

Monitoring and Evaluation Committee

Terms of Reference

August 1, 2010

Mandate: (derived from Ferman, London conference paper, and London Communiqué)

Ferman, Article 8:

"The High Office of Oversight shall propose and establish within its framework the Monitoring and Evaluation Committee composed of Afghan and International Community experts within three months after the issuance of this decree. The Committee is responsible to cooperate to identify effective development criteria for institutions; and with necessary monitoring and evaluation on activities conducted against corruption at the national level, and on the aid of donor countries and international organizations, shall report to the President, Parliament, people and international community every six months."

London Conference paper (LCP) Guidance:

The International Monitoring and Evaluation Mission (IMEM) is to be a "clear and credible mechanism for monitoring and evaluation." "The government, therefore, invites the international community to form an International Monitoring and Evaluation Mission (IMEM) *composed of experts from the leading anti-corruption agencies of the world and world-class civil society experts*, to offer it policy advice and monitor and evaluate progress against benchmarks. The IMEM will pay a visit to Afghanistan once every quarter and focus on the following issues: the definition of benchmarks and recommendations on what is needed to change public perceptions; the provision of advice on a range of options on what works and bringing in international best practice; judgments on the level of political will and commitment; assistance with training and mentoring; oversight and support on the introduction of citizen report cards; and reporting to the international community, Afghanistan's government institutions and the public on progress in the government's fight against corruption. The government will work with the international community to agree upon terms of reference for the IMEM and the international community will offer a list of potential candidates for the body and mechanisms for support of its work."

London communiqué:

"Conference participants welcomed ... the invitation of Afghan and other eminent experts to participate in an independent Ad Hoc Monitoring and Evaluation Mission which will make its first monitoring visit to Afghanistan within three months, develop clear and objective benchmarks for progress and prepare periodic reports on national and international activity for the Afghan President, Parliament and people, as well as the international community."

Structure:

Committee: The committee will comprise of six members, three of them being Afghans and three international experts. Members of the Committee will act in their capacity as experts on how to tackle corruption and would be entirely independent. The HOO will establish a standing nominating committee of representatives of two international donors and one from the UN, to nominate the three international experts, and replace them as need arises; the three Afghan members, and any subsequent replacements, if necessary, will be named by the HOO in consultation with the international community. Committee members will serve two year terms with the possibility of extension; the chairmanship will pass between each side every six months, with the initial chairmanship held by national member. The Committee will determine its own operating procedures. At the same time, the Committee will have the

sole authority to determine the content of its reports, which must be published every six months, within one month of completion of every second visit. Publication means that all such reports will be available to the President, Parliament, and people of Afghanistan through the media. They will also be made available to the international community. Reports will provide an assessment against agreed benchmarks but may also choose to examine specific themes or sectors.

Financing: Financing for the MEC will be provided through a fund established for that purpose.

Technical Secretariat: Permanent staff support for the Committee, made up of international and local staff, to include one with a civil society background, will be funded through the trust fund. A Technical secretariat will be seated in HOO, supervised by the MEC Chairman or his delegate. Funding will also be provided for bringing in additional technical expertise as necessary.

Stakeholders Group: To provide additional support for information gathering and feedback, the HOO, in consultation with the international community, will establish a stakeholders group composed of representatives from affected Afghan ministries, the private sector, media, civil society, and the donor community to serve as information sources and sounding board for the Committee.

Work plan:

Using the UN Convention against Corruption and other international standards as frameworks and bringing in best practices from other countries, the MEC will monitor and evaluate the government's whole-of-government approach to its anticorruption efforts. The MEC will meet in Afghanistan on a quarterly basis for a two week period; MEC members will have a week prior to each visit to devote to desk study in preparation for the meeting, and a week after each visit for written follow-up. The MEC will have broad authority to determine its agenda, which should have as subjects for examination the following four areas:

1. Formulation of benchmarks and policy recommendations

Before or during its first visit to Afghanistan, the MEC will review the government's anti-corruption benchmarks that it will use in assessing progress. It will provide recommendations for modification of these benchmarks or setting new or additional benchmarks and in doing so it will consult with GIROA and with all stakeholder groups. The MEC will monitor and evaluate these benchmarks for at least the first two years. The benchmarks will measure whether efforts to tackle corruption are having an impact on the prevalence and severity of corruption and on public perceptions. The benchmarks that will be set and subsequent policy recommendations made at a minimum will cover the following subjects:

- Preventive measures
- Transparency and public information
- Citizen participation mechanisms
- Legal framework and law enforcement
- Institutional independence and infrastructure
- Political will and commitment

In formulating benchmarks, the MEC shall take into account all information currently available regarding corruption in Afghanistan with specific reference to commitments made by the GIROA in documents including but not limited to the results of the National Anti-Corruption Conference (held in December 2009), the paper presented at the London Conference, the communiqué from the London Conference, and the documents presented at Kabul Conference.

2. Monitoring and evaluation of execution

The MEC will monitor and evaluate the performance of government in achievement of all benchmarks and implementation of policy recommendations, including (but not limited to):

- Civil service reforms
- Procurement reforms (for domestic as well as donor/international organization-funded contracting)
- Land tenure reforms
- Ministry anticorruption plans
- Legislative updates as needed
- Enforcement efforts
- Institutional independence and infrastructure: sufficiency to allow for an effective anticorruption regime
- Capacity building efforts

3. Recommendations for further action

Based on its findings, the MEC will make recommendations for further action which will themselves form the basis for further review by the MEC, including but not limited to the areas indicated below:

- Additional legislative updates/reforms
- Institutional changes
- Procedural/Systemic changes
- Capacity building needs
- Enforcement recommendations

4. Donor coordination

The MEC will review the effectiveness of international assistance in support of anticorruption efforts, and make recommendations to the international community in connection with changes in policy, practice, and direction; funding levels or priorities; quality and quantity of technical assistance, and/or conditions/terms of support, including direct budget support.