

REFORMING AFGHANISTAN'S POLICE

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REFORMING AFGHANISTAN'S POLICE

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Policing goes to the very heart of state building, since a credible national institution that helps provide security and justice for the population is central to government legitimacy. However Afghanistan's citizens often view the police more as a source of fear than of security. Instead of emphasising their coercive powers, reform should focus on accountability, ethnic representation and professionalism, along with an urgent need to depoliticise and institutionalise appointments and procedures. It is counter-productive to treat police as an auxiliary fighting unit in battling the insurgency, as has been happening with increasing frequency in the troubled south. Afghanistan, like any other democracy, requires police service more than police force.

The state of the Afghan National Police (ANP) nearly six years after the fall of the Taliban reflects the international community's failure to grasp early on the centrality of comprehensive reform of the law enforcement and justice sectors, despite similar hard-learned lessons in other countries attempting to emerge from years of armed conflict. President Karzai's government still lacks the political will to tackle a culture of impunity and to end political interference in appointments and operations. Attempts to shortcut institution building are compounded by an exploding narcotics trade – partly symptomatic of the state of policing but even more clearly a major corrupting influence on attempted reforms. At the same time, the challenges of a growing insurgency are pushing quick fixes to the fore.

There have certainly been some changes and improvements. In some urban centres, at least the "hardware" of equipment and buildings is visibly improved; the police have new uniforms and some are better equipped. New systems and structures at the interior ministry (MOI) provide at least a shell of professionalism. However the return on invested human and financial capital is modest.

Rooting out corruption and ensuring operational autonomy – with oversight – are critical if the police are to provide a professional, consistent service to citizens rather than acting as a coercive tool of governing elites. Properly equipping police is important for efficiency and morale but ultimately it is an ethos of community service that can

make the real difference by fostering wider trust. A trusted law enforcement institution would assist nearly everything that needs to be achieved in the country from security, through gender rights and minority rights, to building investor confidence and development goals. Part of earning trust and building a true national institution is ensuring that the population is reflected in the make-up of the command and control structures. Both ethnic and gender imbalances also need to be addressed urgently.

Testing and vetting of police leadership through the pay and rank reform (PRR) process is vital to professionalising the service. However, it is proving an uphill battle as factional networks and drug alliances compete for posts, particularly lucrative ones that oversee smuggling routes. These challenges underscore the necessity of depoliticising the service, ensuring professional development and institutionalising command and control. To meet these goals, the reform process should include the appointment of a police commissioner and strengthened civilian oversight. The international community, which provides the funds, has the right – indeed duty to the Afghan people and its own taxpayers – to insist that agreed processes and criteria are followed.

However, the international community's competing and conflicting visions of reform, with training and numbers often put ahead of more difficult political issues, is undermining progress and highlights the lack of experienced, flexible institutions to oversee police reform. The U.S. decision to give a leading role in its police programs to the Department of Defense has further blurred the distinction between the military and police. Other donor nations and institutions will only be able to assert more influence if they are prepared to step up with commitments, resources and a clear strategic vision. The European Union Police Mission to Afghanistan (EUPOL) has just taken over from Germany as key partner on police reform but so far lacks numbers and a robust mandate. All programs and donor countries must now commit to work together in the International Police Coordination Board (IPCB), make development of an overarching reform strategy a priority and back that strategy by multi-year financial pledges with disbursement of funds conditioned to measurable progress.

It is promising that the international community recognises the vital need for reform but the urgency is driven by the growing insecurity, and the police are being asked to take on roles for which they are neither equipped nor trained. As a result, police casualties are increasing, even as counter-insurgency responsibilities undermine their main task of working with and protecting communities. Kabul and its partners need to acknowledge that different security arms of the state have different roles. The creation of an auxiliary police has further blurred distinctions between the security agencies and prioritised boots on the ground – any boots – over building quality. Good policing is vital for democracy, and democratic functioning is vital for counter-insurgency; the two are not and must not be seen as mutually exclusive. If police reform in Afghanistan is to succeed, the goal should be creation of a trusted, civilian service, which enforces – and is accountable to – the rule of law.

RECOMMENDATIONS

To the Government of Afghanistan and the International Community:

1. Reshape fundamentally the approach to policing by creating and strengthening bodies to depoliticise the service and provide civilian review, including:
 - (a) a police commissioner and clear lines of authority down to district level, so that the police service is at operational arm's length from the executive;
 - (b) a national-level police liaison board, with representatives of civil society, including academics, lawyers and human rights activists, including meaningful female representation, to advise on community needs;
 - (c) provincial community police liaison boards to inform local police of local priorities and problems, report on local trends to the national police liaison board and oversee local civic education campaigns on citizens' rights and police responsibilities;
 - (d) an independent police ombudsman, appointed by the president on recommendation of the Afghanistan Independent Human Rights Commission (AIHRC) to investigate serious cases of police abuse, including deaths in custody and excessive use of force; and
 - (e) a reinforced police internal affairs department.

To the Wolesi Jirga (the lower house of the National Assembly):

2. Hold widely-advertised public hearings, consult technical experts and prioritise passage of the Police Law, which should create the new bodies listed above and include:
 - (a) clear delineation of authorities and responsibilities in relation to other security agencies and judicial organs; and
 - (b) an emphasis on accountability and respect for constitutionalism, rule of law and international human rights principles.
3. Create a policing subcommittee consisting of members of the internal affairs, defence, justice and women's affairs, civil society and human rights committees and including at least one-third female membership, with functions including:
 - (a) questioning the police commissioner and other officials on policing matter; and
 - (b) holding public hearings on annual reports by the police commissioner, the International Police Coordination Board (IPCB), the Police Liaison Board and the independent police ombudsman, as well as on the police organisational staffing plan (*tashkeel*).
4. Bar parliamentarians under the rules of procedure from attempting to influence police appointments, operations or investigations and impose stiff penalties.

To the President's Office:

5. Ensure police professionalism through the pay and rank reform (PRR) process and vetting of appointments by the Afghanistan Advisory Board on Senior Appointments where appropriate.
6. Refrain from interfering in police operational matters and direct governors likewise not to interfere.
7. Help raise police prestige and morale by visiting those wounded and families of those killed in the line of duty and publicly recognising acts of bravery.

To the Interior Ministry (MOI) and Police Commissioner:

8. Ensure meaningful pensions are paid to the families of policemen killed in the line of duty and public honours given to those responsible for acts of bravery and outstanding service.

9. Require all senior police officials to declare their wealth and income and submit to random audits of their tax declarations by the internal affairs department.
10. Prioritise accountability by ensuring all police display ID numbers, so the public can more easily file complaints; widely publicising a short, simple code of conduct; and ensuring the internal affairs department's autonomy and assigning the most professional officers to it.
11. Seek greater professionalism and diversity by:
 - (a) commissioning a report into ethnic imbalances in officer training, including why some ethnic group do not seek police careers;
 - (b) devolving training for *Satanman* (non-commissioned officers) and enhanced in-service professional development opportunities to the regional centres; and
 - (c) providing ethnic minority and female leadership candidates mentoring and professional development opportunities to improve their prospects for promotion.

To Donors:

12. Emphasise professional civilian policing, including by:
 - (a) long-term commitments to the Law and Order Trust Fund for Afghanistan (LOTFA), including police salaries on a par with those of the Afghan National Army (ANA) and danger allowances;
 - (b) continued improvement of payroll systems to cut fraud and ensure police receive their full salaries;
 - (c) a conference in Kabul on police accountability and oversight mechanisms, drawing on regional expertise;
 - (d) instituting a mass literacy program for the police and mentoring and long-term professional development programs, subject to merit-based tests, to help female officers gain experience and skills necessary for promotion;
 - (e) strengthening the MOI's internal affairs department;
 - (f) recruiting international personnel experienced in strategic change and management of police; and

- (g) providing technical advisers to civilian review bodies and National Assembly committees.

To the Council of the European Union:

13. Consider building the EUPOL mission into a comprehensive rule of law mission covering the full justice sector.

To the International Police Coordination Board (IPCB):

14. Prioritise developing an agreed, overarching strategy on approaches to police reform, including:
 - (a) assisting the MOI to standardise police curriculum;
 - (b) coordinating mentors and advisers to avoid duplication and creating a standard orientation course for all new appointees;
 - (c) creating mechanisms for nationwide verification of police numbers; and
 - (d) working with the National Security Council (NSC) and interior ministry to rework security strategies so as to emphasise the civilian nature of police and differentiate them from other security services.
15. Create systems for international personnel to monitor police and report suspected abuse, corruption or narcotics involvement and ensure information is securely saved when staff rotates and can be passed to appropriate authorities when actionable.
16. Ensure citizens' voices are heard and oversight capacity is built through regular consultation with the Police Community Liaison Board and the proposed parliamentary subcommittee, including on drafts of planning documents.

Kabul/Brussels, 30 August 2007

REFORMING AFGHANISTAN'S POLICE

I. INTRODUCTION

Police in Afghanistan have always been seen as a coercive instrument of the state rather than public servants upholding – and bound by – the rule of law, a view exacerbated by the years of conflict. Control of the security organs, including the police, has been considered one of the spoils of war.¹ Indeed, this is what happened after the fall of the Taliban in 2001. As factional networks and strongmen entrenched themselves at central and provincial levels, police reform was left to languish a poor second to the army in international security sector priorities.²

With challenges to state building mounting, it is a positive development that there is now widespread appreciation in Kabul and foreign capitals of the centrality of policing. However, since the main motivation behind this enhanced attention is a pressing need to quash the insurgency, the approach taken is largely short-sighted, with much of the emphasis on quantity over quality.³ This is the wrong way to build a legitimate, accountable institution. Ineffective and corrupt policing not only fails to prevent conflict but can actually exacerbate it, as:

- ❑ the failure of institutional mechanisms to provide justice and security forces communities to rely on strongmen for protection and drives disenfranchised individuals and groups to join anti-government elements;
- ❑ the lack of effective state authority over police command and control exacerbates ethnic, sectarian and factional divides in law enforcement and thereby within the wider community;

- ❑ abuse by police, some of the state's most visible representatives, erodes public trust in central and local authorities; and
- ❑ criminalisation of the police undermines the rule of law, particularly through involvement in the drugs trade, while the resultant alliances with anti-government groups destabilise the state.

Such shortcomings are widely acknowledged within the police. "There is no law, no justice, no punishment", a senior officer in Kandahar said,⁴ pointing to a further critical impediment – the lack of reform in the wider judicial sector.

Few of the issues discussed in this report are new or confined to Afghanistan. Crisis Group wrote in 2005 on Bosnia: "Police reform has concentrated on technical issues...however the essence of the problem – political control – has largely been ignored".⁵ The same year, while examining Central Asia, Crisis Group noted: "Progress in discussion of police reform in other parts of the world and lessons learnt from previous attempts at change have only partially penetrated".⁶

¹ This report builds on previous Crisis Group analysis of reform of state security agencies. See Crisis Group Asia Report N°65, *Disarmament and Reintegration in Afghanistan*, 30 September 2003 and Crisis Group Asia Briefing N°35, *Afghanistan: Getting Disarmament Back on Track*, 23 February 2005.

² The poor state of policing in early 2002 was discussed in Crisis Group Asia Briefing N°13, *Securing Afghanistan: The Need for More International Action*, 15 March 2002, pp. 6-7.

³ See Crisis Group Asia Report N°123, *Countering Afghanistan's Insurgency: No Quick Fixes*, 2 November 2006.

⁴ Crisis Group interview, Kandahar, 23 February 2007.

⁵ Crisis Group Europe Report N°164, *Bosnia's Stalled Police Reform: No Progress, No EU*, 6 September 2005, p. 2. See also Crisis Group Balkans Report N°130, *Policing the Police in Bosnia: A Further Reform Agenda*, 10 May 2002.

⁶ Crisis Group Asia Report N°42, *Central Asia: The Politics of Police Reform*, 10 December 2002, p. 31. Many assumptions in the current report are based on its theoretical section, including a checklist of essential reform preconditions: reform cannot happen against the resistance of the host government; unless a police force is seriously committed to reform, it will not occur; reforms must be adapted to local conditions and not transfer inappropriate institutional frameworks from Western countries; fear of or real growth in crime and instability will reduce support for reform within the police and the public; creating effective disciplinary systems within the police to deal with human rights abuses, particularly torture, is a top priority; the concern of international organisations and donor governments for their own law and order agendas diminishes their enthusiasm for reform; for reform to be effective, it must be accompanied by reform throughout the criminal justice system; technical help should not be the main element in foreign assistance if democratic reform of policing is the objective. This largely follows David

This report examines attempts to reform policing in Afghanistan since 2001. It is based on fieldwork in Kunduz, Kandahar, Tirin Kot and Ghazni, as well as earlier research in Jalalabad and Lashkar Gah. The lack of hard data – and unreliability of what is available – must be emphasised, both in terms of this study and as an indicator of the low baseline from which police reform in Afghanistan has begun. The report analyses the state of policing as it affects the population, international reform efforts and the impact of the deteriorating security situation. Instead of focusing on the intricacies of individual programs, it aims to draw attention to the broad aims that should guide reform.

II. THE LEGAL AND POLITICAL CONTEXT

In 2001 legitimate police and judicial systems had to be built almost from scratch. Decades of civil war had destroyed physical, human and – perhaps most importantly of all – social capital.⁷ Communities were fearful and distrustful of the state security organs, the bureaucracy of which had proved remarkably persistent through different regimes. There had last been a national police force in the 1960s and 1970s, with a twin-track system of career officers and conscripts.⁸ However, it was largely about protecting the state from society. One analyst said of the police force under Sardar Mohammad Daoud's republic (1973-1977):

From Kabul's point of view, maintaining order meant first and foremost ensuring that government laws and decrees were enforced in the villages, that taxes were levied and conscription in the armed forces carried out.⁹

Many of today's officers who are considered "professional" received Soviet-style training under PDPA (People's Democratic Party of Afghanistan) governments during the 1980s, which, while thorough, emphasised order over individual rights. One of the profound legacies of this era was the extent to which secret police and intelligence agencies took over everyday criminal investigations and civilian police procedure.¹⁰ The infamous State Information Services (*Khidamat-i Ittila'at-i Dawlati*, KhAD) was first built up as an alternative power base to the interior ministry during a power struggle between the two PDPA factions, Khalq and Parcham.¹¹ The current National Security Directorate (OMC), in many ways a direct

⁷ See Crisis Group Asia Report N°64, *Peacebuilding in Afghanistan*, 29 September 2003.

⁸ Conscripts could choose to serve two years with the police rather than the army; people today still call both "soldiers".

⁹ Dr Antonio Giustozzi, "Re-building the Afghan Army", paper presented at the symposium on State Reconstruction and International Engagement in Afghanistan, Bonn, 30 May-1 June 2003, p. 2.

¹⁰ Discussing KhAD's Special Revolutionary Court (created 1980) and military tribunals (created 1978), Barnett Rubin noted: "In all political or security matters these courts replaced the regular ones, which atrophied". *The Fragmentation of Afghanistan* (New Haven, 2002), p. 133. There were, of course, secret police agencies in earlier eras; the first in modern times was created by Amir Abdul Rehman (1880-1901) to crush resistance by non-Pashtun minorities. Ahmed Rashid, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia* (London, 2000), p. 12.

¹¹ Tonita Murray, "Police-Building in Afghanistan: A Case Study of Civil Security Reform", *International Peacekeeping*, vol. 14, no. 1, January 2007, p. 109.

descendant, retains significant overlap with criminal investigations police but operates largely autonomously with an estimated 15,000 to 20,000 employees.¹²

The mujahidin era in the early 1990s saw predatory men rule fragmented fiefdoms in a complex web of changing alliances. Journalist Ahmed Rashid describes a journey of 130 miles from Quetta in Pakistan to Kandahar in southern Afghanistan during which he was stopped by at least twenty groups, each demanding a "toll".¹³ This lack of security and abuse by authorities facilitated the rise of the Taliban, under whom policing included the ministry of enforcement of virtue and suppression of vice (*al-Amr bi al-Ma'ruf wa al-Nahi 'an al-Munkir*), which violently enforced adherence to a rigid interpretation of ultra-orthodox Islamic/Pashtun tribal norms.

With the Taliban's overthrow in 2001, the international community found a population craving stability, fairness and justice.

A. LEGAL FRAMEWORK

The 2006 Afghanistan Compact, reached between the international community and the Afghan government upon expiration of the Bonn agreement, the original post-Taliban dispensation, has no legal force but provides the framework for government commitments and donor support.¹⁴ Its commendable policing goal states:

By end-2010 a fully constituted, professional, functional and ethnically balanced Afghan National Police and Afghan Border Police with a combined force of up to 62,000 will be able to meet the

security needs of the country effectively and will be increasingly fiscally sustainable.¹⁵

The 2004 constitution obliges the state to create a "prosperous and progressive society based on social justice, protection of human dignity, protection of human rights, realisation of democracy, and to ensure national unity and equality among all ethnic groups and tribes".¹⁶ The government is responsible for "maintenance of public law and order".¹⁷

On the specific role of the police force, the constitution says only that "discovery of crimes is the duty of the police, and investigation and prosecution are conducted by the Attorney General's Office in accordance with provisions of the law".¹⁸ Criminal investigation is thus more a judicial than a police function. As discussed below, clearer delineation of the exact roles and responsibilities of police and prosecutors as well as improved cooperation between them are still needed.

The 2005 Police Law, – which barely mentions interaction with prosecutors – governs the police and lists "duties and obligations" including:

- ❑ ensuring and maintaining public order and security;
- ❑ ensuring individual and societal security and protecting legal rights and freedoms;
- ❑ preventive actions to stop crime;
- ❑ timely discovery of crimes and arrest of suspects;
- ❑ countering "moral deviations, immoral social behaviour and actions that disturb public tranquillity";
- ❑ protecting public and private property and assets;
- ❑ fighting cultivation of opium poppy and marijuana;
- ❑ fighting organised crime and terrorism;
- ❑ regulating road traffic; and
- ❑ safeguarding the borders.¹⁹

The law specifies: "The police shall constitute part of the organisation of the ministry of interior, operating in the

¹² "Securing Afghanistan's Future, Technical Annex: National Police and Law Enforcement," January 2004, p. 15.

¹³ Describing the situation in Kandahar, Rashid noted: "The warlords seized homes and farms, threw out their occupants and handed them over to their supporters. The commanders abused the population at will, kidnapping young girls and boys for their sexual pleasure, robbing merchants in the bazaars and fighting and brawling in the streets". Rashid, *op. cit.*, pp. 20-21.

¹⁴ See Crisis Group Asia Briefing N°59, *Afghanistan's Endangered Compact*, 29 January 2007. Presented at the London Conference on Afghanistan, 31 January-1 February 2006, attended by over 60 countries and multilateral institutions, the Compact focuses on three main pillars of activity over five years: security; governance, rule of law and human rights; economic development and social development, with a core commitment "to continue in the spirit of the Bonn, Tokyo and Berlin conferences, to work towards a stable and prosperous Afghanistan, with good governance and human rights protection for all under the rule of law" (Preamble, p. 1). The Afghan government "commits itself to realising this shared vision of the future", and "the international community, in turn, commits itself to provide resources and support to realise that vision" (Purpose, p. 2).

¹⁵ The Afghanistan Compact, Annex I (Security) Afghan National and Border Police, p. 6.

¹⁶ Constitution, Article 6.

¹⁷ *Ibid*, Article 75 (3). Obligations are also placed on citizens, Article 56: "Observing the provisions of the Constitution, obeying the laws, adhering to public law and order are the duties of all people of Afghanistan".

¹⁸ *Ibid*, Article 134; also "The Attorney General's Office is part of the executive branch, and is independent in its performances".

¹⁹ Excerpts, Police Law, Article 5, Official Gazette no. 862, 22 September 2005. Translation provided by German Technical Cooperation (GTZ).

form of contingents and units in the capital, provinces and districts".²⁰ However, units are restricted to a geographic "area of activity" by province or district.²¹ Exact lines of authority and divisions of responsibility are left vague. Article 4 specifies that:

The police shall perform their duties under the leadership of the minister of interior in the capital and under the guidance of the [provincial] governors and district chiefs [district governors] in the provinces and districts respectively.²²

Five Regional Commands – North, West, East, South and Central – were created in 2006 as a layer between Kabul and the provinces "to reduce the scope of command responsibility of the Afghan interior ministry and to facilitate task performance".²³ However, out in the provinces, governors – unelected and unaccountable figures, appointed by the centre – continue to exploit the law's vagueness to control the police for their own political ends, interfering in appointments and seeking to direct, even lead, operations. "Governors think they can use a remote control on police, they can push 'stand up' and 'sit down'", said an officer in the south.²⁴ A ministerial order distributed at the end of 2006 sought to clarify the lines of control, specifying that:

The police chain of command flows from the Minister of Interior, to the Deputy Minister for Security Affairs, to the Regional Commands, down to local police chiefs. The police chain of command is the final authority in all police operational decisions. Governors...will not direct police activities at the tactical or operational level.²⁵

²⁰ Ibid, Article 3.

²¹ Ibid, Article 6: "The police shall perform its duties within their specified area of activity according to the provisions of the law". Article 7 (1): "The police of one area may take action in another area if (1) they are asked by the police of another area for support (2) there exists no police in the given area (3) the arrest or prosecution of a suspect, accused or criminal would require immediate action (4) the police of the area are far from the place of the event and the victim or injured person asks for assistance (5) the court or the attorney decides so". According to Article 8, "the police units of one province may be temporarily assigned by the Minister of Interior to operate in another province".

²² Ibid, Article 4. "The border police and highway security police shall perform their duties under the leadership of the Minister of Interior both in the capital and provinces". Ibid.

²³ "Assistance for Rebuilding The Police Force in Afghanistan", German Federal Foreign Office and Federal Ministry of the Interior, 2nd ed., December 2005, p. 17.

²⁴ Crisis Group interview, Kandahar, 18 July 2006.

²⁵ "Order of the Minister of Interior Regarding Article 4 of the Police Law", based on a legal interpretation by the attorney general, Dr Abdul Jabar Sabit.

Police commanders have tried to use this to assert more authority but there are still complaints of interference, and the ministerial order lacks clarity when it further specifies:

Governors...convey the executive orders of the President, Minister of Interior, and other central government authorities to the police commanders and oversee the implementation of the executive orders....Disagreements over the need to deploy police forces may be elevated to the Ministry of Interior for resolution.²⁶

Clear lines of authority and a precise delineation between executive policy-making and police operational duties unimpeded by political considerations are essential and should be set forth in the law. This should be the goal when the National Assembly – now working its way through all the bills issued as presidential decrees before the legislature's creation in December 2005 – takes up the Police Law. That review also provides an opportunity for lawmakers to consult with the public about the role of the police.²⁷

This is, however, only part of the problem of a legal framework that, after years of war and ideological regimes, has gaps as well as overlaps and contradictions. Some new laws have only added to the confusion. For example, the Police Law allows suspects to be held 72 hours,²⁸ while the Interim Criminal (Procedure) Code for Courts (2004) specifies 24 hours.²⁹ Moreover, most police are unfamiliar with the relevant laws. A legal manual was produced only recently to explain such legislation as the Interim Criminal (Procedure) Code, the Penal Code, the Juvenile Law, the Detection and Discovery Law and the Law on Organisation and Jurisdiction of Courts.³⁰ This is a small but useful step. Ongoing efforts to standardise the laws are vital; the criminal procedure code is being revised and is expected to be put to the National Assembly in 2008.³¹

²⁶ Ibid.

²⁷ For more on the National Assembly's role, see Crisis Group Asia Report N°116, *Afghanistan's New Legislature: Making Democracy Work*, 15 May 2006.

²⁸ This is for preventative reasons in Article 15 (4), and in Article 25 "in order to comprehensively detect the crime and the criminal, the police may hold an arrested suspect in custody for a period of up to 72 hours".

²⁹ Interim Criminal (Procedure) Code for Courts (2004), Article 31 "1. The judicial police, after having identified the person arrested on their own initiative, inform him of the reasons of the arrest and interrogate the same about the crime and its circumstances within a maximum of 24 hours. 2. Immediately after a report shall be sent to the Primary Saranwal [prosecutor] and the person shall be put at his disposal".

³⁰ Produced by GTZ, April 2007, it is available only in Dari but an English version is planned.

³¹ "Co-operation Between Police and Prosecutors", discussion paper, The Ministry of Interior-Attorney General's Office

B. POLITICAL MILIEU

After the fall of the Taliban, the security organs at the centre were monopolised by the Panjshiri Tajik-dominated *Shura-yi Nazar-i Shamali*³² one of whose leaders, Younus Qanooni, was appointed interior minister.³³ He was replaced at the June 2002 Emergency Loya Jirga³⁴ by Taj Mohammad Wardak, who put a Pashtun face on the ministry, and was replaced in turn by another Pashtun, Ali Ahmad Jalali³⁵ in January 2003. Jalali's publicly stated goal was a "complete overhaul" of the police;³⁶ plans were announced in July 2003 for replacing the previously conscript force with volunteers: 50,000 police and 12,000 border police.³⁷ Two years later, however, Jalali resigned, apparently disillusioned.³⁸ His deputy, Zazar Ahmad Muqbil, became acting minister and was confirmed by the National Assembly in April 2006. A Tajik, he was not well known and is not seen as a strong member of the Cabinet.

Despite these ministerial changes, the 2006 National Internal Security Strategy (NISS) admitted that the "imbalance of the ethnic composition of the ministry's staff and law enforcement organisations...raises questions about the ministry and police forces' legitimacy as national institutions".³⁹

Commission for Conference on the Rule of Law in Afghanistan, Rome, 2-3 July 2007, p. 1.

³² The *Shura-yi Nazar Shamali* (Supervisory Council of the North) was a regional military and political structure founded by Ahmad Shah Massoud. Its core leaders were Panjshirians associated with the Jamiat-i Islami party of former President Burhanuddin Rabbani. For more on politics and ethnic ramifications in the early years following the fall of the Taliban, see Crisis Group Asia Report N° 62, *Afghanistan: The Problem of Pashtun Alienation*, 5 August 2003.

³³ He spoke frankly of the many challenges his ministry faced in Crisis Group Asia Briefing N°13, *Securing Afghanistan: The Need for More International Action*, 15 March 2002, pp. 6-7.

³⁴ Qanooni is now chairman of the *Wolesi Jirga*, the lower house of the National Assembly.

³⁵ Jalali was a former lecturer at Afghanistan's Military College, secretary to the defence minister and military planner for Afghan mujahidin factions after the Soviet intervention. He returned to Afghanistan in January 2003 after 21 years in the U.S., where he was head of the Voice of America's Dari, Pashto and Persian services.

³⁶ See Abdul Waly, "New Interior Minister prepares overhaul of police services", *Kabul Weekly*, 30 January 2003.

³⁷ Murray, op. cit., p. 111.

³⁸ Shirazuddin Siddiqi, "Why is Senior Afghan Minister Quitting?", BBC News, 27 September 2005; "Afghanistan: Top Security Official Resigns Amidst Controversy", Radio Free Europe/Radio Liberty (RFE/RL), 28 September 2005.

³⁹ "National Internal Security Strategy", interior ministry, September 2006, p. 12. It recommended: "while it is difficult

Unlike the Afghan National Army (ANA), the Afghan National Police (ANP) was not rebuilt from scratch following a disarmament process. As a result, it was composed of existing personnel, including mid- and lower-level commanders who had seized the title of police chief in provinces and districts and incorporated their militias into the police after the Taliban's fall. The international community was unwilling to expand its security presence outside Kabul for several years and justified giving these former strongmen an opportunity to penetrate the ANP as pragmatic co-option.

As the 2003 disarmament, demobilisation and reintegration (DDR) program and the building of the ANA removed militias initially on the ministry of defence (MOD) payroll, more commanders moved into the police seeking to preserve their forces and arms. The highway police were particularly popular.⁴⁰ With all attention focused on reforming and rebuilding the MOD, the interior ministry (MOI) was left to become:

the locus of interactions between state institutions and criminal interests...Political influence (both from within and outside the Ministry) may be brought to bear to ensure specific appointments or to promote or prevent law enforcement interventions. Despite the difficulty of obtaining hard evidence, this process involving elements of the Ministry of Interior is critical to understanding the nature and recent evolution of organised crime in Afghanistan.⁴¹

Ironically, the MOI, which is responsible for compliance with the DDR follow up program, the disbandment of illegal armed groups (DIAG),⁴² employs the largest number of government officials with links to militias of

to institute strict ethnic quotas, steps must be taken to achieve a degree of ethnic balance in staffing throughout the ministry", but made no concrete suggestions.

⁴⁰ See Crisis Group Asia Report N°65, *Disarmament and Reintegration in Afghanistan*, 30 September 2003.

⁴¹ Doris Buddenberg and William A. Byrd (eds.), "Afghanistan's Drug Industry: Structure, Functioning, Dynamics and Implications for Counter-Narcotics Policy", United Nations Office on Drugs and Crime and The World Bank, 2006, p. 198.

⁴² While DDR was aimed at armed groups on the defence ministry payroll, offering individual incentives for those cooperating, the DIAG program followed a 2004 presidential decree declaring armed groups outside government structures illegal. DIAG targets up to 1,800 groups and offers community incentives. It was launched in Kapisa, Herat, Farah, Takhar and Laghman provinces in May-June 2006 but compliance has been disappointing. Implementing the program is increasingly difficult due to the insurgency. It appears unlikely that the over-ambitious Afghanistan Compact benchmark, Annex I (Disbandment of Illegal Armed Groups), will be met: "All illegal armed groups will be disbanded by end-2007 in all provinces". See www.diag.gov.af.

any ministry.⁴³ Nearly everyone with whom Crisis Group spoke described the corrosive effect of the burgeoning narcotics trade on the ministry. The explosion of organised crime – Afghanistan is now responsible for 93 per cent of the world's opium production⁴⁴ – is both testimony to the weakness of the new law enforcement agencies and a threat to their integrity. As described by the United Nations Office on Drugs and Crime (UNODC) and the World Bank:

The district police chief (or an equivalent official) receives payment directly from traffickers in order to operate....The district level official makes a payment to the provincial police chief (or equivalent officials) who in turn provides payment to the individual who provides overall political protection (either at high level in the provinces or at the centre) for the trafficking pyramid to operate.⁴⁵

One of the most disillusioning aspects for the population, and the root of the culture of impunity that has sprung up, is the Kabul centre's propensity simply to transfer police officials when there are complaints. As a civil servant in Kunduz asked, "if food tastes bad in one province why will it taste better in another?"⁴⁶

III. INTERNATIONAL FRAMEWORK

The "light footprint" approach the international community adopted in Afghanistan meant that, unlike interventions such as the UN's in Kosovo, foreign officers were not deployed with policing powers and act in a purely advisory capacity. At the same time, the international community controls the purse strings, reimbursing 100 per cent of police salaries through the Law and Order Trust Fund for Afghanistan (LOTFA) created in May 2002 and managed by the United Nations Development Programme (UNDP). Such assistance will remain essential for the foreseeable future, since the estimated annual police payroll is \$163 million, and the country's domestic revenue is expected to be only \$716 million in this financial year.⁴⁷ But the international community has failed to use this considerable assistance as leverage to stimulate effective reform.

A. INITIAL INVOLVEMENT: GERMANY, U.S. TAKE DIFFERENT APPROACHES

Afghanistan's security sector reform (SSR) was divided in 2002 into five "pillars", each with a "lead nation": Germany, the ANP; the U.S., the ANA; Japan, disarmament; the UK, counter-narcotics; Italy, the justice sector. Today it is widely recognised that this approach was not ideal. Rather than being treated as a whole, SSR became a series of discrete programs which moved at very different paces, with little coordination between them, including on matters where there was important substantive overlap. It is estimated that 60 per cent of SSR spending in 2003/2004-2004/2005 went to the ANA, just 28 per cent to the ANP and law enforcement. Demining received 6 per cent, the justice sector and DDR 3 per cent each.⁴⁸

Germany had a strong interest in police training in Afghanistan which pre-dated the Soviet intervention and had officers on the ground by March 2002.⁴⁹ Apart from

⁴³ "The Ministry of Interior, in line with the Joint Secretariat's recommendations, confirmed the dismissal of thirteen of its employees from their posts; a subsequent inquiry found, however, that several of the dismissed officers continued to occupy their posts in violation of the Ministry's orders". "The Situation in Afghanistan and Its Implications for Peace and Security", Report of the Secretary-General to the United Nations (A/61/326-S/2006/727), 11 September 2006.

⁴⁴ "Afghanistan Opium Survey 2007", UNODC, August 2007, executive summary, p. 1.

⁴⁵ Buddenberg and Byrd, op. cit., p. 202.

⁴⁶ Crisis Group interview, Kunduz, 9 February 2007. See "Afghanistan: Reject Known Abusers as Police Chiefs", Human Rights Watch, press release, 4 May 2006, which highlighted a number of appointments of "human rights abusers, warlords and drug-traffickers".

⁴⁷ JCMB Task Force on Afghan National Police Target Strength, March 2007, p. 3. This is for 82,000 police with the rank and file earning \$70 a month (3,500 Afghanis). If pay is increased to match the ANA at \$100 a month (5,000 Afghanis) the payroll would be \$194 million. For national revenue, see Afghanistan Development Forum 2007, overview at www.adf.gov.af/index.asp?page=overview§ion=1, for the year 1386, Afghan solar calendar, 21 March 2007 to 20 March 2008.

⁴⁸ "Afghanistan: Managing Public Finances for Development", vol. v, "Improving Financial Management in the Security Sector", World Bank, report no. 34582-AF, 22 December 2005, p. 50.

⁴⁹ The officers have come from the Federal Border Police (BPOL), the Federal Criminal Police Office (BKA) and police forces of German federal states (Länder).

reconstructing and equipping some police buildings and advising on institutional change, its reform program largely centred on the Kabul Police Academy, which was reopened in August 2002, offering three-year courses for officers and one-year (reduced to nine months) courses for non-commissioned officers.⁵⁰ The first 251 officers graduated in August 2005.⁵¹ The plan was “to start with the backbone, that’s why we started with the leaders”.⁵²

However by 2003 it became apparent that urgently needed rank-and-file policing was being neglected. This is when the U.S. became increasingly involved, committing \$24 million for the Central Training Centre (CTC) to train police rapidly.⁵³ Seven Regional Training Centres (RTCs) were established soon after, the first in November 2003,⁵⁴ with training provided largely through DynCorp, a private contractor.⁵⁵

U.S. policing programs have been run under complex arrangements that have at times been hampered by institutional overlap and competition.⁵⁶ A mid-2005

interagency decision moved responsibility for training and equipment from the State Department’s Bureau of International Narcotics and Law Enforcement Affairs (INL) office at the Kabul embassy to what ultimately became the Combined Security Transition Command – Afghanistan (CSTC-A) under the Department of Defense.⁵⁷ This assumed overall direction of the CTC and RTC programs although policy guidance remained with the ambassador, and INL retained contract management authority.⁵⁸

Since 2003 U.S. financial aid and personnel have dwarfed that of other nations. CSTC-A figures put U.S. support for policing at \$2.1 billion between 2002 and 2006.⁵⁹ Through 2006 CSTC-A grew to around 100 personnel focused on policing, in addition to some 500 contract trainers and mentors countrywide. The German Police Project Office (GPPO) has some 40 officers in Kabul and northern Afghanistan and spent €70 million on police reform in the same period.⁶⁰

Some twenty other countries have also been involved in policing projects in a smaller way, often with civilian police advisers and military police working out of their own national-led Provincial Reconstruction Teams (PRTs). The UN, at the fore of international policing efforts in other parts of the world such as Haiti and the

⁵⁰ President Najibullah’s regime originally opened the Academy in 1989, but it was closed after the mujahidin captured Kabul in 1992. Mark Sedra, “Police Reform in Afghanistan: An Overview”, in “Confronting Afghanistan’s Security Dilemma”, Bonn International Centre for Conversion, brief 28, 2003, p. 32.

⁵¹ “Assistance for Rebuilding the Police Force”, op. cit., p. 11.

⁵² Crisis Group interview, Ambassador at Large Hartmut Blankenstein, special representative for police sector reform, German Embassy, Kabul, 26 April 2007.

⁵³ “Securing Afghanistan’s Future”, op. cit., p. 6. In December 2003, the CTC was not fully operational but had 1,300 graduates. In addition to training, the program provided standard uniforms.

⁵⁴ The seven are: Gardez, Jalalabad, Kunduz, Mazar-i Sharif, Kandahar, Bamiyan and Herat.

⁵⁵ DynCorp’s contract is “part of a Firm Fixed price task order to the Department of State’s global Civilian Police Program contract which commenced July 1, 2005 and has a period of performance of three years”. “Interagency Assessment of Afghanistan Police Training and Readiness”, Inspectors General, U.S. Department of State, report no. ISP-IQO-07-07, and U.S. Department of Defense, report no. IE-2007-001, November 2006, p. 35. For more on DynCorp’s role in Iraq and Afghanistan, see Renae Merle, “Coming Under Fire: DynCorp Defends Its Work in Training Foreign Police Forces”, *The Washington Post*, 19 March 2007.

⁵⁶ For more detailed background on the U.S. institutional set-up for police reform in Afghanistan, see Vance Serchuk, “Cop Out: Why Afghanistan Has No Police”, *The Weekly Standard*, vol. 11, issue 41, 17 July 2006. More generally, see Bayley, op. cit., pp. 3-4. “The United States had been badly burned by involvement with foreign police forces during the Cold War, so much so that section 660 of the Foreign Assistance Act of 1961 was amended in 1974 to prohibit U.S. agencies, including the military, from training or assisting foreign police...the United States progressively exempted more and more countries from the section 660 prohibition...It also amended section 660 in 1996 to permit assistance to civilian police forces in countries

emerging from armed conflict”. Bayley assesses that, by working through exemptions (p. 67), “the U.S. Government administers programs for democratic police reform by sleight-of-hand. The fault is not the intelligence or motivation of the people involved...the problem is the system – in particular, the bureaucratic assignment of missions”.

⁵⁷ Previously the Office of Military Cooperation – Afghanistan (OMC-A) responsible for training and equipping the ANA, the name was changed to the Office of Security Cooperation – Afghanistan (OSC-A), when policing was added to its mandate and later the Combined Security Transition Command – Afghanistan (CSTC-A).

⁵⁸ Inspectors General, op. cit. U.S. Central Command describes the relationship as “Department of State retains lead responsibility for the police program. CSTC-A directs (and has operational responsibility for) the police training and equipment program, U.S. State Department’s International Narcotics and Law Enforcement Bureau (INL) manages the contract, and U.S. Ambassador is responsible for policy guidance” (p. 95). INL describes the relationship as: “INL implements the training, mentoring and reform program, CSTC-A directly implements the equipment and infrastructure support while providing oversight for execution of all program activities” (p. 85).

⁵⁹ “International Support For Police”, CSTC-A, undated, received by Crisis Group 7 February 2007. In fiscal years this shows U.S. funding at as \$20 million, 2003; \$187 million, 2004; \$565 million, 2005; \$1.3 billion, 2006.

⁶⁰ “Where Does the Police Reform in Afghanistan Stand Today?”, Embassy of the Federal Republic of Germany, Kabul, January 2007, p. 1. It points out that 25 per cent of the EU’s €30 million contribution to LOTFA is also German funding.

Balkans, has less than ten police officers working in an advisory unit for the Special Representative in Kabul.

Efforts have not always been coordinated. In 2004 an Afghan government strategy highlighted that the Germans and the U.S. had each designed plans to reform the MOI: "Both plans are well designed and urgently needed; however, there is a significant amount of overlap between their objectives. It is important that the two donors harmonise their agendas and develop a clear division of labour".⁶¹ Some senior Afghan police have up to three international mentors; others have none. More broadly, there have been tensions with another country, not the lead nation (or the more recent term "key partner"), providing most of the resources and therefore able to drive its own vision forward. An insider described the contrasting approaches as follows:

One cautious and rational, building on what already existed and extending outwards, and the other bold and sweeping, attempting to tackle a number of pressing problems all at the same time. Both approaches had their merits and their flaws but were philosophically conflicting...⁶²

Another described the differences more bluntly: "The Germans are creating high quality – but too few....The other side, the U.S., churn out a conveyor belt where quality is not an issue....there is nothing in the middle".⁶³

The CSTC-A deputy commander for police programs emphasised that the military was the only international entity in Afghanistan with the numbers to take on the nationwide task, particularly in the initial stages: "To be able to issue the belts, uniforms, cars...the military were the only organisation capable to do that, and they need to stay engaged until that is done".⁶⁴ But most of all, as a diplomat candidly put it, "the U.S. military are doing it here because no one else stepped up".⁶⁵

B. GROWING ATTENTION: THE EU JOINS IN

Today, the international community is far more focused on the need for police reform and is giving it more resources and attention than ever before. A European Union (EU) heads of mission meeting in Kabul first called for a rule of law mission in December 2005. Following exploratory visits, in February 2007, the EU Council created a European Security and Defence Policy (ESDP) mission focused on policing but with linkages to an enlarged

European Commission justice program.⁶⁶ Having officially taken over the "key partner" role in police reform from Germany on 17 June 2007, the European Police Mission to Afghanistan (EUPOL), with some 220 international staff – around 160 police officers – is meant to draw under one umbrella nearly all non-U.S. actors, including sixteen EU member states and seven others. It may coordinate non-U.S. commitments better but it is not a significant expansion: over half its police officers are already on the ground and will merely be re- or double-hatted.

Around 70 international personnel will be based in Kabul, with teams of between four and eight advisers at the five regional commands and another 100 at provincial level, mostly at thirteen non-U.S. PRTs, from where they will cover nineteen provinces when fully deployed in March 2008. The emphasis will be on advice, strategy and support, including for criminal investigations. EUPOL will not be involved in projects and dispensing funds as such but will "participate in the coordination and facilitation of EU member state assistance, and where appropriate, other international assistance to the ANP".⁶⁷

EUPOL's deployment has been slow and hampered, among other issues, by lack of a cooperation agreement between the EU and NATO on security and intelligence support for EUPOL. NATO has been unable to finalise these agreements because Turkey has blocked attempts to negotiate with the EU as a whole, arguing that two of its states, Cyprus and Malta, are not members of NATO or its Partnership for Peace and lack security clearance. Agreement allowing NATO to provide security support through PRTs is considered crucial for EUPOL to be effective in the field, given the security environment in much of the country.⁶⁸

CSTC-A has expanded its mentoring programs. Originally it was proposed to extend this down to district level with hundreds of mixed police-military teams, involving approximately 1,000 international trainers (including those already on the ground) and 2,400 military.⁶⁹ The proposal apparently received high-level support but could not go ahead because sufficient numbers of military personnel were not available. Instead 600 to 700 personnel are being

⁶¹ "Securing Afghanistan's Future", op. cit., p. 13.

⁶² Murray, op. cit., p. 113.

⁶³ Crisis Group interview, Kabul, 4 February 2007.

⁶⁴ Crisis Group interview, David Dobrotka, deputy commander for police programs, Kabul, 25 June 2007.

⁶⁵ Crisis Group interview, Kabul, 29 April 2007.

⁶⁶ See Crisis Group Europe Report N°160, *EU Crisis Response Capability Revisited*, 17 January 2005, for ESDP missions and lessons learned.

⁶⁷ European Police Mission to Afghanistan presentation, 15 May 2007, p. 19.

⁶⁸ EUPOL is talking with individual PRTs about PRT-specific cooperation agreements. "Bickering between NATO and EU hampers training of Afghan police", *International Herald Tribune*, 23 August 2007.

⁶⁹ Crisis Group interview, then-CSTC-A Commander Major General Durbin, Kabul, 28 April 2007.

reassigned from the military task force, which has largely concentrated on mentoring the army. Priority will go to mentoring police officials at regional and provincial level, border police and, as it rolls out, the new Afghan National Civil Order Police (ANCOP).⁷⁰

Approval was given in May 2007 for \$2.5 billion in U.S. funding for policing, as part of \$7.4 billion for the Afghan security forces. The money must be obligated – though not spent – by September 2008. While the former CSTC-A commander, Major General Robert Durbin, argued this is based on an analysis of “how much we can effectively manage in a year”,⁷¹ pushing such a large program through the fledgling Afghan system so quickly is problematic. Monitoring misuse and disappearance of equipment – already an issue – as well as the program’s longer-term financial sustainability will be immense challenges. Questions of who should be equipped and accountability mechanisms are likely to be obscured in the rush to spend. Multi-year commitments tied to strong conditionality for political and institutional change would be better. Realistically, however, it is likely that the program’s ambitious scope is owed to two factors: the immediate need for a police force that can help tackle the insurgency and concern that attention will soon shift elsewhere. Indeed, the Supplemental Request states:

The desired end state for the ANSF [Afghan National Security Forces] remains a professional, capable, respected, multi-ethnic, and sustainable ANSF, but the force being built must be less reliant on international assistance and more *capable of bringing the fight to the Taliban* [italics added].⁷²

The International Police Coordination Board (IPCB), agreed in October 2006, could play a vital role in meshing international efforts. Unlike other coordination bodies, it has a standing secretariat, which should coordinate issues at operational level with top decision-makers, who are meant to attend meetings in person to drive rapid decisions. EUPOL is dedicating twenty personnel to the secretariat; CSTC-A promised twelve. The UN Assistance Mission to Afghanistan (UNAMA), the International Security Assistance Force (ISAF) and the MOI should also have roles. So far it has been slow to take hold, with not all personnel in place – there are still debates about who should be involved – and participants demonstrating varying levels of commitment.

With key international actors and donors coming from differing policing traditions and offering multiple, sometimes overlapping programs, it is vital that all work together to make the IPCB a forum for real coordination and planning. Articulation of a clear, overarching vision for both police reform and the shape of international assistance to achieve that reform must be a top priority.

⁷⁰ Crisis Group interview, David Dobrotka, deputy commander for police programs, Kabul, 25 June 2007.

⁷¹ Crisis Group interview, then-CSTC-A Commander Major General Robert Durbin, Kabul, 28 April 2007.

⁷² FY 2007 Emergency Supplemental Request, Afghan National Security Forces, p. 53. Afghan National Security Forces is being used to describe the ANA and ANP.

IV. STATE OF POLICE REFORM

A. ON THE GROUND

In April 2007, as the security climate worsened, the Afghanistan Compact's overseer, the Joint Coordination and Monitoring Board (JCMB),⁷³ approved a "temporary" increase of the planned 62,000 police to 82,000, including 18,500 border police,⁷⁴ still, by Major General Durbin's estimate, the smallest per capital police force in the region.⁷⁵ Iraq, whose 27 million population falls roughly in the middle of varying estimates of the Afghan population, had 152,000 police in May 2006 with plans to expand the force to 190,000.⁷⁶ Afghanistan's projected 256 to 372 police per 100,000 inhabitants, depending on the population estimate, is however not unusual compared to other countries five years after international intervention for example, Bosnia 429 per 100,000, Sierra Leone 244 and Kosovo 272.⁷⁷

⁷³ A joint national and international body, the JCMB has 30 members, seven Afghans and 23 from major donor, regional and troop contributing countries and institutions. For more see Crisis Group, *Afghanistan's Endangered Compact*, op. cit.

⁷⁴ "Implementation of the Afghanistan Compact", JCMB, annual report, 1 May 2007, p. 13. "The ANP will be allowed to temporarily increase above the 62,000 ceiling, to a maximum of 82,000, and will be reviewed on a 6-monthly basis... The final ceiling for ANP personnel will be determined by the Government based on a fiscally sustainable policing plan after study by the JCMB of the current problems of payment and recruitment and the long-term fiscal consequences of various options". The decision was based on a briefing by the JCMB Task Force on ANP target strength, March 2007, which used UN population growth projections and said the "average police: population ratio in peacetime situations is 1:400. In conflict situations, using international averages, it is calculated at 1:300" (p. 2). By dividing Afghanistan into three security zones (high threat, eleven provinces; medium threat, nine provinces; and low threat, fourteen provinces) and including 4.74 border police per border km, it concluded that 94,000 police would be needed in 2008; 99,000 in 2010 and 94,000 in 2015. "The number is projected to drop after 2010 despite the growth in population due to an anticipated improvement in the security situation". However given the financial situation, two options were put to the JCMB: keeping the 62,000 figure or increasing it to 82,000.

⁷⁵ Crisis Group interview, Kabul, 28 April 2007.

⁷⁶ Michael Moss and David Rohde, "Misjudgements Marred U.S. Plans for Iraqi Police", *The New York Times*, 21 May 2006. Afghanistan's population is variously estimated at between 22 million, the Joint Election Management Body (JEMB) figure using Central Statistic Office numbers and the basis of the 2005 National Assembly polls, www.jemb.org, and 32 million. For the latter figure, see "CIA Fact Book", July 2007 estimate, www.cia.gov/cia/publications/factbook/print/af.html.

⁷⁷ James Dobbins, Seth G. Jones, Keith Crane, Beth Cole DeGrasse, "The Beginner's Guide to Nation Building", RAND, 2007, p. 67. Haiti has only 75 police per 100,000 inhabitants.

More importantly, it is widely admitted that no one knows the true number of police actually on duty in Afghanistan. An ANP progress report to the JCMB in May 2007 stated, "exact strength remains unresolved".⁷⁸ Significant work has been done to computerise police records and make possible electronic bank transfers, thereby creating individual payment systems, which should reduce financial mismanagement of payrolls, ensure that personnel receive their full salary and help validate numbers. At present, however, those in the field still have little confidence in cited figures. Driving forward salary programs, including seeking ways to ensure payments get out to the field and into the hands of the police, must remain a donor and MOI priority, as must a full audit of who is actually there. Moreover, the stress needs to be on quality rather than quantity. As an experienced police adviser said, "I would rather have a force of 20,000 credible and effective police officers than 60,000 or even 80,000 men who have been through some sort of nominal training process which is not fully fit-for-purpose".⁷⁹

By July 2007, 71,147 rank and file police had received training,⁸⁰ of whom only 118 were women.⁸¹ Courses at the regional centres include eight-week basic training for literate recruits, though the majority do either a two-week Transition Integration Program (24,908) for existing personnel or five weeks of basic training for the illiterate.⁸² The latter course omits many obvious policing functions such as in-depth study of the law, note-taking and witness statements. The attrition rate was estimated in 2006 to be 15 to 30 per cent.⁸³ Moreover, the head of the CSTC-A efforts says only 40 per cent of the police have proper equipment.⁸⁴

⁷⁸ "Implementation of the Afghanistan Compact", op. cit., Annex II: "The Year in Review – Key Sector Achievements, Challenges and Priorities", p. 3. A progress report for the January JCMB similarly noted: "ANP numbers could not surely [be] confirmed. They are based on estimations and personnel accountability reported to MOI by field units". "Progress Report on Ministry of Interior Reforms", MOI, Fourth Joint Coordination and Monitoring Board, Berlin, 30-31 January 2007, p. 16.

⁷⁹ Crisis Group interview, Ken Deane, chief police adviser, UK embassy, 21 May 2007.

⁸⁰ "Afghan National Police Update – 5 July 2007", provided by INL. This counts basic, border, Afghan National Civil Order Police (ANCOP) and Transition Integration Program (TIP) graduates.

⁸¹ "Afghanistan National Police Training Statistics", U.S. Department of Justice, reporting period 29 June 2007.

⁸² An estimated 70 per cent of police in Afghanistan are illiterate. "The Situation in Afghanistan", op. cit., p. 5.

⁸³ Inspectors General, op. cit., p. 22. This notes that CSTC-A reported an attrition rate of about 15 per cent a year; however, interviews with students and trainers at RTCs suggested this could be as high as 30 per cent.

⁸⁴ Pam O'Toole, "Afghan Police 'Under-Equipped'", BBC News, 13 July 2007. "Afghan National Police Update", op. cit.,

The report to the JCMB in May 2007 admitted, "the quality of the police remains in question".⁸⁵ An international observer in the south compared many of those emerging from the short general courses to "barely qualified mall guards".⁸⁶ Reasons given by many involved in the reform process included courses that were too brief, with too much emphasis on coercive elements rather than core policing values; lack of training techniques conducive to adult learning; lack of recruiting mechanisms; the profession's low status; and unsuitability of some international advisers. "We have not provided quality", an international expert said. "We have let the Afghans down".⁸⁷ Even trainers and advisers with police backgrounds may not have needed skills in training, mentoring, strategic planning and managing change, since they are often selected for availability rather than specific qualifications. Those with skills in gender mainstreaming, preferably in Islamic countries and post-conflict environments, are also needed.

There is a need to raise the profession's prestige, not just through the behaviour and accountability of personnel but also by recognising and rewarding performance. The average patrolman's salary has been increased from \$16 to \$70 a month as part of the pay and rank reform process. Whether the money actually reaches him is another matter. Compared to other civil servants, police do relatively well – they earn more than many judges, for instance – but \$70 is not a liveable wage, particularly in urban areas, so petty corruption is a temptation, and both recruitment and retention are difficult. Police and trainers alike repeatedly noted that private security company employees could earn \$150-\$200 a month.⁸⁸

Parity with the ANA is crucial to recruitment; soldiers' pay was increased to \$100 in October 2006.⁸⁹ Police in the south ask why their pay is not higher than that of those in safer areas. "Would you want to send your son to Panjwayi [a district in Kandahar that was the scene of much of the fighting in the summer of 2006] for \$70?", asked a senior officer.⁹⁰ Special hazard pay would be an appropriate incentive. Another possible incentive, and a way of helping to improve status and recruitment as well as the quality of the service, might be literacy classes for police who lost the chance to learn reading and writing because of war.

assesses the number of equipped police – though it does not define the term – at 31,900.

⁸⁵ "Implementation of the Afghanistan Compact", op. cit., p. 3.

⁸⁶ Crisis Group interview, Kabul, 28 February 2007.

⁸⁷ Crisis Group interview, May 2007.

⁸⁸ Crisis Group interviews, Kandahar, February 2007.

⁸⁹ This is now under consideration. According to the JCMB task force on Afghan National Police Target Strength, op. cit., p. 2, it has been referred to the LOTFA Steering Committee.

⁹⁰ Crisis Group interview, Kandahar, 23 February 2007.

The low status and military character of the police are likely discouraging factors for women, who, given the separation of the sexes in Afghanistan, are uniquely qualified to handle family and domestic cases and essential to deal with female suspects, who otherwise are at heightened risk of abuse.⁹¹ In May 2007 there were only 232 female police in the country,⁹² many from the pre-mujahidin era. At officer level, 76 women have received training at the Kabul Police Academy;⁹³ efforts to attract more include a female dormitory. However, it is difficult for women to live away from their families for long periods. A pilot project in Baghlan, which offers training to non-commissioned officers on a regional basis, may be an answer.

Currently all officer training is at the Kabul Police Academy, which by May 2007 had graduated 868 *Saran* (officers), including seven women, from the three-year course and 2,636 *Satanman* (non-commissioned officers), including 69 women, from the one-year course (recently reduced to nine-months).⁹⁴ Such quality, professional training offers promise of solid institution building but it will be important to give the graduates assignments that use their abilities and training, as well as ongoing mentoring in order to encourage career development.

Though Tajiks are estimated at around a quarter of the population, they have always been over-represented in the academy. In 2003 they were estimated to be as much as 90 per cent of the student body.⁹⁵ The 223 non-commissioned officer graduates in July 2007 included 167 Tajiks; the 376 officer graduates included 210 Tajiks.⁹⁶ There may be historical reasons beyond the Northern Alliance's early

⁹¹ For discussion of gender issues, see Neamat Nojumi, Dyan Mazurana and Elizabeth Stites, "Afghanistan's Systems of Justice, Formal, Traditional and Customary", Feinstein International Famine Center, Tufts University, June 2004, pp. 32-33, and "Afghanistan: Police reconstruction essential for the protection of human rights", Amnesty International, March 2003, pp. 21-22.

⁹² Crisis Group email communication, LOTFA administration, 1 May 2007.

⁹³ Figures provided in GPPO briefing, "Overview of Cadets at the Kabul Police Academy", as of May 2007.

⁹⁴ Ibid.

⁹⁵ Amnesty International, op. cit., p. 21. With no census, population figures are estimates. The CIA "Fact Book" gives Pashtuns 42 per cent, Tajiks 27 per cent, Hazaras 9 per cent, Uzbeks 9 per cent, Aimaks 4 per cent, Turkmens 3 per cent, Baluchis 2 per cent, others 4 per cent.

⁹⁶ Figures provided by EUPOL training department, 17 July 2007.

⁹⁷ Non-commissioned graduates included 37 Pashtuns, eleven Hazaras, six Sadats, one Uzbek and one Gujar; officer graduates included 144 Pashtuns, fifteen Hazaras, three Uzbeks, 3 Sadats and one Pashai. Figures provided by EUPOL training department, 17 July 2007.

post-Taliban domination of the security apparatus for Tajiks choosing this career. However, fair ethnic representation is essential if the police are to be accepted and effective in the communities with which they interact. If some ethnic or regional groups are reluctant to seek police careers, the reasons need to be studied and a strategy to ensure ethnically balanced recruitment implemented. Increased regionalisation of at least non-commissioned training – supplemented by some courses in Kabul to build loyalty to the centre – might help ensure diversity.

B. FROM THE TOP: PAY AND RANK REFORM

The ambitious pay and rank reform (PRR) process is a vital initiative that seeks to ensure that police appointments are merit-based for the first time in decades. That it could become the casualty of political deal-making underscores the necessity of depoliticising the appointments process and indeed policing as a whole. Started in parallel with implementation of 2005 *tashkeel* (the organisational staffing plan), PRR aims at reducing the top-heavy officer class while vetting and testing five tiers, starting at the top. As each rank is reformed, it receives a substantial pay rise. For instance, a lieutenant general moves from \$107 a month to \$750 a month, a major from \$83 to \$300.⁹⁷ Even an officer who loses rank would in theory earn far more, though the influence a given rank brings can be relevant to the amount of dirty money some police can obtain for facilitating drugs trafficking and other corrupt dealings.

Tier I vetting went fairly smoothly. In December 2005 the appointments of the top 31 generals in the MOI, including one woman, were announced. Their ethnic makeup was twelve Pashtuns, sixteen Tajiks, two Hazaras, and one Uzbek.⁹⁸ Tier II, with 86 appointments, including lucrative and powerful regional positions such as provincial police chief, proved far more contested and was delayed several times. Just before the mid-2006 announcement, the president's office reinserted fourteen officers who had failed to make the grade. Due to a firm stand by internationals, the fourteen were put on probation, and in a victory for the process, eleven were dropped in January 2007. There was, however, resentment, particularly vocal in the mujahidin-dominated National Assembly, against officers with communist-era backgrounds whose professional training gave them an advantage over mujahidin candidates who often had little formal education.

The Tier II process showed again an over-representation of Tajiks, 34 of the 86 appointments.⁹⁹ Most smaller minority groups were not fairly represented, and there was no woman candidate. The merit principle should not be ignored – in some cases ethnic interests have already resulted in out-of-turn promotion – but recruitment and training strategies need to be put in place specifically for these under-represented groups and women, particularly for leadership positions. Increased regionalisation of the currently centralised officer training programs might eventually also encourage the recruitment of minorities and women.

The UN Secretary-General said of the process:

Some of those proposed for posts lack the requisite qualifications. In other cases political considerations are the driving factor. Reports of bribes are commonplace, particularly for lucrative positions in drug-producing areas or along smuggling routes.¹⁰⁰

Just because someone is more professional does not necessarily mean he or she will be less corrupt. Indeed in some cases it can mean replacing one network with another. An international involved in the vetting process said, "it is like a game. The well-placed elite bring in favoured clients. The foreigners try and spot big road signs of someone dreadfully inappropriate, [although] some slip through".¹⁰¹ Lists are drawn up, even thought to have been agreed on, only to circulate again in radically different forms. An international who worked with the probation board stressed that international involvement was crucial in stiffening the resolve of Afghan members, helping them gain the confidence needed to take tough decisions despite pressure and inducements.¹⁰²

The much-delayed third tier – originally scheduled to be complete in early 2007 – involves over 700 appointments, including district police chiefs. An Afghan member of the selection panel described pressure from government officials, parliamentarians, tribal elders, governors and others¹⁰³ and said he now avoided answering his constantly ringing telephone. Particularly positions of local prestige – as well as control of lucrative border crossing points and smuggling routes – are "hard fought, post to post, by multiple networks across territory".¹⁰⁴ Interference by local power-holders has caused delays, and officers are reluctant to be posted to dangerous areas in the south. On one occasion, when some appointments were due to be

⁹⁷ "Police Reform and Restructuring – Afghanistan, Progress and Challenges", undated, provided to Crisis Group by the German Embassy, Kabul, 25 April 2007.

⁹⁸ "The Situation in Afghanistan", op. cit., p. 5.

⁹⁹ The others were 34 Pashtuns, eight Hazaras, one Aimaq, two Nooristanis, five Uzbeks, one Turkmen and one not known.

¹⁰⁰ "The Situation in Afghanistan", op. cit., p. 7.

¹⁰¹ Crisis Group interview, Kabul, 31 January 2007.

¹⁰² Crisis Group interview, Kabul, 15 February 2007.

¹⁰³ Crisis Group interview, Kabul, July 2007.

¹⁰⁴ Crisis Group interview, Kabul, 10 May 2007.

announced, the telephones of nearly all those being approached were switched off.¹⁰⁵

Only four of Helmand's thirteen district chiefs are Kabul-appointed officials, according to an international involved in police reform in the south.¹⁰⁶ Because officers refused to take the positions, the other nine are local appointees. It is not clear whether these were the officers the provincial police chief really wanted or simply those he felt he had to live with. Recruitment to the more dangerous regions requires, as noted, fiscal incentives as well as assurance that good work will be career enhancing.

The international community needs to use its financial leverage to insist that agreed processes for appointments are followed. The president's office should not be involved beyond ensuring that the process stays on track. Governors and other officials should be publicly and forcefully directed to stay out of it. Once the PRR process comes to an end, normal professional development and promotion paths should be in place and followed, with secure tenure – or at least in the initial stages a fixed probation term – a key component. This has not happened. After Tier II reform was supposed to have been complete, another round of changes was announced in June 2007, with provincial police chiefs moved about in the south. The argument was that there was a need to appoint officials who would perform better in countering the insurgency but it is also vital to concentrate on building stable institutions.

C. AFGHAN NATIONAL AUXILIARY POLICE (ANAP)

In June 2006 President Karzai, apparently frustrated with the slow pace of visible change in policing¹⁰⁷ and facing a growing insurgency, started talking of arming tribal fighters, or as it was soon more attractively packaged, "community police".¹⁰⁸ Several prominent persons, such as Sher Mohammad Akundzada, Helmand's former governor, now an appointed senator,¹⁰⁹ reportedly said they

had been approached to lead these groups.¹¹⁰ Indeed, such forces already existed unofficially in many provinces, and some governors were receiving "discretionary" funds from the central government to buy local militias' loyalties. Internationals emphasised the auxiliary program was meant to get informal networks "on budget". "It was a strategy to square an issue ... to make a virtue out of necessity", said a diplomat.¹¹¹ "Enlarging the circle of friends", was another description.¹¹² Attempting to justify their acceptance of the scheme, many said they faced a difficult situation and could only try to ensure that the forces would come under ANP command and control.

Thus the Afghanistan National Auxiliary Police (ANAP) was born. Confirmed by presidential decree in September 2006, it was presented as a *fait accompli* to the JCMB, the overseer of the Afghanistan Compact, which noted its creation in November, while emphasising it was considered a temporary measure for insurgency-hit areas.¹¹³ With a planned force of 11,271, the scheme covers 124 districts in 21 provinces, mainly in the south and east but stretching as far west as Herat.¹¹⁴ Recruits, with an initial one-year contract,¹¹⁵ receive the same pay and uniform as ordinary police after ten days training at RTCs, Provincial Reconstruction Teams (PRTs) or Forward Operating Bases (FOBs).¹¹⁶

By July 2007 there were 8,331 trained ANAP personnel.¹¹⁷ It is claimed that recruits are culturally "diverse"¹¹⁸ but the overwhelming majority, due to geography, are Pashtun, with some Hazaras in more mixed areas like Uruzgan and

In the Senate (*Meshrano Jirga*), he sits on the internal affairs committee.

¹¹⁰ Rachel Morarjee, "Karzai taps tribal fighters as police", *The Christian Science Monitor*, 13 June 2006; Ron Synovitz, "Afghanistan: Plan to Recruit Militia as Police Sparks Concern", RFE/RL, 15 June 2006.

¹¹¹ Crisis Group interview, Kabul, 2 April 2007.

¹¹² Crisis Group interview, international police mentor, Kabul, 29 March 2007.

¹¹³ "Implementation of the Afghanistan Compact", bi-annual JCMB report, November 2006, p. 12.

¹¹⁴ "Implementation of the Afghanistan Compact, Status Update on Short-Life Benchmarks and Follow Up Action Points", report to JCMB IV, Berlin, 30-31 January 2007, p. 6.

¹¹⁵ Criteria for recruitment are: citizen of Afghanistan; between the age of 18 and 35; loyal to the nation, national independence, public interest, the Islamic religion and the national constitution; healthy; not disabled in a manner which would prevent execution of police duties; without criminal background and not a drug user; and not in another army or police unit. Annex B1 (Organisation) to the Auxiliary Police Implementation Order, p. 1.

¹¹⁶ This is supposed to be followed by four weeks in-service training during the year. *Ibid.*, p. 3.

¹¹⁷ "Afghan National Police Update", *op. cit.*

¹¹⁸ "Progress Report on Ministry of Interior Reforms", *op. cit.*, p. 34.

¹⁰⁵ Crisis Group interviews, Kabul, May 2007.

¹⁰⁶ Crisis Group interview, Kabul, 21 May 2007.

¹⁰⁷ "President Karzai and other Afghan interlocutors expressed frustration with the state of the ANP. The President faulted Afghanistan's international partners for inadequate and belated efforts to develop the Afghan National Police", report of the Security Council mission to Afghanistan, 11-16 November 2006, (S/2006/935), 4 December 2006, p. 4.

¹⁰⁸ Isambard Wilkinson, "Afghanistan to boost police with 'tribal militia'", *Daily Telegraph*, 12 June 2006.

¹⁰⁹ As governor, he was found to have nine tons of opium in his office. Statement of Karen Tandy, administrator, Drug Enforcement Administration, before the Committee on Armed Services, U.S. House of Representatives, 28 June 2006, p. 6.

Ghazni. The scheme is naturally causing waves in other areas of the country, particularly the north, with Tajik and Uzbek groups asking why they should be expected to disarm even as the south is rearmed.

In Kabul, those involved in the process insist there is a rigorous vetting and individual recruitment process. In the provinces, those in the know are far more open about what is really happening. Describing the recruitment process, an international trainer said, "they come in from checkpoints; they all have an historic leader who sends them; they are trained, and they go back".¹¹⁹ When asked to characterise the scheme, another, carefully choosing his words, said, "we are training old militias, privately owned and operated; we are giving them an official capacity and training them in the auxiliary police".¹²⁰ Given complaints about police corruption and abuse, putting 11,000 men in the police uniform with even less training is not the way to legitimise state institutions in the eyes of Afghans.

The ANAP undermines attempts to professionalise the service, marginalising trained officers. Why take even eight weeks out to train if one can get all the privileges of a policeman in ten days? The thousands of new positions created are technically under ANP command and control but there is concern the structures to supervise them are not in place. The last plan presented to the JCMB envisaged integrating personnel and units into the ANP in two years.¹²¹ However, it is already proving difficult to keep track of the individuals.

Serious thinking is needed on how to improve the quality of the rank and file police and in particular how to build professional, field level leadership in the south. Given the efforts that have gone into disarmament, demobilisation and reintegration (DDR) and the disbandment of illegal armed groups (DIAG), any program to rearm certain groups must include a strategy for eventually taking their weapons away again. A professional command and control structure is needed in the south now, including a shift in focus from boots on the ground to the best possible boots on the ground.

V. POLICING IN AN INSURGENCY

A. POLICING THE FRONTLINE

The police are on the frontline of the growing insurgency. While the ANA is trained, lives in barracks and has largely operated in support of international forces, the police live and work in their communities and bear the brunt of the violence. Three of twenty ANAP from an early February class in Uruzgan were dead by the middle of the month.¹²² According to CSTC-A figures, 406 police were "killed in action" between May 2006 and May 2007.¹²³ MOI figures for March 2006-March 2007 are even higher: 84 officers killed, 89 wounded; twelve non-commissioned officers killed, one wounded; 531 rank and file police killed, 1,006 wounded.¹²⁴

Police and Army Casualties

May 2006-May 2007		
	ANP	ANA
Killed in Action	406	170
Wounded in Action	707	606
1-26 June 2007		
	ANP	ANA
Killed in Action	67	11
Wounded in Action	100	65

Figures provided by CSTC-A, 26 June 2007 Casualty Report

Some police are targeted because of their factional links and some for personal reasons but most are seen by insurgents as vulnerable, badly equipped representatives of the government.¹²⁵ Partial provincial reports of police casualties in a single June 2007 week include: Wardak,

¹¹⁹ Crisis Group interview, international police trainer, southern Afghanistan, February 2007.

¹²⁰ Crisis Group interview, international police trainer, southern Afghanistan, February 2007.

¹²¹ "At the end of maximum of two years, the ANAP will be absorbed into the ANP provided they meet the standards set by the ANP Administrative Review Board", "Progress Report on Ministry of Interior Reforms", op. cit., p. 34.

¹²² Crisis Group interview, police trainer, Tirin Kot, 18 February 2007.

¹²³ Casualty report, CSTC-A, 19 June 2007.

¹²⁴ Figures received by Crisis Group, 24 April 2007.

¹²⁵ A recent report on insurgent violence discussed the rules, under international law, of targeting police: "Police normally have the status of civilians. However, police units that take part in military operations or otherwise engage in military functions may be targeted as combatants. Individual police may only be targeted during such time that they take a direct part in hostilities". The Human Cost: The Consequences of Insurgent Attacks in Afghanistan April 2007, Human Rights Watch, vol. 19, no. 6 (c), p. 84.

four dead in a grenade attack on a police convoy and two in an attack on a police check post; Laghman, two dead in a blast; Gardez, a policeman kidnapped; Kandahar, two police missing and a vehicle destroyed after an ANP truck filled with ammunition was attacked, nine killed in three bomb and drive-by attacks, five killed in an attack on a district centre, and the deputy head of police assassinated; Helmand, one killed in a suicide attack; Zabul, one killed in a firefight, one by an ambush, and the chief of police's house attacked and robbed; Paktika, one killed in a bomb attack; and Badghis, three killed when a district centre was attacked.¹²⁶ The highest profile attack yet has been a bus bombing in Kabul aimed at a police bus on 17 June that left 24 dead.¹²⁷

Despite their failings, there are many examples of the police doing their job well. For instance, the Afghanistan NGO Safety Office records show ANP preventing/discovering 113 Improvised Explosive Devices (IEDs) over a four-month period when 150 others exploded.¹²⁸ A policeman stopped a car in April 2007 which exploded, killing him and others before reaching its presumed target of the parliament.¹²⁹ Such acts are not publicised enough. Ceremonies to honour officers for bravery should be highlighted and good pensions guaranteed to the families of those killed and wounded in the line of duty. High-profile government visits should be made to those injured or the families of those slain, no matter the rank. President Karzai ordered compensation and medals for families of the victims of the police bus blast,¹³⁰ a practice which should be institutionalised and implemented throughout the country to help raise police morale and stature and bring their good work to public attention.

The high death rate, however, is also due to the fact that ill-equipped and trained police are used inappropriately as a fighting force. A Coalition press release, for instance, described an "engagement" with an "enemy force" during a joint ANP/Coalition patrol in Ghazni's Andar province, noting "Afghan national security forces, including ANP and Afghan National Army units, routinely conduct such combat patrols with Coalition forces. The purpose of the patrols is to deny sanctuary to the Taliban and al-Qaida

associated militia, destroy enemy forces and prevent the re-emergence of terrorism in Afghanistan".¹³¹ A former police chief in the south said police are all too often expected to operate as "little soldiers.... We do extra work that is not police work. Firing rockets is not the job of police".¹³²

In countering an insurgency, the police are the first line of defence as the interface with the community. They have powers of stop and search, arrest and detention, and since they observe daily comings and goings, should be aware of the first signs of illegal activity. Yet, as the interior minister rightly said, "it is not the responsibility of the police to fight [the insurgency]. The police are responsible for implementing the law, and we should not train our policemen with an inclination for war".¹³³ Indeed, "funding from LOTFA is conditional on assurances that police will not be involved in any military or combat operations".¹³⁴

However, there appears to be considerable confusion about the different roles of police and army. In the streets of Kabul and Kandahar, for example, ANA can sometimes be seen conducting traffic checkpoints,¹³⁵ while several police in Kandahar identified "rocket launchers" as their top equipment requirement after a summer of fighting in Panjwayi in 2006.¹³⁶ Police sometimes display such weaponry at Kabul check posts. Nowhere is this fundamental misunderstanding revealed more than in the MOI's National Internal Security Strategy (NISS), which declares: "The coalition forces, ANA and the ANP, continue to wage war against armed groups promoting the use of terrorist activities to achieve their goals".¹³⁷

Police are not meant to wage war. The National Security Council (NSC), the body "charged with the direction and coordination of all security ministries and security related policies", should issue appropriate policy guidelines¹³⁸ But it seems to have had only a peripheral role in defining the police role. One of the International Police Coordination Board's first orders of business should be to have police

¹²⁶ Afghanistan NGO Safety Office Weekly Security Report, 7-13 June 2007. In Khost a suicide bomber attacked a police check post but killed only himself.

¹²⁷ Peter Graff and Sayed Salahuddin, "Afghan Suicide Bombing Kills 24", Reuters, 17 June 2007.

¹²⁸ Time period 22 December 2006 to 2 May 2007. Crisis Group email, Nic Lee, project director, Afghanistan NGO Safety Office, 10 May 2007. It is widely suspected that police sometimes "discover" devices to make themselves look good.

¹²⁹ "Kabul Suicide Bombers Kills Seven", RFE/RL, 6 April 2007.

¹³⁰ "Karzai orders compensation for blast victims", Pajhwok Afghan News, 18 June 2007.

¹³¹ "ANP, Coalition forces respond to attack, detain enemy", Combined Forces Command – Afghanistan (CFC-A), Coalition Press Information Centre, 22 February 2006.

¹³² Crisis Group interview, southern Afghanistan, 13 July 2006.

¹³³ "Police reforms to be complete in two months – Afghan interior minister", Ariana TV report, Kabul, 26 March 2007 (Dari), transcription from BBC Monitoring news service.

¹³⁴ "Implementation of the Afghanistan Compact", op. cit., p. 13.

¹³⁵ "The Afghan army has traditionally been an internal security force". Seth G. Jones, Jeremy M. Wilson, Andrew Rathmell, K. Jack Riley, "Establishing Law and Order after Conflict", RAND, 2005, p. 68.

¹³⁶ Crisis Group interviews, Kandahar, February 2007.

¹³⁷ "National Internal Security Strategy", interior ministry, September 2006, p. 9.

¹³⁸ (Interim) "Afghanistan National Development Strategy", summary report, January 2006, p. 29.

officers experienced in strategic reform assist the NSC and MOI in rewriting national security strategies that clearly define the roles of the security services.

Kabul and international actors driving police reform need to recognise, as stated by the deputy UN Special Representative, that:

A credible police force and institutions that help solve crimes, resolve land disputes, and curb the impunity of commanders is part of counter-insurgency. Having police in the trenches firing at the Taliban is not a successful sign of counter-insurgency but means that military and policing functions are being intermingled in unhelpful ways.¹³⁹

B. LOSING HEARTS AND MINDS

As one of the most visible faces of the state, police behaviour will do much to determine the population's attitude toward local and central authorities. An expert on democratic policing points out:

A police force whose primary business is serving the disaggregate public ... enhances the legitimacy of government by demonstrating that the authority of the state will be used practically and on a daily basis in the interests of the people. In most countries today, this sort of responsive, service-oriented policing would be a revolutionary departure from traditional behaviour. It would, however, do more for the legitimacy of government than any other reform program, and its effects would immediately be felt.¹⁴⁰

This applies not just to peacetime policing. Hearts and minds are even more important during conflict. In the midst of the Malayan insurgency in late 1952, "Operation Service" was launched, which emphasised the police undertaking acts of public service. Internal policing and security strategies in Afghanistan do not stress fighting the crime against average citizens which often has a greater impact on their sense of security than the insurgency.¹⁴¹ Instead, many communities view the police as predatory. Hearts and minds are being lost, not won.

Petty corruption abounds, hitting the poorest members of society the hardest. Drivers at taxi stands in Kabul say they have to pay between 60 cents (30 Afghanis) and \$2 (100 Afghanis) a day to police to go about their business. Infringements, real or imagined, are met with assault, demands for bribes or punctured tyres. "The traffic police beat and humiliate us", a driver said. "They have power and nobody can speak against them. If we do speak up they will take us into custody".¹⁴² A guesthouse worker in Ghazni raged at constantly having to provide food and accommodation to ill-behaved, drug-using police. On one occasion, "some policemen stayed overnight. They asked me to provide them some *charas* (cannabis). I called the police department – and they told me to give them some if I had any".¹⁴³

In insurgency-hit areas, the public can be left wondering whose side the police are on. The deputy head of the Ghazni Provincial Council said police in Andar district looted shops in November 2006.¹⁴⁴ In Helmand's capital, Lashkar Gah, mechanics took to the streets protesting police brutality in March 2007.¹⁴⁵ "If paid, police leave a person, even [if] he is arrested red-handed with explosives in his vehicle", a protester told a news agency, but "police don't pay us for repairing their vehicles". In Helmand's Sangin district, locals accused the police and army of looting homes and businesses in April 2007.¹⁴⁶ A strike by truck drivers in April-May 2007 in Peshawar, Pakistan protesting tolls and bribes to travel through Afghanistan was eerily reminiscent of the corruption the Taliban exploited to gain popular support in the 1990s.¹⁴⁷

Such behaviour not only alienates people but can also actively drive them to anti-government forces. The 1950 Police Commission to Malaya "viewed police corruption as a major source of the people's dissatisfaction with the government. The many bad policemen served as some

¹³⁹ Crisis Group interview, Christopher Alexander, Kabul, 6 May 2007.

¹⁴⁰ David H. Bayley, *Changing the Guard: Developing Democratic Police Abroad* (New York, 2006), p. 21.

¹⁴¹ In the first quarter of 2007, 50 of 70 incidents targeting NGOs were of a criminal, not insurgent, nature. None of the five NGO deaths was insurgency related, "Quarterly Data Report", ANSO, 22 December 2006-30 June 2007, p. 1.

¹⁴² Crisis Group interview, Kabul, 6 March 2007.

¹⁴³ Crisis Group interview, Ghazni, 14 March 2007.

¹⁴⁴ Crisis Group interview, Ustad Habibur Rahman, Ghazni, 14 March 2007.

¹⁴⁵ Bashir Ahmad Nahim, "Protesters Complain Ill-Treatment by Police In Helmand", *Pajhwok Afghan News*, 3 March 2007.

¹⁴⁶ "They were Afghans wearing military uniforms like the national police and army. They broke into many houses and shops and looted whatever they could", said a local. Helmand's police chief said they were militias working with the Americans, not regular police. "Afghanistan: Men in uniforms rob civilians in Helmand", IRIN News, 25 April 2007.

¹⁴⁷ Chris Sands, "Bring back Taliban to end police corruption, say Afghan truckers", *The Independent*, 10 May 2007. "We pay all our bribes to criminals, and they are criminals who wear police uniforms", said truck driver Abad Khan. "Cargo transporters go on strike today: Truck owners threaten to stop supplies to NATO troops", *Daily Times*, 27 April 2007; "Truckers stop supplies to NATO in Afghanistan", *The News*, 28 April 2007.

of the best recruiting agents for the insurgents”.¹⁴⁸ In Afghanistan, rather than tackling the sense of injustice which contributes to the unrest, the state has opted to build its coercive powers and co-opt strongmen who will also likely challenge its authority. Kabul and its international supporters should heed the warning of a British officer in the south, that an emphasis on training and equipping police alone can actually harm communities: “We recruit someone from a village, train him, send him back to take his place in the community...we have enabled them to be more effective as thugs than they were before”.¹⁴⁹

On 29 May 2006, the police failed to control riots in Kabul following a fatal U.S. military convoy collision with Afghan vehicles. Despite the violence highlighting the pressing need for a more effective and professional police force, the president's office appointed a former mujahidin commander as police chief, Amanullah Guzar, who had failed the Tier II reform's tests and vetting. He was later removed, following a probationary term.¹⁵⁰ In the south during Operation Medusa in mid-2006 and despite a long feud with the Noorzai tribe, the police commander of nearby Spin Boldak was sent into the largely Noorzai areas of Panjwayi. An upturn in the violence was immediately noted, as villagers fought back.¹⁵¹

Such moves do not win insurgencies; they tend to undermine legitimacy by building the perception of a partisan government. Efforts should be made instead to reorient the police to serve and protect the community. In Afghanistan the government will not have a monopoly on violence for a long time but it should certainly have a monopoly on legitimate violence.

VI. DEVELOPING A NEW ETHOS

In the deteriorating security environment, police reform has not concentrated on ethos and accountability. Instead, an analyst described a “slide towards expediency”:

Programs to advance the transparency and democratic accountability of the [security] sector, while situating it within a clear legal framework, have been superseded by a singular focus on training and equipping the country's fledgling security forces.¹⁵²

If an institution and the individuals within it are to be regarded as legitimate, however, they must respect the rules and be seen to act by them. The 1999 Patten Commission,¹⁵³ which followed the Good Friday Agreement in Northern Ireland, noted: “Accountability places limitations on the power of the police, but it should also give that power legitimacy and ensure its effective use in the service of the community”.¹⁵⁴ Agreeing and institutionalising norms and procedures not only helps build community trust but is also essential for the internal ethos of the police. A former senior MOI official pointed out that a culture of impunity results if those inside the institution do not actively and fairly enforce the rules:

If you do not trust the institution, if you fear being removed [for no reason,] there is an incentive to fill your pockets as quickly as possible. Plus you do not believe if you transgress you will be punished anyway....If you become a policeman based on bribery, then you need bribes [to make back that money]. Those appointed by patrons need to stick close to those patrons.¹⁵⁵

In such a system, everyone is pressured or encouraged to transgress, thus undermining the institution. A policeman in Kandahar said, “it is like flowers in wintertime. You may occasionally have one very unusual bloom but fields of flowers do not grow”.¹⁵⁶

¹⁴⁸ James S. Corum, “Training Indigenous Forces in Counter Insurgency: A Tale of Two Insurgencies”, Strategic Studies Institute monograph, March 2006, p. 14.

¹⁴⁹ Crisis Group interview, 11 July 2006.

¹⁵⁰ See Crisis Group Briefing, *Getting Disarmament Back on Track*, op. cit., p. 7. Guzar, formerly head of the mainly Panjshiri and Shamali Tajik Afghan Military Forces (AMF) Division Eight, was made commander of Regiment 01 of the highway police covering northern Kabul to Khinjan highway at the time of DDR and brought some 1,200 of his men with him.

¹⁵¹ Ron Synovitz, “Afghanistan: Reports claim ‘war on terror’ used to hide blood feud killings”, RFE/RL, 31 March 2006; Graeme Smith, “Inspiring tale of triumph over Taliban not all it seems”, *The Globe and Mail*, 23 September 2006.

¹⁵² Mark Sedra, “Security Sector Reform in Afghanistan: The Slide towards Expediency”, *International Peacekeeping*, vol. 13, no.1, March 2006, p. 95.

¹⁵³ The Independent Commission on Policing in Northern Ireland is better known as the Patten Commission after its chairman Chris Patten, now Lord Patten of Barnes and co-chair of the International Crisis Group. For a brief overview of implementation of its recommendations, see www.commonwealthpolicewatch.org/edition5/introspection.htm.

¹⁵⁴ “A New Beginning: Policing in Northern Ireland”, The Report of the Independent Commission on Policing in Northern Ireland, September 1999, p. 7.

¹⁵⁵ Crisis Group interview, Kabul, 26 March 2007.

¹⁵⁶ Crisis Group interview, senior policeman, Kandahar, 23 February 2007.

A. OPERATIONAL AUTONOMY WITH OVERSIGHT

Commenting on a groundbreaking series of directives on police reform by the Supreme Court in India in September 2006, the Commonwealth Human Rights Initiative (CHRI) noted the importance of functional autonomy for police:

In order to function even-handedly and in service of all, the police must be able to do their work free from extraneous pressures while at the same time being accountable in various forums for individual actions, overall performance and any misdeed. This requires that the police be given clear direction and role, and then be allowed to perform without fear or favour.¹⁵⁷

In Pakistan, the 1985 Police Committee review found that the “symbiotic relationship and nexus between police and the executive was a major cause of serious police misconduct...[the committee] emphasised the need to secure professional independence for the police to function truly and efficiently as an impartial instrument of the law, not a tool of the ruling elite”.¹⁵⁸ The Patten Commission also emphasised the need for police to operate without political interference, while highlighting ultimate accountability to elected representatives:

Operational responsibility [the commission's preferred term to “operational independence”] means that it is the Chief Constable's right and duty to take operational decisions, and that neither the government nor the Policing Board should have the right to direct the Chief Constable as to how to conduct an operation. It does not mean, however that the Chief Constable's conduct of an operational matter should be exempted from inquiry or review after the event by anyone.¹⁵⁹

In Afghanistan, as noted, the interior minister heads the service, with a deputy minister for security affairs focused specifically on police.¹⁶⁰ However, there is interference

in appointments and operations all the way from the president's office to the National Assembly. Confusion over lines of authority at provincial and district levels has already been discussed. Direct operational links to the executive should be severed by creating a police commissioner in Kabul and designating the regional commanders deputy commissioners. While the minister would retain responsibility for overall strategic direction, including setting goals, the police commissioner should have operational control to decide how to proceed in a professional manner, free of political interference.

The public should also have far greater input. Donors have nearly all the resources and would be reluctant to relinquish much decision-making authority, especially since Afghan civil society has little technical knowledge about police work. Yet, surely, democratic nations should accept the importance of local input and buy-in and actively promote it. It is after all the community that is likely to most support substantive change and a reform agenda against vested interests.

A Police Liaison Board that includes academics, civil society representatives, human rights activists and lawyers, and with a meaningful number of women, might be established to advise on strategic direction and provide input to the appointment of the police commissioner. Seats with fixed individual tenure could be allocated to organisations, interest groups and bodies. The commissioner, the MOI, the ICPB and major donors should hold regular public consultations and agree to respond formally to questions where appropriate. Through liaison and dialogue, there is potential to develop the technical expertise required for meaningful civil society contributions.

In the regions, provincial councils are already tasked with oversight, including to “analyse and evaluate the actions of law enforcement bodies and provide related reports to [the] provincial administration”.¹⁶¹ In most cases, however, little has been done to give them the capacity to do so meaningfully. Provincial police liaison boards, with civil society representatives, similar to that at central level, could be formed to facilitate dialogue with local police and up the chain of command on unresolved issues and to report on local trends to the Kabul board. Such bodies could also assist with civic education campaigns advising people on police responsibilities and citizens' rights.

There are already some local initiatives in “community policing”. A district police chief in Kabul said superiors had directed him to meet regularly with local leaders, and

¹⁵⁷ “Compliance with the Supreme Court Directives on Police Reform”, CHRI, January 2007, p. 5, at www.humanrightsinitiative.org/programs/aj/police/exchange/Compliance%20with%20SC%20directives%20Jan%202007.pdf.

¹⁵⁸ Dr Muhammad Shoab Suddle, director general, National Police Bureau, Pakistan, “Police-Executive Relationship in Pakistan”, Paper for CHRI conference, Police Reform in South Asia: Sharing of Experiences, New Delhi, 23-24 March 2007, p. 4.

¹⁵⁹ “A New Beginning”, op. cit., p. 33.

¹⁶⁰ General Moneer Mohammed Mangal recently moved from the ANA to this post, promising that “after eighteen months the Afghan National Police will be the real defender of the public's interests...my main task will be to train the police to a standard that regains the public's trust and cooperation”. See “Policing

the Police” *Sada-e Azadi (ISAF News)*, no. 133, p. 1. However, whatever his personal qualities, his military background could shape his understanding of the police role.

¹⁶¹ Provincial Council Law (2005), Article 4 (6).

he talked weekly with “councillors”, emphasising that public cooperation was essential to security.¹⁶² Local elections have been indefinitely postponed,¹⁶³ so it is not clear who some of these representatives would be,¹⁶⁴ but it is encouraging that the importance of community dialogue was acknowledged.

The National Assembly could be another important oversight body but only if members are made to understand that police effectiveness and legitimacy are undermined by political interference in appointments and everyday duties. Members often seem more interested in pushing their own candidates than in broader strategies or abuse of their constituents. At one time there was even a motion before the more powerful lower house (*Wolesi Jirga*) that parliamentarians should be consulted before appointments were made in their constituencies.¹⁶⁵ Influence peddling – even the appearance of it – should be strictly prohibited by both houses’ rules. Direct interference (or the appearance of it) in police operations or investigations should also be barred. A senior officer complained that after a high-profile arrest, “I get 100 calls from parliamentarians and government officials insisting upon release”.¹⁶⁶

Policing most obviously falls under the internal affairs committees. Unfortunately, due to the exclusion of political parties from the elections, the *Wolesi Jirga* committee is composed mostly of ex-mujahidin and has only one woman, the wife of a former commander, among 22 members. A far more representative subcommittee should be formed on policing issues, including members from the defence, justice and women’s affairs, civil society and human rights committees and with at least one-third female representation. Like all standing committees, it would need technical help to ensure proper functioning. As well as continuing to build the executive’s capacity, donors should ensure that the legislature is capable of effective oversight. The first task for a policing subcommittee should be thorough examination of the Police Law, including public hearings and consultations with international and national experts. Public hearings could also look into the *tashkeel* (the organisational

staffing plan). Legislators have a legitimate interest in this as well as insight into on-the-ground realities.

B. APPOINTMENTS

One power the *Wolesi Jirga* has been able to exercise is approval of ministers. The interior minister has been summoned for questioning more than any other but, despite harsh criticism, has not faced a vote of confidence thanks to the government’s strong lobbying.

The new deputy minister for security affairs – responsible for policing – was vetted by the Afghanistan Advisory Board on Senior Appointments created in September 2006 as a requirement of the Afghanistan Compact.¹⁶⁷ That board is tasked with advising the president on senior appointments, looking into candidates’ human rights backgrounds as well as involvement with narcotics and providing a shortlist, although the president retains the final say.¹⁶⁸ It is also supposed to vet provincial police chief appointments but the June reshuffle of those officials was apparently not put before it for reasons of urgency. That is not good enough; avoiding proper vetting channels may save a little time in the short term but risks serious long-term consequences. Donors need to insist that proper processes are followed in appointments.

Once each level of the pay and rank reform has been completed, an organisational structure is needed to handle professional development, promotions and tenure. In case of misbehaviour, negligence or underperformance, remedial action must follow within clearly set-out institutional mechanisms. Without such provisions, police appointments will simply continue as a patronage merry-go-round. The executive has the right to appoint the most senior police but should then leave it to them to institute professional selection procedures with advice from the

¹⁶² Crisis Group interview, a Kabul district police chief, Kabul, 4 July 2007.

¹⁶³ See Crisis Group Report, *Afghanistan’s New Legislature*, op. cit.

¹⁶⁴ They were called *Wakil-e Guzar*, informal district-level representatives in Kabul, whose method of selection was unclear.

¹⁶⁵ “Proposed Plan of the [*Wolesi Jirga*] Internal Affairs Committee on Police Reform” (in Dari and Pashtu), 16 April 2007. It was not in the version passed by the plenary on 4 August, though all know this is what many members insist on in practice.

¹⁶⁶ Crisis Group interview, Kabul, 26 March 2007.

¹⁶⁷ Crisis Group communication, person involved with the board, Kabul, 20 June 2007. The Afghanistan Compact states (p. 7): “A clear and transparent national appointments mechanism will be established within six months, applied within 12 months and fully implemented within 24 months for all senior level appointments to the central government and the judiciary, as well as for provincial governors, chiefs of police, district administrators and provincial heads of security”. It adds (p. 8): “By end-2010 the Government will...improve its information base concerning those involved in the drugs trade, with a view to enhancing the selection system for national and sub-national public appointments, as part of the appointments mechanism mentioned earlier”. The board was appointed within the six months, meets and has agreed terms of reference, though these are still to be confirmed.

¹⁶⁸ See “Factsheet: Special Consultative Board for Senior Government Appointments”, UNAMA. The name was later changed to the Afghanistan Advisory Board on Senior Appointments, although a final name is yet to be gazetted.

Afghanistan Advisory Board on Senior Appointments or a similar body which can conduct robust vetting. Public input at provincial and district level, including from minority and women's organisations, could also be sought and appointments properly publicised.

At the same time, as long as it pays the bills, the international community must at least have a role in monitoring appointments. An Afghan involved in the pay and rank reform process points out that given the cleavages from the years of conflict, "there is a serious need for international observation in the future. If the internationals leave, it will not go in the right direction. Even the intellectuals, the professionals give preference to their own ethnic group".¹⁶⁹ With its networks of trainers and mentors now extending through most of the country, the international community has the wherewithal to gather and store observations on police personnel.

C. ACCOUNTABILITY

A code of conduct should be widely circulated within the police and be simple enough for the largely illiterate rank and file to comprehend. It should also be widely distributed and publicised among the general population in order to obtain wide buy-in. Currently, the police are subject to the discipline of separate courts,¹⁷⁰ including a police court in Kabul and military courts in the regions.¹⁷¹ Separate justice systems are not ideal, although given the present poor state of the general justice system, these mechanisms may be acceptable for the short term.

The MOI's internal affairs department, instituted in 2005, has only 35 staff, including computer operators and bodyguards, but is to more than quadruple, including with investigative teams based in each regional command. Its anti-corruption unit, with eleven officers, has pursued 31 cases, resulting in prosecution of five officers and prison sentences for two.¹⁷² It is crucial that internal affairs be staffed with the best and ablest officers and given the necessary resources and autonomy. It needs to be a focus of donor capacity building – at central, regional and provincial levels – if it is to help root out corruption and human rights abuses.

While such internal systems are vital to deter and detect police crime, more transparent and independent processes are also needed. The public must be able to complain and see results. In Northern Ireland, the Patten Commission created an ombudsman system. Elsewhere there are examples of independent police complaints authorities. To build one invulnerable to "capture and expedience", the Commonwealth Human Rights Initiative recommended:

- ❑ independence of members;
- ❑ capacity building of members and staff, particularly in investigative skills and techniques;
- ❑ adequate funding and infrastructure;
- ❑ cooperation between complaints authorities and the police department; and
- ❑ proper coordination between human rights commissions and police complaints authorities.¹⁷³

It is probably too much at this stage to build an entire national network or yet another board. However, a police ombudsman, appointed by the president upon recommendation of the Afghanistan Independent Human Rights Commission (AIHRC) as an independent voice charged solely with investigating the worst accusations against police and equipped with sufficient investigators, could help build civilian expertise. All deaths in custody and deaths due to police action should be reported to the office of the ombudsman, which in its work could also draw on the networks of the AIHRC and provincial police liaison boards. Statistical and analytical research into broader trends in policing and a focus on gender-based crimes and their investigation should also be part of the office's mandate as a way of encouraging transparency.

D. LINKAGES WITH THE JUDICIAL SECTOR

There is little use in building up the police without similar investment in the wider judicial sector. The two are vitally interlinked. If police do not know the law and feel bound by it, they will not promote the rule of law; if the courts and prisons are not there to process detainees, there is no rule of law to promote. "Without an integrated approach to establishing the rule of law, police training alone will fail to constrain the arbitrary and corrupt exercise of power that now characterises the conduct of security forces and of the criminal justice system in Afghanistan", a U.S. expert observed in 2004.¹⁷⁴ Three years later, as the Rome Conference on the Rule of Law in Afghanistan (2-3 July

¹⁶⁹ Crisis Group interview, Kabul, 8 May 2007. The commission is a solely Afghan board, with international oversight.

¹⁷⁰ Constitution, Article 134 (4): "Discovery and investigation of crimes related to the armed forces, police and national security officials are regulated by special law".

¹⁷¹ Crisis Group interview, General Wakeel, head of MOI internal affairs, Kabul, 10 May 2007. He said that 357 cases had come before the police court.

¹⁷² Ibid.

¹⁷³ "Compliance with the Supreme Court Directives on Police Reform", op. cit., p.15.

¹⁷⁴ "Establishing the Rule of Law in Afghanistan", testimony by Robert M. Perito, special adviser, rule of law program, United States Institute of Peace (USIP), to the Senate Foreign Relations Committee, 12 May 2004, p. 4.

2007) sought to instil momentum to judicial sector reform, it was again emphasised that without such links “the police would remain simply a security force but not be able to contribute to ending impunity and implementing the rule of law”.¹⁷⁵

The judicial sector has received far fewer resources than the police and has yet to see any significant change, particularly outside the capital, where most Afghans live.¹⁷⁶ It was estimated in 2004 that: “the United States spent 55 times more on the ANA than on reconstructing the justice system, sixteen times more on the police, and twelve times more on counter narcotics”.¹⁷⁷ The current state of “cops, courts and corrections” is that of “a stool with one long leg and two stubby ones”, the CSTC-A’s deputy commander of policing programs said.¹⁷⁸

Pledges at the Rome Conference were \$360 million,¹⁷⁹ although they were not broken down by country and in many instances repeated earlier commitments. Of course, judicial reform, like police reform, involves more than resources. It must take place within an appropriate strategic framework, including a comprehensive pay reform process and vetting of all senior staff.¹⁸⁰ More than five years after the Taliban’s ouster, the Rome Conference was still urging a rather basic level of planning on the government and the international community: to “agree on the priorities for the justice sector reform” with a “comprehensive and credible National Justice Program that links the Supreme Court, Ministry of Justice and Attorney General’s Office”.¹⁸¹

Cooperation on investigations between the police and prosecutors is particularly vital and, as discussed above, is still lacking.¹⁸² In August 2006 the ANP leadership and

the attorney general’s office attended an Italian-German seminar and agreed to establish a permanent joint commission. A year later, this appears finally to be coming to fruition, with agreed terms of reference and both institutions appointing three members – although the new body is yet to be inaugurated. It is proposed to meet fortnightly and, supported by a secretariat, work on joint guidelines and protocols, which would be circulated throughout the respective institutions.¹⁸³ It is essential to give this work greater momentum, backed by the necessary political will, in order to overcome a lack of mutual trust that extends through the provinces in many parts of the country.

By facilitating linkages between their efforts in the judicial sector and policing, donors could also help rebalance the current focus on police purely as part of the security sector. It is to be hoped that EU efforts to create linkages between the European Commission’s Justice Program, whose first experts arrived to make an assessment in July, and the Council-mandated EUPOL mission will bear fruit. However the launch of a more integrated rule of law mission – such as that designed for Iraq – would have been preferable for enhancing coordination and comprehensive reform.

¹⁷⁵ Working group on effective police-prosecutor cooperation, co-chairs’ summary report to the plenary, Conference on the Rule of Law in Afghanistan, Rome 2-3 July 2007.

¹⁷⁶ See Crisis Group Asia Report N°45, *Afghanistan: Judicial Reform and Transitional Justice*, 28 January 2003 for earlier work in the justice field.

¹⁷⁷ “Establishing Law and Order after Conflict”, op. cit., p. 103.

¹⁷⁸ Crisis Group interview, David Dobrotka, deputy commander for police programs, Kabul, 25 June 2007.

¹⁷⁹ “U.S. pledges \$15 million in extra funds to support Afghan justice system”, Associated Press, 3 July 2007.

¹⁸⁰ This has been earmarked as a European Commission priority, “EU Commitment to the Governance and Rule of Law in Afghanistan.” speech by EU Commissioner Benita Ferrero-Waldner, Rome, 3 July 2007.

¹⁸¹ “Joint Recommendations”, Rome Conference on the Rule of Law in Afghanistan, 2-3 July 2007, p. 2.

¹⁸² For more detailed discussion, see Michael E. Hartmann, adviser to the attorney general of Afghanistan, “Prosecutor-Police Coordination: The Legal Framework”, presentation to the German-Italian Seminar on Best Practice Cooperation

Between The Afghan National Police and the Saranwal [prosecutor], Kabul, 12-13 August 2006.

¹⁸³ “Co-operation Between Police and Prosecutors”, Ministry of Interior-Attorney General’s Office Commission, discussion paper for Conference on the Rule of Law in Afghanistan, Rome 2-3 July 2007, p. 1, and working group on effective police-prosecutor cooperation, op. cit.

VII. CONCLUSION

The lead-nation approach to security sector reform has not served Afghanistan well, resulting in the absence of a comprehensive strategy to reform and rebuild the army, police and judiciary, within the framework of disarmament. In the early years, the ANA received the lion's share of attention, though a reformed police and judiciary would have had far more impact on the average citizen's life and perception of the government's legitimacy. While reform is a long-term process, the slow pace of visible progress after five years has led to disillusionment in a population that is eager for change. Reform is speeding up now but its focus tends to be on training and equipment, with far less thought going into the role of policing in a democratic state and in relation to other institutions.

Rule of law, upheld by accountable, depoliticised national institutions, is key to state building. Trust can only be built within organisations and the community through institution building, not by reshuffling individuals for political considerations. Such an approach to police reform would reap rewards not just in good governance and human rights but also in economic development and security. Challenging those who abuse their positions, even as they pledge allegiance to the central administration, may require some tough decisions but individual and institutional accountability would build public confidence. Kabul should heed the warning of a senior police officer that "the more compromise, the more drift into chaos and anarchy".¹⁸⁴

The average citizen is yet to see improved police effectiveness and behaviour, certainly not commensurate to the resources and time that have gone into reform. Indeed, the present concentration on technical capacity and training could simply help entrench corrupt and abusive structures. A greater emphasis should be placed on police governance, particularly building professional and honest structures shielded from political interference.

Building the police must be viewed as part of a wider process of democratisation, rather than simply a security task. Much greater attention is needed to oversight by and dialogue with the community and its elected representatives, including the National Assembly, provincial councils, media and human rights groups. The public needs to know what should be expected of police. The Patten Commission Report rightly noted that the support and consent of the community is vital "but one can and should go further....policing is a matter for the whole community, not something the community leaves

the police to do".¹⁸⁵ This is especially vital in conflict areas, where the public faces a choice whether to engage with government institutions. As a Kabul district police chief said, "when the people trust the police, that is the time there will be real security".¹⁸⁶

Kabul/Brussels, 30 August 2007

¹⁸⁴ Crisis Group interview, 26 March 2007.

¹⁸⁵ "A New Beginning", op. cit., p. 8.

¹⁸⁶ Crisis Group interview, Kabul, 4 July 2007.

APPENDIX A

MAP OF AFGHANISTAN



APPENDIX B

GLOSSARY

AIHRC	Afghanistan Independent Human Rights Commission
ANA	Afghan National Army
ANAP	Afghan National Auxiliary Police
ANCOP	Afghan National Civil Order Police
ANP	Afghan National Police
CFC-A	Combined Forces Command – Afghanistan
CSTC-A	Combined Security Transition Command – Afghanistan
CTC	Central Training Centre
DDR	disarmament, demobilisation and reintegration
DIAG	disbandment of illegal armed groups
ESDP	European Security and Defence Policy
EU	European Union
EUPOL	European Union Police Mission
FOB	Forward Operating Base
GPPO	German Police Project Office
IED	Improvised Explosive Device
INL	Bureau of International Narcotics and Law Enforcement Affairs, U.S. State Department
IPCB	International Police Coordination Board
ISAF	International Security Assistance Force
JCMB	Joint Coordination and Monitoring Board (for the Afghanistan Compact)
JEMB	Joint Electoral Management Body
KhAD	<i>Khidamat-i Ittila 'at-i Dawlati</i> - State Information Services
LOTFA	Law and Order Trust Fund for Afghanistan
MOD	defence ministry
MOI	interior ministry
NISS	National Internal Security Strategy
NSC	National Security Council
NSD	National Security Directorate
OMC-A	Office of Military Cooperation – Afghanistan
OSC-A	Office of Security Cooperation – Afghanistan
PDPA	People's Democratic Party of Afghanistan
PRR	pay and rank reform
PRT	Provincial Reconstruction Team
RTC	Regional Training Centre
<i>Saran</i>	officer

<i>Satanman</i>	non-commissioned officer
<i>Satunkai</i>	“Soldier”/patrolman
<i>Shura-yi Nazar-i Shamali</i>	Supervisory Council of the North
<i>tashkeel</i>	organisational staffing plan
TIP	Transition Integration Program
UNAMA	United Nations Assistance Mission in Afghanistan
UNDP	United Nations Development Program
UNODC	United Nations Office on Drugs and Crime
<i>Wakil-e Guzar</i>	informal district-level representative
<i>Wolesi Jirga</i>	lower house of the National Assembly