

REMARKS OF FRANCIS B. WARD  
DEPUTY ASSISTANT INSPECTOR GENERAL  
FOR INSPECTIONS  
U.S. DEPARTMENT OF STATE AND BROADCASTING  
BOARD OF GOVERNORS  
BEFORE THE  
HOUSE OF REPRESENTATIVES  
COMMITTEE ON OVERSIGHT AND  
GOVERNMENT REFORM, SUBCOMMITTEE ON  
NATIONAL SECURITY AND FOREIGN AFFAIRS  
ON  
RULE OF LAW PROGRAMS IN AFGHANISTAN  
JUNE 18, 2008

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

Thank you for inviting the State Department Office of  
Inspector General to discuss our inspection of rule of law  
programs in Afghanistan, which was published in January.

I am joined by Mr. Erich Hart, our general counsel and a  
retired Air Force JAG officer - who joined us on the inspection  
team. We commend the committee's decision to focus attention  
on both rule of law and police training activities in Afghanistan.  
From what we have observed, we believe that any assessment of  
U.S. rule of law programs requires an understanding of:

- First, U.S. and coalition strategic concerns in the region
- Second, the current state of Afghan civil society, the  
interaction of the emerging formal civil law system and  
the customary or informal legal system
- Third, the relationship among the police, prosecutors  
and judges
- Fourth, the impact of the pervasive corruption within  
Afghan institutions
- Fifth, the way we invest and how we invest in counter-  
narcotics, police training and rule of law programs

- Lastly, the coordination among multiple US Government civilian and military rule of law programs.

Mr. Chairman, we published a series of recommendations for our rule of law programs underscored by these basic precepts, including:

- First, the importance of maintaining a senior foreign service officer, or senior federal official with comparable rank and experience, as the rule of law coordinator. We also recommended mission leadership be regularly involved in program strategy and planning.

Concurrently, we recommended that the Department of Justice senior officer in Kabul report directly to the Deputy Chief of Mission, along with the coordinator.

(1,2,3) (ACTION: Embassy Kabul, State HR and SCA)

- We found that a gap in coordination exists between U.S. police training programs and the judicial sector programs. We believe the embassy officer with the police training portfolio, should participate actively in the embassy rule of law coordinating committee, which had not always been the case. (4)

(ACTION: Embassy Kabul)

- To promote better coordination with military task force officers with rule of law responsibilities, we have encouraged the rule of law coordinator and program experts to conduct in-depth rule of law briefings for incoming military commanders and JAG officers. Additionally, we recommended that the coordinator should develop a shared training schedule for use by all training providers in order to de-conflict work. (5,6)  
**(ACTION: Embassy Kabul)**
- We also recommended that a 5-year strategic plan is needed to meet the challenges facing the formal Afghan justice sector with its historically low capacity for change, reputation for corruption and limited reach outside of major cities. (7)  
**(ACTION: Embassy Kabul)**
- We believe Embassy Kabul, after coordinating with the Afghan government, U.S. agencies and international donors, should determine whether linkage should exist between the positive aspects of the informal justice sector, which is understood and trusted by many Afghans, with the formal justice system. (8) **(ACTION: Embassy Kabul)**

- Rule of law programs are concentrated in and around Kabul, and some other cities, and not in the provinces where 90 percent of Afghans live. Outreach to the provinces is in its early stages. Embassy Kabul should assure that Provincial Reconstruction Team officers are thoroughly briefed by any agency with rule of law responsibilities. (9) (ACTION: Embassy Kabul)
- Also, there is need for an anticorruption strategy that crosses all sectors of the embassy's rule of law institutions. (10) (ACTION: Embassy Kabul)
- And lastly, the Director of Foreign Assistance, the Bureau of International Narcotics and Law Enforcement Affairs, the embassy and the US Agency for International Development, should identify and track all justice sector funds for Afghanistan. (11)  
(ACTION: Dir Foreign Asst, Embassy Kabul, INL)

This last item is crucial because there is currently no way to readily identify rule of law sources of funding, identify duplicate or overlapping programs or de-conflict work.

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

I would be pleased to respond to your questions and thank you again, Mr. Chairman and Ranking Member Shays for the opportunity to appear here today.

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