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Joint
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INSTITUTE FOR DEFENSE ANALYSES

**Policing in Afghanistan
Reform that Respects Tradition:
Need for a Strategic Shift**

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Preface

The Department of Defense established the Joint Advanced Warfighting Program (JAWP) in 1998 under the senior sponsorship of the Under Secretary of Defense for Acquisition, Technology and Logistics; the Under Secretary of Defense for Policy; the Vice Chairman of the Joint Chiefs of Staff; and Commander, US Joint Forces Command (JFCOM). JAWP's stated purpose then and now is to serve as a catalyst for stimulating innovation and breakthrough change.

The JAWP team is composed of military personnel on joint assignments from each Service as well as civilian analysts from the Institute for Defense Analyses (IDA). The main office is in Alexandria, Virginia; a small office in Suffolk, Virginia, facilitates coordination with JFCOM.

A JAWP Board of Directors representing the senior sponsors approves JAWP's work plan for each fiscal year, and a member of the Board is designated the primary sponsor for each assigned task. As part of its FY08 work plan, the Board directed JAWP to provide support to combatant command experimentation, under the primary sponsorship of the Commander, US Joint Forces Command.

This paper addresses the task objective of helping the Department of Defense provide future joint force commanders (JFCs) balanced and adaptable military capabilities to address a wide range of contingencies. Specifically, it identifies actions that can be taken by the Office of the Under Secretary of Defense for Policy to move toward the goal of an effective and efficient police force that is capable, professional, well-trained, and committed to public service. In doing so, it draws on recent government assessments of police corruption and social sciences work on understanding the human environment to derive appropriate coalition actions. The authors would like to acknowledge the feedback and constructive criticism of James H. Kurtz; Lauren Burns; Thomas X. Hammes, PhD; Joel B. Resnick; and Alec C. Wahlman, all of IDA. The project also benefited from the comments of William J. Hurley, PhD, also of IDA. This paper does not necessarily reflect the views of IDA or the sponsors of JAWP. Our intent is to stimulate ideas, discussion, and, ultimately, the discovery and innovation that must fuel successful transformation.

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Executive Summary

With an intimidating geography that isolates communities, Afghanistan has historically had a decentralized system of government. The police and justice systems that are part of this form of government remain relatively simple, fragmented, and customary. Local communities have tailored policing and justice as an extension of the governance by tribal elders or other governing hierarchies. Such a system provides the necessary flexibility to respond to local conditions and needs. Its primary function is to preserve the local communities through reconciliation rather than retribution and to mitigate the threat of central government tyranny. To the average Afghan citizen the central government is remote, unloved, and mistrusted, hence any attempt to implement a centralized police and justice system will be fraught with difficulties.

Today in Afghanistan, the International Security Assistance Force (ISAF) approach to reconstructing the country and reforming its institutions is a Western, top-down one that emphasizes establishing a strong central government in Kabul as the dominant authority in the country—something no one has ever been able to do for any length of time. This strategic objective of centralized power cuts against the grain of Afghan experience, particularly because one of its centerpieces is an expansive plan to recruit, train, equip, and deploy a 160,000-man Afghan National Police (ANP) force.

The role of the police, as described in the Police Law of 2005 of the Government of the Islamic Republic of Afghanistan (GIROA) and the 2006 Afghanistan Compact, is akin to community policing and is at odds with the ISAF vision being implemented: one of regime protection, counter-insurgency, and counterterrorism. ISAF is attempting to construct a paramilitary force—goal that ignores community policing—presumably with the expectation that as the security situation becomes more stable, the police will be able to play a more “conventional” role. The operating assumption appears to be that “security” should be defined only in terms of neutralizing armed groups; a condition that can be met only through military means, hence the rush to construct a vast and expensive force of thinly trained paramilitaries.¹

¹ Tonita Murray, “Police-Building in Afghanistan: A Case Study of Civil Security Reform,” *International Peacekeeping*, 14:1 (January 2007): 118.

For most Afghani citizens, however, as for most people in the world, security is a much more personal concern. State security is at best a secondary concern when compared with daily peril from unscrupulous neighbors and hardened criminals. This mismatch has resulted in muddled recruiting, training, and deployment with the result that the ANP is:

- NOT effective as a paramilitary force,
- NOT effective in community policing, and
- NOT sustainable in the longer term.

Study results show that:

- The current strategy will not create an effective community policing force and has not created an effective paramilitary force.
- The current top-down, nationalized approach is counter to Afghan culture in much of the country, ignores the customary security and justice systems serving 80% of the population, and is not financially sustainable by the Afghan government.
- The ANP is the face of GIRoA to most Afghans; however, it is neither trusted nor welcomed in most communities because of its incompetence and corruption.
- Development of the justice system (police, courts, corrections) has not been synchronized and thus does not support ANP enlargement proportionately.

Hence, the JAWP team recommends that ISAF create a plan to sustain a force within the limits imposed by the available human capital and the realities of GIRoA's projected revenues:

- Create a tailored, decentralized approach that forges links between the customary (largely rural) security and justice structures and the national (largely urban) structures. This will engage the population and be far less expensive in bringing security to the country than a formal, uniformed national police force.
- Focus on quality over quantity and develop a "right-sized" and professional ANP.
- Synchronize development of the formal justice system to provide a balanced emphasis on police, courts, and corrections.

The ANP is presently a resource-intensive, top-down organization that supports the government and not the people. This needs to change fundamentally and to be restructured from the bottom-up, a situation where the police have direct ties with the population and the communities they serve and are selected and vetted by local elders. Unless ISAF basically struc-

tures policing to meet the needs of rural communities, the Taliban will continue to gain influence and legitimacy in this critical periphery of Afghanistan. The strength of the bottom-up approach is that it would help ensure that the police meet the needs of both the people and the government and complement the top-down effort. As Lieutenant General William B. Caldwell, IV, who oversees the NATO training effort in Afghanistan, acknowledges, “If we don’t get the police fixed, we’ll never change the dynamics in the country. No matter how well we do clearing and holding, we will never build on that progress and sustain it without a police force. We have to get this right.”²

² Greg Jaffe, “Program Aims to Rebuild Afghan Police Force, Repair its Image,” *Washington Post* (12 March 2010), 8, www.washingtonpost.com/wp-dyn/content/article/2010/03/11/AR2010031103148.html (accessed 16 March 2010).

1 Introduction

Origin of the Study

This task followed a circuitous route in becoming a study of policing in Afghanistan and the proper strategy (ends, ways, and means) to make it effective. It began with the brief examination of police corruption in an earlier study on Science and Technology (S&T) initiatives—interpreted broadly to include the social sciences and organizational changes—that would significantly improve Department of Defense (DoD) non-kinetic capabilities.³ One topic identified for in-depth study was police corruption within the Afghan National Police (ANP) as it went about its duties of addressing crime and maintaining public order (i.e., community policing).

As a part of that earlier study, the team members held several multi-day seminars with people experienced in policing in the third world, including some with experience in Afghanistan. The participants were asked to identify the capabilities that could most effectively counter police corruption and the S&T initiatives that would enable them. Many interesting opportunities were identified, mostly for organizational or psychological and social aspects, although a few hard technology ones for cell or mobile telephone technology were also recognized.

Members of this earlier team were, however, pessimistic about the developing situation within the ANP and the prospects for quickly improving it. The primary reasons for their pessimism were:

- Corruption in the ANP at all levels, in the Ministry of Interior (MoI), and throughout the Karzai government continued to be a pressing and endemic problem.
- US and German programs to recruit, organize, and train ANP patrolmen were not designed to counter these problems in the foreseeable future and did nothing to address either individual “rotten apples” or the entire “rotten barrel.”
- S&T initiatives coming to fruition during the next several years would be useful but would do little or nothing to reduce the extent of corruption.

³ William J. Hurley, Christine R. Bucher, Susan K. Numrich, Stephen M. Ouellette, and Joel B. Resnick, *Non-Kinetic Capabilities for Irregular Warfare: Four Case Studies* (IDA Paper P-4436) (Alexandria: Institute for Defense Analyses, March 2009). This study was conducted for OSD (Acquisition, Technology & Logistics) under contract DASW01-04-C-0003, IDA Task AI-1-2810.

Veterans of that initial study proposed a follow-on task on “Campaign Planning for Countering Police Corruption” to identify actions that joint force commanders and their staffs could take to improve policing effectiveness by reducing the extent and seriousness of police corruption. The Joint Advanced Warfighting Program (JAWP) Board of Directors approved the task, with the Deputy Commander of US Joint Forces Command (JFCOM) as the primary sponsor.

Approximately six months into the task, the study team concluded that the problems were systemic, and hence, action taken at the joint force commander level could have little or no effect on improving policing effectiveness.

- After many years of effort, the ANP was still not an effective force for countering insurgents in the “hold” phase of the “shape, clear, hold, build” construct.⁴ This reflected the poor quality of ANP recruits, the limited training time afforded them, and the advanced skills needed to conduct effective paramilitary operations, rather than corruption *per se*, although corruption continued unabated.
- ANP personnel received only cursory training in community policing and so did not understand the concept and were consequently ineffective. Further, when deployed, they used their positions as law enforcement officers in shamelessly corrupt abuse of the population, compounding their ineffectiveness and undermining popular confidence in the government they were representing.
- The then-targeted ANP force level of 82,000 was highly ambitious based on experience to date, was likely unachievable given the available human capital, and was largely unsustainable given the revenues available to GIRoA.

As a result, the study team proposed a change in the task to the JAWP Board of Directors: shift the focus and scope from making the current strategy for the police work better to identifying a strategy for policing that could work in light of Afghan culture, history, and human and fiscal capital that would be available in the long term. The change shifted the work from a JFCOM-sponsored task for operational-level guidance to an Office of the Secretary of Defense (OSD) (Policy)-sponsored task for a policy-level paper. Specifically, the team recommended shifting the study:

⁴ This construct is a strategy described in the *U.S. Army–Marine Corps Counterinsurgency Field Manual* (U.S. Army Field Manual No. 3-24/Marine Corps Warfighting Publication No. 3-33.5) and is a series of operations executed in a specific, high-priority area experiencing overt insurgent operations. It aims to expand outward from a secure base to create an area cleared of insurgents where the population can be supported and the host nation government can reestablish itself with the confidence of the population.

From improving the current strategy for the police, a demonstratively ineffective and unsustainable approach based on a centralized police force intended to support hazardous “clear” and “hold” parts of the strategy;



To identifying a new strategy for policing, which uses a combination of decentralized and centralized approaches based on traditional Afghan means of policing in rural areas and a smaller, more capable and sustainable ANP in urban areas intended to support benign “hold” and “build” situations.

The JAWP Board of Directors accepted the recommended shift on 13 August 2009, and this report is the result.

Contents of the Report

Chapter 2 reviews the current strategy and its implementation in more detail. It assesses conflicting aims for what the ANP is to be and the consequent unclear strategy for its development and use. This has resulted in muddled recruiting, training, deployment, and employment with the consequence that the ANP is ineffective both as a paramilitary force and as a community policing force.

Aside from the ANP’s ineffectiveness, it is unsustainable on its present course for two primary reasons: a paucity of both fiscal and human resources. Fiscally the ANP is projected to cost \$1 billion annually for the next five years, an amount that exceeds the annual revenues of about \$960 million collected by the GIRoA.⁵ As to human resources, suitable recruits are in short supply, and attrition is so high—in the range of 20% to 30%—that the force must be replaced completely every five years. The simultaneous expansion of the Afghan National Army (ANA) only increases the competition for recruits. Given these constraints, the more recent targeted force level of 160,000 is likely not achievable. In summary, the ANP is:

- NOT effective as a paramilitary,
- NOT effective in community policing, and

⁵ According to a US Government Accountability Office (GAO) study dated June 2008, sustaining the manning target of 82,000 at the time was estimated at \$1 billion annually for the next five years alone. Government Accounting Office, *Afghanistan Security: US Efforts to Develop Capable Afghan Police Forces Face Challenges and Need a Coordinated, Detailed Plan to Help Ensure Accountability*, Report GAO-08-883T (Washington: Government Accounting Office, 2008), 14, www.gao.gov/new.items/d08883t.pdf (accessed 23 February 2009); Alexander Thier, *The Future of Afghanistan* (Washington: US Institute of Peace, 2009), 30.

- NOT sustainable in the longer term.

Chapter 3 discusses recommendations for redirecting ANP reform and a strategic shift in the ANP concept to a more effective and affordable course. This report proposes sweeping changes in strategy and its implementation because incremental changes will not provide effective and sustainable policing capability.

Chapter 4 offers conclusions from the study.

2 Current Strategy and its Implementation

Background to the Current Situation

King Mohammad Zahir Shah introduced a number of reform modernizations following World War II, and there consequently developed both a customary and a formal justice and policing system in Afghanistan. In the 1950s and 1960s, the justice system was formalized and state law, rather than *sharia*, became its primary basis. During the relatively progressive 1960s and 1970s under the King and before the Soviet invasion, Afghanistan developed a gendarmerie of about 20,000 composed of a small professional officer corps and relatively large numbers of conscripts.⁶ This national police force was built on the European policing model, and its officers received training from both West and East Germany, while its conscripted patrolmen received minimal training for their two-year obligation.

After the King was overthrown in 1973 by his cousin Mohammed Daoud Kahn, the police force received training from non-aligned Egypt. In the spring of 1978, President Daoud tried to neutralize the Peoples Democratic Party of Afghanistan (PDPA) by arresting three of its leaders, Nur Muhammad Taraki and Hafizullah Amin of the Khalq (the people) faction and Babrak Karmal of the Parcham (the flag) faction. The differences were ethnic and tribal rather than ideological. The factions reunited, and in a classic *pronunciamento* on 27 April 1978, an armoured brigade assaulted the presidential palace and liquidated Daoud and his government. The new Marxist government headed by Taraki attempted to introduce a Soviet-style judicial system, but these changes were rejected before they took root. After the Soviet Union invaded Afghanistan in December 1979 and installed Karmal as head of state, the Afghan police were militarized, and their disintegration and deterioration as a civil institution began. The MoI, which was responsible for the police, became the focus of a power struggle between the Parchami and Khalq factions of the ruling PDPA. To contain the powerful Khalq Interior Minister, PDPA leader Kamal severed the Intelligence Department from the Ministry and created the *Khedamat-e-Atlaat-e-Dawlati* (KhaD) or State Information Services under an influential Parchami supporter. The KhaD became a strong instrument of state control. It was trained by

⁶ International Institute for Strategic Studies, *Military Balance* (London: IISS, series), reference pages on Afghanistan. The IISS only began to treat Afghanistan in the *Military Balance* in 1970, and during the 1970s cites a wide range of numbers for the gendarmerie ranging from 13,000 to 30,000. Clearly there is no definitive figure with such fluctuation; however, a force level of 20,000 seems to be the most widely accepted number.

the Soviet secret police, developed its own army division with an estimated strength that ranged from 25,000 to 60,000 during the occupation, and assumed responsibilities for internal intelligence, arrest and interrogation of political suspects, subversion of border tribes, assassinations, and counterintelligence.

The MoI, left with only a criminal investigation and policing role, grew to outnumber the army and had its own light infantry force known as the *Sarandoy*, which actually engaged in armed clashes with its competitor, the KhaD. In November 1985, *Jane's Defense Weekly* estimated the size of the *Sarandoy* to be 20,000.

After the Soviet army withdrew in December 1989, the government of Mohammed Najibullah tried to establish a new police force, and the German government built a police academy in Kabul. The experiment unfortunately ended when the post- *Jihad mujahedeen* brought civil war to Kabul.

The formal Afghan justice system at this time was elitist and corrupt, and involved long delays in adjudicating cases. Many Afghans avoided it. Particularly in rural areas, many continued to use customary institutions of informal justice, such as *jirga* and *shura*.⁷ Although these practices sometimes conflicted with Afghan legal norms and with international standards of human rights, they nevertheless resolved tribal and local conflicts expeditiously, were cost-effective, and were trusted by the population.⁸ The subsequent *mujahedin* regime of 1992–96 declared *sharia* as the basis of the state, and this was further entrenched by the Taliban regime. From 1992 on, with the questionable exception of the “Vice and Virtue Police” employed by the Taliban, no organized civilian police force operated until 2002.

The *jihad* against the former Soviet Union and the ensuing civil war had exacerbated ethnic tensions and encouraged the rise of regional commanders with their own militias. During the 1992–2002 decade, these became a powerful counterweight to the various centralized governments and remained a source of continuing instability.

The ANP was conceived in the Bonn Agreement, the product of a meeting in late 2001 attended by a number of prominent Afghans under the auspices of the United Nations in Bonn, Germany, to decide on a plan for governing Afghanistan. From this meeting and

⁷ A *shura* is a group of community dignitaries who meet only in response to a specific need in order to decide how to meet the need. In most cases, this need is to resolve a conflict between individuals, families, groups of families, or whole tribes. A *jirga* is composed of tribal or community elders and deals with serious and important conflicts within the tribe or sometimes between tribes, such as murder and disputes over land.

⁸ Ali Wardak, “Building a Post-War Justice System in Afghanistan” *Journal of Crime, Law and Social Change* 41 (2007), www.institute-for-afghan-studies.org/Contributions/Projects/Ali-Wardak/Law%20and%20Social%20Change%204.doc (accessed 2 April 2010).

agreement, the Afghan Interim Authority (AIA)—comprising 30 members, headed by a chairman—was inaugurated on 22 December 2001 with a six-month mandate. This was to be followed by a two-year Transitional Authority, after which elections were to be held. One section of the Bonn Agreement envisaged establishing the NATO-led International Security Assistance Force (ISAF), whose job it would be to bring internal security to Afghanistan.

Shortly after its execution, it became evident that the 11-page Bonn document needed clarification, because there was no explicit assignment of roles.⁹ Accordingly, the primary donors met in Geneva in April 2002 and agreed to a “five pillar” division-of-labor approach, a specific nation taking the lead in a designated area:

1. United States – Afghan National Army
2. Germany – Afghan National Police
3. Italy – Afghan courts and corrections system
4. United Kingdom – counternarcotics
5. Japan – Disarmament, Demobilization and Reintegration (DDR).¹⁰

The problem with this approach was that it did not account for divergences in vision and resources between the various donors. Because of this uneven distribution, mutual support between the pillars existed only nominally in some of the most important cases, such as the police (Germany) and the courts and corrections system (Italy). Early on, the German effort was directed at forming a European-model national police force, with an emphasis on the officer corps and the counter-crime role.

At the beginning of the 2002 reconstruction period, there were between 50,000 and 70,000 police, consisting of some professionals trained before the civil war and a vast number of untrained and largely illiterate *mujahedeen* and former conscripted soldiers. They lacked discipline, formal policies and procedures, facilities, equipment, uniforms, and public trust. Central control was virtually non-existent, and there was no clear chain of command to the MoI. In March 2003, an Amnesty International investigator reported that it was unclear who was responsible for the direction of the police, since at least five senior ranking officials ap-

⁹ *Agreement on Provisional Arrangements in Afghanistan Pending the Reestablishment of Permanent Government Institutions*, 5 December 2001, www.un.org/News/dh/latest/afghan/afghan-agree.htm (accessed 12 March 2010).

¹⁰ Inspectors General, US Department of State and US Department of Defense, *Interagency Assessment of Afghan Police Training and Readiness* (Washington, November 2006), 5. In many documents the Italians are described as focusing on the “justice system,” while in fact they have worked on a subset of the larger system. The police, which are part of the “justice system,” are supported by Germany and the United States.

peared to claim overall leadership responsibility.¹¹ There was also an ethnic imbalance, since most of the senior police posts were held by Tajiks. Provincial and local police commanders owed allegiances to local military commanders or warlords. Many of the police, including provincial police chiefs, were more loyal to the militia commanders than they were to the MoI, not least because the warlords had access to more money than the government. Pay for the lower ranks was the equivalent of between \$16 and \$24 a month, although that money was not paid regularly well into 2003, and was so meager that it encouraged corruption, secondary employment, and the sale of loyalty at all levels. In the south and the northeast, many local commanders remained engaged in poppy and opium production, often to finance their opposition to the central government or for factional fighting. This meant there were strong factional, criminal, and corrupt elements intermingled among the police at all levels.¹²

Starting in 2003, the US Department of State began supporting the training of lower ranking police. That effort transformed several times, until 2006, when Combined Security Transition Command-Afghanistan (CSTC-A) was born.¹³ The US effort placed a greater emphasis on the counterinsurgency/paramilitary role of the police, and US spending on police quickly dwarfed that of the Germans. While the Germans spent US\$80 million from 2002 to 2007, the CSTC-A budget for aiding the ANP was US\$964 million for fiscal year 2008 alone.¹⁴ The Italian effort lagged behind the police project so much in resources and with such little coordination that there was only incidental mutual support; a situation that lingers to the present.

In September 2005, the GIRoA crafted a police law pursuant to its constitution “to govern the duties and powers of the police in order to ensure the public order and security.”¹⁵ Article 5 of the Police Law details in 21 points the wide-ranging duties and obligations of the police, which include:

- 1) ensuring and maintaining public order and security;
- 2) ensuring and protecting the security and legal rights and freedoms of individuals and society;

¹¹ Richard F. Nyrop and Donald M. Seekins, eds., *Afghanistan Country Study* (Washington: American University, 1986), www.gl.iit.edu/govdocs/afghanistan/Afghanistan-Chapter5.pdf (accessed 16 March 2010).

¹² Nyrop and Seekins, eds., *Afghanistan Country Study*.

¹³ CSTC-A is now the NATO Training Mission-Afghanistan (NTM-A). For clarity and consistency the term CSTC-A will be used in this paper, as that was the name of the command during the period addressed.

¹⁴ Wilder, *Cops or Robbers? The Struggle to Reform the Afghan National Police*, viii; and US Department of Defense, *Progress toward Security and Stability in Afghanistan*, January 2009, 34.

¹⁵ Ministry of Justice, *Police Law*, published in Official Gazette No. 862 (Kabul: Islamic Republic of Afghanistan, 22 September 2005), 1, www.rolafghanistan.esteri.it/NR/rdonlyres/94667686-6B09-4E6E-9972-905E21EEC1E4/0/PoliceLaw.pdf (accessed 8 January 2010).

- 3) preventing crime, discovering crimes, and arresting suspects;
- 4) protecting public and private property;
- 5) fighting the cultivation of poppies and marijuana and the production and trafficking of illegal drugs;
- 6) fighting organized crime and terrorism;
- 7) regulating road traffic;
- 8) responding to and assisting victims of natural disasters;
- 9) safeguarding borders, preventing smuggling, and controlling check posts at borders and international airports.¹⁶

Further, between 31 January and 1 February 2006, the GIRoA and the international community of 51 participating countries, 12 organizations, and 14 observers, met in London to construct the Afghanistan Compact. This Compact included a benchmark for the police: “By end-2010, a fully constituted, professional, functional and ethnically balanced Afghan National Police and Afghan Border Police with a combined force of up to 62,000 will be able to meet the security needs of the country effectively and will be increasingly fiscally sustainable.”¹⁷ The Police Law and the Compact point the way to what is commonly understood in Western societies to be community policing. This is a policing environment in which police officers carry a sidearm for personal protection and operate under relatively benign conditions rather than an assault weapon at the ready. According to the notion of “shape, clear, hold, build,” the police force would fall predominately in the “build” category. It could function under certain conditions in the “hold” category with backup from a well-armed rapid reaction force.

General Stanley A. McChrystal, the new Commander, ISAF, produced an Initial Assessment on 30 August 2009.¹⁸ Included was a proposal that the Afghan National Security Force (ANSF), which includes the ANP, be substantially increased so that it could eventually assume full responsibility for the security of the country.¹⁹ The report proposed increasing the

¹⁶ Ministry of Justice, *Police Law*, 3–4.

¹⁷ The Afghanistan Compact, based on the London Conference 31 Jan–1 Feb 2006 (London: NATO-Led International Community, 2006), 6, <http://collections.europarchive.org/tna/20080205132101/fco.gov.uk/files/kfile/20060130%20afghanistan%20compact%20final%20final,0.doc> (accessed 8 January 2010).

¹⁸ Stanley A. McChrystal, *COMISAF's Initial Assessment* (Kabul: Headquarters, ISAF, 30 August 2009), http://media.washingtonpost.com/wp-srv/politics/documents/Assessment_Redacted_092109.pdf (accessed 8 January 2010).

¹⁹ McChrystal, *COMISAF's Initial Assessment*, 1-3, 1-4.

ANP's personnel to 160,000—a virtual doubling.²⁰ Finally the report described the “shape, clear, hold, build” construct and embraced that operational framework as the basis for the tasks in the ISAF operation order. The Assessment acknowledged that the ANP “has not been organized, trained, and equipped to operate effectively as a counter-insurgency force” but said that the ANP must “operate in the challenging COIN environment.”²¹ The rationale offered for increasing the ANP's size was “to provide sufficient police needed to hold areas that have been cleared of insurgents, and to increase the capacity to secure the population.”²² This “hold” task, which is different from the GIRoA and London Conference visions of a community policing force, is reiterated in the *United States Government Integrated Civilian-Military Campaign Plan for Support to Afghanistan*, which designates the ANP as “the supported ‘hold’ force with improved ANA operational support.”²³

The present strategy—reinforced in a December 2009 speech by President Barack Obama, envisions using the ANP as a paramilitary force and adjunct to the ANA—is essentially more of the same.²⁴ It perpetuates the earlier strategy but with increased resources to accelerate the ANP preparation process and to meet a now clearly defined and relatively immediate horizon. This course of action has a history of difficulties that will render it unlikely to realize the goals either of the ISAF, the GIRoA, or the ANP in the foreseeable future.

The United States has spent more than US\$10 billion through early 2010 on policing in Afghanistan and will have created neither what was intended—an effective paramilitary support to the ANA—nor what is needed—a competent community policing force for the population.²⁵ While reforms must be made to ANP's pay and rank structures, and specialized units must be created, the study team's opinion is that police reform to date has not addressed how to organize, train, and equip the force for community policing. On the advice of the United States and its allies, the Karzai government is using civilian police as auxiliaries to the ANA,

²⁰ McChrystal, *COMISAF's Initial Assessment*, 2-15.

²¹ McChrystal, *COMISAF's Initial Assessment*, G-2.

²² McChrystal, *COMISAF's Initial Assessment*, G-3.

²³ *United States Government Integrated Civilian-Military Campaign Plan for Support to Afghanistan* (Kabul: Embassy of the United States of America, Kabul, and US Forces Afghanistan, 10 August 2009), 21, www.comw.org/qdr/fulltext/0908eikenberryandmccrystal.pdf (accessed 8 January 2010).

²⁴ Barack Obama, “The Way Forward in Afghanistan and Pakistan,” speech delivered at West Point, 1 December 2009, www.stripes.com/article.asp?section=104&article=66414 (accessed 8 January 2010).

²⁵ For expenditure details see Jerome Starkey, “Allied Exit Strategy at Risk as Afghan Police Run Out of Recruits,” *The Times*, 23 October 2009, www.ufppc.org/us-a-world-news-mainmenu-35/9091-news-efforts-to-recruit-afghan-police-are-faltering-tol.html (accessed 24 November 2009); McChrystal, *COMISAF's Initial Assessment*.

as low-cost “trigger-pullers.”²⁶ This leads inexorably to neglect of the community policing mission: protecting the public from serious crime and achieving order in the “people’s space,” that is, those areas of the country where government presence is tenuous.²⁷

Exacerbating the situation is what the ANP *is* doing beyond what it is *not* doing—the predatory nature of the ANP is reported almost daily in academic, defense, and media observations. The ANP’s continuing failure to provide civil community policing hurts the reconstruction effort. Further, the acute security and justice deficit confronting many Afghans is becoming an existential threat to the Karzai government.

Sources of the Current Failure

The failure of the current strategy can be attributed to four primary factors:

1. Miscast as a paramilitary force,
2. Multiple organizational difficulties,
3. Unsustainable,
4. Local security systems are not utilized.

Miscast as a Paramilitary Force

There has always been a broad consensus that police forces play important roles in counterinsurgency, but in the case of Afghanistan, the authorities are divided over what their role should be (paramilitary or community police), and how they should be organized, trained, equipped, and deployed. In the words of Brigadier General Bill Hix, assigned to the Joint Staff J-7 and a veteran of Afghanistan,

We have so many competing visions for the ANP. There is no coherence to their development, employment, equipping, etc. This includes the European resistance to the realities of paramilitary policing in a counterinsurgency vice their hope for civilian, community-based policing.²⁸

²⁶ For use of the term “low-cost trigger-pullers” see also William Roseanu, “*Low-Cost Trigger Pullers*” (Santa Monica: RAND, 2008), 2, www.rand.org/pubs/working_papers/2009/RAND_WR620.pdf (accessed 10 October 2009).

²⁷ Wilder, *Cops or Robbers?* 48.

²⁸ Brigadier General Bill Hix, US Army, statement to the study group, 20 April 2010, Alexandria, Virginia. General Hix is assigned to the Joint Staff J-7, is a veteran of Afghanistan, and serves on the JAWP Board of Directors.

For the cash- and manpower-strapped Afghan campaign, there was an irresistible temptation to see the police not as public servants devoted to protecting the population from criminal predators, but as a low-cost light infantry ideal as a solution to a well-manned counterinsurgency.²⁹

The way the police are being used today in Afghanistan is suggested by one observer calling them “cannon fodder.”³⁰ Indeed, according to a Canadian police officer in Kandahar province, the police “are being used as a military force, a sort of ‘canary in the coal mine’ or tripwire to flush out the Taliban.”³¹ The MoI, under whose authority the ANP falls, announced proudly in January 2007 that the police were “continuing to be major participant[s] in counter-insurgency activities, counter-terrorism, [and] counter narcotics.”³² In fact, the police were deployed in small, poorly trained groups on isolated outposts without backup in fire support, logistics, or medical evacuation.³³ Because of this vulnerability, insurgents chose to attack the relatively soft police posts and other police-related targets rather than the more difficult military ones.³⁴ According to a survey conducted by the US Army’s social science program, “Across all districts, the ANP is viewed as a more dangerous profession than the ANA [Afghan National Army].”³⁵ As General Hix noted:

That view is fueled by the fact that the Police suffer at least twice the casualties of the ANA or the Coalition. This is due in part to their relatively limited, though improving training, but is more a factor of the ubiquitous presence of the police across Afghanistan, very often in places with little or no presence or access to reinforcement by either the ANA or the Coalition. These Police do not die because they are corrupt, they die because they are on the ragged edge trying to provide security for their people. Having routinely evacuated dead and wounded police from remote areas and mounted relief operations repeatedly, while the police have a long way to

²⁹ Numerous, non-attributed interviews conducted by the study team during the 2008–09 research period. General Hix also observed, “Our underinvestment in the ANP sets them up for failure as much or more than their paramilitary role.”

³⁰ Wilder, *Cops or Robbers?* 46.

³¹ Quoted in Wilder, *Cops or Robbers?* 46.

³² Islamic Republic of Afghanistan, Ministry of Interior, “Progress Report on Ministry of Interior (MoI) Reforms,” Kabul, 30–31 January 2007, 15.

³³ Former Commander ARSIC–EAST, non-attributed interview by the study team, 4 November 2009. Also Hix, statement to the study group, 20 April 2010: “They were overextended and under-resourced and under-supported in terms of quick reaction, etc.”

³⁴ Murray, “Police-Building in Afghanistan,” 118.

³⁵ Nathan Hodge, “Army Researchers: Why the Kandahar Offensive Could Backfire,” *Danger Room* (16 April 2010), www.wired.com/dangerroom/2010/04/army-researchers-why-the-kandahar-offensive-could-backfire/ (accessed 20 April 2010).

go, my own perspective is they deserve more respect for their sacrifices and far better training and support—at least commensurate with that provided the ANA.³⁶

Statistics generated by CSTC-A during a two-and-a-half-year period in December 2009 highlight this lethal nature of police work and are shown below in Table 1.³⁷ A police officer's chance of being wounded was 1.5 times that of his Afghan National Army (ANA) counterpart, and of being killed 2.8 times that of an ANA soldier.

**Table. Comparison of Killed and Wounded ANA and ANP Personnel
2007 through 2009**

	Estimated Force Level	Total Wounded	Total Killed
ANA	56,000	2,484 (4.44%)	829 (1.48%)
ANP	50,000	3,390 (6.78%)	2,051 (4.10%)

Police can only perform community policing duties in the relatively benign environment of the “build” phase of the allied strategy of “shape, clear, hold, build,” not in the more violent “hold” or “clear” phases. As one advisor has noted:

There is a huge opportunity cost in focusing (police development) on fighting the insurgency. Urban dwellers in particular are concerned about predatory crime and now they cannot rely on police. Failing to establish civilian police assisting law and order is losing hearts and minds. If we have kidnappings, home invasions, then the government is seen to be failing. You have got to keep the population's confidence in the government; otherwise you can win the war and lose the battle at home.³⁸

Nick Grono, the Deputy President for Operations of the International Crisis Group, Brussels, has also studied the police employment problem and sees their use in bringing security to the cities as a way to initiate an “oil spot” strategy.³⁹

³⁶ Hix, statement to the study group, 20 April 2010.

³⁷ Special Inspector General for Afghanistan Reconstruction, *Quarterly Report to Congress, 30 July 2009* (Washington: SIGAR, 2009), 55, 60, www.sigar.mil/reports/quarterlyreports/Jul09/pdf/Report_-_July_2009.pdf (accessed 5 November 2009).

³⁸ International Crisis Group, “Policing in Afghanistan: Still Searching for a Strategy,” Asia Briefing No. 85, 18 December 2008, 7. Quoted interview senior international advisor, Kabul.

³⁹ The “oil spot” strategy was developed by the French in pacifying Morocco in the early twentieth century. There were very limited resources available, and hence military means alone were no longer seen as the way ahead. Military operations would be used as an organizing effort behind which an actively advancing front of French civil administration would oversee the establishment of a functioning society with its markets and roads. The military would provide a protective belt to isolate the troublemakers, who would either be transformed into useful citizens too or would be banished to the sparse countryside. This belt would play on local conditions to advance slowly in a metaphoric patch of oil.

There is a desperate need to reconstitute a police force to maintain control in the cities, start to spread out over the country, and assure civilians that the law, not simply the most powerful military factions, will be respected.⁴⁰

Multiple Organizational Difficulties

Recruiting

A strong and competent police force is a central part of General McChrystal's counter-insurgency strategy, and he has called for the force to be increased to 160,000. This goal seems unrealistic in light of both the manning and the recruiting experience. Estimated ANP manning levels vary between 37,000 and 57,000 towards the 2009 pre-election goal of 82,000, which leaves a large discrepancy not only in accounting for who is actually on the job but also in the ability to recruit and field the targeted numbers.⁴¹ As late as mid-2009, the US Departments of Defense and State were unable to account for 29,372 of the 78,541 individuals on the combined ANP and MoI payroll, or 37%.⁴² This rate of absenteeism would yield a force of less than 50,000 against the targeted strength of 82,000. Official figures show that only 1,000 recruits signed up in August 2009.⁴³ Almost 10,000 additional patrolmen were supposed to have been recruited before the August election; however, officials involved in the training process said that most of the men on an emergency three-week course were already serving policemen. A Western official said: "There weren't many new recruits, but because they were being trained for the first time it looked like there were more people on the books."⁴⁴

Illustrative of this difficulty is the anecdotal experience in December 2009 of US Marines mentoring the police in the Nawa district, Helmand province. Of the 160 graduates re-

⁴⁰ Nick Grono, "Policing in Conflict Studies – Lessons from Afghanistan," International Crisis Group, Speech given to International Police Commissioners' Conference, The Hague, 16 June 2009, www.crisisgroup.org/home/index.cfm?id=6167&l=1 (accessed 9 September 2009).

⁴¹ For the low estimate, see International Crisis Group, "Policing in Afghanistan," 2; for the higher estimate, see "Report of the Secretary General on the situation in Afghanistan and its implications for international peace," UN document A/63/372-S/2008/617, 23 September 2008, 7. See also Frank Abrashi, "Why Afghan Army Is Hard To Train: 90 percent illiteracy among recruits slows process even as impatience grows in US to put locals in charge," *Philadelphia Inquirer* (15 September 2009), www.philly.com/inquirer/world_us/20090915_Why_Afghan_army_is_hard_to_train.html (accessed 28 October 2009).

⁴² Royal United Services Institute and Foreign Policy Institute, *Reforming the Afghan National Police* (London and Washington: RUSI and FPI, 2009), 113, www.fpri.org/research/nationalsecurity/afghanpolice/ (accessed 10 October 2009).

⁴³ Starkey, "Allied exit strategy at risk."

⁴⁴ Starkey, "Allied exit strategy at risk."

ceived from the Regional Training Center (RTC), 50 disappeared immediately, and even after a few days it was still unclear where they had gone.⁴⁵

Consequently, US efforts to expand the security forces are faltering, leaving the largest training center in the country operating at only 25% capacity.⁴⁶ Yet this drive for expansion continues with NATO officials pushing for an interim goal of 109,000 by September 2010. Because of the attrition, NATO officials say that they need to recruit 40,000 during the next nine months just to increase the force by 12,000 from its present notional or paper strength of 94,958.⁴⁷ With the annual attrition rate recently surging as high as 75% in the best-trained ANP paramilitary units, it would seem that ANP recruiting is chasing an impossible goal.⁴⁸ Given the apparent limitation on human resources, it makes sense to reduce the ANP's scope and purpose to community policing in more benign urban environments where the "build" phase is occurring.

In an attempt to bridge this manpower gap, the Afghan and US governments have reconsidered a militia-type force, the Afghan Public Protection Force (APPF). The APPF plan calls for fielding a lightly armed, quickly trained "neighborhood watch," whose members are associated with communities or tribes and will be used in important areas labeled *action districts*. The APPF program is meant to be temporary that will be dissolved when the training of regular ANP catches up with the need. APPF members who prove trustworthy and capable will have the opportunity to transfer to the ANA and the ANP. The APPF pilot program calls for approximately 8,000 members in 40 districts. Five districts at a time are being trained with about 200 members per district, with each class lasting three weeks. Training started in early February 2009 with a class of 243, but since then the program has slowed and is well behind schedule for what was to have been its July 2009 completion date.⁴⁹

Unfortunately, a recruiting problem has also developed with the APPF. Local villagers comprise the APPF, which is being established initially in Nerkh district but also across the rest of Wardak province. Potential members are selected by their leaders and given brief training and AK-47s to defend their homes and families. These APPFs also have radios and cell

⁴⁵ Tony Perry, "Marines Give Afghan Police the Drill," *Los Angeles Times* (5 December 2009), www.latimes.com/news/nation-and-world/la-fg-afghan-police5-2009dec05,0,6854962.story (accessed 11 January 2010).

⁴⁶ Starkey, "Allied exit strategy at risk."

⁴⁷ Jaffe, "Program Aims to Rebuild Afghan Police Force," 8; Special Inspector General for Afghanistan Reconstruction, *Quarterly Report to Congress, 30 January 2010* (Washington: SIGAR, 2010), 60, www.sigar.mil/pdf/quarterlyreports/jan2010/pdf/SIGAR_Jan2010.pdf (accessed 5 April 2010).

⁴⁸ SIGAR, *Quarterly Report to Congress*, 60.

⁴⁹ C.J. Radin, "Afghan Public Protection Force program is underway," *The Long War Journal*, 25 March 2009, www.longwarjournal.org/archives/2009/03/afghan_public_protec.php (accessed 27 October 2009).

phones to call for US and Afghan reinforcements when needed. But in Nerkh, it is proving hard for the US team to find recruits. “They seem pretty distrustful and pretty isolationist when it comes to anyone trying to help them, whether it’s us or insurgent forces who come through the village,” said the US Special Forces team commander. “They just kind of want to be left alone, so our challenge is trying to get them to realize that this is their program. They have a lot of buy-in to it, and the more they put into it, the more they are going to gain.”⁵⁰ In Wardak the majority of insurgents are locals. “People in my district are pessimistic about the effectiveness of these forces,” says Doctor Roshanak Wardak, a female parliamentarian from Saydabad district. “They say that if they joined, they would end up fighting their own brothers, because the Taliban in my district are locals; they are not from Pakistan or Kandahar.”⁵¹

Even those who neither have ties to insurgents nor support them say they fear reprisals if they join. “The Taliban in Wardak are very powerful,” says one local from Jaghatu, a village in Saydabad district, who asked not to be named for security reasons. “Even those against the Taliban are scared to join.”⁵² Some say that even if they do join, it might not be for the reasons that officials envisaged. “I would like to join and defend my community,” says another local from the same district, who also asked not to be identified, “but only against criminals. I don’t want to fight against the Taliban.”⁵³ Fazel Qazizai, from Chaki district, says, “Most of us just want money for food and a weapon for security. Just think about it—one Kalashnikov is \$600. Where could I ever get that kind of money? But in the protection force, we’ll get one for free. And we’ll get an ID card so that the police can no longer harass us.” But he adds, “We have no interest in going to war with the Taliban.”⁵⁴

Today the program remains confined to Wardak. US and Afghan officials there have struggled to recruit fighters from the majority Pashtun community, but the program is disproportionately made up of minority Hazaras. The imbalance has sparked tensions between the two ethnic groups and prevented US officials from increasing the size and reach of the program.⁵⁵

⁵⁰ Soraya Sarhaddi Nelson, “Locals Wary of US-Afghan Patrol Program,” *National Public Radio*, 3 June 2009, www.npr.org/templates/story/story.php?storyId=104849009 (accessed 27 October 2009).

⁵¹ Dexter Filkins, “In Recruiting an Afghan Militia, US Faces a Test,” *New York Times* (14 April 2009) www.nytimes.com/2009/04/15/world/asia/15afghan.html (accessed 27 October 2009).

⁵² Filkins, “In Recruiting an Afghan Militia, US Faces a Test,”

⁵³ Filkins, “In Recruiting an Afghan Militia, US Faces a Test,”

⁵⁴ Kim Sengupta, “\$600 for a Kalashnikov – a sign of bloodshed to come in Afghanistan,” *The Independent* (2 September 2009) www.independent.co.uk/news/world/asia/600-for-a-kalashnikov-ndash-a-sign-of-bloodshed-to-come-in-afghanistan-1780277.html (accessed 27 October 2009).

⁵⁵ Anand Gopal and Yochi J. Dreazen, “Afghanistan Enlists Tribal Militia Forces,” *Wall Street Journal* (12 August 2009) <http://online.wsj.com/article/SB124994313594220571.html> (accessed 27 October 2009).

Pay

ANP pay has been a problem because it has not historically been competitive with the ANA, the Taliban, or other alternatives. Although the recent pay review of November 2009 may help because it represents earnest work on overall personnel management and moves the ANP toward a comprehensive pay scheme, it advances the starting monthly ANP salary only from \$120 to \$165.⁵⁶ While this \$45 raise is a 37% increase at the entry level, it still makes no allowance for literacy, one of the key skills needed. Nevertheless, it is a strong move in the right direction, and, like the Focused District Development (FDD), which we will discuss further on, it is a sound building block. At \$120/month, pay was an inadequate incentive to join the ANP.

Indeed, recruitment was particularly low in the months following the unresolved 2009 election, the political instability that it spawned, and rising Taliban violence. “We simply can’t recruit enough police,” General Khudadad Agha, the officer in charge of training, said. “The salary is low and the job is very dangerous. If someone wants \$120 a month then they join up. But 95 per cent of the new recruits are uneducated, unskilled and they can’t find food. That’s why they join the police.”⁵⁷ According to Ahmad Shah, age 27, who left the ANP in 2003 to join the Taliban in Wardak and was interviewed in October 2009, “Back then the salary was only \$60 a month, we were always getting attacked by the Taliban, and I couldn’t visit my family in Jagatur because the Taliban controlled the area. Now I joined the Taliban, I don’t get a regular salary but I get around \$300 a month, and it is much safer.”⁵⁸ Even raising the ANP salary to parity with the ANA at \$165 a month leaves it short.⁵⁹ The Law and Order Trust Fund Afghanistan Steering Committee’s proposed pay raise from \$120 to \$165 plus hazardous duty pay of \$45–\$75 per month at best reaches only \$240 against the \$300 of the Taliban.⁶⁰

Literacy

The allies did not appear to clearly think through the question of who would man the ANP. Afghanistan is a largely uneducated country in the formal sense and thus one of low li-

⁵⁶ Kenneth Katzman, *Afghanistan: Post-Taliban Governance, Security, and US Policy* (Washington: Congressional Research Service, 30 December 2009), 49, www.fas.org/sgp/crs/row/RL30588.pdf (accessed 12 January 2010); and Dave Gordon, “ANA/ANP Pay Increases,” CSTC–A News, 30 November 2009, www.cstc-a.com/index.php?option=com_content&view=article&id=281:ana-anp-pay-increases&catid=75:november-2009&Itemid=151 (accessed 13 January 2010).

⁵⁷ Starkey, “Allied exit strategy at risk.”

⁵⁸ Starkey, “Allied exit strategy at risk.”

⁵⁹ Tony Perry, “Marines Give Afghan Police the Drill,” *Los Angeles Times* (5 December 2009), <http://www.latimes.com/news/nation-and-world/la-fg-afghan-police5-2009dec05,0,6854962.story> (accessed 11 January 2010).

⁶⁰ Law and Order Trust Fund for Afghanistan Steering Committee, “Pay Raise Package Briefing,” (Kabul: CSTC-A, 18 November 2009).

teracy; only approximately 30% of the population can read and write.⁶¹ This has translated into a low level of training absorption and thus reduced functionality on the job for recruits. Activities such as reading maps and road signs, writing reports, and recording witness statements are all beyond the capabilities of a vast majority of Afghans. When illiterate police are relocated to an urban environment, they are frequently lost because they cannot read city maps or street signs.⁶² This affects the Taliban too—they have to hire or recruit a local guide who knows his area in order to operate there. It also means that the average illiterate ANP officer cannot read and know the law, much less enforce it. Again, this means that pushing toward the 160,000-man goal would translate into a large but marginally competent ANP force.

It is the view of the study team that ANP recruits need to be literate. The DoD Inspector General found that the low literacy rate significantly limits the development of systems, processes, and functions necessary to improve significantly the operational and logistical effectiveness of the force.⁶³ Literacy training to ensure the ANP's long-term success and sustainability has not been emphasized. CSTC-A has begun only recently to implement literacy training programs, which will take time to produce results. Consequently, the recruits reflect the population: at least 70% of them are functionally illiterate, and some authorities would put it as high as 90%.⁶⁴ Karen Hall, the Afghan Police Program Manager for the Department of State, estimates the ANP's illiteracy rate at 75%.⁶⁵

Without the ability to read and write, police patrolmen cannot be trained to perform effectively in many fundamental skill areas, including logistics, maintenance, and medical support. Nor can they progress to more responsible technical and supervisory positions, such as those held by non-commissioned officers (NCOs).⁶⁶ Such positions require at least a basic degree of literacy to participate in any tactical planning process, in developing orders and executing them. Major General Richard Formica, former CSTC-A commander, remarked in an interview that illiteracy “becomes a challenge for those recruits that we want to advance to

⁶¹ There is no international standard for literacy; however, it is generally defined as the ability to read and write at about the third grade level in Western schools. Literacy rates in Afghanistan, according to the Library of Congress, were estimated in 1978 to be at 11.4% (18.7% male, 2.8% female) with 25.9% in the urban environments and only 8.8% in the rural areas. Source: <http://countrystudies.us/afghanistan/72.htm> (accessed 10 October 2009).

⁶² Abrashi, “Why Afghan army is hard to train.”

⁶³ Office of the Inspector General, Department of Defense, *Assessment of US and Coalition Plans to Train, Equip, and Field the Afghan National Security Forces*, Report No. SPO-2009-007 (Washington: Department of Defense, 2009), 73, www.dodig.mil/SPO/Reports/SPO2009-007_final.pdf (accessed 26 October 2009).

⁶⁴ Abrashi, “Why Afghan army is hard to train.”

⁶⁵ Karen Hall, “Illiteracy Epidemic in Afghan Police,” Interview, 29 March 2009, <http://odeo.com/episodes/24615061-Illiteracy-Epedemic-In-Afghan-Police> (accessed 10 October 2009).

⁶⁶ In Afghanistan, the police are locally known as “soldiers” and consequently carry the military ranks.

become non-commissioned officers, because the higher you get in rank and responsibility, the more expectation there is that you can read and write at some basic level.”⁶⁷

Low literacy rates are also a major impediment to developing professional patrolmen within the police. Literacy is supposed to be a requirement to be an officer, but this standard is rarely met. One Kabul District Police Chief informed the DoD Inspector General’s team that four of his NCOs had received no formal training at all, mainly because they were illiterate.⁶⁸ Of the 325 Border Police students in training at the RTC in Gardez during the Inspector General’s visit, only 24 were literate, which was not considered enough to develop an effective NCO base.⁶⁹ The shortage of qualified NCO candidates from the junior ranks and new recruits has created a gap in police succession planning and force development, both critical elements for its sustainment, progression, and continuity.

Illiterate police risk permanent relegation to sentry duty, because this is about the only useful task they can perform. Without adequate literacy a police force cannot perform even basic functions, from writing reports and recording critical information (e.g., reading license plates on vehicles), to communicating effectively. Even training is compromised. Problems can cascade further down the criminal justice chain, because lacking the ability to write reports restricts the evidence that can be used to prosecute criminals.

While this issue illustrates the generational nature of building an effective and professional police service, short-term measures can partially overcome this challenge. For a number of reasons, including rural representation in the police service, as well as including citizens who may have the right aptitude but lack a formal education, it is preferable that recruits be offered comprehensive literacy courses before formal training. Such programs are no doubt costly and time-consuming, but they are also beneficial on a number of levels.⁷⁰ CSTC-A is belatedly addressing this deficiency; however, it is a long-term problem with a long-term solution and well outside of the 18-month bell curve surge President Obama has ordered.⁷¹

⁶⁷ Abrashi, “Why Afghan army is hard to train.”

⁶⁸ Office of the Inspector General, Department of Defense, *Assessment of US and Coalition Plans.*”

⁶⁹ Office of the Inspector General, Department of Defense, *Assessment of US and Coalition Plans.*”

⁷⁰ Royal United Services Institute and Foreign Policy Institute, *Reforming the Afghan National Police* (London and Washington: RUSI and FPI, 2009), 49–50, www.fpri.org/research/nationalsecurity/afghanpolice/ (accessed 10 October 2009).

⁷¹ Office of the Inspector General, Department of Defense, *Assessment of US and Coalition Plans.* See also Barack Obama, “The Way Forward in Afghanistan and Pakistan,” speech delivered at West Point, 1 December 2009, www.stripes.com/article.asp?section=104&article=66414 (accessed 8 January 2010).

Training

Germany conducts ANP officer training at the Kabul Police Academy, which was established in 1935 and occupies 55 acres on the eastern edge of Kabul. It was rebuilt by Germany from the ashes of civil war and reopened in August 2002 following the 2001 Bonn Agreement. Germany has drafted the Academy's curricula, lesson plans, and examinations; advised on the selection of its recruits; conducted individual basic and advanced training courses; and trained instructors and mentors. The police officer cadets accepted for instruction undergo a three-year professional training course, which is relatively sophisticated and requires both language and computer literacy.⁷² In a land where on average only 30% can read and write, literacy requirements cannot always be strictly enforced. Since opening, the Academy has graduated and commissioned as lieutenants 4,850 cadets, and presently has 1,350 enrolled.⁷³ The investment in police officer training far exceeds that of a patrolman in both time and treasure and follows the pre-1979 pattern of having a professional officer corps and conscripted short-enlistment patrolmen.

For ANP patrolmen, there developed two versions of the US basic training implemented when CSTC-A assumed responsibility for ANP training. The first is an eight-week course for literate students, and the second is a 13-week version of the same course with an additional five-week literacy course tacked onto the front. Some police trainers initially expressed concern that five weeks of literacy training would not be enough to develop sufficient literacy skills for students to participate fully in the follow-on eight-week course.⁷⁴ The greatest challenge confronting police training is that it is also not realistic to expect a largely illiterate police force to enforce and promote the rule of law effectively.

Several senior ANP officers have questioned the effectiveness of the training for illiterate recruits and the practice of making no rank or pay distinctions between literate and illiterate graduates. According to one police general, "The students who graduate with the top marks should be rewarded. Professionals should be rewarded more than the illiterate."⁷⁵ This view has

⁷² Federal Ministry of the Interior, "Assistance in rebuilding Afghan police force," News Topics from official website, www.en.bmi.bund.de/nn_1165434/Internet/Content/Themen/Police/Afghanistan/DataAndFacts/Einfuehrung_Aufbauhilfe_Afghanistan_en.html (accessed 23 April 2010).

⁷³ Federal Ministry of the Interior, "Assistance in rebuilding Afghan police force,"

⁷⁴ Andrew Wilder, *Cops or Robbers? The Struggle to Reform the Afghan National Police* (Kabul: Afghanistan Research and Evaluation Unit, 2007), 29, <http://search.earthlink.net/search?q=cops+or+robbers%3F&area=earthlink-ws&FD=0&channel=narrowband&numadult=2&numroom=1&numchild=0&abtgid=172&abtli=1> (accessed 24 May 2009).

⁷⁵ International Crisis Group, *Reforming Afghanistan's Police*, Asia Report N° 138, 30 August 2007 (Brussels: International Crisis Group, 2007), 11, www.crisisgroup.org/library/documents/asia/south_asia/138_reforming_afghanistan_s_police.pdf (accessed 29 October 2009).

been reinforced with the suggestion that a form of merit-based pay be introduced. For example, in the experience of one commander, a patrolman was literate, spoke three languages, and yet received no more pay than an illiterate recruit.⁷⁶ Without adjustments in the ANP pay structure, it will be difficult to attract and keep such talent in light of higher paying alternatives.

When the Department of State held responsibility for police training, there were basic and advanced ANP courses taught by the civilian contractor DynCorp, whose employees instructed at the Central Training Center–Kabul (CTC) and the RTCs. According to the Inspectors General of the Departments of State and Defense, the courses were professionally administered, technically and tactically correct, and above all, relevant to the current security situation in Afghanistan.⁷⁷ In the study team’s opinion, it was survival-oriented community policing.

When CSTC-A assumed the dominant role in training, it moved toward a more paramilitary focus to try to produce security forces that would supplement ANA military operations. This needs to change. The importance of reorienting ANP training from survival-heavy to police-heavy is revealed in surveys of the Afghan people. These polls say that everyday crime and disputes are the population’s preeminent concern. Police officers should thus concentrate on arresting thieves, murderers, rapists, and upholding the law. The population wants a healthy relationship with the police, particularly a trustworthy one.⁷⁸ There is a vast gap between this ideal and the reality of the ANP.

Vetting

In 2007, a process existed on paper for the MoI to vet police recruits to prevent the induction of criminals and those with human rights violations. By all accounts it was rarely followed and no uniform recruitment standards were applied. In practice, police recruits were usually introduced by local officials and factional commanders. As a result, local political and factional loyalties often played a more important role in police recruitment than qualifications or competence.⁷⁹

⁷⁶ Former Commander ARSIC–EAST, non-attributed interview by the study team, 4 November 2009, Norfolk, Virginia.

⁷⁷ Inspectors General, US Department of State and US Department of Defense, *Interagency Assessment of Afghanistan Police Training and Readiness* (Washington: Offices of Inspector General, 2006), 19, <http://oig.state.gov/documents/organization/76103.pdf> (accessed 23 February 2009).

⁷⁸ Royal United Services Institute and Foreign Policy Institute, *Reforming the Afghan National Police* (London and Washington: RUSI and FPI, 2009), 15, www.fpri.org/research/nationalsecurity/afghanpolice/ (accessed 10 October 2009).

⁷⁹ Government Accountability Office, “Afghanistan Security: US Programs to Further Reform Ministry of Interior and National Police Challenged by Lack of Military Personnel and Afghan Cooperation,” Report GAO-09-280 (Washington: Government Accountability Office, 2009), 20, www.gao.gov/new.items/d09280.pdf (accessed 16 March 2009).

The Departments of Defense and State began screening as part of a program intended to promote institutional and organizational reform, but State apparently has not systematically compiled records of background checks conducted as part of the screening effort.⁸⁰ Under the vetting process former criminals and militiamen with human rights violations, for instance, were taken into the force. The criminals used the uniform and the position of authority to abuse the population. The militiamen returned to their warlords better trained. These and other types of abuses occurred because of a lack of proper screening. In an attempt to counter these weaknesses, enlisted ANP recruits are now endorsed in groups by village elders or local government officials and vetted by local police chiefs. According to CSTC-A, the recruits are also screened by the MoI medical, intelligence, and criminal investigative departments, using MoI procedures established in 2004 and in “full implementation” as of December 2008.⁸¹ Without the proper recruiting and screening for appropriate and qualified ANP candidates, no amount of training will produce the desired product in quality and volume, and indeed the entire process will be a waste of money. Even so, today it is not possible to confirm or deny the background of all recruits.

Holistic Justice System

Alongside the police training at the RTCs, the Department of State through its Justice Sector Support Program was also training Afghan Ministry of Justice personnel (prosecutors, defense attorneys, and judges). Despite using common facilities, there has been no overlapping training between Justice Ministry and ANP students. In effect while at the RTC, the two groups did not formally interact or take part in any joint training on how to professionally assist one another in their respective functions to achieve common goals. Various training teams have repeatedly identified this compartmentalized operational and training philosophy as a potential problem when trying to pursue holistic justice sector development and reform.⁸²

Further, at approximately \$1 billion per year, resources devoted to training the police dwarf resources directed to justice sector reform, which were \$360 million—some pledged, some spent—during a multi-year period from an array of donors.⁸³ This wide imbalance in resources leads to unequal development of justices, correction systems, prosecutors, legal coun-

⁸⁰ Government Accountability Office, “Afghanistan Security,” 20.

⁸¹ Government Accountability Office, “Afghanistan Security,” 20.

⁸² Inspector General, Department of Defense, Special Plans and Operations, *Report on the Assessment of US and Coalition Plans*,” 121.

⁸³ Matteo Tondini, “Justice Sector Reform in Afghanistan: From a ‘Lead Nation’ Approach to a ‘Mixed Ownership’ Regime,” *Transition Studies Review* 15 (February 2009):10, www.springerlink.com/content/7p312p835722t21k/fulltext.pdf (accessed 25 April 2010).

sel, and justice system infrastructure opposite the police. With this unequal progress, the police have no complementary support in the justice sector. If they arrest an individual, there are too few prisons to hold the suspect, prosecutors to bring the case, judges to hear the case, lawyers to defend the accused, and so on. This imbalance needs to change.

Focused District Development and Mentoring Limitations

The course of instruction in Afghanistan is militarized and contains only a small section on community policing, allegedly the main job of the police. There is, however, another problem. As several of Afghan police researcher Andrew Wilder's interviewees have noted, while the current basic police training environment is good, it has a limited impact once the newly trained police recruits return to work in the unreformed institutional environments of their district and provincial police departments. An Afghan instructor at a police RTC described the problem as follows:

When the students are here they are very good people. But when they go back to their districts the other police officers pressure them into behaving as they did before, and to take bribes. If they do not take bribes they cannot stay there.⁸⁴

One of the most serious problems with earlier police training efforts was that little attention was paid to who was trained. According to one DynCorp official involved in police training, "We train who we get."⁸⁵ Until recently, DynCorp was the primary contractor for civil police training. A 2004 Afghan Research and Evaluation Unit briefing paper on security sector reform noted:

Once trained, the police generally return to their original police forces with no further monitoring, mentoring or training in the field. By analogy, the situation is as it would be if the military reform pillar were simply training and better equipping existing factional militias and sending them back to their current factional commanders, to be called the new Afghan National Army.⁸⁶

In May 2007, the International Crisis Group (ICG) quoted an observation that "the quality of the police remains in question."⁸⁷ An international observer in the south of Afghanistan interviewed by the ICG compared many of those emerging from the short general courses to

⁸⁴ Wilder, *Cops or Robbers?* 32–33,

⁸⁵ Wilder, *Cops or Robbers?* 32–33,

⁸⁶ Michael Bhatia, Kevin Lanigan and Philip Wilkinson, *Minimal Investments, Minimal Results* (Kabul: Afghan Research and Evaluation Unit, 2004), 17, www.cmi.no/pdf/?file=/afghanistan/doc/AREU-Brief-2004-June-security.pdf (accessed 24 May 2009).

⁸⁷ International Crisis Group, *Reforming Afghanistan's Police*, Asia Report N°138, 30 August 2007 (Brussels: International Crisis Group, 2007), 11, www.crisisgroup.org/library/documents/asia/south_asia/138_reforming_afghanistan_s_police.pdf (accessed 29 October 2009).

“barely qualified mall guards.”⁸⁸ These criticisms reflect the woeful inadequacies of ANP training. Many involved in the reform process cited course brevity, over-emphasis on coercive paramilitary training rather than core policing values, a lack of training techniques conducive to adult learning, a lack of recruiting mechanisms, the low status of the profession, and unsuitability of some international advisors.⁸⁹ Even trainers and advisors with police backgrounds often did not have the necessary skills in training, mentoring, strategic planning, and managing change, because they were often selected based on availability rather than specific qualifications. Those with skills in promoting gender equality, preferably in Islamic countries and post-conflict environments, are also needed.⁹⁰

In late 2007, in response to what had become an obviously dysfunctional police force, CSTC-A launched the Focused District Development (FDD) program to try to correct the deficiencies of tainted personal histories, poor or inconsistent training, corruption, equipment deficiencies, and illiteracy among ANP personnel. The first nation-wide district-level program, it assesses police personnel and equipment needs for a selected area and acts to correct these deficiencies. All personnel are then withdrawn for eight weeks of training at one of the RTCs, with Afghan National Civil Order Police (ANCOP) personnel replacing the trainees in their normal urban or rural duty assignments. The ANCOP is a professional segment of the ANP and one of its success stories, which will be addressed below. The seven training centers, with 800 military personnel and 700 DynCorp civilian trainers, are training police on a district-by-district basis in a process expected to take several years.⁹¹

The eight-week FDD training course attempts to teach essential skills to police elements. The curriculum includes mounted and dismounted patrols, urban and village operations, and district coordination center and station security tasks, but according to the DoD Inspector General, the course of instruction is considered deficient in civil policing and rule of law instruction.⁹² The study team’s review of this basic program revealed that of a total of 263 hours of instruction, only 28 or about 11% were collectively devoted to topics associated with community policing, such as ethics, the constitution, the penal code, criminal procedures, and human rights. Training in criminal investigation likewise received little attention.⁹³ In the study team’s judg-

⁸⁸ International Crisis Group, *Reforming Afghanistan’s Police*, 11.

⁸⁹ International Crisis Group, *Reforming Afghanistan’s Police*, 11.

⁹⁰ International Crisis Group, *Reforming Afghanistan’s Police*, 11.

⁹¹ Tony Perry, “Marines Give Afghan Police the Drill,” *Los Angeles Times* (5 December 2009), www.latimes.com/news/nation-and-world/la-fg-afghan-police5-2009dec05,0,6854962.story (accessed 11 January 2010).

⁹² Inspector General, Department of Defense, *Report on the Assessment of US and Coalition Plans*, 120.

⁹³ Inspector General, Department of Defense, *Report on the Assessment of US and Coalition Plans*, 120.

ment there is a substantial degree of ISAF naiveté in believing that police candidates already know they are not supposed to beat and torture people, extract bribes, or traffic in drugs or people; most are unaware of the illegality or immorality of such practices. Thus there remain stubbornly persistent moral and ethical problems. In a survey dated 21 January 2009 by Military Professional Resources, Inc., a division of L3 Corporation, on local attitudes and perceptions of the FDD graduates in six districts, the analyst indicated that population encounters with FDD-trained police are more likely to be negative than positive experiences. The analyst concludes that improvements in the operational effectiveness of the police need to be matched by a reduction in unethical behavior.⁹⁴ A Western diplomat put it another way: “You can put them through the clean cycle, add bleach, but when you then put them back in the dirty morass of a drug-based economy, what happens must be fairly predictable.”⁹⁵

These programs alone can only realistically provide a basic platform for continued learning that must be reinforced with a rigorous in-service training program and supplemented by a field training officer program in the districts. However, senior DoD officials, including the commanding general of CSTC-A, have stated that the continuing shortfall in police mentors has been the primary obstacle to providing the field-based training necessary to develop a fully capable police force.⁹⁶ The combination of a short and very basic course and the lack of field mentoring is, however, only part of the picture.

Compared to Western police training, this hardly prepares recruits to be genuinely effective in a community policing role—the stated aim of the GIRoA and the Afghanistan Compact.⁹⁷ The ANP are strategically viewed as inexpensive light infantry in a manpower-intensive counter-insurgency, as the casualty rates bear out.⁹⁸

Additionally, there is an even more fundamental problem with ANP training. Its security-weighted instruction is troublesome, because the police and the military are at opposite ends of the security spectrum. In general, police traditionally respond to the appeals of individual citizens, and in doing so, practice a more restrained exercise of force and authority. Militaries take orders from superiors and put force in front of conversation. Military personnel

⁹⁴ Military Professional Resources, Inc., Focused District Development (FDD): Part One, Six-District Survey, Overview of Findings (New York: L3 Communications, 2009), 11.

⁹⁵ International Crisis Group, *Policing in Afghanistan*, 13.

⁹⁶ C. Christine Fair and Seth G. Jones, *Securing Afghanistan: Getting on Track* (Washington: US Institute of Peace, 2009), 13, www.usip.org/resources/securing-afghanistan-getting-track (accessed 10 October 2009).

⁹⁷ Wilder, *Cops or Robbers?* 5, 7.

⁹⁸ Rosenau, “Low-Cost Trigger-Pullers.”

generally have neither the psychological skills, training, expertise, nor equipment to act as law enforcement officers.⁹⁹

In the districts undergoing FDD, police candidates must be approved by a local elder, the district police chief, and a senior MoI representative. Upon arriving at an RTC for FDD training, a regional police recruiter vets all officers a second time. During the eight-week FDD training, US civilian police mentors monitor all trainees and identify those who need to be removed. Police patrolmen who fail to graduate from the FDD course are removed from the force. Although vetting officer-level recruits is systematic, vetting at the basic recruit level would benefit from a more thorough process. This deficiency is the result of a number of factors, including the need to recruit a relatively large volume of new trainees in a short period. So while it appears that progress is being made in finding potentially more useful candidates for the ANP than in the past, a paucity of personnel and financial resources still hampers fully implementing and, hence, realizing a truly sound recruitment and screening process. This continues to open the way for divided loyalties and corruption. While the direction of progress is sound and productive, clearly more resources will be required to overcome the continuing deficiencies and the glacial pace at which they are corrected. While the FDD is a positive step, it is only a start:

FDD has the potential to contribute to the creation of a better trained and equipped police service, and is focused at the level that has the most impact on daily life. However, it must be viewed as a first – not the final – step. More training will be needed and must also be matched by high-level reform or else police will be simply left under the same conditions, undermining the potential for real change.¹⁰⁰

At the conclusion of the eight-week training cycle at the RTC, international mentors return with the freshly trained police to their original posts to oversee the FDD graduates and their work. Originally, it was planned that the mentors would stay on-site about two months. In late 2008, a year after the program began, only 52 of 365 districts had implemented or started the initiative, which had been planned to last 3–4 years.¹⁰¹ According to DoD officials, the shortage of available police mentors has been a key impediment to training, evaluation, and verification that police are on duty. Police Mentoring Teams (PMTs) are composed of both civilian mentors, who teach law enforcement and police management, and military men-

⁹⁹ Royal United Services Institute and Foreign Policy Institute, *Reforming the Afghan National Police* (London and Washington: RUSI and FPI, 2009), 56, www.fpri.org/research/nationalsecurity/afghanpolice/ (accessed 10 October 2009).

¹⁰⁰ International Crisis Group, *Policing in Afghanistan*, 13.

¹⁰¹ International Crisis Group, *Policing in Afghanistan*, 13.

tors, who provide training in basic combat operations and offer force protection for the civilian mentors. As of April 2008, only about 32% (746 of 2,358) of required military mentors were in Afghanistan. Because of this shortage, and thus lack of security, civilian mentors were unable to move about the country to perform their duties.¹⁰² Little has changed in two years. ANP training is currently struggling, with only 4,286 personnel graduated from all programs in the quarter ended 17 December 2009—a decrease of 48% over the preceding quarter.¹⁰³ More recent assessments now lump all ANP training together, and indeed there is now a proposal to train police abroad in such venues as Jordan.¹⁰⁴ The most recent estimate for FDD completion offered by CSTC-A to the Government Accountability Office (GAO) in March 2009 was 2012, but this date now appears elastic under the current circumstances.¹⁰⁵

After the slow start there was slow going, and by mid-October 2008 the international mentors remained in all of these districts long past the allotted training time, with police not yet ready to take over their roles without oversight. This unanticipated delay limited the capacity to expand the FDD initiative, because the combination of basic and FDD mentoring requirements increased the need for police mentoring teams (PMTs). In March 2009, CSTC-A confirmed that the 52 districts had completed FDD training and that it had begun to train additional ANP from four districts and eight provinces. These first trainees were from accessible places. In the future, they will be from less accessible and more remote locations, making mentoring far more difficult.¹⁰⁶

In a March 2009 report, the US GAO noted that the FDD program showed initial promising results; nevertheless, FDD districts have required more time than CSTC-A originally projected to become fully capable.¹⁰⁷ CSTC-A had estimated that FDD training and mentoring units would reach full capability in nine months; however, only four of the first seven units trained were able to reach full capability within ten months. Anticipated progress has been affected by security threats because the program was initiated in areas that had substantial threat profiles, such as the Zormat District of Paktika Province.

¹⁰² Inspectors General, US DoS and DoD, *Interagency Assessment of Afghanistan Police*, 23–24.

¹⁰³ Special Inspector General for Afghanistan Reconstruction, *Quarterly Report to Congress, 30 January 2010* (Washington: SIGAR, 2010), 66, www.sigar.mil/pdf/quarterlyreports/jan2010/pdf/SIGAR_Jan2010.pdf (accessed 5 April 2010).

¹⁰⁴ Jaffe, “Program Aims to Rebuild Afghan Police Force.”

¹⁰⁵ Government Accountability Office, *Afghanistan Security*, 15.

¹⁰⁶ Department of Defense, Inspector General, *Report on the Assessment of US and Coalition Plans*, 127.

¹⁰⁷ Government Accountability Office, *Afghanistan Security*, 15.

The overall PMT requirement now calls for 2,375 personnel vice the 2,358 cited above for April 2008. As of May 2009, only about 39% of the requirement had been met.¹⁰⁸ This may change with the present deployment of 3,300 paratroopers of the Brigade Combat Team from the 82nd Airborne Division, some of whom will be embedded with the ANP in western Afghanistan.¹⁰⁹ Even this, however, is not enough, as the DoD Inspector General noted in its 30 September 2009 evaluation:

Current analysis indicates that even with the additional trainers provided by the new Brigade Combat Team, there will still be a shortage of over 200 PMT [Police Mentoring Team] personnel. Unless DoD takes the necessary steps to fill all the military mentor force requirements for PMTs for the ANP, as requested by previous CSTC-A Requests for Forces, PMTs will continue to be unable to fully accomplish their intended mission.¹¹⁰

The first districts to undergo the FDD process, while accessible, were scattered country-wide. Among the most unstable, they were chosen for military imperatives rather than their potential for durable institutional reform. Some lessons have been learned. There is now a greater emphasis on selecting districts with favorable conditions for institutional reform and on targeting “clusters” of geographically contiguous rather than scattered districts reminiscent of the “oil spot” pacification technique in a “build” phase.¹¹¹ Any successful process will be driven by the quality of recruits, and these are in short supply. Such a limitation would dictate a smaller, more professional force driven by quality over quantity to deliver security to the population and achieve government credibility.

Other Policing Examples

In an effort to put police training in Afghanistan in perspective, the study team examined two examples of police training in potentially comparable situations : the stand-up of the Haitian police and the training of the Native American tribal reservation police.

Haitian Police

In Haiti, there was no civilian police force nor a history of one. Its only security force was the *Forces Armées d’Haiti* (FAd’H), which performed military and police duties. The

¹⁰⁸ Department of Defense, Inspector General, *Report on the Assessment of US and Coalition Plans* , 128.

¹⁰⁹ Kevin Maurer, “Paratroopers off to a new job training Afghan police,” *San Diego Union Tribune* (18 August 2009), www3.signonsandiego.com/stories/2009/aug/18/us-training-afghans-081809/ (accessed 15 October 2009).

¹¹⁰ Department of Defense, Inspector General, *Report on the Assessment of US and Coalition Plans* , 129; and Sydney J. Freedberg, Jr., “In Afghanistan, Training Up Is Hard To Do,” *National Journal*, 24 October 2009, www.nationaljournal.com/njmagazine/cs_20091024_5750.php (accessed 30 October 2009).

¹¹¹ International Crisis Group, *Policing in Afghanistan*, 13.

FAd'H was an untrained and ill-equipped force of 7,000 men, supported by uncounted numbers of thugs called *Attachés*. During planning for the Haiti intervention in 1994, it seemed likely the FAd'H would resist and be destroyed. The problem was how to use some of its surviving members as an interim security force while a new civilian police force was trained.¹¹²

The US solution was to create a force of 920 International Police Monitors (IPM) provided by 26 countries in Europe, the Middle East, and Latin America. Under the 1993 Governor's Island Accord signed by Haitian strongman General Raul Cedras and President Jean-Bertram Aristide, IPMs (and, later, UN police) were authorized to carry sidearms, had arrest powers, and could use deadly force in self-defense or to prevent Haitian-on-Haitian violence. The American IPM commissioner reported directly to the American commander of the Multinational Force (MNF). IPM national contingents were assigned as units to geographic sectors or specific functional responsibilities. IPMs were located in Haitian police stations along with US Military Police. IPMs provided internal security and supervised the Haitian Interim Public Security Force (IPSF) composed of 3,000 vetted and retrained members of the FAd'H. Patrols were conducted by "Four Men in a Jeep," an approach that brought together a MNF vehicle with a Military Police driver, an IPM officer, an IPSF officer, and an interpreter. All police elements were present with full police powers.

Following MNF arrival, the US Department of Justice, with assistance from France and Canada, established the first Haitian National Police Academy and trained its first civilian police force. At its peak, the Haiti police training effort employed more than 300 trainers and interpreters with 3,000 cadets in training. When the Haitian government increased the number of Haitian National Police (HNP) required from 3,500 to 5,000, a second campus opened at Fort Leonard Wood, Missouri. By February 1996, 5,243 Haitian police officers had completed training. As recruits graduated from the academy, they were placed under the supervision of IPM monitors who acted as field training officers, and an equal number of IPSF officers were demobilized. On 31 March 1995, the UN Mission in Haiti replaced the MNF. The IPM was replaced by a force of 870 UN police who were armed and had executive authority. Their mandate was to provide training and monitor the HNP and to help establish a secure and stable environment.¹¹³ These ratios of mentors to patrolmen—initially 1:10 and later 1:6—were far more effective than the current effort in Afghanistan, which has ratios often in excess of 1:100, if mentors are even available.

¹¹² Robert M. Perito, *US Police in Peace and Stability Operations* (Washington: US Institute of Peace, August 2007), 5–6, www.usip.org/files/resources/sr191.pdf (accessed 17 March 2010).

¹¹³ Perito, *US Police in Peace and Stability Operations*, 5–6.

Haiti marked the first time the United States provided a contingent for both a coalition and a UN police force. This effort exposed the problems created by the extremely decentralized US system of 18,000 state, county, and municipal police departments. Without a national police force to provide policy guidance and personnel, the responsibility for providing US police was assigned to the US Department of State, which outsourced the program, using a commercial contractor to recruit, train, uniform, and equip a US police contingent. The United States became the only country to use commercial contractors, as opposed to police in national service, for UN and other international missions. The contractor recruited mostly retired police officers from a wide variety of state and local agencies who were not always prepared for the challenges of international service. Currently, the United States uses civilian police recruited by commercial contractors as police advisors in Afghanistan, with similar weaknesses.¹¹⁴

US Indian Police

The US Indian Police Academy, located at the Federal Law Enforcement Training Center in Artesia, New Mexico, trains Native American recruits for the police forces of the tribal reservations, an environment with some similarities to Afghanistan. In the United States, there are 563 federally recognized Native American Indian tribes, and the United States has a government-to-government relationship with them. The public safety challenges in the Native American Tribal Lands are not uniform; they vary widely from district to district and from tribe to tribe based on unique conditions, a complex set of legal jurisdictional issues, geographic challenges, differences in tribal culture and the number of tribes and reservations within a particular district.¹¹⁵ Dynamics similar to those in Afghanistan.

Although there have been many efforts to limit the jurisdiction of tribal justice systems, tribes retain the authority to determine the legal structure and forums to use in administering justice and to determine the relationship of the legal structure with other governing bodies internal and external to the tribe. The forums used to handle conflicts and disputes differ from tribe to tribe, and in many of these, dual justice systems exist. These may be based on an indigenous paradigm, or the US one, or may be a hybrid of the two.

The indigenous system of dispute resolution, as in Afghanistan, is based on restorative justice and views crime as a conflict between individuals that results in injuries to victims. Accordingly, the judicial process is healing in nature and seeks to reconcile parties and repair the injury caused by the active participation of victims, offenders, and communities in reach-

¹¹⁴ Perito, *US Police in Peace and Stability Operations*, 5–6.

¹¹⁵ US Department of Justice, “Memorandum for United States Attorneys with Districts Containing Indian Country,” 11 January 2010, www.justice.gov/dag/dag-memo-indian-country.html (accessed 5 April 2010).

ing a solution. To the tribe, healing together with reintegrating individuals into the community is more important than punishment. For serious and capital crimes, however, it is necessary to seek Federal Court System, as they are beyond the limits of restorative justice. The Navajo nation, for example, refers property disputes and inheritance or estate settlements to the Navajo Tribal Courts and major crimes to the Federal Courts.¹¹⁶

The Academy holds a 16-week basic training course with nine written examinations to mark progress. This 16-week Integrated Basic Police Training Program, designed for US Bureau of Indian Affairs (BIA) and tribal law enforcement officers, provides instruction on Ethics and Conduct, Stress, Conflict Management, Narcotics, Collection and Preservation of Evidence, Officer Safety and Survival, Criminalistics, Civil Rights, Search and Seizure, Detention and Arrest, Indian County Law, and BIA specialized training. The curriculum is a blend of traditional policing techniques sensitized to restorative justice and its support. Other basic law enforcement subjects include Driver, Firearms, and Physical Training Programs. The Training Center also provides additional specialization courses.¹¹⁷ When the trained recruits are returned to their reservations, they undergo further mentoring to give them the needed skills in Indian community policing. The mentor-to-patrolman ratio is, like in Haiti, small and thus effective in developing a genuinely public-service-oriented police institution.

The police produced in these two examples, Haiti and the Native American Indian tribes, show the importance of close, day-to-day mentoring that builds on lengthy formal training. A condition absent in Afghanistan.

Unsustainability

The last ANP force level mentioned with any link to internal fiscal sustainability was the 62,000 number established in the Afghanistan Compact, which came from the London Conference of 31 January and 1 February 2006, in which 66 states and 15 international organizations participated. Other force levels beyond this number would without question, require external sustainment over a prolonged, generational period.

Force attrition also factors in to sustainability. There is a substantial question of exactly how big the ANP really is, as there is no reliable count of the numbers of police patrolmen who are actually on duty. Without the full complement of mentors to perform the follow-on

¹¹⁶ Non-attributable interview by the study team, Office of Tribal Affairs, Department of Justice, Washington, 3 June 2009.

¹¹⁷ Thomas Woodworth, (Director, US Indian Police Academy, telephone interview with William B. Simpkins (IDA), 4 September 2009.

field training of the recruited and partially trained force, the authorities know little of how many police there are, where they are, or what they are doing.¹¹⁸

There are reasonable statistics on the number of recruits who have been trained. Before the October 2004 elections, more than 20,000 police recruits and serving policemen were trained at the CTC and the RTCs. By June 2006, more than 60,000 had been trained.¹¹⁹ In June 2008, DoD estimated that 149,000 police had been trained.¹²⁰ Since then the Special Inspector General for Afghanistan Reconstruction (SIGAR) cites CSTC-A records that indicate the following:

ANP trained in 2008	20,898
ANP trained between 1 Jan and 30 May 2009 ¹²¹	6,548
ANP trained between 1 Jul and 30 Sept 2009 ¹²²	8,270
ANP trained between 1 Oct and 17 Dec 2009 ¹²³	4,286

Despite some overlap in 2008 and a month-long gap between May and July in 2009, these numbers indicate that upward of 178,000 men were trained by year-end 2009. As estimates of ANP manning ranged between 37,000 and 57,000 in 2008 and had not moved up appreciably a year later, the continuing discrepancy highlights the mammoth attrition. It also makes it extremely difficult to determine the return on the investments of time and money in police training.¹²⁴ Even at the stated but unverified ANP manning level of 96,380 as of the end of December 2009, the training mission has had to recruit, train, equip, and deploy nearly two men to achieve one in the field.¹²⁵ In the opinion of the study team, the current path can be neither sustained nor justified in that it will not produce an effective police force.

As early as November 2006, CSTC-A reported the ANP attrition rate was about 15% per year.¹²⁶ Interviews with students and trainers at the RTCs suggest that the number could be as

¹¹⁸ Wilder, *Cops or Robbers?* 65.

¹¹⁹ Wilder, *Cops or Robbers?* 29–33.

¹²⁰ US Department of Defense, *Report on Progress toward Security and Stability in Afghanistan*, 24.

¹²¹ SIGAR, Quarterly Report to Congress, 59.

¹²² SIGAR, Quarterly Report to Congress, 63.

¹²³ SIGAR, Quarterly Report to Congress, 66.

¹²⁴ For the low estimate, see International Crisis Group, “Policing in Afghanistan: Still Searching for a Strategy,” 2; for the higher estimate, see “Report of the Secretary General on the situation in Afghanistan and its implications for international peace,” UN document A/63/372-S/2008/617, 23 September 2008, 7.

¹²⁵ NATO Training Mission-Afghanistan, www.ntm-a.com/news/1-categorynews/4-police-training-offers-hope-opportunity (accessed 1 March 2010). For the figure of 96,380, please see “Facts and Figures: Afghan National Police, January 2010,” NATO Headquarters, Brussels, www.isaf.nato.int/images/stories/File/factsheets/Jan%202010-Fact%20Sheet%20ANP.pdf (accessed 1 March 2010).

¹²⁶ Inspectors General, US DoS and DoD, *Interagency Assessment of Afghanistan Police*, 22.

high as 30%.¹²⁷ The International Crisis Group cites a presentation titled “Review of the Quality, Structures and Accountability of the Afghan National Police” made to the Joint Coordinating and Monitoring Board VII in January 2008 estimating attrition at 21%. Even among the elite paramilitary ANCOP, attrition has surged to 75%.¹²⁸ Although there are no hard data to substantiate attrition more precisely, at these levels the police force will turnover completely every five years. The implication here is, of course, that there is an enormous personnel problem not only in maintaining the force but also in expanding it.

Many factors contribute to attrition, including the following:¹²⁹

- Males cite family pressure, failure of the system to meet pay expectations, and excessive corruption. For example, recruits are often forced to give part of their pay to higher-ranking officers. Also the pay is not competitive with alternative opportunities, a situation that leads to population abuse. The “family pressure” may be anything from ethnic rivalries to the high ANP casualty rates and the consequent need for self-preservation.
- Females claim the main reasons for leaving the force are family and local pressure. The status of women in Afghanistan and the societal norms surrounding it make serving particularly difficult and frequently an enormous personal hurdle.
- Because there is no nationwide banking system, many salaries are paid in cash—not all of it getting to the policeman. Long lapses in the payment process further complicate the pay situation. The new rank and pay reform procedures have only addressed some of the abuses in the current pay system.¹³⁰

Progress has been made in correcting these deficiencies; however, motivations for joining and for staying vary. Recruits may join to satisfy an immediate need for a job but later discover that the pay is poor and the morale is weak. For instance, when the Taliban is paying \$300 a month, police pay of half that is uncompetitive. “Only illiterate people will accept the salary that we pay the police. An educated person will not work for 6,000 Afghani (\$120) a month,” said Brigadier General Khudadad Agah, who is in charge of police training.¹³¹ And with no reenlistment bonus, there is little incentive to remain in the ANP.

¹²⁷ Inspectors General, US DoS and DoD, *Interagency Assessment of Afghanistan Police*, 22

¹²⁸ Jaffe, “Program Aims to Rebuild Afghan Police Force,” 8.

¹²⁹ Inspectors General, US DoS and DoD, *Interagency Assessment of Afghanistan Police*, 24–24.

¹³⁰ Inspectors General, US DoS and DoD, *Interagency Assessment of Afghanistan Police*, 23.

¹³¹ Elena Becatoros, “Weak Police Hindering Afghan Security,” *Philadelphia Inquirer*, 22 November 2009, www.etaiwannews.com/etn/news_content.php?id=1114158&lang=eng_news&cate_img=logo_world&cate_rs=WORLD_eng (accessed 12 January 2010).

Local Security Systems are not Utilized

General McChrystal's Assessment acknowledges the potential contribution of non-state policing structures:

The Afghan government has not integrated or supported traditional community governance structures, historically an important component of Afghan civil society, leaving communities vulnerable to being undermined by insurgent groups and power-brokers. The breakdown of social cohesion at the community level has increased instability, made Afghans feel unsafe, and fueled the insurgency.¹³²

The overall lack of progress with police reform calls for a rethinking of the intended role of the ANP and an acknowledgment of Afghan history: reducing the size of the ANP to a core of quality patrolmen and reorienting that force towards community policing in pacified urban and select rural areas and away from predominately paramilitary functions. In pacified or permissive areas it can perform the simpler role of population support and can be monitored and mentored. It can build its credibility over time. Metrics for this role need to be installed to gauge both the performance of the patrolmen and the confidence of the population. Once the performance improves and the force can acquire more capable recruits (literate, for example), the number of police can then be increased. Today the emphasis needs to shift from quantity to quality of the force, as with the relatively thin training and mentoring that the average ANP patrolman currently receives, it is difficult to see how he could be but so effective. Present resources concentrated over a smaller force will build competence and credibility, both essential to enable ambitious expansion.

This path, of course, raises the question of what to do with the vast and remote rural areas of the country. There is a historical way of delivering justice and order and protecting the population through "non-statutory" customary structures in Afghanistan, and it would be logical to use this time-tested method to leverage the efforts at policing and supporting the population in a "build" phase. "Law and order" in Afghanistan will have to build from the bottom-up just as much as from the top-down, which is the present strategy. The current approach is difficult going; leveraging customary methods with national government support to achieve the overall security goal has a compelling appeal from a manpower and sustainability perspective. Using this strategy, police would be located at the district and province headquarters to work with the local *shuras* and *jirgas* supporting customary justice systems, identifying the population's needs, and serving as a conduit to a quick reaction force to bring security and emergency medi-

¹³² McChrystal, *COMISAF's Initial Assessment*, 2–9.

cal help to these vulnerable rural areas. In turn, the police would be supported by ANCOP and possibly army units should any security threat escalate beyond their capabilities.

Authority in Afghanistan has historically been decentralized, and attempts to impose strong federal power by an enfeebled state have generally been unsuccessful. For centuries Afghans have relied on traditional bodies, such as *jirgas* and *shuras*, to administer justice. The *jirga* is a temporary, ad hoc gathering of elders to address a specific issue. A *shura* is a more formalized, long-term gathering of influential community members. Today such bodies settle an estimated 80–90% of judicial cases, meeting an urgent need in Afghan society.¹³³ As the Center for American Progress notes in its most recent appraisal of Afghanistan:

The absence of rule of law and lack of avenues for conflict resolution throughout most of the country is causing increasing numbers of ordinary Afghan citizens to seek justice through shadow government structures, particularly the Taliban. The United States must lead and support a judicial sector strategy for addressing these shortcomings. In doing so, the United States should recognize the power of informal Afghan systems—*jirgas* and *shuras*—to provide local knowledge and mediation while using formal government systems to record and enforce agreements.¹³⁴

Although they can be biased against women and other vulnerable groups, a report published by Kabul University finds that a majority of the people view these traditional dispensers of justice as trustworthy, efficient, and less corrupt than state courts.¹³⁵

Because of the independent, warlike character of the people, the scant government resources, and the vastness of the country, Afghan rulers have been forced to live with a large degree of decentralization and consequently a significantly diminished national authority. Within this decentralization, systems of domestic conflict resolution and community protection have evolved peculiar to each group or area, both to fill a vacuum in the absence of a national police and justice system and to act as a protective barrier against the potential encroachment and abuse of the state. There is no universal system of creating communal security or of righting wrongs among Afghans; however, from community to community and from place to place, justice and self-defense systems exist that are based to varying degrees on

¹³³ Thomas Barfield, Neamat Nojumi, and Alexander Thier, *The Clash of Two Goods, State and Non-State Resolution in Afghanistan* (Washington: United States Institute of Peace, 2006), 3, www.usip.org/files/file/clash_two_goods.pdf (accessed 7 September 2009).

¹³⁴ Lawrence Korb, Caroline Wadhams, Cilin Cookman, and Sean Duggan, *Sustainable Security in Afghanistan* (Washington: Center for American Progress, 2009), 27, www.americanprogress.org/issues/2009/03/pdf/sustainable_afghanistan.pdf (accessed 27 May 2009).

¹³⁵ Center for Policy and Human Development, *Afghanistan Human Development Report 2007* (Kabul: Kabul University, 2007), 51.

Muslim *sharia* law, the *pushtunwali* code, and age-old practices. In the remoteness that is most of Afghanistan, these systems have served the population adequately, and, unless disrupted by external forces, will continue to do so.

The most famous of the Afghan traditional justice codes is the Pashtun legal and moral code of conduct known as *pushtunwali*, which determines Pashtun social order and responsibilities and is fundamentally based on rejection, condemnation, and punishment of unfair behavior. The code is largely unwritten and is represented in song, proverb, metaphor, and parable. Its main elements are revenge (*badal*), hospitality (*melmastia*), and honor (*namus*). The law of revenge determines individual and corporate responsibility to respond to aggression and can be carried out regardless of time, space, and cost. In the case of murder, revenge must be extracted by a male member of the family that suffered the loss, and revenge killing is thus not seen as murder. If revenge is not taken, then the social standing of the aggrieved family will decline within the community. The concept of honor is related not only to killings but also to the behavior of women in a given family, with that behavior being determined by the male head of household. The honor of a family must be defended at all costs, for there is no turning the other cheek in *pushtunwali*.¹³⁶

***Arbakai* example**

The tribal security system of *arbakai* is practiced within the Pashtun transborder belt extending from Jalalabad southward and including the province of Loya Paktia.¹³⁷ An *arbakai* is variously an individual, a group of individuals, or the community policing system that they comprise and that is based on *pushtunwali*. The term *arbakai* means “messenger” in Pashtun, and it is a community- or tribal-based system grounded in volunteer grassroots initiatives. It differs from a militia or private security organization by the nature of its community selection, authorization, and volunteerism. It is age-old and has survived in this remote and mountainous area because the local structures have never been effectively replaced by the state administration. Another factor in its preservation is the absence of “warlordism,” a feudal system of plunder that never trumped the local balance of power, which remained fluid, and thus local leaders maintained a strong influence. Local strength and the attendant *pushtunwali* code of conduct resulted in the establishment of a security system far more suitable to community traditions and responsive to the interests in this region than the state security sector. Indeed, the

¹³⁶ Marine Corps Intelligence Activity, *Afghanistan Cultural Intelligence Study*, <http://genportalfo01.mcia.usmc.smil.mil/cmsdk/content/public/products/culture/ca/AFGHANISTAN/default.aspx> (accessed 28 January 2009).

¹³⁷ Mohammed Osman Tariq, *Tribal Security System (Arbakai) in Southeast Afghanistan*, Occasional Paper no. 7, Crisis States Research Centre (London: London School of Economics and Political Science, 2008), www.crisisstates.com/download/op/OP7.pdf (accessed 12 February 2009).

arbakai institution has appeared elsewhere as a natural development of communal security but often under a different name. For instance, in the Federally Administered Tribal Areas of Pakistan it is called *salwishti* or *shalgoon*, and in Kandahar it is known as *paltanai*.

Arbakai is a three-tier system functioning at the levels of area, sub-area, and community. Within this system, it is decentralized. Each level of *arbakai* is led by its own *jirga* or local council, which is financial autonomous and has administrative authority within a geographically defined area. *Arbakai* is a volunteer force selected by the community, sub-tribe, or tribe from eligible males within its population. To be eligible for selection, one must have demonstrated himself to be a loyal, responsible, and mature citizen. *Arbakai* is charged with implementing of law and order based on the decisions made by the *jirga*, to whom it is responsible. The person who leads a specific *arbakai* is called *ameer*; *ameer* is an Arabic word meaning “leader” or “commander.” *Arbakai* tasks and functions fall into three main areas: to implement the decisions of the *jirga*, to maintain law and order, and to defend and protect community borders and boundaries. In principle, the first area is the basis for the other two, because the *jirga* is responsible for overseeing the security and protection of borders and boundaries. *Arbakai* is also responsible for securing the territory of the community. To this end, *arbakai* establishes patrols by day and night much as US police do in metropolitan areas. In addition, *arbakai* is supported by an intelligence system, termed *kishakee* (detection or detectors), composed of community members who help by providing useful information, much as a neighborhood watch might do. The normal function of the *arbakai* is to serve as a “tripwire” and to warn of trouble, so that the elders can call for the creation of a *lashkar* or tribal militia to react against the threat. The development of this form of self-defense at the village level may effectively deny food, recruits, weapons, intelligence, and safe haven to the Taliban, other militants, troublemakers, and their intimidation without the political concerns over the potential emergence of “warlords.”¹³⁸

Arkabai has also been successfully implemented in the Afghan refugee camps in the Haripur area of the North West Frontier Province as a way to maintain law and order. The people who lived in these camps were not only from the southeast—their majority were from other regions of the country, particularly the north and northeast. This suggests that the system would or could be accepted by a range of ethnic groups.¹³⁹ In these refugee camps during the 1980s there was an increase in anti-social behavior by youths that affected security. Actions included students playing truant, the increased use of drugs, harassment of girls and women

¹³⁸ UK Ministry of Defence, *Tribal Dynamics in Afghanistan* (London: Ministry of Defence, 2008), 1.

¹³⁹ UK Ministry of Defence, *Tribal Dynamics in Afghanistan*, 9.

by teenage boys, and theft. Attempts to control security were initiated by various informal groups to little avail. Finally, the elders, teachers, and religious scholars agreed to establish a committee called the Reformation Committee or Council, and under the supervision of this committee they established an *arbakai* system. There were 25 *arbakai* from 25 mosques who would attend daily to perform their duties under the committee. One of these 25 was selected as *ameer* to lead the group, which was responsible for patrolling the area day and night. If the patrol found somebody committing an offense, it handed him over to the committee, which was then decided the appropriate punishment. To eliminate the risk of personal rivalries interfering with community policing, the *arbakai* had representatives from every cluster of families in a shared mosque. Thus when an agreement was reached that collective action was necessary against one found guilty, no one was able to refute the decision, including the relatives. The Pakistani police were not present in the Afghan refugee camps, therefore, there was no structure responsible for law and order other than this committee. This successful example of the adoption of the *arbakai* institution was based on grassroots initiative, effective and inclusive participation, collective action, and collective leadership.¹⁴⁰

There are counter-arguments in which critics of the system say that it could facilitate local wardlordism; however, as Catherine Dale points out, its potential to facilitate and support community outreach makes it attractive over this weakness.¹⁴¹ Such traditional systems have also been criticized as discriminatory towards women and children.¹⁴² This is an age-old, Afghanistan-wide problem and was noted by Churchill in the latter part of the nineteenth century when describing Afghan males, “Their wives and their womenfolk generally have no position but that of animals. They are freely bought and sold, and are not infrequently bartered for rifles.”¹⁴³ Hence the rights of women and children is an issue that needs to be addressed broadly across Afghanistan.

Arbakai has been effective as a local security system because it is constructed from the bottom-up, and the tribe members have a stake in the volunteer system. To be successful as part of any future Afghan security regime, it must be separated from the political and economic objectives of influential individuals and government authorities, and must be controlled by

¹⁴⁰ UK Ministry of Defence, *Tribal Dynamics in Afghanistan*, 7–8.

¹⁴¹ Catherine Dale, *War in Afghanistan: Strategy, Military Operations, and Issues for Congress* (Washington: Congressional Research Service, 2009), 47, www.fas.org/sgp/crs/row/R40156.pdf (accessed 25 February 2009).

¹⁴² C. Christine Fair and Seth G. Jones, *Securing Afghanistan: Getting on Track* (Washington: United States Institute of Peace, 2009), 18, <http://library.usip.org/articles/1012068.1022/1.PDF> (accessed 25 February 2009).

¹⁴³ Churchill, Winston S. *The Story of the Malakand Field Force* (Charleston: BiblioBazar, 2006) 20.

a representative group that will make collective decisions on the basis of equal and inclusive participation.

Khost: Weighing the customary in favor of the formal

Without the rule of law and good governance it is difficult for any society to function and to bring security and social justice to its members. Often overlooked are the customary conflict resolution mechanisms that continue to serve portions of the population. The Afghan Ministry of Justice (MoJ) acknowledges the formal justice system's severe limitations and lack of capacity and has recognized the need to explore ways to link customary methods of dispute resolution with the formal system to specifically address land disputes and civil cases.¹⁴⁴

To bridge this gap, Arsala Jamal, the Governor of Khost Province formed the Commission on Conflict Mediation (CCM) in 2006. The Governor realized that land- and resource-based conflicts were straining the provincial government, and that if left unresolved, these conflicts had the potential to destabilize the province and region. The CCM emerged from a large *jirga* convened on 23 November 2006 in Khost City to discuss ways of increasing security and stability throughout the province. The gathering included respected tribal elders, religious figures, district councils, district governors, and government departments.

Building on intact tribal structures, the six-member CCM is composed of respected and influential elders nominated by tribal representatives in a community *jirga*. The Commission provides an alternative dispute-resolution mechanism, akin to western out-of-court arbitration, for resolving resource- and land-based conflicts in Khost Province. The CCM is officially authorized to arbitrate conflicts by the Provincial Governor, who is also responsible for selecting and referring appropriate conflicts to the Commission. After the Governor's referral, the Commission proceeds to investigate, discuss, arbitrate, and, after reaching consensus, issue a non-binding decision. This complementary framework allows official government appointment of CCM members and oversight of case selection while ensuring that decision-making procedures are still firmly embedded in the traditional *jirga* process. Thus, a formal government body in the Provincial Governor's Office oversees a customary method of conflict resolution. With the agreement of all parties, these decisions are then recorded in the Governor's Office.

Two-and-a-half years after its inception, the CCM has demonstrated that far from being antagonistic, government and traditional or customary justice systems can be mutually reinforcing. The jury is still out on the long-term viability of the CCM—only time will tell if it can integrate successfully into the Afghan justice infrastructure and obtain continued unbiased

¹⁴⁴ The Liaison Office, *Between the Jirga and the Judge*, TLO Program Brief/1, March 2009 (Kabul: TLO, 2009), www.usip.org/files/file/jirga_judge.pdf (accessed 10 November 2009).

funding. There is also the question of its continued ability to function in the southeast as the situation there continues to destabilize. The insurgency may be interested in keeping resource-related conflicts unresolved in order to retain recruitment grounds and fuel anti-government sentiments.¹⁴⁵

Paktia: Linking the customary with the formal

The Afghan state has never held full administrative control over the entire country, and the formal court system is no exception. For the vast majority of rural Afghans, local governance, security, and administration were and are provided predominantly through non-state, religious and tribal institutions. Attempts to extend the reach of the formal justice administration have historically been central to state-building exercises in Afghanistan.¹⁴⁶

In the province of Paktia, very few disputes reach the formal justice system in the first instance and even fewer are resolved through formal court procedures. As an example, a local prosecutor stated to a Tribal Liaison Office (TLO) researcher that in 2008 there were 110 cases recorded. Fifteen percent of these were settled through the formal system and 85% through the informal or customary system. The TLO is an Afghan non-governmental organization that aims to improve local governance, stability, and security in the Southeast and South of Afghanistan. Its mission is to facilitate the formal integration of communities and their traditional structures of *shuras* and *jirgas* with the GIRoA governance framework.¹⁴⁷

In the Ahmad Aba district of Paktia, a newly defined entity that was formerly the northern half of Sayed Karam district, there are similar statistics. Here an estimated 95% of cases were resolved through *jirgas*, and only 5% made their way to the formal court system. According to one justice official from Ahmad Aba, civil cases are increasingly settled through the customary system.¹⁴⁸

¹⁴⁵ Tribal Liaison Office, "An Evaluation of the Khost Commission on Conflict Mediation (CCM)," June 2009 (Kabul: USIP, 2009), 3 and 18; The Liaison Office, "Linkages between State and Non-State Justice Systems in Eastern Afghanistan: Evidence from Jalalabad, Nangarhar and Ahmad Aba, Paktia," May 2009 (Kabul: USIP, 2009); Amin Tarzi, "Historical Relationship between State and Non-State Judicial Sectors in Afghanistan," paper delivered at a conference 8 October 2006 (Washington: USIP, 2006); Thomas Barfield, "Informal Dispute Resolution and the Formal Legal System in Contemporary Northern Afghanistan," draft report, 21 April 2006 (Washington: USIP, 2006); Masood Karokhail and Susanne Schmeidl, *Integration of Traditional Structures into the State-building Process: Lessons from the Tribal Liaison Office in Loya Paktia* (Kabul: Tribal Liaison Office, 2006), www.tlo-afghanistan.org/fileadmin/pdf/SchAfgahnEn.pdf (accessed 1 March 2010).

¹⁴⁶ Tribal Liaison Office, "Linkages between State and Non-State Justice Systems," 6.

¹⁴⁷ Tribal Liaison Office, "Linkages between State and Non-State Justice Systems," 6.

¹⁴⁸ Tribal Liaison Office, "Linkages between State and Non-State Justice Systems," 10.

Jalalabad: The formal and customary in an urban environment

Jalalabad is one of the largest cities in Afghanistan and the provincial capital of Nangarhar. The formal justice system established in the city of Jalalabad is composed of the provincial-level appeals court, a city primary court for the six urban districts or *nahias* within Jalalabad, the government or *hoquq* department, and the prosecutor's office. The court records purportedly reach back to the time of King Mohammed Zahir Shah (1933–73), and, as the city reflects a strong government presence, a large proportion of criminal and civil cases are tried here. In 2008, there were 377 cases registered from the six *nahias*. Of these, 150 were resolved informally, indicating that almost half of the disputes arising in the *nahias* may enter the court system before being settled informally.¹⁴⁹

In the study team's opinion, the customary system of security and justice, which lends itself best to the rural areas and ethnic urban communities, could be successfully applied in these venues with the effect of providing breathing room for rural development and ANP training and mentoring. ANP maturation could then proceed at a measured and considered pace with a more reasonable chance of a successful outcome in the vein of an "oil spot" strategy. The formal system of justice and policing could be implemented in the urban areas where there are more benign environments conducive to traditional community policing. In proceeding with this plan, a degree of sensitivity to the clear need for regional variations would be required, recognizing that the best plan for one rural community of Pushtuns over another of Tajiks may not be the same. As Khalil Nouri, cofounder of New World Strategies Coalition, a native Afghan think tank specializing in tribal affairs, has observed: "Tribal structures are not uniform across Afghanistan. They are very complex, and there is no standardized or 'one size fits all' setting."¹⁵⁰

¹⁴⁹ Tribal Liaison Office, "Linkages between State and Non-State Justice Systems," 9.

¹⁵⁰ Khalil Nouri, "Afghanistan: Revision to Major Jim Grant's Doctrine 'One Tribe at a Time'," *Veterans Today* (13 March 2010), www.veteranstoday.com/2010/03/13/khalil-nouri-afghanistan-revision-to-major-jim-gants-doctrine-%E2%80%9Cone-tribe-at-a-time%E2%80%9D/ (accessed 16 March 2010).

3 Recommended Strategy and Implementation

Justice in Afghanistan by Two Systems of Authority

In most of Afghanistan, customary systems have long regulated the vast majority of disputes and served most aspects of both civil and criminal justice. These systems, which vary somewhat depending on region and tribal area and are based on local custom and *sharia*, have continued to function reasonably well and maintain some legal order even as the formal system of justice effectively was stalled during the last 25 years of war. The formal, Kabul-based legal system has historically been difficult to implement in these areas. When, in effect, in the 1970s, the laws and jurisdiction of the formal system of justice did not command nearly the same level of respect or adherence in the rural areas as did the traditional systems, such as the old *qadi* courts and arbitration by respected local members of the community.¹⁵¹ There is no reason to believe that any other legal system or structure is needed in rural areas, and every reason to believe it would be resisted.

In Kabul and a handful of major Afghan cities (likely including Herat, Mazar-e Sharif, and Jalalabad), the formal legal system that was in effect before the Taliban's rule should be reinstated. The most successful changes in Afghanistan have been gradual by beginning in Kabul and the other major cities and working outward. In the urban centers this system has functioned in the past and would more likely be accepted. The legal foundations exist in laws and codes enacted primarily in the 1960s and 1970s. Many remained technically in effect during the ensuing years, even as the government was hollowed out and the system fell into disrepair. Many of the earlier personnel of the formal justice system should be quickly brought back into the system.

Certain types of conflict may prove difficult to manage through the traditional local mechanisms of dispute resolution and should be considered for adjudication by the formal sys-

¹⁵¹ A *qadi* was a local representative of the caliph and a revered and respected member of the community to which he was appointed. Among his other duties, he performed as an Islamic judge who addressed individual conflicts by resorting first to the Koran and then to the Sunna, a compilation of the individual teachings and actions of the Prophet. If neither document provided a basis for judgment, then the *qadi* had the authority to employ certain principles of Islamic judicial reasoning based on analogy, fairness, and public interest, to reach a decision. A *qadi*'s judgment was considered final in an individual case but was not considered an authoritative interpretation of *sharia* law, unless all qualified scholars at the time agreed.

tem if the customary system is unable to resolve such conflicts. Property disputes, for example, relating to water rights and irrigable land can be expected to proliferate as millions of returning Afghans attempt to reclaim their property.

While by definition customary institutions are variable, informal, and not easily codified with the formal justice system, the CCM and the TLO have made progress. Any link between the customary and formal remains tenuous, because the writ of the Afghan state has always been limited. Nevertheless, a more formalized interaction needs to be sought between the customary and formal justice providers to strengthen the credibility of the formal court system on the one hand and to increase the legitimacy of the customary one on the other. This formalized link and its development will be governed by the extent that the customary process can be formalized. As has been seen in the several examples above, outside help in the form of the district governor or the TLO is key to successful advances. Expanding this network of links between the formal and customary is vital, in the study group's opinion, to provide an avenue of appeal. Because customary justice systems give priority to the community over the individual, the individual's right of appeal is presently limited. Consequently, a link with the formal system is important to provide an individual with the right to seek a hearing by more dispassionate judges or demand enforcement of any legitimate claim through the national law codes that apply to all citizens equally.

In Afghanistan, which has historically had a decentralized system amid high illiteracy rates, the police and the justice systems of which they may be a part have remained relatively simple, fragmented, and customary because of the intimidating geography that isolates the communities they serve in the remoteness of the Hindu Kush. Local communities tailor policing and justice as an extension of the governance by tribal elders or other local governing hierarchies. While such a system provides the necessary flexibility to respond to local conditions and needs, its primary function is as much to mitigate the threat of central government tyranny and to preserve the local communities through reconciliation rather than retribution. The central government is remote, unloved, and mistrusted; hence, any attempt to implement a centralized police and justice system will be fraught with difficulties. This needs to change, but it will only come gradually and irregularly. As Jake Sherman notes:

Historically, the Afghan government has maintained only a tenuous hold over the peripheral territories of the country; the state was mostly absent and its absence was

mostly welcomed. In its place, local, traditional, non-state institutions provide the basis for social order and social protection.¹⁵²

Focus the ANP on Community Policing in Urban Areas

The current use of police in paramilitary operations in Afghanistan highlights a deep misunderstanding about the nature of security and what is required to bring it about. On the one hand, US doctrine insists that the promotion of host-nation legitimacy, by establishing a capable civilian police service, is a central goal of counter-insurgency support.¹⁵³ At the same time, use of the ANP in Afghanistan regime protection, counter-insurgency, and counterterrorism are taking precedence over protecting the public, presumably in the expectation that as the security situation becomes more stable, the police will be able to return to their “conventional” role.¹⁵⁴ In the opinion of the study team, the operating assumption appears to be that “security” should be defined only in terms of neutralizing armed groups, a condition best obtained through military means.¹⁵⁵ For most residents, however, as for most people in the world, security is a much more personal concern. State security is at best a secondary importance when compared with the daily peril of crime and corruption.

The neglect of public safety responsibilities can have dangerous consequences for any incumbent government; few citizens are likely to embrace a state that is unable or unwilling to provide them with personal security. Murder and intimidation of civilians by armed groups is certainly a threat to both personal and national security; however, only the police can provide public safety services. Seth Jones, in analyzing the perceptions of security threats within the Afghan population, noted that the ANP is one of five sources of insecurity.¹⁵⁶ The others are insurgents, criminals, inter-tribal or clan conflict, and warlord militias. Jones also noted that a wide range of studies have painted a negative picture of the ANP, reinforcing the Asia Foundation findings that 50% of the population says it fears the ANP.¹⁵⁷

Community policing intended to protect the public from serious crime can, in and of itself, be a powerful counterinsurgency tool by fostering a climate in which the public freely provides the police with information about security threats. Indeed, the ability of the police to

¹⁵² Sherman, “The Afghan National Development Strategy,” 8.

¹⁵³ *US Army-Marine Corps Counterinsurgency Field Manual*, US Army Field manual No. 3-24, US Marine Corps Warfighting Publication No. 3-33.5, (Chicago: University of Chicago Press, 2007), 229.

¹⁵⁴ Former Commander ARSIC-EAST, non-attributed interview by the study team, 4 November 2009, Norfolk, Virginia.

¹⁵⁵ See also Murray, “Police-Building in Afghanistan,” 118.

¹⁵⁶ Seth G. Jones, “Afghanistan’s Growing Security Challenge,” in *State Building, Security and Social Change in Afghanistan: Reflections on a Survey of the Afghan People* (Washington: Asia Foundation, 2009), 37

¹⁵⁷ Jones, “Afghanistan’s Growing Security Challenge,” 42.

obtain voluntary intelligence from a willing public is stressed in counterinsurgency literature and doctrine as a critical asset. Such a condition is clearly impossible if police are deployed in quasi-military operations, in which their contact with the public is governed by the threatening activities of midnight raids, cordon-and-search operations, and mounted patrolling.

To achieve this kind of community policing the United States, NATO, and other participants need to change the following aspects of the ANP: 1) Use of ANP in ISAF Strategy; 2) Focus on Quality vs. Quantity; 3) Right Size and Effectively Train and Mentor ANP; 4) Focus Recruiting Geographically; 5) Deploy to Select and Receptive Areas; 6) Develop a Holistic Justice System; 7) Develop a Sustainability Plan. Each recommendation will be addressed in turn.

Use of ANP in ISAF Strategy

The ANA and ISAF forces are tasked with the “shape” and “clear” tasks.¹⁵⁸ These effect the removal of all enemy forces from the target area. By the tenets of the *US Army-Marine Corps Counterinsurgency Field Manual*, the ANP is tied to the “build” phase of the current strategy; however, it suffers from being employed in a tactical role in the “clear” and “hold” phases—a role for which it is ill-prepared. Yet today in Afghanistan, in the “hold” phase, the police, with army support, are expected to destroy the insurgent infrastructure.

The police are not trained, equipped, or manned to clear areas of insurgents as a part of the “shape, clear, hold, and build” strategy, according to retired Lieutenant General James Dubik, the former Commanding General, Multi National Security Transition Command–Iraq.¹⁵⁹ Dubik wrote in a July 2009 memo that every Afghan police leader with whom he spoke, as well as every police advisor or trainer, agreed that the current use of the ANP to fight insurgents, was not what the ANP has been trained, organized and equipped to do. His memo states: “They have no real [quick-reaction force] capability, nor do they have the ability to access combat multipliers or medevac assets. Their resupply is tenuous. This is a subject of intense frustration.”¹⁶⁰ Dubik continued: “Several leaders suggested that the ANP should be withdrawn from outposts and checkpoints where they are easily outgunned....The ANP, in their view, should be all in the cities where they can attain some mass and more easily resupply or reinforce.”¹⁶¹

¹⁵⁸ *US Army-Marine Corps Counterinsurgency Field Manual*, 229.

¹⁵⁹ Sebastian Sprenger, “Retired general’s July memo helped shape McChrystal’s assessment of Afghan forces,” *DefenseAlert – Daily News* (2 October 2009).

¹⁶⁰ Sprenger, “Retired general’s July memo.”

¹⁶¹ Sprenger, “Retired general’s July memo.”

This notion of the police as inexpensive rearguard troops needs to change, and a new strategy—one of establishing areas of stability where development can occur and community policing can contribute to this progress—needs to be put in place. Police should be used to support and protect the population in secure areas. There are yet few “build” areas outside of the main urban centers. This will require a change in training and mentoring emphasis as well, and sensitivity with respect to who is deployed in which ethnic area or community to avoid potential police compromise with that population.

As Lieutenant General William B. Caldwell, IV, who oversees the NATO police training effort in Afghanistan has noted, “If we don’t get the police fixed, we’ll never change the dynamics in the country. No matter how well we do clearing and holding, we will never build on that progress and sustain it without a police force. We have to get this right.”¹⁶²

In summary, ISAF needs to modify its use of the ANP to “build” areas only, and shift the emphasis in ANP training to community policing in line with the 2005 Police Law. This policing environment would be benign enough to permit the extensive mentoring needed to develop an effective and professional community policing force. The ANP could be built into an effective community police force being mentored properly in a benign environment, and it could ultimately move out from the current “build” areas in an “oil spot” expansion, as formerly “hold” areas are converted exclusively by ANCOP and ANA units into “build” areas.

Focus on Quality vs. Quantity

A strong and competent police force is a central part of General McChrystal’s counter-insurgency strategy, and he has called for the force to be increased to 160,000. As we have argued earlier, this goal is unrealistic in light of both the manning and the recruiting experience. The ANP has been able to generate only about 50,000 police officers toward the ambitious 2009 pre-election goal of 82,000 or the even more unrealistic figure of 160,000.¹⁶³ Given the limitation on Afghan human resources, it makes sense to reduce the scope and purpose of the ANP to one of community policing in the urban environment and in other areas where the “build” phase is underway.

Further, it requires considerable optimism to assume that the current plan will successfully transform the deeply corrupt, predatory, and factionalized ANP—an increasingly powerful player in the lucrative drug trafficking trade—into a force that respects human rights and

¹⁶² Jaffe, “Program Aims to Rebuild Afghan Police Force,” 8.

¹⁶³ Abrashi, “Why Afghan Army Is Hard To Train.”

promotes the rule of law. As Brigadier General Lawrence D. Nicholson, the Marine commander in the south of Afghanistan, noted, “I would rather have no police than bad police, because bad police destroy local faith and confidence in their government and push [the locals] to the Taliban. No matter how hard the Marines and Afghan army work to earn the public trust, bad police can unhinge those efforts in a heartbeat.”¹⁶⁴

Furthermore, in light of the Afghanistan Compact participants’ and donors’ incomplete effort to strengthen Afghanistan’s judicial sector, it is unlikely that in the foreseeable future the judicial system will be able to effectively complement the ANP in promoting the rule of law. Consequently, a smaller, more professional force with limited responsibilities in the urban or “government space” would be more appropriate than a large, ineffective police force with wide-ranging responsibilities throughout the country.

Small specialized elements of the ANP are a possible route to a force more in keeping with community policing goals, as these demonstrate that successful police and policing can be done in Afghanistan. They are among the few successes in the ANP, and here is how they have worked. Their organization can be seen in the following chart.

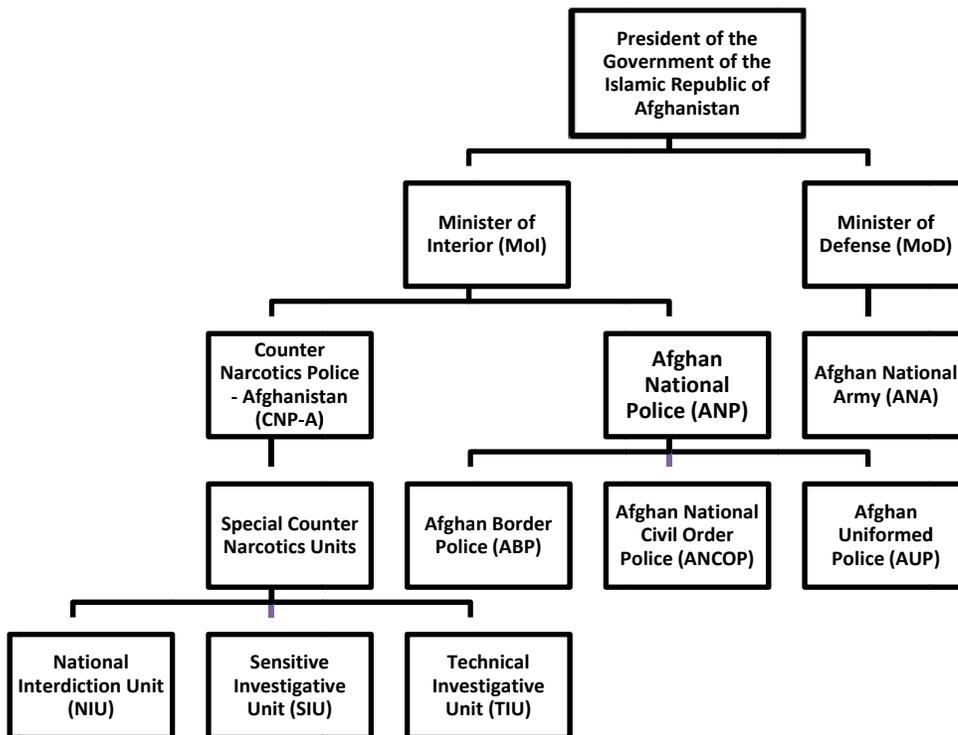


Figure. Afghanistan Security Forces Organization

¹⁶⁴ Jaffe, “Program Aims to Rebuild Afghan Police Force,” 8.

Afghan National Civil Order Police

Following the May 2006 riots in Kabul, it was clear that a unified and centrally regulated police force capable of maintaining civil order and enforcing the laws of Afghan society was necessary; the ANP failed miserably to subdue this mayhem and the ANCOP was born. On 4 June 2009, 321 new members of the ANCOP graduated from their 16-week institutional training to join the officers of the 3rd ANCOP Brigade stationed in Herat, Afghanistan. These men have undergone an additional eight weeks of supervised collective training over the standard ANP instruction. The newly-graduated battalion raises to 16 the number of ANCOP battalions fielded against the goal of 20 battalions of 200–300 each and target end strength of 5,365 personnel. These battalions (8 Urban/12 Rural) will be distributed among four brigades; one Urban Brigade (Kabul) and three Rural Brigades (Kandahar, Adraskan, and Zurmat).¹⁶⁵

ANCOP has been a success story in ANP development and has established a reputation for solid performance in operations to dismantle illegal checkpoints, seize illegal weapons, and retake lost districts. In locations where ANCOP has deployed, it has successfully conducted counter-insurgency operations and secured the trust and confidence of the people.¹⁶⁶ The ANCOP is trained and equipped to counter “civil unrest and lawlessness” in areas where there is limited government control. It is essentially a Special Weapons and Tactics team capable of dominating a “hold” area successfully.¹⁶⁷ ANCOP’s performance and lack of ties to local abusive powerbrokers have apparently led some populations to request these units remain, instead of their regular police returning from FDD. The higher ANCOP recruitment, vetting, training, and organization standards provide lessons for the wider police service.¹⁶⁸

The ANCOP success is attributable to its careful recruitment, extensive training, and higher pay. It is thoroughly vetted, well trained, and continuously mentored. The ANCOP commanding general asserted in early 2009 that he personally interviews all applicants for his force and has dismissed 120 recruits specifically recommended to him by MoI due to allegations of drug use and other abuses.¹⁶⁹ The ANCOP have a relatively high level of literacy, estimated at 75%, and are viewed as a national force because they may serve anywhere and are not tied to a locale or local leader.¹⁷⁰ Moreover, the ANCOP receives some of the most intense

¹⁶⁵ CSTC-A website, www.ntm-a.com (accessed 12 August 2009).

¹⁶⁶ US Department of Defense, *Progress toward Security and Stability in Afghanistan*, 23.

¹⁶⁷ DoD Report to Congress, *United States Plan for Sustaining the Afghan National Security Forces*, June 2008, 21.

¹⁶⁸ International Crisis Group, *Policing in Afghanistan*, 5.

¹⁶⁹ Government Accountability Office, *Afghanistan Security*, 20.

¹⁷⁰ Robert Perito, *Afghanistan’s Police: The Weak Link in Security Sector Reform* (Washington: US Institute of Peace, 2009), 14.

training available to police in Afghanistan. In the 16 weeks of training (versus eight weeks for regular police), ANCOP Urban Units receive specialized crowd-control training to establish law and order in the population centers, while Rural Units receive specialized training in patrol tactics to work in high-risk rural areas and back-up regular ANP units. International Police Advisors and the US military teach the courses. Finally, ANCOP officers receive higher levels of pay in recognition of their skills than do the normal ANP officers.¹⁷¹

Counter Narcotics Police–Afghanistan

When the Counter Narcotics Police–Afghanistan (CNP-A) was formed in 2003 and put under the authority of the MoI, there were a number of highly successful, small elite units subsequently established under this umbrella that serve as models for police development. While the CNP-A is the lead agency for counter narcotics law enforcement in Afghanistan, and its work was subsequently reinforced by the government’s Counter Narcotics Law of December 2005, those parts of it outside of US Government oversight remain in disarray, like many other aspects of the ANP. Other than the stated mission and organizational charts, there is no formal documentation to clearly define the relationship between the CNP-A and other law enforcement units within the MoI, elements of the Afghan government outside of the CNP-A, or between CNP-A specialized units and support units and the remainder of the CNP-A. Consequently, with the exception of the specialized units we will discuss, command and control for the CNP-A is poorly defined. Also like the ANP, it is rife with corruption at all levels outside of its specialized units, and thus is mostly ineffective.¹⁷² Its four largely self-contained and specialized units and their effectiveness in pursuing law enforcement are useful examples of what could be done in Afghanistan and will be examined below: 1) Afghanistan Criminal Justice Task Force and Counter Narcotics Tribunal; 2) National Interdiction Unit; 3) Sensitive Investigative Unit; and 4) Technical Investigative Unit.

- **Afghanistan Criminal Justice Task Force and the Counter Narcotics Tribunal—**

The Afghanistan Criminal Justice Task Force and the Counter Narcotics Tribunal derive their authority from the Afghan Counter Narcotics Law. Since 2005, the Criminal Division of the US Department of Justice has deployed experienced Assistant United States Attorneys to Kabul. These attorneys, together with Drug Enforcement Administration (DEA) agents and their colleagues from the United Kingdom and Norway, work with Afghan prosecutors and judges to develop and enhance the Criminal Justice Task Force

¹⁷¹ CSTC-A website, accessed 12 August 2009.

¹⁷² Drug Enforcement Administration – Strategic Concept for the Development of the Counter Narcotics Police-Afghanistan and Associated DEA Programs, 2007-2011, DRAFT, 23 April 2008, 8.

and Counter Narcotics Tribunal. DEA vets the investigators, prosecutors, and judges assigned to the Criminal Justice Task Force, a process that comprises a background investigation, a drug urinalysis, and a polygraph conducted by a DEA-certified polygraph examiner.¹⁷³ This vetting helps prevent corrupt individuals from being assigned to the Criminal Justice Task Force and enhances the ability of the Criminal Justice Task Force and Counter Narcotics Tribunal to dispense justice without the corruptive influences that exist elsewhere throughout the Afghan judicial system.

- **National Interdiction Unit (NIU)**—The NIU became operational in November 2004, is currently staffed with 288 officers. It is an interdiction and evidence gathering team designed to conduct interdiction operations. It works comprehensively with DEA elements in Afghanistan and supports Britain’s Serious Organized Crime Agency drug enforcement efforts there. It is recruited, vetted, trained, mentored, and equipped by the US Government. Its members are initially tested for drug use and screened for human rights violations and drug-related offenses, but otherwise vetting is limited. Its members’ training consists of the basic eight-week ANP training course conducted by CSTC-A, followed by a six-week specialty course provided by the US Government.¹⁷⁴
- **Sensitive Investigative Unit (SIU)**—The SIU became operational in 2007, and is currently staffed with 56 investigators of the highest caliber available. Its work centers on highly sensitive and complex investigations that target the command and control elements of regional drug trafficking organizations. It is vetted, trained, mentored and equipped by the US Government. Vetting is rigorous and consists of a background investigation, a drug urinalysis, a polygraph conducted by a DEA-certified polygraph examiner, completion of the five-week SIU Basic Course, and ANP certification that the prospective member is medically and psychologically fit for duty. In addition to the training members receive in Afghanistan, there are five additional intense weeks of specialized instruction at the DEA academy in Quantico, Virginia. Further, the ANP must agree that the candidate will be assigned to the SIU for a period of not less than two years in order to recoup the investment in vetting and training.¹⁷⁵ SIU members are periodically given polygraph exams, tested for drugs, and screened for human rights violations and drug-related offenses as part of their continued employment. In 2008, DEA re-

¹⁷³ DEA Officials, interview by study team, 5 May 2009.

¹⁷⁴ DEA Officials, interview by study team, 5 May 2009.

¹⁷⁵ DEA Officials, interview by study team, 5 May 2009.

polygraphed 21 SIU members and eliminated seven based on the results. DEA noted this one-third failure rate is greater than that of SIUs in other countries.¹⁷⁶

- **Technical Investigative Unit (TIU)**—The TIU became operational in 2008 and consists of 11 DEA-vetted CNP-A officers and 80 DEA-vetted Afghan civilian translators who conduct judicially authorized telephonic intercepts involving drug trafficking, corruption, and kidnapping cases. The TIU vetting process is the same as that of the SIU.¹⁷⁷ In 2001, there was no cellular telephone coverage in Afghanistan, but by 2008 there were 8.45 million mobile cellular telephones in the country.¹⁷⁸ With the rapid rise of cellular usage and the process that the 2005 law provides to obtain approval to intercept telephonic communications legally, the TIU is now a valuable tool in building strong prosecutable cases against major drug traffickers and corrupt officials.

The specialized policing units described in this report demonstrate that effective police units can be developed through quality recruiting, vetting, training, mentoring, and pay programs. Criminal elements can be arrested anywhere in Afghanistan for serious narcotic and corruption offenses, successfully prosecuted in a government court in Kabul, and sentenced to prison in a secure facility—illustrating that there can be a valid formal criminal justice system in Afghanistan. They provide a positive argument that smaller is better and that quality wins over quantity in the Afghan environment.

Right Size and Effectively Train and Mentor ANP

The study team recommends that the standard police patrolman corps, a force within the ANP now designated as the Afghan Uniformed Police (AUP), be contracted and aligned with a sustainable and manageable number in step with current and projected manpower and fiscal resources. The current ISAF goal of 160,000 is neither sustainable nor manageable.

Alongside this retrenchment, literacy standards and training investment should be raised to achieve a force of capable AUP officers who would be effective in a community policing and leadership role over patrolmen in “build” areas. This would involve shifting the balance between the military and police FDD training to at least an equal amount for both, and would overcome General Hix’s concern that “Our underinvestment in the ANP sets them up for failure as much or more than their paramilitary role.” A situation in which, “They were overex-

¹⁷⁶ Government Accountability Office, *Afghanistan Security*, 20.

¹⁷⁷ Government Accountability Office, *Afghanistan Security*, 20.

¹⁷⁸ CIA World Factbook, www.cia.gov/library/publications/the-world-factbook/geos/af.html (accessed 15 March 2010).

tended and under resourced and under supported in terms of quick reaction, etc.”¹⁷⁹ This “right sizing” of the ANP would bring added control of the force with closer supervision and help to reduce its corruption and bad behavior that is counterproductive to winning the loyalty of the population and confidence in the GIRoA.

This slimming of numbers would improve the current ratio of instructors to students in line with the enhanced training and mentoring needed, as experienced in Haiti and the US Indian Police, and would further enable the ANP to establish in-house training. The training courses offered by the CTC and RTCs alone can realistically provide only a basic platform for continued learning, so this must be reinforced by an field training officer program in the districts and with a rigorous in-service training program.¹⁸⁰ One critical measure of effectiveness for evaluating police reform (or any other security sector reform) is monitoring when and to what degree the ANP is implementing its own in-service training. Performing this type of training at a high level is one of the first indications that a force is becoming self-sustaining, a topic we will visit momentarily.

Focus Recruiting Geographically

We also recommend that recruiting in rural areas be done locally for ANP patrolmen who will, after their training, be returned to their home district or province for duty. The candidates must be selected and approved by the local elders, and when returned, supervised by officers to maintain training and behavior standards. This local recruiting would have the benefit of building local confidence in the patrolmen and improving behavioral standards, because the community would have a vested interest in the patrolman’s effectiveness. Also, the patrolman would be familiar with his home area, and thus the need for literacy to function in an unfamiliar environment would be diluted. The supervision and its tether to the provincial and district levels would tend to protect the new patrolmen from local warlord, criminal, and rival factions and would provide the ability to call on additional support from above when needed. Because the ANP will be the basis of the “oil spots,” their deployment must be to “build” areas that are relatively secure and provide a reasonable and calculated opportunity to develop into a community policing environment.

In the urban areas recruiting should aim for a balanced ethnic mix of patrolmen and officers to achieve a relatively homogenous force, because it will be a centralized one in contrast to the more decentralized and locally-tailored rural ANP. The fundamentals of local rec-

¹⁷⁹ Brigadier General Bill Hix, US Army, statement to the study group, Alexandria, Virginia, 20 April 2010.

¹⁸⁰ Inspectors General, DoD and DoS, *Interagency Assessment of Afghanistan*, 63.

ommendations, literacy, and fitness that apply to rural recruits should be maintained. Training, as with the ANCOP, should be tailored to the urban environment, and supported by extensive mentoring and in-house training. Critically, neither the rural nor the urban patrolmen can be left to their own devices but must be supported both by continuous leadership, mentoring, and training from higher authority and by a concurrent and balanced justice system development in their area of responsibility.

Deploy to Select and Receptive Areas

The Police Law (2005) and the Afghanistan Compact (2006) governing police roles envision the force primarily as a community policing body with all it entails. The ANP should be trained and mentored in its charter role. Selecting areas of ANP deployment should be driven by the security situation. Conditions must afford a greater chance of success to the police force employed and must have the potential to serve as a model of pacification for the people in other, neighboring districts, and eventually throughout the province. Locations initially chosen for ANP employment should be carefully selected for their lack of tribal animosities between the police and the population, their permissive environment, and a setting in which CSTC-A trainers can support the police. Today these conditions are not matched with police employment.

The current situation has the ANP serving in non-permissive situations and areas, and this is at best only marginally effective. The police cannot be adequately protected or supervised in the “clear” and “hold” stages. The entire enterprise would enjoy a higher success if the AUP elements of the ANP were redeployed exclusively to “build” areas. This would leave a void in the “hold” areas, which should be filled with selected ANCOP and ANA units that could convert them to “build” areas. As ANP units mature in the “build” areas, they could be introduced to the converted areas. This selection of areas would need to be carefully attuned to many factors, such as the permissiveness of contiguous areas, the attitudes and needs of the target population, the availability and proximity of support, tribal animosities, and so on. In matching the skills of the force with the situation that it would face, ISAF would realize greater success in the policing endeavor.

This strategy foresees a landscape increasingly populated with model “oil spot” areas where citizens fear neither the Taliban nor government forces entering their homes in the night to intimidate, rob, or rape them, and where services are available to address the people’s most pressing needs.

The process should begin by establishing a secure perimeter around the target “build” area, and then within this safe environment, launching stability initiatives—including community policing, services, governance and development—under the direction of the local authority assisted by the police. A community’s security is best served when its citizens participate. To leverage local security in support of the ANP, it is important to engage the local elders to gain community participation. Optimally this could result in an *arbakai*-like body supported by the police.

Develop a Holistic Justice System

Police, however, are not freestanding bureaucratic actors. When they arrest someone, they must be able to submit the case to a court of law and rely on a functioning prison system to carry out any sentence. In the case of urban settings, this avenue may eventually exist; however, many of the PMT reports analyzed by the DoD IG indicated that there were no police at the district level capable of conducting criminal investigations and that the requirement for initial investigation often had to be referred to the Provincial Police Headquarters for action.¹⁸¹ Correcting this deficiency will require concurrent development of a holistic justice system in tandem with the police. In the case of rural settings where local justice systems predominate, the patrolmen must be trained and supported to work with the local *shuras* and *jirgas* and identify the crimes that must be referred to the formal system. This will require linking the customary and formal systems similar to the CCM and TLO efforts.

The customary justice system would then need police support, in coordination with the district and provincial governors, for example by establishing a body along the lines of the CCM, which would build on tribal structures. This would represent an ideal solution by giving a certain formal structure with its benefits to the informal justice system, particularly in resolving resource- and land-based disputes.

Not having enough qualified police to conduct criminal investigations in the formal system, coupled with prosecutors’ offices without the capacity or will to conduct a thorough investigation, has resulted in judges receiving case files upon which they have been unable to reach decisions. Criminals all too often have had to be set free, and there has been, as a result, little inclination for the police to make arrests, even in clear-cut cases, because the justice system cannot be relied upon to play its role.

¹⁸¹ Inspector General, Department of Defense, Special Plans and Operations, *Report on the Assessment of US and Coalition Plans*, 120.

The formal courts are expensive, and their justice is often tainted by bribes. Only about 20% of the population uses them. The other 80% use the informal or customary system. Traditional structures are intact and functioning, and thus more economically viable than instituting from scratch a formal system. Supplanting organic structures with external ones can serve to disrupt communities rather than provide the needed stability in the “build” stage. These customary justice systems are the most workable option to promote stability and security in rural areas. Conversely, formal state institutions lack presence, as their geographical reach is confined to the major urban centers and the “tarmac road.” The advantage of relying on and leveraging local approaches lies in the discrete gains that can be protected under the strategy of “shape, clear, hold, and build.”

Develop a Sustainability Plan

Amin Tarzi, Director of Middle East Studies at the Marine Corps University, believes that “sustainable quality rather than unsustainable quantity” is key to achieving security in Afghanistan. This requires not only picking a number of police that the international community can adequately train and finance in the short term, but also picking a number that the Afghan government can “absorb” in the long term. A police force of 160,000 would be a tremendous challenge, requiring huge sums of foreign donations and recruits who do not currently exist within the Afghan population.¹⁸² A GAO study dated June 2008 estimated that sustaining the 2009 pre-election figure of 82,000 ANP would consume \$1 billion annually for the next five years alone.¹⁸³ Without adequate resources for sustainment, such a large force is likely to cause greater corruption as poorly trained and underpaid police try to make ends meet.

Nazif Shahrani, Chairman of the Department of Near Eastern Languages and Cultures, Indiana University, notes that DoD expected the sustainment transition to begin in fiscal 2009; however, “despite the estimate...that US involvement in training and equipping the ANSF may extend beyond a decade, neither Defense nor State has identified funding requirements or forecasts beyond 2013.”¹⁸⁴ As Alexander Thier puts it:

Currently the Afghan government extracts about 7 percent of licit GDP in revenues (or \$960 million), which is not sufficient even to cover its recurrent nondefense costs. The entire defense and development budget is paid for by foreign assistance;

¹⁸² Amin Tarzi as quoted in Abubakar Siddique, “Expansion of Afghan Security Forces Fraught with Challenges,” Radio Free Europe/Radio Liberty, 25 March 2009.

¹⁸³ Government Accounting Office, *Afghanistan Security*, 14.

¹⁸⁴ Nazif Shahrani, “Afghanistan’s Alternatives for Peace, Governance and Development: Transforming Subjects to Citizens and Rulers to Civil Servants,” *The Afghanistan Papers*, No. 2, Center for International Governance Innovation, August 2009.

an even greater amount is spent directly by aid donors outside of the government budget for projects of every description. As the estimated size of the security forces Afghanistan needs continues to rise, there is no realistic scenario under which the country would be able to finance even the recurrent costs of security.¹⁸⁵

Clearly something will have to change. A contraction of the ANP to a manageable and affordable size in step with reality will be dictated by indigenous resources in the long-term, and this limitation needs to be recognized sooner rather than later.

In addition to a needed change in affordability, the ANP must embrace other changes to make it internally sustainable. For instance, it costs around \$2,000 to recruit, vet, and train a policeman for a three-year commitment. At the conclusion of the contract it would make sense to offer a \$1,200 bonus to reenlist rather than have to spend the cost of replacement. Further, there is no merit-based pay. Consideration should be given to paying more for experience and skill, and to establishing some sort of path to promotion.¹⁸⁶

In Afghanistan, efforts to improve courts and prisons have lagged behind the massive expenditures on improving the police. Indeed, to date police reform has taken place in a vacuum. The result is that police are being trained to operate without a functional justice system—including a criminal justice system—which has inadequate human, material, and infrastructure resources at both the national and sub-national levels. There are too few judges and even fewer with appropriate training, little regularized interaction between police and prosecutors and little vision to coordinate the creation of a police force with hand-in-hand reforms in the Ministries of Justice and Interior.¹⁸⁷

There is a need to rebalance this effort by reforming the criminal justice sector as a whole. This will undoubtedly involve imaginative programs to combine elements of the customary and formal legal processes, but it is essential to establishing the rule of law.¹⁸⁸ Without the rule of law, the necessary economic expansion and the increased state revenue that it implies cannot occur. This expansion is an important factor in not only police but government sustainability.

Another facet of sustainability is to reduce the costs of the crippling personnel attrition. A useful approach would be to turn the ANP towards being a professional organization and policing an honorable profession. A professional police culture can be established to a considerable extent by meeting the basic needs of the ANP, such as a compensation plan that

¹⁸⁵ Alexander Thier, *The Future of Afghanistan* (Washington: USIP, 2009), 30

¹⁸⁶ Former Commander ARSIC-EAST, non-attributed interview by the study team, 4 November 2009, Norfolk, Virginia.

¹⁸⁷ See also Fair and Jones, *Securing Afghanistan*, 1.

¹⁸⁸ See also Perito, "Afghanistan's Police."

enables police to provide for psychological and safety needs both today and in retirement, by providing the right tools to do the job (training, uniforms, and equipment), and by ensuring the quality of incoming recruits. A portion of these measures, such as providing uniforms after an all-too-brief introductory training, has been the tactical focus of the United States and its allies; however, this is only one arm of the needed effort.

The recommended bottom-up strategy in Afghanistan is to be one that taps into already existing local institutions in two ways: first, by helping legitimate local actors provide security and services to their populations, and second, by better connecting them to the central government when necessary. Such a strategy should be deeply inter-linked with counter-insurgency goals. Local community and religious leaders best understand their community needs, but need help to deliver services. In some areas they also need security provided for them, because many have been killed by insurgent groups or forced to flee. If organized and run appropriately, village- and district-level institutions that include legitimate local actors can effectively (a) assess local needs, (b) design aid programs to meet these needs, (c) help ensure sufficient security for their projects and their constituents, and (d) create a more effective system to monitor the adequate completion of programs. Where necessary, Afghan and international security forces may need to provide protection to local leaders.¹⁸⁹

¹⁸⁹ See also Seth G. Jones, "US Strategy in Afghanistan," Testimony before the House Foreign Affairs Committee, April 2009.

4 Conclusions

It is imperative that the Afghanistan Compact participants and donors find a way to balance the top-down efforts to build a viable central government with bottom-up efforts to support local traditional or customary authorities. Both are critical to establishing security and a justice system in Afghanistan. The historical weakness of the Afghan state, the local nature of politics, and a population deeply intolerant of outside forces require that strong local governance complement its counterpart at the national level. To date, Afghanistan Compact participants and donors, has concentrated almost entirely on a top-down approach to nation-building. Developing a path to effective bottom-up-top-down balance represents opportunity for further study.

Currently police officers are produced at as high a rate as possible with a view to generating a substantial volume of relatively inexpensive paramilitary “trigger-pullers.” This creates neither counter-insurgency capabilities nor community policing, and it is costing an unsustainable \$1 billion annually without achieving its goal. The route to success is to build a security base on what has historically worked in policing and local justice systems. The study team recommends the strategically reorienting the ANP towards the patient building of a credible, professional, urban community policing force. It must then be supported with a concurrently developed and balanced holistic justice system and deployed in an “oil spot” method beginning with relatively pacified urban areas and expanding around them, as described earlier. This is a far better use of the available and recruitable talent, and will yield far better results than the present course. More importantly, it will move the entire enterprise toward sustainability through stabilizing the ANP at lower numbers of higher quality patrolmen and officers, and with savings in manpower and treasure through shifting to the traditional and customary systems of security and justice with GIRoA oversight. Calculating the savings inherent in this new strategy again represents opportunity for further study.

Defining the future course of the ANP by the available human and fiscal resources and a plan to use these to build a community police force in urban areas can gain the population’s confidence and trust. It will also bring local security and hence legitimacy to the central government. This is likewise the intent of the 2005 Police Law, which is being largely ignored.

Building the police must be viewed as part of a wider process of democratization, rather than simply a security task. Much greater attention needs to be paid to oversight by and dialogue with the community and its elected representatives, including the National Assembly, provincial councils, media, and human rights groups. The public needs to know what should be expected of police, and the police need to fulfill those expectations. This is especially vital in conflict areas, where the public faces a choice of whether to engage government institutions or insurgents. Since its reconstitution in 2002, the ANP history reflects this lack of understanding of Afghan political dynamics.

Overall corruption within the body politic of Afghanistan, which manifests itself in police misbehavior, has steadily alienated the local population and fueled support for insurgent groups. While the central government in Afghanistan has historically been weak and unable to provide for or support these rural populations, it needs to be viewed as legitimate by the Afghans themselves. At a minimum, the Afghans should respect the central government enough so that they do not want to overthrow it. As Sarah Chayes writes from her experience of living in the country, the primary complaint of the people is government corruption and abuse of power. She notes that the only reason for Taliban ascendancy is the appalling behavior of Afghan officials, and asks the rhetorical question, “Why would anyone defend officials who pillage them?”¹⁹⁰ The police, of course, are a large fixture in this disaffection, and their behavior must be corrected to achieve any long-term success.

Police reform, as proposed here, cannot occur in a vacuum. Without serious holistic Rule of Law efforts from within the Afghan government and a change in the unidirectional approach of Afghanistan Compact participants and donors, the efforts at police reform do not have a chance to successfully provide security to the people. As a Kabul district police chief said, “When the people trust the police, that is the time there will be real security.”¹⁹¹

¹⁹⁰ Sarah Chayes, “Clean Up The Afghan Government, And The Taliban Will Fade Away,” *Washington Post* (14 December 2008), B01, www.washingtonpost.com/wp-dyn/content/article/2008/12/12/AR2008121203290.html (accessed 24 May 2009).

¹⁹¹ International Crisis Group, *Reforming Afghanistan’s Police*, Asia Report N°138, 30 August 2007 (Brussels: ICG, 2007), 22.

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Appendix B: Acronyms and Abbreviations

AIA	Afghan Interim Authority
ANA	Afghan National Army
ANCOP	Afghan National Civil Order Police
ANP	Afghan National Police
ANSF	Afghan National Security Forces
APPF	Afghan Public Protection Force
AUP	Afghan Uniformed Police
BIA	US Bureau of Indian Affairs
CCM	Committee on Conflict Mediation
CNP-A	Counter Narcotics Police–Afghanistan
CSTC-A	Combined Security Transition Command–Afghanistan
CTC	Central Training Center–Kabul
DEA	US Drug Enforcement Administration
DoD	US Department of Defense
DoS	US Department of State
Fad’H	<i>Forces Armées d’Haiti</i>
FATA	Pakistan’s Federally Administered Tribal Areas
FDD	Focused District Development
GAO	US Government Accountability Office
GIRoA	Government of the Islamic Republic of Afghanistan
HNP	Haitian National Police
ICG	International Crisis Group
IDA	Institute for Defense Analyses
IPM	International Police Monitors (Haiti)
IPSF	Haitian Interim Public Security Force
ISAF	International Security Assistance Force
JAWP	Joint Advanced Warfighting Program
JFCOM	Joint Forces Command
KhaD	<i>Khedamat-e-Atlaat-e-Dawlati</i> or State Information Services
MNF	Multinational Force (Haiti)
MoI	Afghan Ministry of Interior
NCO	Non-Commissioned Officer
NIU	National Interdiction Unit
OSD	Office of the Secretary of Defense
PDPA	Peoples Democratic Party of Afghanistan
PMT	Police Mentoring Team

RTC	Regional Training Center
S&T	Science and Technology
SIGAR	Special Inspector General for Afghan Reconstruction
SIU	Counter Narcotics Police of Afghanistan - Sensitive Interdiction Unit
TIU	Technical Investigative Unit
TLO	Tribal Liaison Office
USD (P)	Under Secretary of Defense for Policy

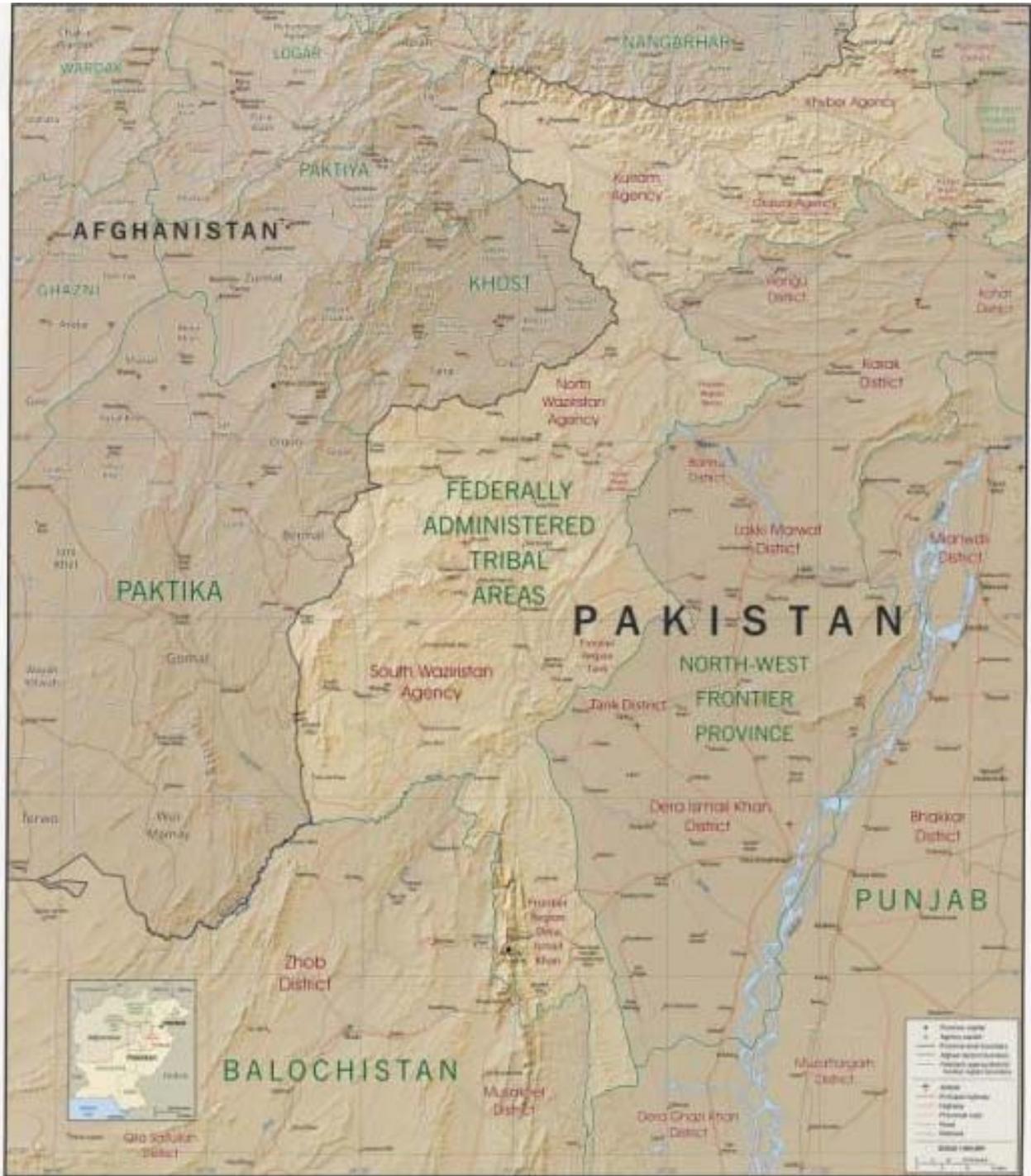


Figure C-2. Afghanistan and Pakistan Border Area, 2008 (Source: Central Intelligence Agency)

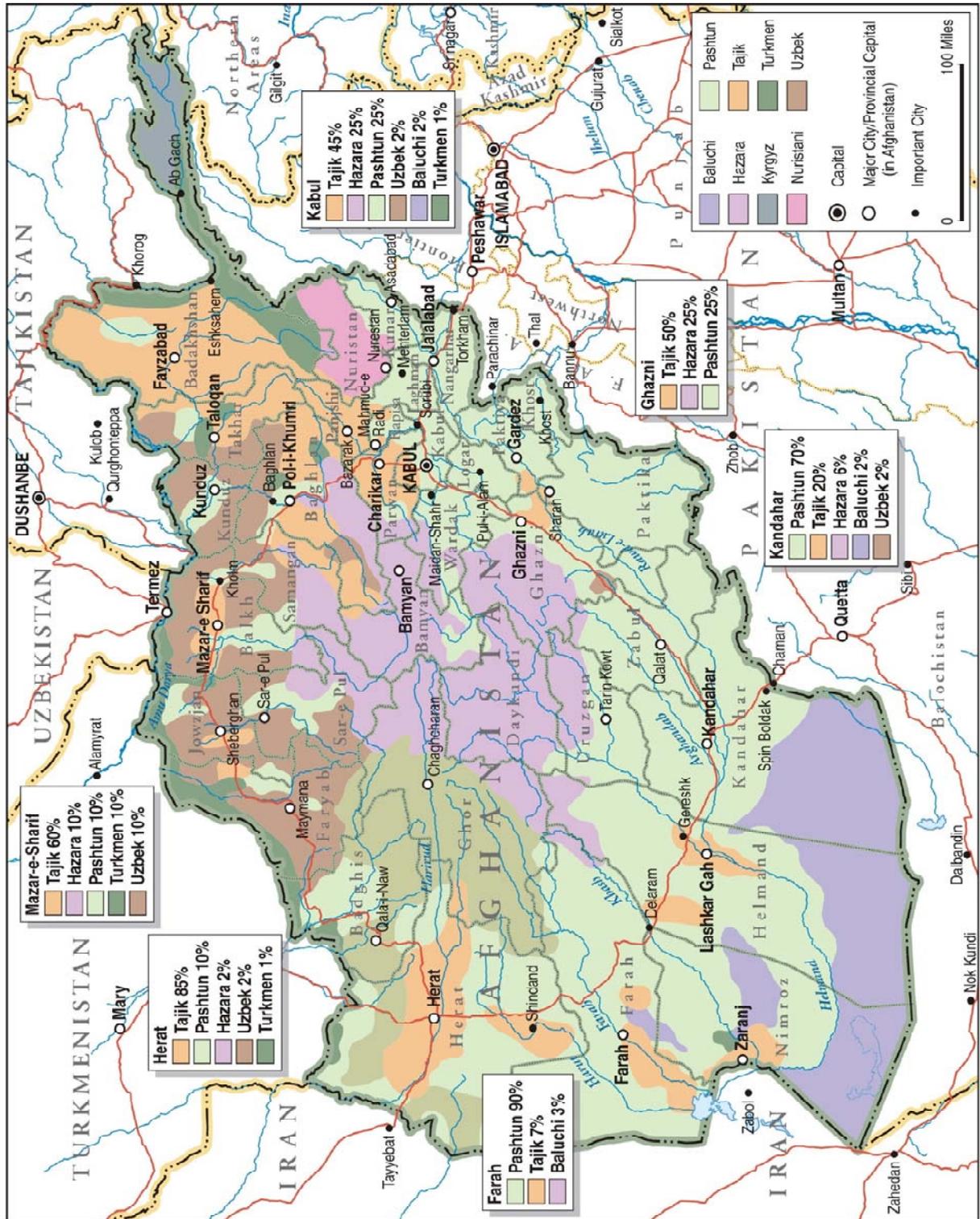


Figure C-3. Afghanistan Ethnic and Tribal Areas, 2008 (Source: Central Intelligence Agency)

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