Spotlight

An Independent Anti-Corruption Commission? A proof test of government's will to fight corruption

London Conference on Afghanistan 2014 where President Ghani promised to establish an independent commission to fight corruption.

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President Ghani committed to establishing an independent anti-corruption commission almost five years ago during the London Conference on Afghanistan in 2014 – a promise he has backtracked on since then. The establishment of an independent anti-corruption commission has become a proof test of the government’s will to fight corruption since then.

After four years of advocacy by civil society and the international community, in 2018 the government finally agreed to pass the anti-corruption law to establish an independent commission. However, what was published as the proposed law in the Official Gazette was completely different from what civil society and international actors were expecting. Invisible hands within the palace
completely removed civil society and independent institutions from the selection process of the Commissioners. After months of advocacy, the government finally agreed to review and change the selection process to make it more transparent through civil society participation.

However, in a recent legislative decree, the government has ruled that five government institutions and civil society introduce 25 candidates each. From this list of candidates the Civil Service Commission, which itself is not an independent institution, has been tasked to short-list 15 candidates and introduce them to the President for final selection. It is obvious that the government has again tried to limit civil society role in the selection process. If this selection process is not changed, it will lead to another non-independent institution which would, yet again, be a waste of time and resources.

Therefore, civil society organizations which are active in the fight against corruption strongly believe that the following key points are necessary for the selection of independent members of the Commission:

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RECOMMENDATIONS:

1. Department of government affiliates: Individuals who have worked in senior government positions in the last three years should be debarred from the process to ensure that individuals from government with political agendas are restricted from making their way onto the Commission.

2. A competitive and transparent selection process: Independent institutions and civil society organizations working on anti-corruption issues should manage a competitive and transparent process to select 10 individuals who in turn would be introduced to the President.

3. Government vetting of candidates: The Civil Service Commission’s role should be restricted to the vetting of the candidates.

4. Public vetting of candidates: Once 10 candidates are introduced to the President, the Office of the President should seek public feedback on the candidates to ensure that they are all publicly vetted.

5. Transparency in the final selection by the President: All candidates passing government and public vetting should be interviewed transparently by the President. The interviews should be publicly broadcast through television for the public to know the attitudes, knowledge, and plans of the candidates and to observe how much the President takes these issues into account. It is particularly important that the President only selects candidates who have strong attitudes against corruption and are prepared to take decisive action against the corrupt.

6. Fixed tenure of commissioners: The commissioners should be appointed for a fixed term of years to ensure job-security for them and to prevent government influence in their work.

7. Gardening leave: A gardening leave requirement should also be imposed on retiring commissioners after they complete their tenure to mitigate risks of
In a press conference Civil Society Organizations called on the government to establish an Independent Anti-Corruption Commission in accordance with international standards. Read the full statement at: [www.integritywatch.org](http://www.integritywatch.org)

Public monitoring of trials "bridging the gap" between court officials and the public in Kunar

*Reshteen Alokozay, Integrity Watch Afghanistan*

It is well known that the rule of law in remote regions of Afghanistan is very weak. This is not always due to the lack of government's presence. Lack of awareness of legal procedures and of public participation in the legal process also plays a role. With the involvement of communities in local governance,
things can change for the better. The eastern province of Kunar is a case study in this. Monitoring of public trials by the people has resulted in the improvement of the delivery of justice in the Province.

Conducting trials sessions in the office of the judge instead of courtrooms, the non-availability of defense lawyers for victims and failing to announce the sentences were just a few of the issues observed in the courts of Kunar Province. But all this changed for the first time after the inception of Integrity Watch’s Community Based Monitoring of Trials program in the Province. The program mobilizes locals to participate in the monitoring of courts.

Through the efforts of local monitors representing their local community, the courts have now committed to the principle of open trials. Haji Dawood Shah, a local monitor who reports back to his community from court sessions at the provincial court said that the courts agreeing to hold open trials was a sign of courts openness to reform and public participation. Another local community representative said that by having open trials, people can observe court proceedings and can see if there is any misconduct by court officials. He also welcomed the initiative and regarded it as helping to “bridge the gap” between court officials and the public.

**International report: Budget credibility is critical for fiscal sustainability**

*Ibrahim Khan, Integrity Watch Afghanistan*
Budget credibility is a critical issue for fiscal sustainability. If the government fails to meet its revenue targets or exceeds its spending targets, it can lead to an increase in the budget deficit and therefore **unsustainable fiscal policies**. A research was carried out in 23 countries and with the collaboration of 24 civil society organizations. Different budget credibility challenges were identified by the CSOs partners in each country such as capital budget, health, education, and infrastructure.

Integrity Watch Afghanistan, as a local partner of the International Budget Partnership, conducted the research to assess budget credibility in Afghanistan including how the government implements its budgets and what explanations are given if there are deviations in the National Budget. The main budget credibility issue which was assessed in Afghanistan was the continuous shortfalls in the implementation of the development budget for the years 2014-2017. According to this report, the average budget deviation which occurred in Afghanistan’s development budget was 41-60% which is very high. This includes the shortfalls in the development budget across different sectors and budgetary units. *Continue reading...*

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**Community action prevents misuse of public funds in a public funded project in Herat**

*Zohra Aminpoor, Integrity Watch Afghanistan*

Disclosing information about construction projects is vital to the transparency and timely delivery of development projects. A recent Assurance Report by...
CoST Afghanistan highlighted that public projects across the country are hamstrung by the lack of access to information and cost overruns.

Such was the case recently in Herat. The construction company responsible for the construction of the irrigation canals for the Urdukhan farm project would not share the contract for that part of the project which entailed procuring stones for the canals.

After persistent follow-up by Mr. Muhsin Hashimi, a community volunteer monitoring the construction of the canal, the contract for the said project was made available. On review of the contract, it came to light that the construction company contracted foundation stones to be purchased at a per meter cost of about USD 9 while its actual cost in the market was around about USD 7, showing a difference of around USD 2.

In view of the importance of this finding and the amount of money involved, Mr. Hashimi reported this matter but to his surprise, he received only insults and threats instead of cooperation to help prevent such misuse. Lack of oversight and attention from the Herat Municipality had allowed this situation to develop.

The community volunteers backed by Integrity Watch mobilized the community and protested in front of Herat Municipality after the latter did not take any action. As a result of this pressure from the public, Herat Municipality eventually inspected the construction work and the quality of the stone used in the canal. As this issue was so serious, the contract was canceled and has now been retendered.

Volunteers such as Mr. Hashimi, monitored about 120 projects in seven provinces of Afghanistan in 2018, of which 22 alone were monitored in Herat province.