



# Can the EU be more effective in Afghanistan?

By Joanna Buckley

- ★ The EU is not wielding influence in Afghanistan commensurate with its significant contribution of personnel and finances. For too long it had too many offices and representatives in the country, who sometimes contradicted each other.
- ★ The EU has now taken some welcome steps to streamline its institutional presence following the ratification of the Lisbon Treaty. It has merged the top two jobs in Afghanistan but needs to do more; the EU must build a truly unified organisation in the country.
- ★ To make a greater impact in Afghanistan the EU will also need to clarify and strengthen its strategy. The EU must capitalise on its strength as a multi-lateral organisation while avoiding duplication of the member-states' efforts.
- ★ The new EU strategy should be built around governance, reconciliation, police training, regional diplomacy and the rule of law. The EU should also keep human rights at the centre of its dialogue with the government of Afghanistan. Unless the Kabul administration improves its human rights record it will not gain the citizens' trust, and the country will remain unstable.

The European Union is not making an impact in Afghanistan that matches its financial, civilian and military assistance to the country. It is too poorly organised to capitalise fully on its strengths as a multilateral organisation, and its member-states lack a clear vision of the role they want the European institutions to play.

The Lisbon treaty, which streamlines the EU's foreign-policy machinery, presents a chance to reshape the EU's presence in Afghanistan and to improve the lines of reporting to Brussels. But the treaty's cursory prescriptions leave much room for interpretation. This policy brief makes recommendations on how to transform the EU's institutions in Afghanistan in ways that reduce duplication and minimise the chances of the various EU offices contradicting each other.

A more sensible institutional presence alone will not turn the EU into an effective actor in Afghanistan. It must also demonstrate that it can offer unique expertise and resources not currently at the disposal of its

member-states and other international organisations. The EU has not done well in determining where its strengths lie and what issues it should focus on in Afghanistan. This policy brief recommends concrete steps in key policy areas, building on the EU's recently adopted action plan for Afghanistan and Pakistan.<sup>1</sup>

*<sup>1</sup> 'Strengthening EU action in Afghanistan and Pakistan', 2971<sup>st</sup> External Relations Council Meeting, Luxembourg, October 27<sup>th</sup> 2009.*

## The EU in Afghanistan

The newspapers may have dubbed Afghanistan "Barack Obama's war" but it is also one of the top foreign policy priorities for several European countries, most notably the UK. A number of European governments have argued that if international efforts to rebuild Afghanistan fail, the country will be used as a base for fresh terrorist attacks against the West. Also, an internally violent Afghanistan could destabilise the whole region, drawing Pakistan and other neighbours into the conflict. Not all EU member-states share the sense of urgency, but most have contributed personnel or money to the

reconstruction of Afghanistan. Even those not particularly concerned about Islamist terrorism worry that failure in Afghanistan would severely damage the credibility of the West and in particular NATO, which has committed billions of dollars and lost over 1,500 soldiers in the country since 2001.

Yet despite massive international assistance over the past eight years, the security situation is deteriorating: the number of attacks on international military forces, Afghan government officials, aid workers and Afghan civilians is up, as is the number of provinces in which attacks occur. The Kabul government lacks credibility, particularly following the elections in August 2009, which were marred by widespread fraud. Countries helping Afghanistan to rebuild disagree on how to tackle the political challenges, including corruption within the government administration, the lack of progress in developing the rule of law, a culture of impunity and the burgeoning narcotics industry.

The deteriorating security situation prompted a series of strategy reviews in 2009, including ones by the US, the UK and the NATO-led International Security Assistance Force (ISAF). The Obama administration has set out its new objective: it is moving away from 'state' or 'nation building' and limiting its overall goal in Afghanistan to that of countering the terrorist threat from the country. As the US Secretary of Defence Robert Gates told Congress in January 2009: "If we

<sup>2</sup> *'Afghanistan top priority for US, but goals limited: Gates'*, AFP, January 27<sup>th</sup> 2009.

set ourselves the objective of creating some sort of Central Asian Valhalla over there, we will lose."<sup>2</sup> What this new US policy

means in terms of the duration and scope of the mission is less clear: General Stanley McChrystal's counter-insurgency strategy, which President Obama effectively adopted in December 2009, includes such expansive aims as improving governance, strengthening the rule of law

<sup>3</sup> See ISAF Commander's Counterinsurgency Guidance, [http://www.nato.int/isaf/docu/official\\_texts/counterinsurgency\\_guidance.pdf](http://www.nato.int/isaf/docu/official_texts/counterinsurgency_guidance.pdf) and 'The US Army/Marines Corp counterinsurgency field manual: US Army field manual no. 3-24', University of Chicago Press, 2007.

and building the legitimacy of the Afghan government.<sup>3</sup> But on balance the US seems to be trying to replicate the Iraq approach: a temporary 'surge' of forces followed by a quick drawdown. As President Obama announced in December 2009 that he would send 30,000 more troops to Afghanistan, he also stated that they would start coming back in 2011.

The EU should be at the forefront of crafting a new strategy for Afghanistan and guiding the collective assistance efforts there; cumulatively, its member-states and institutions have committed €8 billion to Afghanistan's security and reconstruction from 2002 to 2010. But as things stand, the EU sets a poor

example to others because its institutions and member-states do not co-ordinate properly, and the EU's various agencies and governments often work at cross-purposes. In order to play a more effective role, the EU needs to improve vastly the way it formulates and implements its own policies for the country.

### The acronym soup

The EU has several delegations in Afghanistan: the office of the Special Representative of the European Union in Afghanistan (EUSR), established in December 2001; the delegation of the European Commission<sup>4</sup> to Afghanistan; and the EU Police Mission in Afghanistan (EUPOL), as well as bilateral missions of EU member-states.

<sup>4</sup> *The Lisbon treaty has changed the name of Commission delegations to 'delegations of the European Union'. But, as of April 2010, they remained effectively subordinated to the Commission. This policy brief will therefore refer to them as 'Commission delegations', which they, for all practical purposes, still are.*

The EUSR's office was, until August 2008, led by Francesc Vendrell – who was the longest serving foreign diplomat in Afghanistan – and, subsequently, the former Italian ambassador to Afghanistan, Ettore Sequi. In February 2010, the EU appointed Vygaudas Usackas, previously foreign minister of Lithuania, as the first "double-hatted" representative of the EU in Afghanistan, merging the positions of the EUSR and head of the Commission delegation. Under his predecessors' political leadership, the EU was granted a seat at all high-level political fora and discussions. Ambassador Vendrell was particularly influential. As former personal representative for Afghanistan of the UN secretary-general and former head of the United Nations Special Mission to Afghanistan (UNSM) until December 2001, he was intimately involved in preparing the political agreement that followed the fall of the Taliban regime. With a small team of political advisers, which included some of the foremost experts on the region, the political reporting by the EUSR's office has been regarded as some of the most informed amongst diplomatic missions; it remains a vital source of information and analysis for the embassies of smaller European countries.

The European Commission is one of Afghanistan's most important donors. It committed €1.8 billion from 2002 to 2009, of which €1.55 billion has already been distributed. This is less than the US has spent in the country since late 2001 – USAID alone has committed \$7.5 billion – but it makes Afghanistan the largest recipient of Commission aid in Asia. The Commission was for a long time also the largest contributor to the Law and Order Trust Fund, Afghanistan (LOTFA), the multi-lateral fund established to pay the running costs of the Afghan National Police (ANP). The

European Commission contributed €35 million to the UN fund to prepare the 2009 elections, and it deployed election observer missions (EOM) for both the 2005 and 2009 elections.

Several EU member-states have taken on the role of 'G8 lead nation' in critical sectors: the UK for counter-narcotics, Italy for the justice sector and Germany for the police (prior to the launching of EUPOL). No fewer than 25 EU member-states have contributed troops to ISAF; together they represent over 30,000 of NATO's 100,000 troops in the country. The UK has the second largest contingent after the US. The Netherlands, Denmark, Romania, Estonia and Poland all have troops in insurgency-affected areas in the south and south-east of Afghanistan.

### What does the EU want in Afghanistan?

For all its multiple offices and assistance programmes, the EU's contribution adds up to less than the sum of its parts. This is because the EU's strategy for Afghanistan is vague and its institutional framework is confusing. To become a more effective actor the EU will need to define what unique strengths it offers as a multilateral body. This will require clarifying how it bolsters rather than undermines the bilateral contributions of its member-states, and how its activities fit into the broader international assistance effort.

The EU has done a poor job articulating its view on the right strategy for Afghanistan and its role in it.

<sup>5</sup> 'EU-Afghanistan Joint Declaration: Committing to a new EU-Afghan partnership', Strasbourg, November 16<sup>th</sup> 2005.

<sup>6</sup> 'The Afghanistan Compact, building on success: the London conference on Afghanistan', January 31<sup>st</sup> – February 1<sup>st</sup> 2006.

It is committed to the implementation of the EU-Afghanistan Joint Political Declaration<sup>5</sup> and the Afghanistan Compact<sup>6</sup>, adopted by the London conference in early 2006. But these provide only general guidance, outlining broadly stated and ambitious goals. For example, on the subject of the rule of law, the Afghanistan Compact states that "by end-

2010, the legal framework required under the constitution, including civil, criminal and commercial law, will be put in place, distributed to all judicial and legislative institutions and made available to the public".

The EU's confusing institutional structure has not helped – with so many institutions and governments involved it is not obvious who should take the lead on drafting concrete strategies and consolidating them

into one 'EU plan'. The EUSR has a mandate for overall EU political co-ordination but his official influence is limited. While he regularly briefs EU member-states and the Commission, they are required merely to "make best efforts to assist the EUSR in the implementation of the mandate".<sup>7</sup> The special representative is therefore unable to develop coherent policy positions unless member-states voluntarily follow his guidance. This is no different from most EU missions in the world: national representations of the member-states often co-operate poorly with one another and the EU delegations. But Afghanistan poses an additional challenge: most EU member-states represented there also contribute troops to ISAF. The military mission commands most of the governments' attention, and drives their national priorities; the EU is fighting a losing battle for the attention of European capitals. As one European diplomat said: "In a sense the EU representation is a fig leaf; when push comes to shove most countries prioritise their national interests. This is especially true of some of the larger nations."

The EUSR should receive more direction from Brussels, where governments of the member-states meet to discuss the strategy for Afghanistan. But little guidance has been coming: the secretariat of the Council of Ministers for a long time had only one desk officer covering both Afghanistan and Pakistan (this has now been increased to two). Nor is Brussels doing enough to keep the EUSR in the loop. The Kabul office was only recently connected to the internal communication systems of the EU; for the past several years the special representative had to ask national embassies for copies of internal EU reports. EUSR staff members used public e-mail accounts including Hotmail and Gmail to communicate. (In contrast, both the Commission delegation and EUPOL have established internal communications systems.)

The little direction the EUSR receives from Brussels is clouded by the varying domestic political agendas of the EU member-states. In recent years European governments have come under growing domestic pressure to justify their military presence in Afghanistan, especially during a time of economic crisis. The governments have responded by prioritising short-term stability over long-term security. Fearful of 'rocking the boat', most EU capitals were initially unwilling to question the credibility of the electoral process for the August 2009 elections or to take a strong position with the Afghan government on corruption or human rights abuses.

<sup>7</sup> Council Joint Action 2010/168/CFSP, article 12.2.

## EUPOL disappoints

The EU police mission in Afghanistan best illustrates the shortcomings of the European Union's engagement. Hailed at its launch as the EU's most important commitment, it has suffered from weak leadership, excessive security restrictions, a limited mandate and lack of strategy.

EUPOL was launched in 2007, when it had become obvious that the outside powers had erred by failing to pay enough attention to the reform of the Afghan security and justice sectors, in particular the police. The EU initially started planning a 'rule of law' mission, with the advice of the EUSR's office: this would have focused on reforming the police in conjunction with strengthening the justice sector and building links between the two. But disagreements between the Council and the Commission resulted in the Council proceeding to launch a separate police training mission, EUPOL, while the Commission started its own justice programme.

Despite this, EUPOL was broadly welcomed by the government of Afghanistan and western countries. The German Police Project Office (GPPO), which EUPOL replaced, had managed the Kabul Police Academy and trained many officers, but not enough to meet the growing demand for personnel performing traditional policing duties. The US-led training programme taught the recruits to perform essentially soldiering tasks in order to turn around the deteriorating security situation. Afghanistan looked to the EU to train the ANP to fulfil its civilian policing duties and develop specialist capabilities such as criminal investigation and border policing. EUPOL was also supposed to focus on the linkages between police reform and the broader aspects of the rule of law, such as the judiciary – an area which many felt the US had neglected. Criminal activity and the inability of the police and courts to apprehend and prosecute criminals has a more persistent and daily impact on the lives of the general Afghan population than terrorism. In fact, one of the sources of the Taliban's popularity is its willingness to dispense a form of justice, albeit brutal.

When the EU police mission started in June 2007, it did so prematurely. The German government wanted the transition from GPPO to EUPOL to occur during Germany's presidency of the EU, so it rushed EUPOL into launching long before it was ready. It had only four staff in Kabul at the time, and they had no access to the internet and no vehicles. The majority of the 'EUPOL' staff were in fact police from missions of individual EU member-states hastily re-badged; few received instructions on how their new mission differed from the old one. Many EU member-states showed scant interest in the mission; they were slow to deploy sufficiently qualified personnel or to finalise agreements allowing EUPOL staff to be located at national military bases or 'provincial reconstructions teams', joint civil-military forces working throughout the country. For long after it began, EUPOL did little more than work on administrative, procurement and recruitment issues. To make things worse, the EU imposed restrictive security regulations on its staff, limiting their movements around Afghanistan. EUPOL could only travel in two-car convoys with armed personnel – even within the city limits of Kabul – so the staff barely interacted with counterparts in either the international community or Afghan government. The mission underestimated the need for civilian experts. Even though one of its goals was to improve the wider rule of law, it initially hired only one expert in the field.

Arguably, EUPOL's biggest failure was its vague and misguided mandate. The mission prioritised training, mentoring and advising of the Afghan Ministry of Interior (MoI) and the ANP without assessing whether these were effective methods or where the greatest needs were. For example, the mission's area of operation was restricted to the regional and provincial level although it was clear that police reform needed to focus at the local, district level where the daily contact between the Afghan police and population occurs. At the same time, the US put an estimated \$2.5 billion specifically into a district-level police training programme, to which the EU could not contribute because of the police mission's mandate.

EUPOL also ignored the politics of police reform in Afghanistan. The MoI and ANP are deeply factional and corrupt institutions: appointments, equipment and weapons are distributed in return for kickbacks. But most of EUPOL's policy suggestions revolved around technical and operational issues and neglected the big picture problems including links between drug traffickers and the Afghan police, as well as its infiltration by insurgents. In the process, EUPOL failed to take advantage of expertise either within its own mission or the EUSR's office.

The reason for this failure lies partly in the operational control of EUPOL. The mission is managed by the Civilian Planning and Conduct Capability (CPCC), the EU's command centre for civilian operations. The

CPCC theoretically comes under the political control and strategic direction of the Political and Security Committee (PSC) of the Council of Ministers but this body gave little strategic input. Almost all guidance came from the CPCC, which is based in Brussels and is primarily an operational body with technical (policing and military) rather than regional expertise. The EUSR's office is limited to providing local political guidance.

There are indications that the police mission is starting to improve: the rule of law unit has expanded, EUPOL has deployed representatives in 16 provinces and is taking the lead on developing policy on anti-corruption measures. The mission, however, still struggles to expand. At the time of writing it had around 245 staff of the 400 pledged in 2008. Countries participating in EUPOL continue to run bi-lateral policing programmes; they find EUPOL too inflexible and prefer to do things their own way. Since 'handing over' to EUPOL the German policing mission has actually increased in size. France, Italy, the Netherlands, Portugal and Spain (the five countries of the European Gendarmerie Force, a multilateral police force separate from the EU) have committed forces to the NATO Training Mission in Afghanistan rather than to EUPOL.

### When more is less

Besides the absence of a coherent EU strategy, the EU's other main problem in Afghanistan lies in the profusion of representations. These guarantee that the numerous bilateral missions and EU delegations work at cross-purposes, thus undermining their influence.

Until February 2010, there was both a resident EUSR and a head of the Commission delegation, making it unclear who spoke for the EU in Kabul. The EUSR was generally viewed as the political representative of the EU. But his office had no funding at its disposal to support policy decisions as all direct EU funding was channelled through the European Commission. The Commission delegation reported to the European Commission in Brussels, and the EUSR's office reported to the Secretary General/High Representative of the EU and the Political and Security Committee. The EU's new Lisbon Treaty, which entered into force in December 2009, has resolved some of these problems (see 'Bringing Lisbon to Afghanistan', below). But many of its provisions remain to be implemented. The EU now has a 'double-hatted' representative in Kabul and the staff of the two offices are shortly to be combined. But there is little clarity on how to merge the responsibilities of the staff, so some of the bureaucratic firewalls risk persisting.

This creates much confusion amongst Afghan government interlocutors who are not familiar with the EU's intricate institutional structure. At the Joint Co-ordination and Monitoring Board, the highest-level co-ordination body between the government of Afghanistan and representatives of foreign governments and institutions, both the EUSR's office and the Commission are represented, along with several EU member-states. There have even been suggestions that EUPOL be granted an additional seat.

These divisions are replicated at international meetings on Afghanistan. At the International Conference in support

of Afghanistan in Paris in June 2008, officials from the Council of Ministers, the European Commission, European Parliament, European presidency (at that time held by Slovenia) and individual EU member-states all gave speeches. More recently, following the appointment of Richard Holbrooke as the US special representative for Afghanistan and Pakistan, several EU member-states announced their own special representatives, including the British, French and German governments. The 'European' special envoys for a while held co-ordination meetings among themselves.

The various EU institutions and member-states do make an effort to work together. At the ministerial level, policy discussions take place annually between Afghanistan and representatives of the European Council, Commission and the presidency. In Kabul, EU delegations and EU member-states discuss policy at several fora, including the monthly EU heads of mission meeting and the EU Human Rights Group. The EUSR, the Commission delegation and EU presidency also occasionally meet with Afghan officials to convey agreed messages or *démarches* on certain issues. But these mechanisms are all ad hoc; the EU comes together on some issues but institutions and member-states contradict each other on others. As a result, the EU is failing to provide sufficient guidance or leadership on policy matters.

### What next for Afghanistan and the EU?

The EU faces a two-fold challenge: sorting out its confusing footprint in Afghanistan and producing a coherent set of policy priorities. These must fit into the global strategy for the country but they must also be rooted in the EU's particular strengths. The EU must not replicate what NATO or other national delegations do well already; it is important that the EU office in Afghanistan does not become 'yet another European embassy'.

Afghans have become increasingly critical of their government's multiple failings, including corruption,

## Beyond Afghanistan

Regional diplomacy is one area where the EU is already engaged but where it needs to make greater effort. To make progress in Afghanistan, the EU, the US and other key powers involved in the country's reconstruction must secure support from the regional power-brokers, including Pakistan, Russia and Iran, but also the Central Asian republics. The US government has taken to talking of Afghanistan as part of a broader 'Af-Pak' problem, based on the acknowledgement that insurgents in Afghanistan are using Pakistan as a safe haven to train, recruit and conduct attacks on both sides of the border.

The EU has taken some steps to widen its approach. It held its first-ever summit with Pakistan in 2009 and joined the Friends of Democratic Pakistan Group, an association of governments and international organisations established in 2008 to support stable development in the country. The mandate for the EUSR in Afghanistan was expanded in 2009 to include Pakistan but then limited again to Afghanistan in early 2010. The EU should reconsider: a broader regional approach makes more sense.

The internal challenges in Pakistan are overwhelming – the security situation is perilous and the government in Islamabad exercises limited control over the areas bordering Afghanistan. It will be difficult to encourage cross-border co-operation until these challenges are resolved. In the meantime, international organisations and governments can pursue two different tracks.

The first involves low-level confidence-building mechanisms between local representatives and communities living along the border. The idea is to build trust between the communities and to create incentives for turning away from violence by enhancing trade and facilitating cross-border co-operation. The US and the UN will have to lead; the military forces based in the provinces bordering Pakistan are predominantly American, and the United Nations Assistance Mission in Afghanistan (UNAMA) is the only organisation with the capacity and mandate to oversee such an approach. But should UNAMA and the US succeed in encouraging greater trade links, the EU should be ready to assist the effort financially, and to lend technical expertise, for example by helping to negotiate free-trade agreements.

The second track requires a high-level diplomatic effort aimed at addressing long-term conflicts between all parties in the region. It will be almost impossible to resolve the problems between Afghanistan and Pakistan without improving Pakistan's relationship with India, and without securing greater co-operation from Iran.

failure to deliver services and participation of former warlords in government. More and more foreign governments and institutions are coming around to the view that Afghanistan will need some tough love. Western leaders present at President Hamid Karzai's inauguration in November 2009

<sup>8</sup> UK "may have 40-year Afghan role", *BBC News Online*, August 8th 2009, and 'Counterinsurgency Field Manual: Afghanistan edition', *Foreign Policy interview with General David H. Petraeus*, January/February 2009.

uniformly pressed him to tackle corruption. But raising the standard of governance in Afghanistan is a long-term project. US and UK officials with experience in Afghanistan have acknowledged that foreign troops and civilian workers will need to remain in the country for many more years.<sup>8</sup>

The EU should pressure foreign governments and institutions involved in rebuilding Afghanistan to focus on establishing democracy, good governance, the rule of law and respect for human rights. Without a government in Kabul committed to these principles, the efforts to stabilise Afghanistan are bound to fail. As one senior EU official observed: "The western game plan is to give the Kabul government enough breathing room to establish its authority throughout the country. But we cannot succeed if that government is rejected by the Afghans for being corrupt and incompetent."

A strategy built around rule of law, governance and human rights also plays into the EU's strengths. These principles form the basic tenets of the EU's common foreign and security policy, and the EU has the required capacity and technical expertise to make a specific contribution. In fact, many Afghans look to the EU to uphold these values on the understanding that the US is more concerned with security than governance or human rights. The EUSR's office has traditionally taken a strong stand on human rights. Many of the European embassies are happy for the EU to take responsibility for developing and representing positions on this sensitive subject because they cannot easily raise it with the Afghan government bilaterally.

In October 2009, EU foreign ministers adopted a new action plan for Afghanistan and Pakistan. It highlights key areas for the EU to focus on: enhancing regional co-operation, supporting political dialogue in Afghanistan, reintegrating insurgents as well as building civilian capacity, sub-national governance, democratic institutions, the rule of law, policing and the agricultural sector. The action plan is short on detail and the ministers have requested the Council secretariat, the Commission and the member-states to jointly develop a comprehensive implementation plan. This provides a chance for the EU to clarify what its specific role in Afghanistan will be and to sort out its messy footprint on the ground.

Until the presidential elections in Iran in June 2009, the EU was well-placed to engage Tehran given the diplomatic ties between both parties. But relations soured after the regime had used force to suppress opposition protests against alleged cheating in the elections. So the EU should focus on enlisting the Central Asian republics in the effort to rebuild Afghanistan. Uzbekistan and Kyrgyzstan are assisting the military campaign there by allowing NATO member-states to base logistical centres on their territory. Central Asia also provides trading routes for goods moving in and out of Afghanistan, and electricity from Uzbekistan has made it possible to establish a nearly uninterrupted power supply to Kabul.

The EU has a long-standing commitment to Central Asia through programmes implemented by the European Commission. In July 2005, the Council of Ministers also appointed an EUSR for Central Asia.

The mandates for both the EUSR in Afghanistan and the EUSR for Central Asia<sup>9</sup> stipulate that their activities should be co-ordinated but the two offices should also make greater effort to develop a comprehensive strategy. The special representatives should

meet regularly and their offices should frequently exchange information. In the long run, the EU should explore whether it can finance collaborative programmes between Central Asian states and Afghanistan, like the US did when it paid for Afghanistan to be linked to Uzbekistan's electricity grid.

## Future policy priorities

### \* Elections

The EU's efforts to improve governance in Afghanistan should begin by helping to prevent future electoral fraud, focusing in the short-term on the parliamentary elections currently scheduled for 2010. The 2009 presidential poll set a terrible example. Although the EU election observer

<sup>9</sup> 'Council Joint Action of February 16<sup>th</sup> 2009' extending the mandate of the European Special Representative for Central Asia.

<sup>10</sup> 'Afghanistan: Elections and the crisis of governance', *International Crisis Group Asia Briefing*, November 25<sup>th</sup> 2009.

<sup>11</sup> '1.5 million Afghan votes 'suspicious': EU observers', *AFP*, September 16<sup>th</sup> 2009.

mission initially declared the poll a "victory for the Afghan people"<sup>10</sup> it soon reversed itself amidst allegations in the international press of wide-spread fraud, corruption and security problems. Eventually, the EOM announced that as many as 1.5 million votes could be "suspicious".<sup>11</sup> The allegations of fraud have further dented the credibility of president Karzai (who was eventually re-elected after his main challenger withdrew), thus setting back foreign efforts to strengthen Kabul's authority over the country.

The fiasco was predictable and probably preventable had the EU and other foreign actors paid sufficient

attention during the build-up. The voter registration process conducted in 2008 was flawed, and the candidate vetting process for both the presidential and provincial council elections was inconsistent, as a number of observers pointed out.<sup>12</sup> This all but guaranteed that the election would end in accusations of fraud and that the Afghan public would not view the result as legitimate.

<sup>12</sup> 'Afghanistan's election challenges', *International Crisis Group*, June 24<sup>th</sup> 2009 and Martine van Bijlert, 'How to win an Afghan election: Preparations and practices', *Afghanistan Analysts Network*, August 2009.

On December 16<sup>th</sup> 2009, the EOM released its final report,<sup>13</sup> which contains sensible ideas on how to avoid a repetition of the 2009 elections. It suggests strengthening the capacity, and ensuring the autonomy of, the Independent Election Commission and improving the vetting procedures. The EU should place its full political weight behind the recommendations made in the report. It should also focus on building the legitimacy of the institutions of state through support to civil society, political parties and initiatives to improve governance.

<sup>13</sup> *European Union Election Observation Mission to the Islamic Republic of Afghanistan*, 'Final report on the presidential and provincial council elections', August 20<sup>th</sup> 2009.

### \* Reconciliation and reintegration

The Afghan government has requested international support for a reconciliation and reintegration effort. What precisely this means in practice is not yet clear; there is currently no agreed strategy or effective framework for implementation. But it will include measures to coax insurgents away from violence by providing alternative opportunities (reintegration), most probably coupled with some kind of high-level political deal with the Taliban (reconciliation).

Common sense dictates that talks between the Kabul government and those insurgents open to negotiations will at some point require the services of a neutral broker. The Afghans view the US and NATO as parties to the conflict so they will not be able to serve as mediators. The United Nations should, in theory, lead. But the UN mission, UNAMA, lost much credibility following its perceived support for the Karzai government during the fraudulent 2009 elections. UNAMA is also in turmoil following the resignation of several political advisers in protest at the mission's handling of the elections.

The EU should explore how it can assist the Afghan government's efforts to reintegrate former fighters. Just as importantly, it should think through how it can contribute to any future reconciliation process, taking advantage of its image as a western power in partnership with, but distinct from, the US government. One useful

contribution would be to name an eminent personality to help broker peace between Kabul and moderate factions among the insurgents.

#### *\* Fight against corruption*

Foreign donors are belatedly starting to put greater pressure on the Afghan government to tackle corruption. The October 2009 EU action plan for the first time included clear and targeted anti-corruption measures as a key policy area. However, it makes no mention of conditionality – the policy of linking aid to the Kabul government with specific policy steps – to tackle corruption. That is a mistake. The European Commission is one of the few international organisations to have placed conditions on assistance: it attached strings to disbursements from the multi-lateral fund, LOTFA, established to pay the salaries of the Afghan police. It did so following reports of pervasive corruption, including the payment of “ghost” policemen (LOTFA pays the salaries of some 100,000 ANP but a large proportion of them either do not work or do not exist).

This was potentially a very important step: LOTFA is one of the few tools that foreign donors have at their disposal to insist on greater accountability within the ANP. And while the US administration has rightly lobbied for a large increase in the numbers of Afghan police it has so far failed to present a clear plan on how to increase transparency or tackle corruption within the force.

However, the impact of the Commission’s use of conditionality was limited: it acted unilaterally without consulting with, or gaining agreement from, the EUSR’s office, EUPOL or those EU member-states that contribute to LOTFA bilaterally. As a result there was little political backing for the decision. In the end, other donors to LOTFA footed the portion of the bill that the Commission withdrew, causing tension amongst the donors. This was a missed opportunity. The EU should make greater use of conditionality while pressuring others to do similarly; it should also urge other donors to co-ordinate the conditions they attach to aid.

#### *\* Policing and justice*

Despite its failings, EUPOL represents the best tool for the EU to build up the Afghan National Police – which, in turn, is a key pre-condition for the withdrawal of foreign troops. However, the mission must undergo a thorough review of its mandate and structure, removed from the political and personal sensitivities that have so far blocked proper change.

While EUPOL needs more staff, an increase in personnel alone will not bring success. The mission should above all relax security restrictions on where

and how EU police can operate. These prevent them from effectively liaising with the Afghan police and public. The EU should also strengthen the rule of law aspect of its mission. It needs to hire more civilian justice and political experts, including qualified national staff, to help build the linkages between the police and the criminal justice sector including functioning courts and prisons. Without these, the work of the police will come to nought. And EUPOL must find a better way to retain institutional knowledge in Afghanistan, whether by extending the duration of the rotations, or by making sure rotations overlap to allow outgoing police to impart their knowledge to their successors.

### **Bringing Lisbon to Afghanistan**

No matter how much the EU improves its strategy for Afghanistan the changes will make little difference unless it also transforms the way it operates on the ground. Most of the institutional problems outlined earlier in this study – too many EU offices barely co-ordinating with one another – are not peculiar to its engagement in Afghanistan; European officials working in Bosnia-Herzegovina and elsewhere would immediately recognise the difficulties.

Some of these problems will now be resolved following the ratification of the Lisbon Treaty. A new EU high representative for foreign and security policy, Catherine Ashton, has taken over the duties previously exercised by the commissioner for external relations as well as the foreign policy duties of the Council’s high representative. She needs to be able to lean on the EU governments to streamline their Afghan policies in ways that the commissioner for external relations could not. The treaty will also create one unified ‘external action service’ (EAS) by merging the foreign policy units of the Council of Ministers with those parts of the European Commission that work on issues of external relations. This should create much needed synergy in Brussels between the people who decide how the EU spends its money in Afghanistan and those who set the overall strategy for the country.

But the contours of the new foreign policy machinery are unclear, and the changes may take years to come into force; the EAS was still in the process of being set up in the early months of 2010. Catherine Ashton submitted an EAS ‘organigram’ in April. But this is unlikely to resolve fully all questions surrounding the reorganisation of the EU’s presence abroad.

The EU should not wait for EAS negotiations to conclude before taking steps to address the most glaring problems with its institutional footprint in Afghanistan. The positions of the EUSR and head of the Commission delegation were merged on February



22<sup>nd</sup> 2010 when the EU appointed Vygaudas Usackas to be the first ‘double-hatted’ EU representative in Afghanistan. This new post should be considered the EU’s political representative in Afghanistan, and he should have a deputy to deal directly with development and reconstruction. Efforts must also be made to ensure that the political staff in the EUSR’s office and Commission delegation are not only combined but that they pursue the same political priorities.

The EU should give Usackas clear authority over the EUPOL mission. While it is crucial that the day-to-day management of EUPOL be in the hands of people with policing experience, its commanders should report to Brussels through the EUSR’s office. This would give the special representative the leverage to shape EUPOL’s priorities and to make sure that the police mission reinforces the overall EU strategy for Afghanistan. And the EUSR should be granted authority to represent the Commission and EUPOL at all high-level political meetings.

The EU must also ensure that it has the ability to deploy appropriately qualified personnel to missions abroad, such as EUPOL. The mission in Afghanistan has found it difficult to attract individuals with the needed skills. Some of the police officers complained that foreign postings have damaged their career prospects because their ‘home’ forces do not consider Afghanistan a relevant experience for promotion. Afghanistan also competes with other EU missions like Kosovo for scarce personnel.

The EU has recently raised salaries of policemen in Afghanistan above the level of those in Kosovo. It should also accelerate its efforts to develop a standing force of experienced civilians ready for deployment abroad, along the lines of the UK government’s Stabilisation Unit or the US Civilian Response Force. The member-states and EU institutions have already taken the first steps: a civilian command for such forces exists (in the form of the Civilian Planning and Conduct Capability mentioned earlier).

## Conclusion

For the EU to become a truly effective contributor to Afghanistan’s reconstruction, it needs to identify what its unique strengths are and how can it bring them to bear in an environment where both EU delegations and member-states have interests at stake. The EU has so far failed to do this in Afghanistan, which has undermined its otherwise substantial contributions. The recently

adopted EU action plan represents a welcome step in the right direction but the EU now needs to demonstrate through concrete steps that it is a reliable partner.

The stakes could hardly be higher. A series of high-level international meetings over the past year, including the Shanghai Co-operation Organisation summit in Moscow in March 2009, the International Conference on Afghanistan in The Hague in the same month, the NATO summit in Strasbourg in April and the London Conference in January 2010 confirm that Afghanistan and Pakistan are currently the global foreign policy priorities. But the EU has failed to translate this sense of urgency into meaningful action, and it has made a poor use of its resources to bring about stability and peace in Afghanistan.

Given domestic political pressures, Europe’s strategic objectives for Afghanistan need to be realistic. There is no point in setting goals that are too ambitious for EU citizens’ patience and wallets. But EU governments and institutions must explain to the public that security in Afghanistan cannot come at the expense of establishing respect for the rule of law, and the Kabul government must tackle violations of human rights if it is to win the support of the Afghans. The recent presidential elections proved that neglect of democratic principles undermines the legitimacy of the Afghan government and international efforts to support it. The response of foreign governments and institutions and their preparations for the forthcoming parliamentary elections in 2010 will play a crucial role in determining the future of Afghanistan.

The European Union must commit for the long term in Afghanistan, and build its strategy around addressing the root causes of the current unrest. But for the EU to be a serious actor, mere agreement with the US is not sufficient. They ought to co-operate closely but they have different strengths, and are viewed differently by the Afghans. The EU should craft a strategy that builds upon its capabilities: and that means focussing on governance, human rights, reconciliation, police training, regional diplomacy and the rule of law. Those priorities would help to address Afghanistan’s most urgent weaknesses, and they also complement the US focus on security.

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