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Justifying Peacemaking in Afghanistan

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Ethan Taylor

Dr. Nayak

4/18/12

Justifying Peacemaking Efforts in Afghanistan

Introduction and Thesis:

The situation in Afghanistan seems to be about as dire as it was in the 1980s. One major difference, though, is that Soviet forces no longer occupy the country, and at least the United States/NATO occupation is under the pretext of a humanitarian effort. Even so, the tragic process of U.S.-led state-building that has unfolded these last ten years has yielded little in terms of an effective government or infrastructure of any kind. If anything, the terrorist threat that the U.S. hoped to quell has become more elusive and determined than ever. Ethnic rivalry and warlordism are as prevalent as they were during the post-Soviet civil war of the mid-1990s, and the "neutral" Western forces currently in the country are more commonly seen as aggressors similar to the Taliban, external liberators who reneged on their promises to end gender-based violence. In light of these manifest failures, the analysis will begin under the premise of doubt: I will explore and challenge the epistemological foundation of Western intervention in Afghanistan, thereby arriving at solid footing from which to proceed with a cogent series of policy suggestions with the goal of creating lasting peace within the state. I will ultimately conclude that a heavily reduced presence of U.S. and NATO forces, working in an advisory capacity, will be necessary to guide the Afghan government into creating an effective security apparatus, thus allowing for a double paradigm shift to occur: not only will the U.S. and NATO begin redirecting military funding away from dangerous offensive operations and toward building an improved economy and more effective policing institutions, but the Afghan

government itself will, in turn, be thus capable of refocusing its efforts on autonomously instilling the rule of law.

The discussion will begin with an analysis of the theoretical assertions made both in Anne Orford's piece, "What can we do to stop people harming others?" and Robert D. Hanser's article entitled "Peacemaking Criminology." I will then offer a critique of the theories as I attempt to apply them to the case of Afghanistan, arguing in favor of a relatively small U.S. and NATO military presence. Following this section, I will question through use of comparative analysis the very principle that democracy is preferable to the authoritarianism that arose in the state after the Soviet occupation – and ultimately question that democracy and Islam are compatible – by pointing to competing viewpoints on the subject. By using process tracing, I will attempt to understand if there is a correlation between the form of government being implemented in the state and the current lack of peace and unity. A discussion of warlordism in Afghanistan will then be appropriate to illustrate the difficulties in setting up a Western-style democracy with a secure legal structure, as well as the reasons that required an organization as severe as the Taliban to obtain power in order for even a modicum of unity to exist within the struggling state. Finally, I will end by making a series of recommendations which address the ineffective and disastrous use of Western military forces in the region and which will take into account the need for ethnic unity made possible by an effective central security apparatus.

Contribution to the Literature:

Anne Orford's argument in "What can we do to stop people harming others?" is highly critical of the use of military force in any humanitarian effort. As a result, she refutes in her work four major legal principles for justification of military intervention in such "emergency"

situations as was the case in Kosovo in the late 1990s. The first principle, the metaphysical account of law, extracts justification from "a universal law [of values] which transcends the rules of any existing legal system."[1] NATO's intervention in Kosovo, which was justified by this account of law, is described as "illegal but legitimate."[2] This idea naturally brings with it a few problems in Orford's opinion: first, it does not follow that military action is the best way to ensure the safety of the people; and second, because there is little legal framework for such action, it is difficult to hold intervening nations accountable. The realist account of law is described as merely a justification for powerful states to pursue self-interested goals via humanitarian interdiction.[3] The decisionist justification for military interdiction, according to Orford, requires a "guarantor of the values of the legal order" in the absence of a functioning and unified government, although the common trend is for such "guarantors" to instate authoritarian governments to spur economic progress.[4] Finally, using the democratic account of law as a justification for intervention is problematic in that such decisions are made by entities such as the United Nations Security Council and are, by default, simply reflections of the interests of the most powerful nations. Orford's response to the aforementioned methods of justification is to assert that the formation of the international legal structure governing humanitarian issues should involve "equal participation" by the populations the laws are meant to protect. In this manner, the decision to intervene militarily will be "contestable."[5]

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[1] Anne Orford, "What can we do to stop people harming others," in Jenny Edkins, ed., *Global Politics: A New Introduction* (London: Routledge, 2009) 427-453. Pg. 440.
[2] Ibid 439.
[3] Ibid 446.
[4] Ibid 448. Orford points to authoritarian state theory, which asserts that intervention is frequently accompanied by the formation of governments with powerful executive branches. These powerful executives, in turn, would theoretically spur "social and economic integration." In reality, however, authoritarian regimes often lead to additional human rights violations.
[5] Ibid 450.

In R.D. Hanser's "Peacekeeping Criminology," the author explores the concepts of restorative justice and peacemaking criminology as nonviolent means to ending conflict. Restorative justice, Hanser explains, is a reactive process meant to hold the aggressors accountable for their actions, as well as to emphasize the rights of victims. In contrast, peacekeeping criminology is meant as a proactive tool meant to "eliminate the suffering that can generate criminal behavior."[6] Hanser contends that these two methods should be used concurrently so as to increase the odds of creating a lasting peace. He describes briefly the process that restorative justice entails and then continues to outline Fuller's peacemaking pyramid paradigm. Fuller's vision of peacemaking can be broken into six steps: nonviolence, social justice, inclusion, correct means, ascertainable criteria, and the categorical imperative. The steps, as explained by Hanser, are fairly straightforward. To begin with, it is necessary that all parties agree to end fighting, or else no further negotiations would be possible. Second, social justice requires that all parts of a society be treated equally, meaning issues of racism, sexism, etc. must be addressed. On a similar note, the third step, inclusion, assumes that all parties will participate in negotiations. During negotiations, the fourth phase of correct means will be necessary to ensure that the dialogue goes smoothly and without "trickery," and once said negotiations have been carried out, it is necessary to inform all citizens of the progress made in the peace talks; this, Fuller calls ascertainable criteria, the fifth step. Finally, Fuller employs the Kantian principle known as the categorical imperative, which claims essentially that individuals follow the 'golden rule' – that is, only carry out an action if at the same time one could wish that it be universal law.[7] Interestingly, Hanser points out the weakness in this peacemaking paradigm

[6] Robert Hanser, "Peacemaking Criminology: A Special Issue – Part I," *Contemporary Justice Review* 12:2 (June 2009) 191-205. Pg. 192.
[7] Ibid 195.

in the case of Rwanda. In essence, many Rwandans feared testifying against their aggressors because of an imminent danger, despite the long-term benefits.[8]

The case is much the same in Afghanistan, where the first step – nonviolence – is severely lacking. For Afghans, daily survival from a plethora of immediate dangers takes precedence over political participation in a global human rights forum. Regarding such an instance, Hanser explains: "If it is clear that a given group has no intention of refraining from violence, then peacemaking is simply not an option. Rather, in such a case, self-defense becomes the only priority."[9] Orford's hopeful inclusion of political participation in the legal structure of humanitarian intervention is, for the same reason, unrealistic in the special case of Afghanistan. The state's population, far from being able to band together and put an end to violence, is instead defined by a socio-political schism. Myriad warlords of differing strengths rule over civilians, and the many factions that exercise *de facto*[10] autonomy are locked into a war for power and extremely scarce resources. The many tribes are, in other words, engaged in "self-defense"; the lack of "intention" to end violence stems not from an inherent evil, but from a very real fear of being overcome by the competition. As a result, it is clear that Afghanistan is not currently in a position to host productive peacekeeping talks of the type described by Hanser, due primarily to the anarchy in the state propelled by an extreme lack of resources and infrastructure. Moreover, if we heed to the non-interdiction argument posed by Orford, then it would seem that nothing is to be done about the violence and quality of life issues in Afghanistan.

Whereas Orford and Hanser's arguments have merit, they are less useful when viewed in the context of the most extreme cases, in particular that of Afghanistan. I will therefore argue in

[8] Ibid 201.
[9] Ibid 195.
[10] That is, the warlords are not legally autonomous according to international standards, but they nevertheless rule over a given land virtually unchallenged.

the final section of this paper, as a matter of deductive logic, for a small, stabilizing military force meant to function in an advisory capacity to both the Afghan military and the state's police forces. Yet it is first necessary to question the principles behind the human rights effort in Afghanistan. To begin, I will discuss whether democracy truly is the most effective system of government to implement in Afghanistan, and whether the issues that currently exist with the democratization efforts are too vast to overcome.

Democracy in Afghanistan:

As the democratization efforts in Afghanistan have so far been ineffective, the only logical course of action would be to ask first, *whether attaining an Afghan democracy is plausible*; and second, *if so, then what needs to change for stability to be achieved?* In Christopher Freeman's piece "Forging Islamist States through Secular Models – The Case of Afghanistan," he makes the argument that Islamism[11] is perhaps the only viable method of creating stability in the region. His claim is that, despite the fear and anger that is ultimately elicited from the West at the thought of Islamic fundamentalism, it nevertheless "can be seen as a necessary step in forging a lasting foundation for the state, and not dissimilar to the European developmental process."[12] With a strict interpretation of Islam intertwined with the governing structure, the legitimacy of *jihad* would effectively be stripped from rival Afghan tribes who disagree with governmental policies. Thus, as a matter of practicality, Islamism is the most effective method of attaining peace. In other words, a so-called "instant democracy," Freeman

[11] Ever since the Iranian revolution of 1979, the term *Islamism* – political Islam – has had a negative connotation for many Westerners. Currently, the term is frequently (and mistakenly) associated with the September 11, 2001 attacks and is viewed as being a catalyst for terrorist activity. There is, however, no inherent link between Islamism and terrorism. Moreover, Islamism is not directly linked with any communist ideology, like some Westerners would believe, as "even among the most radical Islamists, there is no communist interpretation of the Islamic economy." See Christopher Freeman, "Dissonant Discourse: Forging Islamist States Through Secular Models – The Case of Afghanistan," *Cambridge Review of International Affairs* 15:3 (2002) 533-547. Pg. 537.
[12] Ibid 542.

claims, is a mere fantasy of the liberal West. To illustrate this point, he offers the words of former United Nations Secretary-General Boutros Boutros-Ghali: "the process of democratization…in order to take root and flourish…must derive from society itself…it is essential that each state itself decide the form, pace and character of its democratization process."[13] As the type of democracy currently being instilled in Afghanistan comes with "imported" Western values, Freeman asserts that Islamism, although it may begin as an authoritarian form of government with fundamentalist values, will soften its grip over time and lead the way to "modern liberal governance."[14]

In this manner, Freeman makes several important observations regarding the state-building and peacemaking processes in Afghanistan. First, the values of Islam are only superficially being incorporated into the state structure. Second, the independence of different ethnic groups within the territory is highly underestimated. Third, even with an Islamist government, is not unlikely that a form of democracy will develop in the distant future. I contend, however, that given the inherent problem with a Taliban-like tyranny – namely, the likelihood of widespread violations of human rights – such a system is by no means something to endorse. In Afghanistan, ethnic groups are locked in a culturally-ingrained struggle for power and resources, and so it is highly unlikely that any multi-tribal Islamist regime will take place; ergo, another violent hegemony will inevitably ensue if one ethnic group rises up to create an Islamist regime. Additionally, not only will Islamism itself fail to fix the endemic problem of poverty in the region, but it will likely propel the ethnic animosity that has caused so much tribal warfare. Freeman argues, perceptively enough, that the presence of external actors (e.g. the United States and NATO) will be necessary for too long in order to ensure that a successful

[13] Ibid 544.
[14] Ibid.

democracy takes root in Afghanistan. This, however, is only necessarily the case assuming that the current economic turmoil in the area continues unabated.

The assertion that Islamism is somehow a better alternative to democracy because of its ability to unify the region underestimates the many potential negative attributes of the system of rule. Freeman's point that an Islamist regime will rob dissenters of the legitimacy of their jihadic activities is, at least on the surface, logically sound. Yet the rivalries between different ethnicities in Afghanistan in many ways precede the Muslim conquest of the region. Moreover, the past actions of the Taliban do not seem to indicate that all violence will cease should a non-Taliban group set up an Islamist governing structure in the state. Instead, it is very reasonable to assume that an alternative Islamist regime will not only see additional retaliatory measures taken by the Taliban, but will itself be forced to exercise similarly brutal tactics in order to maintain its position of absolute authority. In this process of maintaining authority, civil and human rights will not be a primary concern. Furthermore, if the Taliban once again gains control over Afghanistan, there is no reason to believe that it will transform into a governing structure that is concerned with human suffering. The conclusion, then, from these possible Islamist alternatives is that the ultimate goal of preserving human and civil rights in Afghanistan will best be accomplished without Islamist rule.

Barry and Green argue in their piece "What Democracy for Afghanistan?" that it is possible for a "minimal level of democracy" to be achieved in Afghanistan without compromising the belief in Muslim law.[15] They are, in essence, asserting that to foster democracy does not mean manipulating the existing cultural identity of Afghanistan, particularly in terms of religion. The argument is made, in part, using comparisons with other states that

[15] Charles L. Barry and Samuel R. Greene, "What Democracy for Afghanistan? An Analysis Utilizing Established Norms and Five Non-Western Case Studies," *Center for Technology and National Security Policy* September 2009. Pg. viii.

likewise suffered internal unrest, but that successfully made a transition to democracy. Data from The Correlates of War Project and Freedom House suggest that the average time it takes to transition from a period of conflict to a period where a minimally functional democracy is in place – where there was no democracy beforehand – is somewhere between 7-10 years.[16] That is, Barry and Green conclude from the studies that "establishing a democracy takes a significant amount of time *after* the end of internal armed conflict if a state is not already a democracy."[17] The important qualifier in the authors' conclusion is the absence of internal armed conflict in this democratization period. Currently in Afghanistan, the insurgency by groups including but not limited to Al Qaeda and the Taliban means violence is a daily occurrence. Thus, it is safe to say that the traditional model of democratization as exemplified by such countries as Mozambique and Nicaragua is fundamentally different than what is occurring in Afghanistan.

The element in question is violence, which Barry and Green claim "inhibits the ability of citizens to participate in a democracy; in effect, it turns participation into a lie."[18] The authors continue to describe specifically the effect of violence on political participation:

> In a society where violence is rampant, local political life and the daily reality of public life is decided by local groups of armed men who are unaccountable to a constitution, justice system, or parliament…Such "democracy in name" marginalizes citizen's participation despite a democratic structure, because force rather than government decides public policy. Violence reduces trust in institutions, and increases in-group solidarity and mistrust of others, leading to a xenophobia that makes building democratic society in a multi-ethnic environment very difficult. Low levels of trust in other citizens

[16] Ibid 10.
[17] Ibid 10.
[18] Ibid 11.

> and in the government tend to retard the development of a democracy with staying power.[19]

This description underlines two particular issues that can be applied to the case of Afghanistan. The first is the superficiality of the elections being carried out in the state. Although the elections may ultimately be considered "free and fair" – a debatable point at best – the results of those elections are followed by a so-called "public policy" that is far too often implemented by violent, anti-state actors. The second issue is the tribal identification common in Afghanistan which, in and of itself, is not detrimental to a democratic, plural society. However, the mistrust of different groups that provokes the "in-group solidarity" is inherently detrimental to an inclusive, functioning democracy. Without a level of trust in the security apparatus associated with the centralized government, the various ethnic groups residing in Afghanistan will continue to withhold complete participation in democracy.

Traditionally, the people of Afghanistan have participated in various forms of democracy, although they may seem dissimilar to what is recognized as modern, liberal democratic governance. According to Anna Larson in her work "Deconstructing 'Democracy' in Afghanistan," the system of government has existed in Afghanistan in its most basic form for many centuries. That is, the presence of "assembly democracy" has been a part of the fabric of Afghan culture since long before contemporary Western forces intervened in the state.[20] Shuras, jirgas, and ulema councils, the basic structures needed for assembly democracy, were not uncommon in Afghanistan until recently. Moreover, the notion that democracy must necessarily

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[19] Ibid. The ultimate issue here is the lack of legitimacy of a government that cannot maintain, as Max Weber has said, a monopoly on the use of force. Without the ability to control violence or to protect private property, citizens are not compelled to give their allegiance to the state; and without this requisite allegiance, no democracy will ever develop. Hence, it is "unsurprising," as Barry and Green note, "that most successful democratizing states have relatively low levels of insecurity."

[20] Anna Larson, "Deconstructing 'Democracy' in Afghanistan," *Afghanistan Research and Evaluation Unit, Synthesis Paper Series*, May 2011. Pg. 4.

involve elections, describes Larson, is a relatively new development based on the Greek tradition, and one that followed the governing councils of Syria-Mesopotamia.[21] In her discussion, she critically assesses what it means to govern democratically and cites the work of political analyst Fareed Zakaria, who makes the assertion that democracy need not be of the liberal, Western variety. In other words, for one to assume, for instance, that a democracy must necessarily include a separation of church and state would be to include unnecessary restrictions. At its most basic level, the only requisite characteristic of a democracy is the act of governing *by the people*.[22]

Theoretically speaking, it has been sufficiently proven that the Islamic religion is not fundamentally at odds with the idea of democracy. In the Quran, no specific system of governance is dictated, only a series of guiding moral principles on which governance is to be predicated.[23] The current prevalence of authoritarian Islamic states, claims Omer Caha in his piece "Islam and Democracy: A Theoretical Discussion of the Compatibility of Islam and Democracy," is due primarily to pre-Islamic cultural influence and not to religious necessity.[24] Furthermore, he describes the original Muslim caliphate system in the following manner:

> The caliphate in Islam, in representing the general will of the community of believers (*ummah*), served to promote their interests rather than legitimize the power of the governing elite. The caliphate performed tasks like supervising the social harmony and security inside, and reinforce [sic] the solidarity of society against possible attacks from outside. The caliphate, in the early years, coincided with the general will of society. The

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[21] Ibid.
[22] Ibid. This precedence of assembly democracy in Afghanistan will become important in the context of the discussion of deliberative democracy in the Future Directions and Policy Recommendations section of the paper.
[23] Omer Caha, "Islam and Democracy: A Theoretical Discussion on the Compatibility of Islam and Democracy," *Turkish Journal of International Relations* 2:3/4 (Fall/Winter 2003) 106-134. Pg. 108.
[24] Ibid 109.

> powers and authority wielded by the Caliph during the Four Caliphs' period directly emanated, rather like contemporary democracies, from the consent of the people.[25]

Pro-democratic sentiments do exist in Afghanistan, although tribal warfare and economic insecurity often hinder such rhetoric. Organizations such as the Revolutionary Association of the Women of Afghanistan (RAWA), for instance, explicitly advocate for "an independent, free, democratic, and secular Afghanistan."[26]

Anna Larson acknowledges in her discussion of Islam and democracy a point made by an academic named Samuel Huntington. According to Huntington, the only time a true democracy was maintained in a primarily Muslim country for a significant period of time was in Turkey, during the governance of Mustafa Kemal Ataturk. Furthermore, Ataturk's professed goal during his time in government was to push for a secular state. In Afghanistan, it would seem that to create a secular state would not be culturally viable. Nevertheless, Larson counters the previous point with a more scripturally-based assertion given by Khaled Abou El Fadl. He discusses Islamic theology and claims "that Shari'ah is a complete moral code that prescribes for every eventuality," but that ultimately "God's sovereignty provides no escape from the burdens of human agency."[27] As humans are given rational faculties, an Islamic theologian might claim, they are responsible for conducting their affairs accordingly. Indeed, the contemporary Afghan populace has proved willing to participate in various democratic processes, but only insofar as day-to-day security is guaranteed. Currently, though, such security does not exist. At the root of the problem, in addition to the lack of a formal economy, is the cultural emphasis on tribal

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[25] Ibid 112.

[26] Although the organization does advocate democracy, the U.S. and NATO are viewed as malignant influences on the region. Much of the anti-West sentiment stems from unnecessary military operations that result in civilian loss of life, an issue which will be addressed in the Future Policy Recommendations section of this paper. See Revolutionary Association of the Women of Afghans, *About RAWA*, http://www.rawa.org/rawa.html (February 25, 2011).

[27] Larson 7.

identification, which leads to a major impediment to state-building and peacemaking: warlordism.

Warlordism in Afghanistan:

The people of Afghanistan have for centuries identified first with their respective tribes, and then with whichever entity controlled the territory that now makes up the modern state, if any at all.[28] This tendency was magnified, however, when outside forces began influencing the region and manipulating ethnic power structures within Afghanistan proper. During the rebellion against the Soviet Union in the 1980s, certain individuals willing to fight against the occupation were empowered by the U.S. and other external powers; various individuals affiliated with the Afghan mujahedeen were given arms and training by the Central Intelligence Agency (CIA) as well as Pakistani Inter-Services Intelligence (ISI) in order to fight the communist occupiers. After the Soviets withdrew from Afghanistan, the militants were able to begin cultivating opium poppy, an illegal form of income that allowed them independence from any formal governing power. Therefore, these former mujahedeen militants effectively supplanted the original tribal elders and began implementing regional tyranny.[29]

The resulting political situation, known as warlordism,[30] produces neither a stage for an effective economic system to develop nor any sense of non-coerced unity within the state. That the U.S.-backed the Afghan Northern Alliance following the September 11, 2001 attacks,

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[28] The ethnic breakdown of Afghanistan can be approximated as follows: 50% Pashtun, 26% Tajik, 8% Uzbek, 7% Hazara, 6% Aimaq, 3% other ethnicities. See Anwar-ul-Haq Ahady, "The Decline of the Pashtuns in Afghanistan," *Asian Survey*, 35:7 (July 1995), 621-634. Pg. 621.

[29] Kimberly Marten, "Warlordism in Comparative Perspective," *International Security* 31: 3 (Winter 2006/07), 41-73. Pgs. 54-55.

[30] The term, as described by Kimberly Marten, has a fourfold definition: "First, trained, armed men take advantage of the disintegration of central authority to seize control over relatively small slices of territory. Second, their actions are based on self-interest, not ideology. Third, their authority is based on charisma and patronage ties to their followers. Fourth, this personalistic rule leads to the fragmentation of political and economic arrangements across the country, disrupting the free flow of trade and making commerce and investment unpredictable. Savvy actors react by limiting their economic activity to local regions." See Marten 48.

therefore, is counterintuitive to the goal of creating a unified nation-state. The Northern Alliance, while it may have assisted the U.S. in ousting the oppressive Taliban regime, is essentially a collection of local warlords.[31] A December 2009 news article posted by RAWA outlines concerns in the Balkh region of Northern Afghanistan regarding the violence being carried out by local warlords to maintain dominance. Commenting on the issue, shopkeeper Baz Mohammad relayed the following information: "I have never seen the Taleban [sic] in this district…But I do see former warlords walking around with their weapons." He later added in the interview, "[t]he police and security forces cannot even patrol in our district at night any more."[32] Similar testimony has originated from Afghan provinces farther to the east.[33]

Warlords have also severely impeded attempts at democracy in Afghanistan. According to Marten, the electorate in the state exercised relatively little free will during the September 2005 parliamentary elections. During the process, describes the author, "a combination of intimidation and fraud meant that local strongmen simply used [the voters] to give a false democratic patina to their *de facto* rule."[34] Additionally, about 80% of all elected officials in Afghanistan were believed to have affiliations with warlords or similar groups as of the 2005 elections.[35] There has been significant outcry against the influence of warlords, but since the primary source of income is an illegal one – opium poppy – the illegitimate authority which they exercise is backed up by the money needed by Afghans in order to maintain a living. The self-interested motives behind the actions of many warlords, which afford regular citizens at best a

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[31] Powerful individuals like the Uzbek General Rashid Dostum still maintain warlord status in 2011, with tacit consent from United States military strategists. Their *de facto* autonomy is encouraged further by a lack of response to the illegitimate collection of taxes as well as the unofficial checkpoints maintained by such warlords along the border of Central Asia. See Marten 54.

[32] Revolutionary Association of the Women of Afghanistan, *Warlords Re-emerging in North*, http://www.rawa.org/temp/runews/2009/12/17/warlords-re-emerging-in-north.html (March 20, 2011).

[33] Revolutionary Association of the Women of Afghanistan, *Rogue Militias Abuse Rural Afghans* http://www.rawa.org/temp/runews/2011/01/14/rogue-militias-abuse-rural-afghans.html (March 20, 2011).

[34] Marten 56.

[35] Ibid 56.

degree of security, have caused many to seek economic opportunities in relative safe havens. Instead of potentially being unfairly taxed or coerced at the hands of warlords, asserts Marten, "[m]erchants flock to industrial parks that are sponsored by the Afghan government with US aid; unlike other locations, they promise clean land titles and perimeter security."[36] Further, Marten explains that it is currently impractical for merchants to rebel against the circumstances, as there are no viable economic alternatives to the markets monopolized by the warlords.[37]

Aside from impeding the democratic process, warlords threaten statehood in general by undermining any governing structure's attempt to implement rule of law. By robbing the state of its necessary "monopoly on violence…to maintain the internal legal order," they delegitimize the government and, at the same time, create what D.D. van Grieken describes as a "security gap."[38] Certain powerful warlords, including Abdul Rashid Dostum in the north and Ismail Khan in the south, have been granted positions in government to allow them *legitimate* authority to exercise. In this manner, they have collaborated with Hamid Karzai and the central Afghan government. Yet as van Grieken asserts, such individuals in "[t]his specific group of Afghan warlords [are]…playing a double role: while being assumingly loyal to Kabul, they abuse their formal positions to expand their territories, assert their authority and to thrive personally."[39] In other words, in carrying out their function as warlords, they do so at the direct expense of the central government's ability to control the state within a legal structure.

Future Directions and Policy Recommendations:

I contend that the United States, with the help of its NATO partners, is in a position to assist the Afghan government in forming a working security apparatus in the state. Indeed, given

[36] Ibid 57.
[37] Ibid 69.
[38] D.D. van Grieken, "Collaborating Warlords in Afghanistan's Political Reconstruction Process" (Ph.D. Dissertation, University of Ultrecht, 2005), 14, 16.
[39] Ibid 76.

the previous discussion, it is necessary for outside forces to bolster the Afghan-driven effort if a lasting peace will ever be achieved. The current Afghan government, after all, is not yet in a position to maintain peace, thereby spurring economic prosperity and improving the standard of living in the state. This need for assistance, coupled with the *ability* of Western forces to assist in developing a mechanism for maintaining peace on which ordinary Afghans can depend, seems to allow no excuse for inaction. What does not need to happen, though, is for superfluous intervention to occur; such superfluities, as have defined Operation Enduring Freedom for the better part of a decade, have been most unproductive. Examples of gratuitous violence on the part of Western soldiers have undermined the entire campaign in the country by depriving the Afghans of even a basic level of trust in the individuals charged with their safeguarding. The role of U.S. and NATO forces in assembling a system capable of instilling law and order, therefore, must remain passive by default, and such forces must not be involved in armed conflict of any kind, except in extreme circumstances and instances of self-defense.

In order to create the conditions necessary for such a proper security apparatus to exist, the Afghan population must be able to depend on an economy that is not rooted in the illicit opium trade. In order to revive the Afghan economy, all foreign aid or funding from external actors that is currently being funneled to expensive military air strikes or other *offensive* maneuvers against members of the Taliban or Al Qaeda must immediately be redirected to research and development projects. This will have a twofold effect: (1) On the one hand, much needed programs would be funded, including research projects to isolate viable economic alternatives to the production of opium poppy, such as the extraction of natural resources and the export of various other crops. Development projects would be carried out to improve the almost nonexistent power grid in the state, as well as the severely crippled highway and road system;

such projects, coupled with an emphasis on education and literacy, would set the stage for greater communication between the now isolated Afghans. (2) On the other hand, if all offensive military operations were to cease, the Afghan outrage against the many civilian deaths as a result of collateral damage at the hands of the West would no longer be a cause for concern. Hence, the U.S. and NATO would regain legitimacy in the eyes of the Afghan population. Consider the following account from a letter written by Professor Jennifer Leaning in Afghanistan just after the Taliban was defeated in 2002:

> What does not need to be done is instill a sense of hope, energy, and resilience [in the Afghans]. These core human capacities can be found in abundance in Afghanistan still, despite all these years. But the window of opportunity will not stay open for long. People cling to the faith that those who drove out the Taliban will now stay and help them rebuild their country. The memory is still fresh, however, of the last time the international community came and then left far too quickly. This memory clouds all current expressions of optimism. If history seems to be repeating itself, there is no telling how much farther Afghanistan might yet fall.[40]

Leaning's sentiment contains at once a glimmer of hope and an ominous warning. It is unclear at present whether the damage currently done by the most recent intervention in the country is simply too much to bear for the Afghans.

Relations between Western forces and the Afghan people were severely strained on March 11, 2012, when 16 Afghan civilians – nine children, four men, and three women – were allegedly murdered by U.S. Army Staff Sergeant Robert Bales in the Panjwai district of

[40] Jennifer Leaning, "Letter From Afghanistan," *British Medical Journal* 324 (2002), 360.

Kandahar, Afghanistan.[41] After the incident, much to the dismay of the Afghan people, the soldier was taken by American forces back to the U.S. to be held in a Kansas military prison. From the perspective of the people of Afghanistan, the situation seems bleak: not only has a foreign military agent killed, seemingly in cold blood, at least 16 noncombatants without provocation, but there will be no Afghan control over the process of justice. Although U.S. officials have chosen to compensate[42] the families of the deceased, giving away a total of 860,000 USC for the deaths of the civilians, the animosity towards U.S. forces is becoming all too palpable. The American prosecution in the case will find it difficult to convict Bales for a few reasons. Firstly, the kind of forensic evidence American investigators are accustomed to providing to the prosecution does not exist. According to Islamic tradition, the bodies were buried almost immediately after death, and so no autopsies were performed to confirm the causes of death. Moreover, the prosecution will only be able to prove, at best, that the bullet casings left at the crime scenes match Bales' weapon. Secondly, Bales' mental condition will certainly be called into question considering the seemingly unprovoked and brutal nature of the killings. Nevertheless, the fault is with the U.S. for putting the staff sergeant in a position to be able to kill nine Afghan children and others. Given the initial sentiments of Jennifer Leaning, the stakes are being raised each day, and with each case that diminishes the trust any Afghans have in Western forces, the less likely it will be for U.S. and NATO forces to provide a security apparatus to promote an Afghan democracy.

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[41] According to CNN, U.S. investigators have decided to charge Bales with the murder of a 17th civilian. See Sara Sidner and Ruhullah Khapalwak, "U.S. Pays$860,000 to families of Afghan shooting victims, officials say," *CNN,* March 25, 2012, http://www.cnn.com/2012/03/25/world/asia/afghanistan-killings-money/index.html?hpt=hp_t1.

[42] Whether the amount in question is truly compensation for the wrongful deaths of the noncombatants is unclear. The money could potentially be offered as "blood money," in conjunction with an Afghan tradition that allows the amount to replace any judicial action or punishment, but this is unlikely. According to one U.S. official, the United States is merely assisting the families of the deceased financially. See Sidner and Khapalwak..

Another unfortunate example of U.S. forces significantly disrupting relations with the Afghan people occurred in February of 2012. The inadvertent burning of four Korans by members of the U.S. military at Bagram Air Force base has created a backlash that may seem, at first glance, disproportionate to the initial offense; yet, the issue is a deeply religious and cultural one.[43] For the Afghan people, to deface a Koran in any way is an extreme taboo, and for an outside force to commit the offense in their own country is, for many, something that is unforgivable. Even members of the Afghan Parliament are calling for protests against Western 'occupiers,' for as parliament member Abdul Sattar Khawasi of the Parwan Province has stated explicitly, "Americans are invaders, and jihad against Americans is an obligation."[44] Violent protests broke out all over Afghanistan in response to the incident, severely hindering diplomatic processes between Western and Afghan officials. One protester articulated his disgust with the Americans by addressing, in conjunction to the Koran burnings, multiple incidents involving the defacement of dead bodies by U.S. soldiers and misguided airstrikes killing civilians:

> This is not just about dishonoring the Koran, it is about disrespecting our dead and killing our children. They always admit their mistakes. They burn our Koran and then they apologize. You can't just disrespect our holy book and kill our innocent children and make a small apology.[45]

The faith the population once had in the Western liberators seems to be faltering more each day, due in part to the flawed planning and strategies of military commanders in the region. In short, "hunting down" perceived threats such as the Taliban and Al Qaeda is utterly short-

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[43] In addition to the four Korans that were burned, an estimated 10-15 were damaged as well. See Alissa J. Rubin, "Afghan Protest Over the Burning of Korans at a U.S. Base Escalate," *New York Times*, February22, 2012, http://www.nytimes.com/2012/02/23/world/asia/koran-burning-in-afghanistan-prompts-second-day-of-protests.html.
[44] Ibid.
[45] Ibid.

sighted. If Afghans are to trust the U.S. and NATO military forces as allies, then collateral damage must cease. Moreover, any foreign troops on Afghan soil must take active measures to avoid any and all defection based on ideology by Afghan forces to the Taliban. That is, soldiers must conduct themselves in a manner compatible with Muslim values. Even as early as 2008, several newly-initiated Taliban forces were interviewed in article by Al Jazeera entitled "Defections hit Afghan forces," and claimed that the source of their defection was the anti-Muslim actions carried out by what they view as the occupying forces. According to Sulieman Ameri, for instance, he asserts, "I have seen prostitution, I have seen drinking. We are Muslim and therefore jihad is our obligation."[46] Although NATO military commanders such as Brigadier-General Richard Blanchette have asserted that Afghan police and security recruitment has risen, the threat of defection remains, and the primary causes are avoidable ones.

Should such a paradigm shift occur in the security strategies of Afghanistan, then the door would be opened to cooperation between U.S. and NATO military experts and burgeoning national defense and police forces in the state – all with the (hopeful) support of the populace. The number of U.S. and NATO military personnel in the area should immediately drop to fewer than 10,000. Western involvement would therefore be seen less as an occupation, and more as a collaboration between entities with the common goal of freedom and democracy. The role of the United States Special Operations Command will be paramount to both training police forces on effective policing strategies and in facilitating the creation of a unified, multiethnic national defense system. It will be vital, in this case, not to appease and elicit the help of individual warlords, as this would merely perpetuate the initial problem. Rather, teams of special warfare operators, trained in Foreign Internal Defense (FID) tactics, should continue to utilize their

[46] Al Jazeera English, *Defections hit Afghan forces*, October 15, 2008, http://english.aljazeera.net/news/asia/2008/10/200810152158993793.html, May 8, 2008.

linguistic and cultural training to incorporate elements of all ethnicities into the centralized Afghan defense forces. The U.S. and equivalent NATO forces will be proactive only insofar as they instruct Afghan organizations on such strategies, and will engage hostile (anti-government) forces retroactively, but only when action is explicitly requested by the Afghan government.

An important caveat regarding any FID program is that three specific conditions should be met in order for the U.S. government to carry out supporting operations. According to the Foreign Internal Defense manual created by the U.S. Joint Chiefs of Staff, the following *should* be true in order for FID to be implemented: "(a) The existing or threatened internal disorder threatens U.S. national strategic goals; (b) The threatened nation is capable of effectively using U.S. assistance; (c) The threatened nation requests U.S. assistance."[47] In the case of Afghanistan, any one of the three conditions can be reasonably challenged. However, given the context of this paper, it would seem that condition (c) particularly is becoming less true, as not only are parliamentary officials openly declaring jihad on U.S. forces as a reaction to aforementioned events, but Afghan President Hamid Karzai himself is growing impatient with Western forces.[48] It can even be argued that condition (c) ceased to exist in 2002 when American military units were first sent to the region. In any case, the primary issue at hand is the relationship between the Afghan population and government/security forces and U.S. military and diplomatic advisors.

Specialized training, as per the FID manual, should be required of any and all U.S. personnel being deployed to Afghanistan. In other words, conventional forces that lack such training need not be involved in any type of occupation; if this should become the case, then

[47] Joint Chiefs of Staff, "Foreign Internal Defense," Joint Publication 3-22. 12 Jul. 2010. Pg. III-2.
[48] A spokesman for President Karzai has stated publicly that the Afghan government wished, for instance, to take control of a particular prison facility housing 3,000 suspected Taliban insurgents as a reaction to the Koran burnings. The request was denied by U.S. authorities. See Rubin.

instances of cultural insensitivity will be curtailed, and the number of scandals worthy of Afghani protest will greatly be diminished. The requisite training components are explicitly delineated in the FID manual. A number of the specialized requirements in the manual, including proper intelligence gathering and self-defense training, pertain only to the goal of U.S. national security. The important requirements in the context of this paper, however, involve being able to effectively interact with the local population. For example, developing a keen understanding of the local culture and customs is paramount to properly relating to the Afghan police and military personnel being trained, as well as to civilians. Special warfare operators must be aware of the various religious practices – in the case of Afghanistan, mostly Muslim – in order to avoid committing offenses and therefore perpetuating a gap in trust. Language skills are equally necessary for FID operators not only to offer a sign of respect, but to serve as a practical means of communicating with trainees. Furthermore, it is important that any American soldiers being deployed to Afghanistan be trained on "Standards of Conduct" in order to project a responsible, helpful, and trustworthy image for the benefit of the Afghans with whom they will work. Finally, specific training should be given that affords personnel conducting FID operations a set of skills that allow them to coordinate effectively with nongovernmental organizations, intergovernmental organizations, and other government agencies. Thus, the FID operations will be more likely to "win over the population," and less likely to seem like imperialistic military ventures.[49]

Counterinsurgency specialists must be included in the minimal U.S. and NATO force deployed in Afghanistan in order to advise and counteract the violence currently being employed by anti-state actors. To refer to the previous discussion on democracy in Afghanistan, it is

[49] Joint Chiefs of Staff V-1-3.

unlikely that any true form of participatory democracy can develop while destabilizing violence is happening concurrently. Therefore, an effective counterinsurgency strategy will serve to promote internal stability, in conjunction with the FID operations. The most important facet to any effective counterinsurgency strategy is securing and maintaining the trust and support of the local population. As David Kilcullen, Adjunct Professor of Security Studies at the Johns Hopkins School of Advanced International Studies, asserts, it is important

> to act with respect for local people, putting the well-being of noncombatant civilians ahead of any other consideration, even – in fact, especially – ahead of killing the enemy. Convincing threatened populations that we are the winning side, developing genuine partnerships with them, demonstrating that we can protect them from the guerillas and that their best interests are served by cooperating with us is the critical path in counterinsurgency, because insurgents cannot operate without the support – active, passive, or enforced – of the local population.[50]

Kilcullen's viewpoint is consistent with the Joint Chiefs of Staff in that the interpersonal relationships between Western soldiers and Afghan security agents and civilians must be enhanced. If local support is obtained, then the violent insurgent groups, including Al Qaeda and the Taliban, will be limited in terms of resources. For United States Special Forces to methodically hunt down an invisible enemy is not only extremely difficult and a waste of resources, but also a detriment to the requisite goal of preserving civilian life at all costs; that is, the more Western military units look to engage hostiles, the more collateral deaths occur. Instead of this result, Kilcullen suggests simply allowing the insurgency to suffocate, having been robbed of the support of the population. When insurgents are forced to engage in order to

[50] David Kilcullen, *Counterinsurgency*, (New York: Oxford University Press, 2010), 4.

promote their cause, they will be neutralized by the superior training given to the Afghan security officials by Western advisors.[51]

The security apparatus that this will yield will constitute the first step in transitioning from a state defined by warlord rule to one which affords the central government the sole responsibility of implementing law and order. Although it will be necessary for the United States and NATO to change its intervention strategy in the state, it will also be incumbent upon the existing Afghan government to make as its priority the creation of a judiciary that has jurisdiction throughout the entire territory. Laws prohibiting destabilizing forces such as political corruption, for instance, remain heretofore largely unenforced or nonexistent. Warlords such as Dostum and Khan may have been accused of abusing their positions of power, yet Hamid Karzai's presidency has rarely been considered purely virtuous. Therefore, the judiciary must also provide a balance of power to counteract the strong executive. Outside actors cannot create this change within the Afghan government; they can merely allow for a window of opportunity during which Afghan autonomy can emerge.

Conclusion:

Given the lack of resources, infrastructure, and political unity in Afghanistan, an effective and humane governing structure will not develop without the assistance of outside forces. This reality, far from being a social commentary on the inadequacies of the Afghan people, stems from a very specific historical context, particularly in regards to the proxy war fought in the country between the U.S.S.R. and the U.S. in the 1980s. The conditioned tendency for warlordism in Afghanistan is a product not only of these more recent Cold War conflicts, but also the region's long history of invasion and occupation. Intense tribal identification, a primary

[51] Ibid 4-5.

condition of warlord rule, is a natural response to violence, and one that has become more prevalent with the continued insurgency of the Taliban, Al Qaeda, and other anti-state groups. The inability of President Karzai and his central Afghan government to effectively instill the rule of law and hold such groups responsible for the violence they commit has perpetuated this cycle of informal, brutal rule.

Furthermore, if a democracy is to develop in the state in lieu of authoritarianism in order to prevent violations of human and civil rights, foreign assistance must be allocated to assuage systemic problems such as the absence of both a central Afghani policing mechanism and a formal economy. Violence committed as a result of ethnic rivalry within the state must be discouraged by the central government; currently, this is not the case, as the severe government corruption that exists exacerbates, and in many ways even facilitates, this rivalry. Should a limited number of U.S. special warfare operators, as well as equivalent NATO personnel, advise Afghan officials on the proper methods of creating agencies to instill the rule of law, then local warlords would be held responsible for any detrimental effects they may have on citizens. Moreover, the governing structure will be able to more effectively deal with destabilizing forces including Al Qaeda operatives and irreconcilable, violent members of the Taliban. In any case, it is certain that democracy will not develop unless it is willed by the people. Nevertheless, if the basic needs of the population of Afghanistan are met, then a high-functioning democratic state might yet be in reach.

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