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OVERSIGHT OF U.S. EFFORTS TO TRAIN AND EQUIP POLICE AND ENHANCE THE JUSTICE SYSTEM IN AFGHANISTAN

HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL SECURITY AND FOREIGN AFFAIRS

OF THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

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OVERSIGHT OF U.S. EFFORTS TO TRAIN AND EQUIP POLICE AND ENHANCE THE JUSTICE SYSTEM IN AFGHANISTAN

WEDNESDAY, JUNE 18, 2008

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON NATIONAL SECURITY AND FOREIGN AFFAIRS,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m. in room 2154, Rayburn House Office Building, Hon. John F. Tierney (chairman of the subcommittee) presiding.

Present: Representatives Tierney, Lynch, Braley, Van Hollen, Welch, Shays, and Foxx.

Also present: Representative Moran.

Staff present: Dave Turk, staff director; Andrew Su, professional staff member; Davis Hake, clerk; Andy Wright, counsel; Rebecca Macke, intern; A. Brooke Bennett, minority counsel; Nick Palarino, minority senior investigator and policy advisor; and Benjamin Chance and Todd Greenwood, minority professional staff members.

Mr. TIERNEY. A quorum being present, the Subcommittee on National Security and Foreign Affairs' hearing entitled, "Oversight of U.S. Efforts to Train and Equip Police and Enhance the Justice System in Afghanistan," will come to order.

I ask unanimous consent that only the chairman and the ranking member of the subcommittee be allowed to make opening statements. Without objection, that is so ordered.

And I ask unanimous consent that Mr. Moran from Virginia be allowed to participate in the hearing. Without objection, that is so ordered.

I also ask unanimous consent that the hearing record be kept open for 5 business days so that all members of the subcommittee be allowed to submit a written statement for the record. Without objection, that is also ordered.

Before I begin with the opening statements, I would just like to acknowledge that we have with us today a group of individuals from Afghanistan comprising of six members of Parliament, the Lower House of the Afghan National Assembly, from the Committee on National Defense and the Committee on Internal Security, and officials from the Ministry of Interior. They have been kind enough to speak with us this morning and to give us some insight from their perspective, which was incredibly helpful. We are appreciative that they have made the trip here, spent time with us, and

that they are going to spend some time in the hearing this morning. We welcome them.

At this point we are going to break the normal course of action, and I am going to ask Mr. Shays to please give his opening statement first. He has to testify at another committee, following which he will return to this committee.

Mr. Shays, you are recognized for your opening statement.

Mr. SHAYS. Thank you, Mr. Chairman, for your courtesy, and thank you for holding this important and timely hearing on the U.S.' effort to train and provide equipment to the Afghan security forces and to build capacity in their justice sector.

Before turning to the subject of this hearing, I want to highlight a recent development in Iraq. This September, the entire Iraqi 275-member Legislative Body will move their offices and meetings to the Saddam Hussein-era Parliament Building, which is outside the heavily protected international zone. This move is a further indication of the improved security situation in Baghdad, in spite of the horrific bombings that occurred there yesterday, and the progress that is being made in that country.

It was the men and women of the Coalition Force in Iraq who brought about this change for the better. They had the help of the Iraqi Security Force, including the Iraqi Army, Border Patrol, and the police, who were trained not only by the United States but also by other members of the international community.

This brings me to the subject of today's hearing. What action is the United States taking to develop and sustain the Afghanistan National Police and the Rule of Law in Afghanistan? Police forces for any country are essential, but they are especially important in countries fighting insurgence and terrorists. A government that cannot provide security to its citizens will never be able to gain legitimacy.

When subcommittee staff met with the group of Provincial Council leaders from Afghanistan, they said that the three most important concerns to the Afghans today are: one, security; two, educational opportunity; and three, economic progress. These are inherently connected. Police provide protection in the villages so that students can go to school, and these increased educational opportunities afford Afghan children greater professional and economic choices, but the crucial step is providing an environment in which students and parents can feel safe and secure sending their children to school.

As we see in Iraq, if a nation's people do not have a police force they can trust and depend on, they will look to others to defend them. We have already seen villages in Afghanistan starting to turn to the Taliban for protection, and that is impeding the success of the Afghan government and the success of the international community.

Just as we train the military and police forces in Iraq, we are providing training to the security forces in Afghanistan.

With that, Mr. Chairman, let me put the rest of my comments in the record and I will return as soon as I testify.

Mr. TIERNEY. Thank you, Mr. Shays. We appreciate your opening remarks.

We do try to work on a bipartisan basis in this committee. I think your remarks will be reflected in mine, as well.

I again want to welcome everybody here, our witnesses in particular. This hearing is a part of a sustained oversight effort this committee has had.

We have managed to send three congressional delegations to Afghanistan and Pakistan since 2007. During the most recent trip, which was just a few months ago, we sat down with Afghanistan's Minister of Justice, His Excellency Sarwar Danish. It was the last meeting we had in Afghanistan. It was later in the day. We had just completed a somewhat ambitious schedule of travel to Herat within Kabul. We had visits with U.S. troops and our top generals, with President Karzai and local Afghan leaders and with U.S. diplomats and development workers in the field.

Justice Minister Danish, along with just about everybody else with whom we met during that trip, stressed the vital importance of police as the first line of security and 'the Rule of Law.

It was also stressed that police cannot be viewed in isolation. Afghans need professional, honest, and well-trained judges; they need prosecutors and defense attorneys; they need a functioning and legitimate legal code; and they need safe and secure jails.

The Minister laid out the immense challenges that face his fellow Afghans, and this morning the delegation, who I mentioned earlier, also cited those challenges. After over 30 years of conflict, Afghans face widespread illiteracy, decades of exodus of educated Afghans, rampant corruption fueled by the opium trade, and competing, urgent national priorities.

There appears to be growing consensus forming about the vital nature of the justice sector in Afghanistan; that this is absolutely crucial in efforts to stabilize Afghanistan and to bring law and order to all Afghan communities.

The Rule of Law is necessary to successfully take on the terrorists and the insurgents, to quell the insecurity, and to root out the corruption that provides space and opportunity for the Taliban and other extremists, narcotics traffickers, and war lords to prosper. The International Crisis Group put it this way in a report entitled "Reforming Afghanistan's Police." They said, "Policing goes to the very heart of state building. . . . A trusted law enforcement institution would assist nearly everything that needs to be achieved in [Afghanistan]."

A recent RAND Corp. study commissioned by the Secretary of Defense on counterinsurgency strategy in Afghanistan even placed the importance of capacity building in the police ahead of that of the Afghan army: "Building the police in counterinsurgency should be a higher priority than the creation of the army because the police are the primary arm of the government in towns and villages across the country. . . . They have close contact with local populations in cities and villages and will inevitably have a good intelligence picture of insurgent activity."

The State Department Inspector General's office recently stressed: "Confidence that the government can provide a fair and effective justice system is an important element in convincing war-battered Afghans to build their future in a democratic system rath-

er than reverting to one dominated by terrorists, war lords, and narcotics traffickers."

The next question that must be asked is: how are we doing?

With us today is the head of the Government Accountability Office team that just completed an in-depth, on-the-ground assessment of U.S. efforts to develop Afghan national security forces, including the Afghan National Police.

The Government Accountability Office offers a stark answer to the question of how we are doing. Here is what it reports: Not a single Afghan police unit is "fully capable of performing its mission." In fact, "96 percent (296 of 308) of uniformed police districts and all border police battalions (33 of 33) were rated at the lowest of four possible capability ratings." Less than one-quarter of the police have mentors present to provide training in the field and verify that police are on duty."

"[S]hortages remained in several types of police equipment that Defense considers critical, such as vehicles, trucks, and body armor."

"[T]he slow rate at which the rule of law is being implemented across Afghanistan inhibits community policing," and "police in the field also face persistent problems with pay, corruption, and attacks."

The GAO's specific findings are both shocking and disheartening, but consistent with other recent analyses. Just last week, RAND noted that while "the [Afghan army's] competence improved in the early stages of the counterinsurgency campaign," the "same cannot be said for the [Afghan police], which suffered from a lack of attention, low levels of initial funding, no initial mentoring, corruption, and a paucity of loyalty to the central government." As of 2007, 65 percent of the Afghan people believed that the Afghan police force "is unprofessional and poorly trained."

The State Department Inspector General recently concluded, "the continuous turnover of U.S. government staff and the conflicting priorities among even U.S. government entities, in the context of the desperate straits of the Afghan justice sector, indicate that the challenges of the [Rule of Law] Coordinator will only continue to grow."

Startlingly, the State Inspector General found that "no one [United States Government] source seems to have a clear picture of the scope of U.S.' expenditure in this field."

Perhaps the following images are worth 1,000 words when it comes to the challenges faced by the Afghan prison sector.

[Videotape presentation.]

Mr. TIERNEY. And these breakdowns in the Afghan justice sector have real-world consequences. Taliban fighters have reportedly now taken control of nine villages a dozen or so miles from last Friday's prison break.

Some commentators have dubbed our efforts in Afghanistan "the forgotten war." Unfortunately, the Government Accountability Office finds some evidence to substantiate that moniker. It notes that, "according to Defense Officials leading the effort in Kabul, the shortage of mentors is the primary obstacle in building a fully capable [police] force." They also conclude that "the shortfall in mili-

tary mentors for the [police] is due to the higher priority assigned to deploying military personnel elsewhere, particularly Iraq."

Afghan police equipment shortages are also partly attributable to "competing priorities, particularly the need to equip U.S. military personnel elsewhere, particularly Iraq."

Nearly 7 years after the invasion of Afghanistan, I don't think anyone can take a whole lot of pride in the answer to the question of how we are doing. But the stakes here are enormous. Put simply, effective and honest Afghan police and a well-functioning justice systems are critical to the future of Afghanistan and to the security of all Americans. We simply have to do better, and time is of the essence.

We should note also that it is not for lack of Afghans being intent on trying to come to their own aid. A substantial number of Afghanistan residents have died as police officers, and they are being targeted regularly. The extremist forces are not unconscious of the fact that a better trained police force, an effective police force, is probably the best thing that could happen to that country in terms of turning down the level of extremism and fighting it, and preventing its capacity to keep interrupting the progress in Afghanistan.

We have a brave people in Afghanistan willing to step forward. They need assistance being trained and equipped. The real questions are: how are we going to do that? When can we do it? And are we on the best path now to get it done?

I look forward to engaging in this critical dialog. While I think we are all frustrated at the lack of the degree of capacity we would have liked to have seen over the last 7 years, I hope this subcommittee can play a constructive role in the path ahead, and look forward to the testimony of all of our witnesses.

Now we will receive testimony from the first panel that is before us today.

Mr. Charles Michael Johnson, Jr., good morning.

Mr. CHARLES JOHNSON. Thank you, Mr. Chairman.

Mr. TIERNEY. Mr. Johnson is the Director of the International Affairs and Trade Division of the U.S. Government Accountability Office, Congress' investigatory arm. Mr. Johnson has had an extremely distinguished 27-year career with the Government Accountability Office, having won numerous awards, including special commendation awards for outstanding performance, leadership, management, and high congressional client satisfaction.

I should also add that this subcommittee has kept Mr. Johnson and his team very busy over the recent weeks and months. This will be the second time, I think, that you have testified before this subcommittee just in the last month. We appreciate your maintaining the pace and the professionalism that you and your staff have done, and thank them as well as you for your efforts, and the entire team.

Mr. Frank Ward is the State Department's Deputy Assistant Inspector General for Inspections. He has inspected the U.S. mission in Russia and served as deputy team leader for the inspections in our embassies in Khartoum and Nairobi, the Rule of Law program in Afghanistan, and the Voice of America news. Mr. Ward joined the U.S. Foreign Service in 1978. We also note that Mr. Ward's in-

volvement in Afghanistan can be traced back at least three decades, when he participated—presumably as a child—in a USAID educational project there.

And Mr. Erich Hart also joins Mr. Ward. I don't know if he will be presenting testimony or just assisting in the responses. We welcome you, as well.

It is the policy of this subcommittee to swear you in before you testify, so I would ask you to please stand and raise your right hands. If there are any other persons who may be assisting you in responding to the questions, I ask that they also stand and raise their hand, as well.

[Witnesses sworn.]

Mr. TIERNEY. The record will please reflect that all of the witnesses answered in the affirmative.

With that, and with the knowledge that your written comments will appear on the record in full, we have 5 minutes that we generally allocate for opening statements. We will try to be lenient and allow you to go over, of course, to a certain degree without being rude with you going on too long. We want to bring it to a close. We may tap the gavel, ask you to summarize and conclude. I know that Members on the panel here do have a number of questions that they have from reading your written testimony and from the various reports that are here.

Mr. Johnson, thank you again for being with us. We are anxious to hear your testimony.

STATEMENTS OF CHARLES MICHAEL JOHNSON, JR., DIRECTOR, INTERNATIONAL AFFAIRS AND TRADE, U.S. GOVERNMENT ACCOUNTABILITY OFFICE; AND FRANK WARD, OFFICE OF THE INSPECTOR GENERAL, U.S. DEPARTMENT OF STATE, ACCOMPANIED BY ERICH HART, GENERAL COUNSEL, U.S. DEPARTMENT OF STATE

STATEMENT OF CHARLES MICHAEL JOHNSON

Mr. CHARLES JOHNSON. Thank you, Mr. Chairman.

Mr. Chairman, members of the subcommittee, I am pleased to be here today to discuss the U.S. efforts to assist in developing the Afghan National Police and the establishment of Rule of Law in Afghanistan. My statement is based on our report, being released today, that focuses on U.S. efforts to develop Afghan national security forces; that is, an Afghan National Army and an Afghan National Police.

First, I will describe the current status of the ANP, the Afghan National Police; second, I will address challenges the United States faces in developing fully capable Afghan National Police forces, including the Rule of Law; third, I will discuss Defense and State efforts to develop a coordinated, detailed plan for completing and sustaining the Afghan National Security force.

Before I discuss findings, I would like to note that establishing a capable Afghan National Police force and Rule of Law are considered vital to stabilizing Afghanistan.

U.S. support for the Afghan National Police increased significantly in 2005 in response to concerns that the security situation within Afghanistan was getting worse and that the ANP develop-

ment was moving too slowly. Since 2005, Defense, with the support of the State Department, has directed U.S. efforts to develop the Afghan National Police.

With respect to the current status of the Afghan National Police, our work revealed that, despite an investment of over $6 billion, no Afghan National Police force is fully capable of conducting operational missions without routine assistance or reliance on the international community. In fact, over three-fourths are assessed as formed but not yet capable of operational missions.

Furthermore, our ANP has reportedly grown in number to a force of nearly 80,000; what the ANP has actually grown is questionable, given the concerns with the reliability of the figures reported by the Afghan Minister of Interior.

A September 2007 Defense census noted that about 20 percent of the Afghan uniformed police and about 10 percent of the Afghan border police could not be verified in some provinces.

Concerning challenges, we found that several factors impeded the U.S. efforts to build a capable Afghan National Police force.

Mr. Chairman, as you noted, the first challenge that we discovered was that there was a shortage that existed in the number of police mentors needed to conduct training, evaluate capability, and verify that the police were actually on duty. Defense officials identified the shortage of mentors as a primary obstacle to building fully capable police forces and referenced competing demands in Iraq.

Second, the ANP continues to encounter difficulties with some equipment shortages and quality. As you mentioned earlier, the equipment shortages relate to vehicles, body armor, and radios, in particular.

Third, the ANP faces a difficult working environment, including persistent problems with pay, corruption, and attacks from insurgents, and a weak judicial sector.

In 2005, we reported that few linkages existed between the Afghan judiciary system and the police, and that the police had little ability to enforce Rule of Law. Our recent work revealed that the Rule of Law challenges continue to exist.

In November 2007 Defense began a focused district development initiative to address some of these challenges. This new initiative is an effort to train, equip, and deploy police as a part of a unit rather than as individual police officers. This is similar to how the Afghan National Army is being trained and equipped.

We have not fully assessed this particular initiative; however, the continued shortfalls in the police mentors may put this initiative at risk.

With respect to planning, despite our 2005 recommendation calling for a detailed plan for completing and sustaining the Afghan National Security Forces and a 2008 congressional mandate requiring similar information, Defense and State have not developed a coordinated, detailed plan that, among other things, includes clearly defined roles and responsibilities and interim milestones for achieving objectives, future funding requirements, and a strategy for sustaining results achieved.

In the absence of a plan that clearly states the various agencies' roles and responsibilities, coordination difficulties have occurred. In the absence of a plan with interim milestones against which to as-

sess the ANP, it is difficult to know if current ANP status represents where the United States should have been at or what goals the United States should have achieved by 2008.

In the absence of a plan containing a transition strategy that includes a focus on sustainment, it is difficult to determine how long the United States may need to continue providing funding and other resources to complete and sustain the Afghan National Police.

In summary, after more than $6 billion invested, no Afghan police unit is assessed as fully capable of carrying out its mission, the ANP development continues to face several challenges, and a coordinated detail plan has yet to be established.

To help ensure coordination and enhance the accountability of U.S. efforts, our report being released today on U.S. efforts to build capable Afghan National Security forces encourages the Congress to consider conditioning portions of future appropriations relating to the training and equipping of the Afghan National Security Forces on the completion of a coordinated plan.

Mr. Chairman and members of the subcommittee, this concludes my opening statement. I am pleased to take any questions at this time.

[The prepared statement of Mr. Johnson follows:]

United States Government Accountability Office

GAO

Testimony
Before the Subcommittee on National Security and Foreign Affairs, Committee on Oversight and Government Reform, House of Representatives

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AFGHANISTAN SECURITY

U.S. Efforts to Develop Capable Afghan Police Forces Face Challenges and Need a Coordinated, Detailed Plan to Help Ensure Accountability

Statement of Charles Michael Johnson, Jr., Director
International Affairs and Trade

GAO-08-883T

June 18, 2008

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Highlights

Highlights of GAO-08-883T, a testimony before the Subcommittee on National Security and Foreign Affairs, Committee on Oversight and Government Reform, House of Representatives

AFGHANISTAN SECURITY

U.S. Efforts to Develop Capable Afghan Police Forces Face Challenges and Need a Coordinated, Detailed Plan to Help Ensure Accountability

Why GAO Did This Study

Since 2005, the Department of Defense (Defense), with support from the Department of State (State), has directed U.S. efforts to develop the Afghan National Police (ANP) into a force capable of enforcing the rule of law and supporting actions to defeat insurgency, among other activities. This testimony discusses (1) U.S. efforts to develop a capable ANP; (2) challenges that affect the development of a capable ANP; and (3) GAO analysis of U.S. efforts to develop a coordinated, detailed plan for completing and sustaining the Afghan National Security Forces (ANSF), which comprise the ANP and the Afghan National Army (ANA). This statement is based on a concurrently issued GAO report titled *Afghanistan Security: Further Congressional Action May Be Needed to Ensure Completion of a Detailed Plan to Develop and Sustain Capable Afghan National Security Forces*, GAO-08-661 (Washington, D.C.: June 18, 2008).

What GAO Recommends

To help ensure coordination and accountability of U.S. efforts to build a capable ANSF and facilitate assessment of progress, GAO has encouraged Congress to consider conditioning a portion of future appropriations on completion of a coordinated, detailed plan. Defense disagreed with conditioning future funding and State expressed similar concerns. GAO maintains that further action is needed to ensure completion of a coordinated, detailed plan.

To view the full product, including the scope and methodology, click on GAO-08-883T. For more information, contact Charles Michael Johnson, Jr., at (202) 512-7331 or johnsoncm@gao.gov.

What GAO Found

Although the ANP has reportedly grown in number since 2005, after an investment of more than $6 billion, no Afghan police unit (0 of 433) is assessed by Defense as fully capable of performing its mission and over three-fourths of units (334 of 433) are assessed at the lowest capability rating. In addition, while the ANP has reportedly grown in number to nearly 80,000 personnel, concerns exist about the reliability of this number.

Defense Assessment of ANP Capabilities, as of April 2008

Number of ANP units	Fully Capable	Capable with Coalition Support	Partially Capable	Not Capable	Unit Not Formed or Not Reporting
433	0	12 (3%)	18 (4%)	334 (77%)	69 (16%)

Source: GAO analysis of Defense data.

Several challenges impede U.S. efforts to develop capable ANP forces. First, the shortage of police mentors has been a key impediment to U.S. efforts to conduct training and evaluation and verify that police are on duty. Second, the ANP continues to encounter difficulties with equipment shortages and quality. Third, the ANP faces a difficult working environment, including a weak Afghan judicial sector and consistent problems with police pay, corruption, and attacks by insurgents. Defense has recognized challenges to ANP development and, in November 2007, began a new initiative called Focused District Development—an effort to train the police as units—to address them. This effort is too new to fully assess, but the continuing shortfall in police mentors may put the effort at risk.

Despite a 2005 GAO recommendation calling for a detailed plan and a 2008 congressional mandate requiring similar information, Defense and State have not developed a coordinated, detailed plan with clearly defined roles and responsibilities, milestones for completing and sustaining the ANSF, and a sustainment strategy. In 2007, Defense produced a 5-page document intended to address GAO's 2005 recommendation. However, the document does not identify the role or involve the participation of State—Defense's partner in training the ANP. Further, State has not completed a plan of its own. In the absence of a coordinated, detailed plan that clearly defines agency roles and responsibilities, a dual chain of command exists between Defense and State that has complicated the efforts of mentors training the police. Defense's 5-page document also contains few milestones, including no interim milestones that would help assess progress made in developing the ANP. Without interim milestones, it is difficult to know if current ANP status represents what the United States intended to achieve by 2008. In addition, Defense's 5-page document lacks a sustainment strategy. Without a detailed strategy for sustaining the ANSF, it is difficult to determine how long the United States may need to continue providing funding and other resources for this important mission.

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to discuss U.S. efforts to assist in the development of Afghan National Police (ANP) forces and the establishment of rule of law in Afghanistan. My testimony is based on our concurrently issued report[1] regarding U.S. efforts to develop the Afghan National Security Forces (ANSF), which consist of the Afghan National Army (ANA) and the ANP. According to Defense, an improved police force is vital to stabilizing and maintaining security throughout Afghanistan. U.S. support for the ANP began in 2002 and increased significantly in 2005 in response to deteriorating security in Afghanistan and concerns that ANP development was proceeding too slowly. U.S. activities currently include manning, training, and equipping of police forces as well as efforts to reform the Afghan Ministry of Interior, which oversees the ANP.[2]

My testimony today focuses on (1) U.S. efforts to develop capable ANP forces; (2) challenges that affect the development of capable ANP forces; and (3) our analysis of U.S. efforts to develop a coordinated, detailed plan for completing and sustaining the ANSF, including the ANP. Over the course of our work, we reviewed and analyzed Defense reporting and planning documents. In addition, we interviewed cognizant Defense, State, and contractor officials in Washington, D.C., as well as in Kabul, Afghanistan, where we also met with Afghan government officials. We also visited an equipment warehouse and police training facilities.

We conducted our work for the concurrently issued report from March 2007 through June 2008 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

[1]GAO, *Afghanistan Security. Further Congressional Action May Be Needed to Ensure Completion of a Detailed Plan to Develop and Sustain Capable Afghan National Security Forces*, GAO-08-661 (Washington, D.C.: June 18, 2008).

[2]GAO is currently performing a detailed review of U.S. efforts to reform the Afghan Ministry of Interior and National Police. This report is currently planned for release in early 2009.

Summary

Since 2002, the United States has provided about $6.2 billion[3] to train and equip the ANP. However, as of April 2008, no police unit was assessed as fully capable of performing its mission. Over three-fourths of the police units were assessed as not capable—the lowest capability rating Defense assigns to units that have been formed. As of the same date, the ANP had reportedly grown in number to nearly 80,000—about 97 percent of the force's end-strength of 82,000. However, the extent to which the ANP has truly grown is questionable given concerns that have been raised by Defense about the reliability of police manning figures.

Building a capable ANP requires manning, training, and equipping forces; however, several challenges have impeded U.S. efforts to build a capable ANP.

- The shortage of police mentors has impeded U.S. efforts to conduct training, evaluation, and verification that police are on duty.[4] As of April 2008, only about 32 percent (746 of 2,358) of required military mentors were present in Afghanistan.[5] According to Defense, the shortfall in military mentors is due to the higher priority assigned to deployments of U.S. military personnel elsewhere, particularly Iraq.

- The ANP continues to encounter difficulties with equipment shortages and quality. As of February 2008, shortages remained in several types of police equipment that Defense considers critical, such as trucks, radios, and body armor. In addition, Defense officials expressed concerns about the quality and usability of thousands of weapons donated to the police. For example, officials estimated that only about 1 in 5 of the nearly 50,000 AK-47 automatic rifles received through donation was of good quality. In addition, distribution of hundreds of equipment items on hand has been delayed due to limited police ability to account for equipment provided to them.

[3]This figure includes $342 million appropriated and $764 million requested in fiscal year 2008.

[4]In this testimony, personnel who train Afghan police in the field are collectively referred to as mentors. U.S. military personnel who train Afghan police in the field are referred to as military mentors, while contractors who train Afghan police in the field are referred to as civilian mentors.

[5]As of the same date, about 98 percent (540 of 551) of the authorized number of civilian mentors were present in country.

- The ANP faces a difficult working environment. For example, although a working judiciary is a prerequisite for effective policing, State noted that much of Afghanistan continues to lack a functioning justice sector. In addition, police in the field face consistent problems with pay, corruption, and attacks.

In November 2007, Defense began a new initiative called Focused District Development to address some of these concerns. Under this initiative, the entire police force of a district is withdrawn to train as a unit—similar to the way Defense trains the Afghan army—and receive all authorized equipment. We have not fully assessed this new initiative; however, the continuing shortfall in police mentors may put this effort at risk.

Despite our 2005 recommendation and a 2008 congressional mandate, Defense and State have yet to develop a coordinated, detailed plan with milestones for completing and sustaining the Afghan police and army forces. In 2007, Defense produced a 5-page document intended to meet our 2005 recommendation. However, the document does not identify the role or involve the participation of State—Defense's partner in training the ANP. Further, State has not developed a plan of its own. In the absence of a coordinated, detailed plan that clearly states the various agencies' roles and responsibilities, a dual chain of command exists between Defense and State that has complicated the efforts of civilian mentors training the police.

Defense's 5-page document also contains few milestones, including no interim milestones that would enable assessment of progress made in developing the ANP. While Defense maintains that its monthly status reports allow progress to be monitored, these status reports also lack the interim milestones and end dates needed to determine if U.S. efforts are on track. Similarly, although Defense's newly adopted Focused District Development initiative involves considerable resources and is projected to last until 2012 at a minimum, Defense has not identified interim milestones or a consistent end date by which to gauge the progress of this new effort. Without interim milestones against which to assess the ANP, it is difficult to know if current ANP status represents what the United States intended to achieve by 2008.

In addition, Defense's 5-page document lacks a sustainment strategy. U.S. officials have stated that until Afghan revenues increase substantially, the international community will likely need to assist in paying sustainability costs. Defense officials in Washington have not indicated how long and in what ways the U.S. government expects to continue assisting the ANSF.

Without a detailed strategy for sustaining the ANSF, it is difficult to determine how long the United States may need to continue providing funding and other resources for this important mission.

To help ensure accountability of U.S. efforts to build a capable ANSF and facilitate assessment of progress, we included a matter for congressional consideration in our report issued concurrently with this testimony encouraging Congress to consider conditioning a portion of future appropriations on completion of a coordinated, detailed plan to develop the ANSF. Defense disagreed with our matter for congressional consideration, stating that current guidance provided to the field is sufficient to implement a successful program to train and equip the ANSF. State also expressed concerns about conditioning future appropriations on the completion of a detailed plan. We continue to believe that a coordinated, detailed plan is essential to helping ensure accountability for U.S. investments and facilitating assessment of progress.

Background

Afghanistan's security institutions, including its police and judiciary, were severely damaged prior to the U.S. and coalition overthrow of the Taliban regime in 2001. Reconstitution of the ANP formally began in February 2002 when donor nations agreed to establish a multiethnic, sustainable, 62,000-member professional police service committed to the rule of law. Germany volunteered to lead the police reform effort; however, due, in part, to Afghanistan's pressing security needs and concerns that the German training program was moving too slowly, the United States expanded its role in the police training effort in 2005—including involvement, for the first time, of the U.S. Department of Defense, as well as increased funding.[6] In May 2007, the Afghan government and its international partners approved an interim increase in the number of police forces from 62,000 to 82,000, to be reviewed every 6 months. The force structure for the police includes Ministry of Interior headquarters and administrative staff, uniformed police personnel, and several specialized police units. (See app. I for further details on the force structure and functions of the ANP.)

In addition to enforcing the rule of law, the role of the ANP is to protect the rights of citizens, maintain civil order and public safety, control national borders, and reduce the level of domestic and international organized crime, among other activities. Also, the deterioration in

[6] Defense also leads U.S. efforts to develop capable ANA forces.

Afghanistan's security situation since 2005 has led to increased ANP involvement in counterinsurgency operations, resulting in additional training in weapons and survival skills and counterinsurgency tactics.

U.S. efforts to organize, train, and equip the ANP are directed by Defense through its Combined Security Transition Command—Afghanistan (CSTC-A), with support from State, which provides policy guidance to the effort and oversight of civilian contractors implementing police training courses. The primary U.S. contractor involved in training the ANP is DynCorp International.

From 2002 to 2008, the United States provided about $16.5 billion to train and equip the ANSF, including about $6.2 billion for the ANP (see table 1). Over 40 percent (about $2.7 billion) of funds for training and equipping the ANP were provided in fiscal year 2007, in an effort to accelerate ANP development and enhance its capability in response to increased levels of violence and insurgent activity.

Table 1: Defense and State Funding for Training and Equipping Afghan National Police, Fiscal Years 2002-2008

Dollars in millions

Assistance program	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008 request[a]	Total
Afghan Police	$25.5	$5.0	$223.9	$837.9	$1,299.8	$2,701.2	$1,105.6	$6,198.8

Sources: GAO analysis of Defense and State data.

Note: Totals above include funding from a variety of Defense and State sources. In fiscal years 2007 and 2008, these sources included Afghan Security Forces Funding, Defense Counternarcotics funding, and International Narcotics Control and Law Enforcement counternarcotics funding.

[a]Fiscal year 2008 includes approximately $342 million that has been appropriated and approximately $764 million that has been requested.

Defense has developed criteria—called capability milestones (CM)—to assess police and army capability. The table below provides descriptions of the capability milestones.

Table 2: Capability Milestones for Afghan National Security Forces

Capability milestone	Description
CM1	The unit, agency, staff function, or installation is capable of conducting primary operational mission(s). Depending on the situation, units may require specified assistance from the Coalition or international community.
CM2	The unit, agency, staff function, or installation is capable of conducting primary operational mission(s) with routine assistance from, or reliance on, international community support.
CM3	The unit, agency, staff function, or installation is capable of partially conducting primary operational mission(s), but still requires assistance from, and is reliant on, international community support.
CM4	The unit, agency, staff function, or installation is formed but not yet capable of conducting primary operational mission(s). It may be capable, available, or directed to undertake portions of its operational mission but only with significant assistance from, and reliance on, international community support.

Source: CSTC-A.

Most Afghan National Police Units Are Rated as Not Capable of Performing Their Mission

After an investment of more than $6 billion, Defense reporting indicates that, as of April 2008, no police unit (0 of 433) was assessed as fully capable of performing its mission and more than three-fourths of units rated (334 of 433) were assessed as not capable (see table 3).[7] Furthermore, among rated units, about 96 percent (296 of 308) of uniformed police districts and all border police battalions (33 of 33), which together comprise about 75 percent of the ANP's authorized end-strength, were rated as not capable.[8]

[7]CSTC-A provided us with capability ratings for 433 police units, which include uniformed police districts, civil order and border police battalions, and counter narcotics police units.

[8]This does not include 57 uniformed police districts that Defense assessed as not formed or not reporting.

Table 3: Defense Assessment of ANP Capabilities, as of April 2008

Police units	CM1 Fully Capable	CM2 Capable with Coalition Support	CM3 Partially Capable	CM4 Not Capable	Unit Not Formed or Not Reporting[a]
Uniformed Police Districts (365)	0	6	6	296	57
Border Police Battalions (33)	0	0	0	33	0
Civil Order Police Battalions (20)	0	6	2	2	10
Counter Narcotics Police Units (15)	0	0	10	3	2
Number of ANP units (433)	0	12 (3%)	18 (4%)	334 (77%)	69 (16%)

Source: GAO analysis of Defense data.

[a]A uniformed police district that is categorized as "not formed or not reporting" has not been rated by Defense. A civil order police battalion or a counter narcotics police unit that is categorized as "not formed or not reporting" is a planned unit or in training.

Six of the remaining 12 uniformed police districts were rated as capable of leading operations with coalition support, and the other 6 as partially capable. Overall, Defense assessed approximately 4 percent (18 of 433 units rated) of police units as partially capable and about 3 percent (12 of 433 units rated) as capable of leading operations with coalition support. According to Defense reporting as of April 2008, the expected date for completion of a fully capable Afghan police force is December 2012. However, the benchmark set by the Afghan government and the international community for establishing police forces that can effectively meet Afghanistan's security needs is the end of 2010.

Growth of Police Force Is Difficult to Quantify

Defense reporting indicates that, as of April 2008, nearly 80,000 police had been assigned out of an end-strength of 82,000. This is an increase of more than double the approximately 35,000 we reported as trained as of January 2005. Despite this reported increase in police manning, it is difficult to determine the extent to which the police force has grown. As we noted in May 2007, the Afghan Ministry of Interior produces the number of police assigned and the reliability of these numbers has been questioned. A Defense census undertaken since our May 2007 report to check the reliability of ministry payroll records raises additional concerns about numbers of police reportedly assigned. In September 2007, Defense

reported that it was unable to verify the physical existence of about 20 percent of the uniformed police and more than 10 percent of the border police listed on the ministry payroll records for the provinces surveyed. Because Defense's census did not cover all 34 Afghan provinces, these percentages cannot be applied to the entire police force. Nonetheless, the results of Defense's census raise questions about the reliability of the nearly 80,000 number of police reportedly assigned.

Several Challenges Impede Development of Capable Police Forces

Several challenges impede U.S. efforts to build a capable police force. These include (1) shortages in the police mentors needed to provide training and evaluation and verify that police are on duty; (2) shortfalls in several types of equipment that Defense considers critical; (3) a weak judicial system; and (4) consistent problems with police pay, corruption, and attacks by insurgents. Recognizing these challenges to ANP development, Defense began a new initiative in November 2007 to reconstitute the uniformed police—the largest component of the Afghan police. Although this effort is too new to fully assess, the continuing shortfall in police mentors may put the initiative at risk.

Shortage of Police Mentors Hinders Training, Evaluation, and Verification of Police on Duty

According to Defense officials, the shortage of available police mentors has been a key impediment to U.S. efforts to conduct training and evaluation and to verify that police are on duty. Police mentor teams in Afghanistan consist of both civilian mentors, who teach law enforcement and police management, and military mentors, who provide training in basic combat operations and offer force protection for the civilian mentors. As of April 2008, only about 32 percent (746 of 2,358) of required military mentors were present in country. Due to this shortage of military mentors to provide force protection, movement of available civilian mentors is constrained.[9] According to Defense officials, the shortfall in military mentors for the ANP is due to the higher priority assigned to deploying U.S. military personnel elsewhere, particularly Iraq.

Defense officials identified the continuing shortfall in police mentors as an impediment to U.S. efforts to develop the Afghan police in three areas.

[9]Additionally, DynCorp officials stated that moving around Afghanistan to conduct mentoring operations is difficult due to the size of the country and the lack of roads. GAO is currently completing a review of U.S. and donor efforts to build roads in Afghanistan. This report is due to be released in July 2008.

First, senior Defense officials, including the commanding general of CSTC-A, stated that the ongoing shortfall in police mentors has been the primary obstacle to providing the field-based training necessary to develop a fully capable police force. Second, while Defense recently introduced a monthly assessment tool to be used by mentors to evaluate police capability and identify areas in need of further attention, CSTC-A identified extremely limited mentor coverage as a significant challenge to using this tool. Third, the shortage of available police mentors has impeded U.S. efforts to verify the number of Afghan police on duty. For example, as of April 2008, Defense could not verify whether any police were reporting for duty in 5 of Afghanistan's 34 provinces due to the lack of mentors. Without sufficient police mentors present to conduct field-based training and evaluation and verify police manning, the development of fully capable, fully staffed Afghan police forces may continue to be delayed.

Police Continue to Face Difficulties with Equipment Shortages and Quality

As of February 2008, shortages remained in several types of police equipment that Defense considers critical, such as trucks, radios, and body armor. In addition, Defense officials expressed concerns with the quality and usability of thousands of weapons donated to the police. For example, officials estimated that only about 1 in 5 of the nearly 50,000 AK-47 automatic rifles received through donation was of good quality (see fig. 1).

Figure 1: Donated Rifles of Variable Quality

Source: GAO.

Our analysis of weekly progress reports produced in 2007 by DynCorp civilian police mentors provides additional evidence of equipment-related challenges and other logistical difficulties.[10] Specifically, 88 percent (46 of 52) of weekly reports contained instances of police operating with equipment of insufficient quality or quantity or facing problems with facilities or supplies. In addition, 81 percent (42 of 52) of weekly reports contained examples of limited police ability to account for the equipment provided to them.[11] In July 2007, CSTC-A initiated efforts to train the police in basic supply and property accountability procedures. According to CSTC-A, equipment is no longer being issued to police districts unless the

[10]We limited our analysis to 2007 reporting because State was unable to provide a complete set of weekly reports for prior years. Instances discussed in more than one report were only categorized and counted the first time they appeared.

[11]GAO is currently performing a detailed review of the accountability of lethal equipment provided to the ANSF. This report is currently planned for release in early 2009.

districts' property officers are first trained. For example, according to Defense, more than 1,500 trucks have been on hand and ready for issue since late 2007 (see fig. 2), but the Afghan Minister of Interior has delayed distribution of these vehicles until adequate accountability procedures are established in the target districts.

Figure 2: Trucks Awaiting Distribution to ANP

Source: GAO.

Police Face Problems with Weak Judicial Sector, Pay, Corruption, and Attacks

Establishing a working judiciary in Afghanistan based on the rule of law is a prerequisite for effective policing. However, in 2005, we reported that few linkages existed in Afghanistan between the Afghan judiciary and police, and the police had little ability to enforce judicial rulings. Our 2005 report also noted that overall justice sector reform was underfunded and understaffed. Subsequently, we reported in 2006 and 2007 that rebuilding the Afghan judicial sector lagged behind the other four security pillars—army, police, combating drugs, and disarmament.[12] According to State, much of Afghanistan continues to lack a functioning justice system. In addition,

[12]GAO, *Afghanistan Drug Control: Despite Improved Efforts, Deteriorating Security Threatens Success of U.S. Goals*, GAO-07-78 (Washington, D.C.: Nov. 15, 2006); GAO-07-801SP.

according to CSTC-A, the slow rate at which the rule of law is being implemented across Afghanistan inhibits effective community policing.

Furthermore, our analysis of DynCorp's weekly progress reports from 2007 indicates that police in the field also face persistent problems with pay, corruption, and attacks (see table 4).[13]

Table 4: Examples and Frequency of Problems Faced by ANP Relating to Pay, Corruption, and Attacks

Issue	Selected examples of problems cited	Frequency of related problems
Pay	Police not being paid for several months Police receiving incomplete pay Police quitting due to pay-related problems Remote location of payment sites leading police to spend part of pay on transportation	94 percent (49 of 52 weekly reports)
Corruption	Police personnel providing weapons or defecting to the Taliban High-ranking officials engaging in bribery or misconduct Police collecting unauthorized "tolls" from drivers	87 percent (45 of 52 weekly reports)
Attacks	Police targeted by suicide bombers or with improvised explosive devices Police stations overrun by insurgent forces Dangerous working conditions causing difficulties in retaining or recruiting police	85 percent (44 of 52 weekly reports)

Source: GAO analysis of documents provided to State by DynCorp.

Note: Examples provided are illustrative only and do not constitute the entirety of problems that we found.

[13]The security situation in Afghanistan, police performance, and retaining and recruiting police were other top issues identified in our analysis. These topics are discussed in our concurrently issued report.

New Initiative to Reconstitute Police Has Begun, but Limited Mentor Coverage Is a Risk Factor

Defense has recognized challenges to ANP development and began a new initiative called Focused District Development in November 2007 to address them. According to Defense documentation, the objective of this initiative is to focus resources on reforming the uniformed police—the largest component of the ANP—as the key to the overall reform of the ANP. [14] Under this initiative, the entire police force of a district is withdrawn from the district and sent to a regional training center for 8 weeks to train as a unit—similar to how Defense trains the Afghan army—and receive all authorized equipment while their district is covered by the Afghan National Civil Order Police (ANCOP), a specialized police force trained and equipped to counter civil unrest and lawlessness.[15] The police force then returns to its district, where a dedicated police mentor team provides follow-on training and closely monitors the police for at least 60 days. Defense expects to be able to reconstitute about 5 to 10 districts at a time, with each training cycle lasting about 6 to 8 months. Overall, according to State, it will take a minimum of 4 to 5 years to complete the initiative.

Defense documentation indicates that no districts had completed an entire Focused District Development cycle as of April 2008. Until an entire cycle is completed, it will be difficult to fully assess the initiative. However, limited police mentor coverage may complicate efforts to execute this new program. Defense documentation identifies sufficient police mentor teams as the most important requirement for successful reform. However, according to the commanding general of CSTC-A, the ongoing shortfall in police mentors available to work with newly trained district police will slow implementation of the initiative. In addition, a senior Defense official stated that unless the mentor shortage is alleviated, the number of police mentor teams available to provide dedicated training and monitoring will eventually be exhausted.

[14]Defense documents indicate that the Afghan border police will also eventually be reconstituted through the Focused District Development initiative; however, according to a Defense official, it is uncertain when such efforts will begin.

[15]Defense documents indicate that, in addition to being trained, a district police force undergoing Focused District Development will also have corrupt leaders replaced by nationally vetted ones, receive new salaries on parity with Afghan army salary rates, and have electronic funds transfer accounts established. Defense also has identified the development of the Afghan justice system as a goal of the Focused District Development initiative but anticipates limited integration of rule of law reform into the initiative until summer 2008.

Defense and State Have Not Developed a Coordinated, Detailed Plan for Completing and Sustaining the ANSF

In our June 2005 report, we recommended that the Secretaries of Defense and State develop detailed plans for completing and sustaining the ANSF that contain several elements, including milestones for achieving stated objectives and a sustainability strategy. Despite the concurrence of both agencies with our recommendation, Defense and State have not completed a coordinated, detailed plan for completing and sustaining the ANSF. In the absence of such a plan, coordination difficulties have occurred and progress is difficult to assess. In 2008, Congress mandated that the President, acting through the Secretary of Defense, submit reports to Congress on progress toward security and stability in Afghanistan, including a comprehensive and long-term strategy and budget for strengthening the ANSF.[16] Congress also mandated that Defense submit reports on a long-term detailed plan for sustaining the ANSF.[17] The first submission of each of these reports was due at the end of April 2008, but neither has yet been provided to Congress.

Recurrent Coordination Difficulties Have Arisen in the Absence of a Coordinated Plan

In February 2007, Defense provided us a 5-page document that, according to Defense officials, is intended to meet GAO's 2005 recommendation for detailed plans to complete and sustain the ANSF. Although Defense and State are partners in training the ANP, the Defense document does not identify or discuss the roles and responsibilities of State. State also did not contribute to the development of this document and has not developed a plan of its own. In the absence of such a plan, coordination has been a problem. For example, DynCorp stated that a dual chain of command between Defense and State has affected the efforts of civilian mentors in multiple ways, such as by producing conflicting guidance and complicating reporting, placement of personnel, the use of facilities, and training and mentoring activities. Prior work by the State and Defense inspectors general highlighted the same challenge over a year ago. While Defense and State have both cited improvements in coordination since our August 2007 visit to Afghanistan, a coordinated plan that clearly states the various agencies' roles and responsibilities would nonetheless be beneficial given the continuous turnover of U.S. government staff. For example, Defense officials told us that CSTC-A staff typically serve tours of 1 year or less and often have no period of overlap with outgoing officials during which to gain knowledge about their new positions. Given such turnover and loss of institutional knowledge, a coordinated, detailed

[16]National Defense Authorization Act for Fiscal Year 2008, Pub. L. 110-181, sec. 1230.

[17]Pub. L. 110-181, sec. 1231.

plan that clearly identifies the agencies involved in developing the ANP and their respective roles and responsibilities could help incoming personnel become familiarized with their new duties.

Limited Milestones Hinder Assessment of Progress

Defense's 5-page document developed in response to our 2005 recommendation contains few milestones, including no interim milestones that would help assess progress made in developing the ANP. Furthermore, while Defense maintains that the monthly status reports it produces allow progress to be monitored, these status reports also lack the interim milestones needed to determine if the program is on track. For instance, Defense status reports as of April 2008 note that no ANP units (0 of 433) are rated as fully capable and 3 percent (12 of 433) are capable of leading operations with coalition support. Without interim milestones against which to assess the ANP, it is difficult to know if this status represents what the United States intended to achieve after 3 years of increased efforts and an investment of more than $6 billion in the program.

Defense's monthly status reports also lack consistent end dates. In particular, completion dates cited in Defense status reports have shifted numerous times during the course of our review. For instance, the completion dates for development of the ANP stated in monthly status reports dated June 2007, November 2007, and May 2008 fluctuated from December 2008 to March 2009 to December 2012, with a 3-month period when the completion date was reported as "to be determined."

Similarly, although Defense's newly adopted Focused District Development initiative to reconstitute the uniformed police involves considerable resources and is expected to last 4 to 5 years at a minimum, no interim milestones or consistent end date for the effort are identified in Defense's 5-page document, monthly status reports, or briefings that outline the effort. In the absence of interim milestones and a consistent end date for Focused District Development, it will be difficult to determine if this ambitious new effort is progressing as intended. Furthermore, without an end date and milestones for the U.S. effort to complete and sustain the entire ANP, it is difficult to determine how long the United States may need to continue providing funding and other resources for this important mission—one that U.S. military officials stated may extend beyond a decade.

Defense Document Lacks Sustainment Strategy

Defense's 5-page document developed in response to our 2005 recommendation does not provide a detailed strategy for sustaining the ANSF. Defense currently estimates that approximately $1 billion a year will be needed to sustain the ANP, and expects the sustainment transition to begin in fiscal year 2009. However, despite the estimate of U.S. military officials in Afghanistan that U.S. involvement in training and equipping the ANSF may extend beyond a decade, neither Defense nor State has identified funding requirements or forecasts beyond 2013.

U.S. officials stated that until Afghan revenues increase substantially, the international community would likely need to assist in paying sustainability costs. At present, Afghanistan is unable to support the recurring costs of its security forces, such as salaries, equipment replacement, and facilities maintenance, without substantial foreign assistance. According to Defense and State, sustainment costs will be transitioned to the government of Afghanistan commensurate with the nation's economic capacity, and the United States and the international community will need to assist Afghanistan in developing revenues. Defense officials in Washington have not indicated how long and in what ways the U.S. government expects to continue assisting the ANSF. Without a detailed strategy for sustaining the ANSF, it is difficult to determine how long the United States may need to continue providing funding and other resources for this important mission.

Conclusion

Establishing capable Afghan police is critical to improving security in Afghanistan. The United States has invested more than $6 billion since 2002 to develop the ANP, but no police forces are assessed as fully capable of conducting their primary mission. As such, interagency coordination, assessment of progress, and estimation of long-term costs are particularly important given that Defense has begun a new initiative that is expected to last at least 4 to 5 years and military officials estimate that U.S. involvement in developing the ANP could exceed a decade. We believe a coordinated, detailed plan that outlines agency roles and responsibilities, lists clear milestones for achieving stated objectives, and includes a sustainment strategy may improve coordination and would enable assessment of progress and estimation of costs. However, despite our prior recommendation and a mandate from Congress that a plan be developed, Defense and State have not done so. Until a coordinated, detailed plan is completed, Congress will continue to lack visibility into the progress made to date and the cost of completing this mission—information that is essential to holding the performing agencies accountable.

Matter for Congressional Consideration

Because Defense and State have not developed a coordinated, detailed plan, we state in our concurrently issued report that Congress should consider conditioning a portion of future appropriations related to training and equipping the ANSF on completion of a coordinated, detailed plan. This plan should include, among other things, clearly defined objectives and performance measures, clearly defined roles and responsibilities, milestones for achieving these objectives, future funding requirements, and a strategy for sustaining the results achieved, including plans for transitioning responsibilities to Afghanistan.

Agency Comments and Our Evaluation

In response to our concurrently issued report, Defense disagreed that Congress should consider conditioning a portion of future appropriations on completion of a detailed plan to develop the ANSF, stating that current guidance provided by State and Defense to the field is sufficient to implement a successful program to train and equip the ANSF. State also expressed concerns about conditioning future appropriations on the completion of a detailed plan. We continue to believe that a coordinated, detailed plan that outlines agency roles and responsibilities and includes clear milestones is essential to ensuring accountability of U.S. efforts and facilitating assessment of progress.

Mr. Chairman and Members of the Subcommittee, this concludes my prepared statement. I will be happy to answer any questions you may have.

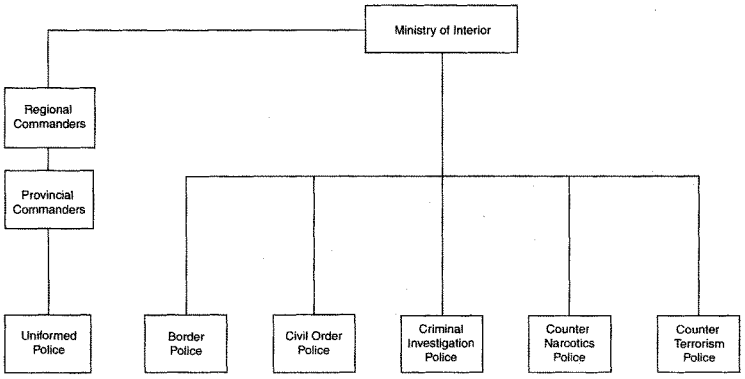
GAO Contact and Staff Acknowledgements

For questions regarding this testimony, please contact Charles Michael Johnson, Jr., at (202) 512-7331, or johnsoncm@gao.gov. Other contributors to this statement were Hynek Kalkus (Assistant Director), Elizabeth Guran, Aniruddha Dasgupta, Elizabeth Repko, Al Huntington, Lynn Cothern, Cindy Gilbert, and Mark Dowling.

Appendix I: Structure of the Ministry of Interior and Afghan National Police

The Afghan National Police (ANP) currently consists of six authorized components under the Ministry of Interior. The uniformed police, the largest of these six components, report to the police commanders of each Afghan province. Provincial commanders report to one of five regional commanders, who report back to the Ministry of Interior. The other five authorized components of the ANP all report directly to the ministry (see fig. 2).

Figure 2: ANP Chain of Command



Source: GAO analysis of Defense and State data.

Table 5 provides further detail on the Ministry of Interior and the various components of the ANP that it oversees.

Table 5: Structure of the Ministry of Interior and Afghan National Police

Component	Description
Ministry of Interior	Department of the Government of Afghanistan responsible for the protection of the country's international borders and the enforcement of the rule of law
Afghan Uniformed Police	Police assigned to police districts and provincial and regional commands; duties include patrols, crime prevention, traffic duties, and general policing
Afghan Border Police	Provide broad law enforcement capability at international borders and entry points
Afghan National Civil Order Police	Specialized police force trained and equipped to counter civil unrest and lawlessness
Criminal Investigative Division	Lead investigative agency for investigations of national interest, those with international links, and those concerned with organized and white-collar crime
Counter Narcotics Police of Afghanistan	Lead law enforcement agency charged with reducing narcotics production and distribution in Afghanistan
Counter Terrorism Police	Lead police and law enforcement efforts to defeat terrorism and insurgency
Standby Police/Highway Police/Auxiliary Police/Customs Police	No longer authorized

Source: GAO analysis of Defense data.

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Mr. TIERNEY. Thank you, Mr. Johnson. We are going to have some questions, I am sure, once the other panelists finish testifying. I appreciate your willingness to stay for that.

Mr. Ward.

STATEMENT OF FRANK WARD

Mr. FRANK WARD. Thank you, Mr. Tierney, Ranking Member Shays, members of the Subcommittee on National Security and Foreign Affairs. Thank you for inviting the State Department Office of the Inspector General to discuss our inspection of Rule of Law programs in Afghanistan, which was published last January.

I am joined by, as you said, by Mr. Erich Hart, our General Counsel, but also a Retired Air Force Judge Advocate General officer who is part of our inspection team.

We commend the committee's decision to focus attention on both Rule of Law and police training activities in Afghanistan. From what we have observed, we believe that any assessment of Rule of Law programs requires an understanding of, first, United States and Coalition strategic conditions in the region; second, the current state of Afghan civil society, the interaction of the emerging civil law system, and the customary or informal legal system; third, the relationship among police, prosecutors, and judges; fourth, the impact of pervasive corruption within Afghan institutions; fifth, the way we invest and how we invest in counternarcotics, police training, and Rule of Law programs; last, the coordination among multiple U.S. Government, civilian, and military programs.

Mr. Chairman, we published a series of recommendations for our Rule of Law programs that underscored basic precepts. First, the importance of maintaining a senior Foreign Service officer or senior Federal official with comparable rank and experience as the Rule of Law Coordinator. We also recommended that mission leadership be regularly involved in program strategy and planning.

Concurrently, we recommended that the Department of Justice senior official in Kabul report directly to the Deputy Chief of Mission, along with the Rule of Law Coordinator.

We found that a gap in cooperation exists between U.S. police training programs and the judicial sector programs. We believe that the Embassy officer with the police training portfolio should participate effectively in the Embassy Rule of Law Coordinating Committee, which had not been the case.

To promote better cooperation, coordination with military task force officers, with Rule of Law responsibilities, we have encouraged the Rule of Law Coordinator and program experts to conduct in-depth Rule of Law briefings for incoming military commanders and Judge Advocate General officers. Additionally, we recommended that the coordinator should develop a shared training schedule for use by all training providers in order to deconflict their work.

We recommended that a 5-year strategic plan is needed to meet the challenges faced in the formal Afghan justice sector with its historically low capacity for change, its reputation for corruption, and its limited reach outside of major cities.

We believe Embassy Kabul, after coordinating with the Afghan government, U.S. agencies, and international donors, should deter-

mine whether linkage should exist between the positive aspects of the informal justice sector, which is understood and trusted by many Afghans, and the formal justice system.

Rule of Law programs are concentrated in and around Kabul and a few other Afghan cities, not in the provinces, where 90 percent of Afghans live. Outreach is in its early stages, but we strongly encourage the Embassy to ensure that Provincial Reconstruction Team officers are thoroughly briefed by any Attorney General with Rule of Law responsibilities.

There is a need for an anti-corruption strategy that crosses all sectors of the Embassy's Rule of Law institutions.

Last, the Director of Foreign Assistance, the Bureau of International Narcotics and Law Enforcement Affairs, the Embassy, and the U.S. Agency for International Development should identify and track all justice sector funds for Afghanistan. This is crucial so that we know what sources of funding are being used and where there is a duplication of the work.

Mr. Chairman, advancing the Rule of Law is a global objective of the Department of State. It is critical in Afghanistan, where the absence of a modern, functional government sustains terrorism and encourages the rapid growth of the opium trade.

I would be pleased to respond to any of your questions.

Thank you again, Mr. Chairman, Ranking Member Shays, and the committee. Thank you.

[The prepared statement of Mr. Ward follows:]

TESTIMONY OF FRANCIS B. WARD

DEPUTY ASSISTANT INSPECTOR GENERAL

FOR INSPECTIONS

U.S. DEPARTMENT OF STATE AND BROADCASTING

BOARD OF GOVERNORS

BEFORE THE

HOUSE OF REPRESENTATIVES

COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM SUBCOMMITEE ON
NATIONAL SECURITY AND FOREIGN AFFAIRS

ON

RULE OF LAW PROGRAMS IN AFGHANISTAN

JUNE 18, 2008

Chairman Tierney, Ranking Member Shays, and other Members of the Subcommittee on National Security and Foreign Affairs.

Thank you for inviting me and Mr. Erich Hart to discuss our Inspection of Rule-of-Law Programs in Afghanistan. I have attached a copy of the Inspection to this testimony.

Advancing the rule of law (ROL) is a global objective of the Department of State. Secretary Rice has said, "The advance of freedom and the success of democracy and the flourishing of human potential all depend on governments that honor and enforce the rule of law." [1]

Rule of law is particularly critical in Afghanistan where there is a direct connection between the lack of a workable system of governance and the national security of the United States. The absence of a modern, functional government sustains the Taliban and Al-Qaeda and encourages the rapid growth of the opium trade. Confidence that the government can provide a fair and effective justice system is an important element in convincing war-battered Afghans to build their future in a democratic system rather than reverting to one dominated by terrorists, warlords and narcotics traffickers.

Our inspection took place in Washington, DC, between July 20 and September 27, 2007, and in Kabul, Afghanistan, between October 1 and 25, 2007.[2] In Afghanistan the inspection team interviewed officers of all embassy sections and civilian and military agencies working in the ROL

[1] Quoted from Secretary of State Condoleezza Rice's remarks at the American Bar Association's Rule of Law Symposium, Capital Hilton, Washington, DC, November 9, 2005.
[2] The focus of this inspection was Department of State Rule of Law programs, but this was done in the context of USAID, DOD and international donor activities in this field. While the OIG team consulted with each of these institutions, it did not inspect their programs.

arena, including the ROL coordination office of the Combined Joint Task Force - 82nd Airborne (CJTF-82) at Bagram, the Wardak provincial government center, and the provincial reconstruction team (PRT) and regional training center in Jalalabad.

The team also met with and reviewed the documents of international organizations and donor nation representatives, U.S. government justice sector contractors, and Afghan judicial leaders and scholars who are familiar with ROL programs. We also derived a general illustration of the relationships among the major U.S. mission elements with ROL programs. Ambassador David Newton served as our team leader and I served as his deputy for the inspection. Erich Hart, our OIG general counsel and retired USAF JAG officer, served as an inspector on our team.

We reported six key judgments and made 11 formal recommendations. This report was issued in January 2008 and we can report some compliance activity today and will continue compliance reporting in the future.

First, these judgments formed the framework for our observations and recommendations:

1) Without ROL, the country cannot progress no matter what contributions are made by outsiders. There are no quick solutions. Implementing ROL requires a commitment by Afghan and foreign authorities to long-term effort and cooperation.

2) Afghanistan's formal civil code judicial system, like its frail police, corrections, and educational institutions, was destroyed in 30 years of

conflict. Most Afghans only have confidence in, and prefer to use, the different systems of dispute resolution of their particular tribe or ethnicity, sometimes interwoven with Islamic law. These, too, have been weakened by war and instability. Neither the government of the Islamic Republic of Afghanistan nor international ROL donors has adequately addressed the balance between the formal and informal systems.

3) Afghan public confidence in formal ROL structure is unlikely to improve without a significant reduction in the level of corruption in the country. Both the government of Afghanistan and the donor community need to demonstrate a greater commitment to fighting corruption at all levels.

4) Many past ROL coordination failures have been addressed with support from the previous ambassador and the deputy chief of mission (DCM), who created a senior ROL coordinator position. This position is where all U.S. agencies in Afghanistan, the kaleidoscopic international donor community, and the major legal institutions of the Afghan justice sector now know that they can turn for information, communication, and guidance.

5) Bureaucratic coordination on ROL issues has greatly improved but is a daunting task involving multiple participants with very different capacities and goals. The continuous turnover of U.S. government staff and the conflicting priorities among even U.S. government entities, in the context of the desperate straits of the Afghan justice sector, indicate that the challenges of the ROL coordinator will only

continue to grow. Thus the position continues to require strong chief of mission support.

6) The many U.S. efforts to support ROL in Afghanistan are laudable for their professionalism and tenacity, but it is often not clear how, or even if, ROL efforts are being measured for success and, when the intense international attention wanes, whether these projects can be sustained.

One important observation we made was that we could find no single universal definition of Rule of Law. OIG has described ROL to include "the entire legal complex of a modern state – from a constitution and a legislature to courts, judges, police, prisons, due process procedures, a commercial code and anticorruption mechanisms."[3] This is a broad and inclusive description. The FY 2009 Mission Strategic Plan for Afghanistan includes performance indicators directly related to issues that are broken down as elements of security, counter-narcotics, governance, justice reform, and economic growth. Previous OIG inspection teams have focused upon the extensive U.S. government efforts in police training and counter-narcotics in Afghanistan.[4] This inspection addressed the aspects of ROL not covered in those reports. In the process, the inspection team found that since 2002 the different civilian and military agencies engaged in aspects of ROL development have approached their tasks with different goals, methodologies, and timelines, and have often been unaware of each other's efforts.

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[3]Department of State, OIG Report No. ISP-IQO-06-01. Inspection of Rule-of-Law Programs, Embassy Baghdad, October 2005, p. 5.

[4] Department of State, OIG Report No. ISP-IQO-07-07, Department of State-Department of Defense, Interagency Assessment of Afghanistan Police Training and Readiness, November 2006. Department of State, OIG Report No. ISP-I-07-34: Department of State-Department of Defense, Interagency Assessment of the Counternarcotics Program in Afghanistan, July 2007.

The following are the findings and recommendations of the Inspection.

The Rule of Law Coordinator - In November 2005, the previous ambassador determined that the embassy required an ROL coordinator who would report directly to the DCM and himself. There remain questions, both in Washington and in Kabul, about the future of the ROL coordinator position. At the time of our visit in October 2007, a new Ambassador and DCM had been in the country for five months and were examining embassy staffing and organization. One proposal would shift the ROL coordinator responsibility to the narcotics affairs section (the INL office); another would incorporate it in the DOJ section. The inspection team believes that any such change would be unwise. One of the strengths of the current coordinator is his perceived neutrality.

Recommendation 1: Embassy Kabul, in coordination with the Bureau of Human Resources and the Bureau of South and Central Asian Affairs, should retain the rule-of-law coordinator position, filled by a Senior Foreign Service officer, or alternatively a federal official of comparable rank and experience, reporting directly to the deputy chief of mission. (Action: Embassy Kabul, in coordination with HR and Bureau of South and Central Asian Affairs)

Update: Since the inspection, the incumbent ROL Coordinator has extended his tour for an additional year through mid-2009 and, the incumbent reports to the DCM. This one-person office now has one additional civilian and Army Lieutenant Colonel Judge Advocate General officer.

Recommendation 2: Embassy Kabul should demonstrate its commitment to the role of the rule-of-law coordinator, through a means such as having the deputy chief of mission attend at least one meeting of the Special Committee on Rule of Law each month. (Action: Embassy Kabul)

Update: It is our understanding that such participation has begun.

Recommendation 3: Embassy Kabul should have the senior officer of the embassy Department of Justice section report directly to the deputy chief of mission with the arrival of the new rule-of-law coordinator. (Action: Embassy Kabul)

Update: The Embassy disagreed, noting that the Department of Justice advisors should report to the ROL Coordinator. OIG does not see a problem with this as long as the ROL Coordinator is assigned from the DoJ.

Police-Justice Sector Coordination - The potentially largest gap in ROL coordination is where the work of the police converges with that of the prosecutors and judges. In Afghanistan there is a long history of lack of cooperation between the police and the prosecutors. The U.S. military has expended considerable effort and resources since 2005 training and equipping the Afghan police. The embassy political-military section has been the embassy's liaison to those efforts and to the different U.S. military elements in Afghanistan.

At the time of this inspection, important discussions were taking place on the role of the police in Afghanistan as well as the police-prosecutor relationship. Both civilian and military U.S. agencies are involved in these issues. A number of interviewees expressed concern about the lack of clarity as to the role of Afghanistan's police forces as law enforcement

agents versus a paramilitary role in counterinsurgency operations. There is currently a full-scale review of the police training process underway and a new, nationwide district-based training model planned by the Combined Security Transition Command – Afghanistan. This is an excellent opportunity to better synchronize the law enforcement and justice sector programs.

Recommendation 4: Embassy Kabul should require that the embassy officer with the police training portfolio, currently with the political-military section, attend the meetings of the Special Committee on Rule of Law on a regular basis to provide better insight into the way the U.S. military-led police training program deals with law enforcement issues and interfaces with the justice sector. (Action: Embassy Kabul)

Update: Embassy Kabul agreed and such participation is underway.

Civilian-Military Rule of Law Coordination - While coordination of ROL efforts has improved, there is room for further improvement, particularly with the U.S. military. During our inspection, U.S. combat forces were led by CJTF-82 at Bagram, comprised largely of two brigades of the 82nd Airborne Division from Fort Bragg, North Carolina, and the 173rd Independent Airborne Brigade from Italy. CJTF-82 is broken down into three brigade-sized task forces, which together form Regional Command East and, operating from several locations, are responsible for a dozen provinces in that troubled region.

During the OIG visit, civilian and military ROL officials began to meet to improve this situation, but some tensions remain. The task force commanders are under pressure to implement programs and obtain visible results during the span of their deployment, and because they work

independently, their units can execute programs quickly. Their need to act rapidly and their tendency to operate unilaterally conflicts with the efforts of the U.S. mission, the government of Afghanistan, and the international community, who after several years of uncoordinated, sometimes unsustainable or redundant ROL projects, have only recently agreed on the need to plan and execute programs under a common strategy.

Recommendation 5: Embassy Kabul should coordinate with the Bureau of International Narcotics and Law Enforcement Affairs, the Bureau of South and Central Asian Affairs, Central Command, and the Combined Joint Task Force-82's rule-of-law coordinator to have the Embassy rule-of-law coordinator and Washington officers expert in these programs conduct in-depth briefings at the 101st Airborne Division headquarters and successor commands for incoming task force commanders and Judge Advocate General officers on rule-of-law programs and sensitivities prior to their deployment. (Action: Embassy Kabul)

Update: INL briefed incoming ROL staff from CJTF-101 prior to the departure from the U.S. INL also participated in the first ROL training class at the JAG School in Charlottesville, VA. At the Embassy, INL, AID and the ROL coordinator have provided briefings to CJTF-101 personnel. With the assistance of INL and the Army JAG, a JAG of lieutenant colonel rank has been assigned to assist the ROL section for one year.

Recommendation 6: Embassy Kabul should require the rule-of-law coordinator to develop and implement with other U.S. government training stakeholders a standardized notification of proposed training to be used and shared by all U.S. civilian, military, and contract training organizations. (Action: Embassy Kabul)

Update: Embassy Kabul agreed and the ROL Coordinator has prepared the notification.

Need for a Strategic Plan - The FY 2009 Mission Strategic Plan for Afghanistan said "Cooperation within the international community should make it possible to begin drawing down the Embassy Rule of Law Office." That assertion is contrary to the views of virtually every person or group interviewed by the OIG team. The capacity of the Afghan justice sector is so low that most observers, including government of Afghanistan officials, talk about ROL development as being a "generational" program, at best.

After almost five years of donor activities in Afghanistan, the baseline knowledge about the formal justice sector outside of Kabul remains fairly rudimentary. There are questions about the actual number and qualifications of prosecutors and corrections officials, the number of cases that are going through the courts and the true conditions of the facilities of the justice sector.

Recommendation 7: Embassy Kabul should direct the rule-of-law coordinator to convene a series of meetings of the Special Committee on the Rule of Law participants, to include representatives from Combined Joint Task Force – 82 Rule of Law office, to develop a five year strategic plan for the rule-of-law sector to correspond with the Afghan government's Justice Sector Strategy and implementation plan. The plan should incorporate specific outcome-oriented performance targets. Elements of the rule-of-law plan should be incorporated into the Mission Strategic Plan and the Foreign Assistance Operational Plan. (Action: Embassy Kabul)

Update: We understand that various mission elements are drafting a five-year strategic plan, for interagency approval by the NSC deputies, which will align the USG's ROL strategy with the Afghan National Justice Sector Strategy. Also, members of the Special Committee on the ROL will then prepare their own strategic implementation plan derived from the strategy, once it is approved.

The Justice Sector – Formal and Informal - The government in Kabul, with considerable international assistance, is concentrating on rebuilding Afghanistan's formal justice system. Nearly 30 years of civil war have left both the physical and human infrastructure of the justice system gravely damaged. All the elements of the formal system are not available countrywide. The continuing insurgency makes it extremely dangerous for government of Afghanistan officials, particularly those in the justice sector, to establish themselves in many districts outside of provincial capitals. Further, there is little awareness or understanding of the formal legal system in many parts of in Afghanistan. Finally, most Afghans view the formal court system as slow, inconsistent, opaque, costly, and corrupt. [5]

Recommendation 8: Embassy Kabul, after consultation with the Afghan government, the State Department, U.S. Agency for International Development, and the international donors should develop a policy position on the desirability of linking parts of the informal sector with the formal justice system. (Action: Embassy Kabul)

Update: We understand the Embassy and its international partners have embarked on policy development to rectify the abuses of the informal

[5] According to the *Afghanistan Human Development Report 2007*, produced by the Center for Policy and Human Development (p.72), the judiciary is perceived as the most corrupt institution within Afghanistan.

judicial system and establish linkage between the formal judicial system with the informal system. With Department of State and USAID support, the U.S. Institute of Peace is completing a six-month study of how the two systems can work in mutually supportive ways and how to encourage support from Afghan government officials for such cooperation.

Outreach to the Provinces - Whenever Afghanistan has had a functioning government, the rulers have striven to centralize power and administration in Kabul. That remains true under the new constitution. Most of the international assistance efforts are also centralized in Kabul. The ROL programs had gotten off to a slow start and most of the training and mentoring programs have operated primarily in Kabul. Part of the reason for that was the continuing insurgency and deteriorating security situation. During the course of this inspection, the OIG team observed several programs that had established themselves sufficiently in Kabul to be able to make serious efforts to reach the provinces where 90 percent of Afghans live. Planned interagency outreach to the provinces has now begun in the PRTs, the Focused District Development program and the Regional Training Centers.

Recommendation 9: Embassy Kabul should require, prior to beginning service in a provincial reconstruction team, that officers consult with the rule-of-law coordinator, the narcotics affairs section, the Justice Sector Support Program, the Corrections System Support Program, the U.S. Agency for International Development Agency governance office, the Afghanistan Rule of Law Program and the rule-of-law coordinators at the Combined Security Transition Command - Afghanistan and the Combined Joint Task Force-82 on programs relevant to his or her region. (Action: Embassy Kabul)

Update: After our inspection, the ROL Coordinator, INL and USAID addressed a conference consisting of all PRT civilian and military officials. Embassy Kabul expects to implement this recommendation before this summer's transfer cycle.

Corruption - Corruption is a major problem that pervades every aspect of public life in Afghanistan. As the Afghan Attorney General told the OIG team, "Corruption is the mother of all crimes in Afghanistan." The Interim Afghan National Development Strategy states, "Corruption undermines the accountability of government, eroding public trust and reducing the legitimacy of state institutions. Corruption is a means for Illegal Armed Groups to maintain their hold on power structures at the provincial and district levels, preventing the consolidation of state authority and rule of law..." Another interlocutor said that "corruption in the justice sector will be the death of us." Integrity Watch Afghanistan released a survey report on March 19, 2007, that stated that Afghan citizens believe the court system is the society's most corrupt institution, followed by the administrative branches of the government, mainly in the Ministry of Interior, the municipalities, the Ministry of Finance, and the National Security Directorate. Corruption in the Afghan National Police is widespread and has undermined the legitimacy and utility of the police in the eyes of the Afghan population.[6]

The U.S. incorporates anticorruption elements in many of its programs. Appendix C of the report details the anticorruption efforts being made by INL and USAID in various ROL programs. This is a good beginning, but fighting corruption in Afghanistan is a daunting prospect. The efforts by U.S.

[6] *Afghanistan Human Development Report*, 2007; p.84.

agencies and their contractors in the ROL sector are positive innovations, but only address part of the problem of corruption that pervades all elements of Afghan governance. Absent a concerted and coordinated anticorruption effort by the U.S. government together with the entire donor community and support from key Afghan leaders, critical programs like the ROL initiative will be undermined.

Recommendation 10: Embassy Kabul should develop and implement a coordinated anticorruption strategy to include all of the mission's rule-of-law institutions. (Action: Embassy Kabul)

Update: Embassy Kabul partially agreed. We understand the Government of Afghanistan has subsequently produced such a detailed strategy and the international donor community is developing a coordinated response. The Embassy did recently establish an anticorruption working group within the SCROL, chaired by the DCM.

Program Management - ROL funding is difficult to identify and to quantify. Funding for the ROL program in Afghanistan is split among several U.S. government agencies. There is no one place where all funds spent specifically on ROL can be identified. ROL program funding is often multiyear and is combined with other programs such as police training and correction facilities, which often make identification of specific costs difficult. ROL programs are also funded by the United Nations, other bilateral donors, and a variety of NGOs. The result is that there is currently no way to readily identify ROL funding and subsequently to identify duplicate programs, overlapping programs, or programs conflicting with each other. Afghans, while seemingly eager to embrace ROL, are confused by the

variety of programs implemented specifically by INL, USAID, and the U.S. military units in Afghanistan.

Funding Sources - The OIG team used documents from several different agencies to try to identify what is being spent by the U.S. government specifically on ROL in Afghanistan. Funding figures from one source may not match other Department or agency funding matrices identifying funds that are ROL specific. INL is working to identify program-specific funds for budget requirements to balance all programs in justice and corrections allocations.[7] INL and USAID programs identified during the OIG review could amount to a total commitment from FY 2002 – FY 2007 of $110.4 million[8]. Funding pledged to date by the international donors, other than the United States, is reported to be $164.8 million.[9] The commitment of funds by the U.S. government and international donors is approximately $275.4[10] million for both the present and future. The inspectors did not review internal controls on funds or contracts that would require a full audit, rather than the planned inspection, but there was no apparent indication of malfeasance in either area. Specific details of INL, USAID, and DOD programs are included in the report attachments.

National Security Policy Directive-44 - The Department of State is responsible for planning and implementing U.S. foreign policy under National Security Policy Directive-44. As the pivotal organization in reconstruction and development assistance, which includes ROL, the

[7] Funding mechanisms, such as multiyear and supplemental funds, make tracking funds and programs by fiscal year difficult. Programs prior to FY 2006-07 often overlapped particularly with overhead and staffing costs.
[8] The figure includes the following: $64 million for INL ROL programs and $46.4 million for USAID ROL programs.
[9] International donors pledges include $83 million in new international donor pledges from the July 2007 Rome Conference, and former commitments by international donors of $81.8 million from the EU. Not included are donations by the United States and donations for police programs.

Department would logically take the lead in ensuring that funding for justice sector programs is coordinated and transparent. The Office of the Director of Foreign Assistance has taken the lead in developing common definitions and program descriptions to make activities consistently and readily identified. Through Operational Planning, initiated in FY 2007, ROL activities will be identified, coordinated, and evaluated, regardless of implementing agency against common indicators and measures. Funding for ROL programs from other agencies such as DOD can and should be included in the Operational Plan so that there can be a fully comprehensive picture.

The scope of this review is limited to the Department of State. However, the OIG team encourages the Office of the Director of Foreign Assistance to reach out to the United Nations and NGOs to coordinate funding mechanisms. A unified summary of what funds are spent on what programs, and in what locations, will assist the Department and the international community to make efficient monetary commitments. As a first step in improving this coordination, the Operation Plan will provide information on funding and programs that international organizations and NGOs are undertaking in the area of ROL.

Recommendation 11: The Office of the Director of Foreign Assistance, in coordination with Embassy Kabul and the Bureau of International Narcotics and Law Enforcement Affairs, should draft a plan in coordination with the U.S. Agency for International Development to meet the mandate in National Security Policy Directive-44 by developing a funding matrix to identify all

[10] INL and USAID funding for ROL specific programs estimated at $110.6 million and international donor commitments of $164.8 million, total $275.4 million.

justice sector funds. (Action: Director of U.S. Foreign Assistance, in coordination with Embassy Kabul and INL)

Update: Embassy Kabul agreed with the recommendation. The Director of Foreign Assistance and INL has designed a process to identify and track justice sector funding.

Thank you for this opportunity and we are prepared to respond to your questions.

Mr. TIERNEY. Thank you very much.

Mr. Hart, are you going to offer any testimony, or be available just for questioning.

Mr. HART. I am available for questioning.

Mr. TIERNEY. Great. Thank you for joining us this morning.

Thank you for your testimony, both of you. We will enter the question period now.

If I might start, I want to start with what appears to be the lack of strategy, or at least a plan indicating what the strategy is, right across the spectrum of Rule of Law issues on that. If each of you would speak to the importance of that and what the benefit of having a plan at every level would be.

Mr. CHARLES JOHNSON. Mr. Chairman, our work, as we recommended, as I mentioned before, in 2005 that we felt like a plan was needed. Primarily, given the dual role of the State Department, as well as Defense, a plan would have helped to deconflict some situations where we have discovered there has been some unclear guidance or direction in terms of who is in charge. In particular, DynCorp is a contractor working on behalf of the State Department, but the Defense Department is implementing the program, and at times we have been made aware that there have been some conflicting priorities, conflicting guidance in terms of who is in charge of what. So such a plan would help in that area.

Not only that, more so a plan would help. A plan that includes interim milestones would be critical and very important because it would help us know where the Department of Defense and State should have been in progressing the Afghan National Police Forces, as opposed to a plan that does not have interim milestones for which we could assess progress.

Mr. TIERNEY. Mr. Ward.

Mr. FRANK WARD. Mr. Chairman, our inspection was focused primarily on the judicial section, less so on police training. We had gone out because there was concern of lack of coordination between the various parties. What we had found was that the Embassy had been working to create a coordinator position. In the course of the months since we began our inspection and since our inspection ended, there has been an Afghan judicial program has been produced. There was work at the Rome Conference in the summer of 2007, and now the donor nations and the Embassy are working on their own strategies in response to the strategy that had not previously existed but which now the Afghan government has developed.

Thank you.

Mr. TIERNEY. Mr. Johnson, you felt pretty strongly about this, folks at GAO, as you recommended that Congress withhold certain amounts of funds unless and until the plan and a strategy were put forward on that. I think that is an interesting recommendation. Of course, I see problems coming from it. If there is a stubbornness in not producing that plan and the funds are withheld, we get further behind the eight ball. But I think what it does, certainly, is put some emphasis and concern on that. We have to consider taking some action on that if we don't see a plan.

I might just add that in this morning's conversation with our friends from Afghanistan, the frustration is palpable, not just in

this country and the international community, but Afghans, as well. It would be helpful for them to know what the benchmarks are, are we meeting them, how close are we, when might this be accomplished, and how is progress going. So for the whole psyche of the international community, including the Afghans, it would be important to see progress and know how to measure it and know how to determine whether or not we are on the right path in that regard. So that obviously is important.

Let me ask you about capacity. In your opinion, having been investigating this for a while, does the capacity exist in Afghanistan to actually have the personnel needed to fill the positions of judges and prosecutors and lawyers and police officers in a reasonable period of time? What is your assessment of that?

Mr. CHARLES JOHNSON. Well, I think clearly there has been a report. We raised issues with the reliability of the numbers, but it shows that there has been some progress in manning, and that is recruiting individuals to serve as Afghan National Police. Obviously, there are efforts underway to do some reforming in that particular area with respect to vetting individuals, but yes, there have been numbers in terms of the number of recruits that are available. It is going to take time to train those individuals, to get them fully capable, as I noted earlier.

Mr. TIERNEY. Mr. Ward, do you have the same impression?

Mr. FRANK WARD. Yes, sir. Indeed, the challenges are great. The numbers needed are many. The programs have been set in motion, but we are talking about a very long-term commitment.

Mr. TIERNEY. Mr. Johnson, do you get the feeling that if we were to get the equipment up to the level where it ought to be, in terms of being functioning equipment that is usable, and if we get more police mentors, that could have an immediate impact in a positive way?

Mr. CHARLES JOHNSON. I think the benefit of having the mentors and equipment that has been deemed to be critical by the Defense Department, that the United States can make progress toward this goal. Right now we are of the understanding that there is some substitution with Eastern equipment as opposed to Western equipment, which is what we intended to train them on. That equipment is critical in terms of getting them to the capacity that we would like to have them at. But yes, the mentors is the greatest challenge that we have been made aware of by all levels, including folks in Afghanistan who are carrying out this mission, that is the biggest challenge they face.

Mr. TIERNEY. Thank you. Thank you both.

Mr. Shays.

Mr. SHAYS. I am happy to have you ask some of your colleagues first on your side of the aisle.

Mr. TIERNEY. Mr. Lynch, you are recognized for 5 minutes.

Mr. LYNCH. Thank you, Mr. Chairman. And I thank the ranking member for his courtesy, as well.

First of all, I want to thank the panel for coming before us and helping work, and also I want to thank the members of the Jirga, the Afghan Parliament, for coming forward, as well. We appreciate your input on this issue.

At the chairman's request, I have had an opportunity to travel to Afghanistan a number of times now, and I just want to ask Mr. Johnson, as I remember, the responsibility for training the Afghan National Police was initially assigned, under the Coalition authority, to the German Army, basically.

Mr. CHARLES JOHNSON. That is correct.

Mr. LYNCH. They were responsible for doing the initial training; is that correct?

Mr. CHARLES JOHNSON. That is correct, sir.

Mr. LYNCH. OK. And I am not throwing the Germans under the bus here, but I have to admit when I was there it was not going well. I give them credit that the government of Germany committed resources with us to help out in the situation in Afghanistan, but when did the United States—I understand we had to go in there and take that over at some point. When did that occur?

Mr. CHARLES JOHNSON. Well, in 2005 we began an effort to contribute more to this effort. That was out of concern that the progress of building the Afghan National Police Forces and even the Afghan Security Force as a whole was moving too slowly. The police, in particular, was the responsibility of the Germans as the lead nation.

Mr. LYNCH. Are we now the lead on this, on the training, or are the Germans still the lead?

Mr. CHARLES JOHNSON. You could pretty much say that we have significantly increased our efforts and that we have pretty much taken over the lead on that.

Mr. LYNCH. OK. I understand. Because that is a problem. We had a false start to begin with, and I think it was an effort, it was a well-intentioned, good faith effort to dole out the responsibility there, but I have to admit it did not go well.

It sort of parallels the situation that the chairman had us review in Iraq. We went in there initially and reviewed the Iraqi police training, and it seems that we are making some of the same mistakes that we made in Iraq. We had some false starts there, as well.

But we spent an awful lot of money. We have spent over $6 billion. That is a huge amount of money in that country. And we have not a single unit that you regard as being adequately trained and prepared to assume the responsibilities of a competent police force.

Mr. CHARLES JOHNSON. That is actually the Department of Defense's own assessment of the capability of the police forces, so even the Department of Defense does not deem them as being fully capable.

Mr. LYNCH. Right. So what is happening? What is happening here? I understand the projection. Well, the government's ability to project its authority and influence is limited, and that in some of the outlying areas and areas of the south, Helman Province, there are real difficulties on the border. But elsewhere in the country, where you don't have that influence coming over the Pakistan border, we don't see any success there, as well.

So where are the breakdowns in this process? We are spending a lot of money and we are getting very little for our effort here. I think, as the chairman pointed out, the American people are getting pretty tired of this. They want to see some progress. And I

don't believe it is the fault of our friends here; I think it is really a lack of coordination among the Multi-National Force there that is not serving them well.

If you can point out where the breakdowns are, that would be enormously helpful.

Mr. CHARLES JOHNSON. I think the biggest breakdown, as we point out in our report released today, is the lack of sufficient number of mentors that are needed to train these individuals, as well as evaluate their capacity, and to also move them forward in terms of, once the unit is trained, the trainers and mentors go with that unit and continue to work with them. So there is an insufficient number of those mentors that are needed to move along with the units and to continue making progress in terms of getting these individuals to being fully capable of operating on their own.

Mr. LYNCH. OK.

Mr. Ward, I understand that you really looked at the Rule of Law in a broader sense and you didn't focus really on the training, but last time I was there some of the inefficiencies were very glaring. No. 1, we were paying the Afghan National Police about $60 to $70 a month. Al Qaeda was paying their folks almost $300 a month. The same situation on the other side of the border. I happened to travel up into the Waziristan area on the Pakistan side, where the Pakistani government was paying their Frontier Corps about $120 a month, when the pay arrived, if it arrived, and then, again, Al Qaeda and some Saudi money there was able to pay the insurgents almost three times that amount.

So what are we doing about paying the Afghan National Police? The problems are multiple, but they don't have the pay, so we are not getting the quality of people that might be helpful in this situation. We are having problems with equipment. We have another hearing next week on the AEY contract where the Defense Department was providing VietNam era munitions and equipment to the Afghan National Police through a questionable contract.

We are not able to establish the respect among the Afghan population for the police force, so there is a complete breakdown there.

What are we doing now about those aspects of this training process?

Mr. CHARLES JOHNSON. There is an effort underway to pay reform currently and to make the pay of the Afghan National Police comparable to that of the Afghan Army. I think that is part of their current initiative they have.

I mentioned the focused district development initiative, in particular. I guess, in addition to the pay, what they are doing is training and equipping these units to move out, as opposed to as individuals. But as an entire unit, so I think again this all goes back to having a sufficient number of mentors to get that done, and also to have the reform effort completed, as well as the vetting that needs to be done. The pay and rank reform is needed. That is something we are also looking at, as well.

Mr. TIERNEY. Thank you very much, Mr. Lynch.

Mr. LYNCH. I am yielding back, Mr. Chairman. I just want to say that I think that the confidence of the people in this government is directly related to their confidence in their local police force, and so I think we have a serious problem then.

I yield back.

Mr. TIERNEY. Thank you.

Mr. Van Hollen, you are recognized for 5 minutes.

Mr. VAN HOLLEN. I thank you, Mr. Chairman. Thank you for holding this important hearing. Thank you to our witnesses.

If you look at the National Intelligence Estimates, if you look at the statements by the Director of National Intelligence, they are very clear that the No. 1 terrorist threat to the United States remains an attack that originates out of that area along the Afghan-Pakistan border, especially from the FATA areas, the Federal Minister tribal areas in Pakistan, where Al Qaeda continues to have refuge and sanctuary and the Taliban continue to be very active, as we have seen in recent weeks.

Despite the fact that remains, according to our intelligence agencies as publicly reported, the No. 1 threat to the United States, we continue to see the results of a diversion of resources and attention from the problems in Afghanistan and Pakistan to Iraq.

If I could just ask the witness, Mr. Johnson from the GAO, to turn again to this question of mentors, because it has been clear in your statements, it is clear in your report, that the lack of mentors has been one of the biggest problems in establishing a viable police force; isn't that correct?

Mr. CHARLES JOHNSON. That is correct, sir.

Mr. VAN HOLLEN. OK. And as I read your statement here in your report, it says, "According to Defense officials—" and I want to stress the basis of that statement is reporting from Defense officials to you—"the shortage of available police mentors has been a key impediment to U.S. efforts to conduct training and evaluation and to verify that police are on duty."

Then you go on to say, "According to Defense officials, the shortfall in military mentors for the ANP is due to the higher priority assigned to deploying U.S. military personnel elsewhere, particularly in Iraq."

If you could just expand on what Defense officials told you, because the administration has often dismissed criticisms that our energy and resources folks in Iraq has taken away from our focus in Afghanistan, but this seems to be very clear evidence. This is sort of hard, empirical data that there are real consequences to the fact that we have diverted lots of resources in Iraq when we never finished the job in Afghanistan, and again our NIE and intelligence folks tell us that is where the No. 1 threat emanates from.

Mr. CHARLES JOHNSON. Congressman, that statement actually came from Defense officials, and particularly from Defense officials in Kabul at the Command Security Transition Command, in particular, CSTC-A, made that sort of the point that they wanted to emphasize in terms of why there was a shortage of mentors. We also heard that, here in headquarters at the Pentagon, there were competing demands with Iraq.

We were also informed that there has not been a denial of those resources, but yet there is a priority. In essence, Iraq is the priority with respect to the resources. There are resource limitations here.

Mr. VAN HOLLEN. Were they able to quantify it at all for you? In other words, if you didn't have as many folks in Iraq, you would

be able to fully supply the mentors necessary to the situation in Afghanistan?

Mr. CHARLES JOHNSON. That response was not specifically provided. In essence, we were informed that providing resources to Iraq has had some impact on the resources needed for Afghanistan.

Mr. VAN HOLLEN. Right.

Mr. CHARLES JOHNSON. And that is the mentors, in particular.

Mr. VAN HOLLEN. Right. I would encourage my colleagues. There is a recent book published by author Ahmed Rashid, who is a Pakistani author. Its title is Descent into Chaos. The subtitle: The United States and the Failure of Nation Building in Pakistan, Afghanistan, and Central Asia. It is a scathing criticism of the U.S. approach to Afghanistan and Pakistan in terms of rebuilding the infrastructure there following the decision to go in there, which I think there was consensus in this country that we should go after the Taliban and Al Qaeda in the aftermath of 2001, but it chronicles in great detail the failures, including the failures in this area of rebuilding the Afghan National Police, because obviously part of building the stability in the country requires that you feel somewhat safe when you go out in the neighborhood.

If you could talk a little bit about the situation outside of Kabul, where there has been this ongoing question about whether the United States has really taken on the war lords, the folks that control a lot of these regions, and whether that has been an impediment to being able to build an independent police force in those more remote areas.

Mr. CHARLES JOHNSON. We did not specifically look at Operation Enduring Freedom or the U.S. forces and their efforts in terms of combat missions, but we were made aware that the security situation over time has gotten worse and, as I pointed out earlier, since 2005 it has deteriorated, and there are concerns with respect to attacks from insurgents on the Afghan National Police, in particular. But we have not done work specifically looking at our own forces' efforts.

Mr. VAN HOLLEN. Thank you.

Thank you, Mr. Chairman.

Mr. TIERNEY. Thank you, Mr. Van Hollen.

Does that book give ideas on how to resolve the situation, as well?

Mr. CHARLES JOHNSON. Sir?

Mr. TIERNEY. Does that book give ideas on how to resolve the situation, as well? Could we get the author up here?

Mr. CHARLES JOHNSON. Actually, it is an excellent book and it talks about the mis-steps in U.S. policy in Afghanistan. It focuses a lot on the fact that we have allowed the Taliban to have the sanctuary up in the Fattah areas of Pakistan. But I think he would be willing to do it. I think it would be well worth having him.

Mr. TIERNEY. Thank you.

Mr. CHARLES JOHNSON. Thank you.

Mr. TIERNEY. Mr. Braley, you are recognized for 5 minutes.

Mr. BRALEY. Thank you, Mr. Chairman.

I want to take a slightly different tack away from the policing function and talk about the broader concept of respect for the Rule of Law. We know one of the fundamental distinctions that sepa-

rates our democratic society from other societies around the world is the longstanding tradition in this country of maintaining respect for the Rule of Law over the influence of individuals who may have positions of power and influence at a given point in our country's history.

One of the disturbing things that we have seen in Pakistan is an attack on an independent judiciary in a region where we share some of the same concerns about trying to develop effective policing systems that are going to be backed up by a competent judiciary that has an independent role in the functioning of its government, and where the citizens of that country have a uniform respect for the process that leads to justice, not just the individuals responsible for enforcing it.

So, Mr. Ward, I want to start with your statement where you said the confidence that the government can provide a fair and effective justice system is an important element in convincing war-tattered Afghans to build their future on a democratic system rather than reverting to one dominated by terrorists, war lords, and narcotics traffickers.

What is the current state of the Afghan judiciary to be able to deliver that type of public confidence that, when citizens are called to justice before that judiciary, they are going to be free from the types of influences that have long played in countries that are trying to aspire to a better democratic society?

Mr. FRANK WARD. Well, Congressman, it is a situation where they are struggling up from the bottom. As you know, there had been a functioning system in the past. It was destroyed for 30 years of civil disorder. Now it is in the process of rebuilding.

A few years back there were surveys that indicated very little support, very little confidence in the system. In recent months, since the beginning of our inspection last October, there have been some indications that the Afghan public is beginning to look on the formal system as viable. The numbers are still low, but apparently rising. So the new effort to re-establish a formal system is working in the right direction, but it is an uphill fight.

Mr. CHARLES JOHNSON. And I would like to add that both the Department of State and the USAID are conducting training programs, training for prosecutors. There is also training for judges, etc., because, again, for 30 years the country was in war footing.

I would also like to mention that one of the issues is that the formal system covers basically Kabul and some major metropolitan areas, so the U.S. Institute of Peace, working together with the Afghan government, is looking at the desirability of perhaps linking certain aspects of the informal justice system with the formal system.

Mr. BRALEY. Well, I practiced law for 23 years before I was elected to Congress, and, like many of my colleagues, I was inspired and motivated by the courage shown by the members of the Pakistani bar and judiciary in facing up to the challenges during the crackdown on their independent judiciary.

What are we doing to encourage public/private partnerships to create exchange programs to bring Afghan jurists, Afghan attorneys, prosecutors, and other people in the justice system here to be part of mentoring programs and getting our people who are want-

ing to contribute in some meaningful way, who have the resources to make a positive impact? Right now, I am hearing very little about opportunities that are available to them to help provide the type of mentoring to get this system in a position that is going to be meaningful to help the people of Afghanistan.

Mr. FRANK WARD. Congressman, I am going to defer largely to our colleagues from the Bureau of International Narcotics and Law Enforcement Affairs, because they have several of those programs in operation, training programs in-country and the justice sector, and external programs. They do, as does USAID and also the U.S. Embassy, international visitor type exchange programs. There are also training programs at different American institutions where Afghan attorneys, prosecutors have gone for LLM degrees, as well.

But let the people who are funding those talk about them. I think they are on the second panel.

Mr. BRALEY. All right.

Mr. Johnson, in the report that you have been talking about there was a conclusion that establishing a working judiciary in Afghan—

Mr. TIERNEY. Mr. Braley, is this going to be a short question?

Mr. BRALEY. Yes.

Mr. TIERNEY. You are eating up Mr. Welch's 5 minutes.

Mr. BRALEY. Well, I don't want to do that.

Mr. TIERNEY. If you have a short question I will let you go forward.

Mr. BRALEY. I just wanted to ask about the comment that establishing a working judiciary in Afghanistan based on the Rule of Law as a prerequisite for effective policing, and the report talks about corrupt judiciary. Can you expand upon what efforts are being taken to restore confidence in the public that the judiciary is not a corrupt system?

Mr. CHARLES JOHNSON. We did not specifically look at the judicial system in this work we did. We touched on it previously in a 2005 report that we issued. At that time we noted that it was important to have that judicial pillar stood up at the same time you are standing up the security pillar.

Obviously, if you have police who are out doing their job, they need to have a judicial system that is going to support that, but we did not specifically look at the judicial sector.

Mr. TIERNEY. Thank you, Mr. Johnson. I think our next panel perhaps will be able to provide some light on that, as well.

Mr. Welch, you are recognized for 5 minutes.

Mr. WELCH. Thank you, Mr. Chairman. I want to thank the witnesses, and I especially want to thank our guests from Afghanistan.

Mr. Johnson, you noted, I gather—I regret I wasn't here to hear your testimony, but I have read the presentations—that the GAO has not fully assessed the focused district development program, but your opinion, as I understand it, or the GAO opinion, was that the continuing shortfall in police mentors may put this effort at risk.

How do we get police mentors? Who provides them? And what is the problem in getting them there?

Mr. CHARLES JOHNSON. Well, the police mentors are military personnel on the military side, but there are also civilian mentors. I guess I should note that the civilian mentors pretty much are at over 90 percent, and those are provided by DynCorp.

Mr. WELCH. So those are contractors?

Mr. CHARLES JOHNSON. Yes.

Mr. WELCH. What do we pay them?

Mr. CHARLES JOHNSON. I am not sure if I have that figure. We don't have that figure, sir, but I think it is roughly a little over 500 DynCorp mentors.

Mr. WELCH. I am just trying to get a sense of the cost, too, as we go along. We pay DynCorp an amount of money per mentor. What is it?

Mr. CHARLES JOHNSON. I am not precisely sure. We can get you that information.

Mr. WELCH. All right.

Mr. CHARLES JOHNSON. We can get that information to you.

Mr. WELCH. What do we pay a military mentor, or what is the cost to the military?

Mr. CHARLES JOHNSON. I think the military is based on the salary that they are being paid as a soldier.

Mr. WELCH. And it would be in the range of what?

Mr. CHARLES JOHNSON. Again, I would have to get that, as well.

Mr. WELCH. OK. That would be great to get that back. What do we pay DynCorp for this job, what do we pay the military person for that job?

Mr. CHARLES JOHNSON. OK.

Mr. WELCH. And what is the status of us being able to have mentors? Your conclusion, as I understand it, is that without mentors this program is unlikely to be successful?

Mr. CHARLES JOHNSON. And that is what we have been told by the individuals in-country and in the Department of Defense, that there are challenges with respect to getting enough mentors and because of competing demands, as we noted earlier. Because of competing demands with respect to Iraq, there have been challenges to getting an adequate number of mentors to meet the requirements that they have.

Mr. WELCH. All right. And we need those in order for this focused district development program to have any chance of success, correct?

Mr. CHARLES JOHNSON. That is correct, based on what the Department of Defense says. There is what is called a mentor team, that is, mentors made up of a certain number of mentors: civilian mentors, as well as military mentors, as well as individuals who are also needed for force protection, so they go out as a team. As I noted earlier, the focused district development is a unit-based training, as opposed to individual-based training, and so the number of mentors is important, having that complete set of mentors to go with those teams as they move out into the different provinces.

Mr. WELCH. So we have 500 DynCorp mentors now, or that is the projection, right?

Mr. CHARLES JOHNSON. Correct.

Mr. WELCH. And what do we expect? How many military mentors will we have?

Mr. CHARLES JOHNSON. Roughly the mentor requirement on the military side is roughly 2,400. There are roughly about 746 military mentors that have been actually assigned, which is about 32 percent of what is the requirement. On the civilian side, it is roughly 550, and 540 have been assigned, so close to 98 percent. So there is a shortage on the military side in terms of military mentors.

Mr. WELCH. And these mentors are not fluent in the local language?

Mr. CHARLES JOHNSON. Well, part of the mentoring team is to have—going forward with the focused district development, there are two linguists assigned to the mentor team.

Mr. WELCH. Right. So they have translators.

Mr. CHARLES JOHNSON. Right.

Mr. WELCH. But the mentor himself or herself is not fluent?

Mr. CHARLES JOHNSON. I am not sure if that is the case.

Mr. WELCH. What I understand is that the State Department's written testimony says that these shortfalls in the police mentors have resulted in roughly one-fourth of the police mentor teams required for the focused district development program being staffed.

Mr. CHARLES JOHNSON. That is consistent with what we have been told.

Mr. WELCH. Yes. And what are your thoughts on how those shortfalls will impede the ability to implement the program?

Mr. CHARLES JOHNSON. There are concerns with respect to making progress in getting these individual police forces to be fully capable of turning out their mission, to move from the different—

Mr. WELCH. So bottom line, then: in order to have any chance for this plan to be successful, we would have to ramp up the funding to have the number of mentors required?

Mr. CHARLES JOHNSON. Well, I am not certain that funding is the issue, as opposed to having the human resources available to fill those requirements. I think the funding, from what we understand, is there and has been provided. It is a matter of having the resources available, which now are not available because they are in other priority areas.

Mr. WELCH. OK. Thank you.

Mr. TIERNEY. Thank you. The gentleman makes a good point. I might just add that our guests this morning were also pointing out if you don't have the military mentors who have part of the responsibility to provide the security once you go out, as you get further from the urban areas and you try to put teams out there, you are just exposing the police that you have trained to being attacked by the extremists, or whatever, and, of course, that is going to result in death.

So a question that we will have for our later panel is how are we going to get the capacity up there, so there are enough military mentors going out with those people, so that they are not just exposed. And if that continues the way it is going, how do you entice people to become police officers if you are going to continue to put them in that type of position?

Thank you.

Mr. Shays, you are recognized for 5 minutes.

Mr. SHAYS. Thank you.

Afghanistan is a huge country with 32 million people.

I apologize to you, Mr. Ward. Your issue is very important about justice, but I am going to use my 5 minutes just to continue as it relates to security.

I have spent all my time in my visits in Iraq, not Afghanistan, but as I hear this story and I read this story I feel like it is just the same story being repeated. But I want to first say Iraq is an American operation. Afghan is a NATO operation. We are talking about the EU that has a gross domestic product of $16.8 trillion, the United States has $13.5 trillion. They have a bigger gross domestic product, and we are spending our primary focus in Iraq. Their job is in Afghanistan, and we are a partner there as part of NATO.

One, I want to ask you, Mr. Johnson, did you just look at this from the standpoint that it is our responsibility, or is it NATO's responsibility, which we are a part of?

Mr. CHARLES JOHNSON. Our primary focus was on the larger job, which looked at the U.S. efforts to develop fully capable Afghan National Security Force, the army and the police, so we did look at the U.S. efforts.

Mr. SHAYS. Let me ask this, though: is it NATO's responsibility or is it our responsibility? And are we there as a partner with NATO?

Mr. CHARLES JOHNSON. We are there as a partner; however, we do have the lead in developing a fully capable Afghan National Army, and we have somewhat taken more of a lead role in developing the police.

Mr. SHAYS. It is not the matter we have taken the lead; we have taken it because there is default, as I see it. I mean, this is their responsibility. The reason there is default is there are only four European countries that are willing to have their soldiers in harm's way. Now, it is one thing for them to criticize us in Iraq and say we shouldn't have been there. That is one thing they can say. But they can't say that about Afghanistan, and even there they are saying we have to do the heavy lifting.

I wrestle with that. I wrestle with the fact of why should we have to when there are literally many, many countries in the EU, there are many countries in NATO. They have the financial capability and they are not stepping up to the plate.

What I think I am hearing you say is, because they aren't, we have to. That is kind of what I am wondering.

Now, what I really wonder, as well, is, now, just speaking with our part of this equation, what I wrestle with is this: in Iraq we said we were training their police, their border patrol, and their Army, but we weren't training enough of their police, their border patrol, and Army. How many are we training in a country that is very large, with a population of 32 million people? How many police do we think we need? Is there any study that says what we need? And do we have that number? And are we trying to reach that number?

Mr. CHARLES JOHNSON. Well, the number was based on an agreement, again, with the Coalition partners, as well as the Afghan

government, so that number stands now at an authorized level of 82,000.

Mr. SHAYS. I mean, isn't that a joke? Eighty-two thousand are going to police 32 million people? I mean, I think that has to be absurd. What did you think?

Mr. CHARLES JOHNSON. We did not have an opinion on the actual number, because the number was reached as a part of the agreement.

Mr. SHAYS. Well, what is the point of training people really well but only ending up with 80,000? By the time you spread them out among the population, they are going to have no critical mass? I mean, I wonder what we have in terms of police just in New York City. New York City has 19 million people. The thought that we would only have 80,000 police throughout all of New York State would be laughable.

I am just going to start by saying I think the number is absurd.

Mr. CHARLES JOHNSON. OK.

Mr. SHAYS. And I am going to have to have someone explain to me how we arrived at that number. Is that just that is the political number we could reach, or the number we were willing to pay? What is the answer?

Mr. CHARLES JOHNSON. It is the number that has been reached as a part of the agreement with the Coalition, as well as the Afghan government.

Mr. SHAYS. Based on?

Mr. CHARLES JOHNSON. I believe it started with the Bahn Agreement.

Mr. SHAYS. But do you have any documentation that says that was based on a study that said that was what they needed?

Mr. CHARLES JOHNSON. No, I did not, sir.

Mr. SHAYS. OK.

Thank you, Mr. Chairman.

Mr. TIERNEY. Thank you, Mr. Shays. I hope you will stay for the next panel, because that is a great place to put that question, and the answer would be interesting.

Mr. Moran, you are recognized for 5 minutes.

Mr. MORAN. Thank you very much, Mr. Chairman.

Incidentally, a terrific job on C-SPAN Morning Journal this morning on this very subject.

Before I get to my question, my good friend Mr. Shays raises an interesting issue, but we recall we had a similar problem in the Balkans. We had to take the lead and NATO filled in after we had stabilized the situation, but invariably, you know, it is our military leadership that is going to have to put their chin up.

What I wanted to ask about, it seems to me if we are going to have a sustainable judicial structure it is going to have to be something of a hybrid. Now, Mr. Ward talked about the informal system of justice, but we are really talking about tribal codes that have developed over centuries. They may differ from tribe to tribe, but there are similarities. It seems to me there is going to have to be some integration. We can't just impose the western canon of law on these tribal areas and think it is going to be readily adopted.

On the other hand, it gives me pause to even suggest that, because we read about cases of women who have been gang raped

whose only offense was that they were members of another tribe. We read about under-aged girls being given away to satisfy debts. I mean, those things are just anathema to our sense of most basic human rights. But, on the other hand, there is going to have to be some compromise. We can't just impose our system of jurisprudence in areas that have their own system of justice. And the personnel have developed credibility and leadership in terms of rendering that justice, so they have to somehow be incorporated, it seems to me.

I wonder if you, Mr. Ward, and perhaps Mr. Johnson, if he has any thoughts about that, would address that so that we can have a truly sustainable judicial structure after we have eventually leave.

Mr. FRANK WARD. If I may, Mr. Moran.

Mr. MORAN. Yes.

Mr. FRANK WARD. Everybody understands that whatever system is built has to be Afghan driven. I mentioned earlier that the U.S. Institute of Peace was looking at the feasibility of integrating certain parts of the informal sector. As you noted, there are many different parts to that, also, but integrating that with the formal sector, they are working very closely with the Afghan government.

Many people have reservations because of, as you mentioned, some of the human rights abuses. But what people are looking at is linking the more positive aspects of some of these informal sectors with the formal judicial system, which right now, as I said, only exists in Kabul and some other major areas.

Some of the ideas that are being looked at are limiting the linkage to discrete issues, and perhaps whatever decisions are made by these particular bodies, such that these decisions would be appealable to a formal system, so that would be somewhat of a check.

I believe the U.S. Institute of Peace just concluded their 6-month study and will be issuing a report, and I think that will answer a lot of your questions.

Mr. MORAN. Thank you. That is helpful.

Did you want to say anything, Mr. Johnson?

Mr. CHARLES JOHNSON. Well, what I can add is that the gentleman is correct that the United States has been working with the Afghan government as part of the Afghan national development strategy, in which the United States is advising the Afghan government.

Mr. MORAN. Thank you.

It was clear, Mr. Chairman, particularly with regard to the trip I had the privilege of going on with you and the majority and minority members and staff of the committee, that so much of our problem is the lack of civil society, and it is the lack of justice, if you will, or reliable, predictable form of justice that has to be implemented initially by the police, not by the military, but by the police who live there in the communities. Then people can rely on justice being served on a consistent basis.

I know you have emphasized that, Mr. Chairman. I thank you for doing it. I thank you for giving this issue the priority it deserves.

I yield back.

Mr. TIERNEY. Thank you, Mr. Moran. Thank you for joining us on our trips there, for the work that you do on the Appropriations Committee in this regard, as well.

Ms. Foxx, you are recognized for 5 minutes.

Ms. FOXX. Thank you, Mr. Chairman.

I believe that Mr. Shays has additional questions he would like to ask, and I would like to yield my time to him.

Mr. TIERNEY. The gentlewoman yields to Mr. Shays.

Mr. Shays.

Mr. SHAYS. Thank you. I thank you for yielding.

Mr. Johnson, we have the overall number. Where are those police dispersed?

Mr. CHARLES JOHNSON. The police are dispersed throughout different provinces, in terms of once they are trained and dispersed as a unit, it is in various provinces throughout Afghanistan.

Mr. SHAYS. What is the smallest unit of police that exists?

Mr. CHARLES JOHNSON. We don't have the actual number of the smallest unit of police.

Mr. SHAYS. How do they integrate with the National Security Forces, the military?

Mr. CHARLES JOHNSON. I think there may be some provinces where you may have police as well as Army located in the same particular region or same area.

Mr. SHAYS. In this undertaking, we have spent $10 billion to develop the Afghanistan National Army since 2002, which is not a lot of money—it is a huge amount of money, but in the realm of a country where you are creating a whole new Army, that is a small amount, and if you compare what we have done in Iraq it is an extremely small amount—and $6 million for the Afghan National Police. What have our allies invested in training the Army and police?

Mr. CHARLES JOHNSON. I don't think we have that figure either, sir, but we do know that our allies are paying the police salaries, although we are contributing to that particular trust fund.

Mr. SHAYS. I think probably the questions that I then have I will just ask of the next panel, but I am just struck with the fact that you should be able, because you would have these documents from the military, to tell us why 80,000 is the number that makes sense based on the needs that exist. Given that doesn't seem to be available, it is going to be very interesting to hear what we hear from the next panel.

Mr. TIERNEY. Would the gentleman yield?

Mr. SHAYS. With that, I would yield back.

Mr. TIERNEY. Thank you.

Just as we close down here, in your report, Mr. Johnson, you note that the Afghan National Police has reportedly grown in number to nearly 80,000 personnel. Concerns exist, however, about the reliability of this number. What district do you get that estimate from, and what concerns exist?

Mr. CHARLES JOHNSON. The 80,000 number is actually reported by the Minister of Interior, and that number we obtained in-country. We get monthly reports that we have received from the Department of Defense. The concerns are U.S. Government concerns, as well as the U.N., which has concerns with the accuracy and reliability of that number. Again, that is based on going out and trying

to validate the accuracy of that number, as I reported earlier. In some census that were done, there was an inability to validate the numbers in some random samples that were done. I think there is more of an effort underway under the reform efforts to take a closer look at that particular issue.

Mr. TIERNEY. Just so that everybody appreciates the magnitude of what we are doing here, there are 433 Afghan National Police units: zero are fully capable, 3 percent are capable with Coalition support; 4 percent are only partially capable; 77 percent are not capable at all; and 16 percent are not formed or not reporting.

Mr. CHARLES JOHNSON. That is correct.

Mr. TIERNEY. We will look to the next panel for some explanations of what that means and where we go from here and, as Mr. Shays indicated, whether or not the 80,000 is even enough if we were to get to that point.

Mr. Shays, do you have one final question?

Mr. SHAYS. I do. Thank you, Mr. Chairman.

Mr. TIERNEY. Sure.

Mr. SHAYS. You report states that the field level plan developed by the Combined Security Transition Command Afghanistan in January 2008 is inadequate because it "is not a substitute for Defense and State policy guidance needed for near- and long-term resource planning." There is an assumption, it seems to me, that you implicitly believe that it is the Defense and State Department's responsibility. I just want to know, before we get to State and Defense, why you make that assumption?

Mr. CHARLES JOHNSON. We acknowledge in our full report the field level plan that has taken place. There are some deficiencies in that plan in terms of things we see that are critical. One, the clear role of the State Department needs to be identified since they are a partner, in particular, in training the police, in particular. Also, we are looking for interim milestones, because I noted earlier it is important to be able to measure progress, which we have been—

Mr. SHAYS. I understand that part. I am getting at another point. I will just try to make it one last time. You say it is inadequate, the Security Transition Command Afghanistan January 2008 is inadequate because it is not a substitute for Defense and State policy guidance needed for near- and long-term resource planning. I am trying to get at the point: why is it our responsibility if it is NATO's?

Mr. CHARLES JOHNSON. It is our responsibility because we are investing U.S. dollars, and we have invested over $6 billion, and there are plans to invest additional U.S. dollars, so in terms of us spending that money and undertaking an effort, it is important that we have a plan for how we are going to utilize our own funds, and also for congressional oversight. We think that is important to know where we should have been by now, where—

Mr. SHAYS. I will put it in my words. Because NATO isn't doing its job properly, you are basically saying it is up to State and Defense to step in?

Mr. CHARLES JOHNSON. Given that we have taken the lead, it is important that we do have a plan that lays out where we are planning to go.

Mr. SHAYS. Thank you.

Mr. CHARLES JOHNSON. And you are correct that there are concerns with NATO's role.

Mr. SHAYS. Thank you very much.

Mr. TIERNEY. Mr. Johnson, as I understand it, we have the lead in this now, so it is an opportunity for us to plan and strategize about how all the resources will be applied hopefully in a more effective way.

Mr. CHARLES JOHNSON. We have taken the lead.

Mr. TIERNEY. Right. Thank you.

I want to thank you, Mr. Johnson, Mr. Ward, and Mr. Hart, very much for your testimony here today, both written and oral, and appreciate the good work that all of you do. It helps our committee do its job, as well. We appreciate that.

We will take about a minute recess here as we allow this panel to go about its way and invite our next panel up for testimony.

Thank you again.

Mr. CHARLES JOHNSON. Thank you.

[Recess.]

Mr. TIERNEY. Thank you for joining us, to all of our witnesses here. I note that we have yet another Johnson and we have another Ward. It is like déja vu all over again, except different on that, as Yogi Berra would say.

We are now going to receive testimony from our second panel of witnesses. Our first will be Ambassador David T. Johnson, who is the Assistant Secretary of International Narcotics and Law Enforcement Affairs at the U.S. Department of State. Prior to this most recent appointment, Ambassador Johnson served as Deputy Chief of Mission for the U.S. Embassy in London. From 1995 to 1997 he was the Deputy Press Secretary for Foreign Affairs at the White House and Spokesman for the National Security Council. Ambassador Johnson joined the U.S. Foreign Service in 1977.

Major General Bobby Wilkes is retired. He serves as the Deputy Assistant Secretary of Defense for Central Asia in the Office of the Secretary of Defense. In this capacity he is responsible for advising the Secretary of Defense on all aspects of policy formulation for U.S. bilateral relations with central Asian countries. General Wilkes is a graduate of the U.S. Air Force Academy and completed his career as a Major General.

Mr. Mark Ward is the Senior Deputy Assistant Administrator in the Asia Bureau at the U.S. Agency for International Development. He has the principal responsibility for the USAID programs in south-central and east Asia. He has also chaired the agency's Tsunami, Pakistan Earthquake, and Lebanon Reconstruction task forces. Mr. Ward's most recent overseas post was as a Mission Director in Pakistan from 2002 to 2003.

Mr. Bruce Swartz is the Deputy Assistant Attorney General for the Criminal Division at the U.S. Department of Justice. He previously served as Deputy Independent Counsel for a Housing and Urban Development corruption investigation, as counsel for international law enforcement detail to Britain's Serious Fraud Office, and as Counsel to the Assistant Attorney General.

Again, we want to thank all of you for being here with us today. We especially want to thank you for your continued public service

in so many different respects. Your experiences, and your first-hand knowledge of the work that you are doing here, are going to help us have a robust and hopefully constructive discussion this morning, so welcome.

Ambassador, if we could please start with you, you are recognized for 5 minutes for your opening statement.

Actually, please stand and raise your right hands. We do swear in our witnesses, when the chairman remembers.

[Witnesses sworn.]

Mr. TIERNEY. The record will please reflect that all of the witnesses answered in the affirmative.

Now, Ambassador Johnson, that you are fully sworn and ready to go, your testimony, please.

STATEMENTS OF DAVID T. JOHNSON, ASSISTANT SECRETARY, BUREAU OF INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS, U.S. DEPARTMENT OF STATE; MAJOR GENERAL BOBBY WILKES (RETIRED), DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR SOUTH ASIA, OFFICE OF THE SECRETARY OF DEFENSE, U.S. DEPARTMENT OF DEFENSE; MARK WARD, SENIOR DEPUTY ASSISTANT ADMINISTRATOR, ASIA BUREAU, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT; AND BRUCE SWARTZ, DEPUTY ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION, U.S. DEPARTMENT OF JUSTICE

STATEMENT OF DAVID T. JOHNSON

Ambassador DAVID JOHNSON. Thank you, Mr. Chairman and other distinguished members of the committee. We appreciate the opportunity you are giving us to come before you to discuss two of the State Department's critical missions in Afghanistan today: to train and equip the Afghan National Police and to develop its justice system.

I have submitted a written statement that I will summarize.

Mr. Chairman, my colleague, Ambassador Tom Schweich, had the pleasure to brief you, Congressman Moran, and your staff earlier this past April, and I look forward to continuing that discussion here today. Tom has served as the U.S. coordinator for Counternarcotics and Justice Reform in Afghanistan since March 2007 and leaves this week to return to the private sector. I wanted to take a moment to thank him for his service and note the contribution he has made to our country.

Mr. Chairman, following the liberation of Afghanistan in 2001, nearly three decades of armed conflict had left much of Afghanistan's infrastructure destroyed and its human resources depleted. Like other government institutions, the criminal justice sector had to be built almost entirely from the ground up. This morning I wish briefly to describe how the State Department and the Bureau I lead are working to establish an effective police force and criminal justice system.

The U.S. program to train and mentor the Afghan National Police is a coordinated effort of the Departments of Defense and State. The Afghans' goal, which we support, is to develop an 82,000-strong professional and democratic police force capable of

providing public security and enforcing the law. The development of the ANP from the national level to Afghanistan's most remote districts is challenging. Afghan capacity is lacking, and we need to link policing to a viable justice and corrections system.

Moreover, in some areas, particularly in the south, the relatively lightly armed police faced heavily equipped insurgents, resulting in casualty rates three times higher than those of the Afghan National Army.

In 2005, the Department of Defense was given authority over efforts to organize, train, and equip the Afghan National Security Forces, which includes the Afghan National Army and the ANP. Through its Combined Security Transition Command Afghanistan [CSTCA], the Department of Defense determines overall program requirements in accordance with policy direction from the U.S. Chief of Mission.

INL provides critical support to the Defense Department by providing approximately 540 U.S. civilian police mentors and trainers to develop core curricula and to build institutional and individual capacity of the Afghan National Police.

We operate a central training center in Kabul and seven regional training centers, where approximately 94,000 police have been trained since 2003.

Civilian police advisors support the development of the ANP through on-the-job mentoring at headquarters and at field locations throughout Afghanistan.

To provide a more comprehensive and unified approach to developing the ANP, the Afghan Ministry of Interior, with support from the international community, introduced the focused district development program late in 2007. This program is designed to build on earlier training by bringing the holistic, district-based approach to the development of the police. It provides comprehensive assessments, training, equipping, and on-the-job mentoring over a minimum of 6 months for each district.

Interim U.S. assessments and other feedback indicate that this program has improved the capability and professionalism of the police.

While these are encouraging signs, establishing an independent, capable, professional police force will require long-term effort by the Afghan government, as well as the international community.

Mr. Chairman, an equally critical challenge to Afghanistan's security is the establishment of a functioning judicial system to complement Afghanistan's law enforcement capacity. An effective justice system not only improves public confidence in the police; it also deters crime and extends the reach and authority of the central government.

Decades of war left the Afghan justice sector devastated, with prosecutors lacking even such basic equipment as paper and pens, and judges earning roughly one-fourth of the country's living wage.

To help reinvigorate international efforts in the justice sector and encourage donors to get out of Kabul and branch out into the provinces, the United States hosted an Afghan Rule of Law coordination meeting in Dubai in late 2006, a meeting that helped lay the groundwork for the July 2007 Rome Conference on Afghanistan

Rule of Law attended by the Secretary General of the United Nations, as well as the Secretary General of NATO.

The Rome Conference resulted in a number of achievements, including pledges totaling $98 million and an agreement that the government of Afghanistan would develop a unified strategy to rebuild its justice sector. Based on that Afghan plan, donor countries would then develop an action plan to implement the strategy. This justice sector strategy was formally adopted as part of the Afghan National Development Strategy at this month's Paris conference.

The U.S. justice sector strategy for Afghanistan seeks to strengthen the central government's institutions, expand justice assistance to the provinces, and improve donor coordination. Our efforts are divided among the Departments of State, Justice, and Defense, as well as U.S. Agency for International Development, the Drug Enforcement Administration, and the Marshals Service.

With funding from INL, the Justice Department has deployed six senior Federal prosecutors and three criminal investigative advisors to train and mentor prosecutors and investigators of the Criminal Justice Task Force.

We also support 30 U.S. contract advisors and 35 Afghan legal consultants for the justice sector support program.

In early 2006 we established the correction systems support program. It provides prison guard training, records and information management, and infrastructure and equipment support.

We are also supporting a U.S. Master of Laws program for visiting Afghan law professionals and a U.S. Institute of Peace Project to help Afghans establish an appropriate jurisdiction for their informal justice system.

To engage the private sector in justice sector development, Secretary Rice and the Afghan Attorney General launched the Public/Private Partnership for Justice Reform in Afghanistan in December 2007. Through this program, law firms and law schools provide support for low-cost, high-impact projects for Afghan judges, prosecutors, and defense attorneys. One of their programs is going on at this time at the University of Utah School of Law.

Mr. Chairman, while we have made a great deal of progress since 2001 in both the police and justice sectors, many challenges lie ahead. Overcoming Afghanistan's troubled past and securing a lasting democratic and just society for the future will take time and effort, both by the Afghans and the international community.

Again, thank you, Mr. Chairman, for the opportunity to appear before you today. I look forward to your questions.

[The prepared statement of Ambassador Johnson follows:]

Statement of David T. Johnson
Assistant Secretary
Bureau for International Narcotics and Law Enforcement Affairs
United States Department of State

Before the

House Committee on Oversight and Government Reform
Subcommittee on National Security and Foreign Affairs

"Oversight of U.S. Efforts to Train and Equip Police and
Enhance the Justice System in Afghanistan"

June 18, 2008

Mr. Chairman, Congressman Shays, and other distinguished Members of the subcommittee, thank you for the opportunity to come before you to discuss two of the State Department's critical missions in Afghanistan today – to train and equip the Afghan National Police and develop the justice system. Mr. Chairman, my colleague Ambassador Tom Schweich had the pleasure to brief you, Congressman Moran, and your staff this past April and I look forward to continuing that discussion here today. Ambassador Schweich has served as the U.S. Coordinator for Counternarcotics and Justice Reform in Afghanistan since March 2007 and leaves us this week. I wanted to take a moment to thank him for his service and note the valuable contribution he has made while in service to the State Department and our country.

JUSTICE SECTOR REFORM

The international community's efforts on justice reform got off to a slow start. As the police force became operational, it became crystal clear that no matter how well trained and equipped the police, there would be no sustainable gains in security without a fair and transparent justice system. An effective justice system not only improves public confidence in the police, it also deters crime and extends the reach and authority of the central government.

Following the liberation of Afghanistan in 2001, a lead-nation coordination mechanism was established where donor countries took the lead in different

sectors. The lead-nation approach had advantages, but it resulted in competing visions and varying levels of commitment (including resources) and did not produce an overarching strategy that would create the full spectrum of security and justice.

The Afghan government recognized this shortcoming and in 2006 sought a more holistic approach, which culminated in the Afghanistan National Development Strategy (ANDS) adopted at the Paris Conference on June 12. Prepared in consultation with the international community, the World Bank, and the International Monetary Fund, the ANDS articulates the Afghan government's vision, principles, and goals across the various governance sectors, including police and justice. To implement the justice components of the ANDS, the international community developed the National Justice Program (NJP), which sets forth a specific, line-by-line plan to fulfill the priorities for this critical sector over the next five years. The NJP will also further serve to enhance coordination and de-conflict donor activities, while ensuring that the international community's resources support the Afghan government's top priorities.

Ravaged by nearly 30 years of war, much of the infrastructure in Afghanistan has been destroyed and its human resource capacity is extremely low. The justice sector was particularly devastated, with prosecutors lacking basic equipment such as paper and pens, and judges earning roughly one-fourth the

country's standard living wage. The international community's involvement in the justice sector included relatively few resources and was characterized by uncoordinated donor programs that focused exclusively on the justice institutions in Kabul. During this time, the United States and other donor countries also deployed scores of justice advisors to Kabul, quickly reaching a point of saturation.

To encourage donors to branch out into the provinces and help reinvigorate international efforts in the justice sector, the United States hosted an Afghan rule of law coordination meeting in Dubai in 2006. This meeting helped lay the groundwork for the July 2007 Rome Conference on Afghanistan Rule of Law. Led by President Hamid Karzai, UN Secretary General Ban Ki-moon, and NATO Secretary General Jaap de Hoop Scheffer, the Rome Conference marked a major turning point for the justice sector and resulted in a number of key changes. First, donors from around the world made new pledges totaling $98 million, of which the U.S contribution was $15 million. Second, for the first time the three key Afghan justice institutions - the Ministry of Justice, the Attorney General's Office, and the Supreme Court - agreed to develop a unified program to rebuild the justice sector, which became known as the National Justice Sector Strategy. Third, for the first time donor countries agreed to develop a single action plan to implement the Afghan's own strategy, which became known as the National Justice Program. As mentioned earlier, the National Justice Program is a specific, itemized, line-by-line

list of requirements for the three justice ministries and their local branches: donors can execute part of the plan by funding computer automation systems for a specific set of courthouses, or a protective security detail for judges or prosecutors in a specific region, or a particular kind of training for defense lawyers. As noted earlier, the Afghan government and the international community formally adopted the strategy together with the ANDS at last week's Paris Conference, a significant step forward. Fourth, the final key outcome of the Rome Conference was the adoption of the U.S.-sponsored Provincial Justice Coordination Mechanism (PJCM). The PJCM establishes regional offices in eight major population centers throughout Afghanistan. Its goal is to encourage donors and provide the means to extend their resources and programs into the provinces, where the need for justice reform is greatest. The UN has already selected Provincial Rule of Law Coordinators to fill some of these posts, and we expect the first Provincial Justice Coordination offices will open this summer.

The current U.S. Justice Sector Strategy for Afghanistan consists of three core components: (1) strengthen the central justice institutions, namely the Ministry of Justice, the Supreme Court, and the Attorney General's Office; (2) expand justice assistance to the provinces; and (3) improve coordination of donor programs. Now that the Government of Afghanistan has adopted the National Justice Sector Strategy and the National Justice Program, the United States is

reviewing how best to combine U.S. priorities with the goals identified by the Afghan government.

The interagency Afghan Justice Coordination Group, which I will now chair with Ambassador Tom Schweich's departure, in conjunction with the U.S. Embassy in Kabul, coordinates the interagency's justice sector efforts in Afghanistan. With $92 million in FY 2008 Foreign Assistance programs (including $20 million in FY 2008 emergency supplemental funds requested from Congress) and more than 130 justice advisors serving in-country, the U.S. government is by far the largest contributor to the justice sector. Areas of responsibility within the interagency are divided as follows: USAID focuses on civil and commercial law development and judicial training in the courts; the Criminal Division of the Department of Justice specializes in counternarcotics prosecutions and extraditions of high-value traffickers; the Drug Enforcement Administration supports counternarcotics investigative training; the Department of Defense assists with police-prosecutor coordination; the U.S. Marshals Service works on judicial security; the Federal Bureau of Investigation specializes in forensics training and fingerprint collection; and the State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL) focuses on criminal justice and corrections reform in the Attorney General's Office and the Ministry of Justice.

The INL programs include the following initiatives:

(1) *Counternarcotics*: To develop the capacity to address the specific illicit narcotics crimes, the Justice Department, with funding from INL, has six senior federal prosecutors and three criminal investigative advisors assigned to the Criminal Justice Task Force. These nine individuals train and mentor 30 Afghan prosecutors and 35 Afghan investigators. Since the Afghan-led Task Force became operational in May 2005, it has prosecuted over 1,400 cases, convicted nearly 1,600 defendants, and seized more than 55 metric tons of opium. In addition to the prosecutions in Afghanistan, U.S. federal prosecutors have helped secure the removal of several high-level narcotics traffickers for prosecution in the United States. Two of the traffickers are awaiting trial (Haji Bashir Noorzai and Mohammed Essa), a third was sentenced to over 15 years in prison (Haji Baz Mohammed), and a fourth was convicted just last month on charges of narcotics distribution and narco-terrorism (Khan Mohammed).

(2) *Criminal Justice*: To develop the ability of the nascent Afghan criminal justice system, INL funds 30 U.S. contract advisors and 35 Afghan legal consultants who are part of the Justice Sector Support Program (JSSP). JSSP advisors are based in Kabul and four other provinces, including Herat, Balkh, Nangarhar, and Konduz. JSSP advisors based in Kabul work with the Attorney General's Office and the Ministry of Justice on a wide range of initiatives,

including institutional capacity building, training and mentoring, anti-corruption support, and legislative and procedural reform. JSSP advisors located in the provinces focus on police-prosecutor training and promote access to justice by holding provincial justice conferences and training defense attorneys. Just last month, JSSP advisors in the provinces began offering four-week courses to prosecutors as part of the police Focused District Development (FDD) initiative. To date, JSSP advisors have trained over 850 investigators, prosecutors and defense attorneys throughout Afghanistan.

(3) *Corrections*: INL established the Corrections System Support Program (CSSP) in early 2006 to focus much-needed attention and resources on the corrections sector. CSSP works closely with the Ministry of Justice's Afghan Central Prison Directorate to provide guard training, records and information management, and infrastructure and equipment support. CSSP consists of over 30 U.S. advisors who are deployed in Kabul and four other provinces. To date, CSSP advisors have trained over 1,400 corrections officers. CSSP advisors also created an Engineering Department within the Central Prison Directorate and worked hand-in-hand with Afghan engineers to develop the first hybrid prison model, which represents a combination of western and Afghan designs that meet international standards and are economical enough for the Afghans to build and operate themselves.

(4) *Legal Education*: Through a grant to the University of Washington School of Law, INL supports a study abroad program for Afghan law professors to pursue a master of laws degree in the United States. Graduates of the program are required to return to Afghanistan to fulfill a three-year teaching requirement. To date, approximately 20 Afghan professors have participated in the program.

(5) *Informal Justice*: The vast majority of Afghan citizens settle their disputes through the informal justice system. While the informal system has some positive attributes, there is concern in the international community with allowing certain types of cases, particularly criminal matters, to be adjudicated in the informal system because of the potential for human rights violations. INL is supporting a U.S. Institute of Peace project to help the Afghan government develop a policy on the appropriate jurisdiction of the informal courts and its linkages to the formal system.

Aside from the INL-funded programs, the private sector also plays a role in justice sector development through the Public-Private Partnership for Justice Reform in Afghanistan. Launched by Secretary of State Condoleezza Rice and the Attorney General of Afghanistan in December 2007, the Partnership allows U.S. law firms and law schools to support low-cost, high-impact projects for Afghan judges, prosecutors, and defense attorneys, and it encourages citizen involvement in one of our most important foreign assistance challenges. Just five months after

the kickoff event, we have received pledges totaling nearly $1 million in monetary and in-kind contributions. As we speak, more than a dozen Afghan prosecutors, including three women and three trainers, are being taught at the University of Utah Law School by federal judges, private lawyers, and defense attorneys from around the U.S. The three-week training program is entirely funded by the private sector.

We have made a great deal of progress in the justice sector since 2001, but continue to look for ways to maximize our efforts. The use of technology, for instance, could potentially yield great benefits for Afghanistan's justice sector, but is unfortunately still limited due to inconsistent power supply, unreliable Internet connection, low human capacity and the costs associated with upkeep and maintenance. We are, however, working to utilize technology where possible – providing training on WORD and EXCEL, supplying computers, projectors and other equipment to justice ministries, and supporting the creation of an automated case management and tracking system for the Afghan Attorney General's Office. We are still at the beginning of what will take a great deal of time, resources, and commitment from the United States, the Afghans, and the international community.

Even with an increasing budget for justice assistance, the United States does not have the resources to cover all aspects of justice reform at the institutional and

provincial levels. We estimate the needs of Afghanistan's justice sector will need over $600 million over the next five years to help develop a secure, stable and prosperous democracy based on the rule of law. Some of the major challenges we face in the justice sector include raising salaries (prosecutors and judges earn an average salary of about $70 per month), combating corruption (a widespread problem requiring strong political will to address), and supporting corrections reform (an important but under-funded and unappealing sector for most donor countries).

AFGHAN NATIONAL POLICE

With respect to the Afghan National Police (ANP), U.S. efforts to train and mentor the ANP are accomplished through a coordinated effort of the Departments of Defense and State. The goal for U.S. support for the ANP is to develop an 82,000-strong professional and democratic police force capable of providing public security and enforcing the rule of law. The development of the ANP – from the national level to the most remote districts – is challenging due to the lack of capacity, knowledge, skills and infrastructure needed to effectively extend law enforcement in Afghanistan.

Following from the State Department's Bureau of International Narcotics and Law Enforcement Affairs' (INL) established training program, and in light of the more comprehensively need to build the ANP, in 2005 the Defense Department

was given directive authority over DOD-funded efforts to organize, train and equip the Afghan National Security Forces (ANSF) to include both the Afghan National Army and the Afghan National Police. The Defense Department, through the Combined Security Transition Command – Afghanistan (CSTC-A), determines overall program requirements in accordance with policy direction from the U.S. Chief of Mission. INL continues to provide critical support to the Defense Department in the form of qualified U.S. civilian police mentors and trainers, whose development of core curriculum and daily mentoring of the ANP is essential to building institutional capacities and individual skills.

Using $391 million in Afghan Security Forces Funds transferred from the Department of Defense to the Department of State, INL provides approximately 540 U.S. civilian police advisors to train and mentor the ANP as well as professional and executive mentors to assist with Afghan Ministry of Interior (MOI) reform efforts. INL operates a Central Training Center (CTC) in Kabul and seven Regional Training Centers (RTCs) in Kandahar, Konduz, Herat, Jalalabad, Gardez, Mazar-e Sharif, and Bamiyan. A new training center for the Afghan National Civil Order Police was recently opened in Adraskan, Herat province, and planning is in progress for the creation of a National Police Training Center in Wardak province.

Training at the facilities is Afghan-led with U.S. advisor oversight and train-the-trainer support. The training centers provide basic, intermediate, advanced, and specialized training to the Afghan Uniformed Police (AUP), the Afghan Border Police (ABP), the Afghan National Auxiliary Police (ANAP) and the Afghan National Civil Order Police (ANCOP). Approximately 94,000 ANP have been trained at INL facilities since 2003.

The deployment of civilian police advisors to mentor the ANP at the district, provincial, regional, and national levels is a critical component of ANP development. Based at the training centers, Provincial Reconstruction Teams and Forward Operating Bases, civilian police advisors support the development of ANP and Ministry of Interior capabilities through on-the-job mentoring at headquarters and field locations throughout Afghanistan and increasingly at remote locations with U.S. military-led Police Mentor Teams (PMT).

In recognition of the need for a more comprehensive and unified approach to developing the ANP, the Afghan Ministry of Interior – with support from the USG and the international community introduced the Focused District Development (FDD) program in late 2007. FDD is designed to more effectively develop the operational and professional capabilities of the Afghan Uniformed Police – the district-based element of the ANP - by improving individual and unit skills and providing the infrastructure needed for effective law enforcement. FDD also

endeavors to establish law enforcement and criminal justice linkages at the district level by building a prosecutor-driven justice system and providing rule of law training.

FDD provides a holistic approach to AUP development with the support of PMTs and through the implementation of comprehensive assessments, training, equipping, and on-the-job mentoring over a minimum of six months for each district. The goal is to bring the AUP to a state of verified operational independence, to extend legitimate law enforcement to the local level, and to improve the lives of Afghan citizens and increase their support for the Government of Afghanistan. Launched in late 2007, the first cycle of FDD implemented in seven districts is nearing completion and three additional cycles have been initiated in multiple districts, primarily in eastern, southern and western provinces. In total, 30 districts are going through the FDD at this time: seven in Cycle I, five in Cycle II, 10 in Cycle III and eight in Cycle IV. Interim USG assessments, site observations, and initial feedback from Afghan officials and local populations indicate that the FDD has been successful in transforming the AUP into a more capable and professional police force and the methodology is a sound template for increasing the effectiveness of the AUP at the district level. In Zabul province, for example, AUP who participated in FDD displayed greater professionalism in duties, appearance, and sense of service to Afghanistan than those AUP who did

not participate in the program. Moreover, citizens in these districts cited an improvement in policing by FDD units and indicated that they held greater confidence in the police following AUP reconstitution.

Despite its initial success, sustainment of the program over the next five years is highly dependent upon the will of the MOI to support multiple requirements of the program – including the provision of capable ANCOP units – at an aggressive pace. Equally important is the USG ability to field additional PMTs, as roughly one-fourth of the PMTs required for FDD are currently staffed. Another challenge is to ensure that all verified AUP in a district are included in the program. When this does not occur, those AUP that go through the program are professional, capable, and loyal to the government while those that do not undergo reform remain less professional and potentially more corrupt. The presence of unskilled and corrupt police in an FDD district undermines the unit development intent of FDD and citizens' confidence in the police. Finally, the development of the justice sector at the same pace as the law enforcement sector is also a critical challenge which must be addressed to ensure similar capacities to bridge the two sectors.

CONCLUSION

Mr. Chairman, thank you for holding this hearing on two very important and challenging topics. I appreciate the opportunity to appear before you today. I would be happy to answer any questions you may have.

General, you are recognized for 5 minutes.

STATEMENT OF BOBBY WILKES

General WILKES. Thank you, Chairman Tierney and members of the subcommittee, for the opportunity to testify today on the U.S. Government's efforts to train and equip the Afghan National Police and enhance the Afghan justice system. The long-term prospects of the broader reconstruction efforts in Afghanistan are dependent, to a large extent, on progress in these areas.

My comments will focus on the Afghan National Police development, as the Defense Department's equities lie principally in this mission. Afghan National Police development is part of the broader effort to develop the Afghan National Security Forces, which include the Afghan National Army. The in-state for the Afghan National Police was articulated in the 2006 Afghanistan Compact as follows: "By the end of 2010, a fully constituted, professional, functional, and ethnically balanced police, with a combined force of up to 62,000, will be able to meet the security ends of the country effectively and will be increasingly fiscally sustainable."

In May 2007, the fifth meeting of the Joint Coordination and Monitoring Board [JCMB], approved an expansion of the ANP to 82,000 personnel at the request of the Ministry of Interior of Afghanistan.

In recognition of a lack of resources and unity of effort within the international community, the United States assumed a more expansive role in ANP development in mid 2005. The Department of Defense, through the Combined Security Transition Command Afghanistan [CSTC-A], in coordination with the State Department, leads the effort to support the Afghan government in ANP development.

Strategic direction for U.S. efforts to support the ANP development program is developed by the U.S. Interagency. A strategic review agreed upon in November 2006 concluded that there was a need to accelerate the development of the ANSF, and particularly the ANP.

As the security situation in Afghanistan has evolved in the previous 2 years, and we now face a resilient insurgency, the need for an effective and professional ANP could not be greater. Police are the most visible expression of the Afghan populace of the central government's writ and strength. The insurgents recognize this fact, and it is no surprise that they are increasingly targeting the ANP.

Throughout 2007 ANP combat losses were roughly three times higher than those of the ANA. Importantly, despite this statistic, the ANP in most cases remain in the fight.

Currently the ANP has fielded approximately 97 percent of its forces, over 79,900 assigned out of 82,000 authorized. However, the ANP continues to lag behind the ANA in capability. This is due, in part, to the fact that the United States did not become significantly involved in the police development until 2003, and the Defense Department did not begin its expanded role until late 2005. Moreover, the majority of the funding, the 2007 supplemental, was not available until July 2007, with equipment deliveries now underway and largely targeted toward the end of this year.

ANP development also has been hindered by endemic corruption and an insufficient number of trainers and mentors, among other things. Our interagency efforts are focused on addressing these shortcomings.

A key focus of effort is mentoring the ANP. CSTC-A, in conjunction with State Department, mentors police at all levels, although the current program does not reach all locations. The objective is to provide a police mentoring team to each police district and provincial and regional headquarters. PMTs are 8- to 14-member teams comprised of civilian professional police, military personnel, and linguists to assist, coach, and mentor the ANP. There currently are some 540 civilian police advisors and 900 military police mentors in Afghanistan. Because mentoring must occur locally in all of Afghanistan's 364 districts, CSTC-A is currently unable to cover the majority of ANP units and organizations.

In an effort to maximize the effects of limited resources on overall ANP development, the Afghan Ministry of Interior in November 2007, with support from CSTC-A, launched the Focus District Development program to concentrate training, equipment, and mentoring in priority districts. FDD consists of phases, which include assessing the status of the police in a giving district; withdrawing the police for 8 weeks of training, equipping, and leadership changes necessary; and, finally, returning the police to a district with intensive follow-on mentoring and monitoring.

FDD is planned to reform more than 50 priority districts by the end of this year. While the FDD program is still relatively new, initial perceptions are favorably. Importantly, FDD could act as a catalyst for similar programs that might benefit other government branches.

As the ANP continues to develop, it is essential that we are able to measure their performance. CSTC-A has in place a system that assesses ANP units' ability to perform their mission. Units are assessed with one of the four capability milestones, ranging from CM4, which is least capable, to CM1, which is most capable. At present, 12 ANP units—6 ANCOP battalions and 6 district uniform police units—are assessed as being CM2, which indicates that they still require occasional external assistance.

Ensuring the ANP has the necessary equipment to perform its mission is critical to a broader ANP development program. The ANP basic kit includes sidearm, rifle, a uniform, body armor, and short-range radios. Units at the squad level are equipped with tactical vehicles, first aid supplies, machine guns, and grenade launchers.

Pay and rank reform is also a key element of the ANP development program. Rank reform looks at over 17,000 top officers within a top-heavy structure, and through extensive testing and review and an international vetting process reducing the officer corps by more than 9,000 personnel. The Ministry of Interior also is developing a comprehensive promotion and recognition program.

Additionally, pay parity is being implemented to provide police with salaries comparable to the ANA. Efforts also are underway to improve the overall payment process, such as verifying police rosters and establishing electronic pay systems and funds transfers.

By the end of this May, 19 provinces had implemented electronic funds transfers for police to be paid directly.

Steps are being taken to enhance accountability within the ANP. These include an identification card program, which will permit tracking of police personnel from accession to attrition using a record management system.

The Ministry of Interior also is developing a new disciplinary and personnel regulations and has commissioned a legislative drafting committee to revise outdated police personnel laws to provide for the administrative separation of corrupt or inept police personnel.

To conclude, I believe we are implementing the programs and policies and making necessary investments and adjustments to realize a significant improvement in the ANP in the coming years; yet much will depend on our ability to expand the number of personnel assigned to the crucial mentoring mission, as well as the Ministry of Interior's own ability to implement internal reforms to enhance the professionalism and integrity of its personnel.

Thank you, sir.

[The prepared statement of General Wilkes follows:]

Deputy Assistant Secretary of Defense for Central Asia
Bobby Wilkes
Testimony to the House Committee on Oversight and Government Reform
Subcommittee of National Security and Foreign Affairs
"Oversight of U.S. Efforts to Train and Equip Police and Enhance the Justice System in Afghanistan"
June 18, 2008

Chairman Tierney, Congressman Shays, Members of the Subcommittee: thank you for the opportunity to testify on the U.S. government's efforts to train and equip the Afghan National Police and enhance the Afghan justice system. The long-term prospects of the broader reconstruction effort in Afghanistan are dependant, to a large extent, on progress in these areas. My comments will focus on Afghan National Police (ANP) development, as the Defense Department's equities lie principally in this mission. I'm pleased to be joined by my colleagues from the Departments of State and Justice, who will speak in greater detail about their respective organizations' specific programs.

ANP development is part of the broader effort to develop the Afghan National Security Forces (ANSF), which include the Afghan National Army (ANA). The purpose of the ANSF development program is to grow a professional, capable, respected, multi-ethnic, and sustainable ANSF, with competent ministries, staffs, and sustaining institutions, which are capable of directing, planning, commanding, controlling, training, and supporting the ANSF. Specifically, the ANP are being trained and equipped to uphold the rule of law and control movement across Afghanistan's borders.

The end-state for the ANP was articulated in the 2006 Afghanistan Compact as follows: "By the end of 2010 a fully constituted, professional, functional, and ethnically

balanced Afghan National Police and Afghan Border Police with a combined force of up to 62,000 will be able to meet the security ends of the country effectively and will be increasingly fiscally sustainable." In May 2007, the fifth meeting of the Joint Coordination and Monitoring Board (JCMB) approved an expansion of the ANP to 82,000 personnel, at the request of the Ministry of Interior.

In recognition of a lack of resources and unity of effort within the international community, the United States' assumed a more expansive role in ANP development in mid-2005. The Department of Defense, through the Combined Security Transition Command – Afghanistan (CSTC-A), and in coordination with the State Department, leads the effort to support the Afghan government in ANP development. Strategic direction for U.S. efforts to support the ANP development program is developed by the U.S. interagency. A Strategic Review, agreed upon in November 2006, concluded that there was a need to accelerate the development of the ANSF, particularly the ANP. To this end, in 2007 more than $2.5 billion in Defense Department Afghan Security Forces Funds (ASFF) were appropriated for ANP development. This is in addition to more than $ 1.3 billion in ASFF that had been appropriated between fiscal years 2002 and 2006.

As the security situation in Afghanistan has evolved in the previous two years, and we now face a resilient insurgency, the need for an effective and professional ANP could not be greater. Police are the most visible expression to the Afghan populace of the central government's writ and strength. The insurgents recognize this fact – and it is no surprise that they increasingly are targeting the ANP. Indeed, the ANP are taking casualties at a higher rate than the ANA. Throughout 2007, ANP combat losses were

roughly three times higher than those of the ANA. Importantly, despite this statistic, the ANP are in most cases remaining in the fight.

The roles of the various components of the ANP span a wide spectrum of functions. The ANP consists of the Afghan Uniform Police, the Afghan National Civil Order Police, the Counternarcotics Police of Afghanistan, and the Afghan Border Police. Other specialized police are responsible for criminal investigation and counterterrorism. Additionally, the Afghan National Auxiliary Police (ANAP) supplements the uniformed police as a bridging force at the local level. The ANAP, however, will be dissolved by the end of 2008; though some ANAP personnel will be eligible to transition to the uniformed police.

Currently, the ANP has fielded approximately 97% of its forces – over 79,900 assigned out of 82,000 authorized. However, the ANP continues to lag behind the ANA in capability. This is due in part to the fact that the United States did not become significantly involved in police development until 2003 – and the Defense Department did not begin to expand its role until 2005. Moreover, the majority of funding (the 2007 supplemental) was not available until July 2007, with equipment deliveries now underway. ANP development also has been hindered by endemic corruption, and an insufficient number of trainers and mentors, among other things – our interagency efforts are focused on addressing these shortcomings.

Critical to our efforts is ensuring that ANP personnel have the training they need to accomplish their mission. There currently are eight State Department-run training centers throughout Afghanistan – one central training center in Kabul, and seven regional

training centers throughout the country. Additionally, there is a national training center in Herat, and one being planned for Wardak province. The objective we are working towards for ANP training is a minimum of Initial Entry Training (IET) for all new recruits, which covers topics such as Afghan law, human rights, patrolling and investigative procedures, as well as firearms and other tactical training. More advanced courses also are available to provide training in areas such as special weapons, crime scene investigation, professional standards, customs, domestic violence, counterterrorism, and counternarcotics.

CSTC-A, in conjunction with the State Department, mentors police at all levels, although the current program does not reach all locations. The objective is to provide a Police Mentoring Team (PMT) to each police district, and provincial and regional headquarters. PMTs are 8-14 member teams comprised of civilian police professionals, military personnel, and linguists, to assist, coach, and mentor the ANP. There currently are some 540 civilian police advisors and 900 military police mentors in Afghanistan. Because mentoring must occur locally in all of Afghanistan's 364 districts, CSTC-A is currently unable to cover the majority of ANP units and organizations.

In an effort to maximize the effects of limited resources on overall ANP development, the Afghan Ministry of Interior in November 2007, with support from CSTC-A, launched the Focused District Development (FDD) program to concentrate training, equipment, and mentoring in priority districts. FDD consists of phases, which include: assessing the status of police in a given district; withdrawing the police for eight weeks of training, equipping, and leadership changes as necessary – during this phase the

police are temporarily replaced by elite Afghan National Civil Order Police (ANCOP) – and finally, returning the police to the district with intensive follow-on monitoring and mentoring. FDD is planned to reform more than 50 priority districts by the end of this year. The total number of districts that will take part in FDD will depend on a number of factors – for example, the availability of additional police mentors, and the number of trained ANCOP units (currently a growing program). Given ongoing police development efforts, including FDD, we currently project that the majority of Afghan Uniformed Police units will be capable of performing their missions – with only limited external support – by December 2012. While the FDD program is still relatively new, initial perceptions are favorable. Importantly, FDD could act as a catalyst for similar programs that might benefit other governmental branches.

In addition to efforts to develop the ANP, we are also working to develop capacity within the Ministry of Interior. The Departments of Defense and State have embedded more than 60 mentors within the Ministry to assist them with systems management – for example, recruiting, training, doctrine, and finance. These mentoring efforts are crucial to reducing levels of corruption with the Ministry, and institutionalizing professional, transparent practices.

As the ANP continues to develop, it is essential that we are able to measure their performance. CSTC-A has in place a system that assesses ANP units' ability to perform their mission. Units are assessed in one of four Capabilities Milestones. At Capability Milestone (CM) 4, the police unit, staff function, or installation is formed but not yet capable of conducting basic law and order operations, or management and leadership

functions, without significant external assistance from the international community. At CM1, the unit, staff function, or installation is able to accomplish these roles – though external assistance may be required for specific operations. At present, 12 ANP units – six ANCOP battalions and six district uniformed police units – are assessed as being CM2, which indicates that they still require occasional external assistance.

Ensuring the ANP has the necessary equipment to perform its mission is critical to the broader ANP development program. The ANP "basic kit" includes a sidearm and rifle, a uniform, body armor, and a short-range radio. Units at the squad level are equipped with tactical vehicles, first aid supplies, machine guns, and a grenade launcher. A Stock Record Account (SRA) is used to maintain oversight of ANP equipment. The SRA has been used since 2006, and provides details of all munitions, vehicles, clothing, and individual equipment items.

Pay and rank reform also is a key element of the ANP development program. The Ministry of Interior is taking substantial steps toward establishing fair and equitable compensation and recognition in the ANP. Rank reform looks at over 17,000 top officers within a top-heavy structure and – through extensive testing and review, and an international vetting process – reducing the officer corps by more than 9,000 personnel. The Ministry of Interior also is developing comprehensive promotion and recognition programs. Additionally, pay parity is being implemented to provide police with salaries comparable to the ANA. Under this system, for instance, a police major who previously earned about $80 per month would now earn $300 per month – compared to army major whose salary is $330 per month. Efforts also are underway to improve the overall

payment process such as verifying police rosters, and establishing electronic pay systems and funds transfers – by the end of May, 19 provinces had implemented electronic fund transfers for police to be paid directly.

Steps are being taken to enhance accountability within the ANP. These include an identification card program, which will permit tracking of police personnel from accession to attrition using a record management system. The ID card program will enhance the ability to maintain accurate ANP strength numbers, and ensure that police personnel receive their full pay. The Ministry of Interior also is developing new disciplinary and personnel regulations, and has commissioned a legislative drafting committee to revise outdated police personnel laws to provide for the administrative separation of corrupt or inept police personnel.

It is important to note that efforts to train and equip the ANP are not solely U.S. bilateral contributions. Other nations and international organizations also contribute in meaningful ways. The European Union, for instance, established a police reform mission in June 2007, which focuses on police strategy and institutional development in the Ministry of Interior. The EU mission currently is planned for about 230 personnel (of which, about 150 are on the ground) – however, these personnel do not deploy to the districts, where help is most needed. Additionally, the Organization for Security and Cooperation in Europe (OSCE) has decided to consider ways to engage with Afghanistan, with a particular focus on training, counternarcotics, border security, and customs. Provincial Reconstruction Teams play a role in police reform through their interaction with local police personnel and Ministry of Interior officials. The United

Nations manages the Law and Order Trust for Afghanistan (LOTFA), which reimburses funds dispensed by the Ministry of Interior in support of ANP salaries and rations. Lastly, the International Police Coordination Board (IPCB) is the principal forum for Afghan and international coordination on police reform and support. The IPCB, which meets approximately every month, is chaired by the Minister of Interior, and is supported by a secretariat with representatives of CSTC-A, EUPOL, and other contributors to the police development effort.

To conclude, I believe we are implementing the programs and policies, and making the necessary investments and adjustments, to realize a significant improvement in the Afghan National Police in the coming years. Yet much will depend on our ability to expand the number of personnel assigned to the crucial mentoring mission, as well as the Ministry of Interior's own ability to implement internal reforms to enhance the professionalism and integrity of its personnel.

Thank you. I look forward to your questions.

Mr. TIERNEY. Thank you, General.
Mr. Ward.

STATEMENT OF MARK WARD

Mr. MARK WARD. Chairman Tierney, Ranking Member Shays, members of the subcommittee, thanks very much for asking USAID also to participate in this hearing on U.S. assistance to the justice sector in Afghanistan.

We spent $4 billion on development programs in Afghanistan, USAID has, since 2002, to encourage economic growth led by the private sector, establish a democratic and stable state governed by the Rule of Law, and provide basic services like health and education for the people.

To help Afghanistan become less donor dependent and stand on its own feet, it needs a strong private sector and greater domestic and foreign investment, and USAID is working to build institutions that strengthen the private sector, encourage investment, and create jobs and taxes to sustain Afghanistan in the future.

Now, the security situation in the country is real, and my fellow witnesses are here to describe the work that we are doing to build a professional Army and police force, but it is also important that we ensure that Afghanistan has strong institutions in place so that, as the security situation improves, Afghanistan will be able to attract and effectively utilize greater private investment. After all, that is the future.

Improving justice institutions, I am happy to say, is also a priority for the Afghans. Last week in Paris the donor community celebrated the launch—you heard about this this morning—of the Afghan National Development Strategy, and one pillar of that new strategy is governance, Rule of Law, and human rights.

The goal for the justice sector is strengthening democratic processes and institutions, human rights, the Rule of Law, delivery of public services, and government accountability. And the new strategy specifically recognizes the need to reform the justice system as a way to improve the business environment and increase investments and jobs.

So, specifically, what are we doing with the Afghans? USAID is helping the Ministry of Commerce, the Central Bank, and the Parliament to draft good commercial legislation. The work focuses on specific priorities identified by the Afghan Ministries, the private sector, and the donor community for attracting more investment into the country.

With our encouragement, the process is much more open now. For example, a conference for prominent Parliamentarians—I am sure it will include some of these prominent Parliamentarians behind us—is planned for next month to introduce, promote, and solicit comments on five new laws that have recently been drafted by the Ministries of Commerce and the Central Bank to benefit the private sector.

We are also working with the judicial system, primarily through training programs. We train sitting judges in the classroom, in the courtroom, and in service. We train them on commercial dispute resolution, on standards for legal education, and on court adminis-

tration, personnel management, accounting, budgeting, and their own internal processes.

The results are pretty impressive so far. We have trained over 70 percent of the sitting judges in Afghanistan, and we plan to train all of the sitting judges by the end of this fiscal year.

There is increased awareness among the Afghan people regarding their basic legal rights. I heard the question to the panel this morning about perceptions among the Afghan people, and as you heard, the latest polls show that there is growing confidence in the ability of their courts to resolve disputes.

Civil filings in the courts are growing each quarter, and for the first time in 30 years, judges are conducting public trials and appearing in the media to explain what courts are for.

We also provide training to members of the Law and Sharia Faculties at Kabul University and three regional universities about teaching methodology, legal writing, and research, and we also teach English. And with our support this group of legal and religious scholars have played a role in establishing a standard law school curriculum for Sharia Law faculty and students. This is an important benchmark to ensure a strong legal professional, and I am pleased to say that the new curriculum that both the Sharia Law School and the law faculty have adopted stresses very modern secular commercial principles.

We, as you have heard, also sponsor study tours for the Afghan law faculty to go to the United States and other countries in the region.

At the Afghan Supreme Court, we have helped put in place a new case management and tracking system which will be rolled out to all courts in the country by the end of this fiscal year.

Working with the government of Italy, we have helped establish the National Legal Training Center. It opened a year ago on the campus of the University of Kabul, and is used for continuing legal education and accreditation programs within the legal community. I was there a couple of weeks ago and very pleased to see that it is open and full of students, judges and others, using classes.

We also tried very hard to include women in all of our programs. We have had over 100 women judges and judicial candidates participate in our programs, and I am very pleased to say, particularly to the women in the room, that our studies indicate so far that the women in the judicial training courses are out-performing the men. Maybe there is no surprise there.

We have built and rehabilitated 40 courthouses and justice facilities in 17 provinces in the country.

Just to sum up, the Afghan Support Conference that was held last week in Paris, the United States pledged $10.2 billion to help the people of Afghanistan, and in that vein, we will work with institutions such as the Parliament and the Supreme Court and others to try to build a transparent and predictable court system that will benefit the private sector. We think a strong private sector is vital to Afghanistan's stability to create jobs and opportunities where there were none before.

Thanks very much.

[The prepared statement of Mr. Ward follows:]

STATEMENT OF MARK S. WARD SENIOR DEPUTY ASSISTANT ADMINISTRATOR FOR THE ASIA BUREAU U.S. AGENCY FOR INTERANTIONAL DEVELOPMENT BEFORE THE HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM SUBCOMMITTEE ON NATIONAL SECURITY AND FOREIGN AFFARIS

Oversight of U.S. Efforts to Train and Equip Police and Enhance the Justice System in Afghanistan

June 18, 2008

Chairman Tierney, Ranking Member Shays, other distinguished members of the Subcommittee, thank you for the invitation to participate in today's hearing. I appreciate the opportunity to share with the Subcommittee the perspective of the U.S. Agency for International Development (USAID) on U.S. assistance to the institutions of justice in Afghanistan.

With nearly $5.9 billion obligated (and $4 billion spent) on development programs in Afghanistan since 2002, USAID provides the largest bilateral civilian assistance program to Afghanistan. Our work continues to be a vital support to Afghanistan in its efforts to ensure economic growth led by the private sector; establish a democratic and capable state governed by the rule of law; and provide basic services for its people. Since 2002, USAID has engaged in many traditional development activities including building of infrastructure such as courthouses and judicial training centers, promoting

strong civil society through multiple outreach activities and providing wide-ranging support to elections: however, in order to help Afghanistan to develop in such a way that it is less donor dependent, USAID is working to build judicial institutions that strengthen the private sector.

One cannot minimize the real security situation in Afghanistan; and my colleagues with the Departments of Defense, State and Justice are here to discuss the important support the United States Government provides for the training of a professional Afghan army and police force. These activities are extremely important; however, as important as a safe and stable Afghanistan is, it is equally important that we work to ensure that Afghanistan has strong judicial and economic institutions pre-positioned so when the security situation allows, Afghanistan will be able to attract and effectively utilize private investment.

The United States and the international community have recently agreed to closer align aid to Afghanistan based on the goals and pillars of the Afghanistan National Development Strategy (ANDS). USAID is working closely with the Government of Afghanistan to align its programs with the goals and pillars of the ANDS, one of which is Governance, Rule of Law

and Human Rights. The ANDS goal for the justice sector, as spelled out in the National Justice Program, is strengthening democratic processes and institutions, human rights, the rule of law, delivery of public services and government accountability. More specifically, the ANDS recognizes the need to reform the justice system, which will improve the business environment and increase investments and job generation. The ANDS Justice Sector Strategy was approved approximately six weeks ago, and the National Justice Program were developed and endorsed by the international community at the Rome Conference on the Rule of Law in Afghanistan last July.

USAID's private sector strengthening program aligns with the ANDS goals through our help to improve the climate for private sector development by assisting the Government of Afghanistan with the establishment of a market-oriented legal and regulatory framework. USAID is providing legal advisory assistance to the Ministry of Commerce, Da Afghanistan Bank (the Central Bank), and the Economic Commission of the Parliament to strengthen their ability to draft commercial legislation and increase public awareness and support for market-oriented commercial legislation. The work focuses on specific priority legislation identified by the Afghan

ministries, the private sector, and the donor community as being necessary to attract both domestic and foreign investment in Afghanistan. Four laws promulgated by Presidential decree during a Parliamentary recess in 2007 and are now under review by the Parliamentary Economic Commission to improve understanding and broader support. These include the Law on Corporations, Law on Partnerships, Law on Commercial Arbitration, and Law on Commercial Mediation. Furthermore, five additional laws have been drafted by the Ministry of Commerce and Da Afghanistan Bank. A legal conference for prominent Parliamentarians is planned for July 2008 will introduce, promote, and solicit public comment on these laws aimed to benefit the private sector.

In concert with our work to build and strengthen a legal infrastructure for business transactions and investments, USAID is also working on judicial training and professional development; access to justice; commercial dispute resolution; legal education; court administration; and legislative process reform. We continue to have results which make us proud, including;

- training to over 70 percent of the sitting judges in Afghanistan with the anticipation of training all sitting judges by the end of FY 2008

(Training includes the provision of remedial legal education, classroom instruction and supervised work experience.);

- increased awareness of the Afghan people regarding their basic legal rights;
- training to members of the Law and Sharia Faculties at Kabul University and three regional universities in teaching methodology, legal writing and research and legal English; furthermore, with USAID's support, this group of legal and religious scholars have played a key role in establishing a standard law school curriculum for both Sharia and law faculty students, which is an important benchmark in ensuring a strong legal profession;
- study tours for Afghan faculty to the U.S. and India;
- improved institutional management capabilities of the Afghan Supreme Court including a new case management and tracking system which will be rolled out to all courts by the end of FY 2008;
- establishment, in conjunction with the Government of Italy, of the National Legal Training Center which was opened in May 2007 on the campus of the University of Kabul and is actively used for standardization, continuing legal education and accreditation within the legal community;

- providing ongoing and advanced training in legislative drafting to the Ministry of Justice's legislative drafting unit, members and staff of various ministries and the National Assembly; and what I am most proud to note,
- building an enabling environment for commercial investment in Afghanistan as a result of our work to strengthen commercial law.

Additional successful activities within the justice sector include a recently completed project that focuses on legal reform through the construction and rehabilitation of 40 courthouses and justice facilities in 17 provinces. This project employed an all-Afghan workforce, facilitating local capacity-building and buy-in among the population. In our efforts to support women's capacity development within the judiciary we have had nearly 100 women judges and judicial candidates participate in various trainings and provided technical assistance to Afghanistan universities to build the capacity of women professors.

In conclusion, Afghanistan remains a central focus on USAID activities. As you are all aware, the Afghanistan Support Conference was held just last week in Paris. During this Conference, the United States pledged $10.2

billion dollars to help the people of Afghanistan. In that vein, USAID will continue to work with institutions such as the Parliament and the Supreme Court so that a robust private sector has access to a transparent and predictable court system. Everyone recognizes that the private sector will not risk investing in a country that has weak regulatory and commercial laws and little recourse through the civil court system. USAID believes that the private sector is vital to stability in Afghanistan; it will bring jobs which in turn creates opportunities where there were none before.

Chairman Tierney and Ranking Member Shays, thank you for the opportunity to appear before you and the other members of the Subcommittee today. I am happy to take any questions you may have.

Mr. TIERNEY. Thank you, Mr. Ward.

Mr. Swartz, please.

STATEMENT OF BRUCE SWARTZ

Mr. SWARTZ. Mr. Chairman, Ranking Member Shays, distinguished members of the committee, thank you for this opportunity to discuss the role of the U.S. Department of Justice in U.S. efforts to enhance the justice sector in Afghanistan. DOJ prosecutors and law enforcement agencies are and have been on the ground in Afghanistan. They have followed a focused strategy of developing and working with vetted Afghan teams of prosecutors and agents. The work of our four components on the ground in Afghanistan has both advanced the Rule of Law and has resulted in significant law enforcement successes.

First, since 2005 we have had a team of senior Federal prosecutors working in Afghanistan both on law reform and working and developing and mentoring the Criminal Justice Task Force. As Ambassador Johnson noted, we have received State Department funding for these efforts.

The work of these prosecutors has resulted in remarkable successes. First, on the legislative front, our prosecutors worked closely with their Afghan colleagues to develop the counternarcotics law of Afghanistan, which has put in place innovative techniques and possibilities with regard to law enforcement investigations in narcotics cases. That work has resulted in, for instance, the first controlled delivery of narcotics in the United States, resulting in a prosecution here.

Second, as I noted, these teams, our prosecutors teams, have developed and mentored the Criminal Justice Task Force, a group of specially vetted and trained investigators and prosecutors that work with the Central narcotics Tribunal of Afghanistan. They have done hundreds of narcotics anti-corruption cases and the work of the prosecutors that we sent by DOJ to Afghanistan have also resulted in successes here in counternarcotics prosecutions, including the first conviction of a narco-terrorist, Khan Mohammed, and the conviction of a designated foreign kingpin, Baz Mohammed, in the United States.

The second component that we have present in Afghanistan, DEA, has also played a central role. Shortly after Coalition forces entered Afghanistan, DEA established its long contacts in Afghanistan and re-established its office there. They have worked closely with the training of the counternarcotics police of Afghanistan, and in particular with three specialized units of the counternarcotics police: the NIU, the National Interdiction Unit; the Sensitive Investigations Unit [SIU]; and the TIU, the Technical Investigations Unit.

Here, too, that work has resulted in significant successes with significant investigations having been conducted, arrests and prosecutions followed, including the largest seizure ever of narcotics, the seizure last week of 235 metric tons of hashish in Afghanistan.

Third, the FBI has also been present in Afghanistan, both through its legal attache office, which has established a long-term presence, and with agents from the Counter-Terrorism Division, and agents from the Criminal Justice Information Systems Divi-

sion. We have worked carefully both on narcotics cases in conjunction with DEA, but also with counterterrorism matters. And the Criminal Justice Information Systems Division in particular has launched a very important biometrics project that has captured more than 16,000 biometric records, both of persons that are incarcerated in Afghanistan, but also as part of the vetting system for police and the Army. We have also, through the FBI, engaged in training of our Afghan counterparts, including training in these biometric systems.

Fourth, the U.S. Marshal's Service has been present for the critical role of judicial security and security of those who testify in court. Obviously, a court system cannot function unless that kind of security is in place, and the Marshal Service brings unparalleled expertise to that task.

Finally, if called upon, the experienced police and corrections experts of our police training arm, ICITAP, are ready to serve in Afghanistan should that prove useful.

In conclusion, I would like to commend the courage and professionalism of the teams that we have deployed to Afghanistan, and to note that their work has made both the citizens of Afghanistan and the citizens of the United States safer.

Thank you. I look forward to your questions.

[The prepared statement of Mr. Swartz follows:]

Department of Justice

STATEMENT OF

BRUCE C. SWARTZ
DEPUTY ASSISTANT ATTORNEY GENERAL
CRIMINAL DIVISION
DEPARTMENT OF JUSTICE

BEFORE THE

SUBCOMMITTEE ON NATIONAL SECURITY AND FOREIGN AFFAIRS
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
HOUSE OF REPRESENTATIVES

ENTITLED

"U.S. EFFORTS TO TRAIN AND EQUIP POLICE AND ENHANCE THE JUSTICE SYSTEM IN AFGHANISTAN"

PRESENTED

JUNE 18, 2008

STATEMENT OF

BRUCE C. SWARTZ
DEPUTY ASSISTANT ATTORNEY GENERAL
CRIMINAL DIVISION
DEPARTMENT OF JUSTICE

BEFORE THE

SUBCOMMITTEE ON NATIONAL SECURITY AND FOREIGN AFFAIRS
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
HOUSE OF REPRESENTATIVES

ENTITLED

"U.S. EFFORTS TO TRAIN AND EQUIP POLICE AND ENHANCE THE JUSTICE SYSTEM IN AFGHANISTAN"

JUNE 18, 2008

Mr. Chairman, Congressman Shays, and members of the subcommittee, I am pleased to appear before you today to discuss the role of the Department of Justice in U.S. efforts to train and equip police forces, enhance justice systems, and promote the rule of law in Afghanistan.

Afghanistan is working to establish the rule of law for its citizens, and the Department of Justice is committed to help achieve that goal. Together with our State and Defense Department colleagues, and with our international and Afghan allies, we are making progress notwithstanding the obstacles to these endeavors in Afghanistan. Today, I hope to share with you information about the Department's efforts in Afghanistan, which are carried out by various components of the Department including the Criminal Division, the Drug Enforcement Administration (DEA), the U.S. Marshals Service (USMS), and the Federal Bureau of Investigation (FBI).

At the outset, I also would like to express our thanks to the U.S. Department of State, which funds many of our activities in Afghanistan and supports our efforts through our Embassy in Kabul. I would like to thank the Department of Defense for its support as well. Combating the illegal narcotics trade and corruption, instituting a professional civilian police force, and cultivating an honest, fair, and effective judicial system are critical elements of our mission in Afghanistan. Illegal narcotics trafficking continues to undermine Afghanistan's political stability, slow economic growth, and undercut respect for the rule of law. It funds the Taliban insurgency and fosters public corruption.

While the task of establishing the rule of law in Afghanistan is daunting, it is critically important not only to Afghanistan's security but ours as well. Our work in Afghanistan already has secured important law enforcement successes – successes that could not have been achieved had DOJ personnel not been on the ground in Afghanistan to train and mentor our Afghan counterparts.

Just last week, in what may have been the largest-ever drug seizure anywhere, Afghan counter-narcotics police, trained by the Drug Enforcement Administration and the United Kingdom's Serious Organized Crime Agency, uncovered and destroyed 235 metric tons of hashish hidden in 6-foot-deep trenches in the Spin Boldak area of Kandahar province. The raid was the result of superb international coordination, intelligence gathering, and execution in a hostile area. The drugs were destroyed onsite by ISAF forces and several defendants are in custody. The investigation regarding this seizure will continue, and DOJ trained Afghan prosecutors from the DOJ-supported Criminal Justice Task Force (CJTF) in Kabul will present the case to the Central Narcotics Tribunal (CNT), Afghanistan's counter-narcotics court of national jurisdiction.

In another important case resulting from our work in Afghanistan, Khan Mohammed was recently convicted in the U.S. District Court for the District of Columbia. Khan Mohammed, from the Nangarhar Province of Afghanistan, was investigated by the DEA for weapons and narcotics offenses. The investigation revealed that Mohammed was part of a Taliban plan to obtain rockets to attack U.S. military and Afghan civilian personnel at Jalalabad Airfield in Jalalabad, Afghanistan. A cooperating witness working with the DEA met with Mohammed on several occasions to plan the rocket attack. Evidence presented at trial established that Mohammed had previously engaged in similar rocket attacks against other Afghan targets. During the investigation, Mohammed also sold opium and heroin that he knew was intended for importation into the United States. Mohammed faces a mandatory minimum sentence of 20 years and a maximum of life in prison. A sentencing hearing is scheduled during October 2008. The Khan Mohammed conviction represents the first time a defendant has been convicted in U.S. federal court of narco-terrorism since the statute, 21 U.S.C. 960a, was enacted in March 2006. Khan Mohammed's successful prosecution by the Criminal Division's Narcotic and Dangerous Drug Section would not have been possible without the excellent work of the DEA and Afghan law enforcement in Afghanistan, the outstanding logistical cooperation from the Department of Defense, and the work of our DOJ prosecutors and State Department colleagues in Kabul.

Similarly, in October 2007, in the U.S. District Court for the Southern District of New York, Haji Baz Mohammed, another Afghan heroin trafficker, was sentenced to more than 15 years in prison. President Bush previously had designated Baz Mohammed as a foreign narcotics kingpin under the Foreign Narcotics Kingpin Designation Act, and in 2005, President Hamid Karzai approved Baz Mohammed's transfer to the United States. Baz Mohammed pleaded guilty in U.S. District Court to running a heroin trafficking organization from 1990 to

2005, which operated under Taliban protection, and which transported heroin from Afghanistan and Pakistan to the United States.

Finally, the trial of Haji Bashir Noozai, an accused Afghan heroin trafficker and close ally of the Taliban, is scheduled to begin on July 7, 2008, in the Southern District of New York. Noorzai is alleged to be the leader of the largest Central and Southwest Asia-based heroin drug trafficking organization known to DEA. According to the Noorzai indictment, Noorzai led an international heroin trafficking organization responsible for manufacturing and transporting hundreds of kilograms of heroin in Afghanistan and Pakistan and arranged for the heroin to be imported into the United States and other countries. The Noorzai organization provided demolitions, weaponry, and personnel to the Taliban in Afghanistan in exchange for protection for his organization's opium poppy crops, heroin laboratories, drug transportation routes, and members and associates.

All of these examples demonstrate the growing capabilities of Afghan law enforcement to pursue counter-narcotics operations, and the increasing cooperation U.S. law enforcement entities have with our counterparts in Afghanistan. None of these cases would have been possible without cooperation from Afghan law enforcement and legal authorities. And, in turn, that Afghan cooperation was possible in significant part because of the training, equipment, and capacity building assistance the United States Department of Justice has been able to provide to Afghan police and prosecutors. I turn now to a more detailed description of DOJ's programs in Afghanistan.

CRIMINAL DIVISION

Since 2005, the Criminal Division has assigned senior federal prosecutors and senior experienced criminal investigators to the U.S. Embassy, Kabul, to assist in law reform, as well as in training and mentoring of the Afghan Criminal Justice Task Force (CJTF), a special task force of prosecutors and police investigators responsible for cases against mid- and high-level drug traffickers. Currently, the Department of Justice (DOJ) has six senior Assistant U.S. Attorneys drawn from around the U.S. serving as Senior Legal Advisors at the CJTF and in the Afghan Attorney General's Office, and two senior criminal investigator mentors assigned to the CJTF. The DOJ attorneys also provide legal advice to the Chief of Mission at the U.S. Embassy, to the Afghan Attorney General, and to U.S. law enforcement agencies operating in Afghanistan.

The DOJ attorneys and the criminal investigator mentors work on a daily basis with the CJTF, the Central Narcotics Tribunal (CNT) the Ministry of Justice, the Ministry of the Interior, and the Attorney General's Office. They provide instruction to investigators, prosecutors, and judges throughout Afghanistan on investigative techniques, trial skills, ethics, and the new counter-narcotics and criminal procedure codes of Afghanistan. To date, they have provided training in Kabul, Nangarhar, Balkh, Paktia, and Bamiyan provinces..

The CJTF is a unique entity in Afghanistan. Established in 2005 pursuant to Afghan legislation that DOJ helped draft, the CJTF consists of specially selected and vetted Afghan police investigators and prosecutors. The CJTF brings cases before the Central Narcotics Tribunal of Afghanistan. This is an Afghan court of national jurisdiction designed to hear narcotics and narcotics-related corruption cases involving mid- and high-level traffickers and other offenders related to the narcotics trade. Currently, the CNT includes a Primary Court with seven judges, and an Appellate Court with seven judges.

In less than three years the CJTF successfully has investigated and prosecuted hundreds of narcotics trafficking and corruption cases. For example, in April 2006, less than one year after it was established, the CNT convicted three major narcotics traffickers - Misri Khan, Haji Bahram Khan, and Noor Ullah - and sentenced them to 17 years in prison for possession, sale, and attempted exportation of heroin. Since then, it has investigated, prosecuted, and convicted or acquitted hundreds more. Soon, it will move from old, cramped offices to the newly constructed Counter-Narcotics Judicial Center (CNJC) in Kabul. This state-of-the-art facility will provide secure office space, court rooms, detention facilities, evidence rooms, witness interview rooms, a dining facility, and a barracks for corrections officers and security forces exclusively dedicated to the prosecution of narcotics trafficking and related corruption cases. Our DOJ attorneys, along with their State Department and Defense Department colleagues, were instrumental in taking the CNJC concept and making it a reality.

It is our hope that the CJTF and the CNJC will soon become the model for all Afghan prosecutions and trials, not just those related to narcotics trafficking. DOJ has suggested, for instance, a similar court of national jurisdiction to deal with anti-corruption investigations and prosecutions in Afghanistan. Nonetheless, it must be acknowledged that the CJTF itself faces continuing challenges, including salary issues, and the turnover of personnel.

The DOJ prosecutors not only have developed and cultivated strong working relationships with their Afghan colleagues; they also have established strong working relationships with our international partners from the United Kingdom and Norway. Our international partners' funding for, and presence at, the CJTF are essential to its success. It is a true partnership.

Part of the DOJ effort at the CJTF includes the dedicated work of the U.S. Marshals Service (USMS). Initially, the Marshals provided an assessment and suggestions for modification of security design features for the CNJC. Currently, they have four Deputies from their Special Operations Group stationed in Kabul, where they are training a group of Afghan police officers to serve as courtroom security officers, and prisoner transfer officers; they also will provide limited security for judges and prosecutors. Judicial and prosecutorial security issues, as well as witness security concerns are resource-intensive, but nonetheless critical. For any judicial system to function, judges, prosecutors, court administrators, corrections officials, and witnesses must feel safe in their environments.

DOJ also has provided key assistance on legislative drafting. In December 2005, Afghanistan adopted a new counternarcotics law which had been drafted with assistance from DOJ attorneys. This law was the first step in supporting Amendment 7 of the Afghan Constitution, which prohibits the cultivation and smuggling of narcotics and provides the legal and investigative authority for high-level investigations and prosecutions. Importantly, the law provides new investigative techniques and procedures for Afghan law enforcement and prosecutors, and makes criminal many narcotics-related activities including money laundering, corruption, and violent offenses. Additionally, Article 41 of the law provides that Afghan judges may reduce a convicted defendant's sentence by as much as 50% for cooperation with an investigation. The law also provides for investigative techniques new to Afghanistan, such as controlled drug deliveries, the use of under-cover officers, and the ability to clandestinely record conversations.

The law has been essential to Afghanistan's counter-narcotics efforts. For example, in August 2006, the DEA cooperated with Afghan law enforcement on the first controlled delivery

of heroin from Afghanistan to the United States (a related delivery connected to the same case went to the United Kingdom). The 2006 case led to arrests in the United States connected to a trafficking network. Similarly, several of these investigative techniques proved critical to the successful investigation and prosecution in the Khan Mohammed narco-terrorism case which I discussed earlier.

DEA

The Drug Enforcement Administration (DEA) also has played a central role in Afghanistan. DEA initially engaged in Afghanistan shortly after coalition forces entered the country, and established a permanent presence at its Kabul Country Office in 2004. The DEA has worked to assist the Afghan government with the reduction of illicit drugs trafficked in and from the country; it has helped develop Afghan capacity to conduct counter-narcotics operations, and has supported U.S. and Coalition efforts against insurgents and terrorism by targeting those terrorist organizations that benefit from narcotics trafficking and corruption. Along with our Afghan counterparts and the Coalition forces, the DEA has had success in identifying, disrupting, and dismantling the highest level of Afghan drug trafficking organizations, including their leaders, their infrastructure, and their illicit assets. Between 2004 and 2008, for example, DEA assisted with 210 arrests/detention of targets for violations of Afghan and U.S. narcotics laws and/or terrorist-related offenses; DEA also made seizures of 74.2 metric tons of opium, 9.3 metric tons of heroin, 362 kilograms of morphine base, 14.5 metric tons of chemicals, and 383.3 metric tons of hashish. In addition, between December 2005 and October 2007, on more than 19 occasions, DEA provided actionable intelligence that helped deter hostile acts, including rocket

and improvised explosive devices (IED) attacks, against U.S. and Coalition personnel and interests inside Afghanistan.

The Afghanistan Ministry of Interior (MOI) established the Counter Narcotics Police of Afghanistan (CNP-A), comprised of investigation, intelligence, and interdiction units, in 2003. Training, mentoring, and advising the CNP-A is an integral part of DEA's Afghanistan mission. DEA provides formal classroom instruction to the CNP-A in Afghanistan and at DEA's training academy in Quantico, VA. Additionally, through its Foreign-deployed Advisory Support Teams (FAST), DEA provides operational field guidance to Afghan law enforcement.. The FAST concept deploys specially trained and equipped Special Agents and Intelligence Analysts to Afghanistan for 120 day rotations to conduct bi-lateral investigations and to train, mentor and advise specialized CNP-A units.

DEA, along with its partners at the Departments of Defense and State, has nurtured a counter-drug infrastructure within the Ministry of Interior and the CNP-A. The principal elements of this structure are the National Interdiction Unit (NIU), the Sensitive Investigations Unit (SIU) and the Technical Investigations Unit (TIU). The NIU, an air mobile investigative and interdiction unit, functions to provide tactical and investigative support to Afghan law enforcement. The NIU also works with the Afghan Special Narcotics Force (ASNF), a UK-trained and supported paramilitary interdiction unit used to attack large, hard targets. With this cooperation, the NIU is developing the ability to perform specialized narcotics interdiction and investigative functions that are capable of disrupting and dismantling major trafficking organizations. NIU operations began in October 2004.

The Sensitive Investigations Unit and its companion Technical Investigations Unit are the elite investigative units of the CNP-A. The SIU and TIU are comprised of 56 Afghan police officers who have undergone integrity vetting and an intensive four-week training program at DEA's academy in Quantico. To maintain this level against attrition, DEA has trained a total of 90 officers. The balance comprises a pool to be called on as replacements are needed. Both the SIU and TIU are trained to focus on Afghan high value targets, and national and international level drug trafficking organizations, by using the most advanced investigative techniques available.

In addition to these programs, DEA's International Training teams have conducted twenty-seven sessions in Afghanistan on the basic elements of narcotics and clandestine laboratory investigations. Looking forward, DEA, in conjunction with the Department of Defense, has plans for Regional Training Teams led by Special Agents who will engage in training and mentoring at the provincial level.

FBI

In April 2005, the FBI's Office of International Operations established a presence in Afghanistan by assigning a Temporary Duty (TDY) Assistant Legal Attaché (ALAT) to the U.S. Embassy in Kabul. The purpose of the assignment was to foster bilateral relations with Afghan law enforcement and intelligence agencies and to accomplish common goals, such as the capture of Al Qaeda terrorists, and Taliban insurgents. The Legal Attaché Office (Legat) was officially opened in late January 2006 and currently is staffed with a Legat, an Assistant Legal Attache (ALAT), and a Legat Operations Specialist (LOS).

The Department of Defense (DoD), through its Combined Security Transition Command - Afghanistan (CSTC-A), assists Afghan law enforcement to enhance its biometric data gathering capability. As part of this effort, in March 2008, the FBI's Criminal Justice Information Services (CJIS) Division, along with FBI Special Agents deployed to Afghanistan, initiated collection of biometric data from members of the Afghanistan National Police (ANP), from the Afghanistan National Army (ANA), and from select Afghan prisoners. Using the FBI's Quick Capture Platform (QCP) equipped with fingerprint, palm and iris capture devices, the Afghans and the FBI collected more than 16,000 records.

During this same period of time, 25 ANA and 25 ANP personnel were thoroughly trained in fingerprint collection, as well as proper use, maintenance, and troubleshooting of the QCP. These 50 ANA and ANP personnel have since assumed the responsibility of the collection efforts and will continue until records are collected from all ANA and ANP personnel. These records will be entered into the automated biometric system provided by CSTC-A.

The Legal Attaché staff also has provided training assistance to Afghan law enforcement and intelligence services. The training includes instruction in post-blast analysis, crime scene processing, major case and law enforcement management, public corruption, fraud, fingerprint collection, database management, forensics, and laboratory accreditation. As part of those efforts, Legat Kabul presented a twelve-day post-blast training course to 12 National Directorate of Security students and Kabul City Police from October 28 through November 8, 2006. Legat also sponsored the first Afghan students to attend the FBI's National Academy. Ministry of Interior (MOI) Major General Jalili, Chief of the Intelligence Branch and National Directorate of Security (NSD) Colonel Niam attended the 225th National Academy Session from April through June 2006.

CHALLENGES

We believe that our efforts in Afghanistan have already begun to bear fruit. Should the State Department or the Department of Defense require, however, DOJ's International Criminal Investigative Training Assistance Program (ICITAP) stands ready, willing, and able to assist in all aspects of these endeavors. ICITAP's police and corrections advisors are able to provide years of expertise and experience from their efforts in Iraq and more than 48 other countries around the world. Additionally, ICITAP has the ability to reach back to DOJ's various entities and agencies, such as USM, ATF, BOP, DEA, FBI, and Main Justice, for the most current expertise in the areas of police and corrections training, judicial and witness security, forensics, biometrics, and legislative drafting.

CONCLUSION

I want to thank the Subcommittee for this opportunity to discuss the Department of Justice's training and mentoring programs and its efforts to establish sustainable and effective law enforcement institutions and the rule of law in Afghanistan. Given the critical importance of police, prosecutors, and the courts to ensuring security and the rule of law, we will continue to work closely with our U.S. partners at the Department of State and the Department of Defense, along with our Afghan and international partners, to pursue ways to improve our efforts and ensure their continued success.

In closing, I would like to acknowledge the courage, professionalism, and dedication of the men and women of the Department of Justice who have served and are serving in Afghanistan in the most difficult of circumstances. Again, thank you for the opportunity to

appear before you today, and thank you for holding this hearing on such an important topic. I would be happy to answer any questions you may have.

Mr. TIERNEY. Thank you, Mr. Swartz.

I thank all of our witnesses here for their testimony.

Let me start with the questioning.

General, looking at the report of GAO, there are zero fully capable units of the police, 3 percent capable with Coalition support, 4 percent partially capable, 77 percent not capable, and 16 percent where the unit hasn't been formed or isn't reporting. We have your own assessment, Defense assessment, of the capabilities. Uniformed police, only 6 are partially capable, 6 capable with Coalition support, 296 units capable, 57 not formed or not reporting. Border police, nobody fully capable, nobody capable with Coalition support, nobody partially capable, 39 or 33, I guess, not capable. Civil order police, 6 only capable with Coalition support, 2 partially capable, 2 not capable at all, 10 not formed or not reporting. Counternarcotics, 10 only partially capable, 3 not capable, 2 not reporting or not formed.

The bottom line is I take that and I measure it against your statement that by the end of 2010 a fully constituted, professional, functional, ethnically balanced Afghan National Police and Afghan Border Police with a combined force of up to 62,000 will be able to meet the security needs of the country effectively and will be increasingly fiscally sustainable. Do you still stand behind that?

General WILKES. Sir, that is our plan.

Mr. TIERNEY. Well, it is your plan, but how realistic is your plan?

General WILKES. Well, as you know, the investment on this was late to need. We had funds released in the summer of 2007.

Mr. TIERNEY. I don't mean to cut you short. I know the problems that you have had, and you recounted them well, so my real question is: is 2010 still your year, or are you saying now, understanding all the complications that came in, I wish I had set some later date?

General WILKES. As of right now we are going to stick with the 2010. There are a couple of issues there that you are probably well aware of. One is assume the equipment gets in in 2008 as planned, and it is still planned to arrive in 2008, and some of the vehicles as late as summer of 2009, but that also assumes that we get the mentors that we need in there.

Mr. TIERNEY. So you are basing your assumption that you are going to get the mentors on?

General WILKES. Yes, sir.

Mr. TIERNEY. No, no. What are you basing the assumption upon? You have an assumption that you are going to get the mentors. Why do you believe this to be the case? What resources have you been given?

General WILKES. Well, there is a RF–620-MOTU that is out, and that has been out on the street since late 2006. We have known that this requirement is there and we are at the point now where we need to fill it. In the last couple of months we have put the 27 Marines in, which is a unit of about 1,000 Marines. They have gone into RC South. That will be part of the contingent that is doing this police security and training.

Right now there is a review underway with Joint Forces Command and the Joint Staff and CENTCOM looking at continuing that capability. Additionally, we are continuing to ask NATO to ful-

fill their requirement that is a shortfall in their CG-SOAR of three battalions. That was brought up in recent ministerial action over in NATO. If that can be filled, then we will have the capacity we need to do the training.

Mr. TIERNEY. So we are still wishing and hoping, is what it comes down to, and pressing on that, but with no assurances? We still have people tied up in Iraq, where the report is pretty clear that is where the equipment need priorities have been, and that is where the police mentors have been, so I am just not hopeful that 2010 is realistic, and I hope you understand why I say that.

Let me move on to another question if I can. It seems to me that people are making heroic efforts here, from Justice all the way down the line on that, but isn't the real question scope? We can train some judges, Mr. Ward, we can take care of some prosecutors, Mr. Swartz, and all that, but do we have enough judges trained? Do we have enough prosecutors, enough lawyers, enough police? And how do we get this up to scope? Is the human capacity within Afghanistan there? Ambassador?

Ambassador DAVID JOHNSON. Mr. Chairman, as several of your colleagues have pointed out, as have we, we started off with a country working that had been at war for almost 30 years.

Mr. TIERNEY. I understand.

Ambassador DAVID JOHNSON. So we believe that the capacity can be built, but no, the capacity is not there right now. The Afghans have adopted a plan on justice that was part of the document that was adopted in Paris. It gives our international partners, as well as us, an ability to work with them more clearly to bring donors, not just in Kabul but outside, so I think the capacity can be built, but no, the capacity is not there yet.

Mr. TIERNEY. And I suspect it is not going to be built by 2010, either. That is just an observation from here from what I am hearing today on all of these things, whether it is judges, or prosecutors, or police, or the military component of the police mentors, all of that. It seems troubling that we are working on these. The 2010 numbers are much more optimistic. We have to be honest with the American people and the Afghan people, as well. We have exhausted a lot of people's patience with foreign ventures in Iraq. People in this country are pretty upset about that situation. There has been a great effort by the administration to conflate Iraq with Afghanistan, and now they wish they could deconflict it, as they say, because people have lost their patience everywhere. Yet we have a situation here where you are saying 2010 you hope, but you don't know that you are going to have all these things in place, and this is a long-range effort on that.

Is 82,000 police officers actually ever going to be enough? I think Mr. Shays raises a good question. Whoever feels capable may answer that.

Ambassador DAVID JOHNSON. The number 82,000 was reached by a process of consultation with the Afghans and with the international community, including ourselves, who were supporting the training operation. It is possible that it will need to be augmented. It has been augmented in the past. The 82,000 is the most recent number.

Mr. TIERNEY. Is there any metrics or anything used? Is there some basis for these numbers?

Ambassador DAVID JOHNSON. If we were to look at the Los Angeles police force, it is a little more than them. It is a little less than New York City. I don't think those are really good measures, but they do tell you that we are some place in the ball park. It is not grossly out of kilter with what a normal police force would be. But we are in a different environment here, and so I think that measuring up what the police ratio ought to be has to be more closely coordinated with what we are building in terms of an Army, because we are dealing with a police force that is operating within an insurgency environment.

Mr. TIERNEY. As I understand it, it has already gone from 52 to 60-odd to 75 and now 82, and I think the point is that this is a quite different situation than you find in Los Angeles or New York, and a lot more complicated activities for the police besides just what we would think of as community policing. So I would guess that is going to get quite complicated on that.

This new Focus District Development, General, I know that you say you plan to have 50 of these in place by the end of 2008. How many are actually going to be in place by the end of 2008?

General WILKES. Sir, that is the plan right now, and it should be 50.

Mr. TIERNEY. How many are in place right now?

General WILKES. We are about halfway through that. We have about 25 in the districts. In the process, we are in phase three. As I explained, it is kind of a 6-month or so process from start to finish of each of these districts, and they are overlapping throughout the time. So we are finishing up with the third district here this month and beginning on a fourth cycle here, so we should get through the full six by the end of this year.

Mr. TIERNEY. And six districts would be 50 units?

General WILKES. Fifty units. Yes, sir.

Mr. TIERNEY. All right. And there are how many total units needed for the entire country?

General WILKES. We would like to have one for each district, 365.

Mr. TIERNEY. So how many years is that projected out at this pace?

General WILKES. At this pace it is probably about a 5-year plan, so 2012.

Mr. TIERNEY. So 2013, not 2010, right?

General WILKES. Yes, sir.

Mr. TIERNEY. One of the issues that was brought up by our guests here today, and I think it was very pertinent, is if you take the police and you train them such as you have them, and you put them out into a district and you don't have enough security for them, you have wasted a lot of time and endangered a lot of people. That seems to be happening over and over again. What are we doing about that?

General WILKES. With the Focused District Development, we provide the trainers, mentors, the security piece that goes with them, and those folks go out and stay with them for the next few months.

Mr. TIERNEY. And that unit is going to be able to sustain an attack by extremists or Taliban or anyone that might come in and try to take over that village or that community?

General WILKES. We are attempting to train them to—I won't say quite the SWAT level, as you might expect in the States—but we are training them beyond what normal police you would see on the street.

Mr. TIERNEY. How does it hurt the police mission of dealing with people in the community and learning nation intelligence of what is going on with the insurgents or whatever, and being able to gain their confidence, if you are also training them to have a military posture? Is there a conflict between their military mission and their police mission and the way they are perceived by the public, and does that create a problem for us?

General WILKES. We are very careful not to militarize the police. That was one of the early on issues that DOD had in undertaking the police training role. We do not want to create a military force there. You do have to keep the police focused on what they are doing with the community. So we are not militarizing them; we are training them to be able to handle situations and extremists, and we provide a capability. The Afghans also provide capability via the ANCOPs that would be able to come in at the national level and help if it gets into a large riot-type situation.

Mr. TIERNEY. Here is what we are told is the problem from people in Afghanistan: as you are looking for the numbers of police people to fill up the personnel slots that you need, the farther you get out from the urban areas, the more rural, the less educated the pool of people available for that. In fact, quite uneducated, though not a lot of numbers. So what are we going to do to try to get that capacity up if we actually run out of people that have even a high school diploma, a high school education, and certainly beyond that? How do we get that level of people that don't have the sufficient education up quickly enough to sustain this effort to get a full force out where we need to get them out with at least sufficient training to do the job?

General WILKES. This is a very difficult issue for us. We are vetting the people through the local elders, so therefore you are kind of putting a trust factor in the senior leadership, and they are picking the people that can succeed in this. They won't necessarily be at the education level that you and I would expect, but they will have the training, they will know how to use the weapons and how to do the basic police mentoring. The senior leadership in those areas will have more the conscience, if you will, of how to do police work, so we are relying on the elder leadership.

Mr. TIERNEY. I assume that gives us some issues of either corruption or patronage if you then pay the police at a higher level to try to attract people in, and there will be some demand for those jobs, and under the tribal system and others we hope the demand goes on capability as opposed to taking care of our friends.

General WILKES. Yes, sir.

Mr. TIERNEY. Mr. Shays, you are recognized for 10 minutes.

Mr. SHAYS. I yield.

Mr. TIERNEY. Mr. Lynch, you are recognized for 10 minutes.

Mr. LYNCH. Thank you. Thank you very much, Mr. Chairman.

Again, I want to thank the panelists for coming in, Ambassador, General, Mr. Ward, Mr. Swartz.

I would like to talk about a couple of things. It is an overlap. I have heard the General talk and also Mr. Swartz, we had a problem in Iraq, and I don't mean to compare the systems, but the processes are the same. We had a system in Iraq on weapons distribution to both the military and to the police where GAO reported to us on the committee and to the chairman that about 190,000 small weapons had gone missing because we didn't have an accurate tracking system.

Now, you have described here this morning a biometric system. I was in Tataji, the weapons depot in Iraq just north of Baghdad, a few weeks back. They had a system where we brought the cadets in and the personnel in. We photographed them. We got fingerprints from them. We did an iris scan. We had a registration of their weapon. We even got a photograph of them posing with their weapon before it went out the door.

Now, when I am in Afghanistan next month is that the system I am going to see?

General WILKES. Sir, I believe that is where we are headed. I don't know if you were there today that you would see that, but that is what we are trying to do, all these different reforms. We are trying to get the ID cards. I think about 20,000 or so have been issued so far, and we are headed in that direction.

We are also working with the Ministry of Interior on reforms with their Inspector General process and how they will do investigations or inspections out there to ensure that this equipment is available.

Mr. LYNCH. Thank you.

Mr. Swartz, have you got anything on that?

Mr. SWARTZ. Chairman, I will have to confirm that our quick capture technology that the FBI has put in place will be used for that purpose, but certainly we have attempted, as I noted, to ensure that we have gotten the biometrics of Army members and national police members to help ensure security in the future.

Mr. LYNCH. Thanks. I am hearing a little back-pedaling, but let me assure you that is the system that we need here in Afghanistan. I think May was the first month, at least the report I read, May 2008 was the first month in which had more U.S. casualties in Afghanistan than we did in Iraq. That is a watershed moment here.

I do want to say, Mr. Swartz, I had a chance to work with DEA in Afghanistan a few months ago, and I agree they are doing a great, great job. I think some of the structural deficiencies here that we are exposing is, No. 1, you have a country here in Afghanistan that about 5 percent of the people have access to electricity—5 percent of the people have access to electricity, 95 percent do not, and so we have a structural problem there. Also, the literacy rate is below 20 percent for men and it is below 10 percent for women, so we have some real structural problems there that it is going to be tough to get at.

My last question is this. Again, we have a situation that has a parallel in Iraq. The legal system that we have in place, I think it was inherited from the Judge Advocacy system in France. The

system in Afghanistan, first of all, we don't have a dual role for defense attorneys. This is basically a system that the judge is the finder of fact and, in the best case, the appeals judge is going to review his application of law to the facts. We don't have a system in which defense attorneys in our own system have an opportunity to defend the accused in that system. Even if we did, under their system the judge may decide on their own not to hear the defense attorney on a given case. That is a structural problem within their own system of the Rule of Law.

How do we get at that? It seems to me that the credibility of the government, itself, and of their system is going to rely in great part on the ability of the accused to have some semblance of rights. Are we trying to get at that, No. 1, getting defense attorneys actually trained and adopting some type of system where they would actually have a role in the Afghan legal system? Ambassador.

Ambassador DAVID JOHNSON. Congressman, we are working hard on bringing the formal system of criminal law into some sort of union with the informal system through a grant we have through the U.S. Institute for Peace, which was mentioned by one of the previous witnesses in the previous panel. We are attempting to help unite these, along with the other ways, including religious law.

I think the point that you make about whether code law is a form which gives defense an adequate opportunity to defend their client is something that other people with code law systems may disagree with you about. There is a role for the defense attorneys. We do have a program for training defense attorneys to operate within this system.

On the other hand, I think Mr. Swartz would confirm that he and I and our colleagues are working hard in other parts of the world, particularly in Latin America, to bring countries closer to the kind of justice system that we recognize. The Mexicans achieved a major milestone in the signing into law of a transformation of their justice system just yesterday. So we recognize the issue that you raise, the ability to have justice not just done but to be seen to be done in a public way, to have the accused have the presumption of innocence—the things that are part of a code law system.

But it is used effectively in parts of the world where I think we feel comfortable appearing as accused in courts such as Europe.

Mr. LYNCH. Thank you, Ambassador.

Mr. Swartz.

Mr. SWARTZ. Yes. Thank you, Mr. Congressman. I would certainly join Ambassador Johnson in that it is a long-term process to move courts from an accusatorial to an adversarial system. We have had experience doing that through our DOJ prosecutors on the ground in other countries. Certainly, the prosecutors we have in place in Afghanistan are interested, within the constraints of existing Afghan law, to advise how an adversarial system could be put in place and how that can advantage the citizens of Afghanistan.

Mr. LYNCH. Thank you.

Mr. Chairman, I yield back. Thank you.

Mr. TIERNEY. Thank you.

Mr. Shays.

Mr. SHAYS. I am going to be going.

Mr. TIERNEY. Mr. Moran.

Mr. MORAN. Thanks very much, Mr. Chairman.

It seems to me that there are three bottom line issues here with regard to our role in Iraq. Ever since we concluded Charlie Wilson's war by enabling the Afghan people, themselves, to rout the Russians from what had been a brutal occupation, we have not made Afghanistan a sufficient priority. We have said that time and again, and yet it doesn't change. I can tell you that every single dime that this administration has ever requested for Afghanistan has been granted by the Defense Appropriations Committee, every dime. Never refused anything that has been requested, in fact, by any agency, not just by DOD but by State, Justice, you name it.

Maybe there are some problems in terms of the pipeline of money, but I don't think that is a sufficient excuse.

The second, of course, is that, in fact, because of it not being a sufficient priority, there have been insufficient resources. There is no question that, had we put resources into following up that victory over the Russians and to the infrastructure of that country, we could have sustained the government, we could have prevented the fractionalization by the tribal war lords, and ultimately from the Taliban from taking over.

We did not invest. We turned our back. There is still inadequate resources being developed to Afghanistan, and it seems to me, as this committee—and it has been a bipartisan point that this committee continues to make—this is the war we have to win, maybe not in the traditional military sense, because I am not sure there is a finite number of Taliban to beat, but we have to win it, and it is going to have to be won on a number of planes.

But the third is what I would like to address, particularly to General Wilkes.

It seems to me there has been a misplaced responsibility. In our trips and reading and talking with the Afghan people, it is, again, a matter of establishing civil society, and particularly the police.

Now, when the decision was made by this administration to give DOD the responsibility, the principal role over the establishment of an effective police program in that country, I think that was a mistake. In fact, we have gotten feedback that supports that contention. The International Crisis Group said that the U.S. decision to give the leading role in its police programs to the Department of Defense has blurred the distinction between the military and police. The police seem to be conflicted between their counterinsurgency responsibilities and their main task of working with and protecting communities.

You could have predicted that would happen if DOD had the principal organizational responsibility, because DOD's role is not to police communities. It is to win a war ultimately. I am afraid that the police have, to some extent, been politicized.

You know, one of the reasons why our local police are so good is that they are not political. They are above politics. And yet we are establishing a system where they are inherently political because they have to follow the government and deter what are considered insurgent forces.

I am concerned that when we talk to General McNeal, for example, the chairman is fond of referring to him as being kinetic. He has a problem, and he is very good, but his first response is, if you can get a critical mass of Taliban together, you bomb them. Then he lets President Karzai know and Karzai basically gives him a nice job response. But it was clear that if it is going to be sustainable, it is going to have to be this local civil society anchored by the Rule of Law, which is enforced by local police.

Having said all of that, I would like to see if I can get any kind of response, because when we take a new approach, which is bound to happen—whoever is elected in November—January is going to usher in a new approach to this. I am wondering if we don't need to change the responsibility that now rests with DOD to establish civil society as well as win the military aspects of the conflicts. Is there any response, General? And the Ambassador, too, I would be interested.

General WILKES. Thank you, Congressman. I appreciate the opportunity.

DOD, as I said in my earlier remarks, is doing this because we need to get the training accomplished. It certainly does not fall within our normal line of duties, and we are very careful to try to not militarize the police, because we respect the separation here within the United States and other countries out there, and we want that same split in authorities within Afghanistan.

The issue becomes one of security and how do you do this training out there. The police, in and of themselves, don't have the capacity within Afghanistan to protect themselves, protect their district centers, etc., so it does require some element of security to be with them, and you have to do this through some form, like a PMT in that case.

When we formed the PMTs, we did that with careful thought to make sure that we have a couple of police experts that are done through the State Department INL area, the Blackwater contract. Those folks are really the lead in the training effort for the police.

There are a couple of translators that go with that team, and then the remainder of the team would be military that are there for security. The military, part of their training would be, let's say, weapons training that the rest of the team would be able to accomplish, but that falls well within the military's training skills and ability to do that.

So we are very careful to not do that.

The second point I would make is that the training piece of this is done under CSTC-A, which is a training equipped mission set that is run through CENTCOM. It is absent the organizational structure of ISAP, so they are not in the war fighting command of ISAP, so we try to keep that mission set separate. Granted, they are on the same battlefield and they will encounter the same insurgents, and some of those skills for counterinsurgency do have to be translated to the Afghan police, but we are very careful to try to keep that separated, realizing your exact point, sir.

Mr. MORAN. Thank you.

Perhaps Mr. Swartz apparently had one comment, too, but whoever wants to. I don't want to abuse my time here.

Mr. SWARTZ. Thank you, Congressman. Certainly we greatly respect the efforts of the Department of Defense. We think that the situation for training police is difficult for exactly the reasons the General has suggested. As I noted in my opening statement and in my written testimony, we do have a training arm intelligence the Department of Justice for police and correctional training, ICITAP, the International Criminal Investigation Training and Assistance Program. We work very closely with the Department of Defense in Iraq, in the Balkans, and we have done training around the world. So we are ready, willing, and able to assist to the extent that assistance would be helpful in this regard.

Ambassador DAVID JOHNSON. Congressman, I think that the decision that was made to combine this effort was not just one based on resources; it was a recognition that the effort to train the Afghan National Army and the effort to train the police had to be coordinated because of the level of violence that they were encountering in their daily work, so this was our effort to bring this up to speed as rapidly as we could in a coordinated fashion, not, as the General underscore, not to militarize the police, but to operate in the same battle space in a coordinated way.

I think that we have had success here. You are right to point out to us that we need to make sure that we are disciplined about it and make sure that we don't accidentally or incidentally turn the police into an adjunct of the military, but to help grow them into the type of police service that we expect to see in our own communities. But it is something we are paying a great deal of attention to.

Based on the experience that we had before 2005, I don't see how we can completely separate these, given the threat level that the police, themselves, face in their work. I think one illustration of this is the constraint that we have in terms of the mentoring system. The civilian mentors and the military are not fungible. They are not the same thing. But the military are required so that the civilians can, in fact, do their work. So I think that is an illustration that we need the kind of security that only the military can organically provide in order to carry out this mission for the time being.

Mr. MORAN. It is understandable why it was done that way initially, but in terms of following up we may want to take a different approach. The committee's extraordinarily competent staff just pointed out that in the written testimony of the State Department's IG, Mr. Ward we just heard from, said, "A number of interviewees expressed concern about the lack of clarity as to the role of Afghanistan's police forces as law enforcement agents versus a paramilitary role in counterinsurgency operations." I do think it is a problem, and I think, in looking to the future, it is something the committee might suggest that we address, and we ought to, I think, through the appropriation for Afghanistan.

But again, Mr. Chairman, thanks for giving this the kind of focus that it needs. I really appreciate it.

Mr. TIERNEY. Thanks for your participation, Mr. Moran.

Mr. Shays, you are recognized for 10 minutes.

Mr. SHAYS. Thank you very much again, Mr. Chairman. It is nice to have Mr. Moran participate in these hearings.

I want to get to this number of 82,000 for police authorized and 80,000 for the Army. Just the fact that the two numbers are almost similar is surprising and just tells me that it was just a number that somehow people in our government decided they would ask for. I need to know why we only need 80,000 Army and why we only need 82,000 police.

General WILKES. Sir, a lot of this came from early decisions in the Bahn part of this where they set some basic numbers. As you have seen over the last couple of years, given that the insurgency is increased, we have continued to review this and increase it. In fact, I think what you are going to see is discussion here in the near term on the ANA and trying to increase the size of that, given the threat out there.

Mr. SHAYS. Here is my concern, General: my concern is if you can't get the help you need, you ask for less and then justify the request. I don't think with a straight face we could justify either the 82,000 or the 80,000. I am not going to even try to go down that route. I am going to hear your statement as saying this is a number under review. Is that correct?

General WILKES. Yes, sir. Exactly.

Mr. SHAYS. Yes. Then I want to go on record as saying this is typical of what we did in the bad years in Iraq. We underestimated what we needed for police and what we needed for the security forces. And I will just make this point to you: in the observations we made in Iraq, we said that 325,000 Iraqi security force level to be reached on December 31, 2006, is not adequate to provide internal security, nor is it adequate to counter any external security threat.

Then this is what the experts testified. The experts testified at one of our hearings that successful counterinsurgencies have historically required 20 security personnel per 1,000 of population, which is, in the case of Iraq's 26 million, would be 520,000 security personnel. In the case of Afghanistan, we would be talking, with a population of 32 million, about 640,000.

I mean, the number isn't even close, and what is alarming to me is that says we are going to be there forever because they won't have what they need to do what they need to do.

Now, if we had an honest dialog and we were hearing from the administration we can't find 640,000 for a variety of reasons—education, training, lack of interest—I mean, in Iraq they want jobs. In Afghanistan it is my understanding that we don't see a re-enlistment of 50 percent. So it seems to me that we are having a dialog about whether we are properly training numbers when the numbers seem so, so far off.

That is my observation. If you want to comment, you can. I am not expecting you to.

Let me ask some other questions.

In 2008, the U.S. Congress mandated that the Secretary of Defense submit to Congress reports detailing progress on training the Afghan National Security Forces; however, according to GAO, the first of these reports was due at the end of April 2008, but it has not been delivered. Has the Department of Defense completed the 2008 report? If not, why not? And when should Congress expect to see this report?

General WILKES. Sir, the report is in its final review and should be signed out shortly.

Mr. SHAYS. OK. Are you on schedule to complete the next installation, which is due 180 days after the end of April 2008?

General WILKES. Yes, sir. Being that this was the first report, it took a little bit longer to put the pieces together, and we will be on schedule for the 180-day review.

Mr. SHAYS. I am going to just end by asking: could you explain to me or anyone here about the break-in and the release of over 700, I think, prisoners, over 1,000? Some were Taliban. Just tell me what happened, and how many ultimately were let loose, and why.

Ambassador DAVID JOHNSON. Congressman, that was a coordinated attack on a prison by a paramilitary group. It began with a large explosion at the entrance. While we in the U.S. Government have not been active in that prison, it is something that the Canadians have taken on, because it is an area where they have been working. I think it is the kind of attack, given the size of the explosion, that would not have been possible for the corrections people to, if you will, defend against. It would have had to have been done by a——

Mr. SHAYS. Were the corrections all Afghans, or were there some Coalition forces?

Ambassador DAVID JOHNSON. I believe they were all Afghan, Congressman. I am not certain, and I can find that out, but I don't believe there were any Coalition personnel at the facility at the time.

Mr. SHAYS. Were there contingency plans that were in anticipation of this kind of attack, or was this somehow not something that was prepared for?

General WILKES. Sir, my understanding is that the Afghan government has responded to that under their contingency plans. Mismulakahn has deployed down there to take over the situation. This is within 6 hours of it happening. They have, I believe, transported a candac of response forces, Afghans down there, about 700 or so Afghan National Army to assist and stabilize that area.

Mr. SHAYS. Was it determined to be, in part, an inside job?

General WILKES. Sir, the investigation is still ongoing, but I think it is going to have to probably have been something coordinated both inside and outside.

Mr. SHAYS. From the outside looking in this seems catastrophic. Any one of these Taliban could potentially kill many Coalition forces and Afghans. Any one. The fact that such a huge number got out is beyond my comprehension, frankly. Tell me the consequences of this successful effort on the part of, frankly, the enemies of the Afghan government.

General WILKES. Sir, the potential is that you put another I guess 380-ish or so Taliban back on the streets. The efforts now undergoing will be trying to round all those prisoners up again and get them back into confinement somewhere.

If we are unsuccessful, then obviously you have those fighters back out there against the Coalition.

Mr. SHAYS. Well, I will end by saying in the last year-and-a-half, when I spoke to our Government officials, they would say things

are going really well in Iraq and we are concerned about Afghanistan. That is what I have heard for the last year. When I look at these numbers of 80,000 Army, 80,000 police, I am just struck with the fact that we are so far behind in Afghanistan that it is more than alarming. I mean, I don't see anything that makes me feel encouraged.

I think the thing that concerns me the most is that some of this appears to be extraordinarily bad planning, bad anticipation.

I have three constituents, they are all from the same family, and two of them are CEOs of Fortune 500 companies and the other is a very financially successful financier. I asked, Why are you as a family so successful? All they said, they think their biggest reason for success is they all deal with reality, not what they want it to be but what it is. And it just strikes me that we are not dealing with reality in Afghanistan. I hope that you, General, are able to get the troops together to just totally rethink this.

If you have to come back to Congress and say 80,000 is way off and we need 200 or 300, I think that is what you owe our troops, what you owe our citizens, and what you owe Congress.

Mr. TIERNEY. Thank you, Mr. Shays.

None of you gentlemen are responsible for this, but I think the underlying focus of this whole hearing—not focus of the hearing, but result of the hearing—is that at one point we took our eye off the ball. We had activity going in Afghanistan and the Pakistani area and we got diverted over to Iraq, and the consequences are 7 years later we are starting to do things that should have been done six or 7 years ago. Certainly, if they were allocated for some other international entity or other country to do it, we should have noticed well before we finally did that things weren't going right. That falls right in the lap of this administration, and I don't think there is any way they are going to get around that.

But the fact of the matter is that is the consequence of that type of activity, of moving over to Iraq when we did and the way we did, but I want to get back to one other point.

We talked about the military mentors that are needed, some 2,400, 2,600, and we are short a substantial number of those, and the assessment by the Department of Defense is that we are short because the priority was to put them in Iraq, and the priority to put the equipment was in Iraq on that basis.

Where are we going to get the remaining military mentors that we need in a reasonably short period of time? Are they going to come because they are going to get redeployed out of Iraq? Are they going to come because they are now in Bosnia, or Korea, or Japan, or Germany, or somewhere on our continent? Are they going to come from an international source? If you could clarify, gentlemen, that for me: where are they going to come from, and when are they going to get there?

General WILKES. Sir, that is the process that we are undertaking right now for review and where are they going to come from. We have asked our allies. We are still looking at fulfilling the CJ SOAR requirements, which are three battalions. That is roughly 2,500 troops there, which would help with the security situation. And we are continuing to go through—we have put in the 27 Marines, which was about 1,000 here a few months ago. They will be

there for another 5 or 6 months. And we are looking at how we are going to replace those.

So all of that is undergoing right now, and hopefully we will come up with solutions here in the next couple months to it.

Mr. TIERNEY. Hopefully. I would assume that part of the problem with the prison escape was also related to a faulty design or construction of that building, where it was done, how it was done, that somebody could, in fact, get a bomb close enough to take out part of the structure and allow people to escape. My concern now is: are we looking and reviewing any other prison facilities there to correct that kind of a problem? Ambassador.

Ambassador DAVID JOHNSON. We have an ongoing program looking at prison facilities, providing them with engineering assistance, providing them with technical training for guard training, but there are a number of prisons throughout Afghanistan. I don't want to be misleading that we are looking at every single one of them or that we have already, but it is a program that we are also focused on.

Mr. TIERNEY. Now, I heard General say that the GAO recommendation for a plan and a strategy is about to be presented to us in the near future. Is that going to meet the satisfaction of the GAO, going to hit the criteria that they laid out in their recommendation?

General WILKES. Sir, I think there are two separate things here. The 12/31 report on ANSF development is, I believe, what Mr. Shays was asking about. That will come fairly soon. I am not sure that will totally answer what the GAO report suggested they needed.

I will tell you that our take on that was that, when we did the review back in November 2006, the strategic review element, we provided all the necessary detail and guidance to the forces in the field to start development of this ANSF, and that their operations plan that they produced is sufficient to provide you with all the milestone markers that you need to track where they are in this in the CM4 through CM1 rating system, and we do provide that to congressional committees monthly.

Mr. TIERNEY. That report provides to us when you expect to get them from C4 to C1, what timeframe or whatever?

General WILKES. Yes, sir. We call it a star chart. It gives you a timeframe on that. Absolutely.

Mr. TIERNEY. I suspect the you and the GAO are just having a disagreement—they want more and you don't want to give it.

General WILKES. Well, it is not that we don't want to give it, sir; we think that we have given sufficient guidance, and they don't. Really, it is kind of a difference in format really. A lot of this stuff is done through PowerPoint, and what the GAO wanted was a very thick report on it, and it is just difference in the way management is done.

Mr. TIERNEY. Sounds way too simple. We are going to have to take a look at that. Is there any possibility that you could work with GAO to try and show how your information that they are looking for is really in your PowerPoints and get back to us and show us how that exists?

General WILKES. Yes, sir. We have provided all that detail with them during the report process. I met with the team on several occasions here in the last month on this and other issues, and we are willing to provide them whatever we need to.

Mr. TIERNEY. Because the only other alternative we have is to meet with GAO, get them to specify what they think is still missing, and ask you to followup in responses to written questions, which seems like an awful lot of work to get to a relatively simple end to this.

General WILKES. Yes, sir.

Mr. TIERNEY. So we will get it that way if we have to get it that way, and I will ask you to respond to the written questions if necessary, but I would rather have you sit down with Mr. Johnson and his people and iron that out and get it in a form that we can all use.

General WILKES. Absolutely. We can do that, sir.

Mr. TIERNEY. Thank you.

Last, corruption. What I hear over and over again when we visited Afghanistan from people in all different walks of life is nobody is going to have confidence in the government over there until some of the people that appear to be connected, whether it is to the President or other officials in government, start getting arrested and prosecuted. What are we doing to encourage that to happen and to give the support necessary for that to be successful?

Ambassador DAVID JOHNSON. Mr. Chairman, Mr. Swartz also talked about this issue, as well, in some remarks that he made. We are working to help the Afghans build a justice system to provide them with training that they need. But you are asking——

Mr. TIERNEY. I am talking about the question of who is going to give them the will to use the justice system are the people that most Afghans perceive are getting a walk here in heroin trade and elsewhere.

Ambassador DAVID JOHNSON. I understand your question. I think giving them the capability then gives them the opportunity to do that. Some of the issues that Bruce alluded to having for some of them who have committed crimes with a locus in the United States gives us an opportunity to prosecute.

We have had a number of prosecutions, a number of successful ones, but I think that there is a perception, and in some sense a reality, that there are not prosecutions at the very highest level. That is the missing ingredient.

Mr. TIERNEY. You look to Mr. Swartz to find out what we are going to do about that?

Ambassador DAVID JOHNSON. No, I am not pointing. I was just suggesting that this might take longer than both we and the Afghan people might like.

Mr. TIERNEY. Thank you.

Mr. Swartz, would you like to make a comment on that point?

Mr. SWARTZ. Yes, Mr. Chairman. It is certainly not a simple task, as Ambassador Johnson suggests, but we think that a key to this is precisely the type of vetted unit of investigators and prosecutors we set up in the context of the counternarcotics setting, and we think there may be some utility in extending that to the anti-corruption setting, since it is simply that kind of situation

with the guidance from Justice prosecutors that allows some confidence that high-value and high-level corrupt officials will be prosecuted.

Mr. TIERNEY. While we have our friends here from the Department of Interior and from the Parliament, are there any laws that need to be passed to ensure that there is no interference from those high-level individuals in the process?

Mr. SWARTZ. Mr. Chairman, I think that is something I will have to take back for the record, but I think it is an important issue to determine. In the counternarcotics context, as I mentioned, the passage of the narcotics law was central in that regard and has provided some path in toward prosecuting corruption, simply because there is a close nexus between narcotics and corruption in Afghanistan. But we will look at that.

Mr. TIERNEY. If you would. If we have people looking at that, we would be happy to provide at least our take on it to our colleagues from Afghanistan, and then they can either agree or disagree, but at least the assessment would be there and that would be helpful.

Thank you.

Mr. SWARTZ. Thank you.

Mr. TIERNEY. Mr. Shays.

Mr. MARK WARD. Mr. Chairman, could I just add something on that last question?

Mr. TIERNEY. Yes, go ahead.

Mr. MARK WARD. Not going directly to your question of whether corrupt officials are being removed and prosecuted, but there is a new institution that has been established in Afghanistan, the Independent Directorate for Local Governance, that has been charged by President Karzai with the authority to remove Governors that are found to be corrupt and replace them with Governors. They have agreed now on a new standard, a more transparent standard about what it takes to be qualified to be a Governor. So at least we are beginning to see some Governors being removed. Now, prosecuted is another question, but at least seeing them removed will begin to restore people's confidence in their public officials.

Mr. TIERNEY. Apparently it is started in some part. Thank you.

Mr. Shays.

Mr. SHAYS. Thank you. Mr. Chairman, I understand with your help, as well, that we have some political leaders as well as leaders from the ministries of Afghanistan here. Any Member is allowed to submit additional information for the record. Is that correct?

Mr. TIERNEY. We are happy to entertain it. We give 5 days for additional written materials on the record.

Mr. SHAYS. Correct. So what I would like to say to our guests who are here from Afghanistan, if they would like to give this committee any documentation about what they have heard today and their reaction to the number of police that you need or the number of security forces, if you provide me that information I will, out of courtesy and with the chairman's permission, submit it to the committee for part of the record, and then I know our staff will consider it.

Mr. TIERNEY. If the gentleman will yield on that?

Mr. SHAYS. Yes.

Mr. TIERNEY. Our guests have already been invited to do just that before we had the hearing on an informal basis. I think, without objection, we would be happy to enter that on the record as a result of your recommendation, as well.

Mr. SHAYS. Terrific. That would be great. So any of our guests, if they would like to submit something for the record based on this hearing, I think it would be very helpful.

I would say the part that I agree with you, Mr. Chairman, in terms of taking our eye off the ball in Afghanistan as it relates to Iraq, is that we may not have put the resources or our own personnel in Afghanistan where we needed to, but the part that it doesn't apply is that we have experts in the Department of Defense who know in theory what you need under certain circumstances, and the documents that we have from DOD do not seem to be in line with what the request should have been, and that part to me cannot be an excuse to DOD or State or anyone else that somehow the war in Iraq has been a distraction. We know there are basic principles that should apply to Afghanistan or Iraq, and in the case of Afghanistan the asked-fors were not the proper ask-fors, and we should have had the proper ask-fors, and if then there was a big disconnect with what we could provide or what we did provide, that would be part of the record and it would be far better to have that be, I think, the record.

In other words, it is important for people in the administration to ask Congress for what they need, not what they think they are going to get from the administration or from Congress.

I think it is an obvious statement, but I just want to put it on the record.

Mr. TIERNEY. That is a point well taken. I guess our fear, our combined or joint fear on that, would be it would just exacerbate the shortage of things that we have, because the probable need for additional police and security.

Mr. Swartz.

Mr. SWARTZ. Mr. Chairman, if I might supplement my answer on the corruption, I have just been passed a draft law from earlier this week that is apparently going to be introduced in Afghanistan creating a high-level office on anti-corruption, and we think that this is well worth supporting, simply because it, among other things, would bring Afghanistan into compliance with the U.N. Convention Against Corruption.

Mr. TIERNEY. That is already filed with the Parliament?

Mr. SWARTZ. I believe it is going to be submitted to Parliament.

Mr. TIERNEY. Great, so our friends and colleagues.

First of all, I want to thank all of our witnesses on both panels, and the ones on the first panel that were kind enough to stay for the second panel—I appreciate that, because we will get some feedback on that—all four of you gentlemen for testifying and answering our questions. We may, as I said, have more, in which case I know you will be kind enough to respond if we get back on that.

We thank you for your service to the country and your willingness to grapple with what is a serious and huge undertaking. We fully appreciate that. Whatever comments that were made here that might have seemed critical today are probably frustration, and some critiquing of just where we find ourselves 7 years into this,

and a need to get this moving as quickly as possible and as efficiently as possible in order to be successful.

A final word, let me thank again our colleagues from Afghanistan who were kind enough to join us here today to share their ideas with us before the hearing, and any ideas you want to share afterwards will be greatly appreciated. We wish you all the very best of luck.

Thank you all. This hearing is over.

[Whereupon, at 12:45 p.m., the subcommittee was adjourned.]

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