

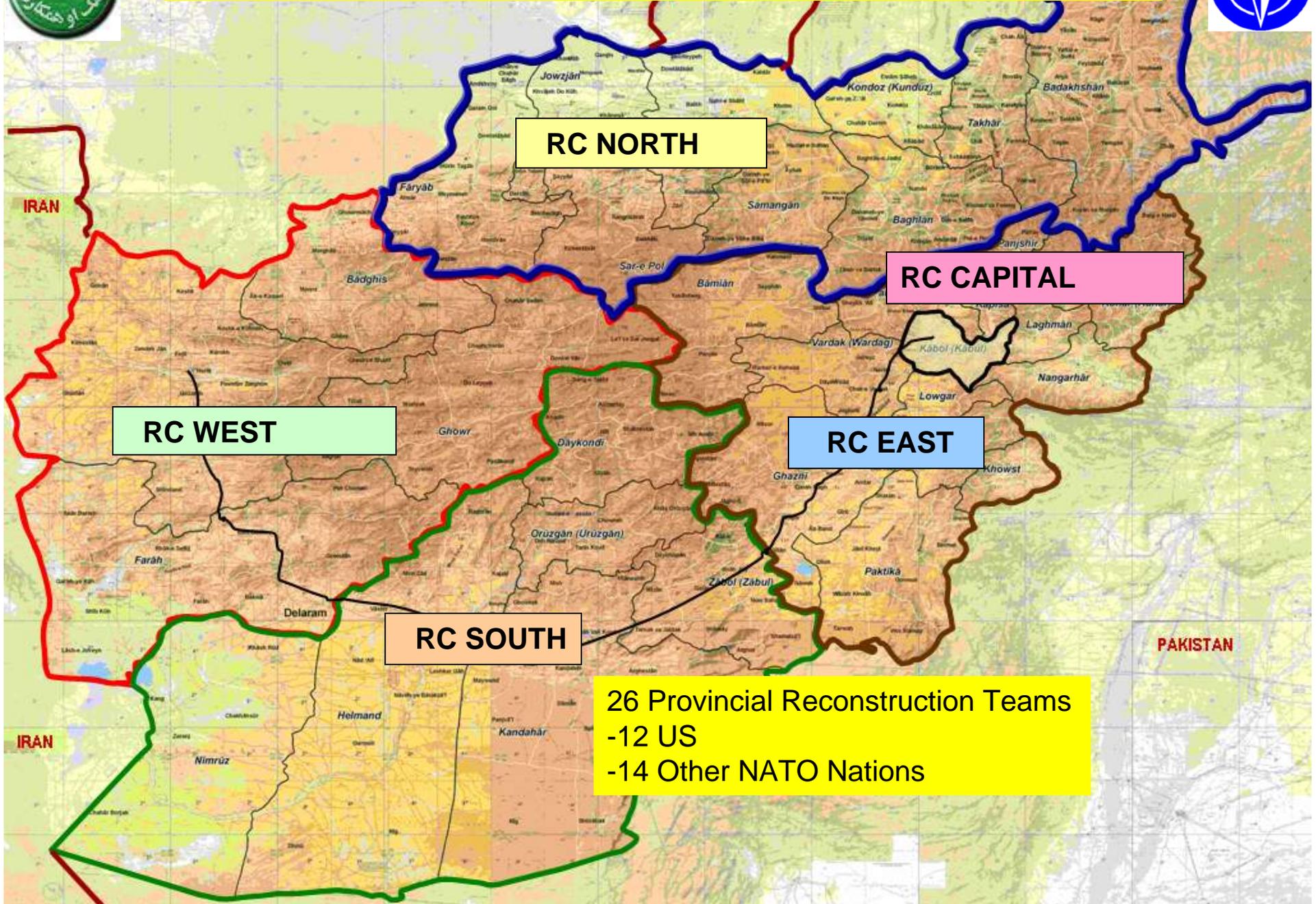


Afghanistan Rule of Law -- Military Efforts

LTC Al Goshi

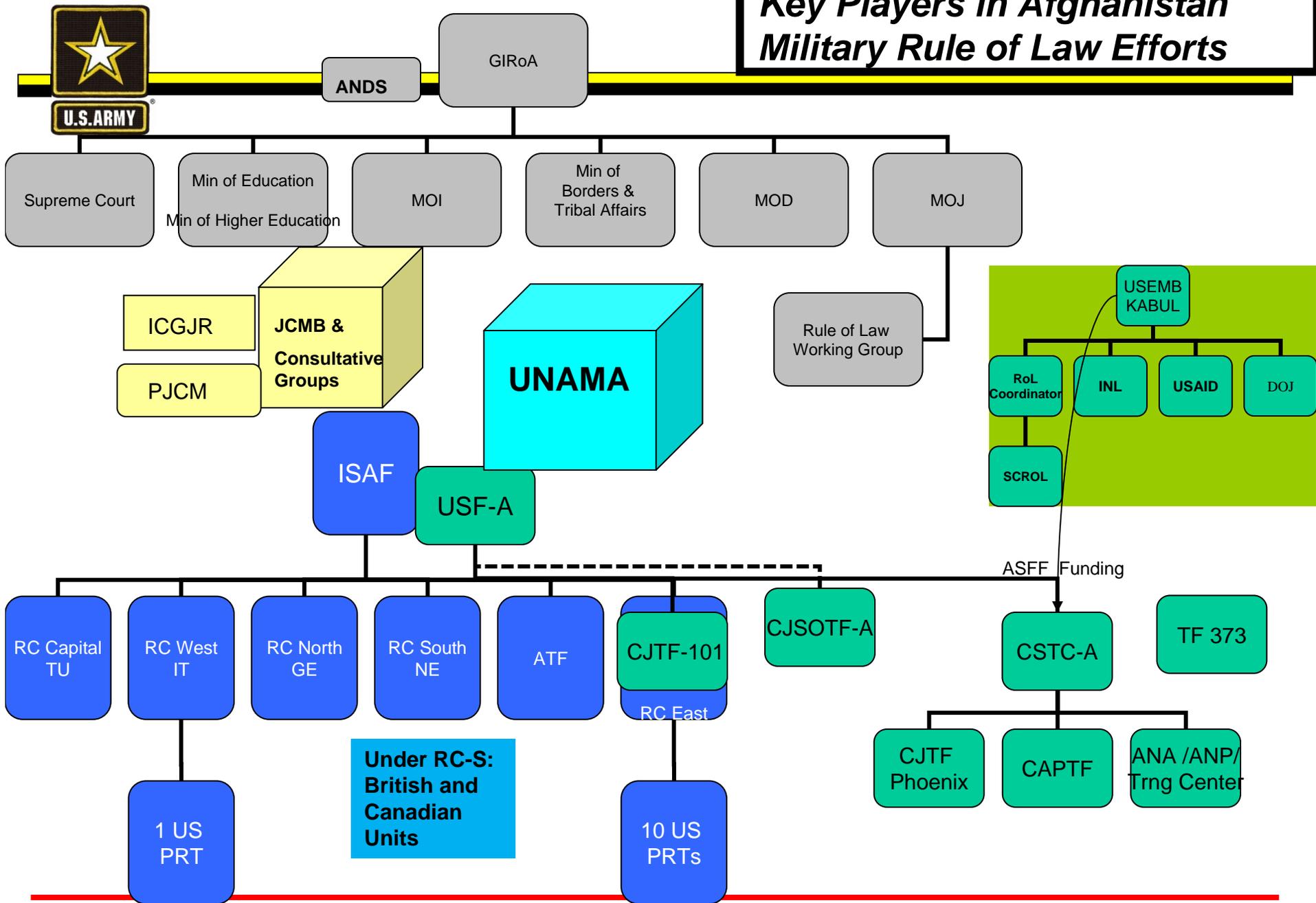


ISAF REGIONS



26 Provincial Reconstruction Teams
-12 US
-14 Other NATO Nations

Key Players in Afghanistan Military Rule of Law Efforts





Key Military Rule of Law Players

Commanders



Judge Advocates



Others



Civil Affairs



U.S. ARMY

Law and Counterinsurgency

“Every action of the counterinsurgent should be anchored in law. Any effort to build a legitimate government through lawless action – including unjustified use of force, unlawful detention, torture or punishment without trial – is self-defeating.”

FM 3-24, Counterinsurgency





Building Afghanistan's Justice Sector and Establishing the Rule of Law

Comparison of USG and Afghan Justice Reform Strategies

U.S. ARMY						
Overlay of USG Resources against Key Strategic Objectives						
USG Strategic Objective	(1) Creating Demand for the Rule of Law (Bottom - Up Efforts)	(2) Creating Respect for the Rule of Law (Top - Down Efforts)	(3) Creating Access to Justice (Establishing the Institutions of Justice)			
NJSS (ANDS) Goal	(3) Improved quality of justice services.	(1) Improved institutional capacity to deliver sustainable justice services	(1) Improved institutional capacity to deliver sustainable justice; (2) Improved coordination and integration within the justice system and other state institutions			
NJP Component (A-F)	F - Citizen Rights Awareness	A - Accountable Institutions	B - Infrastructure	C - Human Capacity	D - Legal Framework	E - Integrated Justice
USAID \$4M (FY08)	✓	✓	✓	✓	✓	✓
DOD*	✓	✓	✓	✓	✓	✓
State/INL \$86.25M (FY08)	✓	✓	✓	✓	✓	✓
DOJ (Funded by State/INL)		✓	✓	✓	✓	✓
US Marshals \$1M (FY08)		✓		✓		
DEA*		✓	✓	✓	✓	✓

~~*DOD and DEA do not have separate budgets for ROL/Justice Sector reform, but assist as part of their overall CN (DEA) and COIN (DOD) missions~~



Rule of Law in Afghanistan

USG Priority Areas of Assistance

Afghan National Development Strategy (ANDS)

National Justice Sector Strategy (NJSS) Goals
1. Improved Capacity | 2. Improved Integration | 3. Improved Quality

National Justice Program (NJP) Components

Accountable Institutions | Infrastructure | Human Capacity | Legal Awareness | Integrated Justice | Legal Framework

Build Infrastructure
Build Human/Professional Capacity
Increase Legal Awareness/Confidence

Six "Pillars" of USG RoL Program

CJTF-101
RoL Strategy





CJTF-101 Rule of Law Contribution

U.S. ARMY

- Build RoL Infrastructure:
 - Police Stations (CSTC-A)
 - Court Facilities, Prosecutor Office, MoJ Justice Center (USAID/INL)
 - Prisons (INL)
 - AfBA Offices (CJTF-101)
- Build RoL Human Capacity:
 - Police (CSTC-A)
 - Prosecutors (INL)
 - Judges (USAID)
 - Defense Attorneys (AfBA)
 - MoJ Employees (INL)
- Legal Awareness/Increase Public Confidence in the Afghan Justice System:
 - Increase public awareness (AfBA)(USAID)
 - Improve accessibility (USAID)
 - Tie to the traditional/informal system of justice (USIP)
 - Develop Anti-Corruption measures (DoJ)

These are areas where CJTF-101 will focus Rule of Law efforts

An Operational Construct for Rule of Law



U.S. ARMY

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Legitimacy

Objective - A principle in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights law.

Monopoly on force	Individual Security	State bound by law	Law determinable & stable	Individual access to legal system	State protects rights	Individuals rely on law in daily lives
E	F	F	E	C	T	S

Activity Categories ⓘ

Order & Security	Checks & Balances	Fairness	Effective Application	Legitimacy
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Military RoL Support Activities

Order & Security

- Security Sector Reform
- Security Architecture
- Law Enforcement
- Corrections
- Intelligence & Information Sharing
- Countering Transnational Crime
- Integrated Border Management

Checks & Balances

- Legal Framework
- Justice Architecture
- Conflict Resolution & Peace Implementation

Fairness

- Human Rights
- Disarmament, Demobilization, and Reintegration
- Reconciliation, Restoration, & Restitution

Effective Application

- Civil Governance
- Public Information & Records Mgmt
- Infrastructure & Sustainability
- Strategic Communications & Perception Management

Legitimacy

- Customary or Traditional Legal Systems
- Legitimacy
- Sovereignty
- Accountability, Oversight, and anti-Corruption

Taken from pending JFCOM Rule of Law Handbook

A template of
planning
considerations



DoD vs. DoS: Clash of Cultures?

Warriors

Uniforms

Short hair

On time

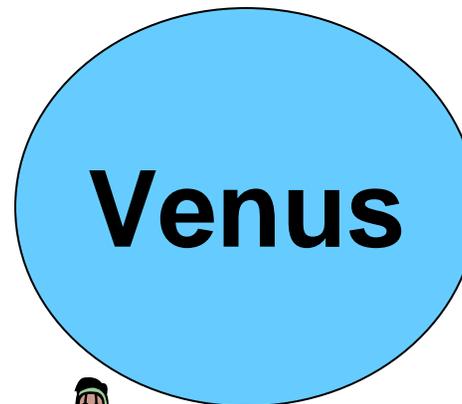
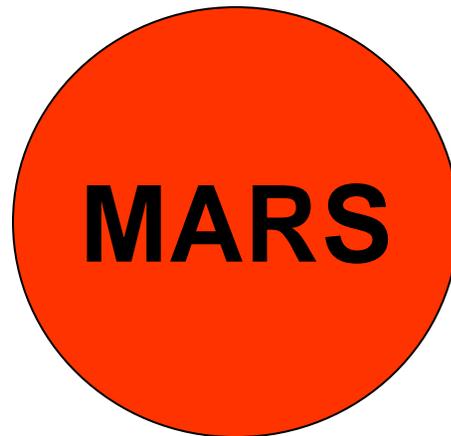
Team work

Big budget

Planners

Black & White

Impatient



Diplomats

Pin stripes

Long hair

Often late

Individualism

Small budget

Conceptualizers

Gray

Patient



U.S. ARMY

Don't Be the....



*Office of the Judge Advocate General
International and Operational Law Division*



Questions