

Issues Paper Series

Cops or Robbers?

The Struggle to Reform the Afghan National Police



Andrew Wilder



July 2007

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About the Afghanistan Research and Evaluation Unit (AREU)

The Afghanistan Research and Evaluation Unit (AREU) is an independent research organisation headquartered in Kabul. AREU's mission is to conduct high-quality research that informs and influences policy and practice. AREU also actively promotes a culture of research and learning by strengthening analytical capacity in Afghanistan and facilitating reflection and debate. Fundamental to AREU's vision is that its work should improve Afghan lives.

AREU was established in 2002 by the assistance community working in Afghanistan and has a board of directors with representation from donors, UN and other multilateral agencies, and non-governmental organisations (NGOs). Current funding for AREU is provided by the European Commission (EC), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the World Bank, and the governments of Denmark, Norway, Sweden, Switzerland and the United Kingdom.

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Glossary

<i>saranman</i>	commissioned police officer
<i>satanman</i>	non-commissioned police officers
<i>satunkai</i>	patrolmen
<i>takhsis</i>	budget allotment
<i>tashkil</i>	staffing establishment detailing the number of sanctioned posts at each grade level

Acronyms

ABP	Afghan Border Police
AGO	Attorney General's Office
AHP	Afghanistan Highway Police
ANA	Afghan National Army
ANAP	Afghan National Auxiliary Police
ANCOP	Afghan National Civil Order Police
ANP	Afghan National Police
ANSF	Afghan National Security Forces
AUP	Afghan Uniformed Police
CENTCOM	Central Command
CNPA	Counter Narcotics Police of Afghanistan
CSTC-A	Combined Security Transition Command — Afghanistan
CTC	Central Training Centre
DDR	Disarmament, Demobilisation and Reintegration
DIAG	Disbandment of Illegal Armed Groups
EC	European Commission
ESDP	European Security and Defence Policy
EU	European Union
EUPOL	European Union Police Mission in Afghanistan
EUSR	Office of the European Union Special Representative
FRU	Family Response Unit
GAO	Government Accountability Office

GPPO	German Police Project Office
ICPC	Interim Criminal Procedure Code
INL	Bureau of International Narcotics and Law Enforcement Affairs (US)
IPCAG	Interagency Police Coordinated Action Group
IPCB	International Police Coordination Board
ISAF	International Security Assistance Force
JCMB	Joint Coordination and Monitoring Board
KIA	Killed in Action
KPA	Kabul Police Academy
LOTFA	Law and Order Trust Fund for Afghanistan
MoD	Ministry of Defence
MoF	Ministry of Finance
Mol	Ministry of Interior
NATO	North Atlantic Treaty Organisation
NISS	National Internal Security Strategy
NPP	Norwegian Police Project
NSD	National Security Directorate
PAG	Policy Action Group
PRD	Police Reform Directorate
PRT	Provincial Reconstruction Team
RTC	Regional Training Centre
SSR	Security Sector Reform
SWAT	Special Weapons and Tactics
TIP	Transition Integration Programme
TFP	Task Force Police Directorate
UNAMA	United Nations Assistance Mission in Afghanistan
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime

Executive Summary

This paper provides an overview of the police sector in Afghanistan, assesses reform efforts since 2002, and identifies five key issues that must be addressed if the objective of creating an effective Afghan National Police (ANP) is to be achieved. The resurgence of the Taliban in southern Afghanistan since 2005 has contributed to a belated realisation of the importance of an effective police force, and resulted in an exponential growth in resources for police reform efforts. 2007 is likely to see more money committed to the police sector than the previous five years combined. This makes it an important time to assess and learn from past efforts, and to take advantage of the opportunity these additional resources will provide to develop a more comprehensive and effective approach to police reform in the future.

Overview of the Police Sector

Afghanistan has never had a very strong or effective civilian police force. Whatever progress was made in developing a civilian police force during the 1970s was lost during the more than two decades of conflict that followed. Following the defeat of the Taliban in the fall of 2001, anti-Taliban Northern Alliance commanders were quick to exploit the power vacuum and filled many of the district and provincial police forces with private militias who had little or no police training or experience. The daunting challenge confronting police reformers in the spring of 2002 was to create an effective civilian police force from an untrained force manned primarily by factional commanders and their militias, who had little or no equipment or infrastructure, who were unpaid or under-paid, and who operated within the corrupt and factionalised institutional structure of the Ministry of Interior (Moi).

The Afghan National Police (ANP) is Afghanistan's over-arching police institution, which consists of the following forces: Afghan Uniformed Police (AUP) who are responsible for most day-to-day police activities; Afghan Border Police (ABP); Afghan National Civil Order Police

(ANCOP); and the Counter Narcotics Police of Afghanistan (CNPA). In 2006 a temporary force, the Afghanistan National Auxiliary Police (ANAP), was established separate from the ANP to support counter-insurgency operations. The ANP operate under the authority of the Ministry of Interior (Moi), which is also responsible for overseeing provincial and district administration and for implementing the government's counter-narcotics policies.

The 2006 Afghanistan Compact authorised a police force numbering 62,000. The increase in insurgent activities in southern Afghanistan in 2006 resulted in several "temporary" measures to increase the size of the police force beyond this authorised level. One controversial quick-fix measure was the creation of ANAP, a force of 11,270 who are recruited locally, given 10 days of training, and then deployed initially to six southern provinces most directly affected by the Taliban insurgency. By late 2006, the US began strongly advocating for an increase in the authorised ANP size from 62,000 to 82,000, which was subsequently approved at the JCMB V meeting in April 2007. The decision to increase police numbers, largely as a result of the growing insurgency, is not fully supported by all other international police reform actors. Some are concerned that the focus of reform efforts is shifting away from establishing a civilian police force to a paramilitary or counter-insurgency force, while others have raised concerns about the fiscal sustainability of increasing the size of the ANP. An area where there is consensus is the need for more policewomen – of the 63,000 police in 2006, only 180 were women.

International Actors and Police Sector Coordination

The police sector in Afghanistan is currently supported by approximately 25 countries and several international organisations. The main police coordination bodies are the Interagency Police Coordinated Action Group (IPCAG) and the recently established International Police Coordination Board (IPCB). The UNDP-managed

Law and Order Trust Fund for Afghanistan (LOTFA) has primary responsibility for coordinating support for police salaries. The European Commission (EC) has been the single largest donor of police salaries, contributing nearly half of the \$330 million channelled by donors through LOTFA between 2002 and 2006.

From 2002 to 2007 Germany was responsible for coordinating international support for the ANP as the “lead donor” or “key partner” for the police sector. During this period it contributed approximately \$80 million to support police reform activities, mostly implemented by the German Police Project Office (GPPO). In 2007 Germany’s key partner role will be subsumed within the overall umbrella of the newly established European Union Police Mission in Afghanistan (EUPOL). The EUPOL mission is expected to consist of 160 police advisors, trainers and mentors, contributed by 23 nations (including some non-EU nations like Norway, Canada and Australia) and deployed throughout the country.

Since 2004, the US has been by far the largest overall contributor of human and financial resources to support the police sector, with its 2007 contribution alone expected to be \$2.5 billion. The US police programme is implemented by the US Department of Defense’s Combined Security Transition Command – Afghanistan (CSTC-A), which is also responsible for training and developing the Afghan National Army (ANA). The main coordination challenges in the police sector are:

- Achieving effective strategic coordination in the absence of a common vision on the role of the ANP and a common strategy on how to achieve that vision. This makes it difficult to extend coordination beyond simple information sharing.
- Strengthening weak coordination between the different security sector “pillars”, especially between the police and judicial sectors.
- Managing the inherent tensions in a situation where a very high percentage of overall hu-

man and financial resources are contributed by one donor, which effectively enables it to dominate decision-making.

- Strengthening weak coordination between Kabul and the regional and provincial levels.
- Strengthening the government’s ability to govern and coordinate the security sector, including improving government-donor coordination and intra-government coordination among competing ministries.

Police Reform Activities

Training and Mentoring

The main focus of police reform from 2002 to 2005 was police training. The central component of the GPPO programme in Kabul was to rebuild and re-establish the Kabul Police Academy (KPA), which trains commissioned officers in a three-year course, and non-commissioned officers in a nine-month course. US support has focused on providing basic training to fresh recruits and serving patrolmen at a Central Training Centre (CTC) for police in Kabul, as well as at seven Regional Training Centres (RTCs). The main police training challenges are:

- High rates of illiteracy and semi-literacy among ANP patrolmen and recruits, which makes it difficult to provide effective training and severely limits the policing tasks that can be performed.
- Weak or non-existent recruiting and vetting systems resulting in little attention given to who is trained, and little follow-up to determine what happens to those who have been trained. In some areas this has had the perverse effect of strengthening forces opposed to the central government.

The focus of reform efforts is now shifting from police training to reinforcing this training through mentoring programmes. The largest mentoring programme is the US-financed programme implemented by DynCorp, which by the end of 2006 employed approximately 500 international police trainers and mentors. Most of

the 160 EUPOL mission personnel will also be given mentoring responsibilities. The main police mentoring challenges will be:

- Finding sufficient numbers of highly qualified international police mentors, with an appropriate mix of political as well as technical skills, who are willing to work in remote and often inhospitable areas of Afghanistan.
- Ensuring commitment to police and Mol reform from the top levels of the government and Mol. In the absence of comprehensive Mol reform, large-scale mentoring programmes to strengthen the capacity of individual police officials are unlikely to have a major impact on improving the overall effectiveness of the ANP.
- Ensuring that effective assessment systems are established to determine whether the mentoring programmes have enough of a positive impact to justify their enormous expense.

Equipment and Infrastructure

Inadequate police equipment and infrastructure are important contributing factors to the ineffectiveness of the ANP, as well as to the large number of police casualties. Large amounts of donor funding are now going into building and renovating police infrastructure and donating police equipment. The biggest challenges to equipping the Afghan police are:

- The lack of internal controls and accountability systems in a notoriously corrupt institutional environment.
- Finding the funds to operate and maintain all the donated equipment, vehicles and infrastructure. This problem is exacerbated by the fact that 95 percent of donated police equipment is non-standard, and some is sub-standard.

Restructuring and Reforming

By 2005 there was a growing realisation that simply providing more training and equipment to individuals who then returned to work in the unreformed institutional environment of the ANP and the Mol was having limited impact. At the same time, the escalation of the insurgency in southern Afghanistan led to greater appreciation of the need for a more effective police force. These two factors have resulted in more attention and resources now being given to institutional restructuring and reform of the ANP and the Mol. The most important institutional reform initiatives in the police sector have been pay and rank reforms, which began to be implemented in late 2005. The major objectives of these reforms are: 1) to restructure a top-heavy police force by reducing senior officer positions; 2) to institute a rigorous process for testing and selecting officers based on merit rather than personal and factional connections and bribery; and 3) to increase pay to facilitate recruitment and retention and reduce corruption.

The most important component of pay and rank reform was instituting a merit-based process for selecting police officers for the greatly reduced number of officer positions. The selection process ran into serious trouble when President Karzai disregarded the recommendations of the selection committee, and instead appointed 14 police chiefs who, among many serious shortcomings, had failed the qualifying exam. After an unusually strong international reaction, and the establishment of a probation board to review the appointments, 11 of the 14 police chiefs were replaced. A major challenge that remains is ensuring that merit-based appointments and promotions are not circumvented in a similar manner in the future.

Key Issues and Recommendations¹

If police reform is to succeed in Afghanistan, and the big increase in resources to reform the ANP is not to be wasted, the major actors –

¹ Section 6 summarises the major recommendations made in this paper.

especially the government, the US, and the EUPOL mission — will need to address five key issues.

1. Develop a shared vision and strategy for the ANP

The most fundamental issue that must be resolved for police reform efforts to succeed in Afghanistan is the need for a shared vision of the role of the ANP, and a shared strategy on how to achieve that vision. In particular, there is a need to reconcile the “German vision” of the police as a civilian law and order force, and the “US vision” of the police as a security force with a major counter-insurgency role. These two visions, shaped in part by the US focus on defeating the Taliban-led insurgency in southern Afghanistan and the German focus on relatively peaceful areas of northern Afghanistan, need to be reconciled and consensus reached on a shared vision that addresses the policing needs of all of Afghanistan.

Given the alarming increase in police casualties, urgent attention must be given to developing alternatives to using poorly trained and equipped police (especially ANAP) as a counter-insurgency force. The role envisioned for the ANP has major implications for how police should be recruited, trained, equipped and deployed, as well as for the composition and size of the police force. The differing German and US visions, combined with the government’s lack of vision, are seriously undermining police reform efforts.

2. Replace SSR pillars with an integrated and comprehensive rule of law strategy

The failure of the government and the international community to develop and implement an effective strategy for reforming and strengthening the judicial sector is a potentially crippling flaw of current police reform efforts. A civilian police force, no matter how well trained and equipped, will have little ability to uphold and promote the rule of law in the absence of a functioning judicial system. The failure to adopt



Photo: Ministry of Interior

a more integrated approach to strengthening the police and justice sectors is related to the failed policy of maintaining separate Security Sector Reform (SSR) “pillars” headed by “lead donors” or “key partners”. This separation has made success within each pillar hostage to the enormous differences in the planning, funding and implementation capacities of each lead donor. The separate pillars also created barriers to developing a comprehensive and integrated rule of law strategy that would provide a coherent overall framework within which the individual sectoral strategies could be developed and implemented. For police reform efforts to succeed, there is an urgent need to develop and implement a comprehensive and integrated rule of law strategy, within which reform of the judicial sector should be prioritised equally, if not higher, than reform of the ANP and ANA.

3. Make donor assistance conditional on comprehensive Mol reform

The most consistent theme that emerged in interviews for this paper was that without com-

prehensive reform of the Mol, police reform efforts will fail and the money spent on reform will be wasted. The Mol is notoriously corrupt, factionalised, and an increasingly important actor in Afghanistan's illegal drug economy. Since 2005 there has been a belated recognition that the focus on training and equipping the police, with little regard for who was being trained or equipped (a process that one provincial Chief of Police described as "putting uniforms on thieves"), will not have much positive impact unless the overall structure within which the police operate – the Mol – is also reformed. While significant progress was made in 2006 to reform ANP pay and rank structures, a much more comprehensive approach to reforming the entire Mol, not just the police section, is necessary if reform efforts are to be effective and sustainable.

There has been a tendency to address police reform as a technical problem requiring technical solutions, rather than recognising that Mol reform is first and foremost a political task requiring a carefully designed political strategy supported at the top levels of government and the international community. A major failure of reform efforts for the past five years has been the lack of political will to proceed beyond recognising and talking about the problem of a corrupt, factionalised and criminalised Mol. Donors should make their assistance more conditional on comprehensive top-down reform of the Mol, without which their contributions toward police reform efforts are likely to be wasted.

4. Prioritise quality of police over quantity

There has been a damaging tendency to let immediate issues, such as the presidential elections and the growing Taliban insurgency, result in "quick fix" solutions that prioritise the quantity of police over the quality. A recent example was the 2006 decision to create the ANAP to assist in counter-insurgency operations. Such measures to quickly increase police numbers are undermining the longer-term objective of creating an effective police force. While too few police may indeed be a serious problem in some

areas, a more serious problem is that the local police that are present are often corrupt and ineffective, and as far as the public are concerned do more harm than good. The reputation of the police (as well as other local government departments) as corrupt and criminalised is eroding the legitimacy of the government, and is one of the important destabilising factors in Afghanistan today. Increasing the quantity of police will only have a positive impact after more progress has been made in improving the quality of the police through measures such as comprehensive Mol reform, more careful recruiting and vetting, better training, strengthened internal control systems, and stronger links to a reformed judicial sector. As long as the police are viewed as part of the security problem rather than part of the solution, hastily increasing the number of poorly trained police to work in a corrupt institutional environment is more likely to have a negative rather than positive security impact.

5. Prioritise fiscal sustainability of the security sector

It is widely recognised that in the foreseeable future Afghanistan will not have the resources to independently sustain the security sector institutions that are currently being developed. Despite this knowledge, few concrete measures are being taken to address the problem, and few decisions are being made to bring security sector costs more in line with what Afghanistan can afford. Failure to act soon to prioritise the fiscal sustainability of the security sector is likely to have a crippling effect on the development of other public and private sector institutions. It may also have a negative impact on the development of democratic institutions, and could result in the destabilising collapse of security institutions once external resources dry up.

International donors must make more of an effort to assess the fiscal implications of reform initiatives such as the massive investments in police equipment and infrastructure and the decisions to increase the size and salaries of the ANP. They must ensure that the planning and

approval of such initiatives are not just based on narrow sectoral perspectives that are negotiated with self-interested ministries, but involve the Ministry of Finance and are based on a national perspective that balances the often competing priorities and demands of different sectors.

Prior to the JCMB VI meeting in the autumn of 2007, and prior to the recruitment of additional police, the affordability of the JCMB V decision to increase force numbers from 62,000 to 82,000 should be reassessed. Even if major cost-cutting measures are introduced, international donors will still need to make medium- to long-term commitments to continue financing a major percentage of the ANP's recurrent costs.

Conclusion

Despite some notable achievements, the overall result of police reform efforts during the past five years has been disappointing, and many Afghans still perceive the ANP to be part of the security problem rather than part of the solution. If the key issues that undermined past reform efforts are not addressed, the major increase in human and financial resources directed towards reforming the ANP are likely to be wasted. It is troubling that these issues are all very self-evident, and for the most part have

been widely recognised as serious problems for several years. The failure to address them, despite the recognition of their importance, highlights the serious inadequacies of the international community when it comes to institution-building and state-building.

Afghanistan is unlikely to ever again have the levels of international attention and resources devoted to reforming the police that it has today. There is now a unique opportunity to move away from the multitude of individual police reform projects toward a more coordinated, comprehensive and longer-term approach that stands a much greater chance of effectively addressing the complex and difficult task of reforming the ANP. It is time to clarify today's blurred vision on the role of police in Afghanistan, and to achieve consensus on a common vision and strategy for developing a police force that will operate as "cops" rather than robbers.

1. Introduction

The true and patriotic police officer is the friend of the people. People always approach them to get rid of oppression. If police officers do not have these qualities people would rather prefer to live under oppression and injustice rather than going to the police since they know that applying to the police will bring them additional problems.

President Karzai, speaking on Radio Afghanistan, 21 November 2002²

There are some parts of Afghanistan where the last thing people want to see is the police showing up. . . . The police (in some areas) are corrupt. They are part of the problem. They do not provide security for the people – they are the robbers of the people.

Brigadier General Gary O'Brien, former Deputy Commander of CSTC-A, March 2007³

Forget about the Taliban. Our biggest problems are with the police.

Anwar Ali, truck driver, May 2007⁴

This paper provides an overview of the police sector in Afghanistan, assesses reform efforts since 2002, and identifies five key issues that must be addressed if the objective of creating an effective Afghan National Police (ANP) is to be achieved.⁵ The resurgence of the Taliban in southern Afghanistan since 2005 has contributed to a belated realisation of the importance of an effective police force, and resulted in an exponential growth in resources for police reform efforts. 2007 is likely to see more money committed to the police sector than the previous five years combined. This makes it an important

time to assess and learn from past efforts, and to take advantage of the opportunity these additional resources will provide to develop a more comprehensive and effective approach to police reform in the future.

The quotes above highlight that five years after police reform efforts began in Afghanistan, many Afghans still “have to live under oppression and injustice”, and believe that the police are more likely to be “the robbers of the people” than “friends of the people”. During the field research for this study it was difficult to find Afghans who had anything good to say about the police, including most police officers themselves. Police were routinely accused of being corrupt and operating on an “arrest, bribe and release” basis; of violating human rights through arbitrary and illegal detentions and cruel, inhuman and degrading treatment of prisoners, including torture; and of being involved in criminal activities including theft, kidnapping, extortion and drug trafficking. As General O'Brien's observation indicates, it is very common for Afghans to view the police as a major source of insecurity rather than security. Given that security is a top-priority concern for many Afghans, the bad reputation of the main institution responsible for protecting Afghan citizens threatens to undermine the legitimacy of the government.

When highlighting the poor performance and reputation of the ANP, it is important to note that there are many very dedicated and hard-working police officers trying to perform their duties against all odds under extremely difficult and increasingly dangerous working environments (627 were killed in action in 2006 com-

² Quoted in Amnesty International, “Afghanistan: Police reconstruction essential for the protection of human rights”, March 2003.

³ John Cotter, “Corrupt cops slow Afghan reform”, *Edmonton Sun*, Canada, 4 March 2007.

⁴ Chris Sands, “Afghan truck drivers quiver from lawlessness, not Taliban”, *San Francisco Chronicle*, 28 May 2007.

⁵ The field research for this paper was conducted in four provinces of Afghanistan (Kabul, Kunduz, Logar and Takhar) in October and November 2006. Approximately 50 semi-structured interviews were conducted with senior MoI officials, provincial and district Chiefs of Police, and key international officials involved with police reform efforts (see Appendix 1 for a list of interviews). Separate focus group discussions were also conducted with police trainers and two groups of trainees at the Regional Training Centre (RTC) in Kunduz. The interviews were supplemented by the review of key documentation related to the Afghan police sector, and extensive follow-up email communications with key informants.

pared to only nine in 2002). The poor performance of the police is not surprising given that they have to work within the corrupt, factionalised and criminalised institutional environment of the Ministry of Interior (MoI), with insufficient and often poor quality police equipment and infrastructure, and extremely limited operating budgets. Most police are illiterate, limiting their capacity to benefit from the full range of training courses and to perform the full complement of policing duties. It is also not reasonable to expect the police to single-handedly enforce the rule of law when the government and international community have done little to reform and develop the judicial institutions – including the Attorney General’s Office, courts and prisons – without which the rule of law cannot effectively be enforced.

Despite its poor reputation, much progress has been made in training and equipping the ANP. Given the starting point of the police in 2002, it is not realistic to expect that within five years reform efforts could have successfully achieved the objective of establishing an effective civilian police force that respects human rights and enforces the rule of law. However, many mistakes have also been made that have undermined and slowed down the reform process. These include: inadequate initial prioritisation and allocation of resources for the police sector; competing strategies and priorities; the failure to address the dependency of police reform on effective justice sector reform; inadequate attention to reforming the institutional environment (the MoI) within which the police operate; too great an emphasis on increasing the quantity of police at the expense of the quality of police; and inattention to the fiscal sustainability of the ANP. Unless lessons are learned from past successes and failures, and a much more comprehensive police sector strategy is developed to guide future efforts, it is unlikely that reform programmes will succeed in changing the ANP’s reputation as “robbers” rather than honest cops.

The remainder of this paper is divided into the following sections:

2. Overview of the Police Sector. This section describes the historical background, organisational structure and responsibilities of the ANP; discusses the debate surrounding the appropriate size of the police force; and highlights the need for more policewomen. It also discusses the creation in 2006 of the Afghan National Auxiliary Police (ANAP).

3. International Actors and Police Sector Coordination. This section outlines the roles of the main international actors involved in the police sector and describes the coordination structures and main coordination challenges.

4. Police Reform Activities. This section describes the main police reform activities in Afghanistan since 2002. It looks at training and mentoring activities and challenges, equipment and infrastructure issues, and the increasing focus since 2006 on restructuring and institutional reform of the ANP and the MoI.

5. Key Issues. This section highlights five key issues that need to be prioritised and addressed if the challenging objective of developing an effective police force in Afghanistan is to succeed.

6. Summary of Recommendations. This section summarises the policy recommendations made throughout the paper.

7. Conclusion.

2. Overview of the Police Sector

2.1 Background⁶

Afghanistan has never had a very strong or effective civilian police force. During the 1960s and 1970s the Federal Republic of Germany and the German Democratic Republic provided assistance and training to help develop the fledgling Afghan police force. The police force at this time consisted of a trained officer corps and a largely untrained force of police conscripts who were required to perform two years of compulsory service. Whatever progress was made in developing a civilian police force during this period was lost during the decades of armed conflict that followed the Soviet invasion of Afghanistan in 1979. As mujahidin groups increased their armed resistance to the Soviet-backed regime, the police increasingly took on a paramilitary role; intelligence agencies became more involved in policing; and thousands of political prisoners were detained, held in police detention facilities, and often subjected to torture.

In 1989, President Najibullah re-opened the police academy in Kabul, which had originally been established during the rule of King Zahir Shah. It was closed again in 1992, however, after Najibullah's government was overthrown and the mujahidin forces took control of Kabul. Following the establishment of the new mujahidin government, all serving conscripts in the army and police were discharged. The subsequent outbreak of widespread factional fighting between the mujahidin groups prevented any agreement from being reached on the creation of a new army and police force. It also led to an anarchic situation where the already very weak central government institutions, including the police, virtually ceased to function altogether.

This lawless environment was a major contributing factor to the emergence of the Taliban, who took control of Kabul in 1996. The Taliban established a religious police force, called the Department for the Propagation of Virtue and the Prevention of Vice, modelled after a similar force in Saudi Arabia. The "Vice and Virtue police" were responsible for enforcing the Taliban's very conservative interpretation of Islamic *sharia* law, which stipulated, for example, that women must be fully covered in public, that men must have beards, and that people must pray five times a day. They frequently arrested and detained individuals, and enforced punishments such as amputations and executions following trials in religious courts.

In December 2001, following the defeat of the Taliban by the US-led Coalition Forces, the major Afghan political factions (excluding the Taliban) agreed to the terms of the Bonn Agreement and selected an Interim Administration headed by Hamid Karzai. The Northern Alliance militia factions that had assisted the Coalition Forces were quick to exploit the power vacuum that resulted from the defeat of the Taliban. Provincial and district police forces — where most posts were unfilled following more than two decades of conflict and collapsed administration — provided an ideal way for factional leaders to accommodate, legitimise and eventually pay for their militia groups.⁷ Factional control over police forces was further strengthened by the appointment of a prominent Northern Alliance factional leader from Panjshir as Minister of Interior for the first year of the Interim Administration. Soon, most senior police posts were filled by former Northern Alliance militia fighters, most of whom had little or no police training or experience.⁸

⁶ This background section contains information from Amnesty International, "Afghanistan: Police reconstruction essential for the protection of human rights", March 2003, pp. 6-7.

⁷ For a description by police officers of this process of accommodating militia forces into the police force see Anne Evans, Nick Manning, et. al., *A Guide to Government in Afghanistan*, Kabul: AREU and The World Bank, 2004, pp. 98-99.

⁸ For example, by June 2002, 12 of Kabul city's 15 police stations were headed by Panjshiri Tajiks. *Eurasia Insight*, 26 June 2002, cited in Mark Sedra, "Police Reform in Afghanistan: An Overview", in Bonn International Center for Conversion, *Confronting Afghanistan's Security Dilemma: Reforming the Security Sector*, BICC Brief 28, p. 33.

In the spring of 2002, a daunting challenge confronted international police reformers seeking to build an effective civilian police force bound by the rule of law and respect for human rights. Their starting point following 25 years of conflict was an untrained force manned primarily by factional commanders and their militias, who had little or no equipment or infrastructure, who were unpaid or under-paid, and who operated within the corrupt and factionalised institutional structure of the Ministry of Interior (Mol).

2.2 Police Organisation and Responsibilities

The main law governing the Afghanistan National Police (ANP) is the 1384 (2005) Afghanistan Police Law, as well as the 1383 (2004) Interim Criminal Procedure Code (ICPC). These laws, in turn, are based on the following articles of the Constitution:

- Article 56 — Observing the provisions of the Constitution, obeying the laws, adhering to public law and order are duties of all people of Afghanistan.
- Article 75(3) — The government shall have the following duties: Maintenance of public law and order and elimination of administrative corruption.
- Article 134 — Discovery of crimes is the duty of the police and investigation and prosecution are conducted by the Attorney's Office in accordance with the provisions of the law.

Article 2 of Afghanistan's Police Law, which was promulgated in September 2005, defines the term "police" as *satanman* (non-commissioned police officers) and *satunkai* (patrolmen) "who are employed by and operate within the organisation of the Ministry of Interior to ensure the public order and security according to the provisions of the law".⁹ A non-commissioned officer

is required to have completed ninth-grade education and a nine-month course at the Kabul Police Academy (KPA).¹⁰ The requirements for a commissioned officer, or *saranman*, is twelfth-grade education and three years at the KPA.

Afghanistan's powerful Ministry of Interior is not only responsible for the police, but also for overseeing provincial and district administration in Afghanistan's 34 provinces, and for implementing the government's counter-narcotics policies. Figure 1 illustrates the organisational structure of the Mol, and the six police departments that come under the authority of the Deputy Minister for Security. The Deputy Minister for Security is also responsible for the National Police Command Centre, which is designed to strengthen communications and coordination among the five Afghan National Police Regional Command Centres, as well as with other security entities such as the ANA, the National Security Directorate (NSD), and foreign military forces.

Each of Afghanistan's 34 provinces and approximately 400 districts are assigned a Chief of Police. The police chain of command is outlined in Article 4 of the Police Law:

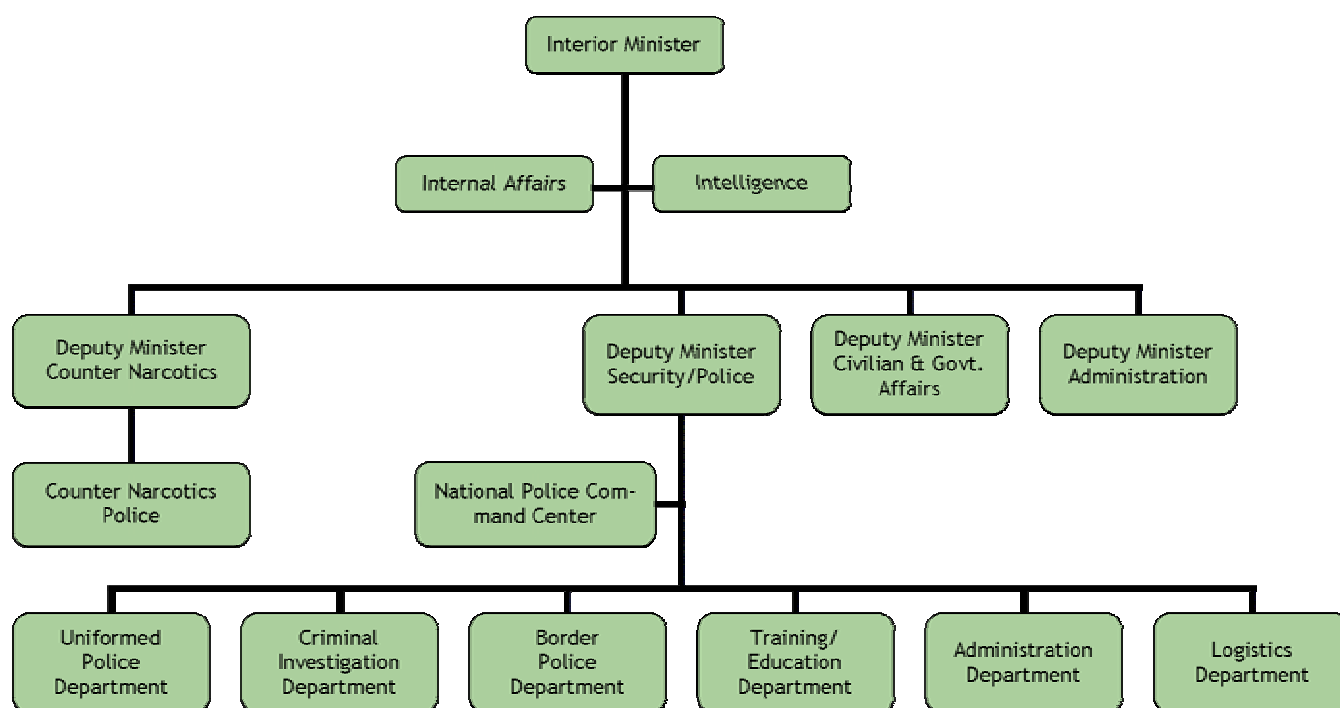
The police shall perform their duties under the leadership of the Minister of Interior in the capital, and under the guidance of the governors and district chiefs in the provinces and districts respectively. The border police and highway security police shall perform their duties under the leadership of the Minister of Interior both in the capital and provinces.

The police chain of command was revised in 2006, following the establishment of five ANP Regional Commands in Kabul, Gardez, Kandahar, Herat and Mazar-i-Sharif (illustrated in Figure 2). The Regional Commands were established in part to create an ANP structure parallel to the Afghan National Army (ANA) — which

⁹ Ministry of Justice, "Police Law", *Official Gazette* No. 862, Kabul, 22 September 2005, p. 1.

¹⁰ There are plans to extend the NCO course from 9 months to one year.

Figure 1: Ministry of Interior Organigram



Source: German Embassy, 2006

also has five regional commands in the same locations – in order to facilitate better security coordination and to reduce the number of provincial police chiefs directly reporting to the Mol in Kabul.¹¹ Another reported reason behind the creation of this parallel structure was to reduce the power and authority of governors, many of whom were perceived to be resisting the authority of the central government.¹² US police advisors assisted the Mol to prepare and issue an order superseding Article 4 of the Police Law, revising the police chain of command. The new chain is from 1) the Minister of Interior, to 2) the Deputy Minister for Security Affairs, to 3) Regional Commanders, to 4) provincial Chiefs of Police, to 5) district Chiefs of Po-

lice. The new chain of command clarified that “Governors are not in the operational chain of command of the national police and will not direct police activities at the tactical or operational level”.¹³

Article 5 of the Police Law details the wide-ranging duties and obligations of the police, which include:¹⁴

- Ensuring and maintaining public order and security;
- Ensuring and protecting the security and legal rights and freedoms of individuals and society;

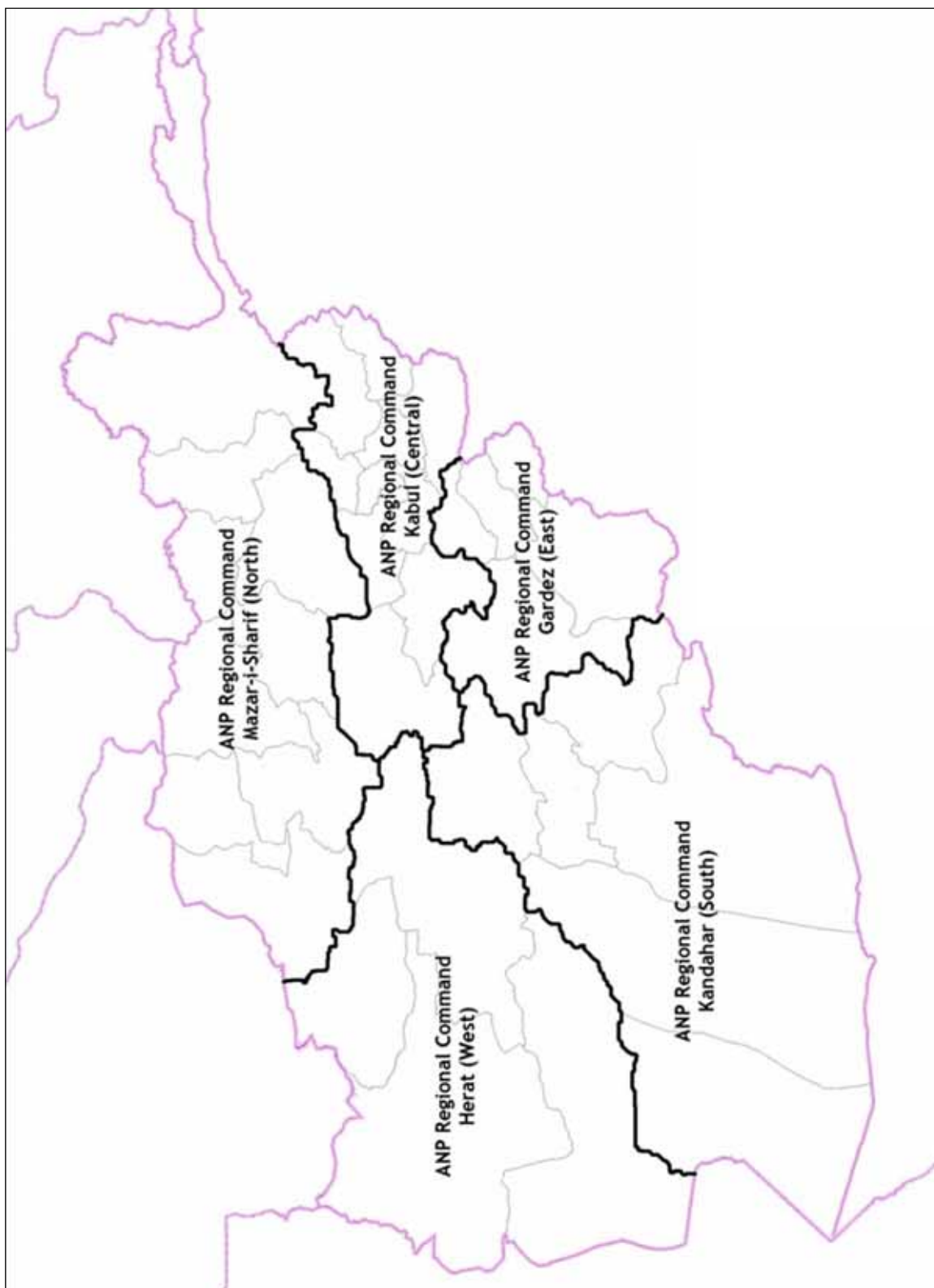
¹¹ Germany reportedly favoured establishing seven Regional Commands, citing concerns that mirroring the ANA structure risked contributing to the militarisation of the ANP. There are also questions about the appropriateness of using regions as administrative units, as these are not recognised in the Constitution. Some concerns have also been expressed about the potential to create administrative confusion, as the administrative relationship for all other government institutions except the ANA (including the other departments of the Mol) is from the central government in Kabul, to the provinces, and then to the districts. For a discussion of Afghanistan’s administrative boundaries, see Anne Evans et. al., *A Guide to Government in Afghanistan*, Kabul: AREU and The World Bank, 2004, pp. 95-97.

¹² AREU interview with US Embassy official, Kabul, 15 November 2006.

¹³ Ministry of Interior, “Order of Minister Regarding Article 4 of the Police Law”, Kabul, 2006. It is not clear if Article 8 of the Police Law, which requires the consent of the Governor to temporarily reassign local police, has been revised.

¹⁴ This is not the entire list of ANP duties. Ministry of Justice, “Police Law”, *Official Gazette* No. 862, Kabul, 22 September 2005, pp. 3-4.

Figure 2: ANP Regional Commands



Source: Afghanistan Information Management Service (AIMS)

- Preventing crime, discovering crimes and arresting suspects;
- Protecting public and private property;
- Fighting against the cultivation of poppies and marijuana, and the production and trafficking of illegal drugs;
- Fighting against organised crime and terrorism;
- Regulating road traffic;
- Responding to and assisting victims of natural disasters; and
- Safeguarding borders, preventing smuggling, and controlling check posts at borders and international airports.

2.3 ANP Size

The size and structure of all government ministries and provincial departments in Afghanistan are determined by their *tashkil* – the staffing establishment detailing the number of sanctioned posts at each grade level. In November 2005, the government of Afghanistan approved a *tashkil* authorising an ANP force level of 62,000, including 50,000 Afghan Uniformed Police (AUP) and 12,000 Afghan Border Police (ABP). This figure was proposed by the German Police Project Office (GPPO), and factored in the need to balance the security needs of the country with a force level that would be fiscally sustainable.¹⁵ This figure was subsequently used as the basis for the following Afghanistan Compact benchmark for the police, which the Government of Afghanistan and its major international donors agreed upon at the January-February 2006 London Conference:

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.¹⁶

While the authorised number of police is known, the exact number of police that actually exist in Afghanistan is not. Personnel records are weak, and there are incentives to inflate police numbers as salary payments in the past have been based on the number of authorised police positions rather than the actual number of police. In June 2006, the Combined Security Transition Command – Afghanistan (CSTC-A) reported the ANP strength to be approximately 70,000, exceeding the Compact ceiling of 62,000.¹⁷ In January 2007, the MoI reported the number of ANP personnel to be 59,658. Others have estimated police numbers to be considerably lower, citing a September 2006 audit of police in Zabul that found that of the 776 police on the books, only 271 police were actually found to be present in their posts.¹⁸ This low figure, however, could also reflect a reported tendency of some police to leave their posts in remote or dangerous districts and to instead base themselves in provincial capitals or other urban centres.

In addition to the total number of police, an important issue is the appropriate balance of forces both functionally as well as geographically. There are currently major shortages of police in important areas, such as the Afghan Border Police (ABP), which at present has only 65 percent of authorised personnel. Other areas are over-manned, such as the MoI in Kabul, where an ongoing rank reform may result in a decrease of up to 8,000 personnel.¹⁹ This decrease, primarily from senior officer levels, will

¹⁵ Inspector Generals, US Department of Defense and Department of State, "Interagency Assessment of Afghanistan Police Training and Readiness", November 2006, p. 11.

¹⁶ The Afghanistan Compact, The London Conference on Afghanistan, 31 January-1 February 2006, "Annex I: Benchmarks and Timelines", p. 6.

¹⁷ Inspector Generals, "Interagency Assessment of Afghanistan Police Training and Readiness", p. 11.

¹⁸ AREU interview, Kabul, 23 November 2006.

¹⁹ Ministry of Interior, "Progress Report on Ministry of Interior (MoI) Reforms", JCMB IV, Berlin, Germany, 30-31 January 2007, p. 16.

mean that more police can be recruited where they are needed more – in the lower ranks.

The dramatic increase in the Taliban-led insurgency in southern Afghanistan in the spring and summer of 2006, resulted in several “temporary” measures being adopted to increase the size of the police force beyond the Compact ceiling of 62,000. In July 2006, President Karzai issued a decree authorising the temporary recruitment of 2,100 additional police as part of an effort to “re-balance” the police force and redeploy additional forces to help fight the insurgency in southern Afghanistan. In the fall of 2006, approval was given for the temporary recruitment of 11,271 Afghan National Auxiliary Police (ANAP). These “police” were to be deployed for one year, primarily in six southern provinces (the establishment of the ANAP is discussed in greater detail in section 2.6 below). The November 2006 JCMB meeting acknowledged the *de facto* increase in police numbers in excess of the Compact benchmark, but noted:

*It is the JCMB’s clear understanding that this will not infringe the commitment of the Afghanistan Compact that by end-1389, Afghanistan will have in place an ANP and Afghan Border Police with a combined force of up to 62,000.*²⁰

By the end of 2006, the move to increase authorised police levels gained momentum, with the US making a relatively unilateral decision to increase force numbers by 20,000. Despite the Compact ceiling of 62,000, the US effectively presented the increase to 82,000 as a *fait accompli*, stating in an information paper circulated in late 2006 that “current *tashkil* efforts are almost complete for the 2007 *tashkil* and have used the 82,000 planning figure”. The paper stated that 82,000 was also used as a budg-

eting figure in the request for 2007 Congressional funding, and warned that “if this force structure is not approved and documented in the 2007 *tashkil*, the effort to rebuild the ANP will be decremented by at least \$300 million in 2007 and significantly more than that in 2008”.²¹ The justification given for the increase was that the 2005 *tashkil* was developed for a relatively benign security environment, and was based on an estimated population base of approximately 24 million. CSTC-A, using a more generous US Census Bureau population estimate of 31 million, and taking into consideration the increased insurgency and higher threat levels, proposed that the ANP be increased by 14,000 and the ABP by 6,000. The issue of fiscal sustainability was not addressed by CSTC-A, although the information paper mentioned that:

*The increase in authorisations for the ANP is not seen as a permanent solution; this increase is seen as a measure to stem the tide of illegal and insurgent activity in Afghanistan. When this threat is lower, expect the force structure to decrease concurrently.*²²

The increase in police numbers for counter-insurgency purposes is not supported by all other international actors engaged in the police sector, especially those who are less involved in fighting the Taliban insurgency in the south. The primary objective of Germany, the key partner for police reform, remains the establishment of a civilian police force to promote the rule of law rather than a counter-insurgency force. Germany’s Special Ambassador for Police Reform recommended that the actual number of police should be verified, and that the approved ceiling of 62,000 should be reached before a decision is made to increase the ceiling to 82,000.²³ Others argued that unless the quality and effectiveness of police is improved considerably, increasing the quantity of largely illiter-

²⁰ “Implementation of the *Afghanistan Compact*”, Bi-Annual JCMB Report, November 2006, p. 12.

²¹ CSTC-A, Unclassified CSTC-A Info Paper, “Subject: 82,000 ANP Force Structure Update”, n.d.

²² CSTC-A, Unclassified CSTC-A Info Paper, “Subject: 82,000 ANP Force Structure Update”, n.d.

²³ AREU interview with Ambassador Helmut Frick, Embassy of the Federal Republic of Germany, Kabul, 30 November 2006.

ate, poorly trained and often corrupt police could well contribute to promoting insecurity rather than security.

The January 2007 JCMB IV meeting in Berlin established a task force on the issue of ANP size, which consisted of Germany (as Chair), the US, Norway, UNAMA, the Office of the European Union Special Representative (EUSR), and the Afghan government represented by the MoI and Ministry of Finance (MoF). The task force conducted a threat assessment that concluded that the number of ANP required in Afghanistan would be 94,000 in 2008, 99,000 by 2010, and — based on the assumption that security would improve — would then decline back to 94,000 by 2015. This need then had to be weighed against the fiscal reality of insufficient government funds to pay even for a police force of 62,000, a point made forcefully by the MoF. For this reason the task force ruled out an increase to 94,000, but could not achieve consensus on what *should* be the ANP size. It therefore recommended that the JCMB Steering Committee select one of two options:²⁴

- 1 Maintain the size of the ANP at 62,000 in accordance with the Afghanistan Compact.
- 2 Increase the size of the ANP to 82,000 in accordance with the proposed enlarged Mol *tashkil*.

At the JCMB V meeting in April 2007, the US position to increase the ANP size prevailed, and the following decision was taken:

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 Gov-

*ernment 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.*²⁵

2.4 Policewomen

One of the big challenges confronting efforts to develop an effective police force in Afghanistan is the lack of policewomen. Of the 63,000 police being paid salaries in the spring of 2006, only 180 were women.²⁶ Of these, many carry out menial tasks such as cleaning, cooking, and making tea for the men, rather than meaningful policing duties. A few have been trained and posted to search female passengers and their luggage at Afghanistan's airports.

Afghanistan's conservative culture, which generally requires the strict segregation of men and women, makes the need for more policewomen extremely important. It is culturally unacceptable for male police to interrogate women, let alone search them. The lack of policewomen to question and search female suspects has reportedly resulted in an increasing number of women being used by drug traffickers to smuggle drugs.²⁷

A more important reason for increasing the number of female police is to make it easier for Afghan women to approach and interact with the police and vice versa. Most women would be very reluctant to go to an all-male police station to seek assistance or protection, or to file a criminal case — especially if their problems relate to sensitive topics such as rape, domestic violence or forced marriage. Yet these are the kinds of issues that usually bring many girls and women into contact with Afghanistan's male-dominated police and judicial institutions.

²⁴ JCMB Task Force, "JCMB Task Force on Afghan National Police Target Strength", Kabul, April 2007.

²⁵ Government of Afghanistan and UNAMA, "Joint Coordination and Monitoring Board Annual Report", Kabul, 1 May 2007, p. 13.

²⁶ UNDP, "Law and Order Trust Fund for Afghanistan (LOTFA)", Kabul, 2006.

²⁷ Kim Barker, "Trading burqas for camouflage: Afghan women take up arms in war on narcotics", *Chicago Tribune*, 3 June 2005.



Photo: Noorullah Elham and Murwarid Abdiani

The majority of women in Afghanistan's prisons are incarcerated for allegedly having committed "moral crimes", such as prostitution, adultery, or simply running away from their homes or husbands.²⁸ According to one report, 56 percent of the women in Kabul prisons in 2005 were detained for "moral crimes".²⁹ Running away is not codified as an offence in the formal justice system, yet according to one study, 20 of the 80 women in Kabul's Pul-i-Charkhi prison were accused or convicted of running away from home, with prison terms ranging from 6 months to 14 years imprisonment.³⁰ It is very often the girls

and women who run away to escape domestic violence or forced marriages that are prosecuted, while the perpetrators of violence escape prosecution. At a workshop on Gender and Criminal Justice in Afghanistan, a member of the Investigation Department of the Attorney General's Office cited the following tragic example of the arrest of a young girl:

I was 7 years old when my father gave me in marriage to a 70-year-old man. My husband wanted to make money by forcing me to have sexual relations with other people, but

²⁸ For a description of the different reasons why women were imprisoned in Kabul district during a three-day period in February 2003, see Rachel Wareham, "Trapped by Tradition: Women and Girls in Detention in Kabul Welayat", Medica Mondiale, Kabul, 5 March 2003. See also Amnesty International, "Afghanistan: Women still under attack — a systematic failure to protect", 30 May 2005, <http://web/amnesty.org/library/index/engasa110072005>, accessed 17 April 2005.

²⁹ "Report of the High Commissioner for Human Rights on the situation of human rights in Afghanistan and on the achievements of technical assistance in the field of human rights", Report #E/CN.4/2006/108, Sixty-Second Session of the Commission on Human Rights, 3 March 2006, p. 6.

³⁰ International Development Law Organisation (IDLO), "Technical Workshop: Gender and Criminal Justice in Afghanistan, Recommendations and Summary of Discussion", Kabul, 15-16 May 2006, p. 14.

*I didn't accept that. My husband was beating me all the time until finally I ran away with the son of our neighbour. He took me to his cousin's house and raped me there. Then we were arrested.*³¹

In an environment where the police and judicial systems often operate on an "arrest, bribe and release" basis, women are less likely than men to have access to money to bribe themselves out of police stations, courts or prisons.

To help address the problem of domestic violence, the first ANP Family Response Unit (FRU) was inaugurated in Kabul's District 10 police station in January 2006.³² The unit is completely staffed by women, and aims to provide an environment where female victims of violence can explain their problems to female police officers, receive assistance in filing criminal cases and, if necessary, receive protection. Based on the initial success of the District 10 FRU, the pilot project is now being expanded to other police stations in Kabul and in five other provinces.

The major constraint to expanding FRUs to every province, and ultimately every district police station, is the shortage of policewomen to staff the units. Afghanistan's conservative cultural environment, which severely restricts female mobility and discourages women from working outside the home, makes it extremely difficult to recruit women into the police force. The problem is compounded by the ANP's bad reputation. Those families who allow their female members to work outside the home are reluctant to let them work for an institution notorious for its corruption and criminality.

Concerted efforts are being made to increase the number of women in the police force. The

Mol has established a gender-mainstreaming unit responsible for the recruitment and capacity-building of policewomen. The US has launched an initiative to create a Women's Police Corps, which includes a programme for recruiting and training policewomen as well as the construction of police facilities able to accommodate female officers. As of June 2006, 50 women had graduated from the Kabul Police Academy's nine-month course for non-commissioned officers, and 15 were expected to graduate from the three-year course for commissioned officers.³³

It is a difficult task to convince more women to join the police force. In an effort to attract female students from out of Kabul to the Kabul Police Academy, Germany built a separate women's dormitory with space to accommodate 200 trainees. By late 2006, the dormitory had only four residents. According to the principal of the facility, a policewoman, "families will still not let their women join the academy. . . . They do not see it as honourable".³⁴ If police reform efforts succeed in significantly improving the reputation of the ANP, this could potentially be the single most important factor that encourages more women to join the police force.

2.5 Composition of the ANP³⁵

The ANP is Afghanistan's over-arching police institution. It comprises several different police forces, which are briefly described below. Table 1 provides a numerical breakdown of the ANP.

- **Afghan Uniformed Police (AUP).** The AUP is the largest force within the ANP and is responsible for day-to-day police activities at the provincial and district levels. AUP responsibilities include maintaining public or-

³¹ International Development Law Organisation (IDLO), "Technical Workshop: Gender and Criminal Justice in Afghanistan, Recommendations and Summary of Discussion", Kabul, 15-16 May 2006, p. 14.

³² IRIN, "Afghanistan: National police to open first family response unit", Kabul, 17 January 2006, www.irinnews.org/report.aspx?reportid=33656, accessed 17 April 2007.

³³ Inspector Generals, "Interagency Assessment", pp. 20 and 63.

³⁴ Natasha Walter, "We are just watching things get worse", *The Guardian*, 28 November 2006.

³⁵ The following section contains information provided by Col. Eric Belcher, CSTC-A, Kabul, personal communication, 10 January 2007. Additional information on ANCOP was provided by Col. Jack Stankiewicz, personal communication, 3 May 2007.

Table 1: ANP Composition and Size

Police Force or Department	Afghanistan Compact approved size	Proposed increased size
Afghan Uniformed Police (AUP)	31,000	45,000
Afghan Border Police (ABP)	11,825	18,000
Afghan National Civil Order Police (ANCOP)	0	5,000
Standby Police	4,116	0
Afghan Highway Police (AHP)	3,400	0
Counter Narcotics Police of Afghanistan (CNPA)	2,264	2,264
Other (Mol, Customs, Criminal Investigation Department, KPA, Regional Commands, CTC/RTCs)	9,395	11,736
Total ANP	62,000	82,000
Total Afghan National Auxiliary Police*	0	11,271

* ANAP are a temporary force and will be phased out as ANP reaches full strength.

Source: Afghanistan Compact figures from German Embassy, "Police Reform and Restructuring – Afghanistan: Progress and Challenges", 2006. Proposed increased size from CSTC-A documents.

der and security, preventing and discovering crime, arresting suspects, protecting public and private property, and regulating road traffic. The strength of the AUP envisioned in the Afghanistan Compact was 31,000, but this number is being revised upward to 45,000.

- Afghan Border Police (ABP).** The function of the ABP is to secure Afghanistan's borders and its international airports. It is responsible for providing border security, surveillance and control, including the prevention of smuggling, drug trafficking and the cross-border movement of insurgents. The ABP are currently organised into eight brigades, but will be reorganised into five border zones that correspond with the five ANP and ANA regional commands. The ABP are responsible for manning 13 border checkpoints, which may be increased to 14, and conducting patrols along the border. The ABP's current strength is 7,900, and the target is 12,000, but the latter number is being revised upward to 18,000.
- Afghan National Civil Order Police (ANCOP).** The ANCOP is a new police force that was conceived in mid-2006. The mission of the ANCOP is to maintain civil order in Afghanistan's seven largest cities, to provide a robust and mobile police presence in remote high-threat areas, and to serve as a rapid-reaction force to support other police in an emergency. The ANCOP will have strong leadership and be better trained (16 weeks of training) and better equipped than the AUP and ANAP, eventually with special weapons and tactics (SWAT) capabilities. The expectation is that such a force will be able to respond effectively to urban unrest and rioting, in contrast to the ANP's ineffective response to the May 2006 riots in Kabul. The first class of 557 ANCOP officers graduated in June 2007, and the proposed end strength is 5,000 by December 2008.
- Standby Police.** The function of the Standby Police was to serve as a rapid-reaction force that could be deployed as required throughout the country. A decision was taken in

2006 to phase out the Standby Police, which had an authorised strength of 4,116, and for the ANCP to take on their responsibility as a rapid-reaction force by the end of 2008.

- **Afghanistan Highway Police (AHP).** As their name suggests, the AHP were responsible for ensuring security on Afghanistan's major highways. In part due to their corruption and ineffectiveness, the AHP were phased out in mid-2006. The plan was to integrate the AHP's 3,400 personnel into the AUP and re-deploy them to border police brigades or high-threat provinces in the south. Many refused to redeploy, however, and reportedly deserted along with their uniforms and weapons.³⁶ Discussions are ongoing about redesigning and creating a new AHP in the future.
- **Counter Narcotics Police of Afghanistan (CNPA).**³⁷ The function of the CNPA, which has an approved force size of 2,264, is counter-narcotics investigation and enforcement. Unlike all the other police forces, which report to the Mol's Deputy Minister for Security, the CNPA reports to the Deputy Minister for Counter Narcotics. The CNPA includes a National Interdiction Unit (NIU), established in October 2004, that conducts interdiction raids across Afghanistan.

Other Mol counter-narcotics entities include a Central Eradication Planning Cell that provides intelligence and targeting information for opium poppy eradication, and the Afghanistan Eradication Force that conducts ground-based eradication of opium poppy crops. Separate from the CNPA is the Afghanistan Special Narcotics Force, an elite paramilitary force that reports directly to

the President and the Minister of Interior, and carries out interdiction missions against high-value targets in remote areas.³⁸

2.6 Afghanistan National Auxiliary Police (ANAP)

The ANAP is a recently established temporary police force that is separate from the ANP. It was created in 2006 as a "quick fix" measure to help address the growing Taliban-led insurgency in southern Afghanistan, and as a way to bring militia groups loyal to local governors under the control of the central government. The approved ANAP force size is 11,271. Recruits are hired locally in 124 high-risk districts, initially with a focus on six provinces in southern Afghanistan.³⁹ New recruits initially receive only ten days of training — five days of classroom instruction and five days of range firing — followed by one week of additional training each quarter during their one-year contract.

Upon completion of this brief training, ANAP recruits are issued an AK-47 assault rifle and a standard ANP police uniform, although with a distinctive patch. They are entitled to the same US\$70 monthly salary as a regular ANP patrolman. ANAP is presently viewed as a temporary force and recruits are only given contracts for one year, but they are likely to be incorporated into the regular ANP at the end of that year. The first ANAP class graduated in October 2006 in Zabul province, where the programme was first piloted.⁴⁰

Its hasty establishment at a time of growing insurgency has led many to conclude that ANAP's primary purpose is to serve as a paramilitary force in counter-insurgency operations, rather than as a civilian police force. According to one

³⁶ AREU interview, Kabul, 23 November 2006.

³⁷ Due to the very specific nature of the counter narcotics sector, this paper does not focus on the work of the CNPA, or of specific counter narcotics policing issues.

³⁸ Christopher M. Blanchard, "Afghanistan: Narcotics and US Policy", Congressional Research Service, updated January 2006, p. 27.

³⁹ The six provinces are Farah, Ghazni, Helmand, Kandahar, Uruzgan and Zabul.

⁴⁰ Information on the ANAP from interview with UNAMA official, 23 November 2006; from CSTC-A, Police Reform Directorate, "Auxiliary Police Programme", 12 September 2006; and CSTC-A, "Afghanistan Cross Walk", 27 September 2006.

international official involved in the ANAP discussions:

*The ANAP Terms of Reference is for community police, but the reality is "officialising" existing militias and calling them ANAP. ANAP are intended to be a counter-insurgency police.*⁴¹

CSTC-A officials denied that the ANAP are a paramilitary force, stating that the main responsibility of the force is to provide security at government buildings and police check posts in order to free up the regular ANP to do policing.⁴² The question of whether the ANAP are a paramilitary force or community police is not just semantics: LOTFA is expressly prohibited from funding military activities, and can only fund the ANAP if its role in counter-insurgency operations is limited to a support function.

Supporting or Controlling Illegal Militias?

It was widely recognised from the outset that ANAP would recruit heavily from existing militia groups linked to local political and tribal strongmen, and often to provincial governors.⁴³ The ANAP plan included vetting and recruitment guidelines intended to ensure that the new recruits were loyal to the ANP chain of command rather than to their former militia leaders. Proponents of ANAP argued that the

programme recognised the *de facto* existence of illegal militia groups, and provided an opportunity to take control over these militias away from governors and strongmen, placing them instead under the command and control of the ANP.⁴⁴ CSTC-A specifically listed as an objective of the ANAP to bring militia forces under police control.⁴⁵

Irregular militia forces have been important actors in the post-2001 security sector in Afghanistan. In late 2001 and in 2002, the US-led Coalition relied heavily on them to fight as proxies against the Taliban and al-Qaeda.⁴⁶ Over time, however, the reputation of the militias in international security and policy circles shifted. Previously the allies of the West in the war against terror, they became seen as the illegal private armies of rather unsavoury warlords and druglords, with changing loyalties and often very troubling human rights records.⁴⁷ Nonetheless, President Karzai has been advocating to increase direct support to tribal militias. At one of the first meetings of the Policy Action Group in early 2006,⁴⁸ he reportedly pushed for more money to be channelled through "Special Operating Funds" to recruit tribal militias, arguing that tribal issues need to be dealt with in a tribal way.⁴⁹

Key international donors were initially sceptical about Karzai's proposal to finance and arm

⁴¹ AREU interview, Kabul, 23 November 2006.

⁴² AREU interview, Kabul, 29 November 2006.

⁴³ These groups are sometimes erroneously referred to as *arbaki*. The *arbaki* is a distinct tribal institution in Paktia province, and should be distinguished from the illegal militias of warlords or local strongmen. *Arbaki* do not constitute a permanent force but are called into action to implement the decisions of a tribal *jirga* (council), and are under the control of tribal elders. For a more detailed description of the *arbaki*, see: Tribal Liaison Office, "Improving Governance and Security through Local Structures: Feasibility Study on Integrating the Arbaki (Tribal Police) into Central Police Structures", Kabul, 2005.

⁴⁴ The following quote from the *New York Times* supports this viewpoint: "An American official involved in the new effort said the programme became necessary after southern governors besieged by Taliban attacks began hiring police officers on their own. American officials feared they were seeing the beginnings of de facto private militias. 'This was designed to avoid the creation of the militias,' said one official, who was not authorized to comment publicly". James Glanz and David Rohde, "Report Faults Training of Afghan Police", *The New York Times*, 4 December 2006.

⁴⁵ CSTC-A, "Afghanistan Cross Walk", 27 September 2006.

⁴⁶ See Antonio Giustozzi, "Respectable Warlords? The Politics of State-Building in Post-Taliban Afghanistan". Working Paper 33, London: Crisis States Research Centre, 2003. www.crisisstates.com/Publications/wp/wp33.htm accessed 9 December 2006. For a very positive view of the role of militias, see R.B. Andres, et al., "Winning with Allies: The Strategic Value of the Afghan Model", *International Security*, Vol. 30, No. 3 (Winter 2005-2006).

⁴⁷ See Antonio Giustozzi, "The privatizing of war and security in Afghanistan: future or dead-end?", *The Economics of Peace and Security Journal*, ISSN 1749-852X, Vol. 2, No. 1 (2007), pp. 29-30.

tribal militias in the south. They instead proposed a “Rebalancing Plan”, which involved phasing out the Afghanistan Highway Police — deemed to be ineffective and highly corrupt — and redeploying its personnel to the Border Police, Standby Police, and to high-threat provinces in the south. The Rebalancing Plan was approved by the government and the concerned international partners, but it took an additional two months before the decree enacting the Plan was signed by President Karzai on 1 July 2006. By that time, the insurgency had escalated and the countries contributing troops to the ISAF mission in the south felt that they urgently needed more security forces to support counter-insurgency operations. They believed that there was not enough time to wait for the results of the Rebalancing Plan, which had run into serious problems during its implementation.⁵⁰ Instead, President Karzai’s initial plan to support tribal militias was modified and reintroduced as the Afghanistan National Auxiliary Police (ANAP). Some of those involved in the creation of the ANAP emphasised that “ANAP was not an international idea — it was Karzai’s idea”.⁵¹

Despite reassurances that there would be careful vetting and recruitment, there are numerous reports indicating that this has not been the case. According to one report, American trainers estimated that one in ten of the new ANAP recruits were Taliban agents.⁵² Other reports justify concerns that — whether intentionally or unintentionally — the ANAP is serving as a mechanism to legalise illegal militias in the south (see Box 1).

ANAP Issues and Concerns

Nearly all interviewees for this study were critical of the decision to create the ANAP. Several expressed concern that the creation of the ANAP would further undermine efforts to disarm and disband illegal militias. Since 2002, the international community has spent millions of dollars on the Disarmament, Demobilisation and Reintegration (DDR) programme, followed in 2005 by the Disbandment of Illegal Armed Groups (DIAG) programme. According to one international official involved in the latter programme, “ANAP is a problem for DIAG because we are essentially reconstituting militias and setting back DDR”.⁵³

The creation of ANAP has also fuelled the perception, especially among non-Pashtun ethnic groups, that the Karzai government is rearming Pashtun militias in the south while the DIAG programme is trying to disarm non-Pashtun militias in the rest of the country. According to one official involved in DIAG, “Commanders from Herat to Badakhshan routinely raise their concern about the rearming of Pashtun militias. Their concerns are partly opportunistic but partly genuine”.⁵⁴ Some Afghans also compare the creation of the ANAP to the last days of Najibullah’s government, when he rearmed tribal militias as a last-ditch effort to prevent the collapse of his regime.⁵⁵

Some interviewees argued that an important reason why the Karzai government pushed hard initially to support tribal militias, and later the

⁴⁸ The Policy Action Group (PAG) is a crisis management group established in 2006 to address insurgency-related issues in southern Afghanistan, focusing on four thematic areas: security operations, reconstruction and development, strategic communications, and intelligence fusion. GoA and UNAMA, “Implementation of the Afghanistan Compact”, Bi-Annual JCMB Report, November 2006, p. 5.

⁴⁹ AREU interview with international official, Kabul, 9 October 2006.

⁵⁰ For example, the disbandment of the Afghanistan Highway Police brigade guarding the main highway from Pul-i-Khumri to Mazar-i-Sharif in northern Afghanistan, and an effort to redeploy them to southern Afghanistan, resulted in mass desertions of police, most of whom left with their weapons and uniforms and returned to their homes in Andarab district of Baghlan. AREU interview, 23 November 2006.

⁵¹ AREU interview, 29 November 2006.

⁵² Benjamin Sand, “Afghan Government Recruiting Thousands of Auxiliary Police to Battle Insurgents”, Voice of America, 10 January 2007.

⁵³ AREU interview, Kabul, 30 November 2006.

⁵⁴ AREU interview, Kabul, 30 November 2006.

⁵⁵ AREU interview, Kabul, 9 October 2006.

Box 1: ANAP Recruitment

The following newspaper account about the first round of recruitment and training for the ANAP in Kandahar province highlights the lax approach to recruitment and vetting:

Many of the volunteers already wore police uniforms when they arrived, suggesting links to armed groups, but the foreign trainers said they avoided asking too many questions about their origins. "Most of them were militia guys," said U.S. Sergeant Felix Ayala, the lead trainer. "I don't really care. We didn't kick anyone out, unless they had drugs or weapons. We just stripped their old uniforms off and gave them new ones". . . . Unfortunately, what's happening throughout the region is that the initial influx of candidates that we're receiving for this training, the majority of them is militias from governors," Col. Stafford said. "The governors have the capability to pay them and they work for the governors. I actually witnessed, on the first ANAP training course, we expelled a number of students for inappropriate behaviour," the Canadian officer continued. "They refused to follow direction. The regional training commander wanted them expelled. Immediately, the phone calls started coming in from the governor, saying, 'Why are you doing this' [and] from [President Karzai's brother], saying, 'You know, these are good people, don't expel them.' And the very next day the governor came to the regional training centre".

Graeme Smith, "Can new Afghan police resist temptation," *The Globe and Mail* (Canada), November 8, 2006.

ANAP, was to provide a mechanism for the international community to pay militia salaries that currently the government had to pay through the governors' "Special Operating Funds". According to one interviewee, "Special Operating Funds" were being provided to about half of the provincial governors, mostly in the Pashtun provinces in the south and east of the country most affected by the insurgency. Each month approximately \$2 million was provided, with the governors of some provinces, such as Kandahar, receiving as much as \$300,000 per month.⁵⁶ According to one international official, "The Auxiliary Police already existed in the form of militias, but there was no vehicle like LOTFA to pay them, which is why we created the Auxiliary Police".⁵⁷ Another international official noted that his initial assessment of President Karzai's tribal militia idea was that it

was initially proposed as a money-making scheme. The Finance Minister was reportedly involved in initial discussions and requested \$120 million for this programme. Three weeks later this initial amount was reduced to \$25 million. The end result of these initial discussions for the need for more police in the south was the Rebalancing Plan for \$8 million.⁵⁸

Professional police officers were among the most vocal in their opposition to the ANAP, and questioned why there was a need for ANAP if there was only a difference of a few weeks of training. One district police chief asked "Why did we create the auxiliary police? Why didn't we instead just increase the *tashkil* [sanctioned posts] for regular police? They are paid the same amount".⁵⁹ Others expressed concern that inadequate training combined with the bad

⁵⁶ AREU interview, Kabul, 25 November 2006.

⁵⁷ AREU interview, Kabul, 21 November, 2006.

⁵⁸ AREU interview, Kabul, 30 November 2006.

reputation of the militias and their members would further damage the reputation of the police. One senior police official in Kandahar stated "There are criminals and drug users among them. . . . The fact that they wear the same uniform as regular police is very problematic".⁶⁰ A Deputy Governor of a province, who had previously been a police officer, said that the creation of the ANAP "might seem good in the short term but is very harmful in the long run, because they are not professional police and we do not know who they will fight for in the future".⁶¹ Finally, one provincial Chief of Police stated that "one good policeman is worth ten untrained auxiliary police".⁶²

Most international police advisors were also opposed to the creation of the ANAP. Some suggested that before establishing an auxiliary force priority should have been given to filling the positions within the ANP, especially the many suspected of being filled by "ghost employees". One international police advisor was concerned about the demoralising effect that the ANAP would have on the ANP:

[ANAP recruits] get a uniform to exploit after only 10 days of training. . . . ANAP is demoralising for regular police. Why join

*the ANP and go through nine weeks of training away from home when you can join the auxiliary police, get the same uniform, salary, equipment and title after only 10 days of training?*⁶³

The report from the Second International Police Conference on Afghanistan, held in Dubai in October 2006 and attended by police advisors from 12 countries plus CSTC-A and ISAF, noted:

*After much debate and comment, the overwhelming majority of the international police representatives present, stated that they did not agree with the establishment of the Auxiliary Police within ANP. However, the Afghan Government ordered its establishment. It was agreed that the international community would have to agree with this decision and make the best out of it.*⁶⁴

⁵⁹ AREU interview, Logar, 22 November 2006.

⁶⁰ Fisnik Abrashi, "Taliban, convicts may be Afghan recruits", Associated Press, 25 November 2006.

⁶¹ AREU interview, 22 November 2006.

⁶² AREU interview, Takhar, 27 November 2006.

⁶³ AREU interview, 16 October 2006.

⁶⁴ "Report of Dubai II", n.d., p. 9.

3. International Actors and Police Sector Coordination



Photo: Ministry of Interior

3.1 International Actors

Approximately 25 countries and several international organisations are supporting police reform efforts in Afghanistan. The support of some donors — such as Japan, Switzerland and the World Bank — consists primarily of financial contributions to the Law and Order Trust Fund for Afghanistan (LOTFA), which is responsible for paying police salaries. Egypt, Hungary and Russia are among the countries that have contributed primarily through in-kind donations of police equipment such as weapons and ammunition. Most countries supporting the police sector — such as Canada, Croatia, Estonia, Finland, Italy, Lithuania, the Netherlands, Norway, New Zealand, Romania, Sweden and the UK — have a geographic focus to their police work, based on where their Provincial Reconstruction Teams

(PRTs) are located or where their troops are deployed under the NATO umbrella. The major international police reform actors in Afghanistan, discussed in more detail below, are Germany, the US, the recently established European Police Mission in Afghanistan (EUPOL), and the UNDP-managed Law and Order Trust for Fund Afghanistan (LOTFA).

The current effort to rebuild the Afghan police force began with a February 2002 conference in Berlin to discuss international assistance to the police sector. From the outset, Germany played the role of “lead donor” or “key partner”⁶⁵ for the police sector, continuing a tradition of supporting Afghanistan’s police sector that predates the 1979 Soviet invasion. Germany’s role as the lead donor for police was formalised at

⁶⁵ Since the London Conference in January-February 2006, the term “lead donor” has been changed to “key partner”, in part to clarify that lead donors were not necessarily the largest donors in their sectors.

the April 2002 G8 donors meeting in Geneva, where responsibility to lead the five pillars of Afghanistan's Security Sector Reform (SSR) programme was assigned to the following donor countries: military, the US; police, Germany; judiciary, Italy; Disarmament, Demobilisation and Reintegration of ex-combatants, Japan; and Counter-narcotics, the UK.

Germany: German Police Project Office (GPPO)

In March 2002, a Seat and Status Agreement was signed in Berlin between the newly established Afghan Interim Authority's Ministry of Interior and Germany's Ministry of the Interior. The agreement outlined the following duties of the German Police Project Office (GPPO) in Kabul:⁶⁶

- Advising the Afghan security authorities in an effort to rebuild an Afghan police force that is bound by rule-of-law principles and has a respect for human rights;
- Assisting in the training of police recruits;
- Assisting in the setting up of a police academy;
- Implementing bilateral police funding assistance; and
- Coordinating the international support for the establishment of the Afghan police force.

Germany has appointed a Special Ambassador to help advise and coordinate police reform efforts in Afghanistan, and the GPPO employs approximately 40 international police advisors. As the key partner for the police sector, Germany organised police conferences in Doha and Dubai,

and worked with the US to help restructure and reform the police component of the Mol. The main focus of Germany's direct financial and technical support has been to rebuild and re-establish the Kabul Police Academy (KPA), which reopened in August 2002. The KPA provides the most advanced and comprehensive police training designed to train a new generation of commissioned and non-commissioned police officers.

In addition to its role as coordinator and its support of the KPA, Germany has provided assistance to rebuild police infrastructure, donated vehicles, provided basic and specialised law enforcement equipment, and placed police advisors at the Mol in Kabul and in field offices in Mazar-i-Sharif, Kunduz and Faizabad. Between 2002 and 2006, Germany contributed approximately \$80 million toward rebuilding the police sector in Afghanistan.⁶⁷

The US: Combined Security Transition Command – Afghanistan (CSTC-A)

While Germany has been the key partner for police reform, since 2004 the US has been by far the largest donor in this sector. The United States' growing interest and prioritisation of the police sector is illustrated in Figure 3, which shows the dramatic increase of US police funding from \$24 million in 2002 to a projected \$2.5 billion in 2007. This figure reportedly includes approximately \$1 billion for construction of police infrastructure, \$700 million for police equipment, and \$440 million for police trainers and mentors.⁶⁸ By early 2007, there were approximately 100 CSTC-A military personnel working on police reform, as well as more than 500 contracted DynCorp personnel.⁶⁹ There are proposals to significantly increase the number of police trainers, but these have not yet been finalised.

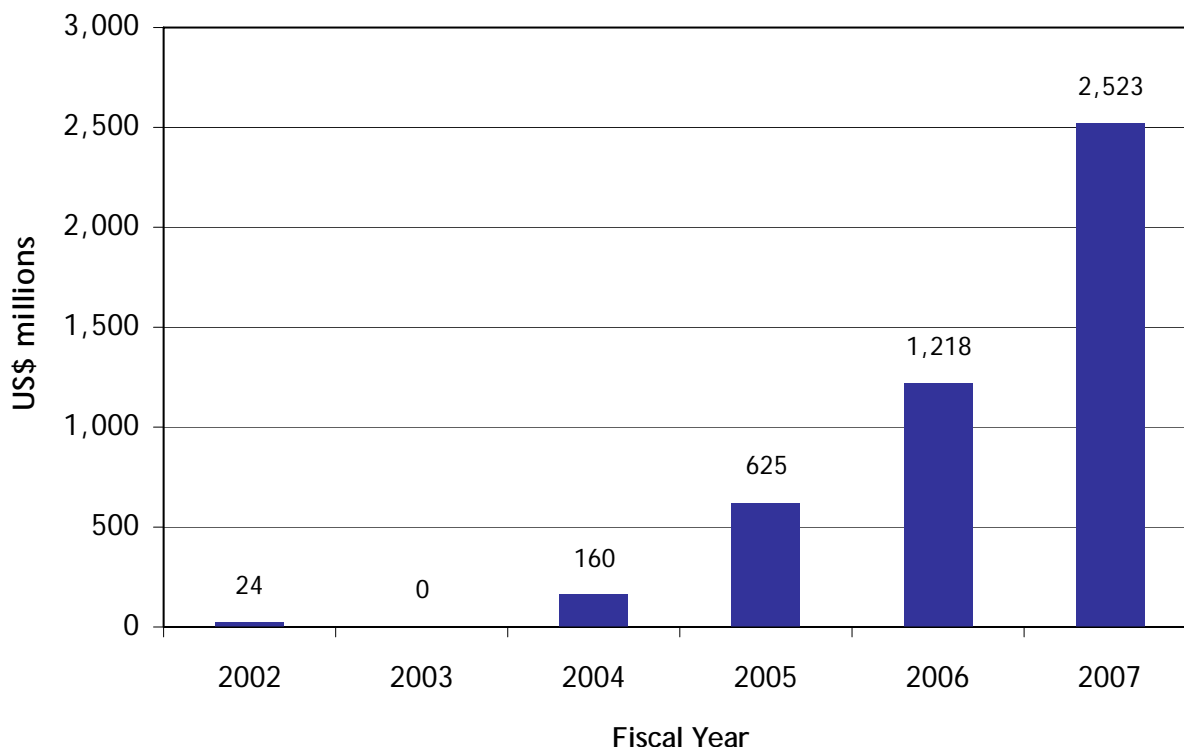
⁶⁶ Federal Ministry of the Interior and Federal Foreign Office, Federal Republic of Germany, "Assistance for rebuilding the police force in Afghanistan", 2nd edition, Dusseldorf, December 2005, p. 8.

⁶⁷ Figures provided by Germany Embassy, Kabul, 10 January 2007.

⁶⁸ General Barry R. McCaffrey (Ret.), "After Action Report, Visit Afghanistan and Pakistan, 16-23 February 2007", 26 February 2007, p. 3.

⁶⁹ CSTC-A, "Police Reform Directorate", PowerPoint presentation, 14 January 2007.

Figure 3: US Support to the ANP 2002-07



Source: Afghanistan Office, US Department of State, 2007

US assistance to the police sector was initially managed by the US Department of State's Bureau for International Narcotics and Law Enforcement Affairs (INL). In April 2005, responsibility for US support of the police sector was shifted to the Department of Defense's Central Command (CENTCOM), and its implementation in Afghanistan was assigned to the Combined Security Transition Command – Afghanistan (CSTC-A).⁷⁰ Within CSTC-A, the responsibility for police training and reform lies with the Task Force Police Directorate (TFP) and the Police Reform Directorate (PRD). The TFP has primary responsibility for the development of the police,

including "training, mentoring, and organising the ANP to enable them to perform the full spectrum of traditional law enforcement roles, as well as counter-insurgency operations". The PRD has primary responsibility for police reform, including "mentoring and training the Mol and ANP staff and for installing a programme to develop an effective national security institution".⁷¹ While CSTC-A assumed overall responsibility for programme implementation, the US ambassador to Afghanistan remains responsible for policy guidance, and INL remains involved and retains contract management authority for police training, mentoring and Mol reform.⁷²

⁷⁰ The actual name at this point was the Office of Military Cooperation-Afghanistan (OMC-A), which was the military organisation within the Combined Forces Command-Afghanistan (CFC-A) responsible for training and equipping the ANA. In July 2005, after taking on the responsibility to train and equip the police, it changed its name to the Office of Security Cooperation-Afghanistan (OSC-A). In May 2006, the name was changed again to CSTC-A. Inspectors General, "Interagency Assessment", p. 8.

⁷¹ Inspectors General, "Interagency Assessment", pp. 15-16.

⁷² Inspectors General, "Interagency Assessment", p. 8. For an interesting account of the interagency turf battles between the Departments of State and Defense over control of the police programme, see Vance Serchuk, "Cop Out: Why Afghanistan Has No Police", *The Weekly Standard*, 17 July 2006.

The initial impetus for the US to get involved in the police sector was to provide security for Afghanistan's 2004 presidential election. As the elections approached, there was a growing realisation that while the German training programme at the Kabul Police Academy was addressing the training needs of commissioned and non-commissioned police officers, no one was providing basic training for police patrolmen and new recruits. The US therefore contracted the private security company DynCorp International to develop and implement a large-scale programme seeking to provide basic police training at a Central Training Centre (CTC) for police in Kabul, and at seven Regional Training Centres (RTCs) throughout the country.

In addition to providing training, the US built and refurbished police facilities and infrastructure, and supplied the police with uniforms, weapons, vehicles, and communications equipment. By 2005, however, it became clear that simply training and equipping more police was having limited impact because of the ineffective and often corrupt environments in which they worked. Thus, in 2005, a major institutional reform programme was launched, focusing primarily on reforming the police component of the MoI — including revision of the police *tashkil*, payroll reform, and pay and rank reform.

The European Union Police Mission in Afghanistan (EUPOL)

In addition to individual European countries — such as Germany, Finland, the Netherlands, Norway and Switzerland — the European Union (EU) and the European Commission (EC) are also involved in police reform efforts in Afghanistan. The EC has to date been the single largest donor

of police salaries through LOTFA, providing nearly \$160 million from 2003 through 2006. The Office of the European Union Special Representative (EUSR) in Afghanistan provides important political analysis on rule of law issues in Afghanistan, including the police sector.

The role of the EU in the police sector will expand considerably in 2007, following the decision of European foreign ministers in February 2007 to establish a European Security and Defence Policy (ESDP) mission in Kabul — now referred to as the European Union Police Mission in Afghanistan (EUPOL).⁷³ EUPOL is expected to total 160 police experts contributed by 23 nations, including non-EU nations such as Norway, Canada and Australia. The EUPOL personnel will be deployed at the central, regional and provincial levels in order to train, mentor, monitor and advise the ANP. The mission, estimated to cost approximately US\$55 million in 2007, was formally launched in Kabul on 17 June 2007.⁷⁴ Following the establishment of the EUPOL mission, Germany will no longer play the role of key partner for the police sector — although the first EUPOL Head of Mission will be a German.

In interviews with officials in Kabul, several explanations were given for the relatively sudden decision to establish the EUPOL mission. The most common view was that the EU wished to raise its profile in Afghanistan.⁷⁵ European officials expressed frustration that the EU was “punching below its weight” and not playing an important enough role at the policy level, especially considering the significant amount of funding the EC has provided for Afghanistan. According to one senior Western diplomat, “The EU needs a higher profile. With an ESDP mission the EU will be more visible”.⁷⁶ A second expla-

⁷³ ESDP is a central component of the Common Foreign and Security Policy pillar of the EU, and comes under the authority of the inter-governmental European Council represented by member states.

⁷⁴ European Union, “Factsheet: EU Police Mission in Afghanistan (EUPOL)”, May 2007. http://consilium.eu.int/uedocs/cmsUpload/070514_factsheet_EUPOL-AFGH.pdf. Accessed 12 July 2007.

⁷⁵ It is not clear if the decision to focus on police training and mentoring will achieve this objective as the EUPOL mission, despite the big increase in numbers, will still have a much smaller contingent than the 500 US police trainers and mentors. Furthermore, while the increase to 160 more than triples the number of European police trainers and advisors currently in Afghanistan, it is still a very small mission relative to the EU plan to deploy 1,500 personnel on a rule of law mission to Kosovo if it gains independence from Serbia. See Mark John, “EU sees Afghan police trainers covering hotspots”, Reuters, Brussels, 29 May 2007.

⁷⁶ AREU interview, Kabul, 30 November 2006.

nation for the EUPOL mission's hasty establishment was that there is growing pressure on European countries to provide more support for Afghanistan, and supporting a civilian police mission is politically more palatable for European governments than sending additional troops to support NATO counter-insurgency operations in southern Afghanistan. A third explanation related to issues of bureaucratic turf at EU headquarters in Brussels — between the European Commission and the Council of the European Union, the EU body that oversees ESDP and EUPOL. As a result, despite strong recommendations from international advisors in Kabul for a more comprehensive and integrated approach to the rule of law sector, EU support to the police and justice sectors was divided up between the Council (police) and the Commission (justice).

Two significant concerns about the planned EUPOL mission were raised by officials involved in police and rule of law issues in Kabul. First, establishing a police mission is pointless in the absence of a long-term commitment to police reform, and without significant additional financial and human resources to support that commitment. In the words of one Western embassy official, "More people with more money would be welcome. What we do not want is an EU lead without more resources".⁷⁷ Second, the EUPOL mission must be strategic and not simply establish another police training and mentoring programme. One of the important lessons of the past five years (discussed later in the paper) is that the initial focus on training and equipping the police failed to address the more fundamental need for comprehensive institutional reform. Another important lesson is that a civilian police force cannot enforce the rule of law without a functioning judiciary, and that treating the police and judiciary as separate "pillars" of security sector reform was a poor strategy. With European countries leading in both the police

and justice sectors, the EU has an opportunity to assume a comprehensive and integrated approach to the rule of law in general, and the police and justice sectors in particular. By deciding to have the EUPOL mission focus on police training and mentoring, and to have the EC support a separate justice sector program, the EU risks missing this opportunity.

UNDP — Law and Order Trust Fund for Afghanistan (LOTFA)

Unlike the US and Germany, which fund their police reform programmes directly, most international donor contributions to the police sector are channelled through LOTFA. Established in 2002, LOTFA is managed by UNDP and led by a Steering Committee comprising representatives from the MoI, the Ministry of Finance (MoF), Germany as the key partner, UNAMA, UNDP, and other major police sector donors. In May 2006, the Steering Committee approved an extension of LOTFA through March 2008. LOTFA pays for police-related costs, prioritised as follows:⁷⁸

- 1 Police salaries;
- 2 Procurement, operation and maintenance of non-lethal police equipment;
- 3 Rehabilitation, reconstruction, operations and maintenance of police facilities;
- 4 Gender orientation (selection, recruitment and training of police); and
- 5 Institutional development.

Undesignated donor contributions to LOTFA are all used to pay for the top priority — police remuneration — until annual costs are fully covered. Only then can other priorities be funded with undesignated LOTFA funds.⁷⁹ Because LOTFA has usually faced budget shortfalls, other

⁷⁷ AREU interview, Kabul, 29 November 2006.

⁷⁸ UNDP, "Law and Order Trust Fund Project", www.undp.org.af/about_us/overview_undp_afg/sbgs/prj_law_order.htm, accessed 13 January 2007.

⁷⁹ UNDP, "1384 Annual Report, Support to Law and Order Phase III, 1 April 2005 – 31 March 2006", Kabul, May 2006, p. 5.

Table 2: ANP Salary and Benefit Costs, FY1386 (2007-08)

Salary & Benefits	Amount (millions)
Salaries	\$74.57
Afghan Border Police allowances*	\$8.76
Death and disability payments	\$1.55
Severance	\$3.21
Food allowances**	\$26.18
TOTAL	\$114.27

*\$2/day allowance for all ABP. ** \$1.30/day for all sergeants and patrolmen. Source: CSTC-A, 2006

than some limited earmarked funding for priorities 2-5, nearly all LOTFA funds have been used to pay for police salaries and benefits, including a substantial food allowance. Table 2 provides a breakdown of the projected FY1386 (2007-08) salary and benefits costs for the Compact-approved ANP force size of 62,000 (a detailed breakdown for the increased force size of 82,000 is still not available).

Police salaries are paid through the government's regular payroll system, whereby the Treasury Department of the MoF transfers funds to the provinces to pay salaries. LOTFA then reimburses the MoF following the submission of expenditure reports. The absence of reliable figures on police numbers and a strong suspicion that there are a large number of "ghost police" who exist only on payroll lists raised serious concerns that significant amounts of LOTFA funds allocated to the MoI for police salaries were being misappropriated. During the past few years, however, significant progress has been made in strengthening the systems used to pay police salaries, such as computerising police personnel records, developing Individual Salary Payment (ISP) and Electronic Funds Transfer (EFT) schemes to pay salaries, and sending regular monitoring missions to the provinces to observe the use of LOTFA funds and the payment of police salaries.

Table 3 shows that between 2002 and 2006 approximately \$330 million was contributed to LOTFA, nearly all of which was used for police salaries and allowances. LOTFA's largest overall donor has been the European Commission, although since 2005 the US has become the single largest LOTFA donor. In 2006 and 2007, the Netherlands, Canada and Japan significantly increased their contributions to LOTFA to \$12.6 million, \$10 million and \$9 million, respectively.

Table 4 highlights the rapidly rising ANP remuneration costs funded through LOTFA. The increase of the wage bill from \$60 million in 2003-04 to a projected \$194 million by 2009-10 raises serious questions regarding the fiscal sustainability of the ANP (discussed in detail later in this paper). Decisions in 2006 and 2007 to increase the size of the police force, first to 73,000 and then to 82,000, plus a decision to increase the lowest level of police salaries from \$70 to \$100 per month, will cost approximately \$100 million per year. One of the major police sector challenges in coming years will be to ensure that donors significantly increase their LOTFA contributions and commit to maintaining these increased contributions for the medium to long term, recognising the Afghan government's major resource constraints.

UNAMA

With only three police advisors in Afghanistan, UNAMA has not played a major role in the efforts to train and equip the police force. In 2005, there was some discussion at UN headquarters about increasing the number of UN police advisors to 50 or 60, but this never materialised. In interviews for this study, UN officials pointed out the potential advantages of UN police, including: 1) the UN's legitimacy; 2) a larger pool of countries from which to recruit police advisors, including Islamic countries; 3) an extensive UN field presence and infrastructure to support the deployment of police advisors at the provincial level; and 4) UNAMA's knowledge base, comprising staff with extensive Afghanistan expertise supported by a network of political officers deployed throughout the country.⁸⁰

Table 3: Contributions to LOTFA, 2002-06 (in US\$ '000)

Donors	2002	2003	2004	2005	2006	TOTAL
ARTF	836	20,800				21,636
Canada	2,435		3,053	1,653		7,141
EC		39,211	39,095	38,997	39,526	156,829
Finland	98		123	136	781	1,138
Germany	2,018				6,588	8,606
Japan					8,900	8,900
Netherlands		4,751	1,248		12,612	18,611
Norway	1,047	424				1,471
Switzerland	247	384	877	155	1,030	2,693
UK					2,609	2,609
USA			20,000	40,000	40,000	100,000
Others*	350	351	898	130		1,729
TOTAL	7,031	65,921	65,294	81,071	112,046	331,363

*Contributions totalling less than \$1 million. Source: UNDP, 2006

Table 4: LOTFA Annual Police Remuneration Costs FY1382-88

Year	Force size	Monthly salary of patrolman	LOTFA annual police remuneration costs (salaries & benefits)
FY1382 (2003-04)	No reliable data	\$16	\$60.7 million
FY1383 (2004-05)	53,400	\$16	\$69.3 million
FY1384 (2005-06)	58,000-65,500	\$70	\$68.0 million
FY1385 (2006-07)	62,000-73,000	\$70	\$96.0 million
Projections			
FY1386 (2007-08)	Afghanistan Compact authorised size: 62,000	\$70	\$114.3 million
FY1386 (2007-08)	Present size: 73,000	\$70	\$142 million/year
FY1386-87 (2007-09)	Present size: 73,000	\$100	\$169 million/year
FY1387-88 (2008-10)	Proposed size: 82,000	\$100	\$194 million

Sources: FY1382 - FY1385 figures based on LOTFA actual expenditures.

FY1386 Afghanistan Compact projected figures from CSTC-A, "ANP Pay and Rank Reform"

FY1386-1388 projected figures from JCMB Task Force on ANP Target Strength, April 2007

Note: Pension liabilities are not included in the projected figures.

UNAMA's role in police reform has grown as the focus has expanded beyond training and equipping the ANP to a more comprehensive strategy of institutional reform. UNAMA has played a leading role in advocating for the need to prioritise MoJ reform, and in vetting senior police officers for criminal and human rights violations as part of the pay and rank reform (discussed in more detail later in this paper). In this regard, UNAMA's network of regional and provincial offices, and its political and human rights officers, have proven to be a valuable resource for police reform efforts. Finally, as co-chair of the JCMB, UNAMA also has a responsibility to ensure that police reform efforts are in line with the Afghanistan Compact.

3.2 Police Sector Coordination

One of Germany's responsibilities as the key partner for police reform, stipulated in its March 2002 Seat and Status Agreement with the government of Afghanistan, was to coordinate the international support to the Afghan police force. Germany appointed a Special Ambassador to head up this coordination. It also established the Interagency Police Coordinated Action Group (IPCAG), which serves as the main political and diplomatic body concerned with police reform issues. Chaired by Germany, IPCAG meets every three weeks and is attended by representatives of LOTFA donors, the EUSR, the EC, and UNAMA. Italy, the UK and Japan also participate to provide links to the other SSR pillars. Germany also organised two international conferences in May 2004 and February 2006 to improve coordination and develop a regional approach to police and border management issues between Afghanistan and its neighbours.⁸¹

Germany's task of coordinating police reform efforts has been challenging, in part because of the confusion generated by the term "lead donor". While some countries understood lead donors to be the major donor and implementer of programmes in their respective SSR pillars, others understood their role as coordinating policy-making and donor support in their sector. The US, for example, adopted a relatively long-term strategy to design, build and pay for the establishment of an entirely new Afghan National Army (ANA), while Germany defined a fairly limited role for itself in directly implementing and financing police reform activities.

Germany did, however, take its responsibility for leading police coordination efforts very seriously. According to one European official in Kabul, this created some confusion: "Germany was very vocal about its lead role so others did not think they had to worry about funding. The Germans were very quick to deploy, which also led others to think they did not have to worry about the sector".⁸² When it became clear that the German role in directly implementing and financing police reform efforts would be limited, the US became more active in the sector. The dramatic increase in US involvement in the police sector from 2004 onward has created its own coordination challenges, given the inherent tension in a situation where a lead donor is trying to manage another donor that contributes 50 to 100 times more financial resources and more than 10 times more personnel.

This awkward situation has inevitably placed strains on the US-Germany relationship in the police sector, although during 2005-07 efforts to coordinate improved significantly. Initially, coordination was fairly minimalist and consisted primarily of a division of labour, with the US

⁸⁰ AREU interview with UN official, Kabul, 23 November 2006.

⁸¹ The first conference in May 2004 ended with the "Doha Declaration on Regional Police Cooperation", signed by Afghanistan and its neighbours, the members of the Gulf Cooperation Council, and the lead donors for security sector reform in Afghanistan. The second conference in February 2006 concluded with the "Doha II Declaration on Border Management in Afghanistan – a Regional Approach". This was subsequently included in the "Declaration on Closer Cooperation on Border Police within the Framework of the Kabul Declaration and the Reconstruction of the Police in Afghanistan", which has been signed by Afghanistan and the neighbouring countries of Pakistan, Iran, China and Tajikistan. "Assistance in rebuilding the police force in Afghanistan", www.auswaertiges-amt.de/diplo/en/Aussenpolitik/RegionaleSchwerpunkte/Afghanistan/Polizeiaufbau.html.

⁸² AREU interview, Kabul, 21 November 2006.

providing basic police training and the Germans providing advanced training. There was little actual coordination, however, which created problems when Germany and the US both began to expand their police reform efforts. Considerable confusion was generated, for example, when both countries launched separate but overlapping initiatives to reform the MoI in 2003 and 2004.⁸³ Since 2005, communications and coordination between the German and US police programmes have improved, especially after the Germans embedded permanent police advisors in the CSTC-A police reform team, which improved trust and understanding between the two main police reform programmes.

In 2006, the deteriorating security situation highlighted the need for more and better police, which in turn generated greater interest in police reform efforts and their coordination. According to Ambassador Helmut Frick, the German Special Ambassador for Police Reform, "Before the insurgency there was very little serious interest in the police. We periodically tried to brief EU and NATO ambassadors but there was no interest. Now, since May [2006], there is a lot of interest".⁸⁴ This increased interest is resulting in donors contributing more resources for police reform efforts.

International Police Coordination Board (IPCB)

While police reform coordination efforts have evolved from a minimalist division of labour to more effective information sharing among donors, there is still no coordination mechanism based on a common strategy. Some important initial steps to address this problem were taken at two police coordination conferences held in Dubai in April and October 2006 and attended by police advisors from most countries and organisations with advisors in Afghanistan. The

Figure 4: Structure of International Police Reform Coordination



Source: CSTC-A, 2006

second Dubai conference was particularly significant as it formally recognised the need for a common police reform strategy and initiated the design of a common coordinating mechanism.⁸⁵ According to Brigadier General O'Brien, the former Deputy Commander of CSTC-A, the first Dubai conference created "a desire to cooperate," and the second conference "created the mechanism to do that, in the form of the International Police Coordination Board".⁸⁶

Figure 4 illustrates the proposed structure for police reform coordination developed at the second Dubai conference and by a Working Group tasked to follow up on conference proposals. The structure was approved by the members of that Working Group in February 2007. According to the new structure, the political and diplomatic leadership for police reform will continue to be provided by IPCAG, whose

⁸³ See Mark Sedra, "National Police and Law Enforcement", Technical Annex to "Securing Afghanistan's Future: Accomplishments and the Strategic Path Forward", January 2004, pp. 5 and 13.

⁸⁴ AREU interview, Kabul, 25 November 2006.

⁸⁵ "Report of Dubai II", n.d., p. 1.

⁸⁶ AREU interview, Kabul, 29 November 2006.

membership consists of LOTFA donors, the EUSR, the EC, and UNAMA. On the strategic level, the International Police Coordination Board (IPCB) will serve as the chief coordination body, coordinating and prioritising the international police reform effort in Afghanistan. The first IPCB meeting was held in March 2007, with Germany serving as Chair and Norway as the Secretariat. Other members include the Mol, EUPOL, CSTC-A, ISAF, UNAMA, Norway, Canada, the UK, and PRT and military liaison officers.⁸⁷

The Secretariat coordinates the operational part of the IPCB and its subordinate units, and facilitates communication among members of the international community involved in police reform. Its role is to coordinate common efforts on the following issues: police training, education support, reform of the ANP structure, mentors and advisors, logistics, human resources, women's projects, and reporting systems. The Secretariat is also responsible for internal tasks of administration, information management, recruitment and induction training, donation tracking and project management.⁸⁸

One of the major issues debated during the design of the IPCB was whether it should be a decision-making body with a chain of command, or simply a mechanism for more intensified information sharing and coordination. In an interview for this study, one western diplomat expressed concern that "This idea is growing out of control. This is not a decision-making body and it has no budget. It is a place to share ideas and information".⁸⁹ In the end, it was decided that the IPCB should have a "soft" chain of command. According to General O'Brien, "the IPCB will have no directive power but will serve as a coordination board", with the objective of building "a single view of police reform", "a single coordinated police effort", and a single

"mechanism for all police efforts to link into the national programme".⁹⁰

Coordination Challenges

Despite considerable progress in the coordination of police reform efforts, several serious challenges remain. The most important challenge remains how to achieve effective coordination in the absence of a common vision or strategy for the police sector (discussed in more detail later in this paper). The different visions and strategies of the various international actors involved in the police sector is in part a result of their different policing and legal traditions. There is a significant difference, for example, between the German vision of creating a civilian police force to promote the rule of law, and the CSTC-A priority of rapidly increasing police numbers to act in a paramilitary capacity to help fight the Taliban in southern Afghanistan. In the absence of a common police reform strategy that addresses the needs of the entire country, it will be difficult for coordination efforts to extend much beyond information sharing.

Another important coordination challenge remains strengthening the weak coordination among the different pillars of security sector reform, especially between the police and judicial sectors. Some important efforts have been made recently to help bridge this divide, including a seminar organised jointly by Germany and Italy in August 2006 on how to improve cooperation between the ANP and the Attorney General's Office.⁹¹ The US has also recently begun a Regional Justice/Police Integration Project (RJPIP) that is trying to strengthen coordination. Nonetheless, without a comprehensive and integrated rule of law strategy, which does not treat the police and justice sectors as separate

⁸⁷ "Report of Dubai II", n.d., p. 3.

⁸⁸ Most of the information on the proposed structure and tasks of the IPCB and its Secretariat are from CSTC-A, "Strategy proposal of the WG Follow Up Dubai II", PowerPoint presentation, n.d.

⁸⁹ AREU interview, Kabul, 29 November 2006.

⁹⁰ AREU interview, Kabul, 29 November 2006.

⁹¹ See "German-Italian Seminar on best practice cooperation between the Afghan National Police and the *saranwal*", Kabul, 12-13 August 2006.

pillars, the vision of a civilian police force that respects and promotes the rule of law in Afghanistan will never be realised.

While considerable effort has gone into strengthening police sector coordination in Kabul, there are still major communication and coordination gaps between police programmes in Kabul and those based in RTCs and PRTs at the regional and provincial levels. There is also a lack of coordination among different PRTs and RTCs. In a visit to Kunduz for this study, DynCorp personnel at the Regional Training Centre were largely unaware of what the German police advisors were doing in the adjacent German PRT, and vice versa. In the absence of a common national police reform strategy, each PRT is running its own police programme based on its own national guidelines, thereby missing out on the synergies that a more coordinated effort would provide. A related problem is the asymmetry that exists between the very large-scale CSTC-A programme and other much smaller programmes, often with only one or two police advisors based in a remote PRT.

Finally, while the focus of this section has been on donor coordination, there are also major coordination challenges within the Afghan government itself, and between donors and the government. A strained relationship between the MoI and the Ministry of Defence, for example, has complicated coordination efforts within the security sector. The weak links between the police and justice sectors of the Afghan govern-

ment pose particularly serious problems for police reform efforts.

The major challenge for donor-government coordination in the police sector is the weak leadership and corrupt and factionalised nature of the MoI. Developing and implementing police reform programmes in partnership with a ministry that is largely unreformed — and that has shown little interest in reforming — has often proven to be a largely futile exercise. Yet government ownership of the police reform process is critically important, and a “go it alone” approach by donors will ultimately not be meaningful or sustainable.⁹² Unless top MoI officials and President Karzai seriously commit to reforming the MoI, efforts to coordinate and promote police reform in Afghanistan are unlikely to succeed. Coordination of police reform efforts should also extend beyond the MoI to include the National Security Council and the Security Sector Reform Coordination Committee.⁹³ During the numerous interviews on police reform conducted for this study, it was striking that no reference was made to the National Security Council, which is supposed to play an important role in developing and coordinating Afghan security policies and strategies.

⁹² For a discussion of the “go it alone” approach to rebuilding the new ANA, used initially by the US when confronted by an unreformed Ministry of Defence, see Mark Sedra, “Security Sector Reform in Afghanistan: The Slide Towards Expediency”, *International Peacekeeping*, Vol. 13, No. 1, March 2006, p. 106.

⁹³ Mark Sedra, “Security Sector Reform in Afghanistan: The Slide Towards Expediency”, *International Peacekeeping*, Vol. 13, No. 1, March 2006, p. 107.

4. Police Reform Activities

Since 2002, international actors have been implementing many different activities aiming to strengthen the Afghan police sector. The variety and scale of these activities have increased dramatically since 2006, in part due to a recognition that early reform efforts were inadequate, but primarily due to the growing importance placed on the creation of an effective police force to help with counter-insurgency operations in southern Afghanistan. The following section provides an overview of the main international efforts to reform the police sector since 2002, and the key challenges confronting these efforts.

4.1 Training and Mentoring

Training

Police reform activities from 2002 to 2005 were mainly focussed on training and on addressing the equipment and infrastructure needs of the ANP. The central component of the German Police Project Office (GPPO) programme in Kabul was to rebuild and re-establish the Kabul Police Academy (KPA), which reopened in August 2002. By December 2006, the Academy had graduated 868 commissioned police officers (*saranman*) from its three-year course, and 2,636 non-commissioned police officers (*satanman*) from its nine-month course. The KPA has also trained 752 Border Police, and provided shorter advanced training courses to 13,320 police officers in subjects such as counter narcotics, criminal investigation, traffic management, and specialised training for Border Police and Standby Police.⁹⁴ Approximately 1,300 police officers are currently enrolled in the KPA.

The initial focus of US engagement in the police sector was also in the area of training. With the Germans focusing on providing advanced training to commissioned and non-commissioned police officers, the US focused on developing a major programme to provide basic training to



Photo: Ministry of Interior

fresh recruits and serving patrolmen. The US contracted the private security firm DynCorp International in 2003 to construct and provide training at a Central Training Centre (CTC) for police in Kabul, and in 2004 to construct and provide training at seven Regional Training Centres (RTCs) in Jalalabad, Gardez, Kandahar, Herat, Bamyan, Mazar-i-Sharif and Kunduz. The courses include both lectures and practical hands-on training, and are taught by Afghan police trainers who are themselves given a three-week Instructor Development Course. Box 2 outlines the main training courses that the CTC and RTCs offer to both new ANP recruits and serving patrolmen. Prior to the October 2004 elections, more than 20,000 police recruits and serving policemen were trained at the CTC and RTCs.⁹⁵ By June 2006, more than 60,000 had been

⁹⁴ Figures provided by German Embassy, Kabul, 30 November 2006.

⁹⁵ US Government Accountability Office, "Afghanistan Security: Efforts to Establish Army and Police Have Made Progress, but Future Plans Need to Be Better Defined", Report to the Committee on International Relations, House of Representatives, June 2005, pp. 19-21.

Box 2: CTC and RTC Training Courses⁹⁶

Basic I, II and III. Basic I is a nine-week entry-level course for literate students, and Basic II a five-week version of the same course for illiterate students (it omits classes such as report writing, note taking, and obtaining witness statements). A new Basic III course was designed in 2006 to replace Basic II. Basic III provides five weeks of literacy training followed by the nine-week Basic I course. In interviews for this study, some police trainers expressed concern that five weeks of literacy training would not be enough to develop sufficient literacy skills for students to participate fully in the Basic I course.

Transition Integration Programme (TIP) I, II and III. TIP courses are more advanced in-service courses intended to provide follow-on training to graduates of the Basic I, II and III courses (although some TIP students have not attended a Basic course). TIP I is a three-week advanced officer-in-service course created for literate members of the ANP, and TIP II is a three-week course that supplements the TIP I course. TIP III is a new five-week programme that will supersede TIP I and II; it is designed to become a requirement for all in-service ANP personnel. Three versions of TIP III will be offered – A, B and C for junior, mid-level and senior officers, respectively.

Other Specialised Courses. These include the advanced ANCOP training course, a Border Police Course, a Criminal Investigation Course, a Field Training Officer Programme, a Firearms Training Course, an Instructor Development Course, courses in police driving and record-keeping, an anti-corruption course at the Mol, and specialised training courses for the Professional Standards Unit, the Police Tactical Training Initiative, and the Women's Police Corps.

trained.⁹⁷ This figure, however, includes many police officers who attended only the three-week Transition Integration Programme I (TIP I) course initially offered, not the nine-week Basic I or five-week Basic II courses that were subsequently offered.

The greatest challenge confronting police training efforts has been the high rates of illiteracy and semi-literacy among ANP patrolmen and recruits. According to one estimate, less than 30 percent of the ANP recruits can read or write.⁹⁸ The actual situation might be much worse. In the RTC in Kunduz, for example, of the 887 graduates between January and November 2006, only seven were literate.⁹⁹ Not only is it much

more difficult to train illiterate recruits, it is also not realistic to expect a largely illiterate police force to effectively enforce and promote the rule of law. As the report of the US Department of Defense and Department of State Inspector Generals on police training and readiness noted:

The five-week Basic II Course is inadequate to prepare an ANP recruit for assignment to anything resembling traditional western police duties. Illiterate ANP recruits can only be expected to perform supplementary or ancillary police duties, such as security functions, guard duty, and checkpoint security.¹⁰⁰

⁹⁶ For a more detailed description of these courses, see Inspector Generals, "Interagency Assessment", pp. 63-67.

⁹⁷ Inspectors General, "Interagency Assessment", p. 7.

⁹⁸ Inspector Generals, "Interagency Assessment", p. 19.

⁹⁹ AREU Interview with Acting Regional Commander, Kunduz RTC, 28 November 2006.

Several senior ANP officers questioned the effectiveness of the training for illiterate recruits and the practice of making no rank or pay distinctions between literate and illiterate graduates, despite the former attending a nine-week course and the latter a five-week course. According to one police general, "The students who graduate with the top marks should be rewarded. Professionals should be rewarded more than the illiterate".¹⁰¹

There was a general impression from several informal interviews with members of the public that the new police compared unfavourably with the older generation of police. One interviewee stated that, "The new police are worse than the old police because they are illiterate. The old police were professionals".¹⁰² Several Afghan police officials of the older generation worried that the very low entrance requirements were damaging the already poor reputation of the ANP. According to one senior official, who graduated from the police academy in 1971:

*My German teachers used to tell us that becoming a professional police officer is a much more difficult job than other jobs. But today, all other jobs are much more difficult than becoming a member of the police, which is now one of the easiest jobs.*¹⁰³

Several interviewees noted that while the current police training was good, it had limited impact once the newly trained police returned to work in the unreformed institutional environments of their district and provincial police departments. An Afghan instructor at a police Regional Training Centre described the problem as follows:

*When the students are here they are very good people. But when they go back to their districts the other police officers pressure them into behaving as they did before, and to take bribes. If they do not take bribes they cannot stay there.*¹⁰⁴

One of the most serious problems with current police training efforts is that very little attention is paid to who is trained. Many interviewees for this study highlighted the importance of vetting recruits for the Afghan National Auxiliary Police (ANAP), to ensure that illegal armed militias or Taliban fighters were not recruited and trained. Yet few seemed concerned about who was being recruited and trained into the regular police force. According to one DynCorp official involved in police training, "We train who we get".

A process exists on paper for the MoI to vet police recruits, but by all accounts it is rarely followed and no uniform recruitment standards are applied.¹⁰⁵ In practice, police recruits are usually introduced by local officials and factional commanders. As a result, local political and factional loyalties often play a more important role in police recruitment than qualifications or competence.

In addition to paying very little attention to who is recruited, neither Germany nor the US know what happens to those who graduate from their training programmes. One UN official interviewed for the present study asked, "In Kandahar province there are 1,900 police, of whom only 200 have received training. Yet the RTC in Kandahar has trained 6,000 [for the southern region]. Where have they all gone?"¹⁰⁶

¹⁰⁰ Inspector Generals, "Interagency Assessment", p. 64.

¹⁰¹ AREU interview, Kabul, 15 November 2006.

¹⁰² AREU interview, Kabul, 29 November 2006.

¹⁰³ AREU interview, Kabul, 19 November 2006.

¹⁰⁴ AREU interview, Kunduz, 28 November 2006.

¹⁰⁵ For a brief description of the official vetting process see Inspector Generals, "Interagency Assessment", pp. 20-21.

¹⁰⁶ AREU interview, Kabul, 23 November 2006.

Box 3: Compulsory Military and Police Service in Afghanistan

Prior to 1992, Afghanistan had a conscription policy whereby all young men, except religious students and those from some tribal areas bordering Pakistan, were required to perform military service in the army, the police or the secret police. In the 1970s, the conscription age was 22 and the length of service was two years.

The Soviet invasion in December 1979, and the resulting escalation of fighting between government forces and the mujahidin resistance groups, led to a big increase in draft evasion and desertion. This resulted in the conscription age being lowered to 18, and the length of service increased to three years in 1981 and four years in 1984. This extremely unpopular policy resulted in even larger numbers of young men fleeing to Pakistan or joining the mujahidin groups to escape the draft. In 1987, the policy was rescinded and the conscription period reverted back to two years.¹⁰⁷

In the interviews conducted for this study, nearly all army and police officers of the older generation strongly advocated for the reintroduction of compulsory service. Several of these officers spoke about the important nation-building benefit provided by the common training and the requirement to fulfil the compulsory service period in a province other than one's own. They claimed that compulsory service would be one of the only ways to improve the reputation and effectiveness of the police. According to one provincial Chief of Police:

*Everyone should have to do compulsory service. This would raise the reputation of the police. When people turned 22 they used to have to do their military service. No one used to marry their daughters to people who did not send their children for military or police service because they were not viewed as trustworthy.*¹⁰⁸

Compulsory service would improve the quality of police recruits, which in turn could help improve the reputation and effectiveness of the ANP. It could also be used as an education and capacity-development opportunity, and help address problems of under-employment and unemployment. Furthermore, it would present a potential solution to the serious problem of sustainability facing a professional army and police force that has to pay competitive salaries to attract and retain recruits.

There are clearly also many benefits to having a professional rather than a conscript-based army and police force. Furthermore, bad memories of conscription from the 1980s may make it too politically unpopular for the government to reinstate. Nevertheless, given how consistently its reinstatement was recommended by senior police officials, a feasibility study should be conducted to outline the benefits and drawbacks of compulsory military or police service.

¹⁰⁷ Details on Afghanistan's conscription policies are from, Conscription and Conscientious Objection Documentation Project, "Afghanistan: CONCODOC 1998 Report", www.wri-irg.org/co/rtba/afghanistan.htm, accessed 22 January 2007.

¹⁰⁸ AREU interview, provincial Chief of Police, 26 November 2006.

A 2004 AREU Briefing Paper on security sector reform commented on this as follows:

Once trained, the police generally return to their original police forces with no further monitoring, mentoring or training in the field. By analogy, the situation is as it would be if the military reform pillar were simply training and better equipping existing factional militias and sending them back to their current factional commanders, to be called the new Afghan National Army.¹⁰⁹

Of course, not knowing who is trained and what becomes of those who have been trained makes it extremely difficult to determine the impact of the enormous investments of time and money put into police training.

The lack of attention to who is trained and what happens to them after the training reflects the problem, common to most reform efforts in Afghanistan, of adopting overly technocratic approaches to reforming deeply political institutions. The police play an extremely important political role in the power politics of Afghanistan. As many Afghans noted in interviews, the current technocratic approach to police training has had the perverse effect in some areas of strengthening forces opposed to the government rather than creating an effective police force loyal to the government. In the words of one former senior Mol official:

Each commander sends his militia men for training. After training they are then sent back to the commander with a uniform. The result is a somewhat better trained and equipped militia man with a uniform, who still reports to the same militia commander. . . . We should be mixing the militia members up in training and redeploying them to different areas. The current method is not

breaking up the command and control structures of the militias. . . . The end result is that we are basically providing training to strengthen militia groups.¹¹⁰

Mentoring

As more and more ANP personnel complete both basic and advanced police training, greater attention is being given to the need to reinforce this training through on-the-job training and mentoring programmes. The CTC and RTCs have begun providing five-week Field Training Officer (FTO) courses to experienced ANP police officers so that they, in turn, can conduct follow-up training at their respective police stations.¹¹¹ A much greater emphasis is also being placed on expanding international police mentoring programmes, which according to the German Special Ambassador for Police Reform will be the main pillar of the next phase of police reform in Afghanistan.¹¹²

The US Department of State's INL Bureau has contracted the private security firm DynCorp to implement the largest police mentoring programme in Afghanistan. As of May 2007, DynCorp was contracted to provide more than 500 police trainers and mentors. In addition to the US mentor programme, mentoring is also among the responsibilities of approximately 20 civilian police officers based at European PRTs throughout the country. The European contribution to mentoring will increase considerably following the establishment of the EUPOL mission, which is planning to deploy 160 police experts and police officers. Even this greatly expanded mentoring programme falls far short of the number of mentors that some are requesting. An April 2007 NATO defence ministers' meeting in Quebec called for 2,000 more police trainers, although given the cost and difficulty of finding qualified police trainers to work in

¹⁰⁹ Michael Bhatia, Kevin Lanigan and Philip Wilkinson, "Minimal Investments, Minimal Results", AREU Briefing Paper, Kabul, June 2004, p. 17.

¹¹⁰ AREU interview, Kabul, 16 November 2006.

¹¹¹ Inspector Generals, "Interagency Assessment", pp. 19-20.

¹¹² AREU Interview with Ambassador Helmut Frick, Kabul, 25 November 2006.

Afghanistan it seems unlikely that this level will be achieved.¹¹³

The police mentoring programme has placed mentors within the Mol in Kabul, in the five ANP Regional Commands, and in some PRTs. The US and the EUPOL mission both plan to base more mentors in RTCs and PRTs to mentor police officials on the regional and provincial levels and, if mentor numbers grow sufficiently, on the district level as well.

An effective mentoring programme could become a very important component of a comprehensive police reform strategy. However, there are numerous risks and challenges involved in the effective implementation of a mentoring programme. One of the biggest challenges will be finding sufficient numbers of qualified international police experts and officers willing to work as mentors in remote and sometimes dangerous areas of Afghanistan. Another risk expressed by several interviewees is that the security regimes put in place to protect the mentors, while necessary in parts of the country, could undermine the effectiveness of mentoring by creating a barrier between mentors and the police they are mentoring.¹¹⁴ Basing mentors at heavily fortified PRTs and RTCs, and adding "close protection" requirements of armed bodyguards, may further strengthen the perception that the ANP are a military or paramilitary force rather than a civilian police force.

The tremendous amounts of money now being invested in police mentoring programmes could be wasted if there is not a politically informed strategy to guide the work of mentors. Mentoring programmes are based on the assumption that international mentors are the more knowledgeable actors, whose job it is to impart their

wisdom and expertise to their Afghan junior partners. In reality, however, this is often not the case. The internationals may know much more about the technical aspects of policing in the West, but the Afghans know much more about the culture and politics of policing in Afghanistan. One long-time observer of Afghan politics noted that many Afghans, when working with international staff, "pretend they are the junior partners but are skilfully manipulating things in their favour".¹¹⁵ If mentoring is to be effective, mentoring teams need to have an appropriate mix of political and technical expertise and allow themselves to be mentored by their Afghan counterparts about Afghan culture and politics while mentoring these Afghans about the technical aspects of policing.

The greatest risk of mentoring programmes may have little to do with the programmes themselves. In the absence of top-level government commitment to police reform, and without significant progress in the institutional reform of the Mol, mentoring of individual police officials is unlikely to have a major impact on improving the effectiveness of the ANP as an institution. To date, the commitment from top levels of government and the Mol to push for institutional reform of the Mol was described by one respondent as "half-hearted at best".¹¹⁶

International mentors are extremely expensive. The \$100,000 annual salary of one DynCorp police trainer is equivalent to the salary of 120 ANP patrolmen earning \$70 per month.¹¹⁷ Factoring in the other costs of maintaining an international police trainer or mentor – including agency overhead costs, security costs, insurance, food and accommodation – the number of ANP patrolmen whose salaries could be covered by the cost of one DynCorp trainer in Afghani-

¹¹³ Thom Shanker, "Defense Chiefs of NATO and Other Allies to Press for More Trainers for Afghan Forces", *New York Times*, 13 April 2007.

¹¹⁴ According to one European official, "There is a danger of getting more obsessed with how to keep foreigners safe in the field than in solving Afghanistan's problems". AREU interview, Kabul, 1 December 2006.

¹¹⁵ AREU interview, Kabul, 1 December 2006.

¹¹⁶ AREU interview, Kabul, 1 December 2006.

¹¹⁷ According to a recent report, the starting salary of DynCorp's police training positions is \$100,324. See Fariba Nawa, "Afghanistan, Inc.", A CorpWatch Investigative Report, Oakland, CA: CorpWatch, 2006, p. 18.



Photo: Ministry of Interior

stan would at least double or triple. This means that the annual cost of maintaining 500 DynCorp trainers and mentors in Afghanistan exceeds the 2006 wage bill for the authorised 62,000 ANP force. Given the enormous expense, it is important to devise assessment systems that on a regular basis try to determine whether the positive impact of mentoring programmes justifies the cost.

4.2 Equipment and Infrastructure¹¹⁸

Inadequate police equipment and infrastructure are another important contributing factor to the ineffectiveness of the Afghan police, and to the large number of police casualties. A 2002 German government assessment estimated that less than 10 percent of Afghan police had adequate equipment, and that approximately 80 percent

of Afghanistan's police infrastructure had been destroyed. The US Defense Department estimated that more than 800 police facilities at the provincial, district and sub-district levels, as well as along Afghanistan's borders, were in need of construction or renovation.¹¹⁹ Police training programmes have also been affected by the lack of equipment. The CTC and RTC training programmes, for example, could not offer firearms training until March 2005 as no donor had provided weapons and ammunition.¹²⁰

During the past few years, increasingly large amounts of donor funding have gone into building and renovating police infrastructure and donating equipment — including vehicles, weapons, ammunition, communications equipment, and uniforms. During 2005-07, the US alone contributed approximately \$1 billion for facilities

¹¹⁸ For a more detailed discussion of equipment procurement and management issues, especially in terms of US contributions, see Inspector Generals, "Interagency Assessment", pp. 43-49.

¹¹⁹ Quoted in GAO, "Afghanistan Security", p. 23.

¹²⁰ GAO, "Afghanistan Security", p. 23.

investment, and since 2002 other members of the international community have contributed \$92.5 million for infrastructure and equipment.¹²¹ Nonetheless, by June 2006, most ANP units still had less than 50 percent of their authorised equipment. CSTC-A projected that this would increase to 100 percent (except for vehicles) by the end of 2007,¹²² largely as a result of a massive US increase in the FY2007 and FY2008 contributions to the police sector, including \$1 billion for construction and \$700 million for equipment (including 12,000 vehicles).¹²³

In addition to providing equipment, CSTC-A is developing an ANP logistics system to distribute equipment based on the ANA system, with a central office in Kabul that supports logistics offices in the five regional commands. These, in turn, will maintain one supply point in each province, providing provincial, district and border police forces with equipment, maintenance and communications support. Until this logistical system is operational, CSTC-A will continue distributing equipment and supplies to the headquarters of the provincial and border police forces, who are then responsible for further distribution.¹²⁴

The biggest challenge to equipping the ANP is the lack of systems for internal control and accountability. Many of those interviewed for this study cited numerous examples of the theft and misuse of donated police equipment. One of the most visible misuses of police equipment is the common sight on weekends of large numbers of the very distinctive German-donated police vehicles transporting families to popular picnic spots around Kabul.¹²⁵

Much more serious, however, is the widespread theft of police equipment. One PRT official reported that the problem of theft had been so severe that the PRT adopted a policy of not giving anything that could be moved, focusing instead almost exclusively on the construction of buildings.¹²⁶ One provincial Deputy Chief of Police reported that when the US offered to provide 900 weapons to the former provincial Chief of Police, he distributed police uniforms to farmers and shopkeepers from his tribe, who then lined up at the police station to receive the weapons. According to the Deputy, today only 200 of the 900 weapons remain in police custody.¹²⁷ Widespread corruption was also reported in the awarding of suppliers' contracts. One Deputy Chief of Police complained that the boots provided by a Chinese contractor lasted only one month before falling apart.¹²⁸

Given the extent of the problem, the strengthening of internal control and accountability functions within the ANP and Mol has received surprisingly little attention. According to the Inspector Generals' report, only one course in professional standards or internal affairs was offered in 2005 — from which only 28 ANP students graduated. Most or all of these students were given assignments other than internal affairs, and no subsequent courses were ever requested by the Mol.¹²⁹ In 2007, the US will launch a new project to develop a Criminal Information Unit within the Mol, aiming to address issues relating to internal affairs, accountability and corruption.

Another serious challenge will be locating sufficient funds to operate and maintain all the equipment and infrastructure that has been do-

¹²¹ CSTC-A, "Afghanistan Cross Walk", pp. 13-14.

¹²² Inspector Generals, "Interagency Assessment", p. 45.

¹²³ General McCaffrey, "After Action Report", p. 3.

¹²⁴ Inspector Generals, "Interagency Assessment", p. 46.

¹²⁵ Personal communication with Thomas Ruttig, former UN, EU and German Embassy official in Kabul, 14 May 2007.

¹²⁶ AREU interview, 27 November 2006.

¹²⁷ AREU interview, Kabul, 15 November 2006.

¹²⁸ AREU interview, Logar, 22 November 2006.

¹²⁹ Inspector Generals, "Interagency Assessment", p. 33.

nated. A complaint that was frequently heard during field work for this study was that few police departments had the operating budget to cover fuel costs for the thousands of donated vehicles.

Compounding this problem, 95 percent of donated police equipment has been non-standard.¹³⁰ For example, the Americans, Germans, and Japanese all donated (and the Russians sold) vehicles produced in their own countries, which is now causing serious problems of spare parts and maintenance. In addition to non-standard equipment, some of the donated equipment and supplies have been sub-standard. Several interviewees complained about the quality of donated equipment, including reportedly unreliable Czech-made Kalashnikov assault rifles.

4.3 Restructuring and Reforming

By 2005 there was a growing realisation that simply providing more training and equipment to individuals who then returned to work in the unreformed institutional environment of the ANP and the Mol was having limited impact. At the same time, the escalation of the Taliban-led insurgency in southern Afghanistan led to a greater recognition of the need for a more effective police force. These two factors have resulted in more attention and resources being given to institutional restructuring and reform of the ANP since 2005 than in the previous three years of police reform efforts.

The major police restructuring efforts are described in the overview of the Afghan police sector, provided in Section 2 of this paper. These include:

- Establishing five police Regional Commands modelled after the ANA regional structure;

- Revising the Chain of Command to include Regional Commands, and to minimise the role of provincial governors;
- “Rebalancing” the police force to redeploy additional police to southern Afghanistan to assist in counter-insurgency operations;
- Eliminating some police forces (the Afghan Highway Police and Standby Police) and creating new ones (Afghan National Auxiliary Police and Afghan National Civil Order Police); and
- Reforming the *tashkil* and increasing the size of the police force from the Afghanistan Compact approved size of 62,000 to 82,000.

The failure to adopt a comprehensive approach to institutional reform of the Mol has been one of the major shortcomings of police reform efforts in Afghanistan since 2002. Although Germany and the US have both supported some Mol reform activities, mostly in the form of mentors for senior Mol officials, these were relatively *ad hoc* and piecemeal rather than comprehensive in scope. In 2006, the US greatly expanded its Mol reform activities through its Police Reform Directorate. Central to this effort is the development of a Leader Developing Training Programme within Mol, which uses a systems approach to improve practices in 15 critical areas through training of ANP officials.¹³¹ While it is too early to judge the impact of this initiative, several interviewees expressed concern that it was still too narrowly focused on the police component of the Mol, failing to address the need for comprehensive Mol reform.

While the last section of this paper returns to the topic of comprehensive Mol reform, the following section will briefly describe the two important institutional reform initiatives – payroll

¹³⁰ Inspector Generals, “Interagency Assessment”, p. 44.

¹³¹ The 15 “critical systems” identified by CSTC-A that require strengthening are: Strategic Planning; Operational Planning; Operations and Force Readiness; Internal Affairs; Intelligence; Logistics Management; Facilities and Installation Management; Acquisition and Procurement; Ministerial Administration; Personnel Management; Legal Affairs; Finance and Budget; Force Management; Training and Education; Public Affairs, Information and Communication. CSTC-A, “Afghanistan Cross Walk”, p. 7.

reform and pay and rank reform — where significant progress has been made in the past few years.

Payroll Reform

Since the onset of police reform in 2002, much progress has been made in reforming the notoriously corrupt and unreliable police payroll systems. The resumption in 2002 of police salary payments through a payroll system that had all but collapsed during the war ended up fuelling rampant corruption. Some of the specific problems with the payroll system were:

- Weak and often non-existent banking infrastructure;
- Late payment of salaries, often delayed by 6-9 months;
- Little or no correlation between numbers of approved posts (*tashkil*) and the amount of funds allocated (*takhsis*) to pay the salaries;
- Large numbers of “ghost police” who existed only on paper, and whose salaries were pocketed by police or militia commanders; and
- “Skimming” of salaries by those responsible for money transfers, and by police commanders taking a percentage of the salaries of those under their command.

A CSTC-A finance team in the MoI has been leading efforts to reform the payroll system. They have introduced a three-phased process to increase the reliability of payroll payments.¹³²

- Phase 1: Individual Salary Payments (ISP). MoF staff travel to provinces to verify payroll lists and pay policemen.

- Phase 2: Pay By List. MoF sends payroll to provincial branches of Da Afghanistan Bank, and branch tellers pay policemen after checking their ID.
- Phase 3: Pay to Individual Bank Accounts. Electronic Funds Transfer (EFT) to individual bank accounts of policemen.

By the end of 2006 all but three provinces (Daikundi, Nimroz and Nuristan) were expected to be benefiting from the Individual Salary Payment or Pay By List systems. In October 2006, the EFT system was piloted in Kabul and more than 14,000 bank accounts set up for police officers. If the EFT pilot proves effective, the end goal is to eventually use EFT to pay the salaries of all police officers into private bank accounts. The extremely undeveloped formal banking system in Afghanistan, however, means that this goal is unlikely to be achieved anytime soon.

In interviews conducted with ANP officers for this study, several commented on the improvements made in the timeliness of salary payments, and that the efforts put into ensuring that police officers were directly paid their salaries had reduced the amount of corruption and misappropriation of police salaries. According to one police officer in Kunduz:

*We receive our salary from the bank. We have an ID that we show, and then they give us our salary. This is a very good system. The international community and Afghan government should reward those people who prepared the policy for the banking system. Before lots of Chiefs of Police or heads of departments took their staff's salaries. They also lied in their tashkils and claimed that they had 60 police when they only had 40.*¹³³

While ghost police undoubtedly still exist, the individual salary payment system gives a more

¹³² CSTC-A, “Afghanistan Cross Walk”, p. 6.

¹³³ AREU interview, Kunduz, 27 November 2006.

accurate picture of actual police numbers. For example, one former senior MoI official reported: "When I arrived at the MoI we were paying 73,000 police. Once we started making individual salary payments this dropped to around 52,000, suggesting that there were at least 21,000 ghost police".¹³⁴

Pay and Rank Reform

One of the most important institutional reform initiatives in the police sector to date has been pay and rank reform. Most of the planning for this initiative was done in 2005, and the implementation carried out between late 2005 and mid-2007. The major objectives of pay and rank reform are as follows:¹³⁵

- Restructure the top-heavy ANP by reducing senior positions;
- Institute a rigorous process for testing and selecting officers based on merit rather than personal and factional connections and bribery; and
- Increase pay to facilitate recruitment and retention and reduce corruption.

Table 5 shows the number of police if each rank and their salaries before and after pay and rank reform (based on the Afghanistan Compact approved force size of 62,000). The rank reform led to a 76 percent reduction (10,443 to 2,522) in the number of police officers in the ranks of captains through generals, and nearly a 30 percent increase (45,982 to 59,478) in the number of patrolmen, sergeants and lieutenants. The pay reform sought to bring police salaries in line with the previously increased ANA salaries, and to decompress the salary scales by increasing the ratio of lowest to highest monthly salaries from about 1:1.5 (\$70:\$107) to 1:10 (\$70:\$750).¹³⁶ A subsequent unilateral increase

Table 5: Before and After Pay and Rank Reform

Rank reform		
Before reform	Police ranks	After reform
340+	Generals	117
2,450	Colonels	301
1,824	Lt. Colonels	467
2,067	Majors	580
3,762	Captains	1,057
1,705	1 st Lieutenants	1,518
1,834	2 nd Lieutenants	2,756
1,043	3 rd Lieutenants	0
4,800	Sergeants	9,324
36,600	Patrolman	45,880
56,425	Total	62,000
Pay reform		
Before reform	Police ranks	After reform
\$107	Lt. General	\$750
\$103	Maj. General	\$650
\$95	Brig. General	\$550
\$92	Colonel	\$400
\$88	Lt. Colonel	\$350
\$83	Major	\$300
\$78	Captain	\$250
\$69	1 st Lieutenant	\$200
\$66	2 nd Lieutenant	\$180
\$62	Sergeant	\$115/140/160
\$70	Patrolman	\$70/80

Source: CSTC-A, January 2007

¹³⁴ AREU interview, Kabul, 16 November 2006.

¹³⁵ Inspector Generals, "Interagency Assessment", p. 27.

¹³⁶ John Schultz, Office of Security Cooperation-Afghanistan, "ANP Pay and Rank Reform", PowerPoint presentation for LOTFA Steering Committee, 25 January 2006, p. 4.

of ANA salaries in the fall of 2006 again created salary disparities between the ANA and ANP. The pressure to increase ANP salaries to match ANA salaries resulted in a decision at the April 2007 JCMB meeting “to provide funding for [ANP] salary levels broadly equivalent to the ANA”.¹³⁷ For the lowest ranking patrolmen this will translate into an increase from approximately \$70 to \$100 per month. These salary increases, together with force size increases, raise significant questions regarding the fiscal sustainability of the pay reform initiative (discussed in detail later in this paper).

The most important reform component of pay and rank reform was instituting a merit-based process for selecting officers for the greatly reduced number of officer positions. To oversee the selection process a Rank Reform Commission was established, consisting of senior MoI officials headed by a police general and advised by CSTC-A and the GPPO. The Commission developed a selection process with five steps: 1) a written application, 2) a written test, 3) review of the application file, 4) human rights vetting conducted by UNAMA and the US Department of State, and 5) an interview before a selection board with Afghan and international members. The results of the individual interviews were used to rank candidates numerically. If officers were not selected at their current rank they were given the option of competing for a position at the next lower rank, with the incentive of considerably higher salaries than they were receiving previously at a higher rank. This process continued until they were selected, decided to retire, or reached an age limitation (General, 65 years; Colonel, 55; Lt. Col, 52; Major, 50). Officers who were not selected were offered a severance package of one year’s pay based on the higher salary scales.¹³⁸

While most internationals interviewed for this study were very enthusiastic about the pay and rank reforms, many of the senior Afghan offi-

cials expressed concern that the downsizing of higher ranks was having the perverse effect of pushing some of the most qualified and experienced officers out of the police force. According to one Afghan interviewee:

*Pay and rank reform is contributing to de-professionalising the police by reforming professionals out of the system. The pay and rank reform process should have accommodated the police academy graduates into the police force. . . . In order to reduce numbers of generals we should put a freeze on promotions, and also let some work in lower positions but without a demotion. But we should not demote the professionals. The result is that we are losing some of the best people through “reform”. The end result of the reform effort is that we are taking away rather than building capacity in the police.*¹³⁹

Box 4 outlines the five phases of rank reform. The first phase was implemented successfully, with 31 of the most senior police generals selected from 317 applicants. The second phase involved selecting 86 major generals and brigadier generals, including for the 34 critically important provincial Chief of Police positions. This phase ran into serious trouble when, after considerable effort had gone into getting agreement on the testing and selection process to remove unqualified police officers, President Karzai disregarded the recommendations of the Selection Committee, which were strongly supported by the main international actors involved in police reform efforts. Instead, Karzai issued a decree in June 2006 appointing 86 Generals, including 14 Chiefs of Police who had failed the exam. According to Human Rights Watch, these appointments included four individuals barred from contesting the parliamentary elections for having links to illegal armed groups; others who were known human rights abusers, warlords and drug-traffickers; and several who were impli-

¹³⁷ Personal communication with international official in Kabul, 1 May 2007.

¹³⁸ Inspector Generals, “Interagency Assessment”, p. 69.

¹³⁹ AREU interview, Kabul, 16 November 2006.

Box 4: The Five Phases of Rank Reform¹⁴⁰

Phase 1. Selection of 31 generals for most senior ANP positions – completed.

Phase 2. Selection of remaining generals (majors and brigadier generals), including provincial Chiefs of Police – completed.

Phase 3. Selection of field grade officers (235 Colonels, 301 Lt. Colonels and 474 Majors), prioritised into “Tier 1” and “Tier 2”:

Tier 1. Priority given to appointing 112 Colonels, 235 Lt. Colonels and 235 Majors to fill key field grade officer positions, including all district Chiefs of Police – completed.

Tier 2. All remaining positions not part of Tier 1, and any new positions resulting from 2007 *tashkil* revision – to be completed by March 2007.

Phase 4. Selection of company grade officers (Captains, 1st and 2nd Lieutenant positions) – to be completed by May 2007.

Tier 1. Positions in six high-priority provinces in southern Afghanistan.

Tier 2. All other positions.

Phase 5. Selection of all enlisted Sergeant and Patrolman positions – began in May 2007.

cated in murder, torture, intimidation, bribery, government corruption and interfering in police investigations. Human Rights Watch issued a press release criticising Karzai’s appointments, in which its Asia Director was quoted as saying that “These candidates should be investigated for their human rights abuses and other crimes, not appointed as Chiefs of Police”.¹⁴¹

By undermining police reform efforts, President Karzai not only further damaged his reputation in the eyes of the international community, he also sent a demoralising anti-reform message to government officials and the Afghan public. According to one frustrated senior police official:

A terrible example of our current leadership was the effort to reform the level of police

*generals, when 14 police chiefs who failed the exams were rewarded with top positions. The entire nation has seen this. Karzai makes decisions based on three grey beards telling him to hire someone. He does not think about the consequences of not hiring professionals. Why was an illiterate person who failed the exam appointed for a position responsible for the security of 3-4 million people in Kabul?*¹⁴²

After an unusually strong reaction to his police appointments from the major international actors involved in the police sector, President Karzai agreed to put the 14 appointees on probation for four months, and to appoint a Probation Board to decide on each case individually. The Probation Board consisted of six senior Police

¹⁴⁰ Ministry of Interior, “Progress Report on Ministry of Interior (MoI) Reforms”, 4th JCMB meeting, Berlin, 30-31 January 2007, p. 29.

¹⁴¹ Human Rights Watch press release, “Afghanistan: Reject Known Abusers as Police Chiefs: Time for President Karzai to Show He is a Genuine Reformer”, New York, 4 May 2006.

¹⁴² AREU interview, 15 November 2006.

Generals, with Germany, the US, UNAMA and the EU attending meetings as non-voting observers. In the first round of Probation Board meetings in August 2006, the removal of three of the 14 appointees was recommended. One of these three was removed from his provincial Chief of Police position and appointed Mayor of the city of Taluqan, but the other two remained in post. At the second Probation Board meeting in September 2006, the board recommended that three more be removed. Once again, the recommendations were ignored. In late November, the Probation Board unanimously recommended that 11 of the 14 be dismissed, and the US, Germany, UNAMA and EU made a formal statement supporting their removal. It was not until mid-January 2007, however, that the MoI proceeded to remove the 11 appointees as recommended by the Probation Board.

Although President Karzai's intervention delayed the appointment of qualified Police Major Generals and Brigadier Generals by six months, strong and united pressure from the international community ultimately led to a largely satisfactory result. However, a major concern of donors and MoI officials committed to police reform is that no safeguards exist against similar circumventions of merit-based appointments

and promotion processes in the future.¹⁴³ In September 2006, President Karzai signed a decree establishing a Special Consultative Board for Senior Level Appointments to fulfil the Afghanistan Compact benchmark requiring the establishment of "a clear and transparent national appointments mechanism . . . for all senior level appointments". The responsibilities of this Board include reviewing all provincial police appointments. Since its establishment, however, the government has made noticeably little effort to make this important body operational.

In Afghanistan's environment of extremely weak institutions, the positive or negative influence of key individuals within those institutions is often much greater than it would be in more institutionalised environments. Considering the government's poor track record in making effective senior level appointments, and given President Karzai's preference for keeping potential trouble-makers inside his government,¹⁴⁴ the international community will need to continue to pressure the government on the critically important issues of merit-based appointments and the activation of the Appointments Board.

¹⁴³ In principle, once the pay and rank reform process is completed, all future commissioned ANP officers should be graduates from the Kabul Police Academy. Inspector Generals, "Interagency Assessment", p. 70.

¹⁴⁴ For example, many of the most controversial provincial police chiefs removed by the Probation Board were given other influential positions such as Mayor of Taluqan, Deputy Governor of Parwan, Deputy Minister of Tribal Affairs, Advisor Minister to the President.

5. Key Issues and Recommendations

Since 2005 there has been a growing recognition within the international community of the importance of an effective police force in Afghanistan. This somewhat belated realisation has led to a dramatic increase in financial and human resources directed toward police reform efforts, resulting in a major expansion of police reform programmes. If these increased resources are not to be wasted, and if the daunting challenge of reforming the ANP is to succeed in Afghanistan, the major actors — especially the Afghan government, the US, and the EUPOL mission — will need to do the following:

- 1 Develop a shared vision of the role of the ANP and a shared strategy on how to achieve that vision.
- 2 Develop and implement a comprehensive and integrated rule of law strategy that recognises that reform of the police sector will not succeed without reform of the judicial sector.
- 3 Prioritise and make donor assistance more conditional on comprehensive Mol reform, without which ANP reform efforts will fail.
- 4 Prioritise quality of police over quantity and avoid “quick fix” solutions to increase the size of the ANP.
- 5 Prioritise fiscal sustainability of the security sector.

5.1 A Shared Vision and Strategy

The most fundamental issue that must be resolved for police reform efforts to succeed in Afghanistan is the need for a shared vision of the role of the ANP and a shared strategy on how to achieve that vision. In particular, there is a need to reconcile the “German vision” of the police as a civilian law and order force, and

the “US vision” of the police as a security force with a major counter-insurgency role. The role envisioned for the ANP has major implications for how police should be recruited, trained, equipped and deployed, as well as for the composition and size of the police force. The lack of a common vision and strategy, five years after police reform began, is seriously undermining reform efforts and complicating the task of co-ordination among actors in the sector.

There are several documents and reform processes that contain components of a police strategy, such as the Police Law, the pay and rank reform process, the *tashkil* reform, and the National Internal Security Strategy (NISS). Even collectively, however, these do not amount to a comprehensive police sector strategy. A June 2005 US Government Accountability Office (GAO) review of US support to the Afghan army and police noted that: “neither [the US Department of] State nor Germany has an overall plan delineating what is needed to complete the rebuilding of the police sector”.¹⁴⁵ More recently, police trainers at the second Dubai conference in October 2006 highlighted the problem of the current fragmented approach to police reform and the need for a single police strategy:

*So far the single nations and organisations involved in various kinds of law and enforcement reconstruction are mainly following their own national guidelines. With this understanding, the resources of manpower and money are partially wasted because of so many overlapping activities and partly because of unsynchronised operational infrastructures. All efforts need to be gathered and concentrated into one single strategy in order to achieve the goal of an independent Afghan National Police force.*¹⁴⁶

Not everyone believes that the lack of an overall police strategy is a problem. Several policy

¹⁴⁵ GAO, “Afghanistan Security”, p. 19.

¹⁴⁶ “Report of Dubai II”, n.d., p. 1.

makers interviewed for this study were sceptical about the value of a strategy, and expressed concern that time would be wasted “tying ourselves in knots worrying about a strategy. . . . We have to have a civilian police force. We do not need a big strategy for this”.¹⁴⁷ This scepticism is perhaps understandable considering the amount of time often spent developing grand strategies published in attractive documents, which all too often end up gathering dust on a shelf. A shared police strategy is critically important, however, to ensure that the major police sector actors are not implementing contradictory or competing strategies, but are instead working together to achieve a common objective.

More important than the strategy document itself would be the process that reconciles competing visions and leads to the development of a shared vision among the major actors working to reform the Afghan police. Should the overall objective of police reform efforts be the creation of a civilian police force focusing on community policing to promote the rule of law, as advocated by Germany? Or should a major objective be to establish a paramilitary force to assist in counter-insurgency operations, as advocated by the US? Should the role of the ANP incorporate both civilian policing and counter-insurgency functions? The differing German and US visions for the police force, combined with the government’s lack of vision, are seriously undermining efforts to reform the Afghan police.

The German Vision

Germany has been leading the police reform sector since 2002, guided by a vision of the ANP as a civilian law and order force — not a security force. German officials in Kabul are concerned that the roles of the ANA and the ANP are being blurred, citing for example the use by US officials of the term Afghan National Security Forces (ANSF), “which blurs the difference be-

tween the police and the army, while we talk about ANA and ANP”.¹⁴⁸ The German concern was articulated in a document issued by the German Embassy in Kabul in November 2006:

*Germany acknowledges the need for additional police (Afghan National Auxiliary Police, ANAP) on a temporary basis assigned to the most vulnerable provinces. . . . Nevertheless, we are firm that in the medium and long term the dividing line between the military tasks of the ANA and the civilian task of the ANP (including the ANAP) must not be blurred. The police has to continue to exercise policing functions and should not be altered into a paramilitary force.*¹⁴⁹

The view that the ANP should be a civilian law and order force, not a security force, will likely gain strength as the European role and resources in the police sector grow considerably following the establishment of the EUPOL mission in the summer of 2007.

The US Vision

The US military, which is now the major donor and implementer of police reform projects, is guided by a vision of the ANP as an important security force with a major counter-insurgency role. This view is reflected in a memo from the US Assistant Secretary of Defense for International Security Affairs, responding to the 2006 assessment of the US police training programme by the Inspector General Offices of the US Departments of State and Defense:

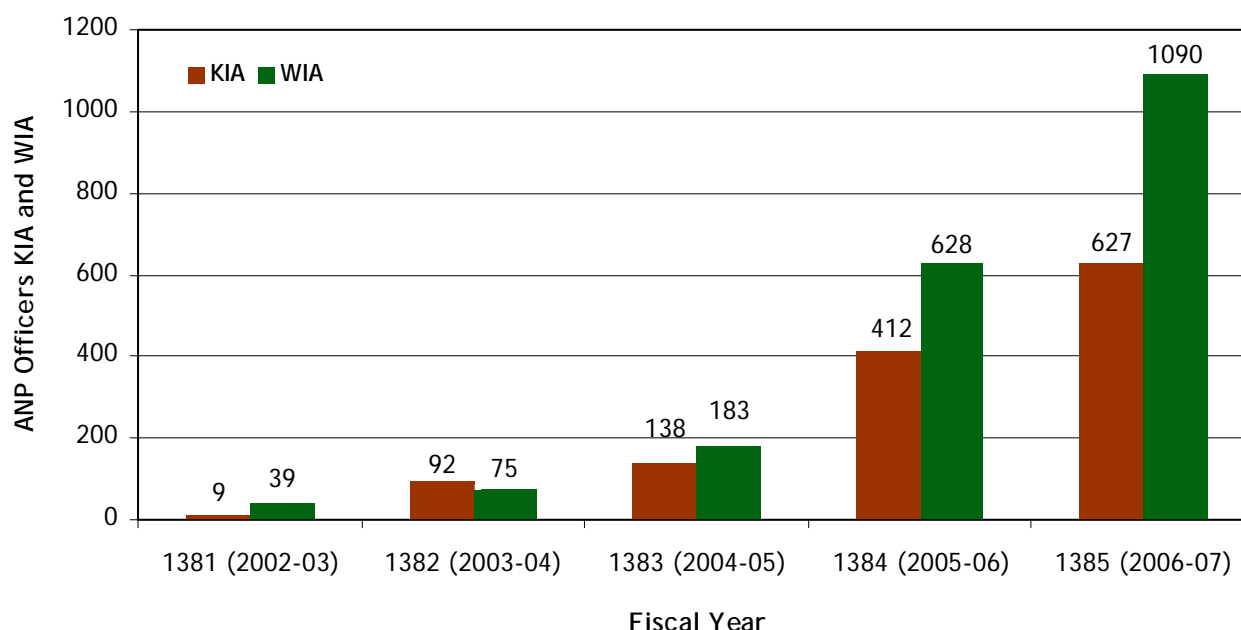
Recommend that the report recognise the diversity of missions assigned to the Afghan National Police (ANP). The ANP’s first mission was to conduct democratic and community policing at an international standard. Currently, the ANP is viewed as a key player in the overall counter-insurgency mission. The ANP’s role today is different/expanded

¹⁴⁷ AREU Interview, Kabul, 29 November 2006.

¹⁴⁸ AREU interview, Kabul, 30 November 2006.

¹⁴⁹ “Police Reform — The German Contribution”, German Embassy, Kabul, November 2006.

Figure 5: ANP Killed and Wounded in Action



Source: 2002-05 figures from LOTFA, 1383 Annual Report, 2006. 2006-07 figures provided by CSTC-A.

*and may require different training, expertise, and equipment.*¹⁵⁰

The Inspector Generals' assessment report also noted the addition of a counter-insurgency role for the ANP:

*The police programme initiatives that required policy guidance from the Ambassador have included the pay and rank reform initiative, the addition of a counter-insurgency role for the ANP, and the necessary paramilitary training and weapons procurement for the counter-insurgency mission.*¹⁵¹

The US is not alone in supporting the development of paramilitary capabilities within the ANP. Not surprisingly, strong additional support comes from some of the other ISAF troop-contributing nations operating in southern Afghanistan, where the need for additional security forces to support counter-insurgency opera-

tions is most acute. Representatives from some of these countries have made pointed remarks that if other NATO members were more willing to deploy troops to the south, there would be less of a need for counter-insurgency operations to rely on the ANP.

Some interviewees also argued that, because ANP suffers more casualties from Taliban attacks than the ANA, Coalition and NATO forces combined, there is a moral obligation to provide the police more paramilitary training so that they can better defend themselves.¹⁵² As highlighted by Figure 5, the past five years have seen a sharp increase in ANP personnel killed or wounded in action, especially since the Taliban resurgence in 2005. According to a Canadian police trainer in Kandahar, "Civilian policing as you and I know it does not exist in Afghanistan. It is a very dangerous occupation. Here, many times these officers are put on the front line. They are a paramilitary force".¹⁵³ This raises the

¹⁵⁰ Inspector Generals, "Interagency Assessment", p. 93.

¹⁵¹ Inspector Generals, "Interagency Assessment", p. 41.

¹⁵² AREU interview, Kabul, 29 November 2006.

Box 5: Are the Police Becoming “Cannon Fodder”?

The number of police killed in action (KIA) has increased from 9 to 627 during a four-year period. In early June 2007, an MoI spokesman announced that more than 200 police officers had been killed since late March.¹⁵⁴ At this rate, the number of police KIA will exceed 1,000 in 1386 (2007-08). A large majority of the police casualties occurred in only a few provinces affected by the insurgency, which makes these casualty rates even more alarming. In 52 days during the winter of 2006-07, 41 ANP personnel were killed in Kandahar province alone.¹⁵⁵

The large number of police being killed in insurgency-related violence is raising concerns that the police are becoming “cannon fodder” in the fight against the Taliban. One Canadian police officer running a police training programme in Kandahar noted:

*With just 10 days of training and equipped with a minimum of firepower, [the police] are used as a military force, a sort of “canary in the coal mine” or tripwire to flush out the Taliban.*¹⁵⁶

Another interviewee who believed that the poorly trained and equipped police are used as “cannon fodder”, added that the push to increase their numbers was in part driven by the fact that the ANP are much cheaper than ANA — “for the price of one ANA you can have 4-5 ANP”.¹⁵⁷

The police are paying a very heavy price for performing tasks for which ANA soldiers are much better prepared and equipped. According to one estimate, 24 ANP officers are now being killed for every ANA soldier killed in the fight against the Taliban.¹⁵⁸ Several interviewees asked why a higher percentage of the ANA were not being deployed to the south, and speculated that it was because of “political hesitation to test it too publicly”, an unwillingness “to damage the ANA’s reputation,” and “for fear that the ANA desertion rate will rise again”.¹⁵⁹

The sharp increase in police casualties necessitates an urgent review of the role of police in insurgency-affected areas. The needs for police equipment, infrastructure and training must be evaluated, and the current practice of using poorly trained and equipped police (especially the ANAP) as a counter-insurgency force must be fundamentally reconsidered. Whenever possible, better trained and equipped ANA soldiers should be redeployed from relatively peaceful areas to insurgency-affected areas to reduce the need to use the ANP and ANAP as counter-insurgency forces.

¹⁵³ Murray Brewster, “Kandahar cops making progress in street-survival skills, says RCMP”, Canadian Press, 3 February 2007.

¹⁵⁴ Jason Motlagh, “Taliban strikes kill police at record rate”, *The Washington Times*, 8 June 2007, www.washtimes.com/world/20070607-105400-5808r.htm, accessed 12 June 2007.

¹⁵⁵ Murray Brewster, “Kandahar cops making progress in street-survival skills, says RCMP”, Canadian Press, 3 February 2007.

¹⁵⁶ Tom Blackwell, “Canadian Forces accused of leaving Afghan police in lurch”, *National Post* (Canada), June 2007, www.canada.com/nationalpost/news/story.html?id=a76ebf3a-e4f9-4606-8e5d-8722ef84d8d8&k=9357, accessed 12 June 2007.

¹⁵⁷ AREU interview, Kabul, 30 November 2006.

¹⁵⁸ Stephanie Levitz, “Afghan police still weak link in effort to secure Afghanistan”, Canadian Press, 10 June 2007, www.cbc.ca/cp/world/070610/w061011A.html, accessed 12 June 2007.

¹⁵⁹ AREU interviews, Kabul, 21 and 23.

question of whether the police are becoming “cannon fodder”¹⁶⁰ in the fight against the Taliban, and whether their role in counter-insurgency operations needs to be fundamentally reconsidered (see Box 5).

It is important to note that the US decision to give the police a strong counter-insurgency role was strongly opposed by some US government agencies. One analysis of the US role in police reform in Afghanistan highlighted the strong differences of opinion among US government agencies over the role and function of the ANP:

*The stage was thus set for what one U.S. official would describe as “the most frustrating, bureaucratic, counterproductive interagency battle I’ve ever known”. The argument, which persists to this day, boils down to a nasty collision of ideologies and institutional cultures. INL, in brief, insists that police assistance must remain civilian-led and that the Pentagon’s [US Department of Defense] involvement threatens to “militarize” the programme; rather than building an Afghan police force focused on rule of law and human rights, it warns, the U.S. military will turn Afghan cops into auxiliaries for counter-insurgency. . . . The military – along with much of the Afghan national security leadership – responds by pointing out that, like it or not, Afghanistan is a country at war. . . . Regardless of whether officials in Kabul or Washington wish to think of the ANP as combatants, the enemy is treating them as such.*¹⁶¹

The Government’s Lack of Vision

As is too often the case in Afghanistan, the Afghan government’s vision of the role of the ANP is unclear. According to the Mol’s National Internal Security Strategy (NISS), reportedly written by US advisors, “The main thrust of the National

Internal Security Forces will be on counter-insurgency operations for the next few years”.¹⁶² Regardless of the officially stated role of the police, however, the resistance from within the Mol – both to police reform and broader Mol reform – suggests that the unarticulated strategy of many officials is to maintain the *status quo*. Many senior government officials and political leaders benefit from keeping the ANP loyal to factional leaders rather than to the central government. Maintaining the *status quo* is particularly important for those seeking to ensure that the ANP continues to protect and promote Afghanistan’s increasingly criminalised narcotics-based economy.

Recommendation: Develop a Shared Vision and Strategy for the ANP

Box 6 makes the case for a minimal role for the Afghan police, based on a pessimistic assessment of the chances of reform efforts succeeding. A more optimistic assessment would be that, given the amount of human and financial resources now being directed towards reforming the police, combined with a more comprehensive coordination structure provided by the newly established International Police Coordination Board (IPCB), a more wide-ranging role for the police could be envisioned and achieved. For this to happen, however, the major actors would need, as a start, to be committed for the long-term, and agree on a shared vision and strategy. This would help ensure that there are no major gaps, that reform efforts are properly prioritised and sequenced, and that they are all based on achieving the same goals and objectives. Such a strategy would enable coordination efforts to move beyond information sharing about the strategies and activities of the different police programmes, to more strategic coordination on the substantive issues of implementing a common strategy. A single comprehensive strategy at the outset of reform efforts could

¹⁶⁰ “Cannon fodder” is an informal term for military personnel who are regarded or treated as expendable in the face of enemy fire. The term is generally used in situations where soldiers are forced to fight against hopeless odds. See http://en.wikipedia.org/wiki/Cannon_fodder.

¹⁶¹ Vance Serchuk, “Cop Out: Why Afghanistan Has No Police”, *The Weekly Standard*, 17 July 2006.

¹⁶² Ministry of Interior, “National Internal Security Strategy”, September 2006, p. 23.

have prevented some of the problems with police reform efforts to date, such as the initial focus on advanced police training but not basic training, or on rapidly training large numbers of police but not on reforming the institutional environment in which they operated, or of donating vast quantities of police equipment prior to developing internal controls or accountability systems to control their use.

At present, the US is focusing on the important immediate objective of defeating the Taliban insurgency in southern Afghanistan, and is prioritising creating a police force to help achieve

that objective. Germany is working primarily in areas of northern Afghanistan relatively unaffected by the insurgency, and is prioritising Afghanistan's longer-term need for a civilian police force. These two visions need to be reconciled, and consensus reached on a shared vision that addresses the short and long-term policing needs of all of Afghanistan.

This may require in the short-term moving away from a "one size fits all" approach, and recognising that the current security and policing needs of Afghanistan require a broad vision that provides scope for police with somewhat differ-

Box 6: The Case for a Minimal Role for the Police

The historical role of police in Afghanistan, especially in rural areas, has been very limited. Their main task was protecting what could be termed the "government's space", and consisted primarily of guarding government buildings and officials at the district and provincial levels, and manning check posts on the main roads and border crossings. Elsewhere, in the "people's space", the police had a limited formal role and from the perspective of many Afghans, were best avoided.¹⁶³ Some civil and criminal cases, such as land disputes or murder cases, were referred from the "people's space" to the "government's space", which created a role for the police and the courts. Most civil disputes and criminal matters, however, were *not* referred to the police or courts — which were perceived to be corrupt, costly and slow to take decisions — but were resolved using customary law and institutions.¹⁶⁴

Today, the perception that the police are best avoided because they are corrupt and a source of insecurity is probably stronger than ever before. Considering the current political realities in Afghanistan, the weak track record of the international community in state-building and institutional reform, and the Karzai administration's lack of appetite for reform, a strong case could be made for giving the ANP as minimal a role as possible. It requires considerable optimism to assume that police reform efforts will succeed in transforming the deeply corrupt, predatory and factionalised ANP, which is an increasingly powerful player in the lucrative drug trafficking trade, into a force that respects human rights and promotes the rule of law. Furthermore, in light of the international community's failure to strengthen Afghanistan's judicial sector, it is unlikely that in the foreseeable future the judicial system will be able to effectively assist the ANP in promoting the rule of law.

Despite the best intentions and efforts of police reformers, there is a strong possibility that the ANP will continue to be a major source of insecurity rather than security. A case could therefore be made that a smaller force with limited responsibilities would be more appropriate than a large police force with wide-ranging responsibilities.

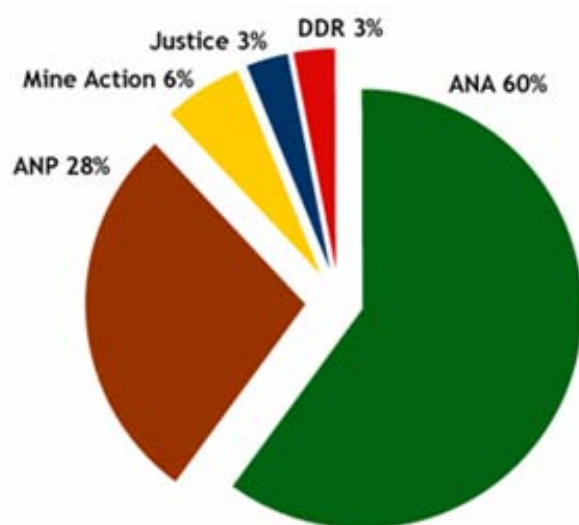
¹⁶³ AREU interview, Kabul, 1 December 2006.

¹⁶⁴ For a more in-depth look at the relationship between customary law and formal judicial institutions in Afghanistan, see Thomas Barfield, "Afghanistan Customary Law and its Relationship to Formal Judicial Institutions", Washington, D.C., United States Institute for Peace, 2003.

ing roles in different areas. For example, police in the south and east who are being targeted and treated as combatants by the insurgents will require more paramilitary training than police in most other areas of the country. The need for flexible approaches in the short-term, however, should not result in the medium to longer-term vision of a civilian police force being lost. There is a big danger that the enormous human and financial resources that the US is contributing to the police sector will result in the US vision, heavily influenced by immediate counter-insurgency needs, overwhelming the longer-term vision. This danger is illustrated by the US making a relatively unilateral decision to increase the size of the ANP from 62,000 to 82,000 based on its own assessment of the need for more security forces to help in counter-insurgency operations.

Afghanistan has already experienced losing its fledgling civilian police force as it became increasingly militarised and converted into a paramilitary force to fight an insurgency in the

Figure 6: Security Sector Expenditures 1382-83 (2003-05)



Source: MoF budget documents and fiscal reports, staff estimates¹⁶⁵

1980s. As the current Taliban-led insurgency shows no sign of abating, serious consideration should be given to developing an alternative paramilitary force to assist in counter-insurgency operations so that to as great an extent as possible the police can focus on civilian policing duties. Several interviewees recommended the establishment of a well-trained and equipped gendarmerie or military police, ideally linked to the ANA rather than the ANP. This would help minimise the need to militarise the police, and would help protect the longer-term objective of developing an effective civilian police force that in partnership with a reformed judicial sector can help promote the rule of law.

5.2 Police Reform Dependent on Judicial Reform

A potentially crippling flaw with the vision to develop a civilian police force in Afghanistan is the enormous failure of the Afghan government and the international community, led by Italy, to develop and implement an effective strategy for reforming and strengthening the judicial system. A civilian police force, no matter how well trained and equipped, will have little ability to uphold and promote the rule of law in the absence of a functioning judicial sector. Even if police successfully detect a crime and detain a suspect, for example, the judiciary currently has little capacity to investigate, defend or prosecute, and imprison those who are convicted.

Remarkably little effort has gone into prioritising justice sector reform, despite its critical importance for security, the rule of law, economic growth, and government legitimacy. Figure 6 illustrates that in FY1382-83 (2003-04 and 2004-5) only three percent of security sector expenditures (excluding the counter-narcotics sector) were spent on the justice sector, in contrast to 28 percent spent on the ANP and 60 percent on the ANA. While comparable figures for the past two years are not readily available, the justice

¹⁶⁵ The figure is reproduced from World Bank, "Volume V: Improving Public Financial Management in the Security Sector", in *Afghanistan: Managing Public Finances for Development*, Poverty Reduction and Economic Management Sector Unit, South Asia Region, Washington, D.C., The World Bank, 22 December 2005, p. 50.

sector percentage is likely to have been similar or smaller, given the large increase in police sector expenditures.

The Relationship between Police and Prosecutors

The failure to address the interdependence of the police and justice sectors has created serious problems. This is illustrated by the confusion and tensions generated by recent laws changing the responsibility for criminal investigations. Historically, the police in Afghanistan have been responsible for both discovery and investigation of crimes, but Article 134 of the 2004 Constitution gives primary authority for criminal investigation to the Attorney General's Office, despite its lack of investigative capacity. Italy is widely perceived to have influenced the establishment of this system, which is in line with the Italian system of a strong prosecutor but a radical departure from the practice in Afghanistan.¹⁶⁶

The absence of a comprehensive rule of law strategy has created a situation where experts from different countries can develop laws and programmes based on their own ideas and experiences, and not necessarily based on the realities and needs of Afghanistan. This *ad hoc* approach to reforming the justice sector has contributed to contradictions among some of the new laws, generating considerable confusion. This is particularly true of the 1384 (2005) Police Law and the 1383 (2004) Interim Criminal Procedure Code (ICPC), which contradict each other in many areas and contain provisions that are unrealistic in the Afghan context. For example, the 1978 Law on Investigation and Discov-

ery gave the police ten days to investigate following the discovery of a crime, which the 2004 ICPC reduced to only 24 hours. The 2005 Police Law then increased the allowable time for investigation to 72 hours.¹⁶⁷ Considering the realities of present-day Afghanistan — with its remote and inaccessible areas, limited communications facilities, and limited human and technical capacity to investigate crimes — many of those interviewed for this study said that even 72 hours was a grossly inadequate police investigation period. According to one former senior government official, the changes to the laws relating to criminal investigation have had the following effect:

*Now the police do not have the time or authority to do a good job investigating, then they send the file to the prosecutor who does not have the capacity to do a thorough investigation, who then sends the file to the judge. The judge, however, cannot reach a decision due to the weak investigation.*¹⁶⁸

Recommendation: Replace Separate SSR Pillars with a Comprehensive and Integrated Rule of Law Strategy

The failure to adopt an integrated approach to police and justice sector reform relates to a larger problem — the resilience of the failed policy of maintaining separate security sector reform pillars headed by “lead donors” or “key partners”. This separation made success within each pillar hostage to the enormous differences in planning, funding and implementation capacities of each key partner. The separate pillars also created barriers to developing a comprehensive and integrated rule of law strategy that

¹⁶⁶ The Italian role in developing the Interim Criminal Procedure Code (ICPC), which strengthened the role of the AGO in criminal investigations at the expense of the police, prompted the Director General of the MoI's Criminal Investigation Department to make the following pointed comment at a seminar: “We are grateful for the good will of friendly country, Italy. Our Italian cooperators have clearly worked in the expectation that this law (ICPC) will improve things. . . . The ICPC ideally matches Italian conditions. . . . But conditions in our country differ markedly from Italy”. General Yarmand, “Co-operation Between RoL Organs”, PowerPoint presentation at “German-Italian Seminar on best practice cooperation between the Afghan National Police and the saranwal”, Kabul, 12-13 August 2006.

¹⁶⁷ Michael E. Hartman, Advisor to the Attorney General of Afghanistan, “Prosecutor-Police Coordination: The Legal Framework”, PowerPoint presentation at “German-Italian Seminar on best practice cooperation between the Afghan National Police and the saranwal”, Kabul, 12-13 August 2006.

¹⁶⁸ AREU interview, Kabul, 16 November 2006.

would provide a coherent overall framework within which the individual sectoral strategies could be developed and implemented.

The failure of the SSR policy was in part due to confusion over what was meant by the term “lead donor”. For example, because Germany was the lead donor for the police sector, other major donors did not initially get very involved in supporting the sector. Germany, however, lacked the resources to comprehensively reform the entire police sector, so it initially focused on developing a strategy primarily for its own programmes. The US subsequently got involved with the resources for a much more comprehensive approach to police reform, but its longer-term strategy was trumped by immediate needs – first to rapidly train police for the presidential election, and more recently to fight the Taliban insurgency.

The US government’s decision in 2005 to shift primary responsibility for police reform efforts in Afghanistan from the State Department to CSTC-A under the Department of Defense has had the benefit of greatly increasing the human and financial resources focused on police reform. CSTC-A’s major role in reforming and training both the ANA and ANP has also meant that coordination and integration of reform efforts have been stronger between the police and army than among the other SSR pillars.¹⁶⁹ While ANP-ANA coordination is important, the institutionalisation of this relationship to a much greater extent than the more important relationship between the police and the judiciary is a cause for concern. Too much ANA-ANP integration also runs the risk of blurring the distinctive roles of the ANA and the ANP.¹⁷⁰

While the US may be pushing for too much integration between the police and the army, a more serious problem is that the European SSR



Photo: Andrew Wilder

“key partners” and the US have done too little to develop a coordinated and integrated approach to strengthening the police and justice sectors. The latest missed opportunity to abandon the separate SSR pillars and bridge the gap between the police and justice sectors was the European Council’s decision to deploy a EUPOL mission to focus narrowly on police training and mentoring, while the European Commission decided to provide more support for a separate justice sector reform programme. The failure of the major donors to adopt a more comprehensive and integrated approach is exacerbated by the government’s weak leadership, lack of capacity and feeble commitment to a reform agenda, which have made it unable to lead efforts to develop a government-owned rule of law strategy. The collective failure to effectively address the rule of law crisis in Afghanistan has contributed to the deteriorating secu-

¹⁶⁹ Examples of the strengthening coordination and integration between the police and army include the creation of police Regional Commands modelled after ANA Regional Commands, the creation of a police logistical structure modelled after the ANA’s, and plans to link the ANP recruitment system to the ANA’s.

¹⁷⁰ Some interviewees also expressed concern that a military institution such as CSTC-A would inevitably prioritise the needs of the ANA over the needs of the ANP. As one military officer involved in police reform expressed it: “We are constantly fighting the army mentality that the police are less important than the army. For example, they are always concerned that the ANP will steal recruits from the ANA”. AREU interview, Kabul, 29 November 2006.

rity situation, and is seriously undermining the reputation of the Karzai government and its international backers. Five years after reform efforts began, it is time to abandon the failed SSR policy of separate pillars, replacing it with a comprehensive and integrated approach to strengthening the rule of law.

5.3 Reforming the Ministry of Interior

The most consistent theme that emerged in interviews for this paper was that without comprehensive reform of the Mol, police reform efforts will fail and the money spent on it will be wasted. This sentiment is illustrated by the following quotes:

A lot of money is being given but without good leadership to manage the financial and equipment support there will not be any positive results. We will only be successful if we reform from minister level down to the guards. We urgently need effective leadership as we no longer have the trust of the people.

Deputy Provincial Chief of Police

Every reform process creates an opportunity to extort money. Police reform is undermined by a culture of corruption at Mol. . . . Most Mol posts have a price tag.

UN official, Kabul

The single biggest need [for police reform to succeed] is for a proper structure at Mol, the need to deal with corruption at Mol, and the need to professionalise the Mol.

US Embassy official, Kabul

The importance of Mol reform for successful police reform has been recognised and discussed for several years. The Afghan government's 2004 strategy document presented at the Berlin donor conference stated that, "Regardless of the scale and nature of donor support, the reform will have little impact if the Ministry [of Interior] does not show the political will to change".¹⁷¹ A major failing of police reform efforts since 2002 has been the lack of political will to proceed beyond recognising and talking about the problem of a corrupt, factionalised, criminalised and dysfunctional Mol, to taking concrete measures to tackle it. President Karzai and his government have showed little determination to make the difficult but critically important decisions to reform the Mol, and until very recently the international community displayed little resolve to pressure the government into making these decisions.¹⁷²

*Corruption and Drugs at the Mol*¹⁷³

The Mol is one of Kabul's most corrupt ministries. One interviewee described it as a "shop for selling jobs".¹⁷⁴ There are widespread reports of petty corruption within the Mol, and of police demanding bribes from the public. The most serious corruption within the Mol, however, is the large-scale corruption linked to the drug trade. This "grand corruption" is extremely damaging to state-building efforts because it involves the capture of parts of the state apparatus.¹⁷⁵ There are numerous accounts of senior Mol officials accepting large bribes in exchange for appointing certain individuals into strategic and lucrative positions, often as police chiefs in districts and provinces involved in drug production or trafficking. The prevalence of such "job

¹⁷¹ Mark Sedra, "National Police and Law Enforcement", Technical Annex to *Securing Afghanistan's Future: Accomplishments and the Strategic Path Forward*, Kabul: GoA, January 2004, p. 13.

¹⁷² An example of the US Government's reluctance to push the government on Mol reform is contained in the Management Response Letter from the US Assistant Secretary of Defense to the DoD and DoS Inspector Generals report, in which he states: "The report also should recognize the current limits of USG efforts to influence the Afghan MOI and the ANP. The Government of Afghanistan is the lead on ANP efforts". Inspector Generals, "Interagency Assessment of Afghanistan Police Training and Readiness", p. 93.

¹⁷³ Several people emphasized that discussions of corruption should not be limited to Afghans alone. There have been rumours and allegations of corrupt practices in the awarding of contracts to international contractors, although not specifically in the police sector. Even if all these allegations are not substantiated or true, there is a strong perception among many Afghans that the large remuneration packages of international contractors, and the large-scale contracts awarded to international contractors for projects that often appear to have little accountability and little impact, are "little more than a dressed-up form of bribery and corruption". See Nawa, "Afghanistan, Inc.", p. 29.

selling” was confirmed by a senior police official from a northern province, interviewed for an investigative report on the Afghan drug trade by *The Christian Science Monitor*:

... almost all the police commanders in Takhar have paid officials at the Ministry of Interior to get their jobs, and nowadays, commanders have to pay increasing amounts just to keep their jobs. “Every three months the commanders are pushed a little bit or they are told that they may be replaced. Then everybody rushes toward the ministry with \$10,000. . . .

The article went on to report:

Top Afghan officials privately admit that perhaps 80 percent of the personnel at the Ministry of Interior, Afghanistan’s chief law-enforcement agency — from local police chiefs up to the top bureaucrats — may be benefiting from the drug trade. . . . The result is a government that is either incapable or unwilling to prevent a trade that is rapidly undermining the country’s rule of law and the Afghan people’s faith in their leadership.¹⁷⁶

In November 2006, the World Bank and UNODC published a report that included a damning indictment of the Mol’s role in Afghanistan’s drug trade. It argued that the Mol appoints Chiefs of Police “to both protect and promote criminal interests”, and that Afghanistan’s criminal underworld could not operate without the support of the political “upper world”. The result is a

“complex pyramid of protection and patronage, effectively providing state protection to criminal trafficking activities”. According to the study:

The increasing role of elements in the Ministry of Interior in organizing “protection” for criminal markets, including through key appointments in the police structure at provincial and district level, allows both the facilitation of illicit activities and also the “policing” of opposing competitors. The control of police structures at district and local levels, more than other influences, is often critical to the control of criminal activities.¹⁷⁷

A few national-level measures have been launched to address the broader issue of corruption — including the establishment of an anti-corruption agency, the Attorney General’s high-profile campaign to arrest some government officials on corruption charges, and the recent publication of the government’s “Anti-Corruption Roadmap”.¹⁷⁸ However, little action has been taken to address corruption within the Mol and the ANP, despite the recognition of the role of Mol officials in drug trafficking. At the onset of pay and rank reform hopes were high that increased ANP salaries would help address the corruption problem, but there is little evidence to suggest that this has been the case. The need is urgent to take both symbolic and substantive measures to address Mol and ANP corruption, which is seriously undermining the reputation and legitimacy of these two institutions as well as that of the Karzai government.

¹⁷⁴ AREU interview, Kunduz, 26 November 2006.

¹⁷⁵ The World Bank Public Financial Management report distinguishes between “petty corruption” and “grand corruption” in Afghanistan. World Bank, “Volume V: Improving Public Financial Management in the Security Sector”, in *Afghanistan: Managing Public Finances for Development*, Poverty Reduction and Economic Management Sector Unit, South Asia Region, Washington, D.C., The World Bank, 22 December 2005, p. 31.

¹⁷⁶ Scott Baldauf, “Inside the Afghan drug trade”, *Christian Science Monitor*, 13 June 2006.

¹⁷⁷ Mark Shaw, “Drug Trafficking and the Development of Organized Crime in Post-Taliban Afghanistan”, Chapter 7 in Doris Buddenberg and William A. Byrd, eds., *Afghanistan’s Drug Industry: Structure, Functioning, Dynamics, and Implications for Counter-Narcotics Policy*, UNODC and The World Bank, 2006, pp. 199-200.

¹⁷⁸ It is still too early to assess the impact of a 2007 US-backed initiative to create a Criminal Information Unit within the Mol to reduce corruption by strengthening internal affairs and accountability mechanisms.

Nepotism and Ethnic Imbalance within the Mol

Many interviewees for this report, especially Mol staff, complained about nepotism and the role of ethnic and factional politics within the Mol. According to one senior Mol official:

*Corruption is not just about bribes — it is also people working just for their own ethnic group, tribe and family. . . . It is very difficult to make progress when people are appointed based on personal connections. We try to hire professional police based on merit but we are not able to. There is political pressure from senior officials to hire their relatives and friends.*¹⁷⁹

A related complaint was that the Mol is dominated by Tajiks in general, and by officials from Parwan province in particular.¹⁸⁰ As one former Chief of Police complained:

*When all the key positions are controlled by one province of Afghanistan this is not acceptable to Afghanistan's many other ethnic groups — one province should not control an entire ministry.*¹⁸¹

Although the Afghanistan Compact calls for an “ethnically balanced Afghan National Police and Afghan Border Police”, no formal records are maintained of the ethnic background of police recruits or trainees. Because nearly all ANP officers are recruited and serve locally, maintaining ethnic balance in the lowest ranks is not the main concern. In fact, given language differences and the deep mistrust among ethnic groups, having a multi-ethnic police force — especially in ethnically homogeneous rural areas — could further undermine the effectiveness of

the ANP. Maintaining ethnic balance at the senior levels of the ANP and the Mol, however, is crucial to institutional legitimacy. This does not mean the implementation of strict ethnic quotas, which could undermine the important efforts to develop a more meritocratic appointment system.¹⁸² Rather, in the words of one interviewee, maintaining ethnic balance means that “we should not hire by ethnicity and we should not deny by ethnicity”.¹⁸³

Recommendation: Make Donor Assistance Conditional on Comprehensive Mol Reform

The need for Mol reform has been recognised for several years. Assessments have been conducted and technical advisors have been placed in the Mol, but progress has been limited. Since 2005, there has been a belated recognition that training and equipping the ANP will have little positive impact as long as the structure within which the police operates — the Mol — remains unreformed. Although important initiatives to reform pay and rank structures and the Mol's *tashkil* have been implemented since 2005, these efforts have primarily been restricted to the police component of Mol.

Since the onset of reform in 2002, the tendency has been to address police reform as a technical problem requiring technical solutions. Mol reform, however, is first and foremost a political task requiring a carefully designed political strategy with support at the top levels of the government and the international community. A comprehensive approach to reforming the entire Mol, not just the police section, is necessary if reform efforts are to be effective and sustainable. As noted by Ambassador Helmut Frick, who headed the German police reform effort:

¹⁷⁹ AREU interview, Kabul, 19 November 2006.

¹⁸⁰ In 2003 Amnesty International reported that “up to 90% of the students at the Police Academy are from two predominantly Tajik provinces north of Kabul”. Amnesty International, “Afghanistan: Police reconstruction essential for the protection of human rights”, March 2003, p. 21. More recently, an international official closely involved in the Pay and Rank Reform process estimated that “75 percent of provincial Chiefs of Police are Tajiks, mostly from Parwan”. AREU interview, 18 November 2006.

¹⁸¹ AREU interview, Kabul, 21 November 2006.

¹⁸² In the words of one provincial Chief of Police, “I don't accept the principle of ethnic balance. It means we have to make alliances with illiterate people. We shouldn't hire incompetent people no matter what their ethnicity”. AREU interview, 27 November 2006.

¹⁸³ AREU interview, Kabul, 23 November 2006.

*A major deficit of the current reform is the non-police part of Mol. In the beginning we thought a good police sector would radiate into other sections of Mol and have a positive influence. But the reverse is happening – the police is infected by the civilian part of Mol.*¹⁸⁴

Given the importance of Mol reform for successful police reform, counter-narcotics efforts and strengthened provincial and district administration, it is surprising that international donors have not been willing or able to make their financial support more conditional on progress in this critically important area. One possible explanation, discussed in Box 7, is that President Karzai and some donors fear the destabilising effects of comprehensive Mol reform. The 2005 World Bank report on “Improving Public Financial Management in the Security Sector” gave another explanation:

*The lack of external pressure for institutional reforms probably reflects two factors: (i) the actors most heavily involved in the security sector give relatively limited attention to institutional reform of ministries (with some exceptions) and very little attention to reform of management and oversight bodies, and (ii) the development donors, which do focus on institutional reform of ministries and oversight bodies, have had a limited role in the security sector in the past.*¹⁸⁵

As noted in a recent study on aid conditionality in Afghanistan, “There is a strong constituency for the right kinds of conditionalities within the Afghan government and Afghan society more

broadly”.¹⁸⁶ This is particularly true of pro-reform government officials who feel undermined and weakened by the international community’s failure to push harder for reform. One interviewee for this study recounted:

*Afghan reformers want us to stand up and be firm but we’re not. One whispered to me at the end of a meeting [to discuss appointments of key police officials], “Why don’t you stop giving us money?”*¹⁸⁷

The Afghanistan Compact and its benchmarks provide a framework to adopt a more conditional approach to supporting reform, including Mol reform. The Bi-Annual Report of the November 2006 JCMB meeting, for example, provided an opportunity to develop a more conditional approach by demanding action – even if only a progress report – by the next JCMB meeting:

*Reform of the Ministry of Interior must be treated as an overriding priority and a progress report should be provided to the next JCMB meeting. This will require difficult decisions by the Government with creating an effective civil administration, senior appointments and anti-corruption, as well as additional support from the international community to ensure financial administration is strengthened.*¹⁸⁸

Within the Compact framework, a political strategy should be developed that maintains pressure for Mol reform, rewards progress, and sanctions lack of progress. Failure to prioritise Mol reform will result in minimal returns on the increasing investments being made in police reform.

¹⁸⁴ AREU interview, Kabul, 25 November 2006.

¹⁸⁵ World Bank, “Volume V: Improving Public Financial Management in the Security Sector”, in *Afghanistan: Managing Public Finances for Development*, Poverty Reduction and Economic Management Sector Unit, South Asia Region, Washington, D.C., The World Bank, 22 December 2005, p. 26.

¹⁸⁶ Jonathan Goodhand and Mark Sedra, “Bargains for Peace? Aid, Conditionalities and Reconstruction in Afghanistan”, Netherlands Institute of International Relations (Clingendael), August 2006, p. 5.

¹⁸⁷ AREU interview with international official, 18 November 2006.

¹⁸⁸ Government of Afghanistan and UNAMA, “Implementation of the Afghanistan Compact, Bi-Annual JCMB Report”, Kabul, November 2006, p. 11.

5.4 Quality versus Quantity of Police

*Ten good police are better than 100 corrupt police and ten corrupt police can do more damage to our success than one Taliban extremist.*¹⁸⁹

Lt. General Karl Eikenberry

Contrary to this statement by the former senior commander of the Coalition Forces in Afghanistan, police sector policies often appear to be prioritising quantity over quality. In late 2006, the US decided to push for an increase in police

numbers to 82,000 from the Afghanistan Compact approved figure of 62,000, an increase that was subsequently approved by the JCMB in April 2007. The most glaring example of quantity being prioritised over quality, however, was the hasty establishment in late 2006 of the Afghanistan National Auxiliary Police (ANAP) as a “quick fix” response to the escalating insurgency in the south. According to Brigadier General Gary O’Brien, the former Deputy Commander of CSTC-A, the ANAP was created “to address the need for urgent quantity”.¹⁹⁰ Yet the haste with which the ANAP was established led one

Box 7: What Is More Destabilising – Reforming or Not Reforming?

One reason cited for going slow on Mol reform is that it could potentially be destabilising. This rationale is consistent with President Karzai’s strong belief in a “big tent” approach of bringing real and potential political adversaries into his government, often in positions of great power and influence. This policy was initially also promoted by the US-led Coalition, as it did not want conflict between rival Afghan warlords and political factions to distract from its narrowly defined “War on Terror” objective of defeating the Taliban and al Qaeda in Afghanistan. Over time, however, the US and the wider international community have become increasingly aware of the fundamental importance of effective government institutions for security and the rule of law, as well as for government legitimacy.

President Karzai still believes that accommodating rather than confronting adversaries – including human rights violators and factional leaders – has contributed to improved stability and security by keeping these potential troublemakers on board. Some critics believe that this approach is based on flawed “divide and rule” calculations, or simply on the President’s inability to make tough decisions. They argue that these potential adversaries have been the major opponents of government reform efforts, that they are a major cause of the ineffectiveness and unpopularity of Karzai’s government, and therefore a major contributing factor to the deteriorating security situation.

The dramatic deterioration of the security situation in southern Afghanistan, the sharp increase in drug production and trafficking, and the rapidly declining popularity of Karzai’s government should be leading both the President and his advisors to seriously question whether the “big tent” approach is contributing to security or fuelling insecurity.

International policy makers should also question this approach, and ask themselves what is more destabilising – reforming or not reforming? If comprehensive reform of the Mol is viewed as too destabilising, or if the government continues to lack the political will to support reform, then donor countries need to reconsider whether major financial contributions for initiatives such as police reform are warranted. Better trained and equipped police working in an unreformed Mol rife with ethnic and factional politics and actively involved in drug-trafficking could have the perverse effect of making the police an increasingly powerful institution that threatens rather than contributes to Afghanistan’s security.

senior international official to refer to it as a “desperation strategy”,¹⁹¹ and another to describe it as yet another example of “short-term solutions to long-term problems when we need longer-term thinking – not quick fix solutions”.¹⁹²

In contrast to the hurried creation of the ANAP stands the careful planning that went into developing the Afghan National Civil Order Police (ANCOP). This force of 5,000 is intended to respond to urban unrest and rioting, and to provide a mobile police presence in high-threat and remote areas. ANCOP recruits receive much more training (16 weeks), better equipment and stronger leadership development than other ANP or ANAP forces.¹⁹³ It is still too soon to assess the impact of these new forces, but in the future it would be useful to compare ANAP, a new police force that has prioritised “urgent quantity”, with ANCOP, which is taking more time to develop but focuses on quality.

While too few police may be a serious problem in some areas of Afghanistan, more police will only help address the problem if they are effective. Afghans interviewed for this study, including many police and MoI officials, were scathing in their criticism of the ANP. In the words of one provincial Chief of Police:

*Our police are related to most crimes, bribery and smuggling. After all the donor money spent on police reform, all we are succeeding in doing is putting uniforms on thieves.*¹⁹⁴

The Afghan and international press have often been equally scathing in their reporting on the

police, illustrated by headlines such as: “In Some Areas of Helmand, the Police Are Your Worst Enemy” (*The Herald*, 10 January 2007), “Corrupt Cops Slow Afghan Reform” (*Edmonton Sun*, 3 March 2007), and “Taliban, Convicts May be Afghan Recruits” (Associated Press, 25 November 2006).

Recommendation: Prioritise the Quality of Police over Quantity

Some international officials have argued that “Something is better than nothing in terms of the police. If there is nothing, something else will fill the void”.¹⁹⁵ In most parts of Afghanistan, however, the problem is not the absence of police or local administration but rather that these local institutions are corrupt and predatory and often do more harm than good. The bad reputation of the police and local government is seriously undermining the legitimacy of the central government, and is one of the major destabilising factors in Afghanistan today. It is not only generating support for the Taliban in southern Afghanistan, but also contributes to increasing levels of popular disaffection with Karzai’s government throughout the country.

Merely increasing the number of police is unlikely to have a significant positive impact until more progress has been made in improving their quality and effectiveness. Improved quality can be achieved through comprehensive MoI reform, more careful recruiting and vetting, better training, strengthened internal control systems, and stronger links to a reformed judicial sector. As long as the police are viewed as part of the security problem rather than part of its solution, hastily increasing the number of

¹⁸⁹ Lyse Doucet, “Afghanistan: A job half done”, BBC News, 4 December 2006, http://news.bbc.co.uk/go/pr/fr/-/2/hi/south_asia/6205220.stm.

¹⁹⁰ AREU interview, General Gary O’Brien, Kabul, 29 November 2006.

¹⁹¹ AREU interview, Kabul, 9 October 2006.

¹⁹² AREU interview, Kabul, 30 November 2006.

¹⁹³ Information on ANCOP was provided by Col. Jack Stankiewicz, personal communication, 3 May 2007.

¹⁹⁴ AREU interview with provincial Chief of Police, 27 November 2006.

¹⁹⁵ AREU interview, Kabul, 29 November 2006.

poorly trained police is likely to have a negative rather than positive impact on security in Afghanistan.

5.5 Fiscal Sustainability of the Security Sector

An important reason to prioritise quality of police over quantity is that for the foreseeable future, Afghanistan will not be able to independently sustain the number and size of security sector institutions¹⁹⁶ that are currently being developed.¹⁹⁷ There has been a particularly strong tendency in the security sector to create institutions to address immediate security needs with little regard for Afghanistan's ability to sustain them in the long-term. While strengthening security sector institutions certainly needs to be a high priority, ignoring long-term financial sustainability issues could result in these institutions themselves becoming a source of insecurity. The ANA and ANP, for example, could become major security problems if there are insufficient funds to pay the salaries of armed and trained soldiers and policemen. The massive investments made to strengthen Afghanistan's security sector institutions have made the ANA and ANP the highest paid and best equipped public sector institutions. As has been seen elsewhere in the region, a disproportionately strong security sector could also prove to be politically destabilising.

The failure to prioritise the fiscal sustainability of the security sector also threatens to seriously undermine the development of other critically important components of Afghanistan's public and private sectors. This will be a particularly serious problem when the external assistance currently financing most security sector expen-

ditures inevitably begins to decline. The World Bank highlighted the urgent need to address fiscal sustainability issues in its 2005 report "Improving Public Financial Management in the Security Sector", in which it was estimated that security sector spending, including counter narcotics, absorbs 45-50 percent of Afghanistan's total public expenditures. The report noted the serious risk that security sector spending will crowd out spending aimed at supporting economic growth and poverty reduction, and emphasised that:

*... the need to get a handle on the fiscal sustainability issues in the security sector is urgent, as there is a risk that decisions on force levels, pay, non-salary spending, equipment, construction, etc. that are being made or implemented today will be unaffordable for Afghanistan in the future.*¹⁹⁸

Other than within the Ministry of Finance, this warning has generally fallen on deaf ears. The fiscal sustainability issues, for both the ANA and ANP, are now more serious than when the World Bank's report was published in December 2005. As a result of decisions to increase force size and salary scales, the annual ANP remuneration costs (salary plus benefits and allowances) have gone from \$61 million in 1382 (2003-04) to a projected \$194 million in 1388 (2009-10).¹⁹⁹ This sharp increase is illustrated in Figure 7.

The decisions to increase the salaries and force numbers of the ANP and the ANA were largely made by the US, in consultation with the MoI and the Ministry of Defence but with little or no involvement of the Ministry of Finance, and without reference to any overall government pay and grading framework or strategy.²⁰⁰ Even

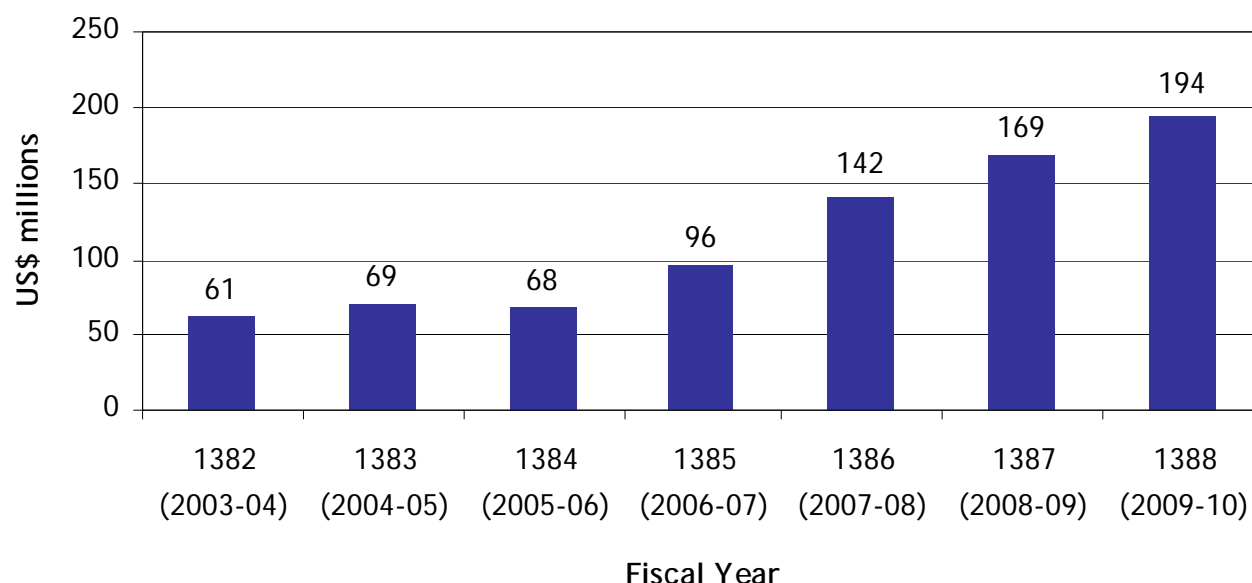
¹⁹⁶ The ANP is both a "rule of law institution" as well as "security sector institution". For the purpose of the following discussion on fiscal sustainability, however, the ANP is referred to as a "security sector institution" as most decisions with major fiscal implications, such as increasing the size of the ANP, have been made due to the ANP's perceived importance as a security or counter-insurgency force.

¹⁹⁷ This is particularly true of the police sector, in part because as ANA costs are increasingly included in the Government's core recurrent budget, there is a lot less scope for the core budget to absorb police operating costs. "Improving Public Financial Management in the Security Sector", Volume V, *Afghanistan: Managing Public Finances for Development*, Report No. 34582-AF, 22 December 2005, p. 41.

¹⁹⁸ "Improving Public Financial Management in the Security Sector", Volume V, *Afghanistan: Managing Public Finances for Development*, Report No. 34582-AF, 22 December 2005, p. xiv.

¹⁹⁹ Pay reform resulted in the old police salary scales, which ranged from \$16-115 per month, being increased to \$70 to \$750 per month. The ANP base rate of \$70 is likely to be increased again to \$100 following a decision in 2006 to increase the base rate for ANA salaries.

Figure 7: The Rapidly Rising ANP Wage Bill



Source: 1382-85 figures based on LOTFA actual expenditures. 1386-88 projected figures from JCMB Task Force on ANP Target Strength, 2007. Projected costs do not include pension liabilities

within the security sector coordination on salary scales has been poor, with relatively unilateral decisions by the US to increase ANA salaries requiring similar increases in ANP salaries. The higher salaries in the security sector, in turn, are putting pressure on other public sector salary scales, threatening to create an unsustainably high wage bill for the government. The sharp increases in salary scales are also resulting in significant increases in pension liabilities for the government. For example, the World Bank estimated that if implemented, a Supreme Court ruling that the pensions of MoD employees should be adjusted retroactively to be in line with the new salary scales would result in a one-time cost of \$45 million, plus higher annual military pension costs of \$15 million.²⁰¹

The JCMB task force set up to make recommendations on the appropriate ANP size did make some effort to weigh their threat analysis with the affordability of a larger police force. In its

report, the task force ruled out increasing the ANP force size to 94,000, as called for by the threat assessment, due to the “severe fiscal impact” that such an increase would have. The report noted that increasing the ANP force to 82,000, and the base salary from \$70 to \$100 to match the ANA base salary, would result in ANP salaries comprising 8.6 percent of the government budget in 1390 (2011-12) and 11.9 percent in 1392 (2013-14). It warned that, “Moving such a large percentage of the budget to the security sector would mean massive cuts in other programmes, probably to include education, health, and other social services”.²⁰² Despite this warning, the JCMB approved the increase in size and salary levels in April 2007.

The increase in ANP annual remuneration costs to approximately \$200 million by 1388 is only one of the major fiscal sustainability issues confronting the police sector. The large-scale investments in police equipment and infrastruc-

²⁰⁰ The World Bank, “Improving Public Financial Management”, p. 44.

²⁰¹ The World Bank, “Improving Public Financial Management”, p. 44.

²⁰² “JCMB Task Force on Afghan National Police Target Strength”, Kabul, April 2007, p. 4.

ture during the past few years have even greater fiscal implications. Inadequate attention has been paid to where the money will come from to operate and maintain all the new police facilities that have been constructed, as well as to operate and maintain donated police vehicles, communications equipment, and weapons.

In 2006, CSTC-A forecasted that after the initial multi-billion dollar investments in police infrastructure, training and equipment had been made, the outer-year's annual costs to sustain these investments would be approximately \$600 million.²⁰³ With the recent decision to increase the ANP size from 62,000 to 82,000, and the big US increase in funding for police infrastructure and equipment in 2007, this figure is now likely to rise considerably.

To understand the fiscal implications of the annual ANP wage bill of \$200 million, and the estimated annual sustainment costs of \$600 million, it is useful to compare them with Afghanistan's total domestic revenues. These have increased from \$129 million in 1381 (2002-03), to \$400 million in 1384 (2005-06), and are projected to increase to \$900 million in 1387 (2008-09).²⁰⁴ At present, all of Afghanistan's domestically generated revenue would be insufficient to cover the costs of sustaining just the ANP.

Recommendation: Prioritise Fiscal Sustainability of the Security Sector

Developing effective security sector institutions must continue to be a high priority, as ultimately these institutions are the exit strategy for international security forces present in Afghanistan. They are not the *only* high priority, however, and the perceived needs of the security sector should not be able to trump all other priorities. Furthermore, the ANP and ANA will not provide a very effective exit strategy if they risk collapsing once external assistance begins

to decline. Therefore, there is an urgent need to achieve a better balance between creating institutions that can address immediate security needs and creating institutions that Afghanistan can afford. The potentially destabilising imbalance between investments in security and non-security sector institutions also needs to be addressed.

International donors – in particular the US as the largest donor – need to make much more of an effort to ensure that important decisions with long-term fiscal implications are not made from narrow sectoral perspectives, but from a national perspective that can balance the often competing priorities and demands of different sectors. In particular, decisions on issues such as salary scales or force numbers should not be negotiated only with self-interested ministries, who will clearly not object to increasing their size or salaries. More impartial bodies, in particular the MoF, must be actively involved to ensure that the fiscal implications of policy options are thoroughly reviewed from a national perspective before final decisions are made.

The decision at the April 2007 JCMB meeting to allow the ANP “to temporarily increase above the 62,000 ceiling, to a maximum of 82,000”, made clear that this increase was temporary and should be reviewed every six months. The JCMB V Annual Report noted that:

*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.*²⁰⁵

The JCMB also called for a task force to be established “to examine the financial sustainability, quality, and quantity of the ANA and report to JCMB VII with concrete recommendations”.

²⁰³ Inspector Generals, “Interagency Assessment”, pp. 6-7.

²⁰⁴ The World Bank, “Afghanistan Reconstruction Trust Fund Report to Donors, Second Quarter of the Afghan Fiscal Year 1385, June 22, 2006 to September 22, 2006”, Kabul, 22 September 2006, p. 4, <http://siteresources.worldbank.org/INTAFGHANISTAN/Resources/ARTFSept21.pdf>, accessed 5 June 2007.

²⁰⁵ GoA and UNAMA, “Joint Coordination and Monitoring Board, Annual Report”, Kabul, 1 May 2007, p. 13.



Photo: Andrew Wilder

These JCMB decisions provide a good opportunity to get fiscal sustainability issues within the security sector higher on the agenda, and a justification and mechanism to review and reconsider recent decisions that will have major fiscal consequences. In the police sector in particular, the six-monthly review requirement provides an opportunity for more careful analysis of the benefits and drawbacks of increasing the force size to 82,000, before the additional police have been recruited and trained. Priority should therefore be given to reconsidering this decision prior to the JCMB VI meeting in the autumn of 2007. As one international official noted, it is much easier to increase force numbers than to subsequently decrease them, as force size “becomes self-justifying and self-perpetuating over time”.²⁰⁶

Addressing the fiscal sustainability of the ANP and ANA must be prioritised if these institutions are to remain relatively intact following the inevitable decline in external financing in the years ahead. This will require difficult decisions to balance the desired force size and infrastructure needs with fiscal capacity, as well as rigorous analysis of various options, such as where

improvements in quality could compensate for reductions in quantity. Tackling fiscal sustainability issues will also require some creative thinking – considering alternative security paradigms and approaches, or new or redesigned institutions that are more affordable than the current security forces. A feasibility study could be conducted, for example, to evaluate the advantages and disadvantages of re-introducing compulsory military and police service – as advocated by many senior ANA and ANP officers – which would reduce the need for such a large and expensive professional force.

Finally, international donors need to acknowledge that even if radical cost-cutting measures are introduced, they will need to make medium- to long-term commitments to continue financing a major percentage of the ANP’s recurrent costs. Failure to act soon to prioritise the fiscal sustainability of the security sector is likely to have a crippling effect on the development of other public and private sector institutions, and could result in the destabilising collapse of security institutions once external resources dry up.

²⁰⁶ Personal communication with International Financial Institution (IFI) official, 23 January 2007.

6. Summary of Recommendations

This section summarises the recommendations made throughout this paper.

1. Develop a shared vision and strategy for the ANP

- There is an urgent need to develop a shared vision of the role of the ANP in Afghanistan, and a shared strategy on how to achieve that vision. Competing visions of the ANP have impeded coordination and led to conflicting approaches on force structure, composition and size, training, and equipment and infrastructure needs. In particular, the “German vision” of the ANP as a civilian law and order force must be reconciled with the “US vision” of the police as a security force with a major counter-insurgency role. These differences, shaped in part by the respective regional focus of these two actors, need to be reconciled to achieve a shared vision that addresses the policing needs of all of Afghanistan.
- The alarming increase in insurgency-related police casualties must be urgently addressed, ensuring that current policies are not contributing to ANP and ANAP becoming “cannon fodder” in counter-insurgency operations. Police equipment, infrastructure and training all need to be reviewed, but more fundamentally the current practice of using poorly trained and equipped police as a counter-insurgency force must be reconsidered. Because the ANA are much better trained and equipped for counter-insurgency operations than the ANP and ANAP, more ANA troops should be redeployed from relatively peaceful areas to the insurgency-affected south to reduce the need to use the police as a paramilitary force.
- Consideration should be given to developing a separate paramilitary force, or gendarmerie, linked to the ANA rather than the ANP. Such a force would help minimise the need to rely on the police for counter-insurgency operations. The longer the police are re-

quired to act as a paramilitary force in counter-insurgency operations, the harder it will be to subsequently convert them into an effective civilian police force.

- It is important to ensure that the enormous human and financial resources that the US is contributing to the police sector do not result in the US’s more immediate counter-insurgency focus overwhelming the longer-term vision of a civilian rule of law force.

2. Replace separate SSR pillars with a comprehensive and integrated rule of law strategy

- A civilian police force, no matter how well trained and equipped, will remain unable to uphold and promote the rule of law in the absence of a functioning judicial sector. The flawed SSR strategy of maintaining separate pillars has created barriers to a comprehensive and integrated rule of law strategy, and needs to be abandoned. Within the framework of an overarching rule of law strategy, there is a need for a much more coordinated and integrated approach to strengthening the police and judicial sectors.
- With European nations leading in both the police and justice sectors, the new EUPOL mission has a strategic opportunity to address the need for a more integrated approach to the rule of law in general, and the police and justice sectors in particular. The EUPOL mission must ensure that the EU decision that it should focus on police training and mentoring, and that the EC should support a separate justice sector programme, does not result in the continuation of the failed approach of treating the two sectors as separate pillars.

3. Make donor assistance conditional on comprehensive Mol reform

- The Ministry of Interior (Mol) is notoriously corrupt, factionalised, and a major player in

the illegal drug economy. In the absence of comprehensive Mol reform, training and equipping the police will have little positive impact, and the large amount of resources being spent on reform efforts will be wasted. Despite a recognition of the need for Mol reform, both President Karzai and major donors have demonstrated a lack of political will to take concrete and effective actions to address the problem. There is an urgent need to develop and implement a comprehensive strategy to reform the entire Mol, not just the police section, if police reform efforts are to be effective and sustainable.

- Donors should make their assistance more conditional on comprehensive top-down reform of the Mol, without which their police sector contributions will be wasted. Within the framework of the Afghanistan Compact and its benchmarks, a political strategy should be developed that maintains pressure for Mol reform, rewards progress, and sanctions lack of progress.
- The widespread perception of pervasive corruption is seriously undermining the reputation, credibility and legitimacy of the Mol, the ANP and the Karzai government. Symbolic and substantive measures should be taken to address the serious corruption problem, especially drug-related corruption, including the arrest and prosecution of some senior officials involved in drug-trafficking.
- Reform of the Mol and the police should not simply be treated as a technical issue requiring technical solutions designed by technical experts. Reform of these institutions is first and foremost a political task, requiring carefully designed political strategies with political support at the top levels of government and the international community.

4. Prioritise quality of police over quantity

- The quality of police should be prioritised over the quantity of police. The tendency to let immediate issues — such as the presidential election or the growing insurgency — result in “quick fix” solutions that merely increase the number of police undermines the longer-term effort to create a high-quality police force.²⁰⁷ Increasing the quantity of police will only have a positive impact after more progress has been made in improving the quality and effectiveness of the ANP through measures such as comprehensive Mol reform, more careful recruiting and vetting, more comprehensive training, strengthened internal control systems, and stronger links to a reformed judicial sector.
- The JCMB V decision to temporarily increase the size of the ANP from 62,000 to 82,000 should be reconsidered. Apart from the fiscal sustainability issues related to this decision, rapidly increasing the size of the ANP is unlikely to have a positive impact until the quality and effectiveness of the police, and the institutional environment in which they work, have been improved. As long as the public views the ANP as part of the security problem, hastily increasing the number of poorly trained police to work in a corrupt institutional environment is likely to have a negative rather than positive impact on security.

5. Prioritise fiscal sustainability of the security sector

- For the foreseeable future, Afghanistan will not have the resources to independently sustain the security sector institutions that are currently being developed.²⁰⁸ Despite this knowledge, few concrete measures are be-

²⁰⁷ A recent example of this was the 2006 decision to create the 11,271 strong Afghan National Auxiliary Police (ANAP), whose recruits were provided a uniform, weapon and salary after only 10 days of training.

²⁰⁸ The ANP annual sustainment costs are estimated to be approximately \$600 million, which currently exceeds Afghanistan's annual domestic revenue.

ing taken to bring security sector costs more in line with what Afghanistan can afford. Failure to act soon to prioritise the fiscal sustainability of the security sector is likely to have a crippling effect on the development of other public and private sector institutions, and could result in the destabilising collapse of security institutions once external resources dry up.

- International donors should ensure that important decisions with long-term fiscal implications are not based on the agendas of specific donors or narrow sectoral perspectives, but rather on a national perspective that balances the priorities and demands of different sectors. Decisions on issues such as salary scales or force numbers should not be negotiated only with self-interested ministries, but also with more impartial bodies (in particular the MoF) to ensure that the fiscal implications are reviewed from a national perspective.
- The JCMB V decision to temporarily authorise an increased ANP force size of 82,000 should be reconsidered prior to the JCMB VI meeting in the autumn of 2007, before the additional police have been recruited and trained. The JCMB requirement for a six-monthly review of the ANP force size provides an opportunity for careful analysis of the implications and fiscal sustainability of an ANP force size of 82,000.
- Analytical work should be conducted to assess alternative security paradigms and creative approaches as well as new or redesigned institutions that may be more affordable than the current security forces.
- International donors must recognise that even if radical cost-cutting measures are introduced, they will need to make medium- to long-term commitments to continue fi-

nancing a major percentage of the ANP's recurrent costs.

6. Recruit and train more policewomen and establish more FRUs

- Of the 63,000 police being paid salaries in the spring of 2006, only 180 were women. The lack of policewomen is the main constraint to creating ANP Family Response Units (FRUs) in every province.²⁰⁹ Efforts that aim to increase the number of female police should therefore be prioritised, including initiatives that provide incentives for female students to join the Kabul Police Academy, and the Women's Police Corps effort to recruit and train more female officers and to provide culturally appropriate police facilities. Ultimately, however, reforms that improve the reputation of the ANP will probably be the most important factor in encouraging more women to join the force.

7. Strengthen ANP recruitment and vetting processes

- Much more attention should be given to developing and implementing rigorous ANP recruitment and vetting processes, which must consider both technical and political factors. One of the serious problems with current police training programmes is the lack of attention paid to who is trained. At the RTC level the policy appears to have been, "we train who we get". Who they get, however, is often determined by local commanders who prioritise ethnic or factional ties over a new recruit's qualifications, experience or competence. An overly technocratic approach to police training, which has often overlooked the politics of who is being trained, has had the perverse affect in some areas of strengthening forces that oppose rather than support the central government.²¹⁰

²⁰⁹ FRUs provide one of the only appropriate environments where women who are victims of violence can come to a police station and explain their problems to female police officers, receive assistance in lodging criminal cases and, if necessary, receive protection.

8. Create incentives to attract literate recruits into police training programmes

- Addressing the issue of illiteracy should be a top priority for police training programmes. The low literacy rate of trainees — estimated at less than 30 percent — is the biggest challenge facing the ANP's basic training programmes. Training illiterate recruits is less effective than training literate recruits, and the illiterate graduates can perform fewer policing duties than the literate graduates. The large number of illiterate police has a negative impact on the effectiveness and reputation of the ANP. Therefore, the literacy component of ANP training should be expanded, not only in the initial basic training programmes, but through ongoing adult literacy courses.²¹¹
- Incentives such as higher salaries should be developed to attract and retain literate police in the ANP. Currently no distinction is made in terms of rank or pay between literate and illiterate graduates of the RTC training programmes, despite the former receiving several more weeks of training and being capable of performing more policing duties. If ANP salaries are to be increased from \$70 to \$100 to match ANA salaries, as was decided at the JCMB V meeting, the opportunity to create a literacy incentive by only increasing salaries of literate police officers should be considered.

9. Regularly assess the impact of expensive police mentoring programmes

- After an initial focus on training and equipping the ANP, the main focus of police re-

form efforts in Afghanistan is shifting to police mentoring programmes. In addition to 500 US police trainers and mentors, the EUPOL mission will be deploying 160. International mentoring programmes are extremely expensive — the annual cost of maintaining 500 US-funded DynCorp trainers in Afghanistan exceeds the 2006 wage bill of the entire ANP. It is therefore important to put in place rigorous impact assessment systems that periodically try to determine whether the positive impact of mentoring programmes justifies their enormous cost.

- If mentoring programmes are to be effective, they will need to recognise that ANP reform is first and foremost a political task rather than a technical one, and that mentoring teams must include an appropriate mix of political and technical expertise. Moreover, large-scale mentoring programmes working with individual police officials are unlikely to improve the effectiveness of the ANP as an institution in the absence of comprehensive Mol reform and without sincere commitment to police reform from the top levels of the government.

10. Strengthen internal controls and address operations and maintenance issues

- The biggest challenge to equipping the police has been the lack of internal control and accountability systems within the ANP and Mol. Much more attention must be given to creating and strengthening these systems to reduce the widespread misuse and theft of police equipment.
- Issues of operations and maintenance need to be addressed. The massive donations of

²¹⁰ In addition to paying very little attention to who is trained, there is currently no mechanism to track what happens to the graduates of the training programmes, including from the Kabul Police Academy. The combination of not really knowing who is trained, and what happens to those who have been trained, makes determining the impact of the very expensive police training programmes difficult to assess.

²¹¹ The new Basic III course, which provides five weeks of literacy training in addition to the nine-week Basic I course, is an important first step, although it is not clear that five weeks will be sufficient to develop sufficient literacy skills to participate fully in the Basic I course.

police equipment and infrastructure over the past five years are problematic from a fiscal sustainability perspective, as the government lacks the funds to cover operations and maintenance costs. While thousands of vehicles have been donated, for example, few police departments have the operating budget to cover fuel costs. The problem of operating and maintaining equipment has been exacerbated by the fact that 95 per cent of donated police equipment has been non-standard, which is now causing serious spare parts and maintenance problems.

11. Promote merit-based appointments within the Mol and the ANP

- President Karzai's disregard for the recommendations of the Rank Reform Selection Committee in 2006, and his appointment of 14 provincial Chiefs of Police who had failed the rank reform exam, highlights the need for stronger safeguards to ensure merit-based appointments and promotions. The Special Consultative Board for Senior Level Appointments was established by presidential decree in September 2006, to fulfil the Afghanistan Compact benchmark requiring the establishment of a transparent appointments mechanism, but the government has made little effort to make this body operational. The international community should continue to pursue a coordinated effort to pressure the government on the critically important issue of merit-based appointments and the need to activate the Senior Level Appointments Board.

12. Promote ethnic balance in senior Mol and ANP positions

- Although the Afghanistan Compact calls for an "ethnically balanced Afghan National Police and Afghan Border Police", no records of the ethnic background of police recruits or trainees are currently maintained. Ethnic balance in the lower police ranks is not a major issue because most patrolmen are recruited locally and serve locally, usually in ethnically homogeneous areas. However, maintaining a degree of ethnic balance at the senior levels of the ANP and the Mol is very important for the institutional legitimacy of these institutions. While a system of strict ethnic quotas would undermine the important need to promote merit-based appointments, strengthening the system for merit-based senior appointments would help ensure that ethnic imbalance is not a result of nepotism and ethnic favouritism.

7. Conclusion

This paper has provided an overview of Afghanistan's police sector and of the struggle to reform it between 2002 and 2007. While there have been some notable achievements, the overall result of reform efforts has been disappointing. This disappointment is experienced most directly by the Afghan public, who still routinely accuse the police of being corrupt, ineffective and behaving like "robbers" rather than "cops".

This is a particularly important time to assess and learn from the reform efforts of the past five years. The deteriorating security situation, the alarming increase in police casualty rates, and the delegitimising impact of the ANP's poor reputation on the government all highlight the need to reassess past reform strategies and activities. At the same time, the dramatic increase in international attention and resources for police reform, particularly from the US but also from Europe following the deployment of the EUPOL mission in mid-2007, create a unique opportunity to develop a more coherent, comprehensive and effective approach to police reform.

There is a very significant risk, however, that expanded police reform programs will continue to avoid addressing the key issues highlighted in this paper. If this happens, reform efforts will be undermined and the large increases in resources will be wasted. Most troubling about the five key issues highlighted in the paper is that they are all very self-evident, and for the most part have been widely recognised as serious problems for several years. Policy makers have

known since 2002 that to be effective, police reform requires reform of the MoI and the judicial sector, and that to be sustainable the ANP has to be relatively affordable. The failure to address these issues, despite the recognition of their importance, highlights the serious inadequacies of the international community in institution-building and state-building. Complex problems that require comprehensive long-term solutions are over-simplified and addressed by projects with unrealistically large objectives to be achieved within unrealistically short timeframes. Unfortunately, the sum of all these projects rarely adds up to effective institutional reform.

Afghanistan is unlikely to ever again have the levels of international attention and resources devoted to reforming the police sector that it has today. There is now a unique opportunity to move away from the multitude of individual police reform projects toward a more coordinated, comprehensive and longer-term approach that stands a much greater chance of effectively addressing the complex and difficult task of reforming the ANP. It is time to clarify today's blurred vision on the role of police in Afghanistan, and to achieve consensus on a common vision and strategy for developing a police force that will operate as cops rather than robbers.

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Appendix: List of Interviews

General Gul Nabi Ahmadzai, Director General of Education and Training Department, Ministry of Interior

Chris Alexander, Deputy Special Representative of the Secretary General, UNAMA

Michael Alexander, Security Sector Reform, European Commission

General Atmar, Director General Police, Ministry of Interior

Mohammad Ayub, UNAMA, Kunduz

Sonja Bachmann, Best Practice Officer, UNAMA

Abdul Bari, Assistant Country Director, UNDP

Col. Eric Belcher, CSTC-A

Richard Bennett, Chief Human Rights Officer, UNHCHR

Roberto Bernal, Senior Police Advisor, UNAMA

Martine van Bijlert, Office of the European Union Special Representative

Ambassador Helmut Frick, Ambassador at Large, Special Representative for Security Sector Reform, Embassy of Federal Republic of Germany

Ameerah Haq, Deputy Special Representative of the Secretary General, UNAMA

Astrid Ilper, Deputy Head of Mission, German PRT, Kunduz

Gabriela Iribarne, Head of Office, UNAMA, Kunduz

David Izadifar, Political Affairs Officer, UNAMA

Engineer Javed, Director, HAFO

Mir Ahmad Joyenda, Member of Parliament

General Jumbesh, former Chief of Police, Kabul

Major Ingo Kloppmeier, Police Advisor, ISAF

Abdul Majeed Latifi, Deputy Chief of Police, Logar province

Mohammad Amin Mangal, Chief of Police, Mohamad Agha district, Logar province

Michael Metrinko, US Embassy, Kabul

Shahm Mahmood Miakhel, UNAMA

Gul Mohammad, Deputy Commander, Police Regional Training Centre, Kunduz

Irina Kaye Mueller-Schieke, First Secretary, Legal Affairs/Police Reform, Embassy of Federal Republic of Germany, Kabul

Joanna Nathan, Crisis Group

Hamish Nixon, Governance Researcher, AREU

Haji Nooruddin, Regional Director, Afghan Red Crescent Society, Herat

Lt. Col. Jan Norvalls, Police Advisor, ISAF

Brigadier General Gary O'Brien, Deputy Commander, CSTC-A

Vikram Parekh, Political Affairs Officer, UNAMA

Haji Abdul Ghias Patang, Deputy Governor, Logar province

General Mujtaba Patang, Chief of Police, Takhar province

Wahid Pathan, District Governor, Mohammad Agha district, Logar province

Abdul Salam Rahimi, former Deputy Finance Minister

General Mohammad Razzaq, Deputy Chief of Police, Helmand province

Elizabeth Richard, INL, US Embassy, Kabul

Marie Richards, INL, US Embassy, Kabul

Syed Ahmed Sami, Chief of Police, Kunduz province

Eckhart Schiewek, Political Affairs Officer, UNAMA

Michael Semple, Office of the European Union Special Representative

Pedros Serrano, EU ESDP Mission

Hussain Shahriyar, UNAMA, Kunduz

Sergiy Sobistiyanskyy, Political Affairs Officer, UNAMA, Kunduz province

Achim Speer, Police Advisor, GPPO, German PRT, Kunduz province

Barbara Stapleton, Office of the European Union Special Representative

Gil Tercenio, Acting Regional Commander, Police Regional Training Centre, Kunduz province

Trudie Thompson, Political Officer, US Department of State, Kunduz PRT

Francesc Vendrell, European Union Special Representative

Doug Wankel, Director, Counter Narcotics Task Force, US Embassy

General Yarmand, Director General, Criminal Investigation Department, Ministry of Interior

Focus group, Police Regional Training Centre trainers, Kunduz

Focus groups (2), Police Regional Training Centre students, Kunduz

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