



INTEGRATED POLICE TRAINING MISSION KUNDUZ, AFGHANISTAN

LOCAL PERCEPTIONS

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Photo front cover: Kunduz Regional Police Training Centre, November 2018

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EXECUTIVE SUMMARY

INTRODUCTION

In support of international efforts to assist in the reconstruction of Afghanistan, from 2011 to 2013 the Netherlands implemented the 'Integrated Police Training Mission' (IPTM) with the aim of bolstering policing capacity and supporting elements in the justice sector and civil society in Kunduz Province. Commissioned by the Policy and Operations Evaluation Department (IOB) of the Ministry of Foreign Affairs, this report presents the findings of a qualitative local perceptions study conducted in November 2018 which sought to understand the extent to which the short and long-term aims of the mission were achieved from the viewpoint of key local actors and beneficiaries in Afghanistan.

Individuals from various sectors of society who were either directly or indirectly involved with the mission were asked about their understandings of the situation prior to, during and immediately following the end of the IPTM, as well as regarding the current situation, five years after the mission's completion. In accordance with the initial objectives of the mission, interviews focused primarily around questions of performance in 1) the police; 2) the justice sector; 3) the coordination between the two, and; 4) the local population's awareness of and confidence in the two.

METHODOLOGY

The findings of this report are based almost exclusively on semi-structured interviews conducted for the most part in Dari in Kabul and Kunduz over a 30-day period from 05 November to 04 December 2018. In total, 58 interviews were conducted with 112 individuals, made up primarily of Afghan police officers, government justice officials and civil society representatives. The approach was purely qualitative in nature, seeking to gain depth and detail rather than full representations of the entire Kunduz population. The findings are entirely subjective in nature, given that are based on reported *perceptions*, and while the author has contributed his own comment and analysis where relevant (in all cases this is clearly delineated), for the most part the views expressed are purely representative of interview respondents' opinions. Beyond the subjective nature of responses, other limitations to the research mainly revolved around access (given the ongoing armed conflict in the province), timeframe and scope, and the influence that the researchers' identity (e.g. seen as working for the Dutch government) may have had on responses. It should also be kept in mind that while this report describes perceived changes in the police and justice sector since the time of the IPTM, it is difficult to determine the exact extent to which the IPTM *caused* or contributed to these changes.

FINDINGS

The results of the research are divided into two parts, namely, perceptions around the extent to which the various aims of the mission were achieved (the 'what'), and perceptions concerning the way in which the mission was implemented (the 'how'). The first section is split

into the key objectives of improving capacity and performance in the four target areas as stated above. The second section adopts a simple ‘strengths, weaknesses, opportunities and threats’ framework of analysis to distill perceptions around the implementation of the mission.

PERCEPTIONS ON MISSION ACHIEVEMENTS

POLICE CAPABILITY

- ❖ The vast majority of interview respondents said there had been significant improvements in general police performance coinciding with foreign police training missions, including that of the IPTM.
- ❖ However, these gains were broadly understood to have deteriorated since around the time of the conclusion of the IPTM, along with the deterioration of the general security situation as well as turnover and attrition of personnel who were trained by the mission. It was said that of the lower-level police officers trained during the IPTM, only a small minority still remained in the Kunduz police force. Of the police *trainers* who were trained during the IPTM a good number was still working at the Kunduz Regional Training Centre (RTC), though a significant proportion have also since left, because they were dragged into combat operations elsewhere in the province or region, killed or injured, moved to a different job, or retired.
- ❖ Due to increased insecurity in Kunduz and repeated offensives by opposition fighters, police have been forced to take on more of a war-fighting role, drawing attention away from their civilian duties.
- ❖ Police feel largely under-resourced for the task of fighting against opposition combatants. Supply chain inefficiencies as well as decreased international support were said to have compounded the issue.
- ❖ As far as could be assessed in the relatively limited time the researcher spent at the Kunduz Regional Training Centre (RTC), the centre, despite being increasingly under-resourced, continues to function and implement broadly the same curricula from the IPTM. Additionally, numbers of untrained police personnel operational in the province appeared to be in the small minority.
- ❖ Improvements in literacy rates amongst police officers over recent years remain unclear from interviews, however literacy training is ongoing both at the RTC and in the field at police outposts, conducted by contracted civilian teachers.
- ❖ Interview respondents said corruption in the police is still a primary concern of the local population and that the problem stems from poor leadership and accountability of Ministry of Interior (MoI) and police staff at higher levels.
- ❖ Female recruits continue to operate in the police as a small minority. Interviewees suggested that they continue to be sidelined, undermined or in some cases harassed by male colleagues. Indeed it was reported that these issues had somewhat increased following the withdrawal of international advisors who provided a level of protection and oversight. Female civilians still struggle to access police protection and support, although these issues are in part down to broader societal constraints and lack of women’s freedom in general. It is difficult to draw strong conclusions as to the impact of the mission on female civilian access to the police, although if any, then it appears negligible in the wider context.

POLICE – JUSTICE SECTOR COOPERATION

- ❖ Despite the establishment of coordination fora, in general respondents from all sectors saw coordination between police and the judiciary as relatively weak.

- ❖ It was unclear as to whether this was a shift compared to pre-, during, or immediately post-IPTM, most responses implied that coordination had never been that strong.
- ❖ Although awareness and mutual understanding of respective roles and responsibilities was said by some to have improved since the time of the IPTM, significant challenges remain which hinder progress in practice.
- ❖ The most significant of these were said to include the fact that the police are now more preoccupied with defensive military operations, the physical distance between offices and low use of communications technology, over-centralisation of bureaucracy, general mistrust between the sectors and differing institutional cultures.

JUSTICE SECTOR

- ❖ Technical capacity of those working in the justice sector is seen to have improved since the time of the IPTM, however the lack of wider systemic political and institutional reform limits the practical impact of efforts to professionalise the justice system by the IPTM and others. This is because while people are more professional, capable and better trained, the extent to which they can operate effectively in a context of corruption, bureaucratic inefficiencies, political instability and general insecurity is limited.
- ❖ The area of influence and authority of the formal justice sector in Kunduz has been significantly reduced following successful Taliban and other armed opposition group capture of territory in recent years.
- ❖ Given the relatively weak economic situation of most families, the lack of free legal aid remains a significant barrier. However, Dutch support and funding of the Afghan Independent Bar Association (AIBA) in Kunduz was said by some interviewees to have helped in improving access to justice.
- ❖ Corruption in the courts is said by some to have decreased somewhat, particularly since salary increases for judges, but the problem still exists. Corruption was also said to remain widespread in the prosecution.
- ❖ Women's access to justice in Kunduz remains hugely problematic, to a large extent as a result of existing norms and societal and cultural power structures, and the decreasing security situation. However, increased pressure from the media and civil society (Dutch-funded and otherwise), and the gradual increase in female employees in the justice sector itself (aided by the Dutch support for AIBA) were said to have led to at least some incremental improvements.

PUBLIC AWARENESS OF AND CONFIDENCE IN THE POLICE AND FORMAL JUSTICE SECTOR

- ❖ Awareness amongst the general population of the proper functioning of the police, the legal system, rights and rule of law in general, was said by interviewees to have improved since the time of the IPTM and other international missions.
- ❖ Acceptance of these formal institutions depends to a large degree on the extent to which an individual is supportive of the state itself, in a political sense. Given that significant portions of the population in Kunduz are said to be sympathetic to opposition groups such as the Taliban, this negatively impacts levels of acceptance for the police and the formal justice sector.
- ❖ Based on the interviews conducted, it would seem that among those living in government areas and supportive of the state, public confidence in and acceptance of the police increased during and after the IPTM. Although this confidence was damaged after the perceived 'abandoning' of Kunduz City by the ANSF to opposition offensives in 2015 and 2016, and many in the public continue to harbor concerns about corruption, the police as an institution still maintained a degree of trust from those interviewed in Kunduz, which was said to be higher than pre-IPTM levels.
- ❖ Given concerns around bureaucracy, cost and corruption, the formal justice sector was viewed by interviewees as a less than ideal but perhaps necessary avenue of conflict

resolution for *certain* matters. The government system might best be described as being seen as one option among many in a mixed market (which includes both informal mediation in traditional structures, as well as the Taliban courts), used when appropriate, relevant and/or advantageous in comparison to other systems. The extent to which this perception of the formal justice system has shifted over time remained unclear from interviews, however it is worth noting that most interviewees implied that the Taliban court system, for its part, was now much more predominant and entrenched than it had been.

PERCEPTIONS ON MISSION IMPLEMENTATION

STRENGTHS OF THE APPROACH

- ❖ While it should be kept in mind that interviewees may well have felt reluctant to express criticism to researchers seen as working on behalf of the Dutch Foreign Ministry, those interviewed who were trained directly by the Dutch in the police were unanimously positive about their interactions with their former trainers on a personal and professional level (delineating between Dutch military police under ISAF and those under EUPOL proved difficult). They also said they had felt involved in planning and decision-making during the mission.
- ❖ The quality of technical training given by the Dutch and Dutch-funded implementing partners was also commended.
- ❖ Not all interviewees were aware of the integrated logic of the mission, but for those who recognised that this was the strategy, most endorsed the approach wholeheartedly.

WEAKNESSES OF THE APPROACH

- ❖ Almost all interview respondents said that the Dutch intervention in Kunduz concluded too early and that the mission should have continued until the situation had stabilised, however long that might have taken.
- ❖ Afghan police commented on the limitations of having regular rotations of Dutch personnel in terms of losses of institutional memory and relationship building.
- ❖ Some of those involved in Dutch-funded civil society programmes which continued to receive financial support post-2013 argued that the Dutch should have been more proactive in this latter period in terms of monitoring and maintaining direct lines of communication rather than relying on third party implementing partners following the reduction of physical presence of the Dutch in Kunduz. This appeared to be largely out of a desire to be heard and feel supported directly by the embassy rather than through intermediaries.

OPPORTUNITIES AND ENABLERS

- ❖ Interview respondents suggested that increases in general levels of education and public awareness over the years had played a significant role in any positive shifts seen in the targeted outcomes of the IPTM.
- ❖ Other local and international NGOs and civil society organisations which were not funded or supported by the Dutch were also said to have made important direct and indirect contributions to the goals of the mission.
- ❖ Local media was said by civil society organisations to have played a key monitoring role in holding the police and the justice sector to account.

THREATS AND EXTERNAL DISABLERS

- ❖ Increasing insecurity in Kunduz and the resurgence of the Taliban and other opposition groups, culminating in the brief capture of the provincial capital in 2015 (and partial capture in 2016) has had a considerable undermining effect on positive outcomes achieved during the IPTM.
- ❖ Systemic corruption and state inefficiency significantly limited any progress during and since the mission.
- ❖ The highly fragmented nature of the political landscape in Kunduz was a substantial factor in fuelling both of these disabling elements mentioned above.
- ❖ The decision of the United States to set a timeline for withdrawal that was no longer conditions-based limited the options available to the Germans, and consequently the Dutch, even if they had wished to stay on in Kunduz.

CONCLUSIONS

In general, a significant proportion of those interviewed reported having seen tangible improvements in the level of technical capacity and knowledge of those working in both the police and the justice sector. While it is difficult to draw reliable causal relationships between these improvements and the actions of the IPTM, many did seem to attribute much of this positive development to the efforts of international police trainers, including those of the Netherlands, as well as NGOs and civil society organisations, several of which were funded by the Netherlands as part of the IPTM.

However, despite some improvements in capacity and knowledge, the environment in which the police and the justice sector now operate has deteriorated so significantly in terms of insecurity, and political infighting and state corruption remain so prevalent, that the degree to which personnel are in practice able to implement the training and skills learnt from Dutch and Dutch-funded programmes is now severely diminished. In other words, with the Afghan army unable to provide security in the face of a resurgent opposition, and in the absence of government reform to deal with corruption and wider inefficiencies, any lasting impact has been seriously undermined, and in some cases progress has been reversed. While estimates vary, it is commonly reported by international organisations, monitoring groups and the media (as well as many interview respondents in this research) that opposition groups now control the majority of the territory of Kunduz Province, with government forces and state functionaries largely confined to district and provincial urban centres, all of which have been captured at least once since the end of the IPTM, and which remain under near constant threat of collapse¹. Turnover of personnel, particularly in the police where many have been killed, wounded, reassigned, retired, or have fled, has also been a contributing factor to the deterioration of any positive gains made during the IPTM.

As a result of these severe external constraints therefore, despite the reported increase in technical capacity of those operating in the police and the justice sector, the majority of those interviewed said that any progress made during the time of the IPTM is now being rolled back or has already been negated when it comes to the actual practical implementation of rule of law on the ground. While the more holistic approach adopted by the IPTM was arguably preferable to focusing on the police alone, ultimately the scope, scale and timeframe of the

¹ For one example of a number of publicly available maps now being generated by analysts and media outlets alike regarding armed opposition territorial control in Afghanistan, see “Why Afghanistan is More Dangerous Than Ever”, 14 September 2018, BBC accessed 05 March 2019 at <https://www.bbc.com/news/world-asia-45507560>

mission were likely too limited to realistically address many of the deeper obstacles to long-term, sustainable progress in such a complex and fragile environment.

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ACRONYMS

AIHRC	Afghan Independent Human Rights Commission
ALP	Afghan Local Police
ANP	Afghan National Police
ANSF	Afghan National Security Forces
AOG	Armed Opposition Group
CPAU	Cooperation for Peace and Unity
DoJ	Department of Justice
DoWA	Department of Women's Affairs
EUPOL	The European police training mission in Afghanistan
FRU	Family Response Unit
GFP	Gender Focal Point
GIRoA	Government of the Islamic Republic of Afghanistan
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit (German Corporation for International Cooperation)
IOB	Policy and Operations Evaluation Department of the Ministry of Foreign Affairs of the Netherlands
IPTM	Integrated Police Training Mission
ISAF	International Security Assistance Force
IWA	Integrity Watch Afghanistan
MoE	Ministry of Education
MoI	Ministry of Interior
MoJ	Ministry of Justice
NCO	Non-Commissioned Officer
PRT	Provincial Reconstruction Team
RS	Resolute Support
RTC	Regional Training Centre
TAAC-N	Train, Advise and Assist Command – North
TAF	The Asia Foundation
UNAMA	United Nations Assistance Mission in Afghanistan

DARI AND PASHTO TERMINOLOGY

hauza	Police neighbourhood headquarters
huqooq	Civil magistrate / legal official that deals with civil cases. In a literal sense, <i>huqooq</i> also means ‘rights’.
jihadi	Adjective, usually taken in the Afghan context to refer to the period of resistance against the Soviet occupation and the ensuing civil war until the arrival of the Taliban to power. A <i>jihadi</i> commander is thus normally understood to mean someone who fought during this time and may well still maintain his power base in the current system, either politically or militarily or both. When read in interview quotes it should generally be understood in this sense. In a more universal, literal sense, <i>jihad</i> is an Arabic noun meaning struggle (not necessarily violent – in an Islamic sense the greater <i>jihad</i> (<i>jihad al-akbar</i>) is more related to spiritual self-improvement).
jirga	A community-based process for collective decision-making that originates from traditional Pashtun culture. Usually a temporary or ad-hoc group of respected elders that convenes when necessary to resolve disputes.
madrassa	School for the teaching of Islam
mujahideen	Fighters involved in the war against the Soviet occupation of Afghanistan and subsequent civil war (see <i>jihadi</i>). From the Arabic, ‘those who struggle’.
polis-e mardumi	Community police (a particular branch of the ANP)
saranwal	Prosecutor
saranwali	Prosecution/prosecutor’s office
satankai	Police basic patrolman
satanman	Police non-commissioned officer (NCO)
sharia	Islamic Law as interpreted from the Quran and the hadith (sayings of Prophet Muhammad)
shura	Traditionally taken in the Afghan context to mean an explicitly Islamic council, however today often refers merely to a group of local elders or recognised leaders who convene regularly to make decisions on behalf of their community. Often simply translated as council.
tashkeel	Government allotted personnel allowance for a unit or department

KUNDUZ PROVINCE MAP



Source: UNAMA, February 2010.

Note that there were three additional districts announced by the government in 2016, those of Aqtash, Gultepa and Kalbad, which are still predominantly in opposition control and yet to be fully activated and not included in current publically available official mapping.

1. INTRODUCTION

This report was commissioned by the Policy and Operations Evaluation Department (IOB) of the Dutch Ministry of Foreign affairs as part of a broader evaluation of the Dutch Integrated Police Training Mission (IPTM) in Kunduz Province², Afghanistan. The specific aim of the research was to examine the effect on the ground of the mission since 2011 as perceived by the Afghan police³ and officials in the judiciary themselves, and by the local population whom they serve. In this regard, it is important to highlight the highly subjective nature of the data presented herein, given that it is almost entirely based on qualitative, semi-structured interviews. In short, this report should be understood as an effort to present the effects of the mission as seen through the eyes of the beneficiaries. The research is designed to be complimentary to further research (interviews, literature research and desk-based document analysis) to be conducted in the Netherlands.

The main content is structured into four broad sections. Part one begins with a brief overview of the initial goals and objectives of the mission in order to frame the criteria against which the impact was measured. Part two offers a cursory outline of planned activities of the mission from 2011 to date, both directly through training delivered to the Afghan police, and indirectly through local and international civilian implementing partners of rule of law and civil society programmes. Parts one and two are for the most part descriptive overviews, with limited analysis, provided only in order to better frame the results described in the proceeding sections. Further research is conducted into these areas in the Netherlands and thus these sections should only be seen as cursory overviews.

Drawing on the findings from the interviews conducted, part three focuses on the outcomes, or impact of the stated objectives as perceived by the beneficiaries of the mission. The findings here are divided along the lines of the four broad objectives of the IPTM, namely, Afghan National Police (ANP) capability; cooperation between the Afghan police and the judicial system; the quality of the Afghan judicial system; and finally the awareness and acceptance of the Afghan civil police and judicial system by the local population in Kunduz. For clarity, each of these four areas are further broken down into thematic subheadings, and where possible and/or relevant includes an outline of the situation now as well any perceived shifts over time since the start of the IPTM. While part three is largely descriptive, focusing primarily on *what* was achieved, part four is more analytical, delving deeper into the *how* and the *why*. This segment of the report broadly adopts a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis methodology, looking at the endogenous factors which worked well in the Dutch approach (Strengths), and what didn't (Weaknesses), as well as the exogenous factors that supported progress (Opportunities) and those that hindered positive results (Threats). Although a somewhat simplistic approach to take in what are naturally hugely complex questions around socio-political change, the method is adopted in an attempt to try and better separate causation and correlation, in other words, to seek to better understand the extent to

² Kunduz is the name of the province as well as the city and provincial capital. For clarity, throughout this report unless explicitly mentioned, 'Kunduz' shall refer to the province, and 'Kunduz City' the provincial capital.

³ There are a number of different branches and types of 'police' among the Afghan National Security Forces (ANSF). These include, among others, the Afghan National Border Police (ANBP), the Afghan Local Police (ALP), the Afghan National Civil Order Police (ANCOP) and a number of Ministry of Interior special forces units. The IPTM worked exclusively with the Afghan National Police (ANP), and unless otherwise stated, throughout this report 'police' refers to the ANP.

which the Dutch were responsible for any shifts (positive or negative) in the four areas outlined in the mission objectives.

It is worth highlighting from the outset that this research is framed as, and was requested with a view to being a 'post-mission' evaluation. However, while the IPTM has ended and Dutch police trainers were withdrawn from Kunduz in 2013, Dutch-funded supporting programmes have continued in the field of rule of law in Kunduz and Northern Afghanistan with civil society organisations beyond 2013, right up to the present day. In addition, a small number of Dutch military and military police advisors continue to support the ANP in North Afghanistan, including Kunduz, in a (significantly reduced and modified) mentoring capacity as part of the NATO Resolute Support (RS)⁴ "Train Advise and Assist Command – North" (TAAC-N) component out of Mazar-e Sharif. As such, while the report is framed as a 'post-mission evaluation', it is important to highlight the enduring nature of related programming, and thus the opportunity for the findings in this research to potentially influence any ongoing activities in Kunduz.

1.1. METHODOLOGY

The findings of this report are based almost exclusively on semi-structured interviews, designed in coordination with the IOB research team, conducted for the most part in Dari in Kabul and Kunduz over a 30-day period from 05 November to 04 December 2018. Wendy Asbeek Brusse and Wendy Van der Neut from IOB joined the author in conducting the initial interviews in Kabul. Broader, more quantitative surveys have been completed on the local effect of the IPTM in the past⁵, and this research is rather an attempt to gain more focused and deeper insights into the results of the mission from those who were either directly or indirectly involved. The use of a smaller number of semi-structured interviews was therefore seen as the most appropriate method for the desired outcome. The generic template employed for these interviews can be found in Annex A.

In total, 58 interviews were conducted in Afghanistan, with a total of 112 individuals. Of these individuals, 84 were interviewed in Kunduz who were either long-term residents of the province or currently posted there as part of their work. In the province itself, due to security and time restraints, interviews were only conducted in Kunduz City, Imam Sahib District (Shir Khan Bandar) and Chahar Dara District (District Administrative Centre). The remainder were interviewed in Kabul and were those who had either themselves previously worked in Kunduz, or who were involved in projects in Kunduz from a management perspective in a headquarters role in the capital. The majority (101) of respondents were Afghan nationals, the remainder being foreigners who are or had been involved in developments in Kunduz at some point since the start of the Dutch mission. 31 respondents were female and although the author would have preferred a stronger representation of women, in particular given the focus on female access to justice as a stated objective of the IPTM, locating and accessing appropriate female interviewees remains a recurrent problem in Afghanistan, particularly for a foreign male researcher (who conducted the majority of field interviews). Interviewees were largely selected along the broad themes of the IPTM, namely, the police, the judiciary and civil society. Of these

⁴ NATO's first mission in Afghanistan was named the International Assistance Force (ISAF). At the end of 2014, this mission transitioned to Resolute Support (RS), with a view to an eventual complete withdrawal of NATO forces as the Afghan government assumed full responsibility over security. Partly due to the deterioration of the Afghan security context in recent years, RS continues at a greater capacity than was initially anticipated.

⁵ See for example CPAU's 2011-2014 publications "Assessment of the Dutch Integrated Police Training Mission in Kunduz, Afghanistan" and The Asia Foundation's annual "Survey of the Afghan People", which isn't specifically about the IPTM, but does assess people's views on the police and justice system, with data sets specific to Kunduz.

three categories, roughly 33 were either themselves employed by the Afghan police or were working on issues directly related to policing in Kunduz, 25 were working in justice sector or on justice-related issues and 54 were representatives of civil society or working directly with relevant civil society initiatives.

Although present and former role in Kunduz was the primary criteria for selection of interview candidates rather than ethnicity or patronage group, to the extent that this was possible, the author engaged with interviewees from a variety of ethno-linguistic backgrounds given the heterogeneous make up of Kunduz province and the often-related power politics. Having said this, given the limited time and difficulties surrounding security and access, it is unlikely that the ethnic background of respondents is representative of the makeup of Kunduz province (in any case Afghanistan has no reliable census data).

Interviewee respective roles are included in Annex B. For reasons of personal safety, their names have been left off this list (even though most gave permission to have their name on the list) and no specific quotes or comments are directly attributed to any individual.

As highlighted above, the findings and analyses that follow are based as far as possible on the responses of interviewees in Afghanistan as gathered in this period of field research. In some instances more general observations, side notes and commentary are offered based on the author's own experience living and working in Afghanistan in 2012-2017, including an extended period in Kunduz throughout 2015-2017, as well as on publically available research publications. As much as possible, the source of the comment is explicitly stated in order to delineate between information directly gathered during interviews and information from other sources.

Direct quotes are used throughout this report to illustrate points made. They are not intended to necessarily represent the view of all or most interview respondents unless otherwise stated, although they are usually selected on the basis that they express a common sentiment. In almost all cases, quotes have been translated from Dari into English in as literal a sense as possible, however due to losses through cultural translation, some sentences or sentiments have been paraphrased. In addition, occasionally small adjustments have been made when literal quotes would risk revealing the identity of the person quoted. Wherever possible, the role or function of the individual who made the statement is made clear in order to better situate the information, however in the interests of source protection in such an insecure environment, in some cases a more general description has been used to keep identities vague.

1.2. RESEARCH LIMITATIONS

From the outset, it is important to highlight a number of limitations and constraints associated with this endeavour. The primary considerations are considered below.

Establishing Causal Relationships

To begin with, it should be recognised that causal relationships between the specific activities carried out by the Dutch in Kunduz and any shifts in police capabilities and local access to justice are very difficult to establish with any scientific rigour, particularly given the qualitative nature and limited timeframe of this research, but also more generally given that there is no adequate 'control group' to compare what shifts would have happened without the mission.

Clearly, there are an infinite variety of endogenous and exogenous factors that have contributed to socio-political change in Kunduz province over the last nine years, and while this report attempts to identify and separate these as best as possible, the extent to which these factors and their role can truly be known is of course limited in many regards.

Differentiating Dutch From Other International Actors in Interview Responses

Related to this general point, the Dutch were not the only NATO member state involved in police training and Provincial Reconstruction Team (PRT) activities in Kunduz during the time, and the extent to which the impact of Dutch efforts can be effectively distinguished from those of, for example, the Germans and the Americans, is questionable. Indeed, a significant proportion of interview respondents (particularly among the civilian population and those not directly involved with the police) were not able to differentiate between different national forces, rather seeing them all as generic “foreigners” (sometimes even just “Americans”). For those interviewed who were involved as implementing partners in civil society and rule of law programmes, many were not necessarily aware of where the funding came from, and even if they were Dutch-funded, those at the field level in particular said they had little to no interaction with the Dutch embassy or other Dutch officials.

Scope

The research was designed to interview a relatively limited number of key informants within a limited frame (30 days, including travel), as opposed to surveying a representative part of the population or people affected. This restricted the ability of the author to gather sufficient data to provide anything beyond an indication of how the mission was perceived by different people involved with the police and justice system in Kunduz. More detailed and comprehensive analysis would require a significantly greater spread of interviews with a broader and more representative selection of respondents.

Moreover, while this research seeks primarily to evaluate the Dutch efforts in Kunduz, three of the four IPTM objectives were to a large extent achieved through third party implementing partners. And while these programmes were addressed in the interviews, to fully understand the impact of the IPTM, full evaluations of each and every implementing partner programme would also be required. This research should therefore be seen merely as a snapshot of current perceptions, and in no way a definitive assessment of the current state of affairs.

Access

In addition, given the fact that the vast majority of the territory of Kunduz province is currently under Taliban and other armed opposition group (AOG) control, and even government areas are under constant threat of or actual attack, the ability of the author to travel and conduct interviews in large portions of the province and with significant population groups was heavily restricted. Given the fact that no opposition members, or those sympathetic to the opposition were interviewed, the research should be understood as biased in this sense, and had such individuals been included, the results may well have been very different.

Another gap in the data was likely responses from those Afghan individuals involved at the ministerial level in Kabul at the time of the mission, with whom the Dutch collaborated. Although

interviews were conducted in Kabul as well as Kunduz, these were to a large extent with individuals who had been involved at the provincial level in Kunduz in previous years who happened to now be working in Kabul. Although attempts were made to contact former Afghan Ministry of Interior (Mol) ministers from the time of the mission, they were unavailable during the author's two stays in Kabul. As a result, the question of how the Dutch interacted with government at the higher level remains largely unanswered through this research. This is potentially a significant gap in the research given the fact that many respondents pointed to the political barriers that hindered progress, and the fact that many of these barriers were caused by individuals operating at a higher level within ministries in Kabul.

Subjectivity of Responses

As previously highlighted, the findings in this report are largely based on interview respondent perceptions of the mission. It is therefore crucial for the reader to make this distinction between subjective opinion and 'objective' reality, to the extent to which this can be known, and to understand a number of potential limitations that arise as a result. Afghanistan, like many societies, has a strong oral tradition and despite the spread of information technology, smartphones and internet access (or perhaps exacerbated by it), rumour and second-hand reported experience still carry heavy weight. As such, in many cases respondents claimed a certain reality based on reported information, without necessarily having had a direct experience of this reality themselves. When asked, for example, about corruption in the justice sector, some respondents went ahead to make statements on the matter without any other supporting evidence than 'people say that', or 'I heard that'. The problem however is that this clarification ('people say that') is often omitted in statements, making it frequently difficult to assess the validity of statements without excessive clarification. (This is of course not particular to Afghanistan by any means, however the point bears highlighting.) At the same time, that is not at all to denigrate the validity or importance of such responses. Indeed, if people perceive that the justice sector is corrupt, then that is the information upon which they will base their behaviour, giving such perceptions a weight beyond the importance of 'objective' reality. A related and highly relevant caveat is that given the fact that the mission began over nine years ago, a number of questions focused around changes over time. However, an individual's current perceptions of the past can be unreliable, even if that individual had direct experience of the event or events in question. Finally, in many cases the range of responses was too broad to provide any conclusive answers to the questions posed by this research. Where this is the case, examples are provided of the various positions to give a flavour of the diversity of perceptions without giving particular weight to any specific conclusion. Many questions will therefore naturally remain unanswered.

Positionality of the Researchers

Finally, the impact of the relevant position and identity of the researchers on interviewee responses should be understood. In other words, that respondents understood the interviewers, as foreigners and given the purpose of the meeting, to be representatives of the Dutch government (no matter how many times their independence was stressed) means that answers may often have been formulated in terms of what respondents thought that the researchers wanted to hear. In cases where interview respondents were direct beneficiaries of Dutch support (for example police officers directly trained by the Dutch in 2011-2013, or

those working for civil society organisations still receiving Dutch funding), some might have felt the need to appear grateful and not overly critical.

2. MISSION AIMS AND APPROACH

This opening section serves to outline the initial aims and objectives chosen by the Dutch government prior to commencement of the IPTM in 2011. Although the Afghanistan-based research phase of the broader evaluation as presented in this report was not explicitly targeted at understanding and appraising the initial details of the planning process for the IPTM (this will be addressed in research to be conducted in the Netherlands), the stated objectives of the mission are herein included so as to provide the reader with a sufficient understanding of the intended outputs and outcomes which are to be assessed. As a result, the following is predominantly drawn directly from the document “Comprehensive Mission Design for Integrated Police Training Mission in Afghanistan (HOA approved CMD-extract, 07-07-2011)”. Where interview responses offered comment on the applicability and relevance of the initial mission design and aims to the local context, these comments have been included in section five of the report.

2.1 POLITICAL AIM AND LONG-TERM OBJECTIVES

The overriding stated political aim of the Dutch government was to contribute to the education and training of the civilian police and to strengthen the judicial chain and institutions in Afghanistan. The Netherlands’ contribution was focused on enabling the execution of the transition process⁶ in the period 2011-2014. Focusing on Kunduz Province, the IPTM outlined four key objectives, which were designed to be mutually reinforcing.

These were:

- The quality of the Afghan civilian police has improved, especially in Kunduz Province;
- The cooperation between the Afghan civilian police and the justice system has been strengthened, especially in Kunduz Province;
- The quality of the justice system has improved, especially in Kunduz Province;
- Awareness, acceptance and accessibility of the civilian police and the justice system have increased among the local population, especially among vulnerable ethnic, social and religious minorities in Kunduz Province.

While improving the capability of the ANP was the main stated effort of the mission⁷, the other three objectives were seen as fundamental to the evolution of this primary goal. Indeed, a police force is unlikely to function successfully without an effective justice system, coordination with such a justice system, and local awareness and acceptance of both the police and the justice system more broadly. Hence the ‘integrated’ approach – somewhat novel among ISAF training strategies at the time given that other missions had focused on the police in isolation, and even then a heavy focus of previous police training missions had been military in nature.⁸ Figure 1 below visually depicts the theory behind the approach, as well as the 15 key

⁶ Here referring to the transition of security responsibility from NATO forces to the Afghan government. This process marked the end of the ISAF (International Security Assistance Force) mission and the beginning of RS (Resolute Support) in 2015 with its focus on mentoring and remote support rather than direct combat operations.

⁷ Page 2 of the “Comprehensive Mission Design for Integrated Police Training Mission in Afghanistan (HOA approved CMD-extract, 07-07-2011)” states: “The cluster ‘police capability’ is the main focus of the mission. The other clusters represent the supporting rule of law program of the mission”.

⁸ See for example “Reforming the Afghan National Police”, a joint report of the *Royal United Services Institute for Defence and Security Studies* and *The Foreign Policy Research Institute*, 25 November 2009, p. 107.

programmatic themes decided upon during the mission design phase.



Figure 1: Thematic specific objectives and the integrated approach⁹

2.2. CONTEXT ANALYSIS AND ANTICIPATED BASIC PRINCIPLES, ENABLERS AND DISABLERS

In addition to the 15 themes of activity within the four sectors depicted above, the conceptual framework of the mission highlighted a set of basic principles and anticipated a number of enabling and disabling external, contextual factors that might present opportunities and threats respectively. The basic principles outlined at the outset of the mission are included here in order to contrast and compare them with interview respondent perceptions of whether or not they were adhered to. Furthermore, the initially identified enablers and disablers can be compared and contrasted with those that the mission was ultimately faced with during implementation, in order to ascertain the accuracy of the initial context analysis done at the mission design phase.

⁹ Source: “Comprehensive Mission Design for Integrated Police Training Mission in Afghanistan (HOA approved CMD-extract, 07-07-2011)”, p. 2.

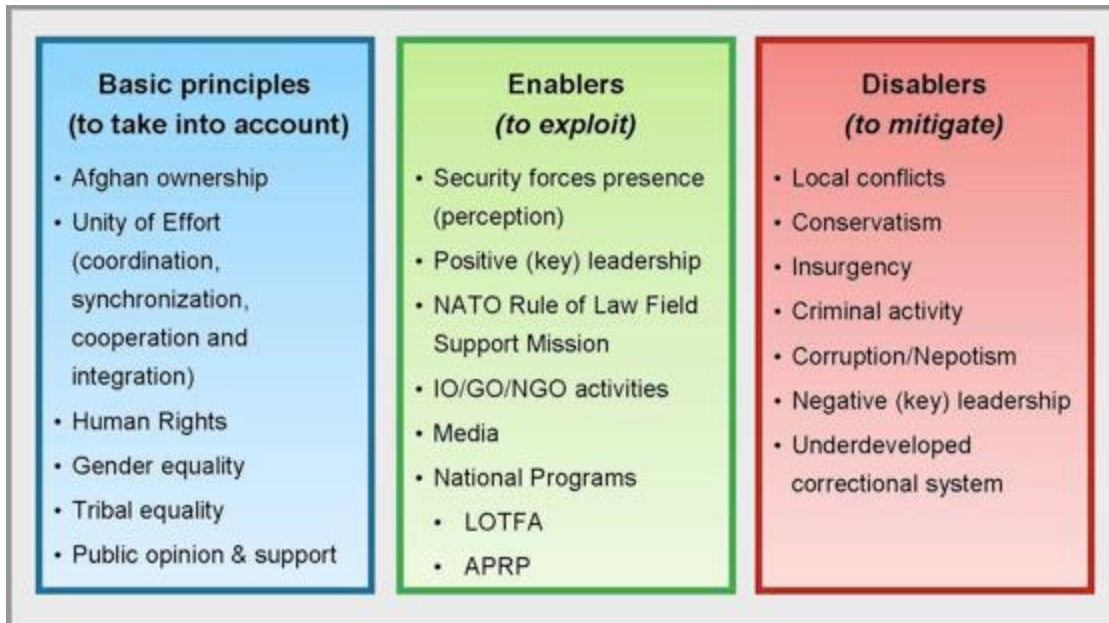


Figure 2: Basic principles, enablers and disablers for the IPM themes¹⁰

To summarise this section, the stated objectives in figure 1 provide the framework to assess results in section 4 (mission achievements – the *what*), while the basic principles and contextual analysis of external enablers and disablers in figure 2 provide a starting point for section 5 (mission implementation – the *how* and the *why*).

¹⁰ Source: Ibid., p. 3.

3. PLANNED MISSION ACTIVITIES

A full description and analysis of the activities implemented throughout the IPTM is not the main purpose of this report and is the focus of other parts of the IPTM's evaluation conducted in the Netherlands. However, the following serves to provide a very basic overview to give the reader a broad understanding of the approach used by the mission to achieve the objectives outlined in section two above.

In a very general sense, objective one (police training) was carried out from the summer of 2011 until the summer of 2013 by teams of Dutch police trainers (Dutch Military Police) as well as other military personnel to assist with the training and provide force protection and logistical support. This element of the mission was a contribution to the ISAF National Training Mission – Afghanistan (NTM-A). These teams rotated approximately every six months, and were roughly battalion-size (around 500 soldiers) in strength. They largely operated out of the Kunduz Police Regional Training Centre (RTC) and the adjacent Provincial Reconstruction Team camp¹¹, with some visits to district locations for mentoring and training purposes. While NTM-A primarily focused on the lower ranks of the police force, the separate European Union Police Mission for Afghanistan (EUPOL) provided training and mentoring assistance for the middle and higher ranks of the Afghan National Police (ANP), simultaneously aiming to facilitate linkages with the judicial chain. Although this element was managed from its Brussels headquarters, there were a considerable number of Dutch professionals present in EUPOL's field office in Kunduz, who were seen as part of the IPTM.

Although these activities have long since ended, a much smaller number of Dutch police and military police advisors are still involved in the Resolute Support TAAC-N mission, based out of Mazar-e Sharif with field visits to police counterparts in the 707 and 808¹² Afghan National Police (ANP) zones, which cover the entire north of the country, including Kunduz.

Objectives two, three and four (police – justice sector cooperation, justice sector capacity building, and community awareness and acceptance) were predominantly the task of third party implementing partners, funded by the Netherlands, including the German development agency GIZ, CPAU (Cooperation for Peace and Unity), BBC World Service Trust, The Asia Foundation, and the Max Planck Institute. At the time of this research, some of these organisations were still funded by the Dutch embassy in Afghanistan, albeit with perhaps somewhat adjusted priorities and focus areas.

The following table provides a brief overview of some of these third-party activities planned in 2011 as part of the IPTM in order to give a better idea of what these programmes entailed.

¹¹ A number of Dutch personnel were also based in Mazar-e Sharif, together with four F-16s, as well as in Kabul at the time of the mission, however their role in support of the IPTM was not the focus of this report.

¹² Note that at the time of research, the Ministry of Interior was going through a possible restructuring of the police 'zones' (in this case 707 and 808), and by the time of publication these may cease to exist.

Activity	Description
<u>Strengthening the police force</u>	
Community Policing Project (GIZ)	Strengthening relations between the population and police, thereby improving police services and local confidence in the force.
Police Literacy Course (GIZ)	Six-month basic course for all trainees, followed by an additional three months of training. In total, every police officer receives 468 hours of language training.
<u>Improving cooperation between police and public prosecutors</u>	
Edutainment programmes (BBC World Service Trust)	Boosting understanding, knowledge and awareness of human rights, women's rights and tolerance (especially of other religions). This promotes a society whose citizens are critically aware, know what to expect from the police and the justice system, and are empowered to claim their rights.
Improving cooperation between police and public prosecutors (GIZ)	Facilitating collaboration between police and prosecutors in the practice of their professions, thus improving the quality, speed and procedural correctness of legal proceedings.
Improving cooperation between police and public prosecutors (EUPOL)	Training police and public prosecutors in case management and presentation of evidence. GIZ will focus on the districts and EUPOL on the provinces.
<u>Strengthening the justice sector</u>	
Training courses (Max Planck Institute)	Training judges, public prosecutors and other justice officials in criminal law, land rights and legal ethics.
Strengthening local departments of the Ministry of Justice (GIZ)	Strengthening local departments of the Ministry of Justice operating at district level between the formal and informal justice sectors. This should improve access to the law, enable more cases to be handled by the appropriate institutions, and ensure that court decisions are better enforced.
Establishing an office for the Afghan Independent Bar Association (GIZ)	Helping the Afghan Independent Bar Association to set up an office in Kunduz City, thus improving the organisation of legal protection.
Strengthening links between the formal and informal justice sectors (Afghan NGO 'Cooperation for Peace and Unity'; CPAU)	Strengthening traditional leaders' capacity to solve conflicts peacefully. Making these key figures aware of human rights and how to protect them when settling conflicts (link with the formal justice sector).
Scholarships for law students from Kunduz	Awarding ten law scholarships per year, including five for women. The recruitment of well-trained young people will strengthen the justice system. Scholarship students will receive support in their first jobs.

Supporting infrastructure and hardware (GIZ)	Renovation or construction of offices for the Ministry of Justice, Public Prosecution Service and other bodies at district level. This will enable officials to carry out their duties more effectively and will also enhance their status.
<u>Awareness and acceptance of, and access to, justice</u>	
Research into the legal position of vulnerable groups (CPAU)	Research into traditional methods of conflict resolution and the position of vulnerable groups (such as women and religious minorities) in the legal system and ways in which it can be strengthened.
Improving women's access to justice (Asia Foundation)	Campaign to boost awareness of women's rights among village elders and religious leaders. Equipping women to understand and claim their rights.
<u>Nationwide</u>	
Contribution to the Law and Order Trust Fund for Afghanistan (LOTFA) (UNDP)	Afghan police salaries are paid out of the LOTFA. In addition the Netherlands supports the LOTFA in enhancing the position of women in the Afghan police force and in strengthening the Afghan Ministry of Foreign Affairs.
Deploying experts	In both Kunduz and Kabul the Netherlands is deploying experts to advise the Afghan government on developing the rule of law. This includes one rule of law expert with the UN mission in Kunduz and five with the EUPOL mission. At national level a human rights and minorities expert is to be deployed to the EU, UN and/or another partner. The government is looking to deploy a maximum of 25 experts.

Table 1: Overview of the projects planned as part of the IPTM for developing rule of law¹³

¹³ Taken from: "Factsheet: Dutch Contribution to the Reconstruction of Afghanistan - Developing Rule of Law", Dutch Government, July 2011

RESEARCH FINDINGS

4. MISSION OUTCOMES

Having briefly outlined the various planned activities of the Dutch mission in Kunduz since 2011, this section seeks to examine the extent to which these activities achieved their stated aims (outcomes). As stated from the outset, given the nature of this research, all findings should be understood as largely subjective in nature, given that they are based purely on interviewee *perceptions*. The section is broken down into the four primary areas of the mission, namely; police capability; cooperation between the police and the justice sector; quality of the justice sector; and awareness and acceptance of both the police and the justice sector among the civilian population. Each of these four areas is further separated into a variety of relevant thematic subsections, which where appropriate are further broken down by additional subheadings relating to current challenges, perceived shifts over time and any additional points of note.

4.1. POLICE CAPABILITY

Key Takeaways:

- ▶ In terms of current general police performance at the time of this research, no interview respondent was completely satisfied, however the vast majority had witnessed significant improvements coinciding with foreign police training missions, including that of the IPTM.
- ▶ These gains were broadly understood to have deteriorated since around the time of the conclusion of the IPTM, along with the deterioration of the general security situation as well as turnover and attrition of personnel who were trained by the mission.
- ▶ Due to increased insecurity in Kunduz and repeated offensives by opposition fighters, police have been forced to take on more of a war-fighting role, drawing attention away from their civilian duties.
- ▶ Police feel largely under-resourced for the task of fighting against opposition combatants. Supply chain inefficiencies as well as decreased international support were said to have compounded the issue.
- ▶ As far as could be assessed in the relatively limited time the researcher spent at the Kunduz Regional Training Centre (RTC), the centre, despite being increasingly under-resourced, continues to function and implement broadly the same curricula from the IPTM. Additionally, numbers of untrained police personnel operational in the province appeared to be in the small minority.
- ▶ Improvements in literacy rates amongst police officers over recent years remain unclear from interviews, however literacy training is ongoing both at the RTC and in the field at police outposts, conducted by contracted civilian teachers.

- ▶ Corruption in the police is still a primary concern of the local population, however the problem is largely perceived to stem from poor leadership and accountability of Mol and Police staff at higher levels.
- ▶ Female recruits continue to operate in the police as a small minority. Interviewees suggested that they continue to be sidelined, undermined or in some cases harassed by male colleagues. Indeed it was reported that these issues had somewhat increased following the withdrawal of international advisors who provided a level of protection and oversight. Female civilians still struggle to access police protection and support, although these issues are in part down to broader societal constraints and lack of women's freedom in general. It is difficult to draw strong conclusions as to the impact of the mission on female civilian access to the police, although if any, then it appears negligible in the wider context.

4.1.1. General Perceptions of Police Performance

Overall perceptions of current Afghan National Police (ANP) performance were generally mixed, with views ranging from the very negative, to the more or less satisfied. No particular view appeared predominant and as such, clear trends are difficult to establish. No one was completely satisfied and even those who spoke in more positive terms (including the police themselves) were readily able to point out a number of deficiencies. Even among those who were predominantly satisfied, optimism as regards the future was scarce. However, regardless of the level of current satisfaction, the majority of respondents did report having seen an improvement in police performance over the past decade, even if clear challenges and weaknesses remained. The more significant and recurring current problems highlighted by interview respondents are highlighted below.

Current Challenges

Crime is generally perceived to be on the increase, and most see the police as still incapable or unwilling to deal with the situation. Many still see the police as overly aggressive or disrespectful of the local population, with examples cited including: reckless driving in the city (this in particular was a persistent complaint), threatening behavior, excessive use of force and shooting at vehicles. Many understood the police to be relatively weak in their ability to arrest criminal actors. This was thought to be either because the police don't have the time or resources, or are unwilling and/or unable to go after individuals who are resident in opposition controlled territory, or who have links to political or military strongmen. Indeed, the presence of illegal armed groups and militias was highlighted by interview respondents as a persistent problem in Kunduz. Many of these groups are remnants from the civil war period of the 1980s and 1990s, and it is widely acknowledged that they are still propped up by members of parliament or powerful political players in Kabul and often tacitly used by the government as an additional line of defence against the Taliban and other armed opposition groups (AOGs). These groups are often abusive, unaccountable and a significant source of concern for the local population. At the same time, it was reported that the police often struggle to deal with them and any complaints against them due to the fact that they are so militarily and politically powerful. That the state police force is unable to control such non-state armed actors is a recurring complaint of the local population.

Civilian Police or Paramilitary Force?

A recurring complaint (both from the police themselves and the general population) was that police often don't have time to pursue arrest warrants or civilian policing matters, not only because they are under-resourced, but also because civil policing has become only part (often a secondary part) of their role. Indeed, given the intensification of AOG military operations and control in Kunduz, most significantly since 2014 (but essentially beginning around 2007 when the Taliban (re-)opened their northern front), a primary function of the police has become military in nature, particularly in the districts where they are frequently used in support of offensive combat operations, or if not then certainly as a line of defence against AOG incursions. It could be argued that this was somewhat inevitable given that a feature of the police force across Afghanistan since its inception post-2001 was that it was often trained to fulfill the role of, and perceived as, more of a paramilitary force¹⁴. While it might seem strange, for example, to expect the civilian police force of the Netherlands to play a role in the defence of The Hague were a foreign force to invade or a civil war to break out, in Afghanistan, security provision in a military sense is frequently understood to fall under the remit of the police, particularly given the fact that they are armed with all manner of military equipment from assault rifles, to RPGs to 82mm mortars.

Given the dire security context in Kunduz, military operations have in many cases drawn police away from their role of civilian policing. While most recognise the fact that the primary function of the police is law enforcement, people in government areas also expect the police to protect them from AOG attack. The police themselves, even though they usually recognise the contradiction, often prioritise 'war fighting' over their primary civilian function. With this in mind, the fact that the police (together with the other organs of the Afghan National Security Forces (ANSF)) were incapable, despite material and numerical superiority, of defending Kunduz City against AOG offensives in 2015 (when the city was entirely captured by the opposition for just under two weeks) and 2016 (when AOG fighters took significant portions of the city before being repelled), is seen by the population as a major failing¹⁵. Many at the time felt completely abandoned by the police as they fled their posts, and interview respondents reported that these events certainly drove a wedge between the police and the local population. In the weeks and months after the fall of the city, the police themselves felt they had lost all credibility amongst the population, and many city residents ceased to respect police in the way that they previously might have done. While the IPTM may have been seen by people in the Netherlands as a purely civilian mission, focusing on community policing, for many Afghans the fact that the police were unable to defend the city militarily is a significant failure. As one Kunduz City resident stated,

"What is the result of the Dutch involvement in training the police? Well, Kunduz [City] was twice captured by the Taliban... that's the result! If I was president I would sack the lot and start again."

At the same time, respondents commented that many in Kunduz are frustrated that the police

¹⁴ See for example "Reforming the Afghan National Police", a joint report of the *Royal United Services Institute for Defence and Security Studies* and *The Foreign Policy Research Institute*, 25 November 2009, p. 107.

¹⁵ A government investigation at the time revealed just how poor the response of all branches of the ANSF was in Kunduz, when several thousand armed government forces fled in the face of an assault by a few hundred AOG operatives. Claims that the whole affair was an inside job were not uncommon, and such allegations were even made by the official government report. Although the IPTM was civilian in focus, not designed to train the ANP for war, that the response was so poor is nonetheless seen by many in Kunduz as indicative of the ineffectiveness of the training received by the police.

spend more time focusing on military operations than civilian policing and responding to community concerns.

“The police don’t understand their actual job. We need police to do police work. The police have taken on the identity of war fighters. They’re more interested in fighting the Taliban than doing the civilian work in the city. They feel like making arrests or summoning individuals to court is some sort of extra duty, and war fighting is their main job, whereas it’s the complete opposite. In this sense the Dutch policy that they shouldn’t be fighting was the right one.”

The problem is not lost on many spoken to within the police, who reported their own frustrations at having to devote so much time to military operations rather than their core role of law enforcement. As one district police officer complained:

“We’re busy 24 hours a day fighting. We don’t have time for anything else, none of our normal civilian tasks. If you walk a hundred metres down the road from here, you’re in Taliban territory. This is the front line. We are constantly under attack.”

However, given that the original goal of the IPTM was to focus on the civilian aspect of community policing capacity in the ANP, this evaluation does not go into great depth on the military capabilities of the police. Rather, the following subsections explore in greater detail some of the themes relevant to the objectives, as well as those topics which frequently appeared in interview responses.

Perceived Shifts Over Time

While no interview respondent claimed complete satisfaction with the current situation as highlighted above, the vast majority did however report having seen a significant improvement in terms of police professional conduct, knowledge and expertise of the law and their role, and behaviour towards the local population over the past decade. Much of this reported improvement was seen in terms of behaviour towards and treatment of the local population, and general knowledge or professional capacity (better understanding of the law, procedures, how to conduct vehicle checkpoints, arrests, house searches, etc.) In most instances this improvement was either directly or indirectly tied to the presence and activity of international police mentors and trainers, albeit not necessarily always differentiating the Dutch from any other NATO nation. Indeed, when looking more specifically at the timeframe for this shift, most reported that they had begun to see a significant improvement beginning in and around 2010-2012. Even those who remained very critical of the police did acknowledge positive shifts, as illustrated in the response of a local journalist:

“Through this training and various activities the police became closer to the local population and we felt this. If we compare this to the period 2007-2010 they were very bad, unprofessional, aggressive, corrupt. From 2010 onwards we saw a significant shift.”

Despite the fact that since the large-scale withdrawal of NATO forces, police performance had started to gradually drop off again, as highlighted by some of the responses below, it certainly was not seen to have returned to quite the same inferior levels seen prior to the IPTM.

The following quote from a civilian resident of Kunduz City was repeated in different form by a significant majority of interview respondents in government controlled urban areas:

“I’ve personally seen huge changes in the police in Kunduz compared with 10 or 15 years ago. Back then people were afraid of the police. They didn’t know their job and just behaved like

the old jihadi commanders. Now we feel much closer to them, their behaviour, professionalism and culture has become much better as a result of the foreign training... I would say 80% of the past problems were solved. But these things take time, a two year training mission was never going to be enough. And now we see that since the foreigners left, things are starting to slide slowly backwards again. Those that were trained have been killed, injured, fled, changed out, retired. The knowledge and capacity is being slowly diluted and lost.”

One reason for the slide backwards is turnover, as highlighted above, however others highlighted the lack of monitoring and accountability following the drawdown of ISAF:

“In my opinion the projects that the Dutch had in Kunduz were very effective at the time. But they were simply too short lived. We did notice big shifts in terms of the behaviour of the police towards the local population at the time. This was really positive. Since the foreigners left, we start to see problems occurring again as there is less monitoring and checks, and order has fallen apart somewhat, but it’s not as bad as it used to be before the training mission.” (Local Kunduz resident and journalist).

The police themselves also offered similar comment:

“As a result of the Dutch training we saw a real improvement in the behaviour of the police. In the past they would treat the local people without respect. Shouting at them, pushing them around. As a result of the training they learned how to operate effectively and behave properly. Although much of the skills we learned are slowly beginning to be lost as people change out and move on, we can say that there is much institutional knowledge that has remained, and the police are still much better than they were as a result of the mission.” (Kunduz police officer present during and after the IPTM)

In sum therefore, when looking at general perceptions of police performance in Kunduz, we can see that current levels of satisfaction were generally mixed yet at the same time none were completely satisfied, with interview respondents, including the police themselves, having highlighted a number of deficiencies. Having said this, looking at shifts over time, the general consensus seems to have been that despite these ongoing deficiencies, noticeable improvements did occur since the start of the IPTM, even if some of these gains have now started to slowly regress five years since its conclusion.

Having offered an overview of general perceptions of police capability in Kunduz above therefore, the following subsections go into greater depth on the themes of training, literacy, corruption, community engagement, inclusion and protection of women, and material resources, many of which were stated objectives and themes of the original mission.

4.1.2. Training

At present, there are two main courses offered by the Kunduz Regional Training Centre (RTC) for ANP, one for *satankai* (basic patrolmen), and one for *satanman* (non-commissioned officers - NCOs). The former now lasts 12 weeks for illiterate recruits, and 6 weeks for literate recruits, with the first half of the course for those who are illiterate being entirely devoted to literacy training. The NCO course lasts six months, and civilians are eligible for selection providing they pass a series of testing and have had sufficient schooling. The RTC itself is ‘regional’ in that it is responsible for delivering training to Police not only in Kunduz Province, but also in those of Baghlan, Takhar and Badakhshan – essentially the whole of the northeast of Afghanistan and what was formerly known as the police zone 808. While at the time the Dutch

IPTM only trained those police who were to be deployed in Kunduz Province, (with the Germans largely responsible for the other three provinces), recruits are now once more taught together in mixed regional groups. Further commentary on the relevance and application of this Dutch policy can be found in section 5, specifically 5.1.3. and 5.2.2.

Ad-hoc training courses are additionally run as and when, often provided by civil society groups such as the Afghan Independent Human Rights Commission (AIHRC), women's rights groups and others with particular civilian expertise. In comparison to the curricula employed by the Dutch trainers during the IPTM, Afghan police at the RTC reported that the only change they had made was to add in some lessons on the use of additional weapon systems. In the past, they said that police were only trained in the use of pistols and the AK-47 assault rifle. As a result of the increased need to repel AOG attacks however, police were now given training on the PKM light support rifle, shoulder-launched RPGs, the DShK machine gun and 82mm mortars. All other lessons from the original training material have been kept, police officials told the researcher, including those on human rights, protection of women and minorities and criminal investigation. Police officials reported that there are usually between two and five women on each basic recruit course, who are trained together with the men. Only if there is a sufficiently large group of female recruits will they be trained separately. The author visited the RTC on two occasions and the facility appeared in good order, if a little empty. Training courses for recruits and NCOs were ongoing and observed by the author.



Police learning how to secure a principle during close protection training at Kunduz RTC.

Lack of Prioritisation

It is the author's experience that all branches of the Afghan National Security Forces (ANSF) suffer from a relative lack of attention to training, often a result of the fact that training takes time and resources that can scarcely be afforded when the entire country is at war, and the police is no exception in this regard. This was something observed by the author not just with field units of police in Kunduz, but also in other branches of the ANSF across Afghanistan from previous years of experience. As implied by some commanders interviewed for this research,

due to the intensity of operations, commanders in the field are often reticent to release personnel to attend additional training courses in the RTC located in Kunduz City.

Police trainers complained of the challenges in pushing commanders to train recruits and send them on courses, but in general said that the system put in place by the Dutch IPTM and the German trainers continues to function, albeit with reduced capacity:

“Often the issue is that field commanders don’t care about training. They say they’re too busy fighting to be able to afford to send men on training courses. Right now we have 300 in training here, we should have 600. When the foreigners were here, we could force people to attend the courses, now we can’t so easily. Corruption and disorder has gone up now. Politicians take policemen as bodyguards, even when that’s not our job. Now the foreigners left, no one cares about training. Many commanders request personnel before they’ve even finished their basic training, but I don’t release them.” (Police commander)

Untrained Personnel on the Job

Due to bureaucratic and other problems in the recruitment process, it was reported that in some cases a small number of police recruits are currently being sent on the job without receiving the basic training package, although the exact number of trained versus untrained police currently deployed in Kunduz Province were not found. In theory, when a new recruit joins, they should be properly registered, screened and enrolled, then sent to what is called the *mahal-e tajamu’*, or holding area, until a sufficient number have gathered to be put through the next training course at the RTC. That some are being taken by field commanders and deployed straight on duty due to a lack of personnel is recognised as a problem by commanders and trainers and those at the RTC have recently engaged with the Ministry of Interior (MoI) to try and address the issue. Having said this, it was reported by police interviewed that the untrained/trained ratio is not such a significant problem in Kunduz as it is in the other provinces served by the RTC (Baghlan, Takhar and Badakhshan), largely due to the fact that it’s simply easier for Kunduz-based recruits to travel to the centre. The RTC has developed a *teem-e sayar*, or roving training team to try and get trainers out to the provinces and districts to work with those who haven’t received sufficient training, although this is an ongoing problem. It was stated in interviews with police that the formation of these roving teams was inspired by the mobile training teams used by the Dutch trainers at the time. Of those field units that were visited by the researcher, untrained patrolmen present in the units were usually in the minority. For example, in the district of Chahar Dara, the ANP *tashkeel* (personnel allowance) was 145, of whom 20 were untrained, and in Police District (PD) 4 of Kunduz City there were 121, 16 of whom were untrained. In both cases the researcher was informed that these recruits would in any case be sent on the next available course, and the only reason they hadn’t gone already was due to bureaucratic delays with their enrolment.

Beyond these challenges, the main concern of those working at the RTC and those who had attended training there appeared to be material in nature, and it was said that the budget was not sufficient to pay for the necessary training materials, right down to textbooks and notebooks for recruits.

Perceived Shifts Over Time

In general, those interviewed, both from the police and the wider civilian population seemed to have appreciated the effect of the training offered by the IPTM on the Kunduz police force in terms of their overall performance, as highlighted in section 4.1.1. above. Looking more specifically at how the training is actually run now compared with before, during and immediately after the end of the mission, a significant number of those interviewed in the police appeared to lament the fact that they were beginning to see a gradual decline in the quality of training offered. This was often seen through a material lens, in that the same level of training materials and budgets were not available for training, but also in the perceived quality of trainers to some extent. Looking to the legacy of the mission in terms of the retention of capacity and knowledge of police trainers, an obvious issue is the turnover and attrition of staff. Although the exact numbers were not obtained for this report, from the researcher's observations and comments from interviews, there were a good number of trainers left at the RTC who were trained during the IPTM, however it was reported that a significant proportion have now left, either dragged into combat operations elsewhere in the province or the region, killed or injured, moved to a different job, or retired. As one officer who worked in the RTC at the time of the IPTM and is now in the field commented, speaking both about the wider Kunduz police force and the numbers of trainers involved with the IPTM who are still present now,

"In terms of the lasting impact of the Dutch mission, we have to think about how many of those that were trained now remain in Kunduz. Don't forget that for a police soldier, the contract is only three years. The Dutch left 5 years ago. True, some extend, but it depends. I'd guess there's maybe 10% of the police soldiers left that the Dutch trained. The officers serve for life, but again, most of these have been relocated or changed positions or provinces. There's a good number of police trainers still at the RTC from that time though, maybe about 60%, so that's helpful."

Looking to the last sentence, (although the percentage is an entirely subjective estimation), we might therefore understand why many commented that they had seen somewhat of a deterioration in terms of the training offered, but not a complete disintegration. Such assessments were mirrored by others, although at the same time it is important to note that the number of Afghan trainers who were trained by the IPTM and still working at the RTC is not the only factor that should be considered. Even if a trainer himself is very technically competent, if he is poorly managed or directed then this will also impact the quality of output. Some respondents offered broad-brush comments about leadership and management, but most of these were more aimed at higher ministry decisions (such as budgeting and national policy) rather than specifically at the way in which the RTC in Kunduz was run. Indeed, the current serving RTC commander has been in post for a number of years and appeared very competent in his role to the researcher – a sentiment that was also mirrored by other interview respondents.

In summary, the interviews suggest that the training systems put in place at the RTC at the time of the IPTM appear to be largely intact, however the knowledge and skill of the trainers, materials available for training, and the numbers of recruits that are being trained in a timely manner are all beginning to slowly deteriorate (although certainly not to pre-IPTM levels) as the years continue. It can also be understood that a significant proportion of the Afghan police *trainers* who were trained by the Dutch remain, however the majority of regular patrolmen in the force who were given instruction during the IPTM appear to no longer be serving.

4.1.3. Literacy

An accurate assessment of the literacy levels of the police in Kunduz was beyond the scope of this report, although GIZ and/or the Ministry of Education (MoE) will likely have more revealing quantitative data given that they are jointly responsible for literacy programming within the police and have been for many years, including during the IPTM. At present, all illiterate recruits are offered an initial six-week package at the RTC, which is then continued through contracted literacy teachers out in the checkpoints and field locations at the sub-unit level. For example, when the researcher visited Chahar Dara District, he was shown the weekly schedule for literacy classes for the police, and arrived just as a lesson was ending. These programmes last several months until completion, and recruits that complete the course are then certified by the MoE. It was reported that these courses began around 2008.

Current Challenges

However, despite these efforts, while no official records of literacy rates in the ANP in Kunduz were obtained, interview respondents both in the police and in local communities reported that from their personal experience as well as hearsay, vast numbers of the police were deemed to be still functionally illiterate, and the researcher also engaged with a number who were not able to read or write to any large degree. Often in the checkpoints patrolmen don't have the time, energy or patience to attend lessons, particularly in the more dangerous or conflict-prone locations, commanders don't necessarily enforce the schedule, and the civilian teachers often have no authority to impose themselves, particularly if they don't get buy-in from local commanders. These issues were mentioned by those involved in the programming, but also police themselves to an extent in a number of interviews where the topic was discussed. However, it should be noted that this assessment is in part also supported by the author's previous experience working with other branches of the Afghan security forces over the past six years, in particular the army, where similar literacy schemes exist, with civilian contracted teachers operating in field outposts, and similar problems of implementation have been observed.

Perceived Shifts Over Time

As previously stated, the author was not able to obtain quantitative data from the police, the MoE or GIZ as regards shifts over time in terms of literacy within the police in Kunduz. Having said this, a number of interview respondents did comment on the fact that they had witnessed a subjective effect of this literacy training on the police. As suggested by a civil society member:

"The literacy courses also were good – in the past most police couldn't even read a summons let alone act on it."

Others who were involved in the programme also agreed that these courses had had a positive impact:

"Many people couldn't do anything; couldn't even write down a grocery list for the things they needed to buy for the police check point, or couldn't write down the licence plate number of cars. Afterwards they were able to do such things, but also write more complicated things... The programme, books and materials were good, and most teachers were ex-police officers who were starting their pension, and this worked well because they had lots of experience."

At the same time, while literacy courses undoubtedly had a positive impact on police capacity and professionalism, any accurate comparison of shifts over time cannot really be drawn from this research. In addition, given that the courses began long before the IPTM, it would likely be unjust to attribute any gains to the mission per se, even if these courses were Dutch-funded. On top of this, any general improvements in the civilian education system in Afghanistan have also likely played a key role in any shifts.

4.1.4. Corruption

Political interference, nepotism and bribery within the police remain a significant concern for residents of Kunduz, as it does across Afghanistan. The majority of individuals with whom the researcher spoke said that petty bribery still continued on a daily basis in a variety of forms.

Current Challenges

A number of respondents claimed that police were taking bribes in broad daylight even in the city centre (although none had personally experienced this). Having said this, for the most part the day-to-day bribes were said to be relatively small scale. The larger examples given of corruption were often to do with people paying off the police not to process arrest warrants against them issued by the courts, selling ammunition and even entire checkpoints to AOGs (which they would abandon and report that they were 'overrun'). In some instances, respondents implied that some police commanders were involved in illegal taxation on the roads, and involvement in criminal activities, in particular smuggling and drugs networks. Again however, the researcher did not meet with anyone who said they had personally experienced or witnessed any of these examples. A commonly heard perception was that when the police did nothing about crime, this was because they were somehow involved, however it may well have also been because they didn't have the resources or didn't want to incur the reaction of more powerful armed actors. The following quote from a local Kunduz City resident is representative of sentiment expressed by a number of respondents:

"The police often don't arrest those they are supposed to. They just take money from the criminals instead, not to arrest them. People are selling drugs, alcohol, etc., right in front of the police department offices, right outside the gate. The police do nothing. They must be involved somehow. I'm not talking about all of the police. Many are good people and do their best, but still, there are some mafia elements, some bad apples."

"It Starts at the Top"

Often the worst offenders are seen to be the higher-level commanders, rather than the lower ranks. Those interviewed said that many people feel solidarity with the latter, and appreciate their efforts in a difficult context. Most perceive the root cause of corruption and weak capacity to lie with the higher commanders. Indeed, a frequent complaint made by interview respondents was regarding this weak leadership, as they perceived it, of the police, both in Kunduz but also at the national level. Low level police commanders themselves also said they often felt as if they were not protected or supported by their superiors when they tried to enforce the law on more powerful individuals in Kunduz, whether that was drug lords, militia commanders, corrupt officials or local politicians. As a local police commander reported,

referencing a series of incidents where he tried to reign in a local drugs network and was told by superiors to rather turn a blind eye:

“I didn’t feel like I was supported or protected by my superiors. It’s tough. There’s still a lot of politics, a lot of problems.”

It was commented that while the efforts of international training missions may well have professionalised the low to mid-level leadership level to some extent, the higher up the chain one goes, the more that politics (and the attendant corruption and nepotism) intervenes in terms of appointments. *“The corruption and mismanagement goes right to the top and spreads its way down”* was a remark offered by a significant number of interview respondents within and outside of the police. In the words of a Kunduz resident:

“The problems in the system start at the top. When low-level commanders or ministry workers see that their leaders are acting corruptly, and those leaders are already rich, they often think to themselves, “well then surely I on my meager salary have the right to line my own pockets a bit too?” It’s about leading by example. If the speed limit in town is 60km/hr, and the governor and the police chief are driving around at 100km/hr, why should the people follow the law? There is no law here. Only impunity.”

At the same time, in theory the rules and systems were said to exist. Rather, the problem was seen rather as one of implementation, as a member of civil society working on issues concerning human rights commented:

“The higher officers in particular don’t monitor their men effectively. There is limited accountability mechanisms and internal investigation capacity. This all exists on paper, they can show you all the procedures they have in theory, but in practice it isn’t implemented.”

Many also said that this perceived lack of discipline, accountability and internal monitoring of the police boiled down to poor leadership, which then ultimately became an issue of appointments at ministry level:

“There needs to be pressure from above to sort this out, but when you think that the corruption and inefficiency goes right to the top, right to the ministry, you understand how deep the problem is.”

This issue is further examined in section 5.2.4.

Perceived Shifts Over Time

It was difficult to get a clear grasp on whether or not corruption was perceived to have increased or decreased in recent years, with perceptions varying widely. Perhaps part of the issue is that corruption remains a very prominent concern on the minds of many Afghans, regardless of whether or not it has gone up or down over the last decade, and it is thus a particularly emotive topic. Opinions ranged from *“corruption in the police is somewhat down in recent years”* (probably the most positive assessment heard), to *“corruption is in complete free-fall now”* (the most negative, but not altogether uncommon assessment). Some commented that the influx of foreign aid in general had led to huge amounts of corruption in earlier years, while others said that the situation was potentially more dangerous now for the average Afghan, given that these sources of aid had dried up and those with power were now turning their focus to extorting the local population, and the departure of international advisors meant that there was less monitoring, checks and balances. As a civil society member offered:

“Now [since foreign trainers left] there is less accountability, so there is more corruption and malpractice. If the police are not good, how can we expect to reform society? In Dari we have the phrase – if there is a wound, put salt on it to cleanse it. But if there is no salt?”

And also in the words of one police officer:

“There was also good monitoring and observation of funds and resources back then when the foreign trainers were here, so there was less waste, less corruption, more efficiency. Now these checks aren’t so efficient.”

While these comments and others could imply that corruption might have gone down during the IPTM and other foreign training missions, and that it was once more on the rise, a number of respondents did nonetheless give examples of grounds for a somewhat more positive outlook, as illustrated below.

Ghost Soldiers

Despite the comment above about the systems and checks existing in theory but not in practice, one exception could be seen to be that of administrative corruption regarding salaries. Specifically, it was reported that improvements have been seen in terms of the ubiquitous ‘ghost soldier’ problem, whereby commanders would take the pay for personnel they said they had on the books that didn’t actually exist. For example, one police officer said:

“Corruption has also decreased. In particular administrative corruption. For example in the past we had many commanders taking pay for ‘ghost soldiers’. After they made the payment system electronic, this was made very hard if not impossible. Also the system of contracts, recruitment and appointments is much stricter, so it’s harder to play the system.”¹⁶

New Hopes for a New Generation

One silver lining which a number of interview respondents pointed to was the potential of the new generation of officers and leaders to change the status quo. These individuals are often far more technically capable, better educated, more optimistic and less corrupt, as one Kunduz resident reported:

“One good thing is the arrival of the new generation of leaders and officers. The old system has died off a bit, when you used to have just old jihadi commanders being given positions and putting rank slides on their chests with no professional training. Now you have a lot more young, well trained, well educated people coming through the system, from the academy and elsewhere, and this is making a difference.”

Although the IPTM did not specifically target officer training at the national academy in Kabul,¹⁷ the above statement might imply that the efforts of other ISAF-contributing nations in this

¹⁶ So hard in fact, that payment of police members is hugely problematic at present, with the ongoing transition to an updated electronic payment system meaning that up to half of the police in Kunduz are not currently registered to receive their salaries, leading to all manner of complicated work-arounds and delays in payment, and the attendant frustrations and drop in morale for patrolmen.

¹⁷ Although at the national level, Dutch trainers were involved in curricula formation at the Police Staff College in Kabul. See Frerks, G. and Terpstra, N., “Assessing the Dutch Integrated Police Training Mission in Kunduz”, in Stoker, D. and Westerman, E. (eds), 2018, Expeditionary Police Advising and Militarization: Building Security in a Fractured World, *Modern Military History No.3*, Helion, p. 246.

regard may be starting to have some effect on the ground, even if the younger generations are still having to battle with the old entrenched systems on a daily basis.

Public Education and the Role of Civil Society

Another factor which may offer grounds for optimism, and which was highlighted by a number of respondents was the fact that the public themselves are now much more aware of corruption, and what is and isn't acceptable behaviour from police. This is likely the result of years of government information campaigns but also public education through workshops and training offered by local and international civil society organisations, some of whom were funded by the Dutch as part of the IPTM framework. (Sections 4.4. as well as 5.3. address this topic in more depth).

As one civil society worker commented:

“In general people are much more aware now of the law and their rights, and corruption has gone down, both in the courts and in the police.”

In other words, the problem of 'who will watch the watchers' is potentially being slowly addressed by these awareness campaigns, even if there is still a long way to go in terms of actually empowering the public to hold the police to account.

However, in summary, while the arrival of the newer generation and improved education, public awareness and civil society pressure may well be grounds for optimism, as stated earlier, the extent to which those interviewed perceived corruption in the police to have increased or decreased in the years prior to, during and following the IPTM remained unclear due to the spread of opinions and lack of clearly identifiable trends. At best, we could say that perceptions sit in the range from the cautiously optimistic, to the downright pessimistic. In any case, corruption in the police is certainly an enduring concern for everyone.

4.1.5. Community Engagement

Police engagement with local communities appeared to vary widely according to the inclinations of local commanders. More than one field commander said they didn't really bother with holding meetings with the communities and if individuals had problems then they could come and speak with them in their police base. Conversely, others were very keen on the idea and held regular meetings with community elders. Having said this, there does exist an overarching system whose sole purpose is to engage with communities across the province, in the form of the *polis-e mardumi* (literally, "people's police", otherwise known as community police). This branch is part of the *tashkeel* for the ANP in Kunduz (and nationally) and has one commander, five other officers, and 8 support staff.¹⁸ This institution can thus serve to offset the impact of having a local commander who isn't particularly interested in building bridges with local communities. *Polis-e mardumi* officers travel around the four Police Departments (PDs) of Kunduz City, the Shir Khan Bandar border area with Tajikistan, Imam Sahib, Aliabad and Khanabad District Centres to hold monthly meetings with elected *shuras* (councils), made up of 18 community representatives including women. The scheme is supported by a GIZ consultant as part of their programming. The researcher observed two such meetings, in PD3

¹⁸ Note that the *polis-e mardumi* initiative is countrywide and was not set up specifically as part of the IPTM.

of Kunduz City, and in the Shir Khan Bandar border town. Both of the meetings appeared effective, with community concerns listened to in turn and noted down by both the *polis-e mardumi* commander and the commander of the local police unit. The participants seemed engaged and happy with the police responses to their problems and suggestions, most of which revolved around local criminality and the presence of non-uniformed armed groups.



Community engagement meetings with the *polis-e mardumi* in Shir Khan Bandar

Current Challenges

What is not so clear is the extent to which these issues were followed up on and reported to higher levels. Indeed, some higher management in the Kunduz police force seemed relatively unaware of the activity of the *polis-e mardumi* when questioned, and some of the *polis-e mardumi* staff seemed somewhat disappointed with the lack of engagement from higher command. Having said that, four days before the arrival of the researcher, provincial commanders had held a large community meeting on their own initiative with community representatives from across the city and the province in a local restaurant.

At present, the *shura* members are paid 500 Afghanis (about €6) to attend the meeting and refreshments are provided, all funded by GIZ. This is for transportation costs, however, most arrive by foot and even to take a rickshaw or taxi coming from the local area would cost a fraction of this. Some within the police implied that people would be unlikely to attend if this funding stopped, however this is naturally open to debate. From the researcher's own

observations, another potential problem appeared to be the fact that the GIZ consultant seemed to be the primary driving force behind the *polis-e mardumi* programming, and it was unclear to what extent the police themselves felt ownership and actively took responsibility on their own initiative for public engagement activities. Radio programming had been used in the past, including as part of the IPTM, but at present the *polis-e mardumi* said they didn't have the budget to pay for it. It is assessed by the researcher that while the *polis-e mardumi* programme seemed to be very positive, what will likely be more sustainable and more impactful in the long run is encouraging local commanders to engage on their own terms with local communities.

Perceived Shifts Over Time

It was unclear from interview responses as to exactly how police engagement with communities and improved or deteriorated over time. This is likely down in part to the fact that much of how the police interact with the local population is dependent on the inclinations of the incumbent commander for a particular unit. However, looking at the comments highlighted in section 4.1.1. above, as well as other feedback, it can be broadly assessed that in government controlled areas at least, in general people seem to have seen somewhat of an improvement in police interaction with the civilian population.

4.1.6. Inclusion and Protection of Women

Afghanistan remains a highly patriarchal society, and the inclusion, empowerment and protection of women in the police and police treatment of women in general remains a key challenge. A two or three-year training mission cannot thus be expected to supplant such deeply entrenched cultural practices, and so while the aim is arguably laudable, the potential of the IPTM to achieve any deep and lasting impact should be viewed with a significant amount of humility. Nonetheless, specific modules relating to gender-based violence were included as part of the police training curriculum designed and implemented through the IPTM and a number of female police officers were given courses by Dutch military and civilian police, EUPOL and GIZ. GIZ in particular continued courses for female police right up until 2016. In addition, civil society organisations (some of which were funded by the Dutch as part of the IPTM) routinely put pressure on the police to pursue women's cases, which possibly has also had some impact. While this research was not able to make any reliable before and after comparison of attitudinal shifts as a result of these activities, a small number of interview respondents, both from the police but also other sectors said that they had seen some small positive shifts in terms of attitudes towards and treatment of women in and by the police, and while there are a number of factors which likely contributed to this, some, especially women themselves did acknowledge the role of some of the IPTM activities in this.

Socio-cultural Barriers

Those working on access to justice and women's rights interviewed said that many cases of violence against women go unreported in the first place, and even when women go to the police in search of help, they are often turned away, told to seek support from local elders, or advised not to pursue any formal legal procedures as they will then end up a single divorced woman in a society where this is problematic for all sorts of reasons, including both economic

and physical security. In terms of civilian female access to the police in Kunduz, both male and female interview respondents said that it can be very difficult for a woman to approach and enter a police base, and in any case women and girls normally cannot travel anywhere without a *mahram*, or male chaperone, usually a family member (particularly problematic if the abuse is taking place at the hand of a family member themselves).

A number of those working in civil society organisations complained that the Kunduz *khushunat-e khanawadagi*, or Family Response Unit (FRU) of the police was symbolic more than anything else at the current point in time. Although only a cursory assessment and anecdotal in terms of evidence, from the researcher's visit, the FRU did indeed appear significantly under-resourced and not particularly proactive, with its female commander largely sidelined (an observation that had also been highlighted in other interviews).

Women in the Police

As regards enfranchisement of women within the ranks of the police itself, according to some interview respondents with whom the issue was discussed (male and female), harassment (the nature of which was not made explicitly clear) was commonplace. As one policewoman commented:

"It's very difficult. They order me around, harass me. No one is there to protect me. I've had to learn to defend myself. It's ok now, I know how to fight them, I beat them up if they give me trouble. But it's really hard to be a woman in the police. The foreigners were much better than the Afghan men, much more respectful."

A more common grievance was more to do with general levels of authority, with policewomen complaining that they were no longer listened to or respected now that the foreigners had withdrawn, as highlighted by a policewoman:

We have no power here, we face problems of harassment daily, we don't get resourced properly. Of the money that is budgeted for us, or sent by the foreigners we only receive half – I've seen the budget figures. My unit doesn't even have a vehicle, I have to take a rickshaw."

Recruitment Challenges

Recruitment of women remains an uphill struggle, and at present there were said to be only 74 women serving in the police in the province (compared to between 25 and 40 in 2011, 85 in 2014, according to those interviewed). The Afghan Ministry of Interior's Ten Year National Transformation Plan 1392-1402 (2014-2024 in the Gregorian calendar) states that by the end of the timeframe ten per cent of ANP personnel should be female¹⁹. However, as of 2016, less than one per cent were female nationally.²⁰ Accurate figures for Kunduz were not obtained during this phase of the research. The increasing insecurity in Kunduz Province and the rise of the threat of physical attack against the police from AOG operatives has likely had a negative impact on the recruitment of women. In addition, there still remains a lot of societal and familial

¹⁹ "Ten-Vision for the Afghan National Police: 1392-1402", Ministry of Interior Affairs, Islamic Republic of Afghanistan, p. 13.

²⁰ British Broadcasting Corporation (2016), "Statistics for Female Personnel Numbers in the Judiciary, Medicine, Education and Security Forces Announced" (translated from Farsi), *BBC Persian*, 23 June 2016, accessed 10 January 2019 at http://www.bbc.com/persian/afghanistan/2016/06/160623_k05_afghanistan_women_in_glance.

pressure on women not to join the police. At the same time, women in the police in Kunduz who spoke with the researcher seemed generally happy in their roles despite the challenges they face, and were proud of the work they were doing to protect Afghan women in society.

Perceived Shifts Over Time

Although as mentioned above, it was difficult to gain a clear picture of shifts over time in terms of attitudes towards and treatment of women by the police in Kunduz, a minority of civil society activists did nonetheless note that the police had become somewhat more receptive to dealing with gender-based violence over the past decade, and highlighted by way of example that they were in fact relatively supportive in witness and victim protection during ongoing court cases where the husband and/or his family were a very real threat²¹. However, in general the overall sentiment appeared to paint a relatively poor picture of the accessibility of the police to women, although again, it is unclear to what extent this was specifically down to police behaviour, or broader societal and cultural constraints, and it was largely unclear as to the extent, if any, this had changed during or since the IPTM.

Looking towards the situation of women within the ranks of the police itself, the researcher did not speak with any female police who were present before the start of the IPTM, and male interviewees offered little useful comment on the status of female officers during this time. However, what was clearer was that at least during the time of the IPTM, the situation for female police officers was favourable to what it is now. Women interviewed reported that during the years that the Dutch trainers were present, they felt very much empowered, and spoke fondly of this time. However, they also lamented how the situation had deteriorated now.

“The foreigners really cared about female police officers, they worked well with police women and were really appreciated. Now that they’ve left, no one cares about the women in the police anymore.”

Indeed, some of those who had been working in Kunduz at the time, or long-term observers of the situation there suggested that it had actually been irresponsible for the Dutch to really push for women’s inclusion in the police force, only to then withdraw and leave them unprotected a short while afterwards.

Certainly, the debate surrounding outside intervention to support women in heavily male-dominated cultures is a controversial one. And yet, a number of Afghans (including a number of men) who were interviewed by the researcher, while recognising the ongoing challenges and pitfalls, did praise the efforts of the international community in supporting women’s rights. The following response from one (male) police commander perhaps urges humility about any progress made in this area, and an understanding that it is likely part of broader, more gradual societal shifts happening in Afghanistan (some perhaps as a result of the IPTM, some not):

“It’s part of the bigger picture in Afghanistan. One of the few things that improved in the past 17 years is the role of women. A lot of progress has been made there, now we have women studying, doing phds, working in the police. None of that would have been possible 17 years ago.”

²¹ For example in the case of the acid attack against Mumtaz in 2011 which continued for years, the police were very supportive according to women’s rights groups interviewed. See <https://www.reuters.com/article/us-afghanistan-acid/afghan-woman-attacked-with-acid-after-refusing-marriage-idUSTRE7AT1EY20111130>.

4.1.7. Material Resources

Material resources in terms of infrastructure, vehicles, weapons and ammunition was perhaps the most common concern mentioned by the police themselves²². Given that one of the objectives of the IPTM was indeed equipping the police in certain areas, a brief discussion of this theme is therefore warranted.

The Right Tools for the Job?

Understanding that part of their role is now de facto combatting AOGs, almost all members of the police interviewed complained that they were vastly under-equipped for this task. Thus the *type* of material resources that were seen as necessary was that which would normally be thought of as essential to an army, not a police force. Comments pointing to the idea that the Taliban and other groups were in fact better equipped than them with brand new US weapons, night vision goggles and in some cases vehicles were common.²³

Having said this, in general, the field units visited by the researcher did have sufficient supplies of ammunition, small arms and an array of support weapons, body armour and uniforms. In those locations that were visited, food and blankets were also available, however these outposts were not at significant distance from Kunduz City (no more than an hour on tarmacked road, even less from district centres). Of course, none of this is to detract from the fact that the ANP do suffer from a distinct lack of material resources required for their job. This is particularly apparent to them having worked with some of the most technologically advanced and best supplied armies in the world for the past decade. Many police vehicles were in a state of disrepair, and many of the locations visited were poorly maintained and not well reinforced against indirect fires (mortars, 107mm rockets, etc), as can be seen below, by way of example.

²² Having spent a number of years with the Afghan National Army, the researcher can comment that in general, Afghan forces are far more concerned with material than any other type of technical support. Understandably, when involved in daily combat with opposition fighters, the perceived value of a training course on the law of armed conflict, logistics supply chain management or human rights decreases significantly in comparison with that of a fresh delivery of armoured vehicles, 82mm mortars or crates of ammunition.

²³ This is a common perception amongst the ANSF, due in no small part to very effective propaganda videos by the Taliban and other groups. However, while some specialist units in the opposition are indeed equipped as such, for the vast majority this is almost certainly not the case.



Police outposts in Chahar Dara District



Police outposts in Chahar Dara District

Perceived Shifts Over Time

Despite ongoing perceptions regarding material resources, a number of interview respondents did however compliment the material support given by the Dutch in particular, even comparing it favorably to that given by US forces, for example:

“I have to say that in terms of material support, that which the Dutch built for us or gave us really lasted, it was really fundamental infrastructural stuff. The stuff we got from the Americans was just a load of plastic kit that didn’t last.”

At the same time, most did feel that the situation was now getting worse in terms of availability of kit and equipment since the conclusion of the IPTM. One reason for the general perceived lack of resources now is naturally because there are less direct donations coming from NATO partner forces, as well as general wear and tear, but another one is more related to inefficiencies, mismanagement and corruption in internal supply chains:

“There was good monitoring and observation of funds and resources back then when the foreign trainers were here, so there was less waste, less corruption, more efficiency. Now these checks aren’t so efficient. We also have a much weaker budget. I mean look at this building we’re sitting in now... it’s pitiful.”

Some of the complaints of interview respondents are perhaps somewhat exaggerated,²⁴ however there are of course very real concerns about the suitability of equipment and material support that should not be dismissed.

Having outlined some of the perceptions of the local population regarding police performance, as well as the feelings of the police themselves about their own capacity in terms of training, literacy, corruption, community engagement, inclusion and treatment of women and resources, the next section focuses rather on the second long term objective of the IPTM, namely, improving cooperation between the police and the justice sector.

4.2. POLICE – JUSTICE SECTOR COOPERATION

Key Takeaways:

- ▶ Despite the establishment of coordination fora, in general all sectors saw coordination between police and the judiciary as relatively weak.
- ▶ It was unclear as to whether this was a shift compared to pre-, during, or immediately post-IPTM, most responses implied that coordination had never been that strong.
- ▶ Although awareness and mutual understanding of respective roles and responsibilities was said by some to have improved since the time of the IPTM, significant challenges remain which hinder progress in practice.
- ▶ The most significant of these were said to include the fact that the police are now more preoccupied with defensive military operations, the physical distance between offices and low use of communications technology, over-centralisation of bureaucracy, general mistrust between the sectors and differing institutional cultures.

²⁴ Particularly given that the researcher had to present himself as working on behalf of the Dutch Foreign Ministry, and even if he hadn’t, he’s still a foreigner with the potential of control over resources.

Interview respondents in both the police and the justice sector reported that while broadly speaking there was at least some cooperation between the two, for the most part it was insubstantial and inefficient, and complaints about the other party were common.

“In general, coordination between the police and the justice sector is still quite weak.” (Government justice sector worker, Kunduz City).

The most obvious institutionalised form of cooperation between the police and the judiciary is a monthly meeting which usually occurs at the governor’s compound in Kunduz City between all branches of government. Unfortunately the researcher was ultimately not able to observe this meeting, however interview respondents gave decidedly unimpressive feedback regarding the efficacy of this forum. *“Better than nothing, but mostly a talking shop”* or something similar was the most common response. Interview candidates implied that this meeting was initially encouraged and attended by a representative from GIZ. However, this representative hasn’t been in attendance for a number of years according to those the researcher spoke with.²⁵ GIZ also originally had a programme to hold monthly meetings between the police and the justice sector in the districts as well as in the provincial capital. However this was said to have stopped in 2013. In any case, in most districts the justice workers now predominantly operate out of Kunduz City for security reasons, so such coordination meetings are now logistically much harder to achieve.

Police Too Busy Fighting to Cooperate

As in other areas, interview respondents said that in many cases, general insecurity had served to push all non-immediate concerns beyond survival aside, and coordination mechanisms were just one example of this.

“The biggest thing is security. No matter how good the work was then, when everyone is fighting and fleeing their home nothing else functions. If you ask about coordination between police and prosecution, no one cares anymore.” (Civil society member working on rule of law, Kunduz City)

A number of respondents in the justice sector stated that the police were ultimately too busy fighting against AOGs that they didn’t really have the necessary time or inclination to deal with coordination issues with the judiciary.

Cultures of Mistrust

In addition, there exists significant distrust between the police and the justice sector, with both having very different institutional cultures, and both often perceiving the other to be corrupt. Compounding the issue, some interview respondents said that the arrival of the unity government between president Ashraf Ghani and chief executive Abdullah Abdullah in 2014 had brought with it further divisions both between and within departments as personnel have become split between the two camps at almost every level. As one civil society member commented:

²⁵ GIZ pulled out of Kunduz during the opposition capture of the city in 2015, and also had their office burned and partially destroyed. They subsequently returned with a minimal staff footprint (one consultant for the majority of programming, and another to help run the *polis-e mardumi* project).

“Overall the unity government has had a negative effect in terms of coordination, and politically dividing the ministries and departments. This makes things very difficult in terms of implementation of the law.”

Bureaucratic and Communication Challenges

Other hurdles are more practical and bureaucratic in nature. Although in a more developed context the fact that offices are not co-located would pose less of an issue in terms of coordination, the lack of IT capacity and limited communications technology means that the physical distance between police and justice ministry offices is in itself problematic. In the words of one government worker:

“We have a coordination meeting once a month between all the departments in Kunduz, and this is helpful to resolve some issues between the police and the justice sector, but on a day to day basis the coordination is poor. Our offices are far from each other and we find ourselves working in isolation often. We don’t really use email for that kind of communication. We send letters to deal with issues.”

One interview respondent offered the following joke to describe the level of coordination between different branches of government in Afghanistan (roughly translated):

“In the time of Dr. Najib [former president of Afghanistan], a Pakistani warplane flew over the border. The Afghan border post sent a runner to the commander, who then sent a letter to Jalalabad to his superior, who then drafted a cypher to Kabul. When it got to Kabul the cypher went to the directorate of border security, who then called the Ministry of Interior, but the lines were down, so they sent a car, at which point the Ministry of Interior sent a letter to the Ministry of Defence, who couldn’t find the right stamp to send their letter to the president. When word finally reached the president, he jumped up and demanded that the plane be shot down immediately, so the process then went into reverse to send the message back to the border post. Six months later, the order arrived.”

Police Failing to Bring Individuals to Court

Another persistent complaint of those in the justice sector, but also civil society in general, was that the police were often not at all effective at executing court summons. This was one of the most commonly cited criticisms of the police, with some being understanding that it was often difficult for police to go after individuals in opposition-controlled territory,²⁶ but many others claiming that the police frequently took money from perpetrators in exchange for not arresting them. According to interview respondents, this is often one of the greatest impediments to the progress of criminal and civil cases. Others still in the justice sector said that when they asked the police to bring individuals to court, the police said they wouldn’t go unless they were given fuel for their vehicles, money for lunch, mobile phone credit or other incentives. As one employee in a women’s rights organisation commented:

“Often it takes one to two years to deal with a case that should take one to two months because we can’t get the individual to court. I have to go repeatedly to the police with the summons to pressure them to do their job.”

²⁶ After committing a crime, it is very common for perpetrators to flee to opposition-held territory and seek impunity with the Taliban or other groups in exchange for joining the ranks of these groups.

In the prosecutor's office employees commented that the police don't gather sufficient evidence in order for them to process investigations, while the police complain that the prosecution often doesn't understand the difficulties surrounding trying to track down individuals in a context of insecurity and impunity of strongmen who often hide behind support from the patronage of powerful political actors.

Where coordination is strong, it was reported to be usually as a result of good individual leaders making sure that healthy cooperation is in place, in particular when those leaders have good personal relations with their counterpart in the justice sector or the police. In the absence of robust formal institutional cooperation, strong leadership and inter-personal relations often have a much more significant impact.

Perceived Changes Over Time

When asked how coordination between the police and the justice sector had improved or deteriorated over time, the majority of responses implied that it hadn't changed a huge amount, that it had always been relatively weak. There was also no real evidence either way suggesting that the police had become more or less proactive when it came to executing court summons, with the exception of a small number of recent high profile successful arrests of prominent militia commanders. While some implied that coordination was now worse under the unity government since 2014 as suggested above, the view that things were so much better before was not widely expressed.

At the same time, despite these ongoing challenges, the fact that the IPTM had a heavy focus on educating the police on the workings of the justice system means that in general police members, even at the lower levels, now appeared to be and were reportedly at least better informed about where to pass on cases and who to talk to where there is a need for coordination, and this was relatively clear from interviews with members of the police as well as those in civil society and the justice sector. However, while the knowledge and awareness is likely improved, given the responses of those interviewed, it cannot be said that there had been any recognisable shift regarding coordination in practice.

4.3. JUSTICE SECTOR

Key Takeaways:

- ▶ Technical capacity of those working in the justice sector is seen to have improved since the time of the IPTM, however wider systemic political and institutional reform remains an important barrier to broader positive change, particularly as regards corruption.
- ▶ The area of influence and authority of the formal justice sector in Kunduz has been significantly reduced following successful Taliban and other armed opposition group capture of territory in recent years.
- ▶ Given the relatively weak economic situation of most families, the lack of free legal aid remains a significant barrier. However, Dutch support and funding of the Afghan Independent Bar Association (AIBA) in Kunduz was said by some interviewees to have helped in improving access to justice for the average citizen of Kunduz.

- ▶ Corruption in the courts was said to remain a problem, but to have decreased, particularly since salary increases for judges. The problem was said to remain much more widespread in the prosecution.
- ▶ Women’s access to justice in Kunduz remains hugely problematic, to a large extent as a result of existing norms and societal and cultural power structures, and the decreasing security situation. However, increased pressure from the media and civil society (Dutch-funded and otherwise), and the gradual increase in female employees in the justice sector itself (aided by the Dutch support for AIBA) were said to have led to at least some incremental improvements.

4.3.1. General Perceptions of Justice Sector Performance

The majority of interview respondents highlighted the notion that over the past decade, the professional capacity of the justice sector has significantly improved, with individuals operating from a much higher level of education and technical proficiency, in many cases as a result of international training workshops, seminars and courses. As time has gone on, justice sector workers have also become far more experienced in their roles. Bureaucratic challenges remain, and the large amount of paperwork and inter-office signature and rubber stamp ping-pong²⁷ required to move any case forward is a malady that afflicts all branches of the Afghan government and civil service (as highlighted in section 4.2). While much progress is still to be made on the technical front, the more significant challenges are reported to be external contextual ones, namely insecurity, lack of government control of the majority of the province and the presence of powerful, often armed, political factions who frequently interfere in cases. Responses were mixed, however a number implied that corruption had somewhat decreased within the justice system over the past five years, most notably in the courts, however the prosecution in particular is said to remain highly vulnerable to those with money, power and influence. Despite the reported progress, more traditional, informal justice mechanisms were said to frequently remain the first port of call for dispute resolution for the majority of the population given the bureaucracy, cost and effort involved in the formal system. The increase in opposition group control in rural areas also means that the Taliban are more often than not the only viable option. These issues are dealt with in more detail below.

4.3.2. Area of Influence and Authority

Perhaps the first point to highlight when considering justice provision in Kunduz is that, territorially speaking, the province itself is now majority controlled by armed opposition groups, rather than the government. While it may be true that in terms of numbers, a significant proportion of the population still lives in government controlled urban areas, a great many communities exist entirely outside of the authority of the formal justice system.²⁸ In this regard, all progress made in the government justice sector should be understood with this important caveat in mind. As one government justice worker commented:

“In the two months I’ve been here, I’ve only had one person come to me with a case, and even that case wasn’t relevant to my department so I had to refer it. Most people go to the Taliban or resolve it between themselves.”

²⁷ The Afghans have their own word for this: *kaaghaz peraanee* – ‘paper flinging’.

²⁸ No official data exists, and thus the assertion that ‘a great many communities exist outside of government authority’ is based on a comparison of settlement mapping with known areas of Taliban and other opposition group control, as well as the author’s own extensive travel and experience in the province over a two year period.

Current Challenges

Even if people did want to pursue conflict resolution in the formal system, due to significant insecurity in and around a number of district centres, a large number of government justice workers assigned to the nine (formerly six) districts of Kunduz operate out of the provincial capital, making it very difficult for local residents in these districts to access services. At present, only the courts for the districts of Imam Sahib, Aliabad and Khanabad are present in their respective districts, while district *huqooqs* (civil magistrates) are only present in Aliabad, Khanabad, Qala-e Zal and Imam Sahib. *Saranwals* (prosecutors) are currently only in Chahar Dara, Aliabad, Imam Sahib and Khanabad. Furthermore, while those living in rural areas outside of government control have limited to no meaningful access to the formal justice sector, the writ of the Taliban justice system does extend into government controlled urban areas. As one local journalist explained:

“Even in Kunduz City or in government controlled areas, people still take their cases to the Taliban courts because it’s quicker, more efficient, cheaper, and there is less political interference or nepotism. They can even enforce their decisions in areas controlled by the government by threatening people over the phone. Everyone knows if they wanted to then come here and act out the threats, they could. In the districts it’s even easier for them. There is no state influence at all there.”

In some cases there was said to even be tacit recognition of and cooperation between the Taliban courts and the formal justice system. For example respondents spoke of land dispute cases whereby individuals brought Taliban authenticated documentation proving ownership to the government courts where not only were these recognised, but government justice workers then reached out to the Taliban to corroborate evidence. Even if a district judge passes a verdict on a case for an individual living in a rural area, there is usually no recourse for enforcement of that decision given the fact that there is no ANSF presence and/or the Taliban or other opposition groups control the area, and so the entire ordeal is understood to be largely meaningless in such cases. While Taliban courts may well be arbitrary in their decision making for some cases, in others they are still seen to be quicker, less costly, less corrupt and more readily enforced compared with the formal system.

Perceived Shifts Over Time

It is widely recognised that over the past decade and particularly since 2014 the Taliban and other opposition groups have made significant gains in Kunduz province in terms of territory and influence. Originating in strongholds in Chahar Dara and Archi Districts in particular, opposition groups have more or less gone from strength to strength, culminating in the capture of the provincial capital in late September 2015, and the partial taking of the city once more in 2016. Since then the situation has largely stabilised into a form of stalemate, with opposition fighters having understood that they can relatively easily retake the city but cannot hold it. Of note is the fact that not only have the Taliban increased their territorial control, but have also done much to further develop systems of governance, in particular in the field of justice²⁹. As a result, it can be stated with little controversy that the area of influence and authority of the

²⁹ Ashley Jackson’s recent paper “Life Under the Taliban Government” for the Overseas Development Institute, published June 2018 is enlightening in this regard and includes research conducted in Kunduz specifically. See: <https://www.odi.org/sites/odi.org.uk/files/resource-documents/12269.pdf>.

government justice sector has significantly decreased over the past five to six years³⁰. These developments in the security context are further elaborated upon in section 5.2.1.

4.3.3. Informal Justice

Given the fact that the formal justice system was (and is) still limited in its reach across the province, both in opposition-held areas and in government areas where it is still seen as too bureaucratic, costly, corrupt and slow, a number of Dutch-funded initiatives that were part of the IPTM looked at trying to at least make informal mechanisms more respectful of human, in particular women's, rights. Informal justice systems are here taken to mean community based conflict resolution mechanisms, usually involving the verdict of local elders and often referred to as the *jirga*³¹ system by Afghans. Although in reality, outside of government controlled territory the boundaries between the community-based *jirga* system and the Taliban court system may often be blurred, the latter is not discussed in this report in any depth given the fact that while improving access to justice was indeed a stated objective of the IPTM, "strengthening Taliban justice mechanisms" (unsurprisingly) was not. In any case, few if any internationally supported programmes had the access to work directly with Taliban justice systems, and so what are discussed here are largely informal justice mechanisms in government controlled areas.

Strengthening the connection between the formal and informal justice sectors was an explicit objective of the IPTM,³² however the researcher did not come across many formal institutionalised links between the two, beyond the fact that police, prosecutors and *huqooqs* (civil magistrates) often advised people to rather seek resolution through community elders, recognising that the case was not worth the effort of pursuing in the government legal system (particularly for smaller disputes).³³ Nor was it apparent that any of the initiatives from Dutch-funded implementing partners explicitly sought to establish such formal institutional linkages. More common were public awareness campaigns and workshops targeting key influencers and decision makers in the informal system (elders, *maliks*, *mullahs*, *madrassa* teachers), which sought to raise awareness of human (in particular women's) rights as well as promote and encourage more widespread use of the formal legal system. The latter could certainly be understood to fall under the realm of "increasing linkages between the formal and informal justice systems", although again, more in terms of public education around the formal system rather than establishing institutional ties per se. Therefore, these programmes and their impact are discussed in more detail in section 4.4. below.

³⁰ Although at the same time it would be false to assume that the formal justice system was particularly active in all rural areas in Kunduz prior to this. In many cases the informal, or *jirga* system was likely still the go-to option for the majority. The point is more that areas where the government might previously have been active are now often held by the opposition.

³¹ Originally a Pashto term but used across Afghanistan in many ethnic groups to refer to a community-based process for collective decision-making. It is usually a temporary or ad-hoc group of respected elders that convenes when necessary to resolve disputes. A full discussion of informal justice mechanisms in Afghanistan is beyond the scope of this report, however there is a wealth of open source academic and non-academic research available. For a useful overview, see for example Coburn, N., 2013, "Informal Justice and the International Community in Afghanistan", *United States Institute for Peace*, pp. 9-32.

³² Objective 6.2, "Comprehensive Mission Design for Integrated Police Training Mission in Afghanistan (HOA approved CMD-extract, 07-07-2011)", p. 7.

³³ This is not to say that no formalised institutional links exist, only that none of the interview respondents in this study highlighted any such institution.

Scant Justice for Women in the Informal System

A number of those working in the formal justice system actually lamented the fact that foreign aid programmes had worked to support the informal sector, as they saw these projects as undermining the government systems (although such a position can perhaps be understood as natural for a government justice worker). Moreover, many of those working with civil society groups highlighted the fact that, for women in particular, there was little justice to be found in traditional mechanisms, and women and other vulnerable groups would be better off using the formal justice system where, on paper at least, their rights should be better protected. In the words of one female government employee:

“Most people go to the Taliban or the Jirga system to resolve cases here, but that’s not an option for women. There’s no justice for them outside of the formal system, and even there it’s difficult.”

Supporting this view, one women’s rights activist cited a number of examples where women had even been used as bargaining chips to resolve conflicts between families:

“There’s no justice in the informal system. I remember a recent case in Imam Sahib, for example. Two farmers argued over access to water for their fields, resulting in a fight in which one of them killed the other with a spade. The perpetrator initially fled to Pakistan, but on his return, the community tried to solve the issue among the elders. In the end the family of the accused gave their 12 year-old daughter to the family of the victim for marriage as compensation. There is no justice for women in those jirgas. So we try to convince women to use the formal system where they might have a better chance.”

That is not to say that women and vulnerable groups are necessarily particularly well treated in the formal justice system either however, and this is discussed in greater detail in section 3.3.8. This was also said by representatives of organisations trying to improve women’s rights in the informal justice system, who argue that given that many communities exist outside of the remit of the formal government justice system, it is good that they continue to work to improve informal mechanisms, which are de facto the only means available to many people.

Perceived Shifts Over Time

There were few if any identifiable trends regarding perceived shifts over time in terms of the linkages between the formal and informal justice sectors. Referral of cases between the two is likely something that has been going on informally between the two institutions for years, and no evidence was gathered from this research to say that these referrals had increased or decreased, or that any institutional mechanisms for this had been established.

4.3.4. Technical Capacity

Certainly the significant improvement in the technical capacity and professionalisation of those working in the formal justice sector is one of the reported success stories of the IPTM and other foreign aid programmes since 2001. While those working in the formal justice sector themselves greatly appreciated the large number of training courses, seminars and workshops that had been run by Dutch-funded organisations such as GIZ, CPAU, The Asia Foundation, Max Planck Institute and others, the effect of these capacity building programmes was also recognised by those from the general civilian population interviewed by the researcher

(meaning the service users of the justice sector). GIZ in particular had a number of programmes which sought to increase the technical proficiency of those in the justice sector, including training courses given to employees at the Kunduz Department of Justice with a particular focus on civil law, mentoring of district *huqooqs* and a number of projects at the law faculty of Kunduz university to prepare students for careers in the legal sector. As one court official with significant experience outside of Kunduz commented:

“I’ve worked in many provinces in the court system, but interestingly, despite the dire security situation, Kunduz is actually comparatively pretty strong in terms of capacity. I obviously wasn’t here at the time, but I think we can probably say that the foreign capacity building efforts clearly had an impact here.”

Many of those who received the training were very appreciative of what they said they learned:

“We have been provided with many trainings and seminars, I myself have participated in 70-80 seminars since I’ve been here, mostly provided by foreign assistance. They were very useful in my opinion, and effective at building technical capacity”. (Formal justice worker).

The Dutch establishment of the Afghan Independent Bar Association (AIBA) in Kunduz was also highly praised by both those working in the sector and civil society in general. AIBA still runs training seminars for lawyers across the northeast of Afghanistan (Kunduz, Baghlan, Takhar and Badakhshan Provinces) every three months and continues to oversee and monitor the practice of lawyers to ensure adherence to standards. One of the major advantage of the establishment of the AIBA office in Kunduz (the first outside of Kabul) was that it allowed lawyers from all over the northeast to pass the bar and thus become qualified, without the need to travel to Kabul. For hopeful female lawyers in training, the impact of this should not be understated given the cultural and security constraints which surround travelling as a female in Afghanistan.

However, while large numbers of individuals may well have benefitted from a diverse array of capacity building training courses, several years after the majority of these programmes have ceased, questions remain as to the extent to which this knowledge has been retained within the system as some of these individuals may have moved post, moved province or have retired. Given the qualitative character of the research, a definitive answer to the question cannot be offered, however due to the nature of the work, the turnover in the justice sector is likely much smaller than in the police, and therefore a significant number of those trained by Dutch-funded programmes are likely to still be operational. Indeed, as per the preceding quote, many of those interviewed had themselves received such training. Although entirely subjective and anecdotal, the following comment perhaps gives a rough idea of the general situation today:

“In terms of the lasting impact, I’d say that maybe 60-70% of those that were trained with Dutch money are still working in the justice sector.” (Prosecutor, Kunduz City).

The Limits of Technical Capacity Building and the Need for Broader Reform

As previously mentioned, problems in the justice sector were said to be now less to do with a lack of technical expertise (although of course this can always be improved), but rather with the context in which legal workers must operate. Referring to one branch of the legal system, one individual working on rule of law commented:

“The professional skill of the lawyers is now much better than it was pre-2011, but ultimately they still don’t have the power to be able to work as they should. They are well trained, but constrained by the context.”

The relationship between broader systems change and individual technical capacity in terms of social transformation is obviously one affecting all development contexts, and certainly applies to the justice sector in Afghanistan. The following quote from one individual working on rule of law issues in Kunduz highlights the impact of weak systemic and cultural change in ensuring the sustainability of technical capacity building programmes:

“As regards the impact of the Dutch mission in Kunduz, there was progress made at the time. We can say that now in 2018 maybe 50% of that progress remains. The impact of the technical progress made at the provincial level was limited due to weak overarching systems and institutions to protect and support that progress in the long run. All the resources and capacity is often misused for political purposes due to power dynamics in the wider system and at higher levels. We have the capacity, we have the resources in the justice sector, they just aren’t used properly.”

A number of interview respondents pointed to political corruption and nepotism at the higher levels of government. For example, as one Kunduz resident and civil society member remarked:

“In general, the Dutch mission did have a significant effect in terms of awareness, education, technical capacity, and this did help a lot. However, on a practical implementation level, the actual impact is ultimately minimal. This is because, while people are more professional, capable and better trained, the extent to which they can operate effectively in a context of corruption, bureaucratic inefficiencies, political instability and general insecurity is limited... Even though at the lower levels we have well trained people, they are still beholden to corrupt and inefficient leadership at the top.”

Indeed, the issue of corruption within the justice sector is dealt with in the following section.

4.3.5. Corruption and Subversion of Justice in the Formal Sector

Year on year, elements of the formal justice sector, in particular the courts and the prosecutor’s office are reportedly perceived as the most corrupt government institutions in Integrity Watch Afghanistan’s (IWA) National Corruption Survey, coming in at first and third place respectively in this year’s survey.³⁴ Although this qualitative research was not of the same scope and breadth as IWA’s survey, it does suggest that Kunduz is no exception, as supported by responses from a great number of interview respondents, and highlighted here by one civil society member working on rule of law:

“Anyone with enough money or connections can wriggle their way out of anything. It’s those without that take the hit. And often these people are innocent in the first place, they just lose out to someone more powerful than them.”

³⁴ For the latest report, see <https://iwaweb.org/wp-content/uploads/2014/12/National-Corruption-Survey-2018.pdf>.

Current Challenges

Examples given of corruption in the justice sector were numerous. By way of illustration of what reportedly occurs on a day-to-day basis, the following case from a Kunduz resident is revealing:

“Corruption is also a big problem. There was this case that needed processing. The judge told the man “give us money for lunch for all of us here in the court staff and we’ll process your case”. So he sold some of his land and gave them 20,000 Afs. He returned later to ask if his case was being worked on. The judge said 20,000 was nothing, that’s not even half his monthly salary, he needed to give more. It has gotten better in the last few years in the courts... But the problems remain in the saranwali [prosecution], they are usually the biggest problem in the chain.”

Although the researcher was not able to visit Kunduz prison, those interviewed who were active in the monitoring of detention centres said that corruption also played a large role in the treatment of prisoners in that those with connections were “*treated like kings*”, and the poor were left shackled to the walls.

Problems in the Prosecution

Almost everyone (with the exception of those who were themselves employed there) said that the *saranwali* remained hugely corrupt, and the biggest problem in the justice chain. According to a number of respondents, this was often because of the mere fact that the *saranwali* was the most logical target if one were to consider where to put pressure on a case to subvert the course of justice. Indeed, while the police may make the initial arrest and can stop a case before it gets off the ground, and the courts make the final judgement, the majority of the case file is built in the *saranwali*, meaning that this is the point at which evidence can be skewed one way or another. As one local resident of Kunduz explained:

“Ninety percent of the problems in the formal justice system occur in the saranwali. There is still huge corruption going on there. In the courts we had this problem but it’s much less now. This is because the courts make their decisions based on evidence, facts and documents, but it’s the saranwali that prepares all this.”

Divisions in Government Filter Down

One of the key impediments to further improvement, particularly when it comes to nepotism, was said to have been the arrival of the national unity government in 2014 run by president Ashraf Ghani and chief executive Abdullah Abdullah.³⁵ As previously mentioned in reference to coordination between the police and the justice system, in the eyes of many, the existence of two rival factions in the same government has led to divisions that spread right down to the smallest provincial office of each and every branch of the state.

“Overall the unity government has had a negative effect in terms of coordination, politically dividing the ministries and departments. This makes things very difficult in terms of

³⁵ In Dari, the national unity government translates as *hukumat-e wahdat-e milli*. It is a running joke however to refer to it as the *hukumat-e wahshat-e milli*, or the ‘government of savagery’, given that many feel that the country has been ripped apart due to infighting between the two political factions.

implementation of the law. One decision gets made in favour of the Ghani camp, the next in favour of the Abdullah camp, in a never-ending cycle of trade offs. In the end the law only really gets implemented on the poor.” (Kunduz resident working on rule of law)

Threats and Intimidation

However, it is important to note that it is not necessarily the case that those working in the formal justice sector are subverting the system out of a desire for personal financial profit. It is said that in many cases, state justice workers are actively threatened by militia commanders, strongmen, politicians and the Taliban or other AOGs. In many cases, said a number of informants, *“if someone powerful wants to alter a decision, it only takes one phone call”*. That the Kunduz chief prosecutor has to send his children to school with armed bodyguards is perhaps illustrative of this fact. All of these factors mentioned above were said to constitute a very strong motivation in the decision of many individuals, even in government controlled areas such as Kunduz City itself, to turn to the Taliban courts for dispute resolution.³⁶

Perceived Shifts Over Time

A number of interview respondents cited the withdrawal of foreign aid programmes and the monitoring and accountability mechanisms that came with them as a contributing factor to current levels of corruption (as mentioned previously regarding police accountability). They didn't see that the Afghan government leadership was monitoring their employees to the same degree, and in any case accused the leadership themselves of being behind the largest instances of corruption. Others also pointed to the withdrawal of foreign aid, but instead implied that the reason was rather that now there were reduced sources of revenue for those in the justice sector, they had turned their hand to extorting the local population. As one local journalist suggested:

“Political power playing and interference has shot back up in recent years. Many of the prisoners you find in jail here are essentially political prisoners. One reason that corruption is back up again now is that because the foreign donors have left, many power players and politicians have had to find alternative sources of income.”

On the other hand, that is not to say that there has been no perceived improvement at all in the situation, and some of those interviewed disagreed with the above assessment regarding recent trends. While big cases of corruption were said to continue for the most part undeterred, in the last two to three years it was reported by interview respondents that many were starting to take a more proactive stance on petty bribery for example. Indeed, as with the police, as the newer generation of better-trained and less corrupt officials enter the system, change is slowly starting to occur according to a number of interview respondents:

“Many criminals are still released due to political pressure. However, these days we do see some examples of powerful militia commanders who were arrested and have remained locked up, despite their political influence. I'm not sure this would have been the case in years gone by. Many working in the justice sector have chosen to be more resilient to political pressure,

³⁶ It is worth noting however, that as the Taliban have become more established in Kunduz, a number of those interviewed reported that in recent years corruption in Taliban courts was also on the rise.

although we cannot say the problem is entirely solved." (Kunduz resident working on rule of law issues).

Many interview respondents suggested that the appointment of Farid Hamidi as Attorney General in 2016 and his initial efforts to curb nepotism did have some impact and professional qualifications are at least now a nominal requirement to occupy a position. As one Kunduz resident working in the field of rule of law commented:

"Nepotism is still a problem. Yet at the same time, it's now harder for a completely unprofessional person to occupy a position in the justice sector. This wasn't the case before. Now you have to show that you have some training at least. So I guess we could say that now, if you have two candidates that are well trained, the one with the better patronage links and influence will get hired. In the past, you might have a trained person and an untrained person, but if the untrained person had good connections, they would still get the job. So it's no meritocracy, but it's an improvement of sorts."

Interestingly, while IWA's survey pointed out that at the national level, the courts were seen as the number one corrupt institution above and beyond the attorney general's or prosecutor's office (the *saranwali*), in this author's (limited) research in Kunduz this perception seemed to be the opposite. Indeed, the vast majority of those with whom the researcher spoke said that while the courts were indeed highly corrupt in the past, in the last few years they had seen a dramatic shift and now had much fewer problems. This was seen to be the result of a significant increase in the salaries of judges, intensified pressure from civil society groups, but also the arrival of the newer, more professional and less corrupt generation of judges.

In summary, most interviews did reveal widespread concerns regarding serious and endemic corruption in the justice sector at present, however, while little progress was noted in the prosecution, many nonetheless recognised some improvements, most markedly in the court system.

4.3.6. Material capacity

The Dutch funded a significant amount of physical infrastructure and paid for material resources for a number of offices used by the formal justice sector in Kunduz, and this was said to be enormously appreciated by those with whom the researcher spoke. A number of justice workers said that these offices not only helped them in their daily work, but also increased accessibility of the local population to justice services by giving them a recognisable address to come to. From information gathered from interviews³⁷, physical support donated to the justice sector included: the construction and furnishing of the Department of Justice offices, the AIBA office, a number of offices in the law courts, one office in each of the former six districts for the district *huqooqs*, and the reconstruction of the *saranwali*, or attorney general's office after a suicide attack in October 2014. All of these offices in Kunduz City, and one of the district *huqooq* offices were visited by the researcher and were for the most part in a good state of repair, despite the fact that the city had twice been overrun by AOG assault in 2015 and 2016. The only exceptions were the fact that the law courts had sustained external, but largely aesthetic damage from shrapnel and bullet holes:

³⁷ Further document analysis in the Netherlands is likely to reveal a more comprehensive picture of what exactly was gifted.



Kunduz Provincial Law Courts, Kunduz City

And of the six the district *huqooq* offices constructed with Dutch funding, those in Qala-e Zal, Dasht-e Archi and Chahar Dara districts (the latter visited by the author) had been destroyed during AOG offensives, mostly in 2015:





Huqooq Office, Chahar Dara District

Current Challenges

However, despite the greatly appreciated material support given, many in the justice sector in Kunduz said that their primary concerns were often material in nature, whether that be a lack of desk or office space, or lack of IT equipment. While an outside observer might think there would be larger problems at hand than whether or not the air conditioning was functioning or if there were sufficient numbers of chairs in the office, to dismiss these concerns altogether would of course be unfair. Indeed, the lack of office space does indeed pose real problems, for example when dealing with clients with sensitive and personal cases (in particular women).

By way of illustration, the courts for the districts of both Qala-e Zal and Aqtash (which at present both operate out of Kunduz City) currently operate out of one cramped room, as can be seen below.



Qala-e Zal and Aqtash law courts where hearings are held

4.3.7. Availability of Legal Aid

An important point to note is that even when corruption is taken out of the picture, access to justice usually comes at a cost, just as it would do in any other part of the world. The vast majority of defence lawyers are private and naturally charge a fee, which for a large proportion of Kunduz residents is unaffordable. In this regard, when ‘access to justice’ is discussed, particularly when speaking about the formal sector, there is an economic aspect to be considered. Interview respondents pointed out that at present there remains a huge lack of free legal support, meaning that cases that require a defence lawyer constitutionally (for example in a murder trial) often get stalled, and civil cases (which particularly affect women) frequently don’t get off the ground. According to responses from a variety of interviewees working both in the formal justice sector and in related civil society organisations, at present, there are a number of agencies in Kunduz that provide free lawyers to those who cannot afford their services, which include:

- The Department of Justice, which has two full-time free legal aid lawyers paid for by the government.
- Women for Afghan Women (WAW), who have three lawyers offering free legal aid to women’s cases.
- Afghan Independent Bar Association (AIBA), which connects citizens to the 125 lawyers in its current network, who are encouraged (but not obligated) to take on three pro bono cases per year.

It was reported that a plan to setup a free legal clinic at the Kunduz University, run largely by law students and supported by trained consultants paid for by GIZ is also ongoing, however this is not yet fully operational because of a delay in validation from the Ministry of Justice.

Still Not Enough to Meet Demand

At the same time, given the chasm between the ability of the majority of the population to pay for legal services, and the lack of free legal aid in the province, what is currently available is simply not enough to meet the current need. As one women's rights worker pointed out:

"...Another big problem is the provision of free defence lawyers. Most people in Kunduz can't afford the fees. The Dutch should have considered this if they wanted access to justice to improve. Often people are forced to go to the Taliban because it's the only thing they can afford."

Those who do provide these services are overwhelmed with work, especially the two lawyers employed by the Department of Justice, whose monthly caseload was said to be between three and five times their capacity, and who earn a monthly salary of a mere 10,000 Afs (approximately €116). As mentioned above, the researcher was told that GIZ is in the process of operationalising a free legal clinic to be jointly run by law students and trained legal consultant supervisors, but that this is still being negotiated with the Ministry of Justice at the national level. Interview respondents also said that in the past GIZ also paid for a programme called LAS, or Legal Aid Support, however this is now stopped.

Perceived Shifts Over Time

The free legal services were said to have been of immeasurable help to the local population, as one local resident commented:

"In the past, access to justice was very difficult. The work of AIBA made a significant difference in this regard, in particular in terms of providing legal services to people, increasing awareness, and providing free defence lawyers. In the past, people didn't even know what a defence lawyer was, so they were defenceless. This solved a lot of problems for people. AIBA is really great and does a good service for the people here. Women for Afghan Women is also good in terms of supporting women's cases."

AIBA, for its part, runs training seminars every three months for lawyers, accredits licenses to practice, hosts the bar examination, oversees the practice of lawyers and takes on pro-bono cases assigned by the Department of Justice. Before its establishment in 2011, according to the association there were only seven accredited lawyers operating in Kunduz Province (all men), compared with 125 (including 20 women) in 2018 and 350 in the whole northeast region covered by AIBA. As previously mentioned, the establishment of the AIBA office in Kunduz (the first outside of Kabul) allowed lawyers from all over the northeast to pass the bar and thus become qualified, without the need to travel to Kabul. For hopeful female lawyers in training, the impact of this should not be understated given the cultural and security constraints which surround travelling as a female in Afghanistan. The positive impact of having higher numbers of female lawyers on women's access to justice more broadly is discussed in greater depth in the subsequent section.

In short, it can be said that the Dutch support and funding of AIBA in Kunduz certainly played

an instrumental role in improving access to justice for the average citizen of Kunduz. However given the relatively weak economic situation of most families, the lack of free legal aid remains a significant barrier.

4.3.8. Women's Rights in the Justice Sector

A number of Dutch-funded programmes targeted the improvement of women's rights both in the formal and informal sectors. GIZ conducted a number of capacity building programmes with the Department of Women's Affairs (DoWA), including the establishment of two Gender Focal Points (GFPs) in each of the six districts of the province (before the creation of the three new districts by the government in 2016). These female focal points operate in a voluntary capacity, however they were trained by GIZ and are directly tied into the DoWA in Kunduz. They largely provide advice and counseling for women in the districts, and refer cases to the relevant branches of the legal system where necessary. By all accounts these GFPs have been helpful in supporting women's access to justice, although they remain under-resourced, operating without any designated office space. In addition, CPAU established a total of 30 'women's peace councils' in Kunduz City, Aliabad and Khanabad Districts, made up of 15 female members. These councils served to push women's cases forward through the formal and informal systems and defend women's rights in general and each member was provided specific training in human rights and rule of law. Although the funding has now stopped, the councils are still active and the researcher met with some members³⁸. Similarly, The Asia Foundation was funded by the Dutch to establish community dialogue groups to promote women's rights, with a focus on justice, and also established family case resolution centres to provide a more women's-oriented informal dispute resolution mechanism.

Current Challenges

However, despite these programmes, and despite the challenges surrounding women's access to justice in the informal *jirga* or community-based institutions as described in section 4.3.3., women's rights are not necessarily any better protected in the formal justice system. Indeed, many of the obstacles faced by women in Afghanistan are societal and cultural in nature, meaning that these challenges are experienced to some extent across all sectors, whether formal or informal. According to interview respondents, women face significant challenges in terms of getting to court in the first place, particularly if their husband or family is abusive and stops her from doing so. Even if she does make it to present her case to the police, the prosecutor's office or the courts, often her case might be dismissed, forced out or hijacked by male relatives or defendants, or referred to informal dispute resolution mechanisms. As one individual working on rule of law in Kunduz pointed out:

"Most cases in the Afghanistan are mediated through the informal or jirga system. It's actually quite rare that a case goes through the whole formal system. Between 2015 and 2016, 280 murders and honour killings were reported by UNAMA in the whole of Afghanistan. Only 50 of these were brought to court. The unofficial numbers are probably much more extreme... There is huge pressure on women victims to drop cases."

³⁸ The researcher was informed that this project was funded by "the EU", but it was not clear as to the exact role, if any, of the Dutch in this project.

Another women's rights worker further highlighted the issue:

"Right now I am dealing with three ongoing cases for women in the district. These are incredibly difficult to resolve. The court is in Kunduz City. It's difficult for women to travel. They need to go with a mahram [male chaperone]. Often it's that same man that's abusing her. I have to beg and plead to get anything done. It's a nightmare. For example we had a case of rape here in the district. The woman came to report it, but in the end she got detained, then sent to live with the brother of the man who raped her."

It was also reported that in many cases, insecurity in the province, and the lack of monopoly of violence of the state means that women married to powerful militia commanders who are abusive end up with scant escape routes. These commanders will threaten those working on the case in the formal system, either forcing them to refer it to the informal system, or forcing the case to be dropped outright. Even those men who aren't particularly powerful themselves frequently enlist the help of those who are to intervene on their behalf. Worse still, in some cases it was reported that justice workers and court officials themselves would harass female victims, most commonly by pressuring the victims of domestic violence into remarrying them in exchange for processing their divorce case, as can be seen in the following example:

"We had a case of a woman whose husband was an addict and sold everything to pay for drugs. One day he told her to give him their baby to sell it. She held on to it and he wrenched it free and killed it. After that, she wanted a divorce, but in the end her case dragged on for seven years in the courts before we intervened. She was young and attractive, and even the people in the courts just told her to marry them instead. She had no money or connections to move forward." (Women's rights worker, Kunduz.)

As mentioned in the preceding section, access to the formal justice system usually comes at a financial cost, at the very least in terms of legal fees. Given that women in Afghanistan are rarely financially independent, access to legal services becomes incredibly difficult. Adding to the problem is the fact that AIBA, one of the largest providers of pro bono legal aid in Kunduz, can only offer free defence lawyers for criminal cases under its mandate. A large proportion of women's cases are civil in nature (for example divorce), meaning that they are further restricted in terms of the avenues available to them. As one justice worker explained:

"It costs often around 80,000 Afs for a defence lawyer in order to get a divorce. No one has that money."

Perceived Shifts Over Time

Civil society groups in general, Dutch-supported and otherwise, were said to have played a significant role in pressuring the formal justice system to be more receptive and supportive of women's justice and together with the media have reportedly had some success. As one activist commented:

"There used to be, and still are to a large extent, big problems in the courts and the saranwali. Whenever we go to the courts, they ignore us or treat us badly because we are women. Sometimes they don't even look us in the eye. Now that we started working with them on this project they've become better with us and women in general."

Dutch and other internationally-funded training courses in the Department of Justice, the courts, the *saranwali* and other justice sector institutions reportedly did have some effect according to those working in civil society organisations in Kunduz:

“In the courts, it used to be that the judges weren’t very cooperative with us. They said our cases weren’t valid. There wasn’t good cooperation and often a degree of misunderstanding between us. Now it’s much better and we don’t really have so many issues.”

Despite the challenges, a number of those working in civil society organisations trying to promote women’s rights did cite some success stories in recent years, although according to interview responses it would appear that without outside pressure these cases may not have reached a just conclusion. One such example given by a women’s rights worker is illustrative of this sentiment:

“We had one case with a woman who was raped by two men aged 19 and 21. The father of the men then killed the girl with a metal rod and threw the body in the river so that no one would find out. When the case went to court the men shaved and made themselves look young, then paid to have the age on their tazkira [ID card] changed so that they would be considered minors and get a lighter punishment. We fought back against this, and eventually the case was re-opened and they were given the appropriate punishment of 20 years prison each, and paying compensation to the girl’s family. This was a big success for us and was in the media too.”

Within the legal sector itself, one method of bringing about more sustainable change was said to be found in putting women themselves in positions of power, either as lawyers, judges, prosecutors or police officers.

“It makes a big difference to have women themselves in these positions in the justice sector. I’m the first woman to work in the saranwali. In the past, women were afraid to come here, they thought they wouldn’t be listened to, that it was a domain of men. Now that they see me here they know that they will also be given attention and respect. My presence encourages others to come, and even more women to want to work here. If you want to improve the situation for women, put women in power.” (Justice sector worker, Kunduz City).

In this sense, as highlighted above, the Dutch support for the work of AIBA was instrumental, particularly in the construction of the regional office in Kunduz which reduced the need for female candidates to travel (difficult in the context of Afghanistan) to Kabul to sit the bar examination.

In sum, it could be concluded based on the information provided by interview respondents that women’s access to justice in Kunduz remains hugely problematic, to a large extent as a result of existing norms and societal and cultural power structures, however increased pressure from the media and civil society (Dutch-funded and otherwise), and the gradual increase in female employees in the justice sector itself have led to at least some incremental improvements. As one female Kunduz resident offered:

“In general, I have seen changes in the increased confidence of women. Now more women go to the courts directly to deal with cases, often because there are now more female lawyers who they can talk to. Men are now more supportive of female rights. You hear more men publicly admitting they send their daughters to university, and supporting women’s rights. Girls are now more interested in joining the police, but I would think it’s still very hard to be a woman in the police.”

Large-scale and comprehensive attitudinal change in the general area of women’s rights is likely to take much longer of course, and will likely be the result of broader societal shifts including access to education and the work of grassroots social movements more generally

rather than a limited number of intermittent awareness workshops organised by the international community.

4.4. PUBLIC AWARENESS OF AND CONFIDENCE IN THE POLICE AND FORMAL JUSTICE SECTOR

Key Takeaways:

- ▶ Awareness amongst the general population of the proper functioning of the police, the legal system, rights and rule of law in general, was said by interviewees to have improved since the time of the IPTM.
- ▶ Acceptance of these formal institutions depends to a large degree on the extent to which an individual is supportive of the state itself, in a political sense. Given that significant portions of the population in Kunduz are said to be sympathetic to opposition groups such as the Taliban, this negatively impacts levels of acceptance for the police and the formal justice sector.
- ▶ Based on the interviews conducted, it would seem that among those living in government areas and supportive of the state, public confidence in and acceptance of the police increased during and after the IPTM. Although this confidence was damaged after the perceived ‘abandoning’ of Kunduz City by the ANSF to opposition offensives in 2015 and 2016, and many in the public continue to harbor concerns about corruption, the police as an institution still maintained a degree of trust from those interviewed in Kunduz, which was said to be higher than pre-IPTM levels.
- ▶ Given concerns around bureaucracy, cost and corruption, the formal justice sector was viewed by interviewees as a less than ideal but perhaps necessary avenue of conflict resolution for *certain* matters. The government system might best be described as being seen as one option among many in a mixed market (which includes both informal mediation in traditional structures, as well as the Taliban courts), used when appropriate, relevant and/or advantageous in comparison to other systems. The extent to which this perception of the formal justice system has shifted over time remained unclear from interviews, however it is worth noting that most interviewees implied that the Taliban court system, for its part, was now much more predominant and entrenched than it had been.

Having explored how the police and the judiciary perform and coordinate between each other in sections 4.1., 4.2. and 4.3, this section relates to the final long-term objective of the IPTM, namely, how the justice sector and the police are understood and accepted by the local population as a whole. Given that all of the findings included throughout this report are based primarily on perceptions, questions surrounding acceptance of the two institutions have already been alluded to in significant detail. However, a final overview is nonetheless provided here to connect the various points already highlighted in the previous sections and answer questions relating specifically to objective four of the IPTM more directly.

4.4.1. Awareness

The general increased level of awareness among the local population of Kunduz surrounding the proper functioning of the police, the legal system, rights and rule of law in general, as

reported by interview respondents more or less across the board might be perhaps seen as a relative success story in recent decades. The extent to which this can be directly tied to the activities funded through the IPTM is a question that is dealt with in greater detail in section 5, however it would seem an extreme statement to argue that these Dutch funded programmes were not responsible for at least some positive shifts in this area, and a number of interview respondents did recognise the role of these programmes in this regard. In many senses, these awareness programmes possibly also fed directly into any increases in the level of acceptance of the police and the formal justice sector as outlined below. The majority of 'awareness-raising' activities funded as part of the IPTM focused primarily on increasing understanding of rights, rule of law and the functioning of the justice system among the local civilian population of Kunduz, as well as to a certain extent justice workers and police themselves. Much of the logic behind these programmes was to empower people to claim their rights in the system and enable a form of 'monitory democracy', allowing civil society to pressure state institutions into upholding the necessary standards. In other words if people aren't aware of how the system is *supposed* to function, then they cannot call foul when corruption and subversion of justice occurs. Such programmes were run for local communities by GIZ through the Department of Justice, as well as through the Ministry of Education and the Ministry of Hajj and Religious Affairs working with registered *madrassas* to incorporate teaching on women's rights in Islam, by The Asia Foundation along similar lines but for a broader audience, by CPAU with women's peace councils, by AIBA with local elders, by the BBC World Service Trust with media broadcasting and UNAMA in a variety of programmes.

Perceived Shifts Over Time

Assessing the effectiveness of these awareness-raising activities in any reliable manner was beyond the scope of this research, however anecdotally interview respondents said that the general level of understanding and awareness of the legal system by the local population had improved in the past decade. For example, as a local journalist explained, referring to the justice system and rule of law in general:

"People, particularly in the urban population centres, are much more aware of how things should work. Some of this is as a result of the programmes run by the government and NGOs, and others just because of general education, the internet, smart phones..."

Again however, the geographical impact of awareness-raising programmes should be understood as limited to predominantly urban areas under government control, as highlighted by one justice worker:

"In the past 10 years, the people in government areas have come to understand and witness the benefits of the formal courts. True, the majority of the people in the districts don't use this system, they go either to the Taliban or they sort it out themselves in the jirga system, but in government controlled areas at least, many people do see the value of the courts."

In sum, interview respondents inferred that public awareness and understanding of the formal legal system has significantly improved, and although much of this should be attributed to the cumulative effect of general education levels, the media, civil society, government efforts and the activities of other local and international NGOs, those programmes that the Dutch funded likely had a contributing role in this positive shift.

4.4.2. Acceptance

Political Support for the State

Perhaps the first point of note when considering whether acceptance and support of the police, the formal justice sector, or any other state institution has improved since the time of the IPTM, is that such support depends not necessarily purely on the extent to which people believe that institution to be effective, but also on the extent to which they, in a very political sense, support the state itself. Given that pro-Taliban support in Kunduz Province was said to be comparatively high, perhaps even higher than it was during the time of the IPTM, not just in large portions of the districts (predominantly Pashtun, but not necessarily), but also to some extent in Kunduz City itself, this is a factor that should not be ignored. Indeed, the idea that the government should just abandon Kunduz once and for all so that stability can finally return is not an uncommon sentiment, and one that has increased in recent years.³⁹ In addition, it should be recognised that many who live in opposition controlled areas, or even areas under threat of opposition incursion are understandably reticent to be seen to be cooperating with the police for fear of retaliation.

Beyond the Taliban, according to local journalists and other members of civil society interviewed there is also reportedly an increasing underground presence of transnational Islamist (in the political sense) groups such as *Hizb ut-Tahrir* (the Party of Liberation) and *Ikhwan al-Muslimeen* (the Muslim Brotherhood), especially in Kunduz City. These groups are nominally non-violent, but have a significant following amongst the more educated sectors of society, and are particularly strong in the universities. Critically, their members often preach a detachment from the state, which is seen by them as un-islamic and illegitimate. Although they are relatively small scale, interview respondents reported that they do have the effect of driving some members of the public away from state institutions. While it was said the presence of these groups is on the rise, due to their secretive nature, those interviewed did not know for sure specifically when they began to appear. At the same time, while they may well be garnering larger followings among certain sectors of society, such groups remain relatively fringe and small-scale at present by all accounts.

The Police

As previously highlighted, even those who are politically in favour of the state are not necessarily supportive of the police, who are often seen as corrupt and inefficient, and who lost significant support among the population after they fled the city in the first (and to some extent the second) battle of Kunduz City (2015 and 2016). At the same time, a significant number of people the interviewer spoke with did feel some sense of solidarity with at least the lower ranks of the police, who they perceived to be doing a very difficult job with minimum support and under incompetent and corrupt leaders. As one local Kunduz journalist explained:

“Most people are somewhat happier with the police compared to the past. For example, when police are killed fighting the Taliban, or ambushed, or murdered, people often get angry or upset and they feel bad for them because they know that the police are only trying to serve the people for the most part. Particularly the lower ranks. They may not feel the same for the high-

³⁹ This is based not only on the interviews conducted for this report, but also on the author’s experience living and working in Kunduz 2015-2016. Indeed, one reason why the AOG fighters were able to take the city so quickly in 2015 was because many were smuggled in and hosted in guesthouses by local residents in the days before the assault.

ranking officers, but they feel a lot of solidarity with the younger members, which shows that they do appreciate their service. You might not have seen this in years gone by.”

By way of example, it was reported to the researcher (by police) that representatives of civil society and members of the public frequently attend graduation ceremonies for police recruits at the Kunduz RTC to show their support and appreciation (although naturally there could be other motives for attending, such as networking, etc.). It is also important to remember that large numbers of the population will have relatives serving in the police, and so will necessarily feel some sort of solidarity with them. Based on all the interviews conducted, and the analysis mentioned above, it would seem that in a very general sense, among those living in government areas and supportive of the state, public confidence in and acceptance of the police increased during and immediately following the IPTM, and while many are perhaps more distrustful now after the perceived ‘abandoning’ of the city in previous opposition offensives in 2015 and 2016, and continue to harbor concerns about corruption, the police as an institution still maintained at least some confidence from those interviewed in Kunduz.

The Justice Sector

As for the justice sector, much regarding the level of acceptance has already been commented upon in section 4.3. above. By way of summary however, it can be said that concerns around corruption (particularly in relation to the prosecution), cost (both in terms of bribes but also ‘above board’ legal fees), bureaucracy and speed of resolution can be understood as the primary factors that drive people to seek alternative methods of resolution, whether that be through traditional, informal mechanisms or through the Taliban. On the positive side, interview respondents on the whole appreciated the increased level of technical capacity within the justice sector, and that, as they saw it, corruption in the courts had decreased somewhat since the increase in judge salaries in recent years.

However, one additional point which has not been previously highlighted is that beyond corruption and inefficiencies, the formal justice sector is still very often seen by some communities as to some extent ‘unislamic’. This is perhaps less of an issue in the urban, more educated areas than it is in rural parts of the province, but it is nonetheless one element that still detracts from greater acceptance of the formal justice system, despite years of awareness raising among local communities. Even though Afghan law is drawn heavily from Islamic *shari’a*, uneducated portions of the population are not necessarily fully conversant in Islamic *fiqh*, or jurisprudence, and are thus highly susceptible to Taliban and other opposition groups’ messaging which seeks to defame the state. While the myriad awareness raising programmes funded by the Dutch and implemented by organisations such as GIZ, CPAU, The Asia Foundation and others sought to counter this narrative, the fact remains that the opposition dominates much of the province and thus has considerable sway over public perceptions.

Indeed, it also is of no small consequence that it is widely reported that the Taliban themselves actually have a relatively well established and in some cases efficient (though often arbitrary) form of justice delivery, in terms of cost, speed and enforcement. This point was also made by a number of individuals interviewed for this research in Kunduz. Indeed, given that interview respondents said that in many rural areas prior to Taliban takeover, there was limited to no access to the formal state justice system, the fact that there is now a readily available, proximate form of comparatively quick and low cost justice delivery that is enforceable could be seen as an *increase* in local ‘access to justice’. Of course, the Taliban courts are not exactly

the preferred delivery method by the international community (nor by women and minorities), but they are nonetheless often very much appreciated by certain segments of the population.

However, despite strong criticisms and the availability of alternatives, the formal system was said to be still used by portions of the population, in particular some women who would struggle to find justice outside of it (although as said, the formal system is also still difficult to navigate for women). It thus necessarily has some level of acceptance among the population, viewed as a less than ideal but perhaps necessary avenue of dispute resolution for *certain* matters. In other words, a complicated property rights dispute may for example be beyond the capacity of the Taliban courts, or the individual may not anticipate a favourable outcome, and so may decide to go to the government system, particularly if they had some personal connection through which they might hope to gain favour. Indeed perhaps this is one way to best understand the formal justice system in Kunduz - as one option among many in a mixed market, used when appropriate, relevant and/or advantageous in comparison to other systems.

* * *

Having explored in this section perceptions surrounding the current and past status of the police, the justice sector, linkages between the two, and finally public acceptance and awareness of both, the next section seeks to delve deeper into why any of the aforementioned shifts have occurred, and the role of the IPTM in any of these shifts.

5. IMPACT ANALYSIS

In order to try and better understand the extent to which the IPTM was itself a cause of any of the positive or negative shifts in the targeted outcomes as outlined in the previous section, the following explores a number of endogenous factors (associated with the strengths or weaknesses of the mission itself) and exogenous factors (associated with external enablers or disablers that benefitted or hindered the outcomes) that contributed to these shifts.

The following overview should not be taken as a comprehensive analysis of *all* of the possible factors contributing to the changes outlined in section three. Indeed, particularly when it comes to external factors, the possibilities are theoretically infinite. Rather, the following highlights only those elements which were identified by interview respondents themselves, which are then supplemented with comment and analysis by the author. In this sense, the analysis should be understood as partial, and should be seen as contributing to further in-depth research as part of the wider evaluation of the IPTM.

5.1. STRENGTHS OF THE APPROACH

Key Takeaways:

- ▶ While it should be kept in mind that interviewees might have felt reluctant to express criticism to a researcher working on behalf of the Dutch Foreign Ministry, those interviewed who were trained and/or mentored directly by the Dutch in the police were unanimously positive about their interactions with their former trainers/mentors on a personal and professional level. They also said they had felt involved in planning and decision making during the mission.
- ▶ The quality of technical training given by the Dutch and Dutch-funded implementing partners was also commended.
- ▶ Not all interviewees were aware of the integrated logic of the mission, but for those who recognised that this was the strategy, most endorsed the approach wholeheartedly.

5.1.1. Afghan perceptions of the Dutch involved with the IPTM

Perhaps the most logical starting point in evaluating the strengths of the IPTM is with the Afghan perceptions of the Dutch people who were working as part of the IPTM in 2011-2014. While the majority of those interviewed had no meaningful direct contact with the Dutch at that time, everyone who the researcher spoke with was immensely appreciative of their efforts and those of the Netherlands in general in supporting Afghanistan. The Kunduz police in particular, many of whom did work directly with Dutch soldiers and police trainers, were full of praise for their counterparts, both in terms of their general professionalism but also (and perhaps even more importantly), their personal relationships with, respect for and cultural understanding of the Afghans:

“I have to say that even though we had no issues with the Americans or the Germans, we liked the Dutch the best. They really treated us well and their behaviour was excellent. They were very respectful and we were very close.”

This sentiment was strongest among higher ranking NCOs and officers who had more direct relationships with their former trainers. Indeed a number of those who were interviewed during this research expressed nostalgia for their relationships to their Dutch counterparts, particularly at the command level where they would have had more meaningful and regular interactions:

“During the mission we were very happy with the training they offered us, it was very professional. We had excellent relations. In fact I can say that out of the Germans, Dutch and Americans, the Dutch had the best behaviour with us, they were very respectful and saw us as equals. We felt like they really cared and taught from their hearts.”

We can of course question the extent to which these remarks were genuine given that many of those interviewed were direct or indirect beneficiaries of Dutch aid, and the researcher, while himself being British, was presented as working on behalf of the Dutch Foreign Ministry. However, from what could be gathered, and for what it's worth, the comments did seem sincere.

5.1.2. Quality of Training

Building on this previous point, in all cases, interview respondents both in the police and in the justice sector were very complimentary regarding the quality of training they had received from Dutch military and EUPOL advisors and trainers, as well as from Dutch-funded NGOs and other implementing partners. In the words of one local police commander in Kunduz City who had been present at the beginning of the IPTM:

“The Dutch were especially good because they really focused on foundational institutions – things that would last, not just superficial trainings.”

One international observer and researcher of Kunduz said that the professional police training provided by the Dutch in particular gradually helped police recruits to slowly forget their primary ethnic loyalties to local power brokers and become more loyal to the new system, and by extension, the state itself. The Dutch focus on human rights and principles of justice also marked it apart from other approaches and contrasted in particular with for example previous efforts carried out by Dyncorps as contracted by the United States in earlier years.⁴⁰ As the observer commented:

“The fresh, very principled and clear training made a big difference. The Dutch only trained a small proportion of the police force, but I recall that at the time people said that they could also see the difference between who was and was not trained by the Dutch after the first training rounds.”

Note only was it frequently mentioned by both the police and those in the justice sector that the quality of training provided was of a high standard in terms of output, but also the outcome of this training appeared to be widely recognised, with service providers and beneficiaries commenting on the fact that the technical capacity of those in the police and judiciary was much improved.

⁴⁰ “Reforming the Afghan National Police”, a joint report of the *Royal United Services Institute for Defence and Security Studies* and *The Foreign Policy Research Institute*, 25 November 2009, accessed 02 January 2019 at <https://rusi.org/rusi-news/rusi-report-outlines-plan-beat-corruption-afghan-national-police>.

5.1.3. Dutch-Imposed Constraints on the Police

For political reasons imposed by the Dutch parliament at the time, Afghan police trained by the IPTM were not supposed to work outside of Kunduz, nor were they supposed to be involved in active combat operations beyond self-defence. While there are certainly counter arguments, and these are addressed in section 5.2. below, the two controversial policies were actually well received by a number of those interviewed in the police and civil society. In fact in this research more interview respondents said they saw these policies in a positive than in a negative light. On the first policy, many thought that it was actually good to have those from the local area serve in their home province. It was understood that for police work to be effective, those in the police need to have an intimate knowledge of the socio-political makeup of the area, and in changing personnel to other provinces, that knowledge, which takes years to build up, is lost. In fact during the period in which this research was conducted, a motion by the MoI to start rotating police personnel between provinces was being piloted in Kunduz and five other provinces. After being initially put on hold, during the second week of interviews this policy was cancelled due to numerous problems and strong opposition to the policy. Nor was the restriction of the IPTM on only training recruits who would remain in Kunduz said to have involved any particularly high amount of additional effort on behalf of the Afghan RTC staff interviewed. They implied that it wasn't a big problem for them to separate out recruits from the other three provinces of Baghlan, Takhar and Badakhshan, who were trained by the Germans also operating out of the Kunduz RTC.

As for the policy dictating that those police personnel trained by the Dutch should not be sent to fight, this was also in fact supported by the majority of interview respondents, who lamented the fact that the police is being drawn into combat operations alongside the army. While they admitted that it was unrealistic for the police not to have to fight in a province dominated by the opposition, many would have preferred the police to concentrate on their core community policing tasks. The following sentiment from a member of staff at the police RTC was echoed by a number of informants:

“As for their policy that police shouldn't be involved in fighting, I was and am a big supporter of this idea. War fighting is not our job. Our job is to execute the law. It's like we have two jobs now. I think the Dutch idea was a very good one, if ultimately and unfortunately unworkable now in the current security environment. We've had to adapt our training a little because of this now. We can't really do what our proper role is until we have peace.”

5.1.4. Local Ownership and Involvement During Implementation in Kunduz

Ascertaining the level of Afghan involvement in the planning of the IPTM was difficult due to the fact that many of the interview respondents were not there at the time of inception. In any case, much of the joint planning, if joint at all, would have likely been conducted at the ministry level in Kabul and as alluded to in the research limitations section, the researcher was not able to interview individuals at this level who were involved at the time. Of the small number of higher level police commanders that were interviewed, most said that they were involved in reconnaissance and information gathering visits conducted by Dutch officials in Kunduz around 2010 and early 2011 when the mission was being tabled, and that their views and inputs were listened to and incorporated in the mission design⁴¹. However, the extent to which this actually happened and the form this took remain unclear to the researcher, and further answers may

⁴¹ With the obvious exception of the policies imposed by the Dutch parliament as mentioned in section 5.1.3.

be gained from interviews with those involved on the Dutch side. In any case, during the implementation phase of the IPTM, the vast majority of police interviewees said that they felt very involved in the day to day functioning of the mission, and that when they had suggestions these were invariably incorporated. As suggested by one police officer at the RTC at the time:

“There was always great cooperation and collaborative planning. If I had a suggestion to alter the curriculum this was always accepted. I really felt involved in the process.”

Again, the extent to which suggestions were really ‘always’ accepted, and the extent the Afghan police actually were involved may well be further revealed by interviews with the Dutch trainers themselves, but in any case it is probably fair to say that those interviewed at least felt relatively involved. As for the broader population, this is not necessarily the case and somewhat more complex, and explored in further detail in section 4.2.

5.1.5. The Integrated Approach

One of the perceived strengths of the mission amongst the interviewees was the decision to take a more holistic approach to training the police by also looking at the environment in which they would operate. This was directly stated by some international researchers and observers of Kunduz based in Afghanistan, but also mentioned by a number of Afghans interviewed in Kunduz. While not everyone was aware of the Dutch efforts in other sectors (understandable given the fact that they were implemented to a large extent by third parties), the idea that one sector cannot move forward in isolation was widely understood and thus the logic behind the Dutch intervention appreciated by many of those interviewed. Even though this was a far more ambitious approach to take and it would perhaps have been far easier to just train the police in some basic patrol techniques and send them on their way, the integrated approach was certainly thought a far superior one in theory at least. Indeed, beyond the responses of interviewees, in the author’s experience and analysis, it would appear to be one of the (rare) examples of real systems thinking and design when it comes to foreign development and reform efforts in Afghanistan. The focus on local awareness raising and civic education among the population was also well thought-out, as it meant that civil society groups were equipped with the knowledge by which to keep the system in check long after the end of the IPTM, thereby making any progress more sustainable. The recognition of the need for legal services and pro-bono lawyers was also apt, and the work of AIBA in particular received strong feedback from a range of civil society groups and justice sector workers. In another, perhaps more secure, province or context this approach may well have yielded far greater gains, however, as further discussed below, both the timing and timeframe of the mission were likely inappropriate for the desired results, and there were a number of external spoilers not factored in which significantly limited progress.

5.2. WEAKNESSES OF THE APPROACH

Key Takeaways:

- ▶ Almost all interview respondents said that the Dutch intervention in Kunduz concluded too early and that the mission should have continued until the situation had stabilised, however long that might have taken.
- ▶ Afghan police commented on the limitations of having regular rotations of Dutch personnel in terms of losses of institutional memory and relationship building.
- ▶ Some of those involved in Dutch-funded civil society programmes which continued to receive financial support post-2013 argued that the Dutch should have been more proactive in this latter period in terms of monitoring and maintaining direct lines of communication following the reduction of physical presence of the Dutch in Kunduz. This appeared to be largely out of a desire to be heard and feel supported directly by the embassy rather than through intermediaries.

5.2.1. Timeframe

Perhaps the most obvious weakness of the mission regards both its length and the timing of its inception. On the first point, all interview respondents with whom the topic was discussed said that the mission was far too short, or that it ended too early, and that Dutch police trainers as well as Dutch-funded programmes should have continued well beyond the date at which they were withdrawn. Most interviewees implied that Kunduz City would likely not have fallen had the Dutch remained in place (together with US and German forces). Indeed, it was right around the time that the Dutch and German police trainers withdrew from the province that AOG fighters, both Taliban and IMU (Islamic Movement of Uzbekistan), began to make serious gains in Kunduz. While the IMU were quickly pushed out by their rivals, the Taliban for their part managed to take advantage of local discontent, in particular in relation to local 'pro-government' militias and the blurred lines between these militias and the abusive ALP (Afghan Local Police), to make rapid territorial gains across the province, in particular in Chahar Dara and Dasht-e Archi Districts at the time.⁴² While the theory behind the integrated approach of the IPTM was arguably commendable based on what the researcher observed, the mission's assumption that significant lasting progress could be made in a mere two years was arguably optimistic. Although it is not clear to the researcher to which extent those involved in the IPTM were aware of the growing resurgence of the Taliban and other groups in Kunduz at the time, as early as 2007 there was widespread awareness, including in the international press, about the opening of a Taliban northern front, with Kunduz as a key centre. Certainly in the years 2011 to 2013 there were already a number of incidents and attacks carried out by the opposition in Kunduz, and it would seem highly unlikely that this wouldn't have been known by Dutch commanders present on the ground at the time. Of course, while they were more than likely aware of the deteriorating situation, the political constraints are understood. As with all ISAF contributing nations at the time, following Obama's 2009 speech at the Westpoint officers' academy, the withdrawal effectively ceased to be 'conditions-based' and became a set date irrespective of whether the country would be ready at that time. This is widely acknowledged

⁴² For further detail on the evolution of the security context in Kunduz, refer to Peavey, S., 2013, "Strategic Conflict Analysis: Kunduz Province", CPAU, as well as reports in "Thematic Dossier VIII: The Evolution of Insecurity in Kunduz", *Afghanistan Analysts Network*, (various authors), <https://www.afghanistan-analysts.org/publication/aan-thematic-dossier/thematic-dossier-viii-kunduz-security-situation/>.

by those involved⁴³. While the early withdrawal of German forces from Kunduz essentially forced the hand of the Dutch who were there under their force protection, the decision not to stay on without this additional layer of security was nonetheless a choice made by the Dutch at the time and they naturally could have stayed on over subsequent years until they felt their work was completed had they wanted to take on the additional risk.

From the perspective of the Afghan police themselves, those interviewed had been very much against the withdrawal at that point in time, and certainly did not feel ready to take on full responsibility alone⁴⁴.

“I was told that the Dutch mission would end three months in advance. We were very upset, because we knew we weren’t ready and we didn’t want to lose them. We made them give lessons and training right up until the last day! By the time they left, I would say the job was 50% complete.” (Kunduz police officer)

“The foreigners, particularly EUPOL gave excellent training, but they didn’t finish the job. They should have stayed another three or four years.” (Police officer stationed in Kunduz City).

In the justice sector too, similar comment was offered:

“Given the length of time our country has suffered war and destruction, the support we received wasn’t enough. You can’t expect to fix the country in that short period of time. Good progress was made, but we still need help lest we slide back into chaos. We still need outside training and support.” (Legal worker)

Given the prevailing security situation in Kunduz, after the Dutch left, the police were almost immediately thrown into a war-fighting scenario – one which the Dutch training courses had explicitly not prepared them for. The extent to which the Dutch were aware of the deteriorating security context was not clear from this research, however perhaps the more important question would be; even if they were, would this have changed anything? In any case, the IPTM did not include in its tasks ‘secure Kunduz province from AOG attack’, and so this is not to ‘blame’ the Dutch per se given that general security fell under responsibility of the German forces and the Afghan National Army, but merely to highlight the fact that the withdrawal was ill-timed and the overall mission far too short. The following quote from one police officer further illustrates common sentiment:

“My personal opinion is that this transition shouldn’t have happened at that time, until security was much better. I told this to my Dutch advisors at the time. Given all the money and effort and lives lost it was a waste to leave when the job was half-done. I saw the same thing in the time of the Soviets, they made the same mistake then of leaving before we were ready to hold the security situation.”

Secondly, on the timing of the inception of the mission, it is possible that had the integrated approach been tried in Kunduz earlier, it might have achieved far greater results. Indeed given the fact that a significant factor in the rise in local support for opposition groups in Kunduz was the poor behaviour of the police (in particular the ALP since its formation in 2010), although this was not explicitly stated in interviews, it might even have been possible that an earlier

⁴³ The author himself was deployed as an officer in the British Army to Helmand province in 2012-2013, and so had first-hand experience of this expediency.

⁴⁴ It is recognised that there will always exist problems of dependency with this sort of training mission, and to an extent, this would have been the response no matter what point the Dutch chose to leave. Nonetheless, given the prevalent context and security situation, the withdrawal was indeed likely far too early to ensure the desired results.

intervention in the form of the IPTM might have had the effect of significantly undermining opposition attempts to gain ground in the province. However, this latter suggestion is of course little more than speculation. In short, by 2011, the civilian and community-based emphasis of the IPTM, while laudable in theory, was perhaps no longer as applicable to the situation on the ground as it might have been in earlier years when security was not such a pressing issue in Kunduz.

5.2.2. Lack of Needs-Driven Assessment and Mission Design

Dutch Focus on Women's Rights

Although praised by many, the issue of the Dutch focus on women's rights came up in a couple of interviews with Afghan (male) respondents:

“One criticism I would have of you foreigners is the way you did your needs assessments. It's like you took what was most important to you and saw everything through that lens. For example, everywhere you looked you saw women's rights as the number one concern. Yes, of course, women's rights are hugely important, particularly here, but we also need other things, often more fundamental infrastructure and systems before we can effectively tackle things like women's rights.”

As previously alluded to, some involved in the IPTM also questioned the morality of putting such a focus on inserting women into the police force, only to abandon them unprotected after a mere two years before the overarching institutions and norms were there to safeguard them. It was also highlighted in some interviews that another element which was perhaps not considered so much by international trainers or those involved in mission planning (not necessarily just those involved with the IPTM) was the fact that having increased numbers of women in the police force requires additional physical infrastructure such as separate bathrooms and accommodation. However, the vast majority of respondents were strongly in favour of supporting women who wished to enter the ranks of the police (as well as the justice sector and other state institutions).

Politically-Imposed Constraints on the Police

While just over half of respondents who commented on the matter were actually supportive of the Dutch policies that the police they trained should not only stay in Kunduz but also not engage in combat operations (see 4.1.3. above), a handful of interview respondents were against these ideas, either on the principle that a foreign government should not impose policy on a sovereign state ministry, or for purely practical reasons. In terms of the latter, informants pointed to the fact that having police personnel routinely rotate around different provinces reduced the risk of corruption by stopping policemen from forming too strong local ties and falling into their own ethnic and local patronage power politics. Indeed, some pointed out that in the time of president Najibullah and national service, it was the policy for policemen to serve away from their home province to foster a sense of national unity. In any case, the 'track and trace' system that the Dutch attempted to follow to ensure that those who were trained remained in the province was said by those working at the ministry level to be ultimately unworkable and even today in 2018 the MoI has scant grasp of what individuals are serving

where in the police. The Dutch or EUPOL even built an archive for the MoI specifically for the purpose of enhancing their personnel record keeping, however it was never used according to one interview respondent who had been involved in the mission at the time.

Secondly, as regards to not having police trained by the Dutch who would become involved in fighting: while as mentioned before a majority of people respondents said they were supportive of this a significant minority of respondents also found the idea entirely unworkable in a context like Kunduz, and implied that the Dutch were somewhat naïve or had entirely misread the situation to think that this was possible. In addition some complained that the fact that they would inevitably end up in a war-fighting role should have been taken into account when considering the type of weapons and equipment they should have been given.

5.2.3. Rotation of Dutch Trainers

Another issued highlighted was the rotation cycle of the police trainers. Most stayed for between six months and a year, depending on the role, but this rotation was seen as too short given the time it took to get to grips with the context and the job, and the challenges involved in handover, particularly when it involved handovers between different nation-states, as was the case with some EUPOL personnel. Higher-ranking Afghan police officers in particular mentioned this as an issue, specifically in terms of the time it took to build rapport and effective working relationships:

“It would have been good if the Dutch counterparts I worked with (particularly at the leadership level) had stayed for longer, as we built up such good relationships.”

5.2.4. Individual Technical Capacity Building Versus Political and Institutional Reform

While the technical capacity building training courses were without exception highly praised by the individuals who had received them, a common frustration was that the overarching political systems in which they worked vastly restrained their ability to function. The question therefore arises of to what extent the Dutch took the reform of these political systems into account when considering the IPTM. Indeed, while individuals of course require a certain degree of technical skills, training and education in order to function effectively, they also need a conducive environment to do so. In addition, those individuals who are trained will not remain forever, and those that replace them may not benefit from the same level of expertise. It is therefore important to ensure that the institution itself is amenable to supporting any positive change in the long run. By way of example, some interview respondents argued that the GIZ programme of district *huqooq* mentoring, which lasted seven years and only focused on a select few individuals, was largely a waste of time and effort as it pinned all its hopes on individual technical capacity. They said that these individuals should have been given a few months mentoring, rather than a few years, and the rest of the effort should have been devoted to putting systems in place to ensure sustainability. The focus on technical capacity building means that a high turnover of personnel (most problematic in the police as previously mentioned) can rapidly erode any gains made following the conclusion of programming. As one local journalist pointed out:

“Unfortunately, if we look at the numbers of people in the police who have been killed, injured, retired or transferred, we can understand that the impact of the foreigners’ training is slowly

being diluted somewhat, even if the training institutions they built have lasted to some extent and are still running good courses.”

Given that so many of the environmental challenges faced by individuals in the justice system and the police were political in nature, some interview respondents argued that the IPTM should have also focused on implementing reform and the ministry level in Kabul to tackle some of the greatest challenges in terms of corruption, poor leadership and management. As previously highlighted however, this research was not able to ascertain what activities were carried out at this higher level, having largely focused on programmes at the provincial level in Kunduz. As one Afghan analyst commented:

“The technical progress made at the provincial level was limited due to weak overarching systems and institutions to protect and support that progress in the long run. All the resources and capacity are often misused for political purposes due to power dynamics in the wider system and at higher levels. We have the capacity, we have the resources in the justice sector, they just aren’t used properly. The Dutch efforts in Kunduz weren’t a game changer but they were a catalyst for change, and once the bigger systems are in place it will be useful.”

Some even went so far as to call the Dutch naïve in this regard, as one Afghan civil society member in Kunduz commented:

“The foreigners didn’t understand the political complexities of Afghanistan. They focused on technical fixes without considering cultural and systemic aspects.”

Indeed, treating a patient for a disease might be understood as largely futile if they are to be then reintroduced into an infected environment. As one Kunduz resident commented:

“This corruption is like a huge wave destroying Afghanistan. It has to be dealt with at the top. Until you have clean leadership, you’ll never sort out the problem lower down the chain. It spreads outwards from the top.”

At the same time, given the multinational makeup of foreign assistance to Afghanistan, with all the attendant variations in policy, politics and culture, it should perhaps also be recognised that the ability of the Dutch to bring about wide scale political reform at the national level was contingent on support from and coordination with other NATO nations as well. Furthermore, enacting such reform would have required significant buy-in from the highest levels of Afghan government, and the uncomfortable reality in some cases was that many of these individuals and their patronage networks were part of the problem rather than the solution.

5.2.5. Perceived Lack of Direct Monitoring and Lines of Communication

Although not so relevant to the police who were in daily contact with their Dutch trainers, some interview respondents who had been or were involved in Dutch-funded civil society organisations in Kunduz complained of a lack of interaction with the Dutch. They reported that while representatives from the Dutch embassy used to visit on a somewhat regular basis to monitor progress, these visits were seen as largely symbolic, often merely occasions to win political capital and photo opportunities. Indeed, while embassy staff may well have engaged with police commanders, provincial and district governors and departmental justice workers (namely, service providers), it was said to be much rarer that they would go out to local communities and engage with beneficiaries and end users of these services to get the view ‘from the bottom up’. A common complaint from interview respondents was that the Dutch

should not have relied solely on third party implementing partners to monitor programmes, but rather should have regularly engaged themselves with their own monitoring visits to see where the money was ending up. As one civil society representative of a Dutch-funded organisation explained:

“One of our biggest pieces of advice would be that the Dutch should have had a focal point in Kunduz City. We have no contact with the embassy, and when representatives come, it’s more symbolic than anything else. They come and sit with the governor who tells them everything is fine, maybe they visit us for 20 minutes, but it’s not enough for them to really know the situation. They should have had a permanent staff member based here, even if he was Afghan, to report back to the embassy. It would have been good for them as well to observe what their money was being spent on.”

However, while this was the sentiment expressed by some, it should be stressed that during the years 2011-2013 at least, the Dutch did have civilian representatives present in Kunduz. While it is possible that some Dutch-funded organisations felt a lack of engagement at this time, it is more likely that they were commenting on the years following the conclusion of the IPTM, when Dutch funding of a number of programmes continued, yet the physical presence of Dutch officials has, with the exception of occasional visits, reduced to zero.

5.3. OPPORTUNITIES AND ENABLERS

Key Takeaways:

- ▶ Interview respondents suggested that increases in general levels of education and public awareness over the years had played a significant role in any positive shifts seen in the targeted outcomes of the IPTM.
- ▶ Other local and international NGOs and civil society organisations which were not funded or supported by the Dutch were also said to have made important direct and indirect contributions to the goals of the mission.
- ▶ Local media was said by civil society organisations to have played a key monitoring role in holding the police and the justice sector to account.

The number of external factors which influenced the end outcomes of the IPTM are essentially infinite. As such, only those factors that appeared in the minds of interview respondents to have had a significant effect are mentioned in this report.

5.3.1. Education

Although reliable data surrounding actual improvements in literacy and general education rates in Afghanistan is scarce, subjectively interview respondents felt that people were in general much more aware and knowledgeable. This may in fact have little to do with formal education per se and more to do with general levels of public awareness of things like the role of the police, rule of law, rights, etc. which may have simply spread informally. The increasingly common access to smart phones and social media, as well as television and years of government and civil society information campaigns have likely contributed to this general increase in levels of awareness. A number of those interviewed indicated that those occupying

posts today were in general better educated than their predecessors from previous generations. A number of individuals highlighted what they saw as an inter-generational clash between the old generation and the new, the latter being more aware, better educated and who wanted different things. While very difficult to measure, this was seen by interview respondents to have had a significant effect on the capacity and effectiveness of the police, the justice sector and the general implementation of rule of law in general.

5.3.2. Civil Society

Although a number of Afghan and international NGOs and civil society organisations were funded by the Dutch as part of the IPTM, many working on rule of law issues in coordination with the police and the justice sector were not, and yet arguably contributed to any progress made. As one individual working for one such organisation dealing with women's rights commented:

"We also try to monitor and follow up on cases, together with other civil society organisations. Often cases, women's cases in particular, get ignored if we weren't there to constantly pressure and push the courts and the various agencies to follow up. We routinely follow up with them and ask them to regularly report on the progress they've made on cases. We also dragged the police into this as well to make sure it's a holistic approach. We try to get them to be more transparent on cases, and we've worked with the media on this."

Many of these local organisations have been instrumental over the years in putting pressure on government institutions including the police and the judiciary to reform and carry out their duties appropriately. Without this public pressure holding them to account, it is possible that these institutions may have been allowed to sink further into corrupt and ineffective practices. Beyond this, many of these organisations were and still are actively engaged in running workshops and training events for those in the legal sector and even at the police Regional Training Centre in Kunduz. In short, the activities funded by the Dutch as part of the IPTM should be seen as a contribution to much wider efforts being carried out by a number of other local and international civil society organisations and NGOs.

5.3.3. The Media

In a similar vein, many in Afghanistan and internationally recognise the growth of the media and free press in the country as a particular success story, and the role of the media in keeping institutions such as the justice sector and the police transparent and holding them to account should not be underestimated. Despite problems noted by local journalists in Kunduz, many interview respondents recognised the part the media played in bringing about positive shifts in these institutions. As one local journalist, speaking on the justice sector and women's rights said:

"The state pays more attention to women's access to justice now, and in general this has improved. The media has certainly played a significant role in changing mindsets."

Perhaps summarising all three factors highlighted in this section, one justice worker also called for the Dutch efforts to be seen in the wider context:

"Although the training seminars done by GIZ were good, this knowledge does end up getting lost over time, as people move on... But the improvements that we've seen have also been

linked to general levels of education, cultural change, awareness workshops, media and internet access.”

5.4. THREATS AND EXTERNAL DISABLERS

Key Takeaways:

- ▶ Increasing insecurity in Kunduz and the resurgence of the Taliban and other opposition groups, culminating in the temporary capture of the provincial capital in 2015 (and partial capture in 2016) has had a considerable undermining effect on positive outcomes achieved during the IPTM.
- ▶ Systemic corruption and state inefficiency significantly limited any progress during and since the mission.
- ▶ The highly fragmented nature of the political landscape in Kunduz was a substantial factor in fuelling both of these disabling elements mentioned above.
- ▶ The decision of the United States to set a timeline for withdrawal that was no longer conditions-based limited the options available to the Germans, and consequently the Dutch even if they had wished to stay on in Kunduz.

As in the previous section, the number of external factors which hindered progress in the IPTM are theoretically limitless, and as such only those which were prominently mentioned in interviews as key challenges are cited here.

5.4.1. Deterioration of Security

Perhaps the most prominent challenge to progress mentioned across the board in interviews was that of insecurity, particularly in the last five to six years. This deterioration is covered in detail in section 4.1.1., 4.3.2. and 5.2.1. in particular, however the point bears underlining.

Taliban Resurgence

Since the re-establishment of the Taliban's northern front, the group and other opposition factions have managed to recruit significant portions of the population to join in their fight against the government, even garnering the support of large swathes of the non-Pashtun population. 2009 already saw opposition incursions on the outskirts of Kunduz city itself, and although things stabilised after government and NATO counter-offensives, significant opposition military gains began to become a serious threat once more in and around 2013 and 2014, with the districts of Chahar Dara and Dasht-e Archi eventually falling to the Taliban in 2015, followed by the provincial capital itself in late September that same year. Not only have opposition groups managed to wrest territory from government forces, but in doing so, they have also been able to assert significant pressure on police operating even within government-held territory by threatening the families of personnel and forcing them to give up their uniform.

The Rise of Militias

Compounding the problem was the fact that, faced with increasing opposition pressure, the

government had given in to pressure from former *mujahideen* (civil war era fighters) strongmen to arm and support their militias to help defend the province. These militias were and are notoriously badly behaved⁴⁵ and many of their number ended up being recruited into the Afghan Local Police (ALP). As a result, many among the local population were driven into the arms of the Taliban and other opposition groups as a result of this predatory behaviour of the ALP and/or “pro-government” militias. As one civil society member explained:

“Another problem in Kunduz is the presence of strongmen, militia commanders, jihadi commanders, etc. The police can’t arrest them, they have too much power. And even if they do, the saranwali [prosecution] can’t or doesn’t investigate them properly.”

Insecurity as a Roadblock to Progress

Faced with these challenges, as security deteriorated it eventually became increasingly difficult for the Afghan National Police in Kunduz to operate purely as a civilian community police force, and the initial priorities and focus of the IPTM became less feasible in the face of this degradation in the prevalent security situation. As one international analyst and long-time observer of Kunduz commented:

“The situation improved in 2011, and when the mission started, people thought it would continue to do so. But then the security context changed and the programme design had to change with it. The Dutch delivered a bit of a shock to the system by wanting to do things differently. They adopted a more holistic and human rights focused approach, focusing on the link between the military and the police and police and prosecution, and the rights of women and access to justice. This is something that was not there before. It was correctly identified as a need, but the time at which it started to be implemented was very hard. It was difficult to find a natural way of integrating it because there were all these other challenges.”

Beyond the police training element of the mission, the deterioration in security in the province also impacted the possibility for progress to be made in the justice sector. As already highlighted in section 4.3.2., the fact that the Afghan government does not maintain a monopoly of violence in many areas (if not the majority) of Kunduz means that it is almost impossible for court rulings to be implemented in much of the province. Court and justice sector officials are also vulnerable to manipulation and threats by armed actors who operate outside of the control of the state. As one civil society member explained:

“This insecurity has a hugely detrimental impact on rule of law, governance, human rights. The fall of Kunduz and the lack of general security has had a big impact on all the progress we made in human rights in the last decade. We need support now more than ever to ensure the progress we made is not lost completely.”

While it could be understood as having been misguided to plan a mission with such a heavy civilian focus in an ongoing conflict zone, this view was seen as overly simplistic by many of those who were interviewed. The civilian approach was needed, however it also needed better protection. As one resident of Kunduz commented:

“What they needed was this civil way, plus extra fighting forces. And then in a more ideal world this approach could have really flourished. It was not either or, but a matter of proportion.”

⁴⁵ See for example, “Just Don’t Call it a Militia: Impunity, Militias and the Afghan Local Police”, Human Rights Watch, 2011, also, International Crisis Group, “The Future of the Afghan Police”, Asia Report No. 268, June 2015.

5.4.2. Corruption and State Ineffectiveness

After insecurity as a result of Taliban resurgence, the inability and/or unwillingness of the state to stamp out systemic corruption and mismanagement was the other most commonly cited barrier to progress by interview respondents. Here, the problem relates to the interdependent relationship between technical capacity building and wider political reform as highlighted in section 5.2.4.

Political power in Afghanistan even within the government remains highly fractured between competing historical, ethnic and political factions and patronage groups. Many of these factions seek to constantly undermine each other or protect their own interests through nepotism, distribution of resources, maintenance of private militia forces or even co-option of large segments of the official security forces. Some of these dynamics are a legacy from the civil war era, in other cases they have sprung up as a result of opportunities and threats presented by state weakness and general insecurity, or as a result of the opportunities presented by large donor funds and partnerships with international military. This has a crippling effect on development of the country as a whole, including the police and the justice sector. As one government worker in Kunduz commented:

“There’s still lots of political power games going on. One guy gets appointed one day, then five days later a letter comes down from the ministry saying someone else is appointed in his position [meaning from another faction]. There’s no stability.”

And in the words of another Kunduz resident working on human rights based issues:

“There are good people, but there is no accountability, no monitoring, no oversight. The leadership is weak. The big appointments are fought over at the top, at the leadership level. So those that are there aren’t there because they know the job, or because they care. They’re there to boost their own power. So even though at the lower levels we have well trained people, they are still beholden to corrupt and inefficient leadership at the top.”

5.4.3. Socio-political Fragmentation and Complexity in Kunduz Province

Although local politics and power dynamics in many provinces of Afghanistan are highly fragmented, Kunduz is arguably an extreme case. Due to various waves of immigration throughout the last two centuries, the population of Kunduz is highly heterogeneous and historical conflicts surrounding land distribution, access to water and political representation abound to this day. Many of the more serious divisions in Kunduz are an artifact of the civil war which followed the Soviet withdrawal in 1989, when control of Kunduz endlessly changed hands between the various factions. Even today, these conflicts continue to play out both in terms of physical violence on the ground, as well as competition within the various line ministries of government.⁴⁶

As a result, these complicated and highly contested local power dynamics undoubtedly presented challenges for the achievement of the aims of the IPTM in that they fueled insecurity, nepotism, and a number of the challenges mentioned in the preceding section.

⁴⁶ See Wörmer, N., 2012, “The Networks of Kunduz: A History of Conflict and Their Actors, From 1992 to 2001”, Afghanistan Analysts Network, pp. 7-8.

5.4.4. International Politics

While the criticism from those interviewed that the Dutch ended the mission too early can certainly be understood as valid, as previously mentioned, there were of course external political factors at play which can be seen to have forced the hand of decision makers to some extent. More explicitly, the decision of the United States to set a fixed timeline for large-scale withdrawal of their troops by the end of 2014 essentially meant that unless they wanted to be left isolated in an unfinished war, the minority troop contributing nations would need to follow suit. In Kunduz specifically, the Dutch decision to withdraw six months prior to the planned end date was largely tied to the fact that German forces, who were to a large extent responsible for protecting the Dutch contingent while they trained the police, had decided to leave early in the summer of 2013. Many analysts and observers have commented that as soon as president Obama announced in 2009 that he would withdraw American troops from Afghanistan, the Taliban essentially understood that all they needed to do was bide their time. Again, this was an external factor that can be understood as largely out of the control of the IPTM, and yet one that according to interview respondents likely had a negative effect on the sustainability of any progress made.

6. CONCLUSION

From the research it is clear that those interviewed did recognise positive improvements in the technical capacity and knowledge of many of those working in the police and the formal justice sector as compared with before the IPTM. Yet while this increased training and capacity may well have translated into tangible improvements in service delivery during the time of the mission, due to a number of powerful external forces and shifts in the wider context since its conclusion, the years following the IPTM were said to have been witness to a significant deterioration in the implementation of rule of law in the province, in some cases entirely negating many of the positive achievements resulting from the Dutch efforts.

Indeed, when police in the districts are spending all their time desperately fighting off Taliban incursions, the extent to which they are well trained in proper crime scene handling procedures, traffic law regulation, or gender-based violence arguably becomes of secondary concern. When a prosecutor is unable to carry out his investigation in an impartial manner because his family have been threatened by the militia members of a powerful politician, his detailed knowledge of criminal law is made redundant. Thus the difference between training individuals in technical skills, and the ability of those individuals to operate in accordance with this knowledge must be recognised if we are to fully comprehend the true impact of the mission. “Knowledge is power” – except when it cannot be acted upon. In this regard therefore, the inability of the IPTM to influence or control these external factors – in other words the environment in which those the mission trained then had to operate – would appear to have ultimately drastically undermined, and in some extreme examples completely thwarted or reversed the efforts of the Dutch to improve the situation in practice. Without broad sweeping political reform, institutional corruption and political infighting continues to undercut their ability to implement the law effectively and impartially, and in the absence of security in the face of relentless armed opposition offensives and daily incursions, those in the police and justice sector are unable to function in the way they were trained to do.

Thus, when the improvement in technical capacity is taken on the one hand, and measured against the debilitating effects of these negative external constraints on the other, it is the author’s assessment based on interview responses that the *overall* effective implementation of rule of law in Kunduz province, although reportedly still somewhat better than prior to the mission, has significantly decreased since the end of the IPTM, despite some of the initial positive gains made during the years 2011 to 2013. The biggest factors that have led to this deterioration can be understood as insecurity and government territorial loss of control, combined with endemic institutional corruption within the government itself.

While the mission could have focused more on stabilising the security situation, and pushing for more political reform at the national level to complement technical capacity building at the provincial level, in reality these external factors were more than likely beyond the realm of control of the Dutch given the size and scope of the intervention. Almost all of those interviewed said that the mission had been too short and the Dutch trainers had withdrawn prematurely. However, while a choice could have been made to remain, the reality is that this decision may well have been out of their hands given the German decision to withdraw, whose troops the Dutch relied upon for force protection, and more broadly the decision of the United States to set a fixed deadline for their own withdrawal. Thus, while the training mission may well have been innovative in its integrated approach, without the support of other actors to create a

permissive environment, given the prevailing context in Afghanistan generally and Kunduz specifically, it was likely always going to be severely restricted in terms of what it might achieve.

ANNEX A:

GENERIC INTERVIEW RESEARCH QUESTIONS

Below are the generic questions for which answers were sought in interviews, but for each interview, more specific interview questions were prepared depending on the interviewees' role and likely knowledge.

1. To what extent have short- and long-term mission aims been achieved?⁴⁷

For this question, we will not just look at the extent to which aims have been achieved in 2018, but also at the trend of how this has developed since the start of the mission in 2011.

Where possible we will also look specifically at the (expected) sustainability of the results of the mission, since the aim of the mission was to deliver a sustainable contribution to the strengthening of the Afghan police and justice system.

2. What worked well and what worked less well in the design and implementation of the mission, and what was the possible effect of these factors on the extent to which the short- and long-term aims of the mission have been achieved?

The research will consider at least (but not necessarily exclusively) the following possible factors for the extent to which aims have been achieved:

- I. The extent to which short- and long-term aims were realistic and achievable given the planned approach, context, and available time and means.
- II. The extent to which the mission has been executed as planned and if not, the extent to which it was realistic and achievable that the changed approach would contribute to the aims of the mission.
- III. The extent to which the aims of the mission were clear for the most important stakeholders and there was agreement about the aims. The extent to which informal aims played a role and the extent to which these influenced the mission.
- IV. The role of the political decision-making process in the planning and execution of the mission.
- V. How and to what extent local needs (of the population, police, justice system) were taken into account when formulating the aims and approach of the mission. To what extent the aims and approach were designed collaboratively with relevant Afghan actors (including police, and national and regional governments), with locally active international actors (including EUPOL, NTM-A and UNAMA). To what extent this collaboration went well.
- VI. How and to what extent there was timely planning for the end of the mission (exit strategy).
- VII. How and to what extent local ownership of the aims and outputs of the mission by the Afghan national and provincial authorities was actively encouraged and supported during and since the mission, and how this local ownership developed: . the role of the Afghan authorities in promoting the aims of the mission.
- VIII. How the mission was experienced by the (different groups of) the population.
- IX. Wider developments in Afghanistan and Kunduz in the areas of politics, security, justice, and economics during and since the end of the mission.

- X. The activities of other locally active international actors for promoting the rule of law, police, and security during and since the end of the mission (including but not exclusively EUPOL, NTM-A and UNAMA).

3. Wider impact mission: which unintended consequences (both positive and negative) did the mission have?

4. Which lessons can be provided for future missions?

ANNEX B: LIST OF INTERVIEW RESPONDENTS

Serial	Sector	Interview Respondent Role	Location	Gender	Nationality
1	Civil Society	Civil Society Representative	Kunduz	Male	Afghan
2	Civil Society	Civil Society Representative	Kabul	Male	Afghan
3	Civil Society	Civil Society Representative	Kunduz	Female	Afghan
4	Civil Society	Civil Society Representative	Kunduz	Female	Afghan
5	Civil Society	Journalist	Kunduz	Male	Afghan
6	Civil Society	Journalist	Kunduz	Male	Afghan
7	Civil Society	Journalist	Kunduz	Female	Afghan
8	Civil Society	Women's Affairs Representative	Kunduz	Female	Afghan
9	Civil Society	Journalist	Kunduz	Male	Afghan
10	Civil Society	Women's Affairs Representative	Kunduz	Female	Afghan
11	Civil Society	Women's Affairs Representative	Kunduz	Female	Afghan
12	Civil Society	Civil Society Representative	Kunduz	Female	Afghan
13	Civil Society	Civil Society Representative	Kunduz	Female	Afghan
14	Civil Society	Civil Society Representative	Kunduz	Female	Afghan
15	Civil Society	Civil Society Representative	Kunduz	Female	Afghan
16	Civil Society	Civil Society Representative	Kunduz	Female	Afghan
17	Civil Society	Civil Society Representative	Kunduz	Female	Afghan
18	Civil Society	Civil Society Representative	Kunduz	Male	Afghan
19	Civil Society	Civil Society Representative	Kunduz	Male	Afghan
20	Civil Society	Civil Society Representative	Kunduz	Male	Afghan
21	Civil Society	Civil Society Representative	Kunduz	Male	Afghan
22	Civil Society	Civil Society Representative	Kunduz	Male	Afghan
23	Civil Society	Civil Society Representative	Kunduz	Male	Afghan
24	Civil Society	Civil Society Representative	Kunduz	Male	Afghan
25	Civil Society	Civil Society Representative	Kunduz	Male	Afghan
26	Civil Society	Civil Society Representative	Kunduz	Male	Afghan
27	Civil Society	Civil Society Representative	Kunduz	Male	Afghan
28	Civil Society	Civil Society Representative	Kunduz	Male	Afghan
29	Civil Society	Civil Society Representative	Kunduz	Male	Afghan
30	Civil Society	Civil Society Representative	Kunduz	Female	Afghan
31	Civil Society	Civil Society Representative	Kunduz	Female	Afghan
32	Civil Society	Civil Society Representative	Kunduz	Female	Afghan
33	Civil Society	Civil Society Representative	Kunduz	Female	Afghan
34	Civil Society	Civil Society Representative	Kunduz	Female	Afghan

35	Civil Society	Civil Society Representative	Kunduz	Female	Afghan
36	Civil Society	Civil Society Representative	Kunduz	Male	Afghan
37	Civil Society	Civil Society Representative	Kunduz	Male	Afghan
38	Civil Society	Civil Society Representative	Kunduz	Male	Afghan
39	Civil Society	Civil Society Representative	Kunduz	Male	Afghan
40	Civil Society	Civil Society Representative	Kunduz	Male	Afghan
41	Civil Society	Civil Society Representative	Kunduz	Male	Afghan
42	Civil Society	Civil Society Representative	Kunduz	Male	Afghan
43	Civil Society	Civil Society Representative	Kunduz	Male	Afghan
44	Civil Society	Civil Society Representative	Kunduz	Male	Afghan
45	Civil Society	Civil Society Representative	Kunduz	Male	Afghan
46	Civil Society	Journalist	Kunduz	Male	Afghan
47	Civil Society	Journalist	Kunduz	Male	Afghan
48	Civil Society	Journalist	Kunduz	Male	Afghan
49	Civil Society	Women's Affairs Programme Officer	Kabul	Female	International
50	Civil Society	Women's Affairs Programme Officer	Kabul	Female	Afghan
51	Civil Society	Women's Affairs Programme Officer	Kabul	Female	Afghan
52	Civil Society	Civil Society Representative	Kabul	Male	Afghan
53	Civil Society	Civil Society Representative	Kabul	Female	Afghan
54	Civil Society	Analyst	Kabul	Male	Afghan
55	Police	Police Capacity Building	Kabul	Male	International
56	Police	Police Capacity Building	Kabul	Male	Afghan
57	Police	Police Capacity Building	Kunduz	Male	International
58	Police	Police Capacity Building	Kunduz	Male	Afghan
59	Police	Police Capacity Building	Kabul	Male	International
60	Police	Police Officer	Kunduz	Male	Afghan
61	Police	Police Officer	Kunduz	Male	Afghan
62	Police	Police Officer	Kunduz	Male	Afghan
63	Police	Police Officer	Kunduz	Male	Afghan
64	Police	Police Officer	Kunduz	Male	Afghan
65	Police	Police Officer	Kunduz	Male	Afghan
66	Police	Police Officer	Kunduz	Male	Afghan
67	Police	Police Officer	Kunduz	Male	Afghan
68	Police	Police Officer	Kunduz	Male	Afghan
69	Police	Police Officer	Kunduz	Male	Afghan
70	Police	Police Officer	Kunduz	Male	Afghan

71	Police	Police Capacity Building	Kunduz	Male	Afghan
72	Police	Police Officer	Kunduz	Male	Afghan
73	Police	Police Officer	Kunduz	Female	Afghan
74	Police	Police Officer	Kunduz	Male	Afghan
75	Police	Police Officer	Kunduz	Male	Afghan
76	Police	Police Officer	Kunduz	Female	Afghan
77	Police	Police Officer	Kunduz	Female	Afghan
78	Police	Police Officer	Kunduz	Male	Afghan
79	Police	Police Officer	Kunduz	Male	Afghan
80	Police	Analyst	Kabul	Female	International
81	Police	Police Officer	Kabul	Male	Afghan
82	Police	Police Officer	Kabul	Male	Afghan
83	Police	Police Officer	Kabul	Male	Afghan
84	Police	Analyst	Kabul	Male	Afghan
85	Police	Analyst	Kabul	Male	International
86	Police	Police Officer	Kabul	Male	Afghan
87	Police	Police Officer	Kabul	Male	Afghan
88	Rule of Law	Civil Society Rule of Law Capacity Building	Kabul	Female	International
89	Rule of Law	Civil Society Rule of Law Capacity Building	Kabul	Male	Afghan
90	Rule of Law	Civil Society Rule of Law Capacity Building	Kabul	Male	Afghan
91	Rule of Law	Justice Sector Capacity Building	Kabul	Male	International
92	Rule of Law	Justice Sector Capacity Building	Kabul	Male	Afghan
93	Rule of Law	Judiciary	Kunduz	Male	Afghan
94	Rule of Law	Judiciary	Kunduz	Male	Afghan
95	Rule of Law	Civil Magistrates Department	Kunduz	Male	Afghan
96	Rule of Law	Justice Sector Capacity Building	Kunduz	Male	International
97	Rule of Law	Justice Sector Capacity Building	Kunduz	Male	Afghan
98	Rule of Law	Prosecutor's Office	Kunduz	Male	Afghan
99	Rule of Law	Prosecutor's Office	Kunduz	Female	Afghan
100	Rule of Law	Department of Justice	Kunduz	Male	Afghan
101	Rule of Law	Department of Justice	Kunduz	Male	Afghan
102	Rule of Law	Department of Justice	Kunduz	Male	Afghan
103	Rule of Law	Department of Justice	Kunduz	Male	Afghan
104	Rule of Law	Justice Sector Capacity Building	Kunduz	Male	Afghan
105	Rule of Law	Civil Society Rule of Law Capacity Building	Kunduz	Male	Afghan
106	Rule of Law	Civil Society Rule of Law Capacity Building	Kunduz	Male	Afghan

107	Rule of Law	Prosecutor's Office	Kunduz	Male	Afghan
108	Rule of Law	Civil Society Rule of Law Capacity Building	Kabul	Male	Afghan
109	Rule of Law	Justice Sector Capacity Building	Kabul	Female	International
110	Rule of Law	Justice Sector Capacity Building	Kabul	Female	International
111	Rule of Law	Justice Sector Capacity Building	Kabul	Male	Afghan
112	Rule of Law	Justice Sector Capacity Building	Kabul	Female	Afghan

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