

Code of Conduct for NGOs

**engaged in
Humanitarian Action,
Reconstruction, and
Development**

in Afghanistan

Preamble

Because Afghanistan is at a unique point in its history and has the opportunity to move towards long-term stability, economic prosperity and respect for human rights;

Because NGOs are civil society actors and a strong civil society is essential to the development and functioning of a stable Afghan nation and state;

Because NGOs are committed to the development of Afghanistan and Afghan capacity;

Because the development of a new Constitution and a legislative structure for Afghanistan provide a context in which accountable and responsible behavior can flourish and be recognized;

Because NGOs, as civil society organizations and emergency and development program implementers, continue to make important contributions with and for the Afghan people;

Because the nature and roles of NGOs are not well understood, leading to accusations that NGOs misuse funds and are wasteful and self-serving;

Because various “for-profit” and political actors misuse the NGO umbrella to promote their commercial or political interests;

Because NGOs continue to face demands that pull them in many different directions and may threaten their capacity and their independence as civil society actors; and

Because Codes of Conduct are a mechanism by which NGOs can ensure higher standards - including greater transparency and accountability,

We, the accredited representatives of NGOs in Afghanistan, hereby voluntarily affix our signatures to this Code of Conduct and commit our organizations to upholding the Principles of Conduct in this Code.

Definitions

The Code of Conduct is a set of shared norms, principles and values that aims to enhance the conduct and reputation of NGOs.

Non-Governmental Organizations are voluntary, not-for-profit, non-partisan and independent organizations or associations engaged in serving the public good. NGOs may be national as well as international; secular as well as ‘faith-based’, and of membership and non-membership categories.

- “*Voluntary*” denotes free will on the part of the NGO as well as community partners.
- “*Not-for-profit*” means that an NGO cannot distribute its assets, earnings or profits as such to any person. However, there may be paid employees or activities generating revenue which will be used solely for the stated purposes of the organization.

- *Non-partisan* and *independent* indicates that the NGO is controlled and directed by its governing body, in keeping with its mandate and not by any other power or group.

Signatories are NGOs whose duly accredited representative has signed and accepted this Code of Conduct.

We refers to all signatories to the Code of Conduct.

Civil Society includes all formal and informal groups and associations that are not of the public and business sectors. NGOs are a part of civil society.

Gender equality means that the different behavior, aspirations, needs and rights of women and men are considered, valued and favored equally. It does not mean that women and men have to become the same, but that their rights, responsibilities and opportunities will not depend on whether they are born male or female.

Gender equity means fairness of treatment for women and men, according to their respective needs. This may include equal treatment or treatment that is different but which is considered equivalent in terms of rights, benefits, obligations and opportunities.

Capacity building is the process by which individuals, groups, organizations, institutions and societies increase their abilities to:

- 1) perform core functions, solve problems, define and achieve objectives; and
- 2) understand and deal with their development needs in a broad context and in a sustainable manner.

Humanitarian action includes those activities taken to prevent and alleviate human suffering arising out of conflict, crisis, and calamity, including any situation involving:

- 1) damage to or loss of lives of non-combatants in a conflict situation or
- 2) 2) patterns of (gross) human rights or humanitarian law violations against civilians in conflict and/or ongoing political crisis.

NGO Mission Statement

Our general mission as NGOs operating in Afghanistan is to address humanitarian, reconstruction and sustainable development needs in Afghanistan, with a special focus on the rights of those who are disadvantaged and vulnerable. We work in partnership with each other, the government, donors, and communities.

Purpose of the Code

The Code of Conduct will promote:

- improved understanding of NGOs, their purposes, and their accomplishments among the general public, government, donors and the media;
- transparency, accountability and good management practices in the operation of NGOs by voluntary self-regulation; and

- improved quality of services provided by NGOs by raising standards of conduct.

I. Principles of Conduct

1 Our Organizations are People-Centered

- 1.1 **Focus on the people we serve:** Our primary loyalty, accountability, and responsibility is to the people we serve. Our programs are designed and developed in response to the needs of the people.
- 1.2 **Self-reliance and ownership:** We seek to help people and communities to solve their own problems. We encourage and enable the development of self-reliance and advance the right of people to fully participate in decisions that affect their lives.
- 1.3 **Human rights:** We endeavor to respect, protect, and promote the fulfillment of the human rights and obligations of all Afghans in accordance with international law.
- 1.4 **Trust:** We work to build the trust of the communities with which we work.
- 1.5 **Participation and non-discrimination:** We involve men, women, youth and children of our target communities to the greatest possible extent, engaging them in the conception, implementation and evaluation of projects and programs. We strive to ensure the participation of marginalized groups in communities where we work.
- 1.6 **Respect for local values:** We respect the dignity and identity of the individual, and acknowledge indigenous knowledge, culture, religious faith and values. This does not mean that we support practices that undermine the human rights of any individual or group.

2 Our Organizations Are Committed To Sustainable Positive Impact

- 2.1 **Effectiveness:** We are committed to effectiveness and to maximizing the positive impact of our programs. We avoid duplication of services.
- 2.2 **Sustainability:** Whenever possible, our programs seek durable solutions that are cost effective, that build Afghan ownership and capacity, and that are driven by the long-term development goals of communities.
- 2.3 **Environmental impact:** We exercise a responsible and responsive approach to the care of the physical, natural environment and to the proper management of Afghanistan's eco-systems in all our activities.
- 2.4 **Monitoring and evaluation:** We monitor and evaluate the impact of our programs and share findings with relevant stakeholders, including the communities we serve, donors, government and the general public.

3 Our Organizations are Committed to Transparency and Accountability

- 3.1 We are transparent and accountable in our dealings with the government and community partners, the public, donors and other interested parties.
- 3.2 **Accountability:** We develop and maintain sound financial policies, audits, and systems in order to manage our accounts. We conform to the constitution, laws, rules and regulations of the government of Afghanistan and where necessary, lobby for policy change. We are truthful and honest in all matters related to raising, using and accounting for funds. We maintain sound financial, accounting, procurement, transport and administrative systems that ensure the use of resources in accordance with intended purposes.
- 3.3 **Transparency:** We disseminate information on our goals and activities to interested stakeholders. We maintain and make available financial and activity reports upon request by relevant and interested parties. We use all available opportunities to inform the public about our work and about the origin and the use of our resources.

4 Our Organizations are Committed to Good Internal Governance

- 4.1 **Governing documentation:** We have written constitutions or memorandums of association that clearly define our missions, our objectives and our organizational structures.
- 4.2 **Equal opportunity:** We develop and apply written policies, rules and procedures that affirm our commitment to equal opportunities in our employment practices and in the promotion of staff.
- 4.3 **Employment Practices:** We apply hiring and termination practices that respect the freedom of choice of individuals and the human resource needs of other stakeholders. We offer positions based on merit, pay appropriate salaries, allocate job responsibilities according to individual capacities, and demand adequate notice from employees and provide adequate notice for terminations without cause.
- 4.4 **No conflicts of interest:** All our organizational transactions are free of conflicts of personal and professional interest. The services of board members shall be given freely and voluntarily, other than reimbursements for essential costs incurred during service.

5 Our Organizations are Committed to Honesty, Integrity and Cost Effectiveness

- 5.1 **Honesty:** We are truthful in all our professional activities.
- 5.2 **Integrity:** We refrain from internal and external practices that undermine the ethical integrity of our organizations. We do not engage in theft,

corrupt practices, nepotism, bribery, or trade in illicit substances. We accept funds and donations only from sources whose aims are consistent with our mission, objectives and capacity, and which do not undermine our independence and identity.

- 5.3 **Cost effectiveness:** We utilize the resources available to our organizations in order to pursue our missions and strategic objectives in cost effective ways. We strive to minimize waste and unnecessary expense, and to direct all possible resources to the people we serve.

6 Our Organizations are Committed to Diversity, Fairness, Non-Discrimination against Marginalized Groups and to Affirmative Action

- 6.1 **Diversity:** We seek to have a workforce that appropriately reflects the gender, ethnic, geographic and religious diversity of Afghanistan and of the areas where we work.
- 6.2 **Equity:** We seek to advance greater balance and to promote equity in all internal relations as well as equitable access to opportunities within our organizations. We seek to include the underserved, the vulnerable, the disabled and other marginalized groups in all our initiatives.
- 6.3 **Gender equity:** We consider and value equally the different behavior, aspirations, needs and rights of women and men. This may include equal treatment or treatment that is different but which is considered equivalent in terms of rights, benefits, obligations and opportunities. Their rights, responsibilities and opportunities do not depend on whether they are born male or female.
- 6.4 **Non-discrimination against marginalized groups:** Our human resource policies and practices promote non-discriminatory recruitment, hiring, training and working practices and relationships.
- 6.5 **Affirmative action:** We strive to increase the representation of under-represented groups in senior decision-making positions at headquarters, in the field, in boards and in advisory groups. We seek to include the under-served, the vulnerable the marginalized, and the disabled in all our initiatives. We endeavor to strengthen the position of Afghan women both within and outside our organizations.

7 Our Organizations are Committed to Building Afghan Capacity

- 7.1 **Capacity building:** We take every appropriate opportunity to help build Afghan capacity to understand needs, establish priorities, and take effective action so that ultimately humanitarian, development and reconstruction needs are met by Afghans.
- 7.2 **Consultation:** We design and implement projects in consultation with local communities and the government because we are committed to the long-term sustainable development of Afghanistan.
- 7.3 **Sustainability:** We design and facilitate projects so that services may be taken over by target communities or by government bodies to enhance sustainability.
- 7.4 **Human resources:** In line with our policy of commitment to capacity building, we give priority to Afghan nationals in our recruitment, hiring and training practices.
- 7.5 **Physical and technical resources:** We maximize the utilization of locally available physical and technical resources, where appropriate.
- 7.6 **Appropriate technologies:** We promote the use of appropriate technologies that can be owned and maintained by communities.

8 Our Organizations are Committed to Independence

- 8.1 **Independence:** We formulate our own policies, programs, and implementation strategies. We do not allow ourselves to be used to implement programs or gather information of a political, military or economically sensitive nature for governments or other bodies that may serve purposes other than those directly consistent with our humanitarian or development missions.
- 8.2 **Autonomy:** We strive to maintain our autonomy according to Afghan and international law, and to resist the imposition of conditionalities that may compromise our missions and principles.

In humanitarian emergency contexts, we adhere to the following additional principles:

- 9 **Impartiality:** We provide aid on the basis of need alone. We provide support regardless of the race, religion, ethnicity, gender, or nationality and political affiliation of the recipients. We do not tie the promise, delivery or distribution of humanitarian assistance to the embracing or acceptance of a particular political or religious creed.
- 10 **Neutrality:** We do not promote partisan national or international political agendas. We do not choose sides between parties to a conflict.
- 11 **Application of SPHERE:** “We are knowledgeable about the SPHERE Humanitarian Charter and Minimum Standards in Disaster Response, and seek to apply these standards and the SPHERE indicators in the implementation, monitoring and evaluation of our humanitarian projects and programs.

Code Observance

12 The Code Observance Committee

12.1 The Code Observance Committee (hereafter called “the Committee”) shall be the body ultimately responsible for promoting observance of the code.

13 Composition of the Committee

13.1 The Committee shall have seven members.

13.1.1 The Agency Coordination Body For Afghan Relief (“ACBAR”), the Afghan NGOs’ Coordinating Bureau (ANCB), and the South-West Afghanistan and Balochistan Association for Coordination (SWABAC) will each nominate two representatives to the Committee.

13.1.2 The Afghan Women’s Network (AWN) will nominate one member to the committee.

13.2 The term of office of members of the Committee shall be one year.

13.3 A member can only serve for three consecutive terms.

13.4 The Committee shall select a Chair and a Secretary from among its members.

14 Functions of the Committee

14.1 The Committee shall act as guardian of the Code of Conduct.

14.2 The Committee shall ensure understanding, trust and co-operation between the Public, the Government, the donors, the NGO sector itself and community partners.

14.3 The Committee shall meet twice a year to consider:

14.3.1 Petitions by NGOs to become Code signatories. The Committee will permit NGOs to sign the Code only upon such NGOs furnishing the appropriate documentation as listed in Clause 14 below.

14.3.2 Petitions or complaints related to the nonobservance of the Code by an NGO. The petition may be received from government, a donor, a community partner, the public or another NGO.

14.4 The Committee shall nominate a Secretary who will manage the administrative responsibilities of the Committee. Among other things, the Committee Secretary shall:

14.4.1 Receive all requests from NGOs to become Code signatories.

- 14.4.2 Maintain files of public documents of signatories, and make those files available to key stakeholders upon request.
- 14.4.3 Request a signatory to provide a written report when implicated in alleged breach of Principles of Conduct.
- 14.4.4 Ensure that a signatory receives a copy of the complaint registered against it by the person or group of persons who lodged the complaint.
- 14.5 The Committee shall be engaged in awareness raising about the Code of Conduct enshrined herein involving Signatories.

15 Becoming a Signatory to the Code of Conduct

- 15.1 To become a signatory to the Code of Conduct an NGO must submit to the secretary in writing:
 - 15.1.1 **Legal registration:** A copy of the NGO's legal registration with the Government of Afghanistan;
 - 15.1.2 **Operational experience:** A signed statement on official stationery affirming that the NGO has been operational for at least one year;
 - 15.1.3 **Coordination Body Membership:** A letter affirming the NGO's current membership in one or more of the following coordination bodies: ACBAR, ANCB, or SWABAC;
 - 15.1.4 **Governance Documentation:** A copy of the NGO's written constitution or memorandum of association that clearly define the NGO's mission, objectives and organizational structure.
 - 15.1.5 **Financial Documentation:** A copy of an audited financial report for its most recent fiscal year; and
 - 15.1.6 **Operational Documentation:** A copy of its annual report for its most recent year of operations. For international NGOs, a copy of the global annual report will suffice.
 - 15.1.7 **Completed Survey of Accomplishments:** A completed survey of accomplishments allowing the Secretariat to monitor and communicate the combined accomplishments of NGOs.
 - 15.1.8 **Mandatory Government Reports:** Copies of semi-annual reports required by the Ministry of Planning.

16 Complaints

- 16.1 Any one person or group of persons may file a complaint or petition (supported by evidence) with the Secretary of the Committee.

16.2 A written complaint shall include the following:

16.2.1 The name and address of the complainant;

16.2.2 The name and address of the NGO or official against whom the petition is lodged;

16.2.3 The circumstances in which the breach or violation of the Code is alleged to have been committed; and

16.2.4 Where possible, a reference to the Standard of Conduct that was allegedly breached.

16.3 The Secretary shall open a file after receiving a fully documented complaint and shall immediately share a copy of the complaint with all members of the Observance Committee.

17 Jurisdiction of the Committee

17.1 The Committee shall hear and decide on all instances involving the violation or breach of the Code of Conduct by any signatory or any other acting for and/or on behalf of a signatory.

17.2 When a complaint is made under Clause 16 hereof, the Committee may either dismiss the case where no breach of the Code is established or notify the signatory or official against whom the complaint is made.

17.3 In an instance of a significant breach or violation of the Standards of Conduct, the Committee:

17.3.1 Shall call a meeting of the accused signatory and/or official of the agency and the person or group of persons who lodged the complaint in order to discuss the case. This can take place either at the regularly scheduled semi-annual meeting of the Committee, or in the case of a grievous violation of the code, an extraordinary meeting can be held.

17.3.2 Shall request any signatory and/or Official to provide evidence on the case under consideration;

17.4 When the Committee finds that the signatory or its employee has violated the Code, it shall take one or more of the following measures:

17.4.1 Provide the necessary education for compliance;

17.4.2 Call on another signatory to assist in the education process;

17.4.3 Advise the signatory in violation to take corrective measures against the NGO official or employee who is directly responsible for the breach of the Code;

17.4.4 Admonish the signatory;

17.4.5 Suspend or cancel the signature of the NGO to the code.

18 The Unseating of a Committee Member

18.1 A Committee member shall not take part in any deliberation or decision making process where he or she has an interest in the case presented to the Committee.

19 Scope of Application

19.1 The Principles of Conduct shall apply to all NGO signatories to this Code of Conduct working in Afghanistan

19.2 The Principles of Conduct shall apply to all officials and employees who act for and/or on behalf of NGOs which have agreed to abide by this Code.

20 Compliance to the Code

20.1 All signatories and all individuals or groups who act for and/or on behalf of the signatories shall observe, respect and uphold the standards of this Code.

20.2 To that end, every signatory shall ensure that all its officials and employees are adequately acquainted with the standards of the Code and work by them.

21 Revision of Code

21.1 Revision of the Code will require the approval of two-thirds of the representatives of the signatory organizations.

21.2 The Committee may from time to time review and recommend changes to the Code to the Coordination bodies.

Annex: Historical Context

Since the Russian invasion of Afghanistan in 1979, national and international NGOs have played a crucial role in providing assistance to people in rural and urban communities throughout the country and to people in refugee camps in Pakistan.

1979-1988

Immediately following the Soviet invasion, NGOs began programs to address the food, shelter and health care needs of Afghan refugees in Pakistan. In the early 1980s NGOs initiated cross-border programs into Afghanistan to address the basic health and livelihood needs of those Afghans in areas not under Soviet control. Cross-border programs working inside Afghanistan included education by 1984 and agricultural and infrastructure projects commenced in 1986. Throughout this period, “cash-for-food” projects sought to give Afghans in resistance-held areas the resources they needed to remain inside Afghanistan. During the 1980s many NGOs were also engaged in advocacy efforts to raise awareness in Western capitals about the plight of Afghans as both victims of military aggression and refugees.

1988-1995

By the late 1980s, NGOs had begun to implement development activities — using development principles in a context of “chronic emergency” and political and security instability — in addition to providing emergency assistance. The changed political context and increase in resources for Afghanistan in the late 1980s led to a number of developments in the NGO sector. The number of Afghan NGOs grew rapidly, support for Afghan capacity building increased, and several NGO coordination bodies were formed, which focused on strengthening the accountability, standards, and professionalism of the NGO community and on coordinating to increase impact and reduce duplication of activities. During this period, many Afghan NGOs, and thousands of Afghans, built their professional skills in NGO-led training institutions with support from international NGOs. Coordinated standards were developed, particularly in the health and agriculture sectors.

1996-2001

In the Taliban period, from 1996 to 2001, despite political restrictions, improved security in many parts of the country enabled agencies to work directly with local communities in remote rural areas. NGOs continued to coordinate closely with UN and donor agencies in establishing programming priorities and setting out agreed principles for the promotion of coherent and well-focused assistance to Afghans. The efforts of around twenty, mostly NGO organizations, to develop an improved set of learning standards for Afghan children, typified the cooperative approach during this period

The severe drought from 1997- 2001 exacerbated humanitarian need for many rural communities and forced new waves of displacement into urban areas, internal camps and refugee camps in Pakistan and Iran. While NGOs

expanded their emergency activities to help these populations, they also continued their development programs.

Late 2001-present

Following the events of September 11 2001, the working environment for NGOs in Afghanistan changed dramatically. In 2002, the return to Afghanistan of large numbers of refugees from neighboring countries required new emergency shelter and feeding programmes. Following the fall of the Taliban, NGOs have, in coordination with the transitional Afghan authorities, increasingly sought to balance their emergency response work with longer-term reconstruction and development initiatives. The advent of an internationally recognized Transitional Islamic State of Afghanistan has provided NGOs the opportunity to rearticulate the role of humanitarian actors, not as service contractors, but rather as mission-driven civil society organizations.