

Equality and Social Justice

Despite promises made and the presence of the international community in Afghanistan for over a decade, unacceptable disparities in the level of social and economic development continue to plague different vulnerable groups especially ethnic and religious minorities.

In contrary to Article 22 of the 2004 Constitution of the Islamic Republic of Afghanistan which provides the basis for the citizens of Afghanistan to have equal rights and duties before the law,¹ the allocation of resources and the development of policies continue to be made with little or no consideration of vulnerable communities, individuals, men and women in the country.

For example, when President Ghani, speaking at RUSI in London last May, said 6 million people would benefit from the current (revised) transmission line (TUTAP), as opposed to 100,00 – 300,00 people in the previous plan it seemed clear to many listening that the revised route should be implemented. However, to reduce the provision of the high-voltage transmission line to an argument of mere numbers is to ignore Article 22 of the Constitution. The priority is to ensure that there is equity amongst all citizens of Afghanistan. The revised Salang route already has a cable going through it and its citizens already have access to electricity, but through the Bamyan route the situation is entirely different – communities have no reliable electricity supply.

Many areas of Afghanistan have a harsh climate and difficult topography which have left them underdeveloped and with very poor infrastructure. Road access to provincial capitals becomes the people's only means to reach the closest services. Poor roads and poor road security hamper the exercise and realization of civil, political and socio-economic rights for communities living in rural and remote areas; numerous kidnappings and abductions on the highways over recent years limit many groups of Afghan citizens from travelling. Protection, targeting and attacks driven by ethnic and religious motivations have been taking place in the country with the prime victims the Hazaras. Such attacks also have the potential to trigger the onset of new conflict and seriously undermine the state building project.

¹ “Any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden. The citizens of Afghanistan, man and woman, have equal rights and duties before the law.” Article 22, Afghanistan's constitution.

Neither is it clear where the figures quoted by the President originated since there is lack of transparency in parts of the TUTAP decision-making process. Clearly there are more than 100,000 -300,00 people along the Bamyan route. President Ghani went on to state that he was willing to release all the records for the world to see what had brought about the decision for the revised route. However, lack of publicly accessible detailed information about both routes is lacking and thus these numbers cannot be verified.

The National Unity Government (NUG) purports to strive towards a multicultural society where all ethnicities, religious groups, and abilities have equity, but each one's starting point is different and requires different measures to ensure there is equity. The collection of detailed information on socio-economic and political markers of the different ethnicities and religious groups must be accurately gathered and barriers to overcoming any inequalities identified to ensure equitable access to basic social services, economic development and political participation. This would provide a baseline against which progress could be measured and monitored by the NYG, international donors and civil society. Making such an audit publicly available and with appropriate timely release would allow different groups to better evaluate within a country-wide context.

Afghanistan's future success in the global arena will require Afghanistan to acknowledge and accept leadership and participation at all levels from all ethnic and religious groups. The recent NUG approval of the reservation of a seat for Sikhs and Hindus in the Afghan parliament is to be welcomed but the NUG and International donors must ensure that such representation for all under-represented groups comes to fruition. Inequality in mid and high levels of bureaucracy, allocation of development funds and the delivery of key services has reached a magnitude where it could result in social uprising if it is not urgently addressed by the government and international donors. The demonstrations such as those in favour of the TUTAP Salang route in several Pashtun-majority provinces and the protests by the Central Highland Communities have the potential to escalate if not contained.²

Across all areas of the EU's strategy in Afghanistan, success will depend on close cooperation with international partners and, principally, on creating Afghan ownership. European Union objectives include:

- Encouraging economic and human development including creating a transparent economic framework to encourage investment, raise revenue, allocate finances, strengthen resilience and improve access to health and education, including for the most vulnerable segments of the population³

- ² *Afghan analysts network* <https://www.afghanistan-analysts.org/power-to-the-people-3-perspectives-from-bamyan/> ³

³ <http://data.consilium.europa.eu/doc/document/ST-11168-2014-INIT/en/pdf#page=4>

Afghanistan's partnership with the international community is defined by the Mutual Accountability Framework that was first shaped at the 2012 Tokyo Conference on Afghanistan. The purpose of the Mutual Accountability Framework is to give the development partnership clear performance measurements that reflect progress on implementing the package of reforms that will help Afghanistan execute its development strategy.

Areas of the Self-Reliance through Mutual Accountability Framework (SMAF) clearly require equity for all Afghan citizens:

- Promoting peace, stability and security
- Increasing growth, productivity, and revenue
- Improving governance, elections and securing human rights
- Advancing social inclusion and reducing poverty

And described in more detail:

Area 4: Reforming Development Planning and Management & Ensuring Citizen's Development Rights

Goal: Improve development planning and implementation to ensure delivery of essential services and outcomes to people, and citizens' development rights

Area 5: Private Sector Development and Inclusive growth and development

Goal: An enabling environment for private sector development and investments is created and productive sectors of the economy, such as agriculture, extractives and services, are energized for inclusive economic growth and development.

The SMAF Progress report from the Office of the Deputy Minister for Policy states

"Over the past year, SMAF reforms have put in place building blocks needed to ensure that the basic rights of the Afghan citizenry to participate in and benefit from development are realized. A Memorandum of Understanding was signed between civil society and the Office of the President"

Improving Service Delivery and Deepening State Legitimacy through the Citizens' Charter

The Charter will help reduce poverty and break the cycle of fragility and violence, using Community Development Councils (CDCs) as the entry point for both governance and development activities at the micro-level. The Citizens' Charter, a key part of the Government's development vision, is a whole-of-government effort that will link rural communities, districts, provinces, and the central level, promoting inclusive development

and ensuring the rights of vulnerable persons such as women and the poor. The Charter will put communities at the center of the development process, providing them with the tools and mechanisms to monitor service delivery and decide on development priorities.

The Citizens' Charter is set to be launched at the Brussels Conference in October 2016. If this charter is to deliver the high ideals it proposes then those 'tools and mechanisms to monitor delivery' must be robust and include baseline statistics on different groups, the findings - including the impact on different groups - accessible to all, and further developments proposed clearly linked to evaluation of each stage of development.

Recommendations to the Afghan Government:

- 1. Ensure greater transparency in the decision making processes of resource allocation and policy development*
- 2. Establish an independent appointment commission to depoliticise and modernise the current appointment process of civil servants with civil society and UN oversight.*
- 3. Involve civil society in its development budget allocation, give out more details to the public and further articulate the allocation benchmarks.*
- 4. Make a concrete commitment within the framework of the Brussels conference to prioritise the protection of the minorities in the country*

Recommendations to International Donors

- 1. Make actionable pledges for the protection of minorities within its broad human rights protection agenda.*
- 2. Increase its monitoring role of project rollout, allocation of resources and development of policies to ensure the creation of equity for all the diverse communities in Afghanistan*