
SECURITY, STABILISATION AND DEVELOPMENT

Building security & justice institutions in conflict-affected environments: Learning from Afghanistan

The third seminar in the series 'Building security and justice institutions in conflict-affected environments: Recent experiences' presented by Libra Advisory Group and the Centre for Defence Studies, King's College London focused on lessons from Afghanistan. The seminar was led by Dr John Gearson, the Director of the Centre for Defence Studies and the speakers were Brigadier David Hook and Libra Director Piet Biesheuvel.

Piet led the Rule of Law team in Helmand province until Spring 2009. He began by saying that policing is where the majority of Rule of Law focus and effort is. The biggest challenge is knowing what type of police model the Afghans want. The International Security Assistance Force (ISAF) wants the Afghan National Police (ANP) to be a paramilitary police force with light infantry capabilities to support the Afghan National Army (ANA) and ISAF operations. Configured thus, the force is capable of fighting an insurgency, but not providing the law and order capability of less militarised policing models. Piet pointed out that pushing the ANP further towards paramilitary activity takes them outside any existing model for policing; simply wearing a police uniform does not mean that they carry out police functions.

A consequence of this militarisation of the police is that it delinks the ANP from the 'justice family' of government organisations. This has serious implications for the delivery of justice and creates problems of accountability and oversight. For this reason, conflating policing and security is problematic because security focused forces may not provide the policing tasks necessary to assure the rule of law. As it stands, the ANP suffers from many of the same problems as the ANA. Large amounts of recruits are hired without vetting and adequate training. Worse, they are 2.5 times more likely to die than members of the ANA, with 1,000 killed in action per year. The Afghan view is that ordinary crime represents the same size threat as the Taliban. This is backed by the 'Voices of the Poor Study' by the World Bank which found that the primary problem of the poor worldwide was lack of personal safety and security. Afghans wish for an ANP presence in their communities. The less frequently Afghans see the police, the less they like them. This has unfortunate consequences for a militarised police force, since using them in a military role often results in a reduction of day-to-day normal public/police interactions. The police model for the ANP needs to be agreed by Afghans themselves, but time is running out for this to happen. Piet stated that the training police receive is dominated by the US funded FDD programme, which though of a para-military nature is the "only game in town" since alternate methods of training are underfunded.

The second challenge identified by Piet was the lack of policy mandate covering the ANP. The Ministry of Interior (MOI) doesn't have the capacity to deal with the ANP and as such the police operate in a policy vacuum. To counter this, there has recently been a greater emphasis on providing support to the MoI. The third challenge identified was the weak institutional capacity of justice institutions in Afghanistan. The vast majority of the population (between 95% and 98%) does not use state justice mechanisms. As such, state justice is largely irrelevant to them, instead they rely upon elders, religious leaders and the Taliban to resolve disputes and dispense justice.

Moving on to what has been done, the speaker pointed out that quite a lot of work had been done in support of the ANP, far more than the rest of the justice family. There was better coordination in Helmand province, particularly with international support for the ANP, where EUPOL, Ministry of Defence Police and serving UK and US military were all involved in mentoring and training activities in a manner that complimented the FDD programme. Their primary role is working to support the Chief of Police in delivering his own plan, as well as working with local communities to ascertain their priorities. They have provided more cohesive support for the network of police commanders and their work has been helped by the Americans building a new regional headquarters for the ANP. UK forces are working towards vertical community based accountability in Helmand with a requirement to empower the community and hold police commanders to account. At current there are many excesses and examples of criminal behaviour in the force, yet performance has improved. Successes such as the upswing in voter registration for the Presidential elections this year, however, such success might cause future problems, particularly if the ANP begins to worry local warlords, drug barons and even governors. But if the problems of corruption continue within the ANP, then the 95-98% who currently look elsewhere for justice may also look elsewhere for security. A counter to this is the Afghan Social Outreach Program, which helps communities identify challenges and blockages to delivery of local security and justice.

Returning again to the justice sector, the speaker pointed out that there are now functioning criminal courts. In Helmand, non-state justice has been supported. The non-state justice structures actually compete with the Taliban's system of justice. However, these systems can be inconsistent or unfair, and more problematically, may break international human rights laws.

Finishing, Piet outlined four things that need to be done in Afghanistan. The first was an improved coordination of international effort. Piet also underlined the need for a consistent approach nationally towards police training and ANP reform, in this respect, a military lead may not be ideal, but it was a better option than leaving it to individual PRTs to create a patchwork of police forces. Secondly, the speaker noted that the international community needs to ask itself whether it is engaged in stabilisation or development activity. Thirdly, the linkages between the police and the justice sector need to be rebuilt and lastly there needs to be improved compliance with human rights.

The second speaker was Brigadier David Hook, currently responsible for Afghan security force capability building for ISAF Regional Command South (RC-S)). Underscoring the fact that his knowledge and experience is from work at the regional command level, Brig. Hook noted that whilst Helmand had gained a "market leader" reputation in security sector reform (SSR), Afghanistan itself was more than Helmand. Demonstrating these differences, the speaker talked of the different security arrangements amongst the various ISAF security commands. Regional Command Centre, Kabul, has seen a transfer of lead security responsibility to the ANP, with ISAF and ANA backup. Regional Commands North and West had ANP leads supported by the ANA, but there was little violence, either because there was little that the insurgents were concerned about, or the lack of substantial ISAF presence for the insurgents to target. Regional Command East was primarily American led, with two ANA corps backing them. In contrast, RC-S was in a stalemate (or culminating point), having been under resourced. The situation in RC-S is shifting, due to the arrival of more American forces. However, even though ISAF forces have doubled, Afghan forces haven't, and the ANP is used in a paramilitary role in the area due to a lack of ANA, as it sees the heaviest fighting in Afghanistan.

Brig. Hook then moved on to the issue of ANP organisational structure and purpose. Across Afghanistan the ANP model is local people doing local policing. Afghanistan needs both a police force and a paramilitary

police force to provide security. However, America is currently dedicated to a single police model in Afghanistan which tries to deliver community policing but in RC-S is required to undertake both roles in one force. Because of the challenges faced in the south and east, international aid has become focused on creating a paramilitary force which is inadequate for the policing needs of local communities. Local police come under pressure from local communities and through tribal pressure which leads to corruption, has an impact on how police behave, and also because of the dynamic between local communities and individual tribes. Corruption is particularly problematic because it hinders economic development. Brig. Hook outlined the stark choice that faces farmers, between growing a licit crop and facing numerous ANP/ANA checkpoints in between the farm and market, which “tax” locals moving crops or growing illicit crops such as poppy, which leaves the transport and corruption problems to the narcotics gangs, because the produce is picked up at the farm gate. This feeds back into the insecure environment because the Taliban tax the poppy regime in order to finance their efforts. The Taliban also have access to information via or through the ANP, compromising operations to the point at which the police are often left out of detailed planning or security decisions because of the concern over operational security. The Taliban also target the police force since they are a relatively easy target and killing them undermines confidence and creates insecurity.

The Focused District Development programme, run by CSTC-A (shortly to be NTM-A) is creating a paramilitary police force; this is inherent in the structure of the programme which devotes five weeks to military survival training and tactics and three weeks to policing. It is all well and good to criticise this, the speaker noted, however if you don’t learn military skills in the south, you are likely to die quickly. Building a stable ANP is extremely challenging, since it involves building institutions without institutional resilience. According to the American counter-insurgency field manual there is a need for roughly 400,000 security personnel to combat the insurgency. The speaker then outlined the challenges involved in getting the ANSF close to that size. The first was a distinct lack of leadership capacity in the ANSF, in this respect the ANP lags behind the ANA. This is not an easily solvable problem since leaders are not readily available. The speaker was unconvinced that the current minister could deliver the change needed in the ANP. Increasing the size of the ANP also leads to problems of quantity versus quality. The recent 10,000 bump in ANP numbers was needed, yet they only received three weeks training. The inherent conflict between the first world view of policing and the third world requirements is underlined by the German idea of a nine month training program for 50 policemen. The speaker felt that police mentoring teams were the key to success, yet they suffered from underinvestment and a lack of resources. Such half measures are doomed to failure, an example being in Sangin province where 100 policemen were trained, yet a year later they had all disappeared.

Finishing, Brig. Hook stated that the majority of the ANP were very committed and made huge sacrifices by exposing themselves for \$100 a month in wages with a casualty rate more than any other security force element in Afghanistan. On balance locals prefer them there, but they can also have a very negative effect on local atmospherics if they behave badly and it may be that the problems with local rivalries may be solved by the creation of a truly national police force. Dr Gearson then added that the obvious conclusion of the seminar series had been that the context and politics is critical to the design of security structures.