

**2018 COPENHAGEN  
INTERNATIONAL ANTI-CORRUPTION CONFERENCE**

**AFGHANISTAN  
NATIONAL ANTI-CORRUPTION STATEMENT**

**PREAMBLE: THE STATE OF THE FIGHT AGAINST CORRUPTION IN AFGHANISTAN**

Since 2014, the Government of Afghanistan has made several major breakthroughs in combating corruption. Several laws, policies and reform measures have been introduced. In order to overcome the institutional fragmentation in the fight against corruption, many anti-corruption institutions were consolidated under the Attorney General's Office. Recently, an anti-corruption law was enacted in line with the UNCAC, which establishes an independent anti-corruption commission. The law further defines the duties and functions of anti-corruption agencies and strengthens their legal foundations.

In terms of legislation, we have approved: (i) *Anti-Corruption Legislation*: the Access to Information Law - which has been recognized as the best in the world, the Whistleblower Protection Law, and the Asset Declaration and Verification Law, (ii) *Commercial Legislation*: a new Companies Law and Insolvency Law, and (iii) *Natural Resources Legislation*: Minerals Law and Hydrocarbons Law. Together, these laws have established the foundations of an environment where corruption is reduced in Afghanistan.

Most importantly, a National Strategy for Combating Corruption was approved as the main strategic document to reduce corruption amongst all government institutions. This cross-sectorial strategy aims at the institutionalization of the fight against corruption, with a focus on five key pillars. The first phase of the strategy is in the final stage of implementation. The following are major anti-corruption outcomes:

- a. *The High Council for Rule of Law and Anti-Corruption (HCRLAC) was established as a forum to take anti-corruption policy decisions, with the Special Anti-Corruption Secretariat reporting to the HCRLAC to monitor the implementation of the Anti-Corruption Strategy*
- b. *The Office of the Deputy Attorney General for Anti-Corruption was established to prosecute the corrupt and follow up on the cases that are suspected of wrongdoings*
- c. *The Anti-Corruption Justice Center that is an independent joint task force between Attorney General Office, Supreme Court and Ministry of Interior, was established and has convicted dozens of high public officials or major corruption cases*
- d. *The public procurement system has been reformed to prevent the siphoning off of billions of dollars, comply with open contracting standards and enable civil society and international community to take part in deliberations of the National Procurement Commission*

- e. *Afghanistan was ranked as 49th in the 2017 Open Budget Index for its Budget Transparency fulfillments*
- f. *In order to eliminate ghost soldiers and police, the army and police personnel records are digitalized along biometric details and linked with an automated electronic payment system*
- g. *To combat money laundering, agreements have been reached with the several countries, Afghanistan complied with FATF rules and was removed from the grey list*
- h. *To eliminate patronage in public sector, a massive reform campaign has been launched, led by the Civil Services Commission, including the revising of relevant laws and regulations, public announcements of government positions, and conducting collective exams*
- i. *Up to 15,000 public officials declared their assets with the newly established Asset Declaration Office. Of these, 350 declarations were published online*
- j. *Afghanistan joined the Open Government Partnership (OGP) in 2016, established a joint forum of civil society and government and co-created a national plan of action with 11 ambitious goals to fulfill some of the commitments at London Anti-Corruption Summit such as open contracting, asset disclosure, oversight of key services*
- k. *As a pre-requisite to the validity of mining contracts, amendments were made to the Mining and Company Laws to incorporate the beneficial ownership disclosure that are also inline with the Open Contracting Data Standards*

## **CHALLENGES**

Afghanistan has suffered from a set of state captures in policy formulation, appointments of public officials, public procurement and the market, security institutions, law-enforcement agencies, and the financial sector. Fearsome resistance to reforms was predictable. The Afghan government was cognizant of its fragilities, limited capacity to speed up the pace of anti-corruption efforts notably in law enforcing institutions, limited financial resources due to fiscal constraints and vested interest of the elite in status quo. The entrenched nature of corruption required focusing on institutional reforms that would lay the foundations for the second generation of reforms.

However, this resulted in insufficient attention to service delivery that is the face of corruption for ordinary citizens and in the private sector that is the engine of growth. Being at war with violent extremism and corruption at the same time also brought in dilemmas. While the pace of reforms with the ministry of defense was on track, the ministry of interior lagged behind in certain areas notably in civilianization of key functions such as financial, asset and human resources management.

The merit-based appointment has been a game changer. However, the scale of appointments projected has been ambitious and further work is needed to enable state machinery to

acquire competent and qualified human capital in key areas and at subnational level. The prosecution and conviction of corruption offenses have been accelerated notably for the powerful. However, Afghanistan is still lacking the expertise, institutional capacity, international cooperation and an improved legal framework to recover the stolen assets inside and outside of the country.

The National Procurement Authority has set an example in the region and has trained a new generation of procurement officers. But, many ministries, independent agencies, state corporations and municipalities still need to adopt the procurement reforms. Our Fintraca has been instrumental in scrutiny of suspicious financial transactions, but the police and prosecutors need to be equally aggressive addressing money laundering cases.

### **STATEMENT OF ANTI-CORRUPTION COMMITMENTS**

To build on these achievements, the government of Afghanistan is fully committed to continue implementing its commitments which were made in various international forums including the London Anti-Corruption Summit (2016) and the Brussels Conference on Afghanistan (2017). More specifically, the Government of Afghanistan reiterates its commitment to undertake the following reforms in the coming two years:

- a. Continue to create strong Anti-Corruption institutions by establishing the Anti-Corruption Commission with a mandate to research and provide policy advice related to anti-corruption efforts*
- b. Enhance the integrity of the electoral system by introducing biometric registration and voting in the upcoming elections*
- c. Inscribe the fight against corruption in security institutions by ensuring that all soldiers and police are officially recorded in our human resources payroll system*
- d. Improve on the World Bank Doing Business Indicators on an annual basis, with an initial focus on improving on the following indicators: Starting a Business, Protecting Minority Investors, Resolving Insolvency, Access to Credit, and Obtaining Construction Permits*
- e. Facilitate payment of taxes for businesses by introducing one stop shop at medium and large tax-payers' offices*
- f. Build the technical capabilities of the natural resources sector by establishing the Afghanistan Oil and Gas Regulatory Authority (AOGRA) and the Minerals Technical Committee (MTC)*
- g. Continue to revitalize the civil service by increasing the number of civil servants that are hired under a transparent and open process. A component of this is that at least 5,000 lower performing civil servants will be managed out of the civil service*
- h. Increasing the capacity of our Ministry of Justice to develop and approve key legislation by reforming the legislative drafting and legal affairs departments*

- i. Increase access to justice by introducing more judges and prosecutors throughout the country, and by making the process more transparent by ensuring that decisions are made publicly available*
- j. Ensure that state assets are effectively utilized by establishing the State-Owned Corporations (SOC) Oversight Board Establish a public register of company beneficial ownership*
- k. Work with international partners to recover stolen assets located abroad*
- l. Invest in data infrastructure, bring in new technology, enhance data literacy and promote investigative journalism to turn the promise of our newly introduced Access to Information Law into reality and help empower a vibrant media and civil society*