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Lord Teverson
European Union Committee
Chairman of the Sub-Committee Foreign Affairs,
Defence and Development Policy
House of Lords
London
SWIA 0PW

Dear Sir,

I would like to thank you for the comprehensive and honest report on EUPOL Afghanistan and all the work which went into it. It gives important food for thought and I will consider its recommendations carefully.

It is true that EUPOL Afghanistan has faced many challenges in the past, not least due to the extremely challenging and complex environment in Afghanistan. However, I hope that you agree that important work is being done by the Mission in helping to build up the Afghan civilian police and in supporting the development of rule of law institutions. The Mission has made important progress and much of the earlier criticism has now been overcome.

EUPOL Afghanistan has established a very close relationship with the NATO Training Mission in Afghanistan (NTM-A) since the latter's arrival at the end of 2009. This allows EUPOL to do what it can do best: providing European civilian policing expertise to the Afghans. This is a highly specific and specialised skill-set; one which allows EUPOL Afghanistan to demonstrate its real added-value. Through this clear focus on civilian policing, EUPOL is playing a key role in the Transition process, which was agreed between the international community and the Afghans. Cooperation on the ground with NATO is excellent and there is a clear division of labour. Our efforts are complementary.

Nevertheless, despite the very good progress made, Afghanistan remains a very demanding environment. Important challenges remain, as your Committee has rightly identified in its report. There is no short term, easy solution and the EU will have to maintain its commitment for still some time to come.

I am pleased also to provide you with more detailed comments on those specific recommendations which you have highlighted. You will find these in annex to this letter.

I would like to thank you once again for your Committee's report on EUPOL Afghanistan and for the valuable findings which it has identified.

Yours sincerely,

Catherine
Catherine Ashton

Annex 1 – Comments to recommendations in paragraphs 31, 37, 42, 57, 58, 61, 62, 78-83, 86 and 103-105.

Paragraph 31

"The attrition rate is an extremely serious problem for the Afghan police and poses a major challenge to EUPOL's effort to deliver sustainable improvements. We salute the courage of the Afghan police who are often the first target for insurgents. EUPOL should urge the Afghan Ministry of the Interior to pay greater attention to the causes of the attrition rate in the police, including high mortality and injury, the lack of leave, welfare or shift patterns, and cultural factors such as deployment far from families and home territory. This should also be built into EUPOL's own strategy."

The causes of the high attrition rate within the Police, including high mortality and injury, the lack of leave, welfare or shift patterns and cultural factors such as deployment far from families and home territory, is something which has been observed and consequently addressed in theatre. One of the results is that some elements relating to this have been included in the Minister of Interior's list of six priorities in the Afghan National Police Strategy (NPS). For example, the Minister is looking into the following:

- Improvement of living and working conditions in offices and checkpoints;
- Improvement of police equipment such as weapons, uniforms, radios, availability of vehicles etc;
- Improvement of professional appearance of police;
- Improvement of police living quarters and provision of police-housing.

EUPOL AFGHANISTAN (EUPOL) has played an active role with its mentors in the Mol in the development of the NPS, and has worked diligently on ensuring that it fulfils the role of being a strategy with tangible Afghan ownership.

In line with its mandate, EUPOL's objective is to "contribute to the establishment under Afghan ownership of *sustainable and effective* civilian policing arrangements" [emphasis added]. This means that in its work EUPOL is looking at all the different components which are impeding the Afghan National Police (ANP) to be developed into a sustainable and efficient service for its people. EUPOL is also working on training the leadership of the ANP – another element which contributes to making the ANP an attractive and sustainable place to work.

Paragraph 37

"Corruption continues to permeate the Afghan National Police at all levels, despite the efforts of the Afghan Ministry of the Interior and the international community to eradicate it. We urge the EU to redouble its efforts to combat corruption in the police, without which the rule of law will be impossible and the Afghan government's reputation with the people will be further damaged. Establishing a robust financial management system, including an effective chain of payments to ensure that police officers are paid in full and on time, should be a priority, since a wellpaid officer is less likely to take a bribe."

In June 2006, EUPOL streamlined its activities into six strategic priorities, and included as one of its priorities "to develop anti-corruption capacities". Since then, much successful work has been done both in the provinces and at higher levels by the Mission.

To give a couple of examples:

i) EUPOL has helped to establish six regional mobile anti-corruption teams, which have been operating successfully since January 2010. The teams have been trained in specialised covert techniques and EUPOL has also introduced a digital filing and case tracking system to foster cooperation between the Inspector General and the Attorney General's Office and to ensure that corruption cases are investigated timely, effectively and in a transparent manner; and

ii) At the Attorney General's Office, EUPOL was instrumental in establishing the Anti-Corruption Prosecutors' Office. EUPOL has also been mentoring high-profile corruption cases on a regular basis, including assistance in how to conduct efficient investigations, for example how to lead a case to trial based on sound evidence. The plan is to continue this important work together with other actors in theatre.

This is an important area of activity. It is a very difficult piece of work, but essential for the successful implementation of a police service based on rule of law principles, and therefore deserves comprehensive attention by the Afghan institutions and international actors alike. In addition to the work of EUPOL, the EU is also committed to supporting institution and capacity building in an even wider sense. It has a strong focus on government accountability towards the Afghan people, by for example supporting the Government of Afghanistan to improve legal and institutional frameworks and by supporting civil society and media endeavours in anti-corruption advocacy.

Paragraph 42

"We are concerned about the creation of the local auxiliary police in Afghanistan, which aims to fulfil a guard role. This poses a serious risk that armed groups outside formal structures could challenge the authority of the state, collude with local warlords, use their firearms improperly, instil fear in the population, and engage in corruption or the drug trade. The inadequacy of management structures and discipline in the auxiliary police are also worrying. The EU should take up with the Afghan Ministry of the Interior and the Americans the potential threat to stability in Afghanistan which will be posed by the newly created auxiliary police if effective command and control are not exercised by the Afghan Ministry of the Interior."

It has been outlined by the Ministry of Interior in the National Police Strategy (of December 2010) that through its Decree No. 3196, the Office of the President authorizes the establishment of the Afghan Local Police "to ensure the security of local communities and pave the way for reconstruction, development, and political stability".

The pros and cons of its establishment have already been discussed in various fora in theatre, and in those discussions the EU has always stressed the importance of effective command and control. It is essential that the Afghan Local Police stays under the command of the Afghan Ministry of Interior. This is a view also shared by our NATO partners.

Paragraph 57

"EUPOL's mandate focuses on civilian police training at the strategic level while NATO provides large-scale but basic counter-insurgency training to the police. However, these roles are frequently confused and this lack of clarity detracts from the effectiveness of the Afghan National Police. The EU should work through EUPOL to ensure that police training focuses on the civilian policing role of resolving crimes, maintaining contact with the local population and upholding the rule of law. EU representatives should persuade the Afghan government that it is in their own interests for the police to be allowed to focus on good civilian police training, at least in areas where there is sufficient security for them to operate, since the police are the face of the government in the majority of the country."

In the past, there has been on occasion certain overlap of activities conducted by different actors. However with the arrival of the NATO Training Mission – Afghanistan (NTM-A) end 2009, and with the increased refocusing of the Mission on its strategic priorities, this has improved considerably. While NTM-A is a strong contributor to the security sector reform in Afghanistan and as the provider of large scale basic training, EUPOL can now better focus on its niche, civilian policing. This concept is strongly supported by EUPOL, and already from EUPOL's mandate (since 2007, renewed in 2010), it is clear that EUPOL's focus should be on civilian policing.

There is now well established division of labour, in which EUPOL has the role of working closely with the civilian policing element of the ANP. EUPOL's mandate also includes the element of "ensur[ing] appropriate interaction with the wider criminal justice system", so as to make certain that actions within the police are followed up properly in the justice chain.

Paragraph 58

"Fighting the insurgency should primarily be the responsibility of NATO forces and, increasingly, the Afghan National Army. However, because coordination between the Afghan police and army is a difficult problem, the police are being left to fight the Taliban in some areas and community policing is being neglected. The EU must seek the cooperation of the Afghan Ministry of Defence, NATO and the US to prevent the police being used as a substitute for the Afghan army in the counter-insurgency struggle."

It is correct that fighting the insurgency should primarily be the responsibility of NATO forces and, increasingly, the Afghan National Army. They are the ones who should have the skills, the equipment and the legitimacy to conduct operations in this regard. EUPOL is doing its utmost to promote the principle of civilian policing among its local and international counterparts, and to train the appropriate levels of ANP within this field.

Paragraph 61

"The EU's involvement in assisting the establishment of the police and justice sector came some years after the initial western military intervention in 2001. The lesson to be learnt for the EU and the international community is that, in any future intervention in failing or failed states, a strategy for early civilian involvement is essential in building effective police and justice systems. If the EU decides that it wants to make a serious contribution to solving civilian and police matters, it should ensure that such missions are at a level that has a significant effect on outcomes."

In January this year the new European External Action Service (EEAS) was created in an effort to improve the coherence and effectiveness of the EU within the area of foreign policy, security and defence. More specifically, the Common Security and Defence Policy (CSDP) is in constant development, with an aim to implement effective policies for managing external crisis situations. Within the process of developing in this area, the EU is building upon its experience with previous Missions and on lessons learnt in various fields. In this process of development, comments are welcome that a strategy for early civilian involvement is essential in building effective police and justice systems.

Paragraph 62

"We understand the problems of integrating with operations run bilaterally by EU Member States before EUPOL was created. However, we believe that EUPOL's impact would be increased if the bilateral operations were to be incorporated into the EU's joint effort. There should be a single adequately resourced European policing mission, rather than a plethora of multi-lateral and bi-lateral missions. The EU should continue to create a more unified European approach to police reform, by integrating the separate Member State bilateral operations into EUPOL where possible."

The multitude of actors in an area such as Afghanistan remains a challenge, and the need for coordination is evident in such a context. For this reason, coordination mechanisms, such as the International Police Coordination Board (IPCB), have been set up and are working well. EUPOL also complements these mechanisms by having direct contacts with counterparts with which it is working even more closely to ensure that there is no overlap in activities. In the future, increased contributions to EUPOL from those Members States who maintain bilateral project would be very much welcomed.

Paragraphs 78-83

78. "In terms of civilian policing, the EU has provided a unique and vital capability for the stabilisation of Afghanistan society. We welcome this and applaud the work undertaken by EUPOL staff under very challenging conditions. However, the level of that capability remains a problem."

79. "The planned size of the EU mission of 400 was always too small to make a major difference to civilian outcomes in Afghanistan. This compares badly to the American and NATO commitment to the broader police training effort and has affected the relationship. We believe that this also has the wider effect of bringing EU Common Security and Defence Policy missions as a whole into disrepute."

80. *"The reputational problem is compounded by the EUs' failure to reach even the limited target of 400 personnel and the mission is severely understaffed. We do not accept the Government's view that the high quality of EUPOL staff obviates the need to reach the target complement. In all such missions EU Member States must meet their commitments in terms of numbers of personnel. The EU should ensure that the mission has a full complement of staff in order to retain credibility. Without this, the EU demonstrates weakness rather than strength."*

81. *"The low degree of EU commitment to providing staff, combined with problems of illiteracy, corruption and desertion in the Afghan police and the overall security situation, means that there is a real risk that the EU will fail in an area where it should show leadership. We consider that the original mission should have been undertaken with a much greater level of commitment or not undertaken at all."*

82. *"We believe that there is still time to reach the full complement of staff for the remainder of the mission. However, if this cannot be achieved within a reasonable timeframe, the EU should as a last resort revise EUPOL's mandate."*

83. *"The UK's current contribution of 14 secondees and 10 contracted staff to the mission compares poorly with other EU Member States, for example Finland with 37 staff. The Government should aim to increase the numbers of personnel the UK provides to EUPOL, focusing on seconded police or rule of law experts, rather than administrative staff. They should also urge other Member States to make similar efforts to take their share of the burden."*

EUPOL is currently operating at a level of 75-80% of its authorized strength. In order to increase its staffing levels even further, Member States have recently been very supportive in seconding police officers. Together with further improvement in the human resources mechanisms, this should progress the staffing levels even further.

Despite some staffing constraints so far, EUPOL has proven that it is able to deliver considerable outcomes on the ground. EUPOL's police and rule of law officers are in general highly experienced in their home countries and are able to transmit this expertise to its Afghan counterparts in an effective manner.

Paragraph 86

"Cumbersome political consultation processes in Brussels and with Member States has led to problems for the Head of Mission. We urge the EU to look at whether the Head of Mission could be granted more autonomy to enable him to respond more easily to rapidly changing circumstances on the ground. In addition the EU and Member States should examine whether a speedier system for reaching decisions can be created in Brussels when a need for an urgent political decision arises."

The EU is working on constantly improving its systems and procedures in the most efficient manner. An example of this is the recent creation of the EEAS. All our CSDP operations are under Member State political control and strategic direction through the Political and Security Committee (PSC), and the Civilian Planning and Conduct Capability (CPCC) ensures the effective planning and conduct of these operations. The system of consultations with Member States sometimes appears lengthy and cumbersome, but it is necessary to take into account the views of EU Member States. It also has to be noted that in 2010 EUPOL had several changes in leadership, so in order to ensure consistency of operations, Brussels had to take a greater role in mission management.

Paragraphs 103-105

103. "The challenges EUPOL faces are considerable. Without a major reduction in, or cessation of, the insurgency, there will not be an environment in which civilian policing can develop, and there is a danger that a vacuum may develop in law and order and security. Even with such conditions – and an expansion of militarily secure Areas – EUPOL will not be able to complete its task either in the remaining two and a half years of its extension, or within the timetable set by the international community for the withdrawal of combat forces."

104. "There is a danger that the deadlines for military withdrawal could expose the mission staff to increased danger and that they will be unable to operate effectively, risking lives of serving police officers for no future effect. The wider security environment will need to be taken into consideration before any further extensions of the mission are decided."

105. "This has been a troubled mission undertaking a vital task in the reconstruction of Afghanistan. Despite achieving local successes, overall there is a strong risk of failure."

The situation in Afghanistan is complex. EUPOL is working in a challenging environment, with considerable risks and challenges. The Mission has been set up in a belief that the EU can and should make a difference in an important field of work in this particular part of the world. However, the safety of our staff will always be one of the main parameters that is taken into consideration when deciding on launching a new mission or in extending an existing one. So far, I am proud to say that EUPOL has achieved great progress within the area of civilian policing and in providing linkages to the wider rule of law sector. With Member States support, we will continue this work and make sure that the EU is considered a valuable partner in the important time ahead in Afghanistan.