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Settling for Nothing

International Support for Anti-Corruption Efforts

Afghanistan occupies the wrong end of many scales – maternal and infant mortality, death rates and life expectancy, female literacy, the Human Development Index, GDP per capita, opium production and inflation being just a few. In recent years, corruption has become another area where Afghanistan leads in the wrong direction. Transparency International’s annual Corruption Perception Index (CPI) ranks countries by ‘the degree to which corruption is perceived to exist among public officials and politicians’. Afghanistan first appeared in the CPI in 2005, ranking 117, with 158 as the worst. After disappearing from the CPI in 2006 due to lack of data, Afghanistan reappeared in 2007 as 172/179, in 2008 as 176/180, and by 2009 had fallen to the second-lowest scoring country, ahead of only Somalia. In 2010 and 2011, Afghanistan shared second-to-last place with Myanmar, trailed only by Iraq in 2010 and by Somalia and North Korea in 2011.

The CPI rankings have been denounced by the Afghan government as lies, but they mirror a perception by Afghans and international observers that corruption is increasingly rampant in Afghanistan. Some have gone so far as to characterise the Afghan government as a ‘vertically integrated criminal enterprise’ existing primarily to facilitate corruption.¹ Attempts to explain the extraordinary prevalence of corruption highlight the massive flow of international cash, lack of political will, weak central government, fragile rule

of law, traditional client/patron relations, malignant influence of the narcotics trade, and the short-term mentality that inevitably accompanies long-term insecurity.

The story of how the international community has sought to fight corruption offers an illustration of the arc of international involvement in many issues in Afghanistan:

- Gradual awareness spurring overreaching get-tough measures;
- Blocked by cold reminders of the limits of international influence;
- Regrouped through attempts at pragmatic partnership with the government;
- Halted by the recognition that shared goals were not so shared after all;
- Resolved in the end by realisation that the international community has one goal left in Afghanistan – to leave – and this isn’t it.

International attention to corruption in Afghanistan was at a low simmer for years, in spite of the fact that the 2006 Afghan Compact listed ‘Combat corruption and ensure public transparency and accountability’ as one of its principles of cooperation and the inclusion of anti-corruption as a cross-cutting issue in the 2008–13 Afghan National Development Strategy (ANDS). In 2004, Afghanistan signed the United Nations Convention Against Corruption and the same year created the General Independent Administration for Anti-Corruption (GIAAC). Over time the GIAAC

¹ Dexter Filkins, ‘Letter from Kabul: The Great Afghan Bank Heist’, *The New Yorker* 31 January 2011.

grew discredited through perceptions of inaction (or worse) and image problems stemming from the appointment in 2007 of a head who had served prison time in the US for drug sales.² In 2008, the GIAAC was disbanded and replaced by a new institution, the High Office of Oversight and Anti-Corruption (HoO). The creation of the HoO was welcomed by an international community weary of the GIAAC, but questions were raised from the beginning about political will for the HoO to be effective and about the independence of the HoO, especially as the HoO's director general at the time, Professor Yasin Osmani, was appointed by and reported solely to the president and held a dual role as advisor to the president. Overall the response of the international community to the newly-established HoO was scepticism and limited financial support.

But in the fall of 2009, the issue ignited. After a flawed election that profoundly damaged the relationship between the president and his international partners, corruption became a rallying cry for the international community. Rhetoric by the international community at the time linked corruption with the counterinsurgency effort, describing an Afghan citizenry 'driven into the arms of the insurgency' by the daily trial of graft by government officials. Talking tough about corruption allowed embassies and others to feel that they were taking action in response to the awkwardness many felt over the messiness of a heavily internationally-orchestrated election – without reopening the still very tender wound of the election itself.

In this moment of new determination to fight corruption, there were ambitious ideas. Hillary Clinton and the UK government called for the establishment of an anti-corruption commission. On 15 November 2009, Clinton came out swinging:

I have made it clear that we're not going to be providing any civilian aid to Afghanistan unless we have the certification that if it goes into the Afghan government in any form, that we're going to have ministries that we can hold accountable. We are expecting there to be a major crimes tribunal, an anti-corruption commission established and functioning, because there does have to be actions by the government of Afghanistan against those who have taken advantage of the money that has poured into Afghanistan in the last eight years.³

² Justin Huggler, 'Afghan Anti-corruption Chief is Drug Dealer', *The Independent* (UK) 10 March 2007.

³ John Amick, 'Clinton Sets Benchmarks for Progress in Afghanistan', *The Washington Post* 15 November 2009.

The idea of an anti-corruption commission – a model used in numerous countries with mixed success – was discussed by the international community in great detail, including the composition of the commission, particularly the role of internationals, as well as the relationship of the proposed commission to the HoO. These discussions took place against the backdrop of preparations for the January 2010 London Conference, where international partners planned to push for solid commitments from the president on fighting corruption, including the creation of this commission.

These plans were punctured by an unexpected messenger. Ashraf Ghani, after running an unsuccessful campaign for president against Hamid Karzai, had subsequently joined forces with the re-elected Karzai, acting as a point person for the London Conference. In the lead up to the conference, Ghani invited representatives of the international community to gather at his home to discuss corruption. He explained, in no uncertain terms, that the palace would never agree to an internationally-controlled anti-corruption body.

The international community rushed to regroup and move toward London with a compromise that would still represent progress. The result was an agreement at London to create a new body, known by different names at different stages but eventually named the Monitoring and Evaluation Committee (MEC). The MEC, a six-member committee composed of three Afghan and three international experts, after a long struggle over its terms of reference, was inaugurated in December 2010 with authority to establish anti-corruption benchmarks and monitor progress toward achievement of these benchmarks. In order to perform these functions, the MEC was to convene in Kabul quarterly for approximately two weeks and issue semi-annual reports.

While the lengthy process to finalise the terms of reference, establish funding and create a secretariat for the MEC as well as select the MEC members was ongoing, other events moved forward. In summer 2010, the International Security Assistance Force (ISAF) dramatically increased its focus on corruption, expanding a few positions into a 38-member military and civilian task force named CJI-ATF Shafafiyat ('transparency'), headed by Brigadier General H R McMaster. With a broad mandate to lead ISAF's involvement in all aspects of anti-corruption, Shafafiyat represented a view by ISAF that fighting corruption was essential to their counterinsurgency (COIN) strategy, and Shafafiyat's establishment was accompanied by much discussion about how ISAF would increasingly identify and target corrupt actors.

There was bad news ahead, though. In the early hours of 25 July 2010, police raided the home of Mohammad Zia Salehi, an advisor to the president, armed with evidence of corruption, including wiretaps, sufficient to convince the attorney general to personally approve the arrest. The evidence had been collected by two specialised detection units – the Major Crimes Task Force (MCTF) and the Special Investigations Unit (SIU). Though Afghan, these units were heavily supported and mentored by international partners including the US and UK.⁴ The MCTF and SIU, along with a specialised anti-corruption unit (ACU) within the attorney general's office, represented the international community's best effort to establish an island of excellence – within Afghanistan's deeply flawed criminal justice system – that could put behind bars perpetrators of the highest-level corruption occurring in the country.

The date 25 July 2010 largely represented the death of the hopes that had been poured into the MCTF, SIU and ACU. By the end of the day, Salehi had been released, on orders from the president's office.⁵ The president denounced the arrest, saying that Salehi's rights had been violated and that the arrest was in violation of the constitution.⁶ In the following months, international mentors were prevented from reviewing files or even speaking to Afghan colleagues they had previously mentored, and hopes of high-level non-politically motivated corruption arrests and prosecutions gradually faded.

In the aftermath, the international community sought to regroup. The US back pedalled from the tough talk of fall 2009, talking instead of prioritising efforts to combat low-level corruption.⁷ The US and UK worked to encourage the government to allow mentors back into the MCTF and to encourage creation of a legislative framework for the MCTF that would, it was hoped, protect its work and autonomy. At the time of writing, the Ministry of Justice had prepared a draft law on the MCTF, but there were significant international concerns about the content of the law.⁸

⁴ Karen DeYoung and Joshua Partlow, 'Congress Growing More Wary about Corruption in Afghanistan, Sen. Kerry Says', *The Washington Post* 15 August 2010.

⁵ Michael Isikoff, 'Karzai Faces Crucial "Test" of Will to Fight Corruption', *NBC News* 6 August 2010.

⁶ Karen DeYoung, 'Karzai Move Threatens US Aid', *The Washington Post* 6 August 2010.

⁷ Ernesto Londono, 'As Anti-corruption Measures Lag in Afghanistan, U.S. Looks to Grass-Roots Effort', *The Washington Post* 18 October 2010.

⁸ Chief among these concerns was the fact that the draft law established a new body that was independent of existing law enforcement structures.

In September 2010, the first reports of trouble at Kabul Bank emerged. Although rescued from collapse by a bail-out, reports during the following weeks depicted Afghanistan's largest private bank as operating as a piggy bank for its shareholders, who included close associates of the president. A standoff between the government and the International Monetary Fund (IMF) over whether the government would implement IMF-demanded measures to address both the Kabul Bank crisis and flaws in the banking system that permitted the crisis to occur delayed renewal of Afghanistan's IMF programme for more than a year.⁹

In December 2010, President Karzai announced his selection of the chair of the MEC – none other than Professor Yasin Osmani, the director general of the HoO, the institution whose perceived ineffectiveness had led to the creation of the MEC. Beyond frustration, internationals had no choice but to accept that they had been cleverly out-manoeuvred. Finally, adding insult to injury for some, a new HoO director general was appointed in February – Dr Azizullah Loudin, the former head of the Independent Election Commission who had been removed from that post following international outcry about his role in the fraud surrounding the 2009 presidential election.

The mood in the international community in relation to anti-corruption is bleak these days indeed. ISAF talks of 'an acceptable level of corruption' being a criteria for an area to be ready for transition from international military control. The game of chicken between the IMF and the Afghan government is ongoing but widely expected to be resolved through face-saving compromise that is short on real reform. The MEC has convened for a second time but has power only to provide technical advice that may well fall on deaf ears. In embassies, technical experts have accepted that international influence on corruption would require partner governments to expend political capital and bring in tough measures like aid conditionality – an approach most unlikely as leaders of troop-providing nations, including the US, focus increasingly on getting troops home before their next elections. In government offices, an end of days feeling has taken hold – a belief that this time the international community really is leaving, bringing desperation to cash in before the money vanishes.

Corruption will diminish in Afghanistan eventually. It will diminish because international money will dry up, leaving fewer opportunities to steal. It may diminish because fed up individuals and

⁹ 'Afghan Parliament Approves \$51m Payout over Kabul Bank', *AFP* 16 October 2011.

communities demand an end to it or refuse to pay. Business owners may decide that corruption has more detriments than benefits, and the media may become effective at shaming people. New political

leaders may bring fierce political will to the problem. But none of this is happening this year, and none of this is happening because of international efforts, no matter how hard we tried.

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ABOUT THIS CHAPTER

This chapter is part of a larger volume called *Snapshots of an Intervention: The Unlearned Lessons of Afghanistan's Decade of Assistance (2001–2011)*, edited by Martine van Bijlert and Sari Kouvo. The volume is a collection of 26 short case studies by analysts and practitioners, each with long histories in the country, who were closely involved in the programmes they describe. The contributions present rare and detailed insights into the complexity of the intervention and, in many cases, the widely shared failure to learn necessary lessons and to adapt to realities as they were encountered.

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