

To: David Mulroney  
Cc: Kerry Buck  
From: Richard Colvin  
Subject: End-of-posting observations  
Date: 24 October, 2007

After completing 18 months in Afghanistan, I have decided to record some personal observations and recommendations in this end-of-assignment memo. I have limited these comments to three key issues: detainees, governance, and management by DFAIT of the Afghanistan file. Although there is no formal "dissent channel" in the Canadian foreign service, this memo is put forward in a spirit of constructive criticism of Canada's engagement in what remains officially our #1 foreign-policy priority.

To avoid suggestions that my recommendations are not sufficiently substantiated, I have taken the time in this memo to set out in some detail the grounds for the conclusions.

#### Detainees

Canada in my view has still not come to grips with the core of the detainee problem, which is that [REDACTED]

[REDACTED] In this context, Canada in my view should stop handing Afghans to NDS custody in Kandahar, [REDACTED]

[REDACTED] If we do continue to transfer detainees to NDS, we should do so only in Kabul, where we can be reasonably assured that Canadian officials can monitor them effectively [REDACTED]

[REDACTED] However, a much better solution would be to transfer detainees to another Afghan structure altogether, either the Ministry of Defence or the Ministry of Justice.

Weaknesses in Canadian management of detainees were apparent as early as May 2006, [REDACTED]

[REDACTED] My military counterpart at the PRT, [REDACTED] was similarly unable to find any colleague at KAF willing to assume responsibility for the detainee hot potato.

At around the same time, [REDACTED] to the PRT an Afghan woman with three young children. Her husband, a taxi driver, had disappeared several months earlier. However, because the information we were taking was inadequate, I was unable to confirm to her whether or not Canadian forces had detained her husband.

Although these problems were eventually addressed (a new form was introduced that asked for the names of the [REDACTED] and notification to the ICRC was accelerated, although delays persisted well into 2007), they were indicative of the low priority afforded by Canada to detainee management. This was also evident in Kabul, where it was clear during meetings with [REDACTED] colleagues that their governments were focusing a great deal of attention to the detainee issue, including regular, hands-on monitoring of detainees. The contrast with Canada was sharp. At that time, the embassy did not even have a

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pol/ mil officer [REDACTED] while reporting by the embassy on detainee issues did not seem to resonate in Ottawa.

Even after the detainee scandal broke into the open, in April 2007, with the publication by the Globe and Mail of an in-depth investigation into detainee abuse in Kandahar, a new policy was formulated in Ottawa without even the formality of consultation with the embassy. In March 2007, I had happened to attend one of these interdepartmental discussions on detainees in Ottawa and had been struck by the participants' collective lack of understanding, as well as the Defence Department's reluctance to acknowledge [REDACTED]

[REDACTED] Unsurprisingly, the new, unconsulted policy did not reflect Afghan realities and thus promised to perpetuate the existing problems. As charge d'affaires, I decided to register our concerns with this policy, adding three constructive suggestions for tackling the problem. The terse, dismissive reply from HQ made very clear that input from the field was not at all welcome, even though our key recommendations (e.g. the need for a new MOU, and for Canada to take responsibility for its own detainees given the well-entrenched practices of the NDS) were ultimately adopted.

As the detainee crisis escalated, the Canadian response became more serious but still tended to lag behind needs. A new MOU was hurriedly signed, granting Canada the right to monitor its own detainees. However, there was at first resistance to assigning a dedicated DFAIT human-rights officer to actually carry out the monitoring. As of October 2007, that officer had still not arrived, obliging both the PRT and embassy to use already overstretched officers, untrained in human-rights monitoring, or short-term secondees from HQ. A dedicated pol/ mil officer was eventually assigned to the embassy. However, given new, secretive information protocols, he is not privy to internal reporting on detainees and thus is unable to make an effective contribution. The same is now true for the head of the political section.

[REDACTED] The UN's annual human rights report, which is publicly available, spells out the problem very clearly, as did the embassy's annual human rights assessment [REDACTED]

[REDACTED] have personally seen physical evidence of abuse, including scars on legs, and heard credible allegations of abuse by all three of the detainees we interviewed in Kabul who were willing to discuss the issue.

[REDACTED]

Although the monitoring provisions in the MOU are designed to ensure that Canadian-transferred detainees are not abused [REDACTED]

[REDACTED] The embassy therefore suggested shifting Canadian detainees to Kabul. Provided they are placed in the 'open' facilities (Sederat or Pol-i-Charkhi) [REDACTED]

[REDACTED] This is the solution followed by the [REDACTED] However, the military resisted transferring detainees to Kabul as this would place additional demands on military resources. (This seems to have been one of the key reasons why Canada, from the beginning, declined not to monitor detainees at all, in contrast to our [REDACTED] in the south.)

[REDACTED]

[REDACTED] The 'acknowledged' NDS Sederat detainee facility, however, which we have been given access to, [REDACTED] as does Pol-i-Charkhi in Kabul, where NDS detainees are also held.

[REDACTED] in my view the only way to ensure that Canadian detainees are treated in accordance with international norms is to a) transfer detainees to one of the 'open' NDS facilities in Kabul (not Kandahar), with regular detainee monitoring by Canadian officials, or b) transfer detainees to an Afghan organization other than NDS – either the Ministry of Defence or Ministry of Justice. Unlike NDS facilities in Kandahar, MoJ jails (e.g. Sarpoza) are easily accessible to monitors and [REDACTED]

[REDACTED]

However, as before, there seems to be a continued reluctance to acknowledge the scope or severity of the detainee problem, instead claiming that the "alleged" abuse is a Taliban fabrication, or stressing fictitious 'Afghan investigations.' Our systemic failure to operationalize our human-rights rhetoric runs contrary to Canadian values and interests, and has needlessly damaged public support for the Afghan deployment.

[REDACTED] Kandahar

[REDACTED]

Rather than tackle this [REDACTED] Canada has systematically avoided it. It is now generally acknowledged that we need to 'get serious' about [REDACTED]



Management of Afghanistan by DFAIT

Canada's engagement in Afghanistan has been undercut by a continued reluctance by DFAIT to commit the resources, or to create the organizational environment, necessary for success.

Until late summer 2007, there were exactly three DFAIT officers in Afghanistan working for DFAIT – two in Kabul and one at the PRT. (The Polad at KAF was working for the Canadian forces commander. I have excluded the ambassador, who is supposed to represent the entire Canadian government, not just one department.) The Kabul embassy's political section was the same size as that of the Canadian Representative Office to the Palestinian Authority – a minor mission. At the same time, there was a severe structural dysfunctionality at HQ, with responsibility for Kabul completely separate from responsibility for Kandahar. During the two months I spent in Kandahar, I did not receive a single instruction or piece of policy guidance from HQ, even though this was a critical period, with the Taliban massing west of Kandahar city, and most Kandaharis believing that the city would soon fall to the enemy.

By early summer 2007, the two 'halves' of Afghanistan had organizationally been united, and HQ had agreed to the addition of a third political officer to the embassy. After further petitioning, this was subsequently increased again, to four. Although this represents a doubling of DFAIT effort, it is still much less than required.

By the standards of Canadian missions around the world, four is not a large ~~significant~~ number. It is much less than the DFAIT effort in Moscow, which has ten officers in total. It also compares very poorly to the level of effort made by our principal allies in Kabul. For example, [redacted] Where Canada has one officer, or not even one, [redacted] For example, the Canadian embassy has exactly one-third of a person dealing with counter-narcotics, which is one of the most important issues in the south.

At the same time as Canada has created only a modest staff in Kabul, it has greatly expanded its HQ effort. This trend, once again, is the opposite of the approach taken by our principal allies. The [redacted] have created a very large presence in Kabul, with considerable responsibility devolved to the field. This reflects the importance, the complexity and the nature of the challenge facing the international community in Afghanistan. As the international presence is propping up -- and often substituting for -- [redacted] Afghanistan requires time-consuming, hands-on management of issues by the international community. Afghanistan is a hyper-centralized state and all the key decisions -- including on Kandahar -- are taken in the capital. Moreover, as this is a strongly multinational effort, much time is needed to coordinate with our partners in the UK, US, Netherlands, UN, European Union and NATO/ ISAF.

Canada, by contrast, has created a weak field presence. The result of this chronic under-resourcing is that the embassy is able passively to track issues (and then incompletely), but not to hope properly to influence them. For example, what credibility can the embassy bring to bear on counter-narcotics when we do not even have a single dedicated officer? Because of under-staffing, we are unable to process the very heavy flow of information and intelligence, resulting in critical information gaps about key issues and personalities. We had nobody looking at development policy in Kandahar, only CIDA officers managing CIDA's own projects. Unlike our colleagues in the [redacted] we have no officer with either functional Dari or Pashtu. By contrast, every officer [redacted] was given a year's language training prior to being posted.

Canada consequently continues to punch below its weight in Kabul – and is seen by our allies to punch below its weight.

Canada did substantially increase the number of DFAIT staff at the PRT. The initial decision was for three more officers in Kandahar, but only one more in Kabul. As charge d'affaires, I tried to find out the basis for this decision but was unable, in March 2007, to find anyone at HQ willing to take responsibility for that decision, or to explain on what basis it had been taken. One senior official suggested only that there was no space at the embassy, which was simply not true. In order to make the case for additional staff, I was even obliged to spend a day drawing up floor plans to prove that plenty of space existed.

At the same time, it has dramatically expanded the number of officials managing the process from Ottawa – including a very significant public-affairs contingent. This suggests that, for Canada, Afghanistan is being treated primarily as a domestic issue, with improving the situation on the ground a much lesser priority.

The expansion in Ottawa has been accompanied by a greater emphasis on information control. Whereas, prior to April 2007, it was possible at post to report honestly about even the most sensitive issue, after April this was not always possible. I have mentioned earlier about the fierce lack of interest in Ottawa about our views on detainees, even though we had been tracking the issue closely for a year and were the best-informed part of the government. Discussion of detainee issues has since been restricted to a very small group of people, which does not include essential embassy staff (i.e. the head of the political section, the pol/mil officer). Reporting on detainees from the post is now virtually impossible – HQ has made clear that it wants nothing in writing. This hyper-secrecy is conducive to information control but not to effective management of this critical issue.

More recently, after I submitted a quick summary of the security situation, in response to a last-minute HQ request, it was made very clear that the assessment (things are getting worse) was 'wrong.' Even my professionalism was impugned. The next day, the point was unambiguously made to the whole embassy that henceforth the official embassy view is that things are getting better. This is completely contradicted by the available data, as well as by the careful assessments [REDACTED]

[REDACTED] I have never before in my 15-year career been told that, internally, we must lie to each other. A similar message was delivered when it was recommended that we be "very careful" about what we put into our next human-rights report. This all adds up, in my opinion, to a very troubling politicization of reporting.

### Conclusion

In Afghanistan, Canada was presented with an extraordinary challenge. We found ourselves in one of the most dangerous, important provinces of the country, in an environment of rapidly deteriorating security. We also found ourselves with a very important role in the collective effort to fix one of the gravest foreign-policy challenges facing the international community today. This is indeed Canada's "#1 foreign-policy priority."

Unfortunately, DFAIT's response to this challenge has been timid, inadequate and ineffectual. There are some very good people working on Afghanistan but, at least in Kabul, there are not nearly enough of them. Important issues are ignored, or left to fester, until they explode into crisis – in other words, when they are picked up by the media. When a crisis does develop, the Canadian response seems to emphasize messaging over substance, and process over policy. As someone who believes in the Afghanistan mission, and has spent 18 months in the field, I have been deeply disappointed in our failure to live up to our rhetoric. We could do so much better.

If there is interest, I would be pleased to follow up on any of the points raised in this memo.