

Code of Conduct

For

NGOs Engaged

In

Afghanistan

April 2013

Introduction:

In 2004 ACBAR, ANCB, AWN, SWABAC, ACSFo, and their member organizations created the original NGO Code of Conduct (CoC). To ensure compliance with the current needs of NGOs operating within Afghanistan, the CoC presented within this document has been revised and updated; including the addition of a Code Observance mechanism which has been specifically designed to ensure better CoC implementation.

To ensure the CoC remains impartial and representative of the spectrum of organizations within the sector, the revision was completed by a committee consisting of national and international NGOs; the CoC was also shared between organizations across Afghanistan for further input.

The Code Observance mechanism will be monitored by an 'Observance Committee' – democratically elected by the representatives responsible for the formulation of this document. More details on the Observance mechanism are detailed in the 'Code Observance' section of this document.

Preamble

The Code of Conduct is a set of shared norms, principles and values that aims to guide the conduct of NGOs in Afghanistan.

Any NGO operating in Afghanistan and registered with the Ministry of Economy is eligible to sign the Code of Conduct.

We, the registered representatives of NGOs in Afghanistan, hereby commit our organizations to upholding the Principles outlined in this Code of Conduct.

General Principles

1. We are committed to comply strictly with international humanitarian principles and human rights law.
2. Our work is based on the principle of DO NO HARM and it focuses on responding to emergencies, to chronic needs, reducing the impact of disasters and climate change, and dealing with the root causes of poverty, meeting basic needs, and enabling communities to become resilient and self-sufficient.
3. We are accountable to those whom we seek to assist, to those providing the resources, and to legal authorities.
4. We are transparent in our dealings with the government and community partners, the public, donors and other interested parties.
5. We are independent and we strive to maintain our autonomy according to Afghan and international law, and to resist the imposition of conditionality or corrupt practices that may compromise our missions and principles.
6. We will not discriminate against any individual or group on the grounds of gender, political affiliation, ethnic origin, religious belief, physical disability or sexual orientation.

Operating principles

7. The focus of our work is to contribute to the empowerment of communities for the improvement in the quality of life of the people of Afghanistan.
8. We respect the Constitution and laws of Afghanistan and work within them.
9. We will not engage in any partisan political activities within Afghanistan.
10. We respect the dignity of the people of Afghanistan: their cultures, religions and customs.
11. We work with the poor and marginalized people of Afghanistan based on need alone, and not on any political, ethnic and tribal, or religious basis.
12. We ensure that our assistance is transparent and strive to involve beneficiaries and their communities in the planning, implementation, monitoring, and evaluation of programmes.
13. We recruit staff on the basis of suitability and qualification for the job according to the law, not on the basis of political, ethnic, religious, gender or personal interests.
14. We are performance-oriented to achieve the best possible results based on targets and achievements agreed with those we work for/with and those we mobilize resources from; we welcome objective evaluation of our work.
15. We seek to assist people and communities to solve their own problems. We encourage and enable the development of self-reliance and advance the right of people to fully participate in decisions that affect their lives.
16. We are committed to effectiveness and to maximizing the positive impact of our programs. We avoid duplication of services and coordinate with all stakeholders.
17. We exercise to the best of our capacity a responsible and responsive approach to the care of the physical and natural environment and to the proper management of Afghanistan's eco-systems in all our activities.

18. We monitor and evaluate the impact of our programs and clearly communicate findings with affected stakeholders.
19. We develop and maintain sound procurement and financial policies, audits, and systems in order to manage our accounts.
20. We maintain and make available public reports on governance, finance and activities upon request by relevant and interested parties.
21. We carry out our activities consistent with our stated missions.

Code Observance

I. The Code Observance Committee

The Code Observance Committee (hereafter called “the Committee”) shall be the body ultimately responsible for promoting and monitoring observance of the code.

A. Composition of the Committee

The Committee shall consist of five member networks. Each member network organization shall nominate one representative to the committee. The member networks are:

1. The Agency Coordination Body for Afghan Relief (“ACBAR”)
2. The Afghan NGOs’ Coordinating Bureau (ANCB),
3. The South-West Afghanistan, Balochistan Association for Coordination (SWABAC),
4. The Afghanistan Civil Society Forum Organization (ACSFo)
5. The Afghan Women’s Network (AWN).

B. Terms:

The term of office of a representative of the Committee shall be one year, but shall not be more than three consecutive years.

C. Leadership Selection:

The Committee shall select a Chair and a Secretary from the representatives.

II. Composition and Function of the Appeals Board

- a. The Appeal Board shall consist of Chair/Head of the five member networks.

- b. The Appeal Board shall be responsible to hear appeals and make recommendations for action by the committee.
- c. The recommendation will be made by a majority vote
- d. Members of the Appeal Board shall not be the same individuals currently serving on the Observance Committee

III. Functions of the Committee and committee meetings

The Committee shall have its ordinary meetings every three months. Extraordinary meetings will be held if there are any complaints that need immediate action.

Functions:

- a. Assess complaints within 30 working days after receiving the complaints from the Secretariat.
- b. Adjudicate and audit cases and make decisions on complaints.
- c. Receive appeals and convey them to the appeal board within one month.
- d. Make decisions with full consultation of all committee members.
- e. Consult with members on any changes needed to the Code of Conduct.

Decisions:

- a. Notice
- b. Warnings
- c. Suspension
- d. Ultimate sanctions is removal from the list of signatories from the Code of Conduct
- e. The decision will be made by a majority vote

IV. Secretariat and its role:

a. **The Role of Secretariat:**

The Secretariat will be one of the five member networks. The Secretariat will change each 3 years.

The Secretariat will have the following duties:

- 1) Receive and verify a copy of legal registration with the government of Afghanistan
- 2) Organize Committee meetings
- 3) Prepare and set agenda, minutes and other relevant documents of meetings
- 4) Coordinate among Committee members
- 5) Receive complaints for the Committee
- 6) Receive submissions and applications
- 7) Refer complaints to the Committee
- 8) Assess complaints with proper documents if reasonable or not
- 9) Promote the Code of Conduct
- 10) Maintain the Code of Conduct website
- 11) Prepare and maintain list of signatories
- 12) Maintain the records
- 13) Maintain a confidential complaints log

V. The process of receiving complaints

a. The following parties can make complaints:

- 1) Beneficiaries, community members, partners and members of a signatory NGO
- 2) Signatories of this Code of Conduct
- 3) Network organizations
- 4) Staff members of the signatory NGO
- 5) Any other stakeholders

The Secretariat may follow up on complaints published in the media or from any other stakeholders.

b. Processing complaints:

- 1) The Secretariat will receive complaints from relevant groups and individuals- by any possible channel.
- 2) The Secretariat is responsible to assess the complaints to determine if the complaints are reasonable and shall refer reasonable complaints to the Committee no later than 10 working days.
- 3) The Committee will investigate the complaints and will make a decision within 30 working days.
- 4) The NGO, subject to complaint, will be invited to address the Committee.

Annex to Code of Conduct

1. Code of Conduct revision Purpose:

This Code of Conduct is modified to be more inclusive of all NGOs involved in Afghanistan and to ensure its compliance with the current environment and needs of NGOs.

2. Definitions:

NGO: a domestic or foreign non- governmental, non- political and not-for-profit organization.

Not-for-profit: an NGO cannot distribute its assets, earnings or profits as such to any person rather than beneficiaries. However, there may be paid employees or activities generating revenue which will be used solely for the stated purposes of the organization.

Impartiality: we offer assistance to people based on need and irrespective of race, religion, gender or political affiliation.

Transparency: a lack of hidden agendas and conditions, accompanied by the availability of full information required for collaboration, cooperation, and collective decision making or minimum degree of disclosure to which agreements, dealings, practices, and transactions are open to all for verification.

Accountability: we are committed to regularly evaluating the effects of our activities. We assume the responsibility of accounting for our actions to our beneficiaries, donors and other interested stakeholders.

Neutral: we do not take sides in armed conflicts, we provide care on the basis of need, and we push for independent access to victims of conflict as required under international humanitarian law.

Independence: We conduct our own evaluations on the ground to determine peoples' needs. Our programs are designed based on identified needs and not on political rhetoric or fads.

Complaint: a statement, expression of pain, dissatisfaction, or resentment from beneficiaries, community members, partners and members of a signatory NGO, network organizations, staff members of the signatory NGO, or any other stakeholders against a signatory of the code of conduct.

International humanitarian law and international human rights law: two distinct but complementary bodies of law. They are both concerned with the protection of the life, health and dignity of individuals. (ICRC)