



The World Bank
INTERNATIONAL FINANCE CORPORATION
INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT U.S.A.
INTERNATIONAL DEVELOPMENT ASSOCIATION

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Survey on Transparency in Afghanistan

Definitions of common terms used in this questionnaire:

- *MPs*: members of the lower house/chamber of the national/federal parliament.
- *Financial disclosure laws*: laws that require MPs to disclose their assets and liabilities.
- *Business activities' disclosure laws*: laws that require MPs to disclose secondary employment and business activities in the private sector, such as membership in a company's board of directors, or being an officer or advisor in a company.
- *Family members' individual interests*: Business activities and assets and liabilities owned separately by the MP's family, such as non-marital assets. We only consider assets and interests owned independently by an MP's family member, assets jointly owned are not considered.
- *Post-tenure agreements*: employment agreements and/or business transactions that an MP enters into after completing his parliamentary term, such as an agreement to work for a certain company after completing their parliamentary term.



[Afghanistan]
Lower House of Parliament – [Wolesi Jirga]

PART 1: DISCLOSURE REQUIREMENTS

If your country requires Members of Parliament (MPs) in the lower house to disclose their financial and/or business interests, please use the blank disclosure form to supplement the law when completing this section.

| Disclosure requirement and frequency | TA 2009 | Contributor |
|---|---------|-------------|
| 1. Are MPs required to disclose their: | | |
| Assets and liabilities? | No | [] |
| Business activities (e.g. secondary employment, sources of income)? | No | [] |
| 2. When are MPs required to submit a disclosure form? | | |
| Upon taking and leaving office | No | [] |
| Upon taking office | No | [] |
| Annually | No | [] |
| Once every X years (please specify how often) | No | [] |
| 3. Are MPs required to disclose <u>changes</u> in assets or business activities prior to disclosure deadline (e.g., within 4 weeks of any change)? | No | [] |
| <p>Applicable law(s) and comments:</p> <p>Article 154 of the Constitution requires President, VP, ministers, Supreme Court judges from declaring their wealth. The Constitution is silent on MPs. All laws obtained are silent on MPs as well.</p> <p>The National Assembly's internal rules, regarding the sanctions on Deputies, the management of conflicts of interest, asset disclosure and gifts were discussed by the Assembly in April 2006 and have to be adopted within a period of 3 months. Yet, these rules, or the enforcement procedures, have not been drafted.</p> | | |
| The law(s) identified above is (are) the applicable one(s): | | [] |
| If NO, please cite the applicable law(s): [] | | |
| Contributor's Comments: | | |
| [] | | |

1.1. DISCLOSURE OF ASSETS & LIABILITIES

| Report of Assets and Liabilities | TA 2009 | Contributor |
|--|---------|-------------|
| 4. Are MPs required to disclose the following assets and liabilities: | | |
| Personal residence | No | [] |
| <i>Details: Disclosure of exact location vs. monetary value</i> | | |
| ○ Value and exact location of the property | N/A | [] |
| ○ Exact location | N/A | [] |
| ○ Total value without the exact location | N/A | [] |
| ○ Not specified | N/A | [] |
| Non-financial, non-movable assets (e.g., other real estate) | No | [] |
| <i>Details: Disclosure of exact location vs. monetary value</i> | | |
| ○ Value and exact location of the property | N/A | [] |
| ○ Exact location | N/A | [] |



| | | |
|---|-----|-----|
| ○ Total value without the exact location | N/A | [] |
| ○ Not specified | N/A | [] |
| Non-financial, movable assets (e.g., jewelry, vehicles) | No | [] |
| <i>Details: Disclosure of description vs. monetary value</i> | | |
| ○ Value and description of the asset | N/A | [] |
| ○ Description of the asset | N/A | [] |
| ○ Total value without descriptions | N/A | [] |
| ○ Not specified | N/A | [] |
| Stock holdings and other securities | No | [] |
| <i>Details: Disclosure of name vs. monetary value</i> | | |
| ○ Value of stock and name of company in which they hold stocks | No | [] |
| ○ Name of company in which they hold stock | No | [] |
| ○ Total value of stock, without the name of the company | No | [] |
| ○ Not specified | No | [] |
| <i>Details: Disclosure of all vs. certain types of stocks</i> | | |
| ○ All stock ownership | No | [] |
| ○ Stock ownership in certain types of companies (e.g., in specific industries, in companies where the state is a partial owner) | No | [] |
| ○ Stock above a certain threshold | No | [] |
| ▪ Please specify the threshold | No | [] |
| Interest-bearing financial investments (e.g., bonds, savings accounts) | No | [] |
| ○ Value of investment and name of company in which investment is held | No | [] |
| ○ Name of company in which investment is held | No | [] |
| ○ Total value of investment, without the name of the company | No | [] |
| ○ Not specified | No | [] |
| Liabilities (e.g., loans, credits, mortgages) | No | [] |
| ○ Name of lender and value of liability | No | [] |
| ○ Name of lender only | No | [] |
| ○ Total value of liability, without the name of the lender | No | [] |
| ○ Not specified | No | [] |
| Applicable law(s) and comments: | | |
| We have not been able to identify any disclosure requirements for MPs. | | |
| The law(s) identified above is (are) the applicable one(s): | | [] |
| <i>If NO, please cite the applicable law(s): []</i> | | |
| Contributor's Comments: | | |
| [] | | |

1.2. DISCLOSURE OF BUSINESS ACTIVITIES

In the questions below, please answer “yes” only if there is an *explicit* requirement to disclose specific items.

| Report of income, secondary employment, and business activities | TA 2009 | Contributor |
|---|---------|-------------|
| 5. Are MPs required to disclose the <u>value</u> of their current income? | No | [] |
| 6. Are MPs required to disclose <u>all</u> sources of income? | No | [] |



| | | |
|---|----|-----|
| ○ Only some categories of income (i.e. paid secondary employment) | No | |
| 7. Are MPs required to disclose <u>unpaid</u> secondary employment? | No | [] |
| 8. Are MPs required to disclose if they hold the following positions in companies: | | |
| Membership in boards of directors or positions as officers (e.g., CEO, CFO)? | No | [] |
| ○ In all types of companies | No | [] |
| ○ In certain types of companies (e.g., in specific industries) | No | [] |
| ○ Only if the position is paid | No | [] |
| Positions as advisors (e.g., financial, legal, auditor)? | No | [] |
| ○ All types of advisory work | No | [] |
| ○ In certain types of companies (e.g., in specific industries) | No | [] |
| ○ Only if the position is paid | No | [] |
| Applicable law(s) and comments: We have not been able to identify any disclosure requirements for MPs. | | |
| The law(s) identified above is (are) the applicable one(s): | | [] |
| <i>If NO, please cite the applicable law(s): []</i> | | |
| Contributor's Comments: [] | | |

1.3. EXPENSES DISCLOSURE

| Report on Expenses Disclosure | TA2009 | Your answer |
|---|--------|-------------|
| 8i. Are MPs required to disclose any kind of expenses? | No | [] |
| Applicable law(s) and comments: | | |
| The law(s) identified above is (are) the applicable one(s): | | [] |
| <i>If NO, please cite the applicable law(s): []</i> | | |
| Contributor's Comments: [] | | |

1.4. FAMILY MEMBERS' DISCLOSURE

| Report of family members' interests | TA 2009 | Contributor |
|--|---------|-------------|
| 9. Are MPs required to disclose their family members' <u>independently owned</u> interests (as opposed to joint assets or interests)? | No | [] |
| 10. Which family members are covered by the disclosure requirement? | | |
| ○ Spouse | No | [] |
| ○ Dependent children | No | [] |
| ○ Other, please specify | No | [] |
| 11. Are family members required to complete the same disclosure form as MPs? | No | [] |
| Applicable law(s) and comments: There are no disclosure requirements for MPs. | | |
| The law(s) identified above is (are) the applicable one(s): | | [] |



| |
|--|
| <i>If NO, please cite the applicable law(s): []</i> |
| Contributor's Comments: [] |

| What did you use to complete the sections above? | TA 2009 | Contributor |
|--|---------|-------------|
| Blank disclosure form | N/A | [] |
| Laws | N/A | [] |
| Applicable law(s) and comments: | | |
| Comments: [] | | |

1.5. PUBLIC AVAILABILITY OF MPS' DISCLOSURE FORMS

| Public Availability of MPs' Disclosure Forms | TA 2009 | Contributor |
|--|---------|-------------|
| 12. By law, are filled out disclosure forms accessible by the public? | No | [] |
| 13. In practice, does the public have access to the filled out disclosure forms? | No | [] |
| At a registrar where the public can request forms in person | No | [] |
| On the internet | No | [] |
| ○ Please specify the address | No | [] |
| Disclosures can be obtained from other sources | No | [] |
| ○ Please specify the source | No | [] |
| 14. Are filled out disclosure forms only available to the public under certain conditions? | No | [] |
| With the express consent of the MP | No | [] |
| Other | No | [] |
| ○ Please specify | No | [] |
| 15. Does the law specify that only a summary of the disclosure is accessible by the public? | No | [] |
| 16. In practice, does the public have access to the entire disclosure, as opposed to a summary? | No | [] |
| Applicable law(s) and comments: | | |
| There are no disclosure requirements for MPs. | | |
| The law(s) identified above is (are) the applicable one(s): | | [] |
| <i>If NO, please cite the applicable law(s): []</i> | | |
| Contributor's Comments: [] | | |

PART 2: RESTRICTIONS ON DOING BUSINESS IN THE PRIVATE SECTOR

In some countries, disclosure of business interests is not required, but there are restrictions on doing business in the private sector. Such provisions may be found in the constitution, election laws, standing orders of the parliament, anticorruption laws, conflict of interest or incompatibility laws, and ethics laws among others. Please consider all of the above sources of law to answer the questions.



| Restrictions on business activities | TA 2009 | Contributor |
|--|---------|-------------|
| 17. During tenure, are MPs prohibited from all <u>paid</u> employment? | Yes | [] |
| 18. During tenure, are MPs prohibited from the following activities in the private sector: | | |
| Owning stock of private companies? | No | [] |
| ○ Do MPs have to place their stockholding into a trust fund for the duration of their term in office | No | [] |
| ○ Are MPs restricted from owning certain types of stocks (e.g., in certain industries) | No | [] |
| ○ Are MPs restricted from owning stocks above a certain threshold | No | [] |
| ▪ Please specify threshold | No | [] |
| Being members of boards of directors in companies? | No | [] |
| ○ In <i>all</i> types of company | No | [] |
| ○ In certain types of companies (e.g., in specific industries) | No | [] |
| ○ Are there restrictions on being a member of boards of directors only if the position is paid | No | [] |
| Being officers (CEO, CFO) in companies? | No | [] |
| ○ In <i>all</i> types of company | No | [] |
| ○ In certain types of companies (e.g., in specific industries) | No | [] |
| ○ Are there restrictions on being an officer only if the position is paid | No | [] |
| Being an advisor to companies (e.g., financial, legal, auditor)? | No | [] |
| ○ In <i>all</i> types of company | No | [] |
| ○ In certain types of companies (e.g., in specific industries) | No | [] |
| ○ Are there restrictions on being an advisor only if the position is paid | No | [] |
| 19. Are there other restrictions on activities in the private sector? | No | [] |
| 20. Can restrictions on business activities in the private sector be lifted by a third party, such as the Speaker of the Parliament or the Comptroller? | No | [] |
| Applicable law(s) and comments: | | |
| Constitution 2004: Article 152 | | |
| The constitution stipulates that MPs shall not engage in other jobs during their tenure. | | |
| The law(s) identified above is (are) the applicable one(s): | | [] |
| <i>If NO, please cite the applicable law(s): []</i> | | |
| Contributor's Comments: | | |
| [] | | |

PART 3: DOING BUSINESS WITH THE GOVERNMENT

Provisions regulating doing business with the government may be found in the constitution, standing orders of the parliament, or public procurement laws. Please consider all these laws when answering this section.

| Doing business with the government | TA 2009 | Contributor |
|--|---------|-------------|
| 21. Are MPs required to disclose doing business with the government? | | |
| Are MPs required to disclose signing contracts with the government (e.g., through participation in privatizations, state- led auctions, contract provisions)? | No | [] |
| ○ Contracts in which they participate <u>directly</u> by themselves | No | |
| ○ <u>indirectly</u> through third parties related to them or where they are involved | No | |



| | | |
|---|----|-------|
| ○ With <i>all</i> government agencies | No | [] |
| ○ Only with certain agencies (e.g., only if the contract is with parliament) or under certain conditions | No | [] |
| Are MPs required to disclose being a government contractor (e.g., where an MP provides services or goods to the government directly or via third parties)? | No | [] |
| ○ For <i>all</i> government agencies | No | [] |
| ○ Only for certain agencies (e.g., only if the contract is with parliament) or under certain conditions | No | [] |
| 22. Are MPs prohibited from doing business with the government? | | |
| Are MPs restricted from signing a contract with the government (e.g., through participation in privatizations, state-led auctions)? | No | [] |
| ○ With <i>all</i> government agencies | No | [] |
| ○ Only with certain agencies (e.g., if the contract is with parliament) or under certain conditions | No | [] |
| Are MPs restricted from being a government contractor (e.g., where an MP provides services or goods to the government directly or via third parties)? | No | [] |
| ○ For all government agencies | No | [] |
| ○ Only for certain agencies (e.g., if the contract is with parliament) or under certain conditions | No | [] |
| 23. Can restrictions on business relations with the government be lifted by a third party, such as the Speaker of the Parliament or the Comptroller? | No | [] |
| Applicable law(s) and comments: | | |
| There are no restrictions or disclosure requirements on doing business with the government. | | |
| The law(s) identified above is (are) the applicable one(s): | | [] |
| <i>If NO, please cite the applicable law(s): []</i> | | |
| Contributor's Comments: | | |
| [] | | |

PART 4: OTHER RESTRICTIONS AND DISCLOSURE REQUIREMENTS

| Restrictions on holding two public offices | TA 2009 | Contributor |
|---|---------|-------------|
| 24. Do MPs face restrictions on holding another public office during tenure (e.g., being a mayor or a judge at the same time as being an MP)? | Yes | [] |
| Applicable law(s) and comments: | | |
| Electoral Law: Article 13 | | |
| The law(s) identified above is (are) the applicable one(s): | | [] |
| <i>If NO, please cite the applicable law(s): []</i> | | |
| Contributor's Comments: | | |
| [] | | |
| Voting Rules | TA 2009 | Contributor |
| 25. Disclosure on voting – Do MPs have to disclose the existence of a personal interest before voting in Parliament? | No | [] |
| ○ Upon disclosing the existence of a personal interest, are MPs allowed to vote? | No | [] |
| 26. Restrictions on voting – Does the law prohibit the MP voting in Parliament on matters in which he has a personal interest, without <i>explicitly</i> requiring the MP to disclose that interest? | No | [] |



| | | |
|--|----------------|--------------------|
| Applicable law(s) and comments: | | |
| The law(s) identified above is (are) the applicable one(s): | [] | |
| <i>If NO, please cite the applicable law(s): []</i> | | |
| Contributor's Comments: [] | | |
| Post-tenure Rules | TA 2009 | Contributor |
| 27. Disclosure of post-tenure agreements – Are MPs required to disclose post-tenure agreements (e.g., employment agreements and/or business transactions that they will enter after completing their parliamentary term)? | No | [] |
| 28. Restrictions on post-tenure agreements – Are MPs restricted from working in certain positions for a given period of time following the end of their term in office? | No | [] |
| Applicable law(s) and comments: | | |
| The law(s) identified above is (are) the applicable one(s): | [] | |
| <i>If NO, please cite the applicable law(s): []</i> | | |
| Contributor's Comments: [] | | |
| Rules on Gifts | TA 2009 | Contributor |
| 29. Disclosure on receiving gifts | | |
| ○ Are MPs required to disclose gifts they receive? | No | [] |
| ○ Is this disclosure public? | No | [] |
| ○ Are MPs required to disclose gifts above a certain value? | No | [] |
| ▪ Please specify the value in local currency | No | [] |
| 30. Restrictions on receiving gifts | | |
| ○ Are MPs restricted from receiving gifts? | No | [] |
| ○ Do MPs have to pay for gifts in order to keep them? | No | [] |
| ○ Can MPs receive gifts up to a certain value? | No | [] |
| ▪ Please specify the value in local currency | No | [] |
| Applicable law(s) and comments: | | |
| There are no restrictions/disclosure requirements on gifts. | | |
| The law(s) identified above is (are) the applicable one(s): | [] | |
| <i>If NO, please cite the applicable law(s): []</i> | | |
| Contributor's Comments: [] | | |
| Rules on Travel | TA2009 | Your answer |
| 31. Are MPs required to disclose their sponsored travel? | No | [] |
| <i>Details: Disclosure of identity of sponsor vs. monetary value</i> | | |
| ○ Value and identity of the sponsor | N/A | [] |
| ○ Identity of the sponsor | N/A | [] |
| ○ Total value without identity of the sponsor | N/A | [] |
| ○ Not specified | N/A | [] |
| 32. Is this disclosure publicly available? | N/A | [] |



Applicable law(s) and comments:

Please note this section was only filled according to the Blank Disclosure Form.

Your Comments / Any missing laws?:

[]

PART 5: DISCLOSURE REGISTRAR

This section requests information about the government agency which maintains the completed financial and business interest disclosure forms. The registrar may also check the completeness of the disclosure forms. The registrar may also publish the data on how many MPs complied/failed to comply with their obligation to disclose ("compliance data"). This section inquires about the profile and activities of the registrar.

| Existence and profile of registrar | TA 2009 | Contributor |
|---|----------------|--------------------|
| 31i. Is there an agency in charge of maintaining the completed disclosure forms for MPs? | No | [] |
| Does the registrar check the forms for completion? | No | [] |
| What forms does the registrar keep? | | |
| ○ Assets and liabilities | No | [] |
| ○ Business activities (income, secondary employment, business activities) | No | [] |
| 32i. In addition to maintaining disclosures of MPs, does the registrar maintain the disclosure forms of: | | |
| Ministers (cabinet members)? | No | [] |
| Judges? | No | [] |
| Civil servants? | No | [] |
| 33. Profile of registrar | | |
| | TA 2009 | Contributor |
| Name | N/A | [] |
| Contact information | N/A | [] |
| Website | N/A | [] |
| Applicable law(s) and comments: | | |
| The law(s) identified above is (are) the applicable one(s): | | [] |
| <i>If NO, please cite the applicable law(s):</i> [] | | |
| Contributor's Comments: | | |
| [] | | |

| Activities of the registrar | TA 2009 | Contributor |
|--|---------|-------------|
| 34. By law, does the registrar have to publish data on whether MPs complied/failed to comply with their obligation to disclose? | No | [] |
| Applicable law(s) and comments: | | |
| Contributor's Comments: | | |
| [] | | |
| 35. In practice, are compliance data available? | No | [] |
| What types of compliance data are available? | | |



| | | |
|--|----|-----|
| ○ General statistics (compliance rates or percentages) | No | [] |
| ○ Publication of names of MPs who complied/did not comply | No | [] |
| With what frequency are compliance data reports published? | | |
| ○ On a regular basis (please specify how often) | No | [] |
| ○ Other (please specify) | No | [] |
| What is the source of compliance data? | | |
| ○ Government website (please specify) | No | [] |
| ○ Other (please specify) | No | [] |
| 36. Are there penalties for failure to submit completed disclosure forms? | No | [] |
| ○ Please specify what kind of penalties | No | [] |
| Applicable law(s) and comments: | | |
| The law(s) identified above is (are) the applicable one(s): | | [] |
| <i>If NO, please cite the applicable law(s): []</i> | | |
| Contributor's Comments: [] | | |

PART 6: DATA INTEGRITY BODY

This section asks you to provide information about whether the content of the filled out disclosure forms is routinely verified.

| Existence and functions of a data integrity body/agency | TA 2009 | Contributor |
|--|----------------|--------------------|
| 37. Is there a body/agency that <u>routinely</u> checks the content of the disclosure forms? | No | [] |
| Does the body/agency check the content of the forms: | | |
| ○ of all MPs? | No | [] |
| ○ of a random sample of MPs? | No | [] |
| ○ each submission period to verify that all information is accurate (e.g., by verifying the content against other records such as tax records, bank statements)? | No | [] |
| ○ by comparing the content of the forms upon taking and leaving office to discover irregular increases? | No | [] |
| ○ to ensure that MPs activities are not incompatible with their mandate? | No | [] |
| 38. Does the body/agency check the content of the forms only if there is a complaint? | No | [] |
| Applicable law(s) and comments: | | |
| The law(s) identified above is (are) the applicable one(s): | | [] |
| <i>If NO, please cite the applicable law(s): []</i> | | |
| Contributor's Comments: [] | | |
| 39. Details about the data integrity body | | |
| | TA 2009 | Contributor |
| Name | N/A | [] |
| Contact information | N/A | [] |



| | | |
|--|-----|-----|
| Website | N/A | [] |
| 40. What forms does the body check? | | |
| Assets and liabilities forms | No | [] |
| Business activities forms | No | [] |
| 41. Does the agency check the disclosure forms of other government officials? | | |
| Ministers (cabinet members) | No | [] |
| Judges | No | [] |
| Civil servants | No | [] |
| Applicable law(s) and comments: | | |
| The law(s) identified above is (are) the applicable one(s): | | [] |
| <i>If NO, please cite the applicable law(s): []</i> | | |
| Contributor's Comments: | | |
| [] | | |

| | | |
|---|----------------|--------------------|
| Activities of the data integrity body/agency | TA 2009 | Contributor |
| 42. By law, is the body required to publish the results of checking the content of the forms? | No | [] |
| Applicable law(s) and comments: | | |
| The law(s) identified above is (are) the applicable one(s): | | [] |
| <i>If NO, please cite the applicable law(s): []</i> | | |
| Contributor's Comments: | | |
| [] | | |
| 43. In practice, are results of the integrity body's activities in relation to checking the content of disclosure forms available? | No | [] |
| o General statistics are published (e.g., the content of 10% the disclosure forms was checked) | No | [] |
| o Other (please specify) | No | [] |
| How often are content checking results published? | | |
| o On a regular basis (please specify how often) | No | [] |
| o Other (please specify) | No | [] |
| Where are content checking results published? | | |
| o Government website (please specify) | No | [] |
| o Other (please specify) | No | [] |
| 44. Are there penalties for submitting false information in the disclosures? | No | [] |
| o Please specify what kind of penalties | No | [] |
| Applicable law(s) and comments: | | |
| The law(s) identified above is (are) the applicable one(s): | | [] |
| <i>If NO, please cite the applicable law(s): []</i> | | |
| Contributor's Comments: | | |



| |
|-----|
| [] |
|-----|

PART 7: SALARY DATA

| | |
|---|-----|
| Please provide the base salary for MPs in your country | |
| Amount [] | |
| Currency[] | |
| Per (month/year) [] | |
| Applicable law(s) and comments: | |
| The law(s) identified above is (are) the applicable one(s): | [] |
| <i>If NO, please cite the applicable law(s): []</i> | |
| Contributor's Comments: | |
| [] | |

**PART 8: REFORMS**

| Reforms in laws on financial disclosure or business activities | | |
|--|--------------------------|--------------------------|
| | Yes | No |
| Are you aware of any changes that occurred between January 2003 and now to the laws and regulations the will affect answers to this survey? | <input type="checkbox"/> | <input type="checkbox"/> |
| If your answer is Yes , please briefly describe: 1) the goal of the reform [] 2) its major characteristics [] 3) the date the reform came into force [] | | |
| Are you aware of any changes expected by June 1, 2008 to the laws and regulations that will affect answers to this survey? | <input type="checkbox"/> | <input type="checkbox"/> |
| If your answer is Yes , please briefly describe: 1) the goal of the reform [] 2) its major characteristics [] 3) the date the reform will come into force [] | | |

Thank you for confirming the responses in this questionnaire!

Please return the completed survey to:

Elena Gasol Ramos
EGasolramos@ifc.org
Phone: 1 202 458 2919

or

Joyce Ibrahim
jibrahim@worldbank.org
Phone: 202 458 0602