



Synthesis of Afghan and International Civil Society Papers for

The Brussels Conference on Afghanistan

October 2016

SUMMARY

Given that the Government of Afghanistan (GoA), the International Community and Civil Society all face the daunting challenges of developing Afghanistan and improving the welfare of its citizens, Afghan and international civil society recommend:

- That this should be done in a partnership of mutual respect, co-operation and support
- That the GoA should abide by commitments given and conventions, laws and treaties entered into
- That long term international support, conditional on implementation of reforms, continues with long term programmes
- That the importance of the role of civil society, national and international, is acknowledged and facilitated

Purpose

This paper summarizes the key views and recommendations made by Afghan and international civil society organizations in papers prepared for the Brussels Conference on Afghanistan (BCA) in October 2016 (see Annex for the list of papers reviewed). This is an international conference co-hosted by the Government of the Islamic Republic of Afghanistan (GoA) and the European Union, (EU), at which the Afghan Government will outline the progress made in implementing reforms since the last conference in London in 2014, and donors will pledge financial and other support to the country.

The purpose of this synthesis paper is to inform discussions during and after the conference.

Context

The BCA is taking place two years into the Transformation Decade, 2014 to 2024, after the majority of combat troops have left, and with a Government of National Unity in place. Afghan civil society has been invited to select two representatives, one man and one woman, from their 10 delegates, to speak at the main conference. There will be a side event, 'Empowered Women - Prosperous Afghanistan', in which the delegates will participate. They will also have the opportunity to meet key international decision makers from the Afghan and donor governments and international institutions.

In preparation for the BCA the GoA has been drafting the Afghanistan National Peace and Development Framework (ANPDF). This is a 'strategic plan, 2017 to 2021, for achieving self-reliance' and copies were circulated for comment and consultation, including from civil society. The document outlines the impact of the transition on Afghanistan's security, politics and economy and the fragmentation of security and development, after decades of war and an increase in population,

including 2.5 million people with a disability, and hundreds of refugees a day returning from Pakistan as of July 2016. It describes the challenges of conflict, corruption, criminality and unemployment together with the vulnerability Afghanistan has to natural disasters, widespread multi-dimensional poverty, fracture lines both ethnic and tribal, and rural versus urban, varying beliefs in the changing role of women, and inconsistencies in the quality of education and health care as factors in 'rising citizen dissatisfaction'.

The document stresses that the GoA is 'deeply invested in the peace process' and to finding political solutions to the conflict, that it is committed to an increase in the accountability of the state and, since 'relevant indicators for women are significantly worse than those for men', to ensuring that 'the fruits of our economic strategy are shared equitably by Afghanistan's men and women'.

Consultations

Consultations have taken place with Afghan civil society actors in the cities and the provinces of Afghanistan, through the means of survey and focus group discussions in preparation for the BCA and despite security constraints. A Working Committee of Afghan civil society networks organized these during August and then convened an early September national conference in Kabul for two days to debate the findings and prepare key messages and recommendations for presentation at the BCA.

Afghan and international civil society members held discussions and organized national and provincial consultations on a variety of themes in order to collaborate on the papers prepared for the BCA. The concentration on obtaining the views of Afghans, the joint production and endorsement of papers and the consistency of the findings and recommendations expressed has meant that this synthesis paper outlines the views of national and international civil society as a whole.

The Papers

Developments since the London Conference on Afghanistan in 2014

Civil society welcomes the positive achievements that have been made, by the GoA, the international community and civil society. While it would be justified to add the word 'however....' to most of them it would also be unfair not to recognise the developments that have taken place as a result of the endeavours of three partners, singly and together and with the Afghan people.

Examples of achievements mentioned in the papers include:

- Progress made to reduce the impact of natural hazards and an enhanced resilience
- Commitment to a range of anti-corruption reforms and an increase in transparency and accountability
- The costing and budgeting of a plan for NAP 1325
- The vibrant media of Afghanistan
- The existence of the Afghan Independent Human Rights Commission and GoA plans to create a policy on the handling of gross violations of human rights
- Some improvement in the operating environment for CSOs in Afghanistan
- Increased co-ordination between civil society organizations and the formation of networks.

The participants of eight regional focus group discussions arranged by the civil society Working Committee also noted some positive developments which include:

- The building and repair of infrastructure and services, dams, roads, provision of water and the development of the port at Char Bahar and air connections to and from Herat
- The strengthening of civil society and the inclusion of more women in the organizations
- An improvement in co-ordination between the government and civil society organizations in at least one zone
- The achievements of the Ministry of Agriculture and the NSP programme in another zone
- Some improvements in the taxation system
- Some reduction in corruption
- An increased awareness of rights, particularly of women and increased participation of women and young people in education, politics, sport and the police force

Peace and Security

There is unanimity in the findings of consultations that security has deteriorated in Afghanistan and that addressing this is an immediate priority to safeguard the future of Afghanistan and its citizens. Insecurity not only endangers men, women and children and the services they are entitled to but it also degrades infrastructure, discourages investment, hinders development, encourages corruption and causes displacement of populations and the outflow of social and fiscal capital. The securing of major highways and borders and the disarming of militias and illegal groups, coupled with the modernization of the armed forces and the police are thought to be essential.

The police and armed forces should be given capacity development and training, including in international humanitarian law and the principles which are upheld by non-governmental organizations (NGOs) and civil society organizations (CSOs), of neutrality, impartiality and independence. There should be investigations of attacks on civilians and prosecutions of those responsible.

A comprehensive peace plan should be devised, involving a national dialogue and a recognition that the failure to address past injustices is exacerbating the conflict. Developing a culture of peace with reconciliation and confidence building measures, transitional and restorative justice, which excludes a blanket amnesty for criminal conduct, coupled with a clarification of roles for existing institutions, and 'de-monetizing' of the peace process are essential pathways to a lasting peace.

Both men and women feel that the inclusion of women in the peace process is critical to safeguarding the gains made in equality and human rights. The National Action Plan for UNSCR 1325 and the National Action Plan for the Women of Afghanistan must be implemented. Women must participate in all aspects of the peace process, at national and at provincial and district level and at all levels of seniority. They must have equal access to training and capacity development and take part in problem analysis, dialogue and advocacy.

Civil society organizations have been an underused resource; they have the access to communities and the necessary experience and skills in peace-building to make a significant contribution to a sustainable peace. There should be an action plan for civil society engagement in the peace process.¹

¹¹ For a detailed explanation of this please see A Road Map to Peace, Civil Society and the Peace Process in Afghanistan, OSA, HREVO, CPAU, PTRO, TLO and EPD, May 2016

Citizens' Rights and Protection

A sustainable peace must include the protection of civilians and a respect for the rights of all citizens. Physical or verbal attacks based on ethnic or religious differences or those intended to silence members of the media have the potential to exacerbate conflict and to undermine the state. Article 22 of the Constitution of Afghanistan requires that '*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'.*

Afghanistan is a signatory to the Geneva Conventions on human right and the subsequent Additional Protocols and treaties (such as those on the rights of the child and people with disabilities, the elimination of all forms of discrimination against women and on economic, social and cultural rights)². The ratification of the Optional Protocol to the Convention against torture, presentation of the draft law on torture and the implementation of the National Action Plan on torture is still awaited and the harmonization of domestic laws with international treaty obligations are yet to take place. Successive Afghan governments have taken no action to systematically do this although it is required by the conventions.

Since 2006 the UN has reviewed the human rights record of the member states and 377 recommendations resulted from the two reviews³ of the record of Afghanistan. There is concern that the Afghanistan National Peace and Development Framework, 2017 to 2021(ANPDF) does not accord human rights the importance that it should in the current conditions in Afghanistan. It does say that equality before the law will be realized by 'taking serious steps to protect human rights and tackle violence against women' but not how and when.

The people of Afghanistan require the protection, in a multiplicity of ways, which would be afforded by the implementation of these undertakings. There has been "a record number of civilian casualties since counting began in 2009, with 5,166 recorded killed or maimed in the first six months of 2015, of whom almost one third were children"⁴ and there was a 37% increase in casualties among women in 2015⁵. Afghanistan has become one of the most dangerous places in the world for an aid worker; since January 2015 49 nongovernmental staff have been killed, 38 wounded and 30 kidnapped.⁶

Ethnic and religious minorities and human rights defenders have been subject to attack. Facilities such as health centres have been targeted, sometimes because they have been used as election stations. This affects both those who use them and those who work in them. Schools have also been targeted; threats and intimidation have increased leading to the closure of schools and disrupted education for many pupils. While the media are more vibrant and less censored than others in the region freedom of speech is at risk. Journalists are subject to attack and, fearing retaliation, are reported to increasingly self-censor their reports.

Nearly four decades of conflict in a disaster prone country vulnerable to drought has degraded the natural resource base and compromised resilience. This is predicted to worsen as climate change

² CRC, CRPD, CEDAW and ESCR

³ Universal Periodic Reviews took place in 2009 and 2014 and recommendations covered a wide range of issues including Legislative reform, corruption, civilian casualties, people with disabilities, arbitrary and illegal detention and freedom from torture, women and gender, children, education in human rights, health, right to food and food security, freedom for the media and protection of journalists, the MDGs, the Action Plan on Peace, Justice and Reconciliation and the implementation of International Human Rights Treaties. http://www.upr-info.org/en?gclid+CLSzoe2oos8CFZ1aGwod8aoEEA

⁴ Protection of Civilians in Armed Conflict, Annual Report, UNAMA 2016

⁵ Ibid.

⁶ <u>https://aid</u>workers security.org/incidents/search?start=2015&detail=1&country=AF

heralds more extreme weather and mitigating the consequences will require community based disaster risk reduction, and climate change adaptation and the resources to fund these.

By the end of 2015 there were about 1.2 million internally displaced people (IDPs) in Afghanistan and many of their children will have difficulty surviving the winter. They have been joined by 100,000 refugees who returned from Pakistan from July to September 2016 and hundreds a day continue to arrive. There is an alarming rate of malnutrition, countrywide, in the existing population; Afghanistan has one of the highest rates of stunting in children under five⁷ and the second highest mortality rate in the world in children under five⁸.

One key organization in Afghanistan mentioned as a vital institution in many of the papers prepared for the BCA, as well as in the focus group discussions, is the Afghanistan Independent Human Rights Commission. It has been dedicated to the 'promotion, protection and maintenance of human rights and the investigation of human rights abuses'⁹ since its inception in 2002. But the dismissal of some Commissioners and the appointment of others during the last government and the moving to the current government by some respected commissioners has been thought to be damaging.

Governance and Corruption

The nascent good governance and anti-corruption reform agenda of the GOA is welcome but until it is implemented it is feared that grievances associated with poor governance and corruption will continue to be drivers of the conflict, influence people to join the insurgency and limit the support people are prepared to give to the peace process.

The need to build the state should be in balance with meeting the current needs and fulfilling the rights of the citizens of Afghanistan; civil society has an important part to play in both processes leading to social cohesion. The aims of the Citizens Charter should be realized and there should be equality of provision and social justice for people who are at risk from humanitarian emergencies and natural disasters, whether IDPs or returnees, or vulnerable because of a disability or membership of a minority.

The GoA should continue with its efforts to improve governance and to combat corruption. The GoA should sign up to the UN Convention on Corruption, an independent Anti-Corruption Commission should be established, the roles of existing bodies clarified, laws should be strengthened and offenders prosecuted. Transparency should be achieved through the provision of information about government contracts and procurement processes, including in the security sector, tax and customs, the extractives industry and the business environment. Merit based appointments should be introduced as well as improvements in the capacity of relevant individuals through equality of opportunity in training and in the appointment of women to senior positions. Integral to the success of these measures is the integrity and independence of the judiciary and access to justice.

The views expressed in the papers are consistent with those expressed in the civil society focus group discussions. Good governance, reform and anti-corruption efforts, the equitable application of the rule of law, and prosecutions, consistent with international conventions, transparency and accountability are as important to civil society in the provinces as in Kabul. So too elections and the

⁷ UNICEF, Nutrition, http://www.unicef.org/afghanistan/nutrition.html

⁸ UNICEF, Health and Nutrition, http://www.inicef.org/afghanistan/health_nutrition.html

⁹ www.aihrc.org

provision of electronic ID card and increased engagement between central government and local leaders.

Those participating in the discussions wished for effective international development assistance to continue and mentioned support for peace building, civil society and the role of women and young people in particular. There was support for strengthening democratic institutions including the Independent Election Commission and the Afghanistan Independent Human Rights Commission. Tackling the narcotics problem was important in two regions. The regional recommendations provided in these focus group discussions frequently highlighted the importance of the part that civil society has to play. There was also a plea for support to be given for Afghan culture and society through the restoration and preservation of ancient monuments and the construction of sports facilities and stadiums. These, together with civil society can develop the social cohesion Afghanistan needs.

The Economy

The GoA has set out, in the ANPDF, its five-year strategic plan for achieving self-reliance in a context of a decline in domestic growth in the last 3 years, nearly 40% of the population (with regional differences) living below the poverty line and 400,000 young people, men, women and those with disabilities, in need of jobs and training coming on to the market each year. The GoA aim is to achieve a growth rate of 5% and to increase the development budget by 10-15% and to remove the business disincentives of extortion, kidnapping and illegal seizure.

Without increased revenue generation these aims cannot be met. To improve the business environment it is recommended that the GoA signs and implements the Standard for Automatic Exchange of Financial Account Information¹⁰, (relating to transparency in domestic tax revenue), that the GoA will reform the customs services in line with the principles set out in the Arusha Declaration of the World Customs Organization (WCO) and make these public. The GoA should also fulfil its commitments to the World Trade Organization (WTO) by enacting and implementing the legislation, regulations and practices it is mandated do under its WTO Accession Package.

The exploitation of natural resources has the potential to be a major source of revenue in Afghanistan but unless managed well it can also be a source of corruption and conflict. The GoA has committed itself to reforms for this sector (at the London Anti-Corruption Summit in May 2016), and the international community is urged to provide material and technical support, but it would be premature to begin large scale extraction by the state until these are in place. The GoA, supported by the international community, should amend laws relating to the extractives industry to require publication of a database of all contracts and information about payment and production and achieve validation under the EITI, ensuring that communities receive a share of the legal revenues or profits from the extraction.

Business oriented development programmes, of which there are many examples run by NGOs, can also increase revenue. Partnering with small farmers and other producers has created employment for men and women. Small and medium enterprises (SMEs) can make a great difference to people's lives and when coupled with adequate working conditions and social protection (and honouring the employment quota for those with disabilities, not just the war wounded) they can reduce inequality and have an important role in poverty reduction.

¹⁰ Less formally known as the Addis Tax Initiative and Common Reporting Standard

The focus group discussions stressed how economic conditions were worsening in some areas, and made specific requests for electricity, roads, factories and dams which could alter the outlook for the economy and provide jobs and in two areas asked for a reduction in the illegal narcotics industry. People were particularly hopeful that jobs would be provided for young people, for women and those with disabilities and to be helped with improved marketing in the traditional industries of agriculture and livestock and handicrafts.

Development in Health, Education, Agriculture and Livelihoods

The basic needs of the population need to be met and members of provincial civil society stressed the importance of having access to basic health care, education and social services. Long-term investment is needed to provide clean water, health services, education, agriculture and livelihoods especially for the young, and in providing assistance to the vulnerable and those in emergency situations, including refugees, returnees and internally displaced people (IDPs). Education provision, health services and agriculture should all benefit from technical input, staff training, and the employment of women. There should be a transition to services being delivered by the government but until that is possible NGOs and CSOs and humanitarian and development practitioners should continue to receive the resources to provide them and to work towards a smooth transition to government provision. There are gaps in the current services and there should be a comprehensive mapping of people's needs in health, nutrition, food security, water, sanitation and hygiene.

Health

A nation-wide project which aims to strengthen the national health system was approved in February 2013 (SEHAT, the System Enhancement for Health Action in Transition). However, funds have been received late and although there has been some improvement in infant mortality the trends are not promising in other health and nutrition indicators. Vaccinations are alarmingly low in some areas and there is a crucial need for preventative services.

The point was made in the provincial focus group discussions that you either needed money to go to Kabul or outside Afghanistan for good medical treatment or you had to go without, so clinics and hospitals must be set up in the provinces.

Education

Education is a fundamental human right but despite the international community's generous support to this sector Afghanistan has the highest illiteracy rate in the region. According to the Ministry of Education the drop-out rate from school is high, particularly among girls and only 3.7% of the national budget is spent on education when UNESCO recommends that it should be at least 6%. There is concern that gains made will be lost with the deteriorating security situation. According to UNAMA there was an 86% increase in attacks on schools, buildings or personnel, in 2015, the infrastructure and equipment are poor, and only half the children in rural areas are attending school. It is estimated that 51% of children who are attending school are also involved in child labour. Some schools work up to four shifts giving children only 2 hours of education a day. Over 95% of children with disabilities and special needs have no access to education.

Only 35% of teachers in Afghanistan are women, and there are far fewer in rural areas. This number could be increased by lowering the requirement for 12th grade education for all teachers and this would increase access for girl pupils, as does working with local education shuras and community representatives. The World Bank suggests that adult literacy should be prioritized as it would help to reduce radicalization, empower women and expand the economy.

The Ministry of Education has developed an inclusive and child friendly policy which needs an action plan followed by implementation. In the provincial focus group discussions they stressed the importance of education and asked for improved provision with modernized methods of teaching and curricula, a supply of up to date textbooks and proper remuneration for teachers, especially for women in rural areas.

Agriculture

Modernization of the agriculture sector is also vital; the GoA has set out a comprehensive agricultural development programme, described in the ANPDF, which will require sizeable investment. The GoA estimates that 40% of the population is employed in agriculture and its products form a significant share of exports and has the potential for improving food security despite the deleterious effects of climate change. The GoA analysis of what is needed in the short and medium term is very similar to that of the participants in the provincial discussions, where they stressed the importance of agriculture, and of modernizing methods, and improving the quality of agricultural education. They listed the improvements that they thought would make most impact now: good quality seeds and fertilizer, greenhouses, poly-tunnels, cold storage and packaging facilities, some mechanization, and advances in animal husbandry and irrigation and, most importantly, assistance with the marketing of agricultural and dairy products.

The Tripartite Partnership – The Government of Afghanistan, Donors and Civil Society

The three components in this partnership face tremendous challenges in their common task of contributing to the development of Afghanistan and the improvement in the welfare of its citizens. The international community has funded the current and previous governments, and some of the achievements that have been made are set out earlier in this paper. Civil society organizations and actors have also made valuable contributions and have more to offer.

There is a need for a better understanding of the roles and constraints under which each of these partners performs their functions and the capacity development that would enhance the performance of government and civil society staff alike. International funding will be necessary for some time to come, there is a request for donors to provide longer term funding, to facilitate genuine capacity development, including in monitoring and evaluation and consider easing some of their more onerous administrative and reporting requirements.

NGOs have operated on the basis of the International Humanitarian Principles; Humanity, Neutrality, Impartiality and Independence and the values of non-discrimination, accountability and transparency. Any NGO operating in Afghanistan and registered with the Ministry of Economy is eligible to sign the Code of Conduct which has existed since 2004. The capacity of NGOs and CSOs varies has improved and so has co-ordination between them, as demonstrated in the collaboration in these papers, the Working Committee and in joint advocacy initiatives. Networks have been shown to facilitate the sharing of resources, improve advocacy efforts and extend outreach to remote areas of the country.

There are now organizations which are capable of being more involved in the traditional role of civil society, in assisting with reviewing progress and obstacles to it, advising on policies and the implications of them, the setting of benchmarks and monitoring their achievement, advising on policies, providing platforms for the expression and dissemination of the views of Afghan citizens, and producing shadow reports.

While the GoA has committed itself to supporting civil society (for example at the London Conference in 2014 and in the paper 'Self-Reliance through Mutual Accountability' in 2015) obstacles are faced by

civil society organizations. They and their staff are vulnerable to attack. There is an Access to Information Law but civil society continues to experience difficulty in obtaining the information which would allow them to operate more effectively.

In 2013 59 civil society organizations, from across Afghanistan, signed a memorandum of understanding¹¹ outlining ways in which civil society could actively support the peace process but it is reported¹² that there had been no significant follow up in the development of an action plan and that areas of co-operation had remained on paper. Since the risk of returning to conflict has been found¹³ to be reduced by 64% when negotiations include representatives from unarmed affected communities, this has caused dismay.

Civil society organizations have responsibilities too, to operate in a principled way, following accepted good practice, monitoring and evaluating their work and building their expertise. Participants in the focus group discussions recommended that they continue to contribute to community development and to improve collaboration and co-ordination in the provinces, with joint strategies and plans, they maintain their neutrality from the government but assist it in the assessment of problems and by recommending solutions. They should improve public perceptions about civil society by ensuring they discover and combat any corruption within the civil society organizations while also reporting corruption and discrimination in government institutions when they find it.

There are examples of good relationships, of mutual accountability, respect and trust between the GoA, donors and civil society however there is room for improvement. Examples are given in the papers of ways in which further understanding can be fostered. It is recommended that challenges articulated by civil society to the government should not be perceived as a threat (indeed the GoA has identified many of the same problems in the ANPDF), but as an opportunity to work together to find solutions and to strengthen both the government and civil society and involve the wider participation of citizens in the development of their country.

Annexe

Working documents and position papers prepared for the Brussels Conference on Afghanistan, October 2016:

'Afghan Civil Society Engagement in Nation Building Efforts', Afghan Civic Education Programme

'Afghanistan National Peace and Development Framework (ANPDF), 2017 to 2021', Islamic Republic of Afghanistan

'Afghan Media', Journalists and Members of the Afghan Media, September 2016

'Afghanistan: Where Humanitarian Concerns Do Not Match International Action', Action Contre La Faim, 2016

¹¹ Civil Society Organizations in Support of the Peace Process in Afghanistan: Concept Note to the HPC and Joint Secretariat of the APRP, 2013.

http//www.i4pinternational.org/files/512/civil+society+and+aprp+(cs+working+group).pdf

¹² In the Road Map to Peace, Civil Society and the Peace Process in Afghanistan, May 2016

¹³ 'Anchoring the Peace: civil society actors in peace accords and durable peace, an account of a Conciliation Resources study, in International Interactions, Vol 38, No. 2: 243-266, September 2012, Desiree Nilsson

'Brussels Conference on Afghanistan, Position Paper', Emergency ONG

'Civil Society Recommendations', Integrity Watch Afghanistan

'Collaborating for Transformation: The Civil Society of Afghanistan Position Paper'

'Development Gains in Education: Stakes are High for Afghan Children', Joint Briefing Paper prepared by the Swedish Committee for Afghanistan, and endorsed by ANAFAE, ACBAR, Islamic Relief, AWEC, AHDS, Save the Children, WADAN, VHS, TEO, Mercy Corps, 20 September 2016

'Equality and Social Justice', Friends of Hazara

'Extractives in Afghanistan: Avoiding the Resource Curse', Global Witness

'Human Rights', Civil Society and Human Rights Network

'Building Afghanistan's Resilience: Natural Hazards, Climate Change, and Humanitarian Needs', Afghanistan Resilience Consortium

'Peace is Priority No 1', Cordaid

'Policy Input', unpublished paper, Christian Aid

'Protecting Aid Workers' ACBAR Briefing Paper to the Government of Afghanistan

'A Roadmap to Peace, Civil Society and the Peace Process in Afghanistan', CPAU, EPD, HREVO, OSA, PTRO and TLO, May 2016

'The State of the Enabling Environment for CSOs in Afghanistan', Altai Consulting for the Afghanistan Institute for Civil Society, September 2016

'Suggestions', Women Peace and Security Working Group

Summary of national focus group discussions organized by the civil society working group and BAAG, internal document

'Synthesis of Afghan and International Civil Society Papers for the London Conference on Afghanistan', December 2014

Acronyms

ACBAR – Agency Coordinating Body for Afghan Relief & Development AHDS – Afghan Health & Development Services ANAFAE – Afghan National Association for Adult Education APRP – Afghanistan Peace & Reintegration Programme AWEC – Afghan Women's Educational Centre CEDAW - Convention on the Elimination of All Forms of Discrimination against Women CPAU – Cooperation for Peace & Unity CRC – Convention of the Rights of the Child CRPD – Convention on the Rights of Persons with Disabilities EPD – Equality for Peace & Democracy
ESCR – Economic, Social & Cultural Rights
HPC – High Peace Council
HREVO – Human Rights & Eradication of
Violence Organisation
PTRO – Peace Training & Research
Organisation
OSA – Open Society Afghanistan
TEO – Tashbos Educational Organisation
TLO – The Liaison Office
WADAN – Welfare Association for the
Development of Afghanistan