

## Afghanistan: Exit vs Engagement

### I. OVERVIEW

U.S. military operations in Afghanistan are now entering their tenth year and policymakers in Washington are looking for a way out. A policy review is due in December but the outline is already clear: U.S. forces will try to pummel the Taliban to bring them to the table, responsibility for security will increasingly be transferred to Afghan forces and more money will be provided for economic development. NATO partners agreed at the Lisbon summit to a gradual withdrawal of combat troops with the goal of transitioning to full Afghan control of security by the end of 2014. The aim will be a dignified drawdown of troops as public support wanes while at the same time ensuring that a post-withdrawal Afghanistan, at the very least, does not become the epicentre of transnational terrorism. While success is being measured in numbers of insurgents killed or captured, there is little proof that the operations have disrupted the insurgency's momentum or increased stability. The storyline does not match facts on the ground.

The U.S. military is already touting successes in the area around Kandahar, the focus of the most recent fighting by the International Security Assistance Force (ISAF). President Hamid Karzai has established a "high peace council" to manage negotiations with the insurgents and greater efforts are planned for training the Afghan army and police. The U.S. and ISAF are only months away from declaring scores of districts safe for transition. An alluring narrative of a successful counter-insurgency campaign has begun to take shape.

As violence has increased, the Afghan National Security Forces (ANSF) have proven a poor match for the Taliban. Casualties among Afghan and ISAF forces have spiked, as have civilian casualties. Afghanistan still lacks a cohesive national security strategy and the Afghan military and police remain dangerously fragmented and highly politicised. On the other side, despite heavy losses in the field, insurgent groups are finding new recruits in Pakistan's borderlands, stretching from Khyber Pakhtunkhwa and the Federally Administered Tribal Areas (FATA) to Balochistan, and using the region to regroup, reorganise and rearm, with the support and active involvement of al-Qaeda, Pakistani jihadi groups and the Pakistan military. This strategic advantage has allowed the insurgency to proliferate in nearly every corner of the country. Contrary to U.S. rheto-

ric of the momentum shifting, dozens of districts are now firmly under Taliban control.

Nearly a decade after the U.S. engagement began, Afghanistan operates as a complex system of multi-layered fiefdoms in which insurgents control parallel justice and security organs in many if not most rural areas, while Kabul's kleptocratic elites control the engines of graft and international contracts countrywide. The inflow of billions in international funds has cemented the linkages between corrupt members of the Afghan government and violent local commanders – insurgent and criminal, alike. Economic growth has been tainted by the explosion of this black market, making it nearly impossible to separate signs of success and stability from harbingers of imminent collapse. The neglect of governance, an anaemic legal system and weak rule of law lie at the root of these problems. Too little effort has been made to develop political institutions, local government and a functioning judiciary. Insurgents and criminal elements within the political elite have as a result been allowed to fill the vacuum left by the weak Afghan state.

Successive U.S. administrations deserve much of the blame for this state of affairs. From the start the policy was untenable; selecting some of the most violent and corrupt people in the country, stoking them up with suitcases of cash and promises of more to come and then putting them in charge was never a recipe for stability, never mind institution building.

The leadership in Washington has consistently failed to develop and implement a coherent policy. The shift of resources and attention from Afghanistan to Iraq almost immediately after the Taliban were first driven from Kabul also underscored a lack of strategic priority. The absence of policy coherence between Washington and its NATO allies early on was replicated by sharp divisions between civilian and military leaders – as reflected in the starkly opposed opinions of the Pentagon and the U.S. embassy in Kabul on the best way forward; most recently evidenced in the departure of General Stanley McChrystal. Measuring inputs rather than outcomes has allowed bureaucrats to trumpet illusory successes. Policymaking has been haphazard, based on the premise that if a bad idea is revived often enough, it might eventually work. Plans for reintegrating the Taliban and establishing local police militias have come and gone and come again with no positive re-

sults. Attempts at reconciliation have resulted, likewise, in little more than talk about talks.

Real work to build a capable police and military only began in 2008. Despite endless pledges to restore the rule of law, efforts to provide Afghans with rudimentary justice have barely started. The international community has repeatedly failed to acknowledge the link between stability and justice, though it has long been evident that grievances against predatory government actors are driving the insurgency.

All of these problems have led many to believe it is time for the foreign forces to leave. Unfortunately, a rush to the exit will not help Afghans nor will it address the very real regional and global security concerns posed by the breakdown of the Afghan state. Without outside support, the Karzai government would collapse, the Taliban would control much of the country and internal conflict would worsen, increasing the prospects of a return of the destructive civil war of the 1990s. Even a partial Taliban victory would provide succour and a refuge for Pakistani jihadi groups. That could intensify violence in Pakistan and increase attacks on India. Afghanistan's neighbours would step up support for their proxies, injecting military resources, financing and new energy into the war. As conflict spreads – along with refugees, jihadis and other problems – the situation would be well beyond the control of a few drone strikes.

This paper is aimed at reminding policymakers of the deep problems that exist in Afghanistan. Any plan that fails to deal with the decay in Kabul will not succeed. President Hamid Karzai no longer enjoys the legitimacy and popularity he once had and he has subsequently lost his ability to stitch together lasting political deals. Despite the rhetoric surrounding reconciliation, Karzai is in no position to act alone as a guarantor for the interests of the Afghan state. In the current political context, negotiations with the insurgents stand a slim chance of success. Instead, the key to fighting the insurgency and bringing about the conditions for a political settlement lies in improving security, justice and governance and, as previous Crisis Group reports have shown, there are few quick fixes in these areas.

## II. THE FIX IS IN

In the first half of 2010, violent incidents in Afghanistan rose nearly 70 per cent over the first six months of the previous year. The use of improvised bombs was up 82 per cent and the number of civilian casualties was up by a

third.<sup>1</sup> NATO losses were the highest since the fighting started.<sup>2</sup> In this environment it is not surprising that NATO members want to leave. Dutch forces pulled out in August 2010. The Canadians will leave by the end of 2011, although they have now agreed to maintain 1,000 trainers to help train the ANSF.<sup>3</sup> The UK wants its forces mostly out by 2015 and most importantly the U.S. wants to start drawing down in 2011.<sup>4</sup> Several provinces appear to have already been identified for transition within the next year.<sup>5</sup>

The exit strategy sounds fairly simple: try to pound the Taliban, build support by protecting civilians, lure disillusioned Taliban over to the government, expand access to basic services and create resilient security forces. The problem is that none of this is working.

The Taliban are more active than ever and they still enjoy sanctuary and support in Pakistan.<sup>6</sup> Civilian deaths are

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<sup>1</sup> From 1 January to 30 June 2010, UNAMA documented 3,268 conflict-related civilian casualties, including deaths and injuries, a 31 per cent increase compared to the first six months of 2009, with the insurgents responsible for 2,477 casualties, a 53 per cent increase from the same period in 2009. Report of the Secretary-General, "The Situation in Afghanistan and its Implications for International Peace and Security", A/64/911-S/20/10/463, General Assembly, Security Council, 64th Session, Agenda item 17, 14 September 2010.

<sup>2</sup> As of 20 November, 650 foreign troops were killed in 2010, about 445 of them American, making this the bloodiest year since the October 2001 U.S.-led intervention.

<sup>3</sup> "Harper calls on Karzai to reduce Afghan corruption", *National Post*, 19 November 2010.

<sup>4</sup> In his address to the Council on Foreign Relations, the influential chairman of the Senate Armed Services Committee, Carl Levin, called on President Obama to stick to the July 2011 date "for accelerating the transition to Afghan security responsibility", warning that "public sentiment at home" could not be ignored since the American people "across party lines question the cost – in precious lives and in dollars – of maintaining a large presence in Afghanistan". "The Way forward in Afghanistan", Address by Senator Carl Levin to the Council on Foreign Relations, Washington DC, 1 October 2010.

<sup>5</sup> The list of provinces slated for transition by ISAF command remains for the moment classified, but Crisis Group interviews in October and several international press reports appear to confirm a plan to transition at least twelve provinces between January 2011 and December 2011. For further analysis of the transition plan see: Thomas Ruttig, "The Inteqal express gets green light in Lisbon", *Afghanistan Analysts Network*, 18 November 2010.

<sup>6</sup> For Crisis Group analysis of the Taliban's downfall and post-Taliban security dynamics, see Asia Report N°190, *The Afghan National Army: A Force in Fragments*, 12 May 2010; Asia Report N°158, *Taliban Propaganda: Winning the War of Words?*, 24 July 2008; Asia Report N°123, *Countering Afghanistan's Insurgency: No Quick Fixes*, 2 November 2006; Asia Briefing N°35, *Afghanistan: Getting Disarmament back on Track*, 23

rising. Half-hearted counter-insurgency efforts, particularly the inevitably unsustainable efforts backed by commander's funds and provincial reconstruction teams, have unsurprisingly failed to produce lasting results. Recent attempts to reintegrate Taliban have been a spectacular failure, as were earlier efforts. Talks with them have not proven fruitful. The insurgents are a complex mix of forces with varying demands. They also think they are winning and see no reason to engage in the elaborate discussion mechanisms set up by the president or conduct a dialogue in earnest with the international community.<sup>7</sup> Even if many commanders were not sniffing the scent of victory, they would most likely reject the demands that they lay down their arms, abide by the constitution and accept the fairly paltry array of economic incentives on offer. There is unlikely to be an Afghan equivalent of the Iraqi Awakening.

Given that a negotiated settlement is at best distant, Afghanistan is facing a worsening conflict. However much Afghan leaders are reassured that July 2011 really did not mean an immediate departure, they fear the demoralising prospect of a rapid NATO withdrawal similar to the precipitous departure of the West after the Soviets were forced out. Such a departure would give an enormous boost to the Taliban.

Afghan insurgents are allied to three brutal jihadi groups, Lashkar-e-Tayyaba (LeT), now renamed the Jamaat-ud-Dawa (JD), the Jaish-e-Mohammad and the Islamic Movement of Uzbekistan (IMU). These groups, also linked to al-Qaeda, have increasingly expansive ambitions.<sup>8</sup> The growth of insurgent forces would also fire up an aggressive civil war with non-Pashtun forces, deepening cleavages between Pashtuns and Tajiks, Uzbeks and Hazaras. A worsening civil war or a Taliban victory in Afghanistan would provide the perfect environment for transnational terrorist cadres such as LeT and IMU to create havoc in the region and beyond. Afghanistan's neighbours would intensify support to their proxies, bringing Russia, Uzbekistan, Tajikistan, Iran and India even more aggressively into the conflict. None of these countries wants to see a Taliban victory; it would raise immense alarm in Central

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February 2005; and Asia Report N°65, *Disarmament and Reintegration in Afghanistan*, 30 September 2003.

<sup>7</sup> See p. 8 below.

<sup>8</sup> Many terror plots against Western, including U.S., targets have been traced back to Pakistani jihadi groups including the failed Times Square terrorist attack in May 2010. Recent information gathered by U.S. and European counter-terrorism intelligence agencies points to planned attacks on a number of European capitals, including London, Paris and Berlin by Pakistan-based al-Qaeda affiliates. See Steven Erlander and Eric Schmitt, "Officials says intelligence points to plots by al-Qaeda to attack European cities", *The New York Times*, 29 September 2010; and Crisis Group Asia Report N°164, *Pakistan: The Militant Jihadi Challenge*, 13 March 2009.

Asia, intensify jihadi violence across Pakistan and create a grave security concern for India.<sup>9</sup>

### III. WHAT IS NOT WORKING?

Policy failures in Afghanistan have been legion and Crisis Group has chronicled them extensively.<sup>10</sup> The key error was not establishing security early on when the Taliban was at its weakest. Nor was enough done to develop state capacity to ensure they did not return. From the start there was no insistence that Kabul live up to its commitments. Large sections of every agreement from the Bonn Agreement of 2001 to the Kabul Conference of 2010 have not been implemented, at no cost to the Karzai government. Maintaining access to the president was seen as more important than ensuring he lived up to his promises. And so Western credibility has steadily drained away among Afghans, undermining efforts to combat the insurgency.

The following is a less-than-complete list of what is still not working.

#### A. POLICYMAKING IN WASHINGTON

Washington has failed to deliver a coherent policy in Afghanistan, with goals too narrowly focused on counter-

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<sup>9</sup> For Crisis Group analysis on the spread of militancy in north-western Pakistan, see Asia Reports N°178, *Pakistan: Countering Militancy in FATA*, 21 October 2009; and N°125, *Pakistan's Tribal Areas: Appeasing the Militants*, 11 December 2006.

<sup>10</sup> See Crisis Group Asia Reports N°195, *Reforming Afghanistan's Broken Judiciary*, 17 November 2010; *A Force in Fragments: Reconstituting the Afghan National Army*, op. cit.; N°175, *Afghanistan: What Now for Refugees?*, 31 August 2009; N°171, *Afghanistan's Election Challenges*, 24 June 2009; N°145, *Afghanistan: The Need for International Resolve*, 6 February 2008; N°138, *Reforming Afghanistan's Police*, 30 August 2007; *Countering Afghanistan's Insurgency: No Quick Fixes*, op. cit.; N°88, *Afghanistan: From Presidential to Parliamentary Elections*, 23 November 2004; *Disarmament and Reintegration in Afghanistan*, op. cit.; N°56, *Afghanistan's Flawed Constitutional Process*, 12 June 2003; N°45, *Afghanistan: Judicial Reform and Transitional Justice*, 28 January 2003; and N°26, *Afghanistan and Central Asia: Priorities for Reconstruction and Development*, 27 November 2001. See also Crisis Group Asia Briefings N°96, *Afghanistan: Elections and the Crisis of Governance*, 25 November 2009; N°89, *Policing in Afghanistan: Still Searching for a Strategy*, 18 December 2008; N°59, *Afghanistan's Endangered Compact*, 29 January 2007; N°39, *Political Parties in Afghanistan*, 2 June 2005; *Afghanistan: Getting Disarmament Back on Track*, op. cit.; N°31, *Elections and Security in Afghanistan*, 30 March 2004; N°29, *Afghanistan: The Constitutional Loya Jirga*, 12 December 2003; and N°13, *Securing Afghanistan: The need for more International Action*, 15 March 2002.

terrorism. While George W. Bush's anti-terrorism approach might have been accompanied by rhetoric to remake Afghanistan, it was not all that different from President Barack Obama's focus on "disrupting, dismantling and defeating al-Qaeda and its extremist allies" while promising to invest more in civilian capacity building and development.<sup>11</sup> Bush failed to follow his rhetoric with the resources needed for nation building and Obama has failed to focus U.S. efforts on ensuring that military efforts are accompanied by focused aid programs to build effective governance, in particular to address the greatest gap: justice and the rule of law.<sup>12</sup>

Chains of command for both decision-making and the monitoring of outcomes have been unclear, in part due to a proliferation of ambassador-level diplomats, war czars, special envoys and generals. Whatever policy there was has been totally undercut by President Obama's call for a July 2011 drawdown, which erased any belief on the ground that there was a commitment to stay the course. It actually produced the contradictory result of an increasing commitment of money, armed forces and civilian advisers being seen as preliminary steps in an exit strategy. Although the White House has repeatedly tried to walk back from this date and the agreement at the Lisbon summit points to a 2014 deadline for the withdrawal of U.S. and NATO combat troops, Afghans remain unconvinced that the U.S., and its NATO allies, will stay even that long. Prior to Lisbon, no amount of confidential press interviews or subsequent speeches reversed that view among allies and enemies in Afghanistan or Pakistan. It remains to be seen whether the Lisbon pledges to stay for four years will have a greater impact.<sup>13</sup>

Policymaking needs to be brought under greater control of the White House. There needs to be a clear set of aims

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<sup>11</sup> "It must be clear that Afghans will have to take responsibility for their security and that America has no interest in fighting an endless war in Afghanistan". Remarks by the President to the Nation on the Way Forward in Afghanistan and Pakistan, Barack Obama, U.S. Military Academy at West Point, New York, 1 December 2009. See also Kim Ghattas, "Obama breaks with Bush Afghan policy", BBC News, 27 March 2009.

<sup>12</sup> "Afghanistan: U.S. Foreign Assistance", Congressional Research Service, 12 August 2010, [http://assets.opencrs.com/rpts/R40699\\_20100812.pdf](http://assets.opencrs.com/rpts/R40699_20100812.pdf), points out that recently passed appropriations channel significant funds through the Afghanistan Reconstruction Trust Fund to the National Solidarity Program's local development activities and to the justice sector. The bulk of the U.S. funding since 2002 was to the security sector and ANSF financing.

<sup>13</sup> "I don't foresee ISAF troops in a combat role beyond 2014", said NATO Secretary General Anders Fogh Rasmussen, but provided "of course that the security situation allows us to move into a more supportive role". "NATO aims to end combat mission in Afghanistan by 2015", Reuters, 20 November 2010.

that are consistently articulated. What is needed is a stripped down policy, with a chain of command led from the top, and a complete focus on outcomes and effective delivery. Benchmarks must be redefined to reflect a greater emphasis on genuine signs of stabilisation rather than on head counts and passable percentages. Statistics do not add up to strategy. If facts on the ground do not match up, the numbers will not be sellable in the long run – neither to Afghans nor the American public.

## **B. DEALING WITH KABUL**

U.S. policy towards the Afghan government has vacillated between an uncritical embrace and angry rebukes. Washington has rarely set boundaries or enforced limits, consistently funding failure while glibly sidestepping its own responsibilities in pushing for and supporting institutional reform. Consequently, President Karzai has rejected efforts to develop effective government, restore the rule of law or tackle deep-seated corruption. His dubious reelection following the fraudulent August 2009 polls has only increased his dependence on patronage networks and deepened the trust deficit between the Afghan president and the international community. With his legitimacy in question and his hold on power more tenuous by the day, Karzai now spends much of his time juggling the competing interests of his family, regional commanders, wealthy powerbrokers and international stakeholders. This precarious balancing act in which corruption and patronage reign supreme has neutralised the president's potency and hindered government reform.

Karzai's interests, as a result, have increasingly diverged from those of the U.S. government and set him at odds with his political guarantors in Washington. After nearly ten years of playing the obstructionist on everything from elections to local governance, Washington's "essential man" has emerged as a liability. Yet, U.S. officials and their European counterparts continue to bang on the presidential palace doors, pouring every last ounce of their political capital into turning the president and his Kabul cronies around at the expense of much needed institution building. Parliament is ignored. The courts are manipulated. The army and police are little more than pawns in an elaborate game of chess between multiple regional powerbrokers. Millions, meanwhile, have been expended on anti-corruption campaigns that were undercut directly from the presidential palace whenever they came too close.

## **C. SUPPORTING WARLORDS AND KLEPTOCRATS**

Washington has continued to support an array of local warlords and government kleptocrats, mostly to gather intelligence and support military operations. This may provide

day-to-day advantage to the U.S. military and the intelligence community but it gives the lie to the counter-insurgency doctrine of protecting civilians and ultimately undermines any effective development of the government and Afghan security forces. No genuine effort has been made to act on intelligence gathered on the numerous malign actors working for or in concert with the Afghan government. Deals are done but often little is known about their impact on the balance of power in Kabul and elsewhere in the country. Many of those supported and paid by the U.S. government have long and continuing records of violence against the local population. Disarmament programs and electoral politics have not brought them into the mainstream because they have been able to rely on U.S. patronage and institutional weaknesses to ensure their powerbases.<sup>14</sup>

#### D. FOCUSING ON THE CENTRE

The absence of local government institutions has given the Taliban ample opportunities to fill the void. The insurgents appoint governors, collect taxes, run courts and mediate disputes.<sup>15</sup> Despite some impressive improvements in the delivery of social services,<sup>16</sup> the failure to assure access to justice and local governance, particularly in rural areas, has led to a sense there that the government mostly does not provide any services at all.<sup>17</sup> The failure to give adequate power to provincial councils or to hold district council elections has created a disconnect between

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<sup>14</sup> See Crisis Group Report, *A Force in Fragments: The Afghan National Army* and Crisis Group Briefing, *Afghanistan: Elections and the Crisis of Governance*, both op. cit. See also "NATO/Afghanistan: Abusive Partners Undermine Transition Plan", Human Rights Watch, 19 November 2010.

<sup>15</sup> By 2010, the Taliban had established shadow governments in 33 of Afghanistan's 34 provinces. George Grant, "Succeeding in Afghanistan", The Henry Jackson Society, London, 2010, p. 12.

<sup>16</sup> USAID and other donors point to significant gains under the Afghanistan National Development Strategy including infant mortality rate dropping by 22 per cent; over 85 per cent have access to some form of health care; number of midwives up from 404 to 1,700 and nearly half of pregnant women having some pre-natal services; 90 per cent of children under five vaccinated against polio; and a six-fold increase to 6 million children in school, one third girls; more than 70,000 loans extended to women-owned businesses and four mobile phone companies with 6.5 million subscribers. See [www.usaid.gov/locations/asia/countries/afghanistan](http://www.usaid.gov/locations/asia/countries/afghanistan). Also see "Afghanistan: Country Overview 2010", World Bank, available at [www.worldbank.org](http://www.worldbank.org).

<sup>17</sup> Antonio Giustozzi and Christopher Reuter, "The Northern Front: The Afghan Insurgency Spreading beyond the Pashtun", Afghanistan Analysts Network, No. 3, June 2010, p. 7. "Afghanistan: U.S. Foreign Assistance", Congressional Research Service, op. cit., which shows increased funding for rural development at community level through the National Solidarity Program and minimal funding until recently in justice and rule of law.

people and the state. Kabul's revolving door appointment process has, meanwhile, disempowered provincial governors and radically reduced their accountability to the local populace. Provincial and district courts are in disarray, leaving Afghans little or no access to justice. Devastated by three decades of war, traditional tribal systems cannot fill these gaps.<sup>18</sup>

Everything from constitution writing to aid delivery is centralised, and Afghanistan's political structures cannot address the country's diversity. Nor can local institutions mediate disputes and dampen the risks of violent conflict. With governors appointed by the centre and money controlled by ministries in Kabul, what little local government that does exist at best provides next to nothing to people and at worst is predatory.

#### E. ELECTIONS

International credibility has been further undermined by accepting a deeply flawed electoral process in which political parties, an essential ingredient of democracy, cannot even participate.<sup>19</sup> The United Nations mission (UNAMA), donors and Kabul's failure to build the capacity and autonomy of electoral institutions, including the Independent Election Commission (IEC), and to reform the legal framework, including replacing the Single Non-Transferable Vote (SNTV) system, and to produce a sustainable voter roll/registry has made holding fair elections far more difficult. Absent U.S., and UN, pressure for free and fair elections, the polls have been captured through any available means, including the abuse of state resources, bribery, corruption, manipulation and intimidation. Karzai, his cronies, as well as national and local powerbrokers and warlords have dominated electoral politics, sidelining political parties and stamping out genuine political competition.<sup>20</sup> The fraudulent 2009 election that returned Karzai to power, and an equally flawed 2010 parliamentary election, have heightened internal divisions and will work to the Taliban's benefit.

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<sup>18</sup> For in-depth Crisis Group analysis of the judiciary see: Crisis Group Report, *Reforming Afghanistan's Broken Judiciary*, op. cit.

<sup>19</sup> For Crisis Group analysis of Afghanistan's electoral system and dynamics, see Asia Report, *Afghanistan's Election Challenges*, op. cit.; Asia Briefing, *Afghanistan: Elections and the Crisis of Governance*, op. cit.; Asia Reports N°101, *Afghanistan's Elections: Endgame or New Beginning?*, 21 July 2005; and Asia Report, *Afghanistan: From Presidential to Parliamentary Elections*, op. cit.

<sup>20</sup> See Martine van Bijlert, "What Controls the Vote? Afghanistan's Evolving Elections", Afghanistan Analysts Network, No. 5, September 2010. See also "What's next in Afghanistan's parliamentary election", Reuters, 20 September 2010.

The neglect of political party development, combined with the U.S. policy of co-opting warlords, has allowed mujahidin *tanzims* (organisations) to dominate post-Taliban institutions, including the parliament.<sup>21</sup> While the absence of political parties has hamstrung the legislature's ability to mediate internal tensions, the body has been surprisingly resilient, acting as a check, with some success, on the executive's power. Although parliamentarians could have also helped to inform and educate about local dynamics and identify appropriate development projects in their provinces, the international community has, for the most part, marginalised the body, bent on working solely through the executive.<sup>22</sup>

## F. THE JUDICIARY

The judiciary has been almost entirely neglected. There is increasing disillusionment as crimes go unpunished and courts are unable to adjudicate simple civil cases, such as those over land, a primary source of many disputes in Afghanistan. Yet, justice was regarded as a luxury after the intervention, and the rule of law is still considered an extravagance. Lack of justice has had a profoundly destabilising effect on Afghanistan and judicial institutions have all but withered away in most provinces.

The majority of courts are inoperable and those that operate are understaffed, while pervasive insecurity, lack of proper training and low salaries have driven many judges and prosecutors from their jobs. Those who remain are highly susceptible to corruption. The Afghan government has yet to demonstrate the political will or resources to tackle much needed judicial reform. Afghan citizens, consequently, have lost confidence in the formal justice sector amid a pervasive atmosphere of impunity. While the Taliban's version of rough and ready justice might not be acceptable to a majority of Afghans, in the absence of a functioning judicial system, there is often no other option.<sup>23</sup>

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<sup>21</sup> These include Burhanuddin Rabbani's Jamiat-e Islami, Abdul Rab Rasul Sayyaf's Ittihad-e Islami, the two factions of Hizb-e Wahdat-e Islami led by Mohammad Mohaqqueq and Karim Khalili, and even the so-called breakaway faction of Gulbuddin Hekmatyar's Hizb-e Islami. See Thomas Ruttig, "Islamists, Leftists – and a Void in the Center. Afghanistan's Political Parties and Where they Come from (1902-2006)", Konrad Adenauer Stiftung, November 2006. See also Crisis Group Briefing, *Political Parties in Afghanistan*, op. cit.

<sup>22</sup> For Crisis Group analysis on the Afghan legislature, see Asia Report N°116, *Afghanistan's New Legislature: Making Democracy Work*, 15 May 2006.

<sup>23</sup> For instance, the Taliban have set up mobile courts in some regions of northern Afghanistan, where they expanded their presence since 2006. Giustozzi and Reuter, "The Northern Front: The Afghan Insurgency Spreading beyond the Pashtun", op. cit.

Instead of supporting judicial reform in earnest, the U.S. and its international allies, in a desperate search for a quick fix, are beginning to look towards the informal justice sector as a means to an undefined end. Although the Afghan government has shown no ability to monitor and administer existing courts, the U.S. government is gambling that the addition of tribal jirgas and shuras to the mix will somehow improve the situation. International involvement in this sphere will only sow even more confusion over the state's legal authority and the real objectives of Kabul's international partners, particularly the United States. The U.S. and its partners would do well to avoid diverting scarce resources to experimental programs that in the end are only likely to undermine the already diminished authority of the Afghan government.

The U.S. and its NATO allies must also acknowledge that stabilisation will depend as much on the legitimacy of state authority and re-establishment of the rule of law as it will on rebuilding Afghanistan's police and military. To restore its legitimacy, the Afghan government will have to work much harder to eliminate corruption, ensure fair trial standards and curtail arbitrary detentions. Extrajudicial actions by the U.S. and its coalition partners against Afghan citizens have also distorted the justice system and are fuelling the insurgency, while night raids provide grist to the Taliban's propaganda mill. U.S. and NATO actions must conform to national and international laws, including an end to arbitrary detentions. There should be no expectation that Afghan officials and institutions will realign the justice system to conform to international norms until U.S. and NATO allies adjust their own policies and practices.

## G. SECURITY

The "civil" remains subordinated to the "military" in the U.S. counter-insurgency strategy, as is more than evident in the disproportionate allocation of resources to the ANSF, in particular the Afghan National Army (ANA) but also the Afghan National Police (ANP). Indeed, a surge in ANA and ANP numbers is perceived as the silver bullet that would allow the U.S. and its international partners to withdraw troops from Afghanistan.<sup>24</sup>

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<sup>24</sup> "Increasing the size of the Afghan security forces is a central element of the joint Afghan-ISAF strategy to increase security for the Afghan people in areas challenged by the insurgency", said ISAF Commander Lt. General Petraeus, "Such security provides the foundation on which local governance can be developed, basic services for the people can be improved, and a brighter future for the next generation of Afghan citizens can be built". "Petraeus praises Afghan forces reaching defence goals ahead of schedule", ISAF press release, Kabul, 11 August 2010. See also "Report on Progress towards Security and Stability in

## 1. ANP

Created, financed and overseen by the U.S. and its NATO allies, the ANP is corrupt, brutal and predatory. Although police reform is receiving more attention and resources than ever before, such increased resources are still to be matched by significant improvements in police effectiveness and public confidence.<sup>25</sup> The poorly and hastily trained rank and file are largely illiterate, many are drug addicts, while officers, many appointed and promoted on political rather than professional grounds, are known more for their abuse of power, particularly at the local level.

Despite pay increases, attrition rates remain high as the poorly armed and poorly trained police is used more as an auxiliary security force than an enforcer of law. Resorting to bribery, illegal tax collection, drug dealing and even murder, the ANP is feared and mistrusted by Afghan citizens, not only undermining the legitimacy of the state but also that of the international community, particularly the U.S., responsible for bankrolling and training it.

The Obama administration appears more focused on rapidly increasing the numbers of police personnel, than in ensuring quality.<sup>26</sup> Lt. General Caldwell, now responsible for ANSF training, admits that the Taliban are the main beneficiary of the police's poor performance.<sup>27</sup> Yet, instead of focusing on efforts to reform this dysfunctional force, the U.S. has once again resorted to a shortcut, building a 10,000-strong Afghan local police force also known as the ALP, supposedly hired from local communities and trained and paid by the government.<sup>28</sup> Vetting standards

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Afghanistan", November 2010. Report to Congress in accordance with section 1230 of the National Defence Authorisation Act for Fiscal Year 20008 (Public Law 110-181), as amended, pp. 17-18 at [www.defense.gov/pubs/November\\_1230\\_Report\\_FINAL.pdf](http://www.defense.gov/pubs/November_1230_Report_FINAL.pdf).

<sup>25</sup> For Crisis Group's analysis of Afghan policing see Asia Briefing, *Policing in Afghanistan: Still Searching for a Strategy*, and Asia Report, *Reforming Afghanistan's Police*, both op. cit. See also Robert M. Perito, "Afghanistan's Police: The Weakest Link in Security Sector Reform", United States Institute of Peace, Special Report 227, August 2009.

<sup>26</sup> Lt. General William Caldwell, Commanding General, NATO-Training Mission-Afghanistan, indicated that the ANP will be increased to 134,000 and the ANA to 171,600 by October 2011. Rod Nordland, "U.S. approves training to expand Afghan army", *The New York Times*, 15 January 2010.

<sup>27</sup> After the Marine takeover of Marjah, Caldwell said that people "will tell you that one of their greatest fears is the police coming back", adding: "You constantly hear these stories about who was worse: the Afghan police that were there or the Taliban". Mark Hosenball, Ron Moreau and Mark Miller, "The gang that couldn't shoot straight", *Newsweek*, 19 March 2010.

<sup>28</sup> General Petraeus insists: "The local police has real potential to create problems for the Taliban. These are local community members who want to keep the Taliban out and are willing to

for ALP recruits<sup>29</sup> have not been publicly established and the criteria for disbanding a local police unit that becomes abusive remain unclear. No clear path has been defined from U.S. Special Operations control of these forces to their reintegration into regular uniformed police units. Not only are these village militias likely to be controlled by warlords, favouring some among the many competing communities and groups in a heavily armed country will result in more violence.

## 2. ANA

A central element of the U.S. counter-insurgency campaign, and the international exit strategy, the ANA has been billed as a rare success story in a conflict with few bright spots.<sup>30</sup> The Afghan army, however, is far from ready to take over operational command and to tackle security threats on its own. The U.S. is rapidly increasing troop numbers,<sup>31</sup> without taking into account financial sustainability or tackling the persistent structural flaws that continue to hamper the ANA's ability to operate independently despite billions of dollars of U.S. investment. With ethnic frictions and political factionalism undercutting institutional loyalty, it remains a fragmented force, serving disparate interests. Increasing troop numbers without tackling corruption, lack of accountability and poor discipline will not increase the army's ability to confront the myriad security threats the country faces.

Weak recruitment and retention policies, inadequate logistics, insufficient training and equipment and inconsistent leadership are also stunting the army's growth, combat readiness and operational effectiveness. These shortcomings, combined with the haphazard approach to demobili-

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defend their homes and their communities and to fight for it". "Petraeus: 'We're doing everything we can to achieve progress'", *The Washington Post*, 15 August 2010. The UN Secretary-General's Special Representative Staffan de Mistura has "received assurances from both the Government and ISAF that the recruitment of *Police-e Mahalli* (Afghan Local Police, ALP) units across Afghanistan will reflect the country's ethnic and tribal composition" and will "also be strictly defensive in nature" and subordinated to ANSF's command and control. See "The Situation in Afghanistan and its Implications for International Peace and Security", op. cit.

<sup>29</sup> Both the ALP and the Afghan Uniformed Police (AUP) operate under the authority of the interior ministry. All references to the ANP are to the uniformed police operating under the main national chain of command of the ministry.

<sup>30</sup> See Crisis Group Report, *The Afghan National Army: A Force in Fragments*, op. cit.

<sup>31</sup> In August 2010, ANA strength stood at 134,000 trained soldiers; six months earlier, there were 107,000 trained soldiers. See "Committed to the security, reconstruction and extension of governance in Afghanistan", ISAF, press release, Kabul, 10 August 2010.

sation and reintegration, are undermining the army's professionalism and capacity to counter the insurgency.

## H. REINTEGRATION AND RECONCILIATION

Within the last year the international community has increasingly focused on reintegration and reconciliation as a key pillar of its exit strategy.<sup>32</sup> In the months since the London conference in January 2010, the rhetorical clamour over negotiations with the Taliban and other insurgent groups has begun to drown out the numerous indicators that the insurgency has been reinvigorated by talk of U.S. and NATO withdrawal and the Afghan government's inability to negotiate a peace.<sup>33</sup> There is a real risk that the current rush to cement deals with the insurgency could further destabilise the country.

The international community has failed to recognise that the only thing consistent about the Karzai's government's approach to reconciliation and reintegration is its inconsistency. This could prove fatal for any negotiated deal and could have a devastating impact not only on regional but global security. While Karzai has called numerous times on the Taliban to enter into peace talks and has privately pressured the U.S. and international community to lift sanctions against insurgent leaders designated as terrorists by the UN al-Qaeda and Taliban sanctions committee,<sup>34</sup> the Afghan government has often failed to produce the documentation necessary for sanctions to be lifted.<sup>35</sup> Indeed, though a substantial number of Afghans have been taken off the list within the last year,<sup>36</sup> Kabul has been slow to

act on its rhetoric of implementing a unified national program of reconciliation. Fractious relations between key actors on the Afghan National Security Council are among the many reasons that such efforts have stalled.<sup>37</sup> But above all, Karzai has been unable to secure consensus among Afghan political elites on making deals with insurgents, while talk about talks, meanwhile, has inflamed ethnic tensions and renewed regional rivalries.

Karzai has papered over this lack of momentum and consensus by promoting a counter-narrative of incremental success. First, there was the National Consultative Peace Jirga in June 2010, which gathered together some 1,500 Afghan delegates in Kabul for three days of largely well-rehearsed discussions about peace and reconciliation. Targeted by suicide bombers, this assembly was followed by the firing of the former head of Afghan intelligence, Amrullah Saleh, and former interior minister Hanif Atmar, both of whom were viewed by Islamabad as obstructionist and anti-Pakistan.<sup>38</sup> Next came the Kabul Conference, at which international representatives signed off on Kabul's plan to buy its way to peace.<sup>39</sup> Then came the establishment of the High Peace Council, which included the names of more than a half dozen prominent warlords accused of involvement in war crimes.

All in all, Karzai's conciliatory gestures have added up to little more than that. Although there have been a number of high-level talks between the Afghan government and various members of the insurgency in places like the Maldives, Abu Dhabi and Saudi Arabia, the Taliban leadership has so far been vehement in its public opposition to talks.<sup>40</sup> Indeed, despite support from UK officials, none of those in attendance at the May 2010 meetings in the Maldives were empowered to negotiate on behalf of the leadership in Quetta or Peshawar.<sup>41</sup> And efforts to cement

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<sup>32</sup> Karen de Young, "U.S., NATO to announce 'transition' strategy in Afghanistan war", *The Washington Post*, 14 November 2010.

<sup>33</sup> The international community in a 28 January 2010 communiqué issued during the London conference publicly declared its support for an "Afghan-led approach" to a reconciliation process that allows the Afghan government to "offer an honourable place in society to those willing to renounce violence, participate in the free and open society and respect the principles enshrined in the Afghan constitution, cut ties with Al-Qaeda (sic) and other terrorist groups, and pursue their political goals peacefully".

<sup>34</sup> In 1999, the UN Security Council established the committee pursuant to paragraph 6 of resolution 1267 which established the implementation of sanctions such as asset freezes, travel bans and arms embargoes against a list of al-Qaeda, Taliban and associated individuals and entities designated by the committee.

<sup>35</sup> Crisis Group interviews, New York, July 2010.

<sup>36</sup> In the period from 27 January 2010 to 29 July 2010, the 1267 Committee lifted sanctions against ten former members of the Taliban government, including: Wakil Ahmad Mutawakil, former Taliban foreign minister; Fazal Mohammad, former deputy minister of commerce; Shams us-Safa Aminzai, former Taliban spokesman for the ministry of foreign affairs; Abdul Hakim, former deputy minister of frontier affairs; Mohammad Musa Hottak, former Taliban deputy minister of planning; Abdul

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Satar Paktin, deputy minister of public health; Abdul Samad Khaksar (reported deceased in January 2006), deputy minister of the interior; Abdul Salam Zaeef, deputy minister of mines and industries and former Taliban ambassador to Pakistan; Mawlawi Mohammad Islam Mohammadi (reported deceased in 2007), governor of Bamiyan province; and Abdul Hakim Mujahid, Taliban envoy to the United Nations.

<sup>37</sup> Crisis Group interview, Afghan government official, Kabul, 10 November 2010.

<sup>38</sup> Elizabeth Rubin, "Crazy like a fox", *Foreign Policy*, 8 June 2010.

<sup>39</sup> Tony Karon, "Kabul Conference: happy face on grim war realities", *Time*, 21 July 2010.

<sup>40</sup> Abubakr Siddique, "Former Taliban leaders see peace as a long way off", RFE/RL, 3 November 2010.

<sup>41</sup> According to a participant who attended the 22 May 2010 meeting in the Maldives that included several mid-level insurgent intermediaries, several UK officials were also in attendance who provided support, communications and other re-

deals with higher-ranking figures have proved singularly unsuccessful.<sup>42</sup>

These developments are all the more problematic given proposals to reintegrate and reconcile elements of the insurgency. Reintegration is based on the belief that robust military operations would pressure many “non-ideological” Taliban, mid- to low-level fighters, guns for hire or merely misguided, alienated youth to give up the fight, encouraged further by economic incentives and guarantees of security. Those elements that refuse to give up the gun and join the political process will be dealt with militarily.<sup>43</sup>

Some U.S. civilian and military decision-makers, as yet, appear wary about reconciliation with the insurgent leadership. The military in particular insists that the Taliban must first be weakened militarily, which would compel their leaders to agree to meaningful negotiations that would result in a sustainable, inclusive political solution. However, many NATO members, particularly the UK, are basing their exit strategies on both reconciliation and reintegration, extending support for both processes simultaneously.

## 1. Reintegrating insurgents

An International Peace and Reintegration Fund is now financing reintegration as well as the reconciliation process but there have been few takers and little reason to believe

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sources to facilitate the session. Crisis Group interview, Kabul, 25 October 2010.

<sup>42</sup> After months of secret talks with Afghan officials, facilitated by NATO, the person assumed to be Mullah Akhtar Muhammad Mansour, the second-ranking official after Mullah Omar in the Quetta shura, turned out to be an imposter, who was even paid a considerable amount of money to participate in the discussions. Mullah Omar, meanwhile, in his Eid message, denied that any negotiations had been held. His message said: “The cunning enemy which has occupied our country, is trying, on the one hand, to expand its military operations on the basis of its double-standard policy and, on the other hand, wants to throw dust into the eyes of the people by spreading rumours of negotiations”. See: Dexter Filkins and Carlotta Gall, “Taliban leader in secret talks was an impostor”, *The New York Times*, 22 November 2010; and Joshua Partlow, “Negotiator for the Taliban was an impostor, Afghan officials say”, *The Washington Post*, 23 November 2010.

<sup>43</sup> General Petraeus’ Counterinsurgency Guidance to ISAF and U.S. forces in Afghanistan states: “Together with our Afghan partners, identify and separate the ‘reconcilables’ from the ‘irreconcilables’. Identify and report obstacles to reintegration. Help our partners address grievances and strive to make the reconcilables part of the local solution, even as we work with our partners to identify and kill, capture, drive out or ‘turn’ the irreconcilables”. “For the Soldiers, Airmen, Marines and Civilians of NATO, ISAF and U.S. Forces-Afghanistan”, COMISAF’s Counterinsurgency Guidelines, ISAF Headquarters, Kabul, APO AE 09356, 1 August 2010.

a “pay-for-peace” approach will work.<sup>44</sup> This approach has been tried before and failed.<sup>45</sup> Taliban recruitment has not and will not be altered much by attempting to bribe foot soldiers. Instead of throwing money at the problem, the U.S. and its NATO allies would be better served by reducing the sense of risk among Afghans and increasing their trust in their government to protect them with international support. The current reintegration strategy, if it can be called that, will merely increase security risks and could lead to the expansion of malign patronage networks.

Creating new patronage networks will undermine the state’s capacity to govern. Perverse incentives may even push some to join in the hope of rewards. Moreover, there is no guarantee that those joining the process, the “reintegrated” foot soldiers, will not rejoin the insurgents, particularly if they believe that the Taliban are winning and that the international forces intend to hastily depart. Even if, for the sake of argument, some elements, including lower and mid-level commanders and their personnel, join the process, this will only create new militias that are legitimised through international support. It will also alienate those, including Tajiks, Hazaras and Uzbeks, who have given up the gun and who have been loyal to the post-Taliban political order. If these communities not only see the insurgents rewarded for bad behaviour but also an increased security risk, they too will, in self-defence, forcibly protect and safeguard their ethnic and regional interests.

## 2. Reconciliation and a sustainable peace

As far as reconciliation is concerned, there is little clarity among NATO member states, and even within U.S. policy circles, on what it involves, who it is aimed at or how it will stabilise Afghanistan. Further, there seems to be no agreement on the full range of the insurgency’s demands. Karzai’s 70-member High Council for Peace to guide future negotiations with the Taliban, composed largely of former warlords and commanders, with the inclusion of

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<sup>44</sup> According to General Petraeus, reintegration has “actually taken place in a variety of places around the country but will be much more substantial in size as the program is rolled out and as the citizens have the confidence that there are good reasons beyond not just getting killed”. “Petraeus: ‘We’re doing everything we can to achieve progress’”, op. cit. Yet, according to media reports, the \$250-million reintegration program has stalled, with at best a few hundred insurgents seeking to reintegrate. Rod Nordland, “Lacking money and leadership, push for Taliban defectors stalls”, *The New York Times*, 6 September 2010.

<sup>45</sup> Established in 2005, the Peace Through Strength (PTS) Program or Peace and Reconciliation Commission (*Prosay-e Tahkeem-e Solha*) claims to have reconciled some 5,000 Taliban fighters but very few of significance. Matt Waldman, “Golden Surrender? The Risk, Challenges and Implications of Reintegration in Afghanistan”, *Afghanistan Analysts Network*, April 2010, p. 3.

some token women, is unlikely to find many takers. This is particularly true if, as Karzai and the U.S. insist, reintegration and reconciliation will only include those elements of the insurgency that cut ties with al-Qaeda, renounce violence and pledge allegiance to the constitution.<sup>46</sup> The past record of such efforts shows:

- Talks with the Taliban have been going on for years at every possible level. These negotiations have failed because the Taliban believed that they were winning militarily. Talks also failed because the insurgents are composed of various groups, with varied interests and objectives, with some focused on local goals, others on a national agenda, and still others, such as the Haqqani network, closely tied to regional and transnational extremists such as the Pakistani Taliban and jihadi groups as well as al-Qaeda.
- Deal-making, even in the shape of reintegration, let alone reconciliation, will not address the many problems that Afghan citizens face – the lack of economic opportunities, warlordism, corrupt police and the absence of the rule of law. Instead, the rule of law will be undermined, warlordism encouraged and momentum on security sector reform reversed.
- Extra-constitutional deals, including those that include re-imposing Sharia or ceding the administration of districts and even provinces to the Taliban’s representatives will undercut the institutions that have been built, such as the parliament, which, no matter how dysfunctional or fragile, offer a hope for a better tomorrow for the vast majority of Afghans.
- If deals are made, particularly at the local level, they are likely to be temporary at best, mirroring the appeasement deals made by the Pakistani military in the FATA and Provincially Administered Tribal Areas (PATA), which gave tribal militants opportunities to regroup, rearm and expand their presence.
- Only when access to sanctuaries and resources are cut off will there be an incentive for lower-level commanders and their foot soldiers to reintegrate and for the Taliban leadership to accept a negotiated process which will be inclusive and which will not result in the return of Pashtun dominance on their ethnic rivals nor the re-imposition of a distorted version of Sunni Islam.

#### IV. PAKISTAN

Despite U.S. urging, the Pakistani military still supports Mullah Omar’s shura, based in Quetta, Balochistan, bordering on Kandahar, the Taliban’s home base. The Pakistani military also supports other Afghan insurgent groups, particularly the al-Qaeda linked Haqqani network. Headed by Jalaludin Haqqani and now run by his son Sirajuddin, the network has close links to the Tehrik-e-Taliban Pakistan (TTP), led by Hakeemullah Mehsud as well as al-Qaeda’s Punjabi jihadi allies such as the LeT/JD. It is with the LeT/JD’s logistical as well as operational support that the Afghan insurgents are now capable of mounting far more sophisticated attacks.

The insurgents’ access to Pakistani sanctuaries to recruit, raise funds, arm, train and plan is also rooted in the Bush administration’s misguided focus on countering al-Qaeda while underrating the Taliban threat. The demands of counter-terrorism translated into unconditional support by the U.S. and its NATO allies to General Musharraf’s military regime. While the regime acceded to U.S. demands to eliminate al-Qaeda’s presence in Pakistan, killing or detaining scores of al-Qaeda leaders and supporters, it continued to support its hand-picked Afghan proxies, including the Taliban, the Haqqani network and Gulbuddin Hekmatyar’s Hizb-e Islami. Cross border sanctuaries in Pakistan and the Pakistani military’s support played a major role in helping the insurgents make a comeback in Afghanistan after the Taliban’s ouster.

It was not until as late as 2006, as the insurgency worsened, that the U.S. attempted in earnest to pressure Pakistan to withdraw that support. But even that pressure has been fitful and inconsistent since the relationship is still shaped to a considerable extent by a misguided belief that the Pakistani military alone can provide help on counter-terrorism. Nine years after the Taliban’s fall, and after billions of dollars in U.S. assistance to the Pakistani military, the insurgents’ access to cross-border sanctuaries and safe havens remains a major hurdle to stabilising Afghanistan. While the U.S. military is still wooing the Pakistani military in the hope that it will play a constructive role in talks with the Taliban, the Pakistani high command is convinced that the U.S. and NATO’s military withdrawal is imminent and its longstanding policy of supporting the Afghan insurgents will result in a government of its choice in Afghanistan.

- The Pakistani military, under General Kayani’s leadership, is demanding a central role in mediating with the Taliban but will want to do so keeping its own interests foremost. It can also withdraw support and undermine the process at any time, should it feel those interests are not being served.

<sup>46</sup> Commenting on the formation of the High Peace Council, the U.S. State Department spokesperson said: “Our position remains that we support this process and the keys to participation and reconciliation and reintegration are to cease violence, cut ties to al-Qaeda and its affiliates and live under the Afghan constitution, which includes protection of rights of all Afghan men and women”. Deb Riechmann, “Afghan government sets up 70-member peace council”, Associated Press, 28 September 2010.

- ❑ Seeing Obama's July 2011 deadline for troop withdrawal as a signal that the international forces intended to quit and run, the Pakistani military is positioning itself to ensure that its allies, including Mullah Omar's shura and the Haqqani network, are given a central role in any power-sharing arrangement with the insurgents. General Kayani is already hard at work, attempting to convince Karzai and his international supporters that his military can help stitch up a deal with the insurgents.
- ❑ The implications of a Pakistan-dictated deal, which allows the al-Qaeda linked Haqqani network a power-sharing role in Kabul are obvious. Within Afghanistan, it would be unacceptable to the opposition Northern Alliance and its Tajik, Uzbek and Hazara constituents, heightening the risks of civil war.
- ❑ In the Pakistani context, should Islamabad and Kabul succeed in bringing the Taliban, and the Haqqani network, back to power or in a dominant power-sharing role, the Pakistani tribal militants would be further emboldened given the links between the Afghan and Pakistani Taliban.
- ❑ Since the TTP is closely linked to the jihadis in Pakistan's Punjabi heartland as well as al-Qaeda, ceding Afghanistan's territory to the insurgents will provide safe havens for their Pakistani allies on Afghan soil, not just threatening the peace in Afghanistan but also the security of its neighbours, including Iran, the Central Asian Republics and, ironically, Pakistan itself.
- ❑ The Obama administration cannot offer to bring the Afghan Taliban in from the cold while pressuring the Pakistani military to abandon existing and reaching new peace deals with elements of the TTP, the Taliban's Pakistani allies.
- ❑ The U.S. rightly believes that the Haqqani network, the largest and most dangerous insurgent group, responsible for some of the most lethal attacks in Kabul and elsewhere, is irreconcilable. Yet no attempt at reconciliation in Afghanistan is likely to succeed unless the Haqqani network is on board or defeated. And in the unlikely event that it does come into power through the backdoor, at the Pakistani military's urging, the U.S. goal of depriving al-Qaeda and other violent extremists safe haven in Afghanistan would be defeated.

ever to bring in better government behind it. Karzai may have allowed some investigations for corruption but these have been mostly politically motivated and will do nothing to clean up the government. Although more money has gone into police training, there has been so little emphasis on the justice system that the Taliban are able to exploit this.

At the heart of the U.S. failure has been the unwillingness to address serious shortcomings in the political system. A poorly crafted constitution has enabled Karzai to block progress on almost every key issue. Curbs on political parties have been part of the reason that politics is atomised and undisciplined. Kabul's iron grip on power has made governance and accountability extremely problematic on the local level and has allowed the insurgency to proliferate. Yet, the U.S. has time and again chosen not to press for the district-level elections and support for empowering provincial councils that would devolve power from the centre to the periphery. A past failure to adequately support institutions that might balance the presidency – the National Assembly and the judiciary – has only led to greater corruption and obstruction at the centre.

Unless the U.S. and its allies are willing to address these mistakes, no subtle tweaks in policy are going to change the situation in Afghanistan. There is unlikely even to be a period of sufficient calm for a withdrawal of NATO forces. An enduring negotiated settlement is not likely unless the government that makes the deal has a greater degree of legitimacy and more internal resilience than the Karzai administration currently has. Overcoming the trust deficit between the Afghan government, the Afghan people and the international community will rely on more concerted efforts to increase political representation, to expand access to justice and to confront corruption. In the long term, winning the engagement in Afghanistan means engaging with reality.

**Kabul/Brussels, 28 November 2010**

## **V. CONCLUSION**

As the U.S. government finishes its policy review, it needs to ensure its approach is grounded in reality and not in the wishful thinking that has dominated the process so far. The U.S. military may be able to control any particular part of Afghanistan but there is still no capacity whatso-

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