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ASSISTANCE TO LEGISLATIVE BODIES OF AFGHANISTAN

QUARTERLY REPORT

April - June 2014



15 JULY 2014

ASSISTANCE TO LEGISLATIVE BODIES OF AFGHANISTAN

QUARTERLY REPORT: APRIL TO JUNE 2014

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ACRONYMS

| | |
|-------|---|
| ALBA | Assistance to Legislative Bodies of Afghanistan |
| APAP | Afghanistan Parliament Assistance Program |
| API | Afghanistan Parliamentary Institute |
| AO | Assistance Objectives |
| AUAF | American University of Afghanistan |
| BMP | Branding and Marking Plan |
| CI | Counterpart International |
| COP | Chief of Party |
| COR | Contract Officer's Representative |
| CSO | Civil Society Organizations |
| CTA | Chief Technical Advisor |
| CTAP | Civilian Technical Assistance Program |
| DAI | Development Alternatives Incorporated |
| DG | Director General |
| DIPR | Directorate of Information and Public Relations |
| DSG | Deputy Secretary General |
| ICLAD | International Consortium for Law and Development |
| IDLG | Independent Directorate of Local Governance |
| IR | Intermediate Results |
| MEC | Independent Anti-Corruption Monitoring and Evaluation Committee |
| MJ | Meshrano Jirga |
| MOU | Memorandum of Understanding |
| MOWA | Ministry of Women's Affairs |
| MSI | Management Systems International |
| NDI | National Democratic Institute |
| PACC | Parliamentary Anti-Corruption Caucus |
| PC | Provincial Council |
| PMEP | Performance Monitoring and Evaluation Plan |
| PRD | Public Relations Directorate |
| SG | Secretary General |
| STTA | Short Term Technical Assistance |
| USAID | United States Agency for International Development |
| WJ | Wolesi Jirga |

INTRODUCTION

ABOUT ALBA

The Assistance to Legislative Bodies of Afghanistan (ALBA) project is a four-year technical assistance initiative funded by the United States Agency for International Development (USAID), implemented by Development Alternatives, Inc. (DAI). Work under the project supports the development of the Afghan Parliament to enable it to operate as an independent and effective legislative, representative and oversight body.

USAID's overarching Assistance Objective (AO) 1 for Democracy and Governance in Afghanistan is "Improved performance and accountability of governance." Five intermediate results (IRs) comprise this AO. ALBA supports the third IR, "Strengthened governance and service delivery at national and sub-national levels." Specifically, ALBA supports the following sub-IR: "Institutional capacity and oversight capacity of elected bodies at all levels strengthened."

ALBA will assist in the continued development of the Afghanistan Parliament as a strong, effective, and independent parliamentary institution. The four key areas of the program are: Legislative Support; Oversight; Outreach; and Institutional Development of the Parliament with a major focus on the commissions as a vehicle for many of ALBA's activities.

USAID designed ALBA to prepare both Houses of Parliament for greater self-reliance. ALBA builds on the foundation of USAID's previous programs while expanding support to the Meshrano Jirga (MJ). This approach includes capacity development aimed at immediate and long-term application for practical, on-the-job learning as Members of Parliament (MPs) and staff reduce reliance on embedded advisors and engage in legislative, oversight, and outreach activities alongside government, civil society, and private sector actors.

CHAPTER I: EXECUTIVE SUMMARY

The report period largely coincided with the Spring 2014 legislative session for the Afghan Parliament and featured the support to, and passage of, several key pieces of legislation. In addition, ALBA enabled several commissions to undertake oversight trips to the provinces, examining the government's activities in several areas. The Presidential and Provincial Council elections held in early April 2014, however, significantly disrupted the work of the Parliament as both MPs and Senators returned to the provinces to either support the campaigns of their preferred Presidential candidates, or in the case of many Senators, carry out their own campaigns for the Provincial Councils. This disruption carried on throughout the report period as the Presidential run-off created a serious national crisis (as yet still unresolved) with the second-place candidate refusing to accept the run-off results, threatening to form a parallel government. In addition, this crisis pushed back the accreditation of the Provincial Council results, thus delaying the process by which the new Senators are selected and sent to Kabul. The ALBA program also underwent some significant changes internally, with the departure of the ex-pat DCOP and the arrival of the local Afghan DCOP. In addition, with generous additional support from the UK Embassy, ALBA was able to expand in certain critical areas of programming, including efforts in anti-corruption and expansion of oversight activities both in the provinces and the capital.

Under **Objective One – Strengthened Legislative Processes**, ALBA launched its first Commission Support Unit (CSU). The CSU is designed to assist commissions of the National Assembly in improving their legislative and oversight processes through conducting research and analysis for pending priority legislation and assisting the commission in preparing analytical reports on the bill, including bill summaries, proposed amendments, and a final commission report. The first CSU was formed to support the Budget Commission to analyze the Banking Law, assisting the Commission with research, analysis of impact, drafting of amendments, and holding hearings on the legislation. This approach was expanded to include the Anti-Money Laundering Law, the Law to Counter the Financing of Terrorism, and the Procurement Law, amongst others. This new approach enabled ALBA to play a key role in the passage of the Anti-Money Laundering Law and Countering the Finance of Terrorism Law in June. ALBA coordinated efforts with the MJ commissions and Secretariat leadership to hold a series of extraordinary sessions to deliberate and finally pass the two laws. These laws were required by the Financial Action Task Force, an international body that serves as a watchdog to prevent money laundering, which met in June to review the progress Afghanistan had made toward meeting international standards in combatting the use of the international banking system for illegal purposes such as money laundering and

terrorist financing. ALBA organized public hearings, brought in experts to work with Commissions to analyze and amend legislation, and provided experts for briefings. These efforts paid off, as Parliament passed the legislation at the end of June.

Under **Objective Two – Improved Oversight**, ALBA has continued support to the Parliamentary Anti-Corruption Caucus, which reviewed and led the effort to pass the draft Access to Information Law. With ALBA support PACC expanded their caucus to the Upper House, and as a result seven Senators received membership. This is the first time that members of the two Houses have come together in a single caucus, and this development is crucial in building a critical mass of advocates in both Houses for both the current anti-corruption legislation as well as other key Parliamentary initiatives in this area. ALBA began discussions with the Wolesi Jirga (WJ) Commission on International Affairs to discuss training requirements for the Commission and identify ways that ALBA can support Commission staff and objectives.

Under **Objective Three – Increased Outreach**, ALBA supported the MJ Commission on Legislative Affairs, Justice, and Judiciary provincial oversight trip to Herat. A large component of the trip was the CSO roundtable with the Senators, which 83 individuals representing a wide variety of CSOs in the western region attended. The event generated considerable national and local media coverage, with several TV channels, radio, and print media representatives attending. ALBA began working with USAID partners Internews and Counterpart to identify ways to capitalize on the increasing popular interest in the Parliament in the lead-up to Parliamentary elections scheduled for April 2015. Additionally, ALBA met with the Director for the nascent broadcasting efforts in the WJ, to assist in training initial staff on camera and production techniques, as well as supporting roundtable discussions on issues relevant to ALBA's programming.

Under **Objective Four – Increased Institutional Development**, ALBA met with the MJ Secretary General and Deputy Secretary General to discuss key topics including an upcoming Memorandum of Understanding between USAID and the Parliament, digitization of MJ archives, Parliamentary website enhancements, and ALBA's overall plans for Year 2. ALBA began planning for an intensive training curriculum for Secretariat staff during the summer parliamentary recess, modelled after the successful training program delivered during the Winter/Spring recess earlier this year. ALBA has begun meetings with several organizations to discuss partnership with the API, focusing on building up the research capacity of the API, and identifying joint courses and briefings available through these groups. ALBA is also working closely with Deputy Secretary General Akifi of the MJ to plan the MJ New Member Orientation Program.

CHAPTER II: SUMMARY OF PROGRAM OBJECTIVES AND RESULTS

OBJECTIVE ONE – STRENGTHENED LEGISLATIVE PROCESSES

Task 1.1 - Institutionalize Legislative Analysis and Drafting

Support to WJ Budget Commission Public Hearing on Money Laundering Law –

The Money Laundering Law was given a deadline of 22 June 2014 to be passed, as its passage is part of the conditions set by the Financial Action Task Force to avoid being blacklisted and denied a level of access to the international banking system. As a result, ALBA and Commission leadership held public and closed door hearings on the Money Laundering Law, hearing from officials of the Central Bank, Ministry of Finance (MoF), CSOs, World Bank / IMF, and experts from Kabul University. At ALBA's suggestion, the Commission Chair has reached out to the MJ to secure their participation, and has also ensured that members of the Parliamentary Anti-Corruption Caucus are involved.



Representatives of CSOs, Private Banks and the Ministry of Finance wait to testify at the Public Hearing for the Money Laundering Law

Establishment of the first Commission Support Unit – The Commission Support Unit (CSU) is at the heart of ALBA's revised approach to supporting priority legislation in both Houses. It is designed to assist commissions of the National Assembly in

improving their legislative and oversight processes through conducting research and analysis for pending priority legislation and assisting the commission in preparing analytical reports, including bill summaries, proposed amendments, and a final commission report.

For each targeted commission, this unit will be created to conduct analysis and scrutiny of the priority legislation and will be composed of one or two Commission members (as designated by the Chair), the committee technical assistant, a researcher from the Secretariat's Research Department, an advisor to the commission, and an ALBA advisor. Others, such as representatives from civil society and staff from relevant Ministries, may be asked to join the unit on an as-required basis.

The CSU is expected to assist the commission in its work on a specific priority bill referred by the plenary for the commission's consideration. The assistance provided will cover all aspects of the committee's work from the time a proposed law is referred for its consideration up to the time it is reported out to the plenary. This may include:

- research on the bill's background;
- analysis of policy impacts;
- comparative legal research and analysis;
- briefings and training or presentation to MPs;
- support to the conduct of public hearings;
- preparation and introduction of amendments; and,
- development of the commission report.

This assistance seeks to ensure the committee's compliance with the requirements of the Constitution, the chamber's Rules of Procedure, and other applicable laws of Afghanistan. Moreover, it aims to introduce the appropriate international best practices into the committee's processes. The ultimate objective is to provide each member of the unit with the skills and training required to institutionalize these improved processes.

Priority Legislation Updates – With the passage of the Anti-Money Laundering Law / Countering the Financing of Terrorism Law, work resumed – but was not completed – on several key pieces of legislation currently under deliberation by the Parliament:

- **Banking Law** – The Banking Law is pending before the WJ Budget and Financial Affairs commission. Earlier in June the Budget commission assigned a Commission Support Unit to prepare briefing materials and suggested amendments, and the CSU resumed work on the Banking Law 28 June 2014.
- **Procurement Law** – ALBA began work on the Procurement Law, another important piece of legislation that aims to simplify and streamline the procurement processes of the government while still retaining the required

checks and balances to ensure value for money. The procurement process has been consistently cited by Ministry officials during commission hearings as a major factor in the slow roll-out of infrastructure projects and the overall low execution rates of Ministries' development budgets.

Task 1.2 – Developing Effective Communications Processes with Executive

WJ Commission on Women's Affairs, Civil Society and Human Rights Session with the Ministry of Women's Affairs – Following the gender budget analysis conducted on seven ministries by ALBA, the WJ Women's Commission decided to call the Minister of Women's Affairs in for a session to explain the role of Gender Units in the structure of ministries and to share the problems identified during the gender budget assessment.

The Minister stated that the Ministry of Women's Affairs (MoWA) has established a good relationship with all ministries, and Gender Units are working under the structure of each ministry to pave the ground for the increased recruiting of women as employees. Based on the assessment conducted in the sectoral ministries, the number of female employees has increased by almost 60% in some areas; however, more systematic monitoring is required to identify areas of weakness that require intervention and support.

The Minister also stressed that MoWA has years of successful capacity building experience with women around the country, developing successful strategies with support of donors and partners such as USAID, UNDP, UNWOMAN and GIZ. Regarding the unemployment of women, the Minister stated that they are working in coordination with MoLSA to introduce greater numbers of women and girls for internship programs.

Meeting with Minister of Parliamentary Affairs – ALBA met with Minister Azizi, the Minister of Parliamentary Affairs, to discuss cooperation in certain areas, including:

- **Support to the network of Parliamentary Liaison Units with the Government.** These units have been established to support coordination between the Ministries and Parliament, but have been relatively inactive. ALBA and the Minister agreed to explore ways in which the Units can be a resource to Parliament and its commissions, especially in the area of pre-budget consultations, and as initial drafts of legislation are prepared by the Ministries.
- **Increasing the Quality of Ministerial Questions.** At present Minister and Ministerial staff are reluctant to appear in plenary and commission sessions as the questioning is often inappropriate and poorly-researched. ALBA and the

Minister agreed to work together to develop a set of guidelines for Parliamentary leadership to increase the quality of these appearances.

- **Legislation and Legislative Amendments.** Recently several pieces of legislation and / or amendments coming from the Parliament have been either unconstitutional, or unaffordable, or unrealistic, due to challenges of implementation. ALBA and the Minister agreed to form a working group to identify the points in the current process which can prevent such legislation from moving forward and wasting valuable time in either the plenary or commission stages.



COP and DCOP of ALBA meet with H.E. Azizi, Minister of Parliamentary Affairs

OBJECTIVE TWO – IMPROVED OVERSIGHT

Task 2.1 – Increase general Oversight through Commissions

WJ Women’s Commission Priority Planning Sessions – ALBA met with the WJ Women’s Commission Chair to plan the Commission priorities for current and future parliamentary sessions. ALBA supported the production of the Commission’s annual report, set for release in July 2014. As with many initiatives, it is hoped that the production and dissemination of this report will serve as a template for other Commissions to begin developing their own annual reports, for both internal and external audiences. In addition, the Chair requested ALBA’s support in the planning and conduct of a series of planning workshops for the Commission immediately prior to the resumption of Parliament, which would invite female MPs and members of the Ministerial Gender Units to identify legislative priorities for the next six months. The Ministerial Gender Units, established several years ago, lack specific direction in their

activities. ALBA and the Women's Commission consider them to be potentially useful partners in support of gender mainstreaming within the legislative and budgetary cycles.

Task 2.2 – Support Parliament's Oversight of Budget Priorities, Implementation, and Performance

June 2014 ALBA Budget Bulletin – The first ALBA budget bulletin was finalized in June 2014, and will be distributed in early July 2014. The document will be presented to the leadership of both Houses, who will distribute it to the MPs and Senators during plenary sessions. The objective of the bulletin is not only to inform Parliament on various aspects of budgetary oversight, but also to focus their attention on the upcoming components of the budget process, with the Qatia Report and Mid-Year Budget Review coming out in July – August 2014, followed closely by the Supplemental Budget for 1393 and the introduction of the 1394 National Budget later in the fall. The Bulletin, which will be issued quarterly, will also serve as a tool for general training sessions provided through the API for both Parliamentarians and staff. See **Annex 1** for the Bulletin.

Support to the Budget Commission of the Meshrano Jirga – ALBA met with the Budget Commission to discuss the following issues:

- **Asian Parliamentary Assembly (APA):** The Commission Chair has received an official invitation letter from the Secretary General of the Parliament of Indonesia to attend the APA meeting which will be held on 2-5 June 2014 in Jakarta. The ALBA budget team was requested to mentor the Commission staff to prepare a brief on the current state of Afghan economic and infrastructure development, in addition to providing supporting information on necessary long-term projects that are seen as priorities for the country during the next four years.
- **Commission Oversight of Private Banks:** The Commission has recently communicated with the Central Bank to indicate its desire to examine several private banks in light of recent discoveries of their underlying lack of soundness. The Central Bank response, which stated that the Central Bank has the sole authority to do so, incensed the Commission and they agreed to call the head of the Central Bank to its next meeting, instructing ALBA to work with its staff and compile a briefing on this issue.

Task 2.3 – Support to Parliament in Oversight of Provincial Budget and Performance

Commission Provincial Oversight Trips – ALBA was engaged in working with several Commissions from both Houses to plan and execute several field visits, including:

- WJ Commission on Women’s Affairs, Civil Society and Human Rights – Herat
- MJ Commission on Legislative Affairs, Justice and Judiciary – Herat
- MJ Commission on International Affairs – Khost

This is part of the increased focus on oversight, and staff will be mentored in all of the stages of planning effective oversight visits, including the initial concept, preliminary liaison with local officials and security forces, budgeting and procurement, media planning, outreach to CSOs, public hearings, report writing and other activities in both programmatic and administrative areas.

Task 2.4 – Support Anti-Corruption Activities

Meetings of the Parliamentary Anti-corruption Caucus (PACC) – PACC members met throughout May and June to discuss the following:

- Discussion of the draft Access to Information (ATI) Law – PACC members discussed the draft ATI Law, which was officially introduced to the WJ in May. The chairwoman asked ALBA to provide the PACC with the civil society draft of the ATI Law so that they could identify amendments and incorporate them into the government draft.
- Creation of Anti-Corruption Committees within Provincial Councils – The Chair said that the establishment of Anti-Corruption Committees within Balkh and Herat provincial councils was one of the most significant achievements of the past year, and it was decided to keep moving forward with this initiative, however only after the announcement of the new provincial councils’ election results.

Expansion of the PACC – PACC members recently agreed to expand their caucus to the Upper House, and as a result seven Senators received membership. This is the first time that members of the two Houses have come together in a single caucus, and this development is crucial in building a critical mass of advocates in both Houses for both the current anti-corruption legislation as well as other key Parliamentary initiatives in this area. The new members also come from a variety of Commissions (see below), which

means that the PACC can make its views known across a wide range of MJ Commissions.

| New Member Name | Position | MJ Commission |
|------------------------|-----------------|----------------------------|
| Bibi Khairunesa | Senator | Women Affairs |
| Najiba Hussaini | Senator | International Affairs |
| Humaira Nemati | Senator | International Affairs |
| Aziza Moslih | Senator | Economic |
| Dr. Anarkoli Honaryar | Senator | Telecommunication |
| Saleha Maherzad | Senator | Defense & Internal Affairs |
| Mawan Ahmad | Senator | Councils Immunity |

OBJECTIVE THREE – INCREASE OUTREACH CAPACITY OF BOTH HOUSES

Task 3.1 – Increase Interaction between CSOs and Members

Legislative Affairs Commission Oversight Trip – ALBA supported the MJ Commission on Legislative Affairs, Justice, and Judiciary provincial oversight trip to Herat. A large component of the trip was the CSO roundtable with the Senators, which 83 individuals representing a wide variety of CSOs in the western region attended. The session, lasting well over the three hours originally scheduled, included presentations on the following:

- Examination of the performance of judicial institutions in the region, and the administration of justice at the provincial level;
- Presentation of the Government’s current legislative priorities; and
- Discussion of the necessary reform to the system of higher education, and the urgency to revisit the Higher Education Law.

The event generated considerable national and local media coverage, with several TV channels, radio, and print media attending. The CSOs took the time to honor ALBA staff with appreciation certificates for this, and previous, efforts in Herat. Please see **Annex 2** for the trip report prepared by the Commission staff, who were mentored throughout the trip by ALBA staff, an approach highly appreciated by Commission leadership.

Task 3.3 – Improved Media Access to and Coverage of Parliament

Meeting with Director of TV Broadcasting for the WJ – ALBA met with Mr. Bomia, Director for the WJ's nascent broadcasting effort. ALBA heard of the initial plans for this operation, which will feature broadcasts of the plenary sessions, segments focusing on Commission activity and roundtable discussions with MPs, Senators and other stakeholders on topics such as legislation, budget, and public affairs. ALBA discussed plans to assist in training the initial staff through the API on camera and production techniques, expanding on the successful training provided last March to staff of the Directorate of Information and Public Relations (DIPR).

In addition, ALBA discussed the possibility of supporting the development of roundtable discussions relevant to ALBA's programming – roundtables on anti-corruption, priority legislation and budget issues. With a planned roll-out prior to the Fall 2014 Parliamentary session, ALBA will continue to work with the Directorate staff to flesh out a program of support in July 2014.

Meeting with Internews / Counterpart – ALBA met with USAID partners Internews and Counterpart to discuss some common activities in the area of the development of Parliamentary journalists. It was agreed that, in light of the Parliamentary elections due to be held in April 2015, popular interest in the Parliament would increase, and much could be done to increase the level of reporting, including programs for journalists to better understand:

- **Budget Processes** – At present, the budget is covered in a rather superficial way in the media. Developing the ability of Parliamentary journalists to understand the budget, as well as its component parts, would result in more comprehensive, responsible reporting.
- **Legislation and Legislative Processes** – Supporting the ability of journalists to understand legislative processes will help them identify those points of the cycle which are newsworthy, such as the joint committee stage, plenary, etc. In addition, specific legislation could be the focus of workshops, especially those that have a direct impact on the media – such as the newly-passed Access to Information Act.

OBJECTIVE FOUR – INCREASED INSTITUTIONAL DEVELOPMENT OF THE PARLIAMENT

Task 4.1 - Strengthening the Afghanistan Parliamentary Institute

Meetings with Potential API Partners – ALBA began meeting with several organizations to discuss partnership with the API, focusing on building up the research capacity of the API, and identifying joint courses and briefings available through these groups. The initial meetings have thus far included:

- **Afghanistan Research and Evaluation Unit** – an independent research center, established in 2002, and widely respected for its research into social, economic and security issues facing Afghanistan
- **Afghanistan Justice Organization** – an Afghan non-profit focusing on advocacy and education in the areas of rule of law, anti-corruption, and social development
- **National Center for Policy Research** – a center located within Kabul University that focuses on developing research capacity in the areas of law, economics, social policy and conflict studies among both students and academics

Advanced API Courses in Summer 2014 – ALBA continued planning for an intensive training curriculum for Secretariat staff during the summer parliamentary recess, modelled after the successful training program delivered during the Winter/Spring recess earlier this year.

The following is a tentative schedule:

| | |
|-------------------|--|
| 3-4 August 2014 | National Budget 1393 and 1392 Qatia Training <i>Target: Staff of Budget and Legislative Research Units</i> |
| 5-13 August 2014 | The Procurement Law and System of Afghanistan <i>Target: Staff of Budget and Legislative Research Units</i> |
| 16-17 August 2014 | Camera and Video Recording / Editing Skills <i>Target: Staff of Department of Information and Public Relations</i> |

| | |
|---------------------|--|
| 25-27 August 2014 | Writing Effective Reports <i>Target: Secretariat Staff / Commission Staff</i> |
| 2-3 September 2014 | Database Training <i>Target: Budget Units and Commission Staff</i> |
| 8-10 September 2014 | Strategic Planning for Administrative Units <i>Target: Secretariat Middle Managers</i> |

Developing Training in Coordination with the USAID LMG Project – ALBA met and began joint planning with representatives of USAID’s Leadership, Management and Governance (LMG) project implementing partner Management Sciences for Health (MSH) to discuss a partnership in delivering a Governance and Leadership Seminar for the Health Commissions of both Houses. The seminars, which would be jointly planned and executed by MSH and ALBA, would seek to strengthen their relationship with health governance structures at the national and local levels, focusing on the Ministry of Public Health and other principal stakeholders.

Although the initial training would focus on the health sector, it is believed this training module could be easily adapted to other sectoral Commissions, such as Education and Labor. The initial training is scheduled to take place during the last week in September / first week in October, after the Parliament has resumed and MPs and Senators are back in their regular Fall session routines.

Task 4.2 – Support Gender Mainstreaming in the Parliament

Joint Women’s Commissions Meeting – ALBA hosted the first joint meeting between the leadership of the Women’s Commissions of both Houses. The joint meeting was a significant first step toward re-building the relationship, which had suffered in the past. The commissions discussed the following items:

- Re-building the relationship between the two Commissions;
- Identifying priority legislation in which efforts should be coordinated, including the Law on the Elimination of Violence Against Women, and the upcoming Family Law; and
- Strengthening the coordination between both commissions with regard to outreach and oversight activities.

Both Chairs agreed to have a follow-on meeting to discuss further coordination and cooperation.



The leadership of the Women's Commission of both Houses at the ALBA office

Meshrano Jirga Women's Commission Hearing – The MJ Women's Commission held a hearing to follow up on the findings of the Herat oversight visit undertaken with ALBA's support during the recent Parliamentary recess, calling officials from the Ministry of Labor and Social Affairs (MoLSA) to answer questions and discuss the following issues observed in Herat:

- Child labor (between the ages of 10-15) and the employment of children in industry, which deprives them of the opportunity to attend regular school and causes them to be paid less by employers;
- Unsafe working environments for women, such as workplaces with a lack of safety materials, lack of ventilation systems, and other facilities that badly affect health;
- Lack of skills development training for women, and high unemployment among women;
- Gender discrimination in civil service recruitment processes; and

- Increasing complaints from working mothers regarding the drastic increase of the basic kindergarten fee (from 50 to 500 Afs per month) in the new regulations recently adopted by MoLSA, which may cause a decrease in the number of women staff working in government.

Mr. Mohmand, the Deputy Minister, mentioned that MoLSA is fully committed to reducing child labor and he stated that he will follow up on this issue with the Directorate of Labor and Social Affairs in Herat. He further stated that women are suffering from the highest rates of unemployment in the provinces, and there is a significant difference between the wages of men and women in certain industries. MoLSA recently drafted modifications to the Labor Law to avoid direct and indirect discrimination in the recruitment process and in the general working environment, and these modifications have been sent to the Ministry of Justice (MoJ).

The General Director mentioned that, with respect to the fee increases for kindergarten, the new regulations define three categories of fees to be paid by parents based on their income (500, 200, and 100 Afs per month), but this proposal has not yet been approved by MoJ and MoF. The issue is still under negotiation. He said he would take the opinions of the Commission to the discussions underway and thanked the members for their work in this area.

Task 4.3 – Specific Meshrano Jirga Support Activities

Value Added Tax Briefings for Meshrano Jirga Commissions – ALBA provided briefings for the members of several MJ commissions, including the Budget and Women’s Affairs Commissions, on the basic concepts relating to a Value Added Tax (VAT), as its members prepare for consideration of the draft legislation.

Meeting with MJ Secretariat Leadership – USAID and ALBA met with the MJ Secretary General and Deputy Secretary General to discuss several issues, including:

- **Memorandum of Understanding (MOU):** The idea of an MOU between USAID and the Parliament was raised and met with a positive reaction from the Secretariat leadership. ALBA will work with the Deputy Secretary General to further develop a draft MOU for consideration by the MJ and WJ.
- **Digitization of Archives:** The Secretary General highlighted the need for an effort to digitize the archives of the MJ, with USAID and ALBA agreeing that this was an important initiative. ALBA will develop a concept for this effort and present it to the leadership before the end of July, with the aim of undertaking this project during the summer recess period.

- **Website Enhancements:** ALBA briefed the Secretary General and Deputy Secretary General on the need to start work on the website, and has initiated several meetings with the webmaster of the MJ site.. The draft plan calls for an additional initial assessment of the website, adding to the original assessment conducted by ALBA in Year One, which compared International Parliamentary Union (IPU) standards to the reality of the current website. Once both the technical and content gaps are identified, roadmaps for addressing both areas will be drafted and, as with the digitization project, the bulk of the work will be started during the summer recess.
- **Draft ALBA Year Two Work Plan:** The MJ leadership was provided with a copy of the draft Year 2 Work Plan. ALBA also met with the SG and DSG in June to receive their comments and feedback. The Year 2 Work Plan will also be provided to the leadership of the WJ.

MJ Orientation Program – ALBA held a series of discussions with DSG Akifi on the MJ Orientation program. The continuing crisis with respect to the Presidential run-off results has meant that the significant number of complaints / challenges regarding the Provincial Council results will delay the process of selecting MJ members from the provinces. DSG Akifi has therefore decided to hold the MJ Orientation during the period 30 August – 3 September 2014.

Meeting with MJ Senator Sher Mohammed Akhundzada – ALBA met with the MJ Senator Akhundzada, former Governor of Helmand and brother to the current Governor of Uruzgan, to discuss several issues, including:

- **Elections for the Speakership.** The Senator informed ALBA that he was planning to run for the Speakership of the Meshrano Jirga, and discussed the current challenges facing the Upper House. The Senator cited the lack of qualified staff, misuse of the MJ budget, and the continuing lack of quorum as symptoms of a poorly-led House, and pledged to address all of these, in concert with ALBA and the rest of the IC, should he be successful in his efforts
- **ALBA Year Two Workplan.** ALBA briefed the Senator on the main points of the Year Two workplan, which received an enthusiastic response from the Senator. He requested another meeting so that he could provide some more detailed comment on the workplan, over the next weeks.
- **MJ Orientation Program.** ALBA's close support of the upcoming MJ Orientation Program was discussed and Senator Akhundzada provided some guidance with regards to the format and content of the program. He also expressed an interest in following the development of this important activity and ALBA committed to keeping him informed of the preparations.

CHAPTER III: PERFORMANCE MONITORING

This quarter witnessed progress on several key indicators within the ALBA PMEP:

| Indicator | Q5 | Actual (YTD) | Target Year | Progress | Comments |
|--|----|--------------|-------------|----------|--|
| 1.1: Number of draft laws subject to substantive amendments and final vote in legislatures receiving ALBA/USG Assistance | 3 | 3 | 4-6 | 75% | During the quarter the following laws were passed with ALBA / USG Assistance: AML, CFT, and ATI. |
| 1.2 Percentage of legislation produced with input from outside experts and CSOs | 7 | 50% | 25% | 200% | The following laws were produced with input from outside experts and CSOs: AML, CFT, ATI, Mining Law, PC Law, Procurement Law, and Banking Law. This represents a level of twice that originally estimated at the start of the year, reflective of the efforts ALBA has made through the CSU approach. |
| 1.3: Usage of standard format for legislative analysis and drafting | 7 | 7 | 75% | 50% | The Commission Support Unit approach ensured that standardized formats were for those laws passed, as well as several that were still pending at the end of Q5, including the Procurement Law and the Banking Law |
| 2.2 The number of times a standard procedure for questioning Ministers and officials developed by ALBA is used | 3 | 3 | 10 | 30% | ALBA's budget, legislative and gender teams assisted commissions in questioning Ministers and officials on a variety of issues, primarily following field oversight visits. |
| 3.1 Number of public forums in which legislators and members of the public interact | 3 | 3 | 15 | 20% | The Women's Commission and the Legislative Affairs Commission of the MJ held widely-attended public forums during their respective provincial trips. The Budget Commission of the WJ held a public hearing on the issue of Money-Laundering. |

Additional Notes on Indicators

New / revised indicators: With the start of the new program year, ALBA has adjusted its PMEP, and this will be submitted now that the Year Two workplan has been approved. There are some new indicators to the ALBA PMEP, which aligns the ALBA program to the revised Mission indicators. These include: 1) 0.3: *Percent change in citizen perception that parliament is listening to constituents and representing their needs*; and, 2) 0.4: *Percent change in citizen perception that parliament is making laws for the good of the country*. Other indicators were revised, primarily with language to reflect support from ALBA / USG programs.

Passage of Legislation: Although the Presidential and PC elections dominated the reporting period, there were efforts to pass the most important pieces of legislation during the recent quarter. The indicator relating to the number of pieces of legislation passed with the input of CSOs and outside actors is on pace to meet Year 2 targets and this will be improved with a focus on reaching out to relevant CSOs during the Fall 2014 parliamentary session. Furthermore, it is expected that the overall pace of legislation will increase dramatically as legislators realize that – in light of the upcoming Parliamentary elections scheduled for April 2015 – the upcoming Fall session will be the last window of opportunity for legislation to be passed until Fall 2015, assuming that there are the usual delays, challenges and other crises that seem to be a permanent fixture of Afghan elections.

Public Hearings: The number of field visits by Commissions was limited due to the Presidential and PC elections, and the associated crisis which is still ongoing. Nonetheless, the field visits did include several occasions where the MPs engaged the public and CSOs in public hearings. Public forums will be an essential component for all field visits in the upcoming Fall 2014 parliamentary session. It is believed that the targets relating to public hearings will be easily met, especially as legislators become more interested in engaging in the public prior to the Parliamentary elections in April 2015.

CHAPTER IV: CROSS CUTTING TASKS

Coordination with other donors

French Parliamentary Support Project – Staff from the Parliamentary Support program of the French government continued to use the API to provide training to the staff and members of the Parliament, in close coordination with ALBA staff.

UNDP Parliamentary Support Project – It was anticipated that ALBA and the UNDP project would engage the leadership of Parliament together, instituting a system of regular coordination meetings to ensure maximum efficiency and reduction of overlap and waste. The UNDP project has encountered significant delays in both staffing and funding; it is hoped that these problems are resolved by September 2014 so that the coordination can be initiated at that time.

Anti-Corruption

Please see activities listed under Task 2.4.

Gender

Please see activities listed under Tasks 2.1 and 4.2.

CHAPTER V: PROJECT MANAGEMENT AND ADMINISTRATION

ALBA Year 1 Annual Report – ALBA finalized its Year 1 Annual Report. The report was designed to present a high-level overview of ALBA's approach and project achievements, as well as discussing the challenges faced during programming in Afghanistan. The ALBA Chief of Party (COP) worked closely with the Contracting Officer's Representative in the development of the report to ensure that it accurately presented the achievements of the ALBA project in its first Year.

ALBA Year 2 Work Plan – ALBA has also finalized its Year 2 Work Plan in close coordination with USAID. The Year 2 Work Plan incorporates USAID programming objectives, priorities identified by the Parliament, and insights gleaned from ALBA's

local staff. ALBA's second year will build from the successes of Year 1 and expand our technical offerings in support of both Houses of Parliament.

Departure of ALBA Deputy Chief of Party (DCOP) – In keeping with ALBA's commitment to developing Afghan leadership and increasing Afghan ownership of the project, the original DCOP, Christopher Shields, transitioned off the ALBA program in May 2014. Mr. Shields will be replaced by a highly qualified Afghan DCOP/Programs who will oversee ALBA's technical teams, including anti-corruption, budget / oversight, outreach, and legislative work. ALBA is in the process of recruiting for the Afghan DCOP/Programs, and expects to fill this position in July.

Identification of an Afghan Deputy Chief of Party (DCOP – Programs) –In June, ALBA conducted interviews to identify and select a highly qualified Afghan DCOP - Programs who will oversee ALBA's technical teams, including anti-corruption, budget / oversight, outreach, and legislative work. ALBA expects to fill this position in early July, pending USAID approval of the selected candidate.

Challenges with Quorum – The month of May saw the Meshrano Jirga fail to achieve quorum, with only 30% participation in both plenary and commission sessions. This is primarily a result of the contention around the results of the Provincial Council elections, with many candidates and their supporters remaining in the provinces to contest the vote count and allege electoral fraud. Initial reports indicate that the resultant turnover of the PCs, and subsequently the MJ, will be significant, with many younger candidates succeeding in these elections.

Quorum was also a problem for the WJ in June, as the plenary sessions achieved the minimum number for quorum only four times in three weeks, with the participation rate hovering at an average of 45%. This is largely attributable to the flight of MPs to the provinces to work on the Presidential run-off campaigns, which took place 14 June.

In both cases the low attendance threatened the legislative agenda of the government, as several important pieces of legislation in the system demanded serious consideration, including the Banking Law, Procurement Law, Money Laundering Law, Access to Information Law, and Anti-Corruption Law.

Closure of the ALBA Office – The ALBA office closed on April 2-6 for the Presidential Election and on June 14-15 for the Presidential Run-Off Election. These closures were a precaution against possible unrest and disturbances that may have occurred on election day and the immediate post-vote period.

ANNEXES

ANNEX 1: June 2014 ALBA Budget Bulletin

ANNEX 2: Trip Report from the MJ Commission on Legislative Affairs, Justice, and Judiciary provincial oversight trip to Herat



ISLAMIC REPUBLIC OF AFGHANISTAN
NATIONAL ASSEMBLY

Budget and Oversight Bulletin

Year I — Issue I
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FROM THE AMERICAN PEOPLE

Assistance to Legislative Bodies of Afghanistan (ALBA)

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AFGHANISTAN'S NATIONAL PRIORITY PROGRAMS AND ROLE OF THE PARLIAMENT

Background

The National Priority Programs (NPPs) have been designed in the past few years as part of the Afghanistan National Development Strategy (ANDS) framework. The concept of the NPPs was created with a focus on national priorities in view of limited donor resources and the weak implementation capacity of ministries. The policy to create 22 NPPs was approved during the Kabul Conference in 2010. The Ministry of Finance and the Ministry of Economy took the lead in designing and prioritizing NPPs in close coordination with ministries and government agencies.

The 22 NPPs are organized in 6 clusters. These include: infrastructure cluster (4 NPPs), private sector development cluster (2 NPPs), human resource development cluster (5 NPPs), agriculture and rural development cluster (4 NPPs), governance cluster (6 NPPs), and security cluster (1 NPP).

To implement these NPPs, the Government has been trying to align budgetary resources with the NPPs in close coordination with donors and government agencies. As a result, the NPPs have become the development strategy of the country and are expected to be implemented by the national budget process, which has to be approved by the Parliament.

To understand the budgetary priorities of the country in the medium term, Members of Parliament and Senators have to know the NPPs and their overall objectives in various sectors.

Implementation of National Development Strategies to Date

Since 2002 the government has made efforts to implement various national development plans such as the National Development Framework (NDF) and ANDS through the national budget and other mechanisms by donors. But the results have been limited. Since the fall of the Taliban, most aid has been directly delivered by donors outside the government budget. In most cases, annual budgets were not aligned with strategic priorities and not implemented to reach targeted goals and outcomes envisaged in the national development plans. This was due to low capacity among ministries, fragmented and parallel delivery systems, and poor aid effectiveness.

As a result, Afghanistan's development progress over the past 12 years has been mixed. Even though the economy has grown about 9.5 percent during this period, it remains very volatile due to its heavy reliance on agriculture. During the period, per capita income has increased significantly from around \$160 to over \$600. Growth is also highly dependent on aid related reconstruction efforts and services. Growth is not based on long-term, sustained investment and it has not generated long-lasting employment opportunities especially in rural areas. Similarly, the country still faces significant challenges in governance, institution building, and security despite massive investments in these areas. Still more than one-third of the population lives below the poverty line, more than half are vulnerable and at serious risk of falling into poverty, and three-quarters are illiterate.

AFGHANISTAN'S NATIONAL PRIORITY PROGRAMS AND ROLE OF THE PARLIAMENT

Table 1: Afghanistan Economic and Social Indicators

| | 2001/2002 | 2007 | 2012 |
|---|-----------|-------|-------|
| GDP in USD billion | 2.4 | 9.8 | 20.4 |
| Per capita GDP in USD | 115.0 | 374.0 | 687.0 |
| GDP growth(in percent) | | 13.7 | 14.3 |
| Revenues (as % of GDP) | | 6.9 | 9.8 |
| | | | |
| Primary school enrollment (% Gross) | 21.1 | 97.8 | 104.0 |
| Secondary school enrollment (% Gross) | 12.7 | 29.0 | 54.0 |
| | | | |
| Immunization (DPT, % children 12-23 months) | 33.0 | 63.0 | 71.0 |
| Immunization (Measles, % children 12-23 months) | 37.0 | 55.0 | 68.0 |
| Public health expenditure (% of GDP) | 0.6 | 1.1 | 1.8 |
| Infant mortality (per 1000 live births) | 91.6 | 79.3 | 71.0 |
| Life expectancy (years) | 55.2 | 58.0 | 60.5 |
| Population growth (percent) | 3.5 | 2.7 | 2.4 |

Source: World Bank

There are, however, bright spots in the rebuilding of the country. Access to education and basic health services has expanded dramatically, life expectancy and maternal mortality have improved markedly and women are participating more in the economy. See table above for more indicators.

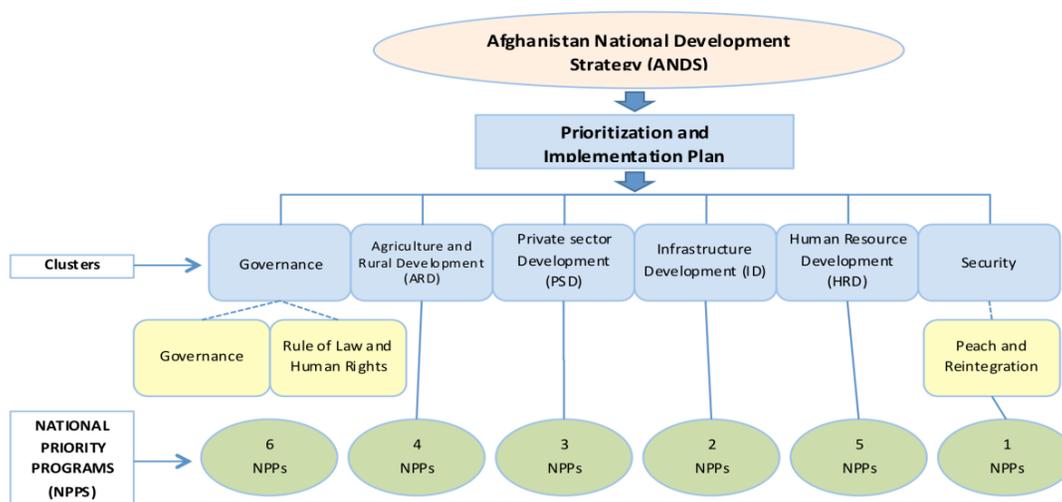
In recent years, according to the Worldwide Governance Indicators such as political stability and consolidation, rule of law, and government effectiveness, Afghanistan's recent performance has been on a downward trend (source: info.worldbank.org/governance/wgi).

National Priority Programs (NPPs)

As part of the transition process, the Kabul Conference directed the Government to detail out the NPP concepts into program proposals. The policy department in the Ministry of Finance (MoF) is responsible for coordination of preparation of proposals for all NPPs in collaboration with ministries and other stakeholders. The main responsibility for preparation of NPP proposals and their implementation lies with the concerned ministry/agency. The overall coordination is led by the Ministry of Finance. Each NPP contains key objectives, goals, and a medium-term implementation plan with results, outcomes, deliverables, and key activities leading to those results such as costing, budget allocations and constraints.

AFGHANISTAN'S NATIONAL PRIORITY PROGRAMS AND ROLE OF THE PARLIAMENT

Figure 1: National Priority Programs



Unlike previous strategies where the international community took the lead role, NPPs are led by the government with donors, civil society, and private sector serving as partners for the whole process.

The government says this new commitment aims to empower the Afghans and Afghan institutions for better service delivery, job creation, and sustainable economic development throughout the country.

The following list presents the NPPs that are grouped into six clusters:

- Security Cluster: Peace and Reintegration
- Human Resource Development Cluster: Skills Development and Labor, Education for All, Higher Education, Women’s Affairs, Capacity Building for Health
- Infrastructure Development Cluster: National Regional Resource Corridor, Extractive Industries, National Energy Program, and Urban Development
- Private Sector Development Cluster: Trade Facilitation and SME, E-Afghanistan
- Agriculture and Rural Development Cluster: Water and Natural Resource Management, Comprehensive Agriculture, Rural Access, and Strengthening Local Institutions
- Governance Cluster: Economic and Financial Reform, Transparency and Accountability, Efficient and Effective Government, Local Governance, Justice for All, and Human Rights

Each of these 22 programs has its sub-components with costing details and outcome and output indicators. The government also claims that a new monitoring and accountability system has been designed, developed and operationalized. It closely monitors activities and tracks which

AFGHANISTAN'S NATIONAL PRIORITY PROGRAMS AND ROLE OF THE PARLIAMENT

ministries are supposed to complete which tasks in each quarter so that problems, if any, could be identified.

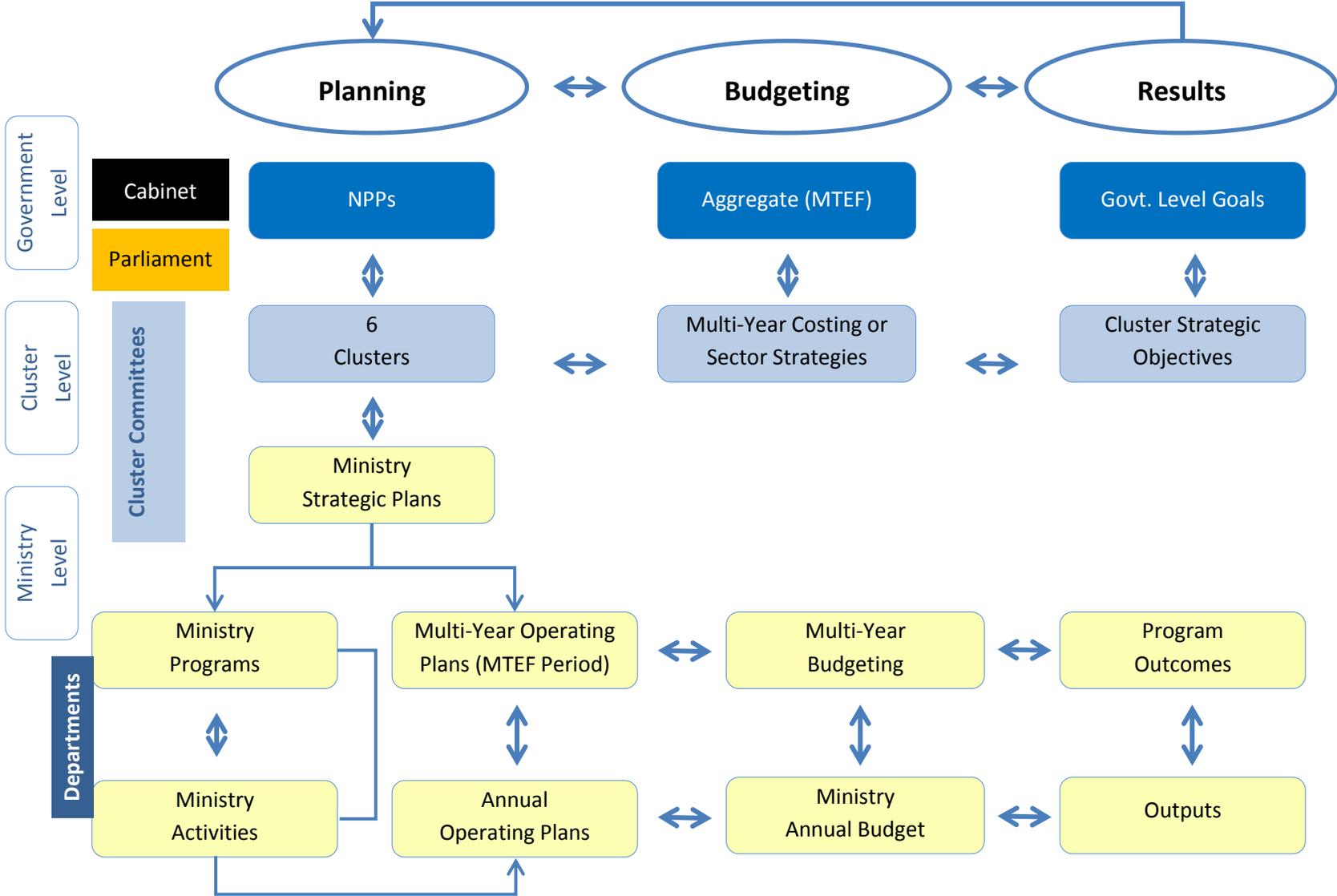
Limited Progress of the NPPs

Despite the introduction of the NPPs during 2012-13, there has been no fundamental change in the way the budget is aligned or implemented. The development budget execution rate continues to be around 50 percent or less. This remains a major concern for the implementation of the NPPs in the medium term. Most ministries and donors have not shown any noticeable change in the way projects (within the NPPs) are aligned and implemented to achieve the performance indicators and goals outlined in the NPPs.

The main reason for the lack of progress includes limited Cabinet-level commitment and the right leadership. Donor efforts are fragmented with little to no coordination among donors. Other reasons include:

- The lack of political commitment at the Cabinet level or leadership, contributing to a “business as usual” attitude in implementing NPPs.
- The absence of institutional mechanisms to ensure strategic planning at the aggregate and ministry level is reflected within the aggregate fiscal framework and budget estimates for ministries.
- An absence of robust ministry strategies, supported by medium-term and annual business and budget plans, with linkages to relevant NPPs.
- A general lack of performance orientation in ministries. Other than the basic reporting on expenditures, there is a clear lack of performance monitoring at the ministry level.
- Although ministries have articulated their performance indicators, they are in the form of narratives and are not supported by a sound accountability framework and follow-up mechanisms.
- The Afghan Parliament is not involved with the NPPs, and was never consulted and formally informed about NPPs. Parliament was also not consulted on the ANDS process. Article 90 of the Constitution gives the Parliament the power to “approve plans for economic, social, cultural and technological developments, [and] approve the state budget.”

Figure 2: Planning, Budgeting, Implementation and Result Framework



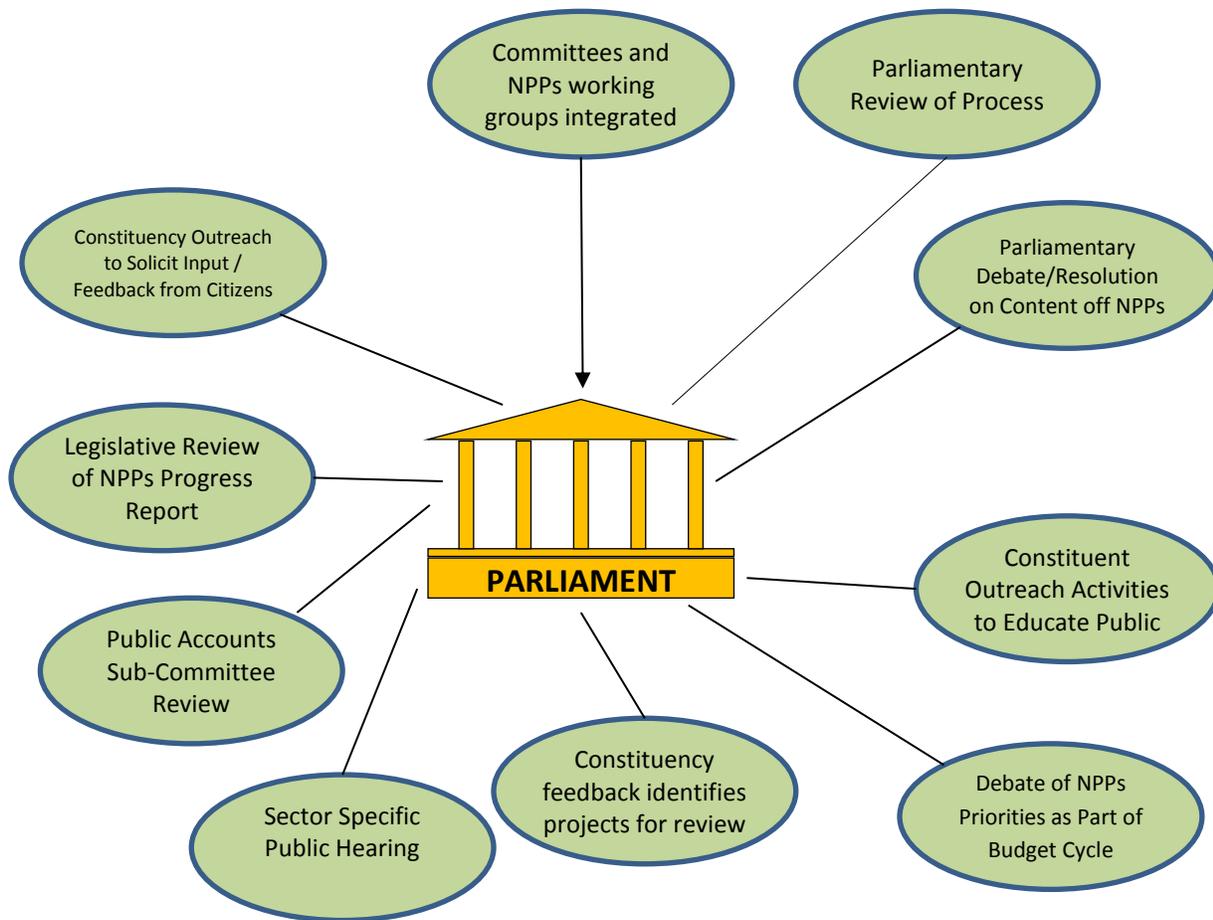
AFGHANISTAN'S NATIONAL PRIORITY PROGRAMS AND ROLE OF THE PARLIAMENT

The Role of Parliament in the NPPs Process and the Way Forward

Given that selection and implementation of the NPPs have to be participatory, country-driven and owned, Parliament is an important stakeholder in the planning, implementation and monitoring of the NPPs. The Constitution (Article 90) also requires that all development activities of the country be approved by the Parliament.

Legislative involvement in such national programs is also essential for better alignment of the budgetary resources with NPPs given that Parliament approves the state budget. Parliament's role can reinforce the potential for efficient, sustainable implementation of the NPPs.

Figure 3: Role of the Parliament in Implementation of the NPPs



Consensus Building: Direct engagement with Parliament to discuss and implement NPPs can lead to greater consensus and pave the way for smoother implementation over time. In addition to enhancing country ownership of the NPPs through inclusion of the structure that is constitutionally responsible for popular representation and relevant legislation, Parliamentary engagement also provides NPPs with the specific knowledge and experience held by Members

AFGHANISTAN'S NATIONAL PRIORITY PROGRAMS AND ROLE OF THE PARLIAMENT

of Parliament. The engagement with Parliament also helps the process in the policy making phase.

Budget and NPPs alignment: To implement NPPs, annual budgets have to be aligned with NPPs. Approval of such budgetary priorities (both sectoral and provincial) needs support from the Parliament. Engaging Parliament during this prioritization and alignment will make it easy for Parliament to approve the draft budget submitted by the Executive. Various committees that discuss the draft budget can understand budgetary allocations and facilitate easy approval of the budget.

Role of sector committees: Because Parliamentary sector committees are responsible for both legislative and oversight roles of the sector policies and implementation, committees can play a significant role in approving policies related to NPPs and their implementation. Sector committees of the Wolesi Jirga and Mashrano Jirga are involved in sector policy development and oversight. Because NPPs are sector specific and sector budgetary allocations have to be aligned with NPPs, committee discussions and hearings with sector officials are important.

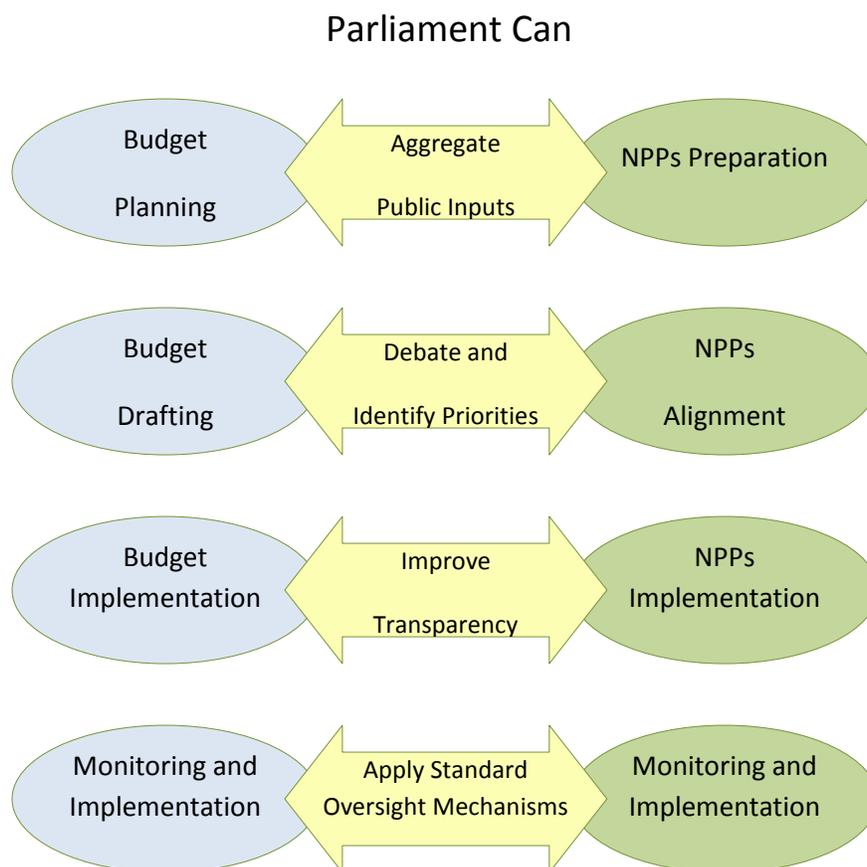
Each NPP is prepared with collaboration with ministries and other stakeholders under the oversight of the concerned cluster coordinator. Ideally Members of Parliament from sector committees should be part of the cluster coordinating committees.

Public or Constituency Outreach: With relations with communities and provinces, Members of Parliament and Senators may play a role in soliciting and aggregating public input for policy making and setting budgetary priorities for effective implementation of NPPs.

Aligning Parliamentary Oversight with Monitoring of NPPs: Parliamentary oversight activities may also strengthen NPPs' implementation through specific sector commissions or by budget commissions. Parliament also can conduct effective oversight through performance reports of NPPs and their sub-programs.

AFGHANISTAN'S NATIONAL PRIORITY PROGRAMS AND ROLE OF THE PARLIAMENT

Figure 4: Budget Alignment with NPPs



Committee Hearings on the Impact of NPPs: Commissions can also play an important role in hearing from the general public and civil society organizations (CSOs) in addition to government agencies and ministries. The hearing process with the public and CSOs can be an effective tool in receiving inputs and monitoring NPPs implementation.

CORRUPTION IN AFGHANISTAN AND ROLE OF THE PARLIAMENT

Background

A general definition of corruption is the use of public office for private gain. This includes bribery and extortion, which necessarily involve at least two parties, and other types of practices that a public official can carry out alone, including fraud and embezzlement. Appropriation of public assets for private use and embezzlement of public funds by politicians and high-level officials have clear and direct adverse impacts on a country's economic development. In the following areas corrupt practices can adversely affect the country and the economy.

- *Government contracts:* Bribes can influence the choice of private parties to supply public goods and services and the exact terms of those supply contracts. It can also affect the terms of reconstructing during project implementation.
- *Government benefits:* Bribes can influence the allocation of monetary benefits (tax evasion, subsidies, pensions, or unemployment insurance) or in-kind benefits (access to privileged schools, medical care, housing and real estate, or ownership stakes in enterprises being privatized).
- *Public revenues:* Bribes can be used to reduce the amount of taxes or other fees collected by government from private parties.
- *Time savings and regulatory avoidance:* Bribes can speed up the government's granting of permission to carry out legal activities.
- *Influencing outcomes of the legal and regulatory process:* Bribes can alter outcomes of the legal and regulatory process, by inducing the government either to fail to stop illegal activities (such as drug dealing or pollution) or to unduly favor one party over another in court cases or other legal proceedings.

Corruption Indexes in Afghanistan

The domestic and international consensus is that corruption has become widespread, entrenched, and systematic. Recent surveys (see below), which are well respected and well known, consistently show that Afghanistan has become one of the most corrupt countries in the world.

Transparency International: is a non-governmental organization originally founded in Germany in May 1993. It publishes an annual Corruption Perceptions Index (CPI), a comparative listing of corruption worldwide. The organization defines corruption as the abuse of entrusted power for private gain that eventually hurts everyone who depends on the integrity of people in a position of authority.

CORRUPTION IN AFGHANISTAN AND ROLE OF THE PARLIAMENT

Transparency International developed the CPI in 1995. The CPI ranked nations on the prevalence of corruption within each country, based upon surveys of business people. The CPI was subsequently published annually.

Table 2: Corruption Perceptions index

| Country | 2005 | 2013 |
|-------------|------|------|
| Bosnia | 88 | 72 |
| China | 78 | 80 |
| India | 88 | 94 |
| Pakistan | 144 | 127 |
| Congo | 144 | 154 |
| Tajikistan | 144 | 154 |
| Cambodia | 130 | 160 |
| North Korea | NA | 175 |
| Somalia | 144 | 175 |
| Afghanistan | 117 | 175 |

Source: Transparency International

deteriorated from 117 in 2005 to 175 in 2013. In 2005, Afghanistan was ranked much better in corruption compared to some neighboring countries such as Pakistan and Tajikistan.

The CPI ranks countries and territories based on how corrupt their public sector is perceived to be. It is a composite index – a combination of polls – drawing on corruption-related data collected by a variety of reputable institutions. The CPI reflects the views of observers from around the world.

In the latest CPI for the year 2013, Afghanistan ranked the most corrupt in the world along with North Korea and Somalia. Afghanistan was ranked for the Index for the first time in 2005, when its score was significantly better than in 2013. These results show that corruption has significantly increased in Afghanistan since 2005 and its ranking

Role of parliament in curbing corruption¹

Members of Parliament in Afghanistan have a significant role in the fight against corruption. The Afghan Parliament, in discharging the functions provided in the Constitution – namely, legislating, overseeing the Government, and representing the people – has a pre-eminent role to play in the global drive to curb corruption.

A. Law-making

The Afghan Parliament is empowered to establish the legal framework for anti-corruption measures. The following are some examples:

- Vote for appropriate anti-corruption legislation that criminalizes corruption and provides for appropriate punishment and other deterrent measures. In particular, incorporate provisions into the criminal code, administrative law and all other areas of law to reduce the scope of corruption and related offences, and introduce penalties that deter potential offenders;

¹ This section is taken from Inter-Parliamentary Union Background Paper, “The Role of Parliaments in the Fight against Corruption,” May 2001, <http://www.ipu.org/splz-e/hague01-bkgr.htm>.

CORRUPTION IN AFGHANISTAN AND ROLE OF THE PARLIAMENT

- Vote for integrity legislation for members of parliaments and other public officials, including members of government and other government officials and see to it that this legislation is enforced. This legislation would include codes of ethics/conduct, declaration of interest, conflict of interest, etc.;
- Ensure that appropriate oversight legislation is adopted to ensure transparency and accountability in government and public affairs;
- Lobby the government to sign and/or ratify relevant international instruments and see to it that the provisions of these instruments are written into national legislation and enforced as such;
- Promote the passage of freedom of information legislation that allows for the disclosure by government of information considered necessary for the conduct of parliamentary business, especially in investigating cases of corruption;
- Promote party-funding and electoral campaign legislation that fosters transparency in the electoral process and thus increases the legitimacy of the elected parliament. Such legislation should, among other things, oblige political parties and groups to declare the sources of their funding and should institute heavy penalties for those who infringe it;
- Promote legislation that addresses areas which have a potential for corruption, through: adequate social security for every citizen; introducing public service pay structures which are not conducive to corruption; establishing speedy and transparent bureaucratic procedures; and guaranteeing that all participate equitably in the decision-making process;
- Streamline and ensure the equity of laws and regulations on government procurement procedures, taxation, the administration of justice, etc.

B. Oversight

The Parliament needs to make maximum use of constitutional and other legal mechanisms for ensuring oversight of government and thereby promoting transparency and accountability in the government. In so doing, it should adopt and/or strengthen processes in the following ways:

- Institute and/or reinforce mechanisms within Parliament for bringing government to account, including through questions to the government and optimum use of committees to scrutinize government business. In this regard, Parliaments may consider establishing and/or strengthening special committees that deal with public accounts;
- Ensure that the process for preparing and executing the national budget is transparent and provides for safeguards against government misuse of public funds and resources: In this regard, strengthen the powers of and resources available to such parliamentary committees as public accounts committees, etc;

CORRUPTION IN AFGHANISTAN AND ROLE OF THE PARLIAMENT

- Promote the creation of watchdog agencies such as the Auditor/Controller General, Ombudsman, etc. and ensure that these agencies are provided with adequate resources and that their reports receive due attention by the parliament and the government;
- Ensure that the opposition is adequately represented in the parliamentary structures and processes and that it has sufficient resources and is afforded equitable opportunities to voice their views on the management of public affairs, including denouncing corruption and probing or initiating investigations into alleged cases of corruption;
- Institute transparent and stringent mechanisms for the approval of senior government and public officials so as to ensure that only the most competent and morally upright are appointed to public office; institute appropriate mechanisms for sanctioning those public officials who are found guilty of wrong-doing in the performance of their duties. Establish conflict of interest standards for public employees and effective measures against illicit enrichment, including appropriate sanctions for those who use their public position to benefit private interest.

C. Representation (interaction with civil society)

Parliament and parliamentarians represent the people and have a duty to ensure that they have a say in the management of public affairs. In this connection, they should:

- Encourage the public to denounce and condemn corruption; in this connection provide legal and other protection from duress to all persons involved actively in combating corruption;
- Promote or participate in the promotion of high standards of probity and moral integrity through public awareness campaigns, introduction of civic education in school curricula, etc.

HOW TO CONDUCT OVERSIGHT BY PARLIAMENTARY COMMISSIONS

Background

Through its oversight function, parliament holds the government to account on behalf of the people, ensuring that government policies and action are both efficient and commensurate with the needs of the public. Parliamentary oversight is also crucial in checking excesses on the part of the government.

To perform its oversight functions, parliaments across the world use various tools. These tools are stipulated in the Afghan Constitution and the Rules of Procedures of both Houses. These tools include²:

- Commission hearings
- Plenary hearings
- Plenary debates and questions
- Interpellations

In implementing these tools effectively, CSOs, citizen groups, media, technical experts, academia, and the Auditor General can play an important role.

Parliamentary political groups and/or parties also strengthen the oversight process. Political groups or parties can initiate oversight procedure. Political groups can coordinate the use of individual tools to put strong pressure on the government.

The Afghan Parliament, like many other Parliaments, has established permanent Commissions that are related to policy areas of government functions such as infrastructure, health, and national security. These Commissions should conduct oversight in those areas which relate to the issue/program areas that mirror those in the relevant government ministry or group of ministries. Budget and Economic Commissions usually look into national economic and state budgetary laws and implementation. There are also Commissions that have a mandate to look at internal matters of the Parliament and privileges of Members of Parliament. For example, the Commission on Immunities and Privileges is an internal Commission of the Wolesi Jirga.

In addition to overseeing government specific functions or sectors through permanent Commissions, the Rules of Procedure³ also provides an opportunity for Parliament to establish ad hoc Commissions or sub-Commissions. These Commissions are usually created to look into specific issues. The work of these ad hoc Commissions or sub-Commissions is supplementary to the oversight work performed by permanent Commissions.

² Oversight is covered extensively in Rules of Procedures (Articles 96-105, Meshrano Jirga and Rules 93-105, Wolesji Jirga)

³ Rule 32, Rules of Procedure, Wolesi Jirga and Article 27, Rules of Procedure, Meshrano Jirga

HOW TO CONDUCT OVERSIGHT BY PARLIAMENTARY COMMISSIONS

Best Practices of Parliamentary Oversight Commissions

In order for an oversight commission to be effective, it needs relevant timely information about an accountable entity. A standing commission such as the Public Accounts Commission can encourage this. The best practices of parliamentary oversight commissions include:

- Develop an annual plan for the oversight commission and schedule meetings well in advance
- Focus on longer-term results
- Focus less on short-term activities and inputs
- Review the Auditor General's comments on departments and their performance
- Develop a set of priority areas for question in advance of each meeting
- Target areas where the oversight commission can have the greatest impact and focus on strategic issues
- Determine if the government collected and spent the authorized monies for purposes intended by Parliament
- Consider having an opposition member as chair of the oversight commission.
- Use outside experts if necessary (academia and industry groups)
- Determine efficiency and effectiveness of programs
- Report to the Plenary the commission findings and recommendations
- Encourage the Auditor General to make a difference by focusing on the most significant aspects of the country

Source: Kenneth Dye (October 2011)

Oversight Tools for Commissions

Sectoral and Budget Commissions can scrutinize ministries and other government agencies of the Executive branch either on their own initiative or at the request of the Chamber. The mandates of the Commissions are provided in the Rules of Procedure⁴ of both Houses. The Commission leadership prepares the Commission's program of work in consultation with other members. Commissions have various tools of oversight including ministerial briefing sessions, ministry budget analyses in consideration for strategic plans, and annual reports and public hearings. The common tools for oversight at Commission level include:

- **Oversight on annual progress reports:** these reports are prepared by Executive agencies on an annual basis. In Afghanistan such annual reports can be prepared and submitted to the legislature⁵. These reports should include annual progress of their sector or ministry strategy, and implementation of laws and agreements that were enacted or agreed. Given

⁴ See Rules of Procedures of the MJ and WJ

⁵ Currently, there is no systematic submission of annual reports by ministries, but Article 75 of the Constitution and Public Financial and Expenditure Management Law (PFEML) requires that ministries submit annual reports on their performance and future plans.

HOW TO CONDUCT OVERSIGHT BY PARLIAMENTARY COMMISSIONS

that Commissions also engage in deliberation of bills, it is important to plan and set aside sufficient time for oversight activities to have detailed discussion of the annual reports.

- **Oversight through site visits:** Commissions or a group of Members from a Commission can visit government agencies and other sites either in Kabul or provinces to examine the details of specified administrative programs and their implementation⁶. The site visits should include physical inspections, conversing with people, assessing the impact of service delivery, and developing reports for adoption by Commissions, which contain recommendations for plenary meetings to consider.
- **Budgetary Oversight:** Budgetary oversight is one of the core functions of the sectoral Commissions. The Budget Law, authorized by Parliament, shows how much is allocated to each ministry and policy objectives that are to be achieved by concerned ministries. Budget oversight is therefore the key tool with which sectoral Commissions assess government programs. While Commission scrutiny is based on the Budget Law, the scope of inquiries can go further into questioning the appropriateness of policy itself.
- Budget Commissions of the Meshrano Jirga and Wolesi Jirga have a specialized oversight role to scrutinize the implementation of the budget across ministries. In Afghanistan, the Budget Commission of the Wolesi Jirga has created a sub-Commission on oversight, which is also called the Public Accounts Sub-Commission (PASC)⁷. A separate section on budget oversight discusses the PASC procedures.
- **Oversight of the implementation of laws:** As a legislative body, the Afghan Parliament has to evaluate the implementation of laws that have been enacted. Sectoral Commissions in their respective areas can ideally do this task. Instead of a full Commission looking to the implementation of laws, it can nominate a small group of its members to undertake this task. To make such oversight action work, Parliament can insert provisions in laws that oblige the government ministries to make periodic reports (annual or bi-annual) on their implementation. This activity is practiced for the budget bill. Oversight of existing laws also can improve quality of laws in future.
- **Government participation in Commissions:** In addition to written reports by ministries, Commissions may ask ministers and other government officials to explain the reports and answer questions by members of the Commissions⁸. By obtaining clarifications from government officials, Commissions are better equipped to assess these activities. Oral exchanges in Commission rooms, which are broadcasted by television, enable members of Parliament to hold government officials to account for their actions. The ability of Commissions to demand a minister or any government official to appear before the Commission is a key condition of effective fulfillment of their oversight role⁹. The ministers so requested will either appear in person or dispatch a representative. These meetings have to be recorded through written minutes.

⁶ Representation function of the Parliament requires that Members engage with citizens

⁷ Rule 32, Rules of Procedure, Wolesi Jirga

⁸ This tool is extensively used. Rule 27, Rules of Procedure, Wolesi Jirga and Article 21, Rules of Procedure, Meshrano Jirga

⁹ Article 93 of the Constitution says “any commission of both Houses of the Parliament can question any minister about special issues”

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Process for Commission Hearings in the Australian Parliament

The process may vary from inquiry to inquiry as circumstances demand but usually consists of the following steps:

- Reference received by the Commission
- Reference advertised through various media, and submissions sought from individuals and organizations
- Submissions received and authorized for publication
- Commission conducts on-site inspections, background briefing and seminars (where appropriate)
- Commission conducts public hearings with selected individuals and organizations requested to give oral evidence
- Commission considers evidence and prepares report
- Report is tabled in the Plenary and may be debated
- Copies of the report are made available through various means including the internet.
- Government considers report
- Government responds to report by presenting response in the Parliament

Source: Parliament of Australia

- **Citizen or citizen group participation in Commissions:** Members can supplement the information received from government officials or reports with information from other sources. The Afghan Parliament, like most other parliaments, may invite experts from outside government to provide knowledge and analysis. They may also want to hear the opinion of those who would be either positively or negatively affected by a program. Any parliamentary Commission of the Meshrano Jirga or Wolesi Jirga can conduct these meetings with citizen groups and experts¹⁰.

- **Hearings:** Parliamentary Commissions conduct hearings with public officials, experts, interested parties, and the general public. Commissions conduct these hearings as a form of consultations or means of obtaining evidence. A Commission's decision to hold a hearing is generally taken by a simple majority of Commission members.

Hearings can be also conducted outside the parliament. This can include Kabul or provincial capitals. The hearing process can be conducted with provincial officials and local CSOs and citizen groups in provinces. In addition to oral evidence, citizens and interest groups can also submit written opinions to parliamentary Commissions. These provincial hearings are meant to reach as many as citizens, CSOs, and interest groups as possible.

- **Commission reports:** Once the Commission completes its work, it produces a report summarizing and making recommendations. A simple majority is sufficient to approve a Commission report. The report is submitted to the plenary for further discussion and final

¹⁰ Rule 26, Rules of Procedure, Wolesi Jirga and Article 20, Rules of Procedure, Meshrano Jirga

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vote. This report can also be directed to the government to inform about the Commission's action.

A small number of Commission members – or sub-Commission or working group – may be appointed by the Commission to prepare the draft¹¹.

- **Exchange between Commissions:** Exchange of ideas among Commissions can contribute to effective oversight on Executive agencies. Members of one Commission can attend meetings of other Commissions even though other Commission members cannot vote in the Commission they have been invited to¹². This practice can be very effective during the review of the budget bill. This interaction can help the Budget Commission and sectoral Commissions to understand sectoral policies and budget alignment with sector policies.

Usually an exchange of ideas takes place during the joint Commission meetings on important oversight events. The joint Commission of the Wolesi Jirga meets regularly during the review and discussion of the budget bill. While the Budget Commission looks at budgetary allocations, sectoral Commissions analyze the alignment of budgetary allocations with sector and/or ministry policies and goals.

- **Media in Commissions:** Media presence in Commissions can play a significant role. Proceedings of the meetings can be broadcasted through TV and radio unless the Commission decides otherwise. Details of the Commission hearings can be published in local newspapers. These roles by media would help oversight processes.

Determining Oversight Activities for Commissions

Prioritizing oversight activities: Commissions decide internally about policies, strategic documents, action plans, and institutions that they will oversee over the course of each year. There are a number of laws, strategic documents, and action plans that need to be implemented by state institutions that fall under a Commission's scope of authority. When determining which oversight activities to include in the annual work plan, the Commission needs to give priority to the laws that have entered into force in some earlier stage and the implementation of laws which have not been overseen yet. Oversight of agencies and regulators facing difficulties in their work should be given priority, particularly if various reports reveal violation of legislation and poor management.

Establishment of the working groups or sub-Commissions for Oversight activities¹³: During the course of a year, parliamentary Commissions conduct many activities such as reviewing draft laws, organizing public hearings both in Kabul and provinces, reviewing the reports of governmental and independent institutions, and hosting international delegations or citizens' representatives. Therefore, in order to manage the workload more efficiently, Commissions establish sub-Commissions or working groups for handling certain issues. The working groups and/or sub-Commissions may be established with the aim of reviewing a draft law or overseeing implementation of a law or a government policy. Often a

¹¹ Rule 32, Rules of Procedure, Wolesi Jirga and Article 26, Rules of Procedure, Meshrano Jirga.

¹² Rule 23, Rules of Procedure, Wolesi Jirga and Article 17, Rules of Procedure, Meshrano Jirga

¹³ Rule 32, Rules of Procedure, Wolesi Jirga and Article 26, Rules of Procedure, Meshrano Jirga.

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Commission conducts more than one oversight activity; therefore members are split into working groups. The following guidelines would help in establishing working groups or sub-Commissions:

The Commission usually decides on a group of 3-5 deputies to comprise the working group for oversight of a law, policy or institution. The working group should be comprised of members from a diverse group of members. The composition of the working group/sub-Commission is defined largely based on the issue that is being overseen and the background and interest of members. For example a Commission working group/sub-Commission for overseeing the implementation of the Law on Gender Equality should include a number of female members; the oversight of a strategic document for youth, such as the Strategy for the Employment and Empowerment of Youth, should include members that are young in age. The establishment of oversight working groups/sub-Commissions needs to be formalized by vote, thus ensuring the support of the majority of members present during the Commission meeting. The working group is authorized to oversee a specific matter on behalf of the Commission and is obliged to submit a written report within a certain timeframe to the Commission.

Drafting the action plan for oversight activities: The oversight working group or sub-Commission, authorized by the main Commission, selects from among its members the chair of the group. The chair also assumes the role of the reporter of the oversight working group in the Commission, and presents the final report in the plenary session. Once established and mandated the working group drafts the oversight action plan. The working group should conclude its work within the allotted time, to comply with the deadline for reporting in the plenary session, as planned by the annual work program.

The oversight action plan of the working group may include the following activities:

- Identification of obligations deriving from a law, strategic document, or scope of activities of an institution;
- Collection of data from line ministries that is required even before the field visits for verification;
- Field visits to closely observe the implementation of a law or policy, or the functioning of an institution;
- Field visits to closely observe the implementation of mega development projects;
- Inviting government officials or heads of independent institutions to report in front of the Commission or the working group; and
- Conducting oversight hearings.

When drafting the action plan, the working group is assisted by the Commission support staff. The action plan should include the names of the Commission staff who will be engaged in assisting the working group; other parliamentary units that could provide support in this process, particularly the research department; independent experts who could assist the Commission; CSOs; as well as the necessary technical and financial resources required to implement the action plan.

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Implementation of the Action Plan

The action plan serves as a guideline for Commissions as it defines all steps that need to be followed in order to reach the goal of a specific oversight activity. The action plan specifies the details related to the priorities of the oversight activities, timelines for organizing field visits, organization of the Commission hearings, and ways other relevant stakeholders will be involved in the process.

- **Identifying key aspects of the oversight activity:** Before the working group/sub-Commission initiates the first direct contact with institutions or mega development projects that will be overseen, there is a need for detailed analysis of legislation, information and related documents that will serve the working group when conducting oversight. The Commission staff, engaged in supporting the working group, should prepare an initial report on the situation prior to the formal establishment of a law, a strategic document or an institution. The initial report will help members of the working group understand the subject matter that will be overseen but also generate potential questions that will be addressed to officials during the process of field visits or oversight hearings. For example, the initial report for the oversight of the implementation of a mega project should identify key outputs, outcomes, and service delivery, and number of beneficiaries.
- **Field visits:** Following the preparation of the initial report, the working group begins the second stage of oversight, which encompasses direct visits to the Executive institutions responsible for the implementation of the mega project, specific geographical areas and select communities that are directly affected by the project. Typically Commissions inform their respective institutions prior to the visit. The Commission support staff contacts the responsible persons in the Executive institutions and informs them about the goals of the visit by the Commission, the composition of the delegation, and the time of the visit. However, if considered necessary, the Commission might conduct field visits at any time in order to gather firsthand information. Visits to power plants, mining areas, or certain rivers are good examples of such visits.
- **Oversight hearings:** Oversight hearings have shown to be a very efficient mechanism used by Commissions when conducting oversight. The Afghan Constitution¹⁴ provides Commissions with a broad authority on overseeing the implementation of laws and government policies. This enables them to organize hearings and to summon ministers, deputy ministers, and officials of other state institutions to provide explanations and information related to the implementation of government programs, problems with implementation of laws, and other issues under their jurisdiction. During the hearings, ministers are expected to provide explanations and information as requested by the Commission and answer the questions submitted by Commission members. The Commission also invites citizens affected by a law or a certain policy, civil society organizations, independent experts, and business associations.

¹⁴ Article 93 of the Constitution

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The members of the working group together with the Commission support staff identify organizations and individuals who could contribute to the hearing. Following the identification of potential participants, the support staff sends invitations to all organizations and individuals. The invitation is sent at least a week in advance with the purpose of allowing sufficient time for the participants in the public hearing to prepare written reports. The invitation should contain the name of the Commission that convenes the public hearing, the venue of the hearing (associated with information on how to find the room where the hearing will take place), starting time, other potential participants to whom the invitations were sent, and the rules of presentation and addressing the Commission. Apart from sending direct invitations in the addresses of the participants, the notice for the public hearing should be published on the official webpage of the Parliament and also broadcasted through the media. Hearings are usually held in the premises of the Parliament, but sometimes Commissions also conduct hearings in Kabul outside of the Parliament and in provinces, in order to reach certain communities or particular geographical areas. Oversight hearings are usually open to the media and civil society representatives, but can also be closed on certain occasions. Besides government institutions, Commissions can invite the leaders of independent institutions that report to the Parliament for specific hearings.

The chair of the oversight working group who informs the participants about the goal of the oversight function, activities to date, and the order of discussion in the public hearing convenes the oversight hearing. As a rule, following the chair, the floor is given to the representative of the implementing authority whose work is subject to oversight. Following the speech by the representative of the institution which is being monitored, all participants are given up to 10 minutes for discussion, based on the order of their requests to discuss, or based on the importance that their testimony might have. The Commission support staff collects all the written testimonies, which will be used to draft the oversight report. The entire hearing is transcribed. Even in cases when the hearings are held outside the premises of the Parliament, apart from taking minutes, the support staff must ensure the full transcription of the testimonies of participants. Staff should also work with the media and Department of Information and Public Relations Unit to ensure media coverage.

- ***Engaging civil society organizations and independent experts:*** Apart from the invitation to participate in the public hearing, civil society organizations and independent experts can be engaged in all stages of oversight. There are civil society organizations whose mission is to oversee the implementation of laws, functioning of institutions or implementation of governmental policies. Therefore, the working group for oversight, assisted by the support staff, identifies civil society organizations that are active in monitoring certain policies. The reports from these organizations are reviewed and the working group verifies the findings presented. Furthermore, the Commission may decide to engage certain experts throughout the process. The expert of a given field supports the work of the working group by providing expertise related to the matter under consideration. Inclusion of independent experts and civil society organizations increases the credibility of findings and recommendations revealed by the Commission. Also the civil society organizations are working at the

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grassroots level and can better verify the status of laws and/or implementation of the development projects.

- **Transparency of oversight activities:** Parliamentary oversight activities are a good opportunity to inform the public about the work of the Parliament and the work of institutions in general. Therefore, Commissions should respect the principle of transparency and ensure openness towards the media and the public. While people should be able to see their members voting and approving legislation, the Parliament should make sure to inform them about the activities of members in ensuring the proper implementation of those laws.
- **Annual report of ministries on implementation of their laws and programs¹⁵:** The authority of parliamentary Commissions in different countries to oversee laws and policies is based on their constitution or based on the rules of procedure. The Afghan Constitution requires ministers to report to the Parliament, at the end of the fiscal year, about the tasks achieved as well as important programs for the new fiscal year. When a ministry is directly responsible for the implementation of more than one law or policy, the ministry reports separately for each law or policy. In agreement with the parliamentary Commission, a ministry may submit a comprehensive report about the implementation of all the laws and policies for which the ministry is responsible.

The report submitted by the ministry should contain:

- Start date of commencement of the implementation of the law and/or policy;
- Measures that the Government has taken to implement the law or policy since the date of its entry into force;
- Actual financial cost of the implementation of the law or policy (if different from the Financial Impact Assessment, calculated during the time the draft law or policy was submitted to the Parliament);
- Problems encountered during implementation: external difficulties (obstacles in the field) or internal difficulties (lack of capacities to implement or ambiguities in interpretation of provisions of the law or policy);
- Any plans of the ministry to amend and supplement the law.

¹⁵ Article 75 of the Constitution requires that ministers submit annual report at the end of the fiscal year about the tasks achieved and programs for the new fiscal year.

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Background

In order to improve the functioning of the Parliamentary budgetary institutions such as the Budget Commissions and enhance the budget review and oversight processes through effective coordination with the Ministry of Finance (MoF) and the Auditor General's Office, several study trips have been conducted in the past few years for Afghan Members of Parliament, the Auditor General and his staff, and top officials of the MoF. These included study trips to the United States, South Korea, India, France, and Australia funded by both the World Bank and USAID.

Most recently in early 2013, a delegation led by Members of Parliament visited Australia and had a chance visit the Australian Parliament, Auditor General's Office, and Ministry of Finance and Treasury.

Australia is one of the few countries that initiated and successfully implemented various reforms in fiscal policy and budgeting. These reforms include strict fiscal rules, performance budgeting, medium term expenditure framework, establishment of the Expenditure Review Committee, Parliamentary budget calendar, Parliamentary review and oversight process, Public Accounts Committee, and the significant role of the Auditor General.

Budget Formulation Process

The fiscal year in Australia starts on the 1st of July and ends on the 30th of June of each year. A typical budget cycle begins in September, 10 months prior to the start of the fiscal year. The first step in the budget cycle starts with the Treasurer and the Minister of Finance informing the Cabinet on the process and timetable for the forthcoming Budget. Following the Cabinet's consideration of the submission, the Department of Finance issues a budget circular detailing the timetable and operational rules for the forthcoming budget formulation process.

Pre-budget Submissions

In October, the Prime Minister (PM) writes to portfolio ministers asking them to submit new policy initiatives. Officials from the Treasury, the Department of Finance, and the Department of the PM and Cabinet review the proposals and comment on them. The proposals and comments are sent to the Strategic Priorities and Budget Committee, which comprises the PM as chair, the Deputy PM, the Treasurer, and the Minister for Finance. This is a formal Cabinet Committee, which establishes the Government's fiscal strategy and policy priorities. The Committee reviews the proposals to determine whether they conform to the Government's priorities. Ministers are informed as to which proposals the Strategic Priorities and Budget Committee has approved so that they can be further developed by ministers for consideration by the Expenditure Review Committee (ERC).

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Portfolio Budget Submissions

Agencies (ministries) prepare portfolio budget submission documents in January and February for consideration by the ERC. The portfolio budget submissions outline all proposals and potential savings. Agencies cost the submissions and agree to the costings with the Department of Finance. The initial bids are – on average – reduced by 30 percent before the Department of Finance approves the costing.

Estimates

A key component of the budget process is the preparation of estimates of spending and revenue. In addition to the calculating of spending and revenue for the budget year, estimates are also produced for the forward years. Forward estimates are for the three years beyond the Budget year. Estimates are updated three times per year so that the ERC can make decisions based on the latest information.

Afghan MPs with Australian Members of Parliament during the visit to Canberra (Feb 2013)



Expenditure Review Committee and the Cabinet

The ERC – which usually meets several times in March – is responsible for developing the Budget in line with the Government’s priorities. The ERC is a Cabinet committee and is responsible for recommending to Cabinet how new policy proposals should be funded and by how much. The ERC comprises the Treasurer as chair; the Deputy Prime Minister; the Minister for Trade; the

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Minister for Financial Services, Superannuation and Corporate Law; the Minister for Families, Housing, Community Services and Indigenous Affairs; the Minister for Finance; and the Assistant Treasurer. The Department of Finance acts as part of the secretariat for the ERC. The full Cabinet discusses the decisions by the ERC in April. At this time, the complete set of ERC decisions is considered.

The Parliamentary Budget Cycle

The highlight of the process is the Budget night, which is the second Tuesday in May when the Treasurer gives the Budget speech traditionally presented at 7:30pm. Then the Parliament has less than two months to scrutinize and approve the Budget before the start of the fiscal year on 1 July.

Generally the Budget debate then commences in plenary session in the House, where the final approval takes place. The proposed Budget is almost always approved. The fundamental restriction on Parliament's role is the constitutional provision that the initiative to propose any expenditure rests with the Government. Thus Members of Parliament can only vote to reject or reduce an expenditure proposed by the Government. They cannot propose any new expenditure, nor reallocate funds from one appropriation to another – even if there is no net increase in expenditure.

Reports by the Senate committees scrutinizing the Budget are generally available by the time the House approves the Budget. The Budget bills are then referred to the Senate. This is in practice a formality, as the Senate approves the Budget as proposed by the Government.

After the Budget is tabled by the Minister, the Senate Estimates Committee scrutinizes the Appropriations Bills and other budget documents. The basic function of the Committee is to seek explanations from ministers who formulate policy and from departmental officers who implement policy. The Committees are portfolio-based – such as Foreign Affairs, Defense, and Trade Committees – and they review all agencies falling within the respective portfolio so that all spending and revenue measures are scrutinized. The Estimates Committee process is generally completed in time for Parliament to pass the Appropriations Bill before the end of June. It is exceptional for the Senate to amend the Budget; this is rather an opportunity for holding the Government to scrutiny and to account.

The Fiscal Rules and Budget Structure

Australia is one of the few countries that has established well-disciplined fiscal rules. As a result Australia's position remains very strong while most other developed countries in recent years have faced serious fiscal crises. Net debt as share of its GDP remains less than 10 percent compared to about 50 percent to more than 100 percent in most other developed countries. This was largely as a result of fiscal rules that were introduced in 1985-86. The fiscal rules are:

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- No increase in tax revenues as a proportion of GDP;
- Government expenditure would not increase as a proportion of GDP; and
- The budget deficit would be reduced as a proportion of GDP.

Similarly, Australia has a rich and long history of pioneering budget reforms. Starting with the 2009-2010 Budget, general government agencies began reporting on an outcomes and program basis. The outcomes/programs framework is a hybrid in that it retains outcomes – as in the former outcomes/outputs framework – while drawing on the system of program budgeting that was used before 1999-2000. The move to reporting at the program level is a very positive step in that it has improved transparency considerably by providing information that was sometimes previously not available.

The Joint Committee of Public Accounts and Audit

The purpose of the Joint Committee of Public Accounts and Audit (JCPAA) has remained essentially unchanged since it was first established in 1913: the JCPAA exists to hold Commonwealth agencies to account for the lawfulness, efficiency and effectiveness with which they use public monies. The functions include:

- a) Examine the accounts of the receipts and expenditure of the Commonwealth including the financial statements given to the Auditor General
- b) Examine all reports of the Auditor General (including reports of the results of performance audits) that are tabled in each House of Parliament;
- c) The operations of the Audit Office;
- d) The resources of the Audit Office, including funding, staff and information technology;
- e) Report to both Houses of Parliament on the performance of the Audit Office at any time; and
- f) Determine the audit priorities of Parliament and advise the Auditor General of those priorities.

The JCPAA is appointed at the beginning of each Parliament with 16 members, six of whom shall be appointed by the Senate and ten of whom shall be appointed by the House of Representatives.

The Committee has the capacity to determine its own work program and priorities. This power is unique among parliamentary committees and gives the JCPAA a significant degree of independence from the Executive arm of the Government. The Committee is assisted by a full time secretariat, and on occasions by observers and seconded staff from the Australian National Audit Office and the Department of Finance and Deregulation. The Committee can also employ consultants to provide advice on particular issues.

The Committee's reports are tabled in both Houses of Parliament and copies are distributed to all Ministers and Commonwealth agencies with an interest in the subject of the report.

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Meeting with Australian Deputy Minister of Finance, who is also an MP



Auditor General

The Auditor General is responsible for providing auditing services to Parliament and other public sector entities. The Australian National Audit Office (ANAO) supports the Auditor General, who is an independent officer of Parliament.

The ANAO's primary client is the Australian Parliament. Its purpose is to provide the Parliament, including the audit committees, with an independent assessment of selected areas of public administration, and assurance about public sector financial reporting, administration, and accountability. It conducts performance audits, financial statement audits, and assurance reviews. The ANAO does not exercise management functions or have an executive role.

For the Auditor General, executive government and public sector entities are important clients. The Auditor General's Office performs the financial statement audits of all Australian Government controlled entities and seeks to provide an objective assessment of areas where improvements can be made in public administration and service delivery. This includes working co-operatively with those with key governance responsibilities in entities.

The ANAO has extensive powers of access to Commonwealth documents and information, and its work is governed by its auditing standards, which adopt the standards applied by the auditing profession in Australia. The ANAO adopts a consultative approach to its forward audit program, which takes account of the priorities of the Parliament, as advised by the JCPAA, the views of entities and other stakeholders. The program aims to provide a broad coverage of areas of

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public administration and is underpinned by a risk-based methodology. The Auditor General determines the final audit program.

The ANAO plays an important professional role by contributing, both nationally and internationally, to the development of auditing standards, professional practices, and the exchange of experiences through participation in various peer and professional organizations.

Analysis of Australian Budget Review and Oversight Processes

Australia has a rich and long history of pioneering budget reforms. The institutional arrangements for budgeting in Australia are unique in many respects. Some of the distinctive features of the Australian budget and oversight system are as follows:

- Unique organizational arrangements: strong role of Cabinet committees (Strategic Priorities and Budget Committee and Expenditure Review Committee);
- Strong fiscal rules: strong focus on Cabinet committees during budget formulation provides a unified front for promoting fiscal discipline;
- Rolling multi-year forward estimates;
- Use of outcome and program budgeting framework: this has worked as a catalyst for increasing the focus on results. Australia has extensive experience with successive forms of reviewing the efficiency and effectiveness of existing programs;
- Strong Parliamentary estimates committees: the Senate has developed a robust budget review and scrutiny function through an effective committee system that examines the Government's budget proposal in detail;
- Joint Committee on Public Accounts and Audit which promotes strong oversight by Parliament;
- Truly independent Auditor General who reports to Parliament; and
- Strong performance audits with focus on efficiency and effectiveness of public finances.

In addition to the advanced public financial management systems in place, explicit constitutional restrictions, strong party discipline, and enshrined Westminster political traditions all serve to limit the role of Australia's Parliament in the budget process. Strong institutions in both the Executive and Legislative branches and transparent budgetary processes have made Australia one of the very few countries that have advanced budgetary systems that work and produce effective results.

Lessons Learned

During the study trip, the delegations had an opportunity to see and learn about effective budgetary institutions and processes in Australia. The following are some of the results-oriented institutions and practices that can be implemented in Afghanistan:

- A Cabinet committee ensures a strong political commitment for implementing the government's strategic priorities and development plans through the national budget;

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- The Legislative branch is involved upstream in steering the budget policies and priorities;
- More time availability for Parliamentary budget review and legislation, and issuance of a fixed and transparent parliamentary budget timetable;
- The Legislature has structured and predictable budget review oversight activities;
- A well-functioning Public Accounts Committee or oversight committee for better accountability of executive actions;
- An independent Auditor General's Office;
- A final report (end-year) sent to the Legislative branch with performance reporting by the Executive branch;
- A strong audit report with performance audits in key service sectors by the Auditor General's Office;
- An Independent and Effective Parliamentary Budget Office;
- An effective rolling multi-year expenditure framework with strong alignment with government policies; and
- The Budget is formulated on a performance-based approach.

Key Recommendations for Afghanistan's PFM

Many of the above practices can be recommended to further improve the public financial management (PFM) systems in Afghanistan within its constitutional obligations and other laws including the Public Expenditure and Financial Management Law (PEFML). These recommendations can help in creating a much smoother, transparent, and predictable budget system. The following reforms and actions are recommended:

- **Cabinet Committee:** Cabinet Committee (with MoF as its secretariat), with senior Cabinet Members to lead the budget formulation process from the beginning. This Committee can be similar to the Strategic Priorities and Budget Committee (with Prime Minister as its chair) in Australia which prioritizes the national budget. Ideally, the Cabinet Committee should be presided over by the President. This ensures strong political support for the budget prioritization and reform process. Such an institutional arrangement promotes a solid and unified front for strengthening the budget prioritization process and ensuring that it is aligned with national priorities.
- **The Budget Timetable** is prepared and finalized by the MoF/Cabinet Committee only after consultations with the Budget Committees of the Parliament. The Parliament has limited knowledge about the budget formulation process at the beginning of the budget cycle. The Constitutional obligations require that the Parliament has to be informed about all activities related to the budget process. With this spirit, the MoF has a responsibility to consult with the Parliament before finalization of the budget timetable.

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- **Legislative Budget Timetable:** The Wolesi Jirga prepares (in coordination with the Meshrano Jirga) its two-month budget review timetable and shares this with the MoF. The timeline is expected to include a clear, specific timeline for the budget review process at all levels (budget committee, sectoral committees, joint committee and plenary meetings on budget). This facilitates a structured and predictable budget review process with the MoF and line ministries.
- **Draft budget is presented to Parliament 60 days before the new fiscal year:** The draft budget is presented to both Houses of Parliament two months before the fiscal year starts. This is consistent with Article 98, which requires that the Government is obligated to give to the Wolesi Jirga the budget of the new fiscal year and a brief account of the current year's budget within the fourth quarter of the fiscal year. This also ensures timely approval of the budget before the new fiscal year. A fixed date can be set for the budget speech by the Minister of Finance (in Australia, the second Tuesday in May is set for the budget speech).
- **Wolesi Jirga more involved upstream in steering the budget policy:** Parliament is informed and invited to comment on the budget choices upstream of the presentation of the budget bill so that it can make its position known before the draft budget is formally presented. The Wolesi Jirga's sectoral and budget committees provide inputs to key ministries (including MoF) in an agreed structured format (with MoF/Cabinet Committee) before line ministries prepare and submit their draft budgets to the MoF/Cabinet Committee. This can be done after the MoF shares its pre-Budget Statement with Parliament. This is consistent with current laws (see below).
- **External budget is shared with Parliament:** The detailed external budget is also shared with Parliament, so that Parliament is aware of the total development activities in the country. Such information helps Parliament in the budget review process.
- **Approval of the New Audit Law by Parliament:** Parliament approves the new Audit Law, which makes the Auditor General's Office more independent. A more independent Auditor General is necessary to improve the parliamentary oversight on executive actions.
- **Wolesi Jirga establishes a Public Accounts Committee:** Parliament takes steps to establish the Public Accounts Committee (PAC) and also establish a sustainable Budget Office within Parliament's structure in coordination with the current USAID support.
- **Parliamentary oversight through the Qatia Report:** Parliament prepares a structured format for the Qatia oversight meetings with line ministries. This should have a clear timetable shared with executive agencies and the format for the Qatia hearings with

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line ministries. This facilitates transparent information sharing and coordination between Parliament and the line ministries.

- **The Qatia Report should include performance reporting by the MoF:** The Qatia Report by the MoF includes performance reporting for key line ministries. Initially, this can be piloted for four line ministries such as the Ministries of Education, Health, Agriculture, and Public Works.
- **Performance Auditing by the Auditor General's Office:** The Audit Report should include elements of performance audit. This can be piloted for 2-3 line ministries.
- **Creation of a multi-year expenditure framework adopting a program-based approach:** This ensures implementation of strategic priorities of the Government (including NPPs) and balanced development. This approach needs effective coordination among MoF, donors, and line ministries. This is only possible through strong commitment from the top leadership, including the commitment from the Cabinet.

Annex II



Islamic Republic of Afghanistan
Meshrano Jirga
Report
Of
Provincial Oversight Visit of MJ Delegation
To
Herat Province
May 17 to 20, 2014



Prepared by:

Commission staff with ALBA support

REPORT ON “Provincial Oversight Visit” AN OVERSIGHT VISIT OF HERAT PRISONS, JUSTICE AND JUDICIAL ORGANS

I. INTRODUCTION

The National Assembly of Afghanistan like any other parliaments of the world is carrying the three core constitutional responsibilities of Legislation, representation and oversight in a more systematic and efficient manner. The Meshrano Jirga as elected legislative bodies usually conducts hearings and questioning sessions and invites government officials to have their inputs for strengthening policies and legislations of the country.

In the past few years, there have been concerns about poor parliamentary oversight of the executive which negatively impacted the proper implementation of the laws and delivery of required services to the people of Afghanistan, thus conducting a wide range of provincial field visits as an oversight tools, are considered one of the vital item of oversight of government actions by Afghanistan National Assembly, in order that the MPs and especially the MJ Senators attain the capability to properly oversee the government action in one of the three stages; pre fact, during the fact and post fact and the current oversight visit to Herat will enable the MJ Senators to have inputs on whether or not the prisoners are given their basic human rights? Similarly they will also get information on whether or not the Prosecution office and Courts properly handle their cases?

Moreover, the public perception of Parliament and MPs in Afghanistan, and the work they do, is a critical one. The provincial field visits can help improve public opinion in provincial levels that the level of National Assembly services are not only limited to central level of Afghanistan but they also properly oversee the government actions at provincial and district level too, that help in improving public interest on the National Assembly.

Taking into account the importance of provincial oversight visits in bringing transparency to the work of governmental agencies and ensure proper implementation of the laws, the MJ delegation under the chairmanship of the Legislative, Justice and Judicial Affairs of MJ conducted this provincial oversight visit to Herat to oversee the activities and procedures of the justice and judicial organs of Herat Province.

This report documents the conduct of this provincial oversight visit. It has the following parts: Objectives of the oversight visit, its full coverage, challenges and follow up.

II. Main Objectives for the Herat Provincial Oversight visit:

This Provincial oversight visit was technically and financially supported by ALBA/DAI with the aim to:

1. Oversee the activities, affairs and procedures of the justice and Judicial organs, particularly Prisons, Detention Centers, Prosecution office and Courts;
2. Oversee how prisoner's cases are handled in Herat Province? Whether or not the existing legislations are properly implemented?
3. Ensure proper implementation of the Presidential Decree on Pardon and mitigating the criminal punishments.
4. Visit the Prosecution office, Courts and Human Rights office and to see how they handle Women and Children cases;
5. Meet and hear the views of the Civil Society organizations on how best to improve the activities and work of the justice and Judicial institutions and organs and to listen to their inputs and views on Legislative Process.

III. Event Coverage

The delegation of the Meshrano Jirga (Upper House) under the chairmanship of the Legislative, Justice and Judicial Commission of MJ went to Herat province on Sunday, May 17, 2014.

The delegation was comprised of seven members of the Meshrano Jirga as follows:

1. Three members of the Legislative affairs Commission; Mr. Ghulam Muhyeidin Munsif, head of the delegation, Mr. Mohammad Hassan Hotak, member of the delegation and Mr. Hajji Abdullah, member of the delegation;

2. Two members of Herat province senators, Mr. Eng. Ahmad Javid Rauf, member of the delegation, Mrs. Taiba Zahidi, member of the delegation;
3. Two members of the other commissions, Mr. Mawlawi Mir Hamdullah Munib, member of the Religious Affairs and Education Commission as member of the delegation and Mrs. Masoma Shadab, member of the Women Affairs commission as member of the delegation.

1) **Meeting with Herat Governor:**

During the first day of the Provincial Oversight Visit, the delegation met with Governor of Herat province in his office. The delegation members were warmly received and welcomed by



the Governor of Herat Province. Afterwards, Mr. Ghulam Muhyeidin Munsif, head of the delegation, thanked the Governor for warm welcome, he then highly appreciated the efforts of the Herat local administrations in brining stability and security to Herat province and for successfully conducts of presidential election in Herat province and for the cooperation and coordination among Herat government administrations. He also commended the hard work of governor in general. Later on, Mr. Eng. Ahmad Javid Rauf, senator of Herat province, introduced members of the delegation and added: the oversight of the governmental agencies are deemed one of the key constitutional functions of the National Assembly to ensure proper implementation of the law and effective implementation of rules and procedures. Finally, Mr. Ghulam Muhyeidin Munsif head of the delegation explained the plan and agenda of the provincial visit to the governor.

Herat Governor, while welcoming and warmly receiving the delegation, tasked the security organs to ensure the security of the delegation and asked the local agencies of the province to assist Senators in their provincial oversight.

2) Visit of Herat Province Prison:

The delegation based on their pre-designed plan and agenda, met with Mr. Sayeed Sharif General Director of Prisons and Detention centers in his office. Mr. Ghulam Sakhi Naem, Director of Prison, two prosecutors of the Herat Appeal Prosecution Department and officials of the local administrations also attended the meeting.



The General Director of the Prison said: for the time being 3306 prisoners are within the Herat prisons, both male and female who are arrested for different crimes. Pursuant to the Presidential Decree ratified recently, during the occasion of 7th Sawr, 347 prisoners have been released and we hope that possibly around 1000 other prisoners will be also released in accordance with the provisions of the Presidential Decree. He also added that in addition to the central prison and detention center of Herat province, there are totally 15 detention centers operating in 15 districts of Herat province.

The General Director of the Prison said; current the Herat prison suffers from the following problems:

1. In fact, the prison of Herat was built six years ago for 700 to 800 prisoners, this is while currently around three to four thousands prisoners are kept in the Herat Prison, So the place is too small for huge number of prisoners, and as a result perpetrators of different crimes are kept together in one place contrary to the common norms and rules. For

instance, around 100 prisoners who are sentenced to death are living together in one place with other prisoners, and that may create physical problems for other prisoners or result into a psycho problems.

2. The prison is not secure and safe at all, the distance between the prison and local residential houses are nearly 17 meters. Due to lack of enough space for the prison and because of the prisoner's health safety, daily sewages are get carried away from the prison through septic tanks.
3. Lack of Drinking water is considered another problem that mainly the prisoners are facing with, and should be taking into consideration by the high officials.
4. About 100 acres of the Ministry of Agriculture's land has been given to the Department of Prisons of the Ministry of Interior, and due to lack of sufficient budget, the construction of new building for the prison is stopped. Therefore, considering the problems of the prisoners, we are kindly requesting high officials to pay attention to this issue. Currently, we have only two buildings in the prison and we urgently need two more building.
5. In general, the prisoners don't have any food problem and similarly they don't have any health problems. Approximately, about 20 persons addicted to drugs have been admitted in the prison clinic and they will be kept for 45 days under the treatment of the Doctors. Based on the latest contract that has been signed with the Ministry of Health, the prison has received medicines, facilities and health equipments with the help of the Ministry of Health and International Red cross. Patients, in case if needed, will be also carried out of the prison for more treatment.
6. There is still another big problem, and that is when courts order to release prisoners, some of them who are very poor and are also sentenced to cash fine, they cannot pay the fine, and they can not release themselves on bill, so some of the prisoners are still kept in the prison even after the court issued orders to be released.

7. The General Director of Prison also talked regarding the problem of the prison administration and shortage of organizational structure of the prison administration.

It is worth to say, that fortunately the prison has very friendly and professional relationship with all other local justice and judicial administrations. So we have no problems at all with other governmental agencies. Meanwhile, we have good achievements; some of them are as follows:

1. We had problems with visitors, indeed, there wasn't enough space for visitors to sit and wait until they could be given the permission to meet their prisoners. However, for the time being we built a place for 1000 visitors to wait and sit until they could meet their prisoners.
2. An equipped kitchen will be built soon with the assistance of International Red Cross for the female prison.
3. We have conducted literacy programs and vocational programs and school subjects are being taught by 6 teachers who have been introduced by the Ministry of Education. Also about 3000 books have been distributed to prisoners but due to lack of enough space we have a small room, and we are unable to build a separate building.

Afterwards, the delegation visited the kitchen of the prison and conducted interview with prisoners to see their food situation. In general, they were happy from the food, and their meals are prepared by a cook and some prisoners. Usually rice, vegetable and fruits are served during the lunch and meat is served during the dinner; thus they don't have any problem regarding the food services.

Subsequently, the delegation visited some vocational section of the prison, and they found that different vocations such as metallurgy, garment maker, cobbler, embroidery, gravure, carpet sewing are available in the prison. They also visited the clinic of the prison where around 20 persons addicted to drugs have been bedridden for treatment and then the delegation had an interview with some of them and they were happy for the treatment and the clinic services.

Similarly, the delegation conducted an interview with prisoners and has asked them regarding the situation and quality of their food, accommodation and whether or not their cases are handled properly within the timeframe prescribed in the law, behavior of the officials of the prison, prosecution office and courts personnel. In general, the prisoners were happy from the behavior of the prison personnel particularly the General Director of the Prison, and they were also seemed satisfied from the food, vocational programs, educational programs and health services, even though, some of them asked the members of the delegation to give appreciation letter to the prison personnel particularly the General Director of the prison. Nevertheless, they were not happy from the behavior and attitude of the prosecutors and judges. They made complaints that their cases are not handled properly within the timeframe prescribed in the law and they are not informed about the decision of the court and similarly some of them don't have defense attorneys.

The delegation also met with 100 prisoners who were sentenced to death penalty, some of them requested that their cases should be reconsidered and some of them had complaint that why their sentences are postponed and their families are suffering when they are meeting us. Based on the information we received from the officials of the prison, some of the prisoners were sentenced to death penalty by the Primary Court, some of them by the Appeal Court and some of them by the Supreme Court.

Subsequently, the delegation shared the information with the Prosecution office and asked further information about their cases from prosecutors.

Some of requests and complaints shared with the delegations by the prisoners are as follow:

1. Lack of right to defense lawyer, specifically for poor people. (as based on constitution every citizen have this right)
2. Some of the prisoners are not informed of the nature of the accusation or the court decision.
3. Lack of review on their relevant cases. (According to them; the relevant cases of those poor people who have weak economic status, are not been properly considered)
4. Prolonged execution of death sentence (As their families were very depressed and felt that they have been executed every day!)

5. Not implementation of orders and verdicts, in general
6. And vague destination to the families of those who have been sentenced to death. (The fate and destination of those little kids and other family members are still vague whose father or family elders have been sentenced to death. Therefore, the delegation was requested to take this issue seriously and share it with the relevant authorities for appropriate decisions)

3. Visit of Herat Female Prison

During the afternoon of the same day the delegation of MJ along with Mr. Aseeluddin Jami, Deputy Governor, Mr. Ghulam Mohaidin Hamidi, Deputy Admin Director of the prison and Colonel Mrs. Seema Pazjman, Director of Female Prisoners who has been working since last 27 years, visited the female prison. The Deputy Governor appreciated the efforts of the management of the prison and requested the delegation to grace General Manager and Manager of Female Prisoners with appreciation certificates. The Manager of female prisoners presented detailed information on female prisoners and said that 162 female prisoners are being kept in Herat Female Prison and in comparison with the male prisoners they are in good conditions and she requested the delegation to strictly consider the release of those 14 female prisoners who have been extradited from Iran on the cases of narcotics with the High officials. Afterwards the delegation entered into the prison and met the prisoners and heard their view and recommendations.

4. Visit of the Appeal Prosecution Unit of Herat province

The delegation also visited Mrs. Maria Bashir, Prosecution Unit Head, in her office. Mrs. Maria Bashir is the first countrywide successful female who has occupied prosecution unit of the Herat for last 7 years. Keeping in view the circumstances of the country, she said, smooth running of a prosecution unit is too difficult, specifically in Herat province as it has long border with the neighboring countries and existence of dozens of other impediments such as high rate in crimes and other issues which make setbacks for her duties. She also pointed to few security threats which were posed to her because of her position and further added that the Appeal Prosecution Unit of Herat always exists under the severe threats.

She added: Annually around 3 to 4 thousands criminal cases are being processed in Herat and are being submitted to the relevant authorities and the Appeal Prosecution Unit has given the priority to elimination of violence against women. She also mentioned the martyrdom of 9 prosecutors during her tenure in Herat who have lost their precious lives for the purpose their beloved country and besides she was not happy with the reflection of the relevant central authorities who even did not sent a condolence message to the families of martyred prosecutors.

5. Consultative meeting of the delegation with CSOs of the western zone:

The delegation arranged a consultative meeting and hearing with around 100 members of west zone CSOs at ACCI Hotel and heard their views, critics and recommendation regarding

the functions and duties of justice and judicial departments, law implementations and their findings on handling human rights cases specifically in regard to elimination of violence against women.

Influence of relationships over the principles and regulations, lack of merit base recruitment, failure to comply with law, lack of alternatives to imprisonment in justice and judicial offices, lack of public awareness in regard to laws, disproportion of crime and punishment, lack of rewards and punishments, lack of principle of presumption of innocence, the existence of systematic administrative corruption, lack of accountability sources to respond to public, taking bi-or-multi concepts from the laws, preferred linguistic and ethnic considerations and preference to traditional justice than the laws are the common problems which our people have been facing in governmental institution, specifically in justice and judicial offices.

The lack of coordination among the sectorial departments, and hurdle in law making procedures was considered the faults of the legislative bodies. They added that the law must be short, explicit, and comprehensive so that, the citizens can understand it easily and read it with enthusiasm and interest.



It is seen that in some cases, in a large volume of enacted legislations, the new laws are enacted contrary to the previous ones. Typically, they reminded of the Criminal Procedure Code of Private amnesty law, the law of attorneys, the laws for people with disabilities, which need to be adjusted and amended. The necessity of the new laws to be described so as, according to which needs of the community the law is ratified? They also, requested for the urgent ratification of the law of access to information, as soon as possible. The private higher and semi-Higher education system were also discussed by the members of civil society in the West Zone, they believed that all laws and regulations for the higher education institutions, are ratified according to the personal tastes and must be revised . Credit system does not match with any international standard.

Students cannot admit in two different academic faculties, simultaneously. Activities of the provincial educational institutions are not based on rules. The laws are not enforced exactly. Private education system is decentralized and undocumented, they still want the Higher Education Act was passed soon, and besides that, they complained of the abnormal distribution transcripts and certificates, and the failure to implement the principles of human rights, problems in the organization of professors, absence of the students council or the unions, were the issues that were criticized . They also proposed that all bills must be in accordance with the laws and must be professionalized; special university should be established for peoples with disabilities.

6. Attending of delegation staff in the coordination committee meeting, of Herat judicial departments.

The delegation also attended the coordination committee meeting of judicial departments chaired by the President of the Appeal Court, held once in a month, in order to resolve some problems in the judicial affairs departments of Herat, and to coordinate and accelerate the performance of the judicial departments.



The delegation appreciated and praised for holding of joint coordination meetings of relevant judicial departments of the province and indicated that the conduct of such meetings will have a positive impact on

advancement of their duties better, and they beg His Almighty to grant more success in their duties. The delegation of senate, in addition to visit the Department of Justice, visited the Municipality and Police Headquarter of Herat.

7. Delegation meeting with the head of and the members of the social coordination council of the eleven provinces of the north

In the last days of their duty, the delegation met with the head and members of social coordination council of the eleven provinces of the North, including government officials, merchants and craftsmen living in Herat.

As the head of this council stated, more than 40 year is passed that 6000 families from the different provinces of the north are living in Herat, who are organized in social coordination council of the north. They are working in civil and military organizations of the government, some are businessmen and some working in free market, but until now they have no home in this province that is the inalienable right of every citizen. The delegation of the senate, considering the need of this people, is asking of paying attention for allocating a residential town for them. Likewise there are 600 people who are living since 18 year In Historical city of Herat, are engaged in the spare parts business, they always have problems with the municipality and the people of the region, they work in rental places and sometime have to move from one place to another which imposes extra expenses on them, as they stated that they pay all the taxes according to the income tax law of Afghanistan, but they are deprived of having land. They shared their complaints with the members of delegation and through the it may be shared with the relevant authorities .

Similarly retired DDR and decreased officers of the former 17th division of Heart presented their complaints to the delegation of the Upper House. These officers who are around 243 families are the retired DDR, decreased, and martyred officers families, that have served 30 to 40 years in the army and even since era of King Zaher Shah, they have made mud houses with their personal expenses and permission of the Army Commander, on the property that belongs to the Defense Ministry, and located in the vicinity of the Army Base, they live there and use it a government property, and a fraction of their salaries are transferred to bank for this reason. This process has been continued since 1375. According to Decree No. 60 of the President of the Republic Act 0353 dated 20.11.1369 of that time of the Council of Ministers and the letter 1375 064 that was issued by the secretariat of that time Ministry of Defense all family compounds of the military was given to the officers, but unfortunately the officers of Capital could enjoy of this privilege, not the officers of the provinces.

The officers wanted to share their complaints and petitions with the relevant government agencies of the Islamic Republic of Afghanistan.

Participants

This Provincial visit attended by the following individuals:

A: Participants from MJ

1. Mr. Monsef, Chairperson of the Legislative Affairs commission
2. Mr. Hotak members of the Legislative affairs commission
3. Mr. Abdullah member of the Legislative affairs commission
4. Mr. Moneeb members of the commission on education
5. Mr. Abul Javid Rauf member of the commission on communication and transportation
6. Mrs. Taiba Zahidi member of the commission on women
7. Mrs. Masooma Shadab member of the Woman Affairs commission
8. Mr. Muzafari committee assistant
9. Mr. Ghulam distagir the assistant of Mr. Monsif
10. Mr. Mirwais assistant of Mr. Rauf
11. Mr. Mohammad Tahir from DIPR

B: Participants from ALBA

12. Mr. Mohammad Akbar Zahid Senior Legislative Advisor of ALBA
13. Mr. Mohammad Yousuf Ghaznawi Senior Outreach Advisor
14. Mr. Assraruddin Talwar Procurement officer

I. Follow Up

Following this provincial oversight visit the delegation will do the following activities:

1. The delegation will invite the officials of the Ministry of Interior Affairs to discuss the issue of lack of proper space for the prisoners in Herat Prison.
2. The Delegation decided to present the report in the plenary session of the Parliament.
3. The delegation will also invite the officials from the Attorney General Office and Supreme Court to find proper way for handling the cases of the prisoners within proper timeframe prescribed in the law.

4. The delegation will also grant appreciation letters to those who honestly performed their duties, particularly the General Director of Herat prison.
5. The delegation will also share the inputs and feedback of CSOs organizations with MJ and relevant governmental organs.

With Regard

Chairman of Legislative, Justice and the judicial Affairs Commission

and the head of the delegation of the Upper House

Malawi Ghulam Mohaio -Din Monsef