



# **Islamic Republic of Afghanistan**

## **Strategy and Policy for Anti Corruption and Administrative Reform**

## Contents

Preface: .....	7
Order of the President .....	8
United Nations Convention against Administrative Corruption.....	10
Consequences of Administrative Corruption from the Convention's Viewpoint.....	10
Objective of the United Nations Convention against Administrative Corruption.....	10
Definition of Different Types Administrative Corruption and their Effects .....	11
Administrative Corruption Prevention Factors.....	12
Part One: Administrative Factors .....	12
• Structural expansion and reduction.....	12
• Delay in Structure (Tashkil) implementation:.....	14
• Complicated and lengthy performances:.....	15
2. Influence of relationship over regulations .....	18
1. Influence of relationships over regulations in appointing and selecting the cadre personnel .....	18
2. Ruling of Relationships over Regulations in Mediating the Release of the Accused and Criminals .....	20
3. The influence of Relationships over Regulations interfering and Wasta in promoting, suspending and other affairs .....	22
5. Personal Relationships influence over Regulations in transferring and appointing of staff .....	27
6. Lack of Regulations (documentation) observation in appointing of foreign advisors .....	29
7. Personal Relationships influence over Regulations in appointing of Afghan expatriates.....	31
8. Corruption due to joining Government professionals with Non-Governmental Organizations.....	34
9. The Phenomenon of excessive recruitment of advisors and contracted employees in most of the Ministries and Administrations.....	36
10. Lack of Observing Work Regulations in Administrations.....	38

Luck of coordination between administrations.....	38
11. Concentration of Competences in the Center: .....	41
12. Lack of Over Site of the Director.....	42
13. Lack of Attention to the Attendance Regulation: .....	43
14. Misbehavior with Clients .....	46
15. Paying Less Value to Time .....	46
16. Lack of employee confidence in their future .....	50
17. Economic Poverty of Employees .....	52
18. The Rights of Retirees.....	55
Part Two: legislative factors .....	58
1. Weakness, Discrepancy and Interference in Laws and lack of Conformity with the current situation in the Country.....	58
2. Lack of Awareness of the Law .....	60
3. Lack of Satisfactory Documents for Introducing Administrations and Organizations .....	62
Part Three: Corruption in the Judicial System.....	65
1. Corruption in law enforcement and security organizations .....	65
Work Weaknesses in Security Organizations.....	74
2. Corruptions in the Prosecution .....	76
The Impact of Enormous Powers on the Performance of the Prosecutor.....	76
Corruption Due to Mal-performance by the Prosecution in the continuing and usual Affairs of the Administration .....	77
Detaining and end Detention .....	77
Accurateness .....	78
Claims and Case Prosecution.....	78
Appeal for Finalizing and Satisfaction .....	78
3. Corruption in Courts .....	82
1. External Factors:.....	83

2. Internal Factors.....	84
Part Four: Financial and Budget Factors .....	91
1. Weaknesses in arranging and implementing the budget:.....	91
2. Negative impacts due to the inopportune approval and execution of the budget.....	95
3. Weakness in Customs Executions .....	97
4. Lack of attention in examination of medical and agricultural medicines in Customs .....	100
5. Corruption due to the lack of registration and trading forms: .....	100
6. Issuance of false trade licenses.....	102
7. Corruption due to the lack of activity by the Administration of Norm and Standard .....	103
8. Weakness of Tax Collection System .....	107
• Tax from corporations.....	107
• Property Rent Tax .....	108
• Corruption Resulted from Illegal Commissions .....	110
9. Corruption Resulted From Procurements and Contracts .....	111
• Procurements and Contracts under Defective Laws .....	111
• Small Procurement .....	112
• Major Procurements and Contracts .....	112
• Contractors Act to the Contrary of the Contract .....	112
Major Contracts with Companies and NGOs .....	113
• Contracts with foreign companies and NGOs.....	113
• Contractors' competence and efficiency are not evaluated beforehand.....	113
• Contract with National NGOs .....	114
10. Corruption in not observing the standards for vehicles' fuel consumption.....	123
11. Carelessness in Collecting and Registering Items .....	124

Part Five: Inspection Factors .....	126
1. Ministries' Internal Inspections .....	126
2. Inspection and Previous Controllers .....	127
3. Consequent (Secondary) Government Inspection .....	129
4. Establishment of an Independent Institution for Hearing Inspectional Complaints .....	131
Part Six: Corruption in Other Areas .....	132
1. Corruption Resulting from Narcotics Cultivation, Production and Smuggling .....	132
2. Land and Property Usurpation.....	137
3. Corruption in Health Sector.....	142
• Indifference and Disrespect toward Patients.....	142
• Irresponsible Prescription.....	142
• Technology Abuse .....	142
• Irresponsibility Even in Emergency Cases .....	143
• Indifference to the Doctor's Carelessness and Crime .....	143
• Doctor office or place of disease infection .....	143
• Not Controlling Fees in Hospitals and Clinics.....	143
• Long Advertisements of office signboards .....	143
• Inconsistency of Clinical Regulations with Existing Health Condition.....	144
• Import and Use of Outdated Medicine.....	144
• Doctors' Political Diplomas .....	144
• Spread of the Culture of Private Universities .....	144
• Obstinacy in pharmacies: .....	152
5. Cutting and Smuggling of Timbers: .....	154
6. Protection of Mines from illegal excavations: .....	155

7. Corruption in Transport Sector .....	158
• Goods Transport via Road .....	158
• Transport of Passenger by Road .....	163
• Air transportation .....	171
• Unnecessary expenses, official and non-official trips of some authorities .....	174
8. Corruption resulting from unemployment .....	177
• Unemployment youths .....	177
• Unemployed educated people .....	177
• Returnees .....	177
• Internally Displaced Persons (IDPs) .....	178
• Demobilized people .....	178
• Bread-earning children.....	178
• Handicapped and disabled.....	178
• Education useful tool for employment.....	179
• Construction of shelters as a means of employment for the youth .....	182
Misinterpretation of the system of market economy .....	187
The absence of a comprehensive economic strategy .....	188
9. Corruption in the establishment of certain markets .....	190
Corruption resulted from unpleasant Social Customs .....	192
• Customs and traditions.....	192

## **Preface:**

This is a collection of strategies for Anti-Corruption and for establishing reform in the various administrations of Afghanistan which are prepared and presented by the order of the respectable President of Islamic Republic of Afghanistan. Administrative corruption which is in power in the country is the result of the past three decade's crises and has had an impact on the economical, social, cultural and political aspects of the country. Corruption is mostly imposed in an oppressive manner and some corruption is based on unholy alliances between internal parties. d it happens based on unholy treaty between parties. Any type of corruption is prohibited and is in violation with the Holy Islamic Law, national benefit and humanitarian values. Corruption upsurges when the spirit of service becomes weak, on the other side, the instinct of profiting goes up. The people who are infected with this illness are obstacle of the national welfare and peace and lead the country to chaos and anarchism.

In order to have an uncorrupted administration and to reach high national objectives, drafting and enforcement of a comprehensive strategy to be a solution for people is required. This way we can effectively fight administrative corruption which is a destroying element. As this strategy recommends the preventive mechanisms of different sorts of corruption, it can also be a good guideline for administration reform. The Commission has tried to state the facts of corruption as exactly as possible by using simple language and Afghan specific methods to determine the factors which have an influence and a role in its creation and development. The methods and procedures have been designed and determined by the implementing authorities' offices.

Timelines which determine those responsible for a specific time limit have been arranged. Time can be extended if the observing administration deems it needed. No money was spent in the preparation and arranging of this strategy. The director and members of the commission tried to conduct necessary investigations and studies as individuals in an unofficial capacity while maintaining their main duties. Then acting as a group, they combined their findings and they found that they were in agreement with each other.

Additionally, it is mentionable that those who campaigned against inauspicious phenomenon inside and outside the country did not remain silent. They replied to the Commission's questions through the mail and the internet and their opinions and assistance have been very useful to the Commission.

The commission appreciates all those persons and organizations who participated in putting together this strategy. The commission expects an accurate enforcement of this strategy which will be very helpful in removing this dilemma that our people and government are facing by the help of God.

The Secretariat of Commission: The Structure of the General Directorate of Administration of affairs and Secretariat of the Ministers' Council.

## **Order of the President**

Based on the instructions of article 50 of the Islamic Republic of Afghanistan's Constitution, in order to fight against administrative corruption and to create reform in the ministries, administrations and governmental organizations commission under the leadership of Professor Abdul Salam Azimi the Chief Justice and Chief of the Supreme Court of the Islamic Republic of Afghanistan and with participation of the Attorney General, Minister of Justice, Chief members of the Justice Commission, Administrative Reformers and the Commission of Parliamentary struggle against Corruption and Senate Complaints Commission, General Director of Administrative Affairs and Secretariat of Ministers Council, Director of Commission of Administrative Reform and the Commission of Civil Services, General Independent Director of struggle against the Administrative Corruption and Bribery, the Adviser of the President in Financial Affairs and Evaluation Control and the Deputy Minister of Finance is approved.

The Commission is assigned to codify strategy and procedure of the administrative reform and struggle against administrative corruption by using long term; mid-term and short term practical planning. The commission will report the results to the authorities of the Islamic Republic of Afghanistan.

The General Department of Administrative affairs and the Secretariat of the Ministers council have the responsibility of being Secretariat of the Commission, independent ministers and chiefs of the administrations are obliged to lend multilateral cooperation with the mentioned commission.

Hamid Karzai  
President of the Islamic Republic of Afghanistan



### Based on the above order

The Commission held its first meeting on 24/08/2006 in the building of Supreme Court. In a subsequent meeting on 06/09/2006, working procedures for the Commission were approved and, to better organize jobs and their effectiveness, it was decided that a multidimensional and comprehensive questionnaire would be developed and sent to all ministries and independent administrations and that the responses would be used in drafting a strategy. Additionally, a meeting schedule was established wherein ministers, chiefs of independent administrations and their authorized representatives participated in discussing their problems, opinions and suggestions.

The Commission appreciates the cooperation of the above mentioned individuals for their participation in 64 meetings. The Commission also provided their email address and Post Box No. 111 for citizens in and outside the country. Citizens paid attention to it and have cooperated. View points and suggestions of our citizens were discussed and results of discussions have been utilized in developing this strategy.

The Islamic Republic of Afghanistan, in its national and international commitments and also as a part of the international community, was included in United Nations Convention against administrative corruption and has joined in the struggle against administrative corruption.

## **United Nations Convention against Administrative Corruption**

This convention is in agreement with all members of United Nations. The United Nations Convention against Administrative Corruption was accepted by the General Assembly in Treaty No 4/85 on 31 October 2003 with an effective date of 14 December 2005.

One hundred and forty countries of the world signed the aforementioned convention and it was confirmed by 61 other countries. The Islamic Republic of Afghanistan signed it on 20 February 2004; its delay was due to ratification period.

### **Consequences of Administrative Corruption from the Convention's Viewpoint**

Administrative corruption is a serious problem which creates severe risks:

- Makes the security and stability of society weaker.
- Destabilizes administrative structures and values of democracy
- Harms ethical and social values.
- Slows the economic growth of country
- Disorders justice and governance of law

Administrative corruption usually has inseparable connection with many kinds of crimes; especially organized crimes, economical crimes, and issues which relate to money laundering, drugs trafficking and terrorism. Administrative corruption is not only a local issue, but in today's world has expanded to all international societies and harms their economics. So the cooperation of international community is necessary to prevent and control this phenomenon.

### **Objective of the United Nations Convention against Administrative Corruption**

United Nations objectives against administrative corruption are summarized as below:

- 1- Improving actions against administrative corruption in order to make them more sufficient and effective.
- 2- Spread, facilitate and support international and technical assistance in the prevention and fight against administrative corruption.
- 3- Dispersing of deposits, answering for or accountability and proper administration of public affairs and common property.

## **Definition of Different Types Administrative Corruption and their Effects**

Administrative corruption has been described as the abuse of public properties for personal benefit and sometimes construed as taking bribes. But in fact corruption exists in many other forms in addition to the two above mentioned type. For instance, nepotism, cronyism, intercession, influencing actions to gain personal benefits, illegal use of government income, not paying taxes, money laundering, theft of public properties, defalcation, embezzlement, the cultivation, production and smuggling of drugs, election violation and so on.

As administrative corruption is against the legal activities, it is also counted as national, cultural, economic and historical benefits violation of the society and country. Corruption is imposed on the people and society in an organized manner inside the structure of the government either by corrupt bands or individually and separately by persons. Any type of corruption is a crime and has punishment. Corruption hampers economic and social development and causes deviations in the law and social injustices.

Corruption affects more on the life of poor people and disrupts the strategies of the government in implementing poverty defeating projects. Corruption creates dissatisfaction and causes distances between the people and governmental units. Although a decisive solution for this issue seems impossible in the short term, taking measures and outlining an effective draft in the national strategic agenda has crucial value that could be achieved through public awareness and attraction of public cooperation so that an effective and gradual struggle could be launched. Corruption has various and different factors, thus the following ways along with their mechanism are explained to fight against it.

# **Administrative Corruption Prevention Factors**

## **Part One: Administrative Factors**

### **1. Lack of existence of a proper personnel structure according to the needs of administration**

The current structure of the administration of Afghanistan is not in accordance with the development period and needs of the country. For the time being, Afghanistan has spent years at war, destruction, demolition and needs reconstruction; the current structure and administrative systems are old and have a nepotism style that cannot organize or provide public services as per the current situation. In addition, the assignment of persons and employees has no rational and appropriate basis which has caused further corruption and disorder. In this major part, standard issues such as structure reductions delay implementations vital to lengthy and complicated performance such as the following:

- **Structural expansion and reduction**

Structural expansion has been identified as one of the significant factors in corruption. In administrations where there is less work but more employees hired, an unseen yet overt laziness affects the working discipline and harms the public services. Ministries and relevant organizations have not studied their structural shapes, and they either do not seek second and third unit comments and suggestions or do not grant them the right to interfere.

The structure (tashkil) is prepared in the center (capital) and it is enforced and imposed on their related regional and central units, such structures cannot achieve the goals and strategies of the government.

Most of the ministries and organizations strive to have workforce and budgets of their administrations expanded to display themselves as great and majestic. Some ministries do not carry out services necessary to their representatives' existence in each province. Such ministries do not even accept the current level of their provincial sub-departments and struggle to expand them to the level of directorate. This sort of structures, by having idle positions and seats, causes corruption and loss of public sources. Most ministries and first budget units have divided their one directorate into four other directorates. For example, in the past administrative directorates were constructed of the employees section, transportation services, monitoring and maintenance section and financial section and with a proper organizational pyramid and sound leadership the duties were performed more effectively in the best manner and. Today the previous sub-departments of transportation, monitoring and maintenance, financial and planning have been expanded to the level of directorate which merely causes organizational inflation with no effectiveness or benefit.

As organizational inflation is unnecessary and causes corruption, organizational reduction is as worrying as well. Over some years, some in administrations the volume of work and duties has increased due to many reasons, but the structure (workforce) has remained intact and frozen in its previous status. As a consequence, performance and work is delayed and the authorities prioritize those who attract their specific attention.

Therefore, it is suggested that:

<b>Subject</b>	<b>Reform Mechanism Procedure</b>	<b>Responsible for Implementation</b>	<b>Implementation Period</b>
Corruption resulting from the expansion and reduction of governmental structures	1- A supervising independent administration on implementing this strategy should be established as a temporary project to revise organizational structures of ministries, independent budget administrations and all governmental organizations with the participation of their related administrations and present their specific suggestions in accordance with the work necessities of government.	General Administrative Affairs Department and Secretariat of Ministries Council should recommend suggestions	Three months
	2- The Independent Administration of Supervision on implementing this strategy should comment on the organization and structure of administrations in accordance with the requirements and then make their formal recommendations for the elimination and merger of unnecessary and job interfering administrations. The need for the existence of secondary and third units of ministries and independent administrations in the provinces should be identified and comments should be given in regard to the appropriateness of these units as being in the level of directorate or lower.	Independent Administration of Supervision for implementing this strategy and all relevant administrations	Two years
	3: Ministries and administrations with the Independent Supervising Administration's concurrence are obliged to: <ul style="list-style-type: none"> <li>- Directorates, administrations and central and provincial representatives should make reductions in what is unnecessary.</li> <li>- Administrations should prepare job descriptions for each unit and then give them to the deployed supervision</li> </ul>	All relevant administrations and supervision administration.	Two years

	administration for legal confirmation and implementation		
	4: The independent supervision administration; from a point of quality and quantity, should provide comments units that need to be combined into departments or other administrations inside a ministry. For example, if an evaluation of some departments of ministries or independent organizations, Departments of Cadre and Personnel, Transportation, Procurements, Finance, Planning and Projecting show that they could be combined then they should be merged into administrative departments. If the Independent Supervising Administration finds a lack of structure or personnel as the reason for corruption and chaos, they should give their constructive comments as to the rational increase of personnel.	The Independent Supervising Administration and all relevant administrations	Two years

- **Delay in Structure (Tashkil) implementation:**

Ministries and independent budget administrations adjust their structure (Tashkil) to the ultimate limitation determined by the budget committee. Budgetary negotiations last for days in the budget committee to determine the following year's budget for budget units. The approved budget is then submitted to the administrations following completion of the legal process. But in most ministries and administration, especially in their secondary and third units in the provinces and regions, the lack of correspondence causes months of delay in the implementation of the budget.

In such circumstances, abusers informed of the new structure (Tashkil) deliberately delay its implementation providing them with a minimum to maximum opportunity to misuse.

Therefore, for the resolving of this issue it is suggested that:

Subject	Procedure and Mechanism	Responsible for Implementation	Implementation Period
Preventing delays in implementing approved structures (Tashkil)	1: Ministry of Finance and General Administrative Affairs Department and Secretariat of Ministers Council are obliged to process and make available the approved structure of each unit as soon as possible by approving the budget according to the law within a specified time.	Ministry of Finance and General Administrative Affairs Department	Within two weeks after the endorsement of the budget by the President
	2. Ministries and administrations should send approved structures (Tashkil) for implementation to their secondary and third units as soon as possible.	Ministry of Finance and leading ministries and relevant independent budgetary administrations	In less than two weeks after receiving the structure (Tashkil)
	3. State Accountant Offices are obliged to solve the gaps caused by a lack of structure implementation in the provinces.	Ministry of Finance and State Accountant Offices	Continuous
	4. Ministry of Finance should solve legal budgetary gaps and remove the chances for corruption.	Ministry of Finance and other relevant organizations	During current year

- **Complicated and lengthy performances:**

Lengthy and complicated performances, referring clients to different offices, getting unnecessary signatures in applications, papers or document and recording unnecessary letters became customary in administrations. For example, performance regarding national identification cards, passports, vehicle permissions, driving licenses, license plates, electrical power, tax books, buying and selling items and other transactions, takes a lot of time and is very complicated and daunting to clients who prefer to pay huge amounts of money to brokers to get these things done. For instance, in the process of getting electricity and cleaning tax notebooks, clients are

referred to at least ten offices to get more than twenty signatures. This process has become so difficult, intolerable, time consuming and expensive it causes people give up. The shortage of passports and other valuable documents creates an opportunity for the black market, bribery and other types of corruption. Ministries and organizations that deal with passports, national identification cards, license plates and other documents are responsible to publish and provide these items. It is required, as soon as possible, that they restock these items before shortages occur, eliminating the opportunity for the black market or bribery and to prevent the needless wandering and expenses to clients.

It is mentionable that most of the time the shortages of documents are caused deliberately by superiors in the administrations who receive support from their relevant superiors and thus continue their self benefiting activities with confidence.

Many orders and instructions have been issued to solve this disruptive and bureaucratic process, but no actions have been taken to stop or prevent the unnecessary steps. The cultural administrative process still continues, wherein, the minister refers to his deputy and the deputy to his director and the director to his sub-director and finally from the director to the responsible employee.

Therefore, it is suggested that:

<b>Subject</b>	<b>Reform Mechanism Procedure mechanism</b>	<b>Responsible for Implementation</b>	<b>Implementation Period</b>
Simplification and summarization of methods and processes of performances in the administrations	1. Ministries and all organizations should study their work methods and procedures and should summarize unnecessary and additional processes and, in the meantime, they should develop a plan for the simplification of work regulations. The Independent Administration of Inspection should assist the ministries and related administrations to develop this plan.	All the ministries, administrations and Independent Administration of Inspection	Up to two years
	-----	-----	-----
	2. Related organizations should be given the authority to use a limited and required number of experts and professionals, both men and women, to carry out the simplification process. Acceptable global methods are also needed to be used.	All related organization and the Independent Commission of Reform and Civilian Services	Continuous
	-----		-----



	<p>3. Those people who are assigned to simplify affairs in the administrations should be expert and capable of doing effective work. The superiors of administrations should attentively assign a commission for simplification and should inspect their work.</p> <p>-----</p> <p>4. Ministries and organizations are obliged to draft and implement forms. It should require one form for signing instead of having several letters requiring ten signatures.</p> <p>-----</p> <p>5. Ministries and administrations that start on the simplification of work and removal of complicated procedures should report their performances to the Independent Administration of Inspection.</p> <p>-----</p> <p>6. Related organizations should take prompt action in preparing, printing and the distribution of valuable documents such as Passports, National Identity Card (Tazkera), Electricity and Tax Bills, Documents, Marriage (Nekha) Certificates and etc.</p> <p>-----</p> <p>7. Related organizations should continuously monitor their stocks of valuable documents and papers and should re-supply before the quantities drop to a minimum levels, so as to prevent a halt in the work of clients and not provide opportunities for black market dealings.</p> <p>-----</p> <p>8. Not using the ICT system in administrations causes complications in affairs. Electronic performances by using the ICT system are possible; it simply prevents prolongation, complication and work corruption. Each administration should use this assistance to its</p>	<p>-----</p> <p>All related Administrations and the Administration of Inspection</p> <p>-----</p> <p>All related Administrations and Administration of Inspection</p> <p>-----</p> <p>All the administrations</p> <p>-----</p> <p>Ministry of Finance with all other related organizations</p> <p>-----</p> <p>Related administrations and sources of supply and production</p>	<p>One year</p> <p>-----</p> <p>One year</p> <p>-----</p> <p>In the course of year</p> <p>-----</p> <p>Continuous for three months</p> <p>-----</p> <p>Continuous</p> <p>-----</p> <p>Continuous</p>
--	--	---	--

	greatest capabilities. .	----- All administrations with the cooperation of the Ministry of Communication	
--	--------------------------	---	--

## **2. Influence of relationship over regulations**

### **1. Influence of relationships over regulations in appointing and selecting the cadre personnel**

Most of the time, inappropriate appointments and selections take place based on relationships rather than regulation; its undesirable results are clear and obvious to all. As a consequence of three decades of war, crises and a lack of an existing responsible and governing administration, an opportunity was provided for the uneducated, unprofessional and non-proficient people to take positions in different levels of the government administrations. The major factors in such appointing are as follows:

1: Political and partisan relationships, tribal and regional relationships, family relationships, bribing in appointing and then continuously paying of bribes for appointments and transfers:

Political basis The people, who do not meet the required conditions, enter the workplace with a different view, preferring to benefit their groups or factions over the benefits or service to the country. They misuse their positions and government resources and never pay attention to the accomplishment of their responsibilities to benefit the people of Afghanistan.

Those employees, who are supported by the power centers within the framework of the government, consider their intentions and decisions to be more important than the law and always struggle to dedicate the maximum amount of illegal benefits for themselves, their supporters and related groups and such actions obviously cause the spreading of corruption in public administrations.

Tribal and regional basis It is mostly seen that people are appointed, transferred and promoted in the government administrations based on their tribal and regional relationships; this creates an unhealthy social and work environment. By this method, the moral responsibility and sound performances get destroyed. It has a negative impact on national unity, and will create disunity, dissension and pessimism among the national citizens of the country and will be a reason for people to no longer trust government administrations and organizations.

Personal and family relationships basis It is mostly seen that important and key positions are dedicated to friends, relatives and close dependents of superiors, especially positions such as procurement, administration, human resources and other posts in which the probability of corruption is observed.

In addition to the above mentioned factors, the positions with huge benefits are for sale to bidders and the highest bidder wins. Unfortunately, most of the time, the suspending or transferring of unqualified people from important positions is not easy, because they have their personal, group and political connections who will secure them in their jobs. As a result, the continuity of such situations will lead the administration to be Mafia-like and will create a chain of corruption.

- Most of the time, the police release thieves, smugglers, murderers and other actual and main accused criminals and, instead, incarcerate poor and innocent people and people who do not have Wasta (connections) and then get confessions through force and pressure which are attached to their cases; as these people are working in sensitive positions based on relationships, their continuation in such jobs increases injustice and will be an oppression to innocent people.
- The prosecution office, along with the police, engages in the same destructive process. They prepare the case in a manner which violates the rights of the people and allowing an undeserving person to win. The violating prosecutor will remain safe from any kind of harm, due to the influences of relationships over regulation.
- Although the court, by paying even slight attention, is able of detecting and disclosing mistakes or deficiencies in a case, they do not struggle to prove the innocence of a person because of their joint benefits (sharing in bribery), but conversely, they disappoint the innocent person. Such people remain in their positions and chairs for their joint profits.
- It is not out of reality that, in most of police criminal cases, the prosecutor and judge are tightened like a chain.
  
- The unpleasant effects of cultural dominance of relations on regulations is not limited to the police, prosecution and courts, but this corruption also takes place in the issuing of actions by all other governmental administrations, therefore, criminal detections and governmental intelligence organizations rarely arrest abusers or even if exceptional action has been taken there are still no results. (But conversely, small and unintentional mistakes show up big and result in ridicule and disturbances.)

Through these irregular selections, all the values of Islam and humanity that are guaranteed via religious commandments and the constitution by which the government is obliged to protect are trampled. Thought it has been most often observed that administrative directors or superiors hand over to their relatives and members of their political party large revenue sources such as high income jobs. As the commission and its members believe and, according to statements and conclusion of ministers and directors with whom

we had discussions, these are the leading reasons and foundation for all other kinds of corruption and it must be ended, and urgent and serious steps must be taken to dismiss unqualified people who were appointed due to their relationships and ethnicity. Therefore, it is suggested that:

Subject	Procedure and Mechanism	Responsible for implementation	Implementation Period
Prevention in the recruitment of unhealthy authorities and employees	1: Foremost, all organizations and their assigned supervisory administrations generally should study the political, familial, tribal, regional and bribery aspects of the appointment of people in different posts; in the event that someone is involved in the aforementioned then their dismissal and replacement should be suggested.	The Supervision Administration and relevant administrations	One year
	2: The Ministry of Justice, in coordination with administrations and related sources, must be assigned to regulate and suggest a law to legally prosecute those who are involved in such illegal appointments.	Ministry of Justice	Three Months
	3: There are many employees with fake educational certificates who are appointed to lucrative and sensitive posts, in order to alleviate this reality support should be requested from the Ministry of Higher Education, Criminal and Technical Administration and other related sources.	Related sources and the Supervision Independent Administration	One Year

## 2. Ruling of Relationships over Regulations in Mediating the Release of the Accused and Criminals

In every society, if the law is not properly implemented, corruption becomes widespread and criminals feel secure. When any person is accused of a crime, the Police, Prosecution and Court do the detection, investigation and issuance of edicts, therefore, the interference or seeking of release by any person or persons, groups or parties is contradicting to the law and causes the

encouragement of crime and criminals are protected. Therefore, in support of the implementation of law and criminal punishment, there should be an examination to see if edicts are in accordance with the law.

Subject	Reform Mechanism Procedure	Responsible for Implementation	Implementation Period
Corruption resulting from mediating in the release of the accused and criminals	<p><b>1.</b> All medias, parliament members, members of the provincial council, provincial governors and district governors should assist in preventing the release of the accused through mediation and should not allow the hoar and elderly to come to the center (Kabul) in order to mediate.</p> <p>-----</p>	<p>Ministry of Information and Culture, Government Ministry in Parliamentary Affairs, Local Organizations, Provincial Governors, Provincial Councils and Secretariats of Authorities.</p> <p>-----</p> <p>-----</p> <p>Related Authorities.</p> <p>-----</p> <p>-----</p> <p>Prosecution and courts</p> <p>-----</p> <p>-----</p> <p>Ministry of Haj and Islamic Affairs and Council of Scholars.</p>	Continuous
	<p><b>2.</b> The high ranking and responsible officials should not welcome those tribal elders who mediate the release of criminals and accused.</p> <p>-----</p>		Continuous
	<p><b>3.</b> The prosecutors and judges should take necessary action in the legal proceeding of investigations and issuance of edicts, and should justifiably determine the destiny of the accused according to the edict of the law.</p> <p>-----</p>		Continuous
	<p><b>4.</b> The mullahs of Mosques and Takaya (the Shiite Mosques) should be requested to raise the awareness of people by proclaiming through their sermons that mediating for the release or protection of criminals is an improper act having unsavory acts.</p> <p>-----</p>		Continuous
	<p><b>5.</b> National Council representatives, government authorities and other influential people should seriously avoid mediating for release and, in order to prevent such interference, regulations are required to be drafted and implemented in the council and</p>		Continuous

	government.	----- ----- Authorities, National Council and the Ministry of Justice	
--	-------------	---	--

### 3. The influence of Relationships over Regulations interfering and Wasta in promoting, suspending and other affairs

Recommending and using Wasta in appointing and transferring people has become common, which is sometimes a violation of the Islamic religion and constitutional law. This is why it is sometimes seen that nonprofessional and incompetent people are appointed to positions which require technical expertise. Such people are supported by big and powerful resources and this is why they take such actions with an open hand without fear or caution.

If such job recommendations and Wastas (connections) are not prevented, the opportunity for transparency and accountability to prevent corruption will never be provided.

Therefore, it is suggested that:

Subject	Reform Mechanism Procedure	Responsible for Implementation	Implementation Period
Prevention of recommendations and improper intercessions	<p>1. A law, in which improper recommendations and Wastas are known to be crimes, should be approved and implemented.</p> <p>-----</p> <p>2. The public should be constantly and repeatedly notified about this law through the media.</p> <p>-----</p> <p>3. No one should be allowed to waste the time of ministers, governors, directors or any other officials of affairs by calling or other various ways for Wasta or other illegal expectations.</p>	<p>Ministry of Justice</p> <p>-----</p> <p>- Ministry of Justice in coordination with the Ministry of Information and Culture and all</p>	<p>Three Months</p> <p>-----</p> <p>Continuous</p> <p>-----</p> <p>Continuous</p>

	<p>-----</p> <p><b>4.</b> No Minister, Governor or Director should appoint or transfer unqualified people based on recommendations or Wastas (connection).</p> <p>-----</p> <p><b>5.</b> Recruitment should be based on job specifications and requirements existing in the job description.</p> <p>-----</p> <p><b>6.</b> In the event that it is determined that appointments have been made contrary to the qualification criterion and where authorities have acted due to their personal group or tribal connections or by taking bribes such decisions and appointments should be legally inspected.</p>	<p>Medias.</p> <p>-----</p> <p>-</p> <p>Authorities and Secretariats of Authorities.</p> <p>-----</p> <p>-</p> <p>Relevant authorities.</p> <p>-----</p> <p>-</p> <p>All organizations and administrations.</p> <p>Assigned administration for inspection and other related inspecting administrations.</p>	<p>-----</p> <p>Continuous</p> <p>-----</p> <p>Continuous</p> <p>-----</p> <p>Continuous</p>
--	--	---	--

#### **4. Influences by members of the National Council, Provincial Council and powerful and influential people**

Fortunately, the government has good coordination with both the council and senates and most issues and cases are solved with a sound agreement of both parties. The Ministry of the Government in Parliament Affairs and its entire staff is at the service of the Parliament and always tries to be a good source and an effective liaison among these three forces. The activities of the Ministry of Government in Parliament Affairs are organized in accordance with their job descriptions and regulations and this ministry is known for its cooperation with members of Parliament, but it is sometimes seen that Parliament members directly contact the Minister or directors of administrations to resolve issues, while their key objective is to appoint or transfer employees. A Parliament member, either personally or with two or three other Parliament members, will go to a ministry or province in order to complain about an employee who works in that related zone to request that he should be either transferred or suspended. The minister or the governor

does not take into consideration of the principles and law and decides to dismiss or transfer that person just because the members have requested it.

Accepting the request of the member(s) of the national council to transfer an employee is not that difficult, but their repeated requests to appoint a person who is highly recommended, is difficult. Because their recommended person does not meet the necessary requirements and criteria for the job, the minister, governor or administration superior are obliged to give a negative response to their recommendations. In this case, not acting on the recommendations of respected Parliament members not only destroys their relationships within the council but also creates the probability of an undesirable morality wherein the national council will not assist the government.

In addition to what is mentioned above, it is mostly seen that the employee who has been appointed by the interference of a Parliament member is not acceptable to the people and leader of the area where he works; this issue has become widespread and has created an administrative crisis.

Some members of the councils go to educational institutions and request that their related students be admitted to special departments of the university or be changed from one university department to another or from one province to another. Accepting such requests will disrupt educational regulations, therefore, the authorities have to refuse these requests, which results in grudges and reactions that end up weakening the relationships between the government and the council.

It is not unreasonable to mention that some respected Parliament members do interfere and influence money transfers and contracts. It is also seen that some dignitaries and influential people from an area, upon the request and persistence of some Parliament members, go to the center (Kabul) to urge the continuance or replacement of some authorities such as provincial and district governors or police chiefs.

When the central authorities study the reasons and factors for these comings and goings, personal ambition and self-beneficiary purposes are obvious. This causes distrust of the peoples' selected representatives and even for dignitaries and influential people in an area. Based on these reasons it should be mentioned that, if one of interference is based on reform, then other ten are based on corruption, which unfortunately brings shame to the culture and sacrosanct prestige of the Parliament.

It should be mentioned that some of government authorities waste the time of Parliament members by continually contacting them in order to attract their support and protection. These actions raise serious doubts.

Therefore, it is suggested that:



Subject	Reform Mechanism Procedure	Responsible for Implementation	Implementation Period
Removing influences caused by Parliament members in government administrations and the efforts of government authorities for attaining support and protection for Parliament members	<p>1. The National Council should avoid the influencing and unnecessary presence of their delegations in government administrations, except for the times when they intend to get special and official tasks done. This decision of the National Council will have a very beneficiary impact on the future affairs of Parliament.</p>	National Council	Should be considered a priority
	<p>-----</p> <p>--</p> <p>2. The Government Minister's Office for Parliament Affairs is a liaison organization among all three powers. This office is obliged to take effective action to stabilize relationships among the above mentioned forces.</p>	<p>-----</p> <p>-----Office of the Government Minister in Parliament Affairs</p>	<p>-----</p> <p>Continuous</p>
	<p>-----</p> <p>--</p> <p>3. Appointing and dismissal of employees and entry of students into educational institutes need to be completed in accordance with the standards. In the event that violations are identified, the organizations are obliged to appreciate the notifications received from the peoples' delegation in the Parliament and then take legal action. If the responsible authorities are found to be careless about it, then the authority of Parliament will be used as prescribed by law.</p>	<p>-----</p> <p>All related organizations and the National Council</p>	<p>-----</p> <p>Continuous</p>
	<p>-----</p> <p>--</p> <p>4. The Government Minister's Office in Parliament Affairs is obliged to refer every such type of suggestion, request or questionnaires of the respected representatives through the legal</p>	<p>-----</p> <p>-----</p> <p>Government Minister's Office in</p>	<p>-----</p>

	<p>channels of the relevant administrations and then after receiving a reply should assure the high Parliament authorities.</p> <p>-----</p> <p>--</p> <p>5. The requests by Parliament members and dignitaries of areas for meetings with the Presidential high authorities and other authorities must be previously scheduled with an agenda. The desired issues must be reflected in the agenda and important suggestions of the agenda should be submitted to the High Authority Office, General Directorate of Affairs Administration and the Secretariat for Ministers Council. The time and date of the meeting should be determined by the relevant organizations and should be passed on to the persons or relevant sources. Such meetings should not be requested by only one or two Parliament members, but should also include all representatives and senators from the area.</p> <p>-----</p> <p>6. The Parliament members are considered very honorable. If one or more of them goes to the office of a minister or another authority, in order to perform an official task and then have to wait in the waiting room of that ministry, this is considered to be a dishonor to the authority and intentions of the people. Therefore, to observe the honor and respect for the representatives, there should be a specified meeting appointment.</p> <p>-----</p> <p>--</p> <p>7. Ministers and all authorities should not make use of local discriminatory views, language, regional or gender prejudices and etcetera.</p> <p>The private and personal relationships of Parliament Members or</p>	<p>Parliament Affairs</p> <p>-----</p> <p>-----</p> <p>Visitors, Presidential High Authority Office, General Directorate of Affairs Administration and Secretariat for Ministers Council</p> <p>-----</p> <p>-----</p> <p>Ministers Council, Ministers and all the authorities</p> <p>-----</p> <p>-----</p> <p>Ministers and all</p>	<p>Continuous</p> <p>-----</p> <p>Continuous</p> <p>-----</p> <p>Continuous</p>
--	--	---	---

	Senators are based on illegal ambitions, it would be better that every decision of the minister or administration superior be based on legal criterion and standards. The interference of each person or each authority that goes against the law should be rejected and legally dealt with.	related authorities.	
--	--	----------------------	--

## 5. Personal Relationships influence over Regulations in transferring and appointing of staff

### Group Transfer:

One of the methods which have almost become tradition is group transferring. If a minister is transferred from one ministry to another or a governor is transferred from one province to another, they remove the current staff and replace them with relatives and colleagues from their previous Ministry or province and they assign them to key positions to use them as collaborators for corrupt practices.

This method motivates tribalism, nepotism and discrimination which causes all sorts of corruption and disorder in the administration when the staff is transferred in this fashion.

### Individual appointees:

It has been noted that some of the superiors in the administrations who have the authority have appointed their close personal friends and families although they were not qualified for the position they will occupy. These new appointees are given special authority and are known as close confidants to the superior that appointed them. These appointees use their position to illegally profit and oppress the general public as much as they want.

Also some of these staff members, who are related to the Ministers or High ranking officials, consider their relationship more important than having to do their job. When a minister is transferred or suspended from his/her position, their individual appointees will also resign from their positions and create havoc with the new administration. They do this by refusing to transfer official information and documentation to the newly appointed administration. Unfortunately this method still continues in the government and most often no repercussions are enforced for such actions.

Therefore, it is suggested that:

Issue	Mechanism Method of Reform	Executive Responsible	Time of execution
Prevention of group Transfer and assignments.	1. No authorities that have been transferred should be allowed to transfer individuals or groups from their previous administrations to their newly appointed administrative post. Also the new appointee must not appoint them into special positions. It should be noted that this issue has been described precisely in the law of Civil Service.	Ministers, high ranking officials and those who are responsible for all organizations.	Continuously
	2. Those staff, who resign their positions in the form of protest after the replacement or dismissal of their ministers or authorities that destroy documents and records of their administration, must not be allowed to obtain new positions in any administration. Also they must be known as destructive elements and abusers of power and must be legally prosecuted to the full extent of the law.	All the Governmental administrations	Continuously
	3. After six months, if there is a decision to transfer one or two persons, there should be acceptable factors. If it is found that there are acceptable reasons for transfer, measures will be taken.	Replaced and concerned authorities.	Continuously
	4. Special monitoring should be made of those provincial governors that are being transferred to another province for lack of administrative ability, lack of competency or the complaints of people against administration. This is so that there will be no question regarding their transfer.	Independent Administration of Regional Organizations and high governmental authorized determiners	Continuously
	5. Some of the government authorities appoint teachers and cadre members to the universities granting them excessive salaries and greater privileges. The transfer of professors	All Administrations and Ministry of Higher Education	Continuously

	harms the lessons, research, authorship and translations which are all part of scientific programs of the Universities and Higher Educational Organizations. Therefore, no educational cadre should be transferred or appointed in other administrations without proper approval of the High Council of the university.		
--	---	--	--

#### **6. Lack of Regulations (documentation) observation in appointing of foreign advisors**

As it has been evaluated, the Non-Afghan foreign mentors haven't proven to be effective because some of them were not actually specialists. If they are not specialists, their job activities and efficiency is not in accordance with the regulations of Afghanistan. In Afghanistan no authority has been given for government over site regarding checking the background of these people in relation to their knowledge, competency, experience and effectiveness. It could be said, in the instance that it is found, these individuals lack any of the formerly mentioned attributes, that person's employment should be rejected. Because there was no authority given for over site, these individuals have had the ability to influence the departments for which they work and increase greatly in number.

Simply relying on the opinions of these mentors in every facet of the working environment threatens the future of the administrative system and will also be a stain on the implementation process of the anti corruption strategy. If these individual's salaries and privileges were evaluated, it would be found that it is equal to or excessive of the funding necessary to create and complete a good development projects in Afghanistan.

Five years have passed since these advisers were appointed. This duration was enough for them to make a capacity for quality in development, but unfortunately there has been no progress made. The Afghan labor force who were in close coordination with these advisors, did not gain the slightest knowledge or techniques to be effective for the administration of Afghanistan.

Therefore, it is suggested that:

<b>Issue</b>	<b>Mechanism Method of Reform</b>	<b>Responsible of execution</b>	<b>Time of execution</b>
Prevention of appointment of foreign Consultants who are not effective or beneficial	1. The Independent Commission of Reform and Civil Service in coordination with the Ministry of Foreign Affairs, Ministry of Higher Education, Ministry of Labor & Social Affairs and the United Nation's office in Afghanistan, should design a mechanism to review the mentors educational documents, specialty, professional experience and evaluate the effectiveness of their existence in the reforming of	Independent Administrative Reform and Civil Service Commission, Ministry of Foreign Affairs and related organizations.	Up to six months

	administrative affairs of Afghanistan.		
	2. The Administrations should prepare a complete list of foreign professionals and advisors along with an explanation of their work fields, amounts of their salaries and their employers, and should submit to the Secretariat of presidential office and the appointed Independent Administration of Inspection.	All the Administrations	up to three months
	3. The independent Administration of Inspection must implement a strategy after designing the mentioned mechanism to evaluate the employed advisors in coordination with the related Administrations.	The Independent Administration of Inspection, related Administrations, Ministries of Foreign Affairs and Higher Education	One year
	4. In the case that a specialist or number of specialists are not found to be favorably evaluated, the Independent Administration of Inspection with the agreement of related Administration and International Sources should take measures to terminate or not renew their contracts.	Independent Administration of Inspection	One year
	5. During the employment process of any sort of foreign advisors, the Independent Commission of Administrative Reform and the Civil Service Commission should play a role in the approval process. The active board of the Employment Committee under the Independent Commission of Administrative Reform and Civil Services Commission shall not employ specialists who are unqualified giving their lack of education, experience and efficiency in Afghanistan.	Related Independent Administrative Reform and Civil Service Commission	Continuously
	6. Specialists and advisors working in Afghanistan should submit a report of their activities and volume of work	Related Administrations of	Three months probationary

	<p>regarding quality and capacity every six months. These reports should be submitted to the related offices, the Independent Commission of Administrative Reform, Civil Services Commission and the inspection organization.</p> <hr/> <p>7. The Administrations in coordination with the Ministry of Commerce and the Independent Commission of Administrative Reform and the Civil Services Commission should be required to evaluate the performance of the specialists and foreign advisors every six months. The results of these evaluations should be reported to the Independent Administration of Inspection.</p>	<p>Independent Administrative Reform and Civil Service Commission, Administration of Inspection for Strategy of Counter Corruption</p> <hr/> <p>Related Administrations, Ministry of Economy, Independent Commission of Administrative of Reform, Civil Services Commission and Administration for Inspection of this strategy.</p>	<p>And then Continuously</p> <hr/>
--	---	---	------------------------------------

## 7. Personal Relationships influence over Regulations in appointing of Afghan expatriates

In order to appoint such specialists, their degrees, education skills, experience and the amount of their salaries that they received prior to their appointment outside or inside the country should be considered for employment standards.

Unfortunately on many occasions, these standards of employment were not implemented and it is frightening that personal relationships and friendship of the high ranking governmental officials were the determining factors in the appointing of these specialists.

Because of receiving greater privileges and salaries, these individuals should be held accountable to ensure the growth of services and consider it as priority. Unfortunately most of them, even though, acquainted with the National and Official Languages of the

nation, are not found to be effective. There has been no Administration assigned to evaluate the effectiveness of their existence accurately.

However, a number of these expatriate consultants who are assigned to various ministries and administrations that have been hired based up on their actual expertise and knowledge attempt to receive transfer at the same time the minister or the superior who they have special relationship with. Such transfers are based up on personal relationships and therefore their positions are considered to be fictitious.

Therefore, it is suggested that:

Issue	Mechanism Method of Reform	Responsible of execution	Time of execution
Prevention from employment of Afghan specialists living abroad.	1. The Independent Commission of Administrative Reform and Civil Services Commission are responsible for: Designing and implementing requirements, employment norms and standards for appointments of posts by evaluating candidates based up on education, experience, qualifications and salary prior to the appointment.	Independent Administrative Reform and Civil Service commission	Three months
	2. The educational documents of specialists and advisors of the ministries and administrations have not properly been evaluated as directed.	Independent Administrative Reform and Civil Service commission,	One year
	3. Some of these specialists have submitted masters degrees without proving they have bachelor degrees, most of these documents are baseless even if they were obtained from the universities. Therefore, the Independent Commission of Administrative Reform and Civil Service Commission in coordination with the Administration that appointed the specialist and the Ministry of Higher Education should evaluate all educational documents of the specialists and take legal action if they are found to be fictitious.	Ministry of Higher Education and Specialist Employing Administration.	Continuously
	4. The Independent Commission of Administrative Reform and Civil	The Independent Commission of Administrative Reform and the Civil	



	<p>Service Commission in cooperation with the Ministry of Economics and Ministry of Higher Education and the particular evaluation groups should precisely evaluate the performance and progress of advisors and specialists of Administrations annually. If the evaluations do not return positive results, if agreed upon related administration the specialists' contracts should be terminated or not renewed.</p>	Service Commission, Ministry of Higher Education and the Related Administrations	
	<p>5. As it is felt, the IOM organization did not properly short list professionals requesting to work inside the country, either mistakenly or intentionally, they did not refer to the executing delegations applications of some who had the necessary qualifications for employment. Therefore, the Independent Commission of Administrative Reforms and Civil Services has to submit to the executing delegations all the completed applications of those who wanted to work inside the country. The assigned delegation should evaluate the applicants and prepare a short list of those who are eligible for work.</p> <p>-----</p> <p>6. In the context of the employment contract, it should be explained what are the types of work and performances of the professional, including capacity building, and it should be mentioned and clear that: Lack of success in their work and a negative opinion of the evaluating delegation will result in the termination and cancellation of their contract.</p> <p>-----</p> <p>7. A minister or administrator does not have the permission to take the advisors from his previous administration to where he is newly appointed, unless he has the order of the President.</p> <p>-----</p> <p>8. Ministries and administrations are obliged to evaluate their Afghan</p>	<p>The Independent Commission of Administrative Reforms and Civil Services and assigned office or persons for collecting applications</p> <p>-----</p> <p>The Assigned Delegation of the Independent Commission of Administrative Reforms and Civil Services, related ministries and organizations</p> <p>-----</p> <p>All Authorities</p> <p>-----</p> <p>All related</p>	<p>Continuous ----- Continuous  In every six months ----- Continuous</p> <p>-----  In every six months</p>

	professional as to their effectiveness, organization and capacity building and then send their specific comments to the Independent Commission of Administrative Reforms Commission and Civil Services before the assessment and evaluation by the Independent Commission of Administrative Reforms Delegations, Civil Services and other organizations. So as the Independent Commission of Administrative Reforms Commission can have enough information before their assessment.	administrations	
--	---	-----------------	--

## 8. Corruption due to joining Government professionals with Non-Governmental Organizations

It is an obvious fact that in the past many years of fighting and conflicts, the work capacity of the government has been marred; this was the reason why the government was obliged to launch an effort to appoint foreign advisors and professional Afghans residing abroad with their associated higher costs to accelerate the formation of the government which was getting close to zero.

During the past years before the wars and finally after the Bonn Conference for the structuring of the Interim Administration, the government has given special value to education and educated people and efforts were made so that the youth can be educated at any cost and be decorated with the jewelry of education.

Unfortunately, it is observed that some of these educated people and professionals to include engineers, doctors, pilots, accountants and others escape from the governmental administrations and endeavor to join non-governmental organizations to obtain more salary and rights. In addition, the mentioned organizations, without considering the needs the government and by using personal relations and paying high salaries and other opportunistic matters, recruit professional employees of the government. And there has been administration assigned to prevent such sabotages. Currently, the situation is such that even a computer operator or an office accountant can freely violate government regulations and threaten his administration superiors, because businesses are in such need of his computer or accountancy knowledge and there are tens of sources of non-governmental organizations who will welcome them by paying a considerable amount. This spirit is ruling administrations and has caused numerous disruptions.

The lack of a reasonable and legal manner to prevent the flight of cadres is a problem of today, and now most of the educated people have forgotten that they were educated by the money and expenditure of the people who have suffered from war and oppression. Carelessness and recklessness in the service of the public in an honest manner is a sin.

Therefore, it is suggested that:

Subject	Reform Mechanism Procedure	Responsible for Implementation	Period of Implementation
Corruption due to joining Government professionals with Non-Governmental Organizations	<p>1: We are witnessing the flight of pilots, engineers and other educated people from governmental administrations to non-governmental organizations. Absence of each of them from their jobs generally causes disruptions in the affairs in the whole administration. This unsuitable process should be prevented by drafting required regulations.</p>	<p>The Independence Commission of Administrative Reforms and Civil Services and Ministry of Justice.</p>	<p>Three months</p>
	<p>-----</p> <p>The law governing NGOs must be reviewed, and its threatening issues that cause the attraction and buying of brains from the government administrations by NGOs must be removed. Also the Civil Services Law of the government must be adjusted according to the conditions. Non-beneficial decisions that contaminate, dilute or destroy government administration must not be permitted. For instance, the justifications in educational allowances of government employees are mentionable as disordering factors in the administration of the government. Because in the past, the allowances (bonus) for a Bachelors was one thousand Afghanis, a Masters was three thousand Afghanis and PhDs received four thousand Afghanis, but, in an unwise and sabotaging decision, these allowances (bonuses) were decreased so that Bachelors now receive 12 Afghanis, Masters 20 Afghanis and the PhDs to 25 Afghanis. By this decision and improper justification helped to create a condition for escaping education. Thus attention must be paid to removing such irritating defects by enforcing proper and legal criteria.</p> <p>-----</p>	<p>The Independent Commission of Administrative Reforms and Civil Services, and Ministries of Justice and Finance</p>	<p>-----</p> <p>Six months</p>
	<p>-----</p>	<p>-----</p> <p>Ministry of Economy and relevant administrations</p>	<p>-----</p> <p>Three months</p>

	2: Commitments should be taken from NGOs that the employees they have recruited from government administrations should be reinstated with those administrations, and in the future they should be given permission to recruit without the agreement of the relevant administration.		
--	---	--	--

### **9. The Phenomenon of excessive recruitment of advisors and contracted employees in most of the Ministries and Administrations:**

Recruitment of an advisor and advisors has exceeded principle and structural limitations, each of our administrations, such as ministries, independent budgetary administrations and directorates, with the exception of the Supreme Court Administration, have given themselves the right to recruit numbers of advisors; these advisors are recruited under the name of experts and professionals and are foreigners or Afghans living abroad who receive high salaries in dollars, have the preference of luxury offices, expensive cars, drivers and servants, they also have more authority and power and are ruling like first degree and authoritative directors.

As it is clear from the meaning of the word advisor, recruitment should be based on reality and the needs of administrations. There jobs should be drafted so as to improve and elevate capacity building and for advising superiors and other employees. Unfortunately, most of these advisors, especially Afghan returnees who are friends or relatives of respectable superiors, have no observable individual work qualities or capacities.

They receive the aforementioned allowances. An advisor should give advice, but reversely the advisors have reached a position where they have authority over work and performance. They give orders and instructions and they call official authorities of administrations, even the deputy ministers and directors of administrations, asking them for reports, they have also found themselves in the role of appointing and dismissing employees, most of the advisors have passed six years in relevant administrations but they have not created any capacities and they never allow any local employee to improve and take their positions.

Permanent employees of the administration are tired of the meaningless interference in their daily performance and supervisory hostility by the advisors and disappointedly pass their days without interest. Except for some who are found to be effective, most of them are nothing but a heavy load on the shoulders of the government. Such advisors and experts did not only occupy positions around the minister, but their groups have also gotten positions over departments and even second local units of administrations.

Although there may be not have been authorized positions for them, a considerable number of them were selected to occupy chairs inside the structure each of which received ten times more salary and preferences then their counterparts working in the same

ministry same or in another office. This excess stains the work effectiveness and also provokes various hatreds and vengeance within administrations resulting in corruption; people hate the name of advisor so how can they say that that person is a senior advisor.

Having spokesperson has become a fashion and style; a minister or administrative superior does not feel comfortable if they do not have a spokesperson and believes that it is a gap to his prestige.

The needs for the existence or non-existence of such positions have not been properly evaluated. The leading authorities of the government need structures within the framework of their offices which are common to other countries, but in other administrations such departments as documentation and relations, correspondence and spokesperson offices is a waste and need to be reviewed.

Therefore, it is suggested that:

Subject	Reform Mechanism Procedure	Responsible for Implementation	Implementation Period
Prevention of corruption by limiting, solving and reducing the excessive recruitment of advisors, experts and spokespersons	1: Except the Administration of the Supreme Court, most of the administrations have advisors, lead advisors and experts, whose employment is based on relationships and or in appreciation. Each administrative superior, in coordination with the Independent Commission of Administrative Reforms and Civil Services and Monitoring Administration, should inspect and review the requirements for the existence of such positions in their related administrations and take required actions to reduce or eliminate them.	All administrations and organizations with participation of the Independent Commission of Administrative Reforms and Civil Services and the Independent Administration for Monitoring the Implementation of Strategy	Maximum one year

	<p>2: In most ministries, offices of spokespersons and assistants have become superfluous. Thus, in order to spare the budget, these structures must be omitted; when facing the media, the correspondence offices or offices having close relationships to the authorities, directors or their deputies can provide interviews and explanations to them.</p> <p>Of course, in the current situation of the country the Ministries of Foreign Affairs, Defense and Interior Affairs can be exceptions as they are continuously facing media questions; the rest of the organizations should take actions to eliminate offices engaged in obvious or hidden superfluous activities. Ensure that the Ministry of Finance, Administrative Structure Affairs Department, the Independent Commission of Administrative Reforms and Civil Services are aware of the findings.</p>	All related administrations	Maximum one year
--	---	-----------------------------	------------------

## 10. Lack of Observing Work Regulations in Administrations

### Lack of coordination between administrations

In our country there is no culture of integration between the administrations, if so, it is very seldom seen and at a weak level. Therefore, the desired administration can not only handle the work progress, but they incur a huge obstacle in the progression of the works of others. Lack of working coordination between the Ministry of Energy and Water with the Ministries of Mines, Agriculture and Irrigation, Plan and Master plans of Urban Development with Municipalities, Finance and Commercial policies of Finance Ministry with the Ministries of Commerce and Economy, Attracting of Graduates from Ministry of Higher Education with the Ministry of Education and Ministry of Labor and Social Affairs, Internal Audit Departments of Ministries with Independent Audit and Control Administration, school building and clinic building developing projects of Ministries of Education and Public Health with NGOs Donors and many more are examples that clarifies the lack of coordination between Administrations, Organizations and Foundations.

For more descriptions, the following examples are also considerable.

- The government financial rule orders (No expenditure without existence of allocation that Ministry of finance has confirmed, is enforceable) Provincial and local administrations often face problems at lack of receiving allocations and assets from the related Ministries. This problem is due to lack of special principles from related Ministries. This due non integration between the Ministries and the Ministries of Finance, despite the existence of physical money and allocations, the Ministry of Finance doesn't send assets and the permission for expenditures to the provinces. Also often it has been seen that De Afghanistan Bank has denied sending physical money due to lack of receiving reliable accounts from Finance Ministry and their provincial agencies. That causes delay in the payment and expenditures especially in the development projects section and the expenses can not be funded on time.

In these situations, administrative pressure is high and the purchasing will be done on loan and payment will be done on warrant. All this confusion is due to lack of work integration between the Ministry of Finance, Bank, Ministries, Provincial Administrations and State Account Office that in fact its basic factor is the weak financial management in the country. For reforming of all these defects and prevention from corruption that arises from the situation, it is suggested that:

	<p><b>4:</b> The Ministry of Finance should not prevent those provinces having allocation and physical money in their accounts should not hinder them by not sending the assets (decree of expenses permission), which prevents them from paying expenses and salaries.</p> <p>-----</p> <p><b>5:</b> The Ministry of Finance should draft and implement system that administrations should not perform their purchasing by loans and payment with warrants. The Control and Audit Administration should cooperate and advise the Ministry of Finance based on their practical experience.</p>	Ministry of Finance	Continuous
	<p><b>Mechanism Method for Reform</b></p> <p><b>1:</b> The Commission authorized to integrate affairs in participation with the Deputy Ministers, Technical and Dedicated Directors of the Ministries and the representative of the donors and UNAMA should be established in order to integrate the development policies of the Administrations and prevent the diffusion and interference. The integration process should be done before the final approval of the budget and the approval of the Ministry of Finance should be taken as donor.</p>	Ministry of Finance, And Independent	<b>Execution Time</b> Six months
Prevention from the naught of execution coordination between Administrations	<p><b>2:</b> Every organization and independent budgetary unit should obtain the expenses report of their second and third units and send it to the Ministry of Finance on time so that lack of not sending the allocation and assets should not causes accounting and financial confusion. Evaluations should cooperate in clarifying the problems and should participate in legislative meetings of the Ministry of Justice.</p>	Administration of Control and Audit All Ministries, Donators, UNAMA, and Independent Ministry of Finance Budgetary and De Afghanistan Bank	Continuous
	<p><b>3:</b> Ministries and Independent Organizations cannot ask for allocations from the Ministry of Finance without submitting their expenses report, (unless there is an acceptable reason). The Ministry of Finance should hold seminars through which they can guide financial order.</p> <p>-----</p>	All the first budgetary Units and the Ministry of Finance Justice and Independent Administration of Control and Audit	Continuous Six months
40		Ministry of Finance	Continuous



	<p>-----</p> <p><b>8:</b> In the field of integration the sector administrations it should be mentioned that Ministry of Public Welfare has been made responsible for the roads. The beginning and conclusion of work, the role of Ministry of Public Welfare should be obvious and legal executions must be observed. The receiving and submitting system should be created and the roads should be constructed according to Road Construction procedures and standards of Ministry of Public Welfare. Each organization is responsible to have the approval of Ministry of Public Welfare before starting of Road construction and at the end; the constructed Road must be officially given to the Ministry of Public Welfare.</p>	<p>-----</p> <p>The Ministries of Public Welfare and all the Organizations</p>	<p>-----</p> <p>Continuous</p>
--	---	--	--------------------------------

## 11. Concentration of Competences in the Center:

The majority of Ministries and Administrations in taking their decisions do not involve subordinated Administrations; therefore, all kinds of orders and instructions which are not in accordance with conditions, are imposed and implemented. In addition when the second and third units send their problems by letter when they are asking for guidance and instruction from authorities, the central office ignores their problems and does not issue any answer or instruction. This apathy has caused confusion and the reputation of the Administrative system to become stained. For example, the Ministries due to lack of permanent and required contact with their second and third units do not reflect their necessities when providing the budgets. Therefore their related units due to budget constrictions cannot effectively render services which the local residents want. In addition the central office doesn't observe the consider there to be justice in distribution and allocation of the budgets. If the expenditures of the central offices are compared with provincial and local administrations, the percent of the budget and allocation which are giving to local units are worthless.

As it is seen in the majority of Ministries and Organizations, the Directors of Liaison and Documentations and other Central Directors are found to be the friends, or relatives of the Minister, thus, they act recklessly with the working regulations. They do not report the official letters for request for direction on behalf of the minister's view and archive them in unimportant archives. These apathetic have been the cause of corruption.

Therefore it is suggested that:

<b>Issue</b>	<b>Reformatory Mechanism Method</b>	<b>Execution Responsible</b>	<b>Execution Time</b>
Corruption due to centralization of ability in the Center	1: All the organizations should be responsible for creating and enforcing a system that guides the provincial and local affairs authorities to easily contact the Minister, and Ministries should include the local's observations and useful views (opinions) in their decisions makings. .....	All Ministries and Independent Governmental Administrations. .....	Three months .....
	2: If the Ministries and related Organizations do not respond to the official letters and suggestions of the provincial Administrations within two months, the suggestions and official letters of the related units are to be accepted. The Independent Commission of Administrative Reform and Civil Services should suggest this issue within the regulation of law and implement it. ..... 3: The Independent Commission of Administrative Reform and Civil Services Commission should draft and principally implement a system of meeting with rectifying the negligence of the employees and applicants with the Authorities of Ministries and Independent Organizations.	All Ministries, Independent Budgetary Administration and Independent Commission of Administrative Reform and Civil Services ..... Independent Commission of Administrative Reform and Civil Services Commission.	Up to six months ..... Up to six months

## 12. Lack of Over Site of the Director

Sometimes it is seen that legal chain of command is not observed, Administrations and some Authorities, directly received orders and edicts from authorities and implemented them. For example governors of provinces about the usage of lands are getting direct edict. Sometimes it has been seen that the desirable lands had jurisdiction problems in the Ministries of Agriculture, Urban Development and Municipalities or in courts that makes it more complicated and more difficult or the General Director of a department in a Ministry suggests a change of formation directly without the advise or opinion of the Provincial authority

responsible for the affairs and receives the edict. In conclusion, the changes made, cause confusion in the related Administration. Chief Director of the provincial administration, who is not confident of his survival of his position, does not object and respectfully accepts each change and receives the edict which is sent from the central office. Such performance becomes common and is considered one of the administrative corruption factors.

Therefore, it is suggested that:

<b>Issue</b>	<b>Reform Mechanism Procedure</b>	<b>Execution Responsible</b>	<b>Execution Time</b>
Prevention from lack of over site of the Director.	For over site in all affairs the notification of the authorities is necessary. The General Secretariat for Council of Ministers in a new percept the Authorities should newly notified to their duties and responsibilities. The high Secretariat should observe the Hierarchy.	General Secretariat for Council of Ministers. And Entire Authorities	Three months and Continuous

### **13. Lack of Attention to the Attendance Regulation:**

The employees of some administrations do not abide by the rules and regulations for attendance. Therefore, their absences cause clients to wander around. Most of them are supported by their superiors and administration authorities and their absences are not considered important.

The mourning ceremonies, which are in fact a social necessity, are disorganized and it is obvious that condolences, sympathies and going to the mosque for praying are important religious and social requirements. But some of the workers, by using this excuse, occasionally leave duties for many days. Therefore, the physical absence of such people in an administration causes breaks in work activities and customer complaints. In fact, the discipline of attendance, not being present, has been forgotten. Employees coming in late and leaving early before the appropriate time does not raise any questions.

It should be mentioned that some government employees may not be present for their duties or are even living abroad, but are counted present and are receiving their salaries and other allowances. Such absences not only affect procedures of government affairs, but also have a negative impact on the spirit of other employees. Official times and work hours for Thursdays were not evaluated, neither in the past or present, to be beneficiary. This day is wasted without any work and completely without any results. Most of the government employees from the outskirts should come to the center of administration spend this as half of an official day and Thursday afternoon they spend it at their house.

A fewer number of employees who come late to work leave early. If the effectiveness of this day in regard to the performances and service to the people were evaluated the result will be negative. Thus, if one person is present and two are not present in a small office this disrupts the duties and creates headaches for the customers. If official work hours on Thursday are omitted, those hours should be augmented to the other five official days which would definitely be more effective and satisfying to both employees and customers.

The employees get much use from these two days off, on the other hand, the customers will be happy and confident that their work will not remain unfinished as on Thursday, and from the economic point of view, it will not be out of benefit to administrations.

Therefore, it is suggested that:

<b>Subject</b>	<b>Reform Mechanism Procedures</b>	<b>Responsible for Implementation</b>	<b>Implementation Period</b>
Issues resulting from failing to abide by the attendance sheet.	1- High ranking officials should set the example for legitimacy in obeying administrative discipline. Ministers and heads of organizations must come to their office (30) minutes prior to their start time and leave their duties one hour after their official time . Identify those who are frequently absent and deal with them in accordance with administrative regulation.	All authorities in the center and regions The administration authorities and those who has the responsibility on attendance affairs.	Continuous
	2- Secretariats must give employee attendance reports to their superiors one hour after the official time has started. The authorities and people in charge must control the attendance sheet and those who are absent should be counted as absent without exception. When the attendance sheet is evaluated, those who did not sign the afternoon column must be counted as absent.		Continuous
	3- The minister and all the administration superiors should	All high ranking authorities of ministries and other independent administrations	Continuous

	4- To solve the disruptions of employees, friends in the delay of work for clients, the Ministries of Justice, Haj and Pilgrimage, Labor and Social Affairs, and Martyrs and Disabled with the consultancy of the Olamas High Council, should determine one or two days in a week for mourning ceremonies, unless prohibited by Sharia Law or social values.	Ministries of Justice, Haj and Pilgrimage, Social Affairs and Martyrs and Disabled with the consultancy of the Olamas High Council	Three Months
	5- Administration superiors should accept and assist employees really needing leave with their requests according to the rules and regulations.	All the authorized authorities.	Continuous
	6- The Ministers of Labor and Social Affairs, Martyrs and Disabled, Justice, Education and Independent Administrative Reform Commission and Civil Services should study the proposal for the implementing two days off, which would be Thursday and Friday or Friday and Saturday.	Ministers of Labor and Social Affairs, Martyrs and Disabled, Justice, Education and Independent Administrative Reform Commission and Civil Services	Three months

## 14. Misbehavior with Clients

There are some people who sit in government chairs who give themselves the right to misbehave with their clients and colleagues and display insulting gestures. These arrogant actions of the authorities affect the ethical courage of clients and others and make the society ill and incapable. Administrative organizations should be based on humanitarian and democratic principles.

Therefore, it is suggested that:

Subject	3- All ministries and administrations are obliged to establish a complaint box in their administrations for client comments and suggestions. The papers in the complain box should be <del>Refined</del> <b>Refined</b> carefully in a manner within a specific time. An authorized officer should pay attention and studying the documents and papers from the complaint box.	Ministries and all administrations	<b>Implementation Period</b>
Prevention of bad behavior of government employees toward clients and colleagues	1- The Independent Administrative Reform Commission and Civil Services Commission with the cooperation of the		
	Ministries of Justice, Labor and Social Affairs, Martyrs and Disabled and Deployed Supervision Administration should draft criteria or procedures in which misbehavior of employees regarding ethical and proper performance in all levels of the ministry or administration and should take corrective and effective reform action, and should prevent such acts explained. The mentioned criteria or	Independent Administrative Reform Commission, Civil Services, Ministries of the Administrations and Social Affairs, Martyrs and	Continuous Till six months
	procedures should be made in accordance with the laws and procedures of developed communities and then be submitted to all the administrations as soon as possible.	Disabled and Deployed Supervision Administration	
	2- Ministries and administrations in the center and provinces should conduct short educational training courses to explain drafted procedures and criteria to their employees, and the directors of the administrations should be tasked to closely supervise and monitor the behavior of their concerned employees and violators should be punished.	All ministries, independent organizations, second and third budgetary units	Till one year and continues

## 15. Paying Less Value to Time

In official and private life time has become unimportant with little value. Because administrations and those responsible do not perform their duties and responsibilities based on a time schedule determined by law, there has been an upsurge in disorganized activities and corruption. Responsible persons in the center receiving letters and instructions from the provinces wait for gifts before they perform their duties. Unless letters and instructions are addressed to a specific person they will receive no attention; they will either be kept or thrown in the trash. This is a reality.

Private construction maps that are sent to the Municipality or Urban Development for inspection are completed in one week. On the other hand, government maps remain undone for months as nobody pays attention to them. The police, prosecution office, courts and other organizations do not perform their duty within a specific and legitimate time and the wasting of time causes a negative impact on issues and subjects. As there is no questioning regarding delays, the assigned employees also do not have fear from inquiries; time is introduced as a completely insignificant element.

A government employee goes late to his administration and, in an instructor's absence, students spend their time having fun and by telling jokes and talking about drama series and movies in the classroom. Employees arriving late and the carelessness of an instructor have never been questioned. From a prestige point of view, doctors do not count themselves less than superiors and give themselves the right to be late for their duties. Because if one patient dies, there will be another patient for the doctor to check and put a stethoscope on his chest.

Two thousand children wait for days and months for a construction contractor, who receives money in advance, to build a school but, due to the constructor's equipment busy on other projects having more benefit to him, little attention is paid to the school. Because a dead line was not determined and emphasized in the contract and money may have been received from the contractor, the concerned administration loses its right to question and inspect. Contract papers of the projects are submitted to authorities and assigned to committees to be executed after their evaluation and inspection. Unfortunately, for whatever factors or reasons it does not receive attention for months and, when the winter season comes and there is snow and rain, the works get stopped and things get lost or delayed until the next year. Neither the prosecutor nor authorities take action to punish the wrongdoer.

Therefore, it is suggested that

Subject	Reform Mechanism Procedures	Responsible for Implementation	Implementation Period
Preventing lack of attention to the time.	1- Lack of attention to time creates wastage. The administrations are obliged to organize their performance with a specific. There is always corruption hidden within each delay. Delaying work causes people to wander people and disorder in official affairs. To better organize time, a a working procedure is required. Therefore, each administration should draft and implement a procedure according to their quality and work requirements.	All ministries and governmental organizations.	Three Months
	2- The sign in and sign out sheets are the best criterion for determining on time and not on time performances. Each minister, deputy and other administration superiors should go to their offices and observe the sign in and sign out sheets and see how long the execution of incoming letters were delayed. By legally questioning and punishing once or twice, all the work will be arranged. Every time a chief of administration reviews or checks the sign in and sign out sheet, he should sign and put the date of inspection on the margin of the log book.	The superiors of each ministry and organization	Continuous
	3. Each employee or chief that signs should definitely put the date under his signature and it should be done by his own handwriting and not by another person. If not, then the work will remain undone for months and even a year. Recording a date is an essential and required issue for good management.	All responsible and assigned governmental employees	Continuous
	4. The deadline of a job performance in accordance with a (performance time procedure) should be determined and identified in the central and regional offices. Whenever the response to letters are not done within a specific time or the job is not done within a specific time, work will be delayed causing follow up instructions and letters to be approved. The people causing the	All ministries and administrations.	Continuous



	delay should be questioned.		
	<p>5. Some employees, teachers, doctors and other government workers show up late for their duty and leave early causing people to wander around and complain and disrupts the administration. Superiors adhering to good management principles can serve as an example such as a minister, chief, school principal, hospital director who reports to duty on time.</p> <p>Any employee who comes late or leaves work early must be counted as absent.</p> <p>Their absence should be officially dealt with and reported to the relevant sources.</p>	Each organization and government administration	Continuous
	6: Archiving employees should be tasked with the submission of an index of unexecuted letters to their higher administrative authorities by the end of the week. If the letters remain unexecuted without any acceptable reason then the responsible people will be questioned.	Each organization and administration	Continuous
	7: If contract documents for a project or projects are delayed or locked up in any administration or authority office or if an administration's recklessness and intentional decisions adversely affect the reconstruction and development process, then the Administration of Affairs, Secretariat of the Ministers Council, Presidential High Authority and the Vice Presidents should react with the legal prosecution of people recognized as being responsible.	The High Authority of the Presidential Office, Vice Presidents, Administration of Affairs and the Secretariat Office of the Ministers Council	Continuous
	8: Most of the administrations are located in the center of the city and their buses and shuttle vehicles are transporting their employees at one time. There is heavy traffic in the cities, especially in Kabul City, at 8:00 am and 4:00 pm during the summer time and at 9:00 am and 3:30 pm during the winter time;	Ministries and First Budgetary Units	3 Months

	<p>this is why it is observed that the employees' buses are 30 to 45 minutes late to their administrations. This disorder is not intentional but is due to heavy traffic at specific times.</p> <p>Administrations can organize the commuting of their employees by changing their times of arrival and departure by half of an hour later or earlier than the time of other administrations. For example, employee buses of the Ministries of Finance, Mines and Industries, Justice as well as vehicles of the Afghanistan Bank and the Geodetics and Cartography Administrations gather in Pashtonistan Square at the same time, this does not only create a problem for other vehicles passing the square but their simultaneous movement also causes heavy traffic on all city roads. Plus, vehicles of the Ministry of Foreign Affairs, Ministry of Economics, Independent Directorate of Audit and Control, Independent Commission of Administrative Reforms and Commission of Civil Services emerging on the narrow road located in front of their administrations causes a waste of time during the departure and arrival of employees. The administrations are realizing this problem and, therefore, are requested to come up with an agreement to solve this problem for the citizens.</p>		
--	--	--	--

## **16. Lack of employee confidence in their future**

The lack of implementation and enforcement of law has caused a lack of employee confidence in regard to their job. The authorized and powerful authorities of an administration are able to easily transfer or suspend any one of their employees, even if there is not any legal reason to do so. The people without Wasta or means (connections) always find themselves exposed to the risk of being replaced and dismissed.

Since, the allowances for dismissal and retirement pensions are not enough to guarantee the minimum livelihood for the employee and his family, therefore, a lack of confidence in maintaining their job and disappointment in not having a confident future puts all of them in anxious and worrying condition. Even though the consciences of employees are continuously under torture and judgment while engaged in bribing, conditions and obligations make them take bribes and commit sin. Increasing of salaries without accurate evaluations causes a rise in the

prices of goods in the market causing harm instead of benefit. Foremost, the propaganda of the opposition also adversely affects employees and causes them to be interested in the commission of illegal acts that are in contradiction with human munificence.

Therefore it is suggested that:

<b>Subject</b>	<b>Mechanism Procedure of Reform</b>	<b>Responsible for Execution</b>	<b>Period of Execution</b>
Prevention of corruption caused by the lack of employee confidence in to their present and future conditions	1: The Ministries of Work and Social Affairs, Martyrs & Disabled, Justice and Finance and the Independent Commission of Administrative Reforms and Commission of Civil Services should review the laws for employees and civil services, and should clearly illustrate the role of the superiors and individual authorities in regard to the transfer, dismissal and punishment of subordinates, in other words, no subordinate can be dismissed or transferred absent initial disciplinary punishments such as advising, warning and salary decreases, unless the employee transfers after a specified work period or retires after several years of service. These reforms and changes in law and regulations should be communicated to all authorities, this way there will be legal prevention for baseless transfes and suspensions of employees.	The ministries and relevant administrations	Three Months and then Continuous
	<p>-----</p> 2: The employees work environment should be adjusted in such a manner, wherein, employees would not fear being replaced them. These possibilities should be prepared and implemented by law and regulations.	<p>-----</p> Ministry of Justice and Independent Commission of Administrative Reforms and Commission of Civil Services	<p>-----</p> 3 months
	<p>-----</p> 3: The salary and retirement allowances for employees should be stabilized and approved justifiably, this way employees will never prefer another job over than their current job due to lack of salary. The Ministries of Work and Social Affairs, Martyrs and Disabled, in cooperation with the Ministries of Finance and Justic, should take responsible actions.	<p>-----</p> Ministries of Work and Social Affairs, Martyrs and Disabled, in cooperation with the Ministries of Finance and Justice and	<p>-----</p> Continuous

	<p>4: In order to improve the livelihood conditions of the employees and to prevent corruption, the Ministry of Information and Culture is obliged to draft, publicize and implement effective programs. The medias should publicize and introduce the government as a guarantor of the employees currently and after the retirement, and should annihilate propaganda of the opponents by providing confidence to the employees.</p> <p>-----</p> <p>5: The government should notify the people about the bad propaganda of the opposite and seditious elements of the country through media.</p>	<p>Independent Commission of Administrative Reforms and Civil Services</p> <p>The Independent Commission of Administrative Reform, Commission of Civil Services, Ministry of Culture and Information and Medias</p> <p>-----</p> <p>Ministry of Culture and Information and all Medias</p>	<p>Continuous</p> <p>-----</p> <p>Continuous</p>
--	--	--	--

## 17. Economic Poverty of Employees

According to the thoughts and assertions of speakers, low government salaries were found to be the major factor for administrative corruption. As it can be seen, an employee cannot secure a minimum livelihood for himself or for his family due to the high costs of goods and an inadequate salary, therefore, administrative corruption has spread to all affairs. On the other hand, every time a slight amount gets added to the salaries of employees, the rates also deliriously go up. Not only government employees, but all members of society will be negatively impacted.

Bribery is illegal regardless of the amount. The receiver, giver and mediator of bribes are all degenerate people and are hated by the merciful God, Messenger of God (PBUH) and society.

Unfortunately, low ranking employees are always blamed for such despicable acts; however, no one speaks out about those who receive millions by using their power and authority.

Most ministry and administration superiors interviewed, who reflect the needs of their employees, have given the opinion that necessary items should be provided and distributed to employees instead of adding three hundred or four hundred AFS to their salaries, and that this would be a good way for securing their livelihoods. Government employees would prefer to receive materials rather than salary increases; this is not just the wish of a single person or a group but rather the desire of all employees.

Any type of excuse or reasons for not distributing materials cannot be considered as acceptable and causes a huge gap between the government and employees.

The employees prefer coupons based on the following reasons:

- 1- The distribution of food stuffs such as wheat flour, oil, rice, sugar, and tea not only averts the raising of prices but decreases prices in the market place, and also has a positive impact on government employees and society as a whole.
- 2- The government will not be faced with more administrative and logistical expenses by distributing coupons because the Directorate of Aliment, which has (1050) one thousand and fifty people in its structure and (193) one hundred and ninety three food stuff storage areas and (5) five silo centers around the country, would be able to prevent excessive expenditures, and this plan could be implemented with merely a decisive decree by the prudent management of the relevant administrations of the Ministry of Commerce.
- 3- Most administrations and all members of the commission believe that as soon as the coupon distribution starts, friendly countries like Japan, United States of America and India will start donating vital food stuffs such as wheat, oil, rice, sugar and other vital items and they may also help in the transportation of these items as well. Although employees and people will benefit, it will also have a positive impact on the budgetary expenses of the government.
- 4- If some materials are required to be purchased inside the country then the government should help and provide the farmers with fertilizers and improved seeds and should buy the required materials by drafting an active and positive policy. In addition, we can help the farmers struggle against oppressive foreign competitions.
- 5- The coupons can initially be distributed to the employees and then to the retired, disabled, and families of martyrs.
- 6- The distribution of coupons to retired people will cause active employees to get more interested in their jobs, and this will prevent them from fleeing to other jobs.
- 7- However, the distribution of coupons, such as flour, oil, rice and other items are not enough, but will cause employees to feel more secure and safe from destitute and vagrancy, and when employees are convinced about the safety of their honor, dignity and pride, they will not resort to bribery and corruption.
- 8- Employees will give more worth to their jobs and tasks by their receiving coupons and items. The gaps which have been created between employees and the government will be removed and their interests toward the government will be increased.
- 9- In case a coupon system gets established in the country, the government will not have to raise the salaries every year, and this can prevent inflation that is a deadly disease in a country like Afghanistan.

It should be mentioned that some problem makers believe that the coupons will cause a collapse to the economy and is against the market economy. In fact, coupons will not have a subsiding affect, but it is a method for giving materials to employees instead of cash money. It is better if the employees do not go to the market, but the government provides their necessary materials.

Because more than 99% of government employees including teachers prefer coupons, the coupon distribution will be started sooner or later, but carelessness in this plan causes a gap between the employees and government and increases dissatisfaction. As most of the responsible people in the ministries and administrations believe and, the commission also agrees, that in the current situation in Afghanistan, distribution of coupons is considered to be better than any other encouragement policies of the government because it includes livelihoods and economical advantages, and also has a good impact on the security of the country. Therefore, this plan will be studied and the donors, IMF and World Bank will agree to help this plan, however, the coupon issue was previously discussed on ( ) and the donors and financial sources have already agreed and the Ministry of Commerce was assigned to take necessary actions.

The Ministry of Commerce has started working on this plan. The government should take necessary actions in establishing a coupon distribution program.

The documents that the Ministry of Commerce has provided are the best proof for this program and can be presented to any authority that would like to study and review them. Salary and coupon are a means of livelihood for the employees, but it should be mentioned that providing medical care and treatment and shelter for employees and their dependents are also considered vital and as it is seen, the employees of most of the countries, even the neighboring countries, have these facilities.

Whenever the government can successfully provide salary, materials, medical treatments and shelters for the employees of administrations, there is no doubt that the corruption, which is the basis of calamities in the society, will be stopped.

Therefore, it is suggested that:

<b>Subject</b>	<p>4: The Ministries of Education, Transportation, Finance, Interior Affairs and Kabul Municipality must study and suggest transportation possibilities for school students.</p> <p><b>Reform Mechanism Procedure</b></p> <p>The Ministry of Education, in coordination with the Ministry of Transportation, must solve the continuing problems of school students, salary are not sufficient to guarantee financial stability for current and future. Therefore the Ministry of Commerce, in coordination with the representatives of the Ministry of Finance, Independent Commission of Administrative Reform and Commission of Civil Services should draft a mechanism and implement a system for providing and distributing coupons to government staff.</p>	<p><b>Responsible for Implementation</b></p> <p>Ministries of Transportation, Education and related organizations.</p>	<p><b>Implementation Period</b></p> <p>Six months</p>
Preventing corruption and the removal of economic poverty among government staff	<p>1: Salary increases and the implementation of the new system for rank and salary are not sufficient to guarantee financial stability for current and future. Therefore the Ministry of Commerce, in coordination with the representatives of the Ministry of Finance, Independent Commission of Administrative Reform and Commission of Civil Services should draft a mechanism and implement a system for providing and distributing coupons to government staff.</p>	Ministries of Commerce, Finance and Independent	Six months
	<p>2: The Ministries of Public Health Finance and Education, in coordination with the representatives of the Independent Commission of Administrative Reform and Commission of Civil Services, must study a health insurance system for government staff and then should suggest action.</p>	Commission of Administrative Reform and Commission of Civil Services	
	<p>3: The Ministries of Urban Development, Agriculture and Education and other related organizations must suggest a system for the distribution of residential areas for government staff and should suggest the gradual implementation for this system.</p>	Ministry of Public Health	Six months
		Ministry of Urban Development and other related organizations.	Six months

**Note:** The Commission of the new system for salary and rank that was drafted by the Independent Commission of Administrative Reform and Commission of Civil Services in coordination with the Ministry of Finance should not be rejected. It is suggested that providing and distribution of materials to government employees should be considered a priority so it will stabilize the market without harming it.

## 18. The Rights of Retirees

The rights of retirees are guaranteed by the government according to Article **53** of the constitutional law. The related government organizations must take action for implementing this edict of the constitutional law.

A retiree is classified as a person who retires after years of service. Retirement takes place when a serving person can no longer perform his/her duties due to illness, physical or mental disability and is unable to earn a salary by doing services.

The retiree has the rights from society; therefore, society should appreciate and provide the privileges of retirement so that the retiree can continue the rest of his limited days with complete confidence.

If the ministries and administrations do not have a previous plan in regard to how many employees are retiring, then the Ministry of Finance cannot easily predict the required budget for the retirement system. Because of this, most of the previous budgets that have been approved do not match with the amount necessary to fund the retirement system and this causes many problems.

Although, allowances and salaries of retirees are not adequate, the suggested pay raises are not reflected transparently. The Directorate of Retirement, which is the administration responsible for the distribution of salaries for retirees, has been assigned under Ministry of Labor & Social Affairs without any cause. It is necessary that this , as it was in the past, be returned to the Ministry of Finance so that there will be no problem in seeking budget approval, budgetary allocation and salary statistics for retiree salaries.

Therefore, it is suggested that:



Subject	Reform Mechanism Procedure	Responsible for Implementation	Implementation Period
Prevention of corruption and securing proper rights for retirees	1: The Ministries of Finance, Labor & Social Affairs, Martyrs and Disabled including the Independent Commission of Administrative Reform and Commission of Civil Services must determine the rights of retirees, the disabled, elderly, widowed women, martyrs' families and the missing according to human rights standards and must implement after legal processing.	The Ministries of Finance, Labor & Social Affairs, Martyrs & Disabled, Independent Commission of Administrative Reform and the Commission of Civil Services	Six months
	2: The administrations, in accordance with the time that the law requires, must submit to the Ministry of Finance and other related organizations plans for retirees and martyrs' family members who are deserving of benefits,	All of the responsible administrations	In specified time
	3: The Ministry of Finance must accurately anticipate the required budget for retirees, disabled and martyrs' families. This should be reflected in the General Budget of the Government. 4: The rights of retirees, disabled and martyrs' families must be determined by the related organizations and retirement treasury.	Ministry of Finance  Ministry of Finance , Ministry of Labor and Social Affairs and related organization	Continuously
	5: The related administration and the Retirement Treasury must not cause a nuisance by ignoring beneficiaries; instead beneficiaries should be informed of the dates of check distribution through the TV, radio and press.	Related administrations and the Retirement Treasury	Six months
	6: During the first two months of the fiscal year, the Ministry of Finance must send the dedicated amounts to the related organizations	Ministry of Finance	Annually in the specified time

	<p>7: The General Directorate of the Retirement Treasury should be separated from the Ministries of Labor &amp; Social Affairs and Martyrs and Disabled and should come under the authority of the Finance Ministry.</p>	<p>The Ministries of Finance, Labor &amp; Social Affairs, Martyrs and Disabled, Administration Office of the State and Secretariat Office of the Ministerial Council</p>	<p>In the first two months of the year</p>
	<p>8: The Ministries of Finance, Commerce, Economics, Labor &amp; Social Affairs, Martyrs &amp; Disabled, the Independent Commission of Administrative Reform and the Commission of Civilian Services should design and implement a Saving and Investment mechanism for the retirement fund.</p>		<p>In one year</p>
	<p>In the long term, this will decrease the burden on the government budget and decrease the poverty among retirees.</p>		<p>Six months</p>

## Part Two: legislative factors

### 1. Weakness, Discrepancy and Interference in Laws and lack of Conformity with the current situation in the Country

Current laws and regulations, whether they are previous, translated or new, sometimes do not conform to the administrative conditions in the country and causes different types of corruption and chaos in the work process.

Administrations struggle to put themselves in the line of those who desire reform but most of them copy and implement such laws as the law of Procurement, customs, finance, environment and greenery and tariffs from other countries without considering the laws and traditions of the country, each causes vagrancy for clients due to the conversion of these laws resulting in the waste of time and provides an opportunity for bribery. It should be mentioned that copying is a good act, but its conformity and implementation with current situation should be studied.

Some contradictions and legal interference makes the executions more difficult and causes confusion. The law of financial affairs of the Ministry of Finance gives authority to the Directorate of Internal Inspection to inspect the financial affairs of all administrations, ministries and organizations. This edict is in violation with the law of Independence Administration of Control and Inspection and is considered as an obvious interference in duty and authorization of that administration.

Article 42 of the Constitution orders that; “no taxes will be enacted without an order of law” this order means that every tax is considered important and substantial and should be processed legally. And this means that changes, substitutions or the creation of new taxes should initially be written, approved by the Ministry of Justice and then referred to cabinet and parliament. Unfortunately articles ( ) of the laws of Customs, without considering the constitutional edict, gave the Finance Minister authorization for changing and determining taxes. Therefore, from the laws of Customs, it is presumed that Article 42 of the Constitution was not explained and interpreted properly.

A customs tariff, as a translated foreign text, is creating a lot of problems instead of creating facilities in the course of Customs affairs. Translations are done by using words from the Iranian dictionary which makes it difficult for the employees of Customs and traders to understand the subject. Accordingly, the tariff edict allows the trader to import anything he wants, which is not in conformity with existing conditions of the country.

The Procurement law, which should make the process of contracts and purchases easier, has instead made it more difficult, and has caused a collapse of the work and prevents improvement of investments. Complaints in this regard are heard from each administration. So it is suggested that:

<b>Subject</b>	<b>Reform Mechanism Procedure</b>	<b>Responsible For Implementation</b>	<b>Implementation Period</b>
Review and Reform of Laws and Regulations	1: The Ministries and all administrations, in coordination with the Ministry of Justice and all related organizations, should review and modify their laws and regulations.	All ministries and related organizations	During two years
	2: They must omit unnecessary and superfluous subjects. The phrases and sentences should be reviewed by writers and scholars in accordance to the norms and standards of the legal practices. A special attention should be paid to simplifying	All ministries and related organizations	During two years

	phrases so they are clear and understandable, and usage of foreign expressions should be avoided.		
	3: With the cooperation of lawyers and secretarial scholars from other fields, laws and regulations should also be employed.	All ministries and related organizations	In one year
	4: Translated laws must be corrected by educated and professional translators before they are referred to lawyers and scholars. This way it will be acceptable to the Minister or relevant administrative superior.	All ministries and related organization	Two years
	5: While revising and modifying the law, an attempt should be made to make ensure that the laws and regulations are not in violation and conflict with the enforced laws and regulations of the country.	The Ministry of Justice and related organizations	Two years
	6: The laws and regulations that can be reformed or modified should be processed for approval as soon as possible and must then be implemented.	All organizations	Continuously
	7: Any organization that drafts a new law, creates an article in the law, modifies or omits an existing law is responsible for officially involving related organizations. For instance, the Ministry of Commerce is not allowed to make changes without including the official opinion of the Ministries of Finance, Economics and the Private Sectors.		

## 2. Lack of Awareness of the Law

As most employees and people are not aware of previous laws, the new laws are also not being provided to official sources and people. Lack of awareness of the law causes disorder. Some ministers, governors and higher authorities do not pay particular attention to

becoming aware of laws and regulations; therefore, their knowledge and information in regard to their duties is limited. Frequently, they sign orders that were previously written by relevant offices and the issuance of such uninformed orders lead to crimes and illegal performances. The culture of publicizing or providing awareness of the laws of the country has not, in general, been made widespread in accordance with Subsection 2, Article 56 of the Afghanistan Constitution; ignorance of the law can not be accepted as an excuse, therefore, it is suggested that:

Subject	Reform Mechanism Procedure	Responsible for Implementation	Implementation Period
Preventing corruption that is caused by a lack of awareness of the law	1. The laws and regulations should be reformed and made understandable as soon as possible. -----	All organizations  -----	Two years  -----
	2. Most second and third units of ministries and independent administrations do not have access to their requisite laws and regulations, their performances are based on the implementation of previous laws because they are not aware of the changes and amendments; consequently, this is why their working procedures are different from those of the center (capital) and other related units. Therefore, each ministry and independent budgetary unit is responsible to make available work-related laws, regulations and descriptions of issues to every responsible administration of affairs in both the center and provinces.	All ministries and independent administrations	Six months
	3. All ministries and independent agencies are responsible to train their employees in accordance with organized programs providing them with the awareness of how to legally perform their duties and knowledge that ignorance of the law will not acquit them from responsibility.  As Article 56 of the Afghan Constitution clearly orders “ Not being aware of the law can not be accepted as an excuse”  ----- -----	All ministries and budgetary first units          ----- Ministry of Culture	Till one year and Continuous          ----- Continuous

	<p>4. The Ministry of Culture and Information, with the participation of all the medias and press organizations, should notify the people about the existing laws of the country through interesting TV programs and radio programs. Such programs should not be only for one time, but should be continually developed utilizing attractive methods, this way it will draw the people's attention.</p> <p>-----</p> <p>5. The Institute of Legislation and the Commission of Administrative Reforms and Civil Services should introduce and assist in the implementation of useful and effective methods for the teaching and learning of law to administrations.</p> <p>-----</p> <p>6. Ministers, governors and high ranking authorities should pay special attention in not signing any order just based on trust; signers (approvers) are not considered free from responsibility.</p> <p>-----</p> <p>-----</p> <p>7. Generally, the constitutional law of the country and other related public laws should be included in educational curricula. Students grades higher than the 7<sup>th</sup> grade in high school should be informed about the context of required laws.</p>	<p>and Information and all medias</p> <p>-----</p> <p>Independent Commission of Administrative Reform and Civil Services</p> <p>-----</p> <p>All high ranking authorities</p> <p>-----</p> <p>Ministry of Education</p>	<p>-----</p> <p>Continuous</p> <p>-----</p> <p>Continuous</p> <p>-----</p> <p>One year and then continuous</p>
--	--	---	--

### 3. Lack of Satisfactory Documents for Introducing Administrations and Organizations

Governmental organizations and their performances are based on job quality and quantity and job authorizations as described and organized within the specific framework of regulations or statutes.

This regulation or statute describes the structure (workforce), duties, responsibility, and the scope of executive authority for budgetary units, and avoids interference with the jobs of other organizations and violation of law. For example, the previous Ministry of Mines and the present Ministry of Commerce were each claiming the ownership of industrial parks and the distribution lands but, due to lack of transparency in their authorized duties and responsibilities, a lot of problems for investors were created and as a result it caused a lack of development and collapsed investments in the country.

The Kabul Municipality and Ministry of Urban Development are the next examples, the implementation of a construction master plan for Kabul has been delayed for five years due to a lack of transparency in their authorized duties and responsibilities, or in another instance, in 2006, this lack of transparency caused a delay in development projects for the Ministry of Aviation and the Ministry of Public Benefit. The disputes between the Ministry of Agriculture & Farming and the Administration of Living Environment are due to a lack of transparency in their authorized duties and responsibilities in agriculture affairs and as of yet have not been solved and still are the cause for continuous problems. All these examples show the corruptions that are caused due to a lack of regulations or statutes in the administrations and result in job interferences among the administrations.

Therefore it is suggested that:

<b>Subject</b>	<b>Reform Mechanism Procedure</b>	<b>Responsible for Implementation</b>	<b>Implementation period</b>
Preventing corruptions caused by the lack of existence of regulations or statutes describing responsibilities of ministries and organizations	1. All related organizations and administrations should design and implement relevant policies or regulations, but if they do have such regulations or statutes they should take action in modifying and correcting them, if needed.	All ministries and independent organizations of the government	One year
	2. The responsibilities of administrations, such as policy drafting, executions and operations should be clearly described in these regulations or statutes.  The regulations or statutes should describe the structure (workforce) of administrations including the number of offices and related jobs.	All organizations	One year
	3. All ministries and administrations, especially the sector ministries doing similar tasks, are obliged to create a working coordination for solving job interference problems. Such administrations should use the opinions and support of similar sector administrations, while correcting, modifying and drafting laws.	All administrations and organizations	Till two years

	<p>4. The Administration of Affairs and Secretariat of the Ministers Council, in coordination with the Ministry of Justice, should completely make available the job regulations or statutes of all ministries and independent administrations to independent budgetary organizations.</p>		
--	--	--	--



## **Part Three: Corruption in the Judicial System**

### **1. Corruption in law enforcement and security organizations**

#### **Police and their role in maintaining civil order and public services**

In a matter of fact, police form the basis of the judicial system in the country and are known as keeper of the security and civil order. Police are the only source to for the innocent to refer to when they are victims of offenses and oppression by any oppressor. Law enforcement is a holy profession and the service and respectable acts done by honest professionals will remain memory.

The constitutional law of the country relegates crime detection responsibility to the police, which means that the public has intentionally entrusted the police with the authority to be alert and avoid the occurrence of unwholesome incidents and crimes. The honesty and capacity of the police have a direct relationship with the prevention of crime.

Good and reliable police secure and protect the community from criminals. Inversely, if a police officer sacrifices the national benefit for his own personal benefit and if they are at the service of money and powerful people, then the community will be destabilized and cruelty and oppression will become regnant. If rumors and murmurs about the police as protectors of criminals and smugglers, especially drug smugglers, turn out to the truth, it is possible that law and order will come under question and people will no longer trust them. The occurrence of theft, robbery, kidnapping and murder can give a truthful aspect to the rumors. Responsible personnel are expected to standardize the police structure (workforce) in accordance with the requirements of society by differentiating and filtering the good people from the lines of bad people, and they should improve the image of the police force.

According to article 134 of the Constitutional Law, crime detection is supposed to be done by the police. Since crime detection forms the basis of the judicial process and justice in the issuance of orders, it is necessary that this process be very transparent and void of any violation or injustice.

Without a doubt, incorrect detection or completing the detection process using false reasons is considered a factor in corruption and will also have an impact on the prosecution and courts. The responsible people for public service do not practice what the justice orders in detecting, surveillance and case follow ups. Sometimes there is a lack of expertise in the profession but, most of the time, money and power influences the actions of responsible personnel and changes the route of cases from its reality. Whenever such thing happen, the honest prosecutor who initiates an investigation based on detective evidence will also face technical problems. In other words, the cases remain complicated for months and years and finally a decision, for keeping or dismissing the case, will be made that will be against legal edicts and will prove the innocent as criminal or the criminal as innocent.

Wherever there are unholy commitments between the detective and investigative authorities and the courts, illegal acts of the relevant administrations will be also done as in a chain and big bribes and influence by illegal powers will turn justice into oppression, cruelty and injustice.

Therefore it is suggested that:

<b>Subject</b>	<b>Reform Mechanism Procedure</b>	<b>Responsible for Implementation</b>	<b>Implementation Period</b>
Prevention of corruption by having competent and reliable police	1: It is a important and obvious truth that people find comfort and a feeling of peace under the protection of vigilant, committed and compassionate police. Lack of such police causes disaster and calamity. People who join this field to seek power, prestige and financial benefit cause harassment. The enemies of the country with their anti-human and ominous plans give motivation to the youth of the country to commit suicide activities and die like apostates and hellish ones, if the police are aware and virtuous, then they can easily prevent the occurrence of such events. In addition to funding and materially equipping, opinions and spiritual motivations are also needed for the police to perform their jobs as public servant and enunciate their debt to the homeland. This requires educational, behavioral, and patriotic programs to be drafted and implemented for central and regional police units. These programs should be prepared in a manner, wherein, police personnel will attend with interest and eagerness not by force or reluctance.	Ministry of Interior with the cooperation of Ministries of Education, Higher Education and Information and Culture	Six months and then continuous

	<p>2: There is the fear that some of powerful locals who do not meet the standards and conditions to be appointed in the police profession have entered the police ranks in the capital, provinces, districts and borders by means of party, political, regional and tribal reasons. It is clear that the existence of such people affect the police force and will cause dissatisfaction of people, thus it requires that: the police of the capital at any rank or position, and the Uniformed Police, Border Police, Criminal Investigation Police, Counter Narcotics Police assigned in any place or location must be inspected and studied, and required filtering must be performed, this review must not be limited to a few and special posts but it must be throughout the country and cover all authorities and personnel.</p>	Ministry of Interior with the cooperation of the related Organizations	One Year
	<p>3: Some norms and standards must be drafted through which the police personnel and officers that would be appointed to their necessary duties according to the previously drafted standards. Through obeying these standard procedures, assignments based on relationships would be changed to assignments based on competence and appropriation.</p>	Ministry of Interior and an Independent Administration to Control this strategy	
	<p>4: The Police must be rewarded in accordance with Their every good and acceptable action, which shows their devotion and self-sacrifice, and must be legally prosecuted for every bad action. Paying no attention the implementation of reward and punishment principles, shows the administration is not giving good over site.</p>		
	<p>5: Every city according to its area and population must be divided into security zones and in each security zone the police directorates should be the responsible to maintain law and order. They should be equipped with enough and necessary information</p>	Ministry of Interior and other Security Organs	<p>Six Months</p> <p>Continuous</p>

	<ul style="list-style-type: none"> <li>- The Ministry of Interior and related governors in cooperation with the Municipalities and Ministry of Urban Development must prepare maps of the cities and divide the cities into zones with clear and magnified lines. Every Police Directorate should be responsible for their own zone and they should help other directorates when it is needed and upon request. These maps should contain roads and streets with their marked names and numbers, governmental buildings, hotels, restaurants, schools and other structures including residential houses of people. All must be recorded in order to make it easy for the police to reach the area when they are needed. The name of the owners of the houses and the number of the residents must be recorded in computer systems. The police directors, zone representatives, building block representatives should be responsible to report the changes occurring in residential areas.</li> </ul>	Ministry of Interior, Ministry of Urban Development, Governors, Municipalities, Zone Representatives, Building Block Representatives, Provincial Police Chiefs and Regional Police Directorates	One Year
	6: The residents of cities, districts and villages must be informed concerning how to simply report the incidents. The assigned police must be expecting notices, complaints, requests and messages of the people of the area. The Police phone numbers must be simple to understand so the children and adults can easily remember them. To persuade the people to refer the police, special programs have to be planned and implemented as soon as possible in schools, municipalities by the zone representatives and building block representatives to for local people.	Ministry of Interior, Ministry of Education, Municipality, Zone and Buildings Representatives, Provincial Police Chiefs, and Security Stations	Six months

	<p>-----</p> <p>7: If any incident occurs, after is has been inspected, if it is found it needs to be referred to the prosecutor, its documents and evidences must be arranged and submitted to the prosecutor without delay and without interference of the powerful elite , any kind of delay or carelessness must be legally prosecuted. The time of execution must be organized and according to the law and its implementation should be supervised.</p> <p>-----</p> <p>8: Those security staff that has responsibility to detect and prepare the criminal documents and evidences must work efficiently. When investigating if these persons do not meet the requirements for such jobs then the provincial security authorities including the governor and responsible authorities of the Ministry of Interior will be accountable.</p> <p>-----</p> <p>9: In case of repeated criminal acts: The Chief of Police Stations, Criminal Investigation Chiefs, Security Chiefs, and Provincial Police Chiefs should be immediately suspended and questioned as soon as possible. Committing such a thing will give tranquility to the boss and they will feel safe, punishment even if it is disciplinary punishment, warning, decrease of salary, and dismissal from the job should be done.</p> <p>-----</p> <p>10: The Governors and the Provincial Police Chiefs are responsible to be aware of any crime occurring in their province or related zone, being unaware of the crimes shows their insufficiency, the governors and provincial police chiefs are also responsible for prosecuting and completing the criminal cases, and such cases must be referred to the District Attorney and Courts</p>	<p>-----</p> <p>-</p> <p>Security Authorities</p> <p>-----</p> <p>-</p> <p>Ministry of Interior, Governors, and Security Authorities</p> <p>-----</p> <p>-</p> <p>Responsible Authorities of Provinces, Ministry of Interior and other Security Authorities</p> <p>-----</p> <p>-</p> <p>Security Authorities, Commanders, and</p>	<p>-----</p> <p>Continuous</p> <p>-----</p> <p>Continuous</p> <p>-----</p> <p>--</p> <p>Continuous</p> <p>-----</p>
--	--	--	---

	<p>prior to any changes in the nature of the case. The reasons and factors of each delay in completion of cases needs to be investigated.</p> <p>-----</p> <p>11: Participation of Provincial Police Chiefs, Criminal Investigation Chiefs, and National Security Chiefs in parties and private ceremonies has a bad reflection on reputation and effectiveness of the Administration. The authorities are obliged to determine and identify such relationships and avoid the repeating of such actions. In case of the continuing such activities, necessary measures, such as transferring or dismissal must be mandatory.</p> <p>-----</p> <p>12: The governors are the representatives of the government's president in each province. The security commanders, directors and security chiefs are obliged to obey the chain of command by abiding by the law. A governor is the first ruler in the chain of command of the government. Stubbornness, lack of consideration for others and disobeying directives of provincial administrations is in violation with the administrative standards, those who commit such actions require punishment. Ministries and independent directors should guide and assign their provincial representatives to arrange this task.</p> <p>-----</p> <p>13: In order to ensure better work-standards, the authority must be given the governor to continuously investigate the activities of the security authorities including the Provincial Police Chief. They should advices or issue warning when it is needed. If the number of warnings reaches to three times in two months then the Ministry of Interior and related administrations should review the work and consider if they are going to allow the person to continue in the province.</p>	<p>Governors of Provinces</p> <p>-----</p> <p>- Ministry of Interior, National Directorate of Security, Independent Administration of Local Organizations</p> <p>-----</p> <p>- Interior Minister, Director of National Security, other Independent Ministers and Directors and Independent Organizations</p> <p>-----</p> <p>- Ministries of Interior, Defense,</p>	<p>Continuous</p> <p>-----</p> <p>Continuous</p> <p>-----</p> <p>--</p> <p>-----</p> <p>Continuous</p> <p>-----</p> <p>Continuous</p>
--	---	--	---



	<p>In this regulation or policy the authorities authorized to use Police vehicles needs to be identified along with their limitations. Those responsible for vehicle control must closely monitor the usage of the vehicles and the expenses. Excessive usage needs to be identified and prosecuted.</p> <p>16: Laws which are widely used by the Detective and Investigative Organizations are as follows:</p> <p>Penal Code, Modified Penal Code, the Laws of Criminal Detection and Investigative Law, and Temporary Criminal Procedure Code. The four previously mentioned laws ; which are implemented or involved in job performances, if the articles of the above mentioned laws were collected then it would be around 500-600 articles with similar or different transcripts, the majority of the Police Personnel and the prosecutors who are not well educated or don't have required experience cannot decipher and understand that articles. Existence and implementation of all this laws for many years is the result of lack of attention and lack of patience of the authorities, as they had no concern about their combination and release.</p> <p>Therefore it is expected that the related administrations should review this field and take action in reforming and setting into action the law.</p> <p>-----</p> <p>17: Distribution of the National IDs (Tazkira), issuance of passports and driving licenses are among the tasks that causes complaints and dissatisfaction from among the people regarding the police offices. When those referring to the police office to solve their problems they find the actions are long and complicated and they find the authorities are also corrupted. This is why the black market is doing very well.</p> <p>To make it simplify and to prevent black market deals the leadership of the Ministry of Interior Affairs should assign a very</p>	<p>Implementation of this Strategy</p> <p>Ministries of Interior, Justice, the Supreme Court and the Prosecution</p> <p>-----</p> <p>- Ministry of Interior</p>	<p>Planning of the regulation in six months, continuous supervision and conservancy</p> <p>-----</p> <p>One year</p>
--	--	---	--



	<p>aware and proactive delegation to monitor the affairs of the Passport Administration, Traffic Directorate, and especially the Kabul Traffic Office and the Directorate of Statistics and Population.</p> <p>To solve the problem and complication, the un-necessary procedures should be omitted. And work which requires the person to go to 10-15 sources and get 20-30 signatures should be summarized and reduced .</p> <p>Letter writing, logging in and logging out, at several sources should be eliminated. Instead of that Standard Forms that the required sources would stamp and approve should be used.</p> <p>To prevent disorder a standard of rotation should be organized in a manner that the referrers relay on it. The matter of appointing the executions time and abiding by the rotation must be in the priority list of reform so the customers get used to the system and there can be a prevention of chaos in the offices.</p> <p>The computerization of the above mentioned offices is not a difficult task, creation of capacities and preparing of electronic tools are also not expensive, through required policy and executions it is possible to do so.</p> <p>The directors of those administrations who have more referrers must be advised to appoint one of his reliable persons to listen to referrers complaints and resolve the problems of the complainants and that person should speed up the work and must be virtuous and fully authorized.</p>		
--	--	--	--

### **Work Weaknesses in Security Organizations**

The security organizations of the country have very sensitive and dangerous duties, their responsibilities are to look after the authorities, collection of information and realities and actions toward terrorists, saboteurs and other factors that disrupt the peace and comfort of the people.

People in most countries and the people of Afghanistan throughout different historical cycles have bitter and unpleasant memories of oppression and injustice, especially during domination of the Communist regime. Although against their own policies and rules, communist designees went into the streets, cities, towns, areas and administrations where they oppressed the people through intimidation, ridicule, torture and bribery making people uncomfortable and distressed. Even the existence of one of their personnel in an area caused harassment to all the people that area. Their complete authority in arresting, detaining, torturing and bribery, took away the tranquility and prosperity of the people and made them uncomfortable. These organizations, which were called hellish organizations, operated in an oppressive manner not only in the central government but even within local authorities.

After the creation of the Interim, Transitional and Elected Governments, people breathed easier and slowly they felt free from torture and mental pressure caused by the Confidential (Secret) Police and became confident that after this there would be no more midnight searching of homes and detention of their young children and their tranquility will no longer be disturbed. Regretfully, there have been some recent discussions and talking of detentions and investigations utilizing methods of torture, and the further spreading of these incidents will result in fears, horror and feelings of discomfort among the people. Occurrence of miscellaneous unwholesome incidents, which happen daily in various cities of our country, especially continually terrifying kidnappings, is the sign of a lack of success and skillful control by this administration. The biggest deficiency of security administrations in a country like Afghanistan is that they are unable to detect and neutralize destructive operations before their occurrence.

If people identify the special security persons in the areas in which they live as undercover police, no reason would be remain to claim that a part of this organization has been involved in corruption. To be accused without reason and to be harmed without any crime is downright oppression, which is imposed on the rights of the oppressed or oppressed ones. If any section, office or police district intentionally or mistakenly detains or harms an innocent it would be a big crime.

Therefore, it is suggested that:

Subject	Reform Mechanism Procedure	Responsible for Implementation	Implementation Period
Prevention of corruption in Security Organizations	<p>1- The duties of these organizations are very sensitive and complicated. The responsible people of the section must have good working capabilities for detection and prevention of sabotage, crimes and public disruptions. In developed and effective services, professionals and educated people are required to examine incidents for their quantity and quality along with their direct impact and should then take necessary decisions and issue rulings.</p> <p>All employees should serve the country with professional knowledge, home loving and humanitarian behaviors. Lack of having a clean feeling and a lack of proficiency and professional knowledge leads the activities of the administration in the wrong way and will result in the occurrence of unpleasant and tragic incidents.</p> <p>The entire staff should believe in God, home and the people, and this belief and spirit should be situated in the axis of their imagination and activities.</p> <p>-The staff should be trained professionally and their working capabilities and duties should be developed by professional trainings both home and abroad.</p> <p>-Assigning of duties is separated from relationships, observing the standards of capability should be the basis of every appointment.</p>	Security organizations	Continuous
	<p>2. The staff must be encouraged by paying salaries and satisfactory allowances, each one should be made confident that his and his family's present and future are guaranteed by the government and will not be forgotten.</p> <p>The salary should be combination of cash, material, and allowances such as; insurance, higher education, shelter, and enough retirement rights.</p>	Security and financial organizations of the government	One year

	<p>3. The staff must act within the frame of the law in pursuing and detaining suspects and accused ones. No employee should be allowed to pursue and detain anyone by his order or he himself again starts torturing without any reason. This action is a sin and leads the organization toward corruption and the law should be the supporter of each activity.</p> <p>4. Torturing and distressing without reason is against the edicts of the holy religion of Islam and against the laws of humanity and Islam. If a person who has been tortured and released without judicial process or authority, it is a worrisome matter that needs to be legally pursued.</p>	<p>Security organizations</p> <p>Judicial organizations</p>	<p>Continuous</p>
--	---	---	-------------------

## 2. Corruptions in the Prosecution

Based on article number 134<sup>h</sup> of the Constitution and the Law of Structure and Authority of the Islamic Republic of Afghanistan's Prosecution, the duty and responsibility for the investigation, pursuit, indictment of the accused in criminal cases before the courts belong to the Prosecution Administration.

When the feeling of home loving emotions and honesty are influenced and abused, corruption is created. This is not a condition of the authorities or high and low positions, but of persons who perform in their positions either in a good or bad way by displaying an orderly or, vice versa, polluted or dirty character.

### The Impact of Enormous Powers on the Performance of the Prosecutor

It is mostly observed in Afghanistan, that prosecutors concentrate their investigative efforts on lower levels of administrations and do not touch high ranking authorities, who receive support from official and nonofficial powers and pretend that the violators are lower ranking officials while they themselves are uninvolved in this process. Of course, this work procedure of prosecutors has its reasons, if a prosecutor dares to question an administrative superior, he will be summoned the next day to the center of prosecution where his forehead will be stamped as being unqualified and another next person will replace him. Of course, the second prosecutor is well aware of the past and will

follow a process in accordance with the interests of administrative superior. The overworked prosecutors release respected superiors, who did or did not sign documents, and then blame the innocent clerk or senior clerk.

### **Corruption Due to Mal-performance by the Prosecution in the continuing and usual Affairs of the Administration**

The law has given the prosecutor the responsibility for the investigation of crimes and indictment of those accused before the court. Therefore, with respect to the above mentioned edict, the prosecution must organize its duties and responsibilities in an investigative procedures framework. From this framework, close supervision and intervention in the performances of the administration can discover improper situations which disadvantage the principles of Constitutional edicts.

It should be explained, that to prevent financial and accounting mal-performance in each administration, there were previous evaluations by controllers who were authorized representatives of ministries and the Independent Budgetary Units of the Ministry of Finance, which monitored financial and accounting dealings and different processes such as controls for prevention, supervision, monitoring, reliance on professional criteria and technical management and were obliged to view the legal processing of each document. Then, the inspection of performances will relate to the further evaluation of the government as assigned groups and professionals will deeply inspect the documents and papers to be evaluated and report their healthiness or unhealthiness.

The representatives of the prosecution who are deployed to administrations to inspect the process of financial and accounting performances, while they do not have professional surroundings, are not found to be beneficiary and there is a possibility that their presence and existence may cause more corruption. In other words, the people assigned to this section by using their official title and for inspection purpose, they get rights from violators and sabotage the healthy performances. For investigating the cases in the prosecution office, the following processes are followed:

### **Detaining and end Detention**

Detention of an accused can be extended by the prosecutor, but not in all cases; merely in predicted cases, wherein, the crime is witnessed and there is a fear that the accused will flee or documents and evidence will be destroyed, however, frequently some prosecutors misuse this authority to intentionally influence the accused into forcing them to pay bribes. The accused, seeing himself in a legal position where there is lack of law enforcement and law breaking by detective and investigative organizations and administrative and judicial system corruption, sees his future in danger. Without crime under the impact of the prosecuting authorities .....**Not Readable** ..... painful financial and spiritual harms.

Oftentimes, an innocent person is mistakenly detained due to a lack of technical equipment for crime follow up which is not available to detective and investigation organizations, and then after the legal proceedings and court adjudication they are acquitted. However, the victimized person has the right to be compensated for financial loss and injury to his reputation in accordance with the law, but this is without result in practice because the respectable and honorable person in society whose dignity and reputation were harmed by an unlawful imprisonment is non-reimbursable based on environmental realities. Therefore, such an accused has to surrender himself to the prosecutor in order to rescue his right for acquittal because if the prosecutor does not accept less (money) for his blessing (help) then this innocent person will have to accept the money requested by the judges during the judicial process. This torturous and oppressive behavior toward people results from a corrupted system, lack of work, emotional weakness and a non-humanitarian commitment

### **Accurateness**

There is a continuous process in the investigation to examine the mistakes, appropriateness and performance of the prosecutor; but occasionally, due to the complaint or importance of the issue there is a greater transparency and focus. Therefore, opportunities are provided by which both sides can refer to in the struggle to twist the accuracy to their own advantage. If an assigned prosecutor comes under the affects of desires, halts the coming and going of people and takes cash items, it not only raises criticisms but, as a result, it is often seen that the innocent are counted responsible and the criminal runs away from the hand of the law.

### **Claims and Case Prosecution**

In claims and case prosecutions before the court, the asking of punishment is the next process in the case; a penal case has a major impact on the destiny of the person related to the case. Therefore, with more care and focus, it will get discussed and commented on many times so that better actions, performance and transparencies are considered. But often, this was not secured in the justice process because of offensive goals and objectives, bribery and other corruptions have had impact on decisions; in other words, the prosecutor changes the criminal content, does not consider the justice and acts in an excessive manner, and have in some cases, based on personal tendency considerations, has obtained less punishment and in some other occasions, away from justice, heavy punishments are obtained.

### **Appeal for Finalizing and Satisfaction**

In these two processes after the issuance of the decision, the prosecutor has the authority to appeal or finalize the decision, providing an opportunity for clients to go to the prosecutor with lots of gifts; wasta (connections) and the powerful also have impact an on this.

Therefore, it is suggested that:

Subject	Reform Mechanism Procedure	Responsible for Implementation	Implementation Period
Prevention of Corruption in the prosecution	<p>1. The prosecutors play a vital role in the judicial organizations of the country; therefore, they should have a good and proper livelihood during their time of service and retirement. Their current salaries are inadequate and should be reviewed and suitable preparations should be taken. Thus, there should be a study of how neighboring countries such as Pakistan, Iran and other countries like India, Bangladesh and Sri Lanka, grant allowances to their prosecutors. By collecting the necessary information, a suitable salary for the service and retirement of prosecutors can be recommended and implemented.</p>		<p>----- One Year</p>
	<p>2. As houses and dwelling are necessary for judges, should also be provided for prosecutors. The distribution of land, reimbursement for construction expenditures and loans and other possible assistance should be studied for prosecutors; otherwise, a governmental town should be dedicated to prosecutors to be used by them as shelters during their careers.</p>	<p>----- General Attorney's Office, Ministries of Labor &amp; Social Affairs, Martyrs &amp; Disabled, Finance, Independent Commission of Administrative Reforms and Civil Services.</p>	<p>----- Maximum of 3 years</p>
	<p>3. Prosecution is a very sensitive and professional field. The prosecutor who handles investigations and indictments without having adequate professional knowledge is considered dangerous. Responsible officials should take tests from all prosecutors, and those who do not complete the standard marks should be trained. Special attention should be paid to those who are not professional enough and they should not be assigned to such work.</p>	<p>----- General Attorney's Administration, Ministries of Urban Development, Irrigation and Agriculture and the respective Municipalities</p>	<p>----- One Year</p>
	<p>4. Elevating the professional capacity of prosecutors is a must. Therefore, some training courses should be established in the</p>	<p>----- General Attorney's Administration, the Independent</p>	<p>----- 6 Months</p>

	<p>capital and provinces; this way the prosecutors can receive professional training.</p> <p>-----</p> <p>5. The educational programs of Sharia and law faculties should be reviewed by a commission of scholars from judicial organizations with the participation of representatives from the Ministry of Higher Education in order to make ensure that they are in accordance with the work conditions and duties of prosecutors. The curricula should be reformed before it is taught. After passing the theoretical process, a practical process and short term practice will be needed to prepare them for their official and permanent jobs. During this stage, a deep evaluation is required so there will be no mistakes in the appointment and selection candidates.</p> <p>-----</p> <p>6. Since the duty of judicial and prosecution organizations is the establishment of justice, there is a need for the establishment of a joint judicial and prosecution unit by which prosecutors can be permanently and consistently evaluated on their professional knowledge, sense of duty, piety and perseverance. For investigations by this administration an organized evaluation should be established and their evaluated activities and studied results should be reported in a methodical and confident manner to the leading authorities of the administrations of the Supreme Court and Attorney General's Office. Through this, decisions in the appointment and assignment of employees can be facilitated and justified; this procedure for establishing the collaboration should be drafted and implemented as soon as possible.</p> <p>-----</p> <p>-----</p> <p>7. Detection (discovery of facts) is the basis for investigations and indictments in cases before the courts. Professional and knowledgeable prosecutors can easily identify defects in police or detective sources. In reforming the detection process and preventing illegal acts by the responsible people in this section, a</p>	<p>Commissions of Administrative Reforms and of Civil Services</p> <p>-----</p> <p>General Attorney's Office, Ministry of Higher Education, Independent Commission of Administrative Reforms and of Civil Services</p> <p>-----</p> <p>Administrations of the Supreme Court and General Attorney's Office, Ministries of Interior Affairs, Higher Education and Independent Commission of Administrative Reforms and Civil Services.</p> <p>-----</p> <p>General Attorney and High Supreme Court Administrations</p>	<p>-----</p> <p>One Year</p> <p>-----</p> <p>Three Months</p> <p>-----</p> <p>Three Months</p>
--	--	--	--



	<p>consensus among the police, Attorney General's Office, Ministry of Justice and Supreme Court of Afghanistan is seriously needed.</p> <p>In the event of identifying mal-performances, it is required that representatives of the above mentioned judicial resources invite its reform with the necessary collaboration and a legal punishment should be suggested and implemented on violators. The collaboration of judicial organizations and their close well thought-out understandings will create fear and timidity in offenders and opportunists. Procedures for collaboration should be drafted and implemented as soon as possible.</p> <p>8. Occasionally, a first level superior of an administration is identified as an offender in the investigation into the affairs of the administration, in such a case, the assigned prosecutor feels danger due to the superior's power and authority and conducts his investigation with fear; therefore, in order to resolve such a situation, the concerned prosecutor should not be replaced in his current job without any proof or cause, and the complaint against the administration should be evaluated by an impartial commission of the General Attorney's Administration.</p> <p>-----</p> <p>9. The permanent presence of prosecutors in the administrations is not necessary because the prosecutors who monitor the affairs do not sign documents and papers and offer no official comments regarding the accuracy or inaccuracies of performances; they are prohibited by the decree of the Presidential Office, thus, the Ministry of Justice, in coordination with the Supreme Court, should standardize their presence in administrations in accordance with the instructions of legal edicts.</p> <p>-----</p> <p>10. The maximum or excessive use of authority in the detaining or canceling of detentions is not considered appropriate or justifiable.</p>	<p>-----</p> <p>High Administration of the Supreme Court, Ministries of Justice, Interior Affairs, General Attorney Office and General Directorate of National Security</p> <p>-----</p> <p>General Attorney's Administration</p> <p>-----</p> <p>Ministry of Justice and High Supreme Court Administration</p> <p>-----</p> <p>High Supreme Court Administration, Ministries of</p>	<p>Continuous</p> <p>-----</p> <p>Three Months</p> <p>-----</p> <p>Three Months</p>
--	--	--	---

	<p>Within the past year, if the percentage of those who have detained and then acquitted is compared and evaluated with that of those who have received criminal sentences and are currently in prison, the number of those acquitted and released is greater than those who have been found guilty. So, it is clear that this action and decisions are excessive and their bad effects stain the social values. Therefore, both judicial and justice resources should review this issue and organize the activities of the prosecution within the framework of the law.</p>	<p>Justice and Interior Affairs, Attorney General's Administration of Independent Commission for Administrative Reforms and Civil Services.</p>	
--	--	---	--

### 3. Corruption in Courts

The judicial force is one of the third governmental forces and is responsible for executing dangerous and important duties in ensuring social justice and implementing laws and orders in the society.

Laws and principles that are the symbols of sovereignty in the aspect of justice are formed by the constitution, which is the source of the nation's chosen intentions based on the values of Islamic Sharia law.

The purpose for the separation of the judicial force and structure of the courts in districts is to provide the possibilities and services to the people in order to prevent cruelties and to safeguard their rights.

With a wide aspect of recognizing and analyzing what was said above, no deficiency in principle will be found. But in the practical sense, it is a symbol of the people and individual, but due to various tendencies and demands of human beings, consciousness, purpose and personal concerns have filled the space for the actual purposes and sovereignty of law ensuring justice, this measured and deviated route provides sources for corruption and decadence.

To ensure justice and sovereignty of the law and to fight against decadence and corruption, it is necessary to recognize and study these factors in order to draft and implement effective mechanisms for the prevention of corruption.

Factors which cause corruption in the courts can be put in to two categories:

- 1- External Factors; which are applied by some responsible authorities and a number of influential persons.
- 2- Internal Factors; which is the ominous inheritance of past years, especially the last three decades

## **1. External Factors:**

### **- Unsound Performances of Detection and Investigation Organizations**

Focusing on cases before they reach to the court, require the sound performance of detection and investigation departments. But, unfortunately, the police sources delay in the timely summoning of people which and affect the next stages by deviating from the evidence and investigation process. Consequently, this also affects prosecutors, legal administrations and government judicial organizations resulting in meaningless and insufficient judicial assessments or problems for external authorized justice sources.

### **- Lack of Professional Staff in Judicial and Justice Organizations**

Unprofessional and incompetent officials in investigation department not only keep the facts hidden or unknown in criminal cases but, also due to time delays and lack of follow up, changes the potential of the evidence and forensics affecting both sides resulting in technical problems and legal gaps in justice.

### **- Interference of Unofficial Individuals**

Influence of unofficial elements such as defense attorneys, property dealer enterprisers and brokers are also counted as external factors in the different processes of case. These active persons under the legal system of the related judicial government organizations are also involved in completing case processes and arguments. Unfortunately, the interference and mediation of the related sources leads the cases against judicial justice and in this case the unjustifiable occupies the place of righteousness; righteousness that is bestowed to a deserved person or party.

### **- Interference by some Representatives of the People and Responsible Authorities of Administrations**

Some selected representatives of the people influence or interfere with the judicial process of a case, these representatives are either from the provincial council or are members of National Council; according to the established laws of the country, they do not have the right to interfere in the process of the justice and their interference results in violating the principle of an independent justice. Additionally, some responsible administrative authorities also interfere against the law, which creates problems in ensuring justice.

## **2. Internal Factors**

Internal factors that have brought and promoted corruption in the courts include the jobs and tasks of judges and also their services situation outside of their administration which gradually play in to the side effects of corruption in the court.

Internal factors are as follows:

### **- Economic problems of judges:**

The economic problems for judges include significantly insufficient salaries and a lack of shelter and other family necessities, these deficiencies, along with the other aforementioned factors, leads the judge toward judge to corruption.

There are a number of houses in some provinces that are being used by judges, but lack of these types of houses in all provinces force judges to rent houses despite their insufficient salaries; solving this great shortage can prevent judicial corruption in the provincial and regional courts.

Also, differences in financial privileges between the district governor, police chief and judges and the provincial governor, police chief and court chief are clear motives for the decline in the interest that judges have in their work.

### **- Encouragement of corruption and bribery by claim owners**

The investigation and research in more than 50% of claims were unjustified and mostly started by litigious people.

Judges are encouraged to take bribes by claim owners whose defenders do not have legal Sharia documents and through the offering of bribes they have access to the courts in attaining their illegal claims or acceptance of their false evidence.

Such bribes, due to the lack of cooperation of the briber in arresting the subjects, remain hidden from the sight of the Supreme Court and other respective authorities resulting in subsequent complaints.

### **- Security Problem**

-

Chiefs of the courts in the provinces do not have vehicles; in terms of their security they are not safe. Judges escape run away from districts. In the provinces and districts each police chief is accompanied by three vehicles and many body guards. However, judges who sentence criminals to prison or even execution have their lives threatened do not have such privileges. The lack of security for judges causes discouragement in their services and as a result they abandon their jobs and, those who live under such conditions, frequently come under the influence of powerful people and unjustified decisions result...

- **Judges involvement in some defense counsel affairs**
- A number of judges who are assigned to the courts work as defense attorneys after their official time; this brings deficiencies in that judges have complete administrative insight within the field of justice. They compare incomes from their official and private jobs and abandon their main duties and, through the writing of an indictment by a judge, it is possible that unjustifiable decisions will be taken and justice will be harmed.
- **Excessive misuse of benefits by judges and other judicial officials**

Excessive misuse is a serious human desire which cannot be easily changed. If a human being enters into this way of life, even though he may have lots of possibilities and facilities to resolve his needs in life, he may not be convinced and will try to get more economic benefits by accepting every type of problem and mistake to get those benefits. Therefore, some of the judges, as human beings who are affected by such expectations, cannot be control their desires. So, in order to prevent corruption due to the mentioned factors, accountable and careful decisions are needed to be taken.

- **Lack of Professional Skills of Judges**

If a judge is not skilled in his/her profession, they may commit corruption in their duties. Corruption can result by making wrong and unhealthy decisions and illegal orders. Therefore, individuals who don't have a higher education, are not well experienced, and did not attend any Judicial Stage Course and have entered the sacred profession of justice without a feeling of responsibility or judicial capability to ensure their material profits are not reliable and finding a remedy to this issue is an important obligation.

- **Mediators, Brokers, Documentary Forms**

Periodic forms, which are an administrative regulation of the courts, should be filled by the Property Authorities, Office of the State Accountant and local financial departments for the purpose of determining the properties that are under allegation or are in the process of being sold. Via these forms the valuation of the properties are adjusted for tax purposes, but most of the work is done by mediators and brokers. In every stage of its completion they are dealing with the authorized offices, and by paying bribes to them they are hiding the illegal aspects of their actions and present incorrect information concerning prices. Therefore, the executions of the courts lead to injustices and taxes cannot be counted or paid in a correct manner.

- **Insufficiency of the Suspect's Assurance Mechanism**

Lack of modern equipment to record the confession of an accused person and insufficiency of qualitative assurance documents paves the way for the accused to claim that his confession was due to corruption during the investigation. Thus, this shortage of equipment has created a considerable problem for the justice.

From the point that administrative and judicial corruption cannot be inspected and remedied separately, it will be better to always monitor it as a linked chain that is harmful to society. If we search to find positive elements in the corrupted sectors, there is no doubt that we will find elements that do not accept bribes and do not create corruption, even though they are suffering from such corruption. Regretfully, the responsible authorities have failed to detect such personalities and actions that would compensate their virtue, honesty and skills have not been performed yet.

Therefore, it is suggested that:

Subject	Procedure of Mechanism Reform	Responsible for Implementation	Implementation Period
Prevention of corruption in the courts	<p>1: Justice is a holy and sensitive profession which should be regulated and enforced based on Shari and law of the Prophet Muhammad (PBUH, the constitution and other existing laws of the country. In order to prevent unjustified judgments, physical and mental disturbance, it demands that: The judges should receive enough salary and rights during the job period and retirement. For judges and professional judicial employees, official and private shelters should be provided. Judges and other professional judicial profession employees and their dependents should be under permanent health care monitoring. Judges should be fully respected so, if the commander of districts and provinces are being escorted with two or three vehicles, a judge should have at least one vehicle so that they he/she will not require a bicycle, horse or donkey. A judge who is sitting in the in justice position to obtain the rights of the oppressed from the oppressor. Therefore, their safety and spiritual convenience should be secured and for the insuring of these needs the Supreme Court authorities should, with the cooperation of the Ministries of Justice, Finance, Interior Affairs, Labor and Social Affairs, Public Health, Martyrs and Disabled, Water and Irrigation, Agriculture and Urban Development should prepare a draft and cooperate with Justice.</p>	The Supreme Court, Ministries of Finance , Justice, Interior Affairs, Labors and Social Affairs, Agriculture, Urban Development and Public Health	3 months
	2: Cases should be submitted to the court immediately after detention so that corrupted factors and impressions will not adversely affect investigative issues	The Supreme Court Authority,	3 months

	and processes. For this purpose, a joint unit should be established with the participation of the Supreme Court, Justice and Interior Affairs Ministries and Prosecution Administration to determine and bring changes to differing criteria for detection and investigation not following and accommodating an assessment to prevent the repeating of actions.	Ministries of Justice, Interior Affairs and Prosecution Administration	
	3: Lack of professional employees in detection and investigation organizations have created technical and legal gaps in cases and issues, and have lead to problems in the judgments of the courts. In order to solve this problem, the judicial organizations with the necessary collaborations, should identify persons within the organizations who are far from the regulations and replace them with professional and experienced personnel.	Ministries of Interior Affairs, Justice, Attorney General's Administration and the Supreme Court Authorities	One year
	4: Defense attorneys, property dealer employees and brokers are interfering in cases. With their special skills, they have influenced changes in decisions from the actual way to the wrong way. Therefore, based on this concern, all judges must be informed to prevent contact with such people in their free time, their houses and in places located out of the courts buildings, and it should be announced via media that contact of defense attorneys, property dealers and brokers with judges is prohibited.	The Supreme Court, Ministry of Culture and Information	3 months
	5: Some members of Parliament and local intellectuals interfere with judicial allegations and influence the law; judges should not accept such interference. In case of pressure from such elements, it should be reported to judicial superiors. In order to solve this problem, the Supreme Court should suggest the establishment of a joint commission under the supervision of one of the Vice Presidents, attending representatives of both houses of Parliament and a representative of the Higher Judicial Council to obtain a decree to permit the summons of those who interfere.	Supreme Court, National Council, Ministry of Government and Parliamentary Affairs	3 months

	<p>6: Both sides of a claim try to persuade judges to accept bribes. Why is this action so prevalent and accepted by the people in society, who do not cooperate in arresting the people who bribe? In order to rectify this issue, there should be serious publications through media encouraging people to cooperate without fear in the arrest of those who bribe. It is also necessary for the Supreme Court to control and intensify judicial supervision.</p>	Supreme Court and Ministry of Culture and Information	3 months, and then continuous
	<p>7: Lack of professionalism in the judicial staff results in poor judgments and various corruptions. Ordinary employees of most administrations, teachers and others who lack judicial professionalism and experience become judges. For the reform of this defect and prevention of its recurrence, the following steps are necessary: The authorities of the Supreme Court should make an assessment of the qualifications, experience and competence of the judicial professional staff, both in the center and as well as in the provinces, and should take legal steps in regard to judges and judicial staff whose employment is in contradiction with judicial rules and regulations.</p>	Supreme Court Administration	One year
	<p>8: Law offices of judges must be closed and they should not be allowed to do such work, and the Supreme Court authorities should officially notify all courts not accept the indictments and objections of such judges, even if it is organized under an alias name and title. Those who continue their illegal business and contradict the decree of the Supreme Court must be dismissed from their jobs and punished.</p>	Supreme Court, Ministry of Interior Affairs	3 months



	<p>9: Judges and others in the judicial field who are naturally prone to temptation should be identified and dismissed from their positions and should not be allowed to be employed by other administrations.</p>	<p>The Supreme Court , Ministries of Labors and Social Affairs, Martyrs and Disabled, and Independence Reforms Commission of Administration and Public Services</p>	Continuous
	<p>10: Lack of professional skills of the judges results in unjust decisions. Rectifying this defect should be within the legal authority and scope of the Supreme Court. Hence the court should make appointments according to professional skills, work experience, capabilities and social behaviors. New and effective theoretical and practical judicial courses dedicated for educating existing cadres and new cadres should be conducted. Additionally, the educational programs of dedicated high schools and faculties of law and Sharia Law must be reviewed in regard to their qualitative capacities and must be revamped like the universities of the other Islamic and developed countries. In addition, judicial organizations should assemble every 15 days in order to establish a healthy working coordination.</p>	<p>Supreme Court, Ministries of Education , Higher Education the Attorney General Department</p>	Continuous
	<p>11: Equipping and improving the capacity of the judicial administration by providing important and vital technical, electronic, and computerized equipment. Therefore, the Supreme Court, in coordination with the (ANDS) administration, Ministry of Finance and representatives of funding countries have to assist with the plans and projects of the judicial organizations.</p>	<p>Supreme Court, Ministries of Economic, funding sources</p>	6 Months

	<p>12: Most judgments of the courts face problems due to the lack of recordings of confessions of the accused in their related statements. These defects are due to the poor performance of the police and prosecution. To resolve this problem and to prevent its recurrence, legal actions must be taken against neglectors. To ensure justice, the world's judicial administrations are equipped with tools for proving crimes. Hence, the Afghanistan Judicial Administration must be provided with modern technologies. Both above mentioned subjects should be proposed by the Supreme Court authorities and requires the cooperation of relevant and interested foreign donor organizations.</p>	<p>Supreme Court Administration, Ministries of Economic and Finance, donors administrations and funding sources.</p>	<p>6 Months</p>
	<p>13: Mediators and brokers who judiciously interfere and provide Periodic Forms and other financial and accounting documents must be controlled and the current circumstances with claimants must be brought under a regulation by a fixed procedure.</p>	<p>The Supreme Court Administration</p>	<p>3 Months</p>
	<p>14: To prevent any kind of corruption and to improve the judicial system of the country, the deputy ministers of the relevant organizations, such as the Supreme Court, Ministries of Justice, Interior, Attorney General Administration and National Directorate for Security must meet every two weeks to exchange views on important judicial issues and make appropriate and corrective decisions.</p>	<p>The Supreme Court, Ministries of Justice , Interior Administration , Attorney General and National Directorate of Security Department</p>	<p>Continuous</p>

## **Part Four: Financial and Budget Factors**

### **1. Weaknesses in arranging and implementing the budget:**

Although, according to Paragraph No: 4, Article No: 75 of the Constitution, the preparation of the budget and arranging the financial situation is the work of the government, however, in some cases the government cannot act accordingly. For example, most of the ministries and independent and budgetary organizations must make assumptions in regard to their next year's budget, because they don't have accurate expenditures reports from the center and provinces to know the amount of their expenses and various sources. For instance, the calculation of fuel expenses of the vehicles according their type and number does not exist; these expenses are determined by supposition and estimates. Hence, this has created a huge source of corruption in the administration of the country. The accounting by organizations is incomplete or unsatisfactory and has affected the exact government accounting within the Ministry of Finance. The miscounting causes the approval of unbalanced budgets. Because of their weak budget predictions, some ministries are faced with either insufficient or excessive allocations. Therefore, during the year the Ministry of Finance is busy with recommendations for modification. The Ministry of Finance either accepts or rejects these recommendations. At the end of the year, organizations spend surplus funds on stationary, office equipment, furniture, and for paying medical expenses of staff members going abroad. In fact, these actions are in contradiction with budget policy. Although, the Ministry of Finance, via several letters, has asked for the prevention of such expenses, high ranking and powerful administration authorities are easily influenced to do purchasing. In fact, such actions are the result of a weak structure and illegal approvals, and pave the way for the people who misuse.

Advisors and specialists of some financial organizations have presented ideas that unfortunately are not compatible with the current regulations of the country and this has caused financial disruptions. When there is disruption in financial systems the existence of corruption is unavoidable. For example, the Ministry of Finance, based on the advice of specialists, issued instructions that the payroll of employees of each ministry and each province should be monitored by members of the Budget Department in Kabul. This order and instruction has made the business of the Budget Department susceptible to bribes. Administrative directors of ministries and local accountants of provinces had to take large packages of the payroll sheets to Kabul and stay there for months for their payrolls to be checked by the treasury employees. This decision of the Ministry of Finance has disrupted the payroll processing and distribution of salaries throughout the country. From the initiation of this process, staff and teachers could not collect their salaries for months allowing an opportunity for corruption, bribery, and carelessness of among employees. By the time the Ministry of Finance had recognized its mistake and had banned the bringing of payrolls to the center, it was too late as the staff had become accustomed to bribery and corruption. Furthermore, in the beginning of 2004, the sensible accounting system of Chapter and Section Allocating had been changed by omitting the Chapter Allocating Section. By this decision, the Ministry of Finance had presented the budget of the government as a gift to opportunists and saved them from accountability. Even though recently, in 2007, the allocations were again being issued based on the related Chapter, but the past four years of the accounting system has disarranged the financial system, and its reformation needs more time and patience. In addition, it seems that the implementation and fulfillment of the budget is out of control and the organizations spend with open hands what so ever they want.

For example, organizing luxurious invitations and parties at expensive hotels and restaurants are the norm and this causes more of a load on the budget, and these useless expenses can not be prevented by administrations as the previous controllers of the Ministry of Finance recklessly confirm and approve any kind of expenditure documents of the organization. Considerable corruption exists in the each such expense. (Unreadable text.....)

The practice of printing and publishing reports, letters, and magazines on expensive and flashy paper without consideration for the poor nation has been widely accepted. The ministries, especially those who have good budgets and possibilities, are competing with each other in useless expenses such as buying expensive paper; these useless expenses must be stopped as soon as possible. The Herat made Morchaq carpets, Italian made furniture, and new models of zero kilometer cars have attracted the attention of authorities hence, via the budget of the government and with a world of corruption and profit-seeking, they are promoting sales for the sellers and providing a good time for the assigned buying delegations. For instance, based on a Presidential decree, the purchase and use of expensive dry fruits like pistachios, almonds, nuts and raisins by government administrations is prohibited. With the issuance of this order, tens of millions of Afghans are being saved and with this amount of money we can dig hundreds of deep wells to prepare drinking water for tens of thousands of our countrymen living in the villages and suburbs.

In order to arrange budgetary affairs and prevent the current defects it is suggested that:

No Insert

Corruption is concealed in every process of such expenses and this is what to consider, (Unreadable).....

The habit of printing and publishing of reports, letters, and magazines in expensive and flashy papers which is not in connection with the poor situation of our nation has been widely used. The ministries specially those who have good budget and possibilities are competing with each other in useless expenses as buying expensive papers, these useless expenses must be stopped as soon as possible. The Herat made Morchaq carpets, Italian made furniture, and new models of zero kilometer cruising cars have attracted the attention of the authorities, hence via the budget of the government and with a world of corruption and profit-seeking they are promoting the sales of the sellers and giving good time to the Assigned Buying Delegations. For instance buying of expensive dry fruits like pistachios, almonds, nuts, and raisins are banned via the order of the president, via issuance of this order tens of millions of Afghans are being saved and through this amount of money we can dig hundreds of deep wells to prepare drinking water for tens of thousands of our countrymen living in the villages and suburbs.

In this case in order to arrange the budgetary affairs and prevent the current defects it is suggested that:

Subject	Reform Mechanism Procedure	Responsible for Implementation	Implementation Period
Prevention of disorder in budgetary planning and Implementation	<p>1: The ministries and relevant administrations, in cooperation with their second and third units, should accurately anticipate their budgets and then should refer them to the Ministry of Finance in the specified time according to the edict of the law.</p> <p>-----</p>	All related organization	Every year
	<p>2: The Ministry of Finance should differentiate unnecessary modern and expensive materials from the necessary and inexpensive materials, and should not allow administrations to provide and buy unnecessary and expensive foreign materials such as modern vehicles, furniture and other expensive goods.</p> <p>To have a transparent execution, a procedure should be drafted by which the types of expensive and luxurious materials are specifically reflected. This procedure should be passed on to the Financial Administrations of ministries and previous controllers as soon as possible. In the event that needless expenditures are repeated, then in addition to the authorities of each organization, the controllers of the Ministry of Finance will also be held responsible.</p> <p>-----</p>	The Ministry of Finance and all organizations	Three Months
	<p>3: The Ministry of Finance, in cooperation with the Independent Administration of Audit and Control, should make equal the food preparation for every administration and then put them under a single standard.</p> <p>-----</p>	Ministry of Finance and Independent Administration of Audit and Control	Three Months
	<p>4: As a budget controlling administration, the Ministry of Finance must prevent expensive celebration ceremonies and invitations and should draft and implement a specific regulation concerning this matter. This regulation should be arranged so as to be transparent and clear and in this way the controllers and inspectors can easily control expenditure processes.</p>	Ministry of Finance	Three Months
	<p>5: All ministries and government administrations should seriously</p>	All related	Continuous

	<p>avoid using color and expensive papers in letter writing, printing and publication of reports and envelopes. The Ministry of Finance should be the first to set an example and then have their controllers inspect and control the other organizations.</p> <p>-----</p> <p>6: The Ministry of Finance, in addition to drafting procedures for preventing the purchase of modern and unnecessary items, should also control all administrations and organizations in not allowing them to buy stationary or materials with surplus money from their budgets at the end of the year. In order to prevent such purchasing, the amount of budgetary expenses for ministries and organizations need to be inspected at the end of the ninth month of the fiscal year. The administrations should not be allowed to make unnecessary expenditures. Previous controllers and central administrations of the Ministry of Finance are seriously held responsible.</p> <p>-----</p> <p>7. The ministries and all organizations should receive monthly and quarterly expense reports for their regional and central administrations in accordance with the specified times within the financial law and regulations. If the ministry or the administrations fail to receive a report within the specified time, they have a maximum of 3 days to contact their relevant sources to obtain the report. There needs to be responsible offices or administrations determined and specified for sending and receiving the reports.</p> <p>-----</p> <p>8: Budgetary forecasts should be based on real accounting and evidence, and suppositions and estimations should not be used. The Independent Administration of Control and Inspection should audit and report on the budgets of administrations according to their presented amounts and statistics.</p> <p>9: The ministries and administrations should consider the limitations of the government's financial possibilities and forecast budgets in accordance with their priorities or, in other words, their urgent needs.</p>	<p>organizations and the Ministry of Finance</p> <p>-----</p> <p>The Ministry of Finance and all related organizations</p> <p>-----</p> <p>All administrations</p> <p>-----</p> <p>All administrations and Independent Administration of Control and Inspection All organizations</p>	<p>-----</p> <p>Continuous</p> <p>-----</p> <p>Continuous</p> <p>-----</p> <p>Continuous</p> <p>-----</p> <p>Continuous</p>
--	--	---	---



Subject	Reform Mechanism Procedure	Responsible for Implementation	Implementation Period
Reform and Budgetary Processing	<p>1: The budget of the government, without the existence of a total amount report that reflects expenditures and revenues of the previous year, is considered defective and incomplete. The ministries and administrations in total, especially the Ministry of Finance, are obliged to prepare their total accountings including the government's total, which is the basis for the budgetary structure and then implement it within a specified time.</p>	The Ministry of Finance, Inspection and Control Administration and all budgetary units	Based on the edicts of law
	<p>The Inspection and Control Administration is obliged to complete an assessment of the total accounting within the specified timetable and state their comments in accordance with the regulations.</p>		
	<p>2: A draft of the government budget should be sent to each member of the cabinet two weeks prior to referring it the Minister's Council, this way the ministers will receive information from all aspects allowing them solve their objections before the cabinet meeting is held.</p>	Ministry of Finance	Continuous
	<p>3: The Ministry of Finance, through an accurate statistical and amount evaluation, is obliged to scrutinize bona fide requirements of each administration and obtain an official agreement with each administrative head before discussions concerning the budget take place in the Cabinet. This will help to make a logical presentation of the Budget as an annual financial plan of the government to the Parliament.</p>	The Ministry of Finance and all relevant budgetary organizations	Continuous
	<p>4: There should not be any legal accounting gaps in the budget at all. The sources of income and expenditures of the government should be explained with acceptable reasons. Supposition,</p>	The Ministry of Finance, all budgetary organizations and the	Continuous



	estimation and the usage of probability will not be accepted as reasons for the budgetary structure.	Independent Inspection and Control Administration	
	<p>-----</p> <p>5: The Commissions of Finance of the National Council (Parliament) should agree with the Ministry of Finance in making the budget for the next fiscal year.</p> <p>In order to prevent time loss, the previously mentioned Commissions and Ministry of Finance should reach an agreement on budgetary predictions one month prior to the next fiscal year.</p> <p>-----</p> <p>6: The Parliament must approve the budget in accordance to the time specified by law.</p>	<p>-----</p> <p>Ministry of Finance and the National Council Assembly (Parliament)</p> <p>-----</p> <p>The Parliament</p>	<p>-----</p> <p>Continuous</p> <p>-----</p> <p>Based on the edict of law</p>

### 3. Weakness in Customs Executions

Imported goods do not get offloaded and described to customs. The Customs employee receives the tax after being satisfied by taking a small sample of the goods and after a statement form is filled by the trader.

Since the trader takes the responsibility for the quality and quantity of his/her imported goods by filling out the form, Customs employees relieve themselves of their responsibilities, and if a violation is proved, the trader is the only person who is going to pay the fine while the employee who was a partner in the violation and corruption is going to be kept safe. As the amount of the fine is not sufficient enough to prevent violations, Customs employees and traders misuse this gap. An opportunist trader loads expensive goods in vehicles in such a manner that they remain hidden while Customs workers take samples; this technique provides an opportunity to escape taxation.

The Customs police stop cargo carrying trucks outside of Customs buildings, make agreements with carriers by doing a brief agreement and then they give them a benediction (approval to go) without checking their trucks. Such defective execution creates internal conflicts, attracts

the attention of the opportunist trader and finally ends up harming the government. Determining the prices for goods, which used to be done by the Chamber of Commerce and Ministry of Commerce, is now being done by Customs, and a Custom employee is the only person who can determine the price of imported goods and receives the taxation. Although the Ministry of Finance notifies Customs on a timely basis of the prices of goods, these prices are found not to be effective due differences in the manufacture, model, size, color and date of manufacturing and furthermore, and this has provided the opportunity for corruption.

In the law of Customs and Custom Tariff there is no system for the exemption of taxes for goods, this way taxed trade goods can transported from one province to another on roads and highways without the interference, but employees of Customs and road security seek opportunities to take bribes.

The Customs Brokers are a group who has elevated the level of corruption one degree up; these people work as official mediators between the Customs and traders. These people who are considered as an extra stratum not only badly affect the income of the government, but also result in traders abandoning their the business of trading in the country. Furthermore, after the establishment of the new ISEE-CODA system at the borders, the tasks for issuing Customs reports and information that used to be done through trading proxies, has been omitted. Therefore, goods transiting into Afghanistan will get out of control and will be difficult to offload unless there are changes and reductions to the process before their entry.

Reform, meaning correction, is a good task. The side effects resulting from reform should be studied in accordance to economics and administrative conditions of the country and should be anticipated before it implementation. Therefore, it is suggested that:

Subject:	5: The Customs Police, Criminal Police and other security personnel who interfere in the customs duties process and compel traders to give them money must be prohibited, and their interference within the customs and outside of the <b>Procedure of Reformatory Mechanism</b>	Ministries of Finance, Interior Affairs and the Directorate of Intelligence	(3) Months  <b>Implementation Period</b>
Prevention of corruption that results from the improper performance of Customs.	6: The Ministry of Finance has to increase the percentage of fines for 1: Imported goods must be offloaded in customs and after completion of its explanation, examination and tax paying, it should be reloaded. In this case, the opportunist trader will feel fear of committing violations or doing collusions. In addition, there will be no need for the security police, criminal police or custom police to interfere, as they themselves are a source of corruption.	Ministry of Finance	(3) Months.
	7: The Ministry of Finance in coordination with the Ministry of Commerce and the Audit and Control Administration of the Ministries Council have to study the entrance process of goods coming from outside to the Afghan border. They have to solve the existing gaps that result in the loss of government revenues.	Ministry of Finance, Ministry of Commerce, and the Audit and Control Administration	(4) Months
	8: The Ministry of Commerce in coordination with the Ministry of Finance and Chambers of Commerce should draft a mechanism for determining the real price for taxing goods. The reform and adjustment of the law should be implemented. 2: The price of the goods must be determined in accordance with its exact invoices, or based on the highest price of such goods recorded within the past 6 months. Otherwise, if the Director of Customs does not accept responsibility for determining the exact price of the goods, then a mechanism should be established through which the information will be obtained from the Ministry of Commerce.	Ministry of Finance and Ministry of Commerce	(3) Months
	3: The structure (workforce) of the Customs Police should be decreased. Instead, the taxing process must become more accurate in Customs as the Exemption Certificate that explains goods that have cleared customs duties should be used as a valid document for the transportation of goods.	Related Ministry	(6) Months
99	4: The existence (use) of brokers and stock brokers (in Afghanistan the term broker refers to those who are doing someone's administrative work for money) must be reviewed, and the taxing process responsibility should belong to the trader or the owner of the goods. Therefore, according to decrees and orders of the Presidential Office, the article of the law concerning commissions (stock broking) has to be adjusted or omitted.	Ministry of Finance.	(3) Months

#### 4. Lack of attention in examination of medical and agricultural medicines in Customs

Most authorities of the Ministry of Public Health and Ministry of Agriculture and Irrigation, through carelessness or intentional misuse, are delaying the examination of medicine and other goods that have expiration dates. The consequence is that the goods become spoiled which can cause harm to both the traders and society.

Therefore, it is suggested that:

Subject	Procedure and Mechanism Reform	Responsible for Implementation	Implementation Period
Prevention of the decaying of medicines and goods due to the needless waist of time.	The Ministries of Public Health, Agriculture and other related organs have to establish a laboratory section in the duty-paid customs and assign Personnel and skilled specialists to examine the organized stuff without wasting time. The Ministry of finance has to provide place for establishing of such laboratories in the customs and help them revolve their jobs.	Ministries of Finance, Public Health, and Ministry of Agriculture and Irrigation	(6) Months

#### 5. Corruption due to the lack of registration and trading forms:

The Commercial Pro-Form is a document by which permitted necessary and beneficiary items may be imported. The Ministries and relevant organizations such as Public Health, Agriculture, Commerce and Industries have to inspect the merchant's demand regarding importing such goods. If their demand is in accordance with the norms and standards of mentioned organizations, then they can give him/her the permission to import, if the demand is not in accordance to the standards then the importing process should be prevented.

In Commercial Pro-Forms not only the type, quantity, and price of the goods are mentioned, but the producing company name is described. Regretfully, the registration of Pro- Forms has been excluded from the commercial process causing corruption in Customs as well as in trading. Registration of Pro-Forms isn't bureaucracy or a violation of freedom, but it is assistance for the trader and the government.

Registration of Pro-Forms prevents the import of goods with low quality or goods that are in contradiction with the vital economic, social, moral, or cultural standards. By registering the form it makes it difficult to escape from levy and tax payments. The Pro-Forms are a good reference and source of information regarding foreign sellers and the price of their goods. Registering the Pro-Forms can be used as an accurate trading document when there is a dispute between the buyer and seller. Pro-Forms are trustable references and sources of statistical information for economic and trading assessments. Registering of Pro-Forms organizes the importing and exporting policies in a much better and documentary way. Registering Pro-Forms is not difficult and doesn't waste time. The lack of Pro-Forms results in an increase in bribery, defalcation, contraband, the avoidance of taxes and the trading of low quality and fake goods.

It is suggested that:

<b>Subject:</b>	<b>Procedure for Mechanism Reform</b>	<b>Responsible for Implementation</b>	<b>Implementation Period</b>
83 Corruption due to the lack of registration of Pro-Forms	1: Pro-Forms must be registered in Ministry of Commerce and Industries.	Ministry of Commerce and Industries	Continuously
	2: Ministry of Commerce and Industries in coordination with the Chambers of Commerce and Afghanistan Industries should discuss with the producers of goods abroad regarding the prices of the goods that are to be imported. This not only determines the prices, but also the type of permitted goods being imported.	Ministry of Commerce and Industries	Continuously
	3: The Ministry of Commerce and Industries in order to register the Pro-Forms may charge a legal amount of money as a service payment. The amount of the service payment should be determined by the Ministry of Finance in cooperation with the Chambers of Commerce.	Ministry of Commerce and Industries, Chambers of Commerce, Industries of Afghanistan and Ministry of Finance.	(3) months

## 6. Issuance of false trade licenses

In the last years, because there was a very simple and easy process to get a license, trading licenses were issued to any individual or company that requested one. Therefore, the numbers of these traders or companies having false licenses have increased to more than four times the number of traders and companies with legitimate licenses. Opportunists are abusing trade licenses; they offload their imported goods in to warehouses without paying the custom tax. When these traders face problems they abandon their license and escape from the responsibility.

Cars and other types of vehicles are imported by companies not physically existing in Afghanistan. Such imported vehicles with unidentified owners may create traffic as well as security problems. The real owners of 80% of current small and fast cars are not known; also the traffic administration has failed to determine and identify the importing companies and could not register these vehicles as to the importer owner and driver. This problem has been created by the issuance of unidentified licenses, which will continual to make problems for the governmental organizations.

The responsible financial organizations have to pay serious attention that their improper decisions do not damage the economic basis of the country. By receiving just a \$500-\$700 fee for license issuance, the government has lost millions of dollars.

To remove this defect it is suggested that:

Subject	Reform Mechanism Procedures	Responsible for the Implementation	Duration of Implementation
Prevention of issuance of baseless business licenses	1- Those traders and companies who are currently operating businesses in Afghanistan and have offices, trade houses, factories, or any other trading associations and investing should be identified.	Ministries of Commerce, Industries and Finance	Six months
	2- The business licenses that are issued only because of money, and/or originally their owners are not present or are unknown; should be announced invalid, and use of such licenses for business should be prohibited. Preparation and registration of Pro-Forms are considered effective and useful in identifying persons and companies.	Ministries of Commerce, Industries and Finance	Six months
	3- In order to obtain a business license, it is now considered very important that an identification report of the investment and a credible letter of guaranty, along with details of the place of activity to include the city, district and confirmed address should	Ministry of Commerce and Industries	Continuously

	be submitted, so it can prevent forgery. There should be no simplifying that would destroy the economic basis of the country.		
	4- The issuance and renewal of the licenses for businessmen or demanding companies that have had no trading activities for the last two years should be seriously avoided.	Ministry of Commerce and Ministry of Finance	Annually

## 7. Corruption due to the lack of activity by the Administration of Norm and Standard

The importation of poor quality goods, lack of existing accepted standards and equipped laboratories for quality control of imported and exported goods, producing and service processes, decreasing value of trading goods of Afghanistan in the world market due to low quality of internal production, needs for support of the representative for Afghanistan and international associations requires establishment, funding, equipping and expanding of National Administration of Standards.

On the other hand, the National Administration of Standards play a major role in political, economical and social affairs in Afghanistan, because, from the political aspect, the government is obliged to improve the objectives, this way they can convince the international community, especially, those who are united and help in stabilizing peace, reconstruction and assist Afghanistan. From economical aspect, the government also has the responsibility to improve private sectors and prevent smuggling and importation having poor quality, this way it can not harm the market. From social aspect, the government is the guarantor of public rights and obliged to provide materials that are standard and have good quality so the health and environment can be safe from bad affects of materials that are not standard and have poor quality. Plus the Afghan constitutional law are also emphasizing in expanding the standard system but unfortunately millions tons of smuggled and low quality materials have been imported in Afghanistan and spread all over the markets in the whole country and they contain food, medical, gas, constructional and agricultural materials which seriously harm health and financial condition of the people.

On the other hand, due to lack of existence of Administration of Standard having the authority for issuing quality certificates for export materials, Afghan artisans have to obtain such certificates from the neighboring countries and their products are exported under that neighboring country's name and, a good example for this can be the exporting of Afghan carpets and dry fruits under the name of neighboring country.

The National Administration of Norm and Standard was formed many times in the past during the Kingdom of Babahi Milat (Father of the Nation), government of late Dawood Khan and even Communism regime, but this administration has never started activities. The reason is clear, that the domestic and international interferences have prevented the establishment of this Administration, but finally the National Administration of Standards got established and came under Ministry of Commerce on 2004, but there has been no activity or effectiveness seen in this administration yet and the markets are still filled with smuggled goods having poor quality. Consequently, according to the Approval No 20 dated 20<sup>th</sup> August 2007 from the Secretariat of Minister's Council, the National Independent Administration was approved

and announced as General Directorate of National Independent Administration of Standards (INSA). Based on the edicts of President, this administration should be truly activated based on the decision of Ministers Council, expectation of people and quality and quantity requirements.

Since the activities and serious executions of such administration will jeopardize the illegal advantages of some people and internal or external companies, therefore, special attention should be paid in securing and protecting the personnel and the equipments of the work process, and direct or indirect interference of the administration that are factors of smuggling in work affairs should be prohibited.

Therefore it is suggested:

<b>Subject</b>	<b>Reform Mechanism Procedures</b>	<b>Responsible for the Implementation</b>	<b>Duration of Implementation</b>
Enhancement and Development of the National Independence Administration of Standards of Afghanistan (INSA) to prevent administrative corruption	Aside from the Independent Administration of Standards of Afghanistan, other administrations have the responsibility to take legal action to prevent the import of poor quality goods.		
	1- Coordination of efforts related to the standardization and prevention of the importation of goods of poor quality.	Ministries of Public Health, Agriculture and Irrigation, Finance, Commerce, Economic and National Standard Administration	One year
	2- To take immediate action to reform custom tariffs that provokes high tariffs on necessary goods resulting in the importation of low quality goods. The high tariffs that are not suitable to conditions may cause a lack of goods being imported through customs resulting in fractures in government revenues.	Ministry of Finance and Ministry of Commerce	Three months
	3- Recommending tax and custom exemptions for machinery and industrial raw materials that are used inside the country. If these exemptions are allowed for years and in a specific time, the quantity of internal production will increase and will prevent the smuggling and importing of low quality goods.	Ministries of Finance, Commerce, Economic and Afghanistan Chamber of Commerce	Three months



	<p>4- Import of business retails by individuals without a major importing license, causes the import of low quality good. Therefore, serious prevention action needs to be taken.</p>	Ministries of Finance, Commerce, Economic and Interior	Continuously
	<p>5- The medicines imported by private businessmen are considered to be less effective. Furthermore, medicines ordered by Ministry of Public Health staff are also of less quality. The Ministry of Public Health, in coordination with National Administration of Standards, must pay attention to analyzing and testing each imported medicine. If medicines of low quality are detected, responsible action should be taken. Reasons should be determined and governmental and private abusers should be handed over to the law..</p>	Ministries of Public Health, Commerce, Finance, Interior and National Administration of Standards	Constantly
	<p>6- The importing of right side steering wheel vehicles and old vehicles are against traffic requirements and safe environment of the country. Damaged vehicles may cause heart-rending accidents. If the import of such vehicles continues, it is a crime and sin and the death of innocent people will result. Those people and organizations who have given the permission are seriously involved. Therefore, as soon as possible, it is necessary that the relevant organizations prevent the import of such vehicles that are against the standards.</p>	Ministries of Finance, Commerce, Chamber of Commerce and National Administration of Standards	One month
	<p>7- To speed up the activities of the Afghanistan Independent Administration of Standards, a common budget for necessary development should be submitted to this administration as soon as possible. Furthermore, the Afghanistan Independent Administration of Standards has a role in such projects as modernization, customs, and business facilitation, which are funded by the World Bank and implemented by UNOPS and UNIDO. A share of the allocated budget should be specified and given to the INSA Administration so that this Administration will be able to solve the needs for buildings, equipment, materials, a laboratory system and its humanitarian sources. To activate a central office in Kabul, regional offices in provinces and Afghanistan trading borders, the</p>	Independent Administration (INSA) and Ministry of Finance	Three months

	Ministries and other Administrations should cooperate from all aspects with the Independent Administration INSA.		
	<p>8- The law and regulation of the Afghanistan Administration of Standards should be drafted and arranged and then be processed through the Ministry of Justice. The Higher Council of the Afghanistan Administration of Standards should be designed as the highest decision maker in standardization affairs under the direction of the President and Vice President of the government. The sector ministries and the Director of Independent Administration should be members of this council.</p> <p>The National Independent Administration of Standards of Afghanistan (INSA) has the authority to prevent the importation, production, exportation and supply of low quality trade goods and to prevent the supply of substandard services.</p> <p>The inspectors of the Administration of Standards should play an active role in controlling the quantity and quality of trade goods and inspect service processes.</p>	National Independent Administration of Standards (INSA), Ministry of Justice	Three months
	<p>9- In order to have better control of petroleum materials in the country, the Laboratories of Petroleum of the Ministry of Commerce should belong to the Independent Administration (INSA) with all its possibilities. From other aspects, all the governmental and private laboratories of material quality control should get their working license from the Independent Administration (INSA).</p> <p>The Independent Administration (INSA) must take action in providing fixed and mobile laboratories as soon as possible. The equipment of this administration to include mobile equipment and tools to provide the opportunity for inspection anywhere it is necessary.</p>	Independent Administration, (INSA) Ministry of Commerce and other Relevant Administrations	Three months
	10- The amount of revenues, which will be received from the issuance of certificates, licenses, examination of materials and other services, should be collected in a special account of this	Ministries of Finance, Justice and Independent Administration (INSA)	Three months

	Administration so that this Administration will be able to use this fund to provide necessary materials and to present special allowances to their employees. Receiving revenues, expenditures, supervision and control should be organized by the law and regulations.		
	11- The Commission of Administrative Reforms and Civil Services must cooperate with INSA Administration in the area of appointing staff and in giving special allowances (PRR) and etc. to the staff.	Independent Administration (INSA), Ministry of Finance, Independent Commission of Administrative Reforms and Civil Services	Continuously
	12- Funding communities (donors) should be encouraged to aid the Independent Administration (INSA) and pay special attention to the funding developmental projects, training and personnel support.	The Independent Administration (INSA), Ministries and other Governmental Administrations and Donating Associations	Continuously

## 8. Weakness of Tax Collection System

### • Tax from corporations

Corporations shall provide Government Financial Departments (*Mustafeeiat*) (GFD) with their balance of their commercial activities at the end of each year. Tax authorities will review the balance and levy a 20% profit tax of their net profit. In case of loss the government shall compensate it in the following years after the loss. Therefore in terms of practicality, such taxation has become a big source for misuse and corruption. The number of corporation and companies who honestly show the exact amount of their loss or profit are very few; GFD's boards even corrupt this process by making it problematic. Most of balances are prepared in coordination and compromise with governmental staff and the real tax is divided between the companies and GFD inspectors. If Ministry of Finance reveal the amount of income tax or the tax coming from this source we can estimate or have the exact amount of money abused.

Some financial staff may argue that the tax is levied on the direct balance of tax and it is not put on consumers. Unfortunately, in our country all sorts of tax is calculated and added to price; if financial and taxation system of Afghanistan do not control the corruption, this tax would not be effective and it could not even meet the ordinary expenses of GFD staff.

In addition to what mentioned above, the fine considered in regards with delay in presenting balance or declaration is very high and in some cases enterprises had to stop their business. The minimum fine for every day of delay has been 1000 AF and in other cases 2000 to 4000 AF. In fact, article 107 of Law on Income Tax has not been enacted properly and made some enterprises to stop their businesses. Therefore it is suggested:

Subject	Reform Method/Mechanism	In Charge	Time for Implementation
Receiving Tax from Corporations	<p>1.Ministry of Finance in cooperation with Ministry of Commerce and Chamber of Commerce shall suggest amendment of Law for Profit Tax and in turn design an accurate and effective mechanism that instead of levying 20% income tax, levy a reasonable percentage of merchants' customs tariff and clear everything beforehand. (this help eliminate corruption and it would be to the benefit of both merchant and government) Though, with and computerized system in which corruption has been eliminated, balance tax will effective.</p>	Ministry of Finance	9 months
	<p>2.For the calculation of industries and domestic producers' income, a mechanism for determination of the price of produced item/service shall be designed. Taxation shall be based on production price, market price, and considering wastages and miscellaneous expenses. Taxation shall conform to policy of encouraging domestic production and investment. In receiving tax from those industries which their term of exemption has been ended, the needed facilities shall be provided based on encouragement policy and analysis of market economic condition.</p>	Ministries of Finance, Commerce and Chamber of Commerce	6 months

- **Property Rent Tax**

Based on law, 20% tax has been levied on property land. As the renter tries to conceal the real amount of the rent, this provision is not implemented accurately. In most cases the renter compromise with the local authorities including municipality, police and other related organs and conceal the real amount. In case of not being able to conceal the amount of rent, renter and tenant along with the local property dealer register the amount of rennet lesser and escape tax. It is suggested:

Subject	Reform Method/Mechanism	In Charge	Time for Implementation
Preventing Corruption in Property Rent Tax	1. The high percentage of tax on property rent (housing) has led to escape tax. It is suggested that considering the provisions of the Income Tax Law a reasonable percentage of tax is levied.	Ministry of Finance	6 months
	2. Article 107 of Income Tax Law puts a fine of 200 AF for natural persons and 1000 AF for legal persons for every day of delay in presenting the declaration; in case the delay is intentional the fine for each day would be 400 to 800 AF for natural persons and 2000 to 4000 for legal persons. As it is seen, because of the high fine, most of enterprises are forced to stop their businesses and involve in smuggling and illegal commercial activities. At the same time, Ministry of Finance has to extend the time for preparing declaration and extension causes financial disorder. Therefore it is suggested that for the purpose of preventing corruption and investment slump, this article in particular and Income Tax Law in general are amended.	Ministries of Finance, Commerce and Chamber of Commerce	3 months
	3. As law has obliged the tenant to pay tax a mechanism shall be developed that makes both renter and tenant to register their contract. The penalty for the offender shall be regulated by law.	Ministries of Finance and Interior Affair and Kabul Municipality	6 months
	4. Income Tax Law shall determine the amount of tax for Apartment rent.	Ministry of Finance	1 year
	5. It shall be the duty of the local representative, block representative and municipality/police districts to provide true information on rented properties, those not fulfilling the duty shall be dismissed.	Ministries of Finance and Interior Affair and Kabul Municipality	3 months
	6. The related organs shall review the procedure code for property	Ministries of Justice	

	dealers and design a mechanism to prevent misuse. Considering punishment for the offender will help develop an effective preventive mechanism.	and Finance and Kabul Municipality	3 months
--	--	------------------------------------	----------

### • Corruption Resulted from Illegal Commissions

Some provinces and municipalities receive some money for transferring goods/property under the name of fees and reconstruction commission; though these fees are illegal they are continuing charging those who transfer their goods/property from a province to another. Merchants legally pay the tariff, tax, Red Crescent Donation and other taxes regulated by law for their importation/exportation (recently these taxes have not been effective due to unbalance tariff rates and had negative effects on commerce balance). These fees increase market prices and slow the process of commercial development.

A lorry loaded with fruits from Qandahar and is supposed to be exported through Ghazni, Kabul, Jalalabad, and then Torkham boarder is stopped at 15 check points, owners and drivers are troubled and forced to pay the commission. These check points are not affiliated with opposition groups and controlled by official local authorities.

In addition to check points on the way, entrance and exit gates of the cities stop trucks and municipality commissions should be paid. Generally, people collecting the fees are armed government staff with official uniforms.

Some check points and gates, while their job is illegal, issue receipt for the fees they receive. The law explicitly states that no tax or tariff shall be collected without the provision of law and all taxes and tariffs shall be used through the account of states' incomes. Unfortunately the law is not observed and they do whatever they want.

In summer, due to weather condition the goods which are mostly fruits must be transported fast before they are spoiled but the check points irresponsibly stop the truck for hours. People are pestered with this condition and nobody hear the complaints and responsible organs conservatively withhold from taking action. It is suggested:

Subject	Reform Method/Mechanism	In Charge	Time for Implementation
Preventing illegal commission and construction fees.	1. Ministries of Commerce, Interior affairs, Independent office of Local Organ Affairs, Kabul Municipality and Chamber of Commerce shall identify the check points within their territory and find out why illegal fees and commissions are collected.	Ministry of Commerce and related Organs	2 months
	2. In case collecting some of fees and commissions are proved legal a mechanism designed that all fees except	Ministries of Commerce, Finance,	Maximum 3 months

	road toll at departure and destination point collected in sum and deposited to related government account.	Interior affairs, Independent office of Local Organ Affairs, and Chamber of Commerce	2 months
	3. The money which is collected illegally under the name of commissions and construction fees shall be forbidden seriously and in case of reoccurrence shall be prosecuted.	Ministries of Finance, Commerce, Interior affairs, Kabul Municipality, Independent office of Local Organ Affairs	2 months
	4. Check points which collect these commissions shall be stopped.	Interior affairs, Independent office of Local Organ Affairs and related organs	

## 9. Corruption Resulted From Procurements and Contracts

Administrative corruption resulted from procurements and contracts have vast dimensions in all governmental institutions. Considering the current condition, our country urgently needs foreign and domestic investments. Renovation and reconstruction of the country depend on contracts with national and international companies. If ministries and related organs are not cautious in this regard and do not act on the basis of healthy relation and effective standards, the expediency of the contractors will led to the detriment of the government. Complicated administrative procedure, changes in financial laws, lengthiness of procurement levels and contracts are the main factors of administrative corruption.

- **Procurements and Contracts under Defective Laws**

The current procurement law which replaced the previous procurement regulation is vague in some provisions and has caused corruption and difficulties. Unlike the previous regulation, in this law assigning big amount of temporary security (collateral) in bid ceremony makes the number of bidders limited and the bid goes exclusively for a single person or a limited group of persons. In contrast, the permanent security

that should be normally more than the temporary security is less. Therefore when the contractor doesn't fulfill the commitment and should be fined the permanent security would not satisfy the amount of fine. This improper facilitation is because of the Procurement Law!

Based of Procurement Law, Ministry of Finance shall pay the amount for procurement after valuation. This procedure limits the authority of the independent budgetary ministry/organs. It is seen that if payment delays at Ministry of Finance, prices may increase and procurement not done at determined prices.

Procurement Law states that procurements which its price or amount exceeds ( ) AF shall be transferred to seller account. As the culture of banking exchange is not enough widespread yet, implementation of this law may cause problem and difficulty.

- **Small Procurement**

Small procurement is done by one or two persons and instead of getting quotation from three different sources, only one quotation received and others are counterfeited. Most of Administrative officers without paying attention to counterfeit and getting quotation directly or through a trustee, just dictate, "Buy at the cheapest price"!

Procurement group prepare the document including the bills and the price table, the administrative officer approve it and procure. These documents and approval of the officer paves the way for counterfeit and no body will understand except a very strict and pious prosecutor.

Procurement group in most of offices are those who are in some way related to related officers and no one can object to their practice. Unfortunately, Procurement Law and other financial laws and regulation lack the preventive provisions to control defective procedures and this is the reason why corruption happens in different kinds.

- **Major Procurements and Contracts**

In procurements that the price of items/services exceed ( ) AF a bid shall be announced. This procurement due to the big money involved attracts the national and international bidders. The following paragraph explains more.

- **Contractors Act to the Contrary of the Contract**

In most cases it is seen that needed materials for a project is contracted at highest prices but in action they are bought at the lowest price and quality. People in charge ignore the low quality/quantity of contracted items at the time visit, register, collection and distribution. For example in stationary procurement the best quality paper along with the respective high price is considered but the lowest quality paper is bought. The rice for organs at the time contract is considered the best *Sila, Baghlani or Laghmani* rice but the rice provided for soldiers, students and other civil servant is the lowest quality rice.

Firewood provided for kitchens, dormitories and rooms is another example and sometime the quality is that low that burning them without petrol or diesel is impossible.



Petrol and diesel for administration's vehicles is also contracted for the best quality but as experienced the low quality petrol has damaged engines of the vehicles and even airplanes.

### **Major Contracts with Companies and NGOs**

- **Contracts with foreign companies and NGOs:**

A considerable amount of money is paid as bribery in concluding contracts with foreign companies and NGOs; as a result of collusion between parties of the contract this money doesn't go to government's treasury. Our government is inexperienced in concluding contracts so the foreign companies make use of this condition skillfully and illegally transfer big amount of money to their amount. The following are some examples:

1. Most of contracts, without taking into consideration the economic aspects, are concluded for long terms of 15 to 30 years as fixed and unchangeable. While our country is in transition from one economic level to another and costs of services are fluctuating and increasing year to year.
2. Our contract parties using their experiences, deceptive skills, and the knowledge of their lawyers, make the content of the contract in a way that its unilateral nature is not easily comprehended. It is understood only when the contract is disputed and referred to the court, then the Afghan party understand that the contract is for the other party and there is no way unless accepting it. As there are many cases of misusing the contracts, we should pay attention to the following questions: have the economic aspects been studied by the related experts? Have the Afghan or hired foreign lawyers studied the legal content of the contract? Has the signing organ studied the contract carefully and is satisfied with it? Or the signing organ is merely satisfied with the OK! of his/her advisor (who is a representative of the contracting company). Answers to above questions in most of the contracts are NO!
3. The fact is that none of the signed contracts have been carefully studied and are not approved by Afghan lawyers; even the signing organ has not been able to scrutinize it; this way, in case of dispute over the contract, Afghan party will be the loser. Subcontracting has become very common in major contracts and most of the times only one person monopolize the contract. For example if the total cost of the contract is 20 million dollar, winner of the bid will conclude the contract with government then sells the project to another person 15 million and the second company sell it to another company 10 million. This way, the project which is supposed to be done with 20 million done by 10 million and doubtlessly with a very poor quality.

- **Contractors' competence and efficiency are not evaluated beforehand**

Generally the contractors have their respective activity license but their quality in terms of finance, administrative management, technical capabilities, human resources, as well as their background and previous activities are not clear. Therefore most of contracts are concluded with unqualified parties.

Lack of capacity in ministries and other organs in regards with preparing and regulating contracts and evaluating the capabilities of parties to the contract have caused many difficulties and in many construction projects it is seen that only after six months following the contract, the roof have collapsed and caused damages and casualties. This happens because the contract is not concluded with the qualified one or other types of corruption are involved. Identification and evaluation of contractors is not a difficult job; it is contingent upon a well designed/managed administration that its staff are committed and well paid.

This administration can make a database of the contractors' specifications and provide the related organs and authorities with the needed information.

### **Preliminary project design is not accurate**

Lack of proper preliminary project design at the time of bid prepares the ground for corruption. Ministries and organs have not the technical capacity to study and design the project beforehand and the contracts are not clear for example, if a big building is to be built and there in no accurate plan and design in which every thing from the area and number of rooms and diameter of the walls to kind and quality of construction materials such as cement, , tiles and girder are calculated and specified, the result would be a defected project and life the building lessen to half of the normal standard. In order to minimize corruption, abuse and consequent disputes, these criteria should be specified in details in all construction projects such as roads, dams, power networks and buildings.

Determination of construction material deems necessary in all projects, as for example *Ghori* cement in terms of quality is higher than the imported cement and all enterprises try to use Ghori cement, Russian, Ukrainian and Pakistani rolled bar are also different both in terms of price and quality. If the type and quality of construction materials are not determined the contractor will use the cheapest ones. In major projects timing is important; the contract should divide the project clearly into certain phases and levels and determines the cost of each level separately; this way the probability of corruption will reduce from 100% to at least 10%. The reason for the fact that a 20 million dollar project reduced to 15 or 10 million sub contract is the unclear preliminary project design which pave the way for the international or national dealers.

The next important phase is project monitoring. The contract should include terms and conditions of monitoring and anticipate the probable offences and vulnerabilities. Despite all these measures major parties to the contract may not stop interference and try to repossess the project and start sub contracting, therefore provisions of the contract, monitoring and audit process should be regulated in a way that self seekers can not profit from sub contracts as main contractor.

Procurement law which provides the ground for expediency shall be reviewed and amended.

- **Contract with National NGOs**

Based on the studies and discussion with ministries, private sector in general and NGOs in particular are corrupted to a considerable extent. While contracts in their present form continue with NGOs, economic programs and fulfilling the goals of the government seem impossible. Therefore it is suggested:

Subject	Reform Method/Mechanism	In Charge	Time for Implementation
Preventing corruption resulting from procurement and contracts	1.Procurement law in terms of both text and content and the translated provisions is revisable. Ministry of finance along with Ministry of Commerce and the Independent Office of Control and Inspection shall review the law based on Afghanistan's' economic and financial conditions. In case of need they can seek cooperation of other organs. In amendment of the law they shall use the previous provisions and regulations.	Ministries of Finance, economy, Justice, and Commerce and Independent Office of Control and Inspection	3 Months
	2.Small procurements shall be done by an honest trusty person elected by head of departments. Head of departments shall be aware of market prices directly or through reliable persons. In case the procurement body violates the law, the regulations shall be enforced seriously.	Authorized Officials of the related organs	Permanent
	3.It shall be the duty of heads of departments to provide quotation from 3 different sources. Offenders shall be prosecuted and dismissed from their duties. Ignoring the faults encourages corruption.	Ministries and other budgetary units	Permanent
	4.In major procurements, sample of goods and items should be controlled.	All ministries and offices	Permanent
	5.In major procurements, the related advertisements and announcements shall be publicized through media	Ministries, other budgetary units and media	Permanent
	6.Call for proposals shall be accurate, comprehensive and transparent. Proposals shall be short listed by the responsible commission and professional persons. Bid forms should include name of bidders or their legal representative along with their proposed prices and signatures. The procedure shall be regulated	All related organs	3 months then permanent

	<p>by law.</p> <p>7. Monopolizes and dealers try to own the contract then subcontract and receive a big amount of money as commission. These dealers shall be identified and excluded from the bids. Section 4 of the article 62 and 63 of the procurement law, which pave the grounds for expediency, shall be amended. For preventing expediencies, permanent security of 5% to 10% of the total amount of the contract shall be applied. In order to prevent the expediency of enterprises and companies, legal gaps shall be cleared the project capacity in the country shall be promoted. Content of the contracts shall be accurate and comprehensive.</p> <p>8. Persons in charge have not been able to develop the project design capacity in their respective offices, as a result the contracts are defective and projects not monitored. Related offices shall develop their project design capacity with six months. For this purpose, it is suggested that the project design unit and proposal writing established within the framework of Ministry of Economy and cooperate with other organs. Technical and professional staff from different sectors shall be hired and an effective procedure code shall regulate their activities.</p> <p>9. In some major contracts concluded with NGOs especially foreign NGOs and companies, the content of contract prepared in a way that in case of dispute the court decides for the foreign companies. To solve this problem and for preparing true and accurate contracts, a commission comprised of authorized representatives from ministries of Justice, Finance and Economy and the main contracting authority shall evaluate the contract beforehand and conclude it after the approval of the Independent Legal Board of the President Office. Due to unprofessional objections the process of contracts made slow by some organs and commissions. Ministers of Justice, Economy, Finance, Commerce and Head of Council of Ministers' Independent Office of Control and Inspection shall</p>	<p>Ministries of Urban Development, Public Works, Energy and Water and Kabul Municipality.</p> <p>All organs and offices</p> <p>Ministry of Economy</p> <p>Ministry of Justice and other related organs</p> <p>Ministries of Justice,</p>	<p>6 months</p> <p>6 months</p> <p>3 months</p>
--	---	---	---

	<p>identify them, evaluate their function and in case not being effective, dissolve them.</p> <p>10. Regulation or the procedure for land or public properties sale, for the purpose of investments, shall be prepared in a way that the appropriate size of land being sold and contractor can not use the additional piece of land under the investment license.</p> <p>11. 100% of simple worker for the contracted projects shall be Afghan and skilled workers shall be preferred. Major contracts should include the provision for training Afghan workers.</p> <p>12. To prevent inadequate translation of the contract contents and other transactions, a professional board of translation comprised of educated people shall be established within the framework of Ministry of Justice. Translation of the contracts shall be evaluated by translation board. This board shall be established by Ministry of Justice and in coordination with Ministries of Higher Education, Finance, Commerce, Economy and Chamber of Commerce.</p> <p>13. Ministry of Finance along with Ministry of Justice and Independent office of Control and Inspections shall review the procurement regulation and clear the gaps causing corruption. Studying the procurement regulations of neighboring countries will help develop a more effective regulation.</p> <p>14. Ministry of Finance shall hold two seminars each year participated by heads of administrations including finance and audit staff of ministries, independent offices, and GFD to discuss issues of procurement law and other financial laws. Resolution of the seminars shall be sent to all offices as circular.</p> <p>15. Major infrastructural contracts, in case of necessity, shall include monitoring of the credible global companies in order to guarantee the proper quality of the project. Small contracts like NSP projects shall include quality and time guarantee of the projects.</p> <p>16. Contracts shall be pre-qualified, it means that:</p>	<p>Economy, Commerce, Finance and office of Control and Inspection</p> <p>Ministries of Commerce, Agriculture, Urban Development and AISA</p> <p>Related Ministries and Organs</p> <p>Ministries of Justice and Finance and related Organs</p> <p>Ministries of Finance, Justice and office of Control and Inspection</p> <p>Ministry of Finance and related organs</p> <p>With cooperation of Ministries of Rural</p>	<p>2 months</p> <p>Permanent</p> <p>Establishment of the Board within 3 months then permanent</p> <p>3 months</p> <p>Permanent</p>
--	---	--	--

	<p>Some procurement and construction contractors have the related activity license while they are not qualified. Most of procurement and construction contracts/projects have not been acceptable in terms of material or quality of construction. All this is because of unqualified contractor or corrupted contract. During the last five years, related authorities should have provided the database of contractors' specifications so others could use it as a reliable source of information. As we have not such a facility yet, an institution equipped with the needed human and technical facilities shall be established and develop a complete and comprehensive database of companies and project contractors. The database contains information related to legal identity of the contractors and their finance, management and technical background.</p> <p>In addition to legal identity of the contractors, their machineries and equipments, managing and audit system, amount and reason of their debts shall be studied carefully.</p> <p>If they are working in Afghanistan, their work experience shall be evaluated through their previous project owner or donor; knowing about the identity and job quality of the contractor help conclude a more effective/accurate contract.</p> <p>In order to prevent consequent problems resulting from the contract content, contractors should have the minimum familiarity with Afghanistan and World Bank administrative/finance procedure.</p> <p>Institution in charge of this database shall have the authority to visit project sites and collect qualitative and quantitative data. Timing is very important; therefore contractors should be evaluated in terms of accomplishing their jobs within the determined time table.</p> <p>The Contract shall calculate and stress time of project completion. Having information about the human resources and technical capacity is also important. Contractors shall use experienced accountants, engineers and personnel.</p> <p>As mentioned above an office or institution shall evaluate and</p>	<p>Development, Economy, Commerce, Urban Development, Public works, Higher Education and under Kabul Municipality Supervision</p> <p>Related Ministries and Organs</p>	<p>3 months</p>
--	--	--	-----------------

	<p>decide about the competency of the contractors. This office shall be independent, within the framework of Ministry of Higher Education or the organ supervising the implementation of this strategy.</p> <p>The related office shall publish the provided information quarterly.</p> <p>17. Effective monitoring and supervision keep the project process transparent, to do so, the following shall be observed:</p> <ul style="list-style-type: none"> <li>• Monitors shall be professional, specialist, committed and pious. All equipments that make monitoring more effective shall be provided for them.</li> <li>• The contract shall clearly include terms and conditions of monitoring to prevent probable objections to monitoring process.</li> <li>• Monitoring shall be done repeatedly on the basis of short intervals and during different levels of the project. Any violation of the contract seen during monitoring intervals shall be addressed seriously.</li> <li>• Monitoring and control shall not be done on a routine base as contractors may deceive easily the monitor and lower the quality of the project.</li> <li>• To minimize the possibility of corruption in major projects, monitors and controllers shall be invited from credible global companies. For example, for the monitoring of power networks in Kabul which cost about a 100 million dollar, it is worth hiring a credible global company with several hundred thousands or even several million dollars. The related organ shall be authorized to send a number of its own specialist person with the international monitors so while they are monitoring learn the effective ways of the control and monitoring as well. Afghan monitors shall not interfere in the process of monitoring and shall act as intern monitors.</li> <li>• The project owner, for example Minister of Public Health, shall</li> </ul>	<p>Ministries of Urban Development, Public Works, Energy and Water, Rural Development, Agriculture and Finance. The Committee of Ministers in charge of Mines bid and contract.</p>	<p>Permanent</p>
--	---	---	------------------

	<p>follow up the monitors' job and visit some monitored sites along with a joint group of Ministry of Urban Development and Kabul Municipality engineers. In case the result of visit differs from the monitoring result, people in charge of monitoring shall be prosecuted.</p> <ul style="list-style-type: none"> <li>• Evaluation and estimation of project before bid shall be in a way that only the minister or head of the department be aware of the total amount of the project otherwise it's most likely that bidders get the information. As it is seen the estimation of bidders in most cases is very near to the determined total amount of projects.</li> <li>• Monitoring standards mentioned above shall be applied to all small and major projects in Kabul and other areas.</li> </ul> <p>18. In current condition that most of organs including Ministry of Economy lack the capacity of project design. It is necessary to seek help of credible global companies for major projects. For this purpose, Ministry of Economy in cooperation with ministries of Urban Development, Energy and Water, Public Works, Rural Development, Agriculture, Finance and Kabul Municipality shall prepare the draft of a comprehensive plan and tries to implement it as soon as possible.</p> <p>19. Sectoral ministries including Public Works, Urban Development and the independent office of Norm and Standard shall be equipped with adequate construction laboratories in order to enable technical staff can examine the building during construction and before the end of project. The contract shall include issues of monitoring and laboratory examination.</p> <p>20. Based on Article 7 and 17 of Law of Mines, major contracts related to mines shall be regulated and concluded by a committee of ministers. It is kindly requested that ministers personally attend the bid</p>	Ministry of Economy and other related ministries and organs	<p>3 months</p> <p>Permanent</p>
--	--	---	----------------------------------





	<ul style="list-style-type: none"> <li>• The contract with NGOs, like other contracts shall be regulated/approved by legal specialist.</li> <li>• The contract should state that it is the duty of the NGO to complete the project with proper and acceptable quality.</li> <li>• The contract shall stipulate the durability of the project and the NGO shall compensate any kind of damages to the project during and within the determined time after the project completion.</li> <li>• The amount dedicated fro the project shall be reasonable economically and in terms of value of the project.</li> <li>• NGOs shall be classified based on their expertise, this means that an NGO cannot carry out any project and in every sector.</li> <li>• Only those professional NGOs shall be authorized that the capacity of their human resources, machineries and production/logistic capabilities are evaluated and approved by the Database Institution. NGOs shall not be allowed that during completion of a project, carry out other projects, as it is one of major factors leading to misuse and corruption. It shall be the duty of legal and economic board to present their decision within two weeks.</li> </ul>	All related organs	Permanent
23.	In contracts, the priority shall not be the low prices and the quality shall be evaluated. This provision shall be regulated in a way that prevents any kind of misuse.	Ministries of Finance, Economy, Justice and in cooperation with other Sectoral ministries.	3 months then permanent
24.	Sometimes, a group of bidders unify and bid accordingly, they try to direct the bid toward their own benefit. If the board responsible for the bid realize this situation they shall suspend the bid and prosecute the false unity.	Ministries of Finance, Justice, Economy and related organs	Permanent
25.	In major contracts, for the purpose of preventing the formation of cartels and monopolization, security organs shall help the related office.	All security related organs	Permanent
		Ministry of Economy	

	<p>26. If the institution that prepares the database of the companies introduce a number of persons, companies and legal person unqualified for the contract or provision basic material and construction it shall have the authority that in cooperation with Ministry of Economy repeal respective license and inform other organs.</p>	and the Database Institution	
--	---	------------------------------	--

## 10. Corruption in not observing the standards for vehicles' fuel consumption

Vehicles, machineries and other equipments' oil and fuel comprise a major part of an office expenses and are consumed in each ministry/organ based on separate norms. These items have been changed to a major source of corruption. Inspecting organs have not been able to standardize it. The incapacity of inspectors, indifference of office toward this issue, and financial anarchy all has provided the ground for different kinds of misuse and corruption. It is suggested that:

Subject	Reform Method/Mechanism	In Charge	Time for Implementation
Preventing Misuse in consuming oil and fuel of vehicles, machineries and other equipments.	1. Ministry of Transport in cooperation with Ministries of Finance, Mines, Commerce and Office of Norms and Standards shall determine the amount of oil/fuel for vehicles, machineries and other office equipments and design a mechanism void of corruption to be implemented.	Ministries of Transport, Finance, Mines, Commerce, and Office of Norms and Standards	6 months
	2. Ministry of Finance shall provide the list of all vehicle and machineries (containing type and specifications of the vehicles, etc) and approve their expenses according to consumption standards.	Ministry of Finance	3 months
	3. Controllers shall monitor the implementation of standards seriously. Ministry of Finance shall be responsible for	Ministry of Finance	3 months

	monitoring of the previous controllers.		
	4. Independent office of Control and Inspection shall refer cases related to violating consumption standards to office of Attorney General and inform Ministry of Finance.	Department of Control and Inspection	Permanent

## 11. Carelessness in Collecting and Registering Items

Offices' goods and items such as car, motorcycle, computer, printer, furniture and carpet that their total cost amount to millions of dollars are not registered; this can be a likely cause of corruption. These items are public property (*Baitolmal*) and shall be maintained and preserved. Offices has not an effective procedure of registration, therefore it is suggested:

Subject	Reform Method/Mechanism	In Charge	Time for Implementation
Preventing misusing/wasting public properties	1. Ministry of Finance shall practically implement the law and regulations for property maintenance. All items shall be registered quantitatively/qualitatively with all related specification in pre-designed formats. This help prevent changing or misusing items for example, the explanation for a carpet should contain: a 6 meter woolen carpet, made in Heart, white, brown and red colors, has 40 cm margin and 200 flowers on the background, price: 60,000 AF equal to 1200 USD.	Ministry of Finance and other related ministries and offices	6 months
	2. Ministry of Finance shall ensure that all public properties are registered. Head of Treasury Department of Ministry of Finance in cooperation with previous controllers shall accomplish this process.	Ministry of Finance and all related organs	6 months
	3. Inventory, cession and sale of properties shall be done based on provisions of Sale Law and in determined time. Ministry of Finance shall inform all governmental organs of their responsibilities thorough a circular and seek their report at the end of each year.	Ministry of Finance	Permanent

	<p>4. Ministry of Finance and Office of Control and Inspection shall report the sales of the previous year to the cabinet.</p> <p>5. The law and procedures related to public properties shall be educated to all civil servants through holding training courses in center and provinces.</p> <p>6. Budgetary ministries and independent organ's authorities based on law shall send list of their received inventory to Ministry of Finance.</p> <p>7. Ministry of Finance shall put on sale the property in presence of legal representatives of the related organ and transfer the income to government account.</p> <p>8. The process of property cession and sale shall be done annually based on law. Untimely measure leads to corruption.</p> <p>9. All Ministries and related organs are responsible for implementation of the process. Ministry of Finance shall supervise the process in cooperation with previous controllers and mobile groups of office of Control and Inspection.</p>	<p>Ministry of Finance, Office of Control and Inspection Governmental organs</p> <p>Ministry of Finance and all related organs</p> <p>Ministry of Finance</p> <p>Ministry of Finance</p> <p>All organs, Ministry of Finance and Office of Control and Inspection</p>	<p>Third month of the year Year</p> <p>Seventh year of the month</p> <p>Permanent</p> <p>Permanent</p> <p>Permanent</p>
--	---	--	---

## Part Five: Inspection Factors

### 1. Ministries' Internal Inspections

At first, Inspection departments used to be only for the major ministries and independent offices as their jobs in terms of quantity and quality had to be inspected on a regular basis. Unfortunately, the idea of inspection misunderstood in a way that gradually all ministries and independent office irrespective of the nature and extent of their job and little budget developed their own internal inspection unit at the level of department. This created a baseless complicated structure.

In fact, these departments are subject to two different organs, their own related organ and Office of Control and Inspection. Internal inspection departments' duty is to prepare their next year working plan in coordination with Office of Control and Inspection. Internal Inspection Departments are not authorized to re-inspect the offices inspected by the General Department of Control and Inspection, though emergency cases are exempted.

Ministries and organs with a small volume of financial transactions may have not internal inspection department, instead a group of 3 people can do the inspection. It is suggested:

Subject	Reform Method/Mechanism	In Charge	Time for Implementation
Revision of Internal Inspection in Ministries	1. The office supervising implementation of the strategy along with the related organ, ministry or office revise the internal inspection and omit the unnecessary ones.	Independent office of revision and related organs	1 year
	2. Internal Inspection Units based on law shall coordinate their working plans with Independent Office of Control and Inspection's plan. This coordination shall start from the coming financial year.	Internal inspection units of organs and Independent office of Control and Inspection	At the end of each year
	3. Internal Inspection Unit shall inspect only by the order of the minister or respective head of department.	Minister and head of department	Permanent
	4. In appointing head and members of Internal Inspection Department certain criteria shall be considered and nobody shall be appointed to these posts unless meets the needed qualification.	Related ministries and organs, independent commission of	Permanent

	5. All Inspection Department's employees (working at office/mobile) shall be paid adequately and there shall be no salary/privilege difference between Inspection Departments of organs.	administrative reforms and civil services.	Permanent
	6. It is the duty of all ministries and organs to educate inspection personnel on a regular basis. Understanding laws and inspection principles shall have priority in education.	Ministry of Finance and related organs Related organs and Independent Office of Control and Inspection	permanent

## 2. Inspection and Previous Controllers

Previous controllers of Ministry of Finance shall control the financial procedure of other organs such as procurement before the transaction. The transactions are: contracts, procurements, material storage and distribution, travels, accounting and payroll, transportation and fuel fees, regulating properties and their financial procedure. If the financial activities and transactions are in conformity with laws and regulation, controllers shall approve them; otherwise they have the authority to stop/disapprove the transaction.

Unfortunately, most of transactions are corrupted and expediency, embezzlement and theft from public property are seen in all ministries and organs. Ministry of Finance's controllers are also influenced by the power of officials and compromises and approve the documents illegally. Ministry of Finance as the financial representative of the government does not supervise closely their job and has not been successful in corruption prevention. Therefore it is suggested:

Subject	Reform Method/Mechanism	In Charge	Time for Implementation
Preventing corruption done by committed, experienced and educated previous controllers of Ministry of Finance	1. Controllers who are employees of Ministry of Finance shall be educated in the field of Inspection and have deep understanding and awareness of related laws. 2. Ministry of Finance shall not employ unqualified people in terms of Inspection and control. 3. Ministry of Finance shall provide training followed by exam for controllers each year. 4. Ministry of Finance shall constantly supervise the practice of Controllers working in other ministries and organs.	Ministry of Finance	Permanent





	<p>presence on duty.</p> <p>8. Ministry of Finance shall continuously review the practice of controllers, approve their accomplishments and question their illegal practices.</p>		
--	---	--	--

### 3. Consequent (Secondary) Government Inspection

Office of Inspection and Control is the independent organ that controls the administrative financial procedure of the government. Governmental organs are inspected by different groups and as the inspection is not registered sometimes major transactions in which corruption is more probable are considered to be inspected before. This organizational weakness paves the ground for corruption therefore in Afghanistan it shall be tried that at least 70% to 80% of transactions be inspected.

In addition to the destruction of the administrative/financial system, a major factor causing corruption is unqualified and non-committed staff who have been appointed on the basis of personal relations. These staff shall be identified and dismissed.

The secondary office of inspection has not been able to identify the personal relations in organs and dismiss the unqualified. This is because the secondary inspection lacks the needed authority. Most of staffs have not true educational document and presented counterfeit document for the sake of their employment. The secondary office of inspection, in addition to control financial procedure, shall have the authority to reform the inspected organ. But the fact is that currently office of control and inspection can not even accomplish the duty of control and preventing corruption. Government and in particular Ministry of Finance shall take measures for its capacity improvement and provision of the needed equipment.

In most cases, inspectors are welcomed warmly in other organs and the best rooms, car and servants provided for them; this will influence the process and quality of inspection.

There are different sectors with their own technical specialties within the government; inspections groups are not aware of their activities and procedures to the degree that enable them analyze the whole process. This unfamiliarity makes the corruption more likely. Department of Inspection report its findings (trustee's debts, illegal contracts, property misuse and unauthorized allocations) to ministries and organs but related organs react indifferently and do not take the necessary measures. Unfortunately, no other authority including Office of Control and Inspection has been authorized to act against these indifferences; to the contrary inspected offices have found more impunity. It is suggested:

Subject	Reform Method/Mechanism	In Charge	Time for Implementation
Preventing the corruption resulting from the weakness of government's consequent Inspection of offices.	1. Independent office of Control and Inspection shall prepare a comprehensive plan addressing the effective necessities related to the job, staff, organization and budget and coordinate internal inspections in terms of time and inspected organs.	Independent office of Control and Inspection	3 months
	2. It is the duty of all organs and offices to register all transactions including cash, property, contracts, maintenance and sale with the exact date and serial number and present the document to office of Control and Inspection. Otherwise the Inspection shall be considered defective.	All inspected organs and office of Control and Inspection	Permanent
	3. Independent office of Control and Inspection shall prepare a mechanism to make clear what issues shall be inspected. In case insufficiency or negligence of previous controllers or offices of Control and Inspection have been proved. The related organ and Ministry of Finance shall be responsible. Ministry of Finance's cooperation and recommendations will help make a better plan.	Authorized officials of Ministry of Finance's office of Control and Inspection	Permanent
	4. Office of Inspection shall supervise the inspection groups closely in a way they are not influenced by the warm reception of the inspected organs. For this purpose a separate mechanism shall be developed.	Independent Office of Control and Inspection	2 months
	5. Ministries and organs shall not ignore the reports of Independent office of Control and Inspection and take immediate necessary action. They should report the results to Office of control and Inspection within 2 months.	Ministries, organs and general department of Inspection	At most 2 months after receipt of the notice
	6. Independent Office of Control and Inspection shall be authorized to suggest salary decrease, dismissal and other disciplinary penalties for those organs	Independent Office of Control and Inspection And President  Ministry of Justice, Office of Control and Inspection and other inspection authorities	3 months  Permanent

	<p>remain indifferent to their notices. This will make the offences prosecutable.</p> <p>7. Most of the time, Office of General Attorney archives inspection cases and this encourage corruption. It should be mentioned that these cases have been prepared by experienced administrative/financial experts and may be the related prosecutor has made a mistake. Therefore a special organ shall be established to reconsider the cases objected by Department of Control and Inspection or other organs. It is suggested that to high ranking legal advisory posts (<i>Fawqe Rutba</i>) is considered within the framework of Independent office of Control and Inspection to reconsider the archived cases.</p>		
--	---	--	--

#### 4. Establishment of an Independent Institution for Hearing Inspectional Complaints

Sometime convicts mistakenly or intentionally are freed from Prosecuting offices; cases are archived and not referred to the court. People are not satisfied and there are many complaints therefore it is suggested:

Subject	Reform Method/Mechanism	In Charge	Time for Implementation
Preventing prosecuting office's mistakes by establishing an Independent Institution for Hearing Inspectional Complaints	An independent special institution shall be established to consider the objection of Independent office of Control and Inspection and other detecting organs against the practice of Prosecution attorney office and refer the reviewed cases to the court. This institution shall be planned with joint efforts of the Supreme Court, Ministries of Justice and Interior Affairs and Independent offices of Prosecution. Having this institution established criminals and offenders would not have impunity.	Supreme Court, Ministries of Justice and Interior Affairs and Independent offices of Prosecution and secondary Inspection	3 months

--	--	--	--

## **Part Six: Corruption in Other Areas**

### **1. Corruption Resulting from Narcotics Cultivation, Production and Smuggling**

Cultivation, production and smuggling of narcotics is a serious problem for Afghanistan in terms of difficulties at the national level and the International pressure on the government. The problem of Narcotics is a rooted problem involving powerful domestic, international dealers and Mafia groups.

Currently that our country undergoing political, economic, cultural and social crises and all infrastructures have been destroyed, drug related problems are serious obstacles to country's development and reconstruction.

Part of the problem is the poverty and incapacity of the Afghan government and part of that are out foreign friend that leave their borders open and prepare the free marketing opportunity for drug smugglers.

If Afghan government lacks the capacity to create a comprehensive strategy to combat against narcotics the progressive world enjoy the capacity and shall help Afghans to create and implement an effective counter narcotics strategy.

Afghanistan is a mountainous, dry and landlocked country and its people live in a tough condition. From the religion point of view Afghans are strictly against poppy cultivation but there are some factors force them to do so. The culture of poppy cultivation has come from outside especially during the time of Taliban. Poppy used to be cultivated in very limited scale at the past but Taliban legitimized it and even determined some sale centers in Heart and facilitated its traffic and transportation.

After the collapse of Taliban and at the time of interim state, international policy makers and strategists proposed the alternative livelihoods. Based on this strategy, those cultivating poppy were receiving some amount of money as alternative cultivation facility; but in fact this strategy gave more motivation for more poppy cultivation and smuggling.

Poppy cultivation needs less water and is considerably more lucrative than growing other crops, but farmers have a very small share of the profit it even less than a percentage while the foreign dealers make hundreds of millions of dollars. Therefore it is suggested:

Subject	Reform Method/Mechanism	In Charge	Time for Implementation
Preventing Poppy Cultivation, Production and related products trafficking	1. Considering the complicated situation of the country, a strategy shall be created that can replace poppy with wheat, vegetables and other grain as well as animal husbandry and dairy products. As Afghans have not the capacity for the establishment of such a strategy, international community shall assist us.	Ministries of Counter Narcotics, Economy, Agriculture, Commerce, Interior Affairs and interested Countries.	6 months
	2. The Alternative Cultivation Strategy shall prioritize the action in accordance with the specialties of the respective regions. Authorities that may play an effective role in this regard are district authorities, local councils, Mosques' Imams, important local personalities, and governors.	Ministry of Counter Narcotics and related domestic and foreign authorities	6 months
	3. Poppy cultivation is against the sacred religion of Islam and Afghanistan Constitution, destruction of the poppy fields shall be done by hand or other physical equipments, crop dusting or spraying shall not be used as its side effects damage the environment and other local fields.	Ministry of Counter Narcotics and related domestic and foreign authorities	Permanent
	4. Paying money for alternative cultivation is a negative motivating action and increase poppy cultivation so it shall be prevented. Instead the alternative cultivation shall be studied in accordance with local condition. Selection and extension of the alternative shall be in a way that welcomed by the farmers. Providing job opportunities shall not be limited to farming but other jobs such as animal husbandry, small businesses developed as well. Identifying and determining the specialties of the region can be done in cooperation with local people and authorities.	Ministries of Rural Development, Agriculture, Counter Narcotics, Energy and Water, Local authorities.	6 months
	5. Most of farmers are in debt to smugglers and land lords, they shall be freed from this condition and assisted to work for the alternative cultivation. Provision of facilitated long term loans and re-establishment of Bank of Agriculture shall be	Ministries of Agriculture, Rural	6 months

	considered.	Development, Finance, Local organs and donors	1 year
	6. It would be better if the loans provided in kind like tractors, improved seed, and needed medicine. If in every 5 village two tractors provided the problem of 5 villages will be solved. A tractor workshop shall be established at district centers. To total cost of 14,000 tractors, 365 workshops don't exceed 160 million dollars and this investment both create many job opportunities and help prevent poppy cultivation.	Ministries of Agriculture, Rural Development, Commerce and Local organs	
	7. Some NGOs provide small loans of 200 to 300 USD in cities and villages which are in no way job-creating. The interest rate of the loans is 1.5% monthly and 18% annually and difficult to pay for the debtors. The plan and authorization of these loans was a mistake. In the last two years people have not even manage to payback net debt and have difficulties with the interest. Related authorities shall review the loan then reform or prevent it. Related authorities shall report as soon as possible.	Ministries of Economy, Agriculture, Rural Development, Commerce and related authorities	3 months
	8. Poppy cultivation is forbidden action and it is the duty of government to destroy poppy fields and heroin laboratories. The farmer who is in debt to smugglers has no way unless escape, migrate or cooperate with the smugglers. For solving the problems of farmers the effective measures shall be taken. The alternative cultivation shall be determined timely so the farmer stay and work on farm. Farmers shall be encouraged to cultivate wheat and other grain and cooperatives shall develop irrigation systems.	Ministry of Agriculture, Counter Narcotics, national and foreign authorities	6 months
	9. Law of Water has given the duty of providing dams and canals to the Ministry of Energy and Water. Ministry of Agriculture is only responsible for the maintenance of small irrigation systems. This provision slows agriculture development. The condition of canals is not good and needs		Law amendment 3 months, reconstruction and renovation of canals and aqueducts 1 year

	<p>reconstruction and maintenance. This problem exists throughout the country and it is one of the reasons that makes farmer cultivate poppy. Canals shall be under the authority of Ministry of Agriculture and aqueduct under the authority of Ministry of Rural Development. This will help that canals and aqueducts be renovated and reconstructed. In some area deep wells shall be dug.</p>	Ministries of Agriculture, Energy and Water, Rural Development, and local independent organs	Permanent
	<p>10. As narcotics cultivation, production and trafficking is illegal; the land owner shall be the first responsible person. The filed shall be destroyed and the owner shall be arrested and introduced to people through media. Head of police departments, district authorities and other security authorities shall be also responsible for poppy cultivation in their territory.</p>		Permanent
	<p>11. Judiciary organs shall not procrastinate in detection and investigation and shall issue the related verdicts timely.</p>	Ministries of Interior Affarirs, Counter Narcotics, independent local organs, judiciary organs, and Ministry of Agriculture	Permanent
	<p>12. The judiciary system shall be equipped in terms of both quantity and quality so that they can more effectively detect, investigate and bring the narcotics related criminals to the court. Delay in each of these processes paves the ground for the interference of the powerful. No minister, PM or any other authority shall interfere in above mentioned processes.</p>	Police, prosecuting authorities, Supreme Court	Permanent
	<p>13. The Press and Media shall play their role based on law. They can provide good program to promote public awareness and publicize and reveal acquired information about criminals and narcotic producers. Lessons on narcotics' detriments shall be included to schools' curriculum and the Imam, PM, and influential personalities shall actively participate in public awareness activities.</p>	Ministries of Interior Affairs, Justice, Counter Narcotics, security, prosecuting and court authorities.	Permanent

	<p>14. Serious attention shall be paid to the well being of the villages. Provision of school, clinic, doctor, teacher as well as energy and water encourage people to stay in their villages. In remote areas, where provision of hydroelectricity is not possible, solar or wind energy shall be considered. Afghanistan has 300 sunny days on average and enough wind to be used for sustainable wind energy even for mills and industries.</p> <p>15. Farmers have not effective access to markets; among the reasons are lack of roads and marketing opportunities. They can not sell their products and in some cases the product spoils before sale. Therefore construction of cold storages shall be considered in economic development plans.</p> <p>16. For the purpose of preventing and reducing poppy cultivation, borders and narcotic transportation shall be controlled seriously. Border control needs the cooperation of neighboring countries and international community.</p> <p>17. Detection and arrest of smugglers would not be a difficult job providing the security authorities feel secure from consequent attacks. To be honest, most of smuggles have strong connections with the foreign and domestic powerful. For solving this problem international community and Afghan authorities shall work cooperatively and design an effective strategy to bring the real criminal to the court.</p> <p>18. Number of the addicted used to be very few in Afghanistan but unfortunately after repatriation of the refugees this number has increased dramatically, and addiction has become a major social problem. Ministry of Public Health with the cooperation of security forces, as well as ministries of labor, and martyrs and handicapped shall take necessary measures for quarantining</p>	<p>Ministries of Information and Culture, Hajj and Endowments, Media and related personalities</p> <p>Ministries of Education, Public Health, Public Works, Agriculture, Energy and Water and Commerce</p> <p>Ministries of Public Works, Commerce, Agriculture, Finance and Rural Development.</p> <p>Ministries of Interior Affairs and Counter Narcotics and Security Authorities.</p> <p>Security Authorities and Related</p>	<p>Permanent</p> <p>Permanent</p> <p>6 months</p> <p>6 month then permanent</p>
--	--	---	---





Usurpers are two types: first are those who have usurped a property or land to have a shelter for their family, second are the powerful who misused their power to gain more wealth and money. Currently, land and property affairs are not regulated based on acceptable legal standards. Therefore lack of effective laws and the influence of the powerful keep the problem insolvable.

Usurped properties are mostly Lands, pastures, aqueducts, non-arable lands, houses, shops, gardens, mines, and antiquities. In the appropriation and usurpation of these properties, both the usurper and administrative, security and judiciary authorities have been involved, as government authorities have legitimized the action.

Most of usurped lands have been divided into smaller pieces and sold and this makes the resolving process more complicated.

The disputes of farmers and stockmen over pastures, ineffective land management and bureaucratic problems, lack of an effective system of survey and review, and inexplicitness of the law on pastures (whether the disputed pastures are public or private property) have made addressing the problem of properties very difficult.

In addition to property usurpation by real persons, governmental organs have also usurped lands and even public buildings in their territory. These appropriations have been done mostly by military and security units and they receive huge amount of money from renting or leasing the properties.

It should not be forgotten that usurpers, have forged the related deeds and even registered them with the courts; so in a condition that reliable deeds, tax records and other official documents are not available or destroyed during the war, the government shall provide a clear and effective procedure to resolve the property disputes. Therefore it is suggested:

Subject	Reform Method/Mechanism	In Charge	Time for Implementation
Resolving the problem of usurped properties and preventing from new usurpation	1. An independent board for addressing the usurped properties shall be established by the decree of the president; this board shall be comprised of Ministers of Agriculture, Urban Development, Interior Affairs, Finance, first deputy to General Attorney and head of independent office Cartography and Geodesy. The board shall have full authority and report to the president. Head of the board shall be appointed by the president.	Office of the President, Head of General Department of Administrative Affairs, and Council of Ministers Secretariat	1 month
	2. The independent board shall have a secretariat and its members shall be elected by board members and approval of the authorities.	Independent board for addressing the usurped properties  Independent board for	2 months

	3. Ministry of Finance shall provide the board and its secretariat expenditures. The expenditure shall be approved based on financial and budgetary principles unless different provisions concerning financial procedure are approved.	addressing the usurped properties and Ministry of Finance	2 months
	4. Independent board for addressing the usurped properties shall have the authority to establish representative offices in provinces. The representative offices shall be formed from the comprising organs. Ministry of Finance shall provide the representative office's expenditure based on suggestion and agreement of the board.	Independent board for addressing the usurped properties and Ministry of Finance	3 months
	5. All institutions, organs or people that are directly or indirectly involved in the process of addressing usurped properties shall give priority to resolving process. They shall be responsible for any kind of negligence and indifference.	This issue should be reflected in president's decree	
	6. The operational groups shall be suggested by act under the authority of the board with the approval of the president. Their duties shall be regulated based on the procedure for the related zone or province. Ministry of Finance shall contribute to their expenditures.	Independent board	
	7. The Supreme Court, Ministry of Justice and General Attorney of the Islamic Republic of Afghanistan shall design and implement an effective mechanism to accelerate the process and shall prevent delay in addressing the usurped properties.	Supreme Court, Ministry of Justice and General Attorney	Permanent
		Ministers, Heads of Primary Budgetary Units, Governors, Mayors and independent board	3 months
			3 months

	<p>8. Ministers, Heads of Primary Budgetary Units, Governors and Mayors shall prepare the documents related to usurped properties and present it to the Independent board for addressing the usurped properties.</p> <p>9. The Independent board for addressing the usurped properties shall perform their duties in regards with the restoration of public properties including arable and non arable land, pasture, jungle, mine, house, shop, garden, as well as museum property and antiquities within the framework of enforced laws of the country, land policy and in coordination with other regulation and reflect it through a specific regulation. Consideration of Ministries of Justice, Agriculture, Urban Development and Geodesy Department shall be concluded to the regulation draft.</p> <p>10. The Independent board for addressing the usurped properties shall regulate their internal duties based on an internal procedure code.</p> <p>11. Ministry of Agriculture and Independent Department of Geodesy and Cartography shall identify location of usurped properties and present their related documents available in public organs to independent board.</p> <p>12. Ministry of Urban Development shall provide the independent board with town's detailed plan and information related to unregistered constructed housings or usurped properties.</p> <p>13. Mayors and District authorities shall delegate</p>	<p>Independent board for addressing the usurped properties</p> <p>Ministry of Agriculture and Independent Department of Geodesy and Cartography</p> <p>Ministry of Urban Development, Mayors and district authorities</p> <p>Mayors, district authority, and province Hoqoq directors</p> <p>Supreme Court</p>	<p>3 months</p> <p>2 months</p> <p>Maximum within 16 days</p> <p>Permanent</p>
--	---	--	--

	<p>petitions of people related to usurpation, after completion of investigation, along with the records to representatives of independent boards in provinces. Considerations of mayors and district authorities shall be enclosed.</p>	The office of Criminal Technique in cooperation with Independent board and Ministry of Finance	3 months
	<p>14. Mayors, District authority, and province Hoqoq directors shall receive the petition and provide the petitioner with a receipt having the date the petitioner should return for the result.</p>	Representatives of the independent board in provinces and central board	6 months
	<p>15. Special courts with pious, professional for these cases shall be established. After the verdict of special courts, cases shall be followed up through consequent legal processes.</p>	Independent board for addressing the usurped properties	Permanent
	<p>16. The office of Criminal Technique shall be equipped with modern laboratories in order to affirm the authenticity of the documents. In case of forgery, personnel of this office shall be punished seriously.</p>	Ministry of Information and Culture	Permanent
	<p>17. Representatives of the independent board in provinces shall weekly report their activities to central independent board through e-mail. The central board shall monthly report their activities to the president.</p>		
	<p>18. The Independent board for addressing the usurped properties shall design a mechanism for the people usurped a property because of helplessness just to have shelter, in a way that prevent future arbitrariness.</p>		
	<p>19. Ministry of Information and Culture with cooperation of Ministries of Agriculture, Urban</p>		

	Development and Interior Affairs shall make people aware of the importance of addressing usurped properties and publicize its human, Shari'a and legal aspects permanently.		
--	---	--	--

### 3. Corruption in Health Sector

War, migration and poverty have influenced health in Afghanistan, as it is evident by different types of illnesses and addiction. The quality of Medicine and health care has come down because of different factors including lack of professional instructors, weakness of the medicine curriculum and war. Though health sector has been improved in terms of facilities, clinics and equipments but inadequate teaching methods, shortage of professional staff, inadequacy of health related regulation and the motivation for money making are still serious challenges to health sector. Corruptions involved in this sector will be discussed briefly below.

- **Indifference and Disrespect toward Patients**

As a matter of fact, poor patients who have no power or authority are not welcomed or paid attention in public hospitals. Patients in some cases are insulted by the doorkeepers and even those who are in emergency status are forced to wait. Unfortunately even doctors who have studied for 18 to 20 years talk to patients through the lens of their rank and authority. Elders are also disrespected in hospitals. All staff shall behave respectfully with their clients, but in hospital good manner is of highest importance and considered part of the professional duty. Good manners shall be educated to all organs including health sector until it become a principle standard for all staff.

- **Irresponsible Prescription**

Medicine is a sacred profession dealing with human life, committed and responsible physicians are respected by people; but for some doctors the medicine is nothing more than a money making profession. These doctors visit all patients even not relevant to their specific expertise and prescribe the outdated medicine sold in their own private pharmacies. Nobody other than themselves or their pharmacists can read their prescription's script so they will not be responsible for the consequences of the prescription. Reform of the health sector requires identifying the committed physicians and prosecuting the irresponsible.

- **Technology Abuse**

Technology is to help human being not a tool for illegal money making. It is seen in many cases that any patient visit the doctor is referred to ultrasound, electrocardiogram and other laboratory experiments. In case of pregnancy and child birth the mother referred to ultrasound

many times and charged 2000 AF each time. Most of patients are poor but they have to provide the imposed fees. This issue needs the attention of authorities.

- **Irresponsibility Even in Emergency Cases**

A number of surgeons do not accept the emergency operations unless receive huge amount of money in advance. In these cases the patient can not pay the money unless sell all his/her possessions. In addition to the operation money, only 20% of the prescription is really needed and the rest remains for the doctor. People specially when facing the risk of death had to do what the doctor instructs.

- **Indifference to the Doctor's Carelessness and Crime**

When curable hand or leg is amputated

When the healthy tooth is removed instead of the unhealthy one

When the patient made blind because of carelessness

And when the patient is died because of wrong diagnosis, there is no authority to prosecute the issue and prevent future crimes.

- **Doctor office or place of disease infection**

Doctor's office shall be exemplary in terms of hygiene and cleanliness but unfortunately the offices are places in which diseases are easily transmitted. Litter's sheets are full of blood stains and not changed for months. The medical tools using for mouth and ear examination are not sterilized and use for several examinations.

In other words doctors themselves transmit diseases.

- **Not Controlling Fees in Hospitals and Clinics**

Doctors' fees are continuously increasing and Ministry of Public Health considering the free market principles can not interfere. The specialists become famous with their new equipments charge the patient as they want; the patient who paid 200 AF last week should pay 300 AF this week and cannot object and if object the secretary would easily respond: "the doctor has studied in ... and has brought the machines from Dubai or ...". In most of clinics the average doctor's fee is 300 AF which is equal to the money simple worker earns a day. Private clinics simply refuse fee discount and public hospitals are to the degree disorganized that the infant dies before the eyes of the father and mother. Some doctors having 40 patients a day earn 12,000 AF per day and 360,000 AF per month. This issues in not related only to the doctor but to those who pave the ground for these situation.

- **Long Advertisements of office signboards**

Throughout the city there are signboards of the doctors showing the ability of the doctor for curing all types of diseases. In our country that faces many health challenges, it is possible that people who has not been to any university disguise as doctors and make money. Ministry of Public Health for preventing fraud shall evaluate doctors' documents and scientific degrees.

- **Inconsistency of Clinical Regulations with Existing Health Condition**

Regulations enacted by Ministry of Public Health for private clinics and laboratories are not consistent with the current condition and contain provisions that cause more arbitrariness and unconcern. Clinic and laboratory offenders are recommended at the first time, warned at the second time and fined 3000 AF at the third time. It is clear that these punishments, regarding the offences related directly to human life, are very trivial.

Part of this regulation divides the laboratories in terms of type of examination to different categories which are not practicable in current condition.

All laboratories irrespective of the nature of examination receive any patient and no one care about the consequences.

- **Import and Use of Outdated Medicine**

Outdated medicines have caused many deaths in blacken doctors' reputation in Afghanistan. In fact Doctors and pharmacists who intentionally import, prescribe or sell the outdated medicine are killers who make money at the price of people's lives and ignore all human, religious and moral values.

Those importers who register the quality and quantity of their medicine and receive import license are in unhealthy connection with foreign producer companies and order cheap low quality medicine. They are also connected to domestic authorities and sometime order in the name of a repeatable importer (in his/her absence). Quality control laboratories are not technically reliable and doctors pave the ground for corruption. Office of Norms and Standards which is a good controller is not active yet; disorganization and lack of monitoring facilities has led to spread of corruption.

- **Doctors' Political Diplomas**

In the past, most of university students especially medicine students were at the service of the government and ruling party; these students were evaluated on the basis of their political commitments rather than educational accomplishments. Some of these students are now considered to be experienced doctors, prescribe and receive fee. Related authorities shall take the necessary action in this regard. During the other governments, most of professor left the country, libraries and laboratories were looted and quality of medicine education came to zero. Some of today's doctors are those graduated from such an educational institution.

- **Spread of the Culture of Private Universities**



In the past, there was only one university and one medical faculty in Afghanistan. High school graduates attended at university entrance exam well prepared; the exam was designed in a way that there was no chance of admission for the unqualified especially in Faculty of medicine. The instructors of that time were all educated people taught at Kabul University and other credible universities in France, Germany and United States. Universities of Indiana and Omaha had exchange programs with faculties of Agriculture, Education and Engineering. Therefore, the graduates of that time were real lawyer, engineer, doctor, economist, judge, and archeologist. Unfortunately, today higher education institutions are opened on the basis of rivalry and lack the professional quality, and again, student come out of university with the certificate gained because of political, racial and ethnic connections.

In order that new higher education institutions meet the professional standards and present qualified graduates the following conditions shall be taken into consideration:

1. availability of educated and experienced instructors familiar with a foreign language
2. availability of hospital (admitting at least a hundred patient) for internship
3. availability of discipline and equipped laboratories of physics, chemistry and biology
4. availability of educational, experimental space and dormitory
5. availability facilities for anatomy and related experiments
6. availability of computer facilities
7. Secure environment
8. adequate library and related equipments
9. Availability of qualified schools to provide prepared students for the faculty of medicine (this condition shall have priority over the other).

Though provision of all above-mentioned conditions and meeting all requirements seems very difficult but they are no impossible. The main obstacle on the way of higher education institutions is lack of adequate teaching facilities and educated instructors; therefore it would be better that instead of establishments of new institutions focus on the quality of primary and secondary education and promote the quality from the bottom. There are many requests for opening private universities and currently this number is not realistic. Therefore scholars, experts and Imams shall talk to people and clarify the condition, no doubt opening the institution when educated instructors are available is of high value.

Considering the above-mentioned facts, for the purpose of preventing corruption in health sector it is suggested:

Subject	Reform Mechanism	Responsible Organ	Timeline
Prevention of corruption in Health Sector	<p>1. Medicine is associated with human life and free competition formula should not apply to this sector, because every physician would monopolize the health market once s/he becomes popular and finds clientele. Ministry of Public Health should seriously prevent such arbitrary actions by drafting new laws and regulations and not allow the physicians to raise their fees and disrespectfully behave towards the patients.</p> <p>-----</p>	Ministry of Public Health	Three Months
	<p>Medicine should have specific code of conducts. Observing the social and highest Islamic moral is necessary in all factors of life, particularly in Health Sector. Unfortunately, lesser attention is given to this basic principle in the hospitals and clinics particularly in public hospitals. Doctors, nurses, helpers and other staff do not pay appropriate attention to unimportant patients. The patients are always threatened and insulted in almost all hospitals. Ministry of Public Health should seriously take social ethics into consideration and make efforts to regulate it. Doctors and other related staff should always be monitored to prevent violence and contempt, punish the violators and take necessary measures for implementing it. Seminars and social ethics courses should be held once a year both in the center and provinces and invite the doctors and other staff to participate in them. Through these courses the issues need to be seriously discussed, procedures drafted and resolutions to be announced in order to bring necessary reforms. The study of code of conduct and principles of other countries could enrich the social behavior of ours.</p>	----- Ministry of Public Health	----- Three months and then permanently
	<p>2. Ministry of Public Health should collect the credentials and certificates of doctors and medical personnel, who work in the public and private hospitals and assess them with the help of Ministry of Higher Education. In case their certificates are invalid, they should be dismissed and prosecuted according to the law.</p>	Ministries of Public Health, Higher Education and Justice	Two years at most

	<p>3. Most of the medical boards in different sizes and colors not only make the patients confused but also ruins the beauty of streets. Ministry of Public Health should standardize these boards and organize them within the rule and regulation. In case of need, the Ministry should request cooperation of the security organs to make them void. The methods used by other countries particularly developed countries can be taken into consideration for standardization.</p>	Ministry of Public Health, Municipality and Security Organs	From 3 to 6 months
	<p>3. Ministry of Public Health should always supervise the clinics of physicians and hospitals and legally investigate the violations relating to disrespectful behaviors with patients, and nonobservance of hygiene and using unclean medical tools. The authorized officials should arrange for periodic visits by assigning delegations.</p>		
	<p>4. Ministries of Public Health, Justice, Education and Labor and Social Affairs should undertake survey and review of different fees of the physicians and unorganized charges by the hospitals, laboratories, x-rays and diagnostic equipments, and specify the amount of affordable fees by a separate Regulation. If the health and life of the people affected by making illegitimate profit, actions of the government is necessary to avoid the misuse through drafting new regulations.</p>	Ministry of Public Health	Continuously
	<p>5. The offenders should be advised first, then warned, finally fined 3,000 Afghanis and beyond that should be convicted to punishment according to the regulation of laboratories and private x-rays.</p> <p>Malpractices against human life should not be limited to advising, warning and imposing fines. The regulations should be renewed frequently to allow suspension of malpractice in the first phase, and withdrawal of license in later stages.</p>	Ministry of Public Health with the participation of Ministries of Justice, Education and Labor and Social Affairs.	Three months
	<p>6. Patients usually have a bag of prescriptions from doctors prescribing many drugs, which have not only effects, but also cause side effects to the health of patients, and such</p>	Ministry of Public Health	Three months

	prescriptions have been increased. Ministry of Public Health should discover such misconducts and resolve them through adoption of specific procedures.		
	7. Complaints of patients should be heard and their prescriptions need to be controlled. For this purpose, hearing committees should be established in all provinces and center of the country. Deputy Minister should carry this responsibility in the center and governors and heads of the public health departments in the provinces.	Ministry of Public Health	Three months
	8. Ministry of Public Health should assign mobile control units to check the hospitals, laboratories, ex-rays, clinics, private clinics and pharmacies, and submit results of their reviews to the office of Minister, including names and titles of the sources. Members of the control units are not permanent but should be rotated by the office of Minister within specified periods. The Ministry should task a delegation to cooperate with the assigned units.	Ministry of Public Health	Three months and then permanently
	9. The assigned delegation should first evaluate the behavior of doctors, nurses, technicians and other officials working in hospitals, and in case of discovering inappropriate and unlawful behavior, the name of physician and other medical staff committed violence and disrespect including the patient's name and hospital or clinic should be noted and reported to the office of Ministry. Office of the Ministry should be responsible to take legal actions against every person involved in the case. The case needs to be recorded in computer and used for future references. To implement this, the Ministry in the center and head of public health departments in provinces should be held responsible.	Ministry of Public Health	Continuously
	10. In provinces, directors of public health departments should first submit the results of their activities dealt with complaints and the reports of supervising delegations to the office of Governor and then to the office of Ministry. Ministry of Public Health in the center and public health departments in provinces should propose necessary punishments of the doctors who violate the health norms, give false prescriptions, make patients buy	Ministry of Public Health	Continuously

	medicine from their pharmacies, write prescriptions wrongly or charge excessive fees.		
	11. Doctors, who have not written name of the drug correctly and have not included the diagnosis in the prescriptions should be introduced to English courses for 6 months. In case they still have writing problem and could not prescribe, Ministry of Public Health should suspend their practicing for a period of time. Upon expiration of the suspension period, and passing the next test decision should be made on continuation of their service.	Ministry of Public Health and Governors	Continuously
	12. Doctors and specialists, who examine several patients simultaneously due to large number of patients and write prescriptions, the Ministry of Public Health should prevent such careless practices, even if such wrongdoings are discovered by other sources, and the Ministry of Public Health can not be acquitted either.	Ministry of Public Health	Continuously
	13. To prohibit the selling of expired drugs, a law shall be enacted stating that both importers and sellers shall be convicted. This law should be urgently drafted and processed.	Ministry of Public Health and relevant sources assigned by the authorities	Continuously
	14. The science of medicine is constantly changed and being developed, the treatment systems are changing and effective drugs are changed too both in terms of quality and quantity. New inventions and researches have created new medicines and prohibit use of some drugs. Therefore, it is required that doctors expand their knowledge about the medical researches in international language so that they could use foreign publications and Internet. For this purpose, periodic examinations of physicians are required to scientifically determine their up to date knowledge at least every three years. The procedure and regulations to be implemented in this regard would remove careless practices and make the physicians pay attention to more studies and researches. If they fail to receive the established standard grade, their medical activities should be	Ministries of Public Health and Justice	Continuously

	suspended for one year in order for them to engage in studying get prepared for the next examination. The mechanism for giving the examination should be in a way to satisfy the administrator and confidence of the people, and no objection whatsoever should disrupt this process.		
	15. The written prescriptions by doctors are not legible except by themselves and their related drug sellers, and even the inspectors could not read and analyze them. Most of them do not know the effective components of the medicine and could not even write the letters correctly. This issue should be considered in the process of giving standard examination.	Ministry of Public Health	Three months
	16. Most of the patients are not treated in the public hospitals and nurses and other personnel in charges refer them to the private clinics and doctors, and patients are forced to go to private clinics. Ministry of Public Health should include this issue in the regulation and punish the violators. In addition, assistance from the media should be sought for people awareness.	Ministry of Public Health	Three months
	17. While some of the boards have name of one physician or specialist, their sons or friends who are recently graduated receive the patients. This is legally questionable. Ministry of Public Health should reflect such instances in the regulation and propose necessary penalties for the violators.	Ministry of Public Health	Three months
	18. Inquiry and questioning are the effective way of diagnosis. But most physicians refuse to put it into practicing, and do not let the patients explain their problems. This indicates that they diagnose the disease by simply looking and instruct the son or assistant to write the prescription. Ministry of Public Health should prevent such approaches by new regulation.	Ministries of Public Health, Justice and Information and Culture	Three months
	19. The TB hospital treats the patients freely, but the greedy doctors avoid prescribing them and want to personally treat the patients, and the poor patients have to bear the costs of doctor fee, medicine, laboratory, x-ray and inpatient hospital fee, which is considered a fraud. Ministry of Public Health should prevent such practices.	Ministries of Public Health, Justice, and Information and Culture	Continuously

	This issue needs to be communicated to the people through media and make them aware of the government assistance for treatment of TB. Pharmacies selling TB drugs available freely by the government and do not inform the authorities regarding misuse of them by the physicians shall be held responsible and prosecuted.		
	20. Ministry of Public Health should permanently go to the laboratories and x-rays without prior notice and technically examine the sets and evaluate the technicians' studies and background. The offenders should be punished according to the law and the issues to be communicated to the people through media.	Ministries of Public Health and Information and Culture	Continuously
	21. Activities of the laboratories and private clinics should be recorded in the system and reported to the public health departments in the provinces.	Ministries of Public Health and Information and Culture	Three months and permanently
	22. Authorized activity certificate of private clinics and hospitals should be provided through joint commission of the Ministries of Public Health and Justice.	Ministries of Public Health and Information and Culture	Continuously
	23. The newly graduated physicians treat patients in the private clinics and hospitals although they do not have adequate professional experience, and prescribe drugs without accurate diagnosing diseases with fatal results. Therefore, the recent graduates should spend at least two theoretical and practical years in the hospitals to receive permission for writing prescriptions. Ministry of Public Health shall take necessary measures in this regard and act accordingly.	Ministry of Public Health	Three months
	24. Doctors do not come to the hospitals when they are on duty and work in their private clinics. In their absence, the assistants and recently graduates treat the patients. Sometimes the physicians give instructions to the assistants by phone without visiting the patients. Such practices are against all the social and health norms and it should be seriously prosecuted.	Ministry of Public Health, minister, deputy-ministers, the relevant directors in the center and governors in the provinces	Continuously
	25. In some of the obstetric centers, nurses and midwives do the childbirth without consulting with the experts and arbitrarily	Ministry of Public Health and directors of the	Continuously

	implement medicines that cause death of mothers. It is important to pay attention and prosecute any incidents resulting from such carelessness.	hospitals	
	26. Doctors should engage in practicing in their specialized field, and interfering in other specialized areas is a violation of the health norms. For example, physicians perform all types of surgeries should be detained, and officials should take note of that.	Ministry of Public Health and all directors of the hospitals in the center and provinces	Continuously
	27. Some physicians take consent letters from patients in which they state that doctors may not be held responsible if something happens. The patients usually have no choice and sign the letter. In such cases, the inexperienced physicians may cause death of the patient due to mistakes and lack of knowledge. Ministry of Public Health should take necessary measures to control against this practice and rescue the patients.	Ministry of Public Health and all directors of the hospitals of the center and provinces	Continuously
	28. There are no legal and technical centers in the provinces to intervene in cases of malpractice and carelessness of physicians and punish the violators according to the law. Therefore, forensic services are to be established in every zone and provinces and used properly. Ministry of Public Health should prioritize the training of cadres and assign them to the provinces.	Ministries of Public Health and Higher Education	Within two years

- **Obstinacy in pharmacies:**

Most private pharmacies and physicians are not familiar with the pharmaceutical norms and standards. In addition, they sell poor quality and expired medicines either intentionally or due to lack of knowledge that needs to be seriously controlled. The regulation related to pharmaceutical affairs should clearly cover all issues regarding the selling prices, poor quality and dangerous drugs, and relationships between whole sellers and retailers. The official physicians working for government should not be allowed to have personal pharmacies next to their private clinics, because the conflict of interests adversely affects the patient needs and the treatment process.

The following should be proposed for organizing pharmaceutical affairs:



Subject	Reform Mechanism	Responsible organ	Timeline
Prevention of corruption in pharmacies	<ol style="list-style-type: none"> <li>1. Standard locations should be specified for opening of pharmacies.</li> <li>2. Pharmacies should have equipment for safekeeping of drugs in warm and cold weather.</li> <li>3. Ministry Public Health should provide and make available to the pharmacies the list and particulars of emergency-related drugs for different diseases, and drugs and tools required for surgical operations.</li> <li>4. The pharmacies should be obliged to keep in stock every day all emergency-related drugs and medical tools specified in list of Ministry of Public Health and make them available to the patients. Non-existence of such drugs and tools cause death and disability of the patient, and the pharmacist should be punished according to the law.</li> <li>5. The pharmacies should be under control of Ministry of Public Health and a mechanism should be adopted to protect against the wrongdoings of pharmacies and misuses by the controllers.</li> <li>6. The retailers and whole sellers should justify the legality of drugs through the customs document and confirmation by the norm and standard department of Ministry of Public Health. The absence of such documents indicates that the drugs have been smuggled.</li> <li>7. The pharmacies should have technical and professional staff, and their credentials and certificates for selling drugs received from the Ministries of Public Health and Higher Education Studies should be displayed in the pharmacy to ensure confidence of the customers.</li> <li>8. Selling of drugs should be based on the prescription of physician, and Ministry of Public Health should include the names of medicines to be sold without prescription in a list and distribute them to the pharmacies.</li> <li>9. Ministry of Finance should provide prescription lists to include prices of drugs to all private clinics, and no pharmacies should be allowed to sell drugs without such prescription.</li> </ol>	Ministries of Public Health, Justice, interior, finance, and higher education and all hospitals, clinics, laboratories,	Continuously

## 5. Cutting and Smuggling of Timbers:

Afghanistan due to its geographical location of and its climate has less forest. Corn forests in Kunar and Nuristan provinces, which are considered the national wealth of the country has been looted for years by the national brokers and foreign businesses. The use of electric saws from neighboring countries has facilitated the cutting of tree process. In addition to simplifying and speeding the cutting process, it also damages the growth of root and stem. The natural pistachio trees with high quality which is a means of supporting thousands of the people living around, has long been cut by commercial and political traders. The season of picking of pistachio has been misused by imposing the idea that it cost more when picked raw, and people pick pistachio two months before ripening. Foreign agents, national brokers, the local landlords with some government officials are involved in cutting the trees. Every year millions of cubic meter of timbers are cut and sent out of the country. Cypress trees have high qualities, which are sold very expensive in Arabic countries when they are polished. Our wood is exported and instead woods with short life are imported. If pay no attention the forests of the country would turn to bare lands. Therefore, it is proposed that:

Subject	Reform Mechanism	Responsible organ	Timeline
Prevention of cutting and trading trees	1. Forests are defined as the public property in the law. In order to avoid their grabbing, an article should be added stating that the grabber shall seriously be punished.	Ministries of Justice and Agriculture	3 months
	2. Ministry of Agriculture, with the cooperation of the security organs and local officials should make and implement a plan to avoid cutting of the woods. Recommendations and consultations of the parliament members could enrich this scheme.	Ministry of Agriculture, Commerce, Finance and other relevant organs	3 months
	3. Citizens of Kunar and Nuristan need job opportunities and incomes, and livestock is the occupation for the people of Kunar. The relevant governmental organs should undertake a comprehensive program.	Ministries of Agriculture, Commerce, Finance and other relevant organs	3 months
	4. Whereas Kunar and Nuristan provinces have been famous for production of furniture and woods, reconstruction of factories and new investments provide employment opportunities for the people and protecting of the forests. Cutting old trees would produce raw material for factories provided that government guarantees the investments with good policies.	Ministries of Commerce, Agriculture and Irrigation and Private Sectors	6 months

	5. Serious penalties should be included in the law and effective to prevent cutting of pistachio trees and carrying its roots out of the country.	Ministries of Justice, Interior Affairs and National Environment Protection Department	1 year and Continuously
	6. Early picking of pistachio represents weakness of the provincial officials and the relevant security organs. The security officials should be questioned and punished and new officials need to be assigned.	Ministry of Interior Affairs, National Security Directorate and the Ministry of Agriculture and Irrigation	Continuously
	7. Ministry of Agriculture and Irrigation should develop a comprehensive and practical program to revive the forests.	Ministry of Agriculture and Irrigation and the relevant security officials	3 months

## 6. Protection of Mines from illegal excavations:

Mines are the national resources belonging to the present and next generations. All types of excavation are against the law and considered crime. The country has enormous metal and non-metal mines, precious minerals, hydrocarbons and subterranean waters. Every activities such as searching, exploring, extracting, exploiting, enriching, processing, forming and controlling should be included in the hydrocarbon law and acted upon. Individuals and groups stealing the mines should be forbidden. These people ruin the mines for their personal interests by resorting to unprofessional extraction. Mines should be given to the bidders and professional companies that would allow professional extraction. Ministry of Mines should control mining according to the provisions of the law. It is also obliged to teach the new methods used for extraction of mines without being ruined to those who are legally allowed. Otherwise, this kind of extraction ruins the mines and reduces the value of precious minerals. The effects of extraction on environment protection should be seriously considered and controlled. Views and recommendation of experts in environment should be taken in every extraction.

Therefore, it is proposed that:

Issue	Reform Mechanism	Responsible Authority	Timeline
Avoiding	1. Ministry of Mines should prepare a geological survey and statistics	Ministry of Mines	Continuously

extractions which are against the Mines Law	of the recorded mines and determine the mines being explored with respect to the location, type, quality, history, situation of use and data whether they are exploited or under control of the government or other individuals and groups.	and Industries and Survey and Geology Department	
	<b>2.</b> Mines with their moral and material values and should be seriously paid attention. Ministry of Mines with participation of Ministry of Interior Affairs and Independent Local Organs should draft a safe strategy for protection of the mines and clarify the protection mechanism for every mine located in different places and prevent its illegal extraction and looting.	Ministry of Mines and Industries and Independent Local Organs	1 year
	<b>3.</b> Ministry of Mines with cooperation of Ministry of Interior Affairs, Independent Local Organs and governors shall protect those mines, which are controlled and looted by individuals.	Ministry of Mines and Industries, Independent Local Organs and the Governors	6 months
	<b>4.</b> The law of mines, minerals and hydrocarbons has anticipated and organized the protection geological surveys, contract, extraction, environment protection, production and export of natural resources. The mentioned laws have assigned the assigned committee of deputy ministers and head of the Environment Protection to participate in the organization, bidding and leasing of mines. Participation of the ministers has been emphasized in both laws as the ministers are obligated to have the process under their control. In case of absence, their authorized representative shall participate but it is the responsibility of ministers to sign the documents.	Ministers of Mine and Industries, Finance, Commerce, Economy, Foreign Affairs, Director of the National Environment Protection	Continuously
	<b>5.</b> The national and international experts are required to prepare the terms and conditions of the lease documents and any lack of attention regarding this matter bring corruption. Therefore, every page of the lease documents should be reviewed and signed by the ministers committee.	Ministry of Mines and Industries and the Minister's Committee	Continuously
	<b>6.</b> While advertising of tenders should be submitted to the specific national and international source by the ministers committee, the committee is required to check and sign every document related to the announcement and publish them through TV, radio, magazines, and	Ministry of Mines and Industries and the Minister's Committee	Continuously

	internet to allow the beginning of the process.		
	<b>7.</b> The professional national and international experts evaluate the receiving bids according to the law and recommendation of the ministers committee. The evaluation of bids and proposals needs to be undertaken in a way that remains no doubt about the validity of the process. The ministers and director of the national environmental protection department, as the head, deputy and members of the committee shall evaluate, check and mark every document including the bidders' papers, and the reason for every hand writing in the documents needs to be signed and confirmed by the assigned committee.	Ministry of Mines and Industries and the Minister's Committee in mines affairs	Continuously
	<b>8.</b> The procurement law has not specified the temporary and permanent bonds for the winner. Therefore, the minister committee should specify this amount and reflect it in the terms and conditions of the contract. The amount of temporary bond is usually less and permanent ones are more for not discouraging the participation of bidders, and to provide more guarantee for non- performance of the bidder.	Ministry of Mines and Industries and the Minister's Committee	Continuously
	<b>9.</b> The contracts should be detailed, comprehensive and written consistent with the applied terms and conditions. Lawyers and experts should avoid the use of confusing words and phrases in text of the contracts, because the government cannot tolerate disputes in the national and international courts. The ministers committee should carefully review the contracts and amend the clauses as appropriate. If the terms and conditions, texts and clauses are well written, it prevents corruption and offenses. Therefore, the minister committee is obliged to number every page of the contracts and the terms and conditions and substantiate them with signatures.	Ministry of Mines and Industries and the Minister's Committee	Continuously
	<b>10.</b> Fraud is common in the world today, and the text of the contracts becomes subject to fraudulent acts of contractors. The terms and conditions and contracts need to written both in Dari and Pashto. When it is not possible to write in either of the two languages, every member of the minister committee should be made responsible for the English version of the contracts because most of the ministers understand English and they understand the correct translation. It is worth	Ministry of Mines and the Minister's Committee	Continuously

	mentioning that wrong translations could be misleading.		
	<b>11.</b> The terms and conditions and texts should be reviewed by the board of translators of the Ministry of Justice, legal board of the Office of President and professional faculties of Kabul University. Without confirmation of the above boards, the contracts cannot be presented to the ministers committee. The boards should also sign every page of the terms and conditions and contract. However, confirmation by the translators and lawyers shall not relieve the responsibility of the assigned ministers committee, and both the boards and the assigned committees are separately responsible.	Ministry of Mines and Industries, the assigned committee of the Ministers, translator's and lawyer's boards and Kabul University	Continuously

## 7. Corruption in Transport Sector

### • Goods Transport via Road

Land and air transport have been weak and involved with corruption. The Land Transport Law and Regulation is an old one by itself has helped corruption in the present social conditions. Many taxes and commissions are being imposed on various smaller carriers that can easily be applied to heavy carriers, resulting in misuse of practices relating to determining the tonnage of goods.

The Law Regulating Transport Routs and Activity was adopted 29 years ago, and the Penal Code for Transport Offenders was put into effect 49 years back. None of them have been revised since then, and there have been practices, which promote corruption and in some cases violate the provisions of constitution and other laws. For instance, Article 26 of Law Regulating Transport Routs and Activities states, "Transport companies and unions may enter into transportation agreement with government institutions, private sector and individuals without prior agreement of the General Transport Authority." In fact this provision facilitates the misuse and negates the freedom of enterprisers and it is against the constitution of the country.

The transport union of traders and businessmen of independent tribes was established in 1361 within the Ministry of Borders and Tribal Affairs for transporting public, commercial and construction goods from Karachi and Peshawar. Many carriers of goods and tankers registered in this union and used to make an annual profit of over 50 million Afghani and Pakistani rupees from their rout permits and commissions. There were some problems and irregularities during the years of war and the fees, commissions and route permits were ignored as related to the transport regulations. This situation is continued and not yet controlled, and part of the fees and commissions are being received illegally by the security and transport personals of highways.

The majority of vehicles with foreign number plates have grabbed the working opportunities from the Afghan carriers. The owners of these vehicles try to get interim Afghan rout permits, replacing the domestic carriers and monopolized the transit of goods. In fact, Pakistani and Iranian vehicles can travel to Afghanistan with their foreign number plates, but in contrast they do not let to the Afghan trucks to travel even through a specific rout to their ports. The Pakistani consulate in Jalalabad issues road pass to Afghan trucks, but it is mentioned in the road pass that Afghan trucks can only travel to Peshawar and are not allowed to travel beyond that city.

Transport office receives transport commissions from the trucks by completing a notebook with two and three duplications. These notebooks have serial number with other details like number of the truck, name of the union, type of the goods, rout, traveled from, destination, name of the driver, weight of goods and the sum paid as commission. One copy of the slip is given to the driver and one is kept in the notebook. Financial employee of the revenue collection office then receives the collected money based on the serial number of the notebook from the transport workers and transfers it all to the account of the government. Mostly corruption occurs in this stage as a result of conspiracy and understanding between the transport employees, drivers, and owners of the trucks. They allow the vehicles to travel without paying the commission or if for example there is 3,000 Afghani in the slip they write 300 in the main slip submitted to the revenue office and driver share the balance of 2,700 with the transport worker. Apart from the number of consignments some commissions are also received on the bases of the weight. In this case they underwrite the tonnage of consignments and it is also a mean of corruption. Dismissing the notebooks where thousands of Afghani may have been recorded and has to be paid to the government account is also not a difficult job and it helps the corruption and misuses too. The commission notebooks with two or three copies can be printed in the press houses and not controlling print of the notebooks and fixing and collecting under the name of the responsible persons, creates other opportunities for different types of corruption.

Uploading of the trucks are not transparent and some times it may turn to an effective mean to traffic narcotics and other types of banned goods. In some cases, some drivers knew about such consignments but some are unaware of it, and when the illegal consignments are detected, the driver is arrested and jailed. This means that the real offenders are free and others are jailed for their offenses. Therefore, the authorities should take measures to prevent the smugglers and do not allow the sinless persons get convicted.

The carriers are standardized in terms of tonnage and load they can carry. Overloading is against the transport requirements because it damages the roads and bridges that are built in accordance with special standards, and in fact it affects the infrastructure in the country. There are particular institutions responsible for maintaining the roads and highways, but transport authorities are also responsible. Thus, the cooperation of relevant organizations is necessary to control and prevent the prevailing situation.

On the other issue, the transport unions are free in fixing transport rates for consignments. If there is no monopoly, creation of cartels or unions can be accepted. As a result of all these the people suffer from high transportation rates.

As an important sector, transport has imperative role in the life of people. If it is regulated, it will bring welfare to the people and if it is monopolized and works in a disorganized fashion, it will cause disaster.

**The followings are suggested:**

Issue	Reform Mechanism	Responsible Authority	Timeline
To prevent corruption in land transport sector	<p>A: Transport of goods by road:</p> <p>1- Law Regulating Transport Routs and Activities and Penal Code for the Transport Offenders:</p> <p>They were designed and implemented 29 and 49 years ago respectively. Many years have passed since then, situation has changed and now the growth of population and increase in the number of the vehicles require specific measures that can not be arranged and regulated in the framework of these laws. In the above laws and articles of association different types of fees, commissions and penalties are anticipated that makes the transport procedures difficult and it is considered a cause of corruption. According to these old laws, tax and commissions are dependent on the type of the vehicle, year, model, capacity, tonnage and number of seats, which have made the calculation of taxes difficult for the owner or driver of the career. In other words, there are many types of taxes and commissions in this sector that apart from the complexity of the procedures is practically considered a source of corruption.</p> <p>In most cases, the old laws are in contradiction with other regulations and even the constitution.</p> <p>In accordance with the provision of Article 26 of the above law, transport companies and unions should not conclude any transport dealing with the government agencies and individuals without a prior consent of the General Transport Authority. It not only denies the freedom but and making the conditionality by itself lead to corruption. It is better that the relevant organization including Ministry of Transport, Ministry of Justice, Ministry of Finance, and Ministry of Interior should take appropriate measures to draft the law and legal procedures and new transport regulations. Attention of members of the parliament is also needed</p>	M of Transport, MoJ, MoF, MoI and the Parliament.	6 months



	regarding this issue. They should study this law and other laws in preferably shorter period of time and take appropriate measures.		
	<p>2- During the previous years, only 4,000 goods transporting carriers (trucks) were registered within the framework of transport unions and millions of Afghanis were collected annually to the government account for issuing rout permit. However, arrangement of such carriers has been disturbed, which caused a remarkable decrease in the government revenue.</p> <p>The fees and commissions previously used to be paid to the government are now divided among the owners/drivers of the vehicles, security personnel and employees of the transport offices.</p> <p>Ministry of Transport, Ministry of Interior, Ministry of Finance should design effective regulations regarding the prevention of these irregularities and corruptions should allow embezzlement of the government income.</p>	M of Transport, MoI and MoF	6 months
	<p>3- Ministry of Finance and Ministry of Transport should compare the income from transporting goods 30 years ago with the income received last year, keeping in mind the fact that number of vehicles are now ten time more and the remarkable increase in transportation.</p> <p>It is obvious that income received from this source is not proportionate to the current level of transportation and misuse of resources and fraud can be easily specified. Ministry of Transport and Ministry of Finance have launched a precise, scientific and accountable assessment to overcome the gaps that has resulted in public corruption. Income of the above mentioned two sectors indicate weakness of the relevant organizations.</p>	Ministry of Transport and Ministry of Finance	3 Months
	<p>4- Tariffs books with two or three slips used for collection of transport commissions should only be printed by the Ministry of Finance and distributed to the transport authorities during the years after noting general serial number and serial number of every tariff books.</p> <p>Print and distribution of tariff books by other print houses should be seriously banned and the offenders punished.</p> <p>Ministry of Information and Culture should cooperate continuously in term of</p>	Ministry of Transport, MoF and MoIC	Continuously

	advertising the announcements pertaining to transportation.		
	5- Some of the unions and owners of carriers owe tax liabilities to the government, and lack of understanding between government with payers has created a serious problem. In order to overcome this problem, Ministry of Finance and Ministry of Transport should provide the opportunity to reach understanding with the real and corporeal persons.	Ministry of Finance, Ministry of Transport and the transport real and corporeal persons.	One Year
	6- Commission agents come to existence in every sector due to the problem of bureaucracy, lengthiness and complexity of processes. The commission agents increase the costs and they cause corruption.  There are many agents in transport sector. Ministry of Transport, Ministry of Commerce, Ministry of Finance, and Ministry of Justice should study the need for continuation or ending of such activities.	Ministry of Transport, Ministry of Commerce, Ministry of Finance, and Ministry of Justice.	6 Months
	7- The rights and privileges of Afghan trucks and transport unions are not observed in the neighboring countries. Afghan trucks in Pakistan are not allowed to cross the border and if they do they are not allowed to go beyond Peshawar city. Afghan goods and commodities are carried by Pakistani trucks and due to unobserving the turns, the Afghan commodities are delayed and they suffer losses.  In contrast, the Pakistani and Iranian trucks have the right to free movement inside Afghanistan and this is not a problem for them. To overcome this discriminatory practice, there is a need for reciprocity for with both Pakistan and Iran. Relevant organizations should take effective and emergency measures as follows:  <ul style="list-style-type: none"> <li>- If trucks of the neighboring countries have the right to free movement in Afghanistan, Afghan trucks should also be granted the same right to travel to their cities without any restriction.</li> <li>- If neighboring countries do not give permission to the Afghan trucks, trucks of the both sides should be offloaded at the border. This should</li> </ul>	Ministry of Foreign Affairs, Ministry of Commerce, Ministry of Finance, Ministry of Transport and AISA.	Maximum six months

	<p>not only be applicable to delivery trucks, but also applied to passenger and returning refugees.</p> <ul style="list-style-type: none"> <li>- If Afghan trucks in the neighboring countries or their trucks stay in Afghanistan more than five days, they should be fined in accordance with an agreement between the two countries.</li> <li>- Afghanistan and the neighboring countries of Pakistan, Iran, Tajikistan, Uzbekistan, and Turkmenistan should equitably implement the decisions.</li> </ul>		
--	---	--	--

### • **Transport of Passenger by Road**

This section refers to use of buses and taxis:

In cities where buses are employed by the Mili Bus Enterprise, minibuses, town ace vehicles and taxis are operated by the private sector carrying most of the transportation burden and passing days by following or ignoring the rules.

Friendly countries like India and Pakistan have given the buses to Afghanistan are of good quality if they are used and managed properly to solve the public transportation problem. In this area, there is only planned movement on paper and is not implemented. Employees, laborers, and students always arrive their offices, workshops and schools late. The continuous irregularities have created a psychological problem to the people and it is worried that some day the people may react impatiently to it. Minibuses and town ace vehicles, which are at least timely, but their unfair high fares and not cooperating with school children have been considered critical. Taxis that are mostly old and expired are not appraised fairly, but they solve part of the problem in this regard. Although transport rates are high, the rates usually increase in the morning, evening, and rainy days.

Buses and taxis travel between the provinces on highways are scheduled and the responsible unions try to prevent willful moves. These vehicles change their fares when the price of diesel and petrol are increased, but when it comes down there are no change in their fixed rates. For instance, a bus ticket from Kabul to Balkh province is 400 Afghanis and in the small vehicles it is 700 Afghanis, which is very high compare to two years ago.

Behavior of the drivers and cleaners of buses is an issue to be discussed. Whenever passengers get into the bus, by all mean they have to be obedient to the drivers and cleaners. If a passenger asks the driver to slow down, he would reply that it is 303 Bus not a cart. If they complain that the bus is cold and wind is disturbing them, they reply harshly that he probably needs a German made heater. And if an old man asks the driver to stop, the cleaner says that you should not have drunk too much green tea.

All these behaviors are shameful and disrespect to the people. Many complaints have been filed, but none considered. Therefore, the following are suggested:

Issue	Reform Mechanism	Authority	Timeline
To prevent corruption in passenger carriers	<p>1- Mili Bus is a big enterprise with better facilities, if not managed by efficient administration, all its assets would be ruined and the institution permanently collapse. This organization started its activities 34 years ago with 70 Indian TATA buses. By then it was serving the people very effectively and was run according to an adopted system. It used to manage its accounting, profit and loss statements, investing 200,000 Afghanis for tire fixing machine and 50,000 Afghanis to refine burnt lubricants. There were small booths everywhere in the city and its employees used to supervise observing of its schedules by every single bus. Tickets were sold and the collected sum was deposited to its account. Children, students, seniors and disables were exempted from paying bus fare. Office of the enterprise was handling all complaints of the people and covered major loses caused by it. The sincere and active drivers were always given prizes and privileges and the opportunists were prosecuted.</p> <p>Ministry of Transport is obliged to decide about the destiny of this body. The Mili Bus Enterprise should have an efficient administration and be in service of the people. Ministry of Transport should report to higher authorities on reform in Mili Bus within six months.</p>	Ministry of Transport and High Authorities	6 months
	<p>2- Ministry of Transport should appraise the activities and proceedings of Mili Bus Enterprise and identify the factors behind its stagnation. It should pay attention to the capacity building of the staff and should not let tens of vehicles to be thrown away under snow, rain and heat out of service due to weak administration, minor damages or lack of drivers.</p> <p>The Ministry should assess the daily activities of buses in terms of providing services, expenses, expiration, salaries and incomes and</p>	Ministry of Transport	3 months

	<p>explain facts related to the enterprise. The Ministry should also present strategies and plans to the authorities for improvement of the enterprise in the center and provinces.</p>		
	<p>3- The unions of bus and taxi traveling between the provinces fix the fares in agreement with each other. In fact, whenever the fuel rates go up, the unions react quickly to increase the fares that are not acceptable comparing to the proportion of increase in the price of fuel. Later if the fuel rates are decreased, there are no changes in the bus and taxi fares.</p> <p>During the past two years, bus fares from Kabul to Mazar- e- Sharif have increased from 250 to 400 Afghanis and taxi fares from 400 to 700 Afghanis. There is not any logical proportion between increase in bus and taxi fares and the fuel prices. Since increase in transportation fares has negative effects on social, and economic well being of the people, the relevant organization should take it into consideration and solve the issue with consensus among them.</p> <p>Bus and taxi drivers traveling from one to another province have not good behavior towards the passengers and people just accept a scaffolding and disrespect environment to reach their destinations. Moreover, owners of the restaurants on the way usually welcome the drives and cleaners with delicious food, cigarette and drinks. This changes the mental conditions of drivers causing car accidents.</p> <p>Therefore, it requires the following measures:</p> <ul style="list-style-type: none"> <li>- Commitment should be taken from the owners, drivers and cleaners of the vehicles that they will behave humanely towards passengers and cooperate with them if they wanted the vehicle to stop.</li> <li>- Relevant organizations should teach the drivers and cleaners good method of driving and prevent them from speeding.</li> <li>- Restaurants along the road should be investigated by delegations appointed by relevant province. In case narcotics and drug is found in a restaurant, the restaurant should be</li> </ul>	<p>Ministry of Transport, Ministry of Commerce, Transport Unions and Governors.</p>	<p>Continuously</p>

	<p>sealed and its owner prosecuted by law.</p> <p>Governors of the relevant provinces should stop the buses and taxis along the road and inquire the passengers regarding the behavior of their drivers and cleaners. In case there was a complaint, their license should be taken away temporarily.</p>		
	<p>4- Every passenger carrying bus should have three complaints boxes. While reaching to province (x), it should submit box number (1) to the traffic and put box no. (2) in place. As it arrives province (y), it should submit box no. (2) to the traffic. And again when it returns to province (x), it should put in place complaint box no. (3).</p> <p>As such the assigned delegations of province (x) and (y) will have an opportunity to study the contents of the submitted boxes to take appropriate measures.</p> <p>The complaints should be heard and decision be taken on each complaint.</p>	Ministry of Transport, Governors, and relevant authorities	Continuously
	<p>5- Private vehicles are increasing in number day by day. The majority of them lack license and escape from traffic to comply with registration and number plate. As it has affected negatively on the government incomes, it also creates problem in detecting crimes.</p> <p>Ministry of Interior, Ministry of Finance, Ministry of Transport and Ministry of Commerce are obliged to overcome this problem and register all vehicles, including private and government. Any vehicle lacks a license should be stopped and released only after paying the fine and issuing of license. All these require an effective plan to be implemented.</p>	Ministry of Interior, Ministry of Finance, Ministry of Transport, Ministry of Commerce and Industry	Three months and continues
	<p>In order to implement this proposal, the followings are suggested:</p> <ul style="list-style-type: none"> <li>- A joint delegation from the MoI, MoD, MoT, MoF, and MoC should be assigned in every province to investigate all types of vehicles, stop the vehicle if it lacks a license, seize the traffic</li> </ul>	Ministry of Interior, Ministry of Defense, Ministry of Commerce, Ministry of Finance, Ministry of Transport and Ministry of	Continuously

	<p>documents of drivers and keep them in a safe place. This should be applicable to all vehicles, including government and private, without exception.</p> <ul style="list-style-type: none"> <li>- Traffic offices in every province should be equipped not to face any problem in issuing such license. In case of other problems such as not unpaid customs duties or any other lateral problems, a temporary license should be issued. If its owner or driver failed to pay the customs duties within one month and does not apply for permanent license, the driver should be fined with large sum of money the driving license suspended for one- year term.</li> </ul> <p>If the driver lacks driving license and there is no any other document for identification and arrest, the traffic authorities should not allow him to drive. Identification and arrest of the driver during the accident is a must and responsibility of traffic.</p>	Communication.	
	<p>6- If the traffic offices, revenue departments, transport and insurance offices that each has a responsibility, are not computerized, the Ministry of Interior and all relevant authorities should purchase and implement a computer friendly program and issue the license through computer. Meanwhile, it will help to save the record of vehicle and other required information in the computer.</p>	MoI in cooperation with the relevant ministries and Ministry of Communication	Maximum six months
	<p>7-The possibility of fraud and misuse of tariffs based on which the commission is counted and collected is very likely. If in the tariff slip carried by the driver 3,000 Afghanis and in the book there is 300, it means that 2,700 Afghanis is embezzled. Because tariff books serve as the basis for collection of revenues by the government, the account shows only 300 Afghanis.</p> <p>In order to prevent such misuses the following measures should be taken:</p> <ul style="list-style-type: none"> <li>- The minister of Transport and director of Transport should not maintain a position of irresponsibility and status.</li> <li>- The employees of the check posts should be rotated.</li> <li>- The supervisory groups should not be permanent, but whenever</li> </ul>	Minister and Leading authorities of the Ministry of Transport	Continuously

	supervision is needed an area, the delegation should be newly appointed by the authorities.		
	<p>8- Employees who write tariffs act very unconsciously. They do not fill the bills properly as it is required. Most of the time, the received amount of money is not illegible, which means corruption. The person who writes such tariffs should be fired with immediate effect.</p> <p>There should be no mercy for misusing, fraudulent acts, and embezzlement. They should be prosecuted by the law and introduced to the public through media.</p>	Minister and Leading Authorities of the Ministry of Transport	Continuously
	10- The former controllers of Ministry of Finance should be assigned to the transport section to report to the Ministry of Finance on authenticity of the transport system.	Ministry of Finance and Ministry of Transport	Continuously
	11- In order to prevent drug trafficking, owner and driver or both should be made responsible for the contents of consignment. Employee of the transport office should receive a statement about the items inside the consignment. In the statement, there should be signature and fingerprint of the people who filled the form.	Ministry of Transport and all transport persons and unions	Continuously
	12- With regard to the quantity and weight, the loading of trucks should be proportional to the resistance of the bridges and roads. Otherwise the overload could cause damages to the roads and bridges. Ministry of Transport and Ministry of Public Works should establish means for determining the weight at the starting point, in the middle of the way and wherever it seems necessary so that violation of rules can be prevented.	Ministry of Transport and Ministry of Public Works	Establishment of the means in one year and then continues
	13- The transport unions do not make proper judgment as related to fixing of fares and rate for transport of goods. Most of the time rates are high and they have fare market under their control. In order to prevent these unjust practices, which undermine the national economy, the relevant organizations should establish a mechanism in accordance with the previsions of the Constitution.	Ministry of Transport, Ministry of Commerce, Ministry of Finance, Ministry of Public Works and Chamber of Commerce	Six months
	14- It is observed that vehicles of the government officials and some influential persons have dark/ black glasses. In fact it is not only limited to the high authorities, but their bodyguards and other family	Ministry of Interior and General Security Directorate	Continuously



	<p>members misuses such privilege that has created problems for the order of traffic in the city.</p> <p>Although times and again orders have been issued regarding this privilege, the traffic police has failed to implement it. Therefore, the authorities given the privilege of using black glasses should be identified and the rest have to be seriously prosecuted by the law. In order to carry out this, the General Security Directorate should cooperate from time to time with the Ministry of Interior.</p>		
	<p>15- The drivers of national army, police authorities and officials, offices of the UN and other foreign organizations usually do not observe the law as the drive fast and park as they wish.</p> <p>Parents warn their children to avoid the above- mentioned vehicles, and they argue that support of the authorities have encouraged their drivers to act as they want and no inquiry is made.</p> <p>The organizations should teach the drivers the ethic of driving and Ministry of Interior should act seriously against any unlawful act in this regard.</p>	Ministry of Interior and all relevant organizations	Continuously
Issue	Reform Mechanism	Authority	Timeline
	<p>16. Driving by teenagers has become a fashion to demonstrate their power and prestige. They sit proudly behind the steering of Benz and Lexus cars along with their friends driving so aggressively as if all the streets are merely at their own disposal. Any traffic accidents are solved by paying money or a phone call of an official. Our Muslim and courageous girls are being harassed by the same group of reckless teenagers, and the traffic police have no power and authority. There is need to change such disturbances that have affected the families, legal freedom of the girls, culture and society, and public order, and the soft behavior of traffic officials must be changed. There must be efficient controlling groups to control all areas. Any teenagers who violate the traffic law must be arrested and prosecuted. If other officials observe and report about such incidents, the traffic police must be interrogated in accordance with the law.</p>	Ministry of Interior and all other government institutions	Continuously
	17. The traffic police are weak and powerless both in the capital and	Ministry of Interior	Continuously

	<p>in provinces. The chief of police and public officials can use the traffic vehicles anytime and anywhere as they wish. The government of Japan provided a lot of assistance to improve the traffic order in Kabul, but the Kabul police headquarters took 90 percent of the actually provided for the traffic department. A traffic ambulance has been extorted by one of the officials and used as family bus. Various other traffic equipments have been taken away from the traffic department and are being used by other detachments. As a result of all these lootings, the government of Japan stopped its assistance to the traffic department. This department is within the structure of Ministry of Interior and it is under the Police Headquarters in terms of financial allocation. Therefore, this department can never perform its duties efficiently due to having limited legal power. The Ministry of Interior must review the performance of traffic department, take it out of the jurisdiction of the police headquarters and give it enough power to perform its duties responsibly. Traffic must be computerized and mobile officers must be equipped with computer facilities in their vehicles and all traffic crimes must be recorded in computer. The traffic police must be paid enough salary and other privileges and their assignment to other duties must be strictly avoided. Disciplinary measures and rewarding system must be implemented and violation by traffic police must be prosecuted.</p>		
	<p>18. Traffic is, in fact a service entity, which works to ensure public order in the cities. Its main duty is to regulate transportation affairs and to make sure that drivers observe the assigned legal framework. The traffic department used to be within the structure of the municipality, as it is so in most of the countries of the world. Besides ensuring public order, in particular transportation section, traffic police are the source of income, obtained from the drivers violating traffic regulations. Such incomes belong to the city and must be included in coffer of municipality. Since the date this department was merged to the Ministry of Interior and come under the police headquarters, the traffic incomes have decreased due to indifferences by the officials of traffic department and Ministry of Interior, because the Ministry of Finance has paid salaries and other expenses of traffic</p>	<p>Ministries of Interior, Transportation, Finance, Economy and Municipality</p>	<p>Three months</p>

	<p>department out of the budget, as the Ministry of Interior does not commit itself to have incomes and cover the expenses by traffic department. If the traffic department comes under the municipality, the salaries and expenses can be paid through the municipality. With a little bit of close control by the municipalities, the maximum incomes obtained through violation of traffic regulations would be saved from possible misuse. The boards and commissions that have been officially assigned to work on the merge of traffic department with municipality over the last two years have expressed their views and argued that since this department is a service entity, therefore, it must be merged with municipality, but their views somehow have been overshadowed. For the efficiency of traffic, its merge with municipality is necessary, therefore a board comprised of representatives from ministries of interior, transportation, finance, economy and municipality must be assigned to assess the views presented by the previous commissions and with a comprehensive study of the traffic duties and their link to those of municipality make appropriate recommendation.</p>		
--	---	--	--

- **Air transportation**

Ariana Afghan Airlines has more than (50) years of experience in providing good, comfortable and safe flights in and outside the country. This company has flights to Europe, Frankfurt and London in addition to flights to the neighboring countries. This company had attracted passengers and tourists by providing comfortable and specialized services and it used to be a well-known airline like many other famous airlines around the world.

As a result of the recent political changes in the country, the activities of this company have been affected by the crisis and chaos, which left bad impacts on the name and achievements of this company. Poor management and recruitment of some corrupt officials affected the quality of work and incomes by this company. There have been no records of accountability for several years to show the balance of profit and deficit; therefore, such embezzlements and various other corruptions led this company to a state of dissolution. Purchase of equipments, maintenance of the engines and the contracts were made practically and inconsistent with the law, which was hard and even impossible to track down. The appointments were made based on links and affiliations and as a result of excessive appointments, the structure of this company inflated by 200 percent. With the establishment of the new management, the activity of this company became more regular and with making the balance of benefit and deficit, the financial situation of this company has become understandable and assessable.

In addition to Ariana Afghan Airlines, there have been several other aviation companies established by private sector that have undertaken part of the air transportation's burden. There are currently four companies providing flights, but due to lack of appropriate aviation regulations in the country, their flights overlap with other airlines and the future of such situation doesn't seem desirable.

For instance, these companies hire the pilots, engineers and other staffs with high salaries and privileges. The staffs of companies, in particular Ariana, are qualified people who have studied for several years and paid hundreds of thousands of dollars to be qualified as a pilot, engineer or other occupant of Ariana Afghan Airlines. Their salaries and privileges are also higher than other government employees and even higher than other staffs of Ariana, therefore, they should not be hired and encouraged to leave Ariana by other companies. The ground handlings belong to Ariana according to a decision by the high economic committee of the ministers' council, but some of these newly-established companies interfere into this issue and create irregularities.

These companies escort the passengers to the plane without being searched and checked and fly them out from there, which is inconsistent with aviation regulations. Taking the baggage through illegal passage is impermissible, which unfortunately sometimes takes place by the airport officials.

Therefore, it is suggested that:

<b>subject</b>	<b>Method of corrective mechanism</b>	<b>Implementing agency</b>	<b>Timeline</b>
Prevention form corruption in air transportation	<p>1. Given the existence of limited aviation in the country, there is a need for more aviation companies and the national and international entrepreneurs who want to invest in this sector. There should be more freedoms given in such investments, so that person could buy or charter any kinds of planes they wish. The airports in the capital and provinces are lacking hungers for maintenance and fixing of the planes, as the old planes have become dangerous and vulnerable. The country's aviation officials must put in place appropriate standards on issuing license to new aviation companies, therefore, each new airline must:</p> <ul style="list-style-type: none"> <li>- At least give 4 million dollars cash to be able to compensate the loss when required.</li> <li>- Buy or charter the planes that have not been used for more than ten years.</li> <li>- Not buy or charter a damaged plane even if is the latest model.</li> <li>- Not have personal and private ground handlings.</li> <li>- Not make their main parking in Kabul, but in one of the provinces</li> </ul>	Ministry of Transportation and all aviation companies.	Continuously

	<p>determined by the aviation officials.</p> <p>The aviation officials shall have to:</p> <ul style="list-style-type: none"> <li>- Put in place the regulations that prevent from the interferences by the airlines.</li> <li>- Allow one airline to hire the pilots, engineers and other staffs of another airline without any agreement.</li> <li>- Not ignore the violation by the aviation safety officials on observing the landing turn and determining the parking area for the planes and punish the violators seriously.</li> <li>- Consider Ariana Afghan Airlines as national carrier and help it enjoy the required specific privileges.</li> </ul>		
	<p>2. The security in the airports is an issue, which must be the priority of the Ministry of Transportation. Due to certain connections with some aviation companies, some security officials escort their passengers to the plane without being searched or checked. They also allow passengers to exit without their turn. It has been observed that private and government cars are going near the plane without permission and carry the baggage. Such authorities and lawlessness are dangerous and it is feared that, God forbids, this would lead to untoward disaster. Those passengers, who are properly searched and pass through the scanning machine are being disturbed by the police upon boarding to the plane and asked for passport. If they know that a passenger is a little rich or in a hurry, he/she is being bothered even if he/she is a foreigner. Since the departure time would be too tight, therefore, the passenger would have to pay some money to the police in order to be allowed to take off. When the money is paid, the police escort that passenger to her/his seat in the plane and say goodbye to them. This issue is very common, which disrupts the flights and affects the security of the airport. Ministries of Transportation and Interior must, in cooperation with aviation companies, prevent from such incidents. The occurrence and detection of such abuses are of the duties of the concerned officials.</p>		
	<p>3. With an emphasis on the issue of security in the airports, the Ministries of Transportation and Aviation, Interior, Commerce, Finance and</p>	<p>Ministries of Transportation, Interior,</p>	<p>Three months</p>

	National Directorate of Security must urgently assist in facilitating the signing of a legal contract with one of the foreign security companies, preferably an European company on taking charge of the security in the airports and there should be no body involved from inside the country in such a contract.	Commerce, Finance and NDS	
	4. The ground handling, which is under Ariana, must be strengthened and the interferences by other airlines must be strictly avoided. If there are any shortcomings or problems in provision of the abovementioned services, they should be tackled through joint cooperation. If such services are to be auctioned, it must be done in accordance with the decision of the Council of Ministers among credible foreign companies. The national citizens in the guise of foreign nationals such as Arab are tolerable and it is better if such services are given to DNATA of UAE, otherwise the interference by opportunists affects the aviation services provided in the name of Afghan.		

- **Unnecessary expenses, official and non-official trips of some authorities**

There are no comprehensive rules or procedures to determine and explain the travel expenses by the authorities in details. It has also not been explained that which authorities are entitled to business and which of them to economic classes when booking the flights and what types of hotel rooms they can use for their temporary accommodation. Therefore, using business class plane tickets as well as luxurious rooms in five stars hotels make the travel expenses very high, which is a huge burden to be reimbursed out of the government budget. However, it is a bare fact that after the first category of government officials such as the President, Vice-presidents, Chief Justice, Speakers of the Parliament, Head of Religious Scholars' Council and Senior Ministers who should enjoy the required travel facilities, the ministers, deputy ministers, military generals and other high-ranking authorities should be provided with travel expenses in accordance with the relevant regulation.

It is worth mentioning that many years ago a deputy foreign minister of the Islamic State of Afghanistan was on his way back from an official trip to Japan. He had been seated in business class section, enjoying comfortable seat, delicious foods and excellent service and by making himself busy with reading the then publications, you could hardly see even the small signs of tiredness of trip on his face. Suddenly, he saw the minister of foreign affairs of one of the rich countries who had also attended the same conference held in Japan, but was seated in the economic class section and he was proudly talking to a person sitting right next to him. The officials of the two countries, one from economy and the other from business- class, greeted each other by waving hands. Watching the difference of seats in the plane and the capital and financial capability of the two countries made the Afghan deputy foreign minister extremely uncomfortable and made it very difficult for him

to make the rest of his trip. He was watching at his watch as often as possible and he was uncomfortably waiting to reach his final destination. This trip was a big lesson to the deputy minister and his companions who heard and hear this story. The moral of narrating such a story is that any official who does such trips must bear in mind the condition of his/her country and its poor people and must try his/her best to be more economic in order to obtain Allah's and the people's satisfaction.

Therefore, it is suggested that:

Subject	Method of corrective mechanism	Implementing agency	Timeline
Prevention from unnecessary expenses	<p>1. To better regulate the trips to in and outside the country by the officials, there must be a regulation put in place, so that to regulate the expenses by each official within a specific frame and prevent from unnecessary expenses, which is currently going on.</p> <p>To make this regulation work, the following points must be considered:</p> <ol style="list-style-type: none"> <li>The agenda and purpose of trip must be explained clearly.</li> <li>How important this trip would be and would it achieve anything if a person or delegation is sent on?</li> <li>The language used in the trip must be identified, especially when a person or delegation attends a conference, so that the need for a suitable interpreter must also be taken care of.</li> <li>If a trip is scheduled abroad for the purpose of talks or negotiation, the Afghan delegation going on such trips must be the same level as that foreign country.</li> <li>The dispatched Afghan delegation shall have to prepare all the issues discussed with the other side in this trip in writing and submit it to the authorized officials of the Islamic Republic of Afghanistan and if required, provide verbal explanations.</li> <li>The invitations should normally be addressed to the title or position. If they are addressed in person(s) name, the reason must be sought. If the invitations</li> </ol>	Ministries of Finance, Justice, Labor and Social Affairs, Martyred and Disabled, Foreign Affairs and Women's Affairs	Three months

	<p>are received based on personal affiliations, it is advisable to refuse rather than accepting them.</p> <ul style="list-style-type: none"> <li>g. To assign the same person for each trip must be strictly prohibited. To ensure justice and equal opportunity in the workplace, other persons should also be assigned and sent on such talks and conferences.</li> <li>h. The officials eligible to business and economy class must be identified in the plane and airfare be paid accordingly. To determine the amount of expenses, the poverty of the people must be considered.</li> <li>i. The types of hotel rooms used by the representatives or dispatched delegations, as temporary accommodation, must be determined in accordance with the rank and position. Using expensive hotels must be avoided as much as possible.</li> <li>j. It must be explained to the dispatched representative or delegation that ordering foods and drinks by phone from the bedroom in the hotel costs more, so that they are aware and avoid doing so.</li> <li>k. The concerned entity has to make sure that it provides the traveler with a travel regulation, so that s/he is aware of it and avoids over expenses, as it would be deducted from his/her salary.</li> <li>l. The travelers have to make sure to bring the receipts for their plane tickets as well as other expenses in order to settle their accountability.</li> <li>m. In case the host country covers the plane tickets or accommodation or both expenses, the concerned entity must get the information in advance and let the travelers know accordingly.</li> <li>n. If the traveler(s) has not done any trips before and is not accustomed with the customs and traditions of the host country, the concerned entity has to make sure to brief the person or delegation sending to</li> </ul>		
--	---	--	--



	those countries on the customs and traditions in order to avoid any confusions or problems facing by the person of delegation.		
--	--	--	--

## 8. Corruption resulting from unemployment

Unemployment is a phenomenon, which infects the society to poverty, misery, insecurity and various types of administrative, social and political corruption. The misery of unemployment has many factors in our country most of which is the legacy of chaos over different periods in the past; however, the main factors are the incidents and various political upheavals that have been imposed on the people of this country over the last three decades.

Six years ago, the new administration was established at the time where there were administrative anarchy and vacuum and lack of legal institutions. The influx and return of millions of refugees from outside the country caused significant problems for the subsequent years. This period, which is the difficult years for building a nation, government and state, is still going on.

The masses that are vulnerable against unemployment are as follow:

- **Unemployment youths**

Millions of Afghan youths have been raised illiterate and have had no work opportunities due to conflicts in the country. These youths cannot be employed to any other jobs, except as daily workers. On the other hand, the economic activities such as reconstruction have not developed in the country due to various factors to provide work opportunities for unemployed people, therefore the number of such people increase every year.

- **Unemployed educated people**

Those educated people who could not get a chance to be employed by the government and private sector are joining the unemployed group and the number is increasing every year.

- **Returnees**

It is worth mentioning that the decisions by the neighboring countries on driving the Afghan refugees back to Afghanistan have also intensified unemployment, which is a huge problem for the government and the nation. To accommodate and settle all these returnees have not been an easy job for a newly established government like Afghanistan. Nevertheless, with continued efforts by the relevant officials, cooperation and support by the people and the international friends the issue of settlement was solved to some extent, but the problem of sustainable employment, working in farms, factories and other labor institutions still exist, which is a significant problem.

- **Internally Displaced Persons (IDPs)**

Due to deterioration of the political, economic and social situation, thousands of families have been forced to leave their houses in the villages and displaced to the cities. Most of these IDPs are jobless and have joined the unemployed masses in the community.

- **Demobilized people**

Those armed individuals who surrendered their guns to the government to ensure security and return to a civilian life are also unemployed. To reintegrate these people, the government must consider the issue of providing them with employment opportunities as its priorities.

- **Bread-earning children**

The war-torn families have no other bread-earners, except their young children. These children unwillingly stick to begging, selling newspapers, magazines, etc, which unfortunately does not still cover even their minimum living costs.

- **Handicapped and disabled**

The long destructive war has handicapped and disabled a significant number of populations in the country. The rights being paid to them as salary by the government can never be considered as salary, but can only be considered as tea money. In the contemporary world, it is common that handicapped and disabled people should also be provided with work opportunity, so that they could earn their living through working. Unemployment has turned to a major problem in the society. Continued conflicts have destructed all the infrastructure of the country, which used to be a good source of providing employment and this situation has left a significant number of youths unemployed.

The agriculture sector, as the good and effective source of employment, has been affected and destroyed due to continued war and droughts, therefore, the villages and rural areas are no longer a reliable source of employment. Most of the farmers have left their houses in the villages and come to the urban centers. The urban centers are not a place to find a job. The return of refugees and influx of IDPs have populated the cities. Therefore, if the peasants are not provided with improved farming, nursery, animal husbandry and rural industries in the countryside, the IDPs will not return to their villages and this would worsen the situation in the urban centers. The business and industries, which are the main urban activities, will also fall apart and can no longer be relied on as a source for absorbing the manpower.

The construction sector, which has recently been a good source of employment, is also not seen as satisfactory, because this sector is not as active as possible to meet the minimum requirements of unemployment. On the other hand, the normal and skilled foreign labors have mostly replaced the local labor market. It is feared that lack of preventative laws and registration of imported labors and lawlessness by entrepreneurs will broaden the problem of unemployment and corruption in the country.

It is worth mentioning that the reason for hiring foreign labor is because of their inexpensive working outputs as well as their better skills. The industries, which are the main source of absorbing the labor in most of the developed countries have become ineffective in Afghanistan, because the limited industries such as carpet, manufacturing factories, etc have been destroyed by bombardments and shelling of rockets. As a result of importing low quality and cheap products, the handicrafts, which were also a good source of employment, have been rooted out.

Government institutions and entities, which used to employ qualified people have not only developed, but also gradually downsized due to legal and structural considerations, because as a result of going towards the open market system, the structure of government institutions as the policy-making entities has become smaller and the operative duties have been taken over by private sector. In conclusion one could say that government won't be an appropriate place for recruitment and absorbing of the educated masses graduating from the higher education institutions in the future, therefore it is required that the possibilities for recruitment and absorption of such graduates should be sought within the private sectors as well as the countries that need manpower.

Recruitment means to appoint the human competency and physical power to achieve a certain task or goal. In the current situation, the buildings need engineers, the patients need doctors and factories and machineries need competent technicians. Since the curriculum of the educational institutions is really poor and disordered, therefore, the graduation of huge number of engineers, doctors and technicians with poor qualifications do not seem to be that much efficient and helpful and it is feared that employment of such specialists would further complicate and worsen the affairs.

To address the abovementioned problem, the reform of educational system and capacity building must be the top agenda of the programs on tackling the unemployment.

- **Education useful tool for employment**

In the education sector, the youths wish to study and then work in accordance with their qualification. The relevant entities have not been able to identify and study the labor market in terms of supply and demand. The current educational programs have not been fixed in accordance with the required standards on various educational levels and the officials have limited themselves only in enrolling, teaching and graduating the students.

The students wish to complete a 12-year educational period irrespective of their talents. As we practically see, there are no conditions and obstacles for less-talented students to promote to higher classes and that is why the educated people are presented to the society with poor competencies and capacities. Therefore, it is required that the educational institutions pay more attention in enrolling the children and educated people qualified in various fields whose merit and potential could really meet the requirements by the society and that the sectors and entrepreneurs do not have to import their required capacities from outside the country with high costs.

It is worth mentioning that those youths who are under baccalaureates and could not continue their education due to continued war and internal displacements and most of this terrified mass used to earn their living through the barrel of gun have now been left in the middle of nowhere. It means neither they could secure any jobs within the government institutions due to lack of the required qualifications, nor could continue their education, as from one hand they have grown older and on the other hand they have to take care of their families and children. Such category of the youths is forcibly dragged to illegal business. According to a research, the high percentage of the people who are involved in robbery, looting, smuggling, killing and kidnapping is from this group of people. Therefore, in order to rescue the society and this vulnerable mass, provision of short-term vocational training courses is the only way out of this crisis and the government must focus on it.

Those who are graduating from these courses will achieve the following:

They acquire a profession and occupation with the help of which they can earn a living and support their families. When a person acquires a profession and occupation through which he can earn a living, he would love it and try to further improve his favorite profession and occupation.

By acquiring a profession and occupation, the mentality of such youths would change and there would be a significant change in their behaviors with their classmates, teachers and community. The experience has shown that the people enrolled in such courses did not respect the discipline in the class on the first days, but gradually changed to a disciplined person and abided by law and discipline. Such change of mentality and personality is something, which is urgently needed in the current situation of the country.

The present time has its requirements. Unlike the past, the illiterate mason and carpenter who do not know the dimension geometrically cannot work as skilled worker. We need skilled and literate workers in our all construction projects, especially in renewal of pipelines and power networks, extraction of mines and building of dams and canals. If we do not take immediate and serious action on establishing, promoting, strengthening and supplementing the vocational training, we would not be able to solve the growing unemployment problem we have taken in heritage by a generation after each graduation from 12<sup>th</sup> grade and lower every year. The developing countries, especially those that do not have the capacity of absorbing all the students graduating from the 12<sup>th</sup> grade, follow such practice, which means they supplement and convene short-term vocational courses to train and use the competent personnel as a means to reduce unemployment. Unlike the other educational programs, these are not only educational, but also productive courses.

In the first months, the lecture in these courses is only theoretical and then it would be both theoretical and practical. The trainees start their theoretical and practical lesson under the instruction of their lecturers. For example, the carpentry section makes doors and windows, plumber works in the bathroom and the electric does the wiring and installing the switches and sockets. In fact, it is possible to use them in fixing the buildings that have been damaged as a result of conflicts or use them in the government facilities that are newly built. This way, from one hand, the training process is implemented and from the other hand it would be extremely economic

for the government to use them. Additionally, in a few months time, there would be a human with a profession that can help him earn his living presented to the community; secondly, the community would be rescued from the harm of the persons causing real headaches as a result of unemployment and thirdly, the country would stand on its own feet in terms of having literate and skilled workers who are desperately needed for the future of this country. In conclusion one can say that by convening vocational training courses in at least three fields such as administration, construction and machinery the unemployment, moral, social and corruption rates would significantly decrease. For those youths who have not completed their education and for those who have been demobilized or redundant from the government institutions, acquiring vocational trainings is the best way to employment. Therefore, it is required that by studying the requirements by community, an appropriate and quality vocational training be put in place in the labor market. These programs are seen in the following three categories:

A. Administrative courses such as:

- Secretariat
- Computer
- Communications
- Accountancy
- Management

The duration for the abovementioned courses shall be between six to one year and the females may have more chances to attend. The secretariat and administrative works have been considered as ordinary affairs in our country up until today, which is not true. To have professional people would help a lot in taking care of the office. Those persons who are deployed in such jobs incompetently would never be able to perform the entrusted duties, which are not heavy, but significantly important successfully. There used to be textbooks on office skills and it was practically taught a few years ago. There were a number of students graduated from this field who are currently working for international organizations.

B. Construction courses include:

- Masonry
- Carpentry
- Plumbing
- Electric
- Iron barring
- Wilding
- Quell wiring
- Engraving
- Technical drawing

The duration of these courses ranges from six months to one year

### C. Technical aspects of the machinery

- Engine
- Wiring

Duration of these courses is one year but if this is prolonged it could prove more effective.

Although the ministry of labor and social affairs has set up a number of such centers in the capital and some other provinces, they do not seem to be sufficient

#### • **Construction of shelters as a means of employment for the youth**

Given the limited opportunities that exist for occupation, our youths have grown used to laziness and are wary of physical labor. They have always lamented their not having houses of their own and they aspire to do so. Although lack of money, land and income usually shatter such hopes nevertheless with God's grace and the effective measures adopted by the government we can help them realize them. To further explain the relationship between unemployment and not having a house of one's own it should be noted that: the jobless account for a large proportion of our population and given the slow progress of our agriculture, economy and trade, distribution of land for those who need them could turn out to be an effective policy to help lower the rate of joblessness and accustom our youths to physical labor.

Having a house and shelter shall help individuals settle down at a fixed place and plan for their future. It will ease their anxiety and raise their confidence in their family and their children. The unemployed youths of each family shall be busy for at least one year. To implement this project the well-meaning nations shall help us through grants and loans to help our youths avoid evil, addiction, smuggling and terrorism. Their cooperation shall not only prove useful for the nation and the local people but also for the whole world.

The decree regarding the distribution of land for teachers was issued two years ago but has not been carried out yet. This leads us to conclude that we have the necessary facilities but we lack the commitment and the capacity to implement them.

Work on the land is quite fruitful and if the people are provided with land, this will undoubtedly contribute to the reduction of unemployment and gross domestic product.

Public lands that are not used are quite abundant. According to a preliminary survey, the tyrants have expropriated 3.7 million hectares of such lands. It is hoped that they will voluntarily return them otherwise they shall be taken from them through legal means. Concerning the restoration of public lands from those who have expropriated them, there is a discussion (the corruption resulting from the expropriation of land) later on in the same collection.

Despite the fact that a great deal of land has been expropriated, the government still is in possession of millions of hectares of land that could be put to use. Great caution must be exercised in the distribution of such lands to prevent corruption and abuse.

The valuable lands of industrial parks in Kabul and other provinces are living examples of such lands that were sold at a cheap price for investment and construction of factories but the owners of such lands have failed to do anything effective and have merely made certain superficial changes. None of the commitments that were made to increase employment has been fulfilled.

Therefore the sale of lands in mass is not compatible with the situation of our country and such lands must in the first place be sold on easy terms or rented to farmers and the jobless to be able to start farming and help end or lower unemployment.

Therefore it is recommended that:

Subject	The reform mechanism	Authority	Timeline
	<p>1: unemployment breed corruption therefore it is necessary to adopt effective measures to tackle this issue. To do this we need a comprehensive national strategy to increase employment so that all institutions and organizations effectively fulfill their obligations. The following organs should cooperate in the implementation of this scheme:</p> <p>The ministries of labor and social affairs, justice, economy, agriculture, trade and industries, higher education, education, refugees, foreign affairs, women's affairs, civil service commission and the national environmental protection department. The strategy should be designed and approved by these organs.</p>	Ministry of labor and social affairs with the partnership of other relevant organs.	3 months
	2: ministry of labor and social affairs with the cooperation of the ministries of trade and economy, the central bureau of statistics and other research institutes should examine the domestic occupational situation and the foreign demand for work and by publishing precise and reliable figures aid other relevant organs.	Ministry of labor, and other relevant organizations	Annual publication of the results of the studies at a certain time
	3: quality vocational training must be expanded and attempts must be made to add other large and small vocations besides the six and seven famous ones to vocational courses. To better develop such training, the ministry of labor and social affairs should harmonize its activities with the professional educational programs of the ministry of education.	Ministries of labor and social affairs and education with the cooperation of donors	1 year
	<p>4: Employment of skillful and ordinary foreign workers in construction and road projects has had a negative effect on domestic employment opportunities thus:</p> <ul style="list-style-type: none"> <li>• Attempts must be made to prioritize the recruitment of domestic workers</li> <li>• Recruitment of foreign workers must be accomplished legally</li> <li>• Foreign workers should not be allowed to work without legal documents and registration</li> </ul>	Ministries of labor and social affairs and interior and other relevant organs	Continuous
	5: Many countries in the region and the world are in need of foreign work force. The relevant organs, countries and reliable sources should go about seeking Afghan workers and help their departure. Such		

	workers could foster domestic employment in the future.		
	6: Many have seen the establishment of vocational education ministry as an effective and useful measure by many. Studies should be done to realize how many such centers are needed throughout the country so that the establishment of the ministry and such vocational centers should be expedited.	Ministries of labor and social affairs and foreign affairs	1 year
	7: the agricultural sector can play an important role in raising the level of employment. Since our country is endowed with sufficient land and water which if it were used appropriately no draught would take place. Unfortunately, the lack of effective irrigation systems has contributed to the shortage of water and has impeded agriculture. The relevant organs should solve this problem through devising an effective measure.	Ministries of economy, education, higher education, labor and social affairs and other private and public relevant institutions	6 months
	8: confusion of the responsibilities and powers of the ministries of agriculture, and energy and water have resulted in indifference and apathy and has contributed to the decline of the agricultural sector. Therefore, these ministries are obliged to clarify their responsibilities and powers and solve the problem.	Ministries of agriculture and irrigation, energy and water, finance and rural development	Continuous from three months later
	9: the lands that do not need much water and effort and money should be considered first. For instance, 33 years earlier a project was launched to make use of Amu but due to the political developments it was stopped. It is expected that the completion of this project will result in the irrigation of thousands of acres of land and will create jobs for many families and individuals. Ministries of agriculture and energy and water should study the 5-year and 7-year development plans of 1355 and should suggest ways for its revival.	Ministries of agriculture and irrigation, energy and water, justice, economy.	2 months
	10: agriculture is an effective means of creating jobs. Under peaceful and normal circumstances, 80% of the population will be engaged in agriculture therefore, the relevant organs should carefully examine the current agricultural situation of the country and should determine the objective realities that influence the decline or growth of agricultural development. Having considered the significant factors, their perspective regarding the improvement and development of agriculture	Ministries of agriculture and irrigation, energy and water, rural development, economy and other organs.	6 months



	in the short, medium or long term should reflect that.		
	11: in order to solve social problems especially unemployment the government should distribute arable lands to farmers so that the multitudes of the unemployed and displaced people return to their villages and resume their agricultural activities. In this process, that is, the distribution of lands to villagers the priority shall be given to the original residents.	Ministries of agriculture, refugees, economy, urban development and provincial authorities and councils	1 year
	12: the development of agriculture shall contribute more effectively to the resolution of the unemployment problem than any other sector. An agricultural strategy that encompasses animal husbandry, poultry and fish farming, beekeeping and so on is of special importance. This strategy must be devised in accordance with the realities. In this strategy the participation of the majority of governmental organizations is essential and it is also imperative that the development of each part of that should be carried out according to the planned timetable.	Ministry of agriculture and other relevant organs.	3 months
	13: graduation of an increasing number of students from colleges has added to the multitudes of the unemployed and this is expected to continue in the future. No organ in the country assesses the needs and demands of the market for various occupations therefore; there are no indices to regulate the number of admissions into faculties. If the present educational policy is to continue, sooner or later the society will have to grapple with a ubiquitous and troublesome crisis, therefore: a) the responsible organs and academic institutions should jointly determine the work demand of the market annually and should submit precise figures and statistics to the educational authorities to tackle the disorder facing college graduates.	Ministries of economy, higher education, Afghanistan Bank, central bureau of statistics and the academy of sciences	Every year three months before the entrance examination
	14: ministries, secondary education, vocational, and financial centers should harmonize their plans with the demands of the labor market. They should annually announce their coordination and make sure of the prevention of unnecessary graduates.	Ministries of education, higher education and labor and social affairs	The study should be launched within three months and the report should be submitted by at most six months
	15: vocational training shall prepare the youths for employment. To	Ministries of education,	3 months

	strengthen this field, the establishment of the ministry of vocational training has been deemed useful. Studies must be done to estimate the number of centers and courses needed throughout the country and urgent measures should be taken to establish the ministry and vocational centers.	higher education, labor and social affairs and finance	
	16: our youths have not cultivated and nurtured the belief that labor is essential to human nature and is a virtue. This mentality originates within the family and is fostered at schools. Therefore, introduction of the concepts of work and employment in the curriculum of schools and faculties shall prove helpful and shall guide our youths.	Ministries of education, higher education and labor and social affairs	6 months
	17: a strategy must be devised and implemented to create jobs at the local and rural levels. To achieve this, in addition to the development of agriculture and livestock, fish farming and small handicrafts industries should be expanded so that with the financial, technical and educational assistance, some lucrative jobs be created and reduce unemployment. Handicrafts such as carpet weaving, Kelim, shoe making and embroidery are engagements that could flourish with the cooperation of the guilds and unions. To accomplish this, the ministries of trade and industries, rural development, trade chambers and the union of craftsmen should collaborate with one another.	Ministries of trade, rural development, trade chambers, and the union of craftsmen	3 months
	18: unemployment breeds corruption and vice and the jobless youths shall engage in theft, addiction, abduction and smuggling and even worse, in terrorism and murder which will affect not only Afghanistan but also the whole region and the world. To address this social ill, we must create jobs. The mechanism and procedures of how we can accomplish that were explained above. Of course, to pursue these procedures and to resolve the problem of unemployment we need money and financial resources. If we compare the funds proposed here with those spent on conflict and war they won't sound much. Therefore: If the financial and security organs share the rationality of this scheme with their foreign partners and donors and logically explain the necessary budget, given their commitment to the reconstruction of	Ministries of economy, finance, economy, labor and social affairs and security organs	3 months

	Afghanistan, they will welcome this. It is hoped that with understanding and transparency we will be able to eliminate unemployment, which has become the root of all evils.		
--	--	--	--

### **Misinterpretation of the system of market economy**

The Constitution supports the market economy system but does not emphasize rash and extravagant measures to achieve this. This system is favored all over the world. Free and democratic states pursue this prudently but some of the followers of this system who have radical views completely reject the intervention of the government. They want to swiftly switch from a traditional market to a market economy that is dominated by competition. This is not inherently bad but the conditions of the countries that have hardly risen out of years of conflict do not turn down the participation of the government and deem it necessary for them to remove the obstacles that are the legacy of the past and pave the way for the activities of the private sectors. It should try to prevent a deadly rivalry and should support the domestic industries and eliminate monopoly to prepare the ground for a healthy competition in the market. It should try to improve employment and should put the bid to eliminate poverty at the center of its economic and social planning.

These are not possible without a prudent and cautious intervention. Monopolists are so adept that are difficult to be dealt with legally.

We have recognized that the rise in fuel prices is in part due to the developments in foreign markets but is largely owing to the collusion of the importers and unscrupulous monopolizing bodies. If the government does not take any action, this rise in prices shall prove disastrous. Or if the government remains indifferent to the unfair rivalry of foreign competitors, one hundred million dollars that, for instance, have been invested in making soda, which has managed to satisfy the demands of the country shall be wasted and send a signal to others to be wary of investment in the country and do not endanger their capital.

The public transportation is a governmental entity, which helps the free transport of over 40 thousand students in Kabul therefore if we are to privatize it before finding a solution to this problem, it will result in radical protests on the part of people. The move toward market economy which has been set forth in the Constitution and our economic principles and is one of our national aspirations should not be sabotaged and should be carried out prudently.

Government has many storehouses and facilities to store food and fuel by which could ward off a rapid rise in prices or famines. The existence of 193 warehouses including 5 silos within the framework of the ministry of trade can help a great deal in storing and distributing goods. Following the abolition of the price control department of the municipality, there has emerged a willful lawlessness in the prices of basic necessities.

To resolve these problems, the following is recommended:

Subject	The Reform Mechanism	Authority	Timeline
	1: the market economy, given the present situation of Afghanistan, must be defined realistically. Government intervention in the activities of the market even when the prices have skyrocketed has been prohibited.	Ministries of economy, finance and trade chambers	6 months

	Monopolization persists and authorities are unable to put an end to them and pave the way for a healthy competition. Therefore, prudent and proper intervention by the government as is usual in Europe and other countries is deemed necessary. An appropriate definition of the market economy system and the mechanism for the participation of the government is indispensable to its realization to prevent any misconception that could spell trouble.		
	2: Government intervention is necessary to prevent from activities that jeopardize social and national interests. The import of low quality foods, fuel and other unnecessary items should be prohibited. Therefore, every businessman should consult with the government regarding the quality and quantity of what they intend to import.	Ministry of trade, Independent office of norms and standards of trade chambers, and all businessmen	To be started within two months
	3: Laws and regulations and procedures should be imposed to identify the ways of monopolization and foresee punishment for those involved in it.	Ministries of justice, finance and trade	3 months
	4: the government should prepare stocks of gas, sugar, and wheat to face unforeseen events and emergencies otherwise they will result in disasters	Ministries of trade and finance and other relevant organs	At most 6 months
	5: the government should in case of the rise in prices due to monopolization make timely use of its stocks	Ministry of trade and industries	When necessary
	6: silos must be prepared within one year because under the current circumstances their sale shall be harmful to the government	Ministry of trade	One year

### **The absence of a comprehensive economic strategy**

In order for the government to help various sectors of the economy to be directed and regulated appropriately we need a comprehensive and exhaustive strategy. The absence of such a strategy has wreaked havoc in the plans that are devised for various areas and could eventually harm the national economic development. A weak and disorganized economy could bring about destructive social phenomena and a variety of corruptions including administrative corruption. Unemployment is one of the disastrous phenomena resulting from a weak economy. Jobless youths turn into burdens for their families, which shall create various problems.

The absence of a comprehensive strategy could result in administrative dissonance, overlapping and negligence. For instance, the irrigation system of the country, which constitutes the foundation of the agricultural development, is faced with bewilderment.

The responsibilities of the ministries of energy and water and agriculture regarding the regulation of irrigation affairs have remained unclear and the subsequent poor investment has reduced production and has contributed to the increase in unemployment.

The creation of a national strategy cannot be achieved by a group of experts of a particular institution or organization rather it necessitates the participation of different sectors and organs.

Therefore, the absence of comprehensive national strategy has grave consequences, which are enumerated below:

- Decline of development in all social and economic aspects of life
- Unemployment as one of the prime cause of insecurity and commotion
- Rise of prices and loss of control over them
- Increase in imports
- Loss of trust in investment and decline in domestic products
- Growing increase of low quality and contraband goods
- Further monopolization of the market and further suffering on the part of the consumers

These are challenges that could afflict the society due to the absence of a comprehensive economic strategy.

Strategies especially those related to economy should be based on precise statistics. Whenever gross domestic income or other sorts of revenues are mentioned it is suspected that the figures and numbers could not be reliable and could be based on conjecture and speculation. For instance, the transportation sector which accounts for one of the most important sections of the economy has definitely failed to record the exact number of its vehicles and our economists do not know how many cars utilize our highways everyday and what percentage of the population is engaged in this sector and how much it contributes to the growth of trade. Most of these vehicles do not have licenses therefore the sources that submit figures and numbers to economic analysts including those of IMF are not that reliable.

Energy and electricity are indispensable to a peaceful and prosperous life and economic development. This sector is also without a strategy because bureaucracy and administrative corruption have concealed the facts and officials do not know the exact number of users whether they are families, trades, industries or offices. The records are not reliable at all and the revenues collected are not consistent with the expenditures. Therefore, false statistics result in incomplete strategies.

Therefore it is recommended:

Subject	The Reform Mechanism	Authority	Timeline
Absence of a comprehensive national economic strategy	1: ministry of economy along with the central bureau of statistics is obliged to determine the exact figures and statistics of all the ministries, offices and sectors. In case of shortcomings and defects, they should take action to resolve them.	Ministry of economy, central bureau of statistics and other relevant organs	6 months

	2: in order to help the country achieve a comprehensive economic strategy, ministries, independent departments and all organizations are obligated to direct their priorities toward the specified framework which calls for the creation of a comprehensive economic strategy and spare no cooperation in this regard.	Ministry of economy, and all the ministries and departments and the relevant organs	6 months
	3: as it was mentioned earlier, the creation of a comprehensive and precise strategy requires exact figures and statistics otherwise the strategy as an effective factor in the livelihood of the economy shall turn into a misleading trend in the economy. For instance, so far every year over 65% of the development expenses have been provided by donors which has resulted not only in disharmony but also in the government's ignorance of the exact amount of these expenditures. Therefore the creation of precise and transparent strategy requires mutual understanding, accountability, transparency and identification of priorities and their reflection in the strategy to avoid any shortcomings.	Ministries of economy, finance and other organs	6 mon

## 9. Corruption in the establishment of certain markets

Despite the fact that Afghanistan, after years of conflict, is faced with many problems and limited resources, nevertheless it has reduced the import tariffs to the lowest in the region whose mean is 4.5%.

It was expected that friendly nations and especially neighboring countries who are more developed than Afghanistan, would, given the difficult situation of the country, consider long-term exemptions or at least reduce the tariffs. Unfortunately, over the past years, little attention has been paid to this issue.

Another noteworthy issue relates to the low level of exports and bleak prospects for its growth. All the industrial and production centers of the country have been destroyed during the war and consequently the exports of the country have been confined to a few items. A comparison with other neighboring countries reveals an enormous gap.

According to the statistics that have been obtained, the exports of Iran to Afghanistan in recent years have amounted to over 104 items whereas Afghanistan only exports 8 items to that country. Put it in monetary terms, as opposed to 3.4 million dollars from exports to Iran, the latter earns 422 million dollars for its products.

On the other hand trade agreements that constitute the foundation of the deals that are concluded between the two countries have been signed. International transit agreement, Trade and economic memoranda of understanding, international transportation of goods and passengers and so on which have removed all the obstacles in the way of Iranian products therefore border markets do not seem to be necessary.

Afghanistan as a country that has barely risen out of years of conflict needs investment to help its industries grow and to encourage businessmen and entrepreneurs to help the domestic products flourish and reduce the complete dependency. As shown by experience, markets

become the source of various commodities whose import into the country shall affect the domestic products and will eventually block the growth of industries and shall contribute to the promotion of consumerism in the country.

Furthermore, a fledgling country like Afghanistan, the government is obliged to safeguard public health and prevent the outbreak of diseases and this entails that all the goods that are imported should go through legal and customs channel.

The markets usually contribute to the import of low quality items, which are harmful to the economy of the country. Above all, the existence of such markets shall gradually pave the way for smuggling of contrabands and even drugs, which is opposed by both governments.

Therefore, it is recommended that:

Subject	The Reform Mechanism	Authority	Timeline
Avoiding the existence of unnecessary markets on the border and frontiers of the country	1: the neighboring countries should observe the balance between their bilateral imports and exports - they should change their tariffs for Afghan goods as Afghanistan has because presently the customs tariffs of Afghanistan differ from those of its neighbors	Ministries of trade, economy and finance	To be continued
	2: the neighboring countries should let Afghan transport vehicles pass through their borders according to the established agreements	Ministry of trade	To be continued
	3: Afghanistan dismisses the necessity of the establishment of frontier markets which could be more than compensated for by many trade facilities in the areas of investment, transport, transit and communications. People believe that such markets are a threat to the well-being of the society, will contribute to the outbreak of diseases, smuggling of contraband and low quality goods which will have a negative impact on the economy, erosion of our industries' foundations and the eventual weakening of our sovereignty on the borders. Therefore the plan for stopping such activities must be approved and implemented.	Ministries of foreign affairs, trade, economy and finance	3 months

## Corruption resulted from unpleasant Social Customs

- **Customs and traditions**

For many years, expensive and gratuitous customs and traditions have beset many people and families and have made them incur many damages.

In the past, the wedding ceremonies, both in towns and villages, usually consisted of preparing one or two kinds of food and were held at houses with the help and assistance of relatives and friends. Thus it was concluded with dignity in one or two days and did not place a heavy burden on the bridegroom or the family of the bride. Recently the wealth that has been accumulated through legitimate or illegitimate means by some individuals has led them to pursue their whimsical impulses to alter the old traditions of this country. Thus the wedding ceremony has been prolonged to many days and both parties have to invite hundreds of their friends and families to luxurious hotels and serve elaborate meals.



For any one of these ceremonies the families of the hosts and the guests shall have to prepare several dresses for themselves and their children then to go to the beauty salons to make up.

The money that is paid to such hotels is mostly in dollars and thus the wealthy are not encouraged to establish factories rather they invest their money in hotels. Instead of development and creation of jobs, such investments lead to the promotion of consumerism and shall encourage the clerks to become corrupt.

Unfortunately, such ceremonies are not confined to weddings rather graduation from schools, circumcision of boys, and the return of relatives have become occasions that are marked by ceremonies in such hotels. A new ceremony that has been promoted by the owners of such hotels is the welcome ceremonies that are held for Hajis who return from Haj pilgrimage. At such ceremonies, guests rise as the Hajis enter and singers start singing and the female Haji walks on a red carpet and climbs the stage that has been prepared at the front of the hall. The guests clap to welcome the Hajis and the youth start dancing. It is believed that such ceremonies could lead to misfortune.

The commission believes that such customs and traditions, which are spent in dollars could not have a negative impact on the rich but for the clerks and civil servants they will create many problems. It is such expenses that lead them to received bribes and thus it could be argued that this contributes to corruption.

Government intervention in such areas does not violate democratic principles rather it could deliver people from unbearable and compulsory expenses. A few years ago one of the neighbors of Afghanistan declared that such expenses could lead to corruption and outlawed such ceremonies, which were welcomed by the majority of people. If we count the sheep that are slaughtered at such ceremonies we shall realize how the culture of consumerism has increased. Such gratuitous expenses not only affect both sides of the contract but shall contribute to the rise of prices in the market.

It is expected that immediate and effective measures should be undertaken to stop such destructive customs. Although the owners of hotels shall obstruct the intervention of the government but the latter should remain firm and steadfast.

Therefore it is recommended that:

Topic	Corrective method and mechanism	By	Duration
Preventing the corruption that results from unnecessary customs and traditions	1: Ministry of information and culture should, with the cooperation of the ministries of labor and social affairs, Haj and donations and women's affairs call on religious, cultural and social institutions to collaborate in the prohibition of wrong and unpleasant customs and traditions.	Ministries of information and culture, labor and social affairs, Haj and donations	At most 3 months
	2: authorities and officials of the relevant organs, governors, prayer leaders, clerics, and all influential figures should help the government to implement its decisions regarding the prohibition of such wrong customs	Governors, mayors and clerics	To be continued
	3: holding of accessory ceremonies besides the wedding at hotels and restaurants should be forbidden. The owners of the restaurants should sign	Ministries of information and	To be continued

	their commitments. Furthermore, holding of mourning ceremonies to commemorate the dead at a restaurant should be banned. This is not in contradiction to democracy and will be constantly supported by the majority of the people.	culture, Haj and donations, governors and mayors	
	4: mayors and governors must beware restaurants charging more than two dollars per person for weddings. Exorbitant expenses of weddings could lead to corruption and the destruction of the happiness of the newly wed couple.	Governors and mayors	3 months