

Afghanistan Joint Anti-Corruption Monitoring and Evaluation Committee (MEC)

Bamiyan Trip Report



Photo : Javed Noorani

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Summary

The Committee met with many stakeholders in Bamiyan, including the Governor, the Provincial Council; the Provincial Directors of Education, Health, Agriculture and Mining; the Attorney General's Office; the Appellate Court; Culture, the Police chief of the province, the Tazkira(ID) department; civil society representatives; UNAMA; the Chair of the University and a sample of students; and visited one School for girls. The committee members had 16 meetings in total.

The objective of the trip was to find out about the corruption concerns in the province and to gain a sense of the anti-corruption drive of the provincial government and other citizens.

Not all opinions were the same, but the overall views were that the main corruption challenges were in the following nine areas: education, health, the courts, agriculture, the municipality, the police, recruitment of government officials at all levels, contracts, and the influence of Members of Parliament. Of these, the three that had the highest levels of corruption concern to citizens were recruitment for government positions, the courts and the police.

MEC heard in many of the interviews that the overall level of corruption in Bamiyan province is perceived to be lower than two years ago.

The province demonstrated some strong resilience to fight corruption. MEC heard of many positive aspects of the province, such as the nature of the people, the strength of civil society, the official support for civil society, the personal commitment of many of the individuals, and the passion of Bamiyan's citizens and students for real progress against corruption. MEC also heard many messages of hope, which can be summarized from one civil society interviewee: "I can tell you clearly that the people of Bamiyan really do have the will to fight corruption." The top ten issues for corruption are:

- 1) Education
- 2) Health
- 3) The courts and prosecutors
- 4) Agriculture
- 5) The municipality
- 6) Police
- 7) Cultural heritage
- 8) Land authority
- 9) Recruitment of government officials at all levels,
- 10) Contracts
- 11) The influence of Members of Parliament

MEC will now follow up in Kabul regarding further investigation into the corruption concerns relating to the courts, the prosecutors, police, education and health.

1. Introduction

The MEC committee prioritizes a provincial visit to assess and observe anti-corruption plans and its effect on sub-national governance during each quarter.

The Committee met with many people, including the Governor, the Provincial Council; the Provincial Directors of Education, Health, Agriculture and Mining; the Attorney General's Office; the Appellate Court; Culture, the Police chief of the province, the Tazkira(ID) department; civil society representatives; UNAMA; the Chair of the University and a sample of students; and visited one School for girls. The committee members had 16 meetings in total.

The objective of the trip is to find out about the corruption concerns in the province and to gain a sense of the anti-corruption drive of the provincial government and other citizens.

Though three days' visits are not sufficient to reflect a comprehensive picture of the situation in the province, it is sufficient to gain an overview of the principal corruption issues and to hear first-hand about the major areas of concerns that were flagged to us during the meetings.

2. Preliminary meeting with the Governor

The committee members first met the governor of the province to inform him of the purpose of the trip and to listen carefully to his plans and regarding his achievements against corruption.

Governor Zohair stated that the policy of NUG is to work with people and stop land grabbing, while acknowledging that people were poor and the resources meant for people were captured by corrupt officials.

According to the Governor, major areas of concerns in province were the education department, municipality, Attorney General, prosecution offices, and public health.

The Governor has created additional monitoring capability: there is now a monitoring and evaluation committee to monitor the procurement process in the province, which is seen by many as a significant achievement in raising the standards of recruitment.

3. The main areas of corruption concern

In general, across all the meetings, the overall views were that the main corruption challenges exist in the following nine areas:

- 12) Education
- 13) Health
- 14) The courts and prosecutors
- 15) Agriculture
- 16) The municipality

- 17) Police
- 18) Cultural heritage
- 19) Land authority
- 20) Recruitment of government officials at all levels,
- 21) Contracts
- 22) The influence of Members of Parliament

Of these, the three that had the highest levels of corruption concern to citizens were recruitment for government positions, the courts and the police. As one illustration of these areas, students at the university had the following order of concerns: Top concern: Police and Courts; Next highest concerns: education, MPs influence; Third level of concern: Health

There were also comments regarding others sectors: Breshna, Land Grabbing, Mining, University.

Each of the corruption areas is considered below.

Education

There was a major scandal in the provincial education department, which was not resolved successfully except that people who were alleged for corruption were merely removed. This case of corruption in education department, where 90 Afs million were embezzled, has gained notoriety. The case against the people involved in corruption was transferred to Kabul. The case still remains in court and unresolved.

Many people complained of ongoing corruption problems at the provincial level.

There were problems everywhere, especially in hiring process, where a lot of interference happens.

There are 339 schools across the province¹. The department complained that the province has a smaller Tashkeel. But they need more full-time teachers to provide education. The department hires teachers from open market and they are often not qualified. About 60 schools in the province are in open air. Lack of on-payment salary payment to teachers is another challenge. There were many positions empty within the tashkeel of the department officials of the education department complained that it is time consuming process which affects the education in the province. It also creates opportunity for corruption.

Study material for students are not sufficient.

There are also issues with contracting in the department and they said that they are done in Kabul. Many times those signing contracts for Bamiyan do not have knowledge of the labor rates and the local weather issues, which can increase the cost.

¹ Head of education department, Bamiyan province, November 6th, 2016

Health

Health sector in the province is a major issue where theft of medicine, supply of expired medicine and absence of doctors have been observed by multiple actors.

The department of health highlighted some of the problems, such as lack of digital recording system, internet, lack of resources to connect the dispersed population with health centers. There are 22 positions vacant in the health department and people do not want to come to Bamiyan. Some interviewees said that the province needs a medical college to produce doctors.

NGOs operation of health clinics in the province has been identified as a major challenge to provision of services to the citizens. They reported of corruption among NGOs that are contracted to provide services and medicine. For example a NGO that lost contract due to notoriety, won another one at a later date. The health department thinks it is merely monitoring the sector. The department fails to understand its core functions of ensuring health service delivery and proper inspection of the medicine, equipment and responses to the needs of people.

The theft of medicine from funded clinics is common knowledge. Food destined to fight malnutrition ends up in black markets because they steal it instead of distributing them among beneficiaries.

Provincial court and prosecutors

Corruption problems in the court system in the province repeatedly came up during the trip to be one of the most corrupt institutions in the province.

However, the officials in the court were either saying that the blame should be on others, or complaining about lack of office space and influence of district governors in some places. The head judge says there is zero corruption in Bamiyan because they receive very good salary. The judges did agree that they lacked defense lawyers.

However, MEC observation and statements by numerous people referred to serious cases of corruption in court system. Independent observers see the court as a major corrupt institution in the province.

In the entire province one-woman judge was recruited and she is now in Kabul and can't visit the province due to insecurity on road. There are effectively no women to deal with case of violence against women. There were also many cases quoted where women's concerns had been pushed back, and the woman herself subjected to verbal attack.

Concerns with regard to corruption in Judiciary was the gravest concern of most interviewees. Officials of various departments collect evidence of corruption and the court often set the corrupt free. For the 13 people identified as corrupt in Education department scandal, are now either out on bail or not being prosecuted. And everyone in Bamiyan sees this.²

² Op-cit, head of health department

There has been some development in judiciary where corruption cases are referred to Public Security court to judge. In the current year there have been 13 cases of corruption so far referred to the court. There has also been some reform but the court is still seen to be corrupt.

Prosecution office

The appointment of unqualified prosecutors through corrupt practices, nepotism and cronyism continues to affect prosecution system in province. There seem some changes with new qualification requirements for new prosecutors. The prosecutors in province are still considered to be lacking professionalism.

In the prosecutor's office, this is one good example: there were six people who were taking bribes who were removed. One of the six who went to Kabul received special orders and he was able to come back to Bamiyan, but he did not manage to get any relief in the province.³

The prosecutor's office rejected allegations of corruption, and refuted all charges of corruption in the province. The prosecutors were very convincing explaining their capacity and organization but also the situation with the cases sent to Kabul that have never been resolved. Also the complaints about the capacity of the police to complete the evidence. This big disparity between the views of almost all interviewees and the prosecutors remains a major concern for MEC.

MEC heard many examples of court and prosecutor corruption issues during its meetings. However, MEC heard a contrary view from the senior representatives of the prosecutors and the court, who said that there was little or no corruption in the judicial system. MEC will follow this up in Kabul, to ask the Supreme Court (?) and the Attorney General to look into this situation and establish the facts.

Agriculture

Interferences in the hiring process has been observed. There is also some pressure for allocation of resources of the department. The sector is a major contributor to the GDP but it is ignored and not much resources are allocated for the sector. Paucity of expertise in the sector was other issue that posed as challenge to good planning and spending of budget.

There are positive things that have happened in the department and among them is the appointment of the head of the department through an open, fair and competitive process.

Tazkira and Police

The committee visited the Tazkira department of the police in Bamiyan province to see the tazkiras are issued to citizens. The department did not provide convincing answers to questions on assigning an age

³ Governor Zohair of Bamiyan dated Nov.5th 2016 at his office

to applicant and confirming the identity of women independent of her husband. There have been talks of inconsistencies in the department where foreigners have been issued tazkiras, but in the short visits it was not possible to confirm that.

The province has about 1270 policemen and officers, of which 60 are female police officers. There were many allegations of corruption with regard to inadequate supply of uniform and other essentials to the police in the province. The department refuted these allegations of corruption and instead said the level of education is high the province and therefore the police does not resort to it. Policemen are recruited in Kabul while officials are recruitment in Kabul through a different process. However, the case of corruption in police uniform, shoes and food turn out to be correct.

Citizens did not complain to MEC of petty corruption by police on the streets, which is usually a common complaint against police. There were some cases noted, but this did not seem at all out of the ordinary, considering how large is the interaction of police and citizens. The concerns were more directly connected with embezzlement of police funds, such as those for uniforms, food, fuel and similar regular requirements. Many examples were given, including an allegation that one of the senior police officials possessed a large house in Kabul, an asset incompatible with a police salary. In discussion with the police commander, he told us that many of these concerns were unsubstantiated allegations, made perhaps to cause trouble. The Committee is not able to investigate this difference of views to form any substantial opinion.

Instead the Committee will bring this concern to the attention of the Minister of the Interior, who will be able to make an analysis to establish the facts.

Civil Service Recruitment

Regarding recruitment, there are two different concerns. The first is regarding the senior level positions. These are not decided in the province, but in Kabul. These positions are leadership positions, so it is of paramount importance, and the duty of the appointee, that these leaders are active in fighting and defeating corruption within their responsibilities.

The Committee heard of some positive appointments in this regard, but was disappointed to see that there are six 'Acting' Directors in place. It is hard to impossible for anyone in an acting position to be strong against corruption. Indeed, to say that a Directorate is led by an 'Acting' head is almost equivalent to saying that there will be no fight against corruption in that sector. This is especially important in the two sectors that are most important to ordinary citizens – health and education. The Committee regards these sectors as perhaps the most critical for good leadership against corruption. The two Ministers concerned, H.E. Dr Balki and H.E. Dr Feroz, have already expressed to MEC their strong desire to fight corruption, and the Committee will raise with them this question of rapidly finalising the successful candidates for these two positions.

The second concern is regarding recruitment for the lower level positions, grades 3,4 and 5. People expressed great concern that these positions were still based on patronage, despite an

improved procedure, and gave many anecdotal examples of falsified exam results and similar. They expressed concern that over 300 positions were vacant for a long time, because of arguments over who would get the position. They expressed concern that many positions were filled for a long time as 'Acting', and so had continuing high corruption risk.

On the other hand, there is a revised recruitment committee in place, and people recognized that this was a significant improvement compared with two years ago. The improvement is that the recruitment committee has three extra people added to it: one person from the Provincial Council, one person from Civil Society and one person from the Human Rights Commission. These people are independent of the formal human resources system. This is an excellent initiative by the people of Bamiyan province, and MEC will recommend the same improvement to other provinces.

Contracts

The heads of some provincial departments complained that contracts are signed in Kabul without understanding the context of the province. It is in contradiction of the government resolution 15 which states, unless specialized other contracts can be signed in provinces. The health service contracts are signed in Kabul with NGOs and they do not report to the provincial government. We also have issues with budget for capacity building and we want to have a provincial center for doing this.⁴ Heads of departments in the province attribute corruption to centralized system of procurement and limitation in the authority of the governor who can only fire employees up to grade 5. Contracting is a major issue and decided in Kabul by people who have no understanding of the context, the weather, labour rate, transportation. These lead to further corruption.⁵

Others

Breshna

The province has little access to electricity and it is a serious problem according to the head of Breshna. The province has about 1030 KW of solar electricity and about 500 KW of diesel generated electricity. The rate of electricity as high as 25 Afghani KW for residential houses and 45 Afghani KW for commercial use. There was a case of electricity theft to the tune of 350000 Afs. which has now been solved. Bamiyan has created a pre-paid electricity supply system through a top-up card similar to prepaid mobile phone service. They have further rationed the supply of electricity to limit its use for priority purposes because the province can't not provide for every citizen.

There are some cases of non-payment of electricity bills in province and some of those not paying are powerful people and government departments. Despite stoppage of electricity

⁴ Six heads of departments in meeting, Bamiyan dated Nov 5th 2016

⁵ Ibid

supply to those offices in the past, it did not work. The governor's office is one among the government offices in the province that has not paid its bills.

Land grabbing and Arazi

There have been cases of land grabbing in the province. There is one case of 34 Jeeribs and another of 960 Jeeribs. The governor of the province has taken note of it and has been working on recovering the land with limited success. Despite the denial of land grabbing by the head of Arazi, there were townships that were built on government land and there was a covert conflict between the Tajiks and Hazaras of the province. Tension persists over the issue. Land grabbing continues to be an issue in the province according to some people watching the province.

Bamiyan according to the provincial department of culture has 8 cultural sites of significant historical value. The destroyed statues of Buddha are the famous ones, which the UNIESCO has declared as restricted for any new constructions in order to preserve the site. However, there are four hotels recently built within the demarcated limits set by UNIESCO in its quest to preserve the cultural heritage. All these four hotels belong to powerful people in the government.

Mining

There are 30 contracts in the province and all of them are signed with individuals. Most of these contracts are for construction material. "The department has prepared new studies with potential for mining. Most of the commodities identified are metals, marble and semi-precious stones". Though the department denies presence of any illegal extraction, but members of committee found out that there was illegal extraction of coal, lead, amethyst and nephrite stones in the province. A Kabul based company named Zamarud Sabz had extracted 10 tons of lead but it was confiscated by NDS and it is with the department of mines of the province. This clearly shows there is illegal extraction underway. There was information about large coal extraction from Siaghan and Kahmard districts of the province.

Corruption at the University

The committee as part of its plans visited Bamiyan University to interact with the faculties and students. The Vice chancellor of the university talked openly about the challenges and she kindly allowed us to talk with students.

Several areas of corruption were identified and the university management is dealing with it systematically to clean up things. Issues of ghost bills have been tackled. However, an illegal cut 10 Afghanis from the students' monthly stipend by bank officials is an issue of corruption that remain unaddressed. While there were complaints with regard to appointment of unqualified lecturers and sometimes abuse of authority by them.

Briefing to the governor at the end of the visit

The trip was concluded with a long briefing provided to the governor and some senior members of the provincial council. Members of the committee shared the findings and their observations during the

briefing. The governor admitted that there are political influences exerted during the recruitment process.

5. Conclusion

MEC heard in many of the interviews that the overall level of corruption in Bamiyan province is perceived to be lower than two years ago. The province demonstrated some strong resilience to fight corruption

MEC will follow up this visit with the actions noted above, and with future visits in respect of progress against corruption in specific sectors, such as judiciary, police, Arazi, mining health and education.

Recommendations

1. MEC as part of its mandate, will conduct larger studies about recruitment process of the state and provide recommendations for systemic intervention to prevent corruption and generally strengthen rule of law and improve governance.
2. The issue of theft and sale of equipment allocated to police is a serious case and MEC needs to demand through an official letter an enquiry into the cases of corruption in Bamiyan Police.
3. The Arazi must make a registry of all government and private land and be able to reclaim the land usurped by powerful people in the province.
4. MEC must submit a letter to ministry of information and culture, demanding an enquiry into the use of restricted land for commercial use by powerful individuals in Bamiyan. The department of culture and ministry of culture must clearly inform the people in the province about all heritage sites and develop a plan for their preservation.
5. MEC as part of its advocacy must inform AGO and engage on the case of corruption in the department of education, health, mining, police, Arazi and culture. These must be followed by MEC closely.