

1.1: Afghanistan's Rule of Law Policy and Legal Framework Instruments

Summary

This chapter introduces the following policy instruments produced by the Government of the Islamic Republic of Afghanistan that govern rule of law development:

- A. Afghanistan National Development Strategy (ANDS)
- B. Afghanistan National Justice Sector Strategy (NJSS)
- C. Afghanistan National Justice Plan (NJP)
- D. ANDS Prioritization and Implementation Plan Mid-2010-Mid-2013 (ANDS PIP)
- E. National Priority Program 5: National Program for Law and Justice for All

Introduction

In July 2007, the Government of the Islamic Republic of Afghanistan along with the Italian Government and the United Nations (UN) hosted the Rome Conference for Donor Countries on the Rule of Law in Afghanistan (Rome Conference). At the Rome Conference a consensus was reached by the Afghan Government and the international community on the strategic way forward for justice sector development.¹ As a result, several policy instruments were created that govern how the Afghan Government and the international community engage in rule of law development.² The governing framework document is the Afghanistan National Development Strategy (ANDS) finalized in 2008, which serves as Afghanistan's Poverty Reduction Strategy Paper for the government's development objectives. The National Justice Sector Strategy (NJSS) is a component of the ANDS setting forth additional development goals for the justice sector. The National Justice Programme provides an implementation plan for the ANDS and NJSS goals. At the Kabul Conference in July 2010, the Afghan Government presented the ANDS Prioritization and Implementation Plan (ANDS PIP) setting forth its security and

¹ See Rome Conference on the Rule of Law in Afghanistan, Joint Declaration:

<http://www.diplomatie.gouv.fr/fr/IMG/pdf/Romejointrecommandations.pdf>

² For a summary of justice sector development instruments prior to July 2007, see the Islamic Republic of Afghanistan, Afghanistan National Development Strategy (ANDS), Justice & Rule of Law Sector Strategy 1387-1391 (2007/2008 -2012/2013), Pillar II, Good Governance (March 2008), National Justice Program Background, Developments Prior to the Rome Conference, pg. 15. The ANDS Justice & Rule of Law Sector Strategy contains the National Justice Sector Strategy (NJSS) and the National Justice Programme (NJP). Hereinafter references to the NJSS and the NJP refer to this official document. A hard copy is available from the Afghanistan Research and Evaluation Unit (AREU), Library Catalog Call Number p353.409581 J96, 2008. A copy of the final unsigned version of the NJSS can be found at: <http://info.publicintelligence.net/AfghanNJSS.pdf>. No electronic version of the NJP was available at the time of this writing. For a more detailed discussion of prior efforts, see the International Institute of Higher Studies in Criminal Sciences' (ISISC), *An Assessment of Justice Sector and Rule of Law Reform in Afghanistan and the Need for a Comprehensive Plan* available at:

http://www.law.depaul.edu/centers_institutes/ihrli/pdf/rome_conference.pdf

development goals for the next few years, including goals for governance and rule of law. The ANDS PIP provided concept notes for 22 National Priority Programs (NPPs) covering a variety of development issues. The National Program for Law and Justice for All, often referred to as the NPP 5, is the primary NPP for rule of law development.

The commitment to the framework set out at the 2010 Kabul Conference has been reaffirmed at conferences in Bonn (2011), Chicago (2012), Tokyo (2012), and Kabul (2013). In 2012, the Afghan Government developed a strategy, *Towards Self-Reliance*, for sustainable growth and development to be implemented through the NPPs.³ The participants at the Tokyo Conference agreed to the Tokyo Mutual Accountability Framework, which provides a framework for mutual commitments and accountability towards Afghanistan's development goals through the transformation decade (2015-2024).⁴

The Afghanistan National Development Strategy

ANDS Vision for Afghanistan⁵

By the solar year 1400 (2020), Afghanistan will be:

- *A stable Islamic constitutional democracy at peace with itself and its neighbors, standing with full dignity in the international family.*
- *A tolerant, united, and pluralist nation that honors its Islamic heritage and deep aspirations toward participation, justice, and equal rights for all.*
- *A society of hope and prosperity based on a strong, private sector-led market economy, social equity, and environmental sustainability.*

Finalized in 2008, the ANDS is a five year strategy (2009-2013) and serves as Afghanistan's Poverty Reduction Strategy Paper.⁶ The Afghan Government developed the ANDS "to comprehensively address the security, governance, and development needs of Afghanistan."⁷ The ANDS sets forth "the strategic priorities and the policies, programs and projects for

³ Islamic Republic of Afghanistan, *Towards Self-Reliance: Strategic Vision for the Transformation Decade*, Tokyo Conference on Afghanistan, July 8, 2012: <http://www.thekabulprocess.gov.af/images/conferences/tokyo/Towards-Self-Reliance-27-6-2012.pdf>.

⁴ Tokyo Mutual Accountability Framework 2012: <http://www.thekabulprocess.gov.af/index.php/tokyo-framework/tokyo-framework>.

⁵ Afghanistan National Development Strategy (ANDS), p. i: http://www.embassyofafghanistan.org/documents/Afghanistan_National_Development_Strategy_eng.pdf

⁶ Ibid, Part I, Chapter 1: The ANDS: An Overview, p. 5.

⁷ Ibid, Part I, Introduction, p. 5-6.

achieving the [Afghan] Government’s development objectives.”⁸ It covers 17 sectors and six cross-cutting sectors, which are organized under three pillars: (I) Security; (II) Governance, Rule of Law and Human Rights; and (III) Economic and Social Development.⁹ (See Appendix A: ANDS Structure).

The ANDS Pillar II– Governance, Rule of Law and Human Rights - contains three sectors: 1) Governance, Public Administration Reform and Human Rights; 2) Justice Sector; and 3) Religious Affairs.¹⁰ The overall goal of Pillar II is to “strengthen democratic processes and institutions, human rights, the rule of law, delivery of public services and government accountability.”¹¹ The vision for the *governance* sector is to “establish a stable Islamic constitutional democracy where the three branches of government function effectively and openly, are accountable, inclusive and abide by the rule of law.”¹² The governance agenda focuses on anti-corruption, capacity building at the national and sub-national levels, and addressing the deprivation of women’s human rights.¹³

The Afghan Government’s vision for the *justice* sector “is an Islamic society in which an impartial and independent justice system delivers safety and security for life, religion, property, family and reputation; with respect for liberty, equality before the law and access to justice for all.”¹⁴ Within the ANDS, the role of the justice sector is expressed in three main goals: 1) to ensure improved integrity, performance and infrastructure of Afghanistan’s justice institutions in each province; 2) improve coordination and integration within the justice system, with other government institutions and civil society; and 3) improved justice practices and processes.¹⁵ The National Justice Sector Strategy, discussed below, was developed to fully articulate these goals.

⁸ Ibid.

⁹ Ibid, Part I, Chapter 1: The ANDS: An Overview, p. 5. The sectors include: Security; Justice, Governance, Public Administration Reform & Human Rights; Religious Affairs; Energy; Transportation; Water Resource Management; Information and Communication Technology; Urban Development; Mining; Education; Culture, Media and Youth; Health and Nutrition; Agriculture and Rural Development; Social Protection; Refugees, Returnees and Internal Displaced Persons; Private Sector Development and Trade. The cross-cutting sectors include: Capacity Building; Gender Equity; Counter Narcotics; Regional Cooperation; Anti-Corruption; and Environment.

¹⁰ Ibid, Part I, Chapter 6, Governance, Rule of Law & Human Rights, p. 61.

¹¹ Ibid.

¹² Ibid, p. 62.

¹³ Ibid.

¹⁴ Ibid, p. 65.

¹⁵ Ibid, pp. 63-64 and p. 65.

The Afghanistan National Justice Sector Strategy

In order to meet the ANDS goals, the Rome Conference mandated the development of a justice sector strategy and an implementation process.¹⁶ As a result, the National Justice Sector Strategy was developed.¹⁷ The NJSS integrates the ANDS goals as well as the individual institutional strategies of the Supreme Court (SC), Ministry of Justice (MOJ), and Attorney General's Office (AGO) that were presented at the Rome Conference.¹⁸ The NJSS uses a systems-based approach seeking to “strengthen the justice sector comprehensively, building and strengthening the institutions and systems that guide their relationships.”¹⁹ The NJSS “is designed to enhance [the] performance, integrity, transparency, efficiency and independence of [the] justice institutions.”²⁰ Although somewhat restructured from the ANDS, the NJSS Goals are described as follows:²¹

Goal 1 - Improved institutional capacity to deliver sustainable justice services focuses on improved functionality, competence and professionalism of the justice institutions that will enhance credibility and improve institutional arrangements for service delivery. It focuses on four main areas; administrative structure and information/operating systems, human resources development (including remuneration and professional education), and institutional and professional integrity, and infrastructure, transportation and equipment needs. This goal also integrates cross-cutting issues of gender, counternarcotics, international cooperation and anticorruption as well as special topics including national security, and counter terrorism and transitional justice.

Goal 2 - Improved coordination and integration within the justice system and with other state institutions focuses on linkages between critical areas of support necessary for the proper functioning of justice institutions that includes the legislative process, support for legal education and training as well as partner institutions in government and civil society.

Goal 3 - Improved Quality of Justice focuses on processes and practices in the justice institutions that will facilitate citizens' access to quality justice services. Specifically, it will address issues related to the availability of basic legal information to access quality justice by victims, witnesses, accused persons, civil litigants and other constituents of the justice system. Goal 3 is divided into three sections: criminal justice, civil justice and access to justice. Some of the

¹⁶ NJP, *supra* note 2, Part I, Background, p. 15.

¹⁷ NJSS, *supra* note 2.

¹⁸ *Ibid*, Chapter 1, Introduction, p. 1; *see also* NJP, *supra* note 2, Part I, Background, p. 13.

¹⁹ NJSS, *supra* note 2, Chapter 1, Introduction, p. 1.

²⁰ *Ibid*.

²¹ *Ibid*, p. 3.

key topics covered under this goal include reform of and coordination among criminal justice actors, streamlining of civil justice procedures and improved case management, improved standards of judicial education and training, the establishment of the Bar Association and a legal aid system throughout the country, and legal awareness and also to draft a policy for determining necessary principles and benchmarks for the decisions of Jirgas and councils. (for more details please see Annex I Policy actions Matrix)

The NJSS provides high level objectives for each goal along with broad strategies for reaching the objectives.²² For example, an objective described for the first goal is within five years 60 percent of all judges and prosecutors are to be trained on their respective ethics code and the trainings are to be incorporated into the Universities and *Stage* curricula.²³ The strategy to achieve this objective is for the justice institutions to “[e]stablish ethics and integrity units that will develop training material for the codes of ethics and will coordinate training.”²⁴ The NJSS does not, however, provide “specific guidance on the implementation of these strategies.”²⁵ Accordingly, the National Justice Programme was developed as the implementation mechanism of the NJSS.²⁶

The Afghanistan National Justice Programme

The National Justice Programme (NJP) is the implementing mechanism for the NJSS and is intended to be complementary to and interdependent with the NJSS.²⁷ The goal of the NJP “is to execute the strategic priorities in key justice reform areas in order to achieve the expected results of, and to arrive at the end state articulated, in the NJSS.”²⁸

The NJP is a complex, multi-faceted document laid out in four parts.²⁹ The NJP “identifies objectives and outputs associated with each of the expected outcomes articulated in the NJSS, and establishes mechanisms that will allow the Government and donors to define specific projects designed to achieve the outcomes.”³⁰ The mechanisms established by the NJP include

²² See NJP, *supra* note 2, Part I, Background p. 15.

²³ See NJSS, *supra* note 2, Chapter 2: Goal 1p. 12 (F.1(3) and F.2(B)).

²⁴ *Ibid*, p. 13.

²⁵ NJP, *supra* note 2, Part I, Background, p. 15.

²⁶ *Ibid*, p. 13.

²⁷ *Ibid*, Part I, Background, p. 15.

²⁸ *Ibid*, Overview, p. 15.

²⁹ Part I provides an overview of the NJP as a whole; Part II provides the NJP Logical Framework and Arrative Summary; Part III address ARTF funding for a justice project; and Part IV contains information on bi-lateral programs.

³⁰ NJP, *supra* note 2, Part I, Background, p. 15.

identifying responsible lead agencies, creating implementing bodies, funding sources, as well as monitoring and evaluation processes.³¹

The NJP is organized into six broad components that are linked to the three strategic goals of the NJSS. The six components are:³²

- A. The public can rely on effectively organized and professionally staffed, transparent and accountable justice institutions. (NJSS Goal 1)
- B. Justice institutions have access to infrastructure, transportation, equipment, and supplies adequate to support effective delivery of justice services. (NJSS Goal 1)
- C. Legal education and vocational training are adequate to provide justice professionals with sufficient know-how to perform their task. (NJSS Goal 2)
- D. Statutes are clearly drafted, constitutional and the product of effective and consultative drafting processes. (NJSS Goal 2)
- E. Justice institutions effectively perform their functions in a harmonized and interlinked manner. (NJSS Goal 3)
- F. Citizens are more aware of their rights and are better able to enforce them. (NJSS Goal 3)

The six components are “broken down into specific objectives, which are in turn associated with a variety of key outputs.”³³ The components, objectives, and key outputs can be viewed in the NJP Logical Framework and Arrative Summary found in the NJP Part II.

In addition to the matrices setting forth the priorities and actions needed to achieve the NJSS objectives, the NJP establishes a dual implementing structure – a policy-making structure and an operational structure. The policy-making structure is comprised of the Program Oversight Committee (POC), advised by a Board of Donors (BoD). The operational structure is the Program Support Unit (PSU). More information about the POC, BoD, and PSU can be found in Chapter 1.2. A full description is available in the NJP.

The NJP also addresses the various multi-lateral funding mechanisms that may support justice development activities including the Afghan Reconstruction Trust Fund (ARTF).³⁴ The “ARTF was established in May 2002 as a coordinated financing mechanism for reconstruction activities in line with Afghanistan’s national priorities.”³⁵ The ARTF has a three-tier governance structure consisting of the World Bank as Administrator; a Management Committee; and a Steering

³¹ The ANDS Appendix I – National Action Plan (2009-2013), provides a table identifying the responsible agencies for each policy action/activity. Excerpts for the Justice and Rule of Law Sector are provided in the NJP Part IV, Attachment 2(1). The ANDS Appendix II – Monitoring Matrix provides a table listing the indicators, baseline and targets for the benchmarks in each sector. Excerpts for the Justice and Rule of Law Sector are provided in the NJP Part IV, Attachment 2(2).

³² See NJP, *supra* note 2, Part II, Logical Framework.

³³ *Ibid*, Part I, Key Priorities, p. 20.

³⁴ *Ibid*, Part I, Funding Mechanisms, p. 27-31. The ARTF is one funding source for the NJP. Other multi-donor funding mechanisms include the Counter Narcotics Trust Fund (CNTF) and the Law and Order Trust Fund (LOTFA).

³⁵ *Ibid*, p. 27. Part III of the NJP provides a detailed account of the ARTF funding mechanism.

Committee (previously called the Board of Donors).³⁶ More information on the ARTF governance structure is provided in Chapter 1.2.

The ANDS Prioritization & Implementation Plan Mid-2010 – Mid-2013

The ANDS acknowledges that “the prioritization of activities should be seen as an ongoing process that adapts to changing circumstances.”³⁷ To address ANDS implementation challenges, in January 2010, at the London Conference on Afghanistan, the Afghan Government proposed a realignment of Ministries around thematic clusters to facilitate an integrated approach to progress. Five Ministerial-level clusters were created: Agricultural and Rural Development, Human Resource Development, Economic and Infrastructure Development, Governance, and Security.³⁸ Since their initial creation the Economic and Infrastructure Development Cluster has been divided into two clusters - the Infrastructure Development and the Private Sector Development.³⁹ In addition, the Security Cluster is sometimes referred to as the Peace & Reintegration NPP.⁴⁰

The Ministerial-level clusters were asked to prioritize the implementation of the ANDS agenda “to further the pivotal goals of national stability, job creation, economic growth, and representative and accountable governance.”⁴¹ The result is a two volume ANDS Prioritization and Implementation Plan Mid-2010-Mid-2013 (ANDS PIP), which establishes the framework for 22 National Priority Programs (NPPs) (see Appendix B & C).⁴² Concept notes for all 22 NPPs were presented at the Kabul Conference, where it was agreed that the concepts should “be developed into full-fledged program proposals.”⁴³ “Each proposal has the objectives/goals of the

³⁶ The Management Committee is composed of: the World Bank, the United Nations Development Programme, the Islamic Development Bank, the Asian Development Bank, and Afghan Government as an observer. *See* NJP, *supra* note 2, Part I, Funding Mechanisms, A: ARTF Structure, Mechanism and Financial Reporting System, p. 28.

³⁷ ANDS, *supra* note 5, Part I, Introduction, p. 6.

³⁸ ANDS Prioritization & Implementation Plan Mid-2010 – Mid-2013 (hereinafter ANDS PIP), Vol. I, Introduction, p. 11-12: <http://www.mfa.gov.af/ands-pip-english.pdf>.

³⁹ *See* Ministry of Finance, Islamic Republic of Afghanistan, National Priority Programs (accessed May 30, 2012): <http://mof.gov.af/en/page/3976>; *see also* The Kabul Process, Clusters/NPPs, Coordination (accessed June 21, 2012): <http://www.thekabulprocess.gov.af/index.php/clusters--npps/coordination>.

⁴⁰ *Ibid.* For more information on the Peace & Reintegration NPP, *see* Volume 8, Chapter 8.2: Legal and Policy Framework for the Afghan National Police.

⁴¹ ANDS PIP, *supra* note 38, Vol. I, Introduction, p. 11-12.

⁴² *See* The Kabul Process, Clusters/NPPs, Background (accessed January 25, 2014): <http://www.thekabulprocess.gov.af/index.php/clusters--npps/background/29-background>. ANDS PIP Volume 1 provides an explanation of the Ministerial-level cluster mechanism; outlines the overall budget for the NPPs; provides an overview of all major initiatives in each cluster; and maps intended outputs. Volume II contains summaries of the NPPs along with details of the outcomes and outputs for the individual programs and their budgets.

⁴³ *Ibid.* The Kabul International Conference on Afghanistan Communiqué: A Renewed Commitment to the Afghan People, (hereinafter Kabul Communiqué): <http://www.isaf.nato.int/images/stories/File/official-texts/Communique%20-%20Kabul%20International%20Conference%20on%20Afghanistan%20->

program as well as its components/sub-components, defines the strategy to achieve these objectives, contains a 3-years implementation plan with timelines, broad activities and outcome/output indicators. The detailed costing along with likely constraints to be faced and how to resolve them is also part of the proposals.”⁴⁴

It is important to note that the NPPs were developed by the Afghan Government and not the international community. The transition to fully Afghan-led development as well as Afghan-led security is referred to as the *Kabul Process*: “A path to an economically sustainable, socially vibrant and stable Afghanistan, led by Afghans for Afghans, supported by the International Community.”⁴⁵

The international community reaffirmed its commitment to support Afghanistan’s reform initiatives and the transition to Afghan leadership at the Kabul Conference.⁴⁶ The international community also agreed to realign development assistance to be within the NPPs as well as channel development aid through the Afghan Government’s budget.⁴⁷ These commitments were reaffirmed at the 2011 International Afghanistan Conference in Bonn, the 2012 NATO-Chicago Summit, the 2012 Tokyo Conference on Afghanistan, and the 2013 Kabul Conference.⁴⁸ In 2012, the Afghan Government developed a strategy, *Towards Self-Reliance*, for sustainable growth and development to be implemented through the NPPs.⁴⁹ The participants at the Tokyo Conference agreed to the Tokyo Mutual Accountability Framework, which provides a framework for mutual commitments and accountability towards Afghanistan’s development goals through the transformation decade (2015-2024).⁵⁰

The collapse of Kabul Bank delayed the development of the NPPs; however, all of the NPPs, except the National Transparency & Accountability Program, have been agreed upon.⁵¹

[%2020%20July%202010.pdf](#), should be read as a companion to the ANDS PIP. See ANDS PIP, *supra* note 38, Vol. I, Executive Summary, p. 10.

⁴⁴ See The Kabul Process, Clusters/NPPs, Background (accessed June 21, 2012):

<http://www.thekabulprocess.gov.af/index.php/clusters--npps/background/29-background>.

⁴⁵ The Kabul Process, Home (accessed June 21, 2012): <http://www.thekabulprocess.gov.af/>.

⁴⁶ The Kabul Communiqué, *supra* note 43, Preamble para. 3.

⁴⁷ *Ibid*, Principles of Effective Partnership, para. 8.

⁴⁸ See The International Afghanistan Conference in Bonn, 5 December 2011, *Afghanistan and the International Community: From Transition to the Transformation Decade*, Conference Conclusions:

https://www.cimicweb.org/Pages/Bonn_Conference_2011.aspx; NATO-Chicago Summit Declaration on

Afghanistan, 21 May 2012: <http://www.nato.int/cps/en/SID-918CF0AB->

[1EA85FB8/natolive/official_texts_87595.htm](http://www.nato.int/cps/en/SID-918CF0AB-1EA85FB8/natolive/official_texts_87595.htm); Tokyo Declaration, Partnership for Self-Reliance in Afghanistan,

From Transition to Transformation, July 8, 2012, para. 4: <http://www.thekabulprocess.gov.af/index.php/tokyo->

[framework/tokyo-declaration](http://www.thekabulprocess.gov.af/index.php/tokyo-declaration); and Senior Officials Meeting, Kabul, July 3, 2013:

<http://www.thekabulprocess.gov.af/index.php/conferences/tmaf-senior-official-meeting>.

⁴⁹ *Towards Self-Reliance: Strategic Vision for the Transformation Decade*, *supra* note 3.

⁵⁰ Tokyo Mutual Accountability Framework 2012, *supra* note 4.

⁵¹ See DOD Report on Progress Toward Security and Stability in Afghanistan, April 2012, p. 71:

http://www.defense.gov/pubs/pdfs/Report_Final_SecDef_04_27_12.pdf. See Report of the UN Secretary-General, The Situation in Afghanistan and its Implications for International Peace and Security, A/68/609, S/2013/535, 6

National Program for Law and Justice for All

The ANDS PIP Governance Cluster is comprised of: “The Supreme Court, Office of the Attorney General, Ministry of Justice, Independent Administrative Reform and Civil Service Commission, Independent Directorate of Local Governance, High Office of Oversight for Anti-Corruption, Afghanistan Independent Human Rights Commission, and [the] Ministry of Finance. The Ministry of Rural Rehabilitation and Development, the Ministry of Interior and the Controller and Audit Office [were] also represented in working groups.”⁵² Using a “whole-of-government effort,” the Governance Cluster identified five strategic objectives:⁵³

1. Focus on governance reforms and capacities;
2. Access to and delivery of justice;
3. Human rights and civic responsibilities for the population;
4. Strengthening governance systems at all levels; and
5. Transparency, accountability, and integrity of government and democratic processes and institutions.

In support of these objectives, the Governance Cluster proposed six NPPs:⁵⁴

1. National Priority Program for Financial and Economic Reform;
2. National Transparency and Accountability Program;
3. Afghanistan Program for Efficient and Effective Government;
4. The National Program for Local Governance;
5. National Program for Law and Justice for All;
6. Afghanistan Program for Human Rights and Civic Responsibilities.

The National Program for Law and Justice for All, sometimes referred to as NPP 5, is the primary NPP for rule of law development. The components of NPP 5 target “those parts of the legal system that are directly and immediately relevant to the way citizens experience the legal system and the rule of law.”⁵⁵ The components are aimed at increasing the justice institutions ability to deliver justice services and public access to justice and designed to reflect the goals of

September 2013 (hereinafter UN Report A/68/609), paragraphs 35 & 40: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N13/571/98/PDF/N1357198.pdf?OpenElement>; see also The Kabul Process, Clusters/NPPs, Cluster Archive (accessed January 25, 2014): <http://www.thekabulprocess.gov.af/index.php/clusters--npps/archive>

⁵² ANDS PIP, *supra* note 38, Vol. I, Building Good Democratic Governance and the Rule of Law, p. 15; see also ANDS PIP Vol. II.

⁵³ *Ibid.*

⁵⁴ *Ibid* Vol. I, pp. 15–16; see also ANDS PIP Vol. II.

⁵⁵ *Ibid*, Vol. II, Program Five: National Program for Law and Justice for All, p. 57. The National Transparency and Accountability Program and the National Priority Program for Financial and Economic Reform are discussed in Volume 4, Chapter 4.2: Afghanistan’s Anti-Corruption Policy and Legal Framework Instruments and Agencies. The Governance NPPs are not covered in this Primer.

the NJSS and the NJP.⁵⁶ The intent is for the components to “complement the delivery and execution of the NJP.”⁵⁷

The goal of the NPP5 is: “To restore the trust of Afghan citizens in the ability of the justice system to protect and defend their personal, economic, social and national interests through its demonstrated and faithful adherence to the rule of law.”⁵⁸ The NPP 5 has five components.⁵⁹ Within each component are various subcomponents representing distinct lines of effort.⁶⁰ “Specific activities contemplated by the Government are set out in the Implementation Plan . . . and reflected in the Indicative Budget.”⁶¹

National Priority Program 5: Law and Justice for All
Component 1: Legal reform and legislative effectiveness
1.1: More efficient internal processes for producing legislative documents
1.2: Ministries provide complete information for [General Directorate of the Institute for Legislative Drafting and Legal Research (LDD)] to produce strong legislative documents; improved public involvement
1.3: Improved public access to legislative documents
Component 2: Enhancing efficiency of the Justice Sector
2.1: Improved more widespread use and application of [the Case Management System (CMS)] and CMS-derived data
2.2: Improved awareness and use of [Alternatives to Incarceration (ATI)], improved inmate access to healthcare
2.3: Overall trial processes faster and more transparent
2.4: Improved inter-[Justice Sector Institution (JSI)] and external communications; increased voluntary court appearances
Component 3: Increasing meaningful access to Justice
3.1: Legal Aid Grant Facility fully operational
3.2: Improved JSI and public awareness of legal rights as evidenced by the increased use of the right to counsel
3.3: Increased application of systemic approaches to reduce violence against women lead to reductions in arrests and incarceration

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Government of the Islamic Republic of Afghanistan, Governance Cluster, National Priority Program 5, Law and Justice for All, Final Draft for Endorsement at the Governance Standing Committee, 23 June 2013, p. 5: <http://www.thekabulprocess.gov.af/images/npps/gov/GOV-NPP5-JFA.pdf>. The NPP 5 was endorsed on 29 June 2013. See UN Report A/68/609, *supra* note 51, para. 35.

⁵⁹ Ibid, p. 7.

⁶⁰ Ibid.

⁶¹ Ibid, p. 8.

Component 4: Building institutional capacity to strengthen Justice delivery
4.1: JSI personnel have clearer understanding of roles and responsibilities, with improved administrative performance and compliance
4.2: Improved investigation and evidence-based prosecution procedures and standards
4.3: Improved diversity, knowledge and skill-sets among prosecutors, judges and attorney
4.4: Improved awareness of Huquq and of Huquq skill-sets, capacity and use
4.5: Improved security for JSI personnel and infrastructure
4.6: Reduction in juvenile incarceration; improved outcomes for juvenile ex-offenders
Component 5: Increasing Physical Assets to Improve Justice Delivery Systems.
5.1: Increasing the availability of justice institutions nationally
5.2: Improving the infrastructure of the corrections system
5.3: Anti-Corruption Tribunals made operational

Resource List

Source Documents

- Afghanistan National Development Strategy (ANDS):
http://www.embassyofafghanistan.org/documents/Afghanistan_National_Development_Strategy_eng.pdf
- ANDS, Justice & Rule of Law Sector Strategy 1387-1391 (2007/2008 -2012/2013), Pillar II, Good Governance (March 2008). The ANDS Justice & Rule of Law Sector Strategy contains the National Justice Sector Strategy (NJSS) and the National Justice Programme (NJP). A hard copy is available from the Afghanistan Research and Evaluation Unit (AREU), Library Catalog Call Number p353.409581 J96, 2008. See <http://www.nzdl.org/gsdmod?e=d-00000-00---off-0areu--00-0---0-10-0---0---0direct-10---4-----0-11--11-en-50---20-about---00-0-1-00-0-0-11-1-0utfZz-8-00&a=d&c=areu&cl=CL5.9&d=HASH0129034c01bc78b700d8158f>. A copy of the final unsigned version of the NJSS can be found at: <http://info.publicintelligence.net/AfghanNJSS.pdf>. No electronic version of the NJP was available at the time of this writing.
- ANDS Prioritization and Implementation Plan Mid-2010-Mid-2013 (ANDS PIP):
<http://www.mfa.gov.af/ands-pip-english.pdf>
- Government of the Islamic Republic of Afghanistan, Governance Cluster, National Priority Program 5, Law and Justice for All, Final Draft for Endorsement at the Governance Standing Committee, 23 June 2013:
<http://www.thekabulprocess.gov.af/images/npps/gov/GOV-NPP5-JFA.pdf>.
- The Kabul Process: <http://www.thekabulprocess.gov.af/>

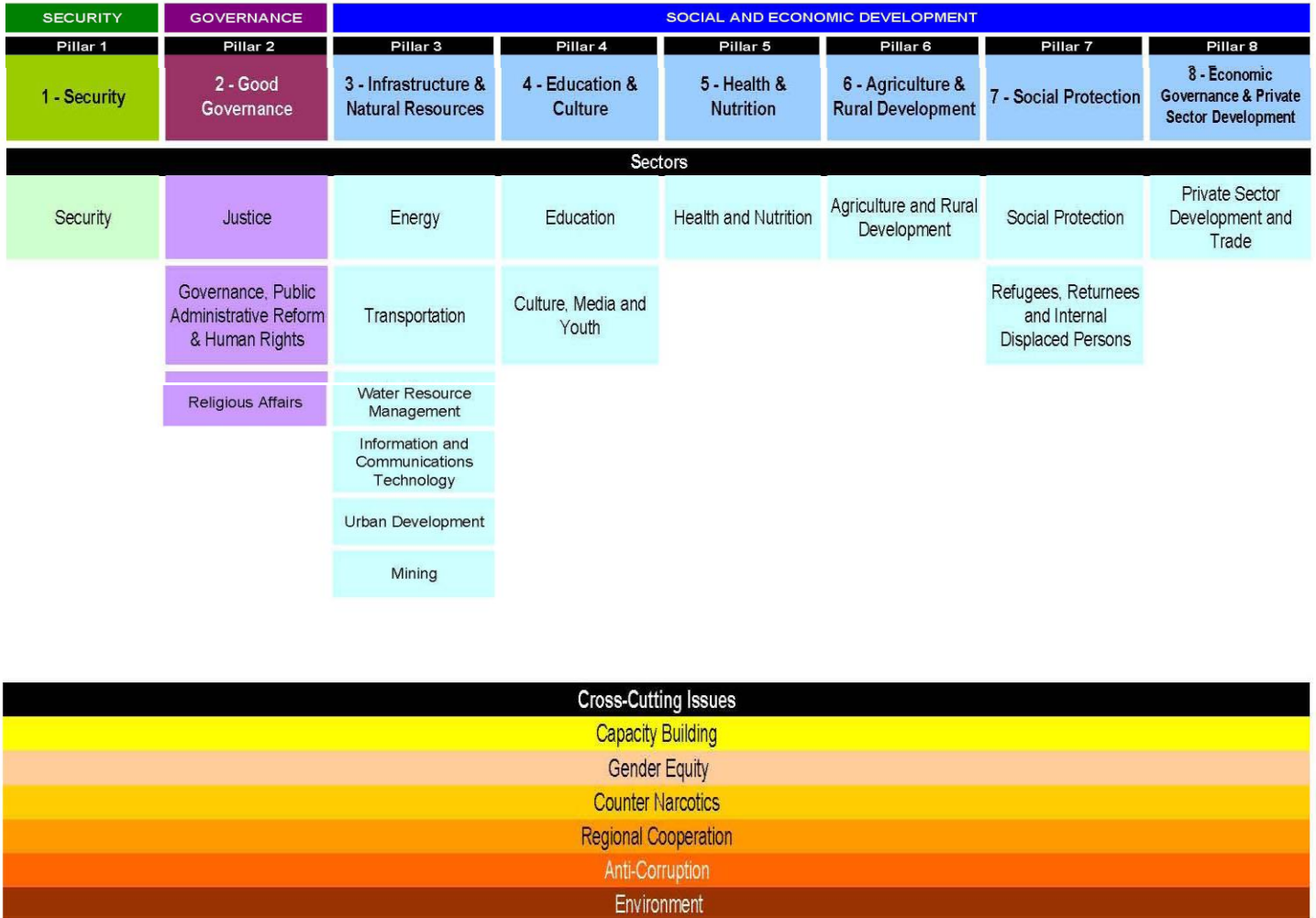
Other Resource Documents

- Tokyo Declaration, Partnership for Self-Reliance in Afghanistan, From Transition to Transformation, July 8, 2012: <http://www.thekabulprocess.gov.af/index.php/tokyo-framework/tokyo-declaration>.
- Senior Officials Meeting, Kabul, July 3, 2013:
<http://www.thekabulprocess.gov.af/index.php/conferences/tmaf-senior-official-meeting>.
- NATO-Chicago Summit Declaration on Afghanistan, 21 May 2012:
http://www.nato.int/cps/en/SID-918CF0AB-1EA85FB8/natolive/official_texts_87595.htm.
- The International Afghanistan Conference in Bonn, 5 December 2011, *Afghanistan and the International Community: From Transition to the Transformation Decade*, Conference Conclusions: https://www.cimicweb.org/Pages/Bonn_Conference_2011.aspx.
- Kabul Process: *Building Afghanistan from Within*, Government of Islamic Republic of Afghanistan, Kabul, Afghanistan, Dec. 2011:
<http://www.thekabulprocess.gov.af/images/JCMBdocs/17th/17.2The-Kabul-Process-Buidling-Afghanistan.pdf>

- *Kabul International Conference on Afghanistan Communiqué: A Renewed Commitment to the Afghan People* (Kabul Conference 2010):
<http://www.isaf.nato.int/images/stories/File/official-texts/Communique%20-%20Kabul%20International%20Conference%20on%20Afghanistan%20-%2020%20July%202010.pdf>
- The Afghanistan National Development Strategy Executive Summary:
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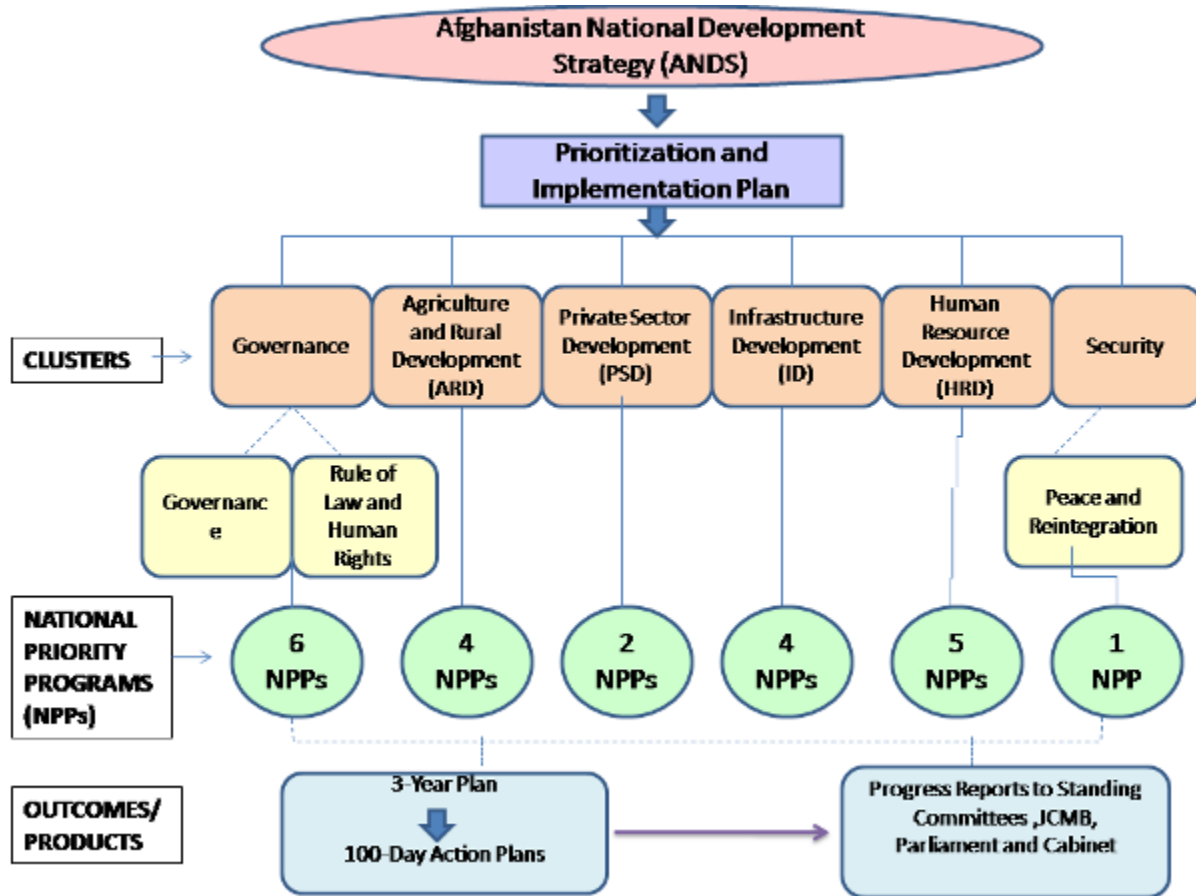
APPENDIX A:⁶²

Afghanistan National Development Strategy (ANDS) Structure



⁶² NJSS, *supra* note 2, p. XI.

Appendix B⁶³



⁶³ The Kabul Process, Clusters/NPPs, Coordination: <http://www.thekabulprocess.gov.af/index.php/clusters--npps/coordination>.

APPENDIX C: Chart depicts status as of December 2011, however, as of January 2014 all of the NPPs have been endorsed except the National Transparency and Accountability NPP.⁶⁴

Clusters and National Priority Programs Structure											
Governance		Agriculture & Rural Development		Private Sector Development		Infrastructure Development		Human Resource Development		Security	
1	National Financial and Economic Reforms	1	National Water and Natural Resources Development	1	Integrated Trade and SME Support Facility	1	National Extractive Industries Excellence	1	Facilitation of Sustainable Decent Work through Skills Development and Market-Friendly Labor Regulations	1	Afghanistan Peace and Reintegration
2	National Transparency and Accountability	2	National Comprehensive Agricultural Production	2	E-Afghanistan	2	National Regional Resources Corridors Initiative	2	Education For All		
3	Efficient and Effective Government	3	National Rural Access Program			3	National Energy Supply	3	Expanding Opportunities for Higher Education		
4	National Program for Local Governance	4	National Strengthening of Local Institutions			4	Urban Planning Technical Assistance Facility	4	National Action Plan for Women of Afghanistan		
5	National Law and Justice for All							5	Health for All Afghans		
6	National Human Rights and Civic Responsibilities										

Fully Endorsed

Endorsed in Principle

Proposal under Consultation and Development

⁶⁴ Kabul Process: Building Afghanistan from Within, Government of Islamic Republic of Afghanistan, Kabul, Afghanistan, Dec. 2011, p. 14: <http://www.thekabulprocess.gov.af/images/JCMBdocs/17th/17.2The-Kabul-Process-Buidling-Afghanistan.pdf>. The original chart cuts off the Governance NPP6. The full title is National Human Rights and Civic Responsibilities. See The Kabul Process, Clusters/NPPs, Background (accessed January 25, 2014): <http://www.thekabulprocess.gov.af/index.php/clusters--npps/background/29-background>.