

Policing in Afghanistan: Still Searching for a Strategy

I. OVERVIEW

Police reform in Afghanistan is receiving more attention and resources than ever before, but such increased efforts are still yet to be matched by significant improvements in police effectiveness and public confidence. Too much emphasis has continued to be placed on using the police to fight the insurgency rather than crime. Corruption and political appointments are derailing attempts to professionalise the force. The government and the international community need to reinforce the International Policing Coordination Board (IPCB) as the central forum for prioritising efforts and drive forward with much greater unity of effort. Tangible steps such as appointing a career police commissioner and establishing community liaison boards will build professionalism and wider outreach. A national police force able to uphold the rule of law is crucial to state-building and would help tackle the root causes of alienation that drive the insurgency.

After years of neglect, the international community appears to be recognising the importance of police reform in Afghanistan. Greater focus on the sector has seen the first large-scale district-level training and equipping program, \$3.8 billion in U.S. commitments in 2007 and 2008 and a reinforced European Union (EU) policing mission. Nevertheless, there is still need for enhanced coordination in the efforts of different countries involved in reform, with a greater emphasis on developing Afghan institutions rather than parallel programs. The EU, despite having nominal lead for police reform, has failed to match rhetoric with a comprehensive strategy and adequate resourcing and personnel. Instead, a deteriorating security situation and political pressure for quick results has continued to obscure longer-term strategic planning and the importance of civilian oversight.

The U.S. military, the dominant actor, still mainly sees the police as an auxiliary security force rather than an enforcer of the law. The Afghan National Police (ANP) is ill-equipped for this role, with 1,200 insurgency-related police deaths in 2007 – and on track for similar numbers in 2008. Such an approach also ignores that organised crime and the lack of rule of law lie at the

heart of much popular disillusionment and instability. Lessons that could have been learned from other counter-insurgency situations often appear lost amid a profusion of international efforts. Better law enforcement, including a functioning judicial system, would help counter any appeal the insurgents may hold in Afghanistan.

On-the-ground police training and restructuring has not been matched by political will in Kabul or foreign capitals to tackle the powerbrokers impeding reform. A senior international official described, “trying to do police reform while simultaneously co-existing with forces who want to reach in and corrupt it”. Police appointments and operations are subject to interference at every level.

Despite these shortcomings, there is renewed hope. Changes of personnel at the top provide a chance for fresh impetus in setting goals and driving implementation. These include a new interior minister; a new attorney general; and a new commander of the European policing mission. U.S. military training efforts have been realigned under the dual-hatted commander of U.S. forces and the UN-mandated International Security Assistance Force (ISAF). While there are calls for more resources, there first needs to be much greater coherence of approach and streamlining of programs, with political, strategic and operational decision-making clearly delineated and roles defined.

There is, above all, a pressing need for an improved strategic focus across the security and rule-of-law sectors, ensuring police reform takes place within larger state-building efforts, including:

- ❑ clearly defining the roles and responsibilities of the different security organs – the police, the military and the intelligence agencies;
- ❑ parallel reform and links with prosecutors’ offices and the justice sector;
- ❑ public outreach and consultation with civil society, including women’s organisations, about the shape of policing and the creation of civilian accountability mechanisms; and

- moving past security-oriented, militaristic notions of policing to include community-policing efforts that build community trust and credibility.

In August 2007 Crisis Group stressed: “Rule of law, upheld by accountable, depoliticised national institutions is key to state building ... the police must be viewed as part of a wider process of democratisation, rather than simply a security task”. This briefing focuses on the Afghan Uniformed Police (AUP) and considers major developments in 2007-2008. These include the Focused District Development (FDD) program, begun in late 2007 to reform police at the district level countrywide, as well as the deployment of the EU Policing Mission to Afghanistan (EUPOL), which assumed the nominal lead for police reform in mid-2007. Information was gathered through research in Kandahar, Mazar-e Sharif and Kabul. While many individuals were helpful, it should be noted that policymaking in the sector has become increasingly opaque and data – always notoriously unreliable in Afghanistan – increasingly difficult to access.

II. THE STATE OF POLICING

This update builds on Crisis Group’s August 2007 work on police reform in Afghanistan¹ in a period that has seen unprecedented interest in the sector. In difficult conditions, with the insurgency continuing to grow, an international police adviser says advances are most realistically seen as a series of “little victories”.²

A. POLICE NUMBERS

In April 2007 the Joint Coordination and Monitoring Board (JCMB), the overseers of the Afghanistan Compact,³ agreed to a “temporary” increase in the numbers

of police personnel from 62,000 to 82,000⁴ – the latter figure is now widely accepted as unlikely to be reduced – with a matching *tashkeel* (staffing structure). This includes 44,319 Afghan Uniformed Police (AUP); 5,365 Afghan National Civil Order Police (ANCOP), elite gendarmerie-style units; and 17,970 Afghan Border Police (ABP),⁵ which to date have had the “least attention, funding and training”.⁶

The *tashkeel* is best described as an authorised personnel ceiling. The numbers cited are not necessarily present on the ground and are far more difficult to ascertain. Between 2003 and 2008 there have been 149,000 trainees.⁷ Some 78,500 police are now paid from the Law and Order Trust Fund (LOTFA), the international funding pool that reimburses all police salaries. The UN estimated around 57,000 police on the ground,⁸ others as low as 35,000.⁹ In his confirmation hearings before parliament, new Minister of Interior Hanif At-

Special Representative of the Secretary General (SRSG) chair the JCMB, which oversees progress. It has 30 members, including seven from the Afghan government and 23 international representatives of major donor and regional countries, along with multilateral institutions and military commands. See Crisis Group Asia Briefing N°59, *Afghanistan’s Endangered Compact*, 29 January 2007.

⁴See Crisis Group Report, *Reforming Afghanistan’s Police*, op. cit., p. 10. At JCMB VII in February 2008 it was decided to add 180 more personnel to manage disarmament in a new unit at the ministry of interior, making the official ceiling now 82,180. See Disbandment of Illegal Armed Groups, United Nations Development Program (UNDP), Quarterly Project Report, 1 January -31 March 2008, p. 3.

⁵There are also some 3,777 counter-narcotics police; 2,494 headquarters personnel; 4,148 criminal investigation department staff; and 406 counter-terrorism police. 2008 Afghan National Police *Tashkeel*.

⁶“Report on Progress Toward Security and Stability in Afghanistan”, Department of Defense, Report to Congress in Accordance with the 2008 National Defense Authorization Act, June 2008 p. 23. According to the UN, “Border police are almost non-existent along significant parts of the country’s border and are unable to prevent large-scale smuggling and drug trafficking”. “Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security”, UNSC and UNGA, A/63/372-S/2008/617, 23 September 2008, p. 7. CSTC-A is now beginning a \$70-million project for border police along the lines of the Focused District Development (FDD) program. Crisis Group interview, Major General Cone, Kabul, 12 October 2008.

⁷“Report on Progress Toward Security and Stability in Afghanistan”, Department of Defense, op. cit., p. 24. This includes individuals doing multiple trainings.

⁸“The situation in Afghanistan and its implications for international peace and security”, op. cit., p. 7.

⁹Crisis Group interview, Western diplomat, Kabul, 27 September 2008.

¹Crisis Group Asia Report N°138, *Reforming Afghanistan’s Police*, 30 August 2007. For other recent analysis of the police in Afghanistan see Andrew Wilder, “Cops or Robbers? The Struggle to Reform the Afghan National Police”, Afghanistan Research and Evaluation Unit (AREU), July 2007; and Cyrus Hodes and Mark Sedra, “The Search for Security in Post-Taliban Afghanistan,” *Adelphi Papers*, no. 391 (2007). For regional perspective on the sector see Crisis Group Asia Report N°157, *Reforming Pakistan’s Police*, 14 July 2008.

²Crisis Group interview, Kabul, 30 July 2008.

³The January 2006 Afghanistan Compact was the commitment between the international community and Afghan government towards a “shared vision of the future” over a five-year period, across three pillars, security; governance, rule of law and human rights; and social and economic development. A representative of President Hamid Karzai and the UN’s

mar stated that 20 per cent were absent from duty.¹⁰ A small-scale Combined Security Transition Command-Afghanistan (CSTC-A)¹¹ audit located 80 per cent of personnel on the payroll – although only 48 per cent provided identification.¹² On the other hand, in some areas there are even more personnel on the ground than provided for in the *tashkeel*, presumably funding themselves through illegal tolls on the roads.¹³

Considerable work has gone into overhauling payroll and identification systems to provide more accountable oversight and end patronage networks that skim salaries meant for police officers who may or may not exist. The Electronic Payroll System now functions in most regions,¹⁴ with individual records for some 63,486 police. Of these 35,369 are paid by electronic transfers to individual bank accounts.¹⁵ To ensure better accountability, LOTFA intends to hire an independent monitoring agent to check and monitor personnel on the ground.¹⁶ Meeting the salaries of all the country's police is one of the best levers the international community possesses. It should use it to demand accountability, insisting, for a start, on the universal application of the electronic system.

Attrition continues to be a problem, estimated at 21 per cent annually, with insurgency-related casualties a major factor.¹⁷ The Taliban has singled out the police for attack through targeted killing of senior officials and frequent assaults on police facilities and personnel.¹⁸ Some 17 per cent of police on the books are

believed to be dead or wounded.¹⁹ Slain officers have been kept on the payroll to ensure families are provided for, adding to the confusion about personnel numbers, although a separate funding arrangement for their dependents is now being considered.²⁰

Lightly armed and poorly trained, ANP deaths are three times higher than those of the Afghan National Army (ANA).²¹ In 2007 around 1,200 police were killed, mainly in the south and east,²² and numbers are on track to be the same in 2008.²³ This impacts police morale and will ultimately undermine recruitment. Already there are reports of police defections to the Taliban, often, it would appear, the result of demoralisation and the threat of death rather than the deliberate infiltration of the ranks by anti-government elements.²⁴

Given rising insecurity, the size of the ANA has been raised from 70,000 to 134,000, to be reached by end-2011 with discussions on similarly further increasing the number of police.²⁵ While this may prove necessary, however, an increase in the number of police would undermine efforts towards some level of domestic fiscal sustainability and require multi-year financial com-

¹⁰ Hanif Atmar's address to the Wolesi Jirga (lower house of the National Assembly), 20 October 2008. Crisis Group transcript.

¹¹ Previously called the Office of Military Cooperation – Afghanistan (OMC-A), responsible for training and equipping the Afghan National Army (ANA), the name was first changed to the Office of Security Cooperation – Afghanistan (OSC-A) when policing was added to its mandate, and then to Combined Security Transition Command – Afghanistan (CSTC-A).

¹² "Review of the Quality, Structures and Accountability of the Afghan National Police", presented to the JCMB VII, January 2008, p. 6.

¹³ Crisis Group interview, Mazar-e Sharif, 22 August 2008. Similar stories were heard in the south.

¹⁴ The finance offices in Badghis, Helmand, Uruzgan and Kandahar Border Police have yet to implement the Electronic Payroll System. LOFTA/Ministry of Interior figure as of 5 October 2008.

¹⁵ Ibid.

¹⁶ LOTFA Phase IV, Annual Project Report, UNDP, 1 April 2007-31 March 2008, p. 10.

¹⁷ "Review of the Quality, Structures and Accountability of the Afghan National Police", op. cit., p. 5.

¹⁸ A suicide attack on a Kandahar police station, for instance, killed at least six people and injured 30 in September 2008. In October, a suicide attacker, dressed in a police uniform, killed two Americans at a police station and wounded five

Afghan officers in the northern province of Baghlan. See "Kandahar rocked by suicide blasts", BBC News, 7 September 2008; and Abdul Waheed Wafa and Carlotta Gall, "Bomber in police uniform kills 2 Americans in Afghanistan", *The New York Times*, 27 October 2008.

¹⁹ Crisis Group interview, Major General Cone, Kabul, 12 October 2008. This is a national average. With the insurgency centred in the south and east and responsible for most of the wounded and dead, those areas would have far higher percentages of casualties.

²⁰ Ibid.

²¹ CSTC-A figures for Afghan Security Force deaths between January 2007 and September 2008: 1,165 ANP and 420 ANA "Afghan National Security Forces Update", CSTC-A, 11 October 2008.

²² This was out of a total of 8,000 estimated conflict-related deaths. Annual Report, Joint Coordination and Monitoring Board, March 2007-March 2008, p. 3.

²³ Following the Afghan solar calendar, starting 21 March 2008, 932 police were killed until 14 November 2008 and 1,515 wounded. Crisis Group telephone communication, interior ministry spokesman Zmaray Bashary, 20 November 2008.

²⁴ Fourteen police officers in Nuristan reportedly defected on 7 July 2008 and fifteen the same week in Farayab. There have also been cases of the ANP reportedly attacking foreign soldiers – including two in one month in Paktika. There are also some reports of infiltration. See "New challenges facing security forces", *Mojahed*, 12 July 2008 (translation by BBC Monitoring); "U.S. soldier shot, killed in Afghanistan", UPI, 17 October 2008; and David Wood, "Taliban infiltrates Afghan army and police?" *Baltimore Sun*, 31 October 2008.

²⁵ Major General Cone told journalists that 68,000 ANA are currently in the field and 11,000 in training. "Afghan Army growing at record levels", AFP, 11 November 2008.

mitments by the international community.²⁶ Moreover, identifying personnel already on the ground, building their skills and holding them accountable must remain the priority. Recruitment standards and training schemes are already minimal, with most *satunkai* (patrolmen, often locally referred to as “soldiers”) provided a maximum of eight weeks of instruction and *satanman* (non-commissioned officer) courses reduced from one year to nine months, and from the start of 2008 to just four and a half months. Lowering requirements and training even further to speed efforts would do more harm than good.

B. THE SHAPE OF THE POLICE

SATUNKAI (patrolman/“soldier”):

No formal education requirement. Maximum basic training of eight weeks at regional training centres.

SATANMAN (non-commissioned officer):

Entry requirement, nine years of education. One year’s training at the Kabul Police Academy, recently cut to four and a half months.

SARAN (officer):

Entry requirement, twelve years of education. Training at the police academy for three years.

Basic questions about the function and structure of the police service remain unanswered. This is partly an effect of the ANP being made up of personnel already on the ground and not rebuilt like the ANA.²⁷ Many local “police” are still simply the militias of power-holders. The *tashkeel* presupposes a national force with police posted and moved countrywide according to organisational needs. In reality, however, those below the level of district or provincial police chiefs resist moving out of their home districts, regardless of the approved *tashkeel*. Unless there is a large-scale construction program to provide suitable accommodation, this is unlikely to change, particularly where the lower ranks are concerned.

One venture into more local policing, the Afghan National Auxiliary Police (ANAP), terminated on 30 September 2008, was widely considered a failure. The program, started in 2006, sought to induct 11,000 village youths to defend their areas after a ten-day training program. In some southern provinces, nearly one

third of the trainees were never seen again after they had been given a gun, uniform and this brief training.²⁸ About 3,200 have since received three weeks’ additional training and transitioned to the Afghan Uniformed Police.²⁹ Others, considered unsuitable or unable to find positions in the new *tashkeel*, were simply let go, with no apparent efforts to disarm them.

The ANAP experiment provides ample warning against quick fixes, which distract time and resources from building sustainable and robust institutions. Most grassroots police are already local hires who have received a maximum of eight weeks’ training and are largely illiterate. Maintaining minimum standards to don a police uniform and ensuring clear command and control up to the national level are vital if the police are to represent the state.

The ANAP program may even have contributed to making the police service less literate, with these youths now absorbed into the ANP even as Pay and Rank Reform (PRR) – aimed at creating a more organisationally effective, less top-heavy police service – cut thousands of officer-level positions.³⁰ Moreover, it is unclear whether the three entry points of *satunkai*, *satanman* and *saran*, each with different educational standards, are being maintained, or whether some who have not met the minimum requirements have been moved up the ranks. There should certainly be more room for career progression for those who perform well, but institutional efforts should focus on helping promising personnel meet educational requirements, rather than lowering standards further. A comprehensive literacy program needs to be a central part of continuing police training to boost standards and morale.

The Afghan National Civil Order Police (ANCOP), with around 2,500 trained personnel,³¹ has received more positive reports. These multi-ethnic units receive sixteen weeks’ training and are better equipped and better paid. Their stated role is to “rapidly respond to urban unrest, civil disorder and national emergencies” with

²⁸ Crisis Group interview, Western diplomat, Kabul, 29 September 2008.

²⁹ “Afghan National Police Overview”, CSTC-A, 12 October 2008, p. 3.

³⁰ PRR involved reviewing personnel from top to bottom, both slashing the swollen ranks of officers and submitting personnel to competition for the remaining positions. Each rank, starting with the top 31 generals, was tested, interviewed and vetted. The new appointees at the various ranks then received substantial salary increases – often receiving more even if their rank was reduced. Crisis Group report, *Reforming Afghanistan’s Police*, op. cit., pp. 12-13.

³¹ “Afghan National Police Overview”, op. cit., p. 3.

²⁶ Sustaining an 82,000 strong ANP is estimated at \$1 billion annually for the next five years alone according to a Defense Department estimate. “Further Congressional Action”, U.S. Government Accountability Office (GAO), June 2008, p. 14.

²⁷ See Crisis Group Report, *Reforming Afghanistan’s Police*, op. cit., pp. 5-6.

a “mobile presence in high-threat remote areas”.³² However, they are presently operating almost exclusively in areas where the local police have been sent for training under the Focused District Development (FDD) program.³³ 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.³⁴ ANCOP’s higher recruitment and training standards provide lessons for the wider police service, but more debate on the role and size of such gendarmeries is also needed. The presence of such forces in regions where more robust action is required could allow the local police to concentrate on their law enforcement role, but such operations would need to be fully coordinated with the local police.

The present emphasis on a quasi-military role for the general police discourages the recruitment of women, who are vital if the service is to ensure security and law enforcement for the community as a whole. By October 2008 there were still only 511 female police.³⁵ While double the number of preceding eighteen months,³⁶ it is still less than 1 per cent of total personnel.

In 2008, insurgents have increasingly targeted female police, with one of the most prominent policewomen, Lt. Colonel Malalai Kakar, killed in Kandahar in September 2008.³⁷ From a family of policemen, she had first joined the police in the 1980s and, following the fall of the Taliban, had gone back to work, receiving attention around the world – and ongoing death threats – for her unusual role in the conservative southern city. Her murder followed the killing of a female officer in Herat³⁸ and two women working at a police station in Ghazni, accused by the insurgents of “immorality”,³⁹

whose execution was filmed and later shown by many national broadcasters to little local outcry.

Wider community perceptions of working women, particularly in the police, given the low esteem in which the service is held, are probably a greater barrier to female participation than the Taliban.⁴⁰ A female recruitment telephone line, for example, received threatening phone calls.⁴¹ There are internal hostilities too: personnel conducting a drive to employ women in the north discovered that the male police at the entrance to the station were asking potential applicants why they wished to become prostitutes.⁴² A policewoman also argued that women tend to be less corrupt and therefore are not appointed by dishonest superiors to prominent and potentially lucrative positions.⁴³

A number of steps are being taken to build up the number of women in the ranks. Because few women are able to stay away from their families in Kabul for prolonged periods to attend the police academy, efforts to increase the number of female officers include training and special courses for higher ranks in the regions as well as incentive payments. The 2008 *tashkeel* also provides for a new gender mainstreaming unit in the interior ministry to contribute to policy and planning. The unit has begun work with nine staff in Kabul, with 30 to be appointed in the regions.

C. PUBLIC PERCEPTIONS

While hard to measure given a lack of crime statistics, there is a general perception in Afghanistan that lawlessness is on the rise. Widespread kidnappings of business owners for ransom have eroded confidence and encouraged capital flight.⁴⁴ Even the city of Herat, which is generally described as stable, has seen a spate

³²“Afghan National Police Overview”, CSTC-A, 19 September 2008, p. 9.

³³See section IV.B.

³⁴Crisis Group interviews, international trainer and mentors, Kandahar, Kabul and Mazar-e Sharif, August-October 2008.

³⁵“Gender Mainstreaming, Progress Update”, LOTFA Phase V, 18 October 2008, p. 2.

³⁶See Crisis Group Report, *Reforming Afghanistan’s Police*, op. cit., p. 11.

³⁷Malalai Kakar headed Kandahar’s Department of Crimes against Women. A Taliban spokesman claimed responsibility telling a news agency: “She was our target, and we successfully eliminated our target”. “Top policewoman shot dead”, BBC News, 28 September 2008.

³⁸The June 2008 killing was the first time the Taliban had claimed such an event. Mohammad Reza Sher Mohammadi, “First policewoman shot dead in west”, quqnoos.com, 25 June 2008.

³⁹They appear to have worked at the police station in a support capacity rather than as regular police. A senior local policeman “denied having women employees at the police head-

quarters”. “Taliban say two killed women were police employers”, Pajhwok Afghan News, 13 July 2008 (translation by BBC Monitoring).

⁴⁰Other professions have a far greater level of female participation. For instance of almost 600 registered lawyers in Afghanistan, 130 of them are women. “The situation in Afghanistan and its implications for international peace and security”, op. cit., p. 8.

⁴¹“Gender Mainstreaming, Progress Update,” LOFTA Phase V, 18 October 2008, p. 6.

⁴²Crisis Group interview, ministry of interior, Kabul, 23 October 2008.

⁴³Crisis Group interview, Kabul, 22 October 2008.

⁴⁴See for instance “Kidnappers target the rich, influential in Afghanistan”, AFP, 30 September 2008; Martin Patience, “Afghanistan’s kidnapping industry”, BBC News, 16 September 2008; and “Kidnapped Afghan politician found in well”, AFP, 26 October 2008.

of crimes that provoked demonstrations.⁴⁵ An editorial in a prominent independent newspaper in Kabul captured, if in a somewhat exaggerated fashion, a tendency by some to view the Taliban era through rose-tinted glasses:

[C]riminal activities, such as group sexual assaults on children, kidnappings and extortion by gangs of abductors have now become a more serious threat than that of the Taliban ... senior government officials in Kabul should beware of this danger. If people have to choose between a life under the extremely violent and horrible rule of the Taliban and a life under a democratic government but exposed to threats against their family members, sexual assaults on children, kidnappings, murders, extortions and being forced into giving ransoms to rescue family members, they may prefer the deadly rule of the Taliban....[T]his is because under Taliban rule it is only their life that is in danger, but when the law is not implemented in a democratic government, their dignity, reputation, property and female members of their families are threatened.⁴⁶

The Taliban uses perceptions of the police's poor performance and standing as a propaganda tool.⁴⁷ They target the police not just with violence but also with morale-sapping vitriol. Taliban leader Mullah Omar demanded in a communiqué, "If the police of a state consist of people who are immoral and irreligious, who are drug addicts and whom their families turn away, how can they protect the property, dignity and honour of the people?"⁴⁸

In many cases, the police are involved in criminal activities themselves. One senior interior ministry official stated: "Police are often the facilitator or mediators with kidnappers. If they were not involved it could not happen [so frequently]".⁴⁹ Bribe-taking on public

highways remains a frequent complaint with 35 police reportedly removed from duty on the Herat-Delaram highway after a truckers' strike over illegal tolls.⁵⁰

It would be unrealistic to expect a drastic turnaround in police behaviour and hence a change in public perceptions in one year. Kabul and its international supporters must, however, understand the growing public disillusionment, as well as the appetite for law enforcement and its importance for the state's legitimacy.⁵¹ The U.S. army's counter-insurgency handbook notes: "The host nation will not gain legitimacy if the populace believes that insurgents and criminals control the streets".⁵²

A former policeman, who now drives a taxi, complained, like many, that the system simply does not provide justice: "They arrest thieves on one hand and release them with the other. Murderers are captured today and seen walking freely in the street tomorrow".⁵³ The Taliban's mass jailbreak in Kandahar in June 2008, with some 900 inmates escaping, provided a clear example of the failure of a streamlined "cops, courts and corrections" system.⁵⁴ Not one of the prisoners had been fingerprinted or photographed, preventing police from locating the inmates again.⁵⁵

Given the insurgency, there may indeed be need for a robust police posture but in a defensive mode, as opposed to the army's offensive role. The police have other equally vital roles to play, including providing a public face for the administration, acquiring and imparting ground knowledge, and helping build public confidence. A senior international adviser said:

⁴⁵ See "Protesters in Afghan west demand removal of official amid deteriorating security", Ariana TV, 16 October 2008 (translation by BBC Monitoring); and "MPs from western Afghan province boycott parliament due to crime surge", Pajhwok Afghan News, 16 October 2008 (translation by BBC Monitoring). It should be noted that at least some of the motivation behind the protests is political, aiming to overturn some appointments.

⁴⁶ Ehsanollah Daulatmoradi, "Why are kidnappers not treated seriously?", *Hasht-e Sobh*, 10 August 2008 (translation by BBC Monitoring).

⁴⁷ See Crisis Group Asia Report N°158, *Taliban Propaganda: Winning the War of Words?*, 24 July 2008.

⁴⁸ "Message of his Excellency Amir ul-Momineen on the occasion of Eid ul-Fitr", Al Emarah, (The Emirate – the Taliban website), 29 September 2008.

⁴⁹ Crisis Group interview, Kabul, 29 September 2008.

⁵⁰ There are also reports of the police taking bribes on the Kabul-Jalalabad highway, with demands of Pakistan rupees 5,000-10,000 (U.S. dollar=Rs 70; Pakistan currency is commonly used in the border provinces). See "Afghan lorry, bus drivers call off strike after 35 police sacked in west", *Pagah* (Herat University newspaper), 28 June 2008 (translation by BBC Monitoring); and "Drivers face police bribes on new road", quqnoos.com, 20 June 2008.

⁵¹ See Crisis Group Asia Reports N°64, *Peacebuilding in Afghanistan*, 29 September 2003; and N°123, *Countering Afghanistan's Insurgency: No Quick Fixes*, 2 November 2006.

⁵² *The U.S. Army/Marine Corps Counterinsurgency Field Manual*, forewords by General David Petraeus, Lt. Gen James Amos and Lt. Col. John Nagl (Chicago, 2007), p. 231.

⁵³ Crisis Group interview, Kabul, 29 October 2008.

⁵⁴ For more on the early years of reform in the judicial sector see Crisis Group Asia Report N°45, *Afghanistan: Judicial Reform and Transitional Justice*, 28 January 2003.

⁵⁵ Jason Straziuso, "Interpol wants to help Afghans track militants", Associated Press, 23 September 2008; and Graeme Smith, "Inside the Taliban jailbreak", *Globe and Mail*, 2 July 2008.

There is a huge opportunity cost in focusing [police development] on fighting the insurgency. Urban dwellers in particular are concerned about predatory crime and know 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.⁵⁶

III. REFORM FRAMEWORK

A. POLICY FRAMEWORK

In Afghanistan, operational reform has often preceded the formation of policies that make up the foundation of policing. Even where there are agreed frameworks, these can be contradictory or simply overlooked. The Police Law, originally enacted as a presidential decree in 2005, is currently under consideration in the Wolesi Jirga, the lower house of the National Assembly, which is working through all bills issued before the legislature's creation.⁵⁷ Whether ultimate authority over the police rests with the ministry of interior or with governors is a crucial topic, and hotly debated by the representatives. The question is all the more pertinent since oversight of the governors has moved from the interior ministry to a new body, the Independent Directorate of Local Governance (IDLG), which has sought to assert both its role and that of the governors. The 2005 law signed by Karzai states:

The police shall perform their duties under the leadership of the minister of interior in the capital and under the guidance of the [provincial] governors and district chiefs [district governors] in the provinces and districts respectively.⁵⁸

Subsequent presidential decrees amending it had further muddied the issue, the first in 2006 stating that "governors ... will not direct police activities at the tactical or operational level", but adding, "Governors ... convey the executive orders of the President, Minister of Interior and other central government authorities to the police commanders and oversee the implemen-

tation of the executive orders".⁵⁹ Another in July 2008, which was never made public, is believed to require police in the provinces to "report" to the governors.⁶⁰ Governors are political appointees from the centre with little local accountability or transparency in how they are chosen. Control over the police is usually viewed as one of the perks of office, often to be used against rivals. As Kabul's representatives in the regions, the governors do rightly have a role in strategic goal-setting for the police, however, this should be carefully framed to ensure that they operate within constitutional bounds. Governors should have no hand in operational issues or appointments, which must be depoliticised and the sole preserve of a professional police service.⁶¹

The Wolesi Jirga's internal affairs commission has had the lead in considering the Police Law, and any amendments, to place before the plenary session. Since the commission is dominated by former commanders and has only one female member, there should be much broader consultation, including members of the judicial and women's affairs commissions.⁶² Indeed this would appear an ideal opportunity to generate wider public debate and input. The internal affairs chairman stressed that members of other commissions have been consulted, including a number of women. It is still, however, unclear what will finally emerge.⁶³ Law-making remains a fairly chaotic process, subject to changes until the very last moment as bills make their way through the bicameral assembly and to the president's desk for signature.

⁵⁹ "Order of the Minister of Interior Regarding Article Four of the Police Law", based on a legal interpretation by then attorney general, Dr Abdul Jabar Sabit. Undated, distributed end-2006.

⁶⁰ The Independent Directorate of Local Governance (IDLG) paraphrases the decree, which it cites as Decree No. 2442, 8 July 2008. "Draft: Policy on Subnational Governance Policy", Independent Directorate of Local Government, 10 September 2008, p. 28. Crisis Group has been unable to obtain a copy of the full decree, despite consulting IDLG's deputy head, the MOI's legal adviser, CSTC-A personnel, the International Policing Coordination Board (IPCB), the Wolesi Jirga, the ministry of justice, the president's spokesman's office, and checking the presidential and justice ministry websites and the Official Gazette.

⁶¹ The police vision statement, which has no legal force, states: "The police maintain organisational and operational control and follow the priorities and policy guidance set by the governors and district governors". Article 18, "Afghanistan National Police – Vision", August 2008.

⁶² Crisis Group Report, *Reforming Afghanistan's Police*, op. cit., pp. 18-19.

⁶³ Crisis Group interview, Fazl Azim Zalmay Mujaddedi, chairman, Wolesi Jirga Internal Security, Borders and Local Governance Commission, Kabul, 16 October 2008.

⁵⁶ Crisis Group interview, Kabul, 5 August 2008.

⁵⁷ See Crisis Group Asia Report N°116, *Afghanistan's New Legislature: Making Democracy Work*, 15 May 2006.

⁵⁸ Police Law, Article 4, Official Gazette no. 826, 22 September 2005. Translation provided by German Technical Cooperation.

In a separate process, the International Policing Coordination Board (IPCB), chaired by the minister of interior and drawing together international actors involved in reform, in August 2008 approved the ANP "Vision". Developed in consultation with senior interior ministry officials, this is designed to unify efforts by clarifying the objectives of the police. Law enforcement is emphasised as a core duty, with the Vision stating that the ANP is:

primarily responsible for law enforcement. The police will work with the people to actively combat crime and disorder (including terrorism and illegal armed activity); prevent the cultivation, production and smuggling of narcotics; and fight corruption.⁶⁴

The ANP Vision is now being used to develop a policing plan at an operational level and should also help shape the new law.

However, it is unclear how much support there is in practice for these statements. Police in the south and east often act as little more than soldiers, firing rocket launchers and conducting operations with the international forces.⁶⁵ "They are just training them [police] to go to war and be killed", said a senior Afghan police officer, pointing to their limited access to foreign support, including medical evacuation, in contrast to the ANA.⁶⁶ Another officer commented: "The police are supposed to help implement the law of the country. Fighting is not our duty. Now we are employed in fighting and are not able to do our duty. In fact our duty is even more important than fighting".⁶⁷

In broader national development planning the functions of police remain blurred. The 2007 Afghan National Development Strategy (ANDS) cites policing solely in the security section, stating that:

By *Jaddi* 1389 (end-2010) a fully constituted, professional, functional and ethnically balanced Afghan National Police and Afghan National Border Police with a combined force of up to 82,180 will be able to effectively meet the security needs of the country and will be increasingly fiscally sustainable.⁶⁸

Such deadlines are based on the life of the five-year 2006 Afghanistan Compact from which the benchmarks were drawn, rather than realistic assessments of the timeframe for such reform. More importantly, the police's specific roles in relation to other security sector institutions and the judiciary have not been specified. For instance, the ANDS states that among other duties the army, "led by civilian leadership and supported by the National Police has a mandate to improve internal security".⁶⁹ A National Internal Security Strategy is currently being developed, following a 2006 draft, although it does not appear that it will be made public. Completion of policies clarifying the comparative functions of the services and internal security priorities would appear crucial before decisions are made on their comparative sizes.

Under the Afghan constitution, criminal investigations are more of a judicial than police function: "[D]iscovery of crimes is the duty of the police, and investigation and prosecution are conducted by the Attorney General's Office in accordance with provisions of the law".⁷⁰ However, there has been little progress in institutionalising police ties with the judicial sector, and building confidence between the police and the attorney general's office, necessary for the police to fulfil its law enforcement role. Referring to bribe-taking, a human rights worker described how such mistrust actually fuels corruption: "Police think they will take the money because otherwise they assume the prosecutor will take it and they will get nothing...If a prosecutor gets a detainee they do the same".⁷¹

A joint commission of the interior ministry and attorney general's office was established in October 2007. It has, however, floundered largely because of lack of interest by the then-attorney general, Dr Abdul Jabar Sabit. Its work included simple protocols to manage the flow of prisoners and data between the two institutions to build trust through standardised paperwork and tracking systems. Following Sabit's replacement by one of his deputies, General Mohammad Ishaq Aloko, in August 2008, it is hoped this work can be revitalised.

⁶⁴ Article 5, "Afghanistan National Police – Vision", op. cit.

⁶⁵ See Crisis Group Report *Reforming Afghanistan's Police*, op. cit., pp. 14-16.

⁶⁶ Crisis Group interview, Kabul, 5 August 2008.

⁶⁷ Crisis Group interview, Mazar-e Sharif, 20 August 2008.

⁶⁸ Afghanistan National Development Strategy (ANDS), 2008-2013, p. 56. Islamic Republic of Afghanistan. The Department of Defense's similarly ambitious goal is a fully capable Afghan police by December 2012. "Further Congressional Action May Be Needed to Ensure Completion of a Detailed

Plan to Develop and Sustain Capable Afghan National Security Forces", p. 32.

⁶⁹ ANDS, op. cit., p. 58.

⁷⁰ Constitution of the Islamic Republic of Afghanistan, Article 134.

⁷¹ Crisis Group interview, Mazar-e Sharif, 18 August 2008.

B. INTERNATIONAL FRAMEWORK

In Afghanistan, coordination involves a large number of players and is entirely voluntary with “no definite, single umbrella or point with overall authority on police programs and a chain of command with clear division of work [between the players]”.⁷²

This state of affairs has evolved from the original “light footprint” of the international intervention; foreign institutions were never given executive authority in Afghanistan.⁷³ The European Union took over “key partner” status for police reform from Germany in mid-2007 and launched a policing mission aimed at drawing together nearly all non-U.S. efforts. Yet the structures of international assistance to the policing sector are now even more confused. Bilateral efforts continue and are indeed multiplying. In trying to simultaneously rebuild, restructure and reform – each a major process in itself – political, technical, operational and strategic decision-making has become muddled. This is true not just of Afghan institutions, but also among and within the international bodies involved. Efforts by donor nations have also been subject to political pressure from capitals for speedy results and tight deadlines to spend money.

1. U.S. commitments

The shape of the U.S. efforts has remained much the same since 2005, with the Department of Defense (DOD) given:

[D]irective authority over DOD-funded efforts to organise, train and equip the Afghan National Security Forces (ANSF) to include both the Afghan National Army (ANA) and Afghan National Police (ANP). The Defense Department through the Combined Security Transition Command – Afghanistan (CSTC-A),⁷⁴ determines overall program requirements in accordance with policy direction from the U.S. Chief of Mission. [The State Department’s]

⁷² Crisis Group interview, Risto Lammi, head of IPCB Secretariat, Kabul, 22 October 2008. He added: “That makes the coordination challenging, although not impossible”.

⁷³ See Crisis Group Asia Briefing N°19, *The Afghan Transitional Administration: Prospects and Perils*, 30 July 2002; Asia Report N°56, *Afghanistan’s Flawed Constitutional Process*, 12 June 2003; Asia Briefing N°29, *Afghanistan: The Constitutional Loya Jirga*, 12 December 2003; and Asia Report N°145, *Afghanistan: The Need for International Resolve*, 6 February 2008.

⁷⁴ It should be noted that CSTC-A is not a purely U.S. affair. Other nations contribute small contingents including staffing some senior positions.

INL (Bureau for International Narcotics and Law Enforcement Affairs) continues to provide critical support to the Defense Department in the form of qualified U.S. civilian police mentors and trainers, whose development of core curriculum and daily mentoring of the ANP is essential to building institutional capacities and individuals’ skills.⁷⁵

One change that does have potentially wide-ranging implications is the October 2008 dual-hatting of U.S. General McKiernan as commander of both the UN-mandated ISAF mission and the U.S. Forces Afghanistan.⁷⁶ This draws CSTC-A’s police and army training efforts under his command, helping smooth messy chains of command and hopefully better coordinate training and operational efforts. However, it could also risk yet greater militarisation of policing efforts by other countries under his ISAF command.⁷⁷

CSTC-A currently has around 2,500 personnel devoted to police reform,⁷⁸ and there are some 550 Dyncorp contractors hired by INL.⁷⁹ With the U.S. spending some \$5.9 billion in the sector between 2005-2008, its budget dwarfs all others.⁸⁰ Major General Robert W. Cone, commanding general, CSTC-A, recognises that there is still a long way to go but believes: “Police have come further, faster in one year than the army did in any one year of its history”.⁸¹ CSTC-A’s sheer scale has seen it expand into nearly all areas of police reform, including restructuring the interior ministry. The military’s domination of police training efforts is having a profound effect on the directions of police reform. “When I say I need weapons they bring thousands, when we ask for equipment for the CID [Criminal

⁷⁵ David T. Johnson, Assistant Secretary, Bureau for International Narcotics and Law Enforcement Affairs (INL), U.S. Department of State, “Oversight of U.S. Efforts to Train and Equip Police and Enhance the Justice System in Afghanistan”, testimony to House Committee on Oversight and Government Reform, Subcommittee of National Security and Foreign Affairs, 18 June 2008.

⁷⁶ Special Forces and detainees remain outside his mandate.

⁷⁷ In October 2008, ISAF had 50,700 troops from 41 contributing nations. ISAF Placemat, updated 6 October 2008.

⁷⁸ Crisis Group email communication, CSTC-A public affairs unit, 29 November 2008. This is a conservative estimate not including indirect support such as construction contractors for police-related projects.

⁷⁹ “Further Congressional Action”, op. cit., p. 34.

⁸⁰ Ibid, p. 37. Of \$3.8 billion for 2007-2008, \$2,701,200,000 was allocated in 2007 with \$1,105,600,000 requested for 2008. “Further Congressional Action”, op. cit., p. 11.

⁸¹ Crisis Group interview, Kabul, 12 October 2008.

Investigation Department] they don't know [what to do]", said an interior ministry official.⁸²

However, some have noted an increased willingness by CSTC-A to listen to those with policing expertise. With other nations sending personnel to work in the headquarters and emphasising cooperation in the regions, one diplomat reckoned that this is a better approach than: "splendid isolation and sniping from the sidelines".⁸³

2. European commitments

The European Union's policing mission (EUPOL) is widely regarded as a disappointment. CSTC-A dwarfs its 184 international personnel and the European mission has been unable to find a niche despite offering much greater policing expertise. While despairing at the U.S. focus on militarising the police, a European police adviser recognised, "at least they are doing something".⁸⁴ A hastily launched endeavour, with a mere fortnight between establishment and operational phases, EUPOL has faced logistical problems as well as bureaucratic hurdles.

It has taken EUPOL over a year, out of a three-year mandate, to approach its projected strength although in many cases this simply involved re-hatting personnel already in place in Provincial Reconstruction Teams (PRTs). The EU decided to use these country-led civil-military units and ISAF regional military commands as bases for their personnel in the regions. This meant complex negotiations with NATO, which commands the PRTs' military assets, on the level of support that would be available to EUPOL personnel. Moreover, efforts continue to be tied largely to national agendas and are perceived as militarised.

Weak leadership on the ground has failed to provide clear direction to the efforts of various member states. A diplomat commented: "EUPOL has shown little interest in engaging members ... there has been little change in how we do business, just [on] how we report".⁸⁵ On the other hand, many nations have not matched their rhetoric on the mission's importance with action including delays in seconding personnel, or allocating those who may lack the necessary experi-

ence in international missions, training or strategic planning.⁸⁶ In the face of such difficulties some of the major countries involved, including the UK, Italy, Germany, the Netherlands and Canada, are now increasing bilateral commitments, keeping some of their personnel outside EUPOL command and control.

A common "European vision" or approach that draws together member states as well as EU institutions' efforts in the field has yet to emerge. EUPOL has tenuous links with the office of the European Union's Special Representative (EUSR) for Afghanistan, which is tasked with promoting "overall EU political coordination".⁸⁷ Similarly, the European Commission (EC), which runs a justice reform project as well as being one of the largest donors to LOTFA, is separate from EUPOL efforts.⁸⁸ While all three institutions – EUPOL, EUSR and EC – sit on the International Policing Coordination Board discussed below, there is little sense of who directs policy.

The EU decided to double the policing mission's size in May 2008.⁸⁹ While the mission is indeed small, the solution is not merely more money and resources. The first step is reconsidering strategic direction and making clear distinctions between technical, strategic and political decision-making. As one international involved noted, "If we don't get our own organisation together, how can we expect to reform another?"⁹⁰

With the October 2008 appointment of a Danish commander experienced in international policing missions bringing hope of fresh momentum, EUPOL can put its policing expertise to good use in strengthening the interior ministry and provincial police chiefs in the major urban centres, as well as building linkages with the judicial sector. The mission must, however, develop

⁸² Crisis Group interview, Kabul, 29 September 2008. That said, this militarised focus of the police is part of local tradition and staffing, with, for instance, all the ranks being military designations (colonel, general etc).

⁸³ Crisis Group interview, Kabul, 4 August 2008.

⁸⁴ Crisis Group interview, international police adviser, Kabul, July 2008.

⁸⁵ Crisis Group interview, Kabul, 4 August 2008.

⁸⁶ The EU is also currently establishing its largest ever European Security and Defence Policy (ESDP) mission with a rule of law mission to Kosovo expected to have some 2,000 international staff. See "Council of the European Union Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo", 4 February 2008; and Crisis Group Europe Report N°196, *Kosovo's Fragile Transition*, 25 September 2008.

⁸⁷ "Council of the European Union, Joint Action 2008/612/CFSP concerning the appointment of the European Union Special Representative for Afghanistan", 24 July 2008, p. 3.

⁸⁸ The EC has given 180.5 million euros to LOTFA between 2002-2008, or 38 per cent of the trust's funding. "Draft Report on budgetary control of EU funds in Afghanistan", Committee on Budgetary Control, European Parliament, 23 September 2008, p. 9.

⁸⁹ General Affairs and External Relations Council, press release, 26-27 May 2008, p. 28.

⁹⁰ Crisis Group interview, Kabul, September 2008.

more standardised approaches and programs; otherwise reform will be driven by disparate efforts of individual countries.

EUPOL should also focus on assisting the police academy, at the heart of German efforts before EUPOL's launch, since a well-trained leadership is vital, particularly given the low educational and training standards for the grassroots police. Ensuring the academy's standards are maintained and overseeing the ongoing careers of the newly trained officers will help professionalise the service and provide a tangible focus for the European mission. Germany's efforts to open the first regional police academy in Mazar-e Sharif make sense if standardisation and loyalty to the centre are ensured. A regional academy for the south could also bear dividends in tackling the lack of recruitment of southern Pashtuns.

3. Coordination

The International Policing Coordination Board (IPCB), established in 2007, is chaired by the minister of interior with eight members: EUPOL, the United Nations Assistance Mission to Afghanistan (UNAMA), ISAF, NATO (the Senior Civilian Representative of the North Atlantic Council), the U.S. embassy, CSTC-A, EUSR and the European Commission. It has yet to become a driver for policymaking or operational cooperation, with one particularly harsh assessment deeming it a "ghost that does not coordinate anyone".⁹¹

Given little direction, the IPCB's standing secretariat of around twenty personnel has a vague role. While the secretariat has achieved some useful work in curriculum standardisation between the different nations, its confused nature is shown in the fact that it has now even become involved in implementing some projects. Presumably because of its nominal "lead status", EUPOL has funded and staffed most of the positions and also sought to structure it with little reference, it appears, to the board. The U.S., in turn, has until now failed to put its weight behind the concept, assigning no permanent staff. Recently however the CSTC-A commander's senior police adviser was made the deputy head of the secretariat, and the need to fundamentally change the nature of the body is recognised.

The IPCB should be reinforced as the central forum for international actors to take strategic decisions on the shape of police reform efforts. The appointment of the new interior minister can hopefully ensure a more dynamic lead by the Afghan side, with an emphasis

on all parties working to strengthen the interior ministry rather than creating parallel programs. At a time of renewed attention to policing, the board should meet more regularly, from four times a year to monthly or even bi-monthly meetings.

The secretariat should be redesigned to meet the board's needs, to assist in coordinating actors on the ground and to provide policy directions together with the LOTFA steering committee. One option is a streamlined secretariat which draws together senior policing staff from the various efforts in a part-time capacity, supported by experienced political officers to ensure institutional knowledge and consistency, given rapid personnel rotations. Policy expertise in specific areas can be pulled together from different institutions and bodies when needed.

Such coordination should also reach out to the regions, not only to draw together approaches at this level but also ensure information flows and a realistic assessment of grassroots needs and capacity. The UN is currently setting up a provincial justice coordination mechanism with three-person units in its eight regional offices. Such units could serve as counterparts to a similar policing structure, either staffed by UN or the IPCB secretariat, thus strengthening linkages with the wider judicial sector and the Afghan government, and civilianising coordination outside the PRTs. A greater role by UNAMA would also help tie policing into wider nation-building efforts.⁹²

IV. REFORM EFFORTS

A. COMMAND AND CONTROL

The interior ministry remains a hub of systemic corruption. Upon his appointment, the new minister, Hanif Atmar, told the Wolesi Jirga: "Administrative corruption in the Ministry of Interior and the police leadership is irrefutable. The seats [jobs] are being bought and it is poor people who pay the price".⁹³ Much hope is being vested in Atmar's appointment. Previously minister of education and, prior to that, rural redevelopment, he is respected for following through with reforms, and enjoys generally good relations with donors. He can also ensure a stronger voice within the Cabinet, allow-

⁹¹ Crisis Group interview, international police adviser, Kabul, 31 October 2008.

⁹² UNAMA currently has only three police advisers and one senior adviser although it is seeking to increase this to a total of nine by the end of 2008.

⁹³ Minister of Interior Hanif Atmar's addresses to the Wolesi Jirga, 20 October 2008. Crisis Group transcript.

ing the ministry of interior to better balance the ministry of defence.

The interior ministry continues to operate largely as a national police headquarters with policy and operational matters firmly intertwined. Before Atmar's appointment, the position of a deputy minister for security was created, with responsibility for overseeing all police. However the incumbent is a political appointee, with a military background. A police commissioner's post, filled by someone who had risen through police ranks, would be more appropriate. A clearer distinction is needed between political and operational roles, with a police chief exercising command authority over the force, subject, of course, to parliamentary and executive oversight.⁹⁴

While the Pay and Rank Reform process has helped professionalise the higher ranks, it has not dismantled the ministry of interior's entrenched networks of interests. The process has failed to end appointments on political as opposed to professional grounds. On the contrary, the appointment merry-go-round continues, with four police chiefs in Kabul since mid-2006 and three in Kandahar. Procedures are bypassed and positions are reportedly sold.⁹⁵ The Special Consultative Group for Senior Appointments is meant to vet provincial police chief appointments, an Afghanistan Compact benchmark, but this is routinely ignored.⁹⁶

⁹⁴ A report on policing in South Asia, advocating "operational responsibility", said: "[A]t a minimum, it signifies that though the political head decides the policy and strategy of the police and might also have a role in setting priorities of the organisation; it is the chief of police who takes actual decisions at the ground level without political interference. Notably, experts caution against the use of the term operational independence as it may convey an idea of police officers being beyond inquiry or review of their actions". Swati Mehta, *Feudal Forces: Democratic Nations, Police Accountability in Commonwealth South Asia*, Commonwealth Human Rights Initiative, 2007, p. 42.

⁹⁵ Key posts on highways in the southwest could reportedly fetch \$200,000 or more annually. Aryn Baker, "Policing Afghanistan", *TIME*, 21 October 2008.

⁹⁶ "In flagrant violation of the terms of reference, the Board was not consulted on the appointments of provincial chiefs of police and heads of national security". Afghanistan Compact Benchmark Status Report, March 2007-March 2008, JCMB Secretariat, April 2008, p. 11.

B. POLICING THE GRASSROOTS: FOCUSED DISTRICT DEVELOPMENT (FDD)

A CSTC-A initiative, Focused District Development (FDD) was launched in late 2007 "to train, reconstitute, mentor and develop the AUP on a district by district basis".⁹⁷ The first nationwide district-level program, it assesses a selected area's police personnel and equipment needs.⁹⁸ All personnel are then withdrawn for eight weeks' training, with ANCOP moving in to take their place. International mentors return with freshly trained police to oversee their work. Originally it was predicted the mentors would stay about two months. A year after the program began, 52 of over 350 districts⁹⁹ have undergone or started the initiative, which had been planned to last three or four years.¹⁰⁰ It is proving slow going, and by mid-October the international mentors still remained in all of these districts, with police not yet ready to take over their full roles without oversight. This has limited the capacity to expand the FDD initiative particularly given a shortfall of 2,300 desired police mentors and trainers.¹⁰¹

The first districts to undergo the process were scattered countrywide. Among the most unstable, they were chosen for military imperatives rather than their potential for durable institutional reform. Security constraints prevented effective coordination with other initiatives in justice, disarmament and governance. The Disbandment of Illegal Armed Groups (DIAG) program, with its own faltering initiative for rewarding districts that have met disarmament criteria would, for instance, have

⁹⁷ "United States Plan for Sustaining the Afghanistan National Security Forces", Report to Congress in accordance with the 2008 National Defense Authorization Act, June 2008, p. 23.

⁹⁸ According to Department of Defense, in the first phase of the program, the assessment "leads to the selection and vetting of new leaders as required, recruiting to full authorisation, and equipment inventories, as well as assessments of facilities, rule of law status, relationships with local leaders, and overall professional effectiveness". *Ibid.*

⁹⁹ The exact number of districts is the subject of dispute, with district boundaries still not approved.

¹⁰⁰ Some areas of Farah and northern Helmand have undergone in-district reform, which sees half an area's police being trained at a time while security is maintained by foreign forces. "Marines operating under CSTC-A in the Northern Helmand and Farah provinces are conducting in-district to compliment ISAF priorities". "Afghan National Security Forces Update", CSTC-A, 11 October 2008.

¹⁰¹ Crisis Group email communication, CSTC-A public affairs personnel, 12 November 2008. See also DoD news briefing with Maj. Gen. Cone from Afghanistan U.S. Department of Defense, Office of the Assistant Secretary of Defense (Public Affairs) News Transcript, 12 November 2008. Accessed at www.defenselink.mil.

natural synergies with FDD. Some lessons have been learnt. There is now a greater emphasis on selecting districts with favourable conditions for institutional reform, targeting “clusters” or geographically contiguous rather than scattered districts, and also reaching out to the other sectors mentioned.

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. “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”.¹⁰²

Canada, which is involved in the program, had pushed for Kandahar city to be a focus of FDD efforts in the province. An increased focus on urban centres would indeed appear a sensible approach. Not only does a major urban centre have the largest concentration of population and thus the biggest potential impact, it also ensures more visibility for efforts, easier supervision and, perhaps most importantly, a hub that can provide a strong core to extend into the rural areas.

Given the overstretch of international mentors and the need for a sustainable process, much greater efforts should be devoted to turning out Afghan trainers and mentors. FDD should also be better tied in with other programs and priorities if there is to be sustained progress. CSTC-A has been at the forefront of promoting the district as an important unit of grassroots reform in what have been very centralised development efforts to date. With UNAMA and the Afghan government also increasing their focus on district-level efforts, FDD can hopefully take its place among these wider programs.

C. ACCOUNTABILITY AND OVERSIGHT

The interior ministry’s internal affairs section has been somewhat strengthened in 2008, with new sections in the six regional commands and plans to expand further to the provincial level.¹⁰³ The head of the unit speaks of hundreds of investigations into police personnel on

file.¹⁰⁴ However where action has been taken it has tended to be aimed at the lower ranks, not high-level officials, or delayed for political reasons. “Those who are arrested for corruption are the traffic police, or those who take 50 Afghanis [about \$1], not those who take millions and stay as commanders”, said a senior ministry official.¹⁰⁵ A border police commander who did lose his position reportedly had 123.5kg of opium found in his official vehicle but was not prosecuted.¹⁰⁶

There has been no apparent movement on external accountability and oversight, including community consultation, which should be not be regarded as an “add-on” but vital to defining the police’s role in society and ensuring real community support. The U.S. military’s counter-insurgency manual recognises:

An important step in organising a police force involves setting up an independent review board composed of experts, government officials, or nongovernmental organisation members. It should not be under the direct command of the police force.¹⁰⁷

External groups, experts and academics must have a role in both policymaking and oversight. An ombudsman charged with gathering statistics as well as investigating complaints, and community liaison boards at central and provincial level would help improve public accountability, confidence and access to information. With the Police Law due before parliament, now is a good time to institute a police liaison board to feed into this debate through public hearings.¹⁰⁸

While the media has played a key role in holding police accountable,¹⁰⁹ there have been few, if any, attempts to communicate with the media on wider strategic issues, thus encouraging a public debate on the shape of police reform. Instead, strategies and policies

¹⁰⁴ Ibid.

¹⁰⁵ Crisis Group interview, Kabul, 29 September 2008.

¹⁰⁶ Anthony Loyd, “Corruption, bribes and trafficking, a cancer that is engulfing Afghanistan”, *The Times*, 24 November 2007.

¹⁰⁷ *The US Army/Marine Corps Counterinsurgency Field Manual*, op. cit., p. 231.

¹⁰⁸ See Crisis Group Report, *Reforming Afghanistan’s Police*, op. cit., p. 18.

¹⁰⁹ One high-profile case in mid-2008 involved the alleged gang rape of a twelve-year-old girl and led to the dismissal of the Sari-Pul police chief and four other senior security officers for negligence after it became front page news. At the same time, however, another group of gang rapists were revealed to have received a presidential pardon shortly into their sentences. See Heidi Vogt, “Rape allegations force Afghan government crackdown”, Associated Press, 11 August 2008; and Kate Clark, “Afghan president pardons men convicted of gang bayonet rape”, *The Independent*, 24 August 2008.

¹⁰² Crisis Group interview, Western diplomat, Kabul, 27 September 2008.

¹⁰³ In the *tashkeel*, the interior ministry now has 79 internal affairs positions (including all police and support staff) and 25 in each region. Crisis Group interview, General Wakeel, Kabul, 19 October 2008.

have been developed largely behind closed doors, with even presidential decrees on policing matters difficult to locate.

Police oversight in the National Assembly has also been haphazard. Rather than focusing on policy questions and organisational failings, parliamentarians have at times sought to encroach on hiring and firing or attempted to influence local and national appointments. Following the November 2007 bombing in Baghlan, which killed six members of parliament and dozens of civilians, the Wolesi Jirga voted to suspend seven senior government officials, including three senior police, and walked out in protest when their demands were not immediately met.¹¹⁰ Such demands far exceed the constitutional division of authority.

V. PRIVATISED SECURITY AND LOCAL INITIATIVES

The slow pace of police reform and growing instability and lawlessness have increasingly led to initiatives outside interior ministry command and control. As in other transitional societies, sections of Afghan society have turned to other means. “For the poor community, this [includes] forms of protection such as vigilante groups and for the wealthy (including the business sector), the increased privatisation of policing and crime prevention”.¹¹¹ The negative implications for state building are obvious, in terms of public perceptions of legitimacy and different levels of security for the privileged as opposed to ordinary citizens. As one Kandahari bitterly asked of the razor wire, sand bags and road blocks increasingly appearing around the houses of important officials: “They are building big walls around themselves. Are they keeping themselves [safe] or keeping the city [safe]?”¹¹²

Despite the ANAP’s failure, similar proposals are resurfacing, often compared to General Petraeus’ “Sunni Awakening” in Iraq.¹¹³ CSTC-A commander Major General Cone commented with some frustration that after a year spent disbanding the ANAP there are now increasing demands to “call them out again”.¹¹⁴ In

early 2008, ISAF commander General Dan McNeill opposed a proposal, subsequently abandoned, for the creation of community defence forces or volunteers.¹¹⁵ He argued: “What we should not do is take actions that will reintroduce militias of the former power brokers. There has been some good work here to get those things back in the box and we shouldn’t seek to go back there”.¹¹⁶

Favouring some among the many competing communities and groups in a heavily armed country that is still in the throes of conflict will likely only fuel more violence.¹¹⁷ Decades of turmoil have seen the erosion of the authority of many traditional community leaders while the rise of factional militias has contributed much to the violence and abuses of recent decades. A local newspaper editorial noted:

If the aim of forming militia forces is to ensure security by the locals, the reasonable alternative is to encourage locals to cooperate with the national police and army in cities and provinces. Handing over weapons to a number of irresponsible people under the name of militia forces is surely not a good idea for the security of the country. Decades of experience in Afghanistan indicates that giving weapons to local people can cause all sorts of evils, including kidnapping, tribal conflicts, highway robberies and reviving old hostilities among people. In the past whoever owned a gun would automatically become ruler, judge and law implementer, just like the law of the jungle.¹¹⁸

¹¹⁰“Afghan parliament suspends senior Baghlan officials after bomb attack”, Ariana TV, 10 November 2007 (translation by BBC Monitoring).

¹¹¹Mark Shaw, “Crime, police and public in transitional societies”, *Transformation*, vol. 49 (2002), p. 14.

¹¹²Crisis Group interview, Kandahar, 11 August 2008.

¹¹³See Julian E. Barnes, “U.S. plans to train Afghanistan tribal militias”, *Los Angeles Times*, 10 October 2008.

¹¹⁴Crisis Group interview, Major General Cone, 12 October 2008.

¹¹⁵CSTC-A’s Major General Cone also reportedly opposed the move. “Anything that detracts from a professional, well-trained, well-led police force is not the answer”. See “Community Defence Initiatives in Afghanistan – Implications to Consider”, British Agencies Afghanistan Group, April 2008; Ann Scott Tyson, “New joint effort aims to empower Afghan tribes to guard themselves”, *The Washington Post*, 31 March 2008; and Jerome Starkey, “U.S. attacks UK plan to arm Afghan militias”, *The Independent*, 14 January 2008.

¹¹⁶Jon Boone, “Top US general warns on Afghan self-defence plan”, *Financial Times*, 3 January 2008.

¹¹⁷Supporting the concept, British Prime Minister Gordon Brown argued, “one way forward is to increase our support for community defence initiatives, where local volunteers are recruited to defend homes and families modeled on traditional Afghan *arbakai*”. “Statement on Afghanistan”, 12 December 2007, at www.number10.gov.uk The *arbakai* were traditionally used to enforce jirga decisions in southeastern Afghanistan. For background see, “The Customary Laws of Afghanistan”, International Legal Foundation, September 2004.

¹¹⁸“Plan for creation of militia forces, returning to anarchy”, *Daily Afghanistan*, 14 October 2008 (translation by BBC Monitoring).

A new program, the Afghanistan Social Outreach Program (ASOP), is evolving under the Independent Directorate of Local Governance (IDLG). As originally conceived, the program had a security function. Diluted in successive draft proposals, it now entails the appointment of community councils, selected by central government representatives, at the district level in “high risk” areas. As such, this seems less grassroots outreach than a continuance of centralised patronage. IDLG has recently emphasised that the program will not arm community members or manage armed groups. Instead the community councils would help strengthen security by supporting the police and security services, and thus enforce rule of law. If this plan proceeds, it should be ensured that the councils do not compete with the police nor interfere in appointments and operations. There are very real fears that if the councils’ make-up does not accurately reflect all local interests, they will only further fuel perceptions that state security institutions favour certain groups over others.

The Karzai administration and members of the international community continue to work with and support certain local powerholders, apparently viewing them as bulwarks against the Taliban, rather than abusive and predatory elements. The country’s highly centralised administrative system encourages concepts of “control” over the population rather than building popular consent. Sometimes the motive is even more self-seeking, simply to ensure the short-term security of a particular nation’s troops or efforts in an area. The United Nations Office on Drugs and Crime, for instance, has long complained of foreign forces looking the other way when confronted by “allies” with drugs ties.¹¹⁹ Such impunity in exchange for nominal allegiance to the centre not only undermines counter-narcotics efforts but also impedes the rule of law.

Private security companies have provided another refuge for commanders and their militias – with foreigners covering the payroll. Many of the various PRTs, task forces and embassies have bought the protection of these largely unreformed entities, often alienating the population and hampering meaningful security sector reform.¹²⁰ Their role briefly drew some atten-

tion after a firefight resulted in the shooting of a Canadian soldier allegedly by private security personnel in August 2008. More recently, U.S. troops killed private security guards south west of Kabul after they came under fire.¹²¹ Official oversight of such enterprises is crucial but although government regulations for private security companies already exist,¹²² irregularities at the interior ministry have stalled the registration process, which should have been completed by September 2008.¹²³

VI. CONCLUSION

In reforming Afghanistan’s police, international and domestic actors alike have failed to distinguish between operational, strategic and political decision-making. International efforts require much greater clarity of roles over who is taking policy decisions, who is designing reform programs and who is implementing them. That the U.S. is predominant in terms of manpower and resources while the EU retains nominal “key partner” status is problematic. At the ministry of interior, political considerations and operational activities remain firmly intertwined. Strengthened leadership at the ministry should ensure a firmer Afghan lead in establishing priorities among the various programs. Clear delineation of roles and responsibilities means:

- Politically, the Afghan administration and international donors, coordinated through the IPCB, must demonstrate the will to tackle corruption and depoliticise appointments in the police service. They must also agree on priorities – geographic and institutional – for the sector with clear benchmarks and measures of progress. The necessary resources and

¹¹⁹ “[T]acit acceptance of opium trafficking by foreign military forces as a way to extract intelligence information and occasional military support in operations against the Taliban and Al Qaeda undermines stabilisation efforts”. Antonio Maria Costa, “Afghanistan Opium Survey 2007”, United Nations Office on Drugs and Crime, preface, p. vi.

¹²⁰ See Crisis Group Asia Briefing N°35, *Afghanistan: Getting Disarmament Back on Track*, 23 February 2005; and Crisis Group Asia Report N°65, *Disarmament and Reintegration in Afghanistan*, 30 September 2003. See also Susanne Schmeidl,

“Case Study Afghanistan: Who guards the guardians?”, in “Private Security Companies and Local Populations: An Exploratory Study of Afghanistan and Angola”, Swisspeace, November 2007.

¹²¹ Murray Brewster, “Afghan security contractors called into question following soldier’s death”, *The Canadian Press*, 12 August 2008; Drew Brown, “Death of Canadian soldier highlights chaotic security situation in southern Afghanistan”, *Stars and Stripes*, 11 August 2008; and “U.S. troops say Afghan security guards attacked them”, Reuters, 27 October 2008.

¹²² Procedures for Regulating Activities of Private Security Companies in Afghanistan, February 2008.

¹²³ For example the main interior ministry official involved in the process was reported to have ties with a private security company and his nephew with another. See Stephen Brookings and Susanne Schmeidl, “When nobody guards the guards: the quest to regulate private security companies in Afghanistan”, *Sicherheit und Frieden/Security and Peace*, vol. 4 (forthcoming), p. 11.

personnel to meet such an agreed vision must also be ensured. The IPCB secretariat should be redesigned to fulfil the requirements of all players, and coordination/monitoring efforts should be extended to the regions.

- Strategically, there must be an agreement on a shape and role for the police that is realistic, which is then implemented, while recognising that priorities may differ given the varying security situations. This must include the completion of basic documents such as the National Internal Security Strategy to ensure greater clarity of roles between different security sector institutions, as well as agreement on priorities in the judicial sector. A plan for the institutional development – not just organisational restructuring – of the ministry of interior must be a priority.
- Operationally, the police service must have a professional structure with individual accountability and clear career paths. The appointment of a career police commissioner, accountable for meeting clearly defined goals, would help ensure political pressures do not adversely affect operational capacity. For this, and other senior appointments, there must be agreed processes and standards with appropriate vetting by external bodies, including at least observer status for the international community. Literacy programs and improved protection and support for police under attack should be priorities to build morale, public respect and professionalisation. Facilities and professional development opportunities for women must be institutionalised to ensure an inclusive and responsive police force.

Police reform in 2007-2008 has not seen efforts matched by effects, remaining in a state of “churn rather than traction”.¹²⁴ The slow pace of reform has not merely been a problem of lack of capacity but also of political resistance within the interior ministry as well as from external powerbrokers who seek to use the police for their own purposes. Institutional capacity is being corroded by corruption. With money-making taking precedence over merit in the appointment process and blocking real reform, effectiveness and community trust are being eroded. Direction must come from the very top with President Karzai and the new interior minister clearly demonstrating commitment to a professional police service. Donors in turn must demand greater accountability in return for assistance and must urgently address their own many shortcomings, in particular the need for unity of efforts and ensuring adequate numbers of trainers and mentors.

Enforcing civilian management and oversight of policing should also be a priority. To date police reform efforts have been too focused on fighting the insurgents, rather than attacking the roots of the insurgency through functioning institutions that uphold the rule of law. While military involvement may be a necessity given the lack of other large scale institutions stepping forward in Afghanistan, in such cases they must be the implementers, not the drivers, of reform. Afghan civil society must be drawn in to a far greater degree both to provide strategic input and ensure external accountability. This would help produce a police service aligned with community needs, and increase public acceptance. As a Western diplomat noted: “Reform of the police is far too important to be left to the police”.¹²⁵

Kabul/Brussels, 18 December 2008

¹²⁴ Crisis Group interview, Western diplomat, Kabul, 27 September 2008.

¹²⁵ Crisis Group interview, Kabul, 7 August 2008.

APPENDIX A

MAP OF AFGHANISTAN



APPENDIX B

GLOSSARY OF ABBREVIATIONS AND ACRONYMS

ANA	Afghan National Army
ANAP	Afghan National Auxiliary Police
ANCOP	Afghan National Civil Order Police
ANDS	Afghan National Development Strategy
ANP	Afghan National Police
ANSF	Afghan National Security Forces
ASOP	Afghan Social Outreach Program
AUP	Afghan Uniformed Police
CID	Criminal Investigation Department
CSTC-A	Combined Security Transition Command-Afghanistan
DIAG	Disbandment of Illegal Armed Groups
DOD	Department of Defense
EC	European Commission
ESDP	European Security and Defence Policy
EU	European Union
EUPOL	European Union Police Mission to Afghanistan
EUSR	European Union Special Representative
FDD	Focused District Development
IDLG	Independent Directorate of Local Governance
INL	Bureau for International Narcotics and Law Enforcement Affairs, State Department
IPCB	International Policing Coordination Board
ISAF	International Security Assistance Force
JCMB	Joint Coordination and Monitoring Board
LOTFA	Law and Order Trust Fund
NATO	North Atlantic Treaty Organization
PRR	Pay and Rank Reform
PRTs	Provincial Reconstruction Teams
UNAMA	United Nations Assistance Mission to Afghanistan

APPENDIX C

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Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

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Crisis Group's international headquarters are in Brussels, with major advocacy offices in Washington DC (where it is based as a legal entity) and New York, a smaller one in London and liaison presences in Moscow and Beijing. The organisation currently operates eleven regional offices (in Bishkek, Bogotá, Cairo, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina, Seoul and Tbilisi) and has local field representation in seventeen additional locations (Abuja, Baku, Bangkok, Beirut, Colombo, Damascus, Dili, Dushanbe, Jerusalem, Kabul, Kathmandu, Kinshasa, Ouagadougou, Port-au-Prince, Pretoria, Sarajevo and Tehran). Crisis Group currently covers some 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo,

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