D4.5 Middle East and Asia:
Conclusion Report

Public

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D4.5 Middle East and Asia: Conclusion Report

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List of abbreviations

AMA	The Palestinian-Israeli Agreement on Movement and Access
ANP	Afghan National Police
CMC	Crisis Management Concept
CONOPs	Concept of Operations
CPCC	Civilian Planning and Conduct Capability
CSDP/ESDP	The EU Common Security and Defence Policy/(prior to the Lisbon Treaty) the European Security and Defence Policy
CSO	Civil Society Organisation
DPI	Directorate of Police Intelligence
EEAS	European External Action Service
EU	European Union
EUBAM	The European Union Border Assistance Mission
EU COPPS	EU Coordinating Office for Palestinian Police Support
EUMS	European Union Military Staff
EUPOL	The European Union Police Mission
EUSR	European Union Special Representative
GABC	Palestinian General Administration for Borders and Crossings
GPPT	German Police Project Team
HQ	Headquarters
HR	Human Resources
IDF	Israeli Defence Forces
ILP	Intelligence-Led Policing
IPCB	International Police Co-Ordination Board
ISAF	International Security Assistance Force
JSR	Justice Sector Reform
MIP	Mission Implementation Plan
MOI	Ministry of Interior
NATO	North Atlantic Treaty Organisation
NSF	Palestinian National Security Force
OPLAN	Operational Plan
OPTs	The occupied Palestinian territories
PA (PNA)	The Palestinian Authority
PCOP	Provincial Chief of Police
PCP	The Palestinian Civil Police
PLC	The Palestinian Legislative Council
PSC	Political and Security Committee
RCP	Rafah Crossing Point
SSMI	Strategic Support for Ministry of Interior
SSR	Security Sector reform
UN	United Nations
UNAMA	United Nations Assistance Mission Afghanistan
UNWRA	The United Nations Relief and Works Agency for Palestinian Refugees in the Near East
US	United States
USAID	United States Aid

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EXECUTIVE SUMMARY

This report draws together information and analyses from the preceding four reports of IECEU Work Package 4 that examine the effectiveness of EU civilian crisis management operations in the occupied Palestinian territories and in Afghanistan. The two cases are examined in separate sections.

The IECEU case study of the occupied Palestinian territories illustrates the great challenges that the international community has in addressing protracted conflict situations. Israeli occupation of the Palestinian territories has lasted half a century and the conflict itself even longer. An internationally mediated peace process has been hindered by repeated outbursts of violence in the occupied West Bank and Gaza. A key element for a sustainable solution to the Israeli-Palestinian conflict has been the internationally supported process of building a Palestinian state. Establishing and strengthening security sector reform (SSR) under the Palestinian Authority (PA) is one of the fundaments of the Palestinian statebuilding process.

The two EU civilian crisis management missions that have been present in the OPTs for a decade focus on supporting the SSR. Examination of the two EU missions in the OPTs reveals how the European Union crisis management instrument's functionality is severely restricted by the political realities in a protracted conflict situation, as well as by the prevailing liberal peace paradigm. The EU border management mission EUBAM Rafah was mandated from 2005 to support the management of the Rafah Crossing Point between Gaza and Egypt. EUBAM Rafah has been unable to carry out its mandated tasks since Hamas took over Gaza in 2007. The EU police mission EUPOL COPPS has also been unable to take up any activities in Gaza since 2007, but during the last decade it has carried out major support efforts benefiting the Palestinian civilian police (PCP) in the West Bank. Interviewees of IECEU study as well as other observers agree that the PCP is the best functioning part of the Palestinian Authority's security sector, and that this achievement has been made possible through EUPOL COPPS's work.

This report summarises some key developments in the Palestinian security sector since the 1990s: the security sector agencies have become more streamlined and technically more advanced; the civilian oversight of security sector and related criminal justice sector has somewhat improved, though recently observers have pointed to alarming signs of growing authoritarianism within the PA structures; the limitations in territorial control and jurisdiction given to the PA police forces by the Oslo Accords are still in place, and; the intra-Palestinian division between the West Bank and Gaza has deepened. While the EU through material and capacity-building assistance has been able to

have a positive impact on security sector development, and to a limited extent has managed to improve the oversight of security sector, it has not been able to address the two latter features of the Palestinian security sector. In fact, as some observers have stated, the EU's weakness in utilising its political and economic tools has supported the status quo of Israeli occupation and even contributed to intra-Palestinian division.

The above observations highlight the necessity to take into consideration the limitations of depoliticized, technical assistance offered through the EU crisis management instrument that supports security sector and justice sector reforms. The EU crisis management missions like EUPOL COPPS have moved towards strategic assistance in recent years, but the EU needs to determine whether it wants to develop the CSDP instrument towards long term developmental assistance, or to prepare proper handover mechanisms from the CSDP technical assistance phase to the EU's other developmental instruments. The EU's comprehensive approach to crisis management must be clarified. Other crucial questions that arose from the IECEU interviews were related to local ownership, and the dilemma between democracy and security approaches in conflict prevention and crisis management. As this research has focused on the current CSDP missions' effectiveness its recommendations highlight a few aspects that can improve the ways CSDP missions like EUPOL COPPS and EUBAM Rafah function.

The second case study that this report covers is Afghanistan. The effectiveness or otherwise of an EU police mission in a developing nation suffering an ideology-based threat like Islamic State, is in many ways a microcosm of the political turmoil in Europe. Deeds that bring about stability need to replace words that excuse instability. The stage has passed where member states can view a mission as symbolic. This is no longer enough. A mission has to be practical. Meaningful tangibles are needed.

If US president-elect Donald Trump holds to his promises, the US will no longer be the world's policeman. This makes it even more crucial for the EU to get it right in the field of SSR, an area in which it has not done itself justice to date. It has under-used a rich array of police practices and experienced people across Europe uniquely suited to implementing an effective police mission in Afghanistan. There is huge potential waiting to be exploited if EU institutions can include security in its Crisis Management Concept approach and develop closer co-operation with the military.

This report provides 25 recommendations for a way forward. Where issues have been identified, a corresponding solution is offered. The majority relate to EU bodies like the CPCC and PSC responsible for setting up and managing a police mission. Change needs to come from the centre. To do this, these bodies need more political support and resources if they are to be the 'change champions' capable of persuading member states that a fundamental shift in mindset is required.

Otherwise the next mission will follow the same pattern as Iraq and Afghanistan. Is this achievable? Can Brussels lead the way for the international community in this field without a change in approach? Can the EU brand a police model for such a mission in the future? These are the key questions.

In going forward a mission must select the right people, be bureaucratically lean, unified in the police model and practices it promotes, and realistic in its duration and scope. It also has to be clever in how it mainstreams human rights and gender equality, how it is aligned with a military force and most of all; it must be relevant to the environment. This will give it the best chance of strategic success, strategic success being defined as increased stability. Only then will politics, economics, good governance, social justice issues and other aspects of civil society important for a nation's development gain traction. This is the desired end state. But to get there an effective security effort is essential and cannot be left out of planning or implementation.

Historically, either the police or military can lead a security effort. The EU, as with the rest of the international community, prefers police primacy – a rule of law approach. A rule of law approach in an armed conflict has been done before. It can be done again. And herein lies the challenge for the EU.

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1 INTRODUCTION

The Work Package 4 of IECEU project covers the case studies of EU CSDP engagement in the occupied Palestinian territories and Afghanistan. The previous four reports of WP4 have covered desk reviews on previous literature (D4.1 and D4.2), a study report on the findings of IECEU field research on the six capabilities influencing the effectiveness of EU crisis prevention (D4.3), and a discussion report describing the two roundtable events organised by the Crisis Management Centre and the National University of Ireland Maynooth (D4.4). The deliverable D4.5 at hand draws together the above-mentioned reports and presents the main conclusions of the IECEU case studies on the OPTs and Afghanistan. It provides an outline of the current status of security sector reform and the related criminal justice sector reform in the two places, as well as the main elements of EU engagements in these areas. The report also includes some recommendations on how the EU engagement in these two conflict contexts could be improved

2 EU ENGAGEMENT IN THE OCCUPIED PALESTINIAN TERRITORIES

Since the 1990s the Palestinian territories have been a target area of massive international aid, though in recent years the international assistance has somewhat declined. Palestinians receive annually at least USD 1 billion in grants from over forty donor countries and thirty UN and other multilateral agencies.[1] International aid to the OPTs is primarily given within the framework of aid coordination structure, established in 1993 after the Oslo Accords and is chaired by Norway and co-chaired by the EU and the US.[2] International aid to Palestinians has gradually changed from development aid and building infrastructure of the 1990s towards a combination of humanitarian aid and aid to institution-building and governance reforms since the second Palestinian intifada. There is growing criticism towards international assistance that is perceived to be ineffective and contributing to maintaining the status quo. Despite massive international aid Palestinian poverty has reached an unprecedented level.[3] This section outlines the EU assistance to the OPTs and discusses the main points of criticism.

The EU and its Member States is the biggest donor to Palestinians with some 500 million euros of annual aid. A common estimate is that the EU has provided around half of all assistance to the

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[1] Turner 2011: 8; Le More 2005.
[2] http://www.lacs.ps/article.aspx?id=6. Accessed on 11 August 2016.
[3] Taghdisi Rad 2015; Herremans 2016.

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Palestinians since the signing of Oslo Accords in 1993.[4] Palestinians perceive the EU's support to be important, and the EU to be a reliable partner. However, the EU's political engagement in the region has been far more difficult than its role as an aid-provider. The EU has played marginal roles in the Middle East peace process that is dominated by the United States and Israeli interests. The EU, the US, Russia and the United Nations jointly form the Quartet that has since the 2003 Roadmap to Peace agreement represented the international engagement to Israeli-Palestinian negotiations. Despite its less visible roles in the peace negotiations the EU has successfully introduced some key concepts and ideas that support conflict settlement in the region, such as the acknowledgement of 1967 borders and the idea of two-state solution. But observers have urged the EU to better use its political and economic leverage in its bilateral relations with the Palestinian Authority and Israel to push forward the dormant peace process.[5]

The EU's current engagement in the occupied Palestinian territories is built under the political objective of a two-state solution. The EU's overarching goals in the OPTs, defined in the European Neighbourhood Policy (ENP), include stability, peace, prosperity and democratic good governance. The EU follows four tracks in providing assistance to Palestinians: state-building support to the Palestinian Authority, support to Palestinian refugees through UNRWA, as well as development and humanitarian assistance. This support is further enhanced through the EU's diplomatic and political activities. While the EU has had a well-defined normative and policy framework in place already for a long time it has become increasingly apparent that the external action taken by the EU is not fully coherent with this framework. As an external evaluation of the EU cooperation with Palestine underlined in 2014,[6] a key problem is the EU's failure to address the binding constraints imposed on its overall strategy. These constraints are: the lack of progress in Israeli-Palestinian peace negotiations, the ongoing Israeli occupation, the current intra-Palestinian division between the Fatah-led West Bank and the Hamas-led Gaza, and the uncertainty over the PA fiscal sustainability. The evaluation report concluded, based on examination of program documents and interviews, that there is little or no indication on how the EU plans to address the binding constraints that stand on the way of building the Palestinian state, and that there is little discussion among the EU agencies, EU Member States, the Palestinian Authority and Israel about the constraints. Due to this, Palestinians perceive the EU's strategy to have lessening credibility and the EU assistance has become a process without an end.

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[4] Persson 2013: 189-90.
[5] Persson 2013; Bouris 2014.
[6] Saba et.al. 2014.

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The above criticism of the EU's engagement can be extended to international aid efforts in the OPTs more generally, and it is closely related to the criticism of a liberal peace paradigm endorsing economic liberalisation and good governance programs. The main points of this criticism are that the donors working within a liberal peace framework tend to depoliticize aid, and that they treat conflict zones as 'post-conflict societies' where normal economic conditions and dynamics prevail. Due to this, the actions of aid providers may in fact contribute to the lengthening of conflict instead of helping to resolve it.[7] Scholars have pointed out how international aid has played a role in the fragmentation of the PA and in maintaining Israeli occupation.[8] Turner has called this 'chequebook diplomacy' that keeps on pouring aid to the PA without taking into consideration the peculiarity of the PA's context that is characterised by the 'closure regime' and territorial division that leaves Israel to control vital socio-economic mechanisms and resources. According to Bouris, the donor community regards ending aid to the Palestinians highly controversial, but at the same time aid leverage or economic pressure on Israel is not utilised to influence the situation of occupation.[9]

International assistance has also been criticised for widening intra-Palestinian division rather than helping Palestinian unification. Donors' searching for 'partners for peace' has led to a concentration of assistance to Fatah-led Palestinian Authority in the West Bank. In the aftermath of the 2006 Palestinian parliamentary election international donors refused to channel assistance to a PA led by the election winner Hamas despite that the election was assessed positively by international observers including those from the EU. Hamas is enlisted as a terrorist organisation by the EU and the US. Israel also withheld the transfer of revenues that it was empowered to collect on behalf of the PA. Not accepting the Hamas-led PA as a 'partner for peace' led to a deliberate policy of impoverishing Palestinians, motivated by a belief that eventually Palestinians would remove Hamas from office and vote for a 'more moderate' leadership. In fact, the policy contributed to an escalation of intra-Palestinian conflict and eventually to a civil war between Fatah and Hamas in 2007. This split the PA in two. Since 2007 international assistance has been directed to the Fatah-led West Bank, while in Hamas-led Gaza aid primarily consists of humanitarian and reconstruction assistance.[10] Aid to Gaza is also heavily restricted by Israel that controls all access points to Gaza. The EU has a no-contact policy towards Hamas. This means that EU institutions and representatives cannot engage in any communication or negotiation with Hamas representatives, which is a great impediment to efforts by the EU in advancing intra-Palestinian reconciliation.[11]

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[7] Taghdisi Rad 2015.
[8] Le More 2005; Brynen 2008.
[9] Turner 2011; Bouris 2014.
[10] Turner 2011: 15-16.
[11] Youngs 2014.

The IECEU research has focused on the EU support to the Palestinian security sector reform and the related criminal justice reform. The EU became involved in the security sector in the OPTs after the Oslo Accords in the 1990s. but the second Palestinian intifada in 2000 and the destruction of European-funded facilities by the Israeli armed forces put the EU support of SSR on hold. In 2005, the EU was again actively involved and launched two civilian crisis management missions in the OPTs: the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) and the European Union Border Assistance Mission in Rafah (EUBAM Rafah). The EU support to the Palestinian security and justice sectors has included financial support to cover the salaries of PA officials through the PEGASE programme, and the European Commission SEYADA programme to support justice sector development (2006-2011). There were a number of reasons for the EU's active involvement in the justice and security sector reform in the OPTs: the EU was then, and still is, the largest international donor to the Palestinian territories; the EU's role as one of the four members of the Roadmap Quartet; both Israel and Palestinian territories falling under the European Neighbourhood Partnership program; and, related to the last, the EU's interest in promoting peace and stability in its strategic neighbouring region in the Middle East.[12]

The European Union Police Mission for the Palestinian Territories EUPOL COPPS was built on a DFID-funded UK police assistance project that had been launched after the Roadmap was signed in 2003. EUPOL COPPS started its work on 1 January 2006. Currently EUPOL COPPS has around 70 international experts and 40 local staff working in its office in Ramallah. Its annual budget is around nine million euros. During the last decade EUPOL COPPS has gone through some major developments. Its initial focus was to assist the Palestinian Civil Police that after the second intifada and the consequent Israeli military operations was in disarray. EUPOL COPPS distributed material assistance such as a communication system to the PCP, helped to refurbish Jericho Police Training Centre, and provided different types of training to police officers across the West Bank. Initially, the mission was to work in Gaza, but the Hamas takeover of Gaza in 2007 made this impossible. While material assistance still plays a role in EUPOL COPPS's work, it currently focuses more on providing special training, and particularly on strategic advising and mentoring higher level PCP officials with the aim of supporting capacity-building and institutional development of the PCP. In 2009 EUPOL COPPS expanded its work to the justice sector, and now its Rule of Law Section advises Palestinian justice sector actors in matters related to criminal justice. EUPOL COPPS follows a 'programmatic approach' in its work, meaning that the mission carries out a high number (60-70 in 2016) and a wide range of activities that aim to implement the given tasks and achieve objectives that have been defined in the mission OPLAN.

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[12] Kerkkäinen et.al. 2008: 2.

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The European Union Border Assistance Mission at the Rafah Crossing Point, EUBAM Rafah was launched in November 2005. The EU had been invited as a third party to monitor the implementation of a US-brokered Agreement on Movement and Access (AMA) between the Government of Israel and the Palestinian Authority. The Agreement reopened the Rafah Crossing Point (RCP) between the Gaza Strip and Egypt. The mission was tasked to monitor and verify the PA border service officers' performance at the crossing point, and provide necessary capacity-building in border management. EUBAM Rafah's early performance has been assessed highly positively: the mission had a positive impact on the freedom of movement of the Palestinian civilian population as the number of crossings between Gaza and Egypt remarkably increased during that period, and the Palestinian border service personnel became more professional.[13] In mid-2006 the situation changed radically. Israel started to request the closing of the Rafah Crossing Point for security reasons, and after violent incidents in June 2006 the crossing point was open only irregularly. The EUBAM Rafah personnel had increasing difficulties accessing it. Hamas took over Gaza in June 2007, and ousted all Fatah-affiliated security forces including the PA Presidential Guard operating the RCP. The EU's no-contact policy with Hamas together with security reasons led to the suspension of all EUBAM Rafah's activities.[14] Since 2007 EUBAM Rafah has been able to execute its mandated tasks to a very limited extent. The mission had in early 2016 only four international experts with a small number of short term visiting experts in its office in Tel Aviv. The mission's small office in Gaza is maintained by local staff members, while the international mission members visit Gaza approximately once a month. With less than one million euros as an annual budget EUBAM Rafah focuses on supporting the PA General Administration for Borders and Crossings (GABC) to develop preparedness and development plans. It also provides some capacity-building training for the GABC in the Jericho training centre.

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[13] Bulut 2009.
[14] Bulut 2009; GISHA 2009.

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3 CURRENT STATE OF SSR AND JSR IN THE OPTS

Any examination of Palestinian security and justice sector reform processes must consider the status of these sectors prior to and at the time when international support started in the 1990s. A central feature of the first Palestinian intifada (1987-1993) was Palestinian resistance to the security institutions functioning under Israeli occupational power. The Oslo Accords sought to solve the chaotic situation through state-building efforts, for which the Palestinian National Authority (PNA, or nowadays commonly called the Palestinian Authority, PA) was established. A part of statebuilding efforts was to establish Palestinian police forces. For the PLO, representing the Palestinians, an idea of Palestinian police forces was appealing, as it was linked to territorial sovereignty. Hamas was against any peace talks with Israel. The Israeli side was divided with regard to Palestinian police forces: some rejected totally the idea while others were ready to allow the formation of a moderate-size police force with limited powers.

Under Yasser Arafat's authoritarian rule, Palestinian security and justice sectors had four characteristic features. First, the PLO saw in the newly established PA security structures a good opportunity to bring back exiled supporters, and the security services were filled with Fatah-supporters loyal to Arafat, often irrespective of their skills. Second, under Arafat at least twelve security services were established that had overlapping mandates and were directly responsible to Arafat. The newly established Ministry of Interior remained marginal. Lack of oversight led to corrupt practices and abusive behaviour by security actors. Third, the Oslo Accords imposed limitations on the Palestinian Authority. The Israeli-Palestinian agreements that were implementing the Oslo Accords promoted Palestinian policing responsibility without sovereignty and territorial control, recognising Israel as the de facto legal source of authority even after its withdrawal. At the same time the PA had no jurisdiction over any Israeli citizen, while Israel retained its right to arrest, detain and prosecute any PA-resident. The Oslo process grew increasingly focused on Israeli security needs, outlining more and more responsibilities to Palestinians to 'combat terror.' Palestinian-Israeli intelligence cooperation and joined patrols of Palestinian Police with the IDF and Israeli Police were part of implementation agreements.[15] The fourth feature characterising the Palestinian security and justice sectors is the division between the West Bank and Gaza. Historically, Gaza had been under Egyptian and the West Bank region under Jordanian influence. The Israeli occupation separated the West Bank and Gaza from each other, and Arafat's 'divide and rule' politics did little to unify the security and justice sectors.

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[15] Lia 2006: 272-276, 290; Hussein 2007.

Current SSR process started after the second Intifada, the death of Yasser Arafat in 2004, and the start of Mahmood Abbas's presidency in 2005. Examining the above-mentioned characteristics of Palestinian security sector today informs how the situation has changed. In comparison with the 1990s, the PA security sector today is more streamlined and organised with increased professional skills and better equipment. Under Abbas, a law to regulate security service's activities was passed and reform-minded new people were hired to replace long-serving, high-ranking officers. The number of security services has been cut down. Today the PA security services consist of seven agencies, four of which report to the Ministry of Interior. The agencies enlisted in the below table still have overlapping tasks and responsibilities, which causes confusion and duplication.[16] With international material and training support the technical skills and capacities of the Palestinian security service personnel has improved.

Table 1: The security services of Palestinian Authority. Source: ICG 2010.

Name of Agency	Nr of staff	Main tasks/type of work
Palestinian Civilian Police (PCP)	8,000	1) Internal crime prevention, 2) Daily police control, 3) Traffic policing, 4) Ordinary crime
National Security Force (NSF)	7,000	Gendarmerie-type police unit, closest to an army
Presidential Guard (PG)	2,500	Protects important PA Officials and infrastructure
Civil Defence	< 1,000	1) fire prevention, 2) serious traffic accidents, 3) natural disasters
Preventive Security Organisation (PSO)	4,000	intelligence organisation: 1) counter-terrorism, 2) monitoring and policing opposition groups
Military Intelligence (MI)	2,000	intelligence organisation: countering internal security threats to the PA
General Intelligence (GI)	4,000	intelligence organisation: collecting intelligence information from outside the West Bank.

The question of civilian oversight of the security sector makes the success of Palestinian SSR more questionable. According to the Palestinian Basic Law, and in line with international standards, the right and responsibility to oversee security sector actors lays with the Palestinian Legislative Council (PLC). Other important elements of civilian oversight are the judiciary and civil society. During the early years of Abbas's presidency the civilian oversight by the PLC started to function, as the Council Members insisted on working according to the procedures stated in law and to use the parliamentary tools to request information on the functioning of security actors and the Ministry of Interior. The fact that most Council Members and the majority of security leadership came from Fatah weakened the parliamentary oversight during this period.[17] The emerging efforts of parliamentary oversight of the security forces were aborted by the events following Hamas's electoral victory in 2006; futile efforts to establish a coalition government, the international donors'

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[16] ICG 2010: 3-4.
[17] Arouri and Attili, 2007.

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refusal to work with the PA led by Hamas, and finally Hamas's takeover of Gaza after Hamas-Fatah clashes in 2007 have left the PLC dysfunctional for almost a decade. Since 2007, the PLC has neither been able to take steps to improve legislative framework nor to use parliamentary tools to practice civilian control. In the absence of parliament, laws are passed through Presidential decrees. On the other hand, the previously weak PA Ministry of Interior has somewhat strengthened, though it still remains weak in comparison with the President and Prime Minister that also exercise control over security services.[18] At the same time, oversight from the judiciary has remained weak due to the internal problems and power struggles within the justice sector. Civil society, including journalists and human rights organisations, have also felt that the absence of functioning parliament and a weak judiciary have restricted their possibilities to practice oversight.[19]

Another feature that continues to have a fundamental influence on the Palestinian security and justice sectors is the Israeli occupation. The reform process of Palestinian security sector continues to be driven by Israeli security interests and the US anti-terrorism actions in the Middle East. Prime Minister Fayyad's 'security first' approach aimed to make the PA a credible partner for peace by creating a monopoly of violence to PA forces through disarming groups committed to armed resistance of Israeli occupation. Forms of coordination and collaboration were established between the PA security forces and the IDF, leading to arrests of Hamas supporters. While the PA has kept its part of the security agreements, Israel has not withdrawn its forces. In fact, Israel has increased its control of the West Bank and continued to enter the Palestinian-controlled urban territories whenever it deemed necessary. The mobility of PA civilian police and judges is severely restricted by Israeli checkpoints that control movements between A, B and C-areas in the West Bank. As Tartir among others has pointed out, the security sector reform may have been a technical success but it is a failure to the Palestinian nationalist struggle.[20] There is also a deepening division between the PA security forces and wider society. In 2010 an ICG report[21] brought up the views of interviewed West Bankers that they fear the PA security forces more than they respect them, and that the disdain towards the PA security cooperation with Israel was common, even among those who acknowledged that it was necessary. In recent years, several reports have indicated growing human rights violations by the PA security forces. The Palestinian Civilian Police track record is better than those of some other security agencies, but not clean. Tensions are rising again since late 2015 due to increased attacks by individual Palestinian youths

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[18] ICG 2010: 14.
[19] ICG 2010: 32.
[20] Tartir 2015: 11-14.
[21] ICG 2010: 35.

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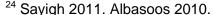CSA project: 653371
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against Israeli military checkpoints and civilians. Israel has responded to the attacks by killing the attackers and demolish the homes of their families.

Finally, the last ten years has produced a deepening division between the West Bank and Gaza. Ever since 2007 the Hamas-led Gaza government has developed state structures in Gaza without international assistance. At the same time the Fatah-led PA in the West Bank has received massive state-building assistance from international donors. Since Hamas took over Gaza in 2007 the security and justice sectors in the two Palestinian regions have went different directions with little contact between each other. In Sayigh's view the PA security sector in the West Bank has developed toward a fragmented system, partly due to international donor assistance programs that have been designed and carried out without a common vision.[22] Interviews for this research have indicated, that there are efforts to harmonise the support by donors to tackle the problem of fragmentation of aid.[23] The security and justice sectors in Gaza, on the other hand, appear to carry out their duties effectively and in an organised manner, despite the lack of international assistance. But both Gaza and the West Bank security sectors suffer from lack of civilian oversight and democratic governance.[24] In both regions abuses and human rights violations by security actors are reported. A key step needed in search of a sustainable solution to Palestinian state-building is to find ways to counter the current, separate developments of the security and justice sectors in the West Bank and Gaza, and to reintegrate the systems through reconciled efforts.

To summarise the above, the Palestinian SSR process has brought about a PA security sector that is better equipped and skilled. International assistance has been of fundamental importance. However, examining other characteristics of the Palestinian security sector put the success of SSR in question. Events following the 2006 parliamentary election and the actions taken by international donors, have led to two major handicaps in the Palestinian security and justice sector reforms. First, intra-Palestinian division has caused diverse developments in security and justice sectors in the PA-led West Bank and the Hamas-led Gaza. In both places the lack of democratic, civilian oversight is a major weakness. And second, the Israeli occupation that continues to cause major hindrances to Palestinian security and justice sector actors has not been efficiently addressed.

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[22] Sayigh, 2011.
[23] See IECEU D4.3. Study report on the Occupied Palestinian Territories and Afghanistan.
[24] Sayigh 2011. Albasoos 2010.

4 IMPACT OF EU CSDP SUPPORT IN SSR AND JSR IN THE OPTS

Interviews conducted for the IECEU-project lend support to previous, recent assessments on the EU assistance to the OPTs. Technical assistance to the Palestinian Authority, consisting of material assistance and capacity-building support and provided for example through the two CSDP operations, has been by and large successful. The main recipient of EU technical support is the Palestinian Civilian Police (PCP). A representative of the PCP provided the IECEU Researcher a long list of assistance that the EU and its individual member states have provided to the PCP during the last ten years, reaching from the EU support for building and refurbishing the Jericho police training centre, Jericho prison and at least thirteen community police stations to the PCP vehicle fleet, communication network, equipment to police units, establishment of gender and family protection units and numerous trainings including those on crime scene management, criminal investigation and traffic policing. Recently, and as a part of its 'strategic approach' EUPOL COPPS has supported the PA drafting of a police law and a code of conduct, and advised on institutional development of the PCP. As pointed out by a number of respondents, the PCP would not be what it is today without the EU's support.

This section discusses a number of questions related to the EU CSDP support in the OPTs that arise from the research interviews as key issues affecting the effectiveness of EU conflict prevention. These questions are related to the local ownership, the dilemma between democracy and security approaches in conflict prevention and crisis management, and the question over the comprehensiveness of EU instruments. They correlate with the three principles of the EU concept for support to security sector reform, indicating the remaining challenges in the EU's SSR programs.[25]

"Respect for local ownership"

While local ownership is a core principle of the EU SSR concept adopted a decade ago, it is still not well developed in the practices of EU CSDP missions and operations. There are diverse understandings on what is 'owned' in a peacebuilding process and who should be included in the 'local.' Based on IECEU interviews it appears that the EU CSDP support to the Palestinian SSR through mission operational activities is based on a rather narrow understanding of local

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[25] The concept note was adopted by the Council of the EU in 2005. The EU will launch its EU-wide strategic framework on SSR support in 2016.

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ownership.[26] The PA officials are involved in planning process of EUPOL COPPS and EUBAM Rafah activities, but there seems to be few efforts to involve other Palestinian actors. The representatives of EUPOL COPPS and EUBAM Rafah interviewed for this research did not mention Palestinian civil society organizations or other non-PA actors as their local contacts, though civil society representatives have occasionally been invited to participate in workshops or seminars organised by EUPOL COPPS. When asked about their contact with civil society, some EU CSDP respondents said that there was either no or little contact. Some considered developing and maintaining contact with civil society organizations difficult. On the other hand, the Palestinian non-PA respondents to the IECEU research criticised EUPOL COPPS for remaining inaccessible to civil society actors, and said they had none or only ad hoc contacts with the mission even though they worked in the fields of security and justice sectors.[27]

There can be several reasons why a narrow definition of local ownership prevails in the EU CSDP missions in the occupied Palestinian territories. Some international experts may simply lack experience and knowledge on how to reach out and cooperate with different non-state actors in the society, if this has not been a part of their former work experiences back home. International experts also come from different EU countries, and their understanding on how state-civil society relations are organised and function particularly in the security sector may differ greatly from each other.[28] For example, some EUPOL COPPS experts pointed out that the ideas on community policing, a current support focus area, were quite diverse amongst the international experts from different European countries. While the EU PSC has passed recommendations for enhancing cooperation with NGOs and other civil society actors in the framework of civilian crisis management already in 2006, putting them into practice remains a responsibility of CSDP missions and operations. There are few practical guidelines or training for seconded experts to find out how to work with civil society or with non-state security actors, and what the benefits of such contacts

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[26] Narrow understanding of ownership in SSR programs is understood to prevail when the national government approves the reform programs of international aid agencies, or is involved in designing them. A broad understanding of ownership, on the other hand, means that also other than also other than national governmental actors are involved in the design, implementation and monitoring of SSR process. Donais, 2008.

[27] For similar observations by others, see Neuvonen 2014, Sundin and Olsson 2013, and Palm 2010.

[28] For example the edited volume by Caparini and Fluri (2006) presents how diverse the civil society involvement in the security sector is in the eastern and south-eastern European countries, including new EU Member States. The differences include the capacity of CSOs, the level of openness of security sector actors and institutions to civil society involvement, and the availability of funding and space for public discussion on security sector issues. Kääriäinen (2007) and Kääriäinen and Sirén (2012) have shown that the level of trust of citizens in police, as well as the level of trust the police officers have in citizens vary greatly among European countries.

would be for the mission and the reform processes the EU aims to support. Individual mission experts may feel discouraged or that it is too risky to reach out without clear guidance on what can and what cannot be done.

The way CSDP missions and operations are structured may also discourage the missions to develop an inclusive approach to SSR and JSR. An inclusive approach, based on a broad understanding of local ownership, is time-consuming. It requires the international mission to develop a thorough understanding of the local context, map out civil society and other non-state actors in the field of security and justice, and establish and maintain regular contact with many of them. Such an approach multiplies the number of local contacts and meetings to be held by the mission. Furthermore, there is a need for good analytical capacity, as different social actors will have a diverse understanding of security issues, as well as different and often contradictory aims and political motivations. Palestinian respondents of this research assessed that with few exceptions EU CSDP mission international experts had poor knowledge and understanding of Palestinian history, society and politics, and the impact of decades of Israeli occupation. They felt that there was much 'neglected ownership' as the mission did not use opportunities to learn from Palestinian organisations and experts that worked with the same issues in the fields of security and justice.[29] International mission members complained of the short rotation cycle the EU CSDP missions work on - police experts' deployment to a CSDP mission is limited to one year by many EU Member States. They also said that the one-year mission mandate period delimits the cycle of planning and implementation of operational activities. This left the experts little time to invest in developing a deeper understanding of the conflict context and Palestinian society. This does not mean that all EU CSDP activities would lack awareness of local society and conditions. Indeed, a number of individual projects of EUPOL COPPS and some of its international experts were mentioned as good examples of how local conditions have been taken into account. Rather, the question is how the EU CSDP missions could ensure that all their activities are based on local ownership and inclusiveness.

"Democratic norms and internationally accepted human rights principles and the rule of law, and where applicable international humanitarian law"

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[29] EUPOL COPPS Rule of Law Section has also locally recruited legal experts that for example comment draft laws.

A decade ago the EU CSDP support to the PA statebuilding efforts in security and justice sectors were built on Fayyad's 'security first' approach to a statebuilding process that sidelined the efforts to strengthen democratization processes. Fayyad's plan aimed to have a professional and effective Palestinian security sector in place, which would nullify Israeli arguments for its own security presence in the Palestinian territories. The challenges of a non-functioning parliament after the 2006 election were to be dealt with later. There has been growing criticism towards this 'security first' approach and the related technical support programs that tend to depoliticize the fundamentally political statebuilding process.[30] A Palestinian analyst interviewed for this study stated that 'an illusion of statebuilding has determined the EU's approach in Palestine' and urged the EU and other internationals to consider alternative scenarios to the two-state solution.[31] The concern is that if democracy is not strengthened while support to the PA continues unchanged, the possible future Palestinian state might be yet another autocratic state in the Middle East.

But how has the EU and more precisely its CSPD missions supporting the SSR and the related criminal justice sector reforms been able to embed their efforts in the principles of democracy, human rights, rule of law and international humanitarian law? Some EUPOL COPPS international experts acknowledged that the EU has pursued the 'security first' approach in it assistance work in the occupied Palestinian territories. The focus has been to strengthen the Palestinian police forces, while less attention has been paid to the civilian structures that should be controlling the security forces. This has contributed to the current situation in which the Palestinian justice sector is weaker than the security sector.[32] Expanding EUPOL COPPS's tasks to cover justice sector work since the late 2000s is an effort to shift focus to rule of law issues, and recently the mission has for example supported improving legislative process. But the fundamental problem of Palestinian democracy remains to be the absence of a functioning PLC. A Palestinian civil society representative pointed out during interview that currently laws in the West Bank are passed as Presidential decrees, prepared by departments and some even by the security forces, and passed without any public hearings during the drafting process. Such laws and regulations are not in line with the Palestinian Basic Law. The respondent also pointed to a problem of politically appointed judges.[33] The EUPOL COPPS Rule of Law Section is well aware of the difficulties the political problems in the justice sector introduce to the mission, the mandate of which is to be a technical

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[30] Persson 2013; Tartir 2015; Mustafa 2015.
[31] Interview with Palestinian civil society representative, on 10 March 2016.
[32] Interview with EUPOL COPPS international staff member, on 7 March 2016.
[33] Interview with Palestinian civil society representative, on 10 March 2016.

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advisor, but states that the mission tries to ensure supporting as good processes as possible in the current political situation.[34]

In order to assess how individual activities of CSDP missions have addressed the problem of lacking civilian oversight and other shortfalls in the democratic system in the OPTs, one would have to study carefully the planning documents of these activities as well as reports on implementation and results. All such documents are EU confidential documents and not available for researchers. Typically of EU CSDP missions, EUPOL COPPS and EUBAM Rafah do not prepare any public reports, which leaves the Palestinian as well as European public with very little information on what the missions do or what they have achieved. The IECEU interviews brought up some methods the mission uses to advance the use of international standards in security and justice sectors. These included making European laws, policies and practices available to Palestinian counterparts either through providing them actual documents as models, by commenting on Palestinian laws and regulations, by organising study trips to European countries or through trainings by international experts. Similar information is also available on the mission websites that provide short news on recent activities. What is lacking are assessments on the current situation and on how EU CSDP missions have succeeded in making changes. Palestinian civil society representatives interviewed for this study wanted to know more about how the EU missions have helped the PCP and Palestinian justice sector actors to address the key problems in these fields, such as the impact of Israeli occupation on access to police and justice services, the lack of participatory processes, corruption, and the growing gap between security actors and Palestinian civilian population.[35] A representative of an EU Member State also criticised the CSDP instrument during the IECEU interview for not being transparent and open to external assessments on their work.[36]

Taking cross-cutting themes of human rights and gender into consideration in the planning of mission activities has been facilitated by letting human rights and gender experts of the mission to comment on planning documents. The experts said, however, that they are only included during the last phase of planning and have often little impact on the process. As a positive example it was brought up that EUPOL COPPS has recently tested a human rights-based approach in a couple of mission projects. This involved the mapping of relevant human rights issues, duty-bearers and rights-holders as well as including clear instructions in planning documents on how implementing

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[34] Interview with EUPOL COPPS international staff member, on 8 March 2016.
[35] Interviews with Palestinian civil society representatives, 10 March 2016.
[36] Interview with EU Member State representative, 22 March 2016.

experts should address the identified issues and what indicators should be used to assess the results. The aim is to make this a regular process in implementing mission activities, which would no doubt have a positive impact.[37] Such mapping should also cover the international humanitarian law perspective, which would enable the mission to better take the issues related to the Israeli occupation into consideration in its day-to-day activities.

"Coherent with other areas of EU external action"

The comprehensiveness of EU actions is relevant in the occupied Palestinian territories where there are several EU actors: EUPOL COPPS and EUBAM Rafah representing the EU's Common Security and Defence Policy operations; two EU political representative offices (EUREP or The Office of the European Union Representative West Bank and Gaza Strip, UNRWA that is currently located in East Jerusalem, and the EU Delegation to Israel located in Tel Aviv); and the EU Special Representative Office that is the EU's diplomatic representation to the Middle East Peace Process. 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. At the Heads of Mission level there are regular meetings, while at the technical level contacts and coordination efforts appear to be based on individual initiatives and ad hoc arrangements. Some IECEU respondents 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, despite active efforts, had failed to establish contact and cooperation. A perceived low level of cooperation was explained by negative 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. While these were not the most common perceptions amongst the respondents they should nevertheless be addressed through encouraging cooperation and contact. Many highlighted the benefits of existing practices of coordination or cooperation, and suggested how current, structural challenges such as differing cycles of planning and activities could be addressed. 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. 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

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[37] Interviews with EUPOL COPPS international staff members, on 7 and 8 March 2016.

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is more in technical implementation of assistance - and in many ways complementary to each other.[38]

The EU CSDP instrument was initially launched as a quick response to acute crises situations, but in recent years has 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. Due to its activities in institution-building and statebuilding the EU CSDP missions need to enhance their coordination and cooperation with other EU Foreign Policy Instruments as well as other donors and aid agencies. The need for better coherence among various EU instruments has also been acknowledged in the EU's Global Strategy for the EU Foreign and Security Policy.[39] Respondents to IECEU research were not unanimously supporting the changing nature of the CSDP instrument. Some stated that CSDP missions should limit their work to immediate response - monitoring ceasefire or peace accords, providing material assistance and basic training - and not enter developmental work to which it has 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. They acknowledged that the missions need to go through some fundamental changes to be able to fulfil their current and future tasks. Currently the missions lack human resources with skills on developmental work and program management. Analytical skills would also need to be increased. The problem with short rotation cycles and short mandate periods that hamper long term developmental goals must be solved; a suggested solution was to make better use of contracted staff. The low level of political will amongst the EU member states to make such changes was seen as a major obstacle, but the changes are essential if the EU wants to increase the effectiveness of its capabilities in its crisis response.[40]

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[38] Interview with EUPOL COPPS international staff, 8 March 2016; interview with EU Officials, 11 March 2016.
[39] Shared vision, Common Action: A Stronger Europe. A Global Strategy for the European Union's Foreign and Security Policy, 2016. https://eeas.europa.eu/top_stories/pdf/eugs_review_web.pdf. Accessed on 26 September 2016.
[40] Interviews with EUPOL COPPS international staff members, 7 March 2016; interviews with current and former EEAS Officials, 2-14 June 2016.

5 EU ENGAGEMENT IN AFGHANISTAN

Since 9/11 Afghanistan attracted a heavy international presence to counter the threat of extreme Islamists, specifically in degrading the al-Qaeda network and hunting down its leader. The main actor has been the US for whom Afghanistan was a foreign policy priority [41]. In 2001 the Bonn Agreement supported the US position with the creation of the International Security Assistance Force (ISAF). In 2003 NATO took charge of ISAF, forming a coalition of 51 countries that in the 'drawdown' phase was renamed Resolute Support (RS) and reduced in size.

The EU has had a Special Representative (EUSR) in Kabul since 2002. Its mission is to assist in stabilising the country. In 2007 the EU started the EUPOL Afghanistan police mission under the Crisis Management Concept (CMC) and Comprehensive Approach of the Common Security and Defence Policy (CSDP). EUPOL Afghanistan will finish in December 2016. Initially, there were co-ordination difficulties with EUSR and EUPOL. Both missions, in contrast to the US contribution, are small and for the most part geographically restricted to the capital.

According to Council Joint Action 2007/369/CFSP (30 May 2007), a fact-finding mission visited Afghanistan for several weeks late in 2006. A team from the Political and Security Committee (PSC) scoped out how a police mission would be done. The PSC guides the Council on the CSDP and type of approach to be implemented. In 2006 it is unclear who comprised the planning team, who they engaged with or what their report contained. From 2010 onward, representatives from the European External Action Service (EEAS) chair the PSC and planning phase. Notwithstanding these unknowns, there are questions about the planning phase that still appear to be relevant despite the development of the EEAS.

Council Joint Action 2007/369/CFSP states the number of personnel should be "consistent with the objectives set out" in EUPOL's mandate. 'Consistent' equated to 400 mission members. These numbers peaked at 341 in 2012 (Study Report of the Occupied Palestinian Territories and Afghanistan, Table 1A). The average deployment was 18-months. Selection of personnel copied that of other police missions. The same Joint Action reads, some mission members "will be deployed to improve strategic coordination in police reform," citing the International Police Co-ordination Board (IPCB). This supported the CMC's 'comprehensive' aspect of "cooperation and

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[41] Buckley, Joanna.(2010) "Can the EU be more effective in Afghanistan?." *Policy Brief, Centre for European Reform.*

coordination with all relevant actors".[42] Council Joint Action 2007/369/CFSP also authorised EUR 43.6 million for the first 18-months (Study Report of the Occupied Palestinian Territories and Afghanistan, Chart 3A). Mandates that frequently changed indicate a political awareness in EU bodies needed to keep member states on-board rather than being caught off-guard by a worsening security situation. This tends to explain why the CMC places the command and control in Brussels and a reporting mechanism seen as favouring this. Against a dynamic threat, a downside is that it works against semi-autonomous decision-making at the operational level.

The biggest internal factors impacting on the mission's engagement were, a top-down structure, shifting mandate, short strategy, small size and short deployments. Continuity with people and the approach were inadequate. What was planned for and what materialised differed.

Modern wars like Afghanistan's are often measured in decades. Yet, the EU based its intervention on a rolling three-year strategy. This has been widely criticised. Conversely, given the political challenges for the PSC and EEAS, it may be the case that a rolling three-year strategy was the only way to keep 28 member states engaged. At least this offered a chance to convince member states to extend for three-year periods based on a review process.

The EU was not oblivious to the physical risks in Afghanistan and was aware the security situation could deteriorate. Of force protection, because the mission had opted for CMC, it fell outside ISAF/NATO protection that similar missions benefited from. In other words, not only did the civilian policing approach mean the mission was not integrated with a military force and could not avail of NATO/ISAF force protection, the mandates distanced it from anything connected with security, such as the close support of the military.

For an armed conflict environment this was a crucial shortcoming that was never properly resolved. The EU was unable to broker the solid agreements it hoped for with ISAF/NATO on force protection, much to the annoyance of some member states, such as the UK (House of Lords, 2011, section 69).

Ultimately, the EU's approach gave the impression to many in the international community, particularly the US, and also to most Afghans, that the EU did not know what it was getting into. This is because the CMC excludes security. That is, factoring in how the Afghan police could deliver 'normal' policing in the context of a complex threat typified by the Taliban - a sophisticated insurgency that aims to undermine the rule of law to achieve its goals. Most people see this as

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[42] Mustonen, J. (Ed). 2015. 'Good Practices of a Comprehensive Approach to Crisis Management.' CMC Finland and Fincent, Helsinki 2015 (online publication – www.comcfinland.fi).

bombs and bullets. But it is more complicated. The Taliban is ideology-based. A main feature is discriminating against females. Another is corruption. Security is about treating violence, gender inequality and corruption. Tackling one or two is not enough. They need to be countered simultaneously. And as the EU did not relate how civilian policing could help the Afghan police fight Taliban terrorism, it hampered its efforts in the other two. Brussels and the mission were unconscious of this.

In 2016 the Iraq Inquiry in the UK expressed bitter regret that the UK had ignored the lessons from the Northern Ireland conflict (1969-98). No sooner was the UK in Iraq than it wanted to leave. The Inquiry criticised poor planning and short-term strategy[43]. There is a connection between Afghanistan and Iraq. "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 Afghanistan.[44] Iraq's EU mission (EUJUST LEX) was run from Brussels, a training-based programme for police, judicial and prison officials aimed at improving the rule of law[45]. EUJUST LEX promoted Iraqi involvement, yet its activities largely occurred outside of Iraq[46] Such detachment undermines efforts to build trust gained by regular interaction with local police in their environment, widely accepted as the best way to make a difference in building capacity in a police organisation. The effort to stabilise Iraq by the international community was a disaster.

The CMC geared a police mission in Afghanistan for a non-conflict environment. Civilian policing is certainly a worthy aspiration for a developing nation, but is questionable in an armed conflict context.

The strategic priority in Afghanistan was security, or as the Attorney General's Office put it: "Security is the priority."[47] For the EU institutions, like the CPCC, tasked with implementing and managing EUPOL, the profound difficulties were policy, concepts and strategy articulated through Council Joint Actions, Council Decisions and mandates that excluded security. Equally, EU/NATO tensions remain unresolved. Another issue was that there was no rule of law component integrated into the EUPOL mission until 2010. And it ended in 2015.

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[43] UK Govt (2016) Chilcott Report on Iraq accessed at http://www.iraqinquiry.org.uk/the-report/ OGL 30 Nov 2016

[44] Bayley, D. and M. Perito. 2010. *The Police in War: Fighting Insurgency, Terrorism and Violent Crime.* Boulder: London

[45] RAND (2010). 'EU Civilian Crisis Management: The Record So Far.' RAND Corporation: Santa Monica.

[46] (Ibid).
[47] Interview A3.

At the highest political level in the EU there is an awareness of internal shortcomings and that things can be improved. 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 to respond faster to threats.[48] Although EUPOL was established to help build a stronger rule of law framework, it is not clear why the EU decided to intervene with a police mission in the first place. Probably, this was due to the US requesting help to train around 200,000 Afghan police or the EU looking to promote its 'conflict prevention' capabilities internationally. Whatever the case, knowing this would help to define a mission's mandate.

The EUPOL mission in Afghanistan is civilian with no executive arm. It built on German efforts with the ANP.

Council Joint Action 2010/279/CFSP in May 2007 shows that mentoring, advising and training were the activities that carried out the mission's tasks. By 2014, as a consequence of a reduced mission size and geographic spread, as well as increased threat, advising was the only activity left. This was compounded by a risk aversion as a result of no force protection from NATO. Access by mission members to their Afghan counterparts was dramatically reduced and veered heavily towards getting the Afghans to visit EUPOL.

Yet it was mentoring that most mission members (past and present) interviewed believed was the most effective activity. Of this, one mission member stated: "It takes time to build trust with them. We are turning warriors into cops."[49] A common claim of mission members was that money was often spent on the wrong projects and benefited corrupt officials. It appears that the mission was better informed about this and the operational environment overall when it had 'embedded' mentors in the provinces.

Most people interviewed and the roundtable discussion commended embedded mentoring for a future mission. Even in hostile locations and despite the EU/NATO impasse on force protection, EUPOL showed it could engage well when given the chance.

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[48] Stabilisation Unit, UK. 2014. 'Working in European Union Common Security and Defence Policy Missions: Deployee Guide.' Oct 2014, (online publication – www.stablisationunit.gov.uk)
[49] Interview A5.

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6   CURRENT STATE OF SSR IN AFGHANISTAN

The Bonn Agreement (2001) shaped the Security Sector Reform (SSR) effort in Afghanistan. This was built upon at a conference in Tokyo (2002) where SSR was discussed. Roles were designated for Germany (policing), Italy (justice), UK (counter-narcotics) and Japan (demilitarisation)[50]. The UK, Canada, Netherlands, Germany and Denmark provided police advisors with their respective military contingents. This was mostly in the restive southern provinces. As these missions ended they contributed personnel to EUPOL. This was in addition to the main actor (US) doing the majority of training and advising for the Afghan National Police (ANP).   It is almost certain that each nation promoted its own police model, practices, systems, policies and doctrine.

Other countries, such as New Zealand, Canada and Australia also contributed. It was a kaleidoscope of approaches widely criticised for bad co-ordination. What the collective minority promoted (typified by the EU) differed from the US approach. The latter constituted 90% of the SSR burden through bodies like Combined Security Transition Command – Afghanistan (CSTC-A). CSTC-A prioritised security in building the operational capacity of the police. A host of private companies contracted by the US government also supported this approach. The relationship between CSTC-A (and similar agencies) and EUPOL was fraught. In the area of JSR, although EUPOL Afghanistan had a rule of law component (LO3), it closed in December 2015. A main agency in JSR is the International Development Law Organisation (IDLO). The IDLO has offices in Kabul and focuses on promoting the rule of law. As with many international agencies in SSR and JSR the IDLO was in place before EUPOL and will still be in place after EUPOL's exit. LO3 received good reviews from the Attorney General's Office but its remit was limited, its resources small and it was not particularly well integrated into the EUPOL mission. It was restricted in its ability to collaborate with international partners in any significant form.

Of SSR, in short: "There was no effort to create a coherent and integrated framework for security sector reform," with policing seen as the "weak link" [51]. Europe's approach was poorly co-ordinated [52]Disappointed by the EU's minimalist and 'hands off' approach, the US withheld support. Simply put: "Unless and until Brussels makes a more substantial contribution in this field the Americans

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[50] Hayes, G. and M. Sedra, Eds. (2008). *Afghanistan – Failing or Flourishing?* The Centre for International Governance Innovation and Wilfred Laurier University Press.

[51] Perito, R. (2009). Afghanistan's Police: The Weak Link in Security Sector Reform. Special Report 227, United States Institute of Police, August 2009.

[52] Ayub, F., S. Kouvo and R. Wareham (2009). 'Country Case Study: Afghanistan – Security Sector Reform in Afghanistan.' International Justice for Transitional Justice, Brussels, April 2009.

will not tolerate Europeans telling them which training measures to conduct and asking to coordinate them" [53]

The US and EU philosophy to policing in an SSR context are poles apart. Unlike EUPOL, US programmes benefited from NATO's protective security [54]. A recent study notes: "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"[55]. She concluded that, co-operation did not happen at the highest level, thus impeding the lower levels in the field, and seriously doubts the validity of promoting civilian policing in an armed conflict [56].

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."[57]

Many EUPOL tasks contradicted other programmes. The Head of Training in a US programme 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 to the operational environment. 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."[58]

EUPOL had a good understanding with the GPPT, UNDP (United Nations Development Programme) and UNAMA.[59] Unfortunately, EUPOL were difficult to get information from regarding

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[53] Asseburg, Muriel and Ronja Kempin (Eds) (2009). 'The EU as a Strategic Actor in the Realm of Security Defence? A Systematic Assessment of ESDP Missions and Operations.' Stiftung Wissenschaft and Politik, German Institute for International and Security Affairs, Berlin, December 2009

[54] Perito, R. (2009). Afghanistan's Police: The Weak Link in Security Sector Reform. Special Report 227, United States Institute of Police, August 2009.

[55] Anderson, L. 2016. 'Afghanistan: Lessons Identified 2001-2014, Part 1, International Lessons From Integrated Approaches in Afghanistan.' Danish Institute for International Studies, Copenhagen (online publication – www.fak.dk)

[56] (Ibid, pp. 81, 83 and 85

[57] Interview A1.

[58] Interview A23.

[59] Interview A10.

many of its projects, according to those interviewed in partner agencies. From a US, UNAMA and EUSR perspective, EUPOL was not viewed positively. The severest criticism was that it got in the way. EUPOL co-ordination in the SSR and JSR fields was not good.

Of this shortcoming, 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."[60] On the positive, RS saw EUPOL as bringing to the table "diverse expertise."[61]

 "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."[62] 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 gives is contradictory."[63]

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, contributes to the dominant position afforded military discourses often to the detriment of rule of law discourses."[64] 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."[65]

As with the rest of the international community, EUPOL tried to co-ordinate activities with their Afghan counterparts, but the overall result was unimpressive. This was accentuated as the mission retreated to Kabul in its last years.

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[60] Interview A16.
[61] Interview A1.
[62] Interview A10.
[63] Interview A5.
[64] Interview A2.
[65] Ibid.

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7   IMPACT OF EU ENGAGEMENT IN AFGHANISTAN

EUPOL 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 Department of human rights and gender in the Ministry of Interior (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 [66]

Of police/prosecutor co-operation a senior member of the Attorney General's Office said: "The rule of law component was effective and did good work. Unfortunately it ended too early [December 2015]." Whatever the reason for the Rule of Law component closing ahead of the rest of the mission, it shows the fragility of agreements brokered by EU institutions on behalf of 28 member states and the political challenges these institutions face in deciding what a police mission looks like. "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[67]. From Brussels' perspective, a participant at the round table discussion at NUIM (5 October 2016) said: "They look at the world in concentric circles dedicated to security in Europe, to secure EU borders and then security outside of Europe in areas that impact on Europe's security." Another noted, "Internal and external security threats are interlinked." The downside of concentric circles for Afghanistan is that it was thousands of miles away from the centre. For most people living in Europe Afghanistan was a distant threat that did not relate to their safety and security.

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 how a crime was reported. We completed our task, but what value is it? It's just another publication gathering dust."[68] 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 saying the

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[66] (www.eupol-afg.eu).

[67] Eckhard, S. 2016. Political Guidance or Autonomy in Peacebuilding? EU Police Reform in Afghanistan and Kosovo.' Routledge, *International Peacekeeping*

[68] Interview A33.

things we want to hear. The international community has not held Afghans accountable for outcomes from aid activities."[69]

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. ... EUPOL has shrunk and works now at the strategic level. I'm unsure if they have the same understanding or knowledge."[70]

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."[71] In talking about his time in Helmand a EUPOL member stated, "US advisors were with the PCOP 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 counterparts. 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."[72]

The problem in Helmand was the CMC, short timeframe and confused strategy of the international community worked against fully exploiting the good relationships built. While one member believes that, "from the beginning we should have focused solely on the strategic."[73] Another says, "concentrating on the strategic bit means we have lost information at the ground level."[74] With no personnel in the provinces the mission relied on other agencies to find out what was happening. This was problematic given the limited co-ordination and tension in the international community. Confined to the capital, EUPOL had not the internal capacity to know if its strategic advice was taken on the frontline. Neither had it the capacity to know first-hand the operational challenges that the ANP faced on the ground.

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 hindered the mission from helping the Afghan police fight the Taliban (and an array of insurgent networks and armed crime gangs). Without gains in security it is hard to see how anything else can be developed.

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[69] Interview A18.
[70] Interview A7.
[71] Interview A10.
[72] Interview A1.
[73] Interview A9.
[74] Interview A11.

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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. 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 EUSR.

There is widespread confusion on what operational success looks like. And this, perhaps, gets to the heart of the mission's dilemma. The reality of an armed conflict like Afghanistan is that former terrorists will be put into a reformed police force to fight an insurgency. Policing by nature is controversial. This is especially true in a conflict. Aware of this, many political polities avoid contributing to a police mission or take the least controversial approach, such as one that excludes security. Had the EU confronted this difficult issue, many mission members believe that EUPOL would have made a practical difference in Afghanistan.

In contemplating different definitions of operational success, it is foolhardy to think that inflated expectations in EU policy contributed to further instability in Afghanistan. At the same time, it is difficult to see any positive impact of a tangible and sustainable nature that such policies made. Most EUPOL initiatives and achievements will probably evaporate quickly once the mission ends, if not before. In contrast, many mission members will be warmly remembered. The human factor may be EUPOL's legacy.

The round table highlighted that there are two realities – Brussels and the field. There is a significant gap between them that needs to be bridged. The issue was not a failure by Brussels to recognise the ground reality, but a failure to act on it.

Most participants at the round table discussion believe that EUPOL consistently underestimated how an overly broad spread on security-free activities undermined the mission's impact. It needed a narrower focus based on relevant tasks. To quote one participant who served on the mission: "We tinkered around the edges." While gender and human rights were widely lauded, particularly the healthy female/male ratio of staff, the consensus was that the mission tried to do too much." A participant who had worked at ISAF HQ in Kabul pointed out that, despite the lofty aims on gender, it delivered little that was tangible in contrast to other missions. He and others who served in Afghanistan said the mission had a poor reputation. It was widely known in Afghanistan that EUPOL had limited synchronisation and co-operation with others in the SSR field, particularly with police missions run by the US.

For participants of the round table discussion who have worked in Brussels, they see the Civilian Planning and Conduct Capability (CPCC) as under-resourced. This is the main body for a police mission. One person - the director - is expected to do everything. At the round table there was unanimous agreement that a three-year mandate was too short. Typifying the outlook on this, a participant stated: "Capacity building cannot be done in short two to three year timeframes. This gives no time to develop the police, especially given the threat environment. It is not possible to overcome strategic failures with tactical successes. There was a failure to anticipate and learn."

There was concern that Brussels and the mission were disconnected and that this demotivated mission members. The discussion also raised concern about a lack of honesty in the 'feedback loop.'   Many participants with experience in such missions recognised this issue. The less a mission does the more it reports, seems to be a feature of these missions. It is therefore unclear whether mandates changed because of accurate reporting back to Brussels or because of budget or other considerations.

On implementation, a participant noted: "You need to get a detailed specification of objectives and activities and map these against each other and against the mandate. These are the margins, the nice things that Brussels may not know about. Without knowing this, it is hard to judge the success or otherwise of the mission. But from what I know, mandates and objectives were worded in a way that guaranteed success." From another angle: "EUPOL was succeeding as Afghanistan was failing," was how a different participant put it.

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8 IDENTIFIED WAYS FORWARD AND RECOMMENDATIONS

8.1 Occupied Palestinian Territories

A number of detailed observations on the EU conflict preventions and crisis management capabilities and suggestions how to improve them in the case of the occupied Palestinian territories have been discussed in the IECEU D4.3. This section will provide just three areas, addressing of which is believed to have positive impact on the effectiveness of EU conflict prevention capabilities.

Training and knowledge: the EU should develop trainings on local ownership and interpersonal skills that are available to all CSDP international staff members. It should also ensure that incoming mission members will attain good knowledge and understanding of the host society, including political and conflict dynamics. Currently preparatory training is a responsibility of seconding EU member states, which means that while some experts received training prior to deployment others have no pre-departure training at all.

Short rotation cycle versus long-term goals: the EU member states must reconsider the limitations they set to particularly police officers seconded to EU CSDP missions and operations. The mismatch between the current short rotation cycle of experts and the EU CSDP engagement with long-term, strategic advising, mentoring and institution-building work must be addressed by the EU. The EU should map out and consider alternative models on how the CSDP missions are structured, and make better use of mixing contracted and seconded international staff.

Public reporting: EUPOL COPPS and EUBAM Rafah should consider publishing analytical assessment reports on the situation and the impact of mission activities periodically. This could be done by for example preparing a public version of the mission six-monthly report. Such public reporting would increase transparency and decrease information gaps on the mission activities and achievements in the fields of SSR and JSR that currently exist among Palestinian, Israeli and European public.

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8.2 Afghanistan

Two key questions underpin the recommendations and 'way forward' that follow. 1) Is the current EU setup in Brussels - policy, institutions and civilian policing approach – capable of increasing the stability of a nation experiencing an irregular war through a police-building mission if it excludes security? And if it is not, what measures need to be implemented to make it fit for purpose? 2) How did EUPOL contribute to the EU's goal of increasing the stability of Afghanistan? In other words, can a mission that leaves a nation in a less safe state than when it arrived be deemed a success?

The recommendations that follow are all interlinked, without this being spelt out in each paragraph. They contribute toward a unified approach that includes security and everything this means for a police mission, from planning and strategy to implementation and activities.

1. Existing EU arrangements: The research shows that there is no need to create new EU policies or institutions. The broad thrust and framework of these are sound. The difficulty is that, they are too generalised. The way forward is to specifically cater for an irregular war environment and legislate for what policing a conflict actually entails and tailoring a mission to this reality. This is particularly relevant for the PSC and CPCC in the planning phase.

2. EU Objectives to mirror host nation's: If conflicts like Afghanistan last decades, the EU's insistence on a three-year strategy calls into question the commitment of the EU, especially in the eyes of the host nation, and its practical understanding of armed conflict. Equally, if a future mission wants to deliver tangible change on the ground, its mandate would need to mirror the aims and objectives of the nation it is assisting, such as increasing stability and security. Deeds and outcomes would measure a mission's success, examples are a reduction in people killed or increased reporting of crime. This would make for a simpler and more relevant CONOPs, OPLAN and MIP. It would also work toward a reporting system that depicts an accurate picture of what is happening on the ground and with the mission. Receiving bad news is as important as receiving good news.

3. Mission autonomy: In an armed conflict environment tactically driven ground-up approaches are extremely important. EU police missions fall into this category. This is not to suggest central command and control is not required from Brussels. Rather, a future mission would benefit from a healthier degree of self-autonomy than has been the case to date. Given that irregular war is increasingly common, it seems prudent to increase the size of the CPCC so it can meet the many political, planning and strategic challenges in getting the concurrence of 28 member states and managing a mission of the type envisaged in these recommendations.

4. Mission C2: The Director of CPCC is designated as the Operation Commander for all Civilian CSDP Missions. The span of control is extraordinarily broad by internationally accepted best practice. Consideration should be given to different models of Command and Control, either within the civilian environment or in the context of a joint civ-mil planning and conduct capability.

5. Narrower Focus: Widespread criticism of EUPOL Afghanistan is that it took on too much. A future mission should have a narrower focus, such as developing training institutions or developing criminal investigations. Whatever the area, the security element needs to be factored into the plan. That is, understanding the challenges local police face in their everyday duties so that advice, guidance or training is relevant and practical. The EU police mission could co-ordinate the international effort on the area it selects. For EU bodies planning a future mission, they must also acknowledge that there is a hierarchy of subjects for the local police organisation. For instance, intelligence will dominate the security environment. Therefore intelligence-led policing is the priority, which is totally different to a 'normal' police setting.

6. Protective Security: A police mission in a war zone is limited in what it can do without the protective security of the military, such as NATO. When considering that constant access and engagement with local police at their place of work is crucial to building relationships, and that the trust this creates is central to developing the capacity of local police and increasing their professionalism, the EU needs this force protection arrangement for a future mission. Whether this means better co-ordination between civil and military bodies within Brussels, the EU brokering deals with individual member states to avail of their military or overcoming the EU/NATO impasse is unclear. Each has its political problems. But it is very clear that force protection for EUPOL was a major issue that strongly contributed to a risk-averse approach, particularly as time went on (especially post-2014) In going forward this issue needs to be solved.

7. EU Branding: Europe, uniquely, has proven examples of police models suited to an armed conflict. In looking ahead it seems logical that the EU brands its own model for such an environment. Notwithstanding that every armed conflict is different and responses need to be tailored, there are common principles. The EU can look at best practice across Europe (today and historically) and come up with a practical police model and associate practices, systems and doctrine as the platform for a future police mission. Further study on this, particularly the 'Gendarmerie' initiative and police-led security in Northern Ireland's conflict, would help to better inform the EU in this respect. Connectedly, doctrine for a new EU brand of police is important, especially when the desire is to be bureaucratically lean. A study of relevant police models and police-building programmes, such as that lauded by the US Armed Services Committee, would inform on this important issue.

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8. Selection of Staff: A police mission in an armed conflict would benefit from selecting mission members who have policed an armed conflict. The recruitment process would need to be changed to reflect this. It is a recommendation that extends to the legal side. EUPOL needs to be mindful of matching the technical expertise of member states with the host nation. For example, in Afghanistan the criminal justice system is the prosecutor model familiar to countries like France and Romania, as distinct from the police taking the investigative lead in nations like the UK. It may not be possible to select every mission member based on this criterion, but provision should be put in place to get a core group. The hiring of local people, especially women, and particularly in frontline roles, was an enormous positive in EUPOL that should be replicated and enhanced in a future mission.

9. Pre-deployment: A standardised pre-deployment process for seconded and contracted staff that includes situational awareness, training on the police model and practices to be used, overall strategy, mandate, general mechanics of implementation, police/military co-ordination, EU institutions and policy behind the mission, history of the nation they will work in (culture, peoples, politics, government, religion, geography and economy) would also benefit a future mission, particularly how these relate to policing.

Pre-deployment training established at regional centres would be an opportunity to put people together so that they can experience what working together is like. This would also be an ideal opportunity to educate mission members on an incremental strategy on mainstreaming gender equality and human rights. That is, plan how these important areas are 'rolled out' in practical small steps that relate to role and build the confidence in mission members in a way that achieves true buy-in.

10. Handovers: There should be a handover process of at least five-days between a departing mission member and their successor. To increase the corporate memory a one-to-one debriefing interview with every departing member should take place, either at the mission or in a regional pre-deployment centre (assuming such a centre is set up).

11. Contract Period: Mission members, seconded and contracted, should serve a minimum of two years and a maximum of five years.

12. PR: The EU should consider a PR campaign across Europe directed at police organisations and relevant bodies (including retired police officers' associations) marketing the merits of EU missions, the kind of people needed, and the general aim of overseas police missions.

13. Internal Appointments: Internal appointments need to be more merit based. While there is an HR process that can strongly argue this is the case, there is the perception of 'clique-based'

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decisions on appointments. There is also a perception that member states which supply greater numbers to the mission should hold more of the senior and critical appointments. This feeds into a related viewpoint that sees EUPOL-type missions attracting many of the 'wrong sort' that populate the 'mission circuit,' transferring from one mission to another. The current staff appraisal or performance review system makes it difficult for a line manager to correct or deal with under-performance. Perhaps a compliance system would help. This is used in similar programmes. It is where a semi-independent body under EU command (such as CPCC) working on behalf of the HoM and based in the field, intrusively monitors the work of mission members, and personally engages with them, against a set framework of deliverables.

14. Rule of Law Component: Going forward, a police mission in an armed conflict is incomplete without a rule of law component. This should be the first thing in and last thing out. A mission would be improved by having a rule of law component integrated throughout it to guide on domestic law and criminal justice system, regardless of the size or focus of the mission.

15. Training Co-Coordinator: If a future mission includes training, a training coordinator should be appointed to oversee, review, quality assure and revise training material and teaching standards of the mission and its members. The coordinator can also look after an integrated training approach (security and civil). The intellectual proprietary rights of any material should be handed over to the host nation. The Training coordinator would provide feedback to the Head of Mission from the ground-up and formulate the transition phase with the host organisation. He or she would also co-operate and collaborate with partner agencies. In military missions these functions are often included in the responsibilities of the DHOM.

16. Code of Conduct: A future mission should have a Code of Conduct and the capacity for an independent body to investigate violations. For a Muslim country, such as an Islamic Republic, a 'No Alcohol' policy should be enforced.

17: Policy and Reviews: Any policy drafted must be checked for lawful compliance (domestic and international law) and that it has an implementation plan, and a review conducted to see if it was used and to evaluate its worth.

18. Strategic Co-ordination: In going forward a mission needs to better coordinate at the strategic and tactical levels with the international community and host organisations to reduce duplication and contradictory advice.

19. Assessing Local Counterparts: If the aim is to make the police an effective organisation capable of promoting the rule of law as the basis of creating the conditions from which further reform towards 'civilian policing' can occur, then every aspect of the organisation needs to be

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adjusted to achieve that end. This includes recruitment, training, job profiles, career path, promotion, complaint procedures and retirement. One option is to start a new police force with well-educated, well-trained members. This offsets dealing with poor literacy rates. In such an environment it would also be prudent to carry out some form of vetting on police officers to be trained or advised, especially at the strategic level. Plainly put, some form of due diligence to minimise the risk of investing in the wrong people, such as a notoriously corrupt warlord. At the same time, there needs to be some appreciation of a reality wherein most candidates will not have a clean bill of health. Rather, it is about recognising the issue and getting men and women assessed as standing the best chance to promote new 'decency' values that will challenge corrupt patronage systems.

20. Skill Mix: EUPOL Afghanistan had a healthy mix of members from a police background and legal background, albeit the legal element was slow to materialise and too quick to reduce. Although the mission eventually had a healthy ratio of male/female members, achieving and maintaining this from the outset should be an important part in going forward. Regardless of anything else, it sends a positive signal on gender equality. For a mission that includes 'strategic advisors' these should be people that have held a senior rank or are experienced at the strategic level.

21. EUSR: A future mission needs the support of and close connections with the EUSR and the EU Delegation if there is one.

22. Conditionality: For the host organisation, support should be conditional. That is, practices and policies given to the host organisation need to be reviewed, and sanctions imposed for failing to comply (bearing in mind the type of sanctions needed and how they can be imposed). To this end there should be an agreement or contractual obligation between the mission and host organisation on what is realistically achievable and how this can be tracked, measured and reviewed. This will help to manage the expectations of both sides (inclusive of Brussels).

23. Procurement: A future mission would benefit from having access to a centralised stock of equipment that can be returned on the completion of each mission. This would mean that equipment could be re-issued rather than re-procured. Procurement should be slicker and quicker, with less bureaucracy. Perhaps the allocation of the bulk of essential equipment could form part of the pre-deployment training at regional centres.

24. Military and UN: The CPCC should conduct a study of EU military-based operations and the UN's latest fundamental review to identify good practice that can migrate across to the civilian side.

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This could be done in a joint collaboration between the CPCC and the EUMS, preferably with some NATO input.

25. IT: A future mission should not assume that the way IT is used in Europe could be copied with the host organisation. Indeed, it is likely that IT will be a waste of money. Nations prone to conflict invariably are patronage cultures where a paper-based bureaucracy is heavily employed. Understanding how this works in order to streamline it is a better way forward than imposing the latest software and hardware from Europe. At the least, identifying IT that has low maintenance costs and knowing the regularity of electricity supply should be the minimum assessment for any IT initiative. The same applies to funding for projects in general.

9 CONCLUSIONS

The EU CSDP missions EUPOL COPPS and EUBAM Rafah work in a challenging context of Palestinian-Israeli conflict on the one hand, and the intra-Palestinian conflict between Fatah and Hamas on the other hand. The dormant Middle East peace process and the continuing Israeli occupation of Palestinian territories pose major constraints onto the EU and other international efforts to support Palestinian statebuilding process, including its security and justice sectors. Another major challenge is the poor state of democratic governance of the Palestinian Authority in the West Bank. Due to Hamas being enlisted as a terrorist organisation by the EU, and the EU's no-contact policy with Hamas, the Hamas-led Gaza cannot be given statebuilding support. This has led the EU border assistance mission EUBAM Rafah to being predominantly a standby mission since 2007. EUPOL COPPS has successfully provided technical support - consisting of material assistance and training - to the Palestinian Civilian Police and the related criminal justice sector actors in the West Bank.

The IECEU interviews lend support to other observations of Palestinian statebuilding, SSR and JSR processes. That is, technical support alone cannot effectively address the key problems in and constraints for Palestinian statebuilding and the efforts to search for a permanent solution to key conflict issues. The EU is urged, particularly by Palestinian non-PA respondents, to make better use of its political and economic tools to address the key issues. Some EU-respondents suggested that the EU should withdraw its CSDP missions from the OPTs and utilise other instruments that can better address the current situation. Other respondents assessed that the EU CSDP missions had successfully redirected their activities toward strategic advising, mentoring and institution-building of the PA, and that this transformation of CSDP instrument towards the developmental should continue. For this aim the EU CSDP missions structures would need to be changed, and new types of capacities and skills sets would need to be recruited, particularly in the fields of development work, project management and analysis. The missions would also need to adopt a more inclusive approach to SSR and JSR processes.

Since 2002, the international community has engaged in SSR efforts in Iraq and Afghanistan. The overarching aim was to achieve a rule of law approach as the basis of increasing security and stability. In both cases this desired end state has not been attained. Fifteen years later, and after enormous investment, Iraq and Afghanistan are still blighted by violence. They remain highly unstable parts of the world where the military, not the police, continue to lead on the security front.

While most nations and coalitions, such as the EU, that were part of these efforts can rightly claim success for the individual programme or mission they implemented, such claims ring hollow for Afghans and Iraqis.

The migrant crisis today that fuels political discontent across Europe is a consequence of the international community's inability to stabilise places like Afghanistan. An effective rule of law approach in an armed conflict environment means a robust police model to lead a security effort that the military can support. As it stands, identifying and branding a police model to cater for this reality is an urgent challenge the EU needs to address.

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