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Press Conference: Whistle Blower Protection Law in Afghan Parliament
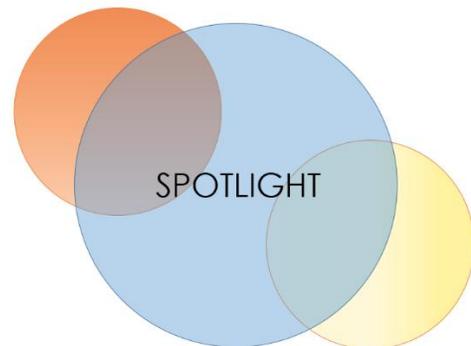
Job Announcements:

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Accountant
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Policy and Advocacy coordinator
Communication Coordinator
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SPOTLIGHT

Time for the Afghan Government to Open Up

Sayed Ikram Afzali Integrity Watch Afghanistan Executive Director

President Ghani made important commitments during the London Summit in May this year. The commitments included publishing beneficial ownership of companies, working towards open contracting and open data standards, and reporting progress through Open Government Partnership (OGP) working groups. At the end of 2014, a couple of months after taking office, President Ghani signed off on the Access to Information Law. This represented important progress. However, much remains to be done to turn these commitments into real action and to provide an enabling environment for the implementation of a legal framework that will ensure government transparency. In this regard, the Afghan government must ensure accountability to the public through engagement with the civil society.

Engagement with civil society would not only ensure accountability to the public, it would also help mobilize public support for reform efforts by the Afghan Government and for the fight against corruption. The government needs

public support to be able to go after corrupt elements (or at least to restrain them)and to remove their proxies who have captured institutions and blocked reform efforts. For this to happen, there is need for a change of mindset within the government and for the Afghan government to join the OGP.

The Afghan Government has made efforts to engage with the civil society. However, this has been more at an individual level rather than an institutionalized effort. A stumbling block preventing meaningful engagement of government and civil society has been the negative mindset of some of the leadership within the government who consider civil society engagement a risky business or even unnecessary. Many government officials feel more accountable to donors than to the Afghan public leading them to adopt a box-ticking approach when pressured by donors to engage with civil society. The Afghan Government's top leadership must make real efforts, in words and in action, to change this mindset and to create an open and accountable governance system.

Why Open Government Partnership?

The Afghan Government would benefit, in many ways, by joining the OGP. The OGP would provide a framework for the Afghan Government to make important transparency commitments and to come up with a national action plan to implement and track progress towards delivering those commitments. The OGP would also provide a mechanism for government and civil society to engage in matters related to transparency, thus ensuring accountability of government to the public in regard to its transparency commitments. In addition, the Afghan Government would benefit from the experiences of partner countries and the expertise of the OGP secretariat as well as garnering support from civil society.

Afghanistan, therefore, should join the OGP in order to facilitate the opening up of its governance system. Afghanistan meets the minimum requirements of joining the OGP and it would not, therefore, be a difficult endeavor. However, the returns for the Afghan Government would be very high, especially before the Brussels Conference, in terms of winning the trust of the international community.

Local Communities Take Ownership of the Oldest School in Province

Story From the Field

Hazrat Numaan High School was the first high school established in Parwan province of Afghanistan back in 1921. Hazrat Numaan High School had long been in serious need of repairs. In response to this need, school officials and the local council held several meetings aimed at identifying financial resources to fund the school's painting and repairs. They discussed the issue with the Parwan Education Department; and finally the project was entrusted to the department. However, the department neglected to perform the repairs, citing lack of financial resources.

In 2015, a volunteer local monitor, Ahmad Jawad Sediqi, started monitoring of Hazrat Numaan High School. Mr. Sediqi received support from the local community and Integrity Watch's Community-Based Monitoring of Schools program team. From the program's inception, local monitors set out to identify problems and to then gather local resources to resolve them. Two months ago, monitors agreed on the school's dire need for aesthetic improvement—this problem could be resolved with a fresh coat of paint. Local monitors, with the support of Integrity Watch's staff, held a number of meetings with the school's administrative council. In one such meeting, the school's principal talked about the need for painting

the buildings and urged the participants to donate funds for this purpose. While several people pledged their help, they failed to follow through with their promises. At a follow-up meeting, the school's principal raised the issue again. Two people donated funds on the spot. The amount however, was tiny. The school's principal and local monitors decided to hold another meeting with teachers and students and to raise the issue with them. This, they did. All of the students volunteered to raise money; and everybody donated whatever they could to pay for the painting. Subsequently, teachers also became involved in this fundraising campaign. Eventually, about 30,000 Afghanis (about US$450) were collected. Although this amount was not enough-- as the original estimated cost of the job was around 200,000 Afghanis--it allowed the project to get off the ground. The painting project has already begun and completion is expected to happen soon with additional funds from the community.

The Hazrat Numaan High School has comparatively well-resourced in terms of human resources – it has 66 teachers (56 male and 10 female) teaching 2130 students (2016 are male and 114 female). The school's teaching staff is comprised of 16 graduates with bachelor's degrees, 41 graduates with associate's degrees and nine with high school diplomas. However, in terms of facilities, it faces problems. It has 2 buildings and 24 classrooms. The students are taught in two shifts. The school has two large sports grounds though. With the help of local monitors and community people, school administration has been able to find practical solutions to the problems they face. Sediqi, CBM-S local monitor, believes that with the help of local communities, the oldest high school of the province can also become the best schools in the province.

The Community Based Monitoring of School (CBM-S) Program was initiated in July 2014 in order to bring more coordination between communities and government departments, increase transparency and accountability, enhance the quality of education services through community monitoring, collaborative information sharing and problem solving. The aim of this program is to make officials more responsive, encourage communities to support education sector and advocate for policy change at local and national levels. Currently 150 schools are being monitored by 150 Local Monitors in Charikar city and Jabal Saraj district of Parwan province, Mamhmud Raqi, Kuhestan Awwal and Kuhestan Dowom of Kapisa province and the city of Herat.

Court Monitoring in Nangarhar Faces Challenges

Nangarhar province is a border province whose courts suffer a tremendous case backlog. These cases mostly involve theft, drugs and other types of petty crimes. A major problem that courts face in Nangarhar is that of security. Most of the cases are not adjudicated in district primary courts but rather, defendants are transferred to criminal courts in the center of the province to be prosecuted. Another reason for such transfers is that, most districts lack adequate court rooms and equipment for conducting judicial sessions. Transferring the accused to the provincial capital has significantly increased the number of cases handled in a day. For instance, 10 to 15 cases are tried and concluded in 4 to 5 hours a day, while the minimum time required for each case to be fairly dealt with is approximately 40 minutes. Consequently, some cases have been tried in 3 to 4 minutes; this reality has seriously undermined the fairness of the judicial process. Local monitors have reported that defendants do not contest the manner in which their cases are handled. This may be due to their lack of knowledge of the laws and the judicial system. Many of the defendants have rested their cases completely on the shoulders of their defense lawyers. However, in all too many instances, the defense lawyers are not

competent. Another problem is that the court sentences and verdicts should be publicly announced at the end of the sessions. The court, however, postpones the announcement for a few hours after each session; it later sends the verdict in writing to the defendant through a middleman. Local monitors as well as the office of Integrity Watch have brought this up with judges, demanding that they address the problem. In response, the judges have cited the issue of security, pointing out that in many cases the accused is a dangerous individual who may seek retaliation in the trial's aftermath. So, they try not to expose themselves to such dangers.

Generally, Nangarhar courts and judges have cooperated well with local monitors working in conjunction with Integrity Watch. The presence of these monitors in judicial settings is usually welcomed; and court dockets are readily shared with them. Despite these achievements, there's a long way to go before transparency and accountability are instituted in Nangarhar's judicial system. Integrity Watch Afghanistan requests related court authorities to take proper action regarding the issues raised by local monitors in the province. Indeed, failing to do so, seriously undermines the integrity of the court system in Nangarhar.

Question of The Month

What do you think about the impact of Community-Based Monitoring programs in the fight against corruption in Afghanistan? Do you find it effective at all?

Nasir Teimory, research at Integrity Watch Afghanistan calls the community based monitoring programs vital in increasing transparency and improving the quality of local government services and projects in local level. In his view, it is more important when the use of other direct methods of interference with government such as advocacy, communication and research is not enough for the fight against corruption and promotion of good governance. Nasir Teimory believes that community based monitoring programs play a significant role in prevention of corruption, increasing people's sense of ownership towards public projects and empowering people for permanent monitoring of public projects and services at local level.
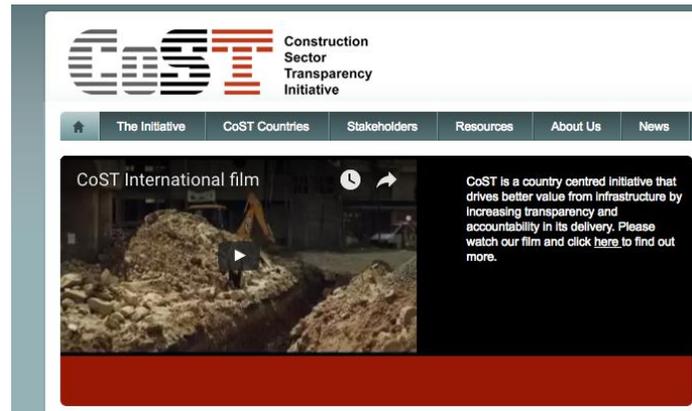
Shamsurahman Frotan, a religious scholar from Kabul says that community based or social monitoring is a kind of public opinion's oversight. He believes that public opinion has a high impact on every aspect of a society and public opinion's oversight on public services and projects also has positive impacts. According to him, community-based monitoring is important in the fight against corruption as it provides the opportunity for people's participation in processes and where people are present there are less corruption and offenses.

Halima Rezayee, a local monitor of Integrity Watch Afghanistan's courts monitoring program believes that community-based or social monitoring has reduced corruption in judiciary and has helped to improve the judicial proceedings in terms of their legality. According to her, it has had a positive impact on maintaining of justice. In her view, the existence of some customs and traditions and some legal obstacles prevent them from participating in some judicial sessions on children and family cases and monitor the judicial proceedings. From Halim Rezayee's view, conducting a number of training programs and facilitating access to resources such as Afghan laws can help local monitors in their day-to-day monitoring   activities.

Integrity Watch Afghanistan Hosts a Global initiative, the Construction Sector Transparency Initiative (CoST)- to Improve Transparency in Infrastructure Sector

Interview with Ahmadullah Mauj, Program Manager of Reconstruction Assessment Program (RECAP)

Since the establishment of the new government in Afghanistan in 2001, the international community has provided Afghanistan with billions of dollars in aid for rebuilding its infrastructure. Under the auspices of the National Solidarity Program (NSP), a clinic, a school, a road or a canal had to be built in each village. Considering the large budget and extensive plans for the development of Afghanistan, these projects fell short of their expected outcomes. Pervasive corruption and other challenges have crippled implementation. This has sounded an alarm among both experts and those who have a stake in such projects.

CoST is a global initiative which coordinates different participants in the construction sector. The initiative aims to promote the application of global standards in addressing the infrastructure needs of countries - standards that take into consideration each country's circumstances and tries to make the procurement documents and principles of these projects public. This initiative has been implemented in approximately 18 countries and the establishment of a similar initiative in Afghanistan was proposed by the Independent Joint Monitoring and Evaluation Committee's (MEC) in 2013. In 2013, an official representative from the CoST International Secretariat signed a Memorandum of Understanding (MoU) with the Ministry of Economy to provide support to Afghanistan in the pursuit of this initiative. Following this, Integrity Watch, together with other CSOs, advocated for the establishment of a Multi-Stakeholders Group (MSG). A MSG comprised of government, civil society, and private sector representatives was established and Integrity Watch has played a central role in providing support in the implementation of this initiative. In launching this initiative, the development of standards and guidelines suitable for Afghanistan's construction sector will become the first order of business.

Based on its preliminary evaluation, the CoST team found that donors had not coordinated effectively with the government nor are they responsive or accountable to the Afghan government. The Afghan government, however, also lacks specific plans for project development (a plan that would show, for example, how many schools, roads and clinics should be built in a year) and struggles with a shortage of technical, managerial and monitoring capacity in its institutions. The CoST initiative will, to a large extent, help codify contracting principles. It will also create more transparency in the infrastructure sector. It is hoped that by making more information available about the sector, the way would be paved for appropriate monitoring and public oversight ensuring quality and timeliness of future construction projects.

Quotation of the Month

"And eat up not one another's property unjustly (in any illegal way e.g. stealing, robbing, deceiving, etc.), nor give bribery to the rulers (judges before presenting your cases) that you may knowingly eat up a part of the property of others sinfully."

Verse 188, sura Al-Baqarah, Quran

Why Should a Bridge be Built three Times in Afghanistan?
Local Monitor Raises Accountability Question
Interview with Shamsuddin, Local Volunteer in Nangarhar

Shamsuddin, is a 26 year-old Integrity Watch Afghanistan local monitor in Nangarhar. He graduated from the Agriculture Faculty of Nangarhar University. Before joining Integrity Watch as a volunteer, Shamsuddin experienced corruption in his life firsthand. Two years ago, Shamsuddin's cousin was scheduled to appear in court in response to a litigation. The judge asked for a cash bribe, assuring them that, in return, he would rule in his favor. But Shamsuddin and his cousin refused to bribe, responding that they preferred to follow legal procedure, even if it meant they could lose the case. They hired a defense lawyer and after the judicial session, Shamsuddin's cousin was proven innocent.

When Shamsuddin was a student, a bridge was built in his village three times. The bridge had suffered collapse on two previous occasions due to the use of poor quality construction materials. Even during the third construction of the bridge, people still did not know they had the right to monitor such projects. Therefore, no one dared to interfere. According to Shamsuddin, it was exactly at this time that Integrity Watch's local monitoring program was taking root in his village. Because Shamsuddin was literate, he was considered fit for monitoring job. The village council introduced him to the local monitoring program. Initially, Shamsuddin did not believe that locals could monitor and intervene in construction projects. However, after attending training sessions held by Integrity Watch, his outlook changed. The knowledge and skills gained from the training equipped him as he monitored the bridge being built for the third time in his village. Shamsuddin believes that if reconstruction of infrastructure projects had been monitored by local people from the very beginning of Karzai's government in Afghanistan, communities would not have faced the difficulty of carrying out the same construction repeatedly; and funds would not have been wasted. During local monitoring of projects, Shamsuddin continues to enjoy the support and encouragement of those around him. These days, people realize that monitoring such projects is in their own best interest. Public awareness campaigns by Integrity Watch has played a significant role in this regard. By reading newsletters, watching video clips, and attending mobile cinema shows, people have become more and more aware of their rights to monitor construction projects and other services. Many people around Shamsuddin's village now understand that participation in this process brings real potential for improving their lives. Shamsuddin says that others have increasingly begun cooperating in this effort on a voluntarily basis. He continues to encourage others to become active partners in this work.

Integrity Watch's Community Based Monitoring-infrastructure program promotes social accountability through community mobilization and social audits. The program empowers communities to monitor infrastructure projects that are implemented in their area. The program started in 2007 with 10 communities in the Jabel Seraj district of Afghanistan's Parwan province. So far, around 900 infrastructure projects have been monitored by 1700 volunteer local monitors since 2007 in 35 districts of Balkh, Herat, Nangarhar, Parwan, Panjshir, and Badakhshan and Bamyan provinces.