

## Chapter 1

### An Introduction to Civil Society in Afghanistan

“Civil Society” has become a much-used word in Afghanistan, although it is notoriously undefined. It is used by donors, foreign analysts, the Afghan Government, Afghan politicians, local organizations and the public at large, and it is likely that each user has its own definition for it. However since “Civil Society” is not yet a clear notion in Afghanistan some members of the Afghan Government and of the international community involved in reconstructing this country have ignored Afghan civil society altogether. The United Nations Assistance Mission to Afghanistan (UNAMA) and many of the main international donors didn’t make any provision for civil society input into the national reconstruction and reconciliation process, and this pattern has been followed until today by the post-Taliban Afghan governments<sup>1</sup>. The European Commission, and some of the European donor nations, did express an interest in civil society development from the outset of the creation of the new Afghanistan, but did not result in any significant civil society empowerment program until 2005.

For many westerners the term civil society designs a sector of citizens’ groups which place themselves between the family, the government and the market, with a specific common purpose that will affect at least part of public life. This is however not the meaning given to civil society in Afghanistan.

In Afghanistan the term used for Civil Society is *Jame’a Madani*, which etymologically means “urban society”<sup>2</sup> although “*madani*” can also be derived from “*madaniat*”, civilization. In the first case civil society would be opposed to rural society, in the sense that it is based on a social contract, or the Rule of Law, i.e. the code of conduct that people who are not bound to each other by ties of kinship or clan must adopt to live together in a more complex social setting. In the second case, and this appears to be the more common interpretation among ordinary Afghans, it refers to “civilized” groups of people who are not directly linked to the power structures: urban intellectuals, poets, writers, and other people who strive for social progress and the common good. A shared characteristic to the different interpretations of the concept is thus that it refers to groups who are not linked to the official power structures, but there is not much more that these interpretations share.

But there are also increasing numbers of Afghans, close to foreign organizations, who have adopted a more Western interpretation of the concept, which includes traditional organizations - such as tribal or village councils, councils of religious scholars (*ulema*) - and all NGOs. The main conflict between the Western and the common Afghan interpretation of “civil society” lies in the inclusion of these two groups. The traditional councils, however useful they may be to the

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<sup>1</sup> A civil society conference was organized parallel to the Bonn Conference in December 2001 by Swisspeace with funding from the Open Society Institute, but although this conference was successful in establishing the Afghan Civil Society Forum (ACSF) it appears quite obvious that there was no input from this meeting into the state-building exercise for Afghanistan.

<sup>2</sup> From the Arabic *Jame’a* = group, community, society and *Medina* = city. The term used throughout the Arabic-speaking world has the same etymological root

implementation of reconstruction and development projects, are generally seen as regressive forces in society, especially the religious ones. For example, they are not elected, and only rarely include women or youth. As to NGOs, they generally have a poor reputation in Afghan society. To understand this, one must look at how NGOs were created in Afghanistan.

### **The popular perception of Afghan NGOs**

From a donor perspective, the large Afghan NGOs have many qualities: national outreach, experienced staff, sufficient management and financial administration, reporting skills, and a past history with donors. Moreover, donors generally assume local NGOs to be naturally part of civil society. But the perspective of the large majority of Afghans is quite different.

Until the early 1980s there were practically no NGOs in Afghanistan. Most of them were created during the jihad as service deliverers for the areas of Afghanistan controlled by the mujihadeen. In fact, in the early years of the resistance against the Afghan communist government, Western donors would give funds directly to the mujihadeen in Peshawar and Quetta, for a variety of purposes: to buy arms, supplies, and to administer basic services in the territories these groups occupied. But since these funds were totally unaccounted for, Western donors encouraged these mujihadeen groups to professionalize this service delivery, typically by encouraging a few engineers and doctors affiliated to these groups to set up an NGO, which could organize the provision of humanitarian assistance and account for it.

Western NGOs also received part of this anti-Afghan government funding, especially for the services they provided in the refugee camps in Pakistan, but also, increasingly, for the humanitarian assistance they provided in the mujihadeen-occupied territories. However, throughout the late 1980s and 1990s, donors encouraged Western NGOs to subcontract this work to Afghan NGOs, to “indigenize” the support. In fact, many of the big Afghan NGOs today are “spin-offs” of Western NGOs: a Western NGO would take some of its program staff and help them create an NGO, truly incubated in the Western NGO, and would thereafter give privileged support to this Afghan NGO. During the Taliban years, this allowed Western donors and NGOs to have minimal Western staff presence in Afghanistan, while keeping alive a non-governmental infrastructure of professional Afghans<sup>3</sup>. Mistakenly, the Western donors also imagined they were fostering a professional class that could take over ruling functions from the Taliban. During the war against the Taliban and the months thereafter, as the Interim Afghan government was being formed, many Western donors, supported by big Western NGOs, advocated for a government that would include many of these NGO leaders, especially in the sectors of reconstruction and social services. This was however thwarted by the new political class that emerged at the Bonn conference, and only a few of these NGO directors were given high functions<sup>4</sup>.

Now the problems with this class of NGOs in the eyes of the Afghan population are multiple:

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<sup>3</sup> The Taliban were upset about this “state within the state” structure and tried, very much as the present government, to encourage donors to give the funds directly to their government; and failing that, they put increasing pressure on the NGOs to reveal their assets, salary levels and information about their projects and funding, in order to control them better (and very likely to increase their cut) - as is happening now. Ultimately, Taliban officials took to creating their own NGOs to compete with the other NGOs, which was not a very successful move either.

<sup>4</sup> Today the most prominent government official with a mostly NGO background is Haneef Atmar, Minister of Rural Rehabilitation and Development

- They are seen as politically biased towards the religious, mujihadeen groups. For example, many of the Afghan and Western NGOs, and even UN agencies, were staffed by anti-communist Hezb-e Islami supporters, who generally had a higher level of education than other mujihadeen - but they were also more fundamentalist. Even today, one will find more long beards and skullcaps among these NGO workers than among the urban population. Many of these older, and thus more capable, Afghan NGOs are almost only staffed by males who are 40+. By contrast, “civil society” groups (such as defined by Afghans) often come from the more progressive social groups, who thrived in the communist period.
- The uncontrolled recruitment policies of these NGOs led to them being controlled by kinship groups, and thus, as they expanded throughout the country, they would put relatives in charge of their local offices. In many areas these NGOs thus have very little contact with the population, which becomes obvious when they are requested to do significant outreach among the population, for example doing civic education, surveys, focus groups etc. The local population accordingly sees them as extraneous organizations. In many cases, since the populations among the Afghan-Pakistani border which could migrate freely to and from Afghanistan during the jihad are Pashtun, these NGOs were originally staffed by Pashtuns (many from the East, close to Peshawar, the main basis of the jihad).
- The significant funds these NGOs had, and still have, access to allows them to support lifestyles much above that of the local population: comfortable offices, new 4wd cars, good salaries and sophisticated communication means (HF and VHF radios), while the population assumes, quite naturally, that these resources should have gone to the more vulnerable groups and infrastructure projects.
- Many of the NGOs did not function as professionally as they purported to (this is partially due to the recruitment policies) and the infrastructural or humanitarian services they provided were not good enough, and thus criticized by the population. A typical case is in road-building. Many of these NGOs would “repair” a road without the sufficient know-how and equipment, and in the next spring floods this road would be washed away, allowing the NGO to get new funds from donors to repair it again, thus giving themselves permanent work. On the humanitarian delivery side (food, medicines, shelter etc.) the NGOs would give the priority to their own kinship or tribal groups, and the staff could take important “cuts”.
- The close symbiotic relationship these NGOs have to Western organizations, and the distance they maintained with successive Afghan governments, has made these Afghan NGOs a new social elite, unaccountable to both the population and the government. That’s why, both during the Taliban times and today, the government and the population quite naturally bond together to reduce the power of these NGOs.

This being said, we must nuance this general image of Afghan NGOs in two ways. First, some of the big Afghan NGOs did try to establish better links with the local population through open recruitment policies (but this is rare) and by closely involving the beneficiary communities through focus groups and other means of providing input (this is more common). Second, the term NGO in Dari (*sozman-e khair-e dawlati*) has the same meaning as in English, and some true civil society organizations registered as NGOs, and still call themselves as such. Therefore, one cannot ascribe the problems noted above to all Afghan NGOs.

But still, and obviously so, the general image of Afghan NGOs among the Afghan population is largely negative. This is an intractable problem for umbrella organizations such as ACBAR (Agency Coordinating Body for Afghan Relief) who are trying to “clean up” the image of Afghan NGOs

while many of their core members are precisely these big Afghan NGOs that were fostered during the anti-government “jihad”.

Therefore many of the civil society organizations that have sprung up over the past years avoid calling themselves NGOs, and in many cases honestly attempt to avoid the mistakes made by the older NGOs, including for example people from different ethnic groups, youth and women among their core members. Most of these organizations call themselves “social organizations” (*sozman-e ijtimai*).

### **Social Organizations and the new regulatory framework**

The term “social organization” also has some negative connotations, although not as many as “NGO”. This is due to the fact that the rise of social organizations occurred during the communist period. These were mostly government-controlled professional organizations and trade unions, whose heads were appointed by the communist government, usually with “advice” from the Soviet advisors. Among those still extant today are the Union of Afghan Workers (a kind of Union of Unions), the Farmers Union, the Artists Union, and some others. Although since 1992 many of these “social organizations” have become dysfunctional, some of them were kept alive, although unfunded, by post-communist governments. Even today, a “Higher Council of Social Organizations” still regroups these organizations, generally un-reformed carcasses of the former institutions.

However a new Law on Social Organizations was passed at the end of 2002 (published in the Official Gazette of January 2003). The organizations that want to qualify as social organizations must adopt statutes which regulate their activities, precise their objectives, and which determine mechanisms for membership, governance, and financial issues such as liquidation. At least 10 founding members must sign the statutes, which are the basis for registration. Although the law is quite modern and encourages democratic and transparent governance, and membership, it also has some loopholes. For example, there is no provision that benefits of the social organizations may not be distributed to the members of the organization, an essential provision to avoid social organizations becoming commercial entities for the benefit of the founders. It is also far from certain whether the Department at the Ministry of Justice that regulates social organizations has effective monitoring capacity. In addition, the same department also registers and regulates political parties, creating a dangerous amalgam between social organizations and political parties<sup>5</sup>.

However this law, especially in contrast to the new NGO law, has created a clear distinction between social organizations and NGOs. The new NGO law has several stipulations that presume a functioning financial administration - NGOs have to submit budgets, project reports, yearly reports etc. - which is not required of social organizations, while the NGO law has less governance-related stipulations (about membership etc.)

Several hundred organizations have registered as social organizations since early 2003, while the number of NGOs is hardly increasing, as the registration process, formerly with the Ministry of

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<sup>5</sup> For example, a government decree banning political parties from receiving “foreign contributions” that was issued in the spring of 2005 also automatically applied to social organizations. This decree, after strong protest from social organizations, was not applied to them.

Planning, and now with the Ministry of Economics, has long been frozen, and is further marred by uncertainties in the application of the new NGO law, which has draconian reporting requirements to the Government. As the Government is seen as largely corrupt, in addition to being “anti-NGO”, and there is practically no legal recourse when a government official presses an NGO for a bribe, a disclosure of assets and salary levels may easily lead to extortion by officials.

However, as will become clear in this survey, most of the organizations based in the provinces are unclear about the registration process and the differences between the types of registration. For example, in Nangarhar province, of 103 organizations surveyed, 59 call themselves social organizations, while only 3 of the 103 subsequently say that they have registered with the Ministry of Justice; while in Khost, 29 of 96 organizations surveyed call themselves NGOs, but only 15 have registered with the Ministry of Planning/Economics. The contrary may also occur: in Baghlan, only 6 organizations call themselves NGOs out of 98 surveyed, but 14 say that they have registered with the Ministry of Planning/Economics. These may be extremes, but similar discrepancies occur all throughout the country.

To complicate this, other types of registration are also current. A local cultural association may only register with the provincial Department of Information and Culture, which provides no clear legal status. Many organizations also register with a provincial Department of Planning or Economics, which is not registered or even recognized as valid by the central Ministry<sup>6</sup>. In fact, many organizations are not registered at all (in Ghazni and Khost more than 50% of organizations are not registered in any way), or don't know whether their registration with a local Department of a Line Ministry, or even an NGO or international donor agency, has any legal validity.

This is of concern not only for formal reasons (an organization without registration can in principle not open a bank account, and legal responsibilities for eventual donations received are not clear) but also for purposes of civil society development. As long as civil society organizations are not bound by their own statutes to commit themselves to transparent procedures of governance and administration, they will not be solid blocks to build Afghan civil society with, and it will be difficult for the public to trust them or even see them as truly striving for the common good.

### **The Civil Society concept used in this Survey**

The Foundation for Culture and Civil Society in its daily work uses a more Afghan definition of civil society, including intellectuals, artists, youth and professional organizations, and generally the progressive - or more exactly “civilizing” - forces in Afghan society, but not the unreformed traditional community and religious structures, nor the big Afghan NGOs who are primarily concerned with delivery of services that would normally be the responsibility of the State.

Given the proliferation over the last years of organizations - however they may call themselves - that are primarily created to attract donor money<sup>7</sup> our primary focus was on those local

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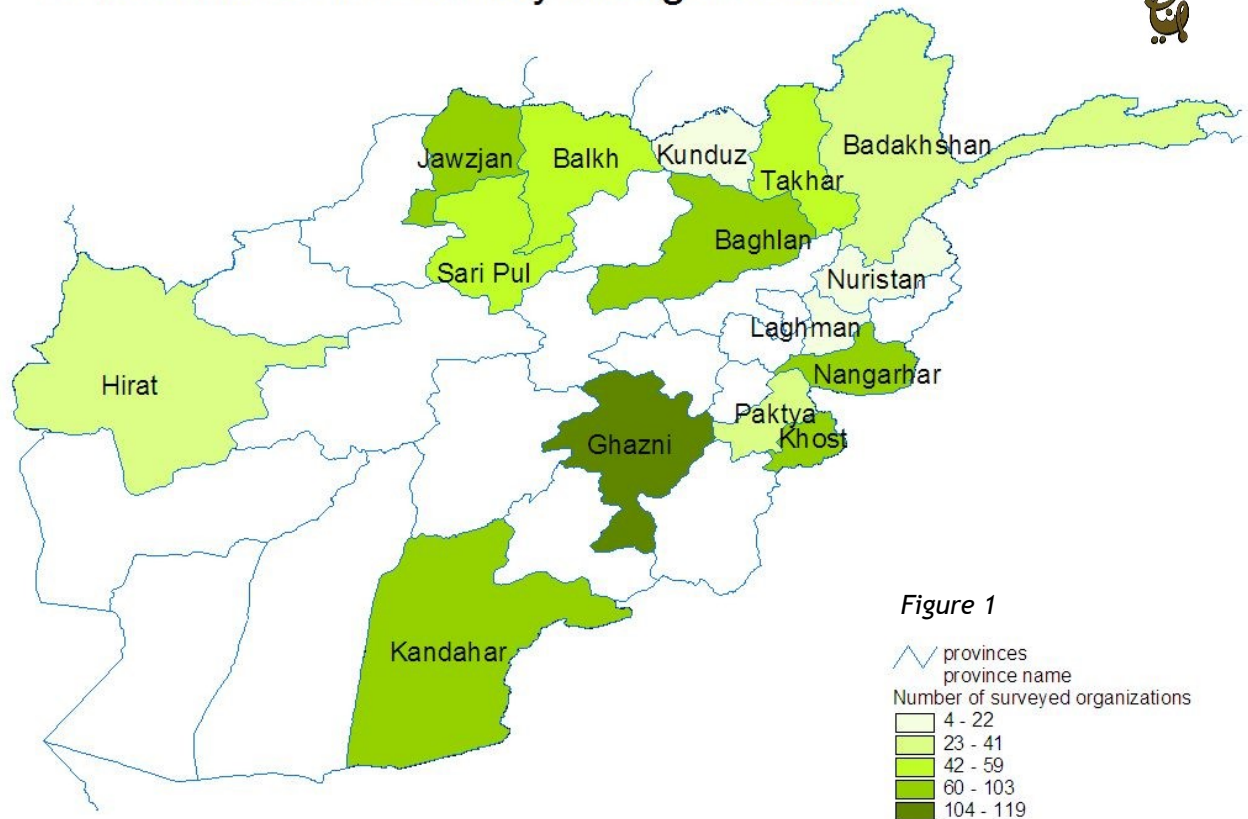
<sup>6</sup> As reported in “Afghanistan Civil Society Assessment”, prepared by Counterpart International, April 2005

<sup>7</sup> as other donors in Afghanistan do, we receive many proposals of small organizations that read more like shopping lists than like projects: long lists of office furniture, communication means, carpets, vehicles and salaries with a very brief and general statement of the purposes of the organization

organizations that have shown a capacity to work voluntarily, and that may continue to exist without donor money. For example, throughout the country less than 20% of the organizations indicated receiving any funds from an international source while local donations, membership fees, course fees and/or the community each are mentioned as funding sources by more than 20% of the surveyed organizations. In some provinces (Jowzjan, Sar-e Pul) only about half of the organizations reported receiving funding from any kind of source.

By no means, given the confusion in terminology and registration processes noted above, did we cut out NGOs from our survey. Indeed, the kind of state-services they provide (roads, wells, education, health etc.) are deemed as prime necessities by many communities, so they are natural activities for local organizations to engage in. But we stipulated that the head offices of

## Distribution of the surveyed organizations



the organization must be located in the province surveyed.

The survey focuses on three groups of activities: cultural, social and service-delivery. The strong focus on culture, which otherwise may be unwarranted in such a survey of civil society, is due to the fact that the small grants program (*Beydari Melli*, or “National Awakening”) focuses as much on cultural development as it does on civil society. This is in keeping with the role Afghans ascribe to their civil society: as a “civilizing force”.

We performed the survey in 15 provinces (see figure 1): one in the West (Herat), one in the Southwest (Kandahar), three in the South-Southeast (Khost, Paktia and Ghazni), three in the East

(Nangarhar, Nuristan and Laghman), the four provinces of the Northeast (Badakhshan, Takhar, Kunduz, Baghlan), and three in the North (Balkh, Jowzjan and Sar-e Pul). We deliberately avoided Kabul as our primary purpose was to make a portrait of civil society in the provinces. We tried to include Bamiyan and the Central Highlands, but given the harsh winter season, we had to cancel that. In each province our surveyor contacted as many civil society organizations as possible; this ranged from a low 4 in Nuristan to a high of 119 in Ghazni, with an average of 58 CSOs per province.

In fact the survey is ongoing, and we will soon issue an analysis of civil society in Kabul, as a separate appendix to this document. In all other provinces too, for the purpose of the Beydari Melli small grants program that this survey is part of, registration of existing and new civil society organizations is an ongoing process.

It is our intention to perform a similar survey of civil society in 2007, at the end of this program, in which we will be able to measure progress, if any, in the sector of civil society development. We expect to include more provinces, if not all of them, in our future survey.

Parallel to this, a Civil Society Directory, with essential information about more than 1,000 organizations registered up to date, will be available to those interested.

### A Short Description of the Beydari Melli Program

The Beydari Melli Program is a nationwide small grants program funded by the European Commission through UN-HABITAT and is implemented by the Foundation for Culture and Civil Society (FCCS), which has received additional technical and financial support for this purpose from the Open Society Institute (Soros Network of Foundations). The overall goal of the program is to contribute to the development of civil society and culture in Afghanistan, leading to an increase in social, artistic and cultural activity throughout Afghanistan.

Grants are available for a range of activities including special events, ongoing activities and individual support. Grants will be solicited through calls for proposals. Projects that do not answer a specific call for proposals are not accepted.

Since the Beydari Melli Program targets small, local civil society organizations and individuals, training and on-the-job support is provided by program staff in improving the structure of the candidate organization, designing and implementing projects, financial management and monitoring and evaluation.

The calls for proposals will occur about every three months, in November 2005, February, May, and August 2006. The program shall be run from FCCS offices in Kandahar, Herat, Mazar-e Sharif, Pul-e Khumri, Jalalabad, Khost and Kabul, and from sub-offices in Maimana, Ghazni and Kapisa. The subjects and conditions of the calls for proposals will be announced through launch events and the media. This is a competition-based award. The best proposals and organizations will be selected for awards.

Grants made under this program will never exceed USD 12,000. Each call for proposals will specify a maximum grant size, usually between 1,000 and 6,000 USD. The total amount of grants to be disbursed is 1,490,000 USD, which we plan to share among more than 400 grantees.

Subjects of calls for proposals made up to date include

- Culture: short documentary and fiction movies, music classes and short-story writing for girls, contemporary art, unpublished manuscripts, traditional instrument-making & organizing cultural events at universities and in public spaces
- Civil Society: Women and elections, youth debate clubs, provincial administration surveys
- Media: Elections awareness, covering the activities of the elected provincial councils
- Research and Surveys: natural heritage, traditional handicrafts and master craftsmen, drugs and society

The FCCS commits not only to give maximum guidance to grantees in the implementation of their projects when requested, but also to make the grant results available to the public through publications (print and multimedia, movies...) broadcasting through radio and TV, traveling exhibitions, and in the FCCS resource center in its Kabul headquarters.