



Spotlight

Open Government Partnership: Next steps for the Afghan Government and civil society

Sayed Ikram Afzali, Executive Director

.In December 2016, the Afghan Government announced its desire to join the Open Government Partnership (OGP). Since then, there has been little movement on the part of the Afghan Government to take any practical steps towards developing and implementing an open government agenda.

The Afghan Government must meet at least the [basic requirements of the OGP](#). There are [basic and advanced standards](#) that the Afghan Government should meet throughout the OGP cycle, during development of a national action plan for open government reforms, and when implementing and reporting the action plans.

An essential element of the OGP cycle is dissemination of information throughout the process. Some basic steps would include the development of a website for OGP or a webpage on a government website to proactively share information about the OGP process, key decisions, implementation progress and assessments, and other aspects of OGP in a “visible, accessible and searchable” manner.

OGP requires all its participating countries to “commit to developing their country action plans through a multi stakeholder process, with the active engagement of citizens and civil society.” Civil society participation is considered a cornerstone of the OGP process. This is a deliberate requirement since participation of all stakeholders, especially civil society’s active participation, is key to ensuring that government reforms work in a sustainable way.

Therefore, one of the basic steps for the Afghan Government is to establish a multi-stakeholders forum, which should meet on a regular basis but not less than once every quarter. Both the government and the multi-stakeholders forum should raise the awareness of all stakeholder groups such as citizens groups, civil society organizations, media organizations and journalists, academia, the private sector, government departments at the national and subnational level, parliament, provincial councils, and other relevant groups and entities. The Afghan Government must ensure joint-ownership and decision-making in the multi-stakeholders forum. In addition, the government must ensure that the forum is empowered to make decisions by assigning “high-level representatives with decision making authority” to be part of the multi-stakeholders forum for OGP.

The Afghan Government must not use joining OGP only as a gesture to create goodwill for the government among the donor community. The government should not waste this opportunity for reform as it did when Afghanistan joined the Extractives Industries Transparency Initiative (EITI) under the Karzai administration – even after almost eight years [Afghanistan has not been validated as an EITI member country](#). Joining the Open Government Partnership is a bold commitment but it is only a beginning of a long process that needs the government’s continuous and sincere efforts – not just making news headlines about more government commitments.

The successful intervention by Integrity Watch ensured local workers received their due compensation for work on canal projects

Hakim Jawid – Social Mobilizer for Monitoring on Constructional Projects of Bamyan Program



Five irrigation canal projects were funded through Japan's JICA during 2015 and 2016 in Khulankash village of Fuladi Valley of central Bamyan. These projects were implemented and facilitated by UNFAO. All five projects belong to the Department of Energy and Water's unit for the Secondary Region of Kunduz Olia River.

The Khulankash-2 2,000m long irrigation canal project was built by Imdad Construction Firm. 80% of the project was completed during 2015 while the remaining work was completed during 2016. An additional canal of 450m in length was linked to the mentioned canal by the same firm in 2016.



Another canal project was constructed in the same village with a length of 150m by Worono Construction Firm, whose work was partially completed during 2015 with the remaining work completed in 2016.

Imdad Construction Firm contracted for extraction work, for the transfer of materials such as stone, sand and gravel and for stone work with the villagers in May 2016. However, the villagers were not paid from the commencement of the contract until 5 September 2016, which reached an amount due to them of around USD 38,000. The villagers filed a complaint in late June 2016 to the office of Integrity Watch to advocate for their unpaid salaries. Meantime, the Integrity Watch provincial office held a provincial board meeting and requested that the parties to the contract join the session and provide clarifications on this matter. However, the aforementioned firms refused to participate in the meeting.

During the provincial board meeting villagers expressed their concern about this matter since the project was about to be completed although Imdad Construction Firm still owed them over USD 38,000 and Worono Construction Firm also owed them about USD 4700.

A provincial board session was held on 5 September of the same year which was attended by representatives from the Department of Irrigation, the Provincial Council, the Department of Economy, the Chairman of UNFAO, concerned engineers, representatives of the aforementioned construction firms, and by 13 villagers from Khulankash village.

Among the above attendees, the representatives from the Department of Irrigation and from UNFAO, which are the principal responsible parties, were unaware of the matter (installments were paid by UNFAO to Worono Construction Firm). However, as a consequence of the arguments presented, it was decided that the firms were obliged to pay 20% of the unpaid amounts due to people of Khulankash village within 5 days, that they should settle the remaining 80% of the amounts due by the completion of the work and that they should submit supporting documents to the Departments of Irrigation and Agriculture. The villagers warmly appreciated this decision; the mentioned departments also noted that this was an important example of cooperation between the government, the public and civil society organizations.

In the aftermath of the advocacy efforts by Integrity Watch with the concerned entities, the local people were able to achieve all their dues from both of the construction firms. The Department of Irrigation also committed that in the future they will first check all relevant settlement documents of such firms with the local people and will ensure their due installments are processed in full.



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'Lack of security has affected the judicial process & decision making in Kunduz courts'

Interview with Matiullah Dehati, Provincial Coordinator, Integrity Watch Afghanistan- Kunduz

During the last two years, Kunduz has witnessed frequent combat operations and it was the first province in a decade where the provincial capital was occupied last year by armed opposition groups. However, since the recapture of Kunduz city by the government, its residents who have directly experienced the bitter taste of war and insecurity are still living with the risk of further incursions.

Mr Dehati pointed out that while such insecurity has had a negative impact on many aspects of daily life for the citizens in Kunduz, it has also had an impact on the courts and the prosecution system. For instance, he noted that several districts in the province are presently under the complete control of insurgent groups, where courts are unable to operate because the judges are unable to attend to their jobs as a result of this insecurity. Because of this situation, regular judicial sessions are not being held and there is a consequent lack of a proper review of outstanding cases.

He added that "the insecurity has affected the courts to as the extent that I once visited one of the courts and was told that for security reasons they do not hold any preliminary sessions and they move directly to a final session and that that is enough."

According to accepted judicial procedure and the judicial code, a preliminary session should first be held followed by subsequent sessions up until the final session. During these initial sessions, it is expected that the accused will be advised of his/her rights, such as a right to have a lawyer to represent them in their defense and the accused should have the right to provide a full and complete defense during subsequent sessions. The absence of such sessions, will jeopardize the integrity of the court's procedures in addition to compromising the right of the accused to a proper defense. However, according to Mr. Dehati, there has been an absence of such sessions and the related appropriate procedures.

In the meantime, Integrity Watch's Provincial Coordinator



noted that he feels disappointment and is pessimistic about the prospects for the proper execution of the law in Kunduz saying that despite the efforts of IWA, and some efforts on the part of the courts, the outcome is still far from ideal. "You should not expect full enforcement of the law in a war-torn province", he concludes.

In addition to all of the above challenges, Mr. Dehati noted that a lack of transparency in the judicial process of the courts, and corruption, are the other key challenges which need to be dealt with by the courts. Based on Matiullah Dehati's monitoring of courts for over the last one year he notes that far more attention needs to be paid to courts and prosecutions in the province. The assigned criminal police should, as one example, establish a closer degree of coordination with the courts.

Matiullah Dehati is working with Integrity Watch Afghanistan as the Provincial Coordinator for northern Kunduz province. He has been working with Integrity Watch Afghanistan for over sixteen months.



Besides corruption, influence of local powerbrokers challenge improving mining in Baghlan

Ahmad – Staff member of the Community Based Monitoring of Extractives (CBM-E) in Baghlan

Natural resources, especially the coal mines of Baghlan are a resource of vital importance for the government of Afghanistan. The mines of Baghlan province, including the coal mines of Karkar, Doodkash, Ahandara, Khurd Darah, Chinarak, Sheendara, Alogak and Taala-wa-Barfak, have the potential to generate significant income for the government. However, corruption, unprofessional extraction methods, usurpation of the extraction by local warlords and other misuses of the mines by government rivals can all result in the embezzlement of large amounts of money from these mines.

There exists immense corruption in Baghlan province in the mining and extractives sector. Additionally, the unprofessional excavation of mines has jeopardized the future of these industries and may turn many into “mine ruins”. The CBM-E Program has frequently encountered such issues as well as contract violations and violations of national labor standards and regulations while conducting monitoring on the mentioned mines. The Ghorri Cement contract is a vivid example. Since the contract of this company was cancelled by the government, the mentioned company has intentionally deactivated some of the machinery at Cement Ghorri Industry and has transferred these assets to other locations.

The Karkar and Doodkash mines are currently occupied by armed insurgents who exploit the mines and pocket income which would otherwise accrue to the government. While this issue was raised by local observers with the Executive Department of Karkar and Dudkash, they did not take any practical measures indicating that the issue was the responsibility of the Security Council and the Ministry of Mining & Petroleum.

In addition to the control of some mines by armed opposition groups in the area, other mines are extracted in a substandard manner by local power holders who put the income from such mining into their own pockets. In some cases even, such as the Alogaki and Andarab coal mines, the coal is being extracted and consumed by the local people.

Violations of the labor rights is another challenge. In some cases, there exists no contract between the extracting firms and the laborers which puts the mine workers in a difficult situation



where they are unable to obtain government assistance, even if the government were inclined to step in to assist.

The salaries of mine laborers is also typically set at a level which is in contradiction with specific norms and with the labor laws in Afghanistan. During the monitoring functions undertaken by IWA's CBM-E program, it was noticed that the minimum range of salary for labors working 8 hours daily is Afs. 6,000 monthly (USD 90) and for the laborers conducting overtime up to 12 hours, the maximum range of wages reaches only up to Afs. 10,000 monthly (USD 150). Such salaries do not cover even the most basic needs of a typical family.

The Community Based Monitoring of Extractives (CBM-E) in the province has so far been able to provide awareness to laborers on their rights and to the public on how to monitor mines. In addition to this, the laborers who conduct monitoring of the extraction of mines in areas under the dominance of the government, now do report any important issues when noticed. However, as an overall matter, it should be disclosed that most of the extractive industries of Baghlan province including Cementi Ghorri, Karkar, Dudkash and coal mines of Ahan Darah and Khurd Dara are facing corruption that must be addressed by the government.