

Security Sector Reform in Afghanistan

Introduction

Security Sector Reform in Afghanistan is widely viewed as a precondition upon which depends the success of the entire state-building process. However, it is security sector **(re)building** rather than **reform** which is the most suitable definition to describe the actual process, since after twenty three years of civil war the country's security institutions are in a state of disarray. Afghanistan has not had a professional national army and police since the early 1990s and its judicial system is largely dysfunctional. Therefore, SSR in Afghanistan has been presented as a means to confront the country's immediate security woes.

Background

A general outline of the security sector reform agenda for Afghanistan was sketched at the Tokyo donor conference in January 2002. The Geneva donors' conferences (in April and May 2002) resulted in the establishment of a multi-sectoral donor support scheme, in which individual donors were allocated responsibility for overseeing each of the five pillars of the SSR: the Disarmament, Demobilization, and Reintegration of Ex-combatants (led by Japan); Military Reform (led by the United States); Police Reform (led by Germany); Judicial Reform (led by Italy); and Counter-Narcotics (led by the United Kingdom). From its outset, the process has been hindered by a security environment that has proven counterproductive to reform.

Disarmament, Demobilization and Reintegration of Ex-combatants (DD&R)

The overarching objective of the Afghanistan's DDR program is to dismantle active military formations in order to foster an enabling environment for reconstruction. It is a means to sever internal dependency and patronage relationships and facilitate the transition from a war to a peace economy. The New Beginnings Program (ANBP) was created to assist Afghanistan to advance DDR under the auspices of the UN Assistance Mission (UNAMA) and the United Nations Development Programme (UNDP), with support from Japan. A demobilization and reintegration program targeting children has also been established by the United Nations Children's Fund (UNICEF). The ANBP and the UNICEF programs were launched in late 2003 and early 2004 respectively, and have set an ambitious goal, namely to complete the demilitarization of the country in three years. The early results¹ of

¹ ANBP has demobilized a total of 61,991 AMF officers and soldiers, of which 60,522 have entered the reintegration process. ANBP's weapons verification teams, in partnership with the Ministries of Defense and Interior have collected a total of 17,954 weapons. Of the total number of weapons, 9,729 have been verified by ANBP's weapons verification teams since 11 June 2005 when the program was officially announced. (ANBP/DDR 12.09.2005)

implementation have shown that the core preconditions for DDR—a minimum level of security, a broad-based consensus among key powerbrokers and commanders, further reforms of the Ministry of Defense, and the availability of labor-intensive employment opportunities—are not yet in place. The lack of mechanisms to entice and co-opt commanders to submit to the program coupled with its overemphasis on active Afghan Militia Forces (AMF), ignoring irregular tribal forces, exemplify the program’s inherent limitations.

Military Reform

The military reform process, led by the United States with assistance from a number of donor countries, including Great Britain, France and Turkey, has two components—the creation of an Afghan National Army (ANA) and the reform of the Afghan Ministry of Defense (MOD). The establishment of effective and politically reliable armed forces is widely viewed as a precondition for security and stability in Afghanistan. The primary task of ANA will not be to defend Afghanistan from foreign invasion, but to insulate the state from internal spoiler groups. The original aim of the ANA training program was to produce 18,000 troops by October 2003. This number was reached as late as in March 2005, when the United States had trained more 18,300 Afghan combat troops (42 percent of the projected total of 43,000) and deployed them throughout the country. However, efforts to fully equip the increasing number of combat troops have fallen behind, and efforts to establish sustaining institutions, such as a logistics command, needed to support these troops have not kept pace. The United States estimates that the force will reach full operational capability by 2011 (US GAO, 2005).

The Kabul Military Training Center (KMTC); principal training facility for the ANA

The US program, which provides recruits with instruction in marksmanship, first aid, drill and ceremony, and communications, was originally based on a ten-week training cycle with two cohort battalions of 750 recruits trained simultaneously. The training cycle was reduced to eight weeks in the fall of 2003. These measures have aroused criticism that the training program is insufficiently rigorous to provide the recruits with the required skills. The coalition officials admit that “ANA is not particularly highly trained army” (Sedra, 2004). An Afghan infantry battalion is thought to be about one-third as capable as an American battalion (BICC, 2005).

High desertion rates² and problems with recruitment have accounted for the program’s inability to meet its force targets. Recruits have been leaving in droves due to low pay, poor living conditions, and growing displeasure over the utilization of the force as a US proxy under the auspices of Operation Enduring Freedom. Recruiting suitable candidates for the ANA has been difficult, as the prospect of

2 In the summer of 2003, the desertion rate reached 10 percent per month. (Sedra, 2004).

ANA service has not proven to be sufficiently attractive to Afghans.³ The United States has taken a number of steps aimed at enticing new recruits, including: an increase in the average ANA salary from US \$50 per month to US \$70 per month and the renovation of barracks.

The issue of ethnic representation, which cuts across the entire SSR process, has complicated efforts to build a national army. At the beginning of the training process the pool of recruits featured a disproportionately large number of Tajiks, a result of interference by the Tajik dominated MOD.

Ministry of Defense Reform

Defense Ministry reforms have similarly proceeded at a slow rate. Dominated by a narrow ethnic-based faction of the Northern Alliance, the Panjeri Tajiks, the Ministry is highly politicized, corrupt, and dysfunctional (BICC, 2005). In the MOD, two attempts have thus far been made to implement institutional and personnel reforms. The first, in early 2003, resulted in some new appointments within the general staff, however, it did not significantly alter the balance of power within the Ministry. The second, launched in September 2003, saw twenty-two new appointments created, affecting all the senior positions within the MOD. The reforms installed a Pashtun as the first deputy for the Army Chief of Staff and three additional deputies representing the Hazara, Uzbek, and Pashtun ethnicities. The next phase of the reform process will be the appointment of 309 mid-ranking officials at the Ministry. The recent creation of a recruitment board, which will determine appointments, should enhance the speed and accountability of the process.

In October 2004 the MOD released a National Military Strategy. It asserts that “the future ANA personnel should strongly and seriously avoid political, factional, group, ethnic and other discriminatory tendencies and should refrain from all sorts of ideological affiliations” (Source?). However, the paper offers little in the way of tangible reform strategies.

Intelligence Reform

The National Security Directorate (NSD) is one of the largest institutions in the country, consisting of 15,000–20,000 employees. It is rife with corruption and unrepresentative of the country’s ethnic make-up (Sedra, 2004). The US Central Intelligence Agency (CIA) and the Government of Germany are currently spearheading reform efforts, but the process has been characterized by a lack of transparency and coordination. The goal of the program is to create a non-political, non-partisan and accountable security service. Among the significant accomplishments made have been the establishment of a merit-based appointment

3 In December 2004, only 364 (1.4 percent) of the 25,430 demobilized ex-combatants receiving reintegration assistance had opted to enter the ANA. (BICC, 2005).

system and the promulgation of a charter that circumscribes the wide powers of arrest and detention that it previously held. However, shortfalls in resources for logistics, communications and transportation have hindered efforts to professionalize the force (Sedra, 2004). Plans have been made to create an Intelligence Academy that will train 5,000 new officers within five years.

Police Reform

In Afghanistan, no national civilian police force has yet been established. Efforts to create an effective, democratically-accountable, and rights-respecting Afghan National Police (ANP) have faced a similar array of challenges as the ANA. Existing police largely consist of former mujahedin fighters. The approximately 50,000 men working as police are generally untrained, ill-equipped, poorly paid, and illiterate, and they owe their allegiance to local warlords and militia commanders rather than to the central government (USIP, 2004). Germany, as the lead donor for police reform, has rehabilitated the National Police Academy, responsible for training the officer and NCO corps of the force. The United States has created a Constabulary Training Program responsible for training rank-and-file police. Cumulatively, the two programs, costing US \$160 million, aim to train 50,000 regular police and 12,000 border guards by the end of 2006. As of January 2005, more than 35,000 police forces were trained. However, there are a lot of problems: trainees often return to police stations where militia leaders are the principal authority; most infrastructure needs repair, and the police do not have sufficient equipment—from weapons to vehicles. Furthermore, limited field-based mentoring has just begun although previous international police training programs have demonstrated that such mentoring is critical for success (US GAO, 2005). Regardless of the quality of the training received by Afghanistan's police, it is forced to work under conditions of criminal patterns of behavior, corruption and other abuses of power. Setbacks encountered in initiatives to reform the Interior Ministry have had a corrosive effect on efforts to instill greater loyalty and professionalism.

Ministry of Interior Reform

Afghanistan's Interior Ministry has been shown to be a largely dysfunctional institution, rivaling only the Defense Ministry in terms of corruption and mismanagement (Sedra, 2004). According to available personnel statistics, the Ministry employs 93,000 people throughout the country, yet it lacks a coherent salary payment system, basic equipment and coherent organizational structures. There are parallel schemes to reform the Ministry. Germany has contributed a senior advisor to the Minister of Interior while the United States has embedded a team of eight policing experts within the Ministry to carry out reforms at the operational level. Ensuring that the Ministry is governed in an efficient and accountable manner is the precondition for police reform. Ministry officials are considering a number of options to overhaul the institution to ensure it is operated

in accordance with international standards of good governance, including the establishment of a Civil Service Academy and the launch of in-service training. However, neither of these initiatives has begun due to funding difficulties.

Judicial Reform

Every aspect of a functioning judiciary is presently absent in Afghanistan. The rule of law has never been strong in the country, but after 23 years of warfare it has been displaced almost completely by the 'rule of the gun'. In most of the country, regional power-holders, whether they hold official positions or not, effectively exercise political, police and judicial authority through their control of militia forces. The justice system and law enforcement suffer from a very low level of human resource and infrastructure capacity. In addition, the discontinuity of regimes over the last quarter century has left a patchwork of differing and overlapping laws, and an incoherent collection of security structures (USIP, 2004). A complete record of the law has not been assembled, creating regional variations in its composition and application. The two National Judicial Reform Commissions were dissolved after a couple of months of creation due to ideological and partisan political rifts among its members. Nevertheless, with technical support from the Asia Foundation, funded by the US Agency for International Development, they were able to formulate a 'master plan' for the reform of the sector in January 2003. It can boast of some noteworthy achievements, including the ratification of an Interim Criminal Procedure Code. While the lack of clarity regarding existing law is likely to persist for some time, some progress has meanwhile been made in revising laws and writing new ones. According to the Ministry of Justice, 12 amended or new laws have been approved by the government as of November 2003, and several others focused on commercial law are in progress (USIP, 2004). The integration of gender-based programs into the judicial reform process is critical as women continue to be detained, prosecuted and sentenced to prison for offences such as adultery, running away from home, or consensual sex outside of wedlock, all referred to as *zina*, or 'moral' crimes. Though Afghanistan's new Constitution guarantees fundamental equality for men and women, implementing legislation has been slow to materialize and there is a profound lack of public awareness of these new protections.

With the exception of the heads of the juvenile and family courts in Kabul, women continue to be excluded from key positions in the judiciary. Female professionals often act only in the capacity of judicial clerks and rarely act as judges outside Kabul. The International Development Law Organization's (IDLO) program trains 500 Afghan judges and prosecutors, including 50 women.

The most pressing challenge to the judicial reform process, however, has not consisted in shortfalls in resources or inadequate strategic planning, but in insufficient coordination and cooperation among the principal stakeholders involved. In particular, relations between the four main Afghan judicial institutions—the Ministry of Justice, the Supreme Court, the Office of the Prosecutor General, and the Judicial Reform Commission—have ranged from

strained to openly hostile. Rivalries between stakeholders and resource limitations have hindered the formation of vital synergies between initiatives. For instance, the Italian Justice Project has distanced itself from the second Judicial Reform Commission due to strained relations.

Counter-Narcotics Agencies Building

The burgeoning narcotics trade presents a fundamental challenge to the future of Afghanistan, and specifically to efforts to develop a culture of rule of law. The trade earns Afghan traffickers an amount equal to half the country's legitimate GDP and nearly five times the government's budget. Nearly all elements of local and regional power structures use the proceeds from trafficking to fund their activities and maintain their independence from the central government (USIP, 2004). A UK-funded eradication program that provided cash incentives for farmers to destroy their crops was inaugurated in 2002, only to be abandoned in early 2003 when it became apparent that cultivation increased in areas targeted by the program. A subsequent program in 2003, offering monetary incentives to provincial governors to eradicate crops did not fare much better. In November 2004, the United States announced that it would allocate US \$780 million to fund a three-year US State Department counter-narcotics plan. According to the US DOS proposal, the funds will be disbursed as follows: US \$173 million for interdiction, US \$180 million for law enforcement, US \$5 million for a public information campaign, US \$120 million for programs to develop alternative livelihoods for farmers, and US \$300 million for eradication programs.

The central pillar of international counter-narcotics efforts in Afghanistan is to strengthen Afghan capacity to combat the trade. An array of structures has been established over the past three years as part of an overarching effort to erect an Afghan counter-narcotics infrastructure.

Central Eradication Planning Cell (CEPC)

Created within the Ministry of Interior with support from the United Kingdom, the CEPC is responsible for directing and verifying crop destruction. It monitors trends in poppy cultivation, identifies targets for eradication, and evaluates the impact of eradication operations.

Central Planning and Eradication Force (CPEF)

Supported by the US State Department, the CPEF is responsible for the physical eradication of poppies in selected areas. Trained by the US private security company DynCorp through a US \$50 million contract, the CPEF consisted of 400 officers in November 2004

Counter-Narcotics Police of Afghanistan (CNPA)

The CNPA was established in by the Interior Ministry in January 2003, it forms the vanguard of Afghanistan's interdiction campaign.

Counter Narcotics Directorate (CND)

Formed in October 2002, the CND is responsible for overall drugs policy formulation and coordination. It reports to the Afghan National Security Council Advisor.

Special Narcotics Force (ASNF)

The ASNF was created within the Interior Ministry. Trained by Britain's elite Special Air Service (SAS), the ANSF had, in the first 11 months of 2004, destroyed over 51 tons of opium and 32 heroin-producing labs, and arrested 20 mid-level traffickers.

Ministry for Counter-Narcotics

The Ministry was inaugurated by presidential decree in late December 2004 to direct and coordinate all counter-narcotics activities in the country. It is intended to introduce some much-needed coherence into the wide array of established programs.

The efficacy of these nascent institutions will depend on the formation of a functioning judicial system, which remains an aberration in Afghanistan. Plans have been initiated to provide judges and prosecutors with specialized training to try opium traffickers, and a wing of Kabul's main prison has been renovated to house them. However, the prevailing in the country judicial vacuum continues to paralyze interdiction.

Penal Reform

Typical for a post-conflict reconstruction situation, the corrections system in Afghanistan is the neglected stepchild of justice sector reform. Though corrections nominally fall within Italy's lead, it has paid limited attention to this area, and other donors have paid none. Except for a few limited NGO projects, the UN Office of Drugs and Crime (UNODC) is the only organization working on prison and jail improvement projects in Afghanistan. UNODC is currently spending US \$2 million provided by the Italian government over two years on the very basic renovation of several male and female detention centers in and outside of Kabul. UNODC also provide limited training to administrative staff in the Ministry of Justice, to which responsibility for prisons was transferred from the Interior Ministry during 2003 (USIP, 2004). The training seeks to establish humane treatment of prisoners in a country where penal standards are poor. The four-week training package has been

conducted for 100 staff members per month. The trainees are getting a general overview about penal, criminal and penitentiary matters with a focus on human rights issues. Most prisons are faced with serious overcrowding and lack of facilities; these factors continue to impact on detainee's human rights. It will still be challenging to meet minimum international standards in Afghan prisons, which do not have proper buildings and necessary equipment across the country.

Another issue confronting the nation's penal system is the use of unofficial jails. Some prisoners are punished, beaten and locked in private cells for weeks before they are sent to official prisons. More than 4,600 convicts are currently held in 32 government-run prisons across the country, with thousands more incarcerated under appalling conditions in private facilities often controlled by warlords (IRIN, 2004).

The Office of the National Security Council (ONSC)

The Afghan National Security Council was established to provide the President with advice on security-related issues and to develop and coordinate Afghan security policy, acting as a bridge between the ministries in charge of security affairs and other elements of the executive branch of government. It was intended to act as a coordinating umbrella for the security sector reform process, harmonizing the competing agendas of donors and Afghan stakeholders and serving as a focal point for government policy and strategy. The ONSC is also responsible for overseeing policy implementation by the relevant ministries and security forces. Its mandate is to monitor and analyze the implementation of executive orders and cabinet decisions. However, only few of the principal stakeholders in the SSR process have accepted its authority.

Parliamentary oversight of Security Forces

The first parliamentary elections in more than 30 years took place on 18 September 2005. According to the new Constitution (adopted on 4 January 2004), the National Assembly is the highest legislative organ consisting of two houses: House of Representatives (*Wolesi Jirga*) and Senate (*Meshrano Jirga* -House of Elders). According to the Constitution, the President is responsible to the House of Representatives. The *Wolesi Jirga* has the authority to set up a special commission if one-third of its members put forward a proposal to inquire about and study government actions. However, the implementation of this norm as well as the opportunity to oversee and control security forces in practice is highly doubtful in the current security situation, aggravated by an inexperienced parliament with an undeveloped political and legal culture.

Conclusion

When analyzing Afghanistan's ongoing SSR process, a number of general obstacles can be discerned, including insecurity, inadequate coordination, insufficient administrative capacity and resource shortfalls. Rising levels of insecurity spurred by spoiler groups and regional warlords⁴ have, in the absence of an international or local security buffer, severely complicated reforms. The lack of coordination among donors and Afghan stakeholders has undermined efforts to erect a unified strategy. The anemic capacity of the Afghan government has slowed change, and the unwillingness of donors to make long-term and durable commitments of funds to the reform has cast a shadow of uncertainty on the SSR process.

⁴ Warlordism—control of local population through force and intimidation by provincial governors, militia commanders, police chiefs, and other power-holders—continues to destabilize Afghanistan and impede reform of justice and law enforcement institutions. The most powerful warlords continue to exercise influence over key ministries and institutions including the security sector. (USIP, 2004).

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