AFGHANISTAN

EU COUNTRY ROADMAP FOR ENGAGEMENT WITH CIVIL SOCIETY

2015 – 2017

Approved by: HOMs

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ACKNOWLEDGMENT

LIST OF ACRONYMS

ACBAR	Agency Coordinating Body for Afghan Relief and Reconstruction
ACSEN	Afghan Civil Society and Elections Network
ACSF	Afghan Civil Society Forum
AICS	Afghan Institute for Civil Society
AWN	Afghan Women Network
CSHRN	Civil Society and Human Rights Network
CSO	Civil Society Organisation
DFID	Department for International Development
EU	European Union
EVAW	Eradication of Violence Against Women
HPC	High Peace Council
HRDs	Human Rights Defenders
ICNL	International Centre for Non-for-Profit Law
MoE	Ministry of Economy
MoJ	Ministry of Justice
NGO	Non-governmental Organisation
NPP	National Priority Programme
PRT	Provincial Reconstruction Team
SBCP	Sector-Based Core Partner
SEHAT	System Enhancement for Health Action in Transition
TMAF	Tokyo Mutual Accountability Framework
UN	United Nations
UNAMA	United Nations Assistance Mission for Afghanistan

EXECUTIVE SUMMARY

The European Union and its Member States, together with like-minded international partners, have undertaken to develop country roadmaps for engaging with civil society organisations (CSOs) all around the world. These roadmaps are meant to increase the impact, predictability and visibility of EU action in support of civil society, and improve coordination between the EU Delegation to Afghanistan, EU Member States and other international actors. This Roadmap identifies long term objectives for EU cooperation with CSOs and immediate actions that need to be taken in three key areas: enabling environment (see section 3.1), structured participation and roles (section 3.2), and capacity (section 3.3). The Roadmap contains a set of lessons learnt from current support and recommendations for the Afghan government, civil society, and other donors (see section 4 and 5). In summary, the following guiding principles will inform future EU support to civil society in Afghanistan:

Overcome donor-driven support. Funding priorities are often not set by CSOs. Frequent reviews of donor strategies, based on the assumption that change can happen within a relatively short timeframe, encourage some CSOs to take an opportunistic approach. They end up morphing themselves to fit the latest donor priority without having inherent expertise in the area, a genuine strategy or mandate based on recognised expertise. This has the perverse effect of crowding out bottom-up and grassroots CSO development, preventing the establishment of organisational goals and ideologies. To counter this trend, donors should align their support with the strategic frameworks of CSOs and consult them more regularly in order to identify areas of support. The identification of priorities under the EU Civil Society and Local Authorities programme in 2016 will be based on a broad consultation with CSOs.

Reach out beyond Kabul and established NGOs. Donors find that it is challenging to get the balance right between supporting the 'usual suspects' of Afghan civil society, who are successful in applying for funding, and the smaller, constituency-based CSOs who work at a more grassroots level. The nature of funding systems and the imperative to manage fewer and bigger contracts makes it problematic for weak CSOs to participate. At the same time, donors have a low appetite for financial and fiduciary risks, especially in an environment where monitoring and evaluation is particularly challenging. This is further exacerbated by security restrictions which make direct engagement with CSOs outside of Kabul more difficult and lead to a degree of Kabul-centricity in support to civil society. The unwillingness and inability to reach out to less established, less formal structures could minimise opportunities for innovative engagement, particularly in rural areas where the concept and meaning of civil society may be different. As a follow-up to the Roadmap, the EU will conduct a review of sub-granting in its ongoing and past projects and make a more extensive use of this mechanism, especially at local level, in its Civil Society and Local Authorities programme in 2016.

Monitoring and evaluation results should become 'public goods'. Donors recognise, and so did most of the civil society surveyed, that performance should be better assessed when providing funds. It was also suggested that in order to measure the achievement of priorities, donors need to set up solid systems in order to keep track of the achievements made as a result of individual/joint donor interventions. A joint interactive database of project-related data would be a useful tool for better donor coordination. Such a database would enable donors to aggregate data for particular sectors, regions or thematic areas. It could also gather monitoring and evaluation data, basically

serving as a one-stop shop. Donors should also find ways to engage in collaborative monitoring. As a follow-up to the Roadmap, the EU will explore the possibility of establishing an open database of projects including narrative reports as well as monitoring and evaluation results.

Improve coordination beyond information-sharing. Most donors and civil society representatives recognise the need for more coordination, both among EU Member States and with other international partners, to know who supports what and where. Coordination goes beyond information sharing, it also needs to include, at least to some extent, a certain level of coordination and division of labour in programming in order to reach a more strategic level of support to civil society. There could also be better coordination in joint monitoring and evaluation, both project- and sector-wide which would not only ensure the sharing of lessons learnt, but also a more efficient use of shrinking resources. The EU will initiate a coordination group to monitor follow-up actions to the CSO Roadmap, strengthen coordination and provide a forum for dialogue with the Government of Afghanistan on civil society's enabling environment.

Promote civil society sustainability. There is widespread concern that the decrease of donor funding in the medium term poses a risk to the sustainability of Afghan civil society. Donors agreed they should manage expectations and inform CSOs that funding will decrease, and should encourage CSOs to find new ways of generating funding. At the same time, CSOs should focus on initiatives that have the potential to be financially self-sustainable or include training/capacity building in fundraising, including social business ideas. While recognising that policy engagement and advocacy require professionalism and skills, the EU will encourage volunteerism in its future support to civil society.

Support CSO coalitions in governance and accountability. Donors have an automatic 'project approach' reflex, however, in the area of governance and accountability support needs to be process-, rather than project-based. During the consultation, it was recommended that donors go beyond the circle of organisations they support financially, on a project-basis, and actively work to support the development and strengthening of coalitions of CSOs that can bring together diverse CSO actors and encourage specialisation. Support coalitions of CSOs that can hold the Government accountable in key policy areas will be the main objective of future EU support to civil society.

1. INTRODUCTION

Background

The European Union and its Member States, together with like-minded international partners, have undertaken to develop country roadmaps for engaging with civil society organisations (CSOs) all around the world. These roadmaps are meant to increase the impact, predictability and visibility of EU action to support civil society, and improve coordination between the EU Delegation to Afghanistan, EU Member States and other international actors. Roadmaps identify long term objectives for EU cooperation with CSOs and immediate actions that need to be taken in three key areas: enabling environment (see section 3.1), structured participation and roles (section 3.2), and capacity (section 3.3). They are not one-off exercises, but are regularly reviewed against agreed priorities and set out immediate actions that need to be taken.

Objectives of the Roadmap

The key objectives of the roadmap are:

1. To enhance efforts to promote a conducive environment for CSOs in partner countries;

2. To promote a meaningful and structured participation of CSOs in domestic policies, in the EU programming cycle and in international processes; and

3. To increase local CSOs' capacity to perform their roles as independent development actors more effectively.

Methodology

This Roadmap has been developed in a consultative and inclusive way. The process went through the following steps:

Online consultation through an online survey for CSOs available in English, Dari and Pashto to allow CSOs beyond the elite group of networks and large NGOs working in Kabul and other big cities to participate. The questionnaire for CSOs contained 33 specific questions [1] grouped around three areas of analysis: enabling environment, structured participation and roles, and capacity. The questionnaire for Member States and international partners contained 20 questions to gather information on the assistance they have provided to CSOs in terms of amount, coordination, mandate and priorities, as well as recommendations for improving support to civil society in the future.

Analysis of online consultation results. We received a total of 137 responses at the end of the consultation period (November 2014 to January 2015). 127 CSOs, representing (of which 12 international NGOs) over 14 000 staff, including 3 000 women, participated in the online consultation (73 replied in English, 52 in Dari and 2 in Pashto), together with eight EU Member States (Denmark, Finland, France, Germany, Italy, the Netherlands, Sweden and the UK) and two international partners (Norway and Switzerland).

Literature review, focus group discussions. The information gathered through the online consultation was complemented by an extensive literature review, targeted interviews and focused group discussions. When analysing the online consultation responses, we noticed that the view of certain groups that are particularly active or have played an important role in civil society had

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[1] The online questionnaires are available at the following links:

English http://ec.europa.eu/eusurvey/runner/62ff6aca-8a3d-3212-59a2-9f92bd9b452c
Dari http://ec.europa.eu/eusurvey/runner/c54b2410-bc8a-84bc-af53-adca38a46eb5
Pashto
https://ec.europa.eu/eusurvey/runner/b224d069-67f0-ac40-95f1-40f56e94aa70
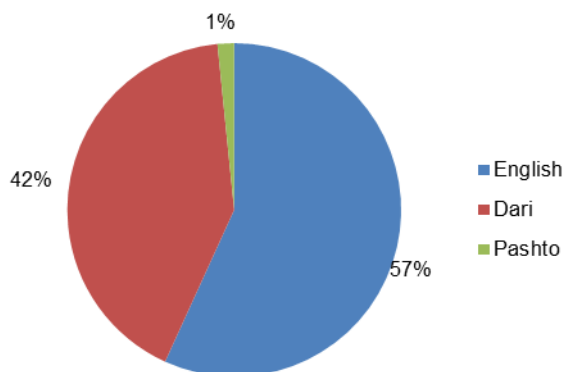
not been sufficiently well captured. For this reason, we organised two focused group discussions with young people and trade unions.

Participation in the online questionnaire, by language (%)

- English
- Dari
- Pashto

1%

42%

57%

Workshops. In addition, we organised two days of workshops, on 24 and 25 February 2015, bringing together over 100 representatives from civil society, including 20 from outside Kabul, and a special session with donors. The workshops were held mainly in Dari and Pashto, with the support of an Afghan consultant with wide civil society experience. Their purpose was to share the preliminary findings of the consultation responses and prioritise long-term and immediate actions.

There are a number of limitations which we noted in this exercise. First, we are aware that our online consultation could only reach out to a limited number of CSOs active in Afghanistan. Although we received responses from organisations working in all 34 provinces, the lack of access to facilities

such as the internet and contacts with the EU has meant that most of the organisations that responded are based in Kabul or other bigger cities. To overcome this limitation, we invited 20 representatives from outside Kabul to our workshops (Badakhshan, Balkh, Bamyan, Ghazni, Herat, Kandahar, Laghman, Logar, Nimroz, Nangahar, Paktia, Paktika, Takhar).

CSOs participating in the online questionnaire, by province of activity (%)
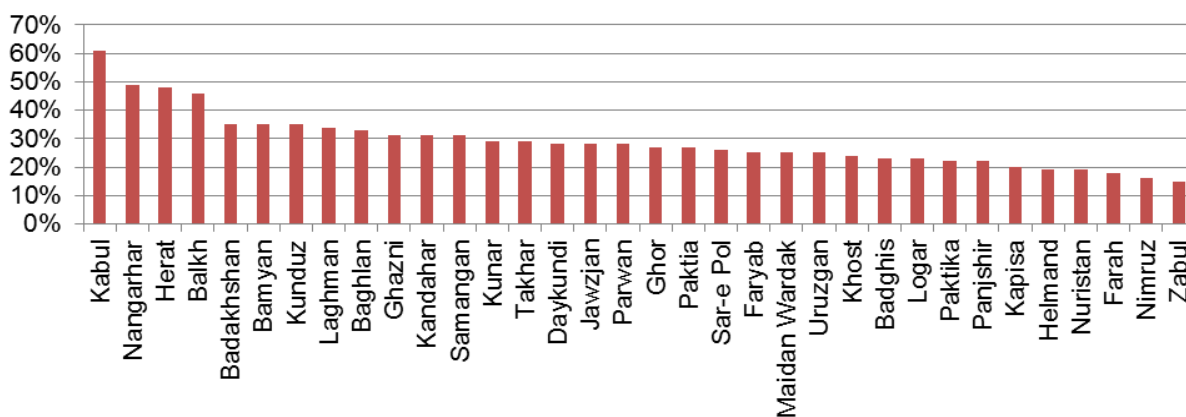
Access to information about civil society's history has also been a challenge. Literature and research about civil society in Afghanistan is limited and the majority of it dates from 2001. In addition, this exercise could not directly reach the beneficiaries of civil society activities and gauge their views of civil society's role and international support.

Three quarters of the organisations that participated in the online survey were established after 2001, with increased levels of international support following the fall of

the Taliban. As donors, we also reach out directly to modern civil society structures, but only indirectly to traditional civil society, which is a further limitation that must be taken into account.

CSOs responding to the online questionnaire, by year of registration
(number)
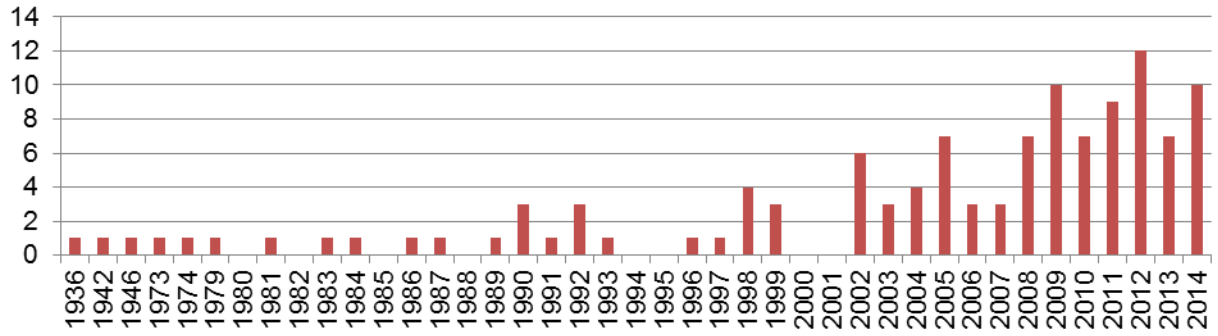
2. STATE OF CIVIL SOCIETY

Definition of Civil Society

There are several definitions of civil society. The European Union defines civil society as 'all non-state, non-profit structures, non-partisan and non-violent, through which people organise to pursue shared objectives and ideals, whether political, cultural, social or economic'.[2] Civil society encompasses a wide range of actors with different roles and mandates, e.g. community based organisations, non-governmental organisations, trade unions, cooperatives, professional or business associations, not-for-profit media, philanthropic organisations, etc. Civil society differs from political society because it does not aim to seize power. It differs from business because it does not seek profit for its members.

History of Modern Civil Society in Afghanistan

Modern civil society in Afghanistan found its formal or informal role during the 1980s and 1990s. The first NGOs were run by professionals such as doctors and teachers, who voluntarily provided support to Afghan refugees residing in camps in Peshawar, Pakistan. In 1989, when the United Nations announced it would financially support Afghan NGOs, their number suddenly increased from less than 20 to 250. Of these, some were real NGOs working to support refugees, but some were political committees or personal organisations run by militia commanders or their families that rebranded as NGOs to seek support.[3]

During the 1990s, many emergency relief NGOs moved into rehabilitation and development work. At that time, NGOs expanded and became more professional. The need for the formal documentation of NGOs' work increased, together with a drive to show effectiveness and impact through 'monitoring and evaluation', 'audit reports', 'strategies' and 'priorities'. This was also the period when established international NGOs and coordinating bodies stepped in to provide training and build capacity in local NGOs.[4]

With the events of September 2001, the working environment for civil society in Afghanistan changed substantially. From late 2001, new opportunities arose for civil society opened as a result of the establishment of the transitional and then elected governments, the presence of the international community and the provision of funding. In November 2001, at the first Bonn Conference, a civil society consultation was organised to involve civil society in the peace and reconstruction process in Afghanistan and to achieve a more sustainable post-conflict reconstruction than a simple top-down government approach.[5]

NGOs and Associations

Since 2001, civil society has played an important role in Afghanistan's development,

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[2] They include membership-based, cause-based and service-oriented CSOs. Among them, community-based organisations, non-governmental organisations, faith-based organisations, foundations, research institutions, gender-focused and LGBT organisations, cooperatives, professional and business associations, and the not-for-profit media. Trade unions and employers' organisations ('social partners') form a specific category of CSOs.

[3] Arne Strand, *Norwegian Centre for Humanitarian Studies, Afghan Civil Society: Tradition facing the future*, March 2015, available at http://www.cmi.no/publications/file/5420-afghan-civil-society-tradition-facing-the-future.pdf .

[4] Ibid.

[5] ACBAR, *Panorama of civil society organisations in Afghanistan from the perspective of coordination*, January 2015, available at http://www.acbar.org/files/downloads/ACBAR%20CSO%20report.pdf .

in service delivery and in governance and rule of law. There are two forms of registered, not-for-profit organisations in Afghanistan: NGOs, registered with the Ministry of Economy, and Associations, registered with the Ministry of Justice. According to the International Centre for Not-for-Profit Law (ICNL), as of February 2015, there were 1665 active NGOs, including 275 international NGOs, and 5350 associations registered in Afghanistan[6] (more information on the registration process on page 8).

Civil society in Afghanistan
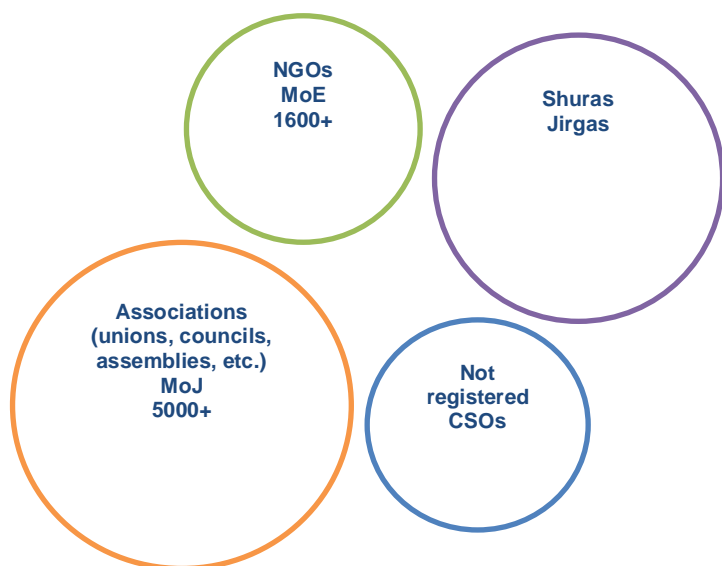
As a result of project-based support, and the fact that only legally registered NGOs were entitled to receive foreign grants (the ban on foreign funding for associations was only lifted in 2013, but most organisations and government officials are still not aware of the new legal framework), the words NGO and CSO are often used interchangeably. In this

roadmap, however, we refer to NGOs as part of civil society and use the word CSO to encompass all civil society actors. The EU considers CSOs to 'include all non-State, not-for-profit structures, non-partisan and non-violent,[7] through which people organise to pursue shared objectives and ideals whether political, cultural, social or economic.'[8]

This bias is to some extent illustrated by the sample of CSOs which participated in the EU's online consultation. An overwhelming majority of them were registered as NGOs (81 %), with only 10 % registered as Associations, and the remaining 9 % registered in other forms or not registered at all. This can be contrasted with the outcomes of the 2014 civil society mapping conducted by UNAMA in 13 provinces of Afghanistan, which found that approximately 70 % of organisations are registered as NGOs.[9] Reaching out to unregistered grassroots organisations remains a challenge for donor support to civil society in Afghanistan.

It is interesting to note that 90 % of organisations that replied to the online survey in English are registered as NGOs and only 4 as Associations (5 % of total), and these are mostly youth organisations. By contrast, NGOs represent a lower proportion, 67 %, of the organisations that replied to the

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[6] The International Centre for Non-for-Profit Law (ICNL), International Centre, http://www.icnl.org/research/monitor/afghanistan.html The list of registered NGOs can also be consulted on the Ministry of Economy's website at the following links: http://moec.gov.af/Content/files/Regloc24-2-2015.pdf (national NGOs) http://moec.gov.af/Content/files/IntRegNgos.pdf (international NGOs).

[7] They include membership-based, cause-based and service-focused CSOs. Among them are community-based organisations, non-governmental organisations, faith-based organisations, foundations, research institutions, gender-focused and LGBT organisations, cooperatives, professional and business associations, and the not-for-profit media. Trade unions and employers' organisations ('social partners') form a specific category of CSOs.

[8] European Commission, *The roots of democracy and sustainable development: Europe's engagement with civil society in external relations*, COM(2012) 492 final, Brussels, 12 September 2012, http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM%3A2012%3A0492%3AFIN%3AEN%3APDF .

[9] United Nations Assistance Mission in Afghanistan, Civil Affairs Unit, *Mapping of the Afghan Civil Society Partners*, September 2014.

questionnaires in Dari. The need to communicate in Dari and Pashto to reach out to more grassroots organisations is another lesson learnt.

Organisations participating in the survey, by type of registration

Total (below middle), Dari (below left) and English (below right)

- Ministry of Economy
- Ministry of Justice
- Ministry of Culture
- Other
- Not Registered
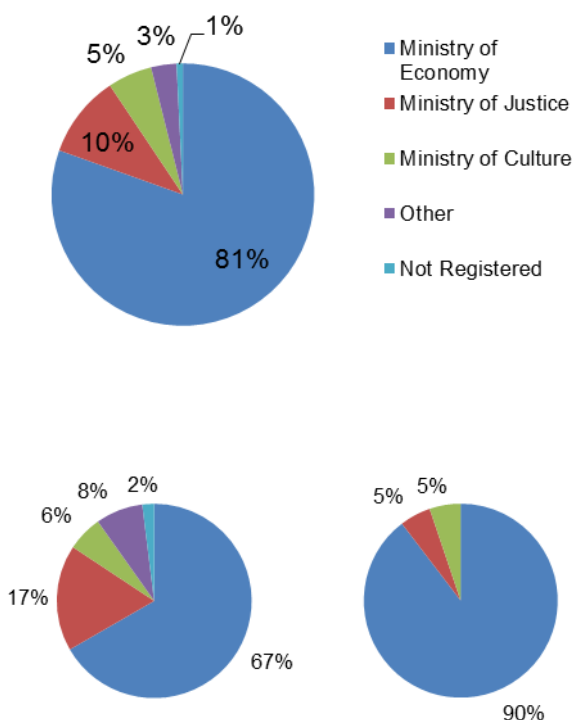
Media

Media has experienced a significant growth in the last decade. In 2000, the country was home to 15 news outlets; in 2014 the figure rose to 1 000. Of around 12 000 working journalists in Afghanistan today, some 2 000- 2 500 are women, up from an estimated 1 000 in 2006 [10]. The truly vital role these

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[10] Ifex, *How Afghanistan's femal journalists are covering the stories no one else can*, 6 March 2015, available at https://www.ifex.org/afghanistan/2015/03/06/afghan_women_journalists/

women play in Afghan society is too often overlooked.

Social media is increasingly playing an important role in raising voices and representing communities. The increased use of Information and Communication Technologies (ICT) offers an opportunity for young people to raise their voice on key issues ranging for rights violations, participation, voice and accountability of duty bearers. ICT also allows rapid growth in improving access to public information.

Other civil society actors

The landscape of civil society in Afghanistan goes beyond modern civil society and NGOs. Traditional civil society actors and other diverse groups in the communities are playing a critical role. These structures include but not limited to Councils, Khanaqa, Jirgas, Community Development Councils, Social Organisations, cultural and literature organisations, sport clubs, cooperatives, unions and labour associations, youth unions and associations, religious organisations, tribal groups, marginalised groups, doctors associations, teachers associations and students associations. Some of these bodies are formal and registered with government while some of them are informal and are not registered with government.

Traditional civil society structures have existed in certain parts of Afghanistan for decades and continue to form a building block of Afghan society. They have acted as a bridge between the people and the government, building consensus on collective issues and resolving disputes at the community level. However, such bodies typically remain fairly local and assembled along geographic and tribal lines. In more recent years, development organisations have created councils based on these traditional structures (for example, under the National Solidarity Programme). These, thanks to

increasing access to many forms of communication, have blurred these geographic and tribal lines and traditional bodies are starting to play different roles in Afghan communities.[11] Working with CSOs that can reach out to traditional stakeholders who still represent large segments of Afghan society could help maximise opportunities for innovative engagement, particularly in rural areas. Other opportunity in this respect can be provided by working with religious leaders to engage with grassroots community structures, especially in rural areas.

However, traditional civil society structures are not always considered to be agents for change, especially with regard to human rights and women's rights.

Volunteerism

The vital role volunteers play in empowered and resilient communities has been recognised by several stakeholders. Rural Afghanistan has a rich tradition of volunteerism and 'Hashar' (mutual help community groups). Villagers especially youth gather for voluntary community services improving public wellbeing especially the community infrastructures.

Through the networks of youth volunteers, young people can be mobilised to work for public goods, lobby decision-makers and help shift social attitudes (especially over girls' participation). It can also strengthen civil society to lobby the government for lasting policy changes.

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[11] Arne Strand, *Norwegian Centre for Humanitarian Studies, Afghan Civil Society: Tradition facing the future*, March 2015, available at http://www.cmi.no/publications/file/5420-afghan-civil-society-tradition-facing-the-future.pdf .

2.1   ENABLING ENVIRONMENT

The ability of CSOs to participate in different domains of public life depends on a set of pre- conditions commonly referred to as the 'enabling environment', for which different actors are responsible. To operate, CSOs need a functioning legal and judicial system — giving them the *de jure* and *de facto* right to associate, secure funding, freedom of expression, access to information and the ability to participate in public life. The state has primary responsibility for ensuring these basic conditions.[12]

In this section, we analyse the extent to which current laws and the registration process has supported the work of CSOs. Enabling environment also includes external factors that have an impact on the work of CSOs, for instance, aid dependency and public perception. The current mechanisms and platforms for participation at central, local and national level are explored under 'structured participation and roles'.

Legal framework

There are two laws regulating CSOs in Afghanistan: the NGO Law and the Law on Associations. To become registered, NGOs must apply to the Ministry of Economy (MoE) in Kabul. The registration process for NGOs is two-tiered, with a technical commission reviewing applications, followed by a review from a 'senior evaluation commission', the latter composed of at least five government ministries. There are no reports of registration being denied on arbitrary grounds.[13] Afghan NGOs have to pay a fee of AFN 10 000 (around EUR 150),

which can be prohibitive for small organisations.

By contrast, Associations are registered with the Ministry of Justice. Foreign citizens, stateless persons, and people under the age of 18 are prohibited from founding Associations. Applicants are required to pay a fee of AFN 10 000 (around EUR 150).

Some CSOs believe that the NGO Law has provided a way to differentiate active CSOs from non-active ones, and was a positive step to formalise CSOs' work and accountability, a view confirmed by interviewees within the MoE and MoJ. However, 40 % of the CSOs surveyed (n= 50) see the lengthy process and paper work required during the registration process, particularly by the MoE, as a challenge. Government interviewees believe this is due to a number of factors, including:

- the lack of clear terms of reference for the departments responsible;

- interference in the final decisions by the leadership in ministries during the registration process; and

- the lack of centralised systems within the ministries.

In addition to legal registration with the MoE or MoJ, CSOs can apply for registration certificates with other line ministries, depending on their areas of activity, for example the Ministry of Women's Affairs or the Ministry of Culture. While they are not the same as legal recognition, these certificates (based on our consultation, it is estimated there are up to 12 such registration processes) enable better relations with the relevant government authorities.

Organisations surveyed criticised the fact that the information and data provided during registration are not kept on record. This information, if well recorded and publicly

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[12] European Commission, *The roots of democracy and sustainable development: Europe's engagement with civil society in external relations*, COM(2012) 492 final, Brussels, 12 September 2012, http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM%3A2012%3A0492%3AFIN%3AEN%3APDF.

[13] The International Centre for Non-for-Profit Law (ICNL), http://www.icnl.org/research/monitor/afghanistan.html.

available, could help with mapping civil society and categorising CSOs by area of activity.

Workshop participants have also recommended that an independent body is formed to:

- register CSOs;

- gather their reports;

- monitor their work; .

Differences between NGOs and Associations

	NGO Law	Association Law
Definition	'a domestic non-governmental organisation which is established to pursue specific objectives'	'communities, unions, councils, assemblies and organisations which are voluntarily established by a group of real or legal persons as non-profit, non-political entities, in accordance with this law'
Openness to foreign organisation	Foreign NGOs can register with the Ministry of Economy	Only Afghan nationals can establish and operate under the Association Law
Barriers to funding	Can access all types of funding, except bidding for construction projects. Required to submit 'committed project documents' to Ministry of Economy prior to start working.	The Associations Law initially contained a clause that prohibited civil society organisations to access and use external resources. The 2013 version of the law repealed this clause allowing associations some access to external resources in pursuance of their objectives.
Reporting obligations	Semi-annual reports	Once registered, an organisation remains in the database for three years. No reporting requirements.
Use of assets	'cannot distribute its assets, income or profit to any person, except for the working objectives of the organisation; and that cannot use its assets, income or profits to provide private benefits, directly or indirectly, to any founder, member, director, officer, employee, or donor of the organisation, or their family members or relatives'	Assets are limited to the support and goals of the organisation
Registration fee	10 000 Afs (around 156 Euro) for domestic NGOs and 1 000 USD for international NGOs	10 000 Afs (around 156 Euro)

Government interviewees expressed concerns about the lack of awareness in CSOs regarding the provisions of the NGO Law and the registration process, including in ministry employees themselves. This general lack of awareness turns out to be particularly challenging at provincial level where officials, who do not always have knowledge of the entire registration process, are known to impose additional administrative obstacles and demand bribes to complete the registration process. [14] In addition, some provincial governments reportedly establish their own regulations for NGO activities. [15] Organisations that do not have a presence in Kabul or that are not members of a network lack the support needed to avoid becoming victims of malpractice.

CSOs also observed that the NGO Law does not provide clear guidance on registering networks. Networks can be registered as individual NGOs, but no specific criteria or guidance as to what defines a network are available.

There are also several legislative initiatives which are pending adoption, including:
- proposed amendments to the NGO Law;
- a draft Law on Foundations;
- a draft Law on Volunteering; and
- proposed amendments to the tax code, which, if enacted, would introduce tax incentives for financial transfers by individuals to tax-exempt organisations. [16]

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[14] United States Agency for International Development, *2012 CSO Sustainability Index for Afghanistan*, available at http://www.usaid.gov/sites/default/files/documents/1866/AfghanistanCSOSI_2012.pdf .
[15] Ibid.
[16] The International Centre for Non-for-Profit Law (ICNL), http://www.icnl.org/research/monitor/afghanistan.html.

Barriers to operations

The NGO Law prohibits organisations from participating in political activities and campaigns and from providing payments and fundraising for political parties and candidates. Although the law does not define 'political activities', the context suggests that the phrase refers to campaigning and electioneering, as opposed to public advocacy.[17]

In addition, NGOs are required, before commencing work and after examination and assessment by the relevant line department, to submit documents on upcoming projects to the MoE for verification and registration.

NGOs are also required to submit six-monthly reports, and failure to do so may result in dissolution of the NGO. As of February 2015, according to the MoE, 1 890 Afghan and 147 foreign NGOs have been closed down for not complying with the law.[18]

Access to information

The right to freedom of speech and access to information are enshrined in the Afghan constitution under Article 34 and under the Mass Media Law of 2009. President Ghani signed the Access to Information Law in December 2014, which allows Afghan citizens the right of access to information from the government institutions.

Despite the regulatory provisions on access to information, journalists and civil society activists continue to face violence and restrictions. Afghan civil society organisations have been pushing for full implementation of the new law, but according to the Afghan Journalists Safety Committee, journalists generally find "minimal application" of its provisions that require officials to provide information to the public.

These restrictions limit journalists' ability to report on critical issues including human rights violations. According to Human Rights Watch in Sangin district of Helmand province for where battles between the Taliban and the Afghan armed forces intensified in March 2015, security officials completely blocked the media from entering the district during the height of the fighting. Civil society groups and district representatives have described high civilian and military casualties, possible reprisals against civilians, and the destruction of homes, but numbers and conditions are unknown because of the restrictions on the media[19].

In addition, journalists and civil society activists in Afghanistan who publish articles critical of the authorities and government practices continue to face violence from police and other officials, particularly in areas outside Kabul.

Access to funding

There are no barriers to accessing domestic or foreign funding. However, NGOs are prohibited from participating in construction projects and contracts, apart from in exceptional cases where the MoE has granted special permission.[20] 'Associations can carry out any type of legal activity without government restriction. While before 2013 NGOs were barred from receiving foreign funding, they now have access to financial and technical assistance from foreign

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[17] The International Centre for Non-for-Profit Law (ICNL), http://www.icnl.org/research/monitor/afghanistan.html.

[18] Data available on the Ministry of Economy's website, http://moec.gov.af/Content/files/DisorgLocNgos.pdf and http://moec.gov.af/Content/files/IntDisorgNgos.pdf .

[19] Human Rights Watch, *Dispatches: Tightening Chokehold on Afghanistan's Media,* 27 April 2015, available at https://www.hrw.org/news/2015/04/27/dispatches-tightening-chokehold-afghanistans-media

[20] The International Centre for Non-for-Profit Law (ICNL), http://www.icnl.org/research/monitor/afghanistan.html.

organisations. Awareness is however low and only a few associations have benefited from foreign funding.

<u>Aid dependency</u>

Most organisations and donors consider that Afghan CSOs have grown too dependent on funds provided by the international community. Aid dependency in CSOs is highly undesirable for longer term good governance in Afghanistan. Many respondents, including donors, are concerned that the large amounts of project-based support to civil society that have been provided over the last decade might have destroyed the culture of volunteering in Afghanistan.

Civil society should be encouraged to develop sustainable sources of funding such as community shares in the form of labour, venues or material, in exchange for benefits. Donors should more actively provide funding to CSOs that can demonstrate a certain level of volunteer work and capacity for fundraising from other sources than international donors. Donors could be more focused when managing grants and request that project proposals specify in more detail what proportion of work will be done by volunteers. In the area of service delivery, it will be important to ensure that the cost of services provided is proportional to the services delivered and that the best performing CSOs are rewarded. Service provision will have to become increasingly demand driven, rather than supply driven. CSOs should follow ongoing discussions on amendments to the tax code and raise awareness among CSOs about their potential for tax exemptions.

Other obstacles

Besides financial sustainability, the enabling environment for civil society in Afghanistan is also affected by insecurity, the threat from warlords and gunmen. To address these issues, workshop participants recommended further strengthening CSOs' working relationships with communities. In order to minimise risks from warlords and gunmen, CSOs will need to approach local government and find solutions based on good governance and the rule of law. Workshop participants also recommended close collaboration and coordination with national security forces, tribal leaders and influential members of the communities such as religious leaders, council leaders and elders. CSOs need to improve communication with one another during periods of risk and identify ways to respond jointly to this. CSOs at the central and provincial level therefore need to:

- improve coordination between them;

- find ways to share information with each other; and

- provide support as and when needed.

However, the government is responsible for conducting public outreach campaigns to help recognise the role of CSOs and help protect their work.

Public acceptance

CSOs surveyed believe civil society has played a key role in bridging the gap between the government and people. Civil society has emerged within communities, with the ability to identify its needs and plan to develop the support needed through implementing projects and programmes and through lobbying and advocacy. Over time, relationships between communities and CSOs have created synergies for collaboration and there trust has built up between them. To date, CSO interaction with communities has been useful in raising awareness, increasing engagement with civil and political rights and rights-based dialogue and consultations. CSOs, particularly women's organisations, have been able to

consult women in remote areas and include their voices and recommendations in position papers, statements, gatherings and media.

Nonetheless, to increase public acceptance, the CSOs surveyed believe that their transparency and internal accountability mechanisms should be strengthened to root out politically-affiliated NGOs, cases of corruption and hiring of family members. In *Realising Self Reliance*, the Afghan government strategy presented at the London Conference in December 2014, the National Unity Government states it 'would like civil society organisations to adopt a common framework for financial reporting and public disclosure, which will help lay the ground work for long-term domestic sustainability of the sector'.

The workshops also emphasised the need for the media and citizen journalists to scrutinise CSOs more closely.

An important initiative is the work on developing certification standards for national and international CSOs that the Afghanistan Institute for Civil Society (AICS) is carrying out. The certification is expected to focus on evaluating CSO capacity in:

- project management;
- programme delivery;
- financial management;
- internal governance;
- strategic planning;
- external relationships;
- communication;
- fundraising; and
- human resources.

Compulsory standards with relevant measurement indicators would be put in place for each of these areas. Future technical consultations with partners are expected to improve these tools and address any relevant shortcomings.

2.2 PARTICIPATION AND ROLES

Structured participation refers to effective participation processes, set up to engage with national and local institutions in developing and monitoring public policies. It also refers to established mechanisms of dialogue with the international community to identify and set out aid programming. Roles focus on strategic areas in which civil society is a force for change and also, conversely, areas where it is marginalised but may have an unrealised potential.

Participation

In the London Conference communiqué, the National Unity Government of Afghanistan and the international community recognised the important role that Afghan civil society has played in the country's development. The participants welcomed the Afghan Government's commitment to the constructive, ongoing dialogue with civil society, including Afghan women's organisations, to ensure Afghan civil society's full and meaningful involvement in key political processes, strengthening governance and the rule of law, as well as the development, oversight and monitoring of the refreshed Tokyo Mutual Accountability Framework.[21] In the *Self Reliance through Mutual Accountability* document adopted in September 2015, the Government of Afghanistan committed to adopt a Memorandum of Understanding with Civil Society by the end of 2015.

The development of new 'national priority programmes' and the prospect of more programmes being implemented on-budget, create a window of opportunity:

- to actively engage CSOs at all stages of policy making and programming; and

- for civil society to strengthen its relationship with the government, in terms of policy formulation and in its 'watchdog role' to monitor the government's performance.

However, while expressing hope for the future, most organisations consulted believe that the government has to date lacked the political will to actively and effectively engage CSOs in policy discussions, and has often only given a symbolic participatory role to civil society, engaging with it on an ad hoc basis. Some of the organisations interviewed, particularly youth organisations and trade unions, believe the process of selecting CSOs to attend the London Conference was biased towards Kabul-based civil society representatives.

This perception is even stronger at provincial and local level. According to Counterpart International, CSOs are less likely to involve local government in their activities than they are to involve beneficiaries and donors. The challenges and difficulties in working with government representatives at local level slow down the implementation of projects and activities. Some of the reasons for this limited working relationship with local government include:

- lengthy processes;

- interference in projects, particularly the budget;

- bureaucracy;

- corruption; and

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[21] The London Conference on Afghanistan Communiqué, 4 December 2014, available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/383205/The-London-Conference-on-Afghanistan-Communique.pdf .

- traditional and cultural differences.[22]

Most CSOs believe structures like networks and joint mechanisms have helped them work together and given them a stronger role in terms of advocacy, lobby and monitoring. However, another set of respondents believe that collaboration among CSOs is very centred on Kabul and a small number of organisations benefit from existing opportunities and lead this work, while CSOs at provincial level are side-lined, not involved and not consulted. In particular, youth groups and trade unions have severely criticised the Kabul-dominated civil society community, claiming it has blocked participation by CSOs at provincial and district level. During the workshops, participants identified the creation of CSO networks at provincial level as a potential solution to this problem, something donors could incentivise in their support for sub-national governance programmes.

By and large, civil society representatives believe the international community has played a key role in shaping the work of civil society since the fall of the Taliban regime. However, most respondents, including donors, acknowledge that funding priorities are often not set by CSOs, or in consultation with them. Frequent reviews of donor strategies, based on the assumption that change can happen in a relatively short timeframe, encourage an opportunistic approach by some CSOs. As a result, they can end up shaping themselves to fit the latest donor priority, without having inherent expertise in the area. This undermines the development of a genuine strategy or mandate and has the perverse effect of crowding out bottom-up and grassroots CSO development. To overcome these challenges,

CSO representatives recommended that donors align their support with CSOs' strategic frameworks and consult them more regularly. Donors should also understand that it takes time to build capacity and to measure the impact activities have on policy and government practices. At the same time, CSOs should improve their long-term strategic plans, and not just focus on project-by-project funding.

Donors often find it is challenging to get the balance right between supporting the 'usual suspects' in Afghan civil society, who are successful in applying for funding, and the smaller, provincial CSOs who work at a more grassroots level but lack fundraising capacity. The nature of funding mechanisms themselves and the need for donors to manage fewer but bigger contracts makes it problematic for small CSOs to compete for funding. Donors also have a low appetite for financial and fiduciary risks.

Mechanisms to award grants have been identified as a reason for 'negative' competition among CSOs and the tendency to foster self-sufficiency, rather than resource-sharing. Donors could make the creation of consortia and pooling of resources a more stringent requirement when funding projects. Workshop participants lamented that 'positive competition', in terms of increasing quality and innovative ideas, lacked proper incentives because the international community has funded activities, but has not properly evaluated their outcomes. They also emphasised that, in order to facilitate further development of civil society capacity, lessons learnt and knowledge about what worked or did not work should be made public. Workshop participants recommended that a comprehensive set of examples of civil society development should be compiled, and results of monitoring and evaluation should be publicly shared and taken into account when funding new initiatives.

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[22] United States Agency for International Development, *2012 CSO Sustainability Index for Afghanistan*, available at http://www.usaid.gov/sites/default/files/documents/1866/AfghanistanCSOSI_2012.pdf.

With the closure of Provincial Reconstruction Teams (PRTs) and the restrictions on mobility caused by security concerns, donors have a significant smaller presence at provincial level, leading to a degree of Kabul-centricity in their support to civil society.

It is important for donors to work with CSOs that can reach to key grassroots stakeholders, including more traditional or conservative ones. Donors continue to find it particularly difficult to engage with them directly. This inability and/or unwillingness to reach out to less well-established, less formal structures could minimise opportunities for innovative engagement, particularly in rural areas where the concept and meaning of civil society may differ.

CSOs recommended improvements in fund distribution mechanisms so that small organisations and organisations working across the country could benefit. These could be done through mechanisms such as 'sub-granting' or by providing information about funding opportunities in Dari and/or Pashto, in local media, and at provincial level.

Roles

The EU distinguishes between three fundamental roles for civil society:

- **governance and accountability.** The ability to hold those who govern to account is crucial for better governance. In democratic systems, CSOs can play a role in increasing domestic accountability at local and national levels by supporting a free, clear, accessible flow of information. They can help build respect for the rule of law by monitoring the implementation of laws and policies and they can initiate and support anti-corruption efforts.

- **actors in social development**. CSOs play an important role in service delivery, complementing local and national government provision and piloting innovative projects. Their capacity to identify needs, address neglected issues and human rights concerns, and provide services to populations that are socially excluded or out of reach is particularly important

- **promoting inclusive and sustainable growth**. CSOs have increasingly become active players in the economic realm, with initiatives that have an impact on the local economy and through monitoring the repercussions of national and international economic policies. Associations of cooperatives, foundations and NGOs are particularly active in promoting entrepreneurship and job creation, by mobilising grassroots communities, delivering services and stimulating income-generating activities for poor and marginalised people.

In earlier years, CSOs in Afghanistan were primarily active in delivering public services, especially in areas like health, agriculture and education, and in responding to the urgent needs that existed in the country. However, since 2006, CSOs have started to become more active in advocacy and human rights.[23] UNAMA's civil society mapping revealed that while the main focus continues to be service delivery, especially in education (47 %) and agriculture sectors (33 %), there is a significant increase in the number of CSOs working on governance, rule of law, policy advocacy, transparency, accountability and human rights monitoring (24 %). Civil society engagement in policy

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[23] Altai Consulting, *Signposting Success- Civil Society in Afghanistan*, final report, November 2012 .

dialogue is also growing but only at national level, driven largely by engagement in implementing the Tokyo Mutual Accountability Framework.

The majority of organisations participating in the online survey consider gender equality and human rights a high priority in their work. Thematic priorities mirror the financial focus given by donors to the respective sectors, posing interesting questions about the future of support for civil society in Afghanistan.

Priority area of activity
(Number of CSOs)
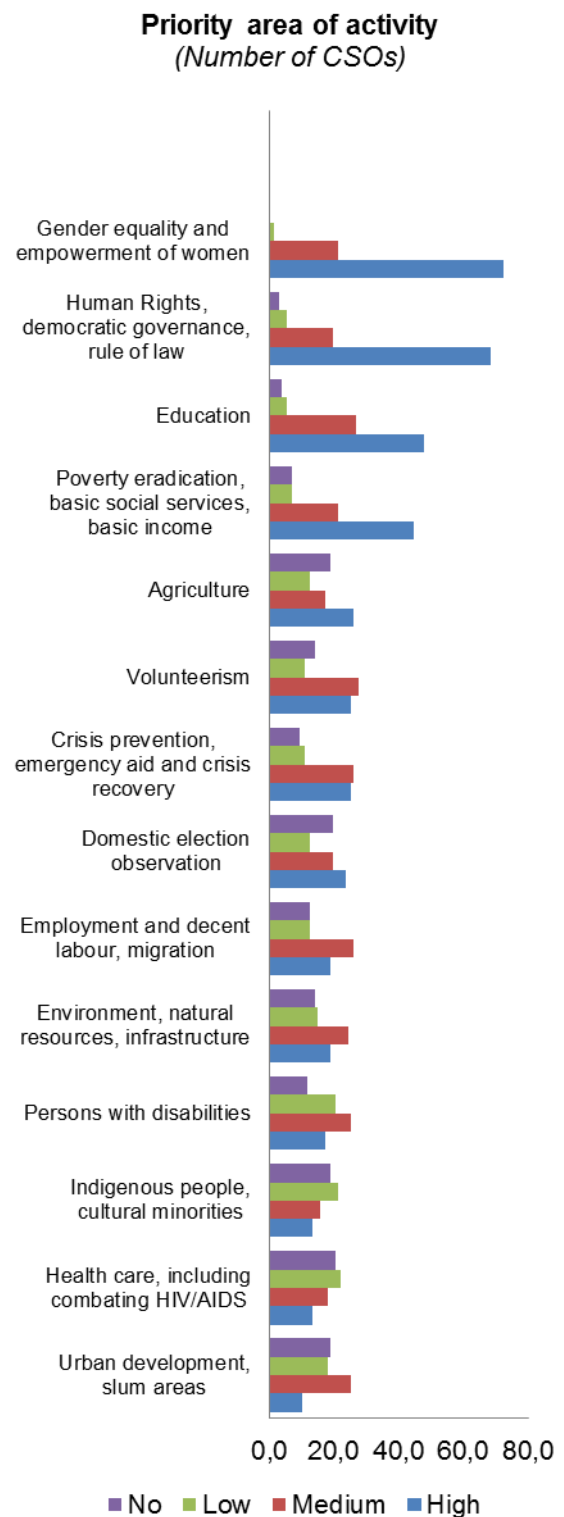
Women's organisations have played a huge role in promoting women's participation and representation through lobbying and advocacy for gender sensitive laws and the need to reform laws and policies. Civil

society also played a very significant role during the drafting of the Afghan constitution, ensuring international human rights standards and values are included alongside Islamic values. CSOs are a prominent force for influencing the government in drafting and passing some of the laws needed to promote transparency and accountability, such as the Access to Information Law, the Anti-Money Laundering and Counter Financing of Terrorism, and the Mining Law. CSOs have also focused on the Eradication of Violence Against Women Law and took a united stand in favour of amending the 2014 Criminal Procedure Code, which could have adversely affected women in domestic violence cases. CSOs have also actively supported the fight against corruption by conducting and releasing a number of reports and studies, including:

- Afghanistan Corruption Perception Report (2012, 2014) by Integrity Watch Afghanistan;
- the vulnerability to corruption reports; and
- other reports to promote transparency and accountability.

CSOs have also launched the Efshagar website (http://www.efshagar.af) which allows anyone in Afghanistan to report and track corruption anonymously. CSOs have been effective in promoting and protecting Afghan citizens' rights (especially women's and children's rights) based on Afghan laws and the international conventions that Afghanistan has signed. They have also assisted in ensuring access to justice for all by fighting violence against women, providing counselling and legal aid, referring cases to the relevant institutions, and sheltering vulnerable women and children in safe houses. In remote areas, where the formal justice system does not exist, CSOs have tried to ensure that informal justice mechanisms do not violate fundamental human rights, especially women's rights, as set out in Afghan laws and international conventions.

CSOs' work on governance and accountability is substantially different than their work on service delivery and promoting inclusive growth. CSOs working in service delivery, mainly NGOs, implement project-based activities which require expertise but do not necessarily need to be constituency-based. The sustainability of their work is directly dependent on the availability of funding. By contrast, CSOs working on governance and accountability are more resilient to shrinking donor funding, as their strength derives from their connection to constituencies and the ability to make their voice heard. Advocacy does not need significant financial resources; it needs activism and appropriate capacity. At times, foreign funding can even be counter-productive for organisations active in, for example, women's rights or human rights, because it can increase the risk of being perceived or labelled as donor representatives. Donors have an automatic 'project approach' reflex, but support for civil society in governance and accountability needs to be process-, rather than project-based.

Some respondents believed that project implementation is not at all what CSOs working on governance and accountability should be doing, because it affects their mandate and their role monitoring the government's performance. The project approach that donors take can also have the undesired effect of attracting CSOs that can write good proposals but who do not necessarily have a presence on the ground, creating a disconnect with grassroots organisations. It also risks undermining volunteering and collaboration between organisations to share resources and assets.

Based on the consultation responses, CSOs working on governance and accountability should not necessarily be supported on a project-oriented basis, but instead should

receive more sustainable support, ensuring they continue to exist even without direct donor funding. While recognising that policy engagement and advocacy require skills and professionalism, donors can promote the culture of volunteering by, for instance, requiring that higher proportions of co-financing come from volunteering or shared resources.

To overcome project-based support, a large number of respondents to the survey and workshop participants recommended that both donors and civil society approach development in line with the "theory of change" and allow for longer timeframes. During the consultation, it was recommended that donors go beyond the circle of organisations they support financially, on a project-basis, and actively work to support the development and strengthening of coalitions of CSOs that can bring together diverse CSO actors and encourage specialisation. Support coalitions of CSOs that can hold the Government accountable in key thematic areas will be the main objective of future EU support to civil society.

Another obstacle to a stronger role for civil society in governance and accountability relates to a lack of capacity in research, evidence-based advocacy, policy formulation and specific skills such as draft law analysis and budget literacy. Over the past decade, CSOs have worked to develop their technical capacity for effective advocacy and lobbying. While some CSOs have developed strong skills in raising human rights issues and drawing attention to these, they still need to develop skills such as a clear understanding of the advocacy cycle and appropriate ways to position an advocacy campaign. CSOs identified research and advocacy as being very important for their engagement and effective advocacy. The majority of CSO who responded to the questionnaires carry out research and advocacy initiatives. Some organisations are specifically engaged in policy advocacy, while some are members of larger networks and associations such as:

- the Afghan Civil Society Forum;
- the Civil Society and Human Rights Network;
- the Afghan Civil Society and Elections Network; and
- the Afghan Women's Network.

Through these networks and associations, CSOs support lobbying and advocacy work in a collective manner. However, advocacy support through networks is considered ad hoc, due to the absence of a joint advocacy strategy, similar priorities and organisational capacity.

Research-based advocacy is another priority to give civil society a stronger role in governance and accountability. Sector-specific training could be useful.

Independent media and investigative journalism also play a key role in this area, and this potential could be better tapped in improving advocacy and lobbying.

2.3 CAPACITY

The EU is committed to strengthening its support to developing capacity in CSOs, particularly local actors, as part of a long-term, demand-driven and flexible approach, and to supporting equitable partnerships for capacity development between local and European CSOs.

In Afghanistan, civil society plays a key role in bridging the gap between the government and the people, creating dialogue, building trust and bringing the community's voice to policy platforms. To perform these roles, CSOs need internal and external capacity.

Over half of the surveyed CSOs believe that in the last decade, thanks to the international community's financial and technical support, they have been able to improve their internal working methods, programme- and project design skills, fundraising, human resources management, reporting, evaluation and financial management.

Counterpart International's *2013 Afghanistan Civil Society Assessment* revealed that 44 % of CSOs are involved in external capacity building initiatives in addition to working on other priorities, and 59 % are seriously looking into need- and performance assessments and have communication plans. [24] According to Counterpart International, 84 % of CSOs have provided administrative and management planning training to their staff, 66 % have trained staff in programme monitoring and evaluation, and 44 % have trained staff in networking among organisations.

Two thirds of surveyed CSOs consider fundraising as one of their top five capacity

Capacity priorities
(Percentage of CSOs considering it as one of their top five priorities)

Priority	Percentage
Fundraising	64,6
Partnership with international CSOs	50,4
Advocacy	31,5
Monitoring and evaluation, reporting	29,1
Project implementation	27,6
Equipment	25,2
Gender mainstreaming	23,6
Organisational management	23,6
Training for staff	21,3
Public relations and communication	18,9
Representation and leadership	18,9
Financial management, accounting	17,3
Coordination with other CSOs	17,3
Community needs assessment	16,5
Office space	15,0
English language	11,8
Draft position and policy papers	11,8
Human resource management	8,7
Computer use	4,7
Definition of organisation's priorities	2,4

priorities. This finding is in line with the UNAMA civil society mapping of CSOs in Afghan provinces, which revealed that slightly less than half (47 %), of organisations have the capacity to attract and use any form of formal funding for their activities and only 20 %, mainly NGOs, access donor funding on a regular basis.

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[24] *2013 Afghanistan Civil Society Assessment* Counterpart International's Initiative to Promote Afghan Civil Society (I-PACS II), January 2014 http://www.langerresearch.com/uploads/I-PACS_II_Report_Web_Final.pdf.

Slightly over half of the surveyed CSOs identified partnerships with international NGOs as one of their top priorities. Some of them have working relations with international NGOs both in and outside of Afghanistan. This is sometimes in the form of partnerships and implementing certain activities on behalf of international NGOs. Initiatives like the twinning programme funded by the Department for International Development (DFID) could be extended beyond humanitarian work, to include partnerships in development cooperation.

Besides fundraising and partnerships with international NGOs, CSOs have highlighted the lack of capacity to carry on stronger lobbying, advocacy and research. Since most of the surveyed CSOs are members of one or more civil society networks, using these networks to get together to work on certain issues, make decisions and provide recommendations is considered an opportunity. Coordination and collaboration with certain umbrella organisations is also very helpful, as members provide first-hand information from communities at the provincial level, carry out campaigns, research and advocacy initiatives on behalf of the network, and represent the network in larger platforms.

Less than one third of CSOs identified monitoring and evaluation as one of their capacity priorities. This capacity gap could be addressed by providing training on the various ways to monitor projects remotely, e.g. web-based remote monitoring, third-party monitoring, [25] triangulated local monitoring [26] or community-based monitoring. Such remote monitoring systems could be improved through the use of modern technology, e.g. an internet database

that allows extensive sharing of digital photos, thereby keeping the donor organisation and remotely located project manager informed. [27] Additional work on improving programme performance may include the mainstreaming of a results-oriented culture in training on monitoring and evaluation.[28]

One of the main challenges to internal capacity is that experienced members of staff increasingly take on higher paid jobs outside civil society, with international organisations and international NGOs. Remote provinces which have limited access to facilities and which face security issues find it even harder to keep qualified staff within the organisation. Most CSOs build the capacity of internal staff, but risk losing skilled staff to better offers or due to projects closing, sometimes on short notice. This affects the quality of work and of internal management, sustainability, and makes delivery slow and sometimes less impactful.[29]

Around 40 % of respondents indicated that support for capacity development has often been donor-driven (e.g. focused on logical frameworks), without a systematic needs assessment or a strategy. This has resulted in short-term and untargeted interventions. Programmes designated as 'capacity building' have not always been effective, partly because they had been designed elsewhere, with little or no consultation with those who were to receive them, and partly because they had rarely been evaluated by the donors let alone from the perspective of

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[25] The World Food Programme has already used this method in Afghanistan.

[26] Using existing structures at local level to report back to the donor.

[27] Stoddard, A. et al. (2010) Once Removed. Lessons and challenges in remote management of humanitarian operations of insecure areas. Humanitarian Outcomes for the Center on International Cooperation.

[28] Herbert, S. (2013) *Remote management of projects in fragile states* (GSDRC Helpdesk Research Report 908) Birmingham, UK: GSDRC, University of Birmingham.

[29] United States Agency for International Development, *2012 CSO Sustainability Index for Afghanistan*, available at http://www.usaid.gov/sites/default/files/documents/1866/AfghanistanCSOSI_2012.pdf.

the recipients. [30] CSOs have called on the international community to provide technical assistance and capacity development based on a 'knowledge concept' rather than on donor-driven assistance.

According to many CSOs, capacity development interventions have also been centrally focused in Kabul so networks and well-connected CSOs benefit from all the opportunities while CSOs in far provinces have less access to these. Capacity is also weakened by the fact that most CSOs do not have a clear mandate and area of expertise, trying to constantly adapt to the most recent donor priorities.

One recommendation was to create a database for civil society, including project implementation capacity, human resources, internal management, areas of expertise and evaluation/audit reports that help identify capacity needs and design capacity development interventions.

In parallel, CSOs should identify the set of advocacy issues in which they have expertise, knowledge and full information on the relevant legal framework such as laws, strategies and policies. This will ensure that their work addresses the government's obligations and is fully supported by appropriate tools. They also need to prioritise advocacy issues in consultation with communities. This will help identify immediate and long-term needs and plan lobbying and advocacy around these.

Some workshop participants called on the international community to develop a capacity-building trust fund to expand its outreach to CSOs in provinces, districts and villages outside Kabul and bigger cities. Another suggestion was for donors to include

a specific budget line for institutional capacity building, as part of project grants. This component should be supported with direct funding so that CSOs focus on improving their thematic areas and implementation as well as human resources and internal systems.

Capacity for financial sustainability was also mentioned as key. Donor support could involve sharing best practices from other countries to design and adopt initiatives that include alternative sources of funding, such as private-sector funding and charity support (e.g. the Zakaat Trust Fund) from individuals in various communities.

Consulted CSOs recognised the importance of partnerships with international NGOs, especially in the area of capacity building, and welcomed close coordination and networking for mutual mentoring, exchange of experiences, advocacy and lobbying purposes. At the same time, they called on donors to as far as possible work directly with national CSOs or with national CSOs in the lead.

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[30] *Civil Society Development in Afghanistan*, Elizabeth Winter, London School of Economic and Political Science, Center for Civil Society and ESRC Non-Governmental Public Action Programme.

3. CURRENT EU ENGAGEMENT

3.1 STRUCTURED EU DIALOGUE WITH CIVIL SOCIETY

The EU maintains close contact with civil society in Afghanistan, both at political and implementation level and through different channels such as: (i) thematic/sector coordination working groups; (ii) meetings and/or information sessions organised by the EU, particularly when launching calls for proposals; (iii) direct beneficiaries of EU funds, and (iv) networks. CSOs are also part of the consultative process within the Tokyo Mutual Accountability Framework (TMAF), which has proven to be a useful platform for policy dialogue and has given CSO representatives the opportunity to voice their concerns on and recommendations for Afghanistan's crucial need for development-oriented reform and inclusive sustainable development. The EU supported 9 of the 54 CSO representatives who participated in the civil society event on the margins of the London Conference on Afghanistan (3 December 2014). Similarly, the UK assisted the British and Irish Agencies Afghanistan Group to support Afghan civil society in the lead up to, during and after the London Conference.

EU actions in Afghanistan are discussed with other donors and CSOs, particularly during sector working group meetings, and not only during the identification and formulation phases but also throughout implementation. These discussions allow for debate on lessons learnt and recommendations, which are then usually included in subsequent materials related to the action and, depending on the subject, may be taken into consideration in the framework of sector policy dialogue or project/programme implementation.

In 2014, the EU conducted formal consultations with civil society, including in the areas of agriculture and water management, displacement, and aid to uprooted people. Targeted consultations with CSOs were also organised in selected provinces, to discuss police professionalisation and civilian/community engagement. In the area of justice and anti-corruption, the EU participates in the Board of Donors where key CSOs update donors on their activities, challenges and areas for future work. The EU has also taken a lead role in the Human Rights and Gender Working Group and on women's rights. It is important to note that, during the reporting period, the EU has actively participated in meetings organised by the Agency Coordinating Body for Afghan Relief and Development (ACBAR), notably one where the multiannual indicative programme for 2014-20 was presented and discussed with ACBAR members and another where donors and CSOs discussed project monitoring frameworks in Afghanistan.

However, despite the current level of engagement, the participation of CSOs in the EU programming cycle is not based on a structured consultation system, but is rather carried out on an ad hoc basis.

3.2 POLICY DIALOGUE FOR AN ENABLING ENVIRONMENT

At both the working and Ambassadorial level, the EU has frequently raised issues concerning civil society with the Afghan government, for example in meetings with Afghan officials, in press statements, and in statements on social media. The EU+ Local

Strategy on Human Rights Defenders in Afghanistan released in December 2014 and the Human Rights Defenders working group provide opportunities to monitor the environment for CSOs working on human rights issues in Afghanistan while also providing assistance and guidance to human rights defenders (HRDs) who may be threatened. Where appropriate, cases are raised with the Afghan government. The EU works closely with the Afghan Journalist Safety Committee on specific cases, and subsequently raises key issues with the Afghan government. It also worked closely with civil society in their work to participate more effectively and proactively in the Afghan peace process. Exerting pressure on the High Peace Council (HPC), the EU succeeded in driving forward a Cooperation Framework, which was signed between the HPC and civil society in September 2013.

Some Member States meet regularly with the NGO directorate of the Ministry of Economy to secure the legal environment for CSOs, limiting government interference and providing legal security for NGOs. Some provide support to the Afghanistan Independent Human Rights Commission and the Afghan Journalists' Safety Committee — both of which advocate a safe space in which civil society can act.

Other actions that support an enabling environment and participation include:
- advocacy work to strengthen the role of CSOs in the Tokyo Process and give them an oversight role in the *Self Reliance* strategy;
- bilateral and network consultations aimed at defining thematic strategies;
- promotion of Afghan CSO-led advocacy events;
- facilitation of access to other donors;
- the relaying of CSO concerns to government representatives.

Tawanmandi donors (see box, right) have regular consultations and dialogues with their beneficiaries. In addition, the programme funds ten sector-based core partners (SBCPs) who are responsible for building sector/thematic partnerships and networks and for promoting collaborative efforts or 'joined up advocacy' on key issues. They organise regular sector-based working groups among *Tawanmandi* beneficiaries on a number of key issues such as anti-corruption, access to justice, etc.

The *Tawanmandi* Civil Society Strengthening programme was set up in 2011 with financial support from a consortium of donors (Denmark, Norway, Sweden, Switzerland, and the United Kingdom).

Tawanmandi aims to contribute to the development of a vibrant and inclusive civil society, with focus on access to justice, anti-corruption, human rights, media, and peace-building and conflict resolution, with due attention to disability, gender and youth as cross-cutting themes. It supports Afghan civil society organisations (CSOs) in three main ways: by providing CSOs with grant financing, by providing them with capacity development support based on their needs, and by helping build effective CSO partnerships, networks, and coalitions.

The programme's ultimate goal is to contribute to positive change in the lives of the Afghan people by: improving human rights standards; making justice mechanisms more accountable, accessible and effective; reducing corruption; and putting in place mechanisms whereby community conflicts can be resolved peacefully.

Since the programme's inception, *Tawanmandi* has financed three 'rounds' of 170 project grants, funding projects designed by Afghan CSOs, with project implementation in some 179 districts across all of Afghanistan's 34 provinces. In addition, it has provided funding to ten sector-based core partners (SBCPs), to build sector/thematic partnerships and 'joined up advocacy' on key issues.

3.3 FINANCIAL SUPPORT

The EU Member States and donors provide financial support to civil society in the following ways:

- **Direct grants**, managed either at country or headquarters level. For instance, Germany's *NGO Facility* supporting German-Afghan CSO cooperation, France's *Social Development Fund* supporting micro-projects to reduce poverty and reinforce civil society, and Finland's *Fund for Local Cooperation* supporting local CSO activities.

- **Multi-donor trust funds** such as *Tawanwandi*, a joint programme run by Denmark, Norway, Sweden, Switzerland, and the UK which supports Afghan CSOs in: building capacity to advocate on human rights; access to justice; anti-corruption; peace building and conflict resolution; and media.

- **Indirect grants** channelled through programmes managed by implementing partners like the World Bank or the UNDP, or by the Afghan government, for instance in the area of health through the 'system enhancement for health action in transition' (SEHAT) or the UK's *Girls' Education Challenge Fund*.

In addition to financial support provided by donors, political foundations and official cultural organisations also actively contribute to civil society in Afghanistan. Donors also provide capacity building training and support to networks, e.g. the UK through ACBAR building the capacity of local CSOs, and directly to CSOs, like France which provided thematic courses on human rights

as part of the Human Rights Week in December 2014.

In May 2015, the EU Delegation to Afghanistan managed 67 contracts implemented by CSOs, for a total amount of over EUR 101 million. Around three quarters was in the area of service delivery and economic growth (agriculture, health, social services, reconstruction and vocational training), and the rest in human rights, democracy and governance. The average grant size was EUR 1.8 million, or around EUR 700 000 for programmes aimed at strengthening civil society in the areas of governance and accountability.
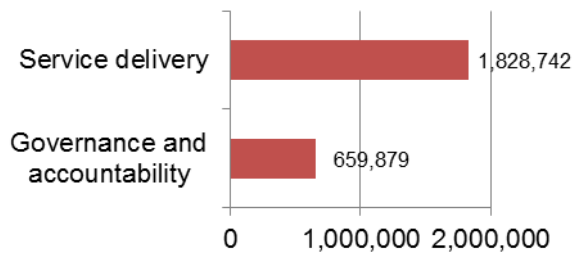
Service delivery and governance
(number of contracts)

- Governance and accountability
- Service delivery

28%
72%
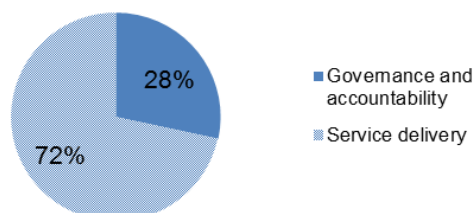
Service delivery and governance
(size of contracts)

12%
88%
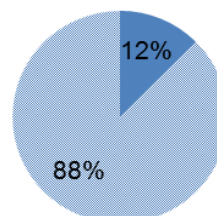
Average EU grant size
(May 2015, in euros)

partners are involved in 21 % of service delivery projects and in 79 % of governance and accountability projects.

Overall, 81 % of these contracts are with international NGOs and the remaining 19 % with Afghan NGOs (lead applicants). In the area of service delivery, only 15 % of contracts are with Afghan NGOs, although their proportion goes up to 32 % in the area of governance and accountability.

Nationality of co-applicants
(May 2015)
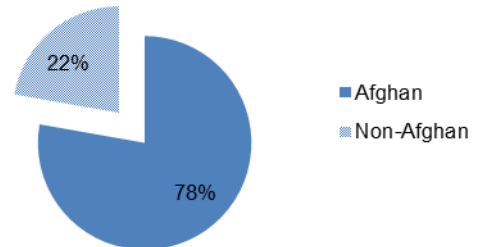
Nationality of lead partners in EU grants to non-state actors
(May 2015)
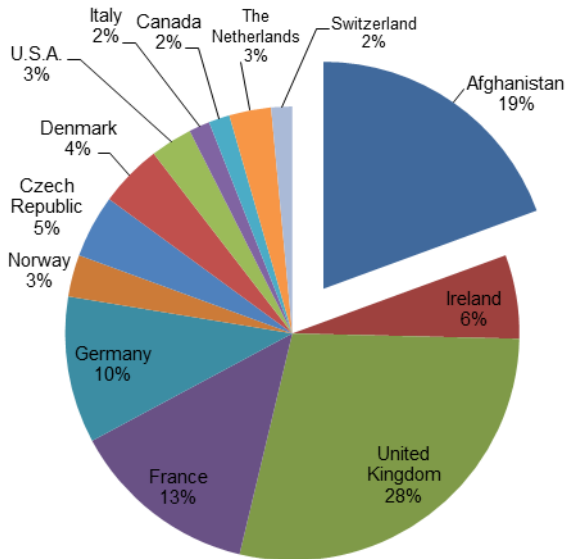
Nonetheless, 54 organisations are involved in these contracts as partners (co-applicants) and 78 % of them are Afghan CSOs. Afghan

3.4   COORDINATION

Despite numerous bilateral interactions, there is currently no specific system for

coordinating civil society among EU Member States. The EU does however host

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working groups on human rights and gender, reconciliation and reintegration, and a group of Human Rights Defenders and Political Counsellors where coordination issues related to civil society engagement and funding are addressed. The *Tawanmandi* Funders Council, including all donors, meets regularly to discuss and agree programme-related issues. The UN-Women chaired Gender Donor Coordination Group is another space in which Member States and others can share analyses, present donor mapping, and coordinate on various gender-related projects implemented by CSOs. The Civil Society Support Group led by UNAMA supports

coordination among donors, and did so especially in the run up to the London Conference in December 2014. In spite of all these efforts, both donors and civil society respondents believe that more coordination is needed among development actors on who funds what and where funding is needed, to avoid duplication of work and reduce the risk of funding CSOs working on the same activities. More frequent sharing of information on existing projects and future funding priorities among donors will help move towards better coordination and joint programming, and will lead to a more strategic level of support to civil society.

3.5   LESSONS LEARNT

Overcome donor-driven project support to civil society

Funding priorities are often not set by CSOs. Frequent reviews of donor strategies, based on the assumption that change can happen within a relatively short timeframe, encourage some CSOs to take an opportunistic approach. They end up morphing themselves to fit the latest donor priority without having inherent expertise in the area. CSOs become 'project implementing machines' without a genuine strategy or mandate based on recognised expertise. This has the perverse effect of crowding out bottom-up and grassroots CSO development, preventing the establishment of organisational goals and ideologies. Project-based support might even contribute to destroying the concept of volunteering among CSO actors.

To overcome these challenges, donors should align their support with the strategic frameworks of CSOs and consult each other more regularly in order to identify areas of support. Follow-up workshops to the roadmap could provide a framework for this. Donors should understand that it takes time to build capacity and to measure the impact

of activities on changes in policy and government practices. Donors often expect to see results too soon. At the same time, CSOs should improve their long-term strategic plans, and not just focus on project-by-project funding.

Improve coordination between donors

Most donors and civil society representatives recognise the need to ensure more exchange of information and coordination, both among EU Member States and with other international partners, to know who supports what and where. Currently, there is no comprehensive database of CSO projects with such information. The establishment of an online platform modelled on the *Cash Atlas*, covering all CSO-implemented projects and including the results of monitoring and evaluation reports as well as remote monitoring information, could fill this knowledge gap. Coordination goes beyond information sharing, it also needs to include, at least to some extent, a certain level of coordination and division of labour in programming in order to reach a more strategic level of support to civil society and avoid creating 'darlings and orphans'. There could also be better coordination in joint

monitoring and evaluation, both project- and sector-wide which would not only ensure the sharing of lessons learnt, but also a more efficient use of shrinking resources.

Reaching out beyond Kabul and established NGOs

Donors find that it is challenging to get the balance right between supporting the 'usual suspects' of Afghan civil society, who are successful in applying for funding, and the smaller, provincial CSOs who work at a more grassroots level. The latter often require more mentoring and capacity strengthening in proposal development and in meeting grant management requirements. The nature of funding systems and the imperative to manage fewer and bigger contracts makes it problematic for weak NGOs to participate in bids for funding. At the same time, donors have a low appetite for financial and fiduciary risks. Risk of fraud and corruption, combined with the difficulty to follow projects, especially small ones, makes this even more problematic. This is further exacerbated by security restrictions which make direct engagement with CSOs outside of Kabul more difficult and lead to a degree of Kabul-centricity in support to civil society. It is also particularly difficult for donors to directly reach out to informal networks, but it is important to work with CSOs who can bridge the gap with the conservative/traditional stakeholders who still represent the majority of Afghan society. The unwillingness and inability to reach out to less established, less formal structures could minimise opportunities for innovative engagement, particularly in rural areas where the concept and meaning of civil society may be different.

Promote civil society sustainability

Most donors considered that CSOs should continue to be dependent on donor funding and that the decrease of donor funding in the

medium term poses a risk to the sustainability of Afghan CSOs, which needs to be taken into account in funding arrangements. This is particularly important given that the large majority of CSOs consider fund-raising to be their top capacity development priority.

Donors agreed they should manage expectations and inform CSOs that funding will decrease, and should encourage CSOs to find new ways of generating funding. At the same time, CSOs should focus on initiatives that have the potential to be financially self-sustainable or include training/capacity building in fundraising, including social business ideas[31]. Donors should encourage CSOs to share resources with each other and to contribute to the project's implementation themselves. They should provide grant funding to the CSOs who can demonstrate a certain level of volunteer work as well as capacity for fundraising from sources other than international donors.

Improve Monitoring & Evaluation and make better use of it in programming

It is important for civil society organisations to define success more clearly by using clear indicators and monitoring frameworks to measure performance. CSOs are not always

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[31] A social business is created and designed to address a social problem. Profits realised by the business are re-invested in the business itself (or used to start other social businesses), with the aim of increasing social impact, for example expanding the company's reach, improving the products or services or in other ways subsidizing the social mission. Unlike a profit-maximising business, the prime aim of a social business is not to maximise profits (although generating profits is desired). Furthermore, business owners are not receiving any dividend out of the business profits, if any. On the other hand, unlike a non-profit, a social business is not dependent on donations or on private or public grants to survive and to operate, because, as any other business, it is self-sustainable. Furthermore, unlike a non-profit, where funds are spent only once on the field, funds in a social business are invested to increase and improve the business' operations on the field on an indefinite basis.

good at defining these results or showing what has been achieved. Donors recognise, and so did most of the civil society surveyed, that CSO performance should be better assessed when funding is provided. The results of monitoring and evaluation activities should become 'public goods' for other donors to take into account and for civil society to use as lessons learnt in their work. It was also suggested that in order to measure the achievement of priorities, donors need to set up solid systems in order to keep track of the achievements made as a result of individual/joint donor interventions. A joint interactive database of project-related data would be a useful tool for better donor coordination. Such a database would enable donors to aggregate data for particular sectors, regions or thematic areas. It could also gather monitoring and evaluation data, basically serving as a one-stop shop. In this way, the shared information on programmes would help improve monitoring and even the programming of funds across Afghanistan. Different levels of access to such a database would ensure that donors can also feed valuable information to the public while ensuring that sensitive data remains undisclosed.

Donors should also find ways to engage in joint monitoring. With fewer on-site visits during implementation, 'programmes naturally run the risk of poorer performance, less accountability, and potential corruption'. [32] Projects should therefore be monitored as closely as possible to ensure that improvements can be introduced during the implementation stage. In order to establish better feedback mechanisms, remote monitoring arrangements and more field visits should be considered. In cases where field visits are not possible due to the security situation, donors should consider the use of local experts or third-party verification to gain better insight into the projects. In addition, reporting on the project by the parties responsible for implementation should be adapted to the circumstances of the country, i.e. reports should include annexes with photo documentation or other means to shed light on implementation arrangements (e.g. overview graphs, flow charts). Contractors should also be encouraged to communicate any changes occurring during implementation, pro-actively and in good time, in order to improve change management. There are various other ways to monitor projects remotely that donors could take into consideration, e.g. web-based remote monitoring, third-party monitoring, [33] triangulated local monitoring [34] or community-based monitoring. It may also be possible to increase the efficiency of such remote monitoring schemes through the use of modern technology, e.g. an internet database that allows extensive sharing of digital photos, thereby keeping the donor organisation and remotely located project manager informed. [35] Additional work to increase programme performance may include the mainstreaming of a results-oriented culture in training on monitoring and evaluation. [36]

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[32] OCHA (2011) To stay and deliver Good practice for humanitarians in complex security environments. Policy and Studies Series 2011. OCHA: Office for the Coordination of Humanitarian Affairs.

[33] The World Food Programme has already used this method in Afghanistan.

[34] Using existing structures at local level to report back to the donor.

[35] Stoddard, A. et al. (2010) Once Removed. Lessons and challenges in remote management of humanitarian operations of insecure areas. Humanitarian Outcomes for the Center on International Cooperation.

[36] Herbert, S. (2013) Remote management of projects in fragile states (GSDRC Helpdesk Research Report 908) Birmingham, UK: GSDRC, University of Birmingham.

4. LONG-TERM PRIORITIES AND IMMEDIATE ACTIONS

4.1 Enabling environment

Challenges	Priorities	Indicators	Actions	Stakeholders
Lengthy and multiple registration processes, corruption, interference, lack of awareness and lack of specific recognition of networks.	1. GENERAL PRIORITY The legal and institutional framework is revised to become more enabling for CSOs to operate. SPECIFIC PRIORITIES 1.1. The registration process is leaner, less vulnerable to corruption or interference and equally accessible	*Legal framework revised* *Leaner registration process* *Corruption vulnerability assessment conducted* *Modern and unified NGO database established, including*	For 1.1. Engage Government of Afghanistan to resume work on amendments to NGO Law, draft laws on Foundations, Volunteerism and reform of the tax code and provide technical assistance, if requested. Analyse bottlenecks in NGO registration, project authorisation process, tax declaration, including corruption vulnerability assessment (related to NGO sector as a whole). Engage with Government of Afghanistan to streamline, possibly using e-governance opportunities, and decentralise registration process. Engage with Ministry of Economy and Ministry of Justice to keep record of project reports and evaluations and share information provided during registration for better mapping and categorisation of CSOs. Encourage CSOs to anonymously report corruption cases during the registration process or approval of reports, e.g. through platforms like	GoA, CSO Networks, Donors, Donors, MEC Donors, MoE Donor, MoE, MoJ Donors, CSOs

	by CSOs beyond Kabul. 1.2. CSOs have a better awareness of the legal framework, working relations with the Ministries and registration process 1.3. CSO networks and their role to create common civil society positions is better acknowledged by the legal and institutional framework	*project reports and good practices* *CSO networks recognised in the legal framework*	Efshagar. For 1.2. New programmes in support of civil society include provisions for non-registered or newly registered organisations to be supported and coached through sub-granting. Increase awareness of the legal framework, especially the new Law on Associations, and tax exemptions for CSOs, e.g. through a public outreach campaign. For 1.3. Advocate for recognition of network organisations in NGO legal framework, with adequate standards and criteria for qualification.	Donors (EU through CSO-LA programme) Donors, CSO Networks Donors, CSO Networks

4.2 Structured participation and roles

Challenges	Priorities	Indicators	Actions	Stakeholders
Lack of political will on the side of the government to actively and effectively engage CSOs in policy discussions Tokenistic and/or symbolic consultation and dialogue processes prevail Limited CS networking and advocacy skills, and	GENERAL PRIORITY 2. Afghan CSOs' roles in key political and policy processes and in strengthening governance and the rule of law, at central as well as local level is promoted. SPECIFIC PRIORITIES 2.1. The role of civil society in domestic accountability systems and	*Level of inclusion of civil society in the development of future National Priority Programmes* *Effective CSO networks are established at provincial level* *Civil society participation is mainstreamed in sub-national governance programmes*	For 2.1. A Memorandum of Understanding between the Government and Civil Society approved by end of 2015 (*Self Reliance through Mutual Accountability Framework*) Donors to advocate for the inclusion of civil society in the follow up to *Realising Self Reliance* and development of future national priority programmes (NPPs). Donors to consider mainstreaming civil society participation in their sub-national governance programmes and support to the National Solidarity Programme. For 2.2. Donors to actively support "coalitions of CSOs", around key thematic areas, to develop a joint vision and advocacy strategy. Provision of targeted capacity development support to CSOs on networking, coordination and advocacy, bringing best practices of	 GoA Donors, GoA, CSOs Donors Donors (EU through CSO-LA programme) Donors

			similar situations from other parts of the world.	
fragmentation of CS efforts leading to limited input into policy and political processes.	policy dialogue mechanisms and programmes (follow up of Realising Self Reliance, National Priority Programmes, etc.) is strengthened 2.2. Coordination and networking CSOs efforts for effective advocacy and lobby are strengthened at national and provincial level.	*CSO rating of structured participation in Afghanistan [baseline EU Roadmap: 24 % good, 62 % reasonable, 13 % unsatisfactory]*	Support networks at regional level to increase collaboration, networking, sharing of information, capacity building and exchange opportunities between CSOs in different parts of the country.	CSOs, Donors

4.3   Capacity

Challenges	Priorities	Indicators	Actions	
Kabul-bias of capacity development interventions (benefitting networks and well-connected CSOs) to the detriment of CSOs in far provinces. Donor-driven capacity development agendas and absence of systematic needs assessments A majority of CSOs lack a clear mandate	GENERAL PRIORITY 3. Capacity development efforts better target the real needs of Afghan CSOs (including remote CSOs not based in the capital) to help CSOs improve their technical and institutional capacities as well as internal governance structures. SPECIFIC PRIORITIES 3.1. Provincial, remote-based and	*Capacity opportunities provided to beneficiaries from grassroots organisations and in provinces* *Degree of involvement of civil society in design of joint capacity opportunities* *Institutional capacity building component included in grant contracts* *Certification*	For 3.1. In combination with sub-granting, support capacity building opportunities to newly established CSOs that are very active in provinces, districts and villages outside Kabul and bigger cities but have limited access to such opportunities. For 3.2. Conduct a needs assessment by category of CSOs and based on that, develop a strategic and implementation plan for at least two years indicating the technical capacity building opportunities, duration, category of CSOs to benefit, outcome and impact evaluation. To consider a specific component for institutional capacity building is included as a clause when providing funding to project and programmes, when possible. For 3.3. Civil society organisations to adopt a common framework for financial reporting and public disclosure, which will help lay the ground work for long-term domestic sustainability of the sector (*Self Reliance*).	Donors (EU through CSO-LA programme), CSO networks Donors (EU through CSO-LA programme) Donors CSOs, GoA AICS

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and clear areas of expertise, trying to constantly adapt to changing donor priorities. Weak CS internal accountability systems, politically-affiliated NGOs and cases of internal corruption or malpractice. Low level of public acceptance	rural CSOs have increased opportunities to benefit from capacity development opportunities. 3.2. Support to capacity development is based on a systematic needs assessment and CSOs are supported to develop their specific area of expertise according to their mandate and added value. 3.3. CSOs' internal governance and accountability systems are strengthened and public perception improves.	*mechanism in place which ensures better internal accountability* *Common framework for financial reporting and public disclosure in place* *Improved public perception of civil society, beneficiaries and the community involvement in project design and implementation.*	Support development of a certification mechanism, including criteria on internal accountability mechanisms (e.g. recruitment processes, financial audit, anti-corruption measures) Promote the role of media in reporting on successes and failures of CSOs in implementing projects and their results Promote the engagement of beneficiaries and the wider community in the design, implementation and monitoring of projects	Donors, CSOs, Media CSOs

4.4   Donor support models and coordination amongst donors

Challenges	Priorities	Indicators	Actions	Stakeholders
High dependency of Afghan CSOs on funds provided by the international community. Limited local fundraising opportunities coupled with weak fundraising capacities. Donor driven funding priorities (i.e. funding priorities are often not set	GENERAL PRIORITY 4. Coordination amongst donors supporting CS in Afghanistan is enhanced, including in the development and use of adapted support models and tools. SPECIFIC PRIORITIES 4.1. Priorities are set by civil society and are not donor-driven. Support goes to grassroots organisations.	*Provision of capacity development on financial sustainability.* *Increased level of co-financing in grants* *Use of alternative aid modalities, in addition to project funding.* *Level of Harmonisation of funding priorities, systems and procedures* *Systematic and*	EU to initiate a coordination group to monitor follow-up to the CSO Roadmap, strengthen coordination and provide a forum for dialogue with GoA on civil society's enabling environment. For 4.1. The identification of priorities under the EU Civil Society and Local Authorities programme in 2016 will be based on a broad consultation with CSOs. EU will conduct a review of sub-granting in its ongoing and past projects and make a more extensive use of this mechanism, especially at local level, in its Civil Society and Local Authorities programme in 2016. For 4.2 In coordination among donors, review best practices on alternative sources of funding for civil society such as philanthropy, corporate social responsibility or volunteerism and develop training material. Donors should more actively provide grant funding to CSOs that can demonstrate alternative sources of funding. They could also ensure new project proposals request CSOs to say what proportion of work will be done voluntarily.	Donors EU EU Donors Donors

by CSOs, or in consultation with them) Donor support models are too diverse, project-based and not suiting governance related and advocacy CS work. Coordination amongst donors is lacking	4.2. CSOs capacities to raise their own resources and reduce dependence on foreign funds are supported. 4.3. Donors coordinate more regularly, among themselves and with civil society, on who supports what and where, as well as on funding priorities and modalities. Coordination informs joint programming and a more strategic support.	*regular follow up consultations (e.g. Civil Society Donor coordination group)*	For 4.3. EU to explore the possibility of establishing an open database of projects including narrative reports as well as monitoring and evaluation results. Donors to coordinate their civil society support initiatives, including capacity building, and align them to the strategic frameworks of CSOs and consult more regularly and in a structured way. CSOs are supported to improve their long term strategic plans, and not just focus on project by project funding. EU Delegation to organise follow-up workshops to the EU Roadmap on key issues (e.g. capacity, sustainability, sub-granting, advocacy, reaching out to traditional civil society, etc.). Donors to actively engage in collaborative monitoring initiatives.	EU Donors Donors Donors, EU Donors