

**“SECURITY SECTOR DEVELOPMENT
AND THE RULE OF LAW IN AFGHANISTAN”**

**Proceedings from the NATO PA-DCAF Conference,
April 17, 2008**

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PREFACE

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) and the NATO Parliamentary Assembly have a long history of productive cooperation (mandated and funded by the Swiss Ministry of Defence), dating back to October 2000, when DCAF was founded. It is widely accepted that the democratic and civilian oversight of security structures is a crucial instrument for promoting peace and democracy as well as ensuring socio-economic development. To that end, the collaboration between DCAF and the NATO Parliamentary Assembly has focused on assisting members of national parliaments in exercising their oversight functions, through the provision of tools, training and expert assistance. The establishment of DCAF Brussels in September 2005 has allowed for an even closer partnership to develop. As a result, it was decided to initiate a series of public conferences in Brussels, in order to highlight and discuss some of the principal challenges to the transatlantic security agenda, with parliamentary participation. The first such event was held on 4 December 2006, followed by two other seminars in 2007.

The fourth event, held on 17 April 2008, focused on the challenges to stability in Afghanistan. Afghanistan is of paramount importance for allies on both sides of the Atlantic, and for the international community as a whole. At NATO’s Bucharest summit at the beginning of April 2008, all major international actors reaffirmed their commitment to the Afghan people. However, a lot still remains to be done to provide the conditions for a stable and prosperous Afghanistan.

The problems in Afghanistan need more than just military solutions. But there can be no sustainable development in Afghanistan without a stronger military presence to provide the necessary security. These are two sides of the same coin and they must fit together if Afghanistan is to join the path to long-term stability.

The presentations and discussions that took place at the seminar explored this nexus between security and development challenges in Afghanistan. The keynote address, re-produced here, was delivered by Ali Ahmad Jalali, Distinguished Professor at the Near East South Asia Center for Strategic Studies at the National Defense University in the United States, and former Interior Minister of Afghanistan. The speech offers an informed insight into the challenges facing Afghan authorities and the international community today, and includes important recommendations about the way forward.

Both the NATO Parliamentary Assembly and DCAF place great emphasis on Afghanistan in their respective activities. DCAF’s Afghanistan programme aims to promote understanding of the principles of democratic security sector oversight through advocacy and awareness-

raising, introducing stakeholders to the mechanisms and tools that they can use to effect transparency and accountability across the security sector. The programme is based on the premise that it is essential to develop the capacities of parliamentarians, civil society and security sector actors to understand, mobilise consensus for, programme and implement democratic governance of the security sector. The project intends to contribute to a process of democratising security actors (military, police and intelligence agencies) and their subordination to democratic institutions. In its first phase, engagement is focused on the Parliament, the Ministry of Defence and civil society organisations.

The situation in Afghanistan and NATO's operations there feature at the very top of the NATO Parliamentary Assembly's agenda. Members of parliament play a crucial role in maintaining public support for the Alliance's engagement in Afghanistan, as well as in authorizing troop deployments. In this regard, the Assembly provides a unique forum, where members of parliament from allied and partner nations can hold informed debates, and share their concerns with their counterparts in other parliaments or with Alliance officials. More recently, the Assembly has also developed relations with the Parliament of Afghanistan, which expressed a strong interest for the same types of assistance and contacts that the Assembly has offered to a variety of parliaments over the years. Since May 2007, parliamentarians from Afghanistan have been invited on an *ad hoc* basis to participate in the Assembly's sessions, as well as in a number of other activities. Parliamentarians from Pakistan have been similarly engaged in Assembly activities.

We very much look forward to continuing this successful series of joint conferences in the second half of 2008 and beyond.

Simon Lunn
Senior Fellow
DCAF

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Secretary General
NATO Parliamentary Assembly

KEYNOTE SPEECH

CHALLENGES TO STABILITY IN AFGHANISTAN AND KEY RESPONSES: SECURITY SECTOR DEVELOPMENT AND THE RULE OF LAW

Professor Ali A. Jalali

The NATO Summit in Bucharest this month (April 2-4) came in the wake of growing international concerns that Afghanistan faces the distinct threat of becoming a failed state again. The country is challenged by a revitalized Taliban-led insurgency, a record rise in drug production, a deterioration of the rule of law and a weakening grip of the national government beyond the major cities.

The current situation is an inevitable result of the way domestic and international actors responded to political and security challenges in Afghanistan. From the outset contradictory concepts underpinned international intervention in Afghanistan. The country was devastated by three decades of conflict and overrun by transnational extremism, and yet the intervention was a «light footprint» political and military engagement. An extremely narrow focus on fighting terrorism undermined the much broader requirements for building a viable state. Local and regional strategic exigencies fell victim to the rush to tactical solutions and quick fixes at the expense of long-term priorities. The Taliban were removed from power, but neither their potential to come back nor their external support was addressed. Alliances of convenience with warlords perpetuated the influence of the most notorious human rights violators. Indigenous capacity building was hampered by inefficient use of insufficient funds, mostly by international contractors outside government control. A “quick and cheap military operation was followed by a cheap state building effort.”

The recent NATO Summit in Bucharest set out a vision guided by four principles: a firm and shared long-term commitment; support for enhanced Afghan leadership and responsibility; a comprehensive approach by the international community, bringing together civilian and military efforts; and increased cooperation and engagement with Afghanistan’s neighbours, especially Pakistan.

The commitment is encouraging but adopting joint plans and strategies is the easy part, putting implementing mechanisms in place, unifying efforts and coordinating actions of all stake holders at tactical, operational and strategic level is the difficult job. It is hard because it is extremely difficult to bring operational coordination to the efforts of so many actors with uneven capacities and political concerns in responding to emerging

In order for Afghanistan and its international partners to address these issues they should act cohesively to implement the already adopted strategy (Afghanistan Compact) in a coherent and responsible way holding the Afghan government accountable on its commitments and encourage its international partners to make good on their pledges. Compared to one year ago, there has been an acknowledged shift toward human security as the most important thing Afghans desire to improve

their quality of life. Human security cannot be achieved, however, without an integrated effort to build effective governance, fight the illicit drug trade, and defeat the insurgency.

Building Effective Government and the rule of Law

Afghanistan's transition from conflict to peace and sustainable development is a process of state-building which the creation of a set of institutions, capacities, resources and provisions for the rule of law. Governance embodies the use of institutions, structures of authority and resources to manage society's problems and affairs.

Both state-building and governance in Afghanistan are troubled by diverging concepts that influence the policies of domestic, regional, and global actors on the Afghan scene. They are further hindered by a continued cycle of violence. In such an environment, competing demands for responding to these challenges are often hard to reconcile. The resulting operational constraints inhibit strategic coordination in fighting the insurgency while building state institutions and good governance.

Good governance is hampered by a lack of state control over institutions and procedures that facilitate change in the country. Kabul is not in full control of institution-building, security operations and development choices. The basic functions of governance are performed by an array of state and non-state actors including foreign militaries, international bodies, non-government organizations and informal/traditional domestic power holders. While such a pattern is not uncommon in post-conflict and developing states, it is the slow pace of state-building in Afghanistan that has inhibited efficiency in governance, security and economic development. Consequently, without the state controlling a central role, public goods contributed by different actors tend to be uncoordinated, unstable, transient and more supply-driven than demand-driven.

Afghanistan has made major strides in its political transition to democracy and in rebuilding state institutions and yet the country's development indices are among the lowest in the world. The government's legitimacy has been supported by the political participation of all the domestic stakeholders in adopting the constitution and holding fair presidential and legislative elections. Yet the inability of the government to deliver services and exert influence throughout the country has eroded its institutional legitimacy. Afghanistan's reconstruction effort is the least-funded program among other post-conflict projects. Further only less than half of about \$ 32 billions in international aid pledges since 2002 has been delivered, mostly outside government control and with great bureaucratic and contractual wastes. The inability of the government to deliver services and exert influence throughout the country has eroded its institutional legitimacy leaving a vacuum, particularly at the subnational level, which is filled by insurgents, militia commanders, combined with local criminal gangs, all of whom undermine human security, local governance, democratic values, and the delivery of basic services. All of these factors, coupled with the insurgency-related violence in the south and southeast and the inability of security forces to counter local criminals and drug lords, has led to a tremendous loss of public confidence.

Frustrated by increasing insecurity and the ineffectiveness of security forces, the Afghan government tends to make tactical deals with corrupt nonstate power brokers and special-interest groups, parties who benefit from instability. These relationships evolve into another source for popular

disenchantment as power is exercised not by institutions but by personal whim of powerful people. There are no institutions; there are only powerful men. The problem will only intensify as the nation gets closer to presidential elections in 2009. Political deals, posturing, and compromises linked to the election could upset a number of long-term strategic priorities. Within the government, an ongoing destructive blame-game, with its attendant accusations and rhetoric populism, job insecurity, and mutual fear, continues to impair morale and effectiveness. This situation breeds suspicion within the ruling elite and generates mistrust between the executive and legislative branches. The lack of trust has also tainted relations between the Afghan government and its foreign partners.

The national security capacity in Afghanistan is limited, diverse, and fragmented. The Afghan National Army (ANA), currently about 55,000 strong, has achieved significant progress but it suffers from a lack of firepower, indigenous air support, and the absence of self-sustaining logistics. The 82,000-strong Afghan National Police (ANP) are wrought with endemic corruption and suffer from poor training, inadequate equipment and mobility and weak leadership. The U.S. multi-billion dollar investment in Police program added quantity but not enough quality to the police force. Despite the commitment of European Union to take the lead in developing the ANP the need for sufficient international police mentors is yet to be met.

Building effective governance at the provincial and district levels is the key to legitimacy and stabilization. Currently, subnational institutions mandated by the constitution are only partially established. The introduction of district, village, and municipal councils has been delayed indefinitely. Elected provincial councils are in place but are fraught with confusion regarding their roles and responsibility. The resulting institutional vacuum inhibits the democratic process. The situation further complicates the coordination of sustained services to the local populace. Even the security-driven projects run by Provincial Reconstruction Teams (PRT) and other groups sometimes conflict with the objectives of government institutions and processes, undermining their effectiveness.

According to a recent World Bank report, *Service Delivery and Governance at the Sub-National Level*, the key constraints to strengthening subnational systems in Afghanistan are, first and foremost, the absence of a clear policy framework regarding a desired institutional structure and a strategy to implement it. Highly centralized ministries are responsible for delivery of most of the key services in the country. There are three major issues that need to be addressed before an effective government can be established at the subnational level: The role of each level of government in the delivery of services; the level of capacity required for planning; and the relationship between elected and appointed government bodies.

The rule of law is at the heart of any government's legitimacy and a prerequisite for human security. Unfortunately, in the case of Afghanistan, there has been a failure by the international community to place a high priority on reforming the law enforcement and justice sectors; failures with severe consequences. The focus on security demands in such an unstable environment has led to excessive emphasis on security at the expense of the rule of law. This approach subordinates justice to security considerations and turns police into a force primarily used in combating insurgents instead of protecting the populace and supporting law and order. The government still lacks the political will to tackle a culture of impunity and to end political interference in the appointment and operations of police. Despite some improvement in several urban centers, the police lack

the capacity to enforce the rule of law. Obviously, in conflict-ridden conditions there is a need to meet security threats head-on; however, such an approach cannot compromise the administration of justice. It is, after all, the rule of law that contributes directly to the security of the nation and its people.

Finally, fighting corruption is a major challenge hindering emergence of Afghanistan as a viable nation-state. Corruption is the cause and result of a prevailing insecure environment. The ultimate solution is changing the environment itself. There are no simple and quick answers to the myriad of problems. But making the decisions to fight poverty, offer better salaries to law-enforcement officers and civil servants, depoliticize the appointment of law-enforcement officials, and adopt a zero-tolerance policy toward corrupt government officials will all contribute markedly to achieving the nation's long-term, anticorruption goals.

The Drug Problem

Three major hurdles hamper any counternarcotics campaign in Afghanistan. They include a record production of opium, consolidation of the drug trade into a network of politicians and traffickers, and disagreement over any counterdrug strategy by representatives of the international community. With a 34 percent increase this year, opium production has peaked to 8,200 metric tons. Seventy percent of the opium was produced in five troubled southern provinces where insurgency has intensified, giving credence to the belief that counterinsurgency missions are also counternarcotics efforts.

Consolidation of the drug economy into an organized network has created a parallel system that provides economic, financial, security, conflict resolution and marketing services to the population. The network functions more effectively than the government. Leveraging poverty, lack of security and the rule of law in the country, the network influences every aspect of political, social and economic life. Such a criminal economy significantly contributes to official corruption, support of insurgency, insecurity and the breakdown of the rule of law.

Neither massive eradication nor licensing is viable solutions to the drug trade. The solution should be sought through long-term efforts aimed at the development of rural economy and crackdown on trafficking networks that include police, law enforcement elements and political patrons. Counternarcotics efforts should be integrated into every aspect of development: security, economic growth, and governance. There are no quick or simple solutions. Attempts to simplify the problem, in order to make it manageable and compatible with the domestic policies of donor countries, seldom lead to sustained progress.

Fighting the Insurgency

The Taliban-led insurgency in Afghanistan is waged in a highly volatile sociopolitical environment. What drives people to fight is not merely the ideology, but rather the unstable environment and the influence of existing networks of tribes, clans, criminal networks, and transnational organizations. There are many independent but interlinked actors challenging the Afghan government and its international allies for various reasons. The challenge in dealing with this insurgency is to separate

the insurgents from the terrorist-minded militants. This can only be achieved by an integrated strategy of military and civil operations.

There is no military solution to insurgency but it can be lost militarily. The insurgents win only because the counter-insurgent loses. Military action should target terrorists and insurgent organizations in an effort to dissuade, deter, and defeat them by means of direct combat. The key component of the non-military solution is economic development and building an effective government and the establishment of the rule of law. Taliban can not be defeated merely by the military operation of NATO but by the Afghan people through the establishment of good government that wins aggrieved population and achieves national reconciliation. Addressing legitimate Afghan grievances is more essential than seeking peace through negotiation with violent extremists. The military action should facilitate attaining this goal.

The means and ways of waging both military and non-military efforts are inadequate and inefficient. NATO not only needs to increase its troops in Afghanistan at least by 12000 but also to remove restriction on their operational use and improve their airlift mobility. NATO, commanding some 47,000 troops in Afghanistan, sees itself responsible for the military action in counterinsurgency efforts. The lack of sufficient troops limits NATO's capacity to secure areas for reconstruction and good governance while the absence of a unified leadership and a comprehensive strategic approach complicates utilization of tactical achievements for strategic gains. Uncoordinated counterterrorism operations by the 12,000 strong U.S.-led Operation Enduring Freedom causes resentment as a result of what many believe to be unwarranted arrests and mistreatment of peaceful villagers suspected of aiding the insurgents. Adding to the confusion is the appearance that no particular organization is in charge of a wide range of nonmilitary counterinsurgency efforts. These nonmilitary efforts are conducted in what many believe is a "free for all" sphere of action, spawning additional problems and adding to the feelings of insecurity. Further the emergence of a capable government that can take charge of overall military and non-military strategy is stymied by the slow development of indigenous security and governance capacity, the absence of strong leadership, a culture of impunity and tactical deals with non-state power holders who undermine legitimate state institutions.

Throughout history few insurgencies have survived without safe havens abroad. As long as the insurgents maintain a sanctuary in Pakistan it will be difficult to defeat them in Afghanistan. The upsurge of violence in Pakistan and the Talibanization of the tribal areas aggravate the impact of regional influence on Afghan developments. The Taliban have safe-havens in Pakistan and receive technical and operational assistance from transnational extremists located there.

Removal of sources of the insurgency in Pakistan requires a new regional approach combining the military and political efforts of the United States, NATO, Afghanistan, and Pakistan. This revitalized approach needs to address a number of legitimate concerns of both Afghanistan and Pakistan. Among the most compelling of these concerns are the development and education of the populace in the rural tribal areas on both sides of the border, promotion of democratic values within Pakistan, enhancement of governance in Afghanistan, and the political integration of Pakistan's Federally Administered Tribal Areas. In the broader context, reducing the sources of transnational militancy and religious extremism in South Asia and the economic integration of the entire region needs

Conclusion

The challenges to security and stability in Afghanistan are multi-faceted and interlinked. They include insurgency, chronic weakness of the Afghan government and state institutions, exploding drug production, and a weak economy. Uncoordinated military operations by international forces and shifting political dynamics in the region are additional contributing factors. These challenges have serious implications for stabilization efforts and state-building in Afghanistan. There are no quick and easy solutions. In order for Afghanistan and its international partners to address these issues they should act cohesively to implement the already adopted strategy (Afghanistan Compact) in a coherent and responsible way holding the Afghan government accountable on its commitments and encourage its international partners to make good on their pledges. Peace in Afghanistan could not be achieved without closing insurgents' sanctuaries in neighbouring countries, and without the emergence of a capable government enjoying the trust of the people and respect of regional actors. Building indigenous security and governance capacity is the key to success.

“STABILISING AFGHANISTAN: DEVELOPING SECURITY, SECURING DEVELOPMENT” SEMINAR REPORT

I. Introduction

1. Seven years after the fall of the Taliban regime, the stabilisation and reconstruction efforts in Afghanistan continues to face great challenges. The country is gearing towards parliamentary and presidential elections in 2009, which will represent a major test for the Karzai government and its allies. While major progress has already been made in many areas, reconstruction efforts still suffer from persistent – if not growing – instability in several regions of the country. At the same time, stabilisation efforts are being hampered by delays in consolidating the institutions and rebuilding the economy.

2. With time passing by, support for the Afghan authorities and for the international community’s efforts is increasingly being tested. The weakness of the country’s institutions and its security forces draws growing criticism. Poppy production is sky-rocketing. ISAF forces face fierce opposition in the south, prompting an uneasy internal debate within the Alliance on burden sharing. Problems of co-ordination on the ground continue to undermine the coherence of the reconstruction and stabilisation efforts.

3. At the NATO Summit in Bucharest at the beginning of April 2008, all major international stakeholders reaffirmed their commitment to Afghanistan. The recent appointment of Kai Eide as the Special Representative of the UN Secretary General (SRSG), the enhanced United Nations Assistance Mission in Afghanistan (UNAMA) mandate stressing its co-ordinating role, and renewed emphasis on a comprehensive approach and civil-military co-operation, are welcome developments. However, success requires that all stakeholders now deliver on their commitments.

4. Preferring a focus on process and solutions rather than snap assessments of success and failures, the seminar attempted to take stock of where we stand and suggest ways to move forward. NATO and EU representatives, national officials and independent experts examined security challenges, before turning to development issues.

II. Keynote address

5. The keynote address set the tone for the seminar, highlighting the main challenges facing Afghan authorities and the international community today, as a result of inadequate priority-setting and policy choices made from the onset of the intervention in Afghanistan. What is required to address these challenges is not so much a new strategy as a determined effort by all stakeholders to fully implement the existing strategy set forth by the Afghanistan Compact.

6. The greatest problem so far has been the failure to build an indigenous governance and security capacity. Efforts have focused on stabilisation and security, while largely ignoring

governance and the rule of law. These should now be given priority. Firstly, central institutions need to take full control of the basic functions of governance; only if they are seen to deliver services will they recover legitimacy and the confidence of the population. Secondly, the current governance vacuum at a local level needs to be filled. Thirdly, national security institutions should be strengthened, and fourthly, decisive action is required to establish the rule of law and fight corruption.

7. Afghan authorities and the international community also need to tackle the drug problem and overcome the three hurdles that have so far prevented success: the record production of opium; the consolidation of the drug trade into a network of politicians and traffickers; and the disagreement among international actors over any counter-narcotics strategy. This can only be done with a long-term strategy aimed at the development of rural economy and a crackdown on trafficking networks. Counter-narcotics efforts should be integrated into every aspect of development.

8. Last but not least is the challenge posed by the insurgency. Several important changes need to be made to the current strategy. Firstly, one should distinguish more clearly between insurgents and terrorist-minded militants. Secondly, military efforts need to be strengthened. Current NATO troop levels are insufficient and they should be increased by at least 12,000 men. US-led counter-terrorist operations should also be better co-ordinated. Third, a regional approach, which includes Pakistan, is necessary in order to remove the roots of the insurgency there.

9. Eventually, the key to success lies in non-military efforts: establishing indigenous governance and the rule of law, and creating the conditions for economic development. International reconstruction efforts need to be better coordinated to put an end to current inconsistencies and move away from the current impression of a “free for all” sphere of action. For instance, donor countries are competing on building schools, regardless of whether there are actually enough teachers to fill them. Similarly, most Afghans live off agriculture; nonetheless this sector receives the least assistance of all. Additionally, money is often spent according to the wishes of the donors, who mostly use international, rather than local contractors. Consequently, the funds do not leave the donor country, and instead of building capacity in the government, international assistance leads to a “defection” of capacity.

III. Security Challenges: Ongoing Operations and Defence & Security Sector Reform

10. Assessing the security situation in Afghanistan is a challenging task. Statistics need to be treated with much caution as numbers are often impossible to verify and come with all types of caveats, which limit their usefulness as indicators of the overall situation.

11. Additionally, a lot depends on how success is defined. International military representatives tend to focus on military achievements, and therefore their assessment may sometimes seem overly optimistic. Instead, the assessment should focus on security perceptions and community needs. In this regard, the situation is not very encouraging. The widespread feeling of insecurity is fed by a growing number of attacks, kidnappings and intimidation against locals and international civilian workers, including in areas generally considered as “stable” in the north and in the west. In the

absence of functioning state and local institutions, insurgents are able to use the grievances of local communities to reach out to and recruit among the disgruntled and disenfranchised.

12. The struggle can often appear to be unequal. The insurgents do not have to win - they just have to not lose long enough to sap the population and the donors' will, and drive a wedge between the government and the people. They cynically and publicly use civilian deaths in their propaganda.

13. Nevertheless, the Taliban is no longer a standing army of ideological warriors, it has become a diffuse protest movement, its foot soldiers made up of both students from extremist madrassas in the Pakistan border areas along with the disillusioned within Afghanistan. While their militant forces appear unable to hold ground, they are projecting themselves far stronger than their actual numbers through the use of asymmetrical attacks.

14. To tackle the pervasive insecurity in Afghanistan the Karzai government and the international community need to focus on institution building rather than quick fixes. Afghanistan has suffered from sustained conflict for almost 30 years, and during this period it has known only one kind of ruling: that of abusive power-holders preying on the local populations. The result is an alienated population that often has little faith in its leadership. Building the institutions central to the rule of law driving service delivery should therefore be the heart of the counter-insurgency strategy; this will undercut the Taliban's legitimacy and their recruitment and support base. For this, the international effort can still count on the strong support of a vast majority of the people of Afghanistan.

A. NATO and the EU in Afghanistan

15. At the Bucharest Summit at the beginning of April 2008, NATO Heads of State and Government agreed on a new strategic vision statement for the ISAF mission in Afghanistan. This document provides a coherent narrative to support the international military presence in Afghanistan and benchmarks to measure progress.

16. The objective for the 40 NATO and ISAF contributing nations is to achieve a situation where extremism and terrorism no longer poses a threat to stability; where Afghan National Security Forces are in the lead and self-sufficient; and where the Afghan Government is able to extend the reach of good governance, reconstruction and development throughout the country to the benefit of all its citizens.

17. To achieve this, ISAF's actions will follow four major guiding principles. *First*, it will maintain a firm long-term commitment, and seek to fill remaining shortfalls. Thus, 2,000 additional forces were committed at the Bucharest Summit. *Second*, it will support enhanced Afghan leadership, assisting in particular with the establishment of an effective 80,000-strong Afghan Army by 2010. *Third*, it will intensify its contribution to a comprehensive approach, working closely with UN SRSG Kai Eide in support of UNAMA's lead role in co-ordinating the overall international civilian effort and improving civil-military co-ordination. Important adjustments could be made in particular to the work of the Provincial Reconstruction teams (PRTs). *Fourth*, it will seek increased co-operation and engagement with Afghanistan's neighbours, especially Pakistan.

18. While implementing its new strategic vision, NATO will continue to face a number of difficult challenges. These include maintaining the support of the local population; improved communication on the purpose of NATO's presence in Afghanistan; keeping up counter-insurgency efforts; and assisting the Afghan authorities with the necessary process of reconciliation.

19. The European Union has also recently stepped up its presence in Afghanistan with the launch of the EU Police (EUPOL) mission in June 2007. EUPOL aims at contributing to the establishment of a viable and effective civilian police force under Afghan authority and in accordance with international standards. To that effect, EUPOL will monitor, mentor and advise the Afghan Ministry of Interior, as well as regions and provinces.

20. Specifically, the mission pursues five strategic objectives: 1. to develop and reform, at an institutional level, the Afghan National Police (ANP) and the Ministry of Interior; 2. to develop a national strategy for criminal investigation; 3. to establish an effective border management system; 4. to develop a national training strategy; 5. to improve co-ordination among international actors.

21. The mission consists of 231 international staff members, mainly police officers (150), but also law enforcement and justice experts deployed at central (Kabul), regional (the regional police commands) and provincial levels (deployment in provinces, through the PRTs). While this may seem like a small number, it has to be emphasised that the EU is acting at a strategic and not an operational level. For the time being, the mission is fully deployed in ten provinces, temporarily deployed in four others and awaiting deployment in six provinces, where technical agreements are yet to be finalised. The full deployment of the mission is expected to take place by the end of spring 2008.

22. While progress has already been made towards all of the five objectives, further efforts need to be made in coordinating international efforts, ensuring coherent action across Afghanistan and along the ANP chain of command, and promoting reform of the justice sector.

B. The regional dimension and the role of Afghanistan's neighbours

23. The involvement of Afghanistan's neighbours in the stabilisation process is fundamental. Pakistan, in particular, plays a key role in the future development of the country. Whereas, it has been reported that some elements of the Pakistani military and intelligence services may be protecting the Taliban, it would be a mistake to conclude that the Pakistani government as a whole protects them. In fact, it should be noted that more Pakistani troops than Western troops have been killed in fighting extremists. Pakistan's government has no incentive to strengthen the Taliban, as this would only further undermine its political authority in the border area. Taliban fighters themselves also strongly resent Pakistan's leadership.

24. The real problem lies at the – unrecognised – border between Afghanistan and Pakistan, and relates to the attitudes of Pashtun populations on both sides of the border. Although the tribal system of Pashtun society is not homogeneous, close links exist between Pakistani and Afghan Pashtuns, reinforced by movements of refugees across the border. While Pashtuns have historically played a moderating role and do not support Islamist forces in Pakistan, the Taliban have been able

to exploit their resentment towards the government and prevailing anti-Western feelings. As a result, the boundary has become a safe haven from which the Taliban launch attacks into Afghanistan.

25. The stability of the Pakistani state is one of the most important elements in the war against terrorism. The international community should avoid putting excessive pressure on the Pakistani government to launch military offensives against the Taliban and their local supporters in the Pashtun area. This would only reinforce anti-Western feelings, foster Islamic extremism and destabilise the Pakistani government.

26. Another important, yet often overlooked neighbour is Iran. Tehran could play a positive or negative role towards Afghanistan depending on the West's attitude towards it. While the development of economic relations between Iran and Afghanistan could progressively help stabilise the region, a foreign intervention in Iran would be disastrous and only encourage Tehran to spread chaos and instability.

IV. Development Challenges: Drugs, Rule of Law, Governance

27. Stabilising Afghanistan is not enough. The country has to be brought back fully into the community of functioning nations and development has to be long-term. It is not wise to provide help and walk away or shift resources between regions. Follow up is necessary in stabilised regions to ensure that gains are preserved and to give people predictability in their lives. The support of the Afghan government is also critical. Without it, the international community's efforts will not be sustainable or credible.

A. The Challenges of Establishing the Rule of Law in Afghanistan.

28. Many challenges remain for the establishment of the rule of law in Afghanistan. Problems include: insufficient knowledge and understanding of the law; lack of due process and deficient administration of justice; and the fact that significant groups, in particular various warlords and their associates, still remain "above the law." There is also much economic interest opposed to the establishment of the rule of law in the country.

29. Even though there are judges who know the laws, it would be difficult to find someone who knows the whole system. In this sense, there is a considerable lack of capacity. Thus far there has been no holistic review of all laws in terms of whether they are compatible with the constitution, or if new laws are compatible with existing laws. No law on violence against women has ever been introduced either. As for due process, the inconsistent application of the death penalty, and the situation in detention centres, where bribes and corruption are commonplace, are only a few examples that demonstrate the extent of the problem.

30. One additional challenge for Afghanistan is the fact that the legal system is extremely complex, blending elements of customary, secular and Islamic law, as well as formal and traditional mechanisms of dispensing justice. Ordinary Afghans lack confidence in state-administered justice.

31. The responsibility for the current situation is shared between the international community and Afghan authorities. Foreign efforts (led by Italy) to reform the justice system do not seem to bring desired results. Additionally, Italian and US efforts in the field of the justice system reform are not co-ordinated. There is also still a shortage of foreign legal experts and advisers, and the efforts to establish the rule of law are confined mainly to Kabul, while largely ignoring the rest of the country.

32. However, rule of law and justice are core functions of a sovereign state; they should be nationally-owned processes and not be outsourced. In this regard, one should point out at least two positive developments: Afghan justice institutions have taken the leadership in promoting justice reform; and the concept of legal defence is slowly taking root.

B. The Drugs Challenge

33. If the international community and the Afghan government are to achieve security and prosperity the issue of drugs must be tackled. Afghanistan is the world's leading drug producer. In 2007, it cultivated 193,000 ha of opium poppies, a 17% increase since 2006, and produced an extraordinary 8,200 tonnes of opium.

34. There is some progress, as the number of "poppy free provinces" has more than doubled from 6 to 13, mostly in the north and the centre. However, in the south, the situation remains worrying. Cultivation in the Helmand province alone represents over 100,000 ha and is predicted to remain extremely high in 2008. In Helmand, drugs fuel insurgency and corruption – although one cannot yet assimilate the situation there to a Columbian-type narco-insurgency. Nevertheless, to be successful any counter-insurgency strategy has to factor in counter-narcotics as well.

35. The UK government promotes an integrated approach to the drug problem. Eradication alone cannot be effective. Any counter-narcotics strategy should also be long-term. Experiences in other countries demonstrate that it may take 15 to 20 years to see results. The United Kingdom – as the lead nation on counter-narcotics efforts – supports the Afghan government in the implementation of the National Drug Control Strategy. Efforts focus on four priority areas: building counter-narcotics institutions; targeting traffickers; providing economic support to poor farmers to switch to licit livelihoods (including investment in rural infrastructure); and reducing demand both in Afghanistan and abroad.

V. Conclusions

36. There is no quick fix for Afghanistan. The international community will most probably be engaged for a generation. It is, therefore, all the more critical for NATO governments to explain to their public in the West why they are engaged in Afghanistan. Three elements need to be stressed: security (theirs/ours), human rights protection and the development of one of the poorest countries in the world.

37. Military measures alone will not be enough. Afghanistan's problems can only be resolved by

a well-coordinated political action. The country needs well-run and legitimate institutions that deliver tangible benefits to people and command their respect and support. For this reason, it is extremely important to credit the Afghan government with successful development projects, such as hospitals, wells, etc. to help build trust among the people. The key to success is about delivery. Whoever delivers will win the confidence of the people.

38. In a similar vain, more aid should be channelled trough the Afghan government (thus far it has been less than 50%). This would increase the aid's acceptability among the Afghans and improve the government's standing among them.

39. Tackling corruption is also vital. Corruption hampers an effective disbursement of the aid through the Afghan government, and encourages foreign governments to increasingly go around it. The opposite should be happening. The international community needs to maintain pressure on the Afghan government to replace corrupt officials and demonstrate accountability for donated funds.

40. In terms of tackling the insurgency, the outcome will depend on who the people sympathize and identify with (sympathising and identifying being two separate things). The Taliban are not an homogenous group; some identify with the ideological aims of the movement, others align themselves with the movement for practical reasons. The international community should capitalise on these divisions and drive a wedge between the various factions.

41. One final observation deserves particular attention: it is vital to address the issue of the status and role of women in the Afghan society. They are in fact key to the reconstruction process and in the fight against the Taliban.

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