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**4.3 Study Report of the Occupied Palestinian Territories and
Afghanistan**

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EXECUTIVE SUMMARY

OCCUPIED PALESTINIAN TERRITORIES

The project examined two EU CSDP missions in the occupied Palestinian territories: the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) and the European Union Border Assistance Mission in Rafah (EUBAM Rafah). Both missions were launched after the second Palestinian intifada in 2005-2006, and are amongst the oldest still ongoing EU CSDP missions. The research at hand explored the capabilities of EU crisis prevention in the OPTs by conducting 34 semi-structured interviews during March - June 2016. The interviewees included EU officials, former and current staff members of EU CSDP operations in the occupied Palestinian territories, representatives of international organisations, as well as representatives of the Palestinian Authority, and Palestinian analysts and civil society activists.

Examining the appropriateness of missions' mandated tasks in changing conflict situation shows a difference between the two missions. The mandated tasks of EUPOL COPPS have been revised over years, indicating the EU's ability to respond to evolving situation and needs. However, despite that the political changes in Gaza have made EUBAM Rafah only able to implement its mandated tasks in a very limited manner since 2007, there has been no revision of its mandated tasks that would have allowed it to redirect its operational activities. For planning and evaluating activities both missions use the Mission Implementation Plan (MIP). MIP was generally seen as a good tool for more organised and systematic planning of mission activities, and for monitoring those activities by the mission management, CPCC and the EU Member States. It also increases local ownership as the PA counterparts are involved in the planning process. However, the interviews brought up a number of challenges and suggestions how to improve MIP.

Generally, the respondents thought that the effectiveness of Palestinian Civil Police and the trust the PCP enjoys among civilian population has largely resulted from EUPOL COPPS's long term support to the PCP. Suggestions on how to improve operational capability included more transparency and external evaluations on the mission activities, as well as enhanced activities in the fields of human rights and gender. Both staff members of EUPOL COPPS and EUBAM Rafah and their Palestinian counterparts singled out short rotation of international experts as the biggest challenge to the effectiveness of CSDP missions' work. The incompatibility of the mission objectives - to provide strategic advice and support institutional development of the PA security and justice sectors - with a system built on frequently changing international experts is a challenge to which the EU CSDP needs to find a solution. External factors affecting operational capability



included the precarious security and political situation limiting mobility and scope of activities, the PA's overtly hierarchical structure, its inter-institutional competition, and intra-Palestinian conflict.

In the field of technology the mission members hoped the EU to speed up developing an integrated management system for the EU CSDP. Currently, all missions develop their own software solutions for managing human resources, logistics and mission reporting purposes. This is time-consuming and makes the systems vulnerable to maintenance problems. Regarding human resources, both missions brought up that the skills of seconded experts do not always fully meet the needs. Understanding how international agencies can support statebuilding processes and deal with institution-building challenges in a volatile political and security environment requires special skills and knowledge that have not been necessary in conventional CSDP mission-type of work in SSR. Palestinian respondents also brought up that EUPOL COPPS experts often appeared to have little local knowledge and limited understanding on how the Israeli occupation affects the lives of Palestinians.

Due to high number of donors and aid agencies the interoperability of aid efforts in the OPTs is supported by an aid coordination system that has been at place since the 1990s Oslo Accords and perceived to function quite well. But a PCP representative also raised a concern that assistance in institution-building was fragmented, and that donors sometimes promoted mismatching models to the PA. EUPOL COPPS and EUBAM Rafah assessed positively their cooperation with their PA counterparts. At the same time, the non-PA Palestinian respondents felt that the missions were not interested in developing coordination and cooperation with them, even though they also worked in the fields of SSR and JSR.

Comprehensiveness of the EU's approach to the occupied Palestinian territories is challenged by a number of factors. EU Member States have diverse political agendas towards the PA and Israel, and carry out their own assistance projects in the region. There are regular coordination meetings for the EU institutions and the EU Member States, but many respondents felt that working level contacts were often ad hoc and dependent on individuals. But there are also structural factors, such as different cycle of planning and implementation of activities that make cooperation between EU CSDP missions and EU delegations difficult. The changing nature of EU CSDP instrument, from a quick response mechanism to acute crisis situations to a more quasi-developmental instrument, also raises different opinions due to overlapping mandates with other EU instruments. Some welcome the development and hope to see more changes in the manner CSDP missions work, while others would prefer the CSDP to 'return back to its roots.'



Many previous observers have stated that EUPOL COPPS's work has helped the EU to gain a stronger role in Palestinian statebuilding process, and this study supports their view. The answer to the question whether EU CSDP activities have been able to help prevent violent conflict in the OPTs can only be partially positive. During its early, active period EUBAM Rafah no doubt had positive impact by increasing freedom of movement of Gaza residents, but after 2007 this impact faded away. EUPOL COPPS support has been instrumental for building a more professional Palestinian Civil Police that is generally trusted by the West Bankers. At the same time, however, particularly respondents from Palestinian civil society reiterated the criticism brought up by several observers that while the EU's technical assistance to SSR and JSR in the occupied Palestinian territories is welcome the EU is putting too little effort to strengthen democratisation process and increasing civilian oversight of the PA. Parallel to providing technical assistance the EU is urged to use more effectively its diplomatic, political and economic tools to end Israeli occupation and support reconciliation between Palestinian factions.

AFGHANISTAN

From a police and rule of law perspective the threat confronted in Afghanistan is complex. But it is not new. It is new, however, to most Europeans and sits outside the EU's pre-fabricated CSDP/CFSP menu. Afghanistan was nothing like modern policing in Europe. In the main the mission was unprepared and under-resourced. The result was a top-down structure, wide remit, changing mandate, shifting tasks, reduced activities and high turnover in staff.

Notwithstanding the shortcomings, which are not unique to the EU, the EUPOL concept is good and, in particular, through measured action, has developed human capacity for future development. In the words of one Afghan respondent "the Europeans respect our culture".

Getting 28 member states to support and implement a police mission in a conflict is politically and practically very difficult. The genesis of all the mission's operational challenges was in not placing security - the foremost concern of every Afghan - as the priority. From the start, this oversight fomented a division between the politics of Brussels and implementation in Afghanistan and this worked against the body that sits between the two.

The intent to promote civilian policing in Afghanistan was a worthy endeavour, the importance of which cannot be over stated. But soft policing in an irregular war context has a tough side. The rule of law is a state's greatest weapon against an insurgency. By excluding the prevailing security situation from their approach, however, the EU did little to convince the Afghans and international partners of this. In a world where insurgency is increasingly common and ultimately impacts on



Europe's stability, such as today's migrant crisis, the EU needs to prioritise how it defines and brands this.

The crucial co-operation with NATO and co-ordination with the international community did not materialise as envisaged. The primary objective of stabilising Afghanistan was not achieved. The EU's greatest strength - diversity (which was lauded by interviewees within and external to EUPOL) – has also become its greatest weakness. There is now an urgent requirement to get this right, and if the EU can achieve this it is well placed to influence conflicts like Afghanistan in the future.

LIST OF ABBREVIATIONS

AMA	The Palestinian-Israeli Agreement on Movement and Access
CSDP/ESDP	The EU Common Security and Defence Policy/(prior to the Lisbon Treaty) the European Security and Defence Policy
CSO	Civil Society Organisation
EC	The European Community
EEAS	European External Action Service
EUBAM	The European Union Border Assistance Mission
EU COPPS	EU Coordinating Office for Palestinian Police Support
EUPOL	The European Union Police Mission
GABC	Palestinian General Administration for Borders and Crossings
INL	The United States Department for International Narcotics Control and Law Enforcement
JSR	Justice Sector Reform
NSF	Palestinian National Security Force
OPTs	The occupied Palestinian territories
PA (PNA)	The Palestinian Authority
PCP	The Palestinian Civil Police
PLC	The Palestinian Legislative Council
RCP	Rafah Crossing Point



SSR	Security Sector reform
UNDP	The United Nations Development Programme
UNWRA	The United Nations Relief and Works Agency for Palestinian Refugees in the Near East
USSC	The United States Security Coordinator's office
	AFGHANISTAN
AGO	Attorney General's Office
ANA	Afghan National Army
ANP	Afghan National Police
CFSP	Common Foreign and Security Policy
CIVCOM	Civilian Command
CMC	Crisis Management Concept
CMPD	Crisis Management and Planning Directorate
CMS	Case Management System
CONOPs	Concept of Operations
CP	Close Protection
CPCC	Civilian Planning and Conduct Capability
CSDP	Common Security and Defence Policy
DPI	Directorate of Police Intelligence
EEAS	European External Action Service
EU	European Union
EUDEL	European Union Delegation
EUMS	European Union Military Staff
EUPOL	European Police Mission (Afghanistan)
EUSR	European Union Special Representative
HQ	Headquarters
GPPT	German Police Project Team
HR	Human Resources
IJC	International Security Assistance Force Joint Command
ILP	Intelligence-Led Policing
IPCB	International Police Co-Ordination Board
ISAF	International Security Assistance Force
MIP	Mission Implementation Plan
MOI	Ministry of Interior



MS	Member State
NATO	North Atlantic Treaty Organisation
OPLAN	Operational Plan
PCOP	Provincial Chief of Police
PRT	Provincial Reconstruction Team
PSC	Political and Security Committee
SIGAR	Special Inspector General for Afghanistan Reconstruction
SSMI	Strategic Support for Ministry of Interior
UN	United Nations
UNAMA	United Nations Assistance Mission Afghanistan
US	United States
USAID	United States Aid



1 INTRODUCTION

The first IECEU report on the occupied Palestinian territories,¹ a desk review, provided information on the conflict context, developments in security and justice sectors, and international aid in these fields. The desk review also analysed the work and roles of two EU CSDP operations - the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) and the European Union Border Assistance Mission at the Rafah Crossing Point (EUBAM Rafah) - as forms of support to Palestinian state-building. The report draw some conclusions from the previous literature assessing the EU's assistance to the state-building process in the OPTs, and more specifically the performance and achievements of the two CSDP operations that were both launched a decade ago. According to previous assessments both CSDP operations have performed their mandated tasks to provide technical assistance to the Palestinian Authority in the fields of security and justice sectors satisfactorily. In the case of EUBAM Rafah, political and security conditions that have developed after Hamas's election victory in 2006 and its takeover of Gaza in 2007 have prevented the operation to carry out effectively its mandated tasks. However, prior to that EUBAM Rafah was perceived to be one of the most successful CSDP operations. EUPOL COPPS has worked in the occupied Palestinian territories since early 2006, focusing first on security sector reform and Palestinian civil police in particular, but expanding its work to justice sector reform in 2009. EUPOL COPPS only works in the West Bank area. In general, conclusion on the performance of the two CSDP operations in the OPTs is that they have worked effectively to the extent that security and political conditions have allowed.

Other, less positive conclusions can also be drawn from the literature with regard to the recent developments in the OPTs and the roles of the EU and other international agencies in the region. International and Palestinian observers have questioned whether the technical assistance provided by the EU and other internationals is appropriate to the challenges in the OPTs that are political by nature. It has been stated that technical assistance to the Palestinian Authority may in fact maintain the current status quo of Israeli occupation, instead of supporting the necessary steps towards building a sovereign and democratically governed Palestinian state as envisioned in the two-state-solution of the Roadmap to Peace in 2003. This reflects frustration towards the Middle East peace process that has once again seen to be leading nowhere. But it also indicates growing concern over the increasing authoritarianism of the Palestinian Authority that has already for years

¹ See, Leena Avonius: *The Palestinian Review*. IECEU, 2016.



functioned without civilian oversight. There has been growing criticism towards the EU and international community due to their refusal to have any contact with Hamas. Isolation of Hamas-led Gaza is seen to have led to unnecessary suffering of civilian population in the area. Furthermore, intra-Palestinian conflict between Hamas and Fatah that leads the PA in the West Bank is yet another blockage to the peace process.

Building on the previous assessments outlined above and in the desk review, and on the basis of the framework for studying the effectiveness of capabilities in EU conflict prevention that has been put forward by the preceding IECEU reports, the report at hand examines the effectiveness of the EU's current crisis management work in the occupied Palestinian territories. An outline on EUPOL COPPS and EUBAM Rafah is given in tables below. The following examination focuses on the two EU CSDP operations that are assessed within a wider context of EU assistance and international aid within the fields of security and justice sector reforms in the OPTs. The effectiveness of EU's crisis management in the OPTs is examined below through six capabilities, each of which is discussed in its own sub-chapter. The six capabilities include: planning capacity, operational capacity, use of technology, competence, interoperability and comprehensiveness. Examination of capabilities does, whenever relevant, assess the specific capability from EU internal perspective (both politico-strategic and operational), and conflict external perspective (conflict prevention, medium-term peace-building, long term stability).

Research material for this study was collected through semi-structured interviews in the occupied West Bank and Israel, as well as through interviews in person and by phone in Europe. In total 34 interviews were conducted during March - June 2016. Some were group interviews, and the total number of individuals participating in the interviews was 46 (of which 17 were women and 29 men). The interviewees included EEAS officials, former and current staff members of EU CSDP operations in the occupied Palestinian territories, representatives of international organisations, as well as representatives of the Palestinian Authority, and Palestinian analysts and civil society activists. All interviews were conducted in confidentiality i.e. the names or other information that would lead to identification of a person have been omitted from this report.

During the interviews a list of questions was followed that included questions covering the six EU capabilities that have been identified and enlisted in the IECEU deliverable 1.5. Interview questions have been tailored to reflect the Palestinian context. Somewhat different sets of questions have been presented to those directly working in the CSDP operations, other EU representatives and others.

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Name of mission	The European Union Police Mission for the Palestinian Territories (EUPOL COPPS)
Focus area	civilian crisis management, advisory mission on civil policing and the rule of law
Established	01 January, 2006
Number of personnel	114 (69 international, 45 local staff)
Location of MHQ	Ramallah
Mission budget	€ 10.32 million (July 2016 - June 2017)
Contributing states	21 EU Member States, Canada, Norway and Turkey
Mandated tasks	<p>1) to assist the Palestinian Civil Police (PCP), in line with the Security Sector Strategy, in the implementation of the PCP Strategic Plan by advising and mentoring, in particular senior officials at District, Headquarters and Ministerial levels,</p> <p>2) to assist, by advising and mentoring including at Ministerial level, the Criminal Justice Institutions and the Palestinian Bar Association in the implementation of the Justice Sector Strategy as well as the different institutional plans linked to it,</p> <p>3) to coordinate, facilitate and provide advice, as appropriate, on assistance and projects implemented by the Union, the Member States and third States related to the PCP and Criminal Justice institutions and identify and implement its own projects, in areas relevant to EUPOL COPPS and in support of its objectives.'</p>

Name of mission	The European Union Border Assistance Mission at the Rafah Crossing
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	Point (EUBAM Rafah)
Focus area	civilian crisis management, monitoring
Established	25 November, 2005
Number of personnel	14 (7 international and 7 national staff)
Location of MHQ	Tel Aviv
Mission budget	€ 1.54 million (July 2016 - June 2017)
Contributing states	
Mandated tasks	<p>1) to actively monitor, verify and evaluate the Palestinian Authority's performance with regard to the implementation of the Framework, Security and Customs Agreements concluded between the Parties on the operation of the Rafah terminal;</p> <p>2) to contribute, through mentoring, to building up the Palestinian capacity in all aspects of border management at Rafah;</p> <p>3) to contribute to the liaison between the Palestinian, Israeli and Egyptian authorities in all aspects regarding the management of the Rafah Crossing Point.</p>



2 ANALYSING OCCUPIED PALESTINIAN TERRITORIES: JOINT EMPHASIS

2.1 PLANNING CAPACITY

The two CSDP operations under scrutiny, EUPOL COPPS and EUBAM Rafah, are among the oldest still ongoing civilian crisis management missions of the EU.² They were both established over a decade ago in 2005/2006. Considering this, it is understandable that most interviewees for this research had no personal experience on and very little to say about how the two operations came into being. This report's focus is to examine the capabilities of effectiveness at this moment, with some reflections on the earlier developments that are related to the changes made to the mandated tasks and operational activities. The earlier phases of EUPOL COPPS and EUBAM Rafah have been discussed in detail in the IECEU desk review on the occupied Palestinian territories.³

2.1.1. APPROPRIATENESS OF MANDATED TASKS

The mandated tasks of a CSDP operation are at the core of both strategic and operational planning process. At the launch of a mission its mandated tasks are defined in the mission statement of the Council decision that establishes the mission. Throughout the operational period the mission and the CSDP HQ in Brussels need to assess at the politico-strategic level how appropriate the mandated tasks are for addressing the conflict issues, and whether there is a need to make adjustments to them. EUPOL COPPS's mandated tasks have been modified over the years; for example, in 2009 the Council of the EU added a project cell to the mission statement, for 'identifying and implementing projects' and the mission was given a task to "coordinate, facilitate and provide advice on projects implemented by Member States and third States under their responsibility" to the extent such projects are related to the area the mission works on and are considered appropriate.⁴ Later, in 2014, the mission statement of EUPOL COPPS was rewritten in

² There are ten active civilian EU CSDP operations at the moment. Of these five have been active eight years or more, in addition to two operations in the occupied Palestinian territories these include EUPOL Afghanistan, EULEX Kosovo and EUMM in Georgia. The remaining five operations were established in 2012 or later.

³ See, Leena Avonius: *The Palestinian Review*. IECEU, 2016

⁴ It remains unclear whether a 'project cell' has ever been established in EUPOL COPPS. The current Planning and Evaluation Department PED plays important role in coordinating, facilitating and advising on projects.



the Council Decision 2014/447/CFSP (see next section on "the appropriateness of activities"). At the operational level the mandated tasks provide the framework within which the operation's activities are planned and executed. While the mandate provides essential guidance for planning the everyday activities of the operation it may also become a limitation that prevents operational activities that may seem relevant and necessary in a changing conflict context. Due to this, it is necessary for the operation leadership to assess the appropriateness of mandated tasks, and if deemed necessary, to suggest changes.

Majority of interviewees did not raise any problematic issues related to the current mandated tasks of EUPOL COPPS. Some mission members brought up an ongoing discussion whether the mandated tasks should include 'monitoring.' Those who thought that 'monitoring' should be included in the mandate said that it is currently difficult to assess what impact a particular activity or project has had, as the mission members cannot monitor the results.⁵ Others, however, presented somewhat contradictory view saying that there is no need to formally add monitoring to the mandate, as some monitoring is conducted anyways as a part of projects. It was also argued that it would not be possible to implement EUPOL COPPS's mandated tasks of 'advising and mentoring' without having built a level of trust that in fact allows monitoring.⁶ Palestinian interviewees pointed out that monitoring of project results by EUPOL COPPS was necessary, as without it European taxpayers could not know how their money was being spent.⁷ To assess whether a mandate change would be beneficial there is a need to define clearly what 'monitoring' means. A EUPOL COPPS mission member pointed out that EU CSDP monitoring missions have wide monitoring mandates that would not be necessary for EUPOL COPPS's purposes.⁸ A PCP representative brought up a similar point and stated that while the type of monitoring of project results that EUPOL COPPS currently does is welcome and acceptable, transforming EUPOL COPPS into a monitoring mission would be 'a sensitive matter to Palestinians.'⁹ But it became apparent from the interviews that monitoring in a sense of assessing the accountability of mission activities and measuring their

⁵ Interview P1.

⁶ Interview P2.

⁷ Interviews P8, P18.

⁸ Interview P28. The EEAS Civilian Operations Commander Operational Guidelines for Monitoring, Mentoring and Advising in Civilian CSDP Missions (15272/2014) underlines that a difference must be made between CSDP operations that are mandated to monitor compliance with international agreements or a ceasefire from the type of monitoring a CSDP conducts as a part of its core tasks and in order to support its mentoring/advising and capacity-building activities. <http://data.consilium.europa.eu/doc/document/ST-15272-2014-INIT/en/pdf>. Accessed on 8 June 2016.

⁹ Interview P8.



impact on security and justice sector reforms in the occupied Palestinian territories needs to be enhanced.

Many interviewees reiterated an observation brought up by several previous analysts that the EUPOL COPPS's focus on the Palestinian Civilian Police was a good decision from the EU.¹⁰ Some interviewees from Palestinian civil society hoped, however, that EUPOL COPPS would not so strictly focus on working with the PCP, as the police do not function in isolation. They hoped that the operation's activities related to policing would also involve other institutions in the society, as this could for example enable EUPOL COPPS to better implement the EU's human rights policy in the occupied Palestinian territories.¹¹ As all EU external action including CSDP missions is obliged by the Treaty of the European Union (Article 21) to advance human rights, such reorientation of operational activities would not necessarily require amendment of the mission mandate, but could be done through operational modifications.

EUBAM Rafah has been able to execute its mandated tasks only to a very limited manner ever since Hamas took over Gaza in 2007, the mission's access to Rafah was blocked and the mission was put on hold. The mandate restricts its operational activities to the Rafah crossing point or to matters directly related to it, due to which EUBAM Rafah cannot easily develop other activities. All its current activities are focused on its second mandated task of mentoring and capacity-building of border management at Rafah. Due to the inaccessibility of Rafah crossing point this mandated task has been reinterpreted, and now includes training activities taking place in the Jericho training centre in the West Bank. Israel that has over the years resisted any expansion of EUBAM Rafah's activities beyond the Rafah crossing point appears to have taken a pragmatic approach towards these training efforts, perceiving positively the EU efforts to raise professionalism of Palestinian border services personnel.¹² But reinterpretation of mandated tasks has its limits, and EUBAM Rafah does not, for example, currently have a mandate to work on Palestinian immigration policies and border regulations, which were considered by some Palestinian interviewees as areas where there would be need for international expertise.¹³

The Palestinian Authority is trying to push for expansion of EUBAM Rafah's mandate to cover all crossing points, and the PA has also formally approached the EU in this matter. Palestinian interviewees, as well as EUBAM Rafah mission members stated that a revision of EUBAM Rafah's

¹⁰ See, Leena Avonius: *The Palestinian Review*. IECEU, 2016.

¹¹ Interviews P13, P14, P15, P18, and P19.

¹² Interview with EUBAM Rafah mission member, 18 March 2016.

¹³ Interview P11.



mandate to lift the geographic limitation of the activities would benefit not only the Palestinian Authority border and customs services but also Israel as increased professionalism would support stability in the region.¹⁴ Others, however, assessed that Israel would neither accept EUBAM Rafah's expanded mandate nor merging EUBAM Rafah with EUPOL COPPS that has also been suggested as a solution to current problem that prevents the mission from implementing its mandated tasks. The current situation serves Israel's political interests well, as it wants to keep Gaza and the West Bank separated. The EU Member States are unable to find one voice in the matter, and due to this opt for a safe solution to maintain EUBAM Rafah in its current status.¹⁵

2.1.2. APPROPRIATENESS OF ACTIVITIES

In addition to the framework provided by the mandated tasks outlined in the EU Council decisions and further elaborated in the mission planning documents CONOPS (outlines the mission operational objectives) and OPLAN (determines the mission tasks related to its operational objectives), the operational environment affects the activities carried out by a CSDP operation. Often the mandated tasks are broadly defined in the Council decision, leaving sufficient space for interpretation at the operational level on what kind of activities the operation needs to carry out to successfully implement its mandate. From time to time, changes in operational activities lead to revision of mandated tasks, rather than the other way around. This appears to have happened when EUPOL COPPS became involved in the rule of law work in 2008/2009. When the Rule of Law Section was added to the EUPOL COPPS mission structure in late 2008 by the Council Joint Action 2008/958/CFSP the mandated tasks of the mission remained unchanged. It was only five years later, in the Council Decision 2014/447/CFSP, passed in July 2014, that the mission statement was revised to include the following: "assist, by advising and mentoring including at Ministerial level, the Criminal Justice Institutions and the Palestinian Bar Association in the implementation of the Justice Sector Strategy as well as the different institutional plans linked to it." Until then, the only reference in the mandate in any way related to the Rule of Law work was under the mandated task to "advise on police-related Criminal Justice elements." The delay in including justice sector in the mandate could reflect how controversially this move was perceived. As Sabote (2010: 187) and others have pointed out the EU Commission resisted the idea of EUPOL COPPS entering justice sector work that had fallen under the domain of the Commission. It was still stated by some interviewees that the involvement of EUPOL COPPS in justice sector work should have

¹⁴ Interviews P21 and P26.

¹⁵ Interviews P32, P33 and P34.



been more carefully considered, but most people interviewed for this research saw problems neither in its current justice sector work nor in the division of labour between EUPOL COPPS and EUREP in this field.¹⁶

Throughout its existence EUPOL COPPS work on Palestinian security sector reform has been predominantly positively assessed by both EU and other observers.¹⁷ In recent years, the mission has moved to work at a more strategic level that is also reflected in its revised mandated tasks that explicitly mention the PA's Security Sector Strategy, the PCP's Strategic Plan, and Justice Sector Strategy as key documents to which the mission's activities should be linked.¹⁸ Work at strategic level includes supporting the PA to implement and further develop its sectoral strategies, assisting institutional development in both security and justice sectors, and providing support for example in legislative processes such as legislative drafting. Working at strategic level is, however, less straightforward than material assistance and training of technical skills, and as such it is more challenging and politically sensitive. A PCP representative pointed out that carrying out institutional development is as difficult in Palestine as it is anywhere else including in the EU countries, because it has direct impact on people's lives and positions at work and is thus likely to encounter resistance.¹⁹

Carrying out strategic activities that require several years before results can be seen is a challenge for CSDP operations like EUPOL COPPS, the work of which is limited by its one-year mandate period. Even though the mission prepares two-year 'shadow' plans it can formally only plan activities that fit within its mandate period. The Mission Implementation Plan (MIP) nevertheless includes many activities that relate to long term processes. Including activities like mentoring at a strategic level in the mission operational planning also highlights how difficult it is to measure impact of processes. This difficulty, according to some, directs the mission's planned operational activities to be more short term, such as organising trainings, workshops or study trips to EU Member States. A related problem brought up in the interviews was lack of sustainability in training activities. A representative of Palestinian civil society organisation gave an example on short term approach in organising training: EUPOL COPPS had in good cooperation with civil society produced a human rights guide to the police that was distributed to the police stations accompanied with trainings for the police, but there were no efforts from EUPOL COPPS to sustain

¹⁶ Interviews P17, P27 and P29.

¹⁷ See Avonius, 2016.

¹⁸ Council Decision 2014/447/CFSP.

¹⁹ Interview P8.



human rights trainings after the initial project ended.²⁰ Such short term trainings are unlikely to produce sustainable changes.

Study trips to the EU countries that have been organised both by EUPOL COPPS operational units and by EUBAM Rafah received mixed comments in the interviews. While study trips were seen beneficial for example in a sense that they helped Palestinians to establish international contacts, they were criticised for being an expensive type of assistance, and at worst a form of tourism. A EUPOL COPPS representative stressed that all study trips they organised had a clear focus and a tight schedule, and attracted only individuals who have an appetite for learning.²¹ The representatives of PA that were interviewed for this research said that bringing international trainers to the West Bank was much more cost-effective as more people could be included in the trainings. They also saw that trainings within the Middle East region could be more useful for Palestinians as the environment would be more similar to their own society. A EUPOL COPPS representative reflected on this possibility by stating that it would be difficult to organise trainings in the neighbouring countries as their systems fell short of European standards that the trainings aimed to introduce.²²

Most respondents perceived EUPOL COPPS' support to the PA in drafting policy documents and law texts in the field of security sector as a necessary form of assistance. EUPOL COPPS had supported the PCP to draft a Code of Conduct in 2013, which was perceived as a good and necessary initiative by many Palestinians. But a Palestinian civil society representative added that the Code of Conduct had been unsuitable to the local context, due to which it was not that useful in practice.²³ Similarly, EUPOL COPPS support to the PA ministries to draft a Police Law is considered to be good as there is an urgent need to have a law at place. But the drafting process has not been transparent; some human rights organisations stated that they had not even seen the draft law that was in March 2016 waiting to be signed by President Abbas, while others said that some parts they had seen were not fitting to Palestinian context. A political analyst stated that the draft that had been presented to the President for signing was different from the one EUPOL COPPS had helped drafting.²⁴

²⁰ Interview P14.

²¹ Interview P2.

²² Interviews P8, P10 and P21.

²³ Interviews P14 and P15. According to the EUPOL COPPS website there has been a continuation of efforts in 2016 to support Code of Conduct <http://eupolcopps.eu/en/node/4975>.

²⁴ Interviews P11, P13, P14, P15 and P18.



Palestinian civil society representatives saw both positive and negative sides in EUPOL COPPS' activities. According to many, the EU assistance to Palestinian security sector provided by EUPOL COPPS compared positively to the US support. The US support, which was connoted with the National Security Forces (NSF) was perceived to have supported mainly Israeli interests, led to formation of NSF that was known for misconduct and isolated from the Palestinian society. The Palestinian Civilian Police (PCP), on the other hand, had grown more professional and skilled, mainly due to EUPOL COPPS efforts. But all interviews with civil society also brought up criticism towards EUPOL COPPS and much in relation to the appropriateness of its activities. Some were so frustrated with 'technical assistance' i.e. material assistance, workshops, trainings and study trips, that they did not even want to talk about it. They stressed that technical assistance does not solve the fundamentally political problems that Palestinians encounter. The Palestinian security sector needed a thorough restructuring that was based on democratically passed laws and international standards. EUPOL COPPS and other internationals building technical skills of the police and other security forces were perceived to be partially responsible for human rights violations that these security actors had committed. Civil society representatives were deeply concerned of diminishing democratic space in the Palestinian society and the growing authoritarianism of the PA, which according to them should have been more vigorously addressed by the international community.²⁵

2.1.3. MISSION IMPLEMENTATION PLAN AS A PLANNING AND EVALUATION TOOL

Both EUPOL COPPS and EUBAM Rafah use Mission Implementation Plan (MIP) as the key planning and monitoring tool for operational activities. EUPOL COPPS has organised its activities by using 'programmatic approach' that was piloted in EULEX Kosovo. In programmatic approach the implementation of mandated tasks is divided into programs that consist of activities and sub-activities enlisted in the MIP. All actions should fall under the enlisted activities. The MIP activities follow the mission tasks as outlined in the OPLAN that in its turn is based on the mission objectives determined in the CONOPS. CONOPS, OPLAN and MIP were all drafted simultaneously in 2012 when EUPOL COPPS started to use programmatic approach for its work. Financial framework was also revised. The project cell (currently under the name Planning and Evaluation Department) has key importance to MIP-planning and evaluation system as it is in charge of mainstreaming all

²⁵ At the time of interviews there was a teachers' strike and demonstrations in Ramallah, and several interviewees presented this as an example how Palestinian police was using excessive force against peaceful demonstrators. Interviews P11 - P15. For similar criticism in literature, see Avonius 2016.



activities under the MIP. An EEAS Official explained that the programmatic approach was developed as a response to EU Member States' criticism towards the CSDP missions that had risen in 2010-2011. The Member States had wanted more value for the money they invested in the CSDP, requested the CSDP missions to become more systematic in their work and to report more in detail about their work to the Member States.²⁶

The MIP is a project management tool that helps the mission leadership to plan how the mandated tasks are operationalised, to keep track on ongoing activities, to assess progress, and to make adjustments as required. For CSDP missions like EUPOL COPPS that has many activities and counterparts MIP offers a good tool to follow up the progress both inside the mission and from the CPCC.²⁷ The use of MIP in planning and monitoring of progress - the mission's progress reporting to Brussels and MIP follow the same structure that is outlined in the OPLAN - also helps the CPCC and the EU Member States to follow and assess progress and effectiveness of CSDP missions. The EUPOL COPPS Planning and Evaluation Department is responsible for managing the mission's programmatic approach to mandate implementation. EUBAM Rafah has also developed its own MIP system through which mission activities are followed in respect of its defined objectives. There is an ongoing process in the CPCC to develop a standardised MIP to all CSDP missions, but currently the missions still create their own MIP templates.²⁸

The planning of MIP activities includes mission internal and external processes. Both EUBAM Rafah and EUPOL COPPS involve their key Palestinian Authority counterparts in the planning process. EUBAM Rafah has prepared a roadmap with its Palestinian counterpart the General Administration for Borders and Crossings (GABC) that builds on a preparedness plan regarding possible redeployment to the Rafah crossing point and also includes capacity-building efforts of Palestinian border services. EUBAM Rafah meets regularly with the GABC to discuss with it what kind of activities by the mission could best support the implementation of roadmap, and what progress has been made so far. Supported by the views from the GABC the mission prepares internally its MIP activities. The Programme Manager of EUBAM Rafah monitors the progress.²⁹

EUPOL COPPS' planning and evaluation cycle is similar to that of EUBAM Rafah, though due to the much bigger size of mission it is more formalised and complex. The MIP is prepared for each two-year period i.e. it is longer than EUPOL COPPS mandate period. EUPOL COPPS builds its

²⁶ Interview P32.

²⁷ Interviews P2, P5, P28 and P33.

²⁸ Interview P26.

²⁹ Interview P26.



MIP activities by considering the strategic plans of the PA for security and justice sectors, and by discussing the present needs with its main PA counterparts. For example, the Palestinian Attorney General's Office said that some thirty percent of the proposals they present to EUPOL COPPS are accepted and turned to mission activities.³⁰ After collecting proposals and insights from the counterparts, the EUPOL COPPS operational units provide input to the Planning and Evaluation Department that drafts the MIP. Before finalisation the draft plan is again discussed with the operational units. The MIP is then sent to the CPCC where it is presented to the Civilian Operations Commander for final approval.

EUPOL COPPS currently divides its activities into three program areas: 1) supporting the Palestinian Civil Police's reform and development; 2) strengthening and supporting the Palestinian criminal justice system; and 3) improving prosecution-police cooperation in the occupied Palestinian territory.³¹ The three program areas are divided into twelve capacity-building projects that in turn consist of over 60 activities/sub-activities. The program areas are further supported by Quick Impact Projects (QIP), for which EUPOL COPPS manages its own modest budget.³² The MIP steering group, consisting of the representatives of Head of Mission Office, the mission operational units and the Planning and Evaluation Department, as well as Political Advisor and Reporting Officer, meets biweekly to assess mission achievements and pending tasks. Every six months the relevance of MIP activities and sub-activities is evaluated by the steering group, and the assessment is presented in the mission six-monthly report that utilises the OPLAN benchmarking system.

The development and use of MIP undoubtedly indicate the improved planning and evaluation capacities of CSDP missions, and EUPOL COPPS is used as a good example in Brussels on how a CSDP mission can develop MIP. But remarks from both EUPOL COPPS and EUBAM Rafah mission members and Palestinian respondents illustrate that MIP still is a work in progress. Lack of standardised MIP template forces all CSDP missions to invest time to create their own templates. A standardised format would also make it easier to compare different CSDP missions with each other.³³ Views on the level of local ownership in planning EUPOL COPPS activities varied: some said that the planning was done in close cooperation with the PA counterparts while others perceived the planning process to happen mainly between the mission and the CPCC. A

³⁰ Interview P4.

³¹ EUPOL COPPS website <http://eupolcopps.eu/en/content/programme-section>. Accessed on 26 May 2016.

³² Currently some 300,000 € of EUPOL COPPS nine million euros annual budget i.e. some three per cent is allocated to Quick Impact Projects.

³³ Interviews P26 and P28.



Palestinian analyst pointed out that many Palestinians are frustrated because they do not know what is done with the ideas they have presented to EUPOL COPPS, or because EUPOL COPPS is unable to implement the plans they presented, allegedly either due to the mission's focus on technical assistance or due to lack of funding.³⁴ Palestinian civil society organisations working in the field of security and justice sectors stated that they had many suggestions on how EUPOL COPPS could support Palestinian SSR and JSR, but they had few or no contacts with the mission representatives to discuss them.

Mission members also brought up mission internal constraints related to availability of human resources that had impact on MIP planning. Short rotation of international experts was seen as a key challenge by almost all interviewees. Many EU Member States have a limitation of one year for Police Officers to stay in the CSDP missions. Due to this, police advisors only stay in the mission for one year, which means that they are not necessarily working for the mission at the time the plans they suggested will be implemented. As EUPOL COPPS international experts are predominantly seconded by the EU Member States and not recruited for particular projects the mission cannot be certain that it will have suitable and skilled staff to implement the activities it has planned for the coming year. One mission member perceived that MIP offers a tool to overcome the problem related to handover from outgoing to incoming experts that due to recruitment regulations never meet each other in person.³⁵ If made easily accessible to all mission members MIP can improve the institutional memory of the mission. But some also questioned the relevance of activities included in the MIP. A view held that the activities proposed to be included in the MIP by mission members were more often based on their own experiences from previous missions rather than on the needs of Palestinians. Another respondent pointed out, however, that it was a duty of operational section leaders to ensure that all activities fitted into the MIP tasks and overall objectives.³⁶

MIP system was perceived by some to be more suitable for planning and evaluating short term projects than long term processes such as institutional development and strategic support to the PA institutions. It was also acknowledged that under difficult political circumstances the CSDP missions could not necessarily make leaping progress in advancing institutional changes, due to which MIP reporting would not show much progress in a short term.³⁷ One suggestion held that involving human rights and gender experts as well as mission's Press and Public Information

³⁴ Interview P11.

³⁵ Interview P5.

³⁶ Interview P33.

³⁷ Interview P33.



Office more tightly into the MIP planning process by for example including them into the MIP steering group would ensure that cross-cutting themes are better covered by mission activities and that there would be improved visibility to the mission. Recently, human rights-based approach had been included in the planning of some individual projects, and it was hoped that mapping related human rights issues, duty-bearers and rights-holders as well developing indicators and guidelines on how to include human rights issues in the implementation of project would become a regular practice in the mission.³⁸ Another often presented remark was that not all mission members were familiar with project management tools such as MIP, and thus did not possess the necessary knowledge and skills to use the system, or indeed did not understand the purpose of using it. MIP system has also introduced increased reporting requests to international experts that some mission members find burdensome.³⁹

2.1.4. SITUATIONAL AWARENESS

Situational awareness of a conflict prevention or peacebuilding effort can be examined at different levels: in the case of this study the politico-strategic level question to be asked is how the EU can best support the Middle East peace process, while at the operational level one needs to look into how EUPOL COPPS and EUBAM Rafah gather information about and understand their operational environment and how do they adapt their activities to changing situations. The two levels are intertwined, as on the one hand the CSDP missions are among the key sources of information for the EU decision-makers in Brussels and in the Member States regarding the developments in the OPTs, and on the other hand the operational planning in the missions is much dependent on what kind of Middle East policy the EU decides to pursue.

To start with the politico-strategic level, the actions taken by the EU with regard to two key events within the last decade illustrate the EU's situational awareness. First key event is the Palestinian parliamentary election in 2006 that was won by Hamas and led to division of Palestinian territories into the West Bank governed by the PA and the Hamas-led Gaza Strip. The second key event is the 2008 Berlin Conference in Support of Palestinian Civil Security and the Rule of Law, in which the international aid to the Palestinian state-building was rearranged. In June 2008 representatives of over 40 states gathered in Berlin to discuss the Palestinian situation together with the newly nominated Palestinian Authority Prime Minister Salam Fayyad and the Israeli Foreign Minister Tzipi Livni. As a result, the international donors pledged to provide 156,000 million euros over three

³⁸ Interviews P6 and P9.

³⁹ Interviews P1, P2, and P28.



years for rebuilding and strengthening the Palestinian judicial and security infrastructure. The approach taken in Berlin towards the Israeli-Palestinian conflict situation was 'security first' meaning that it was deemed necessary to build Palestinian security and justice systems prior to formal establishment of the Palestinian state. Berlin conference was also the moment when division of labour between the EU and the US was agreed, according to which the former focused on supporting the Palestinian Civil Police and the latter on supporting the 'green wing' of Palestinian security forces.⁴⁰

The political decisions taken by the EU and the US in the aftermath of Hamas electoral victory and Berlin conference to support Fayyad's technocratic development plan by providing particularly technical assistance to Palestinian security and justice sectors has been characterised by many as the best possible one in that particular situation. A PCP representative described the Berlin conference as decisive moment when the EU support to security and justice sectors truly started and when EUPOL COPPS's work became more organised and meaningful.⁴¹ Outside observers have concluded that focusing on civilian police was a strategically smart move from the EU.⁴² Many respondents to this research also pointed out that professionalism of the PCP today is the clearest proof of the effectiveness of EUPOL COPPS's long term efforts to support the civilian policing in the OPTs.

But more critical voices have also been heard ever since the Berlin conference took place, raising particularly a concern that technical assistance and focus on building strong security sector while neglecting the lack of constitutional legitimacy and civilian oversight of the PA indicated that the EU and the US were more into 'fixing broken windows' than building a democratic and sovereign Palestinian state. Sayigh stated in 2009 that despite the official rhetoric on coordinated and concerted international efforts to support the Palestinian state-building, the US as well as the EU and its individual member states provided aid in a fragmented manner selecting targets of their assistance more on the basis of their own strategic interests than Palestinian needs. According to him, adopting the technical support approach reflects "the narrow concern with developing operational counterterrorist capacity and the corresponding absence of a comprehensive and deliberately transformative approach to security sectors and associated criminal justice systems."

⁴⁰ Prime Minister Fayyad's speech in the Berlin conference provides an outline of what was agreed <http://www.aitransparency.com/files/2762.PDF>. From the international perspective see the Quartet statement in the Berlin conference <http://www.unsco.org/Documents/Statements/Quartet/2008/June%2025.pdf>.

⁴¹ Interview P8.

⁴² Avonius. 2016.



⁴³ In other words, the situational awareness of the EU (and the US) decision-makers took place through the lenses of counterterrorism that was also a predominantly Israeli concern.

Similar views were presented by Palestinian civil society observers in March 2016, who, while acknowledging that the EU had done a good job in building technical capacity of the PCP, stated that exclusive focus on technical assistance was not only insufficient but was also maintaining the Israeli occupation as the EU-supported coordination efforts only benefitted Israel and no efforts were made to expand the authority of Palestinian police forces beyond the A-zone. Instead of support to the existing security forces the EU was urged to support the PA to carry out a comprehensive restructuring of security forces. A respondent said that the EU was working under an illusion of state-building in Palestine, and that it should move on from the two-state solution and it should push the conflict parties to examine seriously alternative scenarios for the region. One EU Member State representative also wondered whether the EU should acknowledge that the time for technical assistance by EUPOL COPPS was now over and it should look into the other EU instruments that might be more suitable to respond to the current needs.⁴⁴

Focus on technical support in security sector and criminal justice system has meant lack of focus on democratisation efforts and internal Palestinian political developments. Many outside observers have brought up this criticism towards the EU aid efforts previously,⁴⁵ and all non-PA Palestinian respondents to this study also raised it. Their concern regarded the lack of civilian oversight of the PA and they requested that aid efforts should be directed to strengthening regulations and making them more congruent with international standards and policy-making. As a civil society representative phrased it, there is a need to discuss what is meant by 'security' – is security seen to be empowered by the PA or by the law and accountability? The respondent stressed that more than on security forces the EU should invest on strengthening the rule of law, including improved regulations produced through transparent and participative processes and judicial procedures.⁴⁶ Another Palestinian respondent stated that the EU and other donors should make proper assessment of the situation to avoid current imbalances in assistance that has led to a race among Palestinian judicial institutions, and not brought about any fundamental changes in the justice sector.⁴⁷ EUPOL COPPS's move to work on more strategic level issues can be seen as an effort to

⁴³ Yezid Sayigh (2009): "Fixing Broken Windows: Security Sector Reform in Palestine, Lebanon and Yemen." *Carnegie Papers* Number 17. http://carnegieendowment.org/files/security_sector_reform.pdf

⁴⁴ Interviews P11-P15, P27.

⁴⁵ Avonius, 2016.

⁴⁶ Interview P13.

⁴⁷ Interview P14.



address some of the above criticism. For example, the EUPOL COPPS Rule of Law Section has as one of its current main tasks to improve legislative processes by building capacities of actors involved, and by assessing and commenting draft laws, but as technical advisor it cannot have a role in political decisions over legislation.⁴⁸

The civil society critics said they understand the limitations of EUPOL COPPS's technical advisor role, but they said that the EU is a political actor and the largest donor and that it should take clearer political stand in advancing democracy and human rights. According to some respondents, the EU should also be more aware of the growing gap between the PA and the Palestinian people. This was suggested to be done for example by refusing to support processes that were not participative and transparent, as was perceived to be the case in the current 'law by decree' system in which the PA executive passes laws in the absence of a functioning legislative PLC. One respondent also urged the EU to "be more creative" in working with Gaza through EUBAM Rafah.⁴⁹ The EU's no-contact policy towards Hamas was seen to be a mistake by a number of respondents, as it prevents the EU from supporting intra-Palestinian reconciliation.

At the operational level situational awareness can be detected in how well the CSDP operations' activities respond to and are based on the existing needs in the OPTs, as well as in how the operations communicate with various actors in its area of operations. EUPOL COPPS has not ordered any public polls on its own image, but believes its public image to be good, and that the current polls on its counterparts also reflect the results of the mission's work. EUPOL COPPS Press Office has locally recruited staff to monitor media and informs the senior management of the missions - the EUPOL COPPS Press Office also supports EUBAM Rafah - of events and particularly on issues that are related to their operational mandates.⁵⁰ The MIP planning process used by both EUPOL COPPS and EUBAM Rafah that has been described above exemplifies the efforts of CSDP operations to design activities based on the needs of local counterparts. The related complaints from civil society representatives over lack of opportunities to share their views on security and justice sectors that are likely to differ from those presented by the PA with EUPOL COPPS illustrate that there is still unused opportunities to engage with various stakeholders to gather information on what is happening in the Palestinian society. Indeed, some civil society organisations said that they had had more contact and cooperation with EUPOL COPPS in the past than they have today. A civil society representative called for regular and systematic

⁴⁸ Interview P10.

⁴⁹ Interview P11.

⁵⁰ Interview P9.



engagement from EUPOL COPPS with the civil society, instead of current ad hoc meetings. The person also suspected that the PA might actually discourage such cooperation due to its own reluctance to work with civil society actors.⁵¹

2.1.5. THE EU LINGERS ON

Slow pace of EU planning and decision-making processes is a common complaint and was also brought up frequently by respondents of this research. A PA representative characterised the EU decision-making process as bureaucratic, time-consuming and affected by many restrictions.⁵² The US and other donors were perceived to be faster and more flexible than the EU when making funding decisions. CSDP mission members working in the OPTs enlisted factors that according to them slowed down decision-making in Brussels. These included shortage of staff in CPCC, lack of mission experience among CPCC officials, overtly bureaucratic processes to apply for project funding, as well as poor coordination between the EC and the EEAS, and the dual leadership of missions as the EC holds the budget and the EEAS is in charge of planning and operations.⁵³

Some criticism was also expressed towards the annual strategic review process of EU CSDP missions. The strategic review is prepared each year prior to the Council decision on the extension of the mandate. The CMPD strategic planning unit and the CPCC prepare the strategic review jointly, and the former leads the process. The aim of strategic review is to assess possible changes in political situation and suggest modifications to the mission mandates as necessary. During the process the EUSR, the EU political section as well as Palestinian counterparts and other stakeholders are consulted, but the review is EU internal process. Based on the above consultations, and noted preferences of EU Member States and EU regional policies, the strategic review comes up with recommendations regarding the mission under review. The final decision over the review results lies with the PSC. One EEAS Official said that due to unchanged political situation in the OPTs the strategic review has not introduced any significant changes to the mission mandates of EUPOL COPPS and EUBAM Rafah in recent years. But Official of a EU Member State was highly critical of the manner the strategic reviews were prepared, and stated that they provided no information on how the missions spent the budgeted funds and how effectively the

⁵¹ Interviews P15 and P18.

⁵² Interview P4.

⁵³ Interview P2, P9 and P23.



missions operated. The respondent called for reviews conducted by outside experts instead of current internal review processes.⁵⁴

This respondent together with some others argued that the EU should seriously consider whether CSDP operations were the right kind of instruments to address the current challenges in the OPTs. These respondents perceived that the European Commission programs were better fitting to address developmental and political issues that now were most prominent. Their concern was that there seem to be no exit strategy for CSDP missions. Other respondents stated that it was necessary to keep the two missions at place for the EU to be ready to act once political situation in the OPTs changes. These divided views will be discussed in more detail below in the section on 'EU comprehensiveness.'

2.2 OPERATIONAL CAPACITY

Operational capacity of a CSDP mission consists of various factors that are both internal and external to the mission. Operational capacity of a mission is obviously closely interlinked and much dependent on the planning capacity that has already been discussed above. Other EU-internal factors that have impact on the mission's capacity to carry out its everyday tasks include the mission's organisational structure, available human, financial and material resources, how work is organised, and what kind of working culture prevails in the mission. EU-external factors may also have strong impact on how efficiently CSDP missions can work. These include political situation and the dominant views among the host state actors and key counterparts towards the mission and the EU, as well as general working and living environments. This section first provides general assessment on the operational performance of EUPOL COPPS and EUBAM Rafah, based on the interviews and set within the previously existing assessments and literature. Thereafter, the EU-internal and EU-external factors affecting the operational capacity of the two missions will be discussed.

2.2.1. GENERAL ASSESSMENT OF OPERATIONAL WORK OF MISSIONS

When asked about achievements of EUPOL COPPS many respondents brought up that improved capacity and professionalism of the Palestinian Civil Police was the best proof that the mission had during its ten operational years succeeded in its main task. A US representative positioned EUPOL

⁵⁴ Interviews P27 and P32.



COPPS amongst the most successful international missions.⁵⁵ The facts that the PCP now is the most effective part of the Palestinian security forces, and enjoys trust among civilian population were seen to have resulted from EUPOL COPPS's long term and systemic efforts to support the civilian police force. As a EUPOL COPPS representative pointed out, every single police officer in the West Bank had at some point participated in a EUPOL COPPS training.⁵⁶ Almost all interviewees, irrespective whether they represented the EU, the PA or Palestinian civil society, brought up examples of successful activities and achievements of EUPOL COPPS showing how the mission had responded to the existing needs. Many brought up as recent example the EUPOL COPPS's role in the establishment of gender units in the PA institutions. Opinions varied over how well these units were functioning, but the perceived problems were said to relate to negative and conservative attitudes amongst the PA officials and not to the EU actors. A representative of Palestinian Attorney General's Office mentioned in particular that the crime scene manual prepared with the help of EUPOL COPPS was very useful as it took local facilities and procedures into account.⁵⁷ A PCP representative went through a long list of forms of support received from the EU during the last decade, varying from providing vehicles and equipment as well as trainings on for example crowd control and crime scene management to building prisons, police stations and helping to establish family protection and juvenile units in the PCP.⁵⁸ Palestinians interviewed for this study who do not work for the PA also mentioned the family protection and juvenile units as an example of EUPOL COPPS's good achievement. EUPOL COPPS was also seen by a civil society representative to have had positive impact on transparency of the PCP, as it had supported the establishment of the Department of Planning and Research in the PCP in 2013 that now publishes annual reports on police work.⁵⁹

Assessments on some other activities that EUPOL COPPS had been involved in were less positive or more controversial. The Palestinian police law, discussed in the previous section, that at the time of field research was waiting for to be signed by President Abbas is such a case. Several civil society representatives and some EUPOL COPPS staff members also underlined that the mission could and should have been more active in the fields of human rights and gender. A Palestinian civil society actor who had had years of contact with EUPOL COPPS assessed that the mission had been more active in its early years, while its later achievements had become more modest.

⁵⁵ Interview P24.

⁵⁶ Interview P2.

⁵⁷ Interview P4.

⁵⁸ Interview P8.

⁵⁹ Interview P14.



Another civil society representative was under impression that EUPOL COPPS was actually phasing out and due to this was not very active. In general, Palestinian civil society representatives called for more open assessments on and accountability of projects carried out by EUPOL COPPS so that their achievements and effectiveness could be better evaluated by Palestinians and Europeans alike. They were surprised that while individual EU Member States were meticulously following up and assessing the projects they funded, there seemed to be no evaluations on the projects and activities conducted by EUPOL COPPS.⁶⁰ A former EUPOL COPPS mission member said that it was difficult to provide any overall assessment on the effectiveness of the mission, the activities of which consisted numerous small, short term projects and activities. The statement of a EU Member State representative resonated with this view, calling for more transparency and outside evaluations of the work of EUPOL COPPS and other CSDP missions. The current system of EU internal strategic reviews was not conducted in sufficiently credible manner to provide unbiased assessments on the missions, the person said.⁶¹

2.2.2. EU-INTERNAL FACTORS AFFECTING OPERATIONAL EFFECTIVENESS

The EU-internal factors that were identified in the research to affect the effectiveness of work of the CSDP missions were related to mission structure, available resources, and the system of recruitment and rotation. The last point was clearly perceived to be the factor that has most negative impact on operational effectiveness. Both staff members of EUPOL COPPS and EUBAM Rafah and their Palestinian counterparts singled out short rotation of international experts as the biggest challenge to the effectiveness of CSDP missions' work. The seconded experts of particularly police background can often only stay in a crisis management mission for one year (and in some cases just six months), after which they are obliged to return back to their position at home. A several times repeated joke during the interviews was about seconded experts coming to the OPTs just for one year: the first months they spent on learning to know the tasks at hand, the place and the people, then worked efficiently for a few months minus holidays, and finally used the last couple of months saying goodbyes and shopping for souvenirs. For the visiting experts who only stay for a couple of months the situation was worse, as even getting the first meeting with the PA counterpart can take several weeks.

Jokes aside, many respondents pointed out the serious effects of short rotation cycle to the mission work, as its consequences include the mission having experts with little local knowledge

⁶⁰ Interviews P11-P15, P18 and P19.

⁶¹ Interviews P1 and P27.



and limited time to build sufficient level of confidence with local counterparts, and increased time the mission needs to invest on induction training periods. The negative impact of it to the mission implementation planning has already been discussed above. The problem with short rotations is related primarily to police experts, while the rule of law experts seconded to EUPOL COPPS do not have similar limitations from the seconding Member States. In earlier years, when the mission's activities consisted of providing material assistance and basic level trainings, the short rotation cycle was less problematic. But now that EUPOL COPPS has started to focus more on strategic level work that consists of support to institutional development and other processes that take years to evolve, having experts at place with only one year contract is far from ideal. A suggested solution for short-term rotation would be to offer only two-year positions for seconded experts in EUPOL COPPS. Many respondents assessed that a preferable length of rotation time for seconded experts would be 2-3 years. But as an EEAS Official pointed out, the limitation of mission mandate periods to one year is also related to the annual budget cycle of EEAS and EU Member States that provide funding to the missions and it cannot easily be changed.⁶²

Despite frequently changing mission personnel EUPOL COPPS does not appear to have a systematic handover procedure, which may lead to situations that the incoming expert needs to invest long time to find out what has been done so far. The problem with lacking handover and, related to this, wavering collective memory of the mission was mentioned not only by EUPOL COPPS members but also the Palestinian counterparts who over the years have met numerous newly arrived international experts. Representatives of international and local organisations also pointed out the problems caused by frequently rotating staff of CSDP missions. As pointed out before, developing further the MIP system may offer a solution to the handover problem. Another solution would be to modify the CSDP rules to allow a short overlapping period during which both outgoing and incoming experts are in the mission. In comparison, the EUREP's outgoing and incoming experts' contracts overlap to allow handover process to take place. The problem in the overlapping system is that it would increase the personnel costs.

A number of respondents commented on the quantity and quality of human resources in the two CSDP missions. EUBAM Rafah representatives raised their concern that most of the mission's work was carried out by short term visiting experts, which caused lack of continuity in activities, but also was time-consuming as significant number of hours was spent on induction trainings of incoming experts. There were only four long term expert staff members in EUBAM Rafah at the

⁶² Interview P32.



time of the interviews, and the mission had requested additional staff. EUBAM Rafah and EUPOL COPPS share some human resources, meaning that EUPOL COPPS provides support to EUBAM Rafah with regard to such functions as Political and Legal Advisors, Press and Public Information Office, human rights and gender expertise and IT support. An example on sharing resources is a EUBAM Rafah-organised human rights and gender training to the Palestinian border service officers, for which the training model prepared by EUPOL COPPS was used. Sharing IT support was considered problematic due to geographical distance between the offices - EUBAM Rafah office is in Tel Aviv and EUPOL COPPS office in Ramallah in the West Bank - as this caused long delays in receiving assistance to solve problems.⁶³

EUPOL COPPS seems, at least according to some respondents, to suffer from opposite problem from EUBAM Rafah when it comes to the quantity of human resources. Nobody was of the opinion that EUPOL COPPS would need more human resources. Several respondents in fact suggested changes to the current structure of EUPOL COPPS that would enable the mission to cut down the number of international staff members. According to a suggested model, the mission should have a small core team of long-term experts at place who would be in charge of maintaining and developing relations with counterparts and other aid agencies in the OPTs. These long-term experts would stay in the mission for several years. Short-term experts would be brought in as needed to provide training and expertise for a few weeks or for a couple of months. The work of EUPOL COPPS in such a model would need to be very closely linked with the EU Representative Office, and would generally become closer to developmental work. Such a model would be more cost-effective than the current one that is based on having a higher number of long-term international experts and a few short term visiting experts. Another, similar model would be to have a small team of long term contracted experts in combination with seconded experts. A common argument against such a model is that the EU Member States prefer to have seconded experts that are directly funded by the Member States rather than providing funds for the EU common budget that covers the costs of contracted experts.⁶⁴

Other remarks related to the EU-internal effectiveness concerned a recent change in EUPOL COPPS organisational structure that had moved human rights and gender advisors from the Rule of Law Section to the Planning and Evaluation Department. The change was too recent to assess its impact on the mission work on crosscutting issues of human rights and gender. Some expected the change to have little effect on the work that remains to be mainstreaming human rights and

⁶³ Interview P26.

⁶⁴ Interviews P2, P5, P10, P23, P24, P26, P32 and P33.



gender to all mission activities, and perceived that as a part of the PED the advisors might have better access to all mission work in comparison to previous position within one operational section. But others pointed out that human rights and gender advisors now had less access to operational funds of the mission and thus had fewer opportunities to develop activities such as trainings to the counterparts. They were also the last in line to comment on project/activity proposals and due to this had less influence on them. The question on where the advisors working on crosscutting themes are positioned in a CSDP mission organogram is neither new nor unique to EUPOL COPPS. The place in the organogram affects the advisors' opportunities to take part in decision-making processes and through this influences the CSDP mission's capacity to work in these areas. A respondent pointed out that human rights and gender advisors should be directly connected to the Head of Mission like political advisor and legal advisor are. Similarly, some respondents in Brussels brought up that position of human rights and gender experts in the mission organisation was crucial to their possibilities to mainstream human rights and gender in all activities and that more work was needed in this field in the future.⁶⁵

In terms of number of two human rights advisors and one gender expert there were no complaints in EUPOL COPPS. More generally, EUPOL COPPS was perceived to be a mission that could offer good quality experts to the Palestinian statebuilding efforts. Mission members, Palestinian counterparts and international partners alike repeated this view. Some even said that while the US had more money the EU provided better expertise. After 2009 when the USSC and INL started to get involved in civilian security sector and justice sector reforms the US has also provided funding to some projects implemented by EUPOL COPPS experts. EUPOL COPPS leadership representative said that the mission ensured that the staff members performed well, and that those who did not meet the standards were sent home without delay (see more on the quality of experts in the section on 'Competences').

Some concerns over EUPOL COPPS resources were related to its budget funds and public image. The mission offices are currently located in two separate buildings in Ramallah that according to some were run down and gave a bad image about the mission to visitors. The mission had applied for funding for a new headquarters some years ago, but the proposal had been turned down. EUPOL COPPS also has very limited budget funds to visibility activities, which may explain why some local civil society representative had only little information on what the mission was working on, mainly from the mission website. The mission also has no funds to order outside polls to

⁶⁵ Interviews P5-P7 and P31-33.



assess its performance. On the other hand, the international partners of EUPOL COPPS interviewed for this study expressed their satisfaction on how particularly the mission leadership was sharing information to them and supportive to coordination and cooperation efforts.⁶⁶

2.2.3. EU-EXTERNAL FACTORS AFFECTING OPERATIONAL EFFECTIVENESS

The EU-external factors that affect the operational effectiveness of EUPOL COPPS and EUBAM Rafah include security situation, political developments, as well as coordination and cooperation with other international and local stakeholders. This section will focus on the politico-security context of the missions, while the section on 'interoperability' below will discuss the last point.

Since autumn 2015 there has been an increase of security incidents in the occupied Palestinian territories and in Israel. Crisis Group⁶⁷ reported some 300 incidents during October 2015-April 2016 that left almost 200 Palestinians and some 30 Israelis dead. The numbers have continued to grow since that time. Most incidents consisted of Palestinians armed with knives or improvised live arms attacking Israeli security forces or civilians, with a consequence of attackers being killed by the Israeli security forces. The EU missions' security assessment holds that as the attacks are not directly targeting the EU mission members or international community, they do not form a serious security risk to international experts working in the missions. There are limitations for EUPOL COPPS mission members to visit the cities of Nablus and Hebron in the West Bank, and to the Gaza Strip. EUBAM Rafah visits the mission's office in Gaza on a monthly basis, but no international staff members are working in Gaza.

Related to security situation is also the requirement that all EUPOL COPPS international staff members reside in Israeli-controlled Jerusalem rather than in Ramallah where the mission office is located. EUPOL COPPS staff can only work in the West Bank during daylight hours, unless they acquire a special permit from the mission security office to for example attend an evening event. Due to these limitations EUPOL COPPS staff travels daily from Jerusalem to Ramallah and back, spending up to two hours to commuting every day. Occasionally, if Israeli security forces close down crossing points or establish 'flying checkpoints' on the Ramallah-Jerusalem road the commuting time may be longer. Most mission members found daily commuting and arranging shared transportation tiresome, as it on the one hand lengthens the working day and on the other hand sets strict limits to working time in the office and to times when one can meet with Palestinian

⁶⁶ Interviews P4, P8, P9, P20 and P23.

⁶⁷ <http://www.crisisgroup.org/en/publication-type/crisiswatch/crisiswatch-database.aspx?CountryIDs=%7bA22BA765-9955-42C0-BF38-872912FC338D%7d#results>, accessed on 28 June 2016.



counterparts and other stakeholders in the West Bank. At the same time, having office in Ramallah rather than in East Jerusalem where many other international agencies as well as EUREP office are located, provides EUPOL COPPS better access to the PA representatives. Many felt that they could work more efficiently if they were allowed to reside in Ramallah that was perceived to be a safer city than Jerusalem. They also understood, however, that residing in Jerusalem offered better access to the international airport in the case the security situation suddenly deteriorates and the mission needs to evacuate.

The standstill in the Palestinian-Israeli peace process as well as political developments in the OPTs and Israel influences the work of EU CSDP missions and EU actions more widely. During its first eighteen months EUPOL COPPS's work was hindered due to unclear status of the Palestinian Authority in the aftermath of Hamas electoral victory, and also due to Israel's unwillingness to accredit the mission members. It was in mid-2007 when Salam Fayyad became the Prime Minister of the PA that the EUPOL COPPS status was clarified and the mission could start working effectively. However, its area of operations has since that time been only limited to the West Bank, though initially the mission was to have an office also in Gaza. Today, EUPOL COPPS international staff members have diplomatic status and are allowed to move freely to/from the West Bank. EUPOL COPPS's work with its focus on a higher, strategical level does not require the mission members to travel frequently to the West Bank districts where they would be more likely to encounter Israeli security forces checkpoints. But Israeli actions nevertheless have negative impact on the effectiveness of EUPOL COPPS's work by restricting the mobility of the mission's Palestinian counterparts and beneficiaries of their activities. Israel controls the movement of Palestinians also inside the West Bank, limiting the possibilities of the PA police officers and judges to participate in meetings or carry out their duties in for example criminal investigations. It was particularly the Palestinian respondents who highlighted the impact of such restrictions on the daily life in the West Bank, and stressed that the EU actors should more seriously consider how the Israeli occupation affects the Palestinian security and justice agencies they are supporting.⁶⁸

The situation has been more severe to EUBAM Rafah, the access of which to the Rafah crossing point in Gaza was controlled and often restricted by Israeli security forces even during the short period of time in 2005-2006 that the mission could actively work there. As has been discussed in the IECEU desk review on the occupied Palestinian territories and above, since Hamas takeover in 2007 EUBAM Rafah's work in the Gaza Strip has not been possible, and the mission's possibilities

⁶⁸ Interviews P11 and P14.



to effectively implement its mandated tasks have been seriously narrowed.⁶⁹ Interviews with EU officials in Brussels and representatives of some EU Member States also indicated that Israel has much influence on the EU's decision-making over the mandate of EUBAM Rafah: the mission cannot be closed down as it is unlikely that Israel would be cooperative if the EU would in the future want to launch another CSDP mission in the region, but Israel is also using its political power position and lobbying to discourage the EU from expanding EUBAM Rafah's mandated tasks or merging the mission with EUPOL COPPS.⁷⁰

International experts working for CSDP missions in the OPTs interviewed for this study brought more frequently up challenges they encountered from the PA than from Israel, which is understandable as most mission members would not have direct contact with Israeli security forces or state representatives. Israeli actors' impact on the work of EU CSDP missions takes place at a higher, political level, while the Palestinian impact is more concretely related to the day-to-day work of the mission. Many EUPOL COPPS and EUBAM Rafah respondents stressed that in comparison to their previous experiences in working with conflict parties, their Palestinian counterparts were highly educated, professional and motivated. They did, nevertheless, pinpoint organisational and political matters that made working with the PA more difficult. The PCP organisation was perceived to be overtly hierarchical, due to which all decision-making takes place at the highest level. Even the EUPOL COPPS meetings with their PCP counterparts have to be requested well beforehand, as the list of proposed meetings of PCP officers with EUPOL COPPS is scrutinised and accepted on a weekly basis by the Chief of Police. Some EU experts also pointed out that frequently changing personnel in the PCP also formed a challenge for their work of 'advising and mentoring.'⁷¹

Some other issues related to local culture and attitudes were mentioned as challenges to work with the PA. A couple of EUPOL COPPS respondents stressed that it was important to understand that for the reasons of being polite a PA official may not say 'no' to a proposal of international expert even if he would reject the presented idea or knew that the plan would not be carried out. Part of understanding local culture was to accept that 'yes' can also be 'no' and not to get frustrated when projects did not proceed swiftly. A respondent told a story showing that initial disinterest by a Palestinian counterpart may not mean failure: his initial suggestion on how to develop a particular PCP unit was first turned down by the Head of unit, but some six months later the very same

⁶⁹ Avonius, 2016.

⁷⁰ Interviews P30, P32-P34.

⁷¹ Interviews P1-P3, P5 and P26.



person came up with the very same suggestion, but presented it as his own idea. The respondent then happily praised the excellent idea presented and the changes to the unit were introduced. The story illustrates the point brought up by some other respondents that the PA higher officials were not keen on receiving 'mentoring' from international experts. In fact, some said that the only EUPOL COPPS staff member who could do mentoring in the PCP was a rare expert who had served in the mission already for eight years and developed very close working relationship with the PCP personnel.⁷²

Political struggles within the Palestinian Authority and between Hamas and Fatah form constraints to the work of EUPOL COPPS and EUBAM Rafah. Competing justice sector institutions as well as reluctance to pursue reforms by the PA were mentioned as challenges to EUPOL COPPS's work. Lack of functioning PLC formed an obvious challenge to the mission's work on supporting legislative processes, and EUPOL COPPS had to develop a model how best support the current 'law-by-decree' system by improving legislative drafting processes. A EUPOL COPPS respondent assessed that the PA had become more reform-oriented and eager to cooperate since the aid to the OPTs had decreased. Other international organisations also brought up that the PA was much dependent on international assistance, and reminded that any support and development plans should be made according to what the PA counterparts were able to achieve rather than outsiders dictating the pace of reforms. A number of respondents among the EU and other international aid agencies and Palestinian civil society, however, suggested that the EU should in fact condition its assistance to the PA to reforms.⁷³

The impact of intra-Palestinian conflict to the effectiveness of EU's aid efforts is obvious. Since the electoral victory of Hamas in 2006 the EU made a decision to have no-contact policy with Hamas that it had enlisted as terrorist organisation since the early 2000s. Due to the no-contact policy, EUBAM Rafah staff members cannot meet or talk with Hamas officials during their visits to Gaza. For EUPOL COPPS, Gaza is an out-of-bounds area. Opinions over the EU's policy on Hamas varied. Some said that the EU would have no strong reason to revise its policy unless Hamas changed. Others stated that the EU had made a mistake when deciding not to have any contact with Hamas. There was general agreement that no funds could be allocated to a terrorist organisation, but cutting off all contact was seen only to prevent any possibility to push for changes through dialogue. The EU's current policy was seen to support Israel's political interest to keep Gaza and the West Bank divided. At the same time, as some interviewees pointed out, the EU had

⁷² Interviews P1, P5.

⁷³ Interviews P1, P2, P10, P18, P22 and P24.



made itself too bound with the Palestinian President Abbas who is reluctant to open up any intra-Palestinian reconciliation and whose personal interests for maintaining his political power position overruns the Palestinian national interests.⁷⁴

2.3 TECHNOLOGIES

While the two CSDP missions under study appeared to have no problems with technological hardware - sufficient equipment in terms of quantity and quality was available - respondents brought up serious insufficiencies related to software. A major problem to mission members and to the Mission Support in particular is that EU CSDP lacks an integrated management system that would be readily available to all CSDP missions. Currently, all missions and operations have to develop their own management systems, which is a problem particularly for larger size missions. EUPOL COPPS has developed its own human resources and logistics management system that at first served the mission's needs well. However, in recent years EUPOL COPPS has had difficulties in recruiting a software developer who would update the system and further develop it. An original plan was also to include procurement and finances in the same management system. It was brought up in the interviews that the current system, now failing due to lack of maintenance, was becoming a burden to the mission. There has been also an effort to use the EUPOL COPPS management system as a base for developing a CSDP-wide integrated management system, but despite several years of process there has been no remarkable progress. EUPOL COPPS staff members perceived that the interest and effort to find a solution or develop a CSDP-wide system was lacking in the CPCC in Brussels. There was a similar problem with the EUPOL COPPS reporting system: the mission had developed its own system for reporting and archiving information in order to create a 'living archive' for the mission, but the system was not functioning properly. There is an effort in the CPCC to establish a CSDP-wide information system that would collect reports from all missions and operations into one system and thus from a living archive for the whole CSDP, but it was not yet known when such system would be ready.⁷⁵

Integrated management systems would obviously be most necessary and beneficial to mission support units. They would make it easier to follow up that CSDP missions are accountable and also more comparable with each other. But also other activities that are present at all CSDP missions and operations such as training activities, press and public information services, or human rights and gender mainstreaming could benefit of a possibility to have a shared database. It

⁷⁴ Interviews P26, P29, P30 and P34.

⁷⁵ Interviews P2, P23, P26, P28 and P31.



would, for example, be timesaving to learn what type of trainings other missions have used for internal induction trainings, or for capacity-building trainings to the counterparts. These could then be adjusted to the local context. Currently there are some efforts to share information across CSDP missions through mailing lists. PPIOs and Human Rights and Gender experts have annual meetings to exchange information and experiences, and discuss best practices. Most commonly, it seems, information is shared and advice sought through informal networks of former colleagues who now worked in other CSDP missions. It was also suggested that CSDP leadership was not encouraging formation of formal sectoral networks across the missions as these were claimed to form a risk to the chain of command of CSDP system.

2.4 COMPETENCIES

Questions on the competencies of EU CSDP mission experts triggered comments on recruitment process, required skills sets, and ideas about training needs. In general, EUPOL COPPS does not seem to have many problems in recruiting knowledgeable and skilled staff. This concerned both locally recruited staff and international experts. EUPOL COPPS had experienced some problems recruiting senior experts for rule of law positions, and had failed to recruit a software developer. EUPOL COPPS was perceived to be an attractive CSDP mission due to its unique location in the Middle East, and its vacancy notices always prompted many applications. Those involved in recruitment processes stressed that the current use of phone interviews even for high CSDP positions needed to be changed as it was difficult to make a proper assessment of the candidates by phone; they recommended that skype would be used to interview all candidates, and that for high level positions the interviews would be organised in person in Brussels. For EUBAM Rafah, a recruitment dilemma was that the mission had to rely on mainly visiting experts that only stay for a couple of months, due to which recruitment and induction training took much of the mission's human resources. Both EUPOL COPPS and EUBAM Rafah respondents brought up that a challenge for the missions to attract best candidates was the per diem that was too low to cover the living costs in cities of Jerusalem and Tel Aviv where living costs are equivalent to Western Europe.⁷⁶ Low salaries for the contracted international staff members of EUPOL COPPS were also a concern, as there was a risk that the most qualified individuals would be recruited to other international organisations in the region that offer better salaries.

⁷⁶ Interviews P2 and P26. The EU increased the per diem rate for this region in 2016.



Areas where respondents perceived to be a need for enhanced knowledge and skills among the EU CSDP international experts included developmental work, project-based work, human rights and gender, and local knowledge. EUPOL COPPS's transformed mandated tasks towards supporting the PA's institutional development and providing strategic advice have brought the mission activities closer to what developmental organisations usually do. Currently the seconded experts to the mission mostly have professional background in police or prosecution, and only a few have worked for development-type work or have experience in developing their own organisation. Understanding how international agencies can support statebuilding processes and how to deal with the challenges for institution-building in volatile political and security environment require special skills and knowledge that have not been necessary in conventional CSDP mission-type of work in SSR. Adopting project management tools such as MIP planning and evaluation tool for CSDP mission work also requires new type of skills sets from seconded experts and EEAS officials in Brussels.⁷⁷

Some interviewed mission members and many representatives of Palestinian civil society assessed that EUPOL COPPS international experts had insufficient knowledge on human rights and gender in the Palestinian context, and/or that their understanding of Palestinian culture and society as well as of the dynamics of the conflict needs to be improved. EUPOL COPPS has started to organise in-house human rights and gender trainings to all mission staff members in 2015; training time allocated for each topic is two hours, which means that only basics of human rights and gender mainstreaming can be covered. At the same time the mission leadership considers that organising in-house trainings is too time-consuming and takes time away from the actual work. The experts on these two topics both in the missions and in Brussels felt that more work needed to be done to overcome sometimes negative attitudes towards human rights and gender mainstreaming among mission members and CSDP leadership. This was considered important also because negative attitudes towards human rights and particularly gender issues prevail amongst the PA counterparts that are the main beneficiaries of the mission's work in the OPTs.⁷⁸

Respondents also brought up that it appeared to them as if EUPOL COPPS lacked information and knowledge on what happens in the OPTs. It was said that EUPOL COPPS seemed to pay no attention to human rights violations committed by the PA security forces, to the use of excessive force by police against peaceful demonstrators during teachers' strike, or that EUPOL COPPS was

⁷⁷ Interviews P2, P5-P7, P10, P23, P28 and P31.

⁷⁸ Interviews P2, P6, P7, P12-P15, P19, P31 and P32.



not aware of the needs of district police stations and the difficulties police and judges encounter due to Israeli occupation. The EU's push for parliamentary elections back in 2006 and later rejection of election results was also brought up as an example how poorly the EU actors understand the Palestinian context. Under the situation of occupation the Palestinian police forces could not be expected to have exactly the same functions as the police in a sovereign state. EUPOL COPPS anti-corruption experts were also said not to properly understand how the Israeli control of East Jerusalem and parts of the West Bank provides an environment conducive for corrupt practices. At the same time, some Palestinian respondents mentioned individual EUPOL COPPS experts they had met or worked with over the years as good examples of international experts who took time and effort to learn to understand local context and how to work in it. And these critical remarks must also be seen in the context that the same respondents assessed EUPOL COPPS's achievements in supporting the Palestinian Civil Police positively, and considered the EU as the most important donor.⁷⁹

While the scope of this research does not allow assessing the level of local knowledge among EUPOL COPPS international experts, the perceptions on lacking local knowledge should be taken seriously as they have an impact on the mission's public image as an expert organisation. There were some suggestions how to ensure that mission members would have sufficient knowledge and understanding of local conflict context and society. One suggestion was to lengthen the rotation cycle that has already been discussed in the sections above. Another suggestion was to include such information to pre-departure trainings. This is, however, difficult as EU Member States are responsible for organising pre-departure trainings to their own seconded experts, and due to this the contents and level of these trainings varies greatly. A third suggestion was that EUPOL COPPS would cooperate more with Palestinian stakeholders that are not from the security or justice sector but work on issues related to SSR and JSR. Such cooperation would widen up international experts knowledge on local society and also provide them with information and views on security and justice sectors that may differ from those presented by the mission counterparts.

2.5 INTEROPERABILITY

This section discusses how EU CSDP missions in the OPTs cooperate and coordinate with local stakeholders and other international actors in the fields of SSR and JSR. EU-internal cooperation and coordination efforts are examined in the following section on 'comprehensiveness.'

⁷⁹ Interviews P11-P15, P18 and P19.



2.5.1. COOPERATION AND COORDINATION WITH INTERNATIONALS

Ever since the Oslo Peace Accords in the 1990s there has been an aid coordination system at place in the OPTs under a name Ad Hoc Liaison Committee (AHLC). The AHLC is chaired by Norway. Under the committee functions the Local Development Forum (LDF) that is co-chaired by the Palestinian Ministry of Planning and Administration Development, Norway, UNSCO and the World Bank. The LDF's work is divided into four strategy groups, one of which, Governance Strategy Group, includes working groups on justice and security. Aid coordination system is much needed as for example in the justice sector there are around fifty active donors and implementing agencies. EUPOL COPPS has a Technical Advisor role in both two working groups.⁸⁰ Furthermore, the respondents mentioned various coordination groups that had been formed to discuss particular topics such as prison coordination meeting that include relevant PA ministries and agencies and the international donors and aid organisations working in the field. EUBAM Rafah leadership also participates in relevant coordination meetings, and during their monthly visits to Gaza meets other international working there. According to EUPOL COPPS the coordination works well, and information on plans and ongoing projects is regularly shared amongst the closest partners such as the UN, the US and the other EU actors. The LDF working groups also include the relevant PA actors, and according to the EUPOL COPPS leadership the quality of working group meetings has clearly improved in recent years and there are now good and serious debates in the meetings. Other internationals interviewed for this research, representing the UN agencies and the USSC/INL also assessed that existing coordination system functioned quite well.⁸¹

Positive views on coordination and cooperation efforts do not mean that there would be no challenges or problems in how various donors and aid agencies work together. The point of having coordination system at place is to identify problems and potential overlaps and try to develop solutions to them. Many respondents pointed out that successfulness of coordination efforts was much dependent on personalities, and that a change in key personnel in the agencies may affect inter-agency coordination negatively or positively. A respondent from an international organization pointed out that one problem to effective coordination was that people did not always understand properly the mandates and roles of various agencies; for example, the role of EUPOL COPPS experts as advisers to the PA counterparts means that their role is to point out existing gaps and advise how the PA could best benefit from donor assistance, and this puts them into a very

⁸⁰ Avonius, 2016. For a detailed description of the aid coordination system, see Bouris, 2014.

⁸¹ Interviews P2, P5, P10, P22, P24 and P26.



different position from an international aid worker whose key role is to ensure effective implementation of the program. Understanding different mandates properly helps to manage expectations of what different organisations can do and what their mandate limitations are.⁸²

Key challenges in international assistance to the OPTs were seen to be overlapping aid efforts and fragmentation of assistance. Building community police stations, first introduced in the 2008 Berlin conference, was brought up as an example of the first challenge. Funding for building community police stations in the West Bank has come from the EU, its individual Member States Germany and the Netherlands, and from the US, and it was stated that there was little coordination among the donors, or between EUREP and EUPOL COPPS that also has community policing experts on the matter. Nowadays EUPOL COPPS arranges donor meetings on community policing, indicating that the situation has improved lately. A EU Member State representative involved in coordination meetings assessed that particularly smaller donors often work independently and there is a tendency that the aid projects the donors provide to the PA depend more on what their home countries can offer than on the needs of Palestinians. A PCP representative brought up the risk of fragmented approach in institution-building as various donors and aid agencies provided smaller assistance projects to the PCP. Such fragmented approach offered bits and pieces of advice and tools that did not necessarily fit together. He illustrated fragmented aid efforts by asking whether a car that has been built from parts that all come from different producers would function at all? Both the PA and international agencies, including EUPOL COPPS that has aid coordination in its mandated tasks, have tried to enhance coordination efforts. Recently, the Palestinian Ministry of Interior and the Ministry of Justice have produced lists of what assistance is needed and discussed these with international donors and aid agencies. EUPOL COPPS's work in identifying gaps and organizing coordination meetings on certain topics such as community policing and prisons were mentioned as good initiatives to improve interoperability.⁸³

Some significant achievements of EUPOL COPPS have resulted from its cooperation projects with other international agencies. For example, developing a Code of Conduct for the PCP was one of the activities of EUPOL COPPS joint program with UNDP in 2012-2014. An independent evaluation report on the joint program characterized it as an interesting example how a UN development organization and an EU technical advisory mission can cooperate and bring together their respective strengths. EUPOL COPPS contribution to the program was perceived to be its

⁸² Interview P22.

⁸³ Interviews P8, P11, P17, P24 and P27.



technical expertise on security sector and its close contacts with the PCP and the Palestinian Anti-Corruption Commission (PACC). The UNDP was in charge of program management, donor contacts, and effective implementation of activities. As a challenge for the cooperation the evaluation report raises EUPOL COPPS's frequently rotating experts. From the UNDP side slowness in recruiting key personnel was mentioned as a challenge. The report also raised a concern that after the program there was a risk that the two agencies were developing further activities that could be competing with each other in the future. But as UNDP and EUPOL COPPS have a Memorandum of Understanding highlighting the areas of cooperation, and both organisations perceive each other as main partners in the OPTs the risk does not seem to be very high.⁸⁴

⁸⁴ For joint program evaluation see, UNDP/EUPOL COPPS Joint Programme: Strengthening Police Accountability, Anti-Corruption and Civilian Oversight, independent evaluation report. <https://erc.undp.org/evaluation/evaluations/detail/7143>, accessed on 1 July 2016.



2.5.2. COOPERATION AND COORDINATION WITH PALESTINIANS AND ISREAL

Obviously the closest cooperation and coordination activities of EUPOL COPPS and EUBAM Rafah take place with their PA counterparts. For EUBAM Rafah the Palestinian counterpart is the General Administration of Borders and Crossings, a PA agency that has staff from several PCP units. For EUPOL COPPS in the security sector the PA counterpart is Palestinian Civil Police, while in the justice sector there are five Palestinian counterparts: High Judicial Council, Ministry of Justice, Attorney General's Office, the Palestinian Bar Association and the Palestinian Anti-Corruption Commission. Working relations are generally said to be good and meetings taking place regularly, even though the centralised and hierarchical system of arranging meetings with the PCP is seen burdensome by many EUPOL COPPS staff members. A EUPOL COPPS respondent assessed that since the aid funding to the OPTs has been cut down the PA has become more cooperative and willing to coordinate aid efforts rather than taking advantage of donor competition. In the justice sector, where Palestinian inter-agency rivalry has been a major challenge for international aid efforts in the past, the situation was seen to have improved in recent years. Nevertheless, a major obstacle for efforts to support building justice and security sectors remains to be the non-functioning PLC and, related to that, lack of civilian oversight. But like EUPOL COPPS and EUBAM Rafah representatives said, as technical advisors they cannot do anything to fix the existing political problems in the Palestinian state and society.

Day-to-day cooperation with Palestinian counterparts requires local knowledge and intercultural skills that have already been discussed above in the section on 'competencies.' Though lack of cultural understanding may lead to situations that a foreign expert unintentionally insults the local counterpart this should not be an excuse for not raising critical remarks on issues that need improvement. The PA counterpart respondents were in fact calling for EU mission experts to be more critical in their advice; they did not want them 'just to clap their hands whatever we do.' At the same time, it was also underlined that EU experts should not think that Palestinians are mere recipients of aid, but also consider what Europeans can learn from Palestinians and from the region. The EU is the biggest donor, but in individual cases the models or systems they offer to the PA are competing with those presented by others, and the Palestinians are selecting the ones that are best suitable for their local context and purposes. These remarks are a reminder that international assistance must be based on partnership rather than hierarchical aid provider - aid recipient relationships.⁸⁵

⁸⁵ Interviews P4, P8 and P21.



Little information was received during interviews on how the CSDP missions develop and maintain contact with Palestinian stakeholders other than their PA counterparts. EU CSDP missions in the OPTs have limited contact with Palestinian or Israeli civil society organisations. EUBAM Rafah has no contact with the civil society. EUPOL COPPS has in the past had some collaboration with civil society organisations, for example in providing human rights training to the PCP. Individual experts may have developed contacts and cooperation with some CSOs, but these were not sustained after the expert left the mission.⁸⁶ But civil society organisations interviewed for this research all stated that the contacts were now either non-existing or that they were ad hoc rather than regular meetings. Not even those CSOs that received funding from the EU instruments such as EU Peacebuilding Initiative or European Instrument for Democracy and Human Rights had contact with the EU CSDP missions. The CSO respondents stated that they wanted to cooperate more with EUPOL COPPS, as many CSOs worked in the fields of security and justice sector. In EUPOL COPPS cooperation with the civil society was perceived to be difficult as there already were too many meetings and seminars. But it remained unclear whether there had been any effort to organise regular meetings with those CSOs that work on justice and security sector reforms, or an effort to map out such organisations. A consequence of no-contact with CSOs is that the civil society representatives perceive the EU missions to have minimal level of activities, not much impact on how the PA develops, and little interest in what was happening in the wider Palestinian society. In other words, there were missed opportunities to raise visibility of EU aid efforts.

EU missions appear to have some contact with Israeli security agencies, particularly through organising joint Palestinian-Israeli workshops on politically 'non-sensitive' issues such as the work of traffic police. These are confidence-building efforts aiming to develop communication and cooperation between Israel and the PA, but often organised without any publicity as both Palestinian and Israeli public can be very critical of any form of cooperation. Sometimes the Palestinian counterparts have also turned down suggested coordination with Israel, like happened for example when EUPOL COPPS suggested Palestinian and Israeli prosecutors to meet. According to the Palestinian Attorney General's Office they "cannot work with an institution that sends children to prison, upholds impunity and is in fact a military rather than civil prosecutor by nature."⁸⁷

2.6 EU COMPREHENSIVENESS

⁸⁶ Similar observation has also been made in two previous assessments on EUPOL COPPS. Palm 2010, and Sundin & Olsson 2013.

⁸⁷ Interview P4.



The EU's comprehensive approach to external conflict and crises has been under discussion for several years, and views on what comprehensive approach should mean vary from integration of various EU instruments to enhanced cooperation and coordination efforts amongst them. Comprehensiveness refers to not only joined-up deployment of various EU instruments and resources, but also shared responsibility of the EU level actors and EU Member States.⁸⁸ There are several EU actors working on the Israeli-Palestinian conflict: EUPOL COPPS and EUBAM Rafah represent EU's Common Security and Defence Policy operations, there are two EU political representative offices (The Office of the European Union Representative West Bank and Gaza Strip, UNRWA (EUREP) currently located in East Jerusalem, and EU Delegation to Israel located in Tel Aviv), in addition to which there is also the EU Special Representative Office that is the EU's diplomatic representation to the Middle East Peace Process. EUPOL COPPS works within the fields of security and justice sector reforms in the OPTs (in West Bank), and EUBAM Rafah on border services of the PA. EUREP and EU Delegation to Israel manage a number of European Commission programs, including Instrument for Stability and Peace, Arab Security Sector, European Peacebuilding Initiative and European Instrument for Democratization and Human Rights. Additionally, several EU Member States have their own representative offices in both Israel and the occupied Palestinian territories that fund various aid and development projects.

With regard to political decisions the EU Member States are not united over the Palestinian-Israeli conflict, which causes problems in finding a shared approach to use political and economic tools in any joint action on the Israeli occupation. Israel is also strongly lobbying for example some Eastern European countries to maintain the status quo and strengthen divisions. Some Western European countries like the UK and the Netherlands have strong and long bilateral relations with Israel and the Palestinian territories. France has advanced peace talks initiatives quite independently from the EU, though later on receiving support from other Member States to its actions. Another example of an independent action by an EU state is Sweden's recognition of the State of Palestine in 2014. Some Palestinian interviewees pointed out the weaknesses of fragmented European response and hoped for a more unified EU action. There have also been difficulties in the coordination of the EU and its Member States' programs and activities in the field that have led to for example some Member States initiating programs that overlap with the EU assistance programs. A part of the EU's comprehensive approach is EUREP's Joint Programming Initiative, coordination meetings for EU bodies and Member States that were also mentioned by some respondents to this study as a

⁸⁸ *Joint Communication to the European Parliament and the Council: the EU's Comprehensive Approach to External Conflicts and Crises*. 11 December 2013.

http://www.eeas.europa.eu/statements/docs/2013/131211_03_en.pdf. Accessed on 9 June 2016.



good way to avoid overlapping assistance efforts. Representatives of EU agencies and EU Member States had varying experiences on how well coordination and information-sharing worked: some said it was excellent and best they had ever witnessed while others had observed some EU Member States still carrying out projects without informing others about them. A representative of EU Member State also highlighted that the EUPOL COPPS Head of Mission was actively maintaining bilateral contacts with the EU Member States' Ambassadors that provided them an opportunity to discuss matters at hand in more detail than the three-monthly coordination meetings allow.⁸⁹

Cooperation and coordination between the CSDP missions and the EU representative offices takes place in several manners. There were again diverse opinions how well it works. The heads of CSDP missions and representative offices hold weekly coordination meetings that appear to be the main tool for coordination and information-sharing among the EU agencies at the field level. EUSR office was not brought up at all in these interviews; perhaps this is reflecting the situation that the Quartet and the MEPP had been quite dormant for a long time and the EUSR position had been vacant for some time prior to Fernando Gentilini taking up the duties in spring 2015.⁹⁰ There is a debate in the EU on the usefulness of EUSR instrument, as some claim that it overlaps with the diplomatic roles of Heads of EU delegations. With regard to the OPTs, however, it was pointed out by one respondent that the EU could make use of EUSR's diplomatic role much more in trying to find solution to sensitive problems in Gaza and for communicating with Hamas.⁹¹ There was also very little contact between the EU representative offices and EUBAM Rafah except for the Heads of Mission level, which is not surprising considering the small size of EUBAM Rafah.

Most remarks on EU-internal cooperation and coordination presented during the interviews were related to EUPOL COPPS and EUREP. In the field of staff security trainings - an apparent field of cooperation as both CSDP missions and EU delegation staff work in the same security environment - there have been both positive and negative experiences in the past. A positive example given is that when EUPOL COPPS has organised the quite costly HEAT training⁹² for their staff members they have also invited EU delegation staff to participate. A negative example is that when the EC developed a new EHEST training⁹³ it was exclusively offered to EU delegations

⁸⁹ Interviews P20, P27 and P28.

⁹⁰ His predecessor Andreas Reinicke's mandate was repealed by the PSC in January 2014.

⁹¹ Interviews P30 and P33.

⁹² Hostile Environment Awareness Training. Usually a one week course with lectures and exercises.

⁹³ Internet-based Hostile Environment Security Training.



even though CSDP missions could have utilised to a large extent the same training material.⁹⁴ In the sectoral work - security and justice - or with regard to cross-cutting issues of human rights and gender the coordination efforts appear to be mostly based on ad hoc arrangements amongst the staff members. Among the interviewed staff members of EUPOL COPPS, EUBAM Rafah, EUREP and EU delegation to Israel, experiences and opinions varied over the level of coordination and cooperation. Some said that they had regular contact and fluent information exchange with their counterparts in the other EU agencies. Others complained that they had little or no contact, had no access to information on what activities the other EU agencies were involved in, or had despite active efforts failed to establish contact and cooperation. A respondent confessed to have faced embarrassing situations when sitting in aid coordination meetings and not knowing the other EU representatives there. On the other hand, some others saw that very little additional value would come to their work from having contact or cooperation between CSDP missions and delegations.

It seems that when there was a perceived low level of cooperation it was seen to relate to attitudes and 'different cultures' prevailing in CSDP missions and EU delegations. EUPOL COPPS experts were sometimes considered to be arrogant, and EUREP/EU delegation experts were accused of being unwilling to share information. It must be underlined that these were not the most common perceptions amongst the respondents. Many highlighted the benefits of currently existing practices of coordination or cooperation, and brought up suggestions for the future. Interviewed EUREP representatives stressed EUPOL COPPS's valuable role as a source of expertise and information for EUREP on situation and recent developments in the West Bank, as its own office is in Israeli-controlled East Jerusalem. EUPOL COPPS had also sometimes assisted EUREP officials to arrange meetings with the PA counterparts. Press and Public Information Offices of EUPOL COPPS and EUREP also kept regular contact and organised events together, though it was suggested that enhanced cooperation could bring more visibility to the EU as a whole. The roles of EUREP and EUPOL COPPS were seen to be different - the former conducts policy and political dialogue and manages aid programs while the latter's role is more in technical implementation of assistance - and in many ways complementary to each other. But their activities can nevertheless be overlapping, as became evident in an example given by an interviewee: EUREP had prepared a planning document of a new program, and only when the planning work was almost completed found out that EUPOL COPPS had already initiated an activity that overlapped with one of the planned EUREP program activities; luckily, the planning document could still be revised and

⁹⁴ Interviews P2, P5 and P25.



duplication of activities by two EU instruments was avoided. This kind of example illustrates the necessity and benefits of regular coordination and information-sharing efforts.⁹⁵

Respondents also pinpointed some practical, structural issues that made cooperation between CSDP missions and EU delegations difficult in practice. Different cycle of planning and activities was one challenge: while EUREP manages multi-year programs EUPOL COPPS activities are tight with its one year mandate period. Due to this, EUREP officials found it very difficult to include EUPOL COPPS into their programs, the planning and contracting phases of which alone may take as long as two years. It is not possible to include an actor in a contract without reasonable certainty that it will still be there during implementation phase. The EU programs that provide funding for civil society initiatives related to peacebuilding or human rights are disconnected from EU CSDP missions. A contributing factor to this disconnect may well be that CSDP missions, including EUPOL COPPS and EUBAM Rafah, only have a few contacts and little cooperation with civil society organisations. The CSOs receiving funding through these EU programs, as has been discussed above, would be willing to cooperate with the CSDP missions, but do not have opportunities to approach them. Supporting implementation of UN Security Council Resolution 1325 on Women, Peace and Security, and work against human rights violations by security actors were brought up as areas where such cooperation could be launched. A challenge to this type of cooperation is seen to be in different understandings of security: CSDP missions still predominantly work with a conventional understanding of security while civil society - and the donors funding their activities - approaches the issues from a human security perspective.⁹⁶

Problems of coordination and cooperation between CSDP missions and EU delegations, as well as many challenges internal to CSDP, were perceived by respondents to be related to the development of CSDP as an EU instrument during the last decade, and its relation to other EU instruments. EU CSDP instrument was initially launched as EU's quick response to acute crises situations, but have in recent years started to become active in roles that are more developmental by nature. EUPOL COPPS's work in providing strategic advice in security and justice sectors in the occupied Palestinian territories is an example of such activities. Prior to the Lisbon Treaty, the EU's development work, humanitarian assistance and trade relations were handled by EC delegations that were at that time under the European Commission. The Lisbon Treaty that came into force in 2009 established the EU External Action Service in 2010 changed this setting and put the EU delegations under the EEAS. The delegations are still handling development, humanitarian aid and

⁹⁵ Interviews P9 and P17.

⁹⁶ Interviews P2, P5, P17 and P25.



trade relations that are funded by and fall under the competencies of the EC. At the same time, however, the EU delegations received more political mandates, related to the Common Foreign and Security Policy that is under the Council. Currently the EU delegations have staff from three sources: the Commission, the Council Secretariat, and diplomats from the EU Member States. On the other hand, the CSDP missions and operations are not related to the EU delegations, but directly led by EEAS structures in Brussels. Some respondents assessed that the current coordination and cooperation problems among CSDP missions and EU delegations were related to the still ongoing formation of EEAS. It was suggested that some people in Brussels who had worked for a long time for the European Commission resisted the changes that the Lisbon Treaty had introduced, and were hindering cooperation also at the field level. Others stated that CSDP missions should limit their work to immediate response - monitoring ceasefire or peace accords, providing material assistance and basic trainings - and not enter developmental work to which it had no capacity or skilled staff. In their opinion, the EU should acknowledge that EUPOL COPPS and EUBAM Rafah had completed their work in the OPTs and it was now time for other EU instruments to continue the work. Yet others suggested that the development of CSDP from quick impact tools to quasi-developmental instrument was a welcome fact, and the current mismatches such as lack of development work skills should be fixed by making better use of contracted staff.⁹⁷

Name of mission	The European Police Mission (EUPOL) Afghanistan
Focus area	Civilian crisis management, advisory mission on civil policing and the rule of law.
Established	15 June 2007
Number of personnel	223 personnel in total (July 2016), comprised of 118 internationals and 105 nationals

⁹⁷ Interviews P2, P5 and P30-P34.



Location of MHQ	Kabul
Mission budget	Euros 43.65 million (annual budget, 1 Jan to 31 Dec 2016)
Contributing states	22 EU member states (over the life of the mission) and also Canada, New Zealand and Norway
Mandated tasks	<p>1) Focus on: the institutional reform of the Ministry Of Interior (MOI) and professionalisation of the Afghan National Police (ANP).</p> <p>2) Support the development of improved interaction among the Afghanistan law enforcement community and criminal justice actors, such as police and prosecutors co-operating in criminal investigations.</p> <p>3) Across all mission activities, mainstream human rights and gender, as well as aspects related to enhancing accountability.</p> <p>During 2016 the mission will specifically contribute to:</p> <p>A) Advance the MOI's institutional capacity, including its ability to co-ordinate international support through improved long-term planning, management and leadership, policy implementation and accountability. B) Further professionalisation and efficiency of the ANP as a civilian police service. Particular attention will be given to professional standards, improved leadership, community policing, criminal investigation capacities, intelligence-led policing, sustainable recruitment and retention of female police officers, implementation of the code of conduct, management of training institutions and the fight against corruption (synopsis of EUPOL website, found at eupol-afg.eu).</p>

3 ANALYSING AFGHANISTAN: JOINT EMPHASIS

This report is based on data in and around a field visit to Kabul in June 2016. Most information is from 40 semi-structured interviews (see Appendix 1A for the questions) with current EUPOL Afghanistan mission members, representatives of international partner agencies, INGOs, NGOs, the Attorney Generals Office (AGO), MOI departments of the Afghanistan government and members of civil society. The report also uses: information from unclassified EUPOL documents; interviews with former mission members; people who worked on US police-building programmes;



EU officials in Brussels and a member state; leading academics in this area; IECEU Afghanistan Review)⁹⁸; and some of the most recent extant literature. The aim is to examine the effectiveness of EUPOL in its entirety, from policy decisions at the political and strategic level in Brussels to the practical implementation in Afghanistan.

3.1 PLANNING CAPACITY (PC)

The Afghanistan Review (Edward M Kennedy Institute, 2016, p. 19) showed the EU's Political and Security Committee (PSC) deployed a fact-finding mission to Afghanistan in 2006 in pursuit of the EU's Common Foreign and Security Policy (CFSP) and Common Security Defence Policy (CSDP). According to Article 5 of Council Joint Action 2007/369/CFSP (30 May 2007) that established EUPOL Afghanistan: "A fact-finding mission was sent to Afghanistan between 27 November and 14 December 2006."

After 9/11 and US-led interventions in Afghanistan (2001) and Iraq (2003), EU foreign policy in broad terms (as with the wider international community) was to help stabilise nations suffering internal wars. Such conflicts have been characterised by the destabilising affect they have had in their region, triggering a refugee crisis and, spreading extreme Islamist ideology and terrorism. They have also had severe geo-political ramifications. A fact-finding team from the PSC arrived in Afghanistan five years after an international effort had started. This international effort had been dominated by the US and included EU member states like the UK, Germany, Denmark and the Netherlands. From 2010, representatives from the European External Action Service (EEAS) based in Brussels chaired the PSC.

The PSC role: "Monitors the international situation; recommends strategic approaches and policy options to the council; provides guidance to the Military Committee, the Politico-Military Group and the Committee for Civilian Aspects of Crisis Management; and ensures political control and strategic direction of crisis management operations"⁹⁹.

Council Joint Action 2007/369/CFSP shows the PSC fact-finding mission caused the Council to approve the "Crisis Management Concept (CMC)." Promoting civilian policing practices would be the basis of reforming the police in line with international standards and respect for human rights.

⁹⁸ IECEU –project. D4.3 Afghanistan Review.

⁹⁹ www.consillium.europa.eu



Title V, articles 11 to 28 of the Treaty on the European Union (TEU) contained the legal basis for the CFSP from 2010 onward¹⁰⁰. Along with Council Joint Action 2007/369/CFSP, these were the main legal and political instruments behind EU policy that guided the Council and member states in planning the mission. Subsequent Council Decisions and Council Actions would shape the mission and keep strategic control in political institutions in Brussels. The EU's decision to intervene was endorsed by the UN (Council Joint Action 2007/369/CFSP).

Council Joint Action 2007/369/CFSP states the number of personnel should be “consistent with the objectives set out” in Articles 3 and 4. The Afghanistan Review: Desk Study (Edward M Kennedy Institute, 2016, p. 19) showed the number of international staff assessed as meeting the ‘consistent’ description was 400. Staff numbers peaked at 341 in 2012 (see Table 1A). The same Joint Action under Article 5 shows that, some mission members “will be deployed to improve strategic coordination in police reform,” citing the International Police Co-ordination Board (IPCB) as a suitable body. This supported the CMC's ‘comprehensive’ aspect of “cooperation and coordination with all relevant actors” (Mustonen, 2015, p. 15). In Article 13, Council Joint Action 2007/369/CFSP also authorised EUR 43.6 million for the first 18-months (Chart 3A).

On reflection, the IPCB had little impact, co-operation and co-ordination in police reform was limited, and EUPOL's budget was too small in relative terms¹⁰¹. What was planned for and what materialised were not the same.

A brief study of wars like Afghanistan's shows they are protracted affairs, measured in decades rather than years. One did not need the experiences and hindsight of EUPOL to see this. Yet, Council Joint Action 2007/369/CFSP raised a three-year time frame, reviewed every six months. The EU was not in Afghanistan for the long haul. This was palpable with Afghans interviewed. Almost every interviewee criticised a rolling three-year strategy. The viewpoint of a senior mission member with lengthy experience of Afghanistan is representative of this sentiment. He states: “A rule of law mission, which is what a police mission really is, takes a long time, 20-30 years. The political construction is wrong, too short-term. You cannot hope to achieve anything worthwhile in three years. The EU Council needs to re-think this. A short-term mindset meant we never achieved long-term goals. We did not think strategically.”¹⁰²

¹⁰⁰ TEU amended the Maastricht Treaty 1993

¹⁰¹ IECEU –project. D4.3 Afghanistan Review. p. 18-21.

¹⁰² Interview A23.



Section 11 of Council Joint Action 2007/369/CFSP illustrates the EU was not oblivious to the physical risks in Afghanistan and was conscious the security situation could deteriorate. In dealing with force protection and other vital elements, Council Joint Action 2007/369/CFSP under Article 5 reads: “Technical arrangements will be sought with ISAF and Regional Command/PRT Lead Nations for information exchange, medical, security and logistical support.” But, because the mission had opted for CMC, it could not avail of ISAF/NATO force protection the same as established police-building programmes. Compounding matters, Turkey, as a NATO member, politically, was highly unlikely to approve its troops in a NATO mission helping the EU, due to Turkey’s longstanding ‘Cyprus issue’ with Greece (an EU member state).

At the time of the PSC visit the Taliban had regrouped and Afghanistan was back at war. Force protection would therefore be crucial, particularly in the more hostile areas. The EU, however, was unable to broker solid agreements with ISAF/NATO on force protection. Neither did the rest of the ‘technical arrangements’ in Article 5 of Council Joint Action 2007/369/CFSP materialise as planned. Concerned about this, the UK complained about “the lack of formal cooperation agreement between NATO forces in Afghanistan and EUPOL”¹⁰³.

For EU member states, the EU planned for EUPOL to take over Germany’s lead police reform role on Friday the 15th of June 2007 (Council Decision 2007/369/CFSP). Friday is a holy day in Islam and part of the weekend in Afghanistan. The opening was postponed to Sunday the 17th June. It appears the PSC scoping exercise was rushed, mostly due to political elections in Germany.

One interviewee states: “Planning and what was perceived as our capacity to deliver was a disaster. Not only did the PSC fail to frame the correct context. They were too ambitious in what a mission could do, believing it could do everything, everywhere with few resources and minimal protection. If we are looking at reform, it is Brussels that needs to be fundamentally reformed first. It was anything but comprehensive. We tried to reinvent the wheel and failed. Nobody was interested in what worked before.”¹⁰⁴ Another former member with around eight years experience of missions in Afghanistan and Africa says: “It was not ‘save the world’ but a police mission. Brussels lost track of this.”¹⁰⁵

¹⁰³ House of Lords, 2011, section 69

¹⁰⁴ Interview A29.

¹⁰⁵ Interview A33.



A Crisis Management Concept (CMC) EU document reads, “our responses must be context-specific and driven by the reality and logic of real life situations encountered”¹⁰⁶. A EUPOL Afghanistan representative disputes this, seeing EU planners having “fundamentally misunderstood Afghanistan’s context. Choosing the crisis management model for Afghanistan showed a lack of understanding by the EU of what it was dealing with.”¹⁰⁷ Most mission members interviewed support his perspective. The EU document also reads: “there are no blueprints or off-the shelf solutions”¹⁰⁸. While it is correct to say no two conflicts are the same, a conflict like Afghanistan is categorised and for this there are past policing practices that remain current and of value. This is what was coming out of Iraq’s conflict at this time, producing books like *The Sling and the Stone*, *The Accidental Guerrilla* and the *US Army and Marine Corps Counterinsurgency Field Manual*. In the UK, the findings of the Iraq Inquiry in July 2016 are applicable, showing the weaknesses in political and strategic thinking and planning in this area in the aftermath of 9/11.

The Iraq Inquiry expressed disappointment that the UK had not adopted best practice from similar wars earlier, highlighting the Northern Ireland conflict (1969-98) as the clearest example. The Inquiry heavily criticised a general unpreparedness and was particularly scathing about a short-term strategic mindset unduly influenced by politics (www.iraqinquiry.org.uk). These are popularly seen as the main reasons why, in unconventional conflicts since 9/11, the international community and individual nations have struggled to come up with effective solutions. The ‘nation building’ effort in Iraq by the international community was an unmitigated disaster.

In promoting the CMC approach the EU sees it covering; “all stages of the cycle of conflict,” without any specific examination of irregular war, the category of conflict Afghanistan came under (Ibid, p. 2). CMC focuses almost exclusively on strategic co-ordination (internal and external), conflict prevention and peace-building. In the EU documents published, the problems policing historically faced in this conflict category were not considered, a direct consequence of how the EU contextualised Afghanistan. In strategic planning terms, choosing CMC, essentially, geared a police mission in Afghanistan for a non-conflict environment. Given the immediate and foreseeable need of the Afghan police, EUPOL at the operational level was predestined to face enormous challenges. In the eyes of many critics, the EU was divorced from reality in having adopted the

¹⁰⁶ European Commission, 2013, p. 4

¹⁰⁷ Interview A29.

¹⁰⁸ European Commission, 2013. p. 4



CMC approach and made itself irrelevant as a result. As a former mission member points out: “Crisis management is not relevant for Afghanistan. This is a war, not a crisis.”¹⁰⁹

The political and strategic calculations of Brussels did not cater for the operational conditions the mission would face. Common policing practices across Europe and those familiar with them would be used. A benefit of this is that the paperwork and people were readily available. Europe’s approach prioritised civilian policing, whereas, the US prioritised security. Each saw little merit in the other, as the IECEU Afghanistan Review showed¹¹⁰. While a worthy aspiration, civilian policing practices under a CMC template in the turbulence of an irregular war is questionable.

A senior member of the CPCC (Civilian Planning and Conduct Capability) acknowledges that the planning processes have evolved since 2006. He states: “There are now four key documents. In sequence these are, the political framework crisis approach, CMC, CONOPS and last but not least the OPLAN. These documents enable the 28 member states to determine the final operational mandate within a wider European ambition.”¹¹¹ In addition to what the CPCC interviewee listed, the Crisis Management and Planning Directorate (CMPD) is a civilian/military planning structure for CSDP operations that does advanced planning, conducts reviews and leads on EU/NATO co-operation (Stabilisation Unit, 2014, p. 8). The CMPD also produces new concepts (Ibid). Another body is the European Union Military Staff (EUMS), which provides military expertise on planning and guidance to the HR/VP (High Representative/Vice President).

Although it is claimed the initial Political and Security Committee planning process has improved. How does this ensure a unified approach and good co-ordination within the international community? If the strategic priority in Afghanistan was security, as everyone interviewed said, and a senior member of the Attorney General’s Office of Afghanistan encapsulates in stating: “Afghanistan needs security. Security is the priority.”¹¹² The question now is whether a ‘civilian policing’ mandate in the EU prioritises security for an irregular war environment.

Ultimately, as the current senior member of the CPCC points out: “There is nothing more critical than the planning phase. This needs to be right.”¹¹³ Entertaining the idea that this was not right in planning for EUPOL is a document by the UK’s Stabilisation Unit. It reads: “The EU’s Common Security and Defence Policy (CSDP) was developed following the St Malo UK-France Summit of

¹⁰⁹ Interview A11.

¹¹⁰ IECEU- project, 2016. D4.2 Afghanistan Review.

¹¹¹ Interview A27.

¹¹² Interview A3.

¹¹³ Interview A27.



1998 when, in response to the perceived failure of the EU to address the challenges of the Balkan wars in the mid-1990s, the UK and France agreed to set up a mechanism to allow EU Member States (MS) to concert their security and defence efforts should the need arise. The EU's Council at Feira in 2000 established the four priority areas for the EU's civilian crisis management capability: policing; rule of law; civil administration; and civil protection (civilian authorities' response to crisis).

As with foreign policy issues in general, decisions on CSDP are made by Council, by unanimity. A CSDP mission can be recommended by an individual Member State or the High Representative of the Union for Foreign Affairs and Security Policy (currently Federica Mogherini) – also Vice President of the Commission, so HR or HR/VP). Importantly, Member States also provide political control and strategic direction through the Political and Security Committee (PSC) to a mission's conduct and operations and decide on the extension of mandates and closure.

The launch of a CSDP mission or operation is a tangible sign of collective EU political will and support in a crisis or post-conflict area" (Stabilisation Unit, 2014, p. 5). It further reads: "The EU's strength lies in the wide array of its soft power tools, but the Institutions responsible for complex external action are complex. Its responses to crisis and conflict areas, internally within Brussels and externally with partners, are often fractured. EU-NATO tensions continue to exist, and the EU has yet to develop an effective joint civilian-military approach to operations" (Ibid).

The Afghanistan Review highlighted how different subject areas in Afghanistan were divided out among the international community¹¹⁴. Wilder examines the EU aspect of this, specific to establishing a EUPOL mission, writing: "The latest missed opportunity to abandon the separate SSR pillars and bridge the gap between the police and justice sectors was the European Council's decision to deploy a EUPOL mission to focus narrowly on police training and mentoring, while the European Commission decided to provide more support for a separate justice sector reform programme. The failure of the major donors to adopt a more comprehensive and integrated approach is exacerbated by the government's weak leadership, lack of capacity and feeble commitment to a reform agenda, which have made it unable to lead efforts to develop a government-owned rule of law strategy. The collective failure to effectively address the rule of law crisis in Afghanistan has contributed to the deteriorating security situation, and is seriously undermining the reputation of the Karzai government and its international backers"¹¹⁵. There was

¹¹⁴ IECEU –project, 2016. D4.3 Afghanistan Review.

¹¹⁵ Wilder, 2007, pp. 51 and 52



no rule of law component integrated into the proposed EUPOL mission. This did not happen until 2010.

At the highest political level in the EU there is an awareness of internal shortcomings and that things can improve. Federica Mogherini is part of a new Commission led by Jean-Claude Juncker who believes the EU needs to be more effective, better co-ordinated and respond faster to threats¹¹⁶.

The EU institutional architecture relating to CSDP is complicated and confined to political parameters of 'crisis' or 'post-conflict' in deploying a police mission to an irregular war environment. In 2007 there was no option within this structure designed for an environment like Afghanistan. Regardless of what the EU planning architecture looks like today, in 2007 this ensured a 'security-free' approach was chosen. A leading US academic in this field believes EUPOL Afghanistan suffered from "European idealism" that failed to reconcile the "problems of balancing policing with paramilitary roles" and did not think about how policing would work on "Afghan terms."¹¹⁷ **And from an Afghan perspective, EUPOL was largely unknown in Afghanistan, according to Afghan interviewees. Typical of this viewpoint is a leader of civil society in Kabul. He states: "Very, very few people knew anything about EUPOL. The name is not familiar to them. For the very, very few who did know it, they had nothing good to say. EUPOL, like so much of the internationals, made things worse. Look at the place now."¹¹⁸ None of the Afghans interviewed saw EUPOL and the international intervention as a success story.**

3.2 ORGANIZATIONAL/OPERATIONAL CAPACITY

APPROPRIATENESS OF MANDATED TASKS

Council Decisions and Council Joint Actions determined the mission's mandate (Appendix 1B: source – EUPOL). Thirteen Council Decisions and Joint Actions track how the mandate changed in content, range and geographic reach (Appendix 1B). The first Council Joint Action 2007/369/CFSP in May 2007 placed the mission "at central, regional and provincial levels" in order to "address issues of police reform." At this early juncture the mandate sought to develop co-

¹¹⁶ Stabilisation Unit, 2014, p. 5

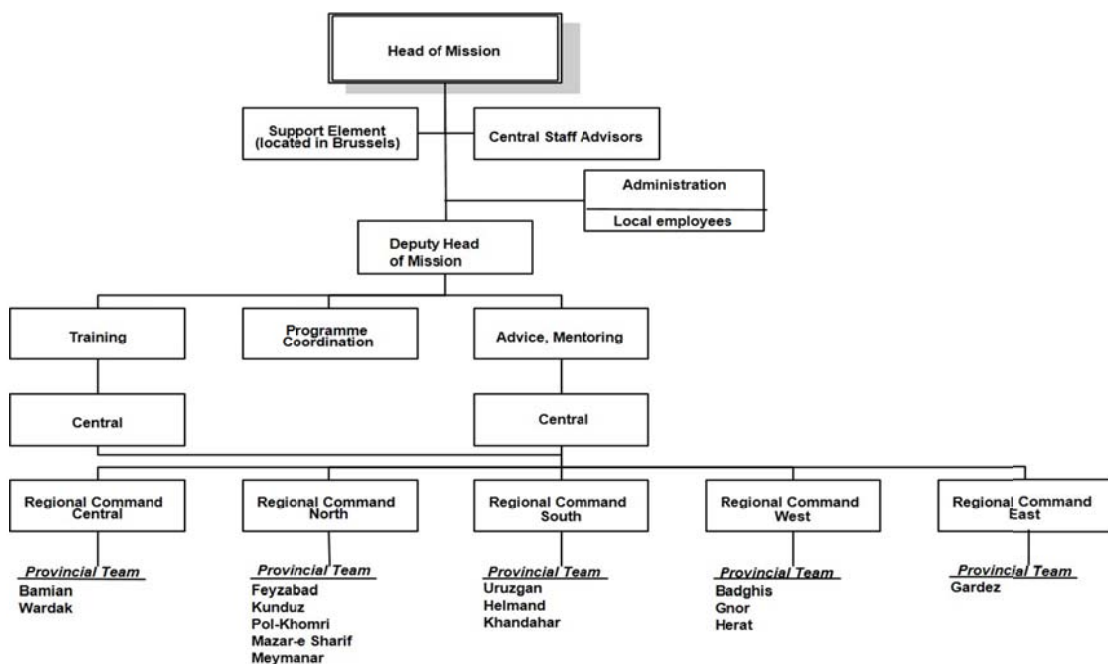
¹¹⁷ Interview A31.

¹¹⁸ Interview A40.



operation in the law enforcement community, police engagement with the criminal justice system and counter-narcotics.

The profound difficulty with the geography aspect was force protection. As a mission member notes: “Afghanistan is quite a complex country and allegiance to either the Government or the Taliban is a construct. There should be more focus on the provinces and the notion of individual federal solutions. The current mandate ignores this potential and means that we are ignorant of what is happening at provincial level as we cannot travel there.”¹¹⁹ This account refers to the final years of EUPOL when the mission was confined to Kabul, and encapsulates the historic problem of a central government unable to exert control in the provinces, particularly in the south. Although the current mandate is focused on Kabul and the capital has always had the majority of staff, some provinces were also covered. A EUPOL document shows: “5 regional commands were set up to cover in total 14 provinces.”¹²⁰



Organogram 1A¹²¹

The EUPOL document further reads: “It must be noted, that in 2011 the first NATO and US withdrawal plans were published, which meant our regional offices and presence in the provinces were becoming unsecure as EUPOL staff resided mainly with NATO forces in their compounds

¹¹⁹ Interview A19.

¹²⁰ Source: internal EUPOL document.

¹²¹ Source: EUPOL.



and had the privilege and resources from the security when operating. By the end of 2014 the ISAF mission ended and the NATO Resolute Support Mission started. EU/EEAS/CSDP/CPCC was made aware of this and due to the security context and a simultaneous budget savings exercise in 2014 an accelerated savings exercise was initiated and approved by CIVCOM, which led to a premature closure of the provincial field offices in 2014 – only leaving 3: Herat, Mazar-eSharif and Kabul field offices operational. The organisational structure was more or less kept intact, however with no regional offices and only 3 Field Offices – the structure could carry 250 Internationals and 220 Nationals.”¹²²

A current senior member of CPCC explains that the provincial deployment was “double hatting” and inter-alia continued to secure ISAF force protection.”¹²³ “The EU deployment was hampered by the impasse over the EU-NATO working relationship. Turkey’s refusal to allow the exchange of classified information with Cyprus has made it impossible to establish an EU-NATO security agreement, thus depriving the EUPOL mission of NATO protection. After several months of painstaking negotiations, bilateral agreements between the EU and the lead countries in each PRT were achieved. Because EUPOL police are normally deployed to their country of origin’s PRT, this effectively meant organizing for countries to protect their own staff”¹²⁴.

By 2015 Herat and Mazar-eSharif had also closed. The 14 provinces accounted for 150 International mission members, 37.5% of the total number.¹²⁵ Approximately 10% of international mission members were located in the most hostile provinces.¹²⁶ Of EUPOL’s geographical reach, a RAND report concluded that this was limited and “clearly an issue for the broader allied effort to build stability nationwide”¹²⁷. One senior level interviewer was of the view that: “European hubris thinks they can do everything. Expanding to ten field offices, which was nonsense. Two or three people in a minor province did not lead anywhere.”

Article 3 (Objectives) of Council Joint Action 2007/369/CFSP sees EUPOL Afghanistan significantly contributing to “sustainable and effective policing arrangements” under “Afghanistan ownership” which will “ensure appropriate interactions with the wider criminal justice system” in working towards “a trusted and efficient police service” in accordance with international standards on policing, rule of law and human rights. Under Article 4 (Tasks) the same Council Joint Direction

¹²² Source: internal EUPOL document.

¹²³ Interview A27.

¹²⁴ RAND, 2010, p. 27

¹²⁵ Source: internal EUPOL document.

¹²⁶ Ibid.

¹²⁷ RAND, 2010, p. 27



sees the mission supporting the “Government of Afghanistan in coherently implementing their strategy,” improving the “cohesion and coordination among international actors” and supporting “linkages between the police and wider rule of law.”

The next update in the mandate was Council Decision 2010/279/CFSP on the 18th May 2010. The objectives remained unchanged but existing tasks now specified the “Afghan Uniform (Civilian) Police and the Afghan Anti-Crime Police.” Added to Article 3 (Tasks) was: “enhance cooperation with key partners in police reform and training, including with NATO-led mission, ISAF and the NATO Training Mission and other contributors.” The final update was Council Decision 2014/922/CFSP on the 17th December 2014 where, under Article 3, the mandate now included “advancing the institutional reform of the Ministry of the Interior.” Newly added was, “assist the Government of Afghanistan in further professionalising the Afghan National Police, in particular by supporting the development of training infrastructure and by enhancing Afghan abilities to develop and deliver training.”

A senior mission member states: “EUPOLs mandates have been too short. The mandate timeframe of two years needs to be at least five years to ensure the continuance of the good work and achievements of EUPOL. These include changing the mindsets of ANP regarding female policing, having a civilian aspect to SSR rather than solely military and ensuring that there is better understanding of the managerial cycle within the MOI.”¹²⁸ She believes the “EU should focus on its strengths with a narrower mandate. Currently the mandate is very broad. A focus on improving policing only would give it more opportunity to achieve measurable results.”¹²⁹ Of this, a mission member states: “The mandate has been changed five times, with five different OPLANS since 2007. Different mandates generally require a subsequent change in member state contributions and operational planning. This can possibly be mitigated with more foresight during the planning phase prior to deployment.”¹³⁰

The mission’s mandated tasks and strategic objectives have regularly changed. One mission member saw changes in mandate as a “lack of strategic vision and planning.”¹³¹ A consequence of this: “Revision of the mandate has caused significant change and been really challenging because personnel were mostly selected for a different purpose.”¹³² He further states: “today, the security

¹²⁸ Interview A8.

¹²⁹ Ibid.

¹³⁰ Interview A19.

¹³¹ Interview A24.

¹³² Interview A20.



situation is worse and statistics from the government confirm this. Our focus now is on which areas the government are losing control.” A deteriorating security situation forced rethinks in the OPLAN rather than objectives in the OPLAN having been fulfilled.

Eckhard shows EUPOL’s mandate and planning documents were “laden with several caveats” (Eckhard, 2016, p. 11). Eckhard describes the effect of one of these was that it “prohibited the mission from conducting activities on Afghanistan’s district level. This effectively ruled out incorporating the latest US innovation in police training, the Focused District Development approach. Because of these and similar limitations, partners on the ground, such as the USA, increasingly voiced their discontent: The Ambassador [US] cautioned against half-hearted and poorly planned adventures. He described the EU’s police training program, which had made no preparations to house itself or set up communications. The EU was working out of its headquarters rather than in the field. It was unclear how the program was going to be a net gain” (Ibid).

The mandate (and planning) was influenced on the topics it picked, by those areas not directly linked to security. Although EUPOL had an anti-crime mandate, they did not treat terrorism as a crime that fitted within this. Terrorist acts by insurgent networks, such as murder, kidnapping and extortion, were the most prolific crimes in Afghanistan. The Head of Training in a US police-building programme in Afghanistan echoes Eckhard’s research. He states: “Many looked at EUPOL as a bit of a joke, and I mean Americans and Afghans, due its slavish devotion not to touch anything connected with security. In a war zone this is not only ridiculous but dangerous.”

The latest mandate reads: “During 2016, the mission will specifically contribute to: advancing the MOI’s institutional capacity, including its ability to co-ordinate international support through long-term planning, management and leadership, policy implementation and accountability; and the further professionalisation and efficiency of the ANP as a civilian police service. Particular attention will be given to professional standards, improved leadership, community policing, criminal investigation capacities, intelligence-led policing, sustainable recruitment and retention of female officers, implementation of the code of conduct, management of training institutions and the fight against corruption”¹³³.

The wording of tasks is telling, prefixed by verbs such as, enhance, shall, contribute, support, develop or assist. In this regard a mission member sees this abstract wording as an outworking of

¹³³ www.eupol-afg.eu/



the realpolitik. She states: “EU language has no connection with results based management and does not hold the Afghans accountable.”¹³⁴ With this in mind, the mission’s strapline in 2016 is insightful. It reads, “supporting sustainable transition.” The type of language used tends to explain why a member claims: “There is a gap between strategy and implementation. Reporting is a cottage industry that keeps people in jobs. The more idle we are the more creative the reporting becomes.”¹³⁵

Another member is more critical. He states: “Creative reporting has to change. It gives a false picture. The SPAR has not worked well on this. If a member puts in a report with little in it that falls below achieving their tasks SPAR change it to a point that it is unrecognisable. This is then sent to Brussels. It seems Brussels does not want to hear bad news and the mission does not want to give it. All the emphasis is on needing to show successes. Because the political will in Afghanistan is to leave, the motivation in reporting is to show we are achieving. But in another EU mission I was on, it was the opposite. The political will was to stay, so the reporting showed we were underachieving. There are different energies and motivations to deal with different truths.”¹³⁶

The current mandate typifies EUPOL’s broad approach: community policing, counter-narcotics, anti-corruption, leadership, management, strategic planning, accountability, training, intelligence-led policing, criminal investigations, professional standards, police recruitment (women) and policy writing. The overwhelming view of all those interviewed was that EUPOL should have focused on one area and done this well, with training the most popular choice. “The main impact EUPOL had, was the Staff College, Education College and training courses.”¹³⁷

A senior mission member noted that there have been changes for the better.¹³⁸ In 2010, she saw the emphasis was on killing insurgents, whereas EUPOL had pressed for prosecuting insurgents instead.¹³⁹ There is no doubt EUPOL promoted arresting insurgents wherever possible. The difficulty was that EUPOL’s mandate prevented it from showing how the rule of law could do this. EUPOL absented itself from anything security-based. A leading academic and former EUPOL member states: “It was my first meeting with General Rodriguez (ISAF-IJC Commander). Some EUPOL senior staff and a few ANP Generals were also present. General Rodriguez talked about the high casualty rate the ANA and ANP were suffering in a broad discussion about what was

¹³⁴ Interview A18.

¹³⁵ Interview A9.

¹³⁶ Interview A24.

¹³⁷ Interview A9.

¹³⁸ Interview A8.

¹³⁹ Ibid.



happening. In reply, one of our team told him, ‘we are not killers. I do not want to talk about killers.’ It was insensitive and out of touch on our part. The relationship with ISAF deteriorated after that.”¹⁴⁰

On three levels: location, content and range, the mandate had high expectations. Framed in the wider context against factual outcomes, this does not come across as appropriate. There was a “record number of civilian casualties” in the first half of 2016, the highest “since counting began in 2009” (UNAMA.unmissions.org), and in Helmand, 60% of the province is now under Taliban control (BBC 1, 10 pm News, 31 July 2016). Afghanistan is more violent today than when EUPOL arrived, and corruption and narcotics remain huge problems.

APPROPRIATENESS OF ACTIVITIES

The initial Council Joint Action 2010/279/CFSP in May 2007 under Article 4 (Tasks) reads: “tasks will be further developed in the OPLAN... It shall carry out its tasks through, amongst other means, monitoring, mentoring, advising and training.” These ‘means’ are the main activities. They remain unchanged in the Council Joint Action of 2010 (2010/279/CFSP) and Council Decision in 2014 (2014/922/CFSP). In 2014, however, monitoring, mentoring and training fell away. Advising was the only activity left. Today, the EUPOL Afghanistan websites reads: “EUPOL Afghanistan’s support is delivered by its police experts from EU Member States mainly through advising at the strategic level to the Afghan Ministry of Interior”¹⁴¹.

In the early years, mentoring was common, an activity where: “It takes time to educate your counterparts and build trust.”¹⁴² Expanding on this: “Monitoring and mentoring cannot be done in a year. These are warriors who fought the Taliban. It takes time to build trust with them. We are turning warriors into cops.”¹⁴³

Of mentoring in a hostile province: “In Helmand, the first police station I walked into was a portakabin surrounded by mud walls. Everyone was dressed the same and armed. You couldn’t tell who was the police or Taliban. It was chaotic. In working with the PRT procurement and doing projects was easier and quicker than it is here now in Kabul. I managed a small building project in Helmand costing \$5,000, building a new kitchen and toilets. Writing a short report outlining the reasoning and purpose, having it authorised and getting the cash happened within 24 hours. The

¹⁴⁰ Interview A34.

¹⁴¹ www.eupol-afg.eu

¹⁴² Interview A11.

¹⁴³ Interview A5.



project was finished in three-weeks. This is impossible in Kabul. It would take two-years. And some of our projects here have been absolute scams that have lined the pockets of corrupt officials in the MOI. The West was taken for a ride when it comes to handing out money. Money did not go to those who needed it but a corrupt elite.”¹⁴⁴

From an Afghan perspective a EUPOL translator states: “EUPOL does not really know what is going on in Helmand or the rest of the country. I am not even sure they know what is going on in Kabul. One man I met stands out. He was from Northern Ireland’s police force and had a great understanding of Afghanistan, its people and what they were going through. There is great importance for internationals to get to know Afghanistan. The PCOP and all the ANP called him ‘Haji Baba.’

In Helmand he influenced the PCOP to get his officers into the schools to advise the children on road safety, because there had been a number of car accidents with kids. This was outside his work stream, but he was that type of man. He made things happen and had a real feel for the community and opportunities for the police to positively engage with the community. He was always on the ground. If the British could not get him out, he’d steal a lift with the Americans. He even went out with just the Afghans, which was unheard of. But the ones he was with, he knew he could trust. This is why he was different. He got Afghanistan. He is still talked about with great affection, as are others who came from his background. You could see they knew what we were going through. They’d been through it too. You know, simple things like watching who calls at the door and making sure your family are safe when you are at work. The advice they gave was always really good. We all warmed to them. None of us, and I am talking about the interpreters in EUPOL, see any ‘Haji Babas’ in Kabul.”¹⁴⁵

“At the start I had access to my Afghan counterparts eight-hours a day. Now it is virtually zero. For most people on the mission this is what they think is normal and how things are done.”¹⁴⁶ The Attorney General’s Office of Afghanistan believes “the use of internal mentors worked well.” He further points out what Afghans were receptive to: “One thing I can say about the rule of law people in EUPOL like Mr Fabian and Mr Tom is that they never imposed anything on us. They were

¹⁴⁴ Interview A1.

¹⁴⁵ Interview A7.

¹⁴⁶ Interview A25.



always finding us a good path or a way.”¹⁴⁷ For men like the senior member of the Attorney General’s Office, time spent with them was crucial to gaining their respect and co-operation.

Regular engagements made for a more accurate assessment, as one mission member notes: “We were talking about civil policing and stuff like that, and our counterparts made out they were listening. But they were not. When the real talking started it was obvious that what they wanted to do was kill Taliban. My counterpart held back stuff, but was not that bad. He did not want to be too honest in case he upset his supervisor. Two others I mentored told me what they thought I wanted to hear. I met them two or three times a week for an hour at a time. It wasn’t enough but by that time it’s all we had.”¹⁴⁸ Of this, a senior mission member states: “There is a sense that the Afghans are doing this only to keep the internationals happy.”¹⁴⁹

In Kabul, without the force protection of NATO/RS increased levels of violence meant EUPOL could not spend a lot of time on the ground, which activities like mentoring require. “There is a definite increase in the threat here. As the other international forces have withdrawn, there are fewer targets and EUPOL are now more obvious. The Taliban are increasing in capability, ANP try but they have major issues with logistics. It is rumoured that an ANP commander in the provinces had to resort to Facebook to request ammunition for his station.”¹⁵⁰

The mission suffered three casualties in insurgent attacks in Kabul. A woman mission member from Denmark was killed along with one of her close protection (CP) team in a restaurant in 2014, and a CP operator was killed in 2015 in a vehicle convoy. Both CP operators were British men employed by HART. A senior mission member interviewed is of the opinion that: “Had we lost another member the mission would have closed.”¹⁵¹ He was in Kabul during both incidents. Others interviewed who served at the same time, share his view.

The net effect of the losses was that the mission became risk averse, which is understandable given the force protection arrangement and increased threat. Travelling in Kabul was by lightly armoured vehicles in a convoy of two. Movements were co-ordinated by the base location. The security cell identified the risk and put in procedures and practices to mitigate it, such as restricted movement during daylight hours, avoiding certain roads and changing routines. Prior to the Taliban resurgence in 2014, the situation was more relaxed. Members could ‘self-drive’ to different

¹⁴⁷ Interview A3.

¹⁴⁸ Interview A1.

¹⁴⁹ Interview A20.

¹⁵⁰ Interview A16.

¹⁵¹ Interview A33.



areas in the capital, shop, hill walk and site-see. Many of those interviewed saw this calm period as an opportunity missed in progressing the operational capacity of the police. By 2014, an international mission member could not go outside the camp without a CP team.

This risk aversion reflects the political thinking of some EU Governments. A leading academic and former EUPOL, member with experience of the IPCB Secretariat, states: “Casualty aversion is common in most EU government’s in their approach to risk and duty of care. They want to help places like Afghanistan but do not want to put their people in danger and place caveats based on this before a mission deploys.”¹⁵² On the same point, a RAND report reads: “the EU mission has been criticised for risk aversion. ...personnel are deployed in many parts of Afghanistan, but the majority are in Kabul. The remainder are deployed in provinces through PRTs where conditions were relatively secure”¹⁵³. Approximately 90% of the mission was located in safe zones, the vast majority in the capital.¹⁵⁴

Frustrated by the current security situation, a mission member states: “We’ve been nowhere in almost three weeks. What’s the point of being here? Better to suspend the mission because we are doing nothing. If the security situation is so dire, there should not be a police mission. This will send a political signal. If you cannot get good access to the locals you cannot build relationships and trust. It then becomes pointless. Get others to focus on stability and peace.”¹⁵⁵ Another member notes: “Due to lock-downs we stay in touch with our counterparts by phone. You cannot mentor by phone.”¹⁵⁶ Many mission members interviewed held the opinion that the security cell was not adequately linked into the NATO/RS intelligence network, and therefore did not have all the relevant information about threats. This is an unsurprising outlook given the EU/NATO impasse on force protection.

Of the different mandated tasks and merits of mentoring vis-à-vis strategic advising, interviewees who experienced both heavily favour mentoring. Mission members who had mentored in field offices in provinces had better knowledge of Afghanistan – history, people and culture – than those who had not. Invariably, they had been embedded with their Afghan counterparts and had regular one-to-one contact.

¹⁵² Interview A34.

¹⁵³ RAND, 2010, p. 27

¹⁵⁴ Source: internal EUPOL document.

¹⁵⁵ Interview A25.

¹⁵⁶ Interview A5.



As the mission draws down it is focused purely on strategic advisors with a few senior Afghans in the MOI. In 2015 the rule of law component was closed. This had worked closely with the AGO's office.

By and large, mandated tasks determined the activities in what most interviewees see as a top-down process. While the EU Council, CONOPs and OPLAN broadly set out the strategic need, objectives and implementation, this left little room for bottom-up decision-making at the strategic level by the mission. A senior mission member states that: "The Mission should have the autonomy to implement projects."¹⁵⁷

In broad terms, the mission went from mentors, monitoring and training to strategic advising. A retired UK police officer, who worked for seven years in a senior position in a US Department of Defence police-building programme in Afghanistan, pointed out: "If EUPOL are now into strategic advising. Are they satisfied that what they did before had taken root?" (A22) Somewhat answering this is a senior member of the Attorney General's Office of Afghanistan. He states: "What we need now are longer courses and help on issues like violence against women. International study visits would also help our staff, as well as a master's degree or PhD with an international university for five or six of our staff who could then train the rest of us on what they learned. These were things we hoped the Rule of Law component in EUPOL could have done for us, but unfortunately it closed." Shifting to strategic advising speaks more to the mission's shortcomings than goal attainment. This helps to explain the experiences of a mission member, who states: "Our counterparts no longer listen to us."¹⁵⁸

An interviewee from an international partner agency was critical of EUPOL. He states: "Currently EUPOL's potential to contribute is limited because they cannot easily leave their base. If EUPOL perceives the risk to be such that personnel cannot move easily and if it cannot relocate to a site where movement would be easier, then, it should consider whether its presence in Kabul has any value. EUPOL cannot go to an Afghan General and instead send their translator and supervise from the EUPOL base. They are not good at discussing things as they are deferential to authority. A translator carries no weight. There's not much bang for your buck with that."¹⁵⁹ One mission member put this down to, "being trapped by an unsuited mandate."¹⁶⁰

¹⁵⁷ Interview A8.

¹⁵⁸ Interview A9.

¹⁵⁹ Interview A 11.

¹⁶⁰ Interview A25.



One senior mission member believes that a “future mission should consist of 30 to 40 high level personnel who are paired with a comparable Afghan counterpart focused on an area where we can make a difference.”¹⁶¹ This, however, would depend on force protection from a NATO-type force.

Embedded mentoring received the most plaudits. EUPOL showed its activities were appropriate and that it could do these well, even in hostile locations.

MISSION IMPLEMENTATION PLAN AS A PLANNING AND EVALUATION TOOL

“Planning is top-down. All our activities are governed by MIPs.”¹⁶² The Mission Implementation Plan (MIP) is the main planning and evaluation mechanism for the mission. It is a comprehensive document that shows how small objectives feed into the mission’s overarching aim prescribed in the EU mandate. Each mission member with a front-facing role can see what objectives they are working towards and where their contribution fits into the wider plan within a set timeframe. Objectives are reached through activities, sub-activities and managing projects. For instance, in the rule of law component, holding a series of workshops with MOI and AGO (Attorney General’s Office) officials and facilitating discussion, were activities that tied in with a project to draft police/prosecutor guidelines in pursuing an objective in the MIP to develop police/prosecutor co-operation.

Most mission members interviewed viewed the MIP as complex and confusing. Of it, one said, “MIP’s was the bible, but was too heavy.”¹⁶³ Another saw the MIP as “very complex and confusing.”¹⁶⁴ At the same time, it appears the MIP was well received in Brussels. A remote audience could track and measure the mission’s achievements set against the mandated tasks. Anderson sees too much bureaucracy as a burden and links this to a top-down arrangement. In studying Afghanistan she writes: “Bureaucratic barriers can be overcome by dedicated personnel, but flexibility, decentralisation and joint working procedures, including joint reporting to the headquarters, promote cooperation in the field” (Anderson, 2016, p. 81).

The mission members interviewed claim the reports that justify their activities, sub-activities or projects in the MIP did not accurately reflect reality. The less mission members did, the more creative the report. For those that reported negatively this was, in their view, deleted from the consolidated report to Brussels.

¹⁶¹ Interview A8.

¹⁶² Interview A5.

¹⁶³ Interview A24.

¹⁶⁴ Interview A25.



Few members interviewed had any confidence in official reports sent from the mission to Brussels. Those interviewed from other police-building programmes made the same claim about their own programme. “When it’s slow, people flower things up. They want to show they’re doing something and management encourage this. It paints a false picture and can fall into criminality.”¹⁶⁵

Epitomising this issue, a mission member states: “The security situation has deteriorated beyond recognition. This has restricted our ability to do business. We need to get away from the tick box mentality for everything. We need to be honest when we are not achieving. If there is nothing to report, that’s what it is. You do not make things up.”¹⁶⁶ He goes on to say: “In Kabul, all some mission members want is their Afghan counterpart smiling beside them in a photograph. Some projects we ran were useless, self-interest projects of no value to the Afghans but ticked a box for a mission member’s self-interest and advancement. There was 100,000 Euros spent on the Code of Conduct awareness campaign. Why? For whose benefit? We cannot enforce it. Conditionality is a big issue, especially with non-merit-based appointments, which is the norm here. In Kabul, lacklustre management has hindered a lot of work. The internal politics of Brussels is unhelpful. Even though we drafted a Code of Conduct, which was a good achievement, we had no means of enforcing it or even monitoring how it was being complied with. We have no sanctions or conditionality in this respect, which leaves us pretty much powerless. Also, there were never any post-implementation reviews done. We could not measure the impact the Code had on the MOI or the community.”¹⁶⁷

One senior level interviewee states: “It should have been enough when member states agreed the OPLAN and CONOPS. But when it came to MIPs, it should have been the responsibility of the HoM. This was not the case. Brussels was dictating, directing and meddling in the HoM’s role. Taking away their role. This did not reflect the member states problems but Brussels. At times we had to wait weeks and months for a decision from Brussels. It was catastrophic. There was no freedom of action. The HoM had no leeway. This is one of the biggest problems in EUPOL.”¹⁶⁸ A senior member of the CPCC sees it differently. He explains: “Up until 2013 the HoM wrote the OPLAN. Now, he or she is responsible, among other matters, for the MIPs. Of course the HoM should have a degree of discretion and autonomy, which by and large I believe they have. But

¹⁶⁵ Interview A22.

¹⁶⁶ Interview A9.

¹⁶⁷ Ibid.

¹⁶⁸ Interview A29.



there also needs to be a degree of strategic control from the centre to ensure things are being done as they should be and people performing as they should be.”

As an evaluation and planning tool, MIPs proved beneficial, albeit overly complex. It appears to have been of more benefit to Brussels and the mission’s management team. As with the mandate, MIPs was not linked into tangible success indicators on the Afghan side. “When we look at progress we look at our own MIPs – there is no sense of progress on the Afghan side. We need to look at Afghan indicators.”¹⁶⁹

SITUATIONAL AWARENESS

The EU police mission in Iraq aside, there is probably no other EU mission that needed its members, leaders, strategic thinkers and policy-makers knowledgeable informed about the geopolitics, history, threat, culture, peoples and general environment than EUPOL Afghanistan. For instance: “the insurgency situation is getting worse. Outside Kabul it is war. MOI people are not always aware of the rule of law. Their priorities are not to lose a key town or province and to win the war.”¹⁷⁰ In this situation, a national mission member points out: “All Afghans who work for internationals are under threat. EUPOL need to know this. It is not good enough that they come here, use us and then leave without offering an opportunity for citizenship in Europe or political asylum.”¹⁷¹

A contracted mission member states: “I had no pre-deployment training or any training on advising or mentoring. We need better briefings on joining a mission. I had no handover. My line manager was invisible.”¹⁷² Explaining the line manager aspect, another member states: “Institutional memory is bad. There is no handover because one person has left the post before the other arrives. There is no crossover. For many there is no interest in what their processor did. Also, files are not well shared or accessed.”¹⁷³ On the same subject, a mission member notes: “Institutional memory is poor. Once a member leaves the mission there is no real effort to debrief them. Rather, they fill out a form nobody reads and send it via email. There is no feedback on it or person-to-person engagement.”¹⁷⁴

¹⁶⁹ Interview A2.

¹⁷⁰ Interview A6.

¹⁷¹ Interview A7.

¹⁷² Interview A1.

¹⁷³ Interview A24.

¹⁷⁴ Interview A1.



In interviewing men and women from different parts of Europe who served in EUPOL, many were dismayed at how they were treated in their final days of the mission. They did not feel they were listened to or valued. Although EUPOL did a 'lessons learned' visit in 2015, many regarded this as a tick box exercise. There is no alumni or similar association. There is nothing that keeps them informed about the EU in this regard or seeks to keep their expertise close at hand.

Pre-deployment training was patchy for seconded staff, ranging from nothing to a five-day course, depending on what member state was involved. For most contracted personnel there was no pre-deployment training. At worst, a new member joined the mission not knowing anything about it and the environment, other than what was asked in the interview. For most contracted members and a significant number of seconded staff, they underwent a four-day HET course in Kabul taken by the private security company HART responsible for their protection outside the base. Feedback on this was good. Mission members viewed it as relevant, practical and well run. Pre-deployment training was not standardised. A lot of members had not heard of EUPOL (or EU police missions) before they applied.

A number of mission members saw EUPOL in Kabul as a bubble, "many mission members do not go out. They have no idea what Afghanistan is like."¹⁷⁵ Looked at from an Afghan perspective: "If I go back to Helmand there is no school for my kids. If there is a school, I am not happy with it. It teaches bad ethics and morals. I cannot expose my children to it. Since I joined EUPOL I have kept a low profile in my community. I lie about my job to people I do not know well and tell my family and close friends not to tell anyone I am in EUPOL. I am from Helmand and if anyone there knew I was in EUPOL I would be in trouble, as would my family. When EUPOL leave at the end of 2016 I will have to return to Helmand, I currently live in Kabul, in order to get work. I have received no training about my personal protection or that of my family, other than a short presentation."¹⁷⁶

The most knowledgeable mission members about situational awareness were those who had worked closely with their Afghan counterparts in a mentoring role, usually in the provinces. Places like Helmand exposed them to the everyday challenge the population and police faced. In such an environment, despite what the mandate directs, it is impossible to exclude security in mentoring, training or giving guidance on civilian policing. The benefit is that this presents the opportunity of making civilian policing relevant. In a quieter area, such as Kabul, the security factor is less of an issue. Here, as with Helmand, a EUPOL member wore body armour, a helmet, and was armed

¹⁷⁵ Interview A32.

¹⁷⁶ Interview A7.



with an automatic rifle and sidearm. A CP team protected them. The image is overwhelmingly of security. Giving advice to ANP in the capital on community policing without including security, notwithstanding the lesser risk, is a confusing message, if not somewhat duplicitous. Many of the internationals interviewed were conscious of this, and embarrassed by it. The most recent study shows that Norway officially assessed its own contribution in a relatively benign province (Faryab). They found that Faryab “turned out to be a much more extensive and complicated engagement than originally envisaged”¹⁷⁷.

Good situational awareness should extend to understanding the type of police model required for an armed conflict, as a mission member notes: “The international community made mistakes from the beginning. We were unprepared and poorly informed. There is a clear need to have a single police organisation.”¹⁷⁸ Connected to this, another member relates, “currently there is a high casualty rate among police officers. We cannot ignore this, but we do.”¹⁷⁹ He laments no clear career plan for ANP officers, some ethnic groups have stronger influence in the MOI and ANP than others, and formal lines of command are often bypassed in favour of family or personal relationships.¹⁸⁰

Some mission members raised alcohol as an issue. One states: “Misbehaviour in camp was nearly always alcohol related. People got drunk, usually the same people. This brings us to the attention of Afghans who work in the camp and clear up the empty bottles, and also civilians and local police beside us. They hear our loud music and parties. The perfect time to attack would be Thursday evening when a lot of people are drunk. The partying was really bad over Ramadan. Emails would go out about drinking moderately and modifying behaviour. There needs to be a zero alcohol tolerance policy on a mission like this.”¹⁸¹ Traditionally, Ramadan is when the Taliban ramp up their terrorist campaign. Another believed, “alcohol abuse was a problem and a security issue.”¹⁸² Afghanistan is an Islamic Republic where alcohol is forbidden.

To improve situational awareness a mission member suggested: “An academic library would be a good idea. A lot do not have any intellectual curiosity.”¹⁸³ An examination of situational awareness

¹⁷⁷ Wilkens, 2016, p. 2

¹⁷⁸ Interview A11.

¹⁷⁹ Interview A2.

¹⁸⁰ Ibid.

¹⁸¹ Interview A25.

¹⁸² Interview A24.

¹⁸³ Interview A9.



shows there is no standard pre-deployment training or handover for internationals, and that this is more acute for Afghan staff.

THE EU LINGERS ON

A mission member states: “Afghanistan is not a success story. But that’s not all EUPOL’s fault.”¹⁸⁴ There was a sense of mission failure with most of the people interviewed. Notwithstanding that EUPOL was a small element of the international community’s attempt to stabilise Afghanistan, it contributed to this collective effort and is therefore partly responsible for the overall state of affairs.

The disappointing assessment of mission members and Afghans interviewed was influenced by increased instability and corruption. Corruption was the next big issue behind security. The mission’s approach is hallmarked by a dogged determination not to confront either. Similar issues also applied to Iraq, where the EU also had a police mission. “The unilateral failure to create an effective civilian police force in Iraq was paralleled by a multilateral but equally unsuccessful effort to train and equip a civilian force in Afghanistan¹⁸⁵. The EU mission in Iraq (EUJUST LEX) was run from Brussels, aimed at improving the rule of law in a training-based programme for police, judicial and prison officials¹⁸⁶. While EUJUST LEX Iraq claimed to give priority to Iraqi involvement, almost all its activities occurred in Europe and Jordan, as opposed to “in the field”¹⁸⁷. The RAND report further claims: “This clearly diminishes the potential impact of the EU’s presence in Iraq, and is indicative of how security concerns have hampered the EU’s ability to conduct aggressive civilian missions”¹⁸⁸.

Iraq was a disastrous intervention by the international community and, once the US-led coalition forces departed, created the conditions from which the so-called Islamic State emerged. The origins of the migrant crisis in Europe today is a consequence of what is widely seen as failed foreign policies in Iraq.

A senior mission member states: “We all know they are corrupted but we are not tackling this issue.”¹⁸⁹ Another mission member laments that: “The international community have poured money into the wrong pockets. The Taliban are seen to be more transparent than the Government with their ghost schools, soldiers and civil servants. SIGAR (Special Inspector General for Afghanistan

¹⁸⁴ Interview A9.

¹⁸⁵ Bayley and Perito, 2010, p. 17

¹⁸⁶ RAND, 2010, p. 13

¹⁸⁷ Ibid

¹⁸⁸ Ibid

¹⁸⁹ Interview A8.



Reconstruction) has estimated that if all the funds invested in Afghanistan, had been equally divided per head of population, then each person would be a millionaire.”¹⁹⁰ In other words, the Afghan police did not present themselves to the population as a credible alternative to the Taliban, which undermined efforts to promote the rule of law. In the same vein: “Corruption is a way of life and is the dominant method of gaining promotion with the ANP. It involves required payments for rank and promotion to higher position and is systemically embedded in the culture. This is a system that works for the Afghans, however it has been a challenge for EUPOL, as it has been required to interact with corrupt individuals. The ANP are not where EUPOL wanted them to be in this regard.”¹⁹¹ Corruption is endemic throughout all sectors of society in Afghanistan.

A local national interviewed states: “Locals talk about corrupt police. The police are not professional. They abuse their powers. If anything, police in Helmand are better than the ones in Kabul. In Kabul police vehicles are used by people wearing headscarves, turbans and in plain clothes. You do not know who they are. You do not know who the police are.”¹⁹²

A EUPOL member noted, “corruption is not seriously addressed and that it starts from the top. It is well known that Ministers who head the MOI buy their position and then get their money back and much more during their short term in office. Dubai is full of wealthy Afghans who did this.”¹⁹³ Another states: “Sometimes it is necessary to take over some services at the start, such as anti-corruption, and when they are operational they can be handed back. However, the EU tends to avoid being an imposing power. A lot of money put in here went into corruption.”¹⁹⁴ Non-mission members interviewed expressed similar thinking. It is a commonly held view that, according to one mission member: “The only people who end up in jail are those who cannot buy their way out of it. It is not in the interest of corrupt officials to have more accountability. It undermines their capacity to make money.”¹⁹⁵ Or, as one mission members puts it: “We have anti-corruption conferences but we close our eyes about the extent of corruption.”¹⁹⁶ A mission member believes that the international community has “fed the corruption beast. Now we have a lot of criminals taking over positions in MOI and ANP.”¹⁹⁷

¹⁹⁰ Interview A15.

¹⁹¹ Interview A14.

¹⁹² Interview A7.

¹⁹³ Interview A18.

¹⁹⁴ Interview A6.

¹⁹⁵ Interview A1.

¹⁹⁶ Interview A11.

¹⁹⁷ Interview A2.



“Cronyism and patronage is rife in Afghanistan. We are dealing with former warlords in charge. They are choking the system. They see younger ones as a threat. EUPOL needs to fundamentally change and have some serious debate about the strategy of future missions. What is doable? Access to counterparts and what is our role?”¹⁹⁸

In gauging the views of those interviewed, the entire police structure and system is riddled with corruption and in many ways is set up to hide this. From phantom ‘tashkils’ to shaking down civilians at road checks, corruption is rife. Because of this, many of the interviewees believe a police mission should be about rebuilding and not reforming. “Yes, I know we need to consult the locals. But if we know the police system has failed and does not work, we are far better replacing it with one that does and push that through with the buy-in of a few well positioned locals. We cannot continue like this. It’s madness.”¹⁹⁹ The view of most interviewees was that, it is important to know, most of the Afghans you were looking to convert to a new way of doing things did not want converted. This is because it threatened the money they were making from corruption, but also because what we promoted did not relate to their world. We can fix the ‘relate’ bit ourselves. And if we did, this helps the corruption bit. Not that corruption will be eradicated, but at least we are giving ourselves a better chance to reduce it.

In its index for 2015, Transparency International rates Afghanistan as the third most corrupt country in the world, behind Somalia and North Korea, promoting the connection that, “corruption and conflict go hand in hand”²⁰⁰. Given that EUPOL Afghanistan did not deal with the conflict aspect, it is unsurprising that corruption, a mandated task, is not listed as a key achievement on its website. In an environment like Afghanistan’s, conflict and corruption are interlinked problems. The EUPOL mission suffered from dealing with one in isolation. This is why many of those interviewed believe: “The biggest impact of EUPOL is symbolic – flying the flag.”²⁰¹ While symbolism is important, it is a political tool in this context and of more benefit in Brussels than in Afghanistan. The ‘flying the flag’ description highlights EUPOL’s limitations to deliver practical results.

EU-INTERNAL FACTORS AFFECTING OPERATIONAL EFFECTIVENESS

Of EUPOL, a recent study by Eckhard notes: “One consequence of the design was the long time

¹⁹⁸ Interview A9.

¹⁹⁹ Interview A32.

²⁰⁰ www.transparency.org

²⁰¹ Interview A11.



that passed between a request being sent to Brussels – where member states in the EU Council had to agree on it – and a response being sent to Kabul. Further, the lack of autonomy affected not only the speed with which the mission could implement its programme it also hampered collaboration on the ground”²⁰². Logistics, getting the right equipment and the supply chain, especially at the start and in the planning phase, proved problematic (Ibid).

Most interviewees regarded the mission as a rigid top-down structure remotely controlled from Brussels. They believe that this impeded operational effectiveness. Cases like ‘Haji Baba’ in Helmand (educating children on road safety) are an example. Five years later in Kabul, a mission member attempted the same thing.²⁰³ Both cases contravened what Brussels wanted. In Helmand, this was ignored. In Kabul it was not. Which was the most operationally effective?

Article 9, Council Joint Action 2007/369/CFSP shows that: 1) EUPOL Afghanistan shall have a unified chain of command, as a crisis management operation; 2) come under the responsibility of the Council, the PSC shall exercise political control and strategic direction; 3) the Civilian Operation Commander, under the political control and strategic direction of the PSC and the overall authority of the SG/HR, is the commander of EUPOL Afghanistan at the strategic level and, as such, shall issue instructions to the HoM and provide them with advice and technical support; 4) the Civilian Operation Commander shall report to the Council through the SG/HR; and 5) the HoM shall exercise command and control at theatre level and shall be directly responsible to the Civilian Operation Commander (CPCC director),

Explaining the role of EU institutions, when we talk of Brussels, we mean a forum for 28 member states that translates their policies and decisions. It is the political prism for every member state. Brussels articulates what 28 member states want, rightly or wrongly. There is a divergence of views and variations in political tolerance. There are differences across 28 member states about what success looks like. For some, it is simply flying the flag, for others there needs to be practical gains. A benefit of Brussels, specifically the CPCC, is that it can influence the political level to help the mission. The HoM cannot influence all the necessary actors, such as ambassadors. The CPCC can. This takes pressure off the HoM. Even at that, internal to the mission, the HoM could please three member states and upset ten. Missions cannot function without a filter of this type. The CPCC is the intermediary between politics in Brussels and the mission. Most people interviewed did not understand Brussels. For them, it was a distant abstract easy to blame.

²⁰² Eckhard, 2016, p. 12

²⁰³ Interview A5.



STAFFING

What is viewed by all those interviewed was that EUPOL was hampered by 12 month deployments. As a member states: "Sending any one here for just one year is useless."²⁰⁴ To date, there have been approximately 1,850 members, with the average deployment period for seconded staff 18-months and for contracted staff three years, although the lowest for contracted staff was six months.²⁰⁵ For a mission that will run 9.5 years and averaged around 200 international staff per year this works out at a complete change of staff annually.

An example is six HoM's: Friedrich Eichele (Germany) 05 June 2007 to 10 October 2007 (5 months); Jurgen Scholz (Germany) 11 Oct 2007 to 30 Sept 2008 (11.5 months); Kai Vittrup (Denmark) 16 Oct 2008 to 30 May 2010 (19.5-months); Jukka Petri Savolainen (Finland) 15 July 2010 to 31 May 2012 (22.5 months); Karl Ake Roghe (Sweden) 01 Aug 2012 to 31 Dec 2014 (29 months) and; Pia Marita Stjernvall (Finland) 16 Feb 2015 to 31 Dec 2016 (22.5 months).²⁰⁶ A HoM's average deployment was 19 months. Only one served more than two years. In the first 18 months the mission had changed HoM three times. The first and only woman HoM was Pia Stjernvall in 2015. All HoM's were contracted.²⁰⁷

**International Staff
(seconded and contracted)**

<u>Year</u>	<u>Men</u>	<u>Women</u>	<u>Total</u>
2008	177	18	195
2009	246	34	280
2010	247	49	296
2011	283	47	330
2012	286	55	341
2013	233	61	294
2014	151	39	190
2015	118	37	155
2016	85	33	118

Table 1A²⁰⁸

²⁰⁴ Interview A11.

²⁰⁵ Source: EUPOL.

²⁰⁶ Ibid.

²⁰⁷ Source: EUPOL.

²⁰⁸ Ibid



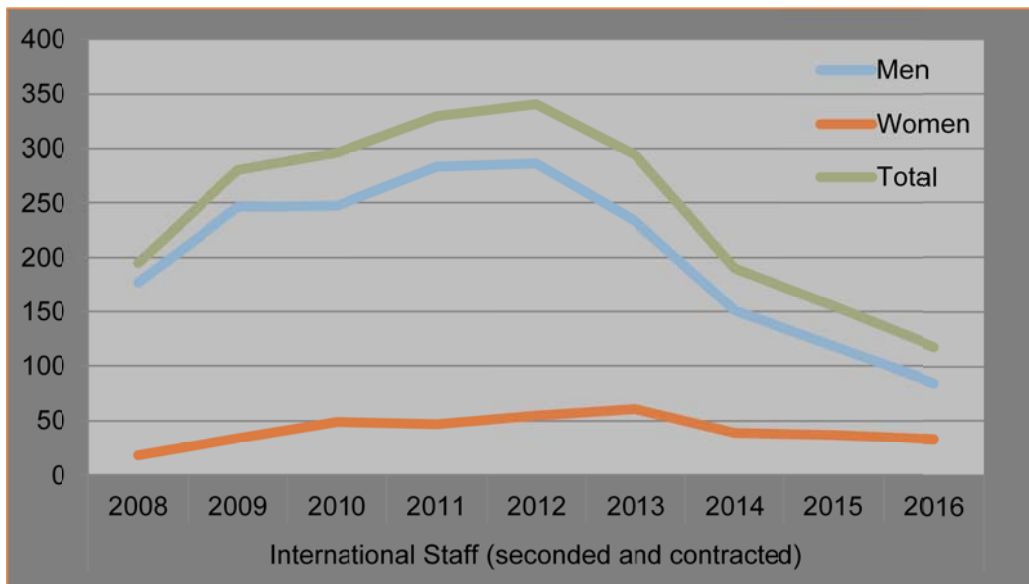


Chart 1A²⁰⁹

It took five years for the numbers to peak, never managing to reach the 400 planned for. “The shortages of staff and general lack of progress after seven years of effort (including the German effort) suggest that the future promise of EU civilian contributions, at least in hostile environments far from Europe, is limited”²¹⁰. On average, women constituted 18% of international staff. The percentage was lowest at the start (9%), peaking at the end (28%).

National Staff (Table 2A)²¹¹

<u>Year</u>	<u>Men</u>	<u>Women</u>	<u>Total</u>
2007	57	16	73
2008	77	21	98
2009	130	33	163
2010	140	36	176
2011	166	40	206
2012	168	36	204
2013	161	38	199
2014	142	37	179
2015	124	30	154

²⁰⁹ Ibid.

²¹⁰ RAND, 2010, p. 29

²¹¹ Source: EUPOL.



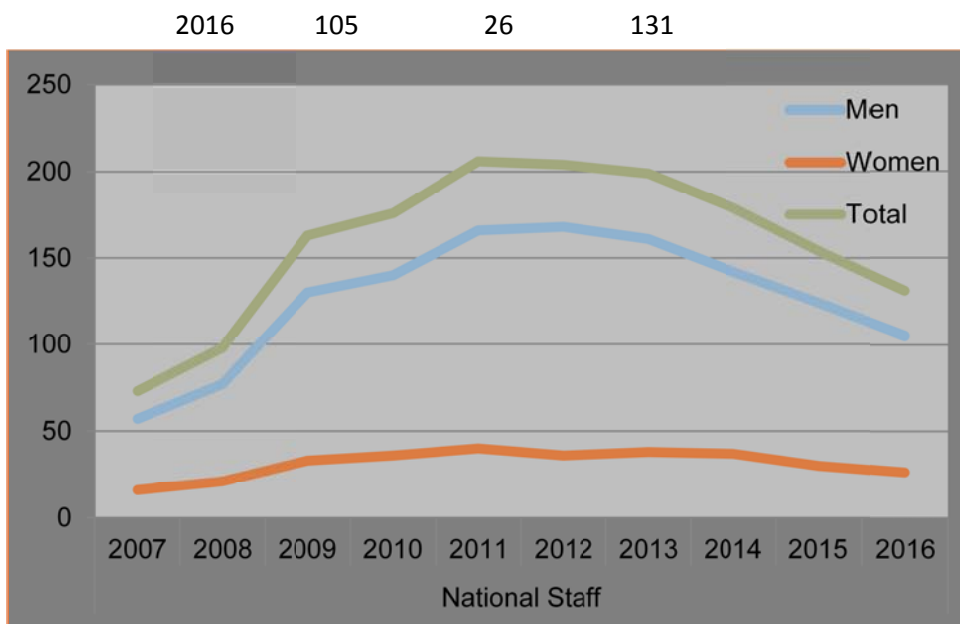


Chart 2A²¹²

In national staff the average percentage of women was 20%, which was steady throughout. Most women (nationals) appear to have been employed in domestic services. A few were in back office jobs. A translator claimed that EUPOL had no women translators, and none were seen during the field visit.

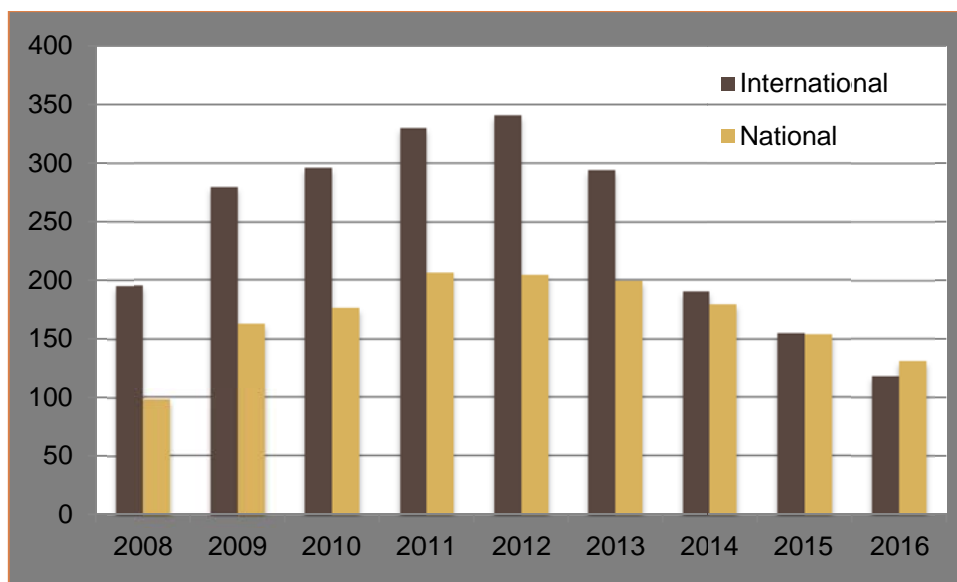


Chart 3A²¹³

²¹² Source: EUPOL.

²¹³ Ibid.



A senior mission member states: “Missions need to explore use of the Afghan staff in a more creative fashion. I recommend exploration of the ‘National Liaison Officer’ model, which might employ contracted Afghans who are in service for two years or more in liaison officer role with Afghan government offices or as a legal expert with similar institutions. They are capable of more and know the reality of life in Afghanistan.” Most mission members interviewed endorsed this view.

On average, national staff was 41% of the total. The majority did not hold the type of posts the senior mission member referred to. By 2014 there is almost parity between national and international staff, and in 2016 there are more Afghans than Europeans. When international and national staff is added, the peak was 565 personnel in 2012.

GENDER AND HUMAN RIGHTS

Quantitative data indicates that EUPOL was not thinking about gender mainstreaming at the start, based on the quota of international staff that were women. That is, the mission from the outset presenting itself as an example to a host organisation of what it should aspire to become. A lesson from Afghanistan is the “lowering level of ambitions” (Anderson, 2016, p. 83). This does not mean that promoting an important issue like women rights is unworthy or an unrealistic aim. Rather, it takes time to deliver. “It is frequently stated in reports from Afghanistan and other interventions that transforming fragile states and situations takes a very long time. If international activities are to make a positive difference, they must apply a significantly longer time horizon and exert a much higher degree of strategic patience than the two to three years that are typically considered to be ‘long term’ in the international context” (Ibid).

The head of a local NGO said of the mission: “EUPOL created Female Police working group which is attended by the Mol and various NGOs. The group meets each month to discuss EUPOLs work and share challenges in this field. Its main focus of discussion has been the Mol Gender Strategy plans. This group has been a positive experience where organisations have learnt from one another. We are happy with this work of EUPOL and it is very much appreciated. Currently there is cross community dialogue, media features, community drama and open discussions on female policing in Kabul and the provinces.”²¹⁴ A senior mission member praises the Mol and women-based NGOs for community projects that used ‘Mulik’ or community dialogue to encourage women

²¹⁴ Interview A17.



police, noting numbers in 2005 were 181; in 2013 1,551 and today are 2,846 in 31 of 34 provinces. She estimates that, 800 joined on foot of a drama projects.²¹⁵

Tempering this optimism, a senior member of the Attorney General's Office states: "We have to balance issues of security and gender. The security situation stands as an obstacle to recruiting women. In Afghanistan we are still facing lots of problems about gender issues. Violations against women are one; women not getting work are another. We aim to recruit women, but only eight provinces out of 34 had a recruitment office for women. With low payment a woman cannot sustain her work and also look after her family. Just recently we advertised for posts. There were 262 applications from men and 18 from women. It was for a vocational position in the AGO, a good job, and was countrywide. Of the men, 64 were appointed. Of the women, 16 were appointed. I personally made sure as many women as possible got the job. It is important to increase the presence of women. At one point we were trying to make equal rights between men and women but the conflict put an end to that. Fundamentalists took over and we were pushed to the side."

Some Afghan men in senior positions were sympathetic to the plight of women. As a mission member notes: "Some women took on their husbands job after he was killed. Because there was no pension and money coming into the house she got his post."²¹⁶ It is fair to say, however, that most Afghan men were not similarly enlightened. From the perspective of a EUPOL international: "Developments of female police numbers within the ANP do not include the Pashtun clan. These issues are beyond the capability of a mission like EUPOL to change."²¹⁷

What is needed on gender, according to a former mission member, is a "very good analysis of gender issues. For example, if I was head of the MOI I would want to know what the gender issues are in different areas, like women stopped by border police. Also, what does the law and constitution say about women in the police and public service in general? What does EU and international legal instruments say?"²¹⁸ Another member points out the following: "Gender and human rights need to be culturally sensitive. We cannot impose them. You cannot say we need 5,000 female police officers. It cannot be judged on figures. Do that and they'll play us. Take gender and human rights slowly."²¹⁹

²¹⁵ Interview A8.

²¹⁶ Interview A25.

²¹⁷ Interview A16.

²¹⁸ Interview A24.

²¹⁹ Interview A11.



“We got too hung up on gender and human rights. Because someone has made a career out of it they dictate the pace. How did we get a quota of 5,000 female police officers by 2016? Did Brussels think this up? Getting women into the police is important, but it cannot be rushed. It is better to increase women numbers year-by-year, rather than set quotas. At conferences for female police officers, many have to bring members of their family as chaperons. The woman issue is complicated. We cannot ram gender and human rights down their throats, which we are doing. It does not help the women. If anything, it sets women equality back. The way we are doing it is not getting anywhere. It goes back to strategy. Gender and human rights should have been thought about right from the start and those on-the-ground should have contributed to the MIPs.”²²⁰ On the same point another member states: “We try to push our values too quickly, especially in mainstreaming gender and human rights. We lose sight of where we are in the world. We push too hard and too fast. We need to manage our own expectations.”²²¹

On gender, a woman from a respected INGO raised achievement such as, “27% of the National Assembly members are women, in 2009 the law against violence against women was passed and USAID has invested in Women’s Programmes.” She goes on to say: “As the security situation has deteriorated, women affairs have gone backwards. Women are less brave about going out in public and men are getting more conservative. Just when more women than ever are in education and in employment we have the security system breaking down.”²²²

One senior mission member identifies significant problems in integrating gender and human rights in basic training for the ANP in any meaningful way, and that EUPOL have not had the capacity to change this.²²³ Which is a pity, because, as a senior figure from another rule of law programme states: “EUPOL is miles ahead on gender.”²²⁴ The dilemma was that, to “get more women into the police and promote gender you first need a professional and effective police.”²²⁵

An Afghan woman in charge of a local NGO lamented a disastrous approach by EUPOL and the international community in general. She said: “The west came with grand ideas and paid little heed to what people like me had already in place. We had printed books on the rights of women from an Islamic viewpoint and handed these out to Imams and tribal elders. About one or two per cent read them. These were the men who respected women. You know, respected their wives.

²²⁰ Interview A9.

²²¹ Interview A1.

²²² Interview A4.

²²³ Interview A8.

²²⁴ Interview A23.

²²⁵ Interview A25.



This is how little you have to work with. But the internationals did not appreciate this because they did not approach it from the perspective of a woman living in Afghanistan. My sister was killed for being a teacher. My grandmother and auntie were murdered for defending women's rights. Most of the time internationals believed they had a strong Afghan woman to back, she was actually the puppet of a warlord. Today, look at Afghanistan – worse than ever."²²⁶

Due to the security situation limiting face-time with their Afghan counterparts and the shift toward strategic advising, the mission was not as well informed on gender as it should have been. An example arises from the interview with a woman from an INGO.²²⁷ She explained that the ANP authorise virginity testing. Where there is doubt about a woman's virginity, due to an impending marriage or sexual assault, the family can go to the police to get authority to test the woman's virginity. Some mission members were unaware of this. There was also confusion with some mission members (internationals) about whether a woman in Afghanistan could lawfully drive a car or use the Internet.

Of gender, the interviews produced a number of recommended practices such as; gender experts should use simple language to explain the issues, as opposed to technical or politically correct language. This should combine with simple first steps for operational members, especially men. An example is, getting a mentor to raise his daughter, niece or sister (not a wife) in conversation with his counterpart in a personal way. The aim is to give men confidence in promoting gender by making it easy and relevant. As the relationship develops more can be done in the same fashion. To mainstream gender it is important to convince male mission members of its criticality to stabilising the country, before convincing local policemen.

Similarly, having women mission members in front-facing roles and senior positions from the start is a simple way of subtly promoting the gender issue. Accessing the education system to promote a mission's aim is another subtle way of promoting gender. Children and young adults, especially girls, can bring home what they were taught, educating their family circle. What is clear is that, there is no quick fix. Mainstreaming gender must be done slowly through small steps in line with a 10-15 year strategy, at the end of which candid debates can take place. One is confident the same applies to mainstreaming respect for human rights.

EUPOL BUDGET

²²⁶ Interview A37.

²²⁷ Interview A4.



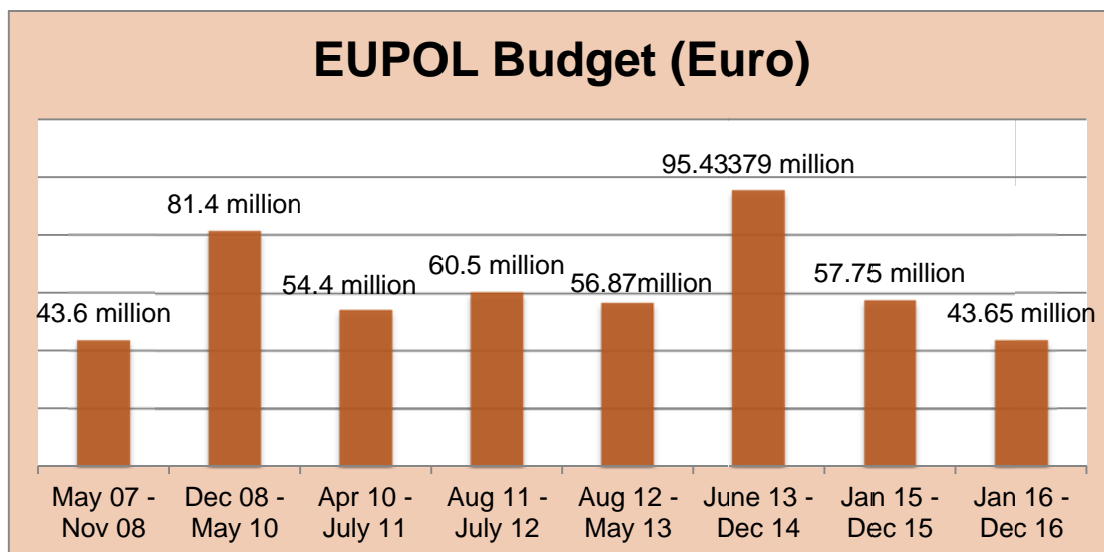


Chart 3A²²⁸

The total EURO budget was 493,603, 790 Euros. As the Afghanistan Review (Edward M Kennedy Institute, 2016) showed, this was less than 10% of the overall international effort. While money is not everything and can be wasted at the expense of sidelining better cost-effective initiatives, the amount still seems too small. The average gross monthly wage (including allowances) for an international mission member is EURO 9,578 and for a national mission member EURO 1,641.²²⁹ For an international, the allowances were at the highest level of police missions in order to attract quality staff.²³⁰ Rotations averaged at six weeks on, two weeks off.²³¹

Many interviewees criticised the mission for having too many support staff. On average, 40% was support or back-office staff, which is the norm for a small mission.²³² If one factors in leave and sickness, in July 2016 (115 international mission members) around thirty staff in 2016 engaged with Afghan counterparts.²³³ At its peak in 2012 (341 staff), the number would have been approximately 100. For a nation the size of Afghanistan and the problems it has, the numbers are small.

²²⁸ Source: EUPOL.

²²⁹ Ibid.

²³⁰ Ibid.

²³¹ Ibid.

²³² Ibid.

²³³ Ibid.



Currently, and for this past 12 months at least, EUPOL is in exit mode.²³⁴ Most interviewees see things being run down in transitioning to partner agencies. In their view, little is being done and no one wants to go out. A representative of EUSR and Rule of Law Advisor, views this as follows: “In light of the closure of EUPOL and the shrinking space for civilian policing it is important to protect the gains that EUPOL made in the past by sowing the seeds of civilian policing in Afghanistan to maintain focus and to keep the civilian police doctrine alive also post-EUPOL.”²³⁵ How this will translate practically and how it is reported on, is the question.

The biggest internal factors affecting the operational effectiveness of the mission in Afghanistan was, a top-down structure remotely controlled by Brussels, short strategy, small budget, shifting mandate, small size and short deployments. There was no continuity with people or the approach.

EU-EXTERNAL FACTORS AFFECTING OPERATIONAL EFFECTIVENESS

The IECEU D4.2 Afghanistan Review+²³⁶ shows that, following the Soviet occupation of Afghanistan two broad sides emerged – the Taliban and the Northern Alliance. The Taliban gave sanctuary to Osama bin-Laden and his new al-Qaeda network, mostly because bin Laden had helped them fight the Soviets. On the 10th of September 2010 al-Qaeda assassinated the leader of the Northern Alliance in Afghanistan, on the 11th December they attacked the US. Late in 2001, the US moved into Afghanistan in search of Osama bin Laden and his al-Qaeda network. The US saw the Taliban as the threat and backed the anti-Taliban forces of the Northern Alliance. Along with other coalition partners, especially the British, a military campaign ensued that quickly routed the Taliban. The EU was absent from all this because it not a sovereign state with a military that can quickly deploy to fight or law enforcement organisations that can supply officers for a police mission.

Turkey’s political stance over the Cyprus issue was an external factor, particularly important in force protection and the EU-NATO impasse. Equally, when the US decided to remove most of its forces, this withdrawal impeded EUPOL’s operational capacity due to a deteriorating security situation. The CMC approach EUPOL adopted is reliant on a strong third party performing a security role and achieving a good level of stability. The political construct of the EU and agendas of individual members states is also an external factor. The EU depends on member states to support a mission.

²³⁴ Interview A10.

²³⁵ Interview A90.

²³⁶ IECEU –project, 2016. D4.3 Afghanistan Review.



Politically, the Afghanistan government is another important external factor. For instance, the progress made on gender can be easily lost if “women are not at the negotiating table with Taliban. If issues that impact on women are not discussed they will be ignored.”²³⁷ The political will of the Afghans to make things happen is crucial but has seldom been demonstrated. As a mission member notes: “Thirteen months is the average span for the Minister of Interior. There is no continuity. Is he really bothered about gender and human rights?”²³⁸

The Norwegian government had a commission to examine its intervention in Afghanistan. It concluded that the goal of “state building” was not achieved (Wilkens, 2016, p. 2). In quoting from page 10 of the official report (Government of Norway, 2016, not yet translated into English) Wilkens writes: “The report goes some way toward explaining the limited results of the international mission. It cites the limited understanding among international actors, including Norwegians, of Afghanistan and local conditions, culture and lines of conflict. It also shows how the objectives and approaches employed in Afghanistan at times were internally inconsistent or contradictory. The international coalition’s strategy for combating terrorism and insurgency prioritised short-term security goals; this had the effect of strengthening local power structures that were corrupt and abusive. Moreover, the extensive international military presence generated a sense of occupation among some segments of the Afghan population, thereby strengthening the adversaries of the international military. The report concludes that externally assisted state-building – based on large-scale military activities, massive monetary transfers and weak institutions – is extremely difficult. In Afghanistan, a society divided by war and upheavals, it proved impossible”²³⁹.

3.3 INTEROPERABILITY (I)

CO-OPERATION AND CO-ORDINATION WITH INTERNATIONALS

Anderson’s recent study of Afghanistan noted: “The pillar structure also made it difficult to work across the pillars and ensure synergy between, for example, the legal system and police reform. ...experiences with the pillar-divided SSR approach are overwhelmingly regarded as negative”²⁴⁰. She concluded that, co-operation did not occur at the highest level, thereby impeding the functions of lower levels in the field, and inter-agency co-operation was limited and did not extend to joint-

²³⁷ Interview A4.

²³⁸ Interview A9.

²³⁹ Wilkens, 2016, p. 2

²⁴⁰ Anderson, 2016, p.76



learning and analysis²⁴¹. Anderson promotes “more coherent interventions” and questions whether “development (civilian policing) can be pursued in the midst of an open war”²⁴².

A senior mission member states: “There is no clear division of labour within Afghan SSR. Internal competition and fighting at all levels and confusion over roles in the ANP renders our job more difficult. There are lots of actors dominated by the US.”²⁴³

A senior EUPOL advisor states: “The partnership with RS and others at the personal level is fine. What we bring to the party is empty wallets and big hearts. RS see us as an ally, and call on us when they want to. But money has power, and RS have lots of money. We are the naughty little kid in the room seen as a nuisance. But they have a point. They do not see civilian policing as part of it”²⁴⁴.

A mission member interviewed with extensive experience in Afghanistan believes there is room for progress. He states: “Communication and partnership is an area we can improve on. The international community works in silos. I worked on a project – code of conduct. I found out the UN had done exactly the same project before. It was repeat work.”²⁴⁵

Much of what EUPOL promoted contradicted other programmes. An example is intelligence-led policing. A retired police officer with 30 years service and the Head of Training in a US police-building programme for five years states: “EUPOL went against most of what we had trained. We approached them over this but they were not interested. They had printed thousands of leaflets on ILP [Intelligence-Led Policing] and handed them to the Afghans. Most of it was from a book. It was too complex and did not relate. EUPOL was unaware that the ANP had an intelligence department called the DPI [Directorate of Police Intelligence], who needed to be consulted. A few realised that this needed to be co-ordinated but anytime security came into the equation EUPOL closed its ears.”²⁴⁶

A senior mission member’s experiences are that: “There is no translation for the concept of ‘community policing’ here in Afghanistan.”²⁴⁷ In other words, ‘community policing’ EUPOL style was a foreign concept. Along the same lines, a mission member states: “In the early days an adviser

²⁴¹ Ibid p. 81

²⁴² Ibid, pp. 83 and 85

²⁴³ Interview A8.

²⁴⁴ Interview A9

²⁴⁵ Interview A1.

²⁴⁶ Interview A23.

²⁴⁷ Interview A20.



from Germany told us to do this and that, based on what the German police did in the sixties and seventies. It was a wild time.”²⁴⁸

A senior mission member believes that RS perceived EUPOL as a key partner.²⁴⁹ Another relates that EUPOL had a good understanding with GPPT (German Police Project Team), UNDP (United Nations Development Programme) and UNAMA (A10). She believes UNDP has a “high turnover of staff and heavy reliance on consultants and UNAMA looks good on the face of it but is not clear what they are doing. They are in a phase of rewriting their role.”²⁵⁰ An interviewee from another agency noted that EUPOL are difficult to get information from – they don’t share when they are in an influential position with government. This attitude of not being eager to share is endemic, making it difficult to co-ordinate efforts across the international community.²⁵¹ Unfortunately GPPT did not respond to requests for interviews for this research, so it is hard to say with any authority what they thought about EUPOL. From a US, UNAMA and EUSR perspective, EUPOL was not viewed kindly in regards of co-ordination and co-operation. The severest criticism was that EUPOL was getting in the way. From the perspective of EUPOL members interviewed, various partner agencies (including within the EU) made poor choices in using money on poorly co-ordinated projects.

Alert to the discord, a mission member states: “There is a regression of relationship with NATO. Previously Lt Gen Caldwell (NATO) integrated the civilian dimension and helped to build bridges through a philosophy of co-operation, co-ordination and communication. However, in 2016 this appears to be waning; Resolute Support is more military centric, their ‘terms and conditions’ are different from EUPOL and their idea of policing is actually a Gendarmerie force.”²⁵² Another interviewee is critical of EUPOL overall in this area stating: “There is a clear need for better communications between EU actors in Afghanistan. There is no shared strategy. EUDEL could play a bigger part in change management, because they have strategic oversight and this could inform our work in the mission. EU actions need to be better co-ordinated with the actions of the International community.”²⁵³ On the positive side another EUPOL interviewee noted that: “We are

²⁴⁸ Interview A11.

²⁴⁹ Interview A6.

²⁵⁰ Interview A10.

²⁵¹ Interview A11.

²⁵² Interview A16.

²⁵³ Interview A19.



seen by RS as having a light touch. We do not have their clout. But what we do bring to the table is diverse expertise.”²⁵⁴

CO-ORDINATION AND CO-OPERATION WITH AFGHANS

“The Afghans have incredible capacity that can be tapped with some support. But RS and EUPOL have different focuses and relationships can be difficult. In MOI there is not a clear chain of command and therefore the international community can ‘bribe’ their way. If one official is not responsive they go to another.”²⁵⁵ Another member explains: “We coordinate with SSMI [Strategic Support for Ministry of Interior] sometimes. But often our views are different because most of them have no police background. The same applies to RS and UNDP. At times the advice each of us give is contradictory.”²⁵⁶

Of civil/military tensions, a EUPOL member noted: “There is a preponderance of ex-military personnel in senior ministry posts. This combined with the major influence of the US (the biggest donor) and its focus on military interventions contribute to the dominant position afforded military discourses often to the detriment of rule of law discourses.”²⁵⁷ He further noted that: “a 2013 document which set out a ten year vision for the ANP and which opted for a civilian police force has so far remained a ‘paper exercise’ in that recruitment and training of police do not reflect this stated strategy. He believes that an “uncontrolled spending spree by the US fuelled corruption, and is not something the EU could or should try to match.”²⁵⁸

The Head of Training of a US police mission notes: “Training across MOI was disjointed. Nobody knew what anybody else was training. The Germans, French, US and others had their bi-lateral agreements with the Afghan government. Each operated in their own silo. The thing is, when you ask a group of Afghan Generals their job description and they do not know. What does this say about the ANP and MOI?”

From an MOI perspective: “The prevailing view was that this is a war and that the ANP had no choice other than to fight and assume a paramilitary type role. There were significant concerns that the ANA was standing back and watching the ANP doing the fighting. One view was that if the ANA was reinforced via a reduction in ANP numbers then this may allow a smaller more professional

²⁵⁴ Interview A1.

²⁵⁵ Interview A10.

²⁵⁶ Interview A5.

²⁵⁷ Interview A2.

²⁵⁸ Ibid.



ANP to focus on normal policing. The present military strategy for tackling the insurgency is wrong as the ANA do clearing operations, which allow the Taliban to vanish. Once the ANA declare the area clear then the ANP take over only to find themselves out gunned and outnumbered by the reappearing Taliban who have simply waited for the ANA to leave. There was no attempt to merger these roles.”²⁵⁹

As with the rest of the international community, EUPOL did try to co-ordinate activities with their Afghan counterparts, but the overall result was unimpressive. For many members interviewed, co-ordinating the Afghans and working with them in the last years of the mission turned into cosmetic work groups and seminars.

3.4 COMPETENCES (C)

The problem for EUPOL, according to many interviewees, was that it did not know what effective policing in an armed conflict looked like. And as a senior mission member acknowledges, EUPOL did not have a police model to follow or to benchmark against.²⁶⁰ A senior member of the CPCC was also heavily in favour of “a single police force.” A senior level interviewer believes that: “If there is a police model out there, use it. We need something.”

An Afghan mission member with 14-years experience in the SSR area with US programmes and EUPOL in Helmand and Kabul believes people who “actually policed a war, like Northern Ireland, should have been picked.”²⁶¹ On the same issue an international mission member points out: “There is a need for people with experience of the issues of police reform and working as a gendarme, such as those from Northern Ireland, France, Spain, Italy to be deployed in the mission. This would lead to a more confident mission.”²⁶² She saw people from these semi-military police forces as better suited to a conflict environment.

In recruiting people for EUPOL Afghanistan, the ‘call for contributions’ by the EEAS did not include experience of policing a conflict. Rather, experience in other police missions was one of the main essential criteria. It seems the same application form used for EU police missions in non-conflict locations was used for Afghanistan. Of the selection process, a senior figure in EUPOL’s Human Resources favours people from a Gendarmerie-type background. He notes: “I think there is a big

²⁵⁹ Interview A30.

²⁶⁰ Interview A8.

²⁶¹ Interview A7.

²⁶² Interview A19.



difference in policing (normal) and security policing. First of all, EUPOL is a nation-building mission and in essence I think that we have more suitable entities to take care of the fighting. If there is such a demand, the CSDP mission should preferably be handled under EUMS and the military missions and not the civilian.”²⁶³ He goes on to state: “If the requirement is to work in and with security policing – this should naturally be reflected in the JD criteria.”

A recent study by Anderson concluded: “Experiences from Afghanistan show that it is pivotal that the international personnel has background knowledge” and “contextual knowledge” (Anderson, 2016, p. 82). It is not known if member states prioritised people from semi-military police forces, but if the UK is anything to go by, they did not. The Stabilisation Unit of the British Foreign and Commonwealth Office does not place any extra weight in people from a ‘conflict policing’ background in advertising for overseas posts in trouble spots (www.gov.uk). This is in contrast to the US. According to one senior figure on a US programme: “Almost all our staff were from this background. The US wanted people who had fought an insurgency. After all, police primacy is what beat the insurgency in Northern Ireland, very little of which was about killing. It was about arrests and putting offenders behind bars.” He cited the view of the US government, specifically that the US Congress Committee on Armed Services, House of Representatives (H.R. 5136) ‘Countering Network-Based Threats,’ (21 May 2010) applauded a “doctrinal program based on a previously successful European model” in Iraq and Afghanistan.

The European model in question was intelligence-led policing from Northern Ireland. A senior figure from a US programme points out that, the Committee found the approach was “immediately effective in disrupting terrorist network activities” and “saving lives.”²⁶⁴ In Afghanistan and Iraq, particularly the latter, success stories like this are very rare. Where the US preferred police officers with experience of policing a conflict, EUPOL Afghanistan preferred police officers with experience in police missions.

Connected to selection is the changing mandate: “During EUPOL’s time in Afghanistan its role has changed from operations to strategic advising but the EUPOL staffing profiles and terms of reference do not reflect this shift”.²⁶⁵ There is no doubt that, as one senior mission member says, “many of the staff have risen to the task and have performed beyond their level.”²⁶⁶ But would a

²⁶³ Interview A26.

²⁶⁴ Interview A22

²⁶⁵ Interview A8.

²⁶⁶ Ibid.



selection criteria bespoke to a conflict environment have increased this number and had this upper level as their baseline?

For many members interviewed, the mission's makeup was an issue. "EUPOL as it is today and has been for quite a few years is predominantly Scandinavian and eastern European. The multiculturalism works well and is strength of the mission but care is needed to prevent it tipping too far to certain member states. Some countries are pushing their people to Afghanistan and some are not."²⁶⁷ A stronger view is that: "There's a lot of nepotism. It starts with pre-selection. Your chances of getting a job are better if you are seconded, but if you are contracted it's a rigged game. Contracted posts are better paid. You find that the EU countries with low paid police officers take up a lot of the contracted posts. Also, these countries send people on missions at times to get rid of problems. There is no strict selection process the same as some others countries."²⁶⁸

In July 2016, the top three contributing states were: Romania (21 members - 8 seconded, 13 contracted), Finland (15 members - 9 seconded, 5 contracted) and Sweden (14 members - 9 seconded, 5 contracted).²⁶⁹ Eastern EU states were 30% of the mission and Scandinavian states 32%.²⁷⁰ Romania had the highest number of contracted members (Ibid). There are no members from Northern Ireland. The HoM was Finnish, the DHoM was Estonian and the Head of HR was Danish.

A mission member noted that: "RS are more proactive than EUPOL. RS are more military police while EUPOL staff are the only civilian police advisors."²⁷¹ Another member states: "The main added value of EUPOL's presence is that there are civilian police advisors balancing the military perspectives of other advisors such as the 200 NATO advisors and MOI personnel" (A10). While both make a valid point about the military look of the US in advising the Afghan police, it is not the case that every police advisor on a US programme is military. One US programme contained more police officers (most of who recently retired after 25-30 years police service) in frontline mentoring/advising roles than EUPOL.²⁷²

The Irish government provided two seconded staff per year to the mission (A28). It is estimated that five people with a policing background from Northern Ireland's conflict were mission members,

²⁶⁷ Interview A1.

²⁶⁸ Interview A24.

²⁶⁹ Source: EUPOL.

²⁷⁰ Ibid.

²⁷¹ Interview A6.

²⁷² Interview A24.



less than 0.3% of the total (1,850) and less than 0.5% of the UK's contribution of approximately 7.5% (EUPOL, also see UK Stabilisation Unit, 2014, p. 16). The figures for members with policing experience in Spain against ETA and with policing experience in Italy against the Mafia appear to be the same. Mission members from Spain, Northern Ireland and Italy account for approximately 1% of the 1,850. In July 2016 only Spain (one member) was represented.

A senior mission member highly praised a mission member originally from Afghanistan and who became a Dutch citizen.²⁷³ This woman "did excellent work on gender. She understood the culture and challenges, what would work and what would not."²⁷⁴ Another senior mission member equally extolled the virtues of local people playing a greater role in a similar mission in the future.²⁷⁵ The same thinking applies to police mentors and advisers. A future mission would benefit from members who have policed a conflict or a sophisticated violent threat deeply rooted in a community.

In calling for contributions the EEAS placed great emphasis on Crisis Management Concept and some Governments, including the Irish government's International Security Policy Section reflect this. In picking candidates for seconded positions the following courses were beneficial: "CEPOL Commanders Course on Civilian Crisis Management Aspects or an EU Civilian Crisis Management Course."²⁷⁶ From an MOI perspective, international advisers need to recognise that policing is not the same in Afghanistan as it is in the West and need to understand the cultural difference.²⁷⁷ CMC does not cater for the differences the MOI refer.

A mission member recommends that: "A future mission should have experienced former mission members at its core."²⁷⁸ To qualify this, the performance appraisal system employed by EUPOL was widely viewed by those interviewed as unfit for purpose. They complained that it does not give an accurate assessment of a person, mostly because it is too contentious and time-consuming to give a bad appraisal.²⁷⁹ Another former member states: "We had too many people for what we were doing and many were just trying to justify their position. A lot of them rarely went outside. They did not care about the Afghans. They were there for the wrong reasons and could not be talked to. They were incompetent on the ground but competent in how to play the

²⁷³ Interview A8.

²⁷⁴ Ibid.

²⁷⁵ Interview A20.

²⁷⁶ Interview A28.

²⁷⁷ Interview A30.

²⁷⁸ Interview A1.

²⁷⁹ Interview A24.



system.”²⁸⁰ It seems, mission members that performed poorly were not properly dealt with as a rule and contracted mission members were able to end their contract early without this impeding their chances on another EU mission.

Ultimately, as a senior member of EUPOL’s Human Resources department says: “If the requirement is to work in and with security policing, this should naturally be reflected in the job description criteria.”²⁸¹ To relate this to the practical side, had this been done in Afghanistan, the following may have been identified: “The need for basic training on civilian policing first, followed by security training – anti-ambush, personal security, holding crime scenes in a hostile area and that sort of thing.”²⁸² A leading academic is of the view that: “Our problem is some people get it and some do not. Some were arguing the ANP should be disarmed. It was farcical. Afghan police were being killed every day. You cannot put your hands in your pockets and say we only do community policing. We need to think more carefully about who we deploy.” Competencies were based on the mandate and not the context. While the mandate regularly changed the context remained the same.

3.5 COMPREHENSIVENESS (CH)

Council Joint Action 2007/369/CFSP shows the PSC fact-finding mission caused the Council to approve the “Crisis Management Concept (CMC),” regarded as a “comprehensive and strategic approach.” Although there is no universal definition for ‘comprehensive,’ the EU defines it as: “a joint undertaking and its successes a shared responsibility for the EU institutions as well as Member States, whose policies, actions and support significantly contribute to more coherent and more effective EU responses”²⁸³.

The Irish government, among others, endorse the ‘comprehensive’ approach. The International Security Policy Section of its Foreign Affairs and Trade Department states: “The focus of Ireland’s efforts in relation to EUPOL Afghanistan has been to promote the elements of its mandate which relate to Community Policing.”²⁸⁴ Their view was that: “Other international actors trained the police and military to fight the insurgency but that was not the primary role of EUPOL Afghanistan. However the value of the Comprehensive Approach is that these two strands do not have to be

²⁸⁰ Interview A33.

²⁸¹ Interview A26.

²⁸² Interview A27.

²⁸³ European Commission, 2013, p. 12

²⁸⁴ Interview A28.



mutually exclusive.”²⁸⁵ Ireland’s expectations were that the comprehensive approach would harmonise with security to help implement community policing.

Comprehensiveness, as it sits within the CMC concentrates on contemporary police practices and standards in a normal environment. Comprehensiveness did not extend to earlier police practices and standards in an abnormal environment, such as armed conflict. This meant that conventional and modern police practices from Europe were imposed in Afghanistan as the basis of professionalising the Afghan police. An interviewee from a US programme sees this as a shortcoming. He states: “What most people do not realise is that, in many ways, what worked in earlier times is what was needed in Afghanistan, suitably updated but not dramatically changed. This sits badly with the politically correct brigade. I’ll give you an example. EUPOL was introducing a Police Ombudsman’s Office as an accountability measure, which is popular in Europe today, when, what was needed was good internal supervision. You know, inspections to make sure they had their hat on straight, were neat and tidy, and had their weapons. You need to build up their confidence in simple steps, starting at the bottom with intrusive supervision. Add to this as they progress. A Police Ombudsman’s Office is the last step. You introduce this only when you have a competent and confident police organisation that has proved itself capable.”²⁸⁶

For peacekeeping missions, a leading academic states: “The CPCC is mechanical and the EU arrangement is out of date. Policy, strategy, structures and the command and control for a crisis situation need to be reformed.” Most of the mission members interviewed were unconvinced at how comprehensive the ‘comprehensive’ approach really is. They did not see it living up to its claims in Afghanistan. This can be explained in general terms by the fact, as with most missions, they are political with an operational capability.

3.6 TECHNOLOGIES (T)

Technology tended to be counter-intuitive. The clearest example is computers. “We had to create a Case Management System to help the police and prosecutors process a crime. The US [Justice Sector Support Programme] supported this was what they called a CMS programme, computers and software. But it was never properly linked and not that relevant. The problem was electricity supply and buying ink cartridges. Equipping them with computers doubled their work. We got too modern too soon. Technology is something that needs to go into the strategy from the start. What

²⁸⁵ Ibid.

²⁸⁶ Interview A22.



kind of technology? How relevant is it? Are the end-users computer literate, or even literate? That sort of enquiry is needed. I saw projects where we gave Afghans 100 computers. After that no one reviewed what they did or how they worked. Most disappeared into peoples homes.”²⁸⁷

In the same vein another mission member notes: “They did not so much need computers as supervision. A photocopy machine would have been better, build on the paper-based bureaucracy they already have in place.”²⁸⁸ Similar programmes had the same experience: “Giving out computers and that sort of thing sounds great but usually ends up a disaster and complete waste of money and time.”²⁸⁹ An example of IT in an anti-corruption context was spy cameras concealed in eyeglasses and cameras for spying. These were given to the AGO’s Office without any training or understanding of how this helped an investigation and the risks involved. As a mission member states: “Some idiot who knew nothing about Afghanistan thought this up. In fact, what was done at that time was unlawful. We asked for cases, examples were they had used these. They gave us none. We looked to run a training course on the cameras, but the cameras they brought were not the cameras we gave them. None of the equipment was used. Another time, someone similarly ignorant of the Afghans and Afghanistan, tried to sell the idea of a fully functioning forensic science laboratory to aid investigations. The police could not take fingerprints properly and some idiot wants a lab.”²⁹⁰

What did work well, albeit not from EUPOL: “Focus on what they already had – smart phones. We got co-ordinates through the phone’s GPS of munitions hides and also photographs. We looked at developing different Apps for this.”²⁹¹ Internally, some mission members interviewed praised texting on local phones they each had. This involved threat alerts and updates on movements by the security cell. As a member notes: “It was simple and effective.”²⁹²

A senior level interviewee states: “I did not see anything technical or technological that would have made a difference, things that were enablers. But IT and software was not the answer. It did no deal with the Taliban or remedy corruption. Of course, it can support certain activities, but technology is not part of the solution. We needed to tackle mindsets. Unfortunately, some international actors are keen on IT and bring other systems, which are not compatible. It creates confusion and dependency on funding. I am hesitant in promoting technology in building capacity.”

²⁸⁷ Interview A24.

²⁸⁸ Interview A25.

²⁸⁹ Interview A22.

²⁹⁰ Interview A33.

²⁹¹ Interview A23.

²⁹² Interview A32.



Technology in the context of progressing a mandate to help the Afghan police did not work well and was not used to the extent it is in Europe. Technology tended to make things harder rather than easier. EUPOL did not invest significant amounts in IT-type projects, and certainly nothing near the amounts of other programmes. Instead, the emphasis was on the intellectual capital of its people and ideas. Supplying modern technology to the ANP, with a few small exceptions, was not a mainstay of EUPOL. As one interviewee says: "The international community wasted millions on IT. To its credit, EUPOL did not."

4. EFFECTVINESS OF EUPOL COPPS AND EUBAM RAFAH

4.1 SUCCESS FOR THE EU (OPTS)

4.1.1 INTERNAL GOAL ATTAINMENT

It has been stated that an important goal for the EU in establishing EUPOL COPPS ten years ago was to gain a stronger foothold in the Middle East region, and to strengthen its position in the efforts to find a solution to the Israeli-Palestinian conflict. Having been side-lined in the Oslo peace process, in the aftermath of the second intifada the EU intended to target its assistance more strategically by focusing support to building the capacity of Palestinian security sector, particularly the civil police. In the beginning, Israel was highly reluctant to accept the EU's direct involvement in the Palestinian security sector reform, which was illustrated in that Israel refused to accredit EUPOL COPPS international staff. It was only in mid-2007 that EUPOL COPPS received its first SOMA (Status of Mission Agreement²⁹³), and the mission could start working more effectively.²⁹⁴ By now it is obvious that the EU, through the work of EUPOL COPPS, has achieved its strategic goal to play a stronger role in the Palestinian statebuilding efforts, particularly in building the capacity of Palestinian Civil Police. EUPOL COPPS's achievements in this field have been brought up by several observers, and were also underlined by respondents to this research. It has also been pointed out, that Israel's earlier resentment has turned into appreciation of more organised and professional Palestinian police forces.

²⁹³ Status of Mission Agreement is a bilateral or multilateral agreement defining the legal position of personnel deployed by one or more states or an international organisation in the territory of another state with the latter's consent. Aurel Sari (2008): "Status of Forces and Status of Mission Agreements under the ESDP: The EU's Evolving Practice." *The European Journal of International Law*, Vol. 19 No. 11, pp. 67-100.

²⁹⁴ Interviews P2 and P8.



Whether EUPOL COPPS and EUBAM Rafah have achieved their operational objectives effectively is more difficult to assess, as the operational objectives are defined in the OPLAN and the respective activities i.e. tools to achieve the objectives are enlisted in the Mission Implementation Plan that are both confidential EU documents. One criticism raised during interviews was that the assessments of EU CSDP missions are limited to internal strategic review processes that are led by the CMPD. External observers have no access to key documents that would help to assess what has been achieved. Due to this, also this assessment is based on how the interviewees perceive the missions to have achieved the set operational goals. As a general observation based on the interviews one can conclude that both EUPOL COPPS and EUBAM Rafah appear to use their internal planning and evaluation tool MIP very effectively, having regular meetings and holding discussions both internally inside the mission and externally with their counterparts on what has been achieved and what are the remaining or emerging needs to be addressed. But the ongoing discussion on whether 'monitoring' should be included in the EUPOL COPPS mandate indicates that at least some mission members do not feel the mission is sufficiently following up the results of its activities.

As is known, due to external conditions EUBAM Rafah has been able to implement its mandated tasks only to a very limited extent ever since 2007. But interviews of this research reveal that during the last 2-3 years, there is some increase in the mission's activities. Together with its PA counterpart, the General Administration for Borders and Crossings, EUBAM Rafah has put together a preparedness plan on the possible redeployment of PA border service personnel as well as the EU CSDP experts to the Rafah Crossing Point in case the politico-security situation becomes conducive to it. In cooperation with EUPOL COPPS, EUBAM Rafah has also enhanced its training activities in the Jericho training centre in the West Bank. The mission has also produced several assessments on border services since 2015 that provide baseline analyses on the current situation and the existing needs, and runs working groups with the GABC on four identified key issues. The mission has also been developing synergies with other EU and non-EU international agencies that work on border issues. The increased activity of EUBAM Rafah is also reflected by the fact that the mission's annual budget was increased from the previous € 1,27 million (in 2015-2016) to € 1,54 million (in 2016-2017). As an EEAS Official phrased it, EUBAM Rafah is not exactly a 'standby mission' any longer. However, the visibility of EUBAM Rafah's activities remains low, and indeed most Palestinian respondents and even many EU respondents perceive the mission to be inactive.²⁹⁵

²⁹⁵ Interviews P21, P26 and P33.



The number of ongoing activities of EUPOL COPPS is high; according to the mission its MIP plan includes almost seventy activities that aim to reach the mission objectives set in the OPLAN. The activities include at least mentoring and advising of key personnel the PA, trainings, workshops, study trips, as well as support to drafting law texts, policy documents as well as guidance and handbooks. In general, the perception among both EU and non-EU respondents is that EUPOL COPPS's work has reached positive results, and most interviewees mentioned several examples on the mission's achievements and good practices. Some, however, stated that EUPOL COPPS had too many international experts and too many small activities, and suspected that not all of these activities were necessarily effective, or based on Palestinian needs. The MIP system should, if used efficiently, enable the mission and the Brussels HQ to monitor the effectiveness of the mission's individual activities and make amendments as required.

4.1.2 INTERNAL APPROPRIATENESS

Examination of internal appropriateness of EU CSDP missions in the occupied Palestinian territories can be divided under two wider questions. First, to what extent and how efficiently the missions have implemented the EU plans, and how cost-effective their activities have been? And second, how is the EU comprehensiveness carried out in this particular conflict context?

The first question has already been partially answered in the above section on internal goal attainment. The establishment of EUPOL COPPS and EUBAM Rafah were both timely response from the EU to the existing needs and events in the aftermath of the second intifada, and served well also the EU's own politico-strategic interests. Over a decade in existence, the situation and the needs have changed in the OPTs. EUPOL COPPS's mandate changes, its involvement in new areas such as the rule of law, and its refocus of activities from initial material assistance to training and most recently to strategic advising and mentoring illustrate how the mission and the EU have amended the crisis management tool to maintain its appropriateness. The same has not been true for EUBAM Rafah, the mandate of which has remained unchanged despite that the mission has been unable to implement its key mandated task ever since 2007. Both EU and non-EU respondents hoped that the EU would seek to amend the EUBAM Rafah's mandate to allow it to work more widely on Palestinian border service capacities, but equally many suspected that pressure from Israel prevented any amendments to the mission mandate. What it comes to the cost-effectiveness of EUPOL COPPS and EUBAM Rafah their overall budgetary costs and numbers of personnel are among the lowest in EU CSDP missions and operations. Due to highly various types and sizes of CSDP missions it is not possible to assess how well or badly these missions compare with others in terms of cost-effectiveness. Among the EU respondents, most



made no remarks on how cost-effective they thought the missions to be, but some individuals pointed out that by changing the current system of rotations and making more use of long-term contracted experts EUPOL COPPS could significantly cut down its current costs. Non-EU respondents wondered why the EU CSDP missions were not following up the accountability of projects in a similarly meticulous manner that the EUREP or individual EU Member States do.

Regarding the question over EU comprehensiveness the respondents representing the CSDP missions, EU delegations, Brussels HQ and EU Member States provided an overall picture of relatively well-functioning field level coordination amongst different EU actors in the OPTs. There were functioning EU coordination meetings in addition to general assistance coordination meetings, and mostly information was shared and problems of possible overlaps discussed either in these meetings or bilateral meetings of technical and field level staff. Some smaller EU Member States were said not to actively involve themselves in coordination efforts, which may be explained by lack of personnel in their representative offices. While everyday coordination and cooperation was seen to function smoothly some respondents brought up that in the background there are wider, unresolved questions over the comprehensiveness of EU approach and the roles of various EU instruments. A particular question is whether the EU CSDP missions and operations should remain to serve their initial purpose as fast response tools, or should CSDP become a more developmental instrument. Opinions over this question varied, and those who held the first view said that EUPOL COPPS and EUBAM Rafah had already served their intended purpose and the EU should consider closing them down and transferring the tasks to other EU instruments that carry out developmental work. Others, supporting the second view, stated that EUPOL COPPS in particular illustrated how CSDP has evolved over the last years, and that it could be used to further develop this EU instrument in the future.

4.2 SUCCESS FOR THE CONFLICT (OPTS)

4.2.1 EXTERNAL GOAL ATTAINMENT

The EU efforts to prevent further violent conflict in the Middle East region have included material assistance as well as support to capacity-building and institutional of the Palestinian Authority security sector and justice sector institutions. Through two CSDP missions and other EU instruments the EU has contributed to Palestinian statebuilding process, following the Roadmap to Peace Agreement in 2003 and Palestinian Prime Minister Salam Fayyad's statebuilding plan, according to which building strong Palestinian security and justice institutions would precede political sovereignty of Palestinian state. In the security sector the EU's primary tool has been its



police advisory mission EUPOL COPPS, while the EU border assistance mission EUBAM Rafah has played a lesser role. EUPOL COPPS has also supported the strengthening of Palestinian justice sector.

In assessing whether the EU has been able to help prevent violent conflict through the activities of EUBAM Rafah one needs to differentiate between the mission's active period during its first year, and the low activity period that has continued from 2007 until today. It has been pointed out by many analysts before that EUBAM Rafah was instrumental for increased mobility of Palestinian civilian population in Gaza during its active period.²⁹⁶ During this period it can be said that the EU managed to achieve what it was asked to do by Israel and the Palestinian Authority through the Agreement on Movement and Access (AMA) i.e. to monitor the PA's compliance to rules and regulations at the Rafah Crossing Point and increase the capacity of the PA border service personnel through training activities. But since 2007 when Hamas took over the Gaza Strip and Israel blocked the EUBAM Rafah personnel's access to Gaza the AMA has no longer been applicable in practice, and the mission has not been able to effectively implement its mandated tasks. In addition to these external conditions the EU's own no-contact policy towards Hamas has minimised the mission's possibilities to work in and on Gaza. Since 2007 EUBAM Rafah's activities have been limited to helping the PA General Administration for Borders and Crossings in developing a preparedness plan and building border service capacities through trainings. Both EU and non-EU respondents of this research assess that EUBAM Rafah's current contribution to the Palestinian security sector is limited. Some Palestinian respondents other than from the GABC did not even know whether EUBAM Rafah still existed or had any activities. Suggested solutions to the current situation varied from closing down the mission to maintaining it in its current status until the political situation changes and allows the PA and EUBAM Rafah to take up again work in Gaza, to requests that the EU should more creatively and actively find ways to push for political settlement to the intra-Palestinian conflict between Hamas and Fatah.

In contrast to EUBAM Rafah's limited range of activities, EUPOL COPPS has almost seventy ongoing activities through which the mission aims to implement its mandated tasks to assist the Palestinian civil Police to implement its strategic plan, to mentor and advise the PCP and the Criminal Justice Institutions, and to coordinate, facilitate and provide advice on assistance projects related to the PCP and Criminal Justice Institutions. As CSDP missions' planning documents are not accessible to outside observers, this report cannot assess how and to what extent the EUPOL

²⁹⁶ See Avonius 2016.



COPPS's individual activities help to prevent violence in the OPTs. Rather, it provides an overview on how effective as a conflict prevention tool the interviewees perceived EUPOL COPPS to be. Through EUPOL COPPS the EU has aimed to support the Palestinian security sector reform by assisting the PA to build a stronger and professional civil police force. There is no doubt that EUPOL COPPS has attained this goal, first through providing material assistance to the PCP that was badly affected by Israeli military operations reacting to the second intifada, and later on by training and other capacity-building activities. The PCP is seen, both by the respondents of this research and by outside assessments, to be the most reliable and professional agency of the Palestinian security forces. This does not mean that the PCP would function without any problems, but it means that the PCP's human rights record is better than those of other Palestinian security forces, and that the PCP has over the years improved in terms of transparency and accountability, perceived to be more accessible and responsive to requests and complaints by citizens, and has improved its ability to serve vulnerable groups through establishment of family protection and juvenile units and gender units. But, as the Palestinian non-PA respondents frequently pointed out, the enhanced capacities of the PCP do not enable it to protect Palestinian civilians against the greatest security threats they encounter i.e. the occupying Israeli security forces and the Israeli settlers' violence. In their opinion, the EU capacity-building support has had little impact on the level of violence. In fact, some stated that the coordination and cooperation between the PA and Israeli security forces that has been encouraged by the EU and the US, has turned the Palestinian security institutions to collaborators, which has increased violence against Palestinians and particularly against those who oppose the current PA leadership. These statements are related to the question whether the EU actions in the OPTs are considered appropriate preventative measures or not.

4.2.1 EXTERNAL APPROPRIATENESS

Most respondents would agree that the forms of technical assistance provided by the EU CSDP missions were appropriate measures to respond to the chaotic situation that prevailed in the OPTS in the mid-2000s when Israeli military operations responding to the Palestinian second intifada had destroyed much of public infrastructure and the Palestinian security forces were in disarray. Material assistance and capacity-building efforts helped the PA to streamline its security forces. The PA Prime Minister Salam Fayyad's technocratic plan that aimed to build strong security and justice institutions prior to political sovereignty of Palestine, together with EU-backed two-state-solution to the Middle East conflict received wide support. However, over the years the optimism and confidence on the two-state-solution has faded. Israel has shown little interest and no intention



to take any steps towards two-state-solution. Instead, its repeated military operations, continuing building of wall and Jewish settlements in the Palestinian lands that are both in violation of the international law, and the growing number of Palestinians in Israeli prisons all show that the Israeli government has no intention to keep its side of the agreements. At the same time the internal Palestinian division between Hamas-led Gaza and the Fatah-led West Bank, including violence against the members of the competing group taking place both in the Gaza Strip and in the West Bank, have weakened the Palestinian side in the negotiations. Due to the division the current Palestinian Authority, supported by the western donors, only functions in the West Bank, and has no constitutional legitimacy as not elections have been held in the OPTs since 2006. Parallel Hamas-led government in Gaza receives no statebuilding assistance.

Respondents of this research, just like many observers in recent years, have brought up that technical assistance to Palestinian security and justice sectors, or to statebuilding more widely, are not sufficient measures in the current conflict situation. They have stressed that the EU should use more effectively its diplomatic, political and economic tools to encourage and pressure both Palestinian and Israeli side to find ways out of the current stalled situation. They have urged the EU to try to support more vigorously the efforts of reconciliation between Palestinian factions. Some respondents have suggested that instead of just providing technical assistance to the PA the EU should condition its assistance to democratization efforts and demonstrated respect to the rule of law and human rights. Furthermore, it has been pointed out that the EU has been weak to make use of its potential as the largest donor to the PA and as the biggest trade partner of Israel to push forward the Middle East Peace Process. Seen within this wider context, the EU CSDP missions' appropriateness as conflict prevention tool is limited, and the technical assistance they can offer must be better supported by other - political and economic - measures that are in the EU's toolbox.



5. EFFECTIVENESS OF EUPOL AFGHANISTAN

GENERAL ASSESSMENT OF OPERATIONAL WORK OF THE MISSION

A positive at the operational level was embedded mentoring. “The existence of EUPOL in Helmand was fruitful and effective. I do not see this in Kabul. In Helmand, EUPOL and the US worked together to build a provincial HQ for police. EUPOL provided training to the ANP that was well designed and relevant. EUPOL had a pretty good image and reputation in Helmand. They had a good relationship with the PCOP. When they told him they were leaving he was unhappy, as they provided great support for the ANP. EUPOL also dealt with heads of districts. They knew everyone by name, based on friendship and good understanding. EUPOL has shrunk and works now at the strategic level. I’m unsure if they have the same understanding or knowledge.”²⁹⁷

One mission member noted: “EUPOL no longer does training and mentoring, which it was good at. Restrictions and constraints don’t allow it. Now that it has moved into the strategic area, it has nothing to offer other than advice. The relationship is changing. Also knowing that EUPOL is leaving there is a swing towards those with projects.”²⁹⁸

In talking about his time in Helmand a EUPOL member stated, “US advisors were with the PCOP [Provincial Chief of Police] 24/7. If he flew out to the districts they flew out with him. The Americans did that very well. We also did something similar in Helmand. We worked closely with our counterpart. It takes time and constant contact to develop trust. You need to get out. But the majority of people here in Kabul have no experience of this. Most are support staff and have no idea what it is like outside the wire. I put myself in an Afghan’s position. If someone came into my office telling me what to do, what would I think? A good legacy is the Police Staff College and Crime Management College. Both are in Kabul. We have had no real impact in the rest of the country outside of Kabul.”²⁹⁹

The problem in Helmand was the CMC approach, short timeframe and confused strategy predicated against fully exploiting the rewards from the good relationships built. While one member believes that, “from the beginning we should have focused solely on the strategic.”³⁰⁰ Another shows, “concentrating on the strategic bit means we have lost information at the ground

²⁹⁷ Interview A7.

²⁹⁸ Interview A10.

²⁹⁹ Interview A1.

³⁰⁰ Interview A9.



level.”³⁰¹ With no mentors in the provinces how does a mission know if strategic advice is taken? Or how does it know what the operational challenges are on the ground?

As mentioned in the introduction, the mission lists nine key achievements. In broad terms these are: 1) Established Crime Management College and the Police Staff College; 2) Developed policies in MOI; 3) Increased community oriented policing practices; 4) Enhanced co-operation between police and prosecutors; 5) Established Police Ombudsman and Dept. of human rights and gender in MOI; 6) Established Family Response Units in ANP; 7) Advanced awareness of human rights within ANP (including gender); 8) New Afghan Penal Code; and 9) Improved legal framework for disciplinary procedures (www.eupol-afg.eu).

Of one of these (police/prosecutor co-operation) the Deputy AGO said: “The rule of law component was effective and did good work. Unfortunately it ended too early [December 2015].” Despite the rule of law component being well received, in closing it a former mission member states, the “Afghans were not consulted. This was a political ‘drugs deal’ done in Brussels. France wanted the EUPOL mission to end in Afghanistan in order to focus efforts on a French-based EU mission in Africa. The compromise was EUPOL remained but was downsized with the rule of law component ending.”³⁰² It is not clear how accurate this claim is, however, most people interviewed, particularly partner agencies, were astounded that the rule of law component ended early. Also: “Politically, the EU Council was far from united on the new mission mandate. France, in particular, preferred EU missions to focus on locations in the EU’s more immediate geographical proximity, such as the Balkans or Africa”³⁰³. Setting aside the validity of the political intrigue in this case, the claim shows the precarious position of Brussels, where the agendas of individual member states need accommodated in order to sustain a mission.

Of the police/prosecutor achievement, a mission member states: “The police and prosecutors can co-operate. They just choose not to, mostly due to corruption. It took almost five years to draft guidelines. None of us was inside a courtroom, attended a crime scene, observed an investigation or a how crime was reported. We completed our task, but what value is it? It’s just another publication gathering dust.”³⁰⁴ Another member states: “Afghanistan is not ready for civilian policing. They are still fighting a war. They paid lip service to the rule of law and they are skilful in

³⁰¹ Interview A11.

³⁰² Interview A24.

³⁰³ Eckhard 2016, p. 10

³⁰⁴ Interview A33.



saying the things we want to hear. The international community has not held Afghans accountable for outcomes from aid activities.”³⁰⁵

Most people interviewed saw EUPOL as a top-down organisation dictated to by Brussels. Typifying this viewpoint: “The mission is top-down but also sometimes bottom-up, especially when we had the field offices. The CPCC role should stick to the strategic level. They are too operational and tactical at times. It bothers me that they interfere with the HoM’s role. If they really want to deal with tactical-level issues they should assume the responsibility. There is too much bureaucracy and too many staff dealing with it.”³⁰⁶ A mission member cautions against “thick policies,” recommending a mission “should only do what is relevant.”³⁰⁷ To tackle the corruption problem another member suggests: “In future you need to identify the less corrupt people in the host nation based on whatever intelligence or information is available. Corruption is a huge issue.”³⁰⁸

Two factors stand out in assessing EUPOL’s operational work: the political imperative in Brussels and practical needs in Afghanistan. EUPOL Afghanistan was politically fragile. This precluded the mission from helping the Afghan police fight the Taliban (and an array of insurgent networks and armed crime gangs) and, because security and corruption are intertwined, also impeded the mission from helping the Afghan police fight corruption. Without gains in security and corruption it is hard to see how, operationally, anything else can be developed and sustained.

From an Afghan perspective, operationally, the approach was fragmented and too divorced from their main priorities to make a tangible difference in stabilising the country, the ultimate aim of EU policy. But, if the underlying aim of the mission was to make the Afghans aware of civilian policing practices that they should aspire to, Brussels is better placed to claim operational success. As one senior mission member notes, “EUPOL introduced the concept of civilian policing.”³⁰⁹ The nine achievements listed support this later aim, as well as mirroring the mission’s reporting style. Assessing EUPOL’s operational effectiveness depends on what angle you view it from. In generalised language Brussels can argue that it contributed to an international effort in a positive manner, and continues to do so through bodies like EUDEL and EUSR.

³⁰⁵ Interview A18.

³⁰⁶ Interview A11.

³⁰⁷ Interview A5.

³⁰⁸ Interview A1.

³⁰⁹ Interview A8.



Most of the interviewees struggled with what operational success looks like. For one: “We trained ex-Northern Alliance warlords and Mujahedeen and put them into a uniform. I suppose that was success.”³¹⁰ And this, perhaps more than any other insight, gets to the heart of the mission’s dilemma. The harsh reality of a conflict environment like Afghanistan is that former terrorists will be put into a revamped police force and trained to fight an insurgency by internationals. Policing by nature is controversial, but this dramatically increases in a conflict to a level that many political systems cannot manage. It is less contentious to avoid this aspect and focus on civilian policing. Yet, many of the mission members interviewed are adamant that the EU would have made an operational difference in Afghanistan had they confronted this thorny issue head on and tailored the mandate accordingly.

Even with considering different viewpoints of what constitutes operational success, the expectations in EU planning and security policy do not correlate to an unstable Afghanistan. Due to the dire security situation and endemic corruption, most EUPOL practices and policies will probably evaporate quickly once the mission ends in December 2016. This is in contrast to the human factor. Many mission members will be warmly remembered. As a community leader in Kabul states: “Even though my wife and me had to leave the country because the Taliban were going to kill us, the Taliban for most Afghans now offers better justice, governance and most things than the government. You can imagine how painful that is for me to say. EUPOL, like so much of the internationals, had good intentions but made things worse.”³¹¹

³¹⁰ Interview A9.

³¹¹ Interview A40.



6 CONCLUSIONS

OCCUPIED PALESTINIAN TERRITORIES

The aim of this study is not to come up with an overall rating for the performance of EU CSDP missions in the occupied Palestinian territories. This would not have been possible as the set operational objectives of CSDP missions and operations, as well as mission reports on the activities conducted to achieve those objectives are categorized as confidential information by the EU and thus not accessible to external analyses. Instead, this study is based on information on how CSDP mission members, EEAS officials, EU Member States representatives, other internationals present in the OPTs, representatives of Palestinian Authority and Palestinian civil society activists assess the actions of EU CSDP missions and the EU more generally in the OPTs. The study explores their perceptions on the EU's achievements, failures and challenges in conflict prevention, and their views on what the EU should do differently. Some findings relate to the CSDP as EU crisis prevention instrument and others to EU actions in the Israeli-Palestinian conflict.

Comparing the mandates of the two CSDP missions in the OPTs shows that while the mandated tasks of EUPOL COPPS have been revised over the years to adapt to changing situation and needs, EUBAM Rafah has become a 'prisoner' of its unchanging mandate that limits its activities to the Rafah crossing point in Gaza, to which the mission has no access in the current politico-security situation. Though EUBAM Rafah tries to develop capacity-building activities with the PA border services it remains primarily a standby mission with very little visibility and possibilities to have an impact on conflict prevention in the region. Unlike EUBAM Rafah, EUPOL COPPS has carried out a high number of activities throughout its decade of existence. Increased professionalization of Palestinian Civil Police and the public trust the PCP enjoys are perceived to be the best proof that EUPOL COPPS has been successful in its efforts in the Palestinian SSR. EUPOL COPPS's current strategic advising and mentoring of the PA, and its efforts to support institution-building of PCP are perceived more controversially than its material assistance and training support. The PA counterparts raised a concern that the EU missions and other international aid agencies provided advice and support in a fragmented manner promoting sometimes competing models or models unfitting to the Palestinian needs. Non-PA Palestinian respondents criticized the EU missions for limiting 'local ownership' to the PA security and justice institutions while ignoring other views in the Palestinian society.

Since its launch the EU CSDP instrument has transformed from a quick response tool to acute crisis situation to a quasi-developmental tool of the EU. Many respondents reflected on this



evolvement: some stated that the CSDP should return back to its original idea and leave development work to other EU instruments, but others insisted that the direction was correct but that the EU had to take further steps to make the CSDP structures, competencies and working methods to better match its new roles in long term developmental and politically sensitive work. The current short rotation cycle of seconded international experts was singled out as a factor that hinders effective work at strategic level. It makes planning and implementation of long term activities difficult, and prevents international experts from gaining sufficient local knowledge and building the level of trust with local counterparts that is required for strategic level work. The missions would also need to recruit more experts with experience in developmental and project-based work but also in human rights and with knowledge on the local conflict context. The Mission Implementation Plan (MIP) was considered to be a welcome tool to assist the missions to better plan, organize and monitor its activities against the set objectives. Like other CSDP management tools also the MIP needs to have a standardized format that is made available to all CSDP missions.

Respondents to this research reiterated the criticism towards the EU and other international donors that providing technical assistance to the PA's state-building process is insufficient response to the problems that Palestinians encounter. Building capacity of the PCP will not solve the problems the Israeli occupation causes to the everyday lives of Palestinians. They also pointed out that the EU's focus on providing assistance only to the PA in the West Bank and its no-contact policy with Hamas in Gaza may actually contribute to intra-Palestinian conflict rather than support reconciliation. The EU is urged to make more effective use of its comprehensive palette of conflict prevention, developmental, political, economic and diplomatic tools to develop new ways to address the conflict.

AFGHANISTAN

What success looked like for the Afghans (and the US) was ending the conflict. This is not what success looked like for the EU's police mission in Afghanistan. While various mandates, Council Decisions and Council Joint Actions articulate what the EU wanted to achieve with the EUPOL police mission in Afghanistan, it is unclear why the EU decided to intervene in the first place. This, most likely, was due to a combination of the US looking for help to train a very large Afghan police organisation and the EU looking to promote its 'conflict intervention' profile on the world stage. Whatever the case, it is reasonable to conclude that the lack of clarity was caused by confusion in the international community. There was no overall 'rule of law' plan in Afghanistan that EUPOL could neatly fit into. This strategic shortcoming, hallmarked by limited co-operation and



collaboration by international actors added to Brussels' difficulties. Getting 28 member states to agree on a mission and what this should entail was highly problematic.

The political challenges in Brussels and operational challenges in Afghanistan were immense, particularly on force protection. A changing mandate is indicative of the former. This was probably down to Brussels identifying what was doable with the resources available in a deteriorating security situation, and how this could be labelled successful with member states in order to keep the mission going, rather than being caught totally off guard by changing circumstances.

A mandate on a short timeframe, one can reasonably conclude, enabled the activities in the Mission Implementation Plan (MIP) to take place. In other words, three-year cycles suited short-term goals as opposed to supporting a long-term strategy. Although it is hard to fully substantiate success of the MIP without mapping it to actual activities, and setting aside the relevance of what task activities worked toward and how they were done. It is likely the MIP was effective in what it was conceived to do. Mission members were delivering on the ground. Because the MIP (and mandate it was based on) did not feed into a greater plan, the activities often competed with or duplicated those of international partners, without this necessarily being known by the mission or Brussels. Similarly, Brussels was blind to some of the successes operationally, especially at the fringes in the provinces. Much of this was due to a reporting mechanism and top-down structure that seems to have been overly rigid and hierarchical, stifling innovative tactically driven initiatives.

A conclusion that may prove controversial to security traditionalists is that, gender (discriminating against females) and corruption are interwoven with the threat. They are inseparable. They cannot be tackled in isolation. To mainstream gender and tackle corruption are extremely difficult, if not impossible, in a mission that does not deal with security. This was the situation for EUPOL. The number of women on the mission almost certainly exceeded that of any similar programme. It was an excellent position to progress the gender topic. The drawback was that the EU approach excluded security from the mission's mandate, thereby restricting any significant development in these areas. Given the environment, the 'security free' approach caused consternation with the US and the Afghans.

People were the mission's greatest asset. How they were selected to train, advise or mentor Afghan police in an unconventional conflict was the same as recruiting people for a mission in a conventional peacetime setting. Of this, one can conclude that the application process did not optimise getting as many of the right people as possible. There was no CV specifically tailored to



candidates with experience and expertise in policing the type of environment people were to deploy into. This would have alleviated changing demands in skill sets caused by a changing mandate and guaranteed a core of mission members with practical experience in this area.

Ultimately, one can reasonably conclude that an irregular war environment like Afghanistan is a strained fit for the EU's existing CMC and comprehensive approach. The mechanisms in place for the planning phase at the time were not as sophisticated as they are today. The creation of the EEAS in 2010 is an important milestone in this respect, illustrating a determination in Brussels to develop the civilian side of conflict prevention.

In 2007 the EU believed that doing something in Afghanistan was better than doing nothing. What this 'something' looks like in the future will require a fundamental re-think on the approach, rather than a fundamental restructuring of EU institutions.



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APPENDIX 1 LIST OF INTERVIEWS (OPTS)

Nr	Category	Date of Interview
P1	Former EUPOL COPPS international staff	4 March 2016
P2	2 EUPOL COPPS international staff members	7 March 2016
P3	EUPOL COPPS international staff member	7 March 2016
P4	Representative of Palestinian Attorney General's Office	7 March 2016
P5	EUPOL COPPS international staff member	7 March 2016
P6	2 EUPOL COPPS international staff members	7 March 2016
P7	EUPOL COPPS international staff member	8 March 2016
P8	Representative of Palestinian Civil Police	8 March 2016
P9	EUPOL COPPS international staff member	8 March 2016
P10	EUPOL COPPS international staff member	8 March 2016
P11	3 Palestinian political analysts	9 March 2016
P12	Palestinian civil society representative	10 March 2016
P13	Palestinian civil society representative	10 March 2016
P14	2 Palestinian civil society representatives	10 March 2016
P15	Palestinian civil society representative	10 March 2016
P16	EEAS Official	11 March 2016
P17	2 EEAS Officials	11 March 2016
P18	Representative of Palestinian Human Rights Commission	14 March 2016
P19	Palestinian civil society representative	14 March 2016
P20	2 Representatives of EU Member State	14 March 2016
P21	Representative of Palestinian General Administration of Borders and Crossings	14 March 2016
P22	Representative of the United Nations Development Programme	14 March 2016
P23	EUPOL COPPS international staff member	15 March 2016
P24	4 representatives of the US Bureau of International Narcotics and Law Enforcement (INL) and the US Security Coordinator's Office (USSC)	15 March 2016
P25	2 EEAS Officials	17 March 2016
P26	2 EUBAM Rafah international staff members	18 March 2016
P27	Representative of EU Member State	22 March 2016
P28	EUPOL COPPS international staff member	3 May 2016
P29	Former EEAS Official	20 May 2016
P30	Former EEAS Official	2 June 2016
P31	EEAS Official	11 June 2016
P32	EEAS Official	13 June 2016
P33	EEAS Official	13 June 2016
P34	EEAS Official	14 June 2016



APPENDIX 3 LIST OF INTERVIEWS (AFGHANISTAN)

Nr	Category	Date of Interview
A1	Mission member, Afghanistan	June 2016
A2	Mission member, Afghanistan	June 2016
A3	Senior member Attorney General's Office of Afghanistan	June 2016
A4	Member of INGO, Afghanistan,	June 2016
A5	Mission member, Afghanistan	June 2016
A6	Mission member, Afghanistan	June 2016
A7	Mission member, Afghanistan	June 2016
A8	Senior Mission Member EUPOL Afghanistan	June 2016
A9	Mission member, Afghanistan	June 2016
A10	Mission member, Afghanistan	June 2016
A11	Member of INGO, Afghanistan	June 2016
A12	Member of INGO, Afghanistan	June 2016
A13	Mission member, Afghanistan	June 2016
A14	Mission member, Afghanistan	June 2016
A15	Mission member, Afghanistan	June 2016
A16	Mission member, Afghanistan	June 2016
A17	Mission member, Afghanistan	June 2016
A18	Mission member, Afghanistan	June 2016
A19	Mission member, Afghanistan	June 2016
A20	Senior Mission Member EUPOL Afghanistan	June 2016
A21	Member of local NGO, Afghanistan	June 2016
A22	Senior adviser, US police mission	July 2016
A23	Head of Training, US police mission	July 2016
A24	Former mission member, Europe	July 2016
A25	Former mission member, Europe	July 2016
A26	Senior mission member, HR EUPOL (reply to questions)	July 2016
A27	Senior member CPCC, Brussels	August 2016
A28	Foreign Affairs Dept., Ireland (reply to interview questions)	August 2016
A29	Senior level expert (Skype interview)	August 2016
A30	MOI (collective reply to interview questions)	August 2016
A31	Leading US academic (reply to questions)	August 2016



A32	Former mission member (Skype interview)	August 2016
A33	Former mission member (Skype interview)	August 2016
A34	Leading academic (phone interview)	August 2016
A35	Former mission member (Skype interview)	August 2016
A36	Representative of EUSR Rule (Skype interview)	August 2016
A37	Former representative (Afghan) NGO (women's rights)	February 2017
A38	Former cultural adviser (Afghan) with US	February 2017
A39	Former business owner (Afghan) in Kabul	February 2017
A40	Medical Doctor and community leader (Afghan), Kabul	February 2017



APPENDIX 3 QUESTIONS (EUPOL AFGHANISTAN)

QUESTIONS (EUPOL Afghanistan)

- 1) **MANDATED TASKS:** would you briefly describe the kind of activities EUPOL employ to implement its mandated tasks in Afghanistan?
- 2) Do the mission's mandated tasks respond well to the needs in the current situation? What could/should be changed?
 - a) *Assist the Afghans in implementing police development initiatives, by advising/mentoring, and specifically senior officials at the strategic level*
 - b) *Coordinate and facilitate EU and Member State assistance, and where requested, international assistance*
 - c) *Advise on police related Criminal Justice elements*
 - d) *Have a project cell for identifying and implementing projects. The Mission shall, as appropriate, coordinate, facilitate and provide advice on projects implemented by Member States and third States under their responsibility, in areas related to the Mission and in support of its objectives.*
- 3) **IMPACT, BEST PRACTICES:** What would you say has been the major impact/added value the EUPOL mission has had? Could you give examples on the best practices you have identified in the mission?
- 4) **CHALLENGES:** What are the key challenges the mission encounters that influence the effectiveness of its work?
- 5) **RESOURCES/COMPETENCIES:** Are the resources and competencies of the mission sufficient to effectively execute the mandated tasks? Are the available resources/competencies efficiently utilised in the mission? What should/could be changed/improved? *resources: budget, infrastructure, equipment, technologies, competencies: skills and knowledge of staff*
- 6) **PLANNING:** Would you please describe the planning process of activities in EUPOL Afghanistan? Who is involved in the planning process? Is the process bottom-up/top-down?



7) **LOCAL COUNTERPARTS:** Who are your main local counterparts? How would you describe your cooperation with the local counterparts in the Palestinian Authority, civil society and others?

8) **COORDINATION AND COOPERATION WITH INTERNATIONALS:** What other international organisations/actors are operating? How well does your cooperation with other SSR (Security Sector Reform) actors work? Please, give examples on good and bad practices.

9) **CROSS-CUTTING THEMES:** how does EUPOL take into consideration cross-cutting themes and fundamental values of the EU i.e. human rights and gender in its work?

10) **VISIBILITY, PUBLIC RELATIONS:** How does EUPOL work with media (including social media) and wider public? What do you think is the popular perception of EUPOL with other SSR actors, INGOs/NGOs and Afghan counterparts?

11) **PRE-MISSION:** Did the pre-mission training include educative learning tools / online learning tools / eLearning tools? What did pre-mission/pre-deployment training look like?



APPENDIX 4 COUNCIL DECISIONS AND COUNCIL JOINT ACTIONS FOR EUPOL AFGHANISTAN

Council Decisions and Council Joint Actions for EUPOL Afghanistan

(Information provided by EUPOL Afghanistan)

- 1) 2015: Decision 2015/2336/CFSP 14 Dec 2015 amending Decision 2010/279/CFSP
- 2) 2014: Decision 2014/922/CFSP 17 Dec 2014 amending & extending 2010/279/CFSP
- 3) 2013: Decision 2013/240/CFSP 27 May 2013 amending Decision 2010/279/CFSP
- 4) 2012: Decision 2012/391/CFSP 16 July 2012 amending Decision 2010/279/CFSP
- 5) 2011: Decision 2011/473/CFSP 25 July 2011 amending Decision 2010/279/CFSP
- 6) 2011: Decision 2011/298/CFSP 23 May 2011 amending Decision 2010/279/CFSP
- 7) 2010: Decision 2010/279/CFSP of 18 May 2010
- 8) 2009: Joint Action 2009/842/CFSP 17 Nov 2009 amending Action 2007/369/CF
- 9) 2008: Decision 2008/884/CFSP 21 Nov 2008 implementing Action 2007/369/CFSP
- 10) 2008: Joint Action 2008/643/CFSP 4 Aug 2008 amending Action 2007/369/CFSP
- 11) 2008: Joint Action 2008/229/CFSP 17 Mar 2008 amending Action 2007/369/CFSP
- 12) 2007: Joint Action 2007/733/CFSP 13 Nov 2007 amending Action 2007/369/CFSP
- 13) 2007: Joint Action 2007/369/CFSP 30 May 2007

(for the legal basis of all the decisions see: <http://www.eupol-afg.eu/node/14>).

