

MEC COMMITTEE

Badakhshan Trip Report

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Preface

The six Committee members of the Independent Joint Anti-Corruption Monitoring and Evaluation Committee (MEC) paid a visit to Badakhshan Province from July 20-23, 2016. As a part of MEC's normal visits to provinces this trip was conducted in continuation with its previous visits to Herat, Kandahar, Balk and Nangarhar Provinces. The provincial trip was aimed mainly at assessing current anti-corruption efforts and finding possible ways to strengthen these efforts in the province.

During the three-day trip, MEC held 16 separate meetings with different government officials, civil society members, UNAMA Regional office officials and those organizations working in health sector.¹

As a part of its specialized tasks, the Committee acknowledges that although these short trips cannot fully reflect the whole truth in the province, the claims raised in the meetings should be taken seriously. Therefore, MEC focuses its measures as following:

1. Publication of this report, briefly explains the whole situation of corruption and anti-corruption efforts in Badakhshan Province.
2. Looking into effective ways of cooperation between MEC and local authorities with regard to the implementation of recommendations and assess the different vulnerable areas to corruption including health sector.
3. Finally, the MEC after a series of meetings with various officials is now aware of important issues which will be fully assessed and the results will be shared with the concerned authorities in the near future.

¹ See agenda from the Provincial trip to Badakhshan

Geography and Borders

Badakhshan Province is located in the far northeastern part of the country, sharing a border with Pakistan, China and Tajikistan. Badakhshan Province shares border with Laghman, Kunar and Kapisa Provinces in the south and Takhar Province in the east. Badakhshan is a heavily mountainous and rugged province, and this geography has creates an opportunity for the armed opposition to easily penetrate the province and also creates the opportunity for traffickers to smuggle narcotics into the Central Asia. According to the statistics of Central Statistics Organization, the population of the province is 966,000, of which only 4 percent live in the urban areas.

The rough, uneven and complex geography and harsh weather has adversely affected the provincial governance, and limited the access of provincial authorities in some districts, hindering the provision of basic services such as education and health to the people.

Most of the Badakhshan's population is engaged in agriculture and livestock husbandry. Recently the government has initiated some efforts to develop handicraft industry, and currently, the handicraft sector employs hundreds of women in the province.

Security

Badakhshan has almost been turned into an insecure province, although during his meetings with MEC, the governor office acknowledged that the entire province except two districts is under the control of the government and there is no serious security problem. Meanwhile, they admitted that currently local authorities are leading local police against Taliban. This indicates that the security situation is fragile in some districts. Badakhshan Police Headquarters cites vast geography, a shared border with Pakistan and Tajikistan and lack of adequate security forces as the main causes of insecurity in the province. According to the Police Chief, the police force of 8,524 is currently deployed in different districts and the capital city. According to the Police Headquarters authorities, presently the azure mine located in Keran-u-Menjan District is controlled neither by the government forces nor by the Taliban. Abdul Malik, a local powerful man, is in total control of the mentioned area. According to local officials, the government is unable to control Malik's power and influence in the area, and exerting any type of pressure by

the government will lead these local forces to join Taliban. On the other hand, as the government lacks enough security force to control the area, dissolving local forces will pave the way for Taliban to completely gain the control of the area.

The government recruited local police to control the insurgents. During a meeting, the acting chairman of the court and other judiciary officials of the province said, "Corruption exists in the Local Police force, because they receive the salary and benefits for 200 local police while having just 50 active local police on the ground."

Civil Society

Civil Society has been active in Badakhshan province since 2008. With the membership of some civil activists and civil institutions, civil society networks have become a turning point for all the activities. Currently these networks consist of 45 civil institutions with hundreds of independent members, of which 75 percent are women. Through local civil institutions, these networks are active in 15 districts. In response to a question, the governor of Badakhshan province said, "There are good and bad people everywhere. I meet with civil society members on monthly basis; they are criticizing the process of recruitment." The youth groups which met with the members of MEC on behalf of civil society organizations were complaining that all the local authorities except the chairman and members of the courts are recruiting for positions based on personal connections which is vanishing the culture of meritocracy in all the administrations of the province.

They said that the governor lacks authority, and Members of Parliament (MPs) are hiring and firing the individuals. Youth were voicing their concerns that the government is losing revenue from the extraction of gold and azure due to rivalry between the two MPs, and is waiting for a miracle to get the control of the mines from Malik who considers himself the owner of the mines.

The Badakhshan youth protested and asked why the government has turned a blind eye to Badakhshan issues; it does not prevent the illegal interference of powerful men and MPs.

They also voiced their concern as to why the government has not taken the control of mines and continues to ignore illegal mining and the drug trafficking which has become a tool to guarantee a secure source of income for Taliban and other insurgents.

According to UNAMA officials, civil society members focus on issues such as accountability and transparency. These institutions established an Anti-Corruption Committee three years ago but due to the interference of local powerful men the Committee has not actually conducted any work. At the start of 2016, civil activists embarked on anti-corruption efforts, but no progress has been achieved in this regard. In order to do a better assessment of civil society activities in the province, MEC had some concise discussions with two civil activists. During this discussion MEC found that in comparison to other provinces, women are more active in embarking on civic activities. Civil society members volunteered and renewed their commitment to work together with MEC in the future.

Provincial Council

The Badakhshan Provincial Council has 15 members, three of which three are female. One Council Member is from the City of Fiazabad while the remaining members represent different districts of the province. The Council is chaired by Ahmad Bashir Samim. Six members hold bachelor's degree. According to Badakhshan provincial council chief, this council represents the people and monitors the local government. The council chief complains that according to the law, the local government including governor does not report their activities or share their spending with provincial council. Meanwhile Governor Begzad, also complains that there is a lack of required coordination between provincial council and governor office. Conversely, the local officials voice their complaints about the interference of Provincial Council in their daily activities, and civil society activists believe that Provincial Council members are meddling in the hiring process of government employees.

The complaints of Provincial Council members are primarily in the area of preferential appointments, which have disrupted order and discipline in the province. For example, after taking office the police chief fired 70 percent of the staff and then hired his relatives to fill the empty positions. The police forces in the districts of Zebak, Ishkashim and Darwaz do not

receive their sustenance and food on time. But despite the threatening nature of their work, the police personnel continue in their duties, and rely on just a half-loaf of bread and one cup of tea per day.

Another complaint is that the district governors enjoy immunity by the support of central government, with many of them working in the same positions for years, without being transferred. The indigent and poor people have been hijacked by them and they do not obey the provincial governor. The Darwaz District governor charters a helicopter and travels several times a year between district and capital City of Badakhshan. There is no one who asks about the source of their excessive spending. Kofab District Governor, Mr. Nadir Shah, is a good an example:

- Head of Telecommunication Department has been serving in the same position for the past 17 years.
- Kabul issued an order regarding the mines and its legal extraction, and directed the officials to stop extraction azure mine. Unluckily, previously coal mining was being done through 15 to 20 mine tunnels, but upon the issuance the order this number reached around 70 tunnels, because traffickers are using different ways of mining.
- Provincial Council Member Ms. Aalemyar, asserts that the maternal mortality rate has been very high in Badakhshan Province in comparison to other parts of the world. This is thought to be because nurses are working in the position of doctors and receive the salary of doctors. No attention has been paid to Badakhshan villages, who complain that all their problems arise stem from Kabul, brutal interference of powerful figures and the members of Provincial Council.

Administrative

A. Province Administration:

Badakhshan Province has 27 districts including capital City of Fiazabad. As the representative of the President and the highest authority of the Province, the provincial governor rules over the province. However, despite these characteristics being assigned to his position, the governor is

complains about the lack of required authority for spending the budget and appointing the individuals. The Taliban also presents special challenges to the power provincial governor.

In his meetings with MEC, the provincial governor said that fighting against corruption should be done at the district level as well, although in some districts the district governors do not respect office attendance, which makes them beyond the reach of people to address their problems. This issue paves the way for Taliban to develop relations with the local people and thus when problems arise; the locals will turn to the Taliban to solve their problems and not to their government representatives.

Beside the administrative problems, parallel organizations do exist in the province which neither report and nor accountable to the provincial governor. For example, existing alongside each official administration there is a parallel organization. When the governor office request them to report to him, they refuse, with the excuse that they are working under the direct supervision of their minister in Kabul, who is the only person to whom they are answerable. The Urban Development, Energy and Water, public welfare and Education directorates have some departments by the name of "Program Units" which don't report to the governor's office. Most of the local and military officials are recommended to different positions by the influential figures particularly the MPs. This results in them knowing that they are unaccountable to the provincial governor. MEC has determined that in addition to the lack of financial authority appropriate to responsibility and special administrative units which are normally out the Tashkeil, the Taliban, MPs, and members of Provincial Council and local powerful figures all limit the power of provincial governor. This hampers sound governance and the outcomes will be substantial administrative problems and corruption.

B. The Judicial System and Prosecutor's Office

The head of Badakhshan Prosecutor's Office is only recently in his position and thus it was too early for locals to express a judgment on his performance. The Appellate Court is currently led by an acting director. The statements by officials in the Prosecutor's Office indicate the existence of organizational and administrative problems within the organization. Inadequate staff, low salaries, and lack of security are the main problems of the Prosecutor's Office.

Although Badakhshan Police HQ Administrative Assistant considers coordination between police force and Prosecutor's Office of paramount importance, it is apparent that coordination problems exist between these two organizations. A good example would be the delays in a ruling of the case involving the General Director of the Teacher Education Department. Although the case was filed five years ago, it was only recently been sent to the court. The court rarely receives corruption cases and when it does these are usually ones involving minor corruption. In response to a question regarding the corruption cases, the acting head of the court said, "Multi-million Afghani corruption cases are not being referred to us by the organizations . . . they only send us less serious cases to be prosecuted, such as minor bribes or stealing 5kg of cooking oil."

According to the officials of the Prosecutor's Office, the main reason that corruption cases are not being referred to the courts is due to the interference of powerful local figures, including MPs. The head of Prosecutor's Office and acting head of appellate court both emphasize the independence of decision making and investigation, but in the meanwhile, they are voicing their concern with regard to their personal security. MEC is of the belief that judicial staffs of the province are concerned about their security while delivering verdicts on cases and this can adversely affect their decisions. In some cases the whistleblowers do not feel safe and secure, and are stressing on immediate implementation of the Whistleblowers Protection Law.

C. Scientific and Educational

In terms of employees, the Badakhshan Education Directorate is the largest directorate in the province, with 12,774 employees. The Directorate has been administered by an acting director from the past three years, and this issue has led to discontent of the provincial governor, Provincial Council and civil society. According to members of the Provincial Council and civil society, this directorate is the most corrupt directorate in the province. But in a meeting with MEC, the acting director detailed anti-corruption measures which are ongoing in the organization. He considered proceedings on the case of Literacy Department in which 1.7 million AFNs were wasted as one of his measure against corruption. However, MEC is concerned about the problems in the appointment and transfer of teachers and employees,

problems in contracts of the Education Department, a lack of textbooks in the schools, the charging of 120 AFN by New Kabul Bank on each teacher for transferring their salaries and the preparation documents for the ghost projects.

Youth members of civil society were of the belief that corruption issues such as ghost positions and schools within the structure of Education Department should be thoroughly inspected. They also added that in the presence of the current chairman and leadership who is the root cause of corruption in the organization, no audit and inspection will give the desired results.

Badakhshan Province has one Government University and one private higher education institute. The university chair mentioned the existence of corrupt individuals in his administration, and giving examples he said, “For fixing a door instead of 15,000 AFN, they charged 67,000 AFN, and supplying a single loaf of bread was contracted at 50 AFN.” He went on to say that these issues had been addressed. In response to a question regarding the process of awarding degrees and diplomas, the head of Badakhshan University acknowledge that MEC has done some assessments about the existence of corruption in universities in the past. During this provincial visit MEC learned of problems in food contract for students, problems in the process of awarding degrees and diplomas, bribery in the process of exams, documentation for unreal expenses, pressuring the higher education institutes for providing graduation documents without finishing the course of education, and interference in the affairs of university – all of which are issues which lead to corruption.

D. Mines

Regarding the mines, the Badakhshan Governor says, “Badakhshan is rich enough in mineral resources, but they are being illegally extracted.” Karan-u-Minjan azure mine and Kishim gold mine are its main mineral deposits. The revenue from legal extraction of mines reached millions of Afghanis in 2014, but in 2015, the National Security Council issued a letter to the governor to stop the extraction process. This act of the government has not stopped the mining process but instead it has led to anarchy in the province. Now, Abdul Malik one of the local powerful men is taking the advantage of inability of security forces and has taken control of azure mine.

According to local officials, a portion of illegal mining revenue is going to Taliban and enemies of the country. On the other hand, this decision of the government has turned the legal traders of the Badakhshan into local traffickers. The provincial governor, members of Provincial Council and civil society are asserting that the letter from Security Council has stopped the transit of azure via Fiazabad, but the Panshir to Kabul to Pakistan route is open to transit azure. MEC has learned that the extraction problems of this mine are directly linked to corruption. Unsound decisions, inability of security forces, lack of strong will by the central government, and fear of local residents from armed opposition have paved the way for illegal extraction of mines by Abdul Malik and his partners.

E. Development and Reconstruction

Failure to expend a significant portion of development budget and delays in implementation of development projects were the other issues discussed in MEC meetings. Several participants mentioned that at seven months into Badakhshan's annual budget, only 15 percent of its development budget has been expended. The Shurabak electricity project and Fayzabad-Bahark road project are other examples of mismanagement in the implementation of development projects. MEC is committed to assess the process of development projects and find out the reasons behind the delays in the Fayzabad-Baharak road project, and issues its recommendations to the government to reform the projects and will monitor the implementation of its recommendations.

Improper monitoring of development projects is one of the factors that can be vulnerable to corruption. The outcomes of MEC's meetings show that development projects in province are not being properly monitored. Impassable roads and insecurity are two factors that are not directly linked to corruption, but they can be used as an excuse for lack of monitoring. The local government is complaining that they do not receive copies of contracts from Kabul. It is obvious, that local monitoring would be impossible without having the details of the contracts.

F. Recruitment and Managing Human Resources

Appointment of civil servants is the other hot issue. Badakhshan Province consists of 27 administrative units. This province has one government and one private university. Every year the numbers of graduates from these two universities (and other universities in the country) are increasing. But the government and non-government organizations are unable to employ a significant portion of these graduate students. This issue has increased the number of applicants for vacant government positions and made the completion very tough for getting a job. Applicants avail themselves to all measures in order to obtain a position, and one way is to find someone who can influence the process of recruitment. There are numerous complaints that no one can be appointed at the directorate level without enjoying the support of MPs or a high ranking government official. And there are claims that even low level Grade 8 officials are also being recruited illegally. It is alleged that Members of the Provincial Council are mostly interfering in filling the low-level positions.

Not announcing vacant positions, manipulating test results, cancelling the tests, ignoring those who passed the test, leaving acting officials in place for long periods of time – are all tools used by MPs and other influential figures are interfering in the process the recruitment. MEC considers any type of interference in the process of recruitment as evidence of corruption, therefore it has decided to conduct a more comprehensive assessment in this regard and share the results with public.

Conclusions

1. MEC's current assessment indicates that in addition to the lack of financial authority appropriate to responsibility and special administrative units which are normally out the Tashkeel, the Taliban, MPs, and members of Provincial council and local powerful figures limit the power of provincial governor
2. Parallel organizations do exist in the province which neither report and nor accountable to the provincial governor.

3. According to the officials of Prosecutor's Office, the main reason that corruption cases are not being referred to the courts is the interference of local powerful figures, including MPs, in the proceedings of these cases.
4. Badakhshan, a province in the far north of the country that its people have been suffering from poverty, unemployment, disease and drug addiction.
5. The mountainous nature of the province has given rise to the settlement of the Taliban and terrorists in different parts of the province and adds to the community suffering.
6. The previous and the current Kabul government authorities paid little attention to this province, and even they could not build a road to connect Darwaz District with hundreds of thousands of population to the provincial capital.
7. Government has not valued large mines of azure, which are a great source of potential revenue. It is shameful to say that the government failed to control mines, while the powerful Abdul Malik has the power to control it. The Taliban also benefit from this revenue.
8. Authorities have not paid attention to the roaring river which flows in the city center. This river has the capacity of producing 1000 MG of electricity, while they content themselves to another local investment that can only produce 7.5 MG power.
9. Although non-existent, boarder customs and absence of import and export eliminate the opportunity for corruption, there were corruption in the sector of education, health and the selection of officials, and caused strains and the quality of education has dropped; maternal mortality has gone up to a large percentage, and unlike the principle of merits, officials appointed and changed.
10. Interference by powerful people and MPs in every case, especially appointments of officials, has increased and has decreased the role of provincial governor. Such interference by MPs is pervasive among all in the province, and becoming unbearable.
11. Compared to other provinces, the number of development projects in Badakhshan is insignificant. In addition to few projects, those which have been undertaken are given insufficient monitoring. The Faizabad-Kishm road project has continued for years and yet has not been completed. Technical documents for this project – and for others – were never submitted to the office of the governor, which makes questionable monitoring task of the governor office. Apparently, complaints of the people make unpleasant reflection to the MPs ears.

Recommendation:

Given the aforementioned problems, MEC issues the following recommendations to the National Unity Government to improve the situation:

Recruitment has been corrupted due to relations with provincial and district authorities, which ultimately impacts different aspects of life including economy, politic and social life in Badakhshan. Social organizations, civil society, government employees without support and locals complain that the province and its affairs are involved with illegal interventions by MPs, which results in poverty, illiteracy, unemployment, disease and insecurity, but their outcry never has been heard by the authorities in the center. Given to these complaints, and in order to save the province, Monitoring and Evaluation Committee (MEC) recommends:

- IDLG takes action in a month's time, and sends a delegation to Badakhshan to report on illegal intervention by powerful individuals in mining issues, appointment due support, and other affairs with disastrous consequences to the leadership of the government.
- Legal immunity of MPs which has caused corruption has to be taken into consideration.
- Legal mechanism has to be proposed to avert cruel individualism by powerful rulers, and give people a sigh of relief.