

Turning on Light at the End of the Tunnel

The Civil Society of Afghanistan

Position Paper

On the Occasion of Brussels Conference on Afghanistan

4-5 October 2016

ACKU

Introduction

Afghan civil society is grateful to both the National Unity Government of Afghanistan (NUG) for the progress it has made so far and to the IC for its generous support during the last 15 years. The Brussels Conference on Afghanistan (BCA) provides an important opportunity to declare further commitments to mutual cooperation and support for development in Afghanistan in which members of Afghan civil society are committed to play their part.

These commitments were set out in the Tokyo Mutual Accountability Framework (TMAF), the Self-Reliance through Mutual Accountability Framework (SMAF), and confirmed at the London Conference on Afghanistan (LCA), the Senior Officials Meeting (SOM) and the Joint Coordination & Monitoring Board (JCMB). Meeting these commitments requires political will, international assistance and the collaboration of civil society. The initial steps taken by the NUG and the IC to that end, though commendable, have been insufficient.

In July and August 2016, Afghan civil society networks organized a series of country-wide consultations and focus-group discussions to elicit the views of Afghan citizens and the civil society organizations about their priorities for the next phase of the transformation decade and their recommendations for the BCA¹. The findings and recommendations which have been endorsed by the Afghan Civil Society Working Committee² on the BCA are discussed as following (with no particular order):

Enabling environment for Civil Society

Only in a conducive environment can Afghan civil society can be an effective partner for Afghanistan's development and stability. We acknowledge NUG's signing an agreement of cooperation with the Civil Society Joint Working Group (CS-JWG) and certain meetings between the NUG leaders and the civil society members in various national processes.

Despite these, evidence show that the current environment for the civil society is 'still marred by challenges', and is 'only somewhat supportive of their activities'¹. Main obstacles include corruption, lack of technical expertise among both the civil society organizations (CSOs) and the government, poor interaction between the two, deficiencies in the rule of law, reduced access to funding, and international donor-driven policy priorities². Despite the enactment of the law of Access to Information, CSOs and independent media are still deprived of reliable and accurate data.

Whilst we acknowledge the increasing capacity of Afghan civil service in policy design and implementation, we are concerned about insufficient execution of the national budget and the impact it will have on service users. We believe the sectoral expertise of CSOs and NGOs in service delivery, our flexible administrative systems, and our access to far-reaching communities are valuable assets. The NUG should acknowledge and draw upon them. Likewise, the NUG and IC should embrace the diversity of the civil society voices, and in their consultations over complex policy including those mentioned in the Afghan National Peace & Development Framework (ANPDF) and National Priority Programmes (NPPs), should not ask the civil society to simplify the problems. To facilitate consultations, the civil society needs to be supported both financially and technically to establish effective coordination mechanisms that allow smooth exchange of information and expertise.

The civic space and the continuation of effective CSO initiatives mainly depend on security and the continuation of funding. Attacks on civil society and human rights activists as well as media personnel by Armed Opposition Groups (AOGs), criminals and at times powerful individuals affiliated with the government has cost many lives and has dampened effectiveness. Regretfully, such cases are continually ignored by law enforcement agencies and we have seen no perpetrators of such violence being held accountable. Meanwhile, international financial support to CSOs has witnessed a sharp decline, a concern that grows bigger with the shrinking aid budget and more on-budget commitments. We are concerned

¹ A survey of 416 civil society actors including NGOs, social organizations and grassroots organisations in 34 provinces of Afghanistan was conducted in July – August; 8 regional focus-group discussions were held in the eight regional centres in August; and a national civil society conference was held in Kabul on 6-7 September 2016.

² The Afghan Civil Society Working Committee for BCA includes (in alphabetical order): ACBAR, ACSFo, ANCB, AWN, BARAN, CCD, CCCC, CSHRN, CSJWG, SDO, SWABAC, TEFA, TLO/Salah Consortium.

that international civil society promotion initiatives do not necessarily reach to grassroots CSOs and other NGOs not meeting their strict bureaucratic standards.

Recommendations

1. Safeguard the civic space by providing technical and financial support to independent CSOs whilst easing the onerous reporting and administrative requirements and instead enhancing the internal monitoring and evaluation mechanisms within CSOs;
2. Ensure that civil society is immune from interferences from political actors and government officials by respecting the humanitarian principles, enforcing the relevant laws, declaring links between government officials and certain CSOs and avoiding conflict of interest;
3. Enforce the law of Access to Information and prosecute the perpetrators of violence against civil society, human rights and media activists especially female members;
4. Provide timely and reliable information and financial support so that civil society can follow up on and oversee the commitments made in the BCA; and
5. Ensure a systematic flow of information and expertise between the NUG and CSOs, particularly in the provincial levels.

Peace, Reconciliation and Security

The current insurgency is rooted in the last four decades of conflict within the country and the broader region. It has become clear that failure to address injustices from these years have a direct impact on peace and stability in the present context. Only through a comprehensive peace process will it be possible to address the current conflict.

After a decade of growing insecurity, the peace process in Afghanistan is at a crucial juncture. The political outreach of the High Peace Council has produced few tangible results in the past, with few successes occurring at a local level³. However the recent peace deal negotiated between the Hezb-e Islami and the NUG, in which it is specified that the Afghan constitution will be respected and protected by the reconciled groups, is cautiously welcomed and will hopefully pave the way for reconciliation with other AOGs such as the Taliban, or related factions, in future.

One thing is clear: in order to forge a lasting peace in Afghanistan, it is necessary to address past injustices and implement transitional justice whilst taking into account the realities and complexities of the Afghan conflict. It remains a concern that victims of war have not been involved in the peace deal brokered with Hizb-e Islami.

Political inclusion of AOGs within the Afghan government can only be productive if the NUG is able to fulfill its core functions. Studies have shown that the inability of the NUG to deliver basic services has a negative impact on state legitimacy and can thus become a driver of conflict. The NUG allocates nearly half (44%) of the core national budget for security costs⁴, whereas spending some of that on good governance for the benefit of the vulnerable population could provide more security in the long term.

Recommendations

1. Initiate and sustain inclusive peace processes at local, regional, national and international levels, which include victims of war, CSOs, women, and youth, and enforces the Afghan National Action Plan for Women, Peace and Security;
2. Design and implement a national dialogue leading to a comprehensive and responsive framework for peace;
3. Undertake the disarmament and demobilization of illegal armed groups and establish a monitoring mechanism for implementation; prioritize the removal of personal influence over Afghan National Security Forces (ANSF) by individuals and/or factions; and
4. Create and provide alternative opportunities to prevent youths from joining the armed opposition or violent extremist groups; include peace education in the curricula to promote a culture of peace among the youth of Afghanistan.

Good Governance and Anti-Corruption

We appreciate the priority the NUG has given to fighting corruption, improving transparency, and bolstering accountability in the Afghan National Peace and Development Framework (ANPDF) and BCA benchmarks, and the inauguration of Anti-Corruption Justice Centre for High-ranking Officials. However, given the enormous damage corruption is causing on stability, on economic malaise, and government legitimacy, we believe much more will need to be done if Afghanistan is going to turn the corner.

Afghanistan is perceived to be one of the most corrupt countries in the world⁵. Around 90% of the citizens face corruption in their day-to-day interaction with the NUG⁶. Corrupt individuals and groups have enjoyed impunity, political interference has weakened state institutions in the delivery of quality services, and a lack of integrity in NUG officials has weakened public trust in the state.⁷ Important progress has been made in the last two years but a lot more remains to be done.

The ANPDF promises a Citizens' Charter which will be a pact between the NUG and the people, and yet missing from the various BCA documents is any specific role for Afghan civil society. As only the Afghan people themselves can ensure the accountability of their government, it is essential that relevant civil society organizations must have a consultative role in the formulation of various Transparency, Accountability and Counter-corruption (TACC) strategies, policies, and national priority plans, as well as oversight throughout their implementation.

Concrete benchmarks, by which Afghan citizens can evaluate reform over time and international donors can frame their aid and technical assistance, are missing. A consortium of civil society groups has developed specific, measurable, and achievable, relevant and time-bound (SMART) benchmarks to assess TACC efforts, which should be adopted by the NUG and international donors in the BCA³. This is particularly important given NUG and donors have specifically intended that the BCA deliverables should be SMART.

Adopting certain international standards and implementing them would give confidence to the Afghan people and donors that the NUG is truly committed to reform. These standards are enshrined in international TACC institutions, such as the Open Government Partnership, the Open Contracting Principles (and its associated data standards), the Arusha Declaration of the World Customs Organization, and the Addis Tax Initiative, and UN Convention against Corruption (UNCAC).

Recommendations

1. Make monitoring by citizens a key requirement in all NUG plans, for example of mining and local infrastructure projects and services, strengthened by access to information, and laws protecting whistle-blowers;
2. Involve, consult and give an oversight role to relevant Afghan CSOs in counter-corruption strategies, policies, and national priority plans; and
3. The NUG should commit itself to joining, and abiding by the principles of, key international TACC institutions and UNCAC.

Human & Civil Rights

Women's inclusion

We acknowledge the progress made by the NUG in terms of women's empowerment. We especially appreciate the appointment of women to significant leadership and decision making roles, the National Action Plan on Women, Peace and Security (1325) and the Women's Economic Empowerment NPP, the increase in the number of women in High Peace Council and diplomatic structure, women's inclusion in the justice sector through the establishment of a special division in the office of the Attorney General and the office for prevention of discrimination and violence against women are key advances.

³ These recommendations can be found at <https://www.globalwitness.org/en/campaigns/afghanistan/civil-society-anti-corruption-recommendations-2016-brussels-conference-afghanistan/>

We are however concerned about the NUG's inability to meet the benchmark of 30% of women in civil service posts (as the NUG had committed to in the ANDS⁸). Likewise, we remain concerned about the increase in the number of violence against women cases registered by Afghan Independent Human Rights Commission (AIHRC)⁹ and the Ministry of Women's Affairs, about the small number of prosecutions of perpetrators of these violent acts, the low illiteracy rate (11%) among women, the low number of women employed in the security sector, the existing discrimination against and harassment of women in workplace and in public space, and the lack of political will to implement women related laws and policies. These are some of the major obstacle to the meaningful inclusion and participation of women in the development of Afghanistan.

We urge the NUG and IC to build on the successes achieved by women through the 'empowerment agenda in Afghanistan' We recommend measurable steps are taken that ensure women's meaningful participation at all levels of NPPs and in the reforms planned with the intention of creating an inclusive and self-reliant Afghanistan. We recommend that:

Recommendations

1. Ensure that women's appointments are merit based and are not influenced by ethnic affiliation, political relationships or nepotism;
2. Retain the EVAW law, a significant achievement made by women, as a specific law; extend Special EVAW Attorney Units to all provinces and establish EVAW courts;
3. Apply the Anti- Sexual Harassment regulation at work and in education institutions to ensure and enable safe environments for women; and
4. Provide the necessary budget to implement Afghanistan National Action Plan for the implementation of UNSCR 1325 and put in place appropriate integrated ministerial plans.

Children and Youth

Children and young people are a vital component in Afghanistan's long term economic development. According to the World Bank Afghanistan's youth bulge is third in the world. An estimate of 70% of population¹⁰ is under 25 year of age. Evidence shows that prime recruits for insurgency are young people. The lack of sufficient preventive measures and laws is one of the reasons for the high number of sexual violence cases against children. Afghanistan has a high number of working street children, 600,000 who are highly exposed to the risk of violence¹¹.

The unemployment rate in Afghanistan is estimated 40% up from 25% in 2014¹². This badly affects the young especially the educated youth who are left with no means to support their and their families' lives. We acknowledge the NUG plans for offering skills and employment as set out in the ANPDF. We urge that these programmes are based on the employability of the young generation of Afghans in order to reduce the likelihood of migration and exposing refugees to exploitation.

Recommendations

1. Integrate the employment of young women and men in all development policies as a priority;
2. Ensure the implementation of the Child Act and the Convention of Rights of Child;
3. Prevent the sexual exploitation of young women and men in detention centres, security forces and in other public spaces; and
4. Stop the spread of violent extremism among youth, especially in religious schools and universities by improving government and community oversight.

People with Special ability

Almost four decades of war has resulted in around 1.2 million¹³ people having some sort of disability. The NUG has a constitutional obligation to support people with disability, however, lack of resources and political will are cited as common obstacles to fulfill this duty. An estimated 90% of children with disabilities in Afghanistan do not attend schools due to inaccessible environment. The level of literacy and employment for adults remain alarmingly low too¹⁴.

Recommendations

1. Implement the National Law of Rights and Benefits of People with Disabilities;
2. Implement the United Nations Convention on the Rights of Persons with Disabilities (CRPD), as well as its Optional Protocol; and
3. Implement the Sustainable Development Goals with attention to people with disabilities.

Basic Needs and Humanitarian Issues

In the past decade, significant progress has been made in Afghanistan in terms of delivering services to the population. We acknowledge the promising work of the Citizen's Charter NPP that uses Community Development Councils to design and oversee the delivery of basic services. We also welcome the partnership between the civil society and the NUG in implementing this programme. The increase in school enrolment, the increased access to public health facilities and safe drinking water cannot be denied, but neither can the critical needs of the population.

Overall, 8.1 million people in Afghanistan are in need of humanitarian assistance¹⁵, distributed over a conflict-ravaged territory prone to natural disasters. Afghanistan still has one of the highest rates of under-five mortality and maternal mortality in the world. It translates into women risking their lives during delivery and thousands of children dying every year.

When children reach school age, access to school is compromised. Today, about 3.5 million of 14 million children do not attend school¹⁶, while another 1 million is enrolled but considered permanently absent¹⁷. The majority of these are girls, children in remote and insecure areas, children with disabilities and learning difficulties and Kuchi nomad children. By the end of 2016, over one million people are projected to be "on the move": this includes newly displaced and newly returning Afghans, many of whom will require humanitarian assistance, but also sustainable development solutions for protracted internally displaced and returnees, who have been forced to live in camps and informal settlements for years.

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Afghan civil society remains concerned about the double standard of some European countries in dealing with the cases of Afghan asylum-seekers. Branded as 'economic migrant' they are deprived from humanitarian protection. This approach turns a blind eye to alarming levels of civilian casualties caused by the protected conflict in Afghanistan.

Addressing immediate and basic needs provoked by humanitarian shocks or protracted crisis is a key factor to reduce poverty.

Recommendations

1. Focus the Health NPP on extending public health coverage to remote areas, while reinforcing the quality and inclusivity of care. The Ministry of Public Health should prioritize maternal health by strategically increasing the number of female health workers in each remote area;
2. Prioritise community-based education to increase enrolment and the retention rate of students in the Human Capital NPP. In order to increase the number of women teachers the Ministry of Education must lower the grade 12 requirement for teachers in these schools. Proper education mapping, disaggregated by gender, ethnicity, geography, poverty and vulnerability should inform the policies which will mainstream vulnerable groups;
3. Invest considerably in literacy programmes, especially for women in rural areas and in the reform of the vocational education system by updating the curriculum, including displaced youth, improving teacher competence and creating real linkages with the labour market;
4. Implement the existing IDP policy, and Comprehensive Voluntary Repatriation and Re-integration Strategy. Support to IDPs and returnees should be needs-based rather than according

- to status and particular attention should be given to vulnerable women, children and people with disability to the settlement and integration of IDPs and returnees across the country; and
5. Holistically address resilience and preparedness for disasters through a cross-ministerial national priority programme. Develop and implement a NPP to holistically address resilience to hazards and climate change that will integrate international commitments, national planning, and local actions.

Inclusive & Sustainable Development

According to the Afghan Ministry of Finance and The World Bank, Afghanistan has been experiencing a much low growth rate than expected in 2014. Economic forecasts show up to 3.8% per cent growth in 2016 - 2019¹⁸. This slow growth is incompatible with the increasing number of young people joining the labour market each year and will have negligible impact in income and living standards. The NUG should present clear long term plans and commitments that will create more jobs. This will be impossible without a strengthening and facilitation of investment opportunities in the private sector.

A lack of sufficient infrastructure, an inadequate approach towards the extraction of natural resources and a dearth of legal support are the main challenges to sustainable economic growth. Delay in the implementation of regional trade and transit problems are obstacles to mid and long term economic developments.

Recommendations

1. Establish a water management system that can help managing trans-boundary and domestic water systems. The domestic water system should manage the water resources to strengthen irrigation and to produce electricity;
2. Investment in agriculture, including the establishment of an irrigation system that can optimize the outcome of the agricultural lands across all seasons of the year. Establish more cold houses where farmers can store their short-life produces; and
3. Ensure that farmers have access to modern techniques and market linked supply chains.

References

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