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**COMPREHENSIVE EU ACTION TO SUPPORT AFGHAN EFFORTS IN
STRENGTHENING CIVILIAN POLICING AND RULE OF LAW POST 2014**

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IN STRENGTHENING CIVILIAN POLICING AND RULE OF LAW POST 2014

EXECUTIVE SUMMARY

This paper underscores the likelihood that Afghanistan will not become a stable and full-fledged democracy in the next few years. But equally, a complete reversal of the gains of the past decade appears unlikely, even though it may be realistic to expect continued violence post-2014. It is probable that any positive change we can expect in Afghanistan will continue to be gradual. Success in supporting the overall stabilisation will likely depend as much on the political transition, the reconciliation and peace process as on Afghan military and para-military capabilities. But in the longer term, state-building, of which the Rule of Law will be a key element, will be equally determining.

The paper summarises the main options for the EU to discuss in the light of its commitments, taken at the Kabul, Bonn, and Tokyo Ministerials and at the Chicago NATO Summit and its objectives as stated in the FAC conclusions, which will also be reflected in the draft Cooperation Agreement on Partnership and Development (CAPD). The options for consideration cover a range of choices from a continuation of the current mix of instruments (development assistance and a Common Security and Defence Policy (CSDP) operation, i.e. EUPOL AFGHANISTAN (EUPOL) to a progressive or more rapid phasing out of CSDP activities. The need for a more coherent and comprehensive approach is highlighted.

It is argued that a period of post-conflict consolidation, i.e. the period after transition ("the decade of transformation") might offer a better chance of success for an EUPOL-type operation than was the case in the last six years. To cease activities at the moment when transition is planned to end would not fit with the logic of the Bonn, Tokyo and Chicago conclusions. Due to the number of uncertainties with regard to the future, there is no guarantee that a continued EUPOL presence will be more successful than before. But ending the mission in 2014 or dramatically scaling back resources would risk losing the gains made to date.

Our cooperation must be tailored to the situation on the ground, with a wide degree of built-in flexibility. It should respect our commitment to on-going support for the running of the Afghan civilian police; continue to target the justice sector through both assistance and political dialogue; and seek to preserve EUPOL's achievements. It has to take into account the fact that the sustainability of our work on the police and Rule of Law depends not only on training and funding, but on progress across a broad range of issues including the development of viable public finances, democratic oversight and functioning public administration at national and sub-national levels.

Given the uncertainties, a phased approach might make the most sense, with the EU pursuing a more coherent programme of actions. This approach could form the basis for a sustainable exit strategy, to be negotiated with the Afghan authorities. It could become part of Joint Programming by EU and Member States in Afghanistan.

The date for a shift to such a scenario could be in 2016 or 2017 – i.e. the end of the initial funding period foreseen at the Tokyo Conference. Further planning should ensure sufficient flexibility in the post-transition period. The planning process should build in contingency planning for a deteriorating security situation, while further pursuing the main planning assumptions in the perspective of a gradually stabilising security situation in Afghanistan. EU's efforts should be closely coordinated with NATO in order to avoid possible overlaps and build on related arrangements for security, force enablers and life support.

Introduction

The EU made a commitment at the Chicago summit in May 2012 and the Tokyo Conference in July of that year to support the Government of Afghanistan's efforts to strengthen civilian policing and Rule of Law in the coming years, based on the Council conclusions of November 2011 and May 2012.

This was part of an international commitment to support Afghanistan beyond the end of the transition period in 2014 in order to prevent Afghanistan from again becoming a safe haven for terrorists, consolidate the gains made over the last decade and provide sustained and predictable support to the country as it looks to build state structures and institutions that will contribute to increased security, improved governance and better development for all Afghans.

Endorsing the CIVCOM advice of 26 October 2012, the Political and Security Committee '(...) invited EEAS and Commission to prepare by mid-2013 a paper for comprehensive EU action to support Afghan efforts in strengthening civilian policing and Rule of Law, with the aim of informing a decision on possible CSDP engagement post 2014'.

This paper, jointly presented by the EEAS and Commission services, invites Member States to consider the different options as to how the EU might fulfil the commitments endorsed by Ministers. The aim is to agree on political guidance on how to further orient the EU planning process in the field of civilian policing and Rule of Law. This should be taken forward in a flexible manner in order to respond to possible developments in the overall Afghan transition process.

Political and security environment

The likelihood is that Afghanistan will continue to be a conflict-afflicted and fragile state after the transition and the security situation will be of critical importance to wider political and development objectives. It is unlikely that Afghanistan will become a stable and full-fledged democracy in the next few years. But equally, a complete reversal of the gains of the past decade is unlikely, even though it may be realistic to expect an increase in violence post-2014. It is probable that any positive change we can expect in Afghanistan will continue to be gradual. Success in supporting the overall stabilisation will likely depend as much on the political transition, the reconciliation and peace process as on Afghan military and para-military capabilities. It will also inevitably depend on our success in helping Afghanistan to establish government institutions which are capable of providing essential services and of maintaining the basic machinery of the state.

State-building will continue to take time and cannot be seen in isolation. By 2015, Afghanistan will not be a striving middle income society but will still be one of the poorest developing countries in the world. The EU and its Member States committed themselves at the Kabul, Bonn and Tokyo ministerial meetings, as well as at the NATO Summit in Chicago, to assist and support the Afghan Government and people well beyond 2014. Since 2001, substantial resources have been invested in Afghanistan's development, but while there has been important progress in domains such as women's rights, health and education, they remain fragile and reversible.

The credibility of the political and the security transition will crucially depend on strengthening democratic governance in Afghanistan, at national, provincial and district levels. This is a long term, generational task and the EU has been addressing it since the 2009 Action Plan made it a priority. Moreover, next year's Presidential elections will play an important part. Previous elections have been marked by systematic fraud and the Afghan authorities need to

boost confidence that the 2014 elections would not merely be a repeat of the 2009 exercise. The government in Kabul needs to be perceived by Afghans as legitimate for the transition to become sustainable.

However, ultimately, nation-building can only be successful if there is a prospect of an end to the conflict within the "decade of transformation". NATO's role is about to change fundamentally and the hope is that the reduction in the Alliance's presence and its withdrawal from combat duties can contribute to a negotiated solution on the basis of the Bonn "red lines"¹.

The peace process remains uncertain. It remains to be seen how much the opening of a Taliban office in Qatar can contribute to the negotiations between the Taliban and the High Peace Council (HPC) of Afghanistan. It will, however, be an important step forward if Afghan government and opposition representatives can unite behind the HPC. The EU's engagement in the peace process is limited to providing political support to the HPC and acting as a facilitator between the HPC, Afghan civil society and members of the opposition. The EU stands ready to support a political settlement in accordance with the agreed Bonn 'red lines'. Meanwhile, Afghanistan-Pakistan relations remain difficult, influenced by internal developments in both countries as well as the state of relations with important third partners (such as India, China or the United States). Alleged safe havens for armed groups and the indirect or direct support of different Taliban movements remain highly divisive issues.

While the role of Pakistan is a crucial factor, all regional actors need to be involved in a successful peace process. There is a recognition that all Afghanistan's neighbours stand to benefit from a peaceful Afghanistan with open frontiers allowing trade and communication between Central and South Asia. This recognition is the basis for the 'Heart of Asia' Process (HoA), which the EU has supported since its launch in Istanbul in November 2011. The HoA Process is the only political process so far involving all the countries in the region.

The EU's future policy in Afghanistan – and that of the international community generally – is based on four assumptions:

1. The context for our work will be a difficult security situation. With the draw-down in the international presence, and given that many of the Afghan factions and Afghanistan's neighbours have everything to gain from a reduction in the level of violence, that context could, however, be more favourable in the coming years;

¹ "... the peace and reconciliation process and its outcome must be based on the following principles:

(a) The process leading to reconciliation must be

- truly Afghan-led and Afghan-owned; as well as
- inclusive, representing the legitimate interests of all the people of Afghanistan, regardless of gender or social status.

(b) Reconciliation must contain

- the reaffirmation of a sovereign, stable and united Afghanistan;
- the renunciation of violence;
- the breaking of ties to international terrorism;
- respect for the Afghan Constitution, including its human rights provisions, notably the rights of women.

(c) The region must respect and support the peace process and its outcome."

2. The EU is fully committed to maintaining its presence in Afghanistan, or even expanding it, if conditions allow; this will be addressed in our draft Cooperation Agreement on Partnership and Development (CAPD) which is in the final stages of negotiation;
3. State-building will remain a fundamental part of our work, backed by development programmes in essential areas such as health and economic development;
4. The Rule of Law must be a crucial element, perhaps the most crucial, in that task, implying a major involvement by the EU in the policing and justice sectors for some time to come.

Civilian framework for Afghan transition

The international community's attention is increasingly turning towards the long-term sustainability of the structures it has helped to build in the last 12 years. Through a series of international conferences, in London and Kabul in 2010, in Bonn in 2011 and in Chicago and Tokyo in 2012, it has encouraged the Afghan authorities to put in place an accelerated series of key reforms, many of which were foreshadowed in the 2006 London Compact and indeed in the Afghan National Development Strategy 2008-13. These commitments have been only partially implemented – not least because the spotlight has been largely focused on counter-insurgency at the expense of state building. The Bonn Conference set the stage for a "decade of transformation" to follow transition. Tokyo endorsed a new Afghan economic and development strategy, "Towards Self-Reliance", which, together with the 22 National Priority Programmes will be the principal vehicles for implementing the Bonn and Tokyo commitments.

The Tokyo conference introduced an element of conditionality through the Mutual Accountability Framework (TMAF) which prioritised issues such as governance, Rule of Law and human rights, including gender aspects; more efficient and more transparent public finance management; credible, inclusive and transparent elections; and strengthening the environment for economic growth. All these factors, which will also feature in the CAPD, are relevant to the successful development of an effective and responsible police force and judiciary.

Coordination with NATO

The nature and design of NATO's future support mission and EU Member States contributions to it will be crucial for the ability of any EU mission to operate effectively on the ground. NATO's current planning assumptions for a future support mission ('Resolute Support') were confirmed at the Defence Ministers meeting on 22 February 2013. They include a reduced military presence, with the mission centred in Kabul and possibly 4 regions. Training, advising and mentoring would take place mainly at strategic, corps and police zone levels. In addition, any such planning will have to be based on the security and status of forces agreements that are currently being negotiated. With the new NATO CONOPS in place, the design of any future CSDP activities will need to be closely coordinated with NATO in order to avoid possible overlap with "Resolute Support". In addition, any future continued provision of EUPOL field offices will to a large extent depend on NATO providing physical security, the necessary force enablers and life support.

The success of EU interventions, including of any future EUPOL mission, will thus depend on large part on external factors that are outside the control of the EU. They will very likely remain at the level of a limited contribution as part of the expected international efforts post 2014.

The overall political, security and macroeconomic situation is likely to substantively determine the impact of efforts to develop a sustainable civilian policing capacity and strengthened

Rule of Law. Given a trend towards gradual stabilisation, the envisaged reduced international presence post-2014, could, however, offer the opportunity to put civilian policing more to the forefront.

EU's current engagement

EUPOL AFGHANISTAN: At present, the Mission consists of some 350 international personnel from EU Member States and the third contributing states Canada and Croatia (authorised strength of 400 international staff). Its mandate runs until the end of 2014 focusing on the development of civilian policing and its connection to the criminal justice system, including high-level and specialised training, institutional development including mentoring and advice and police-prosecution linkages. The EU and Member States took a decision in 2007 to concentrate on training, advising and mentoring the upper echelons of the Ministry of the Interior, uniformed police and relevant Rule of Law interlocutors. As a result of the Strategic Review undertaken in 2012 for the Mission, this is still the general approach. This is coordinated with the foundation training support for the rank and file Afghan National Police (ANP) that other donors were providing – in particular the NATO Training Mission (NTM/A). Outside Kabul, EUPOL's presence is currently being concentrated in four locations (Mazar-e Sharif, Herat, Kunduz, and Lashkar Gah). Over EUR 295m have been allocated for EUPOL since 2007 under the CFSP budget.

EU support from the Development Co-operation Instrument (DCI) and the Instrument for Stability (IfS): The EU's contribution principally funds police salaries and provides on a limited basis support for capacity building and community policing. Some EUR 412m since 2002 has been allocated for that purpose making the EU one of the largest contributors to the Law and Order Trust Fund for Afghanistan (LOTFA). Currently, EU contributions to LOTFA are on hold, pending necessary assurances from an UNDP review into the management of the fund. Instrument for Stability is currently supporting a civilian police capacity building programme (EUR15m – for the establishment of a Police Staff College and a Crime Management College and quick impact capacity building targeting activities such as community policing, dealing with cases of violence against women and ensuring the right to legal aid. At regional level, the EU supports the confidence-building measures as part of the Heart of Asia initiative, including capacity building for border management and trade facilitation (initially with EUR 15m).

The EU is also supporting *judicial reform* – specifically the Justice Service Delivery Project (JSDP) – mainly through the World Bank-managed Afghanistan Reconstruction Fund (ARTF). The EU already contributed to the Justice Sector with EUR 20m under the previous MIP while the current allocation to the JSDP (EUR 20m) has been deferred until the finalisation of an agreed National Priority Programme for Justice – in line with the terms of the Tokyo Mutual Accountability Framework. IfS also supported a precursor to the DCI funded judicial reform programme (EUR 2.5m).

EU Member States are currently engaged in different ways with civilian policing and justice, specific bilateral training activities and funds allocated via UN and World Bank as reflected in the yearly Implementation Reports on the *Plan for Strengthening EU Action in Afghanistan (2009 Action Plan)*.

Expected Achievements by end 2014

Notwithstanding numerous difficulties, the EU has made a substantial contribution to strengthening civilian policing and Rule of Law in Afghanistan since 2002. That contribution has been critical in sustaining the Afghan National Police (ANP) as an institution and developing Afghan capacities in civilian policing and Rule of Law, including the reform of key ministries. The new 10 year vision for the ANP's development and the five-year-strategies for the Attorney General's Office and the Ministry of Justice partly reflect this progress.

The overall level of competence of police and prosecutors has increased to an extent. By the end of 2014, training will be in Afghan hands and the process of basic training will be largely self-sustaining². Community policing, intelligence-led policing, criminal investigations and anti-corruption capacities will exist, but could not be considered to be operational in a sustainable way.

The EU has funded a EUR 15 million project under the IfS to design and build a Police Staff College and a Crime Management College in Kabul, to provide training premises and equipment for ANP officers, enabling reform activities to continue focusing on police leaders, including through the development of the capacity of the police to train themselves. The MoI has allocated two buildings in the Afghan National Police Academy for refurbishment and use as a Crime Management College. The EU is pursuing this work together with IOM, demonstrating synergy between the Instrument for Stability and the EUPOL mission.

The ANP can be expected to become a police force with a reasonable management structure and basic capacity skills in the near future. But capacity remains very uneven, both within and between fields of expertise and at central, regional and district levels. Community policing is still in the initial phase of being rolled out and will need to be further developed in order to reach its full potential.

More specialised functions will need considerable further development. The ability to investigate and prosecute organised and economic crimes will not be sustainable and require considerable support. Advanced training will still need support, as well as training and mentoring, mentoring and advising for institutional development.

Police-prosecutor-cooperation is on the right track but still at an early stage and the current weakest links in the chain – Courts and Judges – are not currently included in EUPOL's area of capacity-building, as not being part of its mandate.

Mainstreaming gender sensitive practices and human rights awareness into the law enforcement authorities has not been successful. The 10 year vision recognises this and attempts to address it. The responsible directorate in the Ministry of Interior has both investigative powers and the task of preparing legislation. But the staff lack the necessary know-how. It is unlikely that the responsible directorate would be maintained without continued monitoring and mentoring from the international community.

In spite of the achievements listed above and the improved overall capability of the ANP, it would be premature to assess that, by the end of 2014, Afghan capabilities are in place to continue independently to develop and professionalise its police.

Key challenges

The task of developing and making Afghan owned and sustainable civilian policing and Rule of Law cannot be addressed through short-term projects alone:

² EUPOL will hand over the bulk of the training activities and the management of training in Staff College and Crime Management College to Afghan hands already by end of December 2013, allowing for a longer period to monitor, mentor and advice.

- General lack of Afghan capacities: In spite of progress made since 2002, post transition Afghanistan will still be one of the poorest countries in the world, with relatively weak public administration and governance structures. More than 80% of the national budget comes from foreign aid as national income, productive investments, and taxation are still very limited. Even under the most optimistic economic scenarios, there will continue to be dependency on international aid for the foreseeable future. This includes to a very large extent the security forces, and the sector of Rule of Law / civilian policing where needs, across the board, will remain considerable. Only in the long run, and with substantial international support, will the state be able to build and sustain the key institutions that will safeguard the gains made and provide services to its people, including justice, security and development. The scale of the task has been recognised in the ANP's 10 year vision as well as in the five year strategies of the Attorney General's Office and the Ministry of Justice. Both the Minister of Interior and the Minister of Finance have requested continued EU support for the ANP post-2014, both through EU funding and training/mentoring.
- Possible continued priority for counter-insurgency: The environment for supporting civilian policing and Rule of Law has been extremely challenging. The limited impact of the intervention made to date is in large part the result of the continuing counter-insurgency focus of the Afghan National Security Forces (ANSF), including the police. Until and unless there is an inclusive and sustained peace agreement which leads to a marked improvement in the security situation, efforts to strengthen civilian policing risk being undermined by the continuing diversion of police resources to counter-insurgency tasks³.
- Justice sector: The Government of Afghanistan has not been willing to invest the necessary political capital to reform the judicial sector. The police sector has always been better financed than the justice sector and the modernisation of the justice sector has not become a political priority neither within all parts of the international community nor within the Afghan government. Yet the implications of a large and powerful force of trained police without an effective judiciary to implement the Rule of Law are very considerable. Of all Afghan citizens, women are at particular risk from this omission.
- Afghan buy-in: Experience has shown that Afghan ownership – at all levels – and active support is essential for any projects, in the development or security field, to succeed.
- Fundamental structural issues remain to be addressed: The division of responsibilities, numbers and budget between the various security forces, in particular the Afghan National Army (ANA) and ANP remain unresolved; corruption remains rampant across all law enforcement and judicial institutions. Institutions are not yet sufficiently robust to tackle corruption and resist political and financial interference. Addressing these issues is fundamental to gaining and maintaining public support for the police and court system. But this will require the political will to overcome entrenched vested interests.
- The police are not an isolated case: Ultimately, the police cannot be self-sustaining without a strong administration, a functioning judiciary, democratic oversight and an effective public finance management - all areas which feature in the TMAF and which are supported by EU, Member States and other donors.

³ GIROA figures for the recent 12 months reflect an increase of attacks (over 6,300 insurgency attacks on Afghan police forces) and an increase in casualties (by 15 % to at least 1,800 Afghan police forces killed).

- *Coordinating mechanisms*: The Trust Fund steering committees and the International Police Coordination Board (IPCB) need to be further developed in line with new Trust Fund arrangements. Moreover, any Trust Fund and coordination arrangement will need to take into account ANP's '10 year vision' and strategies of the Attorney General's Office and the Ministry of Justice. Reinforcing Afghan ability to steer such coordination and promoting Afghan ownership, including in Secretariat functions, should be a mid-term objective. A broadened basis of funding for the IPCB Secretariat should also help to better integrate other international actors.

Possible options to be considered for EU support post 2014

President Barroso made a clear commitment at the Chicago summit that the EU would continue to support strengthening civilian policing and the Rule of Law. It is currently intended that the EU will continue to use part of the bilateral DCI envelope for Afghanistan for this purpose. However, no decision will be possible on the allocation of funds or the strategic objectives for programming at country or regional level until final agreement on the 2014-20 Multiannual Financial Framework (MFF) has been reached. In line with Paris and Busan conclusions on aid effectiveness in fragile states, a high degree of coordination between the EU programming and the bilateral engagement of EU Member States and other international actors will be sought.

These efforts should not lose sight of the key objectives: Reform of the justice sector; improvement in the running of the police and the further strengthening of its leadership. This should include improving the Afghan capability to carry out law enforcement duties as a civilian democratically accountable police force and increase their capacity to pursue their internal reforms, including training and mentoring of trainers and high ranking officials.

Over the next years, it is envisaged to put the running costs of the ANP on a more sustainable footing, enhancing capacity building and effective integration with the justice sector. But it should be recognised that more could and should be done to make the different policing and Rule of Law interventions more than the sum of their parts – maximising the synergy between each of the interventions to ensure the overall approach is comprehensive and aligned.

The phasing out of the Provincial Reconstruction Teams (PRTs) in the coming months makes this an opportune time to decide how best to reconfigure scarce resources. Greater efforts should also be made to reinforce and develop coordination with all international actors working in the sector to maximise value, minimise overlaps and reduce the burden on overstretched Afghan authorities.

For the EU, the objectives in the Rule of Law sector must include the aspects set out in the draft CAPD, in particular the protection of human rights, above all those of women and children; combatting corruption and organized crime, including drug trafficking; and reinforcing the credibility of law-enforcement institutions as the backbone of any modern state.

Three broad options, or a combination thereof, could therefore be taken into consideration:

- a) Continuation of EU funded programmes to strengthen civilian policing in Afghanistan, including salary payments and the effective integration with the wider justice sector; phasing-out of CSDP presence at the end of the current mandate (2014);
- b) Continuation of EU funded programmes to strengthen civilian policing in Afghanistan, including salary payments and the effective integration with the wider justice sector and, in parallel, retain a certain expertise in civilian polic-

ing and Rule of Law with a reduced training, mentoring, monitoring and advising capacity in the EUSR/EUDEL team;

- c) Continue the existing mechanisms, i.e. EU funded programmes to strengthen civilian policing in Afghanistan, including salary payments and the effective integration with the wider justice sector with parallel capacity-building, monitoring, mentoring, advising and training, especially at senior management level, through a continued CSDP presence. The latter would be either a Kabul centred mission or, based on the needs and security permitting, have wider coverage, i.e. both in Kabul and in selected provinces.
- d) Combination of the options. These all depend on the funds being made available in the 2014-2020 MFF.

A degree of flexibility would need to be built into planning from the start, given the uncertainties set out above, to maximise the complementarity of the interventions under different instruments and to maximise the ability to support Afghan reform where they were evident. At present, the majority of EU funding goes to running costs, while EUPOL concentrates on training, mentoring, monitoring and advising on increasingly strategic levels. DCI funding (EUR 20m) for the justice sector is being held back pending the development of a credible national priority programme. Outside these two sectors, the EU is, and will remain, an important actor in capacity-building in areas relevant to law and order, ranging from public administration to monitoring by parliament.

In the longer run, a coordinated approach led by the EUSR/HoD would pay dividends, especially if it were to be decided to move towards joint programming.

a) Focus on the continuation of the EU funded programmes to strengthen civilian policing in Afghanistan, including salary payments;

Effective integration with the wider justice sector;

Phasing-out of CSDP presence at the end of the current mandate.

This option would continue EU support for civilian policing capacity in Afghanistan and to develop more effective links with the wider justice sector, funded preferably through Trust Funds. It would allow for a stronger Afghan engagement if the coordination mechanisms under the Trust Funds give increased weight to the views of the Afghan authorities in determining priorities. At present, it is not recommended that substantial sums be routed through the national budget directly although this could be considered later in the light of progress on public finance management and transparent oversight of use of funds, two key elements in the TMAF.

This option would also recognise the difficulty of making progress in actually developing civilian policing capacity in the absence of sustained political leadership from the Afghan authorities and the continuing impact of the on-going insurgency. The risks are that the capacities built since 2007 are unlikely to be sustainable and that the added value provided by EU civilian police training on the ground would be lost, arguably at the time when it is most needed and could be most influential. The exit strategy for the EUPOL mission would aim to transfer the training and other activities to other actors where needed and possible, so as to ensure follow-up activities as required.

Envisaging Trust Funds as a vehicle for that purpose would require the agreement of the responsible organisations, the other main donors and, in particular, the Afghan authorities. Their current funding priorities are very clearly linked to ANP salaries. EU support in this domain can be expected to remain a significant component in support of civilian policing,

in particular if the high overall numbers for ANSF personnel are maintained - as announced by NATO SG during his visit to Kabul in March 2013. There is little or no prospect of the Afghan authorities being able to finance a significant proportion of police salaries from the central budget for several years.

Over time, and depending on the emergence of more sustainable Afghan budgetary structures, it may be envisaged to reduce funding for running costs and shift towards more capacity building and improving the interface between the police, prosecution and the judicial institutions..

b) Focus on the continuation of the EU funded programmes to strengthen civilian policing in Afghanistan, including salary payments;

Effective integration with the wider justice sector;

Retain expertise in civilian policing and Rule of Law as part of an enlarged EUSR/EUDEL team.

This option would continue existing priorities but would foresee parts of functions currently being undertaken by EUPOL to be integrated in an enlarged EUSR/EUDEL team. It would facilitate increased synergies between the different EU interventions and enable continued monitoring of police and justice-related projects. Institutional memory would be retained and a re-defined new EUSR mandate could lead to stronger collective EU leverage at national level. It should allow economies of scale including a possible reduction of personnel, and a reduction of costs for logistics and IT.

The discontinuation of EUPOL activities before a more self-sustaining Afghan capacity has been built up risks losing some of the gains achieved until now. The EU would no longer have enough capacity to implement the breadth and diversity of projects that EUPOL currently runs, implying a reduced operational focus and a smaller police and Rule of Law-specific footprint.

c) Continue EU funded programmes to strengthen civilian policing in Afghanistan, including salary payments;

Effective integration with the wider justice sector

Capacity-building, monitoring, mentoring, advising and training, especially at senior management level, through a continued CSDP presence, either:

- a Kabul-centred mission or,
- based on the needs and security permitting, wider coverage in both Kabul and some provinces.

This option would continue to provide a comprehensive package of support to improve the quality of civilian policing and Rule of Law in Afghanistan. Success would depend on sufficient political will on the part of the Afghan authorities and sufficient progress in the overall security situation for the ANP to move beyond a primarily counter-insurgency approach. This type of intervention would be highly visible. The continuity of engagement would enable benefits to accrue from established relationships with both local and international stakeholders.

Under this option, whether it will prove possible to continue with a provincial presence, as well as Kabul, would also depend on the overall level of security and on NATO providing the necessary force enablers. A presence in certain provinces would allow continued direct involvement in policy planning, implementation and mentoring in some of the main popu-

lation centres. Such an approach would be important to bridge the gap between capacity levels at the centre and in the provinces.

This option would be developed along the lines of existing resource allocations for infrastructure, equipment and personnel, including the internal coordination to align EUPOL and EU Delegation activities.

A Kabul-centred concept would reduce the impact of the mission but would also limit the exposure of EU personnel. The reduction in scope and ambition could lead to simpler organizational structures, so allowing additional economies to be made. Depending on force enablers and security conditions, mobile teams could provide some of the training and mentoring tasks at local level currently provided by field offices.

d) Combining options and additional parameters

A combination of options b) and c) should also be considered: To continue EUPOL and EU funded programmes until 2016 (Tokyo time scale), while considering , subject to the situation on the ground, a comprehensive approach on policing and the Rule of Law as part of Joint Programming for the period after 2016. Enabling the EUSR team to take over some advisory functions from EUPOL could be done gradually while phasing out EUPOL by 2016.

In general, the EU comprehensive approach would target the role of the police and the judiciary in areas identified in Council conclusions, the Tokyo Framework and the forthcoming Cooperation Agreement on Partnership and Development. It would also have to include the regional dimension. Possibilities of continuing and adapting the current support for regional cooperation should be examined in the framework of the Heart of Asia initiative. This should include the current support for capacity building in border management and trade facilitation.

Future EU support would benefit greatly from increased coordination between Member States and EU instruments. It could include EU and Member State support in the field of civilian policing and Rule of Law as part of overall Joint Programming exercise in Afghanistan for the period after 2016. This Joint Programming would be pursued in close dialogue with the Afghan authorities, including at partner country level in order to respond to specific needs and the situation on the ground.

Conclusions

1. The sustainability of our work on the police and Rule of Law depends not only on training and funding, but on progress in our comprehensive approach including the development of viable public finances, democratic oversight and functioning public administration at national and sub-national levels.
2. Our cooperation must be tailored to the situation on the ground, with a wide degree of built-in flexibility. It should respect our commitment to on-going support for the running of the Afghan civilian police; continue to target the justice sector through both assistance and political dialogue; and seek to preserve EUPOL's achievements. But it should also lay the groundwork for a different, longer-term involvement by the EU. EU's efforts should be closely coordinated with NATO and build on related arrangements for security and force enablers and life support.
3. It could be argued that a project like EUPOL is best fitted for a period of post-conflict consolidation, i.e. that the period after transition ("the decade of transformation") would, in principle, offer a better chance of success for an operation of this kind than was the case in the last six years. To cease activities at the moment when transition is planned to end could be self-contradictory, and would not fit with the logic of the Bonn, Tokyo and Chicago conclusions. Ending the mission in 2014 or dramatically scaling back resources will retard the development of civilian policing and risk losing the gains made to date.
4. The EU should work with key donors to press for a more effective future Multi-Donor Trust Fund structure aimed at reducing the component for salary payments and increasing capacity building and community policing skills; it should pursue a pragmatic approach regarding the coordination of international support in the field of civilian policing and RoL, aiming at a high degree of Afghan ownership and leadership and taking into account the future ANSF Trust Fund architecture. The IPCB's working methods should be adapted accordingly. In the light of relative progress made, possibilities to re-prioritize objectives of EUPOL should be examined. Further planning should ensure sufficient flexibility in the post-transition period. The planning process should build in contingency planning for a deteriorating security situation, while further pursuing the main planning assumptions in the perspective of a gradually stabilizing security situation in Afghanistan.
5. Given the uncertainties, a *phased approach* might make the most sense, with the EU pursuing a more coherent programme of actions and a shift over time towards integration of the lessons learned from EUPOL and our support through DCI. This approach could form the basis for a *coherent and sustainable CSDP exit strategy*, to be negotiated with the Afghan authorities. This strategy could be supported through *Joint Programming* by EU and Member States in Afghanistan.
6. The date for a shift to such a scenario could be in *2016 or 2017* – i.e. the end of the initial funding period foreseen at the Tokyo Conference. This might also be a good moment to *focus more specifically on the priorities* set out in past FAC conclusions, the Tokyo Mutual Accountability Framework and the forthcoming Cooperation Agreement on Partnership and Development. These include the Rule of Law but also areas such as human rights, including gender issues, and combatting corruption, narcotics-trafficking and organized crime.