Fixing the failed extractives sector: the government's credibility is on the line

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President Ghani recently appointed a new minister for the Ministry of Mines and Petroleum (MoMP) after exactly one year in which there was no full-time minister to lead one of the most critical sectors in the country. The government’s credibility is on the line, but the true test is not whether a Minister can be appointed and confirmed: it is whether they can finally push through real reforms on the ground.

The new minister faces tremendous challenges. Illegal mining is prevalent all over Afghanistan, fueling conflict and criminality. Mining contracts have been awarded mostly based on political connections and kickbacks. State-owned enterprises have been subject to misuse by the MoMP leadership. Lack of proper monitoring and weak transparency measures have given companies an open hand to abuse their contracts. As a result, the state generates very little revenue from the sector despite its huge potential.

However, there is still an opportunity for the new Minister to reverse the trend. Basic reforms that could do much to reduce abuses have yet to be implemented. The top three priorities among these reforms should be: (1) Amending the mining law in consultation with civil society, (2) achieving validation under the Extractive Industries Transparency Initiative (EITI), and (3) cleaning up of the internal mismanagement at the Ministry of Mines.

Amendment of the mining law is pretty much a straightforward task – at least technically – but is a strategic reform which will help prevent conflict and abuse by strengthening the legal framework. This will require attention both to the process and the outcome. Civil society engagement will be key in the process to ensure that the law addresses public concerns and fills the current legal loopholes. Afghan and international civil society organizations have done very extensive work on developing amendments already, and recently shared their proposals (including updated legal language) with President Ghani through an open letter. We urge the government to adopt the proposed language into the new mining law. Cosmetic changes will not be enough.

EITI validation is not only a matter of credibility of the Afghan Government, it is an opportunity to ensure much needed transparency in the extractives sector. Afghanistan has not been able to achieve EITI validation despite being a candidate country for the last eight years. It is very likely that Afghanistan will face suspension if the new minister does not change things dramatically. The new minister should provide genuine leadership to the Multi-Stakeholders Group – something that the previous ministers of mines and the current Minister of Finance have failed to do. In addition, the new minister should ensure the quality of the 5th EITI Reconciliation Report by providing reliable data and taking immediate action to implement the recommendations of the previous reports. So far they have done neither.

Last but not the least, cleaning up the internal mismanagement of the MoMP is critical to managing the mining sector. The new minister has the daunting task of addressing corruption and incompetence as one of their first steps. This should be followed by a comprehensive reform of the MoMP to replace the most old-minded and low-capacity officials (whatever their age) with a bright and qualified new generation of civil servants – a strategic need that has been neglected for years.
Afghan civil society will stand united to support the new minister in the reform of the extractive sector. We recognize it is not an easy challenge. But the buck stops with the government, and after two years in which reform has largely stalled, their credibility is now at stake. The consequences for the country are too serious for the Afghan people to tolerate the continuation of failure.

More than 400 Integrity Volunteers in nine provinces commit to monitor public services

Integrity Watch has begun training of Integrity Volunteers in nine provinces following their commitment to monitor public services such as infrastructure projects, schools, and open trials. So far, it has successfully completed the trainings for Integrity Volunteers in Kapisa, Balkh, Herat and Nangarhar provinces. In the first round of the program, 180 volunteers from the four mentioned provinces received an extensive seven-day training.

The volunteers include individuals from civil society groups, NGOs, local communities, religious leaders, teachers, women, and other locals who have been introduced by local communities. Around 45 volunteers have been selected for each of the nine provinces.

The trainings transfer the necessary know-how and provide tools to the local volunteers monitoring construction projects, schools, and trials in order to promote social accountability. In these trainings the participants are trained on how to access information, community monitoring, monitoring process, and advocacy at the local level. The trainings also provide opportunities to the participants to practically learn how to use monitoring techniques, filing survey and monitoring forms, and to practice access to information tools.

The first round of the trainings started on March 25 and lasted for 4 to 6 days. The second round will begin on April 8 in Kabul, Bamyan, Parwan, Paktia, and Kunduz. Overall, 405 integrity volunteers will receive trainings and will use the knowledge and skills for monitoring and identifying shortcomings in the service delivery. Integrity Watch will continue to support the volunteers throughout the monitoring process.
Despite security concerns, families open up to girls’ education in Kapisa province

This past winter saw a transformation in girls’ education in central province of Kapisa. Girls who were once not allowed to go to school, now even attend supplementary classes during winter season to prepare for higher education.

However, attitude change is not automatic. It took Integrity Volunteers a while to figure out a solution to the complaints of many female students that their families did not allow them to attend supplementary classes during school break in winter.

When the issue was raised with the parents in the area, their main concern was security and safety of the girls on the way to school. Due to the harsh winter, people are mostly confined to their houses leaving the streets unmonitored. The girls complained that they were harassed on their way to school and back to home. In addition, families preferred their girls doing the chores rather than going to school.

A reliable and acceptable solution was needed. Integrity volunteers held meetings with the school officials and the parents. To address the security concerns, the parents were encouraged to come up with a solution. Finally, the parents proposed and agreed to accompany their daughters on their way to school and back home.

Integrity Watch’s Community based monitoring of schools program works with local volunteers to find local solutions to local problem.
Community monitoring improves communication between courts and defence attorneys

Integrity Volunteers in Nahr-e-Shahi district of northern Balkh province noticed that defence attorneys would come late to open trials wasting the time of the courts and also the public. The issues was also raised by the Provincial Appeal Court in a regular meeting organized between Integrity Volunteers and the court.

Integrity Volunteers raised the issue with the Afghanistan Independent Bar Association (AIBA) in Balkh Province. AIBA acknowledged the problem but explained that according to Criminal Procedure Court (CPC) Law, defence attorneys are supposed to receive a written notice at least five days in advance before any court session. However, the defence attorneys receive a notice at the same time as their clients are brought to the court for proceedings. Therefore, defence attorneys were almost always late. The issue had been raised many times with the courts to no effect.

Integrity Volunteers, together with community representatives and Integrity Watch staff, raised the issue with the Head of the Appeal Court and Nahr-e-Shahi courts. They acknowledged the problem and promised they would inform the defence attorneys in advance with a written notice according to CPC provision. Since then, the Integrity Volunteers have noticed that the defence attorneys are informed of any court proceedings by the courts in a timely manner. Defence attorneys have also ensured to be present in the courtrooms well before the open trials begin.

Community-based monitoring of trials (CBM-T) program of Integrity Watch has been working with local communities in five provinces including Balkh, Bamyan, Kapisa, Kunduz, and Nangarhar provinces. CBM-T mobilizes communities and trains integrity volunteers to monitor open trials and advocate for necessary changes working closely with primary and appeal courts. Integrity Watch plans to expand the program to 4 more provinces this year.