



COLLECTIVE RESOLUTION TO ENHANCE ACCOUNTABILITY AND TRANSPARENCY IN EMERGENCIES AFGHANISTAN REPORT

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EXECUTIVE SUMMARY

This report presents findings from the Afghanistan case study for the *Collective Resolution to Enhance Accountability and Transparency in Emergencies* (CREATE) initiative, led by Transparency International. The goal of the study was to produce an evidence base concerning corruption risks and prevention and mitigation measures in relation to the implementation of humanitarian assistance in Afghanistan. In its mapping of corruption risks, the study describes those corruption risks that are well-documented by existing empirical studies as well as perceived risks, as perceived by the stakeholders consulted.

Considerable research suggests that corruption is deeply entrenched in the economy and systems of governance in Afghanistan. The country ranks as one of the most corrupt countries in the world, at 166 out of 167 on the 2015 Transparency International Corruption Perception Index. Previous studies have also found that the humanitarian sector is significantly affected. A 2007 study, *Corruption Perceptions and Risks in Humanitarian Assistance*, found a 'devastating' picture and called for more concerted action on the part of the government, aid agencies and donors to address corruption risks.¹

This study sought to generate additional evidence on current general patterns of perceived corruption risks within the humanitarian sector in Afghanistan and to capture the mitigation measures being utilised. The research consisted of over 120 key-informant interviews and community consultations and focused on three key sectors: food, shelter and health. It took place in three provinces – Badakhshan, Herat and Nangarhar – as well as Kabul. In addition to the interviews and consultations, the study draws on material from the three-year *Secure Access in Volatile Environments* (SAVE) study, which looked at corruption as a factor affecting humanitarian access in Afghanistan's insecure provinces. It also compares the findings with and situates them within those of other relevant studies on corruption in Afghanistan² as well as other sources summarised in a background report produced for the project.³

The research team was supported by a stakeholder group consisting of key actors within the humanitarian community working in Afghanistan. This group met in Kabul to initiate the research in March 2016 and in November that year to discuss the findings and recommendations, before finalising the report.

KEY FINDINGS

This study found corruption risks in a number of stages within the programme cycle of humanitarian aid in Afghanistan. The most notable times included during the negotiation of conditions for access and area selection for programming; the awarding of contracts (to private contractors and humanitarian agencies) and the procurement of goods and services; and the selection and targeting of aid recipients. Corruption risks were also found to result from nepotism and ethnic bias in staff hiring; a lack of means to reliably hold corrupt staff and organisations accountable; and a lack of transparent and effective feedback mechanisms. Of concern was a lack of clear communication channels with aid recipients: Many people interviewed were unaware of the amounts and timing of aid entitlements and some had tried to complain about aid quality or corruption issues to no effect.

Corrupt practices were reported both within local government agencies at the provincial and sub-provincial levels, as well as within the contracting chain with aid agencies (sometimes starting with the main recipient

¹ Savage et al., 2007

² See for example, Savage et al., 2007; UNODC, 2012; IWA, 2014; Mohmand, 2016; RMU, 2016

³ Radon et al., 2016

agency). The evidence suggests that food assistance, non-food item distribution and cash seem to be more prone to diversion through abuse of power, compared with activities in health and protection. Some agency representatives consulted in previous studies also believed that vouchers were slightly less susceptible to corruption and fraud than cash, but the evidence here remains under-developed.⁴ Similar to other contexts, mitigating corruption in larger scale operations was harder, compared with smaller ones. Both affected communities and aid organisations cited problems with inappropriate interference by local government officials, local elders and other community representatives who sought to inflate lists or divert aid resources for their own purposes.

With just a few exceptions, aid agency representatives interviewed generally expressed confidence that their own organisations had systems and procedures in place to prevent major corruption risks, and they also generally believed that corruption problems do not affect their own organisations, revealing perhaps a level of discomfort with sharing that information with the research team. Examples were identified of single-agency mitigation measures to reduce corruption risks as well as inter-agency measures related to risk management more broadly. Agency representatives described specific procurement, finance and human resources policies and systems that had been put in place to prevent corruption. Despite the existence of policies and procedures, few interviewees reported that staff had received training specifically on combatting corruption, and a number noted the lack of context-specific policies. In addition, the inter-agency dialogue has not been active on addressing corruption (as compared to risk-management more broadly), nor was there evidence that the Government of Afghanistan (GoA) in Kabul has been engaged in discussions on these issues within the humanitarian sector.

Part of the challenge in addressing corruption within humanitarian assistance in Afghanistan is that it is considered 'negligible' compared to that within development and security-related assistance and that it is somehow more manageable given that resources are not directly controlled by government officials. This perspective raises three concerns: First, the scarcity of humanitarian resources should create even greater incentives to ensure they are protected and they reach the intended recipients. Second, if opportunities for corruption are effectively mitigated elsewhere, opportunities for informal revenue raising and other forms of corruption are more likely to target areas such as the humanitarian sector if scrutiny is limited. Third, evidence suggests that state and non-state local authorities regularly attempt to manipulate humanitarian aid in Afghanistan, irrespective of the mechanisms that aid is channelled through.

There is a need to create incentives to mitigate corruption in the humanitarian arena and to increase the openness and transparency generally on the corruption experience and challenges faced by humanitarian organisations in Afghanistan. The recommendations outlined at the end of this report are intended to support this process so that ultimately there is an increased and ongoing effort to protect the integrity of humanitarian action to ensure it reaches those most vulnerable, particularly in hard-to-reach areas.

⁴ Haver and Carter, 2015

1. INTRODUCTION

STUDY OBJECTIVES

In response to evidence that a range of stakeholders involved in humanitarian aid are exposed to a multitude of integrity risks, Transparency International commissioned a study on corruption risks, existing mitigation measures and accountability initiatives in four large and complex humanitarian contexts: Afghanistan, the response to Ebola in Guinea, Southern Somalia and operations to assist Syrian refugees in Lebanon. Humanitarian Outcomes is undertaking the studies related to Afghanistan and Southern Somalia. Humanitarian Outcomes partnered with the Peace Training and Research Organisation (PTRO) to study the corruption risks and existing mitigation measures and accountability initiatives within humanitarian aid in Afghanistan.

The goal of the research is to produce, for the purpose of humanitarian stakeholder engagement, an evidence-based case study concerning corruption risks and preventive and mitigation measures in relation to the implementation of humanitarian assistance in Afghanistan. The study defines **corruption** as ‘the abuse of entrusted power for private gain’ and **integrity** as ‘behaviours and actions consistent with a set of moral or ethical principles and standards, embraced by individuals as well as institutions, that create a barrier to corruption’⁵.

The research focuses on two main areas: first, identifying how humanitarian stakeholders perceive corruption risks within humanitarian assistance in Afghanistan and, second, identifying stakeholder practices that aim to increase the integrity, transparency and accountability of humanitarian aid by preventing and mitigating corruption. For the first area, the report seeks to describe both actual risks that are well-documented by other empirical studies and to compare them with the risks perceived by the stakeholders consulted. It did not, however, attempt to quantify the extent of corruption in the humanitarian sector, or to investigate any specific claim of corrupt practice.

STRUCTURE OF THE REPORT

The report is divided into five sections. Section 1 provides an introduction and outlines the research methodology. Section 2 examines the key background factors to corruption and the aid system in the Afghan context. Sections 3 and 4 present a detailed summary of the findings, including a summary of the main corruption risks and the prevention and mitigation measures. Section 5 concludes the report, and outlines a series of recommendations including actions that have been applied and proven valuable either in Afghanistan or in the other case study contexts to facilitate cross-country learning.

⁵ The Anticorruption Plain Language Guide, Transparency International, July 2009.

2. METHODOLOGY

The research consisted of (1) a background literature review, (2) key-informant interviews with aid actors and (3) local population consultations. The research was guided by a stakeholder group representing the diverse humanitarian actors in Afghanistan. The group met to discuss the objectives and methods of the study in Kabul in March 2016. A second stakeholder meeting was conducted in November 2016 to discuss the findings and recommendations, and feedback from the group was reflected in the final report.

A background report, researched and written by a team at Columbia University, on the wider governance and legislative environments for humanitarian aid, provided a useful review of the literature and governance environment in Afghanistan.⁶ The report identifies some common themes among the four case studies but highlights the importance of 'local dynamics, history and psychology' in understanding the specific contexts within which corruption takes place and which influence advocacy messages and best practices.

Fifty-eight key-informant interviews with aid actors were undertaken in Kabul and three field provinces. In addition, affected population consultations were held with 73 community members. All interviews were conducted on the basis of anonymity, and a snowballing approach was utilised in order to gain the trust of interviews by requesting referrals to other possible willing participants. The research team also attempted to have a gender balance among interviewees and had female field researchers to reach female members of the affected communities. A total of 35 respondents (48 per cent) were women from affected communities.

The respondent categories were government officials, donor government representatives, national and international NGO representatives, UN staff, humanitarian aid recipients and key informants who included Internally Displaced Person (IDP) representatives, tribal leaders and members of local *jirgas*, or tribal councils (see Table 1).

Table 1. Interviews conducted

	International NGOs and UN	National NGOs	Civil Society Orgs/ other	Donor governments (Kabul) Government of Afghanistan (provinces)	Provincial councils	Affected population
Kabul	8	10	1	3		
Nangarhar	7	2	2	2	1	25
Badakhshan	2	4	1	3	1	23
Herat	4	3	2	2	1	25
Total	21	16	6	10	3	73

⁶ Radon et al., 2016

Humanitarian Outcomes, leading the research in Afghanistan and southern Somalia, developed the questionnaire in conjunction with Transparency International, in order to ask the same questions across the four case study countries. PTRO researchers added follow-up questions and had the freedom to change the wording of questions to make it easier for respondents to understand. A number of different questionnaires were designed for a variety of sets of respondents. Questionnaires targeted different groups such as local government officials and key informants such as local *shura* (consultative council) members and IDP representatives, humanitarian aid agencies and aid recipients.

The field research took place in three provinces: Badakhshan, Herat and Nangarhar (see Table 2).

Table 2. Field locations

Provinces	Districts	Village/area/IDP camp (specific names withheld)	Affected population
Badakhshan	Faizabad	<ul style="list-style-type: none"> Two villages 	<ul style="list-style-type: none"> A flood affected population and an IDP population
	Baharak	<ul style="list-style-type: none"> Provincial centre 	<ul style="list-style-type: none"> IDPs in the provincial centre from a different district.
Nangarhar	Jalalabad	<ul style="list-style-type: none"> Three areas 	<ul style="list-style-type: none"> IDPs from border districts, as well as the flood-affected population, live in these districts and villages.
	Behsood	<ul style="list-style-type: none"> Two villages 	
	Soorkhrood	<ul style="list-style-type: none"> One village 	
Herat	Herat city	<ul style="list-style-type: none"> Two IDP camps and an area hosting returning refugees 	<ul style="list-style-type: none"> IDPs from other provinces. Refugees returning from Iran

These provinces within the northeastern, west and eastern parts of the country have experienced significant levels of humanitarian assistance and are susceptible to high integrity risks, particularly because security is fragile, government structures are weak and the types of responses have often involved rapid scale-up due to internal displacement and frequent natural disasters, at least in Badakhshan.

Badakhshan is a northeastern province known for its inaccessibility, particularly some of its districts during the winter. Badakhshan province is struck by poverty and frequent natural disasters such as floods and earthquakes. The latest insecurity threatens to put some of its districts into insurgents' hands; this has triggered internal displacements within the province and Faizabad is increasingly receiving IDPs from the insecure districts. Herat is the regional centre in the country's southwest and has been home to IDPs for more than two decades. The civil war in the 1990s compelled many tribes in the northern provinces to leave their home villages for IDP camps in Herat province. This group of IDPs continue to think the conditions in their provinces are unbearable and instead continue to live in Herat. Daily labour in Herat city and labour migration of the youth to Iran seem to be the main livelihood strategies of the many impoverished families among IDPs. The third province where field research took place is Nangarhar and the research areas included Behsood, Soorkhrood and Jalalabad. The current insecurity, including that

posed by ISIS in some of the border districts of the province, has pushed waves of labour migrants and IDPs to settle in Jalalabad city.

PTRO has worked and established networks in all three provinces. In Herat and Jalalabad, PTRO currently runs programmes and has established contacts with local government and communities in some of the districts. In Badakhshan, PTRO had conducted research before and has hired field facilitators. These local researchers/field facilitators can be called upon for short-term research and have proven helpful to increase access to the right people and to reliable data.

Challenges and caveats

Conducting research on corruption is difficult and highly sensitive. To manage the sensitivities, and consistent with Transparency International's approach in researching corruption issues, the research team focused on a qualitative approach to generating the evidence. As such it makes no claims of statistical representation. There were also a number of challenges encountered in conducting the study, including access to government officials; capturing an understanding of the corruption risks related to cash-based assistance; interviewing multiple stakeholders from the same organisation; and the openness of some respondents to discuss corruption risks related to their own organisation.

Access to government officials in Kabul was one of the main challenges. Whereas government officials in the provinces were relatively open and easy to access, government officials in Kabul did not respond to numerous written and phone requests for interviews.

While cash-based assistance is increasingly provided as a form of humanitarian aid, most interviewees were not able to provide observations about the corruption risks specific to this transfer modality; as a result this topic was not examined in detail.

In some cases, interviewing multiple staff from within the same organisation (e.g. Kabul-based and field-based) was challenging, mainly because some participants needed consent from senior officials in Kabul, which slowed down the process and sometimes resulted in their not being able to be interviewed. In addition, some interviewees were not able to answer specific questions, e.g. related to finance, budget and procurement policies.

A large number of (primarily) national staff and partner interviewees were reluctant to discuss both specific corruption practices as well as examples of corruption from their own organisation. Most denied any corruption within their organisation, but pointed to it being a significant problem within humanitarian aid in Afghanistan generally. Respondents were likely concerned that any admission of corruption could damage the reputation of the organisation or (especially for those with lower positions) their own job security. The gaps were most notable in the areas of finance and procurement. Possibly a different approach to the research (e.g. different interview questions or methods or longer timeframes) could have elicited more candid replies. Recent reductions in overall aid flows may also have contributed to a general reluctance to overly criticise the humanitarian projects that still exist. To address these and other gaps, the authors have drawn on a significant number of interviews conducted by the recent *Secure Access in Volatile Environments* (SAVE) study, which examined issues related to access and quality programming and included corruption as one thematic area. The study also draws on other recent studies and surveys looking at corruption in Afghanistan to better situate the findings of the present research.⁷

Lastly, the research was not an investigation of any individual agency or group of agencies; nor does it attempt to quantify or estimate the overall percentage of losses due to corruption, or investigate any

⁷ e.g. UNODC, 2012; IWA, 2014; Mohmand, 2016; Jones, 2016

specific claim of corrupt practice. This should not however dilute the very real and serious concerns raised by aid actors and the Afghan community regarding corruption in the humanitarian system.

3. BACKGROUND FACTORS

Afghanistan ranks as one of the most corrupt countries in the world, at 166 out of 167 on the 2015 Transparency International Corruption Perception Index.⁸ This significantly impacts all aspects of the society and economy. As a recent report concluded, the integrity risks are so great that 'a sizeable proportion of the Afghan population has lost confidence in their government's ability to work in the interest of the broader public, rather than in the interests of a small group of warlords and other political elites.' This furthers conflict and violence, jeopardising the very future of Afghanistan as a viable nation.⁹ A recent survey of nearly 600 conflict-affected community members in four areas of Afghanistan found that more than three quarters of them felt that corruption is a main barrier to receiving assistance.¹⁰

Since 2001, hundreds of billions of dollars in aid were introduced into the country's fragile economy. This aid nearly doubled Afghanistan's GDP, which many claim increased vulnerability to corruption by driving up local prices, inflating staff salaries of some international organisations and contractors, and providing ample opportunity for corruption in a country severely lacking in security, governance and rule of law.¹¹ Despite the substantial financial resources given to the Government of Afghanistan (GoA) to assist the country to strengthen its institutions, 'the effectiveness of such institutions has been significantly eroded by a lack of integrity, accountability, and transparency'.¹²

In the past few years, under the leadership of President Ghani, anti-corruption measures have received new attention and a number of donor governments, as well as the UN's assistance mission (UNAMA), have supported those efforts. Anti-corruption measures include the establishment of a UNAMA GoA Working Group on corruption as well as specific initiatives such as the recently established Anti-Corruption Justice Centre and a large-scale review process for procurement activity.¹³ The general view is that while progress has not been as fast or as effective as needed, the investments indicate an important shift in the openness of the government to acknowledge the damaging effects of corruption and its own role in that process.

3.1. LEGAL SYSTEMS, INSTITUTIONS AND ANTI-CORRUPTION FRAMEWORKS

While new initiatives such as the Anti-Corruption Justice Centre are now in place, the significance of corruption in Afghanistan over the course of the last decade has not been due to a lack of legal systems and institutions. Afghanistan's Law on Overseeing the Implementation of the Anti-Administrative Corruption Strategy ('Corruption Law') was established in 2008. It provided the mandate and organisation of the High Office of Oversight and Anti-corruption (HOOAC) and assigned to HOOAC the role of overseeing the implementation of the strategy.¹⁴ The Corruption Law proscribes 18 acts, including bribery,

⁸ Transparency International, 2015. http://www.transparency.org/whatwedo/publication/cpi_2015

⁹ Mohmand, 2016

¹⁰ Jones, 2016

¹¹ Radon et al., 2016

¹² Mohmand, 2016

¹³ See for example the country statement at the Anti-Corruption Summit in London in 2016: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522697/Afghanistan.pdf

¹⁴ The Law on Overseeing the Implementation of the Anti-Administrative Corruption Strategy (Corruption Law) replaces a previous similar law, the Law of Campaign against Bribery and Official Corruption (2004), and its associated corruption agency, as noted in Radon et al. 2016.

embezzlement, forgery and nepotism, criminalisation of which is set out in the Penal Code.¹⁵ The Corruption Law is applicable to NGOs and international organisations 'that are party to financial transactions with the State within the framework of the UNCAC and other international treaties'.¹⁶ The Corruption Law also provides for the establishment of Anti-Administrative Corruption Prosecution Offices within the Attorney General's Office (AGO) to investigate crimes of corruption and file cases, as well as Anti-Administrative Corruption Tribunals in the capital and provinces in order to deal with crimes of administrative corruption.¹⁷

To date, the main domestic agencies involved in combatting corruption are HOOAC, whose responsibility is mainly coordination, and the AGO, which conducts prosecution of corruption-related and other criminal offences. In addition to HOOAC, the Ministry of Interior (MOI), the National Directorate Security (NDS) and the Supreme Audit Office (SAO) can develop corruption cases for prosecution by the AGO.¹⁸ Radon et al. (2016) also note however that international pressures led to the formation of additional mechanisms, including the Independent Joint Anti-Corruption Monitoring and Evaluation Committee (the MEC), an independent committee comprising six national and international anti-corruption experts that monitors and evaluates anti-corruption measures. The International Security Assistance Force (ISAF) created numerous task forces to implement ISAF anti-corruption efforts¹⁹ and the United States also created its own agencies, including its Task-Force 2010 and the SIGAR (Office of the Special Inspector General for Afghanistan Reconstruction).²⁰ Through the FBI's Major Crimes Task Force, the US also assists the AGO with investigating cases of corruption. The civil society organisation Integrity Watch Afghanistan (IWA) conducts community monitoring, research and advocacy on corruption issues.²¹

Despite the establishment of anti-corruption institutions in Afghanistan, there has been no record-keeping system for tracking the investigation and prosecution of corruption cases by HOOAC or the AGO.²² According to the MEC, 'hundreds of cases have been submitted to [the AGO] over the past several years, but the vast majority of them have not been prosecuted'.²³ The MEC states that this is due to a lack of interagency cooperation and case management resources, as well as a lack of political will.²⁴ There is considerable hope that the establishment of the Anti-Corruption Justice Centre, intentionally-designed to be insulated from political influence, will address some of these challenges. Meanwhile, in its reports to the American Congress, the SIGAR publishes an overview of cases in which it is involved, including details of arrests, prosecution and sentencing although the majority of the convictions are in US courts against US citizens.²⁵

¹⁵ As noted in Radon et al. 2016

¹⁶ As noted in Radon et al. 2016

¹⁷ As noted in Radon et al. 2016

¹⁸ Independent Joint Anti-Corruption Monitoring and Evaluation Committee, 'Vulnerability to Corruption Assessment on Corruption Case Processing in Afghanistan,' February 2015, as quoted in Radon et al. 2016.

¹⁹ CJIATF-Shafafiyat, 'SIGAR Information Report', 1 June 2011, public intelligence, as quoted in Radon et al. 2016.

²⁰ The task-force was shut down in 2014 to accommodate the 9,800 cap for US military forces in Afghanistan. International Security Assistance Force, 'New Task Force Stands Up to Combat Contract Corruption', 2010; Maggie Ybarra, 'Afghanistan Anti-corruption Task Force Shuttered amid U.S. Troop Drawdown,' Washington Times, 20 October 2014, as noted in Radon et al. 2016.

²¹ See for example, IWA 2014

²² Radon et al., 2016

²³ 'Vulnerability to Corruption Assessment on Corruption Case Processing in Afghanistan,' MEC, February 2015, as noted in Radon et al. 2016.

²⁴ Radon et al., 2016

²⁵ 'Quarterly Report to the United States Congress,' SIGAR, July 30, 2015, As noted in Radon et al. 2016.

3.2. HUMANITARIAN AID ARCHITECTURE AND AID PRESENCE

The humanitarian aid architecture for Afghanistan is relatively well developed, based on high levels of humanitarian and development aid being channelled to the country for the last fifteen years. The Afghanistan National Disaster Management Authority (ANDMA) meets regularly with humanitarian aid actors (including Afghan NGOs, International NGOs (INGOs), UN agencies and related government departments) to plan responses at the provincial level. For a period the government appointed a State Minister for Emergency who was also involved in coordination efforts, but the role is no longer prioritised and one stakeholder noted it was an indication that the government was no longer serious about it. In addition, at the provincial level the recent trend has been to mobilise local resources in emergencies; for example, the Takhar governor helped IDPs from Kunduz.

The UN's Office for the Coordination of Humanitarian Affairs (OCHA) provides its typical coordination and information functions in Afghanistan (including an access taskforce), and at the sectoral level cluster system meetings take place in Kabul and within cities at the province level. Both an active Humanitarian Country Team and a Humanitarian Donor Group have had the issue of risk management on their agendas in recent years. The United Nations Risk Management Unit-Afghanistan (RMU-Afghanistan) was recently established (similar to the unit originally established for the Somalia country programme) to provide information and support on risk management, including contractual and performance data for contractors used by UN agencies. With the RMU-Afghanistan's support, a range of initiatives have been launched to increase risk management support throughout the assistance community, including a Collaborative Monitoring Working Group and an online tool to support improvements in monitoring and accountability.

For the NGO community specifically, the Agency Coordinating Body for Afghan Relief and Development (ACBAR) supports national and international NGOs working in Afghanistan, along with the Afghanistan NGO safety programme (INSO) which provides security advice and training for NGOs. A much larger number of NGOs exist, however, which are not part of these coordination structures. There are thought to be close 2,000 NGOs in Afghanistan, only around 100 of which are members of ACBAR for example.²⁶ Other coordination bodies such as the Afghan NGOs' Coordination Bureau (ANCB) and the Afghan Women's Network (AWN) are supposed to be part of the steering committee but in practice this hasn't occurred. ACBAR has a code of conduct for its members, updated in 2013, which deals with humanitarian activities, reconstruction and development, but has no capacity to monitor NGOs' adherence to the code.²⁷

Aid organisations tend to be highly 'bunkerised' in Kabul and other cities, posing challenges for movement of staff to coordination meetings and ultimately a good sharing and exchange of information. Field offices are headed by a mix of international and Afghan staff, but international staff are limited in the extent to which they can travel overland outside the main cities. Aid agencies are largely clustered in the centre and north of the country, which are relatively more secure, despite southern provinces having greater levels of conflict and need. Presence is also minimal in many periphery districts.²⁸ Similarly, many government donor agencies have a limited ability to travel and monitor humanitarian projects; many are more focused on addressing corruption issues within the development and security sectors, which constitute a larger portion of their aid portfolio.

For security reasons, initiating new humanitarian aid requires extensive outreach to local actors, limiting the ability of agencies to respond quickly in new areas. Many agencies take a highly localised, low-profile approach.²⁹ Most INGOs implement directly, but rely more on national staff; some partner with Afghan NGOs to reach areas they cannot. International agencies that partner tend to work with national NGOs

²⁶ Mohmand, 2016

²⁷ Mohmand, 2016

²⁸ Stoddard and Jillani, 2016

²⁹ Stoddard and Jillani, 2016

and Community Development Councils (CDCs), originally established under the National Solidarity Programme. Restrictions by armed actors and limited numbers of qualified female staff make it difficult to reach women.³⁰

Humanitarian agencies' use of private companies to transport goods is common in Afghanistan, as it is in other countries. This is especially the case for UN agencies, but international NGOs also use them. Transporters are seen as more discreet and able to blend in with local populations, especially if transporting unbranded aid. Commercial transporters are seen as a way to minimise security risks, even though they are very expensive; many see them as an effective way to 'transfer risk', for a price. Very limited evidence is available on how much commercial transporters pay at checkpoints manned by non-state armed groups and government-backed armed groups, how much of a role such payments play in furthering violence, or the extent to which transporters may be organised into price-fixing cartels.³¹

Another relevant group of humanitarian actors comprise third-party monitoring organisations (TPMs). These organisations are used to collect and validate information from the field despite constrained access. TPMs now constitute a sizeable industry in Afghanistan, with an estimated annual volume of around US \$200 million.³² While TPMs are typically private companies providing monitoring and other informational services to clients, non-profit organisations (both national and international) have also recently entered the space in Afghanistan, as other funding sources have decreased. The landscape of small NGOs and for-profit contractors is 'rapidly evolving because organisations are often being created on an ad-hoc basis to bid on TPM contracts, but do not always have the financial capacities to subsist after the contract ends'.³³ Aid agencies increasingly recognise that the quality of TPMs varies and that they are also vulnerable to the same corruption practices they are supposed to be investigating.³⁴

³⁰ Haver and Carter, 2016

³¹ Haver and Carter, 2016

³² Sagmeister et al., 2016

³³ Sagmeister et al., 2016

³⁴ Sagmeister et al., 2016

4. CORRUPTION RISKS

3.1. GENERAL PERSPECTIVES ON CORRUPTION

A mixed response was received on the existence of corruption in humanitarian aid. The respondents from aid organisations acknowledged that corruption in humanitarian aid was an issue, but tended to downplay its scale or significance compared to corruption within the much larger streams of development or security funding. They also tended to focus on corruption by local government or informal authorities (notably around misrepresenting beneficiary numbers), rather than on practices originating or contributed to by aid organisations. Lastly, with some exceptions, aid organisation respondents generally defended their own organisations' integrity and transparency but talked about corruption within other organisations at different levels. National staff stakeholders described corruption as occurring within all types of organisations (international agencies, national NGOs and government), while international staff stakeholders focused more (albeit not exclusively) on corruption within national or local NGOs and government.

Responding to the question 'How do you define corruption?' the majority of respondents discussed either the misuse of resources and diversion of aid to unintended beneficiaries at the community level or bribery and pay-offs during partner selection and contracting (i.e. between INGOs and national NGOs (NNGOs), or between UN agencies and NGOs) (see Section 4.3). Fewer respondents elaborated on specific corruption practices within areas of programme support (see Section 4.4), but those who did described particular problems within procurement and human resources.

Tensions were reported between government officials and aid organisations over which areas should receive assistance, with both government officials' and donors' concerns about aid being diverted to non-state armed groups sometimes playing a role in decision-making (see Section 4.2). People receiving aid perceived corruption to be occurring at different levels, and were often frustrated and saw few realistic ways of reporting or addressing it. They reported little to no bribery or other types of visible corruption within the health sector, however; the main corruption risks were seen to be within distribution of in-kind assistance and cash within various sectors.

3.2. HUMANITARIAN AID IN INSECURE AREAS

Going to insecure districts in new provinces is a challenge for aid agencies in Afghanistan. Many organisations prefer to stay where they have a history of working, since they are familiar with the security dynamics and have forged relations with influential elders who can help if staff are kidnapped or projects are stopped by armed groups.³⁵ Government donors (for international agencies) and international agencies (for national NGOs) are the main actors exerting influence over the selection of programme areas, including promoting areas that have the highest levels of need. Some humanitarian aid staff interviewed said space for discussion with such donors exists, and in many cases they have convinced them to change districts within the province they work in, to stay in areas familiar to them. As overall funding levels decrease, however, financial concerns are leading some smaller NGOs to go to areas they have never worked in and to try to tap into new programmatic themes to add to their limited funding portfolios.

Afghan government officials also exert influence over which areas receive humanitarian aid. Whether to reach out to insecure areas is a matter of regular debate between humanitarian aid actors and local

³⁵ See also Stoddard and Jillani, 2016

government officials. The government officials interviewed in the three provinces generally saw coordination as effective, but they also complained that some NGOs ignore government advice. The ANDMA provincial authorities (and in some cases the governors in the provinces) often disagree with aid actors on where aid should be provided, with the aid organisations wanting to follow their own beneficiary-selection logic and to rely on their own information and risk analysis when deciding where to work. Some discussions with government officials ended with cancelled aid projects in insecure areas, as the government presumably did not want aid agencies working in areas out of their control.

The possibility that aid may be diverted or controlled by either local authorities or non-state armed actors plays a key role in such discussions. Aid organisations reported being pressured by both government officials and non-state armed actors to work (or not work) in some areas. Some government officials confirmed that they do not allow NGOs to go to insecure areas outside of their control unless the government officials are confident that aid is not being diverted to unintended beneficiaries. Aid organisations also confirmed that local militia will seek to control the aid within their area of operation and will also seek to prevent aid agencies moving outside of their control. As a result of both the general insecurity and of these tensions, the populations in some areas go unassisted. One government official described the situation:

Since we can't go to insecure areas, UN agencies and others are also not allowed to go to these areas; the humanitarian organisations have to follow the assessment of government representatives. As an example, there was flood in Langar and Chardeh villages of Pushte Zarghoon district, and since there was no security, the aid organisations did not have permission to go to the area. Even the district representative did not go to the area, and as a result the representative of disaster management also cancelled the visit. Though the district representative asked that the affected people be called to come to the district centre to receive their assistance, this decision was not supported by the aid organisations and the process of delivering assistance to these affected villages failed. In the meantime six of the other affected districts where security was good did receive assistance.

Most government officials interviewed expressed doubts about the integrity of aid going to insecure areas. The aid agencies interviewed similarly echoed this, saying that without a better understanding of the context, including the security situation and the interests of the relevant local power brokers, they cannot be confident of aid integrity and transparency and so will not go to areas where they are not confident that aid will reach the right families. Arguments between aid organisations and government sometimes resulted in organisations cancelling aid projects altogether, even to more secure districts.

A small number of officials said they believed that aid organisations seek to work in insecure areas because opportunities for corruption are greater. For example, a provincial council member in Herat said, 'Corruption is sizeable in insecure areas and all the money is shared between maliks,³⁶ elders and NGOs themselves; since the area is insecure, the media, NGOs, government, provincial council members and other monitoring teams can't go there. That is why insecure areas are selected by some organisations to work.' Indeed, many programmes are not monitored directly by donors or international agencies due to insecurity, although some have the capacity to field national staff. Stakeholders at the Kabul level echoed the observation that corruption was more likely to occur in insecure areas where strong monitoring was not possible, but they did not suggest that organisations specifically choose to implement programmes in those areas for that reason.

Insurgents in some provinces are also sensitive about where humanitarian aid is going. They have reportedly complained about aid going to relatives of armed groups fighting against them. A number of aid workers in Badakhshan, for example, said government representatives had warned them not to help the

³⁶ Maliks and arbabs are individuals who represent community interests to the outside world (Murtazashvili, 2016).

IDPs because they were presumed to include some families of the local armed forces fighting them. This type of dynamic also contributed to the difficulty of working in insecure provinces. This and other studies have found that local power brokers, tribes, or Taliban commanders often require bribes in order for a project to receive security assistance.³⁷ According to some of the displaced persons interviewed in Faizabad, presumably associated with local militias fighting against insurgents in some of the districts, Taliban are influencing how humanitarian aid is being distributed. The respondents alleged that in areas where Taliban are present they not only dictate the way humanitarian aid should be distributed but they also tax some of the national programmes. One respondent in Badakhshan claimed that without paying such taxes none of the programmes will work in areas controlled by insurgents. Some aid organisation staff painted a more positive picture, however. One INGO staff in Badakhshan, for example, said that working in insurgent areas is not always difficult: *'Taliban are quite cooperative in terms of carrying out development projects. They are more cooperative and transparent compared to government. Once they allow project implementation they no longer cause annoyance.'*

Many government officials remain sceptical that organisations can work effectively in areas outside of the government's control. In Badakhshan, for example, though some government officials accept that a number of aid agencies are able to reach insecure areas without compromising their principles, others were blamed for a lack of coordination and for distributing aid in areas that government officials could not monitor. As one provincial council member in Badakhshan said, *'Last year [an organisation] allocated some aid for affected people in Badakhshan. They distributed aid among people in full absence of related government departments in the province. Consequently, the aid was looted and the right people were not targeted at all. In this aid distribution process a few people were injured and one was killed.'* These claims were made even though the organisation worked with the Afghan Red Crescent Society to distribute the aid. Some aid organisation interviewees felt that such allegations are made in cases where the humanitarian aid is sizeable and some actors don't receive their 'share'.

More generally, interviewees from aid organisations reported tensions between having to follow government protocols (and include government officials in decision-making) and responding quickly to emerging needs. While coordination with government appears to have generally increased trust and boosted transparency, it can also be time consuming, according to some aid agency staff. Giving more control to local government officials also increases the chances of ultimately accepting fake lists of beneficiaries sometimes made by government officials and gatekeepers at the community level (see Section 4.3.3). As one INGO respondent stated:

In the aid distribution process, government authorities are interfering by introducing their own men. Often government authorities by doing so are delaying aid distribution process. For instance, we had to distribute aid to an affected location three days back, but so far haven't been able to distribute due to absence of anti-disaster department representatives. If we distribute aid in their absence they will raise questions and blame NGOs for not coordinating with them.

Many NGO interviewees perceive government departments to be bottlenecks and noted that they try to seek those acting with integrity and make relationships on a personal level to keep their operations smooth and avoid too much interference from corrupt officials.

³⁷ See Haver and Carter 2015. Also, Shaw, 'Afghanistan in 2013: A Survey of the Afghan People', The Asia Foundation, 2013, as noted in Radon et al. 2016.

3.3. CORRUPTION RISKS IN PROGRAMMING APPROACHES

3.3.1. Partner selection and contracting

Many respondents – primarily but not exclusively national staff – perceived significant corruption practices during partner selection and contracting. They reported that some national staff from UN agencies as well as from government ministries are bribed to secure contracts or gain permission to work. Some government ministry officials also reportedly award funding contracts on the basis of whether they receive a specific percentage from the budget, or award contracts to NGOs established by their own relatives. This was stated as the reason some agencies are not funded, i.e. because they either do not agree to pay a percentage of the contract or they are not trusted by the corrupt officials to do so and keep the information quiet. Aid organisation staff complained that bribing government officials increases expectations from other aid actors they work with in the provinces.

These major risks were seen to stem from collusion between staff from the implementing agency (on the one hand) and the main recipient agency or government ministry (on the other). These practices have in some cases resulted in organisations being funded that had neither experience in the relevant sector nor the proper structures in place to manage the funding they received. When discussing these types of corruption, many national staff respondents did not specify examples but noted that (revealed by simple observation) the low quality of the projects, particularly in the area of construction, indicate corruption (i.e. due to operational budgets being used for purposes other than the project), as does the number of properties owned by government officials and heads of NGOs (this also referred to development-oriented activities such as the building of roads, schools and hospitals). International staff respondents generally reported that they did know about these types of corruption, but acknowledged that they could be taking place.

3.3.2. Targeting and registration

As described above, the majority of national and international NGOs (as well as some UN agencies, where they implement directly) have been working in their selected provinces for many years and have established constructive relations with the local government institutions and with beneficiaries. According to NGO staff, working for longer periods in the same provinces gives them leverage with government officials to prevent them from pushing the NGOs to allocate funds to areas that (and target individuals who) do not need humanitarian aid, and allows for more needs based decision-making on eligible communities and families.

The provincial ANDMA offices, as well as representatives from the Ministry of Refugees and Repatriation and related government departments, sometimes receive petitions from communities for aid, and these lists are then shared with related humanitarian organisations providing assistance. The submission of a petition requires that well-organised IDPs work with local elders and imams (religious leaders) in the communities to provide lists of families eligible to receive aid. IDPs interviewed, however, said that this process can be a waste of their time and money as most of them don't have the writing skills or resources to develop the lists (a commonly used printed letter head costs approximately 50–100 Afghanis, according to one IDP respondent in Badkashan). How the petitions are handled by government officials and how many are handed over to humanitarian aid agencies working in the province or to an ANDMA office is also unclear. Aid agencies report that if they receive the petitions, these lists are re-checked by the aid organisations' assessment teams to ensure authenticity.

Local elders are also involved in aid distribution, but mostly in the presence of aid agency staff. In Herat in a number of cases, aid is handed to local elders to distribute according to the list made by the humanitarian organisation. According to aid recipients in all three provinces, compared to government

officials, the informal local structures, such as the council of elders and IDP representatives, are generally seen as more trusted bodies that can distribute aid fairly.

According to aid agency staff in all three provinces, the lists provided are usually unrealistically inflated by government officials, as well as sometimes by community elders and other community representatives. Recent experiences with several emergency responses, including in Kunduz in 2015³⁸, has resulted in conflicting and contested needs assessment data. These experiences led agencies to begin to undertake more detailed verifications of needs assessment data. Agencies reported that they now do independent assessments in some targeted communities in order to screen the lists and clean out individuals who were inappropriately added by community elders or government officials. According to local aid staff and local residents, the survey teams have reportedly made a positive difference in ensuring that the right people receive aid. Almost all the respondents in the provinces, apart from the refugees returning from Iran in Herat, said the selection was carried out by a team of surveyors from the NGOs. Staff interviewed in Kabul said the independent verifications have sometimes resulted in a slashing of the number of people in need, with the original lists reportedly inflated by up to 90 percent.

Though local elders continue to add the names of families that do not need humanitarian assistance, according to many aid agency staff, these are now few in number and essentially negligible. To maintain good relations and not incite opposition from gatekeepers, humanitarian aid workers often do allow a few families introduced by provincial officials or tribal elders to stay on the lists. This was also acknowledged by ANDMA staff in the provinces. It reveals that a 'negligible' (according to them) diversion of aid is tolerated. This tolerance is not communicated to the affected communities, however, which is why communities may report that unknown individuals received aid.

Generally, the beneficiaries consulted through this research were happy with the targeting process –but they also called for more direct involvement of humanitarian aid organisations instead of allowing local authorities and elders in the community to control the process, as is still sometimes the case, especially in the initial stages. Aid recipients appreciated when humanitarian aid organisations' survey teams checked the authenticity of lists. A small number of aid recipients believed that aid should not go through their elders. The following are some related quotes from respondents in Herat province:

*Arbabs are the authorised people and they receive aid. That is why most of the aid do[es] not go to the deserved families.*³⁹

The main issue is that the elders of each tribe try to work for their own people and we are concerned about this issue. This damages local people and poor people become poorer.

Aid is not given to deserving people hand by hand. Each organisation transfers it to elders and then they distribute that to the people of their choice.

Aid organisations expressed similar concerns about local elders' or IDP representatives' fraudulent behaviour of including their relatives on lists. Some of the lists made by the elders and submitted to government officials are surprisingly misleading, they said, where the number of ineligible families is double the ones who should receive aid.

Some humanitarian aid staff in Kabul said that IDPs and local representatives at the village level would not take the risk of including such a big number of irrelevant families on the lists. They blamed the inflations of lists on local government officials, and say that the higher the rank, the larger the share of aid they

³⁸ See Carter, 2016

³⁹ Maliks and arbabs are individuals who represent community interests to the outside world (Murtazashvili, 2016).

demand. Elders in the community, according to aid agency staff in Kabul, can be easily dealt with and very few (say three to five) extra families' share will be more than enough for them to divert to their relatives. The largest figures come from government officials, particularly from provincial governors, provincial council members and chiefs of police. The affected people interviewed trust their tribal elders but still ask for further scrutiny of aid distribution and even media presence. Though most of the respondents believed there is little humanitarian aid in their areas, they also perceived that powerful tribal leaders or commanders are attracting aid to their own villages. These can be senior officials in the government or previous *jehadi* commanders who are connected to local government officials or to parties in the central government.

Contrary to the claims made by aid agency staff and aid recipients, government officials believe that communities, rather than aid agency staff, should be directly involved in aid distribution. They believe that aid organisations are no longer as strict in monitoring and may have lost trust in community representatives. A provincial council member in Badakhshan stated, *'International aid organisations distribute aid through partners, whereas before aid was distributed by local elders. Recently [one organisation] is the only organisation which is [actually] involved in most of the aid distribution process. I would say going through local elders, aid distribution was much better compared to [now].'*

At the local level, government bodies, particularly those involved in coordinating and distributing aid, raised concerns about involving elders in aid distribution. One such representative in Herat said they are trying to directly reach poor communities rather than only working through elders. He explained:

Once we had to distribute aid in [a particular] district, some of the maliks and mula imams requested to give all the assistance to them so that they distribute it to people, but since we couldn't trust them we did not give anything to them. We called the deserved people to come to the district headquarters and receive their assistance and the distribution took place in the district headquarters.

3.3.3. In-kind aid distributions

This section reviews the types of corruption risks that respondents described as prevalent during the distribution of in-kind assistance, including food and non-food items such as shelter materials. As noted in the methodology section, while cash and vouchers are increasingly used as forms of humanitarian assistance in Afghanistan, most of the interviewees did not have experiences to share regarding corruption risks specific to this transfer modality. Previous research has suggested that food assistance, non-food item distribution and cash transfer may be more prone to diversion through abuse of power as compared with activities in health and protection⁴⁰, and this research corroborates this. Some agency representatives in Afghanistan have also seen vouchers as less susceptible to corruption and fraud than cash because (according to these interviewees) they can be more discreetly distributed and are more dependent on proof of identity than cash is; the evidence on this point remains under-developed, however.⁴¹

The aid distribution process varied across the research areas. In some cases, in-kind assistance is distributed in the presence of government officials, local elders and aid agency staff, but in a number of other cases it was reported that humanitarian aid is handed over to the local councils along with the list of beneficiaries to whom it is to be distributed. According to a prominent civil society activist in Herat, *'Corruption is common among those NGOs who transfer aid to malik/elders of the community for distribution. . . . It is these elders who sell aid such as oil, wheat, biscuit . . . in local markets.'* Giving too much of a free hand to local elders could be why many of the respondents – when asked how to make

⁴⁰ Haver and Carter, 2015

⁴¹ Haver and Carter, 2015

humanitarian aid more transparent – recommended choosing the right people in the communities to work with (along with employing honest staff in aid organisations).

A considerable number of aid agency employees interviewed in all three provinces said they would prefer to distribute aid directly to the beneficiaries. A few NGOs interviewed for this study have therefore decided to take the local elders out of the distribution process. This is only possible in cities and secured areas, however, where they are able to work securely and so do not need to rely on local elders.

Different views were heard from the staff of organisations that were relatively less involved in humanitarian aid (i.e. multi-mandate aid agencies with larger development portfolios) as well as from some government officials. They claimed that corruption in aid distribution mostly takes place before it reaches to the community. They believed that officials and humanitarian aid staff involved in diverting aid take their part before it reaches the community, i.e. during the contracting stage between recipient agencies and their sub-contracting partners. Many aid beneficiaries also agreed that once the aid reaches their communities everyone is aware of it and people can easily find aid diversion, if there is any. The local council members may have put their relatives on the list or might have received aid before the distribution process even started at the community level. This kind of diversion is never reported to the communities unless it is a sizeable amount and of a level that is unacceptable to humanitarian aid actors. As elaborated below, some level of diversion is thus perceived as acceptable within the humanitarian sector.

None of the respondents – staff or affected people – reported cases where aid had been taken from beneficiaries once it had been received, for example, by either elders or armed groups. Aid organisations were perceived to have other opportunities to divert assistance and would not take the risk of taking from the aid they provide, which is small and provided infrequently. Bringing in unknown people to receive aid is the only way aid distribution in communities can be diverted, but reported instances of this were rare. Only one case was reported in Herat, where an IDP respondent said that IDPs had raised the issue but were threatened by a local elder not to reveal the information; otherwise he will be disqualified to receive aid, implicitly telling the IDPs not to antagonise the NGOs and government officials.

Although the majority of the respondents were content with the distribution of aid, the timeliness and frequency of aid distribution were seen as problems (some noted it took a year and in some cases almost two years). Some of the respondents also noted the aid was not sufficient. Some families also complained that the number of family members in a family was not considered. Families of five members and those of twelve members received the same package. Moreover, recent IDPs from the districts felt that the assistance was not tailored to their needs, as they had left everything behind in their villages and needed not only food but also shelter, mattresses and kitchen utensils, which were rarely provided. These gaps are seen as one of the reasons that humanitarian aid is sold in local markets, i.e. because that many families need cash to purchase other items they need.

Communities were also unaware of the type of assistance they would receive. This lack of information presents a major risk for diversion. Apart from selected types of aid such as shelter, there was little information for beneficiaries on the type and quantity of aid. The weak communication with beneficiaries was defended by some Afghan NGO representatives, who said that most of the aid actors themselves know little about what is going to be offered by their donors (i.e. international agencies). In some cases, the donors have withdrawn after a comprehensive assessment in the community that consequently has damaged the reputation of their local partner. Therefore, implementing partners should be cautious in their communications until contracts are signed and quantity of aid to each family is known. At this point, increasing the transparency of entitlements is important. At the same time, some stakeholders noted there may be security and protection risks in providing information, including lists of beneficiaries, prior to the distribution, especially if it involved cash. These are tensions that aid agencies need to manage carefully as they consider ways to increase transparency and accountability.

Distributions of in-kind assistance create situations where aid organisations are pressured to distribute a share of the goods to government officials. To not jeopardise their longstanding relationships within certain communities, a few humanitarian aid organisations have been brave enough to report on instances where they have been pressured by government officials. In one case in Urozgan, a local NGO was forced to give out 50 solar panels to the then-provincial governor. The NGO not only let the community know about it, but at the same time asked the governor for a formal request that this could be reported to the donor. Despite the fact that the community was aware and the case request was reported to the donor, the governor still insisted on his request. The NGO and its donor finally agreed to give out the mentioned number of the solar panels in order to be able to implement the three-year project and distribute around 2,000 solar panels in the province.

As a result of such pressures, many aid agency staff believe that it might be wise to deal with lower-level government staff and community elders and 'buy them in' by giving them an acceptable share of the aid going to the community. A couple of humanitarian aid staff said that the higher the power rank in the provinces, the larger the share they ask for. According to these respondents, making an issue of not paying anything at the lower level will cost much more if the high ranking officials are involved. They believe complaining about kickbacks to government officials at the provincial level will never reduce the levels of corruption but will instead provoke others to get their share and a ruthlessly larger amount of aid.

3.3.4. Health services

Afghanistan's health status is one of the worst in the world, with access to health services a major challenge, particularly for women and those living in rural areas.⁴² In a recent survey, a substantial proportion of respondents felt they had been deprived of access to certain public goods and services due to corruption.⁴³ A 2012 survey on corruption in the public sector also found that half of Afghan citizens paid a bribe while requesting a public service.⁴⁴ Doctors and nurses/paramedics are also thought to account for 15–20 per cent of officials paid bribes.⁴⁵

In this research, both aid recipients and those providing services tended to emphasise issues around quality and a lack of health clinics. Contradicting the findings of other studies, very few instances of bribery in health programming were reported. Aid recipients reported being generally satisfied with humanitarian health programmes in the provincial capitals, while expressing disappointment about quality at the district (rural) level. The majority of respondents in both the provincial capitals and districts stated that they prefer to use private clinic, not because the public health programme is of an unacceptably low quality or because someone will ask for a bribe, but because the few hospitals in the provincial capitals are overwhelmed by an increased number of patients and the unavailability of medicines. None of the aid recipients consulted reported paying for any services or medicines in the clinics run by government or aid agencies. There was a high degree of satisfaction with the behaviour of health personnel, with the lack of medicine in these hospitals – or lack of hospitals altogether – seen as the major problems. Respondents in Baharak district, for example, said, *'When there are no services, how can we complain about their quality?'*

The staff of humanitarian organisations and related government officials had only a slightly different viewpoint from aid recipients. They felt that the number of health facilities was adequate, but admitted that these have little capacity and are unable to cover the existing number of patients. Instead of adding to these small clinics they asked for increases to be made to the capacity, medical equipment and staff of these structures. They also cited few to no instances of aid diversion or bribery within these facilities, but

⁴² WHO, 2015

⁴³ Integrity Watch Afghanistan, 2014

⁴⁴ UNODC, 2012 in Mohmand, 2016; see also Shawe, 2013

⁴⁵ UNODC, 2012

rather insistently stated that the clinics are miserably underfunded and do not have adequate facilities for the number of patients.

These significant quality and availability issues could create corruption risks, such as payments required for services that should be free, payments to obtain services from the very limited numbers of health personnel, creation of empty stocks of medicines to benefit private pharmacies, or the issue of medicines to be resold at private pharmacies. The research did not uncover instances of these corrupt practices, however. It was not clear whether this was because respondents did not feel comfortable openly discussing such practices with researchers, because of the way respondents were selected, or because of the specific provinces or districts selected. Kabul-level interviewees were not surprised by this finding, however, and suggested that humanitarian health projects may be less prone to corruption because they are often implemented directly by NGOs and because of recent efforts to improve the monitoring of the basic package of health services.

Health care centres have come under increasing attack by non-state armed actors in recent years, however, there were also reports that armed actors are aware of the need for these clinics (including because the facilities treat their own families and patients) and also understand that interrupting the services could affect their acceptance by the local community. Local government officials, including elected members of the provincial councils, have also reportedly misused health facilities, e.g. using their office to request hospital's ambulances to take their relatives to the hospitals in the province or to Kabul.

Overall, however, the generally lower level of perceived corruption within the health sector has meant that health programming to insecure areas is less controversial than other types of programming. As described above, in some cases the government has stopped aid agencies from going to insurgent-controlled areas, arguing that aid can end up in insurgents' hands or cannot be properly monitored by the agencies or by the government.⁴⁶ Both the International Committee of the Red Cross (ICRC) and some NGOs working in the health sector are exceptions to this.

3.3.5. Community participation and feedback mechanisms

Aid recipients interviewed for this research reported very few opportunities to participate in the design of aid programmes or to provide feedback on the aid received. Many also reported that they or someone they know had tried to complain about the assistance received (or not received), with no effect. They reported that they were generally unaware of the level and timing of aid entitlements. Similarly, aid recipients mostly did not know about any formal feedback mechanisms being used, and where they have been used the critique was that complaints were not followed up on or that some of the mechanisms were not appropriate for the Afghan context. Together these gaps suggest major problems for the quality of aid, including serious corruption risks.

These findings echo those from other recent studies, one of which found that, of 17 aid organisations examined in Afghanistan, only four had formal feedback structures in place – despite initial anecdotal evidence suggesting that such mechanisms were widely in use, and despite the longstanding experience of aid agencies in the country.⁴⁷ While a number of different mechanisms were in place, most were either established very recently or still in the pilot stage. Only very few were being used systematically with communities.⁴⁸ Agencies tend to use more informal systems, e.g. consulting with local elders, representatives of local government or Community Development Council (CDC) leaders. This reliance on

⁴⁶ See for example the 2016 Independent Joint Anti-Corruption Monitoring and Evaluation Committee's report, 'Vulnerability to Corruption Assessment in the Afghan Ministry of Public Health', <http://www.acbar.org/upload/1474267333658.pdf>.

⁴⁷ Ruppert et al., 2016

⁴⁸ Ruppert et al., 2016

informal approaches poses problems for addressing corruption, since ‘the people who are supposed to communicate their concerns to aid agencies are often perceived to be part of the problem’.⁴⁹ Another recent set of consultations with almost 600 conflict-affected people in Afghanistan found that very few had had direct communication with aid organisations soliciting their feedback on the types of services needed, with the few opportunities that existed being accessible only to men.⁵⁰

In this study, the affected communities interviewed reported that their main role is in helping the aid organisation draw up the list of eligible families and distribute aid to them. This is the extent of community participation. Beyond this they are not involved in the needs assessment; nor do they know what items and in what quantity they are supposed to receive. Some of the respondents said humanitarian NGOs only visit when they start the survey to select beneficiaries. The beneficiaries interviewed consistently complained about the infrequency of aid distributions, the low amount of aid received, and sometimes the irrelevance of the package to their needs. These were the most common complaints throughout the three provinces. The irrelevance of some of the aid is one reason aid packages are sometimes found in shops in local markets.

According to some national and international NGOs, the contents of aid packages are decided by the international agency acting as the main recipient of funding, which gives the implementing partner less room for negotiation. Some national NGOs said that it is difficult to involve local communities because as implementing partners they are required to follow very specific proposals about the types of assistance to be provided based on the signed contract. Without closer investigation into this issue, whether this justifies the lack of community engagement is not clear; it does not appear to be a good explanation for why aid recipients do not know what aid to expect (timing and amount). Ineffective communication with communities has sometimes had severe impact on organisations’ creditability in the areas where they have worked for a long time. One Afghan NGO staff said in some cases they have completed surveys commissioned by donors to provide humanitarian aid, but at the end the donor withdrew. This raised expectations and sparked suspicions in the community that the NGOs received aid but did not distribute it.

A majority of the representatives from aid organisations interviewed in the three provinces emphasised the importance of local community structures to help them in planning, identifying vulnerable families and distributing aid. The rhetorical emphasis on the importance of community participation was not corroborated by the aid recipients interviewed, who reported being inadequately aware of what aid they were to receive. Some problems could stem from an over-reliance on particular community elders, who either do not represent the rest of the community and/or do not accurately pass on information about aid projects to other community members.

To receive humanitarian aid, a certain level of organisation is needed among the communities in some places. People displaced by the recent clashes between government forces and armed opposition groups in Badakhshan, for example, said they did not receive anything unless their elders approached the provincial governor’s house asking for assistance. Other groups, such as IDPs in the Maslakh camp in Herat, said they do receive aid but not frequently. The IDPs living in this camp are relatively organised and have built their tribal structure and have assigned *arbabs* or *maliks*. This level of organisation has arisen because these families have been living in this camp for years and the general belief is that they will not return to their home villages. The arbabs are the contact points for many NGOs in the camp and normally communicate with them on planned assistance. The tribal division on one hand has helped to resolve disputes within each tribe and to have trusted representatives to communicate with humanitarian aid actors, but on the other hand they also report having been subject to discrimination by some of those

⁴⁹ Ruppert et al., 2016

⁵⁰ Jones, 2016

who are supposed to assist them. A number of respondents said aid actors and government officials are trying to channel aid to IDPs coming from their own ethnic group.

In Herat, the affected people also included refugees returning from Iran. These refugees had their documents, showing that they were eligible for assistance, issued on the border. One complaint frequently made by these former refugees was that those who did not have these cards were not covered, despite their poverty. The amount and type of aid appeared to be better known to the refugees in comparison with IDPs, however, and was greater in quantity as it included shelter as well as cows for families who were able to demonstrate they had agricultural land.

A sizeable number of aid recipients interviewed said that they had made complaints about aid diversion, but that in very few cases were these complaints followed up on. The field staff of the organisations interviewed said that such cases were followed up on, but nothing major had been detected. According to the staff interviewed, these complainants were made to damage the reputation of a staff member by their colleagues, or a community member had misreported an incident to damage the reputation of community elders only because he resented not being involved or had a personal dispute with the community representative who was part of the aid distribution community council. The dismissive attitude of many field staff towards the possibility of legitimate complaints from aid recipients was concerning. Interviewees at the Kabul level reported that complaints mechanisms were in place, but they were either not seen to be valuable in detecting corruption (due to a general reluctance to complain, due to cultural reasons and/or so as not to antagonise local elders) or had yet to turn up any significant incidents.

3.3.6. Monitoring, evaluations and audits

Monitoring and evaluation (M&E) activities are considered key to improving programme quality, standards, learning and accountability, as well as detecting corruption. While M&E is intended as a mitigation measure (see Section 5) it is also an area of potential corruption risk in itself.

The initial challenge is whether adequate staff and resources are dedicated to the role of monitoring. In Afghanistan, pressures on humanitarian resources overall have led to staff cuts. A recent RMU review noted that since 2014, the UN in Afghanistan, including UNAMA and the UN agencies, funds and programmes have reduced their overall personnel levels by 18 per cent (1,001 staff). And perhaps more significant the operating presence of the UN has reduced by 30 per cent, from 20 operating locations in 2014 to 14 locations in 2016, which in turn has led to fewer resources and increased the possibility of a reduction in internal monitoring mechanisms. As the RMU review concluded, 'This provides more opportunities for people to commit fraud'.⁵¹

A survey undertaken for another recent study found that while 61 per cent of international aid agencies surveyed in Afghanistan were satisfied with their own M&E systems, only 29 per cent were satisfied with the systems of their partners (despite the fact that national NGOs all reported to be satisfied with their M&E systems). In addition, the biggest perceived hindrances to effective M&E in Afghanistan were the 'lack of capacity in local partners', followed by 'lack of willingness to share data or lessons' among organisations, and 'the lack of capacity in aid agencies'. These capacity constraints may mean (at best) that opportunities for detecting corruption are not identified or (at worst) that poorly trained and inexperienced staff can be pressured to deliver positive project results.⁵²

To circumvent a reliance on one's own staff's or partner's monitoring capacity, independent validation of monitoring information has become a major priority for aid agencies and donors in Afghanistan.⁵³ Some

⁵¹ RMU, 2016

⁵² Steets et al., 2016

⁵³ Steets et al., 2016

organisations have instituted M&E units that report directly to the country director or senior management team rather than to the programme teams. This approach is reportedly useful in empowering M&E teams to report what they see and in ensuring that programme teams are more accurate in their reporting.

To promote more rigorous monitoring and to get around security constraints, third-party monitoring (TPM) is also increasingly used by humanitarian agencies in Afghanistan. This is perceived by some as the new 'gold standard' and multiple agencies have already or are in the process of rolling out TPM schemes.⁵⁴ However, the practice is not without challenges, because of quality concerns and because TPMs often face the same access and security constraints that agencies face. This study found that in Afghanistan, the most insecure areas can also be inaccessible to the TPMs and monitors are often confined to district centres. Evidence suggests that monitoring reports may be based on very limited information (because trips are cut short or survey forms are filled out in the provincial centres without project sites being visited at all), monitors may be offered payment for good reports, or alternatively the monitor may demand a bribe or favours in exchange for a positive report.⁵⁵ The respondents from aid agencies (international and local NGOs) in this research reported that the findings of the TPMs are not shared with them, and that if corruption cases are detected the information is not shared at the field level, which among other issues related to poor information sharing, increases the likelihood of corruption re-occurring.

Table 3. Main Benefits and Shortcomings of Third-Party Monitoring

Benefits	Limits
<p>TPMs provide capacity on the ground where an agency's own staff cannot go.</p> <p>TPMs provide the opportunity to validate monitoring data from implementing partners where confidence is lacking.</p> <p>TPMs provide the opportunity for more frequent collection of monitoring data, compared with conducting field visits with an agency's own staff, due to possible cost savings (in some cases).</p> <p>TPMs are most useful for verifying quantitative and physical outputs of aid projects.</p>	<p>Time and resources required to make TPMs work are often underestimated.</p> <p>Quality of reporting is frequently seen as subpar by TPM users (commissioning agencies).</p> <p>Reputational risks for commissioning agencies from field monitors' actions need to be mitigated.</p> <p>Significant risk transfer to field monitors occurs, especially where TPM providers lack adequate security systems and resources.</p> <p>TPMs can negatively affect context understanding of users in the long run, especially where there has been an over-reliance on TPMs.</p>
<p>Table drawn and adapted from E. Sagmeister and J. Steets with A. Derzsi-Horvath and C. Hennion (2016). 'The Use of Third Party Monitoring in Insecure Contexts: Lessons from Afghanistan, Somalia and Syria'.</p>	

3.4. CORRUPTION RISKS IN AREAS OF PROGRAMME SUPPORT

3.4.1. Procurement

Many interviewees downplayed procurement risks in their own organisations and in the humanitarian sector as whole, as compared with other sectors. This seems to be largely because on a relative scale it

⁵⁴ Steets et al., 2016

⁵⁵ Steets et al., 2016

is not as bad as the challenges faced in the development and security sectors rather than being due to the integrity of the humanitarian system in the area of procurement practices.

Several aid organisation staff interviewed, especially international staff in Kabul, noted that procurement of goods and services from private companies represented a major corruption risk for humanitarian agencies. One interviewee stressed that this was a problem for 'every' organisation, whether or not they admitted it. In addition to bribes made to secure contracts, a key problem was a perception of an oligopoly of suppliers, which are thought to collude and split profits. The existence of only a few large suppliers was seen to be caused in part by aid agencies' own specifications or minimum threshold checks (such as the need to have quality checks, to have proven experience of procurement of a certain size, etc.), which mean that smaller suppliers are not usually eligible. Serious problems, such as death threats against aid organisation staff, also reportedly arose when contract provisions were enforced. These problems were seen to be partly caused by agencies setting specifications inappropriately (e.g. not being clear enough on whether the lids of jerry cans should be sealed) or having differing specifications from agency to agency on what constitutes an auditable tender process. There was also no forum where agencies could come together to discuss procurement problems, including corruption risks. The lack of willingness to discuss problems and share ideas was seen as partly caused by donors' inability to monitor projects, meaning that organisations have less incentive to share information and resolve problems.

In a previous study on corruption in the humanitarian sector in Afghanistan, procurement was also identified by aid workers as one of the most salient areas in which corruption was occurring: 'Much business in Afghanistan involves "greasing the wheels" in ways which are not thought of locally as corrupt, and which are seen as normal business practice'.⁵⁶ This study (conducted nearly ten years ago) suggested that many examples were related to 'inadequate or poorly implemented control procedures and management within aid agencies, which were exploited by suppliers: goods being distributed were not independently monitored, small numbers of staff had control of large parts of logistics and procurement systems, and there was inadequate oversight by experienced, qualified and trusted staff.' Based on reports from a handful of interviewees, such problems are likely still present today, but few interviewees were willing to discuss them directly.

Many of the respondents for this study representing implementing partners (i.e. local NGOs or INGOs implementing directly) do not do large-scale procurements themselves. Humanitarian aid is now either provided in cash or aid packages are purchased and transported by the primary recipient agency (primarily the UN). In cases where implementing partners are doing procurements, transportation is mostly the supplier's duty, as many organisations think it is safer to procure the material on the project site than to transport it under the aid agency's name to a province where it is targeted by armed opposition groups and illegal armed militias. There was generally little discussion of specific corruption risks within the procurement of transport and supplier services.

The international NGOs interviewed generally have warehouses and inventory systems that are regularly updated. They reported that their staff is adequately trained and have been working with these NGOs for quite a long time. Thus they have built a system that can track the storage, transportation and inventory records and control the stock. Representatives from UN and Afghan NGOs had strong perceptions that international NGOs have developed good systems and are in control of the entire pipeline. All NGOs interviewed have supplier lists and almost all were confident that their suppliers were offering a reasonable price in the market with the best quality available. As long as they do not see considerable change in the quality or price, they feel comfortable continuing with them. To satisfy donor requirements, all of them ask

⁵⁶ Savage et al., 2007

for bids but very few change suppliers easily. This would appear to present a corruption risk, but was not seen as such by most of the aid agencies interviewed.

Although procurement policies have been developed and are strictly applied, many respondents from humanitarian aid organisations and others believed that chances of aid diversion still exist in organisations where the procurement committee's members may perhaps be involved. That is why many of the respondents from civil society, aid recipients, and aid staff believe that honesty towards the humanitarian cause, rather than policies, can prevent aid diversion. One agency interviewee in Kabul stressed that the key was to have international staff in charge of procurement, since the pressures placed on Afghan staff in this role were too great for 'even the most honest person'.

3.4.2. Finance

Finance systems and departments were not identified as a major area of corruption risk. Finance systems are mostly located within the main offices of the national NGOs, while international NGOs and UN agencies have finance software systems in the provinces too. The majority of organisations interviewed use QuickBooks software. Afghan NGOs say their offices in the provinces are not well funded enough to keep the trained staff needed to run such systems. The difficulty in filling finance posts with experienced and qualified staff could present a corruption risk, if it became clear to other staff that procedures are not adequately followed at local levels.

Despite such gaps, respondents were generally confident that their finance systems were well established enough to both respond quickly to emergencies and at the same time ensure compliance with financial procedures. The organisations interviewed for this research said they have developed well-established systems and have been working for years in the aid sector. A couple of the partners mentioned that they are provided with finance systems and training by their donors. Corruption risks arising from the use of falsified receipts, manipulated audits, improper accounting, or payroll fraud were not discussed in detail by any of the respondents.

3.4.3. Human resources and staffing

Several types of corruption risk were identified in the area of human resources. A key risk was the preferential hiring of staff from the same family or ethnic group. Another area of risk was a lack of mechanisms for holding corrupt staff accountable or ensuring that they are not rehired by other agencies.

Staff hiring was seen to present risks for nepotism, cronyism and bribery. Family relations, personal friends, tribal connections and even ethnicity were often the preferred categories to recruit from. Some respondents claimed that looking at the lists of staff in a province, one can see that most come from the same provinces as the top management, implying preferential treatment in hiring. Some interviewees noted that it can be hard to see family members during recruitment because of the Afghan naming system. Also noted was that hiring staff of the same ethnicity as one's target population group may be a sensible strategy to ensure community trust, particularly where the organisation is only working in one or two areas. But this is not possible for groups working in urban areas or multiple provinces, and generally a lack of diversity among teams can support diversion in the short-term as well as contribute to more long-term issues, such as reinforcing patterns of discrimination. It can be challenging for international staff to identify – much less understand – problems with ethnic-based staff hiring.

Almost all of the aid organisation respondents stressed that their own organisation has proper recruitment procedures. A few of the staff in the provinces, however, said that recruitment in the main offices in Kabul has resulted in sending unqualified personnel to the field, implying that nepotism, cronyism or another form of corruption was involved. Some organisations have put systems in place to avoid individual staff

members from influencing the process. These systems included the use of committees for selection of candidates. Once vacancies are announced, three or four people in the head office will screen the applicants separately, and each staff member will come with the list of selected candidates and reasons why these candidates were selected. The interviews will be conducted by a committee, in an effort to avoid nepotism.⁵⁷ Not all organisations (in particular national NGOs) have put in place such measures, however, and even when in place they were not seen as immune to influence by senior Afghan staff who would prefer to hire people they know.

To avoid government influence in the hiring process, a majority of respondents from Afghan NGOs said they will not announce vacancies publicly at the province level. If they do, they say, local government officials hearing the organisation is hiring staff, will start sending their relatives to be hired, and refusing these demands will entail costs to the organisation later. As one of the managers in an international NGO said, *'In all provinces where we have worked, except Nangarhar, government officials and provincial council members recommend people to be hired even if they are illiterate.'* Some staff hired by some organisations recommended by influential government officials are difficult to manage. Thus national NGOs hire most of their staff through personal contacts and announcements that are not made public or at least that they try to keep secret from provincial government officials. These practices, while perhaps necessary to avoid some types of inappropriate interference, are also at odds with recognised good practices in preventing corruption during recruitment.⁵⁸ Staff openings at the local level are only announced when an NGO needs a larger number of personnel or needs someone with knowledge and skills that not everyone can do, such as doctor, boring machine operator, etc.

Organisations normally train their staff on their policies and procedures. With a handful of exceptions, these do not necessarily include discussions on corruption, however. Most of the Afghan staff interviewed believed that discussing corruption at the very start of the job will look silly, but stressed that staff were trained on internal procedures and sent implicit messages that there is zero tolerance for corruption. They noted that the staff who would be required to deal with such issues were almost always senior staff who have worked longer with the organisation, either in the same province or brought in from other provinces. Going through organisational documents with new staff is meant to create awareness of the rules and ways to strictly apply them. However, training that focuses solely on corruption, extortion, bribing and negotiating access was still infrequently received by newly recruited staff – both among national and international agencies.

Emergency scale-ups create particular human resource challenges. Organisations normally keep a list of the staff they have worked with before in different provinces and this list is considerably lengthy, since many humanitarian actors have downsized in the last few years. They believe a pool of resources exists, and they have built up a capacity that can be easily called upon if they need to surge in response to emergencies. According to one of the respondents, *'We have trained staff who are free (have no job) in every province and during emergency responses they are mostly given preferences to be hired.'* However, organisations have generally decided that training surge candidates between emergencies or developing special emergency operating procedures for procurement and deployment were not the types of preparation they could afford. The need to rely on under-trained staff and ill-defined systems could present additional corruption risks during an emergency response.

Several interviewees described challenges when hiring or letting go of staff who are found to have engaged in corruption. Bringing a case to the justice system or to the attorney general is challenging and thus far seen as unlikely to succeed, but comes with the added risk of needing to pay bribes along the way. Just letting staff go could be difficult, with possible security implications for angering the wrong person. Despite the considerable time and effort required, firing corrupt staff was seen as sending an

⁵⁷ A good practice as highlighted in TI, 2014.

⁵⁸ TI, 2014

important message to the rest of the organisation and to reset the organisation's internal culture. Agencies were reportedly reluctant to share information with each other about corrupt individuals, instead opting to pass them along 'like a hot potato'. This reluctance stemmed from the security implications in firing staff, a general reluctance to share negative information, and concerns about privacy standards (agencies, as well as donors, had differing standards from one another).

PREVENTION AND MITIGATION MEASURES

3.5. GOVERNMENT STRUCTURES

As noted in Section 3.1, the prevalence of corruption in Afghanistan is not due to the lack of legal systems and institutions in place. These are many and varied, and include a focus on development aid, although not specifically on humanitarian aid. The challenge is the lack of enforcement. This includes the limited tracking and prosecution of corruption cases by the relevant authorities, due to a lack of interagency cooperation and case management resources, as well as a lack of political will and the often overriding negative political influence.⁵⁹

In Kabul, a number of civil society organisations and media representatives have raised their voices on aid transparency and accountability issues within both national and international forums. The presence of humanitarian aid agencies is not very visible within these efforts, however. ACBAR has played a role when its partners approach them with complaints about government officials, but it seems to tackle these on a case-by-case rather than systematic basis.

For many of the aid agency officials interviewed, engaging government in tackling corruption or discussing accountability at the province level is a frightening and unappealing prospect. The majority of respondents believed that corruption is widespread in government offices but none of the aid agency staff can openly discuss this at field level. They believed challenging the corrupt behaviour of government officials could backfire without any benefits. This was why some aid workers think it is best to deal with them at lower levels, where a small amount of aid diversion might be acceptable or undetectable, rather than taking the matter up to senior levels. Complaining to senior-level government offices in the provinces rather than reducing the level of corruption would mean facing a powerful official who could simply ask for a bigger share. The inflated lists of beneficiaries provided by senior government officials was mentioned as an example by one of the international humanitarian aid actors, who stated, *'When fake lists of government are rejected, naturally it has different reactions. But we don't care about it. The organisations will follow the reassessed list of beneficiaries while working in any field.'* Agencies are reluctant to call attention to routine inflation or misrepresentation of needs data, in other words.

Discussing aid transparency with government officials seems taboo to many aid actors, particularly to the Afghan staff of both national and international organisations. They see it as inviting an unnecessary risk without any impact. Instead they believe the donors providing support can engage with the government and will be less susceptible to any kind of pressure. Initiatives by donors and UN agencies can be taken in Kabul, where corruption can be discussed and the level of intrusion of government be specified. Some NGO staff in Kabul think that joint workshops at the Kabul level would be useful, with provincial heads of the Ministry of Economy participating. They think that frequent discussions at the Kabul level, where provincial staff is involved, could lead to a common understanding and agreements on specific principles. Many agencies view the Kabul-based government entities with considerable trepidation, however, due to past experiences where ministries have reportedly levied heavy fines on agencies for unpaid taxes or issued accusations of 'unacceptable performance'.

In some urban areas, media and other civil society organisations are active in discussing corruption issues but they sometimes lack access to reliable information. Most of the contracts made by the government

⁵⁹ Radon et al., 2016

and other development actors are unavailable to media and civil society organisations. In addition, impartial media and civil society are largely confined to urban areas. If any such groups do exist in rural areas, they are either created and therefore beholden to local power holders or are reluctant to challenge the governor, chief of police or other influential individuals who have the means to damage them.

3.6. AGENCY POLICIES AND STANDARDS

Almost all aid agency respondents and government officials claimed that adequate policies existed at the organisational level regarding corruption in their organisations. UN agencies and INGOs have established systems put in place by their main office in Kabul and then followed by their sub-offices in the provinces. In a recent RMU-Afghanistan survey, all UN entities with the exception of one indicated that their organisations had established standardised fraud detection mechanisms. They were able to cite their respective organisations headquarters policy and procedures highlighting an important connectivity between headquarters and the field – but only just over half had developed specific counter-fraud policies. The majority had both informal and formal detection mechanisms, including programmatic and financial assurance activities as well as good faith reporting of suspicious transactions by individuals or implementing partners.

However, national NGOs, despite having policies in their main offices in Kabul, are often too financially constrained to establish the same systems in their field offices. According to the staff interviewed, the main reason for this is a lack of resources to deploy professional staff to apply all these policies as required. Short-term contracts over many decades (as well as a reluctance of donors to fund overhead and core activities of national NGOs) has limited opportunities to develop organisational capacity. Most of the respondents in national NGOs said that they can't afford to have a finance officer in the province who can operate the QuickBooks system they use in their Kabul office, for example. Also, governance structures of national NGOs can be weak and lacking in independence; for example, some national NGOs have their own senior management as board members.

In all cases however, the existence of anti-corruption policies doesn't prevent corruption. Policies need to be applied through training and implementation measures, and adapted to the context and the size and scope of the programme.

3.7. AGENCY RISK ANALYSIS, MAPPING AND MANAGEMENT

Mapping internal corruption risks is very rare among Afghan NGOs and still not very common among INGOs either. Many respondents from humanitarian aid organisations defended the integrity of their organisations and felt there was little corruption risk and therefore did not see a need for updating their risk management policies regularly. Their existing policies, according to the majority of aid agency interviewees, were adequate to manage corruption risks internally.

External risk analysis is regularly performed by international NGOs. They are relatively well equipped and have developed systems enabling them to do context analysis and plan accordingly. Afghan NGOs, by contrast, do not have enough resources, either human or financial, and also traditionally rely on informal approaches to risk analysis.⁶⁰ Their analysis occurs through staff meetings and updates from field staff and reliable contacts in the field among beneficiaries. Sometimes decisions are not documented and not widely shared among the staff, either. A staff member of a national NGO said:

⁶⁰ See also Stoddard et al., 2016

Risk analysis is always conducted, and also those areas are identified where activities are not possible to take place. For example if we cannot go to Dihrawot district of Urozgan province we ask people to come to the centre for receiving their aid packages. Sometimes we changed an insecure district to another. Changes of areas for distributions were based on government officials' requests.

Even if a counter-fraud policy exists, unless training is provided and guidelines are developed, the existence of policy by itself will not result in the identification or management of corrupt activity. Training staff on corruption among NGOs tends to consist of going through the organisational policies, most of which are not related to corruption. A few organisations claimed they train new staff on corruption risk reduction and almost all staff are warned to avoid these practices at the start of their jobs. ACBAR also co-organised with IWA a training for 20-plus NGOs on corruption and policies: how to strengthen NGO systems to turn them corruption proof. However, the majority of respondents in this study said that, apart from going through the organisational policies, corruption is seldom discussed. Afghan staff in both national and international organisations said that discussing corruption with new staff members would look silly and thus it is not traditionally discussed unless they see a need, i.e. where a staff member is perceived to be involved in misusing their authority and resources.

Effective fraud detection mechanisms should include the ability for external or internal notification – or whistleblowing.⁶¹ Having an effective whistleblowing mechanism provides another layer of protection for an organisation and enables those who have witnessed fraud to raise their concerns. It is critical however, to ensure that protection arrangements for whistle blowers are in place. A primary reason for people's reluctance to report is the impression that authorities will not take their report seriously and that nothing will be done. Other reasons include lack of awareness of the available reporting mechanisms and the fear of retaliation – an important consideration in Afghanistan. In this regard the RMU has promoted a 2015 UN Office on Drugs and Crime publication, *Resource Guide on Good Practices in the Protection of Reporting Persons*.⁶²

3.8. MECHANISMS FOR ACCOUNTABILITY TO AFFECTED POPULATIONS

Almost all agency representatives interviewed claimed to have feedback mechanisms available to communities to complain if aid is misused or diverted. These mechanisms vary from complaint boxes in hospitals to phone numbers provided by aid workers in provinces and their main offices in Kabul. However, the number of complaints received, according to aid staff, are considerably less than might be expected and tend to focus on quality and more general programme issues rather than corruption (this finding was also confirmed in other recent research; see Steets et al., 2016). More targeted mechanisms for encouraging corruption-specific feedback do exist, such as an intricate whistle blower system by the Swedish Committee for Afghanistan, which identifies and protects those who volunteer information on corruption and the misallocation of aid money.⁶³ Most agencies use generic hotlines or other mechanisms, and most of the complaints told to the researchers by aid recipients (and the ones received by aid workers) were about the frequency and quantity of aid distributed. The aid staff interviewed said these cases were reviewed and were rarely found to involve serious incidents of corruption. According to aid staff, many

⁶¹ RMU, 2016

⁶² See

http://www.unodc.org/documents/corruption/Publications/2015/Advance_Version_-_Resource_Guide_on_Good_Practices_in_the_Protection_of_Reporting_Persons.pdf

⁶³ 'Suspected Corruption or Other Regularities,' Swedish Committee for Afghanistan, 22 September 2015, as noted in Radon et al. 2016

complaints were found to stem from disputes among colleagues in humanitarian aid organisations or between elders in the communities.

Aid recipients themselves, however, reported being frustrated that their complaints were not adequately followed up on. Notably, in all these cases the staff assigned to follow up on the complaints did not report aid diversion publicly (or to community members), but instead concluded that it was an internal community conflict by someone seeking to damage the reputation of an elder, or a staff member trying to discredit his colleague. Aid recipients' lack of satisfaction with complaints mechanisms (and often with aid projects generally) would appear to pose a serious issue that merits further understanding.

Communities in need normally approach the provincial governor's offices asking for humanitarian aid, as they know local government officials are coordinating humanitarian assistance. They rarely go back to complain to them in cases of aid diversion, however. A deficit of trust and confidence among communities exists towards government officials. Affected communities fear that making complaints against officials might antagonise relations with government officials, aid workers or community elders who can possibly deprive them of the next round of aid distribution. In the worst cases, any trust in feedback mechanisms has been damaged by the fact that complaints raised during aid distributions are reportedly sometimes dealt with by threats from aid workers or community elders responsible for aid distribution.

In response to questions about what kind of feedback mechanisms may work better to increase the transparency and integrity of humanitarian aid, respondents (particularly aid recipients) asked for honest people to be assigned to all layers of the system, including aid agency staff, government officials and community elders representing them. Individual complaints, said many respondents, seemed ineffectual unless the community is organised and complaints are made jointly. One respondent in Herat for example said, *'Individual complaints are dealt with by humanitarian aid staff by only promising that you will be helped next time or you will receive more next time when we are back in the community, just to keep the individuals quiet at that time, but nothing happens.'* Respondents also asked for a means to channel complaints; while respondents knew that the ANDMA was present in the researched provinces, they apparently did not see it as a viable option for lodging their concerns.

A majority of the NGOs running health programmes are funded by the Ministry of Health, and its provincial departments regularly monitor their operations. They have complaint boxes in medical facilities and follow the complaints, and they believe aid is not diverted in health facilities, particularly the ones in provincial centres that are regularly monitored by a variety of actors. Though the provincial health departments are given enough authority in monitoring these programmes, they ask for discretion to look at partners' budgets and even their financial documents. This reveals that the Ministry of Health departments believe they need further scrutiny of their partners, as they think corruption may exist. However, NGOs working in humanitarian aid and the health sector resist these initiatives and say that they would provide government officials with more leverage to put pressure on NGOs and make unnecessary demands. To prevent aid diversion and misuse of medical aid, some hospitals have also established boards that look after complaints and find ways to better utilise their facilities. These boards are only in a few big hospitals, while small clinics assisted by the government or other organisations are frequently monitored from Ministry of Health departments in the provinces and by the donor organisation. As noted above, ongoing efforts to monitor the basic package of health services were seen by some as having a positive effect on programme quality.

3.9. INTER-AGENCY MEASURES

The mechanisms for inter-agency coordination are well-developed in Afghanistan (as detailed in Section 3.2) and this is generally seen as a positive element of prevention and mitigation as it creates opportunities for information sharing which makes it possible to collectively manage demands from corrupt authorities or other actors. Yet despite a high level of coordination among the humanitarian actors both in Kabul and

the provinces, and an increased focus on risk management, discussions on corruption and transparency are missing, including in meetings between the partners and donors. As one respondent said:

There is no discussion on corruption. The donor also does not specifically raise the issue. When new employees are hired it is not discussed with them in detail so that it is not negatively perceived that we encourage the corruption.

While the research found that a few respondents from aid agency staff both in Kabul and the provinces questioned the integrity of others, particularly when it comes to dealing with government officials who demand bribes in exchange for allowing agencies to continue implementing projects, those same issues are not raised in inter-agency dialogue. Implementing partners say there is almost no discussion in joint meetings among the donors and among UN agencies.

The RMU has played an important role in providing good practice examples to the humanitarian community. The RMU designed the Common Minimum Standards for Due Diligence to assist the UN Country Team (UNCT) members in better due diligence and to collectively raise the level and quality of information that is collected with respect to contractors and implementing partners. These were designed to be used as a check list against UN agencies' own processes for implementing partner/vendor due diligence. The standards provide a number of example declarations, including on the topics of (1) conflicts of interest; (2) non-support for a designated entity; (3) previous or pending legal processes or investigations; (4) recognition of and support for any United Nations compliance activity(ies); and (5) recognition that providing false information or statements will automatically lead to disqualification from any UN contracting, procurement or employment process. In 2015 OCHA adopted these minimum standards across all Common Humanitarian Funds globally.

The RMU also has a contractor management system, with about nine of the largest agencies in Afghanistan participating. A human resources portal also exists, with the goal of allowing human resources departments to communicate with each other about potential fraud risks in hiring. This mechanism was seen as potentially infringing upon agencies' privacy standards, however, and has not yet been utilised.

In early 2015, research conducted by the RMU confirmed that a 'monitoring gap' exists due to access constraints, including the difficulty in identifying partners (both NGOs and TPMs) that have both the access and capability required to undertake monitoring to a reliable standard.⁶⁴ Problems include the inability to collect good quality data, poor communication with implementing partners, insufficient numbers of female monitors and a failure to provide quality reporting. Follow-up discussions in the RMU-chaired Collaborative Monitoring Working Group (CMWG), which is comprised of donors, UN agencies and NGOs, confirmed training as a need. The RMU has since undertaken to develop the Afghanistan Monitoring Accreditation Scheme (AMAS). The AMAS has developed common minimum standards of monitoring and now seeks to identify and train individuals (men and women) who are linked to recognised organisations to become national monitors (at no cost to the participating individuals). It hopes that in time there will be a pool of accredited employees across Afghanistan who can conduct own-organisation and peer-to-peer monitoring.

Another important initiative adopted from Somalia is the Medical Emergency Response Team (MERT). This was in response to the deterioration in the security environment and a decline in provincial presence by the international community. By providing key provinces with specialised trauma paramedics and doctors the MERT is designed to encourage a programmatic and operational presence (including accountability and M&E staff) by assuring staff that in the event of a life-threatening emergency and/or mass casualty incident that they would not be left without support, and that a highly mobile rapid response capacity for advanced life support intervention and evacuation capacity was in place.

⁶⁴ See: Risk Management Unit-Afghanistan (2015) 'Third Party and Collaborative Monitoring: Findings, Opportunities and Recommendations', RMU Report, UN.

3.10. ROLE OF DONORS

Humanitarian donors play a potentially important role in mitigating corruption in humanitarian assistance in Afghanistan, but it is a challenging role given that donors themselves are constrained in their movement, which limits the level and quality of information donors have on corruptions risks and practices. Of the donors interviewed, the policies and procedures in place to support the management of corruption risks include specific risk mitigation measures for working remotely, requirements for partners to have complaints mechanisms in place, and a number also provide funds to support the UN Risk Management Unit's services. While corruption risks are discussed at the Humanitarian Donor Group meetings in Kabul, there is no form of joint donor monitoring, or joint action regarding corruption in humanitarian assistance.

At headquarters level, capitals have instituted a range of 'zero tolerance' policies to signal the rigorous approach they are taking to diversion of taxpayer money. Yet rather than increase the available evidence on corruption, the way these policies have been applied and interpreted has sometimes had the effect of inhibiting discussion of actual risks and practices.⁶⁵ More generally, some of the larger donors in Afghanistan have tended to focus their anti-corruption efforts on development and security-related funding – both because these are channelled through the government and because they constitute a much larger portion of their total spend in Afghanistan.

Several interviewees said that donors vary in the extent to which they support agencies to investigate and follow up on corruption incidents, and a number of interviewees noted the lack of any formalised mechanisms or requirements from donors for reporting such incidents. A recent UN RMU report found that donors have begun to question a perceived lack of reporting to UN agencies in Afghanistan. The study found that within the UN, 77 cases of suspected fraud occurred over the past two years reported by five agencies. By contrast seven agencies reported no cases at all.⁶⁶ The finding suggests that either the counter-fraud processes and systems employed by the UN are comprehensive and mitigate the risk of fraud, or detection mechanisms are not robust enough and/or possibly more likely that fraud is not being reported.⁶⁷

It was also noted that donors can contribute to the challenges of mitigating corruption risks if they place demands on NGOs to spend funds quickly, increasing the risks of abuse. It was also noted that donors do not tend to share their own experiences of partner corruption with other partners, increasing the risks that these organisations will continue to receive contracts despite available evidence. The RMU study concluded that donor notification processes need to be strengthened and that donor reporting needs to encompass information management provisions. Donors could also promote increased coordination and collaboration on risk management at the inter-agency level, and encourage greater sharing of and adoption of good practice.

⁶⁵ Haver and Carter, 2016

⁶⁶ RMU, 2016

⁶⁷ RMU, 2016

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

Corruption is widely understood to be a major problem in Afghanistan, threatening people's ability to trust in government, undermining security and pulling apart the fabric of society. An anti-corruption agenda has become a major focus of the Government of Afghanistan and of a number of partner donor governments. Focus, however, is on the 'big ticket' areas of the security sector and long-term, on-budget development assistance. While not formally presented as such, interviewees acknowledged that risk tolerance is different for corruption in humanitarian aid, partly due to its smaller volume and because it is channelled outside of government mechanisms, allowing the potential for greater control and management. As humanitarian aid to Afghanistan has decreased substantially in the last three years and security and access conditions have worsened, rather than limiting action, greater efforts should be made to protect the integrity of humanitarian assistance, particularly to ensure it reaches those most vulnerable in hard-to-reach areas.

Many respondents for this study believed their own organisation's systems were robust and sufficient to prevent any major corruption. At the same time, however, those same interviewees described a bleak picture of corruption within humanitarian aid, with some saying they believed substantial bribery to be occurring during contracting/procurement and partner selection (i.e. between INGOs and Afghan NGOs, or between UN agencies and NGOs). They also emphasised a lack of accountability for corrupt staff and organisations as well as pervasive nepotism and ethnic bias in hiring. As conflict has intensified and different areas of the country become more difficult to access, evidence suggests that government representatives have used the possibility of diversion to armed groups (and/or inability to effectively monitor where the aid is going) as a reason to seek to prevent aid being delivered to certain locations.

Both aid agencies and aid recipients described corruption occurring during the selection and targeting of recipients of in-kind aid (both food and non-food items). This included the inflation of beneficiary lists, the inclusion of friends and family on lists, and the emergence of fake elders (individuals who attract and channel aid to villages or individuals who support them politically, or who are connected to them in some way, while the 'real elders' remain in the background and the most vulnerable and least politically connected people are excluded). Efforts to tackle this, including verification of lists by aid organisation staff, were appreciated and seen as effective by many of the aid recipients interviewed. Nonetheless, humanitarian aid agencies generally saw a certain amount of diversion as necessary to foster good relationships with elders and government officials.⁶⁸ This relatively relaxed posture would appear to be at odds with the prevalence, scale and seriousness of corruption risks in Afghanistan generally. This study uncovered limited evidence on bribery or other forms of corruption within health services. While it is certainly possible services and, in particular, health may be less prone to corruption, this finding contradicted those of previous studies, and may suggest a need for further investigation.

Even though aid agencies provide a sizeable amount of humanitarian aid and have been working in Afghanistan for many years, interviews with affected people suggest that aid agencies have not had clear communication channels with their constituencies. As with previous recent research⁶⁹, this study found that agencies have not developed good channels of communication with affected communities. Aid

⁶⁸ See also Haver and Carter, 2016

⁶⁹ Steets et al., 2016; Haver and Carter, 2016; Jones, 2016

recipients interviewed for this study, while expressing appreciation of aid in general and noting that efforts to verify beneficiary lists were appreciated, reported few opportunities to provide genuine input and were not well informed about the amount or timing of aid entitlements, and so have limited means to challenge inappropriate behaviour. Community participation was reportedly limited to elders and other leaders providing beneficiary lists and help during aid distribution. While some agencies have formal feedback mechanisms in place, overall usage levels remain low, and many of the affected people interviewed reported dissatisfying experiences where their complaints were not followed up on, or where they were even threatened by aid staff. These challenges pose serious corruption risks that do not appear to be well understood by the aid community at present.

RECOMMENDATIONS

The following recommendations are intended to encourage awareness and acknowledgement of the issues, as well as highlight some actions that have already been applied, proven valuable and are worth scaling up. The recommendations include those based on the research (including the interviews) and also draw from the other case study contexts within the CREATE project.

To the Government of Afghanistan:

Promote the integrity of humanitarian assistance and the impartial delivery of assistance to insecure areas.

1. Relevant ministries, including the Ministry of the Economy, with the support of other coordination bodies such as ACBAR and OCHA, should **promote the integrity of humanitarian aid** within the broader approach to anti-corruption measures in Afghanistan.
2. Recognising that selected NGOs are able to work effectively and safely in insecure provinces, relevant government officials should **support humanitarian agencies to provide impartial assistance to people in insecure areas** and engage in dialogue with the OCHA-led Access Working Group on how to improve humanitarian access to such populations, including negotiating with non-state armed actors.
3. **Deepen the role of local governance structures such as tribal elder's councils**, particularly where local elders have been observed as working with integrity and transparency in aid distribution and are recognised as being representative of their communities.

To the Humanitarian Coordinator, the Humanitarian Country Team:

Increase investment in collective approaches to mitigation.

4. Initiate a system-wide dialogue to consider options for addressing corruption, based on this report and other evidence available. Similar to other contexts, incentives to discuss issues around corruption in Afghanistan are few, particularly at a collective level. A comprehensive anti-corruption strategy, focusing on incentives for aid integrity, should be developed. This process could be supported by specialist mechanisms such as the Risk Management Unit (RMU), but should not rest with it alone.
5. Establish an independently run 'communicating with communities' (CwC) initiative to strengthen awareness of the humanitarian assistance, and to measure, on an ongoing basis, possible changes in the local perceptions of humanitarian assistance. In addition, establish (ideally joint) accountability mechanisms to engage affected communities on the assistance they receive. The establishment of

open and transparent joint meetings between agencies, authorities and local populations, as well as the use of other mediums (such as call centres) should be considered, and while transparency of entitlements is important, aid agencies should carefully manage possible protection risks at the same time as considering ways to increase transparency and accountability.

To donor governments:

Take greater shared responsibility for risks and mitigation measures

6. **Donors should increase dialogue with partners on the inherent risks and compromises required to assist those most in need**, encourage greater sharing of experience, including donor experience, and provide (ideally a common) reporting mechanism, as well as invest in good practice mitigation measures.

To humanitarian aid agencies:

Continue to institute internal preventive measures.

7. **Agency leadership should be open, principled and supportive regarding addressing corruption pressures and threats.** Corruption risks and practices should be shared and discussed within agency offices at all levels, with the aim of opening up the subject to all staff, encouraging integrity of staff (including 'whistleblowing') and demonstrating scrutiny. This requires developing policies and mechanisms that are appropriate for the Afghan context, and providing ongoing training to all staff, including those in provincial and district offices.
8. **Agencies must prioritise internal and external risk mapping and consider a wide range of mitigation measures.** This requires analysis of the political economy of aid in Afghanistan and 'do no harm' principles. In particular, aid agencies should have a strong understanding of patronage networks at the provincial and district levels to manage corruption risks, to invest in working with those acting with integrity, and to generate pressure on government officials for transparency and accountable management of humanitarian aid. Within their own offices, consideration should also be given to recruiting senior Afghan staff in provincial offices from non-local areas, and building a mixed composition staff with disaggregated roles, where possible. These measures should help reduce the risks of collusion and effects of pressures from local actors. Where necessary, organisations should also consider **pausing and/or limiting activities** where they have significant concerns. Evidence suggests that agencies managing large portfolios, with wide geographical coverage and/or with multiple partners, face particularly high risks.
9. **Develop more rigorous, and possibly collaborative, approaches to recruitment to avoid high rates of nepotism, cronyism and bribery.** At a minimum this should include a committee based selection process involving a mix of international and national staff. Utilisation of the RMU's human resource portal should also be considered.
10. **Partnerships and contracts between the main recipient and sub-contracting aid agencies need to receive closer scrutiny.** This could involve encouraging cooperative approaches with other international actors to ensure that decisions are made transparently based on clear and fair criteria.
11. In conjunction with other agencies, promote coherent approaches and increase the dialogue with private contractors on the prevalence of corruption and means to reduce corruption threats and practices. **Continue to promote competitive tendering at local levels** as well as regular scrutiny of private contractors (and their potential links to each other and to an agency).

12. **Establish joint mechanisms to engage and effectively capture the perspectives of those receiving assistance.** The establishment of open and transparent joint meetings between aid agencies, local government authorities, elders and local populations should be considered.
13. **Support and engage in inter-agency initiatives** such as the Collaborative Monitoring Working Group and the related Afghanistan Monitoring Accreditation Scheme and Medical Emergency Response Team.

To all humanitarian actors:

14. Agencies should explore (and pilot) ways of using the findings and recommendations of this report to create meaningful dissemination and discussion platforms and mechanisms with partners and local populations in Afghanistan.

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