

Open Government—A Long Way Ahead for Afghanistan

—A General Analysis on Action Plan 1 (2017-2019)

Parwiz Mosamim^{1,2}, Yogi Suprayogi Sugandi¹

¹Department of Public Administration, Universitas Padjadjaran, Bandung, Indonesia

²Journalist, Afghanistan

Email: Parwizmosamim8@gmail.com, yogi.suprayogi@unpad.ac.id

How to cite this paper: Mosamim, P., & Sugandi, Y. S. (2020). Open Government—A Long Way Ahead for Afghanistan. *Open Journal of Political Science*, 10, 106-123.

<https://doi.org/10.4236/ojps.2020.101008>

Received: December 5, 2019

Accepted: January 6, 2020

Published: January 9, 2020

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Abstract

The concept of Open Government has become very important for democratic countries since 2011. Governments are supposed to fundamentally transform information as well as data to citizens to become more openness and responsiveness. Democracy requires transparency, citizen's participation on policy making and accountability. This paper aims to focus on Open Government Partnership in Afghanistan. The recent report of OGP in 2019 shows that 79 countries and a large number of local governments are representing more than two billion people along with thousands of civil society organizations as members of the Open Government Partnership. Afghanistan joined OGP in late 2017. According to the OGP annual report in 2019, this country is at bottom of the list. This study found that Afghanistan still has a long way ahead to become a real Open Government.

Keywords

Open Government, Transparency, Accountability, Participation, Afghanistan, Democracy

1. Introduction

The concept of “Open Government” has been used for some time now. Efforts to make government more transparent are not new (Hansson, Belkacem, & Ekenberg, 2015).

The early discussions about the “Open Government” began at the end of 1990s. Dick Morris (later joined by Eileen McCann) worked on an interactive Website by the name of “Vote. Come”, which aimed to deliver public and critical issues to internet users. The Website created a golden chance for the citizens to

listen and read as well as to be heard by officials in the government (Baltador & Budac, 2014).

The new concept of “Open government” has started by the Obama’s administration in 2009. He signed a memorandum on transparency and Open Government. In it, he states: “My Administration is committed to creating an unprecedented level of openness in Government. We will work together to ensure the public trust and establish a system of transparency, public participation, and collaboration. Openness will strengthen our democracy and promote efficiency and effectiveness in Government.” (Baltador & Budac, 2014) In order to be transparent, the government data as well as the information should become a national asset in each member of OGP. The citizens have right to access to the update information. In another case, the public participation is a key at the policymaking process, because it shows the real interest of the government to work openly in different aspects. When there is a bridge between the citizens and the government, the public problems/challenges will be solved easily.

On the 20th of September 2011, at the 66th General Assembly of the United Nations, 46 countries including some states took part the inauguration program of the Open Government Partnership. It aimed to deliver the message of transparency, openness, accountability and citizens’ engagement internationally. The platform emphasized that the government, other stakeholders including the civil society activists as well as the journalists should work together to develop and implement the goals of the Open Government reforms (opengovpartnership.org).

In another definition, the open government concept does not only mean to focus so much on the technology, but on the interoperability, openness and participatory dimension which the technology might enhance, as well (Hansson, Belkacem, & Ekenberg, 2015). Open Government Partnership has a main vision to work closely with governments as well as countries from each corner of the world which believe in openness and transparency in their nations. The three Open Government pillars are: Transparency, accountability and Participation are very significant nowadays in the world. These aims cannot be done individually, but a togetherness support as well as commitment (The White House Office President Barack Obama, 2015).

Afghanistan’s National Unity Government leaders agreed to become a member of “Open Government Partnership” in late 2017. Afghanistan accepted 11 commitments to implement at the end of 2018.

2. Open Government Vision & Mission

OGP aspires to support both government and civil society reforms by elevating open government to the highest levels of political discourse, providing “cover” for difficult reforms, and creating a supportive community of like-minded reformers from countries around the world (Open Government Partnership, 2019). Now that OGP is established and has risen significantly in each corner of the world, the most focus is on how to bring changes in OGP membership countries regarding the commitments as well as the change in benefiting the citizens

(Open Government Partnership, 2019).

The three following ways are considered as the conditions for the OGP countries to deliver ambitious Open Government reforms:

- 1) Maintain high-level political leadership and commitment to OGP within participating countries;
- 2) Support domestic reforms with technical expertise and inspiration;
- 3) Foster more engagement in OGP by a diverse group of citizens and civil society organizations; in addition, OGP's Independent Reporting Mechanism (IRM) seeks to:
 - 4) Ensure that countries are held accountable for making progress toward achieving their OGP commitments.

Endorsed by the Steering Committee, the 2019 Implementation Plan is organized around five overall organizational priorities:

- 1) Provide world-class support to OGP national and local participants to support better and more inclusive co-creation, more ambitious Action Plans especially on thematic priorities and better implementation;
- 2) Advocate internationally for openness and democracy, including through OGP's first major campaign on gender and inclusion, and position OGP as fundamental implementation tenet to translate global promises into country action;
- 3) Support targeted learning, facilitate collective action, and strengthen partnerships to demonstrate greater ambition on OGP's thematic priorities;
- 4) Elevate OGP's research, learning and capacity building program and become a widely accessible resource for stakeholders across the partnership for knowledge and innovation;
- 5) Fasten OGP's core institutional functions to maintain and support the Support Unit and IRM in the areas of governance, finance/accounting, human resources, fundraising and technological infrastructure.

There are some clear methods and ways that governments can prove their commitments for openness as well as transparency. One of the easiest and helpful ways is from technology. The governments can work on some websites which deliver the governments' functions as well as the update data/information. OGP also aims to increase the capabilities and expectations for having better planet to live in. All the citizens around the world have right to choose their government and ask their government officials as well. A listener and responder government can only mime the trust of the people and democracy (Ii, n.d.).

3. Open Government Standards/Pillars

Open Government is a hot topic right now (Figure 1), but what does it really mean in practice? What should government be doing in the areas of Transparency, Participation and Accountability to qualify as "open governments"? What are the uses of new communications technologies, which really advance openness as opposed to merely perpetuating existing bureaucratic practices in a digital environment?

Transparency, Accountability and Citizens' Participation are the three significant



Figure 1. Open government pillars. Source: (Open Government Partnership, 2019).

pillars of the Open Government Partnership platform (Figure 1). The governments can be open and more transparent if they obey the pillars of the OGP in a correct way. All the commitments of the governments (member of OGP) should be implemented regarding the three above standards.

4. Literature Review

Over the recent years, the concept and term of “Open Government” has opened a very creditable space and has become extremely famous among the politicians as well as the policy makers since it is expected to bring international variety of benefits such as efficiency, effectiveness, transparency, accountability also a reduction in corruption and increased government legitimacy (Meijer, Curtin, & Hillebrandt, 2012).

The Government of the Islamic Republic of Afghanistan has joined the Open Government Partnership (OGP) in likeness with the Afghan Constitution, the National Peace and Development Framework (ANPDF), National Priorities Programs (NPPs) and Sustainable Development Goals (SDGs). Open Government Partnership is a many-sided contraption that aims to advance transparency, accountability and public participation in governments through the use of new technologies (Republic, 2017).

According to the Afghanistan Constitution, it obligates the state “to accept necessary measures for making of a firm and sound administration as well as good reforms in the administration system of the country”¹. The clear and main aim/goal of Afghanistan National Peace and Development Framework is to get “self-sufficiency”. Afghanistan government also tries to work hard on SDGs. The government aims to be more accountable and transparent for the citizens by getting the membership of OGP. From this way, the people will know that how much the government puts efforts to be open (Open Government Partnership, 2018).

Afghanistan National Action Plan (NAP) has been prepared based on the OGP guidelines in partnership with CSOs, private sector and public sector namely ministries and independent government agencies taking into consideration the SDGs, ANPDF, and NPPs (Republic, 2017)¹.

¹Ministry of Justice, Afghanistan Constitution, Article 50 & Afghanistan National Peace and Development Framework (1395-1400 Hijri Shamsi) Page 20.

Each of the NAP’s commitments, on the one side, is relevant with one or several values of OGP: transparency, accountability and public partnership and; on the other side, has relevancy with one or several National Priority Programs. For instance, the commitment to *Establishing special courts to address VaW crimes in 12 provinces of the country* is relevant with Justice Sector Reform Program; and *Developing the improvement and rehabilitation policy for unplanned areas at national level in public participation* has relevancy with Urban Development Program (Open Government Partnership, 2018).

5. Towards Open Government in Afghanistan Efforts, Achievements and Challenges

Afghanistan has recently adopted effective measures to enhance transparency, accountability and public partnership in formulation and implementation of national policies (Figure 2). A few examples of these countless measures are listed in Figure 2.

6. The Establishment Process of Open Government Partnership Afghanistan’s Forum and Formulation of National Action Plan

OGP-Afghanistan Secretariat reviewed the OGP documents and identified a working approach, as well as priorities and identification of challenges ahead. In addition, to ensure effective collaboration of non-governmental agencies including Civil Society Organizations information process of OGP Afghanistan Forum as well as preparation of National Action Plan, the key documents

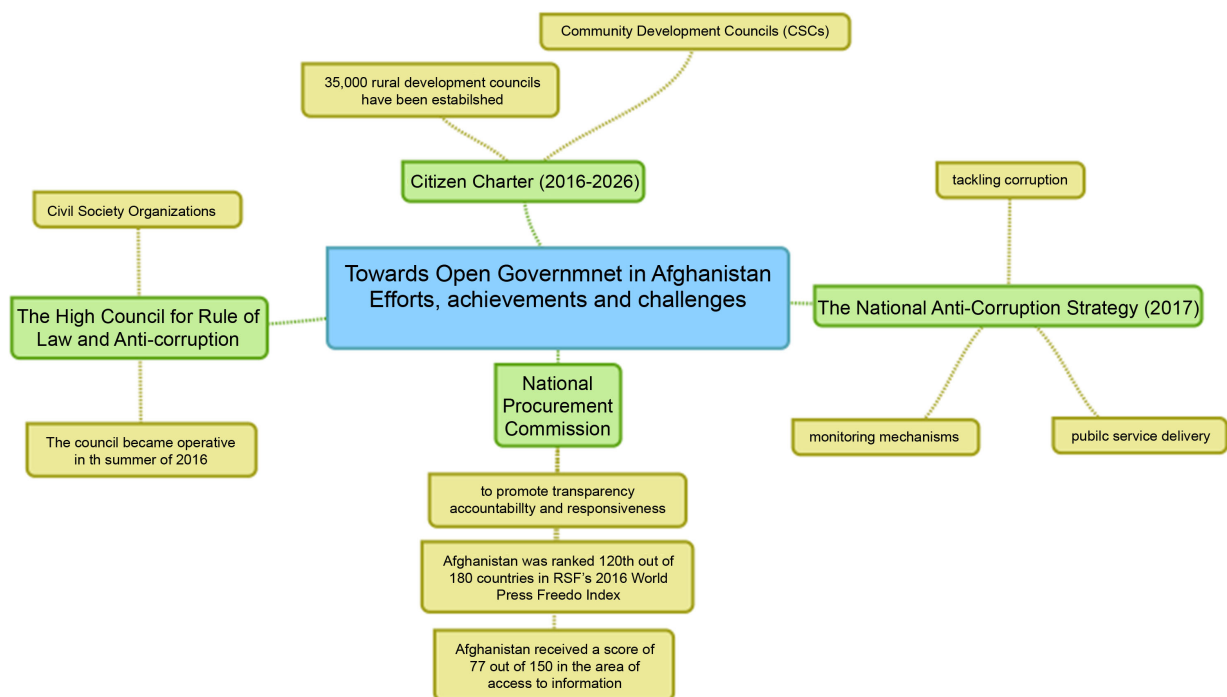


Figure 2. Afghanistan’s government efforts on OGP. Source: (Open Government Partnership, 2019).

namely 1) *Government Point of Contact (POC) Manual*, and 2) *Designing and Managing an OGP Multi-stakeholder Forum, A practical Handbook With Guidance and Ideas* were translated into official languages of the country and publicized.

7. NAP Commitments and Their Relevance to OGP Values and Afghanistan Development Strategies (ADSs)

Figure 3 shows that Afghanistan's Government has listed 11 commitments in terms of OGP Action Plan 1 (2017-2019). The government of Afghanistan makes itself responsible to maintain the above commitments in each corner of the country.

8. Research Method

This is a qualitative research which concentrates on secondary data. The researcher aims to find out the effectiveness and impact of "Open Government Partnership Afghanistan" according to different journals, previous interviews, Afghanistan National Action Plan 1 (2017-2019) as well as the annual report of Open Government Partnership in 2019. This is a description way of expressing the result of Afghanistan's commitments and finding out the challenges and offer recommendations.

No.	Commitment	Relevancy with OGP Values	Relevancy with ADSs
1	Revising and Implementing the Mechanism of Public Partnership in Inspection Process	Public Partnership, Transparency, Accountability	Effective Governance Program
2	Amendment of the Law on Processing, Publishing and Enforcing Legislative Documents (LPPELD)	Public Partnership, Transparency, Accountability	Justice for All
3	Establishing Special Courts to address VaW Crimes in 12 Provinces of the Country	Public Partnership, Transparency, Accountability	Justice for All
4	Developing Public-Police Partnership Councils	Public Partnership, Transparency, Accountability	Effective Governance Program
5	Registering, Publishing and Reviewing Assets of 100 High-ranking Government Officials	Public Partnership, Transparency, Accountability	Effective Governance Program
6	Developing and Implementing a Scheme for Establishing Health Service Accreditation Entity in Afghanistan	Public Partnership, Transparency, Accountability	Citizen Charter Program, Effective Governance Program
7	Developing Urban Improvement and Rehabilitation National Policy	Public Partnership, Accountability	Urban Development Program
8	Developing and Approving a Protection Policy for Women under Conflict and Emergency Situations	Public Partnership	Justice for all program and Human Rights
9	Developing and Implementing Civil Society Monitoring Plan for Transparency and Quality of Education and Higher Education	Public Partnership, Transparency	Human Resources Development Program
10	Preparing, Approving and Implementing the Plan for Establishment of Joint Committee of State Agencies and Civil Society for Overseeing the Implementation of Anti-Corruption Strategy	Public Partnership, Transparency, Accountability	Effective Governance
11	Evaluation of Information Units, Preparing the Plan to strengthen the Information Mechanism in 60 Governmental Agencies and its Implementation	Public Partnership, Transparency, Accountability	Effective Governance

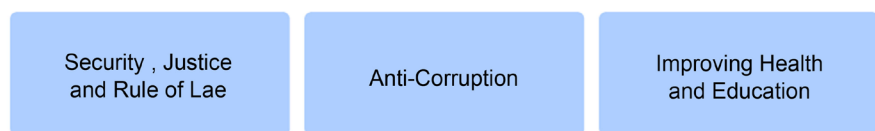
Figure 3. Commitments of National Action Plan 1 (2017-2019). Source: (Open Government Partnership, 2018).

9. The Results of the Open Government Partnership Afghanistan's Commitments Based on National Action Plan 1 (2017-2019)

Open Government Partnership with the help of IRM scores and evaluates the action plan of each country which is member of OGP to measure how much the governments could implement their commitments. However, Afghanistan has joined the OGP by the end of 2017 and it is a new experience for it, by the way this paper is aiming to find out the impact and effectiveness of Afghanistan's Government Commitments (Action Plan 1 2017-2019) regarding the scores of IRM that how much Afghanistan's government could implement its commitments?

According to the Open Government Partnership annual report in 2019 (Figure 4), it is visible that Afghanistan is still a new member and IRM concentrates to score its commitments according to Afghanistan National Action Plan 1 (OGPA). Now, we are discussing on commitments and scores which IRM gave to Afghan National Action Plan 1 (OGPA) and find out that which commitment was not scored well.

Anti-Corruption is one of the Afghanistan's Government commitments (Figure 5) to OGP. According to OGP annual report in 2019, Afghanistan's government could not implement its commitment well (Open Government Partnership, 2019). In the Beneficial Ownership (*Beneficial ownership is a term in domestic and international commercial law that refers to anyone who enjoys the benefits of ownership of a security or property, without being on the record as being the owner*), there is no data which shows the transparency and accountability of this indicator. Also, according to IRM score, there is no commitment



This member's first action plan is still pending an IRM assessment.

Figure 4. The general indicators of OPEN GOVERNMENT PARTNERSHIP. Source: (Open Government Partnership, 2019).

DIMENSION	ACTION IMPLICATION	THIRD-PARTY SCORE (0 - 4)	IRM-BASED FINDINGS				
			No Commitment	Commitment in this Area	IRM-Reviewed	Was Complete	Was Ambitious
ANTI-CORRUPTION							
Beneficial Ownership	No data	No data	✓				
Open Contracting	New Initiative	1.8		✓			

Figure 5. Two indicators which come from anti-corruption commitment. Source: (Open Government Partnership, 2019).

regarding this indicator. Just in Open Contracting, there is improvement and shows which Afghanistan's Government has commitment (Figure 5) however, the score is too weak. It means that Afghanistan's Government had commitment to sign the governmental contracts in front of media, civil activist and Afghans could be informed.

Discussion on Anti-Corruption Situation in Afghanistan

Corruption in its most general definition is the misuse of public trust for private gain and in that regard, it cannot exist without institutions designed to meet public or common interests. Much of the effort of the international community over the past eighteen years, with committed Afghan counterparts, has been to recreate these institutions after decades of war had destroyed them. During the two periods of Hamid Karzai's Presidency, Corruption became as a virus in Afghanistan's Government. There was not any transparency and accountability on International Support as well as in Government Contracts. Even, corruption was called as a culture in some governmental offices.

In 2017 and early 2018, Afghanistan's National Unity Government under the leadership of President Ashraf Ghani and Chief Executive Abdullah Abdullah continued to place a high priority on its anti-corruption reform agenda (UNAMA, 2018). In 2018 and early 2019, Afghanistan continued to pursue the implementation of anti-corruption reforms. While implementation challenges remain, the reform efforts have come a long way towards establishing a robust anti-corruption framework and dedicated institutions to implement it (UNAMA, 2019). In 2018, Afghanistan moved up Transparency International's Corruption Perception Index from 177 (in 2017) to 172 (in 2018) out of 180, showing some improvement². The index, which ranks 180 countries and territories by their perceived levels of public sector corruption according to experts and business-people, uses a scale of 0 to 100, where 0 is highly corrupt and 100 is very clean. More than two-thirds of countries score below 50 on this year's CPI (Corruption Perception Index), with an average score of just 43². It reveals that the continued failure of most countries to significantly control corruption is contributing to a crisis in democracy around the world. While there are exceptions, the data shows that despite some progress, most countries are failing to make serious inroads against corruption². It is visible that civil society activists and organizations continued to play a major role in monitoring, advancing and advising on anti-corruption reforms in Afghanistan.

The High Council for Rule of Law and Anti-Corruption

The High Council for Rule of Law and Anti-Corruption (High Council) was established by Presidential Decree on 17 August 2016.³ It is one of eight development councils listed in the Afghanistan National Peace and Development Framework (ANPDF),⁴ and is responsible for overseeing two National Priority Programmes, the National Justice Sector and Judicial Reform Plan (NJSRP) and the Effective Governance Programme.⁴

²See: <https://www.transparency.org/research/cpi/overview> (accessed on 2 February 2019).

³Decree 94 Regarding the High Council for Rule of Law and Anti-Corruption (17 August 2016).

⁴Afghanistan National Peace and Development Framework 2017-2021, Article 5.3.b (ANPDF).

Transparency International examines the political and economic costs and effects of corruption. Politically, corruption is described as an impediment to the development and sustainment of democracies (Figure 6); it causes the units of the democratic system to lose their credibility, legitimacy and accountability (Eray Basar, 2012).

Political corruption often receives the greatest attention due to its visible impact on political decision-making and good governance, but the pervasive and devastating impact of administrative corruption on the everyday lives of ordinary Afghan citizens receives far less publicity. Yet for the vast majority of the Afghan population, by limiting and distorting their right to access essential public services, hindering their chances of economic development and eroding their trust in government, justice and the rule of law, it is administrative corruption that is most keenly felt (UNODC, 2012).

The National Corruption Survey 2018 paints a very mixed picture with regards to progress in addressing Afghanistan’s key challenges including the fight against corruption. The findings of the survey point to some areas for cautious optimism. For example, since 2016, there has been an increase in the proportion of respondents that are either very satisfied or somewhat satisfied with the situation in their home province and a slight decrease in the proportion who feel the government has not done enough to tackle Afghanistan’s main problems over the past two years (Integrity Watch Afghanistan, 2014).

What SIGAR (Special Instructor General for Afghanistan Reconstruction) Recommends

Although the Afghan government has demonstrated progress in implementing its anti-corruption strategy (Figure 6), it still faces numerous challenges in

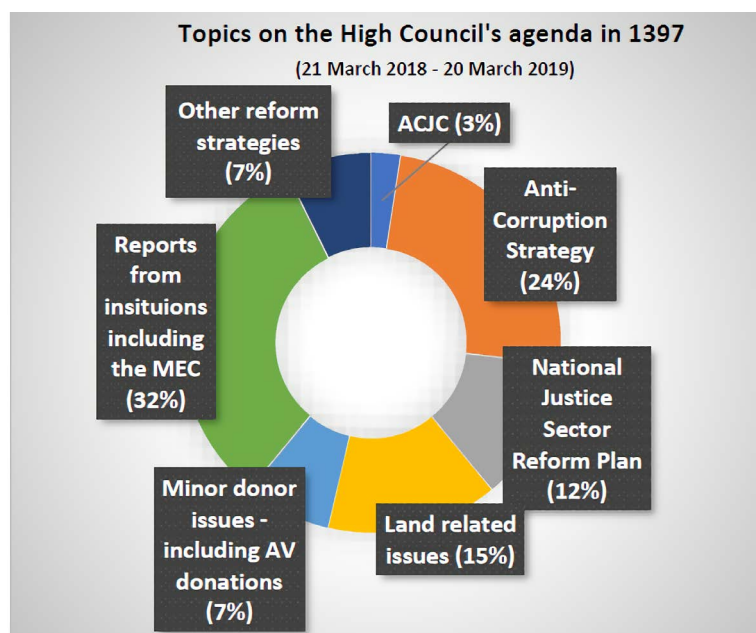


Figure 6. General topics of Afghanistan’s high council agenda 2018. Source: (UNAMA, 2019) 1397 (It is in Hijri-Shamsi Calendar which becomes equal to 2018).

combatting corruption. As of April 22, 2018, the Afghan government had met all three of its anti-corruption deliverables in the SMAF. However, it released its anti-corruption strategy late, and the government could have engaged more stakeholders to build ownership and ensure the anti-corruption strategy’s acceptability and effectiveness (Figure 7). Some international donors and anti-corruption organizations were included in the strategy’s development process, but many of Afghanistan’s line ministries, provincial governments, and civil society organizations said they were not given sufficient opportunities to provide input.

Some of these organizations are ones the Afghan government is seeking to reform. The Afghan government has encountered problems, and will continue to have difficulty achieving the strategy’s 66 anti-corruption goals because these goals lack realistic and precisely defined benchmarks for feedback. Furthermore, some relevant ministry and civil society officials indicated that the High Council did not solicit or incorporate their feedback when drafting these benchmarks. Because of these problems, of the 20 benchmarks that were due by February 28, 2018, the government had completed only 2 by that date (SIGAR, 2018).

Civil Society associations as well as civil society activists in Afghanistan during the last 18 years have improved, but the thing is that still there is not a clear definition of civil society duties and responsibilities in the community. In another case, still some people are not informed about it. Also, -Afghanistan’s government and civil activists **still do not have good communication and the voices of civil society activists’ were not heard well**. Afghanistan is considered as one of the most dangerous countries for Journalists as well. According to IRM scores (Figure 8), it shows that Afghanistan’s government put the first steps toward

Figure 1 - Corruption Prosecution Chain



Source: SIGAR analysis of Afghan legal procedures

Note: 5 million Afghanis is equivalent to about \$73,000. In practice, the ACJC can try cases valued at less than 5 million Afghanis if the defendant is a high-ranking civilian or security official. Sometimes, specialized anti-corruption units at the AGO investigate corruption cases before passing them along to the ACJC for further investigation and prosecution.

Figure 7. Afghanistan’s corruption prosecution chain. Source: (SIGAR, 2018).

CIVIC SPACE

Assembly	Consider Action	2.0	✓			
Association	Consider Action	2.1	✓			
Defending Journalists & Activists	Consider Action	1.4	✓			

Figure 8. Three indicators of civic space commitment. Source: (Open Government Partnership, 2019).

helping and collaboration with civil society activists as well as the Journalists, but the commitment does not exist (Figure 8). It means that Afghanistan's government just appears which stands by civil society activists and Journalists, but the action is different.

Discussion on Civic Space Situation in Afghanistan

According to Amnesty International report in 1999, civil society is largely equated with the so-called intelligentsia-professionals, politicians and artists with a background in the modern system of higher education (Harpviken, 2002). Under Afghanistan's previous UPR examination, the government received two recommendations on the protection of HRDs, journalists and civil society representatives. The government committed to ensuring that "any physical and moral harm against journalists or human rights defenders is subjected to an investigation and that those responsible are duly prosecuted"⁵ and to allowing "journalists, human rights defenders among all others to exercise the right to freedom of expression."⁶

Article 12 of the UN Declaration on Human Rights Defenders mandates states to take necessary measures to ensure protection to HRDs. The ICCPR further guarantees the freedoms of association, peaceful assembly and expression. However, despite these protections, the government displays flagrant disregard for the rights of HRDs (Participation, 2018). Afghan organizations and activists had been struggling with both the concept of civils society and how to Develop appropriate programmes. They have received little consistent, substantial or helpful international support as, although it was recognised that civil society could play a greater role in rebuilding a country, donors were at a loss about how to support this (Party, 2011).

A recent survey by "EU COUNTRY ROADMAP FOR ENGAGEMENT WITH CIVIL SOCIETY (AFGHANISTAN)" (Figure 9) has shown that the lack of government's support from the civil activist is still a big challenge.

Afghan Journalists' Situation

Journalistic Activities have been visible in Afghanistan since 1900. However, the last 4 decades Wars, political crises as well as Internal Tensions in the country did not let the media sector to grow and develop until today (Aydin, 2019).

One of the greatest and visible achievements of Afghanistan since 2001 is the growth of independent media networks. At the moment, almost 1000 media outlets are operating compared with only 15 in 2000 (Nai, 2014a). A large number of these new Radio and TV stations are privately owned. The statistics show that almost 12,000 people in Afghanistan are now busy (working) with private sector (Khalvatgar, 2014). But, saying this does not mean the media sector does not have challenges. Since 2001 more than 44 journalists have been killed in

⁵<https://www.voanews.com/a/un-urges-afghan-warring-sides-to-respect-hospitals/3203312.html>.

Recommendation from Belgium, Report of the Working Group, 4 April 2014, A/HRC/26/4 at para. 136.77:

⁶<https://daccess-ods.un.org/TMP/4859863.51966858.html>. Recommendation from Maldives, Report of the Working Group, 4 April 2014, A/HRC/26/4 at para. 136.80:

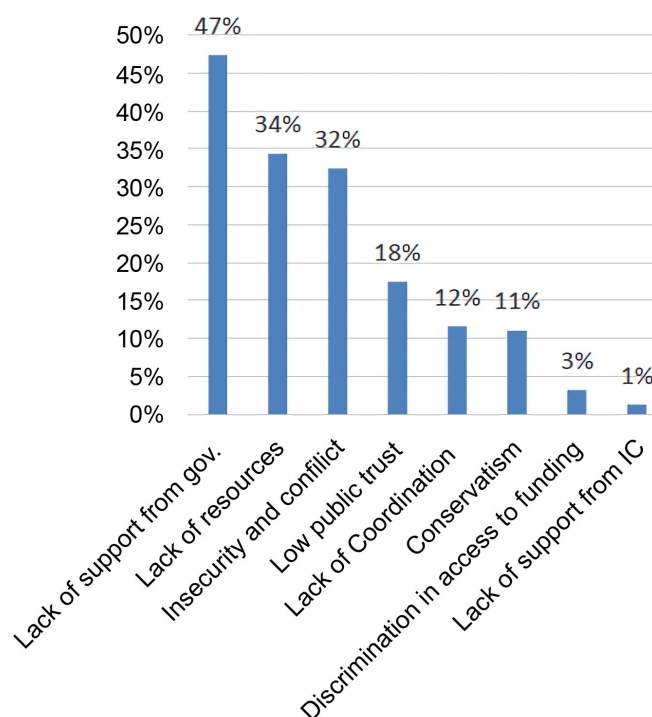


Figure 9. Main challenges for an enabling environment for civil society. Source: (DG-DEVCO, 2017).

Afghanistan, more than 450 violations against media have been recorded, and in most of these incidents the government was blamed (Khalvatgar, 2014).

In international human rights law, freedom of the media is one of the fundamental principles. The media plays a crucial role in exposing abuses of power, human rights violations, corporate malfeasance, and health and environmental crises, thus helping to ensure that the public is informed, that abuses are halted, that criminal perpetrators face justice, and that victims can seek redress (Freedom, n.d.).

Core international instruments emphasize the importance of a free press, such as article 19 of the Universal Declaration of Human Rights,⁷ and article 19 of the International Covenant on Civil and Political Rights,⁸ which Afghanistan ratified in 1964. Afghanistan has become one of the most dangerous countries in the world for journalists and media workers.⁹ In Reporters Without Borders' (RSF) Press Freedom Index for 2017, the country is ranked number 120 out of 180, the same as in 2016.¹⁰ Media workers receive threats from officials and face a situation where there is a lack of access to information to assure accurate reporting, not least on sensitive issues such as corruption.³ Extremists threaten journalists,

⁷Universal Declaration of Human Rights, G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948).

⁸International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc.

⁹<http://www.dailyinfographic.com/> 10-most-dangerous-countries-for-journalists Afghanistan is one of the ten most dangerous countries, based on statistics from 2000-2015. In 2017, it was ranked 3rd by RSF.

¹⁰<https://rsf.org/en/afghanistan> Accessed 20.10.2017.

as they increasingly want them silenced and their media closed (Eide, Khalvatgar, & Shirzad, 2019).

With this tough situation, still Media Networks and Journalist are active in Afghanistan. Afghanistan’s government has responsibility to take their security. Freedom of expression and development of Media in Afghanistan is called one of the biggest achievements of the government therefore; International Community also does not want Afghanistan to lose this achievement very soon.

The report also shows that Afghanistan’s Government was a kind of successful regarding the Open Policy Making (Figure 10). At least there is commitment from government to implement this section. However, still the IRM score is very low in Rules and Regulations (Figure 10). Afghanistan’s government needs to work more on national policy with the clear and visible participation of the people.

Most of the governments which are member of OGP have to share the data with the citizens. According to the international law, the citizens have right to know what is going on in the government and have right to know the information. Afghanistan however, has improved in Right to Information, but still there is no commitment in Open Data (Water/Sanitation) (Figure 11), Open Data (Health) and Open Data (Education). Unless the IRM score, the above picture shows that there is no commitment in the last three indicators therefore; it delivers the message of the government careless which was not able or did not want to share the data with the citizens.

Discussion on Access to Information Situation in Afghanistan

Afghanistan adopted an Access to Information Law in late 2014, thereby joining the community of what is today nearly 120 countries with such laws. This was a very important development inasmuch as it implemented the constitutional guarantee of the right to information and created practical means whereby Afghans can access information held by public institutions. At the same time, the adoption of such legislation is just the first step, and the more long-term, challenging task is implementing the legislation (Survey, 2017).

OPEN POLICY MAKING

Participation in Lawmaking	New Initiative	2.2	✓			
Rules and Regulations	New Initiative	0.8	✓			

Figure 10. Two indicators of open policy making commitment. Source: (Open Government Partnership, 2019).

ACCESS TO INFORMATION

Right to Information	New Initiative	2.6	✓			
Open Data (Water/Sanitation)	Consider Action	2.0	✓			
Open Data (Health)	Consider Action	1.1	✓			
Open Data (Education)	Consider Action	1.2	✓			

Figure 11. Four indicators of ACCESS TO INFORMATION commitment. Source: (Open Government Partnership, 2019).

Solid information about where the country stands in terms of access to information is crucially important to guide implementation efforts by different stakeholders, including government, public institutions, the Oversight Commission on Access to Information (the oversight body created by the Law—OCAI), civil society and the media. This information will point to the areas where more efforts are needed, as well as how to target those efforts so that they are as effective as they can be.

Afghanistan's Access to Information Law

The Afghan Access to Information Law is based on the 3rd paragraph of Article 50 of the Afghan Constitution, stating that “the citizens of Afghanistan shall have the right of access to information from state departments in accordance with the provisions of the law”.¹¹ Article 50 provides for two limitations to the right to information (Review, 2013).

First, the Law does not apply when access to information is harmful to others' rights and, second, availability of the information must not risk public security. The Access to Information Law applies to governmental institutions and non-governmental entities such as NGOs, civil society organizations, and political parties. The law consists of 32 articles, divided into 6 chapters as follows:

- 1) General Provisions
- 2) Access to information
- 3) Providing Information
- 4) Oversight Commission on Access to Information
- 5) Addressing Complaints
- 6) Miscellaneous Provisions

Article 2 lists the objectives of the Law as follows:

- 1) To ensure the right of access to information for all citizens from the government institutions.
- 2) To observe Article 19 of the International Covenant on Civil and Political Rights, Article 3 of Afghanistan's Constitution according to which no law can be in conflict with Islamic Sharia principles, and Article 28 on the responsibility of non-government organizations to provide information.
- 3) To ensure transparency and accountability in the conduct of governmental and non-government institutions.
- 4) Structure the process of requesting information by the public and the provision of information by governmental entities.¹²

However, the law of access to information in Afghanistan has improved in the recent years, but it also requires more awareness among the people who still do not know the international rights to access to information. If people have access to information easily therefore; it will be a big step forward for having a transparent government.

After Afghanistan government joined OGP in 2017, it had to show its commitments first of all in transparency, participation and oversight. However, in

¹¹Islamic Republic of Afghanistan (2004), Constitution of Afghanistan, Article 50, p. 13.

¹²Islamic Republic of Afghanistan (2014), Access to Information Law, Article 2, p. 1.

participation and oversight there are commitments but still there is no commitment in transparency (Figure 12). It appearance and IRM score, there is 2 out of 4, but while there is no commitment, the citizens do not believe on mottos. Afghanistan Government should show trust regarding the OGP pillars for the Afghanistan citizens as well as the international community.

10. Discussion

Open Government concept clearly says that those countries which are willing to be part of the OGP have to show honesty and efforts in action. The governments are not obligated to be part of OGP, but when they choose to be a member of this platform, there are some commitments as well as evaluations to find out which government was able to implement the indicators and the commitments. The commitments each year are different for the countries. The commitments with the specific indicators are selected as the country priorities. At the end of each year, an annual report is published and shows the functions of the countries regarding the OGP commitments. Afghanistan however, is a new member of this platform but has to try to obtain the goals and the commitments (Figure 3). As the OGP annual report in 2019 shows, this country was not able to implement all the commitments well. Here are some reasons if we discuss. One of the biggest reasons can be insecurity, the next will be corruption and the third might be lack of a good survey and policy regarding the commitments.

Security

Still Taliban, ISIS and some other terrorist groups fight in different parts of Afghanistan against the National Army as well as the citizens. Afghanistan has burned in the fire of conflict and civil war in the last 40 years. One of the biggest challenges which do not let the Afghanistan’s government to implement its projects and commitments is insecurity.

Corruption

Corruption is like a virus. Afghanistan is suffering this virus for a long time ago. At the moment, Afghanistan is standing on the 8th position of a corrupted country in the world. However, from the 2nd position turned to 8th, but still there are a lot of challenges in terms of fighting against the corruption in the country. The administration corruption is not accepted for Afghans. Most of the citizens blame the government that it does not have commitment to reduce it. So, it can be a big problem for OGP commitments in Afghanistan as well.

Lack of good policy

Another problem might be the policy of the government. Policymakers try to

FISCAL OPENNESS			
Transparency	Consider Action	2.0	✓
Participation	New Initiative	0.6	✓
Oversight	New Initiative	1.7	✓

Figure 12. Three indicators of FISCAL OPENNESS commitment. Source: (Open Government Partnership, 2019).

make the policies from the needs of the citizens. There is no doubt that all the OGP commitments are the needs of Afghans, but the survey and method of the policy did not work out. It requires that policymakers in Afghanistan's government prepare their indicators regarding the ability of the government which will be able to implement it.

11. Recommendations

- 1) Afghanistan's Government needs to work more on creating a functional administration which mimics the determination of the citizens.
- 2) Afghanistan's Government is a new member of "OGP", should clearly study other Asian countries' profiles regarding their success stories in anti-corruption, Information policy as well as the e-government systems.
- 3) It is highly recommended if Afghanistan's government work on a special Website which will be able to deliver the government's data/information to citizens and the citizens who access to internet, can get the information wherever they are.
- 4) If Afghanistan's Government wants to have a good position among the members of the OGP, it should stand on its commitments and use policies which reach it to the main goals.
- 5) Afghanistan's Government should make the data more open to the citizens.
- 6) Afghanistan's Government should let the information to be more accessible.
- 7) Afghanistan's Government should make the budget more transparent.
- 8) Giving the citizens a real SAY on policy making.

12. Conclusion

To answer clearly the question of why OGP is so crucial to our society?

It can be answered very simply, because the truth is always significant. Public documents and access to information will bring wonderful change in the communities. According to the "Sunshine Laws", doors should be opened; let the light come in and show the truth to the public. Citizens need and have right to see what is the government doing, and it directly relates to the law of "I have a right to know". Freedom of expression and government information must be public. People around the world have right to know what's on the paper, because they can judge the government actions sometimes by media outcomes. There is no doubt that everyone welcomes and wants a listener and responder government. It is the people that can change the culture of the government. I want to end this article by mentioning four steps to have a responsive government. Among the OGP members, Afghanistan is new and has a long way ahead to act as a real Open Government. This platform (OGP) will be useful for Afghanistan if the government officials care about their commitments and let the people know what is happening in the government! It is necessary for Afghanistan to follow some useful strategies and policies to be successful in terms of acting as a

real Open Government. Fighting Anti-corruption should be number one responsibility of Afghanistan government, because when there is corruption in the government, other commitments cannot be implemented well.

However, this paper is called as the first research (General Analysis) on the concept of “Open Government Partnership” in Afghanistan, but for sure there was limitation on finding sources as well as lack of field research aspect therefore; the author believes that “OGP” concept is a big topic and needs more research especially field research on the topic. The author encourages other researchers to extend and focus more on “OGP” concept in Afghanistan as well as in other countries.

Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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