is cheaper, quicker and more accessible than the formal system. More importantly, most of time, the informal system guarantees that no future hostility or need for revenge will linger because the disputing parties would have agreed, in advance, to solve their problems through ***jirga*** or ***shura.***.

1.6 Qawm (in Dari language), Qam (in Pakhtu language), Qawmi Taroon, Qawmegari or Azizwali:

Raphy Favre wrote that Afghan society is shaped by ***Qawm,*** is a "fragmented network society" resulting in poor "socio-political" representation of its members.[10] Afghans are identified by their ***qawm***, a term that can refer to affinity with almost any kind of social group. It essentially divides "us" from "them" and helps to distinguish members of one large ethnic or tribal group, or one clan or village, from another. ***Qam*** is used to describe the larger tribe.

[9] USIP, briefing paper, December 2006, Kabul, Afghanistan

[10] Research paper by Raphy Favre, "Interface between State and Society in Afghanistan, discussion on key social features affecting governance, reconciliation and reconstruction, February 2005, (www.aizon.org).

(c) ketabton.com: The Digital Library

Examples are ***Hazara Qam*** (Hazara tribe), ***Pakhtun Qam*** (Pakhtun tribe) and ***Uzbek Qam*** (Uzbek tribe). In the event of rivalry or ethnic support, members of each tribe tend to support their own tribesmen whether they believe they are right or wrong. Such kind support is based on ***Qawmi Taroon*** (tribal binding or decision). In Dari ***Qawmegar***i means "ethnic support" but in Pakhtu it is called ***Azizwali.*** Aziz is Arabic word means "friend" but in Pakhtu, ***Azizwali*** means "tribal relation".

One example that illustrates how ***Qawm*** works is the story of Mir Zaman Khan of Kunar[11] which is told in the context of ***Enteqam*** below where he was killed by Shinwari in Kunar.

1.7 ***Enteqam, Pur or Badal*** (Revenge):

These are synonyms for revenge. Pakhtuns will get their revenge no matter how long it takes. There is a Pakhto proverb: ***Ka cheeri Pakhtun, khapal badal sal kala pas ham wakhle no beya ham-e-bera karay da.*** It means *"If a Pakhtun gets his revenge after 100 years, he is still in a hurry".* A son, grandson, great grandson or a cousin can take his revenge even after several generations. If a Pakhtun does not get revenge, it means he is a coward (***be-ghairat***) and this will be ***Paighour*** (ridicule) to his family. A Pakhtun would prefer to be dead than live with ***Paighour***. If the question of ***Paighour*** relates to a whole

[11] Mir Zaman Khan of Kunar was de facto ruler of eastern provinces of Afghanistan during the time of King Amnullah. He was given the title of Loy Khan (Big khan) by King Amanullah after defeating Paktia's revolt against the king.

(c) ketabton.com: The Digital Library

tribe or section of a tribe, they cannot accept it. They take revenge collectively or individually.

This sense of revenge can be explained in the following two stories.

1) In the Sapari Village of Khas Kunar district, a man by the name of Azam killed another man about thirty years earlier. The victim had one infant son. The mother of this young boy died in the early age. During the Soviet Union Occupation, after this child had grown into a young man, he found and killed Azam in Mangwal village of Khas Kunar district. Azam was about 80 years old at that time.

   Mangwal is my home village and I was living there then. Most of us didn't know that Azam had killed the father of this young man. But once the young man learned of the killing of his father, he took revenge for his father's slaying three decades later.

   Many may wonder why he would take revenge on an old man who would have died soon anyway. But in ***Pakhtunwali***, you take revenge or ***Enteqam*** by yourself. You do not allow others to do on your behalf. Dying naturally can not be accepted as ***Enteqam.*** Allowing the old man to die naturally would have been ***Paighour*** for son of the victim.

2) In 1924-1925, the Loya Paktiya (presently Khost, Paktia and Paktika provinces) tribes revolted against the King Amanullah regime. Mir Zaman

(c) ketabton.com: The Digital Library

Khan[12] of Kunar, was sent by King Amanullah Khan to stem the revolt of the in Loya Paktiya[13] tribes. After suppressing the Loya Paktias tribes, King Amanullah erected Minar-e-Elm-wa-Jahil (Minaret of Knowledge and Ignorance) in Kabul. (This minaret is still standing, located on the east side of Kabul Zoo.) Amanullah bestowed upon Mir Zaman Khan the title of Loy (Big) Khan.

In 1928, when the Shinwari tribes of Nangarhar province in Jalabad[14] revolted against King Amanullah, he again looked to Mir Zaman Khan Kunari to stop them.

After the successful suppression of the rebelling Shinwaris by Mir Zaman Khan and his ***Lashkar*** (tribal army), the news spread throughout the region. Later, Mir Zaman Khan traveled from his home in Chagha Sarai (now Assadabad, capital of Kunar province) to Asmar brigade where his son, Esmatullah Khan was commander.On his way, he stopped in the Shinkorak village of Shegal[15], located near Asmar on the north side of Kunar river to offer evening prayer in a mosque. Mir Zaman was accompanied by only a body guard because he

[12] Mir Zaman Khan Kunari was grand-father of my mother.

[13] Afghanistan War of Independence: The forgotten front of Chitral and Kunar by Dr.A.Rahman Zamani, Pashtu, Published by Muska Printing, 2007

[14] http://www.afghanrelief.co.uk/AfghanHistory.htm

[15] Shegal village was the only village in Kunar province whose residents are from Shinwari tribe.

(c) ketabton.com: The Digital Library

believed he had complete control of the area[16]. In January 1929, while offering evening prayer, the Shinwaris of Shegal, murdered Mir Zaman Khan in the Mosque of Shinkorak as revenge for his attack upon the Shinwari tribe of Jalalabad.[17] His horse escaped and reached the Asmar Brigade. Upon the discovery that his father had been killed by the Shinwaris of Shegal village, Esmatullah Khan marched his force into Shegal village, annihilating the houses and the people.

The above two stories demonstrate the intensity of revenge among Afghanistan's tribes as well as how quickly they make decisions. The code of ***Paktunwali*** is defined by quick bold action, reached by consensus, in order to defend the honor of the tribe and take revenge against enemies, regardless of future consequences.

1.8 Nanawati (Forgiveness):

In most cases, Pakhtuns can only forgive their enemy and pass revenge if the dispute is solved through a ***Jirga*** (meeting of elders gathered to solve a specific issue) or ***Shura*** (council). If the ***Jirga*** decides to send a delegation to a victim's family, it is most likely that the family will accept and forgive the crime. Sending this delegation is called ***Nanawati***. The delegation is usually comprised of elders, religious leaders and sometimes

[16] Interview with the grandmother of the writer of this article. She was the daughter of Mirzaman Khan.

[17] Afghanistan War of Independence: The forgotten front of Chitral and Kunar by Dr.A.Rahman Zamani, Pashtu, Published by Muska Printing, 2007. He was 58 years old.

(c) ketabton.com: The Digital Library

women who take with them the holy Quran and a sheep for slaughter as they ask for forgiveness. If the victim's family accepts ***Nanawati,*** there is no stigma of ***Paighour*** to his family.

1.9 ***Melmasteya*** (Hospitality) and ***Hujra*** (Guest house):

Even though hospitality is common in among many countries, Afghan hospitality is renowned. Afghans extend their hospitality to all guests or visitors who come to their homes or village, even if they are a stranger. They will serve the best food and give the best seat they have to their guests, regardless of race, religion, national affiliation as well as economic status and do so without expectation of payment or a favor. The first thing Afghans build in their village is the ***Hujra*** (Guest house). It is a symbol of pride for the families in the village. Those who entertain guests are well respected. And the most important aspect of Afghan hospitality is to protect the guest.

In rural areas of Afghanistan, overnight guests are asked for their next day's destination. If something happens to the guest between these two destinations, the family with whom the guest stayed overnight has to defend their guest. If the host family finds out who robbed, dishonored or killed their guest, they are obliged to take revenge on the behalf of the guest. Much of the enmity between families or villages has originated because of protection of the guests. Protection of the guests is the same as protecting your ***Namus.***

(c) ketabton.com: The Digital Library

Some villages have a common ***Hujra*** (guest house). It also functions as community center or center of local politics. In the rural areas of Afghanistan, there are few restaurants or hotels. Most visitors who stop in a village will go to a mosque and announce that they are ***Musafer*** (travelers), in need of food and shelter overnight. If the number of travelers is large, all of the families in the village will bring food to the mosque or common ***Hujra***. If the number of travelers is few, then one family will usually volunteer to feed them.

Hujra is also used as a community and entertainment center for the youth during the evening, to play cards, music or sing. It is there where they learn about ***Pakhtunwali.***

1.10 ***Jirga or Maraka*** (meeting of elders) and ***Shura*** (council):

While the tribal chiefs, Khans and religious leaders play important roles in making and implementing decisions, consensus must be built. Unilateral decisions cannot be implemented. The main forum for decision-making processes is called the ***Jirga*** (gathering of representatives of tribes or of different segments of the society). The difference between a ***Shura*** (council)[18] and a

[18] Shura is Arabic word meaning council. During last three decades, several kinds of Shura established for short and long period in each district. Military council, Shura-e-Ulema (religious scholars shura), Da Spengero Shura (Shura of whitebeards) and Community Development Shura (CDC). The National assembly is also called Shura-e-Milli or Provincial Council (Shura-e-Walayati).

(c) ketabton.com: The Digital Library

Jirga is that members of the ***Shura*** (council) are elected or selected for longer periods.

Members of a ***Jirga*** are ad hoc and can be changed for every issue. The importance of a ***Jirga*** lies in its ability to implement and enforce its decision. If a ***Jirga*** cannot implement its decision, it does not have any value.

Maraka or ***Jirga*** can be sent for any issue between two families or tribes. If a groom's family sends a delegation to a bride's family for an official engagement request, this is also called ***Jirga*** or ***Maraka***.

A ***Jirga*** can be convened for small disputes between individuals, on local issues as well as for bigger disputes between tribes. ***Jirga*** members are selected with the consent of the disputing parties. If one side does not agree on the composition of ***Jirga*** members, the ***Jirga*** cannot be held. After this democratic selection process, the disputing parties give ***Wak*** (Full authority) to the ***Jrigamar*** (members of the Jirga). A ***Jirga*** has its own role which is called ***Narkh*** which is essentially laws based on precedent. Disputing parties select the ***Jirgamar*** from the community or tribes who have proved to be honest, impartial and understand the role of the ***Jirga*** and ***Narkh.*** The ***Jirga*** then asks for ***Mechelgha*** (a guarantee) from the disputing parties. The amount of the ***Mechelgha*** can be decided by the ***Jirga*** members according to the importance of the issue. ***Jirgamars*** (Jirga Members) hold the security. If one of the disputing parties does not accept the final decision, the ***Jirga*** members will not return their ***Mechelgha***.

(c) ketabton.com: The Digital Library

Mechelgha is in essence, an escrow, and a guarantee for the implementation of the ***Jirga's*** decision. It should also be known that the opportunity to appeal the issue through legal government channels is not shut off by the ***Jirga***. Any side may appeal their case through the official legal system, even after the final decision of the ***Jirga.***

1-11 Khalat:

Khalat is not very common in most places but in some places of Afghanistan, when ***Jirgamar*** took ***Melchelgha***, the members of Jirga deduct some money for their expenses from ***Melchelgha*** as kind of fees for their services in the end of their decision to return back the ***Melchelgha*** to disputant parties.

1-12 Loya Jirga:

There is another forum of ***Jirga,*** which is called ***Loya Jirga*** (a Grand Council). Traditionally ***Loya Jiga*** in Afghanistan is called by the government or by all tribes for a national issue. While ***Jirgas*** have a long history in Afghanistan, in the context of contemporary history, the first ***Loya Jirga*** took place under the leadership of Mirwais Khan Hotaki. It was called in 1707 in Kandahar to fight against Safavid rule. As a result of the ***Loya Jirga's*** decision, Gurgin, the Georgian-born governor of Kandahar, was executed. After his death, Mirwais Khan Hotaki established the Hotaki dynasty in Afghanistan.[19]

[19] http://en.wikipedia.org/wiki/Hotaki

(c) ketabton.com: The Digital Library

The next ***Loya Jirga*** was called by the tribes in 1747 in Sher Surkh of Kandahar. They selected Ahmad Shah Abdali as their King. The dynasty which he established ruled over a larger state that included modern Afghanistan, Pakistan, some parts of eastern Iran, western India[20] and some parts of Central Asia.

Since 1747, governments have called most of the ***Loya Jirgas***.
In 1915, King Habibullah called a ***Loya Jirga*** to sanction Afghanistan's neutrality in the First World War.
In 1919, King Amanullah called a ***Loya Jirga*** to declare Afghanistan's independence from the British rule.
In 1941 King Zahir Shah, called a ***Loya Jirga*** to approve the neutrality of Afghanistan in World War II.
In 1964, the government called a ***Loya Jirga*** to approve the constitution of Afghanistan.
The 2002 Emergency ***Loya Jirga*** approved the interim administration of Hamid Karzai, the current President of Afghanistan.
And in 2003, the ***Loya Jirga*** approved the present constitution of Afghanistan.

During the visit of President Hamid Karzai to Washington, at the end of 2006, President Bush, President Musharraf and President Karzai agreed to have a regional Peace *Jirga* between Afghanistan and Pakistan to reduce tensions between the two countries. In this *Peace Jirga*,

20 htt://en.wikipedia.org/wiki/

(c) ketabton.com: The Digital Library

members from tribes on both sides of the Durand Line, as well as other tribes and bureaucrats from both countries, agreed to participate.

The Peace Jirga was held in August of 2007. Gen Pervez Musharraf, the President of Pakistan boycotted the first three days which was seen as an affront to President Karzai, though speculation also was that his absence was due to domestic unrest. Gen Musharraf did attend the last day of the grand tribal assembly. He declared that support for militants emanating from Pakistan had caused problems for Afghanistan and that his country would work to secure peace on its of the border.

In the declaration issued at the end of the four-day Peace Jirga, the 650 delegates pledged to continue to an "extended, tireless and persistent campaign against terrorism" and disallow terrorist sanctuaries and camps. They also agreed to establish a smaller Jirga of 25 representatives to continue a dialog between the two countries in order to work for peace with the Taliban and to combat the narcotics trade.[21]

Again, each ***Jirga*** or ***Loya Jirga*** are be convened for a specific issue. After making their final decision, the assignment of the Jirga members cease to exist and they go back to their areas.

[21]The author was member of Peace Jirga between Afghanistan and Pakistan.

(c) ketabton.com: The Digital Library

Jirgas *and* ***Loya Jirgas*** have played an important role in Afghanistan history, primarily due to the lack of a strong central government in Afghanistan. ***Jirgas*** still play a very important role in the tribal structured society of Afghanistan. In the rural areas, more than 90 percent issues are solved through ***Jirgas.***

People accept ***Jirgas*** as a means of an "Informal Justice System" because it is cheaper, more accessible and shorter means of solving disputes and preventing future enmity.

The formal justice system in Afghanistan is expensive, takes longer and cannot stop future hostility. Additionally, people have less confidence in the formal justice system due to its lack of capacity and corruption. In many instances, the final decision of the "Formal Justice System" cannot be implemented by the executive branch. It only further exacerbates frustration among disputing parties.

Appreciating the culture and code of conduct is requisite in understanding the Afghan power structure.

There are three pillars of power in Afghanistan, namely the 1) tribal structure, 2) religious leaders and 3) government. A brief overview is below, however if you wish to delve into the subject more, please consult the books of Professor David Edwards, *Heroes of the Age* and *Before Taliban: Genealogy of Afghan Jihad.*

2- Tribal Structure or non-recognizable District Structures:

It is believed that the first iteration of the district tribal structure began during the rule of King Abdur Rahman (1880-1901). Most tribes gave conscription, duties and

(c) ketabton.com: The Digital Library

taxation to the government, while sharing their profits and losses within the district based on allocations developed over time.

During British rule in the Indian sub-continent, through the Treaty of Gandamak (12 November 1893), the Durand Line Agreement was implemented. It divided the Pashtun tribes between Afghanistan and India, causing deep anguish among the populace. Since the creation of Pakistan in 1947, no government of Afghanistan has recognized the Durand Line.

Additionally, a large area along the border between Afghanistan and Pakistan effectively remains as a buffer zone, called ***Qabayel*** ("No Man's Land").

Because of the weak presence of government and the inaccessibility of the remote areas, along the Durand line, the only governing mechanism for solving day-to-day problems is ***Pakhtunwali.***

Officially Afghanistan has been divided into 34 provinces and 364 districts plus 132 municipalities. Most of these districts have been divided by geographical location or tribal structures. In all districts of Afghanistan, you will find the following three structures[22].

1. ***Tribal structure***
2. ***Wand, Tagab, Qabela, Khanagi, Zone, Basta*** *or* ***Manteqa*** (designates an idea of shared space in which its inhabitants maintain a great degree of cultural uniformity, sections which are comprised of a cluster Qaryas

[22] Some of these structure system has been explained in the new book of Shahmahmood Miakhel, published in 2006 in Pashtoo language, named "Emergency Loya Jirga and Election Process in Eastern Provinces of Afghanistan"

(c) ketabton.com: The Digital Library

3. ***Qarya*** system (cluster of small villages)

Some of the districts in Afghanistan have been named after the name of a tribe. Examples are Tani, Gurbuz, Zaze, Lezha Mangal and Andar.

In a districts where only one tribe live, the districts are divided by sub-tribes. For example Gurbuz district of Khost divided by three sub-tribes and Tani district divided by four sub-tribes.

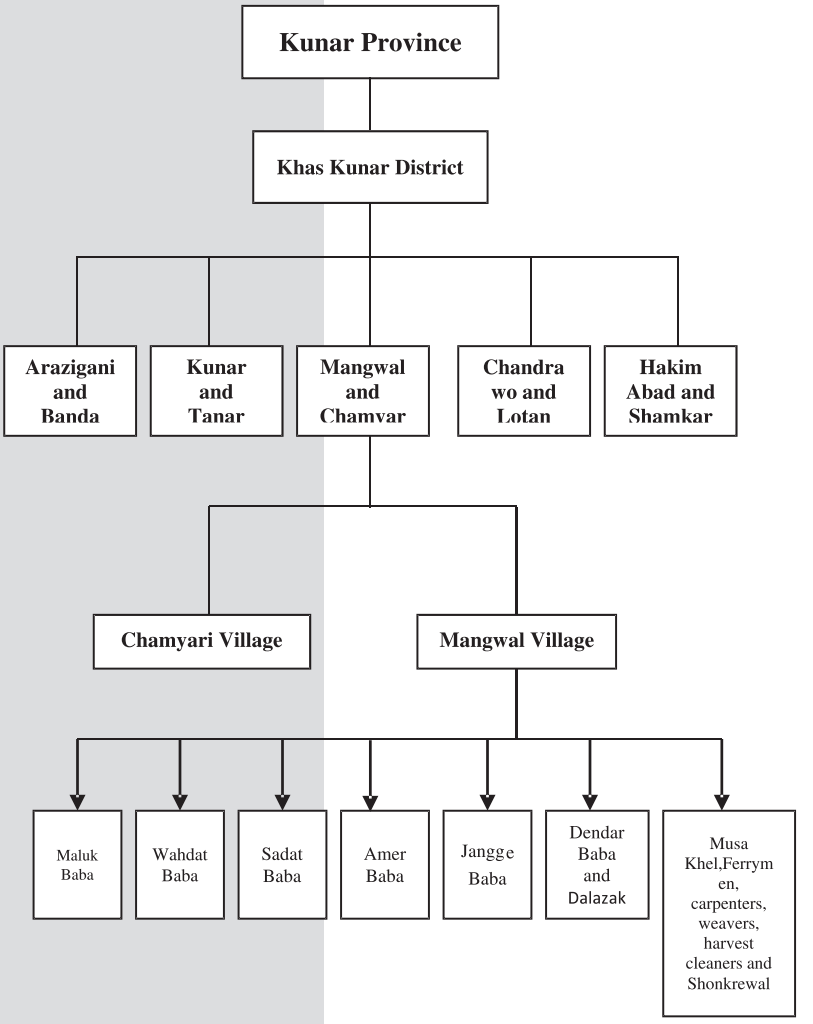
Five ***Wands*** divide Khas Kunar, the area located in the eastern province of Kunar.

Each of these ***Wands*** or sub-tribes is then divided further by different clusters.

Fifty two ***Qaryas*** divide Kama district in Nangarhar province or 100 ***Qaryas*** in Bagram district of Kabul.

In order to appreciate the complexity of this system, below is an explanation of the structure in just one district, the Khas Kunar. While it looks very complex to outsiders, the local people, those who live in the district, understand it easily.

(c) ketabton.com: The Digital Library



Relationship of a section of a village in Khas Kunar district, with district, provincial and national administration

(c) ketabton.com: The Digital Library

Khas Kunar used to be the capital of the Kunar province and the name of the province is taken from a village called Kunar. Khas Kunar has the following five Wands (Sections):[23] Each, Wand is comprised of several villages and each village has several clusters.

1. Mangwal and Chamyari
2. Chandrawo and Lotan
3. Kunar and Tanar
4. Arazigani and Banda
5. Kuli Gram (Hakim Abad) and Shamkar

To further add to the complexity, in each Wand that they divide their profits and losses based on shares. The Mangwal and Chamyari wand of Khas Kunar divide their profit by three shares. One share (1/3) given to Chamyari village and two shares (2/3) is given to Mangwal village.

Mangwal village has seven clusters (shares): Six are named after their great, great grandparents and one is allocated for the other families (carpenters, ferrymen, sayyeds, etc.).

The village divides its profit and loss into seven shares equally. They are:

1. Maluk Baba
2. Wahdat Baba
3. Sadat Baba
4. Ameer Baba
5. Jangge Baba

[23]Research took place in March-April 2002 during election of an Emergency Loya Jirga

(c) ketabton.com: The Digital Library

6. Dendar Baba and Dalazak
7. Musa Khel (members of other tribe who live in this village), Jolagan (weavers[24]), Shahkhel (harvest cleaners) and Shonkrewal (members of other tribes who live in this village)

In the same way, *Chamyari* village has three clusters and they are[25]:

1. Chamarkhel
2. Atakhel
3. Daminjian.

The story goes back generations that Chamyar was Hindu and the village is known on his name as Chamyari. Chamyar had two sons named Chamar and Ata. Later on, Chamar converted to Islam and then Ata killed his brother, Chamar, because of his conversion to Islam. People of Chamyari build a shrine on the grave of Chamar which is known Shahid Baba and the grave still exist in the Chamyari village. Now the descendents of both brothers are followers of Islam and the descendents are known as Chamarkhel and Atakhel.

The third group of Chamyari village that are called Daminjian, they are Degan (Tajiks) and they came from Shumash and Aret village of Noorgal district across from Kunar river in the north of Khas Kunar district. In Shumash

[24] Before the modern age, there were weavers almost in all villages. They prepared cloth from the locally produced cotton for clothes. The descendents of those families are still known by those names.

[25] Interview with Malik Taus Khan from Chamyari village on 21st January 2011 in Kabul

(c) ketabton.com: The Digital Library

and Aret area, there is a village called Daminj and still exist. Even though, locally they are called Degan but it seems that Degan are close to Nooristani tribe and their dialect has similarity with Nooristani and Pashae languages of Afghanistan and they may not be Tajiks as they are locally known. Besides these three clusters, there are residents from other tribes in the area such as Alla Khel, Boti Khel, Buzarg Khel, Kashkoti and Miagan in Chamyari village and they are part of different clusters to have share in the income and loss of the village. For example, Alla Khel and Boti Khel are cluster of Diminjian and Burzarg Khel, Kashkoti and Miagan are part of Chamar Khel.

As shown in the above chart, all residents of the village have an equal share. And they all participate in issues about their village or district, each contributing according to their share.

In the above chart, the first six clusters of Mangwal village belong to one tribe, which is called Atamarkhel, a sub-tribe of Momand tribes. The Momand tribe is divided by four major sub-tribes of:

1. Bayze
2. Khoyze
3. Halemze and
4. Tarakzi

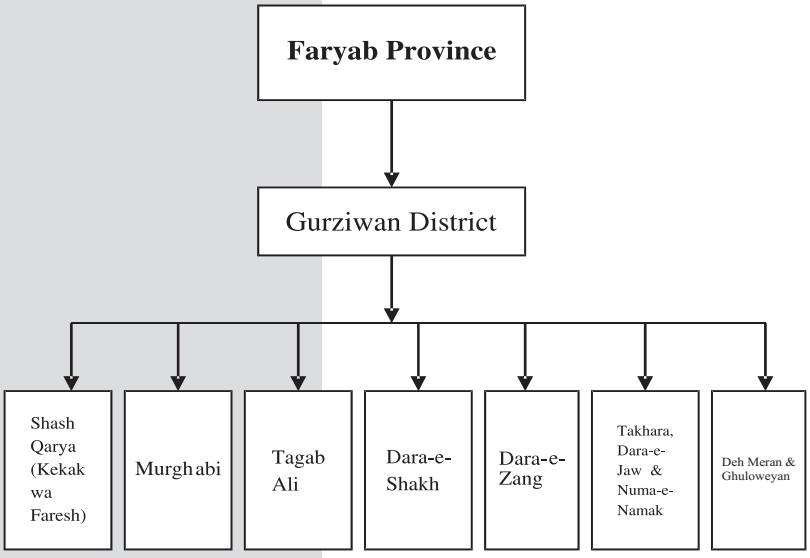
The Atamarkhel tribe of Mangwal village is a sub-tribe of Bayze. Momand tribes' settled in the eastern provinces of Kunar and Nangarhar, the tribal Qabayel belt between

(c) ketabton.com: The Digital Library

Afghanistan and Pakistan as well as in the northwest part of Peshawar.

As shown in the above chart, the stronger tribe, Atamarkhel, gives shares to those who are not part of their tribe. They do it because they to help the lower class. They give equal shares to Musakhel, Dalazak and Shonkrewal families even though they are not part of Atamarkhel tribes. This distribution of shares in the village to the lower class has been done by a number of families living in Mangwal village. Changing this method of distribution would not be acceptable to the tribes because it represents their share of water, land, pastures, forests, mountains and other communal properties.

Another example illustrating the complexity of the district structure is in the Guziwan District of Faryab Province.



(c) ketabton.com: The Digital Library

The Gurziwan[26] district of Faryab Province is divided into 7 sections.

This division is well understood by the inhabitants of ***Gurziwan*** district and they call it *Tagab* or *Tagao* (Valley).

In the Jaghori district (south-west of Ghazni province), the number of ***Manteqa*** (designates an idea of shared space in which its inhabitants maintain a great degree of cultural uniformity) are not rigid. NGOs, such as Shuhada Organization or Avicenne have listed 25 Manteqa in Jaghori district; [27]

1. Almetu
2. Anguri
3. Bâbâ
4. Busayd
5. Chilbâghtu-ye Oqi
6. Chilbâghtu-ye Pashi
7. Dahmardad
8. Dâwud
9. Haydar
10. Hecha
11. Hutqol
12. Kamrak
13. Lumân
14. Maska
15. Pâtu
16. Sang-e Mâsha
17. Sapâya ou Khodaydâd

[26] interview with the people of Gurziwan who visited UNAMA on 31 May 2007

[27] Research paper by Raphy Favre, "Interface between State and Society in Afghanistan, discussion on key social features affecting governance, reconciliation and reconstruction, February 2005, (www.aizon.org)

(c) ketabton.com: The Digital Library

18. Sa'id Ahmad
19. Shashpar
20. Sherzayda
21. Shoghla
22. Siyâ Zamin ou Posht-e Chob
23. Taberghân
24. Ulyatu
25. Zerak.

Some ***Manteqa*** bear the name of tribal segments such as Dahmardad, Maska or Baba, while other designates use the name of a location such as Sang-e Masha or Hutqol.

Alessandro Monsutti[28] noted that in some ***Manteqa***, the population is from the same tribal affiliation, while in others, the population is mixed (i.e Sang-e Masha).

However, Monsutti also showed that marriage within the ***Manteqa*** in Central Afghanistan is high with 70% of the marriages made within. Monsutti also noted that when a marriage is made outside of the ***Manteqa,*** it is generally done to reactivate ancient strategic alliances between families. Monsutti conducted a study on the social structure in Jaghori district of Ghazni province and mapped the various Manteqa of Jaghori district (see figure 1).

Another example of the complexity of the district structure is that of Bagram[29] district of Parwan province. It was divided into 99 ***Qarya***. Among those 99 ***Qarya***, thirty

[28] Allensandro Monsutti , author of "*Guerres et migrations: réseaux sociaux et stratégieséconomiques des Hazaras d'Afghanistan*", Neuchâtel: Faculté des lettres et sciences humaines (thèse de doctorat), Switzerland, 2003.

[29] Interview with General Baba Jan of Bagram on 1ST June 2007 in Bagram

(c) ketabton.com: The Digital Library

of them were from Pakhtun ethnic group, five Hazara and the remainder Tajiks. Recently, another ***Qarya*** was added, one near the gates of the Bagram airbase. It was added because many families from other ethnic groups reside there, those not part of any of the other 99 ***Qaryas.*** So, now the district of Bagram has a total of 100 ***Qaryas.***

In the Gulistan district of Farah province[30], the majority people are Pakhtun (also sometimes spelled Pakhtoon) from the Noorzi tribe, but there is a small community of Tajik and Shia who also live in the district. The district of Gulistan is divided into eight ***Qabela.*** Six ***Qabelas*** are Pakhtun, one Tajik and one Shia.

The six ***Qabelas*** of Pakhtun are:

1. Helal Zay
2. Jamal Zay
3. Khuche Zay
4. Bare Zay
5. Khuwaja Zay
6. Barik Zay.

Digging in deeper, there are 22 ***Qaryas*** in Jamal Zay's ***Qabela*** and they are:

1. Telekaman
2. Karez Naw
3. Qala-e-Surkh
4. Deyak
5. Toot
6. Khanjaka-e-Oleya
7. Khanjaka-e-Sufla

[30] Interview with Abdul Majid Dehate of Gulistan in UNAMA, Kabul Office on 12 June 07

(c) ketabton.com: The Digital Library

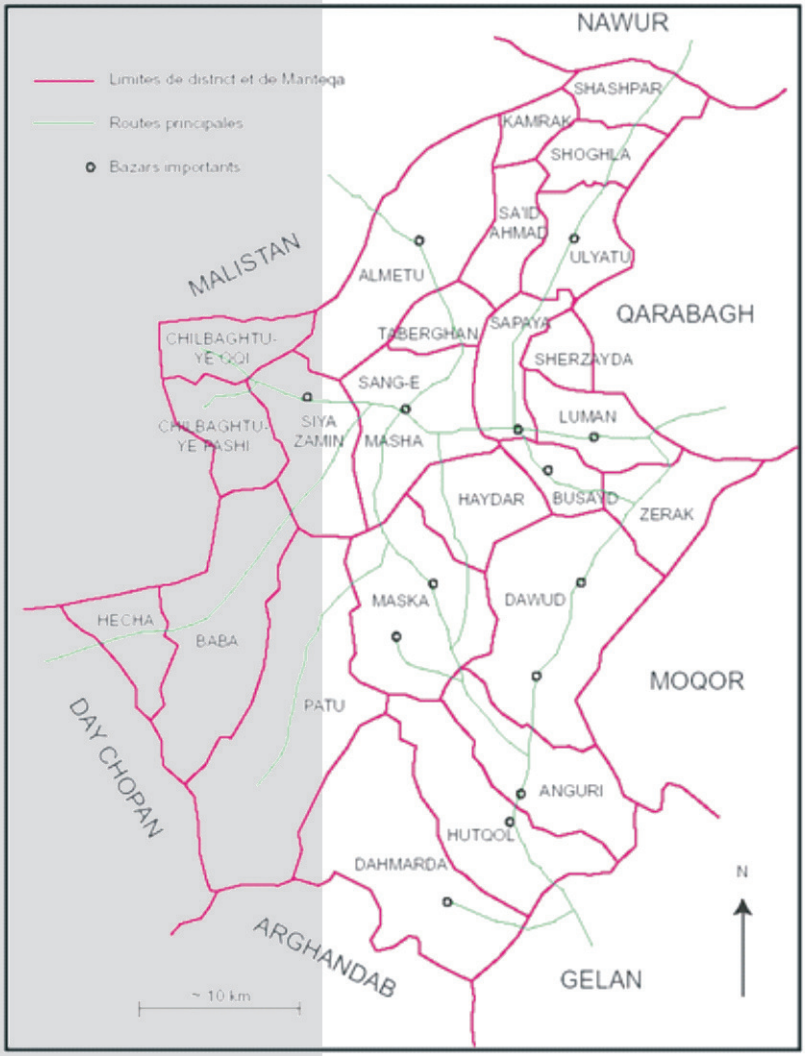
8. Pushta
9. Saidal
10. Babokhel
11. Lartay
12. Ghalrawe
13. Olar, or Pashto La
14. Qala-e-Gam
15. Qala-e-Naw
16. Qala-e-Mia
17. Shewani
18. Esfanj
19. Palway
20. Dahan-e-Palway
21. Orkan
22. Tal

Governmental influence is weak in the Gulistan district. Instead, the people of Gulistan have selected 8 ***Shura*** members (one member from each ***Qabela***) to solve the day to day problems of the district. Currently Haji Ali Jan from Khuwaja Zay Qabela is the head of Shura and Mr. Sarajudin from Jamal Zay Qabela is the deputy of Gulistan Shura.

Looking at the three districts of Ghourmach, Qades and Joyand in Badghis province, the same structure exists. But instead of calling them ***Qarya*** or ***Manteqa***, the locals called them Hazar Khanagi (thousand families), Zone and Basta, respectively. So, Ghourmach district is divided into three Hazar Khanagi: Tokhi, Achekzai and Zamand. Qades district is divided into twelve Zones and Joyand district is divided into ten Bastas

(c) ketabton.com: The Digital Library

Figure 1
Maps of the "*mantega*" of Jaghori district (Ghazni province). [17]



(c) ketabton.com: The Digital Library

These areas known as M***anteqa, Tagab, Qabela, Wand,*** or ***Qarya,*** do not have legal administrative recognition. However they represent the actual social and territorial structure of rural Afghanistan and this is what the inhabitants understand and recognize. Using this structure, they select their representatives and participate in all issues, from small to large.

According to Monsutti[31], it should take approximately one week to ten days for an experienced team to define (and map) the structure of the various ***Manteqa*** within a district, through grassroots discussions with the inhabitants.

That hypothesis was verified by my own work in 1994-1995, while with the UNDP/UNOPS program in the south and south-east area of Afghanistan. Our purpose was to establish a District Rehabilitation Shura (DRS) in each district. It would take us one to two weeks to establish a fair, representative Shura after having thoroughly consulting with all segments of the district. Once the people selected their representatives through this process of consultation, they supported their representatives and cooperated on all district issues.

The process we utilized to establish the DRS can be demonstrated by what we did in the Gurbuz district of Khost province. This district was comprised of three sub-tribes, each located geographically far away from one

[31] Allensandro Monsutti , op, cit.2003

(c) ketabton.com: The Digital Library

another. One branch of the tribe lived close to the center of the province, but the other two sub-tribes lived far from the center of province, as well as far from the center of the district. The name of the two sub-tribes were Zia-u-din and Ghulam Khan[32]. It was a 3-4 hours drive from the central of Gurbuz to either of these two locations. In the past, most NGOs who worked in Gurbuz only dealt with the center of the district, ignoring the Zia-u-din and Ghulam-Khan tribes. More often than not, these overlooked two tribes created problems for the NGOs. They would frequently stop vehicles and forcibly take tolls from NGOs.

In contrast, when we went to the Gurbuz district, we visited all three clans. We spoke and consulted with their elders of each sub-tribe, and in doing so, we reached a mutual agreement that they would provide security. They agreed that our vehicles would not be stopped in any part of the district. We made it clear that if a clan stopped our vehicle, we will not work in their district. Additionally, it was agree that the DRS would fine any clan who stopped our vehicles or created any problems for our contractors.

Each clan selected their own representatives for the DRS. The DRS prioritized projects according to their needs. In most cases, we had an allocation of $30-50,000 US dollars for each district. After the DRS decided upon the projects they wanted, we would draw up plans. Once completed, we would give a copy of the project specification documents to the DRS and it became their

[32]Ghulam Khan was known Khan of Gurbuz tribe. The entry point between Afghanistan and Pakistan in Miram Shah is known as Ghulam Khan.

(c) ketabton.com: The Digital Library

responsibility to monitor the construction of the projects. In the end, we had the exceedingly successful project implementation in the Gurbuz district and the people were very cooperative.

This is significant because at that time, the security situation in Gurbuz district, as well as in the rest of the country, was much worse than the present time in Afghanistan.

As mentioned in the case of Khas Kunar, Gurziwan, Bagram, Gulistan and Jaghouri districts, this structure was not only limited to Pashtun tribes. It is commonly understood and accepted throughout Afghanistan. Yet, for the most part, because of their complexity, only the resident of the districts understand them. These structures are seldom comprehended by government or other institutions outside of the district.

It is imperative to understand that the only way that the majority of the people in Afghanistan will participate in security, governance and development is through cooperation with local authorities on the district level.

Considering the complexity of the relationships, it may appears to be difficult to build consensus easily. But once done, you will have the full support of the tribes and villagers. No one will feel left out from participation and decision-making. It ensures fair and equal participation and decision making powers regarding all issues. It is the Afghan form of democracy.

(c) ketabton.com: The Digital Library

3- Religious Leaders:

Religious leaders have their own networks in Afghanistan. There are two networks of religious leaders in Afghanistan: ***Madrassas*** and the ***Sufi*** order.

Sufi ***Pirs*** (guides) have followers among the tribes and their orders are obeyed. There are four sects of Sufi orders in Afghanistan;

1. ***Naqshbandaya***
2. ***Qaderiya***
3. ***Chushteya and***
4. ***Sarwardeya***

Of the above Sufi orders, Naqshbandaya and Qaderiya, have the majority of followers.

The current Chairman of Afghanistan Senate and also leader of National Islamic Front of Afghanistan, Prof. Sebghatullah Mujadedi, is known to be the leader of the Sufi order of Naqshbandeya. The major leader of Qaderiya sect is the family of Naqib Saib[33], father of Pir Sayed Ahmad Gilani who is the leader of National Islamic Front of Afghanistan, a resistance group formed against the Soviet occupation in Afghanistan.

In addition, there are other independent networks of Sufi Pirs that exist in Afghanistan. In the eastern provinces of Afghanistan, the disciples of Mulla Najmuddin Akhund,

[33]Naqib saib was descendent of Ghulam Qader Jelani who was founder of Qaderya Sufi Order and lived in Iraq who moved from Iraq and lived in Surkhrud district of Nagarhar province. Naqib saib family has many followers in Southern provincs.

(c) ketabton.com: The Digital Library

known as Hadda saib, a leader who fought against the British, are well known families. They continue to boast a strong role among the tribes. For further information, refer to the books of Professor Edwards: *Heroes of the Age and Before Taliban, Genealogy of Afghan Jihad).*

There are two systems of ***Madrassas*** in Afghanistan: 1) official Madrassas, supported by the government and 2) non-official Madrassas, supported by contributions from individuals and organizations. The non-official madrassas are usually located in mosques. The role of the non-official Madrassas is much more important among the tribes than the official Madrassas. The non-official Madrassas leaders can mobilize the community very easily because they live among the people and supported by the community. One reason that the religious leaders from the official Madrassas play a less significant role is because most of them are not live among the community and they are not close to the people. Also, many graduates of official Madrassas are appointed as judges and prosecutors and due to rampant corruption in the judicial system, they are viewed by the people as corrupt officials.

4- Government Structure:

Afghanistan has unitary system of government to control all resources and appointments to the district level. Even though there exists the title of President, in reality, the central government is a hybrid of parliamentary and presidential systems. The cabinet must be approved by the

(c) ketabton.com: The Digital Library

parliament and a minister can be removed by a simple majority of the parliamentarians.

The provincial structures, according to the new constitution, neither looks like a federal system nor a unitary system. It is again a hybrid because there are elected Provincial Councils in all 34 provinces. They do not wield power, and are mostly used for consultation. Recently they have been granted a monitoring role by the Provincial Councils but it is not clear what exactly their role will be.

The Constitution envisioned district and village councils but like the Provincial Council, the relationship between the executive and elected councils is unclear. Eventually, it would be good that district council should appoint chief executive (***Wuleswal***) among themselves rather than appointed by central government.

As indicated above, Afghanistan has 34 provinces and 364 districts. Given the current rules for appointment, all districts chiefs, judges and attorneys are to be appointed by the President. That is because all of these positions are considered rank one and two. The President appoints rank one and two civilian, police and military (major general ranks) officials.

Including all rank one and two positions at the district, province and central levels, it amounts to around 5000-6000 positions. Given the arcane structure of the governemnt as illustrated above, this is thought to go

(c) ketabton.com: The Digital Library

beyond the capacity and capability of the President office to deal with all these appointments. And more, according to current procedure and law, these positions not only need the President's signature for appointment, it also requires the President's signature for all transfers inside the province or outside in the ministries and provinces. Calculating all of the appointments, transfers and reshuffling in a one year cycle, it amounts to approximately twenty thousand signatures required by the President. This system needs to be changed. Just as the ranks of the military and police have swelled, so have the ranks of the civilian administration, an administration that does not have the trust of the populace. The changes needed only require the political will to do it.

5- Conclusion:

Historically, Afghanistan had always had a weak central government but it has developed a strong district level structure. In the past, successful central rulers have worked with tribal and religious leaders to achieve balance through compromise.

When King Nadir Khan (1929-1933) took power, he gave special privileges to the tribes in Loya Paktia (Khost, Paktia and Paktika provinces) and exempted them from the conscription in the military. He gave honorary ranks to the chief of tribes. In order to please the religious leaders, he established several official Madrassas: Najmul Madares in Jalalabad, Madrasa-e-Asadeya in Mazar and Abu Hanifa in Kabul. Some graduates of these official

(c) ketabton.com: The Digital Library

Madrassas have become known politicians and bureaucrats in Afghanistan.

During the peaceful reign of King Zahir Shah (1933-1973), if a crime occurred in very remote part of the district or on a tribal boundary, the local elders were obliged to hand over the perpetrators to the government. During his forty years of rule, there was peace in Afghanistan because he worked diligently to maintain balance among tribes, religious leaders and the rule of the government. So, despite the fact that even in those years, the central government machinery was weak, it had the full support of the people. King Zahir Shah was the last King of Afghanistan, reigning until he was ousted by a coup in 1973. Following his return from exile he was given the title 'Father of the Nation' by Emergency Loya Jirga in 2002. He died in July 2007.

Whenever a power imbalance occurs among these three pillars of power in Afghanistan, the government has failed and turmoil engulfs Afghanistan.

King Amanullah Khan (1919-1929) wanted to modernize Afghanistan and attempted to implement reform agendas. But due to strong resistance both from religious leaders and tribes, he was forced to abdicate his power and left the country. He could not find the common ground needed to balance the three forces. He lived in exile in Italy until he died on 26 April 1960[34]. His coffin was

[34]Afghanistan War of Independence: The forgotten front of Chitral and Kunar by Dr. A.Rahman Zamani, Pashtu, Published by Muska Printing, 2007 page 4.

(c) ketabton.com: The Digital Library

brought to Jalalabad and buried to his father, King Amir Habibullah's tomb in Saraj-ul-Emrate Garden.

President Daud (1973-1978), put more focus on the implementation of an ambitious progressive nationalistic agenda. He was overthrown by a Communist coup supported by the Islamic fundamentalists who feared that his foreign policy was distancing him from the Soviet Union and becoming too close to the West.

When the communist regimes (1978-1992) targeted religious and tribal leaders, national resistance (Jihad) started against the communist regimes and they failed to implement their agenda. From 1992-2001, once the Mujahidin government and Taliban began excluding tribal leaders from the power, Afghanistan was drawn in civil war.

In conclusion, to have peace and security in Afghanistan, there must be a balancing act between tribal, religious and government structures and the Afghan foreign policy should not pose threats to its neighbors.

For security, governance and development, citizen participation must be at the district level. While consensus building or a "bottom up" approach is a time consuming process, in the end, it saves time, resources and avoids catastrophic mistakes. If more time is spent in planning, including key community leaders in the process to achieve consensus, then the community will support any project.

(c) ketabton.com: The Digital Library

This process of consensus building is essential in achieving a peaceful, secure, well-governed Afghanistan. It is a democratic process with the support and participation of the people.

The author would like to thank Donna Singmaster of Fallbrook, CA, Nicholas Hercules from UNAMA and Professor David Edwards of Williams College, Massachusetts for their input and assistance in editing.

(c) ketabton.com: The Digital Library

A Plan to Stabilize Afghanistan[35]

December 2009

Abstract

Afghanistan's problems are well-known: insecurity, corruption, poverty and weak governance. Unfortunately most proposals lack a clear implementation strategy, making them more like wish lists than concrete roadmaps. This paper identifies the failings of previous security, governance and development planning, and proposes an alternative: the creation of teams of qualified police, military and civilian personnel from Kabul to conduct "security audits" at the village and district level to assist in force allocation, convene shuras to implement locally-determined programs, ensure responsible district-level governance, and adopt a development strategy driven by local needs. These teams would have the authority to remove civil servants, approve police structure and assign development funds, which would encourage accountability at the local level. In the long term, the government must improve representation, reduce waste and reform the civil service. This paper argues that with using available resources and capacity or with few additional resources, this plan could result in concrete, tangible improvements in security, governance and development. The author emphasizes that while Afghan expectations are modest, the Government of Afghanistan and the international community are running out of time to deliver.

[35] The edited version of this paper is published by CIGI (Center for International Governance and Innovation) in Canada in May 2010. The link is: http://www.cigionline.org/publications/2010/4/plan-stabilize-afghanistan

(c) ketabton.com: The Digital Library

Introduction

For the past seven years, I have occupied senior positions within the Government of Afghanistan and at the United Nations. I am familiar with most of the programs and strategies implemented by both the Government of Afghanistan and the international community. Most of those strategies are supported by bulky documents replete with sophisticated language describing lofty goals, but they seldom contain a succinct implementation plan that is clear to the average government employee or citizen.

In February 2009, I attended a Provincial Reconstruction Team (PRT) conference at the International Security Assistance Force (ISAF) headquarters in Kabul attended by roughly 250 high-level representatives from international organizations and institutions along with officials from the Afghan government. Various programs and strategies such as Afghanistan National Development Strategy (ANDS)36, Afghanistan Compact37, Afghanistan Sub-National Governance Policy38, new Anti-Corruption Strategy to be implemented by High Office of Oversight (HOO)39 aiming to stabilize the security environment, fight corruption, improve governance and development were presented and discussed. I was mystified by the lack of substance in the discussions, a sentiment that I found was shared by other participants. It compelled me to compile a set of ideas on how to address Afghanistan's many problems in a

[36] Afghanistan National Development Strategy (ANDS) was approved by Afghanistan's government in 2008

[37] Afghanistan Compact agreed between Afghanistan government and international community in London. (31 January-1 February 2006).

[38] Since 2007, IDLG (Independent Directorate of Local Governance) with consultation of government departments drafted SNGP but pending for government approval.

[39] High Office of Oversight (HOO) was established by the Government of Afghanistan in 2008 to fight corruption.

(c) ketabton.com: The Digital Library

straightforward, understandable manner that could be implemented in the short and medium terms. This paper lays out those ideas in the form of a strategic plan for Afghanistan, in the hope that it can spur new thinking on Afghanistan among Afghan and international policy makers.

Background

In March and June 2009, while working for the United Nations Assistance Mission in Afghanistan (UNAMA) as a Governance Advisor, I wrote two papers detailing a simple, understandable strategy for Afghanistan with the focus of achieving stability. In this document, I attempt to combine those two papers to show how security, good governance and development can be achieved within the present context of Afghanistan.

It is very important for the international community and the new administration of Afghanistan to work closely to clearly define the roles and responsibilities of each party and ensure better coordination. It is equally important for the three pillars of power in Afghanistan (government, religious establishment[40] and people) to work and trust each other. These three pillars of power can only work together if there is transparency in the process of decision making and participation on local level regarding all issues of security, governance and development. In this coordinated effort, it is extremely important for the Government of Afghanistan to take the lead. No plan, program or strategy in Afghanistan will succeed without the Government of Afghanistan playing the lead role at all levels.

[40] Afghanistan has about 166 thousands mosques, about 100,000 students in official 322 Madrassas. 6000 leaders of prayers and 7500 religious scholars were paid by the government. (source: Author's interview with Dr. Mohammad Shafeq Samem, Deputy Minister of Haji and Awqaf on 15 March 2009.

(c) ketabton.com: The Digital Library

Afghanistan has a unique geographical position. It is not part of Middle East, Central Asia or South Asia. Afghanistan stands at the crossroads of these three regions, but its culture, values and history diverge from all three. It is important to appreciate that reconstruction programs that may have worked in other post-conflict countries may not have traction in Afghanistan. Afghanistan has been at war for thirty years (occupation, civil war and proxy wars) but no tribe or group has ever attempted to break away from the country to create a separate state, as is the case for most of Afghanistan's neighbours. Afghanistan can be understood as a strong nation with a perpetually weak state.

The Failure of Previous Security, Governance & Development Programming

Strategies and programs in Afghanistan have suffered from several serious flaws. First, they have thus far been largely supply-driven; they are focused on the capabilities of donor nations, not based on the needs of the Afghan people. Second, most programs are designed to achieve short-term, tactical gains. In 2002, more focus was on building Afghan National Army (ANA) for counterterrorism purpose and less focus on building Afghan National Police (ANP). It took three years for the government of Afghanistan to convince big donor such as the US to invest in the training of Afghan National Police force. But it was too late that the police will do policing job to meet law and order requirement of the citizens. When they realized that the police are in the first line of war to fight against insurgency and normal police force didn't have capability to cope with existing security challenges, the government of Afghanistan and international community started to recruit people for Auxiliary

(c) ketabton.com: The Digital Library

Police (AP) in 2006. When the International community realized that AP strengthened power of warlords and criminal networks, they stopped supporting AP and started to support Arbaki (community police force) or Afghanistan Public Protection Force (APPF) in 2008. This is inconsistent with the goal of institution building, which is anything but a short-term process.

Typical strategies, programs and papers on Afghanistan have many problematic features in common:

Most of these strategies are wish lists with no implementation frameworks. And even if some of the programs have been implemented successfully, long-term sustainability is questionable. For example, Afghanistan Compact under Governance, Rule of Law and Human Rights section mentioned,"…establish a more effective, accountable and transparent administration at all levels of Government; and implement measurable improvements in fighting corruption, upholding justice and the rule of law and promoting respect for the human rights of all Afghans". If we look to the above one paragraph of Afghanistan compact and the goals mentioned could not be implemented in decades.

Most of these strategies, programs and papers are written by foreign consultants rather than local experts. They often cut and paste from programs and strategies from other countries without adapting them to Afghanistan's unique socio-cultural and political milieu. Almost all security, governance and development programs in Afghanistan are designed for post-conflict situations which do not address all of Afghanistan's current challenges of insecurity.

Many of these experts and consultants believe that there has never been a functional government in Afghanistan's history.

(c) ketabton.com: The Digital Library

Consequently, they want to start everything from scratch. Quite to the contrary, Afghanistan had a functional government before 1978 for nearly four decades. It enjoyed a lively and open economy and environment. Therefore, most of the rules and procedures for better governance are already in place. Of course it could use modifications in some areas, but generally the outlines of a good administrative system, familiar to Afghans, is in place.

Another problem with current programs is that they have been unable to sustain momentum through personnel changes. When one consultant leaves, the replacement re-starts the process again, without reviewing or building on previous work. This shortcoming is further exacerbated by the incompetency of personnel in some departments and ministries who do not properly utilize the expertise of these consultants or advisors. Too often, donors work with individuals rather than with institutions. When one of these individuals moves to another government ministry or department, they take all of the resources with them. The power accumulated by these individuals has prompted some to refer to them as "Civil Society Warlords."

Most of the strategies developed for Afghanistan in recent years have been long, highly technical and often poorly translated, if at all, into Pashto and Dari. They are simply incomprehensible to the average government employee or Afghan who is expected to implement them.

During the past eight years, the administrative system of Afghanistan has been dismantled like the engine of a car and now the government of Afghanistan and the international community are having difficulty putting all these pieces back together. Afghanistan had an administrative system which was developed in several decades and most of the government

(c) ketabton.com: The Digital Library

machinery at least know how to operate it but unfortunately the international community came with mentality that there is no system in Afghanistan. Instead of gradual changes, they dismantled the old administrative, judicial and security systems and not able to build new one which could be understandable by average Afghans and government machinery. In some cases, they are attempting to fit pieces from an entirely different make of car into the engine.

The Reality on the Ground

During the past few months, I have spoken with citizens from across Afghanistan. I personally visited Kunduz, Takhar, Paktia, Khost, Kunar and Nangahar provinces. Most complained about the lack of security and bad governance in their respective areas. When asked, however, about the progress in development and changes to their standard of living, there was unanimous agreement that since 2001, there has been unprecedented improvement, despite bad governance, corruption and insecurity. Economically, everyone is living a better life today compared to seven years ago, but there are still complains. While there is need for more economic development, the main concerns for the people of Afghanistan are security and good governance. As Botanies measure their progress with Gross Happiness rather than by GDP, it is the same in Afghanistan that Gross Happiness is missing point.

The Government of Afghanistan and the international community have to look into the management of each department and ministry and find out where the problems lie. It may be due to poor leadership, bad management, problematic organizational structures or deficits in resources.

(c) ketabton.com: The Digital Library

Again, thinking of the government as a car, one may improve governance and security in a district simply by changing the driver (leadership), while in another place, fuel (resources) is needed, while somewhere else, an engine change is needed (perhaps increasing the number of police officers, which might possibly be thought of as adding a turbocharger). Different places will have different requirements.

None of these issues can be solved solely from Kabul.

They involve local initiatives, decisions and actions. While a federal system in Afghanistan could have very negative consequences, the delegation of authority to the local level to identify problems and make quick decisions is imperative if the insurgency is to be defeated and governance is to be improved. The idea of working around the central government, an idea proffered by some people, is not practical or feasible. No stable country in the world exist without some sort of central and local functional government. If there is no functional government in a country at all levels, there is no stability. In the case of Afghanistan, there is no way to circumvent the central government because even the district governor is appointed by the central government. There should be balance approach between centralization and decentralization. Under current circumstances in Afghanistan, more power should be delegated to the local level governance and the central government should play monitoring role.

Short term objectives are the enemy of long term goals.

Over the past eight years, the international community and the government of Afghanistan sought quick fixes with inexpensive price tags. They did not succeed. Instead, reforms created job insecurity, especially within the civil service and

(c) ketabton.com: The Digital Library

police force. These reforms manipulated by those who had power, money and influence and thousands of qualified people in the government or police forces have no jobs or appointed in passive positions. There is no motivation to serve in the government. Going into greater detail of why more insecurity was created would take too long, but unequivocally, the reforms did not improve security and good governance. Short-term programs must support long term goals in building a foundation for sustainable peace and stability in Afghanistan.

If the government of Afghanistan and international community mobilize local capabilities and resources, establishing synergies between existing programs and institutions, Afghanistan could be stabilized very quickly. To implement the plan outlined below, it will be important to create several centers of gravity from which to improve security, governance and create conducive conditions for development. These centers would have to be agreed jointly by the government and the international community. From these centers, implementation could then expand outward to the rural areas of Afghanistan. The structure suggested here would create an atmosphere that would encourage the populace and even the AGE (Afghanistan Government Enemies) to support the government gradually.

A New Strategic Plan

First Steps

- **The Government and the International Community Must** Unite

Together, they must agree on a common and united agenda with both sides fully dedicated to deliver on their commitments. The people of Afghanistan do not distinguish between the

(c) ketabton.com: The Digital Library

government and the international community; they consider them two sides of the same coin. Therefore, the success of one depends on the other. They must work closely as partners, showing good faith.

- **Take Action Now** The people of Afghanistan do not have high expectations from their government and the international community. Instead they have very basic expectations such as to be safe in their houses, to have food on their tables and to be able to travel within the country without fear. There is no need for long, drawn out deliberations. Time is not on our side.
- **Utilize Capable Civil Servants**

It is often suggested that there is no capacity in the government of Afghanistan to implement projects, improve security and provide good governance. That is simply untrue. There are many qualified people who work in the ministries and departments. It is these people who run the government and can move the ship in the right direction; their expertise should be utilized and they should be involved in the planning and implementation of all programs. At present, in most ministries and departments, there is huge gap of communication between top, middle and low level leadership. Often overlooked due to their lack of English skills, they are considered the work horses of the Afghanistan government. They may not know how to charm donors, but they do know how to get things done. From 2003-2005, when I worked in the Ministry of Interior, I worked with many exceptionally qualified individuals and learned a lot from them.

- **Appoint Impartial Officials**

The existing social structure in all districts of Afghanistan allows the local populace to make their own decisions. This is non-recognizable structure that people solve their day to day

(c) ketabton.com: The Digital Library

issues through jirgas and shuras (council) and they understood it. They choose their representatives very easily and they can contribute to security and governance. It is an indigenous form of social equality. Each district is divided into sections, large villages (Qarya) or tribes.41 If representatives of the Government of Afghanistan (governor, district governor, police chief) play an impartial role in governing, the people will trust and support the government. Unfortunately, in most cases, the government machinery especially at the local level is not filled with impartial actors. In most cases, local powerful has executive power and it is very difficult for them to dissociate themselves from the comrades in the fighting for decades and to be nice to their rivals or enemies. In many cases, due to partiality of local officials, some segments of community were excluded from decision making or even suppressed. If local government officials are perceived as biased to one group or another, local communities, particularly in Pashtun areas, will not only refrain from supporting the state but may seek to undermine its authority. The state should avoid becoming embroiled in complex local rivalries and feuds among families and tribal groups.

- **Recognize that "all Politics is Local"**

As the former Speaker of the US House of Representatives Thomas 'Tip' O'Neill, once famously said, "All politics is local." Nowhere is this more perfectly exemplified than in Afghanistan. The people of Afghanistan believe it is more

41 Shahmahmood, Miakhel (2009). *Understanding Afghanistan: The Importance of Tribal Culture and Structure in Security and Governance.* Revised November 2009. Originally published as *The Importance of Tribal Structures and Pakhtunwali in Afghanistan; Their role in security and governance.*, published by Maulana Abdul Kalam Azad Institute Center for South Asian Studies (2008).

(c) ketabton.com: The Digital Library

important to know what is happening locally than to know what is happening in Kabul.

The exclusion of local communities in governance and planning, and the imposition of lengthy technocratic strategies incomprehensible to local actors has alienated local communities and fueled insecurity. The insurgents infiltrate among the communities and groups who are alienated by the local officials. In order to improve governance, address insecurity and implement development projects, the Government of Afghanistan and international community should adopt a simpler approach. What is needed are a few bold and simple decisions—made at the local level—to bring real change and ensure efficiency.

- **Address Corruption**

The Government of Afghanistan must remove all individuals who are obstacles to improving security and good governance. If the government and the international community appease corrupt individuals, they will further lose the support of the Afghan people. Political will among the Afghan government and international donor community is needed to make the tough decisions needed to turn the ship in the right direction. Afghans have been at war for thirty years. The political maturity of ordinary Afghan citizens is much greater than the average citizens of most other countries, even with high rates of illiteracy. If the people of Afghanistan see that the ship is turning in the right direction, even at a slow pace, they will understand. They will find the patience to wait. But if they see the ship moving in the wrong direction, the government will lose all support and the country will descend back into chaos.

(c) ketabton.com: The Digital Library

Ten Steps to Achieve Peace and Stability

1. Create Centers of Gravity

Afghanistan has been in a downward spiral since 2005. The security problem has escalated and is widespread throughout the country. It is estimated that 20 percent of the problems in Afghanistan are caused by Taliban and al-Qaeda activities, while 80 percent are linked to bad governance, drugs, warlords, communal disputes and local rivalries.42 Centers of gravity are elaborated above before or priority areas need to be created in Kabul as well as in other regions. Counter insurgency operations should be led and coordinated from these centers of gravity to isolate and demolish the insurgency.

2. Form Competent and Representative Teams

A team comprised of police, military and civilians from Kabul should be assigned to each center of gravity to consult with the local authorities. The team leader must be an honest, trusted professional appointed by the President in consultation with the international community. Observers to monitor the process could be from UNAMA, PRTs, civil society or other local organizations. The team should be based in the region with full authority to make decisions including the hiring and firing of personnel, the direction of police operations and the distribution of resources.

3. Implement Changes in Urban Districts

After selecting a team for each priority area or center of gravity, the team should start their work in the urban districts (Naheyas)43. If the center of province is not secured, it is not easy to move to rural district to improve security and

---

[42] Unpublished internal survey of JMAC (Joint Mission Analysis Center) of UNAMA in 2008.

[43] Afghanistan has official 364 rural district and 132 urban districts (source IDLG).

(c) ketabton.com: The Digital Library

governance. In this way, clear, hold and build formula of country insurgency should be implemented.44

4. Form Shuras in each urban and local district

The team should establish a Shura (local council) in each Naheya (urban district) or rural district to discuss security, governance and development problems within the district and to derive solutions to address them. The locals know how to find solutions to their problems. Various different actors should be included in each Shura to ensure representation from all three pillars of power in Afghanistan: government, community and religious authorities. The government and international community should support their recommendations.

For instance, every Naheya consists of several Guzars (sections), which are led by chiefs called Wakeel-e-Guzar.45 All chiefs of Guzars should be part of this urban district Shura. Similarly, the leaders of prayers of each Jami mosque (those mosques which perform Friday prayer) in the district should be included in the Shura. Lastly, the Police Chief of the district and the head of the Naheya should also be members of this Shura.

---

[44] Kabul City has twenty-two *Naheyas*. Interestingly, there are only seventeen police districts (*Hawza*). Structurally, however, there should be twenty-two police *hawzas* in Kabul City to correspond with the number of Naheyas. But there remain unsettled issues between the Municipality and Province of Kabul which should be fixed. Kabul Province has fourteen local districts (*Wuleswali*) each of which has a police chief. Jalalabad city has five Naheyas.

[45] It is important to understand the role of *Wakeel Guzar* or *Maliks* in local society. *Wakeel Guzar* or *Maliks* are always appointed by a majority of the people in their *Guzar* (section of a district). They are registered with the *Naheya* or *Wuleswali* and each are given their own stamp. *Wakeel Guzar* or *Maliks* form the link between village and district administration. One cannot get proof of residency, ID cards, marriage certificate, and so forth, without the attestation of a *Wakeel Guazar* or *Malik*.

(c) ketabton.com: The Digital Library

In the urban districts, this process should not take more than a week, while in a rural district the process may take two weeks. There is no need to pay the members of a Shura as they would participate voluntarily.

Two elements are very important in the selection of Shura. One, to make sure that each section, sub-tribes or Qaryas (villages) should be consulted in the establishment of Shura and secondly each section should be able to select and appoint their representatives not choosing by government officials. In 1994-1995, I used to work for UNDP/UNOPS in eastern Afghanistan to establish District Rehabilitation Shura (DRS) in each district. Once, I sent my team to Khost province to establish a Shura in the capital of Khost with consultation of people. When the team established Shura and returned to Peshawar, a month later we went to Khost to see how the Shura is functioning. When we went to Khost and talked with the people, they said that they did not accept this Shura because our office called the elders and selected this Shura. We told them that is fine and let's go back to villages and reselect members for Shura with consultation of the people. They selected almost the same people again and I asked them that what it is make different that you selected the same people again. People in the village told me that I didn't understand the reason. When these people were selected in the office, they would not be accountable to the people but when the were selected in the villages, then the Shura members will be accountable to the people. It is a democratic process in the Afghanistan context as caucuses of Iowa in the US.

Government officials must play an impartial role in the selection of the Shura in order for it to be representative and legitimate. It is up to the local population to decide who will represent them in the council. They may choose an educated person, tribal elder, Mullah or even in some cases an anti-

(c) ketabton.com: The Digital Library

government actor. If the latter is the case, it will provide an opportunity for those actors to reconcile with the government and reintegrate into the society.

After establishing the Shura, all competing Shuras should be abolished. Numerous types of Shuras have been established since the fall of the Taliban by different government and non-government institutions such as IDLG Shura, CDCs, Ulema, Tribal, ministry of education and so on. This new Shura in a district should function until the government is able to hold district council elections as envisioned in the constitution of Afghanistan.

5. Conduct Security Survey in each district

Investment in the police force is a necessity rather than a choice; a functional state requires an efficient and effective police force, and the cost of investment in security will invariably be lower than the cost of insecurity. The first step for the team would be to conduct a two-week security survey with the provincial police and district police chiefs. This survey would determine how many police officers are needed to protect each district and implement the rule of law. Currently, there are wide variations in the estimates of police personnel requirements.

At present, police officers are assigned to each district based on whether it is a category one, two or three district[46]. The team should have the authority to approve the recruitment of new police officers in each district on the basis of their survey and consultation.

[46] All Provinces and Districts in Afghanistan are divided by category one, two and three based on population and geography. There are 7 grade one, 10 grade two and 17 grade three Provinces in Afghanistan. In addition, there are 66 category one, 177 category two and 121 category three Districts.

(c) ketabton.com: The Digital Library

New police officers could be recruited very quickly with the consultation of the police chief and the inhabitants of each district Shura. The new recruitment should be part of regular police not part of Auxiliary Police, Arbaki (so called community police), Afghan Public Protection Force (APPF) or Community Defense Initiative (CDI) which is proposed by ISAF. In Afghanistan, militias or forces created outside of the regular police structure, didn't have good reputation and they were main problem of undermining of security and rules of law.47 The new recruits should receive accelerated training by the Ministry of Interior (MoI) trainers at one of the country's regional training centers. There is no shortage of qualified trainers in the MoI to expedite the training or even officers in the district can provide preliminary training in their respective areas.

6. Address Local Conflicts in each district

The first item on the agenda of the Shura should be unresolved communal problems. The Shura acts as an arbitrator and can rule on any conflict. There may be long-standing unresolved disputes between tribes or villages that must be addressed through the Shura, in conjunction with the regional team. It is important to address these issues first because insurgents often use local disputes as a means to infiltrate and influence local populations.

7. Establish Benchmarks to Reduce Crime in each district

Clear benchmarks to improve security and governance should be established by the Shura in conjunction with the regional team. Local issues may include determining the existing number of security incidents, burglaries, criminal activities, communal disputes, domestic violence, and so forth,

[47] In 2008, I wrote whit paper on Arbaki roles which is widely distributed.

(c) ketabton.com: The Digital Library

with the goal of capturing and trying the perpetrators. Incidents can be addressed and resolved either through the legal process or through arbitration by the Shuras. Under the current conditions of insecurity in Afghanistan, people solve more than 80 percent of their local issues through informal system.48 In addition, monthly monitoring to determine progress could be exercised by the police who already have procedures in place to register incidents. This process would require regular follow up.

8. Ensure Responsible District Governance

The second phase of the survey should be directed at ensuring district administration is responsible and reliable. The Chief of the Naheya (Raes-e-Naheya) who is equivalent to a Woleswal (District Governor) and is the head of all government units in a Naheya (district) must monitor the civil servants' activities and ensure that all grievances are addressed. Monitoring the performance of government officials is very important due to the endemic problems of corruption and absenteeism. The team should therefore be given the authority to remove incompetent officials.

Any new staff should be appointed in consultation with the populace, the line departments, the governor and the police chief of the province.As I mentioned that the team leader should have power of hire and fire if he sees that district governor is not good, then should consult with governor and local people and make decision and inform central government line department about their decision in order to process paper work. This whole paper is based on stability agenda to create space for reforms, changes and delegation of authority to local level. No. one

[48] National Human Development Report (2007). I mentioned more than 80% because the security situation is getting worse than 2007. If there is more insecurity and less access to formal system, the role of informal system increase.

(c) ketabton.com: The Digital Library

priority for Afghans is security and in the absence of security nothing is possible to improve governance and to do development. If there is a need for higher-level consultation to remove a governor or director, the President or a relevant minister should be engaged. Addressing problems and inadequate performance will demonstrate the resolve of the government and its commitment to good governance.

9. Implement Community-Level District Development Projects

Community rewards for local improvements in security and governance should come in the form of district block grants of 2-3 million dollars. The disbursement of the grants should be directed by the Shura. Only the local population can legitimately determine which projects are most important in their community. Projects may include the building of roads, water supply systems, or recreational facilities as well as garbage collection and the development of sanitation systems. There would be no need to create an institution to implement these projects as the National Solidarity Program (NSP) of the Ministry of Rural Rehabilitation and Development (MRRD) already has a good system in place. Money for these initiatives could be channeled through the NSP. Once the plans are developed and drawn up by the engineers, it becomes the Shura's responsibility to ensure that the contractors and engineers are supported and secure. If the existing resources for governance and development money of CERP (Commanders Emergency Response Program Fund), US, UK, German and Japanese development agencies used in the right way, it will be more than enough to implement this plan, bring stability and transparency in the governance and reduce corruption in Afghanistan.

(c) ketabton.com: The Digital Library

10. Mobilize and Organize Engineering Capacity

Presently, there are thousands of engineers in different departments of the government who are idle or not spending their time efficiently. Creating one department with responsibility for managing this important resource, a Corps of Engineers based on the U.S. model, would be a positive step. This body could assemble teams on an ad hoc basis to survey, design and execute projects requested by district Shuras. From 2007-2009, I attended on behalf of UNAMA sub-group of policy committee on reconstruction and development (R & D PAG) and it was priority number for the international community and the President of Afghanistan to build mosque of Musa Qala district in Helmand. Even though, the money was available but the line ministries was not able to prepare design of the mosque and accomplish the job. Musa Qala district was taken and retaken by the insurgents and government two times but the story of building of the mosque was not completed. It is very important for the government and International Community what they promise, they have to deliver in short span of time.

Time & Resources Needed to Implement the Plan

Depending on how many teams could be assembled, this process could be done simultaneously in several places. In stable areas, for example in the north or central Afghanistan, the process can be implemented very quickly and would not be time consuming. Where representative Shura exist in a district, there is no need to re-do the process again and the government should utilize it if, in some places, real representative Shura not exist, then there is need to establish representative Shura. Since the Shura is a familiar governance structure for most Afghans, the time period required to form them will not be excessive.

(c) ketabton.com: The Digital Library

None of these suggestions would require much funding. It would mostly require the community's own human resources. If, after the process is complete and a district finds that it has valid needs for additional funding, it would be prudent for the government and the international community to provide that funding quickly, without bureaucratic roadblocks. With prompt action, the confidence of the people will grow and they will begin to trust the government.

It is very important that the process is not manipulated by political leaders or other individuals (inside or outside of the government) who have a vested interest or personal agenda.

Communications Strategy

The various aspects of this strategy---the security surveys, the establishment of shuras, the delivery of block grants---should be well publicized through the media for public awareness. All government and international community actors should agree upon the message and 'sing the same song' to the media. Conflicting statements create confusion, mistrust and lack of confidence in the government and international community.

Dissemination of information to counter disinformation or misinformation should be one of the most important parts of implementing these decisions. The media should be informed of developments three times per day. Otherwise, they will receive information from other sources. The Taliban are more effective in their propaganda war than the government and international community. However, there are plenty of good stories that need to be collected and disseminated through the media in a constant, strategic manner.

(c) ketabton.com: The Digital Library

Key Elements of the Long-Term Plan

In order to maintain the momentum created by the ten step reform process described above, there must be changes to the long-term strategy in Afghanistan. The government and international community must take action to:

Ensure Fair and Accurate Representation

There must a re-structuring of government administrative units to ensure that there is one representative from each unit elected for Parliament and the Provincial Council. For example, there is 249 seats in the parliament, there should be 249 constituencies in the country. Under the current system, each province is one constituency and some cases you have 2 or three members of parliament from one district and many other districts don not have representatives in the parliament and provincial councils. Currently, many districts are not represented by elected officials. This should be rectified as soon as possible.

Develop Five Year Plans

Afghanistan cannot be as developed in the same manner as Europe or the United States because of lack of resources and geographical local and mostly depened on foreign assistance for decades. To develop vibrant economy takes long time. . Therefore, it is imperative to have realistic and implementable strategies to boost the morale of the local population and gain their support for the government and the international community.

There should be a five-year strategic plan because in one or two years, it is not possible to see impact of development projects for every district and province as well as the national government. If resources are distributed evenly to everyone,

(c) ketabton.com: The Digital Library

then no one will be able to criticize the government or the international community. On the one hand, people in peaceful provinces, primarily the north, often complain that they are ignored because there is no fighting in their region. On the other hand, people in insecure areas, particularly the south and east, argue that the government and the international community have intentionally imposed the war on them to keep them underdeveloped. They are angry because their children remain uneducated and they perceive a conspiracy against Pashtuns.

Reduce Waste

In the long term, there will be a need to restructure a great deal of the current government machinery. Unnecessary departments or ministries which have been created for political purposes must be abolished. A review of each ministry to simplify administrative procedures would be a fruitful exercise and should be based on the ability of institutions to deliver services to the public.

Prohibit "One-Off" Funding

The budget process of the government should be altered to include all current costs in the regular budget, disallowing any and all personnel and departments from requesting funding outside of the budget. Good public finance management is a key enabling factor for implementation of Afghanistan's development strategy and for achieving central national objectives of state-building, sustained rapid economic growth, and poverty reduction.49

49 World Bank **Report No. 34582-AF (**Afghanistan Managing Public Finances for Development) Main Report (Volume I) **December 22, 2005**

(c) ketabton.com: The Digital Library

Re-focus Civil Service Reforms

The Civil Service Commission needs to be redesigned because the current method of civil service reform created job insecurity and there is less focus on training, recruiting of civil servants and job security Its reforms served to create job insecurity rather than a more rational, effective and streamlined public service

Conduct a Constitutional Review

A review of the constitution is needed to adopt amendments for several controversial and contradictory articles.as the system of the government, balancing power, election cycling and several other article which contradicting each other or need clarification.

The Challenge of Changing Course

Since we do not yet have a model of governance in any district or province that can be replicated, I would suggest that the model crafted above be tested first in one or several regions as a pilot program. From those results, any necessary changes to the model could be incorporated before rolling the program out to the remainder of the country.

My suggestion would be to initiate the program in Kabul or few other provinces in different regions to build a model which can be replicated in other areas. Stakeholders would then be able to monitor the process and progress, as well as provide the necessary support for the success of the program.

These simple ideas could be easily implemented in Afghanistan right now. They would not take a long time and they would not cost much money. There is no need to create

(c) ketabton.com: The Digital Library

more institutions, write more strategies and pass more laws to implement the above programs. It primarily requires human resources. The people of Afghanistan do not have high expectations. They only wish to be safe in their homes, to have food on their table and to be able to move around their country without fear.

There is no more time for long, drawn out deliberations. It is time for action. Time is not in the side of Afghan government and international community.

Glossary

AGE : Afghanistan Government Enemies (Taliban, Al-Qaeda & all other govt. destabilizers)
ANA : Afghan National Army
GoIRA : Government of Islamic Republic of Afghanistan
IC : International Community
ISAF : International Security Assistance Force
MOI : Ministry of Interior
MRRD : Ministry of Rural Rehabilitation and Development
NSP : National Solidarity Program
PRT : Provincial Reconstruction Team
UNAMA : United Nations Assistance Mission in Afghanistan
Dari/Pashto Terms
Guzar : Section of a District
Hawza : Police District
Jami Mosque : Mosque that performs Friday prayer
Malik : Tribal Leader or Chieftain
Naheya : Urban District
Qarya : Big Villages
Raes-e-Naheya : Chief of a Naheya, equivalent to a Woleswal
Shura : Council
Wakeel-e-Guzar: Chief of a Guzar
Woleswal : District Governor
Wuleswali : Local Districts

(c) ketabton.com: The Digital Library

Many thanks to Donna Singmaster of Fallbrook, CA for her assistance in editing.

Seminar on Indigenization of the Afghan Reconstruction: Challenges and Opportunities[50]
Organized by Maulana Abdul Kalam Azad Institute for Asian Studies

18-19 March 2009 New Delhi, India

Challenges and dilemmas of reconstruction and institution-building: social, economic and political factors

"The United Nations has learned that the rule of law is not a luxury and that justice is not a side issue. We have seen people lose faith in the peace process when they do not feel safe from crime. We have seen that without a credible machinery to enforce the law and resolve disputes people resorted to violence and illegal means. And we have seen that elections held when the rule of law is too fragile seldom lead to lasting democratic governance…but a one size fits all does not work. Local actors must be involved from the start. The aim is to leave behind strong local institutions when we depart."[51]

"The international community has failed to get its act together on a clear plan that we pursue through unity and speaking with a single voice. The British think Afghanistan is Helmand, the Canadians think it's Kandahar, the Dutch

[50] The proceeding of this conference and this paper published in abook named; Reconstructing Afghanistan: Prospects and Limitation published by Shipra Publication in Jan 2011 which is edited by Arpita Basu Roy and Binoda Kumar Mishra

[51] Kofi Annan, 25 September 2005, General Assembly

(c) ketabton.com: The Digital Library

think it's Uruzgan, the Germans think it's the Panjshir valley and the US thinks it's chasing Osama bin Laden."[52]

After the collapse of *Taliban* regime in 2001, the Bonn Agreement was inked very hastily with flaws and without proper consultation with all sides to ensure that social, political and economic aspects of the Afghan situation were taken into account. Even though the Bonn Agreement was not a comprehensive peace agreement, most Afghans accepted it in the hope that it would provide a starting point for peace, stability, security and prosperity.

Before one goes into details about the Bonn Agreement, two questions should be answered; 1) Why did the Taliban come to power? 2) Why did Bin Laden and Al-Qaeda choose to operate from Afghanistan?

To answer the first question, *Taliban* came to power because after the collapse of Dr. Najibullah's regime in 1992, the Mujahideen groups, which were based in Iran and Pakistan, had started to fight each other to have control of power in Afghanistan. As reported by the UN, in Kabul between May and August 1992, 1,800 civilians died in rocket attacks and 500,000 people fled the city.[53] The actual number is not easy to find out but according to different estimations, just in Kabul city alone, between

[52] The Times, February 3, 2009, Paddy Ashdown letter to the Special US envoy for Afghanistan and Pakistan, Richard Holbrook.

[53] http://en.wikipedia.org/wiki/Civil_war_in_Afghanistan_(1992-1996) (last accessed in January 2009)

(c) ketabton.com: The Digital Library

1992 and 1996, more than 60,000 people were killed and 80% of the city was grazed to ground[54].

In the regions, different warlords who were supported by some of our neighbours, had control and they were acting as warlords or mini kings and ruling their area of control with brutality. Life, property and honour of ordinary Afghans were not safe. Shooting people in the streets, playing with dead bodies for fun, rapes, mass killings, cutting the breasts off women - - any crime imaginable was committed. [55] In 1994, when I used to work for the United Nations, I sometimes had to travel from Jalalabad city in east of Afghanistan to the capital of Kunar province Assadabd, about 75 Km distance. In the course of that journey, we would encounter more than 150 check posts maintained by different groups. Passing each check posts was like crossing to another alien territory without visa and you were never sure what would be happened to you each time you were stopped.

Unfortunately, during those years, the international community, once admiring the Jihad of Afghanistan against the Soviet Union, forgot post-jihad Afghanistan and left it to the hands of their neighbours to decide the destiny of the Afghans. Proxy war was going on and each neighbour supported different groups for their own national interest or to have dominance in the region. In this situation, the

[54] http://www.commondreams.org/views01/1212-01.htm

[55] Gilles Dorronsoro, « Kabul at War (1992-1996) : State, Ethnicity and Social Classes », *South Asia Multidisciplinary Academic Journal*, Free-Subject Articles, mis en ligne le 14 octobre 2007. URL : http://samaj.revues.org/document212.html Consulté le 20 janvier 2009.

(c) ketabton.com: The Digital Library

people of Afghanistan were waiting to welcome anyone who could disarm these warlords and criminals in order to bring peace and stability to Afghanistan. Therefore, the Taliban responded to common aspirations at the time by promising to rid the country of the forces that were creating chaos and misery for the people.[56]

For the above reasons, at the outset, most Afghans welcomed Taliban. I do not want to go in depth here about how Taliban emerged and who supported them. For further details, you can read Ahmad Rashid's book *"***Taliban***: Militant Islam, Oil, and the Fundamentalism in Central Asia."*

The *Taliban* were able to capture 95% of Afghanistan, disarmed almost all warlords or criminal groups under their control area and brought a level of security Afghans had not experienced for years. There was no problem to travel in the areas of under Taliban control during day and night. But unfortunately, Taliban didn't have a good agenda to rule the country. Even though Afghanistan was poor and underdeveloped but Taliban became the cause of several other problems such as the expansion of poppy and drug industries, provided a safe haven for al-Qaeda and spread of immense poverty throughout of the country. They also deprived half the population, women and girls, from an education by converting schools to the Madrasa system where only Islamic subjects were taught.

[56] Ibid

(c) ketabton.com: The Digital Library

To answer the second question as to why Al-Qaeda took root in Afghanistan, the first point to make is that al-Qaeda want to be in a country without rule of law, where anarchy reigned, and where there was no regime in charge able to control their activities. Under the Taliban, no one could keep watch over their activities, which included planning operations throughout the world. So Afghanistan was the best choice for them. I don't want to talk here about how Bin Laden came to Afghanistan in the early 80s or how again he was allowed to move from Sudan to Afghanistan. There are different interpretations which are beyond of the scope of this paper.

When I used to work as local reporter for the Voice of America in Peshawar in mid-80s, ten of thousands of individuals from different Arab and other Muslim countries came to Pakistan and Afghanistan to fight side by side with the Mujahiden. Most of these Arabs and Jihadist were in the frontline, fighting against the communist regime in Afghanistan. In the beginning, these Jihadists who would eventually come under unified direction of Al-Qadeda were supported by different Mujahiden groups and later by the *Taliban*. According to several people I talked with, until the capture of Jalalabad city by the Taliban, there was no connection between Taliban and al-Qaeda. *Taliban* were Sunni Muslim of Hannafi sect, mostly, Pashtoon. Al-Qaeda members were follower of Wahabi or Ahle-hadith ideology. In fact, Al-Qaeda was very close to Peshawar based Mujahideen fundamentalist groups.

(c) ketabton.com: The Digital Library

Al-Qaeda gradually cemented its position after the Taliban captured Jalalabad city, and the relationship between the Taliban and Al-Qaeda grew. At the end of Taliban rule, its leadership in Kandahar was very close to Osama Bin Laden. In fact, Afghanistan was occupied by these Arabs and Jihadist with full support of the *Taliban*.

But the good thing was that these Arabs and Jihadist rarely mingled with local population and were only close to the top leadership of Mujahideen and Taliban. Most of them lived in isolated areas in Afghanistan and they had their own training centres. Therefore, they do not have base or influence among local population in Afghanistan as they have in Pakistan because al-Qaeda has long had close links to political extremist groups in Pakistan as well as in FATA (Federally Administered Tribal Areas) region. After collapse of Taliban regime in Afghanistan in 2001, most of al-Qaeda members or senior Taliban leaders were captured inside Pakistan rather than in Afghanistan.

Bonn Agreement and Political Consequences:

After the collapse of the Taliban regime in 2001, from the very outset, the people of Afghanistan were watching the implementation of Bonn processes with great expectations but unfortunately due to various internal and external reasons, all components of the Bonn Agreement were not fully implemented. The focus was only on the legitimisation rather than the ability of the Afghan government to build institutions. Too much focus was on processes laid out by the Bonn Agreement itself rather than on the institutional building itself. Thus the focus was on:

(c) ketabton.com: The Digital Library

- Holding emergency Loya Jirga in 2002 to approve the transition government of President Hamid Karzai;
- Instituting second Loya Jirga in 2003, to approve the Constitution of Afghanistan;
- Conducting Presidential elections in 2004; and
- Running National Assembly and Provincial Councils elections in 2005.

In 2002, when I was part of election team overseeing elections for the Emergency Loya Jirga in four eastern provinces of Kunar, Nooristan, Nangarhar and Laghman, people were so optimistic for the Bonn Agreement that they participated in the election process very enthusiastically without major incidents. At that time, there were no national police, National Army or International Assistance Forces (ISAF) forces in most part of the country but there were two things; hope and optimism.

On May 20, 2002, in very remote district of Nooristan province, when the election team was entering the historic village of Kamdesh, where the houses and mosques are decorated with traditional wood carving, the women poured walnuts from the roof of their houses as gesture of goodwill and welcoming.[57] They were very eager to participate in an election after so many years of war and living outside of their country as refugees. But now, after 7 years, Kamdesh

[57] Emergency Loya Jirga and Election Process in Eastern Provinces p-118-120 (The book is in Pashto Language and written by Shahmahmood Miakhel. Printed by Pir Printing Press, Kabul Afghanistan in 2006)

(c) ketabton.com: The Digital Library

and the rest of Nooristan province with exception of few towns, is outside the control of the government.

Unfortunately, the Bonn process did not prevent the return of warlords and criminal networks which were linked to international drug mafia, the very same people who had been defeated by Taliban and hated by the Afghan people for their criminality and disregard of the rule of law. When I am talking about warlords, I don't only refer to those well-known figures whom names you read in the newspapers but to all warlords or illegal armed groups, whether they operate locally or nationally. Allowing these warlords to return to power is a big source of disappointment for the majority Afghans.

When I was working in the Ministry of Interior in Afghanistan, MOI's leadership believed, in order to have good governance, peace and stability in Afghanistan, the government of Afghanistan and International community had to fight against the root causes of the problems which were Taliban, Al-Qaeda, warlords, drug lords, organize criminal groups, corruption, poverty and tribal and ethnic rivalry. These elements feed and support each other, and in some cases, they are the same players and play different roles. Unfortunately, due to lack of clear strategy and political will, the government of Afghanistan and international community were reluctant to deal with the above problems at the same time. They were not willing to deal with the root causes of the problem and only interested in dealing with the symptoms of the problem in

(c) ketabton.com: The Digital Library

Afghanistan or wanted to have quick fixes with cheap price tag.

As part of the implementation of the Bonn processes, the international community and the government of Afghanistan made a number of promises, such as initiating a new Marshall Plan for Afghanistan, which raised the expectations of the people; however, the record of fulfilled promises has been uneven at best. Consequently, after each step of the process, the confidence felt by the Afghan people towards the government and international community has lessened. This decline of confidence of the people has provided opportunity for drug lords, warlords, organised criminals, Taliban and Al-Qaeda, tribal rivalries, other spoilers and some of Afghanistan's neighbours to step in, in order to fill the gap and develop their own strategies, which suits their interests at the cost of increased insecurity and destabilisation in Afghanistan and in the region.

The second set of components of Bonn Agreement was:

- Demilitarization of Kabul and other cities which should controlled by ISAF not by warlords;
- Adherence by members of the Interim Administration to a code of conduct elaborated in accordance with International Standards;
- Expansion of ISAF (International Security Assistance Force) in a timely fashion;
- Provision of enough resources to build a National Army and National Police;
- Fairness and Freedom in the selection of Loya Jirgas membership, as well as vetting of the candidates for Parliament and Provincial

(c) ketabton.com: The Digital Library

Council to ensure the non-participation as candidates of Human Rights violators or those holding onto illegal arms;

- Investigation of Human Rights violation and implementation of transitional justice action plan;
- Prevention of interference of neighbours in Afghanistan; and
- Prevention of drug cultivation and trafficking.

There has been less focus on the second set of components of the Bonn Agreement, which has had a direct impact on the failure of institutional building and the loss of credibility by the government, as well as by the international community. And as we know, with the lack of credibility comes the lack of legitimacy of the government.

Due to above factors, particularly in the absence of a well thought out strategy, Afghanistan, as well as neighbouring countries and international community, face a daunting challenges to deal with insurgency in Afghanistan and safe havens of terrorists outside of the country.

Now I would like to talk about the current problems of Afghanistan which have internal and external dimensions:

After collapse of Taliban in 2001, the good points were that millions of Afghans who were living as refugees in Iran, Pakistan or other part of the world were able to return to their homeland with great hope, energy and expectation that they would finally be able to enjoy economic, as well as physical security. I personally lived in a refugee camp in Pakistan for many years, and I knew how difficult and soul-

(c) ketabton.com: The Digital Library

destroying it is to live as a refugee in another country that does not recognize your status. As a refugee you do not have the opportunity to plan your family life for a better future. About six million children, boys and girls, who do not have had opportunity to study have enrolled in the education system since the end of Taliban. But unfortunately with all these positive start, we are still facing a lot of challenges regarding security, governance and development in Afghanistan.

When I am talking about these problems, I do not mean to blame external or internal actors for these problems in Afghanistan but in fact both of them have shared responsibility.

Let's first talk about external problems and economic consequences:

First, the international community was looking for quick fixes in Afghanistan. And mistakes were made: First the objectives were short-term; second, there was premature announcement that the Taliban was defeated and the war was won in Afghanistan; third, the international community didn't examine very well the complexity and history of the problems in Afghanistan; fourth, much needed resources and attention was not provided to Afghanistan by all stakeholders; fifth, the Iraq war created a big diversion of attention and resources from Afghanistan; sixth, the military became involved with political, governance and reconstruction activities in Afghanistan, while little or no role by civilian actors; and seventh and more important, the government of

(c) ketabton.com: The Digital Library

Afghanistan was not able to take the lead in aligning international assistance according to the need of Afghan people. Most of the programs or assistance was supply-driven rather than based on the need of the Afghan people.

As you know, the military when properly organized fights when it is needed, but once they become involved in to take the lead in political and governance issues, they create a big mess that will take many years to reverse. In our lifetime, we have seen examples in many countries of the destructive role played by the military. Internal and external intervention of military in Afghanistan as well as Pakistan provide good examples in the last few decades which have brought misery and problems to their own countries as well as to the region.

Also, in the last seven years, most of the strategies were written by foreign consultants without proper consultation with professional Afghans. We all know that most of these consultants have tendency of cut and paste ideas taken from various sources, slap them together in a 200, 300 or 400 pages documents, give it to the government and call it "Strategy". Most of these strategies are mechanical transplants of models from developed world with little understanding of realities on the ground in specific countries. In Afghanistan, there were a lot of problems in the design of most programs as well as an absence of clear strategy of implementation. So most of programs, especially civil service reform and police reform, were poorly designed and badly implemented. All these reforms

(c) ketabton.com: The Digital Library

have created job insecurity and became exploited by people who have personal agenda.

One of our colleagues once compared consultancy in Afghanistan to a game of Afghan Buzkashi. When you discover that you are riding a dead horse, the best strategy is to dismount and find a new horse. But the Aid and donor organizations in Afghanistan, instead of changing horses, set up committee to study the horse; arrange to visit other countries to see how others ride dead horses; lower the standards so that dead horses can be included; reclassify the dead horse as living "impaired"; hire outside contractors who claim they can ride the dead horses; harness several dead horses together to increase their speed; provide additional funding and/or training to increase the dead horse's performance; perform a productivity study to see if lighter riders would improve the dead horse's performance; declare that as the dead horse does not have to be fed, it is less costly, carries lower overhead, and therefore contributes substantially more to the mission of the organization than do some other horses; rewrite the expected performance requirements for all horses; and-if all else fails- set up a workshop with paid attendants on the subject of riding dead horses in post-conflict settings. This is, of course, a joke, but it's the kind of joke that is mostly true.

Another trend that has been seen time and again is that most of the international assistance contracts, especially in the lucrative fields of security and construction, have awarded to warlords or illegal armed groups, most of whom

(c) ketabton.com: The Digital Library

have earned millions of dollars from these contracts as well as from drug trafficking. I will give you specific few examples:

Eighty two or eight three percent of assistance to Afghanistan goes outside of the government budget or structure[58]. Big contracts have awarded to big companies, and most of them have been sub-contracted to smaller companies. According to one investigation, two years ago, the 29 km roads between the capital of Zabul province, Qalat, and Arghandab district was

contracted to one company for 2.9 million dollars. Then the same company sub-contracted to another local company for 928,000 dollars. Thus, just by selling the contract to another company, the original contractor was able to make 1,972,000 dollars. Of course with such kind sub-contracting, the quality of work will not be according to norms and standard expected when the contract terms were originally drawn up.

These lucrative contracts become one of the causes of increasing corruption in Afghanistan. Even Afghanistan's security sector was contracted to different companies and made millions and even billions of dollars for private individuals. So many private security companies emerged or flooded Afghanistan that a new culture of bodyguards and escort were created. Most of these company vehicles

[58] The Aid Relationship in Afghanistan: Struggling for Government Leadership by Clare Lockart, June 2007. (http://www.globaleconomicgovernance.org/docs/Lockhart_Afghanistan_2007-27.pdf) (accessed 26 January 2009)

(c) ketabton.com: The Digital Library

do not have number plates, and they drive in the cities with full immunity and no one can stop them. As noted by Professor Barnett Rubin, the increase in expenditures by aid organizations outside the Afghan government budget and the disbursement of huge amounts of cash through the dozens of uncoordinated financial systems used by various aid agencies generate a tsunami of corruption, which both undermines the legitimacy of the system and prevents the assistance from achieving its objectives.[59]

According to my personal information, one international NGO operating in Afghanistan is paying 6 million US dollars per year for a security company to protect only one international staff member of that NGO. This is reality on the ground. If the international community spent the same resources on Afghanistan's security institutions, Afghanistan would have far better institutions and security now, instead of enriching foreign companies who have continue to make profit on Afghanistan's on going insecurity.

If you visit Kabul, and at first glimpse notice all these concrete walls on the streets and roads blockade, you will get the impression that we are in highly insecure environment. All these arrangements are completely misleading and not understandable by ordinary Afghans. It seems from the perspective of ordinary Afghans that there is competition between embassies and international organizations to have more and high concrete walls around

[59]The Transformation of the Afghan State; by Professor Barnett R. Rubin "The Future of Afghanistan, Edited by Alexander Thier, USIP, 2009 p-18"

(c) ketabton.com: The Digital Library

their compounds. The idea here seems to be that these concrete walls will make them more secure, and the same thinking seems to have been adopted by the Afghan governments, which doesn't have precedent in Afghanistan during last 30 years of war or even before that of separating itself from people it is supposed to govern and represent. Even though Afghanistan has received 57 US dollars assistance per capita which is much less comparison to Bosnia and East Timor, $679 and $233 per capita respectively but still only US military is spending nearly 100 million US dollars per day since 2001.[60] This shows that most of this big sum is spent through security companies and less investment on security institutions of Afghanistan.

Most of these security companies belong to the warlords or are their partners and they are involved in kidnapping for ransom, abduction, land grabbing, human rights violations and so many other criminal activities. Ironically, it is these very companies that they are hired to provide security that are the main violators of the law. Some of these companies even make the situation appear worse than it is to ensure the continued prosperity of their businesses, such as by burning supply vehicles and so on.

Al though billions of dollars poured into Afghanistan in the last seven years, according to a 2007 NHDR report, Afghanistan is still ranked 174 out of 178 countries of the

60 ACBAR Advocacy Series; Falling Short, Aid Effectiveness in Afghanistan by Matt Waldman, March 2008

(c) ketabton.com: The Digital Library

world interim of poverty and 6.6 million people do not meet their minimum food requirement.

Now, I would like to talk about internal problems and social consequences:

Unfortunately, despite positive start, the main problem was that in light of Bonn Agreement in 2001, Afghanistan's transitional government was composed of warlords, technocrats and factional leaders. Each one had a different agenda and didn't work collectively to bring peace and security to Afghanistan. Many experienced bureaucrats were frustrated and left the government, and instead many warlords and unqualified bureaucrats filled the gaps. After Presidential election of 2004, it would have been better for the current government to set its own agenda and recruit its own personal and not compromise with various corrupt figures who have found place in the government system.

Also some of these warlords or human right violators have been elected to national assembly or provincial councils in order to enjoy political immunity from prosecutions. They were elected because they had local power and money to rig the election. They pressure different government departments to appoint their supporters and cronies. Currently, most of these warlords or criminal networks have executive power, economic power and legislative power. They are also able to influence judiciary process.

Now, many good and professional officers and civil servants lost their jobs or assigned to passive, unimportant

(c) ketabton.com: The Digital Library

positions, while corrupt or incompetent individuals who do not deserve to be in the system gained appointment by means of money and personal relationship. Therefore, the government was not able to streamline all assistance and most of the ministries were only able to spend 50 percent or less of their allocated budget. There is no respect for institutions and rule of law and corruption is endemic. [61]

Every season, the government and international community introduce new concept or programs that are not easy for the government machinery to digest and understand. The government is not able to prioritize their needs according to the reality on the ground, and consequently, most of the good ideas that have been introduced do not have implementation strategy that could be absorbed by government machinery and understood by ordinary Afghans.

Now, even most senior government officials do not know what is going on, and I am not talking about average Afghans who do not know what is going on at all. The government and people of Afghanistan are living in a big sea of confusion, mistrust and misunderstanding. Inability of the government and international community to meet these challenges will have long-term social consequences for the people of Afghanistan, and this can only exacerbate social and ethnic conflicts in the country. There is lack of

[61] Transparency International 2008 CPI report mentioned that Afghanistan is in the bottom of most corrupt nation. (176 out of 180 countries)

(c) ketabton.com: The Digital Library

focus on critical issue of nation building and national unity by both international community and Afghan government.

After removing of Taliban's regime in 2001, it was the first such opportunity in the history of Afghanistan that international community have had extended a lot of support to the government of Afghanistan but unfortunately, the Afghan government was not able to fully utilize this opportunity to build viable institutions to help and improve security, governance and development.

I would like to mention that recently some good steps have been taken by the government and international community to recognize the problems in Afghanistan and the downward spiral we are in. At least some within the government and international community are not living in the state of denial that has been generally the case so far. Hopefully, we will have solutions for the above problem soon.

Conclusion:

The people of Afghanistan are facing immense challenges; in the city, those who have a relatively good life or salary fear kidnapping for ransom, and in the rural areas, they have fear Taliban and insurgents because they use very brutal tactics such as beheading and targeting those who work for the government or international community. Of course, all of these problems have social, economic and political consequences.

Failure in Afghanistan is not an option as this will have dire consequences for Afghanistan, our neighbours, as well as for the rest of the world. Insurgency can only flourish

(c) ketabton.com: The Digital Library

when the insurgents are protected within the community and provided save haven outside of the country.

Insurgency cannot be defeated simply by military means. Internally, there is a strong need for the government to lead to acquire the trust of the people in order to build strong and credible institutions. Without strong and credible institution, it will be impossible to defeat insurgency in Afghanistan. Because of the new administration in the US, a new momentum has been created to pay more attention to Afghanistan, and hopefully Afghanistan will benefit from such momentum.

There is a need for a strong regional policy which should be strongly supported by the international community to remove save haven for insurgents and terrorist groups outside of Afghanistan.

Finally, there are no quick fixes for the Afghanistan problem, and there is a need for a long-term commitment by all stakeholders to build sustainable institutions in Afghanistan. This year is very crucial year, and hopefully all stakeholders fully seize this opportunity to reverse downward spiral.

In the end, one point I would like to make is that the Afghans are very optimistic and resilient people. During centuries and especially in the last three decades, they have been able to manage their life under very difficult circumstances, and I am sure that they are able to overcome current challenges soon.

(c) ketabton.com: The Digital Library

Human security and the rule of law

Afghanistan's experience[62]

The United Nations has learned that the rule of law is not a luxury and that justice is not a side issue. We have seen people lose faith in the peace process when they do not feel safe from crime. We have seen that without a credible machinery to enforce the law and resolve disputes, people resorted to violence and illegal means. And we have seen that elections held when the rule of law is too fragile seldom lead to lasting democratic governance . . . but one size fits all does not work. Local actors must be involved from the start. The aim is to leave behind strong local institutions when we depart.

This statement by former UN Secretary-General Kofi Anan to the UN General Assembly on 25 September 2005 reflects the now widespread understanding that human security and rule of law are interlinked. Around the world, the physical security of human beings is most endangered in situations in which violations of national and international law are most apparent. If the root causes of all conflicts in the world are examined, we would see that most are associated with or are the result of social injustice, violation of law and abuse of power by rulers. Afghanistan exemplifies this nexus between conflict and the abuse of power. The rule of law, by virtually any account, significantly inhibits the abuse of power. Afghans'

[62] This paper is published in a book titled: The Rule of Law in Afghanistan: Missing in Action, edited by Whit Mason and published by Cambridge University Press in 2011.

(c) ketabton.com: The Digital Library

yearning for law and order above all else reflects the capricious abuse that has characterised life in that country for more than thirty years.

To the extent that the international community has attempted to foster the rule of law since intervening in late 2001, it has done so through limited technical interventions while doing nothing to curb – and in fact often empowering – the most notoriously abusive individuals and institutions. To begin to appreciate how Afghans perceive the current pattern of abusive behaviour by powerful figures backed by the international community, it will be helpful to consider the heritage of abuse that the West's allies inherited and on which they are now building.

Afghanistan was maintained as a buffer zone between British India and the Russian empire. It remained underdeveloped and economically isolated from the rest of the world. This lack of investment ensured that its rulers were unable to improve the socio-economic conditions of their subjects. Of sixteen rulers since the year 1901 and the death of King Abdur Rahman (the 'Iron Amir'), six have been killed while in office, and with the exception of President Karzai, who remains in office, the remainder have been deposed one way or another. Democratic transfers of power have to date not occurred in Afghanistan. With their very lives at stake, it is not surprising that the rulers of Afghanistan have used all means possible, including brutally suppressing their opponents and subjects, to stay in power.

(c) ketabton.com: The Digital Library

Examples of abuse by those in power abound

In 1324 Solar Calendar (1945), the people of Kunar Valley, in particular the Safi tribe, rose up against the government of King Mohammed Zahir because of extremely brutal taxation, oppression and poverty. The demands of the unjust system made it impossible for citizens to respect and adhere to the government's demands. For example, the farmers or landlords were required to forfeit one-third of their harvest to the government, a practice referred to as *sekoti*[63]. The government would then require the farmers or landlords to transport the grain to government warehouses (*godowns*), which were located in Bar Kunar (Asmar) and Kuz Kunar (Khewa) districts. At that time, animals were the only means of transportation. Once at the *godowns*, the government officials would delay acceptance of the deposit and question the quality of their produce. The farmers and landlords would then be obliged to pay bribes to have their crops accepted and be relieved from the government dues. In addition, the *momormalia* (taxman or district financial officer) would seal the crops in the field, and the farmers or landlords would then be prevented from harvesting them at the appropriate time to take it to their homes. In many cases, the sealed harvest would then remain in the field and eventually become unusable due to rain and lack of proper care. Similar unjust taxation schemes were applied to livestock.

[63] Discussion with my uncles and elders of Khas Kunar.

(c) ketabton.com: The Digital Library

The people of the Safi tribe[64] eventually rebelled against the government because of its unreasonable demands, and hundreds of people were killed[65] during this revolt, which lasted for six months. Recently, I was discussing the Safi uprising with my mother, who at the time was about seven years old. She told me that government planes bombed her house in Tanar village as well as the village of Pacheyano Banda in the district of Khas Kunar in the Kunar province. During the bombardment, one of her older sisters, Bibi Rabo, was killed, along with two other women named Bibi Ayesha[66] and Khadeja. Several others were wounded. My mother told me that her grandfather, Mirza Mohammed Jan, who was an influential person in Khas Kunar district, was also arrested despite his old age; he eventually died in Jalalabad prison. My mother's father, Lal Mohammed Khan, pleaded to the government to release his father because of his age

[64]The Safi tribe is the biggest tribe in the Kunar Province, and is divided into the main sub-tribes of Gurbuz, Masood and Wadir. (Wadir is also known as Kandahari).

[65]Discussion with my father, uncles and elders in the Khas Kunar district. During the Safi uprising, the religious scholars ruled that tribesmen who rebelled against their king or Ameer and died should be excluded from being counted as Shahids (martyrs). Therefore, they were required to select one member as a king, which would inevitably result in two rulers competing for the support of their people. The Safi tribe selected Shahswar as king (padshah), Salemai as prime minister (sadre-e-azam) and Amanul Mulk as minister of defence (wazir-e-defa). I met Amanul Mulk in Peshawar when I was living there as a refugee in the 1980s and 1990s. He died recently in Peshawar, but until his last days he continued to wear his military jacket. All three were exiled to Balkh province and lived in Shulgara district. Their offspring still live in Shulgara district. My father during the Safi uprising was a student at the teacher training institute of Kabul (Darul malemen). After graduating from the institute, he became a teacher in Shulgara district of Balkh province in 1326 Hijra calendar (1947) just two years after the rebellion, and he himself met in Shulgara with Shahswar and Salemai. The Safi uprising is also known in Kunar as the year of Safi (Safi Kal).

[66]Bibi Ayesha was mother of Judge Esmatullah Rohani who is currently living in Canada.

(c) ketabton.com: The Digital Library

and health condition, but the government refused. In another such incident in Tanar village, a government plane bombed the house of Mirza Aziz Khan Akhundzada[67].5 Eleven members of his family were killed, and due to danger of more bombardments, they were not able to bury the dead in the village graveyard. They were instead buried in front of the family home, where the graves remain to this day.

When the uprising of the Safi tribe was suppressed by the government, most of the elders of Safi and other tribes of Kunar were exiled to Herat and the northern provinces of Afghanistan. Many of them still live in Balkh, particularly in Shulgara district. All the male family members of Mir Zaman Khan of Kunar[68]6 were arrested and interned in Dehmazang[69] prison in Kabul, and the women members of the family were interned in their house in Qalacha[70]8 near Kabul city for thirteen years. Due to extreme hardship in the prison, about thirty members of Mir Zaman Khan's family, including children, women and men,[71] died in the prison. Later, the entire family was

[67] Mirza Aziz Khan was father-in-law of the author's aunt, Bibi Rabia.

[68] Mir Zaman Khan was grandfather of the author's mother.

[69] Dehmazang ws the notorious main prison in Afghanistan until Pul-e-Charkhi prison was buildt during the reign of President Mohammed Daud. It was located in Dehmazang area near Kabul Zoo.

[70] Qalacha is located in the south of Kabul about 5 km from the city of Kabul on the road towards Logar province. This house of Mir Zaman Khan's family became known as the women's prison (Mahbas-e-Zanana) later on because the government would send women prisoners to the house due to lack of an alternative women's prison in Afghanistan at that time. At present, the daughter of Mir Zaman Khan, who is married to his nephew, lives in that house.

[71] Mohammad Hashim Zamani, son of Mir Zaman Khan, wrote a book in the Pashto language entitled Zandani Khaterat (memoirs of prison). It is a very tragic memoir of his

(c) ketabton.com: The Digital Library

exiled to the province of Herat, where they lived a further thirteen years. The entire family of Mir Zaman Khan, during twenty-six years of their time in prison and exile, were never allowed to return to Kunar. My uncle, Abdul Jalil Malang,[72] who became a member of parliament (1969–73), was in sixth grade when my grandmother sent him to Herat province to enquire about her brothers. On his return to Kunar, my uncle was arrested by the government and jailed for six years. Imagine a child of the sixth grade having to spend six years in jail. In 1964, when the absolute monarchy was changed to a constitutional monarchy, Mir Zaman Khan's family was allowed to return to Kunar and reclaim their land and property. Such examples of injustice are typical of all regimes in Afghanistan, and many tribes have suffered under the oppression of rulers throughout the country.

In 1964, when the absolute monarchy changed to a constitutional monarchy, many Afghans were exposed to the outside world for the first time, and many from the educated elites wanted to play a larger role in the government decision-making process in accordance with the new constitution. The forming of political parties was constitutionally permitted, but the King never endorsed the law. The mainstream moderate elites were not allowed to establish political parties, which could have positively countered left- or right-wing extremist groups, because of the obstruction of the King, who feared mainstream

time in the prison (available at www.zamanifamily.com/ghazi/ghazi.eng.html , last accessed 24 January 2010).

[72] Abdul Jalil Malang died on 23 December 2009 in Peshawar and was buried in Tanar village of the Khas Kunar district in his ancestral graveyard.

(c) ketabton.com: The Digital Library

moderate entities could threaten his monarchy[73]. The King was unfortunately wrong. Sardar Mohammed Daud, the first cousin and brother-in-law of King Mohammed Zahir, who was sacked from the position of prime minister in 1963, joined hands with the leftist Parcham[74] faction of the People's Democratic Party of Afghanistan (PDPA) and overthrew the monarchy in a 1973 coup. President Daud replaced the monarchy with a presidential system, but was unable to strengthen democratic institutions or organise free and fair elections in Afghanistan. President Daud extended his term by convening a *loya jirga* in 1977, but one year later the communist party of the Khalq faction of the PDPA took power in a bloody coup in which President Daud along with his family members were eventually killed. Despite his advanced years, Daud had followed the Afghan tradition of clinging to power, and failed to pave the way for a transition towards greater civil liberties and accountability.

In 1978, the new communist regime of Afghanistan launched a massive 'social justice agenda' which included land reforms and the abolition of the mortgage (*grawe*) system. A similar reform agenda had been launched by King Amanullah Khan (1919–29) but failed because it was

[73]During a meeting in Virginia in the 1990s, I asked Dr Abdul Qayum, former Minister of Education and the Interior during the King's time, why the educated elite of Afghanistan during the reign of King Mohammed Zahir was not able to establish a national mainstream moderate political party in the 1960s. He replied that the King was the main obstacle because he thought that if the mainstream elite became organised, it might be a threat to the monarchy. Dr Abdul Qayum was also the brother of former Prime Minister Dr Abdul Zahir (1971–72). He lives in Maryland, US.

[74] The pro-Moscow PDPA was divided into two factions: *Khalq* (People or Masses, led by Noor Mohammad Taraki, the first president after the PDPA took power in a bloody coup in April 1978), and *Parcham* (Banner, led by Babrak Karmal who was installed President after the Soviet invasion of Afghanistan in December 1979).

(c) ketabton.com: The Digital Library

too progressive for the rural areas of Afghanistan. The communist regime's attempt to solidify and maintain power backfired because of the perceived injustice of appointing loyalists to government and security institutions, and the removal of trusted and respected public servants. The introduced reforms were not welcomed by the Afghans (Miakhel 2009), especially in the rural areas, and adversely affected all strata of society. Armed struggle or *jihad* against the communist regime began in the rural areas of Afghanistan, and spread until the last regime of Dr Najibullah collapsed in 1992. Over the past thirty years, the people of Afghanistan have suffered enormous injustice due to civil war and at the hand of communist regimes, the Soviet invasion, the mujaheddin groups and Taliban regimes. No one has ever truly listened to or addressed the outstanding grievances or concerns of the Afghan people.

After the collapse of Dr Najibullah's regime in 1992, the mujaheddin groups fought against each other for control in the country, and many commanders became de facto rulers in their areas. Proxy war, which was supported by the regional powers, continued for several years; tens of thousands of people were killed and millions displaced. As reported by the UN, in Kabul between May and August 1992, 1,800 civilians died in rocket attacks and 500,000 people fled the city[75]. The actual number is not easy to determine, but according to different estimates, just in Kabul city alone, between 1992 and 1996, more than

[75] See http://en.wikipedia.org/wiki/Civil_war_in_Afghanistan_(1992–1996) (last accessed January 2009).

(c) ketabton.com: The Digital Library

60,000 people were killed and 80 per cent of the city was razed to the ground (Kolhatkar 2001). In the regions, different warlords who were supported by some of Afghanistan's neighbours took control and acted as mini kings, ruling their area of control with brutality. Life, property and the honour of ordinary Afghans were not safe. Shooting people in the streets, playing with dead bodies for fun, rapes, mass killings, cutting the breasts off women – any crime imaginable was committed (Dorronsoro 2007). In 1994, when I worked for the UN, I sometimes had to travel from Jalalabad city in the east of Afghanistan to Asadabad, the capital of Kunar province, about 75 kilometres distant. In the course of that journey, we would encounter more than 150 checkpoints maintained by different groups. Passing each checkpoint was like crossing into an alien territory without a visa; you were never sure what would be happen to you each time you were stopped. In 1994, when the Taliban movement emerged in the south and took over Kabul in 1996, it was in response to the common aspiration that the people of Afghanistan shared to get rid of these warlords (Dorronsoro 2007). When the Taliban took power, they didn't keep their promises, and instead tried to apply harsh rules, which were contradictory to Islamic values, to punish people on the street without verdict of the courts, close girls' schools, and eventually align with Arab terrorist groups.

After the tragic events of September 11, 2001 and the collapse of the Taliban government, the people of Afghanistan had a new chance to enjoy better government

(c) ketabton.com: The Digital Library

and social justice. The government and the international community raised hopes that the removal of the widely loathed Taliban regime would presage the transformation of Afghanistan into a society in which the most powerful individuals, and even the state itself, would be held to account for abusive behaviour. Nine years later, though, Afghanistan is still at war, and facing an insurgency with both internal and external dimensions. The warlords and criminal kingpins who were defeated by the Taliban have now been returned to power. They wield executive, political and economic power, and have no opposing force able to counter their injustice in the affected villages, districts and provinces. President Karzai's first term as president technically[76] ended on 22 May 2009, but he used various excuses to delay the election until August 2009, and finally prevailed in elections marred by extensive vote-rigging.

The current insurgency in Afghanistan can only be curtailed and defeated if the government is able to deliver social justice and balanced economic development to ensure improved human security. The single greatest failure of the intervention has been to entrench the culture of impunity for the powerful, and thereby entrench the abuse at the root of the country's long history of conflict. This central failure can be seen in a series of misalignments of purported goals and actual actions.

[76] According to art. 61 of the constitution which stipulates that 'the presidential term shall expire 22 May of the fifth year after election. Election for the new president shall be held within 30 to 60 days prior to the end of the presidential term'.

(c) ketabton.com: The Digital Library

Inflated expectations and poor follow-through

After the collapse of the Taliban regime at the end of 2001 and the establishment of a new interim government in Afghanistan, the international community promised to launch another Marshall Plan for Afghanistan. The international community vowed not to abandon Afghanistan as it had after the Soviet withdrawal in 1989. It seems clear in hindsight that the main objective of the war in Afghanistan was not state-building or any other process of development requiring a long-term commitment. The Bush administration only focused on hunting down al-Qaeda in Afghanistan, and prematurely announced the defeat of the Taliban as a pretext for diverting attention and resources from Afghanistan to Iraq.

In consequence, Afghanistan has received far less money per capita, at $57, than either Bosnia or East Timor ($679 and $233 per capita respectively); yet the US military has been spending more than $100 million a day in Afghanistan since 2001 (Waldman 2008). This demonstrates that most of the money supposedly allocated to improving the life of Afghanistan's citizens has instead been used to rent security rather than to build it. According to a 2007 NHDR report, Afghanistan is still ranked 174 out of 178 countries in terms of poverty, and 6.6 million people (out of a population of about 28 million) cannot meet their minimum daily food requirements. Only a small fraction of the money spent on the military has been devoted to the development and support of Afghan institutions, which lack the quality necessary to win public confidence and support.

(c) ketabton.com: The Digital Library

Even the military has a short-term focus that undermines its ability to win public confidence. President Obama's commitment of 30,000 more US troops was accompanied by a pledge to begin transferring forces out of Afghanistan in July 2011.[77] However understandable it may be in domestic political terms, Obama's announcement of a timetable for drawing down forces just eighteen months after the surge began sent the wrong signal to the people of Afghanistan and to countries of the region. The perception among Afghans is that the US will abandon them once again, and both Afghans and regional powers feel they have little choice but to hedge their bets on the government of Afghanistan by opening channels to the insurgents.

Short-term political considerations trump longer term development

Since the Bonn agreement of 2001, the main focus of the government and international forces was on legitimisation of President Karzai's government rather than on institution-building. Most of the programmes and reforms were supply-driven and based on ideas and experience cut and pasted from other countries rather than adapted to the context of Afghanistan. The Afghan government also failed to play an effective coordination role, and left this to the international community, especially UNAMA, which also lacked the necessary capacity and leadership. Furthermore, the government was not able to put its own agenda on the table to rally the support of relevant stakeholders. Instead, opportunistic companies and

[77] President Obama's speech on Afghanistan at West Point, 1 December 2009.

(c) ketabton.com: The Digital Library

organisations, both Afghan and international, benefited. Billions of dollars were wasted between 2001 and 2010.

An under-resourced, Balkanised international effort

In January 2002, a donors' conference in Tokyo[78]16 adopted the idea of individual nations taking lead responsibility for reforming the military, police and judicial system, and for DDR (disarmament, demobilization and rehabilitation) and counter-narcotics. This was a mistake. The lead nations were not able to provide necessary resources and build consensus among various government agencies to strengthen relevant institutions. Only the Afghan national army (ANA) had some success, but even its sustainability is questionable. The Afghan government will not be able to fund its army for many years to come. The judicial system and police still remain the weakest institutions, and people are not able to address their grievances or resolve disputes through legal government institutions. Lack of rule of law has been the biggest factor in alienating the people of Afghanistan from their government.

If we only look at police reform in Afghanistan, Germany as lead nation was unable to coordinate with donor countries or with the government of Afghanistan. Germany only supported a police academy, which has produced few graduates. From 2001 until 2003, there was decreasing focus on supporting the police, which should have been the top priority for the government of

[78] See www.ictj.org/static/Publications/ICTJ_AFG_SSR_pb2009.pdf (last accessed 15 January 2010).

(c) ketabton.com: The Digital Library

Afghanistan and the international community. It took a couple more years before the US jumped in to support the Afghan police system; the additional resources were only channelled to them in 2006.[79]17 The US contracted police reform to MPRI (Military Professional Resource Inc), which didn't have a police background or experience. MPRI imposed a military structure on the reformed police system, which was mostly missing the policing component to maintaining rule of law. The contractor was only concerned to fulfil its contracting obligation rather than to build police institutions. There are different estimates, but due to poor design of police reform and implementation, about 10,000 professional police officers who had educational background and experience lost their jobs or were appointed in passive positions. Instead, about 10,000 incompetent and corrupt police officers who were related to the top leadership, or were able to bribe their way into leadership positions at all levels, were recruited. Just recently, a group of professional MOI generals told me that during 2009, MOI has been restructured three times. Even with more resources and attention to police in the past three years, it seems that it will take many years for better policing to come to Afghanistan.

Conclusion

Human beings tolerate injustices and tyranny to a point, but not forever. If there are no peaceful means through which people can address their grievances,

[79]The author of this chapter worked in the Interior Ministry from 2002 to 2009 as senior adviser and Deputy Minister of Interior in charge of local governance.

(c) ketabton.com: The Digital Library

eventually they lose patience and, as history has proven, opt for violence. There is a saying in our language: when water fills a cup, it flows over the sides. People will only tolerate so much injustice; beyond this, people move against the government – it could be through an orange revolution,[80] a rose revolution[81] or, in the case of Afghanistan, perhaps a pomegranate revolution. When you examine the insurgency in Afghanistan, it doesn't seem that the people of Afghanistan like Taliban style government, but they also do not trust or respect the presiding government, and so remain ambivalent about the contest between them.

The aspirations of Afghanistan's people and the strategic aims of the international community would converge in a state that is widely perceived as legitimate and that is committed to upholding at least a minimal standard of equality before the law so that no one can abuse with impunity.

History has repeated itself in Afghanistan several times. All outsiders and rulers who are installed or selected by the people have made the same mistakes. The Afghan people have been the great losers in the Great Game, the cold war, and now the ongoing war against al-Qaeda.

Reforms to promote individual rights have been pushed from Kabul to the rural areas of Afghanistan, and they have not worked. Afghans, and especially Pashtuns, are always ready to sacrifice individual rights for family

[80] Reference to orange revolution in Ukraine.
[81] Reference to rose revolution in Georgia.

(c) ketabton.com: The Digital Library

and community interests. Therefore, a balanced approach is needed between reforms that promote the rights of individuals and those that strengthen the communities with which Afghans identify their own values and interests.

Most reforms in Afghanistan are introduced by outsiders through their cronies in order to achieve quick fixes. Reform should be a long-term process, not a means to address short-term goals. Most of the reforms introduced in Afghanistan have been cut and pasted from different countries without adjusting to the context of Afghanistan. They have been counterproductive and have largely failed.

The elections in Afghanistan in the past few years have been incomplete and very costly exercises. The constitution of Afghanistan stipulated that village, district, provincial, municipal, parliamentary and presidential elections should take place in specified periods. So far only provincial, parliamentary and presidential elections have taken place, but with a huge price tag that Afghanistan cannot possibly afford over the long term. Yet without an ongoing election schedule, the democratic process is incomplete. If we adapt the current election system to the local context, it will cost much less and can be sustained in the long run. In 2002, I was involved in the election process of the emergency *loya jirga* in the four eastern provinces of Kunar, Laghman, Nangarhar and Nooristan. These did not cost more than $100,000. The quality of elections does not depend primarily on how much money you spend, but on the credibility of the process and the level of popular

(c) ketabton.com: The Digital Library

participation from the campaign period to the casting of votes.

Spending money is not a solution in itself; the question is how to spend money so as to do no harm. The money that has been spent in Afghanistan since 2001 can be looked at in two ways. On the one hand, a lot of development has occurred which has no precedent in the history of Afghanistan. On the other hand, it has created animosity among Afghans at all levels, and created tensions in the country and even among government officials. In the urban areas, the gap between rich and poor has widened enormously, and in the rural areas, assistance-enhanced rivalries flourish between those who benefit from the current situation and those who do not. Above all, warlords, drug lords and criminal networks have become very rich, and have control and near monopoly of the lifeline of economic activities in Afghanistan.

Last but not least, in order to enhance security in Afghanistan and improve the rule of law, building professional police should be the top priority for the government of Afghanistan and the international community. If one had to choose between having a capable army or capable police force, police should certainly win out. (Strengthening the judicial system and improving governance should be addressed concurrently.) In Afghanistan, we cannot compete with our neighbours militarily, but they won't attack Afghanistan because it is not in their interest to do so.

(c) ketabton.com: The Digital Library

The police, on the other hand, are indispensable in upholding the law and order that form the foundation of any functional society. The police are the most visible face of a government's commitment to and capacity to uphold the rule of law.

Unfortunately, Afghanistan's police have received almost no training in actual police work, and have instead been pushed through eight week courses in small arms and paramilitary operations. Nearly all police recruitment takes place locally, which results in groups that function like militias acting in support of local tyros. The (misleadingly named) Afghan National Police is not like ANA, which recruits nationally and mixes soldiers from different ethnic communities in units that can operate in any part of the country. The police should adopt a similar national recruitment and deployment scheme. In order to train good police, commissioned officers need to do a course of three to four years duration. Also important to accountable policing is an independent oversight mechanism to review complaints and accompanying measures to protect whistleblowers.

(c) ketabton.com: The Digital Library

References

1. Dorronsoro, Gilles (2007). 'Kabul at war (1992–1996): State, ethnicity and social classes', *South Asia Multidisciplinary Academic Journal*, http://samaj.revues.org/document212.html (accessed 20 January 2009)
2. Kolhatkar, Sonali (2001).'By any standard, this is a war against Afghans', www.commondreams.org/views01/1212-01.htm
3. Miakhel, Shahmahmood (2009). 'Repeating history: Parallels between mujaheddin tactics and Afghanistan's current insurgency', in *Afghanistan 1979–2009: In the Grip of Conflict*. Washington, DC: The Middle East Institute, www.mei.edu/Portals/0/Publications/Afghan%201979-2009.pdf
4. Waldman, Matt (2008). *Falling Short: Aid Effectiveness in Afghanistan*. ACBAR Advocacy Series, March 2008

(c) ketabton.com: The Digital Library

Repeating History: Parallels between *Mujahidin* Tactics and Afghanistan's Current Insurgency[82]

Since 1747, all of the invaders or occupiers of Afghanistan have made almost the same mistakes. All were obliged to leave Afghanistan, resulting in the downfall or demise of their empires. In general, Afghans are independent thinkers and believe their own way of life to be the best. Interfering in their day-to-day affairs brings animosity and hatred against their would-be rulers, occupiers, and invaders. Nor do Afghans accept the imposition of rulers or types of government which would clash with their basic values.

Unfortunately, most rulers and outsiders have tried, and failed, to bring changes in Afghanistan from Kabul; that is, they have assumed that the values and ways of life that prevail in the capital or the few other major cities are shared throughout the country. In reality, urban life is totally different from that in the *atraf* (rural areas) of Afghanistan. In most cases, Afghans from rural areas do not feel at home in cities. Afghans from rural areas who immigrated to Pakistan, Iran, and other parts of the world have tried to maintain their traditional ways of life even in other countries, at least for the first generation. The differences between urban and *atraf* life in Afghanistan is

[82] This paper is published by t*he Middle East Institute in Washington DC in December 2009, in serious of other papers titled: Viewpoints* Special Edition Afghanistan, 1979-2009: In the Grip of Conflict

(c) ketabton.com: The Digital Library

depicted quite well in the 1980s Pakhto/Pashto film *Da Kundai Zoy* [*Son of a Widow*]. The protagonist, Mr. Maqsudi, alias Shadgul, is a widow's son who leaves his village to seek a new life in Kabul. In his native village, he had heard many tales of city life (e.g., meeting girls, drinking alcohol, etc.). Struggling unsuccessfully to adjust to city life, Shadgul ends up in the 'Ali Abad psychiatric hospital in Kabul.

Outsiders always installed weak allies to achieve their goals. The British Empire supported a weak member of the royal family, Shah Shuja, who didn't have sufficient public support to rule Afghanistan. In the end, the Afghans defeated the British army and killed Shah Shuja. Even though the British had a relatively good understanding of the Afghan polity, especially the Pakhtun/Pashtun tribes with whom they had dealt on the frontier, their policy in Afghanistan and in the region generally was based on the principle of "divide and rule." It became difficult for them to please every tribe or individual, and their alliances with various tribes shifted quite regularly. A tribe or an elder was pro-British one day, but anti-British the next. Eventually, the British gave up their efforts to control Afghanistan and accepted it as a buffer zone between British India and the Czarist Russian Empire, until Afghanistan finally achieved its independence from British influence in 1919. Thereafter, the British didn't support the popular and progressive government of King Amanullah Khan, which they deemed a threat to British India. Instead, they supported weak and divisive allies and helped spread

(c) ketabton.com: The Digital Library

propaganda through local mullahs that King Amanullah had become an infidel, which eventually led to his being toppled and seeking asylum in Europe.

After the Communist coup in 1978, the Soviet Union repeated the British mistakes, supporting a group loyal to them who did not respect local values and tried to impose Marxist principles on the people. This practice produced one failed puppet government after another, culminating in the collapse of Dr. Najibullah's government in 1992.

From 1992 until 2001, Afghanistan's neighbors also tried to support puppet governments in Afghanistan; however, their policies, too, failed. The Afghan people cautiously accepted the Bonn Agreement of 2001, regarding it as a starting point for establishing an inclusive government that would respect Afghan values. Yet their hopes proved misplaced. The Afghan government and the international community were more effective in deploying hollow slogans than in delivering upon their promises to help bring about prosperity, justice and democracy. Meanwhile, warlords, organized criminal networks, and human rights violators gained political and economic power. On a cultural level, if we look at the programs broadcast by Afghanistan's television networks, we find Hindi, Iranian, Pakistani, and English dramas, songs, and serials — which are far from embodying traditional Afghan values and indeed provide ready ammunition for religious groups that oppose the government. Even the Ministry of Information and Culture and the Afghan Parliament tried to

(c) ketabton.com: The Digital Library

ban some of these programs, but have not been able to do so. Consequently, people in rural areas see the government of Afghanistan not as representing their concerns, but as being manipulated by outsiders. The government encourages this idea by painting itself as helpless and blaming the international community for most of the country's problems.

Recalling the *mujahidin* uprising against the Communist regime in 1978 and comparing it with the current situation, it is clear that the insurgents are using the same tactics. In the earlier case, the *mujahidin* tried to discredit the government by calling it an infidel regime supported by the Soviet Union, thereby dissociating the government from the people. The *mujahidin* would attack government posts or targets and take shelter in the villages. Then, the government and the Soviet forces would target the villages to punish them for cooperating with the *mujahidin*. The latter used traditional folklore songs and distributed audio tapes to incite people against the communist regimes.[83] One such folkloric poet in eastern Afghanistan, Rafiq Jan, would record his songs on audio cassettes and distribute them to the *mujahidin* to take to the front. The Taliban and Afghanistan Government Enemies (AGEs) today are using these same tactics. They retreat to the villages, which leads to counter-attacks that cause civilian casualties. The more civilians die, the easier it is for insurgents to recruit. The Taliban also use the same

[83] For further reference, see David Edwards, *Before Taliban: Genealogy of the Afghan Jihad* (Berkeley, CA: University of California Press, 2002).

(c) ketabton.com: The Digital Library

kind of folkloric songs as the *mujahidin* did, though they have access to cell phone networks and distribute these folkloric songs with videos of fighting scenes.

Just recently, I saw a clip of these songs on the phone of a local person in Kunar province. Even though such people are uneducated, they know how to transfer these songs from one phone to another through Bluetooth technology. Thanks to China, these phones are cheap enough that even relatively poor people can afford them.

The following poem entitled *Pat* or *Ezat* (honor), which was composed and sung by someone who calls himself "Watanmal" (Patriotic), and accompanied by visual combat scenes, is instructive. This kind of poetry, sung without musical instruments, was allowed during the Taliban regime. The poem professes that death is better than living without honor:[84]

I would prefer death rather than living with humiliation,
I denounce slavery, I denounce it.

If I do not have honor, I denounce (such life),
I denounce slavery, I denounce it.

I would prefer death rather than living with humiliation,
I denounce slavery, I denounce it.

If people call me a puppet, I denounce it,
I denounce slavery, I denounce it.

[84]For further information on Pakhtunwali and honor, see Shahmahmood Miakhel, "The Importance of Tribal Structures and Pakhtunwali in Afghanistan: Their Role in Security and Governance," in Arpita Basu Roy, ed., *Challenges and Dilemmas of State-building in Afghanistan*: *Report of a Study Trip to Kabul* (Shipra Publications, 2008), pp. 97-110

(c) ketabton.com: The Digital Library

I denounce such *chapan* (long coat), *waskat* (vest) and *qara qul* (skin cap),[85]
I denounce slavery, I denounce it.

I would prefer death rather than living with humiliation,
I denounce slavery, I denounce it.

If someone is against my beloved Islam, I denounce it,
I denounce slavery, I denounce it.

I denounce disobedience to my religion,
I denounce slavery, I denounce it.
I would prefer death to living with humiliation,
I denounce slavery, I denounce it.

If men and women are sitting together, I denounce it,
I denounce slavery, I denounce it.

I denounce such kind of law, republic and democracy,
I denounce slavery, I denounce it.

I would prefer death to living with humiliation,
I denounce slavery, I denounce it.

If they call my women (*tor sari*) to go out (of the country),
I denounce it,
I denounce slavery, I denounce it.

I denounce such kind of hopes and wishes,
I denounce slavery, I denounce it.

I would prefer death to living with humiliation,
I denounce slavery, I denounce it.

If there is no pious Talib (in power), I denounce it,
I denounce slavery, I denounce it.

[85] The references connect the poem to Afghan President Hamid Karzai, who wore these items of clothing to create a symbolic connection to different ethnic groups.

(c) ketabton.com: The Digital Library

I denounce saluting those who obey strangers (foreigners),
I denounce slavery, I denounce it.

I would prefer death to living with humiliation,
I denounce slavery, I denounce it.

I denounce such a kingdom that I am begging,
I denounce slavery, I denounce it.

Oh Watanmal, I denounce such a humiliating life,
I denounce slavery, I denounce it.

I would prefer death to living with humiliation,
I denounce slavery, I denounce it.

Strikingly, AGE's use of this poem to incite people has been more effective than the heavily funded strategic communication efforts of coalition forces to "win hearts and minds."

Conclusion

Notwithstanding their ideological and other differences, both the Soviet Union in the late 1970s and 1980s and the US led, primarily Western, coalition since the 2001 military intervention followed similar policies. These policies were, and are, based on the false assumption that prevailing attitudes and behaviors in urban areas are uniformly shared in rural parts of the country. These policies supported individual rights against the traditional communal values of Afghans. The US and its coalition partners would do well to ensure, albeit belatedly, that their policies are mindful of, and attuned to, these transcendent values of family, personal relationships, and honor. Failing to do so will lead them to defeat, as it did Britain and the Soviet Union, and will perpetuate the tragedy of Afghanistan.

(c) ketabton.com: The Digital Library

Advantages and Disadvantages of Supporting a Community Force The History of the Arbaki System and Its Use in the Present Context of Afghanistan

White Paper[86]

"Over the centuries, trying to understand the Afghans and their country was turned into a fine art and a game of power politics by the Persians, the Mongols, the British, the Soviets and most recently the Pakistanis. But no outsider has ever conquered them or claimed their soul."87

"Playing chess by telegraph may succeed, but making war and planning a campaign on the Helmand from the cool shades of breezy Simla (in India) is an experiment which will not, I hope, be repeated".88

Background of Arbaki and Conscription in Afghanistan:

Since the establishment of modern Afghanistan in 1747 by Ahmad Shah Durrani (Abdali) in Kandahar, tribes have played an important role in installing and in deposing different Afghan rulers. The tribes have also played an

[86] I wrote this white paper while working for UNAMA in 2008. I distributed this paper to senior officers in UNAMA, ISAF and international community in order to be aware of establishing militia under what so ever name. Unfortunately, no one listened and recents report shows that these militia groups in various part of the country is source in instability.

[87] Rashid, A (2001)

[88] In spring 1880, during the famous Maiwand campaign of the Second Anglo-Afghan War, one British officer sent a letter to his generals in which he issued this warning. (http://www.senliscouncil.net/modules/publications/010_publication/chapter_01

(c) ketabton.com: The Digital Library

equally important role in establishing order in the country, especially in those areas where the reach of government in terms of security and governance was low or non-existent.89 The tribe, or qawm, has had this dual role in Afghanistan. On the one hand, it has prevented the central government from promoting its modernist agenda; on the other hand, it has provided crucial "social capital" for the resilience of Afghan society to survive external shocks, such as war, drought and failed governance.90

At the same time, the egalitarianism and decentralization of tribes have impeded their ability to act in a coordinated fashion because of competition for resources and power. One indigenous institution that has worked against this tendency is the *arbaki* system. Arbaki is only common in the Loya Paktia (Paktia, Khost and Paktika provinces) region; where it was used as a "police" force by tribal councils (jirga) to implement their decisions or to respond to specific threats against the community or tribe. Arbaki is more defensive force and not common in other part of Afghanistan.

The Arbaki system is also called tsalweshti or tsalwekhti (Forty). This refers to the rule that one man out of every forty in a tribe would be selected to serve on the Arbaki. For example, if a village would have 200 men, it

[89] See "The Importance of Tribal Structure and Pakhtunwali in Afghanistan: Their role in security and governance" by S. Miakhel, published by MAKA Institute of Asian Studies, Kolkata, 2008

[90] Research paper by Raphy Favre, "Interface between State and Society in Afghanistan, discussion on key social features affecting governance, reconciliation and reconstruction, February 2005, (www.aizon.org)

(c) ketabton.com: The Digital Library

would introduce five people to serve as Arbakis. The arbaki was also divided into forty person units that would have a leader called arbaki masher or Kiftan91 (Arbaki leader). At the tribal level, each big tribe such as Zazi, Mangal, Sabari and Zadran would have one leader supervising the arbaki and, in situations of threat to the tribes as a whole, one person would be selected as overall Arbaki leader. In Loya Paktia, the last person who was selected as overall Arbaki leader was named Shari Mangal (شری منگل). Shari Mangal is still alive and still refers to himself as the Arbaki leader of Loya Paktia, even though the structure is changed now.

One important feature of the arbaki system is that members of the arbaki force were never paid by the government, and only their leaders were recognized by the local and central governments and would participate in the ceremonies of national observations or other important meetings in the region. Additionally, the leaders of Arbaki or other tribal leaders would be recognized by rulers in Kabul, who occasionally would give them some monetary rewards.

In 1929, when King Nadir Khan took power through the support of Paktia tribes, to show his gratitude, he exempted Paktia tribes from conscription in the military and police forces. Instead, to maintain law and order in Loya Paktia, if a need arose for tribal support, the tribes would provide support to the local or national governments through the Arbaki system. However, unlike the

[91] Those who were first in class, also called Kiftan.

(c) ketabton.com: The Digital Library

Mujahideen government of the early 1990s, which gave official positions to Mujahideen commanders even when they were illiterate and unqualified, King Nadir Khan didn't give official positions to tribal elders. Instead, the King gave honorary ranks to some tribal elders in Loya Paktia and would give them yearly stipends according to their ranks. Such privileges continued until the end of King Zahir Shah's reign (1933-1973), but people of Paktia continued to be exempted from conscription during the reign of President Daud Khan (1973-1978) as well. Under communist rule (1978-1992), due to the popular uprising then sweeping the country, the government was also not able to enforce conscription in Loya Paktia. People of Paktia would only get national ID cards voluntarily if they needed them for admission to school, to buy lands, to obtain passports, or for some other similar reason. Even though, exemption of Paktia people from conscription was considered a privilege in that time, in fact they were deprived of their civic sense and duty or esprit de corps. Also, they remained backward in term of education and other developments.

In other parts of Afghanistan, before regular conscription for military and police were enforced by the central government, each district would be conscripted on the basis of hasht nafari,92 which meant that one person would be sent to the military for every eight men in a village. The people would have the choice of selecting

92 Find out these information during discussion with local leaders in Kunar province before 1978.

(c) ketabton.com: The Digital Library

which individuals would be sent as conscription soldiers, and the other seven persons who were not sent would have to pay some money to support his family during the period of his service with the military or police. This kind of conscription was divided by sections (wand), sub-tribe or qarya (village) in each district. The people from the districts, tribes or sections would pay for those individuals whom they wanted to send to serve in the army or police force.93

When regular conscription started in Afghanistan during the time of Prime Minister Hashim Khan (1933-1945), it became mandatory for all males who reached the age of 22 to spend two years in the military or police forces, but, as noted above, the people of Loya Paktia were exempted from this rule because of their support for King Nadir Khan when he took power. During the time of President Daud Khan (1973-1978), the period of conscription for those who had graduated from high school became one year, for those who had graduated from college, it became six months, and for others, the term of enlistment became two years.

It is worth mentioning that during the Soviet occupation (1979-1989) and through the time of communist rule (1978-1992), conscription was one of the factors that drove young people and their families to escape from Afghanistan and become refugees in Pakistan and Iran.

93 For further details of district structure read "The importance of tribal structure and Pakhtunwali in Afghanistan: Their role in security and governance" by S. Miakhel, published by MAKA Institute of Asian Studies, Kolkata, 2008

(c) ketabton.com: The Digital Library

Those people who didn't have the option of escape or who were loyal members of the communist party stayed in Afghanistan and served in the army or supporting regime. There were no other motives for ordinary Afghans to serve in the army and police or support the communist regime, especially given the high casualty rates.

In 1980s, in response to the shrinking pool of eligible men and boys, the communist regime of Afghanistan tightened up the conscription laws in order to get the requisite number of recruits. The length of military service was increased from two to three years in 1981, and to four years in 1984. Military call-up age was lowered from 22 to 18. In Kabul, men could be recruited directly from schools and offices, where the government had records of their presence. In addition recruits were obtained by means of cordon-and-search operations and press-ganging, with all young men appearing to look to be the right age being taken by force. In fact, some of the young men taken in this fashion were only 15 at the time of their "recruitment".94

Faced with deterioration of the government military forces, between 1978 and 1992, the communist regimes responded by creating local militias, called Revolutionary Defense Committee (Komaita Defa az Inqilab), in different part of Afghanistan in order to fight against the Mujahideen. These militias were only answerable to their leaders and did not obey the laws. Most of them were involved in criminal and illegal activities. Dr. Khodaidad

94 http://www.wri-irg.org/co/rtba/afghanistan.htm

(c) ketabton.com: The Digital Library

Basharmal, who was governor of eastern provinces in early 80s, talked about the creation of these militias in the eastern region and said, *" When I was the first secretary of the PDPA (People Democratic Party of Afghanistan) in Jalal Abad in 1980, the then minister of tribes, Mr Faiz Mohammad, who was a very powerful member of the central committee of the PDPA and was from Paktia organized a militia group in the district of Goshta of Jalal Abad, Nangrahar. Mr Faiz Mohammad organized, one thousand (unit) of militia under the leadership of a popular tribal chief, Mr Raoof Khan. Mr Faiz Mohamamd stated to me at that time that this militia group will bring peace and security to Jalalabad. The militias were getting 2,000.00 Afghanis per person, which was roughly equivalent to $25.00 per month.*

The militia group created insecurity for the province and a headache for me. The member of militia would arrange a fake enemy attack, spend some ammunition and sell a lot to the opposition and ask for more. I had to send boxes of ammunition to them every week and they still want more. They would state that they were attacked by the enemy and they had to defend themselves.

Mr Faiz Mohammad was a very powerful man in the central committee of PDPA and so was in the government. I was just a rank and file young member of the party at that time. I decided to disarm his militia. I sent a couple of battalions to talk to Mr Raof Khan, the head of militia, and ask him to voluntarily return the weapons

(c) ketabton.com: The Digital Library

which were distributed to them by the government. I also ordered the commander of the battalions if they did not obey my order then the commander of the troops has the duty to disarm them by force. For me to take a decision like that, against the will, of the central committee of the party was a very risky and dangerous decision, but I decided to go for it and I accepted the risk. After several hours of negotiations the militia obeyed the order and returned the weapons to troops. The so called enemy attacks were then completely stopped and security and peace returned to that region. While Mr Faiz Mohammad was going to make peace and organize militia in his province, Loya Paktia, he was killed by one branch of his own tribe.

The chief of militia in Goshta, Mr Raof Khan, was his relative and I do not know what would have been his reaction about my decision of disarming the militia he created.

There are several other examples of other militia groups being involved in thefts and other illegal activities in the city of Jalalabad. I had to disarm gradually all of them. After the militia groups were disarmed the problems were solved. My actions regarding militia are known to the people of Loy Nangrahar (Laghman, Kunar, Nooristan and Nangarhar provinces) and they have welcomed the decisions at that time."95

---

[95] Letter of Dr. Khudaidad Basharmal to one of my colleague, Assadullah Faridzai. Later on I contacted Dr. Basharmal and he gave me permission to use his quote in the letter to Mr.Faridzai.

(c) ketabton.com: The Digital Library

The communist regimes as well as previous regimes used the militia from one tribe against another tribe or ethnic group to serve their agenda. Creating militias served the immediate interest of the regime, but did not serve the country as a whole or help to strengthen security institutions. For example in 1978, the communist regime of Noor Mohammad Taraki, send tribal militias from Shinwari tribe of Nangahar to suppress the uprising of Safis and Nooristanis in Pech Valley of Kunar but they were very badly defeated96. In the same token, during uprising of Paktia tribes, King Amanullah send tribal Lashkar of Mashraqi (eastern) tribes under leadership of Mir Zaman Khan of Kunari97 to Paktia and they were able to suppress tribal uprising of Paktia against King Amanullah. These militia groups, such as Geneneral Rashid Dostam's (uzbek) militia, Geneneral Momeen's (tajik) Gelam Jam Militia in the north, Esmat Muslim's (Pashtoon) militia in Spin Boldak of Kandahar, the Jabar (Pashtoon) Militia in Kabul, and other militia groups (or qawmi kandaks) in different parts of the country, greatly exacerbated insurgency and ethnic tensions in the country. With the gradual collapse of the communist government in the late 1980s and early 1990s, and its increasing isolation in the main urban areas, most of these militia groups continued to receive funding from the government, while working secretly with the Mujahiden. Finally, in 1992, when Dr. Najibullah's regime was no longer able to pay to these militia groups, some,

[96]The author of this paper is originally from Kunar Province of Afghanistan.

[97] Mirzaman Khan of Kunari was grand father of my mother. When Mirzaman Khan's Lashkar (tribal army) suppressed the uprising of Paktia tribes (1924-1925), King Amanullah Khan gave him title of Loy Khan (great Khan) in Afghanistan.

(c) ketabton.com: The Digital Library

such as Dostam and Momeen militias, played a major role in destroying the regime they had formerly served. Afghans have seen in the last 30 years that such militias were opportunist and change alliances easily in the events of more payments, power sharing and other promises by the opponents.

In considering the role of the arbaki system, it is important to emphasize that, unlike militias, arbakis were never funded or armed by the governments or rulers before1978, because those rulers knew that the tribes would use the government incentives or arms against each other for their personal or tribal interest and that it would then not be easy to exercise any control over them.

What will be the role of Arbaki or tribes in the present context of Afghanistan?

Due to the recognition that the tribes and the population in general are less and less supportive of the current government in Afghanistan, along with the perception that tribal strategies employed in Iraq were successful in reducing insurgency, a decision is being taken to enlist tribal groups against insurgency in Afghanistan. This decision, however, should be considered carefully, in light of local conditions, history and the significant differences between Iraq and Afghanistan.

In the present context, tribes can and will support the government only if they see that the government is strong enough to protect the people. If they see that the government cannot protect its citizens, then there is less

(c) ketabton.com: The Digital Library

likelihood that tribes will support the government, even if it offers to arm them or pay their elders. Arming or paying the elders will only further undermine good governance and will weaken popular trust in the government and government institutions.

Comparing the present situation of Afghanistan with Iraq, as well as with the situation in the tribal belt of Pakistan, it is clear that there are completely different situations. In Iraq, al-Qaeda was an external force that, after targeting civilians on a massive scale, lost credibility. The Sunni Muslim Awakening Councils in Iraq worked because they combined several factors such as:

- Iraqis, who were previously relatively defenseless, were ready to obtain arms against outside elements because of the brutal activities of al-Qaeda;
- The quantity and quality of Iraq forces, as well as credibility of the Iraqi government, had improved;
- The Shia faction of Muqtada al-Sader had obeyed the ceasefire;
- The interference of neighboring countries had declined or been suspended due to political pressure; and
- All the above progress was combined with the surge of US forces;

But still the main challenge for Iraqi government will be that how to integrate members of awakening council into regular institutions. If they are not integrated properly, then there might be a big challenge for Iraqi government in the future.

(c) ketabton.com: The Digital Library

In Afghanistan, arming tribes is unlikely to work as effectively because of the following reasons:

- While the Taliban, have external bases in our neighboring countries, and are supported by foreign terrorist groups, they are also locally based and has internal network and support;
- While the Taliban are broadly criticized for their harsh tactics, such as beheading and punishing those who work or support the government and international community, the government has not been able to take advantage of the Taliban's poor reputation because of its own bad governance practices and failure to improve the deteriorating security situation. Civilian casualties and heavy handed tactics on the part of NATO and OEF forces have further alienated rural populations and reduced support for the central government and therefore, it makes tribal groups less willing to fight against insurgency in Afghanistan;
- Since the government is not able to protect the public from the abuses of the Taliban and other rogue elements, ordinary Afghans are remaining neutral in order to protect themselves and their families and will not support the government until they are convinced that the government is able to defeat the insurgency;
- Historically, Afghanistan has witnessed the brutality of local militias during times of civil war and the

(c) ketabton.com: The Digital Library

tendency of militia leaders to act as despotic overlords in the villages and districts;

- In the last seven years, the international community vigorously beat the drum to implement the DDR and DIAG programs, and any new efforts to reverse this policy will further undermine trust in the government and arise fears of an increase in ethnic tension.

In sum, arming militias in Afghanistan or paying them is not a sustainable practice in the long term, and will further undermine good governance and the gradual improvement of government institutions such as police, ANA and judicial system.

Efforts to improve the security situation in Afghanistan have been clearly hampered by some elements in Pakistan's government and military, which has played a double game. On the one side, they are fighting against al-Qaeda and those Taliban leaders who are fighting inside Pakistan, such as Baitullah Masood, Maulana Fazullah and Moulavi Faqir Mohammad in South Waziristan, Swat Valley and Bajaur agency respectively. On the other hand, they are not helping to stop those Taliban leaders who are only fighting in Afghanistan, such as Haji Namdar of the Vice and Virtue Movement in Khyber or Haji Gul Bahadur, who leads the Muqame Taliban (local Taliban) based in Northern Waziristan.

Several Afghans who have traveled back and forth from Pakistan to Afghanistan during 2008, especially through the Khyber and Bajaur agencies, mentioned that they have seen

(c) ketabton.com: The Digital Library

Taliban vehicles parked very close to Pakistani military and police check-posts. Those who live in Pakistan, know that without tacit permission of some elements in the government of Pakistan, it would not be possible for 200-300 Taliban to reach the Ring road around Peshawar, as occurred on the 7th of December 2008, when these Taliban burned 190 vehicles delivering supplies to US troops in Afghanistan.98

In comparison to Afghanistan, the Pakistan army and government are strong enough to be able to utilize tribes to assist them in meeting their security needs in the border areas. Most of the tribes that are located close to the border cannot go against the wishes of Pakistani government because all of their elders are on the payroll of the government through its political agents in FATA (Federal Administrative Tribal Agencies). Political agents give monthly Lungai (stipend) and permit (permission for food rations) to elders of these tribes, which have become economically dependent on Pakistan. Also, many of these tribal elders have property and businesses in settled areas such as Peshawar, Rawalpindi, Lahore and Karachi. Afghanistan's governments in the past also would give such privileges to the tribes on other side of the Durand lines through the Ministry of Tribal Affairs which had eight tribal (qabayel) directorates in the border provinces. This structure changed after the interim government of Hamid Karzai took over in 2001. Now, the government has a qabayel directorate in each province of Afghanistan.

---

98 AP

(c) ketabton.com: The Digital Library

Analysis of the situation:

The tribes have never ever faced such widespread, sophisticated, nationally/regionally/internationally backed networks, and do not have the capacity to cope with them. Tribes in Afghanistan, like the government itself, have been weakened by thirty years of conflict. Internal unity was damaged by political factionalism, while many tribesmen became refugees and children from tribal areas were taken away from their traditional homelands, and many entered madrasas where they were exposed to extremist and fundamentalist ideologies. Likewise, just as the coalition forces have found it difficult to combat the brutal violence of the Taliban and its foreign allies, it has proven equally difficult for the tribes to respond to tactics that so clearly disregard all tribal values and standards. Even on other side of border, when tribes have tried to become proactive against Taliban and Al-Qaeda, they have suffered greatly. Thus, in one incident in mid-October 2008, in the Orakzai Agency of FATA, during a Jirga, a suicide bomber blew himself up, killing 133 elders and wounding another 200.[99]

In the last 30 years of war, the tribal structure of Afghanistan or tribal leadership has changed dramatically. The established elders and their families do not have the same influence as they used to have. New elders, commanders or power brokers have emerged in different part of Afghanistan. MP Nader Khan Katawazai from Paktika province echoed the same concern in his interview with RFE/RL on 23rd November 2008 when he said that, in

[99] http://www.thenorthlines.com/newsdet.aspx?q=16932

(c) ketabton.com: The Digital Library

general, tribal structures in Afghanistan have been significantly weakened by war over the past 30 years. Afghans, he noted, have fresh memories of their suffering at the hands of private militias and warlords armed by their respective international backers in the 1980s and 1990s.

Arming militias will further exacerbate security problems in Afghanistan, and the tribal elders will become prime targets for insurgents, as they have in Pakistan. Therefore, the government and International community have to invest in governmental security institutions, especially police forces in term of quality and quantity to maintain law and order. This is not to deny the problems encountered so far in developing governmental institutions, or to turn a blind eye to the corruption and inefficiency that is endemic in all levels. But it must also be recognized how relatively meager the resources devoted to the lower level of the government. At present, we have only one policeman or ANA soldier for every 6 or 7 square kilometers, which is a number ten times lower than that in Iraq. Most of these police being used as a personal bodyguard for the Uluswal and CoP, or to guard the District Administration Centers. They are not providing security for the population. With this limited capacity, the government has not been able to protect civilians or maintain a credible presence in many areas, and consequently, people have lost confidence in the ability of government and international community to protect them or to prevent the Taliban from re-entering after each operation in a specific area. Additionally, while corruption is admittedly endemic, it must also be recognized that this is

(c) ketabton.com: The Digital Library

not surprising given the meager salaries given to government officials and the frequent situation in which even these poor salaries are not provided. When drug lords and Taliban are offering higher salaries than the government, it is not surprising that many local officials are tempted to betray the public trust, especially when they perceive that those higher up in the bureaucracy are doing the same. Another issue/factor is that when officials don't have confidence in the future, they are more likely to grab what they can in the present.

In order to solve the security problems in Afghanistan, the international community and government should not have a scattered approach. To win the insurgency in Afghanistan, there is strong need to apply a counter-insurgency formula which simultaneously clears out anti-government elements, holds areas from the return of these elements, and rebuilds administrative, economic and social infrastructure. In military terminology, the "shape" or engagement phase cannot happen in the early stage of clearing or holding. The shape phase can happen only after holding phase.

Conclusion:

In conclusion, Afghans have had a negative experience of militias for the last 30 years, and it is strongly recommend that arming militia by whatever name is not a useful solution. Instead, the government of Afghanistan and International community should invest more heavily in developing government institutions. One of our colleagues mentioned that if a coalition of 37 countries (NATO,

(c) ketabton.com: The Digital Library

ISASF, OEF and all other US efforts along with those of the Afghan ANA and ANP), with all the present day technological resources and facilities at their disposal, cannot eradicate insurgency, then how it can be expected that tribal militias to accomplish this task. Also if the international community justify that these militias or tribal armed forces will be under the command of Afghan National Security Forces (ANSF), the other side of the argument will be if ANSF can not have capacity to control and monitor those forces who are in the system, how they can control and monitor those forces who are out of the system. If it is due to corruption, it is not possible to strengthen government institutions any time soon, and that it would therefore be a good idea to arm tribes to have quick fixes, it should be remembered that this idea was also tried three years ago in the form of the auxiliary police, and this did not work.

Investment in building a strong police force is a vital necessity because the cost of insecurity would be much higher than the cost of security for Afghans as well as for International community. Three years ago, there were problems in a few specific areas, and it was possible if the government had had a greater focus on local governance, it would not have the broad insurgency as such as today. But today, insurgency problems are in many districts and provinces of Afghanistan, and it cannot be solved these problems only with a bottom-up approach. There is no sub-national governance in Afghanistan, because even district level administration is representing the central government, and all district administrators (governors) are appointed by

(c) ketabton.com: The Digital Library

the President or by his authorized representatives. Afghanistan is unitary system and a bottom-up or grass-root approach should be linked with a top-down approach.

Also, the government of Afghanistan and international community should advance the stabilization process from Kabul and major provinces to create a center of stability and gravity, and then move on from these centers to the districts to stabilize and enhance the confidence of people in the government and the International Community to bring reasonable security so that ordinary people will feel that they are safe from both state and non-state actors.

(c) ketabton.com: The Digital Library

Peace Negotiation with Afghan Taliban: Options and Constraints

Non-paper[100]
16 March 2009

Introduction:

After coalition forces started operations in Afghanistan in October 2001, some Taliban forces were killed or arrested, while majority of them escaped to Pakistan and the tribal belt between Afghanistan and Pakistan. Many of those Taliban were able to reintegrate into their communities. However, when the last stronghold of the Taliban was captured in early December 2001, a security vacuum was created which was filled by warlords or Mujahiden commanders who were defeated by Taliban, and who were hated by the majority of Afghans. Many Taliban or their supporters who wanted to have a peaceful life in their communities were threatened by warlords who were part of the new transitional government that was installed by the Bonn Agreement in December 2001.

Prior to the Bonn Agreement, Mr. Burhanuddin Rabbani, who was the de facto President of Afghanistan, became Chairman of the new government after collapse of Taliban and reappointed those same Mujahiden commanders or bureaucrats, who were removed by Taliban, to their original positions. As a result, many

[100] I wrote this white paper while working for UNAMA and distributed to senior officers in UNAMA, ISAF and other members of international community when discussion started about negotiation with Taliban. The negotiation approach was very fragmented from the very beginning and still it seems very fragmented approach after three years.

(c) ketabton.com: The Digital Library

warlords and Mujahiden commanders became provincial and district governors or chiefs of police. In essence, the reappointment of old enemies of the Taliban in the government positions, after occupying their official positions, started targeting Taliban and their supporters. Taliban and their supporters didn't have any option but to fight against the government and international forces. While some escaped and rejoined Taliban ranks and files, others provided clandestine support to them or other anti-government elements (AGEs), and have also been supported by some elements in neighboring countries. Gradually, the number of these insurgents, especially in the last three years, has grown significantly. In most parts of the South, South-East, East and Central regions, which represent almost half of the country, insurgents or criminals, are in charge during the night, and the government or international forces are in charge during the day. In some parts of the country, the government and international forces are even confined to their bases or district headquarters, which is reminiscent of the situation that developed in the early 1980s as the communist regime and its Soviet allies lost ground against the Mujahidin.

Despite significant progress in the development sector in the last seven years, the security situation is getting worse, and Afghanistan is heading into downward spiral. I know some individuals in the international community do not believe that Afghanistan is in a downward spiral, but this is the reality on the ground that ordinary Afghans experience it every day. After seven years of enormous efforts, the international community at a

(c) ketabton.com: The Digital Library

crossroads and more and more people are quietly thinking that, if there is no military solution, then what would be the best exit strategy from Afghanistan. Some members of the international community are of the view that there is no military solution in Afghanistan; it is important to lower expectations to build ideal Afghanistan, it would be good and easy to talk with the Taliban and AGEs such as the Hezb-e-Islami of Hekmatyar and the Haqqani Network. Some members of the international community are even considering ways to outsource the security of Afghanistan to its neighbors.

Before entertaining the idea of beginning talks with factions currently opposed to the government Afghanistan, it would be best to consider what this course of action would entail a desirable outcome. In essence, there are three options for negotiation.

1. Option number one is reconciliation with Taliban as a whole as an organization, including top leadership;
2. Option number two is negotiation with moderate Taliban which are so called reconcilable; and
3. Option number three will be to negotiate with those Taliban or insurgents who joined with the insurgency for personal reasons and make a deal with them on the local level to address their specific concerns and create a space that they will be able to live as normal citizens and have a normal life.

It would be good to examine these three options.

(c) ketabton.com: The Digital Library

Option (I): Negotiation with top leadership of Taliban as an organization

Let's first examine the public statements of different actors in the last few months regarding reconciliation with the top leadership of the Taliban:

On 16 November 2008, President Hamid Karzai said, "If I hear from [Omar] that he is willing to come to Afghanistan or to negotiate for peace ... I, as the President of Afghanistan, will go to any length to provide him [with] protection." He further said, "If I say I want protection for Omar, then the international community has two choices: remove me or leave (Afghanistan) if they disagree."101

A NATO commander, in response to this statement of President Karzai said, "It is ridiculous to think that Mullah Omar would be willing to come to the negotiating table now…This is the man who draped himself in the cloak of the Prophet and declared himself commander of the faithful. He has nothing to gain by negotiating, and we have nothing to gain by offering talks when the Taliban think they are winning."102

Taliban's Deputy Mulla Brother[103], rejecting this overture of Mr. Karzai, told *Reuters* via satellite telephone, "We are safe in Afghanistan and we have no need for

---

101 http://www.time.com/time/world/article/0,8599,1859576,00.html (last accessed 12 March 2009)

102 IBID

103 Mulla Brother was arrested by Pakistan government when there were rumors that he established some contacts with Afghanistan government.

(c) ketabton.com: The Digital Library

Hamid Karzai's offer of safety." He added that foreign forces had to leave before the start of any negotiations. "As long as foreign occupiers remain in Afghanistan, we aren't ready for talks because they hold the power and talks won't bear fruit ... The problems in Afghanistan are because of them."104

Just recently on 11 March 2009, *AFP* quoted Pentagon's Press Secretary, Mr. Jeoff Morell, regarding reconciliation with Mulla Omar as saying that he did not believe "that anybody in this building (Pentagon) would support the notion of reconciling with people with that kind of blood on their hands." US Defense Secretary Robert Gates was quoted by the same source as indicating that, "There are elements of the Taliban that are absolutely irreconcilable and frankly will have to be killed."105 Gates further said, "I think almost all insurgencies in the end game involve political reconciliation. The issue is it needs to be on the terms of the government of Afghanistan."106

Recently, Mullah Omar, top leader of Taliban showed some interest and approved the peace talks which are sponsored by the Government of Saudi Arabia.107 This possibility was rejected, however, by the Taliban's purported spokesman Yousuf Ahmadi who told AFP by telephone, "We'll not talk to anybody unless the invading

---

104 IBID
105 AFP reported 11 March 2009
106 IBID
107 The Times, 15 March 2009

(c) ketabton.com: The Digital Library

foreign forces leave Afghanistan." He further said, "Such statements are baseless lies." 108

If the above few statements to be examined, the government of Afghanistan, the US administration, NATO officials and Taliban top leadership are not on the same page, or not even closer to each other on the issue of negotiation with the top Taliban leadership. The UN is already restricted by resolution 1267 to not deal with those people who are on its list of international terrorists, which includes Mulla Omar and the top leadership of the Taliban. This means that negotiation with top leadership of the Taliban as an organization would be extremely difficult to arrange or justify.

If the top leadership of the Taliban is excluded from negotiation, it means that the international community is not ready to talk with Taliban as a whole or as an organization. This again means that the international community, the government of Afghanistan and Taliban are not on the same page.

Option (II): Reconcile with moderate or reconcilable Taliban:

If negotiation with the top leadership of the Taliban is excluded as an option, there remains the possibility of negotiating with so-called “moderate” Taliban. Again, let's review a few public statements in this regard.

[108] Interview by phone with AFP on 15 March 2009

(c) ketabton.com: The Digital Library

In an interview with the New York Times on March 7, United States President Barack Obama said that he hopes, “U.S. troops can identify moderate elements of the Taliban and move them toward reconciliation". According to the New York Times, he said the United States "was not winning the war in that country" and thus the door must be opened to a "reconciliation process in which the American military would reach out to moderate elements of the Taliban much as it did with Sunni militias in Iraq".109

President Karzai said about the above statement of President Obama, "This is approval of our previous stance and we accept and praise it,"110 In fact, President Karzai's statement is not according to his previous stand because he wanted to have reconciliation even with Mulla Omar and Hekmatyar. For the sake of argument, however, it can be said that both Obama and Karzai agree on the strategy of negotiating with those Taliban who are reconcilable with the Afghan government.

A purported spokesman of the Taliban, Qari Mohammad Yousuf, when asked if the top leader of the Taliban, Mullah Omar, would like to make any comment about President Obama's proposal, he said, "This does not require any response or reaction, for this is illogical". He said, "The Taliban are united, have one leader, one aim, one policy...I do not know why they are talking about moderate Taliban and what it means?" He further said, "If it means those who are not fighting and are sitting in their

[109] New York Times, 7 March 2009
[110] Time, 7 March 2009

(c) ketabton.com: The Digital Library

homes, then talking to them is meaningless. This really is surprising to the Taliban."111

It is not surprising that the top leadership of the Taliban would deny the existence of potential breakaway factions, but the fact remains that there is no clear vision for how to identify reconcilable and non-reconcilable Taliban. The government through the under reconciliation process (PTS) chaired by Professor Sebghatullah Mujadedi, have given certificates to more than 6,000 people who joined the peace process through PTS but the significance of this achievement has always been questioned.

Mr. Hanif Atmar, Interior Minister of Afghanistan at the time, dismissed the strength of Taliban and told reporters in Washington DC that only 10-15,000 Taliban are fighting inside Afghanistan.112 If the active members of Taliban are this few in number, then the question is why ANSF and ISAF, that are 15-20 times greater in number than the Taliban, but cannot defeat them? According to the Ministry of Haj and Awqaf (Religious Affairs Ministry), there are 166,000 mosques in Afghanistan and 322 registered Madrasas, which enrolled about 100,000 students. If each mosque has one leader of prayer, their number will be 166,000. Leaders of prayers in 6000 of these mosques are appointed or under the supervision of the Ministry of Religious Affairs. Also, there are Ulema Shuras (religious councils) in each districts and provinces. They

111 Reuters March 10

112 http://www.canada.com/news/Taliban+Afghanistan/1336634/story.html (last accessed 15 March 2009)

(c) ketabton.com: The Digital Library

are established by the Ministry of Haj and Awqaf as well as by the Council of the Ulema which was headed by former Chief Justice, Maulavi Abdul Hadi Shinwari. The total number of both councils reaches to about 7500 religious scholars.113 Now the question is why this big network of religious students and Ulema that is linked or supported by the government cannot convince or stop the small number of Taliban who are fighting in Afghanistan? Also, if we look to those religious scholars who support the government, they are better known and religiously more educated than the top leadership of Taliban, who are often poorly educated and least well-known in the country as religious authorities. Even the few well-known members of Taliban leadership are not known religious scholars and are not in the position or have the authority to issue *Fetwas* or religious edicts. Mulla and Talib are the lower ranks of the religious hierarchy. The Taliban spokesman is right to say that talking with those Taliban who are not fighting or so-called moderate Taliban would be meaningless, since otherwise tens of thousands of them would support the government. There are a lot more religious scholars in the country than there are Taliban. But what does that have to do with negotiating with moderate Taliban?

Some people in the international community, especially from some neighboring countries, though significantly not from Pakistan[114], believe that if after the defeat or withdrawal of the international community,

[113] Interview with Dr. Mohammad Shafeq Samem, Deputy Minister of Haji and Awqaf on 15 March 2009

[114] Discussion with some Central Asian Countries officials and diplomat

(c) ketabton.com: The Digital Library

should the governmentof Afghanistan was to collapse, the Taliban will take over as the victorious forces. This would be a big disaster for the region and the Taliban's incursion would not stop here in Afghanistan, but would spread beyond its borders to Central Asia. In this worst case scenario, it would be good to select a less painful scenario and start negotiations with the moderate Taliban and to have a shared government. In this scenario, the Taliban would not be in a strong position to threaten their neighbors. One question that arises from this scenario is if international community and government of Afghanistan succeeded in convincing the Taliban to have a coalition government, would Afghanistan have a stable government or not? I believe that Afghanistan will not have a stable government and the government would collapse from inside and the Taliban would again take control of all affairs because of weak and fragmented government institutions. In this scenario, Taliban, once agree on sharing power, would be in very a strong position and would become over time a big threat to our northern and western neighbors and an even greater threat to our eastern neighbor, Pakistan as well because Taliban are more organized and stronger in Pakistan comparison to Afghanistan.

Option (III): To have local deals with insurgents:

In considering the third option, it is useful to take into account the reasons for the insurgency in the first place. According to one source, 20% of the violence in Afghanistan is associated with the Taliban, while 32% is

(c) ketabton.com: The Digital Library

related to communal problems, 28% is related to conflict over resources, and 20% is related to factional conflict.115 If these statistics are accurate, then it is fair to say that insurgency in Afghanistan can only be defeated by good governance and functional and effective government institutions. Without functional institutions, it is not possible to solve insurgency problem in Afghanistan through peace talks with moderate or reconcilable Taliban.

As an example, in the end of July 2009, local government in Badghis province reached to an agreement of understanding with local Taliban which was confirmed by one of Mr Karzai's spokesman, Siamak Hirawi. He said: "A ceasefire has been established in Bala Murghab district[116] of Badghis province through the efforts and mediation of elders and influential people of the province…This is a model that other provinces and areas are also trying to use."117 Amir Tawakal, provincial council member of Badghis province in an interview with Radio Azadi (Radio Free Europe) Pashto service on 28 July 2009 confirmed the peace deal with the Taliban and mentioned that it will only work if local governance improved. In Bala Murghab district of Badghis province, the main problem is between Pashtun, Tajik and Uzbak groups. In the local government setup, Pashtuns are least represented, but by appointing a new governor, Delibar Jan Arman, who is a Pashtun from Khost province and a member of the Hezb-e-Islami party, it is hoped that

[115] Not authorized to disclose the source

[116] Bala Murghab district temporarily become part of Faryab province later on.

[117] Taliban Peace Deal was 'bought' £20,000 Telegraph (UK), 28 July 2009 by Dean Nelson http://freerepublic.com/focus/f-news/2302982/posts (last accessed on 29 July 2009)

(c) ketabton.com: The Digital Library

resentments might be overcome and local Taliban might be convinced to have a peace deal.

The local tactic usedby Afghan government and international forces is to divide the Taliban. However, one must be careful not to give one isolated situation too much general significance. Each area in Afghanistan is unique, and more importantly, local peace agreements can be both transitory and less meaningful than it first appears. Thus, according to Mullah Malang, an independent member of the Afghan National Assembly said that the truce was paid for in cash and broke down just hours after it was signed. He said, "I have no confidence in this agreement. Under the agreement, both Taliban and government troops will be moved back, but it is just for the election and people are saying some Taliban and local people have been paid,".118 Even if this deal works in Badghis province, due to transient nature of insurgency, local Taliban could quickly move to another province or district and begin fighting there.

Conclusion:

If we look to at the above three options, it is obvious that none of them can be implemented under the current situation. For option number one, the international community and the government of Afghanistan are not in agreement. If it is assumed that the government and Taliban can reach an understanding to have reconcile with the Taliban as an organization and give them a chance to be in the government, at the same time they are offered some cabinet, governorships or other positions, the result will not be a stable government;

118 Ibid

(c) ketabton.com: The Digital Library

most likely it will led to civil war again because their ideological difference are vast, and this will be a big defeat for everyone.

Secondly, if the government and international community want to reconcile with moderate Taliban, politically this might sound good, but practically it doesn't make sense, because it is impossible to identify moderate Taliban and differentiate them from the many thousands of religious figures in the country, who at least nominally support the government. Increasingly, the term Taliban itself is used by all insurgents and criminals, regardless of their political orientation or lack thereof. Therefore, no one has yet been able to invent an instrument to measure the mindset of those associated with the Taliban and no one can adequately say what or whom is moderate, extremist or fanatic. Such formulas were used several times by communist regimes in 1980s and 90s to reconcile with the Mujahiden, but none of those formulas were successful in helping the communist government of the time.

Option three to make deals with Taliban or insurgents locally, it would only be possible if the ANSF gets better and stronger and if local governance is improved. With the current weak status of the ANSF and bad governance in the country, it is not possible to separate different element of insurgency from each other in Afghanistan.

The majorities of the Afghans believe that bringing Taliban back to power is not a solution and don’t want to turn the clock backward. Most of the Afghans also believe that the Taliban have not changed and will re-impose their harsh role again. Just recently, the Taliban commander in Helmand

(c) ketabton.com: The Digital Library

province, Mohammad Ibrahim Hanafi, in an interview with CNN on 15 March 2009, said that, "Our law is still the same old law which was in place during our rule in Afghanistan... Mullah Mohammad Omar was our leader and he is still our head and leader and so we will follow the same law as before."[119]

When people say that there is no military solution to the problem of Afghanistan, it doesn't mean to go and talk with insurgents only. In fact, it means that the door should be kept open for all insurgents who want to lay down their arms and live in peace - but at the same time, more focus should be given to good governance and institution building. I believe, wasting more time and resources and diverting attention from the real problem of Afghanistan will be misleading and cannot resolve the current problem. It would be good to direct all efforts and resources to institution building and start major projects in all regions to find jobs to young generation not to be recruited by Taliban. Peace talks and negotiation are only possible when Afghanistan has functional institutions, where corrupt officials are not appointed at the highest levels of government, and can negotiate with moderate or non-moderate insurgents from position of strength rather than weaknesses. At present, the government and international community are not in a strong enough position to separate moderate or reconcilable insurgents from non-reconcilable elements or even to make deals on the local level.

[119] CNN by line interview with Taliban Commander in Southern Province of Helmand by Paula Newton, 15 March 2009

(c) ketabton.com: The Digital Library

If the Afghanistan National Security Forces (ANSF) get enough strength to protect people during the day and night and improve governance, then it is possible to separate different elements of the insurgency from each other and keep open the door for those who want and are willing to stop fighting in Afghanistan. In this scenario, the people will cooperate with the government, and it is possible that most insurgents will stop fighting and support the government. When grassroots governance is improved and the government was able to establish security on local levels, it is possible that some Taliban will change side. Otherwise, there is no incentive for the Taliban change side to the government whose future existence is uncertain and has no control in most of the country, especially during the night just like failure of past communist regime.

(c) ketabton.com: The Digital Library

Fundamentalism and Islamic Militancy in Afghanistan: History and the Situation Today[120]

First of all, I wish to thank the Swedish Committee for arranging this conference. It is a very important topic, which has an impact on the life of everybody in Afghanistan, Europe, and all other part of the world. The Swedish Committee is a good ambassador for the people of Sweden. For many years, it has been performing valuable service for the people of Afghanistan in the fields of education, health and development. The same is also true of the Ministry of International Assistance and Co-operation. The people and the government of Sweden have provided invaluable support for Afghanistan, so I want to take this opportunity to thank all of you on behalf of the Afghan people and the government.

The topic I have been asked to speak on is the history of Islamic militancy in Afghanistan and its current status. Later during the seminar I will talk about security. In the present talk, I will speak as a private citizen, while in the second I will try to present a view that is more reflective of the thinking of the Afghan government.

The present kind of militancy that we see in Afghanistan started in the mid 1960s. Before that, most

[120] I delivered this speech in a conference in Stockholm, Sweden which was organized by The Swedish Committee for Afghanistan (SCA); *"Emergence of Militant Islamism and its Relevance for Afghanistan"* (10-11 March 2005)

(c) ketabton.com: The Digital Library

religious leaders were associated with Sufi orders, and they had great influence among different tribes and ethnic groups in the country. However, certain events happened which transformed Islamic politics in Afghanistan, which I would like to describe. I will begin with the War of Independence in 1919 and continue up to the present. I will also evaluate the significance of these events, how they happened, and the lessons that can be learned from them so as to avoid mistakes that have happened in the past.

We all know that fundamentalism exists not only in Islam but also in other ideologies. The term originates as a description of protestant sects that espoused a literal interpretation of the Bible. In the case of Islam, the notion of Muslim fundamentalism, or Islamic militancy, was first widely used after the revolution in1979 in Iran and was adopted because of the theocratic nature of Ayatollah Khomeini's government and its refusal to separate religion and governance into separate spheres. One liability of the term "Islamic fundamentalism" is that it is used to refer to very different phenomena, including groups that reject all innovations that have occurred since the time of the Prophet Muhammad and believe that every aspect of social, economic, and political life should be governed by the Qur'an and hadith (Traditions of the Prophet) and others that accept many features of contemporary life, including science and technology, and also believe that they can interpret elements of the Qur'an and hadith to fit contemporary realities.

(c) ketabton.com: The Digital Library

The range of Islamic fundamentalism in Afghanistan is equally wide and includes a variety of different movements, but there are certain key events that helped shape all Islamic movements in the country, the first of which was overthrow of King Amanullah in 1929. Because of his leadership during the so-called War of Independence against Great Britain in 1919, Amanullah came to power as a hero to conservative Muslims and progressive modernists. His support from conservatives quickly began to erode, however, after he began to advance a reform agenda that deviated from traditional models. This included introduction of a legal code based on European civil codes and support for female education, including sending young girls abroad for study. An uprising in Paktia Province in 1924 briefly slowed the pace of reform, but a state tour of European capitals convinced Amanullah to push his reforms even harder, which led to a general uprising against the government. In 1929, Amanullah was forced to abdicate. There was no functional government for some time after that, as Habibullah, known as Bacha-e-Saqaw briefly held power until a cousin and former rival of Amanullah named Nadir Shah succeeded in wresting control from him.

By signaling to religious forces their potential to mobilize the masses in response to what were perceived as attacks against Islam, the defeat of Amanullah and his reform program established a pattern that has held sway in Afghanistan ever since. Another pattern that can be traced to the overthrow of King Amanullah was the importance of symbolic affronts to Islam (such as the introduction of

(c) ketabton.com: The Digital Library

western clothing and the appearance of Afghan women in public without the veil) as the primary factor that allowed religious leaders to mobilize popular outrage, as opposed to substantive reforms in law or policy.

The subsequent takeover of Kabul by Nadir Khan can also be compared with later events, such as the situation in Afghanistan in 1992, when the Mujahideen resistance fighters came to Kabul after the fall of the government of President Najibullah; and the fall of the mujahidin government in 1996 to the Taleban regime. In all three cases, the more liberal policies of the existing regimes were quickly replaced. In the case of Nadir Shah's takeover, Amanullah's reform agenda was abandoned, religious scholars were put on the government payroll, and state-sponsored religious schools (madrasas) were established in different parts of the country. Nadir Shah also gave monetary rewards and honarary military ranks to those who supported him in taking the power. When the Mujahideen took power in1992, communist reforms were overturned, and former mujahidin commanders were brought into the government. However, as opposed to the largely advisory positions assigned by Nadir Khan to religious leaders, former mujahidin commanders assumed control of the important government ministries, regardless of whether they were literate or not. The same pattern was also true after the Taliban expelled the mujahidin. While the Taliban avoided much of the corruption that characterized the Mujahidin regime, they were similarly unprepared to take on the duties of running government ministries.

(c) ketabton.com: The Digital Library

When Nadir Khan was killed in 1933, King Zahir Shah took the throne, but his uncles ruled the country for the next 30 years. In 1947, Wekh Zalmiyan, or the Awakened Youth organisation, was established in Kandahar. Among its members were a number of young men who would become leaders later in life, including Nur Muhammad Taraki, who founded the Khalq (Masses) party and became president following the coup d'etat of April 1978. Wekh Zalmiyan was critical of the monarchy and the role of religious institutions, and their public statements provided religious leaders with ammunition to mobilise its own supporters. One example was the leftist criticism of the government when it agreed to fund renovations of a shrine purported to hold a sacred beard hair of the Prophet Muhammad. Religious leaders rallied supporters to the defence of the shrine and their own role in public life.

From 1953 until 1963, Daoud Khan, a cousin of King Zahir Shah, was Prime Minister. Until his violent death in 1978, Daud was the main character in the Afghan drama, and more than any other single individual was responsible for pushing Afghanistan towards the abyss. In 1959, Prime Minister Daoud ordered his ministers to have their wives attend Independence Day celebrations without wearing their customary veils or burqas. Religious scholars in Kandahar branded this act as immoral and mobilised local tribesmen against the government. Another policy of Daoud Khan that helped polarize the country was his decision align with the Soviet Union. Daud was a nationalist at heart, but at various points in his career, he

(c) ketabton.com: The Digital Library

affiliated himself with leftist groups, including the Parcham (Banner) party, which had close association with Soviet Union at that time.

There were no centrist political parties in Afghanistan in the mid-1960s. Leftist and the rightist groups dominated the political scene, and both criticised the Government for different reasons. In 1955, Khrushchev came to Afghanistan and promised assistance to the country. One of the principal religious figures at that time was the young Sibgatullah Mujadeddi, who many years later, in 1992, became president of Afghanistan when the communist regime collapsed. In the first political act of his long career, Mujadeddi staged demonstrations and protests against Khrushchev's visit, and was subsequently imprisoned for four years. Whether the government showed signs of moving to the right (as when they renovated the shrine of the Prophet's beard hair) or – as was more often the case – to the left, extremists used the action to attack the government and monarchy.

Eventually, in response to pressure from inside the country and outside, the King asked Prime Minister Daoud to resign, and in 1964 formed a commission to write a new constitution. In this new constitution, political parties were again permitted, and leftist and rightist groups were able to organize political parties. Parties on both sides took this opportunity to become stronger. Some of them had outside support, and some were active among the students circle in Kabul University at that time. The main problem was the lack of political mainstream parties. Many people who are

(c) ketabton.com: The Digital Library

against the government and monarchy decided to join left or right extremist parties for lack of an alternative. I think we have the same problem in Afghanistan right now as well, because still we don't have a mainstream political party. Many of the political parties existing in Afghanistan at present have been involved in the civil war in Afghanistan. These parties have manipulated ethnic, tribal, sectarian, and regional loyalties to get support from the people, and consequently cannot now portray themselves as nationalist in orientation and gain support from groups they have attacked in the past.

In the mid 1960s, when the new constitution was approved, the Muslim Youth Organisation, Sazman-i Jawanan-i Musulman, emerged on the university campus in Kabul. Its first leaders were those Afghans who had been educated in Cairo, including Ghulam Mohammad Niazi, Sibghatullah Mujadeddi, and Burhanuddin Rabbani. They were inspired by the Muslim youth organisation in Egypt. Among the younger member of this organisation were Abdur Rahim Niazi, who died in the yearly years of this movement; Gulbuddin Hekmatyar, who later headed up the radical Hizb-i Islami and who continues to actively oppose the government; and Ahmad Shah Masood, the famous Jamiat-i Islami commander from Panjshir Valley who was killed by members of al-Qaeda on September 9, 2001. There were also some other Islamic movements at Kabul University during the late 1960s and early 1970s, including Gahez, which had a newspaper of the same name.

(c) ketabton.com: The Digital Library

Student political movements, both Islamic and leftist, had sophisticated organisational structures that allowed them to recruit members covertly and protect individual party cells from infiltration and subversion. Students parties on both sides of the political spectrum became increasingly authoritarian in structure and violent in their tactics. Campus demonstrations were intentionally provocative, and as the government cracked down, both sides moved away from protest to planning coup d'etats.

When former prime minister Muhammad Daud took power in 1973 through his own coup d'etat, he immediately started to suppress members of the Muslim Youth Organisation, seeing them as the primary threat to his own power. Many members of the Muslim Youth organisations escaped to Pakistan, including Professor Rabbani, Hekmatyar, and Masood. In 1975, they staged an armed uprising against the regime of President Daoud in Paktia, Ningrahar, Laghman, and Panjshir. When this incident happened, I was in Laghman, where my father was working. Twenty-seven militants came in the evening and killed a couple of security people before disappearing. The next day they were all captured, along with many other members of this organisation. Following their arrest, insurgents from the Muslim Youth were sentenced to long prison terms, and many were later killed after the communist regime of took power in 1978.

After this uprising, the Muslim Youth Organisation divided into two groups in 1975. One was called Hezb-i Islami and the other Jamiat-i Islami. Hezb-i Islami was led

(c) ketabton.com: The Digital Library

by Gulbuddin Hekmatyar and Jamiat- Islami was led by Professor Rabbani. After the coup of 1978, many Afghans migrated to Pakistan to escape the fighting and persecution of the communist government. Whether they supported these and other Islamic parties that formed in the next few years, the refugees were forced by the Pakistan government to join one of the parties if they wanted to be allowed to stay in Pakistan and obtain necessary rations. In the 1980s, the policy to fight against the Soviets Union and communist ideology, there should be an ideology which was Islam to fight. Islam was the moving vehicle for the Mujahideen to fight in Afghanistan.

That was the start of Jihad, or Holy War in Afghanistan. Over the next decade, millions of people emigrated to Iran and Pakistan. Many parties and non-governmental organizations (NGOs) emerged in Peshawar. (At present, there are several thousand NGOs operating in Afghanistan, and one of the problems the government faces is determining which are good, which are bad, even which ones are really NGOs trying to help Afghans and which are businesses using the cover of being an NGO to make money.)

With hundreds of parties operating in Peshawar in the early 1980s, the government of Pakistan decided to ban all but seven political parties. These seven parties became known to the Western media as the Fundamentalists and the Moderates. Main fundamentalist parties were two branches of Hezb-i Islami, Jamiat-i Islami, and Ettehad-Islami bare-yi Azadi-yi Afghanistan (Islamic Alliance for

(c) ketabton.com: The Digital Library

the Freedom of Afghanistan) led by Professor Abdur Rab Rasul Sayyaf. The Moderates party included the National Islamic front of Pir Gilani, the National Liberation Front of Sibghatullah Mujadeddi, and also Harakat-i Islami of Maulavi Muhammad Nabi Mohammadi.

During the 1980s, many non-Afghan Muslims, especially Arabs from Saudi Arabia, came to participate in the jihad against the Soviet Union. Many more Arabs supported the jihad from a distance, and the biggest share of their assistance, 60-70%, was given to fundamentalist groups. According to one estimate, in 1985, about 25,000 "Arabs" were in Afghanistan; but few people were familiar with Osama Bin Laden or Abdullah Azzam, who were the principal leaders of the so-called "Arab Afghans." Though the Arabs who came to participate in the jihad were all referred to as "Arabs," many came from other countries, but because the majority of people had little contact with these people, they referred to all of them indiscriminately as "Arabs," much as foreigners in Pakistan to this day are often referred to as "English," regardless of what country they come from. It should be noted that, despite claims by Bin Laden and others of the important role played by Arabs in the anti-Soviet jihad, most foreigners came more as tourists than as fighters, and the Arabs had little if any role in the fighting and, except for their financial contributions to fundamentalist parties, had little impact on the outcome of the jihad.

While never friendly, the various Islamic parties maintained an uneasy coexistence throughout the decade of

(c) ketabton.com: The Digital Library

Soviet occupation (1979-1989) and the three following years that were required to finally overthrow the communist regime of President Najibullah. However, the collapse of Najibullah in 1992 signalled the end of coexistence and the beginning of civil war. Fighting started almost immediately after the takeover of Kabul, and many alliances emerged between different groups. An 60,000 people were killed in Kabul alone, and the capital changed into a ghost city. Each group was in charge of different parts of the city, and you could not move from one area to another, and the same state of affairs existed in the provinces as well. The people of Afghanistan were desperate to escape the tyranny of party commanders who preyed on the population to maintain their power and resources. After the withdrawal of Soviet troops, Afghanistan was forgotten by the world, and the country's agony was endured with little attention from the outside world, although Afghanistan's neighbors, and ideologically-minded groups like al-Qaeda, continued to take an interest in the country's affairs, in order to advance their own interests and agendas.

In 1992, Sibghatullah Mujadeddi and Burhanuddin Rabbani became the first and second presidents of Afghanistan as part of a coalition government of mujahidin parties. In this coalition arrangement, ministries were divided among the parties, and mujahideen commanders were appointed to important government positions. Nominally, this was in order to recognise the sacrifices of the mujahiden commanders and groups, but it was also to keep the peace among the rival parties. Since former

(c) ketabton.com: The Digital Library

mujahidin commanders did not know how to run a government, the government became ineffective and paralyzed by competition. Educated people with experience running government bureaucracies might have been able to help avert this crisis, but continued fighting and the government's lack of interest in having them return kept most of the educated people in exile. This resulted in a big vacuum of educated people which, of course, was a problem. The people of Afghanistan were desperate.

Then the Taleban emerged in Kandahar in 1994. The Taleban refers to religious students, not scholars, and the fact is that despite their claim to represent Islam, most Taleban were not religious scholars, and some could not distinguish what Islam says and does not say. Whatever the problem, they were just saying that it was a religious matter. An example: when the Taleban first come to power, one bureaucrat told a Taleban official that there was no budget, or takhsees, for certain things. But this Taleban official did not know what the term takhsees meant and told the bureaucrat to go away. Because there was no reference to takhsees in the Qur'an or hadith of the Prophet, there could be no budget in the Taleban government. Whatever they were saying, they just branded each thing as either Islamic or non-Islamic, but their judgment of what was and wasn't Islamic was determined less by reference to Islamic scripture and history than to their own local, village customs. Thus, the fact that Islam allows women to be educated and to participate in public affairs was ignored, because that was not the way of doing things in their own villages.

(c) ketabton.com: The Digital Library

When the Taleban emerged, they had three agendas: to disarm the warlords and collect arms from them; to save the country from disintegration; and to recentralise the power after the disintegration of government authority under the mujahidin parties. In the beginning, they were supported by different groups and managed in short order to take Kandahar and Jalalabad. In 1995, when they took the city of Khost, I was working for the UN and went to talk with them, in order to ask what they wanted and whether we would be able to continue our work. Their reactions were very friendly. They told us not to worry and we should continue our work. They would support us, and they were not there just to take power. This was what they said in the beginning, but once they took power in Jalalabad and Kabul in 1996, they changed and imposed different rules which were against all norms, Islamic and non-Islamic.

At the time, Osama Bin Laden and his group were staying in Jalalabad under the protection of the Hizb-i Islami faction led by Maulavi Yunus Khales. Bin Laden gradually began to get close to the Taleban at that time, and they developed their own political agenda, which was not known to anybody else. They had money that they gave to the Taleban, and there was drug money as well, because the cultivation of poppies increased during this period. Because of this support, the Taleban could impose their harsh rules on people, especially on women, and it was also because of their alliance with Bin Laden that the Taleban doctrine came increasingly to resemble Saudi Wahabism,

(c) ketabton.com: The Digital Library

one expression of which was the destruction in March 2001 of the Buddhas in Bamiyan.

After the collapse of Taleban, many people in rural areas asked the government to build schools for them, including schools for girls. Since 2001, hundreds of girls schools have been established in Afghanistan, and the recent election in Afghanistan demonstrated the popular rejection of Taleban-style fundamentalism and government. Even I, as an Afghan, was skeptical that people would participate in elections. But the people of Afghanistan stayed in lines to cast their vote and elect their own government and reject the Taleban form of rule. The majority of the Afghan people don't want the Taleban to re-emerge as a group or as a political movement. There will certainly be individual acts of violence in support of the Taleban, but individual acts are not representative of what the majority of the people of the country want. What these individual acts of violence represent more than anything else is the difficult of re-establishing security after twenty-five years of war.

As to the international assistance forces in Afghanistan – ISAF or coalition forces – we must realize that they are there to help, they are not occupying Afghanistan. And people know that if these international forces were not there, the government would not be in a position to meet all these challenges. This is how the people of Afghanistan understand the support of the international community and appreciate it.

(c) ketabton.com: The Digital Library

Wilton Park Speech[121]

The Role of Development Aid in the Afghanistan Campaign
Good afternoon ladies and gentlemen:

It is an honor for me to be part of this distinguished panel, including H.E. Mark Sedwill, Civilian Representative of NATO in Afghanistan, Gen. Nick Parker, Deputy Commander of ISAF and Mr. Mark Lowcock, Director General of Country Programs of DFID.

I would like to share my personal experience as a practitioner that has witnessed developments in Afghanistan since 2001.

I will give you an analogy that I have repeated many times in the last eight years, if we compare Afghanistan with a patient. When a patient goes to a doctor, the doctor asks for the history of the symptoms. Then the doctor recommends some lab work or an x-ray and, after diagnosing the problem, the doctor gives a prescription. The patient and doctor should make sure that the full dose of the prescription is used otherwise the symptoms will

[121] *On March 11, 2010 USIP's I gave this speech at the Wilton Park Conference 1022 "Winning 'Hearts and Minds' in Afghanistan: Assessing the Effectiveness of Development Aid in COIN (Counter Insurgency) Operations." the speech was entitled "The Role of Development Aid in the Afghanistan Campaign."This speech was well received by participants and USIP published it in USIP web site as well.*

(c) ketabton.com: The Digital Library

return. If the symptoms return, the next time the doctor will prescribe a stronger dose of medicine. If the prescription does not address the symptoms, it will have side effects no matter how high or low the dose.

In the case of Afghanistan, there have been no good diagnoses of the problems, and the wrong medicine was prescribed which has had so many side effects and now the symptoms have returned and need the right dose prescribed.

I don't want to challenge good ideas or programs but the problem is that this patient "Afghanistan" is on life support, needs to be saved, and status of this patient should be changed from critical to stable condition. After that we can implement good ideas or programs in the long run.

As long as this patient is on life support, we need a stability agenda for Afghanistan to change the status of this patient from critical to stable condition. I would like to suggest today that the best way to revive the patient is to ensure that the stability agenda should be understandable to the Afghans, should be implementable, should be affordable and should be sustainable. Whatever the international community and Afghan government want to achieve in Afghanistan, they have to answer to the above four criteria. If the answer is no for each one of this criteria, however, they should not implement those programs.

Also, I don't want to talk about shortages of the Bonn Agreement but, from the outset of the collapse of Taliban regime, there was limited focus on institutional building especially in the case of the Afghan National Police. Actual resources to police were only allocated in 2006 - four years

(c) ketabton.com: The Digital Library

after the collapse of the Taliban. By the time resources were allocated to ANP or other institutions, Afghanistan was no longer a post-conflict country but a country in conflict, which it still is.

Unfortunately, all security, governance and development programs in Afghanistan are designed for a post-conflict situation and cannot address the current challenges of insecurity in Afghanistan. Also, most of these programs are designed by external consultants with little to no consultation with professional Afghans.

I have witnessed the development of many documents such as the Afghanistan Compact, Afghanistan National Development Strategy, Afghanistan Sub-National Governance Policy, Counter Narcotics and Anti-Corruption strategies and so on. All nice words were put into these documents like Christmas trees but were far from the reality on the ground and lacked implementation plans. For example, in the Afghanistan Compact under the Governance, Rule of Law and Human Rights section it states: "establish a more effective, accountable and transparent administration at all levels of Government; and implement measurable improvements in fighting corruption, upholding justice and the rule of law and promoting respect for the human rights of all Afghans". If we examine this paragraph of the Afghanistan Compact, the goals mentioned cannot realistically be implemented for decades.

(c) ketabton.com: The Digital Library

I will give you another analogy of this consultancy which is shared by one of our colleagues in UNAMA at the conclusion of his work. He compared this consultancy in Afghanistan to a game of Afghan Buzkashi where horsemen competed for scores individually, even though they are part of the same team. He wrote, when you discover that you are riding a dead horse, the best strategy is to dismount and find a new horse. But the aid and donor organizations in Afghanistan, instead of changing horses, set up committee to study the horse; arrange to visit other countries to see how others ride dead horses; lower the standards so that dead horses can be included; reclassify the dead horse as living "impaired"; hire outside contractors who claim they can ride the dead horses; harness several dead horses together to increase their speed; provide additional funding and/or training to increase the dead horse's performance; perform a productivity study to see if lighter riders would improve the dead horse's performance; declare that as the dead horse does not have to be fed, it is less costly, carries lower overhead, and therefore contributes substantially more to the mission of the organization than do some other horses; rewrite the expected performance requirements for all horses; and-if all else fails- set up a workshop with paid attendants on the subject of riding dead horses in post-conflict settings. This is, of course, a joke, but it's the kind of joke that is mostly true.

Therefore, I would like to now discuss how to bring stability to Afghanistan.

(c) ketabton.com: The Digital Library

If we use existing capacity, resources, institutions, rules and regulations, laws and mechanism in the right way, and communicate our goals and objectives in one voice to ordinary Afghans and government machinery, I strongly believe that we can bring stability to Afghanistan.

Most countries in the world measure progress by their GNP or GDP (Gross Development Product) but Bhutanis measure their progress by GNH (Gross National Happiness). Just this week I went to Kunar province, where I am originally from, and, in my lifetime, I could not imagine that I would see this kind of development. The problem is that the gross happiness factor is missing in the design of all programs in Afghanistan because of supply driven needs or short-term objectives. In most cases, short-term objectives are the enemy of long term goals.

The five main reasons for this gross unhappiness among Afghans are:

1. There is no transparency in the process of governance and implementation of all programs and projects, as well as in the political process. When there is no transparency, people believe rumors, misinformation, disinformation and even conspiracy theories that international community does not want stability in Afghanistan.

2. No communication strategy. Lack of transparency, which contributes to miscommunication regarding all issues. For example, the Taliban use Bluetooth

(c) ketabton.com: The Digital Library

technology more efficiently compared to ISAF's multimillion dollar strategic communication program.

3. The former U.S. Speaker of the House, Tip O'Neill, once mentioned that all politics are local, which applies perfectly in Afghanistan. The gross unhappiness created in Afghanistan is because of the exclusion of a segment of people in the village, community or district level from decision making or participation in all aspects of governance; or local government officials and powerful individuals using government and international influence and assistance for personal use or against rivals. For example, the government officials and powerful individuals in the different areas control contracts, eradicate poppy fields of their rivals while asking their own people or tribe to cultivate as much as possible, and demonstrating the absence of applying rule of law equally in the country.

4. This gross happiness factor became a good opportunity for insurgents in Afghanistan to infiltrate communities and manipulate these situations. This created an atmosphere of mistrust and the distance between the people and government has significantly widened. We all know that the insurgency cannot grow in the country if there is no external support and if the internal environment doesn't allow for them to grow.

5. Lack of a unified vision by the international community and the government of Afghanistan. A missing unified and agreed agenda by the government of Afghanistan

(c) ketabton.com: The Digital Library

and international community is another major factor that has created an environment of mistrust between the government and international community. Now, people don't trust either of them.

Perception does matter in all countries and among all communities but it does matter much more in Afghanistan. Now, the perception is that there is less development in Afghanistan, high corruption and no accountability on the part of the government and international community. This feeds into the conspiracy theory that international community doesn't want to have peace and stability in Afghanistan, and politics of the blame game continue. Believing perception and rumors exacerbates insecurity, lack of trust and confidence in the government and international community. I recently had lunch with one of my friends, a classmate from Helmand province, and he told me that there is so much contradiction between words and action from the part of government and international community. People are confused and don't know what to do. Initially, people in the Helmand province joined with insurgency because of local warlords or the brutality of the previous administration. But when the government officials or international community visit Marja these days, those individuals who are the main cause of insecurity accompany them. People do not know if they should support the Taliban because of fear of retribution, or if they should support the very government that they do not trust. Also, people say that on the one hand the government wants to have peace and reconciliation with Taliban but on the other hand they are fighting with them. We have a saying in the Pashto language regarding credibility that all unripe things can be

(c) ketabton.com: The Digital Library

cooked but when a person become unripe (meaning untrustworthy or not credible) it is hard to cook it.

Now, the following questions should be answered in order to bring stability to Afghanistan:

1. How to regain credibility?
2. How the international community and government of Afghanistan can work together to create a stability agenda? Define the roles of each actor.
3. How to communicate this agenda to average Afghans and government machinery? Even on my level, I do not understand what is going on in Afghanistan.
4. How to merge different activities and balance top down with bottom up activities?
5. How to deliver assistance with a "do no harm" policy?

I have written a small paper to answer the above questions which will be published soon by Center of International Governance and Innovation in Canada. I recommended ten specific steps needed to bring stability in districts throughout Afghanistan. Since I do not have time here, I cannot explain these points in detail but I will mention these points briefly:

1. There is a need to create several centers of gravity in Afghanistan and then to implement clear, hold and build formula of counter insurgency.
2. Form competent and representative team to each center of gravity.
3. Start implementation of stability plans in urban districts and expand to rural districts of Afghanistan.
4. Form one representative Shura in each district, not several which is the case now.

(c) ketabton.com: The Digital Library

5. Conduct a security survey in each district to know about the exact need of security in each district.
6. Address local conflicts in each district through local mechanisms.
7. Establish benchmarks to reduce crimes in each district.
8. Ensure responsible district governance.
9. Implement community level district development projects.
10. Mobilize and organize engineering capacity to implement projects quickly as promised.

Thank you for your attention.

(c) ketabton.com: The Digital Library

"Finding Common Grounds for Peace"
Afghanistan-Pakistan-India Trilateral Track Two Dialogue
Delhi, June 6-10, 2009
Organized by the Delhi Policy Group

I would like to thank the Delhi Policy group which opened the door for a very important topic that affects all of us in one way or another. Especially I would like to extend my gratitude to Professor Radha Kunar, Chair of Nelson Mandela Center for Conflict Resolution in Jamia Millia Islamia University, for her efforts to bring peace in the region and organized this conference.

Before I start my comments, I would like to say that the comments I am going to make are my personal views and do not represent the view of my organization, the United Nation Assistance Mission in Afghanistan.

Many good speakers and politician in the last three days covered much of the important issues. In my turn, I would like to share my view regarding conflicts in Afghanistan which has both regional and international dimensions.

Former interior Minister of Afghanistan, Professor Ali Ahmad Jalali, during a lecture in American University of Kabul in October last year talked about Afghanistan current situation and mentioned six different dimensions of insurgency in Afghanistan:

(c) ketabton.com: The Digital Library

1. Fighting against Taliban and Al-Qaeda
2. Fighting against Drug Mafia
3. Fall out of the India/Pakistan tension in Afghanistan
4. Fall out of the Iran-U.S tension in the region
5. Fall out of the conflict between Russia and NATO and
6. Disagreement of strategies on both sides of the Atlantic between Europe and the United States.

Of course China and some Arab countries have their own interest in the region as well which can not be ignored.

Now, if we look to these six or even seven dimensions, without honest and sincere cooperation among regional and international players, it is not possible to bring peace and stability not only to Afghanistan but to the region and the world as a whole. There is need for a great deal of cooperation for all to change their mind set and think beyond 19th or early 20th century rivalries and tactics for extending sphere of influence and undermine each other.

We are in the 21st century and globalization has opened the door for all countries to work with each other in a very fast way, otherwise, our region will stay far behind of the caravan. Europe is good example of such cooperation.

In today's world, many problems such as drug trafficking, human trafficking, cyber crimes, terrorism, money laundering and organized crimes can not be curtailed without regional and international cooperation.

The government of Afghanistan envisioned regional cooperation even in ANDS (Afghanistan National

(c) ketabton.com: The Digital Library

Development Strategy) as well as in Afghanistan compact which was agreed by the international community in 2006.

Currently, there are different forum for regional cooperation exist such as SAARC (South Asian Association for Regional Cooperation), ECO (Economic Cooperation Organization), The South Asia Free Trade Area (SAFTA), The Shanghai Cooperation Organization (SCO), The Central Asia Regional Economic Cooperation (CAREC), Central Asia and South Asian Transportation and Trade Forum (CSATTF), and UN Special Program for the Economies of Central Asia (SPECA).

Just last month President Karzai attended 3rd regional cooperation conference in Islamabad. The first one was in Kabul four year ago and the second one was in Delhi in 2006. In this conference, President Karzai said," Economic integration in our region, where each and all of our nations would have a part to play, is an achievable vision. The next step is to take careful stock of where we are, and to move to a higher level by focusing on practical objectives."

To translate these mechanisms into practical projects to connect each other, there is need for real cooperation. Especially it is very important for India, Pakistan and Afghanistan to have better cooperation and translate word of cooperation into meaningful projects. Key among these projects are CASA-1000 which will transit 1000 MW energy from Kyrgyzstan and Tajikistan to Pakistan via Afghanistan, the Turkmenistan, Afghanistan,

(c) ketabton.com: The Digital Library

Pakistan and India (TAPI) pipeline which will transit natural gas to Pakistan and India through Afghanistan. Chinese consortium for exploration, melting and selling of Aynak copper mine in Afghanistan is another example. There is a lot of opportunities for investment in other fields such as agriculture, banking or big infrastructural projects.

Cooperation and security is in interest of all of us. During Taliban period, trade between Afghanistan and Pakistan was about 50 million dollars per year but now it reached over 1.5 billion dollars yearly. If cooperation between India and Pakistan improved, the trade of these two countries with Afghanistan as well as with the central Asian countries will reach to multi billions dollars. All of us will benefit.

Afghanistan might be seen as a small country with little resources and power to play a major role but without stability in Afghanistan, it is not possible to have stability and peace in the region. Recent surge of violence in Pakistan which expanded to India is good example. I will close my remarks with a poem of Allama Iqbal who said many years ago;

آسیا یک پیکـــــر آب وگل است

ملت افغان در آن پیکر دل است

از فساد او فســـــــــــــاد آسیا

از گشاد او گشـــــــــــاد آسیا

" Allama **Iqbal** truly predicted that **Asia** is but a **body of mud** and water. Its throbbing **heart** is the **Afghan nation**. The **Afghan nation's** relief gives relief to **Asia** and its corruption, corrupts **Asia**"

(c) ketabton.com: The Digital Library

Transparency and Communication[122]

Welcome and thanks the organizers:

Before, I deliver my note, I would like to apologize on behalf of Deputy Special Representative of the UN Secretary General for Afghanistan, Ms.Ameerah Haq who had over stretch traveling and not be able to attend this seminar otherwise she would love to participate and come here. Instead she asked me to represent her today.

Secondly, with my unique status as Afghan/American to be part of international community, I was also part of President Karzai's administration for two years and as an Afghan who lived and grew up in the rural of Afghanistan, my speech consist of mix feeling which include some concerns of the UN, government and average Afghans. It does not mean that my statements are targeted to some agencies or country because we all have the same goals toward peace and reconstruction of Afghanistan. I would like to talk little bit candid in order to understand the problems and to find reasonable solutions.

Transparency is the backbone for success of any organization, either it is civilian or military. Being an integral part of the UN commitment towards reconstruction of Afghanistan, transparency is given utmost consideration in all its undertakings. In this connection, UN and International Community has been largely involved in

[122] CIMIC Seminar organized by Joint Force Command Brunssum in Maastricht, Netherlands. 17-18 April 2007 and I represented UNAMA.

(c) ketabton.com: The Digital Library

giving constructive advice to the government of Afghanistan in making a transparent and accountable administration. I would like to emphasize that transparency is two way street. If we ask the Government of Afghanistan to have transparent and accountable administration, on the same time, we are equally responsible to be transparent and accountable.

As part of coordination and transparency, UNAMA is updating the Ministry of Finance every six months on the level of the UN funds received and disbursed in Afghanistan.

Lately, our colleagues at ADB, DFID, UNDP, UNODC, World Bank, have jointly developed a useful informal draft on ' fighting corruption in Afghanistan: a road map for strategy and action' where transparency has been touched in details and a number of positive guidelines in mitigating corruption in Afghanistan have been proposed. Luckily, there are some of those colleagues or agencies representatives are present today in this seminar. And may present their views on this critical subject. The recommendations made have been forwarded to the government of Afghanistan, which is now engaged in drafting a comprehensive national anti-corruption strategy.

UN agencies in general have been supporting the government of Afghanistan in its Anti Corruption drive. It will be important for the government of Afghanistan parliament to approve the UN convention against

(c) ketabton.com: The Digital Library

corruption. The law has been presented to the parliament and pending for ratification.

UNAMA has been at the forefront of supporting the government of Afghanistan through the implementation of the Afghanistan Compact agreed at the London Conference in January 2006, and the Interim Afghanistan National Development Strategy. UNAMA, together with the government of Afghanistan, is co chairing the Joint Coordination and Monitoring Body (JCMB), mainly tasked to look after the Afghanistan Compact and ANDS benchmarks.

With regards to the coordination and aid effectiveness, we have to confess that in some instances weak communication links exist among the International Community itself in terms of alignment of financial resources with Afghanistan compact. Different donors have different strategies and programs due to variety of reasons.

I would like to mention that there is weak communication link exist among government and international community or inter-government agencies on the national and sub-national levels.

If we look to the overall picture of Afghanistan, there has been a huge progress regarding service delivery, roads, communication and other infrastructures but despite of all these achievements, if you ask majority of the Afghans that what have been achieved by the government and international community in the last five years, the answer will be very little or negative. The main reason is

(c) ketabton.com: The Digital Library

that the government and international community cannot communicate their vision and activities to the average people in the village level. There are several reasons for them:

1. **Lack of united vision by the international community regarding security, governance and development**. For example, fighting Narcotics, late deployment of NATO forces, existing of military caveats, political compromises by government and international community and so on. I would like to explain you in general term one example of fighting against counter narcotics from 2002 till now which the main the root cause of several problems.
    - In 2002, Regarding compensation to the farmers, which had not been supported by all stakeholders because it didn't have good result in other countries, some donors implemented their decision unilaterally. The farmers got compensation money, 350 dollars per jirib (1/5 of hectare) lands and the harvest as well.
    - In 2003, the farmers again cultivated poppies in the hope of, if it would have been eradicated, they would have received compensation money which caused increase of opium production.

(c) ketabton.com: The Digital Library

- In 2004, unilateral eradication campaign by central government which was pushed by the international community did not have good result. The amount of money which was spent for eradication purpose was unimaginable high per jirib land. If that amount of money was cashed out, the result of it would be have been more effective than the eradication campaign itself.
- In 2005, the idea of targeted eradication campaign led by governors, created further problem because the governors eradicated the lands of his rivals and told his friends or tribes to grow as much poppy as possible.
- In 2006, poppy eradication campaign was started in the time of harvest as usual. In the south, it was started in those districts where security was good which leaned the population further to Taliban insurgency who support cultivation of poppies. The case is the same this year as well. One of the governor in the south of Afghanistan just recently told me that Taliban asked the people, in protection of their poppy fields, they have to buy one arm or pay equivalent price to them. My objectives to explain these facts is that we should have a united vision

(c) ketabton.com: The Digital Library

regarding all issues otherwise we will have long-term problems.

2. **We do not have a united strategy to meet long term objectives**. I believe that in order to fight terrorism in Afghanistan, we have to fight with all sources of insecurity in Afghanistan which are fighting against drug traffickers, warlords, organize criminal groups, Taliban and Al-Qaeda, corruption, other spoilers and removing known corrupt officials from the government payroll system because these people have several faces. We ignored longer-term goals for short-term objectives or preferred quick fixes. Reluctance by government and international community to tackle all these issues have reduced confidence of the people of Afghanistan on the mission of International Community and government. The accommodative policy of government toward certain spoilers in the government system failed and now we have to take some bold decisions to move back status of Afghanistan from conflict to post-conflict country. I would like to give you one example of corruption from personal experience in MOI. When we arrived in 2003, number of ghost Police Force in MOI was 73000. You could not recognize who was police or who was not police even inside the ministry. When we started individual payment, the number of police force reduced to 52,000 in the

(c) ketabton.com: The Digital Library

second months but now again the situation is the same. IF we count total expenses per police officers, minimum 5,000 Afghanis per month, it means there was 21 Million Afghanis (about half a million dollars) corruption per month. I don't want to talk here about other examples of pity and grand corruption which is currently going on in Afghanistan. No one knows that how many police and other security forces really exist in each district and provinces and what they do. The list of those who are not involved might be shorter compare to those who involved in corruption.

3. **Most of the security plans do not support governance and development activities to have long-term stability.** From my point of view, after each security operation there is strong need for placing good and effective administration in the districts or provinces. Then we need urgent economic development for longer-term stability. We all know that backwardness and lack of employment is the main source of recruitment for insurgency in Afghanistan but without consolidated package which should include security, governance and development, we cannot succeed. Insurgency cannot be stopped with only security operations which is only the first step. As much as the power of the governors are undermining by security machinery, it means we undermine

(c) ketabton.com: The Digital Library

governance and in the absence of good governance, we cannot improve security. Just three moths ago, I asked one of the person who was responsible for Police reform that why you changed the rules and procedure that police chief in the provinces should not report to the governors. He told me that because there are no good governors. I told him, "it means if there is no good driver, you should burn all the vehicles".

4. **Due to insecurity, especially in the south, humanitarian space is shrinking, and it is great concern for UN and others civilian actors.** Cooperation of the people with the government is declining because If people of Afghanistan, especially in the rural areas, do not feel safe in their houses during day and night, how they will cooperate with the government, especially in lieu of brutal terrorists tactics by Taliban to kill even 70 years old women for accusation of spying to the government and coalition forces. Which is inhumane act by all norms, Islamic, Afghan culture and International human right standard.

   Also, people of Afghanistan receive mix or contradicting messages which increase doubt on the Afghanistan mission. If we look to the release of Italian journalist and killing of Afghans, it is very said event for all of us. This further deteriorated humanitarian space for

(c) ketabton.com: The Digital Library

NGOs and Aid workers as well as government officials to work in the districts or travel without security arrangement. I have personal candid suggestion for our military colleagues, in order to win heart and mind of the people, there is strong need for changing the current military role of engagement. I don't want to go in details because there are so many examples especially regarding arrest and searches of the houses in Afghanistan. In order to better understand Afghanistan, I wrote a small paper and I can share it with you.

5. **The question of ownership is big issue.** We all want to have Afghans in the driving seat and to be empowered but the question is how to do it? Strategically, the international community can help Afghanistan but on the tactical level, it is up to the Afghans to make day to day decisions. The more we involve on the day to day operation, especially on security level, the more we make mistakes. Also, this will enhance dependency. People of Afghanistan are tired to hear the words of capacity and strategy. Yes, Afghanistan do not have enough capacity compare to other countries or international standard but there are enough people if you give them a chance they will do better. The big question is gap between strategy and implementation. In general, there is lack of communication between first, second and third

(c) ketabton.com: The Digital Library

tiers of the government. If you go and ask a minister and then even go to the deputy minister level, some of the ministers are not able to communicate his/her vision or agenda to his deputies. I don't want to talk about lacking of understanding of national program on sub-national level. From my personal experience if the government can communicate its vision to lower level, there are enough personal to do the daily work and implement even complicated programs.

In order to summarize my statement to have good understanding, there is strong need for military and civilians actors to engage in all levels. The Taliban are not very stronger, in fact the government is very weak and the root cause of all problems in Afghanistan is bad governance. I hope, the next two days of seminar, you will touch all these issues and you all will have a fruitful discussion to find practical solutions. I am sure it is difficult but it can be done.

Once again, I would like to thank the organizers of this seminar for providing us the opportunity to discuss civil-military cooperation and interactions.

Thanks for your attention.

(c) ketabton.com: The Digital Library

High Level Conference on Multidimensional and Integrated Peace Operations Organized by Foreign Ministry of Norway in Oslo

From 29-30 October 2007

I would like to thank Ministry of Foreign Affairs of Norway for organizing this important meeting and extend invitation to me to participate in the last moment. Especially I thank Ms.Kasperson for arranging all this.

What I talk here today, is my personal view as Afghan/American who is now working with the UN and used to work as Deputy Minister of Interior from 2003-2005. I am one of the advocates of integrated approach to have good governance in order to make, keep and build enduring peace in Afghanistan and in the region which has direct impact on world security.

In the case of Afghanistan, I would give you an analogy which I repeated many times in the last six years; When a patient go to a doctor, the doctor would ask for the history of the symptoms, then the doctor recommend some lab work or x-ray, and after diagnosing the problem, the doctor give prescription. The patient and doctor should make sure to use the full dose of the prescription otherwise the symptoms will return back. If the symptoms return back, next time the doctor will prescribe high dose of medicine. If the prescription is not according to the symptoms, it will have side affects.

(c) ketabton.com: The Digital Library

In Synthesis paper, there was more focus on the integration of international actor role but there is less focus on the role of national governments or actors. If the model is like Kosovo, then we can talk about integrated action of international stakeholders. If the model is different e.g. in Afghanistan, then we are missing a partner.

In the case of Afghanistan, the much focus was on the implementation of Bonn Processes in order to give legitimacy to the government but less attention was paid to build institutions in order to enhance credibility of the government.

During last six years, significance progress has been made in Afghanistan regarding building infrastructure and access to resources but due to lack of rule of law and bad governance, we cannot say that Afghanistan is post-conflict country anymore. May be some colleagues will not be agreed with me to say Afghanistan is a country in conflict but my friends; this is reality on the ground. Why I say this because the program or plan we suppose to make for the country which is in conflict different than from post-conflict countries. It means, the program which you can implement in the normal situation, you can not implement it during conflict situation.

If I go back to my analogy of patient, we still have problem in diagnosing the problems in Afghanistan. The sources of insecurity in Afghanistan or AGEs are Taliban-Al-Qaeda and other insurgents groups, drug-lords, war-

(c) ketabton.com: The Digital Library

lords and organized criminal groups. These elements are linked to each other or in most cases they are the same player. These players are powerful because they have strong influence among political, executive and economic institution in Afghanistan. They are also linked to international mafia. In order to fight these sources of insecurity in Afghanistan, there is need for strong political will to make tough decisions.

There is strong need for integrated approach in the sectors of security, governance and development and they should be linked. And the integrated approach should be supported by all stakeholders in international community and government of Afghanistan. Division among the international stakeholders or with the government of Afghanistan is not helpful.

(c) ketabton.com: The Digital Library

Before, I make my comments; I would like to say that this is my personal comments and does not represent the view of United States Institute of Peace.

Even though, there are some similarities between insurgency in Afghanistan and other conflicts which had been discussed in the last two days[123] but the nature of conflicts, root causes and end state of these conflicts are different from each other. Regarding negotiation with insurgency in Afghanistan, there are three questions has to be answered. Who are insurgents? How to negotiate or deal with each element of insurgency? Is the timing right for negotiation with those insurgents groups who are reconcilable?

To answer the above three questions in brevity, the current insurgency in Afghanistan is completely different from the traditional 20th century conflicts. In the 20th century conflicts the root causes of the most of those conflicts were based on nationalistic, cessationist and social movements. But the main groups of insurgency in Afghanistan (Al-Qaeda and those Taliban who are close to Al-Qaeda) do not recognize state, traditional Islam, borders and cultural values. They are Takferi group to continue

[123] Iraq, Tajikistan, El Salvador, Nagaland of India, Nepal and Darfur of Sudan

(c) ketabton.com: The Digital Library

jihad till they are alive and fight against those who work, support and has link with the west. They want to establish Islamic Amarat (state) in Afghanistan and the rest of the world.

To answer the second question, even the reconcilable insurgents groups do not have political structure like Hamas or IRA (Irish Republican Army) to negotiate with them. They are not independent groups to negotiate without consent of their God father who supports them. I believe timing for reconcilable Taliban is not ripe because negotiation will only happen if one side is winning and the other side is losing or if there is stalemate. In the fighting fronts in Afghanistan, so far, there is no stalemate and also each side thinks that the other side will be defeated or at least will be weakened and then they will negotiate from the position of strength.

We all know that insurgency cannot grow if internal conditions are not conducive and external support and safe haven are not available. I would like to talk little bit about these external and internal factors of insurgency in Afghanistan.

Internal factors of insurgency are bad governance and weaknesses of the government of Afghanistan which has created conducive settings for organized criminals, drug mafia, war mafia and power mafia. These bad non-government actors have enormous influence in executive, political and economic institutions of Afghanistan. The internal factors of instability are 80 or even more than 80%

(c) ketabton.com: The Digital Library

of the problem[124]. Sometime, the internal bad actors are strengthened or in some cases supported for tactical reasons by external stakeholders who are actively involved in Afghanistan due to the lack of political strategy and clear objective. Of course, weak leadership in Afghanistan is the main obstacle to lead and take responsibility to make progress about all the above issues.

In the case of Afghanistan as famous saying that you can win the battle but you cannot win the war. I strongly believe that under current circumstances and relationship between the government of Afghanistan and international community, they cannot win the war. They may make scores against each other but they are too far away to win the war in Afghanistan. In order to win the war, the government of Afghanistan has to change the way of governance status quo. The current way of governance has been tested in the last nine years but didn't produce desirable result. The policy to accommodate bad guys in the system with sacrifice of rule of law produce negative outcome. This formula of accommodation has not worked and moved Afghanistan from bad to worse situation. In the eyes of average Afghans, the current situation can be changed for good very easily but since there is no political will to improve situation, it become very complicated by the government of Afghanistan as well as by the international community. Instead to simplify complicated situation, they complicated the simplified solution. The situation in Afghanistan has been reached to a point that

[124] United Nations Assistance Mission in Afghanistan (UNAMA) (2008). *Unpublished internal survey of JMAC (Joint Mission Analysis Center) of UNAMA*.

(c) ketabton.com: The Digital Library

with cosmetic surgery you cannot fix it. Especially, the situation is getting worse in the last two years and the Afghans do not see light in the end of tunnel.

There might be several options to change the status quo but there is need for a strong political will to break vicious cycle of bad governance to fight with war mafia, drug mafia and power mafia who are infested as cancer in political, executive and economic institutions of Afghanistan. There is a lot of discussion to increase National Army and National police but there is less discussion to reduce level of threats internally as well as from the external actors in Afghanistan. I believe only increasing quantity of Afghan National Security Forces (ANSF) cannot fill the security gap. Also, ANSF is not sustainable in the long run.

Now, I would like to talk about external factors of insurgency in Afghanistan.

External factors of insurgency in Afghanistan have been divided by various groups such as Taliban (Quetta and Peshawar) shuras, Haqqani group, Hezb-e-Islami Hekmatyar group and Al-Qaeda remnants which play mentors and financiers role to all these groups. The above groups are supported one way or another by Afghanistan neighbors. For example in the case of Pakistan, this segment of insurgency in Afghanistan again can be divided by two categories of good Taliban and bad Taliban. Bad Taliban are those who fight in Pakistan and good Taliban are those who fight inside Afghanistan. Also, we know that

(c) ketabton.com: The Digital Library

some Taliban groups get some support from Iran in order to create manageable headache for NATO forces in Afghanistan for their strategic objectives. As you know better than me that Afghanistan's distance neighbors such as India, Russia, Saudi Arabia, China and even Turkey also have their own interest in the region and especially in Afghanistan. They are not innocent players. To deal with all these groups, you need to use different carrots or sticks.

I do not want to move from the actual topic that in lieu of the above circumstances is negotiation is possible while fighting or not? Negotiation is always possible while fighting but in view of the above problems, it is very difficult to have negotiation with Taliban without broader range of consultation among national, regional and international stakeholders. So far, a lot have been discussed about negotiation with Taliban by various actors but in reality all discussions are based on a deal to meet short term objectives. I am not talking here only about impostor Mulla Mansoor[125] meeting with the government of Afghanistan.

[125] Mulla Mansoor was a known Taliban commander but a man contacted Afghan government by the name of Mulla Mansoor that he is ready for negotiation. According to one source in Afghan Palace, NATO forces provided logistic support and brought this imposter Mulla Mansoor to Kabul and had two meeting with President Karzai. One day, President Karzai brought the same person to the meeting of National Security Council and told the participants that who knows this person? Since no one met him before, everyone become quite, then President Karzai said that when you hear the name of this person, everyone will afraid from him. This man is Mulla Mansoor. Later on it was found that the person was not Mulla Mansoor and he was a shopkeeper in Quetta but got a lot of money from NATO forces and Afghan government. This show how weak was Afghan and NATO intelligence. For further information on fake Mulla Mansoor you can read

(c) ketabton.com: The Digital Library

In short, deal might bring some short term tactical gain and stability between the governments of Afghanistan and Pakistan or between NATO and Pakistan but deal may not produce durable peace in Afghanistan and in the region. Deal might create conditions for possible spillover of enhanced type of insurgency to several other regions such as Central Asia, South-East Asia and Middle-East which will have wider consequences for Europe and the rest of the world.

As far as I understood, negotiations among Taliban, Afghanistan, Pakistan and international stakeholders are based on the following three kinds of deals:

1. Taliban would like to have direct negotiation with the United States and want more recognition of their movement to have political office such as Hamas in Damascus. This is the view of those Taliban who would like to have some sort of independence from Pakistan influence. But we have seen that those who have acted without consent of Pakistan, they have been arrested like Mulla Brader, the second high ranking Taliban leader of Quetta Shura. In this case scenario, Pakistan may not allow Taliban to have independent track of negotiation.

2. Afghanistan would like to have deal with Pakistan in order that Pakistan might deliver peace in Afghanistan through their control or influence of

New York Times article: http://www.nytimes.com/2010/11/23/world/asia/23kabul.html?_r=1&pagewanted=all

(c) ketabton.com: The Digital Library

Taliban. But trust deficit between Afghanistan and Pakistan may not allow such kind deal to produce result. Also, such kind of a deal might be rejected internally by non-Pashton ethnic groups in Afghanistan as well as by other actors in the region such as India, Iran, Central Asian countries and even Russia and China. They might perceive Taliban's come back as threat to their internal security in the long run. This deal may also not produce durable stability.

3. If a deal happened between Pakistan and NATO forces especially the United States to support US objectives in short and long term to allow Taliban influence in Afghanistan with support of Pakistan but in exchange, Pakistan should guarantee that Al-Qaeda should not have presence in Afghanistan in the future to organize attacks in the west or against the US interest in the region. In another word to outsource security of Afghanistan to Pakistan. I believe this deal may not produce a good result as well. Again, many groups in Afghanistan as well as regional actors may not accept such kind of a deal that Pakistan would have larger influence in Afghanistan.

In conclusion, the above case scenarios return us to central question of; was the international community attempting to intervene in Afghanistan to build a transparent democratic state in Afghanistan or just fight the war on terror?

(c) ketabton.com: The Digital Library

The war on terror in Afghanistan has started to remove the Taliban government which has harbored Al-Qaeda and Afghanistan should not become safe haven for terrorist groups. If the whole negotiation were based on deal, then we are in square one again after spending hundreds of billions of dollars and above all, loss of lives of so many people; Afghans and international soldiers.

I believe that there is no other option except to align interest of Afghans, regional and international stakeholders and find reasonable enduring solution for Afghanistan problems. Without wider range of consultation and transparency in the process of peace and negotiation, deal may not deliver peace in Afghanistan. This kind of solution only will happen if the Afghan government leadership changes their attitude to have better governance and promote a workable and practical agenda of stability. If the Afghan government cannot define their roles and responsibilities, I am afraid; the international community cannot bring peace and stability and they might look for exit strategy without durable peace in Afghanistan. Afghanistan once again might be plunged into civil war and become safe haven for terrorist organizations, with one difference; this time, the terrorist organizations are more sophisticated and have more links with regional groups. They may create more problems for the rest of the world as they did before. Of course, there is no doubt that the Afghans will suffer utmost as they have suffered after the withdrawal of the Soviet Forces from Afghanistan in 1989.

(c) ketabton.com: The Digital Library

International Conference on Rethinking International Intervention in Afghanistan[126]

Organised by

Indian Council of World Affairs, (ICWA), New Delhi
in Collaboration with
Maulana Abul Kalam Azad Institute of Asian Studies, Kolkata
6 - 7 January 2011, Sapru House, New Delhi

Military withdrawal: prospective scenario for Afghanistan and the region

"American policymakers must recognize that COIN is not and cannot be a substitute for policy and principles, and until they decide what it is they want to accomplish and why, even the best and most humane intentions will do little more than delay the inevitable and ignominious retreat to come"[127].

Historic background:

Afghanistan and this region are in a very difficult juncture of history. In the past three decades, Afghanistan has faced several turmoils; the Soviet Union invasion (1979-1989), civil war (1992-1996), the Taliban regime and Al-Qaeda's influence over the regime (1996-2001), and

[126] The proceeding of this conference was published by Maulana Abul Kalam Azad Institute

[127] Counter Insurgency as Cultural System by Professor David Edwards, published by Small Wars Journal in December 2010. http://smallwarsjournal.com/blog/2010/12/counterinsurgency-as-a-cultura/ (last accessed 3 January 2011)

(c) ketabton.com: The Digital Library

the military intervention by coalition forces since 2001, but unfortunately none has learnt from the past history and has repeated the same mistakes.

If we look to the recent past, which is living history for Afghans because those who wtinessed it are still alive, the Soviet Union gradually increased their influences and forces in Afghanistan without clear vision of what to achieve in the long-run. The Soviet Union invaded on 27 December 1979 in order to defeat the Mujahiden resistance swiftly and save the collapse of the communist regime. But the Soviet Union invasion was seen by the Afghan people, as well as by international community, as violation of the UN charter, and faced with fierce resistance movement by the Afghan people. The Russians claimed that they had been invited to the country at the behest of President Amin's government and that they were not invading the country. They claimed that their task was to support a legitimate government and that the Mujahideen were no more than terrorists.[128] Since this argument didn't have base because the Soviet forces killed Hafizullah Amin, the man they claimed to have invited them. Therefore, it is illogical to think that someone will invite others to kill him/her. The Soviet forces tried to subdue and eliminate the Mujahiden resistance quickly, but instead the Mujahiden resistance got a major boost in the form of open-ended support by the west and Islamic countries.

---

128 http://www.guidetorussia.com/russia-afghanistan.asp (last accessed on 20 December 2010)

(c) ketabton.com: The Digital Library

In addition to the sacrifices of the Afghan nation, the Soviet Union didn't succeed in Afghanistan because from the very outset, the People Democratic Party of Afghanistan (PDPA) fragmented and weakened because of internal rivalries among its leadership. First, communist Leader of Khalq Faction of PDPA, Noor Mohammad Taraki, was killed by his deputy prime minister, Hafizullah Amin, on 14 September 1979[129]. Hafizullah Amin was killed by the Soviet Union, invaded forces on 27 December 1979 and replaced him with Babrak Karmal, leader of Parcham faction of PDPA, who lived in exile. Due to an ineffective rule of Babrak Karmal, he was pressured by the Soviet Union to resign and was replaced by Dr. Najibullah on 4 May 1986.[130] Dr. Najullah was head of the intelligence agency (KHAD) at the time.

Dr. Najibullah launched national reconciliation (Ashtee-e-Milli) plan in 1986, but failed to convince the people of Afghanistan to support the government. Eventually, Dr. Najibullah was overthrown in April 1992 by the Mujahideen groups.

Subsequently, Prof. Sibghatullah Mujadedi, leader of the National Liberation Front, under an accord in Peshawar amongst the Mujahiden groups which was mediated by the then Prime Minister of Pakistan, Nawaz Sharif, took over as the first Mujahiden ruler for only two

[129] http://www.afghanistan-culture.com/noor-mohammad-taraki.html (last accessed on 20 December 2010)

[130] http://en.wikipedia.org/wiki/Mohammad_Najibullah (last accessed on 20 December 2010)

(c) ketabton.com: The Digital Library

months[131]. Mr. Mujadedi was replaced by Prof. Burhanudin Rabbabi, leader of another faction of Mujahiden groups named Jamiat-e-Islami. Ultimately, Civil war started between different factions of the Mujahiden and continued till 1996, when Taliban took over Kabul. Even though a small resistance against Taliban regime was continued by the Northern Alliance, under leadership of Commander Ahmad Shah Masood in the North-East of Afghanistan, but the Taliban were able to consolidate their power over about 95% of Afghanistan. After tragic incident of September 11, the Taliban regime was removed by coalition forces in December 2001 and under the Bonn Agreement, President Hamid Karzai was appointed as head of the Interim Government of Afghanistan[132].

Soviet Union withdrawal from Afghanistan under Geneva Accord:

The Geneva accord of April was signed in 1988 between the governments of Afghanistan and Pakistan in order to find exit strategy for the Soviets Union forces from Afghanistan. The Geneva Accord was negotiated between the governments of Afghanistan and Pakistan in indirect talks through the United Nations. The United States and USSR were signatories to guarantee implementation of this accord[133] and the Afghan Mujahidin or resistance groups

---

131 http://www.issi.org.pk/journal/2000_files/no_2_3/article/6a.htm (last accessed on 21 December 2010)

132 http://en.wikipedia.org/wiki/Hamid_Karzai (last accessed on 20 December 2010)

133 http://books.google.com/books?id=Ko1O1ZuuVJkC&pg=PA5&lpg=PA5&dq=UN+special+envoy+Diego+Cordovez+role+in+Geneva+accord+in+1988&source=bl&ots=RdONvNTl-z&sig=jJiPSFO4liiJ93gGPOCsE92VYZ8&hl=en&ei=GTnyTPCOOYywhQeL39S2DA&sa=X&oi

(c) ketabton.com: The Digital Library

were not part of this deal. The Special UN envoy, Diego Cordovez, who mediated this accord, visited refugee camp of Kacha Gari[134], near Peshawar city of Pakistan, after signing of the Geneva Accord in 1988. The objective of his visit was to inform Afghan refugees about Geneva Accord and get their opinion. When Diego Cordovez delivered his speech in a big gathering of Afghan refugees, on behalf of the Afghan refugees, my father, Sayed Mahmood Hasrat, thanked Diego Cordovez for his visit to the refugee camp to share his views about Geneva accord and told him,: "It would be better if you could visit us before the signing of this agreement and had sought the views of the Afghan refugees. But unfortunately, you seek our views after signing of the Geneva Accord and it has no meaning now. This accord could not help to solve the problems of Afghans because the refugees could not return to their homeland and the war in Afghanistan could not be stopped."[135] In response to my father, Deigo Cordovez responded that he agreed with him, but when he would visit different capitals and meet Americans, Pakistanis and the Mujahiden leaders, all of them would say if the Soviet Union forces withdrew from Afghanistan, the Afghan problems would be solved. He added that Geneva accord only paved the way for withdrawal of the Soviet Union forces and could not solve the Afghan problems. Diego Cordovez was right; the Geneva accord paved the way for withdrawal of the Soviet Union forces but didn't solve the problems of Afghan people to bring stability in the country. Afghanistan plunged into civil war and the Afghans were

---

=book result&ct=result&resnum=2&ved=0CBsQ6AEwAQ# (last accessed on 28 November 2010)

[134] At that time our family used to live in Kacha Gari refugee camp and I used to work as local reporter for the Voice of American Pashto service.

[135] In the light of Truth; Personal account of Mujahiden Uprising published in 2006 in Pashto Language by Pir Printing Press in Kabul by the author of this paper.

(c) ketabton.com: The Digital Library

the ones who suffered the most after the withdrawal of the Soviet Union forces.

Soviet Union dilemma in Afghanistan:

If we look to the above events, the Soviet Union tried to support a weak government which didn't have public support and replaced one after another. The Soviet Union Occupation lasted till 15 February 1989 but left behind a weak government which didn't have public support among the Afghans. Most experts of Afghanistan believed at the time that if the Soviets left, the Afghan government would be collapsed very soon in the span of weeks, not even months. But due to fragmentation of the Mujahidin groups and rivalries, the communist era government lasted for three years and eventually collapsed in April 1992.

From the outset of resistance movement in Afghanistan in the 80s, most Afghans left their homeland because of the atrocities of the communist regime to brand all those who were not member of PDPA as reactionary elements and would count them as enemy of the April revolution (Saur Revolution). In the beginning of the Mujahiden resistance, ideology was a lesser factor and later on ideology become important because of support of various Islamic groups, countries and even the west tried to support Islamic ideology against communist ideology[136] in Afghanistan.

[136] The Author of this paper, wrote a personal account of Mujahiden uprising in Khas Kunar district of Kunar province and Refugee Life named *Da Waqiyatuno Pa Hindara Kee*

(c) ketabton.com: The Digital Library

When the last regime of PDPA collapsed in April 1992, the Mujahiden factions which were supported by close and distanced neighbours of Afghanistan started fighting among themselves for control of power in Kabul. During this period, the capitalal was destroyed and tens of thousands of civilian were killed in civil war. Unfortunately, the world was silent during this period about the atrocities in Afghanistan. Afghanistan was left at the mercy of Afghan neighbours. Proxy war was going on in Afghanistan till Taliban emerged in 1984 in Kandahar to consolidate their power with the support of Pakistan and Al-Qaeda network[137].

When the Taliban emerged as power to rescue the people of Afghanistan from the tyranny and atrocities of warlords and criminal networks, the people of Afghanistan welcomed them but unfortunately the Taliban regime didn't have an agenda to govern Afghanistan properly on the basis of international recognized norms and standards. Eventually, Afghanistan became safe haven for terrorist organization of Al-Qaeda till the tragic events of 11 September in the United Sates.

(In Light of Truth) in Pashto language which is published by Pir Printing Press in Kabul in 2006.

[137] For more details of civil war in Kabul, read Author paper: Seminar on Indigenization of the Afghan Reconstruction: Challenges and Opportunities Organized by Maulana Abdul Kalam Azad Institute for Asian Studies 18-19 March 2009 in New Delhi, India; Challenges and dilemmas of reconstruction and institution-building: social, economic and political factors.

(c) ketabton.com: The Digital Library

NATO and US dilemma in Afghanistan:

Even though the US administrations and NATO repeatedly mentioned that they will not leave Afghanistan, as they did in 90s, without a stable government but according to open source information, they have dilemma with the current government of Afghanistan, especially with President Hamid Karzai as reliable partner[138]. I could say with confidence that the current government in Afghanistan is much weaker than the last communist regime of Afghanistan in 1989 when the Soviet forces withdrew because the communist regime was supported by a largest ideological political party of PDPA in Afghanistan and the regime inherited a better government infrastructure and system. The PDPA members, mostly, were not corrupt and very loyal to the regimes and their ideology. Also, the communist regime was not faced with extremely sophisticated ideological enemy such as Taliban and Al-Qaeda to use IEDs (improvise explosive device) and suicide bombers to blow themselves and others.

The US and NATO, like the Soviet Union, didn't have plan for 10 years to stay in Afghanistan. The US and NATO increased their activities gradually and do not have reliable regional partners. The Afghan security institutions are weak and the Afghan government set-up is conglomeration of factional politics. In the worst case scenario, if the current trend of instability in Afghanistan

138 http://www.time.com/time/specials/packages/article/0,28804,2036683_2037118_2037101,00.html (last accessed on 20 December 2010)

(c) ketabton.com: The Digital Library

stays as is and the international forces leave Afghanistan by 2011 or 2014, I believe, the current regime cannot stay in power for even a week and civil war would erupt again. This is the main reason that despite all the problems, the support for international presence and NATO forces in Afghanistan is stronger, despite of a lot of criticism[139].

Brief account of Afghan National Army and National Police since 2001:

After military intervention of coalition forces and overthrow of Taliban regime in the end of 2001, the international community was not able to define their objectives in the long-run, particularly the US was not in favour of nation building, state building or institutional building in Afghanistan. The Bush administration, as well as very recently President Obama on 16 December 2010 in his annual progress review of US strategy in Afghanistan said, "It's important to remember why we remain in Afghanistan. It was Afghanistan where al Qaeda plotted the 9/11 attacks that murdered 3,000 innocent people. It is the tribal regions along the Afghan-Pakistan border from which terrorists have launched more attacks against our homeland and our allies. And if an even wider insurgency were to engulf Afghanistan, that would give al Qaeda even more space to plan these attacks. And that's why, from the start, I've been very clear about our core goal. It's not to defeat every last threat to the security of Afghanistan, because, ultimately, it is Afghans who must secure their

[139] BBC Survey 2010 http://www.bbc.co.uk/news/world-south-asia-11910134 (last accessed on 21 December 2010)

(c) ketabton.com: The Digital Library

country. And it's not nation-building, because it is Afghans who must build their nation. Rather, we are focused on disrupting, dismantling and defeating al Qaeda in Afghanistan and Pakistan, and preventing its capacity to threaten America and our allies in the future."[140]

If we look to the above speech of President Obama, the international community or NATO forces are not in Afghanistan to have nation building, state building or institution building. Even though, President Bush talked about Marshall Plan[141] for Afghanistan, but in reality, he didn't have long-term plan and commitment to have nation building, state building or institution building in Afghanistan. Since 2001, the international community increased military presence and activities in Afghanistan on the basis of threats they have faced each year. Therefore, the international community didn't support a long-term plan of building security institutions on the basis of very needs of Afghanistan. For example, in the beginning, the international community only supported the formation of limited forces of 50,000 national police and 12,000 border police[142]. This number of border and national police for a country like Afghanistan, with about 30 million population, larger than Iraq, mostly mountainous and emerging from more than three decades of war, was not realistic and too

---

[140] Whit House Press release on 16th December 2010; President Barak Obama speech on the Afghanistan and Pakistan Annual review

[141] http://www.nytimes.com/2002/04/19/opinion/afghanistan-s-marshall-plan.html (last accessed 3 January 2011)

[142] http://www.crisisgroup.org/~/media/Files/asia/south-asia/afghanistan/138_reforming_afghanistan_s_police.ashx (last accessed 19 December 2010)

(c) ketabton.com: The Digital Library

small. They didn't want to support a large police force because the donor countries were arguing that it would not be sustainable for Afghanistan to pay for expenses of police in the long run. Also, the international community, especially, the US, was seeing building Afghan National Police as part of nation building not as component to fight war against terrorism. Therefore, the US more focused on building Afghan National Army. Even the number of Afghan National Army was not well calculated against the internal and external threat exists to the security of Afghanistan. In Tokyo conference, 70,000 Afghan National Army was approved by the international community.[143] The Afghan National Police, which was counted by the Afghan government as main component to fight insurgency, were ill equipped, ill trained and ill paid. In 2003, the Afghan police were paid 30 dollars per month,[144] while Afghan National Army was paid 70 dollars per month. Later on, the salary of police rose to equivalent of Afghan National Army which was 70 dollars per month. Also, actual assistance to police received by the government to Afghanistan in 2006, four years after collapse of Taliban regime but by that time, the insurgency was well spread in the south and south-east of Afghanistan. At time, with the above pay scale, it was hard to have recruitment of qualified and motivated people for Afghan National Police and Afghan National Army. Just recently, the salary of

[143] http://www.mofa.go.jp/region/middle_e/afghanistan/pv0302/ddr_state.html (last accessed 19 December 2010)

[144] The author of this paper was Senior Advisor and Deputy Minister of Interior from 2003-2005 in Afghanistan.

(c) ketabton.com: The Digital Library

patrolmen of ANP and ANA soldiers increased to about 220 US dollars per month.

According to my discussion with former Interior Minister of Afghanistan, Ali Ahmad Jalali, in September 2003, he accompanied the former US Secretary of Defence Donald Rumsfeld to Gardez city of Paktia province during his trip to Afghanistan[145]. After long discussion with Mr. Rumsfeld on police role in security and rule of law, Mr. Rumsfeld asked Minister Jalali to convince him to support police on how it can help counter-terrorism strategy. Unfortunately, Mr. Rumsfeld didn't envision that the police role is very important in counter-insurgency which could help counter-terrorism. I believe that Mr. Rumsfeld would think that support of police was part of nation building or state building and he was not in favour of it. As threats have increased, now the ceiling of Afghan National Police and Afghan National Army will be further increased by October 2011 to 134,000 and 171,600 respectively[146]. Still, I believe that the ANA and ANP are ill-trained and ill-equipped to meet current challenges of security in the country. To cover the cost of ANA and ANP in the long run is another important question to address. I believe that if ANA and ANP are not paid on time for a couple of months, it would be disintegrated, again, very soon.

[145] On 4th December 2010, I had this discussion with Minister Jalali in Kabul.

[146] http://www.aco.nato.int/page265721841.aspx (last accessed 19 December 2010)

(c) ketabton.com: The Digital Library

Transition to Afghan Forces by 2014:

According to the speech of President Obama on 16 December 2010, the US will start reducing their forces from Afghanistan in July 2011 and end combat operation by 2014 as the deadline set by NATO forces in Afghanistan as well[147]. Some members of NATO such as Dutch forces already left Afghanistan in August 2010[148] and Canada committed to end combat operation by 2011[149]. There are two fundamental questions should be answered; one, is the Afghan National Security Forces (ANSF) will be ready to take charge of overall security of Afghanistan by 2014? And the second question is if the Afghan National Security Forces were not able to meet security challenges by 2014, what would be next?

I believe, if the levels of threats which are posed to the security of Afghanistan by external and internal actors are not reduced, it is impossible that the Afghan security forces may be capable to maintain minimum stability in the country, even by 2014. In order to keep minimum stability in the country, the following four points are imperative or prerequisite to achieve this goal:

1. The level of threats from internal actors, such as warlords, drug mafia, organize criminals and war mafia should be reduced.

[147] Whit House Press release on 16th December 2010; President Barak Obama speech on the Afghanistan and Pakistan Annual review.
[148] http://news.bbc.co.uk/2/hi/8526933.stm (last accessed on 20 December 2010)
[149] http://www.reuters.com/article/idUSLDE6AD0GK20101116 (last accessed on 20 December 2010)

(c) ketabton.com: The Digital Library

2. The level of threats from external sources such as sanctuaries and financial support to Al-Qaeda and armed opposition to the Afghan government should be stopped.
3. In order to get support of the people of Afghanistan, governance and rule of law should be improved.
4. The international community, in particular the US, should pledge long-term commitment to cover the cost of ANSF because with the current internal revenue sources, the Afghan government will not be able to cover ANSF expenses, even with the reduced price tag of Afghan standards, for a very long time.

If we look to the prerequisite conditions for maintaining security in Afghanistan, it seems that the ANSF are far from ready to meet security needs of the Afghan people to be safe from state and anti-state actors in their houses and carry their day to day life normally. A six-year archive of classified military documents made public by WikiLeaks offers an unvarnished, ground-level picture of the war in Afghanistan that is in many respects more grim than the official portrayal[150]. The reasons are:

1. Warlords, drug mafia, organize criminal networks infested in the political, executive and economic institutions of Afghanistan and it needs very strong political will, at least, keep them out from the state institutions. I am not talking about their prosecution

[150] http://www.nytimes.com/2010/07/26/world/asia/26warlogs.html (last accessed on 19 December 2010)

(c) ketabton.com: The Digital Library

now. At present, I do not see that such kind political will exist among the current Afghan leadership to address this critical issue. The main driver of insurgency in Afghanistan is existence of criminal networks in the state institutions. Even President Karzai in his inaugural Speech in Peace Consultative Jirga in June 2010 mentioned that some people joined with insurgency because of misdeeds of government officials and some joined because of military operation of coalition forces. All surveys so far, pointed out that the people of Afghanistan do not support Taliban but in the same time people do not trust and rely on the government security institutions for their safety.

2. With the current setting by the Afghan government and business of governance, it is not possible to improve governance in Afghanistan. The main actors who can make differences do not see their interest in improving governance in Afghanistan. If governance improved and rule of law applied equally in the country, they would be the main losers[151].

3. So far, there is no sign that external support to armed oppositions of the government of Afghanistan is waning or it might end very soon

[151] For more details on this topic, please read Dr. Andrew Wilder research on *Winning Hearts and Minds? Examining the Relationship Between Aid and Security in Afghanistan, Pakistan and the Horn of Africa.* Tuft University http://www.tufts.edu/central/research/ResearchNews/Researchers/wilder.htm (last accessed on 3 Jan 2011)

(c) ketabton.com: The Digital Library

under the current volatile situation. Especially Pakistan will not give up option B till she does not see a reliable and stable government in Afghanistan for her strategic depth policy in the region.

4. The Afghan National Army and Afghan National Police are not able to cope with current threat of security without support of ISAF (International Security Assistance Force) forces and especially air support. Afghan National Police and Afghan National Army are still factional army and factional police. If there is no supervision of ISAF forces, they will support political agenda of factional leaders rather than national agenda. ANA and ANP can be disintegrated very quickly and they may have coups one after another[152].
5. Also, long-term commitment of international community to support ANSF for long-run depends on the conditions in the rest of the world. It is not a guarantee!

Conclusion:

In view of the above facts on the ground, I believe, the international community, in particular the US, still has differences of opinion about their operation and objectives in Afghanistan. Some among the US administration argue that with the current weak partnership with the Afghan

[152] Auxiliary Force or National Army? Afghanistan's 'ANA' and the Counter-Insurgency Effort, 2002–2006 by DR. ANTONIO GIUSTOZZI, Crisis States Research Centre, LSE, Small Wars and Insurgencies, Vol. 18, No. 1, 45–67, March 2007. Cops or Robbers? The struggle to reform the Afghan National Police by Andrew Wilder http://www.areu.org.af/index.php?option=com_docman&task=doc_details&gid=523&Itemid=99999999&lang=fa last accessed on 20 December 2010) and Private Security Companies and Afghan Population that no one guards the guardian by Susanne Schmeidle and Lisa Rimli http://www.swisspeace.ch/typo3/fileadmin/user_upload/pdf/PSC.pdf last accessed on 20 December 2010)

(c) ketabton.com: The Digital Library

government, it is not possible to win the war in Afghanistan militarily. The US ambassador to Afghanistan mentioned in a leaked cable that President Karzai is not a reliable partner.[153] It has to be weighed whether it is better to make a deal with the Taliban or Afghanistan's neighbour to achieve their main objectives. As President Obama mentioned, "…disrupting, dismantling and defeating al Qaeda in Afghanistan and Pakistan, and preventing its capacity to threaten America and its allies in the future."[154] But at the same time, Vice President of the United States, Joe Biden believes strongly that "...despite uneven progress in Afghanistan, next summer's planned withdrawal would be more than a token reduction and that the U.S. would be out of the country by 2014 "come hell or high water."[155] But, others in the Obama administration have said repeatedly that July would mark the beginning of the troop withdrawals and that their size would depend on military conditions.[156]

If we look to the above statements, there is still ambiguity about the US and NATO objectives, commitment and long-term military presence in Afghanistan, as well as in the region. ISAF and US forces transition to the Afghan National Security Forces are not

---

153 http://www.time.com/time/specials/packages/article/0,28804,2036683_2037118_2037101,00.html (last accessed on 20 December 2010)

154 Whit House Press release on 16th December 2010; President Barak Obama speech on the Afghanistan and Pakistan Annual review.

155 http://www.time.com/time/politics/article/0,8599,2037861,00.html?xid=rss-politics (last accessed on 20 December 2010)

156 ibid

(c) ketabton.com: The Digital Library

certain to be achieved by 2014 in the absence of capability and capacity of ANSF. If NATO forces end military operation in Afghanistan abruptly, without considering on the ground realities, capacity and capability of the Afghan National Security Forces, it may cause a big chaos and collapse of Afghan government.

If international forces prematurely depart from Afghanistan on the basis of some bilateral deal, this region will face a bigger turmoil, it will have profound negative consequences for all countries of the region because enemies of stability and good governance are more sophisticated now than in 1990s. The danger will not be confined to territory of Afghanistan only. It may expand to South Asia, Central Asia and Middle East. Of course, in the worse form, it may expand to Europe and the rest of the world. Afghanistan might once again become battle ground for proxy wars, which would pave the way for Al-Qaeda to re-emerge and have bases in this region. They may threaten the security of Afghanistan, the region and rest of the world. Of course, the Afghans will suffer utmost as they suffered after the Soviet Union withdrawal on the basis of Geneva Accord in 1988. As various other writers and analysts have also pointed, there is no short cut to stability in Afghanistan[157]. Therefore, it is imperative for international community to engage all national, regional and international stakeholders to find a reasonable political solution for Afghanistan crisis in order to have durable peace and stability. Ignoring reality on the ground may have wider consequences for all stakeholders.

[157] No Shortcut to Stability, Justice, Politics and Insurgency in Afghanistan by Stephen Carter and Kate Clark published by Chattam House in December 2010

(c) ketabton.com: The Digital Library

We should support Afghans' approach to justice[158]

By
Whit Mason and Shahmahmood Miakhel

Sitting in a garden in Jalalabad as tribal elders near us discuss how to restore peaceful relations after a murder, we read with dismay about the latest ructions among the US's fractious peacemakers in Kabul.

American military and civilian officials in Afghanistan are publicly quarrelling over how to bring electricity to Kandahar, the country's embattled second city and spiritual home of the Taliban. Haunted by President Obama's pledge to begin drawing down military forces just 15 months from now, Lt. Gen. Stanley McChrystal's staff favours spending $200 million very quickly to flood Kandahar City with generators. A stabilization officer at the Kandahar Airfield, the huge and swelling base in the desert a forty-minute drive from the city, calls the lack of electricity 'the principle symbol of the government's inability to provide public services.' The US embassy insists that the electrification program must be done in a form the Afghans can sustain after foreign support is withdrawn.

[158] We wrote this OpEd in Jalalabad on 25th April 2010 but didn't publish it due to internal disagreement with USIP.

(c) ketabton.com: The Digital Library

Though the debators' intentions are undoubtedly sincere, the entire discussion reflects a profound misunderstanding of Afghanistan and what has driven the insurgency. Afghans would certainly enjoy having round the clock electricity. But as a tribal elder remarked to us when we recounted this debate to him, they have lived without electricity for centuries and another few years is really neither her nor there. What does matter to Afghans is justice and the security that flows from the expectation that justice will be done.

The Taliban themselves promise nothing but their rough version of justice. No one joins the insurgency because they imagine it will deliver electricity and modern appliances.

Not that the US in stinting on justice. Washington has just granted a $10 million contract to administer a program to support traditional justice in four districts (out of Afghanistan's 496 districts.) The traditional justice system, based on councils of elders or jirgas, has operated for centuries without financial support. Those who have the prestige to make decisions that will be respected do not work for money. Decisions by those who will work for money won't be respected. The elders certainly don't need training from outsiders. What they do need is recognition by the state, so their decisions are respected and enforced when they are accepted by both parties or can be expeditiously appealed when they are not.

(c) ketabton.com: The Digital Library

Since corruption is a crippling problem throughout Afghanistan, the US embassy is now urgently pushing for the creation of a special anti-corruption court. At a meeting on the new court, an experienced European judge presented some ideas about how to establish the court's legal basis. A US official cut her off: 'We don't have time to worry about its legal basis; what we need to know is how fast we can find the office space and people to fill it.' There is no time, in other words, to worry about the rule of law while building the latest tool for forcing the rule of law on Afghanistan. Confused? Imagine how Afghans feel.

How, one may wonder, can intelligent, well-intentioned people adopt policies and priorities so out of sync with Afghans' values and aspirations? The officers and officials hatching these plans have mostly never set foot in Afghanistan. Sure, some have logged countless miles flying over it and bent over computers in crude buildings on US or NATO bases, but this is not Afghanistan. They have not attended weddings, or jirgas or sat in hojras, the guesthouses where Pashtun men gather and chew the fat. Anyone who had listened to Afghans in such settings would share our dismay.

Doing better requires not more money or manpower but adherence to a few simple principles. Prioritize the thing that Afghans crave most and that won the Taliban its original followers back in the mid-nineties – justice. Don't try to substitute money for understanding and relationships, but use understanding and relationships to build bridges between the customary system of justice that has worked

(c) ketabton.com: The Digital Library

for centuries and the state. Practice what you preach. Listen.

That's what the elders in the garden here have been doing all day. It takes time and it takes patience. But it leaves Afghans in peace.

Whit Mason heads the project on justice in peace-building and development in the Centre for Interdisciplinary Studies of Law, UNSW, Sydney, and is an advisor on the US Institute for Peace's dispute resolution project in Afghanistan. Shahmahmood Miakhel served as Deputy Minister of the Interior in the Government of Afghanistan and is now USIP's Chief of Party there.

(c) ketabton.com: The Digital Library

A brief overview of the Afghanistan Stabilisation Program (ASP): A National Program to Improve Security and Governance[159]

Introduction

Since the coup in April of 1978 by People's Democratic Party of Afghanistan (PDPA), the social, cultural, political, economic, governance and security fabrics of Afghanistan institutions have been destroyed by subsequent regimes of Mujahedin and Taleban. It is impossible to have enduring peace, stability and development in a country without strong political, social and economic institutions and foundations. Following 33 years of war and instability in Afghanistan, in most cases, linkages between central, provincial, district and village governance are non-existent or very weak.

After the overthrow of the Taleban's regime in 2001, the government of Afghanistan and the donor community from the very outset recognised that the institutions of the

[159] This paper I wrote it for Afghanistan Analyst Network but didn't publish it and later on it was published by Middle East Institute in Washington DC on 19th of June 2012. http://www.mei.edu/content/afghanistan-stabilisation-program-asp-national-program-improve-security-and-governance (last accessed 24 June 2012)

(c) ketabton.com: The Digital Library

government of Afghanistan had only weak skeletons of structure in place. The government of Afghanistan under the National Priority Programs (NPPs) launched the Afghanistan Stabilisation Program (ASP) in 2004 as one of NPP's programs to strengthen local governance.[160] In 2002 and 2003, most of the district headquarters in Afghanistan did not have proper buildings from which to run local administration. The main objectives of the ASP were to extend the reach of the government of Afghanistan in the districts and provinces of the country through building physical infrastructures and enhancing the capacity of local governance.[161] To achieve the above goals, it was important to build the hardware of government - physical infrastructure of provincial and district headquarters - and, as software, to build the capacity of local governance and link these efforts with Civil Service Reform.

ASP'S STRUCTURE AND ACHIEVEMENT

In order to implement ASP's program properly, the Afghan government established an inter-ministerial task force under the leadership of the Interior Minister. The Ministries of Finance, Communication, Urban Development and Housing, Rural Development and Rehabilitation (MRRD) and the Ministry of Economy were members of task force. Under the inter-ministerial task force, the Project Management Unit (PMU) was established in the Interior Ministry, and the donor community led by

[160] In 2002-03 the government of Afghanistan launched 7 NPP programs: the Afghan National Army, National Police, National Emergency Employment Program (NEEP), Disarmament, Demobilisation and Reintegration (DDR), Justice Sector Reform, National Solidarity Program (NSP), and Civil Service Reform.
[161] MOI's internal ASP project document

(c) ketabton.com: The Digital Library

the British government contributed twenty million pounds. The United Nations Assistance Mission in Afghanistan (UNAMA) additionally funded six pilot districts of Mohammad Agha in Logar, Muqar in Ghazni, Nahrin in Baghlan, Ghurband in Parwan, Sayed Karam in Paktia and the Yakawolang district in the Bamiyan provinces.[162]

Subsequently many other countries made the following pledges:

ASP Donor Commitments and Pledges at the End of 2005	
Donor	Commitments (Pledges) US dollars
DFID (UK)	36,600,000
Netherlands	4,320,000
Japan	12,000,000
UNAMA	1,246,396
USAID [1]	14,200,000
Canada [2]	9,700,000
Total	78,066,396[2]
Source: Ministry of Finance.	

At the end of the Constitutional Loya Jirga (CLJ) in 2003, Afghan President Hamid Karzai promised US$1 million in development money to each province through the Provincial Stability Fund (PSF). In order to spend this money, the provincial government was instructed, with counsel from elders, to identify key development projects to be funded from this program. The PSF program became

[162] ASP project documents

(c) ketabton.com: The Digital Library

another component of the ASP and through consultation between governors and elders implemented 294 projects[163] in 14 provinces. The government of Japan pledged to fund this program from revenue they received supplying oil to coalition forces. Ultimately, the government of Japan only contributed US$six million after the cancelation of the oil deal intended to fund their contribution. Other donors did not contribute to this program, and the promise of US$1 million to each province made by President Karzai at the CLJ was not fulfilled due to lack of funding.

Under the ASP, by October 2005, the construction of one hundred district headquarters was contracted, but the actual work in some of those original districts had still not been completed after five years. President Karzai and Interior Minister Ali Ahmad Jalali inaugurated the completion of the first district-headquarter building in Mohammad Agha in Logar province in June 2005.

[163] PSF MOI internal document

(c) ketabton.com: The Digital Library





Photos by Shahmahmood Miakhel: President Karzai and Minister of Interior Ali Ahmad Jalali during the inauguration of Mohammad Agha district headquarters in Logar province

IMPLEMENTATION CHALLENGES

The ASP faced several challenges from the very outset:

1. In the beginning of the program, the Ministry of Interior planned to build in all the districts of Afghanistan in

(c) ketabton.com: The Digital Library

five different stages. Districts that border Pakistan, Iran and northern neighbours were to have headquarters built in the first three stages on a priority basis in order to secure the borders of Afghanistan from infiltration of insurgents and to provide better services to citizens in the remote areas. In the fourth stage, all the districts that are linked to highways were to receive a district office; in the fifth stage, the remaining districts would have headquarters built. Unfortunately, the president rejected this idea, and he selected the first six pilot districts in six different provinces without any specific criteria.

2. The Ministry of Interior suggested that in order to examine the impact of this program, all the districts of one province should be selected in order to build a model province that could be replicated in other provinces. The leadership of the government also rejected this idea; the president then instructed the ASP to randomly select three or four districts from each province so that all the provinces would have a fair share of development. Managing two or three districts in each of the 34 provinces was incredibly difficult and made it impossible to measure the impact of the program.

3. The ministerial task force was not able to recruit an effective management team from the very beginning. Due to the ineffective leadership of ASP, the project did not achieve the goals that were outlined in the project document. Lack of proper management reduced trust and the support of the donor community for the

(c) ketabton.com: The Digital Library

program. The confidence of the donor community was particularly reduced when MOI leadership and ASP's management changed in July 2005. USAID withdrew US$8 million and the Government of Canada withdrew all their money from the ASP program due to lack of proper management. The DFID also withdrew approximately US$10 million from the program.[164]

CURRENT STATUS OF ASP

When the Independent Directorate of Local Governance (IDLG) was established in 2007, the ASP became part of the IDLG, but due to changes in leadership and a lack of trust from the donor community, this program has still not achieved what was envisioned in the original plan. According to the August 2010 report of the ASP, since 2005 only the Asian Development Bank and the government of Afghanistan, using funds from the national budget, had contributed US$16.5 million[165] to the program. The ASP contracted an additional 59 infrastructure and 82 equipment projects, but according to the program manager of the ASP, Eng. Masoom Farhad,[166] they do not have enough money to pay for all contracted projects once they are completed.

[164] August 2010, report of ASP

[165] US$10 million of Asian Development Bank was spent on equipment, vehicles and some salaries for IDLG staff that were recruited outside of the regular governmental structure.

[166] Discussion with the director of the ASP program on 15 August 2010.

(c) ketabton.com: The Digital Library

The to-date financial expenses of the ASP are shown in the table.

To-Date Financial Expenses of the ASP								
Details of Expenditures	Expenditure per Year (in US dollars)							
	2004	2005	2006	2007	2008	2009	2010	Total
Infrastructure	4,690,548	12,037,842	6,452,584	4,126,846	2,633,653	1,893,140	1,020,000	32,854,613
Tools/ equipment	108,800	231,647	685,023	3,665,870	182,306	1,835,049	—	6,708,695
Administrative Costs	865,558	1,367,683	1,772,816	1,558,481	1,127,164	1,070,781	320,000	8,082,483
Total Expenditures	5,664,906	13,637,172	8,910,423	9,351,197	3,943,123	4,798,970	1,340,000	47,645,791

Source: ASP report August 2010

According to the ASP's report in August 2010, the projected cost of the program until 2014 is US$357,547,000, but only US$5,520,174 is committed, resulting in a shortfall of US$352,026,826.

CONCLUSION

In order to build institutions and strengthen linkages between central, provincial, district and village level governance in Afghanistan, there is the need for implementation of sound, viable programs, not unrealistic projects, designed to cover every aspect of the governance process. I believe that the concept of the Afghanistan Stabilisation Program is still a valid one and the IDLG should come with a clear plan of how to manage and implement this program.[167] With some oversight of the ASP, it is possible to link security, governance and development through this program and to improve governance in Afghanistan. In order to avoid mistakes and save time and resources, the donor community should, before supporting any new government programs, examine

[167] In 2005 and 2007, the DFID and IDLG assigned independent audits to review the ASP program. Auditors reported that with some recommended changes the ASP is a valid program and can contribute to the improvement of governance in Afghanistan.

(c) ketabton.com: The Digital Library

the failures and successes of the old programs. It is far more effective to address the shortcomings of programs in which the international community and the Afghan government have already invested millions of dollars than to create new programs that will initially do little other than replicate the work already attempted by programs like the ASP. The ASP has existed since 2004, but the government of Afghanistan and the donor community have still not decided whether this program should be ramped up or permanently shut down while still maintaining the overhead cost of staff and management required by the program. At the same time the government of Afghanistan and the donor community have initiated several other parallel programs such as the Governor Performance Fund, Afghan Local Governments Facility Development Program, and Afghanistan Social Outreach (ASOP), which essentially rename an old concept for funding purposes and introduce a similar set of programs as if they were new initiatives. There are numerous other examples of programs with different names that are all based on the same concept such as the Auxiliary Police, Arbaki, the Afghan Public Protection Force (APPF), the Community Defence Initiative (CDI), the Village Defence Initiative (VDI), the Village Stability Operation (LSO), and the Afghan Local Police (ALP). It is this type of approach based on short-term goals that continues to undermine good governance in Afghanistan.

(c) ketabton.com: The Digital Library

Myths and Impact of Bad Governance on Stability in Afghanistan[168]

There can be no government without an army, No army without money, No money without prosperity, and no prosperity without justice and good administration.[169]

This paper details specific events in Afghanistan during the last three and half decades. Many of these events have become part of the living history in Afghanistan.[170]The main focus of this paper is not on the root causes of the ongoing insurgency in Afghanistan, but on the prospects of political, military, and economic transition leading up to 2014. The paper dispels a few myths that exist among Afghans, as well as within the international community, regarding Afghans and Afghanistan. It is important to mention that these myths have not only become part of the popular narrative and but also significantly influences policy formulation, albeit negatively. As former interior minister of Afghanistan, Ali Ahmad Jalali once said that "the Afghan government and international community are

[168] This paper was published by Singapore National University after a conference proceeding under the title: Afghanistan in Transition: Beyond 2014? 9-10 January 2012, Singapore.

[169] Quotes from ninth century scholar Ibn Qutayba, *Afghanistan ANDS Strategy* http://www.nps.edu/programs/ccs/Docs/Pubs/unands_Jan.pdf. Accessed 18 October 2011.

[170] I have reported on these events in my various roles as a journalist, aid-worker, United Nations and government official.

(c) ketabton.com: The Digital Library

both partners in Afghanistan, but unfortunately neither side understands the other very well".[171]

Myths about Afghanistan

There are two types of myths, one set circulating within the international community and the other set circulating among the Afghan elites. The myths within the international community including the so-called non-Afghan experts, are:

- Afghanistan has never had a functional government;
- Afghans don't know how to practice democracy and see it as perfectly acceptable to make deals with warlords and power brokers or – in some cases – even with known criminals;
- Since the Afghan government is weak and doesn't control areas beyond Kabul, it is willing to make deal with the local warlords;
- The government doesn't function because there is a lack of capacity and absence of laws and institutions to govern;
- Since Afghanistan's government doesn't function because of its ineffectual centralized system, the best thing to do is to ignore the central government and work with the peripheries; and
- Corruption is an inevitable part of Afghan culture.

Similarly the myths circulating among the Afghan elites are as follows.

[171] Author discussion with Minister Jalali on 31st of January 2012 in Washington DC.

(c) ketabton.com: The Digital Library

- Counter terrorism is an excuse by the international community, especially the United States (US), to control the region in order to have access to Central Asian natural resources;
- The US wants to have a long-term presence in Afghanistan in order to stop Chinese influence in the region;
- The US is in Afghanistan to have control over extensive mines and natural resources in Afghanistan;
- For the international community to stay in Afghanistan, it is imperative that they maintain keep the status quo- allow insurgency to fester- to justify their presence, even if it means supporting both the Taliban and Afghan government at the same time;
- The presence of international community is a conspiracy against the Pashtun ethnic group in the region, which explains why a majority of fighting is occurring in the Pashtun areas on both sides of the Afghanistan-Pakistan border;
- The prime objective of international community is to destabilize the region, which is why they support both the Afghan government and Taliban. This view is particularly widely prevalent in rural areas where there is a significant information gap; and,

(c) ketabton.com: The Digital Library

- The international community is in Afghanistan as part of a larger conspiracy to destroy Islam.

It is important to explain and dispel these myths. To begin with the myth that Afghanistan has never had a functional government and corruption is an inevitable part of the Afghan culture, is flawed.

Before 1978, people of Afghanistan experienced a functional government. They had the opportunity to travel to different provinces, to study in the universities, to fulfil military duties, to work as civil servants and also to address their grievances through the existing formal and informal institutions. All ethnic groups and educated elites had opportunity to serve in different part of the country and know each other better. In those times, for example, an unarmed police soldier in a very remote part of the country could summon anyone who had committed a crime or against whom someone had lodged a complaint, to the local government office. The elders -*Maliks, Arbabs, Kalantar of Guzar or Qaryadars*[172]were obliged to report all criminal activities, including even deaths and births to the government. Similarly, with the exception of the people of Loya Paktia[173], no one, including sons of King Zahir Shah and President Daud, was exempt from military conscription. The country was so safe that one could travel

[172] Chiefs of villages in different parts of Afghanistan are called by these names.

[173] Exemption from military service was a reward to the people of Paktia who supported King Nadir Khan when he took over Kabul in 1929. While the men of Paktia did not have to join the army, they did serve in a local police force known as the arbaki, which had the responsibility for protecting their areas.

(c) ketabton.com: The Digital Library

to any part of the country during day and night without any dangers of physical harm.

In terms of accountability and transparency, most former senior government officials reached the highest positions by virtue of merit, not through favoritism, especially in the decades of democracy- 1960s and 70s. Examples of this trend include most prime ministers, ministers and governors who assumed positions after 1964 and who did not belong to the King's family. They reached these positions mostly through their skill and hard work. Likewise, in Afghanistan the court system and rule of law remained functional and people had confidence in the system to address their grievances through the formal or informal justice system. Indeed, it was a sign of pride for most senior officials to be honest and poor rather than corrupt and rich. Even to this day, many people reminiscence of the value system of the previous regimes. Remarkably, despite all the ills committed by former members of Khalq faction of the People's Democratic Party of Afghanistan (PDPA), people praise them for not being corrupt, unlike the Mujahideen factions and warlords in later times. In particular, most senior officials of the Khalq regime still live under poor conditions, which show that they did not amass illegal wealth during their tenure in power.

A good example of the transparent and functional system is the story of President Daud's daughter who was failed in the examination by a professor of Kabul University.

(c) ketabton.com: The Digital Library

According to Chief Justice Abdul Salam Azimi[174] who was former Chancellor of Kabul University, Professor Mohibi[175] of the Science Faculty refused to retract as President Daud's daughter Zarlashta, did not do very well in her exam. Chief Justice Azimi said that many people approached Prof. Mohibi to try to convince him to change his decision, but the professor insisted that she had to be treated at par with the other students. President Daud summoned the professor and expressed his appreciation for his fairness and courage. Later, President Daud appointed Prof. Mohibi as Minister of Higher Education. Such examples are indicative of the fact that while Afghanistan did have a functional government and corruption was an inherent part of the Afghan culture.

Another myth that needs to be tested is that Afghans do not know how to practice democracy. Many Afghans strongly disagree with this statement. In fact, principles of equality, representation and independence are strongly rooted among Afghans. Most of Afghanistan's local institutions are based on equal participation of people in their day-to-day decision making processes. *Jirgas* and *Shuras* (two terms used for formal gatherings) are the best examples of how people make their decisions based on fair democratic participation. In most instances all the men of a community have the

[174] A USIP delegation including the author had a meeting with Chief Justice Azimi on 9 November 2009. During the meeting I asked him to verify a story I had heard that President Daud's daughter was failed by a professor of Kabul University while he was chancellor.

[175] He died in 2011.

(c) ketabton.com: The Digital Library

equal right to sit on councils like *shuras*.[176] Local political positions are not strictly inherited and elders must work to satisfy their followers or they risk losing their positions. Unfortunately, in the past and especially since 2001, the international community has tried to impose non-democratic processes and regimes on democratic society of Afghanistan on a local level.[177] They do this by favouring certain local commanders and providing them with resources so that they no longer need to respond to the needs of the communities. For example, during the last ten years, most of contracts in the security and construction sectors were awarded to warlords or to those who had support and blessing of the international community and not necessarily the support of the people.

The model of democratic governments might vary from country-to-country, but the essence of democratic process is fair participation of people in the decision-making process, governance and selecting or electing their leaders. To this day, many Afghans testify that a majority of local leaders before 1978 were respected by the people, not because of their wealth or rules of inheritance, but for their impartiality, fairness and service delivery to the people. In essence, Afghans have given a fair chance to socialism, communism, jihad, and democracy as the norms of governance– but all these ideologies have failed because of

[176] There is less or no representation of women in *Jirga* and *Shuras*. Women also have less representation in the official government system as well as the judicial system.

[177] The Maliks or local elders, who are the middle class of Afghanistan, have been suppressed in the last three decades by the PDPA regimes, the Mujahideen, Taliban and even now by the criminal-warlords-patronage system of the current regime.

(c) ketabton.com: The Digital Library

the unfairness of the government and the breakdown of governance structures they promoted. The past two centuries of Afghan history have amply demonstrated that the prime reason for the fall regimes is rooted in the system of resistance such regimes develop towards allowing popular participation.

As Professor Barfield "while Afghanistan's Durrani rulers (1747-1978) may have originated in an egalitarian Pashtun tribal system, they employed a classical hierarchal model of governance to maintain power exclusively within their own dynastic lines. They abandoned the democratic and federal political institutions used among the Pashtun tribes at the local level, and replaced them with autocracy. Because of this, the relationship between the Pashtun tribes and their putative dynastic leaders was always a troubled one, in which cooperation (or conflict) depended on the issues involved.[178]

According to Professor Barfield, the rulers imposed classical hierarchal autocratic model of governance on the egalitarian society of Afghanistan thereby excluding people from decision making processes that impacted on their day to day life. Throughout the history of Afghanistan people have resisted, both at national and local levels, attempts by rulers to impose non-democratic system or processes.[179] Such resistance has either been through armed opposition

[178] Thomas Barfield, *Afghanistan: A cultural and political history*. Princeton University Press, 2010, p. 4.

[179] For more details, see "The Rule of Law in Afghanistan: Missing in Action" in Whit Mason, ed. *Rule of Law and Human Security*, Cambridge University Press, 2011.

(c) ketabton.com: The Digital Library

or through means of non-cooperation with the regimes. This is the reason why regimes have failed.[180] For example, in 1929 Amanuallah Khan's regime was overthrown after he tried to impose a new value system without consulting local communities. The same fate befell on the communist regime after 1978.

Since 2001, exclusion of people from decision-making processes or ignoring opinions of people in the political process has created a schism between people and the government of Afghanistan. This has, in turn, created a conducive condition for the growth of the insurgency[181]. Decisions taken in the Bonn Conference (2001), Emergency Loya Jirga (2002), Constitutional Loya Jirga (2003), and in subsequent presidential and parliamentary elections in (2004, 2005, 2009, 2010) have been ignored and undermined by the government and international community.[182] Consequently, the results of each of these processes have faced credibility and legitimacy challenges. This paper does not attempt to provide details about each of these processes.[183] In many of these instances participants

[180] The communist regimes of PDPA, Mujahideen, Taliban have failed and even the current regime is on the verge of failure, due to imposition of non-democratic system in Afghanistan.

[181] Insurgency grows only when internal conditions are conducive and the insurgents groups have outside safe haven and chain of support militarily and financially.

[182] For further details, see Shah Mahmood Miakhel, *Emergency Loya Jirga and Election Process in Eastern Provinces* in Pashtu Language, Pir Printing, Kabul, 2006. and Shah Mahmood Miakhel, "The Importance of Tribal Structures and Pakhtunwali in Afghanistan: Their Role in Security and Governance,", in Arpita Basu Raj, ed. *Challenges and Dilemmas of State-Building in Afghanistan: Report of a Study Trip to Kabul*, Shipra Publications, Delhi, 2008, pp. 97-110.

[183] However, as a participant of some of these Jirgas and elections, I have witnessed firsthand that the decisions of the people were undermined by means of coercion and

(c) ketabton.com: The Digital Library

were handpicked by the government and even vetted by President Karzai himself, reinforcing the perception that the chosen lot were not the real representative of the country as a whole.

Another good example is the recent election fiasco in Afghanistan. Parliamentary elections took place in September 2010, but the results and legality of parliament is still questioned even after more than one year, despite the fact that close to 120 million dollars were spent to ensure free and fair elections.[184] By way of contrast, back in the 1960s, when Afghanistan had less communication infrastructure, the results of elections would be announced on the same evening, and the whole process cost very little. At present, elections in Afghanistan cost hundreds of millions of US dollars and are mostly funded by donors. It is very obvious that such patterns of elections would not be possible to be held without international support.[185] However, it is possible to design the whole new election process in a way to reduce the cost to the level affordable by Afghan government in the long run. For example, in 2002, the election for the Emergency *Loya Jirga*, in four eastern provinces of Kunar, Laghman, Nuristan and Nangarhar, cost less than US $100,000 in which about

---

fraud For more details see Shah Mahmood Miakhel, *Emergency Loya Jirga and Election Process in Eastern Provinces*, Pir Printing, Kabul, 2006.

[184] Pierre Tristam, *Bullets, Not Ballots, in Afghanistan's Parliamentary Election*, http://middleeast.about.com/b/2010/09/19/bullets-not-ballots-in-afghanistans-parliamentary-election.htm. Accessed on 18 October 2011.

[185] Inspite of expenditures running into hundreds of millions of US dollars, district, village and municipal elections in Afghanistan have not been not held in the last 10 years.

(c) ketabton.com: The Digital Library

2400 representatives were elected by the people in first round of election. That election was more representative and legitimate in the eyes of people compared to the recent elections.[186] In fact, the complications and slow announcement of results has only raises concerns that the election results are being manipulated by high level officials and that their votes matter very little.

Some commentators argue that lack of capacity and absence of institutions are the main problem of service delivery in Afghanistan. However, facts prove otherwise. Afghanistan may need to improve capacity and some procedures in the administrative system. But the actual problem is that of lack of vision and political will to use the existing capacity and to appoint competent, honest people to administrative positions. Incidentally, the reforms process in Afghan Security Sector, Judiciary, Economic and Civil Service sectors have created enormous job insecurity. Many qualified people have been removed from the system in the pretext of reforms. Arguably the Administrative system of Afghanistan is more sophisticated than the UN system[187] and the current work force is capable of addressing the needs of the people. They can serve as the useful advisors to senior officials compared to the trend of appointing foreign civilian advisors who are not familiar with Afghanistan system. However, the views of such

[186] The author of this paper was served as advisor to election of Emergency Loya Jirga in eastern provinces from April-June 2002.

[187] The author of this paper worked as Deputy Minister of Interior, in charge of local governance department (2003-2005) and Governance Advisor to UNAMA (2005-2009). The local governance department was separated from the Ministry of Interior in 2007 and thereafter names as Independent Directorate of Local Governance (IDLG).

(c) ketabton.com: The Digital Library

qualified, honest and dedicated workers in the country have not been taken into account. Moreover, they have been replaced by incompetent and dishonest officials by the government machinery due to favoritism, ethnic politics and corruption.[188] In 2003, the local governance and administration department of the Ministry of Interior (MoI), had three foreign advisors. Ministry of Interior (MoI) decided not to renew their contracts because none of them was able to help and advise the department of local governance and administration. They lacked the field knowledge which is relevant for governance. On the contrary, the local directors who knew the system, rules and regulations, carried out most of the work and were found to be more suitable than the foreign advisors.

Commentators argue that the current centralized institutions or unitary system of government is a cause of instability in Afghanistan. They do not facilitate improvement of governance. This notion can be dispelled as well. Who is in charge of the model is more important than the model of the government itself. Models can be improved and that is a process in continuum. Despite the criticisms labeled against them, the current judicial and police system of Afghanistan have convicted some criminals. However, political reasons and influence of the mafia network ensured that the President released them by decree. Example can be cited of the April 2009 release of five convicted drug dealers by

[188] Author book; *Ministry of Interior: Challenges and Achievements: A Personal Account, Published by Author in Pashto language,* Kabul, 2011.

(c) ketabton.com: The Digital Library

President Karzai. These five men were allegedly close to the President's campaign manager in 2009.[189]

Many argue that the Kabul government is weak and doesn't exercise authority beyond Kabul. The weakness in the government in Kabul is not because the Afghan government's enemies are very strong, but because the government in Kabul has become hostage to selected few who benefit from the war economy and instability. It could be argued that the current government of Afghanistan is the strongest government in the history of Afghanistan: it has had national and international support, but unfortunately it is not able to use all this support for establishing a better system. Instead, it has appeased those few for shortsighted goals. According to the Asia Foundation Survey in 2011, the support for the government of Afghanistan is still much higher than sympathy for the armed opposition to the government.[190] Yet it is a pity that the government has not been able to firmly establish itself.

A sense of well being is all pervasive in Afghanistan. People are generally of the opinion that they are better off now than ten years ago. Despite corruption, insecurity and mismanagement, people are still willing to give a chance to the current system. However, at the same time, there appears to be a complete failure of strategic communication

---

189 Karzai released dangerous detainees: WikiLeaks, 30 November 2010, http://www.cbc.ca/news/world/story/2010/11/30/wikileaks-karzai-.html. Accessed on 19 October 2011.

190 *Key Findings- Afghanistan in 2011: A Survey of the Afghan People*, http://asiafoundation.org/resources/pdfs/KeyFindingsAGSurveyBookFinal.pdf. Accessed on 20 October 2011.

(c) ketabton.com: The Digital Library

from the government to the people. In contrast, the Afghan government's enemies are more sophisticated in communicating their strategies. Their messages resonate more effectively among the Afghan people not because people agree with them, but because they are consistence with their messages and are able to implement their decisions, albeit ruthlessly. For example if Taliban issue a night letter to someone in the villages for stopping cooperation with the government and international community, people realise the seriousness of disobeying such a diktat. On the contrary, the Afghan government and international community are seen to be failing in fulfilling their promises. For example, on the recent reconciliation talks, different government entities, representatives of the international community, and political leaders have all been giving contradictory messages to the masses, thereby indicating that there is no consensus how to move forward with peace talks and what that means for the scheduled transition in 2014. The insurgents, on the other hand, have been better able to communicate through very clear messages and have shifted the debate against the government, to their own advantage.

Regarding the second set of myths, there is no doubt that the international community has made so many mistakes and lost so many opportunities to succeed in Afghanistan. One of the principal reasons of their failure in Afghanistan is the lack of understanding of the country, a total lack of preparedness for a long war and a lack of interest from the very beginning in nation or institution building in Afghanistan. As Minister Jalali mentioned in one of his

(c) ketabton.com: The Digital Library

discussions, 'when there was more time, there were no resources to support institutions in Afghanistan, but then when there were more resources, there is no time to build institutions in Afghanistan'[191]. Even General Caldwell, head of NATO Training Mission- Afghanistan (NTM-A) mentioned in his review that there were not sufficient resources before 2009 for Afghan National Security Forces.[192] Between 2003-2005, the total budget of the Ministry of Interior of Afghanistan, including IDLG, was around US$ 129 million, but now the total budget of ANSF is more than US$ 10 billion[193]. A look at the involvement of international community and increase of resources every year reveals that the international community especially the US never had a long term plan for Afghanistan. Even now, the contradicting statements made by different US government officials and politicians are a pointer towards the fact that the US does not have a long term political strategy for Afghanistan.

The U.S. and international community has interest in the region for security and economic reasons. However, an unstable Afghanistan with the dangers that it might become a safe haven for the Al-Qaeda is of concern to the international community, Afghanistan's distant and close neighbours. There is no doubt that the current policies of

[191] Author discussion with Minister Jalali on 31st of January 2012 in Washington DC.

[192] NTM-A: Year in Review, November 2009 to November 2010, http://www.defense.gov/Blog_files/Blog_assets/NTMAYearinReviewFINAL.pdf. Accessed on 19 December 2011.

[193] ibid.

(c) ketabton.com: The Digital Library

spending billions of dollars with no accountability will not bring stability to Afghanistan.

Some predict that the Taliban movement might initiate Jihad in Afghanistan. However, the opposite could be also true. The war in Afghanistan is not a religious war and those who support it do so for political reasons, using Islam or ethnicity as an excuse. However, since the government has been ineffective, those that support the Taliban or exploit ethnic divisions have been able to use religious rhetoric to further their causes.

There is no doubt that the international community has committed mistakes and that Afghanistan's neighbours, especially Pakistan, have been supporting the insurgency and have provided them sanctuaries. It is an open secret. As the famous English proverb says that good fences make good neighbors, the Afghans have to protect their own interests. The same proverb, as found in the Pashtu language, says that, *Khapal mal wa sata aw gawandai ta ma waya chee ghala* ("Keep your property safe and don't call the neighbour as thief."). This implies that if Afghanistan does not take measures to protect its own interest, no one else will do the same. Likewise, as long as the Afghan people and government do not take responsibility, notwithstanding the support Afghanistan gets from international community, security and governance cannot improve in Afghanistan.

(c) ketabton.com: The Digital Library

In 1973, leaders of the fundamentalist group of *Jawanan Musilman* (Muslim Youth Organization), including Gulbudin Hekmatyar and Professor Burhanuddin Rabani, Ahmad Shah Massoud, Moulavi Khales, Jalaluddin Haqani and others, escaped Afghanistan and crossed over to Pakistan. The then government of Zulfiqar Ali Bhutto in Pakistan trained and equipped them to stage war against the government of President Daud. These groups were sent into Afghanistan and attacked the government facilities in Kunar, Laghman, Panjsher, Nangarhar and Paktika provinces, but their uprising was immediately suppressed by the people of Afghanistan, who handed over most of the attackers to the government.[194] The local villagers arrested the leader of the Laghman group, Moulavi Habi-ur-Rahman and his followers and turned them over to government officials. This example indicates that as long as people of Afghanistan trust their government, Pakistani training, arms, sanctuaries and support for the Taliban cannot destabilize Afghanistan.

During the communist coup in 1979, the regime replaced the entire government machinery with their party loyalists and this led to a collapse of the system of governance. This time around, the same insurgent groups and individuals that had earlier been rejected by the people were able to destabilize Afghanistan. It can be argued that the reason for the Mujahideen success was because of the absence of legitimate government in Afghanistan and failure of

[194] The author was a high school student and his father worked in Laghman province as Director of ID. He witnessed this operation and arrest of the attackers.

(c) ketabton.com: The Digital Library

governance. The same was true for Taliban in 1994 after the civil war and factional fighting. While ideology might have provided a tool, but the absence of governance and Soviets' lack of understanding of Afghans and Afghanistan were the main drivers of the Mujahiden uprising, especially in the rural areas. In the present context, insurgency in Afghanistan derives its strength from the absence of governance and also the lack of cultural understanding of Afghanistan by the international community.

Recommendations

Both in the short and long-term, there is a strong need to focus on political transition leading up to 2014 to ensure that a smooth transition of power takes place, along with new momentum for better governance and accountability. The people of Afghanistan will not support a government which cannot defend the rights of all citizens equally. In order to pave the ground for smooth and peaceful transition of power in 2014, the space for positive political competition need to be made available for all the forces. Towards that end, the following steps need to be taken by the Afghan government and international community.

1. According to the constitution of Afghanistan, which is specific about the date of presidential and parliamentary elections, these dates need to be fixed in order to open space for healthy political competition.

(c) ketabton.com: The Digital Library

2. Once the date of elections are fixed, it would guarantee that the transition is peaceful which in turn would open the space for many groups and individual to build their networks and coalition against each other.

3. By consultation of all political groups and potential individual contenders, a truly Independent Electoral Commission (IEC) should be appointed by the President of Afghanistan in order to guarantee credible election process.

4. The International Community, especially UN, EU, OIC and other regional organizations and civil society groups should be prepared and put in place a good mechanism for monitoring the elections.

5. Afghan experience has showed that holding the provincial election with the presidential election, has been the cause of fraud and creates enough opportunity for rigging of elections. It is strongly recommended that upcoming presidential and parliamentary election should not take place at the same time.

6. The government of Afghanistan and especially President Karzai has to guarantee that he is going to pave the way for peaceful and smooth transition and not interfere in the election process. A peaceful political transition is legacy President Karzai should leave behind. Since Amir Abur Rahman Kahn

(c) ketabton.com: The Digital Library

(1880-1910) Afghanistan has not witnessed a peaceful transition of power.

In the absence of these steps, the legitimacy of the government would remain an issue. Such a government would never command the support of the people and hence, its survivability would always be in doubt. In the worst case scenario, Afghanistan might be forced to witness another civil war.

(c) ketabton.com: The Digital Library

Rebuilding Afghanistan's Political Immunity[195]

By
Shahmahmood Miakhel and Whit Mason

Summary

- Afghanistan is an exceptionally fissiparous country, raven by innumerable conflicts over scarce resources and longstanding enmities between neighboring groups.
- Traditionally, such disputes have been managed by ad hoc groups of elders, known as jirgas or shuras. In the past 30 years, the stature and security of the jirga system and of the elders themselves have been challenged and undermined by all the parties contending for power, including the state itself.
- In the context of weak state institutions, a reinvigorated system of jirgas could make a valuable contribution to resolving the disputes that currently feed the insurgency and make Afghanistan vulnerable to exploitation by groups that destabilize the country and the region, and threaten the West.
- To explore what might be done to create an enabling environment for jirga-like bodies, USIP ispiloting Dispute Resolution Commissions in insurgency-affected provinces, and, on the basis of this experience, will recommend principles and actions for a larger-scale program of support.

[195] This peace brief is published by United States Institute of Peace on June 18, 2010. PB No.37 www.usip.org

(c) ketabton.com: The Digital Library

Introduction

The national conflict between the Afghan government and its allies and the Taliban-led insurgency is fed by a myriad of smaller conflicts on a provincial and local level. In the insurgency-affected parts of the country, such conflicts traditionally have been managed by councils of tribal elders known as jirgas or shuras. Thirty years of violence and upheaval have disrupted and weakenedthe jirga system. USIP's Dispute Resolution Project is establishing dispute resolution commissions, comprised of respected elders, to try to resolve inter-group disputes with the potential to contribute.

to the broader conflict. Through continuous interaction and discussion with commission members and other stakeholders in their respective provinces, the project is identifying challenges and opportunities to reinvigorate and improve the system. These pilot projects will yield a set of concrete, experience-based recommendations for interventions on a larger scale.

Enmity and Insurgency

The strategic aim of the international intervention in Afghanistan is not simply to end the current insurgency but to help create conditions that will prevent the country from ever again being used as a safe haven for terrorists. Al-Qaeda, the Taliban and related insurgent groups can best be010 understood as opportunistic infections that take advantage of Afghanistan's immune system, which has been weakened by three decades of conflict. For the international community to achieve its strategic aim, it

(c) ketabton.com: The Digital Library

must not only eliminate these infections, but build up the society's immune system
so that in the future it can repel such political pathogens by itself.

The most debilitating of Afghan society's weaknesses is its combination of deep-rooted divisions and scarce resources, which together continuously give rise to fierce enmities. These enmities create an opening for insurgent groups in three ways:

- As long as groups are engaged in intense disputes with one another, they will constantly be on the lookout for allies. Under current conditions, there will always be groups in the world ready to exploit this need for support.
- By providing a system for resolving disputes, however brutal and unjust, the Taliban convinces many Afghans that it is outperforming the state in fulfilling the government's most fundamental responsibilities with the provision of security and justice.
- Some insurgents have enmities with their neighbors and cannot return to their villages unless these are resolved.

State and Customary Systems of Law

More than 30 years of conflict have exacerbated Afghanistan's divisions and enmities while weakening the traditional means for managing them. Jirgas are ad hoc councils of elders to whom disputants voluntarily give authority to arbitrate a dispute. For centuries, jirgas have

(c) ketabton.com: The Digital Library

been at the heart of the decentralized, tribal system of governance of the Pashtuns who make up about half of Afghanistan's population and are the ethnic base of today's insurgent groups. However, over the past 30 years, the authority of jirgas has been challenged and undermined both by the state itself and by other parties who wield authority not by virtue of their reputation for fairness and probity or knowledge of tradition, but through their command of raw force.

In the most insurgency-affected provinces and districts, in the east and south of the country,only a small fraction of positions in the state justice system are filled by people who actually carry out their duties in their assigned areas. Courts seldom operate outside provincial capitals, making the state system hard for many to access. Few criminal trials conform to the law since the accused rarely has defense counsel, as guaranteed by Article 31 in Afghanistan's Constitution. The state system is widely perceived as inefficient and vulnerable to corruption, while the customary system enjoys greater public confidence. A 2009 survey by the Asia Foundation found that 24 percent of Afghans strongly agree and 48 percent somewhat agree that jirgas are fair and trusted. The comparative figures for the state courts are 11 percent and 39 percent.

Like the justice systems of Western countries, Afghanistan's state justice system is retributive, assigning culpability exclusively to one party and punishing that party accordingly, whereas the customary system seeks to establish a new basis for harmonious relations within the community.

(c) ketabton.com: The Digital Library

Challenges and Opportunities of the Customary System

There are a number of steps that could help improve the environment in which traditional dispute resolution mechanisms operate:

- The decisions of jirgas and shuras need to be clearly and consistently documented; so concerned and government authorities have a precise record of decisions those disputants have accepted, and so the processes and decisions can be critically scrutinized for possible violations of human rights. Both precision and transparency are preconditions for a moresystematic recognition of jirgas' and shuras' decisions by the courts and other parts of government.
- Jirgas and shuras need to be recognized by other aspects of society—by the political administration in their district or province, by the public and by the formal legal system. Recognition of the legal validity of jirga decisions by the state justice system is pending acceptance of a policy and/or law that is now under consideration by the Ministry of Justice. Therefore, for now, programs like USIP's Dispute Resolution Project should emphasize recognition of the customary system's contribution by the government and the public.
- The prestige of elders who serve on jirgas needs to be enhanced. Prior to the 1978 coup and the succession of contested regimes (communist, mujahedeen, Taliban and the current government), elders enjoyed such respect within their tribes that

(c) ketabton.com: The Digital Library

all tribesmen protected them and followed their decisions. Conditions over the past 30 years have undermined the authority of elders and consequently the esteem in which they are held, as well as compliance with their decisions.

- Recognition of the jirga system as a legitimate part of Afghanistan's political and legal system entails finding ways to prevent systemic abuses of human rights, including decisions that are prejudicial to women and those that give undue influence to local powerbrokers, such as warlords. These are challenges to both the formal and informal justice systems in Afghanistan. As noted, systematic documentation would facilitate this process.
- Some elders also require help with their personal security. Many highly respected elders have either been killed or feel estranged by political developments since 2001.
- Different ministries and agencies—the Ministry of Tribal Affairs, the Ministry of Rural Rehabilitation and Development, the Independent Directorate of Local Governance and provincial councils—all occasionally set up their own jirgas/shuras. These activities must be coordinated so jirgas/shuras with overlapping mandates don't undermine one another's credibility and authority.
- The credibility of a jirga depends on the reputations of the individual elders who make it up. The members of the pilot Dispute Resolution Commissions supported by USIP are chosen after

(c) ketabton.com: The Digital Library

consulting different parties with independent points of view, including the governor, Ministry of Tribal Affairs, members of the provincial council and elders themselves. In extracting lessons from the pilot commissions, consideration will be given to the process used in choosing members of customary dispute resolution bodies.

- By working with both provincial and national bodies, the commissions will contribute to strengthening the constructive links between Kabul and the provinces. The project will consider how to replicate these links in a larger scale system.

Pilot Conflict Resolution Commissions

USIP's Dispute Resolution Project has helped establish Dispute Resolution Commissions in the provinces of Kunar and Nangarhar. These provinces suffer from high levels of insurgent activity, but jirgas can and do already operate in them and the provincial governors have welcomed support from USIP and the Ministry of Tribal Affairs for the jirgas' work.

These commissions are comprised of respected elders representing the main groups in their respective province. The elders are chosen in consultation with the provincial director of the Ministry of Tribal Affairs and the governor's office as well as ulema (Muslim religious scholars), provincial council members and elders themselves. Approval from several sources helps ensure that commission members are widely respected and that membership as a whole will reflect the population of the province as a whole rather than favoring one tribe over

(c) ketabton.com: The Digital Library

others. The provincial director of tribal affairs and, where possible, the governor or his representative, will be *ex officio* members.

USIP will play a facilitating role to help the commissions provide a combination of training, dialogue and problem-solving led by experienced Afghan elders to help pave the road to wider reconciliation. The disputes that these commissions deal with belong on a continuum with those involving individuals or families, which are handled by the traditional mechanisms supported by USIP's longstanding traditional justice program. The Dispute Resolution Commissions, however, will deal with disputes on a larger scale that have a more direct impact on the security situation.

The commissions, for instance, might deal with a land dispute pitting two clans against one another or address grievances against an insurgent who wants to reintegrate into his community.

In creating these commissions, USIP seeks to address the following key questions:

- How can the customary law system recover the stature and vitality lost during three decades of turmoil?
- How can elders' security be enhanced?
- How can the customary and legal systems be linked in ways that prevent or mitigate the customary system's violations of human rights without undermining the perceived legitimacy the customary system derives from being independent

(c) ketabton.com: The Digital Library

of the state and grounded in venerated tradition and the reputations of respected elders?

The program will develop insights concerning these issues by reflecting on the experiences of the Dispute Resolution Commissions over the coming months and incorporating lessons from previous dispute resolution projects sponsored by USIP.[196]

Future Direction of the Pilot Study

The experience of the pilot commissions will inform a set of recommendations for an expanded program for traditional dispute resolution mechanisms. To be considered legitimate by the disputants and the wider community, jirgas must be grounded in local custom or *narkh*. Such knowledge cannot be taught by people outside the community and the local jirga system. Therefore, rather than interfere with the mechanics of how the dispute resolution commissions work, USIP will focus on helping to foster an environment within which jirgas can play their traditional role more effectively.

The recognition of dispute resolution by jirgas is systematically undermined by an absence of documentation. Only the resolution of the largest scale of disputes is usually recorded. Even when a decision is recorded, the record is short on detail and not reliably filed with any particular government office. The Dispute Resolution Project's officers will act as recording clerks in

[196] Between the Jirga and Judge: Alternative Dispute Resolution in Southeastern Afghanistan. The Liaison Office, March 2009.

(c) ketabton.com: The Digital Library

each pilot province and liaisons with the Ministry of Tribal Affairs. They will be responsible for recording all decisions of the Dispute Resolution Commissions, and, when possible, those of jirgas with which commission members are in contact, and the decision-making processes leading to the decisions, including elements of *narkh*, sharia and considerations specific to each case. The dispute resolution officers will then file them with the Ministry of Tribal Affairs and other interested bodies, so both the decisions and reasoning will be accessible for future reference.

The project will also seek other ways to secure political recognition of the worth and decisions of the commissions, including helping to prevent conflicts with jirgas or shuras sponsored by other ministries and government bodies. The project will help to secure public recognition of their worth and their decisions through various means, such as media training for commissioners so they can better explain their work to the public. It will help defray members' modest transportation and communications expenses. It is important to minimize potential unintended negative consequences by making the financial support modest; an injection of significant money into a sphere in which elders have typically served without being paid would risk creating distortive economic incentives.

(c) ketabton.com: The Digital Library

What can already be foreseen is that no single, rigidly prescriptive model would be appropriate for every part of the country and the very different customs native to each of those regions.

What the project will seek to develop, rather, is a set of guiding principles and best practices that maximize jirgas' contributions to resolving disputes between groups in a way that is respected and durable. In this way, empowered jirgas can make an important contribution by depriving the Taliban and their allies of a key source of support, and pre-empting potential insurgencies in the future.

(c) ketabton.com: The Digital Library

Many *Shuras* Do Not a Government Make: International Community Engagement with Local Councils in Afghanistan[197]

Shahmahmood Miakhel and Noah Coburn

Summary

- The need to engage local Afghan leaders and support community decision making has recently been promoted as a key element of both development and counterinsurgency strategies in Afghanistan.
- The resulting proliferation of community councils—commonly called *shuras* or *jirgas*—sponsored by different actors within the Afghan government and international community has decreased the effectiveness of local governance and rule of law in many places.
- Traditional Afghan dispute resolution and governance bodies are most effective when they are formed by local residents and genuinely reflect the interests of the community. Their legitimacy decreases if international or government sponsors create *shuras* or *jirgas* to promote their own interests.
- This paradox creates a dilemma for programs designed to foster good governance: how to

[197] This peace brief is published by United States Institute of Peace on September 07, 2010. PB No.50. www.usip.org

(c) ketabton.com: The Digital Library

promote community self-rule that reflects traditional values and mechanisms and that develop locally, while adhering to rigid counterinsurgency and development timelines and strategies.

- These so-called 'traditional' political structures have an important place in local governance in Afghanistan, but the international community should not assume that such bodies fairly represent their respective communities. Rather, sound understanding of local dynamics and in-depth consultation with local government actors and community leaders are necessary to help ensure that such bodies are represented and thus, legitimate within the community.
- A more coherent, sustainable vision of long-term local governance and coordinated strategies between the Afghan government and international forces is necessary to bring both stability and development to Afghanistan. In particular, this Peace Brief supports the attempts to create a coherent long-term goal of local governance based on legitimate local actors, most likely selected through elections.

Shuras and Local Governance in Afghanistan

The Arabic word *shura* is generally translated into English as 'consultation.' A *shura* is a ubiquitous institution involving local politics in Afghanistan.[198] The

[198] *Jirga*, a word that is used in Afghanistan primarily by Pashto speakers, is sometimes used interchangeably with the word *shura*, but more accurately refers to ad hoc groups meeting to discuss a specific issue, hence the recent 'Peace *Jirga*' hosted by President Karzai specifically to address reconciliation with the Taliban.

(c) ketabton.com: The Digital Library

word is often translated simply as 'council'and generally implies a political gathering, usually of men, that represents all groups in an area. In practice, *shuras* are amorphous entities, often changing from area to area, with the tendency to break down and reorganize quickly. The shifting nature of these political bodies has rarely been addressed[199] and the recent focus on these bodies as a point of engagement between local leaders, the Afghan government and international forces has in some cases been problematic.[200]

Ideally, *shuras* are councils of respected leaders which represent the political groups within a given community. *Shuras* are found at both the village and district level in much of Afghanistan. Despite the presence of *shuras* in many districts, they are shaped and operated in different ways. Other *shuras* are smaller and have specific functions, such as *khwakhogai shuras* or 'sympathy' *shuras* in the east of Afghanistan which organize funds for funerals and other ceremonies for poor residents. Most of the Afghan government and international community's recent focus on *shuras* has been on village or district level *shuras* which have traditionally addressed a wide range of issues from questions of local governance to dispute resolution. A *shura's* authority rests on the legitimacy of its members, and whether it represents the community. In

[199] An exception to this is Chris Johnson and Jolyon Leslie, 2008, *Afghanistan: The Mirage of Peace,* Zed Books, 41-42. Johnson and Leslie point out the relationship between the growth of bodies labeled as *shuras* and the increase engagement with international organizations, who prefer to engage with such 'representative' bodies.
[200] Anne Marlowe in *The New Republic* refers to this as 'the *shura* strategy.'

(c) ketabton.com: The Digital Library

many areas, *shuras* continue to play an important and stabilizing role in local governance, dispute resolution and political negotiations.

This Peace Brief suggests that shuras and other 'traditional'[201] bodies have the potential to strengthen local governance in Afghanistan, but the current strategy of *shura*-creation and promotion has generally undermined local governance in the short term. A large number of these councils have been set up with little coordination, resulting in increasingly complex local political situations. Actors on all sides take advantage of the ambiguities created by multiple councils, when customarily there would likely have been only one. The power of each new or specialized *shura* created to address a particular development or security need results in the inefficient use of funds and weakened local governance structures. Without the international community's and the Afghan government's implementation of a coherent vision for local governance in Afghanistan, local politics will likely remain volatile, with some councils even serving as destabilizing forces. However, such a coherent vision can

[201]The word 'traditional' is highly problematic since it is questionable how long some of these institutions have actually existed in Afghanistan and the clear ways in which they adapt to manipulate international aid and the external intervention in very modern ways. This has created a wider debate over the international community's understanding of many terms such as tribe and *arbaki*. See for example this Peace Brief and Masood Karakhail and Susanne Schmeidl, 2006, 'Integration of Traditional Structures into the State-Building Process: Lessons from the Tribal Liaison Office in Loya Paktia,' in Publication Series on Promoting Democracy under Conditions of State Fragility, issue 1: Afghanistan, Berlin: Heinrich Boll Foundation. Lessons from the Tribal Liaison Office in Loya Paktia,' in Publication Series on Promoting Democracy under Conditions of State Fragility, issue 1: Afghanistan, Berlin: Heinrich Boll Foundation.

(c) ketabton.com: The Digital Library

be developed by acquiring local knowledge, forging strong relationships between informal leaders and government officials, and by focusing on a much smaller number of local *shuras* that are seen as legitimate and truly representative in their respective areas.

Shuras and Stability

Despite their traditional roles, a combination of poor security, forced displacement, targeted assassination and local corruption has eroded the functioning of *shuras* in many areas of Afghanistan in the past decades. Likewise, the international community's increased focus on *shuras* as a means for creating stability and delivering economic funds has in some cases actually destabilized areas.

In many areas, particularly where the international community and Afghan government have a limited presence, district councils have more concentrated authority that can be key to local stabilization programs. A formalized relationship between the central government and locals increases the strength of the local council by highlighting to the community their ability to access government and international funds. At the same time, it also allows the district governor the ability to ensure that such councils fairly represent the people of the district. Success relies on the personalities of the actors involved. This relationship works best when figures such as the provincial governor and district governor are uncorrupt and have sound knowledge of the politics of the area. For example, one district council in Kunar province approached the provincial governor to ratify its authority in order to increase its legitimacy within the community. The council

(c) ketabton.com: The Digital Library

saw the importance of creating a formal link with the government as a way to increase stability and generate future development projects in the area. The governor had asked the community to send representatives from each political group in the community. The governor, who is from a neighboring province and has several years experience in Kunar, refused to acknowledge the body until it had done this effectively.

While this example represents the *shura* in its ideal form, it is also possible for local commanders or groups to co-opt and corrupt local councils through bribery or intimidation. In such cases, the council is usually de-legitimized in the eyes of local residents and generally, it is only when such corrupted councils are sustained by outside resources (e.g., government or military funds, revenue from the narcotics trade, etc.) that they continue to maintain authority in the community. In another less destabilizing but still troubling example, development projects are undermined when local leaders establish *shuras* and claim they are representative of the local community in order to secure international reconstruction funds. These leaders often collect these donations for their own purposes and to distribute to their own constituents. International groups are often still quick to partner with and fund groups because of their perceived legitimacy. This funding practice has resulted in the increasing number of nongovernmental groups in urban centers, such as Kabul, claiming to represent “the people.”

(c) ketabton.com: The Digital Library

The International Community and Community Shuras

International involvement in Afghanistan has complicated local governance issues, as evident in the role of *shuras* in local politics. For example, the recent influx of cash through development projects, and the related attempts to use local councils as consultative bodies on the selection and design of these projects, has created serious tensions in some areas. In the city of Jalalabad-where-USIP has a pilot project focusing on traditional dispute resolution mechanisms-community development councils (CDCs) set up under the Ministry of Rural Rehabilitation and Development's National Solidarity Program (NSP) often compete directly with local mosque and neighborhood *shuras*. These groups are often composed of overlapping groups of elders, all strugglingfor influence and resources.

More alarmingly, work by the Afghan government and international community has disrupted and distorted local political processes. Military negotiations with tribal elders have in some places incited violence between local groups, particularly when groups feel as if funds and power are not being distributed equitably. This was particularly true regarding an attempt to purchase the loyalty of the Shinwar tribe in Nangarhar earlier this year. The attempt triggered violence within the Shinwari tribe and with neighbors who felt that they had not been represented at meetings between the military and tribal elders—despite best efforts by the U.S. military to ensure that all groups were represented among the 130 elders at the meeting

(c) ketabton.com: The Digital Library

where the deal was announced.[202] While military officials assumed the large gathering of local elders legitimized the deal, many in the tribe still felt unrepresented or not adequately compensated.

Nevertheless, the international military relies on meetings with local *shuras* to address local concerns and 'win hearts and minds.' Such community consultations can be effective. For example, in some cases, reintegration *shuras* established to transfer International Security Assistance (ISAF) detainees to communities appear to have been successful in the short term thus far. However, too often internationally summoned *shuras* can become at best simple displays of force and at worst, they can disrupt local political balances, putting lives at danger. For example, journalistAnne Marlowe recently detailed futile attempts by the U.S. military to prop up unpopular Afghan government officials in Zabul at a *shura* between dozens of U.S. and Afghan military officials, the governor and 19 local elders.[203] In another case, U.S. Marines in Helmand claimed to have held'teenage *shuras*,' despite the importance Afghans place on the role of elders in local governance.[204] Even stories once heralded by the military as successes, such as the approach outlined by U.S. Army Major Jim Gant in "One Tribe at a Time,"[205] have often

[202] See Joshua Partlow and Greg Jaffe. "U.S. Military Runs into Afghan Tribal Politics after Deal with Pashtuns." *The Washington Post,* May 10, 2010.
[203] Anne Marlowe. "*Shura* to Fail: Why U.S. Officials Taking Tea with Local Afghan Leaders Seem to be Wasting their Time." *The New Republic,* May 13, 2010.
[204] "Marines Host '*Shura*' to Address Afghan Needs." DoD Live, September 23, 2008.
[205] Jim Grant. "One Tribe at a Time: A Strategy for Success in Afghanistan," second edition". Nine Sisters Imports, Inc., December 2009.

(c) ketabton.com: The Digital Library

been met with criticism upon more thorough evaluations.[206] By working with 'one tribe at a time,' it is extremely difficult not to marginalize and exclude others, and recent strategies have not involved enough coordination between the national government and international organizations to ensure an inclusive, coherent approach.[207] Additionally, local *shuras* gain and lose legitimacy based upon their ability to represent the community and deliver resources equitably. Another current problem is that these approaches continue to sustain groups that the community would often otherwise view as illegitimate. This exacerbates corruption and inequitable access to political and economic power, thus potentially destabilizing an area.

An array of ongoing or planned programs continues to intensify some existing challenges to coherent local governance. For example, the National Solidarity Program (NSP) has set up 22,490 community councils in 35,200 villages to administer World Bank funded development projects.[208] At the same time, under the Afghanistan Social Outreach Program (ASOP), there are plans to establish district level *shuras* in 100 districts (up from just a handful

[206] See for example Michael Daxner, "We are One Tribe—and Live in the Society of Intervention," Afghanistan Analysts Network and "Petraeus and McChrystal Drink Major Gant's Snake Oil," January 18, 2010, The Ghosts of Alexander, www.easterncampaign,wordpress.com.

[207] Somewhat reassuringly, in July and August 2010 meetings that USIP attended with U.S. Special Forces in Kabul, the approach of "one tribe at a time" as advocated by Gant was dismissed by U.S. commanders as no longer part of their tactical planning—at least when designing programs like the village stabilization program (also known as the local defense initiative)—given the likelihood of marginalizing other tribal groups.

[208] World Bank Report No.AB5745, March 25, 2010. There are planned expansions of NSP and their development councils.

(c) ketabton.com: The Digital Library

of districts to date), each of which will have their own security, development and justice subcommittees. Meanwhile, recent proposals emanating from the June 2010 Peace *Jirga* and the July 2010 Kabul Conference suggested new provincial and district level reintegration councils should be established, in the hopes of convincing insurgents to stop fighting. In addition, Provincial Reconstruction Teams and district level military units continue to set up community councils of "elders" and other respected leaders in an attempt to get increased local acceptance of their activities in the area.

While there are some positive features in the initiatives mentioned above, the large number of existing and planned councils, both indigenous and externally imposed, distorts local political incentives. The lack of a clearly defined authority allows local actors to act without accountability, take advantage of their positions and play international groups and the military off of one another, taking advantage of what one official from the European Union Police Mission in Afghanistan (EUPOL) recently called "competitive programming among donors." Moreover, overlapping roles among some of the councils leads to confusion among donors and beneficiaries alike.

A better approach would be for the international community to support a coherent approach to local governance. A plan which would work with the Afghan government to identify, strengthen and work with local groups that fairly represent the community. This means conducting research, partnering with local organizations

(c) ketabton.com: The Digital Library

and potentially increasing communication between international military and aid groups.[209] At the same time, more attention should be paid to provincial and district governors, and their ability work with local communities; a sound understanding of the personalities involved is pertinent. The international community can strengthen the positions of these figures by working more closely with them and simultaneously holding them more accountable to both the national government and local communities through the promotion of transparent interaction.

How Lack of Coherence and International Programs MayWeaken Local Political Structures and Governance

- Too many *shuras* dilute the power of their members, fracturing political power in m anyareas, while making these councils less effective at some of their traditional roles, such as in dispute resolution.
- By funding programs that rely on a variety of councils, often without local government consultation, the international community may actually incentivize further divisions among the councils and may create parallel government structures.

[209]Note, however, that many aid groups shun increased interaction with the military for fear of being seen as partial to the foreign military intervention in the country. Thus, the military must accept the fact that members of the aid community may want to distance themselves from rather than increase communication with the foreign forces. The military cannot compromise the safety and independence of nongovernmental organizations who wish to maintain at arms' length from them. Or See for example, Alissa Rubin, "Taliban Slay Elders over Aid Money." *The New York Times,* May 25, 2010.

(c) ketabton.com: The Digital Library

- Despite some assumptions by members of the international community, the existence of a local council does not automatically imply its legitimacy to the local community. Any group of elders is not necessarily a representative *shura*. Numerous examples also exist of the international community relying too heavily on certain local councils that are not actually representative of an entire area, thereby exacerbating tensions by excluding certain groups.
- Membership in some *shuras* which are perceived as having international ties can also be dangerous, with the Taliban having assassinated several members of internationally sponsored shuras in the south. Singling out certain leaders puts them in danger, risking long-term leadership in the country.

Key Recommendations

- When beginning new projects, the international community needs to conduct moreresearch on local political structures to determine what types of bodies already exist.
- Instead of setting up new councils, the Afghan government and international actors should work with existing councils, striving to make them as representative and effective as possible, avoiding duplication among the councils.
- Provincial and district governors can play an important role in identifying and linking with legitimate representational political bodies. At the same time, the Afghan government and international community should hold the governors more

(c) ketabton.com: The Digital Library

accountable by monitoring for corruption, creating incentive programs, promoting transparency, etc.

- In the longer term, the international community should support calls for district council elections as outlined in the Afghan constitution. Numerous and serious logistical and political issues need to be addressed before such elections can reasonably occur (including the defining of district boundaries and conducting a national census). Once locally-elected government *shuras* are established there will be less need for overlapping bodies that could confuse jurisdiction. This would be a key step in establishing stable long-term local governance across Afghanistan.

(c) ketabton.com: The Digital Library

Myths and Misconceptions in the Afghan Transition[210]

by
Shahmahmood Miakhel and Noah Coburn

Summary

- The coming period of transition to Afghan control of national security will require greater cooperation and understanding between all parties.
- Currently cooperation between the international community, the Afghan government and local communities is being undermined by a series of myths and assumptions which stem from some of the current unstable conditions, a perceived lack of shared interests and a handful of highly publicized incidents.
- The international community often underestimates local capacity for governance in Afghanistan and the perpetuation of such tropes as Afghans as unruly tribes ignores the success that Afghanistan did have with self-rule for much of the 20th century.
- Local Afghan communities are skeptical of the actual aims of both counterinsurgency and state-building measures, as projects such as internationally sponsored elections have failed to

[210] This peace brief is published by United States Institute of Peace on April 09, 2012. PB No. 123 www.usip.org It is a longer version of it.

(c) ketabton.com: The Digital Library

yield anticipated results despite the continued presence of international troops.

- The lack of tangible change in the lives of many Afghans in contrast with expectations following the initial US invasion, coupled with a series of culturally-insensitive events, has eroded trust of the international community.
- There is an urgent need to rethink some of the assumptions on both sides of the table which threaten to undermine the long term prospects for peace in Afghanistan.

Some Myths and Misconceptions

As responsibility for security and other aspects of governance and rule of law rapidly transition to full Afghan control in the coming years, serious logistical and structural challenges remain to be addressed. Less discussed but equally important, though, is the fact that there is currently a deep gulf in communication and understanding between members of the international community, the Afghan government and local Afghan communities. This divide is both evidenced by and further perpetuated by a series of myths and misconceptions on all sides of this relationship.

Afghan Myths

On the one side, among both educated and uneducated Afghans, there is the persistent belief that counterterrorism is an open-ended excuse used by the international community, particularly the United States, to assert control over Afghanistan in order to extract the

(c) ketabton.com: The Digital Library

nation's resources, particularly mineral wealth, and to prevent the expansion of Chinese and Pakistani influence in the region. A common refrain amongst many Afghans is that United States is actually aiding the Taliban in an effort to promote instability and justify its continued military presence in the country.[i] They question how a group perceived as weak and unorganized could continue to stand against the technologically superior US and NATO forces.

While some may chuckle at these ideas as misguided, failure to recognize their legitimacy in the minds of many Afghans leads to one of the fundamental disconnects between the avowed partners for Afghan stabilization. It bears focusing on what is perpetuating some of these myths. Since 2001 the international military forces have relied heavily on local warlords and powerbrokers with sordid histories and reputations to bring local stability. The Janus figures often have a perverse incentive to encourage instability in order to benefit from the weakness and corruption of government structures, through industries and practices such as land grabbing and the opium trade. For almost a decade the international military has repeatedly attempted to stabilize Afghanistan, in part, by partnering with those strong figures who are benefitting most from its instability. Many Afghan citizens see what the military views as a necessary means of expediting stability, as a Faustian pact with some of the most violent figures particularly in provinces like Helmand, Kandahar and Uruzgan.[ii]

(c) ketabton.com: The Digital Library

It is also important to consider the way that Afghans *perceive* the massive distribution of aid and other funds from the international community. Many in the international community blame rampant corruption within Karzai's government for the failure to have a tangible impact on the Afghan populous to match the levels of actual donated dollars. While some Afghans agree with this assessment, many also feel that those in the international community who control the funds are responsible for the ineffectiveness of how they have been applied. On several occasions and with increasing frequency, the President has effectively countered corruption charges by accusing the international community of its own means of corruption, particularly amongst private security contractors.[iii] While seemingly unrelated, these issues are often symbolically linked in the minds of many Afghans with other concerns about the international presence, such as the increasing number of barriers and roadblocks by embassies and other international organizations which has slowed traffic in Kabul to a crawl. These trends, coupled with several recent events, including the burning of Korans at Bagram Airfield and the killing of 16 civilians in Kandahar by an American soldier, have increased hostility to the international presence.

Such issues damage Afghan perceptions of the international presence and the distribution of international funds more generally. Large donors, such as USAID, ask for complex proposals that many Afghan businesses and NGOs are ill-equipped to write. As a result, the vast

(c) ketabton.com: The Digital Library

majority of contracts go to American firms, which often then get subcontracted to a few Afghan firms. While this may be considered transparent by internationals involved, it is important to stress that for many Afghans, there is the sense that the process is actually not transparent. Many of the actual implementing Afghan firms are dominated by a small segment of the ruling elite who many Afghans see as corrupt and monopolizing external funding. Despite good intentions, this has resulted in great deal of misunderstanding and ill-will aimed towards the international presence.

International Myths

Myths and misperceptions, however, are not confined to the Afghan side of the conversation. Among many in the international community, there is the common misconception that Afghanistan has never had a functioning government, that corruption is an inevitable aspect of Afghan culture and that since Afghans are not truly interested in democracy it is justifiable to make deals with warlords and other strongmen, even if they are known criminals.

During the 1960s and 1970s *Afghanistan did have an effective local governance system* that relied on creating relationships between central government officials and local leaders such as maliks, arbabs and kalantars. While it was not without its problems, this system was considered equitable by the majority of the population. Generally speaking it is remembered as being corruption free, perhaps

(c) ketabton.com: The Digital Library

most clearly evidenced by the practice of universal conscription, in which every man was required to serve in the national military regardless of economic standing or ethnicity.[iv] Even the sons of the King, were required to serve in the national military, standing in stark contrast with the current rumors about the child of local elites purchasing grades at the national university or other privileges.

Some of the struggles of setting up good governance systems in the last decade should not be perceived as some sort of primordial rejection of democratic governance by the Afghan people. For example, the high turnout in initial elections, particularly in 2004, and the increasing disillusionment with the documented corruption of recent elections does not suggest that Afghans have some inherent distaste for democracy. Instead, many of Afghanistan's historical political structures and community decision making mechanisms are deeply rooted in democratic values. In most instances all the men of a community have the equal right to sit on councils like shuras and to voice their opinions on local issues. Participation in elections has declined for a much simpler reason; Afghan elites have been effective at manipulating the 6 national elections held since the US invasion. Powerful individuals have used elections to solidify their patronage networks and monopolize government funds. As a result, many Afghans feel as if recent elections are an ineffective process for creating truly democratic governance.

(c) ketabton.com: The Digital Library

Other international programs that target certain leaders (often referred to as Key Leader Engagement or KLE) or generate resources for one group over another potentially undermine these practices, making local politics actually less democratic. This is perhaps most apparent in the case of the Popalzai tribe to which President Karzai is a member. In the area around Kandahar, the Popalzai have come increasingly to dominate local political and economic structures. However, local governance and development councils set up across the country, typically through US and British funds, often times rely on a select group of local leaders and government officials to choose members of the local council. These individual members of the community often have very different interests than the community writ large and the involvement of international programs marks them in the eyes of many community members as being distinctly unrepresentative. Research by USIP suggests that Afghans in general are in support of holding elections for local councils, but that the current system that relies on hand-chosen representatives in many communities is creating resentment.[v] Many of these current programs seem to work on the assumption in the international community and perhaps amongst the Kabul-based government that local communities are somehow unable or unwilling to choose their own leadership.

Effects of these Misunderstandings

What is most worrying is that these seemingly simple misunderstanding can produce tragic results. In the most extreme cases Kabul has seen violent protests in response to

(c) ketabton.com: The Digital Library

the perception that the United States is working against Islam. In less public cases, aid programs and political strategies that favor a small group of wealthy, elite Afghans suggest that the United States and NATO partners do not have the best interests of ordinary Afghans in mind when planning programs and policies. In the most extreme cases, alliances with unsavory local commanders, some with histories of past war crimes, has led many Afghans to believe that the United States in particular is actively encouraging instability in the country, and has forced average citizens to make economic and political decisions as if this were the case. Local Afghans are more likely to do things like support warlords and less likely to invest in businesses when they expect a significant amount of instability in the new future.

The tendency of NGOs and international donors to work around a government that they largely perceive as corrupt and ineffective has also created some severe economic distortions. Both international NGOs and donors have not done enough to engage in public awareness campaigns. This means that money continues to be delivered in large amounts, delivered in ways that are non-transparent and unpredictable for local communities. Attempts to monitor these efforts by groups like the Congressionally-founded Special Inspector General for Afghan Reconstruction (SIGAR) are usually aimed at policy audiences and Afghan communities rarely hear about these efforts except in the form of sensational media sound bites.

Finally, all of these misconceptions have made both the Afghan government and the Afghan people much more distrustful and suspicious of the role of the international

(c) ketabton.com: The Digital Library

community in the early stages of negotiations with the Taliban, and to question the ultimate aims of such negotiations. These myths and misconceptions have helped reinforce the idea that perhaps the United States and the Afghan government are not actually on the same side of the negotiating table. This has been thrown into harsh relief as the two scramble to assert authority over where, when and how to hold talks as they are meant to be beginning. This raises some long term concerns as any settlement negotiated between the Taliban and the United States that the Afghan government does not believe was negotiated in good faith is unlikely to bring lasting peace to Afghanistan.

Reaching across the Table: What can be done to help understanding

- The international presence in Afghanistan needs to work on being more transparent in its distribution of funds. This means having and publicizing clearly articulated goals and timeframes to partners in the Afghan government and to local communities.
- The international community needs to continue to invest in the Afghan government and in particular in local governance structures through local actors that are selected by the community, not relying on those that have come to power during the current instability. Often arriving in a community and assuming that a certain leader is legitimate in local eyes ignores the fact that many local leaders have used guns, opium profits or other external methods to come to power.
- The international community and the Afghan government need to increase communication and

(c) ketabton.com: The Digital Library

cooperation in a series of areas, particularly their approaches to local governance and reconciliation with the Taliban. The current series of international programs that aim to support local governance often have poor communication, which needs to be addressed at both the local and national level.

- Before negotiations between the Afghan government and the Taliban begin in earnest, more diplomatic conversations between the government and the international community need to take place to avoid multiple streams of negotiations that threaten to undermine each other.

(c) ketabton.com: The Digital Library

Resolving Provincial-Level Disputes and Stability in Afghanistan: USIP's Provincial Dispute Councils Program[211]

By
Shahmahmood Miakhel and Noah Coburn

Summary

- Currently numerous disputes at the local level are unresolved in Afghanistan, leading to local instability, a growing distance between the government and people and encouraging communities to turn to the Taliban.
- In March 2010, USIP began working with local elders, government officials (particularly governors and officials from the Ministry of Tribal Affairs) and religious figures to address a range of disputes in Nangarhar and Kunar provinces in eastern Afghanistan.
- These networks of elders, working closely with government officials and, in some cases, the international military, have addressed conflicts that include land disputes, criminal cases, and disputes involving the Taliban. Since 2010, USIP's Dispute Resolution Project has participated in and recorded the resolution of over 120 cases.

[211] This peace brief is published by United States Institute of Peace on June 10, 2011. PB No.96 www.usip.org

(c) ketabton.com: The Digital Library

- The project suggests several methods for facilitating dispute resolution that rely on flexible networks of locally legitimate political figures which will strengthen the government, promote rule of law and decrease the appeal of the Taliban.

The Imperative of Effective Local Conflict Resolution:

The current insurgency in Afghanistan is taking advantage of local feuds and the instability that they create. While some members of the Taliban have ideological ties with the insurgency in Afghanistan, it is clear that a significant number of communities have joined the insurgency due to the failure of both the Afghan government and the international community to provide effective transparent governance and rule of law. The failure to build a legitimate judiciary and the residual undermining effects of previous communist regimes, Afghan resistance groups in 1980s, warlords and the Taliban's influence on local structures has made unresolved disputes a growing concern at the national—and international—level. In some areas, the Taliban have directly encouraged disputes, often pitting communities against the Afghan government and coalition forces. Elsewhere, Taliban leaders have increased their authority and appeal by providing more effective justice mechanisms[212] than the state has been able to provide. Together, these trends work against international efforts to

[212] Not all ethnicities organize themselves into tribes in Afghanistan (e.g. Tajiks), but most continue to use tribal mechanisms in the sense that politics are reliant on a series of networks tied to kinship, marriage, and economic cooperation creating groups referred to as qaum or khel.

(c) ketabton.com: The Digital Library

secure Afghanistan and thereby illustrate the need for a serious focus on dispute resolution.

Despite the weakness of the formal justice sector, local communities have been resolving disputes peacefully for years. Elders use tribal mechanisms to resolve issues between individuals and communities in manners that often emphasize restorative justice. The way that these bodies function varies, and Pashtuns often rely on ad hoc gatherings referred to as jirgas, while most non-Pashtun groups rely on shuras, or more fixed councils[213]. The flexibility of these mechanisms, however, is one of the things making them so efficient. Often the figures who work in dispute resolution are not only knowledgeable about local issues, but have connections to marginalized groups who may have recently turned towards the Taliban. In many areas, however, the past 30 years of conflict have undermined the position of local elders. Instead, warlords have increasingly shaped access to justice through the use of arms and illicit funds, often with the support of corrupt government officials, leading communities to turn away from government institutions.

In the cases where elders do continue to exert influence, there needs to be greater cooperation between these elders, communities and government officials. In much of rural Afghanistan today there continues to be three

[213]For more information on informal justice mechanisms in Afghanistan see Coburn and Dempsey, 'Informal Dispute Resolution in Afghanistan,' USIP Special Report, Thomas Barfield, Neamat Nojumi and J Alexander Their , 'the Clash of Two Goods: State and Non-State Dispute Resolution in Afghanistan,' USIP, or any of the reports written by Deborah Smith, Shelly Manalan or Rebecca Gang for the Afghan Research and Evaluation Unit.

(c) ketabton.com: The Digital Library

pillars of power: spiritual leaders (mullahs and members of the ulema), traditional leaders and government officials (particularly district and provincial governors).[214] Unfortunately, most efforts by the Afghan government and the international community to encourage dispute resolution and access to justice only focus on one of these groups or one specific issue (e.g. land). In order to address this shortcoming, USIP since 2010 has been bringing together figures from each of these pillars in a series of pilot projects, aimed to facilitate re solution of disputes on a range of issues.

USIP's Dispute Resolution Councils:

Since March 2010, USIP has worked with the Ministry of Tribal Affairs (MoTA) and the provincial governors of Kunar and Nangarhar provinces to create two councils of respected tribal and religious leaders to serve as the centers of wider networks of respected community figures order to increase cooperation between state officials and respected community figures called Dispute Resolution Councils (DRC). In each province, 10 members were selected who were both members of the ulema and respected tribal leaders. The selection process acknowledged the social and political differences in the two provinces. In Nangarhar, representatives from most of the

[214] This division is not always precise. See Coburn, 2011, Bazaar Politics: Power and Pottery in an
Afghan Market Town, Stanford University Press. For some of the issues involving the international community and these figures see Miakhel and Coburn, 'Many Shuras Do Not a Government make,' USIP Peace brief.

(c) ketabton.com: The Digital Library

major tribal groups were selected, while in Kunar, elders were selected from different geographic areas. Once formed, these groups functioned as informal networks of elders upon whom communities could call when needed rather than as sitting bodies. The reputations of these men encourage communities to bring cases to them. In turn, the inclusion of various members of the DRC in the resolution process added legitimacy in the eyes of the Communities. USIP provided members of the councils with some training on dispute resolution, but more importantly, facilitated dialogue and cooperation between DRC members, government officials and members of the international community. USIP also brought DRC members from Kunar and Nangrhar together so that they could meet one another, discuss dispute resolution strategies and lay the groundwork for resolving potential inter-provincial disputes. USIP facilitators worked with council members to record the cases in which members of the DRC were involved. In order to protect those involved, USIP did not publicize this project until the project's conclusion in March 2011 when the deputy minister of Tribal Affairs briefed local media.

Types of Cases Resolved:

In total, the elders who are a part of the DRC program networks have resolved more than 120 cases in the past 12 months. Of those, USIP gathered detailed records on 105 of them (48 from Nangarhar, 56 from Kunar and one that crossed the border between the two provinces). In both provinces, Land continues to be the most contentious

(c) ketabton.com: The Digital Library

issue (31 out of 48 cases from Nangarhar, and 26 out of 56 from Kunar), but elders also dealt with 30 cases that involved criminal issues such as assault and kidnappings. These issues are often related as almost 25 percent of cases involving land also had criminal elements.

DRC members have also become involved in resolving key provincial political issues. In February 2011, several members of Parliament and provincial council members requested the removal of the governor of Nangarhar, a move strongly opposed by several communities and groups of local elders, straining the relationship between these groups and the government. DRC members from Nangarhar requested that elders, including DRC members, come from neighboring Kunar province to take part in dialogues as outside reconcilers to assist in dialogues that prevented the outbreak of violence.

Another mark of the program's success was the willingness of political actors from local communities and government officials to refer cases to the DRC. In each province, cases were most likely to be referred by local communities (41 of 105), but government officials also came to refer a sizable number (27).

This demonstrates significant buy-in from various leading political figures within each province— something often missing from other resolution programs that either work to build capacity within government structures, or only target local communities to the exclusion of government structures.

(c) ketabton.com: The Digital Library

Land, Murder and Detention:

It is difficult to classify many of the disputes in Afghanistan, since conflicts over land can easily turn violent, adding a criminal element. In areas where the Taliban are active, there is also a danger that insurgents will become involved in disputes. For example, in Nangarhar, there was a case about whether a certain man had legally purchased his house 40 years ago. The supposed owner began threatening those who had brought the case to the prosecutor, stating that he would seek support from Taliban members active in the area. To prevent further escalation of the case, a DRC member brought the issue to the Director of Tribal Affairs in the provincial capital. Along with two other

DRC members, they went to the village to consult with other elders who had become concerned about the potential for Taliban intervention. After securing authority from the community to arbitrate and a financial sum of 220,000 Afghanis to guarantee their decision, the group returned the house to the man under the condition that his brother, a reputed drug user, could no longer live there. This outcome ultimately satisfied both sides.

A second case involved the murder of a government employee in Kunar. The victim's family assumed that one of the killers had been a man with whom the family had previously feuded. After convincing police to arrest the man, they decided to take matters into their own hands and try to kill the accused man or members of his family.

(c) ketabton.com: The Digital Library

Concerned that violence might ensue between the families, the Kunar governor intervened and asked a jirga, led by a DRC member, to address the case. The members of this jirga convinced the victim's family to participate and to give the elders time to investigate. After receiving authority from both sides, jirga members discovered that the accused had not even been in the area at the time of the murder. The family accepted their decision and all sides are now cooperating to find the real killers.

DRC members have also helped resolve disputes between community members and coalition forces. Earlier this year, for example, U.S. troops detained four men as suspected insurgents. The men had been carrying weapons due to involvement in a local feud. The fathers of these men were unsure how to approach the International Security Assistance Forces (ISAF) and their resentment of ISAF led them to consider joining the local Taliban. Instead, they approached a well-known DRC member who had contact with the U.S. military base where the men were being held. Despite the.

DRC member's concerns that his involvement would make him a Taliban target, he went to the base and eventually the men were released to him since he was trusted by coalition forces there.

The local reputations of the DRC members and their cooperation with local governors and MoTA officials proved essential to resolving most of these cases. In the case involving ISAF, we see how prominent elders may

(c) ketabton.com: The Digital Library

serve as an important bridge between coalition forces and communities intimidated by the Taliban. These results suggest that dispute resolution projects involving government officials, local elders and religious leaders are far more likely to be successful than cases focused on a single group. In turn, dispute resolution will continue to encourage stability, bring the people and the government closer together, and will weaken efforts by insurgents to undermine local governance and rule of law.

Key Recommendations:

- Help the government of Afghanistan and international community make dispute resolution a priority and work to facilitate the addressing of grievances on a village, district, provincial and national level.
- Encourage government officials to engage communities through local elders.
- Strengthen the capacity of the MoTA, the Ministry of Justice and other government bodies, and increase their authority to work with local communities.
- Establish provincial level networks of elders in other provinces, and consider establishing similar programs at the district level.
- Actively bring ulema members into dispute resolution processes, particularly on issues such as re-integration where they have authority.

(c) ketabton.com: The Digital Library

- Strive to engage the international community to work through local government officials and elders to systematically access communities.
- Encourage the international community and local officials to formally recognize local elders and religious figures.
- Establish mechanisms with local government officials to document cases to help to prevent future disputes.

---

[i] For an analysis of this common perception see Vanessa Gezari, August 19, 2011, 'The Secret Alliance,' *The New Republic*.

[ii] For an example from Kandahar, see Matthieu Aikins, November 2011, 'Our Man in Kandahar,' *The Atlantic*.

[iii] For example see Laura King, October 4, 2010, 'Afghan President Begins Disbanding Private Security Firms,' *The Los Angeles Times*.

[iv] An exception was made for those living in the Loya Paktya region based on long standing tribal agreements. While in actuality there was a good deal of corruption during this period, for the most part it was petty and the era is often recalled perhaps optimistically as generally corruption-free. For more see Thomas Barfield, 2010, *Afghanistan: A Cultural and Political History*, Princeton, NJ: Princeton University Press.

[v] Discussions with local residents in Kunar and Nangarhar, particularly shaped these opinions.

Get more e-books from www.ketabton.com
Ketabton.com: The Digital Library