Kabul, Afghanistan, September 28, 2016: News Release: MEC Expresses its Concerns Regarding the Lack of Anti-Corruption Deliverables in Proposed SMAF Update

Can Afghanistan be almost corruption-free?
Hardly, but of 25 short-term deliverables to be agreed at the Brussels conference next week, **only one minor deliverable relates** to anti-corruption, suggesting it is not a priority.
The Government of Afghanistan and the International Community can do better than this.

The International Community (IC) and the Afghan Government have produced a new draft set of short-term deliverables to go with the SMAF (Self-reliance through Mutual Accountability Framework). These will accompany the new agreements that will flow from the Brussels Conference on Afghanistan, to take place next week on October 4th and 5th, 2016.

The draft contains 25 such deliverables. They range from concrete steps towards future elections, to special courts for women, to measures for improving aid effectiveness. They replace the 39 deliverables agreed for 2015-2016 (Editors - see Note 1).

BUT, despite all the strong sentiments expressed by both the Government of Afghanistan and by International Community about the central importance of reducing corruption, the draft contains only one measure that refers directly to tackling corruption.

There is also no reference to the obligations of the international community in relating to bringing corruption down. This is not the 'mutual' self-reliance that the framework speaks about.

MEC proposes below a number of specific deliverables that would significantly strengthen the framework and the Brussels conference.

We call on the Government of Afghanistan and the International Community to approve an improved set of short-term deliverables for 2017 at the Brussels Conference.

The one current anti-corruption deliverable

The specific measure proposed in Deliverable No.2 reads as follows:

"Anti-corruption strategy for the whole of government drafted and endorsed by the High Council on Rule of Law and Anti-corruption in the first half of 2017 and

implementation initiated in the second half of 2017. Five revenue-generating ministries publicly report on implementation progress of their anti-corruption action plans in 2017. "

The first part of this statement, on the High Council, is a very modest ambition.. The government announced the High Council in June 2016, yet it still gives itself until 'mid 2017' before it starts implementing?

Regarding the second part, the five Ministries were due – in the previous set of deliverables - to have their plans ready by end 2015. Even now, the only deliverable is to 'report publicly on progress' in 2017. (Editors - MEC has separately commented on these plans. See Note 2)

Better commitments relating to anti-corruption

1. What about Anti-Corruption plans from other Ministries? Anti-Corruption plans for the whole, vital areas of delivery-focused Ministries are not mentioned as deliverables. In fact, the Minister for Public Health is currently very active in developing a substantive Anti-Corruption strategy. The Minister for Education is also starting the same effort. So there is a good basis to build on. So MEC calls on the Brussels conference to add a deliverable, that there will be substantive Anti-Corruption plans for the main citizen-facing Ministries by mid 2017, with publishing of results starting from mid 2017.

2. Staying with Anti-Corruption plans, what about anti-corruption plans from those Ministries that are specifically required to introduce performance management measures? (Ministry of Agriculture Irrigation and Livestock, Ministry of Interior, Independent Directorate of Local Governance, Central Statistic Office, Supreme Audit Office)

3. There are strong reforms underway in the AGO, yet these also are not part of these deliverables There should be a deliverable on this topic.

4. There is indeed progress on **asset registration by officials**. But there is little or no progress either on checking the quality of the assets registration documents, or verifying the asset statements. It would be easy to require a deliverable that would stimulate stronger actions by HOO.

5. There needs to be a deliverable relating to **asset registration by MPs and Provincial Governors**. Very few have complied with the asset registration requirement (only 2 out of 259 MPs) (Editors - See Note 3)

6. The only deliverable related to strengthening the **investment climate** – a vital area for revenue generation, which should also include corruption

related actions - is that the 'scope of the plan will be discussed and approved in an open session of the High Economic Council by the middle of 2017. That is a very modest deliverable. This can be strengthened, or made more specific to sectors where there is more progress.

- **Civil Service reform** is crucial in order to address this systemic corruption vulnerability, yet it is hardly mentioned, other than with reference to CBR and female civil servant targets. The President mentioned this topic again, only very recently, that "civil service capture" is one of the four drivers of corruption. A deliverable on this could be, for example, that the reform measures be substantially underway by Jan 2017, and include specific reforms focused on reduction in corruption vulnerabilities?

- The current **Anti-Corruption Justice Centre (ACJC)** is not mentioned. Commitment. A deliverable could be a number of cases per year or the rate of case prosecution versus those received; or both.

- It is positive that there is a clear deliverable related to the **Mining sector,** which is deeply compromised by corruption, yet need to become a key source of future income. This is a good deliverable, but it can be made stronger by the following additions (in italics):

  "To operationalize the government's commitment to EITI, amendments to the mining law submitted to the parliament include measures such as publication of mining contracts *as a condition of their validity*, identification of the mining contracts beneficial ownership, *the establishment of a single transparent account for all mining sector payments and receipts,* assignment of mineral rights for funding of mining projects, suspension for Force Majeure, Rights of private land owners' enforcement of mining contracts being linked to their publication, by first half 2018 and the mineral fiscal regime developed by 2018."

- There are no **deliverables for the international donors** in relation to anti-corruption. One possibility could be: "All the International donors commit to independent annual review of where they are succeeding or failing in respect of minimising corruption vulnerability in the use of their aid in Afghanistan". What the nation needs is an open attitude from donors of where it is finding the corruption risks and how donors are reacting, individually and collectively.

Concern for citizens

There is only one deliverable regarding the type of corruption that citizens mostly face and that is regarding the simplification of services and its integration into a one-stop-shop (Deliverable 13). But, this item has flaws. First, these

services do not seem to have been determined yet and the ministries may pick at a later stage the least important and relevant ones for the citizens. Second, an assumption is made that simplification means reduced corruption. MEC's experience in Afghanistan has shown that simplification does not necessarily reduce the burden of bribery on citizens. So there is a need to adopt an anti-corruption approach when reforming the process of delivering services. Finally, the timelines are far away from the urgent needs of the citizens. Why should citizens wait for 2018 to see only three one-stop-shops established and then only in Kabul? Why should citizens wait until an undefined date in 2017 to see the process of reform in key services started?

NOTES for editors

1. The previous short-term deliverables. After the London Conference in 2014, senior officials agreed in September 2015, a set of short-term deliverables as part of the new 'Self-reliance through Mutual Accountability Framework'. There were 39 short-term deliverables defined. Almost all of these have an anti-corruption element: either directly, like the production of anti-corruption plans by Ministries, or indirectly, such as in the adoption of service standards by the National Procurement Commission and the appointment of a new Attorney General.

The Government has made good progress on these indicators, as reported by the Ministry of Finance in its progress report of September 2016.

2. MEC analysis of the 5 AC plans. MEC has made a detailed analysis of the 5 plans, and has sent this analysis to the Government. It is separately available from MEC.

3. Asset registration by MPs and Provincial Governors. Based on MEC review of the HOO data, only two of 259 of the MPs[1], and 11 of 34 governors have registered their assets.

[1] Mr. Ramzan Bashar Dost and Mr. Baktash Syawash