A New Chapter in Fighting Corruption: Asset Registration

Current status of asset registration:

Only, from the former government, President Hamid Karzai, Mohammad Karim Khalili second Vice President, Najibullah Ozhan Minister of Public work affairs, and Daud Najafi Minister of transportation have accounted for their assets to the High Office of Oversight and Anti-corruption (HOOAC) in the beginning and the end of their office tenure. However, there have been also some other high ranking former government officials who have registered their assets with HOOAC, but most of the provided information are incomplete, and incorrect. For instance, out of 1,378 asset registration forms reviewed by HOOAC, the information in nearly 1,000 forms are incomplete, which make the asset registration very complicated and difficult for HOOAC.

The HOOAC has been able to only distribute around 9,500 forms for asset registration in 16 provinces of Afghanistan; however about 30% of forms have not been filled and submitted by the government officials to HOOAC yet. Dr. Tooryalai Wesa-former Governor of Kandahar, Atta Mohammad Noor-Governor of Balkh, Abdul Majid Khogyane-Governor of Maidan Wardak, and Gul Aqa Shirzai-Governor of Nangarhar are among those who have not registered their asset with HOOAC yet. “Proper asset registration can increase transparency, but those who are in power are not willing to register their asset or they simply hide their asset” said Rahimullah Rahimi, General Director for Asset Registration of HOOAC.

According to Mr. Rahimi; more than 6,500 forms have been collected from governmental officials so far, including around 5,000 forms, which are entered into the HOOAC’s database. Moreover, about 3,200 filled out forms are on the way to reach HOOAC. Out of the above-mentioned 3,200 forms, around 10-50 forms reaching to HOOAC per week - makes the process lengthy and time consuming for HOOAC to collect government officials’ asset information.

From current government, as of April 25, 2015, 5 ministers have registered their asset with the HOOAC, Who are; Salahuddin Rabbani-Minister of Foreign Affairs, Daud Shah Saba-Ministry of Mines and Petroleum, Noor-ur-Haq Ulomi- Minister of the Interior Affairs, Sayed Hussain Alimi Balkhi-Ministry of Refugees and Repatriation, and Faiz Mohammad Osmani-Ministry of Haj and Islamic Affairs.

The former government of Afghanistan committed during the Tokyo conference in 2012, to register the assets of governmental officials with HOOAC in order to fight corruption. According to the Article 154 of the Constitution the President, Vice Presidents, members of the cabinet, members of the Supreme Court, and the attorney general are subject to asset declaration. Similarly, in accordance with Article 12 of the HOOAC Law, all deputy ministers, advisers to the President, members of parliament, ambassadors, and other key officials are required to declare their assets to the HOOAC. But, this commitment has not been fulfilled yet. The main purpose of the commitment was to increase mutual trust between government of Afghanistan and its citizens through top to bottom transparency and accountability approaches.

Daud Najafi, the former Minister of Transportation who had registered his asset at HOOAC in 2010, states that the asset of high ranking government officials should be registered at the start and at the end of their office terms which is a step toward transparency. He adds that this process will help to differentiate the transparent government officials from corrupt. Institutionalization of asset registration will facilitate the investigation of sources of the government officials after their office tenures. He also adds that law has been enforced on lower level of government officials rather than on high level authorities.

Mr. Rahimi told Salaam Watandar “I hope that all the high ranking government official register their asset without any reaction or misunderstanding to this transparent process”. Meanwhile, Asif Ashna spokesperson for Deputy of
Chief Executive Officer of Afghanistan said “One of the pre-condition for all the government officials are to register their asset before assuming duty, and this culture should be strengthened...”

Abdul Rahman Rahmani, a member of Afghanistan Parliament has raised his concern during an interview with Salaam Watandar and said “Until a proper mechanism for asset registration is not established... There will not be a positive result from the current asset registration process to decrease corruption. Even, if the government officials present inaccurate asset information, they will not be punished by the government”. Without prosecution of the corrupt officials, the current asset registration does not have any considerable impact to decrease the level of corruption in Afghanistan.

According to an Afghan citizen, the despondency of high ranking government official for asset registration is due to lack of their interest for creating any brawl for them. First, they are not committed to transparency, and second they have huge amounts of assets and they do not want to reveal them in order to not be accountable for tomorrow.

The asset registration process fails due to weak rule of law, lack of a comprehensive anti-corruption law with set of rewards and punishment, and lack of political well in disclosing of the high officials’ assets. This can result in increasing of the high officials’ asset far more than their actual legal income after their office tenure and weakens the people’s trust on the government.

There are concerns among government officials that asset disclosure can result in increase of threats against them. If this challenge discourages the high government officials to disclose their assets, the asset registration will not be an effective process to fight corruption in Afghanistan. If due to security threats, the HOOAC could not timely register and disclose the assets of high government officials, then the HOOAC will not be an effective body to tackle corruption in Afghanistan.

The impunity from law has been another major cause for increasing corruption which could weaken government officials' collaboration with HOOAC for proper asset registration process in Afghanistan. Similarly, justification of security issues and article 12 of the Anti-corruption Law prevents disclosure of asset information on timely fashion; which can cause making corruption links in the top level of government officials, and weaken transparency and accountability process.

RECOMMENDATIONS:

Asset registration is one of the most essential elements in fighting top-down corruption in Afghanistan. Therefore, Integrity Watch Afghanistan recommend the following recommendation to the government, donors and civil society organizations in order to facilitate asset registration process in Afghanistan and fighting corruption.

The recommendations are as follows:

- A comprehensive anti-corruption law should be made and enforced by government in collaboration with civil society for HOOAC. The law should include set of rewards, punishment, and obligate for timely registration and disclosure of asset information publicly through mass media;
- The HOOAC should create a strong system with limited exemption for asset registration, verification, investigation and disclosure of high government officials and their families;
- The HOOAC should call the civil society organizations to advocate for the current revised anti-corruption law to be approved by Parliament, and commit for its proper implementation with strong political well;
• The HOOAC should strengthen its role in asset registration, verification, and disclosure through closely working with Attorney General Office (AGO) in order to share the corrupt officials information to the AGO for further investigation and prosecution.
• The members of National Assembly should register their own assets and make sure that the draft Anti-Corruption Law aligns with constitutional requirements to publish the assets of officials without exception so that transparency is increased and the asset registration system is strengthened in Afghanistan.