



Independent Joint Anti-Corruption  
Monitoring & Evaluation Committee (MEC)



**First Monitoring Report on the  
Ministry-Wide Vulnerability to  
Corruption Assessment of the  
Ministry of Mines and Petroleum:  
Implementation Status of MEC's  
Recommendations**

**August 2019**



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# 1. Introduction

In October 2019, the Independent Joint Anti-Corruption Monitoring and Evaluation Committee (MEC) released its Ministry-Wide Vulnerability to Corruption Assessment (MVCA) of the Ministry of Mines and Petroleum (MoMP). The original Assessment began with desk-based research in October 2017 and data collection activities took place from then until the end of July 2018, including interviews, Focus Group Discussions and further review and analyses of formal and informal documentation.

The original MVCA assessed the vulnerabilities in both MoMP's internal operations and regulation of the extractives industry in Afghanistan. It included examining corruption vulnerabilities across each step in the mining value chain for which MoMP is responsible and developing practical measures to mitigate such corruption risks, including within entities beyond MoMP and across the whole of the sector.

Based on findings from this assessment, MEC identified key areas of substantial vulnerability to corruption: 1) Rent-seeking behavior; 2) Weak Ministry governance and capacity; 3) Lack of Government accountability.

For rent-seeking behavior, the MVCA report focused on issues affecting information about the country's mineral reserves, illegal mining, collection of payments of different Government agencies without authority, and political or other inappropriate interference in MoMP recruitment processes, leading to patronage, cronyism and nepotism influencing recruitment decisions.

For weak Ministry governance and capacity, the MVCA team focused on poor coordination within MoMP and with other relevant agencies, lack of human, technical and financial capacity in Head Office and Provincial Directorates of MoMP, unclear or non-existence of necessary policies and regulations, weak legal frameworks to collect royalties, low salaries at MoMP, an unclear, lengthy and weak contract awards process and problems collecting production data.

For the lack of Government accountability, the MVCA report focused on the failure to implement effective anti-corruption measures within MoMP, lack of due diligence in Government processes, lack of quality of internal audits, opaque and compromised contract negotiations, the limited opportunity for communities to contribute to effective monitoring of the industry and insufficient protections from and sanctions for inappropriate inspector behavior.

The MVCA identified significant concerns in all three areas and issued 16 high-level recommendations for the MoMP and additional stakeholders. These general recommendations were further developed into 191 more detailed recommendations, based on SMART-testing by MEC. SMART-testing is MEC's standard method of evaluating recommendations (or project objectives) based on assurance the actions and reforms would be Specific, Measurable, Achievable, Results-oriented, and Time-bound. The more detailed recommendations were actions and reforms that had been broken down into their constituent elements to assure clarity and accuracy for the monitoring and evaluation phase following release of the MVCA report.

During 2019, MEC established an Active Follow-Up Team comprising one international consultant, one national consultant, and two national staff members from the MEC Secretariat.

## **2. Specific Areas of Activity in the Original MVCA**

### **2.1. Concerns about rent-seeking**

The MEC MVCA team found evidence of rent-seeking behavior. These included:

- There are insufficient resources and information to accurately and reliably assess the country's reserves, driving rent-seeking behavior based on limited information.
- Senior public officials or Politically-Exposed Persons (PEPs) do not have to declare assets, or income related to mining interests.
- There is political or other inappropriate interference in MoMP recruitment processes, leading to patronage, cronyism and nepotism influencing recruitment decisions.
- Illegal mining is controlled by illegal armed groups or is conducted under their supervision; powerful networks and those described as 'warlords' are also allegedly involved in controlling illegal mining.
- Local officials of different Government agencies are involved in collecting payments from miners without authority.
- Companies can have obscure beneficial ownership arrangements that make it possible for illegal payments to be channeled either to PEPs or to illegal armed groups.

### **2.2. Concerns about Weak Ministry Governance and Capacity**

- Poor coordination within MoMP and with other relevant agencies creates opportunities for corruption to occur.
- MoMP lacks human, technical and financial capacity in Head Office and Provincial Directorates and so is not fulfilling its legal functions adequately.
- Weak information management systems prevent transparency and effective monitoring of contracting and payment systems.
- Unclear legal requirements with lack of regulations and policies for key issues mean that the regulatory framework is not complete and requires discretionary decision-making on some issues.
- Inadequate monitoring of extractives operations allows contractors to avoid their legal responsibilities.
- There is a weak legal framework for revenue collection that includes methods for calculating royalties that create incentives for companies to provide incorrect production figures.
- The contract moratorium has meant that many operators have had no choice but to operate illegally, creating a sense that the system is unfair and unworkable.
- Salaries of Ministry staff can be less than a living wage, providing an incentive to use MoMP positions as an opportunity to supplement incomes through corruption.
- Mining is undertaken without following the conditions of contracts or legal requirements, including extraction under an Exploration License, not following OHS, environmental or

community development requirements, thus limiting the benefits for the State or for local communities.

- An unclear, lengthy and weak awards process is subject to external interference and has inadequate due diligence.
- The system for collecting production data does not prevent inaccurate reporting or incorrect payments. As a result, neither royalties nor taxes are paid correctly.

### **2.3. Concerns about Lack of Government Accountability**

- Failure to implement effective anti-corruption measures within MoMP, e.g., unreliable enforcement of the Civil Servant Code of Conduct, means that there is no system for preventing, identifying and addressing corrupt behavior in MoMP.
- Lack of due diligence processes in Government processes, e.g., in assessing bidders for mining contracts, means that there are insufficient protections from rent-seeking behavior or to prevent less competent bidders from winning contracts.
- Internal audits are not conducted to a sufficiently high standard.
- Opaque and compromised contract negotiations can lead to inappropriate decision-making, with limited transparency and no effective right of appeal.
- Weak requirements for community consultation mean that the opportunity for communities to contribute to effective monitoring of the industry is limited.
- There are insufficient protections from and sanctions for inappropriate inspector behavior.

### **2.4. Recommendations**

The MVCA report made 191 recommendations with implementation proposed to take place on timeframes ranging from 'immediately to 'within 24 months of the release of the MVCA'. Owing to the timetable for deploying the MEC's Active Follow-Up Team, the timeframe for MEC's monitoring and evaluating the implementation faced some initial delays.

Area of Concern	Immediately	1 month	3 months	6 months	9 months	12 months	18 months	24 months	Total
Weaknesses in the Anti-Corruption System	-	-	2	1	-	1	2	-	6
Weak Governance	-	-	2	4	-	5	-	-	11
Poor Relations between National and Subnational Governments	-	-	-	1	1	1	-	-	3
Politicization of Decision-Making Processes	-	-	3	-	-	-	-	-	3
Gaps in Due Diligence	-	-	-	-	-	3	-	-	3
Illegal Mining	-	-	5	3	-	7	3	-	18
NEPA	1	-	-	2	-	2	-	-	5
MOMP Context: MOMP Reform Strategy	-	-	-	1	-	-	-	-	1
Afghan Geological Survey	-	-	-	4	-	-	-	-	4
Weak Ministry Capacity	-	-	3	2	-	7	-	-	12
Problems with Working Conditions in the Ministry	-	-	-	3	-	2	-	-	5
Weaknesses in the Ministry's Anti-Corruption System	-	1	1	-	-	-	-	-	2
Internal Audit Weaknesses	-	-	1	9	-	2	-	-	12
Poor Human Resource Practices	-	-	-	8	-	1	-	-	9
Weak Information Management Systems	-	-	-	4	-	2	-	-	6
Use of Donor Funds	-	-	2	2	-	-	-	-	4
Ineffective Legal and Policy Framework	-	-	4	1	-	3	-	-	8
Unclear Land Rights	-	-	2	-	-	-	-	-	2
Unclear Legal Requirements	-	-	1	6	-	-	-	-	7
Unclear and Weak Awards Processes	-	-	-	11	-	-	-	-	11
Inadequate Bidding Process	-	-	-	1	-	-	-	-	1
Opaque and Compromised Contract Negotiations	-	-	-	3	-	-	-	-	3
Unaccountable Decision-Making Processes	-	-	-	5	-	-	-	-	5
Lack of Information Transparency	-	-	-	3	-	-	-	-	3
Inappropriate Contract Content	-	-	-	-	-	1	-	-	1
Unclear and Inappropriate Renewal, Transfer and Termination Conditions	-	-	1	2	-	-	-	-	3
Inadequate Monitoring of Operations	-	-	-	1	-	8	-	-	9
Weak Requirements for Community Consultation	-	-	-	3	-	1	-	2	6
Incorrect Production Information	-	-	-	-	-	2	-	-	2
Inappropriate Inspector Behaviour	-	-	-	-	-	3	-	-	3
Large Tax Payers Office of the Afghanistan Revenue Department	-	-	-	1	-	1	5	-	7
Inadequate Reporting of Production Information	-	-	-	-	-	3	-	-	3
Lack of Transparency	-	-	1	-	-	3	-	-	4
Incorrect Payments	-	-	1	1	-	-	-	-	2
Weak Revenue Collection Processes	-	-	1	-	-	2	-	-	3
Weak Legal Framework for Revenue Collection	-	-	-	1	-	1	-	-	2
Inspection and Reporting	-	-	-	-	-	1	-	1	2
<b>Total</b>	<b>1</b>	<b>1</b>	<b>30</b>	<b>83</b>	<b>1</b>	<b>62</b>	<b>10</b>	<b>3</b>	<b>191</b>



### 3. Monitoring and evaluation of recommendations

#### 3.1. Monitoring

In the table below:

- ‘No response’ includes Nil responses from the Ministry.
- ‘Not implemented’ includes cases where responses received from the Ministry indicate existing procedures or systems didn’t respond to the original MVCA recommendations.
- ‘Partially implemented’ includes cases where responses received from the Ministry indicate existing procedures or systems already respond to some degree to the original MVCA recommendations. ‘Partially implemented’ does not imply that all the elements of a recommendation can or will be implemented.
- ‘Implemented’ includes cases where recommendations have been superseded, for example, as a result of internal reorganization.

Status	Number	Percentage
No response	27	14%
Not implemented	89	47%
Partially implemented	48	25%
Implemented	27	14%
Total	191	100%

The table below shows the status of recommendations according to areas of concern:

Area of Concern	No response	Not implemented	Partially implemented	Implemented
Weaknesses in the Anti-Corruption system	33%	67%	0%	0%
Weak Governance	36%	36%	18%	9%
Poor Relations between National and Subnational Governments	0%	100%	0%	0%
Politicization of decision-making processes	100%	0%	0%	0%
Gaps in due diligence	0%	33%	67%	0%
Illegal mining	44%	22%	28%	6%
National Environmental Protection Authority	0%	80%	20%	0%
MOMP Context: MOMP Reform Strategy	0%	100%	0%	0%
Afghan Geological Survey	0%	50%	50%	0%
Weak Ministry capacity	0%	67%	25%	8%
Problems with working conditions in the Ministry	40%	40%	20%	0%
Weaknesses in the Ministry's Anti-Corruption system	0%	50%	0%	50%
Internal Audit weaknesses	0%	33%	67%	0%
Poor Human Resource practices	11%	44%	22%	22%
Weak Information Management Systems	0%	50%	50%	0%
Use of donor funds	0%	50%	50%	0%
Ineffective legal and policy framework	0%	50%	38%	13%
Unclear land rights	0%	50%	0%	50%
Unclear legal requirements	0%	29%	0%	71%
Unclear and weak awards processes	18%	27%	27%	27%
Inadequate bidding process	0%	100%	0%	0%
Opaque and compromised contract negotiations	0%	33%	0%	67%
Unaccountable decision-making processes	40%	0%	0%	60%
Lack of information transparency	33%	0%	67%	0%
Inappropriate contract content	0%	0%	0%	100%
Unclear and inappropriate renewal, transfer and termination conditions	0%	67%	33%	0%
Inadequate monitoring of operations	0%	67%	33%	0%
Weak requirements for community consultation	0%	50%	33%	17%

Incorrect production information	0%	100%	0%	0%
Inappropriate inspector behavior	0%	100%	0%	0%
Large Tax Payers Office of the Afghanistan Revenue Department	0%	71%	14%	14%
Inadequate reporting of production information	33%	67%	0%	0%
Lack of transparency	0%	50%	50%	0%
Incorrect payments	0%	50%	0%	50%
Weak revenue collection processes	33%	67%	0%	0%
Weak legal framework for revenue collection	0%	0%	0%	100%
Inspection and reporting	0%	100%	0%	0%
<b>Total</b>	<b>14.1%</b>	<b>46.6%</b>	<b>25.1%</b>	<b>14.1%</b>

See Annex A for the status of individual recommendations.

## 3.2. Evaluation

Based on the observation of MoMP's responses and work that the MEC Active Follow-Up Team has completed as part of its monitoring activities, the evaluation of the first follow-up period is as follows:

- The evidence suggests a disconnection among different levels and positions within MoMP, or different offices across the same decision-making level. The communication channels between internal offices are not appropriate to fulfil implementation of 100% of MEC's recommendations. As an example, middle and low level positions frequently reported that compliance on a given recommendation responds to (and is responsible to) higher (or different offices) institutional levels within the Ministry.
- In many instances, the implementation of recommendations is derived from isolated or unarticulated programs which are mostly financed by the sector's donors. There was no evidence suggesting that an integral program or plan is carrying out coordination to fulfill those recommendations.
- According to MoMP's professionals the methodologies suggested in the MVCA are not 100 per cent consistent with current practices and policies in the Ministry, although the work is similar. Therefore, there's no incentive among MoMP workers to change current practices.
- The perception of some staff at MoMP is that MEC's work is like an auditing process, with rewards and penalties associated with reporting and compliance. It will help for future follow-up processes if MEC could more effectively explain the distinction between auditing processes and MEC's Active Follow-Up process to differentiate MEC's role in monitoring and evaluating initial implementation commitments made by MoMP.

## Annex A: Status of MoMP responses to MVCA Recommendations

Based on responses received from the MoMP by 7 August 2019

### 3.3. Weaknesses in the Anti-Corruption System

	RECOMMENDATION	Status
R.1	MoMP formally revises the Industry Roadmap (GoIRA 2017c) based on the specific risks identified in this MVCA, within three months.	Not Implemented
R.2	MoMP puts in place practical measures to protect whistleblowers who report cases of suspected corruption in good faith and on reasonable grounds, within 18 months.	Not Implemented
R.3	NEPA puts in place practical measures to protect whistleblowers who report cases of suspected corruption in good faith and on reasonable grounds, within 18 months.	Not Implemented
R.4	Mol imposes spot checks in Districts with mining operations to detect and prevent checkpoints being used to impose illegal charges on mining operators, within 12 months.	No response
R.5	MoMP implements an independent mechanism for review of Government decision-making about mining, within six months of the release of the MVCA.	Not Implemented
R.6	An MoMP Anonymous Complaints Hotline is established and promoted internally to MoMP staff as well as to the general public within three months of the launch of this report.	No response

### 3.4. Weak Governance

	RECOMMENDATION	Status
R.7	MoMP delegations of accountabilities to Provincial Offices for regulating mining should be articulated in detail to ensure that there are no gaps in accountability for mining governance responsibilities between National and Provincial Offices within three months of the release of the MVCA.	No response
R.8	MoMP delegations of accountabilities to Provincial Offices for regulating mining should be published on the MoMP website within three months of the release of the MVCA.	No response
R.9	MoMP monitors the fulfillment of the accountability functions by Provincial and National Head Office within one year of the release of the MVCA.	No response
R.10	MoMP finalizes an MOU with relevant Government regulatory authorities to a) formally coordinate strategy and b) formalize the exchange information between Provincial Offices, within one year of the release of the MVCA.	No response

R.11	MoMP and NEPA establish a formal mechanism to ensure Environmental Approvals are obtained for all mining operations, based on existing Law, within one year of the release of the MVCA.	Not Implemented
R.12	MOMP and NEPA prepare Guides and Toolkits, within a year of release of the MVCA, to help mine site operators meet their legal obligations for Environmental Approvals.	Not Implemented
R.13	MoMP and NEPA establish 'Grandfathering-In' policies for current mine site operators to permit them to achieve legal obligations of Environmental Approval, within one year of the release of the MVCA.	Not Implemented
R.14	MoMP acts internally to enforce asset registration obligations, for all positions at Director level and above, within six months of the release of the MVCA.	Partially implemented
R.15	MoMP enforces Beneficial Ownership Transparency obligations for all extractives operators, within six months of the release of the MVCA.	Implemented
R.16	MoMP prepares and implements a system of due diligence for verification of the completeness, truth, and correctness of mining License applicants, within six months of the release of the MVCA.	Not Implemented
R.17	MoMP prepares and implements a system of due diligence for verification of the completeness, truth, and correctness of mining Contract applicants, within six months of the release of the MVCA.	Partially implemented

### 3.5. Poor Relations between National and Subnational Governments

	RECOMMENDATION	Status
R.18	MoMP develops a detailed Strategy to return five percent of mining revenues to affected Provinces, including involvement of the CCP, within six months of the release of the MVCA.	Not Implemented
R.19	MoMP develops an articulated Action Plan to return five percent of mining revenues to affected Provinces, including involvement of the CCP, within nine months of the release of the MVCA.	Not Implemented
R.20	MoMP fully implements its Strategy and Action Plan to return five percent of mining revenues to affected Provinces, including involvement of the CCP, within one year of the release of the MVCA.	Not Implemented

### 3.6. Politicization of Decision-Making Processes

	RECOMMENDATION	Status
R.21	MoMP formally, continuously, and publicly registers all approaches at MoMP by PEPs, utilizing official Security Logs, and detailing the person approached for meetings, beginning within three months of the release of the MVCA.	No response

R.22	MoMP staff and management continuously report to the Minister any other approaches by PEPs, beginning within three months of the release of the MVCA.	No response
R.23	MoMP formally and continuously documents independent review processes that involve decisions affecting the Ministry, within three months of the release of the MVCA.	No response

### 3.7. Gaps in Due Diligence

	RECOMMENDATION	Status
R.24	MoMP adapts the legislative instruments included in Westenberg and Sayne (2018) for application in the revised regulations to require due diligence in Beneficial Ownership Transparency for extractives contracts, within one year of release of the MVCA.	Partially implemented
R.25	MoMP adapts the legislative instruments included in Westenberg and Sayne (2018) for application in the revised Hydrocarbons Regulations to require due diligence in Beneficial Ownership Transparency for extractives contracts, within one year of release of the MVCA.	Not Implemented
R.26	MoMP develops due diligence procedures for checking Beneficial Ownership as a part of awarding mineral rights based on advice in Westenberg and Sayne (2018) and in Votava et al., (2018) within one year of release of the MVCA.	Partially implemented

### 3.8. Illegal Mining

	RECOMMENDATION	Status
R.27	MoMP demonstrably strengthens the contract award and renewal processes within three months of release of the MVCA.	Partially implemented
R.28	MoMP demonstrably streamlines the contract award and renewal processes within three months of release of the MVCA.	Partially implemented
R.29	MoMP strengthens the integrity of contract award and renewal processes through publishing the details of the steps of the processes including details about complaints and appeals within three months of release of the MVCA.	Partially implemented
R.30	MoMP develops articulated strategy for illegal artisanal mining, within one year of release of the MVCA.	No response
R.31	MoMP develops an articulated strategy for illegal mining that occurs within insecure and insurgency-controlled territories, within one year of release of the MVCA.	Partially implemented
R.32	MoMP commits that it will not issue contracts in areas of active conflict, within three months of the release of the MVCA.	Not Implemented

R.33	MoMP leadership requests a detailed Action Plan from the National Security Council to increase Government control over mining areas, within three months of the release of the MVCA.	No response
R.34	MoMP establishes a system to monitor all mining activity remotely, possibly using satellite imagery, within one year of release of the MVCA.	Not Implemented
R.35	MoMP uses the results of the monitoring system to formally assess the extent of illegal mining activities on legal sites, within one year of release of the MVCA.	Not Implemented
R.36	MoMP uses the results of the monitoring system to check accuracy of financial and production statements by mines, within one year of release of the MVCA.	Not Implemented
R.37	MoMP implements the MOU with Ministry of Urban Development and Affairs, MoPW, and Kabul Municipality to ensure construction material contractors have legal mining contracts, within six months of the release of the MVCA.	Implemented
R.38	MoMP implements a non-bidding License system for artisanal miners as a pilot project, within 18 months of the release of the MVCA. Panjshir Province should be considered for this pilot.	Partially implemented
R.39	MoMP conducts analysis of Fiscal Terms for fee-based and income taxed artisanal mining, free from royalties, within 18 months of the release of the MVCA.	No response
R.40	MoMP develops an Artisanal Mining Inspection and Monitoring Strategy, based on capacity building, within six months of the release of the MVCA.	No response
R.41	MoMP establishes a Mineral Support Centre for artisanal mining, within 18 months of the release of the MVCA.	No response
R.42	MoMP identifies areas to be restricted to artisanal mining, based on USGS analysis, within six months of the release of the MVCA.	No response
R.43	MoMP quarantine areas for artisanal mining only, based on USGS analysis, within one year of the release of the MVCA.	No response
R.44	MoMP conducts analysis of lessons learned from previous episodes where Artisanal Licenses overlapped with Exploration/Exploitation Contracts for other minerals in order to determine the feasibility of developing legal operations without abuses, within twelve months of the release of the MVCA.	No response

### 3.9. NEPA

	RECOMMENDATION	Status
R.45	NEPA fully enforces legal requirement of ESIA for all extractive projects before mining activities begin, immediately upon acceptance of the	Not Implemented



	MVCA.	
R.46	NEPA initiates establishment of a Joint MoMP-NEPA Coordination Committee through the Environmental Geology Directorate of the Afghan Geological Survey (AGS) to coordinate multi-disciplinary teams to conduct technical inspections of mine sites, within six months of the release of the MVCA.	Not Implemented
R.47	Joint MoMP-NEPA Coordination Committee prepares a Guide covering how to develop an ESIA that includes a list of required assessments and an Inspection Checklist for Inspectors, within one year of the release of the MVCA.	Partially implemented
R.48	NEPA implements three-month site-specific public awareness packages, based on project ESIA, before start of mining projects, beginning within one year of release of the MVCA. The content and methods of delivering public awareness messages will be determined by NEPA, based on available resources.	Not Implemented
R.49	NEPA articulates considerations of vulnerable groups, including women and children, in ESIA's, within six months of release of the MVCA.	Not Implemented

### 3.10. MOMP Context: MOMP Reform Strategy

	RECOMMENDATION	Status
R.50	MoMP conducts a comparative analysis of the anti-corruption elements of the Reform Strategy and the recommendations of MEC's MVCA, within six months of release of the MVCA.	Not Implemented

### 3.11. Afghan Geological Survey

	RECOMMENDATION	Status
R.51	AGS develops a SMART-tested strategy with specific objectives for increasing technical capacities of staff, within six months of release of the MVCA.	Partially implemented
R.52	AGS develops a SMART-tested strategy with specific objectives for increasing administrative capacities of staff, within six months of release of the MVCA.	Not Implemented
R.53	AGS develops a SMART-tested strategy with specific objectives for improving budget management capacities of staff, within six months of release of the MVCA.	Not Implemented
R.54	AGS convenes a standing Technical Committee to review and evaluate field survey reports, within six months of release of the MVCA.	Partially implemented

### 3.12. Weak Ministry Capacity

	RECOMMENDATION	Status
R.55	MoMP requests an independent Vulnerability to Corruption Assessment of NCE, within three months of the release of the MVCA.	Not implemented
R.56	MoMP request an independent Vulnerability to Corruption Assessment of AGE, within three months of the release of the MVCA.	Not implemented
R.57	MoMP reviews the organizational arrangements resulting from the Industry Road Map and the Ministry Reform Strategy, within one year of the release of the MVCA, to ensure that they establish a clear separation between regulatory functions from the functions of industry promotion and preparing industry policy. This review should also assess the risks associated with having a number of new regulatory agencies and develop suitable risk control measures.	Not Implemented
R.58	MoMP should specify the required qualifications and skills for all key positions within MoMP, within one year of the release of the MVCA, to ensure that recruitment is based on these requirements.	Implemented
R.59	MoMP establishes a standard method for determining the Tashkiel for the Ministry as a whole and for the Provincial Offices, based on analyzing the workload required, within one year of the release of the MVCA. For Provincial Offices, this should consider the number of mining activities to be monitored and regulated, and the efforts required to address illegal mining in the Provinces. The method should require active involvement of Provincial Offices in these analyses.	Not Implemented
R.60	MoMP involves Provincial Offices in annual analyses of its Tashkiel, beginning within six months of the release of the MVCA.	Partially implemented
R.61	MoMP provides inspectors with access to suitable Ministry vehicles to visit mine sites, within one year of the release of the MVCA.	Not Implemented
R.62	MoMP recruits competent permanent Officers to positions currently staffed with acting Officers, within one year from the release of the MVCA.	Partially implemented
R.63	MoMP completes a Functional Review of AGS to clarify and emphasize the role of AGS in mining governance, with recommendations, within six months of the release of the MVCA.	Partially implemented
R.64	MoMP completes a Physical/Technical Resource Review of the Ministry, including Provincial Directorates, with recommendations, within one year of the release of the MVCA.	Not Implemented
R.65	MoMP analyzes, and publishes the results of the analysis of its Reform Strategy, with recommendations, within one year of the release of the MVCA.	Not Implemented

R.66	MoMP establishes a multi-stakeholder monitoring mechanism for the Reform Strategy, including engagement with the industry’s workforce, within three months of the release of the MVCA. MEC notes that the AEITI MSG may meet the implementation objective of this recommendation.	Not Implemented
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### 3.13. Problems with Working Conditions in the Ministry

	RECOMMENDATION	Status
R.67	MoMP revises the Reform Strategy to address low salary levels, within the range of feasible and legal options available to the Ministry, within one year of the release of the MVCA.	Not Implemented
R.68	MoMP adopts a transparent and single salary structure, based on skills and experience, within one year of the release of the MVCA.	Not Implemented
R.69	MoMP assures a transparent per diem system, supported by documentation and audits for reviews and checks, within six months of the release of the MVCA.	Partially implemented
R.70	MoMP adopts a transparent resource monitoring system during inspection visits, supported by documentation and audits, within six months of the release of the MVCA.	No response
R.71	MoMP implements a Code of Conduct, including prohibition of private work with organizations governed by the MoMP, within six months of the release of the MVCA.	No response

### 3.14. Weaknesses in the Ministry’s Anti-Corruption System

	RECOMMENDATION	Status
R.72	MoMP revises the current draft AC Plan, based on the MVCA findings, with tactics to address internal corruption vulnerabilities within MoMP, within one month of the release of the MVCA.	Implemented
R.73	MoMP provide comprehensive anti-corruption training to all MoMP staff, within three months of the release of the MVCA.	Not Implemented

### 3.15. Internal Audit Weaknesses

	RECOMMENDATION	Status
R.74	MoMP, in coordination with the SAO, clarifies the mandate of the Internal Audit Department for MoMP staff, including the relationship of IAD with the SAO, within three months of the release of the MVCA.	Not Implemented
R.75	MoMP prepares a comprehensive Internal Audit Guide for MoMP, based on the SAO Guidance, within six months of the release of the MVCA.	Partially implemented
R.76	MoMP finalizes the MoMP Internal Audit Reports format, based on the	Partially

	Internal Audit Guide for MoMP, within six months of the release of the MVCA.	implemented
R.77	MoMP implement MoMP Internal Audit Reports format, based on Internal Audit Guide for MoMP, within six months of the release of the MVCA.	Partially implemented
R.78	MoMP engages Internal Audit Department at relevant MoMP Senior Management Team forums, within six months of the release of the MVCA.	Partially implemented
R.79	MoMP determines resources required for Internal Audit Department to conduct audits to the mandated standard, within six months of the release of the MVCA.	Not Implemented
R.80	MoMP mobilizes resources required for Internal Audit Department to conduct audits to the mandated standard, within one year of the release of the MVCA.	Not Implemented
R.81	MoMP determines the appropriate process and establishes a practical/effective process for Internal Audit Report approval, within six months of release of the MVCA.	Partially implemented
R.82	MoMP resolves obstacles that prevent the timely approval of Internal Audit Reports, based on SAO standards, within one year of release of the MVCA.	Partially implemented
R.83	MoMP determines the systematic, effective and practical process for following-up implementation of Internal Audit recommendations, within six months of release of the MVCA.	Partially implemented
R.84	MoMP tracks implementation progress of Internal Audit recommendations, within six months of release of the MVCA.	Partially implemented
R.85	MoMP includes 'Track implementation progress of Internal Audit recommendations' in Performance Reviews for MoMP Directors, within six months of release of the MVCA.	Not Implemented

### 3.16. Poor Human Resource Practices

	RECOMMENDATION	Status
R.86	MoMP develops recruitment procedures for MoMP, articulating the requisite knowledge, skills and qualifications, and based on cooperation between MoMP and the IARCSC, within six months of the release of the MVCA.	Implemented
R.87	MoMP enforces the Code of Conduct for Civil Servants among MoMP staff, within six months of the release of the MVCA.	Not Implemented
R.88	MoMP develops a Performance Management System that incorporates professional development opportunities, within six months of the release of the MVCA.	Partially implemented

R.89	MoMP implements a Performance Management System that incorporates professional development opportunities, within six months of the release of the MVCA.	Not Implemented
R.90	MoMP develops a Performance Management System that incorporates methods to sanction poor work standards or unethical behavior, within six months of the release of the MVCA.	Partially implemented
R.91	MoMP implements a Performance Management System that incorporates methods to sanction poor work standards or unethical behavior, within six months of the release of the MVCA.	Not Implemented
R.92	MoMP implements a mechanism to protect the MoMP Performance Management System from abuse or interference, including systematic decision reviews, within one year of the release of the MVCA.	Not Implemented
R.93	MoMP establishes a Professional Development Action Plan for MoMP, within six months of the release of the MVCA.	Implemented
R.94	Based on the Professional Development Action Plan, MoMP establishes a continuing Professional Development strategy that incorporates mechanisms for ensuring that all of those receiving professional development and higher education opportunities provided to Ministry staff can be reintegrated within the Ministry upon completion of the program, within six months of the release of the MVCA.	No response

### 3.17. Weak Information Management Systems

	RECOMMENDATION	Status
R.95	MoMP implements the electronic MCAS, within six months of the release of the MVCA.	Partially implemented
R.96	MoMP implements the NTRS and transparency portal, within six months of the release of the MVCA.	Partially implemented
R.97	MoMP consults with civil society on the operation of the transparency portal to determine further information needs, within six months of the release of the MVCA.	Partially implemented
R.98	MoMP refines the transparency portal to meet civil society needs, within one year of the release of the MVCA.	Not Implemented
R.99	MoMP consults with mining communities on the operation of the transparency portal to determine further information needs, within six months of the release of the MVCA.	Not Implemented
R.100	MoMP refines the transparency portal to meet mining community needs, within one year of the release of the MVCA.	Not Implemented

### 3.18. Use of Donor Funds

	RECOMMENDATION	Status
R.101	MoMP demonstrates prioritization of the management of donor inputs through the Donor Coordination Unit, within six months of the release of the MVCA.	Not Implemented
R.102	MoMP provide resources to effectively manage donor inputs through the Donor Coordination Unit, within six months of the release of the MVCA.	Partially implemented
R.103	MoMP Donor Coordination Unit establishes mechanisms to ensure Donor Coordination Unit monitoring processes quickly identify inappropriate use of donor funds, within three months of the release of the MVCA.	Partially implemented
R.104	MoMP Donor Coordination Unit establishes mechanisms to ensure quick response to inappropriate use of donor funds, within three months of the release of the MVCA.	Not Implemented

### 3.19. Ineffective Legal and Policy Framework

	RECOMMENDATION	Status
R.105	MoMP completes a thorough needs assessment before final promulgation of the new Minerals Law, incorporating the findings of this MVCA, within three months of the release of the MVCA.	Not Implemented
R.106	MoMP analyzes risks of abuse in a potential transition from Contracts to Licenses for mineral rights, within one year of release of the MVCA.	Not Implemented
R.107	MoMP analyzes option to mitigate abuses under a Licenses regime for mineral rights, within one year of release of the MVCA.	Partially implemented
R.108	MoMP prepares new Minerals Regulations in parallel to the finalization of the new Minerals Law, within six months of the release of the MVCA.	Partially implemented
R.109	MoMP includes a sunset clause for regular review of the new Minerals Law and new Regulations, within three months of the release of the MVCA.	Not Implemented
R.110	MoMP includes consideration of new legislation after a suitable period, within one year of the release of the MVCA.	Partially implemented
R.111	MoMP establishes an effective independent appeal mechanism through a Mining Warden [or Ombudsman] with authority in the new Minerals Law, within three months of the release of the MVCA.	Not Implemented
R.112	MoMP provides resources for policy development functions inside MoMP, within three months of the release of the MVCA.	Implemented

### 3.20. Unclear Land Rights

	RECOMMENDATION	Status
R.113	MoMP includes rights for both land users as well as land owners in the new Minerals Law, within three months of release of the MVCA.	Implemented
R.114	MoMP includes explicit protections for land owners exposed to threats in the new Minerals Law, within three months of release of the MVCA.	Not Implemented

### 3.21. Unclear Legal Requirements

	RECOMMENDATION	Status
R.115	MoMP establishes definitions for ‘Politically Exposed Persons,’ including defining job levels for public officials, within six months of release of the MVCA.	Implemented
R.116	MoMP establishes criteria to assess applicants for mineral rights, including a ‘fit and proper person’ test, within six months of release of the MVCA.	Implemented
R.117	MoMP establishes criteria to review the background and history of applicants for mineral rights through conducting due diligence checks, within six months of release of the MVCA.	Not Implemented
R.118	MoMP establishes criteria to decide about renewals and cancellations of mineral rights, within six months of release of the MVCA.	Implemented
R.119	MoMP establishes clear renewal and cancellation enforcement powers of MoMP, within six months of release of the MVCA.	Implemented
R.120	MoMP establishes criteria for how royalties will be defined and calculated, within six months of release of the MVCA.	Implemented
R.121	MoMP prepares a Regulatory Impacts Assessment prior to promulgation of the new Minerals Law and Regulations, within three months of release of the MVCA.	Not Implemented

### 3.22. Unclear and Weak Awards Processes

	RECOMMENDATION	Status
R.122	MoMP includes a special License for Artisanal Mining in the new Regulations of the Minerals Law, within six months of release of the MVCA.	Not Implemented
R.123	MoMP includes articulation of the fundamental and minimum steps for accessing mineral rights, including who is responsible at each step in the new Minerals Law, within six months of release of the MVCA.	Implemented
R.124	MoMP includes articulation on MoMP time limits at each decision step, criteria for decision points adapted to each License for accessing mineral rights within the new Minerals Law, within six months of release of the	Partially implemented

	MVCA.	
R.125	MoMP includes articulation of a ‘fit and proper person’ test for application for mineral rights within the new Minerals Law, within six months of release of the MVCA.	Implemented
R.126	MoMP includes articulation of the obligation to follow due diligence processes to test applicant claims about capacity, integrity and beneficial ownership in the new Minerals Law, within six months of release of the MVCA.	Not Implemented
R.127	MoMP includes articulation of how interested parties can have a say about decision- making about mineral rights in the new Mining Law, within six months of release of the MVCA.	Not Implemented
R.128	MoMP includes articulation of obligations to make public any contributions made to the decision-making process by interested parties, especially PEPs, in the new Mining Law, within six months of release of the MVCA.	No response
R.129	MoMP establishes effective independent appeal rights for interested parties in the new Mining Law, within six months of release of the MVCA.	No response
R.130	MoMP includes a requirement to publish the reasons for awards or refusal of mineral rights in the new Mining Law, within six months of release of the MVCA.	Partially implemented
R.131	MoMP prepares transparent procedures to operationalize the system for accessing mineral rights in the new Mining Law, within six months of release of the MVCA.	Partially implemented
R.132	MoMP prepares unambiguous and clear Duty Statements for the different roles in the system for accessing mineral rights specified in the new Mining Law, within six months of release of the MVCA.	Implemented

### **3.23. Inadequate Bidding Process**

	RECOMMENDATION	Status
R.133	MoMP analyzes options for a licensing system, ‘use it or lose it’ provisions, escalating fees, and minimum work obligations, within six months of release of the MVCA.	Not Implemented

### **3.24. Opaque and Compromised Contract Negotiations**

	RECOMMENDATION	Status
R.134	MoMP limits the scope of contract negotiations by using licensing as the primary way for accessing mineral rights (and only using contracts for large scale industrial projects), within six months of release of the MVCA.	Implemented



R.135	MoMP uses model contracts to limit the scope of contract negotiations by providing the key contract obligations for large scale industrial projects and establishing clear negotiating terms for those items that can be negotiated as designated in the model contract guidelines, within six months of the release of the MVCA.	Implemented
R.136	MoMP establishes a system to make the negotiating terms public for large scale contracts, providing public reports at the end of contract negotiations that sets out how the decision on the successful bidder was made and how the final terms and conditions were agreed, within six months of the release of the MVCA.	Not Implemented

### 3.25. Unaccountable Decision-Making Processes

	RECOMMENDATION	Status
R.137	MoMP requires the preparation of environmental, OHS, community engagement and work plans for all applications, commensurate with the scale of the operation within six months of the release of the MVCA.	No response
R.138	MoMP assesses the quality of all these plans in determining whether to issue a license, involving other relevant agencies such as NEPA, within six months of release of the MVCA.	No response
R.139	MoMP ensures that the financial guarantee required of successful applicants is sufficient to cover the environmental and other costs of closure. This should not just be a percentage of the expected revenue and requires specialist input (possibly from NEPA) to determine, within six months of the release of the MVCA.	Implemented
R.140	MoMP coordinates with MoF to establish a Revenue Code for signature bonuses, within six months of the release of the MVCA.	Implemented
R.141	MoMP coordinates with MoF to ensure signature bonuses are paid into the appropriate Treasury account, within six months of the release of the MVCA.	Implemented

### 3.26. Lack of Information Transparency

	RECOMMENDATION	Status
R.142	MoMP ensures completed bidding documents from all companies are publicly available 'within 10 days after the process is over,' consistent with the recommendations of the EITI Standard, within six months of release of the MVCA.	No response
R.143	MoMP ensures contracts are published in a searchable format, within six months of release of the MVCA.	Partially implemented
R.144	MoMP ensures that contract publication is a condition of contract validity, within six months of release of the MVCA.	Partially implemented

### 3.27. Inappropriate Contract Content

	RECOMMENDATION	Status
R.145	MoMP includes clear and enforceable anti-corruption clauses in contracts and in licensee obligations in the Regulations of the revised Minerals Law, within one year of the release of the MVCA.	Implemented

### 3.28. Unclear and Inappropriate Renewal, Transfer and Termination Conditions

	RECOMMENDATION	Status
R.146	MoMP ensures that appropriate corruption risk control measures for contract renewal are in place, within three months of the release of the MVCA.	Partially implemented
R.147	MoMP ensures that the independent appeal mechanism is capable of dealing promptly and effectively with appeals regarding License and Contract transfers, renewals and revocations, within six months of the release of the MVCA.	Not Implemented
R.148	MoMP establishes security of tenure for Reconnaissance and Exploration Contract holders in the new Minerals Law, within six months of the release of the MVCA.	Not Implemented

### 3.29. Inadequate Monitoring of Operations

	RECOMMENDATION	Status
R.149	MoMP includes clear enforcement powers for the Inspectorate in the new Minerals Law and associated Regulations, within six months of the release of the MVCA.	Not Implemented
R.150	MoMP establishes a clear Enforcement Policy and Strategy that includes processes for review of inspectors' decisions, based on the provisions of the Law, within one year of the release of the MVCA.	Not Implemented
R.151	MoMP addresses the capacity constraints on the Inspectorate by employing technically qualified inspectors and implementing an effective professional development program, within one year of the release of the MVCA.	Not Implemented
R.152	MoMP establishes teams of inspectors that incorporate different skill sets necessary to thoroughly and effectively inspect and monitor mine sites, within one year of the release of the MVCA.	Not Implemented
R.153	MoMP ensures that the resources at Provincial Offices match the needs for inspection and monitoring of mine sites, within one year of the release of the MVCA.	Partially implemented

R.154	MoMP provides the Inspectorate with a toolkit incorporating usable Guides, tools and Checklists that establish consistent and useful information to regulate and monitor sites, within one year of the release of the MVCA.	Partially implemented
R.155	MoMP implements a professional development program to ensure the Inspectorate has the skills to use their toolkit, within one year of the release of the MVCA.	Partially implemented
R.156	MoMP establishes an MOU with NEPA to operationalize MoMP and NEPA's joint obligation for environmental monitoring of the industry, within one year of the release of the MVCA.	Not Implemented
R.157	MoMP incorporates review of the results of the previous year's mine site inspections to update obligations on the operator in inspection plans, within one year of the release of the MVCA.	Not Implemented

### 3.30. Weak Requirements for Community Consultation

	RECOMMENDATION	Status
R.158	MoMP ensures that the new Mining Law and Regulations provide a clear legal basis for community consultation about and engagement with the mining industry, within six months of the release of the MVCA.	Implemented
R.159	MoMP addresses the omission of community consultation and engagement from the new Hydrocarbons Law by including appropriate provisions in the associated Regulations, within six months of the release of the MVCA.	Partially implemented
R.160	MoMP prepares the necessary policies, procedures and strategies to give effect to the legal provisions for community consultation and engagement, within six months of the release of the MVCA.	Partially implemented
R.161	MoMP incorporates the necessary policies, procedures and strategies in the Inspectorate toolkit, within one year from the release of the MVCA.	Not Implemented
R.162	MoMP conducts a pilot project to test how best to engage communities in monitoring extractives activities, without placing communities at risk from violence, based on the existing strategies of MWA and the ENRMN, within two years of the release of the MVCA.	Not Implemented
R.163	MoMP uses the results of this pilot as the basis to inform further development of the policy package on community engagement and implementation elsewhere, within two years of the release of the MVCA.	Not Implemented

### 3.31. Incorrect Production Information

	RECOMMENDATION	Status
R.164	MoMP includes tools and resources in the Inspectorate Toolkit to help inspectors more accurately and reliably monitor production data when they visit sites, within one year of the release of the MVCA.	Not Implemented

R.165	MoMP establishes a project to develop a workable production verification system, potentially including satellite imagery to monitor signs of production volumes (such as truck movements), within one year of the release of the MVCA.	Not Implemented
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### 3.32. Inappropriate Inspector Behavior

	RECOMMENDATION	Status
R.166	MoMP provides resources to the Inspectorate appropriately so there is no need to seek benefits and resources from mine sites in order to conduct inspections, within one year of the release of the MVCA.	Not Implemented
R.167	MoMP reviews the structure of the Inspectorate and considers creating a single, coherent Directorate, with Provinces as well as Head Office reporting to the Inspectorate Director, within one year of the release of the MVCA.	Not Implemented
R.168	MoMP establishes a professional development program for inspectors, within one year of the release of the MVCA.	Not Implemented

### 3.33. Large Tax Payers Office of the Afghanistan Revenue Department

	RECOMMENDATION	Status
R.169	MoMP formally coordinates information sharing between LTO and cadaster Department, within six months of the release of the MVCA.	Not Implemented
R.170	MoMP coordinates with LTO to support digitization and barcoding of all mining contracts, within one year of the release of the MVCA.	Implemented
R.171	MoMP and LTO jointly coordinate with the Custom Department and register all export of minerals into system based on allocated barcodes, within 18 months of the release of the MVCA.	Partially implemented
R.172	MoMP coordinates with LTO to develop projections of revenue from each mining project, within 18 months of the release of the MVCA.	Not Implemented
R.173	MoMP coordinates with LTO to assess mineral production at the end of each year, within 18 months of the release of the MVCA.	Not Implemented
R.174	MoMP coordinates with LTO to define a benchmark system for pricing mineral commodities, within 18 months of the release of the MVCA.	Not Implemented
R.175	MoMP coordinates with LTO to conduct random checks of mining sites for verification of reporting accuracy, within 18 months of the release of the MVCA.	Not Implemented

### 3.34. Inadequate Reporting of Production Information

	RECOMMENDATION	Status
R.176	MoMP implements the NTRS and MCAS within one year, ensuring compatibility with SIGTAS and ASYCUDA, within one year of the release of the MVCA.	Not Implemented
R.177	MoMP ensures that the NTRS and MCAS systems integrate with other information gathering systems, such as Inspector's reports, within one year of the release of the MVCA.	Not Implemented
R.178	MoMP works with the AEITI to investigate and develop strategies to improve financial management capacity of the industry within AEITI's current level of capacity, within one year of the release of the MVCA.	No response

### 3.35. Lack of Transparency

	RECOMMENDATION	Status
R.179	MoMP works with MoF to incorporate disaggregated reporting against the agreed mining Revenue Codes and by TIN in the regular Budget Reports, within one year of the release of the MVCA.	Not Implemented
R.180	MoMP uses the enforcement powers in the Law to address the continued failure of some contractors to meet their legal obligations to comply with the EITI, within one year of the release of the MVCA.	Not Implemented
R.181	MoMP clarifies the status of mismatch in the payments reported by Belal Mosazai Company to trace what happened to the money paid by the company, but not accounted for by Government, within three months of the release of the MVCA.	Partially implemented
R.182	MoMP establishes a system for distributing subnational financial resource transfers to the Provinces with appropriate corruption control measures, and including proper audits, including reference to the Citizens' Charter National Priority Program and involvement of CDCs as key partners, within one year of the release of the MVCA.	Partially implemented

### 3.36. Incorrect Payments

	RECOMMENDATION	Status
R.183	MoMP uses the findings of the Regional Royalty Benchmarking Project to determine suitable royalties for different commodities, and applies the legal definition of royalties as a percentage of the value of the commodity mined, not a flat rate, within six months of the release of the MVCA.	Implemented
R.184	MoMP implements the ARD Guideline, and ensures that all mining companies are registered under Large Tax Office within three months of the release of the MVCA.	Not Implemented

### 3.37. Incorrect Payments

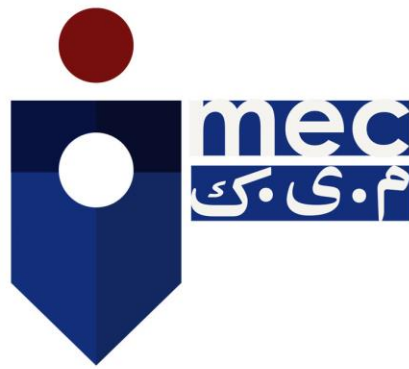
	RECOMMENDATION	Status
R.185	MoMP ensures that MCAS and NTRS are based on a revenue process that eliminates unnecessary steps and that has been tested for reliability, within one year of the release of the MVCA.	Not Implemented
R.186	MoMP ensures that the link between NTRS and ASYCUDA means that Customs can prevent release of an export shipment of commodities if required payments have not been paid, within one year of the release of the MVCA.	Not Implemented
R.187	MoMP requires external financial audits by reputable audit firms of all SOEs and all large extractives companies, within three months of the release of the MVCA.	No response

### 3.38. Weak Legal Framework for Revenue Collection

	RECOMMENDATION	Status
R.188	MoMP ensures the new Law clearly defines the responsibilities for revenue collection of MoMP and MoF and clearly specifies the roles of central and Provincial Offices for determining liabilities, within six months of the release of the MVCA.	Implemented
R.189	MoMP ensures that all legal instruments (Act, Regulations, Contracts and Policies) consistently require that all revenue is paid into the TSA, not Ministry-controlled accounts, within one year of the release of the MVCA.	Implemented

### 3.39. Inspection and Reporting

	RECOMMENDATION	Status
R.190	NEPA establishes a team to inspect mine sites, within one year of the release of the MVCA.	Not Implemented
R.191	NEPA publishes an Annual Report of the Impact of Mining, within two years of the release of the MVCA.	Not Implemented



Independent Joint Anti-Corruption  
Monitoring and Evaluation Committee



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