



Third Annual European Union Anti-Corruption Conference in Afghanistan Intensifying the Fight against Corruption in Afghanistan 8 May 2017, Presidential Palace Post Conference Report

On 8 May the European Union Delegation in Afghanistan organized its third annual anti-corruption conference, entitled "Intensifying the Fight against Corruption in Afghanistan". The Conference was inaugurated and hosted by President Ashraf Ghani at the Presidential Palace, and was chaired by the European Union Special Representative in Afghanistan, Franz Michael Mellbin. Among others, the speakers and panellists included Second Vice President Sarwar Danish, United Nations Secretary General for Afghanistan Tadamichi Yamamoto, Chief Justice Yusuf Halim, Attorney General Mohammad Farid Hamidi, National Security Adviser Mohammad Hanif Atmar, Acting Minister of Mines and Petroleum Nargis Nehan, U.S. Special Inspector General for Afghanistan's Reconstruction John Sopko, and Danish Ambassador to Afghanistan Jean Charles Ellermann-Kingombe (see full agenda at page 6). The audience was made up of over 250 guests including many Cabinet Ministers, Ambassadors, members of Parliament, representatives of international organizations and civil society, and students. The event was widely covered by media, with live streaming of some speeches by multiple television channels.

In his inaugural speech, President Ashraf Ghani, underlined that the fight against corruption does not only require courage, but also the know how to analyse the problem and the way to deal with it. He particularly stressed on having a quality strategy to lead this work, as bad strategy contributes to corruption itself by mistaking goals for strategy; the proliferation of ad-hoc bodies and entities, results in lack of coordination and vast misspending. Referring to the resilience and cry of Afghan people for justice and reforms, he called a weak state as country's fundamental challenge.

President Ghani praised the reforms at the Attorney General Office, and the Supreme Court, and considered a plethora of legislative reforms and a noticeable progress in revenue generation as key progress areas. He remained thankful to international partners for raising the challenges and shortcoming; the more than 5000 Civil Society organizations for their services and their advocacy role; the private sector, which works on a plain field; the media, for pursuing a strong anti-corruption agenda; the Ulema which are fighting corruption in the mosques, and all the voluntary organizations. He highlighted that the young generation is the one taking key positions and effectively contributing to the reforms efforts.

The President reiterated that the Government has made some progress in the fight against corruption; he mentioned creating some islands of excellence: the national procurement authority has saved 200 million USD. The revenues have increased by 25% in 2 consecutive years. The growth is estimated at 3 to 5%. 500 tons of drugs have been ceased. The land authority is working on the land management. The banking sector has been normalised, and Afghanistan will soon be off the black list. Urban policy and municipal reforms are underway. However, corruption is a chain linked issue, a broken part with many constricting measure will still have areas subject to corruption. 90% of the management effort is in the details, so the government shall concentrate and focus.

While noting the progress at the National Security Council and the Ministry of Defence, President Ghani stated that currently the Ministry of Interior is the heart of corruption in the security sector. The Government will focus to address corruption in the Ministry of Interior this

year. He also promised that a new framework for the fight against corruption will be shared for the High Council of Rule of Law and Anti-Corruption for approval, involving 4 organizations: Transparency International, Global Witness, Integrity Watch and Open Contracting, measuring perception and identifying the drivers, similar to the framework proposed by the International Monetary Fund which is working well, as the conditions are clear and a common platform is agreed.

President Ghani stated that ahead the focus will be on deepening and broadening reforms in seven areas: institutional arrangements to fight corruption; transparency and openness in the security sector; ensuring the integrity and independence of justice sector; transparency and oversight of the extractive sector; customs, taxes and business environment; procurement transparency; and improved civil society participation in governance and access to media. The key ministerial commitments will focus on: revenue generating Ministries, for example the Ministry of Mining; high expenditure ministries, for example the Ministry of Education; human capital development, for example at the Ministry of Foreign Affairs; and accountability mechanisms – for example the Supreme Audit Office.

President Ghani emphasized on increasing audit of the Governmental institutions and of state owned companies, as well as on donors and UN agencies. He stressed that with speed, effectiveness shall also be observed, and that that donors should also follow the same rules. The media and civil society organizations shall provide feedback to the Government and continue to produce report cards on all three branches of the Government. The Government will also revitalize the High Council of Rule of Law and Anti-Corruption to meet regularly and address issues of concern, and use the open government partnership for transparency in work and engagement with civil society, with an effective secretariat.

Further, on relations with international partners, President Ghani stressed on having a joint design and good strategy against corruption, and use of budget as policy instrument. He underscored a good experience of conditions based design and support from the international community, referring to the National Development Partnership with the United States, and State Building Contract with the European Union as best practices. Further he stressed that the transnational drivers of corruption shall be recognized and addressed. He also invited international partners to participate more actively in the Government's specific anti-corruption efforts.



Session 1: How to Prevent Corruption in the Justice Sector

The Second Vice President, Sarwar Danish, opened the first session with a forward looking speech, by recognizing that despite the progress from the Government there is a long way to go in the fight against corruption. He proposed to focus on five key areas. First, the current lack of institutional clarity in the fight against corruption shall be addressed through developing an update National Anti-Corruption Strategy and Anti-Corruption Law. Second, financial management system shall be reformed, with a particular attention to the custom and tax offices as well as mining sector. Third, a revitalized civil service commission shall improve civil service recruitment. Fourth, reforms at justice sector shall solidify by restoring the role of discovery and prevention of crimes to police over their engagement in insurgency and the capacity and protection measures of judges and prosecutors shall improve. Fifth, the engagement with civil society and media shall strengthen, to ensure oversight from them which can lead to disclosures of corrupt as well. Mr. Danish also underscored that the key to successful fight against corruption will be a national consensus among the people, political parties, civil society and cultural sides to take on the scourge of corruption in their respective parts of activities.

The UN Secretary-General's Special Representative for Afghanistan Tadamichi Yamomoto, emphasizing that the justice sector is Afghanistan's most powerful weapon to fight corruption, termed the establishment of the Anti-Corruption Justice Centre (ACJC), as an example of Afghanistan's commitment to ending impunity. He added that Government shall communicate its work to the public in understandable manner. The transparent work by the justice sector will allow greater scrutiny by the media and will help build public trust. However, Mr. Yamomoto stressed that administrative reform must continue with more robust implementation of codes of conduct, including specialized ethical norms for prosecutors and judges, and asked for protection of justice personnel, especially those of the ACJC.

The keynote speeches were followed by a Panel Discussion, with Chief Justice Yusuf Halim, the Attorney General Mohammad Farid Hamidi, and Head of Integrity Watch Afghanistan, Sayed Ikram Afzali. Mr. Halim, informed that Supreme Court has reformed its structure, has started recruitment through open process, reshuffled 700 judges with 350 more to be reshuffled in near future, and publishes monthly activity reports. Further, 109 high ranking judges have registered their assets and the chief justice have weekly hearing sessions with people. Mr Hamidi informed about a review of procedures and regulations and transparent recruitment in AGO, and that it has started provincial visits to monitor its provincial offices. He added that ACJC has received 95 cases, with 15 already been adjudicated.

Mr. Afzali added that the current anti-corruption framework is unable to fight corruption effectively and the relevant organizations do not have coordination. He urged the Government to fulfil the commitments from London Summit and Brussel Conference. He preached for the establishment of independent anti-corruption commission, which can also look after the appointments, promotion and transfer of judges and prosecutors. He called on the National Security Council to engage with Civil Society in developing a regulation on classified documents, as it may more restrict access to information.

In the Q&A session, the participants urged the Government to take appropriate measures for the protection of judges and prosecutors, in the face of killing of the ACJC personnel recently. Further coordination was suggested between the Parliament and the Government to improve anti-corruption agenda. Mr. Hamidi added that the National Security Council is working on a regulation to improve the security of justice personnel, and the Government will allocate a safe residential area for the ACJC staff.

Session 2: How to Prevent Corruption in the Security Sector and Mining

The National Security Adviser, Mohammad Hanif Atmar opened the second session by acknowledging that corruption poses a threat to the very existence of the Afghan National Defence and Security Force (ANDSF) - a greater threat than that posed by the Taliban as well as foreign terrorist elements.

Noting progress, he mentioned the government's plan for strengthening the ANDSF further will be focusing on anti-corruption efforts, along leadership development and accountability and enhancing fighting capabilities. The anti-corruption effort elements will include the development/implementation of: 1) an institutional framework for combatting corruption which fully covers the ANDSF, 2) merit-based appointments, which at the senior level are guided by the High Oversight Board, 3) asset declarations by ANDSF leadership, 4) internal control and audit systems, including eight inspector general teams that will regularly visit the ANDSF in the regions, and 5) a mandate for intelligence bodies to search for and investigate corrupt officials. He suggested establishing a working group on anti-corruption efforts in the security sector.

Commander of Combined Security Transition Command – Afghanistan (Com CSTC-A), Major General Richard Kaiser made a strong statement, including that due to the high influx of funds into the security sector it is easy to do corruption, which if left unchecked corruption will kill Afghanistan from the inside. He informed of several significant initiatives, which among others, also include automated systems that remove human corruption points, namely the Afghan Human Resource Information management System (AHRIMS) and soon the more advanced Afghan Pay and Personnel System (APPS), linked to biometric data and ID, as well as the logistical Core Information Management System (CoreIMS), and implementation of the UN Automated System for Customs Data. Nevertheless, he considered these measures 'irrelevant' without good leaders who demand results on the battlefield instead of concentrating on self-enrichment. Summarising the way forward, he recommended a three-pronged process: start with selecting only the best leaders; apply systems and procedures; and at every level resist temptation.

The Acting Minister for Mines and Petroleum, Nargis Nehan informed about the leadership deficiency of the ministry, with one of two deputy ministers acting also as minister for a year, and with only seven out of twenty directors being in place – the remaining posts filled by acting directors. The Ministry has a few important tasks ahead. It will establish a committee to conduct cost benefit analyses of contracts. Further the Ministry will conduct a survey of extraction activities across Afghanistan – legal and illegal. A new Mining Law will be pushed forward. Moreover, a team has been assigned to digitalise all contracts in order to make them available online to facilitate transparency. The Ministry also will produce a strategy that will turn the Ministry into an accountable organisation.

The panel discussion and Q&A from audience brought attention to particular issues of concern. On corruption in the security sector, MEC Member Javed Noorani stated that it shows a continued failure of the state contract; the extent of the problem ranges from police officers not paying for meals in restaurants to using equipment and vehicles for criminal activities such as kidnappings or transportation of illegally extracted minerals. On negative effect of illegal mining on insecurity, Afghanistan Campaign Leader for Global Witness Stephan Carter pointed out that with the Taliban earning approximately 300 million USD a year on extractions and ISIS displaying a 'strategic interest' in mineral rich areas, there is a very high risk that Afghanistan will be subject to a prolonged resource conflict. It is necessary to first establish procedures and oversight before intensifying extraction.

Session 3: Prevention and Public Education

The session was opened by the U.S. Special Inspector General for Afghanistan's Reconstruction John Sopko who welcomed President Ghani remarks reaffirming that corruption is a matter of national security, not only law enforcement.

He added that all activities must be underpinned by transparency and the power of a free and independent press, unless there are security risks, classified information or legal prohibitions. All work must as a matter of principle be published and if worth publishing, should also be publicised, as it allow using the public eye as an ally. Publicity and transparency are powerful tools in protecting actors on this fight against pushbacks. It brings problems to the attention of senior leaders and creates pressure for doing the right thing. Further it stresses the validity and value of anti-corruption work for the nation and prompts managers to take corrective measures, contractors to behave properly and highlight successes. However, public discourse must be accompanied by actions, as you cannot win this war on system and/or press release alone.

Mr. Nader Naderi, Head of the Independent Civil Service and Administrative Reforms Commission stressed the role of public education on forming the social values and culture and thus holding power in contributing to the anti-corruption fight. He stressed that a competent and efficient civil service is a pre-condition for the long term stability of the country. The Commission has started mapping the accurate number of civil services and taking steps towards the establishment of a human resources management system, to be linked with biometrics, payroll and pensions. He mentioned the importance of regular public communication, coupled with an appropriate management of expectation from the public and promotion of education and understanding. He advocated transparency and recognition of short-comings as important confidence-building measures. He stressed to promote legal and institutional changes in tandem and to target particularly the younger generations on meri-based recruitments to the civil service, at the same time banishing previous patronage practices; staff being recommended by high officials will be black listed for civil service appointments for a period of 6 months.

The keynote speeches were followed by a lively panel discussion and questions from audience. Chancellor of Kabul University Hamidullah Farooqi stressed the need to mobilise the younger generation, as corruption remains an accepted social phenomenon in Afghanistan. Corrupt officials are yet to be consistently punished rather being transferred to other positions and this erodes social confidence and social principles. Danish Ambassador Charles Kingombe underscored the need to promote a public conversation on corruption, in order to stigmatise corrupt behaviour. He also underscored the importance of improved access to information, investigative journalism, and using social media in promoting an anti-corruption culture and strengthening civil society activities to domonitoring. Head of High Office of Oversight and Anti-Corruption, Hussain Fakhri mentioned the need to work on the public mentality towards corruption and role of media. There is need to ensure equal application of law and continued revision of procurement processes, to eliminate the gaps for corruption. Head of NAI-Supporting Media in Afghanistan, Mujeeb Khelwatgar noted that media has an important role to play in publishing actions, monitoring, reporting and following up and publicising judicial cases. However, this role must be complemented by government action and transparency. Media law shall be reviewed & media shall be involved in developing the anti-corruption strategy.

During the Q&A session participants raised concerns about the role of international actors having been complacent and often accomplices to corruption in the early stages of their presence in Afghanistan. The panel recognised that international actors had taken too more

long time to bring anti-corruption to the fore of their engagement and that early practices and procedures might not have been optimal in fighting corruption. However, it was stressed that presently there is a renewed partnership with Afghanistan on this issue, with strong motivation and concrete actions, and supported by national parliaments back in the capitals.



**Third Annual EU Anti-Corruption Conference
'Intensifying the Fight against Corruption in Afghanistan'
8 May, Char Chenar Hall, Presidential Palace
Conference Agenda**

WHEN	WHAT
07.30 – 09.00	Arrival and Coffee
09.00 – 09.10	Welcome by EU Special Representative Franz-Michael Mellbin
09.10 – 09.30	Keynote Speech by H.E. President Mohammad Ashraf Ghani
Session 1: How to Prevent Corruption in the Justice Sector?	
09.35 – 09.45	Second Vice President H.E. Sarwar Danish
09.45 – 09.55	Special Representative of the Secretary General of the United Nations Tadamichi Yamamoto
09.55 – 10.30	Panel Discussion and Questions with Chief Justice Sayed Yusuf Halim, Attorney General Mohammad Farid Hamidi, Head of Integrity Watch Afghanistan Sayed Ikram Afzali
10.30 – 10.50	Coffee Break
Session 2: How to Prevent Corruption in the Security Sector & Mining?	
10.50 – 11.00	National Security Adviser Mohammad Hanif Atmar
11.00 – 11.10	Commander of Combined Security Transition Command-Afghanistan General Richard Kaiser
11.10 – 11.20	Acting Minister of Mines and Petroleum Nargis Nehan
11.20 – 11.55	Panel Discussion and Questions with Committee Member of the Independent Joint Anti-Corruption Monitoring and Evaluation Committee Javed Noorani, Afghanistan Campaign Leader for Global Witness Stephen Carter
Session 3: Prevention and Public Education	
12.00 – 12.10	Special Inspector General for Afghanistan Reconstruction John F. Sopko
12.10 – 12.20	Head of Independent Civil Service and Administrative Reforms Commission Nader Nadery
12.20 – 13.00	Panel Discussion and Questions with Chancellor of Kabul University Hamidullah Farooqi, Denmark Ambassador Jean Charles Ellermann-Kingombe, Head of High Office of Oversight and Anti-Corruption Sayed Hussain Fakhri, Head of NAI – Supporting Media in Afghanistan Mujeeb Khilvatgar
Conclusion	
13.00 – 13.10	Closing Remarks by EU Special Representative Franz-Michael Mellbin
13.10 – 13.15	Award for Public Messaging against Corruption
13.15	Informal Buffet Lunch