

Briefing to the Security Council by Jan Kubiš, Special Representative of the Secretary General for Afghanistan, 19 December 2012

Mr. President, esteemed members of the Security Council,

I will shortly mark one year of representing the United Nations in Afghanistan. It is both a challenge and a privilege.

From Kabul, the international media's relentless depiction of Afghanistan almost solely as a place of conflict and terror is disconcerting. There are certainly problems and tragedy. I have met with those injured and bereaved. I have seen the stifling effect that fear and intimidation can have. However, Afghanistan today is about so much more.

In my travels around 22 provinces this past year, I have seen girls and boys getting an education unthinkable a decade ago; bustling and industrious towns and villages; and slowly but increasingly capable Government institutions with Afghans determined to take their destiny into their own hands.

Any transition is - by definition - a delicate period. Certainty and sustained partnership with Afghanistan is what is required now, ensuring that the Afghan people have the confidence to focus on building a better future.

The Chicago and Tokyo Conferences provided a solid foundation. Substantial international assistance was pledged through the transition period and the decade of transformation with spending in ways that reinforce Afghan sovereignty. The Government in turn committed to accountable, representative institutions, respect for human rights, and sound economic and development fundamentals.

Work in this quarter has focused on creating the systems and structures for policy dialogue between the Afghan Government and international community in meeting and monitoring commitments. I welcome the firm Afghan lead asserted in ensuring continued momentum.

The Steering Committee, which provides top-level political oversight and guidance in meeting Tokyo commitments, had a positive first joint meeting between

Government and development partners on 5 December focusing on elections and governance. The next meeting concentrates on subnational governance, public financial integrity and inclusive growth, essential to ensuring a sustainable transition process.

Endorsement of the Aid Management Policy, with agreed strategies for effective development assistance, was a key commitment made by the international community. This is expected to be agreed at January's Joint Coordination and Monitoring Board. The finalization of outstanding national priority programmes is also critical as vehicles for implementation of Tokyo commitments.

Sound and representative governance is central to the concept of transition and underpins sustainability. This includes a credible and widely accepted Constitutional transfer of power with the 2014 Presidential election. The perceived legitimacy of the outcome of this poll will have profound implications for stability across the region.

The Independent Election Commission has now named the date: 5 April 2014. Such clarity is important for political certainty and operational planning purposes. The second part of the electoral indicator is the development of a credible, robust electoral architecture by early 2013. Just as important as *what* is agreed is *how* it is agreed with commitment to a transparent, inclusive and consultative process.

Vital issues such as the electoral system, appointments to the management bodies, and a dispute resolution mechanism are currently the subject of vigorous debate. Consensus is best institutionally forged through the passage of legislation and I am closely following the progress of the two electoral laws which will require compromise on all sides.

The legitimacy of the electoral outcome will best be achieved by agreement amongst diverse stakeholders on the electoral framework. Therefore the lack of an inclusive process in the recent appointment of a Chief Electoral Officer was disappointing.

The Council of Minister's support for building a system of voter identification and eligibility based on two pillars - issuance of electronic national identity cards and a series of fraud mitigating measures - requires a coherent approach across Afghan

institutions, with strong Afghan leadership in driving implementation of the national ID programme. Such arrangements must respect and reinforce the different Constitutional roles and responsibilities of the various institutions including constitutionally mandated authority of the Independent Election Commission in the compilation and finalization of the voter list. They must ensure the broadest possible enfranchisement of Afghans across the country, create conditions for fullest possible participation of the Afghans, men and women on the Election Day through out the whole country.

Given the necessary realignment of electoral assistance, a UN Needs Assessment Mission made an initial visit to Kabul in December at the invitation of the Independent Election Commission. Led by the head of the Electoral Affairs Division, this is a formal process to evaluate the political and electoral environment, legal and institutional framework, and capacity and needs of electoral stakeholders.

Following a second visit in early 2013 the team will advise United Nations' leadership on appropriate parameters for support to Afghan led and managed electoral processes.

In ensuring the legitimacy of institutions, anti-corruption efforts are also high on the agenda. I welcome the Joint Independent Monitoring and Evaluation Committee's robust reporting on the Kabul Bank crisis. A public inquiry is a valuable step in public accountability. Decisive Government action to strengthen the country's financial sector is now required to ensure such events are never repeated.

Closely correlated with corruption is the corrosive effect of the narcotics industry. The increase in both cannabis and opium cultivation reported in this period must be a wakeup call, with the illicit economy being an active impediment to institutional development and sustainable growth. Greater attention to tackling this scourge – including by international donors – is required across all lines of effort, using also such platforms, like the Counter Narcotics CBM of the Istanbul Process.

Finally, on the issue of ensuring a sound institutional framework I note the protracted delay in making a number of senior appointments. This includes the Constitutional requirement for a new Chief Justice. Meanwhile civil society

continues to be concerned at the extended process in appointments to Afghanistan's Independent Human Rights Commission. Sound and effective leadership is essential to the continued credibility of this Constitutionally-mandated institution, its work having been widely recognized and respected over the last decade.

As was made clear at Tokyo, the protection of human rights is vital to state legitimacy and a cornerstone of sustained international engagement. The gains made over the last decade – particularly in the rights of women and girls - must be reinforced and expanded.

Progress in implementation of the Law on the Elimination of Violence Against Women can be seen over the last three years but application remains uneven. Only a small number of cases are ever reported. I am however encouraged at what appears to be increased confidence in approaching authorities – and successful prosecutions. UNAMA's human rights unit conducted research in 16 provinces over a year and found that in 470 reported cases of violence against women, prosecutors filed indictments in 163, with convictions in 100.

The challenges women taking an active role in public life still face were starkly highlighted in this period. On 1 December, Anisa, a young woman in Kapisa who was an active volunteer in vaccination initiatives was killed. Ten days later - on Human Rights Day - the acting head of Laghman's department of women's affairs was murdered, her predecessor having been killed a few months earlier.

Civilians overall are bearing the heaviest burden of the conflict. A steady rise in civilian casualties was recorded throughout the summer with a disturbing trend of civilians being increasingly targeted by different anti-government elements. Between 1 July and 31 October 1279 civilians were killed and 2112 injured – a rise of nearly a quarter on the same period in 2011 – with different anti-government elements accounting for 85 per cent of all civilian deaths and injuries.

At the end of the October during the Eid prayers a suicide bomber, who I understand was only 15 years old, killed 40 civilians, including six other children, in a mosque in Maimana in the north-west.

I travelled to Faryab immediately afterward to express in person my condolences and outrage at the targeting of civilians notably at places of worship. This was not an isolated incident but rather the seventh documented incident in a religious center so far in 2012. Tactics which deliberately or indiscriminately target civilians and places of worship violate every international legal and religious precept.

The Taliban leadership has reacted strongly to our assessments on civilian casualties. We stand by our verification systems and international legal definitions of civilians. The United Nation's role is an impartial one. Our reporting on issues of detention and Afghan Local Police has sometimes been difficult for the Afghan Government and international military forces.

To account fully and most precisely for all incidents regardless their perpetrators UNAMA has been investigating all claims including those presented by the insurgency. We continue to be ready to cooperate with all parties in order to contribute to the reduction and prevention of civilian casualties, to provide as precise and correct reporting as possible.

Reminding us all of the terrible legacy of war, an anti-tank mine from previous eras of conflict killed nine girls and injured two in Nangarhar Province on 17 December. Not so long ago Afghanistan was the most heavily mined country in the world but much has been achieved. Afghans - supported by the United Nations Mine Action Service – have cleared over 20,000 minefields since 1989. The recently endorsed extension for Afghanistan in meeting international mine-ban commitments includes a work plan to remove the remaining 4,500 minefields.

The opportunity for Afghanistan to become mine-free is now within sight. Sustained donor funding at current levels could enable Afghanistan to obliterate the scourge of landmines within six years. In orienting to the challenge I welcome Afghanistan's ratification of the Convention on the Rights for People with Disabilities on 18 September.

With Afghan national security forces increasingly to the fore, I welcome the Government's recent creation of civilian mitigation and tracking cell. This must be a priority for international resourcing and support. Oversight and accountability are vital to building the necessary trust and confidence in security institutions.

I welcome increased attention to the professionalization of the police with a law enforcement role distinct from the military in line with Tokyo commitments. The new Minister has reiterated the importance of community police initiatives in building public confidence. The 17 November meeting of the International Police Coordination Board underlining international support for such a vision.

National accord, reconciliation and peace are Afghanistan's greatest needs. The High Peace Council's work is enjoying renewed momentum following the positive visit to Pakistan, facilitated logistically by UNAMA. High-level engagement and concrete outcomes were highlighted in the joint statement. Consistent dialogue between the neighbours can now help build upon mutual understandings; facilitate peace and reconciliation efforts engaging also the insurgency.

Encouraged by the Afghan parties and in line with its mandate, UNAMA is ready to facilitate an inclusive intra-Afghan dialogue, eventually bringing the series of dialogue meetings to Afghanistan. On 8 and 9 December initial consultative meetings were held amongst diverse Afghan stakeholders to help define the focus, agenda, participation and modalities of such a process. The first track-II inter-afghan dialogue under the UNAMA umbrella is planned to take place in Turkmenistan in February 2013.

I welcome the Security Council Resolution 2082 with a strong role for the Afghan Government and with increased flexibility in the mechanism to secure travel ban exemptions for those insurgents that are willing to contribute towards these aims. Exploratory dialogue requires contacts with recognised interlocutors and this resolution establishes a less onerous means to ensure compliance.

Afghanistan is increasingly embedding itself in regional consultative processes partnership agreements and regional organisations. The Istanbul Process has moved into practical work on the agreed confidence building measures. Working through the issues together in the technical working groups has been a constructive process in itself in enhancing regional cooperation. I look forward to endorsement of implementation plans at the next senior officials meeting in Baku in February.

Afghanistan now enjoys observer status with the Shanghai Cooperation Organisation. In a new development UNAMA has also institutionalized dialogue with the organization to help seek support for stable Afghanistan within the region.

On security transition the Afghan Government is seeking to assert a greater lead to smooth these many associated processes and I urge cooperation from member states. Soon the start of the 4th tranche of security transition will be announced by H.E. President Karzai. Afghan authorities and communities need to be better engaged on Provincial Reconstruction Teams closures. So far communication and coordination on asset and tasks transfer has varied enormously.

International troop drawdown and the scaling down of some large-scale military-backed stabilization projects efforts will have substantial economic impacts. Attention is needed on the issue of sustainable livelihoods. Overall, sustainability of development gains is at risk because of weak and inadequate systems of sub-national governance, lack of support from the central level, capacity constraints and insufficient planning on the civilian side.

There have been some appeals to the United Nations to assume new functions and projects. However the very core of transition is that the Afghan Government is in the lead. This must be the first port of call. Where requested by the Afghan Government, the United Nations will look to assist. I emphasize however that tasks and efforts must be part of agreed Afghan national priorities and strategies and in line with United Nations' mandates and capacities. This should be viewed as an opportunity to rebalance the provision of development assistance, to better align with national priorities and strategies.

Amidst this, focus on building the sustainable development systems for the future, immediate humanitarian needs must not be forgotten. Afghanistan remains one of the poorest countries in the world and faces increasing humanitarian needs. I welcome the humanitarian country team's work in promoting a stronger, more coherent focus on these needs and building Afghan capabilities.

Contributions for this year's consolidated humanitarian appeal - at 48 per cent of the requested \$448 million - were disappointing. I hope donors will strength support in the coming year.

Most immediately, Afghanistan's harsh winter season presents great challenges in many parts of the country. I have been working with UN agencies to try and ensure the needs of the vulnerable will be met. In coordination with Afghan authorities

non-food items, including clothing and fuel, has been pre-positioned to meet needs as they arise from informal urban settlements to remote mountainous areas.

At the end of my presentation, I would like to thank the Permanent Mission of Germany under the leadership of Ambassador Wittig for their support and contribution to the work of all of us as the pen holder of the Afghanistan portfolio. I would also like to thank all the outgoing members of the Security Council for their support.

Thank you for your attention.