



THE STATE OF THE ENABLING ENVIRONMENT FOR CSOs IN AFGHANISTAN

Prepared by Altai Consulting for the Afghanistan Institute for Civil Society – September 2016

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ABBREVIATIONS

ACBAR	<i>Agency Coordinating Body for Afghan Relief</i>
ADB	<i>Asian Development Bank</i>
AFN	<i>Afghani (currency)</i>
AICS	<i>Afghanistan Institute for Civil Society</i>
AKF	<i>Aga Khan Foundation</i>
ANA	<i>Afghan National Army</i>
ANCB	<i>Afghan NGOs Coordinating Bureau</i>
ARD	<i>Afghanistan Revenue Department</i>
AWN	<i>Afghan Women's Network</i>
CA	<i>Christian Aid</i>
CDC	<i>Community Development Council</i>
CS-JWG	<i>Civil Society Joint Working Group</i>
CSO	<i>Civil Society Organization</i>
DCC	<i>District Community Council</i>
DDA	<i>District Development Assembly</i>
DOD	<i>United States Department of Defense</i>
ELA	<i>Enhancement of Literacy in Afghanistan</i>
FGD	<i>Focus Group Discussion</i>
GMIC	<i>Government Media and Information Center</i>
HEC	<i>High Evaluation Commission</i>
ICC	<i>Islamic Coordination Council</i>
IFEX	<i>International Freedom of Expression Exchange</i>
I-PACS	<i>Initiative to Promote Afghan Civil Society</i>
IWA	<i>Integrity Watch Afghanistan</i>
MoC	<i>Ministry of Information and Culture</i>
MoE	<i>Ministry of Economy</i>
MoJ	<i>Ministry of Justice</i>
MoLSAMD	<i>Ministry of Labor, Social Affairs, Martyrs & Disabled</i>
MoWA	<i>Ministry of Women's Affairs</i>
MRRD	<i>Ministry of Rural Rehabilitation and Development</i>
NCA	<i>Norwegian Church Aid</i>
NGO	<i>Non-Governmental Organization</i>
NSP	<i>National Solidarity Program</i>
ODA	<i>Official Development Assistance</i>
PTRO	<i>Peace Training and Research Organization</i>
SIGAR	<i>Special Inspector General for Afghanistan Reconstruction</i>
SWABAC	<i>South West Afghanistan and Balochistan Association for Coordination</i>
UN	<i>United Nations</i>
UNAMA	<i>United Nations Assistance Mission in Afghanistan</i>
UNESCO	<i>United Nations Educational, Scientific and Cultural Organization</i>
UNODC	<i>United Nations Office for Drugs and Crime</i>
USD	<i>United States Dollar (currency)</i>
USIP	<i>United States Institute of Peace</i>

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EXECUTIVE SUMMARY

The ability of civil society actors, the international community, and the Afghan government to develop the potential of civil society within the context of the changes engendered by the 2014 security transition will depend on a solid enabling environment for CSOs. Within this context, the Afghanistan Institute for Civil Society (AICS) mandated Altai Consulting to produce a baseline study on the enabling environment for civil society organizations (CSOs) in Afghanistan, and the first ‘State of the Enabling Environment for CSOs in Afghanistan Index.’

This study assesses the factors that influence the development and activities of CSOs in Afghanistan, focusing on the legal framework, the socio-cultural environment, governance, and financial viability. On the basis of the research, the first ‘State of the Enabling Environment for CSOs in Afghanistan Index’ has been created, capturing the perceptions of CSO members in regard to the current enabling environment for their CSOs’ activities in the country. It is important to note here that the present geographical scope of the index covers only five provinces in Afghanistan, and, therefore, can only be considered indicative of the enabling environment for CSOs across the country. The index data was further analyzed using additional material gathered through open-ended interviews with CSO members and beneficiaries as well as government officials, focus group discussions with CSO members, and a review of relevant secondary literature. One of the objectives of the study was to develop the tools and methodology that will allow AICS to repeat the study and update the index scores in subsequent years, thus measuring progress, or lack thereof, among an established set of criteria.

APPROACH

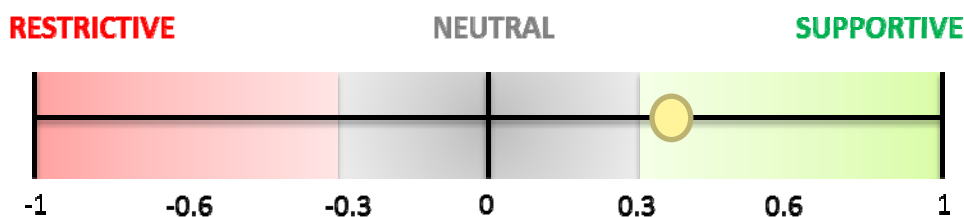
Data was collected through primary qualitative and quantitative research in the form of both open and closed-ended interviews, focus group discussions, case studies as well as secondary research. Over the course of June and July 2016, a total of 367 closed-ended interviews with CSO members (347) and beneficiaries (20) were conducted across five provinces (Kabul, Samangan, Kandahar, Herat, and Bamyán), covering four key areas of interest within the enabling environment for CSOs: the legal framework, the socio-cultural environment, governance, and financial viability. 63 open-ended interviews with CSO members (40), beneficiaries (12), and government officials (11), 10 focus group discussions, and 5 case studies were conducted during the same time frame in order to shed contextual light on the enabling environment for CSOs in general, and the aforementioned four areas specifically.

The quantitative survey data generated the scores for the ‘State of the Enabling Environment for CSOs in Afghanistan Index’. Measurable questions were awarded a score between -1 and 1, with -1 being wholly unsupportive and 1 being wholly supportive of CSO activity. A score of 0 entails that the indicator is neither supportive nor restrictive of the organizations’ activities. Question scores were averaged to generate the score of sub-indicators, which in turn were averaged to generate the score for each of the four main indicators. The average of the scores for these four indicators is the overall index score.

TOTAL INDEX SCORE

Based on the findings from the qualitative, quantitative, and secondary research undertaken, the state of the enabling environment for CSOs in Afghanistan, despite numerous improvements over the course of the last decade and a half, is considered to still be marred by challenges while containing pockets of potential. The overall 'State of the Enabling Environment for CSOs in Afghanistan Index' scored 0.33 (see table 1), indicating that the environment in which CSOs operate in Afghanistan is only somewhat supportive of their activities.

Table 1: Overall index score



MAIN OBSTACLES AND OPPORTUNITIES

The study has highlighted corruption, a lack of capacity and technical expertise (among both CSOs and the government), poor CSO interaction with the government, deficiencies in the rule of law, access to funding, and donor-driven policy priorities tied to funding mechanisms as the main obstacles impeding a supportive enabling environment for CSO activity in Afghanistan. Whilst service provision (-0.12), transparency (-0.1), and taxation (0.1) received equally low scores in the index, and in the case of CSO interaction with the government significantly lower scores, in-depth interviews and focus group discussions made clear that the low scores for these three sub-indicators were, in fact, informed by the aforementioned issues. For example, corruption affects proper taxation as well as the fair distribution of government contracts for service provision, and can only thrive in an environment lacking transparency. Poor interaction with the government and a lack of capacity, equally, posed challenges in the fields of taxation and service provision, and were further compounded by a lack of transparency.

It should be noted that outside of the scope of the research, insecurity was frequently mentioned as one of the most important factors impeding the enabling environment for CSOs in Afghanistan.¹ While issues related to security are outside the scope of factors that can be directly influenced by actors seeking to support CSOs, the security environment colors all CSO activity particularly in terms of accessibility and to a lesser extent definition of mission.

Conversely, pockets of potential were noticeable among various sub-indicators. For example, the increasing coordination between CSOs through CSO networks as well as more informal types of interaction can be regarded as a significant positive facilitating the sharing of resources, the ability to mobilize larger numbers of people in advocacy efforts, as well as the ability to stand as a united force not only in dealings with the government and international community but also in relation to conservative elements within Afghan society that may wish CSOs harm. This was noted both by CSO members as well as recent reports such as the 2015 EU Civil Society Roadmap. Similarly, within the sub-indicator community support, which received a high score of 0.79, **the extent to which CSOs were drawing on volunteer support offered an encouraging development, especially within the context of a tightening and uncertain funding environment.** This is an especially

¹ The 2015 Survey of the Afghan People by the Asia Foundation also mentioned insecurity as the most frequently cited national problem. *A Survey of the Afghan People*, report prepared by the Asia Foundation, 2015.

promising development as secondary data, for example, Murtazashvili (2016) expressed concerns about traditional types of community volunteerism eroding.

Whilst representation and advocacy received equally high scores (0.79 and 0.81 respectively), discussions with focus groups, guided by previously published secondary material, revealed that the impact of advocacy efforts were limited, not in the least because of poor engagement with the government, and that the ability of CSOs to represent the communities they work with was somewhat eroding within a donor-driven funding and policy environment.

Legal Framework

- The Legal Framework received a score (0.31) close to that of the overall index (0.33)
- Mandatory registration is generally seen to benefit the work of CSOs although a lack of clarity about the process persists among CSOs and the government.
- Despite improvements in the legal framework protecting personal freedoms and civil rights, a lack of implementation of the relevant laws still mars CSO activities.
- Problems with the enforcement of the tax system, facilitating corrupt practices, limited the potential of the tax system to support the work of CSOs.

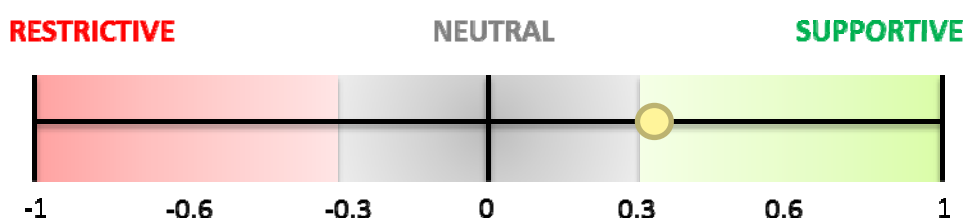


Table 2: Legal framework indicator scores

Indicator 1	The extent to which the prevailing legal framework as written supports the work of CSOs	0.31
Sub-indicator 1.1	Personal Freedoms and Civil Rights The extent to which legal rights and freedoms are supportive of the work of CSOs	0.31
Sub-indicator 1.2	Registration The extent to which the process of registration is straightforward and registration benefits CSOs	0.52
Sub-indicator 1.3	Tax: The extent to which the tax system for CSOs is fair, efficient, and transparent	0.10

The prevailing legal framework supports the work of CSOs somewhat, as the score of 0.31 indicates. The registration process (0.52) ranked as the highest of the three sub-indicators, indicating reasonable satisfaction with the process of registration as well as the benefits it offers CSOs. CSO member experiences with the registration process pointed to challenges that concerned the process itself, such as the centralization of procedures in Kabul and corruption: travelling to Kabul can be burdensome to provincial CSOs, especially given the infrastructural (indicator 2.1) and security challenges Afghanistan faces. Meanwhile, whilst mandatory registration has gone some way to curb corruption within the CSO sector, it, conversely, exposes CSOs to

government corruption (indicator 3.3) which affects the relationship of trust between the two (indicator 2.2). CSOs, however, commonly managed to complete the registration process, and as a singular event registration did not pose too much of an obstacle for CSO operations.

Personal freedoms and civil rights proved to be primarily affected by the gaps in the application of the written law, which in essence is supportive of CSO activity, highlighting the inability of the government to comprehensively ensure enforcement within an at times hostile cultural environment.

The taxation process was identified as the sub-indicator that impacted least positively on the overall score. From the perspective of CSOs, both the process itself and its application display gaps in transparency, clarity, and efficiency, rendering tax declarations a challenge that draws on the resources of CSOs and limits their ability to operate. Whilst CSOs are exempt from income taxation, applying for the exemption is a tasking administrative process. In addition, CSOs are still liable to pay a host of other taxes including withholding taxes over salaries and building rent.

Socio-Cultural Environment

- The socio-cultural environment is the best performing indicator of the index with a score of 0.65
- Community support is perceived to be solid and is expressed in various forms, including volunteerism. A positive trend that can significantly contribute to the sustainability of the sector.
- Representation and advocacy stood as the sub-indicators with the highest scores of the index but showed discrepancies between the survey and qualitative data. The latter indicates that advocacy efforts are thwarted by poor government interaction, and that representation might be negatively impacted by donor driven programming and funding policies.
- Modernization is the sub-indicator that under-performed within the socio-cultural environment. Many CSOs still experience some lack of technical capacity.

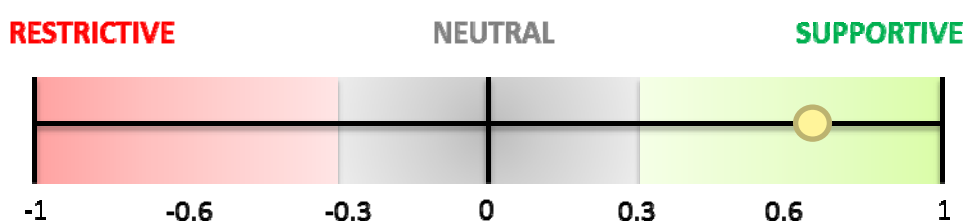


Table 3: Socio-cultural Environment indicator scores

Indicator 2	The extent to which the socio-cultural environment supports the work of CSOs	0.65
Sub-indicator 2.1	Access to resources (non-financial): The extent to which access to communications resources and basic infrastructure facilitates the work of CSOs	0.49
Sub-indicator 2.2	Community Support: The extent to which the public supports the work of CSOs	0.79
Sub-indicator 2.3	Representation: The extent to which CSOs successfully represent communities	0.77
Sub-indicator 2.4	Modernization of the sector:	0.36

	The extent to which CSOs are seen as independent and professional organizations	
Sub-indicator 2.5	Level of advocacy: The extent to which CSOs successfully influence the government at national and local levels	0.81

The socio-cultural environment, scoring 0.65, supports the work of CSOs, and is the best-performing indicator within the index. The three sub-indicators contributing to this relatively high score are community support (0.79), representation (0.77) and advocacy (0.81).

CSO members perceived significant community support in various forms, most notably volunteerism. Interviews with beneficiaries supported their views. CSOs noted a plethora of ways in which community support can express itself, even when financial resources are low, for example, volunteerism and in-kind contributions. The potential of these forms of support to cushion the effects of shrinking available funding (see indicator 8.1) to contribute to the sustainability of the CSO sector is promising, and warrants further encouragement and exploration. In addition, this finding challenges concerns that the cash-for-work programs threaten to undermine local self-initiative.²

Community support, however, is also the sub-indicator that showed a discrepancy between quantitative survey findings and the qualitative data gathered during in-depth interviews and focus group discussions. Upon further questioning, CSO members spoke of the hostility they experienced from more conservative elements in society that regarded civil society not to be in line with Islam or as a western ‘imported’ concept. Many CSOs have, consequently, felt the need to incorporate an Islamic rhetoric in order to align their operations with prevalent cultural paradigms. This observation reveals a tension between the idea of civil society as a ‘driver of change’ and more traditional structures within society that the international community should bear in mind when engaging with CSOs.

Representation received the third highest score based on the self-perceptions of CSO members in regard to their efforts involving the communities they represent. It was on account of these efforts that CSO members also felt supported by said communities. This suggests that CSOs’ abilities to properly represent the communities they are active in is a precondition for the support of these communities. A self-reporting bias, however, should be taken into account when reviewing the positive results for the sub-indicator representation as secondary literature, for example, the 2015 EU report, suggests that donor driven funding dynamics have led CSOs to move away from original mandates and shift programming according to donor policy priorities. In-depth interviews with beneficiaries, however, supported the views of CSO members.

Whilst CSO members displayed a high opinion of the efforts they put into advocacy, rendering the high score of 0.81 for this sub-indicator, the highest in the index, focus group discussions revealed that advocacy efforts were often thwarted by strenuous relationships with the government, as well as an insecure operating environment, thus limiting CSO ability to influence the government at local and national levels by using their soft power.

Whilst most CSOs reported to have access to basic infrastructure, including offices, and stated they were able to communicate freely, limited access to resource centers such as libraries, internet cafes, and community centers, continued to negatively affect the enabling environment for CSOs. This negative impact reflects also upon the abilities of the government to supply necessary resources such as electricity and phone coverage, especially in rural provinces such as Bamyan and Samangan.

² Cf. Jennifer Brick Murtazashvili, *Informal Order and the State in Afghanistan*, Cambridge University Press, Cambridge, 2016: 115

CSOs were generally seen as independent and professional organizations only to a limited extent. CSO members identified sufficient technical capacity as lacking, despite significant capacity building efforts from the international community. Accordingly, modernization was the sub-indicator that performed least well within the socio-cultural environment. The vast majority of CSO respondents highlighted a lack of technical expertise and a consequent need for outside assistance inhibiting their ability to succeed, especially in the rural provinces Bamyan and Samangan. Whilst these responses may be fueled by a desire for continued support in this field, they are widely corroborated by the secondary literature that notes both a lack of understanding of key capacity concepts and an absence of technical skills.³

Governance

- Governance received the lowest score of the four main indicators.
- It is the indicator with the biggest discrepancies between the sub-indicator scores.
- Service provision is a traditional activity of CSOs in Afghanistan but one that is uncertain as funding for service delivery programs is shifting.
- Corruption and transparency present key challenges in the enabling environment for CSOs.
- Coordination among CSOs is strong but CSO coordination with the government remains challenging.

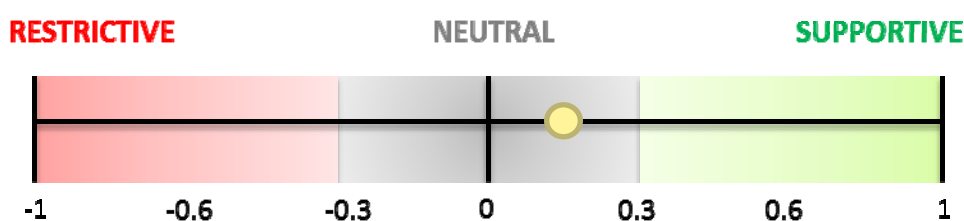


Table 4: Governance indicator scores

Indicator 3	The extent to which the governance environment (the application of law and use of authority) is conducive to the work of CSOs	0.17
Sub-indicator 3.1	Service provision: The extent to which the environment is supportive for CSO involvement in service provision	- 0.12
Sub-indicator 3.2	Coordination The extent to which CSOs collaborate with each other and the government in order to achieve their mission	0.73
Sub-indicator 3.3	Corruption (real/perceived): The extent to which perceived level of corruption does not affect the work of CSOs	- 0.12
Sub-indicator 3.4	Transparency: The extent to which the government is transparent in its dealings with CSOs	- 0.1

³2012 CSO Sustainability Index for Afghanistan, report prepared by USAID, 2012; Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017, report prepared by the Delegation of the European Union in Afghanistan, September 2015: 28

Facilitation		
Sub-indicator 3.5	The extent to which state facilitates and promotes the work of CSOs	0.51

With the lowest score (0.17) of all of the main indicators, the governance environment for CSOs presents some key issues that obstruct an overall supportive enabling environment for CSOs. Notable among these is service provision, corruption, and, linked to corruption, a lack of transparency.

In regard to the ways in which the state restricts the service provision of CSOs, the negative score of -0.12 seems motivated by CSOs' perception of their generally dysfunctional relationship with the government in general, and corruption specifically. Many also commented on a lack of financial resources, as well as fewer projects being available.

The negative scores for corruption (-0.12) and transparency (-0.1) attest to the fact that a solid legal system (indicator 1) serves only limited purpose when it cannot be consistently upheld in practice. In regard to transparency, whilst the right of access to information is ensured both under the constitution and the 2014 Access to Information Law, in practice it is flaunted. The lack of mechanisms to ensure transparency in government dealings with CSOs is linked to the issue of corruption which can further undermine any legal provision intended to protect and facilitate the work of CSOs in Afghanistan, registration being a case in point. Corruption also negatively impacts the relationship between CSOs and the government, fueling distrust. The fact that corruption and a lack of transparency continue to thrive reflects negatively upon the state's ability to ensure rule of law, despite undertaken steps, and more generally its ability to generate a facilitating environment for CSO activities.

On the positive side of the spectrum, whilst coordination scored 0.71, this high score is an average of the very well perceived coordination among CSOs and poorer coordination between CSOs and the government. Coordination among CSOs has improved significantly, and in line with priorities set by donors, as was made clear by the number of CSOs that are part of a network both at the national and provincial level. Qualitative data showed that both insecurity and a lack of capacity were driving increased coordination, especially in provinces where both are seen as prevalent. Networks were also considered to facilitate the sharing of resources, improve advocacy efforts, CSO penetration into remote areas, and knowledge management.

Individual CSO member responses to questions relating to coordination with the government varied greatly. What is clear, however, from the qualitative data is that coordination with the government, one of the most prominent interlocutors of civil society, is strained, and that it is of tantamount importance to a host of other indicators, including legal framework, advocacy, service provision, and corruption, among others.

Financial Viability

- Financial Viability is the indicator that received the second lowest score in the index (0.2)
- Access to funding is the biggest concern for the future for CSOs.
- International donor funds remain the sector's main source of funding, raising concerns about the sector's financial independence.
- Alternative income generating activities such as membership fees as well as cost-saving measures such as increased reliance upon volunteers are being actively explored.

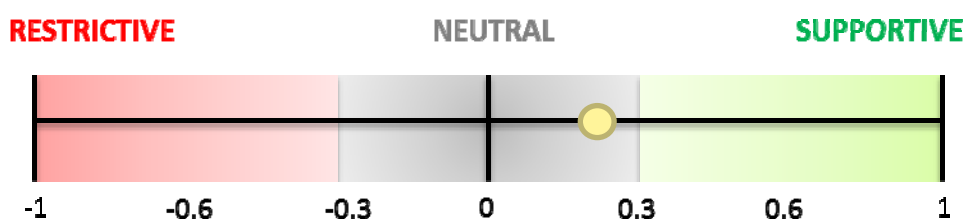


Table 5: Financial viability indicator scores

Indicator 4	The extent to which the funding environment allows CSOs to shape their activities according to their mission.	0.2
Sub-indicator 4.1	Funding process: The extent to which CSOs are able to access funding	0.08
Sub-indicator 4.2	Financial independence: The extent to which CSOs are financially independent	0.32

Funding, following governance, received the second worst score (0.2). CSO members found access to funding especially worrisome and the sub-indicator received a barely positive score of 0.08. These worries correspond with development funding levels for Afghanistan significantly decreasing in recent years as well as proportionally more international donor funds being allocated to the government development budget.⁴ FGD data revealed that the difficulties in accessing funding reflect also on the lack of modernization and technical capacity among many CSOs that can render writing funding proposals and fulfilling other administrative requirements that much more challenging. Finally, the donor-driven dynamic that marks the funding environment was criticized not only by CSO members but also by previously conducted studies such as the *Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017*, for undermining strategic visions and CSO mandates, both of importance to the general success of CSOs as well as their ability to generate community support.⁵ Whilst the procedures for accessing funding themselves were seen as largely both clear and accessible, corruption was highlighted by CSO members during focus group discussions as thwarting the process.

The financial independence of the CSO sector was considered to be less of an issue by CSO members than access to funding with a score of 0.32, although reports by INGOs and other members of the international communities often highlighted this as one of the most worrisome issues facing the financial viability and ultimate sustainability of CSOs.⁶ Whilst international funds continued to make up the largest contribution to CSO budgets for 35% of respondents, membership fees (22%), private donations (19%) and government grants (16%) did not lag too far behind, and offer potential for further diversification of CSO budgets. In addition,

⁴ARTF *Financing Strategy FY1394-1396 (2015-2017)*, report prepared by the Afghanistan Reconstruction Trust Fund (ARTF), 2014; Financial Tracking Service, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA): <https://fts.unocha.org/pageloader.aspx?page=Trend-TrendAnalysis> (accessed August 2016)

⁵*Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017*, report prepared by the Delegation of the European Union in Afghanistan, September 2015

⁶*Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017*, report prepared by the Delegation of the European Union in Afghanistan, September 2015; *Afghanistan in Transition: Looking Beyond 2014*, report prepared by the World Bank (Richard Hogg, Claudia Nassif, Camilo Gomez Osorio, William Byrd, and Andrew Beath), February 2013

results from research into the socio-cultural environment have already shown that growing support in the form of volunteerism might alleviate the strain on CSO budgets.

Recommendations

On the basis of the findings, the study makes the following recommendations to the government, the international community, and to CSOs, including AICS.

FOR THE GOVERNMENT

- The government needs to actively work towards establishing a relationship of trust between itself and CSOs. Whilst progress has been made in this respect with the government committing itself to support civil society, most recently during the 2014 London Conference as well as in the 2015 *Self-Reliance through Mutual Accountability Framework* policy paper, the lack of capacity that the government faces as well as the widespread prevalence of corruption, means that these commitments are not felt in many of the interactions CSOs have with the government, be it at the national or provincial level. Workshops bringing together CSO members, beneficiaries and their official counterparts at all levels of government could go some way towards establishing mutual understanding, clarifying mechanisms for interaction, and, generally, building relationships of mutual accountability.
- Weeding out corruption needs to remain a top priority of the Afghan government. Corruption further taints the perception of the government from the side of CSOs, feeding a relationship of distrust, and compounds the lack of capacity within the government. The National Unity Government has taken visible steps towards fighting corruption, for example, through the Access to Information Law. Focus should now be on enforcement of this law and others. The government's efforts in this respect should continue to enjoy the support of the highest office and the international community, and be expanded where possible.
- When corruption becomes less endemic, the legal framework will as a natural consequence be implemented in a more consistent fashion, and processes of registration and taxation will be streamlined. Nonetheless, implementation of rule of law as well as consistent and manageable procedures should be priorities for the government. It could, in this respect, consider delegating more responsibilities in the field of registration and taxation to provincial government offices thus minimizing CSO travel to Kabul, but only if it can guarantee sufficient monitoring of procedures as well as the presence of necessary skills and capacities.
- The study found that insecurity was frequently cited as negatively impacting the enabling environment for CSOs with non-state actors seeking to shrink civic space in the country (the July attack on protesters in Kabul being a case in point). The government should continue taking measures to ensure the safety of civil society organizations and activists.

FOR INTERNATIONAL DONORS

- International donors should set funding priorities in line with grassroots needs as identified by CSOs in an attempt to tackle the donor-driven funding that the study has shown can erode the ability of CSOs to represent local communities, and community support in general, as CSOs morph their mandate without community consultation as well as necessary expertise. Part of this funding dynamic is CSO reliance upon project funding that inhibits the development of long-term strategies and community ties and which should be replaced with longer-term funding mechanisms.
- Longer term funding mechanisms will also facilitate genuine capacity building, including organizational structures and technical skills that are nurtured over time, rather than the ad hoc

capacity building efforts associated with short-term project funding. Donors should also realize that CSOs are incapacitated not only because of a lack of skills or expertise but by insecurity, lacking access to resources (non-financial) as well as a poor economic environment. Whilst these factors do not lie within the immediate scope of CSO actors, international donors should continue to press the government and other relevant stakeholders to work towards progress in these areas.

- As a lack of capacity was urgently felt in relation to access to funding, international donors should also consider easing administrative and reporting requirements in relation to funding whilst supporting internal monitoring and evaluation mechanisms developed in conjunction with CSOs themselves. AICS, in particular, can play an important role in this process through its CSO certification program.

FOR CSOs

- CSOs should continue to build their expertise and skill set where possible. Increased modernization, including technical capacity will allow CSOs to ultimately take the lead in programming and to develop their independence from international donors, thus contributing to the sustainability of the sector. Building expertise and skills will go hand in hand with CSOs specializing as per the terms of their mandate rather than chasing funding flows as a jack of all trades. This will also contribute to the credibility of CSOs with donors, the government, and the Afghan public. Where possible, CSOs could use networks in order to organize joint workshops on specific technical topics, alleviating the strain on organizational and financial resources through close collaboration.
- Within a decreasing funding environment, CSOs should continue to diversify their sources of income, drawing upon membership fees and corporate contributions as well as stimulate other forms of support such as volunteering or in kind contributions in order to ensure the sustainability of the sector, and its ownership by the Afghan people.
- CSOs should continue to strengthen their ties with other CSOs be that through networks or more informal structures. Close collaboration between CSOs will allow them to bundle their strengths, share resources, to mitigate security risks and to emancipate themselves in relation to both the government, pushing back on malpractices and corruption, and the international community. This will allow CSOs to, going forward, drive policy and programming on the basis of identified needs within local communities, thus cementing the role of civil society within Afghan society at large.
- CSOs can address transparency issues within the sector by developing and support self-regulating mechanisms. AICS's certification program is a significant step in this respect. Visible active steps working towards increased transparency will enhance the credibility of CSOs and further relationships of trust among CSOs, and between CSOs and the government as well as CSOs and the communities they are to represent. As these relationships are of crucial importance to the operational success of CSOs, tackling internal transparency issues can contribute meaningfully to the sustainability of the sector.

1. INTRODUCTION

1.1. PURPOSE AND OBJECTIVES

The ousting of the Taliban regime in 2001 changed the operating environment for civil society in the country substantially. After the transition of security responsibilities to the Afghan government in 2014, the country entered yet another phase of development dubbed the ‘transformation decade.’⁷ In the communiqué of the 2014 London Conference on Afghanistan, both the National Unity Government of Afghanistan and the international community recognized the important role that civil society has played in the development of Afghanistan.⁸ The ability to further develop the potential of civil society will depend on the state of the enabling environment for civil society organizations (CSOs).

Within this context, and in order to assess the factors that influence the development and the activities of civil society in Afghanistan, the Afghanistan Institute for Civil Society (AICS) has mandated Altai Consulting to design and conduct a study of the enabling environment for CSOs in Afghanistan, focusing on the legal, socio-cultural, governance, and financial environments in which CSOs operate. On the basis of the results of the study, an index has been created that captures the current state of the enabling environment for CSOs, and that will henceforth be conducted annually as part of the ongoing body of work produced by AICS allowing comparison of progress, or lack thereof, along several criteria.

In addition to the first ‘State of the Enabling Environment for CSOs Index’ and report, Altai Consulting has developed the methodology and tools necessary for AICS to assess the state of the enabling environment for civil society in Afghanistan in subsequent years.

1.2. DEFINITIONS

Both ‘civil society’ and ‘enabling environment’ are terms with a wide range of accepted definitions, especially in the Afghan context. Previous reports on civil society in Afghanistan have noted the “diverse and often conflicting definitions of what civil society” precisely entails in the country, not in the least because of the security situation and the significant presence of international actors, their agendas and funding mechanisms, as well as traditional Afghan values and forms of social organization.⁹ Consequently, it is important to set out the definitions that this study deals with. The below section will define both ‘civil society’ and ‘enabling environment’ for the purpose of the ‘State of the Enabling Environment for CSOs in Afghanistan Index’ , ensuring that definitions suit the needs of the wider CSO community in Afghanistan.

⁷2013 *Afghanistan Civil Society Assessment: Counterpart International’s Initiative to Promote Afghan Civil Society (I-PACS II)*, report prepared by Langer Research Associates, January 2014

⁸*Afghanistan and International Community: Commitments to Reforms and Renewed Partnerships*, report prepared by the London Conference on Afghanistan 2014, December 2014

⁹*Panorama of Civil Society Organizations in Afghanistan From the Perspective of Coordination*, report prepared by ACBAR (Dr. Marine Durand), January 2015

1.2.1. CIVIL SOCIETY

Civil society in Dari can be referred to using various phrases: *jame-a madani*(literally: civil society), *sozman ghair dawlati*(non-governmental organization) or *sozman-e itjima* (literally: social organization).¹⁰The majority of existing definitions of civil society delineate (1) a group of individuals (2) with mutual and public interests that (3) operates outside of but in dialogue with both the public and private sectors.¹¹

The cultural and political structuring of Afghan society, however, entails that the applicability of this definition in Afghanistan is limited as organizational structures tend to deviate from a strict tripartite division of society into the public and private sectors, and civil society. Community Development Councils (CDCs), for example, set up by the Ministry of Rural Rehabilitation and Development (MRRD)'s National Solidarity Program (NSP) in order to direct development funding to local communities, and commonly accepted to fall within the scope of civil society, are clearly government-funded bodies but with a mandate in some ways similar to roles traditionally played by civil society. This highlights the definitional challenges that arise from the tensions between the purpose and activities of any one organization and its formal and financial status.

Addressing these challenges, this study works from the definition of civil society proffered during the 2007 Enabling Environment Conference held in Kabul. Civil society is “committed to the public good and powered by private voluntary energies. It includes institutions of education, health, science and research which conduct activities and/or provide services on a charitable or non-commercial (but fee-paying) basis. It embraces professional, commercial, labor, ethnic and arts organizations, and others devoted to religion, communication (including media), the environment, and the community (e.g. village organizations).”¹²

The variety of organizations and structures that fall within the scope of this definition can be delineated into three broad categories: formally registered NGOs, formally registered associations, and traditional CSOs that are often unregistered.¹³ The below section briefly discusses the main characteristics of each category. Section 4 (Legal Framework) will address some of these in more detail.

NGOs

The 2005 Law on Non-Governmental Organizations (NGO Law) defines an NGO as a “a domestic or foreign non-governmental, non-political and not-for-profit organization” (article 5(2)), and prohibits NGOs from participating in political activities and campaigns, including fundraising, as well as construction work (unless granted special permission from the Ministry of Economy). Foreign citizens are prohibited from founding domestic NGOs.¹⁴

Associations

Under the Law on Associations and the Regulation on Procedure of Establishment and Registration of Associations, approved in June 2013 by the Council of Ministers, and which has taken the place of the Law on Social Organizations, associations can engage in any legal activity, are required to register with the Ministry of

¹⁰*Overview Paper*, paper prepared for the Enabling Environment Conference: Effective Private Sector Contribution to Development in Afghanistan, June 2007

¹¹ Vanessa van den Boogaard, *Building Afghan Civil Society “from the outside”* in: *International Affairs Review* XX:2, 2011: 31

¹²*Overview Paper*, paper prepared for the Enabling Environment Conference: Effective Private Sector Contribution to Development in Afghanistan, June 2007

¹³ *2013 Afghanistan Civil Society Assessment: Counterpart International’s Initiative to Promote Afghan Civil Society (I-PACS II)*, report prepared by Langer Research Associates, January 2014: 96

¹⁴ NGO Law: <http://mfa.gov.af/Content/files/NGO%20%20law.pdf> (accessed August 2016)

Justice, and are no longer prohibited from accessing external funding.¹⁵ The Law on Associations takes associations to “refer to communities, unions, councils, assemblies and organizations which are voluntarily established by a group of real or legal persons as non-profit, non-political entities, in accordance with this law” (article 2(1)).¹⁶

Traditional Civil Society

Traditional civil society structures in Afghanistan are very localized, and assembled along geographical, tribal or religious lines.¹⁷ They include but are not limited to religious groups and institutions such as Sufi brotherhoods (*tariqah*) that gather at purpose-built *khanqahs*, mosques, madrassahs, and *takiakhanas* (places of Shi’ite worship) as well as water management committees, local community councils of elders called *shuras* and *jirgas*, tribes (*qawm*), and cultural and literature organizations such as reading groups. Whilst some of these are formally registered with the government, many are not.¹⁸

Because traditional civil society in Afghanistan encompasses such a variety of structures, the 2015 *EU Country Roadmap for Engagement with Civil Society* notes it escapes precise definition. Nevertheless, previous studies agree that these types of structures have historically constituted the building blocks of Afghan society, and are essential to the Afghan social fabric.¹⁹ They enjoy a legitimacy that few other institutions do, acting as bridges between communities and authorities, building consensus on collective issues and resolving disputes at the community level.²⁰ As a consequence of their significant influence, traditional CSOs can potentially be very effective, especially in areas of greater conservatism.²¹

Because these structures, however, often engage in irregular and informal activities, and are not commonly considered to be drivers of social progress, international donors have often failed to meaningfully engage with them as civil society. On several occasions, the argument, accordingly, has been made that international donors need to take better account of the way in which traditional CSOs can be involved in the country’s development.²²

In recent years, elected councils following a quasi-traditional model such as the aforementioned CDCs as well as District Development Assemblies (DDAs) and District Community Councils (DCCs) have been created by development actors. These councils differ from traditional councils in a number of aspects: firstly, these councils are typically formally elected bodies whereas traditional councils are not. Secondly, quotas for women

¹⁵ NGO Law Monitor: Afghanistan, report prepared by The International Center for Not-For-Profit Law, June 2016

¹⁶ NGO Law Monitor: Afghanistan, report prepared by The International Center for Not-For-Profit Law, June 2016

¹⁷ *Afghan Civil Society: Tradition Facing the Future*, report prepared by the Norwegian Centre for Humanitarian Studies (Arne Strand), March 2015

¹⁸ *Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017*, report prepared by the Delegation of the European Union in Afghanistan, September 2015: 12

¹⁹ *The Afghan Civil Society: A Look from Within*, report prepared for Intersos Humanitarian Aid Agency (Gulliano Battiston), 2011; *2013 Afghanistan Civil Society Assessment: Counterpart International’s Initiative to Promote Afghan Civil Society (I-PACS II)*, report prepared by Langer Research Associates, January 2014: 98

²⁰ *Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017*, report prepared by the Delegation of the European Union in Afghanistan, September 2015: 12;

²¹ Mehreen Farooq and Waleed Ziad, *Untapped Potential: Afghanistan’s Traditional Civil Society* in: Foreign Policy, 16 April 2015

²² *Afghan Civil Society: Tradition Facing the Future*, report prepared by the Norwegian Centre for Humanitarian Studies (Arne Strand), March 2015; *Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017*, report prepared by the Delegation of the European Union in Afghanistan, September 2015: 13

have in some cases been included in the CDCs, and not in traditional councils. Finally, membership terms, duration of office, and terms of reference have all been established by sponsoring programs.²³

1.2.2. ENABLING ENVIRONMENT

Afghanistan is a country in a process of state-building. The enabling environment for civil society in Afghanistan, consequently, is emerging, and continuously undergoing change as the social structures and institutions that feed into it undergo change. Within this context, it is driven by international donors as much as it is by the citizenry and the government.

The 2007 Enabling Environment Conference defined the enabling environment as encompassing “political stability; confidence in the future; mutual trust, understanding, dialogue, and collaboration amongst stakeholders; rule of law; protection of the rights of citizens; a diversity of stable, democratic institutions; and a streamlined legal, fiscal regulatory, and administrative framework governing all spheres of private initiative, which is predictably, consistently and impartially applied.” This definition is adhered to throughout the study.

The study differentiates between four categories within the enabling environment: the legal framework, the socio-cultural environment, governance, and financial viability. Each can be targeted by civil society actors such as CSOs, the international community, and the government. It should, however, be noted that the activities of CSOs cannot be removed from the broader conflict environment in which they operate, control of which lies somewhat outside of the operative scope of the aforementioned actors.

1.2.3. CSO TYPOLOGY

Whilst the diversity and scope that is encompassed by the definition of civil society does not readily lend itself to the formation of a typology of CSOs, it is possible for the purpose of this study to map some broad distinctions between different types of structures and their areas of operation. On the basis of the desk review, this study delineates the following types of CSOs for consideration with the aim of capturing as comprehensively as is possible the diversity and scope of the aforementioned definition of civil society.

Historically, CSOs in Afghanistan have been occupied mostly with service delivery. The UNAMA 2014 civil society mapping exercise notes that service delivery (especially in the fields of education and agriculture) has historically been the main focus of CSOs in Afghanistan. It also notes an increase in the number of CSOs working on rule of law, transparency, and human rights.²⁴ This corresponds to the findings of the 2012 Internews report *Signposting Success: Civil Society in Afghanistan* that saw a shift towards human rights and advocacy activities within the CSO sector after 2006.²⁵

It should be noted, however, that any CSO typology can never be absolute: several earlier studies have shown that there is significant overlap between the activities that CSOs undertake. For example, media organizations frequently take on issues relating to anti-corruption, whilst service delivery organizations that focused on education often incorporated messages of human rights in their programs.

- 1) **Traditional Shuras:** *Shura* is derived from the Arabic word for ‘consultation’ and refers to a traditional community councilor decision-making body comprised of elders that helps resolve conflicts, decides on

²³National Solidarity Program, Ministry of Rural Rehabilitation and Development of Afghanistan: <http://mrrd.gov.af/en/page/69/215> (accessed August 2016)

²⁴*Afghan People’s Dialogue on Peace: Building the Foundations for an Inclusive Peace Process*, report prepared by the United Nations Assistance Mission Afghanistan (UNAMA), June 2014

²⁵*Signposting Success: Civil Society in Afghanistan*, report prepared by Altai Consulting for Internews, November 2012

local issues, educates community members and responds to community needs. In certain provinces *mullahs*, or religious leaders, make up a large proportion of these councils but this is not the case throughout Afghanistan.²⁶

- 2) **Local Councils (CDCs, DDAs, etc.):** Local councils are quasi-traditional councils that operate under the auspices of the government and the international donor community. They implement development grants from the Ministry of Rural Rehabilitation and Development (MRRD) at the village level, and are utilized by a number of other government agencies and international programs for a wide variety of local-level activities. CDCs receive requests for development projects from the local community and present these to the government, thus carrying the voice of the former to their elected representatives. District Development Assemblies (DDAs) were established to coordinate the work of CDCs at the district level.²⁷

Type of CSO	Members interviewed
Media Organizations	41
Traditional Shuras	27
Local Councils (CDCs, DDAs)	87
Advocacy Organizations	46
Public Service Delivery Organizations	85
Professional Organizations	24
Cultural and Artistic Organizations	34
Other	43
Total	387

- 3) **Cultural and Artistic Organizations:** Music groups, reading groups, artist consortiums, traditional craft associations, local museums, and heritage foundations. These may be either formal or informal organizations.
- 4) **Public Service Delivery Organizations:** Organizations outside of the government that focus on providing services in the fields of, predominantly, health and education across the country. These are typically NGOs formally registered with the Ministry of Economy. According to a UNAMA 2014 civil society mapping exercise, service delivery (especially in the fields of education and agriculture) remains the main focus of CSOs in Afghanistan.²⁸
- 5) **Advocacy Organizations:** Organizations that focus on raising issues, increasing dialogue and influencing public policy at the local, regional, and national levels of government. These may be NGOs formally registered with the Ministry of Economy, but in some instances can be informal organizations.
- 6) **Professional Organizations:** Labor unions and trade associations. Associations are formally registered with the Ministry of Justice.
- 7) **Media Organizations:** Organizations covering print and online media, including social media. They typically register with the Ministry of Information and Culture. Media organizations can be delineated into five groups: the national governmental radio and television; wholly commercial national media; radio and television outlets attached to political parties; radio and television linked by tribal affiliations; and spontaneous media created by civil society activists. The latter is most relevant to this report.²⁹

The study has engaged with representatives from each type of CSO. The below table details the number of members interviewed per type of CSO, and location.

²⁶2013 Afghanistan Civil Society Assessment: Counterpart International's Initiative to Promote Afghan Civil Society (I-PACS II), report prepared by Langer Research Associates, January 2014

²⁷National Solidarity Program, Ministry of Rural Rehabilitation and Development of Afghanistan: <http://mrrd.gov.af/en/page/69/215> (accessed August 2016)

²⁸Signposting Success: Civil Society in Afghanistan, report prepared by Altai Consulting for Internews, November 2012

²⁹Media in Afghanistan, report prepared by Board of Broadcasting Governors, January 2015

Table 6: Number of CSO members interviewed per type of CSO and province

Type of CSO	Bamyan	Herat	Kabul	Kandahar	Samangan	Total
Media Organizations	8	11	4	16	2	41
Traditional <i>Shuras</i>	2	9	10	5	1	27
Local Councils	16	12	51	6	2	87
Advocacy Organizations	4	11	10	19	2	46
Professional Organizations	0	7	7	9	1	24
Public Service Delivery Organizations	3	15	47	15	5	85
Cultural and Artistic Organizations	3	7	17	5	2	34
Other	1	11	30	0	1	43
Total	37	83	176	75	16	387

2. STUDY APPROACH

2.1. THE ENABLING ENVIRONMENT: AREAS OF ANALYSIS

Four key areas of investigation were identified in order to assess the factors affecting the enabling environment for CSOs in Afghanistan. These four areas also make up the four main indicators of the index, with each area further divided into sub-categories and concomitant sub-indicators.

2.1.1. LEGAL FRAMEWORK:

CSOs are influenced by the legal environment in which they operate in two over-arching aspects. The first is the written laws and policies, including the international treaties and laws that the Afghan government abides by, that govern the degree to which civil society activities are recognized and protected. This includes freedoms necessary to all members of society, particularly freedom of expression, freedom of assembly, freedom of religion, and access to information. The second comprises the registration of organizations, which includes both the process for registering, the necessity, benefits, and drawbacks of being registered as well as taxation. Accordingly, in order to assess the way in which the legal framework in Afghanistan contributes to the enabling environment for CSOs, the following three sub-categories were considered: 1) personal freedoms and civil rights, 2) registration, and 3) taxation.

2.1.2. SOCIO-CULTURAL ENVIRONMENT:

CSOs are dependent upon the goodwill of the communities in which they operate if they are to achieve their goals. CSOs must, therefore, reflect at least a segment of the public both in terms of their mission and method. Five sub-categories have been assessed that comprehensively capture the socio-cultural environment for CSOs in the country: 1) access to resources (non-financial), 2) community support, 3) representation, 4) modernization, and 5) advocacy.

2.1.3. GOVERNANCE:

The enabling environment for CSOs is affected by the relationship of CSOs with the government (including local authorities), donor community, and other CSOs. Weak or corrupted interaction between these actors can restrain CSOs in their activities. The five sub-categories that fall within this area are 1) service provision, 2) coordination, 3) corruption, 4) transparency, and 5) facilitation.

2.1.4. FINANCIAL VIABILITY:

CSOs require financial resources in order to maintain successful and sustainable operations. It should be noted that the simple availability of funds cannot straightforwardly be considered as a positive, as funding derived from a single source, however bountiful, could negatively impact the independence and public perception of CSOs. A diversified funding environment, conversely, is seen as facilitating a strong and independent civil society. In addition, note should be taken of the way in which CSOs are funded and by whom, and how this affects their operations and mission. The sub-categories assessed within the area of financial viability are 1) the funding process and 2) financial independence.

The below table details the four areas that capture the enabling environment for the purpose of this study, and the sub-categories that make up each area.

Table 7: Key areas of investigation into the enabling environment for CSOs

Legal framework	Socio-Cultural Environment	Governance	Financial Viability
Personal Freedom and Civil Rights: Freedom of speech and assembly as well as legal rights and obligations of CSOs	Access to resources (non-financial): The factors that influence CSOs' access to resources	Service provision: The extent to which the environment is supportive for CSO involvement in service provision	Funding process: Access to and the availability of funding
Registration: The process for registering organizations, as well as the necessity, benefits, and drawbacks of being registered	Community support: The level of public support towards CSO activities	Coordination: The level of collaboration among CSOs, and the government.	Financial independence: Level of financial independence of CSOs
Tax: The tax system and its enforcement	Representation: The degree to which CSOs successfully represent the communities they work with	Corruption (real/perceived): The extent to which corruption prevents CSOs from meeting their goals	
	Modernization: The degree to which CSOs function as independent, professional organizations	Transparency: The level of transparency within both the CSO sector, and its dealings with the government	
	Advocacy: The soft power used by CSOs to influence the government at national and local levels	Facilitation: The level of support provided by the state towards civil society	

2.2. THE INDEX

The four areas of analysis make up the main four indicators of the index. Each is further divided into sub-indicators the average scoring for which makes up the score for each indicator. The below table details the indicators and sub-indicators of the index.

Table 8: Index indicators

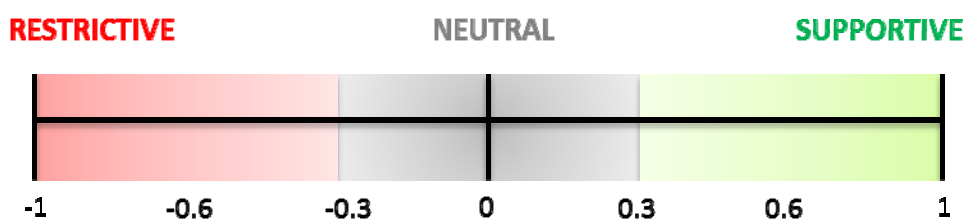
Indicators	Definition
Indicator 1	The extent to which the prevailing legal framework as written supports the work of CSOs
Scoring	-1 to 1 with -1 indicating a wholly restrictive legal framework and 1 indicating a very supportive legal framework
	Personal Freedoms and Civil Rights
Sub-indicator 1.1	The extent to which legal rights and freedoms are supportive of the work of CSOs
Sub-indicator 1.2	Registration

	The extent to which the process of registration is straightforward and registration benefits CSOs
Sub-indicator 1.3	<p>Tax:</p> <p>The extent to which the tax system for CSOs is fair, efficient, and transparent</p>
Indicator 2	The extent to which the socio-cultural environment supports the work of CSOs
Scoring	-1 to 1 with -1 indicating a wholly restrictive socio-cultural environment and 1 indicating a very supportive socio-cultural environment
Sub-indicator 2.1	<p>Access to resources (non-financial):</p> <p>The extent to which access to communications resources and basic infrastructure facilitates the work of CSOs</p>
Sub-indicator 2.2	<p>Community Support:</p> <p>The extent to which the public supports the work of CSOs</p>
Sub-indicator 2.3	<p>Representation:</p> <p>The extent to which CSOs successfully represent communities</p>
Sub-indicator 2.4	<p>Modernization:</p> <p>The extent to which CSOs are seen as independent and professional organizations</p>
Sub-indicator 2.5	<p>Advocacy:</p> <p>The extent to which CSOs successfully influence the government at national and local levels</p>
Indicator 3	The extent to which the governance environment (the application of law and use of authority) is conducive to the work of CSOs
Scoring	-1 to 1 with -1 indicating a wholly unconducive governance environment and 1 indicating a very conducive governance environment
Sub-indicator 3.1	<p>Service provision:</p> <p>The extent to which the environment is supportive for CSO involvement in service provision</p>
Sub-indicator 3.2	<p>Coordination:</p> <p>The extent to which CSOs collaborate with each other and the government in order to achieve their mission</p>
Sub-indicator 3.3	<p>Corruption (real/perceived):</p> <p>The extent to which the real and perceived level of corruption does not affect the work of CSOs</p>
Sub-indicator 3.4	<p>Transparency:</p> <p>The extent to which the government is transparent in its dealings with CSOs</p>
Sub-indicator 3.5	<p>Facilitation:</p> <p>The extent to which the state facilitates and promotes the work of CSOs</p>

Indicator 4	The extent to which the funding environment allows CSOs to shape their activities according to their mission.
Scoring	-1 to 1 with -1 indicating the funding environment does not allow CSOs to shape their activities according to their mission and 1 indicating that it does
Sub-indicator 4.1	Funding process: The extent to which CSOs are able to access funding
Sub-indicator 4.2	Financial independence: The extent to which CSOs are financially independent

2.3. SCORING

Answers to each measurable question are awarded a score between -1 and 1. A score of 0 is considered to be neutral: it is neither supportive nor detrimental to the enabling environment for CSOs.



Score	Value
-1	Totally restrictive of the enabling environment for CSOs
-0.5	Somewhat unsupportive of the enabling environment for CSOs
0	Neither supportive nor restrictive of the enabling environment for CSOs
0.5	Somewhat supportive of the enabling environment for CSOs
1	Totally supportive of the enabling environment for CSOs

2.4. GEOGRAPHICAL COVERAGE

CSO coverage of Afghanistan differs geographically from intense coverage in the capital Kabul and reasonable coverage in the provincial centers of Balkh, Herat, and Nangarhar, to very limited coverage in remote and rural provinces. These trends appear to be fueled by access to resources (non-financial), donor funding practices, and highly variable levels of security across the country, as well as population.³⁰

In order to assess the factors contributing to the enabling environment for CSOs, research activities have been conducted over the course of June and July 2016 in five provinces: Kabul, Kandahar, Herat, Bamyan, and Samangan. These five provinces were selected in order to take into account a range of situational contexts: the selected provinces vary in terms of size of population, levels of international support, access to resources, and economic, cultural, and security conditions. With the exception of Samangan, they are also among the

³⁰*Panorama of Civil Society Organizations in Afghanistan From the Perspective of Coordination*, report prepared by ACBAR (Dr. Marine Durand), January 2015

provinces with the highest concentration of CSOs. Subsequent iterations of the study would benefit from increasing the geographical coverage as broadly as possible given available resources.



2.4.1. KABUL

As the seat of the government, and home to the majority of INGOs, NGOs, and political missions, Afghanistan’s capital Kabul contains the bulk of CSOs active in the country. Many CSOs in Kabul enjoy regional coverage with headquarters in the capital. These organizations are generally well-established, operative for longer periods of time, and, on account of their proximity to powerful stakeholders, familiar with and heavily invested in by donor bodies. The majority of CSOs in Kabul generally had considerable

management, administration, and human resource capabilities as well as technical expertise in regard to proposal writing, networking, and partnerships.

The majority of CSO members interviewed in Kabul belonged to local councils (29%) or public service delivery organizations (27%). Only a small percentage belonged to advocacy (6%) and media (2%) organizations or shuras (6%).

CSO Provincial Coverage	Kabul
Activity in a single district	37%
Activity in several districts	27%
Activity in all districts	36%

2.4.2. HERAT



As the third largest city in Afghanistan, Herat contains an active civil society scene that serves much of the region around it. The city is characterized by high levels of migration, with a large proportion of the population having spent at least some time across the border in Iran. The migration patterns of this community, and specifically the access to higher levels of education in Iran, coupled with the presence of Herat University, have created a fertile ground for civil society.³¹

The Provincial Governor of Herat province, Mohammad Asif Rahimi, has shown willingness to collaborate with civil society and to acknowledge its function and role. He convenes regular meetings with the larger CSOs and frequently visits projects on the ground. This bodes well for civil society actors and has encouraged the growth of the sector. Several CSO networks have branches in Herat, for example Afghan Women’s Network (AWN).³²

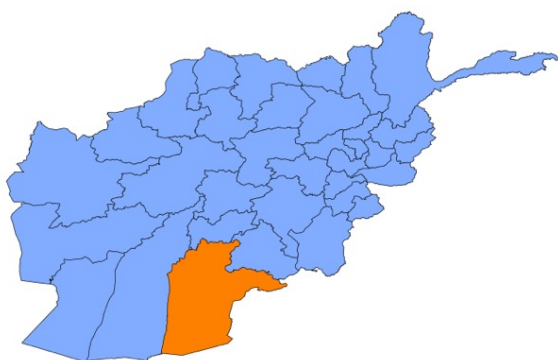
³¹ *Signposting Success: Civil Society in Afghanistan*, report prepared by Altai Consulting for Internews, November 2012: https://www.internews.org/sites/default/files/resources/AltaiConsulting-Signposting_Success_FinalReport.pdf

³² Afghan Women’s Network: <http://www.awn-af.net/> (accessed August 2016)

In Herat the interviewed CSO members were roughly equally distributed between public service delivery organizations (18%), local councils (14%), advocacy (13%) and media organizations (13%), and shuras (11%).

CSO Provincial Coverage	Herat
Activity in a single district	34%
Activity in several districts	49%
Activity in all districts	17%

2.4.3. KANDAHAR



Poor security in Kandahar has significantly affected the work of civil society and has altered its function and scope in both Kandahar and the surrounding provinces. The significant insurgent presence has affected the enabling environment for CSOs in several ways. Firstly, education levels are very low. Secondly, inhabitants in areas of the province contested by the Taliban have limited links to the government or civil society and do not reach out to CSOs out of fear of potential consequences.³³ This setting affects the mode of operation of CSOs in the region: CSOs tend to work on very specific issues and

generally in the arena of service delivery. Geographical coverage is decent, with most organizations focusing on several (48%) or all (35%) districts within the province. Outside of service delivery, independent media enjoy relative success when compared to other types of organizations.³⁴

The majority of CSO members interviewed in Kandahar province belonged to advocacy organizations (25%), closely followed by media (21%) and public service delivery organizations (20%).

CSO Provincial Coverage	Kandahar
Activity in a single district	17%
Activity in several districts	48%
Activity in all districts	35%

2.4.4. BAMYAN



Bamyan is geographically and infrastructurally isolated from the country's regional centers. Nevertheless, the province has been a focus of donor activities because of its perceived openness towards women's rights. As a result, the province has built up a complex civil society structure both in terms of the number and variety of CSOs. Many CSOs are sub-offices from Kabul and, therefore, generally well-connected to the center of decision making.

³³World Bank Provincial Briefs: <http://documents.worldbank.org/curated/en/322031467996718611/pdf/936170WP00P1450glish0Final004-12-14.pdf> (accessed August 2016)

³⁴*Signposting Success: Civil Society in Afghanistan*, report prepared by Altai Consulting for Internews, November 2012: https://www.internews.org/sites/default/files/resources/AltaiConsulting-Signposting_Success_FinalReport.pdf

The vast majority of CSO members interviewed were part of local councils (43%), and almost a quarter of respondents belonged to a media organization (22%).

CSO Provincial Coverage	Bamyan
Activity in a single district	35%
Activity in several districts	46%
Activity in all districts	19%



2.4.5. SAMANGAN

Samangan, a less-populated province, is located along the ring road connecting Afghanistan’s regional centers, with most of the CSOs operating in the province actually based in neighboring Balkh. Samangan is a comparatively poor province and has received relatively little attention from either the government or the donor community over the course of the last decade and a half.³⁵

Geographical coverage in Samangan remained largely confined to a single district (56%) with very few (8%) CSOs covering the whole of the province. In Samangan one third of respondents belonged to a service delivery organization. The majority of the remainder of respondents was equally divided among advocacy organizations (13%), local councils (13%), cultural organizations (13%), and media organizations (13%).

CSO Provincial Coverage	Samangan
Activity in a single district	56%
Activity in several districts	38%
Activity in all districts	6%

It should be noted that it is not uncommon for provincial CSOs, once they have reached critical mass, to establish an office in Kabul as they are incentivized by proximity to the donor community and national government, and resources including a high quality human resources pool, and opportunities for networking.

2.5. RESEARCH MODULES

The study involved three separate but complementary research modules. The first module consisted of secondary research into the state of civil society in Afghanistan, while the second module consisted of closed-ended interviews with CSO members that provided the data feeding into the index. A total of 387 CSO members were interviewed. The third module, consisting of open-ended interviews with CSO members, CSO beneficiaries, and government officials as well as focus group discussions with CSO members and case studies of CSOs, provided contextual information. 40 CSO members, 22 CSO beneficiaries (12 open-ended; 20 closed-ended), and 11 government officials were interviewed. In addition, 10 focus group discussions, each engaging 5-6 CSO members, as well as five case studies have been conducted.

³⁵World Bank Provincial Briefs:
<http://documents.worldbank.org/curated/en/322031467996718611/pdf/936170WP00P1450glis0Final004-12-14.pdf>
 (accessed August 2016)

2.5.1. SECONDARY RESEARCH

In order to inform the selection of research areas, as well as the development of research tools and to place findings within a larger framework, a desk review of relevant academic and policy publications on civil society in Afghanistan as well as data previously gathered by Altai Consulting was conducted. The literature review provides a solid basis that can be complemented with relevant novel publications on an annual basis.

2.5.2. QUANTITATIVE MODULE

Selected from lists of CSOs provided by AICS, the Ministry of Justice, and the Ministry of Economy, 347 CSO members, where possible managers, were interviewed. Interviews with 20 beneficiaries were conducted simultaneously in order to gather a more comprehensive understanding of the environment in which CSOs were operating.

The questionnaires were divided into the aforementioned four key areas of analysis: 1) legal framework, 2) socio-cultural environment, 3) governance, and 4) financial viability, and consisted of 87 questions for CSO members and 54 questions for CSO beneficiaries. Each category was intended to feed or provide context for a specific indicator, with each category divided into additional sub-categories intended to feed or provide context to a corresponding sub-indicator.

2.5.3. QUALITATIVE MODULE

The open-ended interviews were conducted in order to provide greater context to responses from the closed-ended interviews. Open-ended questionnaires followed the same outline as the closed-ended ones but allowed for additional contextual information to be collected on relevant questions. Open-ended interviews were conducted with 40 CSO members, 12 CSO beneficiaries, and 11 government officials, and consisted of 87 questions for members and beneficiaries and 54 questions for government officials.

Two focus group discussions were conducted in each province with 5-6 CSO members each from a varied set of CSOs. The findings of the interactive discussions were used to add context to the results of the closed-ended interviews.

In each province two members and two beneficiaries of one CSO who took part in the open-ended interviews were selected to be part of a larger case study that illustrated the characteristics of the enabling environment for CSOs in Afghanistan. The case studies are spread throughout the report.

2.6. SAMPLING

Three groups have been interviewed:

- 1) CSO members
- 2) CSO beneficiaries
- 3) Government Officials

The selection for the open-ended interviews, focus group discussions, and case studies was based on an equal distribution of interviews across the five provinces. Table 10 details the number of interviews with each type of respondent per province. An equal distribution between the different CSO types has, furthermore, been attempted as best as was possible given field realities. The number of participants for the closed-ended interviews was based on a representative sampling method, with representation based on the total number of CSOs found within each province, a confidence level of 95%, and margin of error of +/- 5%. Representational

sampling was opted for in order to establish the sample size whilst ensuring that it as accurately as possible parallels the key features of CSOs, and types of CSO, in Afghanistan, or at least within the five provinces that were examined. It should be noted that the sample for Kabul and Herat provinces is not representative. In order to ensure a confidence level of 95%, and margin of error of +/- 5% 286 CSOs in Kabul had to be interviewed. This study relies on interviews with only 176 Kabul-based CSO members as no more CSO members agreed to be interviewed by the research team. This means that at a confidence level of 95%, the margin of error for Kabul survey results is +/- 6.78% (instead of +/- 5% for the other provinces), and this should be remembered when reviewing results. For Herat, 87 instead of 83 CSO members had to be interviewed in order to ensure a confidence level of 95% and a margin of error of +/- 5%. Because the sample is short 4 interviews, the margin of error stands at +/- 5.57% for Herat.

The formula that was employed is as follows:³⁶

$$n = \frac{Z^2 P(1 - P)}{d^2}$$

where n = Sample size,

Z = Z statistic for a level of confidence,

P = Expected prevalence or proportion

(If the expected prevalence is 20%, then $P = 0.2$), and

d = Precision (If the precision is 5%, then $d = 0.05$).

Having established the sample size, the lottery method was used to select survey targets from lists provided by AICS, and the Ministries of Economy and Justice. This involved the random selection of interviewees in order to minimize bias in the representative sample. Each member on the list was assigned a number, and the final list of targets selected using a random number table.

It should be noted databases maintained by government ministries list only NGOs and associations, and not professional organizations, local councils or shuras, and media organizations. In addition, a number of organizations shared with us their CSO directories. Government databases and other CSO directories were cross-checked to establish presently active organizations in the provinces under examination resulting in the list detailed in table 9. There is, however, a strong possibility of a higher number of undocumented organizations, particularly outside of Kabul, and an equally likely possibility that lists obtained were not fully complete.

Table 9: Number of CSOs per province

Province	List of active NGOs	Associations
Kabul	987	132
Bamyan	17	21
Herat	89	24
Samangan	9	4
Kandahar	47	6

³⁶ L. Naing, T. Winn, and B.N. Rusli, *Sample Size Calculator for Prevalence Studies, Version 1.0.01*, 2006

Table 10: Number of CSO members interviewed with each research tool

Research tool	Bamyan	Herat	Kabul	Kandahar	Samangan	Total	Targeted interviewees
Quantitative survey with CSO member	37	83	176	75	16	387	Members ³⁷
Quantitative survey with Beneficiary	4	4	4	4	4	20	Beneficiaries
In-depth interview	8 2 3	7 2 1	7 2 1	11 4 3	7 2 3	63	Members Beneficiaries Government Officials
Focus group discussion	2	2	2	2	2	10	Members
Case study	1	1	1	1	1	5	2 beneficiaries and 2 members from the in-depth interviews

2.7. TOOLS

The following tools were created in order to conduct the research activities:

- One closed-ended questionnaire for CSO members
- One closed-ended questionnaire for CSO beneficiaries
- One open-ended questionnaire for CSO members
- One open-ended questionnaire for CSO beneficiaries
- One open-ended questionnaire for government officials
- Focus group discussion guidelines

Each of the tools was translated into Dari and Pashto, pilot tested with a first sample, and submitted to AICS for validation. These tools form an integral part of the CSO Enabling Environment Index Toolkit that will allow the study to be replicated, improved, and expanded.

³⁷ Note that the quantitative part of the in-depth interview with CSO members (40) has also been counted as part of the total number of quantitative survey interviews conducted.

2.8. METHODOLOGICAL LIMITATIONS AND RECOMMENDATIONS

Over the course of the fieldwork and data analysis, the following limitations were encountered by the research team. These should be kept in mind when reviewing the report's findings. The research team has drawn up the following recommendations in regard to each limitation encountered.

2.8.1. GEOGRAPHIC COVERAGE

The geographic coverage of the study considered only 5 out of a total of 34 provinces in Afghanistan, albeit those that host the majority of CSOs in the country, and show a desirable variety of situational contexts.

Recommendation: Future iterations of the study, in order to be more representative, would benefit from as wide a geographical coverage as possible. A variety of methods could be explored in order to expand coverage with minimal additional resources. The closed-ended questionnaire, for example, could be distributed by e-mail to AICS' regular contacts in order to receive a response from CSOs nationally. However, should this prove feasible in the future, a minimum sample of surveys should continue to be administered in person for quality control purposes.

2.8.2. COVERAGE OF TYPES OF CSO

Although an equal distribution in regard to the number of CSO members interviewed per different type of CSO in each province has been attempted, the actual number differs per province as a consequence of field realities. This impacts the extent to which the enabling environment for CSOs can be straightforwardly compared across provinces.

Recommendation: Future iterations of the study would benefit from more time being spent mapping the CSOs active within the selected province ahead of fieldwork. This will allow for advanced planning in regard to targeting equal numbers of different types of CSO within each province.

2.8.3. INDEX VALUES BASED ON THE SELF-EVALUATION OF RESPONDENTS

The methodology that measures the index indicators is based on self-evaluations and perceptions from CSO members. Whilst findings from the closed-ended interviews have been triangulated with secondary research as well as qualitative research, the actual values of the index rely largely on the self-evaluation of respondents. Care should be exercised when reviewing the extent to which this approach has allowed for the index to capture a comprehensive set of aspects in regard to the enabling environment given the risk of self-reporting bias.

Recommendation: Future iterations of the study would benefit from a more balanced approach between perception and experience questions as the latter tend to provide data that can illustrate answers to the former. In addition, alternative methods of data collection could be considered. For example, tracking mechanisms that will allow for sets of data to be collected at year end. CSOs could start to take note of the number of instances of corruption they face, including the type of corruption, and in relation to what subject. This form of data, whilst not infallible, relies less upon the subjective perception of CSO members.

2.8.4. FOCUS ON CSO MEMBERS

The methodology focused primarily on CSO members, with information provided by CSO beneficiaries and government officials regarded as complementary. This focus needs to be evaluated, specifically to what extent it allows for a comprehensive view of the enabling environment.

Recommendation: Repetitions of the study would benefit from a larger number of CSO beneficiaries as well as government officials and international donors being interviewed in order to gather a more comprehensive view of the enabling environment for CSOs and the actors that operate within it.

2.8.5. SCOPE OF THE ENABLING ENVIRONMENT

The conceptual framework within which the enabling environment for CSOs has been placed for the purpose of this study is not comprehensive and little attention has been paid to the external framework or the environment of Afghanistan, of which the enabling environment is only one part.

Recommendation: The conceptualization of the enabling environment should be expanded to include, particularly, the influence of insecurity upon CSOs. The 2015 *Survey of the Afghan People* by the Asia Foundation has shown insecurity to be one of the most pressing problems facing Afghanistan at both national and local levels.³⁸

2.8.6. ABSENCE OF RELIGIOUS ORGANIZATIONS AND GROUPS

The decision was made to not include religious organizations as a separate category of CSO due to their very different position in comparison to other types of CSOs. Measuring religious organizations using the same criteria used for other CSOs would result in skewed scoring. This should be kept in mind when viewing the findings of the study: generally, all aspects discussed throughout this study apply quite differently to formal or informal religious organizations. It should be noted that shuras, however, often include religious leaders and are included in the research.

Recommendation: The religious establishment and actors in Afghanistan make up an important part of civil discourse, and mosques unquestionably play a central role in the civic lives of most Afghans. They, accordingly, warrant examination but a different set of criteria is needed to measure the enabling environment relevant to them. Future iterations of the study should consider including religious establishments within the CSO typology and adding a section about the enabling environment as it pertains to this group.

2.8.7. METHODOLOGY MINIMALLY GENDER-ATTENTIVE

Aside from minimal data on the number of women employed by CSOs, the survey does not contain any gender-specific questions. As a consequence, the study was not able to gather any information on the enabling environment as it is experienced, specifically, by women and how it affects them.

Recommendation: the study would benefit from questions being included that focus on the role of women within the enabling environment for CSO as well as the ways in which they feel to be affected by it. Female-only FGDs could be organized that will allow women to share their views within a comfortable environment, and gender-specific questions could be added to the survey administered to women.

2.8.8. RESPONDENTS' AGENDAS.

Respondents from a field that focuses on advocacy can be expected to have certain agendas. In addition, respondents were reluctant to talk about certain topics, for example, corruption.

Recommendation: as per the recommendation following the limitation noted in regard to the focus on CSO members (2.9.3), the inclusion of more perspectives from CSO beneficiaries as well as other stakeholders,

³⁸ *A Survey of the Afghan People*, report prepared by the Asia Foundation, 2015: 6

including government officials and community members (who are not directly beneficiaries) will help to cross-check and nuance data provided by CSO members.

2.8.9. SAMPLING

Whilst representative sampling has been attempted across the five provinces, it should be noted that the sample for Kabul and Herat provinces is not representative. In order to ensure a confidence level of 95%, and margin of error of +/- 5% 286 CSOs in Kabul had to be interviewed. This study relies on interviews with only 176 Kabul-based CSO members as no more CSO members agreed to be interviewed by the research team. This means that at a confidence level of 95%, the margin of error for Kabul survey results is +/- 6.78% (instead of +/- 5% for the other provinces), and this should be remembered when reviewing results. For Herat, 87 instead of 83 CSO members had to be interviewed in order to ensure a confidence level of 95% and a margin of error of +/- 5%. Because the sample is short 4 interviews, the margin of error stands at +/- 5.57% for Herat.

Recommendation: Future iterations of the survey should attempt to have more CSO members agree to interviews. This could be done by more advanced planning, mapping the CSOs and key contact persons within each CSO.

3. CASE STUDY MEDIA ORGANIZATION

This case study concerns a media organization that was established in 2005. The main objective of the CSO is to build the capacity of media in Afghanistan, and to advocate on behalf of media with the government.

The organization is active across Afghanistan but has offices only in Kabul, Kandahar, Herat, Nangarhar, and Mazar-e Sharif. 65% of its employees are based in Kabul, and the remainder spread across the other aforementioned offices.

3.1. LEGAL FRAMEWORK

The CSO notes the discrepancies between the law as it is written, and the ability of citizens of Afghanistan to exercise the rights granted to them which are indicative of the absence of comprehensive rule of law in Afghanistan. Thus the CSO recognizes that the written law provides support to mass media through the Mass Media Law – in fact, the organization has facilitated amendment of the law - but it is deeply concerned when it comes to exercising the rights that this law grants it. For example, “whenever we are threatened by any group, and we go to the security organs to ask for their cooperation, they simply advise us to change our routes and clothes, none of which is particularly supportive.”

According to the CSO, the Access to Information Law is neither implemented. The government itself breaks parts of this law by telling the CSO to publish or not publish certain things. The CSO states it receives calls from the presidential palace as well as various ministries that aim to censor their output. The risks involved in flaunting these calls are significant: “it can cost us our lives.” It is in situations like these the CSO sees itself as valuable, striving to protect and empower smaller media organizations when they feel challenged, and standing up against people in power.

In regard to taxation, because the CSO is a not-for-profit organization, it does not pay income tax. It does, however, pay taxes on office rent as well as the salaries of employees.

3.2. SOCIO-CULTURAL ENVIRONMENT

The case study attests to the socio-cultural environment being challenging for media-organizations in Afghanistan. The CSO states that it constantly harassed, and receives threats not only from the Taliban and warlords but also officials inside the government. The government’s written commitment to a flourishing and independent media sector is thus seen as not being upheld in practice, leaving the sector vulnerable. These threats test the CSO’s commitment to support an independent media society in Afghanistan.

The CSO is heavily involved in training the next generation of media professionals in the country, and building the capacity of the media sector. To this end, it has an institute training students that want to become reporters. It also has an internship contract with various national universities such as Ibn-e Sina, Mashal, and Kabul University. The internship program takes up to 3 months. At present, the CSO has 200 internship program participants. On average, 50% of interns are recruited upon completion of the program. In addition, volunteers are recruited every 3 months. The CSO has 12 volunteers in Kabul at any given time, and an additional 4 in each major province in which it has an office. Recruitment for volunteers is done online through announcements on ACBAR.com and wazefa.com.

3.3. GOVERNANCE

The CSO interacts with the government in two main ways. Firstly, it reports to the national government on its activities every six months, part of the legal obligations that come with registration. Secondly, the CSO contacts the government on work related issues, mainly those pertaining to security. Communications with the government take place via email, official letters, and phone. If a personal meeting with a government official is to be arranged, the CSO's admin section will contact the secretariat of the relevant ministry or department, and describe the purpose of the meeting. Then a meeting time will be scheduled. In addition to these formal types of interaction, the CSO faces unwanted interference from the government in relation to the contents of its news output and demands for censorship. The latter undermine a solid working relationship between the two parties.

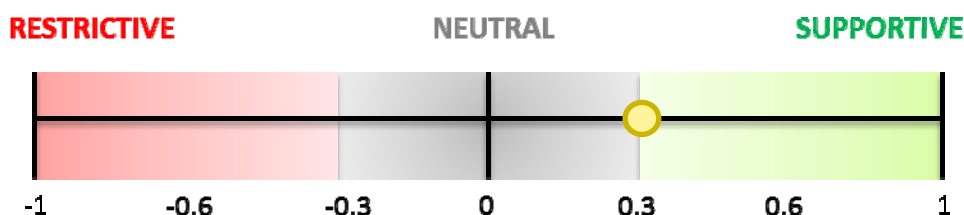
This relationship is further undermined on account of the corruption affecting the work of the CSO, also in regard to the legal framework. For example, it took the organization 2.5 years to register as it refused to pay any bribe to government officials.

3.4. FUNDING

Fundraising is the responsibility of the CSO's managing director. The CSO receives two types of funding: core funding from their main donor USAID, and project-based funding from a variety of organizations including GIZ, the United Nations, the European Commission, and the U.S. Embassy. The CSO is mainly dependent on the core funding from USAID.

The security transition and the subsequent decrease in foreign presence has affected the CSO. Whereas it received \$1,000,000 in 2011, in 2016, its total funding amounts only to \$350,000. The changes in funding are viewed negatively but because most of the CSO's capacity building activities are self-supporting, these stand not to suffer much in a decreasing funding environment. The advocacy efforts, however, are much reliant upon international funds.

4. LEGAL FRAMEWORK



Indicator 1	The extent to which the prevailing legal framework as written supports the work of CSOs	0.31
Sub-indicator 1.1	Personal Freedoms and Civil Rights The extent to which legal rights and freedoms are supportive of the work of CSOs	0.31
Sub-indicator 1.2	Registration The extent to which the process of registration is straightforward and registration benefits CSOs	0.52
Sub-indicator 1.3	Tax: The extent to which the tax system for CSOs is fair, efficient, and transparent	0.10

The prevailing legal framework supports the work of CSOs somewhat, as the indicator’s score of 0.31 indicates. Of the three sub-indicators feeding this average score, registration, with a score of 0.52, stands out the most positive end of the spectrum, whilst taxation, with a just barely positive score of 0.1, stands on the other side of the spectrum. In the middle, one finds personal freedoms and civil rights, the score for which is exactly that of the overall score for the indicator (0.31). The following chapter will look into the sub-indicators that inform this assessment in more detail including the secondary and qualitative data.

4.1. RIGHTS AND FREEDOMS

Sub-indicator 1.1	Personal Freedoms and Civil Rights The extent to which legal rights and freedoms are supportive of the work of CSOs	0.31
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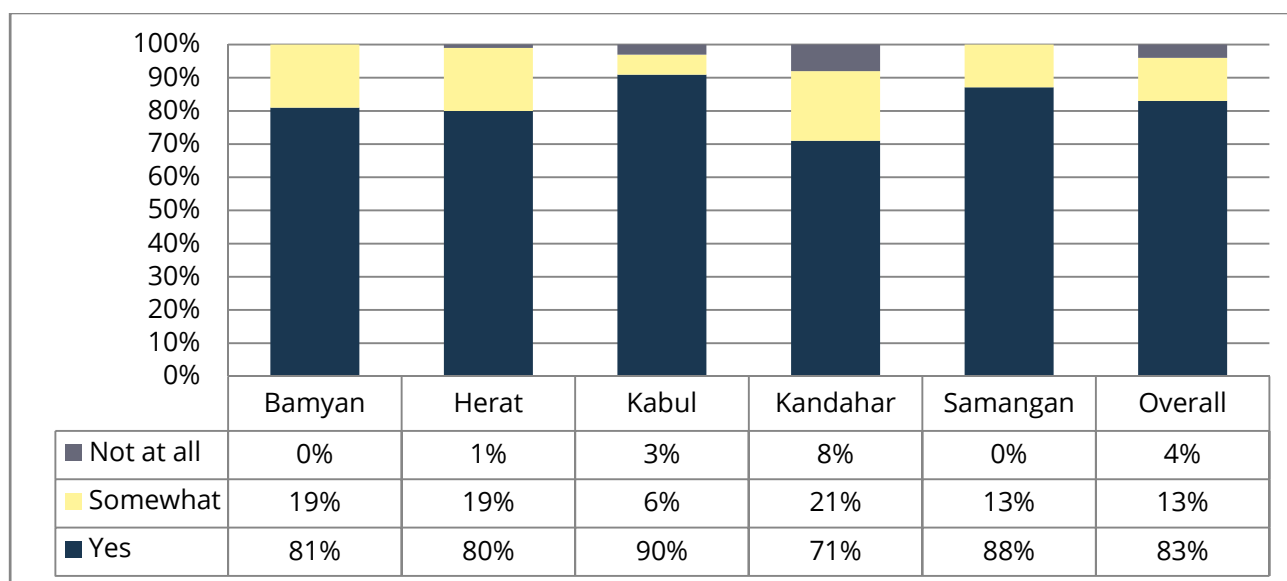
In the closed-ended component of this study freedom of speech did not feature as a concern for CSOs. Asked whether they were able to speak freely and publicly about subjects on which their organizations work, 83% of CSO representatives interviewed thought this to be the case (see table 12). Only a small minority saw significant limitations in the ability to express their opinion in public ('not at all' - 4%).

Legally, there are no barriers specifically targeting the expressive activities of either NGOs or associations. Citizens are granted freedom of speech under article 34 of the Afghan Constitution. It states that "freedom of expression shall be inviolable. Every Afghan shall have the right to express thoughts through speech, writing, illustrations as well as other means in accordance with provisions of this constitution. Every Afghan shall have

the right, according to provisions of law, to print and publish on subjects without prior submission to state authorities."³⁹

The sense of freedom for expression was highest in Kabul ('yes' - 90%), whilst respondents from Kandahar expressed the lowest levels of support from the five provinces surveyed with 21% of respondents from Kandahar feeling only 'somewhat' able to express themselves, and 8% 'not at all'. In Kabul, conversely, a mere 9% of respondents felt only 'somewhat' (6%) or 'not at all' (3%) able to express themselves. The differences between freedom of expression in the capital and rural provinces were explained by Freedom House's 2015 report which states that "whilst Afghans are able to engage in private discussions against the government in urban centers without fear of harassment or detention, discussions of a political nature are more dangerous in rural areas, where there is increased competition for control between the Taliban and the state."⁴⁰

Table 11: are you able to express yourself freely?



In the focus groups, CSO representatives corroborated the survey findings. CSO members from Kandahar for instance stated that "we can express everything we want," another mentioned that there are "no limits to freedom of speech."⁴¹ Focus group participants also reported freedom of expression to have improved over the course of the past years: "there is freedom of expression," said one women's rights CSO member from Bamyan, "in the past women had problems in this context but this is solved now."⁴² And: "freedom of expression has improved compared to the past. People could not say what they want but now they can," according to a CSO member from Bamyan working in the fields of education and health.⁴³

Despite this generally positive trend, however, some FGD participants did point towards a discrepancy between the theoretical freedom of speech and the practical ability to speak freely. For example, CSO members from Herat agreed during the discussion that "we cannot express our opinion freely because of the security issue, if we do so, we will be threatened to death."⁴⁴ And: "we do have civil rights but unfortunately in

³⁹ Article 34 of the Afghan Constitution: <http://www.afghanembassy.com.pl/afg/images/pliki/TheConstitution.pdf> (accessed August 2016)

⁴⁰ *Freedom in the World 2015: Afghanistan*, report prepared by Freedom House, 2015

⁴¹ CSO Member, Male, Kandahar FGD, June 2016

⁴² CSO Member, Female, Bamyan FGD, June 2016

⁴³ CSO Member, Male, Bamyan FGD, June 2016

⁴⁴ CSO Member, Male, Herat FGD, June 2016

this country no one gives attention to it,” according to a CSO member from Kabul.⁴⁵ A member from Samangan noted that *“you can only express your opinion if someone is not insulted, we have law but there is no one to implement it.”*⁴⁶ These findings are corroborated by the threats to freedom of expression noted by Freedom House’s 2015 Afghanistan Country Report which highlighted the “major challenges, including physical attacks and intimidation” that those who speak out could face.⁴⁷

Table 12: are you able to express yourself freely? Per type of CSO.

Type of Organization	YES	SOMEWHAT	NO
Advocacy Organizations	70%	30%	0%
Local Councils	91%	6%	3%
Cultural and Arts Organizations	85%	15%	0%
Media Organizations	68%	27%	5%
Professional Organizatios	79%	8%	13%
Public Service Delivery Organizations	84%	13%	4%
Traditional <i>Shuras</i>	85%	11%	4%

CSOs seemed to be affected differently by barriers to freedom of speech, depending on the subject they are focusing on. In the survey, local formats of CSOs, i.e. councils (91%) and traditional shuras (85%), and organizations focusing on public service delivery (84%) appear to encounter fewer problems, whilst advocacy (70%) and media (68%) organizations were less positive about their ability to express opinions openly (see table 13).

Media representatives in the focus groups explained their more negative views in reference to the precarious nature of the rule of law which has led to security ramifications for journalists and media managers. Media organizations stated that they were restricted by local cultural traditions, as well as religious sensitivities and the threat posed by extremist groups within society, tying the exercise of legal rights to the security situation. For example, the seven TOLO TV employees killed in January as well as the deaths of two foreign journalists mark 2016 as the year with the highest number of media worker deaths since the toppling of the Taliban in 2001.⁴⁸

Legally, the amended 2016 Mass Media Law prohibits censorship and ensures the right to information. It, however, also prohibits publication of materials that defy the “principles and provisions” of Islam as well as other religions (Article 45(2)).⁴⁹ As what constitutes offensive material is ambiguous, the law offers scope for the restriction of press freedom. In addition, a report by the International Freedom of Expression Exchange (2015), despite noting some improvements in regard to the 2014 elections which saw robust coverage via television, radio, newspapers and the web, notes that media workers frequently receive threats, and are

⁴⁵ CSO Member, Male, Kabul FGD, June 2016

⁴⁶ CSO Member, Male, Samangan FGD, June 2016

⁴⁷ A.M. Khalvatgar, *Freedom of Expression Under Threat in Afghanistan?* In: International Journal of Security and Development. 3:1, 2014; *Freedom in the World 2015: Afghanistan*, report prepared by Freedom House, 2015

⁴⁸ *Freedom in the World 2015: Afghanistan*, report prepared by Freedom House, 2015; *Seven TOLO TV Employees killed in Wednesday’s Attack*, TOLONews: <http://www.tolonews.com/en/afghanistan/23401-seven-tolo-tv-employees-killed-in-wednesday-attack> (accessed August 2016); Committee to Project Journalists (CJP): <https://cpj.org/killed/asia/afghanistan/> (accessed August 2016)

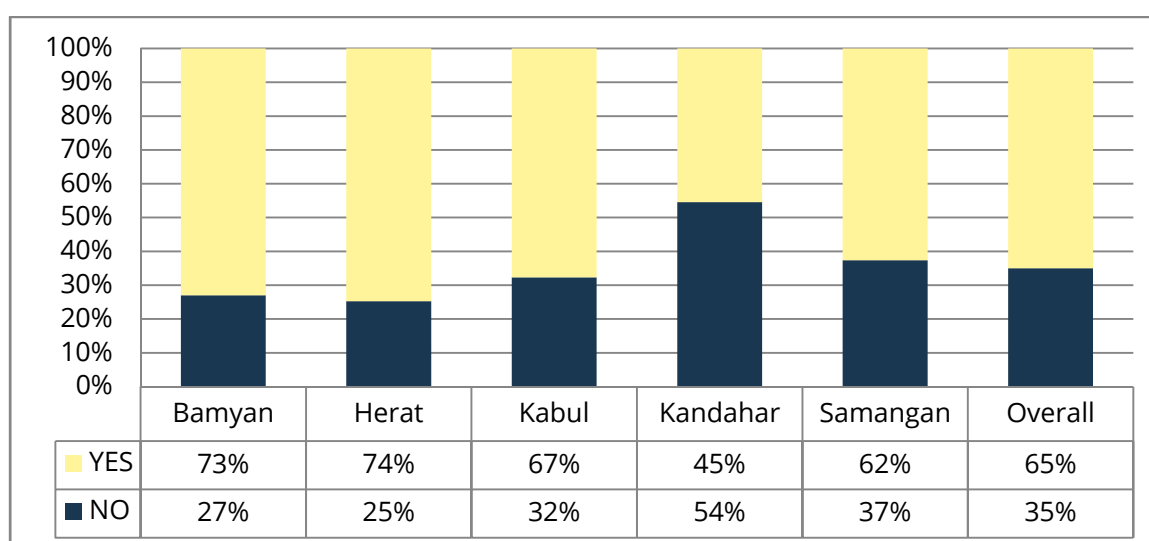
⁴⁹ Article 45 of the Mass Media Law: http://www.afghan-web.com/politics/storage/law_on_mass_media.pdf (accessed August 2016)

subject to harassment.⁵⁰Freedom House also reported on a growing number of journalists that have been arrested, threatened, or harassed by politicians, security services, and others in positions of power.⁵¹

In regard to freedom of expression, the qualitative data and secondary literature suggest that rule of law in Afghanistan is not comprehensive. As the state is responsible for ensuring rule of law, its inability to do so is a worrisome reflection upon its capacities.⁵²Whilst the legal provisions that are in place are, for the large part, solid and supportive of CSO activities, the fact that they are not perceived as being consistently upheld mars the potential of the legal framework to support civil society in the country.

This became clear also when CSO members were asked whether their legal rights had been infringed within the past year. In four out of the five provinces, the majority of respondents considered their rights to have been infringed over the course of the past year (see table 14): Bamyan (73%), Herat (74%), Kabul (67%), Samangan (62%). Only in Kandahar did a majority of respondents (55%) claim that their legal rights had not been infringed over the course of the past year.

Table 13: have your rights been infringed over the course of the past year?



In the qualitative interviews, the government emerged as threatening the rights of CSOs, and was criticized for unduly interfering in projects, thus delaying deliverables, or not protecting citizens from insecurity. *“CSOs’ legal rights and legal obligations are not protected in Afghanistan,”* agreed CSO members during one of the focus group discussions in Kabul.⁵³

The legal framework grants citizens freedom of assembly under article 36 of the Afghan Constitution which states that citizens have the legal right to participate in unarmed demonstrations for legitimate peaceful purposes in accordance with the law. Lack of protection against security threats from non-state actors,

⁵⁰Freedom in the World 2015: Afghanistan, report prepared by Freedom House, 2015

⁵¹Freedom in the World 2015: Afghanistan, report prepared by Freedom House, 2015; Afghanistan Country Summary, report prepared by Human Rights Watch, 2016

⁵²The Roots of Democracy and Sustainable Development: Europe’s Engagement With Civil Society in External Relations, report prepared by the European Commission, September 2012

⁵³CSO Member, Female, Kabul FGD, June 2016

however, is concern in this respect, as highlighted when a suicide attack killed more than 80 protestors in July 2016 whilst they exercised their right to demonstrate in the Deh Mazang area of Kabul.⁵⁴

4.2. REGISTRATION

Sub-indicator 1.2	<p>Registration</p> <p>The extent to which the process of registration is straightforward and registration benefits CSOs</p>	0.52
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The International Center for Not-for-profit Law (ICNL), tasked to revise the legislative framework for NGOs in Afghanistan, provides detailed information on the registration requirements for CSOs, the registration process, and the legal obligations that ensue from registration.

For NGOs, the 2005 NGO Law signed by then-president Karzai on 15 June 2005, sets out the criteria for NGO status eligibility and the mandatory registration process with the Ministry of Economy for all national and international NGOs. The registration process requires NGOs to submit two documents, the Act of Establishment and the Statute. Whilst the first is rather straightforward, listing among other matters, the name and address of the organization as well as its type of activities, the second is a more elaborate document that demands details of procedures for the election and dismissal of the board of directors, for using the organization's assets, for amending the statute, merger, separation, transformation and dissolution of the organization, and so on.⁵⁵

The application is to be submitted to the provincial department of the Ministry of Economy as well as the Ministry itself in Kabul. The Technical Commission within the NGO Department of the Ministry of Economy reviews the application first (this can upon the discretion of the Technical Commission also be done at the provincial level) before it is presented to the High Evaluation Commission, composed of at least five government ministries, for final review. Within fifteen days of the submission the granting of registration will be decided upon.⁵⁶ The fee for registering is AFN 10,000. As of June 2016 the number of registered local NGOs in the database of the Ministry of Economy was 3,679.⁵⁷

The NGO Law sets out reporting requirements for registered NGOs such as submitting documents on upcoming projects to the Ministry of Economy for verification and registration as well as bi-annual reports. Failure to do so might result in the dissolution of the NGO. As of February 2015, 1,890 NGOs have thus been closed down.⁵⁸

Under the 2013 Law on Associations, associations are required to register with the Ministry of Justice, paying the same fee of AFN 10,000 as do NGOs. In addition to Ministry of Justice registration, associations can apply for registration certificates with other ministries depending on their activities. These certificates do not confer legal status but can facilitate relations with relevant government authorities.

It should be noted that many CSOs are not formally registered with the Afghan government. Many of these are small shuras or reading groups that in some cases have been carrying out their activities for an extended

⁵⁴Hazara Minority Targeted by Suicide Bombs at Kabul Protest, The Guardian: <https://www.theguardian.com/world/2016/jul/23/hazara-minority-targeted-by-suicide-bombs-at-kabul-protest> (accessed August 2016)

⁵⁵ NGO Law, Article 14: <http://mfa.gov.af/Content/files/NGO%20%20law.pdf> (accessed August 2016)

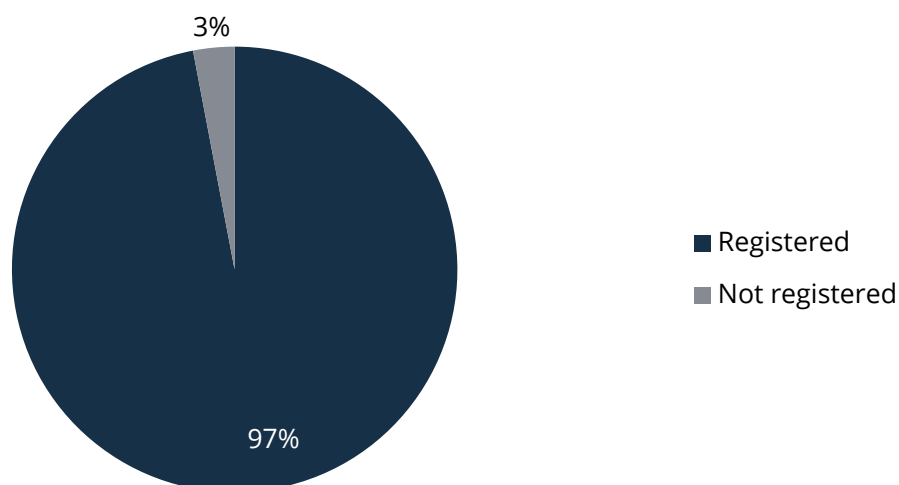
⁵⁶ NGO Law, Articles 16 and 17: <http://mfa.gov.af/Content/files/NGO%20%20law.pdf> (accessed August 2016)

⁵⁷ NGO Database, Ministry of Economy: <http://ngos.moec.gov.af/Public/Default.aspx> (accessed August 2016)

⁵⁸ NGO Database, Ministry of Economy: <http://ngos.moec.gov.af/Public/Default.aspx> (accessed August 2016)

period before 2001.⁵⁹ Incentives for these kinds of groups to register with the government are weak and many prefer to work independently and not report to the government. Yet without registration donors can have difficulty finding and funding these groups.⁶⁰ CDCs are established and governed according to the rules set out by the National Solidarity Program.

Table 14: Is your organization registered with the government?



Most CSOs(97%) whose members were interviewed for this research stated that they were registered with the government (see table 15), and noted certain benefits to registration, notably access to information and resources.⁶¹

Table 15: If your organization is registered, with which ministry is it registered?

Type of Organization	MoJ	MoE	MoC	Do not know
Advocacy Organization	18%	71%	0%	11%
Community Council	27%	10%	2%	61%
Cultural and Arts Organization	41%	31%	22%	6%
Media Organization	10%	13%	78%	0%
Professional Organization	33%	42%	4%	21%
Traditional Shura	75%	13%	8%	4%
Public Service Delivery Organization	21%	74%	4%	0%

Despite a majority of 73% of respondents commenting on the registration process as "clear and straightforward," (see table 17) many CSO members found actual completion of the registration process to be

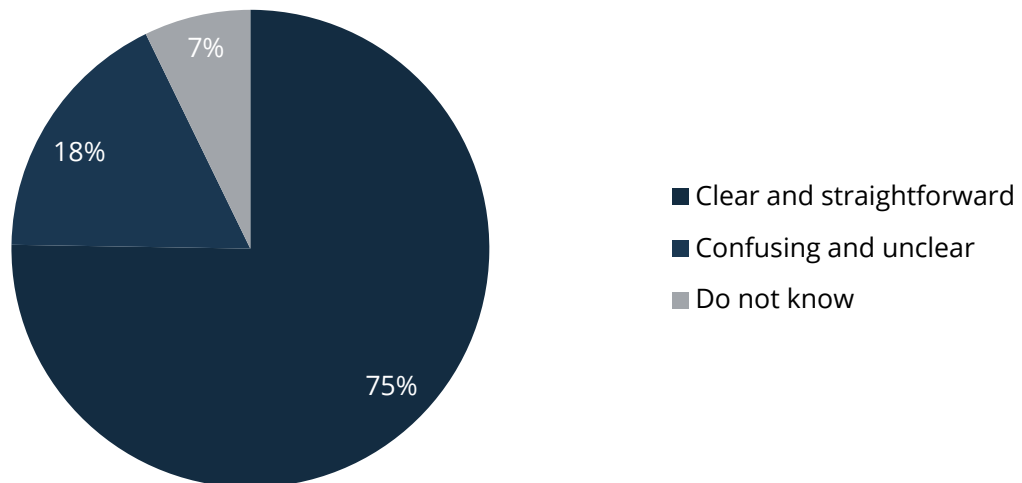
⁵⁹MehreenFarooq and Waleed Ziad, *Untapped Potential: Afghanistan's Traditional Civil Society* in: Foreign Policy, 16 April 2015

⁶⁰*Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017*, report prepared by the Delegation of the European Union in Afghanistan, September 2015

⁶¹ Note that no proof of registration was requested during the interviews.

cumbersome with over half of respondents describing the process as ‘somewhat difficult’ (40%) or ‘very difficult’ (17%) (see table 18). This was reflected equally among all types of CSO and across all geographic areas.

Table 16: During the registration process, did you feel you understood the steps clearly?



During focus groups discussions, the difficulties presented by the registration process were described in reference to the inconsistencies and arbitrariness marking the implementation of the process, with one CSO member working in human rights noting that “*registration can be both easy and difficult. It all depends on the person you are dealing with.*”⁶² Members also described the process as being too long (“*It may last one month while it can be done in two days,*” said one CSO member from Bamyān), requiring an excessive amount of documents, and being expensive given already-strained CSO budgets.⁶³ The division of labor between the provincial and national governments was also considered to be inefficient, and one respondent suggested online registration could expedite and facilitate the process. A government official from Kandahar agreed: “*I think registration of a CSO should be completed at the provincial level as by this we will be able to save time and energy both. Generally there should be a deep reconsideration of the CSO’s registration process as right now I think it is incomplete and inaccurate.*”⁶⁴ The secondary literature suggests that whilst the written registration provisions are comprehensive, it is a lack of understanding of the procedures on the part of both the government and civil society that mars expediency of the process.⁶⁵ According to the 2015 EU Civil Society Roadmap, the government suffers from a general lack of awareness concerning the details of the registration

⁶² CSO Member, Male, Kabul FGD, June 2016

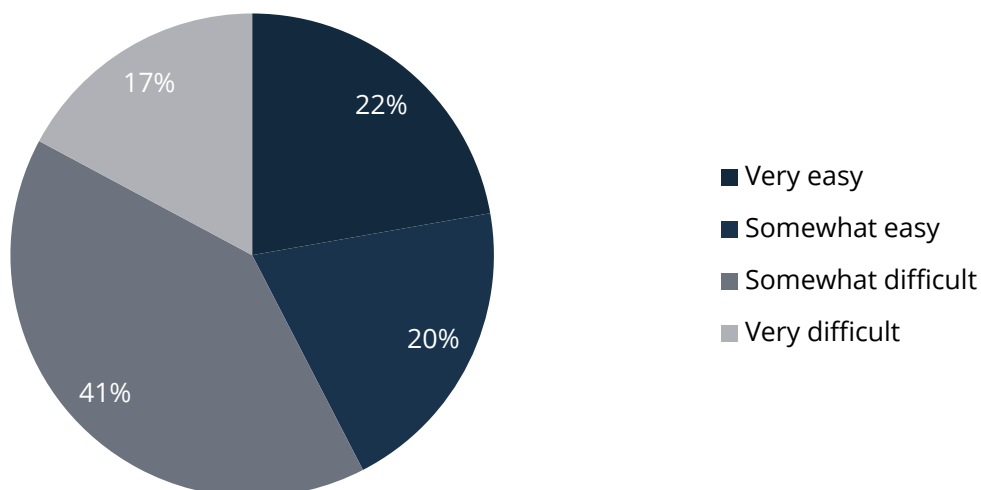
⁶³ CSO Member, Male, Bamyān FGD, June 2016

⁶⁴ Government Official, Male, Kandahar, June 2016

⁶⁵ *Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017*, report prepared by the Delegation of the European Union in Afghanistan, September 2015: 11

process is.⁶⁶ Government officials interviewed within the context of the report noted the lack of a clear terms of reference for relevant government departments.⁶⁷

Table 17: Difficulty of registration process



The secondary literature suggest that registration has provided CSOs with greater legitimacy and subjects them to a level of transparency (indicator 3.4) and accountability that contributes to the modernization of the sector (indicator 2.4).⁶⁸ For example, the government shares information on the number and types of registered CSOs freely on the pertaining Ministry websites, and the Ministries of Economy and Justice monitor CSO activities through compulsory semi-annual reports for the MoEc and annual reports for the MoJ, with a separate reporting form for each project, and can close down NGOs or refuse re-registration.

FGD participants, however, did not perceive the legal obligations and requirements that come with registration to match the benefits associated with registration. Travel to Kabul in order to register could cost provincial CSOs up to 50,000 AFN (10,000 for the registration itself and the remainder spent on travel and board). Travel to Kabul is necessary, as a government official from Kandahar explained: “[registration] cannot be completed at the provincial level and some procedures need to be completed in Kabul.” Finally, registration was seen as exacerbating dependency on the government. Indeed, concerns have been raised in the past that increased regulation facilitates government interference, possibly even corruption, in the CSO sector.⁶⁹

In regard to the impact that requirements imposed by the registration process have on operations, such as regular reporting, CSOs were divided. In Bamyan (52%), Kabul (55%), and Kandahar (52%), a small majority considered the efficacy of their organization to be limited by their legal obligations (see table 19). In Herat and

⁶⁶ *Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017*, report prepared by the Delegation of the European Union in Afghanistan, September 2015: 15

⁶⁷ *Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017*, report prepared by the Delegation of the European Union in Afghanistan, September 2015: 14

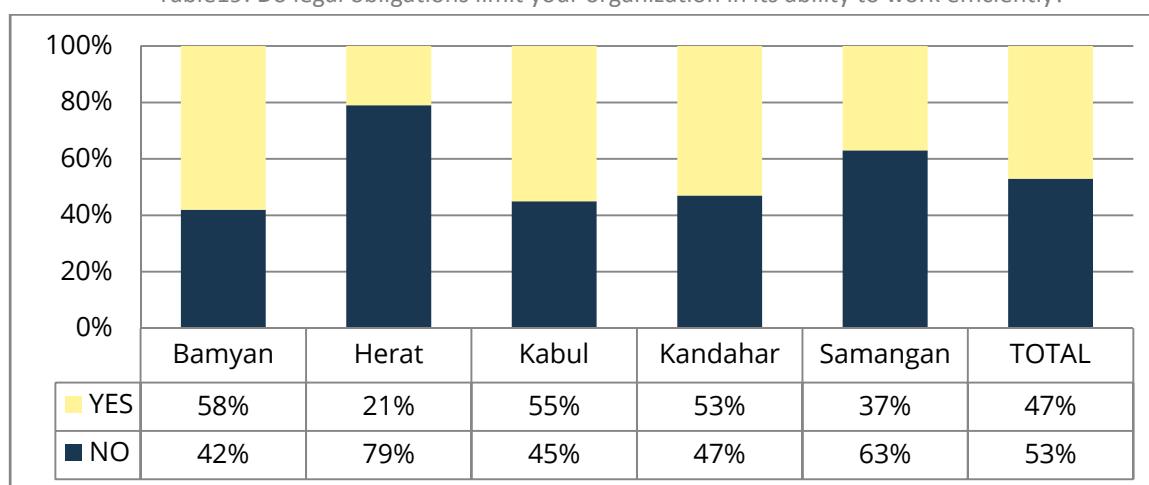
⁶⁸ *2013 Afghanistan Civil Society Assessment: Counterpart International’s Initiative to Promote Afghan Civil Society (I-PACS II)*, report prepared by Langer Research Associates, January 2014: 102

⁶⁹ *NGO Law Monitor: Afghanistan*, report prepared by The International Center for Not-For-Profit Law, June 2016

Samangan, conversely, a majority felt that this was not the case, with only 20% in Herat and 37% in Samangan feeling their legal obligations interfered with their ability to complete their work. These responses resulted in a relatively balanced score for the question.

During the focus group discussions, many CSO members revealed that they had limited capacity and expertise in regard to report writing, required in order to fulfill government requirements, and that this impacted their ability to complete their work. *“I can say that following the law is helping us to perform our work well, but handing in reports every six months makes a lots of problems for us. There are some problems in our financial office that make this difficult,”* said a CSO member from Herat.⁷⁰ Another CSO member from Herat stated that reporting *“makes our work irregular, we cannot do our work within the specified time frames as reporting takes us a month.”*⁷¹ This corresponds to a widely noted lack of technical capacity within the CSO sector (indicator 2.4).⁷²

Table19: Do legal obligations limit your organization in its ability to work efficiently?



In the survey data, corruption in the registration process was not a widely reported phenomenon, with only 3% of all CSO representatives being aware of bribes having been requested to facilitate the registration (see table 20). As a result, a relatively high score was awarded to this question. The question, however, also boosts comparably high refusal and “do not know” rates, suggesting that respondents did not feel confident in discussing their experiences on the subject, especially in Kandahar (‘do not know’ – 45%). Thus, it can be expected that the score for the question on bribery during the registration process that feeds into sub-indicator ‘registration’ in the index shows too positive a rating. This is corroborated by qualitative findings: during in-depth interviews, a number of CSOs reported cases of bribery in regard to registration. As a CSO member from Kandahar stated, the process *“is easy but they take extra money from us.”*⁷³

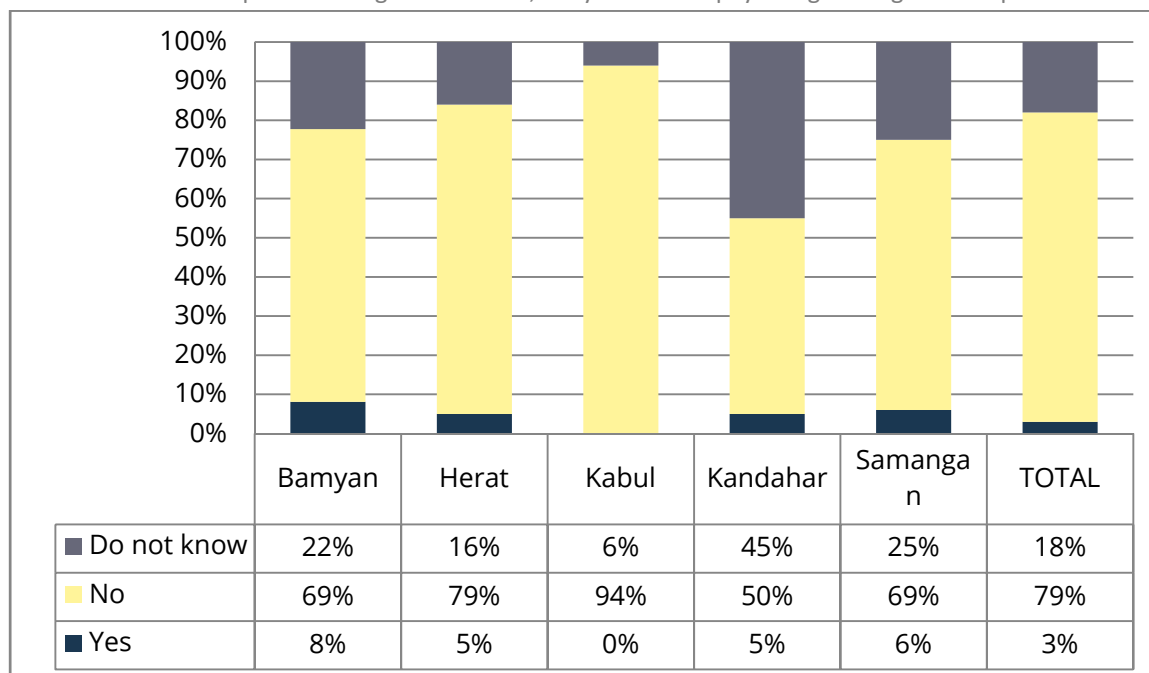
⁷⁰ CSO Member, Male, Herat, interview June 2016

⁷¹ CSO Member, Male, Herat, interview June 2016

⁷² 2013 Afghanistan Civil Society Assessment: Counterpart International’s Initiative to Promote Afghan Civil Society (I-PACS II), report prepared by Langer Research Associates, January 2014

⁷³ CSO Member, Male, Kandahar FGD, June 2016

Table20: Apart from registration fees, did you have to pay along the registration process?



4.3. TAXATION

Sub-indicator 1.3	Tax: The extent to which the tax system for CSOs is fair, efficient, and transparent	0.10
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CSO can apply for income tax exemption. The Tax Law of 1965 was revised in 2009 and sets out the criteria for income tax exemption for CSOs as well as the details of the application process to receive income tax exemption status. Under Article 11 of Tax Law, organizations "organized and operated exclusively for educational, cultural, literary, scientific, or charitable purposes" are recognized as "tax exempt organizations." That is to say, they do not pay tax on "contributions received and income from the necessary operations" (article 10). Any income, however, that is "not in keeping with the purpose of the organization" is subject to taxation. Practically this means that CSOs are exempt from taxation on income from gifts, grants, membership fees, investment income and possibly from commercial activities that further the public benefit purpose of the CSO.⁷⁴

CSOs, however, are liable to pay four other types of tax:

- 1) Rental Withholding Tax (RWT): CSOs are to withhold tax from rent payments to Afghan landlords on a monthly basis. The percentage depends on the monthly rent with 0% for 0-10,000 AFN, 10% for 10,001-100,000 AFN, and 15% for a monthly rent amount exceeding 100,001 AFN (article 59).
- 2) Wage Withholding Tax (WWT): CSOs are to withhold tax over its employees' wages. The tax percentage depends on the monthly salary with 0% for salaries between 0-5,000 AFN, 2% for salaries between 5,001-12,500 AFN, 10% for salaries between 12,501-100,000 AFN, and 20% for salaries exceeding 100,001 AFN. This tax is also to be paid on a monthly basis.
- 3) Contractor Withholding Tax (CWT): the value of any service contracts between the CSO and a second party are subject to taxation. If the second party is registered in Afghanistan, 2% of the

⁷⁴Income Tax Law: <http://mof.gov.af/Content/files/IncomeTaxLaw.pdf> (accessed August 2016)

value of the contract is to be withheld as tax. If the second party is registered elsewhere, this percentage rises to 7%. This tax needs only to be paid for a contract (or multiple contracts with the same counterpart within one year) that exceeds 500,000 AFN.

- 4) CSOs can be liable to pay the authorities for the renewal of certain licenses, e.g. a radio or broadcasting license. These annual renewal payments can be considered an additional tax.⁷⁵

The first three taxes are usually paid to the provincial finance department (*mastufyat*).

Although tax obligations for CSOs were deemed by 70% of CSO members to be largely appropriate ('totally' – 49%; 'somewhat' – 26%) to the structure of their organization (see table 21), some differences were notable in the responses from different types of CSOs. For example, 31% of local councils and 33% of professional organizations found the tax obligation to be 'not at all' appropriate to the structure of their organization. Note that these types of CSO are not necessarily registered as either an NGO or association (local councils, for example, are governed by the National Solidarity Program). Note also that CSOs still have to pay at least three of the aforementioned four types of tax, the total amount of which can be significant, and strain meagre budgets.

Table 18: Is your tax obligation appropriate to the structure of your organization (per type of CSO)?

Type of CSO	Totally	Somewhat	Not really	Not at all
Advocacy	54%	37%	7%	2%
Cultural Organization	50%	29%	6%	15%
Media Organization	51%	29%	2%	17%
Professional Organization	38%	29%	0%	33%
Service Delivery Organization	59%	24%	2%	15%
Total	49%	26%	5%	19%

In addition, applying for income tax exemption requires extensive documents and administrative capacities.⁷⁶ The noted lack of technical capacity among CSOs, especially in the provinces, means that these provisions can be burdensome to CSOs, straining available human resources. In order to be income tax exempt, a CSO has to apply for a private ruling (a legal interpretation) on the basis of its operations, the 2009 Income Tax Law, the 2005 NGO Law, the 2013 Law on Associations, and any other relevant treaties at the Afghanistan Revenue Department (ARD). The ruling will be issued within 21 calendar days of the application's submission. In order to apply, CSOs must have first registered with the Ministry of Economy or Justice and submit an application form that is to include the following attachments: by-laws, rules, regulations, articles of associations or the constitution of the organization; the latest audited balance sheet and financial statements prepared under International Accounting Standards; the names, addresses, and telephone numbers of directors, chairman, vice-chairman, secretary, treasurer, and manager along with their family relationships to one another, if any; an assessment issued by the High Evaluation Commission (HEC) for registration under the NGO Law; a statement of application of the surplus funds of the organization; and a list of donations, contributions, subscriptions, and grants for the organization's projects.⁷⁷ Exempt status does not negate reporting

⁷⁵ *Afghanistan Compliance Advisory Issue 13*, report prepared by Afghanistan Holding Group, June 2015

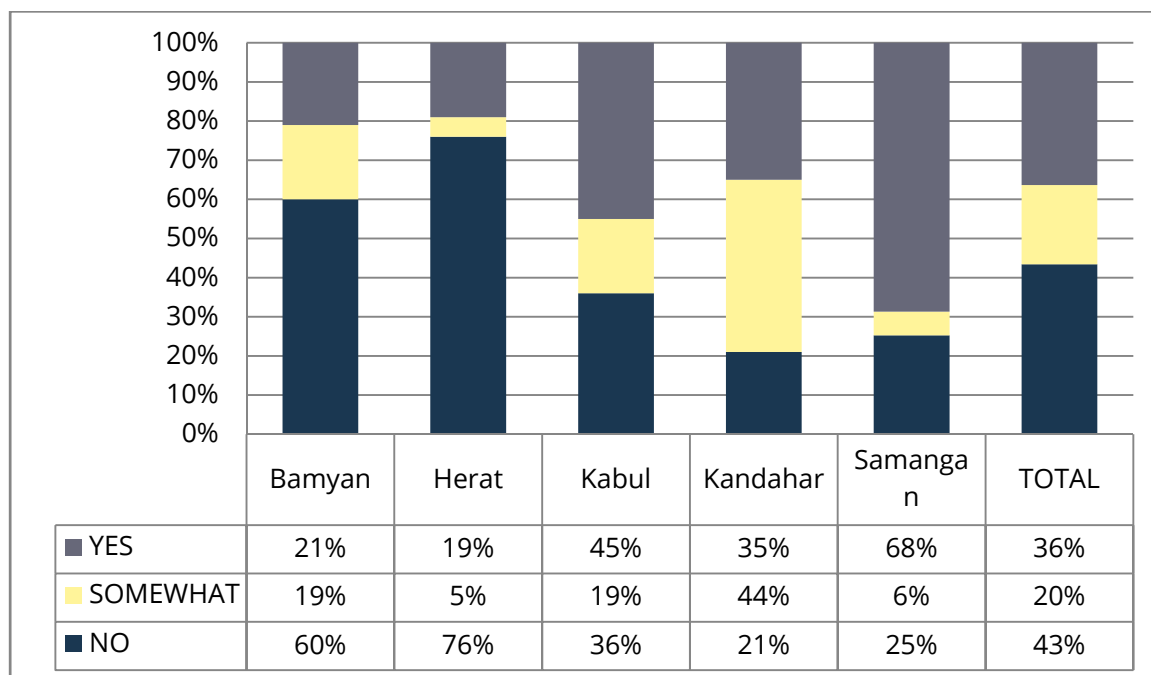
⁷⁶ *Confirming an Exemption from Income Taxation of a Non-Profit Organization*, guide prepared by the Afghanistan Holding Group, 2010

⁷⁷ *Confirming an Exemption from Income Taxation of a Non-Profit Organization*, guide prepared by the Afghanistan Holding Group, 2010

requirements under the 2009 Income Tax Law: CSOs will still need to file an income tax return (article 88), audited accounts, maintain and preserve records (article 26).⁷⁸

A further issue was identified in regard to enforcement of taxation. In the survey, taxation was rarely perceived to be enforced, especially in Bamyan and Herat (see table 22). In Bamyan, for example, 60% of CSO members claimed their tax obligations were not enforced, with 76% in Herat. Only in Kabul (45%) and Samangan (68%) did a majority of respondents state taxation was properly enforced.

Table 19: Is your organization’s tax obligation (or tax exempt status) enforced?



Tax obligation enforced	NO	SOMEWHAT	YES
Advocacy Organization	46%	30%	24%
Community Council	39%	11%	49%
Cultural and Arts Organization	35%	21%	44%
Media Organization	54%	24%	22%
Professional Organization	50%	21%	29%
Traditional Shura	44%	26%	30%
Public Service Delivery Organization	41%	21%	38%

The centralization of the process was identified as a barrier to the enforcement of the law, for example, NGOs have to fill out the income tax statement form (even if they are income tax exempt) in Kabul or face a penalty.⁷⁹ Corruption was regarded as impeding proper enforcement: “Due to corruption the collection of taxes is not done properly,” said a CSO member from Herat. “Afghanistan’s taxation system has a problem. You can easily fake everything and this corruption will continue until an online system is set up. The existing system is

⁷⁸The ACBAR Guide for NGOs: A Comprehensive Guide for NGOs in Afghanistan, report prepared by the Agency Coordinating Body for Afghan Relief and Development, January 2014

⁷⁹Confirming an Exemption from Income Taxation of a Non-Profit Organization, guide prepared by the Afghanistan Holding Group, 2010

very complicated and difficult for NGOs, for example, if an NGO has activities in a remote province that NGO still has to come to the capital to pay its taxes.”⁸⁰

It has to be noted though that in some cases CSOs themselves can contribute to the weakening of the legal system in regard to taxation. “There is a lot of tax evasion also, for example, if we have ten projects in our hand, we can report only three projects and we will have to only pay tax over the three projects,” admitted a CSO representative from Kabul. The reluctance to comply with the tax law may reflect a broader skepticism of governmental institutions that governs the relationship between CSOs and the Afghan government (indicator 3.2).

4.4. SUMMARY

Indicator 1	The extent to which the prevailing legal framework as written supports the work of CSOs	0.31
	Personal Freedoms and Civil Rights	
Sub-indicator 1.1	The extent to which legal rights and freedoms are supportive of the work of CSOs	0.31
	Registration	
Sub-indicator 1.2	The extent to which the process of registration is straightforward and registration benefits CSOs	0.52
	Tax:	
Sub-indicator 1.3	The extent to which the tax system for CSOs is fair, efficient, and transparent	0.10

In the assessment of the legal framework as the first criteria for the enabling environment supporting CSO operations in Afghanistan, the registration process (0.52) ranked as the highest of the three sub-indicators, whilst legal rights and civil liberties (0.31) was rated on average and the taxation process (0.1) was identified as the sub-indicator that impacted least positively on the average score of 0.31.

The existence of a solid legal framework in the areas of registration, taxation, and personal freedoms and civil rights only benefits the enabling environment for CSOs if it can be enforced. The ratings for freedom of expression proved to be primarily affected by the infringements of legal rights and gaps in the application of the law, highlighting the inability of the government to comprehensively ensure enforcement within an at times hostile cultural environment, and emphasizing the need for a more diversified and detailed research instrument to track challenges, such as threats and perceptions on insecurity trends.

Experiences with the registration process pointed to challenges that concerned the process itself, such as the centralization of procedures in Kabul and corruption: travelling to Kabul can be burdensome to provincial CSOs, especially given the resource (indicator 2.1) and security challenges Afghanistan faces. Meanwhile, while mandatory registration has gone some way to curb corruption within the CSO sector, it exposes CSOs to government corruption (indicator 3.3) which affects the relationship of trust between the two (indicator 2.2). CSOs, however, commonly managed to complete the registration process, and as a singular event registration did not pose too much of an obstacle for CSO operations. Consequently, the sub-indicator received a relatively high score of 0.52.

⁸⁰ CSO Member, Male, Herat FGD, June 2016

The taxation process was perceived to be a significant challenge, both in regard to its relevance for CSO operations as well as the multitude of challenges faced, as the low score of 0.1 indicates. Both the process itself and its application display gaps in enforcement, transparency, clarity and efficiency, rendering tax declarations a challenge that draws on resources of CSOs and limits their ability to operate. Both processes for registration and taxation would benefit from further streamlining.

5. CASE STUDY RADIO STATION

This case study concerns a radio station that was established in 2010. The CSO has coverage in all of Samangan's districts, including the provincial center, and its main objective is to raise public awareness, to provide people with news and events across the province as well as the country as a whole. The CSO does not have sufficient budget to expand its activities outside of Samangan province.

5.1. LEGAL FRAMEWORK

As is the case for the previous two case studies, this CSO also does not find any issue with the legal system as it is written but stresses that it must be implemented well so that the legal framework can actually support CSO activities. The CSO points to the government as corrupting the rule of law by engaging in unlawful practices. For example, when the CSO's radio license expired, and it had to renew it, government officials demanded bribes before issuing the license.

In regard to taxation, the CSO pays three types of taxes to the government. First are payments to the provincial finance department (*mastufyat*) which include taxes on staff salaries. Second are tax payments related to the radio license. These are paid annually. When the license expires and the CSO receives a new one, it also receives a form that needs to be filled out in order to process payment. Finally, there are tax payments to the ministry of Telecommunications and Technology that are related to the license necessary to operate a Radio Station System. This tax is also paid annually.

5.2. SOCIO-CULTURAL ENVIRONMENT

The CSO decides on the content of its broadcasting on the basis of the demands and interests of the people, thus attempting to represent their needs and to garner their support. Consequently, community support is strong in Samangan, and six volunteers are currently working for the CSO, learning the finer details of radio reporting on the job. However, the CSO has in the past experienced opposition from the *ulema*, for example, when broadcasting music or comedies. The CSO is proud of its ability to broadcast into remote areas on such topics as women rights.

The CSO is little in touch with the international community, consequently it does not feel much affected by the security transition at the end of 2014.

5.3. GOVERNANCE

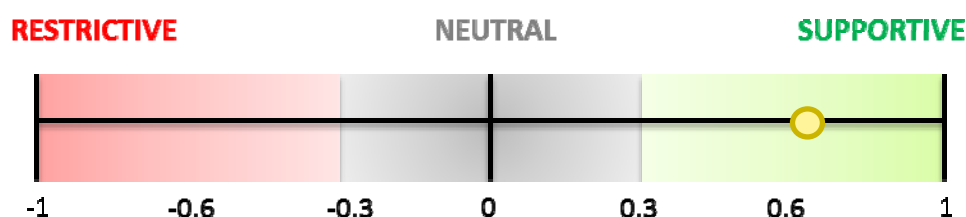
The CSO singles out corruption as the biggest problem facing Afghanistan. The CSO always encounters corruption when it tries to pay its taxes, or renew its licenses. In order to improve the enabling environment for CSOs, the prevention of corruption should be key according to the CSO.

The CSO underscores that interaction with the government takes place often and in multiple ways. Thus the CSO interacts with different sections of the government including the National Department of Security (NDS), the police, the provincial governor's office as well as other line departments. In addition, as every governmental office has a media department, the CSO is in direct contact with these to gather news stories and to verify information. For example, in the case of a security breach, the CSO contacts the media department of the police and asks them to prepare a report, and a reporter might interview one of their staff members. These interactions take place via the phone, email as well as personal meetings.

5.4. FUNDING

The CSO is not funded by any one organization in particular, including the government. They generate funding from advertising and brand announcements. In addition, the CSO relies on the efforts of volunteers. This bodes well for the financial sustainability and independence of the CSO.

6. SOCIO-CULTURAL ENVIRONMENT



Indicator 2	The extent to which the socio-cultural environment supports the work of CSOs	0.65
Sub-indicator 2.1	Access to resources (non-financial): The extent to which access to communications resources and basic infrastructure facilitates the work of CSOs	0.49
Sub-indicator 2.2	Community Support: The extent to which the public supports the work of CSOs	0.79
Sub-indicator 2.3	Representation: The extent to which CSOs successfully represent communities	0.77
Sub-indicator 2.4	Modernization of the sector: The extent to which CSOs are seen as independent and professional organizations	0.36
Sub-indicator 2.5	Level of advocacy: The extent to which CSOs successfully influence the government at national and local levels	0.81

The socio-cultural environment, scoring 0.65, supports the work of CSOs reasonably well, and is the best performing indicator. Within the socio-cultural environment, the sub-indicators community support (0.79), representation (0.77) and advocacy (0.81) all scored very well. In fact, these sub-indicators are the best performing of the entire index. The overall score for the socio-cultural environment, despite these positive outliers, was brought down by the sub-indicators access to resources (non-financial) (0.49) and modernization (0.36), although both sub-indicators still received reasonably positive scores. In what follows, the sub-indicators that feed these scores will be discussed in more detail in conjunction with qualitative and secondary data.

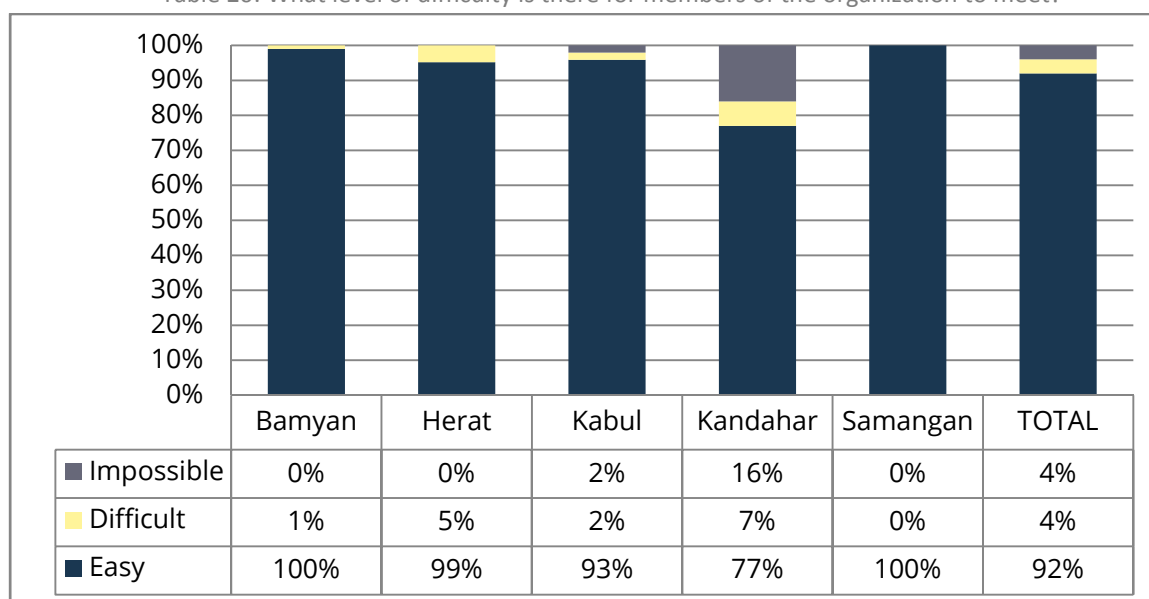
6.1. ACCESS TO RESOURCES (NON-FINANCIAL)

Sub-indicator 2.1	Access to resources (non-financial): The extent to which access to communications resources and basic infrastructure facilitates the work of CSOs	0.49
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As in doing any sort of business, basic access to resources (non-financial) is a facilitating factor in the work of CSOs. Asked if their CSOs had a place to meet and whether there were any barriers to meeting with members

of the CSO, almost all survey respondents (92%) stated that their organization had office premises, and that they found it easy to meet with other members of their organization (see table 23), noting fixed meeting times and places, and few obstacles that could inhibit members from attending meetings.

Table 20: What level of difficulty is there for members of the organization to meet?



Internal meetings were considered to be facilitated especially by the ability of CSO members to communicate freely within the organization, with 96% of survey respondents stating they were able to do so (see table 24). It became clear from in-depth interviews that CSOs rely mainly on in-person meetings and mobile phones in order to communicate. These communication mechanisms are facilitated by improvements in Afghanistan's communications infrastructure, with citizens enjoying increasingly widespread access to the internet (*circa* 20% of households in 2015), and over 80% of households own at least one mobile phone.⁸¹

Table 21: Can you communicate freely within your organization?

Location	Totally	Somewhat	Not really
Bamyan	97%	3%	0%
Herat	95%	5%	0%
Kabul	95%	2%	2%
Kandahar	96%	3%	1%
Samangan	100%	0%	0%
TOTAL	96%	3%	1%

The overwhelmingly positive responses to these questions contributed significantly to the overall score for the sub-indicator access to resources (non-financial) of 0.49 and testify that basic infrastructure for CSO activity is in place.

Although the majority of respondents reacted 'positively' (55%) or 'very positively' when asked how their work was impacted by access to resource centers and communication systems (see table 25), the survey data showed considerable difference in the responses from different provinces. For example, in Samangan only

⁸¹ A Survey of the Afghan People, report prepared by the Asia Foundation, 2015: 11-12

19% of CSO members considered the impact of the existing infrastructure ‘positively’ and no one saw it as ‘very positive’ and in Bamyan these percentages amount to 35% and 8%, respectively. These results contrast with those from CSO members based in the urban centers of Kabul, Herat, and to some extent, Kandahar. These findings indicate that resources are more acutely felt to be lacking in rural provinces than in urban centers.

Secondary data indeed notes that insufficient capacity in, for example, the generation, transmission, and distribution of electricity constrains CSO activity especially in more remote areas.⁸² For example, without electricity CSOs cannot consistently use computers and access the internet. Globally, Afghanistan stands at 156 in the ranking of 189 economies on the ease of getting electricity.⁸³ The pressing need for access to energy infrastructure in rural areas was poignant in the demonstrations staged by members of Afghanistan’s Hazara community in May and July 2016 who demanded reconsideration of the rerouting of a power cable from Turkmenistan to Kabul which following revised plans was set to bypass the predominantly Hazara province of Bamyan. Thousands of protestors took to the streets.⁸⁴

Table 22: How is your work impacted by access to resource centers and communication systems?

Location	Very Positively	Positively	Negatively	Very negatively
Bamyan	8%	35%	43%	14%
Herat	6%	57%	37%	0%
Kabul	18%	66%	13%	3%
Kandahar	51%	45%	3%	1%
Samangan	0%	19%	81%	0%
TOTAL	20%	55%	22%	3%

When asked whether their work is affected by the difficulty of accessing necessary resources, CSO members overwhelmingly (77%) responded in the affirmative (see table 26). During FGDs, CSO members listed communication and coordination as the main factors limiting access to resources. The difficulties in accessing necessary resources was further exacerbated by insecurity. One CSO member from Samangan explained: *“insecurity on the roads is the reason that we could not attend meetings in Kabul.”*⁸⁵ This suggests that access to resources is a complex issue that involves a number of actors including the private sector, the government as well as the CSO sector itself and requires extensive coordination if it is to be improved.

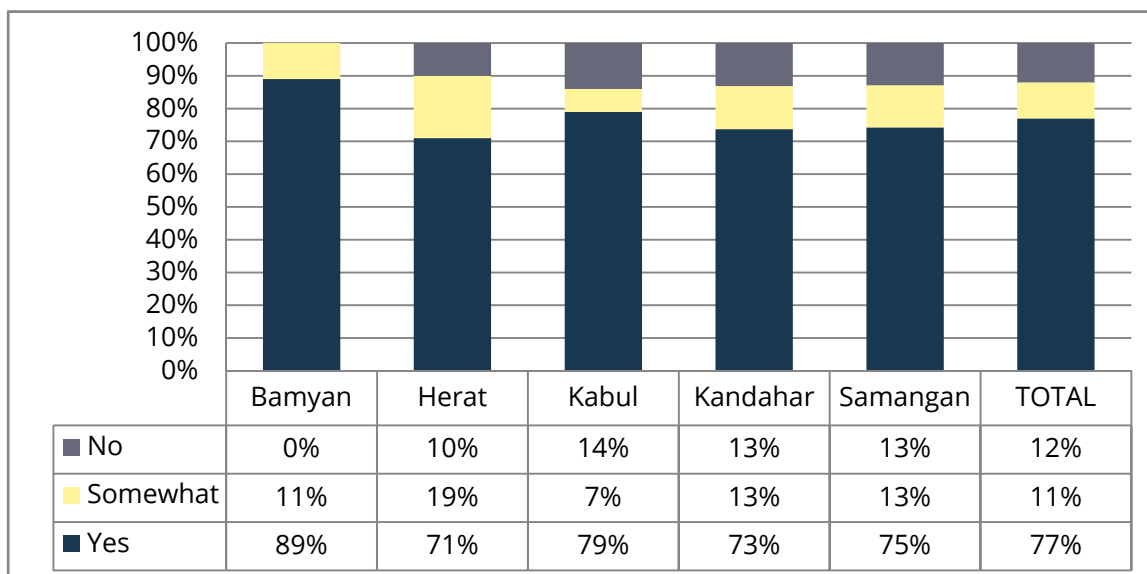
⁸² *A Survey of the Afghan People*, report prepared by the Asia Foundation, 2015: 8

⁸³ *Doing Business 2016, Measuring Regulatory Quality and Efficiency: Economy Profile Afghanistan*, report prepared by the World Bank, 2016; 35-39

⁸⁴ *Afghan Hazara minority protest in Kabul over power line*, Al Jazeera: <http://www.aljazeera.com/news/2016/07/afghan-hazara-minority-protest-kabul-power-line-160723064233800.html> (accessed August 2016)

⁸⁵ CSO Member, Male, Samangan FGD, June 2016

Table 23: Is your work affected by the difficulty of accessing necessary resources?



6.2. COMMUNITY SUPPORT

Sub-indicator 2.2	Community Support: The extent to which the public supports the work of CSOs	0.79
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Community support can contribute to a CSO's positive reputation which, in turn, can help with funding. CSOs that enjoy great community support are also better positioned to engage in successful advocacy work (indicator 2.5) on account of their ability to represent the community or speak on their behalf as well as their enhanced ability to mobilize the community, according to the findings of the 2012 Internews report *Signposting Success: Civil Society in Afghanistan*. Community support, finally, is a condition for effective community involvement and the successful implementation of projects: working in partnership with local communities allows CSOs to ensure a more secure working environment, and thus to expand their reach, to approach sensitive issues, and to gather relevant local knowledge and to incorporate feedback from the community.⁸⁶

Community support for civil society in Afghanistan historically has built upon the Muslim religious obligation to give to those in need in the form of *zakat* (charitable tax), *fitranas* (charitable givings during Eid al Fitr), and *waqf* (endowment) as well as the established tradition of volunteerism or *hasher* prevalent in rural Afghanistan.⁸⁷ According to Murtazashvili's study, it was not uncommon for villagers (mainly the youth) to gather for voluntary community service in order to improve the community's infrastructure.⁸⁸ Whilst voluntary groups and activities remain a substantial element of local Afghan society to date, concerns have arisen over the past years that the development industry established in Afghanistan, especially the cash-for-work programs, threatens to undermine such local self-initiative. These might be exaggerated as survey data shows that volunteering still tops the types of public support offered to CSOs with 88% of survey respondents stating

⁸⁶ *Signposting Success: Civil Society in Afghanistan*, report prepared by Altai Consulting for Internews, November 2012

⁸⁷ Jennifer Brick Murtazashvili, *Informal Order and the State in Afghanistan*, Cambridge University Press, Cambridge, 2016: 115

⁸⁸ Jennifer Brick Murtazashvili, *Informal Order and the State in Afghanistan*, Cambridge University Press, Cambridge, 2016: 115

community volunteers support the work of their CSO (see table 27), although it should be noted that this says little about absolute numbers.

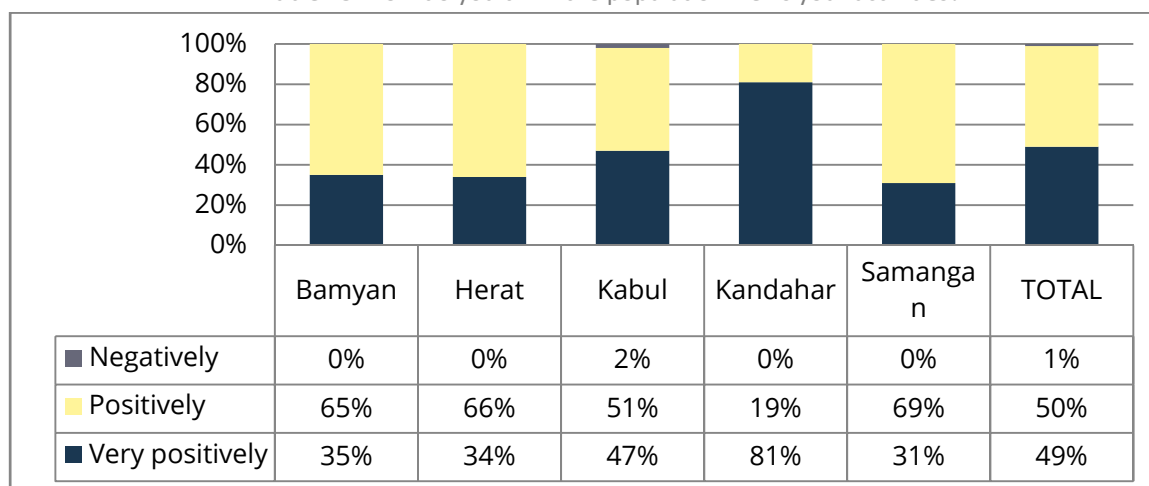
Table 24: What type of support for your work do you receive from the public?

Form of support	Support received
People come to CSOs with problems	100%
People accept CSOs' recommendations	95%
Volunteering	88%
General Support	86%
Communications Support	36%
Material Support	34%
Financial Support	26%
None	3%

Data from FGDs corroborated this: members commented that whilst support from the community rarely took the shape of financial donations, CSOs were accustomed to receiving physical support from the community in the form of volunteering or material goods: *“in most cases the public does not support us financially but they support us physically,”* said one CSO member from Samangan.⁸⁹

Public support is a key indicator of the ability of a CSO to anchor itself within the community within which it operates. Asked how they think the population views their activities, 99% of CSO members oscillated between ‘very positive’ (49%) and ‘positive’ (50%) in the survey (see table 28). These responses contribute to the high score of 0.79 that the sub-indicator community support was awarded in the index. Kandahar stood out on account of the high percentage (81%) of CSO members that considered their organization’s activities to be viewed ‘very positively’ by the population.

Table 25: How do you think the population views your activities?



During the FGDs, Kandahar-based CSO members explained: this is *“because our work is in the public interest”* and *“we serve the people,”* according to two CSO members from Kandahar, where 81% of CSO members thought the population viewed their work as very positive. All of the CSO members surveyed (100%) emphasized their support by the community further by highlighting that members from the community come to them with their problems: *“if there is any kind of problem in the community, they refer those problems to*

⁸⁹ CSO Member, Male, Samangan FGD, June 2016

us,” according to one CSO member from Samangan.⁹⁰ Within this context CSOs also drew attention to ‘problem solving’ as one of their key roles as well as their understanding of civil society as a ‘bridge between the people and the government.’ A CSO member from Kandahar explained: “we transfer the voice of the people to officials and authorities.”⁹¹ Thus “we help the people to refer their problems to the higher authorities and provide them with a solution, that is why the public always supports us,” said a CSO member from Samangan.⁹²

Note, however, that previous studies such as that of the Asia Foundation (2015) have found public support for CSOs to be lukewarm not in the least because of a lack of confidence in both the technical abilities of CSOs as well as their ability and willingness to serve public interest.⁹³ The discrepancy between the survey results and the secondary data might be revealing of the self-reporting bias of respondents.

In-depth interviews with CSO beneficiaries, however, corroborated the perception of surveyed CSO members with 75% of respondents perceiving the work of CSOs as ‘very positive’ whilst the remaining 25% considered it to be ‘somewhat positive’. Beneficiaries explained these responses in reference to CSOs being drivers of positive change, pointing to capacity building programs implemented by CSOs, including “welfare programs implemented in this village [Bamyan],” “internet programs for women,” and “a tailoring course for women” [in Herat] both of which were seen as “very useful.”⁹⁴

Although CSO members overall expressed that the population viewed their actions positively, some critical sounds did emerge out of the FGDs that suggests that some parts of Afghan society consider civil society to be antithetical towards Islam or Sharia, and dismiss the concept as foreign.⁹⁵ The CSO members in question attributed this fact to a lack of awareness and understanding of the role of civil society. For example, two CSO members from Herat commented that “in some communities we are confronted with the Taliban ideology and most of the time when we want to implement a project we are faced with different traditional issues and different negative ideologies. Unfortunately in Herat there are many who have the Taliban ideology and they are putting obstacles in the way of our project implementation.” Similarly in Bamyan, a CSO member commented that “some people think that civil society is against Mullah and Islam but it is not like this.” Thus “being a traditional society is one of the main problems. Civil societies do not have any problems in modern societies but in a traditional society there are many problems.”⁹⁶

These issues prompted the members to work within Islamic guidelines and to find justifications for their work in the Quran: the same CSO member from Bamyan stated that they “have to give our opinion very carefully within the framework of Islam.” It should be noted that very few other CSOs directly engaged with the topic of religion or religious fundamentalism within both the interviews and focus group discussions.

6.3. REPRESENTATION

Sub-indicator 2.3	Representation: The extent to which CSOs successfully represent communities	0.77
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⁹⁰ CSO Member, Male, Samangan FGD, June 2016

⁹¹ CSO Member, Male, Kandahar FGD, June 2016

⁹² CSO Member, Male, Samangan FGD, June 2016

⁹³ *Afghanistan in 2015: A Survey of the Afghan People*, report prepared by the Asia Foundation, November 2015

⁹⁴ CSO Beneficiary, Male, Bamyan, interview June 2016; CSO Beneficiary, Female, Herat, interview June 2016

⁹⁵ Kabul, Kandahar, Bamyan, Samangan, and Herat FGDs, June 2016

⁹⁶ CSO Member, Male, Bamyan FGD, June 2016

Community support is tied to the degree in which CSOs involve the community that they represent as well as the latter's support for the CSO's mission. Asked whether their organizations involved the people they represented, 87% of CSO members stated that community members were at least 'somewhat' involved in the decision making process (see table 29).

95% of CSO beneficiaries surveyed corroborated that CSOs 'totally' (75%) or 'somewhat' (20%) represent their interests. A beneficiary from Kandahar noted that *"they are always cooperating with us."*⁹⁷ In the FGDs, CSO members elaborated on how represented people exactly are involved in the work of CSOs. *"They are involved in every decision and we give them a chance to say their ideas,"* according to a CSO member from Samangan.⁹⁸ In addition, their advice was sought out and taken into account: in Bamyan a CSO member stated that *"we use their views and advice in our projects."*⁹⁹

These findings soften the concern expressed by the 2015 EU report which states that the funding status of many of the new, 'modern' types of CSOs has led to the creation of a distance between CSOs and the communities they are to represent. Instead of taking note of the needs of Afghans, these CSOs set program priorities based on issues that 'should' be important to the country as determined by their funders. This issue is exacerbated by the fact that these CSOs, with their grasp of development dynamics and powerful connections, have financially fared better since 2002 than the smaller 'truly popular' grassroots organizations formed or elected by local communities, thus somewhat crowding the latter out. As a result, the perception of these CSOs is that they do not represent the people.¹⁰⁰ The report, accordingly, identifies the inability of some CSOs to properly represent their communities as one of the main threats facing the enabling environment.¹⁰¹ The survey findings do not support these concerns about the growing inability of CSOs to represent the communities they work with, although more data will need to be gathered from the perspective of the communities that are represented in order to firmly corroborate the survey findings.

⁹⁷ CSO Member, Male, Kandahar, interview June 2016

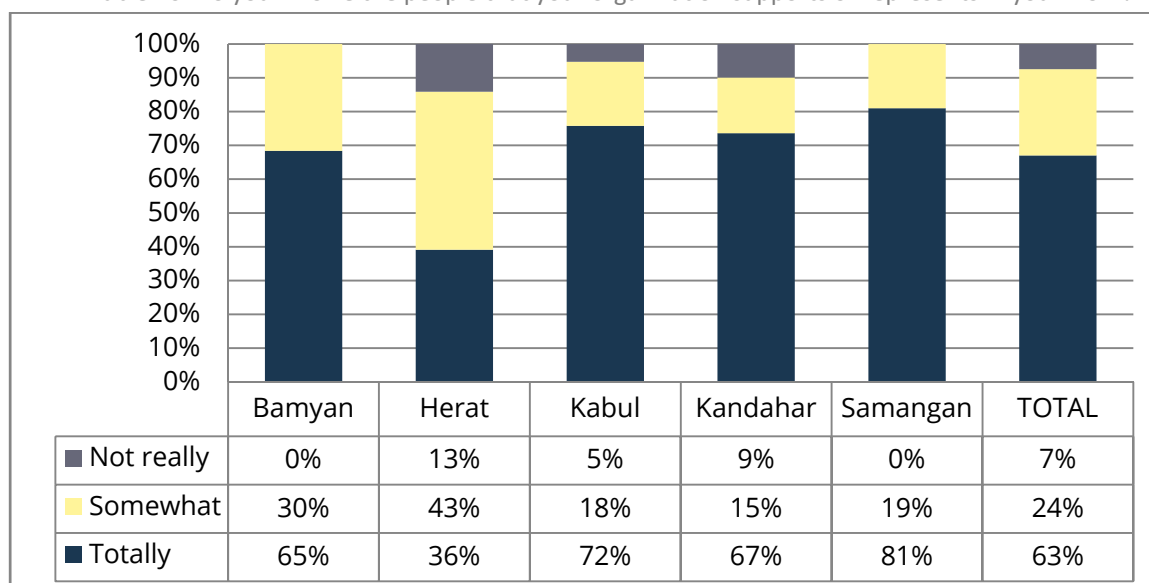
⁹⁸ CSO Member, Male, Samangan FGD, June 2016

⁹⁹ CSO Member, Male, Bamyan FGD, June 2016

¹⁰⁰ *Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017*, report prepared by the Delegation of the European Union in Afghanistan, September 2015

¹⁰¹ *Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017*, report prepared by the Delegation of the European Union in Afghanistan, September 2015

Table 26: Do you involve the people that your organization supports or represents in your work?



It is by involving the people they represent that CSOs also generate support for their mission from these same people: 81% of survey respondents felt supported by the communities their CSO represents (see table 30). In Kabul, “people are supporting us and our projects when needed. They help us according to their ability.” For example, a media organization from Bamyan commented that the people “distribute our newspaper voluntarily in the district center.” Representation is thus a facilitating factor for community support (indicator 2.2).

Table 27: Do you feel supported in your mission by the people you represent?

Location	Yes	Somewhat	No
Bamyan	62%	35%	3%
Herat	70%	29%	1%
Kabul	89%	9%	2%
Kandahar	85%	13%	1%
Samangan	81%	19%	0%
TOTAL	81%	17%	2%

These positive responses have resulted in the high score of 0.79 that was awarded ‘representation’ in the index, and are indicative of the success with which CSOs are able to represent the communities they work with.

6.4. MODERNIZATION

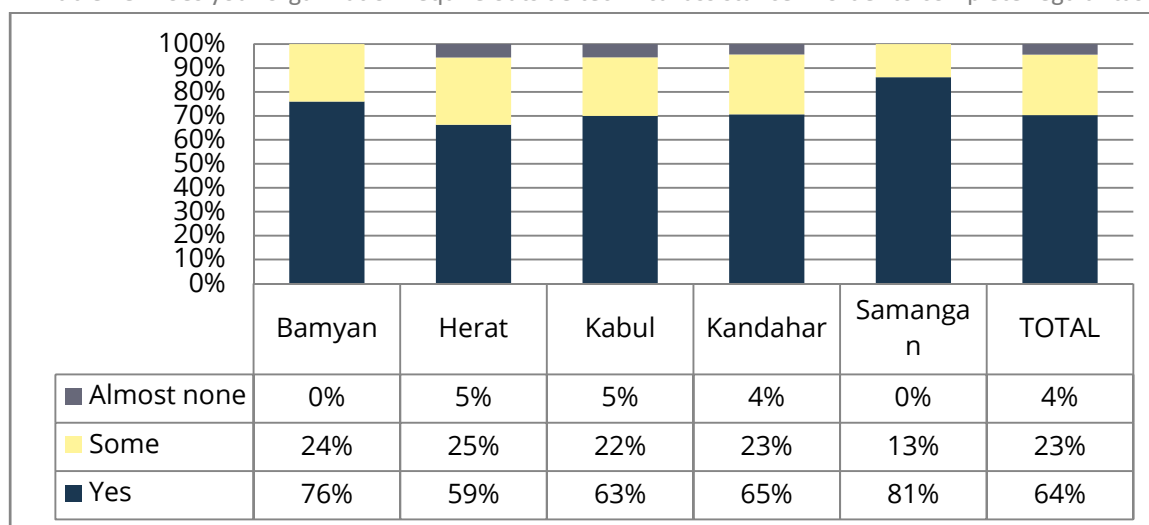
Sub-indicator 2.4	Modernization of the sector: The extent to which CSOs are seen as independent and professional organizations	0.36
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According to the 2012 Internews report *Signposting Success: Civil Society in Afghanistan*, modernization, in particular, a clear organizational structure, sectoral focus, and funding strategy, is a key contributing factor to the success of CSOs.

In order to complete even regular tasks, most CSO members (64%) that were surveyed expressed the need for outside technical assistance (see table 31). This contributed significantly to the relatively low score of 0.36, the lowest score among the sub-indicators within the socio-cultural environment.

The secondary literature offered at least a partial explanation noting that many CSOs struggled to understand some of the concepts surrounding organizational capacity, in particular, those related to communication strategies and management plans.¹⁰² Although, for example, the vast majority of CSOs claimed to have overall plans for management and communications, in many cases these were not formalized or recorded whilst any documented plans varied vastly in terms of quality, demonstrating different levels of modernization. Meagre capacities are further compounded by experienced staff taking on higher-paying jobs outside of civil society as well as general patterns of migration from provinces to urban centers or even abroad.¹⁰³

Table 28: Does your organization require outside technical assistance in order to complete regular tasks?



The focus group findings showed that technical assistance was deemed most needed within the areas of a) capacity building, b) budgeting/financial management, and c) operating (office and systems) management. These areas were followed by legal assistance and implementation. Thus a CSO member from Samangan noted that “*we have a problem with proposal writing.*”¹⁰⁴ These findings are poignant given the extensive capacity

¹⁰² *Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017*, report prepared by the Delegation of the European Union in Afghanistan, September 2015

¹⁰³ *2014 CSO Sustainability Index for Afghanistan*, report prepared by USAID, 2014; *Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017*, report prepared by the Delegation of the European Union in Afghanistan, September 2015: 28

¹⁰⁴ CSO Member, Male, Samangan FGD, June 2016

building efforts of INGOs and donors in support of the development of technical skills of Afghan CSOs. This is not to say that these efforts have not improved CSO capacities at all: over half of the 2015 EU *Civil Society Roadmap* CSO respondents found international assistance had helped them to improve their internal working methods, program and project design skills, fundraising, human resource management, reporting, evaluation, and financial management.¹⁰⁵

Respondents were frank in needing external technical assistance especially so in the more rural areas of Bamyan where 100% of the respondents expressed a need for at least some technical assistance and Samangan where 94% admitted to needing at least some technical assistance (see table 31). This is indicative of the differences in access to resources (indicator 6.1), including human resources and education, between urban centers such as Kabul and rural provinces.

6.5. ADVOCACY

Sub-indicator 2.5	Level of advocacy: The extent to which CSOs successfully influence the government at national and local levels	0.81
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Advocacy concerns the ability to influence public policy. The advocacy environment includes CSOs' access to the broader public via media, their ability to articulate their demands to government officials, and to monitor government actions. The enabling environment for advocacy is heavily dependent on a range of factors, including location – advocacy being more dominant in the capital than in socially conservative provinces – as well as the security situation and the legal framework.

The study included a total of 46 advocacy organizations (see table 32). Many CSO members, however, considered advocacy, or the ability to influence public policy, as one of their core activities regardless of whether it was their singular mandate.

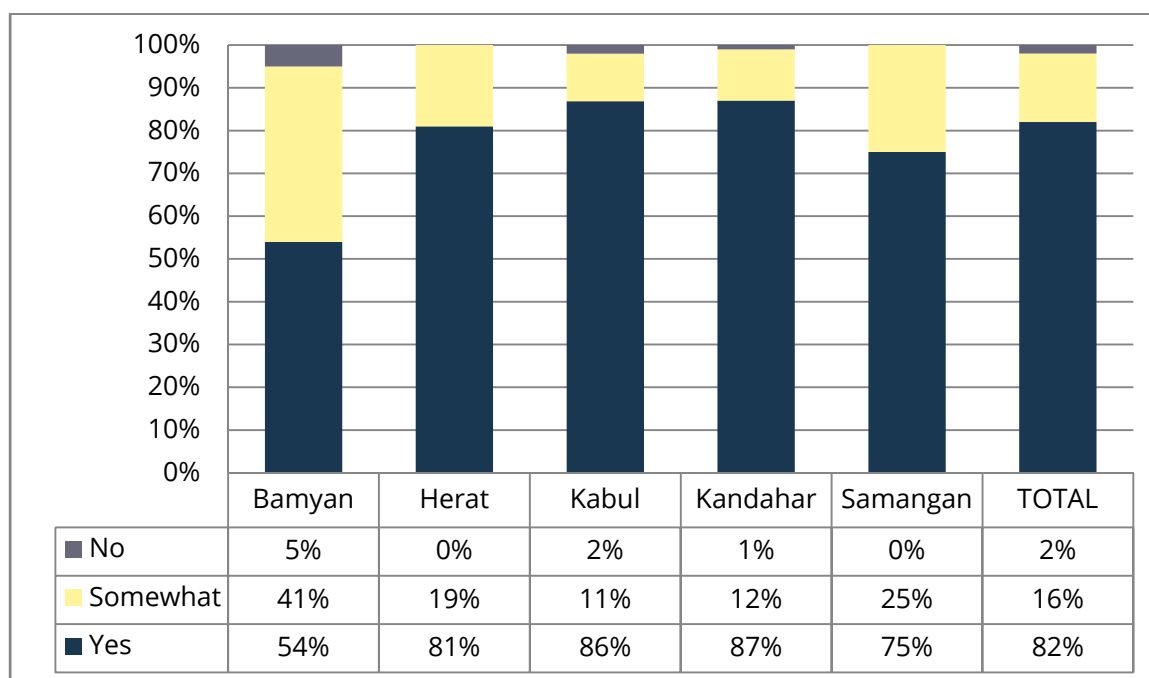
The survey data shows that 82% of CSO members felt that they dedicate sufficient time to advocacy activities, helping to generate the highest score (0.81) of the sub-indicators that fall under the socio-cultural environment (see table 33).

Table 29: CSO members of advocacy organizations interviewed as a percentage of total

Bamyan	11%
Herat	13%
Kabul	6%
Kandahar	25%
Samangan	13%

¹⁰⁵ *Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017*, report prepared by the Delegation of the European Union in Afghanistan, September 2015: 25

Table 30: Does your organization dedicate sufficient time to advocacy activities?



From the FGDs it became clear that the centrality of advocacy within the work of many CSOs arises from their belief that the advocacy role is fundamental to their perception of themselves as a bridge between local communities and the public sector, passing on people’s concerns to the relevant organs and authorities.

Asked whether they feel that they play an active role in setting the agenda in regard to significant issues, 73% of CSO members answered that they did (see table 34), especially in the capital Kabul (83%) and Kandahar (80%), a province that has historically been paid much attention by the international community. An example of a CSO helping to set the agenda on a particular issues was provided during an FGD with a member of an advocacy organization in Kabul who relayed that *“when there were the election discussions, we raised our voices and told the government that if the election laws are not implemented then the government will go astray.”*¹⁰⁶

Indeed, the government’s 2012 Tokyo Mutual Accountability Framework stipulated a more substantial role for CSOs in the political decision making process, and its implementation has seen the level of advocacy grow.¹⁰⁷ CSOs have played a role influencing the government in laws on transparency and accountability, for example the 2014 Access to Information Law, the 2014 Anti-Money Laundering and Counter Financing for Terrorism Laws, and the 2014 Mining Law as well as the 2014 Elimination of Violence Against Women Law. CSO networks such as AWN have had notable successes, and the Enlightenment Movement’s demonstration in Kabul in May which brought thousands to the streets in order to protest the rerouting of a cable line from Turkmenistan to the capital demonstrated admirable advocacy efforts and coordination.¹⁰⁸

¹⁰⁶ CSO Member, Male, Kabul FGD, June 2016

¹⁰⁷ *Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017*, report prepared by the Delegation of the European Union in Afghanistan, September 2015: 22

¹⁰⁸ *Afghan Hazara minority protest in Kabul over power line*, Al Jazeera: <http://www.aljazeera.com/news/2016/07/afghan-hazara-minority-protest-kabul-power-line-160723064233800.html> (accessed August 2016)

Table 31: Do you feel you play an active role in setting the agenda to deal with significant issues?

Location	Yes	Somewhat	No
Bamyan	54%	43%	3%
Herat	55%	27%	18%
Kabul	83%	10%	5%
Kandahar	80%	12%	8%
Samangan	63%	31%	6%
TOTAL	73%	18%	9%

However, some FGD participants complained that they do not find a listening ear with the government, relating success in advocacy to coordination with the government (indicator 3.2). *“All of the government offices are not in contact with civil society, the government is not cooperative,”* said a CSO member from Bamyan.¹⁰⁹ The lack of responsiveness from the government is attributed to the fact that the government makes decisions unilaterally as well as the limited size, and accordingly limited leverage, of certain CSOs. Meetings with the government were thus not seen as benefitting the success of CSOs’ advocacy activities much as *“the government asks us in meetings and they pretend to support, governmental authorities listen to our problems but once they go back to Kabul, they forget about it,”* according to another CSO member from Bamyan.¹¹⁰ As these concerns, however, did not much surface in the survey, they, consequently, did not impact the high score that was awarded the sub-indicator advocacy.

A government official from the Ministry of Justice in Kandahar supported the views of CSO members by commenting that meeting with CSOs *“is not related to us and we do not do anything in this regard.”*¹¹¹ Most government officials, however, are less dismissive: *“We are helping each other we are not 100% complete we need their help and they need ours. Yes we consider their opinion sometimes,”* said a Kabul government official from the Provincial Governor’s office.¹¹² And a government official in Herat stated that *“In all the meetings that they have held we attend share opinions and take into account their views and suggestions.”*¹¹³

In the secondary literature, in addition, CSOs that were in fact seen as capable of influencing government policy often used personal political connections to facilitate their advocacy efforts, and were attached to individuals in the government or had powerful elites on their boards. Such connections, however, are widely considered undesirable and unbecoming CSOs which according to their definition should be independent and able to hold the government to account. The 2015 EU report also notes the tension that exists between the idea of CSOs as the voice of the people and the project implementation role that CSOs play helping the government delivering services. The latter breeds a dependency on the government (the government has to award CSOs contracts) that can undermine the advocacy and watchdog roles of civil society because challenging the government risks retaliation.¹¹⁴

¹⁰⁹ CSO Member, Female, Bamyan FGD, June 2016

¹¹⁰ CSO Member, Female, Bamyan FGD, June 2016

¹¹¹ Government official, Kandahar, interview June 2016

¹¹² Government official, Kabul, interview June 2016

¹¹³ The mechanisms and procedures in place for CSO interaction with the government are further discussed in section 6.3 (Coordination).

¹¹⁴ *Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017*, report prepared by the Delegation of the European Union in Afghanistan, September 2015: 28

As success in advocacy is so dependent on good links with governmental actors and other powerful stakeholders, including provincial governors and line ministry officials, it is closely linked to the interaction between CSOs, the international community, and the government (indicator 3.2) as well as facilitation (indicator 3.5). The EU Civil Society Roadmap (2015), accordingly, suggests that increased collaboration between CSOs in the form of networks would allow CSOs to lobby and advocate in a collective manner, joining priorities and organizational capacity. Thus far, advocacy through networks has been rather ad hoc due to the absence of coherent strategies.¹¹⁵

6.6. SUMMARY

Indicator 2	The extent to which the socio-cultural environment supports the work of CSOs	0.65
	Access to resources (non-financial):	
Sub-indicator 2.1	The extent to which access to communications resources and basic infrastructure facilitates the work of CSOs	0.49
	Community Support:	
Sub-indicator 2.2	The extent to which the public supports the work of CSOs	0.79
	Representation:	
Sub-indicator 2.3	The extent to which CSOs successfully represent communities	0.77
	Modernization of the sector:	
Sub-indicator 2.4	The extent to which CSOs are seen as independent and professional organizations	0.36
	Level of advocacy:	
Sub-indicator 2.5	The extent to which CSOs successfully influence the government at national and local levels	0.81

Access to resources affects CSOs in two overarching ways. Whilst most CSOs reported to have access to basic infrastructure, including offices, and stated they were able to communicate freely, access to resource centers, continued to negatively affect the enabling environment for CSOs, thus limiting the score for infrastructure to 0.49. This negative impact reflects also upon the abilities of the government to supply necessary resources such as electricity and phone coverage, especially in rural provinces such as Bamyan and Samangan.

As respondents perceived significant community support in various forms, most notably volunteerism, community support received the second highest score (0.79) of all the sub-indicators, and added significantly to the overall score of 0.65 for socio-cultural environment. CSOs noted a plethora of ways in which community support can express itself, even when financial resources are low, for example, volunteerism and in-kind contributions. The potential of these forms of support to cushion the effects of shrinking available funding to contribute to the sustainability of the CSO sector is promising and warrants further encouragement and exploration.

¹¹⁵Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017, report prepared by the Delegation of the European Union in Afghanistan, September 2015: 24

Community support, however, is also a sub-indicator that showed a discrepancy between quantitative survey findings and the qualitative data gathered during in-depth interviews and FGDs. Upon further questioning CSO members spoke of hostility they experienced from more conservative elements in society that regarded civil society not to be in line with Islam or as a western 'imported' concept. This reveals a tension between civil society as driver of change and conservative elements society that the international community should keep in mind when engaging CSOs.

Representation (0.77) received the third highest score based on the self-perceptions of CSO members in regard to their efforts involving the communities they represent. It was on account of these efforts that CSO members also felt supported by said communities. This suggests that CSOs' abilities to properly represent the communities they are active in is a precondition for the support of these communities.

CSO members identify modernization, including sufficient technical capacity, and despite significant efforts from the international community, as lacking. Accordingly, it was the sub-indicator that performed least well within the socio-cultural environment with a score of 0.36 (which in absolute terms is still somewhat supportive, however). The vast majority of CSO respondents highlighted a lack of technical expertise and a consequent need for outside assistance as inhibiting their ability to succeed. Whilst these responses may be fueled by a desire for continued support in this field, they are widely corroborated by the secondary literature that notes both a lack of understanding of key capacity concepts and an absence of technical skills. Consequently, modernization received the lowest score of the sub-indicators discussed in this chapter (0.36).

Whilst CSO members displayed a high opinion of the efforts they put into advocacy, rendering the highest score of 0.81 for this sub-indicator, focus group discussions revealed that advocacy efforts were often thwarted by strenuous relationships with the government. Thus both the secondary research and qualitative data painted a much bleaker picture of CSOs' ability to influence the government at local and national level by using their soft power, than the survey data did.

7. CASE STUDY ADVOCACY ORGANIZATION

The case study in Bamyan concerns an advocacy organization dedicated to social justice and human rights for Hazara people. The CSO has activities in both Bamyan and Daykundi provinces. The CSO has raised awareness about the rights of Hazara people throughout the two provinces, especially those of women and children, and actively encourages girls to go to school.

7.1. LEGAL FRAMEWORK

The case study in Bamyan brings to the fore the lack of coordination between the central government and its provincial offices in regard to the application of the law. The CSO states that the provincial departments do not follow the law that has been approved at the central level in Kabul. Thus, 'laws' are frequently and arbitrarily changed. For example, whilst the law requires CSO to report every six months to the provincial directorate of economy, the CSO states that it receives letters from this directorate on a monthly basis notifying the CSO of new regulations that require it to report on a monthly basis. As a result, much confusion persists. The CSO calls for national laws to be implemented consistently throughout the country.

The CSO pays taxes only over salaries to the provincial finance department (*mastufyat*). The process for paying tax is as follows: the CSO receives a form from this department which it fills out. It then pays taxes in cash into the bank account of the *mastufyat*. The CSO also pays taxes when it renews its activity license annually.

7.2. SOCIO-CULTURAL ENVIRONMENT

The CSO enjoys community support for its activities, and most of its members work for the organization as volunteers. Support among women is particularly strong on account of the CSO's programs directed at empowering women, and ensuring they receive an education.

7.3. GOVERNANCE

The CSO interacts with different government departments including the Ministry of Economy and the provincial governor's office. Regular meetings at the governor's office take place during which the CSO is involved in provincial planning activities. It also reports to the Ministry of Economy about its activities in Bamyan and Daykundi as well as to the Ministry of Finance through the Provincial Finance Department. Both ministries monitor the CSO's budget and activities.

The CSO notes that the government is prone to interfere in its activities. Especially their work on women's rights can antagonize the religious establishment which then proceeds to file a complaint with the provincial government. The government in turn will issue a warning to the CSO. The CSO can do little but respond to letters such as these by stating that its activities are within the confines of the law.

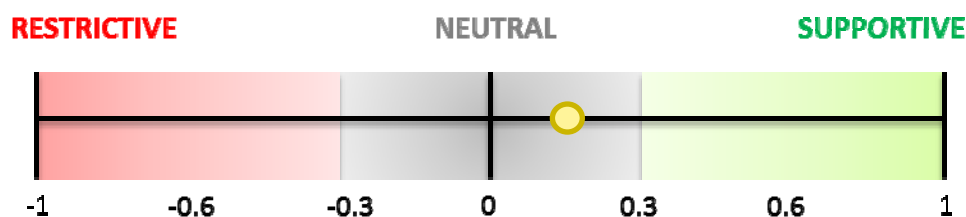
Corruption in government offices is singled out by the CSO as a significant problem that it is forced to face constantly. Whenever staff salaries, for example, are to be paid, officials from the Provincial Finance Department demand bribes.

7.4. FUNDING

The CSO has two main sources of income. First, it receives membership fees of those benefitting from the CSO or volunteers. Secondly, it receives funding from international organizations such as USAID, Asia Foundation, UNICEF and IOM. This twofold funding mechanism as well as reliance upon volunteers should buffer any decrease in the availability of international donor funds.

The CSO, however, is worried about access to funding in the future. That is why it recommends creating a specific budget code for civil society at the Ministry of Finance. At present, the government's development budget is disburses money to various sectors including agriculture and health. Civil society is not considered a separate sector.

8. GOVERNANCE



Indicator 3	The extent to which the governance environment (the application of law and use of authority) is conducive to the work of CSOs	0.17
Sub-indicator 3.1	Service provision: The extent to which the environment is supportive for CSO involvement in service provision	- 0.12
Sub-indicator 3.2	Coordination The extent to which CSOs collaborate with each other and the government in order to achieve their mission	0.73
Sub-indicator 3.3	Corruption (real/perceived): The extent to which perceived level of corruption does not affect the work of CSOs	- 0.12
Sub-indicator 3.4	Transparency: The extent to which the government is transparent in its dealings with CSOs	- 0.1
Sub-indicator 3.5	Facilitation The extent to which state facilitates and promotes the work of CSOs	0.51

Governance was the worst performing of the indicators with a neutral score of 0.17. In addition, it was the indicator that showed the biggest differences between individual sub-indicators with, on the one hand, coordination being awarded a very positive score of 0.71, an indication of the extensive collaboration between CSOs, and on the other hand, service provision (-0.12), corruption (-0.12), and transparency (-0.1) receiving negative scores. These three sub-indicators are the only ones to have been allocated a negative score in the entire index. The perceptions feeding these scores will be discussed in more detail below in relation to the qualitative data and desk review also.

8.1. SERVICE PROVISION

Sub-indicator 3.1	Service provision:	- 0.12
	The extent to which the environment is supportive for CSO involvement in service provision	

Service provision concerns the range of services that CSOs provide and how well they fit community needs and priorities. The role of CSOs as service providers has been shaped on account of a lack of government capacity

in the first few years of the international community’s reengagement with Afghanistan as well as the funding mechanisms that were put in place. In the first few years following the fall of the Taliban regime in 2001, the greater part of foreign assistance was channeled directly to United Nations agencies, private contractors and CSOs, circumventing the government’s development budget.¹¹⁶ As a result, CSOs were directly enlisted as service providers setting a precedent.

Service delivery remains a key focus of many CSOs, according to the 2014 UNAMA civil society mapping exercise, especially in the fields of education and agriculture.¹¹⁷ CSOs function as implementing partners for a range of government programs such as the National Solidarity Program, the National Rural Access Program, and in the fields of health and education services, humanitarian aid, legal aid, vocational assistance, and environmental protection.

One of the challenges facing the future of CSOs as service providers is the way in which development funding is channeled to Afghanistan. As an increasing proportion of donor money is funneled directly to the government’s development budget (see section 8.2 ‘Funding Process’ for more details) a proportionally smaller amount is enlisting CSOs in the field of service provision. Government contracting of CSOs to deliver services, however, has the potential to undermine CSOs’ ‘third sector’ status.¹¹⁸

Responding to whether CSOs feel restrained by the state in their service provision, more than half of CSO members in all provinces other than Herat, felt restrained. Overall, 29% felt ‘totally’ and 31% ‘somewhat’ restrained (see table 35). The survey data shows that CSOs in Kandahar experience restrictions most severely (‘totally’ – 59%; ‘somewhat’ – 28%). In in-depth interviews, CSO members from Kandahar cited the insecurity, a lack of financial resources, and corruption, as the most important factors restricting their service delivery activities.

Table 32: Do you feel restrained by the state in the services you can provide?

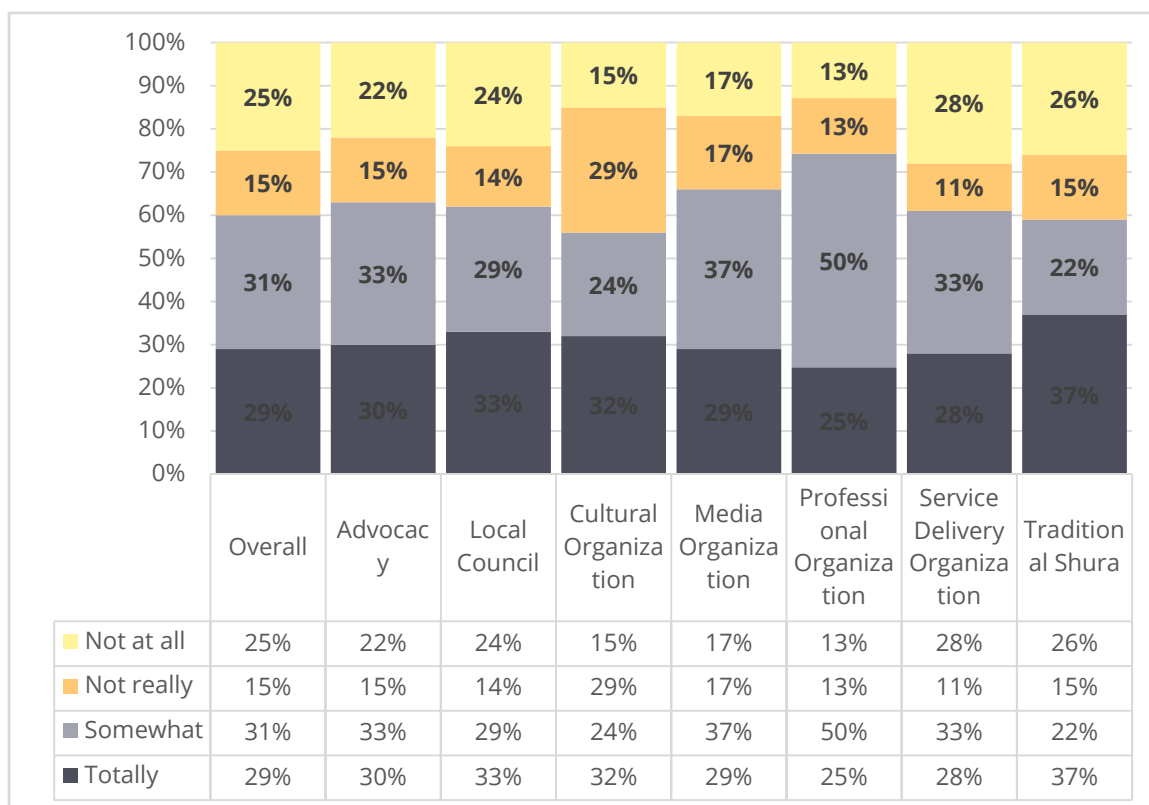
Location	Totally	Somewhat	Not really	Not at all
Bamyan	19%	46%	16%	19%
Herat	10%	30%	22%	39%
Kabul	29%	28%	15%	27%
Kandahar	59%	28%	7%	7%
Samangan	6%	50%	6%	38%
TOTAL	29%	31%	15%	25%

¹¹⁶ *Overview of Civil Society Organizations Afghanistan*, report prepared by the Asian Development Bank, June 2009

¹¹⁷ *Afghan People’s Dialogue on Peace: Building the Foundations for an Inclusive Peace Process*, report prepared by the United Nations Assistance Mission Afghanistan, June 2014

¹¹⁸ Jocelyn Viterna, Emily Clough, and Killian Clarke, *Reclaiming the “Third Sector” from “Civil Society”: A New Agenda for Development Studies* in: *Sociology of Development*, 1:1, 2015: 173

Table 33: Do you feel restrained by the state in the services you can provide (per type of CSO)?



The survey data shows that different types of CSO do not perceive the restrictions imposed upon them by the state in the realm of service delivery very differently (see table 36). At the highest end of the spectrum, 75% of professional organizations feel 'totally' (25%) or 'somewhat' (50%) restricted whilst at the lowest end of the spectrum 56% of cultural organizations feel 'totally' (32%) or 'somewhat' (24%) restricted. All other types of CSOs fall within this relatively narrow range.

In the focus group discussion as well as open-ended interviews it became clear that CSO representatives considered the restrictions on their provision of services not to be limited exclusively to those imposed by the state. For example, whilst CSO members cited a dysfunctional relationship with the government in general, and corruption specifically, as restrictions in their ability to provide services, many also commented on a lack of financial resources, as well as fewer projects being available. This suggests that the question was understood as, and serves more as, an indicator of how CSOs see their general interaction with the government, as well as their general operating environment, rather than the specific way in which the state limits the services that they can provide, which would go some way towards explaining the consistency in responses among different types of CSOs.

8.2. COORDINATION

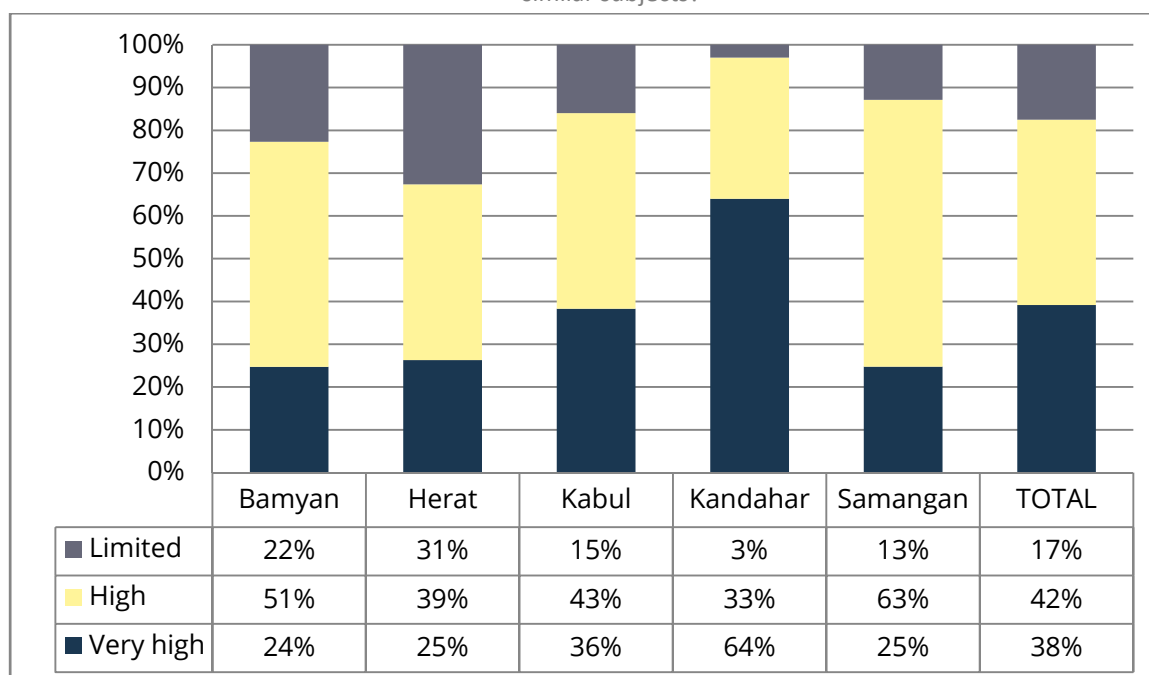
Coordination		
Sub-indicator 3.2	The extent to which CSOs collaborate with each other and the government in order to achieve their mission	0.73

8.2.1. COORDINATION AMONG CSOs

Increased coordination among CSOs has been identified as one of the main opportunities within the enabling environment for CSOs, and the 2015 EU report states that the support of coalitions of CSOs that can hold the government accountable in key thematic areas will be a main objective of future EU support to civil society.¹¹⁹

Asked how developed the level of coordination between respondents' organizations and other CSOs working on similar subjects was, 80% of CSO members found this to be at least high ('high' – 42% and 'very high' – 38%). In Kandahar (97%) this was particularly felt to be the case.

Table 34: How developed is the level of coordination between your organization and other CSOs working on similar subjects?



The relatively high level of coordination among CSOs in Kandahar ('very high' – 64%; 'high' – 33%) can be explained in reference to the fragile nature of civil society in southern Afghanistan. Insecurity, in general, was identified as a major reason during in-depth interviews for increased coordination among CSOs. The criticisms directed at CSOs by both conservative religious groups and the government were perceived as pressing threats by CSO members: *"if you insult an individual person then you will be killed or will have to flee from the place and no one will investigate about you or progress your case,"* said a CSO member from Samangan.¹²⁰ CSO members sought to circumvent at least some of the perceived dangers through the strengthening of ties with other CSOs, pointing to the power that exists in numbers, and the degree of anonymity that comes with being part of a larger group. The 2015 EU report also stresses the importance of coordination between CSOs in order to mitigate risks posed by insecurity also because increased communication could also facilitate warning systems.¹²¹

¹¹⁹ *Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017*, report prepared by the Delegation of the European Union in Afghanistan, September 2015: 24

¹²⁰ CSO Member, Male, Samangan FGD, June 2016

¹²¹ *Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017*, report prepared by the Delegation of the European Union in Afghanistan, September 2015: 17

In FGDs, members further perceived a trend whereby CSOs were increasingly meeting with one another, collaborating, and sharing best practices. These collaborative relationships with similar CSOs were motivated by a desire to bundle strengths, increase coverage, share knowledge, and take advantage of operative synergies. A Kabuli CSO member provides detail: “we meet other CSOs on different issues such as advocacy, demonstrations, women’s rights, children’s rights, and education rights for youth. We set a meeting on a day and we come together on that specific day.”¹²²Of all the provinces, CSO members in Bamyan were especially proud of their leading coordinating role, noting that “civil activists from Ghazni, Badakhshan and Parwan met us and they have used the experiences of Bamyan’s civil activists, nearby provinces came here to learn.”

These findings correspond to secondary data. The most successful CSOs, according to the 2012 Internews report *Signposting Success: Civil Society in Afghanistan*, nurture strategic partnerships with local elites, including media, politicians, and community members, and coordinate with other CSOs. Coordination among CSOs, the report argues, will facilitate the sharing of resources, improve advocacy efforts, CSO penetration into remote areas, and knowledge management. Increased coordination will further help deal with and avoid future instances of program duplication. Consequently, 90% of CSO members perceived coordination with other CSOs working on similar topics to be very important in the survey (see table 38). This is in line with slightly over half of the CSOs surveyed by the EU identifying partnerships with INGOS as one of their top priorities.¹²³

Table 35: do you think coordination with other CSOs working on similar subjects is important?

Location	Very important	Quite	Not really	Not at all
Bamyan	86%	14%	0%	0%
Herat	96%	4%	0%	0%
Kabul	87%	10%	2%	1%
Kandahar	91%	7%	3%	0%
Samangan	94%	6%	0%	0%
TOTAL	90%	8%	2%	0%

Among the different types of CSOs, the level of coordination within each type was also high (see table 39).

Table 36: Percentage of CSO members that found the level of coordination with other CSOs to be ‘very high’ or ‘high’ per type of CSO

Advocacy Organizations	87%
Local Councils	72%
Cultural Organizations	76%
Media Organizations	85%
Professional Organizations	75%
Public Service Delivery Organizations	84%
Traditional Shuras	81%

¹²² CSO Member, Male, Kabul FGD, June 2016

¹²³ *Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017*, report prepared by the Delegation of the European Union in Afghanistan, September 2015: 26

The majority of CSO members (71%) also stated that they were part of a CSO network (see table 40). Strategic partnerships within sectors have come about so that organizations with similar purposes could strengthen the impact of their work by sharing (often limited) resources and coordinating their efforts. Joining a network was more prevalent in remoter provinces such as Bamyan (86%) and Samangan (100%), as well as in relatively insecure provinces such as Kandahar (88%) than it was in the relatively safe, urban and better-resourced areas of Kabul (65%) and Herat (52%).

Table 37: Is your organization a member of a CSO network?

Location	Yes	No	Location	Yes	No
Bamyan	86%	4%	Kandahar	88%	12%
Herat	52%	48%	Samangan	100%	0%
Kabul	65%	35%	TOTAL	71%	29%

In remote and/or inhospitable areas such as Samangan, Bamyan, and Kandahar, being part of a network allowed CSOs to increase their coverage. The networks, in addition, allowed CSOs to circumvent security threats. For example, it was found that in a relatively insecure province such as Kandahar coordinated efforts often alleviated security concerns because of the fact that individuals and individual NGOs could remain anonymous when speaking out as a part of a much larger group. In Kabul, meanwhile, the lower percentage of CSOs joining networks can be attributed to the large number of CSOs in the capital that are competing for the same funding, leading to strong competition among CSOs and, consequently, lower levels of collaboration.

Networks fell into two broad categories: firstly, those that were donor-backed and formalized institutions (e.g. ACBAR), and secondly, those that have emerged out of informal grassroots processes. Networks were seen as also promoting strategic partnerships between these two types of CSO, connecting both elite CSOs and their grassroots siblings. The secondary data notes several NGO coordinating bodies and Civil Society Forums that operate in the country. The main coordinating bodies include Afghan NGOs Coordinating Bureau (ANCB), Agency Coordinating Body for Afghan Relief (ACBAR), Afghan Women’s Network (AWN), South and West Afghanistan and Balochistan Association for Coordination (SWABAC), Afghan Civil Society Forum (ACSF), and the Islamic Coordination Council (ICC).¹²⁴ In addition, most of the aforementioned bodies are a member of the Civil Society Joint Working Group (CS-JWG), the largest CSO coordinating body with over 1,400 members. The CS-JWG has led CSOs efforts in preparation of the 2014 London conference, and has signed a Memorandum of Understanding between civil society and the government.¹²⁵

In addition to these national coordinating bodies, several provincial-level CSO networks have sprung up in recent years. The most notable include the Mazar Civil Society Union with 84 members in Balkh province, which has arisen out of a grassroots process and has not received any donor support to date, as well as the Professional’s Shura in Herat which brings together over 1,000 professionals from various sectors.¹²⁶ In June 2016, a Civil Society Coordination Group was launched in Paktya province with the support of the United Nations.¹²⁷

¹²⁴ *Panorama of Civil Society Organizations in Afghanistan From the Perspective of Coordination*, report prepared by ACBAR (Dr. Marine Durand), January 2015

¹²⁵ British & Irish Agencies Afghanistan Group: <http://www.baag.org.uk/member/ayenda/csjpg> (accessed August 2016)

¹²⁶ *Signposting Success: Civil Society in Afghanistan*, report prepared by Altai Consulting for Internews, November 2012: 40

¹²⁷ *Civil Society Coordination Group Launched in Paktya with UN Support*, United Nations Assistance Mission Afghanistan (UNAMA): <http://unama.unmissions.org/civil-society-coordination-group-launched-paktya-un-support> (accessed August 2016)

CSO networks have also arisen out of specific events. For example, the Afghan Civil Society Election Network (ACSEN) was established when 60 CSOs came together in July 2013 to establish a network with the aim of ensuring the fairness and transparency of the 2014 presidential elections.¹²⁸

Within the FGDs, there were, however, complaints of a lack of coordination within networks, with some CSOs feeling that they were not treated as equals in discussions (see table 41), for example, in Herat, only 25% of respondents felt they were treated as equals. This suggests that whilst coordination formally takes place, gaps persist with regard to the quality of the coordination mechanisms in place.

Despite these perceptions, the positive responses to the other questions mentioned above contributed to the overall high score of 0.73 for coordination.

Table 38: Do you feel your organization is treated as an equal in discussions with other CSOs, the government and international organizations? Table displays 'yes' responses.

Location	Other CSOs	Government	International Organizations
Bamyan	27%	14%	51%
Herat	30%	28%	25%
Kabul	60%	60%	46%
Kandahar	80%	89%	89%
Samangan	38%	31%	38%

8.2.2. COORDINATION WITH THE GOVERNMENT

Government interaction with CSOs has been shaped not only by the existing laws (the NGO Law, the Law on Associations, the Tax Law, *et al.*) but also by key documents that detail the framework for government and civil society interaction, most notably the *Tokyo Mutual Accountability Framework* (2012), and the government's paper *Towards Self Reliance Strategic Vision for the Transformation Decade*.¹²⁹ More recently, the government's paper for the London Conference on Afghanistan *Realizing Self-Reliance: Commitments to Reforms and Renewed Partnerships* (2014) and the 2015 *Self-reliance through Mutual Accountability Framework* (SMAF) will guide the government's interaction with the international community and CSOs until the end of the National Unity Government's term.¹³⁰ Following from the commitments expressed in the SMAF, the government signed a Memorandum of Understanding with civil society.

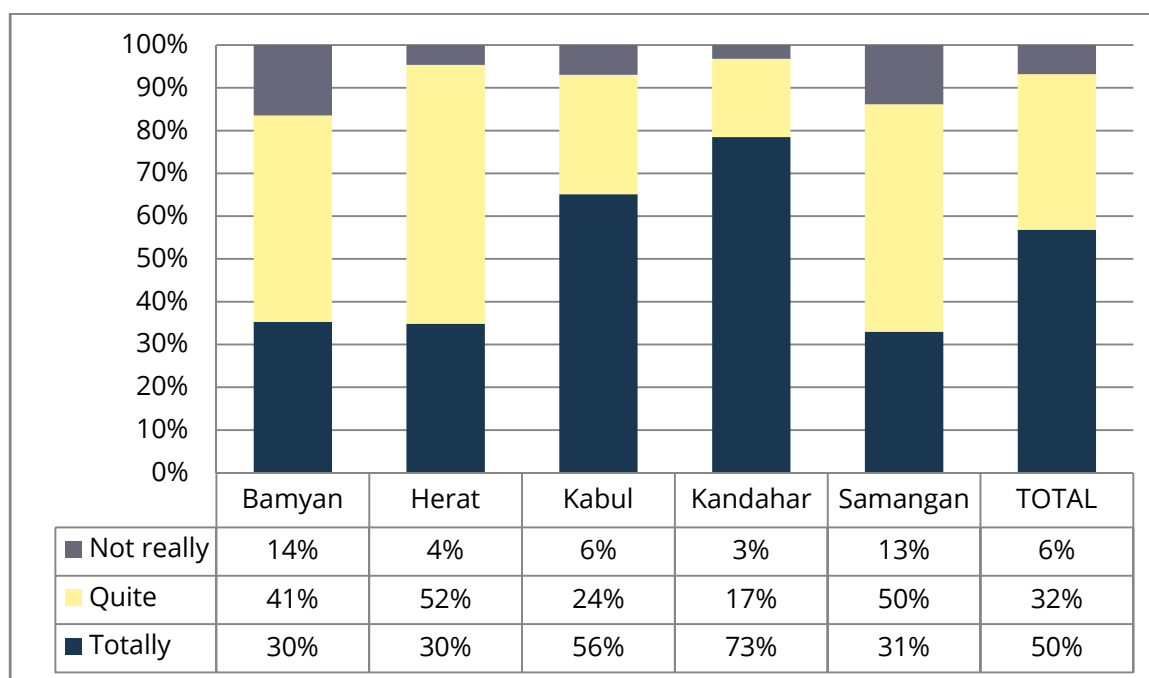
In response to the question whether CSOs were satisfied with their relationship with the government, CSO members were largely positive. Few CSO representatives declared to be 'not really' (6%) or 'not at all' (12%) satisfied (see table 42).

¹²⁸ *Afghan Civil Society Establishes Network to Support Election*, United Nations Assistance Mission Afghanistan (UNAMA): <https://unama.unmissions.org/afghan-civil-society-establishes-network-support-election> (accessed August 2016)

¹²⁹ *Towards Self Reliance: Strategic Vision for the Transformation Decade*, report prepared by the Islamic Republic of Afghanistan for the 2012 Tokyo Conference Report

¹³⁰ *Afghanistan and International Community: Commitments to Reforms and Renewed Partnerships*, report prepared by the London Conference on Afghanistan 2014, December 2014

Table 39: Are you satisfied with your relationship with the government?



In the in-depth interviews some CSO representatives also declared they had had positive experiences, as for instance reported by a CSO member from Herat: *“I visited the governor three months ago because of our project. He accepted us without any problem and we are optimistic about the government.”*¹³¹ Indeed, the mechanisms in place for CSO and government interaction at the provincial level are straightforward: a CSO member can arrange a direct appointment with any government official. At the national level, the CSO Office exists within the administrative office of the President and has been tasked with implementing the commitments stipulated under the Civil Society Memorandum of Understanding that was signed in the aftermath of the *Self-Reliance Mutual Accountability Framework* in 2015.

Secondary literature, however, has expressed concerns about the depth of connection that sometimes marks the relationship between CSOs and the government. Many CSOs have political connections within the government, especially at the provincial level where CSOs were under the influence of governors, Members of Parliament or other powerful elites.¹³² In Bamyan, for example, CSOs are frequently related to either of the two main power brokers in the province. In Herat, Mujib Rahman and Ismael Khan are connected to CSOs that help them secure popular support.

In statements of other FGD participants, however, a more negative picture of the coordination between CSOs and the government transpired: *“the most important challenge which CSOs face,”* according to a CSO member from Samangan, *“is the lack of contribution and cooperation of the government.”*¹³³ And *“Unfortunately there is not much attention from the government about meetings,”* said one CSO member from Bamyan.¹³⁴ Another from Herat shared the sentiment: *“the government tries to avoid meetings as much as it can.”*¹³⁵ CSO Members further stated that either the government ignores civil society, or it actively works against civil society. Thus a

¹³¹ CSO Member, Male, Herat FGD, June 2016.

¹³² *Panorama of Civil Society Organizations in Afghanistan From the Perspective of Coordination*, report prepared by ACBAR (Dr. Marine Durand), January 2015

¹³³ CSO Member, Male, Samangan FGD, June 2016

¹³⁴ CSO Member, Male, Bamyan FGD, June 2016

¹³⁵ CSO Member, Male, Kandahar FGD, June 2016

CSO member from Samangan noted that *“the government listens to us but it does not do anything,”*¹³⁶ whilst a Kabul-based CSO member found that *“governmental authorities make problems for civil society.”*¹³⁷ A lack of transparency and information provision was frequently offered as an explanation for CSOs’ dissatisfaction. The relationship between the two was also marred by a lack of capacity within the government: CSOs found that working with the government can invite interference, and at times corruption, and bureaucracy can slow down project implementation. INGOs such as Counterpart International have stipulated that the capacity building of CSOs must go hand in hand with the capacity building of the government, whilst Handicap International and Christian Aid have brought government and CSOs together in joint training programs.

Government officials on the other hand complained about the attitudes displayed by CSOs, as for instance an interviewee from Kandahar who said that *“we want to cooperate with them but they never ask for our cooperation in activities.”*¹³⁸ Other officials highlighted their own limitations in facilitating CSO requests: *“we cannot reach to everyone at once. We let CSOs do their jobs and we try our best to help them in the way we can. But we cannot say we are 100% supportive. There are areas that we cannot do anything for them as the government does not allow us to.”*¹³⁹

The dissatisfaction that pervaded many CSO members’ responses in regard to their relationship with the government was all the more wry because CSO members overwhelmingly (94%) believe that coordination with the government is important (see table 43). These perceptions dampened the positive scores awarded to the questions relating to coordination among CSOs and capped the overall score for the sub-indicator at 0.73

This dissatisfaction, according to the secondary data was not exclusive to CSOs. In 2015, the Asia Foundation *Survey of the Afghan People* found that satisfaction with the government has declined sharply since 2014 with just over half of respondents stating that the national government is doing a good job.¹⁴⁰

Table 40: Do you think coordination with the government is important?

Location	Totally	Quite	Not really
Bamyan	76%	24%	0%
Herat	99%	1%	0%
Kabul	94%	5%	1%
Kandahar	97%	3%	0%
Samangan	100%	0%	0%
TOTAL	94%	6%	0%

Going forward, the prospect of increasingly more development programs being implemented ‘on budget’ creates a window of opportunity, according to the 2015 EU report, for CSOs to strengthen their relationship with the government.¹⁴¹ To facilitate this process, both government and CSOs would benefit from becoming

¹³⁶ CSO Member, Male, Samangan FGD, June 2016

¹³⁷ CSO Member, Male, Kabul FGD, June 2016

¹³⁸ Government Official, Male, Kandahar, interview June 2016

¹³⁹ Government Official, Male, Kabul, interview June 2016

¹⁴⁰ *A Survey of the Afghan People*, report prepared by the Asia Foundation, 2015: 10

¹⁴¹ *Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017*, report prepared by the Delegation of the European Union in Afghanistan, September 2015: 19

more transparent and accountable in order to reduce the factors that feed the distrust between the two: the influence of local political elites, corruption, and a lack of mutual understanding.

8.3. CORRUPTION

Sub-indicator 3.3	Corruption (real/perceived): The extent to which perceived level of corruption does not affect the work of CSOs	- 0.12
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Corruption is a persistent problem in Afghanistan. Transparency International ranks Afghanistan 166th out of 168 in its 2015 Corruption Perceptions Index. The Asia Foundation *Survey of the Afghan People* notes that almost 90% of Afghan report corruption to be a problem in their daily lives in 2015, the highest percentage recorded in a decade.¹⁴² Similarly, Transparency International’s *Corruption in Afghanistan* report (2016) notes the judiciary as the most corrupt institution.¹⁴³

The 2012 United Nations report *Corruption in Afghanistan* distinguishes between ‘grand’ and ‘petty’ corruption. The first refers to corruption practiced at the highest levels of government leading to an erosion of confidence in governance and the rule of law, whilst the second concerns offences committed by lower level officials responsible for administrative procedures.¹⁴⁴ Whilst the former is often more shocking to the public, the latter can have equally devastating effects on the lives of ordinary Afghans.

Corrupt practices in Afghanistan fall into three broad categories. The first concerns bribery and related concepts such as *baksheesh* or *tofa* (literally: gift) that takes place both at a grand and petty scale. The second category concerns the means of corrupt procedures, mainly nepotism (*kheshkhor*) and relations of privilege with an official (*wasset* and *shenaz*). The final category concerns the difficulties that are made in order to extract bribes or necessitate calling upon personal relations in order to achieve something (*mushkiltarashi*).¹⁴⁵

CSO members singled out corruption as the main obstacle standing in the way of a productive relationship with the government. Responding to questions regarding whether government corruption affected the work of CSOs, three quarters of CSO members found that government corruption ‘somewhat’ (27%) or ‘totally’ (48%) affected their work, contributing to the negative score of 0.12 for the sub-indicator corruption. Kabul stood out on account of the high percentage of CSO members stating that government corruption has ‘totally’ affected their work (59%). This corresponds to findings of the Asia Foundation *Survey of the Afghan People* which found that Kabul, in addition to Helmand, was the province where the highest proportion of residents said that corruption was a major problem.¹⁴⁶

In-depth interviews corroborated the survey data: “Unfortunately we do not have a good relationship with the government due to corruption,” said a CSO member from Herat.¹⁴⁷ Another commented that “most of the governmental administration are involved in corruption and they do not do their duties unless they receive a

¹⁴² *A Survey of the Afghan People*, report prepared by the Asia Foundation, 2015: 10

¹⁴³ *Corruption in Afghanistan: What Needs to Change*, report prepared by Transparency International, 2016

¹⁴⁴ *Corruption in Afghanistan*, report prepared by the United Nations Office for Drugs and Crime, 2012: 3

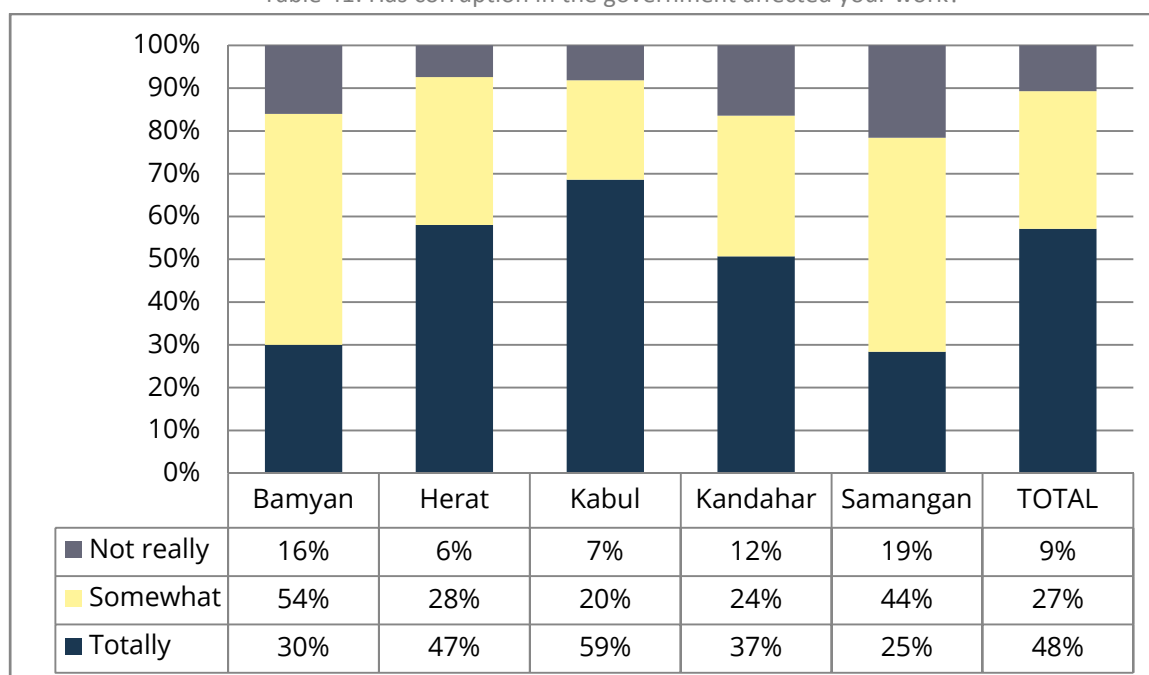
¹⁴⁵ *Afghans’ Experience of Corruption: A Study Across Eight Provinces*, report prepared by Integrity Watch Afghanistan (IWA), March 2007: 15-16

¹⁴⁶ *A Survey of the Afghan People*, report prepared by the Asia Foundation, 2015: 10

¹⁴⁷ CSO Member, Male, Herat FGD, June 2016

bribe. Yes, I have experienced corruption and communication problems.”¹⁴⁸ Many others preferred to not even talk about corruption issues within the government: “in this regard, I do not wish to talk,” said a CSO member from Kabul.¹⁴⁹

Table 41: Has corruption in the government affected your work?



Interviews with government officials supported the view of CSOs. For example, one official from Kandahar stated that “I cannot point out exactly how CSOs are impacted by corruption but what I can say in this regard is that everyone in Afghanistan is currently affected by corruption. Corruption has influenced not only CSOs but all active organs in Afghanistan so I cannot deny its influence on CSOs too but I have no idea how exactly it affects CSOs.”¹⁵⁰ A Kabul government official added: “CSOs want to do a lot but these corruptions are limiting their work. From the time of registration to implementation we all face this.”¹⁵¹

These negative sounds persist despite steps undertaken by the government to fight corruption. In 2008 the Government of Afghanistan ratified the United Nations Convention Against Corruption (UNCAC) which criminalizes various types of corruption by individuals from both the public and private sector, including bribery, embezzlement, abuse of power, and nepotism.¹⁵² It is also the only legally binding universal anti-corruption instrument. It subsequently promulgated a law against corruption and bribery. Failing to institutionalize anti-corruption activities through establishment of the General Independent Administration for Anti-Corruption (GIAAC), then-President Karzai signed the Law on Supervision and Implementation of Anti-Corruption Strategy (LSIACS) in 2004. As a result the High Office of Oversight and Anti-Corruption (HOOAC), the country’s anti-corruption agency, was established in 2008.¹⁵³ In 2014, the government passed an Access to Information Law. Most recently, at the end of June 2016, President Ghani ordered the establishment of an independent Anti-corruption Criminal Justice Center to prosecute government officials accused of

¹⁴⁸ CSO Member, Male, Herat FGD, June 2016

¹⁴⁹ CSO Member, Male, Kabul FGD, June 2016

¹⁵⁰ Government Official, Male, Kandahar, interview June 2016

¹⁵¹ Government Official, Male, Kabul, interview June 2016

¹⁵² *Corruption in Afghanistan 2012*, report prepared by the United Nations Office on Drugs and Crime, December 2012: 3

¹⁵³ *National Integrity System Assessment Afghanistan 2015*, report prepared by Transparency International, 2016: 26

corruption.¹⁵⁴ President Ghani has authorized the Major Crime Task Force to arrest anyone involved in corruption including governors, deputy ministers and ministers. He also promised to double the size of this organization to effectively fight corruption. The fact that these steps and institutions are effecting minimal perceived change is due to the fact that those in positions of power, both formal and informal, enjoy impunity due to a dysfunctional law enforcement and judicial system over which they assert a strong influence, according to the 2016 Transparency International Report.¹⁵⁵ Thus the High Office for Oversight and Anti-Corruption has proven utterly ineffective, and has had its investigative and prosecutorial powers removed in 2015 as most of the corruption cases it had previously initiated were believed to be politically motivated.¹⁵⁶

In regard to the different types of corruption, of the 84% of CSO members that said government corruption, however little, had affected their work, nepotism (60%) and bribery (59%), closely followed by fraud (53%) were perceived to be the most common forms of government corruption. The different types of corruption were seen to be having different implications for the enabling environment for CSOs. Nepotism, or the favoritism shown and patronage granted to relatives and friends with disregard for the competencies and merits of individuals, was tainting the perception of the government by CSOs and feeding distrust whilst gnawing away at goodwill. Government officials were reportedly demanding jobs for relatives and friends in civil society projects: *“sometimes in some areas for implementation of a project, government officials want us to find jobs in this project for their friends or for their relatives,”* according to a CSO member from Herat. *“For example we apply for a project but they give it to the person that they know (family relations).”*¹⁵⁷ And *“governmental officials are very corrupt, the positions are not given to the right person,”* a CSO member from Kabul complained. Bribes were perceived as straining the often already meagre budgets of CSOs. If bribes were not paid, projects would be delayed, thus becoming, as one CSO member from Kabul said, a *“waste of our time.”*¹⁵⁸

In regard to the question of whether the CSO sector was corrupted, survey responses were divided almost in half with 52% finding the sector not really (17%) or not at all (35%) corrupted. Conversely, 42% found the sector to be somewhat corrupted whereas a relatively meagre 6% found the sector to be totally corrupted (see table 47).

Table 42: What types of government corruption have affected your work?

Extortion	27%
Embezzlement	46%
Fraud	53%
Bribery	59%
Nepotism	60%

¹⁵⁴ *Establishment of Anti-Corruption Criminal Justice Center Critical to Fighting Corruption in Afghanistan*, Government Media & Information Center (GMIC): <http://www.gmic.gov.af/english/analysis/406--establishment-of-anti-corruption-criminal-justice-center-critical-to-fighting-corruption-in-afghanistan>

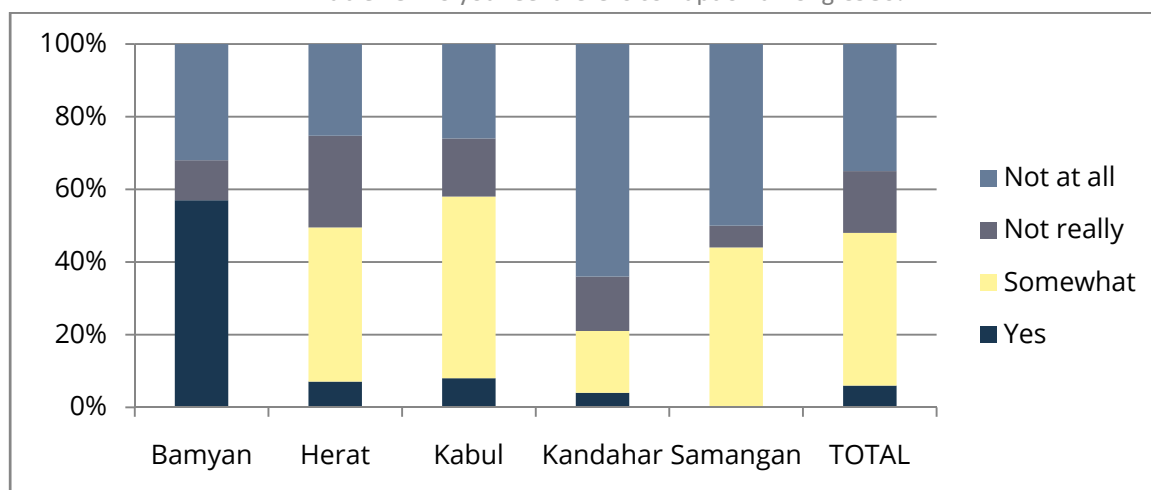
¹⁵⁵ *National Integrity System Assessment Afghanistan 2015*, report prepared by Transparency International, 2016: 15

¹⁵⁶ *National Integrity System Assessment Afghanistan 2015*, report prepared by Transparency International, 2016: 15

¹⁵⁷ CSO Member, Male, Herat FGD, June 2016

¹⁵⁸ CSO Member, Male, Kabul, interview June 2016

Table 43: Do you feel there is corruption among CSOs?



Within the CSO sector, corruption leads to distortions in project outcomes, and undermines trust and confidence in both the government and CSO sectors. Reports have also suggested that corruption further compounds slow modernization (indicator 2.4) as a lack of human resource capacity has been linked to the prevalence of nepotism leaving unqualified people in positions of power and responsibility.¹⁵⁹ Corruption, in turn, is facilitated by a lack of transparency (indicator 3.4) and accountability, including efficient monitoring and evaluation systems.¹⁶⁰

As was perceived to be the case in regard to government corruption, nepotism (70%), fraud (53%), and bribery (41%) were seen as the most common forms of corruption within the CSO sector. The perceived occurrence of nepotism, however, was relatively much higher within the CSO sector than within the government with some CSOs seen as multipliers of nepotism, perpetuating the practice from the level of the government all the way down to the grassroots.

One CSO member from Herat had heard of CSO management decreasing staff salaries in order to increase their own: *“some organ of civil society decreased the salary of their staff and took it for themselves and some of them don't implement the project and all their works are fraudulent.”*¹⁶¹ The distrust and negative perception that is generated on account of such instances of fraud can taint the image of CSOs within the community as well as community support (indicator 2.2), representation (indicator 2.3), and the modernization of the sector (indicator 2.4) all of which impact the enabling environment for CSOs.

In regard to the anti-corruption role that CSOs can play in relation to the government, Integrity Watch Afghanistan and the Afghan Anti-Corruption Network (AACN), a young volunteer group, have taken the lead. Media organizations have also put forth an important anti-corruption effort through investigative journalism.¹⁶² Nevertheless, previous reports found this role to be almost non-existent as CSOs felt unable to

Table 44: What types of corruption within the CSO sector are common?

Extortion	20%
Embezzlement	40%
Bribery	41%
Fraud	53%
Nepotism	70%

¹⁵⁹I-Pang Fu, *Favoritism: Ethical Dilemmas Viewed Through Multiple Paradigms* in: The Journal of Values-Based Leadership 8:1, 2015

¹⁶⁰Fully Implemented MEC Recommendations, report prepared by the Independent Joint Anti-Corruption Monitoring and Evaluation Committee, January 2015

¹⁶¹CSO Member, Male, Herat FGD, June 2016

¹⁶²Afghanistan Country Summary, report prepared by Human Rights Watch, 2016

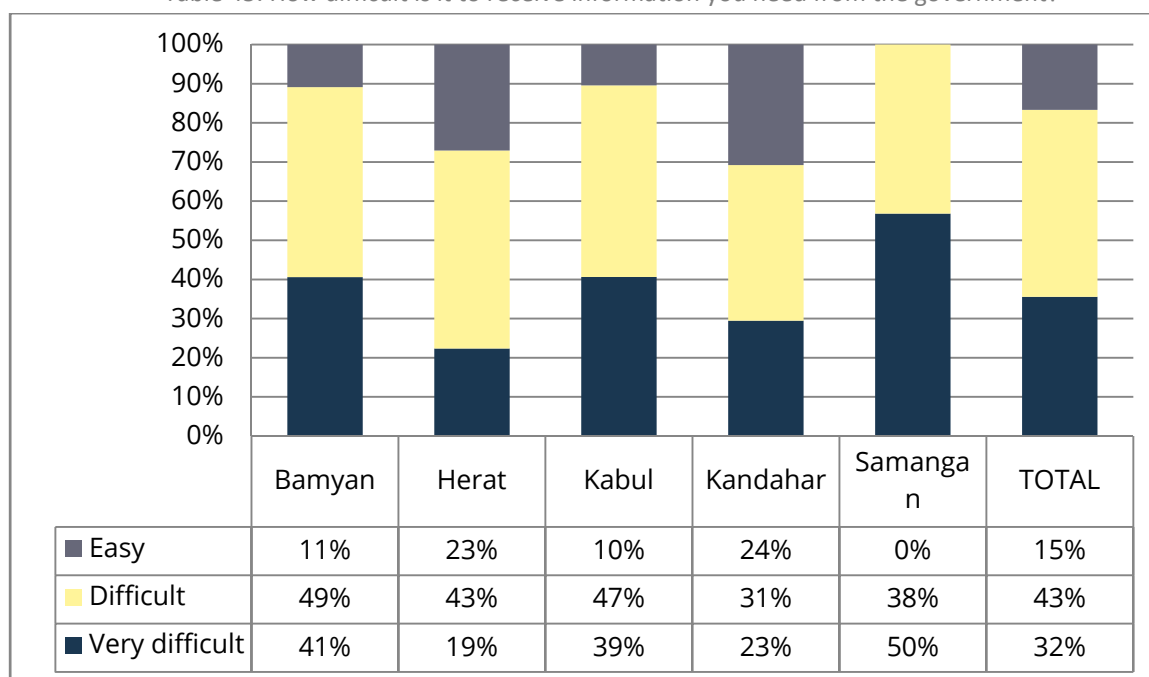
challenge the government due to the dangers associated with this kind of work and the negative impact it could have upon CSO coordination with the government (indicator 3.2), including the threat of closure, an observation that reflects upon facilitation (indicator 3.5). For example, ACSFo had many of its provincial offices closed after starting an anti-corruption initiative.

8.4. TRANSPARENCY

Sub-indicator 3.4	Transparency: The extent to which the government is transparent in its dealings with CSOs	- 0.1
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CSO members were asked how difficult they found it to receive information they needed from the government. On average, in Bamyan (90%), Samangan (88%), and Kabul (86%) most of the CSO members found it at least quite difficult to receive needed information from the government. For Herat and Kandahar this percentage was relatively lower (61% and 54%, respectively) although a majority of CSO members in the two provinces still considered receiving information from the government at least quite difficult. This is reflected in the negative score of -0.1 for the sub-indicator.

Table 45: How difficult is it to receive information you need from the government?



In FGDs CSO members remarked upon the process to request information as being long and there being too many interlocutors. The government was said to give incomplete or untruthful information, or not give the information at all: *“they do not provide the correct information to us,”* said one CSO member from Bamyan.¹⁶³ Or *“they do not provide complete information to us,”* according to a CSO member from Herat.¹⁶⁴ In Samangan one CSO member noted that *“the government never provides us with the information that we need and we even do not have the right to ask for the information, while CSOs should have this right.”*¹⁶⁵ In Kabul, one CSO

¹⁶³ CSO Member, Male, Bamyan, interview June 2016

¹⁶⁴ CSO Member, Male, Herat, interview June 2016

¹⁶⁵ CSO Member, Male, Samangan FGD, June 2016

member stated, “There is very little transparency in the government. The government makes obstacles instead of making ease.”¹⁶⁶ According to an official in Samangan this is “because in some cases there is secret information that we cannot give to them.”¹⁶⁷

The Afghan government has taken some steps to increase its transparency. It committed itself to greater transparency in the 2012 Tokyo Mutual Accountability Framework as the contemporaneous conference highlighted that progress in increasing government transparency was slow.¹⁶⁸ In regard to budget transparency, the Citizen’s Budget – a simplified digest of the national budget – allows for wide dissemination of the budget in a simplified format.¹⁶⁹ The government’s transparency in its dealings with CSOs has further been facilitated by the signing into law of the Access to Information Law by President Ghani in December 2014. The law ensures citizens the right to access information from government institutions, thus increasing their transparency and accountability to the people. Article 50 of the Afghan Constitution had previously guaranteed citizens some right to access information from government departments. Access to information is also enshrined under the Mass Media Law of 2009.¹⁷⁰

Despite regulatory provisions on access to information however, civil society, and journalists especially, continue to face violence, notes the 2015 EU report. According to the Afghan Journalists Safety Committee journalists find minimal application of both laws, and CSOs have been pushing for its full implementation.¹⁷¹ The survey results, in addition, show that despite the legal provisions taken to increase transparency, their actual enactment and effects thereof are not very noticeable to CSOs and, accordingly, are not seen to facilitate their work much. This corresponds also to the findings concerning the legal framework (indicator 1) which attest to a gap between the written law and its comprehensive application.

8.5. FACILITATION

Sub-indicator 3.5	<p>Facilitation</p> <p>The extent to which state facilitates and promotes the work of CSOs</p>	0.51
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Asked whether the state is supportive of CSOs’ activities, 37% of survey respondents found the state to be ‘very supportive’ whilst a further 49% considered it to be ‘supportive’ (see table 50). Kandahar once more stood out on account of 69% of respondents from the province finding the state ‘very supportive’ and 20% ‘supportive.’ The latter finding corresponds to the attention that both the state and the international community have bestowed upon Kandahar.

These survey results reflect the efforts undertaken by the government to support civil society in recent years. At the 2012 Tokyo Conference on Afghanistan, the Afghan government expressed its commitment to civil

¹⁶⁶ CSO Member, Male, Kabul, interview June 2016

¹⁶⁷ Government official, Male, Samangan, interview June 2016

¹⁶⁸ *Special Report: Lessons and Opportunities from the Tokyo Mutual Accountability Framework*, report prepared by the United States Institute of Peace (USIP), September 2015

¹⁶⁹ *Citizen’s Budget: A Simplified Version of the National Budget*, report prepared by the Islamic Republic of Afghanistan, 2014

¹⁷⁰ *Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017*, report prepared by the Delegation of the European Union in Afghanistan, September 2015: 16

¹⁷¹ *Dispatches: Tightening Chokehold on Afghanistan’s Media*, report prepared by Human Rights Watch, April 2015

society: “The Government recognizes the importance of involvement of civil society in implementation of the development strategy and looks forward to strengthen the working relationships during the transition and transformation periods. The civil society can play an important role in: delivery of services through the government and non-government programs; providing inputs in the policy formulation especially with regard to needs on the ground; strategically communicating the messages and content of the government programs to the society at the grass-roots level; and becoming the eyes and ears of the government by providing feedback on how the government programs are affecting the population.”¹⁷²

The National Unity government under President Ghani, incumbent since 2014, reiterated its commitment to a thriving civil society in the communiqué accompanying the 2014 London Conference. The government expressed its dedication to a constructive, ongoing dialogue with civil society, to ensure its involvement in political processes, strengthening rule of law and development, and oversight and monitoring of the Tokyo Mutual Accountability Framework.¹⁷³ In the *Self Reliance through Mutual Accountability* document, adopted by the government in 2015, the government committed to adopt a Memorandum of Understanding with civil society which it did by the end of 2015.¹⁷⁴

Since then, the National Unity Government has worked closely with the Civil Society Joint Working Group (CS-JWG) which includes over 1,400 CSOs, and facilitates nationwide networking, coordination, service delivery and joint advocacy efforts. The government, in addition, has established a Special Representative of the President in the Reforms and Good Governance office tasked to ensure civil society’s involvement in reforms. In FGDs, however, when pressed on the provision of state support, complaints about facilitation emerged. For example, a CSO member from Kabul argued that “one of the reasons that CSOs have not achieved any success is the lack of government support.”¹⁷⁵ These complaints correspond to the mixed findings relating to CSO and government coordination (indicator 3.2).

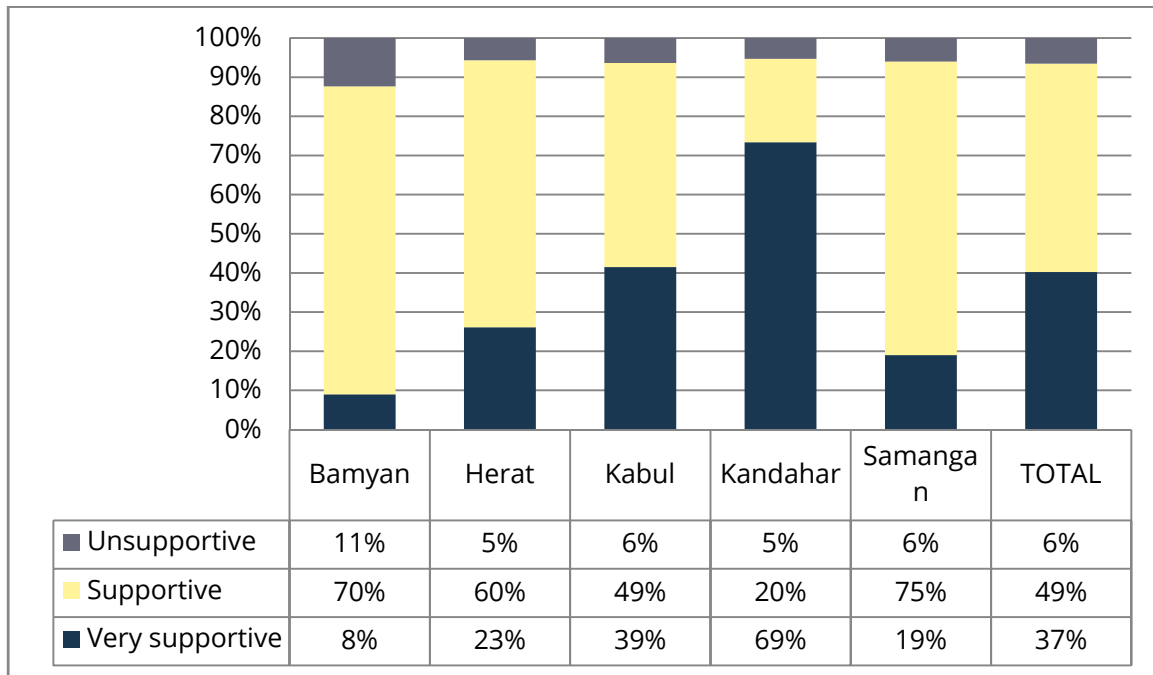
¹⁷²*Towards Self Reliance Strategic Vision for the Transformation Decade*, report prepared by the Islamic Republic of Afghanistan for the 2012 Tokyo Conference: 22

¹⁷³*Afghanistan and International Community: Commitments to Reforms and Renewed Partnerships*, report prepared by the London Conference on Afghanistan 2014, December 2014

¹⁷⁴*Self-Reliance Through Mutual Accountability Framework*, report prepared by the Islamic Republic of Afghanistan, September 2015

¹⁷⁵ CSO Member, Male, Kabul FGD, June 2016

Table 46: Is the state supportive of your activities?



8.6. SUMMARY

Indicator 3	The extent to which the governance environment (the application of law and use of authority) is conducive to the work of CSOs	0.17
Sub-indicator 3.1	Service provision: The extent to which the environment is supportive for CSO involvement in service provision	- 0.12
Sub-indicator 3.2	Coordination The extent to which CSOs collaborate with each other and the government in order to achieve their mission	0.73
Sub-indicator 3.3	Corruption (real/perceived): The extent to which perceived level of corruption does not affect the work of CSOs	- 0.12
Sub-indicator 3.4	Transparency: The extent to which the government is transparent in its dealings with CSOs	- 0.1
Sub-indicator 3.5	Facilitation The extent to which state facilitates and promotes the work of CSOs	0.51

With the lowest score (0.17) of all of the main indicators, the governance environment for CSOs presents some key issues that obstruct an overall supportive enabling environment for CSOs. Notably among these is service provision, corruption, and, linked to corruption, a lack of transparency.

Each of these sub-indicators received negative scores (-0.12, -0.12 and -0.1, respectively). In regard to the ways in which the state restricts the service provision of CSOs, the negative score of -0.12 seems motivated by CSOs' perception of their generally dysfunctional relationship with the government rather than specific to service delivery.

The negative scores for corruption (-0.12) and transparency (-0.1) attest to the fact that a solid legal system (indicator 1) serves only limited purpose when it cannot be consistently upheld in practice. In regard to transparency, whilst the right of access to information is ensured both under the constitution and the 2014 Access to Information Law, it in practice is flaunted. The lack of mechanisms to ensure transparency in government dealings with CSOs is linked to the issue of corruption which can further undermine any legal provision intended to protect and facilitate the work of CSOs in Afghanistan, registration being a case in point. Corruption also negatively impacts the relationship between CSOs and the government, fueling distrust. The fact that corruption and a lack of transparency continue to thrive reflects negatively upon the state's ability to ensure rule of law and more generally its ability to generate a facilitating environment for CSO activities. The relatively high score of 0.51 for facilitation can be regarded as reflective of recent steps undertaken by the government towards a more supportive environment for CSOs as well as the limited ability of the closed-ended survey to grasp CSO perceptions comprehensively.

On the positive side of the spectrum, whilst coordination scored 0.71, this high score is an average of the very well perceived coordination among CSOs and poorer coordination between CSOs and the government. Coordination among CSOs has improved significantly, and in line with priorities set by donors, as was made clear by the number of CSOs that are part of a network. Both insecurity and a lack of capacity were identified as driving increased coordination, especially in provinces where both are seen as prevalent.

Individual CSO member responses to questions relating to coordination with the government varied greatly. What is clear, however, is that coordination with the government, one of the most prominent interlocutors of civil society, is strained, and that it is of tantamount importance to a host of other indicators, including legal framework, advocacy, service provision, and corruption, among others. CSOs and the government must, therefore, work towards a more consistent relationship that is not affected by the capriciousness of individuals within the government. Trust-building and awareness raising workshops have been mentioned as means of working towards such a relationship.

9. CASE STUDY WOMEN'S RIGHTS ORGANIZATION

The case study in Herat concerns a women's rights and advocacy organization (*dadkyuahi*) that was founded in 2002 in the province's capital. The CSO runs activities throughout the western region of Afghanistan, including the provinces Badghis, Ghor, and Farah. Its objectives are threefold: firstly, to build the capacity of civil society in the region, secondly, to protect the legal and social rights of women, and finally, to facilitate conflict resolution. The organization aims to realize these objectives by organizing conferences, hosting awareness-raising events, and focus group discussions.

The organization has 40 employees all based in the central office in Herat. Most employees make \$700 per month, managers can make up to \$1000-1500 per month. They come from backgrounds in media, economy, literature, and psychology. 21 out of the 40 employees are female. In addition, 5 volunteers are active.

9.1. LEGAL FRAMEWORK & SOCIO-CULTURAL ENVIRONMENT

The case study in Herat highlighted the gap between the legal right to freedom of expression and the difficulties in exercising this right in a socio-culturally conservative environment such as Herat that was similarly remarked upon by both FGD participants and interviewees. The case study also underscored the linkages between the socio-cultural environment and the legal framework. One of the CSO's members, for example, attributed the cause for limited freedom of expression for women to the dominant cultural paradigm "dictated by mullahs and 'white beards'" and the conservatism pervading the province in general. "Herat is a conservative province, the women's clothes, for instance, what you see in Kabul would be impossible in Herat."

The CSO has experienced some very specific attacks aimed at curbing its activities and silencing its voice. When the CSO set up a radio station for women in 2005, Ismael Khan, then governor of Herat, opposed it, and even threatened to burn it. More recently, in 2013, a popular cleric in Herat with thousands of followers preaching weekly at the Ansari shrine, was threatening both women and CSOs in general. In one of his sermons, he criticized women rights organizations specifically, accusing them of encouraging women to go out *bi-hijabi* (without the veil) as well as acting against Islam in general. As a consequence, the CSO saw no other way but to close its office that was close to the Ansari shrine in order to protect its staff, keeping a low profile for the months following.

The CSO, however, is committed to its mission, and thinks it is necessary to take risks if one wants to change society. In addition, **it feels supported by the government in Herat, which it considers to be strong.** The government sets limits that people like Mujib Rahman know they should not cross.

In regard to taxation, the CSO is exempt from income taxation on its programs as it is a not-for-profit organization. It does, however, pay tax on salaries (2%, 10% or 20% depending on the salary amount), 10% on building rent, and 7% on car rent.

9.2. GOVERNANCE

The case study in Herat attested to CSO interaction with the government being multifaceted, and involving a number of different counterparts. At the provincial level, the CSO interacts with four different ministry directorates: the directorate of Women Affairs, the directorate of Justice, the directorate of Rural Rehabilitation, and the directorate of Public Health. The latter two directorates are relevant to the CSO's activities dealing with internally displaced peoples (IDPs) and trauma healing, respectively. At both the provincial and national level, the CSO interacts with the Ministry of Economy for its registration as well as the

bi-annual reports that registration demands. Relationships with government authorities were limited to the province and national levels and almost non-existent in regard to the municipality of Herat.

The CSO regards its relationship with the government to be good and transparent, stating that “they know everything about our programs.” **The CSO’s involvement in the decision-making process at the policy level stood out:** two representatives from the CSO participate in decisions made by the Ministry of Women Affairs, allowing for input from civil society into government policy, coordination with the government ahead of programmatic roll-out, and general participation.

One of the mechanisms facilitating this interaction is the Provincial Development Committee presided over by the governor of Herat. This Committee includes CSOs, the provincial council, and governmental departments, and was established three years ago. The Committee provides CSOs with a platform to present their projects, to provide and receive feedback, and to engage in consultation. The government, in turn, presents CSOs with the progress on its own projects. **The Committee has improved coordination with the government significantly.**

The CSO remarked upon its excellent relationship with the governor of Herat, and the deputy governor, especially. This positioned the CSO well to provide input into local government decisions, and meant it felt supported in its activities by the authorities. **The CSO illustrated the importance of and weight carried by the individual provincial governor for the enabling environment for CSOs,** stating that the previous governor, Fazlullah Wahidi, was weary of NGOs, accusing them of being corrupt, and forcing CSOs to disclose their detailed budgets in all of the districts in which they were operative. Now that the governor has changed, the enabling environment for CSOs in Herat has improved dramatically. The new governor is understanding of the needs of CSOs and willing to cooperate with them.

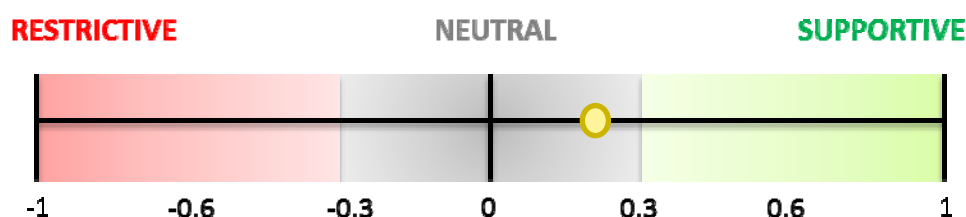
In regard to interaction with other CSOs, the CSO is part of the Herat Social Society Network, and coordinates with CDCs both in the villages and districts, especially with women *shuras* at the district level. These *shuras* exist in each of Herat province’s fifteen districts, and are comprised of elected women and fall under the auspices of the Ministry of Women Affairs

9.3. FUNDING

The CSO’s main donors are all international organizations, notably the United States Agency for International Development (USAID), Right and Democracy, the National Endowment for Democracy, the United States Institute of Peace (USIP), World Vision, the European Union, UNICEF, and UNHCR. The CSO receives no funding from the Afghan government.

The CSO is hopeful that with the continued international presence, international funding for CSOs will remain in place. “CSOs in Afghanistan depend on foreign donors. We are not like India or other countries that can finance their own CSOs.” Because of the decrease in available funding, 62 CSOs have had to close in Herat since 2014 according to the CSO.

10. FINANCIAL VIABILITY



Indicator 4	The extent to which the funding environment allows CSOs to shape their activities according to their mission.	0.2
Sub-indicator 4.1	Funding process: The extent to which CSOs are able to access funding	0.08
Sub-indicator 4.2	Financial independence: The extent to which CSOs are financially independent	0.32

Financial Viability received the second lowest (0.2) overall score of the four main indicators. CSOs' access, especially, received a relatively low score of 0.08 that reflects concerns about the present and future availability of funding in Afghanistan. In what follows, the perceptions that fed the index and resulted in this scoring will be assessed as well as complementary qualitative data and relevant secondary material.

10.1. FUNDING PROCESS

Sub-indicator 4.1	Funding process: The extent to which CSOs are able to access funding	0.08
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Donor funding has contracted over the last several years, leading to increased competition among CSOs for financial resources. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reports that overall humanitarian contributions across sectors (that is exclusively off-budget) has dropped from \$894 million in 2011 to \$433 million in 2015, and only \$179 million to date in 2016.¹⁷⁶

In the first few years following the fall of the Taliban regime in 2001, the greater part of foreign assistance was channeled directly to United Nations agencies, private contractors and CSOs, circumventing the government's development budget. In the years 2002-2004, for example, according to the 2009 ADB report *Overview of Civil Society Organizations Afghanistan*, of the \$4.3 billion in foreign assistance, \$1.2 billion was allocated to the government development budget. \$3.1 billion, however, was allocated 'off-budget,' of which \$2 billion supported United Nations agency activities, \$705 million was awarded to private contracts, and \$413 million was set aside to support the activities of CSOs.

Following adoption of the 2012 Tokyo Mutual Accountability Framework, donors agreed that henceforth 50% of development aid needs to be on-budget. The Afghanistan Reconstruction Trust Fund (ARTF) is the multi-

¹⁷⁶Financial Tracking Service, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA): <https://fts.unocha.org/pageloader.aspx?page=Trend-TrendAnalysis> (accessed August 2016)

donor trust fund that disburses foreign aid 100% on-budget. ARTF shows that money allocated to the government’s development budget has steadily increased since 2002 and peaked in 2013-2014 at almost \$750 million.¹⁷⁷ As fund allocation to the ARTF increases but overall funding from main development partners such as the United States and United Kingdom is decreasing, less direct (non-government) funding becomes available for CSOs.

In addition, many international donors have heightened their eligibility requirements for funding. Applicants are asked to submit audit reports and information on strategies, policies, premises, internal governance and organizational structures, and financial procedures. Thus, whilst there are no legal barriers to accessing domestic or foreign funding for either NGOs or associations, the funding process, however, presents technical challenges that are especially burdensome for less professionalized CSOs: the funding mechanisms preclude small CSOs with poor internal technical capacities to access funding whilst the same group of donor-darlings is continuously allocated funds, thus consolidating rather than diversifying the CSO environment.¹⁷⁸

Accordingly, access to funding emerged as a key issue for many CSOs, their biggest concern in the period following the security transition. Asked what the level of difficulty is in accessing funding, 90% of CSO members across the provinces found it ‘difficult’ (40%) or ‘very difficult’ (50%) to access funding (see table 51), despite the fact that a similar percentage (91%) of CSO members felt the procedures for accessing funding were clear and accessible to all (see table 52). These findings contributed significantly to the low scoring for the sub-indicator.

Table 47: What is the level of difficulty in accessing funding?

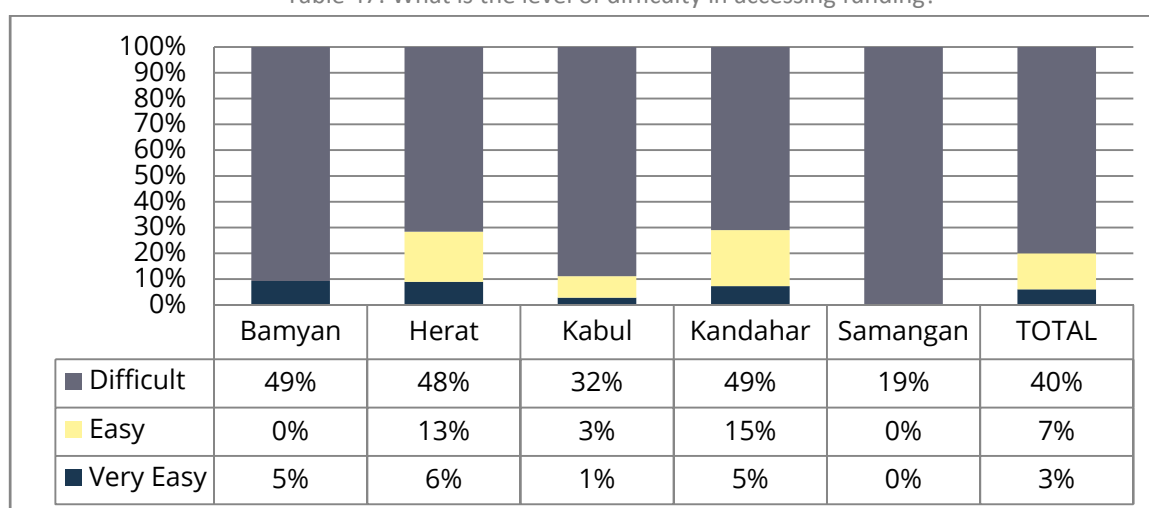


Table 48: Do you feel the procedures for accessing funding are clear and accessible to all?

Location	Accessible	Neutral	Inaccessible
Bamyan	62%	30%	8%
Herat	41%	52%	7%
Kabul	38%	48%	14%
Kandahar	72%	25%	3%
Samangan	56%	38%	6%
TOTAL	48%	43%	9%

¹⁷⁷ARTF Financing Strategy FY1394-1396 (2015-2017), report prepared by the Afghanistan Reconstruction Trust Fund (ARTF), 2014

¹⁷⁸Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017, report prepared by the Delegation of the European Union in Afghanistan, September 2015: 21

Reports across the board echoed a concern about future availability of funding for CSOs. Two thirds of EU-surveyed CSOs in 2015 considered fundraising to be one of their top 5 capacity priorities. This finding is in line with the UNAMA 2014 civil society mapping exercise which revealed that 47% of organizations have the capacity to attract formal funding for their activities whilst only 20% has access to donor funding on a regular basis.¹⁷⁹ The international community also shares CSOs’ concern about available funding. Ahead of the security transition of 2014, funding, was one of the key issues at the 2012 Tokyo conference.¹⁸⁰

In FGDs, CSO members also pointed to a shortage of donor funding. One member from Bamyan stated that last year “there was a shortage of donors and a lack of strong resources for our activities” and “donors have decreased their budget the past year.”¹⁸¹ And one member from Samangan commented that “it is very difficult to have access to funding. That is why last year we faced some problems.”¹⁸² These statements are in line with the aforementioned decrease in development assistance to Afghanistan in recent years.

Of the 40 CSO members that took part in in-depth interviews, 28 (or 70%) attributed the difficulties to a lack of internal resources necessary to apply for funding, particularly, the inability of some CSOs to speak the donors’ language, and a lack of capacity writing proposals that are acceptable to the international donor community: “we have a problem with proposal writing,” stated a CSO member from Samangan.¹⁸³ This issue is likely to be exacerbated as both international donors and the government increase eligibility requirements for funding. This links access to funding directly to the modernization of the sector, specifically, the need for external technical assistance (indicator 2.4). It should be noted, however, that the same modernization or professionalization efforts needed to attract funding, also are likely to drive up operating costs. The 2015 EU report notes that given the vast variety of CSOs’ internal capacities, a one-size-fits-all funding procedure will not suffice in donor engagement with CSOs. It, thus, recommends multiple ‘tiers’ of engagement with different budget allocations and application procedures.

The effects of the difficulty of accessing funding resulted in insufficient funds to operate for 48% of respondents (see table 53). Only in Kandahar did a vast majority (87%) of CSO members state they had sufficient funds to operate, indicative of the attention that the international donor community has historically bestowed the province (see also table 59). Insufficient funding, in turn, resulted in (at least some) cash flow issues for 72% of CSO members (see table 54). These results further lowered the score for the sub-indicator.

Table 49: Does your organization have sufficient funds to operate currently?

Location	Sufficient	Insufficient
Bamyan	38%	62%
Herat	54%	46%
Kabul	40%	60%
Kandahar	87%	13%
Samangan	31%	69%
TOTAL	52%	48%

¹⁷⁹ *Afghan People’s Dialogue on Peace: Building the Foundations for an Inclusive Peace Process*, report prepared by the United Nations Assistance Mission Afghanistan, June 2014

¹⁸⁰ *Listening to the Voice of Afghan Civil Society at the Tokyo Ministerial*, report prepared by The Asia Foundation (Abigail Friedman, Fazel Rabi Haqbeen, and Julia Powell Grossman), June 2012

¹⁸¹ CSO Member, Male, Bamyan FGD, June 2016

¹⁸² CSO Member, Male, Samangan FGD, June 2016

¹⁸³ CSO Member, Male, Samangan FGD, June 2016

Sufficient Funds to Operate (YES responses)

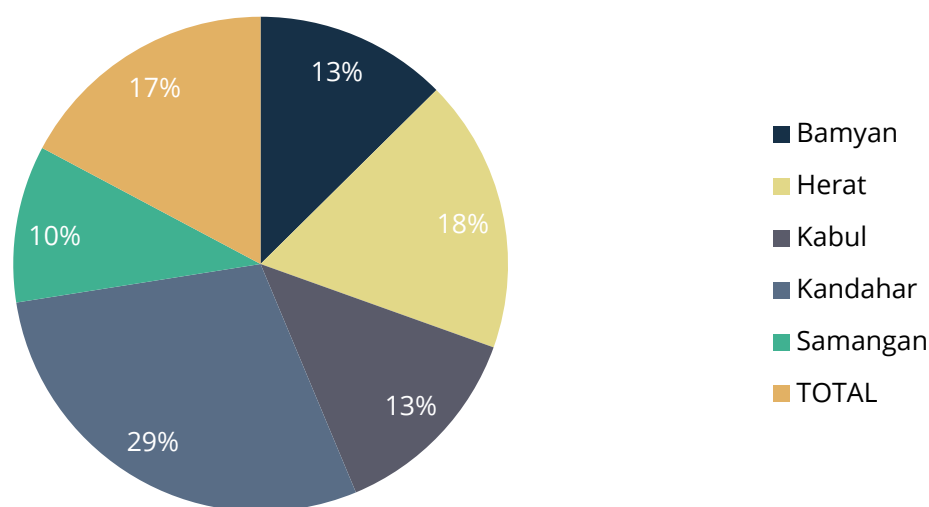


Table 50: Does your organization face cash flow issues.

Location	Yes	Somewhat	No
Bamyan	51%	46%	3%
Herat	37%	37%	25%
Kabul	57%	25%	18%
Kandahar	20%	16%	64%
Samangan	56%	13%	31%
TOTAL	45%	27%	27%

The effects of not having sufficient funds to operate as well as cash flow issues were considered to be twofold by FGDs. First of all, low levels of funding curtailed the number of projects CSOs could undertake because neither overheads nor salaries could be financed. *“Before we had lots of projects and donors used to support us but nowadays it has reduced a lot,”* said one CSO member from Kabul.¹⁸⁴ CSOs commented on being completely inactive between projects as well as the total number of annual projects decreasing.

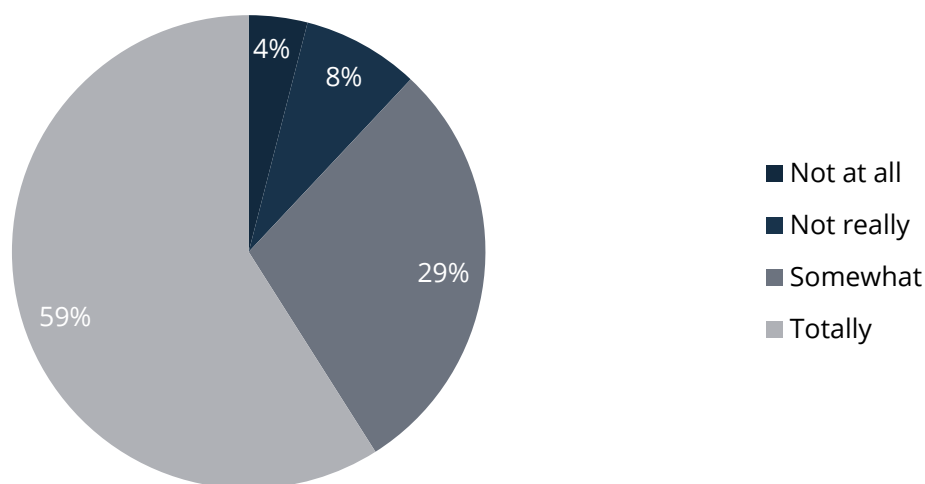
A second effect is that 88% of CSO members said they had adjusted their strategy in order to match the requirements for accessing funding (see table 55). This donor-driven operating dynamic fueled by lack of financial sustainability was considered to dominate to the detriment of CSOs’ strategic purpose.

The notion that the funding environment distorts the CSO environment was recognized also by the 2015 EU report which states the need to overcome donor-driven support. It argued that (the changing) funding priorities set not by CSOs but by international donors, their home capitals and international conventions, has led CSOs to take up an opportunistic approach, morphing their mission to fit donor priorities without inherent expertise, genuine strategy or mandate. Such an approach has counterproductive effects: many consider donor policies to be informed by stereotyped ideas of what CSOs should be doing, an approach that is not

¹⁸⁴ CSO Member, Male, Kabul FGD, June 2016

needs-based.¹⁸⁵ Chasing donor funding was thought to also have potentially negative implications for community support (indicator 2.2) as foreign influence could lead to community perceptions of CSOs as having ‘hidden agendas’ as the 2015 EU Civil Society Roadmap pointed out. This dynamic impedes the flourishing of homegrown CSOs, accountable to domestic beneficiaries instead of foreign donors as well as the establishment and implementation of focused strategic missions.

Table 51: Do you have to adjust your strategy to match the requirements for accessing funding?



CSO members responded largely positively (62%) to the question whether the funding process was transparent (see table 56). Only in Kabul and Herat were respondents divided on the answer with almost half finding the process neutral or even opaque.

Table 52: Do you feel the procedures for accessing funding are clear and accessible to all?

Location	Transparent	Neutral	Opaque
Bamyan	89%	11%	0%
Herat	53%	43%	4%
Kabul	49%	45%	6%
Kandahar	83%	16%	1%
Samangan	88%	12%	0%
TOTAL	62%	34%	4%

Focus group discussions highlighted corruption, specifically bribery, as a problem when asked to explain why they found procedures for funding to be opaque. A CSO member from Kandahar explained that “*all things are now going forward in bribes,*” thus linking funding and corruption (indicator 3.3).¹⁸⁶

¹⁸⁵ Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017, report prepared by the Delegation of the European Union in Afghanistan, September 2015: 5

¹⁸⁶ CSO Member, Male, Kandahar FGD, June 2016.

10.2. FINANCIAL INDEPENDENCE

Sub-indicator 4.2	Financial independence: The extent to which CSOs are financially independent	0.32
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Donors consider CSOs too reliant upon international aid and outside assistance.¹⁸⁷The CSO sector’s lack of financial independence, especially in light of the 2014 security transition, also worries the Afghan government. In *Realising Self Reliance*, the Afghan government strategy presented at the 2014 London Conference, the National Unity Government states that it “would like civil society organizations 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.”

One measure that will help the diminish reliance upon foreign donor money, and help the sector grow more independent and sustainable is diversification of the sources of income. The 2015 EU report suggests that CSOs should develop alternative sources of funding by capitalizing on their community support, for example, the provision of venues, labor, and materials. Good community support can also facilitate volunteer work forces. When wages do not need to be provided, funding from external sources is rarely required. Volunteer groups have already been adopted by INGOs and domestic NGOs. For example, both Integrity Watch Afghanistan (IWA) and the Aga Khan Foundation (AKF) have used volunteer networks in their programmatic roll-out. I-PACS suggests corporations should become more involved funding CSOs and donations from businessmen and traders are not uncommon, often under the notion of *zakat* or charitable taxation, one of the five pillars of Islam.¹⁸⁸ International donors, meanwhile, should support only CSOs that can show that they have other sources of income

Note also that financial independence is more easily realizable for certain types of CSO. Whilst CSOs working on service delivery, for example, are directly dependent on available funding, advocacy organizations are more resilient to shrinking donor funding as their strength derives from their connection with and ability to mobilize their constituency.¹⁸⁹

Although the survey results show CSOs’ funding as dependent on international funds with 35% of CSO members stating that these were their main sources of funding (see table 57), a trend towards a diversification of funding was noticeable among CSOs with organizations appealing to a variety of funds, including government grants, and private donations (see table 58).¹⁹⁰These positive trends helped the sub-indicator generate the somewhat positive score of 0.32.

¹⁸⁷*Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017*, report prepared by the Delegation of the European Union in Afghanistan, September 2015: 17; *2013 Afghanistan Civil Society Assessment: Counterpart International’s Initiative to Promote Afghan Civil Society (I-PACS II)*, report prepared by Langer Research Associates, January 2014: 104

¹⁸⁸*2013 Afghanistan Civil Society Assessment: Counterpart International’s Initiative to Promote Afghan Civil Society (I-PACS II)*, report prepared by Langer Research Associates, January 2014: 111

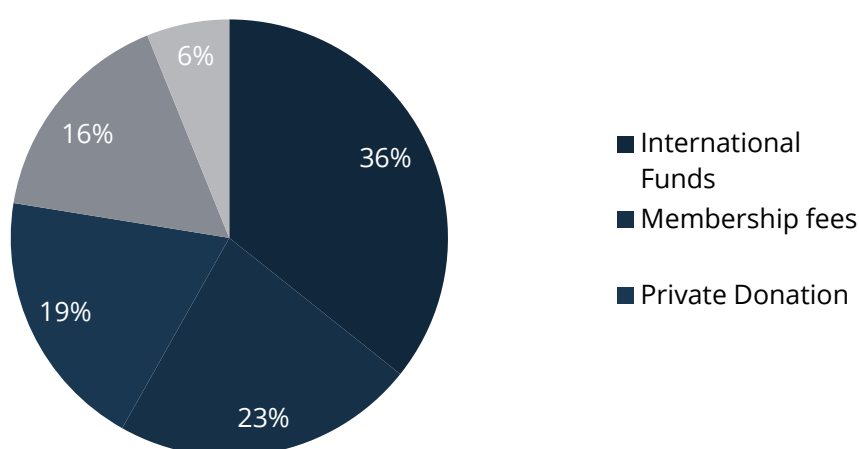
¹⁸⁹*Afghanistan EU Country Roadmap for Engagement with Civil Society 2015-2017*, report prepared by the Delegation of the European Union in Afghanistan, September 2015: 23

¹⁹⁰Government funding for CSOs flows from the following ministries: the Ministry of Rural Rehabilitation and Development (largely through the National Solidarity Program, which will close in the near future and be replaced by the Citizen’s Charter program), the Ministry of Public Health, the Ministry of Education, the Ministry of Agriculture, Irrigation, and Livestock, the Ministry of Information and Culture, and the Ministry of Labor, Social Affairs, Martyrs, and Disabled.*NGO Law Monitor: Afghanistan*, report prepared by The International Center for Not-For-Profit Law, June 2016

Table 53: How is your organization funded?

International Funds	40%
Membership Fees	33%
Private Donations	27%
Government Grants	23%
Other	9%
Do not know	1%

Table 54: Which category describes your largest contributor?



FGD participants elaborated on alternative income-generating activities such as members' fees and ad hoc volunteering to absorb funding gaps. "We have a volunteer-committee, we do all the stuff voluntarily and we pay from our own pockets," said a CSO member from Samangan.¹⁹¹ In Kabul, a CSO member related how his "organization's funding is being provided by our own organization's members. Every member should pay their own membership fee to us."¹⁹² In general, these types of organizations, working predominantly with volunteers and requiring minimal budgets felt less affected by the changing funding environment.

In regard to the main source of funding in the different provinces, Kandahar stood out as largely funded only by the international community with 72% of CSOs in the province identifying international funds as their main source of income (see table 59). No CSO in the province relied on membership fees as the predominant financial contribution. This would make the CSO sector in the province more vulnerable to a decrease in international funds. Only 13% of CSOs in Herat, conversely, stated that they relied on international funds as their main source of income, with predominantly member contributions financing the province's CSOs (47% of respondents). One CSO member from Herat proudly said that "we do not receive budget from any foreign organization. We implemented our seminars and courses through our own money gathering."¹⁹³

¹⁹¹ CSO Member, Male, Samangan FGD, June 2016

¹⁹² CSO Member, Male, Kabul FGD, June 2016

¹⁹³ CSO Member, Male, Herat, interview June 2016

Table 55: Which category describes your largest contributor?

Location	Government	International	Members	Private	Other
Bamyan	8%	27%	24%	30%	11%
Herat	6%	13%	47%	27%	7%
Kabul	20%	30%	20%	20%	10%
Kandahar	20%	72%	0%	8%	0%
Samangan	25%	44%	19%	6%	0%

10.3. SUMMARY

Indicator 4	The extent to which the funding environment allows CSOs to shape their activities according to their mission.	0.2
Sub-indicator 4.1	Funding process:	
	The extent to which CSOs are able to access funding	0.08
Sub-indicator 4.2	Financial independence:	
	The extent to which CSOs are financially independent	0.32

CSO members found access to funding to be especially worrisome and the sub-indicator received a barely positive score of 0.08. These worries correspond with development funding levels for Afghanistan significantly decreasing in recent years as well as proportionally more funds being allocated to the government development budget. The difficulties in accessing funding reflect also on the lack of modernization and technical capacity among many CSOs that can render writing funding proposals and fulfilling other administrative requirements that much more challenging. Lacking funding resulted in CSOs implementing less projects on a yearly basis as well as spending time and resources chasing funding flows. This donor-driven dynamic marking the funding environment was criticized not only by CSO members but also by previously conducted studies for undermining strategic visions and CSO mandates, both of importance to the general success of CSOs as well as their ability to generate community support. Whilst the procedures for accessing funding themselves were both seen as largely clear and accessible, corruption was highlighted by CSO members during focus group discussions as thwarting the process.

Differences between the provinces reflected historical engagement of the donor community with different parts of Afghanistan. In Kandahar, where over 70% of CSOs were reliant upon international donor funds as their main source of income, for example, 87% of CSO members stated they had sufficient funds to operate in contrast to the other provinces where this percentage was markedly lower.

The financial independence of the CSO sector was considered to be less of an issue by CSO members than access to funding with a score of 0.32, although reports by INGOs and other members of the international communities often highlighted this as one of the most worrisome issues facing the financial viability, and ultimate sustainability, of CSOs. Whilst international funds continued to make up the largest contribution to CSO budgets for 35% of respondents, membership fees (22%), private donations (19%) and government grants (16%) did not lag too far behind, and offer potential for further diversification of CSO budgets. In addition, results from research into the socio-cultural environment have already shown that growing support in the form of volunteerism might alleviate the strain on CSO budgets.

11. CASE STUDY HUMAN RIGHTS ORGANIZATION

The case study concerns a CSO dedicated to advocacy and human rights in Kandahar that was established in 2007 but only properly registered as an association in 2014. The organization has offices in fourteen provinces in Afghanistan, including Kandahar, Kabul, Herat, Balkh, Kunar, Nimroz, Laghman, Helmand, and Nangarhar. It has a total of 524 members of which 53 are women. All members work for the CSO as part-time volunteers, for example, in the evening hours and during weekends. The CSO has no paid staff.

The organization engages in two main activities, one geared towards children, the other towards women. Children working on the street are identified and introduced to the Ministry of Education in Kabul. The children are subsequently sent to state-schools whilst the CSO provides them with stationary and uniforms. The schools report to the CSO on the progress of the children. Currently the organization is targeting to send 200 children to school across Afghanistan. In addition, seminars and conferences are organized to advocate on the rights of women and girls. Consultations with families are aimed at raising awareness among parents on the importance of education for girls. Conferences are organized quarterly and advertised in local and national media.

11.1. LEGAL FRAMEWORK

Although registration was sought out at an earlier stage, the political affiliation of the CSO to the Afghanistan People Democratic Party and the legacy of Dr. Najibullah led the Ministry of Justice to refuse the CSO registration on the basis of its communist associations. Note that this is not a legal provision. The CSO was finally registered as an association with the Ministry of Justice in 2014 but experienced the whole process as lengthy and tiresome.

The CSO renews its registration on an annual basis at the Ministry of Justice. At the Department of Activities, the CSO's activities are evaluated on the basis of a yearly report accompanied by a PowerPoint presentation. The CSO pays tax only on office rent, but this is a relatively small figure, and when renewing its registration.

The CSO considers the legal framework in Afghanistan to be very good. It sees the people in charge of implementing and upholding this framework, however, are the problem. The government is split into two and individual ministries, departments, and individuals feel they owe responsibility not to the people of Afghanistan but to their respective factions within the government. The law, according to the CSO, should not be changed but the people in government.

11.2. SOCIO-CULTURAL ENVIRONMENT

The CSO enjoys community support especially among the young generation, including university students who are fed up of the status-quo. Women and girls are also very supportive. **The volunteer network, and the time and labor that is put in by members of the CSO is testimony to the support the CSO receives from the communities in which it works.** These communities transcend ethnic and tribal affiliations, and include Hazara, Uzbek, Nuristani, Turkmen, and Pashtun peoples as the CSO aims to represent all of Afghanistan.

Because the CSO has been critical, however, of the mujahideen, and perpetuates the legacy of the controversial figure of Dr. Najibullah, it has received threats from mujahideen such as Ustad Sayaf. All CSO members have now installed recorders on their smart phone in order to record any threatening messages and to report these to the police and NDS. The organization, however, does not feel much protected by the government.

Because CSO members are professionals from all walks of life, working within different industries, the technical capacity of the CSO is relatively high and the organization has been complimented on the quality of its reports by the Ministry of Justice.

11.3. GOVERNANCE

The CSO experiences corruption, for example, when it tries to renew its registration at the Ministry of Justice: when renewing its registration, officials told CSO members to come back a week later. When the members returned they were told they had come too late and were asked to pay a bribe in the form of a phone credit card of up to 1000 AFN. The CSO saw no other way but to comply.

11.4. FUNDING

The CSO is funded exclusively on the basis of membership fees of 150 AFN per month and donations from Afghan sympathizers now living in Europe. The money that is raised from Afghans abroad is used for the programs on the rights and education of women and children. Membership fees go towards the upkeep of the offices, and conferences. Reports are prepared for the individual donors living abroad that clearly show how their money is being spent.

The CSO does not want to attract any funding from the international community as it feels the international community might limit the operational scope of the organization and impose other restrictions. In addition, the CSO believes in the importance of an Afghan CSO for Afghans, by Afghans. The CSO, however, would like to work more closely with the international community in the area of capacity building.

12. CONCLUSIONS

Based on the findings from the secondary, qualitative, and quantitative research undertaken, the state of the enabling environment for CSOs in Afghanistan, despite numerous improvements over the course of the last decade and a half, is considered to still be marred by challenges but containing pockets of potential. The decade ahead, following the security transition of 2014, will prove crucial in determining the future of the enabling environment for CSOs in Afghanistan, and provides various uncertainties in regard to funding, further legislation as well as the role of the government.

The study has highlighted corruption, a lack of capacity and technical expertise (among both CSOs and the government), poor CSO interaction with the government, deficiencies in the rule of law, access to funding, and donor-driven policy priorities tied to funding mechanisms as the main obstacles impeding a supportive enabling environment for CSO activity in Afghanistan on the basis of both survey results, qualitative data, and the desk review.

Whilst service provision (-0.12), transparency (-0.1), and taxation (0.1) received equally low scores in the index, and in the case of government interaction significantly lower scores, in-depth interviews and focus group discussions made clear that the low scores for these three sub-indicators was, in fact, informed by the aforementioned issues. For example, corruption affects proper taxation, the fair distribution of government contracts for service provision, and can only thrive in an environment lacking transparency. Poor interaction with the government and a lack of capacity, equally, posed challenges in the fields of taxation and service provision, and were further compounded by a lack of transparency.

Conversely, pockets of potential were noticeable among various sub-indicators. For example, the increasing coordination between CSOs through CSO networks as well as more informal types of interaction can be regarded as a significant positive facilitating the sharing of resources, the ability to mobilize larger numbers of people in advocacy efforts, as well as the ability to stand as a united force not only in dealings with the government and international community but also in relation to conservative elements within Afghan society that may wish CSOs harm. This was noted both by CSO members as well as recent reports such as the 2015 EU Civil Society Roadmap. Similarly, within the sub-indicator community support, which received a high score of 0.79, the extent to which CSOs were drawing on volunteer support offered an encouraging development, especially within the context of a tightening and uncertain funding environment. This is an especially promising development as secondary data, for example, Murtazashvili (2016) expressed concerns about traditional types of community volunteerism eroding.

Whilst representation and advocacy received equally high scores (0.79 and 0.81 respectively), discussions with focus groups, guided by previously published secondary material, revealed that the impact of advocacy efforts were limited, not in the least because of poor engagement with the government, and that the ability of CSOs to represent the communities they work with was somewhat eroding within a donor-driven funding and policy environment.

Such discrepancies between the survey data and the qualitative research highlight the risks involved in the creation of an index based solely on closed-ended survey responses. Not only in the case of representation and advocacy were survey results significantly more positive than the findings that emerged from in-depth interviews and focus group discussions. For the sub-indicator personal freedoms and civil rights (0.31), for example, survey respondents noted general satisfaction with the legal framework in place whereas focus group participants elaborated on the absence of rule of law and the severe threats still facing those wishing to speak out on controversial or potentially damning issues such as government corruption, religion, and women rights. What this further indicates is that there are different layers of perceptions that require different approaches. The intimate setting of the FGD enabled CSO members to speak with more openness about their experiences and views. CSO representatives seem to be not very forthcoming in structured interviews, and

future evaluations would have to take this into greater account, utilizing different instruments, including more comprehensive surveys as well as tracking mechanisms that will allow for sets of data to be collected at year end. For example, CSOs could start to take note of the number of instances of corruption they face, including the type of corruption, and in relation to what subject. This form of data, whilst not infallible, relies less upon the subjective perception of CSO members.

12.1. RECOMMENDATIONS

On the basis of the findings, the study makes the following recommendations.

- The government needs to actively work towards establishing a relationship of trust between itself and CSOs. Whilst progress has been made in this respect with the government committing itself to support civil society, most recently during the 2014 London Conference as well as in the 2015 *Self-Reliance through Mutual Accountability Framework* policy paper, the lack of capacity that the government faces as well as the widespread prevalence of corruption, means that these commitments are not felt in many of the interactions CSOs have with the government, be it at the national or provincial level. Workshops bringing together CSO members, beneficiaries and their official counterparts at all levels of government could go some way towards establishing mutual understanding, clarifying mechanisms for interaction, and, generally, building relationships of mutual accountability.
- Weeding out corruption needs to remain a top priority of the Afghan government. Corruption further taints the perception of the government from the side of CSOs, feeding a relationship of distrust, and compounds the lack of capacity within the government. The National Unity Government has taken visible steps towards fighting corruption, for example, through the Access to Information Law. Focus should be now on enforcement of this and other laws. These efforts should continue to enjoy the support of the highest office and the international community, and be expanded where possible.
- When corruption becomes less endemic, the legal framework will as a natural consequence be implemented in a more consistent fashion, and processes of registration and taxation will be streamlined. Nonetheless, implementation of rule of law as well as consistent and manageable procedures should be priorities for the government. It could, in this respect, consider delegating more responsibilities in the field of registration and taxation to provincial government offices thus minimizing CSO travel to Kabul, but only if it can guarantee sufficient monitoring of procedures as well as the presence of necessary skills and capacities.
- The study found that insecurity was frequently cited as negatively impacting the enabling environment for CSOs with non-state actors seeking to shrink civic space in the country, the July attack on protesters in Kabul being a case in point. The government should continue taking measures to ensure the safety of civil society organizations and activists.
- International donors should set funding priorities in line with grassroots needs as identified by CSOs in an attempt to tackle the donor-driven funding that the study has shown can erode the ability of CSOs to represent local communities, and community support in general, as CSOs morph their mandate without community consultation as well as necessary expertise. Part of this funding dynamic is CSO reliance upon project funding that inhibits the development of long-term strategies and community ties and which should be replaced with longer-term funding mechanisms.
- Longer term funding mechanisms will also facilitate genuine capacity building, including organizational structures and technical skills that are nurtured over time, rather than the ad hoc capacity building efforts associated with short-term project funding. Donors should also realize that CSOs are incapacitated not only because of a lack of skills or expertise but by insecurity, lacking access

to resources (non-financial) as well as a poor economic environment. Whilst these factors do not lie within the immediate scope of CSO actors, international donors should continue to press the government and other relevant stakeholders to work towards progress in these areas.

- As a lack of capacity was urgently felt in relation to access to funding, international donors should also consider easing administrative and reporting requirements in relation to funding whilst supporting internal monitoring and evaluation mechanisms developed in conjunction with CSOs themselves. AICS, in particular, can play an important role in this process through its CSO certification program.
- CSOs should continue to build their expertise and skill set where possible. Increased modernization, including technical capacity will allow CSOs to ultimately take the lead in programming and to develop their independence from international donors, thus contributing to the sustainability of the sector. Building expertise and skills will go hand in hand with CSOs specializing as per the terms of their mandate rather than chasing funding flows as a jack of all trades. This will also contribute to the credibility of CSOs with donors, the government, and the Afghan public. Where possible, CSOs could use networks in order to organize joint workshops on specific technical topics, alleviating the strain on organizational and financial resources through close collaboration.
- Within a decreasing funding environment, CSOs should continue to diversify their sources of income, drawing upon membership fees and corporate contributions as well as stimulate other forms of support such as volunteering or in kind contributions in order to ensure the sustainability of the sector, and its ownership by the Afghan people.
- CSOs should continue to strengthen their ties with other CSOs be that through networks or more informal structures. Close collaboration between CSOs will allow them to bundle their strengths, share resources, to mitigate security risks and to emancipate themselves in relation to both the government, pushing back on malpractices and corruption, and the international community. This will allow CSOs to, going forward, drive policy and programming on the basis of identified needs within local communities, thus cementing the role of civil society within Afghan society at large.
- CSOs can address transparency issues within the sector by developing and support self-regulating mechanisms. AICS's certification program is a significant step in this respect. Visible active steps working towards increased transparency will enhance the credibility of CSOs and further relationships of trust among CSOs, and between CSOs and the government as well as CSOs and the communities they are to represent. As these relationships are of crucial importance to the operational success of CSOs, tackling internal transparency issues can contribute meaningfully to the sustainability of the sector.

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