

POLICY BRIEF

LOWY INSTITUTE
FOR INTERNATIONAL POLICY

OCTOBER 2009

TOM GREGG
Tel: +33 683 949 263
gregg.tom@gmail.com

CAUGHT IN THE CROSSFIRE: THE PASHTUN TRIBES OF SOUTHEAST AFGHANISTAN

WHAT IS THE PROBLEM?

There is increased recognition of the importance of engaging tribes in Afghanistan, but the government of Afghanistan and the international community are yet to come up with a coherent and coordinated approach. While more effective tribal engagement won't work everywhere, there is an opportunity to engage more fully with Pashtun tribes in Afghanistan's southeast. A meaningful and well resourced tribal policy would help improve stability in this strategically important region and also help avoid any mismanagement that could make things worse.

WHAT SHOULD BE DONE?

First, the Afghan government should formulate and execute a policy of tribal engagement which the international community should support through efforts to reform of the Ministry of Tribal and Border Affairs.

Second, the international military forces must pay closer consideration to the local tribal dynamics in their efforts to shift toward a more counter-insurgency driven approach on the ground in Afghanistan. A key element in this will be establishing mechanisms to address tribal grievances towards aspects of international military operations.

Third, a Tribal Outreach Commission (TOC) should be formed in relevant provinces, chaired by the provincial governor and including representatives from the relevant government line ministries, provincial council, ISAF, UNAMA, the Liaison Office and prominent tribal and religious leaders, to build knowledge for, prioritise and manage tribal engagement at the local level.



LOWY INSTITUTE FOR
INTERNATIONAL POLICY
31 Bligh Street
Sydney NSW 2000
Tel: +61 2 8238 9000
Fax: +61 2 8238 9005
www.lowyinstitute.org

The Lowy Institute for International Policy is an independent international policy think tank. Its mandate ranges across all the dimensions of international policy debate in Australia — economic, political and strategic — and it is not limited to a particular geographic region. Its two core tasks are to:

- produce distinctive research and fresh policy options for Australia’s international policy and to contribute to the wider international debate.
- promote discussion of Australia’s role in the world by providing an accessible and high-quality forum for discussion of Australian international relations through debates, seminars, lectures, dialogues and conferences.

Lowy Institute Policy Briefs are designed to address a particular, current policy issue and to suggest solutions. They are deliberately prescriptive, specifically addressing two questions: What is the problem? What should be done?

The views expressed in this paper are entirely the author’s own and not those of the Lowy Institute for International Policy.

POLICY BRIEF

CAUGHT IN THE CROSSFIRE

There is a well-worn Pashtun story of a famous Indian wrestler who visits a Pashtun village and challenges the tribesmen to put forward their best fighter. The following morning a crowd gathers to watch the fight. The two fighters duel all day, and by mid-afternoon it becomes clear the Indian will defeat the Pashtun. A tribesman calls out from the crowd asking if anything can be done to reverse his fortune but the fighter replies that nothing can be done, only that the tribe may bring hay and lay it on the ground to cushion the blow from his impending fall.

This story is a metaphor of today's reality for many of the tribes in the southeast of Afghanistan. The Pashtun tribal structure, having for centuries been the main unified political entity, is fracturing under the competing pressures of a Taliban-led insurgency which appears to be gaining political ascendancy on the one hand, and a corrupt (and at times predatory) government, supported by an international military that openly acknowledges it has little understanding of the tribal structure, on the other. Without any change to the status quo, tribal communities are left to 'cushion their fall' by striking deals with the Taliban while subtly withdrawing their support from the political process.

The government of Afghanistan along with its international civilian and military backers cannot afford for this to happen. US Secretary of Defense Robert Gates recently stated that 'at the end of the day the only solution in Afghanistan is to work with the tribes and provincial leaders'.¹ Likewise, Commander of the US forces and the International Security Assistance Force (COMISAF), General

McChrystal, refers to tribal engagement as part of 'a holistic counterinsurgency campaign'.² It is important to note that the concept of tribal engagement, while new for the US military, has been called for, and worked on by several actors, such as provincial governors, UNAMA and the Afghan NGO, the Liaison Office (LO).

Yet engaging Afghanistan's tribes is neither straightforward, nor is it suited to all parts of the country. Against this background the purpose of this paper is to argue for an enhanced effort to engage Pashtun tribes in one, albeit, strategically significant part of Afghanistan, its southeast, specifically the provinces of Paktya, Paktika and Khost.

Unlike the relatively isolated south of the country that is suffering from a full-blown insurgency, tied partly to the opium industry, the southeast region has been relatively more stable. Its location, however, is of great significance to the security of Kabul, and its surrounds, serving as it does as a buffer between the capital and a long (578 kilometre) porous border with the Taliban-controlled North and south Waziristan in Pakistan. This region is also the tribal home of the Haqqani network that, according to the US Military, 'remains one of the most lethal Taliban organizations' and whose militants have 'become the main source of attacks against American troops and their Afghan allies'.³

What makes this part of Afghanistan particularly prospective to a tribal approach is the fact that, unlike other Pashtun tribal areas of the country, the tribal structure in the southeast remains relatively more intact. A meaningful and well resourced tribal policy in the southeast could help the overall effort to

POLICY BRIEF

CAUGHT IN THE CROSSFIRE

improve stability and security. It is also true, however, that mismanaging tribal engagement in the southeast could end up aggravating the increasingly difficult situation faced by the international community and the Afghan government in the country more generally.

The Pashtun tribes in southeast Afghanistan

Historically, the Pashtun tribes of Loya (Greater) Paktya, covering the provinces of Paktya, Paktika and Khost, enjoyed a special administrative status. Unlike the remainder of the Pashtun tribes, the special status afforded them exemption from state taxes and military conscription, minimal state intervention and the right to bear arms. In return, the state received the much-needed tribal loyalty, and if required, could call on the tribes to come to its defence. This agreement was formalised in 1929 under King Nadir Shah as an acknowledgement of the role the people of Loya Pakya played in bringing him to power. It was honoured, uninterrupted, for 20 years. By the early 1950s, some shifts in the balance of power began to emerge between the state and the tribes, and the government began to penetrate the southeast region through the construction of roads and schools. In response to this encroachment by the state, the large and united Mungal tribe led a tribal revolt, which quickly resulted in a withdrawal by the government and an acceptance of the *status quo anti*. In the pre-revolution years up to 1978, the tribal elite of Loya Paktya held significant sway over politics in the capital, facilitated by a number of key posts, particularly in Afghanistan's military.

It is due to this unique history that Loya Paktya avoided co-option by the state until much later than other Pashtun regions, and the tribal structure in the region remains stronger and more unified than in other parts of the country.⁴ Practically, this has meant that within the tribal structure today *Pashtunwali* (the traditional customary law), common to all Pashtuns, is better preserved than in other Pashtun-dominated parts of the country. Further, the tribes of the southeast region have a unique tribal mechanism of policing (*arbakai*) for defence from external aggression and natural resource protection.⁵ While the coherence and strength of the tribal structure has been eroded in many parts of the region, there is still sufficient coherence among tribes to allow them to play a significant role in peace-building. For example, such is the strength and authority of a tribal ruling, that when the elders of the southeast, as a gesture of goodwill to President Karzai and the Bonn Process, decreed that poppies would not be grown in the region, it all but obliterated the local opium economy.

It is important to note that such tribal unity, if not managed correctly, could become a thorn in the side for any Afghan government and its international backers. For example, if the tribes chose to support the insurgency rather than to resist it, or simply chose to challenge the legitimacy of the state by refusing to work with it, the government would be rendered quite powerless. The threat of the government 'losing' the tribes has been a long-standing source of insecurity for 'all Afghan rulers since the establishment of the modern Afghan state, a threat which has usually been partly placated through the implementation of a tribal policy.⁶

POLICY BRIEF

CAUGHT IN THE CROSSFIRE

Today, it is difficult to speak of a well-articulated tribal policy that has been developed in Kabul and implemented in the provinces. Instead there is, at best, an *ad hoc* approach to tribal engagement in the provinces, with most tribes remaining relatively alienated from the political process.

On the part of the international community, there are two main causes of this neglect.⁷ First is a perception that the tribal communities are illiterate and uneducated and hence, uninformed pawns in the politics of the region. This was most dramatically demonstrated by the US military operating in the region, which until recently categorised the tribes as part of the *terrain* rather than as *actors*. This could not be further from the truth. While many tribal elders who are appointed to the district or provincial tribal *shura* (council) are uneducated, they still remain well-informed and connected to regional and global events. In fact, over two-thirds of Afghans tune in daily to shortwave radio and, as a matter of status, all tribal elders that sit on a *shura* own a mobile phone. Such categorisation stems from the difficulties of the international community and the international military forces in ‘placing’ the tribes.⁸ Too often the myopic lens used for political analysis permitted few categories beyond the Afghan government on ‘our’ side and the Taliban on the other. A former US ambassador to Afghanistan once said ‘I understand the tribes are important, but no one can tell me *why* they are important’. It is for this reason that General McChrystal is understood to recommend the US use their intelligence assets ‘less to hunt insurgents and more to understand local, tribal and social power structures in the areas where they operate’.⁹

Second, *Pashtunwali*, the traditional tribal customary law, is overlooked by both the international community and by some elements of the Afghan government as being out of place in a new Afghan state. On the part of the international community, *Pashtunwali* is perceived as undemocratic, a violation of universal human rights and therefore, counter to the larger state-building exercise. This is echoed by some elements within the Afghan government. This is particularly true of the fast-rising non-traditional elite, who are thirsty for modernisation and for whom the tribal system is merely an archaic relic of a bygone period.

These prejudices are compounded by a spurious and unfortunate connection made between conservative Pashtun tribal culture and the Taliban. Consequently, a conservative Pashtun villager dressed in a turban, with a long beard and traditional robes, is often equated to the Taliban. This was starkly demonstrated by a twist in the definition of the acronym ACM that was used by the US military to describe Anti-Coalition Militia. In the deeply conservative province of Paktika, ACM was the title some elements of the US military used to describe the Pashtun women of the province – this time meaning ‘Anti-Coalition Multipliers’. This expression was not official and was used in jest, but it does offer an insight into how some US soldiers perceived the local population. Needless to say, this depiction is baseless. In fact, in much of the region it is the tribal communities that are *victims* of terrorist violence and intimidation, including targeted assassinations of those who do not support the insurgents, and it is the same communities that suffer from Taliban-enforced school and clinic closures. Moreover, it is often tribal leaders

POLICY BRIEF

CAUGHT IN THE CROSSFIRE

themselves that have launched peace initiatives. In 2006, one of the largest demonstrations saw over two thousand tribal elders and religious leaders gathered in the border city of Khost to condemn suicide attacks, denounce 'external influences' in the province and present a declaration of peace to the Provincial Governor, calling on the US military to consult with the tribes in an effort to bring security to the province.¹⁰

Why the fighting?

Unlike the relatively stable North and Central regions of Afghanistan, the security situation in the southeast is volatile and has continued to deteriorate despite a higher tempo of military operations and an increased presence of ANA and US military forces over recent years. In spite of this decrease in security, levels of violence in the region remain consistently lower than those in the south of the country.

Factors behind insecurity in the tribal areas of the southeast are far more nuanced than it may appear at first glance. It can be broadly divided into four separate but related factors: the presence of local Taliban networks with links to prominent commanders; the absence of a credible government presence; resentment toward the *modus operandi* of some elements of the international military forces; and existing tribal divisions.

Local Taliban networks

The backbone of the insurgency in the southeast is formed by local Taliban networks with links to prominent commanders who have relocated to Pakistan. These former *mujahideen* networks were forged during the

Soviet occupation of Afghanistan and have been remobilised over the past 5 years. The most prominent and effective of these networks in the southeast region is that of Jalaluddin Haqqani, but other networks such as the Mansoor network and Hekmatyar also play a destabilising role. These disparate insurgent groups have successfully mobilised the disenfranchised, unemployed, illiterate male youth underclass with cash incentives and anti-Western propaganda. The motivation of this group to take up arms is less ideologically driven than it is fiscally driven (although involvement perhaps also affords young recruits a sense of purpose).¹¹ Unlike ideologically driven fighters, this broad group would be more responsive to a meaningful reconciliation process and to outreach initiatives.

Absence of a credible government presence

The absence of a credible government presence at the district level is a destabilising factor for the entire region. It is here that communities interact with the government, via the local district sub-governor, as well as the security (particularly the Afghan National Police) and administrative authorities. And it is at this level that the government needs to gain the trust of the people and address their problems. Instead, conservative tribal communities are often confronted by a corrupt district administration and an ill-trained, poorly equipped police force which is more interested in profiteering and predation than serving and protecting.¹² Other elements of a formal legal system, such as an impartial judiciary, are equally weak or nonexistent at the local level. This has led to increasing levels of both opportunistic criminality and resentment of the government. A prominent tribal elder from the

POLICY BRIEF

CAUGHT IN THE CROSSFIRE

region who had spent two and a half years in detention in Guantanamo Bay before being released captured the sentiment when he claimed ‘we [the tribal *shura*] are happy to support President Karzai and the political process, but we would sooner take to the hills and fight than be governed by the current corrupt and immoral district sub-governor and chief of police’.¹³

Modus operandi of the international military forces

A United Nations report released in late July 2009 claimed that the number of Afghan civilians killed in the conflict had jumped 24 per cent so far this year, with bombings by insurgents and airstrikes by international forces the biggest killers. The report said 310 civilians had been killed by international military and Afghan forces so far in 2009, including 200 killed by airstrikes.¹⁴ These alarming figures are compounded by a less widely known practice that produces fewer casualties but stirs similar anti-coalition forces emotion – night-time house searches. In the southeast region, frequent night-time house search operations, conducted mainly by US Special Operations Forces (US SOF), have infuriated local communities and Afghan government officials.¹⁵ Even Provincial Reconstruction Team (PRT) and Maneuver Element Commanders have acknowledged that the USSOF house search operations often undermine the US military’s ‘hearts and minds’ campaign.¹⁶ According to the Centre for Conflict and Peace Studies, revenge against Coalition Forces is a key motivation for joining the insurgency.¹⁷ Moreover, it undermines the credibility of a provincial governor, who despite receiving protests from several hundred tribal and religious leaders is powerless to put

an end to the practice. In one extreme case, a parliamentarian from Khost province (who happened to also be a prominent Mullah) suffered the indignity of having his house searched on three separate occasions within a six-week period (and in one instance his front doors blown off).¹⁸

It has been suggested that the failure of the outgoing COMISAF, General McKiernan, to address such incidents in a meaningful way precipitated his premature departure from Afghanistan.¹⁹ Such has been the public outcry over how the war has been managed that his replacement, General McChrystal, recently stated what should be an obvious fact, namely that ‘this fight is for the Afghan people, it's not with the Afghan people. It's to protect the Afghan people. And so I think, that's got to be foremost in how we operate’.²⁰

Existing tribal divisions

A further source of instability stems from tribal conflict. The bulk of such disputes are over access to natural resources, or of representation, whereby the marginalisation of a particular tribe or sub-tribe from provincial and district government is a cause of resentment. A lesser number of disputes stem from family or business dealings. However, all disputes can be exacerbated by the three destabilising factors listed above. The Taliban, as a matter of practice, exploit divisions to spread instability.²¹ One of the most successful approaches is to inflame a tribal conflict. Hence, the smouldering embers of a heated land dispute between two tribes (which corrupt courts and a weakened customary tribal system failed to resolve) will be fanned. Most commonly it takes the form of local Taliban networks offering weapons, ammunition and

POLICY BRIEF

CAUGHT IN THE CROSSFIRE

financial incentive to both sides to take up arms against each other. Similarly, it is not uncommon for one party to a conflict to approach the military forces with ‘intelligence’ against its adversary to have the military forces target and harass the other party.

In one particularly brazen case, one tribe ‘gave’ land for the US military to establish a Forward Operating Base (FOB) in its opponent’s tribal area. The US military then began constructing the FOB that was subsequently attacked by the tribe who had rightful claim to the land (and who had not been consulted). The US then counterattacked and within a matter of ten days a district that bordered Pakistan, that was pro-government, and had few links to the insurgency, was destabilised. While timely intervention from the provincial governor and the UNAMA facilitated resolution of the dispute, the lesson is clear: tribal conflict can be enormously destabilising for a region and can have knock-on benefits for the insurgency. In the absence of the rule of law and a well-funded and respected Ministry of Tribal and Border Affairs, these conflicts are left open to be manipulated by the insurgents and others that seek to profit.

Existing tribal divisions can also be inflamed by the awarding of local (and lucrative) reconstruction, development and security contracts. These contracts, if not negotiated carefully by someone with knowledge of the local tribal dynamics, can fast become part of the problem. Unfortunately, examples abound. A telling example from the southeast was in 2005 when the US PRT (with support from USAID) agreed to fund a district government centre in the Zadran district of Schwark. Suitable land was identified and quickly

‘donated’ by the ‘Zadran tribe’ to the government so that construction could commence. What the PRT and the USAID official did not know, was that Shwark district is clearly divided between two sub-tribes and that constructing the government centre squarely in the centre of one of the sub-tribes territory was *creating* a tribal dispute. The provincial governor and UNAMA were asked to intervene and an alternative site was negotiated on the border between the two sub-tribes. Still, the PRT commander expressed bewilderment that each sub-tribe had placed its own interests ahead of the ‘collective interests’ of the Zadran tribe.

Similarly, in the winter of 2006/07 the US PRT awarded a 1 million USD ‘snow-clearing’ project for a mountain pass on the Gardez-Khost road to a Panshiri contractor from a province north of Kabul. The contractor required additional machinery and the project budget was nearly doubled. What the PRT did not know was that such a figure, if spent locally, would have bought a significant amount of goodwill from the tribes if they’d chosen to engage them. If engaged, the local tribes could also have informed the PRT that a snow-clearing project was unnecessary as the particular pass they were investing in was blocked by snow only once, maybe twice a year. Rather than snow, the problem is mud and water that makes the road unpassable for several weeks a year. As it transpired, the local tribes did not benefit financially and had to suffer from the road being unpassable due to mud, while the contractor, who had signed a ‘snow-clearing’ not a ‘mud-clearing’ contract, pocketed the money and cleared the snow on two or three separate occasions. Hence, too often the potential reservoir of goodwill created

POLICY BRIEF

CAUGHT IN THE CROSSFIRE

by a project is never harnessed and instead many projects stir resentment.

What is being done?

Despite the belated recognition by the international community of the importance of the tribes in achieving stability, and the necessity for a more coherent policy of tribal engagement, at present there are few targeted programs. In theory, developing and implementing a tribal policy would be the purview of the Ministry of Tribal and Border Affairs. In practice, this is not the case. Currently, the two main programs accorded the task of ‘outreach’ are national programs that do not take into account tribal specificities. The highest-profile government outreach program at present is the Afghan Social Outreach Program (ASOP), that aims to address disaffected communities. It has been followed by a more controversial program, the Afghan Public Protection Force (APPF), which is a community-based policing initiative under the Interior Ministry.

Afghan Social Outreach Program

Early last year, the Independent Directorate of Local Governance (IDLG) established ASOP. ASOP, which has been endorsed by the Joint Coordination and Monitoring Board (JCMB), (a body that has the United Nations (UN) and GoA as co-chairs) has a stated goal to ‘strengthen security and peace, improve the effectiveness and responsiveness of service delivery and build local governance through the revival of traditional practices of collective decision-making and community solidarity and the promotion of cooperation and partnership with government’.²² However, ASOPs strategy

to create short-term paid community councils in selected regions has prompted suspicion on the part of some that the program is little more than a Karzai Administration targeted vote-buying campaign in the lead-up to the recent Presidential elections, which could in fact undermine outreach at the district level. In a recent report, the International Crisis Group cautioned that ASOPs ‘centralised control of council appointments may simply reinforce central government patronage rather than meet the stated aim of encouraging grassroots representation and outreach’.²³ Similarly, a briefing paper prepared in April this year for the NATO Heads of State and Government Summit by eleven prominent international NGOs operating in Afghanistan concluded that ‘the programme carries a high risk of failure and may even exacerbate local security conditions’ and therefore ‘should be suspended and subject to a full review’.²⁴ While ASOP still has the backing of some donors, it seems, in the provinces at least, the program has not gained traction.

Afghan Public Protection Force (APPF)

More contentious than ASOP has been the proposal to establish an Afghan Public Protection Force (APPF). This appears to be a second iteration of the much-criticised and now disbanded Afghan National Auxiliary Police (ANAP).²⁵ The APPF involves the creation of a community force tasked with protecting government and community assets and playing a district-level counterinsurgency role. The APPF should not be confused with the traditional practice of the *arbakai* of the southeast region that was *de facto* endorsed by President Karzai in June 2006 and is not a permanent local militia.²⁶ Today in the southeast, where the tribes are strongest, an

POLICY BRIEF

CAUGHT IN THE CROSSFIRE

arbakai exists and is controlled locally, while in districts where the tribes are more fractured the *arbakai* does not exist. Moreover, in those districts where an *arbakai* is active, they currently play a stabilising role.²⁷ In the southeast region, now is the time to strengthen the existing institutions, not to create tenuous parallel security structures. As the ICG warned in its most recent report; ‘Afghanistan is awash with weapons and armed groups. Creating unaccountable local militias – based on false analogies with Iraq – will only worsen ethnic tensions and violence’.²⁸

Ministry of Tribal and Border Affairs²⁹

If the primary interface between the tribes and the GoA on the district level is with the ANP and sub-governor, the natural first stop in the provincial centre should be the Department of Tribal and Border Affairs, referred to colloquially as the Department of Tribes. However, with the international community firmly focused on funding and building the capacity of the traditional line ministries, such as Defence, Education, Finance, Health, and Interior, the Ministry of Tribal and Border Affairs has little capacity or funding. Its head, acting Minister Asadullah Khalid, who received a no-confidence vote from Parliament earlier this year on the grounds of accusations of fiscal and moral corruption, has a dubious track record. In his previous posts as Governor of Ghazni and Kandahar, he was accused of torture and running private prisons, an accusation he vehemently denied.³⁰ Notwithstanding these allegations, other than being a close ally of President Karzai, Khalid lacks the requisite experience or status that the post demands. At the provincial level, the Department has few resources, and a political appointee with few tribal credentials often

occupies the Head of the Department position. Hence, the very department that should have a hand in resolving tribal conflicts on the sub-national level, or at a minimum, being a conduit for conveying issues of tribal dissatisfaction to the central level, is ultimately another example of the weakness and corruption of the Karzai administration. This reality is a far cry from the outgoing COMISAF’s vision that there should be an ‘Afghan-led effort on how to engage the tribes and what the incentives are and how to use the traditional tribal authorities to help with community security and community assistance’.³¹

Tribal engagement in practice

While the GoA, international community and international military forces agree that it is necessary to engage the tribes, there are few practical examples of how this might be achieved; how the main players may work in concert; and how to ensure that working with the tribes does not come at the expense of existing fragile government structures, but instead serves to strengthen them.

One such example was a joint Afghan government/UNAMA Stabilisation Initiative with the Zadran tribe in the southeast Region. This initiative was a local integrated stabilisation/counterinsurgency initiative that focused on three districts of Paktya province and represented a practical attempt at an integrated approach. The initiative combined the need to leverage the specifics of the tribal system in order to shift or preserve the balance of power in the government’s favor within the target tribal groups while at the same time

POLICY BRIEF

CAUGHT IN THE CROSSFIRE

improving government capacity and reconstruction.

The three Zadran districts of Paktya are nestled in mountainous terrain, located strategically in the heart of the southeast region, straddling one of the main infiltration routes used by the Taliban from Pakistan bases in North Waziristan to the greater Kabul region. One of the districts is also the family home to Jalaluddin and Sirajuddin Haqqani, now based in Pakistan and high on the US most wanted list. Prior to the launch of the initiative, there was minimal operational space for government as well as non-military political and reconstruction actors due to the existence of Taliban sympathisers within the tribes. This situation meant that after the fall of the Taliban the three districts were particularly underserved in terms of reconstruction and development.

Due to the nature of the insurgency in the area, it was recognised that no single approach, be it governmental, political, military, reconstruction, religious or tribal, would be a success. To develop an effective stabilisation initiative and for the balance of power to shift back in favour of the government, it was necessary to have an integrated approach including all the above-mentioned elements. The initiative was developed in collaboration between UNAMA and the Provincial Government, with the strong support of the Zadran tribes of Paktya province, the US PRT, USAID, US Department of State, and the German Embassy in Kabul.

Launched in June 2005, the initiative delivered reconstruction to the district level, took steps to improved district governance and increased

confidence between government and international actors and the tribes. This in turn resulted in improved credibility for the government and its international partners and a reduction in operational space for the Taliban. For example, not a single attack on projects implemented through the protocols took place during the initiative, demonstrating that tribal engagement and local ownership can work. Further, when the Taliban attacked the district government building in June 2007, it was the tribes that responded to the district sub-governor's call and defended the premises. The initiative also became the preferred conduit for problem resolution between tribal community and reconstruction actors for nearly all reconstruction projects in the three districts targeted by the project.

The promotion of dialogue under the auspices of the initiative also provided a more intimate understanding of the local tribal complexities, which in turn allowed UNAMA and the government to prevent insurgents from exploiting divisions within tribes. More importantly, it promoted a degree of dialogue that previously did not exist between the provincial government and the tribes. The initiative also provided the US PRT with a more nuanced understanding of the complexity of the causes of violence in the districts, and highlighted the need for enhanced strategic coordination with non-military actors. Finally, the initiative itself promoted dialogue between the international military forces in Paktya and UNAMA and highlighted common objectives, as well as providing a framework for the PRT, USAID and the German government to implement projects that maximised impact.

POLICY BRIEF

CAUGHT IN THE CROSSFIRE

Despite these achievements, by September 2007 the protocols were severely strained due to two main factors; the increasing virulence of the cross-border insurgency (according to United Nations figures, insurgent incidents increased in the southeast every year since 2001) and the lack of capacity and corruption of the provincial and district government. Nevertheless, in spite of the deterioration of security conditions throughout the region, the initiative served to maintain operational space for the government and international reconstruction actors in districts that would otherwise have been inaccessible. So while such an approach requires a modicum of stability, and also has much tribal specificity that cannot be duplicated, it is possible to distill general elements that inform the current discussion on tribal engagement.

A tribal strategy for engagement

It is not the purpose of this paper to present a comprehensive strategy for tribal engagement, but to suggest some underlying principles distilled from the Zadran Initiative, that must underpin any attempt at a tribal strategy if it is to be successful.

First and foremost, there must be the political will and commitment on the part of the central government to formulate and execute a policy of tribal engagement. It would also require a corresponding commitment from the international community to support the reform of the Ministry of Tribal and Border Affairs. Already the Afghan people and the international community have seen the improved performance and delivery from the ministries that have enjoyed the lion's share of

the capacity-building effort, such as Defence, Education, and Health. As part of any such reform effort, the Ministry of Tribal and Border Affairs would require a well-respected tribal leader at its helm and some increased funding. Building the capacity of the Ministry itself should include the traditional 'package',³² but also capacity building in less traditional fields such as the mapping of the various conflicts and actors.³³ There are several organisations well placed to support such a task, not least of which is the Kabul-based NGO, The Liaison Office (formerly Tribal Liaison Office), which in the field often plays the *de facto* role of the Ministry. UNAMA, with its institutional knowledge of the tribes and its geographic spread, should also play a 'good offices' role between the Ministry in Kabul and its departments in the provinces. Given the mandate of the IDLG and the attention and support it receives from President Karzai and the international community, working more closely would be a logical coupling for the two bodies.³⁴ To begin with, IDLGs budget allocation for the Afghan Public Protection Force in the southeast should be redirected to 'paying' the *arbakai*. Importantly, such a payment should reward the whole tribe, not just members of the *arbakai*. Such a mechanism could be established via regular payments to the tribal *shura*.³⁵

Second, in their efforts to implement a 'cultural shift' in their wider operations, the international military forces must pay particular consideration to the local tribal dynamics. Regardless of how good US PRTs' civil-military relations may be, when US SOF conduct house searches in Regional Command-East, it is the entire US military that loses the support of the tribal population. In 2005, a US

POLICY BRIEF

CAUGHT IN THE CROSSFIRE

airborne commander stated that the US Military was in a fight to convince the tribal communities to support the international military forces and government over the Taliban.³⁶ He characterised the challenge in the southeast as ‘the battle of the fence sitters’ and saw that every school and clinic built, and every positive engagement between the tribes and the US military ‘was like dropping a bomb on the Taliban’. Four years down the road, the international military forces’ inability to provide population security to the Afghans in the southeast has posed an enormous challenge ‘to the battle of the fence sitters’. This effort is equally undermined by recent public statements by prominent members of the international community on the need to negotiate with the Taliban.³⁷ Such talk on the sensitive and important issue of political dialogue does little to foster faith in the international military forces’ ability to rein in the Taliban, and only serves to reinforce the current logic of ‘sitting on the fence’.³⁸

Today, association with the international military forces or government can bring swift reprisal from the Taliban, who wish to make examples out of individuals who openly declare themselves pro-international military forces.³⁹ In insurgency-ridden districts, the local perception is that it is ‘too dangerous’ to side with the international military forces and Afghan government and that, at best, the people will remain neutral, while others will offer some support to the Taliban in order to be afforded some immunity from attacks. In this regard, General McChrystal’s new strategy for the international military forces to place security of the population at the centre of its goals is a positive development.

As part of such a strategy, the US Military should develop specific mechanisms to address some of the grievances of the tribes. Establishing a mechanism for locating and communicating with tribesmen who have been detained by the US military would be a good place to start. A surprising number of tribesmen of all ages are detained for questioning before being released days, weeks or months later. These detainees fall into an administrative ‘black hole’ and could be in one of several detention facilities in the region or even in Bagram Air Force Base, near Kabul.⁴⁰ Having no access to information about a detainee’s whereabouts or well-being places an unnecessary (and avoidable) degree of suffering on the family and tribal *shura*, which quickly turns to resentment. Such a mechanism would be uncomplicated to implement and would add to the reservoir of goodwill that is fast evaporating.

Third, to implement a policy of tribal engagement requires a high degree of coordination between the government, international community and the international military forces on the provincial level. The importance of coordination cannot be overstated, as the uncoordinated actions of some (especially the military in their operations) can seriously undermine such a strategy.⁴¹ Hence, in each relevant province there should be a Tribal Outreach Commission (TOC). The TOC would be chaired by the Provincial Governor and should have representatives from the relevant government line ministries, Provincial Council, ISAF, UN, the Liaison Office and prominent tribal and religious leaders. The Commission would begin by systematically profiling each district, documenting active (and latent) conflicts and

POLICY BRIEF

CAUGHT IN THE CROSSFIRE

jointly identifying which conflicts could be resolved, in which order, with what resources, and according to what time frame.⁴² Districts would be then categorised as high, medium or low risk. Beginning in the low and medium risk districts, the Commission would then engage the respective tribal *shura* and sign formal protocols between the tribe and the Afghan government (witnessed by the Commission). One of the main lessons learnt from the Zadran initiative is that a balance must be struck between insecure areas and those where tribes have kept their environment secure. This helps to prevent a secure area from sliding towards insecurity and to dispel a widely held conception that only tribes that facilitate the insurgency are rewarded. The protocols would guarantee cooperation between the government and the tribe (and tribal participation in the reconstruction effort, as well as the security of reconstruction projects). On the basis of these contracts, projects would be implemented and government presence strengthened. Ultimately, these contracts are based on goodwill, which takes time to foster and must then be sustained.

At this time, the 2009 Presidential election has only served to exacerbate the myriad of problems facing the government, international community and the international military forces. These problems will only intensify in Afghanistan's southeast in the absence of a well-articulated tribal strategy. As one tribal elder put it, 'governments are coming and going but our system is the same...'.⁴³ Such a strategy is long overdue, and despite the pressure faced by the tribes in the southeast, even the most insurgency-affected communities have stated their desire to support peace and stability in order to receive the practical benefits of

reconstruction and development. The Obama administration has initiated a new civilian strategy for Afghanistan. General McChrystal has delivered his assessment with recommendations in Washington, and deliberations on troop numbers and strategy continue. The Afghan government, backed by the international community and international military forces, cannot afford to let the tribes cushion their own fall.

POLICY BRIEF

CAUGHT IN THE CROSSFIRE

NOTES

¹ Greg Bruno, A tribal strategy for Afghanistan, Council on Foreign Relations, November 7, 2008.

² Quigley, Samantha, Afghan strategy requires 'holistic' approach, General tells Senate, American Forces Press Service:
<http://www.defenselink.mil/news/newsarticle.aspx?id=54599>.

³ Cooper, Helen, U.S. military says its force in Afghanistan is insufficient, New York Times, 23 August 2009:
http://www.nytimes.com/2009/08/24/world/asia/24military.html?_r=1&ref=global-home.

⁴ Trives, Sébastien, Afghanistan: tackling the insurgency, the case of the southeast. Paris, The French Institute of International Relations, 2007.

⁵ The *arbakai* can be defined as 'a community-based customary policing structure with a central focus on keeping law and order and stopping fighting within tribal communities'. See Schmeidl, Susanne and Masood Karokhail, The role of non-state actors in 'community-based policing' - an exploration of the *Arbakai* (Tribal Police) in south-eastern Afghanistan, *Contemporary Security Policy*, Vol. 30 (2) 2009, pp 318-342. See also Tariq, Mohammed Osman, Tribal security system (*Arbakai*) in southeast Afghanistan, CSRC Occasional Paper No. 7, 2008.

⁶ Trives, Afghanistan: tackling the insurgency.

⁷ The term international community is used to denote the international civilian presence in Afghanistan, such as the UN, EU, INGOs etc.

⁸ The term International Military Forces is used to describe both the troops under the International Security Assistance Force mandate and Operation Enduring Freedom mandate. The southeast region (part of Regional Command East) is the US forces battle space.

⁹ Associated Press, McChrystal preparing new Afghan war strategy, likely to include more US troops, 1 August 2009.

¹⁰ Resolution letter of religious scholars, tribal leaders, participants and residents regarding the strengthening of security in Khost. Copy of file with the author.

¹¹ Jakes, Lara, Afghans aim at reconciliation with so-called 'ten-dollar Taliban'. Associated Press, 24 August 2009. Available:
<http://www.washingtonexaminer.com/world/ap/54527962.html#>.

¹² Andrew Wilder, Cops or robbers? The struggle to reform the Afghan National Police, Issues Paper Series (Kabul, Afghanistan Research and Evaluation Unit, July 2007); James Neuger, Corrupt Afghan police targeted in U.S. policy, Holbrooke says, Bloomberg News, March 21, 2009.

¹³ Personal discussion with 'Commander' Naeem, Zurmat District, Paktya Province, February 2007.

¹⁴ United Nations Assistance Mission to Afghanistan, Human Rights Unit, Afghanistan Mid Year Bulletin on Protection of Civilians in Armed Conflict, July 2009.

¹⁵ Chris Lamb and Martin Cinnamond, The way forward in Afghanistan: improving unity of effort is the key to success for implementing the new strategy, National Institute of Strategic Studies, September 2009.

¹⁶ Stockman, Farah, US alters strategy, makes gains after botched raid, <http://www.boston.com>.

¹⁷ Hekmat Karzai, Is the West losing the Pashtuns? Centre for Conflict and Peace Studies, Kabul, 29 June 2008.

¹⁸ Without access to US intelligence it is difficult to assess the validity of targeting the individual. However, the fact is he was never detained and there were no subsequent operations against him. From an information operations perspective, targeting a democratically elected leader had a negative effective for the US presence in the region.

¹⁹ Sara A. Carter and Bill Gertz, Ousted Commander's aide blames deaths on Taliban:

POLICY BRIEF

CAUGHT IN THE CROSSFIRE

McKiernan faulted on Afghan civilian casualties, Washington Times, May 12, 2009, p 1.

²⁰ Radio Free Europe/ Radio Liberty, McChrystal says solution in Afghanistan is developing governance, June 30, 2009.

²¹ Equally such conflicts can be, and are, exploited by local powerbrokers or strongmen who are often part of the non-traditional tribal elite who benefited from early support by the international military forces (particularly USSOF).

²² Islamic Republic Of Afghanistan, The Independent Directorate Of Local Governance, Afghanistan Social Outreach Programme Document, April 2008.

²³ Afghanistan: new U.S. administration, new directions, Crisis Group Asia Briefing No. 89, 13 March 2009.

²⁴ Caught in the conflict: civilians and the international security strategy in Afghanistan, A briefing paper by eleven NGOs operating in Afghanistan, April 2009.

²⁵ See, for example, Speech by ICGs Nick Grono, Success in Afghanistan: how to define it, how to make it happen, 2 April 2008: <http://www.crisisgroup.org/home/index.cfm?id=5371&l=1>.

²⁶ Karokhail, Masood and Susanne Schmeidl, Integration of traditional structures into the state-building process: lessons from the Tribal Liaison Office in Loya Paktia. In: Publication series on Promoting Democracy under Conditions of State Fragility - Issue 1: Afghanistan. Berlin, Heinrich Böll Foundation, 2006, pp 59-81.

²⁷ Mohammed Osman Tariq, Tribal Security System (Arbakai) in southeast Afghanistan, Occasional Paper No. 7, Crisis States Research Centre, December 2008.

²⁸ Afghanistan: new U.S. administration, new directions.

²⁹ In addition to Tribal Affairs Ministry, there is a General Department of Huqooq under the Ministry

of Justice in charge of civil cases, which can preside over land disputes between tribes. However, due to corruption and partiality in the Ministry, most parties seek alternative mechanisms.

³⁰ Koring, Paul, Ottawa kept abuse charges against Afghan ally secret, The Globe and Mail, February 1, 2008.

³¹ Bruno, A tribal strategy for Afghanistan.

³² This package includes enhanced funding, capacity building, development of management and administrative skills, training in financial oversight procedures, mentoring etc.

³³ One group doing some interesting work on conflict mapping is the local Afghan NGO Cooperation for Peace and Unity (CPAU). See for example: Christian Dennys and Idrees Zaman, Trends in local Afghan conflicts, CPAU, June 2009.

³⁴ The president expressed his expectation that IDLG connect people with the Government and achieve significant improvements in service delivery at sub national level.

³⁵ For more discussion see Schmeidl, Susanne and Karokhail, Masood, The role of non-state actors in 'community-based policing', pp 318-342.

³⁶ Conversation with LTC McGuire, 1/508 Airborne Division. Paktika Province, September 2005.

³⁷ See, for example, Talk to Taliban, Miliband urges, BBC News, 27 July 2009: http://news.bbc.co.uk/2/hi/uk_news/politics/8169789.stm.

³⁸ This is not to say that there should be no discussion on a broader reconciliation program, only that such public statements are premature and should come from the Afghan government.

³⁹ Insurgent abuses against Afghan civilians, Afghan Independent Human Rights Commission, December 2008.

⁴⁰ The US government is currently reviewing operations in Afghanistan and some positive steps have been taken regarding information of detainees.

POLICY BRIEF

CAUGHT IN THE CROSSFIRE

See, Schmitt, Eric, U.S. shifts, giving detainee names to the Red Cross, New York Times, 22 August 2009.

⁴¹ See Chris Lamb and Martin Cinnamond, The way forward in Afghanistan.

⁴² Various actors have already completed much of this profiling. However, it is rarely shared and its current utility is therefore limited.

⁴³ Tariq, Tribal security system (Arbakai) in southeast Afghanistan.

ABOUT THE AUTHOR

Tom Gregg is currently working as a consultant for the Geneva based Centre for Humanitarian Dialogue. He previously served with the United Nations Assistance Mission in Afghanistan for four years as Special Assistant to the Special Representative of the Secretary-General and as the Head of UNAMA's Southeast Region. Prior to UNAMA, he worked for the Australian Council for International Development on Pacific Policy, and as an independent researcher based at the Australian National University. He has also worked for a local NGO in the Fiji Islands. He is co-author of *How Ethical is Australia: An Examination of Australia's Record as a Global Citizen* (2004) and holds a Master of Arts (International Relations) from the Australian National University.

LOWY INSTITUTE

FOR INTERNATIONAL POLICY

WWW.LOWYINSTITUTE.ORG