

**PRESS CONFERENCE TRANSCRIPT****Release of UNAMA's 2017 Report
'Afghanistan's Fight Against Corruption: The Other Battlefield'***[edited for clarity]***Kabul, 25 April 2017**

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Participants:

- UN Secretary-General's Special Representative for Afghanistan, Tadamichi Yamamoto
- Afghanistan Minister of Justice, Abdul Baseer Anwar
- Director of UNAMA Rule of Law, Michael Hartmann

Tadamichi Yamamoto: Members of the media. Thank you for waiting patiently. I am glad to say we have here a real partner, the Minister of Justice, for this very important occasion.

Corruption is one of the greatest challenges to restoring lasting peace and development in Afghanistan. For the sake of the Afghanistan's future and the well-being of its citizens, the Government has committed to fighting and eliminating corruption in all sectors.

Today, I am honoured to formally present to His Excellency, Dr. Abdul Baseer Anwar, the Minister of Justice, UNAMA's first report on the Government's progress in fighting corruption.

Minister Anwar occupies a position pivotal to the success of the Government's efforts. His presence with me today signals—once again—the strong political will underlying the Government's efforts to eliminate corruption.

It is my sincere hope that UNAMA's report—entitled 'Afghanistan's Fight against Corruption: The Other Battlefield'—will promote greater public understanding of the Government's efforts, and provide a platform to achieve greater policy coherence and coordination among the responsible government institutions, civil society, international community, and public as a whole. The report will also provide a baseline against which to measure future progress; UNAMA will periodically issue subsequent reports and recommendations.

UNAMA's report draws on the existing mechanisms established by Afghan law supplemented by internationally-recognized best practices to identify practical recommendations to assist the Government in building on the progress made to date. Our recommendations are made to the Government and Judiciary, and to the International Community, and reflect input provided by key stakeholders, including the Afghan Government officials, like Minister Anwar, involved in the fight against corruption.

Corruption, of course, is not unique to Afghanistan; every country struggles with how to implement laws and policies aimed at curbing corruption. Decades of conflict, weakened institutional structures, and opportunities for rent-seeking behaviour which result from the infusion of billions of dollars of international development assistance have made Afghanistan particularly vulnerable to corruption. A culture of impunity has been established, and we commend the Government's recognition of the lack of accountability, for which it has taken bold action in the last year.



It took years for corruption to take root in Afghanistan and it will take years to uproot it. A long-term strategy with sustained commitment is required to address the unique challenges and entrenched interests confronting Afghanistan.

Recognizing the complexity and long-term nature of the problem in no way suggests that the situation is not urgent. It is urgent. Immediate steps can be and should be taken to improve the Government's strategic planning and implementation of the many policy reforms already in place:

- The newly-established High Council on Rule of Law and Anti-Corruption has provided the necessary high-level political leadership. But the High Council requires more support.
- The formation of such a high-level secretariat, informed by the High Council, to develop a national anti-corruption strategy is another welcome development. Any strategy should, of course, be prepared in a consultative and inclusive manner.
- Attempts by influential persons to interfere with ongoing reform efforts should be curbed by stronger enforcement of existing codes of conduct, prohibiting nepotism and other abuses of power in government in hiring and in contracting awards, and in delivery of public services.
- The critical work of the Anti-Corruption Justice Centre should be supported by experienced international mentors, more transparent case selection criteria, stronger public outreach efforts, and expanded tools for recovering assets stolen from the public treasury.

These and other recommendations detailed in UNAMA's report will, I hope, encourage continued dialogue and exchange of ideas about Afghanistan's efforts to fight against corruption. The reforms already in place have laid a solid foundation; and together we must help Afghanistan build on that foundation.

I look forward to continuing to work with Minister Anwar and other officials to bring our shared vision of a corruption-free Afghanistan to reality.

It is my pleasure to present this report, and invite the Minister to share a few remarks with us. Minister, this is the report from us to you. Thank you very much.

Abdul Baseer Anwar: First I would like to express my apology for being late as I was asked by the Upper House to elaborate on some of the issues regarding the political parties, and that took longer than expected.

I would like to express my gratitude and appreciation to UNAMA for the report that they have provided and prepared. I have gone through the report, page by page, together with Mr. Michael Hartmann, and I confirm and approve it. It's indeed the manifestation of the activities and the measures that have been taken by the National Unity Government over the last two years.

From the title of the report, from the recommendations that I have been asked to provide according to the realities of the country... all have been reflected in this report.

In June 2016, when we had a meeting with the President and we were talking about drafting an anti-corruption law, I referred to Michael Hartmann, who is the head of Rule of Law UNAMA, to provide us with a copy of a law that has been successful and has produced a positive result so we could get inspired and would inspire our law.



Parts of the report have focused on the achievements and also the efforts that have been made by the National Unity Government. Those achievements and efforts have been assessed positively by the international community. In fact, that has encouraged us more, and shows that the National Unity Government has delivered on some of the promises that it had made to the international community. We are still trying to make efforts to provide an even better situation in order to get more confidence from the people, as well as our international partners, towards our activities.

As a representative of the Ministry of Justice, I want to assure you that we have taken practical steps toward finalizing the Anti-Corruption Law, and I will assure you that in the near future this will be finalized by taking to the President. Then it will be ready to be submitted to the two houses of Parliament for final approval. Also, some of the commitments and obligations that the National Unity Government has toward the UN Convention on Anti-Corruption, we have included those obligations in the new penal code, and that is another big milestone toward fighting corruption. Soon, these changes and also the Anti-Corruption Law will be published through the criminal code and an official gazette.

As I mentioned earlier, some of the efforts and achievements that the National Unity Government has had have been endorsed in this report, and in that direct connection I have had a visit to Indonesia together with the chairman of the Anti-Corruption Commission, and some members from the Attorney General's Office. There we met a commission called KPK, dealing with corruption. We shared our experience with them and also got positive points with regard to fighting corruption. In the meantime, I will be travelling to Turkey tomorrow. In my meeting with the Minister of Justice of Turkey, I will ask him to share his experience, or his country's experience, with regard to fighting corruption, so that by having all these experiences we will be able to have a good Anti-Corruption Law in place.

As the UN Special Representative, Mr. Yamamoto, mentioned, it took years for corruption to take root, and I also agree that it takes years in order to uproot corruption. And I would like to reassure you that the National Unity Government is fully committed to fighting corruption.

In this report, there has been one section regarding the safety and security of the judges and prosecutors, while there hasn't been anything regarding the safety and security of the staff of the rights and cases of the Government. They are also dealing with very sensitive and complex issues and they need to be protected.

I would like to express my gratefulness for all the effort that UNAMA has made with regard to producing such a report.

Tadamichi Yamamoto: Thank you very much, Mr. Minister. And now I would like to ask Michael Hartmann, the head of Rule of Law, to explain to you in a very concise manner the gist of what this report is about.

Michael Hartmann: The United Nations Security Council, in its resolution of a month ago, renewed UNAMA's mandate to support this Government in the Government's fight against corruption, and that's why the SRSG in his wisdom decided to start the first of a series of reports that looks at the Government's commitments on fighting corruption, measures and applauds the progress made, notes the progress that will need to be made in the future, and identifies areas where additional donor support is required to meet shared objectives.



The Government has committed in completing the National Anti-Corruption Plan within the year and has initiated that. The international community is providing strategic technical assistance in that area.

The High Council on Rule of Law and Anti-Corruption provides high-level leadership for the Government's anti-corruption efforts. UNAMA and other international entities are providing technical assistance to the Minister's legislative department to enable the Government to implement the requirements of its obligations under the UN Convention Against Corruption, including the requirements that have been included in the penal code as well the Anti-Corruption Law, which may include restructuring and reframing the duties of anti-corruption bodies to eliminate duplication and make them more effective and independent.

The Government, in order to restore confidence in civil service, has started making more robust and effective verification of asset declarations. Annex IV of the penal code now makes it illegal to state falsehoods on those declarations, which will end impunity in terms of having assets that are not declared.

The President's recent decree to reinvigorate and implement the Access to Information Law will ensure transparency as monitored and discovered by the media, civil society and the people. The removal of unnecessary administrative steps through having one-stop shops will result in streamlining that prevents rent-seeking.

Lastly, accountability in the criminal courts is now something that has been going on for six months thanks to the establishment of the Anti-Corruption Justice Centre.

Under the leadership of the Chief Judge and the Chief Prosecutor, the reasoning behind the decisions the court makes will be accessible to you the media, and to civil society, so that the public can see that they should have trust in the judgment of this institution.

The report takes great pains to emphasise what His Excellency mentioned about the need for security for those who attempt to fight the scourge of corruption within the Government.

The Anti-Corruption Justice Centre, recently, in the last weeks, had two martyrs who were targeted and assassinated because they were investigating anti-corruption cases, showing the need for greater government security protection for all who combat corruption.

Question [Unidentified Journalist]: In your report, you mentioned that the main source of corruption is lack of political will, and if it has a political aspect, given the current leaders, do you think that your efforts towards fighting corruption will succeed? And secondly, you said that a number of bodies or anti-corruption entities are working in these efforts. Don't you think that this number of entities working together is a challenge?

Tadamichi Yamamoto: The political will is of course extremely important, and it forms the foundation of any policy formulation and implementation. What we have found is that this Government, the National Unity Government, does have the political will to fight corruption. We recognize that. The will is found in the President, the Chief Executive, the Minister of Justice, the Attorney General... They have been trying to find the right way to address this issue. But as the report finds, this issue, like a disease, has taken root over many years. It has very complex roots in all walks of life.

The Government has laws, institutions and regulations that address and attempt to tackle corruption. But implementation requires careful planning, careful systems, and careful



arrangements. What we are trying to encourage is, based on the political will, which clearly exists in the Unity Government, ensuring that we have systems that actually address those problems, systems such as the ACJC. Also we talked about the need to protect those people who actually conduct those investigations. This is an exercise which requires not just will but a carefully thought-through approach to make impact and to get at everybody, including the top people. This is what we are trying to suggest: to say that we recognize the will, we recognize that there are systems and laws in place; we recognize that they are making efforts, but let's see if that's the right way, let's see if that's efficient, let's see if there is more that we can do. If there are good things, we will appreciate as such, but if things need to improve, let's improve. And we, the international community, will be very happy to work with the Government in this regard.

Question [Unidentified Journalist]: You mentioned in your report that there are 18 anti-corruption bodies that are working on these efforts, and that sounds like a challenge.

Michael Hartmann: There are many bodies, but many of them have different responsibilities. There are others that need to have a reframing and to have a better definition of what they do, and those indeed are the discussions that His Excellency's team is having with the experts, from all through Afghan society, across the Government and with the international community, to determine how to make use of these bodies in the most efficient way.

Abdul Baseer Anwar: Just want to give a little bit of clarification. All these bodies are working in coordination with each other, and also, as Michael mentioned, each and every one of these bodies have their own responsibility. For instance, Forensics is a body where nobody else can do its job. They all try to work coherently and also to be a supplement to each other.

One other point that I want to stress is that as soon as the political forces or other entities realize that the Government is fully committed to fighting corruption, they slowly try to adjust themselves accordingly. For instance, in one of the provinces, one of our staff there had a lot of complaints about his performance, and also we had some evidence against him. We reshuffled him from that place to another place. And then there were eight MPs who came to me to mediate to save him, but we explained all the procedures, and then they were finally convinced and stopped mediating and covering for him.

Question [Unidentified Journalist]: We saw that corruption in the army, in security forces, is a big issue, and I would like to know if the current law, the current system, is efficient enough.

Abdul Baseer Anwar: I'd like to reassure you that we are not concerned about corruption within the army, and also the security sector. The Centre that we have just established is covering everyone and can try everyone. The first two cases in this Centre were two members from the police and the army. It means that no one can be free from being tried under the current system, with the establishment of this Centre.

Tadamichi Yamamoto: We acknowledge that there are efforts to address corruption in the military. The ACJC certainly has cases, and we appreciate it very much. We find that corruption in the security sector really bites into the morale of soldiers, and also it affects the credibility of the security sector among the people. We believe that the Government is trying to address this issue and we appreciate that. But our view is that this is one of the most



critical areas that we have to address. A lot of effort is underway, as the Minister said, in the Government. But also the international community is looking at this as a very serious issue. We hope that we can make strides during this year. Thank you very much.

Abdul Baseer Anwar: Just a piece of information with regard to the corruption in the security sector. The main problem is in the procurement and the contracts within the security sector. When we established the National Procurement Commission, the biggest headache for us was dealing with or reviewing the contracts and the procurement methods and systems that existed within the security sector. With lots of efforts, we managed to clear that up according to the newly established procurement law. In that regard, we have the support of the RS mission. We also have the support of SIGAR. We do not claim that we have totally uprooted this problem but to some extent we managed to make it more transparent.

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