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NGOs and civil society in Afghanistan

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About this report

This report provides a brief history of the development of NGOs and the linked development of CSOs in Afghanistan. It describes the current context and the more immediate challenges faced by these organisations, concluding with a set of recommendations for the Afghan government, donors and NGOs/CSOs themselves, and for the NGO–Taliban dialogue.

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Executive summary

Non-governmental organisations (NGOs) and civil society organisations (CSOs) are essential to Afghanistan's economy, political life and culture. These organisations operate in a difficult context and face a number of immediate challenges. These fall into three main areas:

Financial sustainability

National and International NGOs and CSOs are facing increasing and unacceptable levels of financial risk through changes in contracting arrangements and a likely dramatic downturn in international private voluntary funds.

Operational and administrative concerns

Skills gaps in resource and financial management within NGOs are considered the major inhibitor to National NGO growth and are a key constraint in accessing donor resources within an increasingly competitive environment.

Political concerns

Several NGOs and CSOs have publicly expressed concerns over the increasingly hostile attitude of the government towards them during the public debate over the use of international funds provided in response to the Covid-19 pandemic. This was perceived by NGOs as motivated by the Presidential Palace's interest in centralising control over NGOs.

Recommendations

There are a number of measures that could be put in place to both lower the financial risks that inhibit NGO development and address historically-driven geographical imbalances in NGO presence. These include:

- Initiating a renewed dialogue with the government to review the proposed NGO law, streamline NGO regulations and establish mechanisms for greater alignment with government priorities; this could be undertaken as a tripartite review with membership of Government, NGOs and donors.
- Strengthening NGO and CSO coordination structures at the provincial level, with support from United Nations Assistance Mission in Afghanistan (UNAMA) regional offices.
- Creating an enhanced capacity building programme supported by UN agencies and donors to strengthen financial, administrative and resource management capacities of National NGOs and CSOs, to complement existing current accreditation programmes.
- Setting up a working group within the donor community to assess overall donor support to the voluntary sector and identify areas for joint work – including on eligibility criteria, identifying resource gaps and supporting the development of NGO and CSO coordination structures.
- Reviewing and strengthening contract management processes for projects funded by the Afghanistan Reconstruction Trust Fund (ARTF) and improving accountability to the ARTF Board, through improved World Bank performance monitoring of both ministries and facilitating partners.
- Establishing a pooled fund for development activities; drawing on the experience of the Afghanistan Humanitarian Fund, the proposed Afghanistan Development Fund could be used to support the alignment of NGO development activities with government sectoral plans and encourage projects in neglected or underserved areas.
- Launching a multi-donor project to provide CSOs with small-scale project funds to improve and deepen consultation in the peace process and related activities, through support to the development and strengthening of CSOs at the provincial level and the development of provincial CSO coordination structures.

1 Introduction

This report aims to help both donors and international organisations better understand the tensions, relationships and the role of non-government organisations (NGOs) and civil society organisations (CSOs) in Afghanistan, and includes suggestions on how to safeguard and support this sector. At the time of writing, preparations for the Geneva Pledging Conference (GPC) are underway, with the aim of ensuring that more systematic support to the voluntary sector will form part of Afghanistan's future development agenda.

NGOs and CSOs are a vital part of Afghanistan's economy, its political life and its culture. As a consequence of the protracted conflict in the country, they play a critical role in service delivery and provide the momentum for Afghanistan's development as a pluralistic society. Earlier this year it became evident that both NGOs and CSOs faced serious financial and political challenges that threatened their operations and activities, and this at a time when their services and their mobilisation are most needed. The onset of the coronavirus pandemic sparked a political debate about the role of NGOs and CSOs, and intensified discussion about a regulatory framework that introduces new bureaucratic obstacles and stronger controls. Other challenges emerged following the 29 February 2020 agreement between the US and the Taliban, which brought with it changing expectations among donors and international bodies on the role that NGOs and CSOs could play in extending humanitarian and development activities in contested areas.

International NGOs (INGOs) had been operating in Afghanistan since the 1960s, but National NGOs (NNGOs) emerged from the massive relief and refugee operations run from Afghanistan during the Russian occupation and the period of Taliban government in Afghanistan. Cross-border operations that started in the early 1980s expanded significantly in 1986 with increased donor support to NGOs working in Pakistan, and created long-standing relationships between NGOs and different mujahedeen groups based on NGOs' need for security and protection. This pattern of cross-border activity determined the nature of NGO presence and operations within Afghanistan and remains largely

the same to this day – a legacy that has resulted in significant gaps in coverage and service delivery mechanisms. NGOs rely on the same relatively weak coordinating structures that emerged during this period, which have been unable to address fragmentation within the sector or to support local NGOs at provincial level and below. As for CSOs, the 2001 Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions (the 'Bonn Agreement') encouraged the growth and participation of civil society, as a grouping of professional, social and cultural interest groups that wished to distinguish themselves from operational NGOs (Winter, 2010).

The Bonn Agreement also set the foundations for a maximalist state-building model that would come to depend heavily on NGOs for the implementation of development activities, particularly service delivery, in what became an uneasy partnership with government. As in many protracted conflicts, the government has come to perceive NGOs as competitors for donor resources and as a potential threat to its legitimacy at community level. As NGO relationships with government changed, so did their relationship with the Taliban. The Taliban's co-option of government services and development activities under their own governance structures has meant that the dependence on NGOs by both the sides in the conflict gave NGOs an increasingly prominent role. This has come at a cost to the NGO sector, which must remain acceptable to opposing forces that each seek to claim legitimacy within the country's various communities.

The Covid-19 pandemic and its global economic impact have threatened the stability of NGO and CSO financing and the sustainability of their activities at a time when they are most needed. Local NGOs and CSOs – which play a key role in maintaining community engagement in humanitarian, economic development and social development activities – are highly dependent on INGO financing. These INGOs generally now operate at far higher levels of financial risk, and their financial liquidity and cash flow is threatened by the significant worldwide contraction of public voluntary income. This financial

vulnerability is not understood by a government that increasingly views NGOs as competitors within the donor marketplace, and which uses regulations to force greater alignment with government priorities and programmes. The government's new regulatory approaches fail to recognise the economic importance of sustaining and supporting a sector that employs 17% of the formal national workforce.

The Afghan economy is in rapid decline and poverty rates are rising. This and the uncertainties of a peace process that began in September 2020, along with the likely decline in donor funding, are placing Afghanistan's already fragile National NGO and CSO sector under increasing strain. Donors need to develop a coherent policy to support the voluntary sector, helping improve the financing mechanisms that support the development of local NGOs and CSOs, and extending the geographical basis of their involvement in development and service delivery. The **Afghan government** should be encouraged by the international community to create a more conducive operating environment for NGOs, by reducing bureaucratic impediments and enhancing self-regulation through improved accreditation processes and strengthened coordination structures at national and regional levels. Finally,

the development of more extensive **Taliban** governance will necessitate a dialogue between the group and NGOs to **establish their commitment to Afghanistan's development**.

Structure of the paper

Section 1 provides a brief historical overview of Afghanistan's NGOs and CSOs post-2001¹, tracing the relationships that have developed between them and the Government of Afghanistan, NGO/CSO funding relationships and ties with specific donors, their distribution and presence across the country and their current status and standing.

Section 2 looks at the current legislative framework as applicable to NGOs and CSOs, existing coordination structures, and the scale and geographic distribution of NGO activities across Afghanistan.

Section 3 identifies a number of financial, operational and political pressures facing NGOs and CSOs. It then outlines the actions that donors, financial institutions and the Afghan government should take to enable NGOs and CSOs to contribute more effectively to the Covid-19 pandemic, longer-term recovery and the ongoing peace process.

1 Further historical background is provided in the Annex, which tells the story of CSO and NGO development from 1960 to 2001.

2 The post-2001 development of NGOs in Afghanistan

The 11 September 2001 attacks on the US World Trade Centre saw almost all remaining international NGO staff leave Afghanistan, with most organisations handing over their operations to their national staff. The US launched Operation Enduring Freedom, starting with an aerial bombing campaign against the Taliban and al-Qaeda on 7 October. The north of Afghanistan fell in just over a month, and by the end of 2001 coalition forces and their allies had gained control of the country – albeit with remaining pockets of resistance. By December, a joint civil-military operations task force had been established by the coalition forces. Subsidiary bodies such as the Coalition Humanitarian Cells and Joint Regional Teams were rapidly put in place to provide relief assistance. These were the precursors to the Provincial Reconstruction Team (PRT) initiative, which took the lead in local development operations in 2003.

NGOs began a piecemeal scramble to return to Afghanistan in late 2001 and early 2002, as the security situation allowed. Those INGOs who were partner agencies of the UN found themselves limited to the less hostile areas of the country by the security provisions placed on them by then UN Security Coordinator (UNSECORD). National NGOs were not as constrained, and their rapid expansion coincided with the creation of the multinational Joint Regional Teams, which were tasked with addressing instability and playing a role in reconstruction and humanitarian projects. Overall, the scope of NGO work broadened. Some of the longer-established solidarity organisations already had experience of rehabilitation activities, but international organisations increasingly followed suit, moving away from relief activities and into areas such as peacebuilding, governance, human rights and support to women. The tools used by the NGOs also began to change, with a greater emphasis

on advocacy and an increased use of strategic communications in support of rights and gender activities.

2.1 The Bonn Conference and the Tokyo pledging conference

The International Conference on Afghanistan in Bonn (the ‘Bonn Conference’) in 2001 and the Afghanistan Recovery and Reconstruction conference in Tokyo in 2002 created a substantially new environment for civil society and for NGOs, as well as a changing relationship with the Afghan government (discussed later in this note). The Bonn Conference brought together various coalitions and groupings associated with the mujahedeen, associates of the former King, political parties and prominent exiles. The transitional government that emerged from Bonn was a result of deal between the Northern Alliance and ex-mujahedeen groups brokered by US representative Zalmay Khalizad, and ended up providing jobs and funding to military commanders and militias and excluding civilian representation (Ruttig, 2012). Civil society groups were engaged in the process and were given encouragement by Bonn’s recognition of the need to respect human rights and promote the role of women Afghan society. This led to investment in the development of civil society and the media and paved the way for an open dialogue on critical issues of identity and nation-forming (Deane and Siddiqi, 2016). A number of members of the transitional government at national and provincial levels came from an NGO background and subsequent administrations continued to draw on the NGO community of that period.

The Tokyo conference, held in January 2002, received \$4.5 billion in donor pledges, a level of aid that was seen as a meaningful endorsement of

the peace settlement, but which also arguably set the foundations for a rentier state (Clark, 2020). It established a pattern of donor support that remained much the same throughout the various follow-up pledging conferences that took place at the initiative of Afghanistan's five prominent donors (the European Union, Germany, Japan, the UK and the US) and which also featured long-term commitments from countries in the Nordic-plus group, urged on by support from solidarity organisations based in the Nordic countries.

The Asian Development Bank, the World Bank and the United Nations Development Programme (UNDP) were jointly involved a pre-conference needs assessment that took a maximalist approach to state-building. The model involved a partnership between government, NGOs and, to a lesser extent, the private sector, centred around an agreed National Economic Plan. As has often been the case in transitional economies, bilateral donors were unwilling to take on the risks of directly financing government, and the three institutions that undertook the assessment managed the fiduciary risks on behalf of the donors (World Bank, 2011). By 2003, three substantial trust funds had become operational. The World Bank managed the Afghanistan Reconstruction Trust Fund (ARTF), which financed projects focused on the delivery of services and economic development. The Asian Development Bank managed the Infrastructure Trust Fund, supporting major infrastructural investment, and UNDP managed the Law and Order Trust Fund for Afghanistan (LOTFA), which primarily supported salary payments to the police.

The ARTF was to have the greatest impact on NGOs, since government capacity for implementation was limited, particularly below provincial level. Partnering with NGOs was therefore necessary, although not always desired by government. The World Bank, in conjunction with government, developed projects with national reach – the National Solidarity Programme (NSP, later morphing into the Citizens' Charter), the Basic Package of Health Services (BPHS), the Extended Package of Health Services (EPHS) and a programme of school building that involved NGOs and the private sector. Through these programmes the World Bank established new funding mechanisms for NGOs as well as new and different contracting modalities: over time, the ARTF projects changed the contractual relationship and the management role of the World Bank and NGOs by making NGOs facilitating partners to Government, and introducing

inter-dependent performance contracts between Government ministries and NGO facilitating partners. Dr Ashraf Ghani, as Minister of Finance, was one of the main initiators of the NSP approach, and forcefully expressed his view that NGOs were costly and inefficient competitors with government. NGOs would face continuing pressure to show accountability and align closer with government economic and development plans. Both the NSP and the BPHS increased the scale of work of the bigger, well-established NGOs; over time, the NSP also led to the expansion of CSOs at district level through its focus on local community development. A core focus of the programme was the creation of elected Community Development Councils, along with the use of local women's groups for literacy and income-generating activities.

2.2 Provincial Reconstruction Teams

The NSP's geographical scope was limited to the more secure areas of Afghanistan where larger NGOs operated, and was not the only mechanism for local development activities. US military assistance dramatically overshadowed the resources that the US provided for development activities, and from early 2002 significant amounts of US military assistance was channelled into what it called 'stabilisation activities' – mainly through US Provincial Reconstruction Teams (PRTs). Support to stabilisation activities was at first based largely on US civil-military coordination doctrine, whereby deployed staff focused efforts on 'quick wins', aiming to build community support through a mixture of Quick Impact Projects and large infrastructure activities in health, education and energy supply. Drug control campaigns and the suppression of opium poppy were often linked into the US military strategy. PRTs also engaged in support for governance and the rule of law. This securitisation of aid attracted bilateral development and infrastructure investment to areas of conflict around the geographical periphery, leaving central parts of Afghanistan underserved and in receipt of lower amounts of development assistance and infrastructure investment (Fishstein and Wilder, 2012).

The US PRTs were initially designed for provinces facing higher levels of conflict. They were structured so that the US Department of Defence was assigned responsibility for improving security while also providing logistical support and force protection

for PRT members. The United States Agency for International Development (USAID) was tasked with leading reconstruction, and the Department of State was responsible for political oversight, coordination and reporting. Given their overtly political objectives and the scale of resources involved, the PRTs soon became the target for capture by powerful local elites. This capture took place primarily through the control of site construction and logistics companies by local powerbrokers, accompanied by the subsequent growth of local security providers. The expansion of the PRTs was undertaken with NATO allies who, in some cases, worked jointly (as in Helmand, where the UK worked jointly with a Danish team). The PRTs run by NATO allies also drew on official development assistance (ODA) in addition to the previous use of military funding, and brought in civilian development teams drawn from their national aid administrations. Turnover in both the civilian and military components of the PRTs was high, and there were frequent shifts in direction, objectives and programmes depending on the personnel (Karell, 2015).

In 2011, then-US President Obama announced his intention to remove 10,000 troops by the end of that year and a further 23,000 by mid-2012. His administration initiated a transition planning process and the creation of the Afghan Transition Commission, which was chaired by Dr Ashraf Ghani. As part of this process, the Afghan government asked the international community to phase out the PRTs so that Afghan institutions could develop the capacity to manage their own development projects. As a result of the Enduring Strategic Partnership agreement, the majority of US PRTs were closed by mid-2014, with PRTs run by NATO allies mostly closing at the same time. But these closures were not straightforward. There was no clear plan on how to hand over physical assets, and even greater difficulties in handing over PRT community support and development programmes. International NGOs and the UN had, for the most part, declined to engage with the PRTs – out of concern over their approach to development, with its emphasis on Quick Impact Projects, poorly thought-out capital investment and the blurring of lines between military and humanitarian actors (McHugh and Gostelow, 2004). Local CSOs and NGOs at both the provincial and district level had, however, become major beneficiaries of the PRTs. PRT-related support led to the growth of CSOs in new areas such as the rule of law, and encouraged local journalism.

By facilitating transport and meeting spaces, the PRTs had also encouraged the expansion of local NGO and CSO networks. Despite the various efforts made to handle the transition and seek handover arrangements, the closure of the PRTs was a serious setback in the development of local CSOs.

2.3 Changes in NGO relationships with the Taliban

From late 2009, the Taliban began to formalise their governance structure. They created commissions for military, political, health and education affairs, and at a later stage an NGO and Private Sector Commission. The opening of the Taliban office in Doha in 2012 was an important extension of the Political Commission's role. It made possible a more structured and transparent dialogue on humanitarian issues. A regular dialogue was established with the UN through the Humanitarian Coordinator as well as with several international humanitarian organisations. The initial focus of discussions was to gain the Taliban's acceptance of humanitarian assistance and of the NGOs and international organisations providing it, and for Taliban leadership to communicate this to their commanders on the ground. The Emir sent a number of Eid messages that welcomed and thanked all humanitarian organisations for their engagement. Subsequent discussions established a problem-solving and deconfliction process; via the Political Commission's engagement with field commanders, this process dealt with attacks on humanitarian workers and addressed key policy issues such as protecting the civilian status of health workers and teachers. In major incidents such as the Taliban's seizure of Kunduz in 2015, channels for rapid communication between the Taliban and the UN Humanitarian Coordinator were established, including a humanitarian hot line. Humanitarian assets were protected and vehicles that had been taken were returned.

NGO discussions with the Taliban were most often undertaken at community or district level, and were usually mediated through local community leadership. Local Taliban were often distrustful and at times hostile to NGOs, in part due to suspicions of NGO co-option by the PRTs. NGOs were equally wary of any direct engagement with the Taliban because of the limitations placed on them by US and other countries' counter-terrorism legislation, and because of the donor community's ambivalence towards

such engagement. Since 2011, the area under Taliban control or contested by the Taliban has increased: over half the country is now under their influence. This has brought with it a deeper engagement in governance at both provincial and district level, and the deployment of Taliban officials from its various commissions.

On humanitarian issues, the UN dialogue gained the Taliban's respect for the independence and neutrality of humanitarian and relief activities and for the organisations involved in delivering humanitarian assistance (as was most notably demonstrated by a unilateral Taliban ceasefire during the response to a major earthquake in 2015). The Taliban's approach to development and service delivery has differed; it has been one of co-option, with the Taliban presenting themselves as both controlling and directing resources. Representatives of the Taliban's NGO and Private Sector Commission at various levels see their role as monitoring services for quality and for alignment with their guidelines, while shadow governors and their teams vet development activities to ensure that they are in line with Islamic teaching. The Taliban have also gained detailed knowledge of the practical elements of assistance programming, including the details of all major NGO contracts. This has enabled them to make specific demands on NGOs for 'taxation'. Although these developments have substantially changed the nature of dialogue between NGOs and the Taliban, NGOs are not without power or authority; often they can leverage their long-standing relationships with communities, who wish to continue receiving NGO resources. As Jackson and Amiri (2019) point out:

Aid organizations had considerable potential influence over the Taliban's rules. They have not, however, always been able to use this leverage as strategically as they might have done. Fear of being 'caught out' for talking to the Taliban, competition for funding, and distrust across the aid community presented obstacles.

This hampered information sharing and collective action, which could have strengthened their influence on Taliban policy.

2.4 NGO security

The increase in the number of NGOs and in their activity has been accompanied by an increase in casualties. Afghanistan remains the most dangerous country in the world for humanitarian aid workers, according to the Aid Worker Security Database managed by Humanitarian Outcomes. Between 2000 and 2015, the number of aid worker casualties in Afghanistan (1,056, of which 352 died) was twice as high as in South Sudan, the next most dangerous country. National NGO staff are the most at risk, representing 335 of the 352 recorded deaths. Crime – increasingly organised crime involving kidnapping and ambush – contributed significantly to these figures. Aid workers have been threatened and subjected to complex attacks on their premises from opposition armed groups. NGOs have suffered higher human and financial costs in delivering their operations as they have increasingly been used as the 'front line' by donor organisations.

*

In this section we have reviewed the historical development of NGOs and CSOs so as to explain the evolution and nature of their relationship with the Government of Afghanistan and with the Taliban. We have highlighted the historical basis for NGO/CSO presence and distribution, and how the growth of the sector has reflected international political strategies. In the following section we turn to the current context and challenges, showing that the relationships and roles that developed with government and the Taliban are under pressure from declining levels of aid, and from the challenges of a nascent peace process.

3 The current context for NGOs

The findings in this section are based on a series of discussions with representatives of National NGOs and CSOs, coordinating bodies and INGOs, and on information provided by the Afghan Ministry of the Economy.

3.1 The legal framework: governance and coordination mechanisms

The legislative and regulatory framework for NGOs and CSOs is provided by two separate pieces of legislation: the 2005 Law on Non-Governmental Organizations (the ‘NGO Law’), administered by the Ministry of the Economy, and the 2013 Law on Associations, administered by the Ministry of Justice (which regulates communities, unions, councils, assemblies and similar organisations).

Some confusion exists because the NGO Law covers both NGOs and CSOs, while only National organisations can register under the Law on Associations; organisations established under the latter may only operate in the geographical areas in which they were established to serve. A key distinction between the two laws is that the NGO Law was designed to regulate operational NGOs, while the Law on Associations was designed to provide a legal basis for local associations. The body of legislation gives both the Ministry of Economy and the Ministry of Justice responsibility for monitoring and capacity building. Due to financial and staffing considerations, their focus is almost entirely on monitoring: there is very little involvement in capacity building. Both ministries are represented at the provincial level and form part of the provincial governance and planning structures. In addition, most line ministries also require NGOs and CSOs to register with them as part of any operational partnership. Line ministries have established their own rules and regulations, which are not necessarily consistent with either the NGO Law or the Law on Associations. NGOs and CSOs expressed concern

about the legal ambiguity posed by these complex set of reporting requirements.

In 2019 the Ministry of Economy introduced new regulations that affect the accreditation of NGOs. This was of particular concern to the NGO community: accreditation had previously been undertaken independently, by the Afghanistan Institute for Civil Society (AICS), as part of a national NGO capacity-building process. The new regulations sought to delink accreditation from capacity building, introduced stronger government management powers over NGOs, and removed any independent presence from the accreditation process. This raised concerns among NGOs about potential corruption. The new regulations have been incorporated into a new draft NGO Law, which at the time of writing awaits discussion in Cabinet before presentation to Parliament.

The new draft NGO Law proposes four main changes to the existing law:

- It changes the legal basis of NGO operations, through the establishment of a fee-based licensing and work permit structure requiring regular triennial renewal.
- It substantially changes the nature and basis of accreditation, from an independent system administered in conjunction with the Ministry of Economy and linked to capacity building to an accreditation committee convened by the Ministry with wide powers over NGO management.
- It establishes an enhanced evaluation and assessment process involving stricter audit processes, and a strengthened evaluation and assessment committee within the Ministry of Economy.
- It establishes a strengthened, centralised monitoring regime that would require organisations to submit project proposals, workplans and budgets to the Ministry of Economy for dissemination to appropriate line ministries. The Ministry of Economy would also

take responsibility for monitoring the structure, leadership, management and operational approach of organisations while the line ministry would be responsible for technical monitoring.

The draft law has raised strong concerns throughout the NGO sector. Some NGOs see the centralising tendencies in the proposed legislation resulting from pressure exerted by the Presidential Palace – pressure to exercise more control and direction over both NGOs and CSOs. Their concerns, which have been shared with the donor community, are as follows:

- The spirit of collaboration that underpinned the 2005 NGO Law has been replaced by wording that violates core NGO operating principles of transparency, independence, impartiality and neutrality, and instead makes these organisations vulnerable to exploitation and the diversion of funds.
- The draft Law gives new powers to the government to interfere in and control NGOs' organisational structures, hiring practices, policies, financial decisions and assets. NGOs collectively reject this interference.
- The draft Law would in effect makes all NGOs implementing partners of the government. This exposes NGOs to pressure to use ministry-level salaries and expenses in their budgets. Of great concern is the fact that the government will have broad authority to directly access NGOs' bank account information 'if needed'.
- The draft law leaves NGOs vulnerable to intimidation and extortion from authorities at all levels. Penalties for breaches of the legislation range from heavy fines to dissolution and government control over assets. In light of these considerable consequences, NGOs are likely to experience demands from authorities that violate their principles and procedures. Disputes arising from the NGO Law are to be decided by a new NGO Commission, the membership of which will mostly comprise government representatives. This raises concerns about balance and the fairness of outcomes of any inquiry.

The proposed new NGO law has been put in abeyance for now. The issues involved in creating an appropriately well-regulated voluntary sector are not unique to Afghanistan. However, the proposal to turn all NGOs into government implementing partners is

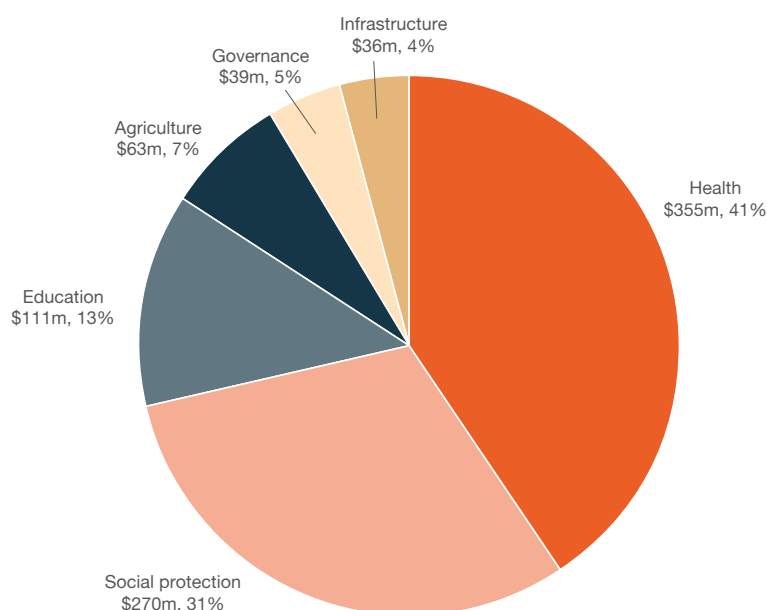
a major departure from any norm and runs counter to hopes of making Afghanistan a more pluralistic society.

3.2 Coordination structures

Coordination structures and networks are a key element in the governance, management and regulation of NGOs and CSOs, and provide a mechanism for policy dialogue with government and donors. The development of a series of networks has ensured that there are platforms for gender and women's empowerment, governance, electoral accountability, anti-corruption, media and freedom of information, culture and, most recently, the peace process. Equally, coordination structures continue to provide the main basis for capacity building for National NGOs and CSOs, despite its limitations.

The Agency Coordinating Body for Afghan Relief (ACBAR) has firmly established itself as the main NGO coordination structure, though other coordination structures exist on a smaller scale. ACBAR membership covers all the main INGOs as well as the larger National NGOs; smaller and more locally-based NGOs may feel unable to cover the membership fees. ACBAR has its roots in operational coordination and engagement with the UN system, a role that it continues to play. One of the continuing weaknesses of coordination in Afghanistan is that NGOs do not have a unified platform structured in a way that supports NGOs throughout the country: this limits both the representational base for NGO dialogue and interaction, and the capacity to support the development of locally-based NGOs.

The Bonn Conference provided early stimulus for CSOs to develop as activist and advocacy-oriented organisations, in contrast to the more operational NGOs. New civil society institutions, such as the Afghan Civil Society Forum Organisation (ACSFO) and the Foundation for Culture and Civil Society (FCCS) were established. The complexity that came with growth in the sector also required coordination between networks. Two 'networks of networks' have emerged in recent years: the Civil Society Joint Working Group (CSJWG), which has international support from Counterpart International; and the Civil Society Working Committee (CSWC), which is supported by the British & Irish Agencies Afghanistan Group (BAAG). These CSO coordinating networks have sought to deepen their engagement at provincial level to ensure a broader representational basis for collective responses.

Figure 1 NGO expenditure by sector, 2018

Source: Ministry of Economy (2019)

Effective civil society advocacy has increasingly been seen by donors as a critical part of the development policy dialogue accompanying the pledging and development conferences since the Tokyo Conference of 2002. Through their coordinating structures, civil society networks participate in the large pledging conferences and contribute to the regular Joint Monitoring and Coordination Board meetings established under a UN Security Council mandate to permit the UN, Government and donors to monitor successive national development plans. These fora have played an important role in helping frame the milestones and indicators in the Mutual Accountability Frameworks agreed between donors and government in post-Tokyo pledging conferences. Above all, they have helped to ensure that Afghan voices are heard in these donor processes.

3.3 The scale and scope of NGO activities

Afghanistan remains one of the world's largest recipients of bilateral assistance, and the government budget is highly aid-dependent: some 80% of all public expenditure and 55% of the government budget for 2018 were donor-financed. Through the operational capacity and reach developed over the last three decades, NGOs play a central role in donor risk management strategies, and this is reflected in the significant resources and spending provided

to or through NGOs in Afghanistan. In 2018, the last year for which full data is available, the Ministry of Economy recorded overall NGO expenditures at \$0.88 billion out of an overall total of \$3.79 billion in donor civilian assistance. While the figures for NGO expenditure are likely overestimated due to duplication in recording, NGO expenditure nonetheless accounted for some 20% of total civilian aid flows.

Many donors made commitments under the 2014 Mutual Accountability Framework to provide 80% of their contributions on-budget, something that the Afghan government has been concerned to ensure, along with a commitment to align assistance with National Priority Programmes. The Ministry of Economy estimated that in 2018 on-budget expenditure through NGOs had risen to 24%, a considerable increase on the previous year (16%), although still less than the total on-budget percentage of civilian aid (36%).

Figure 1 outlines NGO expenditure by sector. The dominance of health and social protection activities reflect both historical trends as well as the importance of ARTF-funded activities in the BPHS and Citizens' Charter programmes.

NGOs continue to be a significant employer in Afghanistan. The Ministry of the Economy reported that in 2018, 85,353 people were employed by the NGO/CSO sector – 17.3% of the total formal workforce. Women constitute some 28% of the total

4 The challenges facing NGOs: 2020 and beyond

As Afghanistan, like countless other countries, struggles to cope with the Covid-19 pandemic, it is also recovering from a fractured post-election political crisis and moving towards establishing a peace process. In this uncertain landscape, NGOs and CSOs face increasing threats to their sustainability and to the acceptance and understanding of their role. Actions by donors, financial institutions and government extend the immediate response to the Covid-19 pandemic and longer-term recovery needs. Similarly, support will be required so that CSOs at all levels can be more effectively engaged in the development of the peace process and can contribute to safeguarding and securing the gains made in societal change.

Recent interviews with several INGOs, NNGOs and CSOs identified common challenges which fall broadly into three main areas:

1. Concern over the financial sustainability of current NGO operations;
2. Operational and administrative concerns, linked to internal capacity issues and increasing bureaucratic hurdles and complex government reporting and accountability structures;
3. Concerns related to the peace process.

4.1 Financing mechanisms and the sustainability of NGOs and CSOs

Current funding mechanisms are not equipped to deal with the challenges facing NGOs. INGOs, NNGOs and CSOs are confronting increasing and unacceptable levels of financial risk through changes in contracting arrangements and a potentially dramatic downturn in international private voluntary funds. The lack of finance for NGO and CSO coordinating structures has hindered their ability to support and develop local NGOs at the provincial and district level, in turn limiting progress in providing social protection and other basic services to Afghan citizens.

The voluntary sector in Afghanistan has access to funds through four main sources and mechanisms.

4.1.1 Private voluntary donations

Private voluntary donations, including donations and grants from private trusts and foundations, are a critical source of funding for smaller NGOs and CSOs since they can provide the smaller grants that larger donors do not have the mechanisms to disburse. Private voluntary funds have also become an increasingly important means for managing the cash flow challenges that both INGOs and NNGOs face when handling financial gaps. These flows have been channelled through a core group of International NGOs which now find their own funds under threat from the economic downturn associated with the COVID-19 pandemic. Oxfam is closing down its operations and handing them over, while Christian Aid and other UK-based organisations that work in partnership with local organisations are having to make major cuts in their funding.

4.1.2 Multilateral funding

Funding through the UN and other multilateral institutions has been one of the most consistent and substantial sources of funding for NGOs. The greater part of UN funding comes from the annual humanitarian appeals, and is either channelled to NGOs through partnership arrangements with UN agencies or accessed directly through the Afghanistan Humanitarian Fund (AHF). Humanitarian appeals are based on need, and funding varies from year to year. On average, recent humanitarian funding has been in the region of \$400 million per year, with only a small proportion going directly to NGOs. The AHF, in conjunction with the UK Department for International Development (DFID) and ACBAR, has been the main financing mechanism for engaging with NNGOs and supporting them to meet the Fund's eligibility criteria. In 2018, the AHF allocated \$62 million, of which 49% went to INGOs, 36% to UN agencies and 15% to NNGOs (AHF, 2019); efforts are now

being made to provide multiyear AHF funding. The Directorate-General for European Civil Protection and Humanitarian Aid Operations (ECHO) also provides significant funding to its European partner NGOs in Afghanistan. More limited financing is available for development activities, with education activities receiving major funding through the United Nations Children's Fund (UNICEF). The UN provides very modest support for civil society and culture through UNDP, UN Women and United Nations Educational, Scientific and Cultural Organization (UNESCO).

4.1.3 The ARTF

The Afghanistan Reconstruction Trust Fund (ARTF) has become a major source of funding for NGOs in the areas of social protection (NSP and the Citizens' Charter) and health (through the BPHS, EPHS and the System Enhancement for Health Action in Transition, in partnership with USAID and the EU). Smaller-scale funds are channelled through other projects such as the Women's Economic Empowerment Project (WEEP). These ARTF projects have been important in harnessing the expertise and local acceptability of NGOs to extend the role of government, and to support the development of local institutions. The contractual nature of these projects is complex, however, involving the line ministry, the Ministry of Finance and the NGO partner.

This complexity frequently delays payment to the facilitating partner NGOs, placing a heavy burden on them in terms of cash flow and increasing their exposure to precarious levels of financial risk. These issues have become acute, with payment now always made retrospectively and dependent on performance criteria that are often the responsibility of the line ministry rather than the NGO.

A prolonged delay in payments to NGOs engaged in the Citizens' Charter has led to problems in implementation and continuity, as NGO partners without cash reserves are obliged to lay off staff (and possibly re-employ them later) in order to minimise their risk exposure. Trust in the relationship with line ministries has been eroded as ministers and officials make arbitrary decisions to withhold payments, with no apparent justification and with no mechanisms to hold them accountable

4.1.4 Bilateral donor funds

Bilateral donor funds are another important source of support to NGOs and CSOs. The modalities of support vary considerably, as different donors have

specific funds to cover their own international and domestic policy priorities. USAID is the largest donor to NGOs; it has decided not to abide by the 80% on-budget commitment to which other donors have agreed. A significant proportion of USAID's NGO funding is linked to contractors who are registered as private voluntary organisations in the US. Out of necessity, many NGOs and CSOs draw on funds from several donors, between whom there is little coordination on standard setting, eligibility criteria and reporting requirements. This places a considerable burden on small to medium-sized organisations, which need to develop specialised skills in reporting and identifying sources of funding to ensure their survival and continuity. CSOs face particular problems because of the costs to donors of administering smaller grants. The specialised pooled funding facilities that were available to CSOs now no longer exist. Also concerning are the differing approaches of various donors to certain key areas of NGO expenditure, particularly the security and communication costs that are critical to NGO operations.

4.2 Operational and administrative challenges

Operational and administrative concerns differ between INGOs and NNGOs. The bureaucratic hurdles involved in securing tax certificates and dealing with customs and the import of relief commodities are a common challenge. NGOs are subject to the petty corruption that exists throughout Afghanistan. As already noted, there is widespread worry that the new NGO regulations will increase the number of already cumbersome bureaucratic hurdles without improving the accountability or the performance of the NGO community. Recent efforts have sought to increase the capacity of the Ministry of Economy's NGO Unit; however, it remains unable to help NGOs avoid the duplication of approval procedures at provincial and national levels, and does not provide oversight of the memoranda of understanding that NGOs hold with line ministries.

Other areas of concern relate to the 'localisation agenda' of support for the development of NNGOs. Gaps in resource and financial management skills were commonly seen by the NGO representatives interviewed for this study as the major capacity inhibitor to NNGO development. The work undertaken by ACBAR (with DFID support) has enabled more than 100 NNGOs to develop

management structures and financial controls that make them eligible for direct funding from the AHF. Despite this, international organisations remain risk-averse, and funds are generally channelled to a few large, long-established NNGOs. The situation is similar for NNGOs involved in development activities at the local level, even though the Afghanistan Institute for Civil Society has established accreditation schemes for NNGOs that meet international standards. As is the case with NGO national coordination structures, AICS' outreach to local NGOs is limited. New approaches to localisation are required. INGOs could explore twinning arrangements in the context of their operations at the local level. The NGO sector can enhance self-regulation by placing a greater emphasis on self-accreditation, particularly for NGOs and CSOs at the provincial level. This would also help the Ministry of Economy to discharge its capacity-building responsibilities, by devolving accreditation to a third-party specialist organisation such as the AICS.

4.3 Political concerns

The United States' 2020 agreement on the withdrawal of troops and the ensuing difficulties in establishing a peace process have made the future of Afghanistan's civil society and the values that they represent all the more uncertain. This uncertainty has been heightened by the time taken to reach a post-electoral political accommodation and by the First Vice President Amrullah Saleh's openly critical attitude towards NGOs. The incorporation of Dr Abdullah into government was viewed positively by NGOs and CSOs because of his NGO background. However, his role in the peace process has limited his support for and recognition of their role. The lack of a mechanism or a forum at either the policy or the programmatic level in which the government, civil society and NGOs can hold a meaningful dialogue further hinders collaboration with government. Donors could encourage the development of a more productive discussion, perhaps by proposing a review process.

There is increasing international engagement in the peace process, and UNAMA is helping to coordinate various initiatives designed to support the negotiating team and the Afghan government peace structures. Involving civil society in the peace process is challenging, due to the weakness of civil society coordinating structures at provincial level and the difficulties of ensuring local and regional

representation in national civil society structures. As and if the peace process gathers momentum, International donors should support a more broadly-based and structured engagement with civil society - to ensure representation from across the country in ways that recognise regional and provincial concerns, and involve local CSO structures. There are CSO coordinating structures at national level and in some of major provincial capitals, and it would seem opportune to invest in strengthening these structures as outlined in the previous section.

The signing of the US troop withdrawal agreement in Doha in 2020 created a new dynamic in NGO-Taliban engagement. Historically, engagement and discussions with NGOs took place primarily at the local level and were often mediated by local elders. More recently, NGOs have engaged directly with the Taliban at all levels - district, provincial and notably in Doha. A number of INGOs have now contacted the Political Commission in Doha to exchange information and to create awareness of their activities. More recently, provincial commissions have advised NGOs to consult the Political Commission over the modalities of assistance: in one case a question arose as to whether beneficiaries receiving relief assistance in the form of cash should be taxed; the Commission decided they should not be. This decision was communicated effectively down through commission structures, demonstrating the increased levels of coherence within the Taliban, and the authority of their commissions.

Taxation has become an increasing feature of the Taliban dialogue with NGOs at all levels. INGOs may be more able than NNGOs to withstand these taxation demands. However, the reality is that INGO local staff in contested areas will be taxed, as will the construction and transport contracts associated with development activities. Health NGOs highlighted other challenges arising after the Doha agreement, including an increasing tendency to bring Taliban with military backgrounds into senior levels of the Health Commission. They also noted that they were facing considerably greater pressure to provide jobs for Taliban nominees in health facilities, and demands to levy a tax on health contracts. As Taliban governance structures have expanded and their engagement in governance has increased, this has added complexity to NGO-Taliban relationships, in part as a result of internal factional Taliban politics. NGOs are confronted with ambivalent attitudes within the donor community towards taxation, with some donors expressing concern about an increasing

number of cases where red lines on taxation had been crossed.

Ashley Jackson's 2018 report, 'Life under the Taliban Shadow Government', concluded that:

The Taliban are using access and development interventions for political and military ends and agencies are increasingly being forced to react to this reality. They often do so unilaterally or are caught on the back foot in negotiations. This has enabled the Taliban to set the rules and parameters of negotiation. The challenge for the international community now is to figure out how to engage with the Taliban on these issues in a politically feasible and strategic way.

The question for 2020 is whether the agreement on US troop withdrawal and the beginning of the peace process can be used to initiate a more open set of dialogues on development and humanitarian

assistance. NGOs have no common platform from which to manage their engagement with the Taliban political office in Doha, nor are they currently able to engage with them because of the visa restrictions currently in force in Qatar. UNAMA maintains humanitarian, human rights and political dialogue with the Taliban in Doha. The humanitarian dialogue and the human rights discussions relate to the Taliban's responsibilities under International Humanitarian and Human Rights Law, and are not necessarily the most appropriate forum for a discussion on NGO ground rules. However, UNAMA has previously sought to open a discussion on development, and to secure commitments on the protection of national infrastructure. This dialogue should be developed to ensure a continuing discussion on shared development objectives and the extension of service delivery in Taliban-controlled or contested areas, including the establishment of ground rules for engagement and a method for addressing operational problems.

5 Conclusion

Afghanistan has relied heavily on NGOs and CSOs for humanitarian assistance, for the physical reconstruction of the country and for service delivery. The development of CSOs has also been a key driver in helping make Afghanistan a more pluralistic society in which gender and other key issues can be more openly addressed. Historically, the government has worked with the NGO sector to deliver and extend service provision across the country. More recently, relationships between the government and NGOs have changed as a result of government concerns that NGOs undermine their legitimacy and are competitors for the diminishing amounts of donor aid coming into the country. Both the Afghan government and NGOs must make efforts to reset relationships and allow for more integrated planning at provincial, regional and national levels to meet the needs of an increasingly impoverished nation. One means of doing this could be to establish a trilateral review process in which government, NGOs and donors examine the role of and relationships with the NGO sector.

The nature of NGO and CSO development has created geographical imbalances and weak coordination and capacity-building support at

subnational levels of government. Here the UN is playing a helpful role through its regional offices. Maintaining and strengthening Afghanistan's civil society base is of critical importance during a faltering peace process, and requires support from both the UN in Afghanistan, which is best placed to provide support at subnational level, and by donors who should focus on establishing a pooled funding mechanism that can provide the small grants needed by locally based NGOs and CSOs.

The extension of Taliban control and governance structures has increased the demands placed on the NGO community in general, and more specifically in relation to 'taxation' demands. NGOs face an increasingly complex and factionalised set of relationships at all levels of Taliban governance. The UN can play an important role in helping NGOs to navigate this challenge, by initiating a development dialogue with the Taliban that seeks to establish agreement on protecting national infrastructure and on practical ground rules for NGO operations.

6 Recommendations

To government

Establish a consultative mechanism to review the draft of the NGO Law, giving particular attention to:

- Jointly managed NGO and CSO accreditation processes, which should be based on accepted international standards
- Identifying collaborative mechanisms that result in improved NGO alignment with government plans and policies
- Streamlining existing administrative and contract procurement processes to reduce transactional burdens, increase transparency and limit opportunities for corruption.
- Streamlining and consolidating NGO and CSO reporting and planning requirements with line ministries at national and subnational levels

To donors

- Establish a working group within the donor community to assess overall donor support to the voluntary sector, with a view to defining areas for joint work (including on eligibility criteria) and identifying resource gaps and support needs for the development of NGO and CSO coordination structures.
- Rationalise NGO-related contract management processes for ARTF-funded projects and improve accountability to the ARTF Board through enhanced World Bank performance monitoring of both ministries and NGOs.
- Consider establishing a pooled fund for NGO-implemented development activities. Drawing on the experience of the AHF, a new independent multi-donor Afghanistan Development Fund could be used to support the alignment of NGO development activities with government sectoral plans, and to incentivise projects in neglected or underserved areas. This could either be

developed as a separate ARTF window or as a donor pooled fund.

- Initiate a multi-donor project to provide CSOs with funds to improve and deepen their involvement in the peace process through support to the development and strengthening of CSOs at provincial level, and the development of provincial CSO coordination structures.

To the UN

- Through its regional offices in Afghanistan, provide greater support to provincial and district National NGO and CSO coordination structures.
- Through its engagement in local governance, promote and support inclusive planning processes that involve NGOs and CSOs in provincial and district level plans. As part of its continuing discussions with the Taliban, establish a dialogue on development to help establish ground rules on NGO involvement in development activities to be disseminated through the Taliban's local governance structures.

To NGOs and CSOs

- Commit to common standards for accreditation and self-regulation with a strategy for national rollout of accreditation processes.
- International agencies in collaboration with NGO coordinating bodies should establish capacity building initiatives to address gaps in financial and human resource skills in NNGOs, as part of new localisation initiatives.
- Strengthen provincial coordination structures and increase local representation in national coordination structures.

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Annex 1 Further historical context, 1960–2001

International NGOs (INGOs) have had a presence in Afghanistan since the 1960s, when CARE established programmes alongside USAID activities. During the 1970s only a few Western NGOs operated in Afghanistan, the International Assistance Mission (IAM) having the largest presence; as the name indicates, it drew its staff from missionary organisations worldwide. Other INGOs, such as Save the Children and Oxfam, also established operations in Afghanistan in the early 1970s. INGOs at the time were either involved in medical activities – supporting hospitals or running clinics – the agriculture sector, or in what was at the time referred to as welfare activities (essentially social service support).

The Russian invasion of Afghanistan was a decisive moment for those NGOs present in Afghanistan. The US government cancelled all foreign assistance to Afghanistan, forcing the withdrawal of most US-based NGOs. Those NGOs that were able to remain were restricted to Kabul or other major cities due to widespread insecurity. US and western donor support now moved to meet the needs of the large Afghan refugee population that had moved to Pakistan. US foreign policy at the time chose to internationalise the US response and to work initially through International NGOs and the ICRC, and then through UN agencies rather than through the government of President Muhammad Zia-ul-Haq.

INGOs and UN agencies provided services, food and shelter in the refugee camps. Health was an exception, and the withdrawal of the International Committee of the Red Cross (ICRC) from the camps to concentrate on war surgery meant that an Afghan NGO – the Society of Afghan Doctors (SAD) established in 1982 – made a significant contribution in a key sector. SAD later split into a

number of smaller specialist medical organisations. These medical organisations also began to operate cross border into mujahedeen-controlled areas with support from INGOs such as the International Rescue Committee and the Swedish Committee for Afghanistan.

Newly formed international ‘solidarity’ organisations such as AfghanAid, the Swedish Committee for Afghanistan and the Norwegian Committee for Afghanistan arrived in the early 1980s and spearheaded cross-border operations. The initial flows of cross-border assistance were relatively small, with approximately \$10 million being spent in 1982, half of which was in kind. Early cross-border operations were undertaken at considerable risk, under difficult and dangerous security conditions. The agencies involved were dependent on mujahedeen groups for their security and for their safe passage into the country. As a result, individual agencies began to focus their activities geographically, working in areas controlled by particular mujahedeen commanders. In 1986, the introduction and use of Stinger missiles by the US improved security and passage into Afghanistan and allowed for a major expansion of cross-border activities. By 1988, cross-border activities accounted for over \$100 million with an increase in the numbers of International and National NGOs engaged. The mode of operations developed in the early cross-border period became more firmly established and set a pattern of NGO engagement for years to come. Practical security concerns and an association with armed groups funded by the US and its allies largely determined the distribution of NGOs and the pattern and flows of humanitarian, rehabilitation and development assistance.

The expansion of national NGOs

The Geneva Accords signed in 1988 committed the Russians to a complete withdrawal from Afghanistan by February 1989, but also included a commitment to a substantial relief and rehabilitation programme across the whole of the country under UN auspices. The UN Secretary-General appointed Prince Sadruddin Aga Khan as his overall coordinator for humanitarian and assistance programmes for Afghanistan. The UN office for Coordination in Afghanistan (UNOCA) had its headquarters in Geneva, with four satellite offices in Afghanistan and in Iran and Pakistan, while a number of UN agencies, led by the UNDP Resident Representative, and a remaining few International NGOs maintained offices in Kabul during the Najibullah period of government. A major international appeal was launched for \$1.6 billion to support Operation Salam, the relief and rehabilitation efforts coordinated by the United Nations Regional Office for Central Africa (UNOCA) and based primarily on extending existing cross-border relief and rehabilitation efforts.

The increasing demand for NGO support was being matched by dramatically increased resources, and in 1989 in its second report UNOCA recognised the limitations of working with the existing group of NGOs involved in cross border operations. (Strand, A, 2003). There were specific concerns that:

- the capacity of the existing NGOs was being strained by the increased scale of operations
- there was a limit to what the UN could ask NGOs to undertake 'on its behalf'
- there were 'large areas of western, northern and central Afghanistan where NGOs do not operate at all'
- it was desirable to strengthen the capacity of Afghan organisations to manage their own affairs.

While bilateral donors continued to fund International NGOs as they had previously, the UN sought to address these concerns in three different ways. UN agencies, funds and programmes that had little experience of operations within Afghanistan took on NGO partners – many of whom were newly formed – in subcontracting relationships. UNOCA established funds to create Afghan NGOs where specialist skills were required, more specifically in the area of demining. UNDP set up funds with UNOCA to establish National NGOs to engage in rural rehabilitation and development activities. As a result of these initiatives, the number of National NGOs

grew exponentially. By 1992 the ACBAR recorded 88 NNGOs on its database.

The decade between 1983 and 1993 had seen an increase from 17 NGOs to some 200 NGOs of varying scale and type, either engaged in cross-border activities or providing support within Afghan refugee camps in Pakistan. These were defined by Nicholds and Borton (1994) as either INGOs with operations in other countries as well as Pakistan, or NGOs formed specifically in response to the needs of Afghans. Further important distinctions existed amongst the International NGOs. There was a group of INGOs that were entirely dependent on substantial US funding and would normally be seen as US contractors (their definition as NGO entities continues to bedevil the debate between government and the NGO community over perceived discrepancies in remuneration and the degree of openness of competition for donor funds). Islamic NGOs, mainly with funding from Saudi Arabia, formed a further subgroup; they tended to work in the areas of the more fundamentalist mujahedeen commanders and developed their own coordination structure based in Peshawar.

Further distinctions were made over the formation of Afghan National NGOs, which were described as falling into four categories (Rahim, 1991): (1) independent NGOs formed by non-affiliated professionals; (2) those backed by local shuras and commanders; (3) those established by political parties either individually or in coalition; and (4) those established by international organisations.

The greater number of National NGOs most likely resulted from the UN's various efforts to expand the NGO base. The demining NGOs proved to be the most enduring creations of the UN at that time and continue almost in their entirety to the present day. Health and medically oriented NGOs have also continued and now constitute a strong core of service providers within the two major World Bank projects supporting current health delivery: the BPHS and the System Enhancement for Health Action in Transition.

The emergence of coordinating structures

The signing of the Geneva Accords also had a major influence on the establishment of coordinating structures. A number of informal coordinating structures were already in place but were mainly vehicles for technical coordination in the medical field, or information sharing between International NGOs and the UN. UNOCA wanted to see one coordinating body that would act as an interlocutor

between themselves and the NGO community, and had proposed using the Geneva-based International Council of Voluntary Agencies (ICVA) to provide NGO coordination in both Quetta and Peshawar. This proposal was rejected, with many NGOs wanting to see a locally developed coordination structure. The Agency Coordinating Body for Afghan Relief (ACBAR) was formed following consultations among the NGO community. ACBAR's formation was driven primarily by the International NGO community; it did not represent the whole NGO community, with many Afghan National NGOs deterred from taking membership by the costs involved and because meetings were conducted in English.

The challenges of engaging Afghan National NGOs in coordination structures was linked to discussion within International NGOs about the 'Afghanisation' of their own structures (to allow Afghans a greater say in the running of NGOs). This led to the creation of the Afghan NGOs Coordination Bureau (ANCB) in 1991. Other coordinating bodies emerged which included the Southern and Western Afghanistan Baluchistan Association for Coordination (SWABAC) and the Islamic Coordination Council. NGO coordination had an inauspicious beginning, reflecting a reactive and at times resentful relationship with the UN as well as the divisions between International and National NGOs that are often a part of large-scale international relief efforts. Hanif Atmar and Jonathan Goodhand (2002) identified the problems of NGO coordination prior to 2001 as:

- huge diversity, characterised by belonging to different constituencies and and/or having inconsistent visions, differences of mandates, different institutional interests, multiple partnerships, diverse needs and funding mechanisms, etc.
- narrow (un-strategic) cost-benefit analysis for coordination (referring to the relatively high costs/small benefits for NGO members of coordinating bodies)
- inability of the coordination bodies to be responsive, in terms of their services, to the evolving strategic and practical needs of the NGO community in a rapidly changing context.

Introduction of NGO regulations

A number of agencies moved to Kabul in 1992, although many left when fighting between the mujahedeen groups broke out. The Rabbani government installed in 1993 sought to establish some government regulation and to formalise relationships between government and NGOs using the Ministry of Planning to play a coordinating function. This appears to have been largely ignored, as NGOs carried on their work and gained the necessary approvals and permits from line ministries now controlled by the commanders with whom they had previously worked.

When the Taliban gained control over Kabul in 1996, they increasingly sought control over the NGOs. In the first instance they required that NGOs have memoranda of understanding to continue operating. They also sought to move all NGO offices in Kabul into a common site in the Polytechnic compound. The INGO presence was further reduced in 1998 after a UN military observer was shot in Kabul following a US rocket attack on Khost. As result, the UN withdrew most of their staff from Kabul and the US and the UK placed a ban on their citizens employed by the UN from either travelling to or working in Afghanistan. This event, followed by the arrest and expulsion of EU Commissioner Emma Bonino as a result of her provocative actions when visiting a Kabul hospital, resulted in a dramatic decline in assistance. By 1999, the Taliban had also announced at an NGO meeting that ACBAR would not be allowed to run a coordination mechanism in Kabul, since coordination was a task for the Ministry of Planning and since ACBAR had not requested an MoU. Despite this, ACBAR continued to operate.



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