

AFGHANISTAN NATIONAL STRATEGY FOR COMBATTING CORRUPTION



**Islamic Republic of
Afghanistan
November 2018**

And eat up not one another's property unjustly, nor give bribery to the rulers that you may knowingly eat up a part of the property of others sinfully.

The Noble Qur'an
Chapter (2) sūrat I-baqarah, Verse 188
Muhammad Muhsin Khan
Muhammad Taqi-ud-Din al-Hilali translation

The Government has the following duties: Maintenance of public law and order and the elimination of administrative corruption.

Constitution of Afghanistan
Article 75, Chapter 4. Article 5

We cannot blame others for not solving this corruption problem that eats our countries alive from within.

H.E. President Mohammad Ashraf Ghani
Speech to G7⁺

May Allah curse those who take bribes and those who give them.

Banner at Youth Rally
Herat, Afghanistan

A diverse group of people and organizations contributed to improving this strategy and we would like to acknowledge their inputs. Special thanks are due to Abdul Bagi Popal, Ajmal Ahmady, Governor Asif Rahimi, Chantal Grut, Farid Hamidi, Hannah Duncan, Lael Mohib, Mark Pyman, Matin Bek, Open Contracting Partnership, Roxanna Shapour, Sardar Roshan, Siavash Rabbani, Stephane Nicolas, Suhrob Ahmed, Timor Sharan, United Nations Mission to Afghanistan (UNAMA), Wais Barmak, Yama Torabi, and the members of the High Council on Law, Justice, and Anti-corruption.

Table of Contents

Framework, Approach, and Action Plan	1
I. Causes and Diagnosis of the Problem	3
II. Afghanistan’s Anti-Corruption Strategy	5
Pillar 1: Political Institutions and Leadership	6
Pillar 2: Ending Corruption in the Security Sector	8
Pillar 3: Replacing Patronage with Merit	10
Pillar 4: Prosecuting the Corrupt	11
Pillar 5: Following the Money	13
Pillar 6: Improving Economic Institutions	14
III. Restoring Citizen’s Trust	15
IV. Helping the Private Sector	16
V. International Partnerships	16
VI. Monitoring and Reporting Mechanisms	17
VII. Medium and Long-Term Actions	17
VIII. Conclusion	17
Annexes	24
Annex 1: Afghanistan Anti-Corruption Implementation Matrix	23
Annex 2: The United Nations Convention Against Corruption (UNCAC)	31

AFGHANISTAN NATIONAL STRATEGY FOR COMBATTING CORRUPTION

FRAMEWORK, APPROACH, AND ACTION PLAN

We have a national consensus that the National Unity Government must act on its pledge to enforce the Constitution and institute the rule of law across Afghanistan. Built on our deep tradition of religious and scholarly thinking about justice and the role of the state, our Constitution is clear about the government's obligation to help citizens obtain and protect their rights. It demands that the government "maintain public law and order and eliminate administrative corruption" (Article 75: 2).

Corruption and violence undermine the government's ability to discharge its constitutional mandate to empower citizens and improve welfare. Threatened by a geopolitically-driven insurgency, for Afghanistan, winning the fight against corruption is a matter of national survival. Corruption undermines trust in the government. It saps the government's ability to repel subversion. It undermines security. It blocks efforts to reduce poverty. It supplants the neutral rule of law with access to patronage and money. Left unchecked, it will destroy the country from within.

As early as 2002, Afghans were expressing disappointment that the government was not doing enough to stop post-Taliban corruption. In 2014, the Afghan people in large numbers voted for candidates who committed to ending corruption. Corruption, nevertheless, persists and is a source of widespread dissatisfaction and anger, especially among our youth.

The National Unity Government recognized this existential threat to Afghanistan's survival and development. The Realizing Self Reliance strategy laid out the government's reform agenda. It put fighting corruption at the center of its plan for improving the quality of governance and implementing the rule of law. Positive actions began at once – the perpetrators of the Kabul Bank scandal received fair trials and were jailed. Officials in institutions as diverse as the Ministry of Labor, Social Affairs, Martyrs and Disabled; the Department of Customs, State-owned banks, and the Ministry of Urban Development and Housing were similarly brought to justice. For the first time in Afghan history, several ranking defense officials were convicted for corruption and jailed.

However, unless the opportunities and incentives that enable corruption are significantly reduced or removed, a strategy based on prosecuting individuals after the fact is unlikely to succeed. In Afghanistan, corruption is not just a matter of unruly individuals breaking the law within an otherwise sound system. The system itself is corrupted. Prosecuting miscreants is critical to solving the anti-corruption challenge, but it is only one part of the more comprehensive solutions that the Afghanistan self-reliance strategy demands.

This paper presents the government's strategy for fighting corruption. First, it provides the conceptual framework for assessing why corruption has become so pervasive. Second, it describes the overall approach to striking the most effective balance possible between preventive and punitive action. Third, it summarizes the government's action program, drawing on the diagnostic to set priorities and propose a sequence of interventions.

The strategy set five priorities in 2017: (i) provide political leadership and empower reformers; (ii) end security sector corruption, especially in the Ministry of Interior; (iii) replace patronage with merit in the civil service; (iv) prosecute the corrupt; and (v) follow the money to make funding flows transparent, traceable, and subject to audit under a national charter of accounts. After revising the strategy in 2018, one more pillar was added to the strategy to consolidate economic anti-corruption efforts: (vi) improving economic institutions. Each of the six areas must build a strong program of public communication that enlists the citizenry in the reform program.

While the strategy envisages a much broader range of anti-corruption reforms and actions, these six linked domains are the heart of the strategy. They are the foundation on which its overall success will stand or fall.

Coordination and monitoring of the strategy's implementation follows the policy-to-practice framework of the Afghanistan National Peace and Development Framework (ANPDF). Overall responsibility for monitoring the strategy's implementation sits with the Anti-Corruption Commission, which will be established based on the newly enacted Anti-Corruption Law. The Special Anti-Corruption Secretariat, which was established in early 2018 to monitor and report on the implementation of the strategy, will be consolidated with this commission. Given the priority that the national leadership gives to the anti-corruption effort, the High Council for Rule of Law and Anti-Corruption and the High Economic Council will monitor the pace and quality of implementation and will consider each ministry's progress in its decision-makings.

With the pre-conditions for fighting corruption effectively in place, the concluding section gives an overview of anti-corruption actions in the ministries responsible for revenue, expenditure, and citizen engagement. Private sector growth and job creation underpin both the success of the government's program for security and stability and its constitutional obligation to improve the welfare of the people. In this light, ministries that enable private sector development receive particular attention. Fighting corruption also requires that our international partners help us build permanent systems that can stand up to corruption. Annexes offer a comprehensive summary of indicators that will be used to benchmark and monitor the strategy's implementation.

This strategy will not be openly opposed, but it will be fiercely resisted. The biggest risk is that it will be politicized, or that the public will be influenced to believe that it is just another tool for elite partisanship. To prevent this, the top priority for this anti-corruption strategy is to ensure evenhandedness in its application. Corruption itself is not the unique property of one ethnic group, political faction, religious affiliation, or even gender. It is pervasive. Afghanistan's anti-corruption strategy must be equally rigorous in being non-partisan, objective, transparent, and balanced. Ensuring strict neutrality and providing credible communications to public concerns will be the responsibility of the Anti-Corruption Commission and the High Council for Rule of Law and Anti-corruption, with support from the Civil Service Commission and the Attorney General's Office. Public outreach and strategic communication will provide the national media and citizen's organizations with credible facts and figures to undercut efforts to polarize and obscure the anti-corruption effort.

However, two important qualifications should be mentioned at the outset. First, corruption reform is not an exact science. Where there are basic principles that appear to characterize most successful approaches, we have tried to incorporate them into the strategy. But much of "what works" seems linked to intangible characteristics of national leadership, culture, and social histories as well as an ability to co-opt at least part of the political elite into a reform process. Context matters. Second, successful anti-corruption strategies take a long time to mature. The World Bank's 2011 World Development Report on Conflict and Development found that successful recovery from conflict took on average 35 years. This timeframe seems appropriate when dealing with the deep institutional pathologies that are the breeding grounds of corruption. The fight against corruption will be a marathon, not a dash.¹

Generating and maintaining momentum will be critical for the reform movement's credibility. A broader political narrative that speaks to public disappointment, coupled with action that creates a sense that the country is moving in the right direction towards long-term political stability, can help engage reformers in a national anti-corruption partnership. Specific measures will be needed to respond to public demands for a voice and a role in ending the scourge.

¹ A large EU study of corruption reform shows that in the fastest countries such as Estonia and Georgia, anti-corruption reform has taken two decades of consistent efforts. In countries with back and forth reform programs such as South Korea, reform has taken over a half century. See *Anticorruption Policies Revisited: Global Trends and European Responses to the Challenge of Corruption* (<http://anticorrrp.eu/>) 2017

The strategy was revised in November 2018. As part of the updating process, the government took stock of what had been accomplished and which benchmarks were unclear. Multiple meetings were held with stakeholders, with the result that we expanded the list of benchmarks. We set an ambitious agenda, because we want to set stretch targets for government entities, even if we are not able to meet all of them.

This strategy describes the roadmap and machinery for making that happen.

I. CAUSES AND DIAGNOSIS OF THE PROBLEM

Corruption did not come naturally to Afghanistan nor is large-scale corruption an endemic flaw in the moral fabric of the country. Afghanistan is an egalitarian country with a strong cultural sense of justice, deep respect for contracts and property rights, and an embedded sense of entrepreneurialism. Afghanistan's fight against corruption will build on a legacy of religious and scholarly thinking on the importance of good governance and the rule of law. The Holy Religion of Islam is clear about the importance of earning halal income – income earned through work and not from bribery, theft, or extortion. Afghan scholars, such as Abdullah Ansari, Khushal Khatak, Faiz Muhammed Kateb, and Mir Ali Sher Nawai, have made compelling arguments about the foundational role of justice in government and political order.

This longstanding respect for the rule of law is not just window-dressing. Global research confirms convincingly that anti-corruption transitions are more closely associated with a general advance in the rule of law than they are with technical solutions designed to eliminate corruption.² Afghan's deep-seated belief in law and justice gives us a sound basis for hoping that the war on corruption can eventually be won.

Afghanistan's corruption challenge is closely aligned to the forty-year history of conflict and the ensuing breakdown of state consensus. Weaponry and money poured into a system with weak controls, little transparency, and few institutions capable of providing oversight. Post-2001, the urgency of reconstruction prevented the emergence of good planning, management, and oversight. With the return of the insurgency, the lack of certainty about continued political stability and security has put Afghans in a continuous "survival" mode, where the lack of long-term stability puts a premium on short-term gains. This history is well-documented and will not be discussed in this strategy. However, four important issues must inform the current dialogue

² Alina Mungiu-Pippidi, *Context Choices in Fighting Corruption: Lessons Learned* (NORAD, 2011).

FROM STRATEGY TO ACTION: THE FIGHT AGAINST CORRUPTION RAMPS UP

Afghanistan's commitment to fight corruption is already well past the preparing of strategies and plans. Not only has there been a general increase in prosecutions, but high-ranking individuals can no longer count on immunity because of their positions.

Consider a recent Washington Post article reporting on the trial and conviction of two colonels:

There have also been complaints that [Attorney General] Hamidi was failing to go after the most influential Afghans linked to corruption, and that the effort was politically motivated or aimed at distracting the international community from the government's failures. But such criticism has diminished as prosecutors have worked through several hundred cases, taken prominent people into custody for trial and sent some of them to prison.

To date, Hamidi's aides said, 1,097 cases have been tried in three anti-corruption courts, 468 people have been sent to prison, and repayments and fines totaling more than \$14 million have been ordered. In the generator fuel scheme, two army colonels were sent to prison for 18 and 20 years and fined more than \$1.5 million.

How Afghanistan is ramping up its fight against corruption
The Washington Post, 17 August 2017

First, as participants in the New Deal dialogue on reforming aid to conflict-affected states have often pointed out, one unfortunate legacy of aid-dependency is that governments become highly fragmented. Afghanistan, as the most aid-dependent country in the world, shows systematic fragmentation in every level of government and throughout the civil service. Competing mandates, widespread duplication, and fragmented responsibilities have created an environment where no oversight or enforcement controls can function effectively.

Second, the lack of well-developed political institutions during the conflict meant that perpetuating one person's corrupt network was another person's elite settlement. In Afghanistan's loosely integrated governance model, contracts, appointments, and budget allocations became the currency for binding political leaders to the newly formed government. Electoral politics further cemented the model of using rents to reward supporters.

Third, reform movements need reformers. At present, there are few incentives for reformers. An honest bureaucrat is a poor bureaucrat. Job security is tenuous, and senior reformers are highly vulnerable to political interference and reprisal. Civil service training and management do not build esprit du corps among reformers.

Fourth, over time the use of corruption to bind power-holders to the government became institutionalized and resistant to reform. Corruption was no longer a matter of individuals breaking the law, but a matter of entire sectors operating on informal rules that prioritized opportunities for making money over delivering benefits to the public.

Corruption became institutionalized across four domains of government. First, the security sector became an arena for powerful individuals to make large amounts of money. Second, as access to defense contracts became a major source of income, corruption allowed high-level rent-seeking to permeate the economy. Security sector corruption also enabled other corrupt actors to use violence or the threat of reprisals to back racketeering even in other economic sectors. Feeling disaffected and powerless, young Afghans fear violent reprisals against themselves or their families if they do not join the entourage of the corrupt.

Third, without controls, high-level corruption subverted sectoral institutions and institutional capture in the government expanded. Corrupt officials could control access to positions, contracts, and payments to service providers. Public procurement became the means to reward bribe-payers rather than the mechanism for the government to obtain value for money. Even accountability mechanisms could lead to new money-making schemes; demanding bribes from perpetrators to protect them from discipline or prosecution.

Fourth, Political capture accelerated, with leaders rewarding their followers rather than promoting the national interest. The lack of political parties, ambiguous campaign financing rules, and nugatory internal accountability systems made parliament increasingly vulnerable to capture and corruption, leading to widespread public disenchantment. Political corruption left the electoral and democratic machinery open to capture by private interests, particularly those able to wield large amounts of illicit funds. This obstructed government reform efforts. It allowed privileged access and the use of political pressure to subvert reforms.

II. AFGHANISTAN'S ANTI-CORRUPTION STRATEGY

The government's anti-corruption strategy is informed by the diagnosis that the drivers of corruption are fragmentation, institutionalized capture, and impunity. The net result of capture and corruption has been an unraveling of the contract between citizens and the state. The goal of Afghanistan's anti-corruption drive is not only to improve efficiency and reduce waste but also to restore citizen's trust that their government and its officers are working in the public interest. While the immediate causes of corruption are government officials colluding to defraud the public interest, in our strategy the solution will come from collective action to build a domestic consensus that corruption will not be tolerated any longer

While a high-level commitment to ending corruption is an essential pre-condition for success, turning committed government leadership into effective government leadership requires supporting reformist leaders with empowered teams and networks that can implement policy, engage the citizenry, and monitor progress.

Corruption can be successfully tackled over time when opportunities to steal diminish, when competitive and transparent processes govern state institutions, and when the predictability of sanctions increase. Translated into the language of what the government should now do, our anti-corruption reform strategy should first target the security sector, in particular, the police; civil service appointments; institutions responsible for administering justice; and the financial system that makes decisions about and accounts for the use of public funds. In Afghanistan, the institutions responsible for the adjudication of land must also receive special attention since land-related corruption is a pervasive and pernicious form of corruption.

Until these core institutions provide the pre-conditions necessary to fight corruption effectively, even the most high-profile prosecutions will not produce a fundamental change in the incentives or structure of opportunities that make corruption possible.

The National Unity Government has made fighting corruption a priority since it took office. This strategy builds on four years of ongoing work to root out corruption in government including the implementation of this strategy in 2018. In its first year, the administration concentrated on urgent high-level actions that would set the stage for reform, of which the Kabul Bank prosecutions and the reform of the procurement system were the most prominent. In parallel, the government put in place the machinery to pursue a long-term strategy that would go beyond individual actions to repair the system. These include introducing merit-based recruitment (recent studies have shown this to be the single most effective anti-corruption measure), reforming procurement, and advancing budget management so that policymakers have clear lines of sight over expenditure. By adopting these measures through the implementation of the National Anti-Corruption Strategy in 2018, a wide range of reforms were implemented in various sectors, and through this, the national unity government could reduce and control corruption in various sectors to a great extent.

For the implementation of the National Anti-Corruption Strategy, all the government agencies were required to develop and implement annual anti-corruption action plans and in order to expand the fight against corruption to the local levels, the Provincial Governors were also asked to develop and implement action plans. The Special Anti-Corruption Secretariat, which was established at the President's Office to monitor and report on the implementation of the Strategy, has presented two quarterly reports and a six-month report on the implementation of the strategy to the High Council for Rule of Law and Anti-Corruption and has prepared a quarterly report on the implementation of provincial action plans. As a result, most of the goals and benchmarks of the strategy were implemented and the current revised strategy contains benchmarks to strengthen previous reforms. In general, the implementation of this strategy during the current year and lessons learned will help to make the implementation of the revised strategy more successful.

The Afghanistan National Peace and Development Framework, which was presented at the Brussels Conference on Afghanistan in October 2016, highlights eight priority areas:

- i. Revamping public procurement;
- ii. Establishing the High Council on Law and Anti-Corruption;
- iii. Producing ministry-level benchmarks (instead of action plans);
- iv. Launching the Anti-Corruption Justice Center to investigate and prosecute high-level crimes;
- v. Requiring judges and prosecutors to pass entry and refresher exams;
- vi. Replacing all 34 appellate justices;
- vii. Increasing the use of e-payments and e-procurement; and
- viii. Ramping up enforcement of the National Drug Action Plan.³

All eight are either completed or in advanced implementation. Highlights include the National Procurement Authority, which has reviewed over 3,000 contracts, yielding a savings of over USD 300 million; the Anti-Corruption Justice Center, which has pursued 687 corruption charges; and the renovation of prosecutors and judges following their requalification through written exams that tested their knowledge of the law. One recent change is a greater focus on benchmarks rather than action plans.

Anti-corruption strategies tend to propose a large number of discrete actions which, while useful, lack an overarching rationale that explains how they fit together. Anti-corruption strategies in Afghanistan have not been immune to this. Without a coherent analysis of why certain activities take priority and how they are linked, anti-corruption strategies can devolve into wish lists of well-intentioned but ineffectual actions.

We have tried to avoid this trap by organizing the Afghanistan National Strategy for Combatting Corruption around a set of priority themes that we believe provide a compelling sequence of actions to propel reform forward. These rests on six pillars: (i) political will and empowering reformers; (ii) ending corruption in the security sector; (iii) replacing patronage with merit; (iv) prosecuting corruptors, (v) following the money, (vi) improving economic institutions. For each pillar, we have also outlined the top priority actions that the government will carry out between 2017 and the end of the administration in 2019/20.

PILLAR 1: POLITICAL INSTITUTIONS AND LEADERSHIP

The Afghanistan National Strategy for Combatting Corruption builds on this framework to concentrate on three priority areas:

³ *Afghanistan National Peace and Development Framework (ANPDF) 2017-2021.*

1. **Ensuring fair elections** – The fight will be long and very hard, but the nexus between money politics and the electoral process must be broken. Here technology can help. Elections must be fair, secure, and competitive. Afghanistan will accelerate its use of biometric electronic identification cards and electronic voting machines, which are keys to reducing voting fraud and the ability to purchase office; an investment that must then be repaid. Following the examples of the executive and judicial branches, Parliament should be urged to formulate and enforce an anti-corruption strategy built on a code of conduct against corrupt practices, verified asset declarations, and report cards that are released to the public.
2. **Protecting reformers** – Afghanistan has strong legal safeguards and experience in protecting the freedom of media and civil society. But reformers in ministries must also be cultivated, given proper incentives, and protected from reprisal and political attacks. Providing this support is the first responsibility of the national leadership. It can be helped through the passage of legal whistleblower protections, building up strong networks of committed reformers inside the system, and forging strong links with civil society and Afghanistan’s independent media. The government does not have clear rules that provide administrative due process for exoneration, leaving reformers exposed to attacks through false accusation and innuendo. There are few opportunities for civil society to build bridges to the government’s reform community or to educate citizens on their public’s role in advancing reforms.
3. **Providing exemplary leadership** – Political leaders must enlist the population in the fight against corruption. Strengthening value driven politics will require conversations and consensus among the younger generation of political leaders and activists. The President will take the lead in setting the moral standard not only in Kabul but also bring up the themes of anti-corruption and moral renewal during provincial visits across the country. High-level commitment to the rule of law; further transparency in government operations, increased engagement with the media, enhanced support from religious and business leaders, continued freedom for advocacy and whistleblower groups, and more public awareness of civil rights are key to increasing government accountability.

PILLAR 1: POLITICAL INSTITUTIONS AND LEADERSHIP

Afghanistan benefits from top-level political commitment to fight corruption and restore integrity in government. But to translate political commitments into effective reforms, we must protect reformers and promote reform networks. Between 2017 and 2019 the government will (i) establish strong anti-corruption institutions, (ii) approve anti-corruption legislation, and (iii) ensure anti-corruption leadership

(a) Establish AC Institutions

- Establish High Council on Rule of Law and Anti-Corruption
- (AC policymaking)
- Create an independent palace ombudsman
- (hearing/registering high-level complaints)
- Consolidate all anti-corruption bodies - except the independent joint anti-corruption and evaluation committee (MEC) - under the office of the Attorney General
- Establishment of the ACJC (AC prosecutions)
- Create Deputy AGO for Anti-Corruption (AC investigations)
- Appoint the members of the Anti-Corruption Commission
- Appoint palace ombudsman
- Submission of 3-5 key AC benchmarks by all ministries and independent government organizations to ACC. Action plans must be updated every subsequent year and submitted to ACC
- Completion of at least two anti-corruption reports by Anti-Corruption Commission

(b) Approve Anti-Corruption Legislation

- Review anti-corruption laws and regulations
- Pass a consolidated subnational governance policy
- Propose an accounting law that would set national standards for all public agencies and license auditors and accounting firms
- Pass Law on Responsibilities of AGO
- Pass Anti-Corruption Law
- Enact whistle Blower protection Law
- Amend the access to information law to meet international best practices and strengthen the recently established oversight commission on Access to information
- Revise civil and criminal codes to seize illegally obtained assets and exclude those convicted of corruption from public office
- Passage of amendments of Law on Organization and Jurisdiction of Military Courts
- Implement policies and procedures for access to information tracking requests, quality and timeliness of responses, and provide date in public quarterly updates
- Develop and deliver awareness programs regarding access to information law

(c) Ensure Anti-Corruption Leadership

- National leadership consultation of the President on anti-corruption efforts
- Include civil society inputs in the development of new governance or anti-corruption legislation and policies
- Enforce full 100% compliance with asset disclosure requirements for senior officials
- Pass parliamentary anti-corruption action plan
- Hold annual anti-corruption Conference

PILLAR 2: ENDING CORRUPTION IN THE SECURITY SECTOR

Afghanistan's security sector employs over 350,000 people and receives billions of dollars in international and domestic funds every year.

Reforming the security sector will be the underlying driver in the fight against corruption. Afghanistan is a country at war. Corruption in the defense forces costs lives and territory. Corruption in the defense forces and police costs the lives and trust of the people.

Reform of the army is well underway. Independent observers confirm that the reform plan⁴ developed with help from the Resolute Support Mission is leading to less corruption, greater force effectiveness, and overall professionalization of the armed services. This plan will remain the Defense Ministry's guide for fighting corruption. There is much work to do. But the overall trend is positive, and both army morale and efficiency continue to improve.

Reform of the Ministry of Interior, which controls the police, is our top priority. The government's assessment has identified ghost police, sale of positions, illegal sales of weapons and equipment, the use of police for private purposes, and smuggling as issues that must be addressed in the fight against corruption and racketeering. The anti-corruption effort will combine professionalized, vetted senior officers and a security sector fiduciary risk assessment⁵ with ramped up prosecution of corrupt individuals.

⁴ The five-year National Campaign Plan, Government of Afghanistan, 2016

⁵ A fiduciary risk assessment covers (i) planning and budgeting; (ii) accounting and reporting; (iii) procurement and contract management; (iv) salary payments and personnel management; (v) inventory and supply management; and (vi) financial performance.

Ending corruption in how the police provide services to citizens is as important as ending corruption in the MoI security functions. To that end, the government will step up reform and automation in those areas where Interior directly engages with the public, such as providing *tazkeeras*, traffic management, and providing police clearance records to job and travel seekers.

As part of the review process, we focused on removing the two largest sources of corruption in the security sector by ensuring that we eliminate ghost soldiers and police, as well as better manage the significant assets of security institutions by fully implementing asset management systems.

PILLAR 2: REFORMING THE SECURITY SECTOR

The security sector's anti-corruption plan consists of five elements: (i) developing stronger anti-corruption security institutions, (ii) eliminating ghost soldiers, and (iii) improving asset management

(a) Develop Anti-Corruption Security Institutions

- Appoint a High Oversight Board to provide guidance and audits of senior security-related appointments and promotions
- Defense planning, budget, and strategy: (1) publish unconditional defense strategy and a detailed defense budget, (2) publish an anti-corruption action plan for this sector
- Oversight on secret procurement: (1) publish oversight mechanisms for confidential procurement, (2) provide parliament with detailed audit reports related to defense and security sectors
- Transfer Afghan National Civil Order Police (ANCOP) and the border guards from MoI to MoD, with all senior commanders to undergo a full review
- Internal audit shall conduct regular (every six months) project cost estimate reviews with respect to the awarded contracts
- Upgrading the Army Staff Crimes Investigation Division under the direct supervision of the Minister
- Civilianize most MoD non-military positions in administration, procurement, and human resources (note that procurement department will include some military personnel)
- Civilianize most MoI non-military positions in administration, procurement, and human resources (note that procurement department will include some police personnel)
- MoD internal audit to provide a report every six months to NSC/AOP
- MoI internal audit to provide a report every six months to NSC/AOP

(b) Eliminate Ghost Soldiers

- All army personnel will be recorded in the biometric registration system (APPS), to at least the 95% confidence level
- All police personnel will be recorded in the biometric registration system (APPS), to at least the 95% confidence level
- Anti-corruption teaching materials to be added in the national army curriculum
- MoD and MoI personnel must be paid through the banking system or through mobile money (to 90% confidence level)
- Conduct annual audit checks of personnel on APPS system
- Conduct annual performance evaluation of commanders at the center and corps level
- Create a database to monitor those who have been selected and sent on a military scholarships

(c) Improve Asset Management

- Deploy CoreIMS at Corp Level (based on internet connectivity availability)
- Full activation of Case Management System (CMS) at the Military Courts and Prosecution Section
- Create a database of martyrs and disables, arbitrarily leave of personnel, war captives and new recruitment
- Push out property module at Corp Module (based on internet connectivity availability)
- Expand CoreIMS to brigade level (based on internet connectivity availability)
- Expand CoreIMS to local police battalion level (based on internet connectivity availability)

PILLAR 3: REPLACING PATRONAGE WITH MERIT

Econometric evidence shows that in many countries the single most important step in fighting corruption is replacing patronage with merit-based appointments. Any corruption vulnerability assessment of Afghanistan will concur that patronage-based appointments are rampant in the civil service, leading not only to corruption but also to deep inefficiencies, poor performance, and patronage-related ethnic tensions. Rooting patronage out of the civil service has been and will remain one of the biggest challenges to our anti-corruption efforts. A big step forward was achieved in the first half of 2017 with the restructuring of the Civil Service Commission.

The overall top-down strategy must build into its design incentives and protections that motivate reformers to overcome difficult and even dangerous challenges inherent to fighting corruption. These will include awards, whistleblower protection, adjustments to upper echelon salary scales and benefits, using forfeitures from asset seizures to reward reform teams; and independent audits of hiring and firing practices. Restoring the civil service to its role as the government's driver for implementing national policy will begin with three major steps:

1. **Neutral and competitive hiring** – The hiring process should be neutral, and competitive. Few civil service jobs have clear terms of reference, making accountability difficult and arbitrary. Ministry hiring departments have been a focus of corrupt practices. The revitalized Civil Service Commission will have an expanded role in vetting candidates and reviewing hiring practices.
2. **Incentivizing reform** – The civil service culture must change in part through better training and career coaching; in part through better use of performance management and management technology; and in part by introducing better financial controls to ensure that everyone that is supposed to be paid does get paid. Pay and grading exercises are useful but can be lengthy and disruptive. These should be introduced with great care, and with full awareness of the trade-offs involved, such as the need to reduce total civil service numbers and increase efficiency.
3. **Investing in careers** – Overcoming the culture of survival and short-term job horizons requires trust that there will be a medium or long-term career path. Revitalizing the civil service training center and developing management and leadership courses to build a professional civil service that stays beyond changes in ministers or administrations will be vital. The government can also offer more concrete incentives for upright behavior, such as government housing and improved pensions, which would be lost if a civil servant is convicted of a crime or dismissed for cause.
4. **Raising the bar for performance** – Better defined job standards will make it easier to manage out poor performers.
5. **Improving service delivery** – Adequate data and research will affect the student's level and build the capacity of teacher which will ultimately build the institutional structure of the country and also robust service delivery of government organizations has a direct effect on people's satisfaction, and makes them to support the government more.

PILLAR 3: REPLACING PATRONAGE WITH MERIT

Afghanistan's recognizes that building a meritocratic civil service is a long-term endeavor. The foundations for rooting out corruption and patronage in the civil service are already being put in place. Between 2017 and 2019 we plan to carry out the following reforms:

(a) Revitalize the Civil Service

- Public advertising and competitive selection for all positions
- Introduce an awards program for civil servant individual and team achievements in fighting corruption
- Revitalization of the civil service training center to provide various courses in public administration and anti-corruption issues to at least 4,000 inductees

- MoLSA will prepare a retirement packages (Golden Handshake) and education options for civil servants that must leave civil service
 - At least 5,000 superannuated of non-performing civil servants managed out of or given education option packages after which they either meet performance criteria or leave the civil service
 - Prepare a code of conduct for government employees, including an anti-corruption section
 - Asset declaration office to develop systems for asset declaration verification, including signing MOUs with relevant bodies
 - Transfer the registered asset declaration forms of successful 2018 parliamentary candidates from the IEC to the Administration for Asset Declaration
- (b) Improve Administrative Processes
- MoLSA and MoF to complete biometric registrations of all pensioners
 - CSO to conduct an anti-corruption survey at schools throughout the country
 - MoEd & MoHEd to incorporate CSO survey findings into their annual AC action plan

PILLAR 4: PROSECUTING THE CORRUPT

The government has already launched work to improve the legal framework and ability to prosecute corruption. The new Penal Code that will enter into force in February 2018, criminalizes corruption offences in line with the United Nations Convention against Corruption. The restructured Supreme Court and the Attorney General have begun a full-scale reform of the courts and prosecutor's office, with over thirty percent of the staff rotated to positions more suited to their skills or else replaced after a qualifications review.

The Anti-Corruption Justice Center was established in mid-2016 to prosecute significant corruption cases and has already received 315 cases (243 civilian, 72 military), including several high-ranking officials. More than 70 wrongdoers have received mid to long-term prison terms. Seven generals from the Defense and Interior Ministries have received significant sentences. On the civilian side, deputy ministers and director generals from the Ministries of Transport; Urban Development and Housing; and Counter-Narcotics have been imprisoned. This is an unprecedented rate of successful prosecution in Afghanistan. However, the Major Crimes Task Force still needs reinforcement in terms of its independence, authorities, and skills so that high level crimes can be successfully detected and prosecuted.

However, fragmentation continues to plague the justice sector. It has affected anti-corruption efforts, which are dispersed in as many as fifteen commissions and agencies, each with its own and often overlapping mandate but with little ability to enforce sanctions. To help overcome this problem, in late 2016 the government formed a High Council for Good Governance, Justice, and Anti-Corruption chaired by the President. This is the apex forum for discussing strategy, resolving mandate overlaps, and monitoring progress.

The government will consolidate all anti-corruption agencies under the Office of the Attorney General, who will appoint a new Deputy for Anti-Corruption. Integrating commissions under the reformed Attorney General's Office means that they can be aligned to the overall government structure and financed through the national budget. Prosecutions can be scaled up, enforced, and tracked through the normal operations of the law. A review to assess which functions should be transferred to a location other than the AGO's office will be carried out as part of the assimilation process once they have all been moved⁶

Ordinary Afghans must come to believe that they can expect justice to be fair, predictable, and based on the country's Constitution, and not based on ad-hoc personalized decisions or ethnic identity. Building an effective, national justice system is a long-term endeavor. Thanks to the Holy Religion of Islam's deep belief in the obligation of the state to administer justice and the prescriptions of Afghanistan's Constitution, the

⁶ For example, verification of senior officials' asset declarations will remain the responsibility of the Administrative Office of the President.

overarching normative framework is already in place. However, while at present there is little permanent presence of the justice sector at the local level to administer the law, this will change.

Trained prosecutors will be deployed to the district level. At least fifty qualified prosecutors will be sent to secure districts by mid-2018. Court practices will change so that the ordinary citizen can experience professionally administered justice firsthand. Article 128 of the Afghan Constitution specifies that “trials shall be held openly and every individual shall have the right to attend under the law. In situations clarified by law, the court shall hold secret trials when it considers them necessary, but pronouncement of the court’s decision shall be open in all cases.” Civil society and national programs such as the Citizens’ Charter will help spread local awareness of legal rights as well as practical matters such as trial schedules and provincial or district level points of contact.

The National Priority Program on Subnational Governance will extend the justice sector to all 34 provinces and 441 districts. Highlights relevant to the anti-corruption strategy include the physical establishment and protection of district-level justice officers; national application of the new penal code; and targeted support for land dispute resolution and the end of land grabbing. The Program is under preparation and will be a key step in bringing justice to the community level, where much of the campaign for people’s loyalty is being waged.

PILLAR 4: PROSECUTING THE CORRUPT

Between 2017 and 2019 the government will undertake the following core reforms to move the justice pillar’s improvements from plan to reality:

(a) Create Strong Judicial Institutions

- Prepare a plan of action to reform the office of Taqin (Legislative Drafting)
- Prepare a plan of action to reform the office of Huquq (Legal Affairs)
- Prepare a plan of action to reform Directorate of Qaza-e-Dawlat (Government Cases in Ministry of Justice)

(b) Increase Access and Quality of Justice

- AGO to identify insecure districts without prosecutors and introduce at least 40 prosecutors in those districts in 2018
- Strengthen case management system in courts including implementing safe archiving
- Broaden the membership of the stage committee to include vetted and independent representatives from Legislative, Judiciary, Executive and relevant Civil Society organizations, including member of academia and foreign experts
- Advance discussions and agreements on extradition and cross-border crime
- Order all courts to make sure all their trials are held open to public, except if stated in law that trial must be private
- AGO to identify insecure districts without prosecutors and introduce at least 20 additional prosecutors in those districts in 2019
- Advance discussions and agreements on recovery of illegally obtained assets

(c) Reduce Corruption in Courts

- SC to publish all anti-corruption court decisions
- Establishing a complaints hearing committee
- Establish an internal committee to monitor AC strategy implementation, analyze processes and set new policies
- Publish statistics on number of cases in each court, conviction rates, length of time from start to resolution, number of civil trials & settlements
- Establish audio monitoring of anti-corruption trials. Require all legal proceedings in corruption cases to be recorded to enhance transparency and ensure just application of the law

- Establish a TV channel to broadcast trials and court proceedings

(d) Reduce Corruption During Prosecution

- AGO to publish all ACJC court decisions online
- AGO to provide quarterly report to HCRLAC on investigations, trials, convictions, and execution on warrants
- The AGO's Anti-Corruption Unit will effectively and efficiently track, report and increase year on year the percentage of cases that move from: (1) referral to investigation; and (2) investigation to trial

PILLAR 5: FOLLOWING THE MONEY

Sound financial management is a key competency for any government. In a conflict-affected state like Afghanistan, it is even more crucial to ensure that fiscal policy can be an effective tool for national development. The budget must not only play an economic role; it must also be the conduit through which the government delivers on its political and policy commitments. However, dealing with systemic corruption is difficult, especially when it comes to the budget, where billions of dollars are at stake.

Afghanistan has been following a five-year pathway for improved public financial management since 2015. The current lack of transparency in Afghan budget processes enables corruption and makes it difficult for reformist ministers and their teams to know when and where money has gone missing. Particularly problematic areas have been in procurement, customs management,⁷ financial tracking, contract invoicing, and audits. The financial performance improvement roadmap provides for reforms to each of these areas.

Reforms to the national budget process are engines of the government's fiscal management reform program. The budget reform process is improving revenue collection through new policies and better administration. Ineffective or administratively burdensome regulations that increase fiduciary risks will be eliminated. New standardized and easily understood reporting requirements will provide transparency and accountability for government investments. The fiscal management reform framework will be gradually rolled out to all key revenue and expenditure ministries over the coming five years.

Afghanistan still lacks the financial controls to adequately monitor and supervise financial flows at a sufficiently granular level. First, we will reform the Supreme Audit Office (SAO). To this end, the SAO law should be revised to align the SAO's audit and standard setting powers with its functions. Second, we must implement standard financial systems in all government agencies. Standard accounting concepts such as double-entry accounting, accounting IT systems, and financial reporting are still new concepts. We must gradually implement such systems to ensure that financial flows are adequately recorded. We will increasingly move towards implementing mobile payments for all government employees.

PILLAR 5: FOLLOW THE MONEY

Tracking where the money is and when it goes missing will be fundamental for all other anti-corruption activities. During the 2017-2020 period, we will be carrying out or continuing the following bedrock public financial management reforms:

(a) Create a Robust Financial System

- Creation of National Procurement Authority (NPA) and National Procurement Commission (NPC)
- Move the financial task force to the attorney general's office
- Afghanistan to join WTO

⁷ The difficulty and physical danger involved in customs reform should not be underestimated. The government will provide extra security and protection in support of this effort.

- Secure the required capacity and resources to build capacities of relevant officials for collecting, publishing, storing, accessing, and sharing contract data and execution of a transparent public procurement system
 - Strengthening the supreme audit office through a revision to the supreme audit law
 - Afghanistan to be removed from FATF grey list
 - Establishment of the SOC Oversight Board to ensure oversight of state-owned corporations
 - Amend NPA regulations to require that the full text of government awards, contracts, and contract alterations must be published as a condition of their coming into force
- (b) Reform the Ministry of Finance
- Obtain Addis Tax membership
 - Make annual implementation plans to reform the custom services in line with principles of the Arusha Declaration of the World Customs Organization (WCO)
 - Advertise the rates and procedures at the borders and inland custom depots on website
 - Implement the Addis Tax Initiative and the Common Reporting Standard
- (c) Recover Stolen Assets
- KBR to send MLAs to begin oversea recoveries

Third, Afghanistan is adopting an Accounting Law that outlines the standards for the industry. We will also pass an accounting law that will create an independent regulatory agency to license accountants.

Fourth, financial audits should become the normal behavior of all state institutions, ministries, state-owned enterprises [*tasadees*], and state corporations. We have already begun to move towards this goal, with the first financial audits of our state airline and electricity companies in progress. However, we must expand the breadth and frequency of these financial audits to all government organizations.

Fifth, the government will expand its use of anti-money laundering instruments to detect, trace, and confiscate proceeds of corruption. Key actions will include (i) DAB will provide guidance to financial institutions on identifying people with suspect sources of wealth and improving risk management; (ii) DAB will ensure effective implementation of anti-money laundering through targeted supervision; and (iii) FINTRACA will treat corruption as a priority in its operational and strategic analyses.

Finally, audit reports, company beneficial ownership, and other documents that describe financial accountability must increasingly move into the public domain so that they can be verified and used to build demand for accountability.

PILLAR 6: IMPROVING ECONOMIC INSTITUTIONS

Economic institutions are vulnerable to corruption, this area needs support in order to improve. Below benchmarks are added in order to achieve this goal.

PILLAR 6: IMPROVING ECONOMIC INSTITUTIONS

(a) Reform Natural Resources Sector

- Pass new Hydrocarbons Law that creates an independent hydrocarbons regulatory authority
- Pass new Minerals Law with new anti-corruption provisions, including (1) contraction publication as condition of validity, (2) publication of revenues, and (3) disclosure of beneficial ownership
- Approve organizational structure and budget of new hydrocarbons regulatory authority (AOGRA)
- Establishment of Minerals Technical Committee
- AOGRA to develop regulations in relation to oil imports

(b) Strengthen Commercial Sector

- Passage of new Companies Law
- Passage of new Insolvency Law
- Passage of Beneficiary Ownership Law or Regulations
- ACBR one-stop shop fully implemented in Kabul
- ACBR one-stop shop fully implemented in three provinces
- ACBR to record biometric information during new license registrations or renewals

III. RESTORING CITIZEN'S TRUST

Reforming the administration is the means for fighting corruption, but it is only when citizens feel that government actions are fair and in the public interest that the battle against corruption will have been won.

The government will pursue three courses of action to rebuild public trust and increase citizen access to justice. First, cleaning up the justice sector must include not only citizen access to the courts but also a means for the public to monitor and report when the bench itself is a source of injustice. This effort will pay particular attention to land-grabbing.⁸ The land law has been approved and subsidiary regulations to fortify titles and property rights are being prepared for Cabinet review. Second, national service delivery standards will be simplified and made more transparent, allowing citizens to be part of the corruption control system. Related to this, we will be significantly increasing our efforts to streamline, consolidate, and automate the basic documents of citizenship such as electronic IDs, passports, and voting records, which in the past have often been tools to block citizen engagement rather than enhancing it. Third, Afghanistan's free media and vibrant civil society will provide both independent monitoring and a channel for holding the government to account.

As a unitary state, Afghanistan's ministries are national in their mandate. But the majority of Afghan citizens experience corruption at the local level, where ministries operate in an ecosystem that includes both traditional systems of governance that exist side by side with national institutions, and with a broad range of actors and networks that promote government corruption and allow it to flourish. As the anti-corruption strategy gets underway, the High Council will give special attention to bringing subnational corruption into its agenda and to working with other programs such as the High Peace Council and the Civil Service Commission.

The Subnational Governance working group chaired by the Independent Directorate of Local Government is preparing the subnational governance policy, with special attention given to aligning the capacity to control corruption with the degree of functional responsibilities to be transferred under the policy. Specific actions will include a public outreach strategy to raise awareness about the rights of citizens; complaints bodies in all governor's offices; and expanded use of participatory audits and public comments on ministry performance to ensure that ministries are delivering on their obligations.

Our strategic communications efforts are improving. These efforts must be systematically expanded and sustained so that our citizens believe that their voices are heard and trust that the information they receive marks substantive reform. While in the end actions will speak louder than words, the government's senior-most leadership must be seen to lead the anti-corruption effort. The government will ramp up its program to visit provincial capitals and consult with the population, both directly and through the national media. Several national programs have hotlines for citizens to log complaints about corruption. Afghanistan's very active social media is another source of information about citizen concerns and should be increasingly utilized by our senior officials.

Over time, reporting and feedback will become easier and more widespread. Increased use of social media and other technologies will allow for reporting without reprisal. *Efshagar* [whistleblower] is Afghanistan's

⁸ In the August 30, 2017 meeting of the High Council on Law, Justice, and anti-corruption, the Supreme Court confirmed its intention to establish special land courts that would have the skills and jurisdiction to hear land cases.

equivalent of the “I paid a bribe” public monitoring website and is already operational (www.efshagar.af). The Deputy Attorney General on Anti-Corruption will hold consultative meetings with civil society and the media to develop a comprehensive monitoring action plan that will engage them in overseeing our anti-corruption efforts.

If one-half of the anti-corruption strategy rests on reforming the government, the other half rests on responding to popular anger over administration corruption. Independent monitoring and external pressure remain mainstays of the government strategy. The revitalized MEC will support civil society contributions and engagement. Religious leaders will be enlisted to give guidance, provide support, and raise public awareness on the importance of fighting corruption. The government will continue to protect Afghanistan’s independent media, including top-level commitment to offering increased security to journalists, in the wake of recent attempts by terrorists to intimidate the press.

IV. HELPING THE PRIVATE SECTOR

The government is working with the private sector to identify sources of graft and build a corruption-free investment environment. Private sector corruption in Afghanistan takes two forms. First, bribing public officials provides privileged access to government functions. Second, the private sector itself often engages in acts of corruption, such as releasing false medicines into the market or falsifying tax and financial reports.

The government will introduce measures to reduce opportunities for corruption and increase the cost of graft. A comprehensive deregulation program will simplify business processes and reduce opportunities to extract bribes in exchange for licenses. Examples include the one-stop shops for permits and licenses that have expanded to provinces, and the new simplified business visa process. A new High-level Reporting Mechanism under the High Economic Council will increase the cost of engaging in corruption by responding to business complaints directly or referring them to the Attorney General’s Office.⁹

More broadly, Afghanistan is for the first time building the foundations of a market economy through the passage of strong legislation. During 2018, Afghanistan passed a new Companies Law, a new Insolvency Law, and lowered the cost of business licenses. The result was a dramatic increase in Afghanistan’s position on the World Bank Doing Business report (from 183rd to 167th in the world). In fact, Afghanistan was the top reformer in the world in 2018 – a testament to the dramatic and successful reform efforts by the government.

V. INTERNATIONAL PARTNERSHIPS

Afghanistan’s international partners have three important roles. First, long-term, predictable support will allow anti-corruption reforms to become institutionalized. This is critical to the success of this strategy. Our partners will need to sustain and expand the Afghanistan Reconstruction Trust Fund, working through Development Councils to build efficient, clean, and reliable government systems. Second, protecting reformers from reprisals means providing senior officials with sufficient backing, security, and support to protect ministry reformers; particularly in the security sector. Third, donors have themselves at times turned a blind eye to bad practices that enable corruption. The government will work closely with the international community to strengthen oversight, reporting, and follow-up.

⁹ The OECD *Designing a High Level Reporting Mechanism for Business* describes a High Level Reporting Mechanism as, “an in-country process for receiving, assessing, and quickly resolving complaints from companies confronted with bribery solicitation or similar concerns in specific administrative processes or public projects. The primary purpose is to provide an early and independent point of recourse to companies and to propose, wherever possible, a ‘quick fix’ before the situation escalates.”

VI. MONITORING AND REPORTING MECHANISMS

Monitoring the implementation of this strategy rests with the Anti-Corruption Commission. To ensure continuous and through monitoring, the following steps will be taken:

1. H.E. President will establish the Anti-Corruption Commission, in accordance to the Anti-Corruption Law, to monitor and report on the implementation of this strategy.
2. The special Anti-Corruption Secretariat which was established for this purpose in early 2018 will be consolidated into the Anti-Corruption Commission. In order to ensure continuity of monitoring and reporting on the implementation of the Strategy, the Special Ant-Corruption Secretariat will monitor and report on the implementation of the strategy until the creation of the Anti-Corruption Commission.
3. All the institutions are required to adapt their anti-corruption action plans for implementation of this strategy annually and after assessment and finalization by the Anti-Corruption Commission, to implement them.
4. All the institutions are required to present reports of their activities and progress to the Anti-Corruption Commission at least every three months.
5. The Anti-Corruption Commission will publish a general report about the implementation of this strategy and progress made through media every six months.

VII. MEDIUM AND LONG-TERM ACTIONS

The introduction to this strategy noted that the fight against corruption would be a marathon, not a dash. No country ever completes in full the fight against corruption. The measures described in this paper are the opening shots of a national campaign, not the final plan for victory. Our challenges are not merely that corruption inherently requires long-term commitments and institutional reforms but also that corrupt people do not give up their illicit rents without a fight. Strategies that worked in the first phase become less effective as corrupt people learn their weaknesses and devise new schemes of their own.

Rather than write the comprehensive anti-corruption plan, the goal of this strategy has been to put in place a framework that allows our government deal with current problems in a way that will let us learn and adapt over time. Several months before the conclusion of the strategy's first phase, the High Council will commission an independent review to assess its impact. Based on the review, the High Council will make recommendations to an incoming government on approaches to fighting corruption that should be continued; those that need improvement, and those that should be replaced by new measures and innovations.

This strategy has foreshadowed some of the challenges that will arise as central government responsibilities are transferred to provinces, districts, and municipalities. The advance of peace will be accompanied by large-scale demobilization of armed combatants, a process which creates well-known corruption risks of its own. The stepped-up fight against the drug trade will drive innovation in financial corruption that can only be addressed through new forms of global cooperation.

VIII. CONCLUSION

Fighting corruption in Afghanistan is synonymous with advancing the rule of law and the administration of justice, both of which are deeply held national values that reflect the aspirations of every segment of Afghan society. We believe that the six pillars defined for this first phase of the program will remain the guiding framework for advancing our rule of law project, with civic mobilization becoming increasingly more central as the government's credibility increases and people gain the trust and self-confidence to use the political machinery to provide the impetus for change. In phase two the number of ministries covered will increase and new landscapes shaped by corruption's contours will make themselves known.

We conclude this strategy on a note of humility. In this strategy, we have outlined a framework and a series of reforms that we believe will produce significant results and renew the social compact between the Afghan government and our people. But the fight against corruption will be neither quick nor easy.

The pathologies of corruption run deep. We cannot win this battle without the help of the entire Afghan nation. Just as corruption knows no ethnicity, place, or gender, so the fight against corruption must be built on a whole of Afghanistan vision. It must answer the question “what kind of country do we want to leave our children?”

We have presented a series of causally linked reforms that we believe will change the way our citizens experience their government. These reforms are deeply-grounded in our religion, history, and culture; in our Constitution; and in our national dialogue on self-reliance. They are the elements of a program that will reduce opportunities and increase the cost of engaging in corrupt behavior. They pave the way for reformers inside and outside the government to build the networks that will fend off attacks and propel the reform movement forward.

This program is for our youth. While we know well that the battle will extend well beyond this administration, the reforms we have presented will equip today’s reformers with the tools they need to make a difference now.

ANNEXES

ANNEX 1: AFGHANISTAN ANTI-CORRUPTION IMPLEMENTATION MATRIX

Please note that we have added previously completed actions so as to provide a comprehensive picture of all GoIRA anti-corruption actions

Pillar	Benchmark	Implementer	Deadline	Status
Pillar 1: Political Institutions and Leadership	(a) CREATE STRONG ANTI-CORRUPTION INSTITUTIONS			
	Establish High Council on Rule of Law and Anti-Corruption (<i>AC policymaking</i>)	Presidential Palace	Dec 2017	<i>Completed</i>
	Create an independent palace ombudsman (<i>hearing/registering high-level complaints</i>)	Presidential Palace	Dec 2017	<i>Completed</i>
	Consolidate all anti-corruption bodies - except the independent joint anti-corruption and evaluation committee (MEC) - under the office of the Attorney General	Presidential Palace	Dec 2017	<i>Completed</i>
	Establishment of the ACJC (<i>AC prosecutions</i>)	Presidential Palace	Jun 2018	<i>Completed</i>
	Create Deputy AGO for Anti-Corruption (<i>AC investigations</i>)	Presidential Palace	Jun 2018	<i>Completed</i>
	Appoint the members of the Anti-Corruption Commission	Presidential Palace	Mar 2019	<i>New benchmark</i>
	Appoint palace ombudsman	Presidential Palace	Mar 2019	<i>New benchmark</i>
	Submission of 3-5 key AC benchmarks by all ministries and independent government organizations to ACC. Action plans must be updated every subsequent year and submitted to ACC	All Ministries & independent government bodies	Jun 2019	<i>New benchmark</i>
	Completion of at least two anti-corruption reports by Anti-Corruption Commission	ACC	Dec 2019	<i>New benchmark</i>
	(b) APPROVE ANTI-CORRUPTION LEGISLATION			
	Review anti-corruption laws and regulations	MoJ	Feb 2018	<i>Completed</i>
	Pass a consolidated subnational governance policy	IDLG	Feb 2018	<i>Completed</i>
	Propose an accounting law that would set national standards for all public agencies and license auditors and accounting firms	MoF	Feb 2018	<i>Completed</i>
	Pass Law on Responsibilities of the AGO	MoJ	Jun 2018	<i>Completed</i>
	Pass Anti-Corruption Law	MoJ	Sep 2018	<i>Completed</i>

Pillar	Benchmark	Implementer	Deadline	Status	
	Enact whistle Blower protection Law	MoJ	Dec 2018	<i>Completed</i>	
	Amend the access to information law to meet international best practices and strengthen the recently established oversight commission on Access to information	MoJ	Dec 2018	<i>Completed</i>	
	Revise civil and criminal codes to seize illegally obtained assets and exclude those convicted of corruption from public office	MoJ	Jun 2019	<i>Existing benchmark</i>	
	Passage of amendments of Law on Organization and Jurisdiction of Military Courts	MoD	Dec 2019	<i>New benchmark</i>	
	Implement policies and procedures for access to information tracking requests, quality and timeliness of responses, and provide date in public quarterly updates	Oversight Commission	Dec 2019	<i>New benchmark</i>	
	Develop and deliver awareness programs regarding access to information law	Oversight Commission	Dec 2019	<i>New benchmark</i>	
	(c) ENSURE ANTI-CORRUPTION LEADERSHIP				
	National leadership consultation of the President on anti-corruption efforts	Presidential Palace	Dec 2017	<i>Completed</i>	
	Include civil society inputs in the development of new governance or anti-corruption legislation and policies	Presidential Palace	Dec 2017	<i>Completed</i>	
	Enforce full 100% compliance with asset disclosure requirements for senior officials	Presidential Palace	Feb 2018	<i>Completed</i>	
	Pass parliamentary anti-corruption action plan	Parliament	Dec 2019	<i>New benchmark</i>	
	Hold annual anti-corruption conference	Presidential Palace/ACC	Dec 2019	<i>New benchmark</i>	
Pillar 2: Reforming the Security Sector	(a) DEVELOP ANTI-CORRUPTION SECURITY INSTITUTIONS				
	Appoint a High Oversight Board to provide guidance and audits of senior security-related appointments and promotions	NSC	Dec 2017	<i>Completed</i>	
	Defense planning, budget, and strategy: (1) publish unconditional defense strategy and a detailed defense budget, (2) publish an anti-corruption action plan for this sector	NSC	Dec 2017	<i>Completed</i>	
	Oversight on secret procurement: (1) publish oversight mechanisms for confidential procurement, (2) provide parliament with detailed audit reports related to defense and security sectors	NSC	Dec 2017	<i>Completed</i>	

Pillar	Benchmark	Implementer	Deadline	Status	
	Transfer Afghan National Civil Order Police (ANCOP) and the border guards from MoI to MoD, with all senior commanders to undergo a full review	MoD/MoI	Jun 2018	Completed	
	Internal audit shall conduct regular (<i>every six months</i>) project cost estimate reviews with respect to the awarded contracts	MoD	Dec 2018	New benchmark	
	Upgrading the Army Staff Crimes Investigation Division under the direct supervision of the Minister	MoD	Jun 2019	New benchmark	
	Civilianize most MoD non-military positions in administration, procurement, and human resources (<i>note that procurement department will include some military personnel</i>)	MoD	Dec 2019	New benchmark	
	Civilianize most MoI non-military positions in administration, procurement, and human resources (<i>note that procurement department will include some police personnel</i>)	MoI	Dec 2019	New benchmark	
	MoD internal audit to provide a report every six months to NSC/AOP	MoD	Dec 2019	New benchmark	
	MoI internal audit to provide a report every six months to NSC/AOP	MoI	Dec 2019	New benchmark	
	(b) ELIMINATE GHOST SOLDIERS				
	All army personnel will be recorded in the biometric registration system (APPS), to at least the 95% confidence level	MoD	Mar 2019	New benchmark	
	All police personnel will be recorded in the biometric registration system (APPS), to at least the 95% confidence level	MoI	Jun 2019	New benchmark	
	Anti-corruption teaching materials to be added in the national army curriculum	MoD	Jun 2019	New benchmark	
	MoD and MoI personnel must be paid through the banking system or through mobile money (<i>to 90% confidence level</i>)	MoD/MoI	Dec 2019	New benchmark	
	Conduct annual audit checks of personnel on APPS system	MoD/MoI	Dec 2019	New benchmark	
	Conduct annual performance evaluation of commanders at the center and corps level	MoD	Dec 2019	New benchmark	
	Create a database to monitor those who have been selected and sent on a military scholarships	MoD	Dec 2019	New benchmark	
(c) IMPROVE ASSET MANAGEMENT					

Pillar	Benchmark	Implementer	Deadline	Status
	Deploy CoreIMS at Corp Level <i>(based on internet connectivity availability)</i>	MoI	Jun 2019	<i>New benchmark</i>
	Full activation of Case Management System (CMS) at the Military Courts and Prosecution Section	MoD	Jun 2019	<i>New benchmark</i>
	Create a database of martyrs and disables, arbitrarily leave of personnel, war captives and new recruitment	MoD	June 2019	<i>New benchmark</i>
	Push out property module at Corp Module <i>(based on internet connectivity availability)</i>	MoD	Aug 2019	<i>New benchmark</i>
	Expand CoreIMS to brigade level <i>(based on internet connectivity availability)</i>	MoD	Dec 2019	<i>New benchmark</i>
	Expand CoreIMS to local police battalion level <i>(based on internet connectivity availability)</i>	MoI	Dec 2019	<i>New benchmark</i>
Pillar 3: Replacing Patronage With Merit	(a) REVITALIZE THE CIVIL SERVICE			
	Public advertising and competitive selection for all positions	IARCSC	Dec 2017	Completed
	Introduce an awards program for civil servant individual and team achievements in fighting corruption	IARCSC	Dec 2017	Completed
	Revitalization of the civil service training center to provide various courses in public administration and anti-corruption issues to at least 4,000 inductees	IARCSC	Jun 2019	<i>Revised benchmark</i>
	MoLSA will prepare a retirement packages <i>(Golden Handshake)</i> and education options for civil servants that must leave civil service	MoLSA	Jun 2019	<i>New benchmark</i>
	At least 5,000 superannuated of non-performing civil servants managed out of or given education option packages after which they either meet performance criteria or leave the civil service	IARCSC	Aug 2019	<i>Revised benchmark</i>
	Prepare a code of conduct for government employees, including an anti-corruption section	IARCSC	Dec 2019	<i>New benchmark</i>
	Asset declaration office to develop systems for asset declaration verification, including signing MOUs with relevant bodies	Presidential Palace	Jun 2020	<i>New Benchmark</i>
	Transfer the registered asset declaration forms of successful 2018 parliamentary candidates from the IEC to the Administration for Asset Declaration	IEC/Presidential Palace	Jun 2019	<i>New Benchmark</i>

Pillar	Benchmark	Implementer	Deadline	Status
	(b) IMPROVE ADMINISTRATIVE PROCESSES			
	MoLSA and MoF to complete biometric registrations of all pensioners	MoLSA/MoF	Jun 2019	<i>New benchmark</i>
	CSO to conduct an anti-corruption survey at schools throughout the country	CSO	Jun 2019	<i>New benchmark</i>
	MoEd & MoHEd to incorporate CSO survey findings into their annual AC action plan	MoEd/MoHEd	Dec 2019	<i>New benchmark</i>
Pillar 4: Prosecuting the Corrupt	(a) CREATE STRONG JUDICIAL INSTITUTIONS			
	Prepare a plan of action to reform the office of Taqin (<i>Legislative Drafting</i>)	MoJ	Feb 2019	<i>Revised benchmark</i>
	Prepare a plan of action to reform the office of Huquq (<i>Legal Affairs</i>)	MoJ	Mar 2019	<i>Revised benchmark</i>
	Prepare a plan of action to reform Directorate of Qaza-e-Dawlat (<i>Government Cases in Ministry of Justice</i>)	MoJ	Jun 2019	<i>Revised benchmark</i>
	(b) INCREASE ACCESS & QUALITY OF JUSTICE			
	AGO to identify insecure districts without prosecutors and introduce at least 40 prosecutors in those districts	AGO	Dec 2018	Completed
	Strengthen case management system in courts including implementing safe archiving	SC	Dec 2018	<i>Revised benchmark</i>
	Broaden the membership of the stage committee to include vetted and independent representatives from Legislative, Judiciary, Executive and relevant Civil Society organizations, including member of academia and foreign experts	SC	May 2019	<i>Revised benchmark</i>
	Advance discussions and agreements on extradition and cross-border crime	Presidential Palace, MoFA, AGO, MoJ, SC	Mar 2019	<i>Revised benchmark</i>
	Order all courts to make sure all their trials are held open to public, except if stated in law that trial must be private	SC	Jun 2019	<i>New benchmark</i>
	AGO to identify insecure districts without prosecutors and introduce at least 20 additional prosecutors in those districts	AGO	Jun 2019	<i>New benchmark</i>
Advance discussions and agreements on recovery of illegally obtained assets	Presidential Palace, MoFA, AGO, MoJ, SC	Jun 2019	<i>Revised benchmark</i>	

Pillar	Benchmark	Implementer	Deadline	Status	
	(c) REDUCE CORRUPTION IN COURTS				
	Publish all anti-corruption court decisions, except those decisions which are stated not to be published in the law	SC	Dec 2018	<i>New benchmark</i>	
	Establishing a complaints hearing committee	SC	Dec 2018	<i>New benchmark</i>	
	Establish an internal committee to monitor AC strategy implementation, analyze processes and set new policies	SC	Dec 2018	<i>New benchmark</i>	
	Publish statistics on number of cases in each court, conviction rates, length of time from start to resolution, number of civil trials & settlements	SC	Jan 2019	<i>New benchmark</i>	
	Establish audio monitoring of anti-corruption trials. Require all legal proceedings in corruption cases to be recorded to enhance transparency and ensure just application of the law	SC	Jun 2019	<i>New benchmark</i>	
	Establish a TV channel to broadcast trials and court proceedings	SC	Dec 2019	<i>New benchmark</i>	
	(d) REDUCE CORRUPTION DURING PROSECUTION				
	AGO to publish online all ACJC court decisions in accordance with the provisions of the law	AGO	Dec 2018	<i>New benchmark</i>	
	AGO to provide quarterly report to HCRLAC on investigations, trials, convictions, and execution on warrants	AGO	Jun 2019	<i>New benchmark</i>	
	The AGO's Anti-Corruption Unit will effectively and efficiently track, report and increase year on year the percentage of cases that move from: (1) referral to investigation; and (2) investigation to trial	AGO	Jun 2019	<i>New benchmark</i>	
	Pillar 5: Follow the Money	(a) CREATE A ROBUST FINANCIAL SYSTEM			
		Creation of National Procurement Authority (NPA) and National Procurement Commission (NPC)	NPA	Dec 2016	<i>Completed</i>
Move the financial task force to the attorney general's office		AGO	Dec 2017	<i>Completed</i>	
Afghanistan to join WTO		MoCI	Dec 2017	<i>Completed</i>	
Secure the required capacity and resources to build capacities of relevant officials for collecting, publishing, storing, accessing, and sharing contract data and execution of a transparent public procurement system		NPA	Dec 2017	<i>Completed</i>	
Strengthening the supreme audit office through a revision to the supreme audit		SAO	Dec 2018	<i>Completed</i>	

Pillar	Benchmark	Implementer	Deadline	Status	
	law				
	Afghanistan to be removed from FATF grey list	DAB	Dec 2018	Completed	
	Establishment of the SOC Oversight Board to ensure oversight of state-owned corporations	MoF	Jun 2019	New benchmark	
	Amend NPA regulations to require that the full text of government awards, contracts, and contract alterations must be published as a condition of their coming into force	NPA	Jun 2019	Revised benchmark	
	(b) REFORM THE MINISTRY OF FINANCE				
	Obtain Addis Tax membership	MoF	Dec 2018	Revised benchmark	
	Make annual implementation plans to reform the custom services in line with principles of the Arusha Declaration of the World Customs Organization (WCO)	MoF	Dec 2018	Revised benchmark	
	Advertise the rates and procedures at the borders and inland custom depots on website	MoF	Dec 2018	Revised benchmark	
	Implement the Addis Tax Initiative and the Common Reporting Standard	MoF	Dec 2019	Revised benchmark	
	(c) RECOVER STOLEN ASSETS				
	KBR and Asset Recovery Department to send MLAs to begin oversea recoveries	KBR/AGO	Dec 2018	New benchmark	
Pillar 6: Improve Economic Institutions	(a) REFORM OF NATURAL RESOURCES SECTOR				
	Pass new Hydrocarbons Law that creates an independent hydrocarbons regulatory authority	MoJ	Dec 2017	Completed	
	Pass new Minerals Law with new anti-corruption provisions, including (1) contraction publication as condition of validity, (2) publication of revenues, and (3) disclosure of beneficial ownership	MoJ	Dec 2018	Completed	
	Approve organizational structure and budget of new hydrocarbons regulatory authority (AOGRA)	AOGRA	Dec 2018	New benchmark	
	Establishment of Minerals Technical Committee	MoMP	Jun 2019	New benchmark	
	AOGRA to develop regulations in relation to oil imports	AOGRA	Dec 2019	New benchmark	
	(b) STRENGTHEN COMMERCIAL SECTOR				

Pillar	Benchmark	Implementer	Deadline	Status
	Passage of new Companies Law	MoCI	Dec 2018	<i>Completed</i>
	Passage of new Insolvency Law	MoCI	Dec 2018	<i>Completed</i>
	Passage of Beneficiary Ownership Law or Regulations	MoJ & MoCI	Mar 2019	<i>New benchmark</i>
	ACBR one-stop shop fully implemented in Kabul	MOCI/ACBR	Jun 2019	<i>New benchmark</i>
	ACBR one-stop shop fully implemented in three additional provinces	MoCI/ACBR	Dec 2019	<i>New benchmark</i>
	ACBR to record biometric information during new license registrations or renewals	MoCI/ACBR	Dec 2019	<i>New benchmark</i>

ANNEX 2: THE UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC)

1. Afghanistan signed the UN Convention Against Corruption (UNCAC) in 2004 and ratified it in 2008. The purpose of this annex is to provide more detail on how key themes under UNCAC will be strategically targeted through the government's anticorruption strategy as it gets implemented and gains force.
2. Afghanistan's anti-corruption strategy is aligned with the main thematic areas of the UNCAC. What distinguishes our strategy from the UNCAC framework is Afghanistan's emphasis on developing the institutions able to implement UNCAC provisions rather than on the detailed provisions themselves.
3. The five key themes that inform the UNCAC strategy are as follows:
 - I. **Preventive measures** dealing with: policies and practices; anti-corruption bodies, codes of conduct for public officials; public procurement and financial management; and advance public reporting requirements;
 - II. **Criminalization and enforcement** dealing with: bribery of national public officials, foreign public officials; embezzlement; misappropriation or other diversion of property by a public official; trading in influence; abuse of functions; illicit enrichment; bribery in the private sector; embezzlement of property in the private sector; laundering of proceeds of crime; concealment, obstruction of justice; statute of limitations; prosecution, adjudication, and sanctions; freezing, seizure and confiscation; protection of witnesses, experts, victims and reporting persons; specialized authorities; cooperation between national authorities; cooperation between national authorities and the private sector; bank secrecy; criminal records; and jurisdiction;
 - III. **International Cooperation** including on: extradition, transfer of sentenced persons, mutual legal assistance, transfer of criminal proceedings, law enforcement cooperation, joint investigations, and special investigative techniques;
 - IV. **Asset Recovery** including on: prevention and detection of transfers of proceeds of crime; measures for direct recovery of property; mechanisms for recovery of property through international cooperation in confiscation; international cooperation for purposes of confiscation; return and disposal of assets; and financial intelligence; and
 - V. **Technical assistance and information exchange** including: training and technical assistance; collection, exchange and analysis of information on corruption; and implementation of the Convention.
4. The Government will continue to utilize the UNCAC Implementation Review Mechanism. The functioning and performance of the mechanism is guided and overseen by the Implementation Review Group, which is an open-ended intergovernmental group of State parties.
5. **Preventive measures** will be handled in Afghanistan via the Fiscal Performance Improvement Plan (FPIP) led by the Ministry of Finance, and Key Anti-corruption Initiatives led by the Attorney General. The FPIP will focus on public procurement and public financial management, while the Attorney General will cover the judiciary, public prosecution, money laundering, anti-corruption bodies. The Civil Service Commission will cover the public sector and codes of conduct for public officials.
6. **Criminalization and enforcement** is a key component of the anti-corruption plan. Rules and enforcement will be strengthened in all the twenty six UNCAC areas: i) bribery of national public officials foreign public officials and officials of public international organizations; ii) embezzlement, misappropriation or other diversion of property by a public official; iii) trading in influence; iv) abuse of functions; v) illicit enrichment (unexplained increases in assets of an official); vi) bribery in the private sector; vii) embezzlement of property in the private sector; viii) laundering of proceeds of crime; ix) concealment, obstruction of justice; x) liability of legal persons; xi) participation in and attempt at corruption; xii) knowledge, intent and purpose as elements of an offence; xiii) statute of limitations; xiv) prosecution, adjudication and sanctions; xv) freezing, seizure and confiscation; xvi) protection of

witnesses, experts, victims and reporting persons; xviii) consequences of acts of corruption; xix) compensation for damage; xx) specialized authorities; xxi) cooperation with law enforcement authorities; xxii) cooperation between national authorities; xxiii) cooperation between national authorities and the private sector; xxiv) bank secrecy; xxv) criminal record; and xxvi) jurisdiction.

7. The Government is currently reviewing the recommendations of the UNCAC Implementation Review Group¹⁰. These recommendations provide a solid basis to tackle the systematic improvement in the legislative framework for anti-corruption. Some of the key recommendations under the criminalization and enforcement theme are:
 - Explicitly criminalize active bribery of public officials;
 - Criminalize the active bribery of foreign public officials and officials of public international organizations and consider criminalizing the passive bribery of such persons;
 - More fully criminalize the misappropriation, embezzlement and other diversion of property by a public official, in particular to cover intangible property;
 - Consider criminalizing: i) trading in influence and ii) abuse of functions; and iii) bribery and embezzlement in the private sector.
 - Consider introducing an asset declaration system for all public officials;
 - Continue efforts to criminalize illicit enrichment;
 - Ensure that liability for UNCAC offences may be applied to all types of legal persons including state institutions, departments and enterprises as well as legal persons that are not corporate entities;
 - Provide a clear classification of corruption crimes; particularly, consider designating corruption crimes committed by public officials as felonies due to their seriousness;
 - Consider clearly stipulating a disqualification from holding positions in state owned enterprises for persons convicted of corruption crimes;
 - Consider clearly stipulating the possibility of relocating witnesses and experts; and
 - Consider providing for the possibility of mitigating punishment of accused persons who provide substantial cooperation in investigations or prosecutions of corruption offences.
8. **International Cooperation** will also be improved. It will cover extradition, transfer of sentenced persons, mutual legal assistance, transfer of criminal proceedings, law enforcement cooperation, joint investigations, and special investigative techniques.
9. Some of the key recommendations provided by the UNCAC Implementation Review Group being considered under the International Cooperation theme are:
 - Adopt guidelines for extradition and mutual legal assistance procedures;
 - Ensure that all UNCAC offences are extraditable in light of the dual criminality requirement;
 - Consider allowing accessory extradition;
 - Consider designating the Convention as the legal basis for extradition in respect of corruption offences or ensure that all the Convention offences are extraditable in all the bilateral extradition treaties;

¹⁰ See [Implementation Review Group Executive Summary 7th session](#)

- Inform the Secretary-General of the United Nations whether Afghanistan considers the Convention as the legal basis for extradition;
 - Take measures to simplify and expedite extradition procedures; and
 - Consider adopting measures to allow for the possibility of transferring criminal proceedings to and from other States Parties.
10. **Asset Recovery** efforts will continue to be a key focus. UNCAC priorities in this area are: prevention and detection of transfers of proceeds of crime; measures for direct recovery of property; mechanisms for recovery of property through international cooperation in confiscation; international cooperation for purposes of confiscation; special cooperation; return and disposal of assets; and financial intelligence.
11. The Government is considering a particular issue raised by the UNCAC Implementation Review Group. Article 66 of Afghanistan's Anti-Money Laundering (AML) Law mandates the establishment of a fund for asset recovery and for asset sharing. However, it has been pointed out that there are no detailed measures in place on the management or administration of frozen, seized and confiscated assets. These procedures will be developed and implemented.
12. **Technical assistance and information exchange** will continue to be pursued. Training and technical assistance will be sought from our development partners with a particular attention on continuing and expanding technical cooperation with highly effective anti-corruption bodies around the world. The collection, exchange and analysis of information on corruption will be core business for the lead Afghan anti-corruption bodies and we will seek help in the efficient and effective implementation of the Convention