Part II

Observations on Recent Interventions

Chapter 3

Public Security Management in Post-Conflict Afghanistan:

Challenges to Building Local Ownership

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Abstract

After the cold war international actors introduced the reform and democratization of the security sector in conflict-affected societies as a central component of peacekeeping strategy. Without democratic control of the security forces, the supposed guarantors of a people's security will continue to be viewed as their greatest threat. When the International Security Assistance Force (ISAF) was established in Afghanistan, on 20 December 2001, following the intervention by a UN-backed coalition, the international community recognized that the country's reconstruction efforts were contingent on it staying peaceful. The ISAF, however, was designed as only a temporary measure to provide the confidence and time required for the creation of an indigenous security sector. The Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions, of 5 December 2001, states that the responsibility for ensuring security throughout Afghanistan ultimately rests with the Afghans themselves.
Following a critical examination of the conditions facing international actors determined to facilitate local public security management in Afghanistan following more than two decades of protracted conflict, the paper proposes practical recommendations applicable to governments and organizations committed to improving security sector governance after war. Although progress has been achieved in an inhospitable environment - particularly during the past six to twelve months, an

initially slow start, coupled with rampant local "patronage politics" within the security sector and a superpower preoccupied with its more narrow strategic "war on terror" objectives, means considerable work remains. Indeed, a greater investment in Afghanistan's public security management is now required than if proper political attention and resources, both financial and technical, were allocated to reforming this vital sector from the start. Furthermore, the potentially volatile clash between old and new forms of authority over the security forces must be skillfully reconciled through a variety of initiatives, including i) steps to "accommodate" select militia commanders in democratic governing institutions, ii) measures to improve local coordination among various components of the public security management reform strategy, iii) the enforcement of strict quotas to ensure balanced ethnic representation in public security institutions, iv) the direct involvement of communities in strengthening public security management institutions, and v) the extension of the disarmament, demobilization, and reintegration program to illegal armed groups outside the Afghan Militia Forces.

1   Introduction

Combined with extreme levels of poverty, widespread political injustice and social exclusion fuelled insecurity and contributed to violent conflict over the past two decades in Afghanistan. The long-standing conflict created the conditions for terrorism to flourish in the country and neighboring region. With the continued threat from terrorist elements in a highly volatile security environment, the case was made soon after the intervention in Afghanistan by a UN-backed coalition, on 7 October 2001, for a strong international response to the root causes of terrorism, poverty and poor governance in Afghanistan. At the centre of the international community's peace-building strategy is the Bonn Agreement[1], which provides a roadmap for the first stage of a political process toward the creation of locally owned and managed democratic system of governance.

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[1]   Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions, signed on 5 December 2001 in Bonn, Germany.

While some commentators argue that the promotion of democratic institutions in Afghanistan is an unrealistic and misguided part of the country's reconstruction program[2], the overarching approach adopted by the international community took the opposite view: that the people of Afghanistan will never see enduring peace and public security without basic open and accountable institutions of governance. In particular, the police, military, judiciary and other security institutions (both statutory and non-statutory) would need to be brought under firm democratic, civilian control. Getting security sector reform (SSR) right is necessary to establish the foundations for progress in most other areas of reconstruction. It is an area where major international donors and the United Nations system, working through a nationally led process, were positioned to make a real difference.

Through a careful examination of international actors supporting the rebuilding of Afghanistan's security sector, this paper highlights the major components of the strategy adopted, the division of responsibilities among international and local actors, and the progress achieved to date. Specifically, I evaluate the integration of all armed groups into official security forces by the Joint Coordination Body, established in January 2002 to ensure close co-operation between the Interim Administration, the ISAF, and the United Nations. This has involved a large UN-led demobilization exercise (managed by the UN Development Programme with primary financial support from Japan), as well as United States led efforts (with support from France and the United Kingdom) to establish a new Afghan National Army. The study further assesses the German-led multilateral effort to create, train and sustain an Afghan national police force. Finally, following on the Bonn Agreement's call for the establishment of a Judicial Commission and an independent Human Rights Commission, I analyze efforts led by Italy, along with Canada, the UK, and the UN, to capacitate permanent justice, legal education, and human rights institutions.

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[2]   See for example Marina Ottaway and Anatol Lieven, "Rebuilding Afghanistan: Fantasy versus Reality", Policy Brief, Carnegie Endowment for International Peace, Washington DC, 12 January 2002.

From this analysis, I identify the most problematic public security issues facing Afghanistan today and the steps required, by both local and international actors, to increase local ownership within public security institutions. The paper further outlines several lessons derived from efforts to build sustainable local ownership in the management of Afghanistan's security institutions. In conclusion, the paper highlights the transition, since the early 1990s, from traditional peacekeeping to "democratic peace-building", with a growing emphasis on building professional, civilian-led and ethnically balanced security sectors in war-shattered societies.

2   From Intervention to Reconstruction in Afghanistan

Following the Soviet withdrawal from Afghanistan, from 1988-89, and the United States' subsequent disengagement, Afghanistan inherited an illegitimate and weak state, a crippled economy, and multiple armed groups spread across the country.[3] With the collapse of the Najibullah-led communist regime in 1992, rival *mujahidin* commanders vied for control of Kabul, resulting in a further disintegration of the state.

The power vacuum and criminality that ensued gave rise to the Taliban movement in 1994, which sought to establish a pure Islamic regime with military aid largely from Pakistan and Saudi Arabia. Although the Taliban succeeded, by mid-1998, in controlling most of Afghanistan, the National Islamic United Front for the Salvation of Afghanistan, commonly known as the Northern Alliance and consisting of former *mujahidin* factions, held out until the US-led coalition joined forces with them to oust the Taliban from power in November 2001.

Once defined largely as a "humanitarian emergency", Afghanistan was placed on the global security agenda in the late 1990s with the increase in acts of terror traced to the Taliban supported al-Qaeda organization. Following the terrorists attacks, of 11 September 2001, on New York and Washington, the United States first warned and then acted against the Taliban for refusing to hand over wanted leaders of al-Qaeda. With

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[3]   Barnett Rubin, *The Fragmentation of Afghanistan: State Formation and Collapse in the International System,* Yale University Press, New Haven, 2002, p. x.

the benefit of hindsight, those setting the international security agenda were, until recently, slow in drawing the connection between the terrorist threats to their own security and the threats to human security faced daily by the people of Afghanistan.[4]

Afghanistan at a Glance

Population:	28.5 million (July 2004 est.)
Ethnic Groups:	Pashtun 42%; Tajik 27%; Uzbek 9%; Hazara 9%; Aimak 4%; Turkmen 3%; Baluch 2%; other 4%
Religions:	Sunni Muslim 80%; Shiite Muslim 19%; other 1%
GDP:	$20 billion (purchasing power parity)
External Debt:	$8 billion bilateral, plus $500 million multilateral
Major Exports:	fruits, nuts, carpets, semi-precious gems, hides, opium
Major Imports:	food, petroleum, capital goods, textiles

Source: CIA World Factbook 2004

The Rationale behind Rebuilding Afghanistan's Security Sector

Devastated by more than two decades of civil and international war, compounded by recent prolonged droughts and omnipresent landmines and *Kalashnikovs*, Afghanistan today faces unprecedented challenges in providing peace and hope to its more than 28 million people. While the term "conflict" in Afghanistan implies the disruption of an already existing social order[5], a new social order started to emerge from the

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4   For one analyst's indictment of the West in this regard, see Barnett Rubin, "Afghanistan and Threats to Human Security", paper delivered at the International Symposium on Human Security in Tokyo, 15 December 2001.

5   For a review of different dimensions of the Afghanistan conflict, see: "Building Peace and Civil Society in Afghanistan: Challenges and Opportunities", the report of a symposium co-sponsored by the Asia Society and the Carnegie Council on Ethics and International Affairs, New York, 18 May 2001.

ongoing struggle for power, one seeking to move beyond the violence and neglect of Afghan livelihoods associated with previous rulers. However, efforts to rebuild the country and address the most pressing human security needs would continue to face serious risks, as long as the means for the legitimate use of force were not subject to democratic, civilian control.

From the start, the international and local leaders of Afghanistan's reconstruction recognized that building a functioning state required a basic level of security. By being responsive to the need for security, open and accountable governance could take shape over time, laying sustainable foundations for maintaining order and managing development. Conversely, reconstruction and longer-term human development would be held back in Afghanistan if the military, police and other security-related institutions held sway over future democratic institutions or remained unaccountable, fragmented and anarchic (see box 1).[6] Indeed, this situation has helped to sustain Afghanistan's deadly conflict over the years.

Box 1   Who's who in the security sector

A country's security community can include a range of actors:

- *Organizations authorized to use force*: armed forces, police, paramilitary forces, intelligence services (military and civilian), secret services, coast guards, border guards, customs authorities, reserve and local security units (civil defense forces, national guards, presidential guards, militias).
- *Civil management and oversight bodies*: president and prime minister, national security advisory bodies, legislature and legislative select committees, ministries of defense, internal affairs, foreign affairs, customary and traditional authorities, financial management bodies (finance ministries, budget offices, financial audit and planning units), civil society organizations (civilian review boards, public complaints commissions).

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6   UNDP, *Human Development Report 2002*, Oxford University Press, Oxford, 2002, p. 86.

- *Justice and law enforcement institutions*: judiciary, justice ministries, prisons, criminal investigation and prosecution services, human rights commissions and ombudsmen, correctional services, customary and traditional justice systems.
- *Non-statutory security forces*: liberation armies, guerrilla armies, private bodyguard units, private security companies, political party militias.
- *Non-statutory civil society groups*: professional groups, the media, research organizations, advocacy organizations, religious organizations, non-governmental organizations, community groups.

Source: Nicole Ball and Kayode Fayemi (eds.), *Security Sector Governance in Africa: A Handbook*, Centre for Democracy and Development, Lagos, 2004.

In both democratic and non-democratic countries, public security management institutions are frequently captured by extremist politicians or parties. Or, as witnessed across Afghanistan, security institutions may actually rest in private hands - with warlords, paramilitary groups or private security companies - and thereby contribute to crime and human rights violations. For Afghans, these types of situations risked severely undermining the Bonn process, because the means for the legitimate use of force were not subject to democratic, civilian control. Without that control, the supposed guarantors of the Afghan people's security would continue to be viewed as their greatest threat.

Public Security Management and the Bonn Agreement

The Bonn Agreement states that the responsibility for ensuring security and law and order throughout Afghanistan ultimately rests with the Afghans themselves. More specifically, the Bonn Agreement decrees that "Upon the official transfer of power, all *mujahidin*, Afghan armed forces and armed groups in the country shall come under the command and control of the Interim Authority, and be reorganized according to the requirements of the new Afghan security and armed forces."[7]

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[7] Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions, signed on 5 December 2001 in Bonn, Germany, p. 4.

Nevertheless, the participants in the UN Talks on Afghanistan recognized that some time would be required for new Afghan security forces to be "fully constituted and functional" and that therefore other security provisions would meanwhile need to be put in place. In particular, they requested the United Nations Security Council to consider deploying a UN mandated force to "assist in the maintenance of security for Kabul and its surrounding areas" and "as appropriate, be progressively expanded to other urban centers and other areas."[8]

When the International Security Assistance Force was established, following the adoption of Security Council Resolution 1386 (2001) of 20 December 2001, the international community recognized that all Afghanistan reconstruction efforts are contingent on the country staying peaceful. However, placed under the leadership of NATO in August 2003, the ISAF has always been designed as only a temporary measure to provide the confidence and time required for the creation of an indigenous security sector. Until recently, the Western countries funding and supplying most of the troops for the ISAF were reluctant to extend its reach far beyond Kabul, given the increase in the size of the force this would entail coupled with the United States' particular reluctance to expand ISAF before its "war on terror" objectives were met.

In addition to the creation of a temporary international security force, the signers of the Bonn Agreement requested foreign technical and financial assistance for the establishment and training of new Afghan security and armed forces, as detailed in the next section of this paper. Moreover, the Bonn Agreement led to the creation of both a Judicial Commission to "rebuild the domestic justice system in accordance with Islamic principles, international standards, the rule of law and Afghan legal traditions" and an independent Human Rights Commission, whose responsibilities include "human rights monitoring, investigation of violations of human rights, and the development of domestic human rights institutions."[9] Again, given the extremely low levels of capacity and prospects to mobilize resources internally for these institutions after

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[8] Ibid, Annex I.
[9] Ibid, pp. 2-3.

twenty-three years of civil war and foreign invasion, extensive support was sought from the UN and other international partners by the Afghan representatives in Bonn.

The gathering in Bonn, from 27 November to 5 December 2001, represented a historic opportunity for the people of Afghanistan to emerge from a perpetual cycle of conflict. Besides the initially favorable security environment created by the UN-backed intervention and the desire for peace among the Afghan signatories to the Bonn Agreement, the quick consensus reached in Bonn can be attributed to foundations laid over the previous decade through the "Rome process" negotiations, involving the former king, Zahir Shah.[10] At its core, the Rome approach proposed the traditional means of convening a *loya jirga* ("Grand Assembly of Elders" in Pashto) to resolve outstanding conflicts in Afghanistan. Although an imperfect document, an important characteristic of the Bonn Agreement is that it set into motion an inclusive political process that would be primarily driven locally[11], with mechanisms established to accommodate diverse interest groups and power-brokers across the country. But for this process to succeed, the citizens of Afghanistan would need to be convinced that there is a state led by a central government, and therefore, the regional warlords would need to be weakened.[12] As the remainder of this paper illustrates, Afghanistan's complex political transition has, arguably, met its most difficult challenges in relation to efforts to reform and build democratic, civilian control of public security management institutions loyal to the new central government.

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[10] Interview with Mr. Noorullah Delawari, Governor and President of Da Afghanistan Bank (the Central Bank of Afghanistan) on 20 March 2005.

[11] The UN Special Representative of the Secretary-General Lakhdar Brahimi was eager to reinforce local leadership of the process when he described the design of the UN Assistance Mission in Afghanistan structure as "an integrated mission that will operate with a 'light footprint', keeping the international UN presence to the minimum required, while our Afghan colleagues are given as much of a role as possible." Special Representative of the Secretary-General for Afghanistan briefing to the Security Council (6 February 2002).

[12] Interview with Mr. Ercan Murat, former UN Development Programme Country Director in Afghanistan (2002-2004), on 19 March 2005.

3 Afghanistan's Public Security Management Strategy and Division of Responsibilities among Key Actors

> *"Security Sector Reform, in short, is the basic pre-requisite to recreating the nation that today's parents hope to leave to future generations."*
>
> Afghan President Hamid Karzai, 30 July 2003

From the start of the intervention, the UN Secretary-General viewed the rapid establishment of a reformed security sector in Afghanistan as an urgent priority - one that was "constituted in accordance with and guided by international humanitarian and human rights law."[13] Shortly after the International Security Assistance Force declared that it had reached full operational capacity, on 18 February 2002, the Secretary-General supported the calls by Afghan Interim Authority Chairman, Hamid Karzai, to extend the multinational forces beyond Kabul to signal the international community's ongoing commitment to peace and security in Afghanistan. Moreover, with regards to building local ownership in the building of new public security management institutions, the UN system was well positioned to further mediate meetings among all Afghan parties on sensitive outstanding questions - the role of the security forces, their command structure, and size, as well as the demobilization of the various standing militia forces - as a continuation of the Bonn Agreement that brought the interim and then transitional government into being.[14]

To oversee the process of integrating all armed groups into official security forces, a Joint Coordination Body was established in January 2002 to ensure close co-operation between the Afghan Interim Authority, the ISAF and the United Nations. In the area of creating, training, and sustaining an Afghan national police force, two multi-donor meetings were convened by Germany, in January and February

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[13] Report of the UN Secretary-General on "The situation in Afghanistan and its implications for international peace and security" (18 March 2002) A/56/875-S/2002/278, pp. 9-10.

[14] Anja Manuel and P.W. Singer, "A New Model Afghan Army", *Foreign Affairs,* Vol. 81, No. 4, July/August 2002, p. 50.

2002, in Berlin. These meetings were followed by a major donors meeting, held in April 2002, in Geneva that set the Afghan security sector reform agenda through essentially a donor driven process.[15] What had initially started as a balanced program sensitive to the views and need for leadership from local Afghan stakeholders, in the true spirit of the Bonn Agreement, was suddenly sidetracked due to donor expediency. For one, donor motivations were linked to the desire to show voters (and taxpayers) back home that a major effort was underway to prevent Afghanistan from collapse again and the chance to harbor terrorists that could threaten the West.

The donor-led agenda forged in Geneva allocated "lead nation" responsibility within one of five critical areas or pillars to each of the following five donor countries: the United States (military reform); Germany (police reform); Italy (judicial reform); the United Kingdom (counter-narcotics), and Japan (the disarmament, demobilization, and reintegration of ex-combatants).[16] On the one hand, such a strategy has helped to ensure that the major public security management institutions are receiving sizeable financial and technical resources from at least one major donor. On the other, such a piecemeal approach has failed to foster effective coordination or even basic coherence among the stages of development of the closely related security sector institutions. A lack of political consensus is evident today among the major international and local actors in Kabul, and the sequencing of the reform programs of the five pillars are not in line with one another.[17] Consequently, even if, for example, the judiciary begins to demonstrate improvements in terms of professionalism and reach, it could be severely undermined by a police force that lacks the ability to apprehend criminal suspects and bring them to a court of law.

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[15] Mark Sedra, "Introduction" in Mark Sedra (ed.), *brief 28 Confronting Afghanistan's Security Dilemma: Reforming the Security Sector*, Bonn International Center for Conversion, Bonn, 2003, p. 11.

[16] Ibid, p. 11.

[17] Personal communication with an Afghanistan's New Beginnings DDR Regional Office Manager, 29 March 2005. A further criticism of the "lead nation" approach is that "… it narrows the scope of reform and is too dependent on the competence of the lead donor." Michael Bhatia, Kevin Lanigan and Philip Wilkinson, "Minimal Investments, Minimal Results: The Failure of Security Policy in Afghanistan", AREU Briefing Paper, Afghanistan Research and Evaluation Unit, Kabul, June 2004, p. 3.

Moreover, the Afghan security sector reform agenda is all too often de-linked from the country's broader peace-building and reconstruction plan. For instance, the United States - the lead donor nation in support of a new Afghan National Army - has repeatedly compromised efforts to build a cohesive national force that submits to democratic, civilian control by central government leaders based in Kabul. According to Kristian Berg Harpviken, Arne Strand, and Astri Suhrke:

> *By collaborating with local commanders to hunt down suspected enemy units, US forces are nurturing the warlord phenomenon and related problems. The practice of arming, training and paying local militia units was formally reconfirmed as policy in early 2004. In pursuit of the war, the US has subordinated matters of democratic development and human rights to the needs of a close working relationship with Afghan military commanders at both the national and local levels.[18]*

Without a systemic erosion of the power and political influence of regional and local militia commanders, the public security institutions reform agenda decided upon, in April 2002, in Geneva and later elaborated upon in several detailed policy papers is unlikely to materialize over the long-run. This is arguably the number one political factor obstructing a peaceful future in Afghanistan. Only through a shared commitment to invest in a democratically accountable and strong central government, with adequate and reliable international resources for its security sector, will significant progress be achieved toward the fundamental objectives of the Bonn Agreement, "to end the tragic conflict in Afghanistan and to promote national reconciliation, lasting peace, stability and respect for human rights in the country."[19]

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[18]   Kristian Berg Harpviken, Arne Strand, and Astri Suhrke, "Conflictual Peacebuilding: Afghanistan Two Years After Bonn", PRIO and CMI Report, the International Peace Research Institute and Chr. Michelsen Institute, Oslo and Bergen, 2004, p. vii.

[19]   Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions, signed on 5 December 2001 in Bonn, Germany, p. 1.

In the following sub-sections, the mandates and activities of local and international actors are discussed in relation to three key areas of security sector reform: i) the building of the new Afghan National Army; ii) the renewal of the police force; and iii) the reassertion of the judiciary and establishment of new human rights bodies. For each institution or set of institutions, a brief progress assessment is shared that highlights the level and nature of the co-operation between the local and international actors, as well as the degree to which their joint efforts contribute to public security management.

Building the New Afghan National Army

Soon after the creation of the Afghan Interim Authority, hotly contested debates commenced among Afghans and their international partners about the role, size, command structure, and operating costs of the new national army. With pressure from ISAF, the Interim Authority initially budgeted for an army of 60,000, although influential Afghans - including the interim Minister of Defense, Marshal Mohammad Qaseem Fahim - projected controversially that the army would total around 200,000 within 18 months.[20] Given the financially poor and under-capacitated state of the central government in Kabul, it was clear from the start that extensive foreign assistance would be required to pay meaningful salaries to soldiers and police, providing an incentive for them to shift their loyalties from the warlords.[21]

Following proposals by ISAF and the Interim Authority on the size and structure of a future Afghan National Army (ANA), the United States started to assume a leading role in this crucial area of security sector reform. France offered assistance in the training of officers within the new army structure, the United Kingdom and Germany aided the training of a separate presidential guard to be based in the capital, and

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[20] Glenn Kessler, "Bush's Afghan policy is disputed", *International Herald Tribune,* 22 May 2002. Later in 2002, the Ministry of Defence lowered its projections to between 140 and 150,000, still substantially higher than the current proposals by donor countries. *Jane's Defence Weekly*, 13 November 2002.

[21] Barnett Rubin, "Afghanistan and Threats to Human Security", paper delivered at the International Symposium on Human Security in Tokyo, 15 December 2001, p. 10.

the UK later assisted the training of non-commissioned officers. The first major task toward building a multi-ethnic and non-factional ANA, however, was how to deal with the "transitional" army, later dubbed the "Afghan Militia Forces" (AMF), composed of various opposition factions to the Taliban.[22]

Claimed initially to consist of between 800,000 and 1,000,000 men under arms,[23] the actual number of "full-time" soldiers was estimated to be closer to 200,000. In appointing various regional and local warlords - implicated in serious human rights abuses - as generals and commanders in the AMF, the new central government legitimized the AMF as a temporary, yet necessary security measure.[24] With the Tajik faction of *Jamiat-i Islami, Shura-I Nezar*, under Minister Fahim, controlling the senior ranks in the Ministry of Defense, "patronage politics" dominated recruitment decisions for the AMF and the transfer of central government resources. Together with US pay-outs to local armed groups mobilized against the Taliban, the sized of the Afghan Militia Forces shot up dramatically for a short period in 2002 - thereby compounding the already difficult environment in which to build a unified, professional, affordable, and manageably sized national army. With the Ministry of Defense unable to pay salaries and a decline in US largess with the scaling-back of its campaign, only some 75,000 active militiamen were known to exist in units under the Ministry by mid-2002, with an additional 100,000 estimated to belong to private militia groups.[25] For the building of the new national army to succeed, a

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[22] For a discussion on the AMF, see: the International Crisis Group, "Disarmament and Reintegration in Afghanistan", ICG Asia Report No. 65, International Crisis Group, Kabul and Brussels, 30 September 2003.

[23] Antonio Giustozzi, "The politics of military reform in Afghanistan", in *State Reconstuction and International Engagement* (provisional title), Palgrave Macmillan, London, forthcoming, p. 2.

[24] For detailed discussions on the warlords system underpinning the AMF, see: Antonio Giustozzi, "Respectable Warlords? The politics of state-building in post-Taleban Afghanistan", Crisis States Programme Working Paper 33, London School of Economics Development Research Centre, London, September 2003, and Mark Sedra, "Challenging the Warlord Culture: Security Sector Reform in Post-Taliban Afghanistan", BICC Paper 25, Bonn International Center, Bonn, 2002.

[25] UN Assistance Mission to Afghanistan, quoted by the Afghanistan Research and Evaluation Unit in *The A to Z Guide to Afghanistan Assistance,* accessed on 20 March 2003 *http://www.areu.org.af/searchResultguide.asp*

comprehensive disarmament, demobilization, and reintegration (DDR) program would first be needed, along with a radical restructuring of the Ministry of Defense.

At the Tokyo donor's meeting, in January 2002, Japan pledged to support DDR, which officially commenced in July 2003 as the "Afghanistan's New Beginnings Programme". For this government initiated program, managed by the UN Development Programme (UNDP) and UN Assistance Mission to Afghanistan (UNAMA), Japan has provided over US $90 million to date, making it by far the largest donor. This comprehensive DDR program aims to "disarm tens of thousands of officer/soldiers and provide them with education, training, and/or job opportunities suited to their needs, interests, and skills."[26] The program's design encourages local participation by having UNDP and UNAMA officials work closely with the government's Disarmament Commission, Demobilization and Reintegration Secretariat, the Ministry of Defense and other relevant line ministries (e.g., Agriculture and Education), and local non-governmental organizations in the development of activities to collect weapons, decommission AMF members, and provide former soldiers alternative livelihoods in the civilian sector. Through regular program staff interaction with Ministry of Defense Officials, the government is positioned in the "driver's seat" on key decision-making, and a wide range of local views are canvassed across government in the formulation of specific strategies related to the program.[27]

DDR is normally one of the most complicated and risky activities in any peace process. Among the major challenges faced by the Afghanistan program include: i) determining the actual number of AMF militiamen to be demobilized; ii) dismantling the relationship between factional leaders and their troops by specifically targeting senior and mid-level commanders; iii) coordination with the Afghan National Police and Afghan National Army in the provision of security following the

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[26] Afghanistan's New Beginnings Programme, Programme Summary, accessed on 20 March 2003 at www.undpanbp.org/Overview/programme%20summary.htm on 28/03/2005

[27] Personal communication with an Afghanistan's New Beginnings DDR Regional Office Manager, 30 March 2005.

demobilization of the AMF in a region; iv) an initial reluctance by the US and Europeans to leverage the militia groups or provide international military observers;[28] and v) establishing confidence in the economy and alternative livelihood opportunities among those entering the program - in comparison to the profits to be made by illicit activities associated with militia life.

For many regional commanders in both the AMF and private militia groups, a key issue that would have implications for the DDR program and any future national army was centered around the domination of the Ministry of Defense by Marshal Fahim and his followers (along with his faction's control of the National Security Directorate, the Ministry of Foreign Affairs, and initially the Ministry of the Interior). Recognizing this situation as detrimental to Afghan stability and democratic development, the major foreign powers succeeded, by August 2002, in securing Minister Fahim's agreement to replace 30 of the top 38 positions in the Ministry of Defense with new appointees to be named by the then Afghan Transitional Administration Chairman Hamid Karzai. It subsequently took until February 2003 to name one-half of this group. Given the slow pace in redressing the Ministry of Defense's ethnic imbalances, the US and UN intervened through the introduction of a four phase reform program, starting in September 2003, intended to alter significantly the leadership composition at both senior and junior levels of the ministry.

After DDR and the Ministry of Defense restructuring, other significant challenges to the creation of the new Afghan National Army included the recruitment, training, and payment of soldiers. For this ambitious undertaking, the US, with support from France, established the Kabul Military Training Centre and began the first ten-week training cycle, on 14 May 2002, for 1,500 recruits (two cohort battalions). With a national army of approximately 22,000 soldiers and officers today, including 16,000 men in the following five corps: Kabul, Gardez, Kandahar,

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[28] Barnett Rubin, "Identifying Options and Entry Points for Disarmament, Demobilization, and Reintegration in Afghanistan" in Mark Sedra (ed.), *brief 28 Confronting Afghanistan's Security Dilemma: Reforming the Security Sector*, Bonn International Center for Conversion, Bonn, 2003, p. 44.

Herat, and Mazar-e-Sharif, the training schedule has recently been accelerated, enabling 3,000 soldiers to be trained simultaneously.[29] This could enable the government to reach its slightly revised target of 70,000 troops for the ANA by December 2006.[30] The US covered the first year of the ANA's budget (2002), estimated at US \$235 million, and it spent an additional US \$600 million in2003, in large part on defense related infrastructure.[31] Although the army's logistical capabilities are still limited, it has recently procured advanced communications systems. By 2011, the ANA expects to be fully operational, although the US is hoping to reach this milestone by 2009.

Although the Ministry of Defense had initially obstructed internal reforms, by early 2003 it started to implement the staffing changes noted above. Moreover, in October 2004, the Defense Ministry released its first *National Military Strategy*, progressively outlining the broad objectives, role, composition, and requisite reforms of the new Afghan National Army. The strategy responds positively to calls to improve standards for establishing a more de-politicized and multi-ethnic army, as well as proclaiming the need for the new army to conform to "modern standards and principles practiced in coalition and democratic countries."[32] On the other hand, upon the creation of the 70,000 strong ANA, a subsequent stage of development is envisaged by Afghan Defense Ministry officials, which entails an expansion of the army to 150,000 troops and the addition of a reserve component approximately three times this size.[33] As in 2002, such an ambitious target is likely to come under severe criticism by major donor countries, starting with the

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[29] Report of the UN Secretary-General on "The situation in Afghanistan and its implications for international peace and security" (18 March 2005) A/59/744-S/2005/183, p. 7.

[30] It is important to note that the target of 70,000 is only the "maximum strength" estimate and that Coalition officers training the ANA recruits are only preparing, at present, for a force of 40,000. Antonio Giustozzi and Mark Sedra, *Securing Afghanistan's Future: Accomplishments and the Strategic Path Forward – Afghan National Army Technical Annex,* Islamic Transitional State of Afghanistan (ITSA), Kabul, 2004, p. 8.

[31] Giustozzi, "The politics of military reform in Afghanistan", p. 7, and Giustozzi and Sedra, *Securing Afghanistan's Future: Accomplishments and the Strategic Path Forward – Afghan National Army Technical Annex*, p. 11.

[32] Government of Afghanistan Ministry of Defence, *National Military Strategy*, Government of Afghanistan Ministry of Defence, Kabul, 21 October 2004, pp. 10 and 13.

[33] Joshua Kucera, "Afghanistan looks to army expansion", *Jane's Defence Weekly*, 13 October 2004.

US. Even at a 70,000 troop threshold, the ANA budget will be highly dependent on foreign support for several years to come.

Progress Assessment

As argued earlier, the reduction of the power of regional and local warlords, represented after the fall of the Taliban in the form of the Afghan Militia Forces, is the single largest impediment to the creation of the new Afghan National Army and a general improvement in public security levels. Although the Afghanistan's New Beginnings Programme had an initially slow start for many of the reasons outlined above, the DDR program has exceeded the expectations of many analysts by disarming, thus far, 43,710 troops of the AMF - almost half of them over the past six months.[34] From this number, 38,984 have been demobilized, and 37,806 have started their reintegration programs (with three percent joining the Afghan National Army and National Police-ANP). Equally important has been the elimination of 78,794 AMF budgeted positions from the government payroll, resulting in some US $70 million in public savings.[35] Less than 10,000 remaining Afghan militia forces are expected to enter the program by 30 June 2005. At the same time, one worrying trend that undermines the DDR program's efforts to dismantle existing patronage networks is the growing number of questionable AMF commanders who, with help from high ranking government officials, have been appointed as police chiefs and governors of key provinces.

Besides reaching its intended goals, the DDR program has assumed additional disarmament components that were not part of the original mandate. For example, the program is currently conducting a country-wide survey of ammunition stores, depots and caches on behalf of the Afghanistan government. Once completed, the government is expected to enact a plan to deal with the surplus ammunition. Moreover, the DDR program has successfully cantoned 8,603 serviceable heavy weapons in

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[34] Afghanistan's New Beginnings Programme, Latest Update on ANBP/DDR (14 March 2005), accessed at www.undpanbp.org on 28 March 2005.
[35] Report of the UN Secretary-General on "The situation in Afghanistan and its implications for international peace and security" (18 March 2005) A/59/744-S/2005/183, p. 5.

six of eight targeted regions (twice the total number of heavy weapons that were originally surveyed).[36] Given the program's success to date, a second phase that would deal with the numerous "illegal armed groups" outside of the AMF is under deliberation between concerned local and international actors. In addition to building capacity within the ANA and ANP for better public management of surplus weapons, the program has demonstrated that high levels of local-international co-operation can be achieved, even on sensitive issues of disarmament and militia force reductions - previously a key source of political patronage.

Similarly, after an initially slow start and some resistance from within the Ministry of Defense, the fourth and final phase of a reform program to increase ethnic representation at all levels of the ministry is currently underway. Since September 2003, new professionals in 22 top positions, 65 colonels at the director level, 330 senior officers, and 38 general officers have all been appointed.[37] As part of the fourth phase, 965 new junior officers will soon be appointed. Another important development is the promotion of Deputy Defense Minister General Abdul Rahim Wardak, following the Presidential elections in October 2004, to the post of Defense Minister. Contrasting with the previous Defense Minister Marshal Fahim, who was viewed as an obstructionist and manipulative power-broker by many in the international community, Defense Minister Wardak had established a constructive working relationship with each of the major security donors.

By the end of 2002, given relatively modest investments in the Afghan National Army, only mere 4,000 Afghan troops were trained - far less than the tens of thousands needed to provide a minimum level of security. This number reached about 10,000 by the second quarter of 2004,[38] making additional security assistance by ISAF and the Coalition crucial still at the time of the country-wide Presidential elections on 9 October 2004. But even with the acceleration of the US-led training

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[36] Ibid, p. 5.
[37] Ibid, p. 5.
[38] Michael Bhatia, Kevin Lanigan and Philip Wilkinson, "Minimal Investments, Minimal Results: The Failure of Security Policy in Afghanistan", AREU Briefing Paper, Afghanistan Research and Evaluation Unit, Kabul, June 2004, p. 9.

process resulting in some 22,000 ANA soldiers under arms and the encouraging prospects for reaching at least the Coalition's 40,000 troop target by late 2006, a number of recurring challenges confront efforts to building a new national army, including:

i)   the insufficient amount of time (eight weeks now, down from ten) to properly train or even discipline a new recruit;
ii)   the initially very high drop-out rate of over 40% during the training course and the sharp rise in the ANA's desertion rate to 10% a month in the summer of 2003, due to an increase in combat duty[39];
iii)   a large number of recruits are physically unprepared, 60% are illiterate, and only a third can read Western-style numbers[40];
iv)   continued ethnic imbalance in the recruitment process, especially among Pashtuns[41];
v)   continued use of patronage networks in ANA recruitment;
vi)   tension between the former jihadi commanders and the former officers of the communist army, who are better educated and better trained;
vii)   long-term funding sustainability issues is a growing US concern; and
viii)   generally low morale among soldiers who live far away from their families and are paid relatively low wages, especially compared to the two to three times higher salaries received by militia members hired to fight alongside Coalition forces.

On the last point, perhaps nothing has done more harm to the building of sustainable local ownership in a unified, multi-ethnic army than the divisions inadvertently created in Afghan society by Coalition forces

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[39]   By late 2003, the drop-out rate during the training course was reduced to just 6%, and similarly, the monthly desertion rate made a gradual downward slide to 6% by October 2003. Giustozzi and Sedra, *Securing Afghanistan's Future: Accomplishments and the Strategic Path Forward – Afghan National Army Technical Annex*, p. 7. By late 2004, monthly desertion rate had fallen to 1.2%, which corresponds to around 15% annually. Giustozzi, "The politics of military reform in Afghanistan", p. 13.
[40]   Giustozzi, "The politics of military reform in Afghanistan", p. 6.
[41]   This problem decreased over time when the US established several National Army Volunteer Centers outside of Kabul.

through their questionable support for the private militias of regional warlords. According to Michael Bhatia, Kevin Lanigan and Philip Wilkinson:

> *The US-led Coalition forces in Afghanistan have focused their attention and resources on the defeat of the remnants on the defeat of the Taliban and al-Qaeda, and to do this often have relied on, and thus supported, destabilising and abusive factional militias and their commanders. Addressing the broader security concerns of Afghans was left to a flawed and under-resourced Security Sector Reform (SSR) strategy and to the International Security Assistance Force (ISAF).* [42]

Besides the general under-funding and poor integration of public security management reform initiatives among the five "lead nation" donors, continued US reliance on informal militia commanders - many of whom deserve to be tried in a court of law for past crimes rather than "legitimized" through their association with the superpower - has undoubtedly worked at cross-purposes with efforts to build a professional and respected national army whose loyalty rests with the elected national leadership in Kabul.

Renewing the Police Force

In light of its previous co-operation with Afghanistan in the 1960s and 1970s, the government of Germany was requested to lead a combined bilateral and multilateral effort to create, train and sustain an Afghanistan National Police (ANP) force. A number of significant contributions were promised in this area by Belgium, China, India, Iran, Norway, Pakistan, the Russian Federation, the United Kingdom, and the United States. Through a newly established multi-donor trust fund, UNDP was also requested by the government to provide significant

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[42] Bhatia, Lanigan and Wilkinson, "Minimal Investments, Minimal Results: The Failure of Security Policy in Afghanistan", p. 2.

financial oversight support for the Afghan law enforcement authorities. Furthermore, upon its arrival in early January 2002, ISAF contributed to the repair of several police stations.

Following a fact-finding mission in January 2002, the German government immediately pledged 10 million euros to support the Afghan police in the areas of training, the renovation of the police academy, and the reconstruction of police stations in Kabul, in addition to the donation of 50 police vehicles.[43] Along with a US-led six week intensive Constabulary Training Program, the German and US programs, totaling US $160 million, seek to train 50,000 regular police and 12,000 border guards by the end of 2006.[44]

Besides a lack of training and basic equipment, another fundamental issue for the revived national police force has been the payment of recurrent budgetary expenses. In response to this need, the Law and Order Trust Fund for Afghanistan (LOFTA) was created in 2002, under the management responsibility of UNDP. With contributions from multiple donors, the LOFTA channeled over US $125 million, between November 2002 and March 2005, in support of the Afghan National Police.[45] Besides the major area of police salary remuneration, the LOFTA has aided the ANP in the procurement of non-lethal equipment, the rehabilitation of police facilities, staff capacity-building, and institutional development. Among the priority activities for the next phase of LOFTA include: i) the computerization of the Ministry of Interior's payroll system; ii) the issuance of identification cards to all police personnel; and iii) and the procurement of vital equipment, as well as rehabilitation of eleven provincial police headquarters.[46]

By 2003, the Ministry of the Interior claimed approximately 73,000 police and 12,000 border guards under its jurisdiction in Afghanistan.

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[43] Report of the UN Secretary-General on "The situation in Afghanistan and its implications for international peace and security" (18 March 2002) A/56/875-S/2002/278, p. 11.

[44] Mark Sedra, "Security Sector Reform in Afghanistan: The Slide Toward Expediency", unpublished paper [check], p. 5.

[45] UNDP Afghanistan, "State-Building & Government Support Programme", UNDP Afghanistan, Kabul, 31 October 2004, p. 7.

[46] Ibid, p. 7.

However, such figures should be questioned as provincial level officials tend to inflate their police ranks to secure more revenue from the central government.[47] Recognizing that a far majority of the police consist of former *mujahidin* with limited training or even a basic level of education (who were assigned based on patronage rather than merit), the new reform-minded Minister of the Interior, the Pashtun Ali Ahmad Jalali, appointed on 28 January 2003, set out to enact a series of sweeping changes. Along with a pledge to create a professional police force of 50,000 and a border police force of 12,000 over a four- to five-year period (with a price tag of US $380 million), Minister Jalali's reform program introduced several short-term initiatives to improve public security management, including the creation of a mobile 3-4,000 strong police unit to stabilize volatile regions at short notice and a new Highway Patrol to safeguard Afghanistan's major roads and highways.[48] He has also set out to increase ethnic representation and accountability in the Interior Ministry and the powerful intelligence service known as the National Security Directorate, which is estimated to employ a staff of roughly 15,000 to 20,000.

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After more than two decades of internecine conflict, a culture of impunity challenges attempts by the Afghan state - with help from international partners - to re-assert its monopoly over the use of violence through professional public sector management institutions. More than three years since the intervention, journalists regularly report that Afghans perceive violent crime levels to be far higher than under Taliban rule, and the country remains awash in high-powered weapons at the disposal of private, "illegal" militia groups. A virtual war economy continues to feed on illicit trade in gems, lumber, and archaeological relics, while the opium poppy crop - reaping an estimated

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[47] Mark Sedra, "Police Reform in Afghanistan: An Overview" in Mark Sedra (ed.), *brief 28 Confronting Afghanistan's Security Dilemma: Reforming the Security Sector*, Bonn International Center for Conversion, Bonn, 2003, pp. 32-33.
[48] Ibid, p. 34.

US \$2.54 billion in 2002 alone - constitutes 38.2 percent of country's legal gross domestic product.[49]

Given this dire public security environment, it is difficult to imagine that much progress has been achieved in terms of building a credible and effective police force. Nevertheless, as of February 2005, the German-led and US-assisted program for building the ANP had trained 53,400 personnel (albeit through a "crash course" format), including 17,705 officers and 35,695 non-commissioned officers and patrolmen.[50] At the current rate, the training programs should face little difficulty in reaching their original goal of 62,000 personnel trained by late 2006. The accelerated progress over the past year can be in part attributed to the close daily working relations between Germany, the US, and the Ministry of the Interior, as well as through more formal donor-government collaborative mechanisms, such as the "National Police & Law Enforcement Consultative Group".[51] As part of the new locally owned and driven Afghan Stabilization Programme, steps are also being taken to ensure coordination between ongoing police reform activities and related new sub-national training, administrative reform, and infrastructure projects.[52]

A further strengthening of co-operation between the government, key donors, UN, and international military partners will be required to achieve the political resolve necessary for much-needed additional reforms, such as the expulsion of corrupt and anti-government elements in the Afghan National Police. Other specific areas to be addressed

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[49] UNDP Afghanistan, *Afghanistan National Human Development Report 2004: Security with a Human Face: Challenges and Responsibilities*, UNDP Afghanistan, Kabul, 2005, p. 8.

[50] Report of the UN Secretary-General on "The situation in Afghanistan and its implications for international peace and security" (18 March 2002) A/56/875-S/2002/278, pp. 7-8. This is a considerable increase from the year before, when less than 20,000 police personnel had been trained. Bhatia, Lanigan and Wilkinson, "Minimal Investments, Minimal Results: The Failure of Security Policy in Afghanistan", p. 9. And as of December 2004, only 30,500 police had received some form of training (*New York Times*, 11 December 2004).

[51] For more information on the government-led "Consultative Groups", which involve exchanges between key ministries, donors, UN agencies and NGOs in preparing specific aspects of the annual national development budget, please visit: www.af/cg/default.asp

[52] See: Government of Afghanistan, *Afghan Stabilization Programme National Priority Programme Strategy*, Government of Afghanistan, Kabul, 4 August 2004, p. 6.

include: i) an in-depth reform of the ANP's existing structure to improve civilian oversight; ii) post-deployment monitoring and assistance; and iii) the expansion of the police force to the current target of 62,000.[53] Questions of financial sustainability abound, as police salaries and other vital needs of the police force continue to be funded by the Law and Order Trust Fund for Afghanistan administered by UNDP. Given the large shortfall of US $88 million for the LOFTA during its recent second phase (April 2004 through March 2005) - a period in which only 40% of requested funds were received, the major donors are beginning to signal a shift away from completely underwriting the full recurrent budgetary expenses of the ANP.

Reasserting the Reach of the Judiciary and Establishing New Human Rights Bodies

Together, Afghanistan's new Constitution of 2004, the Berlin Declaration of April 2004, and consecutive national development budgets have defined a "framework for justice reform" that calls for a complete overall and strengthening of the state's judicial organs. Italy serves as the "lead nation" donor in the area of justice reform, with additional support provided by Canada, the United Kingdom, and the US (through the American NGO the Asia Foundation). The United Nations, through UNAMA, UNDP and the UN Office on Drugs and Crime, has further supported the reform agenda drawn up by the Judicial Reform Commission established by the Bonn Agreement, in addition to helping legal education institutions and providing public administration strengthening technical assistance to the Ministry of Justice and office of the Attorney-General.[54]

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[53] Report of the UN Secretary-General on "The situation in Afghanistan and its implications for international peace and security" (18 March 2002) A/56/875-S/2002/278, p. 8.
[54] Ibid, p. 8.

Afghanistan's justice system faces several political, structural, and legal problems that are common to countries transitioning from protracted violent conflict. Although far from an exhaustive list, these include[55]:

i)   an inability of the central government to exert serious authority outside of Kabul, coupled with a lack of dialogue with and "political buy-in" from influential provincial and district level stakeholders;

ii)   structural challenges in the form of limited administrative capacity, rampant corruption, political interference from the executive branch, poor salaries, physical security, and infrastructure for personnel (including judges), and a severe lack of qualified justice system personnel; and

iii) a transitional legal framework that fails to define the relationship between formal and traditional legal mechanisms, as well as requires the creation of a digest for existing laws to underpin future legal reform efforts. Current legal reform efforts are uncoordinated and lack legitimacy, as elections for the country's first democratically elected legislative body have been pushed back until September 2005.

In response to these obstacles, the new government-led Justice and the Rule of Law National Priority Programme seeks to comprehensively reform and strengthen existing justice institutions through the following seven "sub-programs": law reform, a justice survey, justice infrastructure, legal training, legal awareness, capacity-building, and the procurement of equipment and vehicles.[56] These initiatives will require sustained financial and technical support from donors for the foreseeable future.

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[55] This list draws extensively on points made by UNDP Afghanistan, *Afghanistan National Human Development Report 2004: Security with a Human Face: Challenges and Responsibilities*, UNDP Afghanistan, Kabul, 2005, pp. 146-148, and UNAMA Rule of Law Unit, "Considerations on Criteria and Actions for Strengthening the Justice System", UNAMA, Kabul, 2005.

[56] See: Government of Afghanistan, *Justice and the Rule of Law National Priority Programme Strategy*, Government of Afghanistan, Kabul, 2004, pp. 1-5.

Supplementary to the traditional role of the formal judicial system, the Bonn Agreement calls for the monitoring and investigation of human rights and the development of domestic human rights institutions through an independent Human Rights Commission. With technical support from the United Nations, through the UN High Commissioner for Refugees, UNAMA, and UNDP, and US $11.5 million in financial support from several donors[57], the Commission operates through four Afghan Working Groups - with representatives from across government and civil society - and carries out specific activities in the areas of human rights policy, human rights education, transitional justice, human rights for women, and monitoring and investigation of human rights.[58] In addition, UNAMA maintains a human rights component that promotes human rights awareness across national institutions and civil society and conducts monitoring missions through the Secretary-General's Independent Expert on the Situation of Human Rights in Afghanistan.

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Although Afghanistan's judicial system remains weak in overall capacity and requires massive further investments to build durable institutions of justice, Afghan officials in the judicial system have demonstrated considerable leadership and ownership of the process of reform. The Consultative Group for Justice[59], under the leadership of the Minister of Justice and with support from Italy and the United Nations, meets periodically to discuss judicial system needs in relation to the forthcoming national development budget, and an Interim Criminal Procedural Code came into force in early 2004. Equally noteworthy is the initiative of the Supreme Court to take charge of its own affairs, particularly in coordination of multiple donor-supported judicial training activities.[60]

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[57] Canada, Denmark, Finland, Luxembourg, Norway, Switzerland, UK, New Zealand, and the US.

[58] UNDP Afghanistan, "Democratization & Civil Society Empowerment Programme", UNDP Afghanistan, Kabul, 31 October 2004, pp. 12-13.

[59] For more on "Consultative Groups", see footnote 51.

[60] Report of the UN Secretary-General on "The situation in Afghanistan and its implications for international peace and security" (18 March 2002) A/56/875-S/2002/278, p. 8.

At the same time, due to overlapping mandates, substantive disagreements among donors, and the growing ambitions of the three permanent national judicial institutions (the Ministry of Justice, the Supreme Court, and the office of the Attorney-General), the Judicial Reform Commission - initially a favored body among the donors - has failed to provide leadership in the area of reform coordination, and its mandate is likely to be suspended soon by government. Moreover, while financial and technical support are accelerating now as Afghans guide the pace of their reform, the cultural shift required to embrace new rule of law norms across the entire country will take time, constraining the political will needed for major substantive changes.

Although the spread of general human rights norms has encountered similar cultural challenges and will take time to assimilate, several new human rights bodies are functioning today and, most importantly, the Afghan Independent Human Rights Commission's (AIHRC) importance has been recognized by its inclusion in the new Afghan Constitution (Article 58). By May 2003, the AIHRC's field activities extended their reach through the Kabul headquarters office and seven satellite offices in Herat, Bamiyan, Mazar-i-Sharif, Jalalabad, Gardez, Kandahar, and Badakhshan.[61] The establishment of a Human Rights Resource Centre and human rights units in the powerful Ministries of Defense, Interior, Justice and Foreign Affairs soon followed, along with the government's ratification of three important treaties: the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the Rome Treaty of the International Criminal Court. With continued serious concerns about Afghanistan's human rights situation expressed by the AIHRC, local and international NGOs, and the UN, however, much work remains, beginning with an increased awareness about human rights and transitional justice issues at the district and community levels.

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[61] Kopalasingham Sritharan, Emilia Mugnai, and Simone Troller, *Securing Afghanistan's Future: Accomplishments and the Strategic Path Forward – Human Rights Technical Annex,* Islamic Transitional State of Afghanistan (ITSA), Kabul, 2004, p. 3.

4 Lessons Learned from Efforts to Build Sustainable Local Ownership in Afghanistan's Security Sector

Increasingly, the rich nations underwriting international peacekeeping operations recognize that investments in rebuilding a war-torn society's public security management institutions are essential to building a durable peace. Slow to respond at first, major donor countries - and the US in particular - acknowledge that establishing professional security institutions in Afghanistan, with effective democratic oversight, is also central to meeting their "war on terror" objectives and preparing for an eventual exit. But building sustainable local ownership, especially in the security sector, is rarely an easy task that can be achieved quickly on the cheap. Facing the triple threat of terrorism, insurgency, and narcotics, Afghanistan poses its own unique blend of challenges for those considering the significant commitment required for success.

Consequently, Western nations and others concerned with public security management in fragile or failed states regularly ask the question: "How do ones go about building sustainable local ownership of the security sector in a time-frame as short as possible and at limited cost?" But simple, technocratic "one-size-fits-all" recommendations about building capacity and knowing precisely when to cede coordinating leadership authority to local counterparts are inadvisable for distinct peace operations fielded in constantly changing environments. Rather, it is the basic principles of i) respecting local counterparts, ii) investing seriously in their skills and institutions from the start of a mission (including professional education and long-term training), iii) steadily transferring core responsibilities over time, and iv) accepting (but helping to minimize the costs of) mistakes - an essential part of the learning process - that must be upheld. Specific to the case of Afghanistan, *eight additional lessons*, some of which could possibly be adapted in other post-conflict societies receiving external security sector assistance, include:

Lesson #1: Invest heavily in public security management reform from the beginning of state reconstruction rather than risk the need for a more costly and time-consuming intervention later

A greater investment in Afghanistan's public security management is now required than if proper political attention and resources, both financial and technical, were allocated to reforming this vital sector from the start. The US is estimated to have spent US $17 billion after its first seven months of Operation Enduring Freedom and subsequently spends around US $10 billion annually in its "war on terror" campaign in Afghanistan.[62] But according to James Dobbins, President Bush's former special envoy for Afghanistan and author of a new RAND study on the US and nation-building, Afghanistan is "the least resourced, large-scale American reconstruction program ever."[63] On a per capita basis, the US and its allies have spent far more in reconstructing the Balkans, East Timor and other post-conflict settings than it has in Afghanistan.[64] As argued, the US preoccupation with strategic "war on terror" objectives has had enormous implications for the pace of democratic change, especially since public security levels failed to improve following the US-led intervention. For one, this has cost more time and resources to correct mistakes from 2002-2003, due to the "patronage politics" that were allowed to predominate the security institutions. Fortunately, the major donors now seem to acknowledge the importance of Afghanistan's security sector to both national stability and fighting terrorism. It is unclear, however, whether appropriate investments will be made on the scale required, channeled in a manner that facilitates local leadership, and properly sustained over time.

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[62] Manuel and Singer, "A New Model Afghan Army", p. 51, and "Afghanistan: Going straight", *The Economist*, 4 December 2004, p. 66. The US government's Fiscal Year 2004 supplemental appropriation provided about $11 billion for Operation Enduring Freedom. Kenneth Katzman, "Afghanistan: Post-War Governance, Security, and U.S. Policy*"*, (CRS Report for Congress RL30588 – 28/12/04), Congressional Research Service/The Library of Congress, Washington DC, 2004, p. 24.

[63] "The Nation-Building the US Neglects,", Benjamin Duncan, al-Jazeera.net, March 1, 2004.

[64] See, for example, Barnett Rubin, Abby Stoddard, Humayun Hamidzada, and Adib Farhadi, *Building a New Afghanistan: The Value of Success, the Cost of Failure*, Center on International Cooperation, New York University, New York, March 2004, p. 15.

Lesson #2: Accommodate select militia commanders in democratic governing institutions to pre-empt possible efforts to subvert reforms

When governance systems are opened up and made more accountable after war, old forms of authority (e.g. militia and traditional leaders) inevitably clash with new forms (e.g. technocrats, civil society groups, and reformers with financial backing from diaspora). Although controversial among the new authorities, efforts must be made during a transitional phase to persuade potential "anti-democrats" to join rather than seek to undermine the new system. This entails the creation of political space and other incentives for select militia leaders and others wielding authority after war, on the condition that they submit to the rule of law and respect the legitimacy of newly elected leaders. The personal abilities of individuals in key posts matter, as the examples of Defense Minister Wardak and Interior Minister Jalali illustrate, but it was necessary to first co-opt their less scrupulous predecessors (who maintain strong local power bases) to build national cohesion and gradual support for the new regime - however, influential donor countries should have averted initial efforts to "factionalize" the major security institutions. Over time, in the interests of national reconciliation and peace, anyone seriously alleged to have committed human rights atrocities must face an impartial judicial inquiry.

Lesson #3: Ensure coherence among the various components of a public security management reform strategy and, to the extent possible, invest in local leadership and coordination of the reform components

As noted at the start of section III, Afghanistan's massive security sector reform agenda was essentially divided up, in early 2002, among five major donors. This tied aid, "lead nation" approach has failed to foster effective coordination and local ownership of a complete, overarching SSR strategy, creating opportunities for overlapping mandates, corruption, and waste. According to the Government of Afghanistan's "Security Sector Paper", prepared for the April 2004 donor's conference in Berlin, the lack of coordination across the security sector has led to

decreasing confidence among ministries, increasing frustration among donors, cases where activities work at cross-purposes, and instances where programs supported by a lead nation are found to be unaware of the common objectives and activities of another program.[65] Moreover, disappointed in the lack of progress in the areas of police reform, judicial reform, and counter-narcotics, the US has started to augment significantly the assistance provided by Germany, Italy, and the UK, respectively. The Afghan government has since sought to rectify the poor coordination problem by mandating the Office of the Afghan National Security Council, under the President, to meet regularly with key international actors to discuss and prioritize security sector reform issues. Whilst donors had some understandable reasons to drive the process of capacitating an extremely fragile Afghan state in 2002, it would be counterproductive today to not orient the current approach around the empowerment and sustainability of local leaders and institutions.

Lesson #4: Establish a credible and appropriately sized international security presence to bridge the security gap between a limited or non-functioning security sector and the eventual deployment of effective local security forces

As noted in lesson #1, the security situation failed to improve after the Coalition's intervention and even deteriorated in parts of the country. Repeated calls were made by Afghan leaders and the UN, in 2002 and 2003, to expand the ISAF's presence outside Kabul. Failure to initiate this process until mid-2004 - and still only in portions of the country - has arguably perpetuated the *de facto* power of regional warlords and their illegal armed militias. They remain the fundamental obstacle to the extension of central government authority across Afghanistan. Dismantling these groups requires a sufficient armed deterrent that far exceeds the between 5,000 to 8,400 peacekeepers supplied by ISAF troop contributing countries since 2002, particularly given the minimal

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[65] Government of Afghanistan, "Security Sector Paper", presented to the International Conference on Afghanistan in Berlin, Germany, 1 April 2004, p. 3.

investments made in preparing the new national army and national police.

Lesson #5: Ensure ethnically balanced, non-sectarian, and de-politicized staff recruitment of public sector management institutions

An improvement in the quality and ethnic make-up of recruitment for the national army and national police, in 2003 and 2004, did not *coincidentally* follow the significant staff restructuring in the parent Ministries of Defense and Interior, respectively. It is often more difficult to reduce trust among former combatants than it is to create a professional and affordable security forces under democratic, civilian control. Therefore, it was essential to reduce the predominance (and associated patronage networks) of the Tajik faction of *Jamiat-i Islami, Shura-I Nezar* in the two key security ministries, in order to pave the way for a more multi-ethnic, non-sectarian, and non-factional Afghan National Army and Afghan National Police. Unlike other areas of reform where the earlier local leadership is asserted the better (and contrary to the notion of a "light footprint"), external assistance providers should remain uncompromising and politically intrusive towards local counterparts on issues of ethnic balance and the de-politicization of public security management institutions.

Lesson #6: Promote community policing and other measures to improve relations between local populations and public security institutions

Community policing has taken on many meanings in different parts of the world. One common characteristic is its emphasis on overcoming mistrust and advancing collaboration between communities and the police, by giving people a substantial role in defining and guiding the performance of the police.[66] This can be particularly valuable for countries recovering from civil conflicts where the police perpetrated

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[66] UNDP, *Human Development Report 2002,* p. 94.

crimes against civilians, as in Afghanistan. Community policing activities, such as "Nightwatch Programs", provide concrete avenues for concerned individuals to constructively support the public safety and security-building work of the police. They also help to expand the notion of "building sustainable local ownership" to include *all* relevant stakeholders, not simply the personnel and civilians overseeing public security management institutions. Within a truly democratic society, the spirit of community policing should be extended to improve relations between citizens and all security bodies, including the national army.

Lesson #7: Extend the Disarmament, Demobilization, and Reintegration Program to illegal armed groups outside the Afghan Militia Forces

Roughly more than 1,000 illegal armed groups, with some 100,000 men in their ranks, are estimated to be operating outside the structure, established in 2002, for the Afghan Militia Forces. With the disarmament phase of the Afghanistan's New Beginnings DDR Programme expected to conclude in June 2005 for the quasi-official (government sanctioned) AMF, it is imperative that all remaining armed groups, outside of government control, be disarmed and offered support for civilian livelihood alternatives as an incentive. Contrary to initial expectations, DDR has proven effective in the Afghan context. Although potentially more complicated logistically and risky politically, extending DDR to illegal armed groups is necessary to further buttress the authority and reach of the central government's national army and police services.

Lesson #8: Promote principles of democratic governance in the security sector immediately following an intervention

As an integral part of security sector training and general political awareness-raising involving security officers but also local politicians, senior civil servants, and other key stakeholders, it is critical that democratic governance principles are deliberated, agreed upon, and then

instilled within all current and future recruits for Afghanistan's public security institutions (for some examples, see box 2). Relegating the importance of such principles within the current public security management reform program risks political setbacks later at the expense of the civilian leadership and wider public. In particular, establishing mechanisms for effective parliamentary oversight of the security sector should be prioritized to ensure high levels of accountability among both civilians in the executive branch and senior officers in all security institutions.

Box 2 Key Principles of Democratic Governance in the Security Sector

- Ultimate authority on key security matters must rest with elected representatives.

- Public security management institutions should operate in accord with international and constitutional law and respect human rights.

- Information about security planning and resources must be widely available, both within government and to the public. Security must be managed using a comprehensive, disciplined approach. This means that public security management institutions should be subject to the same principles of public sector management as other parts of government, with small adjustments for confidentiality appropriate to national security.

- Civil-military relations must be based on a well-articulated hierarchy of authority between civil authorities and defense forces, on the mutual rights and obligations of civil authorities and defense forces, and on a relationship with civil society based on transparency and respect for human rights.

- Civil authorities need to have the capacity to exercise political control over the operations and financing of security forces.

- Civil society must have the means and capacity to monitor security forces and provide constructive input into the political debate on security policy.

- Security personnel must be trained to discharge their duties professionally and should reflect the diversity of their societies - including women and minorities.

- Policy-makers must place a high priority on fostering regional and local peace.

Sources: Based on UK Department for International Development (2000), *Security Sector Reform and the Management of Defence Expenditure: High Risks for Donors, High Returns for Development*, Report on an International Symposium Sponsored by the UK Department for International Development, London. See also Nathan, Laurie (1994), *The Changing of the Guard: Armed Forces and Defence Policy in a Democratic South Africa*, Human Sciences Research Council, Pretoria. Bland, Douglas (1999), "A Unified Theory of Civil-Military Relations", *Armed forces and society*, Vol. 26, No. 1.; and Legault, Albert (2001), "Democratie et transfert de normes: les relations civilo-militaires", *Etudes internationales*, Vol. 32, No. 2.

5   Conclusion: From Traditional Peacekeeping to Democratic Peace-Building

In the early 1990s alone, more peacekeeping missions were initiated than during the UN's entire first four and one-half decades. But while this new generation of peace enforcement operations helped to end violence, they alone could not promote durable, democratic peace. Conflict, including contending political views, is an inherent part of an open, democratic society. Extending beyond the narrow mandates of traditional peacekeeping, multi-faceted peace-building operations today aim to foster democratic institutions and democratic politics that prevent conflicts from turning violent. By addressing issues of social disintegration, political exclusion and despair, new approaches to "democratic" peace-building can also become an essential component in the bulwark against global terrorism.

Afghanistan's costly two-decade-long conflict and its implications for global stability have underscored the need for a broader approach to conflict prevention. Securing a just, sustainable peace in war-torn societies, such as Afghanistan, means establishing democratically accountable states with professional, civilian-led, and ethnically balanced military and police. It further entails supporting a competent

and respected judiciary that upholds the rule of law and other bodies - both within and outside of government - to promote and safeguard human rights. Building sustainable local ownership in public security management institutions after war takes time, money, technical skills but most of all determination and a sincere political commitment to the people with the most at stake. Never forget that the recipients of external assistance - and the progress they achieve through their own sacrifices, risk-taking, and hard work - are the single most important variable for success.

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