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EXECUTIVE SUMMARY

Afghanistan is categorised as an irregular war, a phenomenon in which insurgency and counterinsurgency are the main and opposite elements. Insurgency is terrorism and subversion designed to wear down the resolve of the state over a protracted period for political profit, usually with the aim of overthrowing the existing government. Insurgency is hit and run guerrilla tactics by a network hidden in a community that supports it. The state's security and political response is counterinsurgency. In Afghanistan, the Taliban, other militias and extreme Islamist groups are the insurgency, and remain as much a threat today as they did at the time of the US-led intervention in 2001. Leaders and some group names have changed but the intent to destabilise the country to gain political power has not. Killing police is a key part of the insurgent strategy in Afghanistan.

Undermining the rule of law is a central objective of the Taliban, the main insurgent network, and crucial to projecting themselves as a credible alternative to the police in areas they control and seek to control. To counter this, Afghan police strive to provide effective security - protecting civilians, preventing terrorist attacks, increased detection and prosecution of offenders and recovery of munitions. These are tangible outcomes that increase public support for the police. As the police are such a visible manifestation of the state, public support for them is a barometer of public support for the state. As security improves civil or normal policing gains ground. The aim is to have civil policing in as many areas as possible. This is what police professionalisation programmes are about. And few would disagree with that objective. The problem arises in the practicalities of how this is done and how long it takes.

In Afghanistan, the rule of law has the police central to criminalising the insurgency – treating the Taliban as terrorist criminals to be placed before the courts. This is in line with the Whole of Government strategy and Afghan-based 'sustainable' way forward drafted by a US-dominated coalition. Understanding the threat underpins this thinking. Good police work is effective security. Successful rule of law approaches in previous irregular wars illustrate that security policing and civil policing combine to form a tougher police approach to that typically found in the West. It is a style of policing conceived for an irregular war, with opaque qualities and a hard edge more inclined to upset modernity's liberal sensitivities than police models designed for a stable, peaceful society.

Policing somewhere such as the US or Germany is totally different to Afghanistan. It is a distinction seldom embraced by international actors in identifying 'best practice,' where human rights, gender equality (emphasising women) and compliance with international standards are commonly promoted. Yet, delivering on these is wholly dependent on effective security. Just in the same way developing politics, economics and governance also depend on effective security. As long as terrorists routinely kill and destroy security is the priority. Without effective security, hospitals and schools cannot be built or jobs created, the lights cannot be kept on and the water kept running, neither can corruption and narcotics be properly countered. Everything that will progress Afghanistan is contingent on effective security.



In a rule of law approach in an irregular war the police are required to perform security and normal policing roles. Conflicting views on what constitutes this and what generates public support and trust in the police, as well as different expectations of what the police can deliver, shows confusion in the international community on the policing issue, and supports claims of poor coordination between military and civil actors at the strategic level.

Insurgency is a complex social movement and an enormous challenge to a police organisation. Compounding the challenge in Afghanistan is a tribal culture, corruption and a legacy of military control. Due to constant conflict since 1979, for many Afghans a police officer upholding the rule of law as the means of providing security is a distant or unfamiliar concept. Afghanistan's failure to modernise has left it a long way behind minimum western standards on policing, criminal justice, health, education, housing and social welfare. There is much to fix. Catching up takes time, something the European Union Police (EUPOL) mission in Afghanistan did not have. It started in 2007, seven years into the conflict, and ends December 2016. Yet it is widely accepted that Afghanistan's police need support beyond 2016.

EUPOL Afghanistan was approximately eight per cent of the police reconstruction effort and was largely based in Kabul and some northern provinces. It also had a small presence in the south. Since 2014 the mission has been confined to Kabul. The limited geographic coverage and its steady reduction make for a partial first-hand picture of the insurgent threat and capacity of the police to counter it.

Many see Europe as uniquely positioned to lead a unified police mission in an armed conflict, as opposed to the fragmented approach by various EU Member States that happened in Afghanistan. There is a sense of enthusiasm about the EUPOL concept in the relevant literature but also frustration that the mission in Afghanistan has underachieved, mostly due to reasons outside the control of those on the ground. In a disparate approach to building capacity in an array of Afghan police organisations by multiple international actors, there are concerns about duplication and contradictory guidance. There are also concerns about the quality of personnel recruited for the EUPOL mission and what best practice is for a police organisation in an irregular war context.

Kabul today is more dangerous than when EUPOL arrived. EUPOL Afghanistan operates in an irregular war. The difficulties it faces are immense and plentiful. The real value may not be what the mission actually delivers but in a critical analysis of the areas it focused on and the challenges it faced for the benefit of similar missions in the future.



1 INTRODUCTION

This review examines extant literature on Afghanistan in focusing on the EUPOL mission. Its purpose is to contextualise and inform ahead of a field visit to collect primary data.

According to the World Population Review (www.worldpopulationreview.com), the Islamic Republic of Afghanistan has a population of 32 million. “Most Afghans live in rural areas in tribal kinship groups. Around 10% of the population lives in the capital city, Kabul ... the second-largest city is Kandahar, with less than 400,000 people” (Ibid).

Afghanistan is a landlocked country, bordered to the south and east by Pakistan, to the west by Iran and to the north by Turkmenistan, Uzbekistan and Tajikistan. It also shares a small border to the east with China. The main languages are Dari and Pashto. Dari is Persian, which is the main language of Iran, and Pashto is a common language in Pakistan. Extensive and porous borders with Pakistan and Iran are major factors in Afghanistan’s current situation; particularly the disputed Durand Line that intersects the Pashtun territories of Afghanistan and Pakistan.

From the 19th century until the present, Afghanistan has suffered from conventional wars, civil wars and irregular wars. In each, there are external interests at play. An inherent inability by Afghan political leaders to modernise over the years and break divisive regional autonomies through a centralised government has made the state all the more vulnerable to malicious forces. The main natural resource Afghanistan is famed for is a poppy harvest that fuels a highly profitable illegal drugs business for the Taliban (Peters, 2009).

1.1 Conflict context Afghanistan

In the 1800s Afghanistan was a buffer state in the ‘Great Game,’ a pawn in a power struggle between the British and Russians in Asia (Hopkirk, 1990). Wars were common. Afghans defeated the British in the First Anglo-Afghan war (1839-42), in the Second (1878-80) the British were victorious, but in the Third (May 1919 - August 1919) an armistice resulted wherein Afghanistan achieved independence (Ibid). Attempts to modernise in periods of peace were thwarted.

In recent history little has changed. Since the Soviet-Afghan War (1979-89) the nation has known nothing but conflict. At this time Osama bin Laden led the foreign Afghan Arabs to support the Mujahedeen fighting the Soviets (Wright, 2007). Following the Soviet defeat a government was installed with Soviet support, which the Mujahedeen opposed. Out of the political turmoil emerged the Taliban. A series of mini civil wars took place that pitted the Taliban led by Mullah Omar against the Northern Alliance led by Ahmad Massoud (Ibid).

The Taliban prevailed, forming a government from 1996-2001. Mullah Omar sheltered bin Laden and al-Qaeda (Bergen, 2001). Massoud was assassinated by al-Qaeda two days prior to 9/11. Several months after 9/11 the US intervened in Afghanistan, removing the Taliban from power. A new government under Hamid Karzai was formed. And it is this form of government, now under Ashraf Ghani, that the West supports. Although bin Laden was killed in 2011 (Bergen, 2014), the



foreign fighter jihadist element in the form of so-called Islamic State persists, adding to a complex mix of Taliban, insurgent networks and tribal militias.

Of the current conflict, the *US Army and Marine Corps Counterinsurgency Field Manual (2007)* categorises Afghanistan as an irregular war that pits insurgents against counterinsurgents. Insurgency is a strategy that seeks to deliberately prolong the conflict. Kilcullen (2010, pp. 187-8) shows insurgents use violence within a joint political and military strategy, and those who renounce violence to pursue their objectives through political means are often accepted into government. Insurgents are accomplished terrorists and propagandists who do not need be popularly supported, a small support base is sufficient to sustain them.

Counterinsurgency is a “political response” that balances “social, economic, administrative, police and military efforts” (Thompson, 1996, p. 55). Counterinsurgency is a complicated undertaking involving multiple dimensions of which policing is one of the most important.

1.2 Outline of main events

- Soviet-Afghan War (1979-89)
- Bin Laden’s relationship with Mullah Omar during Soviet-Afghan War (1979-89)
- Soviet-backed government in Kabul (1989-96)
- Civil Wars (1989-2001)
- Taliban government based in Kandahar (1996-2001)
- Assassination of Ahmad Massoud (9 Sept 2001)
- 9/11 (11 Sept 2001) – start of the Global Insurgency (GI)
- US-led invasion of Afghanistan (Dec 2001) and Global War on Terror (GWOT)
- Start of Afghanistan’s irregular war (Dec 2001)
- President Karzai forms new government (2001)
- US-led invasion of Iraq (2003-11)
- Arab Spring, start of Syrian civil war and rise of Islamic State (2011)
- Bin Laden killed by US Special Forces in Abbottabad, Pakistan (2014)
- NATO/ISAF withdraw combat troops (2014)
- President Ghani elected (2014)
- Taliban Spring offensive (2015)

1.3 Key actors in the Afghanistan conflict

Attacks by al-Qaeda on 9/11 and the subsequent invasion by a US-led coalition is the starting point for the current conflict in Afghanistan. Unlike the later invasion of Iraq in 2003, it was a small military force of mostly US Special Forces that achieved quick success by arming and working with



the Northern Alliance, but was unable to secure a lasting peace (Edwards, 2010, pp. 975-6). The approach avoided the notion of illegal 'foreign' occupation, which hampered US-led efforts in Iraq. The war in Iraq diverted resources away from Afghanistan, which caused resurgence in the Taliban. 9/11 highlighted Afghanistan as a failed state that sheltered international terrorists, a situation al-Qaeda's foreign fighters fully exploited (Bergen 2001 and Wright 2007). The Pashtun tribal areas of West Pakistan are a safe haven for the Taliban – Pakistan Taliban and Afghanistan Taliban. As with Afghanistan, Pakistan similarly faces a Taliban threat.

1.3.1. AFGHAN GOVERNMENT

In the immediate years leading up to 9/11 the Afghanistan government was under Taliban control. The US-led invasion ousted the Taliban from power and placed Hamid Karzai as President. In the latest democratic elections in 2014 Ashraf Ghani replaced Karzai in what is called a unity government. Neither has been able to project the authority of the state beyond major urban centres into rural provinces.

Epitomising the fractious nature of Afghan politics, the last election result was bitterly disputed. Ghani's main opponent, Abdullah Abdullah, was given the position of Chief Executive Officer in a compromise brokered by the US. An article in *Foreign Policy* by Sharan and Bose in 2015 reviewed the government one year on, warning that it was in danger of mirroring Baghdad's ethnic bias that was a major cause of Iraq's instability and the rise of Islamic State. The unity government has not delivered increased stability and security, as many people expected.

1.3.2. TALIBAN

The Taliban is an Islamic fundamentalist political movement created to wage jihad against the Afghan government. Of them, Rashid (2010, pp. 1-2) writes:

Since their dramatic and sudden appearance at the end of 1994, the Taliban had brought relative peace and security to Kandahar and neighbouring provinces. Warring tribal groups had been crushed and their leaders hanged, the heavily armed population had been disarmed and the roads were open to facilitate lucrative smuggling between Pakistan, Afghanistan and Central Asia, which had become the mainstay of the economy.

Rashid further shows the Taliban is drawn from the Pashtun ethnic group (40% of the population) and had "galvanised Pashtun nationalism" through "Taliban victories" having "revived hopes that once again the Pashtuns would dominate Afghanistan" (Ibid).



Following the Soviet-Afghan War the Taliban profited from the people having tired of corrupt and despotic Mujahedeen leaders. In 1996 the Taliban overthrew the government and imposed a severe version of Sharia law. Although their ideology is anti-modern, similar to the fundamentalism of al-Qaeda, they are not the “bearded bigots of popular Western imagination” and are described as the “world’s most feared guerrilla fighters” (Ferguson, 2009, p. 1 and 15). Most Taliban are Pashtun tribesmen (Rashid, 2010, p. 1). Its original leader (Mullah Omar) died in 2013. Mullah Akhtar Mansoor was his successor. Today the Taliban is a loose alliance of separate militias with different agendas. It has an office in Qatar, a low profile facility designed to help future peace talks. In *Seeds of Terror* Peters describes the post-2001 Taliban:

The new Taliban – if it can still even be called the Taliban – is a fragmented, transnational force devoid of many of the group’s prior characteristics and political aspirations. ... the large umbrella movement now spans both sides of the border and includes fighters loyal to regional warlords and troublemakers who engage in everything from local terrorism and smuggling to kidnapping and racketeering ... The new Taliban might be found defacing ancient Buddha statues in northwest Pakistan, protecting drug convoys in Helmand, or bombing a police bus in Kabul. In some areas, gangland-style leaders who call themselves Taliban (or who are referred to locally as Taliban) have little contact with or allegiance to Mullah Omar’s core group. In fact, they probably interact more frequently with corrupt local officials ...

Some offshoots have regional aspirations, like attacking India or wreaking havoc in Uzbekistan, or possess global ambitions and work closely with al Qaeda. In many places, the insurgents’ field of vision is just a few remote districts along the border. To put it simply, there’s no way to easily define the blurry mix of bad guys who interact in various different ways across a vast expanse of ungoverned territory (Peters, 2009, p. 105).

1.3.3. PAKISTAN

Pakistan is accused of supporting the Taliban through the Inter-Services Intelligence (ISI), Pakistan’s foremost military intelligence agency operationally responsible for national security. In the Soviet-Afghan War ISI, along with the CIA, supported the Mujahedeen. In the subsequent civil war ISI assisted the Taliban against the Northern Alliance. After 9/11, however, successive Pakistan governments have insisted that they no longer support the Taliban. In his memoirs, the President of Pakistan Pervez Musharraf, shows how his country faced threats from al-Qaeda and the Pakistan Taliban and how he escaped several assassination attempts from these groups (Musharraf, 2008). Schroen (2005, p. 361) considers Pakistan to have been the US’s most “important ally in the war on terrorism.”

1.3.4. ISLAMIST EXTREMISTS

For most people in the world 9/11 awakened them to jihad, al-Qaeda and its billionaire Saudi leader. Bin Laden had updated a fundamentalist ideology in a way that galvanised those in Muslim



countries with grievances (political and historic) against the West. 9/11 spotlighted al-Qaeda's aim of restoring a Sunni caliphate by throwing the West out of all Muslim lands. For anyone who had been closely following events in Afghanistan, little of this was a surprise. Bin Laden had recruited Muslims from across the world into the Afghan Arabs to fight with their Mujahedeen brothers against Soviet infidels and was now doing the same to the US (Bergen, 2001).

The foreign fighter concept was replicated in Iraq, most notably through Jordanian Abu Musab al-Zarqawi, al-Qaeda in Iraq's most notorious leader (Brisard and Martinez, 2005). The so-called Islamic State, a new brand of al-Qaeda, mirrors Zarqawi's sectarian and brutal approach. Since Syria's civil war the foreign fighter concept has gained momentum once again in Afghanistan. The Islamic State may not be as closely aligned with the Taliban as al-Qaeda was under bin Laden, but its emergence is a major threat to the progress toward peace.

1.3.5. UK, SOVIETS, US AND EUROPE

Dating back to the First Anglo-Afghan War in 1839 the West has influenced events in Afghanistan. In the Soviet-Afghan War this was by the US arming the Mujahedeen. The US in the Cold War similarly opposed a Soviet-backed government in Kabul. Out of these interventions an unintended consequence was bin Laden's Afghan Arabs – the forerunner of al-Qaeda.

Of current reconstruction efforts by the international community led mostly by the US and supported by Europe, Edwards (2010) notes a weakness of "global actors" is "failure to understand the local context and hence what constitutes legitimacy." She correlates ineffective security to corrupt governance, points out 'global actors' tend to see legitimacy in Western enlightenment terms and highly rates close relationships between internationals and locals (Edwards, 2010, pp. 981-3). In Edwards' view, for a westerner to understand Afghanistan's problems they need to spend a lot of time with Afghans to build relationships and trust.

1.4 Key issues in Afghanistan's conflict

A 2016 article by Anthony Cordesman in the Centre For Strategic and International Studies points out that the US has no clear strategic plan for Afghanistan since US and ISAF combat forces formally left in 2014. Cordesman raises the following issues:

- There is no overall transition plan and a poorly coordinated effort
- Post-withdrawal relationships with the governments involved need defined
- Concern about the development of Afghan security forces (military and police)
- Lack of resources being put into Afghanistan and reduction of military aid
- Talks about peace negotiations without it being clear what kind of peace is acceptable
- Confusion about the level of foreign troops needed to stay and their role
- Corruption in government and its institutions has not been properly tackled



- US foreign relations with Pakistan need balanced with those of Afghanistan

In the withdrawal or transition phase Cordesman notes a “shift from fact to spin.” Of the policing aspect he writes: “The civil side focuses on development metrics with limited regard to a state of war. It pursues illusions of progress.” He sees the US as noting lessons after the war but failing to really learn from the past (Cordesman, 2016, p. 11). In broad terms, Cordesman argues that corrupt officials and institutions are as much part of the problem as the Taliban, and the former is where reconstruction efforts should have done better.

Jackson (2007, p. 84) argues, the priority in an irregular war is to neutralise the insurgents capacity to cause harm, concluding that: “Once security forces have effectively rendered the insurgency impotent, broader political and other fronts can catch up.” Developing this thinking is ISAF’s Whole of Government strategy drafted by ISAF commander US General David Petraeus (Matchett, 2015). Petraeus prioritised security: “It’s like Maslow’s hierarchy of needs, until you get security nothing else much matters” (Ibid, p. 6). The strategy’s end-state was police primacy, which has not been realised. Cordesman (2016, p. 10) points out that this is mostly due to a lack of meaningful integration between military/civil planning and imposing unsuited western models, systems and practices. In other words, it appears that, what works in the US or Europe on the policing front was given to Afghans with little regard if this is effective in an armed conflict or if it was suited to the police organisation receiving it.

Picking up on the poor strategy and coordination, Perito (2009, p. 10) points out: “The expanded challenges faced by the Afghan police were accompanied by a proliferation in the number of countries participating in the international police assistance programme.”

1.5 Consequences of conflict

The immediate consequence of the US-led intervention in 2001 was the overthrow of a Taliban government and replacing it with a democracy model. Another is the death of al-Qaeda leader Osama bin Laden, the architect of 9/11. US support for the Northern Alliance (which transformed into Afghanistan’s security forces) meant that the Taliban was excluded from government and delineated as the enemy. Any lasting peace agreement, however, will need to include the Taliban.

Conflicts of this type take a heavy toll on the civilian population. In the absence of fighting, civilians are killed or injured by unexploded ordinance. Prior wars have made Afghan society particularly vulnerable to the indirect effects of the present war, such as disease due to lack of clean drinking water and poor sanitation, malnutrition and reduced access to health care. War exacerbates the effect of poverty. The Watson Institute at Brown University in analysing the ‘Cost of War’ shows that approximately 92,000 people have been killed in Afghanistan (up to January 2015), 26,000 of which are civilians (www.watson.brown.edu).



2 EU AND OTHER INTERNATIONAL ACTORS IN AFGHANISTAN

From the start, the main international actor in Afghanistan was the US, supported by its closest ally the UK. Afghanistan was a priority foreign policy issue for both (Buckley, 2010). As a result of the Bonn Agreement (2001) the UN Security Council created the International Security Assistance Force (ISAF) to assist the Afghan interim authorities. ISAF's role for the first two years was restricted to Kabul, after which it expanded to the entire country. NATO took charge of ISAF in 2003, forming a coalition of 51 countries ('ISAF's mission in Afghanistan 2001-2014' at www.nato.int). The largest contribution was the US (90,000), followed by the UK (9,500), then Germany (4, 812) (Rogers and Evans, 2011). Suffering most deaths was the US (2,381), followed by the UK (455), then Canada (158) ('Operation Enduring Freedom' at www.iCasualties.org).

The number of NATO forces peaked at 140,000 in 2011, with a 13,000 "residual force" left for training and counter-terrorism operations, of which 9,500 are US (BBC, 2015).

ISAF's mission ended in 2014. The follow-on mission is Resolute Support (RS).

2.1 EU presence in Afghanistan

A report by the European Court of Auditors (2015, p. 7) of EUPOL Afghanistan states:

Following the overthrow of the Taliban regime, the European Union (EU) and its Member States committed themselves to support the Government of Afghanistan in establishing a stronger framework of rule of law in the country.

The report shows the EUPOL mission started in 2007 under the remit of the EU's Common Security and Defence Policy (CSDP) and is due to finish in December 2016.

The EU also has a Special Representative (EUSR) in Afghanistan in the EU Delegation in Kabul since 2002. Its website (www.eeas.europa.eu) states its mission is, "to streamline the EU's response to the Afghan Government led efforts towards the stabilisation of the country." There have been difficulties in the EU's internal coordination with EUSR and EUPOL, resolved in the most part by an increase in regular and informal exchanges (Bloching, 2011, pp. 6-7). In line with Council Decision 2010/279/CFSP, the HoM shall "coordinate with EU actors on the ground" and "receive political guidance from the EUSR" (Dari et al, 2012, p. 78).

2.2 Others in Afghanistan

The United Nations Assistance Mission in Afghanistan (UNAMA) established in 2002 is political, and a major feature of the international community. Its mandate, as outlined on its website (www.unama.unmissions.org) is:



Provides political good offices in Afghanistan; works with and supports the government; supports the process of peace and reconciliation; monitors and promotes human rights and the protection of civilians in armed conflict; promotes good government and encourages regional co-operation.

Because the Afghans see the US and NATO as protagonists in the conflict, UNAMA, in theory, is ideally placed to act as a third party broker in peace talks between the government and Taliban. According to Buckley, UNAMA lost credibility during the fraudulent 2009 elections where it was perceived as supporting Karzai (Buckley, 2010).

The United Nations Development Programme (UNDP) has offices in Kabul. UNDP leads on early recovery efforts on behalf of the UN system. According to its website (www.af.undp.org) UNDP goals in Afghanistan are:

UNDP's network links and coordinates global and national efforts in Afghanistan to reach these national development priorities. Our focus is helping countries build and share solutions to the challenges of: Democratic Governance, Poverty Reduction, Crisis Prevention and Recovery, Energy and Environment and Women's Empowerment.

The World Bank is a significant player, entrusted by UN and donor nations to administer financial funds on their behalf. There are also many international and local NGOs, most dealing with humanitarian issues.

3 SECURITY SECTOR REFORM (SSR) AND JUSTICE SECTOR REFORM (JSR)

The reconstruction effort in Afghanistan was broadly outlined in the Bonn Agreement (2001). At a conference on Reconstruction Assistance to Afghanistan in Tokyo (2002) security sector reform was discussed. States that emerged in leading security sector reform efforts were: Germany (policing), Italy (justice), UK (counter-narcotics) and Japan (demilitarisation) (Hayes and Sedra, 2008, p. 194).

In 2012 the German Police Project Team (GPPT) had 200 police officers deployed in Kabul and northern Afghanistan (Ulrich, 2012). Unlike the start of the mission, the German police officers in Mazar-e-Sharif in 2012 were "not allowed to leave the camp" due to a heightened security threat (Ibid). Within EUPOL the Italian Carabinieri and Guardia di Finanza have trained and advised members of the Afghan National Civil Order Police (ANCOP) and the Afghan Border Police (Piero, Giacomello and Coticchia, 2012). ANCOP are the ANP's main counterinsurgency force. Both Germany and Italy's contribution in Afghanistan started in 2002.

Canada provided police assistance in Kandahar, where the Canadian army was deployed, and the British did similar in Helmand (Perito, 2009, p. 9). The British also supplied senior police advisors to EUPOL in Helmand province (Ibid). The Netherlands and Denmark were others that provided



police assistance. The Danish were attached to their military in Helmand (MOD, 2008). The Dutch were mostly located in the central province of Uruzgan from 2006 with their military (Radio Netherlands Worldwide at, www.rnw.org). All these missions ended by 2014 with each contributing personnel to EUPOL Afghanistan.

The strongest presence in terms of personnel and finances in police reform is the NATO Training Mission (NTM-A). Outside of the northern region (which GPPT covered) NTM-A is the main player with 5,000 personnel under its command mandated to training and equipping both the Afghan National Army and Afghan National Police (HMG, 2011). Assenburg and Kempin (2009, p. 144) point out that: "Washington bears well over 90% of the burden of police building in Afghanistan." EUPOL (400 personnel) is roughly 8%. In financial terms, 27 EU member states spending 64 million Euros is dwarfed by the US spending 700 million Euros (Ibid). Combined Security Transition Command – Afghanistan (CSTC-A) is an important agency managing international police and military reconstruction efforts.

International Development Law Organisation (IDLO) is an Intergovernmental Organisation active in justice sector reform. IDLO has offices in Kabul and focuses on promoting the rule of law (www.idlo.int). Equally, EUPOL Afghanistan had a rule of law component (LO3). This closed down in December 2015 (www.eupol-afg.eu).

Overall: "There was no effort to create a coherent and integrated framework for security sector reform," with policing seen as the "weak link" (Perito, 2009, p. 1 and 3). Contributing to the confusion was Europe's approach having suffered from poor coordination (Ayub et al, 2009).

3.1 Self-policing, vigilantism and popular courts

According to Roggio and Weiss (2015), the Taliban control "29 of Afghanistan's 398 districts" and contests a further 36, with control defined as, "openly administering a district, providing services and security, and also running local courts." The Government claims the Taliban only controls four districts in Afghanistan's 34 provinces (Ibid).

3.2 Taliban forced out of Afghanistan 2001

The Taliban was driven from Kandahar by coalition forces in December 2001. Pockets of the Taliban, however, continued to resist and at the same time started a recruitment drive in Pashtun areas. Typical of fighting at this time was the Battle of Tora Bora in attempts to find bin Laden, eradicate al-Qaeda and degrade the Taliban. The initial campaign by a small coalition force in conjunction with the Northern Alliance was successful. In April 2002 there were 7,000 US troops in Afghanistan, and 1,700 UK troops concentrated in Kabul (BBC, 2016).



3.3 Taliban resurgence 2006

The Taliban's resurgence was due to a ban on poppy cultivation that damaged many people's livelihoods and civilian deaths caused by ISAF air strikes. New terror tactics, such as roadside bombs commonly called Improvised Explosive Devices (IEDs) and suicide attacks were copied from Iraq's war. Realising the West was focused on events in Iraq; the Taliban under Mullah Omar sought to reassert its authority (Rashid 2010 and Ferguson 2011). The Taliban's resurgence forced an increase in NATO forces.

3.4 Taliban resurgence 2014

The Taliban is traditionally based in the southern provinces of Kandahar and Helmand, and is also strong in the eastern provinces bordering Pakistan. This is where the most intense fighting took place, particularly Helmand. Helmand is the centre of the opium trade. Various military campaigns involving the British, US Marines and ISAF against the Taliban have taken place. Results have been patchy.

Borrowing heavily from Sanger (2010). Of one such operation in 2010, Afghan and NATO forces assembled a large team of civil administrators, 1,900 police and an Afghan governor that would move into Marjah, Helmand province, after the fighting. Utilities engineers were on hand to ensure power and water supplies were maintained. The NATO commander, US General Stanley McChrystal described it as, "a government in a box". Before the military assault leaflets were dropped in Marjah asking the people not to let the Taliban into their homes. The operation was Afghan-led and designed to showcase Afghan/NATO cooperation. This was the largest offensive in the war. The Afghan government promised to hold onto territory taken from the Taliban.

With the ending of combat operations by the British and US in 2014 and increased role of the Afghan National Army, parts of Helmand and Kandahar have slipped back to Taliban control. "Taliban operations to reclaim towns such as Sangin and Now Zad, once held by British forces, have inflicted heavy casualties on Afghan forces" (Syal, 2014). This is why "capturing Helmand is top of the Taliban's strategic goals," because it will "provide a long-term base for undermining Kabul" (Osman, 2015). Aljazeera recently reported:

The Taliban have been making strategic gains, as government forces face new threats. The Taliban in Afghanistan have expanded their presence and acquired more reach in the country than at any point since the toppling of their regime as a result of the United States-led intervention in 2001. The resurgence of the Taliban fighters poses a critical challenge for the Afghan government and the remaining US and NATO forces. There is a multi-pronged strategy behind the Taliban's recent violent campaign and territorial gains. Their objective is to establish "permanent" sanctuaries and strongholds to form functional administrative systems. They also want to capture big chunks of the country to get the upper hand in the stalled peace process, which is likely to start [re-start] in 2016 (Azami, 2015).

The latest analysis uses a wide range of data to show the "Afghan government and Afghan forces are losing at many levels" (Cordesman, 2016, p. 3).



4 EU CRISIS MANAGEMENT OPERATIONS SUPPORTING SSR AND JSR

The EUPOL mission in Afghanistan has no operational footprint or executive arm and is purely of a civilian nature. A drawback is explained by Asseburg and Kempin (2009, p. 144):

Disappointed at its European allies lack of vigour, Washington refuses to this day to extend the protection of American forces to EUPOL staff, and has joined Turkey in obstructing an agreement between the EU and NATO/ISAF. Washington considers the activities of the EU staff in the restive southern provinces to be too peripheral to worth risking their own soldiers for their protection.

Kuhn in von Bogdandy and Wolfrum (2009, p. 254) notes, civilian crisis management is peculiar to the EU, used as “an instrument for international actors to help create the structures and capacities that enable the state to provide for the security and safety of its population.” The Crisis Management Concept (CMC) is the EU’s planning response at the strategic and political level (Grevi, Helly and Keohane, 2009, pp. 57-8). Falling out of this and also part of the planning phase are the Concept of Operations (CONOPS) and operational plan (OPLAN) involving the Civilian Planning and Conduct Capability (CPCC) and designated Head of Mission (HoM) (Ibid). A “force generation process” is also implemented wherein: “Calls for contributions are sent out to Member States announcing the posts and functions to be filled” (Ibid).

Other than the EU Delegation, which concentrates on political matters and diplomacy, there are no other significant EU security sector or justice sector organisations based in Afghanistan supporting EUPOL. Italy’s effort on JSR ended around 2010 and the small JSR component of EUPOL ended in 2015. The only European SSR programme remaining after 2016 will be that of a Member State – Germany (GPPT).

SSR has attracted much criticism. Implicit in Cordesman (2016) is aspects of SSR tend to be overly influenced by idealism. The genesis of the criticism is in the policing of an insurgency having contradictory imperatives of “liberalisation” and “militarisation” (Weitzer, 1990, p. 213). It is a predicament caused when the police are the “cutting edge of the counterinsurgency effort” (Ibid), as is the case in a rule of law approach. From an insurgent’s perspective, the police have to be “infiltrated and neutralised” (Ibid, p. 20). In describing the type of police officer that has experienced this, Porter (1987, p. 72) emphasises they are different to those from a normal police background, and although they cherished liberal values, “that sort of liberalism ran very thin.” It is tough form of policing that sits uncomfortably with modern, western sensibilities. The point being made is this, policing a conflict environment is fundamentally different to policing a non-conflict environment (Eveleigh, 1978, pp. 8-9). Cordesman believes SSR has paid little attention to this basic difference and as a result the security/civil balance is wrong, prematurely swinging to ‘liberalisation’ before effective security was achieved.

In contrast, the United Nations Development Programme (UNDP) promotes civil policing and separates it from security policing. For UNDP, the police’s security role is “distracting from their primary goal of becoming a civilian service that can fight crime and earn the trust of the



community” (www.undp.org). The threat is largely missing from UNDP’s thinking, which means less focus on security.

In a study of British policing Sinclair (2012) shows successful rule of law approaches from relatively recent conflicts - Malaya, Kenya and Northern Ireland – and also appropriate European police models, such as the semi-military Irish Constabulary and Gendarmerie models. The US Armed Services Committee in 2010 also recommends a past European police intelligence model for an irregular war (Matchett, 2013). EU-style SSR, however, favours the civil or normal side of policing and prefers what is contemporary and popular in this respect.

A ‘Special Report’ by Perito for the United States Institute of Peace (2009) strikes some middle ground. Perito shows the ANP consists of uniformed police (civil police responsible for normal police duties) and specialised police forces (public order, narcotics, terrorism and border control), is 68,000 strong (2009) and on track to reach its 86,000 target. The largest training programme is run by the US and, according to Perito, has militarised the Afghan police by concentrating them on counterinsurgency. Perito promotes civil policing while also recognising the need for a Constabulary/Gendarmerie-type force, but argues the latter has been badly mishandled, pointing out three times more police have been killed by insurgents than Afghan soldiers. Crawford (2015, p. 8) estimates 7,750 ANA and 14,200 ANP have been killed from 2001 to 2014, cautioning that figures can vary and raising the prospect of casualties being under-reported (also see Livingston and O’Hanlon, 2014, p. 13). In irregular war a confused and ineffective response at the start is the norm (Galula, 2006, p. 20). In Afghanistan this has played into the hands of the Taliban.

Another criticism of SSR is the emergence of the private sector in what Ellison and Sinclair (2013) call “entrepreneurial policing.” They see the commercial side having taken away somewhat from the government side. Conflicts have a large contractor presence. US companies like DynCorp International have a significant footprint in Afghanistan in training police. Police missions need to coordinate with the contractor element, which is usually under US Department of Defence or Department of State control. In Iraq, a DynCorp security guard earned “\$445,000 a year” whereas a US army sergeant earned “\$51, 100” (Stiglitz and Bilmes, 2008 p. 13). According to CSTC-A, in 2010 a junior Afghan police officer earned \$1,980 a year (Gordon, 2010). A EUPOL mission member (international) in Afghanistan would be on a minimum of approximately \$80, 000 a year (Annex 2, Remuneration at www.eeas.europa.eu).

4.1 EUPOL Afghanistan

EUPOL Afghanistan was setup in 2007 to “expand and intensify the existing German efforts to rebuild the Afghan police force,” which conformed to an agreement by EU Member States in 2005 to “provide funds and expert assistance” to develop the Afghan police (Asseburg and Kempin, 2009, p. 139. Also see Council of the European Union, 2005).

The EUPOL mission in Afghanistan is the outworking of the EU’s comprehensive approach to Afghanistan. The mission aims to contribute to the establishment of sustainable and effective civilian policing arrangements under Afghan authority in accordance with international standards.



The mission's strapline is "supporting sustainable transition" (EUPOL, 2016). Asseburg and Kempin (2009, p. 140) see EUPOL Afghanistan's mandate as "very strategic and conceptual."

Once EUPOL has achieved full operational capacity in Afghanistan it is mandated to fulfil the following four tasks:

- To help the Afghan government draw up a comprehensive police-building strategy, focusing on the development of a national policing plan and a methodical approach to criminal investigations and border management.
- To support the Afghan government in implementing this strategy coherently.
- To connect the simultaneous process of rebuilding the ANP and establishing and expanding rule of law structures by conducting training with selected members of the interior and justice ministries and the prosecution service as well as with the police.
- To improve cooperation between the different international actors involved in police-building. To this end, Germany handed its leadership of the secretariat of the International Police Coordination Board (IPCB) to the EU (Ibid).

Of these tasks, especially the 'cooperation' element, the US refuses to support them based on the EU's minimalist approach. "Unless and until Brussels makes a more substantial contribution in this field the Americans will not tolerate Europeans telling them which training measures to conduct and asking to coordinate them" (Asseburg and Kempin, 2009, p. 144).

In a case study of EUPOL Afghanistan in 2012 focused on 'lessons learned,' archives in Brussels show the actual mechanics and reporting mechanisms of the mission, such as restricted documents like weekly reports, monthly reports and six-monthly reports (Dari et al, 2012, p. 75). The HoM reports on a regular basis to Brussels (Ibid).

In March 2016 the Acting Head of Mission met the new Deputy Minister of Interior and a two-day Afghan conference on community policing was facilitated by EUPOL (EUPOL, 2016). A number of pictures in EUPOL's newsletter show Afghan police performing a community-policing role, one of which is described, "Community policing focuses on the need of the public rather than those of the state" (Ibid). Both are examples of EUPOL engaging with their Afghan counterparts and the type of work done at the strategic and tactical levels. Also noteworthy is EUPOL's appreciation of the operational environment:

EUPOL is supporting the Afghan Government's efforts to build civilian capabilities and enhance community oriented policing. It is easy to speak about community policy (Police-e Mardume, PEM) but what does it really mean, especially in a volatile country like Afghanistan where the police still have to participate in the fight against terrorism? (EUPOL, March 2016).

EUPOL's mission was "to monitor, mentor and advise the Afghans on establishing a civilian law enforcement organization rather than to directly train Afghan personnel" (Perito, 2009, p. 10). EUPOL took over from the GPPT, where Germany's goal was to create an "ethnically balanced force that was familiar with human rights standards and modern policing methods" in pursuing a



German academy model based on university-level education (Ibid, p. 3). This, however, would have “taken decades to train a police force of that size” (Ibid).

The US and EU approach to policing are separate and different but because of EUPOL consolidating the European contribution are “far more complimentary than they used to be in the past – rather than partially overlapping they are now, at least in principle, mutually reinforcing” (Gross, 2009, p. 32). The US approach was designed to “put boots on the ground” rather than the EU approach of providing “long-term, structural training” and “constructing and coordinating policy” with senior MOI officials and some regional police chiefs (Ibid, pp. 31-32). Unlike EUPOL, mentors, advisors and trainers under the US approach benefited from falling under NATO’s security umbrella and receiving close military support, especially through the creation of NTM-A in 2009 (Perito, 2009, pp. 10-11). The US approach allowed for greater access to the Afghans, particularly in the most hostile areas.

4.1.1. EARLY YEARS (2007 - 2008)

Although not a Member State, Turkey is in NATO and objected to the deployment of the EUPOL mission in Afghanistan, which delayed the mission’s deployment to June 2007 (Von Bogdandy and Wolfrum, 2009, p. 260). Missions like EUPOL Afghanistan are limited in how they can operate without NATO support. The decision-making and panels that determine this include Non-Member States like Turkey, Canada and the US (Ibid). Turkey’s objection is based on the EU’s stance on Cyprus and is therefore unlikely to change anytime soon, “which means it is impossible to conclude a general agreement between the EU and NATO/ISAF on the protection of EUPOL staff” (Asseburg and Kempin, 2009, p. 144. Also see Gross, 2009, p. 22). EU bureaucracy was another factor that considerably delayed the start (Asseburg and Kempin, 2009, p. 43), and has probably persisted once the mission was up and running.

In November 2006 the Political and Security Committee (PSC) sent an EU fact-finding mission to Afghanistan (Asseburg and Kempin, 2009, p. 139). Driven by Germany, “on 12 February 2007 the Council of the European Union adopted the Crisis Management Concept (CMC) for a police mission in Afghanistan and the Concept of Operations (CONOPS) was approved” (Ibid).

The mandate of the EUPOL Afghanistan mission was to assist “the establishment under Afghan ownership of sustainable and effective civilian policing arrangements” as a means of providing stability and security (Council of European Union, 2005). 44 million Euros was allocated from the Common Foreign Security Policy (CFSP) budget to fund the mission until March 2008 (Asseburg and Kempin, 2009, p. 139).

On EUPOL Afghanistan’s website (www.eupol-afg.eu) the two main areas of business are: professionalisation and training (Line of Operation 1 – LO1), and Ministry of Interior (MOI) Reform (Line of Operation 2 – LO2). The end-user for LO1 is the Afghan National Police (ANP) and consists of three sections: General Training Command, Police Staff College and Crime Management Investigations. LO2 is to enhance the institutional reform and capacities of the MOI relevant to advancing civilian policing.



Gross (2009, p. 30-31) shows the strength of the mission in 2009 was meant to be 400, but was 188 international staff, most of them based in Kabul. Of the start-up phase she writes:

The mission did get off to a difficult start, and problems experienced in other ESDP crisis management operations came to affect EUPOL Afghanistan as well, but were compounded by the security situation on the ground, frequent changes in the position of EUPOL Head of Mission and by inter-institutional disputes between the EU and NATO. Specifically, these problems included procurement, staffing, administration, and security concerns prohibiting the running of the operation. Security guidelines were very strict.

As could be expected, the slow start, lengthy build-up phase, inter-institutional issues between NATO and the EU, as well as the procurement and staffing problems listed above have negatively affected the first stages of the mission in terms of the EU's position vis-à-vis other international actors and its impact on police reform in Afghanistan.

4.1.2. EUPOL TRANSITION

The start of the transition process was the closing of LO3 (Rule of Law) in December 2015. LO3 was designed to improve police/prosecutor cooperation, working mostly with the Attorney General's Office. At the closing ceremony Dr. Anwar stated: "From the beginning until now, EUPOL's support to the justice sector has been highly beneficial. However, there is still a long way to go which requires more work and support" (www.eupol-afg.eu).

EUPOL's mission ends on the 31st December 2016. The main focus is currently in transitioning to the Afghans and looking to identify international or local partner agencies that can assist. Of this Holtje and Kempin (2013, p. 4) write:

The reduction of EU engagement will mean fewer personnel in-country, fewer opportunities for Afghans to receive training, and the potential loss of prior investments in Afghan personnel and infrastructure. With a reduced commitment in the region, the EU will have diminished capacity to influence emerging power centres or to directly access sources or information.

Holtje and Kempin argue that the impact of NATO's withdrawal makes it all the more important that a EUPOL-type mission remains.

4.2 EUPOL Extensions

Gross (2009, p. 29) shows: "The mission's duration is a minimum of three years, with a six monthly review of size and scope" (also see Dari et al, 2012, p. 75, where it lists Council Joint Action 2007/396/CFSP and Council Decision 2010/279/CFSP). The mission will be nine and a half years in total. It received several extensions. The police reconstruction component managed by the US will have almost double this timespan by the end of 2016 and continues into 2017.



Notwithstanding other factors, a strategy or policy of three years is in stark contrast to the protracted nature of irregular war and long war strategies adopted by insurgent networks.

5 ASSESSMENT OF EU MISSIONS AND EU POLICY IN AFGHANISTAN

A report by the UK House of Lords in 2011 titled, 'The EU's Afghan Police Mission: Report with Evidence,' sees the EU as ideally placed to lead on police missions but has disappointed in attempting to do so. In particular, the Lords report warns against too many police missions in stating: "Although EUPOL took over from the previous German-led police mission, the resulting level of resourcing remained inadequate and there are still a number of bi-lateral European policing missions running concurrently, such as those run by Germany, the Netherlands, Denmark and Italy." The Lords report (2011) criticised the quality of personnel recruited (albeit this improved after 2010) and commended a unified approach as the way forward in the future. EU member states are also accused of risking the mission's failure by having failed to keep their pledges regarding personnel (Asseburg and Kempin, 2009, p. 5).

Recruiting the right people for such a mission is a recurring problem, according to Sinclair (2012). She claims police officers with practical experience of policing an armed conflict and divided society in general are well suited, and when selected do better than officers who do not have this background (Ibid). In vacancy bulletins for EUPOL Afghanistan by the European External Action Service (EEAS), experience of policing a conflict is not an essential or recommended requirement.

Ultimately, the Lords report claims the mission was too late, too small, too slow to get off the ground and too short to receive respect from other actors. In an overall assessment it states:

This was an opportunity for Europe to pull its weight in Afghanistan in a discipline and skills where it had great expertise. In this, despite the dedication and risks taken by those on the ground, the EU's Member States have not yet succeeded. Not only was the resource allocation of 400 staff in practice woefully inadequate for this important task, the fact the numbers have never been met has undermined the reputation of the mission....

This has been a troubled mission undertaking a vital task in the reconstruction of Afghanistan. Despite achieving local successes, overall there is a strong risk of failure (House of Lords, 2011, p.8)

In responding to the Lords report HMG (2011) agreed with most points, but was more upbeat about the mission achieving its goals after assessing it in 2011 once remedies were made, such as an increase in staff. Qualifying the mission's capacity to effect change, Gross (2009, p. 34) writes:

Given EUPOL's non-executive mandate, advising and implementing police reform depends on the receptivity of the Afghan government to reform efforts. However, the mission does not have the means to provide strong political or financial incentives to enhance the engagement of Afghan authorities.

From these specific assessments of EUPOL and that of extant literature, one can see there are serious misgivings about EUPOL Afghanistan and the EU policy that instructs it. The EUPOL



mission was expected to perform well in contributing to effective and sustainable policing, without it being clear if it did. This tends to explain the latest review of EUPOL having headlined “mixed results” (European Court of Auditors, 2015).

The “security situation has deteriorated significantly since the launch of the Taliban’s 2015 spring offensive” (Azami, 2015), and security forecasts warn the situation will not improve in the immediate future. A high level of terrorist activity is a major barrier for a small civilian-centric police mission with strict security protocols and little time, and which falls outside NATO’s protective umbrella. This, and the fact EUPOL came to the police reconstruction effort late, has made it extremely challenging for EU policymakers in Brussels to devise an appropriate policy for EUPOL, and the EUPOL mission in Afghanistan to devise and implement an appropriate plan.

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