

November 23, 2014

## **The Afghan Civil Society Position Paper London Conference on Afghanistan, December 2014**

### **I. Introduction**

Members of civil society in Afghanistan congratulate the Afghan Government and their international partners on the first peaceful transition of power in Afghanistan. The Afghan people and civil society actors appreciate the International Community's state-building and development support they have received since early 2002 and hope that such generous assistance will continue throughout the transformation decade as promised. While insisting that the principles of mutual transparency, accountability and responsibility are observed, Afghan civil society hopes that the relationship between the International Community and the Afghan people and their government will be based on increased optimism, cooperation, coordination and mutual respect in order to further the country's development and progress.

The Afghan people wholeheartedly support a system that promotes democratic nation and state-building. The last decade of democracy has laid the foundation for greater coexistence amongst Afghans. Despite the challenges, this democratic system has led to greater civil and political rights through elections, the separation of powers, freedom of speech and media, economic growth, and the active participation of all strata of Afghan society, particularly that of women and young people.

Together, we have overcome many hurdles during the difficult journey over the past 13 years. However, more remains to be done if Afghanistan is to become a country where democracy, good governance, rule of law and justice prevail. More could be done to create an enabling environment for investment and socio-economic development that is environmentally friendly and benefits the women and men of Afghanistan.

Afghanistan will need continuous support from the International Community if it is to maintain and build upon the achievements of the last ten years and throughout the transformation decade. We would ask that the International Community and the Afghan government reaffirm their mutual commitments at the London Conference on Afghanistan (LCA) and work in close collaboration with the Afghan civil society thereafter. To that end, we, the Civil Society Joint Working Group (CS-JWG) make the following recommendations:

### **II. Democratic Reforms**

Another decade of democracy in Afghanistan will empower a new generation of Afghans who have hope, talent, potential and the zeal to maintain our democratic achievements, and move Afghanistan towards greater stability and self-reliance. The trust of the people in democratic processes and institutions can be restored and increased through the following:

1. The International Community should make its commitments and assistance to Afghan Government conditional upon the latter upholding democratic values and practices including strengthening democratic institutions, adhering to the separation of powers, supporting civil society and free media, respecting human rights, and preserving all the democratic achievements of the past decade. Any possible amendment to the Constitution should not infringe upon these democratic rights and freedoms.
2. Through appropriate legislative and policy measures, the Independent Elections Commission (IEC) and the Electoral Complaints Commission (ECC) should undergo extensive reform before the parliamentary

elections take place, and new appointments should be made through a transparent process that engages civil society and guarantees the credibility and impartiality of IEC appointees.

3. The government should issue Electronic Identity Cards throughout the country and take further steps to ensure that all elections will be free, fair and transparent.
4. Attaining a just and lasting peace is a critical benchmark for achieving inclusive democracy and broad-based development in Afghanistan. We support a peace process that does not compromise our democratic achievements. The national reconciliation and peace process should address the root causes of continued violence in Afghanistan. Strong measures should be taken to combat all forms of discrimination; ethnic, racial, linguistic, disability and gender-based and to tackle poverty; widespread corruption; social inequalities, and the drivers of violence. The International Community should support Afghanistan in limiting any interference from countries that threaten peace and stability in this country.

### **III. Governance, Rule of Law, and Human Rights**

Members of civil society welcome the reopening of the Kabul Bank case, and the commitment of the Afghan government to fight against corruption, and urge the government to pursue the case with vigour. This action would be a positive step towards reforming the country's financial and commercial system.

Transitional justice, the review of war crimes and crimes against humanity and putting an end to the culture of impunity are the essential components for the development and maintenance of good governance and rule of law. We call upon the new government to end the culture of impunity and lawlessness by introducing and implementing major reforms. We therefore recommend:

1. The elimination of corruption is of paramount national importance. The International Community should support the Afghan government in implementing critical administrative reforms, in achieving tangible results in fighting corruption, and in bringing corrupt officials to justice. All appointments in cabinet and senior posts should be based on merit and a corruption-free background. This should curtail the abuse and usurpation of power, nepotism and favoritism. All criminals and violators of human rights and the criminal law should be put on trial to restore public trust and the rule of law.
2. The Afghan judicial system, from the Supreme Court down through all departments, has been subject to serious political interference and corrupt practices. These should be eradicated from the judicial system if significant results are to be obtained in reducing corruption. Reforms in public sector should include the establishment of a modern, simplified and electronic administrative system with streamlined procedures. The employment of a new, professional and trained cadre in all government departments and agencies should be a cornerstone in the promotion of good governance.
3. A National Transparency and Accountability Programme should be devised in consultation with civil society and implemented to ensure that independent monitoring and evaluation of government policies and development programmes will take place. Now that both Houses of Parliament have passed the Access to Information Law the President should endorse it without delay.
4. The government should take immediate and tangible steps to prevent sexual abuse and violence against women and children and to implement the Elimination of Violence Against Women (EVAW) Law by bringing perpetrators to justice. Violence against and victimization of women and children under

informal justice practices must be addressed by the new government in close cooperation with civil society. The Government should adopt and enforce the Child Rights Act and national action plans for women and children. The role of law enforcement entities, including the educated and uniformed police force, and their involvement with civil society are critical in this process. The Government must mainstream the protection of the rights of all its citizens in all its programmes.

5. The government must support the release of Conflict Mapping Report prepared by the Afghanistan Independent Human Rights Commission (AIHRC). An Independent Commission should be established by the Afghan Government, with the participation of civil society, to review the findings of that report and other related reports and documents such as the National Action Plan for Peace, Reconciliation and Justice. The Commission should recommend an implementation strategy with recommendations for action and a clear timeline.
6. The Government must reconsider the appointments of AIHRC commissioners in light of the criticism of the Office of the High Commissioner for Human Rights (OHCHR). The appointments should be made through a consultative process and in accordance with the Paris Principles.

#### **IV. Government Revenues, Budget Execution, and Sub-National Governance**

Government income has been below that required to meet Tokyo commitments and, coupled with low budget execution rates, this has led to slow progress in conducting development efforts in Afghanistan. Other factors affecting this include patronage, nepotism, bribery, and insecurity.

Delays in the receipt of financial support requested by the government and its failure to pay contractors to implement development projects has negatively impacted on contractors, investors and the public. As a result, although the government faces a serious cash flow crisis and budget deficit; most ministries and state bodies struggle to spend the money they do receive.

At the same time, having a centralized budget without a comprehensive provincial budgeting policy together with insufficient provincial involvement in the decision-making around provincial budgets have led to inequitable and inadequate budget allocations and weak sub-national governance.

Furthermore, there have not been enough efforts to extend good governance down to the country's villages and districts. Most government institutions lack buildings and facilities while a number of district offices work very far away from the areas under their jurisdiction. We therefore recommend:

1. A review of the financial policies of the country with the intention of addressing shortcomings is essential to increase the people's trust in the Afghan financial and banking systems.
2. Consolidation of government authority beyond the major urban centers and the provincial capitals must be a priority. This will enable the villages and villagers to receive adequate public services and support for livelihoods and to build their trust in the government. The authority of government, including that of Governors and provincial and district officials is still limited and a centralized government does not foster sub-national creativity for change and effective governance. Reform and restructuring of provincial and sub-national administrations should lead to more effective and socially just services and geographical balance in development.
3. Civil society should play a part in the development of the Provincial Budgeting Policy to ensure both broader participation and effective oversight.

4. To increase government revenue and encourage investment, the government should formalize small and medium informal businesses and make the current tax and revenue collection regimes simpler and more transparent.

## **V. Economic Growth and Development**

A focus on broad-based and pro-poor social and economic development, food security, private investment, and gainful employment opportunities for women and men alike should achieve inclusive and sustained growth and development with a consequent improvement in the country's Human Development Index ranking. An enabling legal, policy, and institutional environment, adequate infrastructure, a robust private sector and a committed civil society will be needed to complement, supplement and sustain equitable economic growth which will meet the basic human needs of the Afghan public.

The LCA provides a timely opportunity to set out a clear and detailed road map of measures to ensure that natural resources will generate economic growth and development to benefit the Afghan people and reduce Afghanistan's aid dependency in the long run. The Government has taken positive steps by becoming a Candidate Country, implementing the Extractives Industry Transparency Initiative (EITI) but not yet meeting all requirements. Afghanistan has released its mining contracts, but has not, so far, created a world-class framework for resource governance as promised. A number of basic elements of international good practice have yet to be implemented. We therefore recommend:

1. A Comprehensive Governance Framework for Extractive Industries should be adopted that can respond to all issues and concerns including, but not limited to: a) information about the beneficial owners of mining companies and their practices; b) transparency and accountability in all rules and regulations including contracts and documents; c) community empowerment including grievance resolution and community involvement in oversight; d) minimizing negative social and environmental impacts and addressing concerns with regard to environmental management; and e) adhering to international best practice guidelines, including security and safety issues.
2. Both the Government and the International Community should increase the allocation of funds for education and health sectors which must be priorities for the transformation decade. The Government of Afghanistan should progressively allocate more of its own funding to reduce its almost complete dependence on the World Bank, USAID, EU, DFID, JICA, GIZ and other donors for the funding of primary education and education materials and curricula, infrastructure, teachers, and health services and medical staff. They must increase the number of facilities, and engage the community in the investment as well as in the ownership of the facilities.
3. We call on the International Community and donors to provide funding for long-term development projects in Afghanistan to honour their commitments made at the Tokyo conference. International and regional assistance is required as soon as possible for investment in infrastructure projects and sustainable economic programmes, especially in the areas of agriculture, roads, transit lines, and the management of water resources to produce energy and support irrigation.

## **VI. Continued Partnership & Aid Effectiveness**

As we approach the transformation decade, the new era of partnership between the Afghan National Unity Government and the International Community should be based on mutual understanding, respect, transparency and accountability that will benefit all partners and pave the way for a stable and prosperous Afghanistan. This partnership should also facilitate regional cooperation, which is essential for a sustained and long-term peace, stability and security for development and trade.

1. Over time as the security situation stabilizes and military forces withdraw, the percentage of international partners' military funding re-allocated for civilian purposes should increase.
2. A census of the population should be conducted and published in order to make aid assessments and the implementation of development projects more evidence and needs based.
3. The formulation and revision process for the National Priority Programmes (NPPs) should be participatory and involve the Afghan parliament, civil society, and constituencies to reflect ground realities and priorities.
4. The National Transparency and Accountability Programme should oversee, and regularly report on, all aspects of aid effectiveness from donor pledging, through obtaining and spending the funds given, to the results achieved.
5. While the Afghan government and the International Community have agreed on a mutual accountability framework, it is civil society which should be given the official oversight and evaluation role in the implementation of all these programmes. Civil society is committed to its continuing role as an implementing partner to ensure that aid is utilized for its intended purpose.

## **VII. Role of Civil Society**

Societies are more successful if the three pillars of state, market and civil society are functioning well, transparent in their operations and accountable to the public. Civil society is neither a competitor nor an adversary to government but a vital and complementary component through which the views and needs of its citizens are understood, expressed and met. We remain committed to working hand in hand with the government and the International Community to ensure that peace, security and stability, the rule of law and justice, the protection of human rights, including those of women and children, good governance, and broad-based environmentally sustainable and fair socio-economic growth will prevail in Afghanistan. We therefore recommend:

1. That civil society's roles in ensuring freedom of information, in advising and lobbying the government and international community on policy development and the consequences of legislation should be recognized and respected.
2. That civil society should be included in the deliberations of the Senior Officials Meetings and other relevant structures such as the Joint Coordination and Monitoring Board. While continuing our role as a strong watchdog, we reiterate our position for forming tripartite commitments between the Government of Afghanistan, the International Community and civil society to boost efficiency and mutual accountability.
3. That the sectoral expertise of civil society organizations, including non-governmental organizations, in service delivery be understood and drawn upon. To facilitate that, the civil society needs to be supported to establish new pivots of coordination to allow various organizations working on similar fields to come together and initiate joint project in support of various programmes and priorities.

**The End**