

NATO Rule of Law Field Support Mission (NROLFSM)



A three-judge criminal court in Kunar province adjourns for the day.

On 9 June 2011, the Defence Ministers from the 48 nations of the International Security Assistance Force (ISAF) endorsed the NATO Rule of Law Field Support Mission (NROLFSM).

Recently achieved security gains in Afghanistan must be reinforced with improvements in governance and economic development if transition is to be durable. Extending and deepening the rule of law is one of the highest priorities for the Afghan population and their government.

Governance and service delivery in Afghanistan remain key to ensure security gains are sustainable. Difficult terrain and insecurity pose challenges to lawyers, judges and other justice sector officials from fully accessing remote communities. The Taliban have exploited this by setting up their own courts. While Afghans disagree with the harsh punishments of the Taliban, they often find this 'extreme justice' their sole recourse for injustice. The redress of grievances is one of the few areas where the insurgency continues to compete with legitimate governance.

Consistent with the comprehensive civilian-military approach and ISAF's counterinsurgency strategy, ISAF will provide greater field support to rule of law efforts, as requested by the Afghan authorities and when desired by international providers. The NATO Rule of Law Field Support Mission (NROLFSM) will have the following mission:

To provide essential field capabilities, liaison and security to Afghan and international civilian providers of technical assistance supportive of building the Afghan criminal justice capacity, increasing access to dispute resolution, thereby helping to improve the efficacy of the Afghan Government.

In September 2010, the US-manned Rule of Law Field Force-Afghanistan (ROLFF-A) stood up and offered similar field support to US civilian agencies in carrying out justice sector projects aligned to Afghanistan's National Justice Sector Strategy. ISAF will now assume the lead for these supporting Rule of Law activities previously provided for by the US-led ROLFF-A programme. The NATO Senior Civilian Representative will work in close coordination with the Commander of ISAF to ensure close coordination between civilian and military efforts.

The NATO Rule of Law Field Support Mission (NROLFSM) will focus on five primary tasks:

- Security - for civilian rule of law experts;
- Coordination – to facilitate movements of the experts in conjunction with other actors also working in the area in Afghanistan, and to provide a liaison and outreach function;
- Movement support – such as secure convoys;
- Engineering support – for possible infrastructure upgrades at designated Rule of Law facilities; and
- Oversight of the contractual process – in connection with the engineering support and in accordance with current ISAF practices.

The military will not engage in Rule of Law itself, rather it will support and enable Afghan officials and international actors with the mandate to do so. The concept assumes the United Nations Assistance Mission to Afghanistan (UNAMA) will lead all international efforts to support and strengthen governance and Rule of Law, guided by the principle of Afghan ownership and leadership with regard to the ongoing Kabul Process, as per United Nations Security Council Resolution (UNSCR) 1917 on 2 March 2011 and UNSCR 1974 of 22 March 2011. The NROLFSM will not have any link or connection to detention operations.

Having focused intensively on building the Afghan National Security Forces, including a competent law enforcement capability, it is important that this continuum is supported by an effective rule of law capacity. By providing essential support to the building of an Afghan criminal justice capability and increased access to dispute resolution services, ISAF will contribute to strengthening the efficacy of the Afghan Government.

FACTBOX: Traditional Justice in Afghanistan

There are significant efforts underway in Afghanistan to build capacity and institutions in the Rule of Law sector. However, in areas where formal justice systems still have a nominal existence (particularly in southern and eastern parts of the country) Afghans rely on traditional justice systems, which are composed of customary and tribal institutions set up for decision-making and dispute resolution and are based on customary law, institutionalized rituals and remediation. Traditional justice can be an effective way of managing disputes, redressing local grievances and maintaining peace and stability within communities. The Government of Afghanistan recognizes that it must engage members of traditional justice bodies (village elders, religious and influential leaders) both to encourage and promote their strengths in maintaining social order but also to address their limitations and bad practices that may violate human rights and / or limit the role of women and children.