



SDC Swiss Agency for Development and Cooperation – South Asia Division

What in the Western world is a widely accepted principle, namely, that there can be no democracy without a civil society, is still hard to accept in Afghanistan. Nevertheless, the first fruits of civil society's growing influence are increasingly visible. Eight years after the fall of the Taliban, Afghan civil society is calling for a say in the overall process of reconstruction as well as the upcoming elections. Given the adverse context in which civil society is evolving, this is a considerable achievement. Afghan civil society draws one of its strengths from coordination and cooperation. The most important coordinating body is the Afghan Civil Society Forum (ACSF) supported by Switzerland from its very beginnings in 2002.

"Given the cultural sensitivities in Afghanistan, the task for civil society should be to pick good local practices, shape them and use them for the institutionalisation of democracy."

Aziz Rafie, Executive Director ACSF

The main office of the Afghan Civil Society Forum (ACSF) is located on a bustling street at the heart of the city, where you can see white-and-yellow Kabuli taxicabs, armoured and non-armoured cars, donkey-pulled wagons, bicycles and passengers hurrying by. Once you cross the gate, however, you find yourself in a rose-filled garden with a view of the mountain ranges surrounding Afghanistan's capital. "Almost like in Switzerland," says Aziz Rafie, ACSF's Executive Director, "except for the people and the security." Security indeed is a permanent concern in this war-torn country, even more so now with the upcoming presidential election. Elections are also the core of the discussions in the tent installed in ACSF's garden today, a platform where opinion leaders from different backgrounds – representatives from political parties, the media, academics – gather every Thursday to discuss political issues. And elections are the main reason why ACSF's office, with its 86 staff members, is as busy as a beehive these days. The Forum is expected to play an important role in enlisting and promoting the participation of local communities.

Civic education in the south is one of ACSF's major activities. ACSF intends to focus on the so-called Pash-tun Belt, because, in contrast to the relative stability prevailing so far in the capital and northern region of the country, this area is a difficult place to work in and is only accessible to organisations that have established solid ties with the local population. Due to its outreach toward members and partners, ACSF has earned this access even in very difficult areas. This is the second time that ACSF is engaged in the electoral process. During the last elections, in 2004 and 2005, ACSF was already focusing on civic education and was involved in nation-wide campaigns. Reports showed impressive results: the campaigns led to 31% women's participation in the presidential elections and 34% in the parliamentary elections.



During the elections in 2004/2005, 31% of Afghanistan's women cast their vote in the presidential elections, 34% in the parliamentary elections.

Civil society's decisive impact on law-making

Afghan civil society has become involved in law-making efforts and promoting the voice of the people. For example, in mid-April 2009 a debate flared over a law passed by the Afghan parliament. The statute, which applies to the country's 15% Shia minority, required women to get their husband's permission to step out of the home and made it illegal for them to refuse sexual intercourse with their husbands. This so-called Shia Law (Shia Personal Status Law) has triggered much protest from both the international community and sectors of Afghan society. Among various other countries, Switzerland also officially voiced its concern. As a result of these protests, some of the most criticised articles of the law, such as the age of marriage for girls, have been already revised and the articles on movement restrictions and sexual behaviour are being re-considered. Civil society organisations have played a vital role in promoting these amendments and the on-going revision.

Afghan civil society's involvement in the Shia Law debate began when civil society representatives were alerted by a parliamentarian that a draft law was under consideration by the Wolesi Jirga (lower house of parliament). Several civil society organisations worked together with members of parliament (MPs) concerned over the law's content. Forums were organized in order to propose specific amendments to the law to bring it into conformity with international human rights standards. Yet, recommendations were also drawn from alternative sources of Shia jurisprudence, including from renowned and highly respected religious scholars in the region. Meetings with Sunni and Shia members of the parliament and other political actors took place.

Among others, the Afghanistan Independent Human Rights Commission (AIHRC) played a key role in mobilizing a broader civil society network. Following the international outcry against the law, up to 30 different organisations became involved in advocating against the law (among them the also Swiss supported Civil Society and Human Rights Network, Global Rights, UNIFEM etc).

Regardless of what stage organizations and civil society leaders took up the issue, what seems clear is that it was of their own initiative. Civil society had not been invited by the Ministry of Justice or any other government actor to partake formally in the process of making the law. They got involved in the process by wedging their way in and insisting they had valid contributions, rather than as part of a formal process to include elements of civil society in law-making.

„It was pressure from the international media that gave us support. Without their support, women's rights democracy and social justice would be impossible. In our government, there is little understanding of what these things mean.“

Civil society representative on the role international media played in the protest against the Shia Law.

In light of the lack of formalized interactions between voters and their parliamentary representatives, civil society carries an even greater burden. One representative of a civil society organisation claims: “There is not much of a culture here on the public considering and discussing laws. Parliamentarians are not in touch with their constituents, so much relies on civil society.” Nevertheless, the example of the Shia Law demonstrates civil society's success in playing a watchdog role over the parliament and executive, as the vanguard of concerned citizens, from within a citizenry that is unaccustomed to participating meaningfully in the political system at the national level. According to recent research¹, civil society ultimately influenced the content of the law and later succeeded in having the law put under review, riding on the impetus from the international outcry over the law and the massive international media coverage that set off condemnation from western leaders. This kind of protest inside Afghanistan was unique (and dangerous) but was supported robustly by established civil society organisations.

Other examples where civil society organisations have exerted an impact are the Media Law and the Law for Disabled Citizens. Many members of the Afghan civil society have high hopes for their role in the Elimination of Violence Against Women (EVAW) law making its way to parliament, a law in fact initiated by civil society.



ACSF facilitates meetings for Afghan opinion leaders such as journalists, university professors or members of political parties to discuss issues of public concern.

A look back to the beginnings

The Afghan Civil Society Forum was developed in 2001 as a partnership between Afghan civil society stake-

¹ Information based on AREU (Afghanistan Research and Evaluation Unit) research on the process of drafting the Shia Personal Law, and subsequent signing and revision of the law, June 2009.

holders and swisspeace² at the request of 76 participants of the first Afghan Civil Society Conference in Germany, which was held alongside the meeting of political representatives organised by the UN at Petersburg near Bonn³. The goal of the civil society conference was to involve Afghan civil society in the peace and reconstruction process on the basis of a bottom-up approach.

Afghanistan and Civil Society: international commitments

- Bonn Agreement (2001), Preamble: “Acknowledging the right of the people of Afghanistan to **freely determine their own political future** in accordance with the principles of Islam, democracy, pluralism and social justice”.
- Afghan Constitution (2004): “We the people of Afghanistan ... for the **creation of a civil society** free of oppression, atrocity, discrimination and violence and based on the rule of law, social justice, protection of human rights and dignity and ensuring the fundamental rights and freedoms of the people, have adopted this constitution in compliance with historical, cultural and social requirements of the era, through our elected representatives in the Grand Council (Loya Jirga) dated 14 Jaddi 1382 in the city of Kabul.”
- Afghan Compact (2006): “As the Afghan Government and the international community embark on the implementation of this Compact, they will ... build lasting Afghan capacity and effective state and **civil society institutions**, with particular emphasis on building up human capacities of men and women alike”.
- Afghan National Development Strategy ANDS (2008): “The role that **civil society organisations** play at different levels as facilitator, communicator, advocate and monitor is invaluable.”

The Afghan Civil Society Forum became an independent organisation and began its activities in February 2002 after initial funds from the Swiss and German governments were secured. Its office in Kabul opened two months later. In 2002, ACSF's primary activity was to hold and attend large dialogue-exchange and confidence-building forums aimed at identifying topics of relevance for the peace and reconstruction process that might otherwise have been neglected. In 2003 and 2004, ACSF focused on supporting the implementation of the Bonn Agreement and conducted educational and advocacy activities in connection with the process of drafting Afghanistan's new Constitution, voter education and events preparing for the presidential elections of October 2004. In 2005, ACSF continued to focus on elections by undertaking a massive voter education project before the parliamentary elections scheduled for September 2005. As mentioned above, ACSF is also deeply involved in the upcoming elections owing to the Swiss Agency for Development Cooperation (SDC), which brought civil society into the discussion of the preparatory process and earmarked half a million Swiss Francs for ACSF's activities as part of its financial contribution to the international election support programme.⁴

Today ACSF has more than 100 Members, works with over 200 partners and coordinates its activities from 6 offices throughout the country. The main tasks of the forum are the coordination of the different civil society organisations, civic education, capacity building, advocacy work and research in the field of civil society.

² A Swiss practice-oriented peace research institute in the area of conflict analysis and peace building.

³ The so-called “Bonn conference” set the strategic framework for the post-Taliban transition.

⁴ The Government of Switzerland is contributing CHF 2 million (USD 1.9 million) to the organisation of the 2009 presidential and provincial council elections.

ACSF: a leading player within civil society organisations

ACSF's principles

- \$ Impartiality and non-partisan identity are main characteristics
- \$ ACSF believes in democratic principles, people's participation and is committed to empowering the Afghan population
- \$ Embracing the diversity of civil society stakeholders
- \$ Emphasizing non-partisanship, transparency, accountability
- \$ Promoting a sense of voluntarism and social activism

ACSF's objectives

- \$ To promote the development of civil society in Afghanistan
- \$ To increase the involvement of all sectors and levels of Afghan society in the reconstruction, development and peace process
- \$ To enable civil society to have a voice on important national issues
- \$ To strengthen the networking of civil society

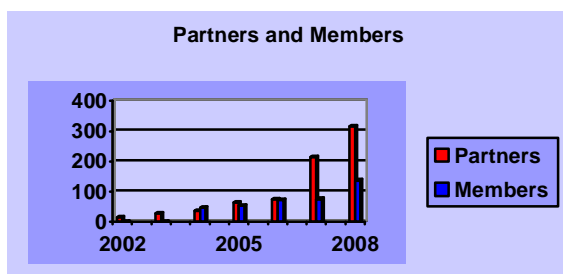
The 2008 external review report praises the extraordinary success achieved and points out that ACSF is now Afghanistan's leading civil society organisation. It stresses, that ACSF's commitment has managed to directly reach the Afghan population, as a result of activities such as the above-mentioned advocacy work on law-making.



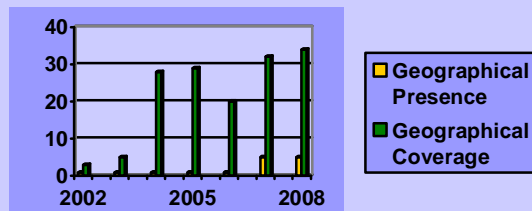
ACSF's Resource Center offers library, internet and archive access. Teachers, students, political party members and housewives use the facilities at ACSF's premises in Kabul.

ACSF's role as a coordinating and integrative body is important, since Afghanistan's civil society reflects many of the splits and segments characterising Afghan society as a whole. Afghan civil society has traditionally been divided along tribal, kinship and religious lines. Furthermore, ACSF represents Afghanistan's civil society organisations at international conferences such as the Donor Conference in Paris in June 2008 and the international conference in The Hague in March 2009. Another sign of outreach beyond Afghan borders is ACSF's website: of its 250 visitors every day, the largest group is from either the United States, Iran or Germany. Furthermore, over the past seven years, ACSF has published 42 editions of its monthly magazine *Jamea-e-Madani*, considered by intellectual circles to be one of the best magazines on civil society issues.

Development of ACSF's outreach 2002-08



Geographical Presence and Coverage



Graphs based on collected and audited data 2002-09 (ACSF)

Switzerland in Afghanistan: a small donor's high potential

The Swiss Government has been supporting ACSF since its establishment in 2002. In view of ACSF's success, this investment is yet another compelling example of how a small donor like Switzerland can pull more than its apparent weight in Afghanistan. ACSF is managed by a Board of Directors, comprised of nine national and two international members, among them SDC's Country Director.

- By supporting civil society organisations and networks in addition to ACSF
- By supporting the establishment and functioning of the Afghanistan Independent Human Rights Commission (AIHRC)
- By striving for human-rights-based approaches in other SDC projects (e.g. in rural development sector)
- By supporting the recently established Human Rights Support Unit at the Ministry of Justice in order to mainstream the issue within the Afghan Government

SDC has gained considerable reputation for its support of civil society and focus on human rights since the opening of the Swiss Cooperation Office in Kabul in 2002. In the domains of civil society and human rights, Switzerland has earned credibility for its purely civilian engagement and non-partisan role. "Switzerland is considered to be one of the most non-biased states in Afghanistan", says Aziz Rafie. Nevertheless, despite the commitment of the Swiss and other countries, much remains to be done: all players and stakeholders – both Afghan and international – will continue to face huge challenges for many years to come.

Civil society as a driving force for change

"Provision of democracy is not possible without a strong civil society. Civil society institutions in Afghanistan have to be supported to be able to take this important responsibility."

Dr. Sima Samar, Chairperson of AIHRC

After the fall of the Taliban in 2001, massive attention was given to the role of civil society in Afghanistan's peace-building process and many different development-oriented groups emerged. This happened in sharp contrast to the grim period under de facto Taliban rule (1996–2001) when the regime was hostile towards civil society organisations and the international community was not yet ready to invest in this area. Notwithstanding, there are examples of Afghan NGOs which worked actively to monitor and report on the conflict during the Taliban time and which were instrumental in exerting international pressure. Still, opportunities to influence the regime were very limited. Nowadays, civil society has taken its first and successful steps in this

AFGHANISTAN CIVIL SOCIETY FORUM (ACSF)

direction although there are still many security-related and cultural barriers that need to be dismantled.



Shura in Panjsher Province (Fardin Waezi)

Traditionally, community shuras (councils of elders and leaders), as well as tribal and religious institutions, represented their communities to the authorities. The modern version of Afghanistan's civil society has only recently been born. Bridging the gap between the modern and traditional forms of civil society is, in fact, one of the country's major challenges, as elders, tribal or religious leaders are up until now the most powerful people within Afghan society. "The link between traditional and modern civil society has been a controversial issue. Traditional values and practices have been shaped over the past several hundreds of years. These values are dominated by traditional, customary, tribal, ethnic, and linguistic mindsets that are not subject to change or revision. Modern values are more logical and subject to discourse, debate, change and development," Aziz Rafie explains. And so far, little dialogue exists between civil society and the clergy watching over omnipresent religious traditions.

Still a multiplicity of challenges ahead

Modern civil society is considered to be secular and thus at odds with the clergy. However, long-term observers see a growing sophistication in terms of how civil society engages with conservative forces. A researcher working for the Afghanistan Research and Evaluation Unit AREU says: "In early post-Taliban period, you would often hear absolute claims from civil society leaders like: 'The Qu'ran gives women equal rights with men.' But now you are more likely to hear them citing specific Qu'ranic verses to support such an argument, and at the same time engaging with progressive scholars to seeking out alternative interpretative sources. So there is some growth in that respect".

Beside the still existing gap between traditional and modern forces, there is another challenge for civil society organisations: its high dependence on donor funding. Dr. Massouda Jalal, women's activist and former Minister of Women's Affairs, puts it bluntly: "Current Afghan civil society looks like hired soldiers who fight for money. They work for whoever pays them the most. When the money finishes, civil society no longer exists." This critical view reveals the challenges that lie ahead for both civil society organisations and the donor community, but it must be counterbalanced by recogni-

tion that modern Afghan civil society is still very young and that it has emerged thanks to values-driven, visionary and courageous nationals.

"Afghan civil society must be having an active presence in ALL processes."

Dr. Massouda Jalal, women rights activist and former Minister for Women's Affairs

It takes time to build a civil society over the ruins of a destroyed country. In this regard, it is worth looking at Europe and North America where it took 200 years to create a thriving and credible non-governmental movement. Even in these relatively developed socio-political environments, the relationship between government and civil society remains complex and laden with conflicts. Nevertheless, in all countries civil society continues to be an indispensable feature of democracy and a driving force for change, as Aziz Rafie stresses: "Afghan civil society has a mandate and a responsibility to produce an environment ensuring change. In other words: the first priority for Afghan civil society is to facilitate a non-violent move from old to new."

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References and Links

SDC Afghanistan:

<http://www.sdc.org.af>

SDC:

<http://www.sdc.admin.ch>

ACSF:

<http://www.acsf.af>

"Jamea-e-Madani" (ACSF's monthly magazine):

<http://www.acsf.af/English/magazine.html>

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