

د ادارى فساد پر وړاندې د څارنې او ارزونې  
خپلواکه او گډه کمیټه



کمیټه مستقل مشترک نظارت و ارزیابی  
مبارزه با فساد اداری

**INDEPENDENT JOINT ANTI-CORRUPTION  
MONITORING AND EVALUATION COMMITTEE**

# **1<sup>st</sup> – 4<sup>th</sup> SETS OF RECOMMENDATIONS AND BENCHMARKS**

***1.1 The delivery of all anti-corruption strategies and policies to entrusted institutions will help to ensure that they are aware of and implement their obligations***

**Recommendation:** HOO as the independent body responsible for overseeing and implementation of the NACS/strategies and anti-corruption programs in Afghanistan should collect all existing anti-corruption strategies and other policies with anti-corruption measures and deliver them to all institutions entrusted with their implementation by 6 Dec 2011 (15 Qaus 1390).

**Benchmark:** Existing anti-corruption strategies and other policies with anti-corruption measures delivered to entrusted institutions by 6 Dec 2011 (15 Qaus 1390)

**Expected Outcome:** Increased awareness and understanding of anti-corruption strategies to improve institutional responses to corruption and to ensure better alignment and coordination of anti-corruption efforts.

***1.2 Anti-corruption working groups have nominally been established in many institutions, but their operation and effectiveness has been mixed***

**Recommendation:** Ad-hoc working groups in all institutions entrusted with the implementation of the Anti-Corruption strategies should be established by 21 November 2011 (30 Aqrab 1390).

**Benchmark:** Ad-hoc working group established until 21 November 2011. Institutions that already have these groups established maintain their activities.

**Expected Outcome:** Anti-corruption working groups will ensure coordination and oversight in implementing anti-corruption efforts in institutions.

***1.3 Although anti-corruption priorities have been identified by many institutions, the strategies for meeting these priorities have not been sufficiently developed and implemented***

**Recommendation:** Established working groups should start / continue with the implementation of the anti-corruption top three priorities and report on the implementation to HOO quarterly, starting with 21 January 2012 (1 Dalwa 1390).

**Benchmark:** First reports on the implementation submitted to HOO until 21 January 2012 (1 Dalwa 1390) and then regularly every three months.

**Expected Outcome:** The identification of priorities will help focus institutional efforts in fighting corruption.

***1.4 The compilation of all anti-corruption strategies and policies into a single document has not progressed, leaving corruption efforts to be governed by a number of disparate strategies***

**Recommendation:** HOO (with the help of MEC Secretariat) should take the lead and coordinate efforts of all relevant institutions and representatives of civil society (NGOs and private sector) for the compilation / harmonisation of all existing anti-corruption strategies into one single document.

**Benchmark:** The President informed, the first multi-stakeholder working group meeting convened, work-plan adopted before 21 December 2011 (30 Qaus 1390).

**Expected Outcome:** Anti-corruption strategies and efforts of the Afghan government will be streamlined, clear, and comprehensive.

***1.5 The international community has only recently made efforts to better coordinate their anti-corruption activities***

**Recommendation:** UNAMA as the best suited international institution should convene a meeting before 15 December 2011 (24 Qaus 1390) with representatives of all relevant international forces, organisations and institutions in order to adopt a work-plan on drafting and adoption of the “International Anti-Corruption Strategy” in Afghanistan before 1 June 2012 (12 Jawza 1391). In the area of Anti-corruption measures needed, the “International Anti-Corruption Strategy” has to have the following elements: measure, responsible institution, timeframe for implementation, benchmark for the implementation, and estimated costs. There should be a separate part of the strategy devoted to the issue of monitoring of implementation and consequences for non-implementation or weak implementation of the strategy (including sanctions and/or other consequences for responsible authorities’ management).

**Benchmark:** The first meeting should be convened and the work-plan adopted before 15 December 2011 (24 Qaus 1390).

**Expected Outcome:** Anti-corruption efforts of the international community are better coordinated.

***1.6 With the exception of HOO, MEC regularly shares information with key institutions involved in anti-corruption efforts, but has not been invited to meetings related to developing anti-corruption strategies***

**Recommendation:** HOO, UNAMA and Shafafiyat (and where necessary SIGAR) should invite the MEC Secretariat to all their meetings devoted to drafting Anti-Corruption strategies.

**Benchmark:** None.

**Expected Outcome:** The perspective and expertise of MEC are integrated into anti-corruption strategies as they are developed.

***1.7 Amendments to the Customs Act have not been enacted hampering efforts to reduce vulnerabilities to corruption in the area of customs***

**Recommendation:** The *Customs Act* of Afghanistan should be reviewed and revised in order to achieve the following goals:

- Prohibition on the use of ‘brokers’ in customs procedures – without exemptions (e.g. Requiring the driver’s signature in person in front of the customs officer);
- Introduction of exact procedures for the establishment of the value of imported/exported goods (e.g. original invoices and their comparison with official catalogues of goods – should be adopted from the Azimi Strategy);
- Tariff policies should be reviewed and revised (in cooperation with all stakeholders);
- Introduction of exact procedures concerning controls of the goods (type of goods, quality, quantity) at the borders and in the country;
- Introduction of exact procedures enabling comparison of customs data from the border crossings and in the country;

- Introduction of clear and non-transferable powers of all authorities present at border crossings.

MoF should establish a working group for the preparation of amendments and drafting of the improved law by 30 October 2011 (8 Aqrab 1390). All relevant stakeholders should be invited to take part in the activities of the group (i.e. MoE, MoCI, MoH, MAIL, Chamber of Commerce and Industries, Control and Audit Office, and HOO) and the work-plan for the drafting of the existing law should also be adopted until 30 October. Draft amendments to the law should be ready by 21 November 2011 (30 Aqrab 1390).

**Benchmark:** A working group at MoF should be established, and its work-plan adopted by 21 November, amendments sent to the government before 31 December 2011 (10 Jadi 1390).

**Expected Outcome:** A working group for the revision of the *Customs Act* will help to ensure that the required amendments are developed with a broad set of expertise and practical experience.

***1.8 The installation of appropriate information technology at border checkpoints is currently being undertaken and will reduce opportunities for corruption***

**Recommendation:** Appropriate information technologies regarding inspections at checkpoints at the border and in the country should be introduced. To achieve this, the Customs Department of MoF should explore financial and technical possibilities by 6 December 2011 (15 Qaus 1390).

**Benchmark:** The Assessment of the Customs Department shall be finished by 21 December 2011 (30 Qaus 1390).

**Expected Outcome:** The reduction of vulnerabilities to corruption in customs processes through the automation of tracking import and export documents.

***1.9. MTFs need to be approved to monitor the quality of goods entering Afghanistan and to prevent smuggling***

**Recommendation:** MTFs with participating representatives from the MoCI, MoI, MoF, NDS, HOO, SAO, and the Office of National Standard will be established in Kabul, Kandahar, Balkh, Nangarhar, Herat, Paktia, and Kunduz. These MTFs will check and evaluate quantities and qualities of certain imported goods and supplies at various check points such as the central and border customs houses and major highways. The members of the MTFs will be professional, honest, and experienced individuals selected and introduced by the relevant ministers and heads of the independent institutions. These members will be reviewed and their appointments will be approved by His Excellency the Second Vice President. NDS will be responsible for leading and chairing the MTF groups.

The relevant ministries and institutions shall jointly outline an MTF action plan and its activities mechanism and, through NDS, submit these to the Economics Committee of the Council of Ministers for approval.

The Second Vice President will require quarterly reports of the activities and accomplishments of the MTFs from the head of the team. These reports will then be submitted for review to the Economics Committee of the Council of Ministers. The Second Vice President will provide necessary feedback and instructions on the accomplishments of the MTFs and will decide on extension or replacement of the MTF members. The report should be published quarterly and the

MTFs should hold conferences with civil society and the media to make the public aware of the findings of the responsible task forces.

Following the establishment of the MTFs, the current delegates of NDS, MoI, AGO, and even the customs police will be discharged and should not be allowed to interfere in the affairs of customs or to bother traders.

**Benchmark 1.9 (a):** The MTFs for the regions that are deemed necessary will be tasked to start their mandate as of 6 November, 2011 (15 Aqrab, 1390).

**Benchmark 1.9 (b):** The relevant ministries and institutions will outline their action plan and mechanism for their activities and, through NDS, submit to the Economics Committee of the Council of Ministers for approval prior to 6 November, 2011 (15 Aqrab, 1390).

**Benchmark 1.9 (c):** MTFs must be provided with all required equipment and facilities including mobile quality control labs by 21 November, 2011 (30 Aqrab, 1390). MoF has to finance all expenses associated with MTFs' responsibilities.

**Expected Outcome:** The creation of MTFs to allow customs to exercise oversight of goods in areas outside of established border points.

#### ***1.10 Installation of material testing laboratories will limit the importation of low quality goods and will reduce opportunities for corruption***

**Recommendation:** Much corruption is due to the importation of low quality material. The importations of low quality gas / oil, medicine, foodstuffs, agriculture and construction material are often sources of corruption in the country. Some of these imports are smuggled and some are brought via borders and customs offices impacting the various health, economic, agricultural and industrial fields in the country.

In order to prevent these illegal activities, the Council of Ministers issued resolution number 11, dated 10/03/1389 to the Ministries of Commerce, Finance, Agriculture and institute of Environment Protection and Office of National Standard to take urgent action in regards to the items below:

- Contract with one of the reliable international companies to test and evaluate imported goods and material for quality and standard at borders and customs houses. This was meant to be a temporary contract until the National Standard Office obtained the necessary capacity to pursue this test and evaluation on its own.
- Provide mobile testing laboratories to evaluate qualities of imported goods, specifically gas, on the highways, at local gas stations, and gas supply reservoirs and introduce offenders to law enforcement.

Unfortunately, the above directive was not implemented and many abuses continue at the borders.

**Benchmark:** Ministries and relevant departments mandated in the above directive are obligated to implement this resolution and take decisive actions in regards to the mentioned two items within three months.

**Expected Outcome:** The installation of material testing laboratories to identify low quality goods being illegally imported into the country.

**1.11 Insufficient reporting on the implementation of measures required by the Azimi Strategy hamper efforts to monitor and evaluate progress in key areas of the fight against corruption**

**Recommendation:** Relevant institutions and organizations mentioned (or identifiable) on pages 68-75, 77-78 and 81-84 of the GIRoA Anti-Corruption Strategy (Azimi Strategy) and on page 70 of the “ANDS 1387 - 1391”, Chapter “Strengthening the Enforcement of Anti-Corruption” should prepare short reports on the implementation of measures foreseen by the mentioned pages in these two strategies until 21 December 2011 (30 Qaus 1390).

**Benchmark:** Reports prepared and submitted to MEC’s Secretariat.

**Expected Outcome:** Reporting on the preparation and implementation of anti-corruption measures allows for greater accountability and evaluation of effectiveness.

**1.12 The AGO should demonstrate their commitment to fighting corruption by implementing a database for corruption cases**

**Recommendation:** The AGO should prepare – by 21 November 2011 (30 Aqrab 1390) - a report on submitted criminal cases of the Police, HOO and the Control and Audit Office from the years 1388 and 1389 with the following elements for each case:

- number of the Police/HOO/the Control and Audit Office document or short description of the case;
- entering date (when the case was submitted to the AGO);
- date of prosecutorial decision;
- type of prosecutorial decision;
- if not prosecuted: a list of reasons for the decision not to prosecute.

It is also recommended that by 19 February 2012 (30 Dalwa 1390) they should have a database of all the cases, registered with dates and status which can be followed and updated regularly.

**Benchmark:** The aforementioned report shall be delivered to MEC by 21 December 2011 (30 Qaus 1390) an updated copy of the report from the database will be shared by the end of the year.

**Expected Outcome:** Increased transparency and accountability in the handling of corruption cases by the AGO to ensure that corruption cases are appropriately pursued.

**1.13 Relevant institutions should submit ideas on the possible establishment of a national body dedicated to coordinating and enhancing efforts to investigate and prosecute corruption cases**

**Recommendation:** The MoJ, MoI, the AGO, HOO, IDLG and the Control and Audit Office should prepare a short proposal on the position, powers and tasks of possible independent and specialised anti-corruption body dealing with investigation and/or prosecution of the most important cases of corruption by 21 December 2011 (30 Qaus 1390).

**Benchmark:** Proposals shall be written and sent to the MEC’s Secretariat by 21 December 2011 (30 Qaus 1390).

**Expected Outcome:** Better coordination and more effective investigation and prosecution of corruption cases in Afghanistan.

***1.14 The unresponsiveness of HOO to MEC's benchmarks has led MEC to seek alternative implementing partners to inform citizens of their rights regarding administrative procedures***

**Recommendation:** HOO should prepare general and comprehensive information on the rights of citizens in administrative procedures, which shall then be posted (by 21 December 2011 – 30 Qaus 1390) in all relevant institutions nationally (central as well as local level).

**Benchmark:** The aforementioned documents shall be posted by 21 December 2011 (30 Qaus 1390).

**Expected Outcome:** Citizen awareness of their rights in administrative procedures will lead to the reduction of corruption within government institutions.

***1.15 Efforts to streamline administrative processes need to be expanded and properly implemented to be more effective in reducing vulnerabilities to corruption***

**Recommendation:** All relevant ministries (if necessary, in cooperation with HOO) should prepare drafts for amending the existing relevant legislation by 21 December 2011 (30 Qaus 1390) and submit them to the government in order to achieve the following goals:

- All necessary administrative forms for different types of procedures and acquisition of different documents, permissions, licenses, etc. are prescribed by the law only, and no additional forms are allowed;
- There should be as limited number of required administrative forms and documentations as possible;
- Samples of applicable administrative forms should be attached to the relevant law/legislations;
- All necessary documents, permissions, licenses, and signatures within one single administrative entity should be issued in the shortest possible period following one single request of the customer;
- All necessary documents needed for a certain administrative decision, which already exist in the administrative system of Afghanistan should be collected by the relevant administrations themselves (and not by their customers) in the shortest possible time;
- A prohibition on the use of brokers in the administrative procedures of customs, traffic, court, municipality, and other institutions;
- Sanctions/punishments for civil servants dealing with administrative procedures for extensive delays, unfair treatment of customers and breach of new rules shall be introduced.

**Benchmark:** Draft amendments will be prepared and submitted to the MoJ by 21 December (30 Qaus 1390).

**Expected Outcome:** Improved, transparent and accountable administrative procedures for obtaining public services will lead to reduced opportunities for corruption.

***1.16 There has been an insufficient effort to inform and train staff in relation to simplified administrative procedures, thereby decreasing the chance that they will be properly implemented***

**Recommendation:** Relevant ministries (if necessary, in cooperation with HOO) should prepare draft instructions for all relevant administrations following the adoption of the above mentioned amendments with the following elements:

- Short description of previous procedures;
- Changes in the procedures;
- Description of new procedures;
- Responsible authorities and persons;
- Prohibition on the use of brokers in the administrative procedures;
- Sanctions for non-implementation of instructions;
- Samples of administrative forms needed.

Instructions should be submitted to relevant administrations in one month following adoption of the amended legislation.

**Benchmark:** Instructions shall be drafted and delivered to relevant administrations within one month after the adoption of relevant legislation.

**Expected Outcome:** Awareness of revised administrative procedures will assist in implementing procedural changes.

#### ***1.17 MoJ's efforts to publish and make Afghan laws more accessible enhances public awareness of their legal rights***

**Recommendation:** MoJ should ensure that all legislation adopted by the Parliament, Government or relevant ministries is published and delivered - for free - to all public institutions – starting by 20 March 2012.

**Benchmark:** Legislation shall be published and delivered to all public institutions starting by 20 March 2012.

**Expected Outcome:** Greater accessibility of legislation leading to higher levels of transparency and an enhanced ability to assert rights and hold government to account.

#### ***1.18 ARAZI must provide broader reports on land issues in Afghanistan***

**Recommendation:** Relevant institutions and organisations mentioned (or identifiable) on pages 141 - 145 of GIRoA's NACS (Azimi Strategy) should prepare short reports on the implementation of measures foreseen by the mentioned strategy by 21 December 2011 (30 Qaus 1390).

**Benchmark:** Reports shall be prepared and submitted to MEC's Secretariat.

**Expected Outcome:** Enhanced monitoring of the implementation of the NACS.

#### ***1.19 ARAZI must build on progress they have made in dealing with land issues by addressing private lands and developing plans for future action***

**Recommendation:** MAIL, OAA and the Office of the Kabul's Mayor should prepare (if necessary, with the assistance of the MEC's Secretariat) short documents until 6 December 2011 (15 Qaus 1390) with the following elements: description of the problem of land usurpation, measures already

applied, results achieved, proposals for future activities, obstacles and risks expected, and submit them to the MEC Secretariat.

**Benchmark:** All documents shall be written and sent to the MEC Secretariat.

**Expected Outcome:** The identification of land usurpation issues and strategies to address them.

***1.20 Ministries have not effectively separated the contract award function from the contract oversight function in their procurement processes thereby increasing the risk of corruption***

**Recommendation:** All relevant institutions should nominate employees whose task will exclusively be to act in the area of public procurement with a clear separation between those responsible for deciding on new contracts and those responsible for overseeing these contracts. These employees should be nominated by 6 December 2011 (15 Qaus 1390) and trained on the issue by MoF and HOO by 4 February 2012 (15 Dalwa 1390).

**Benchmark:** All such specialised employees nominated and trained by 6 December 2011.

**Expected Outcome:** The designation of a procurement officer and the separation of contract awards and contract oversight will increase accountability and oversight in procurement activities.

***1.21 A revised Procurement Law based on international best practices and broad consultation is currently in development and should enhance transparency and accountability in public procurement if passed***

**Recommendation:** *The Public Procurement Act* should be analysed, compared with some good examples from other countries and amended according to the results of this analysis. MoF and HOO should form an ad-hoc working group for the review and preparation of necessary amendments until 21 November 2011, analysis should be finished and amendments ready by 19 February 2012 (30 Dalwa 1390). To this effect, international organisations (i.e. ADB, WB, and IMF) should be invited to assist.

**Benchmark:** The working group shall be nominated and the international organisations invited by 21 November 2011 (30 Aqrab 1390); amendments shall be sent to the government by the end of January 2012.

**Expected Outcome:** A modernized procurement law developed with broad expertise in consideration of international best practices in transparency and accountability.

***1.22 Preliminary work to align international procurement practices with Afghanistan's draft procurement law can start now, despite the law being before Parliament***

**Recommendation:** Shafafiyat should analyse the international community's existing rules and practises in the public procurement area in Afghanistan and introduce necessary changes in accordance with the (new) Afghan legislation by 19 April 2012 (31 Hamal 1391).

**Benchmark:** The analysis shall be conducted and changes introduced by 19 April 2012 (31 Hamal 1391).

**Expected Outcome:** Alignment of the international community's existing rules with Afghan procurement law.

**1.23 *The criminal investigation into the Kabul Bank fraud was conducted with limited assistance from experts and did not include many apparent perpetrators and beneficiaries of the fraud***

**Recommendation:** A criminal investigation against some perpetrators, beneficiaries of the organised criminal activity and involving shareholders of Kabul Bank has already started by the AGO. The MEC can provide foreign experts to assist in the investigation. The AGO should ensure that investigation will be carried on against all perpetrators and also consider the idea on the introduction of Joint Investigation Team, composed of members of the AGO, Police, HOO, Central Bank and others, for complete investigation of the case in a timely manner.

**Benchmark:** The Investigation report shall be submitted before 21 November 2011 (30 Aqrab 1390).

**Expected Outcome:** Complete investigation of all perpetrators and beneficiaries of the Kabul Bank fraud.

**1.24 *The AGO's resistance to making serious efforts to seize assets related to the Kabul Bank fraud is a major obstacle to recovering stolen money***

**Recommendation:** All assets of major debtors (shareholders and others) of Kabul Bank should be immediately provisionally seized and / or frozen by the AGO, in cooperation with foreign authorities if necessary.

**Benchmark:** All suspects' assets shall be seized and frozen by 21 November at the latest.

**Expected Outcome:** The freezing of assets will enhance recovery efforts by ensuring that assets are not liquidated and that cash is not moved to make it impossible to track or recover.

**1.25 *The AGO has indicted numerous regulators of Kabul Bank, despite what appears to be a lack of vigorous investigation in this regard***

**Recommendation:** The AGO should continue investigations against persons responsible for the lack of monitoring of Kabul Bank's activities and extend all such investigations to foreign authorities (ie to the FIU and to auditors from foreign audit companies) if necessary.

**Benchmark:** All Investigations shall be continued and (if need be) extended.

**Expected Outcome:** All individuals related to Kabul Bank are properly investigated.

**1.26 *HOO has failed to inform the public about all Kabul Bank debtors***

**Recommendation:** HOO should analyse activities of public officials occupying important positions who are on the list of Kabul Bank's debtors and inform media and proper authorities, including the President, on its findings and recommended sanctions against those officials – by 21 November 2011.

**Benchmark:** Analysis conducted and other authorities informed on 21 November 2011 (30 Aqrab 1390) at the latest.

**Expected Outcome:** Public officials who benefited from the Kabul Bank fraud are identified and known.

**1.27 *The report of the public inquiry into the Kabul Bank crisis serves as a comprehensive record of regulatory deficiencies that allowed fraudulent activities to continue and provides a roadmap for changes that are required to avoid such events in the future***

**Recommendation:** The Central Bank of Afghanistan should analyse the work of its auditors, of its FIU and of the compliance officer in the case of Kabul Bank, introduce necessary changes and / or sanctions and produce a report by 21 November 2011 (30 Aqrab 1390). In order to achieve the best possible results, international monetary organisations (i.e. ADB, the WB, and IMF) should be invited to assist in these efforts.

**Benchmark:** International monetary organisations invited by 6 November 2011, shall produce a report and implement changes by 21 November 2011.

**Expected Outcome:** Identification of regulatory changes that are required to strengthen the oversight of Afghanistan's banking industry so that situations like the Kabul Bank crisis can be avoided in the future.

**1.28 *DAB has conducted audits of most banks in Afghanistan in an attempt to identify banking irregularities and susceptibilities***

**Recommendation:** In order to prevent similar events in other banks, Central Bank should introduce forensic audit to at least additional 3 largest banks in Afghanistan by 21 November 2011 (30 Aqrab 1390). Results of all – existing and future - forensic audits should be immediately sent to the AGO and HOO.

**Benchmark:** Forensic audit introduced to at least 3 of the largest banks by 21 December 2011.

**Expected Outcome:** The identification of possible irregularities in other banks will assist efforts to prevent similar events as occurred in the Kabul Bank case.

**1.29 *Amendments to the legislation shall empower the police and HOO to access all banking activities in Afghanistan***

**Recommendation:** Legislation on the powers of the Police and of HOO should be amended in order to give them powers to gain full access to all – state and private - banking activities in Afghanistan. If banking secrecy protects some data, the police and HOO should have the power to request a court order to obtain those data, too. MoJ should prepare necessary amendments and send them to the government by 6 December 2011 (15 Qauss 1390).

**Benchmark:** Amendments shall be prepared and sent to the government by 6 December 2011 (15 Qauss 1390).

**Expected Outcome:** Enhanced powers of the police and HOO to investigate economic crimes.

**1.30 *The investigation into the National Military Hospital has not been conducted expeditiously nor has there been sufficient transparency in its conduct and findings***

**Recommendation:** The AGO / MoD / HOO / Audit and Control Office should collect all existing information on the National Military Hospital case, form a Joint Investigation Team, composed of domestic and international (Shafafiyat) investigators and conduct thorough analyses of events in the National Military Hospital – by 31 December 2011 (10 Jadi 1390).

**Benchmark:** The Joint Investigation Team shall be formed and its investigation completed and published by 31 December 2011.

**Expected Outcome:** A transparent and thorough investigation is conducted and reported to the public.

***1.31 Nobody has been held criminally liable for the National Military Hospital and indictments have been delayed beyond reasonable limits***

**Recommendation:** The results of the investigation should be used by the team as a basis for prosecution of responsible persons after 31 December 2011 (10 Jadi 1390). All assets of responsible persons should be immediately seized and/or frozen after 31 December 2011.

**Benchmark:** The AGO shall initiate criminal prosecution of all suspects in the National Military Hospital case by 31 December 2012 (10 Jadi 1390). All assets of suspects shall be seized or frozen in January 2012.

**Expected Outcome:** Criminal prosecution of individuals responsible for cases related to the National Military Hospital.

**2.1 HOO's unwillingness to implement an effective asset verification system introduces unnecessary vulnerabilities to corruption**

**Recommendation:** HOO should send drafts of memoranda of understanding to all institutions, which it deems to be important for verifications of reported assets by 30 Dalwa 1390 (19 February 2012) and relevant institutions should return the signed Memoranda of Understandings to HOO by 15 Hamal 1391 (3 April 2012).

**Benchmark:** Memoranda of understanding shall be sent from HOO to all relevant institutions by 30 Dalwa 1390 (19 February 2012) which will then be signed and returned to HOO by 15 Hamal 1391 (3 April 2012).

**Expected Outcome:** The creation of a strong system of asset registration and verification.

**2.2 The draft anti-corruption law was not developed with broad consultation, which may hinder its effectiveness**

**Recommendation:** Before 15/12/1390 (5 March 2012) HOO should establish an ad-hoc intergovernmental working group (inviting representatives of the following institutions/organisations: the Office of the President, the AGO, the Control and Audit Office, MoI, the MoJ, CJIATF / Shafafiyat, the UNDP, UNODC, USAID and MEC) tasked to prepare a new draft Anti-Corruption Law by 15/03/1391 (04 June 2012).

**Benchmark:** An ad-hoc intergovernmental working group shall be established before 15/12/1390 (5 March 2012); a new draft Anti-Corruption Law shall be submitted to GIRoA by 15/03/1391 (04 June 2012).

**Expected Outcome:** Strengthened and improved anti-corruption legislation.

**2.3 Interference in the functioning of public bodies continues to occur despite orders by the President to discontinue such practices**

**Recommendation:** His Excellency the President of the Islamic Republic of Afghanistan is invited to issue a Ferman before 05 March 2012, prohibiting all organizations / institutions / bodies and individuals from illegally interfering with the work of public bodies, requiring public bodies to strictly decline any form of illegal interference and authorizing those bodies and their employees to immediately inform the President's Office, HOO and the MEC of all attempts of illegal interference with their activities. The President's Ferman should be published in the media. Substantiated information received by the President's Office, HOO and the MEC should be sent to the AGO to start investigations of possible criminal offences of those illegally interfering.

**Benchmark:** His Excellency the President is invited to issue a Farman by 15/12/1390 (05 March 2012).

**Expected Outcome:** Public institutions that are operationally independent and free from inappropriate outside influences.

**2.4 The restriction of access to customs facilities has reduced opportunities for corruption, but external influences are still being exerted by powerful individuals**

**Recommendation:** In order to clearly separate the activities of all border services and to enhance the establishment of their capabilities, MoF, with the cooperation of all border services, should

ensure – before 15/12/1390 (05 March 2012) - that only customs officers are allowed to enter their facilities and take part in the customs proceedings.

**Benchmark:** The Customs office shall be free of interference from other bodies while performing their legal tasks before 15/12/1390 (05 March 2012).

**Expected Outcome:** Reduced interference with customs officers' functions and reduced influence in the enforcement of customs laws.

### ***2.5 Competitive salary for public servants, particularly those working in the customs departments will reduce incentives to engage in corrupt practices***

**Recommendation:** An extremely low salary and the lack of an equitable pay scale are some of the major reasons for corruption in the Customs Office; material incentives should be introduced. MoF should – before 11/01/1391 (30 March 2012) – propose to GIRoA material incentives for the Customs Office. One possible form of such incentives would be the introduction of special rewards for the officers discovering smuggled goods in the form of a certain percentage of the value of discovered goods.

**Benchmark:** The proposal for incentives to the Customs Office shall be submitted to GIRoA before 11/01/1391 (30 March 2012).

**Expected Outcome:** Salary levels that provide a reasonable income and standard of living to reduce the demand side of corruption in customs departments.

### ***2.6 ISAF has demonstrated an unwillingness to consider measures that would reduce vulnerabilities to corruption in relation to tax exemptions under MTA Agreements***

**Recommendation:** In order to avoid the abuse of tax exemptions (i.e. in the area of Military Technical Agreements) on imported goods into Afghanistan, MoF, MoFA, the United States Government, CJIATF / Shafafiyat and ISAF should reach an agreement before 30/11/1390 (19 February 2012) on the coordination of activities, which should lead to strict controls over the import of tax-exempted goods, exchange of information, establishment of investigative procedures and dissuasive sanctions for those who are abusing that benefit.

**Benchmark:** This agreement should be reached before 30/11/1390 (19 February 2012).

**Expected Outcome:** Vulnerabilities to corruption through the abuse of tax exemptions will be reduced.

### ***2.7 Anti-money laundering law amendments have been drafted, but have not been introduced in Parliament thereby perpetuating the current system of inadequate monitoring of money flows outside of Afghanistan***

**Recommendation:** Before 15/01/1391 (30 March 2012), GIRoA should submit a draft of Article 6 of the *Anti-Money Laundering law* to the Parliament, inserting additional requirements regarding the export of cash from Afghanistan. One of these requirements should be a duty to report the export of cash to the FIU or Afghanistan Central Bank (DAB) with the aim to obtain its approval for the export, certified proof of the cash's origin, mandatory involvement of the FIU / DAB in the exporting procedures and mandatory monthly reporting of the FIU to DAB and MoF on their findings and conclusions.

**Benchmark:** Article 6 of the *Anti-Money Laundering law* shall be amended before 15/01/1391 (30 March 2012).

**Expected Outcome:** Enhanced tracking of money leaving Afghanistan leading to better detection and investigation of illegal money flows.

### ***2.8 Internal monitoring bodies of central institutions in the fight against corruption have not been strengthened***

**Recommendation:** Before 30 March 2012 GIRoA should issue instructions to Mol, MoD, the AGO and HOO to assess and reinforce their capabilities of internal oversight and investigative bodies before 04 June 2012.

**Benchmark:** Instructions to the aforementioned bodies shall be issued before 15/01/1391 (30 March 2012) and implemented before 15/03/1391 (04 June 2012).

**Expected Outcome:** A strengthened internal system of oversight for institutions that are central to the fight against corruption.

### ***2.9 Simplification of administrative procedures in acquiring building permits will reduce opportunities for corruption***

**Recommendation:** The municipality of Kabul, relevant ministries, other municipalities and relevant institutions should immediately - in any case before 1/01/1391 (20 March 2012) - and without waiting for the implementation of the MEC recommendations from July 2011 start the simplification of procedures in the area of acquiring building permits and complete them before 15/03/1391 (04 June 2012).

**Benchmark:** The simplification of procedures in the area of building permits shall be started before 1/01/1391 (20 March 2012) and be concluded before 15/03/1391 (20 March 2012).

**Expected Outcome:** Simplified administrative procedures for acquiring building permits will reduce opportunities for corruption and increase efficiency.

### ***2.10 His Excellency the President of Afghanistan has directed high ranking officials and key ministries to take measures to ensure that public servants are appointed based on merit***

**Recommendation:** His Excellency the President is invited to issue a Farman to ministries and other key institutions, by 30 April 2012, including at least the AGO, HOO and the Control and Audit Office, reminding them that there must be:

- Practical implementation of clear vetting procedures for the most important positions, including investigators and prosecutors,
- Practical rationalisation of personnel structures to reduce opportunities for corruption,
- Practical implementation of bans on the reinstatement and compensation of officials removed from their positions for corruption and criminal offences.

**Benchmark:** It is hoped that His Excellency the President will issue a decree (Farman) and that it will be implemented before 11/02/1391 (30 April 2012).

**Expected Outcome:** Transparent recruitment and merit-based appointments to reduce nepotism and enhance competence of public servants.

***2.11 The recourse for bidders who feel that procurement processes have been unfair or illegal have not been advertised or enhanced***

**Recommendation:** By 15/02/1391 (04 May 2012) MoF should strengthen its PPU and especially its “Appeal and Review Committee” (by providing more resources for its functioning, enhancing the level of its independence and ensuring permanent employment of its advisors and raising the awareness of domestic and foreign bidders on the existence and functioning of the Unit.

**Benchmark:** The PPU shall be strengthened and take actions in order to raise the awareness of bidders by 15/02/1391 (04 May 2012).

**Expected Outcome:** A strengthened and independent PPU that engages with bidders to ensure that bidding processes are being conducted fairly and according to the law.

***2.12 The enhanced national mining policy provides a strong framework for safeguarding Afghanistan’s mining industry***

**Recommendation:** Before 15/04/1391 (05 July 2012), GIRoA should supplement a national policy on the exploitation of mineral resources in Afghanistan including requirements and safeguards on transparency, accountability and integrity in the mining sector.

**Benchmark:** The national mining policy shall be supplemented before 15/04/1391 (05 July 2012).

**Expected Outcome:** Opportunities for corruption in mining are reduced through transparency, accountability, and integrity in the mining sector.

***2.13 MoM has retained qualified lawyers to negotiate mining contracts on their behalf***

**Recommendation:** Starting from the 15/02/1390 (05 May 2011), MoM should engage / maintain additional assistance in the form of highly qualified lawyers in the area of mining to negotiate contracts on the exploitation of Afghan mineral resources.

**Benchmark:** Contracts for highly qualified lawyers shall be concluded and/or extended by/after 01/1/1391 (20 March 2012).

**Expected Outcome:** Fair mining contracts that provide the greatest benefit for Afghanistan are negotiated.

***2.14 MoM has included anti-corruption clauses in mining contracts as one mechanism to prevent corruption in the mining sector***

**Recommendation:** While drafting contracts for the exploitation of mineral resources, MoM should insert provisions, which will oblige not only contracting partners but also their subcontractors to fully respect all international and national anti-corruption standards in general and specifically in the area of mining while implementing the contracts.

**Benchmark:** All future contracts shall oblige not only the contracting partners but also their subcontractors to fully respect all international and national anti-corruption standards.

**Expected Outcome:** Contractual guarantees that all firms engaged in extractive industries adhere to anti-corruption standards.

### **2.15 MoM has taken the positive step of publishing all but one of its mining contracts**

**Recommendation:** MoM should publish all future contracts for the exploitation of mineral resources on its website explicitly mentioning all contracting and subcontracting parties within 30 days after the contract has been agreed upon and signed.

**Benchmark:** All future contracts shall list the names of all contracting and subcontracting parties and will be published on the MoM website.

**Expected Outcome:** Transparency and accountability will be enhanced through publication and increased scrutiny of contracts.

### **2.16 The draft anti-corruption policy for mining has been developed, but not approved**

**Recommendation:** Before 15/07/1391 (06 October 2012), MoM should adopt an anti-corruption policy which contains risk assessment and management provisions in the area of corruption. International and national public and non-governmental organisations should be invited to take part in the aforementioned activities.

**Benchmark:** This anti-corruption policy containing risk assessment and management provisions in the area of corruption shall be applied in cooperation with international and national public and non-governmental organisations before 15/07/1391 (06 October 2012).

**Expected Outcome:** An anti-corruption policy that can help manage risks of corruption.

### **2.17 Access to information legislation will increase government transparency and accountability once passed**

**Recommendation:** Before 04 June 2012, GIRoA should send the *Draft Law on Access to Public Information* to the Parliament. The draft should regulate access to public information as a general right and introduce only minor justified exceptions in the form of protected secrets, introduce a mechanism, which will ensure the application of the law and establish judicial protection of the right of the public to access this information.

**Benchmark:** *The Draft Law on Access to Public Information* shall be sent to the Parliament before 15/03/1391 (04 June 2012).

**Expected Outcome:** Increased transparency and accountability through an informed public.

### **2.18 The Herat Governor has taken the initiative to implement MEC's recommendations related to a mechanism to deal with complaints and a VCA**

**Recommendation:** The local Government Office in Herat should introduce both a corruption risk assessment and monitoring mechanism and also establish a complaints office in cooperation with the MEC and international donors before 06 August 2011.

**Benchmark:** A Corruption Risk Assessment and Monitoring Mechanism and the establishment of a Complaints Office shall be introduced in the local government office in Herat before 15/05/1390 (06 August 2011).

**Expected Outcome:** The identification of vulnerabilities to corruption that will allow effective interventions to be developed.

***2.19 Anti-corruption and ethical training has been provided to government officials in Herat***

**Recommendation:** Basic anti-corruption and ethical training should be given to all employees of the Local Government Office in Herat before 05 September 2012 in cooperation between the Governor, the MEC the Secretariat and international donors.

**Benchmark:** Basic anti-corruption and ethical training shall be given to all employees of the Local Office before 15/06/1391 (05 September 2012).

**Expected Outcome:** Increased awareness of local governance in Herat and an increased capacity of local government employees.

***2.20 An evaluation of international audit firms hired by donors reveals that there were several fraud indicators that were not sufficiently acted on***

**Recommendation:** International donors should evaluate the performance of the Kabul Bank auditors hired by them by 015/02/1391 (04 May 2012).

**Benchmark:** The evaluation of the auditors' performance shall be completed by 04 May 2012.

**Expected Outcome:** Review of the role of international auditors in the Kabul Bank crisis.

**3.1 HOO has extended the powers and authorities of its Department of Audit to better address internal corruption cases**

**Recommendation:** HOO should extend powers and authorities of the Department of Audit in order to ensure that the compliance mechanism is strengthened to deal with the potential office's internal corruption before June 30, 2012.

**Benchmark:** The powers and authorities of the Department of Audit to deal with internal corruption should be extended before June 30, 2012.

**Expected Outcome:** Increased transparency and integrity within HOO.

**3.2 HOO has not made sufficient progress in enhancing the capacity of its officials**

**Recommendation:** Before 30 June 2012, HOO should prepare a programme for capacity building of its new and existing management focusing on, inter alia, fair and objective recruitment and promotion processes, daily and strategic management, professional relations with other bodies and begin its implementation no later than 31<sup>st</sup> July 2012.

**Benchmark:** A program on HOO's management capacity building must be adopted before 30 June 2012 and be implemented by 31st July 2012 at the latest.

**Expected Outcome:** Increased capacity of HOO to tackle corruption.

**3.3. International donors have not been responsive to MoF's attempts to encourage them to register their aid expenditures**

**Recommendation:** In order to ensure strict adherence of foreign donors to Afghan legislation in the area of registration of and reporting on donations, MoF should write appropriate letters to all donors before 31 May 2012 and inform the MEC of all registered breaches of the relevant Afghan legislation.

**Benchmark:** A letter from MoF should be sent before 31 May 2012; the MEC should be informed of all breaches after 31 May 2012.

**Expected Outcome:** Adherence to Afghan requirements regarding donor reporting requirements.

**3.4 Donors should strengthen their monitoring procedures by introducing enhanced measures**

**Recommendation:** Before 31 August 2012 donors should strengthen their monitoring procedures on the use of their resources granted and donated to GIRoA by introducing relevant measures, which - at a minimum – should strictly:

- comply with the Terms of Reference of each contribution,
- exercise control over the use of funds by qualified personnel,
- highlight incompatible functions in the donor's organizations (e.g. separation between personnel deciding on the allotment of funds and personnel monitoring their use),
- prepare regular intermediate reports on the use of funds,
- Report on the use of donation approved by certified external auditors.

**Benchmark:** Donors' monitoring procedures should be strengthened before 31 August 2012.

**Expected Outcome:** Strengthened monitoring procedures for funds provided to the Afghan government.

***3.5.1 UNDP has published the results of the KPMG audit of LOTFA***

**Recommendation:** UNDP should publish the results of the internal KPMG audit and continue its internal LOTFA integrity audits (investigation) and inform the MEC of its findings, conclusions, recommendations by 30 June 2012.

**Benchmark:** The MEC is informed on the results of UNDP internal investigation, starting on 30 June 2012 and every three following months.

**Expected Outcome:** Increased transparency and accountability for UNDP and LOTFA.

***3.5.2 UNDP has a risk assessment plan for LOTFA to help identify susceptibilities to corruption***

**Recommendation:** USAID and UNDP should finalise a risk assessment for LOTFA as directed and the United States MoD should follow up with a publication of its own in conjunction with MEC to evaluate the results.

**Benchmark 3.5.2:** LOTFA shall have a risk identification conducted and a Risk Mitigation Plan in-place before 30 October 2012.

**Expected Outcome:** All vulnerabilities to corruption will be known and strategies can be developed to mitigate those risks.

**4.1 MoJ will discuss the utility of having ministries provide explanatory memorandum when submitting laws for drafting**

**Recommendation:** In order to clarify new laws, drafting agencies should issue Explanatory Memorandum for all new, and some existing, legislation after the legislation has been drafted, but before it is sent to the Taqin Department of MoJ and the Supreme Court. The Explanatory Memorandum for previous legislation should follow a rough schedule of 3-4 Explanatory Memorandum every 6 months. This may include the *Procurement Law*, the *Anti-Money Laundering Law*, and the *Anti-Corruption Law*, etc.

**Benchmark:** The drafting of Explanatory Memorandum by the drafting agency for all new pieces of legislation before it is passed on to the Taqin Department of MoJ.

**Expected Outcome:** Explanatory Memorandum will help to simplify legal terms and will help law makers to understand draft law.

**4.2 MEC will develop a draft Public Inquiry Act due to resource constraints within the Afghan government**

**Recommendation:** OAA should determine which ministry should draft the Act; and the designated ministry should draft a public inquiry act and submit it to MoJ for review by 1 Hamal 1392 (21 March 2013).

**Benchmark:** Draft public inquiry act is submitted to MoJ by 1 Hamal 1392 (21 March 2013).

**Expected Outcome:** A legal base established for future public inquiries.

**4.3 MoE has made efforts to incorporate anti-corruption subject matter in its curricula, while MoHE and the Ministry of Haj and Religious Affairs have not taken the initiative to educate people about corruption**

**Recommendation:** MoE, MoHE, the Ministry of Haj and Religious Affairs and the Ministry of Culture in consultation with relevant CSOs shall develop a comprehensive educational module on anti-corruption and enter it in the curricula of schools and universities by 11 Jadi 1391 (December 31 2012) and enter it into effect for the school year of 1392.

**Benchmark:** A comprehensive educational module on anti-corruption is entered into the curricula of schools and universities by 11 Jadi 1391 (December 31 2012) and enters into effect for the school year of 1392.

**Expected Outcome:** Students of schools and universities are aware of the negative consequences of corruption and have the tools to better fight it.

**4.4 The international community has measures in place to strengthen civil society's anti-corruption efforts, but it is not sufficient given the scope of corruption in Afghanistan**

**Recommendation:** In order for Afghan civil society to be compliant with the civil society provisions of UNCAC (Chapter II Preventive Measures, Articles 10 and 13) and to be in line with national legislation, the international donor community should increase their financial and technical support to civil society in the fight against corruption from 01 Meezan 1391 (22 September 2012).

**Benchmark:** International donor community's financial and technical support to CSOs active in enhancing transparency and accountability is increased by 01 Meezan 1391 (22 September 2012).

**Expected Outcome:** More active role of civil society in the fight against corruption.

***4.5 Increased Islamic knowledge and awareness about the negative consequences of corruption will strengthen public participation in the fight against corruption and will reduce opportunities for it***

**Recommendation (a):** The Ministry of Haj and Religious Affairs, the Council of Religious Leaders and Ministry of Information and Cultural Affairs shall start a countywide anti-corruption campaign through Mosques and religious scholars and the Ministry of Information and Culture shall start a countrywide anti-corruption campaign through media (TV/Radio), especially Radio-Television Afghanistan and government publications such as newspapers, gazettes and magazines in coordination with MEC from 01 Meezan 1391 (22 September 2012) until 01 Jauza 1392 (22 May 2013).

**Benchmark (a):** A countrywide anti-corruption campaign started by 1 Meezan 1391 (22/09/2012) and continued until 1 Jauza 1392 (21 May 2013).

**Recommendation (b):** The Ministry of Haj and Religious Affairs, Council of Religious Leaders and Ministry of Information and Cultural Affairs, in cooperation with its provincial departments should conduct trainings and seminars for Mullahs (religious leaders) and Madrasa teachers starting from 1 Meezan 1391 (22/09/2012) until 1 Jauza 1392 (21st May 2013).

**Benchmark (b):** At least 12 training programs and/or conferences per province conducted from 1 Meezan 1391 (22/09/2012) until 1 Jauza 1392 (21/05/2013).

**Expected Outcome:** All Afghans are aware of their rights and the fight against corruption is strengthened.

***4.6 The lack of accountability at borders, airports, and inland customs depots commission affects the ability of law enforcement to supervise illicit import and export***

**Recommendation:** OAA and other relevant institutions are required to take all necessary action to implement the Presidential Executive Commission on Transparency and Accountability at Borders, Airports and Inland Customs Depots.

**Benchmark:** OAA with the instructions from His Excellency the President of Afghanistan formally names the members of the Borders, Airports and Inland Customs Depots; the Minister of Finance convenes the first meeting of the Borders, Airports and Inland Customs Depots; and Borders, Airports and inland Customs Depots Terms of Reference are drafted and approved by the Borders, Airports and Inland Customs Depots Commission prior to 1 Meezan 1391 (22 September 2012).

**Expected Outcome:** The establishment of the Commission and its terms of reference to more effectively deal with illicit activity at borders, customs, and inland customs depots.

***4.7 Audited institutions are generally either unaware of audit findings or do not take them seriously***

**Recommendation:** Starting from 1 Aqrab 1391 (22 October 2012), all of the relevant inspection bodies should submit a copy of their oversight findings with institutions which will have been

monitored by them within 15 working days of completing an audit, unless otherwise provided by the law.

**Benchmark:** Reports on monitoring submitted to the relevant institutions within 15 days of completing an audit, or within the time limit established by the law.

**Expected Outcome:** Institutions being audited will be better aware of their weaknesses and can implement changes accordingly.

#### ***4.8 ISAF has demonstrated an unwillingness to consider measures that would reduce vulnerabilities to corruption in relation to tax exemptions under the MTA Agreement***

**Recommendation:** GIRoA and the international community shall review the MTA 2002 Agreement in order to reduce opportunities for corruption in relation to the importation of tax exempted goods by 12<sup>th</sup> Saur 1392 (2 May 2013).

**Benchmark:** The MTA 2002 Agreement reviewed by 12<sup>th</sup> Saur 1392 (2 May, 2013).

**Expected Outcome:** Tax exemption provisions of the MTA Agreement are appropriately scrutinized and vulnerabilities to corruption reduced.

#### ***4.9 A partial public expenditure tracking survey indicates that government programs are more cost effective as compared to programs implemented by the international donor community***

**Recommendation:** A joint committee comprised of MoPW, MRRD, Kabul City Municipality, IDLG, the United States Army Corps of Engineers, WB, ADB and other relevant institutions should request technical assistance from WB or other donors to conduct a comparative assessment using the PETS methodology that will demonstrate the amount of leakage on both on- and off-budget infrastructure projects.

**Benchmark:** A joint committee consisting of MoPW, MRRD, ADB, WB and other relevant institutions is formed and conduct a PETS for a select number (10 on-budget and 10 off-budget) of on- and off-budget construction projects 30 Qaus 1391 (20 December 2012) and the Expenditure Report issued by 1 Hoot 1391 (19 February 2012).

**Expected Outcome:** A comprehensive comparative analysis of the differences between implementation of projects done by donors and Afghan institutions.

#### ***4.10 Issuance of counterfeit commercial and investment licenses has created numerous challenges and are an opportunities for corruption***

**Recommendation:** The Ministry of Commerce, MoF and AISA should publish the overall turnover of commercial and investment firms, as well as individual traders, should verify whether firms are still active or not through renewal of their licenses and should remove firms from the Central Business Registration who are not active. Firms who have not renewed their license or who have not provided the required reports should be removed from the Central Business Registration after 3 months.

**Benchmark:** Actual presence of the traders and investments and turnover of them published and functionality of firms verified by the end of each year starting from 30 Hoot 1391 (20 March 2013).

**Expected Outcome:** Enhanced tracking and registration of businesses in Afghanistan providing for greater transparency and accountability.

#### ***4.11 Efforts have been made to curtail the over reliance on sub-contracting in Afghanistan***

**Recommendation:** All contracts should contain a provision that declares the contract null and void if the legal limits of subcontracting are breached.

**Benchmark:** From 1<sup>st</sup> Meezan 1391 (22 September 2012) all contracting authorities both national and international will include a contract provision that declares the contract null and void if it violates the legal limits of subcontracting.

**Expected Outcome:** Subcontracting is mitigated and accountability and quality is enhanced.

#### ***4.12 The Ministry of Communication and Information Technology has not conducted a VCA of one of its contracting procedures***

**Recommendation:** In order to fill loopholes and prevent opportunities for corruption in Ministry of Communication and Information Technology contracts; it is important that the Ministry of Communication and Information Technology conduct a VCA of the contracting procedure for the telecommunication satellite to find the loopholes and opportunities that need to be strengthened.

**Benchmark:** The Ministry of Communication and Information Technology shall conduct a VCA in the contracting procedures for the telecommunication satellite by 11 Jauza 1392 (31 May 2013).

**Expected Outcome:** Tackle loopholes and corruption opportunities in satellite contracting.

#### ***4.13 The one stop shop model has had limited success due to narrow and ineffective implementation***

**Recommendation:** The pension department of MoL, the land distribution department of the MoRR, the identity card and traffic license department of the Ministry of the Interior, Examination and graduation certificate departments of MoHE, Herat Governor's Office, and IARCSC should start with the introduction of a computerized one stop shop mechanism for dealing with requests of citizens from 1 Aqrab 1391 (22 October, 2012). Similarly, those institutions should ensure that the introduction of the one-stop-shop mechanism reduces the volume of applications lost and application response times.

**Benchmark:** A computerized one stop shop mechanism is in place in mentioned ministries by 1 Aqrab 1391 (22 October 2012).

**Expected Outcome:** Direct contact between customers and civil servants is reduced and the application process simplified thereby reducing opportunities for bribe solicitation.

#### ***4.14 The new Civil Servant Law has been drafted to regulate the use of acting appointments***

**Recommendation:** All public institutions should avoid acting appointments; IARCSC in consultation with other public institutions should ensure the implementation of existing legislative provisions on the acting positions (Para 2, of Article 7 of the Civil Servants Law – this provision doesn't exist in the civil servant's law) and should prepare a legislative proposal that prohibits consecutive acting appointments in one position and consecutive acting appointments of one public official to different positions in different locations.

**Benchmark:** legislative proposal prepared and sent to the Taqin / MoJ by 1 Qaus 1391 (21 November 2012).

**Expected Outcome:** Public office will be staffed by competent and qualified staff appointed on the basis of merit and equal opportunity.

***4.15 Allegations of improprieties at Supreme Food Company have never been properly investigated***

**Recommendation:** Shafafiyat Task Force and SIGAR, in conjunction with the Control and Audit Office, should start conducting performance and fraud audits of Supreme operations by 1 Qaus 1391 (21 November 2012) and conclude the task by Hammal 1392 (March 2013).

**Benchmark:** Performance and fraud audit has been conducted by 10 Hammal 1392 (31 March 2013).

**Expected Outcome:** The allegations of fraud and overcharging that have been raised about the activities of Supreme are appropriately scrutinized.

***4.16 The allegations that led to the resignation of high ranking officials from AISA have not been adequately investigated***

**Recommendation:** The Chamber of Commerce and Industries should cooperate with the commission set up to investigate the case of the resignation of seven high ranking officials from AISA. The decision shall be published, as well as all the files collected or submitted during the work of the commission.

**Benchmark:** The Chamber of Commerce and Industries starts to cooperate with the commission in the investigation. The findings of the commission are published by the commission within 4 working days after the commission has submitted its report to His Excellency the President.

**Expected Outcome:** The truth behind the resignation of seven high ranking officials from AISA will be revealed by the high level commission appointed to investigate through a fair and transparent investigation process.