



کمیته مستقل مشترک نظارت و ارزیابی مبارزه علیه فساد اداری
د اداري فساد پر وړاندې د مبارزې د څارنې او ارزونې خپلواکه گډه کمیته
Independent Joint Anti-corruption Monitoring and Evaluation Committee

Press Release

MEC Releases Vulnerability to Corruption Assessment of the Afghan National Assembly

Kabul, Afghanistan: The Independent Joint Anti-Corruption Monitoring and Evaluation Committee (MEC) released its Vulnerability to Corruption Assessment (VCA) of the Afghan National Assembly (NA) on July 21, 2019.

The VCA analyses vulnerabilities to corruption within the Afghan Parliament with respect to three areas -- legal and institutional frameworks, institutional ethos, and capabilities. The VCA was conducted by sound research methodologies to assess whether adequate internal and other controls are in place to prevent corruption.

A multi-methodology approach to data collection was used, consisting of semi-structured interviews with key informants and the analysis of primary and secondary documentation. In the fieldwork component of the research, the team conducted 42 interviews with the aid of tailored interview guides. The interviewees included Members of Parliament, representatives of civil society groups, academics, media personnel and others with first-hand knowledge of the workings of both Houses of the Parliament. The research was conducted over the period from February 2018 to February 2019. Any reforms or initiatives outside this period were not covered.

Key Findings:

a. Legal and Institutional Framework

Regarding the ways in which the National Assembly conducts its business as a legislative body, we found that there were serious deficiencies making the National Assembly highly vulnerable to corruption. These deficiencies include the following:

1. Adversarial relationship between the Government and the MPs;
2. Lack of transparency in the legislative process;
3. Non-standardized tracking of the legislative process;
4. Poor competency levels of MPs in their understanding of the legislative process;
5. Poor coordination with the MoJ Legislative Department; and
6. Poor professional collaboration between the working groups within the National Assembly supposed to work together on legislative matters.

On the manner in which the National Assembly conducts legislative oversight, some of the main discovered vulnerabilities to corruption were:

7. Lack of strong mechanisms in place to resolve conflicts between the Government and the NA;
8. Personal interests of the MPs unduly influence the way they exercise oversight on the Government; and
9. The processes for exercising oversight by the NA are both ineffective and inefficient;
10. An inordinate amount of time in the NA is devoted to oversight activities, especially regarding the National Budget.

b. Institutional Ethos

The VCA team focused on the institutional ethos within the National Assembly. The team identified the following issues of concern:



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11. MPs' unfamiliarity with the Code of Ethical Conduct for Officials of the Three Branches of Government;
12. Disregard for the part of the Code regarding conflicts of interest;
13. Involvement in bidding for Government contracts;
14. Failure to declare assets, income, liabilities and interests;
15. Strong belief amongst the MPs that they are above the Law; and
16. Widespread fraud when it comes to the expenses of the MPs, the prevalence of the practice of lobbying for cash or favor and the illegal acceptance of 'gifts' by Members.

Regarding the enforcement of ethical standards within the National Assembly, the VCA team found the following vulnerabilities to corruption:

17. The NA has not yet implemented much of its Anti-Corruption Strategic Plan;
18. Demonstrated bias in the implementation of disciplinary measures; and
19. A culture of impunity of the MPs.

c. Capabilities

To examine the effectiveness and efficiency of the National Assembly, the VCA team examined human resource management, procedures and financial management. The following vulnerabilities to corruption were identified:

20. Lack of transparency in recruitment processes and many internal staff appointments made on the basis of family connections;
21. Difficulties in holding onto experienced staff within the NA secretariats and lack of support staff with legal background.
22. No provision for Members of the Administrative Board to recuse themselves when called for;
23. Frequent failure to reach the quorum needed for voting in the *Wolesi Jirga*;
24. Difficulties for researchers, journalists, and academics to access information; limited access by members of the public to observe sessions of the NA.
25. No effective mechanisms in place for regular external auditing and oversight of Parliament's expenses; and
26. Lack of a robust salary structure with clear controls and lack of transparency in resource allocation.

Recommendations:

The final part of the report presents recommendations to mitigate each of the identified vulnerabilities to corruption in an actionable way. Each recommendation entails a specific action to be undertaken. These measures will depend greatly upon the competence and the determination of the NA Secretariats in making the NA a more effective and efficient institution. Altogether 42 recommendations were made, addressing each of the discovered vulnerabilities to corruption, including:

- 18 recommendations to counter vulnerabilities regarding rules in the legislative process and legislative oversight.
- 14 recommendations to counter vulnerabilities regarding institutional ethos, addressing the Code of Conduct and the upholding of ethical standards,
- 10 recommendations to counter vulnerabilities regarding capabilities, addressing human resources, procedures, and finances.

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