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As of March 31, 2015, the United States had provided nearly \$31.9 billion to support governance and economic development in Afghanistan. More than \$18.6 billion of this support was appropriated for the Economic Support Fund (ESF) administered by the United States Agency for International Development (USAID). Another \$4.7 billion was appropriated for the International Narcotics Control and Law Enforcement (INCLE) account administered by the State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL). Together the ESF and INCLE account for nearly 73.2% of the funding provided to support governance and economic development in Afghanistan. See Appendix B for Afghanistan relief and reconstruction appropriations by fiscal year (FY).

KEY EVENTS

From March 22 to 25, 2015, President Ashraf Ghani and Chief Executive Officer Abdullah Abdullah visited Washington, DC, for a series of high-level meetings and speeches.⁴⁶⁴ According to Special Representative for Afghanistan and Pakistan (SRAP) Daniel Feldman, the visit focused on “the need to change the narrative of the U.S.-Afghanistan bilateral relationship.”⁴⁶⁵ The visit resulted in several financial commitments by the United States to support Afghan governance, including:



SIGAR staff and Special IG Sopko meet with President Ashraf Ghani at the presidential palace in February. (GIROA photo)



Special IG Sopko and SIGAR staff meet with CEO Abdullah Abdullah and his staff in Kabul in April. (GIROA photo)

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- An \$800 million, five-year “New Development Partnership” incentive-based program to support Ghani’s reform agenda. This new USAID-administered initiative will utilize already budgeted or requested funding and be delivered through the World Bank’s Afghanistan Reconstruction Trust Fund (ARTF). According to a senior U.S. official, a difference in this program is that the incentive milestones “are not going to be short-term, check the box, do this thing, make this reform” approaches of past incentive-based programs, but will focus on “substantial reforms or development outcomes;”⁴⁶⁶
- Funding of \$30 million in support of electoral reforms and operations to be implemented by United Nations Development Programme’s (UNDP) Enhancing Legal and Electoral Capacity for Tomorrow-Phase II (UNDP/ELECT II) program; and
- Up to \$10 million to the UNDP’s Support to Afghanistan Peace and Reintegration Programme (APRP) to support the efforts of the Afghan High Peace Council (HPC).⁴⁶⁷

While Ghani and Abdullah’s trip was widely regarded as a success, the national-unity government still lacked a full cabinet at the end of the quarter. Nor did the government succeed in initiating peace talks with the Taliban by the end of the quarter. In early April, an Afghan news agency reported Abdullah saying “I am not at all satisfied with government’s performance. It has been negligent.”⁴⁶⁸

In March, a young woman named Farkhunda was beaten to death and burnt by a mob in Kabul following accusations that she had burnt a Koran. The killing prompted large protests in Kabul.⁴⁶⁹ According to an Afghan government fact-finding report, the accusations against the 27-year-old Farkhunda were false. Although police tried to intervene at the beginning of the incident, they stood by as the mob became more violent.⁴⁷⁰ The Afghan Attorney General’s Office (AGO) announced that 49 people, 20 of them police, were being held in connection to Farkhunda’s death.⁴⁷¹

Provincial council members protested throughout the quarter following the January 28 decision by the lower house of parliament to remove the power of provincial councils to oversee the performance of provincial Afghan government departments. At least 22 provincial councils closed their offices in protest. The protests ended after a decree from Ghani reinstated the authority of the provincial councils.⁴⁷²



On March 26, the U.S. Embassy Kabul held a memorial ceremony in memory of the brutal murder of a young woman in Kabul. (State Department photo)

NEW AFGHAN GOVERNMENT

Initial Appointments

Despite a campaign promise to form his government within 45 days of the inauguration in September⁴⁷³ and a promise at the December 4 London

Conference to have a cabinet in place within a month,⁴⁷⁴ Ghani failed to announce nominations for key government positions until January 12, more than three months after the new government's inauguration.⁴⁷⁵

On January 28, the *Wolesi Jirga*, or lower house of parliament, confirmed nine out of 19 cabinet nominees with several candidates dropped due to allegations of dual citizenship, criminal prosecution, and incomplete educational documents.⁴⁷⁶

On April 1, second vice president Mohammad Sarwar Danesh introduced the remaining cabinet nominees to parliament, with the notable exception of nominees for minister of defense and attorney general.⁴⁷⁷ On April 8, General Mohammad Afzal Ludin, a former communist-era commander nominated by Ghani for Minister of Defense on April 6, withdrew his nomination after expressing concern for causing unspecified "division among my people." On April 18, the lower house of parliament approved all 16 cabinet nominees that were introduced on April 1. Several key positions—including minister of defense, chief justice of the supreme court, attorney general, and the head of the Afghan central bank—remained vacant; however, on April 20 the lower house's second deputy speaker announced that he had met with both leaders of the unity government and that nominees would be announced soon.⁴⁷⁸

Electoral Reform Challenges

As reported last quarter, the 2014 elections highlighted the continuing need for electoral reforms.⁴⁷⁹ The September 2014 agreement that led to formation of the national-unity government included several items related to election reform, including: (1) immediate establishment of a special commission for election reform with the aim of implementing reform before the 2015 parliamentary elections and (2) distribution of electronic identity cards to all Afghan citizens as quickly as possible.⁴⁸⁰ According to State, the Afghan government has made no significant progress on electoral reform during the quarter.⁴⁸¹ The head of the Afghan elections-focused, nongovernmental organization Transparent Election Foundation of Afghanistan (TEFA), expressed a similar view and was quoted in late March saying, "I see no clear political will on the part of the government to bring about electoral reforms."⁴⁸²

Afghan and international observers have called for election reform before the upcoming parliamentary elections. In April, the Afghan elections-focused, nongovernmental organization Free and Fair Election Forum of Afghanistan (FEFA) released survey results from 125 members of parliament. The survey found that 92% of respondents support reforming the elections laws and structure of the electoral bodies.⁴⁸³

The current parliament's term is set to expire on June 21, 2015. The Afghan constitution requires elections for the lower house of parliament to take place 30–60 days prior to the expiration of the term.⁴⁸⁴ In February, the British Ambassador to Afghanistan, Richard Stagg, stated in an interview

that holding elections before reforming the electoral institutions would be “a big mistake.”⁴⁸⁵ In an interview in late March, Abdullah was quoted saying, “as long as the electoral system is not reformed, the elections will not be held.”⁴⁸⁶ On April 1, Second Vice President Danesh told parliament that parliamentary elections may be postponed for a year if election reforms are not finalized in a timely fashion.⁴⁸⁷

The September 2014 agreement that led to formation of the national-unity government included a commitment to form a commission on electoral reform. On March 21, the Office of the President announced that Ghani had established the Special Electoral Reform Commission (SERC). According to the statement, Ghani formed the SERC to bring “fundamental reform” to the Afghan electoral system, strengthen rule of law and the democratic process, and prevent violations of electoral laws and regulations. The statement said the SERC would have 15 members.⁴⁸⁸ In April, the SERC deputy was quoted as saying that the commission had not begun its work due to “disagreements” between Ghani and Abdullah. The SERC deputy also reportedly said there was internal debate between SERC members over the value of the commission, as it is an advisory body and decision-making authority remains with Ghani.⁴⁸⁹

There have been plans since 2009 to introduce biometric identity cards (*e-tazkera*) to reduce opportunities for ballot fraud. These plans have been delayed by logistical problems and disagreements about which terms to use on the identity cards to indicate categories of nationality.⁴⁹⁰ According to USAID, the introduction of the electronic identification cards was a priority under the national-unity government agreement, and both the Afghan president and CEO back using the cards. USAID and the European Union are currently supporting a 90-day pilot test in Kabul in which the Ministry of Interior (MOI) is collecting data from civil servants and their families in support of the e-tazkera.⁴⁹¹ The e-tazkera project is also working with UNDP ELECT II to conduct a pilot project in a selected *nahiya* (precinct) in Kabul City for the upcoming election. The e-tazkera project will develop population data that can be used by the Independent Election Commission (IEC) to develop a voter list based on the electronic identification with biometric data.⁴⁹²

USAID and other donors are currently discussing UNDP’s ELECT II proposed budget and action plan for next election. According to USAID, while USAID and other donors want ELECT II to assist the next election, they have sent clear messages to UNDP that improvements are required in the areas of voter registration and boundaries, election integrity, sustainability, financial oversight, and anti-fraud strategy. UNDP ELECT II has acknowledged donor concerns and is working with Afghan election-management bodies to develop a better action plan.⁴⁹³

In February, Democracy International (DI) issued the findings from an election survey that collected the views of 4,020 Afghans in October and

November 2014. DI found that 62.1% of respondents agreed that the 2014 election results reflected the will of the people. An overwhelming majority of respondents (92.3%) believe that there is a need for electoral reform in Afghanistan before the parliamentary elections. Only 19.5% and 14.9% of respondents reported having a lot of confidence in the Afghan IEC and the Independent Electoral Complaints Commission (IECC), respectively. The rate of respondents who reported having no confidence in the IEC and IECC increased by nearly 13.5 points and 10.9 points, respectively, since 2013.⁴⁹⁴

In early March, the IECC announced the results of a three-month investigation into fraud allegations against IEC staff stemming from the 2014 elections. According to the IECC, approximately 13,000 temporary and 20 permanent IEC staff were accused of fraud and other violations.⁴⁹⁵ The IECC announced later that the top IEC provincial officials for Faryab, Khowst, and Paktika Provinces were found to have committed fraud and were removed from their positions for 10 years. Nearly 10,000 temporary IEC personnel were blacklisted for fraud or other violations.⁴⁹⁶

In late March, the head of the legal and judicial commission of the lower house of parliament accused IEC officials and members of parliament of trading the promise of electoral victory in the upcoming parliamentary elections in return for not supporting amendments to the election law.⁴⁹⁷

U.S. ASSISTANCE TO THE AFGHAN GOVERNMENT BUDGET

Summary of On-Budget Agreements

To improve governance and align development efforts with Afghan priorities, international donors at the 2010 Kabul Conference committed to increase to 50% the proportion of civilian development aid delivered **on-budget** to the Afghan government.⁴⁹⁸ The donors, including the United States, reiterated this pledge at the July 2012 Tokyo Conference and again at the December 2014 London Conference.⁴⁹⁹

As shown in Table 3.21 on the following page, USAID expects to spend \$1.32 billion on active direct bilateral-assistance programs. It also expects to contribute \$1.9 billion to the ARTF, on top of \$1.37 billion disbursed under the previous grant agreement between USAID and the World Bank.⁵⁰⁰ USAID has disbursed \$105 million to the AITF.⁵⁰¹

At the 2012 Chicago Conference, the international community committed to financially support the Afghan security forces through separate mechanisms for the army and police with an estimated annual budget of \$4.1 billion for an initial force of 228,000 personnel.⁵⁰² At the September 2014 Wales Summit, NATO allies and partners renewed their commitment to contribute significantly to financial sustainment of the Afghan National Security Forces (ANSF) through the end of 2017 and to financially sustain the ANSF over the next 10 years. The international community has

On-budget: encompasses donor funds that are aligned with Afghan government plans, included in Afghan government budget documents, and appropriated by the parliament and managed by the Afghan treasury system. On-budget assistance is primarily delivered either through direct bilateral agreements between the donor and Afghan government entities, or through multidonor trust funds.

Source: SIGAR, *Quarterly Report to the United States Congress*, 7/30/2014, p. 130; Ministry of Finance, "Aid Management Policy for Transition and Beyond," 12/10/2012, p. 8.

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TABLE 3.21

USAID ON-BUDGET PROGRAMS						
Project/Trust Fund Title	Afghan Government On-Budget Partner	Special Bank Account?	Start Date	End Date	Total Estimated Cost (\$)	Cumulative Disbursements, as of 3/31/2015 (\$)
Bilateral Government-to-Government Projects						
Power Transmission Expansion and Connectivity Project (PTEC)	Da Afghanistan Breshna Sherkat (DABS)	Yes	1/1/2013	12/31/2016	\$670,000,000	\$28,049,353
Partnership Contracts for Health Services (PCH) Program	Ministry of Public Health (MOPH)	Yes	7/20/2008	12/31/2015	259,663,247	210,034,769
Sheberghan Gas Development Project (SGDP)	Ministry of Mines and Petroleum (MOMP)	Yes	5/15/2012	4/30/2015	90,000,000	0
Kajaki Unit 2 Project (Installation of Turbine Generator Unit 2 at Kajaki Dam Hydropower Plant)	DABS	Yes	4/22/2013	12/31/2015	75,000,000	18,424,853
Agriculture Development Fund (ADF)	Ministry of Agriculture, Irrigation and Livestock (MAIL)	Yes	7/18/2010	12/31/2014*	74,407,662	54,000,000
Basic Education and Literacy and Vocational Education and Training (BELT) - Community-Based Education	Ministry of Education (MOE)	Yes	10/29/2013	10/28/2017	56,000,000	0
Afghanistan Workforce Development Project (AWDP)	MOE	Yes	9/18/2013	4/3/2016	30,000,000	664,275
Basic Education and Literacy and Vocational Education and Training (BELT) - Textbooks Printing and Distribution	MOE	Yes	11/16/2011	12/31/2018	57,000,000	24,436,268
E-Government Resource Center (EGRC)	Ministry of Communications and Information Technology (MOCIT)	Yes	8/28/2013	6/1/2016	3,900,000	30,000
Multi-Donor Trust Funds						
Afghanistan Reconstruction Trust Fund (ARTF) (current award)**	Multiple	No	3/31/2012	3/31/2017	1,900,000,000	1,033,302,620
Afghanistan Infrastructure Trust Fund (AITF)***	Multiple	No	3/7/2013	3/6/2018	105,670,184	105,000,000

Note: *Extension in process. **USAID had a previous award to the ARTF that concluded in March 2012 and totaled \$1,371,991,195 in disbursements. Cumulative disbursements from the two ARTF awards are currently \$2,405,293,815. ***On October 9, 2014, USAID de-subobligated \$179,500,000 from the AITF.

Source: USAID, OPPD, response to SIGAR data calls, 3/26/2015 and 4/9/2015; USAID, response to SIGAR vetting, 4/12/2015.

pledged nearly €1 billion, approximately \$1.29 billion,⁵⁰³ annually to sustain the ANSF for 2015 through the end of 2017. The Department of Defense requested and received \$4.1 billion in the FY 2015 budget,⁵⁰⁴ which would help sustain the ANSF surge end strength of 352,000 through 2015 and has requested \$3.8 billion in the FY 2016 budget.⁵⁰⁵ The U.S. government announced in March that it intends to seek funding to support the ANSF at the level of 352,000 personnel through at least 2017.⁵⁰⁶

In 2015, DOD expects to contribute \$112 million to the MOI through the Law and Order Trust Fund for Afghanistan (LOTFA).⁵⁰⁷ Other international donors increased their contributions to LOTFA,⁵⁰⁸ allowing for a significant decrease in the U.S. contribution to LOTFA which was approximately \$308 million in the previous year.⁵⁰⁹ DOD also expects to contribute

approximately \$1.597 billion this year in direct contributions to the Ministry of Defense (MOD) and approximately \$553 million in direct contributions to the MOI.⁵¹⁰

According to an April report by *The Times* of London, the British government decided to suspend its planned £70 million (approximately \$105 million) contribution to LOTFA due to corruption concerns.⁵¹¹

Civilian On-Budget Assistance

USAID provides on-budget civilian assistance through (1) bilateral agreements with seven Afghan government entities and (2) through contributions to two multidonor trust funds, the Afghanistan Reconstruction Trust Fund (ARTF) and the Afghanistan Infrastructure Trust Fund (AITF).⁵¹² According to USAID, all bilateral-assistance funds are deposited in separate bank accounts established by the MOF for each program.⁵¹³

The ARTF, administered by the World Bank, provides funds to both the Afghan government's operating and development budgets in support of Afghan government operations, policy reforms, and national-priority programs.⁵¹⁴ The AITF, a multidonor trust fund administered by the Asian Development Bank, coordinates donor assistance for infrastructure projects in Afghanistan.⁵¹⁵ According to USAID, the majority of on-budget funding has been and will continue to be directed through the multidonor trust funds, particularly the ARTF.⁵¹⁶

The World Bank, as the ARTF administrator, employs a systematic approach to minimizing the exposure of ARTF funds to fiduciary risk. This includes policies, procedures, and practices to identify, analyze, evaluate, and then address and monitor risk. The World Bank provides technical assistance to the Afghan government to ensure that such systems are in place and strengthened.⁵¹⁷

In addition to the Afghan government's own control systems, the World Bank closely supervises the ARTF funds, according to USAID. The World Bank has added controls to its normal supervision system in the form of the ARTF monitoring agent (MA) and the ARTF supervisory agent. Disbursements to the Afghan government under the Recurrent Cost Window are made for eligible civilian operating expenditures of the government. The Bank has hired an MA to review recurrent-cost expenditures. The purpose of the MA is to ensure all expenditures financed from the Recurrent Cost Window are eligible and to deduct ineligible expenditure. The MA's monitoring is undertaken in two stages: a desk review of expenditure is followed by selective site visits to ensure supporting documentation is in place.⁵¹⁸

Over the past three quarters, SIGAR requested USAID to provide information on the ARTF MA for operating costs (Recurrent Cost Window). USAID said it does not know how frequently the MA visits the provinces and has no findings from these visits. The agency added that while the World Bank may share MA reports with donors at its discretion, it does

not regularly provide them.⁵¹⁹ Despite SIGAR's request, USAID failed to provide examples of these reports. For more information, USAID directed SIGAR to the World Bank's public reporting,⁵²⁰ the most recent of which shows that the MA and the World Bank approved 100% of the payroll and operations and maintenance expenditures submitted thus far for FY 1393 (December 22, 2013–December 21, 2014). In past years, the ARTF Recurrent Cost Window MA and the World Bank approved a low of 73% of payroll submissions (Afghan solar year (SY) 1391, March 21, 2012–December 20, 2012) and a low of 13.89% of operations and maintenance submissions (SY 1382, March 21, 2003–March 19, 2004).⁵²¹

This quarter, USAID indicated that their confidence in the World Bank's administration of the Recurrent Cost Window, as well as the entire ARTF, is based on the U.S. government determination that the World Bank is a Category 1 Public International Organization. According to USAID, U.S. law and policies mean that USAID relies on the World Bank's implementation of internationally accepted standards with regard to financial oversight of the ARTF.⁵²² However, SIGAR has raised concerns about the administration of another trust fund that covers recurrent costs, the LOTFA, that is administered by another Category 1 Public International Organization, UNDP.⁵²³ In an audit issued last quarter, SIGAR found that the MA employed by UNDP to verify recurrent costs such as salaries used a process that may have artificially inflated the percentage of successfully verified police personnel from a range of 59% to as much as 84%.⁵²⁴

On-Budget Assistance to the ANSF

A large portion of on-budget assistance is for the Afghan security forces. DOD provides on-budget assistance to the Afghan government through (1) direct contributions from the Afghanistan Security Forces Fund (ASFF) to the MOD and the MOI, and (2) ASFF contributions to the multidonor LOTFA. Administered by the UNDP, LOTFA primarily funds Afghan National Police (ANP) salaries.⁵²⁵ Direct-contribution funding is provided to the MOF, which allots it incrementally to the MOD and MOI, as required.⁵²⁶

In February 2011, the Under Secretary of Defense Comptroller authorized the Combined Security Transition Command-Afghanistan (CSTC-A) to provide direct contributions to the government of Afghanistan from ASFF to develop ministerial capacity and capability in the areas of budget development and execution, acquisition planning, and procurement. CSTC-A administers all contributions of ASFF resources to the MOD and MOI. CSTC-A monitors and formally audits the execution of those funds to assess ministerial capability, ensure proper controls and compliance with documented accounting procedures, and compliance with the provisions in the annual commitment letters.⁵²⁷ CSTC-A has an audit division consisting of eight auditors to perform independent assessments of Afghan government

financial processes.⁵²⁸ CSTC-A reviews weekly data from the Afghanistan Financial Management Information System (AFMIS) to monitor expenditures for sufficiency of funds and rate of expenditures or “burn rates.”⁵²⁹

CSTC-A analyzes AFMIS expenditure data to identify abnormalities. Abnormalities are AFMIS reported expenditures classified with object codes which CSTC-A does not fund. The Afghan government seems to be working to limit MOD expenditure abnormalities, potentially leading to less questioning of costs. When CSTC-A identifies abnormalities in AFMIS coding, these abnormalities are provided to MOI and MOD to correct.⁵³⁰ According to CSTC-A analysis, “the rate of correct coding [for MOD expenditures] in AFMIS has greatly improved from 50% coded correctly in FY 1392 (December 21, 2012–December 21, 2013) to 99% coded correctly in FY 1393 (December 22, 2013–December 21, 2014).” CSTC-A states that MOD appears to have undertaken “a significant process change” that “suggests that [the Afghan government] has an increased understanding of CSTC-A’s miscode procedure.” Any CSTC-A-provided funding that is miscoded and not corrected within the 30-day period will be withheld from future disbursements.⁵³¹

CSTC-A acknowledges that AFMIS data is entered by Afghan ministry staff, making the reliability of AFMIS data dependent on those same Afghan government staff. If a transaction is omitted, for example, CSTC-A would not necessarily be aware of it. CSTC-A does not know of any periodic data-validity checks of AFMIS data quality,⁵³² but reports that CSTC-A conducts weekly AFMIS reviews and “validates data to the maximum extent possible.”⁵³³

Last quarter, CSTC-A concluded new agreements, called commitment letters, governing direct contributions to the MOD and MOI. CSTC-A’s total contribution to the MOD FY 1394 budget is 89.47 billion afghani (approximately \$1.6 billion using an exchange rate of 56 afghani per dollar).⁵³⁴ CSTC-A’s total contribution to the MOI FY 1394 budget is 30.99 billion afghani (approximately \$550 million using the same exchange rate).⁵³⁵

The 1394 commitment letters expressed CSTC-A’s intent to transition management of previously **off-budget assistance** to the ANSF, including fuel services. According to the commitment letters, the estimated annual cost for fuel services for MOD is \$262 million,⁵³⁶ while the estimate for MOI is \$150 million. CSTC-A retains the right to procure fuel off-budget.⁵³⁷ CSTC-A noted in the commitment letters for both MOD and MOI that corruption in the purchase and delivery of fuel is a particular area of concern.⁵³⁸

As reported last quarter, SIGAR conducted a criminal investigation into serious allegations that the MOD fuel contract was corrupted by contractor collusion, price fixing, and bribery.⁵³⁹ This quarter, Ghani canceled the nearly \$1 billion contract to supply fuel to the Afghan army for three years following accusations of procurement-related corruption. Ghani also launched an investigation after learning of a reported \$214 million

Off-budget assistance: encompasses donor funds that are excluded from the Afghan national budget and not managed through Afghan government systems.

Source: SIGAR, *Quarterly Report to the United States Congress*, 7/30/2014, p. 130; Ministry of Finance, “Aid Management Policy for Transition and Beyond,” 12/10/2012, p. 8.

The Special Procurement Commission

(SPC): an Afghan government body involved in procurements for contract awards that exceed regular procurement approval thresholds (which vary depending on the type of procurement), was one of the bodies accused of improprieties in the MOD fuel-procurement scandal. The commission consisted of the ministers of finance, justice, and economy. At the time of the MOD fuel procurement, the SPC was chaired by the Minister of Finance, Omer Zakhilwal, who is currently Ghani's economic adviser.

In November 2014, before the February 2015 announcement that Ghani had suspended MOD officials related to the fuel-procurement scandal, the MOF announced plans to centralize major contract procurements under Ghani's direct review. In February, Ghani issued a presidential decree that modified the Afghan procurement law and established the National Procurement Commission (NPC) to replace the SPC. According to Ghani, his plan is to centralize procurements of large contracts for a "couple of years" under a presidential commission consisting of a core group of officials with "impeccable credential[s] for honesty" and later return procurement authorities to other Afghan institutions. The NPC is chaired by Ghani, and consists of the first and second vice presidents and the ministers of justice, finance, and economy. Both Ghani and Abdullah have actively participated in NPC meetings.

difference between the higher bid of the winning contractor and that of another potential bidder.⁵⁴⁰ According to the *Wall Street Journal*, Ghani's investigation focuses on whether Afghan officials colluded with the winning bidder to award the contract to the company at an inflated price. Representatives of the company with the lower bid claimed that police prevented them from submitting their bid on time. Their bid was reportedly rejected for arriving 15 minutes late. Five senior Afghan military officers and a civilian ministry official have been suspended pending the results of the investigation.⁵⁴¹ In April, the Oversight Committee for MOD Agreements found that potential bidders collaborated with each other and with the MOD, the Afghan Directorate of Reconstruction and Development, and the Afghan **Special Procurement Commission** to charge more than \$100 million above the daily market rate for fuel. The committee reported that after signing a contract with one of the companies, one Afghan official was paid up to \$5 million as a bribe. The committee recommended that the involved government officials be fired and that the Afghan government take legal action against them.⁵⁴² A presidential spokesman said Ghani will make a decision based on the suggestions of the committee.⁵⁴³

According to CSTC-A, the fuel procurement investigation has caused CSTC-A and the Afghan government to reexamine and, in some cases, delay the transition of off-budget procurements to on-budget contracting for fuel and other items. CSTC-A is reexamining the Afghan government's procurement process to address execution problems, lack of capacity, failure to adhere to Afghan procurement laws, and other systemic issues.⁵⁴⁴ The 1394 commitment letters require a fuel-contract documentation review every two weeks with each ministry (MOI or MOD), contracted vendors, and Coalition representatives. CSTC-A intends to decrease future funding if a purchase fails to comply with provisions within the commitment letter. CSTC-A has also focused their audit efforts on fuel, along with other priorities including pay and ammunition.⁵⁴⁵

Following an agreement between donors and MOI, in December 2014 LOTFA ended its pilot program to pay police salaries through mobile-money payments to cell phones. The mobile-money pilot was intended to reduce administrative corruption in paying salaries, particularly in areas that lacked banking facilities. (Normally in such areas a "trusted agent" would deliver other salaries in cash.)⁵⁴⁶ The mobile-money pilot also operated in areas where commercial bank services were available, but with mobile-money costs higher than equivalent payments through commercial banks, they were deemed unfeasible. The final group of police paid via mobile money included 79 police personnel in Ghor Province and in 221 in Badakhshan Province.⁵⁴⁷

Despite the end of the LOTFA mobile-money pilot, the MOF recently started a mobile-money pilot program with 50 of its own personnel. Once the pilot program is complete, the MOF plans to rapidly expand the program nationally. According to CSTC-A, this will potentially affect all ANP salary

Source: *Tolo News*, "Ghani to Create Procurement Office, Oversee Contracting," 11/9/2014; *Tolo News*, "\$100 million USD MoD Fuel Contract Scandal Revealed," 4/9/2015; National Public Radio, "Transcript: NPR's Interview With Afghan President Ashraf Ghani," 3/23/2015; *Pajhwok*, "MoD officials suspended on graft charges," 2/1/2015; Government of the Islamic Republic of Afghanistan, Procurement Law, 2008 with January 2009 amendments, 1/2009; USAID, OEGI, response to SIGAR data call, 3/26/2015; *Pajhwok*, "President scrutinizes ministries' contracts," 4/12/2015.

payments made via mobile money. CSTC-A advisors have been told that Ghani requested that police salary payments be made via mobile money, but these advisors have not seen written documentation to this effect. According to CSTC-A, LOTFA donors support this new pilot program.⁵⁴⁸

In an audit released this quarter, the Department of Defense Inspector General (DOD IG) raised concerns previously identified by SIGAR when it found that the MOI and MOD did not have effective controls over the contract-management process for U.S. direct-assistance funding provided to sustain the ANSF. Specifically, the ministries did not adequately develop, award, execute, or monitor individual contracts funded with U.S. direct assistance. According to DOD IG, the Ministry of Finance (MOF) did not sufficiently oversee the MOD and MOI's planning, accounting, and expenditure of U.S. direct assistance funding, nor did MOD and MOI develop internal compliance functions to ensure adherence to Afghan procurement law and the commitment letters.⁵⁴⁹

According to CSTC-A officials interviewed by DOD IG, one of the main reasons the Afghan ministries did not develop the required level of capacity was "internal pressure to not allow the Afghans to fail." Furthermore, CSTC-A officials stated that pressure to maintain hard-fought gains and not compromise ANSF operations resulted in the Coalition overlooking ministerial shortcomings. Consequently, CSTC-A officials often performed ministerial functions, did not enforce commitment-letter requirements, and allowed the MOF to exclude mentors.⁵⁵⁰ According to CSTC-A, the approach documented by DOD IG does not reflect CSTC-A's official position since CSTC-A personnel performing ministerial functions is not encouraged nor endorsed.⁵⁵¹

NATIONAL GOVERNANCE

The United States provides assistance to Afghan governing institutions to build their capacity to perform critical services and thereby increase their legitimacy in the eyes of the Afghan population. Assistance is provided in two ways: (1) through contracts, grants, and cooperative agreements, and increasingly, (2) through on-budget assistance. The U.S. government is focused on increasing the financial and program-management capabilities of Afghan government institutions through capacity building and on-budget programs.⁵⁵²

The Tokyo Mutual Accountability Framework (TMAF) serves as a cornerstone of international engagement and is the agreed instrument for measuring mutual accountability.⁵⁵³ The international community and Afghan government agreed to the TMAF at the Tokyo Conference of Donors in July 2012. Later the TMAF was augmented with intermediate targets for the Afghan government and the international community called "hard deliverables," such as passage of a mining law.⁵⁵⁴ According to State, the TMAF

and related indicators are intended to provide Afghan citizens, international donors, and other international observers a readily available mechanism to assess the Afghan government's commitment to reform and as a means for donors to justify continuing to provide extraordinary amounts of assistance. The consequence of non-performance is a weaker justification for continued assistance.⁵⁵⁵

USAID has reported that, as a matter of policy, the U.S. Embassy Kabul is no longer evaluating or updating the original version of hard deliverables. According to USAID, the previous set of hard deliverables is no longer part of the discussion.⁵⁵⁶ According to State, international donors and the Afghan government have discussed the need to refresh TMAF and agree that the revisions should be based on the Afghan government's paper presented at the December 2014 London Conference, *Realizing Self-Reliance: Commitments to Reforms and Renewed Partnership*. The Afghan government is working to translate this paper into a prioritized action plan coordinated with a revised set of national priority programs (NPPs). The Senior Officials Meeting is set for September 2015.⁵⁵⁷

Capacity-Building Programs

USAID capacity-building programs seek to improve Afghan ministries' ability to prepare, manage, and account for on-budget assistance. These programs also provide general assistance to support broader human and institutional capacity-building of Afghan government entities.⁵⁵⁸ As shown in Table 3.22, programs include USAID's \$31 million Leadership, Management, and Governance Project that aims to strengthen Afghanistan's financial-management systems and the capacity of the Ministry of Public Health and the Ministry of Education to meet requirements set at the 2010 Kabul International Conference for increased on-budget aid.⁵⁵⁹ USAID is also funding the Ministry of Women's Affairs Organizational Restructuring and Empowerment project, a \$15 million project that among other things assists the ministry to improve its financial management, as required for future on-budget assistance.⁵⁶⁰

To encourage Afghan ministries to rely more heavily upon the civil service and reduce dependency on the "parallel civil service" created through certain donor-funded programs to pay the salaries of highly qualified non-civil servants, USAID has decided to move assistance from stand-alone programs to the ARTF's Capacity Building for Results (CBR) program.⁵⁶¹ CBR supports ongoing public-administration reforms across the government, training for selected civil servants, and limited technical assistance to support ministry reforms.⁵⁶²

In January, the World Bank found the CBR was making unsatisfactory progress due to ongoing slow implementation, particularly with recruitment of CBR-supported Afghan civil servants, resulting in limited progress on results indicators. The Bank said CBR cannot achieve its expected

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TABLE 3.22

USAID CAPACITY-BUILDING PROGRAMS AT THE NATIONAL LEVEL					
Project Title	Afghan Government Partner	Start Date	End Date	Total Estimated Cost (\$)	Cumulative Disbursements, as of 3/31/2015 (\$)
Leadership, Management, and Governance Project	Ministry of Public Health Ministry of Education	9/25/2012	6/30/2015	\$37,853,384	\$32,007,979
Assistance to Legislative Bodies of Afghanistan (ALBA)	Parliament	3/28/2013	3/27/2018	24,990,827	8,342,392
Ministry of Women's Affairs Organizational Restructuring and Empowerment (MORE)	Ministry of Women's Affairs	12/20/2012	12/19/2015	14,182,944	5,268,555

Source: USAID, response to SIGAR data call, 4/9/2015.

development objectives without substantial changes in implementation and approach. The new Afghan government views CBR as a key instrument for implementation of NPPs. Overall progress towards achievement of its development objectives has been slow due to aspects of the project design, capacity issues, and political/economic factors.⁵⁶³

According to the World Bank, establishing a comprehensive program for reforms and training with robust entry criteria, an appropriate salary scale, and the necessary management systems was a complex undertaking given the environment. The pace of project implementation requires significant acceleration to reach the project objectives within the targeted time frame.⁵⁶⁴

According to the World Bank, project progress has been limited. There are four ministries with approved CBR programs, two of which were approved in July 2014. These are the Ministry of Agriculture, Irrigation, and Livestock; Ministry of Communication and Information Technology; Ministry of Mines and Petroleum; and Ministry of Labor and Social Affairs, Martyrs, and Disabled. These ministries have requested over 600 CBR-supported civil service recruitments. The World Bank had expected that the pace of recruitment would increase after CBR engaged a human resources firm to support the Independent Administrative Reform and Civil Service Commission, but this has not been the case since the Afghan government imposed a civil-service hiring freeze in September 2014.⁵⁶⁵ On April 6, Abdullah announced that parliament-approved ministers were empowered to hire new staff if necessary.⁵⁶⁶

National Assembly

According to State, Afghanistan's parliament continues to demonstrate growing capacity and political maturity. While fractious, the parliament is capable of protecting its legislative equities with the executive branch and directing a public spotlight on ministries. The legislative branch remains weaker relative to the executive, but members of parliament appear to be trying to strengthen their hand. However, staffing struggles, corruption, and low levels of education and experience continue to plague the body.⁵⁶⁷

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The *Wolesi Jirga* (the lower house) and *Meshrano Jirga* (the upper house) were in their winter recess for most of the quarter, from January 30 to March 6.⁵⁶⁸

Before beginning winter recess, on January 28, the Wolesi Jirga confirmed nine out of 19 cabinet nominees made by Ghani and Abdullah. Those approved included:

- **Minister of Finance:** Eklil Hakimi (Ghani selection), former Afghan Ambassador to the United States and former Deputy Minister of Foreign Affairs;
- **Minister of Hajj and Religious Affairs:** Faiz Mohammad Osmani (Ghani selection), former university lecturer;
- **Minister of Mines:** Daud Shah Saba (Ghani selection), former governor of Herat;
- **Minister of Foreign Affairs:** Salahuddin Rabbani (Abdullah selection), former chairman of the High Peace Council;
- **Minister of Interior:** Noor ul-Haq Ulumi (Abdullah selection), former governor of Kandahar, former member of the Wolesi Jirga;
- **Minister of Refugees and Repatriation:** Sayed Hussain Alemi Balkhi (Abdullah selection), former member of the Wolesi Jirga;
- **Minister of Rural Rehabilitation and Development:** Nasir Durrani (Abdullah selection);
- **Minister of Public Health:** Ferozuddin Feroz (Abdullah selection), former Deputy Minister of Health;
- **Director of the National Directorate for Security (NDS):** Rahmatullah Nabil (independent), previous NDS chief.⁵⁶⁹

According to USAID, while achieving quorum has been a challenge for parliament in the past, this quarter both houses of parliament achieved quorum when critical legislation was before them. This quarter, the Wolesi Jirga had no issue with achieving quorum during the ministerial hearings.⁵⁷⁰

Parliament also held hearings and summoned various government officials during the quarter including:

- On March 15, the Meshrano Jirga summoned the Minister of Foreign Affairs and the Minister of Refugees on the issue of Afghan refugees in Pakistan. The Minister of Refugees also appeared before the Wolesi Jirga on March 16 to discuss the same issue.
- On March 18, the lower house summoned the Minister of Foreign Affairs, members from the High Peace Council, and the Deputy of the National Security Council to answer questions regarding reconciliation.
- On March 23, the lower house summoned the Minister of Interior, Deputy Minister of Defense, and the Deputy NDS chief to answer questions about insecurity in the country.⁵⁷¹

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USAID funds the \$23.5 million Assistance to Legislative Bodies of Afghanistan project (ALBA) to help Afghanistan’s parliament operate as an independent and effective legislative, representative, and oversight body.⁵⁷²

Over the past quarter, ALBA supported the following parliamentary commissions to undertake oversight trips in the provinces:

- **Nangarhar:** Meshrano Jirga Commission on the Disabled and Refugees;
- **Kunduz:** Meshrano Jirga Economic and Budget Affairs Commissions; and
- **Nangarhar, Kunar, and Laghman:** Joint Oversight Visit by Meshrano Jirga Commissions on Public Welfare Affairs, Natural Resources and Environment, and Religious Affairs, Higher Education, Education, Cultural Affairs.⁵⁷³

SUBNATIONAL GOVERNANCE

The United States government supports initiatives at the subnational level to give Afghans a greater stake in their own government. The goal is to make local government more visible, accountable, and responsive to the Afghan people.⁵⁷⁴

Rural Stabilization Programs

USAID has several stabilization programs aimed at helping the Afghan government extend its reach into unstable areas and build local governance capacity. These programs include USAID’s four Stability in Key Areas (SIKA) projects, two Community Cohesion Initiative (CCI) programs, the Afghan Civilian Assistance Program II (ACAP II), and the ARTF’s National Solidarity Program (NSP). The United States has requested that \$865 million of its ARTF contributions support the NSP, but has not “preferenced” (earmarked) any additional ARTF support for NSP since 2012.⁵⁷⁵ Table 3.23 summarizes total program costs and disbursements to date.

SIGAR AUDIT

SIGAR has an ongoing audit of the Measuring Impacts of Stabilization Initiatives (MISTI) project. This audit plans to (1) assess the extent to which the MISTI contractor provided third-party monitoring services in accordance with the terms of the contract; (2) assess the extent to which USAID considered MISTI program results in the planning and implementation of stabilization programs; and (3) identify challenges in MISTI, if any, with USAID using third-party monitoring to evaluate stabilization reconstruction programs, and the extent to which USAID has addressed those challenges.

TABLE 3.23

USAID SUBNATIONAL (RURAL) PROGRAMS				
Project Title	Start Date	End Date	Total Estimated Cost (\$)	Cumulative Disbursements, as of 3/31/2015 (\$)
National Solidarity Program (NSP) via the Afghanistan Reconstruction Trust Fund (ARTF)*	2004	2012	\$865,000,000	\$865,000,000
Stability in Key Areas (SIKA) East	12/7/2011	9/6/2015	177,054,663	107,849,917
SIKA South**	4/10/2012	4/9/2015	116,888,836	67,472,586
Community Cohesion Initiative (East, South, Southwest)	3/1/2012	2/28/2015	161,499,422	80,516,780
Afghanistan Civilian Assistance Program (ACAP II)	9/27/2011	2/15/2015	64,000,000	52,219,722
SIKA West	1/29/2012	8/31/2015	54,000,000	42,837,673
SIKA North	3/15/2012	4/30/2015	38,000,000	33,061,508
Community Cohesion Initiative (North, West)	9/10/2013	9/9/2015	36,221,640	13,859,275

Note: *This includes USAID contributions to the ARTF with an express preference for the National Solidarity Program (NSP). According to the agreement with the World Bank, donors can only express a preference on how their donations are used up to 50% of their total contribution. The remaining, unpreferred funds provided to the ARTF may also be used to support NSP.
**The disbursement data includes the total for both SIKA South awards.

Source: USAID, response to SIGAR data calls, 4/1/2015 and 4/9/2015.

The USAID Measuring Impacts of Stabilization Initiatives (MISTI) project is a third-party monitoring and evaluation program that evaluates the impact of USAID stabilization programs. This quarter, SIGAR asked USAID whether MISTI had information on how its data, particularly MISTI-sponsored surveys and the resulting stability index, is used to gauge the impact of USAID stabilization programs. According to MISTI, the primary purpose of the MISTI survey data is to perform a village-level impact evaluation that looks at the impact of USAID programming on perceptions of stability at the village level and how this changes over time.⁵⁷⁶ However, the USAID office that oversees MISTI responded that

How the [USAID Afghanistan] Mission utilizes the impact evaluation and stabilization trends is best answered by each of the individual [USAID contracting officer representatives] CORs for the programs that MISTI supports. MISTI has no involvement with how the [USAID Afghanistan] Mission uses these results, either in directing changes based on results or tracking course corrections made by the individual CORs in response to MISTI data. To understand how each program utilizes MISTI data, only the CORs of those programs can answer that question—MISTI is not contractually tasked with tracking use of the data it provides.⁵⁷⁷

SIGAR found the response contradictory since MISTI has hosted a series of summits, attended by USAID and the implementing partners of all USAID stabilization programs that have focused on lessons learned. However, USAID said although MISTI presents their findings at these summits, MISTI does not have any involvement with the USAID mission's decision making process related to how the data is used.⁵⁷⁸

Stability in Key Areas (SIKA)

The objective of SIKA is to help district- and provincial-level Afghan government officials respond to the local population's development and governance concerns, thus instilling confidence in the government and bolstering stability.⁵⁷⁹ USAID intended the four SIKA programs to “be seen as an extension of the [Afghan government], not as increased foreign presence,” and stipulated that SIKA “must work within Afghan structures” in order to partner with the Afghan Ministry of Rural Rehabilitation and Development (MRRD).⁵⁸⁰

All four SIKA programs, along with the Independent Directorate for Local Governance (IDLG), MRRD, and USAID participated in three sustainability and transition Workshops from October 2014 to January 2015. Each SIKA implementing partner developed a handover package that defines the program's closeout plan.⁵⁸¹

According to a USAID response this quarter, “none of the SIKAs collect [data] on a comprehensive set of outcome indicators.” The SIKA program monitoring and evaluation units have largely served as data clearinghouses that have conducted a few impact assessments using some focus groups



A SIKA West 220-meter canal project in Herat Province. (USAID/SIKA West photo)



A SIKA East-supported school playground in Wardak Province. (USAID/SIKA West photo)

and pre- and post-testing. From MISTI’s perspective, SIKA efforts have never been rigorous or systematic enough to understand the outcomes of their programming.⁵⁸² In response, the USAID office that oversees the SIKA programs commented that they believe the performance monitoring plans for the four SIKA programs outline output, outcome, and impact indicators to be collected by the SIKA programs.⁵⁸³

Community Cohesion Initiative (CCI)

USAID’s CCI programs, split between one program covering the east, south, and southwest, and another covering the north and west, aim to build what USAID calls “resilience” in areas vulnerable to violence and insurgent exploitation. CCI implements initiatives such as engaging community leaders and government officials in identifying and overseeing local community-development projects. The CCI also supports peace-advocacy campaigns at sporting events.⁵⁸⁴

This quarter, the CCI program covering east, south, and southwest concluded on February 28.⁵⁸⁵

The CCI independent monitoring unit (IMU) released a case study on youth and resiliency that aimed to evaluate the impact of CCI projects that sought to improve relations among youth and between youth and their communities and local government. The report found that levels of violence and community cohesiveness vary among the districts that received CCI support;⁵⁸⁶ however, it was not clear from the report what role CCI played in shaping these indicators. CCI’s goals included strengthening community capacities to promote a peaceful transition and countering violent threats to a peaceful transition.⁵⁸⁷ Despite this, however, according

Resilience: “the ability of people, households, communities, countries and systems to mitigate, adapt to and recover from shocks and stresses in a manner that reduces chronic vulnerability and facilitates inclusive growth,” according to USAID, which adds, “As this suggests, the concept of resilience and its measurement are complex.”

Source: USAID, “The Resilience Agenda: Measuring Resilience in USAID,” 6/2013.

to USAID, CCI “does not claim or intend to impact security in these areas whatsoever.”⁵⁸⁸ According to the IMU, “all [projects meant to benefit youth] were viewed as beneficial” with the greatest support for skill-based training that can improve opportunities for employment.⁵⁸⁹

The IMU report, however, did not provide much evidence that CCI youth projects overcame the security or political situation to produce more resiliency or cohesion. In one case highlighted in the report, the IMU highlighted ongoing difficulties experienced by a youth association that was supported by CCI’s predecessor, the Afghanistan Stabilization Initiative-East (ASI-E). The ASI-E-supported youth association dissolved after external financial assistance ended. Even while receiving financial support, youth association participants noted that insecurity across the district diminished the association’s capacity to operate in other villages and limited its access to youth across the district. The association’s membership was limited to one village in which the Afghan security forces had visible control.⁵⁹⁰

Among the lessons learned, the report noted that youth in Taliban-controlled communities cannot voice support or participate in youth initiatives due to personal risks from Taliban. Also, in many places, youth report that their communities are suspicious of their motives.⁵⁹¹

Afghan Civilian Assistance Program II (ACAP II)

This quarter, the MISTI program issued the final performance evaluation report for ACAP II. ACAP II provided humanitarian relief to families that had suffered losses as a result of conflict between Coalition military forces and the Taliban or other insurgents.⁵⁹² ACAP II assistance included immediate assistance (essential items worth up to \$50 in the first year and \$400 for years two and three of the program), medical assistance and referrals, supplementary assistance (replacement of damaged infrastructure, household items, furniture, and other property lost as result of the incident), and tailored assistance (\$4,000 to \$7,000 worth of materials and training to start a small business).⁵⁹³ According to MISTI, ACAP II accomplished its stated goals and objectives. MISTI surveys and focus-group results show that tailored assistance helped people rebuild their lives.⁵⁹⁴

Although ACAP II assistance was available nationwide, over 80% of the assistance was focused in the south, southeast, and east. According to MISTI, ACAP II was the only internationally funded program that provided relatively short term, tailored, non-monetary assistance to individuals and families to fit their circumstances. ACAP II is not a compensation program, nor is it intended to provide condolence payments. Assistance was provided according to the needs of the family and was not per injury or death. The determination of the reason for the incident or who was at fault is not required by ACAP II as a prerequisite for assisting Afghan civilians harmed.⁵⁹⁵

MISTI recommended that incident eligibility criteria for future programs should reflect the greater role Afghans now play in providing for their

own security by incorporating operations carried out by Afghan security forces as well as international military forces. MISTI also recommended that ACAP II should focus more on capacity building—including database management and information-sharing, eligibility and beneficiary-verification training, and networking between Afghan ministry staff, ACAP II employees, and field-based nongovernmental and international organizations—to improve the sustainability of ACAP II’s approach.⁵⁹⁶

Provincial and Municipal Programs

USAID recently started two subnational programs focused on provincial centers and municipalities: the Initiative to Strengthen Local Administrations (ISLA) and Strong Hubs for Afghan Hope and Resilience (SHAHAR) programs. Table 3.24 summarizes total program costs and disbursements to date.

TABLE 3.24

USAID SUBNATIONAL (PROVINCIAL AND MUNICIPAL) PROGRAMS				
Project Title	Start Date	End Date	Total Estimated Cost (\$)	Cumulative Disbursements, as of 3/31/2015 (\$)
Strong Hubs for Afghan Hope and Resilience (SHAHAR)	11/30/2014	11/29/2017	\$73,499,999	\$648,596
Initiative to Strengthen Local Administrations (ISLA)	2/1/2015	1/31/2020	62,364,687	8,353

Source: USAID, response to SIGAR data call, 4/9/2015.

Initiative to Strengthen Local Administrations (ISLA)

The ISLA program is meant to enable the Afghan government to improve provincial governance in the areas of fiscal and development planning, representation of citizens, and enhanced delivery of public services. ISLA aims to strengthen subnational systems of planning, operations, communication, representation, and citizen engagement. This should lead to services that more closely respond to all citizens’ needs in health, education, security, justice, and urban services.⁵⁹⁷

ISLA will operate out of five regional hubs: Kabul, Mazar-e-Sharif, Jalalabad, Kandahar, and Herat, and plans work in 16 provinces, pending agreement with the Afghan government: Badghis, Baghlan, Balkh, Farah, Faryab, Ghazni, Ghor, Herat, Kandahar, Kunar, Laghman, Logar, Nangarhar, Parwan, Wardak, and Zabol.⁵⁹⁸

ISLA is in mobilization phase; there are no significant developments to report.⁵⁹⁹

Strong Hubs for Afghan Hope and Resilience (SHAHAR)

The objective of the SHAHAR program is to create well-governed, fiscally sustainable Afghan municipalities capable of meeting the needs of a growing urban population. Targeted support to municipal governments, as well

Regional Economic Zones: areas within Afghanistan that have the potential to develop into geographic centers of increased production and commerce, promising high and inclusive economic growth. The zones are expected to act as catalysts for improved food security, economic development, job creation, and increased regional trade, by targeting investments in key sectors that are considered to be drivers of economic growth.

Source: USAID, "Draft REZ Strategy," 12/3/2014.

as to the General Directorate of Municipal Affairs and Municipal Advisory Boards, aims to improve municipal financial management, urban service delivery, and citizen consultation. The program will focus on 16 small and medium-sized provincial capitals located within USAID's three designated **Regional Economic Zones (REZ)**, as well as the four regional hub provincial capitals of Kandahar city, Herat, Mazar-e-Sharif, and Jalalabad.⁶⁰⁰

SHAHAR is in mobilization phase; there are no significant developments to report.⁶⁰¹

RECONCILIATION AND REINTEGRATION

The Afghan government has placed considerable emphasis on achieving national reconciliation through a formal Afghan-led process.⁶⁰² According to the UN Secretary-General, there is presently "an alignment of factors [that] offer new possibilities [for reconciliation] including the drawdown of international military forces; a new administration in Kabul; increased regional engagement, including by China; and improved bilateral relations with Pakistan."⁶⁰³

In January, the Taliban published a statement on its website stating that the movement "wanted peace," provided its preconditions are met. These preconditions included the end of the foreign military presence, establishment of an Islamic government, and implementation of Sharia law.⁶⁰⁴ However, despite announcements of imminent talks, there has been little overt progress.⁶⁰⁵ As of late March, SRAP Feldman stated that "there are no talks [between the Afghan government and Taliban] yet."⁶⁰⁶ On April 3, a Ghani spokesman dismissed rumors of meetings between the Afghan government and Taliban.⁶⁰⁷

In April, the first deputy chief executive officer, Mohammad Khan of the national-unity government, said there was no need for the Afghan High Peace Council (HPC), that the HPC has not been involved in negotiations since the foundation of the government, and that Ghani was undertaking his own efforts independent of the HPC.⁶⁰⁸

Reconciliation

Afghanistan and Pakistan appeared to have improved their relationship this quarter following a Pakistani Taliban attack in December on a school that killed 132 children in Pakistan.⁶⁰⁹ Ambassador Feldman said he believes "there is a sincere effort" by Pakistan to facilitate reconciliation. He further stated "I've heard frequently in Pakistan a description of the Peshawar massacres as Pakistan's 9/11."⁶¹⁰

Ghani, in a talk at the United States Institute of Peace, emphasized the importance of Pakistan to reconciliation. He stated that the challenge is

not about peace with Taliban, the problem is fundamentally about peace between Pakistan and Afghanistan. For thirteen

years, we have been in an undeclared state of hostilities and this is the definition we have offered our Pakistani counterparts and they have accepted this definition of the problem. That is the breakthrough. ... I am cautiously optimistic and waiting for results [of talks with Pakistani civilian and security officials].

In the same talk, Ghani referred to the Afghan Taliban variously as “Afghan patriots” and “political opponents” who possess a level of political legitimacy and represent some legitimate grievances.⁶¹¹

The *Wall Street Journal* reported last quarter that China hosted a delegation of Afghan Taliban officials in December. The delegation reportedly wanted to discuss the possibility of opening talks with the Afghan government.⁶¹² On January 27, the Taliban issued a statement clarifying that a recent visit by its representatives to Beijing was not an effort to seek a mediation role for China.⁶¹³

Afghanistan Peace and Reintegration Program

The Afghanistan Peace and Reintegration Program (APRP), an Afghan-led program to reintegrate low-level insurgent fighters and their commanders into Afghan civil society, is financed by \$182.3 million in contributions from 12 donor nations. Seven donor nations, led by Japan and Germany, provide operational funding for the program. The United States provides funding for reintegration-related community-recovery efforts administered by the World Bank.⁶¹⁴ For more information, see the October 2014 *Quarterly Report to the United States Congress*, pages 149–151.

DOD and State provided no updates this or last quarter on the number of reintegrees facilitated by the APRP. Despite this, the U.S. government recently pledged up to \$10 million in support of APRP and the HPC.⁶¹⁵ Of this \$10 million, State said \$5 million will likely support the operating budget of the APRP Secretariat through an on-budget funding mechanism administered by UNDP.⁶¹⁶

According to State, APRP has been successful in bringing a modest number of former insurgent fighters back to mainstream Afghan society, but its overall impact on the insurgency likely will not become evident for several years. The new Afghan government intends to use APRP as its primary instrument for facilitating peace and reconciliation activities.⁶¹⁷

RULE OF LAW AND ANTICORRUPTION

Project Summary

The United States has assisted the formal and informal justice sectors through several mechanisms. These include the State Department’s Justice Sector Support Program (JSSP), and Justice Training Transition Program (JTTP). These and other rule-of-law and anticorruption programs are shown in Table 3.25 on the following page.

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TABLE 3.25

STATE DEPARTMENT RULE OF LAW AND ANTICORRUPTION PROGRAMS				
Project Title	Start Date	End Date	Total Estimated Cost (\$)	Cumulative Disbursements, as of 3/26/2015 (\$)
Justice System Support Program II (JSSP II)	6/16/2010	6/30/2015	\$200,552,518	\$190,078,391
Corrections System Support Program (CSSP III)	1/1/2015	8/1/2015	12,000,000	2,010,605
Justice Training Transition Program (JTTP)	1/2/2013	9/30/2015	26,500,000	26,500,000

Source: State, response to SIGAR data call, 3/27/2015.

SIGAR AUDIT

SIGAR has an ongoing audit of U.S. government efforts to assist and improve the rule of law in Afghanistan. SIGAR plans to determine the extent to which (1) the strategies and objectives guiding U.S. government support are current and have consistently defined the scope of rule of law assistance; (2) U.S. agencies can fully identify and account for U.S. government programs and funding; (3) current rule of law programs' performance management systems are measuring progress made in achieving program objectives and in contributing to achieving U.S. strategic objectives; and (4) the U.S. government has encountered challenges in achieving its objectives and the extent to which it has addressed these challenges.

USAID is designing a stand-alone anticorruption program for Afghanistan. According to USAID, the program will strive to increase transparency and accountability within Afghan government institutions, while also increasing civil society and private sector capabilities to monitor, research, and advocate for anticorruption-related matters.⁶¹⁸ This program is currently in the design phase.⁶¹⁹

The State Department's JSSP objectives include developing a case-management system (CMS) to track cases throughout Afghanistan's justice system and building the capacity and administrative skills of ministry officials.⁶²⁰

The CMS is used to monitor criminal cases at either the individual or aggregated basis from the time of arrest until the end of confinement. All ministries in the formal criminal justice sector have access to the CMS. The CMS is used to demonstrate inefficiencies in the criminal justice system by identifying when cases are not being processed in a statutory manner. According to State, various ministries routinely use the CMS to generate various informative reports, including the Attorney General's Office (AGO), which generated a report for the new Afghan government. In addition to using the CMS for criminal background checks in order to grant "clearance" for internal and external employment applicants, the MOI generates a weekly report of arrests in Kabul by the type of crime.⁶²¹

Ministries additionally routinely utilize the CMS to understand the function of the formal justice sector. For example, the CMS can help identify an individual prosecutor's case load and conviction rates, information that is useful for determining promotion eligibility. Although there is no direct public access to the CMS, defense attorneys and family members of the defendant/accused can utilize certain CMS data. Defense attorneys can access the system to confirm the status of their clients' cases regarding, among other things, court dates and charges. Family members of the defendant/accused are also allowed access to ascertain information on their accused family member by contacting or inquiring at CMS offices in one of the relevant ministries.⁶²²

The State Department's JTTP provides regional training to justice-sector officials on a wide range of criminal-justice topics.⁶²³ JTTP aims to increase the confidence of Afghan citizens in their justice sector and to achieve two



In February, Afghan law students attended the closing ceremony of a commercial arbitration moot court competition. (USAID Afghanistan photo)

outcomes: (1) to increase the capacity and competencies of Afghan justice sector professionals in delivering justice according to Afghan law and (2) to ensure that Afghan justice institutions are capable of managing the sustainable implementation of training programs.⁶²⁴

JTTP undertakes limited trial observation, focusing on cases within the criminal division jurisdiction at provincial and district-levels. JTTP looks only at proceedings and appeals of cases that are subject to the Criminal Procedure Code (CPC). JTTP's observation and reporting are narrowly focused to collect objective comparative data on a single fair trial indicator, i.e. whether trials are deemed to be 'open' in accordance with the procedure set out under the CPC. JTTP has reported to INL many instances in the formal justice proceedings where attorneys and judges have increasingly applied the correct laws and sentencing requirements.⁶²⁵

JTTP legal advisors visit courtrooms of judges who will and/or who have graduated from JTTP courses. If the legal advisors are granted access to the courtroom for a given trial, the trial is reported as "open." If they are not permitted access to a courtroom for a given trial, and there is no permissible restriction, the trial is reported as "closed."⁶²⁶

From July 2013 to February 2015, JTTP observed a total of 754 trials, of which 93% were open. In 2015, all 46 trials observed by JTTP were open trials. In the provinces, Nangarhar Province had the lowest overall percentage of open trials to date, 38%.⁶²⁷

The Supreme Court and the Formal Justice Sector

According to the UN Secretary-General, Supreme Court Chief Justice Rasheed Rashid has begun reforms to the court system, including a comprehensive review of the credentials of all judicial staff with the purpose of

ensuring that staff are qualified. The Supreme Court has also established the Special Court for Ministers as required by the Afghan Constitution, to review indictments submitted by the AGO of seven former ministers for corruption and financial crimes.⁶²⁸

Afghan Correctional System

According to State, the inmate population of Afghanistan's prisons managed by the General Directorate of Prisons and Detention Centers (GDPDC) has increased by 16.7% annually over the past five years. As of January 31, the GDPDC incarcerated 28,598 male individuals while the Ministry of Justice's Juvenile Rehabilitation Directorate (JRD) incarcerated 1,021 male juveniles and 110 female juveniles. These incarceration totals do not include detainees held by any other Afghan governmental organization, as INL does not have access to data for other organizations.⁶²⁹

Overcrowding is a persistent, substantial, and widespread problem within GDPDC facilities, although state-funded prison construction has added some new prison beds and presidential amnesty decrees have reduced the prison population significantly. As of January 31, the total male provincial-prison population was at 214% of capacity, down from 290% last quarter, as defined by International Committee of the Red Cross's (ICRC) minimum 3.4 square meters per inmate. The total female provincial-prison population was at 66% of the ICRC-recommended capacity, down from 123% last quarter. Information on the capacity of GDPDC-operated district detention centers and the JRD's juvenile rehabilitation centers is not available. However, anecdotal reporting by INL advisors visiting facilities indicates that overcrowding is a substantial problem in many provinces.⁶³⁰

Anticorruption

During Ghani's address to the joint session of Congress, he labeled corruption a "cancer" that undercut the confidence of Afghans and American taxpayers in the Afghan government, and pledged to "eliminate corruption."⁶³¹ Efforts to recover funds from the Kabul Bank scandal and the cancellation and subsequent investigation of a major MOD fuel contract were the major anticorruption measures undertaken by the Afghan government during the quarter.

Last quarter, an Afghan appellate court upheld convictions of two former senior officials and nine lower-level employees of crimes related to the 2010 Kabul Bank collapse. The two Kabul Bank officials were each sentenced on three counts and ordered to serve concurrent prison terms amounting to 10 years. In addition, one official was fined \$513 million and the other was fined \$278 million. The nine other Kabul Bank employees received lesser fines and one year each in jail. In addition, according to news reports, the court also ordered assets frozen for 19 individuals and companies

implicated in fraudulent borrowing schemes that led to the bank's collapse, pending loan repayment.⁶³²

On December 4, 2014, the Superior Court and the Public Security Court of the Afghan Supreme Court upheld the appellate court's ruling. The AGO reported that it would implement the Supreme Court's ruling and as of early December had recovered a total of \$12 million since the case was reopened in October.⁶³³

As of late March, Kabul Bank investigators reported that the six largest Kabul Bank debtors had pledged to pay off liabilities of \$72 million.⁶³⁴ Despite the reopening of the Kabul Bank case by the national-unity government, the head of the corruption-focused, Afghan nongovernmental organization Integrity Watch Afghanistan told reporters that the Afghan government has made insufficient progress in resolving the case and that the government had recovered only \$228 million of the \$977 million stolen.⁶³⁵ For more information, see pages 168–169 of this report.

This quarter, Ghani canceled a nearly \$1 billion contract to supply fuel to the Afghan army for three years following accusations of procurement-related corruption.⁶³⁶ Ghani also launched an investigation after learning of a reported \$214 million difference between the higher bid of the winning contractor and that of another potential bidder.⁶³⁷ Five senior Afghan military officers and a civilian ministry official have been suspended pending the results of the investigation.⁶³⁸

In an interview with *Tolo News*, the general director of the High Office of Oversight and Anti-Corruption (HOO) stated that, despite the new administration's promises to combat corruption, "corruption is on the rise." A spokesman for the Afghan Chamber of Commerce and Industries also reported in February that "corruption has remained as it was under the previous government."⁶³⁹

During a speech at the Council on Foreign Relations, Ghani stated that "corruption is the system" and highlighted the challenge of reforming the customs system in particular. Labeling the customs duties on transport "a cash cow," Ghani quantified the challenge by noting the \$1.7 billion discrepancy between the value of imports from Pakistan as reported by Afghan ministries (\$800 million) and the value of exports to Afghanistan reported by the Pakistan government (\$2.5 billion).⁶⁴⁰

Afghan Attorney General's Office

During the quarter, Ghani removed the attorney general and replaced him with a deputy attorney general in an acting capacity.⁶⁴¹ According to the U.S. Department of Justice (DOJ), there appears to be no political will within the AGO to pursue major crime and corruption cases. However, this may change if an attorney general who is competent and serious about corruption is appointed.⁶⁴² In a reversal from previous quarters, the acting attorney general has requested DOJ train-the-trainer training for 50 prosecutors.⁶⁴³

According to State, the Anti-Corruption Unit (ACU) of the AGO is able to prosecute lower-level corruption cases, but faces obstacles prosecuting higher-level corruption due to a lack of political will. The ACU suffers low morale; however, the ACU has recently shown an interest in DOJ-supported training opportunities for their prosecutors.⁶⁴⁴

Major Crimes Task Force

The Major Crimes Task Force (MCTF) is an investigatory arm of the MOI and the NDS.⁶⁴⁵ According to DOD, since the formation of the National Unity Government, the MCTF has begun to more aggressively target senior-level corruption. Over the past several weeks, the MCTF referred five separate corruption cases involving a deputy minister and senior-level MOI and Afghan Public Protection Force (APPF) officials to the AGO for further investigation and prosecution. Despite this increase in referrals, the MCTF has not seen an improvement in case processing at the AGO.⁶⁴⁶

The AGO has failed to update the MCTF on the progress of their referred cases. In August 2014, the MCTF director general sent official correspondence to the AGO requesting an update for these cases. To date he has not received a complete response to this request. The NDS director sent a similar official correspondence request seeking disposition for five senior-level corruption cases submitted in the fourth quarter of 2014, and has not received a response. According to DOD, the MCTF receives anecdotal evidence of AGO prosecutor corruption wherein prosecutors accept bribes in exchange for releasing suspects without prosecution.⁶⁴⁷

Over the last two quarters, MCTF has referred 10 separate corruption cases involving a minister, two deputy ministers, two mayors, three senior MOI officers, a senior APPF officer and a ministerial staff member for further investigation and prosecution by the AGO. Under the Criminal Procedure Code, felony-level cases should be brought to trial within 75 days of arrest. In seven of the 10 cases mentioned, no arrest was made prior to referral to AGO, meaning there is no time limit for AGO's investigation or prosecution decision. More than 90 days have passed since five of the 10 cases were referred to the AGO. In the one case adjudicated, the Pol-e Alam mayor was found guilty of accepting bribes and is currently serving seven months in prison.⁶⁴⁸

Over the last quarter, MCTF detectives have assumed all training responsibilities while foreign mentors inspect, rather than provide, trainings.⁶⁴⁹

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

According to State, the Independent Joint Anti-Corruption Monitoring and Evaluation Committee (MEC) continues to demonstrate competent administrative and technical capacity. State notes, however, that the MEC lacks the authority to do more than illuminate poor or corrupt practices.⁶⁵⁰

During the quarter, the MEC issued recommendations on the HOO's self-assessment of Afghanistan's compliance with the UN Convention Against Corruption (UNCAC). Afghanistan became a signatory to the UNCAC in 2004 and ratified it in 2008. The Afghan government is required to comply with its provisions and conduct a two-phase review of their implementation. According to the MEC, the HOO failed to properly assess Afghanistan's compliance with the UNCAC. Labeling the HOO's efforts "superficial, incomplete, and often misleading," the MEC recommended that the Ghani government (1) conduct a comprehensive review of the first phase of the self-assessment to evaluate accurately its gaps and weaknesses and (2) designate a more competent agency to oversee the second phase of the self-assessment.⁶⁵¹

Following the MEC report, the HOO reported that of all the former Afghan government officials required by the constitution to register their assets both before and following their government tenure, only former President Karzai and former Minister of Public Works Najibullah Ozhan had correctly accounted for their assets. According to the HOO, of the 9,457 asset registration forms that were given to the government officials in the Karzai administration, only 5,358 forms were filed with the anticorruption body. Over 900 of the 1,378 forms reviewed by the HOO were found to be inaccurate. As of late March, the HOO reported that only two members of the new administration, the ministers of foreign affairs and mines, have registered their assets.⁶⁵²

Security Services

In a recent interview, the commander of CSTC-A, Major General Todd Semonite, said "the level of corruption [since formation of the national-unity government] is unknown and as a result I can't give you a number to somehow quantify that," and added that the Afghan government has implemented additional controls to limit corruption.⁶⁵³ According to DOD, both the MOD and MOI have established institutions for responding to corruption; however, these institutions do not appear to have had much positive effect.⁶⁵⁴ DOD said that certain dedicated domestic institutions actually hinder, rather than facilitate, **anti- and countercorruption** efforts, by pursuing "illusory reform" meant to placate donors.⁶⁵⁵

Ministry of Defense

According to DOD, since the Ghani administration has taken office, the MOD has increased its focus on anticorruption and countercorruption efforts. DOD cites the consideration of merit-based candidates for appointment to Minister of Defense and Chief of General Staff positions; the rejection of candidates for these two positions who have been accused of significant patronage and/or corruption; and Ghani's swift cancellation of contracts and suspension of the officials responsible following evidence

Anticorruption: measures aim at limiting the opportunities for corruption. This includes transparency and accountability control measures, inspections, audits, and actions to influence individual behavior.

Countercorruption: measures are corrective in nature, focus on sanctioning corrupt individuals, and provide a deterrent against corruption. Countercorruption measures are strongly reliant upon an effective legal system, particularly an independent judiciary.

Source: Joint and Coalition Operational Analysis (JCOA), division of Joint Staff J-7 (Joint Force Development), *Operationalizing Counter/Anti-Corruption Study*, 2/28/2014, p. 3.

New Report on the MOI Corruption-Complaints Process

A recent UNDP-commissioned assessment of the MOI corruption-complaints mechanism found that the level of corruption within the MOI IG renders useless technical training for MOI IG investigators or administrators involved in the corruption complaints process. The report further recommends that the MOI IG and all subordinate leaders be dismissed. The report says that “the single largest factor affecting burgeoning corruption at the [MOI] has been a failure of leadership, including integrity, esprit de corps, and discipline. Systemic corruption is endemic to the organization because the leadership has not only tolerated corruption, they have facilitated it and, in many instances, participated in it.” The report singled out the MOI IG for critique, saying it “suffers from severe ethical lapses stemming from duplicitous leadership. This duplicity permeates the ranks to such a degree that one general officer commented that investigations are no more than a chance to go have tea and collect money for sabotaging investigations.”

Source: Jeffrey Coonjohn, *Final Interim Report, Assessment Corruption Complaints Process: Afghan Ministry of Interior, 1/23/2015*, pp. i, 1–2, 10.

of procurement corruption as examples of a new focus on responding to corruption. The suspension of officials has reportedly emboldened honest brokers to speak out and “caused anxiety and distress” among senior officials implicated in corrupt schemes.⁶⁵⁶

There are currently two forums to address corruption issues within the MOD: the Counter Corruption Working Group (CCWG) and the Senior High Level Committee on Anti-Corruption (SHCAC). Both forums have been ineffective means to take meaningful action for either anticorruption or countercorruption efforts. These forums are primarily chaired, controlled, and manipulated by the same senior officials who engage in corrupt acts. According to DOD, these forums are used by corrupt senior officials to suppress or redirect investigations. With the exception of some minor corruption issues, DOD personnel have yet to witness either the CCWG or SHCAC resolve corruption challenges.⁶⁵⁷

Although each of the six ANA corps has members assigned to Transparency and Accountability Committees (TAC), all TAC members are members of corps staff (chaired by the deputy corps commander) and never report any information critical of the corps commander.⁶⁵⁸ This structure also insulates the deputy corps commander (who is also the head of procurement for the corps) from oversight on procurement decisions.⁶⁵⁹ Because of this lack of independence of the TACs, the MOD General Staff Inspector General (GS IG) assesses the concept of the TACs to be ineffective.⁶⁶⁰ DOD believes that one way to improve transparency and accountability would be for a GS IG at each of the corps to chair the TACs instead of a member of the Corps Commander’s staff. Although this idea has been presented at both the CCWG and the SHCAC for the past nine months, neither MOD leadership nor corps commanders have taken up the suggestion since, in DOD’s view, they benefit from the current lack of transparency and accountability.⁶⁶¹

Ministry of Interior

According to DOD, it appears that Ghani followed a merit-based review and selection process when he appointed Noor ul-Haq Ulumi as Minister of Interior. DOD notes, however, that while there have yet to be significant decisions to rid MOI of corrupt leadership, Minister Ulumi has stated numerous times that he is assessing the skills and leadership abilities of candidates within MOI before making decisions about the senior-level staff assignments.⁶⁶²

The MOI TAC used to meet weekly to discuss corruption issues with committee members. However, the TAC was dissolved when the current MOI Inspector General was appointed over a year ago. Currently, MOI, with the endorsement of Minister Ulumi, is at the beginning stage of creating the Transparency Working Group and Transparency Steering Group as the overarching programs which DOD hopes will increase transparency, accountability, and oversight within the MOI.⁶⁶³

HUMAN RIGHTS

Refugees and Internal Displacement

As of March 15, the United Nations High Commission for Refugees (UNHCR) estimated that more than 254,537 people have crossed from Pakistan into Afghanistan's Khowst and Paktika Provinces due to large-scale Pakistan military operations in neighboring North Waziristan since June 2014. According to State, the refugees are being registered to determine the total population and assess needs.⁶⁶⁴

State reported no large increases or decreases in refugees leaving Afghanistan. UNHCR recorded 7,045 Afghan refugees returning from both Pakistan and Iran in January and February 2015, compared to 3,025 returning from October through December 2014.⁶⁶⁵

UNHCR reported a sharp increase of 6,762 registered Afghan refugees returning from Pakistan following the December 2014 Peshawar school attacks and the Pakistani security response. The rate of return from Pakistan since January 2015 is substantially higher compared to the 995 registered Afghan refugees who returned during the same period in 2014. According to State, many returned refugees have felt pressured to return to Afghanistan due to reported arrests, detention, extortion, and harassment by local Pakistani authorities.⁶⁶⁶

The governments of Pakistan and Afghanistan, together with UNHCR, held the 25th Tripartite Commission Meeting in March to discuss refugee issues affecting the two countries. The participants reaffirmed their commitment to the principle of voluntary repatriation, acknowledged that full and effective reintegration will be a gradual and challenging endeavor, and agreed to engage in consultation to devise a comprehensive plan with realistic timelines for voluntary repatriation.⁶⁶⁷

As of February 28, UNHCR recorded a total of 829,295 registered conflict-affected Internally Displaced Persons (IDPs), compared to the 782,162 registered IPDs from October to December 31, 2014. According to State, the actual number of internally displaced could be much higher and is difficult to verify. UNHCR reports the major causes of displacement during the quarter were conflict between armed groups and the Afghan security forces, and harassment by armed groups.⁶⁶⁸

As of February 28, UNHCR reported the top 10 provinces of destination for IDPs were Kabul, Kunduz, Nangarhar, Wardak, Paktiya, Herat, Kunar, Logar, Faryab, and Badakhshan. The provinces of origin were the same as those of destination.⁶⁶⁹

According to State, Ghani and the new Minister of Refugees and Repatriation Sayed Balkhi have made the implementation of the National IDP Policy a key agenda item. Minister Balkhi has urged his ministry to work with UNHCR in helping provincial governments draft Provincial Action Plans that incorporate the IDP policy into 2015 budget plans.⁶⁷⁰

SIGAR AUDIT

SIGAR has an ongoing audit of State's efforts to assist Afghan refugees living in Pakistan and Iran, and Afghan returnees. The audit plans to assess the extent to which (1) State and UNHCR verify the number of Afghan refugees in Pakistan and Iran, and (2) assess the extent to which the Afghan government has implemented the Solutions Strategy for Afghan Refugees to support voluntary repatriation, sustainable reintegration, and assistance to host countries.



A woman presents her food voucher through the fence at a food distribution site in Kabul city. (USAID Afghanistan photo)

SIGAR SPECIAL PROJECT

This quarter, SIGAR released an inquiry letter about Promote, which has been highlighted as USAID's largest women's empowerment program in the world. The letter notes that USAID presentations on Promote have left SIGAR with a number of troubling concerns and questions. For more information, see Section 2, page 44.

Law on Elimination of Violence Against Women (EVAW)

Law on Elimination of Violence Against Women (EVAW): drafted in 2008 and enacted by presidential decree; however, questions remain as to the law's constitutionality. In May 2013, supporters sought to pass EVAW in parliament, but the law was withdrawn without a vote after some conservative members of parliament declared it un-Islamic.

Source: Afghanistan Justice Sector Support Program, "JSSP Legislative Reform Monthly Report," 10/2014, p. 3.

Gender

The largest gender-focused initiative in USAID's history is the Promote partnership that aims to assist over 75,000 Afghan women achieve leadership roles in all parts of society, from business to academia and in politics and public policy, over five years.⁶⁷¹ USAID has committed \$216 million to Promote and hopes to raise \$200 million from other international donors.⁶⁷² Thus far, USAID has awarded one contract for one of four Promote components (Women's Leadership Development) with an estimated cost of \$42 million.⁶⁷³

USAID is still negotiating with other donor agencies to explore synergies with their current and future women's empowerment programming. USAID anticipates donor contributions will happen in two ways: (1) donors making contributions to existing initiatives managed by USAID or (2) donor agencies aligning their programs directly implemented by their own contractors or grantees with Promote goals and jointly branded.⁶⁷⁴

USAID is "extremely confident" that Promote will assist beneficiaries in their careers and/or facilitate new careers and economic and social opportunities. USAID cited the experience of the USAID Afghan Workforce Development Program (AWDP) as a source of this confidence.⁶⁷⁵ As of April 2015, AWDP has assisted approximately 2,100 women with placement and/or promotion since 2012. The goal of AWDP is to increase job placement and wages for at least 6,250 women over the life of the four-year program.⁶⁷⁶

USAID views Promote as a "nontraditional program" that must be responsive to the shifting project priorities, utilize pilot activities, and employ a gradual approach to implementation with continual refinement of methodology.⁶⁷⁷

During a meeting in October 2014 with Promote implementers, USAID indicated that there were significant political sensitivities related to the program. Because of these sensitivities, it was critical for the Promote implementers to coordinate any meetings with Afghan government officials or Promote-related events with USAID. At the same meeting, USAID emphasized the need to reflect the importance the U.S. government places on Promote as a key legacy development program in Afghanistan.⁶⁷⁸

The debate over the future of the **Law on Elimination of Violence Against Women (EVAW)** continued into this quarter. In October 2014, the Ministry of Justice-led Criminal Law Reform Working Group (CLRWG) decided to partially incorporate the EVAW into the draft penal code. EVAW criminalizes acts of violence against women including physical abuse, sexual assault, child marriage, forced marriage, domestic violence, and the exchange of women to settle a dispute (a practice known as *baad*). The law imposes long prison terms for many of these crimes.⁶⁷⁹

In a February meeting of the CLRWG, there was disagreement between civil society representatives and the acting Minister of Justice over wisdom of incorporating the criminal provisions of the EVAW law into the

draft penal code. Civil-society representatives recently petitioned Ghani to prevent elements of the EVAW from being incorporated into the draft penal code. According to the civil-society representatives, if elements of the EVAW are integrated into the penal code, the government will ultimately ignore the EVAW. The acting justice minister noted that Afghan justice institutions, including the courts, view the EVAW as a legislative decree of the Afghan president; consequently, they do not implement it properly.⁶⁸⁰

In April, Amnesty International released a report that summarized the views of more than 50 women's rights defenders from 13 provinces.⁶⁸¹ According to the interviewees, women's rights defenders face a pattern of abuse that is matched by the Afghan government's systematic failure to provide an environment that protects them or to bring the perpetrators of abuses to justice. According to the report, the Taliban and other armed opposition groups are responsible for the majority of abuses against women's rights defenders, but government officials and those who are supported by local authorities have also been implicated in committing human-rights abuses against women's rights defenders.⁶⁸² According to experts interviewed by Amnesty International, the current legal framework in Afghanistan offers adequate protection for women's rights defenders, but there is a "systematic failure of the state to implement its own laws."⁶⁸³ According to Ghani, one of the challenges to enforcement of the rule of law, particularly as related to the protection of women, is that "ninety percent of our police are fighting terrorists."⁶⁸⁴