

CivCom Meeting (EU)

Civil Society Input on EU Involvement in Afghan National Police (ANP)

19 January 2007

Dr. Susanne Schmeidl, swisspeace (for European Peacebuilding Liaison Office)

General Observations on Afghanistan to be considered

Overall security situation

- Part of country are essentially in-war with insurgents controlling the scene (mostly the Pashtun belt – East, South)
- Lack of rule of law in many places; especially rural and remote
- Insurgency in the South cannot be simply won by military means, as local population may support Taliban out of lack of options (not in favor of Taliban, but Taliban considered as lesser of two evils compared to corrupt provincial and district government officials and lack of rule of law)

International Statebuilding Effort

- Overall approach of top-down statebuilding in a country with little experience of a modern state
- Goal conflict in Afghanistan between post-conflict reconstruction and peacebuilding on the one hand (a civilian function) and being at war on the other due to the current military approach on fighting terrorism (a task that could also be approached through civilian means) → creates confusion about whether we are building peace or are fighting a war

Capacity of Afghan Government

- Lacking Afghan state monopoly on the use of force/power
- Lack of reach of government outside Kabul, and in provinces outside urban areas (if at all)
- Existing gap between development/reforms in Kabul vs. provinces, urban and rural areas
- High level of distrust of government from civilian population (initial support for Karzai has declined since parliamentary elections)
- Detachment between reforms at the top and reality on the ground (overall problem of reaching out to the people and involving the local population in the process)
- Lack of information flow about changes in government to local population (especially difficult if reform processes take a long time → population may perceive nothing is happening as it does not know what is happening where and what future plans are)
- High level of corruption within government (and other institutions)

Observations about Police (rule of law) from local population

- International security efforts (military) overall do not have an impact on security perception of local population – their concern in general is more about protection from crime- which is a civilian function, not a military one (this is however slowly changing as the insurgency is gaining ground)
- Population does not feel that they are protected by police from crime (maybe 10% of population would see police as at a level that they are providing protection from crime) → perception of lawlessness prevails
- High level of distrust of police and formal governance system (people prefer to use local conflict resolutions mechanisms such as *jirgas*, members of formal governance system (e.g., judges) in many rural areas also still refer cases to traditional system because of a lack of capacity, or simply because they believe in these systems as well → this does not help the introduction of new systems)
- Fear of police due to arbitrary arrests, abuse within police custody (e.g., rape, beatings), corruption → police is seen as a means of oppression that is feared
 - People have disappeared who were simply pulled in for questioning as witnesses in a situation
 - People believe that one can only get out of police custody (if at all) if bribes are paid
 - People believe that if women are taken into custody that there is a 100% chance of them being raped (sexual favors as a form of bribe to get out of custody)
 - People believe the police collaborates with criminals for example by letting them out of custody when bribes are paid (numerous reported cases by civil society)
 - Reports of robbery by individuals in police uniform
 - Street police sets up arbitrary check-points and takes bribes (this is usually done to improve poor salaries, but is also an old practice of the militia which many police come from → most police in Afghanistan are poorly trained ex-militia, so they behave accordingly)
- Poor police performance and corruption opens door for support to insurgency/Taliban → *Observations from a Farmer in Helmand*. Under the Taliban things were clear, somebody committed a crime, and they were punished or would be hung from the next tree. Right now, the crime is either committed by the police, or the criminals can bribe their way out; next day they are back on the street causing troubles for us. Note: Taliban justice is simple, and easy to understand – and provides a certain rule of law (even if it violates international human rights)

Observations about Efforts of building the Afghan National Police (ANP)

- Pillar Approach (Division of Labor among donor countries) → can lead to coherence and coordination problems, lack of advancement in one area can impact on others (building police is linked to the building of the rule of law which is in turn linked to the justice/legal system, and obviously to successful DDR of militia who need to be reintegrated into civilian functions)
 - Germany leads in police sector (here supported by the US in the training of the street police)
 - US lead in rebuilding the Afghan National Army
 - Italy leads in the reform of the justice system
 - UK leads in counter-narcotics
 - Japan leads in the DDR process
- Reform tasks tremendous (as in many post-conflict environments) due to length of war, militarization, lacking capacity, easy availability of small weapons → no quick fixes are possible → time-frame of reforms was never possible within framework of Bonn agreement (hence achievements need to be seen in relation to time-frame and task)
- Different approaches on the ground → potential of confusion in terms of overall evaluation of efforts in police sector; also danger to militarize a civilian task

Germany	US
Long-term vision	Quick fix approach (e.g., 8 week quick training of street police)
Quality	Quantity
Civilian approach (use of police)	Military approach (use of army and private military company as contractor)

- German approach of building civilian police structure pre-supposed a relatively stable country → pre-conditions only given in part of country → German effort limited largely to Kabul and Northern provinces (Badakshan, Kunduz, Balkh)

Existing Gaps (Areas of Improvement)

Coherence and Reach of International Efforts

- While coordination exists, the pillar approach has led to problems of coherence within the system and could be improved
- Imbalance of police reform efforts within Afghanistan (more in some places and less in others) → need to reach outside "safe" areas into more problematic areas of South-East, South, East (otherwise a militarization of police will occur, or militias will take hold over a civilian police which would be counter-productive for peacebuilding)
- Lack of reform in criminal justice system that can provide adequate checks and balances for the police → Lack of quality control

Capacity Problems

- Despite achievements on the German side, for many Afghans too few visible results from a civil society perspective were achieved (as they are mainly in touch with the street police who so far have only received basic training by the US)
 - Lack of literacy among street police (this also does not help them to gain respect among the local population who tends to think officials should be educated)
 - Gaps within the mentoring system for Afghan police which could provide assistance, supervision and quality-control
- Lack of capacity among Afghan counterparts creates a situation where short term training gains are lost in the long terms for lack of coaching and support.

Militarization of a Civilian Task through US Approach

US approach of using military to train police and also sub-contracting a private military firm (DynCorp International) for police training (USD 1.1. billion for 2004-2007) provides a military aura to a civilian police job. Furthermore, there are problems of reputation with the contractor in question. Main concern is that many Private Military Companies (PMCs) - but also some of the international military - set a bad example (poor role model) of how members of the security sector should behave – especially the civilian sector such as police. Some observations and commentary below illustrate this:

- DynCorp, the Cowboys of Afghanistan, would use routinely swear words, bad language and point guns at government officials and visitors to the presidential palace (*various local sources, both government officials not wanting to be named and staff of international organizations*).
- While training the Afghan Guard Force one of the DynCorp cursed so much that 200 Afghan trainees walked off their job in one night. The next night DynCorp blamed this walk-out on the Afghan head of security who was assisting DynCorp who was

subsequently relieved from his duties. He then began to start his own private security company. *Afghan Government Official*

- “DynCorp guards, many of whom were former city SWAT team officers, developed a colourful nasty reputation here [Afghanistan]; one DynCorp guard, for example, was seen slapping the Afghan transportation minister” [This happened in the presidential palace after a cabinet meeting; *own sources*]. *Fariba Nawa. 2006. Afghanistan, Inc., A CorpWatch Investigative Report, p.18, <http://corpwatch.org/downloads/AfghanistanINCfinalsmall.pdf>*
- “First, the proliferation of private security services in theatres such as Afghanistan is unhelpful if one wishes to convey the message that the legitimate use of force is a function of the state. In Afghanistan these services have come in forms as varied as the US private security company DynCorp, whose offices were bombed in the Shar-e Naw district of Kabul on 29 August 2004, and a group of US freelance vigilantes goaled on 15 September 2004 for running a private prison in which Afghan victims were allegedly tortured. While firms like DynCorp are now established elements of the security landscape, making use of such companies may have unintended or undesirable consequences.” (p.77 in William Maley. 2006. *Rescuing Afghanistan*. Sydney: New South Wales Press Ltd.).

Recommendations/Areas of Engagement

In favor of EU Engagement to help support the German efforts in reforming the police system
→ the sooner the better, as it could counter a militarization of the police (see below)

1. EU could help **harmonize the pillar approach** that currently exist by making the engagement more coherent (especially in the European pillars of police, justice, counter-narcotics)
2. EU engagement could help focus on and **emphasize the civilian aspect of police training**, counter-balancing the somewhat counter-productive trend from the US approach that in the long-run may lead to a militarization of the police (military rather than civilian police)
→ very problematic for war-torn countries. Here EU could help to highlight the link between rule of law and police training by providing civilian and not military police expertise (different thinking).
3. EU could help build a quality control system – e.g., **ombudsman system**– where local population would be able to launch complaints against poor police behavior could be built as a temporary mechanism until the justice system is able to provide checks and balance of bad police behavior. This system could also serve in a two-way function – provision of information – checking up on complaints *[Example: The Tribal Liaison Office that was set-up by swisspeace on request of traditional structures in the Southeast performs such a function from the civilian side by trying to liaise between traditional structures, the Afghan government, international military (CF and PRT)]*
4. **Contribution to civilian mentoring program of police.** This has been cited both by Germans and also US as critical to the long-term success of quality police performance, but overall there is a lack of mentors available. EU could try to provide civilian police mentors to Afghan counterparts and thus help improve police performance
5. **EU should get engaged outside Kabul – especially in remote rural areas** (complement the German efforts here), and if possible also in the instable provinces of the Pashtun belt (so far less touched due to poor levels of security) → Engagement in Southeast as possible entry point because:
 - It is, overall, more stable than South and East
 - It has very coherent traditional tribal structures that have shown willingness for engagement
 - Possibility to collaborate with traditional structures, mainly the tribal police (Arbakee) that works as a community police and that has been used successfully for election security in both presidential and parliamentary elections by the Afghan government and by local communities for various tasks (district security, street security, security of natural resources, etc.)
 - Option to collaborate with existing civil society efforts that can help bridge gap to traditional structures (Tribal Liaison Office, see Point 3)

6. **EU Contribution to improve upon the curricula of short-term training of the street police (currently with US)**
 - EU contribution to the content of the training (adding content will increase the length of training and improve quality); focus on the civilian side of police training would be an addition (e.g., proper code of conduct for civilian police, police-citizen interactions etc.)
 - Consideration of follow-up training (possible “refresher training”)
7. **Flanking actions** which could be undertaken through Community Instruments
 - Provision of **literacy training prior to police training**
 - Image of the police in general is poor – need to help Afghanistan in **boosting image of a civilian police** with the task of protecting and serving the civilian population

Considerations for Engagement

- While it might be difficult for the EU to match the quantity of the US engagement in police training (currently around 350)¹ it could **provide a quality involvement** that can have a long-lasting impact and provide sustainable changes.
- Nevertheless, **current number of German contingent should be exceeded** in order to allow engagement in several Afghan provinces and rural areas.
- EU engagement needs to be planned with a **realistic time-frame** in mind in order to meet deliverables promised (lesson from German engagement), produce sustainable results and an adequate hand-over process to Afghan stakeholders → problem in Afghanistan is a raising of unrealistic expectations; clear measurable benchmarks need to be set
 - EU needs to focus on one aspect where they can provide added value – Afghanistan has experience of donors spreading themselves too thinly and not being able to provide quality input
 - Information exchange is key about police reform and EU engagement. Local population needs to know what is being done (overall information exchange about reforms are lacking in Afghanistan)

¹ *Interagency Assessment of Afghanistan Police Training and Readiness*, US Department of State and US Department of Defence, November 2006 (unclassified).