



GENEVA CONFERENCE ON  
AFGHANISTAN  
27 – 28 November 2018



## Side Meeting Concept Note

Geneva Conference Anti-Corruption Side Meeting Concept Note

*Preventing and Prosecuting Corruption – a shared obligation of State and citizens*

28 November 11.45 – 13:15 Palais De Nations Room I

### Keynote speakers:

Danish Minister of Foreign Affairs (4 minutes)

Minister of Finance Dr. Qayoumi (4 minutes)

### Panel discussion: 16 minutes

Moderator – Natalie Faye Hicks

	Topic	Speaker	Time
1	Merit-based and transparent civil service recruitment	Muqaddesa Yourish	4
2	Implementing the Access to Information Law	Barry Salam	4
3	Addressing impunity and the role of the Anti-Corruption Justice Centre (ACJC)	David Frennd -	4
4	The role of citizens and media in holding the Government accountable	Ikram Afzali	4

**Open discussion:** 63 minutes in total and divided into four thematic discussions sessions with floor discussions after each session

**Conclusion:** Danish Ambassador to Afghanistan, Nicolaj Hejberg Petersen (3 minutes)

### Context and themes to be addressed

In Afghanistan and elsewhere, Government and citizens share the responsibility to stand up against corruption, collaborate to prevent it, and display and promote integrity in judicial processes. The media must also exercise a key role in combating corruption by independently exposing wrong-doings and highlighting good practices to capitalize on the gains made so far. The overall objective of this meeting is to identify what Afghan citizens and institutions have already achieved in relation to curbing corruption in Afghanistan and what opportunities can evolve in reforms to further build on achievements in the four key thematic areas identified for discussion in this meeting. The objective is not to seek new commitments but to identify key actions and implementation foci in existing laws, strategies and reform agendas.

Corruption is an endemic and systemic problem and limited accountability and transparency have exacerbated it to limit Afghanistan's ability to maintain security for its

citizens and deliver basic public services. Fighting corruption, therefore, is a key focus and of high priority on the agenda of GIROA. In this regard, important commitments have been made to reform in fora such as the London Anti-Corruption Summit (2016) and at the Copenhagen International Anti-Corruption Conference (2018) which have led to civil service reform, institutionalising the Open Government Partnership and more transparency in procurement and the management of public revenues and resources. Other indicators of good progress include the adoption of a new National Anti-Corruption Strategy (25 of the 66 indicators have been achieved by September 2018) and in September 2018 the new Anti-Corruption Law was endorsed by the President. A recent example of good results are the trials held by the Anti-Corruption Justice Centre (ACJC) and the registration of 15,000 public official's assets. However, despite these gains, the implementation of existing commitments must yet result in real change for Afghanistan's citizens and the following thematic discussions aim to identify ways forward.

### **1. Merit-based and transparent civil service recruitment**

As the newly drafted Effective Governance National Priority Programme acknowledges, "Afghanistan does not suffer from a shortage of human capital overall, but within the government there have been recurrent problems of ensuring that staff have good qualifications, are well-managed, receive proper incentives, and are capable of carrying out their functions." Building a meritocratic and professional civil service will be key to enhancing the social contract between Government and its citizens and addressing corruption in the Government.

The discussion will focus on two key outcomes:

- *Competitive and transparent recruitments:* How to increase essential functions of the Ministries through mass examinations, especially in regional centres outside of Kabul and improved human resource policies?
- *Increasing recruitment of females:* How can there be increased numbers of females in the judiciary and increased numbers of female prosecutors, particularly for positions outside Kabul?

### **2. Access to Information Law**

Afghanistan has some well-crafted laws and the Access to Information Law is one such example but it is not uniformly implemented. With an increasingly sophisticated public, access to Government information will become a major means for advancing the cause of accountable Government. This is a stated goal of the recently drafted Effective Governance National Priority Programme and a commitment enshrined in the Open Government Partnership. In this respect the Government has a duty to ensure timely, free and open access to information so civil society and the media can use this access for accountability purposes. Hence, the law is a crucial step in enabling civil society and media to contribute to the fight against corruption.

The discussion will focus on two key outcomes:

- *State improvements to access to information:* How can the Government best provide free and open access to Government information, especially in locations outside of Kabul?
- *Civil Society Access to Government information:* How can civil society and the media use access to information to effect change and fight corruption? How can the

Government facilitate and work with civil society who can then provide public budget and performance reviews to the public?

### **3. Addressing impunity and the role of the Anti-Corruption Justice Centre (ACJC)**

Addressing the culture of impunity is a long term process and an important step on this journey has been the establishment of the ACJC, which prosecutes high-level corruption and with its jurisprudence should trigger increased corruption prosecutions in courts throughout Afghanistan. Since the ACJC's inception, 40 primary trials have been conducted (with 152s defendants), 41 appeal cases heard (125 defendants) and the Supreme Court has presided over 26 cases (with 80 defendants). With the ACJC's increasing ability to tackle, more complex and politically sensitive cases, its deterrent effect will also compel senior state and public officials to exercise integrity, as abuse will no longer be tolerated with impunity. However, to build public trust in the judiciary the ACJC must demonstrate that its delivers justice equally for everybody and is able to execute its arrest warrants and effectively and fairly try also the most powerful suspects.

The discussion will focus on two key outcomes:

- *Maintaining the integrity and public trust in the ACJC:* How to ensure that all powerful figures implicated in corruption are brought to trial? How to ensure that the ACJC and the Supreme Court administer justice fairly and effectively including in high-level corruption cases?
- *Civil society's role in judicial monitoring:* How to ensure open trials (in accordance with the law) and how to encourage community monitoring to ensure that court verdicts are made public at the local level?

### **4. The role of citizen's in accountability monitoring of Government service delivery**

On the one hand, civil society and the media have a very important role to play in monitoring and conducting audits of service delivery. On the other hand, the Government needs to have mechanisms in place to address identified weaknesses or corruption in the provision of services. The National Anti-Corruption Strategy offers opportunities for civil society participation; it is commendable that CSOs are participating in fora such as the High Council and the Public Procurement Council.

The discussion will focus on two key outcomes:

- *Citizen's Charter:* How can the Citizen's Charter be best used and/or adapted to enable greater ownership over services and hold the Government accountable for service delivery?
- *Addressing corruption in service delivery:* What mechanisms are in place to address reported cases of corruption in service delivery? Are the tenets of the Whistle-blowers Law adequate? What can be improved to reduce vulnerabilities to corruption in service delivery?