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SPECIAL REPORT

2301 Constitution Ave., NW • Washington, DC 20037 • 202.457.1700 • fax 202.429.6063

ABOUT THE REPORT

This report is based on interviews with senior police leaders, International Security Assistance Force (ISAF) members, international donors, and Afghan officials and civil society during 2013–14, completed just before April’s national elections. The report also draws on the author’s experience during 2009–12, when she served as senior Rule of Law adviser to three of the four major component commands within the ISAF coalition. Part of the United States Institute of Peace program is to promote peace and stability in Afghanistan. This report should be read in connection with USIP Special Report 322, “Police Transition in Afghanistan.”

ABOUT THE AUTHOR

Michelle Hughes is president and CEO of VALRAC Innovation, senior development adviser to Loyola University Chicago Law School’s LLM program in Rule of Law for Development, and a senior fellow with the National Defense University Joint Forces Staff College. A former senior executive in the Department of Defense, she has field experience in twelve conflict countries and is principal author of the *Joint Force Commander’s Handbook on Military Support to Rule of Law and Security Sector Reform*.

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SPECIAL REPORT 346

MAY 2014

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Michelle Hughes

The Afghan National Police in 2015 and Beyond

Summary

- The Afghan National Police (ANP) has made remarkable progress, but the challenges are urgent, and critical capabilities remain underdeveloped. Within the framework of the minister of interior’s own Strategic Vision, opportunities will arise to close some of the capacity gaps in the coming years.
- Helping the ANP shift from a wartime footing to a contextually appropriate community policing model, and advancing professionalism within the ministry and the operating forces, is critical to sustainability. If a national police force is going to succeed, the linkage between policing and governance must be recognized and strengthened.
- Managing the expanding array of ANP donors and their activities poses a unique challenge that has yet to be addressed. It is an executive challenge for the Ministry of Interior and a coordination challenge for the international community. For both, it will require a long-term approach.
- To facilitate effective evidence-based operations (EvBO) and strengthen the relationship between the ANP and the communities it serves, U.S.-funded activities that build capacity for justice and governance need to be more closely aligned with ANP development.

Introduction

Throughout the course of the war in Afghanistan, much has been written about the ANP. Since 2002, when Germany assumed the mantle as “lead nation” for developing the police, the international community has struggled with the problem of how best to facilitate the ANP’s growth and development.¹ Technical approaches have been debated and amended,

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the “lead nation” approach gave way to more multilateral engagement, and the International Security Assistance Force (ISAF) became the de facto lead within the international community for developing policing, even as smaller bilateral missions continued their efforts and the European Police Mission (EUPOL) pursued its own mandate.² The United States emerged as the largest police donor. And through the Combined Security Transition Command – Afghanistan (CSTC-A), the U.S. arm of NATO Training Mission – Afghanistan (NTM-A), the military assumed responsibility for most police training from the traditional civilian lead for policing assistance: the State Department Bureau of International Narcotics and Law Enforcement Affairs.³ None of these transitions happened without controversy. The military, in particular, has come under harsh criticism for its treatment of the ANP as a lightly armed element of the Afghan National Security Forces (ANSF) rather than as a separate and distinct civilian institution of law enforcement professionals.⁴

This report does not replay the history or the arguments. Instead, it looks at the future of Afghanistan once security transition is complete at the end of 2014, with an eye toward where U.S. assistance can have the greatest strategic impact on the future of the ANP. The current level of progress would not have happened without the U.S. military’s tremendous drive, dedication, resources, and personal sacrifice in lives lost. At the same time, civilian contributions, although not as well publicized, have been critical to developing core ANP competencies.⁵ If progress is strategically reinforced, the combined civil-military effort will have laid a foundation for long-term success.

Background

As we look at policing in Afghanistan, we find hopeful indicators to build on. Afghan leaders have articulated a vision and are striving for self-determination and control. Human capital within the Ministry of Interior (MoI) is improving, and public trust and confidence in the ANP are at an all-time high.⁶ There is considerable momentum toward Afghan ownership of strengthening the ANP’s role in restoring and maintaining the rule of law. Success stories abound (though they seldom make the news), and the progress has created opportunities to support Afghan initiatives and ideas that didn’t exist even a year ago. But as the security transition concludes at the end of 2014, the international community’s continued inability to pursue a coherent, comprehensive approach to security sector reform limits external influence on progress and puts sustainability at risk.⁷

Throughout the course of international engagement, security force development, which includes the police, and judicial development have been on separate paths. The international community has generally acknowledged that law and order in Afghanistan would eventually be enforced by civilian police rather than by the Afghan National Army (ANA). But almost all police development efforts, including the establishment of operational policy, force structure, and standardized training and professionalization, were modeled on military rather than civilian police institutions. As recently as 2011, there was no vision for what the ANP would look like once the ISAF mission was complete. The Afghan government, however, had repeatedly refused to declare that an internal armed conflict existed, which had a direct impact on the extent to which ANSF could continue to detain insurgents and terrorists once the ISAF drawdown was complete. The international coalition’s operating assumption was that the Afghan authorities would eventually make the declaration so that the Law of Armed Conflict (LOAC) would apply to ANSF, just as it applied to ISAF forces. But the Afghans refused, leaving the ANP and elements of the National Directorate of Security (NDS) as the only ANSF that could detain insurgents under Afghan criminal law.⁸ “Professionalization”—which would be required for the ANP to be

able to assume the full scope of its responsibilities for EvBO—was not discussed without a caveat stating that it would occur only after targeted numbers of police were trained and equipped.⁹ Within the security ministries, few coalition advisers even tried to discuss civilian law enforcement with their Afghan principals. That all detention operations would eventually have to shift to the Afghan criminal justice system was acknowledged but not allowed to influence subsequent planning.¹⁰

The challenge persists. The ISAF approach remains focused on growing the number of trained ANP to 157,000, and immediate security imperatives dominate the discussions.¹¹ With the 2014 elections seen as at risk due to insecurity, any effort to further professionalize the force is seen as a distraction. Even the ongoing effort to “train” police officers who were assigned to the field without having completed the basic patrolman’s certification slowed as training slots were reallocated to meet the surging demand for more women to serve as female searchers in polling places. This reallocation has left a sizable gap—more than 8,000 untrained policemen remain on duty. While that number represents progress (a year ago, the number was estimated at 21,000), the fact that training was held in abeyance and viewed as nonessential in the near term is problematic. Once elections are complete, the new government will be faced with a significantly undertrained force, coinciding with a reduced security assistance presence.¹²

The overarching military train-and-equip approach has created another challenge for the transition by failing to ensure that the ANP is appropriately institutionalized within the larger framework of the Afghan political system. It is notable that the ISAF’s reports to Congress, as well as other strategic assessments, make no mention of the ANP’s enduring role as an essential component of government service.

Policing is a core governance function. Or, as the Afghan Constitution states, “defending independence, national sovereignty, territorial integrity and attaining the security and defense capability of the country shall be the fundamental duties of the state.”¹³ The Police Law mandates that “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.*”¹⁴ The minister of interior’s own “Ten-Year Vision for the Afghan National Police” is filled with references to policing as an essential public service and to the responsibilities of the police to the people and their lawful representatives.¹⁵ In the words of the governor of Ghazni Province, “When my people see the police, they are seeing the mirror of me.” But ISAF strategies for ANP development, and the assessment frameworks used to measure progress, do not address the relationship of the police to the government as a metric for operational success. The NTM-A/CSTC-A development framework remains organized around the same five security-centric lines of effort that are used for the ANA.¹⁶

At the same time that ISAF is scaling back, Afghan officials are becoming the greatest proponents for the professionalization of the police as a law enforcement service. They are talking about it, issuing policy guidance designed to further it, and making political decisions based on an Afghan interpretation of Afghan law. This is not to say that they are always sincere or that they are operating under legal norms and standards that the international community accepts. But they are taking ownership of their own agenda and see the ANP as an essential component. This represents development progress and presents near-term opportunities that support successful security transition.

Unfortunately, the international donor community and ISAF have made little progress toward unified action that will take the ANP to the next level of professional competence. The effort continues to be ad hoc, disaggregated, and poorly defined. The absence of a continuous, holistic strategy that can guide horizontal and vertical integration across law enforcement actors is the most problematic characteristic of the international assistance

approach. It is too late now to “fix” the law enforcement assistance problem in Afghanistan. But steps can be taken that will strengthen Afghan initiatives; improve the effectiveness of important, internal security related niche capabilities; and increase the chance that we may yet have reasonably capable, reliable security partners within the ANP.

Reinforcing the Minister’s Strategic Plan

In 2010, with considerable drafting assistance from the international community, the minister of interior signed a comprehensive National Police Strategy (NPS).¹⁷ The strategy was followed soon thereafter by a derivative National Police Plan (NPP)—again, drafted largely by international advisers. The NPS reflected ISAF priorities and, while the minister and his deputies paid homage to it in all their public statements, there had been considerable NTM-A/CSTC-A effort behind the scenes to persuade the Afghans to take full ownership of its implementation, with mixed success. It was, after all, not the minister’s plan.

On October 16, 2012, shortly after General Ghulam Patang was appointed minister of interior, he announced a set of priorities, later codified with the help of the International Police Coordination Board (IPCB) as a “Ten-Year Vision,” during his remarks to a Provincial and District Chiefs of Police Conference that he convened in Kabul. As with a previous professionalization strategy that he crafted in May 2011 when he was director of the ANP Training General Command, he did not consult with international advisers beforehand. He did, however, ask the then head of the IPCB for her assistance, resulting in a corresponding set of two-year implementation plans.¹⁸

The minister’s Vision began with the following:

Within ten years the Afghan National Police (ANP) will become a unified, capable, and trustworthy civilian police service. Its primary responsibility will be to enforce the rule of law; maintain public order and security; detect and fight crimes; control borders; protect the rights, assets and freedoms of both Afghans and foreigners in Afghanistan according to national laws; and operate without ethnic, gender, language or religious discrimination. By pursuing the principles and objectives of the peace and reintegration program, which is based on the decisions of the 2–4 June 2010 Consultative Jirga, and creating a lawful society, the ANP will pave the way for sustainable peace and socio-economic development of Afghanistan. It will be a unified and flexible force allowing personnel in the different police pillars of the ANP to transfer from one to the other when necessary, and winning public confidence by the use of community policing approaches to deliver policing services to the people of Afghanistan.¹⁹

The heavy emphasis on professionalization, civilianization, and community policing was a reflection of Minister Patang’s background as a career police officer, and it caught the international community off guard. As part of his implementation strategy, he proposed a series of two-year plans, which created an immediate disconnection with the NTM-A/CSTC-A supported NPS and NPP.²⁰ ISAF is currently working with the MoI to develop an updated NPS and NPP, but the strategic planning framework is not yet completely reconciled.²¹

Upon assuming control of the ministry from Patang in September 2013, the current minister of interior, Mohammed Omer Daudzai, reaffirmed his commitment to the Vision, with the caveat that he intended to adjust priority-setting and implementation timelines as necessary to adapt to the security situation on the ground. During discussions with provincial governors as research for this study, it was clear that they also support the goals in the Vision and that it reflects their view of the ANP as essential to their own ability to govern.

Ultimately, ANP development needs to be based on agreed-upon goals and objectives that reflect a ministry’s institutional position rather than the personal agenda of a particular minister. And development will not be sustainable unless it is aligned behind a set of Afghan-generated two-year plans. Otherwise, consistent progress is unlikely, donor confidence and support will probably decrease, and the ISAF and other donors will continue to differ on how the police should develop.²²

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Development of the vision is not the only indication that the Afghans are thinking strategically. While codifying national goals and objectives, the Afghans are also affirmatively demonstrating a growing capacity to plan and coordinate the way ahead. Election planning is a case in point. According to multiple accounts, the minister of interior, minister of defense, and director of the NDS began planning eighteen months in advance for how they would conduct election security, and they have been adamant that they would control the process.²³ In northern Afghanistan, for example, when the German Police Project Team, which had been training, mentoring, and advising the ANP since 2002, reached out to provincial leaders to offer advice and assistance, they were rebuffed because Afghan regional leaders believed they had the planning process well in hand. International advisers have had concerns about the quality of some of the security assessments the Afghans have undertaken, but they were impressed by the progress in planning and cross-ministerial coordination compared with the capacity before the last major elections in 2009.

The MoI has demonstrated that it is furthering its own strategy and policy in other areas as well. In June 2013, in an effort to define future requirements, the minister conducted a conference to explore the question of what “community policing,” the central idea behind the Vision, means in the Afghan context. Minister Daudzai has formulated his own needs-assessment frameworks and is trying to strengthen ties with provincial governors, district subgovernors, and community councils at both levels in order to build recruitment in under-represented areas and improve the relationship between the ANP and the communities it serves. Finally, although some Western donors disapprove, the ministry is reaching out to other Islamic countries in an effort to forge what it sees as culturally compatible partnerships for training and professionalization.

These initiatives, and others too numerous to mention, represent serious intent, strategic thinking, and the political will to strengthen governance within the security sector. It is important to note that the minister has gotten help from a small group of young Afghan civil servants. He has also consulted high-ranking, experienced international civilian advisers who have the pull and the executive skills to help develop an enduring capacity to manage a complex bureaucracy that sits within an equally complex political environment. The resulting opportunities, if leveraged correctly, should inform future engagement and help mitigate the risks involved in the handover.

Strengthening Institutional Functions Within the MoI

The development of policing has focused mainly on recruiting, training, and equipping a force of police “soldiers” who could perform basic security functions in partnership with the ANA, as part of an ISAF strategy of “layered security.”²⁴ As a result, the ministry is staffed mainly by uniformed police officers who rotate between operational and administrative assignments and, in accordance with the minister’s Vision, between operational police pillars. This personnel turbulence within the ministry impedes continuity and the ability to advance a complicated set of policies from design through implementation. Also, it creates a perception at odds with the concept of a democratically controlled civilian police. When one walks into the MoI, the overall impression is of a military organization rather than a civilian bureaucracy.

Along with the problems of perception and turbulence, both the ministry and the ANP suffer from a lack of progress in the areas of human resources and personnel administration. NTM-A/CSTC-A efforts to introduce personnel management systems, with heavy emphasis on automation, have been less than successful. Basic elements, such as approved position descriptions, assignment policies, performance management, and merit-based qualification, are still largely nonexistent. At the end of 2013, the minister approved a bilateral proposal

for creating a Human Resource Management Unit that would have addressed the most critical gaps, but implementation was derailed earlier this year when the proposal did not conform to ISAF priorities.²⁵ As a result, problems remain that are unlikely to be resolved before the end of 2014.

The other critical gap is in planning, programming, and budget execution. Despite progress in strategic planning from an operational perspective, no Afghan-led mechanisms are in place that link management of personnel, resources, and objectives. In the words of an experienced international adviser, “The number of personnel within the Ministry of Interior who understand the concept of program budgeting is in double digits. A ministerial team that can effectively take this issue forward is nonexistent.” The challenge is exacerbated by the number of funding streams, international advisers, and donors who are directly involved in the allocation of ANP resources and services in kind and by a lack of capacity in the Afghan Ministry of Finance.²⁶ NTM-A/CSTC-A is aware of the problem and has significantly increased the number of advisers assigned to address the issues. But the capability gaps go beyond any one development effort and require an international response that hasn’t coalesced. The Law and Order Trust Fund Afghanistan (LOTFA), for example, which manages international funds used to pay the salaries of more than 140,000 police officers, does not yet have a course of action for how it will transfer funds management to Afghan ownership. This is only one of the complex financial management functions the Afghans will have to assume, but there is no question that they are not yet ready to do so.²⁷

If the ANP is to become an accountable, public service oriented institution while also meeting the challenge of a complex and dynamic security environment, the civil servants within the ministry must be capable, visible, and clearly in control of the major ministerial functions. More young civil servants like those currently adding strategic planning value need to be hired and encouraged. This requires that their career path be strengthened with the same emphasis on career development that is envisioned within the uniformed police. Human resources must be viewed as a mission-essential function. And program budgeting processes, and the personnel to execute them, have to become an enduring priority; they cannot be viewed as secondary to security. They are essential to the sustainability of the institution and to the future of the ANP.

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Community Policing in the Afghan Context

The notion of community policing for Afghanistan has often been treated as a Western idea that is irrelevant in the current security environment. But nothing could be further from the truth. Without effective engagement throughout all levels of the community, the ANP lacks the ability to continuously gather information; prevent and discover crimes, including crimes against internal security; address causes of conflict before they escalate into full-scale factional and antigovernment grievances; and demonstrate that the government can regulate the community and keep public order. Given the ethnic and ideological fault lines that exist across the country, and the limited reach of the central government, it is essential that the ANP be an adaptive and culturally sensitive organization wherever it is present.²⁸

Plans for the NATO post-2014 Resolute Support Mission anticipate that ANSF training and mentoring will continue throughout the coming years, albeit with significantly fewer instructors and less direct operational involvement.²⁹ Given this reality, it is especially critical that mission-essential tasks that are trained and advised conform to the direction that the ministry is trying to take. Otherwise, the ministry will be hard-pressed to establish and enforce common standards of performance across Afghanistan. In particular, Security Force Assistance (SFA) tasks, conditions, and standards should follow those identified and certified through the ministry’s own nascent training development and certification processes.

One of the recurring challenges in the past was the fact that different U.S. battlespace owners had their own notions of how SFA for the ANP should be conducted. As various military units deployed in and out of theater, each arrived with its own set of ideas and procedures and little awareness of the ANP's own operational policies, procedures, and training intent. Inconsistencies became especially obvious as combined units of ANSF attempted to make the transition from military intelligence-led operations under LOAC, to police-led EvBO under Afghan criminal law. Provincial prosecutors and judges complained that units did not follow consistent procedures for evidence gathering, crime scene exploitation, arrests, and witness interviews. Efforts to standardize procedures at the national level between police and prosecutors were stymied by a lack of interministerial cooperation between the MoI and the attorney general's office. At the subnational level, different tools, tactics, and procedures were taught depending on the interpretation of the coalition judge advocate who happened to be assigned to advise the SFA team assigned to a particular location at that particular time. The net effect was that hundreds of cases were not prosecuted or were thrown out because the evidence didn't conform to Afghan law. Aside from the problem of EvBO, inconsistencies in training standards impeded the Afghans' ability to implement consistent approaches and enforce common standards of performance.³⁰

Over the past two years, NTM-A/CSTC-A, the ISAF Joint Command, and the NATO Special Operations Component Command–Afghanistan made a concerted effort to standardize SFA throughout the country, which resulted in greater consistency and improved effectiveness overall. But the ISAF standards, codified in the ISAF SFA Guide, still do not represent Afghan perspectives or priorities because Afghan participation in developing the SFA Guide was minimal.³¹ Nor does the SFA Guide apply to the U.S. and international civilian police advisers who are expected to operate in the country after 2014 and who are not part of a NATO mission. As a result, the SFA Guide is not an enduring solution.

It is time to recognize that the Afghans must control their own standards of professionalization and performance. And if they are to do it successfully, future SFA trainers and mentors must conform to those standards, rather than the other way around. We can and should continue to help them develop institutional guidelines and programs of instruction. But the weight of the effort should be on reinforcing the instruction that the Afghans choose to institutionalize. Only then can they fully professionalize the force.

Managing the Expanding Donor Map

During the past twelve years, more than thirty-seven different international donors have been involved in supporting ANP development. Most of them are also contributing nations to NTM-A/CSTC-A, EUPOL, or both. To enable coherence, and in accordance with the Afghanistan Compact of 2006, the IPCB was established in 2007 to act as the main international body for coordinating police-related international organizations, in close cooperation with the Afghans.³² The degree to which the IPCB has succeeded has varied greatly depending on several factors, including the strength of the leadership assigned to its implementing arm, the IPCB Secretariat. As a practical matter, with NTM-A/CSTC-A's 2009 assumption of the lead role in police development, the IPCB's influence has been significantly reduced, and no one entity has yet stepped in to fill the void.

Meanwhile, the MoI has begun taking its own steps toward establishing bilateral police development relations. Minister Daudzai in particular, with the help of the IPCB, has sought to build relationships with the police institutions of other Islamic countries. In the past several months, he has strengthened ties to his counterparts in Egypt, the United Arab Emirates, and Iran, while increasing the number of ANP members sent to Turkey and Indonesia

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for training. He is working to solidify law enforcement cooperation with all of Afghanistan's neighbors, including Russia, and the Afghan Border Police routinely participate in non-NATO, Organization for Security and Co-operation in Europe facilitated training in Uzbekistan.³³

These initiatives signal that the donor map in Afghanistan for development of policing after 2014 will become increasingly diverse, and the degree to which any one outside organization can significantly influence the direction that donors take will lessen significantly. To address this transition, the MoI will need to have the executive capacity to manage relationships and contributions in a way that supports the minister's Vision, contributes to consistent professionalization across the ANP, and helps Afghanistan build enduring law enforcement partnerships. The international community will need an honest broker that can facilitate continuing dialogue across a broad range of donors with competing political agendas.

As the ISAF lessens its contributions and control, the IPCB is the logical donor platform for fulfilling this role and managing relationships. But without strong international commitment and support, its ability to do so is limited. Recent history is not promising in this regard. During the past several months, the IPCB Secretariat has struggled to maintain adequate staffing and perform its most basic functions. The search for qualified personnel who can act as effective facilitators is an ongoing challenge due to lack of donor support. Security concerns have increasingly limited the Secretariat's ability to maintain a consistent presence in the MoI, and relations with the Afghans have suffered as a result. The Secretariat's effort to map donors' activities were met with indifference and delay. Regularly scheduled coordination meetings have been canceled because no donor was willing to host them.

Ultimately, the long-term solution lies within the ministry itself, which must be aided by a committed international response. International policing assistance must help build a structure within the ministry to manage donor relations, synchronized with the deputy ministers for strategy and policy, support and logistics, counternarcotics, and operations. Advisers must be carefully selected to ensure that they have the appropriate seniority and experience. They will need to understand the framework that drives international assistance beyond 2014.³⁴ The IPCB Secretariat, in turn, should be strengthened with clear diplomatic support and manned with qualified senior executive level civilian professionals who have experience in international law enforcement cooperation and development. Neither of these activities requires major resourcing, but both require commitment and continuity if they are to have an enduring effect. Individuals who are assigned to such tasks need to have the right experience and should be perceived as politically neutral, technically competent, and motivated to advance the minister's Vision for the future of the ANP.

U.S. Assistance Goals and Objectives

The stated goal of U.S. engagement in Afghanistan is to ensure that the Afghan government can control its territory in order to prevent terrorism, transnational criminal activity, and the anarchy that allowed the Taliban to assume power in 1996.³⁵ The importance of the ANP in achieving this objective should be obvious. Throughout the course of this study, Afghan leaders in the security sector and throughout government emphasized repeatedly that the police are the face of the government and that the ANP as an institution has primary responsibility for everything from community security to border interdiction. The ministry's former chief of intelligence and counterterrorism was even more explicit. In his words, "The most important thing for the future of policing in Afghanistan is the mind of the police; they must understand the people of the country and the values of the country. The problem arises

when we just put a uniform on anybody—so they are appearing like police but not acting like police. This creates a gap between the people and the government.”³⁶

Afghan leaders also share an ongoing frustration over the judicial system’s inability to carry a policing-generated investigation through to successful adjudication. The transition from military operations conducted under the LOAC to EvBO has been problematic at best and is still unresolved.³⁷ To address these concerns, operational progress within the ANP will depend heavily on the United States’ ability to establish clear development goals that strengthen the linkage between the ANP and governance and to improve the ANP’s prevention and detection of criminal activity that enables terrorism and transnational crime.

This requires a U.S. strategy explicitly connecting interrelated U.S.-funded programs that contribute to policing success. But the current U.S. strategy is hampered by the same divide between policing and judicial development that has impeded the international community’s approach.³⁸ In its most recent iteration, the U.S. Civil-Military Strategic Framework identified policing development as part of the Security Pillar, distinct from the Pillars for Governance and Rule of Law. We might logically assume that because these are parts of a coordinated plan, their objectives synchronize. But this is not always the case. In fact, no governance or Rule of Law objectives are explicitly tied to policing development. As a result, key development activities remain disconnected, so that even in those areas where the Afghans are fielding mature security forces capable of conducting EvBO, necessary Afghan governance and judicial processes don’t match up in a way that enables security forces to achieve a (lawful) law enforcement effect.

The United States can positively affect the future of the ANP in the direction of meeting U.S. national security objectives by putting the weight of its efforts behind activities that create unity of effort regarding the police. This includes targeted support for law enforcement and security sector governance related programs, goals, and activities that the Afghan security ministries have specifically identified as crucial to accomplishing the ministries’ vision and mission.

The State Department Bureau for International Narcotics and Law Enforcement Affairs (State/INL) manages six major programs directly related to policing success.³⁹ The Justice Development Program provides advisers to a number of Afghan ministries, including the Office of the Attorney General, the Ministry of Justice, and the Ministry of Women’s Affairs. Its capstone program activity has been a multiyear effort to institutionalize an automated case-management system across the country. The Justice Training Transition Program provides direct training and train-the-trainer services to justice actors across the legal spectrum. The Gender Justice Program addresses problems of gender equality, domestic violence, and access to justice for Afghan women. The Legal Education Program trains and educates Afghan judges and lawyers, and the Access to Justice Program supports defense attorneys and educates citizens on their legal rights. Finally, the Major Crimes Program, conducted in partnership with the U.S. Department of Justice, provides advisory and operational assistance to the Counternarcotics Justice Center, the Judicial Security Unit, and specialized national security and anticorruption sections within the Attorney General’s Office. It also supports the investigation of high-profile organized crime, kidnapping, and corruption cases by providing secure office space for the Afghan-led Major Crimes Task Force.

Each of these programs contributes to police professionalization and accountability and successful performance of law enforcement operations. But partly because they are managed by the U.S. embassy rather than the ISAF, the degree to which they are linked with or leveraged by military-led policing development has varied widely. Responsibility for measuring the impact on ANP institutional capacity has rested with ISAF. The net result is that the

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impact of U.S. embassy programs on policing development is not being measured.

In 2015 and beyond, disconnections between the various Pillars' priorities and objectives need to be resolved, and the gaps impeding successful EvBO should be closed. Even if the military and the international community remain in the lead for training, advising, and equipping the police, the State Department should consider assuming a more robust role in monitoring and assessing police performance to ensure coherence among interrelated law enforcement functions across the entire justice spectrum. Doing so will require reevaluating program assessment frameworks currently in place. It will also require adding specific objectives to justice sector development to measure impact of the non-ANP development programs on the ANP's ability to perform its role as law enforcement first responders, as key components in making a successful criminal case, and as providers of essential public safety services and emergency response.

If this is accomplished, State/INL-funded nongovernmental organizations and implementing partners will no longer have the option not to engage with law enforcement advisers and Afghan law enforcement authorities. Follow-on U.S. SFA would have to fit within the State Department framework. Only then will unified action become a program deliverable, on par with the delivery of technical skills. Unified programming and assessment frameworks would also bring about greater tactical understanding of the strategic effects that all U.S. assistance is trying to achieve and would begin to close the persistent gap between security and justice development. With these adjustments made, assessments will go beyond mere measurement of sector-specific performance to measure effectiveness of the system as a whole. This, in turn, will increase accountability, minimize duplication, and facilitate a more coordinated response if things should go wrong.

Synchronizing post-2014 ANP development with State/INL's activities is not the only area where greater coherence can reinforce the ANP. The U.S. Agency for International Development's (USAID's) importance as an enabler of police professionalization, accountability, and sustainability cannot be overstated, yet it is generally overlooked. As an institution, USAID has legal limitations on the degree to which it can directly engage with the SFA, and it rarely interacts with policing development programs. But USAID's work to develop capacity in key Afghan government institutions—including the Supreme Court, the Ministry of Finance, the Independent Directorate for Local Governance (IDLG), and the Civil Service Commission—and its development of Afghan civil-society and media organizations are critical to the future of the ANP.

All the institutions and actors that USAID engages with are important, though indirect, components of the Afghan security system.⁴⁰ The Civil Service Commission is a key entity that the MoI must engage with to professionalize its bureaucracy. Other actors, such as the IDLG, shape the relationship between the ANP and the communities it serves. Also, civil society and the media are powerful tools for exerting external accountability and oversight on policing performance. If properly prepared, civil society and the media can identify community security requirements and capability gaps.⁴¹ They can also facilitate more effective dialogue between community leaders and police commanders and maintain pressure on ANP leaders to be more responsive to community needs. At the same time, they can be especially effective in educating the public on its rights and expectations regarding the police.⁴²

More than State/INL's programs, USAID's programs suffer from a lack of specificity on the role they play in strengthening sustainable ANP performance. Engagement between USAID officials, their implementing partners, and their counterparts in policing assistance is largely ad hoc and personality dependent. USAID programs do not articulate security or law enforcement impact in a way that leads to obvious connections, and there is no requirement to engage. If continued ANP development remains a U.S. priority in Afghanistan, this

should be reexamined, with specific language inserted into USAID programming to explain the relationship, within the Afghan political and security system, between the sectors and activities where USAID is active, and related policing development and security sector governance objectives.

Post-2014 USAID programs should be reviewed to ensure that law enforcement dependencies, as well as cross-ministerial coordination that strengthens or depends on the MoI, are addressed in other ministerial assistance programs. Regulatory schemes that are put into place in institutions such as the Ministry of Mines, Trade, or Finance, for example, should all be reviewed for law enforcement impact and subsequently coordinated with U.S. and international assistance efforts within the MoI to ensure that the necessary law enforcement capacity is accounted for in ANP planning, training, and resource allocation.⁴³ As with the State/INL recommendations, making the linkages explicit within the programs themselves will help close the assistance gap and lead to greater coherence and sustainability. This will facilitate a more effective whole-of-government approach that strengthens policing in Afghanistan as a public service and as a partner in governance.

Conclusion

It is easy to criticize the ANP. Accounts of corruption, incompetence, abuse of power, and pervasive illiteracy abound. Human capital is limited. The political environment has made the relationship between the ANP and its coalition partners difficult and, at times, contentious. Afghan priorities do not always nest neatly within U.S. interests, and media reporting has created the perception that twelve years of assistance has achieved little progress and even less sustainability. Nothing could be further from the truth. In fact, there are many instances where the Afghans have shown initiative, commitment, and a keen understanding of what they need to meet their own security challenges. In one particularly poignant example, members of the Counter Improvised Explosive Devices (IED) cell within the ISAF Joint Command related how, when they set out to inventory personal IED-detection equipment they had issued to the ANP, one of the units could not produce the devices. The coalition team immediately concluded that the equipment had been misappropriated and possibly sold on the black market. As it turned out, the Afghans knew where every device had gone. They had reallocated the devices to local government officials, prosecutors, and judges. These individuals, ANP leaders explained, were under threat. By giving up some of their own protective gear, the police were able to ensure that core justice and governance would continue to function. They knew what was important.

To sustain the ANP, reinforce progress, and achieve strategic objectives under a reduced mandate and resource constraints, the United States will have to make adjustments in 2015 and beyond.

Focusing on institution building and core bureaucratic functions, such as personnel, strategy, and budgeting, will strengthen the ministry's ability to manage a complex organization and an equally complex security environment. Harmonizing assistance efforts in a way that connects police to the population will increase accountability, oversight, and performance. Investing in literacy and human capital will improve professionalization. Realigning nonpolice law enforcement assistance will improve Afghanistan's ability to criminalize the insurgency, protect its sovereignty, and make the transition from war. Finally, it is important to remember that institution building is a generational undertaking and that the United States is part of a massive international effort aimed at building the institution of the ANP. Unity of effort, nested within a framework of Afghan national objectives, can have long-lasting effects and will maximize limited resources in the years to come.

Policy Recommendations

- Reinforce the minister's Strategic Vision. Build on success by supporting Afghan-led strategic planning, cross-ministerial coordination, and policy development while shifting resources to strengthen the core institutional functions within the MoI that are essential for professionalization, resource management, and personnel administration.
- Facilitate the transition to an Afghan-appropriate community policing model. Community policing is essential to the ANP's ability to engage with the population in a way that detects insurgent activity, protects sovereignty, and supports legitimate, effective governance. Community policing cannot be relegated to afterthought status; it is an essential component of sustainable security transition.
- Ensure that post-2014 international assistance supports Afghan programs. International aid should be nested within the ministry's own training development and certification processes and should support the minister's path to professionalization. Donors should continue to invest in human capital, including literacy training for patrolmen and higher education for officers.
- Expand the role of the International Police Coordination Board; strengthen MOI's capacity to deal with international donors. This requires strong support for the IPCB Secretariat and a sophisticated cadre of international civilian police advisers who can help the ministry manage an increasingly complex donor map in a way that supports the minister's Strategic Vision.
- Harmonize U.S. development activities to increase ANP sustainability and operational effectiveness. This requires that we rethink the relationship between State/INL programs that facilitate transition from LOAC to EvBO and USAID activities that strengthen the relationship between the government, civil society, the media, and the police. Functional dependencies and organization linkages should be explicit so that all U.S. actors clearly understand and consciously collaborate toward a common set of governance and security objectives.

Notes

1. UN Security Council and General Assembly, Report of the Secretary-General, "The Situation in Afghanistan and Its Implications for International Peace and Security," A/57/762-S/2003/333, Mar. 18, 2003, 10.
2. EUPOL Afghanistan, "Council Joint Action 2007/369/CFSP of 30 May 2007 on Establishment of the European Union Police Mission in Afghanistan," www.eupol-afg.eu/?q=keyDocuments#sthash.pnRA6q1c.dpuf.
3. GAO, "Afghanistan Security: Department of Defense Effort to Train Afghan Police Relies on Contractor Personnel to Fill Skill and Resource Gaps," GAO-12-293R, Feb. 23, 2012, www.gao.gov/products/GAO-12-293R.
4. See Robert Perito and Donald Planty, "Police Transition in Afghanistan," USIP Special Report no. 322, February 2013, www.usip.org/files/resources/SR322.pdf; Robert Perito, "Afghanistan's Civil Order Police," USIP Special Report no. 307, May 2012, www.usip.org/files/resources/SR307.pdf; Robert Perito, "Afghanistan's Police: The Weak Link in Security Sector Reform," USIP Special Report no. 227, August 2009, www.usip.org/files/resources/afghanistan_police.pdf.
5. The U.S. Marshals Service has run a highly effective program to establish Judicial Security Units, which the Afghans have fully embraced and are seeking to expand; the Drug Enforcement Administration's multiyear effort to develop counternarcotics capacity has resulted in forces fully capable of conducting joint operations with international partners; specialized police units for crisis response, trained and mentored by U.S. and Coalition Special Operations Forces, operate at a very high level; and the Afghan Local Police, while controversial, has provided substantial support to Afghan Uniformed Police operations in contested areas and has succeeded in connecting recruiting and performance to district governance structures.
6. Keith Shawe, "Afghanistan in 2013: A Survey of the Afghan People," Asia Foundation, 2013, <http://asiafoundation.org/country/afghanistan/2013-poll.php>.
7. Security Sector Reform (SSR) is one of the objectives in the 2006 Afghanistan Compact. The Organization for Economic Co-operation and Development–Development Assistance Committee defines SSR as "seeking to increase partner countries' ability to meet the range of security needs within their societies in a manner consistent with democratic norms and sound principles of governance, transparency and the rule of law. SSR includes, but extends well beyond, the narrower focus of more traditional security assistance on defense, intelligence and policing." Organisation for Economic Co-operation and Development, "Security System Reform and Governance," 2005, 3, www.oecd.org/development/incap/31785288.pdf.
8. "ANSF," as used by ISAF and as reflected in the U.S. embassy's Civ-Mil plans, refers to the ANA, ANP, and NDS.
9. "Professionalization," as used by NTM-A, was never defined but is generally recognized as including training beyond the basic eight-week patrolman's course, which taught security and survivability skills. The extended training beyond the eight-week course would also include community policing, investigative techniques, and other civilian police competencies. "Professionalization" was also often used by both Afghans and international civilian police experts to refer to the length of training and education required under the Afghan National Police Inherent Law.
10. In September 2010, I was asked to help NTM-A/DCOM-P plan a strategy linking security force development, particularly ANP, "to the rest of the rule of law." Later, in January 2011, the commander, NTM-A, and Commander, JFC-Brunssum, hosted a symposium in Europe, specifically designed to start a conversation within ISAF and the EUPOL Mission about the enduring vision for the ANP. In late 2012, in a strategic Rule of Law mission analysis for the commander of the NATO Special Operations Component Command–Afghanistan, I concluded that the aforementioned development disconnections remained. Field research conducted in January 2014 showed no real progress in closing the gap.
11. "Trained," in the context of the ANP, means very different things to different constituencies. Under ISAF programs, it means that an ANP patrolman has completed the NTM-A/CSTC-A designed eight-week patrolman's course, which is devoted largely to training in military skills.
12. Author's conclusions based on interviews with members of the international community, bilateral missions, and ISAF component commands, Jan. 14–21, 2014. The numbers of untrained policemen are estimates provided by multiple sources within ISAF Joint Command and the International Police Coordination Board. Exact numbers are unknown.
13. Constitution of Afghanistan, art. 5.
14. Police Law, ch. 2, art. 4 (Afghanistan) (emphasis added).
15. Ministry of Interior Affairs, "Ten-Year Vision for the Afghan National Police: 1392-1402," <http://moi.gov.af/en/page/5718/5729>.
16. The five areas within the CSTC-A development framework are (1) Complete Assigned Mission, (2) Command and Control, (3) Leadership, (4) Sustainment, and (5) Training. None of these areas cite integration with governance structures as a core competency or essential task. U.S. Department of Defense, "Report on Progress toward Security and Stability in Afghanistan," annex A (Nov. 2013), www.defense.gov/pubs/October_1230_Report_Master_Nov7.pdf.
17. Islamic Government of Afghanistan Ministry of Interior Affairs, National Police Strategy (Mar. 2010).
18. The IPCB is the mechanism that the international community established to coordinate donor assistance to the ANP. Further discussion of the IPCB's role appears later in this report. The narrative of events described in this paragraph was derived from interviews with IPCB and U.S. embassy officials and from author interviews with Minister Patang in November 2012.
19. Ministry of Interior Affairs, "Ten-Year Vision for the Afghan National Police."
20. International Police Coordination Board documents, still in draft as of this writing, reflect a convoluted line-and-block graph showing the minister's Ten-Year Vision with its derivative two-year implementation plans in a vertical display. The NPS and NPP are on a horizontal line below. But the content of the NPS and the NPP do not reflect the priorities in the Vision, nor do they comport with the structure of the two-year plans. Interviews with international actors involved in ANP development revealed much confusion about how these documents could be made to fit together, and a general perception that the persistence of the NPS was driven by the coalition, not by the Ministry of Interior itself. Author's interview notes, Jan. 14–21, 2014, Kabul.
21. Although the author's research could not identify specific published legislation, both Afghan and IPCB leaders positively stated that Afghan law requires the production of an NPS and NPP to guide ANP development.
22. Author interviews with senior IPCB and non-U.S. embassy officials, Jan. 14–19, 2014.

23. The NDS is the main Afghan government intelligence service. But it also has law enforcement responsibilities because it has primary jurisdiction over cases dealing with internal security, including certain financial crimes and terrorism. Thus, a cooperative relationship between the MoI and the NDS is essential to Afghanistan's ability to criminalize the insurgency and secure national borders.
24. U.S. Department of Defense, "Report on Progress toward Security and Stability in Afghanistan," 16.
25. The Human Resource Management Unit was developed as part of the collaboration between the UK and the minister of interior. At the minister's request, the UK had placed a special adviser of ambassadorial rank in the minister's office to help him align his Vision with the requirements of institutional development and to facilitate long-term donor support and sustainable security transition. The current ISAF leadership did not support the position because it conflicted with ISAF and NTM-A priorities.
26. The bulk of the Afghan budget is financed by international assistance, but the Ministry of Finance, as the responsible body for public finance and expenditure, is increasing its role in coordinating and managing international financial assistance across the Afghan government. The Ministry of Finance works directly with the other line ministries, including the MoI, and is attempting to take an increasingly prominent role in the allocation of donor funding. Thus, the MoI's relationship with the Ministry of Finance, and its ability to participate fully and competently in Afghan national budget processes, will become increasingly important for the success of the policing mission as the Afghans assume greater control over resource allocation.
27. The conclusions in this paragraph derive from unreleased IPCB briefings and work papers and from numerous interviews during January 14–21, 2014, with senior international advisers in the MoI and senior officials in the UN Mission in Afghanistan who are directly involved in the administration of LOTFA.
28. In every interview I conducted during field research in January 2014, this imperative was the first issue raised by the Afghans, regardless of their position or political affiliation. Several interviewees stated that without it, a national police force cannot succeed.
29. "Resolute Support" refers to the planned NATO post-2014 "train, advise, and assist" mission to address gaps in the capabilities necessary for the ANSF to become self-sustaining. Senate Armed Services Committee, "Statement of General Joseph F. Dunford, Commander U.S. Forces Afghanistan Before the Senate Armed Services Committee on the Situation in Afghanistan," Mar. 12, 2014, www.armed-services.senate.gov/imo/media/doc/Dunford_03-12-14.pdf. The analysis in this section assumes that a bilateral support agreement between the U.S. and Afghan governments, which is a condition to Resolute Support, will be signed before the end of 2014.
30. The conclusions in this paragraph are based on my personal observations and interviews while serving as senior Rule of Law adviser to NTM-A and later as special Rule of Law adviser to the commander, NATO Special Operations Component Command Afghanistan, confirmed during field research in January 2014. As of this writing, the international community has no clear data on the number of cases actually coming before provincial courts on internal security related charges or their disposition. Anecdotal reporting indicates that this lack of consistent approaches and common performance standards for site exploitation, evidence handling, and criminal investigation continues to be a widespread national problem.
31. The SFA Guide states, "This guide is the result of an extensive collaborative effort within ISAF, led by the CAAT [Commander's Advisory Assistance Team], focusing stakeholders on the functionally based SFA framework." ISAF Security Force Assistance Guide 2.0, Jan. 1, 2014.
32. IPCB Omnibus Agreement and Mandate, art. 1; art. 2.1, <http://ipcbaafghanistan.com/>.
33. Author interviews with representatives from the IPCB, UN Assistance Mission in Afghanistan, and various embassies, including the U.S. embassy in Kabul, Jan. 14–21, 2014.
34. During interviews conducted in January 2014, what was most striking was the number of advisers who had no knowledge or understanding of strategic frameworks that influence international assistance, including the Tokyo Mutual Accountability Framework, the EUPOL and IPCB mandates, and applicable national priority plans.
35. U.S. State Department, "U.S. Civil-Military Strategic Framework for Afghanistan" (rev. 2), Aug. 2013, 2, <http://publicintelligence.net/us-civil-military-afghan-framework/>.
36. Interviews with senior Afghan officials at their homes in Kabul, Jan. 16, 2014.
37. ISAF issued its first formal guidance in the form of a fragmentary order on transition to EvBO in February 2012. Implementation has been problematic, and as of this writing, many issues remain unresolved. Following the disestablishment of the NATO Rule of Law Field Support Mission in September 2013, there has been no clear delineation of responsibility within ISAF for coordination with other law enforcement related capacity-building efforts necessary for EvBO to succeed and no readily identifiable partner for the transition from military to civilian lead. Multiple interviews in Kabul, Oct.–Nov. 2012 and Jan. 2014.
38. U.S. State Department, "U.S. Civil-Military Strategic Framework for Afghanistan," 6–8.
39. "U.S. Department of State Bureau of International Narcotics and Law Enforcement Affairs Fact Sheet," Sept. 2013.
40. See Presidential Policy Directive/PPD-23, "Security Sector Assistance," Apr. 5, 2013, 10. This directive defines security sector assistance and the sectors within security systems and assigns responsibility to USAID for security sector governance, media and civil society development, and other functions as falling within USAID core competency.
41. Ibid.
42. Ibid.
43. This type of cross-ministerial programming and assessment is not as uncommon as it may seem at first glance. As part of Plan Colombia, for example, the requirement for specialized capabilities to protect critical infrastructure and economic development in the areas of electrical production, mining, oil, and gas led to a focused advisory effort within the Colombian military and the Colombian National Police. This was accompanied by related nonsecurity force assistance efforts to ensure external accountability and oversight of the security forces performing those missions.

eISBN: 978-1-60127-225-6

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