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Afghanistan Analysts Network

Policy and Programming Dilemmas Surrounding Local and Substate Forces in Fragile States

Case Studies from Afghanistan and Iraq

From tribal and local defense forces in Afghanistan or the Popular Mobilization Forces (PMF) in Iraq to opposition or Kurdish forces in Syria: local, hybrid or sub-state security forces (LHSFs) are a constant in many critical security environments. The significant role played by LHSFs as well as the potential consequences of their proliferation are important challenges for policymakers working in places like Iraq and Afghanistan. These forces have often acted as a bulwark against terrorist or insurgent groups. For that reason, the US has frequently mobilized or supported LHSFs as a bottom-up security measure or as auxiliary counter-terrorism forces — often but not always in conjunction with the Afghan or Iraqi governmens or with other international allies. However, these forces have not always brought long-term stabilization dividends and have sometimes provoked conflict. Many also come with a history of abuse or continued association with warlords or other problematic actors.

Because of these risks, many Western countries have been reluctant to directly support or even recognize these groups. But the policy consequences are not so easily avoided. Even where donors choose not to work directly with LHSFs, international efforts toward stabilization, security sector reform and assistance or other state-building or peace-building objectives may be undermined or rendered ineffective without attention to the political power dynamics surrounding LHSFs. Donor programming at a local level – whether it surrounds displacement and return, supports local reconstruction and reconciliation, or in the governance, rule of law, and development sectors – may be significantly shaped by LHSFs operating in an area.

To explore these issues, this three-year project mapped the role and impact of LHSFs in Iraq and Afghanistan, exploring the consequences for stability and conflict reduction, as well as other civilian protection, governance or rule of law priorities. Although focused on Iraq and Afghanistan, some project findings were contrasted with similar dynamics in Syria. The project findings were drawn from 30 geographic or LHSF-specific case studies, and comprise more than 40 publications considering specific policy or programming issues, providing background information or trends, or considering comparative or thematic trends. The full findings are available on the project website: https://www.gppi.net/issue-area/peace-security/militias. This memo provides a sample of the findings on three issues:

- Can 'bottom-up' mobilization of local forces lead to better security results and community protection?
- Are there effective control or oversight strategies that actually mitigate some of the risks associated with LHSFs (be they human rights abuses or other unintended consequences)?
- Can donors insulate local programming (i.e., humanitarian support, rule of law, or governance programming) from the negative impact of or even capture by LHSFs?

Project Background & Further Sources

Following a period of consultation and literature review, field research was conducted in Iraq and Afghanistan throughout 2017 and in early 2018, and briefly to northern Syria in fall 2018. The Iraq mapping data, summarized into district profiles to better support future programming and research, and all the subsequent reports and analyses are available on the main project website. The project concluded in October 2019.

Can local force mobilization deliver security and protection?

Case study: Afghanistan

The Afghan Local Police (ALP)

28,000 forces in total

31 (of 34) provinces covered

2009 year started

For years, international actors in Afghanistan have turned to local forces to fill gaps in security. Dutch and British troops cooperated with tribal militias in their areas of operations as early as 2006. After the 2009 counter-insurgency strategy embraced 'bottom-up' solutions to security and governance, such efforts went mainstream: US Special Forces mobilized thousands of tribal or community forces in strategic areas with the promise that they would know the local area and the enemy better and be more committed to protecting their communities than outside forces. These forces eventually became the Afghan Local Police (ALP), a 28,000-strong, institutionalized state force that is, in theory, still rooted in a community-based force. In 2017, Afghan and international officials proposed a new local force: the Afghan National Army Territorial Force (ANA TF). The main theory behind both initiatives was that recruiting militias directly from and thus anchoring them in local communities would result in better, more effective forces. Ten years into these experiments, has this idea held up? How should we expect further local mobilization to affect the prospects for peace?

Can Local Forces Be Effective?

The results have been mixed. A 2012 Special Forces assessment found that a third of them worked well, while another third was actually counter-productive. Abusive or predatory ALP units, often captured by or operating in collusion with local strongmen or criminal networks, further weakened state control, provoked sympathies with the Taleban, and tended to spark local conflict. In other areas, the ALP lived up to its reputation – communities felt represented by them and the Taleban viewed them as their "Enemy Number One." Compared to regular forces, they had greater knowledge of local actors and networks as well as ambush locations and insurgent escape routes. These forces were also frequently fighting over local turf and thus less likely to retreat than other Afghan forces; in fact, ALP units were sometimes the only ones left holding ground when the local security situation deteriorated. This suggests that the model *can* work. The question is: where and under what conditions?

Where Do They Work (or Not)?

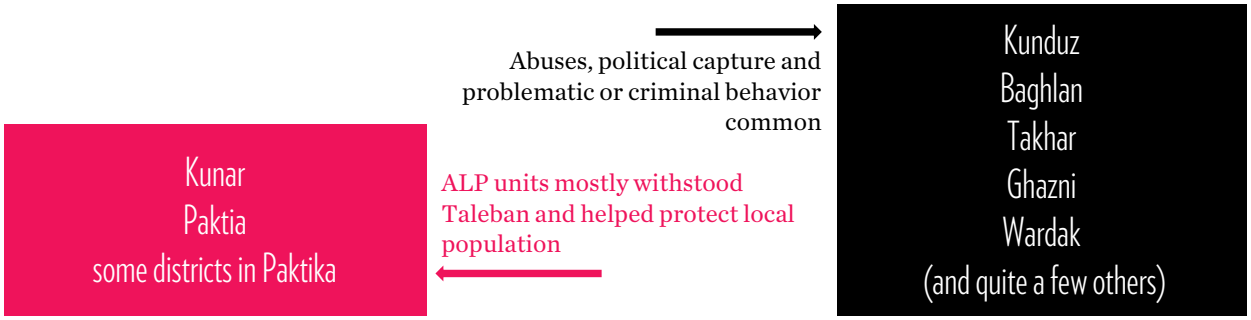
Box 1: The Taleban & the ALP

It is one of the few constants of the insurgency that the Taleban hate the 'arbakai' (the Afghan term for local forces). ALP units were as close to their local communities as the Taleban and thus presented a real tactical and strategic threat. The Taleban waged a deliberate campaign against the ALP that was much fiercer than the one against regular Afghan forces – and they were met with equally bloody and violent resistance by the ALP. This suggests that, while local forces can be a potent threat, leveraging them to advance one side in the conflict can also lead to a particularly divisive dynamic, with potentially significant, long-term consequences for communities.

While certain regions or provinces had a reputation for having overall better performing ALP (performance defined in terms of stronger stabilizing effects, with less abusive or criminal behavior) than others, the crucial dynamics were local. The mobilization of ALP in areas with pre-existing local conflict and political competition exacerbated existing divisions and disputes. In areas with strong ethnic or tribal divisions, the recruitment of forces often legitimized or empowered one side over the other and led to tit-for-tat violence and retaliation against opposing groups. In areas with strong 'tanzims' (militarized socio-political factions that emerged from the conflict in the 1980s and 1990s), the ALP tended to simply rehat existing militias and commanders, thus re-energizing local conflicts and reproducing faultlines.

The nature of the community also matters: case study research in Shajoy in Zabul province as well as in Yahyakhel in Paktika suggests that where the model is actually followed through – meaning the unit is mobilized by communities and they have control over who is selected – it can indeed produce a more accountable force with the necessary local buy-in and leverage to both curb abuses and defend the area against the Taleban. For these reasons, the model has worked better in areas with relatively intact community structures. Lastly, institutional support matters: some ALP units initially succeeded with the surge in international forces – only to see those gains evaporate once international actors left.

Box 2: ALP Better and Worse Cases



High Risk, High Reward?

Where the local force works well, it may be the best force option available, but in Afghanistan this is only true in a limited number of areas. Outside of these pockets, the costs of the model significantly outweigh the short-term security benefits – with long-term consequences for local conflict, community dynamics, and government control. Expediency and a haste to have ALP in a wide range of areas meant that this happened far too often in Afghanistan. Given these past missteps any attempt by international actors or the Afghan government to mobilize local forces (as with the current mobilization of the ANA TF) should proceed with caution and forgo areas not suited to it, even if the area is strategically important. In addition, the model can only work where there are enough resources and time for slow growth as well as a high level of knowledge about the local or community context.

Beyond past implementation missteps, there are more glaring warning signs about what this force model might do to local conflict dynamics. The project research suggested that mobilizing local forces essentially pits one part of the community against the other. In the short-term it tends to produce a particularly bloody and retributive form of violence. In the long-term, this may reinforce conflict cycles and markets for force, and fracture any possibility of conflict resolution and stabilization. This lesson has been repeated ad nauseum in the history of mobilization and rehatting of forces since the 1980s. As such, focusing on the cases in which the local defense model has worked better than in others may carry the danger of losing the historical forest for the trees.

Can controls and oversight limit abuses?

Case study: US controls in Iraq, Syria & Afghanistan

While LHSFs may appear to be the best option for addressing security threats in a given area, they come with risks. Many have a reputation for abusive behavior, sometimes rising to the level of war crimes. They may affiliate or cooperate with insurgent or terrorist groups, increasing the risk that Western support ends up strengthening those who threaten international or local security. They may pass weapons on to banned or enemy groups. These risks also exist with state forces, but efforts to address human rights abuses or other risks associated with LHSFs can be even more challenging because of the often unclear or fluid legal status as well as looser command and control of LHSFs. Western countries – most significantly the US, which has more LHSF partners – have increasingly tried to mitigate these risks by applying different vetting, oversight, monitoring, or other control strategies, but do these work?

Vetting, Monitoring, Sanctions

Attempts to prevent or sanction human rights abuses, or to address other risks, have come in a variety of forms: from training or rules of conduct (including on human rights and the laws of war), to monitoring or oversight, to threats of sanctions or funding cuts. A common first step has been to vet armed groups, either under general due diligence principles or in accordance with formal requirements. Under the US Leahy Law, no Department of State (DoS) or Department of Defense (DoD) funds can go to those for whom there are credible allegations of gross violations of human rights (GVHR). Leahy vetting is only required for state forces, but the US has also adopted 'Leahy-like' vetting procedures and human rights scrutiny where the Leahy law does not formally apply, for example for Kurdish and opposition forces in Syria as well as covert support to Free Syria Army (FSA) fighters. Once vetted, LHSFs may be subject to a range of monitoring and oversight tools, from informal oversight by co-located international forces to formal reporting requirements (for example, requirements that Syrian groups to report back on use of weapons). In Afghanistan and Iraq, the U.S. also hoped to rely on local communities as watchdogs, and local forces were integrated into Iraqi and Afghan institutions as a measure of control and accountability.

Box 4: Examples of LHSF Controls

ALP (and precursors)	Free Syrian Army	Iraqi Tribal Mobilization Forces
• Vetting: 1) GVHR: Leahy law (only once formally); 2) community approval; 3) criminal/terrorist affiliation (US + Afghan govt) • International forces training • Code of conduct/MoI rules • Monitoring and oversight: 1) SOF; 2) community; 3) MoI • Theoretically cut-offs; few in practice	• Vetting for: 1) GVHR: Leahy-like vetting; 2) terrorist/extremist afiliation, links with regime; 3) fight only ISIL (from 2016 onward) • International forces training (DoD, covert FSA) • Third-party monitoring and remote oversight • Cut-offs for affiliation and GVHR • Reporting back on use to receive more weapons, assistance	• Vetting on: 1) GVHR: Leahy law; 2) terrorist or Iran affiliation; 3) Iraqi background checks/approval; 4) Kurdish vetting (Ninewa only) • International forces training • Limitations on force size, arms • Monitoring by US personnel • Command and control under Iraqi forces (mostly Federal Police) • Some cut-offs for GVHR by US

Implementation Challenges and Trade-Offs

While there have been more efforts to prevent abuses or other undesirable behavior in recent LHSF support relationships, the results are mixed. Critics have argued that most of the vetting or other oversight or reporting measures have been more like "box-checking" exercises that hamstring programs without being able to overcome the fundamental challenge of constraining irregular actors in areas where security demands are high and staff presence and capacity are low.

In Afghanistan from 2011 to 2014, Leahy Law developments and dedicated staff and processes in-country created an architecture for enforcement that was stronger than anywhere else. However, the 2014 drawdown of international forces decreased the reporting and enforcement options, while an overuse of a congressional carveout known as the notwithstanding clause limited a broader impact. The Leahy-like process that was applied in Syria was hampered by a lack of baseline information on fighters and the continually changing conflict lines and allegiances as well as a lack of access on the ground. That plus the fragmented donor environment and political messaging on Syria also impeded consistent conditionality vis-à-vis these groups. In addition, the tight vetting approach involved huge trade-offs, making it impossible for the initial congressionally funded train-and-equip program for opposition forces in Syria to find sufficient forces. Those managing programs in Syria said the scrutiny and accountability conditions did not match the reality of available partners. As one former State department advisor observed: "You can have accountability or you can have programming, but not both." Even in less volatile environments, cultures or climates of abuse have made it difficult to encourage accountability even among state partners. Although Afghan and Iraqi forces were sometimes given an oversight role over tribal forces and LHSFs, their records were hardly better.

Other Countries' Approaches

Most other Western countries have not tried to deploy similar formal controls, so there are few opportunities for comparative learning. Most European policymakers interviewed for this research said that they did not have the capacity for such intensive tracking and monitoring and/or that it was not likely to work. A Dutch tracking-and-monitoring system of police (not LHSFs) in Afghanistan caused the whole program to be derailed because it was too cumbersome to implement. Dutch provision of non-lethal assistance to the FSA also proved controversial even with robust third-party monitoring. German officials interviewed said they had attempted to scrutinize Peshmerga forces receiving training (to prevent support going to political party-linked forces rather than the unified forces), but were rebuffed. Instead, there has been a tendency to draw the line at only providing direct assistance to state forces or trying to limit assistance to non-lethal support only. One European diplomat working on Syria programming summarized this thinking: "If a food basket ends up in Nusra's hands [an Al Qaeda-associated group], it's not a big deal, but if weapons do, then that is."

Imperfect Results Versus Due Diligence

The overall picture is one of an imperfect, messy and often cumbersome system markedby loopholes and frequent compromises, meanwhile impeding program delivery in pressing security situations. No interviewee argued that vetting or conditionality would eliminate risks. Despite this, US officials and actors from a range of perspectives argued that such human rights scrutiny constitutes a necessary form of due diligence with human rights principles as well as a way to weed out the worst actors. As one congressional staff member argued: "The US has more allies and partners – including bad ones. That's why there is a need to limit – especially if you take LOAC [laws of armed conflict] seriously."

Although this area of research is still evolving, these findings suggest only mixed results. Controls can result in the worst actors being cut off from international assistance, which is more in line with human rights obligations and principles as well as appropriate uses of taxpayer funds. However, this is costly to implement (in terms of resources, time, opportunity costs, etc.) and may hamper a program's effectiveness to an extent that undercuts the entire purpose.

Can donors protect civilian programs from LHSF capture?

Case study: Iraq & PMF

Popular Mobilization Forces (PMF)

125,000+ forces in total

~50 parliament seats

2014 year started

2016 year formalized

Because of all the risks and challenges involved, many donors will not directly engage or work with LHSFs and instead prefer more limited assistance only to fully institutionalized (i.e., state) forces – and only under certain conditions. But can the consequences of LHSFs be avoided or side-stepped so easily? Omission or a failure to engage can itself spark repercussions. LHSFs may be intermeshed with the state and hard to avoid. Plus, where LHSFs are strong they can determine the success or outcomes of other donor investments. They can make or break security sector assistance or proposals for transitional justice, or enable or foreclose local programming, from governance and the rule of law to humanitarian support.

Broader Influence, Broader Consequences: The PMF Challenge

In many cases, LHSFs have emerged out of an immediate security need. However, capitalizing on the vacuum of state authority or driven by their own parochial interests, they tend to expand quickly. In Iraq, the leading forces under the umbrella of the Popular Mobilization Forces (PMF) were mobilized to confront ISIL; however, they have continued to expand their presence, control, and political and economic remit even long after ISIL was defeated. The PMF became the dominant actors in a number of liberated areas after ISIL was ousted. That was the case, for example, in Diyala governorate or parts of Salah ad-Din governorate, such as Baiji, Tuz Khurmatu and Samarra districts. The PMF also have significant – albeit more limited - influence in other districts and retain control of key transit routes and border posts. As their territorial reach has expanded, so has their economic and political influence. As they have expanded, they have assumed control over economic assets, from oil infrastructure to reconstruction to illicit smuggling. Since 2016, the PMF have been a regular part of the Iraqi security forces and even have their own cabinet seat. In the 2018 elections, they ran their own slate of candidates and won big.

With this expanded influence and reach, the PMF have a decisive impact on key policy and programs. For example, our research found a significant PMF impact on displacement and return. PMF forces engaged in abuses, looting and forced displacement. Some also blocked the return of displaced communities. In other cases, however, they enabled return by providing security or facilitating humanitarian access. Humanitarian actors who cooperated with PMF units in areas controlled by the latter found it easier to facilitate aid and returns. The PMF are poised to play an even bigger – or less avoidable – role in the next stages of reconstruction. In areas where PMF forces have a strong presence, it is impossible to make inroads on any programming without engaging them. This is a consequence not only of their own influence and forces, but because they have often cultivated strong local patronage networks among key players whose buy-in is critical for any local programming to go forward.

Capture Versus Space to Engage

The reality of PMF control presents a dilemma to donors and their implementing partners. Many donors prefer not to engage directly with the PMF because of their record of abuse. Some PMF units have been

Box 7: Comparative Example: LHSF Capture & Informal Justice in Afghanistan

In Afghanistan, local powerbrokers or LHSFs commonly captured or manipulated donor-funded governance or rule of law bodies (local councils or "justice shuras") – seeding the shuras with their own men, or intimidating other representatives to make decisions that supported their power grabs and interests. Where this happened, donors faced a dilemma on whether to cut the shuras off, to prevent further empowering these militias. However, local NGOs argued that supporting these forums counter-balanced the bad actors. They said even if militias controlled some decisions, if donors demanded some community-minded members also sit on the shura, then they might at least decide some cases or issues in the community interests.

designated as terrorists by the US, while others are strongly associated with Iran. Many of them also openly oppose Western involvement in Iraq and thus would not welcome engagement. Direct cooperation with some of these actors may not be an option for Western states. However, it is crucial to evaluate the PMF's influence and effects on programming or policies even where donor governments have good reasons not to engage with them directly. For example, given the significance of the PMF within the security sector, an approach to security sector assistance (SSA) that focused only on formal institutions and neglected these other actors would be bound to fail. It would be both a missed opportunity to understand and perhaps influence a major security actor and risk ignoring the powerful underlying political economy of the security sector. There is enormous variance between individual PMF groups and the fact that some of them may well be seeking greater political legitimacy, international recognition or domestic support may provide opportunities for influence. This could range from a more inclusive approach to SSA to basic transparency or watchdog measures that would allow Iraqi citizens to call these forces up on their promises to act like regular security actors.

The de facto control that the PMF have exerted in many areas and over crucial transit routes has given them significant influence on critical humanitarian issues, meaning they have been able to either block or enable the return of communities or the delivery of humanitarian support. Humanitarians interviewed for this project expressed concern that they could not operate in certain areas or address issues related to returns because donor conditions or the risk of a withdrawal of funding prevented them from establishing the necessary relationships of coordination with local PMFs. Thus, even where direct engagement is impossible, donors must consider the downstream effects of their position vis-à-vis LHSFs. By barring even implementers and local partners from establishing official or even semi-official contact with LHSFs – as has been common, either explicitly in funding agreements or by refusing to provide political and legal cover – donors have all too often limited crucial programs and exposed their partners to unnecessary risk.

The role of particular PMF groups in a particular governorate or district can also determine the success or failure of local donor programming. In locations like Diyala governorate, PMF influence or capture of the space is so significant that any local-level programming that runs counter to their interests will likely be frustrated and/or risks empowering them (see Box 7 for similar issues in Afghanistan). In other areas, LHSFs have been forced to share power with other local or tribal authorities or community stakeholders (e.g., in parts of Salah ad-Din, Ninewa and Anbar). The resilience and authority of these community or local actors provides an opportunity for engagement at the local level outside the PMF sphere of influence. Moreover, it may offer a way to indirectly leverage or shape PMF behavior. Such actors may also welcome outside intervention as a way to counterbalance the PMF or simply to work through issues that are beyond the ability of one local actor to resolve – issues like local reconciliation or power-sharing.

These three examples illustrate a larger point: even when direct engagement is not possible and direct support is out of question, LHSFs' influence and the effects of it have to be factored into the policy and programming response. In some cases, there may be windows of opportunity to counterbalance pernicious LHSF influence or at least mitigate it; in other cases, what may be needed is a reality check on donor ambitions.

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