



ACBAR Agency Coordinating Body for Afghan Relief and Development



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

Acknowledgements:

The production of these position papers would not have been possible without the support of all ACBAR members, in particular the Advocacy Working Group and civil society organisations. Particular thanks to the following authors: Aid Effectiveness, Governance and Summary: Liz Cameron (Oxfam Afghanistan), Service Delivery: Coline Grunblatt (Handicap International), Women's Rights: Shika Ghildyal (Swedish Committee for Afghanistan) and Nuria Beneitez (Actionaid), as well as Justine Piquemal and Marine Durand for their guidance and support.

Acbar is grateful to Oriane Zerah for allowing us to share some of her images.
All images © ACBAR



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 breath 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

- 1 C. Nassif, O. Joya, H. Lofgren, S. Gable, S. Redaelli, L. Jordan, S. G. Jaffrin (2014) Full report. Vol. 2 of Afghanistan - Pathways to inclusive growth. Washington, DC: World Bank Group. <http://documents.worldbank.org/curated/en/2014/03/19694131/afghanistan-pathways-inclusive-growth-vol-2-2>
- 2 *Ibid.*
- 3 UNAMA (2014) *Mid-Year Report on Protection of Civilians in Armed Conflict*, 2014 http://www.unama.unmissions.org/Portals/UNAMA/human%20rights/2UNAMA%20Protection%20of%20Civilians%20MYR%202014_17%20July%202014_FINAL.pdf
- 4 UNHCR (2014) *Conflict-induced Internal Displacement Monthly Update*, May 2014.
- 5 https://aidworkersecurity.org/sites/default/files/AidWorkerSecurityReport_2013_web.pdf
- 6 IRC (2014) *What Next for Afghanistan?* 2014, http://issuu.com/internationalrescuecommittee/docs/irc_report_afghanistan_20140402_r?e=9192242/733165
- 7 UNAMA (2013) *A Way to Go: An Update on Implementation of the Law on Elimination of Violence against Women in Afghanistan*, http://unama.unmissions.org/Portals/UNAMA/Documents/UNAMA%20REPORT%20on%20EVAW%20LAW_8%20December%202013.pdf
- 8 International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, Convention on the elimination of all forms of discrimination against women, Child Rights Convention and Universal Declaration of Human Rights
- 9 Tokyo Mutual Accountability Framework, 2012, http://www.mofa.go.jp/region/middle_e/afghanistan/tokyo_conference_2012/tokyo_declaration_en2.html
- 10 OECD, <http://www.oecd.org/dac/effectiveness/fourthhighlevelforumonaideffectiveness.htm>
- 11 G7+, New Deal, 2011 <http://www.g7plus.org/new-deal-document/>
- 12 Ministry of Finance (2013) Aid Management Policy, 2013, http://www.thekabulprocess.gov.af/images/JCMBdocs/19thAMP_Final_Version_Jan_30_2013.pdf
- 13 For example, see table in SIGAR, 23rd Quarterly Report, April 2014, <http://www.sigar.mil/quarterlyreports/index.aspx?SSR=6>
- World Bank, 2014, <http://go.worldbank.org/6SSKYA0SV0>, p. 11.
- 14 Ministry of Finance, Senior Officials' Meeting Joint Report, 2013, http://mof.gov.af/Content/files/TMAF_SOM_Report_Final_English.pdf



Transforming Development Beyond Transition in Afghanistan: Aid Effectiveness Position Paper

“Aid can only be effective if commitments are sustained and if support to civil society is increased.”
Ataullah Khan, Director, Human Rights Research and Advocacy Consortium.

Progress since 2012

Afghan government: Regular dialogue has taken place between the government and the international community, which has been important to ensure progress in implementing the TMAF. The Afghan government has been commended for its progress on budget transparency – up to 59 per cent in 2012.² General progress on the TMAF was partly due to agreed conditions and timelines, as well as the prioritization of hard deliverables.

International commitments: Donors are currently on target to meet their Tokyo pledges. Current financial data from the Afghan Ministry of Finance, and information provided by donors indicate that pledges are on track.³ Furthermore, donors are increasingly using on-budget mechanisms for aid delivery, putting them on track to route 50 per cent of aid through the national budget. Based on data provided by donors, approximately 46 per cent of the 2012 disbursement was on-budget (through trust funds or other bilateral modalities). However, Ministry of Finance Treasury data suggests a lower level of on-budget aid in the country at 36 per cent.⁴

Challenges

Unpredictability of donor commitments and alignment with National Priority Programmes (NPPs): Very few donors are able to forecast aid flows up to 2017 and beyond. Other donors are constrained by annual budgeting processes and are unable to provide indications of future aid allocations. This poses a problem to the approach adopted since 2010 by the Afghan government in implementing the Medium-Term Expenditure Framework. The World Bank has also outlined the importance of safeguarding development expenditures at a time when security spending is growing and austerity measures continue.⁵ Many donors have made progress in aligning their development aid with the NPPs. However, different interpretations of the term ‘alignment’ mean the precise degree of alignment with NPPs is unclear.

Process metrics and the 'blame game': There is a risk that TMAF implementation can degenerate into a 'blame game', with the Afghan government and the international community accusing each other of falling short on their respective commitments. The Afghan government, for example, can be inclined to 'check the box' on benchmarks it has committed to – even when, they may have been only partly achieved – and then argue that the burden is on the international community to fulfil its funding pledges. International partners may reduce funding, or at least not strive to fulfil commitments that were considered 'stretch targets' at Tokyo.⁶

A United States Institute of Peace article cites recent developments in the Kabul Bank crisis to illustrate how focusing on process distracts from achieving important results. The Afghan government has argued that convictions in the crisis mean it is meeting its obligations, however

...[w]ithout formal money-laundering charges, the government is unable to initiate formal international procedures to seize the stolen assets already identified in other countries. Hence the opportunity for the Afghan state to recover hundreds of millions of dollars has been lost – an adverse outcome irrespective of whether TMAF benchmarks were met or not.⁷

Aid conditionality and earmarking: Aid conditionality enables the international community to limit discretionary spending by the Afghan government in circumstances where the latter is seen to have broken its commitments. Following interviews with various officials at the Ministry of Finance (MoF) and the Ministry of Rural Rehabilitation and Development (MRRD), earmarking and conditionality were unanimously cited as having a negative impact on budget execution. It is argued that easing restrictions and granting Afghan officials more autonomy on discretionary spending will increase the alignment of aid with Afghan priorities, systems and procedures and will also help enhance the government's accountability to its citizens and parliament for its development policies, strategies and performance.⁸ Conditionality however can work to encourage the Afghan government to keep to its commitments. Donors who impose conditionality need to ensure that Afghans will not suffer as a result.

Afghanistan is a unique case where most donors have had troops stationed in particular regions or provinces and where typically, Provincial Reconstruction Teams (PRTs) coordinated some development activities. Aside from the widely documented problems associated with the militarization of aid in Afghanistan, donors are still inclined to earmark funds towards regions where their troops were stationed. For example, within the National Solidarity Programme (NSP), donors can still earmark bilateral funds to specific provinces, creating an overall imbalance within the programme. Such earmarking limits the capability

of the Afghan government to maintain regional balance in development. This also favours some sectors at the expense of others, constrains the ability of the Afghan government to meet TMAF commitments and impedes budget execution.

Budget-tracking and accountability: With donor funds being disbursed to various multilateral trust funds and then down to ministry level, it becomes exceedingly difficult for donors to track funds. Donors must sometimes raise questions over missing funds. The complexity of the process limits donors' ability to follow the money and assess budget execution rates in real time. Some ministries such as the MoF and the MRRD have computerised financial management systems including a risk management module that enables better administration, reduces leakage and encourages donors to release funds.

At the same time, the Afghan government has a role to play in being accountable for the funds it receives. The MRRD is perceived by many NGOs to have much broader accountability from the bottom-up as opposed to the Ministry of Education, which is very top-down. Undoubtedly, corruption remains an issue at all levels in Afghanistan and improved budget-tracking and reporting (and incentives for reporting leakage) can help to reduce the scope for corruption within government structures.

Improving aid effectiveness for women and girls: With a few exceptions, notably in education, international aid has not adequately prioritised and targeted Afghan women and girls, missing opportunities to consolidate and expand important progress. Many donors have tried to mainstream gender across their development efforts. This is important and should be strengthened - but alone is insufficient because of a lack of attention and dedicated resources to gender. It is also difficult to assess how effectively gender mainstreaming is implemented and what the impacts for women and girls are. Such challenges are exacerbated by a lack of gender-disaggregated targets and gender-disaggregated data to track aid spending and impacts.

Ministerial capacity and budget execution: Afghanistan's lower house (*Wolesi Jirga*) summoned 11 ministers for impeachment in 2013.⁹ Their ministries had some of the lowest development budget execution rates in the previous year, according to the *Qatia* report (the Audited Annual Appropriation Statements of the Government) submitted to Parliament. The report reveals, for example, that the Ministry of Information and Culture spent only 12 per cent of its budget followed by the Ministry of Commerce (17 per cent). The media and civil society has blamed weak ministerial capacity and political will for low budget execution. The real effects of slow and low budget execution can be seen through the delayed payments to the NSP where communities have not received the funds for development projects – with delays of six to ten months in some cases. There have also been severe delays with payments to BPHS/EPHS (Basic Package of

Health Services/Essential Package of Hospital Services) providers. The challenge of putting an ever-increasing amount of aid on-budget is that communities may suffer unless processes are improved.

Civil society exclusion: The New Deal is premised on building more effective state-society relations, public dialogue and a shared vision of Afghanistan's future. It emphasizes inclusion and participation between government, international donors and civil society to provide a collective agenda agreed through mutual negotiation. It is reflective of a range of opinions and priorities, which civil society could then use as a basis for monitoring and advocacy. However, the TMAF frames a two-way agreement between government and donors, and predominantly excludes civil society. Limited space is provided through the TMAF Senior Officials' Meeting (held in July 2013) and the Joint Coordination and Monitoring Board (JCMB) process, co-chaired by the Afghan government and the United Nations Assistance Mission in Afghanistan (UNAMA), which includes civil society representation. Furthermore, the JCMB is not functioning well and hardly ever meets – prior to the January 2014 meeting, it had not met for one year.¹⁰

There is a need for genuine engagement between the Afghan government, the international community and Afghan civil society to move beyond dialogue as part of a 'box-ticking', tokenistic exercise. While there is a risk that some civil society voices will be censored or favoured, due to either government preference or sensitivity over criticising international donors, there must be a substantial role and platform for civil society to directly raise concerns around the TMAF. Backed by sustained, predictable support to enable effective, long term programming, Afghan civil society organisations (CSOs) have a critical role to play in aid harmonization, and in supporting monitoring and results mechanisms for aid effectiveness. This is while protecting the operating space for NGOs and CSOs to achieve their mandates independently, but with government coordination.

Recommendations:

The Afghan government and the international community should:

- Improve budget-tracking mechanisms so 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
- Focus more on achieving better development outcomes for Afghans, rather than on heavy processes. The development of new indicators should not be a 'box-ticking' exercise. New or amended indicators must be

measurable and allow for civil society oversight.

- Commit to the mainstreaming of gender and women's rights throughout the TMAF and resulting policies and programmes, with greater collation and use of gender-disaggregated targets and data. They should also commit to coordinated assessments and reporting of gendered targets and impacts as well as lessons learned to promote good practice
- Ensure that obligations under the New Deal are met by including civil society more thoroughly in oversight and monitoring of the TMAF. They should engage civil society by inviting representatives to the Head of Agencies meetings to integrate civil society's concerns and to ensure they are part of the process. They should recognise that JCMB processes are not working and should not rely on JCMB meetings to represent consultation with civil society. They should share more information to ensure civil society can effectively play an oversight role. The Afghan government should recognize their important role in creating a culture of accountability.

The international community should:

- Meet aid commitments as outlined in the TMAF and sustain aid through to 2017 and beyond. As stipulated in the TMAF, the international community should 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 be transparent, ensuring disbursements match pledges and that support meets the 50 per cent on budget and the 80 per cent alignment of aid. 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.
- Improve support to tackle poor budget execution rates. Understand the challenges to the effective use of aid within individual ministries and the delays that the Ministry of Finance can cause, resulting from late budget approval and slow allocation, preventing budgets from being spent in a timely manner and reaching those Afghans in need. Donors must also provide timely disbursements. Donors should work with line ministries to increase capacity and resolve problems before commitments are missed. As donors seek to move to putting 50 per cent of aid on budget, they must ensure that ministries are able to spend the budget.
- Improve donor coordination and clearer conditionality. The international community must understand that lack of coordination has resulted in inconsistency between donors who are imposing conditionality. In general, next to increased coordination, it must define conditionality better so the expectations on the Afghan government

- are clear and donors react proportionately. Thresholds for conditionality are likely to vary ministry by ministry. The international community must understand these constraints at different levels to impose conditionality when it is clear that commitments have been breached. It should develop clear processes to assess whether and when conditionality should be imposed and act transparently to hold the Afghan government to account for breaching its commitments.

The Afghan government should:

- Increase ownership and responsibility across government. Given that to date the TMAF has been centred on the Ministry of Finance, the government must increase the sense of ownership across and within other ministries and from parliamentarians. 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.

Endnotes

¹ Government of Afghanistan (2012) *Strategy Paper: Towards Self-Reliance: Strategic Vision for the Transformation Decade*. Presented at the Tokyo Conference on 8 July 2012. Strategy to be implemented through 22 National Priority Programmes (NPPs).

² Afghanistan moved from a score of 21 per cent in 2010 on the Open Budget Index to 59 per cent in 2012, exceeding the TMAF target. Available at: <http://www.afghanistan-un.org/2013/07/joint-statement-tokyo-mutual-accountability-framework-tmaf-senior-officials-meeting-kabul-afghanistan-3-july-2013/#sthash.ztnBc9tY.dpuf>

³ Government of Afghanistan (2013) Tokyo Mutual Accountability Framework. Senior Officials' Meeting Joint Report, July 2013.

⁴ Ibid.

⁵ O. Joya and F. Khan, (2014) Afghanistan economic update. Washington DC: World Bank Group. Available at <http://documents.worldbank.org/curated/en/2014/04/19425195/afghanistan-economic-update>

⁶ W. Byrd for USIP (2013) 'We Pretend to Work and They Pretend to Pay Us'. Travails of Mutual

Accountability in Afghanistan.

⁷ Ibid.

⁸ Afghan Voice (2013) The implications of donor conditionalities on the Afghan Budget Process. Available at <http://www.afghanvoice.org.uk/avfm1/mypanel/pdfeng/Donor-conditionalities-paper-20130705-204625.pdf>

⁹ O. Ali and E. Qani (2013) Budget through, Impeachments pending: Wolesi Jirga Went into Winter Recess, AAN blog. Available at <http://aan-afghanistan.com/index.asp?id=3231>

¹⁰ Oxfam (2014) Afghanistan at a Crossroads, Available at <http://www.oxfam.org/en/policy/afghanistan-crossroads>



Transforming Development Beyond Transition in Afghanistan: Governance Position Paper

“Only good governance can save and sustain the achievements of the last 13 years”
 Aziz Rafie, Director, Afghan Civil Society Forum

Progress since 2012

Sub-national governance: progress has continued at community level, particularly through community development councils (CDCs) and district development associations (DDAs) implementing the National Solidarity Programme (NSP). Implementing non-governmental organisations (NGOs) have used social auditing at the end of NSP projects to ensure more accountability. In 2013, 63 per cent of Afghans responded that they were satisfied with their CDCs.¹ Many of these bodies have been successful in increasing local ownership and good governance, resulting in more transparency and accountability.

More women are also now involved in local governance and government is becoming more responsive to their needs. The NSP has achieved widespread involvement of women in community decision-making where they can raise their development priorities.

Challenges

Sub-national governance: Afghanistan’s current government system remains highly centralized in its decision-making, planning and budgeting mechanisms. Sub-national entities remain characterized by their lack of connection up the governance chain and to central government in Kabul. A more coherent and inclusive governance agenda would enable local bodies to influence key projects and processes that affect Afghans’ daily lives. Currently, sub-national governance policies do not

clarify reporting lines and responsibilities, or delineate responsibilities between entities, resulting in an overall lack of coordination.

While CDCs and DDAs produce community and district-level development plans, the link between those priorities and those selected by national ministries and the donor community in Kabul is tenuous. More effort is required to ensure that the needs identified are determined through a consultative and inclusive process with those excluded from local leadership. Deliberate efforts are needed to increase marginalized groups’ participation: in particular women, internally displaced persons (IDPs) and people with disabilities at all levels of governance, and for specific needs to be included in development planning. For example, despite the 20 per cent quota for women to be provincial council representatives, only 299 out of 2,595 provincial council candidates (11.5 per cent) were women in the April 2014 election.²

Serious gaps remaining: The unpredictability of, and often long gaps between, access to resources channeled to sub-national governance entities damages their

momentum, legitimacy and effectiveness. Depending on the presence of certain donors and regardless of needs, some provinces have received greater discretionary resources than others. Challenges also remain in filling civil service positions at local and provincial levels in parts of the country particularly in ensuring that candidates have the appropriate educational background.

Sub-national entities, particularly widespread CDCs, must ensure they have downward accountability to the communities they serve. Monitoring mechanisms and ensuring that clear roles are defined would contribute to their effectiveness and community ownership. There are still 10,320 communities not yet covered by the NSP, which the third phase will continue to try to reach.³ Continued high levels of insecurity and shadow governance structures also undermine the representation of local governance bodies and most often prevent the participation of women.

Corruption undermines good governance: According to Transparency International's 2013 Corruption Perceptions Index, Afghanistan was ranked 175 out of 177 countries.⁴ Corruption can be political or administrative as well as that associated with the narcotics industry which has a huge impact on Afghan livelihoods and the development of the country. According to the Afghan organisation Integrity Watch's 2014 survey, Afghans paid about \$2bn in bribes in 12 months, a big increase compared to 2012.⁵ The bribes paid amounted to almost the same as the Afghan government's annual revenue. The justice institutions and the police were viewed as the two most corrupt public institutions and corruption is considered the second major concern of Afghan people after insecurity.⁶

Corruption undermines access to many key public services, including access to justice, higher education and basic services. Corruption also contributes to the misallocation and/or distribution of resources, which hinders development and promotes insecurity. Furthermore, it erodes public trust in governance and the rule of law. The Afghan government lacks adequate transparency and accountability mechanisms to reduce corruption, which is exacerbated by complex bureaucratic procedures.

Fragile and non-inclusive justice system: The justice system in Afghanistan is weak due to many factors including corruption, low-quality staff with low skills capacity, poor accountability and unclear legal procedures. Informal legal practices and justice mechanisms continue in many parts of the country, particularly in rural areas. Many people place greater trust in these informal processes as they are simple, easy to access, and perceived as more honest in dealing with people's problems. In provinces facing higher levels of insecurity, there are often no active courts outside the provincial centre.⁷

It is difficult for many Afghans to engage with the formal judicial system. Access to and the cost of lawyers encourages corruption in the legal system and also affects the number of people willing to bring their cases to judicial

institutions. Women in particular face bigger challenges in accessing justice and often suffer worse outcomes from informal processes. In 2013 only 8 per cent of judges, 6 per cent of prosecutors and fewer than 20 per cent of lawyers were women; compounded by only 1 per cent of the Afghan National Police being women, this hinders women's access to justice.⁸ Of the nine judges on the Supreme Court, none are currently women. As the International Development Law Organisation Director-General Irene Khan has stated, 'the rule of law cannot prevail when one half of society is excluded.'⁹

The Afghan Independent Human Rights Commission (AIHRC) established in 2001 to document, speak out and raise awareness of abuses has experienced a range of recent setbacks undermining its credibility. The appointment of new commissioners in 2013 without consultative vetting has raised serious concerns – only one of the five appointees came with any background in human rights, which continues to threaten the AIHRC's independence and impartiality.¹⁰ The International Coordinating Committee of National Human Rights Institutions (ICC) has threatened to downgrade the AIHRC to a 'B' status if the Afghan government fails to address concerns about the appointment process, the lack of female staff and funding. There is a real risk that some donors would be unable, due to internal rules, to fund the AIHRC if it is downgraded.¹¹ The international community briefly discussed the situation at the TMAF Senior Officials' Meeting in July 2013, but the outcome statement merely encouraged the Afghan government to take action on this issue.

Ineffective and unequal natural resource governance: There are great expectations that mining and oil will drive economic growth and fund the Afghan government and security forces. But the experience of Afghanistan and many other countries shows that there is a grave risk that natural resources will instead fuel conflict and corruption, and add little to revenues. Transparency, strong oversight and good community relations are essential to reduce this danger. The government committed in 2012 to create a world-class framework for resource governance and reinforced that commitment at the 2013 Senior Officials' Meeting. But despite some progress, a number of basic elements of international good practice are yet to be implemented. The conference is a valuable opportunity to create a clear road map of measures to ensure natural resources benefit the Afghan people and reduce aid dependency.

Recommendations

Sub-national Governance

- The International community should support good governance initiatives and capacity-building, especially on-going initiatives that have gained a broader consensus among donors and government agencies, including the new phase of the NSP, in particular the focus on elements of CDC capacity.

- 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 this 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 that could contribute to driving a longer-term decentralized fiscal policy. More clarity and commitment from the Afghan government over sub-national government is also expected to generate more international support.
- The Afghan government should ensure that the Independent Appointment Board of the Civil Service Commission continues plans to review appointment procedures, so that Afghans are appointed based on competence and so that gaps in the system are filled. This will ensure the further professionalization of the civil service.
- The Afghan government and international community should work to improve marginalized groups' participation in governance structures by challenging traditional representation and behaviours. They should also monitor the quality of these groups' participation. Training and awareness-raising work should be conducted to ensure marginalized groups' views are not muted. For instance, more women should be supported to join local governance structures and assume leadership roles that in the long term may help to increase the numbers of women prepared to stand in parliamentary or provincial council elections. This should be replicated for other marginalized groups in order to ensure a political process that is inclusive of the needs of all Afghans. The participation of marginalized groups should become more than a box-ticking exercise.
- Both the Afghan government and the international community should foster the important role of civil society organisations (CSOs) in providing oversight and promoting accountability. CSOs are able to perform a crucial watchdog role, demanding good governance and assisting in reform processes – for example, by monitoring the allocation of resources and government officials' conduct, and by establishing an environment where effective dialogue among stakeholders can occur. The international community should ensure that long-term support to CSOs working on good governance continues and should recognize that CSOs play a vital role in forging peace and social stability through good governance.

Corruption

- As stipulated in the TMAF, the Afghan government should enact and enforce the legal framework for fighting corruption, including measures such as publishing annual asset declarations of senior public officials and vetting them. There should be prosecutions of government officials, especially at higher levels, to demonstrate the government's commitment to tackling this issue.
- The Afghan Government and international community should ensure mechanisms are supported to help tackle corruption and bribery such as the wider dissemination of information and public awareness. This is in order that Afghan people better understand bureaucratic processes and know how to report violations, for example through hotlines.
- The international community should continue to support the independent joint anti-corruption Monitoring and Evaluation Committee (MEC) as one of the few organisations challenging corruption in Afghanistan and should ensure its continued existence.

Justice

- The Afghan government must work to ensure the implementation of Presidential Decree 45, which mandates that all inactive courts be activated and fully staffed with professionals so that Afghans can access justice even in remote and insecure areas of the country. It must recognize the discrimination of marginalized groups, in particular women, and must do more to encourage women to work in the justice sector.
- The Afghan government and the international community must review and ensure that commissioners within the 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 ICC's concerns, ensuring also 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.

Natural resources

- The Afghan government should use the conference to deliver on the laudable commitment it made in 2012 to put in place a system for oversight and control of natural resources that 'builds on and surpasses international best practices'. Its commitments at the conference should include:
 - **Transparency and bidding:** a clear requirement to publish all mining and oil contracts (in line with

existing presidential decrees); publication of project-level data on production, payments and revenue (in line with the revised Extractive Industries Transparency Index (EITI) standard); publication of the beneficial ownership of contract-holders and bidders; and the creation of a clear legal requirement for transparent, open and fair bidding and contracting processes.

- **Community engagement:** a commitment to respect the rights and interests of local communities – consulting and working with them on mining, security and other issues, ensuring they benefit from extraction. Also, accessible, independent and effective mechanisms for dispute resolution that are fair to companies and communities alike need to be developed, and a commitment made to ensure the environmental and social impacts of mining are fully taken into account and mitigated.
- **Security:** a commitment to ensure that security forces at mining sites operate according to strict rules (at a minimum, the Voluntary Principles on Business and Human Rights) and in consultation with local communities; and to take action against the involvement of informal armed groups of all kinds in the natural resource sector.
- 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.

- 1 The Asia Foundation (2013) *A Survey of the Afghan People*, <http://asiafoundation.org/country/afghanistan/2013-poll.php>
- 2 SIGAR (2014) *23rd Quarterly Report*, April 2014, <http://www.sigar.mil/quarterlyreports/index.aspx?SSR=6>
- 3 World Bank (2014) <http://go.worldbank.org/6SSKYA0SV0>
- 4 Transparency International (2013) <http://www.transparency.org/country#AFG>
- 5 Integrity Watch (2014) http://www.iwaweb.org/ncs/_2014/docs/national_corruption_survey_2014_english.pdf
- 6 *Ibid.*
- 7 SIGAR (2014) *23rd Quarterly Report*, April 2014, <http://www.sigar.mil/quarterlyreports/index.aspx?SSR=6>
- 8 IDLO (2014) *Women's Professional Participation in Afghanistan's Justice Sector: Challenges and Opportunities*, http://jssuu.com/idlonews/docs/idlo_afghan_report
- 9 IDLO (2014) *Out of the Shadows, Onto the Bench*, <http://www.idlo.int/news/highlights/out-shadows-bench>
- 10 Afghan Analysts' Network (2013) *Dismantling Human Rights in Afghanistan*, <http://www.afghanistan-analysts.org/dismantling-human-rights-in-afghanistan-the-ahrc-facing-a-possible-downgrading-of-status>
- 11 *Ibid.*



Transforming Development Beyond Transition in Afghanistan: Service Delivery Position Paper

“Based on the high rate of illiteracy, particularly among Afghan women, having a functional and quality education system is vital.”

Najia Anwari, Programme Manager, Coordination for Humanitarian Assistance

Progress since 2012

In the past decade, significant progress has been made in Afghanistan in terms of delivering services to the population, in particular health and education. According to the Ministry of Public Health (MoPH), 9 per cent of the population was living in districts where health facilities were accessible in 2001, compared to 86.7 per cent in 2011.¹ Knowledge and acceptance of health practices by communities has also improved greatly. Basic understanding of hygiene practices, the need for vaccinations, specific care for mothers and newborn infants, and reproductive healthcare is more widespread. This can be partially attributed to community-based approaches to health combined with better communication and awareness projects, as well as increased recruitment and training of female health workers. As a result, various health indicators have improved. The maternal mortality rate reduced dramatically from 1,000 deaths per 100,000 live births in 2000² to 327 in 2013.³ Under-five mortality rates reduced from 131 deaths in every 1,000 live births in 2001, to 91 in 2011–12.⁴ Life expectancy went from 44.5 years at birth in 2001⁵ to 62–64 years in 2010.⁶ These improvements are also the result of a proactive national public health policy, implemented by the MoPH, which in most of the provinces contracts out the implementation

of its Basic Package of Health Services and its Essential Package of Hospital Services (BPHS/EPHS) to competent non-government organisations (NGOs) who deliver the services to communities.

In education, there has been great improvement in terms of available infrastructure and numbers of trained teachers and students benefiting from public primary education. The number of teachers rose from 20,000 before 2001 to more than 172,000 in 2012 (31 per cent of whom are female).⁷ In 2013, 15,169 schools existed, of which 2,267 were dedicated to girls⁸ and more than 8.6 million students attended these schools.⁹ Indeed the net enrolment ratio for 2008–2012 in primary school rose to 63 per cent for boys and 46 per cent for girls.¹⁰ This compares to 2001 when only 900,000 children nationally had access to school, representing 38 per cent of boys and only 3 per cent of girls in the country.¹¹ Adult literacy levels have improved: they were at 45 per cent for men in 2012, but 17 per cent for women. On average this represents 31 per cent, compared to 26 per cent in 2007–8.¹² Vocational training is now more available. Finally, support to students accessing higher education has also improved through mentoring

classes or scholarships, allowing marginalized students (girls and women, from remote areas, from extremely poor families, etc.) to access high schools and universities.

Challenges

However, despite major improvements and progress, many Afghans do not benefit from existing services whatever their quality. Outside the main urban areas, millions of Afghans still struggle to access basic healthcare – for example, 18,000 Afghan women die in childbirth annually,¹³ one of the highest maternal mortality rates in the world. Many Afghans cannot provide a quality formal education for their children; 68 per cent of pupils leave school before finishing grade 6, the end of primary school¹⁴ and nearly 20 per cent of the total number of children enrolled in school are permanently absent.¹⁵ In cities, the availability of services for fast-growing populations remains a challenge, in particular for marginalized communities.

Furthermore, official figures report the theoretical number of people who have access to facilities, based on the number of people living in a specific area. They do not use the number of people who actually access and benefit from these services, which is often much lower. In addition, the extreme reliance of the Afghan government on international funding (85 per cent of the Afghan Public Budget comes from abroad) creates major concerns regarding the sustainability of these services to the population.¹⁶ ACBAR members have identified the following main challenges.

Problems of access: The International Committee of the Red Cross (ICRC) estimated in 2009 that more than half of the population had little or no access to basic services, including healthcare services.¹⁷ These difficulties of access result from several factors. A major factor is the continuing high levels of insecurity. This results from both the ongoing armed conflict between armed opposition groups and the pro-government forces – with an ever-increasing impact on the civilian population from 2009 onwards¹⁸ – and from growing levels of criminality. To differing extents across the country, insecurity hampers service delivery directly (through closure, occupation, suspension, delay in accessing services, populations avoiding movement, etc.)¹⁹; as well as indirectly, where it aggravates other barriers to proper service delivery.

When people and staff perceive services as not being secure, this can have a long-lasting impact. In 2012, 450 health facilities closed – temporarily or permanently – for insecurity reasons, up by 40 per cent compared to 2011.²⁰ Such constraints on service providers and service users greatly reduce the actual reach of existing services, and can be life-threatening in the case of health emergencies. Violence against health facilities violates the Geneva Conventions and the Additional Protocols,²¹ while attacks and incidents against schools (167 reported in 2012²²) are recognized internationally as a violation of children's rights.

Another key factor limiting access is gender inequality.

This restricts or sometimes simply prevents women and girls from accessing services, especially when female professionals are not available, or are unable to work in the most violent areas. Other factors include: the irrational and non-needs-based repartition of services across districts and provinces, sometimes due to corruption; the overall level of poverty among the population, often unable to pay for the cost of transportation to facilities or other indirect service costs; the unavailability or low quality of transportation infrastructures which increase travelling time; the lack of financial resources available; and finally the difficult terrain of Afghanistan, especially during winter and for extremely remote communities.

Poor quality of services: The services that exist are also not always properly functioning and their quality is often questionable due to many reasons. For example human resources issues, both quantitative and qualitative, impede delivery of quality services. This especially concerns female professionals who are affected by both cultural practices and high levels of violence. In the health and education sectors, the overall number of skilled professionals is too low to meet the need of the growing population; there are not enough staff nor is training adequate, either initially or on a continuous basis. The geographical spread of staff is also uneven and problematic, as many are concentrated in urban areas for reasons related to insecurity or financial interest. The inability of service providers to recruit appropriate staff results in lower quality services, especially in the rural areas.

In education, classes are organized in three or four shifts per day, to maximize the number of students attending classes, which are delivered by too few teachers. As a result, the number of school hours per child is too low and the numbers dropping out increase. Training and availability of teachers is also limited, especially at the secondary level.²³ In health, Afghans frequently report low levels of trust in the skills of medical personnel, resulting in greater preference for the private health sector which is much more costly. This has an important impact on the poorest families, who are forced to incur debts, delay, or simply decide not to receive care.²⁴

Corruption and poor management also contribute to the low quality of services. Infrastructure and operating materials/supplies are also often lacking, inappropriate or in poor condition. There are still too few school buildings many of which are in poor conditions; textbooks that are supposed to be freely available often are not. Teachers, whose pay levels are too low, often have other jobs to boost their income, and are not always teaching the amount of hours that they should. In clinics, opening hours are often too few and facilities sometimes close without warning; doctors sometimes run their private practice during their official clinic time. Drugs and other essential medical devices are sometimes unavailable; or being sold contrary to the guidelines. Their quality is perceived to be poor by the population, with even instances of fake drugs reported.²⁵

Additional factors include policy design and implementation of national systems that are not fit for purpose, combined with financial problems. Guidelines, methodologies and policies that are not harmonized create confusion at field level and cause inequalities across areas. Bureaucratic processes in government prevent timely payments of invoices and slow down delivery. Inappropriate funding levels and mechanisms (in particular financial tracking) also prevent proper implementation according to guidelines. Finally, the lack of appropriate monitoring and evaluation of the actual delivery of services prevents authorities from adopting suitable measures to tackle the problems. For example, in the education sector, there are reports of inconsistent curriculums, inadequate complaints mechanisms, and delayed payments to teachers. In health, entire components of the BPHS/EPHS policies are not systematically implemented because the selection process for implementers focuses too heavily on costs and does not take into account quality criteria. As a result, medical specialties such as physical rehabilitation, mental health, nutrition, trauma and emergency care, and maternal and neo-natal health are lacking.

Awareness and inclusion: Despite major progress, levels of awareness among the population remain a concern. Indeed lack of knowledge and understanding of the need, use and availability of services reduces the potential positive impact that these services could have on the lives of the population. Sanitation and hygiene practices still need to be better understood and used; as does the importance of family planning, of proper food security at household levels, the need for close follow-up of pregnant women and newborn infants and the role of physical rehabilitation.

This is particularly the case for the most vulnerable and marginalized groups such as nomadic communities, people with disabilities, isolated minors, internally displaced persons and returnees, illiterate and excluded villagers, women, and ethnic minorities, who are often discriminated against and excluded from their communities and development programmes. They are also left out by many services, across all sectors, deliberately not targeted by implementers who fear higher costs and who lack technical expertise or they are forgotten due to improper policy implementation. As a result, they experience even less access to services compared to the overall population, perpetuating their marginalization and vulnerability.

Recommendations

The international community should:

- Commit to sufficient long-term funding, in particular in health, education and rural development, to ensure that progress made most recently is sustained and enhanced in the future. Programming should be

focused on meeting the current gaps and improving the overall quality of services, based only on the needs of the local population, and not working to a military and political agenda.

The Afghan government should:

- Focus on the overall quality of services by improving service delivery systems and policy implementation in the field. Specifically it should:
 - increase the number of services available in under-served areas to ensure adequate availability of services 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.
- Develop a realistic plan to improve human resources (quality, availability, needs-based, properly trained to deliver quality services, including for female staff and in rural/remote areas), resulting in improved coverage of services throughout the country, as per the needs of the population.
- Develop better monitoring and evaluation processes to collect proper data on services effectively delivered (and not the theoretical number of facilities available) and on existing gaps in meeting the needs of the whole population, including the most marginalized.

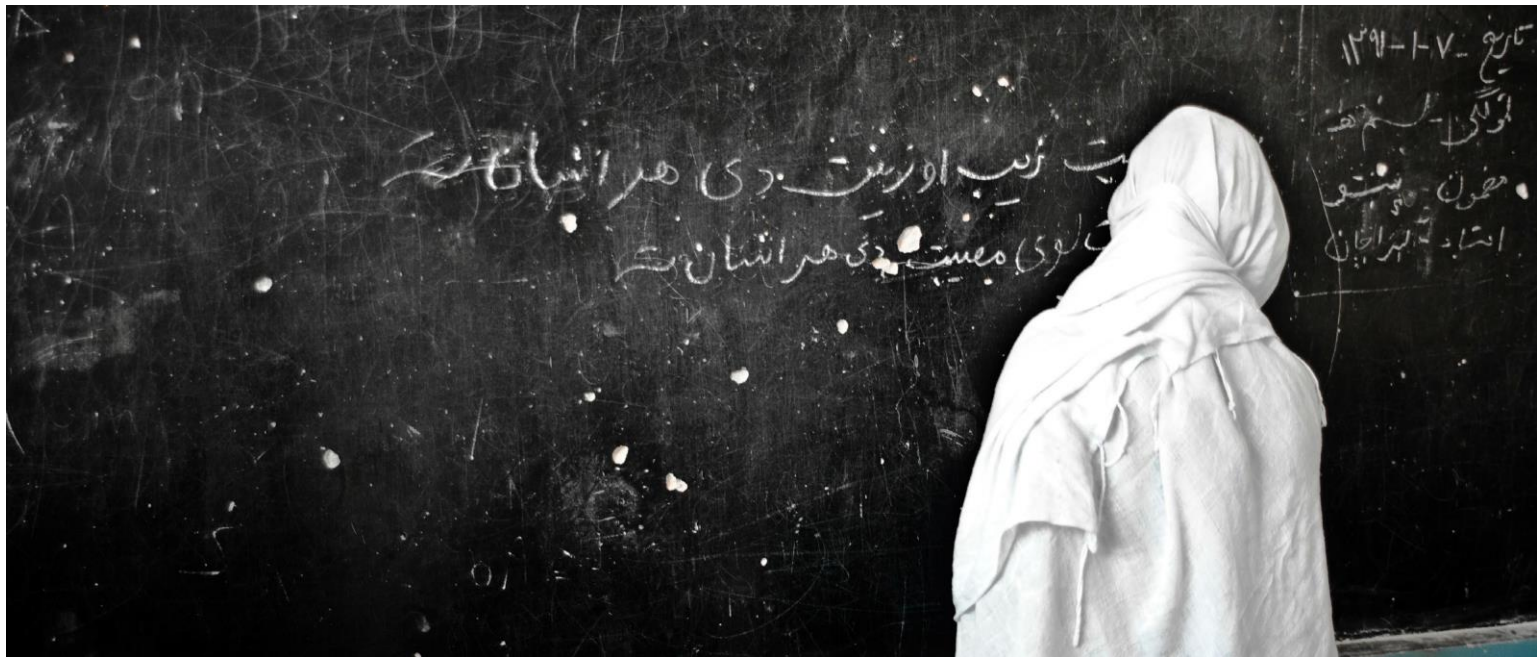
The Afghan government and the international community should:

- Focus on improving service delivery to the most contested and violent areas, where populations are disproportionately suffering from inadequate service provision. They should both:
 - Acknowledge the existence of humanitarian needs and support independent funding mechanisms and practical delivery of humanitarian aid to answer these needs, in particular for populations living in conflict zones. Ensure that such aid is delivered independently of political and military agendas.
 - 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.

- Ensure that financed and implemented services include the most marginalized and vulnerable groups to ensure a more inclusive development of Afghanistan.
- Ensure that, when situations allow, projects are long-term based and sustainable, preferably using community-based approaches and support to civil society, in order to be more inclusive of the opinions and needs expressed by the population itself. This will maximize long-term impact, acceptance, and will support the development of an open and dynamic society.
- Support livelihoods which is at the core of rural development activities, in particular through income-generating activities, increased access to credit and provision of technical expertise, in order to tackle poverty at its source and improve resilience of the most vulnerable, such as small and poor farmers.

Endnotes

- 1 Central Statistics Organization (CSO) of the Government of the Islamic Republic of Afghanistan, 2011–2012. National Risk and Vulnerability Assessment (NRVA). <http://www.af.undp.org/content/dam/afghanistan/docs/MDGs/NRVA%20REPORT-rev-5%202013.pdf>
- 2 World Health Organization (2012). Trends in maternal mortality: 1990 to 2010. WHO, UNICEF, UNFPA and World Bank estimates. https://www.unfpa.org/webdav/site/global/shared/documents/publications/2012/Trends_in_maternal_mortality_A4-1.pdf
- 3 As reported by the Afghan government to the United Nations Human Rights Council in the Report of the Working Group on the Universal Period Review, Afghanistan, 2014. http://www.upr-info.org/sites/default/files/document/afghanistan/session_18_-_january_2014/a_hrc_26_4_e.pdf.
- 4 UN data: Children under five mortality rate per 1,000 live births, based on sources from the Millennium Development Goals database and the United Nations Statistics Division: <http://data.un.org/Data.aspx?d=MDG&f=seriesRowID%3A561>
- 5 Note from the author: with major uncertainty in the Southern provinces. National Risk and Vulnerability Assessment (NRVA). Central Statistics Organization (CSO) of the Government of the Islamic Republic of Afghanistan, 2011–2012. <http://www.af.undp.org/content/dam/afghanistan/docs/MDGs/NRVA%20REPORT-rev-5%202013.pdf>
- 6 Afghan Public Health Institute (2010). Afghanistan Mortality Survey Final Report, 2010. Afghan Public Health Institute, Ministry of Public Health; Central Statistics Organization, Afghanistan; http://pdf.usaid.gov/pdf_docs/Pnadx690.pdf
- 7 L. Bethke, (2012) Primary and Secondary Schooling Sub-Sector Report. Education Joint Sector Review 1391/2012. <http://anfaae.af/wp-content/uploads/2013/11/2012-06-19-FINAL-primary-secy-clean.pdf>
- 8 As reported by the Afghan government in the Report of the Working Group on the Universal Period Review, 2014. http://www.upr-info.org/sites/default/files/document/afghanistan/session_18_-_january_2014/a_hrc_26_4_e.pdf
- 9 Ibid.
- 10 UNICEF (2014). State of the World's Children 2014. <http://www.unicef.org/sowc2014/numbers/documents/english/EN-FINAL%20Table%205.pdf>
- 11 Asian Development Bank (2003). A New Start for Afghan Education. April 2003. <http://datatopics.worldbank.org/hnp/files/edstats/AFGstu03.pdf>
- 12 Central Statistics Organization (CSO) of the Government of the Islamic Republic of Afghanistan, 2011–2012. National Risk and Vulnerability Assessment (NRVA). <http://www.af.undp.org/content/dam/afghanistan/docs/MDGs/NRVA%20REPORT-rev-5%202013.pdf>
- 13 According to the MoPH.
- 14 Estimate by the NGO BRAC <http://www.brac.net/content/afghanistan-education#.U7BErLdZrcc>
- 15 L. Bethke, (2012) Primary and Secondary Schooling Sub-Sector Report. Education Joint Sector Review 1391/2012. <http://anfaae.af/wp-content/uploads/2013/11/2012-06-19-FINAL-primary-secy-clean.pdf>
- 16 R. Rutting, (2013) Some things got better, how much got good? A review of 12 years of international intervention in Afghanistan. 30 December 2013. Afghanistan Analyst Network (AAN)
- 17 IPSOS and ICRC. Our World – Views from the Field: Summary report: Afghanistan, Colombia, Democratic Republic of the Congo, Georgia, Haiti, Lebanon, Liberia and the Philippines. Produced for ICRC. <http://www.icrc.org/eng/resources/documents/publication/p1008.htm>
- 18 UNAMA, Reports on the Protection of Civilians, 2007–2013. www.unama.unmissions.org/Default.aspx?tabid=13941&language=en-US
- 19 MSF (2014). Between Rhetoric and Reality: The ongoing struggle to access healthcare in Afghanistan. February 2014.
- 20 ACBAR (2013). 'Afghanistan Case Study – Access to HealthCare'. Unpublished briefing paper.
- 21 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977 (article 12).
- 22 UN, Children in Armed Conflict, Afghanistan profile. <http://childrenandarmedconflict.un.org/countries/afghanistan/>
- 23 MSF (2014). Between Rhetoric and Reality: The ongoing struggle to access healthcare in Afghanistan. February 2014.
- 24 IRIN News (2014). 'Stark choice for many Afghans, sickness or debt', June 2014. <http://www.irinnews.org/report/100295/stark-choice-for-many-afghans-sickness-or-debt>
- 25 MSF (2014). Between Rhetoric and Reality: The ongoing struggle to access healthcare in Afghanistan. February 2014.



Transforming Development Beyond Transition in Afghanistan: Women’s Rights Position Paper

“There have been many improvements at the policy level, however, these improvements need to be at the grassroots, so that all Afghan women can benefit. The international community should keep their commitments to women’s empowerment in Afghanistan, in order to sustain progress.” Hasina Safi, Director, Afghan Women’s Network

Progress since 2012

Significant gains have been made for women and girls in relation to education, access to health services, political participation and employment, and increasing awareness of women’s rights. Though substantial headway has been made, progress is still needed across Afghanistan, particularly in rural and remote areas. Moreover, transforming these gains into the reality of women’s and girls’ daily lives, in a sustainable way, has been a challenge. In sectors where there has been coordinated and collaborative action and efforts among different key actors, progress has been achieved and support garnered from communities to create a more enabling environment for women and girls to access services and exert their rights. In 2013, of the 15,169 Afghan schools in existence, 2,267 were allocated to girls, and among the 8.6 Afghan students, 3.4 were girls.¹ In the healthcare sector, the maternal mortality ratio dropped from 1,000 in 2000² to 327 deaths per 100,000 live births in 2013. Afghan women’s presence in the workforce ranges from 5 per cent in the security sector to at least 50 per cent of those working in the country’s independent media and civil society groups.³

Women’s participation in public life: Women have been participating in the political process at unprecedented rates, both by turning out for voting, and by running as candidates in presidential, parliamentary and provincial elections. Women’s participation in unofficial local governance and development bodies has also increased. An electoral law gives women equal voting rights and a quota system that provides that there must be at least two women represented in the *Wolesi Jirga* (Lower House) per province (68 of 250 members or 27 per cent). Women must also comprise at least 16 per cent of the *Meshrano Jirga* (House of Elders). The president, who appoints one-third of the membership, is required to make 50 per cent of his selection women. Thirty per cent of seats are reserved for women in parliament as are 20 per cent of provincial councils according to the new electoral law passed on July 15, 2013 by the *Meshrano Jirga*, as opposed to the earlier quota of 25 per cent.⁴

Challenges

Although change is happening, cultural norms are among the most pervasive and resistant to change in any society. Women's rights abuses are endemic in Afghanistan, with harmful traditional practices and violence against women persisting despite being illegal as a result of national policies, laws and international treaties. For progress to be made, donors must support organisations to implement holistic programmes that work at national, provincial and community levels. To secure and expand gains made in gender equality and women's rights, it will be necessary to reach out to rural and urban Afghans – both women and men – and to create an enabling environment.⁵

There has been a tendency to focus on the practical needs of women such as access to schools, income generation schemes, clinics and other infrastructure. This has resulted in providing access to services but has not resulted in positive change in status or position. It is therefore important to address service provision and rights-based programming. For women's rights organisations to continue to lead this change on the ground they need more than programmatic funding, they need core funding to support their existence and overhead costs so their long term sustainability is secured.

Lack of security and violence also remain one of the main barriers to women's access to services, realization of active and effective participation and improved quality of life. In a situation of prolonged armed conflict, violence seeps into all layers of society. Violence against women has continued to be a prominent concern for the last decade. Efforts have focused on raising awareness and building policy and legal frameworks, but the Afghan government's outreach and monitoring capacity cannot effectively deal with the scale of the problem, and women continue to face human rights violations and abuse.⁶

Women's access to justice and the security sectors: Afghanistan's justice system remains weak and human rights abuses are endemic within traditional justice systems. Despite Afghanistan having laws and legislation in place to protect the rights of women, such as the Elimination of Violence Against Women (EVAW) law, many discriminatory practices persist. Violations of women's rights are under-reported due to a range of factors, including social stigma, exposure to further violence/sexual harassment and a limited knowledge of rights. Reported violations are often handled through local systems, largely applying customary laws. For example, law enforcement and justice officials, including judges and prosecutors, often choose to resolve cases through mediation. Women also struggle to exercise other rights including housing, land, property and economic rights.⁷

The First Report by the Ministry of Women's Affairs on the EVAW law in Afghanistan was released in 2013. The report is a major step forward on monitoring violence

against women and represents the Afghan government's firm commitment towards implementing it. The report noted progress and continuing gaps in the enforcement of the law by police, prosecutors and courts. Commissions on elimination of violence against women (CoEVAW) have been established in 32 out of 34 provinces in Afghanistan and their terms of reference developed. Although they need to be further strengthened, their establishment in itself is an achievement.⁸

Women's presence in rule-of-law institutions has increased however this remains an area where attention is needed. There are now nearly 2,000 policewomen, compared to fewer than 500 in 2007. In 2003, when the Afghan Women Judges Association was created, there were 50 female judges; in 2012, membership had increased to 150, although the geographical spread is limited. These efforts have resulted in enhanced legal protections for women and should be built upon and embedded into Afghan governance structures and systems.⁹

Strengthening women's participation: Women have been participating in the political process, both in voter turn-out and by standing as candidates. Women's participation in local governance and development bodies has also increased. Women's participation in public life is at risk due to insecurity and threats against women's rights activists. Female candidates need more support and protection in order to stand for these reserved seats. Women's participation at grassroots level has increased, largely through the efforts of women's rights organisations, this work should be supported and fostered.

Afghanistan has developed a National Action Plan for the Women of Afghanistan (NAPWA) and is developing the National Action Plan (NAP) for the United Nations Security Council Resolution 1325 (UNSCR 1325). The Government of Afghanistan's NAP has been prepared and is being tested at the provincial level. Many donor countries have also referenced Afghanistan in their own NAP's, however more needs to be done in terms of coordinating the different commitments within NAP's to ensure that this translates into meaningful implementation of UNSCR 1325 in Afghanistan.

Although there has been progress in women's participation, only 9 out of 80 High Peace Council Members are women, and there have also been sideline discussions on the peace process organised without any women present. There is a need for women to be involved in each step of the transition process, especially concerning issues of security, peace and reconciliation. A holistic approach to women's political and socio-economic participation is needed to enable real change.

Supporting women's organisations to promote women's rights: Women's rights organisations are the vehicle through which meaningful change on women's rights will be achieved. These organisations should meaningfully

participate in the design, delivery and monitoring of relevant elements of the TMAF. It should be recognized that women's rights organisations are essential for Afghanistan's peaceful transition and that core funding should be available to them to ensure sustainability. Any initiatives should also build security and protection elements into their funding.

"The protection of Afghan women must be prioritized. Afghan women's rights activists should feel safe raising their voices and concerns"; Mary Akrami, Director, Afghan Women's Skills Development Centre (AWSDC)

Recommendations

Improving women's access to justice and the security sectors

- Conference participants should commit to the creation of an implementation plan for the 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 recommit at the Conference to:
 - Increase the number of women in Afghanistan's security and justice mechanisms;
 - Build the capacity of police, prosecutors, lawyers, judges on gender equality/protection of women; and
 - Establish an independent mechanism to assess progress on this. Space for discussion of how this should be achieved should be made in the main conference agenda alongside other priorities
- 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.
- The Afghan government and the international community should examine the root causes of gender inequality and violence faced by Afghan women and commit to implement culturally sensitive solutions which are contextually acceptable.

Strengthening women's participation

- 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 conference communique should commit all participants to the promotion of the effective participation of women at international, national and regional levels where the future and development of Afghanistan is to be discussed. Women should comprise at least 30 per cent of Afghan delegates at international gatherings.
- Conference participants should commit new funding to build the awareness and capacity of government officials and community leaders at all levels to promote women's political and economic participation. The conference communique should recognize and support additional programming to increase women's political, social and economic participation.

Supporting women's organisations to promote women's rights

- Conference participants should pledge significant new funding to Afghan women's rights organisations to directly support their vital lifesaving efforts. This should include new funding to support women's Civil Society Organisations to extend their pivotal role in providing information on and raising awareness of women's rights and legal protections in areas where illiteracy and poverty restrict women's access to information. Both project based and core funding is needed to ensure the essential role of women's rights organizations is sustainable.

Mainstreaming

- In addition to dedicated space in the Conference agenda for discussion of Afghan women's rights priorities, the agenda should ensure that issues affecting women, their concerns and perspectives, are raised across the entire agenda of the conference.
- Conference participants should commit to specific women's rights and gender equality policies and programmes in addition to committing to integrating women's rights and gender equality into all policy and programming.
- 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

- 1 United Nations Human Rights Council (2014): *Report of the Working Group on the Universal Periodic Review Afghanistan*. http://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Flib.ohchr.org%2FHRBodies%2FUPR%2FDocuments%2FSession18%2FAF%2FA_HRC_26_4_Afghanistan_E_IDrits.doc
- 2 World Health Organization (2012) Trends in maternal mortality: 1990 to 2010. WHO, UNICEF, UNFPA and World Bank estimates. <http://www.who.int/reproductivehealth/publications/monitoring/9789241503631/en/>
- 3 United Nations Human Rights Council (2014): *Report of the Working Group on the Universal Periodic Review Afghanistan*. http://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Flib.ohchr.org%2FHRBodies%2FUPR%2FDocuments%2FSession18%2FAF%2FA_HRC_26_4_Afghanistan_E_IDrits.doc
- 4 Afghanistan Analysts Network (2013) *Afghanistan's New Electoral Laws: Changes and red flags*, <https://www.afghanistan-analysts.org/afghanistans-new-electoral-laws-changes-and-red-flags/>
- 5 Afghanistan Research and Evaluation Unit (2013) *Women's Rights, Gender Equality, and Transition: Securing gains, moving forward*. <http://areu.org.af/Uploads/EditionPdfs/Transition.pdf>
- 6 *Ibid.*
- 7 Samuel Hall and NRC (2014) *Strengthening Displaced Women's Housing, Land and Property Rights in Afghanistan*. <http://womenshp.nrc.no/wp-content/uploads/2014/03/GlobalReportWHL.P.pdf>
- 8 Ministry of Women's Affairs (2014): *First report on the Implementation of the EVAW Law in Afghanistan*, Islamic Republic of Afghanistan. http://mowa.gov.af/Content/Files/EVAW%20Law%20Report_Final_English_17%20%20March%202014.pdf
- 9 *Ibid.*

Acknowledgements:

The production of these position papers would not have been possible without the support of all ACBAR members, in particular the Advocacy Working Group and civil society organisations. Particular thanks to the following authors: Aid Effectiveness, Governance and Summary: Liz Cameron (Oxfam Afghanistan), Service Delivery: Coline Grunblatt (Handicap International), Women's Rights: Shika Ghildyal (Swedish Committee for Afghanistan) and Nuria Beneitez (Actionaid), as well as Justine Piquemal and Marine Durand for their guidance and support.

Acbar is grateful to Oriane Zerah for allowing us to share some of her images.
All images © ACBAR



ENNA
European Network of NGOs in Afghanistan



TAWANMANDI
Strengthening Civil Society
in Afghanistan

peace winds
J A P A N



シビルソフィア
Civil Sophia



AAR Japan
Association for Aid and Relief, Japan

JVC
Japan
International
Volunteer Center