



Independent Joint Anti-Corruption
Monitoring and Evaluation Committee

August

2017

Progress Monitoring Report
**Ministry of
Refugees and
Repatriation**
(MoRR)



HIGHLIGHTS

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Kabul-Afghanistan

ACRONYMS

AGO	Attorney General Office
ACP	Anti-Corruption Plan
MEC	Independent Joint Anti-Corruption Monitoring and Evaluation Committee
IDPs	Internally Displaced Persons
GIRoA	Government of the Islamic Republic of Afghanistan
MoI	Ministry of Interior Affairs
MoRR	Ministry of Refugees and Repatriates
M&E	Monitoring and Evaluation
NDP	Natural Disaster Persons
NUG	National Unity Government
USAID	United States Agency for International Development
WFP	World Food Program

EXECUTIVE SUMMARY

In 2016, revenue-generating ministries of Afghanistan were required to develop individual Anti-Corruption Plans to ensure transparency in their operations and, most importantly, increase their revenue. Later, other non-revenue generating ministries have also followed suit and developed anti-corruption plans, including the Ministry of Refugees and Repatriation (MoRR). The Independent Joint Anti-Corruption Monitoring and Evaluation Committee (MEC) has started reviewing each of these plans and is releasing here its first review of the MoRR's Anti-Corruption Plan (ACP).

MEC's review was carried out in June and July of 2017. MoRR's plan consists of nine actions across three priority areas. The Ministry was cooperative with MEC in this effort and approximately 20 interviews were conducted, together with a number of document reviews. MEC's findings are expressed in two broad areas: the general scope of the MoRR's Plan; and the detailed progress of the action items in the ACP.

Previously, MoRR had no plan about how to tackle corruption. Nevertheless, the current leadership of the Ministry has set a clear roadmap about how to fight against corruption by developing an Anti-Corruption Plan.

While the Anti-Corruption Plan of MoRR appears to be too narrow, the Ministry is progressing in this fight.

Completion of the Plan

Of the nine actions in the Plan, all of them are in-progress as their deadlines are not immediate. Moreover, so far, some of the challenges in the Plan remain intact.

Specific findings

MEC received good cooperation from the Ministry in all MoRR priority areas:

1. ABROGATION OF PRESIDENTIAL DECREE NO. 104

The MoRR is proposing an immediate abrogation of the Presidential Decree No. 104 which has turned into a source of illegal income for corrupt officials.¹ In many provinces of Afghanistan, the committees that are vested with the authority to distribute lands to refugees, misuse the vague terms of the Decree for their own personal gain.² In one instance, a government official in eastern Laghman province misinterpreted the Decree and allocated the lands to illegible applicants. The case has been readily followed up by the Headquarters of MoRR in Kabul and it has been sent to the Attorney General Office (AGO).³ To prevent further corruption, MoRR has set up a technical team and developed a procedure that clarifies all stages of land distribution, and they have put forward strong requirements to ensure a transparent allocation of shelter to refugees across the country.⁴

2. IMPLEMENTATION OF SCOPE PROGRAM

Many people interviewed by MEC complained about aid quality and distribution of aid to fake beneficiaries in the provinces. Currently, 90 local NGOs receive funds from international humanitarian agencies and provide aid to refugees, Internally Displaced Persons and persons affected by natural disasters.⁵ However, in most cases, the aid does not reach to eligible beneficiaries. To curb corruption, MoRR and the World Food Program (WFP) have launched WFP's beneficiary management application SCOPE to collect the data of returnees at the Torkham border crossing.⁶ MoRR will register and store detailed information of every returnee and provides him or her with an electronic card.⁷ The expectation is that SCOPE would assist MoRR to more closely monitor the aid distribution process, particularly shelter allocation and prevent ad hoc delivery of humanitarian services.

3. PROMOTION AND DEMOTIONS

Respondents stated that lack of staff engagement has led employees of MoRR to become less interested in their jobs.⁸ Low pay and lack of both penalties and incentives have invariably prompted the staff to either show up late at work or behave in an unprofessional way with applicants.⁹ Interviewees cited taking bribes and gifts as the worst consequence of lack of staff engagement in MoRR.

To turn around the trend and encourage the staff of MoRR to accomplish their duties and responsibilities with great integrity and vigor, the leadership of the Ministry has set up a team to evaluate the performance of the staff and report their findings and recommendations.¹⁰

Gaps in scope

Several well-known areas of MoRR are missing in the ACP. The Plan does not cover the following crucial issues:

- Overlap in the functions and Terms of References of MoRR's Directorates
- The HR organization of MoRR has not been included in the ACP
- Selection of eligible staff for scholarships and fellowship programs offered by the Indian government and European countries
- Timely announcement of training opportunities before their deadlines approach

Formation of proper mechanisms and units in MoRR for soliciting funds from International Donors.

It should be noted that the initial draft of the Anti-Corruption Plan developed by MoRR encompassed all the above-mentioned topics. Nevertheless the Administrative Office of the President advised MoRR to narrow the plan.

RECOMMENDATIONS

No.	RECOMMENDATIONS
1	THE LEADERSHIP OF MORR SHOULD ESTABLISH A FUND-RAISING UNIT INSIDE THE MINISTRY TO RUN NEW PROJECTS
2	NEW TORs SHOULD BE DEVELOPED FOR DIRECTORATES THAT HAVE OVERLAPPING FUNCTIONS
3	THE FOREIGN AFFAIRS DIRECTORATE OF MORR SHOULD BE ASSIGNED TO ANNOUNCE SCHOLARSHIPS AND FELLOWSHIPS TO THE STAFF OF THE MINISTRY BEFORE DEADLINES APPROACH
4	THE POSITION OF HR DIRECTORATE HEAD SHOULD BE ANNOUNCED AS SOON AS POSSIBLE
Priority Number 1	
5	PRESIDENTIAL DECREE NO. 104 SHOULD BE REINDED
6	LAND DISTRIBUTION FILES SHOULD BE REVIEWED AND APPROVED BY BOTH CENTRAL AND PROVINCIAL COMMITTEES
7	PERIODIC MEETINGS SHOULD BE HELD BETWEEN PROVINCIAL AND CENTRAL LAND DISTRIBUTION COMMITTEES
Priority Number 2	
9	THE WFP'S SCOPE INITIATIVE OF MORR SHOULD BE SUPPORTED BY BOTH GICoA AND THE INTERNATIONAL COMMUNITY TO PREVENT FURTHER CORRUPTION IN DISTRIBUTION OF HUMANITARIAN AID TO RETURNEES AND INTERNALLY DISPLACED PERSONS IN AFGHANISTAN
10	MORR SHOULD FACILITATE MORE TECHNICAL TRAINING FOR THE STAFF OF MORR TO TAKE THE LEAD OF SCOPE IN THE LONG TERM
11	SECURITY INSTITUTIONS IN AFGHANISTAN SHOULD FACILITATE PROVIDING BIOMETRIC MEANS TO MORR FOR DIGITAL REGISTRATION OF RETURNEES AND IDPs.

INTRODUCTION

ANTI-CORRUPTION PLAN OF THE MINISTRY OF REFUGEES AND REPATRIATES (MoRR)

MoRR is a very important institution of the Government of the Islamic Republic of Afghanistan (GIROA) mandated to facilitate proper livelihood to Afghan repatriates and Internally Displaced Person (IDPs) and, most importantly, ensure their reintegration in the society with both financial and technical support of the International Community.

To a greater or lesser degree, MoRR has been, too, plagued with corruption as other Ministries of the National Unity Government. However, the new leadership of the Ministry has announced its full commitment to vigorously block all those actions that are either vulnerable to corruption or corrupt.

To that end, MoRR has readily designed its Anti-Corruption Plan (ACP) to address the following challenges:¹¹

- Non-existence of standard plans and policies
- Bureaucracy
- Lack of capacity
- Lack of proper Terms of References
- Poor salaries
- Lack of promotion and demotions

To address the mentioned challenges, MoRR has listed the following priorities in its ACP.

I. REVISION OF PRESIDENTIAL DECREE NO. 104

II. IMPLEMENTATION OF SCORE PROGRAM

III. PROMOTION AND DEMOTIONS

MoRR has apparently launched a two-pronged approach against corruption: *1) Preemptive Approach; and 2) Monitoring and Evaluation Approach*. So far, MoRR has taken the following initiatives employing these approaches:¹²

- a) Simplifying administrative procedures through better planning and digitalizing the processes;
- b) Improving the capacity of the staff through facilitating management and legal awareness trainings;
- c) Public access to the leadership of MoRR;
- d) Evaluation of Human Resources to achieve promotion and demotions.

MEC REVIEW METHODOLOGY

The review of the ACP of MoRR was proposed to determine the progress inside the Ministry regarding the implementation of the Plan. To systematically assess the indicators of the plan, MEC initially conducted desk research, collected policies and procedures of both the MoRR and the ACP, and carefully reviewed them.

Subsequently, information regarding the indicators listed in the ACP was gathered through key informant and in-depth interviews, focus group discussions and document reviews

For this report, MEC conducted face-to face interviews with the minister of MoRR as well as other top officials in MoRR directorates. MEC also conducted focus group discussions with mid-level and low-level staff of the Ministry of Refugees and Repatriates in related directorates. MEC also met with other entities involved in the sector. The field assessment was followed by a detailed review and analysis of the documents gathered to verify the descriptions and arguments revealed by the participants in interviews and focus group discussions.

The report was subsequently shared with the MoRR to seek their comments about the feasibility and accuracy of the recommendations.

FINDINGS

The following sections assess whether MoRR has achieved the indicators listed in the Plan. The analysis is based on the evidence collected and interviews conducted.

ABROGATION OF PRESIDENTIAL DECREE NO. 104

OBJECTIVE	ACTIVITY 1	BASELINE	INDICATOR
80 percent reduction in homelessness of refugees and IDPs	a) Reviewing Decree 104 b) Setting up a technical committee	MoRR has wrapped up its analysis about the Decree	A technical committee wrapped up its report.
	ACTIVITY 2	BASELINE	INDICATOR
	a) Developing a technical procedure for distribution of shelter	No appropriate procedure existed for a transparent distribution of shelter to returnees coming from abroad	a) MoRR's technical team worked on a comprehensive procedure. b) The draft of the procedure has been finalized.

	ACTIVITY 3	BASELINE	INDICATOR
	Presenting the procedure of the technical team of MoRR in the Council of Ministers	The procedure has not been approved by the Council of Ministers	Technical team of MoRR presented draft of the procedure

Source: MoRR Anti-Corruption Plan.

FINDING:

As its key mandate, the Ministry of Refugees and Repatriates distributes shelter to deserving returnees and that integrates them into the society. To establish a legal framework for the process, the President issued Decree No. 104, assigning MoRR to provide lands to returnees, particularly from neighboring countries.

Decree 104 requires MoRR to identify and distribute lands to returnees in close coordination with municipalities and local government units. Hence, in addition to MoRR, the Decree also authorized several other entities; particularly the office of Governor’s to become involved.¹³

Nevertheless, the process of land distribution has been plagued with massive bribery, nepotism and embezzlement.¹⁴ MEC has found that Decree 104 has facilitated corruption. During this assessment, most legal professionals also argued that the language of the Decree has given “a free hand to government officials to misuse and turn land-distribution as a channel for illegal gains.”¹⁵ For instance, Article 2 of the Decree mentions that repatriates that have “valid documents” shall be provided with shelter. It is not explained what documents should be exactly presented by repatriates to be considered eligible.

Respondents alleged that some provincial committee members that have a predominant role in land distribution use such inconsistent and ambiguous terms of the Decree for taking bribes or selling the lands to people who are not repatriates at all.¹⁶

Presidential Decree No. 104 has laid out the establishment of central and provincial land distribution committees. Article 7 of the Decree, which vests the authority of determining the eligibility of returnees to Governors’ Offices, has circumscribed the role of MoRR HQs in Kabul to have a say in the final decisions made by the provincial commissions. In a nutshell, a system of checks and balances does not exist between central and provincial committees.¹⁷

To prevent misuse of land distribution, the Ministry is proposing an immediate abrogation of the Decree. MoRR has set up a committee and drafted an internal procedure about land distribution across the country. The procedure was developed after an in-depth analysis of Decree 104 to surmount the difficulties caused by the Decree. It sets clear requirements to be met by a returnee in order to be eligible for provided shelter.

IMPLEMENTATION OF SCOPE PROGRAM

OBJECTIVE	ACTIVITY 1	BASELINE	INDICATOR
Establishment of an effective system for humanitarian aid services	Reviewing the current system of providing humanitarian aid	There is no system in place for proper registration of returnees, IDPs and Natural Affected Persons	National and international NGOs have completed their reports
	ACTIVITY 2	BASELINE	INDICATOR
	Developing concept notes and proposals.	Budget does not exist	A budget analysis has been made
	ACTIVITY 3	BASELINE	INDICATOR
	a) Facilitating necessary equipment b) Activating the system of aid services	Required equipment does not exist to initiate the system.	MoRR and international donors wrapped up reports

Source: MoRR Anti-Corruption Plan.

FINDING:

Lack of biometric technology in humanitarian aid management in Afghanistan has led to the loss of millions of U.S. dollars over the past 17 years.¹⁸ Many people interviewed complained about aid quality and distribution of aid to fake beneficiaries in the provinces.¹⁹ Currently, 90 local NGOs receive funds from International Humanitarian Agencies and provide aid to refugees, IDPs and persons affected by natural disasters. However, in most cases, the aid does not reach to eligible beneficiaries.²⁰

“I personally noticed that families in our village have gone to Pakistan many times and came back just to receive aid. It has become a common trend. Villagers cross the border and return home disguising themselves as new comers. It is all because we do not have any proper registration system for refugees.”

Parvez Safi, Resident of Kunar Valley

To curb corruption, MoRR and the WFP have launched SCOPE, which is WFP’s beneficiary management application. Use of SCOPE will allow for data collection of returnees in Torkham border crossing, registering and storing the detailed information of every single returnee and provide him or her with an electronic card. SCOPE would assist MoRR to closely monitor the aid distribution process, particularly shelter allocation and prevent ad hoc delivery of humanitarian services.

The MoRR and WFP will soon sign another Memorandum of Understanding to launch SCOPE across the country and run the program jointly for the next three years until MoRR improves its capacity to lead the initiative on its own.²¹ So far, MoRR has arranged two workshops for its technical staff about SCOPE. The leadership of the Ministry has announced its commitment to improve the capacity of the staff through facilitating trainings and long-term programs. Moreover, MoRR officials, at this stage, are urging relevant security institutions to make the necessary arrangements for using biometrics to better serve refugees and internally displaced Afghans.²²

PROMOTION AND DEMOTIONS

OBJECTIVE	ACTIVITY 1	BASELINE	INDICATOR
Improving administrative services through promotions and demotions	Developing an estimation of performance evaluation cost	The staff have not been evaluated	The budget has been estimated
	ACTIVITY 2	BASELINE	INDICATOR
	Initiating performance evaluation of the staff to increase the level of services. Determining staff with high-performance and low performance	Old-fashioned and classic performance evaluations existed	The HR and Internal Audit Office of MoRR have evaluated the performance of the staff
	ACTIVITY 3	BASELINE	INDICATOR
	Taking decisions once the performance evaluation is conducted	Top government officials did not support promotions	Staff of the Ministry has been promoted and also demoted

Source: MoRR Anti-Corruption Plan.

FINDING:

Respondents stated that lack of staff engagement has led employees of MoRR to become less interested in their jobs. Low pay and a lack of penalties and incentives have invariably prompted the staff to either show up late for work or behave in an unprofessional way with applicants.²³ Interviewees cited taking bribes and gifts as the worst consequence of lack of staff engagement in MoRR.

To turn around the trend and encourage the staff of MoRR to accomplish their duties and responsibilities with greater integrity, the leadership of the Ministry has established an assessment team to evaluate the performance of the staff and report their findings and recommendations.²⁴

This assessment team has conducted an evaluation of all the staff of the Ministry and recommended both demotions and promotions. The leadership of MoRR has considered the recommendations and introduced employees that were positively evaluated to the office of Chief Executive Officer of the National Unity Government to be granted second degree certificates of appreciation. Respondents inside the headquarters of the Ministry have voiced their full satisfaction regarding the assessment saying the team has evaluated the staff regardless of any sort of discrimination.

FOOTNOTES

- ¹ Interview with the Minister of MoRR, Kabul, May 27, 2017.
- ² Interview with the top-level managers of MoRR, June 18, 2017.
- ³ Ibid.
- ⁴ Focus group discussion with top-level managers of MoRR, June 18, 2017.
- ⁵ Interview with managers of MoRR, Kabul, June 21, 2017.
- ⁶ Ibid.
- ⁷ Interview with the staff of WFP, Kabul, June 20, 2017.
- ⁸ Interview with low level staff of MoRR, Kabul, June 21, 2017.
- ⁹ Ibid.
- ¹⁰ Ibid.
- ¹¹ Anti-Corruption Plan of MoRR, Page 1.
- ¹² Ibid.
- ¹³ Review of Decree 104, June 29, 2017.
- ¹⁴ Group discussion with the staff of MoRR, Kabul, June 21, 2017.
- ¹⁵ Interview with legal experts, Kabul, June 22, 2017.
- ¹⁶ Interview with refugees from Pakistan, Kabul, June 19, 2017.
- ¹⁷ Interview with the staff of MoRR, Kabul, June 21, 2017.
- ¹⁸ Interview with humanitarian aid workers, Kabul, June 20, 2017.
- ¹⁹ Interview with refugees, Kabul, June 19, 2017.
- ²⁰ Ibid.
- ²¹ Interview with top-managers of MoRR, Kabul, June 21, 2017.
- ²² Ibid.
- ²³ Interview with low-level staff of MoRR, June 14, 2017.
- ²⁴ Interview with high-level managers of MoRR, June 17, 2017.