

Presidential decree on the amendment of legal personality, duties, functioning and authorities of The Independent Joint Anti-Corruption Monitoring and Evaluation Committee

No: 115

Date: 28/6/1395 (September 18, 2016)

According to provisions of Article 7, item 20 of Article 64 and item 3 of Article 75 of the Constitution of Afghanistan, adhering to the international conventions and for the purpose of effectively fighting against corruption, and by recognizing the need to strengthen monitoring and evaluation of activities of the government and international institutions in Afghanistan, I, hereby, approve the following:

Article 1:

Given the effectiveness of activities of the Independent Joint Anti-Corruption Monitoring and Evaluation Committee, from now on this institution shall function independently with limited Tashkeil (organizational structure).

Article 2:

- 1- The Independent Joint Anti-Corruption Monitoring and Evaluation Committee consists of six professional and expert national and international members. The national members of the committee are appointed by the President of the Islamic Republic of Afghanistan, and the international committee members are introduced by the credible anti-corruption organizations of the international community and appointed after approval by the President of the Islamic Republic of Afghanistan, for a period of two years based on the attached document of terms of reference, authorities and organization structure.
- 2- The Executive Director of the Independent Joint Anti-Corruption Monitoring and Evaluation Committee Secretariat is appointed on the basis of the recommendation of the Committee and the approval of the President of the Islamic Republic of Afghanistan.

Article 3:

All the government organizations and international institutions while offering their full cooperation, are obliged to provide the Independent Joint Anti-Corruption Monitoring and Evaluation Committee with the statistics and information needed for the evaluation, and

implement the recommendations of the Committee and regularly report the state of implementation of these recommendations to the Independent Joint Anti-Corruption Monitoring and Evaluation Committee.

Article 4:

The required budget of the Independent Joint Anti-Corruption Monitoring and Evaluation Committee shall be provided by the International Community.

Article 5:

With the enforcement of this decree, all other previous decrees shall be abolished.

Mohammad Ashraf Ghani

President of the Islamic Republic of Afghanistan

Terms of reference, authorities, functioning and organizational structure of The Independent Joint Anti-Corruption Monitoring & Evaluation Committee (MEC)

Authority

Article 1:

Pursuant to presidential decree No. (115) dated (September 18, 2016), this document has been enacted to regulate proceedings and activities of The Independent Joint Anti-Corruption Monitoring and Evaluation Committee (hereafter referred to as “Committee”).

Committee Members Selection

Article 2:

In order to further, more effectively and accurately monitor and evaluate the anti-corruption efforts and activities in government organizations of Islamic Republic of Afghanistan and entities of international community located in Afghanistan, the committee members are selected as follow:

- 1- are appointed by the President of Islamic Republic of Afghanistan three national expert individuals who are highly educated, with experience with government and credible non-government entities and with expertise and knowledge in monitoring and evaluation of corruption issues.
- 2- are appointed three international experts who have professional knowledge, qualification and sufficient experience in monitoring and evaluation, and fighting against corruption, and financial and economic issues on the basis of the recommendation by the International Community and approval by the Presidential of the Islamic Republic of Afghanistan.

Committee chairmanship

Article 3:

Committee chairmanship is periodic and the chairman is elected, according to relevant procedure, amongst the national members for the first 6 months and for the second 6 months amongst the international members through transparent, secret and direct vote.

Committee Members term extension

Article 4:

If required, the term of office of members is extended by President based on effectiveness of their performances and also in consultation with international community regarding the international members.

Duties and Authorities

Article 5:

Committee has the following duties and authorities:

- 1- Monitoring and evaluating the anti-corruption efforts in Afghan government organizations and entities of international community in Afghanistan.
- 2- Issuing recommendations to the government and international organizations for bringing reforms, and ensuring transparency and accountability.
- 3- Monitoring and evaluating the effectiveness, transparency and accountability of the international community aid.
- 4- Monitoring the status of implementation of issued recommendations.
- 5- Providing Quarterly reports on the status of implementation of Committee's recommendations and overall situation of corruption in the country and submitting it to the President, Parliament, International Community and the Public through a press conference.

[DECREE DID NOT LIST AN ARTICLE 6]

Meetings

Article 7:

Committee meetings are held as follow:

- 1- Quarterly according to procedure,
- 2- Through communication tools such as video conference and etc...

Accountability

Article 8:

Despite being independent in its performances, the Committee is accountable and report to President of the Islamic Republic of Afghanistan and the International Community. The Committee can use views and suggestions of other organizations that can be useful for carrying out its activities.

Obligation

Article 9:

The Committee, while performing its assigned duties, is obliged to obey the Afghan Constitution and other enforced laws of the country.

Proceedings

Article 10:

In order to organize its works, hold meetings and carry out other tasks, the Committee shall design and adopt its working procedure.