

In the Name of God, the Most Merciful, the Most Kind



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Afghanistan: Emerging as a Regional Transit Hub

Afghanistan enjoys a unique geo-strategic, geo economic and geo political location in the region; its position in the ancient Silk Route, South Asia, having strategy and long borders with important countries like China, Iran, Pakistan and south Asian countries are the vital factors which can both serve as an advantage for the country. Realizing this potential requires the Afghan Government to develop an Afghan regional strategic economic engagement strategy. Such a strategy shall encompass specific measures to link the Afghanistan to the markets of South Asia, Middle East, Central Asia and China as a transit and transport hub. This strategy also shall have specific objectives to create synergy between Afghan strategic economic objectives with the relevant neighboring countries to change Afghanistan to an economic vital player that its economic security becomes an economic critical concern for its neighboring countries and beyond. Such an approach requires a vibrant and strong private sector in Afghanistan to act as an engine to lead the country and engage the region toward a strategic economic partnership. The Afghan government shall create an enabling environment for private sector development and support it strategically. One of the other vital prerequisites to enable Afghanistan to realize its economic goal is developing its transit and transport infrastructures. This initiative ensures that the country will have the required soft and hard infrastructures. To ensure successful implementation of this initiative, Afghanistan shall study the public private partnership strategies in Japan, Singapore, South Korea, and India and may other countries with successful lessons in this sector.

How to ensure Private Public Partnerships

Establish a clear, predictable and legitimate institutional framework supported by competent and well-resourced authorities.

A realistic institutional framework is the backbone of public-private partnerships; because it identifies the institutions and their roles and responsibilities. To ensure the overall cooperation among the various bodies, in is necessary to consult actively and engage with stakeholders as well as involving end-users in defining the project and subsequently in monitoring service quality. Active engagement and stakeholder's involvement face various barriers in our country and especially among the government institutions; these institutions usually create dis-synergy instead of creating synergy. In other words, they do not develop a mechanism to identify their common goals and build up partnerships around them. This negative approach stems out of poor cultural organizations that has deep roots in our social culture. To overcome this, it requires to change our organizational culture and address the root cause; the Afghan social culture.

Ensure that all regulations affecting the operation of Public-Private Partnerships are clear, transparent and enforced.

In the public sector, we face three main challenges in terms of the regulations. First, most of the regulations are either out of the dated; Second, they are not well tailored. In other words, they are either very poor or are very ambitious. The third, issue is that the Afghan government has not been able to enforce these regulations either due to lack of decisive political will or due to the lack of strong authority. As a result, we face lack of transparency and accountability in nearly all sectors, including transportation sector operations and its Public-Private Partnerships.

Strategic leadership

Transportation sector both in institutional framework and regulations implementation require a strategic leadership with a strategic vision. In addition, such a vision is mainly focused on long term achievements that calls for developing and implementing a realistic transportation strategy based on a long term vision; a vision that ensures the national interests of Afghanistan and acceptable for the current government and even the successor government; an complicated issue in Afghanistan that does not much realistic in the current political culture of the country. Afghanistan has a unique geo-political position in Asia. This not only can change Afghanistan to an active player in the region and beyond but also can change it to a regional transit hall. However, this has some prerequisites that shall be met by the Afghan Government. They include developing a realistic institutional framework, ensuring development and implementation of realistic regulations and a strategic leadership with a long term transit strategic goal ensuring the interests of all the Afghan citizens. Combining these three factors will ensure that Afghanistan will emerge not only as an active regional actor but also as the transit hub of the region as well.



No End to Gender Discrimination

By Hujjatullah Zia

Despite democratic system, the violation of women's rights and dignity is widespread in Afghanistan. Women have been left at the mercy of cultural restrictions and traditional mindset. The cycle of violence against women does not appear to stop, mainly in tribal belts. As a result, Afghan women suffer severely in some ways or the other.

Misogynistic view holds strong sway in traditional culture of Afghanistan, especially in the Taliban-dominated areas where women are treated as pariahs. The main causes of violence against women lie in the traditional perception on women in Afghanistan.

There are mainly three attitudes towards women in Afghan society:

Misogynistic view: That considers women inferior to men and their freedoms are curtailed and their rights and dignity are trampled upon, particularly in the tribal belts where tribal code of conduct prevails. In tribal areas, tradition outweighs both religious tenets and constitutional principles. That is to say, the decisions of tribal elders are highly respected by the locals. According to recent reports, seven women have been flogged in a desert court in, an act contrary to against religious and legal principles, in Takhar province. Democratic attitude: According to democratic perspective, men and women are equal and one must not be discriminated on the basis of their gender. There is no room for inhuman treatment, discrimination or degradation of men or women in democratic principles. Women should be able to exercise their rights and freedoms in a violence-free society.

The constitution which was approved in the post-Taliban Afghanistan is also based on democratic principles and considers equal rights for men and women. Article 22 states, "Any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden. The citizens of Afghanistan, man and woman, have equal rights and duties before the law." The constitution also recognizes the United Nations Charter and the Universal Declaration of Human Rights (UDHR) which consider men and women equal. The UDHR states, "All human beings are born free and equal in dignity and rights". It adds that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". Liberal attitude: Based on this view, women should be liberated not only from cultural restrictions but also from religious principles and moral standard. In other

words, there is no limitation for women's freedoms in liberal school of thought. In terms of women's rights and liberty, religious or moral values are disregarded in liberal mindset.

To view the first attitude towards women, it is against both constitution and religious tenets. Tribal council, which is rife in Afghanistan, has no legitimacy at all and tribal elders are not entitled to conduct desert court. This attitude stems from racial interpretation of religious tenets and Taliban-like mindset.

The third view is not supported by religious or constitutional principles, either. Considering limitless freedoms for women or liberating them from religious or moral values are against religious tenets and social norms in Afghanistan. Indeed, there should be no barriers before exercising rights and freedoms, but it does not necessarily mean that there is no boundary. A boundless freedom is supported neither in national laws nor in international instruments.

Democratic attitude towards women is widely accepted around the world. Afghanistan's Constitution is also based on democratic principles with taking Islamic tenets into consideration. The rights and dignity of women should be respected and protected. Similar to men, women must be able to play their social, cultural, economic, and political role in the society without being discriminated on the basis of their gender.

Although Afghan women have played a great role in the post-Taliban Afghanistan, they have faced a myriad of challenges in social and political life. The nascent democracy could not panacea their chronic problem - i.e. cultural restrictions, discrimination, and violence. The Taliban are still posing threat to women's life not only through carrying out terrorist attacks but also conducting desert court. In short, the Taliban are most likely to have a key role in conducting desert court. Hence, the ongoing violence against women is a strong blow to democracy.

The violation of women's rights is highly outrageous and it should come to an end. To reduce violence against women, religious scholars shall enlighten women's rights and dignity and on the basis of the true spirit of religion and denounce the misogynistic rehearsals and cultural restrictions exerted against them. They have to illustrate that cultural taboos must not outshine religious principles especially in terms of women's rights and freedoms. So, a campaign against ongoing violence by religious scholars and institutions will be highly productive.

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A Glance at the Rule of Law in Afghanistan

By Mohammad Zahir Akbari

According to a global study about the rule of law which carried out by the World Justice Project (WJP) in 113 countries, Afghanistan ranked 111th—ahead of only Cambodia and Venezuela. The rankings were determined on the basis of nine factors, including constraints on government powers, absence of corruption, open government, fundamental rights, order and security, regulatory enforcement, civil justice and criminal justice. However, the study focused on large cities while the rural residents have less access to the justice system rather than urban citizens. On the other hand, despite the widespread acceptance of Islamic law in Afghanistan, traditional practices always override both Islamic law and general law. In public universities, the legal education has been split into two faculties—one for law and one for Shari'a law. Since 2001, the number of law schools has increased and the number of law school graduates has also seen a rise. However, the teaching methods focus on rote review of the theoretical aspects of law, leaving students without the capacity to express thoughts, legal opinions, and conclusions; all practical skills they would require to become effective lawyers. In addition, the critical skill of legal writing, the primary way that information is distributed and recorded in courts and to and from lawyers, has been largely left out of legal education, until recently. Anyway, both laws are enacted to ensure justice, and protect the rights of citizens in a country. In fact, it is the rule of law that draws a distinction between human societies and wildlife, and provides a safe environment for people to live in. Laws on paper and without rule can never help societies. Based on reports, flaws and loopholes in Afghan laws, especially the Constitution, have also contributed to their increased violations. Some ambiguities and deficiencies in the constitution and other laws have given the transgressors a window to enjoy impunity, and have led to the blatant and rampant corruption in the judicial and justice institutions, where it has practically become a way of life. The main victims of the violations of the constitution and other laws are the poor Afghans, who no longer can tolerate the trend. National and international conventions have been widely violated in climate of impunity and frequent failure to investigate cases and bring those suspected of criminal responsibility to justice. It is said that 161 out of the total 162 articles of the Constitution have been contravened over the past few years; the only article which has not been violated so far is Article 21 of the Constitution that reads, "Kabul shall be the capital of Afghanistan". From human rights defenders, politicians, women activists, businessmen to a simple shopkeeper frequently confronted threats by known and unknown actors. Women participating in public life are at risk of violence than men because of different social reasons but violence against women are under-reported

in Afghanistan due to insecurity, lack of a functioning government or judiciary, and traditional practices which combined to discourage victims and their families from reporting violence. The government committed to take practical steps to improve women's participation in governance but not succeeded as expected. Other issue is lack of legal awareness, for example: The Afghan Labor Law which is recognized as one of very standard law to protect workers from discrimination and children from forced labor practices are not well known among Afghan citizens at the national or provincial levels. This is the important responsibilities of MoLSAMD to provide jobs and monitor governmental and non-governmental organizations to strengthen understanding, awareness, implementation, and enforcement of the all laws in Afghanistan. The Labor Law Guarantees citizens the right to work and receive fair treatment, equitable pay, pensions, and health and safety in the work place but Afghanistan is one most exploiting, unemployed and misemployed countries in the world. Generally, the grow of insecurity and criminal activity negatively affected the culture of lawlessness and impunity across the country. Taliban and Daesh terrorist groups successively attack to destroy the markets and kill innocent civilians. Thus, poverty criminal kidnap businessmen and burgle homes but government failed to take any fundamental measures. As result, the critical conditions intensified by further investment outflow, brain drain and increasing unemployment. However, Afghan government emphasize that they would use all means available against the terrorist group in reaction to those brutal attacks and recently created some hopes with newly approved Kabul security strategy. Finally, experts believe that the violation of laws in a massive scale underlines the need to convene the Constitutional Loya Jirga, and address all the existing flaws. Additionally, for the justice and equal implementation of laws, the law enforcement agencies should be strengthened, and become more independent because only law amendment cannot suffice. Howsoever, justice cannot be ensured unless there is rule of law. Afghans can no longer endure laws which are only meant to be enforced on the indigent, and which provide for the bribery of law enforcement agencies, and cannot help ensure justice. Luckily, most of new age group have realized the risks to tolerate worsening conditions of lawlessness, discrimination, violence, hatred and incompetency anymore. It is proven when the rule of law disappears we are ruled by the criminals and corrupt men. The more we tolerate lawlessness, the more we repress. It is never acceptable that the law can be used to justify tragedy, to keep things as they are, to make us abandon our ideas of a different world. Law is the path of liberty, and must open the pathway to progress for everyone. *Mohammad Zahir Akbari is the permanent writer of the Daily Outlook Afghanistan. He can be reached at mohammadzahirakbari@gmail.com*

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