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## Preface

In this volume of the weekly analysis you will read about: condition of corruption in Afghanistan, the last published surveys and reports about corruption, the strategy of the new government about corruption, the transferring of Latifullah Mahsud to Pakistan by the U.S., and the result of submission of him, which are analyzed by the analytical board of the CSRC.

In last few years, especially after the U.S. invasion of Afghanistan in 2001, all the time Afghanistan is at the top of the corrupted countries list, according to the surveys done by international organizations, and every year corruption in the country increases; but this year, according to the survey of the International Organization of Transparency Afghanistan declined to the number four corrupted country around the world.

In addition, the former assistant leader of Pakistani Taliban, Latifullah Mahsud, who was arrested by the U.S. forces in 2013 in Logar Province, is transferred to Pakistan. The Afghan Government reacted about his submission and said that it is undermining the national sovereignty of Afghanistan.

So looking to the background of corruption, to which direction is corruption moving in Afghanistan? How will corruption impact the international aids for Afghanistan? What is the policy of Ashraf Ghani about it? And what are the reasons behind transferring of Latifullah Mahsud's submission to Pakistan? These are the questions that will be answered by reading this analysis;

## Corruption: the Biggest Challenge against the New Government



If economic development, ending war, and bringing peace to the country are priorities of President Ashraf Ghani, corruption is also a great challenge for his government. By being elected, President Ashraf Ghani immediately started his attempts for ending war, and bringing peace to the country, he also announced his strategy against corruption, to some extent, in the conference of London; because corruption is called to be the main obstacle for every type of development and improvement in the country, and the main issue is conditioning the international aids by donors to ending corruption in the country.<sup>1</sup>

According to the 2014 annual report of Transparency International <sup>2</sup> Afghanistan is number four corrupted country in the world. According to the analytical method of the mentioned bureau, as much the points of a country are low that much the country is more corrupted, this time Afghanistan gained 12 out of 100 points and from 175 countries around the globe it is 172<sup>nd</sup> transparent country, and it is transparent than Somalia, Northern Korea, and Sudan.

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<sup>1</sup>- The condition for international aids in the conference of Tokyo in 2012 by the international donors was giving an end to corruption.

<sup>2</sup> Transparency International

## A Short Review of Corruption in Afghanistan:

One of the result of the U.S. invasion of Afghanistan and democracy in Afghanistan was corruption. As the U.S. and NATO forces came to Afghanistan, there was much money pumped to Afghanistan through many sources, but there was not influential accountability in the system, therefore corruption reached many sectors of the country. Another factor of corruption is the low salaries of Afghan Governmental Officials, lack of the tradition of accountability, existence of corruption in the institutions that were fighting against corruption, insecurity, selling and buying governmental positions, and so on.

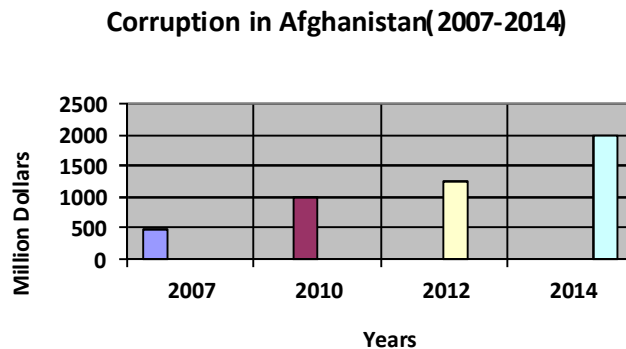
There are some laws against corruption adjudicated in Afghanistan<sup>3</sup>. And there are some institutions built for fight against corruption<sup>4</sup>; with all the attempts taken, the corruption not only didn't decline in the country, but it increases day by day.

The Integrity Watch of Afghanistan<sup>5</sup> also has done four surveys about corruption in last years, which is published once in two years, the result of those four surveys are as below:

## Surveys of Integrity Watch of Afghanistan:

The Integrity Watch of Afghanistan has done four surveys about corruption in Afghanistan; the first survey was in 2007, the second in 2010, the third one in 2012, and the fourth one in 2014. The mentioned institution publish their surveys and research about corruption in every two years.

**The first Survey:** the mentioned institution has done its first survey in 2007 to clarify that what is corruption according to Afghans? What are the reasons of corruption according to them? And what are the solutions?



According to the survey, corruption in Afghanistan was clarified in Afghanistan as a challenge that all the sectors and public offices were influenced by it, and according to most of the answers of the survey, corruption was part of Afghan community at the time. During 2007 there was approximately 466 million dollars bribe given in Afghanistan.

<sup>3</sup> law on overseeing the implementation of the Anti-Administrative Corruption Strategy

<sup>4</sup> High office of oversight and Anti-Corruption

<sup>5</sup> Integrity Watch of Afghanistan

According to the research, corruption is defined as the misuse of public positions for their own individual or group interests. The reasons of corruption that were gained through the survey were as below:

- Low salaries of governmental officials.
- Greed.
- Lack of laws of accountability and access to information.
- The vicious circle of buying and selling positions<sup>6</sup> and so on.

According to the survey, the solution for the corruption was called to be; separation of power and authority up to the low levels of the government, harsh punishments, preaches of religions scholars about corruption, rule of media against corruption, and aspirations of the social societies in community level.

**Second Survey:** the Integrity Watch of Afghanistan 2010 survey reports that in addition to instability and unemployment rate in Afghanistan, corruption is the third great challenge for Afghan community, and one out of seven people directly paid bribe, which approximately 28% of Afghans paid bribe to the governmental officials for getting even public services. According to the survey, every Afghan paid an average of 7,769Afs bribe, and overall paid bribe in 2010 was approximately one billion dollars.

**Third Survey:** According to the survey of 2012, there was 1.25 billion dollars bribes paid, which shows 16 % increase compared to 2010. In this survey police and judiciary system were counted as the most corrupted institutions.

**Fourth Survey:** in the survey of 2014, after insecurity, corruption is the second biggest challenge in Afghanistan. In last four years, bribe became approximately doubled, and it reached approximately two billion bribe payment per year. According to this survey, the judiciary system and police are the most corrupted institutions in the country. And the idea spread around the country that if someone pay bribe, his/her work will be done easily.

According to the four surveys mentioned above, which were summarized in the chart, it seems that corruption increases day by day in the country. That requires the policy makers to make influential and efficient policies about it.

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<sup>6</sup> The vicious circle of buying and selling positions. See Afghans' Experience of Corruption a Report by Integrity Watch Afghanistan.

## **The International Days of Struggle against Corruption and Human Rights:**

December 9<sup>th</sup> and 10<sup>th</sup> were celebrated as the international days of struggle against corruption and human rights all over the world. Corruption and Human Rights are mostly related terms to each other. As mentioned that corruption demolishes human rights of the nation, it means that corruption creates obstacles for the justice judgements of the nation.

According to the article 10 of the Universal Declaration of Human Rights, “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him”<sup>7</sup> . But, if the justice system and police of the country are the most corrupt institutions in the country,<sup>8</sup> how is it possible not only to defence him/herself, but also how to save him/herself from an unjust judgement?

In addition, the Integrity Watch of Afghanistan said on the international day of struggle against corruption that in the current year there was 1.2 billion dollars bribe paid in Afghanistan, and there was 1.2 million acres land illegally occupied by warlords. The 1.2 billion dollars bribe includes the bribe that is paid to governmental officials for getting public services,<sup>9</sup> and illegal occupation of land of people by warlords with force, are also violation of the human rights.

Struggle against corruption can play an important role in the safety of human rights, and if security and justice system are cleaned from corruption, so most of the human rights of the nation would be saved.

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<sup>7</sup> The universal declaration of human rights, you can read it in the below link:  
<http://www.un.org/en/documents/udhr/>

<sup>8</sup> The Integrity Watch of Afghanistan’s four Surveys that were done in 2007, 2010, 2012, and 2014, and you can read it in the below link:  
<http://www.iwaweb.org/ncs/index.html>

<sup>9</sup> According to the Integrity Watch of Afghanistan report of 2014, because of corruption 28 % people did not get electricity, 18% did not get higher education, 17% did not get justice services, 16% did not get security by police. Read it in the below link:  
[http://www.iwaweb.org/ncs/\\_2014/key\\_findings.html](http://www.iwaweb.org/ncs/_2014/key_findings.html)

## **Ashraf Ghani's Policy against Corruption:**

Though Ashraf Ghani did not declare his policy against corruption before the conference of London; but only by opening the case of Kabul Bank, he removed the name of Afghanistan from the most corrupt country of the world, and decreased it to the fourth corrupted country of the world.

He ensured the international donors in the conference of London that he will take serious steps against corruption, Afghanistan Analyst Network <sup>10</sup> received the analytical article of reforms of Ashraf Ghani, by which Ashraf Ghani will take the following actions against corruption in the country:

- He will build independent institute of struggle against corruption, which will have limited time and the authority of taking actions.
- He will reform the High Commission of Research.
- He will build National Procurement Board that will control important contracts, so it will save Afghanistan from corruption<sup>11</sup>.

## **The case of Kabul Bank:**

Kabul Bank, which was founded by Sher Khan Farnood in 2004, was purchased by the central bank in 2010 because of the fear of bankrupt. It is said that there was one billion dollars lost in the case of Kabul Bank, but later on most of the involved people in the case were arrested, but some of them who were influential were not arrested.

With the start of the new government, Ashraf Ghani opened the case of Kabul Bank once again, to show his policy against corruption. With the last stage of the court, the Supreme Court sentenced the chief of Kabul Bank Sher Khan Farnood, and his assistant Khalilullah Ferozi for ten years imprisonment each of them, and according to the decision of the Supreme Court, each one of them is fined 500 million dollars. And according to the decision of the Supreme Court, the property of other borrowers like Mahmud Karzai, Abdul Ghafar Dawi, and Hussain Fahim should be frozen to the time that they pay the loan of Kabul Bank<sup>12</sup>. Till now there are 12 million dollars regained, but a huge amount of the money is still lost.

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<sup>10</sup> Afghanistan analyst network

<sup>11</sup> Christine Roehrs, Return of the Goodwill? London Conference as symbol of a new start, 1 december 2014, see online <https://www.afghanistan-analysts.org/return-of-the-good-will-london-conference-as-symbol-for-a-new-start/>

<sup>12</sup> The Supreme Court declared its last decision about the case of Kabul Bank, Azadi Radio, read in the below link:

According to the foreign affairs ministry of Afghanistan MoFA, with the cooperation of Interpol they got information of the addresses of the escaped borrowers of the Kabul Bank case<sup>13</sup>, but still there is no action taken for arresting them. But the case would not be solved only with the arrest of the accused people, till the money is not taken back from those borrowers.

### **Solutions:**

- Though the case of Kabul Bank is the biggest banking corruption case in the history of Afghanistan, but with the resolution of this case, the corruption would not be removed from Afghanistan, but it will decrease to some extent; but it is still important for decreasing corruption in the country to bring some changes in the justice system and police reforms of the country, because, due to the surveys done by the Integrity Watch of Afghanistan, the mentioned two factors are the most corrupt sectors in Afghanistan.
- Most of the policy makers around the globe think that the first step for struggle against corruption is transparency. Therefore, they only do not propose laws of access to information in their countries, but also propose amendments of the existing laws in their countries. Though after a long time the law of access to information presented and accepted in the parliament of Afghanistan; but still there are some issues in the law that should be adjudicated. For example, national security, national interests, and some other terminologies are not properly defined properly<sup>14</sup>.
- Anyone who has power, should declare his/her property, or the property of the governmental officials or the ones that are involved in official corruption should be declared and registered.
- An independent and influential anti-corruption institution should be founded.
- As yet the cabinet is not declared, it is a good opportunity not only to introduce well-experienced, but also officials that are not involved in corruption.

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<http://da.azadiradio.org/content/article/26724552.html>

<sup>13</sup> Wisa Daily Newspaper, 8<sup>th</sup> December 2014, Vol. 2348.

<sup>14</sup> Read about it in the below link:

[http://iwaweb.org/news/news0020\\_signing\\_ati\\_law\\_by\\_afg\\_president.html](http://iwaweb.org/news/news0020_signing_ati_law_by_afg_president.html)



## The U.S.: War and Double Gaming

### Analysis of Submission of Latifullah Mahsud to Pakistan



Afghan-Pak relations, especially after the fall of the Taliban regime, twisted to the extent that former president Hamid Karzai, during his thirteen years of his government, was not able to understand the principal interests of Pakistan regarding Afghanistan, and it seems that this inheritance came to the unity government.

The main reason of this complexity of Afghan-Pak relations and misunderstanding of Pakistan's goals regarding Afghanistan is that the goals of Pakistan and the U.S. regarding Afghanistan are similar in some cases, and some of them are in contrast. On the other hand, similarities in their interests are not only short term goals about the geographic location of Afghanistan, but also long term interests of the U.S. in the region. Therefore, the U.S. sometimes ignores the interests of Pakistan that are against its own ones tactically, to extents that leaderships like the one of Hamid Karzai, who was in close relationships with the U.S. thirteen years, are uncertain that his relations with the U.S. entered dark stages. The U.S. also skillfully ignored the demands of Afghanistan in the B.S.A. that were against the agreement with Pakistan.

## **Afghanistan is the ground of the game, not the player of the game:**

Pakistan could be counted as the opponent of the U.S. in the game and Afghanistan is its ground. There are plenty of examples related to it, but we can mention the compromise of the U.S. politics with the ones of Pakistan, which are against the improvement of the peace process of Afghanistan.

After ten years of war, in 2010, the U.S. concluded that they should have an address for negotiation with the Taliban. Finally there was the opportunity for the Taliban to open their office in Qatar for being in contact with the international community, if there are possibilities provided, so Qatar would be their address for starting the peace negotiation.

Pakistan, which was against the mentioned decision of the U.S., did not want that any improvement should be out of their control, so they arrested Mullah Biradar, who was the second most influential member of the Taliban leadership. Both, the U.S. and the Pakistani forces were involved in the case of arresting him. That time the Afghan government declared that Mullah Biradar was arrested because he was in contact with the Afghan Government and he was the pro peace Talib commander.

If the mentioned declaration of the Afghan Officials was true, we can say that the U.S. also did not want the Pakistan to be magnetized from the negotiation process of the Taliban; therefore, to be against the peace process in Qatar, they arrested Mullah Biradar, who was the founder of the negotiation process.

If the U.S. was supporting the peace process in Afghanistan, it had to support the process of Qatar and suppress the pressures of Pakistan over the process, but it did not do so, instead it left the process alone against the destruction of Pakistan. So we can see that it is not only the Afghan Government which is uncertain about the policies of the U.S., the Taliban thought at the beginning that the U.S. is pro-peace in Afghanistan, but after their representatives attended the office of Qatar, they learned that they faced the double gaming of the U.S., therefore there was no serious connection taken between the two parties of the negotiation, and now the Taliban have a new precondition for negotiation for the U.S. and it is that the U.S. should release Annas Haqqani before any negotiation with the Taliban, even if the U.S. decides to start negotiation with the Taliban, it will take long time to start the basic obstacles that exist in the process.

## **How was Latifullah Mahsud kidnapped?**

Another sign of the double gaming of the U.S. is visible in the case of Latifullah Mahsud. In October 2013, Latifullah Mahsud, assistant of Hakimullah Mahsud, who was the former leader of Pakistani Taliban, was kidnapped by the U.S. forces in Logar Province, while, after his meeting with the governor of Logar, Arsala Jamal, he was escorted by the officers of the NDS. The U.S. forces imprisoned him in the part of the Bagram Prison that was controlled by them.

The spokesperson of the presidential palace exposed that Latifullah Mahsud was in contact with the NDS earlier, therefore it was clear; even earlier Pakistan claimed that the Pakistani Taliban are in contact with India through Afghanistan. By arresting Latifullah Mahsud by the U.S. it expressed its power, even within Afghanistan, to Afghanistan and India.

## **The Aftermath of the Arrest:**

Just a few days after the arrest of Latifullah Mahsud by the U.S. forces, the governor of Logar Arsala Jamal was assassinated in a very detailed and organized way of attack on him in a Mosque, on the first day of Eid, and no one and group has taken the responsibility of the assassination. That was the most influential way of expressing its power that Pakistan has done.

One month after the kidnapping of Latifullah Mahsud on first of November 2013, the leader of Pakistani Taliban Hakimullah Mahsud was assassinated by the airstrike of a U.S. drone in Northern Waziristan. There is no doubt that Latifullah Mahsud had the permission of Hakimullah Mahsud to be in contact with the Afghan Government. His assassination may be caused by the information that the U.S. that it gained from Latifullah Mahsud, so the revenge of Pakistan was taken.

There is no doubt that ISI was aware of Latifullah's trip to Afghanistan, and there is the probability that the information to ISI was provided by one of the Afghan Officials, and ISI took action with the assistance of CIA to arrest him.

The result of the arrestment of Latifullah was that other leaders of the Pakistani Taliban will even do not attempt of building relationships with the Afghan Government, and if they, even, they were eager for it, they lost their courage to do so, and they concluded that ISI had the enough support of the U.S. and the Afghan Government did not have any authority on its territory.

The arrestment of him was done by the U.S. because the U.S. did not want that Afghanistan will be in a better position against the Pakistan by supporting the Pakistani Taliban.

## **Result of transferring Latifullah Mahsud to Pakistan:**

By submission of Latifullah Mahsud to the Pakistani Government, the U.S. provided the opportunity to the Pakistan to get information from him about the Pakistani Taliban's leaders that are in contact with the Afghan Government, so the Pakistan will recognize them and then will either arrest them or assassinate them if possible.

According to the Afghan Officials, Latifullah Mahsud was not under their control, and about the submission of him and two other personalities of Taliban by the names of Jafar and Aziz Arafat they investigate for Pakistan. The expression of the Afghan Government that it was not in the process of the submission of those Taliban leaders by the U.S. to Pakistan shows the fact that by signing the B.S.A. between the U.S. and Afghanistan, and the compromise of the U.S. to the national sovereignty and integrity of Afghanistan, the U.S. is not committed to the agreement.

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