



Transforming Development Beyond Transition in Afghanistan: Position Papers for the 2014 London Conference: aid effectiveness, governance, service delivery and women's rights

Summary

ACBAR, the Agency Coordinating Body for Afghan Relief and Development, is an Afghan independent non-governmental organization (NGO) bringing together 128 national and international NGOs working in Afghanistan and abiding by the humanitarian principles of independence, neutrality, impartiality and humanity. As the collective voice of NGOs operating in Afghanistan, ACBAR's activities have focused heavily on information to its members and the aid community, coordination of activities at national and regional levels, and advocacy on issues affecting the work of its members in and outside Afghanistan. ACBAR is working to ensure the transparent implementation of the Tokyo Mutual Accountability Framework.

This series of papers developed for the follow-up to the 2012 Tokyo Conference that established the TMAF, focuses on aid effectiveness, governance, service delivery and women's rights. Challenges are highlighted alongside progress with key recommendations summarized in this introductory paper.

Context

2014 is a pivotal year for Afghanistan. The country is moving through a series of transitions – the international military withdrawal, political change at the highest level and economic change as overall volumes of aid decrease. At this time it is important that the international community maintains its long-term commitments to Afghanistan, so that the gains made over the last 13 years are not lost. It is critical that both the Afghan government and the international community fulfil their obligations towards the Afghan people in promoting and delivering stability, development and humanitarian assistance.

Afghanistan remains one of the least developed countries in the world. Poverty rates do not appear to have declined between 2007 and 2011, and demographic pressures are rising.¹ Afghanistan remains highly dependent on aid and overall reductions have been simulated by the World Bank to halve Afghanistan's future growth prospects, which will be particularly damaging for young people.²

Insecurity has continued to spread with devastating impact on civilians. In the first six months of 2014 civilian casualties rose by 24 per cent compared to the same period in 2013 with 1,564 Afghans killed as a result of the conflict.³ The conflict has shifted with the majority of casualties in 2014 being killed and injured as a result of ground engagements and crossfire. The use of indiscriminate and unlawful Improvised Explosive Devices (IEDs), previously the leading cause, remains the second highest cause of civilian casualties, particularly affecting women and children. There are more than 672,000 internally displaced persons (IDPs). These numbers continue to rise and Pakistani refugees are also entering the east of the country to flee fighting.⁴ Afghanistan continues to rank as the most violent context for aid operations. Aid workers, both Afghan and international, continue to face significant security risks.⁵

There remains a considerable humanitarian emergency, which is under-funded. Nine million Afghans need humanitarian assistance, 5 million of whom require life-saving support.⁶ In addition to commitments under TMAF, the international community must respond to emergency needs and fully fund the humanitarian appeals for Afghanistan. Investing in long-term solutions and resilience can help to end cycles of poverty and improve Afghanistan's ability to withstand shocks. NGOs in general will continue to face significant difficulties in reaching populations in need due to several factors combining to

limit access. Scaling up humanitarian interventions in areas of greatest need, in particular the most insecure areas is therefore very complex.

Violence against women continues to be a widespread problem across Afghanistan. Although the numbers of women reporting violence increased by 28 per cent in 2013, there was practically no change in the number of cases tried under the Elimination of Violence Against Women (EVAW) law.⁷ There are concerns about the possible roll-back of women's rights beyond 2014. Women and children continue to be particularly vulnerable to deteriorating security conditions in the country.

While Afghanistan is party to most international human rights treaties,⁸ and its constitution and legislation include provisions for the protection of women's rights, its implementation continues to be weak. The international community has over the years focused on making women's rights a central part of the development agenda. Many of these commitments and interventions have been translated into tangible progress for women in Afghanistan. However, there is a need for the approach to be more comprehensive, for commitments to be strengthened and backed by political will, and for achievements of the past to be sustained.

Hopes that Afghanistan's rich natural resources would drive economic development and help to fund the Afghan government and security forces have not been fulfilled. Currently, mining provides less than 3 per cent of revenues. There are 1,400 illegal mines. Many armed groups – including government opposition, criminal and nominally pro-government militias – are deriving substantial income from natural resources, and there is significant competition between powerful actors to control them.

TMAF background

The 2012 Tokyo Conference sought to outline the development framework for Afghanistan moving through to the decade of 'transformation'. The TMAF emerged as the result of the conference and is the instrument through which civilian development assistance is deployed in Afghanistan.⁹ The document sets out a number of commitments, sixteen for the Afghan government and nine for the international community under areas including democracy and elections; governance, rule of law and human rights; public finance; government revenues, budget execution and sub-national governance; inclusive and sustained growth and development, and aid effectiveness.

Most international community commitments are focused on aid effectiveness. The TMAF requires that donors will work to channel 50 per cent of their aid on budget and 80 per cent of aid should be aligned with the National Priority Programmes (NPPs). Such commitments match international standards as outlined in the Paris Framework and Busan Agreement.¹⁰ The international community pledged \$16bn through to 2015 and vowed to maintain aid levels at close to those of the past decade through to

2017, conditional on the Afghan government fulfilling its commitments.

The TMAF is broadly part of the New Deal Framework for Engagement in Fragile States architecture endorsed in 2011 at the Fourth High-Level Forum on Aid Effectiveness in Busan. The New Deal focuses on peace-building and state-building goals, supports country leadership and ownership, and pushes for resources – both international and domestic – to be better used.¹¹ In addition, the Afghan government developed an Aid Management Policy, to address fiscal management, government capacity and donor behaviour.¹² This policy applies to all forms of aid flowing into Afghanistan, apart from humanitarian assistance, which remains off-budget due to its nature.

The breadth and generality of the TMAF led to the evolution and focus on 'hard deliverables' in April 2013, which represented agreed priorities between the Afghan government and the international community. Hard deliverables placed heavy emphasis on creating the conditions necessary ahead of the 2014 presidential and provincial elections, but also included aspects of governance, rule of law and human rights, and government revenues, budget execution and sub-national governance.¹³

As outlined in the process, a Senior Officials' Meeting was convened in Kabul in July 2013 which took stock of developments one year on.¹⁴ The joint report issued after the meeting highlighted achievements but offered little critical analysis of areas where TMAF commitments were not met. The 2014 London follow-up conference, to be co-hosted by the UK and Afghanistan, offers another opportunity to evaluate progress and prioritize for the next phase of the TMAF. What must remain central in the minds of those attending the conference, over political rhetoric and bureaucratic process, is the importance of meeting the development needs of the Afghan people.

NGOs remain concerned about the capacity of the Afghan government to manage the funds received from the international community, due to a range of factors explored in this series of briefing papers. Development aid must be used to answer the expressed needs of the population. Only then can the TMAF objective of channeling 50 per cent of aid through the government truly result in sustainable development.

Priority recommendations

Aid effectiveness

- The international community must meet aid commitments as outlined in the TMAF and sustain aid through to 2017 and beyond. As stipulated in the TMAF, it must ensure that near levels of aid over the past decade are channelled to Afghanistan beyond 2015 when the \$16bn pledge made at the Tokyo conference in 2012 comes to an end. Donors should ensure that disbursements match the pledges made and that they

are transparent. The international community must ensure donor support meets the pledge for 50 per cent on budget and 80 per cent alignment on aid. It must be aware that funding needs for post-2017 will remain and while the quality of aid must be prioritized over quantity, there will still be a significant need to turn fragile improvements into sustainable progress.

- Budget-tracking mechanisms must be improved so that donors are better able to follow funds through multilateral trust funds to government ministries. Ministers must be directly accountable for the funds they receive and act to prevent corruption, and expose and punish incidents. Systems must be improved and participatory, for example using social audits and public tracking expenditure systems where appropriate.
- Given that to date the TMAF has centred on the Ministry of Finance, an increased sense of ownership across and within other ministries and from parliamentarians must be fostered. This will also show the international community that across-the-board, the Afghan government is increasingly capable of using donor funds effectively and responsibly. Ministries need to work in parallel and reduce unnecessary bureaucracy, which slows processes down and prevents the timely delivery of services to the population. They must also ensure that they hire staff with the right skills and capacity.

Governance

- The Afghan government should clarify the structure, roles, responsibilities and reporting lines of all layers of sub-national governance bodies, particularly from the district level and below, and between elected and appointed offices. It should prioritize developing a work-plan on how to strengthen these bodies and communicate it to existing sub-national stakeholders. It should design mechanisms that enable sub-national governance entities to be consulted and their feedback absorbed into national budgetary and planning processes, so that existing bottom-up and top-down planning processes are more coherent and joined-up. It should support the third pilot of a draft provincial budget policy, which could contribute to driving a longer-term decentralized fiscal policy.
- The Afghan government and the international community must review and ensure that commissioners within the Afghan Independent Human Rights Commission (AIHRC) are appointed based on merit through a transparent process including consultation with civil society. The international community should continue to support the AIHRC and encourage the Afghan government to address the concerns of the International Coordinating Committee of National Human Rights Institutions (ICC) and ensure that the Paris Principles governing national human rights institutions are adhered to. Donors should demonstrate

a commitment to human rights by taking action, as envisaged in the conditionality agreement to hold the government to their TMAF commitments on the AIHRC.

- The Afghan government should use the conference to set out a road map to create a system for oversight and control of natural resources which ‘builds on and surpasses international best practices,’ in line with their commitments at the Tokyo summit. This should include commitments to publish mining and oil contracts, the beneficial ownership of contract-holders, and project-level payment and production data; a clear legal requirement for transparent, open and fair bidding and contracting; a commitment to respect the rights and interests of local communities, with strong, independent mechanisms for consultation and dispute resolution, and safeguards against the environmental and social impacts of mining; and a commitment that security forces at mining sites will be required to operate according to strict rules and in consultation with local communities. The international community must do its part to help the government set up effective oversight mechanisms. Donors could also link additional funding to implementation of effective governance and an increase in control over mining revenues – and ensure accountability from their own mining companies.

Service delivery

- The international community should commit sufficient long-term funding for the development of the country, in particular in areas of health, education and rural development, to ensure that progress is sustained and enhanced in the future, with programming focused on answering the current gaps and improving overall quality of services – based only on the needs of the local population, and not on military and political agendas.
- The Afghan government should focus on the overall quality of services by improving service delivery systems and policy implementation in the field. It should also:
 - increase number of services available in the under-served areas to ensure adequate availability as per guidelines and international recommendations;
 - update and harmonize policies to tackle on-the-ground difficulties;
 - ensure allocation of appropriate levels of funding for programme implementation, targeting quality of services and availability of supplies
- Both the Afghan government and the international community should focus on improving service delivery to the most contested and violent areas, where populations are disproportionately suffering from inadequate service provision. Acknowledge

the existence of humanitarian needs and support independent funding mechanisms and practical delivery of humanitarian aid to meet these needs, in particular for populations living in conflict zones.

- Both the Afghan government and the international community should ensure that education and health facilities and staff are respected, in particular by armed forces and political actors. The neutrality of these services needs to be protected as per international humanitarian and human rights laws.

Women's rights

- The Afghan government and the international community should report annually on measures they are taking to fulfil obligations towards Afghan women and girls enshrined in international mechanisms, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the Afghan National Action Plan on Women Peace and Security in implementation of UNSCR 1325. Conference participants should commit to the creation of an implementation plan for the Elimination of Violence Against Women (EVAW) law including a clear timetable for implementation, and set out an analysis of current funding shortfalls and how these will be met. This commitment should include the development of a comprehensive, coordinated and decentralized data-capturing, processing and analysis system.
- The Afghan government should comply with targets laid out in the National Action Plan for the Women of Afghanistan (NAPWA) and promote the effective participation of women in all key national and international bodies at all levels. The main Conference agenda should include space for discussion of Afghan Government compliance with targets laid out in NAPWA, along with how funding shortfalls will be met by conference participants.
- The Afghan government and the international community should conduct a coordinated assessment on gender mainstreaming efforts to track progress, to reflect on lessons learnt and to replicate good practices such as disaggregated data and gender-sensitive budgeting with a particular focus on the most vulnerable groups.

Endnotes

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