

Afghanistan and Civil Society

Kristian Berg Harpviken
Arne Strand
Karin Ask

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Executive summary

This report starts with an introduction to the debate on the concept of civil society, paying particular attention to Muslim societies where traditional forms of civil society associations are dominant. This then leads into a review of a wider range of associations presently active in Afghanistan, including the traditional *shuras* (community councils), religious networks, Non-Governmental Organisations (NGOs), voluntary associations and interest groups, and political parties.

The role of the gender dimension in Afghan civil society is emphasised. An argument here is that a unique opportunity for securing women larger influence risks being lost as gender issues now seem about to be moved from the centre stage into one among several cross-cutting issues.

Within the Afghan context there is, moreover, a further range of limitations to freeing the positive resources of the various Afghan civil society organisations. Most prominent here is the lack of security, and the fact that elements within the current formal and informal Afghan leadership do not necessarily have an interest in promoting a strong Afghan civil society. Thus, much will rest on the willingness and ability of the Afghan Transitional Administration (ATA) to promote and accommodate civil society initiatives, not least in the process leading up to the forthcoming Constitutional Loya Jirga and election.

Given the ATA's limited influence within Afghanistan, two major concerns are raised:

- 1) Should Afghan (and international) civil society adopt a more confrontational approach towards the ATA to ensure a larger influence, or rather focus on dialogue and cooperation given the fragmented nature and limited capacity of the present administration?
- 2) Having encouraged larger Afghan civil society activities, what role might the international community take on to function as a guarantor for their security and continued influence?

To this end there needs to be a realisation of unrealistically high expectations of what the Afghan civil society would be able to achieve, and what actual possibility non Afghan actors might hold for building and strengthening it. The report does, however, make certain suggestions for how the international community might assist in enhancing the capacity and influence of Afghan civil society organisations, including the following:

- 1) Establish a clearer understanding of the role and influence that Afghan civil society might hold within the present context and the given limitations.

2) Strengthen its ability for social mobilisation through a smart rather than massive resource allocation, and through ensuring international protection for Afghan civil society initiatives.

3) Ensure a longer term and more formalised relationship with Afghan civil society organisations, clarifying through a constructive dialogue their mandates and role in relation to their constituencies, the Afghan authorities and the international community.

Introduction¹

A 1999 report by Amnesty International carries the following title: *Human Rights Defenders in Afghanistan: Civil Society Destroyed* (Amnesty International 1999). In this report, civil society is largely equated with the so-called intelligentsia - professionals, politicians and artists with a background in the modern system of higher education. The extremely narrow definition of civil society applied by Amnesty in this report is exactly what led it to conclude that there was no civil society in the Taliban's Afghanistan, since it did not look anywhere beyond the intelligentsia to identify civil society. Whereas few would apply as narrow a definition as the Amnesty one, the current frenzy of initiatives to work with civil society in Afghanistan, amongst foreign aid providers in particular, builds on the related assumption that civil society is, if not non-existent, at least very weak.

Others would argue, however, that civil society in Afghanistan is strong, and that the massive popular engagement in the recent Loya Jirga process is evidence that war or repressive governments have not subdued it. Some would go further and say that the strength of civil society, in its manifold and conflicting manifestations, is an obstacle to building a strong and functioning state, and hence lies at the core of the Afghan problem. The claim that Afghanistan has a civil society, even potentially a strong one, rests on the assumption that civil society is composed of much more than the intelligentsia. Hence, rather than applying a template based on the experience of modern Western democracies, Afghan civil society has to be understood in its own particular historical, cultural and political context.

In this paper, the main objective is to identify civil society forces in Afghanistan. Since civil society does not operate in a vacuum, this will also lead us to an examination of constraints and opportunities for civil society to function in relation to the present political power structure, including the international community, the Islamic Transitional Administration of Afghanistan², and local and regional power-holders. We will then turn to a discussion of enabling and restrictive factors for civil society, before concluding with an examination of the potential for international organizations to strengthen the role of civil society. Firstly, however, we will briefly examine the concept itself.

¹ This report builds on the authors' fieldwork in various areas in Afghanistan over the past ten years, including a visit in November-December 2002. We are deeply grateful to all those who shared their insights with us, but will remain anonymous in this report. We are also grateful to the Co-operation of Peace and Unity (CPAU), which hosted a workshop on civil society in Peshawar on 2 December 2002 that substantially enriched the contents of the paper. Finally, thanks to Mirjam Sørli for excellent research assistance.

² The Islamic Transitional Afghan Administration, is variously translated as government, Transitional Authority/Administration in English donor documents. In this report we utilise the term Afghan Transitional Administration applied in UN documents, and the acronym ATA.

1. The Concept of Civil Society

The concept of civil society is so heavily disputed in large part because it has become so widely applied in research, policy formulation and political discourse, and because different actors have such different expectations and aims in using it.³ Much of the ongoing debate is about definitions, aiming at clearly delimiting what civil society is, and what it is not. In this paper we see civil society as a sensitizing concept, rather than seeking to develop a precise analytical definition.

At the most general level, civil society can be described as the sphere of activities that lies between the state and the market. The strength of civil society is thought to have major implications for political stability, economic productivity, and human well-being more generally. The emphasis on activities rather than organization is not coincidental, but is intended to keep the concept wide enough to incorporate both organizations with a degree of formality and networks and forms of collective action that are more informal. Membership of the associations and networks of civil society is characterized by voluntarism, as opposed to ascription.

The new interest in the concept of civil society that has developed, particularly over the past decade, can in part be understood as a critique of the preoccupation that social science as well as development policy-makers have had with state and market, while neglecting a variety of societal processes and forms of organization that are essential to the functioning of both. This, however, means not that establishing clear boundaries between civil society, state and market is an easy exercise, but rather that the boundaries are fundamentally fuzzy.

In relation to the state, it is commonly assumed that a strong civil society acts as a check on state policies. The relationship between the two is often described as one of clear-cut opposition. In recent years, several analysts have challenged the opposition assumption, and suggested that the interaction between state and civil society is such that the one can not be meaningfully analyzed except in the context of the other (Mohan 2000). Civil society plays political roles, and it does so through close interaction with the state. This may take the form of access to the state by representatives from civil society, as some would argue is a prerequisite to real influence (Kamali 2001). It may also be that civil society representatives take on active roles within the state, without necessarily breaking off from their civil society foundations. On the other hand, relationships between state and civil society may become too close for comfort, as when the state intentionally co-opts civil society organizations with the aim of pacifying them. In other cases, civil society bodies may be illusory, set up by the state to serve as a legitimating façade.⁴

³ This has induced Van Rooy to describe the concept as an “analytical hat-stand”, on which people can hang a variety of ideas about politics, organization, and indigenous coping. Van Rooy, A. (1998). *Civil Society and the Aid Industry*. London, Earthscan.

⁴ The PDPA government in Afghanistan (1978-1992) pursued both the strategies of co-opting existing organisations and creating new ones that were loyal to the state. See e.g. Ludin, J. (2002).

In relation to the market, the assumption is that proper civil society organizations are not profit seeking. More specifically, it is commonly argued that such organizations either provide some sort of mutual benefit for their members, or they engage in the provision of public welfare services (UNDP). Nonetheless, civil society organizations do often engage in market-like settings, either in order to secure benefits for their members, or because they have to compete with other organizations over which can provide the best public service for the money.⁵ As interestingly, actors in the market may take on civil society roles, as has repeatedly been the case with the *bazari* class in Iran, which has played an essential role as part of civil society-based protest.⁶

The civil society concept, as applied today, has its origin in the context of modern Western democracies. Its application to other contexts has often been myopic, identifying as civil society only associational forms familiar from the West, mainly Non-Governmental Organizations (NGOs) and other forms of voluntary association. This has led to controversy, with some arguing that the concept is wholly inapplicable to non-Western settings, and others that the concept has its value but needs to be significantly broadened to cater for other types of association (Orvis 2001). Meanwhile, definitions of civil society that are only applicable to modern Western democracies, such as those focusing on NGOs, or on the so-called intelligentsia, continue to be influential.

One consequence is that activities and forms of association that can be loosely described as traditional are excluded from the domain of civil society. If we focus on the Islamic world, we will see that popular activism has often been triggered by particular forms of authoritarian action by states where there is little or no dialogue with society at large (Kamali 2001). Examples are Turkey under Ataturk, Iran under the Shah, and Egypt under Sadat. Excluding such responses to authoritarian modernization from the concept of civil society is problematic, since it implicitly endorses the view that protest from traditional segments does not need to be met with the same respect as protest from modern segments.⁷

Furthermore, it is a common assumption that civil society is inherently benign (Carothers 1999). This assumption is problematic, since it undermines any

Civil Society in Afghanistan: Background Paper. Civil Society Conference, Kabul, Swiss Peace Foundation.

⁵ The latter case may imply that civil society bodies are over time converted into pure business enterprises, which is a parallel to the cooptation by the state discussed above.

⁶ A similar argument may be made about the role of trade networks in supporting the emergence of the Taliban from 1994 onwards.

⁷ This has led Richard T. Antoun, in a discussion of civil society in Jordan, to suggest a focus on values, beliefs and processes of cooperation, rather than formal associations. In the Jordanian context, Antoun sees the tribal system as a much more important part of civil society than modern forms of association. See: Antoun, R. T. (2000). "Civil Society, Tribal Process, and Change in Jordan: An Anthropological View." *International Journal of Middle East Studies* 32(4): 441-463.

argument about the relationship between civil society and the objectives it seeks, such as democracy or economic progress. The definition of civil society has to be primary, and to be open to the potential that civil society organizations may have ambiguous or even mainly negative characteristics. At the extreme, this would imply the inclusion of criminal networks (such as the Italian mafia); of associations promoting the supremacy of a certain ethnicity or religion; and of clientelist or familial networks in politics. As important, however, is the ability to maintain that civil society processes or organizations may be ambiguous, in the sense that they have a potential not only for doing good, but also for causing harm.

Even in cases where civil society is strong, it will always be the case that its ability to promote interests varies, and that many important and highly legitimate interests will not be brought forward. One reason may be simply a lack of resources, in terms of time, money or competence, amongst those who are affected. Another reason is that issues, which are highly important to a few are much more likely to be articulated than issues which, are moderately important to many. The reason is simply that collective action is less likely when individuals cannot expect significant benefits from engagements which may imply considerable risk (Maley and Saikal 2002).

Civil society is not delimited by national boundaries. For one, there are strong indications that global civil society organizations are increasingly influential, also in the politics of individual states. Examples include associations promoting the rights of indigenous people, as well as the International Campaign to Ban Landmines.

At a different level, many states have significant proportions of their population outside their borders, which does not exclude this population from active civil society engagements with a bearing on their home governments. This is particularly true for states that have experienced massive emigration, and even more so if a major share of their educated elite has departed. Narrow definitions of civil society, such as the Amnesty one focusing on the intelligentsia, reify the impression that a thriving civil society presupposes that there is a return of those in exile.

The broad understanding of civil society advocated here will not alone generate a response to the questions what is civil society, and what does civil society do. To achieve that, we need to turn to the study of its concrete forms in particular settings, in other words to move from a mainly conceptual discussion to informed empirical investigation.

2. Identifying Afghan Civil Society

The identification of civil society is fraught with difficulties. We are always at risk of identifying civil society structures that exist in settings that are familiar, and where there is a more thorough scholarship on civil society. It is also a problem

that we seem to be better at identifying civil society at work when there is a major change (as when a conflict is transformed) than when things remain the same (as when a conflict is prevented or kept from escalating). Finally, it is worth reminding ourselves that in Afghanistan there are huge variations from one region to another, and between the countryside and the cities. The following does not aim at presenting the full picture of Afghan civil society, but at capturing some of the activities and organizational foci that we think are the most significant in terms of ongoing social and political change.⁸ In the following, we will focus on community councils; religious networks; the NGO sector; voluntary associations and interest groups; and finally, political parties.

2.1. Community councils⁹

A variety of community councils exist throughout Afghanistan, with considerable variation between areas and between rural and urban areas. Today, a local council is most often referred to as a *shura*, an Arabic term which has come into use since the onset of war at the end of the 1970s. While the word *shura* is relatively new, the practice that it refers to has long historical roots in Afghan society, for example in the Pashtun word *jirga*. Aid agencies are increasingly seeing *shuras* as their principal partners in community development, without necessarily realizing the large contrast that there is between the mandate of a traditional community *shura* and what we may term a community development association.¹⁰

Traditionally, an Afghan *shura* is a place where all men in the community can meet to discuss issues of mutual interest. Its membership is not fixed, but varies from one meeting to the next; in principle, all adult men have the right to attend. The members would be mainly elders and people with religious knowledge, as well as those who have economic power or social power (being leader of a large *qaum*).¹¹ Good contact with the authorities also tends to be important. The focus is on immediate problem solving, including the resolution of local conflicts; the basic perspective of the *shura* is reactive, rather than proactive.

⁸ This implies that several forms of local civil society functions will not be discussed (f.ex. local water management by the *mirab*), and that some structures which may also have considerable influence at the national level (f.ex. the tribal system) will not be discussed here.

⁹ At the local level, there is a range of specialized functions held by individuals that may be seen as part of civil society. One example is the *mirab*, who is responsible for organizing collective work on irrigation systems and for controlling water rights. A person selected for controlling pasture rights and preventing grazing animals from entering cultivated land, called *Quruqh* (in the North) or *Legawan* (in the central areas) performs a similar role. Such functions for local management of resources will not be discussed in this paper.

¹⁰ This sub-chapter builds in part on Harpviken, K. B., M. Taksdal and M. Suleman (2001). *Strengthening the Self-reliance of Returnee Communities: The Enjil Community Development Programme*, Herat Province, Afghanistan. Islamabad, Ockenden International. For an early analysis of *shuras* as counterparts in assistance, see: Carter, L. and K. M. Connor (1989). *A Preliminary Investigation of Contemporary Afghan Councils*. Peshawar, Agency Coordinating Body for Afghan Relief (ACBAR).

¹¹ A *qaum* may be defined as a primary solidarity group or as a network. A *qaum* may, for example, be based on family, tribe, geographic location or profession.

Given this, it is understandable that many observers have been critical of any effort to build a sustained development effort on *shuras*. In practical aid work, the *shura* concept is used because it is a familiar concept, which carries certain legitimacy both within the communities and with the authorities. Since some sort of *shura* exists in the majority of Afghan communities, this represents an opportunity for rooting in a familiar concept what we have here called the Development Association. For an external agency to approach a community by requesting it to set up a Development Association, which is distinct from the *shura* both in tasks and membership, simply would not work. Taking the traditional *shura* as a starting point makes entry easier, but also leaves agencies with the challenge of encouraging a substantial reorientation of the *shura* (see figure). A key question here is what this reorientation, often not acknowledged by the intervening agencies, implies for the civil society function of *shuras*.

Figure 1: Traditional Village *Shura* versus Village Development Association

| | Traditional <i>Shura</i> | Community Development Association |
|------------------------|--|---|
| Membership | Open | Fixed |
| Member characteristics | Age Religious competence Economic power/social power Contact with authorities | Development vision Modern education Representative of whole population Contact with agencies |
| Objectives | Problem-solving and conflict resolution | Planning, implementation and running of community projects |
| Function | Reactive | Proactive |

Firstly, the old *shuras* ones were principally open to every adult male whereas the new *shuras* build on a fixed set of members. On the one hand this means that the *shura* members can assume responsibility for the activities of the *shura* over time. On the other hand it threatens the great flexibility that old *shuras* had in the fact that those affected and those with relevant views would be the ones that came together on any given occasion. In practice, however, even *shuras* of the development association type are open to any interested member of the community, even though formal responsibility remains with the selected members.

Secondly, development *shuras* may recruit a different type of membership than did the old *shuras*, by prioritizing what we may call a ‘development vision’ over age, and gender, by opening the councils to participation from women and younger men. These new *shuras* also differ from the old in giving weight to modern formal education rather than religious competence, in emphasising representativeness

rather than economic or social power, and in encouraging close contact with aid agencies rather than with ATA authorities. Again, those are ideals that are only partly met in practice, yet the process of building development *shuras* carries all the usual characteristics of conflicts over modernization. If well handled, however, the conversion of *shuras* may substantially strengthen representativity at the local level, hence also serving to educate people about fundamental social and political rights.

The objectives and the basic functioning of new *shuras*, however, are very different from that of old ones. As development associations, new *shuras* are expected to be involved in planning, implementation and long-term administration of a variety of projects at the community level ranging from health and education to irrigation or shelter programmes. Traditional Afghan *shuras* were fundamentally reactive, responding to problems as they arose, with a key role in conflict resolution. The implication of this is that a reorientation implies a specialization in terms of responsibility (within the *Shura*, but also in terms of the delegation of tasks), as well as considerable capacity building.

Capacity building is critical, not only to learn new skills, but also to support the reorientation of the mandate of the whole shura. This needs to cater not to shura members alone, but also to community members, as well as to the *shura's* main counterparts, which are ideally the local authorities. If capacity building is soundly tackled, however, the process of reorienting *shuras* may very well contribute to further strengthening their civil society function. Currently, however, the problem is that many, particularly within the aid community, see *shuras* as a readily available community counterpart for project implementation, without realizing the complexities of reforming their chief mandate, including the potential costs. Ultimately, one ought to not underestimate the fact that traditional *shuras* often act as strong civil society forces, and that engaging them as counterparts for assistance programmes entails the risk of weakening this capacity.

2.2. Religious networks

Religious leaders and networks have always played a prominent role as civil society forces in Afghanistan.¹² In times of crisis, Islamic networks have taken on key functions either in the form of legitimizing resistance, or through forming the backbone of resistance. Looking at the emergence of the Taliban from a distance, its early mobilization had parallels in Afghan history: it was a reaction to ongoing war, insecurity, and mismanagement by the Rabbani government and its

¹² Some, including the anthropologist Ernest Gellner, would argue that there is no such thing as an Islamic civil society, based on the assumption that the civility norm and democratization are based on an individualism that is inherently foreign to Islamic societies (Kamali, M. (2001). "Civil Society and Islam: A Sociological Perspective." *Archives Europeennes de Sociologie* 42(3): 457-482.

associates.¹³ In the early period (1994-1995), the Taliban enjoyed considerable popular support for its ability to disarm warlords and reestablish a basic sense of security. As the Taliban took over the cities, as it developed longer-term power ambitions at the same time, and as it became increasingly radical, the popular support gradually waned. The alliance with Al-Qaida and other radical Islamic movements was only one of the reasons for the growing resentment.

The backbone of the Taliban movement was the religious networks, built around loyalties and competence developed during training at one of the many *madrasas* in Pakistan or Afghanistan. It remains a puzzle how it was possible to bring together these relatively loose and fragmented networks into an encompassing and relatively coherent organization. From today's perspective, however, the most important question is what the Taliban experience has done to the potential that traditional Islamic leaders, including *mullahs* and *maulawis*, have as forces in civil society. We know that most of the Taliban membership have quietly demobilized and resettled in their communities, where they are seemingly protected against prosecution by foreign forces. We know less about what legitimacy they have among common people, and whether the association between religious networks and the Taliban will have a lasting impact. This remains a key concern, given that Afghanistan's majority population will continue to see Islam as an integral part of life, and that religion may be one of the key resources for long-term reconciliation in the country.

2.3. The NGOs

The number of Non-Governmental Organizations (NGOs), including national and international organizations, has exploded over the past year. There are now 1020 NGOs registered with the Kabul authority, which is four to five times what it was a year ago. An estimated one-third of these organizations is international. NGOs are a relatively recent phenomenon in the Afghan context, with national organizations being established from the late 1980s onwards, mainly within the Pakistan-based aid environment. A few of the more development-oriented Afghan NGOs and those engaged in Humanitarian Mine Action are, however, rated as highly professional and at least as efficient as the international ones.

From the civil society perspective, the most significant aspect of the emerging NGO sector is that some of the organizations are focused explicitly on issues such as human rights or peacebuilding. While this is true only for a handful of the existing NGOs, these organizations, some of which have a long history of engagement, already play a significant role in facilitating and encouraging constructive dialogue within civil society, as well as between civil society and the state. One example is Cooperation for Peace and Unity (CPAU), a small organization with a strong

¹³ The Rabbani government was the internationally recognized government of Afghanistan from 1992 to 2001, whereas the Taliban authority, upon having captured Kabul in 1996, was the country's de facto government, with control over the major part of the territory.

commitment to community-level peacebuilding, in which it has developed its own model for engaging communities in setting up their community organizations, as well as formulating visions for the future and strategies to fulfill them. CPAU staff and associates are also drawn upon as resource persons in several processes at the national level, for example as participants in the civil society conference that went in parallel with the December 2001 Bonn conference, and as facilitators during the May 2002 Civil Society conference hosted by the Swiss Peace Foundation in Kabul.

The overwhelming majority of NGOs are involved in emergency and reconstruction aid. NGOs have played a primary role in implementing assistance projects for Afghans over the past more than two decades, in large part because donor governments have been reluctant to enter into direct cooperation with governments which they have considered illegitimate. Somewhat surprisingly, however, NGOs have continued to dominate aid implementation since the installation of the new Afghanistan Transitional Authority, in part because this is seen as the only system in place, after years of neglecting state capacities. Continuing to see NGOs as the main implementers is also a conscious choice of the UN and the ATA together, which see this as a better option than implementing through weak bureaucracies in the different ministries. In the popular perception, however, NGOs are providers which operate in a private market for service delivery on a par with other enterprises, rather than as humanitarian actors which promote specific values and work according to defined codes of conduct.

When NGOs increasingly become the key implementers of assistance projects at the community level, it also has the consequence that links between communities and local administrators, which were already weak, are further weakened. Rather than filling the gap, most NGOs tend to relate to local authorities to the least extent possible. This tendency is further strengthened by the fact that assistance has increased substantially, particularly as food aid, while remaining emergency oriented.¹⁴ The delivery of short-term assistance, by organizations that are hard-pressed to deliver large amounts of aid within tight deadlines, is hardly the best basis for NGOs to play a significant role in civil society. A large part of the NGO sector can more appropriately be seen as an extended arm of the UN-backed Transitional Administration of Afghanistan than as genuine civil society organizations fostering popular participation and social organization, or being representatives or advocates of the local communities and groups.

¹⁴ A different concern is that when NGOs take over service provision, this allows authorities at all levels (including warlords and government) to not take responsibility. This undermines a key function of civil society, which is to hold the government accountable. Furthermore, in some cases it may be freeing up resources for strengthening repressive or war-making capacity, as is particularly relevant in the case of warlords.

2.4. *Voluntary associations and interest groups*

Over the past year there has been a reemergence of various voluntary associations and interest groups, including professional groups, youth groups, student associations and women forums (see section 3 for a discussion of women and civil society). This is largely a phenomenon that is limited to the major cities. It has been greatly encouraged through the selection process that led up to the emergency Loya Jirga in June, where the candidates backed by such groups won considerable recognition.

One case in point is the Professional Shura of Herat, a gathering of doctors, lawyers, professors and teachers that was set up in early 2002 (Human Rights Watch 2002). The *shura's* charter, to which regional strongman Ismael Khan has signed up, makes the point that the shura is not a political party, but that it will conduct meetings, publish a newspaper, and make policy recommendations to the authorities of Herat. Over the first few months of its existence, the shura has become subject to increasingly grave acts of suppression, including arrests of its key members and the prevention of planned meetings by the security forces. This has severely hampered the activities of the *shura*. Its publication, *Takhassos*, has changed from voicing moderate criticism of the local authority to now containing, in the words of Human Rights Watch, "artificial praise" (ibid., 27).

As illustrated by Herat's Professional Shura, the repressive environment enforced by many of Afghanistan's rulers dramatically constrains their ability to fulfill a civil society role. Another issue, which does not necessarily apply to the Professional Shura, is that many of the new organizations are very unclear about their mandates as well as about their organizational mechanisms. This is no great surprise, given that there is no strong tradition for such organizations. As Jawed Ludin has pointed out, various regimes, the PDPA government (1978-1992) in particular, have tended to create or co-opt such associations through a combination of stick and carrot (Ludin 2002). Defining their role within a presumably open political climate, but where war-fostered leaders continue to constrain their activities, is no simple task.

2.5. *Political parties*

At the interface of civil society and the state domain, there is intense activity in reviving old party networks and in creating new political parties.¹⁵ The party activity is in part stimulated by new political freedom, but mainly by the opportunities for participating in the political processes outlined by the Bonn agreement. Whereas some of the parties were active in the build-up and execution of the emergency Loya Jirga in June 2002, there seems to have been an

¹⁵ Most definitions would argue that groups seeking political power do not belong to civil society. (see e.g. Van Rooy, A. (1998). *Civil Society and the Aid Industry*. London, Earthscan. Leaving this debate aside for the moment, we find that the renewal of parties and party politics in Afghanistan merits attention.

intensification of activity after that, with the aim being to take part in the Constitutional Loya Jirga and the 2004 election that is to select the first regular government.

We find a range of groups now becoming active, and while it is difficult to get a full overview, we may look at some of the more important examples. Firstly, we have so-called nationalists (also called 'moderates'), who can be associated with the jihad parties of Pir Gilani and Sigbatullah Mojaddedi, but amongst whom presently the old Afghan Millat (self-defined as social democrats) seems to be most active. This group is actively engaged in party building throughout the country. Secondly, we have a variety of communist groupings, including those formerly associated with the Soviet Union and Afghanistan's PDPA regime (1978-1992), but also a mobilization within the so-called Maoist networks, which have in large part survived the war by seeking cover within various mujahedin parties. Thirdly, there are the Islamists, who are now often referred to as the 'jihadis' for their prominent position in the anti-communist war. This group played an influential role at the Loya Jirga in June, and includes former mujahedin leaders like Burhanuddin Rabbani and Abdur-Rab Rasul Sayyaf. Fourthly, several of the close associates of the former defense minister Ahmed Shah Masood are in the process of party establishment. Finally, more traditionally oriented networks and parties exist, but are keeping a low profile at the moment, given that most of them would have had some degree of association with the outgoing Taliban.

The revival of party politics is not unproblematic. Many would trace the conflicts over the past 24 years to the party mobilization of the 1960s and early 1970s, encouraged by the 1964 Constitution (which is also the basis for the transition agreement laid down in the Bonn agreement). Expectations of a new representative political system were not met, as the party bill in the 1964 Constitution was never signed, causing an uprising both from the then emerging Islamists and from the Maoist and Communist parties, of which many of the leaders are still active. In Afghanistan's recent history from 1978 onwards, the concept of a political party has primarily referred to a military capacity for mobilizing against the state (but often using military power also against its rivals within the resistance). This legacy lingers on, and the fear that party competition may be diverting into armed fighting is further exacerbated by the massive difference of interest and opinion that exists between the various groups. Ultimately, this means that people's experiences with a party system are largely negative and that a climate of sound party competition has never taken hold. Whereas some of the parties referred to above do engage in forms of party-building that have the potential to strengthen a sound participatory process, there are others that continue to work as elite-led organizations with little inclination to enter into workable political compromises. A further concern is that there are very few role models to draw on in neighboring countries.

2.6 Gender dimension of civil society

Traditional civil society activities in Afghanistan are strictly sex-segregated with patent ideological support to male authority over women in the public domain. The cultural norm of gender segregation, *pardah*, creates separate all-female forums and affects the strategy women and girls use to build networks for public influence in civil society. When women were in contact and worked in teams with non-related males in rural areas, they needed introduction through links based on kinship (clans and patrilineal groups) for proper guardianship. The infamous *mahram* decree of the Taliban was an example of restrictive interpretation of this guardianship. However, even under the strict Taliban rules women (and men) developed innovative ways of co-operation and also opened traditional community institutions such as local councils - *shuras* - for women.

Afghan women in exile have organised their own NGOs, networks and political advocacy groups. These groups have not gathered around one preferred solution regarding the transition and reconstruction work, but reflect the variety of opinions in the exile community. Among the better known in the West are the Revolutionary Afghan Women's Association (RAWA), which headed several international campaigns against both the Rabbani regime and the Taliban. In the active NGO milieu in Peshawar, the Afghan Women's Resource Centre (AWRC) and the Afghan Women's Network (AWN) are established organisations with links to the international humanitarian arena. In December 2001 Afghan women gathered at roundtable conferences in Brussels and Peshawar, and called on the international community to support their rights and leadership in reconstruction.

Besides these organised groups, there are numerous Afghan women who work for UN agencies and NGOs inside Afghanistan. Information about their competence and recommendations on the use of gender sensitive strategies is available in several reviews of international NGOs' project experience.¹⁶ A positive backing from the central authorities to support local initiatives is vital for these resources and innovations to take root and prosper in civil society.

In the National Development Framework a two-pronged approach is launched to restoring rights and reassessing roles and responsibilities for women in all sectors of society. This will be a responsibility for all ministries, not only the Ministry of Women's Affairs (MOWA). Under the National Solidarity policy (Hambaste Millie) block grants will be allocated to local projects of reconstruction. The procedures for choosing between projects will depend on democratic decision-making processes in the districts.¹⁷ Given that women have only recently entered some local community councils, a very asymmetric gender representation and influence is likely to prevail in the traditional shura. It is important to investigate

¹⁶ For example "Afghanistan, gender guidelines". Sippi Azerbaijani. April 2002

¹⁷ cf. Executive summary "National Priority Projects" Kabul, Government of Afghanistan, 12 October 2002

possibilities of establishing links of support to Afghan NGOs with experience of gender sensitive work through these institutions.

However, a larger influence for women in the Afghan society is not guaranteed through an increased number of so-called 'women projects' and the pressure for gender 'mainstreaming' in the local community councils. What is necessary is also a more thorough involvement of women and women's groups in the processes of establishing a new constitution and legislation and in the formation of political parties.

It has been duly noted by many Afghans that women's rights were a main focus in international assistance throughout the Taliban period, and that conditionality was closely tied to this. Now, when the climate for promoting women's participation is better than ever, not the least because of popular discontent with the harsh policies of the Taliban, there is comparatively little focus on the situation for women.

Policies seeking to promote the rights of women have always been highly contentious in Afghanistan. The fall of the Taliban opened a window of opportunity for incremental positive change for women. However, this unique opportunity, seems now about to be lost, as ATA and the assistance community have implicitly agreed to move gender from centre stage into being just another crosscutting issue.

3. Strengthening civil society? Enabling and obstructing factors

The anticipation of gains to Afghan women after the fall of Taliban is illustrative of the perhaps unrealistically high expectations of the strength of transformation in Afghan civil society. While the gains to Afghan women after the fall of Taliban are authentic, the factors that still hamper female participation illustrates the fact that strengthening Afghan women's influence in civil society is an endeavour that requires long term support.

Whereas a variety of organizations and activities exist, it is also clear that the existing conditions are in many ways constraining. International organizations are strongly involved in promoting civil society, but there is a need to be realistic about the limitations on building it from the outside. The most important contribution that the international community could make would be to scale up its protective role, and reconsider the close alliance with forces that constitute the major threat to a vibrant civil society. Going from there, there are ways of strengthening civil society, but as Van Rooy (1998: 197-198) points out, the strategies to be used differ widely from those used more broadly in humanitarian and development aid, and success essentially hinges on three factors: deep knowledge, small funds; and long-term relationships.

3.1. Security

Civil society actors and processes are responsive to insecurity, both in the sense of insecurity as a general state where anybody is targeted, and in the sense of civil society being specifically targeted. The broad security situation in Afghanistan seem to have deteriorated significantly in the few months following the Loya Jirga, particularly in the rural areas where there is no proper presence of international or ATA personnel. Of even more concern, however, it seems that civil society actors have become the targets of power-holders, whether they are part of ATA or act as local and regional leaders. Undoubtedly, a large share of the current leadership at all levels does not necessarily have an interest in promoting a strong civil society, given their delicate pasts as central war actors.

The security services associated with ATA have added to the problem rather than helped rectify it. A range of organizations, including police, army and intelligence, are under the control of various persons in the government (and in the regions), but enjoy little or no trust amongst the general population. The president, as the head of a transitional authority, has little control over the security forces, as was amply demonstrated when his security guards were replaced by American troops earlier this year. When Karzai attended the May 2002 civil society meeting in Kabul, he was asked critical questions about his cooperation with warlords in the cabinet, questions to which he responded in a direct and nuanced manner. Upon leaving the meeting hall, however, his bodyguards (Afghan at the time) went over to the questioner, took his personal details, and issued direct threats. Most people therefore see the existing security organizations not as part of the solution, but as the core of the problem.

The role played by the international community is more mixed. It is the military presence, including both ISAF and the allied forces, that plays the most significant role with regard to security. On the negative side, the international military presence collaborates closely with the warlords, which most see as the major threat to security and lasting peace. The US position is that one has to choose between peace and security on the one hand (which is seen to hinge on the warlords), and accountability and reconciliation on the other hand (which is seen as too delicate to address now and in the near future). This position has been echoed by UNAMA, with the effect of indicating a general amnesty for past crimes, and at the risk of implicitly signaling a condoning of future violations. On the positive side, however, it is to be noted that where there is a physical international presence, whether allied forces, ISAF troops, or assistance organizations, there is a greater sense that civil society can work without risk of interference.

3.2. Afghan Transitional Administrative capacity

Without access to the state, the potential for civil society to function and impact upon policy formulation is limited. The most significant process in facilitating popular influence on the authority was the emergency Loya Jirga. It is clear that

the process had raised massive expectations, and that those were in large part unmet, as the process was hijacked through a combination of last-minute nominations of warlords and their associates and a silencing of many critical voices through threats and intimidation. Nonetheless, the Loya Jirga, and particularly the process through which delegates were chosen throughout Afghanistan, served to demonstrate opportunities and to generate an awareness of alternatives to current power-holders that may not be easily reversed.

The ability to influence state policy is not only about the strength of civil society, and about its access to the state. It is also fundamentally about the ability of the state to formulate and execute new policies (Carothers 1999: 26). Afghanistan's current system of administration is weak. Deep divisions characterize it, both within the central Afghan Transitional Authority and between the central system of administration and various regional and local leaders. Clientelist employment practices add to the problem, and may reify divisions within the administration, which will be very hard to break up at a later stage. The challenge is therefore to strengthen the state's capacity while scaling down the size of the administration and gradually integrating its various branches so that it may come to act more coherently. With the current reality, there is every reason to be realistic about the opportunities for civil society mobilization to have any immediate effect on ATA policies.

Another ambiguity stemming from the strong international presence is that whereas it provides a degree of protection, it may also lead to a feeling of powerlessness. In Mozambique, the fact that power is seen as being exercised from outside the country has been described as a disincentive for civil society actors (Lewis 2001: 7). In Afghanistan, similar views are now being expressed, not least in relation to the way warlords have been reimported and reinstalled in positions of power since the fall of the Taliban, in what is seen as a prioritization of the US war agenda at the cost of an Afghan peacebuilding agenda. In this sense, the international presence not only provides protection for civil society forces to work; it also provides protection for the very forces that constitute the major threat to civil society.

3.3. Independence?

Whereas the Transitional Administration of Afghanistan's capacity to absorb and act on the expressions of civil society is key, it remains important that actors in civil society maintain a principled independence from the state. As discussed above, this has been a problem in Afghanistan's recent past, where various regimes have aimed at coopting civil society, or at engineering it in order to control it. At present, there is considerable disagreement about the extent to which parts of civil society are set up in order to strengthen the influence of various actors from the war, including actors outside Afghanistan's borders. Whereas it is difficult to assess how large a problem this is, there is every reason to be aware that the independence of civil society is defined not only in relation to the state, but also in

relation to non-state military and political actors, both domestically and internationally.

A central issue is the establishment of a range of independent commissions, the most important being the civil service commission, the human rights commission, the judicial commission, and the constitutional commission, all of which were included in the Bonn agreement (ICG 2002: 11-13). There have been indications that ATA and other political actors have restricted the ability of the commissions to act independently. One example is the human rights commission being denied access to the injured after the October 2002 student demonstrations in Kabul, in which the police opened fire and killed at least four people. The accounts of what happened varied, some claiming that it was a violent uprising instigated by Al-Qaida, whereas others saw it as a non-violent spontaneous march in protest against differential treatment and days without food and electricity during *ramazan*. The decision to deny access to the victims was referred to an emergency meeting of the cabinet.¹⁸ If independent commissions are to work effectively, the ATA, the UN, and the US-led military now need to join hands in order to ease their access, not hinder it. And, furthermore, the commissions need the way cleared for an open interaction with communities and organizations, both for these to be allowed to become part of this important process and to seek popular support for the suggestions or initiatives these commissions might come up with.

4. Concluding remarks

Amongst key actors in civil society, there is now a heated debate about what stance is most constructive in order to influence the policies of the Islamic Transitional Administration of Afghanistan and the international community. Some argue that only a confrontational approach is effective, given the past record of most of the people in power and the architecture of the foreign presence. Others argue that one needs to focus on dialogue and cooperation, given the fragmentary nature and limited capacity of the Transitional Administration of Afghanistan. The latter position also makes reference to the risk that confrontational practices may backfire, and would, for example, refer to the clampdown on Herat's professional shura as a result of the publicity received in the recent Human Rights Watch report, which was very critical (Human Rights Watch, 2002). International actors are now encouraging civil society activity across the board, but many think that

¹⁸ Members of the Afghan Independent Human Rights Commission (AIHRC) were denied access to the hospital by Security Forces, which also rejected an instruction by the Minister of Health, Dr. Sohaila, to allow them in. The explanation provided by the Minister of Higher Education for Dr. Sohaila, over the phone, was that, based on an emergency cabinet meeting it was decided that for 24 hours no one would be allowed to enter the Wazir Akbar Khan Hospital to see the wounded students. The next day, when the visit was possible, it surfaced that the students had been intimidated and thus refused to be interviewed. AIHRC was only able to take pictures of the five severely beaten students, which all had received bullet wounds in their legs. The AIHRC regards the Cabinet decision as a violation of their mandate provided them through a Presidential Decree, and has further noted that the governmental Press agency did not publish or circulate their press statement on the event.

once the international presence is toned down, there will be repercussions against those who were most vocal. Having encouraged it, the international community carries a huge responsibility for strengthening, rather than downgrading, its role as guarantors for civil society.

4.1. Knowledge

Recent initiatives have marked the initial steps in building an understanding of what civil society means in an Afghan context, but there is a long way to go. As exemplified by the discussion of shuras, an institution that most assistance organizations have used as counterparts in their projects over the past 10-15 years, little attention has been given to the need for analysis. The composition of Afghan society has been influenced by 24 years of war, and research and analysis is lagging behind in assessing the changes that have taken place. The ability for external actors to work constructively with Afghan civil society hinges on its ability to understand the actors, activities and processes within it. The challenge now is therefore to strengthen our knowledge, by moving beyond definitional discussions to identify the strengths and the weaknesses of concrete civil society organizations and activities, including those that are particular to the Afghan context. And, furthermore, to help these to obtain a clearer understanding of what roles they might assume and of how the different groups and associations define themselves.

4.2. Resources

Access to resources is important. In the case of civil society, the trick tends to be to use meager resources in a smart way, rather than to spend massively. As discussed above, in the context of NGOs easy access to large funds may have unintended effects, as in moving attention from social mobilization to programme administration. The problem with civil society is that funding is rarely the critical factor. The most important functions that the international community can have are providing protection or facilitating access for civil society actors, not funding them massively. In present-day Afghanistan, however, these present plenty of opportunities for constructive action.

4.3. Long-term relationships

Strengthening civil society is not a short-term effort. Constructive engagement in this sector needs not only to build on knowledge and strategic use of limited resources, but also to take a long perspective. Above, we have claimed that formal organizations, including NGOs and political parties, are unclear about their mandates. Raising awareness in this regard is a long-term process, which requires engagement not only with organizations but also with their stakeholders, including the framework (judicially and otherwise) within which they work. The mechanics of a large-scale international operation coming in to rebuild the country is hardly the ideal starting-point for a knowledge-based, low-cost, long-term engagement of the kind described here, and it is perhaps inevitable that the impact in the civil

society domain is not exclusively positive. This is precisely why it is so important to be aware of the challenges, and to make sure that there are actors, also from the international side, that go beyond minimizing harm to actively engage with civil society.

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