

**T.C.
ISTANBUL AYDIN UNIVERSITY
INSTITUTE OF GRADUATE STUDIES**



**A STUDY OF CORRUPTION EFFECT ON AFGHANISTAN'S
GOVERNMENTAL INSTITUTIONS SINCE 2001**

THESIS

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**Department of Political Science and International Relations Program
Political Science and International Relations Program**

January, 2020

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January, 2020



DECLARATION

I hereby declare that all information in this thesis document has been obtained and presented in accordance with academic rules and ethical conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all material and results, which are not original to this thesis.

Ahmad Masoud Ebrahimi



FOREWORD

Using the opportunity, I would like to thank those who have helped me during my course of study, especially my advisor teacher, Professor PROF.RAGIP KUTAY KARACA that with his help, I was able to finish my research. Whenever I encountered a problem during my research, problem would be solved with his advice and guidance. I found him a wise, kind and with good moral who was truly helpful during doing my research. I will never forget his help and kindness.

I would also like to thank all professors of ISTANBUL AYDIN University. I learnt a lot from them during my studying period and I hope I can use the knowledge I learnt here to improve my country and fight against corruption. I was born and grew up in a war-torn country and studied during war. I know the corruption is one of the results of war and after unemployment and insecurity, corruption is the third important challenge for the people and government of Afghanistan which has made many economic and political losses for the country.

I decided to do my research on corruption and bold this challenge, I mentioned the reasons of corruption and some solutions and recommendations for this issue. I hope I can use this knowledge in my country to fight against corruption.

At the end, I want to thank my family, my parents also my wife, the one who in my absence, had the responsibility of training and educating my children and I would like to thank my two sons, the ones who understand me during my studies and instead of being beside them and playing with them, I was far from them busy with my studies.

January, 2020

AHMAD MASOUD EBRAHIMI

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ABBREVIATIONS

ACA	: Anti Corruption Agency
ACJC	: Anti-Corruption Justice Center
ANA	: Afghan National Army
ANA	: Afghan National Army
ANP	: Afghan National Police
ANPDF	: Afghanistan National Peace And Development Framework
ANPDF	: Afghanistan National Peace And Development Framework
ANSCC	: Afghanistan National Strategy For Combating Corruption
AREU	: Afghanistan Research And Evaluation Unit
CAO	: Controll And Audit Office
CLRWG	: Criminal Law Reform Working Group
HOO	: High Office Of Oversight
IARCSC	: Independent Administrative Reform And Civil Service Commission
IMF	: International Monetary Fund
INGOs	: International Non-Governmental Organizations
MCTF	: Major Crimes Task Force
MOD	: Ministry Of Defense
MoE	: Ministry Of Education
MOI	: Ministry Of The Interior
MOJ	: Ministry Of Justice's
NATO	: The North Atlantic Treaty Organization
NGOs	: Non-Governmental Organizations
NJSRP	: National Justice Sector Reform Plan
NUG	: National Unity Government
SIGAR	: Special Inspector General For Afghanistan Reconstruction
TI	: Transparency International
UN	: United Nation
UNCAC	: United Nations Convention Against Corruption
UNDP	: United Nation Development Program
UNODS	: United Nation Official Document System

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A STUDY OF CORRUPTION EFFECT ON AFGHANISTAN S GOVERNMENTAL INSTITUTIONS SINCE 2001

ABSTRACT

Corruption is defined as misuse of entrusted authority for private and personal gains. It occurs when the public officials misuse the trust placed or power given to them as public servant for financial or non-monetary gain. The problem of corruption in Afghanistan has been so wide spread since 2001 that the country is one of most corrupted one in world according Transparency International. The current research is a study about corruption in Afghanistan government, and the focus of the study is since 2001, when the Taliban were ousted and new government was established. The research study explains how significant the disease of the corruption is in Afghanistan. It also explains, in the first chapter, the methodology that is used for conducting the research. Secondary data is used, and gathered from books, NGOs and international organizations reports, articles, and journals. In the second chapter, corruption is conceptualized with definitions and its different forms. However, the following the chapters explains different prevalence types of corruption in Afghanistan. This illustrates the problem of corruption in educational sector, tax assessment and collection sector, public service provider institutions. In the next, the Afghanistan's government efforts to tackle corruption are explained, and the last chapter explains the effects corruption has had for the Afghanistan, and it provides recommendations for the Afghan government in curbing corruption.

Keywords: *Afghanistan, Corruption, Government, Institutions, Performance,*

AFGANİSTAN'IN İDARİ KURUMLARINDA YOLSUZLUĞUN ETKİSİ ÜZERİNE BİR ÇALIŞMA

ÖZET

Yolsuzluk, tevdi edilen otoritenin kişisel ve özel çıkarlar için suiistimal edilmesi manasına gelmektedir. Kamu yöneticilerinin, memur olarak kendilerine verilen yetki veya güveni, mali veya maddi olmayan kazanımlar için suiistimal ettiklerinde meydana gelmektedir. Afganistan'daki yolsuzluk problemi 2001 yılından bu yana o kadar yaygındır ki bu ülke, Uluslararası Şeffaflık Örgütü tarafından yolsuzluğun en yaygın olduğu ülkelerden biri olarak nitelendirilmiştir. Bu çalışma, Afgan hükümetindeki yolsuzlukla ilgilidir ve çalışmanın odağında, Taliban'ın uzaklaştırıldığı ve yeni hükümetin kurulduğu 2001 yılı bulunmaktadır. Bu tez, Afganistan'daki yolsuzluk sorununun ne kadar önemli olduğunu anlatmaktadır. Birinci bölümde, araştırmayı yapmak için kullanılan yöntem de anlatılmaktadır. Kitaplar, sivil toplum örgütleri, uluslararası örgüt raporları, makaleler ve dergilerden elde edilen ikincil veriler kullanılmıştır. İkinci bölümde, yolsuzluk tanımlamaları ve çeşitli şekilleri ile kavramsallaştırılmıştır. Sonraki bölümlerde, Afganistan'daki farklı yaygın yolsuzlukların türlerini açıklamaktadır. Bu eğitim sektörü, vergi değerlendirme, tahsilat sektörü ve kamu hizmeti sunan kurumlardaki yolsuzluğu gözler önüne sermektedir. Sonrasında, Afgan hükümetinin yolsuzlukla mücadelesindeki çabaları açıklandı ve son bölümde yolsuzluğun Afganistan'a etkisi açıklanmıştır. Afgan hükümetinin yolsuzluğu kontrol altına alması için tavsiyeler bulunmaktadır.

Anahtar Kelimeler: *Afganistan, Yolsuzluk, Hükümet, Kurumlar, Performans.*

1. INTRODUCTION

A major concern of donors, world leaders, and their citizens in helping developing countries is the poor performance of the public service. The concern is prominent in services delivery failure in developing countries despite having measures in place to tackle the challenge of inefficiency and capacity collapse. However, a significant factor in service delivery failure is corruption and practicing unethical actions ((Peter Adoko, 2010. P. 110).

There have been many definitions for corruption with different kinds. However, its root comes from a Latin word which is *rumpere* meaning “to break”. Transposed to ethics, the word corruption means to break a certain code of conduct for personal goals of perpetrator. According to Rose-Ackerman, (1999.P.32) corruption is the misuse of public power for personal purposes. This definition explains that the corruption is a relational action as it occurs at the public and private individuals. Furthermore, Nye (2002. P.80) describes corruption as a behavior by which employees deviate from formal duties and responsibilities of a public role because of private interests such as personal, close friends, private clique, or they may gain personal status, or violate rules in exchange of certain private benefits. It also may emerge in many different kinds, form which one popular is administrative corruption.

A concerning issue with which almost all countries of the world, are dealing with a larger or lesser extent is administrative corruption. However, it may differ in depth, extent, and type from a country to another country. Its effects may also vary according to the type of political, culture, economic structure and level of a nation’s development. Corruption in public services; anyway, leads to decadence of the government institutions, pits the policies of a government against a nation, and undermine the government efficiency in conducting its duties and running courtiers’ affairs.

The term “administrative corruption” which a prominent kind of corruption has drawn scientists and organizations’ experts’ attention for a long time. It has

always been tried to tackle or decrease administrative corruption by giving definitions in accordance to the organizations' principles, and increase administrative integrity, on the other hand. Many kinds of corruption have been identified. However, Bribery, abusing a public position for private purposes, embezzlement, and misusing of the power can be described as the most common kinds of corruption in a public institution. Furthermore, the other kinds of administrative corruption can be taken place in behaviors like fraudulent, nepotism, political favoritism, injustice, blackmail, keeping client unsatisfied, stealing organizations' property, or misusing of them and etc. These mentioned behaviors can be carried out individually or in group (Parvaneh and Masoud, 2013. P. 54).

Corruption, as it has been defined as the abuse of public position for private or group benefits, is a critically concerning issue in Afghanistan. The long lasted war had almost destroyed all government infrastructures in Afghanistan. After 2001, new government system was established, in which administrative reform was a significant part. However, conducting these reforms, and dedicated budget have always been subjected to immense challenges and in some cases lead to wide spread corruptions. Based on the international assessment, Afghanistan has always fallen near the bottom of international measures and indexes of the corruption. Apart from the international index, there is widespread of public perception of corruption among civilians as well. According to a Survey conducted by SIGAR (2014. P. 35), fifty percent of Afghanistan's population were paying bribe in order to process their administrative tasks. Although theoretical and practical measures have been taken to account to tackle and wipe out corruption, Surveys conducted by NGOs show that the corruption is wide spread and damaging in Afghanistan's governmental institutions. In May 2016 the president Ashraf Ghani admitted that Afghanistan is one the top corrupted country in the world, by any measures. He stated that the continues conflict for more than four decades has destroyed social and institutional controls. He also stated that after the Taliban were overthrown after 2001, and a large amount funds poured to the country in form of assistances has fragmented and reduced the system of accountability (National Survey, 2014. p 13).

From both Afghan people and International community perspective, corruption has always been a growing concern. From civilians' perspective, corruption has been singled out as a problem, which has undermined government's credibility, and from perspective, Afghanistan has remained consistently as a most corrupted government in the world despite millions of fund in capacity building and wiping out corruption. Corruption is now considered as a factor with significant effects state building, administrative performance, development, and private sector growth. Fighting with corruption has been a priority for the government of Afghanistan and international community.

The current research, like some previous conducted researches, intends to scrutinize corruption, cause of corruption, and its impact on the organizations' performance.

1.1 Importance of the Problem

For good governance, the primary and important elements are to provide effective, accountable, reliable and swift public service, solid judicial system and an accountable administration. However, none of them feasible without clearing out corruption from administrations. Government institutions are considered to be the main vein of a government and their decay leads to the deficiency of a government. A corrupted government may lose its credibility in presence of its civilians and international community.

In Afghanistan, long-term disturbance and conflict has left a very poor, unqualified, weak, and corrupted government institutions. These infamous and corrupted institutions have caused a great financial loss to the government, made a bad image of governance in international environment and lowered civilians trust to the government. There is a widespread perception among civilians that the government employees work in their interests and are not reliable, so people do not tent to refer their cases to government's institutions in most of cases. Bribery, misuse of position, embezzlement, political favoritism, nepotism, are among the most common corruption behaviors which affect organization's performance greatly, and the only facilitator is white-collar corruption.

Because of corruption and in particular bribery, financial loss is so great that the government is not able to pay for its expenses. Due to large amount of bribe, most of the government's income ends to the employees' pocket and leave the government treasure depleted. Therefore, the current research aims to study corruption, its cause and its effects on employees' performance.

1.2 Research Objectives

As it is mentioned earlier, an important problem that Afghanistan has been suffering and is concerning civilians after 2001 is corruption. Therefore, the current research intends to investigate corruption, its type, its causes and consequences from it and its effects on the government organization. It continues to discuss the government strategies for tackling corruption and how successful these strategies have been. The main focus of the research will be,

- To study the prevalence corruption in Afghanistan government institutions.
- To study different kinds of corruption and their causes.
- To review the government measures for tackling corruption.
- To find the corruption affect government institutions and Afghanistan's civilians.

1.3 Research Question and Hypothesis

Starting a research means finding answers to questions that are crucial scientifically, to society, or they may be poking the researcher's mind and he tends to find an answer for them. Since the dealing with corrupt behavior is a daily activity of most Afghan civilians and tackling corruption is big issue for government of Afghanistan. The current research is designed to find What are the most common corruptive behavior in Afghanistan's government institutions?

What drives these corruptive behaviors? that not they have been eliminated but even they have improved more. The research continues to find what relationship is between corruption and governments institutions and how their performance is affected by corruptive behavior. Finally, the last question is what the Afghan

people think of corruption and what are their concerned of corruption.? The main hypothesis is that corruption put strong negative effects on Afghanistan government performance. The sub hypothesis is that the corruption has undermined the security in Afghanistan, and it is considered as one of the factor for increasing insurgency.

1.4 Research Methodology

The current research is conducted on qualitative research method. The research intends to explain the corruption its causes and effects in Afghanistan's governmental institutions. The data for the current research are primary and secondary. The primary data is collected through government anti-corruption laws, regulations, policies and strategies in tackling corruption. The second data is collected through secondary data is collected from national and international annual surveys and reports, books, journals, articles, newspaper, academic papers, newspapers, and governmental data. Reports and surveys from national and international organizations consists an important part of the research. Content analysis is conducted by collecting secondary data from various different INGOs, (International Non-Governmental Organizations) and NGOs, (Non-Governmental Organizations) such as Transparency International, UNDP (United Nation Development Program), UN (United Nation), SIGAR (Special Inspector General for Afghanistan Reconstruction,) AREU (Afghanistan Research and Evaluation Unit), Asia Foundation, TI (Transparency International) annual reports and surveys regarding the corruption and civilian's perception of government institutions reliability and efficiency. The research is designed into five chapters. The first one is an introduction about the topic and how the issue is important it also explains what questions the research is trying to answer. The second chapter is literature illustrating the research framework and defining corruption and its forms. In the third chapter it is explained what are generally accepted corruptive behavior and what are the consequences of corruption. The third chapter is the analysis of corruption in Afghanistan's government and how prevalence it is in different governmental sectors. The forth chapter explains the Afghanistan government anti-corruption strategies and how successful they have been. And finally the last chapter explains the

findings of research and provides recommendations for Afghanistan's government and for further studies.

1.5 Research Limitations

Conducting a research is sometimes a bearing jobs and the researcher my face some limitations in terms of resources, time budget. In conducting the current research there has been some limitations faced by the researcher. Collecting reliable data about the corruption where most of the government employees are engaged with is sensitive and has security concern. Since the topic is about corruption at Afghanistan government, it is sensitive to the government employees and institutions, and there is has been lack of cooperation and contribution some institutions in conducting this research. Therefore, the current research based its analysis on the secondary collected by other national and international organizations about the people perception of the government's corruption. Government institutions outcome performance is also evaluated with the contracts that are made in Afghanistan. Although the government is committed to freedom of information, accessing for data and collecting surveys from government institutions regarding to their performance is not welcomed.

1.6 Literature Review

The literature review provides conceptual framework and the path way for a research. It illustrates how a research is conducted and based on which methods. The current research starts with a conceptual framework and continues to define the general subjects and topics regarding to the topic.

1.6.1 Conceptualization of Corruption

Corruption has various different meaning to different people. In Realistic perspective, corruption pose a fundamental problem, and it is a big challenge to nature of politics. Corruption is also undermining the efforts to build and practice authority in the allocation of resources and ordering conflict. However, the realist recently has tried to describe a different form of "institutional" corruption. According to this perspective political corruption characterizes as the antithesis of good governance.

However, there are some other works that focused in the micro level of corruption, and it has drawn on new insights from psychology and experimental economics to analyze individual decisions and motivations to behave corruptly (Mark Philp and Elizabeth David-Barrett, 2015. P 388).

However, neoliberalism has been defined as a cure for corruption by IFIs, World Bank and the International Monetary Fund (IMF). These institutions have suggested some requirement for combating corruption such as the institutionalization of neoliberal policies, government transparency, and good governance. The World Bank (1997: 21-23), corruption combating policy suggest that in order to combat corruption a multi-Faced strategy needs be pursued that aims at “strengthening political accountability, enhancing state capacity, improving public sector management, improving civil society organizations, and increasing economic competition” (World Bank 2000a: 39). However, deregulation and the expansion of markets are defined as the best tools to attain these goals “;” (World Bank 2000b: 35). Therefore, it can be said that hence the standard neoliberal restructuring prescriptions for states.

Corruption attracted the attention of international institutions such as the IMF, World Bank, and OECD in the early 1990s though it had already become a central issue in many Southern countries as early as the 1980s. Even though neoliberals have long argued that the upsurge in corruption was not an outcome of their reforms, but rather a consequence of incomplete or unsuccessful implementation of policies by the “reforming” states (and mostly short-term), the World Bank had to accept in 2000 that redistributing of social assets, the simultaneous processes of developing a market economy and design of new political new institutions have provided a ground for corruption (World Bank 2000.p76). Neoliberals argue that the sources of corruption need to be investigated within the historical or cultural specificities of the countries concerned. As the World Bank states that the causes of corruption have a root in a country’s policies, bureaucratic traditions, political development, and social history, and corruption flourish when the government institutions are weak.

According to Pinar Bedirhanoğlu (2016.p.75) the neoliberalism reforms policies in some countries has provided a ground for corruption. Even though neoliberals have long argued that the upsurge in corruption was not an outcome of their

reforms, but rather a consequence of incomplete or unsuccessful implementation of policies by the “reforming” states (and mostly short-term).

In the political theory tradition, Dennis.F.Thompson describe corruption as a disease of the body politics, but to know what is disease it must first be known what is health for the organism in question. In this case corruption is derivative concept as the metaphor illustrates. Meanwhile, if we consider the corruption as a disease in body of politic, it depends to what extent a state has a healthy political system. Surely, there is no doubt that officials in all of institutions, not just political actors, can be involved in corruption. Therefore, it is probably to be said that the corruption is considered as a disease for institutions of a state or individuals. It can be argued that what is considered as a typo or act of corruption in one institutions, it may not be the same as what counts as corruption of another type organization (DENNIS F. THOMPSON, 2015. p. 38). Here, according to Dennis F. Thompson, let’s draw an example in type of corruption - Nepotism- let’s assume that someone is needed to be hired for a public position. If the official give job to John because he is the official’s cousin despite the fact that he is less qualified other applicants, this situation constitutes a case of corruption. Here in this the official committed the act of corruption because the benefit that he/she allocates is supposed to be awarded on the basis of criteria and qualification and that exclude family connectedness. In Contrast to this example. Let’s imagine that the official decides to invite John to a holiday dinner at his house. Despite being less gifted conversationalist than other possible dinner invitees the official invites John because he is the official brother-in-law. Here in this situation the official did not act corruptly because the criteria that apply to this decision are not completely within discretion, or they are not properly understood, include family-connectedness as a valid criterion.

Insofar we have discussed about the institutions of government and the family dinner. However, in the case of other institutions whose internal norms and values do not clearly approve or disapprove of family-connectedness as a criterion for use in decision-making. Let’s consider another situation in the following example. Let assume that john is accepted by the admission’s official at a private or public high school because John’s sister Jane is currently at the

school even though he has lower grades than other candidates who are not accepted. Here, in this case the action of the school official may not be considered as corruptly because according to school policy it allows consideration of family connectedness to play a role in admissions.

The claim that a theory of corruption relies on an account of the norms of the institution involved is only a partial theory of corruption. In order for an action to be corrupted there are some necessary factors to be existed. For instance, perhaps the action must be motivated by the desire for some sort of personal gain. Personal gain is crucial here weather it is for individual gain or it is for the family gain. Perhaps there must be a gain to the individual (or his family, associates or party) that is linked in some way with the norm-breaking action. According to Dennis and Thomson claim. It is not intended to offer a complete theory of corruption. However, it is argued that any plausible theory of corruption depends on a theory of that institution. Therefore, a corrupt action is that violates a norm or standard of the proper functioning of the institution. In the above mentioned examples of corruption in government, family, and school, it is focused in different intuitions, but the claim holds true when we restrict the discussion to political corruption. What constitutes political corruption in a democracy depends on a theory of democracy.

The current research is designed to investigated the corruption and its effect on the Afghanistan governmental institutions, and how wide spread it is to the country. After stablishing of the new government in 2001, Afghanistan has always been trying to adopt the neoliberalism reform policies in good governance and transparency. However, the country has been plagued to corruption since then. Afghanistan has little improvement in curbing corruption disease despite adopting anti-corruption law, regulations, and polices in accordance to the International Organizations such as UN, Work Bank, IMF, and others dictated reforms. Here in this research it is studied if the neoliberalism reforms have provided a ground for corruption as Pınar Bedirhanoğlu stated or if it is a consequence of incomplete or unsuccessful implementation of policies by the “reforming” states as the World Bank accepted that the ground for corruption have been created due to the simultaneous processes of developing a market economy, redistributing social

assets, and designing new political and social institutions. By explaining the issue, the research is trying to draw a line between an individual corruption action and institutional corruption, and which is more prevalence. Furthermore, different types of corruptive behavior that the Afghanistan government institutions are suffering tried to be explained.

The next part of the research outlines and general overview of corruption in Afghanistan and how prevalence it is. The research is conducted based on secondary data and employed content analysis. The research focus on corruption in four government sectors such as Education, Tax assessment and collection, Security and justice, and social services as a simple of Afghanistan's government institutions.

1.6.2 Definition of Corruption

Corruption, a phenomenon that has been existed from early ages of the world in one or several types, is a topic of warm discussion in many government and private organizations of the current world. Governments from their early existence have always been struggling to tackle the corruption problem, yet many countries are still suffering from this malady (Tina Søreide, 2014 P. 120). Moreover, a lot of non-governmental organizations also assist governments and communities to uproot corruption or one type of it.

Many different definitions have been attributed to corruption in order to explain it better. The goal is to define the problem and find the methods of tackling it. The term corruption come from the Latin verb rumpere, which means "to break" (Shah Anwar and Mark Sachter, 2004. P. 220). Transforming the meaning to ethics the term corruption means breaking certain code of conduct for personal gains of the culprit. According to Rose-Ackerman (1999.p21) corruption is defined as misusing of the public power for gaining personal benefits. In this context, the meaning gives a more relational meaning which occurs as an interface of the public and private individuals (Anwar Shah, 2007 P. 180). In another words, Nye (2002.p.62) explains corruption as behavior which is deviation from formal rules and duties of public role given to perpetuator for gaining personal benefits, close family, private clique, or status.

According to another definition from UN corruption is defined as misuse of entrusted authority for private and personal gains. Corruption occurs when the public officials misuse the trust placed or power given to them as public servant for financial or non-monetary gain (United Nation, 2004.p.28). Perpetuator may corrupt in favor of his/her self, friends, relatives, race, or political interest. In another definition World bank refers corruption as abuse of public power and corporate office for private gains (Vinay Bhargava, 2005. P. 154). Corruption, in one or more forms, exist in almost all countries of the world, while the level of its pervasiveness may differ from to another. transparency International TI and cross-country governance indicator published by world bank are two institutions scoring corruption perception Index of countries (Peter Adoko bicci, 2016. P. 96).

In an organizational context, the term corruption is referred to the way individuals, who are given power to act on behalf of an organization, misuse their authority for personal gains (Boris Begovic, 2005.p.78). Corruption can happen in both public and private organizations, but corruption in public organizations is topic of discussion because of the power and the authority that culprits enjoy. For instance, corruption can also be understood as an action selling decision to benefit the briber, while the amount paid, bribe, compensate decision maker's risks and moral cost of betraying the institution. The "bought" is a deviation from what the institutions would otherwise do if there was no payment for the decision (Bo Rothstein, 2007.p.72). A payment can also be paid out to speed up any administrative process or slow down adversary administrative process. Therefore, governance, administrative bureaucracy, or development can be distorted or hindered directly or indirectly as result these corruptive activities. Both the briber and the official who benefit from the distort situation encourage the act of corruption, they both generally are responsible for the consequences (Ahmad M. Mashal, 2011 p.19).

In any given context, corruption can be defined as both legal and socio-cultural, which are not always in agreement. Since both law and culture are immutable, anticorruption endeavor are necessary to address one or both (Toke S. Aidt, 2009 p.62). Therefore, countries laws and regulations are mostly referenced for addressing corrupt practices and sanctions against them. Investigation of

corruptive activities themselves are also subjected to drawbacks, thus, some countries suffer from lack of proper investigation, which may be very weak or even not exist. Therefore, if suitable steps are not taken to control corruption or enforce regulations, and officials think that they are able to do any misconduct with impunity and without being interrogated, corruption will progressively undermine the countries' governance structures, reliability, and ability to provide service for its citizens (Maureen Lewis, 2006). When the corruptive institutions are considered as low risk-high personal gain behavior, it can undermine the legitimacy, rule of law, investment potential, financial growth of the government as well as the countries' overall development objectives.

Since the countries are, nowadays, highly interrelated with each other and a lot international non-government organizations (NGOs) exist, corruptions that occur in large-scale may have international dimension, and international actions are necessary for tackling them (Seligson, M, 2001.p.19). Governments with low level of corruption and international organizations assist to reform their corruptive organization by applying a lot programs like capacity-building, public awareness, new institutional reforms and many more. Definition of corruption in is also crucial in global context which means endeavors for decreasing its impact in public life, but this is not an easy task. Complexity of the term corruption being as social, legal, economic, and political concept enmeshed in ambiguity and finally leading to controversy (John B. Kidd and Frank-Jürgen Richter, 2003.p.24.25). The ambiguity and controversy of the concept is the result from the fact that there are several competing approaches to understand the corruption. Therefore, any definition of the concept may focus in one of the several aspect of the phenomenon.

As it is mentioned before, corruption can take various forms which each having specific features. However, in any form it occurs there supposed to be legal or moral consequences for it. The term corruption is so wide that it is defined into different contexts such as legal corruption, political corruption, administrative corruption, or even cultural corruption and so on (Brian Loughman, 2012.p.21). Yet, sometimes the border between definitions of any type of corruption so narrow that make impossible to be defined or separated from each other (John B. Kidd and Frank-Jürgen Richter, 2003). In today's world, civilians' welfare,

economic development and good governance highly depend on corruption. Political and administrative corruption is supposed to be the most concern of a government. Through the history, government has always been try to draw a border between the public interest and individuals interest or their employees and put consequences for the people who deviate from public interest in favor of their personal benefit (Lucica Matei and Ani Mate, 2009.p.37). Therefore, the importance of political and administrative corruption come to merge.

Although uprooting corruption completely form a society or government seems to be unfeasible task, governments form very beginning set up law, rules, codes of conduct to combat corruption. Since the world has been globalized and states are interrelated to each other more than ever, the perspective is that the corruption in one organ (government) may infect another, or become and obstacle toward states relationships, so governments are encouraged to fight against any type of corruption (Vinay Bhargava, 2006.p.41). However, some states become prosperous in combating corruption, and able to curb or decrease its level, while some other may fail to curb corruption problem, and these states are called failed states. Curbing corruption and failure in tackling it by states depends in many factors, but particularly their anti-corruption polices and institutions. Therefore, in order to remove or decrease the corruption is a state, it is essential to define corruption and the causes which led to corruption, so the next will be setting up organizations and regulations fighting against corruption (Bo Rothstein, 2007.p.46). Although the definition of corruption may slightly vary in every country and culture context, a broad and comprehensive definition is given by United Nation me as misuse of entrusted authority for private and personal gains. Therefore, this definition can be particularly expanded to corruption in government organizations. The term personal gain is so wide that may be extend to any kind of gain like financial, sexual, favor, and so on.

1.6.3 Cause of Corruption

Depending on the situation, time, individuals, organization, and many other factors, cause of corruption may vary for one another. International organizations combating corruption tried to define some specific factors causing corruption and draw characteristics of the most corruption inclined government and institutions with examples. Cause of corruption can be personal, cultural,

institutional, and organizational, or a combination of all with lack of solid regulations or code of conduct to address it properly (Silverman, E. 1998). In addition to the causality, there are some direct and indirect contributing factors for promoting corruption. Researches have indicated the most prominent personal and organizational factors or corruptions as following (Uduma, Eke Awo, 2009 p.138).

Personal greed: it is considered to be the extreme form of desire for earning money wealth, possessions, or material objects. Although a simple desire for becoming rich and obtaining money, objects and possessions as can be acceptable, and be even encouraged in some societies, greed is referred to extreme form this desire when the individuals break rules or societies' moral for the achieving their goal (Anwar Shah, 2007.p118). Personal greed also is defined as unsuitable desire for money or power without consideration of any moral or legal boundaries in the society or conducting the action. The money obtained from greed whether in small or large amount reflects one form of corruption. This greed tendency or another word corruption may benefit individuals, who are mostly perpetuator, the organization, or both the individuals and the organization simultaneously. If the greed tendency leading to corruption directly benefits the perpetrator, so it can be against the organizations' code conduct, and morals. However, if the greed desire benefits the organization, so it appears to be more effective and the individuals benefits from it financially because they are the people who assist the organization to achieve its goal (Arnold J.Heidenheimer and Michael Johnston, 2012.p.61).

Low ethical sensitivity: when the individuals get a position are not competent enough for the job. This competency for the positions may come from the applicants' educations and pervious work experiences. Therefore, due to this lack of either educational or experience competency, individuals may perform an act of corruption by not ethically adherent to the regulations. This risk is very high in organizations where the employees are hired with weak assessment or through some sort other form of corruption (UNDP, 2004).

Lack of sense of services: the sense of service plays a significant role in employees' efficiency particularly in public organizations. The belief that employees are here to serve the community make the employees to work on

their best. In contrast, when the individuals do not have a strong sense of service, they may politics for their personal interest rather than serving the community through their position.

Lack in awareness or denouncing behavior: when people who are witnessed to an act of corruption do not have information how to address the problem, or they are not reluctant to denounce it due to avoiding any life complications in future, or their personal relationships, it spontaneously gives courage to the perpetrator to corrupt again (United Nation, 2004.p. 147).

Low salary scale: for most of the employees, particularly public sector workers, salary is the only source of their income to cope their life expenses. Therefore, if their wage is not efficient enough to afford their costs, their tendency to corrupt increase (United nation .p.148)

Condoning corruption: a core principle for relieving corruption is that the perpetrator must be punished, while the employees who clean and honest should be encouraged. But when the case is reverse, which corruption is condoned or the crook is encouraged due to any reason whether personal relationships, or financial benefits, the cause for the corruption increased (UNDP, 2009.p.14).

Lack of public Unity: even in the most corrupted communities' corruption not even is not praised but also it is openly criticized. But, what makes it to be so prevalent is that there is no public unification to stop it. Normally, in these kind of communities, interestingly, if any of civilians want to get his/her job done, he/she, somehow, take part in corruption by taking part in corruptive action to get the job done, but later he/she will condemn corruptive officials (Bracking, 2007.p.125). Although publicly corruption is criticized, individuals do not have unity to stop it by not taking part to any corruptive behavior.

Lack of strong judicial system: the statement can be explained better if we unreliable and slow judicial system to address corruptive behaviors of perpetrators. When the perpetrators are not punished, judicial system loss it's trustworthy and individuals are not concerned of the consequences of their action. Slow process of judicial system is also another problem causing corruption. When the crime is not addressed immediately and it is nearly

forgotten, officials feel free perform any kind of misconduct (United Nation, 2004).

Political parties: political parties are one of core principles in a democratic system, but these parties do not always act in well of the societies. Firstly, when a political party is successful an election, it tries to assign its agent to positions without some necessary considerations, so individuals feel they are protected from prosecution under the party's umbrella. Secondly, during elections political parties or politicians try to seduce people to have their vote in their favor by giving cash, financial, or other kind of promotions and incentives (UNDP, GAIN, 2014-2107.p.82). However, when they take the power they may earn the costs by 10 times or more from civilians through corruption.

Lack of transparency: it is when there is not clear transparency in public affairs and people do not have access to the information. No information, or less is provided to the people about the public contracts, employee's selection process, educations, government entrance exam, university entrance exams and so on. Transparency is of the main factors of good governance, so the countries which avoid to be transparent to its civilians is supposed to be dealing with corruptive activities.

Lack of accountability: another significant factor in good governance is its accountability. It is when the government is quick and responsive to the issues so that the people are witnessed to the decisions and the consequences of the actions. Responsiveness is when government employees do their duties in the best and fastest possible. Therefore, lack in accountability and responsiveness of a government will cause corruption (Arne Disch, Endre Vigeland, and Geir Sundet, 2009.p.28).

Apart from the mentioned causes, there are some other reasons that contribute or promote corruption. The above mentioned causes of corruption fall into any of personal, cultural, and organizational context. However, the level of each one causing a corruption may differ from a state to state, time to time, community to community. Therefore, for the governments suffering from corruption, it is important to find its causes at the first step unless their measures for tackling corruption may not be successful according to expectation (Tina Søreide, 2014.p.28).

1.6.4 Types of Corruption

According to the definition of the term corruption that is mentioned before, coming from a Latin word *curreptere*, many definitions can be extract from the term. Therefore, no comprehensive and universally accepted definition is given to the term. However, several international organizations combating with corruption and governments defined and categorized the actions which are considered as an act of corruption through their regulations, law, and code of conducts (Brian Loughman, 2012.p.24). Yet, the line between a corruptive action, a mistake or an ethical action is too blurry to be identified. The figure below shows a simple clearance how an action may go from integrity to a mistake, unethical or criminal action.

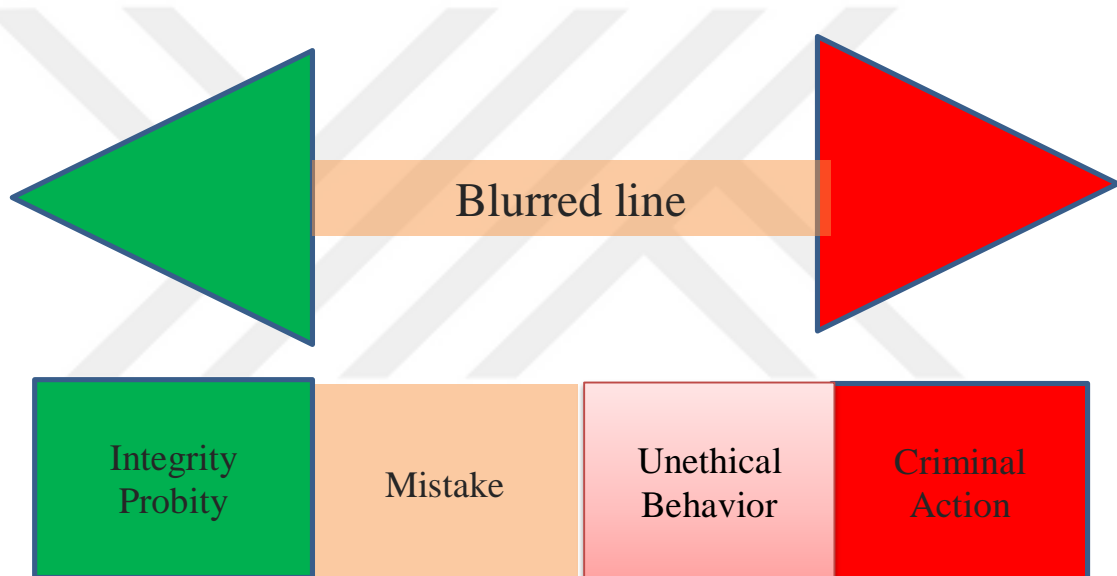


Figure 1.1: The line between corruption and integrity action

The term corruption is subjected to numerous legal and academic definitions. However, the governments determine corruptive actions from which they suffer in order to address them properly. Here below some kind corruptions are explained in more details (Arne Disch, Endre Vigeland, and Geir Sundet, 2009. P. 231).

1.6.4.1 Grand Corruption

Being clear from its name, grand corruption is defined as a corruption in which senior officials of the government are involved. These senior can be from head of state, ministries, top executive managers. These senior official may come from

a specific group and work in their own interests or interest of another group of businesspeople, politician, criminal elements rather than the public interest (Maureen Lewis, 2006. P. 167).

Grand corruption is considered as one of the important challenges of today's world. Since it has various and serious legal global effect, combating and tackling the problem is responsibility of international organizations and community.

According to krugger (1993.p.167) the term corruption is referred to the politician exploitation from the power in their interest. This exploitation occurs when the big policies of the country are implemented in their group interests. Corruption in its grand form is that either the national policies are changed or implemented for serving in the favor of one dominant group usually political, and this service costs are paid from public, from which the resources are diverted to interest of the group. Grand corruption harms the public and civilians because the public have less gain from the government resources and polices are averted from public interest orient to group interest orient (Daron Acemoglu and James Robinson 2012.p.114). Since this type corruption is performed by elite group (selected Politicians), so it is difficult to identify and measure this kind of corruption. The consequence of this type of corruption is also so immense and have various result for the society.

Since measurement tools for assessing grand corruption may not be available, studding the link between grand corruption and the cost it causes to the society is hard. The extreme situation of the grand corruption is when there is no difference between the wealth of head of state and the wealth of government. In this situation, the head of state who may be a dictator make the policies particularly economic that serve his own interest exclusively.

Finally, the topic is summed up by a definition from UNDP which explains the grand corruption as a phenomenon that prevail high level of government officials. This corruption highly undermines the rule of law in a country and engender massive abuse of power, and followed by erosion in economic stability and confidence in good governance (UNDP, 2009). The term "state capture", which is referred to a situation that an external interest illegally

distorts the public affairs in highest level to the private, or group ends, is sometimes used to describe grand corruption.

1.6.4.2 Political Corruption

This type of corruption, political corruption, is referred to misuse of power by government officials for private benefits and gains. Political corruption occurs when an illegal act by official is performed under umbrella of law, and the action is directly related to the duties of perpetrator in the office. In another word, the perpetrator misuses the legitimate given for him/her for private gain. It can be carried out by diverting from formal duties or avoid performing duties in accordance to law (Dr. Ahmad M. Mashal, 2011. p. 77).

Various individuals and parties like lawmakers, head of state, legislators, ministers, executive officers, may be involved in political corruption, and their involvement is deviation from norms whether in constituting laws, regulations, policies, or fulfilling laws, regulations and policies in interest of private rather in accordance to laws and standards. Such officials seek financial like bribe or non-financial benefits for their own benefits in exchange to service that they provide for their supporters in cost deviation from the public interest (John B. Kidd and Frank-Jürgen Richter, 2003). This deviation from public interest toward private gain whether is based on financial or non-financial benefits of perpetrator is called corruption.

Political corruption has several features and forms, but the line between administrative and political corruption is too blurred to be separated, while they are sometimes used interchangeable. However, political corruption is a broad and general term to use for lower level of government employees' corruptive behavior, while administrative corruption is considered a small word to explain wide range of corruption forms in a state level. Here different forms of political corruption are explained following (Shah Anwar and Mark Sachter, 2004. P. 134).

Nepotism: it is referred to favoring family, relatives, and kinships occupying positions without their competencies. A corruptive action can be nepotism alone or combined by another form of corruption like bribery. Therefore, a corruptive official who hire friend, family or relative based on nepotism may acts in

exchanges of bribe or mostly out of bribe like benefit of advancing the interests of others. UN convention encourage merit-based selection without directly mentioning nepotism, while some countries do not directly address act of nepotism (United Nation, 2004). The most extreme form of nepotism is when the power in a country is passed to one of the sons as inheritance. A lesser form of nepotism when the government official hire relatives in government positions, or when a specific group of religion, ethic, or political parties, which governs a country, hires officials and administrates form them without competencies. Nepotism is considered as a kind discrimination against other groups and people who do not have part in the power. Nepotism in some form may not provide benefit to the perpetuator, but it promotes the interest of those who are linked to the official, and it can be through family, political party, tribes, or religious groups (UNDP, 2009.p.18). The nepotism in favor of individuals can be based on family, race, ethnic, religion, affiliation.

Patronage: This type of corruption is referred to favor supporters occupying positions. Patronage sometimes may be considered legitimate when newly elected government replaced some top officials with their new members in order to ease the process of implementing and fulfilling its policies more efficiently. But, it turns to corruption when the newly elected officials are assigned without consideration of their competencies as a payment for the support or favor that these individuals did for the new government prior to the election (Vinay Bhargava, 2005.p.53). In non-democratic government or fragile democracies, official are hired based on their loyalty to the new government rather than abilities. Therefore, these individuals are picked up form specific groups.

Fraud and embezzlement: These forms of corruption are referred to exploitation of position by perpetuator in form of stealing, misconduct or another form. In embezzlement, financial benefit like property is taken by an entrusted employee, who has been official power (Toke S. Aidt, 2009.p.24). On the other hand, fraud means the use of fake and false documents or misleading information to seek private benefit by misusing the power. Since the aim of both fraud and embezzlement are private gain, both may lead to kind of stealing property or any financial objects.

Embezzlement and fraud may be carried out by a person, who is in a position of trust, responsible for storing or handling cash, valuables objects, tangible property. It may occur by stealing the mentioned object or by assisting another party of individuals to do so. Embezzlement and fraud are most likely to happen when there is no adequate auditing or monitoring in the organization, or it doesn't exist at all (Tina Søreide, 2014.p.98). Government employees have access to operating accounts which make them able to withdrawals of unauthorized cash, or information to others in order to do so. However, the element of fraud, sometimes, can be more complex when the government officials make some fake and artificial expenses in order to get the fund for themselves. The term "ghost" is used for determining these corruptions. For instance, Ghost workers may be added to payroll system by the officials, who receive the benefits. Ghost road may be constructed with immense cost and fake bills may be submitted for non-existent object, or service in order to direct the fund to pockets some officials. However, using the public owned objects for private purposes by official are considered corruption. The purchase or repairmen of private-owned properties or houses may be billed against public costs. For instance, Government paid workers may be used to work in official private homes (Boris Begovic, 2005). The cost of using public object for private purposes by officials may not appear high, and they sometimes do not define a border between their private properties and public ones. However, if the is practiced by every or most of the government officials the loss for public would be immense.

Extortion: it is coercive force to induce individuals for cooperation and comply. This coercive force can be done in form of threats, violence, or the exposure of sensitive information that harm the victim in society or organization. In other form of corruption, public may be harmed in complete, while in extortion there is very real "victim" who is the person coerced for complying with the officials. Perpetuators, government officials, who carried out extortion many be subjected and victim of extortion in another case. For instance, government officials may be under threats of extortion payment by a person who is seeking a favor (Maureen Lewis, 2006.p.17). Government investigator or their families are often subject of threats. Prosecutors who follow up criminal cases may use their

position in form threats of prosecution or punishment as a means of extortion. In many where the corruption is controlled people who are committed to minor crimes like traffic accident are threatened to pay up unless they would severe consequences. Not only just civilians are under threats but also official are threatened by supervisor to pay up in exchanges of not being exposed to public due to their misconducts. In these country a vertical hierarchy of corruption is committed form the most vulnerable individuals, generally civilians, to the government employees at low level and goes up to managers and higher ranks (Lucica Matei and Ani Mate, 2009. p.79). In this situation, low-level of extortion like “speed up money” is wide spread, and people are required to pay money in order to speed up the process of their administrative procedure. In extreme situation, civilians pay up without being asked for a payment. In this case, civilian make the payment because they sure that without the payment the service to which civilians are entitled will be withheld, so it can be said that the system is corrupt. A gift-giving tradition is so common in this kind of corruption, and civilians make pay up and gifts avoid a future mistreatment by officials (Seligson, M. 2001.p.21).

Administrative corruption

The term administrative corruption has usually been used in contrast to the administrative integrity, and scientists and managers have been trying to define it in order to address it properly. Administration without corruption is goal of all most all of whether governmental or private institutions. The term administrative corruption, which is clear for its name, is referred to intentional imposition of distortion in the prescribed implementation of exciting laws, regulations, and rule in order to provide benefits whether for state, groups, individuals, or private organizations gains. It has been tried by experts to define corruptive behavior compatible to the organizations’ principle (Parvaneh Mousavi and Masoud Pourkiani., 2013. P. 122).

Administrative corruption is also referred to situations in which government employees frequently cause offences within their institution and their offences are far-reaching to be prosecuted, and this finally lead to ineffective government administrative process. In another word, UN Convention against corruption defines administrative corruption as a form of corruption which includes use of

bribery and favoritism which allow private organizations or individuals to avoid their public obligations like escaping from fulfilling regulations, pay lower taxes, win a contract and so on. Depending on situations, time, and organizations, different broad factors may lead to administrative corruption and causes potential spread of the problem (Afzali, A., 2011.p.31). Therefore, in order to tackle the problem of corruption in an administration these factors must be identified properly and be addressed with efficient preventable policies. For instance, if we consider an administration as a system, there are some subsystem within this system like human resource department which can play a pivotal role in eradicating corruption from an administration. Humans activities can be become under control of this department. As it was mentioned before, the line between political and administrative corruption is so blurred which make it hard to be separated. However, administrative corruption has been categorized into different forms (Farhadinejad, M., 2011.p.21). Hayden Haymer defines three types of administrative corruptions black, gray, and white and each with its specific characteristics. Black administrative corruption is the most extreme form which must be addressed and culprit must be punished. For example, accepting bribes in return to ignoring regulations for safety of housing. These kind of corruption are abhorrent to public and civilians. Generally, black corruptive behaviors are stated in the regulations and organizations' code of conduct. Gray administrative corruptions are behavior that are important to the officials and office procedure, these behaviors may be indifferent to civilians. For instance, negligence in submitting time sheets or avoiding having cooperation in the administrations. White administrative corruptions are behaviors that are abhorrent in the face of both officials and civilians. It can be as a turning blind eye to rules that are rendered and unnecessary.

Administrative corruptions may occur into several forms behaviors, and these behaviors are sometimes not easy to be defined properly (Jalilkhani, B., 2011 .p.16). However, there are some specific behaviors like abuse of power, bribery, injustice, blackmail and so.

According to Parvaneh Mousavi, and Masoud Pourkiani (2013.p.11) certain following behaviors in an administration are considered as administrative corruption.

- Presenting and providing false report about the organization's performance
- Having discrimination in providing services toward clients
- Arbitrary decreasing or waving the fees that be paid to the organization according to rule
- Preferring personal or family relationships above the role and regulations "Nepotism"
- Using institutions' property such as vehicles government houses and so on for personal purposes.
- Using influence in promoting unqualified employees.
- Arbitrary use of government properties for personal use
- wasting official time for unrelated things, Skip from tasks and duties, fake mission reports.
- Stealing public property by employees
- Consuming government or institutions resources more that needed
- Rather than abiding rules and regulations preferring personal, kinship, and family relationships.
- Tolerance of corruption, which means ignoring corruptive behavior and offense of oneself.
- Offering government goods and services to others based on personal relationship.

Here in the following some prominent cases of corruption has been described such as Bribery, Nepotism, and so on.

1.6.4.3 Bribery

As a most common form of corruption, action of receiving value in exchange for influence or action that the receiver of value would not compromise is called bribery. According to black law dictionary, bribery is the offering, giving, receiving, or soliciting value in any form in order to influence the action of the individuals in charge of public duty. Briber is offering gift, money or other item

to have someone do something in purpose of the giver (Mahdavi, S., 2012. P. 33). In short words, bribe is defined as a value or gift given for in order to influence the receiver's conduct.

According to United Nation Convention against Corruption bribery, as most common form of corruption, is considered as act of bestowed benefit in order improperly to influence an action, performance, or decision. Bribery can be initiated by both officials who are seeking bribes for their services, or the person who is entitled or looking for services. since being as most common type of corruption, bribery has been defined by several international organizations, domestic laws of countries, and academic publications. Furthermore, the term bribery is described a payment collected from an unwilling member of the public by a public official before the citizen can receive the service to which he or she is entitled (Arnold J.Heidenheimer and Michael Johnston, 2012. P. 140). The value or benefit exchanged by bribery can take any form from money, goods, rights in action, property, doing a favor, sexual favor, or any other form

The value from bribe may directly go to the perpetrator, or go to a third party like friend, relative, family, association, political party because officials sometimes avoid to receive the value in order to prevent any trouble. The action for which the bribe is conducted can be either positive, make the official to take or speed up a decision, or it be a passive action, make the official decline in decision that the payer is obliged to do. Once the bribery is carried out, it doesn't end there, but it leads to other corruptions. For instance, officials who receive bribe may later be threatened for more illegal contributions unless they would be displayed in the public. Bribery can take place in one-by-one case action, or it may continuously happen on regular basis between the officials and payers (John B. Kidd and Frank-Jürgen Richter, 2003.p.21). Most of the countries and organizations criminalized briber corruption, but they may have different definitions and different defined forms. For instance, some countries criminalized bribery in which the public interest is affected and left other kind of bribery to be solved on non-judicial process. Some countries also exclude criminalizing bribery in private organizations.

United Nation Convention against Corruption defined some specific act of bribery as following.

- Corruption against the rule: value is provided to ensure that the giver will receive public benefit for which he/she is not entitled, or to avoid the obligation they are entitled to.
- Corruption with the rule: a payment to ensure that the giver will be provided with lawfully service he/she is entitled to.
- Offering or receiving improper gifts gratuities, favours or commissions: officials seek gratuities or favour in return for the service. This kind of corruption is difficult to be distinguished from bribery and extortion.
- Bribery to avoid liability for taxes: a payment for tax collecting agencies or custom officials in order to lower taxes, blind eye in importing illegal goods, overlook evidence of wrongdoing.
- Bribery in support of fraud: a payment to receive wages for non-existent workers "Ghost worker".
- Bribery to avoid criminal liability: a value paid to law enforcement officials such as detectors, prosecutors, or judges to influence the process of crimes' investigation or the results of the investigation.
- Bribery in support of unfair competition for benefits or resources: this payment is carried out for winning a public or private contract (procurement contract). This payment is also called kickback.
- Private sector bribery: this bribery is carried out for influencing the private sectors like banks or others.
- Bribery to obtain confidential or "inside" information: employees either in public or private sectors may be paid a value for disclosing confidential personal information for a commercial or any other reason.
- Influence peddling: In some countries, legislators demand bribes in exchange for their votes in favor of particular pieces of legislation (United Nation, 2004,p.13). Parliament representatives may be paid a benefit to vote in favor of a specific group. Sometimes, government officials do some payment for parliament members to pass any law or approve assignment of minister.

1.6.5 Losses from Corruption

The phenomenon of corruption has a direct relationship with rule of law, service delivery, economic and political development in a country. According to international transparency societies are affected by corruption in various ways. Corruption costs the people's money, health, freedom and most severe form it costs civilians' life. International Transparency divides the cost of corruption in four main categories such as economic, political, social and environmental (Silverman, E. 1998.p.8).

Economically: corruption has a direct link to the economic development of in country. Corruption decreases and depletes national wealth of a country. When money goes to officials pockets rather than government treasuries due to corruption, government national treasuries decreases, and the governments face problems paying their costs. Therefore, government employees, particularly high ranking workers, get richer in cost of government's loss. In high level, corruptive politicians invest the public resources into projects that enrich their pockets rather than the public. Corruption slows the pace of economic growth (Dr. Vinay Bhargava, 2005.p.25). Development of fair market is also hindered by corruption which is distortion of fair competition between firms and ended up deterring investment. Therefore, firms and manufactures are not interested to invest in corruption environment where the corruption is not controlled by government, foreign investor are more concerned in this regard.

Political: from a political perspective, corruption is eroding rule of law in a country, and it is an obstacle to democracy. In a corruptive environment where the government institutions are misused in favor of private, civilians lose their trust to government institutions, and that lead to losing institutions legitimacy, so the people are not interested to participate in their public affairs. Corruption makes a passive environment where the gap between the government and civilians is extremely large (UNDP, 2009.p.31). This situation is crucially harmful for established democracies in particular newly established government, in which democracy is a new experience. People may think democracy as a cause of corruption. Corruption fragile new established democracies and may even lead to edge of failure. People avoid having any contact with government officials in their orifice, and even if they are want to

do administrative procedure they may get preparation for a payment in advance. Providing and developing an accountable political leadership and government institutions are considered extremely challengeable in a corrupt environment Daron (Acemoglu and James Robinson, 2012.p.42).

Social: In a society where practicing corruption is common, the social fabrics of society is slowly corroded. A difference emerged between government staffs and civilians in the society. Since the government employees get rich due to corruption and government expenditure in welfare may decrease, civilians may feel it is their money goes to corruptive employees' pockets. Therefore, their social interactions with government official who live in their society change in an improper way (Transparency International, 2016.p.86). In an extreme situation when there is high level of corruption in government, every government official even who are not engaged in corruption may be considered decay and unreliable in civilians' perspective, so trust and reliability to government and its employees is lost. Another hurdle for challenging corruption can be a distrustful and apathetic public.

Environmental: losses from corruption are not limited to economic development and political, it also causes degradation of environment (Arnold J.Heidenheimer and Michael Johnston, 2012.p.15). Where there is no, or non-enforcement of, environmental regulations, natural resources are exploited carelessly, and that may ravage to the entire ecological system. From deforestation, logging, emission of CO₂ by industrial companies, air pollution, building unsafe constructions are all considered as an environmental disaster which are all carried out by bribes giving to officials.

1.6.6 Combating Corruption

Like the complexity of the term corruption, combating with it is not an easy task, however, it is nationally and internationally required and followed by countries and international organizations.

Anti-corruption campaigns, which has attracted government and international organizations more than ever, are set of activities to tackle or uproot the phenomenon of corruption. The same as the corruption which may take many forms, anti-corruption strategies many also vary with their forms, scopes, and

strategies (Ahmad M. Mashal, 2011.p.18). In order to have an effective anti-corruption campaign, the issues of governance and institutional which give rise to corruption should be addressed properly. Therefore, a multidimensional approach is required. This approach may involve a wide set of activities from improvement of legal, judicial, and prosecution system. It also requires a greater voice and participation of civil society give civil society in government affairs; strengthening and professionalizing public sector management; enhancing the competitiveness of the private sector; and holding political leaders that are more accountable and responsible for their actions.

More practical national and international steps have been taken for curbing the corruption problem for the few decades (Toke S. Aidt, 2009. P. 120). In international context several organizations, UNDP, IMF, World Bank, OCED, Transparency International, have launched international anti-corruption programs for uprooting corruption particularly in developing countries. They, with help of some NGOs, assist developing countries to remove or decrease the level corruption by defining proper definition of corruptions and methods for curbing them. United Nation against Corruption treaty drafted in 2003, OCED Anti-Bribery Convection, Intonations Anti-corruption court are examples of the source of international anti-corruption campaigns. Transparency International provides a country index of the lowest to the most corrupted government every year with suggestion for the most effected programs to tackle it.

One of the prominent organ fighting with corruption is UNDP. After end of its PACDE (2008-2013) anti-corruption program, another program GAIN (Global Anti-Corruption Initiative) 2014-2017 was started for tackling corruption by adopting four main principles as following.

- The anti-corruption Political agenda should be expanded in order to provide developmental plans through integration of anti-corruption in service delivery and other sectors.
- State intuitional capacity (the supply side of anti-corruption) should be strengthened in order to prevent corruption and combat with it properly.
- Another factor is civic participation, engagement, and social accountability promoting. This can be achieved by empowering youth

generation and women, and enhancing civil society participation and media in public sector affairs.

- For achieving good result in implementation of anti-corruption initiatives. The results should be monitored and improved for increasing the institutions' effectiveness.

One new strategy is improving the results-based management for improving institutional effectiveness, which consider the result of administrative effectiveness and performance in compare to implemented anti-corruption strategies.

In national context, fighting corruption has longer history. Government has always been trying to address any misconduct or misuse of power that harm society or government even if that corruption might have not been used explicitly. Government defines and criminalize act of corruption in their laws, regulations, and decrees. Since every government may be dealing with a form of corruption that is different form another places or time, government sometimes different perception of corruption and discretions to address them. In many countries, Governments assign special investigator body and prosecution authorities, often known as ACA Anti-Corruption Agency, to address corruption. These organs may be subjected to a level of dependence form the government, regulations, and power, and be given level of authority to investigate corruption cases.

Anti-corruption agencies are permanent agencies, unit, commission or department established by governments and empowered by authorities to address any form of defined corruption in the country. In order to have performance government these authorities may be granted a level independency. Anti-corruption agencies are considered as a strong weapon against corruption, however their prosperity has a direct link to their authority, independence, political will in uprooting corruption. Most of countries have adopted an anti-corruption agency though they may be called in a different name in each country (Shah Anwar and Mark Sachter, 2004. P. 234). For instance, Serious Fraud Office in United Kingdom, Anti-corruption commission in Malaysia, National Accountability Bureau in Pakistan and so on. The level of authorities

they have been granted by the governments may differ from one to another (Farhadinejad, M., 2011.p.25). However, some principle and set of strands that make an anti-corruption agency to act more efficiently were agreed in at a meeting Jakarta in 2012. The principle strands are as following.

- A clear and broad anti-corruption mandate: through educations, prevention policies, public awareness raising, and corruption case investigation, Anti-corruption agencies should have a clear mandate and policy to tackle corruption.
- Permanence legal guarantee: ACAs should be established by proper and firm legal framework. This legal framework can be constitutions law or special anti-corruption law to ensure the permanence of the institution.
- Anti-corruption agency's head appointment: The head of ACAs is supposed to be appointed through independence, impartial, neutral, integrity, and political stance process.
- ACAs heads' Removal Policy: for an ACAs to be independent it is essential that its head should have security of tenure and the head's dismissal should be through anticipated legal procedure.
- Governance and ACAs' ethical conduct: Anti-corruption agencies are supposed to adopt a code of conduct based on high ethical standard for the employees and provide and solid compliance regime.

Some anti-corruption agencies were successful in reliving corruption, while the others less so. In an extremes form is when the anti-corruption agencies are not assigned properly to address corruption, and they themselves are stuck in corruption. Therefore, it can be said that the just the establishment of an agency to fight corruption is not enough.

2. CORRUPTION IN AFGHANISTAN

This chapter provides an explanation to corruption diseases in Afghanistan government institutions and prevalence of corruption in these institutions and Afghanistan civilian life. Corruption in four-government sector are explained as sample for the study. Different kinds of corruption are also illustrated, but before going to the main there is general introduction to Afghanistan.

2.1 Afghanistan's Country Profile

Afghanistan is a mountainous country which is located in landlocked in central Asia. The country is divided into 34 provinces and 398 districts. The country was established, known as today Afghanistan, in 1747 by Ahmad Shah Abdali/Durani, who became the first king of Afghanistan. In the 19th century, Afghanistan was between struggles of the British India and Czarist Russian Empire. The country experienced three Anglo-Afghan war, a war between Britain and Afghans, in 1839, 1878, and lastly in 1919, in which the country achieved its independency and became a sovereign state in 1919 (Barfield, 2010). However, the country was a battle ground for the two great power, between United States and Soviet Union, and it lead to the Soviet's invasion of Afghanistan in 1979 (Ibid.p.11).

The Soviet Union was defeated by resistant groups called, Mujahedeen, and forced to withdraw its forces in 1989 from Afghanistan. However, after the withdrawal After of the Soviet forces, the country fell into civil war in 1992 between the resistant groups due to lack of consensus on power-sharing between the leaders of the resistant groups and belonged to *Mujahedeen*, who had fought against Soviet for many years (Ibid 249). In 1994 another group appeared aimed to end the harmful civil war and establish an authentic Islamic state, calling themselves Taliban. The group took Kabul in 1996 and ended the civil by ousting Mujahedeen groups and brought at least initial security to the city. Taliban ruled the country for almost seven years with brutality, and harsh

policies until 2001 in which they were ousted by US attack to Afghanistan due to 9/11 attacks (Ibid p.269).

As part of war on terror U.S attacked Taliban in Afghanistan because they gave safe heaven to Osama Bin Laden the leader Al-Qaeda group leader, which was behind the 9/11 attack. The U.S ousted Taliban and after the fall of the Taliban, the Bonn Conference in December 2001, established an interim government, Hamid Karzai was chosen as an interim president till presidential election was held in 2004. He took the presidential office in the following elections in 2004, 2009 and hold the power until end of 2014 (Stiftung, 2014. p. 14). Even the intervention of U.S and NATO to failed in any qualitative transformation due to civil war atmosphere in Afghanistan (R. Kutay Karaca, 2011. p. 41). It was during his presidency that Afghanistan established new constitution in 2004, and according to it the country formal centralized power and according to which Afghanistan is a republic headed by a president with broad authority. According to new constitution, the president enjoys having a broad power. According to new constitutions, as the head of state, the appoints cabinet ministers, the attorney general, chief of central bank, judges. However, despite the broad power granted to the president by constitution, local leaders, such as warlords and strongmen have equal power in provinces and in countryside beyond the reach of the state and challenged the central government authority (Landguiden 2016.p.18).

In 2014 Hamid Karzai handed the power to the so called National Unity Government (NUG) formed by U.S meddling as a solution to disagreements on 2014 presidential election outcome. In U.S compromise to the election outcome disagreement, the presidency was given to Ashraf Ghani and a new position “Chief Executive Officer” was established and was given to his rival Dr. Abdullah Abdullah. The position was established by U.S foreign affairs John Kerry mediation as an emergency solution to the election conflict in which both presidential candidates Ghani and Abdullah could not agree upon. The two following elections in 2014 as well as 2009 were witnessed by electoral fraud. However, it was a new toward democracy in the country. (Landguiden 2016.p .32). The compromise shared the power between two candidates, and they divided ministries, provinces, and embassies among them. However, ministers

were not introduced to national assemble for six months because of existence of disagreement between the two rivals. The appointment of many ministers have been based on political affiliation and not on merit based or professionalism (Noorzai 2016 p.16). After almost five years, several ministries are ruled by acting minister. This is a further indication of weak governance that fails to take strong actions against corrupt officials (Putz 2016.p.21).

Throughout the years of instability and war the country has suffered from a lot of problem, and almost all government structure and services had been ruined and devastated. The loss of war is immense for the country and the government is rife with corruption. Although the establishment of new government after 2001 brought hope to the people, the has deepened more with the corruption and it became prevalence to almost all level and every institution. Surveys show the Afghans consider corruption as the third most important problem after security and war. According to 2014 SIGAR report, from two persons in Afghanistan one pays bribe to government for a service. Therefore, the government has taken some steps to tackle the problem by stablishing institutions to fight with corruption. However, the anti-corruption policies and strategies of the government did not conclude to the expected result, and the country is still suffering from corrupted institutions and employees. Here in the following page, the cause, forms, and prevalence of corruption in different government institutions are studied, and the policies of tackling this problem will be clarified and how successful they have been.

2.2 Prevalence of Corruption in Afghanistan

As corruption has been defined in earlier chapter, as an abuse of entrusted power for personal or private gain. It can be postulated that the corruption has been existed since the society come to exists, but nowadays the phenomena is more visible in modern societies. Along with technology and government improvement in modern state there Therefore, it leads the likelihood of that some officials may exploit their position for personal gains. According to the definition corruption as abuse of entrusted power for private gain, it can be classified to different types of corruption such as grand, petty and political, depending on the amounts of money lost and the sector where it occurs.

However, the act of *corruption* is not necessarily always as a question of illegally receiving money; it may also involve abuse of power and position in order to obtain other advantages

The definition of corruption in Afghanistan's context is not different from generally accepted definition of it. According to the definition of Afghanistan anti-corruption strategies, corruption is defined as "the abuse of public position for private gain". And, unfortunately, the problem of corruption is a significant and growing problem across Afghanistan. It undermines security, development, and state- and democracy-building objectives. Pervasive, entrenched, and systemic corruption is now at an unprecedented scope in the country's history.

On other hand, the phenomenon of corruption is a significant problem in any State building policy and represents a major obstacle to its political, economic and social development of the country. However, in case of post-conflict countries like Afghanistan, this issue of corruption is even more crucial in the context of the recovery of the rule of law and government institutions. Therefore, the problem of corruption has been highlighted by many surveys and documents since 2001.

Nader Mohseni in his article, corruption in Afghanistan, outlines three main factors that define the importance of corruption in Afghanistan:

- The first important factor is the four decades of war and instability that has eroded the countries administrative infrastructure.
- The second factor is economy of the country that is based on the illicit cultivation of opium and producing illegal drugs
- The third significant factor of importance of corruption is a massive inflow of international capital to rebuild the country and its institutions. Studies show that the flow of corruption in the country somehow contribute to spread of corruption and has changed the people's expectation, large amount of budgets has been wasted for temporary projects that has not any turnover.

It is believed that INGOs, NGOs and Afghanistan's government partners were also part of causing or spreading corruption to Afghanistan. The former president of Afghanistan in 2010 stated that ""*There is a problem of corruption*

in Afghanistan, both in the Afghan government and in the manner the international community gives us assistance...and the lack of transparency. Those are the problems we are facing. And those are the problems we should handle on the Afghan side....and on the international side by our partners.”

Therefore, the international supports have afforded the country an opportunity and cure. While the country has achieved some improvement in democracy, women’s right, employee’s capacity building, some government infrastructures, and establishing security force, it also has challenged the social norms and government institutions and one these challenges is the credibility and future stability of the state is the widespread rise of corruption. A vast amount of foreign aids has flowed to Afghanistan since the 2001, but not only it didn’t have the expected result but it also led to wide spread corruption. Most of fund were wasted because of bad management system, corruptive administrative, and ended up to the officials’ pocket or enriched contractors.

However, the corruption is not just limited to the these. Afghans national are suffering from corrupted government offices and employees in their daily based activities. Corruption is wide spread in every sector of government and institutions such as executive, judiciary, education, health, tax collecting institutions like customs and so on. The High Office of Oversight against Corruption explains that the cause of corruption in Afghan public administration are deep-rooted and structural. According to the Mohseni there are six important corruption drivers that create a lot of money sustaining grand corruption as following:

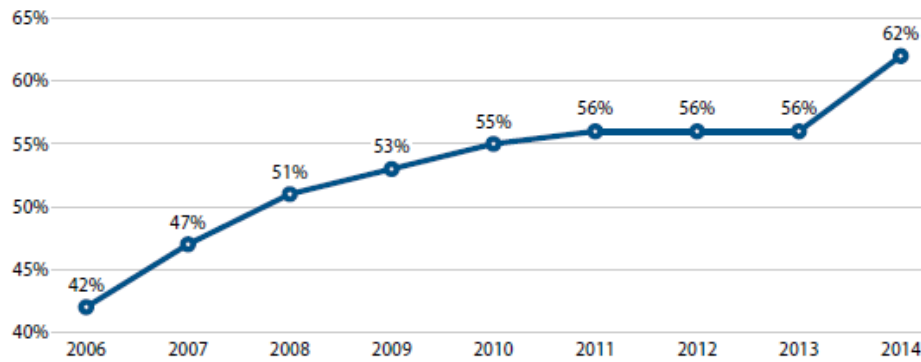
- Possession of public natural wealth;
- Misuse of public finance such as customs, taxes, and tariff regime;
- Smuggling;
- Dedication of public land and asset for private use;
- Influence in government contract for delivery of goods and services;
- And the last which is more important the production, processing, and trafficking of narcotics, drugs, and opium.

However, apart from above mentioned daily life of Afghan nationals are affected directly or indirectly by administrative or petty corruption which undermine their confidence in government bodies.

- There are complicated and bureaucratic procedures for delivery services;
- Insufficient regulations and laws;
- There are limited capacity at public administration at the national and local levels;
- Unqualified and insufficient trained government staff with low-salary;
- The work of government institutions is interference by powers and personal gains;
- Lack of political will and absence of leadership to implement the National Anti-Corruption Strategy by ministries and other institutions;
- Inappropriate system of oversight and auditing.

The surveys conducted by different national and international organizations (NGOs, and INGOs) have illustrated how malady corruption is spread in the country since 2001, and civilians are dealing with it in their daily base. Corruption in is considered as a significant impediment to peace process, and people have lost their trusts in the government organizations. According to survey conducted by Asia foundation illustrate how the perception of Afghans' that corruption is daily problem for them increased over the years.

Percentage of respondents that believe corruption is a major problem in daily life



Source: Asia Foundation, "Afghanistan in 2014: A Survey of the Afghan People" (2014), available at <http://www.asiafoundation.org/resources/pdfs/AfghanistanIn2014final.pdf>.

Figure 2.1: Daily corruption in Afghanistan

According to International Transparency Corruption Perception Index (CPI) Afghanistan has 16 points of corruption out 100 and has the 172 ranking among 180 countries that have not had improvement in tackling corruption. Since the establishment of new, interim, government administration under Karzai presidency in 2001, Afghanistan has grappling with corruption. Although the new administration was established in 2001 and the government received bulk of international financial aids, the International Transparency Index (CPI) did not include Afghanistan in its surveys. However, by considering CPI reports from 2005 to 2018, Afghanistan has been among the most corrupted country in the world, and this is a clear indication of little improvement of tackling corruption, despite the fact that, in 2014, the new government (National Unity Government) promised to uproot and fight firmly against corruption.

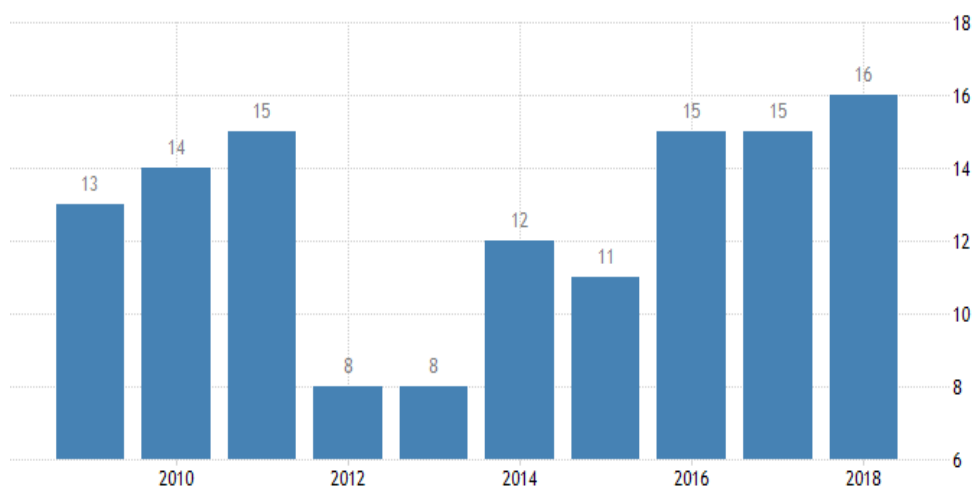


Figure 2.2: Afghanistan Corruption Index through 10 years.

Source: <https://tradingeconomics.com/afghanistan/corruption-index>

After 2001 the pour of international assistances to Afghanistan provided fertile soil for corruption to take root and flourish. The country has had poor oversight into its institutions and assistances. Decades of conflict has weakened the countries of justice and governance institutions. Therefore, currently all aspects of life have been affected by corruption in Afghanistan. People deal with one type of corrupt on daily bases from applying for a driver’s license, paying taxes, or seeking access to public health or education service. All have become occasions for exploitation. That’s why that Afghan people hesitate to seek redress in the courts, purchase property, or invest in land or small businesses, to apply for building permits because all these and countless other routine activity with public officials are perverted to illicit ends and corruption. The Asia Foundation conducted a survey that shows, “[i]n 2016, nearly all Afghans say corruption is a problem in all areas of their lives. According the survey 61.0% of Afghans said that the corruption is a major problem in their daily life, while 28.2% said corruption is a minor problem.”

According to Transparency International Corruption Perceptions Index reported in 2018, out of 175 countries, Afghanistan is the 172 least corrupt nation in the world. According to the data from 2005 until 2018 corruption Rank in Afghanistan averaged 169.62. It has reached an all-time high of 180 in 2011 and a record low of 117 in 2005.

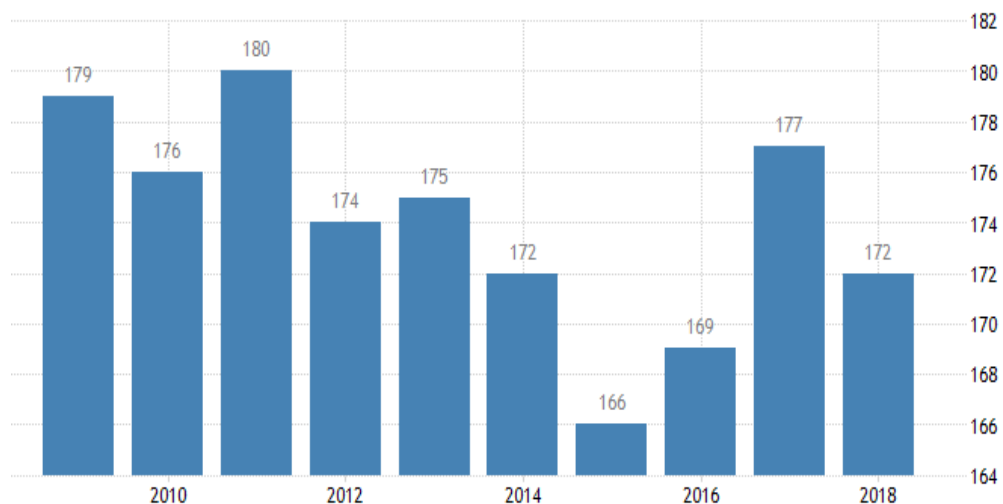


Figure 2.3: The prevalence of corruption in Afghanistan throughout ten years 2009-2018

Source: <https://tradingeconomics.com/afghanistan/corruption-rank>

The disease of corruption have had several negative effects to the country from fueling the ongoing insurgency conflict, hindering national efforts for the country to become self-reliant, and “wasting a great amount of resources that could otherwise have been spent in easing and lowering the countries’ poverty level.” One of the scandalous case of corruption was The Kabul Bank fraud. It resulted in the loss of USD 987 million and caused the first private bank investment after 2001 to collapse. It epitomized the extent to which key sectors such as finance, mining, and transport could be plundered.” Other examples of corruption cases exist in numbers. As President Ghani, the current president, bluntly stated that instead of being the systems for government accountability, financial management, recruitment, audit, procurement, legislation and the administration of justice have become the drivers that explain how corruption persists in Afghanistan,”

Another survey, National Survey, conducted by Asia Foundation in 2015 illustrated that Afghan citizens have very low confidence in the governmental institutions because of the existence of systematic corruption (Asia Foundation National Survey, 2015. p.38). This systematic corruption undermines the government legitimacy, and it is seen as driver of insurgency and impediment to peace. In a survey done by Integrity Watch Afghanistan 35% percent of respondents believed that corruption help the insurgency and facilitate to expansion of Taliban. They claimed that corruption fuel insurgency particularly in insecure area. People turn to Taliban to solve their problems when they lose their trust to government institutions (National Corruption Survey 2010. 9, 2014.p.31).

Corruption behavior can be tracked in every level of government and amount. Instances such as the Kabul bank crisis, in which nearly \$1bn disappeared in mysterious insider loans by shareholders who had family relationship with top government official like president Hamid Karzai’s brother the Aino Meena housing project, thousands imaginary employees and soldiers in every institution in several provinces where their salary went to officials’ pockets, are example of grand corruption in top government level. The failure of Anti-Corruption Program of government illustrate that, not only there is no political well in tackling corruption

In case of petty corruption or administrative corruption, Afghan citizens are dealing with it in their life activity particularly when they want to have access to public services. According a national survey conducted by Asia Foundation in 2014 from Afghan civilians from their perceptions and experiences on corruption in the country. It shows that 90 % of the respondents considered the disease of corruption is a problem in their daily life, while 61.1% of the research respondent viewed the corruption as a major problem in their daily life. This type of corruption is existed both in form of administrative and political form. (AREU, 2010. p. 65).

Bribery, which is called *Reshwat*, is very common in every government institutions and in every level. People pay money as a gift for official to have access to government services or process their document. Nepotism, political favourisim are so widespread in recruitment system. Officials when they take position in the government are trying to hire employees from their tribes because the people who occupy top government positions have the feeling that their tenure will be short-lived and they will not be there for long. Therefore, they are concerned about their own income and wealth accumulation. They don't tent to refrain their followers from engaging in corruption.

Although the government has taken some steps in tackling corruption by establishing anti-corruption institutions and policies, periodically surveys conducted by Integrity Watch Afghanistan, on Afghanistan's citizens of perceptions and experiences on corruption have showed worsened comparing to previous surveys in 2012, 2010, and 2007 where corruption was considered as third biggest problem in the country and which is now considered as the second biggest problem for the people along with unemployment after insecurity. Surveys have shown that comparing to previous years There is an increase in the perceptions and experience of corruption, and the major difference can be seen in the increased amount of bribery. Bribery, called Reshwat takes place in different forms like gift or favor, as most common type of administrate corruption in Afghanistan and the amount money paid in bribery has doubled since 2010, reaching almost to \$2bn in 2014 (IWA 2014,4 National Corruption Survey). After the prevalence of corruption in Afghanistan, here, in the

following a different forms of corruption and its impact to different government organizations is explained.

2.3 Corruption in Afghanistan's Government Institutions

When there is talk about corruption in Afghanistan, it refers to all branches of government such as executive, judiciary, and legislation branch. The corruption of justice and judiciary system in Afghanistan is considered a cause that people turn to traditional system of justice. They have lost their trust to the government. Justice services are either expensive or corrupted. According to a survey, National Corruption Survey, conducted by Integrity Watch Afghanistan in 2018 about the Afghans' perception and experience of corruption, most of respondents said that the justice and education sectors to be the most corrupt. When the respondents were asked to name the most corrupted institution the largest proportion of respondents named the courts and judges, including courts in the provinces, Ministry of Education and the Attorney General's offices among the top three, by a significant margin.

Transparency International and U.N conducted surveys that illustrate Afghanistan's citizens consider the judiciary their society's most corrupt segment. It is said that Judicial corruption to be an endemic problem in Afghanistan that affects every level of the legal system. This endemic problem ranges from granting judicial access and selecting the deposition of cases to extorting money from defendants for favorable decisions. Furthermore, corrupt justices line up their pockets with hundreds of thousands of bribes in dollars or Afghanistan's currency. On the other hand, judges in capital and particularly in provinces are subject to the influence of warlords, terrorists, chieftains, head of tribe and others. Because of corrupt system of recruitment, most of judges are appointed as the result of "under-the-table deals," rather competition and merit-based and are largely unqualified by legal standards. In several interviews carried out in 2013 with people who had lost lawsuits indicated that the winning party had bribed the court. It is believed that judges and prosecutors accept bribes to bar a case from going to court or further process or they delay in a case till they receive their Bakhshesh (bribe). They may make either evidence or witnesses vanish from court evidence. However, there is no oversight of

courts by other government branches and no transparency in Supreme Court decisions.

Legislative branch, parliament, of Afghanistan has lost its reliability to the Afghanistan's national. They consider parliament members as broker (*Kammisionkar*) working for their interest. Members of parliament make deal with executive branch officials like ministers for obtaining government contracts or appointing their followers and relatives in the government positions. People believe that the existence of parliament is not in their benefits. Since ministers of Afghanistan needs to get vote from parliament to be appointed, parliament members use the power as a leverage to influence ministers or other officials.

However, the most corrupted branch in Afghanistan government is executive and administration in executive branch in capital and particularly in provinces. Corruption exists in every sector and administration like health, education, tax, security, services and so on, and it takes place in various types such as bribery, patronage, nepotism, embezzlement, using public properties for private gain, extortion, misuse of official power for personal benefits and etc. Here, the focus of this research is on corruption in executive branch of government like health, education, tax collection administrations, security and police, and service, where the Afghans are dealing with them on their daily basis. However, there will be in the following the most common type of corruption that the people are suffering and the most corrupted institutions and the following it is explained how this corruption affect government of Afghanistan institutions.

2.3.1 Corruption in Education System

Education is considered as the fundamental human right and a major driver of personal and social development in a country, so corruption in education system threatens the well-being of society in the current and future. It erodes social trust and leads to inequality in a society. It, furthermore, sabotages development of a country by undermining the formation of educated, competent, and ethical individuals for future leadership, officials, administrations and the labor force. Afghanistan is not an exception of this and corruption in education system is widely considered to be a key obstacle to development in Afghanistan. Like

other aspect of society, the education sector in Afghanistan is prone to corruption, and Afghanistan is certainly no exception for the past many years. However, the Afghanistan government has implemented a number of reform efforts by establishing passing anti-corruption policies reduce corruption and improve the quality of education at all levels. Corruption exists in every level of education in from the top level in Ministry of Education (MoE) and Ministry of Higher Education (MoHE). The problem of corruption in the education sector in Afghanistan appears to be significant. In a research paper, Education and Fragility in Afghanistan, The International Institute for Education Planning (IIEP) called corruption “entrenched in the education system”. It illustrated two common practice of corruption in Afghanistan education. The first one that the teachers have to pay bribes to their superiors for receiving salaries, and second problem is the phenomenon of “ghost teachers”. The term is limited to ministry of education and teachers; it also exists in security sector like ghost soldiers. However, “Ghost teachers” are used for those who do not come to work but who nonetheless receive a salary and this salary goes to the management and top official pockets. The term is also referred to those who are double-registered and thus receive two salaries for a single day’s work. According to IIEP article, the existence of Ghost teacher has led to big classes without teachers and schools with lack of teacher, while the salary is going to the management pockets.

2.3.2 Corruption in Tax, Assessment, Payment, and Collection

Another institution which is subjected to great corruption is tax office which include the assessment, payment, and collection of taxes. These offices are key areas for different types of petty and predatory corruption in Afghanistan. This corruption involves two types of offices. One is non-government organizations (NGOs) and private sector entities, and the other one a range office that assess and collect taxes. This range of offices are called from Small-sized Taxpayers’ Office (STO), Taxpayers’ to Medium-sized Office (MTO), and the Large-sized Taxpayers’ Office (LTO) at the Revenue Department of the Ministry of Finance. Here are the process taxes working in Afghanistan as follows.

The Small-sized Taxpayers’ Office (STO) deals with small shops, restaurants, hotels, private schools, and training centers which falls under a certain revenue

rate. However, any entity with annual revenue of over one billion Afghanis falls under the mandate of Large-sized Taxpayers' Office (LTO). All NGOs fall under Medium-sized Taxpayers' Office (MTO). This office also deals private sector businesses whose annual revenue is over one million USD such as private hospitals, clinics, universities, construction companies, and others.

The process of taxes works that taxes are typically accounted for and paid by the tax paying entity's finance or administration department. Generally, intermediaries such tax consultants, brokers, or fixers (*kommishenkars*) are used entities for the process of taxes. The role of fixers in tax process is so bold that sometimes the entities, or traders cannot process their tax issues without them, and a prominent example of it is customs in Afghanistan. Fixers make up around 50 percent of the intermediaries dealing with MTO on behalf of different entities. The Fixers in the tax office could be external to MTO or they would probably be internal like employees of the office, or employees Ministry of Finance. Actually, most of MTO's employees are open to act as fixers for a fee. However, most of the fixers or brokers have not received any formal tax collecting education or training and they are not experienced accountants. They only act only as the go-between for a set fee for the taxpayer calculated on the basis of the amount of taxes owed.

The process of tax assessment works into different steps it starts from file going to the Administration Department of MTO, where the file is registered in an automated system (SICTAS) and a receipt is issued. Then, the SICTAS department refers the tax file to the relevant department. The file is then assessed and the initial payable tax (*maaliaat ebtedaayi*) is confirmed or recalculated again. In the last step, the file then goes to the department head for verification, and after that the file is sent up to the General Department, and then to the Head of MTO.

As so far it looks that the initial stages in processing direct tax payment submissions by various entities are reasonably transparent, or it is at least how the process is documented. However, only different types of forms are given out randomly by MTO officers and there are no formal checklists

for taxpayers to comply with. Therefore, the first sign of corruption appears by a bribe being sought by a corrupt officer when the taxpayers are asked to

resubmit their given forms because of alleged or actual mistakes. This situation of re-submitting the file provide an opportunity for corrupt MTO officers. However, in the smaller entities, typically shops and retail outlets, the process of tax assessment is different. Normally, these entities are visited by officers from Small Taxpayers' Office (STO) on a regular basis (monthly, quarterly, and annually). Most of these small entities do not keep accurate or full records of their transactions. Therefore, tax assessments of these entities take place by the visiting STO officers based on what they estimate of the revenue for the period – not the net income or profit. Normally, this stage is an opportunity for a corrupt STO officer to negotiations on how much bribe should be given by the small entity for ignoring the actual amount of tax that should be paid.

The situation in Afghanistan's customs is worse than this. Bribery is so common than firms and companies should pay the tariffs and taxes through brokers (kommishenkars), who have relation with customs' employees. Positions in the customs are occupied in exchange for a fixed amount in period of time. In most cases, top officials try to appoint their close relatives, friends, or agents to different positions in customs in every province. They consider it as an opportunity to collect enough money and enrich their pockets so long as they have the position. Customs employees ignore the goods with tariffs from taxes or replace their tax amount with a cheap tariff.

2.3.3 Corruption in Public Administrative Services

A survey conducted by Integrity watch Afghanistan in 2018 shows that how Afghanistan's people think that corruption has affected the society, and how it undermined the civilians' trust to the public services. In this the people are giving opportunity to state the extraction tactic of the government employees to take bribe from the people. However, respondents said the problem of corruption negatively affected their life the problem is worse at a local level comparing to provincial level. According to the research findings almost 70 % of respondent don't trust to local services because of corruption. Corruption in public services has greatly undermined the government reliability and trustworthy in civilians' perspectives. Civilians mostly in rural area avoid to take or have any government services, and they turn to Taliban as an alternative

way. That's why most Afghans' in rural areas and villages do not have National ID card till their middle ages.

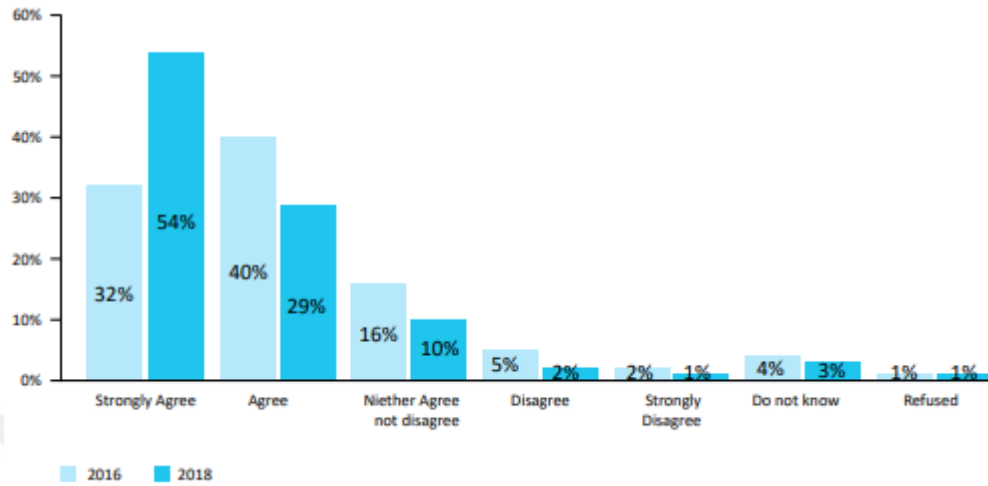


Figure 2.4: Afghans' perception of corruption effect in their daily life

Source: https://iwaweb.org/wp-content/uploads/2014/12/NCS__2018__English__WEB.pdf

The survey shows that 83 percent of the respondents either strongly agree or agree with the statement that their life is negatively affected by corruption in their area. Corruption has negatively affected the life of people in their area. The results show the prevalence of the corruption in local areas. According to research findings respondents see corruption as being worse at the local level than at the provincial level. The Afghan Perception of Corruption survey shows that 40 percent of respondents believe that corruption is more pervasive in their district area than provincial level. This indicates the corruptive behavior of the government institutions that provide services in local areas. The conclusion comes from the fact that most of citizens are interacting with service providers at the district level and are therefore more likely to experience corruption. This daily corruptive behavior of government service provide offices has eroded the civilians trust to the government. A significant majority of Afghans believe that civil servants and politicians are only in government service for their own benefit, they acquire the positions to enrich their pockets. Therefore, what is undeniable is that corruption continues to erode the public's confidence in its

democratically elected leaders and threatens to increase support for the insurgency.

Enriching their own pockets or asking for favor, government employees in service providing institutions use different tactics when engaging in administrative corruption, among all of them the deliberate creation of difficulties or the use of delay tactics in order to request a bribe is the chief tactics used in daily behavior. It is common practice in the government institutions to ask for money from clients in order to provide any service for them. According to the Afghan's perception of Corruption Survey conducted in 2018 respondents were asked about the attitudes of the government service providers in Afghanistan, respondents provided a clear image about how the government service provider delay the tasks in order to extract bribe for their clients. Before applying or going to a government office, Afghan civilians tend to provide some money as cost of service which is paid as bribe, however, the name may change in some local context, or they may look for a connection to the government institution thought patronage. Other common tactics include asking for gifts in return for small services and reducing taxes and customs duties in exchange for taking a percentage of them. Apart from social service providers' institutions, corruptive behavior is also so common among the government security forces. Both hand to hand has made the civilians to turn to Taliban for asking service and undermined the countries' security. Here in the following, corruption in the security will be explained briefly.

2.3.4 Corruption in Security Institutions

Security sectors are considered as spinal cord and the main organ or a government and their corruption affects the whole country, particularly in a fragile country like Afghanistan that has been struggling with different insurgent and armed group for several years. Two main bodies, The Afghan National Police (ANP) under Ministry of Interior (MoI), and the Afghan National Army (ANA) under Ministry of Defense (MoD) are responsible for security, law enforcement and civic order in the country.

From the two main institutions comparing to Afghan National Police, Afghan National Army don't have many opportunities to involve in corruption and

bribery behavior has according to an article in Stars & Stripes. There are two main reasons that hinder ANA from engaging in corruption. One reason is the discipline existed within Afghan National Army, and the second reason is the fact that ANA has little interaction opportunity with civilians and populous areas compared to Afghan National Police. ANA force are concerned about their security and their mission particularly when they are out patrolling. Data from a survey conducted by the UNODC showed ANA is least likely to solicit bribes among Afghanistan's government institutions. However, the research shows that a quarter of Afghans paid bribes to the ANP, comparing to the only 2% had paid a bribe to the ANA.

However, corruption exists in two bodies in different forms. In ANA reports discussed of corruption in high level. Corruption in ANP are considered notorious. Police forces are accused of soliciting money, bribery, and extortion particularly in rural areas. According to reports by Asia Foundation more than half of Afghan civilians who have dealt with police had to pay bribe. This situation is harsher in rural area since people are suffering from bad economic condition. It is considered as of reason that some people join Taliban insurgent group in order to protect themselves from police extortion, or they turn to Taliban for settling their dispute rather than Afghan law enforcement force because they believe that if they go to police they are asked to pay bribe or do a favor in order to get their dispute settled. According to Fox news report in (2014) \$300 million was systematically stolen Afghan officials from a UNDP trust fund used to pay police officers. As a result of the loss European Union donors also had to withheld about \$100 million in contributions to the fund owing due to concerns that they had from the fund's management in the country. In another report in (2015) stated that some police members, presumably in exchange for bribes, have informed the Taliban group from the Army and Police of impending operations.

On the other hand, although The Afghan National Army is considered more professional comparing to Afghan National Police, it also has experienced some significant cases of corruptions in form of misallocation of resources, wasting budgets, and big amount of bribery solicitation. Due to corruption in law enforcement force in Afghanistan, criminal networks, and insurgent groups have

been able to penetrate security forces. The situation is worse in some cases that troops do not trust their leaders, and they have lack of critical equipment. Furthermore, in some areas of the country private militias run roughshod over populations. Another case of corruption reported in 2014 stating that over 200,000 weapons allotted to the ANSF and ANP had been lost and turned out the weapons and ammunitions had been sold out to the Taliban by police and security forces. In another report by Newsweek in May 2015, it was revealed that Afghan Force were selling out the U.S applied ammunitions to Taliban. The sign of this corruption was that the Pentagon "lost track of many of the 465,000 light weapons the U.S. supplied to Afghan security forces. Using ANA vehicles for private purpose in so common among the commanders. They ANA also suffer from misallocation of resources, most logistic funds and contracts are gone in favor of leaders. In a report by SIGAR it is claimed that a large amount of money is withdrawn for paying the salary of soldiers that have never existed. Like education sector "Ghost considered Soldier" is also an important issue for the ANA. Therefore, corruption in security sector is as one of the significant reason for insecurity in Afghanistan.

2.4 Prevalence Types of Corruption in Afghanistan

It is mentioned in the literature review that corruption may take place and definition of corruption can be broad and interpreted into different types of actions. It is mentioned that the line between integrity and corruptive actions is so blurred to be differentiated. However, in different culture or society some types of corruption may be so widespread than other and be codified in penal code. Some society may suffer from one type of corruption than other one. In case of Afghanistan among all other corruption types three most widespread act of corruption such as bribery, patronage and nepotism. Here in the following it is explained how wide spread they are in Afghanistan.

2.4.1 Bribery

A type of corruption the Afghanistan has been suffering for the past two decades is bribery. Afghanistan's citizens have to pay bribe almost in all government institutions they visit. It has become unavoidable part of

Afghanistan's people life. In 2016 Integrity Watch Afghanistan has conducted a survey and found that Afghans people pay almost \$2.9 billion, a sum far in excess of the entire annual revenue of the Afghan state, bribe to government officials, which is draining the state's coffers (National Corruption Survey, 2016. p. 35).

Year	2010	2012	2014	2016
Number of Afghan adults who paid bribe	1,677,319	1,621,800	1,992,698	3,449,588
Average bribe paid (AFS)	9,582	9,528	13,080	14,115
Average number of bribes paid per year	3.36	4.05	4.05	4.02
Total amount of Afghani paid in bribes	54,002,157,411	62,582,667,120	105,646,837,150	195,791,227,740
Total amount of USD paid in bribes	1,079,669,660	1,254,543,390	1,942,037,448	2,879,282,761

Figure 2.5: Total amount of bribes paid 2010-2016

Source: https://iwaweb.org/wp-content/uploads/2016/12/NCS__English__for-web.pdf

Comparing to 2010 the survey shows a great increase in the amount bribe paid by Afghanistan people to the government officials. Bribe has become inevitable part of Afghans in their daily life, and it has eroded the civilians' trust on government. According National Corruption Survey done by Integrity Watch Afghanistan in 2016 most of research respondents stated that had paid bribe to official because every else was doing the same. It shows the communality of bribe among people. They had to pay in order to get the government services. Therefore, the people who have been forced some how to pay are angry on the system and the perpetrators, and this situation may have led to widespread anger and distaste from central government. (National Corruption Survey, 2016. p. 36).

The shows that how bribe has penetrated the organizations particularly justice institutions such as court by showing the frequency of bribe being asked and paid to the organizations. The figure below illustrates the organizations in which people have to pay bribe in their daily life.

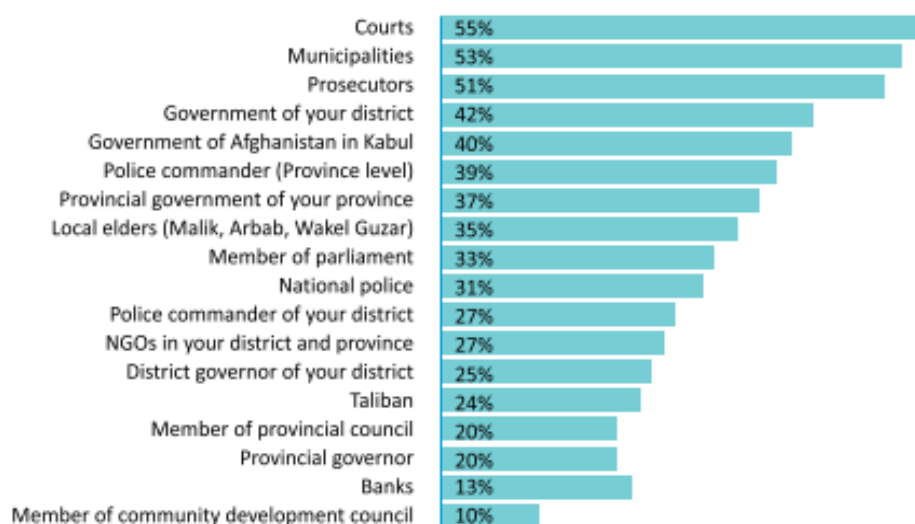


Figure 2.6: Bribes asked as a share of visits to institutes

Source: https://iwaweb.org/wp-content/uploads/2016/12/NCS__English__for-web.pdf

The graph above illustrates that from all respondents who visited the court more than half of them 55% had to pay bribe. And the same is also true for the prosecutors and municipal government offices. According to the data collected by this survey corruption in other institutions such as Banks, community development councils, and the international community were reported to be less, with bribes paid just 13%, 10% and 5% of the time, respectively (National Corruption Survey, 2016. p. 37).

2.4.2 Patronage

Patronage is defined as the situation when the public officials hire someone from their relative, family, and kinship, or someone with whom they are ideologically close to a vacant position rather than assigning employees based on their qualifications and competition. Therefore, it can be said that patronage is the use of public office for private gains. Patronage is when an official is biased to his/her family, relative, ethnic, acquaintance, and so on. Furthermore, if a public official instead of considering qualifications, skills, eligibility gives a positions to someone who is has a connection to the official this is considered as act patronage.

The problem of patronage is so wide spread in Afghanistan government that civilians are dealing with it in their daily bases. Since the country is strictly traditional and Afghan people rely to the customs, so they abide to their relationships more than law and regulations in government institutions in recruitment and selection or providing services. The paroblem of partonage is so wide in Afghanistan and the top officials are those who engage more and hire their relative to protect themselves. (Pike and Brown, 2011, p.5).

Therefore, in such as system of corruption an employee who occupies a postion through patronage networks is supposed to serve the common interest of his/her relatives, familiy and friend. He or she will not be loyal to their offices and duties, because they are sure that they have the support of someone stornq even if they an act of corruption. The problem of patronage exists in every level of government particularly in top levels. When the officials occupy they try to hire as many relative and family as they can in a hope that these people will support them in case of investigation or the officials are more confident when they do corrupt with their relative.

2.4.3 Nepotism

In a definition by Transparency International nepotism is a form of favoritism that based on acquaintances and familiar relationships. It means that the official in a government position exploits his or her power and authority to influence or to do a job or a favor to a family member or friend, even though he or she may not be qualified or deserving for such favor. However, in Afghanistan it is difficult topic to be discussed. Afghanistan is country where the people are recorded and known for Father's and Grandfather's names, and any questionnaire will ask for Father's and Grandfather's names as a matter of determining who one is, and the people are seen and known as part of their tribe, their collective.

Nepotism, which is considered as an act of corruption in other places, may seem like ordinary loyalty in Afghanistan. In all facets of life in Afghanistan, connections play a big part most likely greater than extent than in other developed countries (National Corruption Survey, 2016. P. 40). Therefore, in a country like Afghanistan it is sometimes hard to determine the line between

helping one's people and nepotism. Nevertheless, it should be said that nepotism is rampant corruption in Afghanistan. Individuals who occupy high level positions in the government are always trying to assign their friends, relatives, and acquaintance, and they considered it as opportunity to serve to their roundabout people (SIGAR, 2012. p. 47). A big example of act of nepotism was The former president, Hamid Karzai's numerous brothers who enriched themselves, to accumulate great power by parlaying their closeness to the seat of power. His deputy, Other examples of act of nepotism can be found and traced in most of government offices particularly in ministry levels (National Corruption Survey, 2016. p. 38).



3. AFGHANISTAN'S ANTI-CORRUPTION MEASURES

According to Transparency International a primary obstacle in a post-conflict country is the overcoming and widespread corruption in a country like Afghanistan case. However, the countries like Afghanistan government also take anticorruption measures to fight against corruption by national and international level efforts. According to The United Nations of definition of good governance it requires highest standards of transparency, integrity, and solid criminal justice systems. Therefore, one of the main component for empowering a state and tackling the diseases of corruption is the countries anti-corruption efforts. These efforts can be in form of law, regulations, and anti-corruption institutions (Corruption & Anti-Corruption Issues in Afghanistan, 2012. p.35). The prevalence of corruption and its effect has been discussed in the previous chapters. It is thought that since the establishment of the new democratic government after 2001 the problem of corruption has increased year by year. On the other hand, the government of Afghanistan started taking measures to tackle this disease by establishing anti-corruption institutions and commissions. In this chapter the empirical measures of the government to prevent corruption is discussed. However, most the government anti-corruption strategies have not brought the expected result, while in order to curb corruption Afghanistan has developed a set of laws, regulations, established anti-corruption institutions. One of these set of regulation is the United Nations Convention against Corruption (UNCAC) which has been signed and ratified by Afghanistan in 2008. In order to combat corruption, the Afghanistan government has always been assisted by national and international NGOs.

In order to tackle and ease the problem of corruption, the Afghanistan established several bodies. Several anti-corruption bodies are operating in Afghanistan to tackle the problem, and according to recent studies there roughly 18 separate government bodies that are tasked in fighting against corruption. However, the existence of several anti-corruption institution has caused

significant coordination problems. In the following pages, firstly, the Afghanistan's anti-corruption measures, among which establishment the High Office of the Oversight HOO is the most important, will be explained, and it follows by the explaining the problems and challenges of anti-corruption policies and institutions in Afghanistan (Corruption & Anti-Corruption Issues in Afghanistan, 2012. p. 35).

3.1 Corruption Preventing Policies

From the 2001, when the new government was established and Taliban were ousted, a new sort of development in the country started with aids and assistances from foreign countries such as U.S, EU, and other international organizations. This flow of assistance provided a setting for corruption. According to Mohseni three main factors such as three decades of war, economy that largely based on illicit cultivation of opium, and most importantly A massive inflow of international capital to rebuild the country and its institutions define the importance of corruption in Afghanistan.

Therefore, the government started taking some serious step toward fighting against corruption to eradicate it in its nest. In contrast, not the problem has not been eliminated but also it became a serious concern for the civilians and a challenge for the government. The government's corruption preventive policy and strategy is directed to the several following themes:

Civil Servant Anti-Corruption Policy: this includes reducing motivations and opportunities for eventual corruption in the civil service environment, and focuses on five fundamental elements such as abilities, skill, equipment, motivation, and control. The government has undertaken some programs and projects for tackling corruption and the Civil Service law (2005) is one them in particular. Independent Administrative Reform and Civil Service Commission (IARCSC) was established in accordance to this law in order to recruit and select highly qualified employees.

Asset Declarations: the law on overseeing the implementation of the anti-corruption strategy (2008) and HOO has undertaken this measure. The office of HOO is in charge of receipting and controlling them.

Codes of Conduct and Ethics: Rules and regulations of civil services has regarding the responsibilities and good practices Codes of conduct and ethics have been defined in organizations in order to have a better performance and avoid misbehavior.

Transparency Initiatives and Administrative Process Simplification: this measure is essential for preventing petty corruption, and avoiding bribes, and provide a better and faster delivery of services and documents. High Office Oversight has so far implemented some reforms in order to simplify the vehicle registration process.

Citizen Awareness & Charter: it is needed that a strong and broad public awareness campaign should be implemented that spread a culture of non-tolerance of corruption because current studies indicate that most of Afghans consider bribery as a normal activity.

Detection of Corruption Cases: There are two ways defined to detect corrupt behaviors one of them is inside the government institution through internal audit, and another one is information from complaints or whistle-blowing.

Documentation/Investigation of Corruption Cases: there are several steps to be taken in investigation of corruption cases. It starts the detection of a suspected corruption behavior in a government institution. Internal control of an institutions starts to document the case and to confirm if the action is an act of corruption or omission. There are several usual techniques of audit or internal control, and if a case is proved as corruption it is referred to the Attorney General's Office to starts criminal process.

3.2 The United Nation Convention Against Corruption (UNCAC)

In order to fight against corruption, the government of Afghanistan in 20th of February 2004 signed the United Nation Convention against Corruption (UNCAC) and ratified it on 25th of August at the same year. The conventions are a range of regulations that should be implemented by the countries that signed it in accordance to their domestics' law and regulation for curbing and combating corruption. Afghanistan, which is one state party in this convention,

has to implement these rules and regulations. Here under this title the only source of international rules about prevention of corruption is explained.

For the countries that are suffering from a common problem, the International Community has done efforts to provide a solving common ground for those problems. And since corruption is an issue that almost all countries to some level are struggling with, the United Nations had issued a convention against it with 70 articles from which 7 are discussed here. The United Nations Convention against Corruption is designed to decrease the problem of corruption in all over the world.

In the 1st article of the UNCAC, the purpose of this convention is specified in a statement and claimed (UNCAC, 2004. P.7)

- Promoting and strengthening anti-corruption and corruption preventive measures.
- Supporting, facilitating, and promoting international cooperation and technical assistance in fighting against corruption.
- Promoting government accountability, integrity, and sufficient public affairs.

In the 5th Article of UNCAC for fighting against corruption it stated preventive policies and practices to be taken. The mentioned policies are essential for combating corruption in worldwide. This article claims that all parties and states to the convention should develop and implement anti-corruption policies that promote rule of law, management of public affairs and public property. Furthermore, they are recommended to increase integrity, transparency, and accountability in their institutions. The corruption preventing policies are emphasized in this article and the collaboration between states by participating and organizing international programs aimed at the prevention of corruption (UNCAC, 2004. p.9).

The 7th article of the UNCAC the recruitment process and political patronage are emphasized, and this article claims that state should attempt to establish, maintain, and strengthen the recruitment, hiring, retention, promotion and retirement system of civil servants. The emphasize of this article is eliminating corruption in recruitment and eradicating political corruption because it leads to

ineffective, inefficient and poor institutions. Employees in these institutions are chosen and supported by a high-ranking government official or political leaders, and most of these may not feel accountable for their actions. The 7th article also states that the state party to the convention should improve transparency in funding candidates and hiring public offices' employees prevent conflicts of interest and increase transparency in funding political parties. For enhancing accountability of officials, who should be recruited by their skills instead of patronage networks, states are also obliged to take appropriate legislative and administrative measures (UNCAC, 2004, p.11).

The UNCAC in its 11th article emphasizes the independence of the judiciary branch, and its vital and crucial role in fighting against corruption. Firstly, any corruption opportunities must be erased from the judiciary system. By having a strong, an independent judiciary, corruption can be tackled easily through prosecutions of the judiciary which must be based on law and equality (UNCAC, 2004, p.13). The article 17 of the UNCAC provides a better framework for embezzlement, misappropriation or another diversion of a public official for his/her private benefit. The mentioned actions should be limited in public officials and necessary measures should be taken to define actions as criminal offences. The point of this article is that if any official uses the virtue of his/her position for private gain, family, or friends' favor should be restricted in accordance to the domestic rules and regulations (UNCAC, 2004, p.18).

Article 20 of the UNCAC is about the public officials' wealth and assets. It is restricting any illicit enrichment of those who are holding a public office. Those who can not provide reasonable explanations in relation to his/her lawful income. Legislative measures are essential to establish a criminal offence (UNCAC, 2004, p.19). The last article which is mentioned here is the 65th article of the UNCAC. This article emphasizes on the implementation of the convention in accordance with fundamental principles of domestic laws. It states that each state should take legislative and administrative measures to make sure the implementation of its obligations under this convention. However, the states are free to adopt more strict or severe rules for curbing corruption in their country according to prevalence of corruption and their needs (UNCAC, 2004, p.53).

3.3 The High Office of Oversight (HOO)

Being established in 2008 as a consequence of Inter-Institutional Committee on Corruption, also known as the “Azimi Committee”, the High Office of Oversight and Anti-Corruption (HOOAC) was established in 2008 to supervise development of an anti-corruption plan and coordinate the fight against corruption. The President would appoint the Director General of the HOO. From the Establishment High Office of the Oversight (HOO) was believed to be Afghanistan’s anti-corruption independent UNCAC body, but the power of president over the appointment of HOOAC’s director compromises its independency.

The establishment of HOO is line with United Nations Convention against Corruption (UNCAC), which requires every state to have an independent body institutions addressing the corruption issues in the country, and ensure the existence of anti-corruption body. Therefore, the body HOO has been mandated for coordination, supervision, and implementation of Afghanistan’s government National anti-corruption policies, and also conduct administrative procedural reforms.

According to HOO also known as HOOAC strategies plan, The HOO will be conducting three approach such as coordination, collaboration, and leadership in curbing corruption. However, it doesn’t seek any seek control or command. In 2008 when it was established the offices high-level monthly meeting were chaired by the president who was reviewing the progress of anti-corruption policies. While, the office is not empowered with direct investigation or prosecution power of addressing corruptive cases or behavior, it has been given authority to monitor the process of corruption related legal cases progress and ensure if they are addressed properly, and ensure that the necessary action is taken by law enforcement agencies.

Here in the following are the organizational chart of HOO and its main duties and responsibilities.

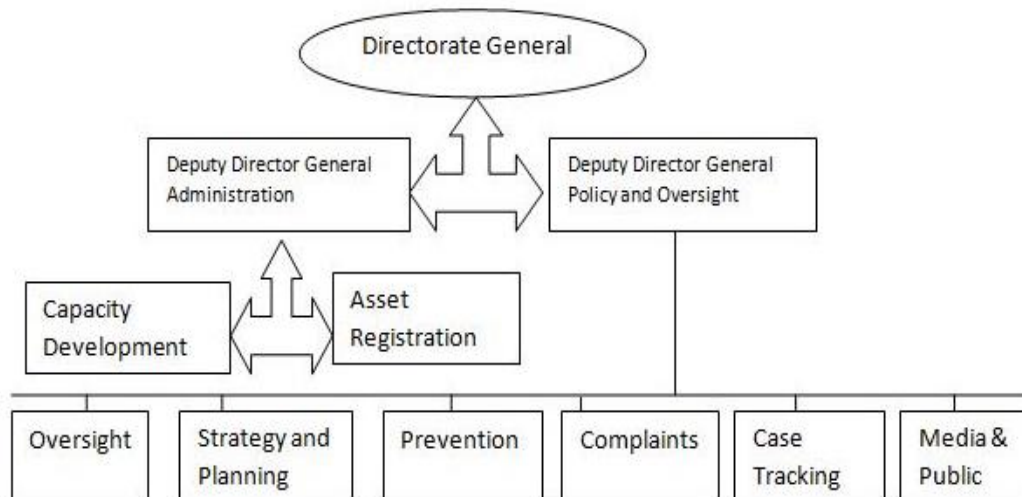


Figure 3.1: The organizational structure of the High Office of Oversight.

The HOO was given authority and responsibility of the registration of the assets, and publication as and when required, of top government officials and staffs in annual basis. In 2010 it was also empowered conduct preliminary investigations of corruption complaints a three-year anti-corruption plan (2011-2013) charges the HOO's to implement measures emphasizing three objectives:

- Pursue a multi-pronged approach to dealing with the problem of corruption in Afghanistan.
- Strengthen staff capacity and professionalism.
- Focus on achieving anti-corruption impacts. (Mohseni, 2014. P 141).

Although the HOO was established to function independently in three function areas prevention, investigation and enforcement, the HOO suffered from lack of independency and weak legal framework, so the number of corruptive cases it could address are few. In 2009 SIGAR stated that The HOO suffers from a lack of independence, a weak legal framework, and a lack of commitment from donors, particularly from the U.S. Government. It stated that the HOO operationally remains under-resourced and lack in required skills to address corruptive behavior and to make a measurable impact in fighting corruption, the fact that no measureable performance benchmarks have been established. Therefore, despite having small progresses in some areas The HOO has not had power and ability to make any significant effect on tackling corruption in

Afghanistan. The HOO failed to fulfil one its core responsibility of registration the assets of the high-ranking official, which is in accordance to the Afghanistan Constitution law and the job was given to the HOO. One of the significant reason for this failure was because of the lack of independence and authority to mandate. Furthermore, since The HOO didn't have the power and authority of the enforcing law and regulation, so it failed to investigate corruption action and caught the criminals, it also failed to register the asset declarations or creating a database for all owning of high-ranking officials when they hold office. After establishing the National Unity Government in 2014, president Ghani got the office and limited more the authority of the HOO. But He promised to bring better approach of curbing corruption in the country. He emphasized that the National Unity Government (NUG) was to prevent administrative corruption and bring transparency and accountability into governmental institutions. This was due to several insufficient performances of the HOO in fighting against corruption. According to the Integrity watch Afghanistan survey had lack of independency and operational capacity so it has not been able to conduct its tasks properly and tackle the problem of corruption (Integrity Watch Survey, 2016, p.50).

For Afghanistan to overcome the problem of corruption a national support, political will, strong judiciary, strong and reliable police force to implement anti-corruption strategies is strong fist is needed. Reliability and trustworthy of a government organization in fighting against corruption will have the trust and support of civilians, from lack of which the Afghanistan anti-corruption institution has been suffering for several years, and the government failed to establish an effective anti-corruption plan and institutions. Although the HOO office and complaint process of any corruptive behavior, civilians have always been reluctant to report corruption action because they thought that the anti-corruption intuitions are corrupt themselves. After establishing National Unity Government in 2014, it promised rigorous polices toward fighting against corruption, and they will be discussed following.

3.4 Anti-Corruption Justice Center (ACJC)

Based on the decree of President Ashraf Ghani, the National Unity Government established the ACJC on June 30, 2016 in order to fight and tackle the problem of corruption in the country. It is consisted of its three own department such a Specialized Trial Court, Specialized Attorneys and Specialized Police for investigating addressing corruption issues and perpetrators. It is considered as an important step toward fighting the reign of corruption in Afghanistan, for preventing corruption and to prosecuting government servants accused of corruption by the justice. The establishment of the Anti-Corruption Justice Center brought hope to the people to Afghanistan and showed the government commitment to the international community that it will have significant achievements fighting corruption if it is given enough authority and keeps on investigating corruption cases with integrity, determination and consistency. The perception was that if this institution effectively executes its duties and achieves its goals then it will bring the significant changes in fighting against corruption (Integrity Watch Survey, 2016, p.50). the main changes that the ACJC was expected to bring are following:

- To improve rule of law, and law to protect peoples and their daily life activities.
- Assurance for the people regarding their report and not being scared of criminals and get their jobs done in government institutions.
- Fill up the gap between the government and people with trust and reliability. By delivering good and reliable services government planned to achieve civilians trust.
- If the people don't have to pay bribe to official, they would instead pay taxes which will increase the revenue if government.

Since the Afghanistan government had failed to address the problem of corruption for some continues years, so once again it new NUG tried its attempt to combat corruption by revision of anti-corruption policies and establishing new institution such as Anti-Corruption Justice Center (ACJC). It was established to increase the rule of law, earn the civilians trust toward

government and increase the revenues of the country from taxes, also decrease bribe collection of government officials. By establishment of the ACJC was considered as an attempt to bring transparency and accountability in many governmental institutions, and it would decrease the corruption. The new strategies of government and Anti-Corruption Justice Center (ACJC) has brought hope for the people of Afghanistan regarding to the government commitment toward curbing the corruption diseases. On 10th October 2017, according to the information provided in the meeting of the ACJC, since its establishment, the institution has received a total number of 346 cases in two categories. From the total number of the 262 cases referred to Civil Attorney, 37 Cases referred to Military Attorney while 47 cases are under investigation. The institution was set up for investigation of the big corruption crimes (grand corruption). For instance, one its cases were the conviction of the Finance Advisor to the Ministry of Urban Development with 20 years of imprisonment and imposed fine of 86 million AFG.

For the past two decades, several anti-corruption strategies used by different institutions to eradicate the problem or at least decrease the opportunities of corruption, and increase the process of investigation and addressing corruption. However, unfortunately most of these efforts didn't have the expected result due to executive failure in doing their responsibility.

For fighting against corruption, the fundamental strategy used to curb corruption by ACJC is it brings reforms in the judiciary branch, but to do this the ACJC should be empowered with enough authority to execute its duty effectively unless the ACJC will also become ineffective so as the other anti-corruption institutions in the past.

For curbing corruption, ACJC implemented a significant strategy that it will bring reforms in the judiciary branch. However, based in the previous experiences of anti-corruption strategies this time the ACJC should be provided with enough authority to execute its duty effectively, otherwise, it will also become ineffective as the previous attempts of the government to prevent corruption. Therefore, the corrupt cases presented to judiciary branch by the ACJC will be followed up precisely and the perpetrators will be taken to the court. The ACJC emphasize on the implementation of rules and regulations or

to increase the rule of law and increase the risk of being punished for the wrong-full or corrupt act. Earlier it is mentioned that for the ACJC to its responsibilities and to be successful it needs the required authority to fulfill its duties. If an institution's power is limited in term of bringing corruptive officials to the court, then all is for nothing. The example of an institutions without enough authority to fulfill its duties is like human body without having soul. Therefore, it is essential for any institution particularly for an anti-corruption institution to have enough authority to conduct its duties. In 2010 the Transparency International (TI) stated that the civilians in Afghanistan believe that once the corrupt officials are punished and put in prison, then very few officials will dare to involve in corruption. Therefore, an essential strategy for fighting against corruption is increase rule of law and empower the judiciary branch for implementing the national constitution and regulations. ACJC claims that in order to prevent corruption they will bring justice and rule of law. According to Torabi's academic survey of corruption, when the corruption perpetrators are not punished for their crimes the other official, who are not engaging to any corruption, also tempted and get engaged to a corruptive behavior particularly when the judiciary system is naive to address corruption. In contrast, if the risk of being punished is increased, it is less likely to become corrupt because of punishment and risk of losing job.

Therefore, for curbing corruption the role of judiciary system is significant vital. in order to decrease corruption and increase good governance the importance of bringing the corruption perpetrators in front of law should be admired. The rule of law increases and maintains the jurisdiction and legitimacy of a government ruling the country, bringing reforms. Without the rule of law and a powerful, independent judiciary branch, curbing corruption, decreasing the level of crimes and developing the good governance cannot occur.

The implementation of the law is the core and essential step that has to be taken among various strategies for preventing corruption. In order to the government to implement its reforms easily, quickly and effectively, the rule of law and the public trust to the government should be increased. The legitimacy that a government should earn is The public trust, thus for a democratic government it is essential to have the support and trust of its civilians. Being clear from its

definition, democracy means the government of the people, by the people and for the people.

The legitimacy of a government and also increase the revenues of the government from taxes will increase with implementing proper Rule of law. Consequently, the government officials who are in tax office will not take the risk to take bribes and exempt taxes. These revenues can be used to increase the salaries of the government official so that they will not necessarily engage in rent-seeking acts. Thus, if is also an increase in the salary of the of low-level government officials, not only it will lead to the utility of the employees not to engage in corruption because it satisfy their needs, but it also increase transparency in the government process and increase the job-value for the employees.

Since the prevalence to corruption in Afghanistan has been so immense that establishing to the ACJC could not curb it. The National Unity Government's reforms and commitment for fighting corruption continued and lead to some other reforms which will be explained briefly following.

3.5 The High Council for Rule of Law and Anti-Corruption

A presidential decree by Ashraf Ghani issued in August 2016 for establishment of The High Council for Rule of Law and Anti-Corruption (High Council). As a part of National Peace and Development Framework (ANPDF) and the Effective Governance Program, it is one of the eight development councils. Different from other development councils, this High Council was codified in the Anti-Corruption Law. This progress in the new councils provides that the High Council's main goals are fighting against corruption, it also provided a coordination among relevant entities under the chairmanship of the president. However, between Sep 2018 and Feb 2019 the chairing of the High Councils meetings was delegated to the Second-Vice president.

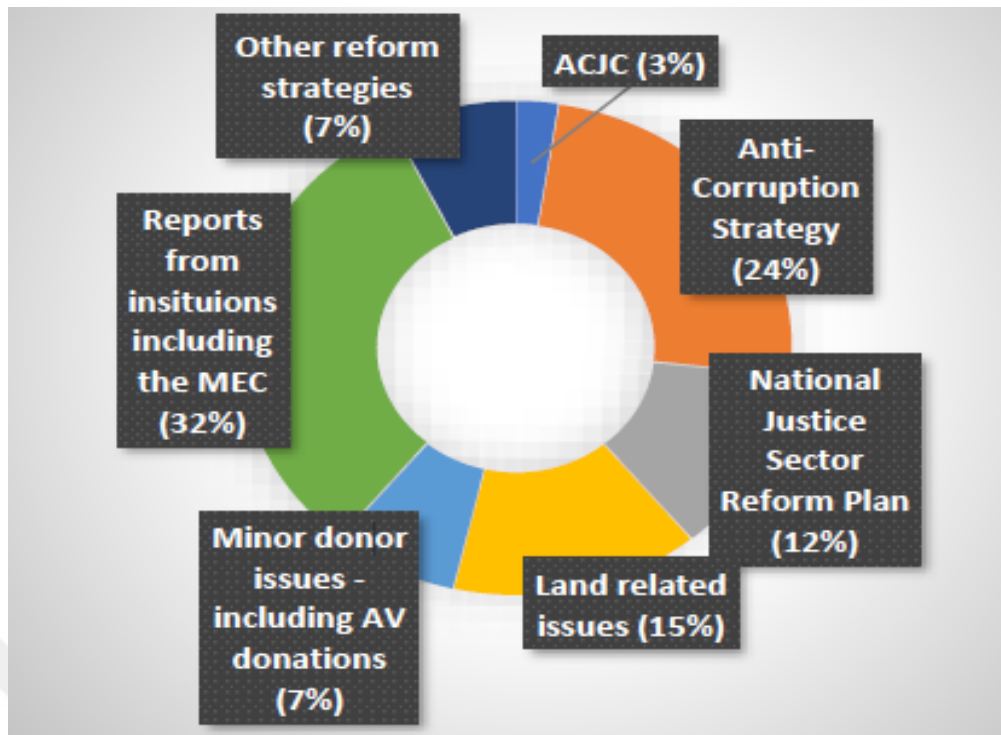


Figure 3.2: Topics on the High Council’s agenda in 21 March 2018-20 March 2019

Source:https://unama.unmissions.org/sites/default/files/afghanistan_fight_against_corruption_groundwork_for_peace_and_prosperity-20_may_2019-english.pdf

In accordance to its terms, the High Council’s main goals are to reinforce and reform the justice system, and to improve the legislative framework and fight corruption (Anti-Corruption Report UNAMA, 2019. p .12).

On May 2018 the High Council had achievement in the reporting period included the adoption of a Subnational Governance Policy, and on the November 2018 the revision of the National Anti-Corruption Strategy. It remained an important forum to ensure implementation of cross-cutting reforms and coordinate policy initiatives on justice and anti-corruption. Reviewing of the High Council agenda in 2018 showed that the Council is highly concerned with receiving reports from other relevant institutions on the implementation of the reform strategies. Although the Council was supported by Special Secretariat, and the High Council effectively oversaw of the implementation of the anti-corruption strategies, it was not so effective in advancing the realization of the NJSRP.

President promised strong fight against corruption and established the High Council. However, from all twelve meetings of High Council only four of them related to National Justice Sector Reform Plan (NJSRP), and from those the recurring item of reform of the Ministry of Justice's (MoJ) Departments of government cases (Qaza-e-Dawlat) and legal services (Huquq) was not resolved throughout 2018. On the hand, in 2018 the development of the Anti-Corruption Law was only one legislative project on the High Council's agenda.

By the end of 2018, the Executive Committee on Prevention of Corruption and System Development (ExPres) was established. The committee was chaired by the Chief Executive, the Minister of Justice, and the Integrity Watch Afghanistan NGOs. In order to consolidate itself and define its functions the committee has met five times until May 2019. ExPres is supposed to have a significant role in advancing the implementation of decisions of the High Council. It also follows the implementation of decisions of the Independent Joint Anti-Corruption Monitoring and Evaluation Commission (MEC).

3.6 The Anti-Corruption Strategy's Implementation and Revision

In this section, the recent anti-corruption strategies of National Unity Government (NUG) are discussed. As it was mentioned earlier in this chapter, President Ashraf Ghani took the office promising that he would fight against corruption firmly. One his prominent promises was settle the Kabul Bank scandal, in which roughly a billion U.S dollar was lost, and bring perpetrator into justice. Although he did some reforms to fight corruption, it is believed that the corruption has not been decreased, but it is transformed from hand of a one group to another. One the anti-corruption reform during the NUG was adaptation of Nation Strategy for Combatting Corruption.

On the September 2017 the High Council adopted Afghanistan's National Strategy for Combatting Corruption (Anti-Corruption Strategy), to diagnose the problem and fight corruption effectively and obtain its objectives, but its implementation started on 9th December 2017. The goals for ANSCC were to first establishing monitoring and evaluation institutions in all ministries particularly those ministries which are more vulnerable to corruption, and report the issues directly to the High Council to reach president. The second objective

was to restore the citizen's trust without which it was not feasible for the government to fight corruption and get rid of it. The third goal was privatization of some public institutions in order to increase their efficiency and wipe out corruption from them. And the last one was since the Afghanistan government has been dependent to the it's international organizations financial assistances it needed to achieve their trust. Originally the strategy had five priority pillars strategy from (1) political leadership and institutions; (2) ending corruption in the security sector; (3) replacing patronage with merit; (4) prosecuting the corrupt; and (5) tracking money flows. However, the last pillar sixth (6) Improving Economic Institutions was added to the strategies on 24 November 2018. The strategy contained 66 goals and 38 time-bound benchmarks, but later eliminated the difference between goals and time-bound benchmarks, and reduced them to 102. In order to function properly the ANSCC needed to be rigorous, non-partisan, transparent balanced, ensuring neutrality. It was mentioned in the ANSCC that the challenges faced by the strategy of combating corruption are; the lack of well-developed political institutions and the important role of political leaders in bringing reforms (ANSCC, 2017. p 3). The six initial pillar of the ANSCC to fight corruption are following:

- The Political Leadership and Empowering Reforms serves to ensure the fairness and transparency of election in order to be competitive and to eliminate fraud in the process of election. In order to achieve the goal the National Identity Cards are replaced with Electronic Identities Cards. This new Electronic ID cards holds biometric and fingerprints of each holders so that it is not possible to be copied. The second objective is to protect the reformers because they are the most vulnerable, and they must be protected from reprisal and political attacks. And the last is providing exemplary leadership by the government for the young generation and increase the moral of this generation and provide incentive for fighting corruption among them (ANSCC, 2017. p 8).
- The second pillar of ANSCC is Ending Corruption in the Security Sector, and it needs serious reforms because almost more than 50% of the government fiscal budget is spent the security sector. According to the ANSCC second pillar, Ministry of Interior (MoI) is the main focus of

security reforms because it is in direct contact with civilians, and it has the duty to enforce the law in the country. Though it is an important law enforcement body, The Ministry of Interior has been suffering from wide range of corruption such as ghost police forces, selling positions, using the police forces for private purpose, illegal sales of weapon, stealing from the procurement contracts of foods, uniforms and other equipment, patronage based promotion. Prioritizing the end of corruption in security sector is very important in order to eliminate these problems (ANSCC, 2017. p.8-9).

- The third pillar is Replacing Patronage with Merit. The patronage corruption behavior is discussed in the previous chapter and how wide spread it is in the governmental institutions in Afghanistan from employees recruitment to addressing civilians problems when they go to government offices and want to do any administrative job. Therefore, in order to increase the efficiency, effectiveness, and good performance in education, social service institutions, security, and tax revenue and collection, it is important to replace the patronage with merit. A important section in which corruption has led to poor performance of employees and patronage related ethnic tensions is recruitment process in civil service employees. And it is a huge challenge for anti-corruption strategies to replace patronage with civil service. Therefore, it is important to reform the civil service and civil servants be hired based on neutrality, competitive, qualifications, knowledge, and experience. Trainings and management leadership courses should be provided to civil servants, and those who are committed a crime should be dismissed and investigated (ANSCC, 2017. p. 11).
- Prosecuting the Corrupt: the lack of direct investigation of corruption cases in the HOO has been discussed earlier and how it caused its failure. In the February 2018 the new panel code criminalizing corruption offences came to action in accordance to the UNCAC. The process of reviewing the employees of Supreme Court and Attorney General's Office's qualifications, and the poor performer were supposed to be replaced with qualified one. 315 corruption cases have been investigated by ACJC

from which 70 of them were prisoned in long-term, which are included deputy ministers, and general directors from the ministry of transport. The president established and chaired Justice and Anti-Corruption to investigate any corruption behavior of the High Council of Good Governance. One important objective of these reforms were to obtain the people's trust and ensure them to believe in the equality and fairness of justice.

- Following the Money: Transparency and accountability are two significant patterns of good governance particularly in managing financial resources. The forth pillar duty is track the financial resources and where find where it is spend and it is missed. The purpose is explore the problem where the are misused or missed. Tackling the problem would be a success in progress of anti-corruption strategies. Fiscal policy of the country rebuilding and institutionalizing national budget, reasonable explanation for the allocation of the funds should be provided. the core element for decreasing the opportunities for corruption is the proper management of the fiscal policy. Through new policies and better administration the budget reforms are improving revenue collection, and the national budget reform plays a significant role of the government's fiscal policy management reform (ANSCC, 2017. p.12).
- Improving Economic Institutions: the pillar was later added to ANSCC reforms, in the purpose to enrich and empower the economic institution and ease trade with other countries. The institutions were to helped private sectors also because the one the main goal of the NUG government was economic.

The successes of the Pillar Strategy's are acknowledged through reports which showed an increase in registered asset declaration of the public officials, in the security sector steps are taken toward increasing integrity in human resources management, in the civil service increased recruitment through an open merit-based process. Furthermore, through dissolution of the High Office of Oversight and Anti-Corruption (HOOAC) and merger of its functions under the authority of other institutions a start of the streamlining of the institutional set-up.

However, the UNAMA declared its concern regarding to the limited to the timeframe strategy. Since the strategy was scheduled for two years, The UNAMA stated that it would likely reduce its impact. It stated that the scale of the problem was simply too large to be addressed with a three-year plan. However, based on the lessons learned from the past, the Government decided to retain the short timeframe with actionable targets and revise them rather than having an overly ambitious Strategy with static benchmarks. The initial Strategy's strength was that it contained a clear prioritization and realistic targets, which – while not comprehensive – could be met during the implementation period. In 2018 according to the UNAMA observation, the Anti-corruption implementation brought significant achievement. While the Strategy's clear prioritization risked being diluted in the course of the implementation process, its revision toward correcting course and facilitated measurements of benchmark. However, its mechanism to develop a follow-on strategy should be activated, as the end of the implementation period of the current Strategy approaches.

3.6.1 Legislative Reforms

In Afghanistan the current legal framework has already provided a solid basis for advancing anti-corruption reforms. However, while preserving gains already made, the future initiatives should concentrate strategically fine-tuning it. For instance, on 14 February 2018 the new comprehensive Penal Code of Afghanistan entered into force, and along with it the country has met the UNCAC's obligations to criminalize all mandatory and some optional corruption offences under UNCAC. In 2018 and early 2019 in order to increase UNCAC compliance the legal reforms focused on improvements to procedural norms and institutional structures.

Even if the parliament has not yet effectively partnered and assisted with the Government in promoting anti-corruption reforms, the president has done a significant moves by Presidential legislative decree and key legislation, such as a dedicated Anti-Corruption Law and a Whistle-Blower Protection Law, the revised Access to Information Law as well as the establishment of the post of DAG-AC and the abolishment of the HOOAC through amendments of the Attorney General's Law of 3 March 2018, was enacted. The Assets

Declaration Law has been repeatedly debated by The National Assembly illustrating some interest in the Assembly to actively engage in anti-corruption reforms. Overall, Under emergency powers by Presidential decree 34 legislative acts were passed in 2018, while only 14 laws were passed by the National Assembly following approval by both Houses. However, according to constitution only “in case of immediate need” the President’s emergency power to legislate be utilized. Unlike envisaged in the 2017 Anti-Corruption Strategy, The Ministry Of Justice (MoJ) could not finalize its reform of the legislative department (*Taqnin*) by June 2018. However, rather than strategically implementation of legislative reform agenda, The department continues to provide technical assistance in legislative drafting on an *ad hoc* basis. The Criminal Law Reform Working Group (CLRWG), a group lead by MOJ legislative expert, With the adoption of a dedicated Anti-Corruption Law and a Whistle Blower Protection Law, attended by all government entities, which were working in the justice sector. They selected international organizations, finalized two long-term projects to reform anti-corruption legislation. According to the UNCAC article 5th “*Each State party shall endeavour to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption.*”

While the MoJ was required by the Anti-Corruption Strategy to conduct a thorough and inclusive review of the anti-corruption legislation by February 2018,⁷⁸ no report on this assessment has been produced yet. The Special Secretariat, which considered this benchmark fully met, re-titled it in its review to “Strengthen anti-corruption laws and regulations,” and listed which individual laws were approved in the reporting period. The revised Anti-Corruption Strategy reaffirmed that the benchmark was met in February 2018, while the donors’ suggestion to schedule periodic reviews of anti-corruption legislation, as required by UNCAC, was not incorporated.

3.6.2 The New Anti-Corruption law

The adoption of a dedicated Anti-Corruption Law in 2018 was a key reform in anti-corruption law. Since September 2016, The MoJ’s expert legislative working group, the CLRWG, had been working on this legislation. Through Presidential legislative decree the Anti-Corruption Law was enacted On 5

September 2018, and entered into force immediately upon adoption. On 11 October 2018, the Anti-Corruption Law was submitted to the National Assembly which may approve, revise or reject it, the National Assembly had not debated the law by May 2019. However, On 5 March 2019 The law was amended by Presidential legislative decree regarding the selection process of the Anti-Corruption commissioners. But the civil society representatives were repeatedly consulted on the law by The Second Vice-President. However, Civil society claimed that its suggestions were not adopted, and the consultation was not genuine. The long-awaited codification of the ACJC, which previously was based on an executive decree alone, was brought about by The Anti-Corruption Law. This anti-corruption law contains provisions which are aimed to facilitate investigations by ACJC's prosecutors. It also strengthens the anti-corruption work of the Major Crimes Task Force (MCTF) by placing it directly under the Minister of Interior. The High Council is codified by this law as the highest coordination and decision-making body on justice and corruption issues. Another major reform step in this law is the creation of an Anti-Corruption Commission, which is expected to be independent according to its definition. The significant tasks given to commission were general corruption prevention measures, development and oversight of an Anti-Corruption Strategy approved by the High Council as well as research, awareness-raising and training activities. The commission was tasked to collect and register asset declarations of government authorities and high-ranking officials. It is also mandated propose anti-corruption legislation⁹² as well as measures to counter corrupt practices in institutions, and to receive information on corruption offences and refer them to competent authorities.

Commissioners will be selected by the President, comprised five commissioners, a minimum of two of whom must be female, from a short-list proposed by the Civil Service Commission, who compiles this list after review of 25 nominees from civil society and 25 nominees from justice and government institutions. And the elected members will elect its head from amongst themselves and will be supported by a secretariat. The government faced some criticism about the commission functions and independency, and Civil society representatives complained that the amended selection process for

commissioners, would not ensure the commission's independence. The government has been criticised about lack of independency to government institutions and these institutions do not work in Afghanistan context. The commission's ability to exercise its role effectively will crucially hinge upon whether it is provided with the necessary independence to exercise its functions and on the competence of its commissioners. The application of rules on the selection process must take these requirements into account. In line with international standards and norms¹⁰⁵ the Anti-Corruption Law authorizes the commission to propose its own budget. Effective resourcing of the commission will be necessary for it to exercise its functions. In mid-May 2019, seven months after the adoption of the Anti-Corruption Law, the commission was still not set up.

3.7 Afghanistan's Challenges in Preventing Corruption

It is clear that the fight against corruption is feasible to be won overnight. It has some pre-requirement and sustain commitment on the part of not only government but also, public, civil society, and international community. Several progresses such as high-level leadership signaling a shift away from the culture of corruption; development of ministry-level anti-corruption plans and initiation of a national plan; efforts to professionalize the civil service through merit-based recruitment and collection of asset declarations from senior officials; transparent and effective public financial management have been made by the government through several years. Some surveys done by NGOs like Asia Foundation has illustrated a decrease in level of corruption in some government offices due to the government anti-corruption policies.

However, despite these progresses corruption remains a significant challenge for the Afghanistan government, and it continues to impact all aspects of daily life in Afghanistan. According to surveys done by NGOs corruption has been illustrated as the second or third problem for in Afghanistan. Three other problems such as insecurity, poverty (unemployment) and illiteracy are named the most significant problems which are not possible to be eradicated without curbing to corruption. According to Integrity Watch Afghanistan in 2016 three major problems facing the country, insecurity, unemployment and corruption.

However, corruption is considered as a fueling factor to insecurity in the country by undermining support for the government and driving citizens towards the Taliban (Integrity Watch survey, 2016. p 25).

Being like a cancer, corruption has been considered as a hurdle toward Afghanistan's development and prosperity. As a result of a contract in 2014 the National Unity Government (NUG) took the government. The first promise that they gave to people was that they both President and executive director would bring transparency, accountability and eradicate the problem of corruption and the rest of obligations will be rested consequently. The first priority that the NUG gave to people was to fight against corruption. In September 2014 presidential inauguration the of President Ashraf Ghani claimed that "Our people cannot tolerate corruption anymore," said the president that he will start to curb corruption from his own office. He emphasized on zero tolerance for the corruption and stated that the first priority of the government and the main goal of the government is to reduce and curb the problem of corruption in the country. His emphasize was on elimination of cause of corruption and claimed that no one involved in corruption will be secured.

The before the NUG, during the Karzai's presidency, in 2010 Afghanistan was the second most corrupted country in world according to Transparency International, and this situation led the foreign donors cut their donations and supports for development projects in the country. Before the National Unity Government took office the government of Karzai was blamed for corruption because during his office in 2010 as mentioned before according to the survey of Transparency International Afghanistan was the second most corrupt country in the world. This situation led donors cut their donation and support for the development projects in the country. The government had taken strong steps to prevent corruption, but despite the corruption Karzai's government attempts to prevent corruption failed because of the some reasons such as high-ranking government officials involvement in corruption and weak judiciary and security institutions in order to curb corruption. The accusation of corruption to government officials were so wide spread that the president and his deputy's brother involvement in Kabul Bank scandal, from almost 1 billion U.S dollar was lost, revealed. In ministry level, ministries and their deputies' were accused

of patronage corruption and bribery. To intensify the problem of corruption more Corruption in the judicial branch paved the way for insecurity and thus it leads the corrupt officials to be not afraid of judgment due to the lack of punishment.

Another reason that contributes to the failure of anti-corruption policy is the gap between officials and civilians. According to Integrity Watch Afghanistan in 2016 the political situation of the country is not stable and most of the politicians in the country are corrupt. Therefore, the civilians do not trust the government reforms, regulations and attempts to curb corruption, and on the other hand, the government does not have the support of the public. Therefore, implementing anti-corruption policies are not easy in these situations (Integrity Watch Survey, 2016, p.14).

Another problem which contributed to the spread of corruption in the country is lack of political will. According to UNAMA 2014, Afghanistan suffers from a strong political will in fighting against corruption. As a traditional country, most of the relationships in Afghanistan are based on kinship and relativism, and this situation has penetrated to the government offices also. The top officials are not reluctant to investigate a corrupt person who is their relative or close friend. This situation has provided a culture of impunity in the government for those who conduct acts of corruption (Asia Foundation 2014, p 37).

Low salary is another reason that spread of administrative corruption particularly bribery. Since the payment system of Afghanistan's government civil service employees is old and the salary does not suffice their needs. They try to engage in corruptive action, and engage in bribery. Even though the government with the help of some international organizations like the World Bank launched some capacity building projects programs like CBR with higher payment for salary for those employees who passed the qualification exam, but the problem is that these projects are interim and does not solve the problem. Therefore, petty corruption such as bribery is so common among low level government officials. Occupying a position means a source of income for some candidate and they get rich after a short period of working in a government office and this situation is so common in justice sector offices, tax assessment offices, and tax collection offices (Sigar, 2013, p.58).

The relationship based on patronage and nepotism is another reason that the government failed to address the problem of corruption. One important type of corruption that Afghanistan has been suffering are nepotism and patronage. These problems have also caused the government failure for the fighting against corruption. Corruption cases of whose have connection to government or justice sectors are not investigated (Sigar, 2011, p.48). The above mentioned reasons along with corruptive police force, individuals behavior of officials, lack of independency of anti-corruption institutions, transferring of government officials who have done act of corruption from one position to another position, and lack of public support and contribution in fighting against corruption are considered significant challenges in fighting against corruption. Here in following there are some policy recommendation for the government the fight sufficiently against corruption.

3.8 Policies Recommendation for Curbing Corruption

Although the Afghanistan government did many attempts to curb corruption, it is among the most corrupted government in the world. Despite some achievement and success in fighting against corruption, the government has failed curb it significantly. One example of a significant achievement in fighting against corruption is according Brown “Afghan government has sought to increase government revenue from customs . It increased the government’s tax revenue six-fold from that border crossing, from \$2 million US dollars a month in 2001 to \$12 million US dollars a month in 2005” (Pike and Brown, 2011, p.5).

In institutional context, Afghanistan government has done many anti-corruption strategies and policies from ratifying UNCAC and establishing anti-corruption bodies, establishing IARCSC for transparent recruitment process, establishing the HOO (known as HOOAC), ACJC, ANSCC, legislative reforms, and codifying corruption offences. Yet it could not bring the expected result. Here are some suggested anti-corruption policies by UNAMA for the Afghanistan’s government.

These suggestions to government are following:

- Based on lessons learned from the current Anti-Corruption Strategy, develop a long-term Strategy; and ensure a seamless transition to the new Strategy through the Special Secretariat or the new Anti-Corruption Commission.
 - Improve the process of developing draft laws through better consultation mechanisms, in order to improve the quality of draft laws and increase consensus.
 - The next revision of the Anti-Corruption Law should further align it with UNCAC to consolidate the independence and provide a firm legal basis for anti-corruptions institutions (revise Article 40 (2));
- o amendments to the law should be consulted extensively with stakeholders.
- Strengthen mechanisms for asset verification and ensure that the transfer of the Office for Asset Declaration and Verification does not delay the process of asset registration and verification.
 - Create conditions to facilitate the implementation of the new Penal Code.
 - Continue to support civil service reform and strengthen the independence of the Civil Service Commission.
 - Use the oversight and control options in Afghanistan’s new budget to sustainably advance fiscal reforms and reduce aid dependency.
 - Establish a framework for public participation in PFM processes, with mechanisms to engage and process inputs from civil society and citizens at various stages of the process (from budget planning to expenditure oversight).
 - Improve transparency of expenditures, through the progressive implementation of International Public Sector Accounting Standards (IPSAS) for financial reporting, regular disclosures on budget adjustments and the strengthening of internal control mechanisms.

In this chapter the Afghanistan’s government strategies and policies in fighting corruption have been explained with the cause of its failure and necessary recommendations are given to the government in order to fight corruption more

suffieciently. In next chapter, which is the last chapter, an excutive summary of all four chapters will be explained. Conclusion and reccomendations will be explained in accordance to the literature review.



4. CONCLUSION AND RECOMMENDATIONS

The current research focuses on the corruption and the effect of this corruption on Afghanistan. It has long been debated that corruption occurs when there are opportunities for it. Massive international inflow of funds for the reconstruction of Afghanistan and the allocation of these funds without accountability and transparency were associated with promoting corruption in the country. Despite anti-corruption measures taken by Afghanistan government, it has failed to curb the corruption problem, and the slope of anti-corruption improvement has been slow for the past two decades. The first chapter of the current research explains how important is the problem of corruption in Afghanistan and what effect it has to Afghanistan governmental institutions. Corruption is considered as a threat to the stability of the country and a surge of militancy in Afghanistan. Because of the corrupt behavior of all government branches, people have turned to informal settling of their dispute and avoiding going to government offices. In rural areas the problem is worse, people turn to insurgent groups like Taliban to settle their dispute or solve their problem if they need to do court procedure. This situation gives a sense of legitimacy to the Taliban.

How corruption affects Afghanistan: As it was explained that how corruption is widespread in different government institutions, its effects are so immense as well. People are struggling with the corrupted government institutions in their daily life, on one hand, and the Afghanistan's government legitimacy has been undermined on the other hand. Here, we focus on some consequences of corruption on Afghanistan.

Along with the earlier explanation, according to a survey conducted by Asia Foundation (2018) a record 70.6% of Afghans said corruption is a "major problem" in their daily life. Perceptions of corruption as a major problem in Afghanistan is 81.5% in 2018. The same research points out that civilians are desperate and pessimistic about the government's ruling direction. According to the research, the three top issues of civilians' concern are insecurity, economy situation, and governance.

and corruption. It is believed that corruption has a direct link to insecurity, bad economic situation, and governance. Furthermore, in another survey conducted by Integrity Watch Afghanistan (2018) Afghan civilians consider insecurity, unemployment, and corruption as the three biggest problem Afghanistan is faced.

However, the question of how the corruption contribute to insecurity needs to be detailed. It is believed that the disease of corruption affect security in Afghanistan in two ways. Firstly, as it is earlier discussed the problem of corruption exists in security sector greatly. Most defense spending lacks any transparency because it is provided by the international community off-budget, while the Ministry of Defense fails to provide Parliament with detailed accounts of its defense budget expenditure. Corruption hollows out the ANDSF so that criminal networks have been able to penetrate security forces, troops do not trust their leaders, soldiers lack critical equipment, and private militias run roughshod over populations. This drives some in the Afghan population to join groups like the Taliban and Daesh. Afghan Police has a reputation in being not professional, bribery, extortion, misuse of power, among civilians, thus the people avoid having any contact with police in an occasion. This situation has greatly decreased the contribution between civilians and police force particularly in rural areas. The situation in some cases led people to join insurgent groups to stand or fight against police extortion and prosecution. According to BBC report (2019) some former Taliban fighter being captive in Pol-charkhi prison claimed that used to be former but joined the Taliban to escape police prosecution and extortion. A lack of robust human resource management has resulted in a huge number of ghost soldiers and police personnel.

In another way, when the local people, in particular, have fear of police misjudgement and extortion, and corrupt behavior, they turn to Taliban for settling their disputes. This gives more power and legitimacy to Taliban group. The survey done by Asia Foundation illustrates that Afghans are increasingly worried about the role of corruption in facilitating the expansion of the Taliban. Provincial and district police and provincial and district governor offices are seen as important drivers of the phenomenon. This is considered as one of the

contributor factor in strengthening Taliban. According to reports, Taliban are controlling directly, or have active presence in more areas than ever since 2001 that the group was drawn out.

Another area that corruption has effected is governance in Afghanistan, and it is the perception of the people from government institutions performance. According to survey conducted by Asia Foundation (2018) corruption exists in almost all public service intuitions and educational institutions. People believe that the government officials use different tactics to extort money from them, and these tactics are including briber, doing favor and so on. The situation has led to undermine the government legitimacy and reliability, and the civilians' loss of trust to the government institutions. There is a huge a gap between the government and civilians. People avoid having contact with government institutions, and if they have to go to any government office for any service, they may prepare an amount to bribe to find an acquaintance in the institutions. That is why the people are reluctant to participate in public affairs, one of the example of this is the last presidential election 2019, in which that ballot is supposed to be much lesser that 2014 election that took place. In 2014 presidential election in Afghanistan around 7 million people voted in the first and the second round election. However, the in 2019 presidential election the ballot are not expected to exceed 2 million. This illustrate a great loss of people trust to general election and participating in public affairs.

Other most important effects of corruption on the government institutions are such as bad economic situation, unemployment, and financial loss of the government. From top, like Kabul Bank scandal in which almost \$1 Billion was lost, to bottom, like the administrative corruption, bribery, and extortion by civil servant institutions' employees and tax institutions, the financial loss of the government has been huge amount of money. Much of the money and in form aids coming from foreign countries and international organizations ended up in the pocket of contractor, who had political connection, political elite, chieftains, war lord and so on. Much of the hundreds of billions of dollars in aid to Afghanistan has ended up in the pockets of a corrupt political elite, and billions in aid has been wasted as cause of epidemic corruption in Afghanistan. Since the perpetrators had come from another country, Afghans in EU, and USA, or

they had the fear of being persecuted for the doing corruption, they transferred large amount corrupted money out of Afghanistan to another country in form of investment or buying property or setting up a business for themselves. The flow of money being transformed out of Afghanistan was so big that the former President Hamid Karzai publically called upon the corrupted officials not to take the money they corrupt out of Afghanistan, at least spend them in Afghanistan.

Corruption effects on the economic, unemployment, and financial loss of the government is discussed here from two perspectives. It, firstly, has depleted the government budget, sucked and decreased the government income, in one hand, built a great economic class difference between civilians and officials in the other hand. After almost two decades of help and assistances, the country still depends to the foreign assistances and yet it is not able for paying the expense of its security forces. Due to corruption, the government has failed to make economic infrastructures and most to the money that flew to the country in form of assistances ended up in pocket of some contractors, brokers, politicians, and some NGOs, and a tiny amount has been spent in interim projects. It is discussed earlier how the tax assessment and collector offices engage in corruption. For instance, in customs most the amount that should be paid to government treasury in form tax is gone to the employees' pockets. An employee in tax collection office like customs gets rich in short time despite the low salary that is paid to them. The money that is supposed to pay to government goes to officials' pocket in form of briber. One the consequence of the situation is that the government will not be able to pay its expenses, and another consequence is the great gap that come to exist between government officials and civilians. Government positions are contested between those who pay more to occupy it. thus the candidates who don't have money to pay or connection to government cannot occupy a position since most of the positions are sold out between candidates.

What Recommendations: But why the government has failed to curb the corruption or has had very naive improvement for tackling it despite all international supports is a question that the research is seeking to find answer. What action can be considered as corruption, even it may changes depending on

an organization's definition of corruptive behavior, is explained in first chapter, and more particularly corruption in governmental institutions. In theoretical part of the research corruption and corruptive behavior is explained with the definition of corruption.

After 2001 from the establishment of new government, the problem of corruption has rised year by year. In order to tackle and ease the problem of corruption, the Afghanistan established several bodies. Currently Afghanistan has a range of anti-corruption bodies, and according to recent studies there are roughly 18 separate government bodies tasked with implementing aspects of the Government's anti-corruption efforts.

The government's corruption preventive policy and strategy is directed to the several following themes such as Servant Anti-Corruption Policy, Asset Declarations, Codes of Conduct and Ethics, Transparency Initiatives and Administrative Process Simplification, Citizen Awareness & Charter, Detection of Corruption Cases, Documentation/Investigation of Corruption Cases. Further, the government of Afghanistan signed the United Nation Convention against Corruption (UNCAC) in 20th of February 2004 and ratified it on 25th of August at the same year. The High Office of Oversight and Anti-Corruption (HOOAC) was established in 2008 to supervise development of an anti-corruption plan and coordinate the fight against corruption. The establishment of HOO is line with United Nations Convention against Corruption (UNCAC), which requires every state to have an independent body institutions addressing the corruption issues in the country, and ensure the existence of anti-corruption body.

Fighting against corruption was one the strong promise that Ashrf Ghani, the new president, gave to Afghans people. The new government established the ACJC on June 30, 2016 in order to fight and tackle the problem of corruption in the country. Following A presidential decree by Ashraf Ghani issued in August 2016 for establishment of The High Council for Rule of Law and Anti-Corruption (High Council). As a part of National Peace and Development Framework (ANPDF) and the Effective Governance Program, it is one of the eight development councils. On the September 2017 the High Council adopted Afghanistan's National Strategy for Combatting Corruption (Anti-Corruption

Strategy), to diagnose the problem and fight corruption effectively and obtain its objectives, but its implementation started on 9th December 2017.

Despite all above mentioned efforts Afghanistan is still one the most corrupted country in the world. Corruption exists in Afghanistans' institutions in different forms and different levels from administrative and petty corruption to grand corruption, from patronage to clientalism and political favoursism. From education system to security services, judiciary system, public service all are rife with corruption. Great amount of money were paid as a salary in the name of teachers and soldiers that had never been existed, Ghost soliders and ghost teachers in schools. Dealing with corruption on daily basis is a common issue in Afghanistan. Civilians avoid to go government officies for a service or settling a dispute. Bribe is aksed under different names like Reshwat, Tohfa (gift), in government offices. Corruption has undermined the government relaibility and trustwothy. People dont trust to the government and truned to insurgent group for solving their disputes. It is belived that bringing peace and stability is not feasible without curbing corruption problem. The popularity of corruption in the Afghan government led to decrease trust of the public in the government institutions. Second, a weak judiciary and due to corruption in this institution, the Afghans have least trust on the judiciary system and implementations of laws.

So, what has done reforms is question to be answered yet, as it was mentioned earlier that neoliberal reforms may provide a ground for corruption, or failure in implementing reforms cause for corruption. During past decades a lot of fund from international organizations and other countries flowed to the country to state building project, capacity building, and anti-corruption projects. In most of cases the money went to pocket of a few people without having a significant effect on the issue. This increased the people's expectations and increased life expenses. Therefore, government position became a source of income for occupants. Candidates are in rivalry and in most cases buying a government position to start making money. Therefore, it can be said that it is individual corruption in Afghanistan. Its the behavior of employees that is corrupted not institutional corruption. Institutions are made in the well of government and civilians and providing services, and even anti-corruption bodies have been

established to eliminate the problem. But because of the corruptive behavior of individuals and they failed to do so and even turned to corruption themselves.

Greed, instability, low wages, are considered among strong reasons of corruption in the country. Another reason is high unemployment and scarcity of job opportunities lead people to pay any amount of money to the officials or should develop patronage networks to get a job, since recruitment is not based on merit.

Finally, for the government to eliminate corruption, strong political will is necessary. Most of corruption cases like Kabul Bank scandal were not investigated because of political favouritism and kinship. Most of corruption cases are not pursued because of relationship, patronage, or bribery. Secondly, the investigation channel and judicial system must be developed to address corruption properly. Another significant element in eliminating corruption is participation of civilians and civil society. People should stand together against corruption and help the government by reporting corrupt cases to the related bodies rather than ignoring it. In the community people should not respect the perpetrator of corruption because of their money. Corrupted people should be scolded and their corruptive action should be rejected in the society in order to stop them from doing so. Finally, Combating corruption in the judiciary branch, security sector and public procurement is very essential and has to be prioritized. The implementation of the law is the core principle of a country and a government cannot sustain legitimacy and political stability without rule of law.

For Afghanistan to overcome the problem of corruption a national support, political will, strong judiciary, strong and reliable police force to implement anti-corruption strategies is strong fist is needed. Reliability and trustworthiness of a government organization in fighting against corruption will have the trust and support of civilians, from lack of which the Afghanistan anti-corruption

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