

Afghanistan beyond 2014: Elections, Political Settlement, Reforms *Recommendations from Afghan Civil Society*

As international troops begin to withdraw from Afghanistan, it is important to focus on strengthening the civilian component of international assistance beyond 2014. In order to discuss concrete recommendations for the various challenges facing Afghanistan, the **Heinrich Böll Stiftung** and the **Center for American Progress** held consultation workshops with a large group of civil society actors in Afghanistan in November 2012 and March 2013, and brought a delegation of Afghan civil society leaders to Washington, D.C. and New York City in February 2013. The delegates emphasized the important achievements made in Afghanistan over the past decade with international help, including in the education and health sectors, infrastructure, and human rights, particularly for women; they also noted the progress made in strengthening the rule of law, state institutions, media, and the private sector. The delegates discussed the important role that civil society aims to play in preserving the gains that have been made and in making further progress in their country's reconstruction through actively engaging with the Afghan government, the international community, and neighboring countries.

This paper offers recommendations from a number of Afghan civil society organizations in three critical areas of importance: the upcoming national elections in Afghanistan, efforts for a political settlement, and broader political reforms.

Upcoming Elections in 2014

After more than a decade of external assistance and intervention in domestic political affairs and decision making, the next presidential elections in 2014 will be a litmus test for Afghanistan's political culture. A peaceful transition of power could show that Afghanistan is on the right path towards being a more stable and democratic state.

Ensuring a Credible Election: The Independent Election Commission must be truly independent and comprised of a credible chairperson and commissioners, who are not hand-picked individuals close to the current political administration. International monitoring is important and should not be mistaken for interference by external actors. Observers should also come from Islamic countries in addition to the West, and Afghan civil society organizations themselves are eager to contribute to election monitoring across the country. International donors supporting the elections should insist on monitoring powers throughout the process. Finally, an independent and impartial election complaints mechanism with clear jurisdiction over final results should be established to ensure the credibility of the vote.

Guaranteeing Participation: The security situation will determine voter turn-out, especially in southern and eastern provinces. Women's participation will be most at risk if security cannot be provided. Therefore, international security forces should provide support for a secure environment during the elections. Article 61 of the Afghan Constitution stipulates that the presidential term expires at the first of Jawza of the fifth year after the elections. Considerations

should be given to delaying the date of the elections to late spring or summer 2014, as snow in April is likely to limit the mobility of voters in rural areas.

In general, the ["Declaration of Principles Proposed by Political Parties and Civil Society Organization for Electoral Process"](#), developed through the Free and Fair Election Foundation of Afghanistan (FEFA), and in cooperation with civil society, political parties and media organizations, highlights a set of detailed recommendations related to the upcoming elections.

In order to ensure a peaceful political transition in the years ahead, currently-armed opposition groups should participate in the electoral process if they meet basic redlines, including renouncing violence and respecting the Afghan constitution. The international community and the Afghan government should use their leverage to prevent internal and external actors from disrupting the election process.

Political Settlement

Engaging currently-armed opposition groups is crucial for a political settlement, provided that they renounce violence and respect the Afghan constitution. The opening of the Qatar office for the Taliban would be a positive step forward in providing them with more neutral ground to act independently in the negotiations. The international community should not only play a key role in overseeing the political settlement process, but also in ensuring that parties to a potential agreement meet their obligations.

Ensuring Inclusiveness: Inclusiveness in the political settlement process is an important requirement for a sustainable peace. Whereas the involvement of currently-armed opposition groups in the upcoming elections is crucial for the transformation of the violent conflict into a political contestation, the inclusion of non-armed actors in the political settlement is equally necessary. There needs to be a process which includes Afghanistan's most important stakeholders: the Government of the Islamic Republic of Afghanistan, armed opposition groups, political opposition, civil society in general (both modern and traditional) and women in particular. Funding for the peace process should be available to civil society organizations in order to provide a neutral platform for dialogue; the peace process should not be limited only to state-sanctioned bodies. Transitional justice needs to be a component of the political settlement process. However, it should be applied in a manner that is conscious of the Afghan context, including its timing and the instruments used. It should not be limited to the armed opposition only. Instead, all factions that have been involved in the Afghan conflict must be included in this process.

Reviewing the Role of the High Peace Council: The role of the High Peace Council (HPC) in this process needs to be reviewed, and its commitment to the peace process should be strengthened. The HPC has taken over many responsibilities unrelated to the peace process. It should only focus on a political settlement at the national level, and work in coordination with other bodies on the national and regional levels. Moreover, it should engage regional actors, and ensure transparency as well as accountability where possible. The role of provincial peace

councils needs to be more clearly defined. Afghan civil society organizations are willing to support activities that work towards a political settlement in the provinces and on the local level through a partnership with the HPC. The participation of civil society in a structured framework will increase the legitimacy of the political settlement process, by ensuring that basic liberties and democratic rights are not compromised. The international community should also support the participation of women in the process as well as in leading positions within the HPC.

Identifying a Neutral Party: Any peace process should be mediated by a neutral party. The Government of Afghanistan's document outlining parameters for negotiations does not mention if or how a regional or international body will be set up to monitor and enforce the outcome of negotiations and hold the parties accountable for stability and peace. It also has major deficits regarding the potentially constructive role Afghanistan's neighbors, especially Pakistan and Iran, can play in the process. Civil society can help identify an individual, group of individuals or organization that can help broker and mediate talks, especially on the community and grassroots level. Mediators could work in cooperation with the United Nations or another international body seen as neutral.

Strengthening a Regional and Long-Term Approach: In order to reach a regional consensus on Afghanistan's future, international negotiators need to reach out to Afghanistan's neighbors, especially Pakistan and Iran. The Istanbul process offers a constructive approach to find a regional solution. Pakistan should use its influence over the Taliban to ensure their participation in the political process and to enter into honest negotiations with the Afghan government. Due to the strained relations between the United States and Iran, non-American negotiators should facilitate Iranian cooperation. The partnership between the Afghan and U.S. governments needs to be strengthened, and the latter should demonstrate a desire for long-term strategic cooperation to ensure a stable Afghanistan with functioning institutions.

Broader Political Reforms

While there have been tremendous achievements by the Afghan government and the international community in providing basic services, reconstructing physical infrastructure, and strengthening an open market economy, people are not satisfied with the overall performance of the Afghan government.

Strengthening the Rule of Law: Many Afghans are frustrated with the corruption and burdensome bureaucracy of the formal judiciary system. Due to the non-functionality of formal judicial structures in many districts, people are left with no choice but to refer their disputes to informal structures, posing an increasing challenge to the legitimacy of the formal justice system. The formal sector needs to be strengthened in order to provide effective legal services, at least in those areas where they are available. A mechanism should be developed to make informal justice structures accountable for their decisions, especially when they are violating basic human rights, particularly those of women. Criminal cases should never be solved through informal structures. As the High Council of the Supreme Court's term is over, the Afghan government needs to appoint new members, including at least one woman in the new council.

International assistance to this sector should be conditioned on the performance of the Afghan government in this regard. It should specifically follow up on the implementation of legal frameworks to prevent violence against women in families and society in general. In addition, the Afghanistan Independent Human Rights Council is currently in a disappointing state - one seat is vacant and two commissioners are serving in an acting capacity out of five commissioner positions. Despite the fact that this body receives its main financial support from the international community, the latter has not taken any serious stand to ensure the proper functioning of this institution. It is highly recommended that international assistance to this institution be conditioned on the appointment of three new commissioners in accordance with the Paris Declaration, which stipulates the criteria and process for the selection of these commissioners, including the role of civil society in the process.

Fighting Corruption: Corruption has become a major impediment to good governance in Afghanistan. Internationally funded projects for fighting corruption are often too focused on raising awareness rather than real change. There should be more pressure on the Afghan government to fight corruption. The members of the Appointment Commission in the president's office, which is responsible for the appointment of deputy ministers and directors at all levels of government, should be replaced with new members who show exemplary performance and integrity. The Afghanistan Administrative Civil Service Commission should be strengthened as a non-politicized reform commission, and the head of this commission should be recruited based on merit, not political patronage.

Strengthening Transparency and Accountability: Continuous support by the international community for both state institutions and civil society is essential. However, a mechanism should be established to hold the Afghan government accountable for their performance. The implementation of the Tokyo Mutual Accountability Framework is crucial in this respect. Overall, the implementation of development assistance should be shifted increasingly to local organizations, institutions, and entities. Provinces should have a more significant role and responsibility in Afghanistan's reconstruction, so they can become more engaged in the process and have more ownership in the reconstruction of their country. The current centralized system should be reformed to increase the responsibility and authority of the provinces, i.e. delivering basic services. The national government should take on the role of monitoring and controlling the provinces' performance, and the national and provincial governments should be mutually accountable to each other. At the same time, a mechanism needs to be established that prevents armed opposition groups and political entrepreneurs from utilizing decentralized structures for their own interests. One important component of this is ensuring access to information by state actors, and in general recognizing the role of civil society.

Natural resources, especially the extractives sector, are turning into another source of conflict in Afghanistan. The question of who has access to and control over resources is vital; former conflicting parties are already involved at all levels. Furthermore, interference in this sector by Afghanistan's neighbors is visible. There needs to be a proper system of control, transparency, and accountability put in place in line with appropriate legal frameworks, e.g. the mining law. The possible negative social and ecological impacts of mining should be taken into account, and complaint mechanisms for communities need to be put in place accordingly. The adherence to

the guidelines of the 'Extractive Industries Transparency Initiative', of which Afghanistan is an applicant member, needs to be increased. This applies also to the Ministry of Mines. In general, contracting procedures should be reviewed and made more transparent and oversight be improved across all sectors.

The Way Forward

Overall, ***supporting a pluralistic and open society*** is essential for a sustainable and inclusive political transition process. Afghan civil society and the international community should be partners in fostering a more democratic, secure and open society in Afghanistan. To ensure public engagement, participation, and monitoring of the development process, a safe space for democratic and civil society institutions and long-term support by the international community is required. Furthermore, the Afghan government should recognize civil society as an important actor in Afghanistan's long-term development.

Civil society actors themselves need to recognize the meaning of actual civil society representation beyond a focus on representation of organizations and their agendas; a focus on a culture of volunteerism without a focus on projects and organizational funding is vital. Civil society should respond to the needs of its people, who want peace and a functioning state that represents their interests, going beyond funding opportunities.

Afghanistan has once again reached a crossroads. Civil society can play an important role in making sure that the transition brings Afghanistan's diverse set of ethnic groups together in a process of peace and nation building. It is incumbent upon civil society, with the support of international community, to work for the nation and its people, showing a commitment to so many Afghans, who need a voice in the transition process and beyond.

April 2013

The following organizations contributed to these recommendations (in alphabetical order):

- Afghan NGOs Coordination Bureau (ANCB)
- Afghan Women Network (AWN)
- Afghanistan Civil Society Forum Organization (ACSFo)
- Afghanistan Independent Human Rights Commission (AIHRC)
- Afghanistan Research and Evaluation Unite (AREU)
- All Afghan Women Union (AAWU)
- Civil Society and Human Rights Network Organization (CSHRNo)
- Civil Society Development Center Organization (CSDCo)
- Cooperation for Peace and Unity (CPAU)
- Development and Humanitarian Services for Afghanistan (DHSA/TKG)
- Equality for Peace and Democracy (EPD)
- Free and Fair Election Foundation for Afghanistan (FEFA)
- Friedrich Ebert Stiftung (FES)
- Human Rights Research and Advocacy Consortium (HRRAC)
- The Liaison Office (TLO)
- Modern Education for Development
- Open Society Foundation for Afghanistan (OSA)
- Peace Training and Research Organization (PTRO)
- Research Institute for Women Peace and Security (RIWPS)
- United State Agency for International Development (USAID)
- United State Institute of Peace (USIP)
- Women and Children Research Foundation (WCLRF)

This project has been supported by

