

The Islamic Emirate of Afghanistan
Procedure on coordination¹ and regulation of the activities of domestic and international organisations²

1401/7/30 Shamsi - 1444/3/26 Hijri [22 October 2022]

Introduction³

The importance of humanitarian aid and assistance in the world is clear to everyone. However, donors' confidence is obtained when assistance reaches the deserving⁴ in a equitable manner.

The necessity for this Procedure was perceived to ensure justice, coordination and cooperation⁵ in aid delivery.

This Procedure is created with the aim of ensuring good implementation of various projects by domestic and international non-governmental organisations ('NGOs'), and the equitable distribution of humanitarian assistance.

Through implementation of this Procedure, implementation of projects and distribution of assistance will be accelerated, and Memoranda of Understanding and contracts between sectoral authorities and NGOs will be facilitated, and along with this we will be able to bring about coordinated surveys, monitoring and good management.

Chapter One: General Provisions

Article 1 - Objectives

The fundamental objectives of this Procedure are as follows:

1. To ensure the process of relevant responsibilities and conduct in project implementation and distribution of assistance by NGOs taking into account expected results.
2. Evaluation and scrutiny⁶ of the operations of NGOs.

¹ The term used here and throughout the document - *ensijam* (انسجام) meaning coherence or cohesion

² The term here *muassisāt* (موسسات) is often used to refer to non-governmental organisations but the literal meaning is organisations or institutions more generally.

³ In the printed document the introduction is prefaced by an order noting that the document has been approved and signed by Prime Minister Mullah Mohammed Hassan Akhund on the dates noted

⁴ The term used throughout the document - *mustahaqīn* (مستحقین) and translated as 'deserving' literally means those with a right to something, i.e. deserving or entitled.

⁵ The terms used here and throughout the document - *hamgherli* (همغری) or *hamahangi* (هماهنگی) are used to mean coordination, agreement, or concordance

⁶ The term used - *tsārana* (څارنه) can be translated as monitoring or supervision. However, a more common term for monitoring is *nazārat* (نظارت) which appears elsewhere in the document.

3. To ensure transparency and assurance of conduct in the distribution of assistance in various sectors by the United Nations and international aid foundations and organisations in balanced way.
4. Coordinated surveys of the deserving, determination of indicators for urgent and emergency projects for vulnerable and needy areas, and coordinated distribution of aid and implementation of projects.
5. Ensuring that actions by domestic and international organisations are carried out within the framework of the law.

Article 2 - Scope of Implementation

This procedure is implementable for the orderliness [and] regulation⁷ of projects by the United Nations and aid foundations [and] the equitable and transparent delivery of aid by domestic and international organisations.

Chapter 2: Challenges and problems

Article 3

In the past and present, the following problems exist within domestic and international organisations:

1. Disproportionality in operational expenditure of NGOs in project implementation.
2. Lack of transparency and accountability in the implementation of projects.
3. Lack of an effective mechanism for the monitoring and control and projects by relevant organs⁸.
4. Lack of sufficient equipment by NGOs in emergency and urgent situations.
5. Lack of a mechanism for surveys of deserving, needy people, and vulnerable areas.
6. Inattentiveness to equitability, transparency, and proportionality in the distribution of aid and implementation of projects.
7. Discontent of the country's people with NGOs due to the disproportionately of their past activities.
8. Lack of NGO figures and information on deserving and needy people.

Article 4 - Coordination Mechanisms

⁷ The term *Tanzīm* (تنظيم) can also mean organisation or arrangement.

⁸ The English word 'organs' transliterated into Pashto - as it is here - generally refers to organs of the state.

1. NGOs are obligated to register themselves with the Ministry of Economy and obtain an operating licence.
2. The Ministry of Economy will scrutinise the operations of organisations.
3. During the implementation of projects, the Ministry of Economy will scrutinise implementation of Memoranda of Understanding ('MoU') and if the Ministry of Economy identifies deficiencies during implementation of projects it will endeavour to have them corrected by the relevant sectoral authority.
4. Taking into consideration project type, NGOs will be introduced to the relevant sectoral authority by the Ministry of Economy.
5. NGOs are obligated to organise and implement surveys and projects in consultation and coordination with the sectoral authority and to share awarded proposals with the sectoral authority.
6. If there is disagreement on the locations of coordinated surveys and identification of the deserving, all efforts will be made to resolve the disagreement through mutual agreement, thereafter the sectoral authority's view is preferred.
7. Urgent and emergency projects will be chosen and implemented in coordination with sectoral organs and ANDMA.
8. NGOs will sign a MoU with the relevant sectoral authority for project implementation.
9. The relevant sectoral authority will endeavour to complete the phases of the MoU and sign it within 15 working days. In emergency situations, work can be carried out pursuant to agreement with the relevant sectoral authority.
10. NGOs and sectoral organs are obligated to implement projects in accordance with the provisions of the MoU.
11. Sectoral authorities will provide necessary facilities to relevant non-governmental organisations for project implementation in accordance with this Procedure.
12. Sectoral authorities are obligated to monitor and control project implementation in accordance with the MoU.
13. No domestic or international NGO has the right operate without a licence from the Ministry of Economy and a MoU with the sectoral authority.
14. No sectoral authority can sign an MoU with an NGO without an introduction letter from the Ministry of Economy.
15. Provincial officials cannot sign MoU with NGOs without an introduction letter from the Ministry of Economy.

16. NGOs and sectoral authorities are obligated to share necessary information obtained from coordinated surveys with the Ministry of Economy. NGOs are obligated to share in a coordinated manner with the sectoral authority information about aid provided to the poor.
17. Domestic and international NGOs will procure necessary items, goods, and materials from domestic sources. If the necessary items, goods, and materials from cannot be obtained from domestic sources, [NGOs] may have recourse to foreign sources upon advancement of satisfactory reasons.
18. At the time of announcements and tendering, NGOs cannot give projects to companies and NGOs whose operations are under question.
19. Following project implementation, NGOs and sectoral authorities are obligated to share signed project documents with the Ministry of Economy for evaluation and approval.
20. Each sectoral authority is required to create a database for the good organisation of affairs.

Article 5 – Areas of work

1. All projects implemented in the health sector country-wide relate to the Ministry of Public Health.
2. Humanitarian aid and projects implemented in the sector of martyrs and the disabled country-wide relate to the Ministry of Martyrs and Disabled Affairs.
3. Humanitarian aid and projects implemented country-wide in the sector of migrants/refugees and displaced persons relate to the Ministry of Refugees.
4. All projects implemented country-wide in the agricultural, irrigation and livestock sectors relate to the Ministry of Agriculture, Irrigation and Livestock.
5. Humanitarian aid and projects implemented country-wide in villages and districts - and which do not relate to other sectoral administrations - relate to the Ministry of Rural Rehabilitation and Development.
6. All emergency and urgent assistance country-wide relates to the ANDMA.
7. All projects implemented countrywide in the sector of education relate to the Ministry of Education.
8. All projects implemented countrywide in the sector of higher education relate to the Ministry of Higher Education.

9. All projects implemented in relation to technical and vocational education relate to the Technical and Vocational Training and Education Authority ("TVET").
10. Assistance in other sectors relate to the relevant central organs.
11. Coordination with international donors in relation to policy making is among the responsibilities of the Ministry of Finance which it will organise in coordination with the relevant administrations and organs.

Article 6 - Reporting Mechanism

1. NGOs are obligated to submit reports of their budgets, expenditures, plans, objectives, expected results, and budget and expense lines/codes to the Ministry of Economy on an annual and quarterly basis.
2. NGOs are obligated to submit reports on project implementation and distribution of humanitarian assistance to the Ministry of Economy on a quarterly and annual basis after approval by the relevant sectoral authority.

Article 7 - Project Delivery Mechanisms

Following completion of projects, the relevant sectoral authority is obligated to formally submit the project to the Ministry of Economy and report upon it after obtaining technical assurance of the implementation of the provisions referred to in the MoU or contract.

Chapter 3 - Miscellaneous Provisions

Article 8

Absent agreement, no domestic or international organisation or company can employ current technical or professional staff from within the organisational structure of the Islamic Emirate in their organisation.

Article 9

If any staff member leaves their position without the agreement of the [government] authority, they will not be able undertake employment with an NGO for two years.

Article 10

Government employees who are dismissed on the basis of absenteeism or committing a crime cannot undertake employment with an NGO for two years.

Article 11

This Procedure is comprised of three chapters and eleven articles and is considered to be enforced.