

Relief, development and peace in the name of Christ

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Written Submission to the House of Commons Special Committee on Afghanistan regarding the situation in
Afghanistan, particularly that of the humanitarian crisis

Submitted by Mennonite Central Committee (MCC) Canada
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Mennonite Central Committee (MCC) is a worldwide ministry of Anabaptist churches responding to basic human needs and working for peace and justice. While our work began over 100 years ago, in 1920, providing humanitarian and other assistance to Mennonites in the former Soviet Union, today MCC supports programming in roughly 45 countries, caring for the lives and futures of vulnerable people. MCC works through local partnerships to provide water, food, and shelter in times of hunger, disaster, and conflict; development opportunities such as education and income generation opportunities; and works with communities to prevent violence and promote sustainable peace.

Currently, MCC programming for Afghanistan is on hold due to Canadian regulations because of the current political situation. However, MCC has supported and funded local partners in Afghanistan since the 1970s. Since 2008, MCC developed a more permanent presence in the country by regularly sending staff and volunteers. Since then, MCC's programming had grown to include support for four local partner organizations working on several areas including, mental health, education for women and youth, and peacebuilding. MCC is the sole external funder of one of these organizations. Additionally, MCC had funded the entirety of two other projects implemented by additional partner agencies.

From 2016-to 2019, MCC managed a Global Affairs-funded \$10.5 million project "Strengthening Maternal, Newborn and Child Health in the Central Highlands and Kandahar, Afghanistan." The project provided essential services to women and children – both boys and girls – to reduce maternal and child mortality. Given our over 100 years of experience serving vulnerable populations around the world, including through disaster relief, community development, and peacebuilding, MCC welcomes the opportunity to share our experiences and recommendations regarding the situation in Afghanistan.

A Brief Overview of the Context in Afghanistan

As our colleagues at Cooperation Canada, and others have already illustrated to the committee, there is a decades-long history of Canadian humanitarian and development organizations, often funded by the Canadian government, working in Afghanistan.

Decades of war in Afghanistan have resulted in environmental, social, economic, and political destruction that will take generations, not years, to repair. Even before the Taliban takeover in August 2021, many Afghans had fled the country over the last 30 years. In recent years, Afghanistan has also suffered from multiple humanitarian crises due to drought, the global pandemic, and high levels of displaced peoples. As a result, Afghanistan has a Human Development Index (HDI) ranking of 169, amongst the lowest in the world. Now, in 2022, because of the swift economic collapse of the Afghan economy that began in August 2021, over half of Afghanistan's population is dependent on life-saving aid and assistance. 98% of families do not have enough food to eat.

Since mid-2021, Canada has been involved in efforts to resettle Afghan refugees caught up in the current crisis, including efforts within MCC. While we strongly believe that resettlement remains a positive and necessary means of support, we also urge that equally, if not more crucial, is the need to address the root causes of conflict and forced displacement.

MCC welcomes the continued support of Canadian humanitarian assistance through multilateral channels, including the most recent commitment on March 31, 2022, of \$50 million in additional funds. However, we are greatly concerned about the role of local Afghan organizations and the inability to provide such groups with Canadian funding. Canadian civil society engagement is crucial to continuing to engage the Canadian public. We are also concerned that not enough support is being provided for local peacebuilding, including innovative small projects that provide much-needed support to local communities to build long-lasting peace and stability.

Recommendations Summary

To respond to the ongoing humanitarian and conflict crisis, MCC has the following recommendations

1. Create space for Canadian organizations to support essential humanitarian work:

As a member of Cooperation Canada, MCC affirms the recommendation from Cooperation Canada and several co-signatories, calling for a humanitarian exemption from the criminal code and from sanctions, in order that Canadian organizations can continue to fund local Afghan partners and programs

2. Target Canadian funds to support local peacebuilding:

Canada should commit to fund and support local peacebuilding initiatives, such as those that take place in schools, communities, and with vulnerable populations, including women and girls, as part of building long-term and sustainable peace.

Breakdown of Recommendations

1. Create space for Canadian organizations to support essential humanitarian work

Currently, Canadian NGOs face barriers to continuing their support of ongoing programs as a result of the **Canadian criminal code and Canada's sanction legislation.**

The following three paragraphs are taken directly from the brief submitted to this committee on March 11, 2022, by Cooperation Canada (MCC Canada is a member) and 9 other organizations, and illustrate many of MCC's key concerns as well:

Current sanctions and domestic legislation in place arguably prohibit and most certainly discourage Canadian humanitarian organizations' operations. Specifically, Canada's Criminal Code (paragraph 83.03(b)) and related provisions make it a criminal offense to 'make an available property or financial or other related services... knowing that... they will be used by or will benefit a terrorist group'. The initial interpretations provided by Global Affairs Canada indicated that Canadian organizations are thus arguably prohibited from using any Canadian funding (governmental or non-governmental) to directly or indirectly pay ordinary and incidental taxes linked to humanitarian work, including taxes on rent, salaries, vendors or imports in Afghanistan as the Taliban is perceived to be equivalent to the de facto government. The Taliban as an entity is on the Anti-Terrorism Act's list of terrorist entities, and thus the view is that payment of taxes would benefit an organization classified as a terrorist entity by the Canadian government, in violation of Canadian criminal law...

With regard to sanctions, the Regulations Implementing the United Nations Resolutions on Taliban, ISIL (Da'esh) and Al-Qaida (SOR/99-444), section 2, under the United Nations Act, prohibits providing any financial or related services to or for the benefit of the Taliban which is on the Anti-Terrorism Act's list of terrorist entities. While Canada's sanctions regulations (Regulations Implementing the United Nations Resolutions on Taliban, ISIL (Da'esh) and Al-Qaida (SOR/99-444) has a provision that permits organizations to request an exemption from the applicability of those sanctions, this exemption is not specifically concerning humanitarian action and does not mitigate the risk under other legal requirements, such as Canadian charities law and the Canadian Criminal code.

Due to these current regulatory and legal barriers in Canada's Criminal Code, funding from Canada committed to Afghanistan programs is currently not being implemented by Canadian humanitarian

*organizations nor by local or national Afghan NGOs, critical to reaching vulnerable populations, and vital humanitarian services are not being provided. This is despite an enormous humanitarian imperative to intervene and an even deadlier crisis looming as winter continues.*¹

An additional challenge for several of MCC's partner organizations is that MCC Canada is the sole external funder for projects. Some of these projects include women's literacy and vocational training, and peacebuilding for school children. Without MCC's continued ability to deliver funding, these projects will likely be forced to close.

For example, one MCC partner is a locally-led NGO that focuses on adult women's education. Funding from MCC enabled this organization to provide literacy, peacebuilding, and WASH courses for women. MCC was the only outside donor and without the ability to access MCC funds, this partner will be forced to shut down. As a result of these funding restrictions, there is a high risk that all staff could lose their jobs and the students could lose access to education. As MCC has been unable to transfer funds due to Canada's criminal code, the executive director of this organization has taken out personal loans to ensure that staff receive a paycheck—this is an unsustainable solution.

MCC welcomes the continued support of Canadian humanitarian assistance through multilateral channels, including the most recent commitment on March 31, 2022, of \$50 million in additional funds. However, we are greatly concerned about Canadian organizations' current inability to fund and support local Afghan organizations.

Recommendation 1: As a member of Cooperation Canada, MCC Affirms the recommendation from Cooperation Canada and several co-signatories, calling for a humanitarian exemption from the criminal code and from sanctions, in order that Canadian organizations can continue to fund local Afghan partners and programs

2. Target Canadian funds to support local peacebuilding:

Grassroots peacebuilding efforts take place with an understanding of the unique local dynamics and contexts in Afghanistan, including the drivers of conflict. Local organizations can innovate and base their work on models for conflict prevention and resolution that feed into the initiatives of the wider community, national, and international actors in a sustainable way. Much international attention and focus has been on refugee resettlement from Afghanistan. However, it is equally important that Canada invest in addressing the root causes of forced displacement, through conflict prevention and support of local grassroots peacebuilding. Such initiatives are essential to create circumstances where people are not forced to flee their homeland in the future.

MCC has been funding organizations that have been working on peacebuilding long before the present crisis and would like to continue to provide funding into the future. For example, MCC partners with an organization² that focuses on youth education. Since 2003, this organization has worked in public middle and high schools and provides peacebuilding classes for girls and boys. Thanks to these trainings, this NGO has seen up to a 70% reduction in observed aggressive behavior among students. Another organization that MCC partners with teaches women how to read. Along with literacy trainings, this NGO also provides peacebuilding classes to

¹ Cooperation Canada, and 9 other organizations, "Canadian Humanitarian Organizations' Submission to the Special Committee on Afghanistan," submitted March 11, 2022:

<https://www.ourcommons.ca/Content/Committee/441/AFGH/Brief/BR11631748/br-external/Jointly1-e.pdf>.

² We cannot mention the name of the organization in order to protect its staff and volunteers.

their students. These women learn how to utilize nonviolent conflict transformation skills within their family and their communities.

Recommendation 2: Canada should commit to fund and support local peacebuilding initiatives, that take place in schools, communities and with vulnerable populations, including women and girls, as part of building long-term and sustainable peace.

Conclusion

The situation in Afghanistan is critical. Canada has a responsibility to support local Afghan organizations and Canadian civil society organizations working together to address the root causes of conflict and forced displacement to build sustainable peace. Given the extreme poverty rates of hunger, humanitarian support through multilateral channels is essential. At the same time, support for local organizations is equally if not more critical to rebuilding Afghan society through the empowerment of Afghans, especially vulnerable Afghans – including women and girls to create change in their own context. Canadian organizations like MCC currently face multiple challenges in supporting this essential work. We ask the Canadian government to remove the current barriers facing MCC and other organizations so that the essential work of providing humanitarian and peacebuilding support can continue.