



**United States Department of State
and the Broadcasting Board of Governors
Office of Inspector General**

Inspection of Rule-of-Law Programs in Afghanistan

OIG reviewed Rule-of-Law (ROL) activities in Afghanistan in October 2007. Secretary Rice has made advancing ROL a global objective of the Department of State and has said that “the success of democracy and the flourishing of human potential all depend on governments that honor and enforce the rule of law.”

OIG’s review noted that ROL is critical in Afghanistan where there is a direct connection between the lack of a workable system of governance and the national security of the United States. The absence of a modern, functional government sustains the Taliban and Al-Qaeda and encourages the vast opium trade. Confidence that the government can provide a fair and effective justice system is essential to convincing war-battered Afghans to support a democratic system rather than accept rule by terrorists, warlords and narcotics traffickers.

OIG’s review concluded that without ROL, Afghanistan cannot become stable. There were no quick solutions. Implementing ROL requires commitment by Afghans and foreign donors to long-term cooperation. Afghanistan’s formal civil code judicial system, like its frail police, corrections, and educational institutions, was destroyed in 30 years of conflict. Most Afghans only have confidence in, and prefer to use, systems of dispute resolution of their tribe, ethnicity, or Islamic sect. These, too, have been weakened by war and instability. Neither the Afghan government nor western donors have adequately addressed the balance between the formal and informal systems.

Corruption undermines Afghan public confidence in a formal ROL structure. The government of Afghanistan and the donor community must demonstrate greater commitment to fighting corruption. Many past ROL coordination failures were addressed with support from the previous ambassador and the deputy chief of mission by creating a senior ROL coordinator position, to which all U.S. agencies, the kaleidoscopic international donor community, and Afghan legal institutions could turn for information, communication, and guidance.

OIG’s review found that bureaucratic coordination on ROL issues had greatly improved but was a daunting task involving multiple participants with very different capacities and goals. The continuous turnover of U.S. government staff, conflicting priorities among U.S. government entities, and the frailty of the Afghan justice sector, challenged the ROL coordinator. The position requires continued strong chief of mission support.

U.S. efforts to support ROL in Afghanistan show professionalism and tenacity. But it was not clear how, or even if, ROL efforts were being measured for success, and if international attention wanes, how these projects could be sustained. Several U.S. Government agencies fund many programs related to ROL. The inspection team found no indication that the funds were being used improperly. However, no one source seemed to have a clear picture of the scope of U.S. expenditures in this field.

OIG Report ISP-I-08-09, Inspection of Rule of Law Programs in Afghanistan

The fieldwork for this report was conducted by the Office of Inspections in Kabul, Afghanistan between October 1 and 25, 2007. This is an unclassified summary of a full report, which receives limited official distribution. Both the report summary and the full report reflect the conditions reviewed during the fieldwork.
