

## GOVERNANCE CONTENTS

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## GOVERNANCE

### KEY ISSUES AND EVENTS

On March 12, U.S. Special Representative for Afghanistan Reconciliation Zalmay Khalilzad said the United States and the Taliban “agreed in draft” on counterterrorism assurances and troop withdrawal following more than two weeks of talks in Doha, Qatar. According to Special Representative Khalilzad, once the troop withdrawal and effective counterterrorism measures are finalized, the Taliban and the Afghan government will begin intra-Afghan negotiations on a political settlement and a comprehensive ceasefire. Special Representative Khalilzad stated that “there is no final agreement until everything is agreed.”<sup>278</sup>

At a news conference at the Afghan Embassy in Washington, DC, on March 14, President Ashraf Ghani’s National Security Advisor, Hamdullah Mohib, accused Special Representative Khalilzad of delegitimizing and weakening the Afghan government. Mohib further accused Special Representative Khalilzad of using the talks to “create a caretaker government of which he will then become the viceroy.”<sup>279</sup> Under Secretary for Political Affairs David Hale summoned Mohib that day to denounce the national security advisor’s public comments. Further, the State Department told Mohib that “attacks on Ambassador Khalilzad are attacks on the Department and only serve to hinder the bilateral relationship and the peace process.”<sup>280</sup>

Representatives of the Taliban along with a 250-person delegation of Afghan politicians, representatives of the Afghan government (serving in their personal capacity), and civil society members planned to meet informally in Qatar in April to express their views on peace. President Ashraf Ghani was quoted by Reuters telling delegates that they would represent “the wishes of the Afghan nation and government of Afghanistan.” The Taliban protested, insisting that none of the delegates could represent the Afghan government. On April 18, the hosting organization announced that the event planned for April 20–21 was postponed due to “lack of agreement around participation and representation.” President Ghani’s office blamed the Qatar government, arguing that its handling of the episode showed “disrespect” for the will of the Afghans.<sup>281</sup>

On March 20, the Independent Election Commission (IEC) delayed the presidential election for a second time, to September 28, 2019. The IEC said



**Special Representative for Afghanistan Reconciliation** Zalmay Khalilzad, Ambassador John R. Bass, and General Austin Scott Miller meet with Afghan government officials and political leaders to discuss the ongoing peace process. (Government of Afghanistan photo)

the new delay was necessary to implement voting system reforms.<sup>282</sup> The presidential election was originally scheduled for April 20, 2019.<sup>283</sup>

## **U.S. RECONSTRUCTION FUNDING FOR GOVERNANCE**

As of March 31, 2019, the United States had provided nearly \$34.5 billion to support governance and economic development in Afghanistan. Most of this funding, more than \$20.5 billion, was appropriated to the Economic Support Fund (ESF) administered by the State Department (State) and the U.S. Agency for International Development (USAID).<sup>284</sup>

## **FALLOUT FROM THE OCTOBER 2018 PARLIAMENTARY ELECTIONS**

### **Some Results of the October 2018 Elections for Lower House of Parliament Still Outstanding**

On October 20, 2018, the elections for the lower house of parliament began in 32 provinces, not including Ghazni and Kandahar. Later that day, the Independent Election Commission (IEC) announced that voting would extend to the next day in response to a number of closed polling centers and reports of missing electoral materials. The elections for Kandahar Province, delayed due to the October 18 assassination of the Kandahar police chief, were held on October 27.<sup>285</sup> Elections were not held in Ghazni Province due to insecurity.<sup>286</sup>

Parliament was in recess between January 20 and April 26, 2019. The new parliament was scheduled to open March 6; however, the delay in finalizing the results of the October 2018 election postponed the start of the new parliament. On April 26, President Ghani inaugurated the upper and lower house of parliament, despite the IEC not announcing the final results for 33 lower house seats for Kabul Province.<sup>287</sup>

This quarter, the State Department said it would be premature to judge the impact of the October 2018 parliamentary elections on the legitimacy and inclusivity of the Afghan government while the final results are still outstanding.<sup>288</sup> State had previously said credible parliamentary elections in 2018 and presidential elections in 2019 are critical for demonstrating that the Afghan government is “inclusive” and has the necessary political coherence to achieve and implement a peace settlement by potentially sapping support for the insurgency.<sup>289</sup> As State described the situation in September, the 2018 parliamentary and 2019 presidential elections are “both a threat and an opportunity given [Afghanistan’s present] political fragility.”<sup>290</sup>

The October 2018 elections featured the first use of polling-center-based voter lists (which requires voters to cast their ballots at the polling center at which they register) and biometric voter-verification (BVV) devices. State

# GOVERNANCE

FIGURE 3.41

## TURNOUT OF REGISTERED VOTERS IN THE OCTOBER 2018 ELECTIONS



Source: SIGAR analysis of UN election data from UNDP, United Nations Electoral Support Project (UNESP): 2018 Annual Project Progress Report, 2/2019, pp. 51–52 and UNDP, United Nations Electoral Support Project (UNESP): Monthly Electoral Update January 2019, 2/2019, pp. 13–14.

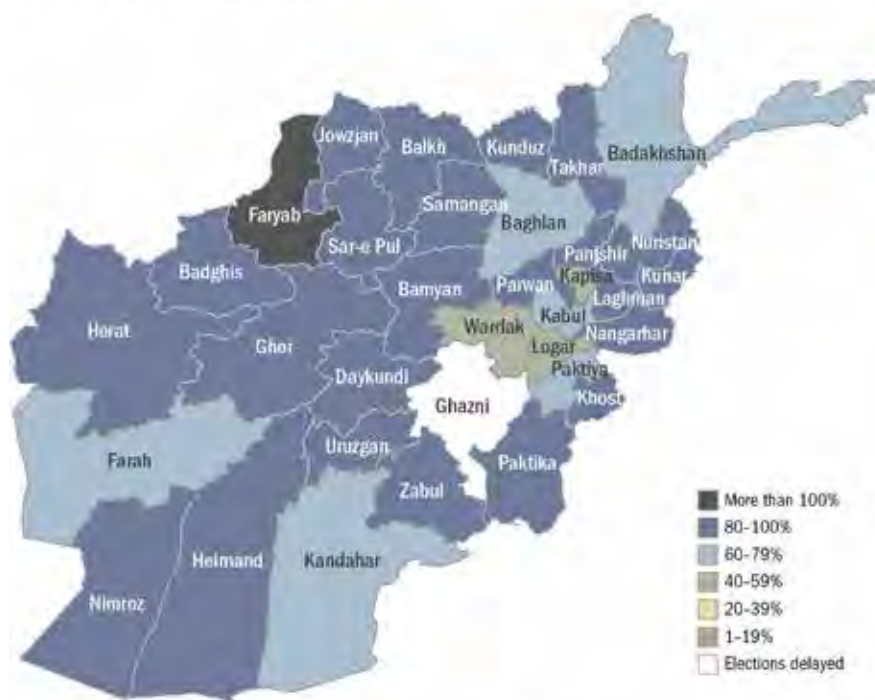
previously told SIGAR that polling-center-based registration would allow the IEC to predetermine the number of ballots required at each polling center during elections, greatly reducing the potential number of excess ballots available at each polling center. State also said elections experts assessed that polling-center-based registration is the critical reform necessary to reduce ballot-box stuffing, the principal method of fraud in the 2014 election.<sup>291</sup>

As shown in Figure 3.41, Daykundi and Bamyan Provinces had the highest percentage of registered male and female voters vote in the elections. In Daykundi, 82% of female and 78% of male registered voters voted. In Bamyan, 76% of female and 74% of male registered voters voted. Paktiya and Paktika Provinces had the lowest percent of registered female voters vote on election day (20% and 12% respectively) while Zabul and Paktika had the lowest percent of male voters vote (20% and 19% respectively).<sup>292</sup>

On the following page, Figure 3.42 shows the use of BVV devices varied significantly by province. According to United Nations (UN) data, Faryab Province had the largest use of BVV devices with the number of votes recorded by BVV devices representing the equivalent of 103% of the total votes recorded for the province. Conversely, Wardak Province registered the lowest use of BVV devices with the number of votes recorded by BVV devices representing the equivalent of 43% of the total votes recorded for the province.<sup>293</sup>

FIGURE 3.42

## PERCENT OF VOTES RECORDED USING BIOMETRIC VOTER VERIFICATION DEVICES IN THE OCTOBER 2018 ELECTIONS



Note: The number of votes recorded by biometric voter verification devices may exceed the total number of votes cast due to duplicate biometric verifications.

Source: SIGAR analysis of UN election data from UNDP, *United Nations Electoral Support Project (UNESP): 2018 Annual Project Progress Report*, 2/2019, pp. 51–52 and UNDP, *United Nations Electoral Support Project (UNESP): Monthly Electoral Update January 2019*, 2/2019, pp. 13–14.

### All Election Commissioners Fired, New Ones Appointed

On February 12, President Ghani announced that he had fired all 12 IEC and ECC commissioners for alleged abuse of their authorities. A presidential advisor tweeted that the firing had been unanimously approved by “all presidential candidates, political parties, and election observer groups.” The day before the firing, the IEC had issued a statement criticizing the Afghan government for meddling in the presidential elections by changing the election law.<sup>294</sup>

Following the announced firing of the elections commissioners, the Attorney General’s Office (AGO) announced that it was investigating the commissioners for misuse of their authority. These commissioners were also barred from leaving the country.<sup>295</sup>

Also on February 12, President Ghani issued a presidential decree amending the 2016 electoral law. According to State, key reforms included a new selection process for IEC and ECC commissioners, clearer lines of authority between the IEC and ECC as well as between each commission’s



professional secretariat and political leadership, and the creation of a special court to resolve disputes between the IEC and ECC.<sup>296</sup>

According to the Afghanistan Analysts Network, senior election commissioners' appointments have been terminated—through amendments to the election law after every Afghan election.<sup>297</sup>

On March 3, President Ghani swore in a new slate of IEC and ECC commissioners and chief electoral officers. According to State, the senior IEC and ECC officials were appointed to their respective commissions following an inclusive selection process where political parties and civil society groups nominated and voted on candidates for appointment by President Ghani.<sup>298</sup>

## Presidential Elections Delayed to September 2019

On December 30, 2018, the Independent Election Commission (IEC) announced a three-month delay of Afghanistan's presidential elections from the originally announced date of April 20, 2019, to July 2019. The IEC said that weather, transportation, security, and budget issues were causing the delay.<sup>299</sup>

On March 20, the IEC again delayed the elections, this time to September 28, 2019. The IEC said the new delay was necessary to implement voting-system reforms.<sup>300</sup>

## U.S. Funding Support to Elections

The U.S. government has provided financial support to the Afghan elections in 2018 and planned elections in 2019 through a grant of up to nearly \$79 million to the United Nations Development Programme (UNDP). Through this grant, UNDP provides support to Afghanistan's electoral management bodies—the IEC and the ECC.<sup>301</sup>

As shown in Table 3.17, USAID has had three active elections-related programs this quarter, the largest of which is their support to the UNDP.<sup>302</sup>

On August 8, 2018, USAID signed a three-year, \$14 million cooperative agreement with the Consortium for Elections and Political Process Strengthening (CEPPS)—representing the International Foundation for Electoral Systems, the International Republican Institute, and the National



**U.S. Embassy officials** met with Independent Election Committee officials to discuss the planned September 28, 2019, elections. (U.S. Embassy photo)

TABLE 3.17

USAID ELECTION-RELATED PROGRAMS				
Project Title	Start Date	End Date	Total Estimated Cost	Cumulative Disbursements, as of 4/6/2019
Electoral Support Activity (ESA)	5/20/2015	12/31/2019	\$78,995,000	\$27,411,968
Strengthening Civic Engagement in Elections in Afghanistan Activity (SCEEA)	8/9/2018	8/8/2021	14,000,000	3,472,150
Global Elections and Political Transitions Program	1/1/2018	12/30/2018	222,445	222,445

Source: USAID, response to SIGAR data call, 4/11/2019.



**Special Representative for Afghanistan Reconciliation** Zalmay Khalilzad speaking via computer with young people from Bamyan, Jowzjan, and Parwan Provinces to discuss the ongoing peace process. (U.S. Embassy photo)

Democratic Institute—to support domestic Afghan election observation of the 2018 parliamentary elections and the 2019 presidential elections, and to promote longer-term electoral reforms.<sup>303</sup> According to USAID, 6,510 of the promised CEPPS-supported 6,817 domestic monitors were deployed for the October 2018 parliamentary elections.<sup>304</sup>

A more comprehensive discussion of State’s perspectives on the elections is presented in the classified annex of this report.

## RECONCILIATION AND REINTEGRATION

### Peace Efforts with the Taliban

On March 12, U.S. Special Representative for Afghanistan Reconciliation Zalmay Khalilzad said the United States and the Taliban “agreed in draft” on counter-terrorism assurances and troop withdrawal following more than two weeks of talks in Doha, Qatar. According to Special Representative Khalilzad, once the troop withdrawal and effective counterterrorism measures are finalized, the Taliban and the Afghan government will begin intra-Afghan negotiations on a political settlement and a comprehensive ceasefire. Khalilzad noted that “there is no final agreement until everything is agreed.”<sup>305</sup>

On February 5–6, a Taliban delegation met with a number of Afghan political leaders (including many opposition politicians) in Moscow. A representative of the Taliban Political Commission described what he considered to be important steps for the peace process, including delisting of the Taliban from sanctions lists, the release of detainees, and the formal opening of a Taliban office. The representative also highlighted the need for international guarantees of an eventual peace agreement. According to the UN Secretary-General, the participants called for an inclusive intra-Afghan dialogue. In the declaration, they also called for the withdrawal of foreign forces from Afghanistan and expressed support for ensuring the educational, political, social and economic rights of women, as well as for the freedom of speech of all Afghans, in accordance with Islamic values.<sup>306</sup>

Nevertheless, many questions regarding the Taliban’s stance remain, particularly around their interpretation of women’s rights according to Islam. In a speech delivered on February 5 in Moscow, the Taliban denounced “so-called women’s rights activists” who, in their view, were encouraging women to violate Afghan customs. Thus, specific Taliban positions on women’s rights are difficult to ascertain, catalyzing much concern among Afghan women.<sup>307</sup>

On February 11, President Ghani called for a grand consultative jirga (a traditional assembly) to discuss the peace process and the post-peace government in Afghanistan.<sup>308</sup> The High Peace Council (HPC) announced



**President Ghani** chairing the second meeting of the Reconciliation Leadership Council. (Government of Afghanistan photo)

on February 20 that the jirga would be held March 17–20 and would discuss the “values and red lines” for peace.<sup>309</sup> However, the meeting was delayed to April 29, 2019.<sup>310</sup>

This quarter, the Afghan government created the Reconciliation Leadership Council to establish a unified Afghan government position on peace negotiations. According to the head of the HPC, this council would draft red lines, prepare to “exchange views” (but not negotiate with) Taliban representatives, and determine the composition and authorities of a future negotiating team.<sup>311</sup>

## **State Sees the Need for Additional Afghan Government Reforms to Prepare for Peace**

According to State, the Afghan government recognizes that it needs to develop and implement comprehensive peace-related guidelines for provincial and district Afghan government officials. State said these guidelines are necessary to facilitate and manage de-escalation and reintegration by local Taliban fighters and commanders to reduce violence, enhance stability at the local/district level, and set the stage for implementing a peace agreement.<sup>312</sup> Further, State believes that the Afghan government needs to develop a messaging campaign that explicitly supports the government’s negotiating team, emphasizing how this representative group incorporates elements of government, political parties, women, and civil society and is empowered to negotiate with the Taliban.<sup>313</sup>

A more comprehensive discussion of State’s perspectives on reconciliation is presented in the classified annex of this report.



## U.S. Support to Peace and Reconciliation

State provided \$3.9 million to the UNDP to support reconciliation, including the activities of the High Peace Council (HPC) in September 2017.<sup>314</sup> State provided an additional \$6 million in September 2018 for a project extension to April 30, 2019.<sup>315</sup>

According to State, these funds have supported the HPC to reform itself, start building a consensus for peace across the country, and develop Afghanistan's institutional capacity to facilitate reconciliation.<sup>316</sup> While the Afghan government has taken positive steps to have the HPC enact structural reforms, a great deal of work remains to be done to make the HPC a truly effective organization, State says.<sup>317</sup>

The World Bank has drafted a *Package of Economic Incentives Report* that includes the use of Citizens' Charter of Afghanistan Project (CCAP) as a possible platform for delivering programming in the event of a post-settlement environment in Afghanistan. According to State, the Afghan government is establishing criteria for expanding CCAP into newly stabilized communities should a peace agreement be achieved.<sup>318</sup>

## MUTUAL ACCOUNTABILITY

### Afghanistan Compact

In August 2017, the U.S. and Afghan governments announced the launch of the "Afghanistan Compact."<sup>319</sup> The Afghanistan Compact is an Afghan-led initiative designed to demonstrate the government's commitment to reforms.<sup>320</sup> The Afghan government appears to face no direct financial consequences if it fails to meet the Afghanistan Compact reform commitments.<sup>321</sup> Instead, the principal motivation for the Afghan government officials tasked with achieving the Compact benchmarks appears to be avoiding embarrassment, State said.<sup>322</sup>

According to State, this quarter, the Afghan and U.S. Compact working groups focused on updating the benchmarks and milestones with an overall focus on countercorruption efforts.<sup>323</sup> State attributed the following actions this quarter to the pressure created by the Compact:<sup>324</sup>

- The Afghan government began the process of verifying the assets of 17,000 Afghan officials.
- The Attorney General's Office (AGO) continued investigating individuals named in the Farooqi Report on fuel-related corruption. According to DOJ, the investigation that produced this report in October 2015 uncovered collusion, price fixing, and bribery related to bids for fuel contracts totaling nearly \$1 billion. (SIGAR was instrumental in this investigation. In August 2014, SIGAR investigators received allegations that companies bidding on the MOD fuel contract colluded to rig their bids, inflate fuel prices, and prevent two other competing companies

from submitting bids.<sup>325</sup>) DOJ reported last quarter that the Anti-Corruption Justice Center (ACJC) was not receiving the necessary copies of MOD fuel contracts from the MOD.<sup>326</sup> This quarter, however, DOJ said that the ACJC is now receiving the necessary documents following a phone call by the attorney general to the minister of defense.<sup>327</sup>

- The AGO agreed to investigate and prosecute corrupt elections officials, including elections commissioners. The AGO announced travel bans against all of the commissioners and stated publicly that multiple investigations are under way.
- The Afghan government convened top-level meetings to dislodge international humanitarian assistance that had been held up in the Afghan customs process.

State says that Afghan self-reporting is the primary means for determining Afghan government progress in meeting Compact benchmarks. The U.S. Embassy tries to verify this progress when possible.<sup>328</sup>

## U.S. ASSISTANCE TO THE AFGHAN GOVERNMENT BUDGET

### Summary of Assistance Agreements

At the Brussels Conference in October 2016, the United States and other international participants confirmed their intention to provide \$15.2 billion between 2017 and 2020 in support of Afghanistan's development priorities.<sup>329</sup> At the November 2018 Geneva Conference on Afghanistan, international donors reaffirmed their intention to provide \$15.2 billion for Afghanistan's development priorities up to 2020 and to direct continuing but gradually declining financial support to Afghanistan's social and economic development up to 2024.<sup>330</sup>

In several conferences since the 2010 Kabul Conference, the United States and other international donors have supported an increase to 50% in the proportion of civilian development aid delivered **on-budget** through the Afghan government or multidonor trust funds to improve governance, cut costs, and align development efforts with Afghan priorities.<sup>331</sup>

At the November 2018 Geneva Conference on Afghanistan, the Afghan government proposed that donors commit to delivering 60% of aid on-budget.<sup>332</sup> Yet, international donors committed only to continue channeling aid on-budget "as appropriate" with no specific target.<sup>333</sup> USAID said it does not target or commit to a specific percentage of funds to be used for on-budget programming.<sup>334</sup>

As shown in Table 3.18 on the following page, USAID's active, direct bilateral-assistance programs have a total estimated cost of \$75 million.

**On-budget assistance:** encompasses donor funds that are aligned with Afghan government plans, included in Afghan government budget documents, and included in the budget approved by the parliament and managed by the Afghan treasury system. On-budget assistance is primarily delivered either bilaterally from a donor to Afghan government entities, or through multidonor trust funds. (DOD prefers the term "direct contributions" when referring to Afghanistan Security Forces Fund monies executed via Afghan government contracts or Afghan spending on personnel.)

**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; State, response to SIGAR vetting, 1/14/2016; DOD, OSD-P response to SIGAR vetting, 1/15/2018.

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TABLE 3.18

USAID ON-BUDGET PROGRAMS					
Project/Trust Fund Title	Afghan Government On-Budget Partner	Start Date	End Date	Total Estimated Cost	Cumulative Disbursements, as of 4/6/2019
<b>Bilateral Government-to-Government Projects</b>					
Textbook Printing and Distribution	Ministry of Education	9/15/2017	12/31/2019	\$ 75,000,000	\$0
<b>Multi-Donor Trust Funds</b>					
Afghanistan Reconstruction Trust Fund (ARTF) (current award)*	Multiple	3/31/2012	7/31/2019	2,700,000,000	2,155,686,333
Afghanistan Infrastructure Trust Fund (AITF)	Multiple	3/7/2013	3/6/2023	153,670,184	153,670,184

Note: \*USAID had a previous award to the ARTF that concluded in March 2012 and totaled \$1,371,991,195 in disbursements. Cumulative disbursements from all ARTF awards is currently \$3,527,677,528.

Source: USAID, response to SIGAR data call, 4/11/2019.

USAID also expects to contribute \$2.7 billion to the Afghanistan Reconstruction Trust Fund (ARTF) from 2012 through 2020 in addition to \$1.37 billion disbursed under the previous grant agreement between USAID and the World Bank (2002–2011). USAID has disbursed \$154 million to the Afghanistan Infrastructure Trust Fund (AITF).<sup>335</sup>

On July 11, 2018, participants in the NATO Brussels Summit committed to extend “financial sustainment of the Afghan forces through 2024.” The public declaration did not specify an amount of money or targets for the on-budget share of assistance.<sup>336</sup>

## Civilian On-Budget Assistance

USAID has provided on-budget civilian assistance in two ways: bilaterally to Afghan government entities, and through contributions to two multidonor trust funds, the World Bank-administered Afghanistan Reconstruction Trust Fund (ARTF) and the Asian Development Bank-administered Afghanistan Infrastructure Trust Fund (AITF).<sup>337</sup> According to USAID, all bilateral-assistance funds are deposited in separate bank accounts established by the Ministry of Finance (MOF) for each program.<sup>338</sup>

The ARTF provides funds to the Afghan government’s operating and development budgets in support of Afghan government operations, policy reforms, and national-priority programs.<sup>339</sup> The AITF coordinates donor assistance for infrastructure projects.<sup>340</sup>

As of January 2019, the United States remains the largest cumulative donor to the ARTF (30.9% of actual, as distinct from pledged, contributions) with the next-largest donor being the United Kingdom (16.8% of actual contributions).<sup>341</sup>

The ARTF recurrent-cost window supports operating costs, such as Afghan government non-security salaries. As of January 2019, the ARTF recurrent-cost window has cumulatively provided the Afghan government

approximately \$2.6 billion for wages, \$600 million for operations and maintenance costs, \$1.1 billion in incentive program funds, and \$62 million in ad hoc payments since 2002.<sup>342</sup>

In 2018, the Afghan government, World Bank, and ARTF donors agreed to restructure the recurrent-cost window to make provision of funds contingent upon policy reforms and fiscal stability-related results. Within the recurrent-cost window, there are two instruments: (1) the Incentive Program Development Policy Grant (IP DPG), a policy-based budget support program, and (2) the Fiscal Stability Facility (FSF), a results-based, recurrent-cost financing program.<sup>343</sup> However, in March 2019, ARTF donors agreed to merge these two programs for 2019.<sup>344</sup> As shown in Figure 3.43, the ARTF recurrent-cost window has changed in the overall size and composition of funds. Starting in FY 1397 (December 2017–December 2018), the baseline recurrent-cost window funds were eliminated and reform- and performance-based funds gained prominence.<sup>345</sup>

The three-year, \$900 million IP DPG program is meant to incentivize Afghanistan’s timely implementation of reforms to improve its economic and fiscal self-reliance.<sup>346</sup> For USAID, IP DPG replaced its own mechanism for providing reform-based financial incentives, the New Development Partnership (NDP) program. Through NDP, USAID agreed to provide \$20 million through the ARTF recurrent-cost window for each development result the Afghan government achieved. Between 2015 and 2017, USAID disbursed \$380 million before formally ending NDP in July 2018. USAID said they ended NDP because (1) the Afghan government requested that donors consolidate and align their incentive-based development assistance programs, and (2) the World Bank modified its ARTF incentive program to better align with USAID’s development objectives in Afghanistan.<sup>347</sup>

As of April 2019, the ARTF donors, the World Bank, and the Afghan government are still negotiating the specific reforms for funds disbursement.

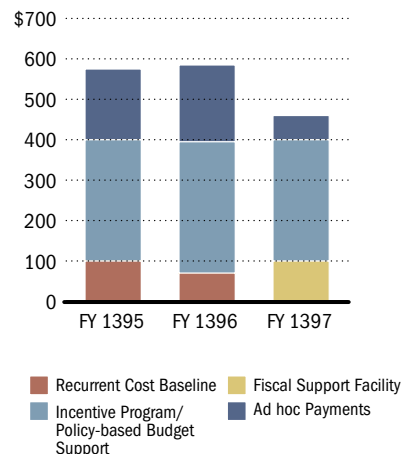
## On-Budget Assistance to the ANDSF

Approximately 69% of total U.S. on-budget assistance goes toward the requirements of the Afghan security forces.<sup>348</sup> DOD provides on-budget assistance to the Afghan government through direct contributions from the Afghanistan Security Forces Fund (ASFF) to the Afghan government to fund a portion of Ministry of Defense (MOD) and Ministry of Interior (MOI) requirements, and through ASFF contributions to the multidonor Law and Order Trust Fund for Afghanistan (LOTFA).<sup>349</sup>

According to DOD, most of the ASFF appropriation is not on-budget as it is spent on equipment, supplies, and services for the Afghan security forces using DOD contracts.<sup>350</sup> LOTFA is administered by the UNDP and primarily funds Afghan National Police salaries and incentives.<sup>351</sup> Direct-contribution funding is provided to the MOF, which allots it incrementally to the MOD and MOI, as required.<sup>352</sup>

FIGURE 3.43

**ARTF RECURRENT-COST WINDOW  
COMPOSITION OF FUNDS (1395–1397)**  
(\$ MILLIONS)



Note: Afghan fiscal years run from approximately one December 22 to the next; fiscal years 1395, 1396, and 1397 run 2015–2016, 2016–2017, and 2017–2018, respectively.

Source: BDO, *Monitoring Agent for ARTF Detailed Quarterly Management Report Meezan to Qaws FY 1397, 1/2019*, p. 16.

The U.S. Combined Security Transition Command-Afghanistan (CSTC-A) monitors and formally audits the execution of those funds. The aim is to assess ministerial capability and to ensure proper controls and compliance with documented accounting procedures and provisions of commitment letters used to enforce agreements with the Afghan government.<sup>353</sup>

For Afghan fiscal year (FY) 1398 (December 2018–December 2019), DOD plans to provide the Afghan government up to the equivalent of \$707.5 million to support the MOD and \$137.3 million to support the MOI.<sup>354</sup>

As of February 28, CSTC-A had provided the Afghan government the equivalent of \$61.3 million to support the MOD for FY 1398. All of these funds paid for salaries.<sup>355</sup>

Additionally, as of February 28, CSTC-A provided the equivalent of \$71 million to support the MOI. Of these funds, none were delivered via the LOTFA.<sup>356</sup>

The LOTFA's salary support project that pays the salaries, hazard-duty pay, and incentives of the Afghan National Police and Central Prisons Department personnel was extended for another year to December 31, 2019.<sup>357</sup> According to CSTC-A, the majority of LOTFA donors still support the transition of payroll management from UNDP to MOI once the MOI meets the necessary conditions. This quarter, CSTC-A said it has received no updates on the Afghan government's progress in meeting these conditions.<sup>358</sup>

## **CSTC-A Reassessing their Conditionality Assessment Approach**

This quarter, CSTC-A reported to SIGAR that it conducted no assessments of the MOD or MOI in meeting the conditions outlined in the 1397/1398 commitment letters.<sup>359</sup> Instead, CSTC-A is reassessing the bilateral financial-commitment letter conditionality approach.<sup>360</sup>

According to CSTC-A, the commitment-letter conditions were meant to drive behavior change in the MOD and MOI by ensuring these institutions complied with various Afghan legal regulations, the Afghanistan Compact, and the U.S.-Afghanistan Strategic Partnership Agreement. The commitment letters were implemented in 2014. As the commander of CSTC-A told SIGAR at that time, this was a reaction to his observation that “in 2013, we had no conditions” for on-budget funds to support the MOD and MOI. CSTC-A would apply financial and nonfinancial penalties (levers) when it observed noncompliance with commitment-letter conditions. One example of a nonfinancial lever included withholding fuel allocations. According to CSTC-A, exercising these levers improved Afghan reporting and added rigor to certain Afghan procedures.<sup>361</sup>

Now, however, CSTC-A believes that assessing MOD and MOI change in relation to the commitment-letter conditions is not feasible because of the complex sustainability challenges facing the Afghan security forces.



Further, the CSTC-A commander has directed a review of the commitment-letter process as he believes it contradicts his decision to empower CSTC-A's senior ministerial advisors.<sup>362</sup>

## NATIONAL GOVERNANCE

### Capacity-Building Programs

USAID capacity-building programs seek to improve Afghan government stakeholders' ability to prepare, manage, and account for on-budget assistance. These programs, shown in Table 3.19, also provide general assistance to support broader human and institutional capacity building of Afghan government entities such as civil-society organizations and the media.<sup>363</sup>

TABLE 3.19

USAID CAPACITY-BUILDING PROGRAMS AT THE NATIONAL LEVEL				
Project Title	Start Date	End Date	Total Estimated Cost	Cumulative Disbursements, as of 4/6/2019
Afghan Civic Engagement Program (ACEP)	12/4/2013	12/4/2019	\$79,120,000	\$71,297,480
Rasana (Media)	3/29/2017	3/28/2020	9,000,000	4,838,235

Source: USAID, response to SIGAR data call, 4/11/2019.

### Civil Society and Media

The Afghan Civic Engagement Program's (ACEP) goal is to promote civil-society and media engagement that enables Afghan citizens to influence policy, monitor government accountability, and serve as advocates for political reform.<sup>364</sup> In July, USAID approved extending and modifying ACEP to focus its civil-society organization (CSO) support on civic and voter education for the 2018 and 2019 elections.<sup>365</sup>

This quarter, USAID provided data on ACEP's support to civic and voter education. Between January and February 2019, 25 ACEP CSO partners conducted 1,426 civic and voter education sessions in 21 provinces. According to USAID, 54,465 people (28,298 men, 26,167 women) participated in these civic and voter education sessions.<sup>366</sup> Also this quarter, ACEP facilitated a Civil Society Elections Coordination Group (CECG) meeting, with five CSO members and four donor organizations, to discuss Election Law amendments, including the dismissal of IEC and ECC officials and preparations for candidate nominations to fill the vacant commissioner positions. As the amendments coincided with the dismissal of all IEC and ECC commissioners, the meeting was the first not to include representatives of the electoral-management bodies.<sup>367</sup>

# GOVERNANCE

In March 2017, USAID launched the \$9 million Rasana program. According to USAID, Rasana, which means “media” in Dari, provides support to women journalists and women-run or women-owned media organizations. The program has four program areas: (1) support and training for women journalists, (2) investigative journalism initiatives, (3) advocacy and training for the protection of journalists, and (4) expanding the outreach of media through small grants for content production in underserved areas.<sup>368</sup>

A recently completed, USAID-commissioned study of the current state of civil society and media in Afghanistan offered an overall negative impression. The purpose of the assessment was to identify key challenges and opportunities in the civil-society and media sector in Afghanistan following more than a decade of sustained development assistance. According to the assessors, civil-society and media sectors in Afghanistan have been largely created and supported by the international community over the past 17 years. While the authors pointed to many positive developments in these sectors, in the past few years the “civil society ecosystem” has faced “a corrosive combination of threats, especially those emanating from increasing insecurity, and rising levels of corruption.”<sup>369</sup>

The assessors focused on three areas, including the civil-society and media-sector operational environment, the capacity of the sector, and the state of vital relationships. The authors reached the following key findings:<sup>370</sup>

- Declining security has rendered many areas inaccessible to civil-society activists and journalists (with women more affected than men).
- Journalists are increasingly at risk and subject to physical violence and abuse.
- Corruption and powerbroker influence and increasing insecurity are shrinking civic space.
- Despite an enabling environment on paper, CSOs and media organizations still face challenges regarding accurate and timely access to information from the government.
- While the media sector is widely seen as a success, the gains are largely concentrated at the national level. At the provincial and district level, the media is struggling for survival. Also, while the assessors consider the new Access to Information Law to be a model piece of legislation, there are major problems with the law’s implementation.
- Journalists have been able to combine forces to advance their interests, forming a variety of unions and associations.
- The civil society sector has substantial experience in service delivery and advocacy, especially in health and education and promotion of legal reform and women’s empowerment.

- The initiatives and capacity of women and youth are increasing. For example, the assessors cited the “impressive” level of sophistication and confidence of women and youth civil society activists.<sup>371</sup>
- Relationships between CSOs and their constituencies are very weak, though reportedly improving slightly. Although CSOs face the inherent challenge of limited public understanding of civil society in Afghanistan (exacerbated by the unclear distinctions between different types of CSOs), CSO unaccountability to their constituencies is the main culprit.<sup>372</sup>
- There is a prevailing sentiment among many government officials that CSOs are unaccountable competitors for foreign funding.
- With the exception of a few interviewees who reported some support from private donors, CSO partnerships with the private sector are almost nonexistent.

In summarizing the current situation, the authors said that civil society and the media are operating under severe duress in a repressed civic environment. Further, insecurity has largely confined civic activities to urban centers and has made it difficult for civil-society activists and journalists, especially women, to enjoy freedom of movement and expression.<sup>373</sup>

## SUBNATIONAL GOVERNANCE

A recently completed, USAID-commissioned study of the current state of subnational governance in Afghanistan offered a mixed assessment of some progress attributable to USAID programs but also of persistent challenges. The report was based on documents, key informant interviews, and focus-group discussions. A total of 95 individuals (37 women and 58 men) in five locations (Kabul, Mazar-e Sharif, Herat, Kandahar, and Jalalabad) were interviewed.<sup>374</sup>

The authors had the following key findings in response to the questions posed by USAID:<sup>375</sup>

- Informants reported a variety of changes over the past four years, mainly for the better. These were attributed to a number of factors, mainly the merit-based appointment of younger, educated people to senior level positions across the country.
- Challenges included corruption, capacity problems, and the influence of power brokers and political interests. A rapid rise in urban populations due to instability and economic factors was creating problems for service providers, resulting in reduced services per capita in the cities.
- Most informants reported low levels of satisfaction with service delivery. Examples included overcrowded schools and unhygienic clinics, which prompted citizens to seek services from the private sector or in neighboring countries.

# GOVERNANCE

- Challenges related to improving service delivery at the provincial and municipal levels included reduced government budgets, patronage and nepotism in recruitment, the public’s unrealistic expectations, and the refusal of powerful people to pay taxes. Other challenges included complex and bureaucratic business processes, and low capacity of older, semiliterate public servants.
- Donor inputs, such as from USAID’s Strong Hubs for Afghan Hope and Resilience (SHAHAR), were reported as improving budgeting and planning capacity, but there were also concerns about sustainability, and comments about donors setting up parallel systems that did not strengthen the state. There were major problems in the linkages among provincial-level planning, the central government, and subsequent provincial-level ministry programming.
- Informants were almost unanimous in reporting major improvements in revenue generation at both municipal and provincial levels. However, a major challenge was the reduction of revenue potential due to declining economic activity.

## Provincial and Municipal Programs

USAID has 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. USAID is also directing a portion of its ARTF contributions to support the Citizen’s Charter Afghanistan Project (CCAP). Table 3.20 summarizes total program costs and disbursements to date.

TABLE 3.20

USAID SUBNATIONAL (PROVINCIAL AND MUNICIPAL) PROGRAMS				
Project Title	Start Date	End Date	Total Estimated Cost	Cumulative Disbursements, as of 4/6/2019
Strong Hubs for Afghan Hope and Resilience (SHAHAR)	11/30/2014	11/29/2019	\$72,000,000	\$51,892,317
Initiative to Strengthen Local Administrations (ISLA)	2/1/2015	1/31/2020	48,000,000	34,685,637
Citizens’ Charter Afghanistan Project (CCAP)*	10/27/2016	10/31/2021	N/A	34,310,000

Note: \*This includes USAID contributions to ARTF with an express preference for the Citizens’ Charter Afghanistan Project. Disbursements to the World Bank are as of 1/20/2019.

Source: USAID, response to SIGAR data call, 4/11/2019; World Bank, *Administrator’s Report on Financial Status*, 1/20/2019, p. 5.

## Citizen’s Charter Afghanistan Project

Starting in October 2018, USAID now explicitly contributes a portion of its ARTF funds to the Citizen’s Charter Afghanistan Project (CCAP), the first time since the program began in 2016. In October, USAID requested that \$34 million of its \$300 million contribution to the World Bank’s ARTF be spent on CCAP. According to the Afghan government, CCAP is the centerpiece of the government’s national inclusive development strategy for rural

and urban areas. As of November 1, 2018, the Afghan government reported that CCAP had been rolled out in 10,000 communities (700 urban and 9,300 rural) in all 34 provinces. CCAP works through Community Development Councils (CDC) to implement community projects. CCAP defines a suite of minimum basic services for each community covering health, education, and a choice of infrastructure investments (such as road access, electricity, or small-scale irrigation for rural communities).<sup>376</sup>

## **Initiative to Strengthen Local Administrations**

The \$48 million 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, leading to services that more closely respond to all citizens' needs in health, education, security, justice, and urban services.<sup>377</sup>

According to USAID, one of the key provisions of the Afghan government's provincial budget policy is to link the provincial development plans (PDP) with the Afghan budget. USAID said it is critical to ensure that budgets are linked to and defined by development needs and priorities at the provincial level. As of December, USAID said that of the 126 projects in the Afghan FY 1397 (December 2017–December 2018) budget that are being implemented through the \$1 million per province in unconditional funds, 123 were derived from province development plans.<sup>378</sup>

A recent, USAID-commissioned assessment of the state of subnational governance reported consistent complaints about the PDP process. According to the assessment, there is a perception that when the Afghan budgets are allocated, Afghan ministry programming at the provincial level often bears little resemblance to the previous year's planning and budgeting work that went into the PDPs. Central ministries were reportedly as much as five months late in releasing funds at the provincial level, which put ministry staff in the position of trying to accomplish a year's work in the short remaining available time. This contributed to low levels of budget execution, negatively impacted service delivery, and reduced public perception of state legitimacy. The assessors concluded that despite considerable efforts at developing PDPs, they have had limited impact on subsequent sectoral programming and budgeting by central ministries.<sup>379</sup>

Despite these negative findings on the actual utility of PDPs, the assessors rated the technical support of USAID programs as having been highly effective. For example, the assessors wrote that ISLA had a considerable impact in supporting provincial entities in preparing quality PDPs.<sup>380</sup>



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## Strong Hubs for Afghan Hope and Resilience

The objective of the \$72 million SHAHAR program is to create well-governed, fiscally sustainable Afghan municipalities capable of meeting the needs of a growing urban population. SHAHAR partners with municipalities to, among other things, deliver capacity-building for outreach and citizen consultation, improved revenue forecasting and generation, and budget formulation and execution.<sup>381</sup>

## RULE OF LAW AND ANTICORRUPTION

### Rule of Law and Anticorruption Programs

The United States has assisted the formal and informal justice sectors through several mechanisms. These include State'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 3.21.

USAID has a cooperation arrangement with the UK's Department for International Development to fund the Independent Joint Anti-Corruption Monitoring and Evaluation Committee (MEC). USAID funds the MEC's monitoring, analysis, and reporting activities, including its vulnerability-to-corruption assessments.<sup>382</sup>

State's Justice Sector Support Program is the largest rule-of-law program in Afghanistan. JSSP was established in 2005 to provide capacity-building support to the Afghan justice system through training, mentoring, and advisory services. The current JSSP contract began in August 2017 and has an estimated cost of \$23 million. The previous JSSP contract, which began in 2010, cost \$280 million.<sup>383</sup> JSSP provides technical assistance to the Afghan justice-sector institutions through (1) building the capacity of justice institutions to be professional, transparent, and accountable; (2) assisting the

TABLE 3.21

RULE OF LAW AND ANTICORRUPTION PROGRAMS				
Project Title	Start Date	End Date	Total Estimated Cost	Cumulative Disbursements, as of 4/6/2019
Assistance for Development of Afghan Legal Access and Transparency (ADALAT)	4/15/2016	4/17/2021	\$68,163,468	\$21,977,760
Afghanistan's Measure for Accountability and Transparency (AMANAT)	8/23/2017	8/22/2022	31,986,588	3,492,015
Corrections System Support Program (OASIS CSSP) Option Year 1*	6/1/2018	5/31/2022	12,131,642	6,319,617
Justice Sector Support Program OASIS Contract*	8/28/2017	8/28/2022	23,424,669	11,901,506
Continuing Professional Development Support (CPDS)*	2/6/2018	4/6/2020	7,938,401	7,938,401
Delegated Cooperation Agreement (DCAR) with the Department for International Development (DFID) for Independent Joint Anti-Corruption Monitoring and Evaluation Committee (MEC)	5/19/2015	8/31/2020	4,600,000	2,000,000

Note: \*Disbursements as of 3/20/2019.

Source: State, INL, response to SIGAR data call, 3/20/2019; USAID, response to SIGAR data call, 4/11/2019.

development of statutes that are clearly drafted, constitutional, and the product of effective, consultative drafting processes; and (3) supporting the case-management system so that Afghan justice institutions work in a harmonized and interlinked manner and resolve cases in a transparent and legally sufficient manner.<sup>384</sup>

This quarter, JSSP reported that the MOI recently used the case-management system to perform criminal background checks on nearly 9,000 applicants for government jobs (around 200 applicants were found to have criminal convictions).<sup>385</sup>

In February 2018, State launched the \$8 million Continuing Professional Development Support (CPDS) program. According to State, CPDS will respond to an urgent need by the Afghan government to train legal professionals on the newly revised penal code and build the organizational capacity of the nascent professional training departments of Afghan legal institutions.<sup>386</sup> As of December 2018, CPDS reported that the Afghan government demonstrated increased interest in the professional training and development of the CPDS partner institutions by greatly increasing the budgets from training. The training departments of the AGO, Supreme Court, and Ministry of Justice all saw increased budgets, with an average of 544% among these three institutions. Also this quarter, CPDS said it is developing a curriculum on terrorist financing.<sup>387</sup>

In April 2016, USAID launched the \$68 million Assistance for the Development of Afghan Legal Access and Transparency (ADALAT) program. ADALAT aims to (1) increase the effectiveness and reach of the formal justice sector, (2) strengthen the linkages between the formal and traditional justice sectors, and (3) increase citizen demand for quality legal services.<sup>388</sup>

In August 2017, USAID awarded the Afghanistan's Measure for Accountability and Transparency (AMANAT) contract to support the Afghan government's efforts to reduce and prevent corruption in government public services.<sup>389</sup>

## Afghan Correctional System

As of January 31, 2019, the General Directorate of Prisons and Detention Centers (GDPDC) incarcerated 31,262 males and 796 females, while the MOJ's Juvenile Rehabilitation Directorate (JRD) incarcerated 725 male and 17 female juveniles. These incarceration totals do not include detainees held by any other Afghan governmental organization, as State's Bureau of International Narcotics and Law Enforcement Affairs (INL) does not have access to their data.<sup>390</sup>

According to State, the major corrections-related accomplishments this quarter related to improved detection and reduction of contraband entering Afghan correctional facilities. The GDPDC, in collaboration with the State-funded Corrections System Support Program (CSSP), provided security

## SIGAR AUDIT

As directed by the Consolidated Appropriations Act, 2018, SIGAR will submit an updated assessment of the Afghan government's implementation of its national anticorruption strategy to Congress this year that includes an examination of whether the Afghan government is making progress toward achieving its anticorruption objectives. The Afghan attorney general has recently provided information concerning their activities to implement this strategy that SIGAR staff is translating and reviewing as part of this assessment. SIGAR staff are seeking further input.

staff at the Pul-e Charkhi central prison technology, training, and mentoring to combat what State describes as the contraband security crisis. According to State, in January 2019, approximately 85 grams of heroin, 426 grams of hashish, and 19 tablets were confiscated by prison staff.<sup>391</sup>

## Anticorruption

When SIGAR asked DOJ this quarter for its current assessment of the Afghan government's political will to pursue major crimes and corruption cases, DOJ responded that they had "no opinion" on political will, but that recent events indicate an improved commitment to prosecute major crimes and corruption cases.<sup>392</sup> However, in its most recent report to State, covering the period October 2018 to December 2018, DOJ says that while the Afghan government has made some progress in its response to corruption, it has not demonstrated that it is serious about combating corruption.<sup>393</sup> DOJ reported to State that the Afghan government needs to demonstrate real initiative to prosecute corrupt actors without having to be told to do so (presumably by international partners).<sup>394</sup>

One recurring high-profile corruption prosecution involves the former Minister of Communications and Information Technology, Abdul Razaq Wahidi. According to DOJ, Wahidi was suspended from his post on January 2, 2017, based on allegations of nepotism, overpayments, illegally contracted workers, embezzlement, and misappropriation of tax revenue. After being acquitted by the first-ever Special Court last quarter, DOJ says that Wahidi is now being prosecuted at the Anti-Corruption Justice Center (ACJC) for alleged offenses committed while he was deputy minister of finance.<sup>395</sup>

## Attorney General's Office

When SIGAR asked DOJ for its current assessment of the Afghan government's capacity to effectively combat major crimes and public corruption with a focus on sustainable and independent Afghan operations, DOJ said that recent events indicate an improving capacity to bring major crime and public corruption cases.<sup>396</sup> In its most recent report to State covering the period October 2018 to December 2018, DOJ said the Afghan government has made slow progress in becoming more effective in investigating and prosecuting corruption cases.<sup>397</sup> According to DOJ, it appears that many of the obstacles to the ACJC effectiveness are not necessarily caused by AGO officials. Instead, DOJ believes other high-level Afghan officials and the failure of other Afghan ministries (such as MOI) to provide support has resulted in the failure to execute ACJC warrants.<sup>398</sup>

## Anti-Corruption Justice Center

In May 2016, President Ghani announced the establishment of a specialized anticorruption court, the ACJC.<sup>399</sup> At the ACJC, elements of the Major

Crimes Task Force (MCTF) investigators, AGO prosecutors, and judges work to combat serious corruption.<sup>400</sup> The ACJC's jurisdiction covers major corruption cases committed in any province involving senior officials (up to the deputy minister), generals, and colonels or cases involving substantial monetary losses. Substantial losses are defined as a minimum of five million afghani—approximately \$73,000—in cases of bribes, money laundering, selling of historical or cultural relics, illegal mining, and appropriation of Afghan government property; or a minimum of 10 million afghani—approximately \$146,000—in cases of embezzlement.<sup>401</sup>

This quarter, the ACJC held seven trials, prosecuting 41 corruption suspects and securing 35 convictions—an 85% conviction rate. CSTC-A said that while the number of trials was below expectations, it was an improvement over the quarterly average in 2018, making it one of the ACJC's most productive quarters to date.<sup>402</sup>

After months of international pressure, the AGO, reportedly for the first time, began publicizing the final Supreme Court decisions on ACJC corruption cases on the internet.<sup>403</sup>

According to CSTC-A, the most notable conviction this quarter was of Colonel Abdul Hamid, former chief of the General Command of Police Special Units (GCPSU), who was sentenced to seven years and six months in jail for treachery and forgery in connection with an \$80,000 fraud scheme. This case represented the first time a suspect arrested as a result of a CSTC-A-facilitated warrant-tracking initiative was tried and convicted.<sup>404</sup>

CSTC-A observed the ACJC making progress in working toward bringing INTERPOL into the warrant-tracking process. This is a critical step as half of the ACJC's unexecuted warrants are for international fugitives, CSTC-A says. CSTC-A is also working to have the GCPSU use their special-tactics skills to execute more domestic warrants.<sup>405</sup>

CSTC-A views the failure of the Afghan government to prosecute significant corrupt actors through the ACJC as the main long-term challenge to their countercorruption efforts.<sup>406</sup> According to CSTC-A, the Afghan government has shown a lack of political will to investigate and prosecute high-level corruption cases through the ACJC. CSTC-A says its counterparts are generally willing to pursue low-level corruption cases but “act as if they are walking on proverbial egg-shells” with high-level corruption cases. These counterparts reportedly fear the personal and political repercussions of crossing the wrong high-level figure.<sup>407</sup>

## **Afghanistan Security Forces**

According to CSTC-A, corruption remains pervasive throughout the Afghan security forces. This corruption harms the battlefield effectiveness of the Afghan security forces by diverting resources meant for fighting units and creating negative perceptions of the Afghan government, undermining the Afghan government's legitimacy and reconciliation efforts, CSTC-A says.<sup>408</sup>

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Last quarter, CSTC-A observed that security-related corruption is primarily associated with high-volume support, including food and rations, petroleum and oil, ammunition and weapons, and, to a lesser degree, payroll.<sup>409</sup> CSTC-A reports that regional logistics centers are focal points of corruption where ammunition, uniforms, and other commodities are easily pilfered and sold.<sup>410</sup>

This quarter, CSTC-A reported that it had assisted in the following countercorruption actions, a number of which related to logistics matters:<sup>411</sup>

- Removing a colonel from the 203rd Corps' logistics section
- Removing the commander (and subordinates) of the Regional Logistics Center in Nangarhar Province who were involved in the theft of fuel, ammunition, weapons and other commodities
- Disrupting a criminal scheme to steal spare parts in the 20th Division by removing an officer in the division's logistics section
- Assisting the MOD Criminal Investigation Directorate (CID) in its continuing investigation of fuel theft in the 209th Corps (reported last quarter), resulting in pending indictments against a brigadier general, two lieutenant colonels, a major, three captains, and four senior noncommissioned officers
- Ensuring increased oversight at the Kabul Military Training Center following an investigation of a lieutenant general

CSTC-A is currently working to reform the jurisdictional issues associated with corruption-related military crimes. At present, all corruption crimes are referred to the AGO, regardless of severity. According to CSTC-A, the AGO cannot effectively manage its current caseload. Military courts now have the jurisdiction and capacity to prosecute military offenders, and low-level crimes, in CSTC-A's view, should be retained by the military courts. MOD is presently working with the AGO to transfer responsibility for these prosecutions to the MOD. As of January 2019, the military has begun taking back lower-level cases and those committed by general officers that are unrelated to corruption.<sup>412</sup>

Despite CSTC-A's advocating to have the MOD judicial system handle more criminal cases itself, the Supreme Court has challenged the authority of MOD courts. CSTC-A observed progress when, in August 2018, President Ghani issued a legislative decree that seeks to reestablish the jurisdiction of military courts. That decree, though, is subject to being reversed by the Afghan parliament within 90 days of the start of its session. Despite the decree, the Supreme Court has refused to confirm any new military judges. This, along with the implementation of the Inherent Law, has created a chronic shortage of military judges.<sup>413</sup> The implementation of the Inherent Law has resulted in the retirement more than 3,000 senior MOD and MOI leaders as of April 2018 based on time-in-service, the age of the individual, and performance in the present position.<sup>414</sup>



In previous quarters, CSTC-A expressed its hope that implementation of the Inherent Law would help fight corruption. However, last quarter, CSTC-A acknowledged that it is not possible for CSTC-A to determine whether the majority of those retired to date were suspected of corruption.<sup>415</sup>

A related CSTC-A-identified corruption-related challenge is the more than 6,000 outstanding warrants maintained by the AGO. The Afghan government agencies that are responsible for executing warrants are ineffective and largely unwilling to perform this task, CSTC-A said. Individuals awaiting trial and convicted felons remain free. According to CSTC-A, the MOD is working to create a warrant-enforcement squad that will serve warrants on military members. In December 2018, the MOD approved the transfer of 156 military police to the MOD CID. According to CSTC-A, these military police will provide prisoner and court security and assist the MOD CID to serve outstanding warrants.<sup>416</sup>

CSTC-A said that the most significant near-term countercorruption challenge they face is the absence of a permanent minister of interior, as the previous minister resigned to run for vice president. This limits CSTC-A's ability to influence and pressure the minister to administratively remove, retire, reassign, or permanently eliminate known MOI corrupt actors and network leaders.<sup>417</sup> Further, CSTC-A says that lower-level MOI officials are hesitant to pursue certain corruption-related initiatives without senior leadership approval. The number of MOI leadership vacancies means that such approval is not forthcoming.<sup>418</sup>

## **Security Ministry Inspectors General**

CSTC-A provides training, advice, and assistance to the inspectors general for the MOD (MOD IG) and MOI (MOI IG). As with previous quarters, CSTC-A reported to SIGAR that it observed an increase in the quality and professionalism of the MOD IG and MOI IG inspections reports.<sup>419</sup> Also this quarter, CSTC-A reported to SIGAR that it is working with the MOI IG to review and update its internal assessments in order to comply with the ministry's reporting requirements established in December 2017.<sup>420</sup>

CSTC-A said the acting minister of interior recently decided to move the MOI IG's anticorruption unit to the MOI Criminal Investigative Directorate (MOI CID). Along with losing staff, CSTC-A said this decision caused the MOI IG to lose critical anticorruption capabilities to prepare and conduct the monthly meetings, collect asset declarations, and administer the ministerial internal control program.<sup>421</sup> Further, CSTC-A believes that the MOI IG will not be a truly independent organization until it reports directly to the interior minister and becomes its own budgetary unit.<sup>422</sup>

The MOD has also taken steps to establish a CID as the lead criminal investigative office for the ministry that will report directly to the minister. In October 2018, the minister of defense approved a plan that gave the MOD

CID the authority to investigate without approval of corps commanders and increased the size of the organization from 69 to 134 personnel. These plans await approval by President Ghani.<sup>423</sup>

The minister of defense also directed the merging of the MOD IG and the General Staff IG (GS IG). According to CSTC-A, this will increase the number of available investigators and inspectors and eliminates structural redundancies.<sup>424</sup>

### **Major Crimes Task Force in Flux**

The Major Crimes Task Force (MCTF) is an elite MOI unit chartered to investigate corruption by senior government officials and organized criminal networks, and high-profile kidnappings committed throughout Afghanistan.<sup>425</sup> This quarter, CSTC-A reported that the MCTF's internal political will and overall effectiveness faces significant challenges. Major leadership changes at MOI have disrupted the MOI at all levels, including the MCTF. According to CSTC-A, the MOI CID and MCTF are particularly affected as they require senior-level protection to carry out their tasks.<sup>426</sup>

CSTC-A observed significant progress in the MCTF's ability to discover and feed digital evidence into police intelligence. Further, CSTC-A said the MCTF is working to establish a framework for cybercrime capacity, which is a first for the organization and should enhance the MCTF's corruption-fighting abilities. CSTC-A does not have an estimate for when the MCTF will be fully proficient in this new capacity.<sup>427</sup> CSTC-A observed an improved working relationship between the MCTF and the Financial Investigations Unit (FIU), which they hope will result in more referrals from FIU to the MCTF for investigation.<sup>428</sup>

Despite these improvements, CSTC-A believes that poor infrastructure (including poor internet and facilities and neglected vehicle maintenance) and political influence hinder the MCTF. CSTC-A cited the case of Major General Zemarai Paikan (the former chief of the Afghanistan National Civil Order Police, who was convicted in absentia of murder and abuse of power and sentenced to five years and two months confinement) as an example of how political influence undermines the work of the MCTF. According to CSTC-A, although the MCTF has sufficient information to support Paikan's capture, he has never been taken into custody. CSTC-A says that MOI leaders at both the MCTF and above have not provided CSTC-A with justification for why Paikan has not been apprehended. The fact that Paikan is living comfortably and unconcerned about his apprehension despite being sentenced for serious felonies sets a bad example for other Afghan government officials, CSTC-A says.<sup>429</sup>



**Afghan refugees** in Quetta, Pakistan, who live outside of the formal system of refugee camps. (UN photo)

## REFUGEES AND INTERNAL DISPLACEMENT

### Afghan Refugees

According to State, the Pakistan government extended the validity of Proof of Registration (POR) cards, which confer refugee status on 1.4 million Afghans, until June 30, 2019.<sup>430</sup> On March 1, the State Bank of Pakistan issued a directive to banks and development-finance institutions allowing Afghan refugees to open up accounts by using the POR cards. According to State, this directive paves the way for Afghan refugees to avail themselves of banking services in Pakistan. Also on March 1, United Nations High Commissioner for Refugees (UNHCR) re-opened voluntary repatriation centers following the annual winter pause.<sup>431</sup>

As of March 30, 2019, the UNHCR reported that 611 refugees have voluntarily returned to Afghanistan in 2019. The majority (312) of these refugee returns were from Iran.<sup>432</sup>

### Undocumented Afghan Returnees

As of March 23, the International Organization of Migration (IOM) reported that 88,516 undocumented Afghans returned from Iran and 4,182 undocumented Afghans returned from Pakistan in 2019. So far, 92,698 undocumented Afghans have returned in 2019. For 2019, IOM is projecting over 570,000 returnees from Iran (due to Iran's ongoing economic challenges) and a minimum of 50,000 returns from Pakistan. Additionally, IOM says more than 1,000,000 Afghans may face deportation from Pakistan in 2019.<sup>433</sup>



**A USAID Promote-supported intern** prepares for the Afghan civil service. (USAID photo)

## Conflict-Induced Internal Displacement

There has been less conflict-induced internal displacement this year than in 2018. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), as of March 22, the conflicts of 2019 had induced 35,433 people to flee. The office recorded 85,817 persons in the same period last year.<sup>434</sup>

## GENDER

In July 2013, then-USAID Administrator Rajiv Shah described the Promote partnership in a public speech as “the largest investment USAID has ever made to advance women in development.”<sup>435</sup> According to USAID, Promote aims to strengthen women’s participation in civil society, boost female participation in the economy, increase the number of women in decision-making positions within the Afghan government, and help women gain business and management skills.<sup>436</sup>

USAID has committed \$280 million to Promote.<sup>437</sup> Table 3.22 shows the current Promote programs.

As of December 31, 2018, USAID said that a total of 16,468 Promote beneficiaries have been hired. Of these, 1,407 have been employed by the Afghan government and 7,461 have secured permanent employment in the private sector. There are also 7,600 Promote beneficiaries holding internships in the private sector.<sup>438</sup>

According to USAID, all Promote-supported private-sector interns receive a stipend. These stipends are meant to cover the cost of commuting to and from work, phone credit top-ups to communicate with employer and program staff, and a meal when at the workplace. This quarter, Promote

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TABLE 3.22

USAID GENDER PROGRAMS				
Project Title	Start Date	End Date	Total Estimated Cost	Cumulative Disbursements, as of 4/6/2019
Promote: Women in the Economy	7/1/2015	6/30/2019	\$71,571,543	\$44,433,202
Promote: Women's Leadership Development	9/23/2014	9/22/2019	41,959,377	38,300,520
Promote: Women in Government	4/21/2015	4/20/2020	37,997,644	30,261,403
Promote: Women's Rights Groups and Coalitions	9/2/2015	9/1/2020	29,534,401	17,834,450
Promote: Rolling Baseline and End-line Survey	2/21/2017	10/20/2020	7,577,638	4,310,379
Combating Human Trafficking in Afghanistan	1/11/2016	6/30/2019	7,098,717	6,142,999
Gender Based Violence (GBV)	7/9/2015	7/8/2020	6,667,272	6,667,272
Promote: Economic Empowerment of Women in Afghanistan	5/8/2015	5/7/2018	1,500,000	1,485,875
Countering Trafficking in Persons (CTIP) II - Empowerment and Advocacy to Prevent Trafficking	1/10/2018	1/9/2020	1,483,950	744,950
Promote: Scholarships	3/4/2015	3/3/2020	1,247,522	1,247,522

Source: USAID, response to SIGAR data call, 4/11/2019.

decreased the stipends for future interns as it was recognized that the full-time salary later offered by employers is sometimes less than that of the internship stipend.<sup>439</sup>

Promote has benefited 58,124 women through leadership training, civil-service training and internships, civil-society advocacy work, and economic growth activities, USAID says.<sup>440</sup>

This quarter, USAID reported that Promote established the Women in Peace Process coalition and hosted the first national conference on women and the Peace Process aimed at establishing strategies to facilitate women's participation in the peace and reconciliation process.<sup>441</sup>