

**STATEMENT OF MARK S. WARD SENIOR DEPUTY ASSISTANT
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BEFORE THE HOUSE COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM SUBCOMMITTEE ON NATIONAL
SECURITY AND FOREIGN AFFAIRS**

*Oversight of U.S. Efforts to Train and Equip Police and Enhance the Justice
System in Afghanistan*

June 18, 2008

Chairman Tierney, Ranking Member Shays, other distinguished members of the Subcommittee, thank you for the invitation to participate in today's hearing. I appreciate the opportunity to share with the Subcommittee the perspective of the U.S. Agency for International Development (USAID) on U.S. assistance to the institutions of justice in Afghanistan.

With nearly \$5.9 billion obligated (and \$4 billion spent) on development programs in Afghanistan since 2002, USAID provides the largest bilateral civilian assistance program to Afghanistan. Our work continues to be a vital support to Afghanistan in its efforts to ensure economic growth led by the private sector; establish a democratic and capable state governed by the rule of law; and provide basic services for its people. Since 2002, USAID has engaged in many traditional development activities including building of infrastructure such as courthouses and judicial training centers, promoting

strong civil society through multiple outreach activities and providing wide-ranging support to elections: however, in order to help Afghanistan to develop in such a way that it is less donor dependent, USAID is working to build judicial institutions that strengthen the private sector.

One cannot minimize the real security situation in Afghanistan; and my colleagues with the Departments of Defense, State and Justice are here to discuss the important support the United States Government provides for the training of a professional Afghan army and police force. These activities are extremely important; however, as important as a safe and stable Afghanistan is, it is equally important that we work to ensure that Afghanistan has strong judicial and economic institutions pre-positioned so when the security situation allows, Afghanistan will be able to attract and effectively utilize private investment.

The United States and the international community have recently agreed to closer align aid to Afghanistan based on the goals and pillars of the Afghanistan National Development Strategy (ANDS). USAID is working closely with the Government of Afghanistan to align its programs with the goals and pillars of the ANDS, one of which is Governance, Rule of Law

and Human Rights. The ANDS goal for the justice sector, as spelled out in the National Justice Program, is strengthening democratic processes and institutions, human rights, the rule of law, delivery of public services and government accountability. More specifically, the ANDS recognizes the need to reform the justice system, which will improve the business environment and increase investments and job generation. The ANDS Justice Sector Strategy was approved approximately six weeks ago, and the National Justice Program were developed and endorsed by the international community at the Rome Conference on the Rule of Law in Afghanistan last July.

USAID's private sector strengthening program aligns with the ANDS goals through our help to improve the climate for private sector development by assisting the Government of Afghanistan with the establishment of a market-oriented legal and regulatory framework. USAID is providing legal advisory assistance to the Ministry of Commerce, Da Afghanistan Bank (the Central Bank), and the Economic Commission of the Parliament to strengthen their ability to draft commercial legislation and increase public awareness and support for market-oriented commercial legislation. The work focuses on specific priority legislation identified by the Afghan

ministries, the private sector, and the donor community as being necessary to attract both domestic and foreign investment in Afghanistan. Four laws promulgated by Presidential decree during a Parliamentary recess in 2007 and are now under review by the Parliamentary Economic Commission to improve understanding and broader support. These include the Law on Corporations, Law on Partnerships, Law on Commercial Arbitration, and Law on Commercial Mediation. Furthermore, five additional laws have been drafted by the Ministry of Commerce and Da Afghanistan Bank. A legal conference for prominent Parliamentarians is planned for July 2008 will introduce, promote, and solicit public comment on these laws aimed to benefit the private sector.

In concert with our work to build and strengthen a legal infrastructure for business transactions and investments, USAID is also working on judicial training and professional development; access to justice; commercial dispute resolution; legal education; court administration; and legislative process reform. We continue to have results which make us proud, including;

- training to over 70 percent of the sitting judges in Afghanistan with the anticipation of training all sitting judges by the end of FY 2008

- (Training includes the provision of remedial legal education, classroom instruction and supervised work experience.);
- increased awareness of the Afghan people regarding their basic legal rights;
 - training to members of the Law and Sharia Faculties at Kabul University and three regional universities in teaching methodology, legal writing and research and legal English; furthermore, with USAID's support, this group of legal and religious scholars have played a key role in establishing a standard law school curriculum for both Sharia and law faculty students, which is an important benchmark in ensuring a strong legal profession;
 - study tours for Afghan faculty to the U.S. and India;
 - improved institutional management capabilities of the Afghan Supreme Court including a new case management and tracking system which will be rolled out to all courts by the end of FY 2008;
 - establishment, in conjunction with the Government of Italy, of the National Legal Training Center which was opened in May 2007 on the campus of the University of Kabul and is actively used for standardization, continuing legal education and accreditation within the legal community;

- providing ongoing and advanced training in legislative drafting to the Ministry of Justice's legislative drafting unit, members and staff of various ministries and the National Assembly; and what I am most proud to note,
- building an enabling environment for commercial investment in Afghanistan as a result of our work to strengthen commercial law.

Additional successful activities within the justice sector include a recently completed project that focuses on legal reform through the construction and rehabilitation of 40 courthouses and justice facilities in 17 provinces. This project employed an all-Afghan workforce, facilitating local capacity-building and buy-in among the population. In our efforts to support women's capacity development within the judiciary we have had nearly 100 women judges and judicial candidates participate in various trainings and provided technical assistance to Afghanistan universities to build the capacity of women professors.

In conclusion, Afghanistan remains a central focus on USAID activities. As you are all aware, the Afghanistan Support Conference was held just last week in Paris. During this Conference, the United States pledged \$10.2

billion dollars to help the people of Afghanistan. In that vein, USAID will continue to work with institutions such as the Parliament and the Supreme Court so that a robust private sector has access to a transparent and predictable court system. Everyone recognizes that the private sector will not risk investing in a country that has weak regulatory and commercial laws and little recourse through the civil court system. USAID believes that the private sector is vital to stability in Afghanistan; it will bring jobs which in turn creates opportunities where there were none before.

Chairman Tierney and Ranking Member Shays, thank you for the opportunity to appear before you and the other members of the Subcommittee today. I am happy to take any questions you may have.