GOVERNANCE CONTENTS

GOVERNANCE

As of March 31, 2014, the United States had provided nearly $26 billion to support governance and economic development in Afghanistan. Most of this funding, more than $17.5 billion, was appropriated to the Economic Support Fund (ESF) administered by the State Department and the United States Agency for International Development (USAID).[302]

KEY EVENTS

Afghanistan held presidential and provincial council elections on April 5. Approximately seven million Afghans (of whom 35% were females) voted.[303] Eight presidential candidates and 2,595 provincial candidates (including 299 females) participated in the election.[304] Of the provincial council candidates, 70% were reported to be between the ages of 25 and 35.[305] The election faced fewer violent attacks than in 2009, and attacks were mostly concentrated in the north, east, and west, rather than the south as in previous elections.[306]

On April 7, the chief of the Electoral Complaints Commission (ECC) told journalists that the April 2014 election appeared to be less fraudulent than the 2009 presidential election, but he noted that it was too early to deter-mine the seriousness of the complaints.[307] On April 13, however, the ECC announced that there were more reports of serious instances of fraud than during the 2009 election.[308]

The Independent Election Commission (IEC) Chairman, Yousaf Nuristani, announced on April 20 that partial results representing 49.67% of votes (3,451,982 votes from 34 provinces) showed presidential candidate Abdullah Abdullah with 44.47% and Mohammad Ashraf Ghani Ahmadzai with 33.18% of the vote.[309] Full preliminary results are due on April 24.[310] A summary of the partial results appears in Table 3.17.

In other news, First Vice President Muhammad Qasim Fahim died from natural causes on March 9, 2014. Mr. Fahim was a former Northern Alliance commander and ethnic Tajik leader.[311] President Karzai nominated Yunus Qanooni, another ethnic Tajik formerly with the Northern Alliance, as Mr. Fahim's replacement following consultations with politicians from northern Afghanistan and former anti-Soviet commanders.[312] On March 25, parliament approved Mr. Qanooni.[313]

TABLE 3.17

PARTIAL RESULTS OF THE APRIL 5 PRESIDENTIAL ELECTIONS AS OF APRIL 20, 2014

Name of Candidate	Number of Votes	Percent
Dr. Abdullah Abdullah	1,535,212	44.47
Dr. Ashraf Ghani Ahmadzai	1,145,400	33.18
Dr. Zalmai Rassoul	354,921	10.28
Abdul Rab Rassoul Sayyaf	240,963	6.98
Qutbuddin Hilal	94,488	2.74
Gul Agha Shirzai	55,744	1.61
Mohammad Daoud Sultanzoy	16,890	0.49
Hedayat Amin Arsala	8,364	0.24
Total Votes	**3,451,982**	

Notes: The partial results represent approximately 49.67% of the votes cast from 34 provinces. According to the Independent Election Commission, the results were based on votes whose authenticity had been verified.

Sources: Independent Election Commission, "Presidential Elections Partial Results," 4/20/2014; Tolo News, "Abdullah Leads Second Round of Partial Results," 4/20/2014.

ELECTIONS

Despite threats from insurgents, Afghanistan successfully held presiden-
tial and provincial council elections on April 5. According to the National
Democratic Institute (NDI), a nongovernmental organization funded by
USAID to support the Afghan election process, the turnout of an estimated
seven million voters was unexpectedly high, causing some polling stations
to run out of ballots and prompting extension of polling hours. According to
NDI, as of April 7 it was too early to evaluate the effects of anti-fraud mea-
sures and to make a final assessment of the electoral process.[314]

The head of the IEC was quoted as saying a run-off election, if required,
may occur in either late May or early June.[315]

Of the 11 presidential candidates approved by the ECC in November,
three withdrew prior to the election. Candidates Abdul Qayum Karzai
and Sardar Mohammad Nader Naim withdrew from the race and offered
their support to former foreign minister Zalmai Rassoul on March 6 and
March 26, respectively. Former defense minister Abdul Rahim Wardak
withdrew from the race on March 16, but made no announcement of sup-
port.[316] The remaining candidates were Abdullah Abdullah, Daud Sultonzoy,
Mohammad Ashraf Ghani Ahmadzai, Zalmai Rassoul, Qutbudin Hilal,
Mohammed Sahfiq Gul Agha Sherzai, Abdul Rab Rassoul Sayaaf, and
Hedayat Amin Arsala.[317]

On March 19, the ECC announced the disqualification of 116 out of 2,713
provincial council candidates for failing to meet either the education or age
requirements, or for failing to appear before the ECC to defend themselves
against complaints.[318] This announcement concluded the ECC's review of the
2,212 complaints leveled against provincial council candidates.[319] According
to NDI, the ECC has disqualified 205 provincial council candidates since
November 2013.[320] The ECC has also referred 200 complaints to the Afghan
Attorney General's Office (AGO) for possible criminal prosecution.[321]

During this reporting period, the ECC also warned, and in one case
fined, presidential candidates for violations of the election law. The viola-
tions included improper use of government assets. Presidential candidate
Ghani received a 50,000 afghani (AFN) fine—approximately U.S. $871—
for continuing to use armored vehicles provided to him when working
for the government. The ECC warned two other candidates against using
government resources, but indicated evidence was insufficient to war-
rant more than a letter. Presidential candidate Sultanzoy was accused
of threatening a reporter; the ECC referred his case to the AGO.[322] On
April 1, the ECC fined candidate Rassoul 300,000 AFN—approximately
U.S. $5,198—and candidate Sherzai 100,000 AFN—approximately
U.S. $1,733—for improperly benefiting from government resources and
insulting another candidate respectively.[323]

According to NDI, despite a widespread perception that candidates
exceeded their campaign spending limits, the IEC and ECC had almost no

ability to monitor candidate compliance of these regulations. At one point they called on civil society and the general public to report any overspending by candidates.[324]

U.S. Support for the Elections

The U.S. government funded programs providing technical support, outreach, and polling, as well the deployment of both domestic and international observers to help the Afghan government hold free and fair elections.

USAID contributed $55 million to the United Nations Development Programme's (UNDP) Enhancing Legal and Electoral Capacity for Tomorrow-Phase II (ELECT II) to help the Afghan government prepare for and manage the elections. The United Kingdom, the European Union, Italy, Germany, France, the Netherlands, Sweden, Denmark, Norway, and Japan contributed the remainder of the $129 million that ELECT II estimated was necessary to support the elections.[325]

The U.S. Embassy Kabul announced in late January that it had cancelled funding for a series of opinion polls following accusations that the polls were an attempt to manipulate the outcome of the elections. A U.S. Embassy Kabul spokesman told reporters such accusations of bias were baseless.[326]

USAID provided assistance for electoral monitoring through its Supporting Political Entities and Civil Society (SPECS) program. SPECS awarded sub-grants to four Afghan civil society organizations to deploy approximately 2,200 domestic elections observers (1,253 male and 947 female) to 34 provinces and 270 districts.[327] According to NDI, more than triple the number of domestic monitoring groups applied for IEC accreditation this year compared to 2009. In the 2009 elections, the IEC accredited 21 observer groups and 9,228 domestic observers. In 2014, the IEC accredited 67 domestic election monitoring groups and issued 11,357 accreditation cards.[328]

USAID supported international election observation missions through awards to three organizations: NDI, Democracy International (DI), and the Organization for Security and Co-operation in Europe (OSCE). NDI and DI received six-month awards, February 1–August 1, 2014, designed to cover a potential run-off campaign. The OSCE election support team planned to be in Afghanistan for eight weeks beginning in early March 2014.[329]

More than 417 foreign observers from 17 organizations registered as election monitors for the April 2014 election. This was significantly fewer than the 1,200 who observed the 2009 presidential poll. On March 20, the Serena Hotel in Kabul was attacked and one of the NDI election monitoring party was among those killed.[330] Recent news reports indicated that several international observer missions have either withdrawn or significantly reduced their presence following the Serena Hotel attack. The OSCE mission initially withdrew, but sent back half of their 15-person advisory team. NDI withdrew its international observers after one of them died in the Serena

In February, SPECS master trainers trained female provincial council candidate agents on election rules and regulations, rights and obligations of polling staff, voting, and the vote counting processes. (SPECS photo)

TABLE 3.18

USAID PROGRAMS INTENDED TO SUPPORT THE 2014 PRESIDENTIAL AND PROVINCIAL COUNCIL ELECTIONS				
Project Title	Start Date	End Date	Total Estimated Cost ($)	Cumulative Disbursements as of 3/31/2014 ($)
Afghan Civic Engagement Program (ACEP)	12/4/2013	12/3/2018	$70,000,000	$1,341,817
Enhancing Legal and Electoral Capacity for Tomorrow (ELECT) II	9/28/2013	9/27/2014	55,000,000	-
Electoral Reform and Civic Advocacy (AERCA)	7/7/2009	12/31/2015	38,702,682	29,122,253
Supporting Political Entities and Civil Society (SPECS)	7/7/2013	7/6/2016	18,000,000	5,478,876
International Election Observation (NDI)	2/1/2014	8/1/2014	4,000,000	490,000
International Election Observation (DI)	2/1/2014	8/1/2014	3,999,925	761,829
Election Support Team to Afghanistan (OSCE)	2/20/2014	7/15/2014	1,500,000	1,500,000

Source: USAID, response to SIGAR data call, 4/7/2014.

attack; however, NDI reported that 101 NDI Afghan staff observed the elections at 327 polling stations in 26 provinces. DI chose not withdraw any of its 18-person team, but refrained from sending an additional 10 observers.[331]

In February, the USAID Office of Inspector General issued an audit of their June 2011 to June 2013 review of USAID's election assistance programs in Afghanistan. The audit found that:[332]

- USAID assistance has strengthened Afghan institutions' ability to promote electoral credibility, inclusiveness, and transparency.
- USAID had not finalized support arrangements for electoral dispute resolution, and its support for civic outreach and education, electoral observation and monitoring, and women's participation had limitations.
- USAID-supported debate and discussion culminated in the approval of two laws that established a permanent electoral complaints commission and set out a clear process for appointing commissioners to oversee the bodies responsible for administering elections and resolving electoral disputes.
- The sustainability of some USAID-supported activities including the funding and staffing of the IEC and civil society organizations (CSO) remains problematic.
- Monitoring and reporting weaknesses characterized some aspects of electoral assistance.

SIGAR previously reported extensively on the election support programs. Please see pages 110–119 of the October 2013 Quarterly Report for more detail. A summary of USAID programs intended to support the 2014 presidential and provincial elections appears in Table 3.18.

Preparations for the Election

According to the UN Secretary-General's Special Representative for Afghanistan, technical preparations for the April 2014 elections, which included plans for fraud prevention and mitigation, were superior to previous election cycles.[333] According to USAID, the Afghan government met the

four elections-related targets for Tokyo Mutual Accountability Framework "hard deliverables" by (1) updating and maintaining an election timeline, (2) appointing qualified elections commissioners, (3) swiftly implementing the new elections law, and (4) coordinating security-related elections preparations and implementing voter registration drives.[334]

Despite the improvements, ensuring female participation in the election process remained a challenge. According to NDI, the voter-registration process indicated that women in less secure regions were less likely to apply for voter cards. Both the IEC and the ECC had difficulty meeting their targets for recruiting female personnel across the country. As of mid-March, the IEC reported that women comprised 21% of its 3,200 district field coordinators, slightly higher than previous elections but significantly short of its 50% target. The IEC also sought to recruit women for its civic and voter education program. Although it did not reach its 50% goal, about 33% of its 1,428 educators were women. There were stark differences between regions, with female representation ranging from 40% to 50% in northern and western provinces to as little as 8% to 19% in southern and eastern provinces. Although the ECC's goal was to have women comprise 30% of its staff, as of mid-March women accounted for only 10% of its staff. Only six of the 102 provincial commissioners sworn in were women.[335]

According to USAID, the IEC continued to register new voters at the 41 registration centers in 34 provincial capitals until two weeks before polling day. These included returnees, people who changed constituency, and those whose old voter cards were lost or damaged. As of February, the IEC had registered an additional 3,557,260 voters, of whom 1,228,578 (34.58%) were female.[336]

Opportunities for Fraud

Early reports on the elections indicated that there was much less fraud committed than in the 2009 elections. On April 7, the chief of the ECC told journalists that despite a total of 122 fraud-related complaints lodged against the presidential candidates, the April 2014 election appeared to be less fraudulent than the 2009 presidential election. He noted that it was too early to determine the seriousness of the complaints.[337] The two front-runners, Abdullah and Ghani, reportedly said the 2014 elections were "much cleaner" and "the scale of the fraud is not massive."[338] On April 9, the Free and Fair Election Forum of Afghanistan (FEFA) reported that initial observations from their 9,500 elections observers suggested election irregularities and fraud occurred less often than in 2009. FEFA did, however, report proxy voting (wherein a person casts a vote on behalf of someone else) at 507 polling stations and ballot stuffing at 141 stations.[339]

On April 13, however, the ECC announced that there were more reports of serious instances of fraud than during the 2009 election. The ECC has recorded a total 870 incidents of fraud classed as "Priority A," complaints

The Afghan Air Force picking up election ballots to deliver to remote districts in Paktika Province. (U.S. Army photo)

considered serious enough to affect the outcome of the election, higher than the 815 incidents recorded in 2009. The ECC stated that it may be necessary to extend the complaint review period to further accommodate complaints from the provinces.[340]

On April 16, the FEFA and the Transparent Election Foundation of Afghanistan stated that elections authorities have not allowed domestic monitoring groups to observe vote counting and the complaints adjudication process. Both the IEC and ECC rejected this criticism. The IEC said observers have been able to observe the vote counting. Although the ECC is investigating roughly 1,400 cases of possible voting irregularities, the ECC said it had not yet begun to review fraud cases and therefore has not invited domestic observer groups to adjudication meetings.[341]

Independent observers highlighted the potential for fraud in Afghanistan's chaotic voter registration system. NDI pointed out that Afghanistan has no voter registry, voter list, or census, making it impossible to conduct accurate checks on voter registration and determine accurate voter participation figures.[342] The Afghanistan Analysts Network (AAN) reported that a large discrepancy between the estimated number of voters and the actual number of voter cards might facilitate election manipulation. The total number of legal voter-registration cards issued stands at approximately 21 million, something the AAN previously said it found "unbelievable."[343]

No one knows how many Afghans are eligible to vote. Both the IEC and NDI estimated that about 12 million Afghans are eligible to vote, while the European Union has cited an estimated 13.5 million.[344] The IEC spokesman said the IEC does not know the true number of voters because multiple registrations have produced twice as many registration cards as the estimated number of eligible voters. Furthermore, the IEC spokesman said voter-registration cards do not have an expiration date, were not tracked in a database, and are valid for any election. Without a voter list, there was no way to check eligibility on the election day.[345]

According to NDI, female voters are not required to have their photo taken during the registration process, which makes proxy registration and registration of "ghost" voters possible. Figures indicating a higher number of female registrants in some of the more conservative areas of the country (for example 47% in Paktika compared to only 33% in Kabul) raise questions about the potential for fraud and election irregularities. In addition, there are no safeguards against multiple registrations and use of multiple cards obtained in previous registration drives.[346]

According to the AAN, the IEC is looking into the possibility that a considerable proportion of the ballot shortages reported on election day may have been caused by partial stuffing of ballot boxes before polling stations opened or hiding papers to be subsequently filled in after hours.[347] According to NDI, the IEC provided 600 ballots per polling station with the expectation that it would take at least 10 hours to go through 600 ballots at

one minute per voter.[348] However, several polling centers reported that they ran out of ballots by noon.[349]

The IEC has instituted several changes to mitigate fraud. These include:

- improving tracking of ballots through packing numbers displayed on individual ballots, incorporating results forms and results sheet envelopes
- adding security features on the ballot
- employing both an invisible ultraviolet ink and indelible ink to identify those who have voted
- using transparent tamper-resistant evidence bags[350]

The IEC also announced plans to distribute election materials to polling centers much closer to the date of the election to prevent tampering. Moreover, the IEC decided not to have polling centers in private homes, as in past elections, but in government buildings such as schools or clinics. Votes were to be counted on-site.[351]

The Ministry of Interior (MOI) announced arrests and suspensions for attempted election manipulation. In one case, the MOI suspended three senior police officers, a lieutenant general, and two colonels for interference—such as backing a particular candidate—in the election process.[352] The day before the election, the MOI also announced the arrest of five people, including an IEC employee who served as a district field coordinator, for attempting to sell 4,000 voting cards in Kabul. Police in Kunar Province also arrested a 10-year-old boy for carrying approximately 12,000 fake voter cards in Kunar Province.[353]

NDI pointed out that in past elections, the areas of the country most affected by the insurgency and beyond the scrutiny of observers were also the most plagued by fraud.[354]

Election Security

Afghan authorities began planning security for the 2014 elections much earlier than in the past. NDI considered this a significant improvement over the 2009 presidential election, when the list of polling stations was released just days before the election.[355] The MOI established a special commission on electoral security to work in close coordination with the IEC.[356] The plan called for the Afghan National Police (ANP) to guard polling stations while the Afghan National Army (ANA) provided a second perimeter of defense.[357] The Afghan Local Police (ALP) were not asked to guard election sites due to concern that they are affiliated with various provincial candidates, but were deployed in the second or third security perimeters.[358]

On March 30, the IEC announced an updated, final list of polling sites, with 748 of 6,770 proposed polling sites to be closed, partially to mitigate fraud.[359] The most affected provinces included Ghazni (60 centers), Herat (31 centers), Nangarhar (115 centers), and Zabul (32 centers).[360] Zabul and

On election day, Afghan National Security Forces discuss strategies in the Regional Operations Coordination Center in Paktia Province. (U.S. Army photo)

Nuristan Provinces were particularly affected, with, respectively, 58.1% and 82.8% of the designated polling stations closed on election day.[361] On election day, 205 of the final estimate of 6,423 centers did not open, primarily due to insecurity, with the largest number of closures in Herat and Nangarhar. In total, approximately 13% of the polling centers initially planned for the 2014 elections were not open on April 5.[362]

In a review of the 2009 presidential elections, DI found that bad actors exploited the reality that fewer observers, agents, and IEC officials were able to be present at polling locations in insecure areas. The DI report quotes the UNDP's ELECT project:

> The [Afghan] security forces indicated they could secure all locations and had to be pushed for a more realistic assessment—either they did not want to admit for political reasons, that they were not in control of significant parts of the country, or were directly complicit in lining up the process for fraud. ... Security forces insisted on polling centres opening that could not be secured and where fraud eventuated.[363]

The report further quotes UNDP ELECT, stating that it had "powerfully advocated resistance to security ministries' calls for polling centres almost certain to be for 'ghost voters.'"[364]

Last quarter, the leader of the Islamist party Hizb-e Islami, Golbuddin Hikmatyar, reversed his previous boycotts of Afghan elections and asked his supporters to participate in the April 2014 election.[365] A Hizb-e Islami spokesman later qualified the support as being limited to presidential candidate Qutbuddin Hilal, who is himself a former head of Hizb-e Islami's political commission.[366]

Insurgents conducted several high-profile attacks and attempted to intimidate voters in the run-up to the election. Especially in the rural south and east, the Taliban planted statements warning voters to boycott the election or face violence.[367] Three presumptive presidential front-runners (Abdullah, Ghani, and Rassoul) cancelled their appearances in televised debates scheduled for early April due to security threats in Kabul.[368] Some presidential candidates did hold large campaign gatherings across the country, but those were mostly confined to provincial capitals as many districts were deemed too insecure.[369]

Insurgents attacked the IEC headquarters in Kabul hours before the election commission was due to announce details of how many polling stations would be opened.[370] There were also reports of a provincial council candidate being kidnapped and killed in Sar-e Pul Province; five IEC personnel kidnapped in Nangahar Province; insurgents announcing the planting of mines along roads to dissuade voters in Ghazni Province; and an attack against a regional IEC office in eastern Kabul that killed a provincial council candidate.[371] In addition, insurgents mounted attacks against several presidential campaigns, including candidates.[372]

Afghan election officials reported that from June 1, 2013, to April 3, 2014, they recorded 160 security-related incidents against electoral bodies, with the highest number reported from Herat Province. In the week preceding the polls, there were 116 threats recorded against the polling centers and electoral activities in 25 provinces.[373] The IEC was quoted as saying that there were no attacks on any polling centers in Kandahar Province in the south.[374] In the east, however, the U.S. commander of Training, Advise, and Assist Command Southeast was quoted saying, election day was "one of the most violent days in Afghanistan." He also acknowledged that it is easier to defend against attacks that are expected, such as those during the election, but it is much harder for the Afghan security forces to sustain that level of defense.[375]

To improve security as well as increase female voter turnout, the MOI launched the Female Searcher Program, which, according to the MOI, recruited and trained up to 13,000 female volunteers to serve as subsidized personnel to conduct body searches of women at each of Afghanistan's more than 6,400 designated polling centers. Deploying women to search female voters is important because Afghan custom forbids men to touch unrelated women. The goal of this project was prevent women with weapons—or men disguised as women—from entering polling places to conduct attacks.[376]

As it is customary for Afghan women to travel under the escort of male relatives, the MOI allocated resources to support the travel of male relatives to accompany its female searcher personnel, according to NDI.[377] State contributed $1.7 million to this $3.7 million project via UNDP's Law and Order Trust Fund for Afghanistan (LOTFA). State said the process was initially impeded by significant logistical hurdles, but reports indicate that female searchers were deployed and working in urban areas.[378]

NATIONAL GOVERNANCE

The United States provides assistance to Afghan governing institutions to build capacity to perform critical services and thereby increase their legitimacy in the eyes of the Afghan population in two ways: through contracts, grants, and cooperative agreements, and increasingly, through on-budget assistance.[379] In this final year of the security transition, the U.S. government is particularly focused on increasing the financial and program-management capabilities of Afghan government institutions. It is using a combination of capacity building and on-budget programs to achieve this end.[380]

According to the UN Secretary-General's Special Representative for Afghanistan, the Tokyo Mutual Accountability Framework (TMAF) serves as the cornerstone of international engagement and is the agreed instrument for deploying civilian development assistance in Afghanistan.[381] The international community and Afghan government agreed to the TMAF at the Tokyo Conference of donors in July 2012. The TMAF set out 16 commitments, called indicators under the agreement, for the Afghan government

TABLE 3.19

U.S. ASSESSMENT OF GOVERNANCE-RELATED TOKYO MUTUAL ACCOUNTABILITY INDICATORS AND HARD DELIVERABLES

Tokyo Mutual Accountability Framework Indicator	Tokyo Mutual Accountability Framework "Hard Deliverable"	Hard Deliverable Met? (Yes/No)*
Representational Democracy and Equitable Elections		
Develop, by early 2013, a comprehensive election timeline through 2015 for electoral preparations and polling dates.	Develop, by early 2013, a comprehensive election timeline through 2015 for electoral preparations and polling dates.	Yes
Ensure that a robust electoral architecture is developed in a secure, participatory, and transparent manner to enable successful and timely elections.	The government engages in a consultative and transparent process for all upcoming senior Independent Electoral Commission (IEC) appointments, which results in the selection of qualified and well respected IEC senior appointees, so they have broad support.	Yes
	The government actively supports the implementation of a legislative framework to be passed by the National Assembly by June 2013. The framework is to meet international standards and include an impartial, credible, and independent electoral complaint resolution mechanism.	Yes
	Government ministries coordinate and work closely with the IEC to help ensure timely and successful implementation of the IEC's: (i) voter registration plan which complements e-tazkera; (ii) operations plan which includes security planning, capacity building, fraud mitigation, and inclusive voter outreach.	Yes
Governance, Rule of Law and Human Rights		
Ensure respect for human rights for all citizens, in particular for women and children, and allow the Afghanistan Independent Human Rights Commission (AIHRC) and civil society organizations to perform their appropriate functions.	AIHRC commissioners are appointed in accordance with Article 11 of the AIHRC Law and Paris Principles, and drawing on consultation with cross-section of civil society organizations. The appointment process will enable AIHRC to retain its 'A' accreditation by the International Coordination Committee of National Human Rights Institutions.	No
Demonstrated implementation, with civil society engagement, of both the Elimination of Violence Against Women Law (EVAW), including through services to victims as well as law enforcement, and the implementation of the National Action Plan for Women (NAPWA) on an annual basis.	The Ministry of Women's Affairs (MOWA), Ministry of Interior (MOI) and Attorney General's Office (AGO) coordinate to produce a detailed report on the application of the EVAW law in each province. The report should include: the number of EVAW cases brought to the police, disposition of each case (whether prosecuted or not) and the outcome of the prosecuted cases. The data collected should be made public and serve as a baseline for future analyses of EVAW law implementation.	No
Enact and enforce the legal framework for fighting corruption including, for example, annual asset declarations of senior public officials including the executive, legislative, and judiciary.	Collect the asset declarations forms from high-ranking government officials (per Article 154 of the Constitution), and publish them on the High Office of Oversight (HOO) website to be available for the public and mass media. Declared assets will continue to be verified based on Afghan law and HOO capacity.	No
Government Revenues, Budget Execution and Sub-National Governance		
Through more efficient, transparent, and accountable customs and tax systems, raise the ratio of revenue collection to GDP from 11% to 15% by 2016, and to 19% by 2025.	N/A	N/A
Improve budget execution to 75% by 2017.	N/A	N/A
Enact a legal framework to clarify roles, and responsibilities of government agencies at national, provincial, and district levels, in line with the 2010 Sub-National Governance Policy.	N/A	N/A
Develop a provincial budgeting process that includes provincial input into the relevant ministries' formulation of budget requests, linked to a provincial planning process in which Provincial Councils have their consultative roles.	Develop a provincial budgeting process for FY 1393 that includes provincial input into the relevant ministries' formulation of budget requests, linked to a provincial planning process in which provincial councils have their consultative roles.	Yes

*These assessments of progress were used to inform the TMAF incentive funds disbursement decisions.

Source: USAID, ODG, response to SIGAR data call, 3/31/2014.

and nine for the international community. Under the framework, follow-up mechanisms were also put in place to monitor progress at Senior Officials Meetings. In the run-up to the first meeting on July 3, 2013, the TMAF indicators were augmented with intermediate targets called "hard deliverables" for both the Afghan government and the international community.[382]

A Special Joint Coordination and Monitoring Board (JCMB) meeting was held on January 29, 2014, to assess TMAF progress and to formulate guidance in anticipation of a new Afghan government following the elections.[383] The progress of governance-related TMAF indicators and hard deliverables is discussed throughout this quarterly report. Table 3.19 summarizes the TMAF indicators and hard deliverables along with the latest assessment of progress.

On-Budget Assistance

To improve governance and align development efforts with Afghan priorities, international donors at the 2010 London Conference committed to increase the proportion of development aid delivered on-budget through the Afghan government to at least 50%. The donors, including the United States, reiterated this pledge at the July 2012 Tokyo Conference.[384] However, donors conditioned their support on the Afghan government's fulfilling a set of commitments outlined in the TMAF. These commitments include, among other things, improved management of public funds.[385]

The United States is providing on-budget assistance through bilateral agreements with seven Afghan government entities and through contributions to two multi-donor trust funds: the Afghanistan Reconstruction Trust Fund (ARTF) and the Afghanistan Infrastructure Trust Fund (AITF).[386] The ARTF, administered by the World Bank, provides funds to both the Afghan government's operating and development budgets in support of Afghan government operations, policy reforms, and national priority programs.[387] The AITF, a multi-donor trust fund administered by the Asian Development Bank, coordinates donor assistance for infrastructure projects in Afghanistan.[388] According to USAID, the majority of on-budget funding has been and will continue to be directed through the multi-donor trust funds, particularly the ARTF.[389]

As shown in Table 3.20 on the following page, USAID expected to spend $986 million dollars on direct bilateral assistance. It also expects to contribute almost $2.7 billion to the ARTF and more than $180 million to the Afghanistan Infrastructure Trust Fund (AITF).[390]

According to USAID, the actual disbursement of funds through bilateral on-budget programs is slower than either side would like. USAID attributes the low budget-execution rate to limited Afghan government capacity and the risk-mitigation measures USAID applies to on-budget assistance.[391]

The U.S. and Afghan governments have differing ways of measuring U.S. progress toward fulfilling its commitments to provide more funding through the Afghan government budget.[392] USAID says the Afghan government only

TABLE 3.20

USAID ON-BUDGET PROGRAMS					
Project Title	On-Budget Partner	Start Date	End Date	Total Estimated Cost ($)	Cumulative Disbursements as of 3/31/2014 ($)
Afghanistan Reconstruction Trust Fund (ARTF)*	Multiple (via World Bank)	6/20/2002	3/31/2017	$2,684,320,295	$1,961,820,295
Power Transmission Expansion and Connectivity (PTEC)	Da Afghanistan Breshna Sherkat (DABS)	1/1/2013	12/31/2016	342,000,000	4,781,000
Partnership Contracts for Health (PCH) Program	Ministry of Public Health	7/20/2008	1/31/2015	236,455,840	164,648,037
Contribution to Afghanistan Infrastructure Trust Fund (AITF)	Multiple (via Asian Development Bank)	3/7/2013	3/6/2018	180,300,000	105,000,000
Sheberghan Gas Development Project	Ministry of Mines and Petroleum	5/15/2012	4/30/2015	90,000,000	–
Kajaki Dam Unit 2	DABS	4/22/2013	12/31/2015	75,000,000	1,632,194
ADF (Agriculture Development Fund)	Ministry of Agriculture, Irrigation, and Livestock	7/18/2010	12/31/2014	74,407,662	29,000,000
Basic Education, Literacy, and Technical-Vocational Education (BELT) Community Based Education	Ministry of Education	10/29/2013	10/28/2017	56,000,000	–
Basic Education, Literacy, and Technical-Vocational Education Textbooks	Ministry of Education	11/16/2011	12/31/2014	26,996,813	21,955,403
Cash Transfer Assistance to Support the Civilian Technical Assistance Plan (CTAP)	Ministry of Finance	9/30/2009	9/30/2014	36,256,560	28,810,610
Afghanistan Workforce Development Program (AWDP)	Ministry of Education	9/18/2013	4/3/2016	30,000,000	–
Cash Transfer Assistance for Civil Service Reform	Independent Administrative Reform and Civil Service Commission	10/31/2011	2/28/2014	15,000,000	13,000,000
E-Government Resource Center	Ministry of Communications and IT	8/28/2013	6/1/2016	3,900,000	–

Note: *This includes all USAID contributions to the ARTF.

Source: USAID, response to SIGAR data call, 4/7/2014.

considers funds "on budget" when they are disbursed (when money has actually been spent), while USAID counts commitments and obligations (when the donor reserves the funds for a specific purpose but money has not been spent) as on-budget support.[393]

Capacity-Building Programs

USAID capacity-building programs seek to improve ministries' performance to prepare, manage, and account for on-budget assistance. As shown in Table 3.21, programs include USAID's $31 million Leadership, Management, and Governance Project that aims to strengthen Afghanistan's financial-management systems, and the capacity of the Ministry of Public Health and the Ministry of Education to meet requirements set at the 2010 Kabul International Conference for increased on-budget aid.[394] USAID is also funding the $5 million Ministry of Women's Affairs Organizational Restructuring and Empowerment (MORE) project, which among other things assists the

TABLE 3.21

USAID CAPACITY-BUILDING PROGRAMS AT THE NATIONAL LEVEL					
Project Title	Afghan Government Partner	Start Date	End Date	Total Estimated Cost ($)	Cumulative Disbursements as of 3/31/2014 ($)
Leadership, Management, and Governance Project	Ministry of Public Health Ministry of Education	9/25/2011	9/24/2016	$32,000,000	$15,657,888
Assistance to Legislative Bodies of Afghanistan (ALBA)	Parliament	3/28/2013	3/27/2018	23,455,326	3,007,595
Ministry of Women's Affairs Organizational Restructuring and Empowerment (MORE)	Ministry of Women's Affairs	12/20/2012	12/19/2015	5,000,000	2,202,306

Source: USAID, response to SIGAR data call, 4/7/2014.

ministry to improve its financial management, as required for future on-budget assistance.[395]

National Assembly

USAID has noted that the Afghan parliament has very little power because it does not have authority to determine its own budget and rarely initiates legislation.[396] Most bills originate in the executive branch.[397] According to USAID, both houses of parliament require subject-matter expertise to analyze and draft legislation.[398]

During the quarter, elections and the parliamentary recess limited the parliament's work. The parliament passed the national budget in early January before going on recess from January 21 to March 6, 2014.[399] According to State, parliament's return was delayed a few days following the unexpected death of First Vice President Marshall Fahim. On March 25, the *Wolesi Jirga* (the lower house) confirmed Yunus Qanooni as First Vice President to replace Fahim.[400]

In March, neither house of parliament could conduct business because a majority of representatives were absent. For example, on March 18, only 24 of the 102 members of the *Meshrano Jirga* (the upper house) were present, less than half the 52 members required for a quorum. Fifty sitting senators were contesting the provincial council elections and many others were campaigning for presidential candidates.[401] On March 31, the Wolesi Jirga had only 12 of 246 members present; a quorum requires 125.[402]

USAID funds the $23.5 million Assistance to Legislative Bodies of Afghanistan project (ALBA) to help Afghanistan's parliament operate as an independent and effective legislative, representative, and oversight body.[403] In the last quarter, ALBA focused on initiatives to help members of parliament and their staff to improve their capacity. According to USAID, one of the most important initiatives this quarter was courses held for secretariat staff during the parliamentary recess. ALBA has also continued supporting development of the Parliamentary Anti-Corruption Caucus, establishing relations between the group and the Independent Anti-Corruption Monitoring and Evaluation Committee (MEC). In addition, ALBA continued

to help the caucus develop its internal organization, formal charter, and other foundation documents. Finally, throughout January 2014, ALBA closely monitored the consideration and passage of the revised 1393 budget, which the parliament had rejected in December 2013.[404]

SUBNATIONAL GOVERNANCE

The United States government supports initiatives at the subnational level to give Afghans a greater stake in their own government. The goal is to make local government more visible, accountable, and responsive to the Afghan people, particularly in the south and east, where the insurgency has been tenacious.[405] These programs target rural areas, including districts and villages, as well as provincial centers and municipalities.

USAID said the Afghan government faces a number of challenges to filling civil service positions at the provincial and local levels. It noted that insecurity presents a significant obstacle in some areas of Afghanistan, although quantifying recruitment impact is very difficult. In addition, many positions have specific education requirements that limit the pool of candidates. Verifying educational background for candidates with degrees obtained outside of Afghanistan poses additional difficulties.

The Independent Appointment Board of the Civil Service Commission (IARCSC) plans to review its appointment procedures to address gaps in the current system and adopt a competency-based appointment system. However, USAID noted these efforts will take a couple of years to complete.[406]

This quarter, USAID was able to provide data on the status of civil service staffing and vacancies of 14 provinces plus Kabul. Figure 3.30 summarizes the civil servant staffing and vacancies for five Ministries in 14 provinces outside Kabul, based on IARCSC figures. Kabul was not included because USAID did not provide information about the number of employed civil servants in several ministries.[407]

In a yearly report released in February on protection of civilians in armed conflict, the United Nations Mission in Afghanistan (UNAMA) found that insurgents continued to target and kill Afghan government employees, civilians accused by insurgents of spying for the government, community leaders, and off-duty police officers or ANP performing solely civilian law-enforcement functions. In many cases, the Taliban claimed responsibility for the killings on their public website. Targeted killings were most prevalent in the eastern region, with 184 incidents, followed by the southern (129 incidents), southeast (96), northern (92), western (58), central (49), and northeast (35) regions. Nangarhar Province had the highest number of targeted killing incidents documented by UNAMA, followed by Kandahar with 77 incidents and Kunar with 67.[408]

This quarter, DOD reported that the Village Stability Operations (VSO), a bottom-up counterinsurgency strategy aimed at connecting local governance

Special IG Sopko and SIGAR staff meet with Kandahar's provincial governor during Sopko's March 2014 trip to Afghanistan. (SIGAR photo by Steven Mocsary)

FIGURE 3.30

CIVIL SERVANT STAFFING FOR 14 PROVINCES OUTSIDE OF KABUL
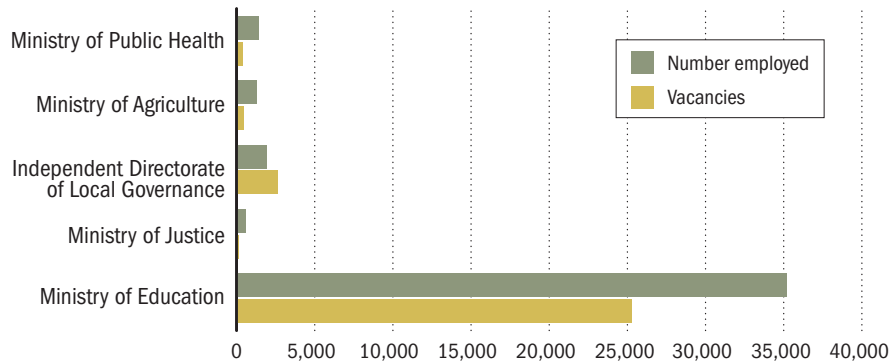
Notes: This data was provided to USAID by the Afghan Independent Appointment Board of the Civil Service Commission (IARCSC). The data is for 14 of Afghanistan's 34 provinces (Daykundi, Farah, Ghazni, Helmand, Kandahar, Khowst, Logar, Wardak, Nimroz, Nuristan, Uruzgan, Paktiya, Paktika, and Zabul). Kabul was not included because several of the cells show zero for number of employed civil servants. The amounts for the Independent Directorate of Local Governance include personnel who work for provincial municipalities.

Source: USAID, ODG, response to SIGAR data call, 3/31/2014.

to the Afghan district and national government, has largely ended with the exception of the Afghan Local Police (ALP) component. According to DOD, only two Village Stability Platforms and 16 District Stability Platforms (DSP) hosting U.S. special operations forces remain active. The DSPs are scheduled to complete their mission by October 31, 2014.[409]

According to DOD, the impact of VSO varies from village to village, district to district, and province to province, making it difficult to make broad assessments of this theater-wide program.[410] DOD used a combination of team assessments and surveys to assess VSO progress and impact. U.S. special operations forces used a number of governance-related indicators to inform their VSO assessments. These included:[411]

- the presence or absence of a district governor, district attorney, or chief of police
- the number of villagers attending district bazaars or councils
- the presence of medical facilities
- school attendance

DOD's latest district assessment report, completed in February 2014, found that the VSO has had a positive impact on local governance, enabling district governors and other Afghan ministry representatives to spend more time at their district centers.[412] According to the report, of the 47 districts where the Coalition provided oversight and support to VSO, 53% had "adequate" or "effective" governance. The remaining 47% had "poor" or

"ineffective" governance. All districts in the report showed the same status for governance over the past year, except for one that improved from "adequate" to "effective."[413]

At the same time, DOD noted that it found much of the quarterly VSO survey data to be untrustworthy because of fraudulent or fabricated data included in some surveys conducted by local Afghan polling contractors.[414] Surveys from November 2010 to February 2012 showed local views of district governance as extremely positive, with community council performance, district government performance, and local dispute-resolution mechanisms all registering over 80% satisfaction.[415]

Rural Stabilization Programs

USAID has several stabilization programs aimed at helping the Afghan government extend its reach into unstable areas and build local governance capacity. These programs include USAID's four Stability in Key Areas (SIKA) projects, the two Community Cohesion Initiative (CCI) programs, and $2.67 billion in U.S. support to the ARTF which funds the Afghan government's National Solidarity Program (NSP) (of which $865 million had an explicit earmark for NSP).[416] Table 3.22 summarizes total program costs and disbursements to date.

USAID intended the four SIKA programs to "be seen as an extension of the [Afghan government], not as increased foreign presence," and stipulated that SIKA "must work within Afghan structures" in order to partner with the Afghan Ministry of Rural Rehabilitation and Development (MRRD).[417] The four SIKA contracts require the MRRD, the primary partner for the SIKA programs, to have representation in the district in order to operate in that district. The degree of required MRRD presence ranges from an individual MRRD representative who comes to work on "a semi-regular basis" (SIKA South) to MRRD representation that is able to effectively operate and monitor SIKA activities in the district as well as provide support and leadership (SIKA West).[418]

TABLE 3.22

USAID SUBNATIONAL (RURAL) PROGRAMS

Project Title	Start Date	End Date	Total Estimated Cost ($)	Cumulative Disbursements as of 3/31/2014 ($)
Afghanistan Reconstruction Trust Fund (ARTF)*	6/20/2002	3/31/2017	$2,684,320,295	$1,961,820,295
Stabilization in Key Areas (SIKA) East	12/7/2011	9/6/2015	177,054,663	53,868,540
Community Cohesion Initiative (East, South, Southwest)**	3/1/2012	2/28/2015	161,499,422	7,373,529
SIKA South***	4/10/2012	4/9/2015	117,324,445	31,969,249
SIKA West	1/29/2012	8/31/2015	62,998,824	25,658,723
SIKA North	3/15/2012	6/14/2015	45,633,274	16,390,620
Community Cohesion Initiative (North, West)**	9/10/2013	9/9/2015	36,221,640	45,185

Notes:
*This includes all USAID contributions to the ARTF. According to the agreement with the World Bank, donors can only express a preference on how their donations are used up to 50% of their total contribution. USAID has explicitly preferenced $865 million of its ARTF contributions for the National Solidarity Program.
** Disbursement data is for activities only and does not reflect operational expenditures.
***The disbursement data includes the totals for both SIKA South awards.

Source: USAID, response to SIGAR data call, 4/7/2014.

In Baraki Barak District, Logar Province, a Community Development Council used a SIKA East grant to clear a deep underground canal. (SIKA East photo)

Three of the 18 men who received training in grant management from SIKA East in Baraki Barak District, Logar Province. (SIKA East photo)

The amount of Afghan government participation in physically monitoring projects varies among regions. For example, this quarter USAID reported that 82% of the monitoring of SIKA East projects was conducted exclusively by SIKA East personnel without Afghan government participation.[419] Approximately 64.5% of SIKA South monitoring visits to the project site during the quarter were conducted exclusively by SIKA South personnel.[420] In the north, USAID reports that all grant monitoring visits were conducted either in partnership with the Afghan government or by the Afghan government alone.[421] For SIKA West, USAID reports that in the month of February, 70% of grant monitoring visits to the community project site were conducted either in partnership with the Afghan government or by the Afghan government alone.[422]

According to USAID, the MRRD and the Independent Directorate for Local Governance (IDLG) increasingly provide leadership and guidance for SIKA through developing materials for trainings and aiding in grant implementation. A SIKA sustainability conference was previously planned for late January/February 2014 to lay out the parameters for graduating SIKA districts in order to transfer program responsibilities to the Afghan government. According to USAID, planning for the sustainability conference and handover strategy continues, with the date and agenda to be determined.[423]

The Khani Baba street network repair project aims to rehabilitate 800 meters of village streets and drainage trenches to build confidence in the local government. (CCI photo)

USAID's Community Cohesion Initiative (CCI) programs, split between one program covering the east, south, and southwest, and another covering the north and west, aim to build what USAID calls "resilience" in areas that are vulnerable to violence and insurgent exploitation.[424] CCI implements initiatives, such as local community-development projects that engage community leaders and government officials in their identification and oversight. The CCI also supports peace-advocacy campaigns at sporting events.[425]

In contrast to SIKA, USAID has not explicitly defined the Afghan government's role in implementing the CCI. Although the CCI does not require the presence of the Afghan government to go forward with activities, Afghan civil servants are supposed to play an important role in grant monitoring and oversight of the vast majority of CCI activities. According to USAID, this serves both to improve oversight and to strengthen ties by bringing government officials to local communities.[426]

USAID reports that the CCI contractor conducted 32% of all grant monitoring on its own, while Afghan government personnel conducted approximately 38% of the grant monitoring visits.[427] CCI also scheduled 2,373 visits by Afghan government officials to 508 activity sites in 12 provinces. Of these visits, 17% are at provincial centers, 36% are at district centers, and 47% are in villages at the project sites.[428]

The ARTF supports both Afghanistan's operating and development budget. As part of the development budget it funds the Afghan government's National Solidarity Program (NSP), which was designed to strengthen community level governance and to improve the access of rural communities to essential services by channeling resources to democratically elected Community Development Councils (CDCs).[429]

Although NSP was described in a 2011 Senate Foreign Relations Committee majority staff report as the best example of a national program that reinforces the social compact between the Afghan state and citizens,[430] SIGAR has raised questions regarding the ability of the Afghan government to effectively oversee the program, particularly in insecure areas.[431]

USAID previously "preferenced" (earmarked) funds to the NSP, via the ARTF, to advance counterinsurgency objectives in areas newly under Afghan government control. To its credit, USAID stopped preferencing funds to NSP after reviewing documents, including a 2011 SIGAR audit, that found that NSP is implemented in very insecure areas but does not mitigate violence or improve attitudes toward the government in those areas.[432] USAID acknowledged a lack of evidence that NSP increases stability in insecure parts of Afghanistan and adjusted its funding accordingly.[433] USAID had preferenced a total of $865 million directly for NSP.[434]

According to USAID, NSP does achieve some positive results, including community-level engagement in decision-making. However, USAID does not rely on the program to achieve specific development objectives. While

USAID continues to engage with the World Bank to seek improvements in programs like NSP as a part of the broader effectiveness of the ARTF portfolio, USAID does not consider NSP to be a significant element of its assistance strategy in Afghanistan.[435]

During the quarter, the USAID Measuring Impacts of Stabilization Initiatives (MISTI) project, a third-party monitoring and evaluation program that evaluates the impact of USAID stabilization programs, issued a final performance evaluation of the Community Development Program (CDP).[436] CDP ran from March 2009 through August 2013, cost $264 million in disbursements, implemented 337 infrastructure projects across 19 provinces of Afghanistan, and employed 373,859 laborers on a short-term basis. CDP adopted stabilization objectives beginning in September 2010 and implemented labor-intensive projects primarily in rural areas. The evaluation focused its findings on CDP's fourth and fifth program phases, in which CDP implemented 73 projects in seven provinces of eastern and southern Afghanistan from April 2012 through August 2013.[437] CDP featured direct implementation, wherein the prime USAID implementer managed all aspects of project implementation, including security, with the result that they were much faster and more flexible than many other USAID contractors working in similar areas.[438]

The MISTI evaluation found theories of change associated with CDP that differed between the implementer, which emphasized keeping combat-age men in key areas busy to reduce the numbers available to join the insurgency or participate in criminal activities, and USAID staff, who emphasized the importance of linking communities to the Afghan government.[439]

USAID and the CDP implementer requested that the MISTI evaluation team avoid sending interviewers to villages while CDP projects were ongoing in a district as a security measure. Because the evaluation team was not allowed to visit project sites during implementation, it was sometimes hard to locate enough laborers or stakeholders from each of the sample projects.[440] The report noted the consequences of this approach:

> [CDP]'s request that evaluation team members visit project areas only after all CDP projects in the district had been finished meant that the evaluation team could not verify numbers of laborers reported. When the evaluation team presented its preliminary results to [CDP], one [CDP] staff member said, "There is no way your staff went to that site," implying that the area was too dangerous. This raises at least two questions: If project sites are too dangerous for third-party evaluators, how was [CDP] able to implement projects and independently monitor them? How was USAID able to verify the project's reports? Where it is not secure enough to monitor or verify projects, it should be assumed that the risk for corruption is extremely high. Implementing projects without proper monitoring should be done when the benefits—in this case, contributing to the military strategy—clearly outweigh the sizeable risks.[441]

The evaluation found that one of the most challenging aspects of CDP procurement was the bidding process. The practice of accepting the lowest bid for materials works well in a competitive environment, but CDP's environment was not always conducive to fair and effective competition. Several respondents from the communities noted that prices for materials were high. Having so few suppliers in the local area may have led to collusion for higher-than-normal quotes, even if the bidding process was technically followed. The evaluation noted that procurement was one of the few avenues for local powerbrokers to attempt exploitation. In Kandahar, respondents noted that influential community members and even district governors received contracts.[442]

The evaluation also found that CDP projects faced very high risk for corruption and fraud, particularly in the most dangerous areas, where fewer people had access and it was easier to evade the CDP checks and balances.[443] USAID had limited ability to detect problems because its on-site monitors lived on military bases and could visit projects only on military-supported trips. CDP used systems to attempt to dissuade and identify corruption. Still, many problems were found during CDP implementation, and local interviewers recorded numerous additional allegations of corruption, notably the problem of "ghost workers," absent or imaginary employees who may appear on payrolls.[444] CDP reportedly implemented more robust monitoring procedures following an incident in the latter half of 2012 in which CDP local staff colluded in fabricating payroll sheets that were approved by the CDP provincial manager without sufficient review.[445]

The MISTI evaluation left its findings related to project outcomes unresolved. The evaluation interviewers asked community respondents who was responsible for bringing the project. The most common responses included an NGO (some named the implementer by name), USAID, the provincial reconstruction team, the Afghan government, and community elders. The MISTI report did not provide a breakdown of the attribution results, making it hard to determine which institutions were most frequently perceived to have been responsible for the CDP projects. The report also noted it had to rely upon a few positive anecdotes to determine whether CDP reduced the supply of labor available for anti-government elements or criminal activities.[446]

Urban and Provincial Centers

USAID's four Regional Afghan Municipalities Program for Urban Populations (RAMP UP) programs concluded this quarter. The programs, which were extended to March 2014, aimed to improve the capacity of the provincial and urban levels of government to improve budgeting and, in the case of municipalities, increase revenue collection.[447] Table 3.23 details USAID's RAMP UP programs.

TABLE 3.23

USAID REGIONAL AFGHAN MUNICIPALITIES PROGRAM FOR URBAN POPULATIONS (RAMP UP)				
Region	Start Date	End Date	Total Estimated Cost ($)	Cumulative Disbursements as of 3/31/2014 ($)
South	6/10/2010	3/31/2014	$101,046,401	$95,590,637
East	6/10/2010	3/31/2014	95,000,000	90,936,407
North	2/8/2011	3/31/2014	40,000,000	37,715,295
West	11/14/2010	3/31/2014	34,177,405	31,033,010

Source: USAID, response to SIGAR data call, 4/7/2014.

Provincial Budgeting

International donors continue to track the provincial budgeting progress as a key deliverable of the TMAF.[448] According to USAID, provincial input into budget formulation and expenditure, including submissions of provincial directorates (central-ministry representatives at the provincial level), is critical to the Afghan government's ability to meet the essential needs of the population.[449] USAID reported to SIGAR that the Afghan government met the one TMAF hard deliverable for provincial budgeting by developing a draft provincial budget policy.[450]

According to USAID, the current provincial budgeting policy differs from previously unsuccessful 1386 (2007) and 1391 (2012) provincial budgeting pilots because it focuses simultaneously on central line ministries and provincial line directorates. The earlier pilots of 1386 and 1391 concentrated their reform efforts on provincial governors and provincial ministry representatives with little attention given to central line ministries. The 1386 pilot targeted only the three provinces of Balkh, Panjshir, and Kandahar; the 1391 pilot extended to all 34 provinces. Both pilots provided fixed allocations to a handful of major line ministries to fund development project proposals submitted by their respective provincial directors. In both earlier pilots, emphasis was put on training provincial officials, but the effort ultimately fell short.[451]

The 1391 pilot incorporated lessons learned from the 1386 pilot and used professional trainers to provide capacity-building training to provincial line directorates. In addition to fixing an allocation for key line ministries' provincial directorates, the 1391 pilot provided training in budget formulation to provincial staff, but did not include central ministry personnel. Ultimately, disagreements between the Afghan government and donors over the source of funding for the proposed projects resulted in the cancellation of the pilot project's.[452]

It is USAID's assessment that the new policy stresses collaboration between the ministries, provincial directorates, and provincial governor's offices with consultation and input from provincial councils. The policy reportedly encourages improved allocation of budgetary resources across

all 34 provinces; provincial consultation, planning and monitoring; and the role of provinces in budget execution. The policy also provides for increasing the capacity of both ministries and directorates to plan, budget, and finance operations as well as maintain assets.[453]

In the 1393 budget, $3 million has been allotted to each of the 11 least developed provinces and $1 million has been allotted to each of the remaining 23 provinces as a discretionary, contingency fund.[454] Project proposals are expected to be submitted to a Public Financial Management (PFM) Committee headed by the provincial finance director, and including the provincial governor's office, the director of economy, and the director of women's affairs. The PFM Committee, in consultation with the Provincial Council, will assess the project proposals for submission to the Ministry of Finance. Once the projects are approved, the provinces will be responsible for all procurements, disbursements, and oversight associated with the approved projects.[455] According to the UN Secretary-General, the outcome of this third pilot will be used to evaluate prospects for the implementation of a more general, decentralized fiscal policy.[456]

RECONCILIATION AND REINTEGRATION

The current U.S. Civil-Military Framework states that political reconciliation between the Afghan government and insurgency is "the solution to ending the war in Afghanistan."[457] However, the UN Secretary-General recently described progress toward the establishment of a formal peace process as limited.[458]

Reconciliation

According to State, there has been no noticeable progress in the ability of the Afghan High Peace Council (HPC) to garner support for reintegration and reconciliation efforts during the quarter.[459] State reported that the HPC continues to conduct regular meetings, but State has no visibility on the results.[460]

During the quarter, both the Afghan national security advisor and the HPC chairman were quoted saying that constitutional protections for women would not be sacrificed to further peace negotiations with insurgent groups.[461]

High-level reconciliation efforts remained opaque during the quarter. News reports underscored some of the challenges the Afghan government faces in trying to negotiate with the Taliban. For example, there were reports in February of a meeting in Dubai of former Taliban officials who expressed the desire for a peaceful settlement to the Afghanistan conflict. The Afghanistan National Security Council praised this as progress.[462] A few days later, one of the Taliban officials who reportedly attended the meeting was killed in Peshawar, Pakistan. An Afghan presidential spokesman condemned the killing. The body of the murdered Taliban official was later

transferred to his home province via a military helicopter. The presidential spokesman was quoted as saying, "Whenever Taliban leaders show willingness to talk to the Afghan side, they are targeted and killed."[463] However, in a statement attributed to the Taliban, the group indicated that it did not participate in the Dubai meeting and that it remains opposed to direct talks with the Afghan government.[464]

Reacting to news reports last quarter of secret meetings between President Karzai's office and the Taliban, an HPC spokesman disavowed any knowledge of such meetings.[465] Later in February, the HPC issued a statement that the HPC had met with a faction of the Taliban and that both sides agreed to continue dialogue.[466]

On April 10, the HPC announced that talks with the Taliban would resume in the United Arab Emirates "soon," without disclosing a specific date. The HPC expected to meet with Agha Jan Mutasim, a former Taliban leader who had previously held talks with the HPC in Dubai. The next day, however, Agha Jan Mutasim was reported to be missing in a news report that was later confirmed by the Afghan Ministry of Foreign Affairs.[467]

Since SIGAR's last quarterly report to Congress, an HPC spokesman was suspended after he made controversial remarks such as calling Osama bin Laden a martyr and blaming the conflict in Afghanistan on foreign interference due to the U.S. presence.[468]

Afghanistan Peace and Reintegration Program

The Afghanistan Peace and Reintegration Program (APRP), an Afghan-led reintegration program targeted towards low-level foot soldiers and their commanders, is financed through $182.3 million in contributions from 12 donor nations. Operational funding for the program is provided by seven donor

In January 2014, 19 reintegree candidates join the Herat Afghan Peace and Reintegration Program (APRP). The Provincial Peace Council (PPC) collected 18 different kinds of weapons. (ISAF photo)

nations (primarily Japan and Germany). The United States provides funding towards community-recovery efforts administered by the World Bank.[469]

According to the Force Reintegration Cell (FRIC), an International Security Assistance Force (ISAF) element supporting the APRP, the APRP Joint Secretariat and Provincial Joint Secretariat Teams continue to make outreach a priority. For example, the APRP recently mounted a countrywide women's campaign that gathered more than 250,000 women's signatures in a petition for peace.[470]

The FRIC also reports 96 small grant projects and 1,228 Afghan government projects are under way in 31 provinces and 136 districts.[471]

During this quarter, 426 new reintegrees joined the program, increasing the total to 8,025 reintegrees, as shown in Figure 3.31. According to FRIC, there is a current backlog of approximately 500 reintegration candidates who have been fully vetted at the provincial and national level, and who will complete the enrollment process as soon as 2014 funds are available.[472] According to State and the FRIC, the APRP has a robust vetting process to confirm that individuals who want to join the program are actually insurgents. Afghan civil government and ANSF officials at the provincial and national levels are responsible for processing reintegrees. The international role is limited to being able to access the Reintegration Tracking and Monitoring Database.[473]

FIGURE 3.31

CUMULATIVE REINTEGREES BY REGIONAL COMMAND
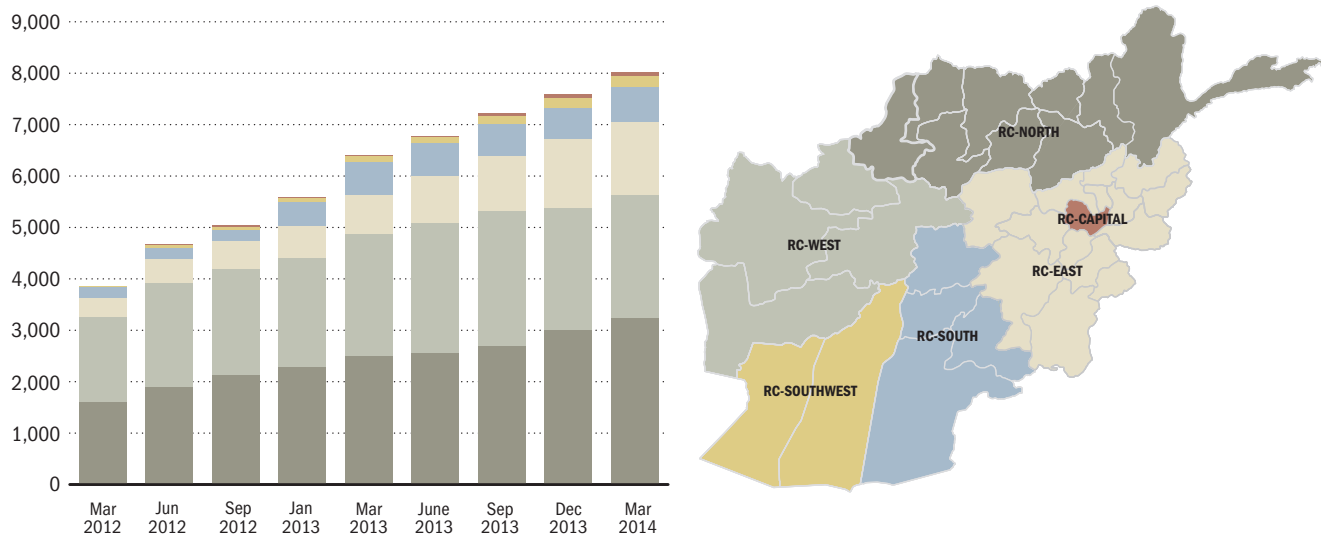
Note: Sources did not explain why the cumulative number decreased in RC-West and RC-South this quarter; the current number of confirmed recidivists is 16 individuals.

Sources: State, responses to SIGAR data call, 10/4/2013, 7/1/2013, 4/2/2013, 1/2/2013, 10/2/2012, 7/5/2012, 3/30/2012. DOD, responses to SIGAR data call, 3/31/2014, 12/31/2013.

RULE OF LAW AND ANTICORRUPTION

The geographic coverage and effectiveness of Afghanistan's formal justice sector is unclear. In his Presidential Decree 45, President Karzai requested that the Supreme Court activate all inactive courts in the provinces and districts, and staff them with professional personnel by March 21, 2013.[474] The Supreme Court of Afghanistan and the AGO reported that all districts have assigned prosecutors and all districts have functioning courts.[475] However, insecure districts with no prosecutors or judges physically present are still labeled "functioning" so long as cases are processed in provincial capitals.[476] A news report quoted the chief of the appellate court in Ghazni Province saying 14 of its 18 districts have no judges present due to growing insecurity. Residents therefore must either travel to the provincial capital or use informal dispute resolution.[477]

USAID says it is unclear what proportion of trials in insecure provinces take place in the districts as opposed to the provincial capital. Judges assigned to insecure provinces appear to hold court in the provincial capitals, with cases primarily filed in the provincial center and not the districts because of insecurity and the lack of facilities. In Kandahar, rule-of-law officials do not reside in their districts and have limited effectiveness in most of the province. The fact that prosecutors are absent in several Kandahar districts has led to police releasing detainees following informal discussions with local elders, rather than adhering to formal procedures.[478]

According to USAID, Afghan legal professionals cite the lack of suitable work facilities and financial hardships associated with living in their assigned districts as reasons for not taking up residence. For example, the judge assigned to Zharey District provides judicial services from Kandahar City and visits the district infrequently because it lacks a courthouse and adequate office space. USAID cited one positive example of two judges and a prosecutor who were consistently present in Arghandab District, partially due to the presence of a courthouse with housing facilities for the officials.[479]

SIGAR announced this quarter that it is initiating an audit of U.S. government efforts to assist and improve the rule of law in Afghanistan. SIGAR plans to (1) identify U.S. government programs or initiatives to develop rule of law in Afghanistan; (2) assess the progress that these programs or initiatives have made achieving the objectives of the U.S. Government rule of law Strategy; and (3) identify challenges, if any, that the U.S. government has encountered in achieving its rule of law objectives and the extent to which it has addressed these challenges.

Project Summary

The United States has provided assistance to the formal and informal justice sectors through several mechanisms. These include the USAID Rule of Law Stabilization Formal and Informal Components (RLS-F and RLS-I), the

TABLE 3.24

USAID RULE OF LAW AND ANTICORRUPTION PROGRAMS

Project Title	Start Date	End Date	Total Estimated Cost ($)	Cumulative Disbursements as of 3/31/2014 ($)
Rule of Law Stabilization-Formal Component	7/16/2012	7/14/2014	$22,581,128	$15,967,182
Rule of Law Stabilization-Informal Component	7/16/2012	3/13/2014	15,651,679	14,520,833
Fight Corruption Tooth and Nail	7/4/2012	7/3/2014	997,000	528,783
GAPS Anti-Corruption Grant	6/7/2012	6/6/2014	1,292,379	664,707

Source: USAID, response to SIGAR data call, 4/7/2014.

USAID Assistance to Afghanistan Anti-Corruption Authority Program (4As), and the State Department Justice Training Transition Program (JTTP). These and other rule-of-law and anticorruption programs are detailed in Table 3.24.

RLS-F provides assistance to the formal justice sector to increase access to justice, strengthen the capacity of the legal education system, and promote transparency and accountability at the district, provincial, and national levels. USAID reports that RLS-F improves the capacity of sitting judges and court staff by providing comprehensive legal training. RLS-F includes the Supreme Court formal training program for new judges. USAID previously reported that 81% of Afghan judges have completed this course. RLS-F has also implemented public outreach efforts to strengthen civic awareness of Afghan legal rights and the country's judicial processes.[480]

RLS-I provides assistance to the traditional justice sector to increase the quality of justice services provided and facilitate linkages of formal and traditional justice sectors. According to USAID, RLS-I has enhanced the dispute-resolution skills of community leaders in 48 districts in southern, eastern, and northern Afghanistan. With USAID assistance, 5,192 elders have pledged to cease some traditional practices such as *baad*, the practice of exchanging women to settle a dispute. USAID reports that 67 women's elders groups have been established.[481]

USAID says it is finalizing an impact evaluation of RLS-I, but initial findings include: (1) disputants who seek the mediation services of RLS-I elders showed improved perceptions of procedural fairness and overall justice; (2) the more knowledge the elder has, the more satisfied people are with the dispute resolution; and (3) RLS-I participants gain and retain knowledge, with higher gains for relevant, practical knowledge, such as family or inheritance law.[482]

The State Department's JTTP provides regional training to justice-sector officials, including police, prosecutors, judges, and defense attorneys, on a wide range of criminal justice topics, including anticorruption. JTTP also provides mentoring on specific cases and legal issues to justice sector officials, including prosecutors and judges. According to State, beneficiaries of JTTP training have demonstrated increased capacity and knowledge,

leading to improved effectiveness. However, State did not provide an assessment of the state of Afghan court administration.[483]

The Supreme Court and the Formal Justice Sector

According to State, there were no notable rulings by the Supreme Court during the quarter.[484]

Afghan Correctional System

The inmate population of Afghanistan's prisons managed by the General Directorate of Prisons and Detention Centers (GDPDC) has continued to increase at a rate of 16.4% annually over the past five years, leading to overcrowding, according to State.[485] The UN Secretary-General reported that Afghanistan's general prison population grew from 12,000 in 2008 to 29,000 in January 2014, with a growing number of hunger strikes over conditions of detention as well as inconsistent application of prisoner releases.[486]

The Ministry of Justice's Juvenile Rehabilitation Directorate (JRD) incarcerated 1,233 juveniles. This total does not include detainees held by any other Afghan governmental organization as State's Bureau of International Narcotics and Law Enforcement Affairs (INL) does not have access to data for other organizations.[487]

Overcrowding is a persistent, substantial, and widespread problem within GDPDC facilities. As of January 20, 2014, the total male provincial prison population was at 296% of capacity, as defined by International Committee of the Red Cross's (ICRC) minimum 3.4 square meters per inmate. The total female provincial prison population was at 135% of the ICRC recommended capacity. Information on the capacity of GDPDC-operated district detention centers and the JRD's juvenile rehabilitation centers is not available. However, anecdotal reporting by INL advisors visiting facilities indicates that overcrowding is a substantial problem in many provinces.[488]

In April, SIGAR issued an alert letter regarding an $11.3 million prison built by an INL contractor in Baghlan Province. Although security concerns prevented SIGAR from physically inspecting the prison, the agency's review of contract files found evidence of serious structural damage that resulted in at least one housing unit being demolished.[489] According to INL, the construction design specifications required compliance with International Building Code (IBC) standards, as well as seismic reinforcement, and, in accordance with these requirements, the facilities were built using reinforced brick.[490] The designs indicate that this unit and other buildings at the site were built using unreinforced brick walls between concrete columns. SIGAR recommended that INL reconsider its plan and direct that the structures be rebuilt using reinforced masonry between concrete columns, which SIGAR believes is called for in the IBC.[491] INL stated that it will continue to comply with IBC standards in any future reconstruction contracts in Afghanistan.[492]

Anticorruption

Afghan anticorruption efforts demonstrated no significant progress during the quarter. State is aware of one new case this quarter involving a high-level official, but has not yet reviewed the case file and cannot comment on the quality of the evidence. The chief prosecutor in Balkh Province was charged with embezzlement and abuse of power for diverting flour shipments at the Uzbek border. The Afghan government continues to prosecute lower-level government officials for corruption, but prosecutions are generally not pursued for those beyond the lowest-level supervisors.[493]

Special Inspector General John F. Sopko spoke at the Atlantic Council on March 20, 2014, to point out that that allowing corruption to continue unabated in Afghanistan will likely jeopardize all the United States has accomplished in 12 years of reconstruction. For more information, see Section 2, page 55.

The Department of Defense's Joint Staff issued a report on corruption in February. The study, initiated by ISAF Commander General Joseph F. Dunford, quoted former ISAF Commander General John Allen as saying that "Corruption is *the* existential, strategic threat to Afghanistan."[494] The report found that: (1) U.S. initial support of warlords, reliance on contracting for military logistical support, and the deluge of military and aid spending overwhelmed the absorptive capacity of the Afghan government and created an environment that fostered corruption and impeded later counter/anticorruption (CAC) efforts; (2) the necessary preconditions for combating corruption do not exist due to an initial delayed U.S. understanding of the nature of Afghan corruption, decreasing levels of physical security, lack of political will on the part of both the international community and the Afghan government, and lack of effective popular pressure against corruption resulting in a large-scale culture of impunity that frustrated CAC efforts; and (3) there was an improvement in understanding of the corruption issues and supported intelligence-driven CAC planning and operations but lack of unity of effort reduced the effectiveness of CAC operations and the persistent lack of political will on the part of the Afghan government rendered almost all countercorruption efforts moot.[495]

According to the report, there are two lines of effort to combat corruption: anticorruption and countercorruption. Anticorruption measures are those aimed at limiting the opportunities for corruption. They include transparency and accountability control measures, inspections, audits, and actions to influence individual behavior. The report pointed out that anticorruption measures inconvenienced corrupt actors but did not sanction them for their actions, which possibly helped further a culture of impunity in Afghanistan. In contrast, countercorruption measures are corrective in nature, focus on sanctioning corrupt individuals, and provide a deterrent against corruption. However, Afghanistan lacks the effective legal system, and particularly an independent judiciary which

the countercorruption measures require. According to the report, without this, the international coalition's countercorruption actions are usually a step behind the corrupt actors.[496]

The report offered several criticisms of the U.S. approach to Afghanistan reconstruction including weak oversight of subcontractors, the inability to account for spending, and the emergence of a perverse incentive to demonstrate progress through increased spending at the tactical level that undercut oversight.[497] The report also questioned the value of international CAC initiatives, noting that the use of classified intelligence created legal dilemmas when the information could not be shared with the Afghan court system. In addition, improved understanding of prime contractors was not replicated at the subcontractor level. Moreover, the report found that on the whole ISAF's CAC effort remained Kabul-centric and lacked visibility outside of headquarters. Finally, the report concluded that the Afghan government impeded international CAC efforts by conducting illusory corruption reform and slow-rolling domestic reform, such as delaying appointments to the Independent Joint Anti-Corruption Monitoring and Evaluation Committee (MEC).[498]

This quarter, there were reports of subnational Afghan government officials being accused of corruption related to wheat distribution. The governor of Nuristan Province, along with the directors of disaster management and rural reconstruction and development, were removed from office for the theft of hundreds of tons of government wheat.[499] Similarly, a district governor in Ghazni Province has reportedly been suspended after being accused of selling 90 tons of improved wheat seed meant for distribution to local farmers.[500]

Afghan Attorney General's Office

There were no significant changes in the technical capacity or effectiveness of the AGO. The AGO declined offers from State to train AGO prosecutors in investigative methods, and cancelled numerous scheduled meetings with State. According to State, the election made the pursuit of high-level corruption cases less likely.[501]

The Major Crimes Task Force (MCTF) is the investigatory arm for the AGO internal control and monitoring unit.[502] According to State, the MCTF continues to be an increasingly capable investigatory force but is stymied by the AGO's refusal to pursue corruption cases.[503]

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

According to USAID, the MEC has sufficient technical capacity to carry out its mandate to develop anticorruption recommendations and benchmarks; monitor and evaluate the government and international community efforts to fight corruption; and report to the Afghan president, parliament, people,

and international community. The MEC remains one of the only effective organizations engaged in the fight against corruption in Afghanistan. The MEC's two main donors, Denmark and the United Kingdom (UK), have been working with the MEC to improve some of the administrative deficiencies found by UK auditors several months ago. According to USAID, donors and the U.S. government are impressed with the MEC's ability to confront the Afghan government on serious corruption issues.[504]

In April, the MEC issued its fifth six-month-report that covers their work and recommendations from July 1 to December 31, 2013.[505] SIGAR has previously reported on these recommendations (for example, please see pages 137–138 in the January 30, 2014, and October 30, 2013, quarterly reports). The MEC reported that it is monitoring more than 40 Afghan government institutions and international organizations. In the report, the MEC introduced a rating system for 23 institutions (or type of institutions such as the international community/donor) for the amount of cooperation and effort in responding to MEC recommendations. According to the MEC, the best performing institutions are the IEC, Da Afghanistan Bank, the Ministry of Mines and Petroleum, and the Supreme Court. The worst-performing institutions are ISAF, the Ministry of Refugees and Repatriations, the Kabul Bank Special Tribunal, and the Afghanistan Investment Support Agency.[506]

The MEC recently stated that the Afghan government has not effectively implemented asset registration and verification procedures for high-ranking Afghan officials, opening the door for embezzlement. According to the MEC, a properly implemented asset registration and verification system is an effective tool in fighting corruption. The MEC found that the High Office of Oversight and Anticorruption (HOO) has been able to register the assets of officials to some extent, but not annually as required; that the HOO has failed to verify the assets they have registered and did not refer illicit enrichment cases to the Attorney General's Office; and that the HOO's Asset Registration and Declaration Department suffers from low staff capacity.[507]

High Office of Oversight and Anticorruption

State and USAID have reported previously that the HOO is dysfunctional, ineffective, and politicized.[508] USAID reports that the HOO has adequate administrative and technical capacity to carry out its programs and mandate.[509] However, the HOO suffers from a lack of political will and seriousness of purpose at the upper echelons of government in fighting corruption, especially when it involves the powerful and political elite. The new HOO director has not increased productivity and continues to request donor assistance to build capacity in HOO staff. According to USAID, the donor community is reluctant to invest more at this time because it has not seen sufficient results from the funding it has already invested in the HOO.[510]

According to the UN Secretary-General, the HOO registered the assets of 2,975 government officials. The HOO has published information on the asset registration of 44 senior government officials, and asset verification has been completed for 33 high-level government officials, including the president, vice presidents, ministers and governors. The verification of the asset declarations of an additional 32 senior officials is under way.[511]

According to USAID, 1,150 Afghan officials are confirmed to have completed an asset-declaration form, although HOO claims the number is between 2,500 and 5,000. The HOO maintains that 7,000 officials are required to file asset-declaration forms. USAID admits that there is no way to independently verify the HOO's figures and notes that while most officials are required to disclose annually, most of those who have declared have done it only once since 2010. [512] Because of this, the Afghan government failed to meet its TMAF hard deliverable regarding the collection and publishing of the assets of high-ranking officials.[513]

CSTC-A Oversight of MOD and MOI Direct Contributions

According to DOD, the Combined Security Transition Command-Afghanistan (CSTC-A) has for the first time introduced a "financial levers strategy" that is meant to use direct financial contributions to the MOD and MOI as a lever to change Afghan government behaviors. See Figure 3.32. Once audit or assessment findings are communicated to the relevant ministry, CSTC-A will begin the process. On Day 30, the commanding general

FIGURE 3.32

COMBINED SECURITY TRANSITION COMMAND–AFGHANISTAN (CSTC-A) FINANCIAL LEVERS STRATEGY

DAY X	DAY 1	DAY 15	DAY 30
Audit or assessment related to Ministry of Defense (MOD) or Ministry of Interior (MOI) uncovers an issue.	CSTC-A ministerial advisor receives briefing of audit/assessment results. Audit recommendations letter goes to audited organization.	Auditor follows up with MOD/MOI to determine status of audit recommendations and any progress in rectifying problems identified.	CSTC-A commander or deputy sends letter of audit recommendations to MOD or MOI showing all "open" and "closed" recommendations. Intent is to elevate issues and address open recommendations.

DAY 45	DAY 46	DAY 60	DAY 61
Review board confirms consensus at CSTC-A that findings are not being addressed and recommendations are not being followed in a timely fashion.	First lever pulled: **50% disbursement delay to affected budget code**, or more serious follow-on actions occur if MOD or MOI ignore audit recommendations and do not respond.	Another CSTC-A follow-up determines status of audit recommendations.	Second lever pulled: **Commitment letter funding decreased, or disbursement delayed** to affected budget codes by 100%. Higher-level budget code has broader implications for MOD or MOI.

Source: DOD, CSTC-A, response to SIGAR data call, 12/30/2013.

or deputy commanding general of CSTC-A will send a letter of audit recommendations with all open and closed recommendations to the MOD or MOI. If an issue is not resolved by a review board on Day 45, CSTC-A will delay disbursement of 50% of the affected funds or take more serious action if warranted. On Day 60, CSTC-A will conduct a follow-up to determine the status of audit recommendations. Finally, on Day 61, CSTC-A will either decrease funding on the commitment letter or delay disbursement of the affected funds.[514]

The levers strategy seeks to change behavior at the ministry level. The first audit to go through the process reached the 45/46-day mark around December 23, 2013.[515] From August through October 2013, CSTC-A audited the MOI payroll. CSTC-A issued an audit report to the MOI in early November 2013. The audit contained findings related to pension deductions being erroneously calculated; payroll issues including late payments, inadequate withholding of payroll taxes, and improper deduction of pension contributions; and cooperative-stores funding that is unconstitutional, not accessible to its contributors, and with fees that exceed estimated operating costs. The MOI has responded to the audit by issuing a decree to stop all cooperative-store pay deductions.[516]

According to CSTC-A, there are several mechanisms for monitoring U.S. direct contributions to the Afghan budget for the Afghan security forces. CSTC-A uses a bilateral commitment letter to ensure that the Afghan government understands the terms and conditions surrounding the proper utilization of CSTC-A funds (including the purpose, time, and amount) and the possible consequences of improper use of funds.[517] Direct-contributions funding is provided to the Ministry of Finance, and later allotted to MOD and MOI, incrementally on an as-required basis.[518]

It is CSTC-A's assessment that once funds enter the Afghan government's bank account, oversight becomes significantly more challenging. CSTC-A currently compares on a weekly basis the reported Afghanistan Financial Management Information System (AFMIS) expenditures (by five-digit expenditure code) to the approved amounts in the commitment letter. CSTC-A notes, however, that AFMIS is a manual-entry system and its reliability is only as good as the Afghan government official who is entering the data. If CSTC-A observes that the spending of an expenditure code exceeds the amount specified in the commitment letter by any amount, then CSTC-A will investigate. Similarly, CSTC-A acts if it observes execution of any amount on a budget code that is not specified in the commitment letter.[519]

CSTC-A says it can reconcile U.S. direct contributions to MOI and MOD through an analysis of disbursements and expenses through AFMIS, but is currently examining, in collaboration with USAID, an alternate approach for providing direct contributions following a Department of Defense Inspector General audit. CSTC-A is analyzing the method used by USAID

in which the Afghan government establishes a special bank account granting USAID full audit rights over the account. According to CSTC-A, this arrangement could provide CSTC-A with another tool for strengthening accountability over direct contributions. Currently, CSTC-A direct contributions are pooled with all sources of Afghan government revenues (including other donor nations and domestic revenues) deposited in the single treasury account of the central bank. According to CSTC-A, this approach has the advantage of being more simple and provides the Afghan government more flexibility, but requires additional effort from CSTC-A to reconcile the reported use of funds.[520]

CSTC-A also uses audits designed to detect and correct improper spending to monitor high-risk areas such as fuel and pay. CSTC-A has initiated 12 audits over the last several months to examine payroll accountability and the purchases of clothing, fuel, and utilities in the Ministries of Defense and Interior.[521]

HUMAN RIGHTS

Gender Equity

In January, the Afghan Ministry of Women's Affairs (MOWA) released their first report on the implementation of the Elimination of Violence Against Women (EVAW) Law. According to UNAMA, this report reinforced UNAMA's findings from a December 2013 report and shows that too many cases are resolved through mediation rather than the criminal justice system.[522] The report found a total of 4,505 reported cases of violence against women—on average 35 cases per 100,000 women—in 32 of the 34 provinces. The five most reported types of cases were beating/battery and laceration (40.5%), murder (7.3%), abuse (5.4%), denial of food (5.4%), and forced marriage (5.1%).[523] The current state of the reported cases include resolution through mediation and other processes (41%), resolution through the formal legal system (11.5%), and still in progress (47%).[524]

According to USAID, the Afghan government failed to meet the TMAF hard deliverable to produce a detailed report on the application of the EVAW law in each province. The advanced draft of the report that was supplied to donors prior to the January 28, 2014, Special Joint Coordination Monitoring Board had a disparity between the reported number of cases by the MOI, Afghanistan Independent Human Rights Commission (AIHRC), or MOWA and the reported number of arrests, prosecutions, and convictions; a lack of complete data in the provinces; a lack of coordination between provincial justice institutions and provincial MOWA offices; a lack of technical support in the provinces; and the lack of an adequate and centralized data collection system for Kabul and the provinces.[525]

The new European Union Ambassador to Afghanistan stated in March that the Afghan government has not demonstrated a sufficient sense of urgency with regard to women's rights in Afghanistan and lacks a strong policy on the matter.[526]

There was controversy this quarter regarding a portion of the Criminal Procedure Code (CPC). Following a six-year drafting process, Article 26 of the CPC, which dealt with those who cannot be questioned as witnesses in criminal proceedings, was approved by parliament and signed into law, but was later amended through a decree by President Karzai.[527] There was concern that Article 26 would impact the prosecution of domestic violence and child abuse by restricting relatives of abusers from appearing as witnesses. The European Union, the U.S. Embassy Kabul, and other international donors issued statements requesting an amendment of the article.[528]

According to State, the final version of the CPC is a vast improvement over the original version passed by parliament. However, civil society groups have raised concerns over how the CPC will be effectively implemented.[529] According to USAID, the positive amendments were due to the strong advocacy and pressure of civil society, which is reflective of how much more active and organized Afghan civil society has become throughout the past decade.[530] According to Human Rights Watch, the revised Article 26 language still exempts too many family members from being called to court as witnesses and therefore poses a serious challenge for successful prosecution of violence against women and witness protection.[531]

Refugees and Internal Displacement

According to State, the UN High Commission for Refugees (UNHCR) recorded no new refugee outflows in the region in this quarter. In the first two months of 2014, returns totaled 965 individuals, which is 57% lower than the 2,265 returns during the same period in 2013. The decrease in the rate of returns can be attributed to the uncertain security situation in Afghanistan, the unknown outcome of the April 2014 Afghan presidential and provincial council elections, and the extension of proof-of-registration cards for Afghan refugees in Pakistan. Return trends also decline during the winter season with February being the lowest month historically. Afghans remain among the largest group of asylum seekers worldwide with 38,653 claims in 2013.[532]

As of February 28, UNHCR recorded a total number of 654,664 registered conflict-affected Internally Displaced Persons (IDPs) compared to 647,779 registered IDPs since January 31. According to State, the actual number of internally displaced could be much higher, but is difficult to verify.[533]

In February, the Afghan government launched a new national policy on internal displacement. It set forth the roles and responsibilities of various Afghan government ministries and agencies and their development and humanitarian partners. According to the UN Secretary General, an

implementation strategy is currently being developed.[534] Under the new policy, the Afghan government bears the primary responsibility to provide emergency assistance, longer term support, and protection to displaced persons in Afghanistan. According to UNHCR, the responsibility exists regardless of the cause of displacement. It also applies whether displaced persons are living in settlements, with host families, in rural or in urban settings, and inside or outside their province of origin. The policy ensures that Afghans will have the right to integrate in the place where they are living, return to their place of origin, or to relocate to a new place. Displaced people cannot be encouraged or compelled to return or relocate to areas where their lives will be at risk.[535]

The Government of Pakistan began issuing new refugee cards that will be valid until the end of 2015 to more than 1.6 million registered Afghan refugees. Pakistan's Cabinet decided in July of 2013 to further extend the temporary stay of Afghan refugees. According to UNHCR, the refugee card is important as it provides for Afghans to legally remain in Pakistan and thereby protects against risks such as extortion, arbitrary arrest, and detention as well as deportation under Pakistan's Foreigners Act. The process will be carried out in two phases. During February-June 2014 all expired cards will be replaced. In the second phase, from July to the end of the year, Pakistan will register and issue individual cards to some 150,000 children born during the past five years. An additional 330,000 Afghan children below the age of 18 will receive birth certificates for the first time under this initiative.[536]

The Norwegian Refugee Council (NRC) issued a report that found that rapid urban growth has been fuelled by the repatriation of refugees, internally displaced persons fleeing conflict and disasters, and economic migration. According to NRC, the arrival of IDPs and refugee returnees in Afghanistan's cities has created precarious living conditions, including a constant risk of forced evictions. Afghan domestic law does not have clear legal standards for eviction. Evictions are planned and carried out with no genuine consultation, inadequate notice, no due process, and without compensation. NRC found that in the vast majority of cases, evicted IDP and returnee families have no prospect of being relocated to adequate alternative housing by either the government or private land-owners.[537]

Afghanistan Independent Human Rights Commission

According to State, the Afghanistan Independent Human Rights Commission (AIHRC) continues to make significant progress in increasing awareness about human rights issues, documenting the current human rights situation, speaking out about abuses, and monitoring the ongoing elections. However, the Afghan government's process for appointing AIHRC commissioners created concern over the AIHRC's independence that could threaten its reaccreditation ranking.[538]

On January 28, the International Coordinating Committee (ICC) published the findings of its review of the AIHRC. The ICC currently rates the AIHRC as having "A" status, signifying compliance with the Paris Principles and reflecting institutional legitimacy and credibility.[539] The review, conducted every five years, concluded with a decision to defer the question of AIHRC's status for one year. The ICC, while expressing great respect for AIHRC's work and effectiveness, noted with concern the Afghan government's process of appointing new commissioners, the lack of sufficient female staff, and the dependence on donor funding. The ICC stressed the need for the AIHRC to address those concerns with the Afghan government by November 2014, failing which it would be recommended for a downgrading to a lower "B" status.[540] Because of this, the Afghan government failed to meet the TMAF hard deliverable regarding the appointment of AIHRC commissioners.[541] State reported that the current donors remain committed to supporting the AIHRC despite the uncertainty of it international rating.[542]

DATA QUALITY ASSESSMENT OF THE *SURVEY OF THE AFGHAN PEOPLE*

SIGAR reported last quarter on the annual *A Survey of the Afghan People* issued by the Asia Foundation. USAID currently funds approximately 26% of the survey's cost through a $750,000 grant.[543]

At the conclusion of last quarter, USAID finalized a data-quality assessment of the survey. USAID's report noted that the Asia Foundation survey, the only publicly available study of nationwide perceptions in Afghanistan since 2006, has become controversial due to a wide discrepancy between the survey's reported optimism and opinions captured in other surveys.[544] According to the report, analysts and organizations working on the ground in Afghanistan often dismiss the survey, while policy makers and key decision makers tout it as evidence of the progress the international community has made in Afghanistan[545]

According to the USAID assessment, the Asia Foundation made a number of changes to improve the quality of the survey in 2013 including changes to the survey plan, instrument, method, and analysis.[546] Some of these changes sought to better capture the opinions of Afghans living in insecure areas. The 2013 survey introduced what the Asia Foundation describes as "intercept interviews" to capture perceptions of Afghans living in inaccessible areas. The Foundation 'intercepted' respondents from insecure areas in a secure or accessible location, such as a bazaar, hospital, or travel point. The assessment notes that this is not an ideal method for capturing opinions from insecure areas.[547]

Another change included the hiring of a third-party monitoring company to observe the survey implementation process. The third-party monitor,

however, was not able to conduct truly independent monitoring of the survey process because the survey implementer did not define ahead of time their survey schedule so that the monitor was not able to plan monitoring site visits in advance using a random selection of survey sampling points. Instead, the monitor had to rely on guidance from the survey implementers in order to observe the survey process. Consequently, there was no assurance that survey implementers did not guide the third party to monitor the best enumerators performing the surveys rather than conduct a random sampling of enumerators.[548] Despite these changes, the assessment team found continuing areas of concern, including the process of replacing sampling points, misunderstanding by some enumerators of the randomized respondent selection process, and weak survey questions. According to the report, these findings illustrate continuing weaknesses in the survey.[549]