

**A Study on anti-corruption approaches in Afghanistan: With Special Focus on  
Sanction and Prevention approaches**

**BY**

**Khaled Fazely**

**THESIS**

Submitted to

KDI School of Public Policy and Management

to fulfill the requirements for the degree of

**MASTER OF PUBLIC POLICY**

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**Dedicated to my mom who dedicated  
everything she had to me**

## ACKNOWLEDGMENT

IT WOULD HAVE NOT BEEN POSSIBLE TO DONE THIS THESIS WITHOUT THE ENCOURAGMENT OF THE PEOPLE AROUND ME. IMMIGRATION AFFECTED ME DURING THE LAST THREE YEARS AND THE DIFFICULTIES OF LIFE THAT ARE BOUND WITH IT WERE CHALLENGES THAT I HAVE BEEN FACING THESE YEAR, BUT WITH THE HELP MY FAMILY AND MY FRIENDS I COULD HAVE OVERCOME IT AND WRITE THIS THESIS.

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## **ABBREVIATIONS**

HOO	HIGH OFFICE OF OVERSIGHT
ACD	ANTI-CORRUPTION LAW
ANDS	AFGHANISTAN NATIONAL DEVELOPMENT STRATEGY
DAB	DA AFGHANISTAN BANK
FPU	FISCAL POLICY UNIT
IARCSC	INDEPENDENT ADMINISTRATIVE REFORM AND CIVIL SERVICE COMMISSION
IDLG	INDEPENDENT DEPARTMENT FOR LOCAL GOVERNMENT
MOF	MINISTRY OF FINANCE
OAA	OFFICE OF ADMINISTRATIVE AFFAIRS
PAR	PUBLIC ADMINISTRATION REFORM
PRR	PRIORITY REFORM AND RESTRUCTURING
GIAAC	General and Independent Administrating of Anti-Corruption and Bribery

## Chapter 1: Introduction

Afghan Government has been ranked one of the most corrupted system in recent years and after more than one decade of international aid on strengthening government institutions; this problem is still existed and even growing up. Both Afghan government and International community spent millions of dollars either through governmental reform activities or NGOs' projects to fight against corruption, but most of these projects didn't work out or had a very small impact.

This paper is analyzing the major government and international community efforts to combat corruption from 2002 till 2014, and will focus on two approaches of fighting it, which are prevention and sanction. And by analyzing of different established institutions, policies, strategies and projects, it is going to argue that if Prevention and Sanction approaches were addressed properly, level of corruption was decreased.

### Statement of problem;

The Afghan Government has been ranked as one of the most corrupted systems in recent years and after more than one decade of international aid on strengthening government institution; this problem still exists and is even increasing.

Both the Afghan government and the international community spent millions of dollars either through governmental reform activities or NGOs' projects to fight against corruption, but most of these projects didn't work out or had a very small impact.



A 2010 UN Survey shows that 72% of Afghan interviewees believe that it is necessary to pay bribes to be able to access public service and at same time 63% of them believe it is not effective to report corruption, since nothing is going to be done about it.<sup>1</sup> It also pointed out that the court system, police, customs and taxes, identity cards and passports, land, electricity and transport as well as higher education are respectively the most highly corrupt services in the country. Meanwhile some active international institutions such as The Asian Development Bank, have pointed out that corruption is part of behavior of officials by which they enrich themselves improperly and unlawfully and those who are close to them--or induce others to do so-- by misusing their position of power. And the Afghan President, Hamid Karzai echoed in his interview in January 2009 with BBC News that the Government of Afghanistan as well as International organizations, aid agencies and private sector firms are affected by corruption.<sup>2</sup>

However, the Afghan government as a responsible party and the international community as the supporter, have addressed corruption through numerous commitments, strategies, policies and programs. Still, corruption in Afghanistan is known as one of top three problems and a major challenge for rule of law, governance, and sustainable economic growth. This paper is going to argue that the government of Afghanistan did not have proper *sanction* approach which means endorsing laws and designing policies, and a *prevention* approach that is

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<sup>1</sup> United Nations, Office on Drugs and Crime. Statistics and Surveys Section, Corruption in Afghanistan: bribery as reported by the victims, January 2010, 2 Dec. 2010, p. 30, <http://www.unodc.org/documents/data-and-analysis/Afghanistan/Afghanistan-corruption-survey2010-Eng.pdf>.

<sup>2</sup> Steven A. Zyck, "Corruption and Anti Corruption issues in Afghanistan.", Civil military fusion center, (2012): 44.

establishment of institutions, to fight corruption in the country. This lack of effectiveness is due to lack of capacity and commitment, corrupt networks inside the government and inappropriate policies and strategies.

### **Purpose of the study:**

This study is focused on analyzing the outcome of anti corruption efforts in Afghanistan after the new regime which begun in 2002. This study will analyze different approaches taken by the Afghan government and their international counterparts in fighting corruption; but with special focus on two areas of *sanction* and *prevention*. The purpose of the study is to give a depth and comprehensive analysis of what went wrong through these years in combating corruption and what are the mean reasons that the efforts didn't work.

### **Significance of the study**

It will contribute to the general understanding of anti corruption efforts and how corruption could be decreased if the sanction and prevention approaches take place properly. This study will also give a depth analysis of why some model policies are will not be effective in every region and how every country specially the third world and post war countries have their own specific governmental characteristics that need to be strongly considered in designing policies and strategies. Afghanistan case

study is one of the most crucial in last few decades and this thesis will help to have a better understanding of corruption and how to fight with it.

### Research Questions:

To achieve the intended purpose of this study, It would answer to:

- Whether Afghan government and international community, implemented proper strategies and approaches to fight corruption in Afghanistan;
- Whether if the Sanction and Prevention approaches reduced level of corruption in Afghanistan.
- How Afghanistan case is different from other fragile states?

### Scope and Limitations

Studying governmental affairs in Afghanistan has always been restricted by the bureaucratic government structure, lack of data, unwillingness to share information to the public. And this is broader when it comes to the issue of corruption. There are limited researches and reports about corruption in Afghanistan and mostly statistics are based on random researches that UN agencies, US Embassy or other international counterparts publishing once in a while. So this study is mostly relied on the data extracted from the reports and researched of mentioned agencies.

Distance is difficulty that the researcher of this study is facing, since due to immigration I won't live anymore in Afghanistan and mostly have done my researches online and on qualitative bases.

## **Chapter 2: Literature Review**

Internationally there is not any concrete definition of corruption, but most common interpretation of corruption is abusing or misusing of public or trusted power for the personal gain. Further more some of anti-corruption affiliated organizations defined it based on different aspects. For instance journal of Systemic Practice and Action Research knows corruption generally as “agent relationship, misuse of public offices...and violation of public interest.” Based on this article, corrupt character is defined not only the one who receive the bribe, but also the one who offer it in exchange for special treatment. Also the transparency international is defining corruption as “abuse of entrusted power for private gain.” And this description is mostly accepted one.

Other major international organization are having their own definition of corruption, even though there is the broad acceptance of what Transparency international defined. For instance The Asian Development Bank (ADB), indicates that corruption is “involvement of behavior in which officials -including those in private sector- improperly and unlawfully enrich themselves and/or those close to them—or induce others to do so—by misusing their position of power.

Corruption brings economic instability and negative consequences in a long term. Investment in Afghanistan is affected by this lack of security in economy and high

level of corruption and bureaucracy within the governmental entities. Bentzen believes in deep analysis of the corruption and its causes. He emphasizes that the stakeholders should figure it out what should be fixed first; in the government or the society<sup>3</sup>. Corruption in Afghanistan flows in different layers of the government as well as the society and to fight it both Anti-Corruption organization plus the society need to recognize the priorities of the campaign. Corruption affects the economy more in the income distribution and increases the level of poor people in the society. In Afghanistan corruption has a huge impact on poor people since they receive low social services and corruption between the contractor and sub-contractors decrease the quality of development projects and communities specially in rural area benefits from much lower quality project than what it intended to be.

“Afghanistan is at a pivotal moment, decades of instability, warfare, and future of this war torn county relies on today’s policies and initiatives...education may be the most vital of these policies and initiatives”<sup>4</sup>. These decades of instability and war decreased the literacy level dramatically and lack of education among the people is another factor of high level of corruption in the country. This situation creates a culture of corruption in which people believe that they should pay bribes in order to receive any basic social services from the governmental officers. Political corruption is result of people being easy on giving bribes and it grow in different layers of the government and create a system that bribery and misusing of the public resources is easy for the officials and in results the country experience cases like Kabul Bank that

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<sup>3</sup> Bentzen, J. How bad is corruption?, 2012.

<sup>4</sup> Adam J, Implementing anti corruption standards to improve Afghanistan’s education system, 2012.

many high level governmental officials were involved in misusing of millions of dollars from public money.

### Background of Corruption in Afghanistan:

The levels of corruption in the country are extreme. According to a recent Asia Foundation study, in 2014, 62.4% of Afghans reported that corruption was a major problem in their daily life (see Figure 4), a significant increase from 2013 (55.7%).<sup>15</sup> Overall, perceptions of corruption as a major problem in daily life, people’s neighborhoods (53.3%), local authorities (59.9%), provincial governments (67.8%), and in Afghanistan as a whole (75.7%) have all risen since 2013, as well as since the survey began tracking perceptions of corruption in 2006. This is with the exception of the country as a whole, which polls at around the same, albeit high, level.<sup>5</sup>

### Corruption in Afghanistan during 2006-2014

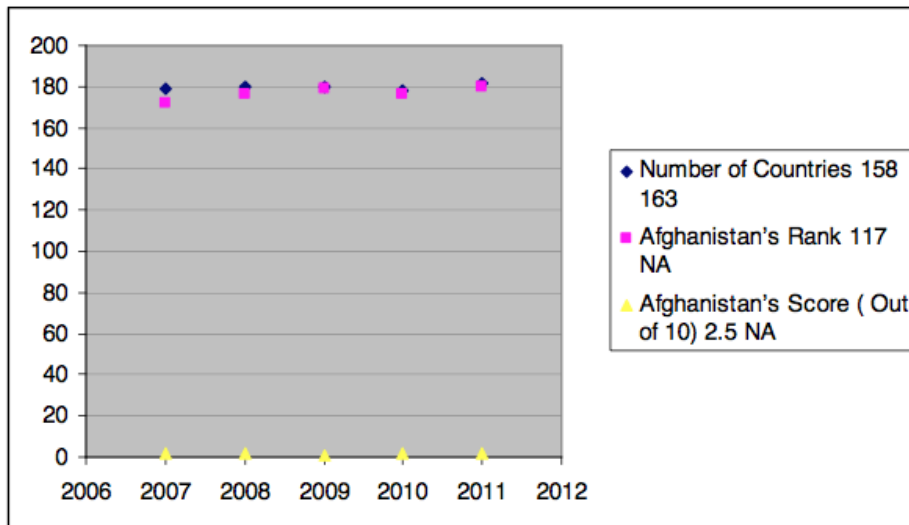
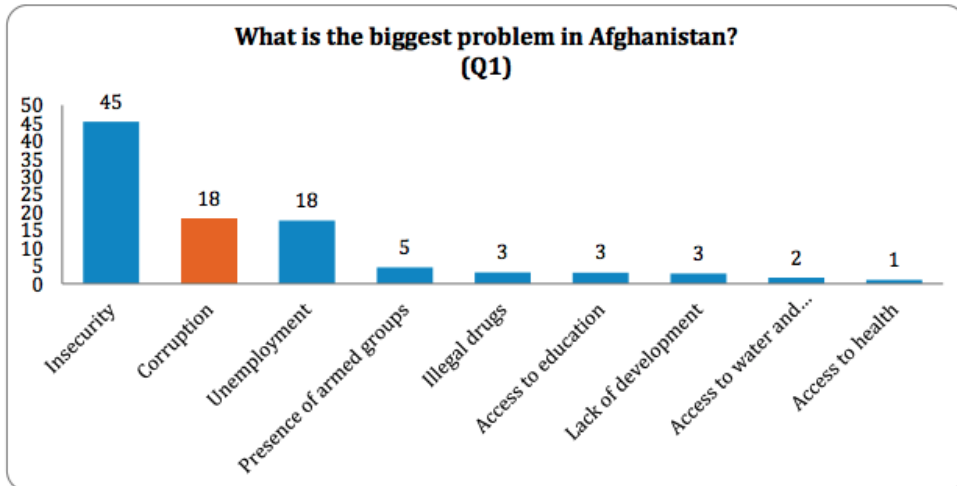
**Afghanistan's ranking in the Corruption Perceptions Index**

Year	Score /100	Rank
2007	18	172/179
2008	13	176/180
2009	15	179/180
2010	14	176/178
2011	15	180/192
2012	8	174/174
2013	8	175/177
2014	12	172/174



<sup>5</sup> Transparency International, Corruption, Lessons from the international mission in Afghanistan, July 2015

Source: Integrity watch Afghanistan



Source; UNODC

### Perception of corruption in Afghanistan:

Surveys of Afghan opinion repeatedly put corruption as the third biggest problem after insecurity and unemployment, with the notable exception of the United Nations Office on Drugs and Crime (UNODC) 2010 survey that places it as

the biggest problem of Afghans. The Asia Foundation 2011 survey identifies corruption as the third biggest problem (21%) after insecurity (35%) and unemployment (23%). And it is again, for the second consecutive year, the second reason for pessimism of the respondents about Afghanistan (16% in 2011 and 27% in 2010). Administrative corruption is perceived as the second most important failure (25%) of the government after insecurity (32%). This is a significant improvement over the results of the 2010 Asia Foundation survey, in which failure to fight corruption was tied, at 30%, with insecurity in being cited as the biggest failure of the Afghan government. Nonetheless, there is little change in citizen perceptions of their government actually tackling corruption, and the gap is striking between areas of perceived government success, such as education (85%) and poor perception of Afghan government success in fighting corruption (35%)<sup>6</sup>.

### **Causes of corruption:**

Afghanistan has been home of homicide, war, ethical conflicts and playground of international and regional politics for more than 3 decades, which thrown the country to a deep chaotic and instable governmental system which is still fragile and full of bugs from different aspects. People as the second threat to people always consider corruption after security in Afghanistan whenever they are asked to participate in a research and statistics do not show otherwise.

Different factors and stakeholders cause corruption in Afghanistan:

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<sup>6</sup> Asia foundation, The Growing Challenge of Corruption in Afghanistan, 2012.



- Weak governmental system: The new government of Afghanistan has not been able to tackle the corruption very well and even the statistics shows increase in level of corruption by each year. Bureaucratic governmental style, lack of skillful and honest personnel and interference of warlords in the government made the government weak and unable to fight corruption.
- Anti corruption efforts: Efforts are mostly not well studied and planned and do not reflect the real situation in the country. Most of these efforts end up establishing a new governmental body, which is increasing the bureaucracy as well as new channel for the corrupt individuals to misuse the system and get around it.
- International community including UN agencies: These stakeholders are challenged to fight corruption in appose to their perceptions and model projects that they have implemented in other countries. This issue forces them to try different ways to tackle it but usually noon of them are being useful enough to decrease the level.

**Annex 1: Causes, forms and implication of corruption in Afghanistan- A Framework**

Causes	Forms	Petty corruption and bribery	Extortion	Financial leakages – embezzlement etc.	Patronage	Corruption in procurement	Grand corruption
Poor capacity and service delivery; complex business processes, discretionary power		Bribery at the service provider level to get things done	Misuse of police powers for financial gain	Some (but may not be very much) when PFM are too complex	Likely if limited capacity to implement merit-based processes	Likely if there is weak procurement and weak private sector participation	
Weak accountability mechanisms		Lack of monitoring by communities and very limited media influence	Weak justice system has no remedies for extortion	Lack of transparency mechanisms; Parliamentary oversight; press	Lack of media / civil society; Parliament & other elected bodies may push patronage	Lack of transparency mechanisms	No asset declaration or other transparency mechanisms; weak private institutions
Large amounts of aid spent quickly		Possible, including because of pressure to deliver results quickly	Threat of insecurity to extract resources from aid funds	Multiple layers of overheads, difficult to monitor, pressure to spend	Tendencies toward patronage in “second civil service”	Use of non-competitive processes; lack of transparency	Possible, including because of pressure to deliver results quickly
Drug industry (and other criminal activities)		Bribery in the police and justice sector at the local level	Extortion by law enforcement agencies to avoid eradication etc.		Senior police appointments may be tied to drug industry		Large resources for influencing state (including at high levels)
Infrastructure and Natural Resource Development		Access to infrastructure and jobs in the sectors		SOEs operating poorly, no oversight, private interests involved	Choice of projects, geographical location	Non-competitive tenders, irregular awards	Behind the scene contracting for large projects and assets
Underground resources (and other public assets)		Corruption in allocation of public land (sometimes can be large)	Threat of seizure of private land as a means of extortion	Appropriation of public assets by non-legitimate actors		High vulnerability to corruption in tendering/licensing	Likely
Structural issues (fragmentation of society, traditions, etc.)		Tribal / ethnic favoritism; cultural views of “backsheesh”	Extortion by powerful groups in a locality or region		Tradition of family / tribal / ethnic based patronage / loyalties	Favoritism; maybe politicized decisions on procurement; “dividing the pie”	
Implications of different forms of corruption, which all have negative effects on (i) Government legitimacy and (ii) sound economic competition and growth. Most forms of corruption impose uncertainty and time burden.		Direct losses of funds (relatively small)	Insecurity and financial losses for individuals	Direct losses of funds (and waste)	Reduces effectiveness of civil service	Raises costs of and imposes delays in projects	Amounts can be truly large (and long-term impact e.g. of licenses)
		Culture of corruption established in civil service	Higher cost of doing business for firms	Reinforces culture of corruption	Undermines PAR and creation of merit-based civil service	Can adversely affect quality and value of projects	Undermines political normalization, state building
		Worse quality of public services; undermines cost recovery	Undermines rule of law; reinforces culture of violence			For larger projects and contracts, can reach point of “grand corruption”	“Capture” of state by drug or other interests; resulting policy distortions

**Chapter 3: Analysis of anti-corruption efforts**

**- Prevention**

The government of Afghanistan included eliminating corruption as one of its main priorities in ANDS (Afghanistan National Development Strategy) and to reach that, different laws, strategies and policies have been created, designed and somehow implemented. Integrity Watch Afghanistan, defines prevention as an approach that:

- Focuses on transparency and integrity, often without explicitly targeting corruption. This involves reform efforts in some of the core state functions such as revenue collection, allocation of resources and financial management.

Early improvements in public finance management, for instance, can be considered an important step toward prevention.<sup>7</sup>

And recently the government of Afghanistan designed a 200-page strategy to fight corruption. This strategy, which is called “Strategy and Policy for Anti Corruption and Administrative Reform” is trying to show an idealistic image of government in each sector and what it should look like. But all of these and several other inter-ministerial or inter-sectorial policies toward fighting corruption, still have not worked and the level of corruption has increased, due to the following factors<sup>8</sup>:

Rule of law is one of the main issues, since the government cannot or does not want to fight with high-level corrupt officials and this have caused some international supporters to look doubtfully on the government. In new US Strategy on Afghanistan it states: “Under a new anti-corruption strategy for Afghanistan, the U.S. government won't aggressively pursue top Afghan officials suspected of malfeasance, conceding that (limited judicial capacity and political interference) from President Hamid Karzai's government make success in prosecuting them unlikely.”<sup>9</sup> This also affects the general population, since it will reduce their trust in the government. The UNODC survey shows that only 9% of Afghans reported corruption and others believe it is meaningless to report it since the government is not taking action.<sup>10</sup>

Existence of corruption inside the executive body of the state, reduced effects of efforts, especially when it comes to senior officials. Based on UNODC report, “ 25%

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<sup>7</sup> Gardizi, *Corrupting the State or State-Crafted Corruption*, 24.

<sup>8</sup> UNODC, *Corruption in Afghanistan: As bribery reported by victims*, 2012, Kabul.

<sup>9</sup> Warren P. Strobel and Marisa Taylor, “U.S. won't pursue Karzai allies in anti-corruption campaign,” *McClatchy Newspaper*, January 6, 2011, <http://www.mcclatchydc.com/2011/01/06/106314/afghan-anti-corruption-plan-sidesteps.html>.

<sup>10</sup> UNODC, *Corruption in Afghanistan: As bribery reported by victims*, 2012, Kabul, 4.

of Afghans had to pay a bribe to police officers over the past year, 18% had to bribe a judge, and 13% a prosecutor.”<sup>11</sup>

Furthermore policies are mostly idealistic with less consideration and analysis of the real problem, and lack of opportunities and resources to implement them makes these efforts less effective. In other hand, implementation of strategies and policies requires existence of resources, both human and financial; but both of these are affected by weaknesses in the country. Also there is less focus on the people’s side to engage them in efforts, (they are somehow ignored, because of existence of corruption networks inside the government). This means that people first do not report bribery and second, they even agree to pay it as a daily issue to get public service. A report released from Integrity Watch Afghanistan (IWA), indicates that more than 70% of Afghans believe bribery is a normal way to do business with the state.<sup>12</sup>

Preventions were mostly focused on the Afghan government, but not really on international stakeholders, who are operating inside Afghanistan, since there are proofs of corruption on contracts. FBI Special Agent Derek Boucher claimed in an interview that, “... [in a ]meeting [that] took place at the Serena Hotel in Kabul. The senior construction manager made it clear he needed \$190,000 in cash to award a U.S.-funded contract to build a school and a hospital in Afghanistan. He didn’t realize that the “subcontractor” he was talking to was really one of our undercover agents and that his bribe demand—including the acceptance of a \$10,000 good-faith

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<sup>11</sup> Ibid.

<sup>12</sup> Integrity Watch Afghanistan, Afghan perceptions and experiences of corruption: A 2010 national survey, 2010, Kabul, 10.

payment—was being recorded on a hidden camera.”<sup>13</sup> These kinds of experiences and lots of other cases in the research of IWA (Integrity Watch Afghanistan) or SIGAR (Special Inspector General for Afghanistan Reconstruction) shows that corruption should be prevented on both levels of national and international stakeholders.

### **Commitment of Afghan government**

Part of Afghan leaders’ commitment in Bonn 1<sup>st</sup> in 2001 was to respect international conventions and establish a democrat transparent government which serves the people and is accountable in all layers of the governance. Afghanistan signed the United Nations convention against Administrative Corruption on 20 February 2004; Thus fighting corruption is one of the mandates for the government of Afghanistan, since it is mentioned in National strategy of High Office of Oversight Anti Corruption (HOO) that “ The Islamic Republic of Afghanistan, in its national and international commitments and also as a part of the international community, was included in United Nations Convention against administrative corruption and has joined in the struggle against administrative corruption<sup>14</sup>”, in addition President Karzai in 2006 Based on article 50 of the Afghanistan constitution ordered fighting against administrative corruption and reforming as it is mentioned “ Based on the instruction of article 50 of the Islamic Republic of Afghanistan’s constitution, in order to fight against administrative corruption and to create reform in the ministries, administrations and the governmental organization commission under the

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<sup>13</sup> Derek Boucher, Mission Afghanistan: Contract Corruption: Holding Americans Accountable in a War Zone, April 2011, [http://www.fbi.gov/news/stories/2011/april/afghanistan\\_042611](http://www.fbi.gov/news/stories/2011/april/afghanistan_042611)

<sup>14</sup> Strategy and Policy for Anti Corruption and Administrative Reform, High Office of Oversight, 2006.

leadership of Professor Abdul Salam Azimi the chief Justice and chief of the supreme court of the Islamic Republic of Afghanistan and with participation of the Attorney General, Minister of Justice, Chief members of the Justice Commission, Administrative Reformers and the Commission of Parliamentary struggle against corruption and Senate Complaints commission, General Director of Administrative Affairs and Secretariat of Ministers Council, Director of Commission of Administrative reform and the Commission of Civil Services, General Independent Director of Struggle Against the Administrative Corruption and Bribery, the Adviser of the President in Financial Affairs and Evaluation control and the Deputy minister of Finance is approved.”<sup>15</sup>

Additionally the president has issued numbers of decrees in this regard. For instance a letter issued from President Karzai’s office in January 2010 instructed all ministries to design strategies to eliminate corruption.

Furthermore Afghanistan Constitution gives the obligation to the government in order to put efforts to fight corruption, hence in Article one of Anti Corruption Law it is mentioned; “The law has been enacted in the light of Article 50th and provision 3rd of Article 75th of Afghanistan Constitution in order to regulate the affairs related to fight against bribery and corruption in all state administrations, state enterprises and cooperatives, private and non-governmental organizations that have dealings or contracts with government bodies.”<sup>16</sup>

Hence the government of Afghanistan, is obliged to fight corruption and implement administrative reports based on their international as well as the national

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<sup>15</sup> Ibid.

<sup>16</sup> *ibid.*

commitments, and the loads of presidential decrees, strategies and policies shows that the government is forced by different stakeholders to show activities even though they were not effective enough to reduce it. For instance The Tokyo Mutual Accountability Framework, agreed to by the Afghan government and the international community, sets out the conditions by which Afghanistan will receive aid between 2012 and 2015. These conditions include increased transparency and accountability, and reduced corruption.<sup>17</sup>

### **Commitment of International Community**

International community was the main supporter of Afghanistan in economy, politics as well as army and they have been invested billion of dollars since their arrival in Afghanistan in late 2001. NATO and other development aid donors in first Bonn conference in 2002 committed to support the government of Afghanistan to be democrat, transparent and efficient government and based on that they have invested hundreds millions of dollars to government structure, capacity building and administrative reforms. The main areas that international community worked with Afghan government could be listed as;

### **Organizational Development**

More than two decades of war in Afghanistan affected all the layer of government and vanished all the organizational structures; it specially happened during Taliban

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<sup>17</sup> Hamdam Shafiq, Afghanistan: From Commitment to Action; Atlantic-Community.org , <http://www.atlantic-community.org/-/afghanistan-from-commitment-to-acti-1>.

regime. International community had a huge impact on the new governmental structures; though we cannot reject that most of the processes are still paper based, slow and under control of huge bureaucracy, which is also giving room to corrupt groups to get more benefits.

### **Capacity Building**

This is the most major focus point for the international stakeholders. Invested millions of dollars and conducted thousands of workshops, trainings or educational trips in order to improve capacity of governmental officials in national and local levels in different fields.

### **Technical Supports**

Afghanistan is new to the technology world and only paper-based system is functioning in governmental organizations. One of the efforts by international community was and is to technically equip the government to function better and more efficient. So to reach this goal, a big amount of development funds during first years after Taliban era were invested in technical aspects of the government organizations.

### **Consultancy**

High paid advisors and consultants hired by different donors such as USAID, DFID or UN are also part of strengthening the efficiency of the government which were effective for sometimes, but not a real deep influencer on affairs.



## Anti Corruption Strategies

Corruptions represent a solemn warning to Afghanistan's state-building and development programs. The serious threats include, in addition to depletion and loss of funds and public sector's assets; distortion of government decisions and strategies; ineffectiveness of service delivery; unequal damage to the poor who can least afford to pay bribes; adverse effects on private sector; loss of government assets and revenue; and entrenchment of a criminal culture within the government (including buying and selling of governmental positions).<sup>18</sup>

In spite of strong statements against corruption by governmental bureaucrats, little tangible evolution has been achieved in combat against corruption. The argument used to be that the institutional environment for combating corruption in Afghanistan is characterized by "a lack of clear policy support, explicit legal frameworks"<sup>19</sup>

More generally, "A number of separate, overlapping, and to some extent competing government anti-corruption documents are in circulation (including the Afghanistan National Development Strategy's anticorruption document, the anti-corruption roadmap paper, and others), which leads to risk of confusion and lack of broad ownership of a clear anti-corruption agenda"<sup>20</sup>.

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<sup>18</sup> Corruption in Afghanistan and Pakistan

<sup>19</sup> *ibid.*

<sup>20</sup> World Bank, *Fighting Corruption in Afghanistan: Summaries of vulnerabilities to corruption Assessments*. Washington DC, 2009. P2

The government of Afghanistan has developed their Anti Corruption strategy called “Strategy and Policy for Anti Corruption and Administrative Reform” in 2006 based on the mandates included in their commitment through signing of United Nations Convention against Administrative Corruption.

This strategy is generally focusing on the problems existed and a giving broad recommendation points on solving the problems. Problems and their recommendations are categorized as follow:

#### **Lack of existence of a proper personnel structure (Tashkil) according to the needs of administration**

War and two decades of conflicts mentioned as the main reason behind lack of the proper personnel structure and outlined that: “For the time being, Afghanistan has spent years at war, destruction, demolition and needs reconstruction; the current structure and administrative systems are old and have a nepotism style that cannot organize or provide public services as per the current situation. In addition, the assignment of persons and employees has no rational and appropriate basis which has caused further corruption and disorder.<sup>21</sup>” And the reasons behind this point is names as follow:

#### **Structural expansion and reduction**

Afghanistan is suffering from huge number of employees in organizations that need less number of them and it added to the problem of “ghost employees”. This strategy is analyzing the situation and gives a very general solution for the problem existed. For instance in one of the

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<sup>21</sup> Islamic Republic Of Afghanistan; Strategy and Policy for Anti Corruption and Administrative Reform. 2006, 12p

recommendations to solve this problem is came as “- A supervising independent administration on implementing this strategy should be established as a temporary project to revise organizational structures of ministries, independent budget administrations and all governmental organizations with the participation of their related administrations and present their specific suggestions in accordance with the work necessities of government.<sup>22</sup>”, And given 3 months to implement this recommendation. But as mentioned above, it is a broad recommendation that is in lack of specifications as well as logical time frame. Other recommendations mentioned are also having the same problems.

#### **Delay in Structure (Tashkil) implementation**

Government structure is always a challenge in Afghanistan and has been under influence of personal choice. It is mentioned in the strategy that government entities are yet (late 2006) to submit their Tashkil list and the requirement for it. And It has been given two weeks for the ministries to send their list of organizational structures from main office and all their 34 provincial offices, which makes it doubtful.

Furthermore it will not be strange to see a new established governmental department today and or elimination of another one. It will not be exaggeration to underline weak decisions of the government over the structures as one of the corruption causes<sup>23</sup>.

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<sup>22</sup> *ibid.*

<sup>23</sup> Zakeri, Jaffar. *Fragile Tashkil of Afghanistan*, 2013.

## Complicated and lengthy performances

This problem is mentioned as “Lengthy and complicated performances, referring clients to different offices, getting unnecessary signatures in applications, papers or document and recording unnecessary letters became customary in administrations.” In this strategy, passport procedure is named as the clear example of it. “But unfortunately the problem is still existed after eight years from development of this strategy and yet to find a solution for that”<sup>24</sup>. In a research published by United Nations Office on Drug and Crime (UNODC) on October 2013<sup>25</sup>, it shows that bribery is existed among the half of government officials working for birth certificate and or passport departments and its prevalence in mentioned departments is fourth after application or social security, construction bidding and land registration (figure 1). And at the same researched it is outlined that at least around 20% of the applicants paid bribe in 2012 to get the service for passport of birth certificate<sup>26</sup>. Jawed Nader writes in his paper about Afghanistan that:” Such deep-seated pity bribes corrupt the opinions of people about public sector services undermining their faith in public sector. It also sets the stage for greater malpractices such as ‘officials overspending, profiteering from public procurement, nepotism, clientelism, favouritism...’ and even nastier ones such as ‘de facto takeover of state institutions, undermining elections,

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<sup>24</sup> Ibid.

<sup>25</sup> UNODC, Corruption in Afghanistan: recent patterns and integrity challenges .in public sector. October 2013, p32.

<sup>26</sup> Ibid.

corruption of the judicial process and media ... If citizens show zero tolerance to these bribes, how can governments play foul with their votes!<sup>27</sup>”

### **Analytical Review of the strategies,**

Reviewing of the strategies that the Afghan Government has designed in the period of 2003 till 2014 will give you a long list of national and local strategies that has been designed, tested and or still being implemented. National anti corruption strategy and HOO anti corruption strategy are the two main ones that have been in focus point for several years.

### **What has been missed?**

To design strategies in order to reduce corruption and condense it, there should be three different methods:

- **A. Policy change:** It raises the cost and price of corruption through sanctions and external monitoring; with formulating systems have provoke self-restraint within government organizations. Corruption can only occur when government actors have prudence over the use of resources or the nuisance of costs on private actors. If the policies and programs that give rise to this prudence are themselves eliminated, the particular forms of corruption related with them inevitably vanish. While plans such as significance

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<sup>27</sup> Nader, Jawed; A story of Corruption in Afghanistan, 2012 .  
<http://monadee.wordpress.com/2012/02/14/a-story-of-corruption-in-afghanistan/>.

licensing, finance loans and government commercial activity are productive soil for corruption, a deregulatory key nevertheless has some limitations. First, corruption can undermine the implementation of certain types of deregulatory policy: import tariffs, for example, may be abolished but unofficial levies may still be imposed. Second, the prescription to deregulate may be politically naïve - as in Afghanistan – powerful actors have an interest in economic controls and the opportunities for corruption that they generate. Third, getting rid of the scope for discretion among government actors is frequently undesirable: many forms of guideline have sound economic and social. Privatization, for example, may simply open<sup>28</sup>

- **B.** The second kind in which anti-corruption strategies fall is that of resolving the principal-agent problem that underlies corruption by imposing peripheral and external restriction on government actors. Democracy as an external constraint mechanism is, however, potentially hindered by collective action problems and political corruption. And the “rule of law”- meaning, at a minimum, a political system in which the government obeys its own laws and applies them consistently, without regard to the identity or power of particular individuals-is a complex institution<sup>29</sup>.
- **C.** The last sort of anti-corruption strategy to recreate and the institutions within the government in a way that support the national strategy and the real mandates of the government. And to support and give enough support on those institutions that become powerful enough to fight corruption in all

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<sup>28</sup> Efficiency of Anti-Corruption Strategies in Afghanistan and Pakistan, Ahmad Rashid Jamal, 2010.

<sup>29</sup>Ibid.

the levels. In Afghanistan; government created different institutions and designed various strategies but have not support them in a way that be efficient. "The current approach is not tenable," said an administration official who, like others interviewed, agreed to discuss internal deliberations only on the condition of anonymity. "What will we get out of it? We'll arrest a few mid-level Afghans, but we'll lose our ability to operate there and achieve our principal goals."<sup>30</sup>

## Sanction

The sanctions-based approach is intimately linked to the establishment of specialized anti-corruption bodies.<sup>31</sup> And the government of Afghanistan was not pessimistic on this, as they established various institutions to solve the problem, which resulted poor outcomes. From 2004 until now, six institutions are established to fight corruption and bring reforms in government structures, but these anti-corruption institutions were either part of corrupt groups or couldn't do anything outstanding. For instance, the ex-president of the High Office of Oversight Anti-Corruption, Mr. Azizullah Vasifi indicates in a report published by Kalid group that, most anti corruption efforts are to cheat public opinion; otherwise nothing is happening in practice.<sup>32</sup> There could be many reasons behind weak functions of these institutions that are shortly mentioned below:

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<sup>30</sup> - Karzai rift prompts U.S. to reevaluate anti-corruption strategy in Afghanistan, washingtonpost (<http://www.washingtonpost.com/wp-dyn/content/article/2010/09/12/AR2010091203883.html>).

<sup>31</sup> Gardizi, Corrupting the State or State-Crafted Corruption, 25.

<sup>32</sup> Azizullah Vasifi, Corruption or disseminating and outreaching it? , Kalid Group, Aug 2011, <http://tkg.af/dari/report/research/>

- Government is mostly focused on size and numbers of institutions, rather than effectiveness.
- One of these institutions' outcomes was that they designed policies in which establishment of high a level salary scale for seniors is recommended, but in result it created a huge gap between incomes, and encouraged low level employees to ask for bribery in order to equalize this gap. Fighting corruption could be analyzed more properly rather than creating high-level salaries for a group and discriminating other middle or low-level staffs.
- There is less trust in anti-corruption institutions among the people and this causes many people not to cooperate with them and also not to have enough trust in their works. For instance a report published in early October this year indicates that three HOO staff that were in a mission to Hirat (in the west of Afghanistan) municipality, were arrested for a sexual harassment scandal. Or lately parliament had a media argument with the head of HOO and was accusing him for being involved in corruption.<sup>33</sup>

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<sup>33</sup> Editor, Existence of scandal in Hirat DHOO, Afghan Paper, October 2010, <http://afghanpaper.com/nbody.php?id=42612>.



## Chapter 4: Conclusion and Recommendations

Although corruption in Afghanistan cannot be eliminated overnight, it could be significantly reduced, and even modest improvements in public accountability will substantially enhance the legitimacy of the new government. As Afghanistan seeks to stand on its own, the national unity government cannot afford to appear indifferent to the anger many Afghans feel toward an entrenched elite widely perceived to be motivated more by greed than by a spirit of public service<sup>34</sup>.

The new government of Afghanistan should put fighting corruption as a core effort and a goal to be achieved with a long-term vision through visionary and SMART policies, institution and strategies.

### **-The government should be clear and concise in their message:**

The new government should show the people that they are serious on having a transparency within the government and they will not stop fighting corruption. The Political will is essential to fight corruption. It would carry even more meaning if it were tied to enforceable provisions in Afghanistan law such as anti-bribery measures and anti-money laundering statutes. An integrity pledge could

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<sup>34</sup> Tackling Corruption in Afghanistan: It's Now or Never, Center for the American Progress, 2015.

help to restore some level of faith in the elected officials and begin the process of rebuilding the government's reputation. Furthermore, top-level action will signal to lower-level officials and civil servants that anticorruption efforts will be taken seriously in the national unity government<sup>35</sup>.

**-Fighting money laundering and financial terrorism:**

Afghan officials should prioritize efforts to create an effective system to combat money laundering and terrorism finance. The new government must prioritize legislation to effectively criminalize money laundering and terrorist financing; to create a legal framework for identifying, tracing, and freezing terrorist financing; and to establish and implement broad procedures for the confiscation of assets related to corruption and money laundering<sup>36</sup>.

**-Participation of the civil society:**

Number of domestic and international civil-society organizations in Afghanistan grew vastly in last decade and they are working on behalf of Afghan people. Civil-society works a watchdog for the interest of the public and have they ability to check the efforts of government on fighting corruption. Afghanistan leaders should consider recognizing the power of the civil-society and creating an environment that they take a part as a stakeholder in fighting corruption.

**-Modernize the efforts**

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<sup>35</sup> Ibid.

<sup>36</sup> *ibid.*

Technology can be as a strong tool to fight corruption. Modernizing the public system, taxation, electronic IDs and ... can bring a boost in fighting corruption and it will give a moral support for the population to be part of the effort.

Honest government will only come about when ordinary citizens demand it. Afghan citizens want to see change and technology could provide a huge boost to anticorruption efforts in the country.

**- Identify ways the United States and international community can assist anticorruption efforts**

The United States and the international donor community should encourage and support Afghanistan in its efforts to effectively take on the challenge of corruption while maintaining realistic expectations about the likely pace of progress. It is critically important that leadership of the fight against corruption remains firmly in the Afghan government's hands, with strong support from international partners. Efforts are needed create a high-level and public dialogue on corruption and the continuation of technical assistance and capacity building is essential. However, the international community could better coordinate assistance to ensure that all needs are addressed and that multiple donors are not providing repetitive, or even contradictory, advice on measures to be taken in the fight against corruption<sup>37</sup>.

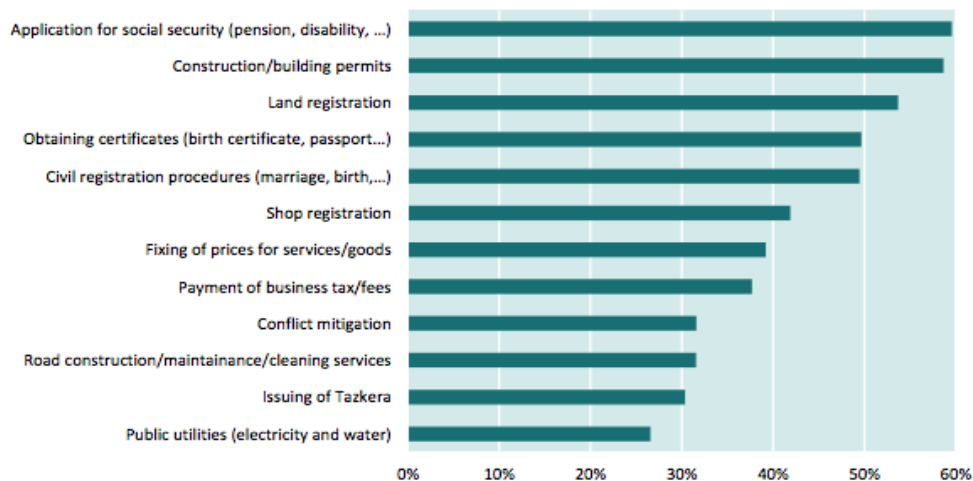
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<sup>37</sup> Tackling Corruption in Afghanistan: It's Now or Never, Center for the American Progress, 2015.

## Chapter 5: Indexes and Figures

Figure 1

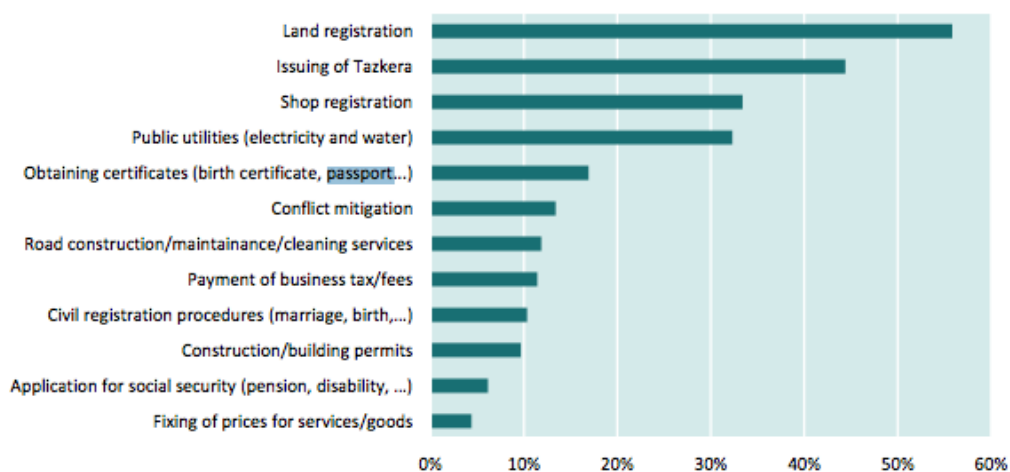
**Figure 25: Prevalence of bribery in the local government sector, by administrative procedure, Afghanistan (2012)**



Source: Sector survey 2012, Local government officials

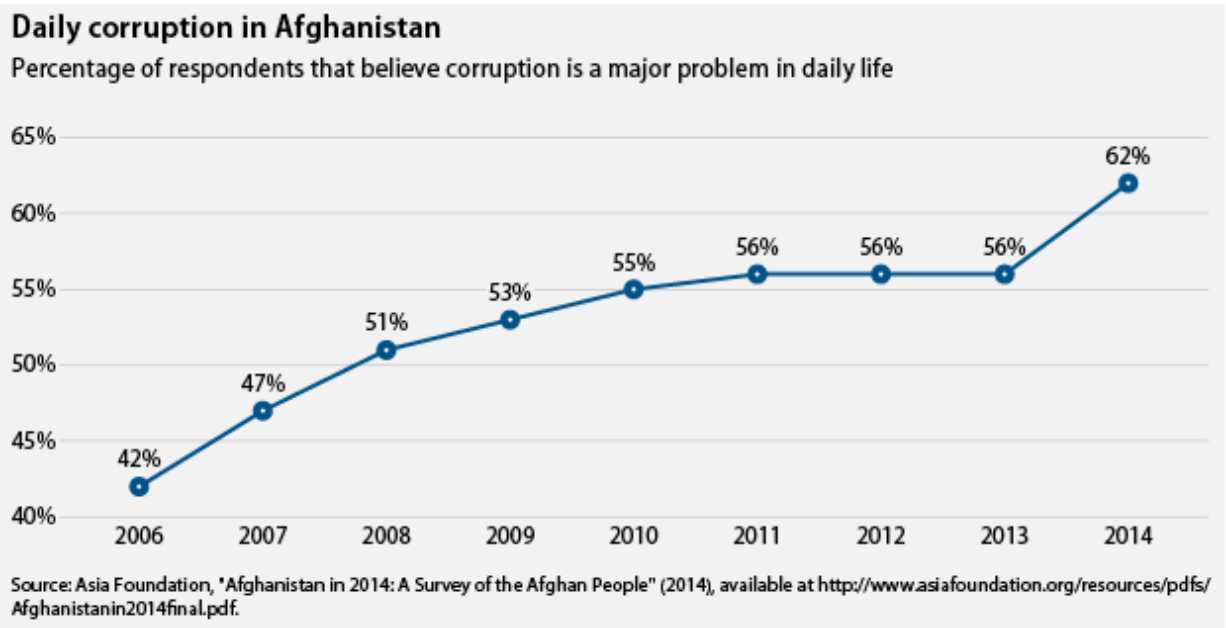
Figure 2

**Figure 24: Percentage distribution of service users who paid at least one bribe in the 12 months prior to the survey, by type of administrative procedure for which they paid a bribe, Afghanistan (2012)**



Source: Sector survey 2012, Local government officials

Figure 3



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