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Afghanistan: Situation of warlords in Afghanistan, including state response to regional warlord control (2007 - 2010)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Definition of warlord

Warlords are sometimes described as "powerbrokers" (*Boston Globe* 17 Jan. 2010; *New York Times* 24 Nov. 2010) who reportedly "provide social services in their areas of influence," and "maintain private armies" (*Christian Science Monitor* 27 Oct. 2010); "regional strongmen" (US 19 Nov. 2010, 16) or just "strongmen" (*New York Times* 5 June 2010); "local militias" (US 19 Nov. 2010, 16); "faction leaders" (ibid. 12 Nov. 2010, 8); "local commanders" (*Daily Outlook Afghanistan* 6 Mar. 2010); and "militia commanders" (IWPR 19 July 2010; *New York Times* 5 June 2010). The Kabul-based, English-language newspaper the *Daily Outlook Afghanistan* notes that the term "warlord" is often used to discredit political opponents, and defines it as "a charismatic military leader who, because of the weakness or absence of a state, ends up playing a political role, though he lacks political legitimacy" (6 Mar. 2010). The Canadian Press also explains that Afghan warlords are "regional leaders" who came to power during the war with the Soviet Union and the subsequent civil war (Canadian Press 26 Jan. 2010).

Prevalence of warlords

Two senior International Crisis Group staff members--writing an opinion piece in the *Boston Globe*--note that, after thirty years of war, Afghanistan has produced "a multitude of warlords and commanders" (17 Jan. 2010). International media and human rights observers report that these warlords wield significant power in Afghanistan (Human Rights Watch 2010; *Time* 12 Feb. 2009; *Boston Globe* 17 Jan. 2010; Deutsche Welle 22 Oct. 2010). Freedom House, for example, argues that, despite the presence of the United Nations (UN) International Security Assistance Force, United States (US) troops, and the development of the Afghan army, Afghanistan has "largely remained under the sway of local military commanders, tribal leaders, warlords, drug traffickers and petty bandits" (2010). As the two International Crisis Group experts indicate, many Afghani institutions "have been supplanted by abusive powerholders, who maintain their control through violence, patronage, corruption, and external backing" (*Boston Globe* 17 Jan. 2010). Human Rights Watch similarly notes that, in many areas of Afghanistan, former warlords or other local leaders use threats and violence to control their communities (2010).

Armed or militia groups

Freedom House reports that approximately 2,000 illegally armed groups with as many as 125,000 members continue to operate in Afghanistan (2010). *Daily Outlook Afghanistan* states that, throughout Afghanistan, there are "thousands" of small militias loyal to petty commanders (6 Mar. 2010). Similarly, an analyst from the Kabul-based research group Afghanistan Analyst Network reportedly explained that "there is a plethora of militia groups, which fight each other, engage in criminal activities, or provide security services to anyone interested" (UN 1 Nov. 2010). A report written by Oxfam on behalf of 29 aid organizations active in Afghanistan states that armed opposition groups have expanded in the northern, central and western parts of the country and have gained considerable power over half of Afghanistan (Oxfam 19 Nov. 2010, 6).

According to Oxfam, the presence of armed groups means that state officials can access only one third of the country; there are districts outside government control in almost all of Afghanistan's 34 provinces (ibid.). The UN Integrated Regional Information Networks (IRIN) similarly notes that half of Afghanistan is inaccessible to aid groups because of security issues (UN 1 Nov. 2010). The Institute for War and Peace Reporting (IWPR), a not-for-profit organization that promotes local journalism in areas of conflict and transition (IWPR n.d.), reports that the security situation in the northern province of Balkh has been worsening because of power struggles among former warlords (17 Dec. 2009), and that new militias in western Afghanistan have beaten, harassed and robbed locals with impunity (3 Dec. 2010).

Warlords in Afghanistan's government

Several sources report that Afghan President Hamid Karzai has ties to warlords (McClatchy Newspapers 16 Aug. 2009; Canadian Press 26 Jan. 2010; UN 15 Aug. 2010; US 12 Nov. 2010, 8; Human Rights Watch 2010) and that he reportedly made deals with former warlords to ensure his 2009 re-election (ibid.; McClatchy Newspapers 16 Aug. 2009). Karzai's cabinet, reports Amnesty International (AI), includes "several figures facing credible and public allegations of war crimes and serious human rights violations" (AI 2010, 55). The Afghanistan Research and Evaluation Unit (AREU), an independent research institute based in Kabul that receives funding from UN agencies, western governments, and non-governmental organizations (NGOs), also says that Afghanistan's political elite includes several former military commanders with questionable human rights records (Apr. 2010, iii and 13). In fact, sources report that Karzai's vice-presidential running mate, Mohammad Qasim Fahim, is a former warlord (*The Times* 4 May 2009; Canadian Press 26 Jan. 2010; *Mail Online* 5 May 2009), who has been accused of war crimes and criminal activities (AREU Apr. 2010, 14; Human Rights Watch 2010; *Mail Online* 5 May 2009).

Media sources report that the warlord General Abdul Rashid Dostum is another ally of Karzai (McClatchy Newspapers 16 Aug. 2009; Canadian Press 26 Jan. 2010; *Christian Science Monitor* 23 Aug. 2010). Karzai had at one time appointed Dostum as chief of staff of the Afghan army (*Time* 12 Feb. 2009), although he lost the posting in 2008 before being reinstated by Karzai in January 2010 (Canadian Press 26 Jan. 2010). The posting came even though Dostum's militia allegedly committed widespread human rights abuses and is responsible for the deaths of hundreds (*Time* 12 Feb. 2009) or thousands of Taliban prisoners (McClatchy Newspapers 16 Aug. 2009; Canadian Press 26 Jan. 2010).

According to *Time* magazine, the Afghan government has not been willing to restrain the power of warlords (12 Feb. 2009). Because they have "comfortable positions" in the government, an Afghan human rights observer explains, warlords in Afghanistan "continue to commit crimes with impunity" (qtd. in *Time* 12 Feb. 2009). As the AREU notes, since 2001, the Afghan government has not implemented a process of transitional justice to ensure accountability for past atrocities, has not addressed the "culture of impunity," and has allowed several alleged human rights abusers to retain powerful positions (AREU Apr. 2010, 4). The International Crisis Group experts similarly maintain that "[a] list of power brokers in Afghanistan today reads a bit like a who's who of commanders responsible for atrocities during the civil war" (*Boston Globe* 17 Jan. 2010).

Warlords in 2010 parliamentary elections

Sources report that several alleged human rights abusers were running for office in the September 2010 parliamentary elections (McClatchy Newspapers 14 Sept. 2010; IWPR 19 July 2010). McClatchy Newspapers reported on the concerns of ordinary citizens and human rights groups that such candidates had not been disqualified from running in the election (14 Sept. 2010). According to AREU, Afghan law does not allow candidates who have been convicted of "'crimes against humanity'" or who belong to private militias or illegal armed groups to stand in elections (AREU Apr. 2010, 13). Freedom House argues that the law has not been enforced effectively (2010). Specifically, others point out that the electoral vetting system has failed to disqualify candidates with connections to such groups (AREU Apr. 2010, 13; McClatchy Newspapers 14 Sept. 2010). Freedom House reports that several warlords had been elected to Afghanistan's parliament in 2005 (2010).

International media sources report that the September 2010 election results indicate that warlords will continue to hold power in Afghanistan's lower house of parliament (Deutsche Welle 22 Oct. 2010; *New York Times* 24 Nov. 2010; *Christian Science Monitor* 27 Oct. 2010). While the German media source Deutsche Welle states that "[f]ormer mujahedin leaders and their allies" were successful in almost all regions of Afghanistan (22 Oct. 2010), the *Christian Science Monitor* describes many of the winners as "a new generation of Afghan warlords" who maintain private militias and achieved their wealth and power through North Atlantic Treaty Organization (NATO) security contracts (27 Oct. 2010).

Amnesty Law

International and human rights observers report that, in 2007, the Afghan parliament passed a law granting amnesty to warlords and others who committed human rights abuses during Afghanistan's past wars (US 12 Nov. 2010, 9; UN 11 Mar. 2007; AREU Apr. 2010, 8; Human Rights Watch 2009, 41). According to IRIN, the law states that "'[a]ll parties involved in the pre-2002 conflict are granted legal and judicial immunity'" (UN 11 Mar. 2007). The law was revised shortly after to allow individuals to seek justice for war crimes (Human Rights Watch 2009, 41; AREU Apr. 2010, 8). But, as the AREU explains, because the revision places the responsibility to file charges on complainants, Afghan authorities are not permitted to prosecute war criminals without a complaint by a victim (ibid.). The status of the law remained uncertain until November 2009, when it was published in the official gazette, which made it legitimate (US 12 Nov. 2010, 9; AREU Apr. 2010, 9). In its assessment of the law, the AREU noted

that its passage demonstrated the control alleged human rights abusers have within the Afghan government (ibid., 10).

Warlord involvement in security contracts

In a 79-page report produced by the United States (US) Subcommittee on National Security and Foreign Affairs entitled, *Warlord, Inc.: Extortion and Corruption Along the U.S. Supply Chain in Afghanistan*, the subcommittee Chairman states that the arrangements made by the US Department of Defence in outsourcing the security for transporting their supplies has "fuelled a vast protection racket run by a shadowy network of warlords, strongmen, commanders, corrupt Afghan officials, and perhaps others" (US June 2010, iii). Specifically, the subcommittee found that security for US supplies in Afghanistan is primarily provided by warlords who run protection rackets along the country's highways: trucking companies that pay these highway warlords receive protection, while those that do not pay are likely to come under attack (ibid., 2-3). The protection money, US Secretary of State Hillary Clinton states, has, in turn, become a primary source of funding for the Taliban (ibid., 1). In addition to protection money, the subcommittee notes that the private security contractors hired by the trucking companies pay bribes to Afghan officials, police and local military units (ibid., 3, 17). Two types of highway warlords are described in the report: the first are prominent tribal leaders or former mujahedeen who have been involved in Afghanistan's wars over the last three decades; while the second type are "relative newcomers" whose power has strengthened from securing US and NATO security contracts and subcontracts (ibid., 18-19).

The *New York Times* reports that Afghan militia leaders have gained prominence as private security operators, and that there are at least 23 private security companies operating outside government control (5 June 2010). According to IRIN, there are 40,000 people employed by private security providers (UN 23 Aug. 2010), while the US subcommittee indicates that there are "hundreds" of unregistered private security operators and up to 70,000 people working in the private security sector (US June 2010, 15). In December 2010, the British Broadcasting Corporation (BBC) reported that 54 private security firms had been disbanded, but that many of the 52 remaining Afghan firms would be allowed to continue to operate (6 Dec. 2010). IRIN notes that many militia groups provide protection, smuggling and other services to those involved in drug trafficking (UN 1 Nov. 2010).

Community defence initiatives

The Afghan government has launched a plan to pay locals to fight the Taliban in their villages (UN 23 Aug. 2010; US 19 Nov. 2010, 36). The Local Police Initiative (ibid.; RFE/RL 22 Sept. 2010), as it is called, will give local combatants uniforms, salaries, guns and ammunition (ibid.). According to Oxfam, in addition to weapons, recruits will receive approximately three weeks of training and a salary paid by the Ministry of Interior (19 Nov. 2010, 15). In September 2010, Radio Free Europe/Radio Liberty (RFE/RL) reported that the initiative is first being implemented in eight districts in the southern and western provinces of Herat, Paktika, Paktia, Oruzgan and Kandahar (22 Sept. 2010). In November 2010, Oxfam reported that the initiative targets 68 districts across 8 provinces, encompassing 17 percent of all districts in Afghanistan (19 Nov. 2010, 15).

Sources report that the plan initially involved recruiting 10,000 fighters (US 19 Nov. 2010, 36; UN 23 Aug. 2010), but, according to a November 2010 report

by the US Congressional Research Service (CRS), the plan has been expanded to 20,000 fighters (US 19 Nov. 2010, 36). Oxfam expressed concern that the rapidly increasing number of recruits is being implemented without ensuring proper accountability and that the international military forces involved in selecting the groups of men to be armed and trained have little knowledge of local conflicts or inter-ethnic rivalries (19 Nov. 2010, 15). Oxfam worries that failure to take into account existing tensions and power dynamics could have a negative impact on the long-term stability of the communities (19 Nov. 2010, 15). It further warns that the initiative could be co-opted by "militants, warlords or criminal groups," leading to further violence and abuse of civilians (Oxfam 19 Nov. 2010, 16).

Similarly, IRIN reports that many Afghans fear that the program will empower local warlords and militias accused of human rights abuses, and that the new community force will not be held accountable (UN 23 Aug. 2010). Human rights groups note that rearming local militias conflicts with the goals of earlier programs that focused on disarming and disbanding illegally armed groups (Oxfam 19 Nov. 2010, 16; Freedom House 2010). According to the IWPR, there have been reports that some local militias in western provinces that were set up to protect civilians from the Taliban have been "harassing, robbing, and even killing locals" (3 Dec. 2010). The IWPR provides an example in which a man from Badghis province claimed that his family had been targeted by a pro-government militia because they feared that he would reveal their links with the Taliban (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Internet sites, including: Afghan Human Rights Organisation (AHRO), *The Economist*, European Country of Origin Information Network (ecoi.net), *Human Rights Quarterly*, International Crisis Group, Jane's *Intelligence Review*.

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