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Press Release

Parliament's Vote of Confidence to the Nominated Ministers

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Since the establishment of the new government, finally the president of Afghanistan after eight months of inauguration has declared last week that the members of government cabinet will be introduced to the parliament to receive vote of confidence. State Ministry in Parliamentary Affairs has already shared the documents and resumes of each nominated ministers with the parliament and the parliament had started primary assessment of the documents. The government introduces the cabinet members while most ministries were led by the acting ministers (In contradiction with the law on guardianship of the acting ministries and administrations). FEFA welcomes introduction of the cabinet members to the parliament for vote of confidence and believes it will end the culture of superintendence and pave the way for acting based on the constitution and the values of republican and supports every steps toward respecting the constitution, separation of power and strengthening accountability in the country. Relying on the culture of superintendence in recent years was against the constitution and on the other hand had paved the way for corruption and irresponsiveness. Ending this situation is the joint responsibility of both the government and the National Assembly of Afghanistan. Considering the fact that the current government is formed based on the political agreement between two sides; now it is the parliament to make it accountable to the society. FEFA as a parliament watch organization that monitors the parliament performance and democratic processes, based on public demand and expectations present the following points as concerns and expect the National Assembly to provide clear and satisfactory responses to them ahead of their voting process to the nominated ministers:

1- It has been 2 decades since the ratification of the Afghan constitution but the law on Fundamental Structure of Government hasn't been sent to the parliament for endorsement. Lack of this law created ambiguities about the number of ministries and the level of their duties and responsibilities. We witnessed that some ministries were divided into small administrations and at same time parallel administrations were made that none of them were approved by Wolesi Jirga.

2- The previous experiences from the vote of confidence of parliament to the government indicate that the process was marred with the irregularities and allegations. The new cabinet of government is introduced to the parliament while these challenges are in place and Wolesi Jirga has not taken any measures to reform and improve the process and put an end to this concern.

3- The current cabinet is an expedient cabinet and the seats have been divided between the two sides and their allies. There are possibilities of considering some expediency during the vote of confidence for some cabinet members. Therefore, the parliament must consider meritocracy and professionalism while voting to them.

4- The educational document and working background of the candidate minister must be relevant to the work of related ministry. The parliament must make sure the candidate minister has experience and ability of leading the ministry. Parliament is responsible for any superficiality in this regard.

5- In the past, there were allegations of bribery and corruption during the voting process of parliament to government but these allegations were neither handled nor the parliament didn't take any measure to prevent from such allegations in the future.

Considering the mentioned concerns FEFA presents the following recommendations to the government and the parliament, and expect their attentions:

- 1- Wolesi Jirga and its relevant committee must receive and seriously review the educational and working documents of candidate ministers in details and through a specific mechanism make sure that the candidate minister has the capacity and capability of leading related ministry;
- 2- The Afghan constitution and the internal rules of procedures emphasizes that the candidate ministers have good reputations. Whereas, good reputation is a general term and maybe every member of the house have their own understanding of this term. Therefore, members of the house are recommended have set specific criteria and mechanism for identifying good reputation before going to vote to the candidate ministers.
- 3- Wolesi Jirga must specify its stance about the candidates who have dual citizenship before putting ballot boxes for them. Article 72nd of the constitution and article 78th of the internal rules of procedures of Wolesi Jirga declares about the only nationality of Afghanistan for the candidate ministers. However, the constitution of Afghanistan gives this responsibility to the Wolesi Jirga to decide to vote or reject about the dual citizenship, and article 78th of the internal rules of procedures has specified a mechanism for the ones having the second nationality or more and states that before putting ballot box for them they should relinquish from their second nationality and its official document certified by the Ministry of Foreign Affairs of Afghanistan and the second country must be submitted to Wolesi Jirga. In the past cabinet, some members didn't submit the documents of relinquishing their second nationality to Wolesi Jirga so after ending of their term as minister they return to their second country. Considering the performance of some former ministers who had dual citizenship and the allegations addressed about their engagement in serious cases of corruption, Wolesi Jirga must be cautious in this issue.
- 4- Allegations and accusations of corruption, bribery have been always raised during the time of giving vote of confidence to the cabinet ministers. Such allegations haven't been handled. To putting an end to such allegations, Wolesi Jirga must develop a specific and clear mechanism before to vote. The mechanism must specify the method of campaign of nominated ministers, meetings of MPs with the candidate ministers and the interactions

between the government and parliament. Wolesi Jirga must assure people about the measures which can prevent the mentioned allegations and accusations. For more transparency of the voting process, Wolesi Jirga must use electronic voting instead of manual voting and assure people that the necessary measures have been taken to prevent corruption and bribery during the voting.

- 5- If the candidate minister can't obtain vote of confidence from the parliament, the mentioned candidate must not remain as acting minister, Wolesi Jirga must ask the government to introduce another eligible candidate for the ministry. To prevent any ambiguity in this regard, Wolesi Jirga must review the law on superintendence and act accordingly.
- 6- Wolesi Jirga must refrain from considering, ethical, regional, religious and language issues during giving votes of confidence to the candidate minister. It must consider merit, professionalism and capacity and vote based on them. Professional approach of Wolesi Jirga strengthens national unity in the government.
- 7- Among 28 nominated ministers, the four of them are women. These four seats are minimum allocation of seats to women in the cabinet comparing the commitments made by both teams during the electoral campaigns. Women must have proportional and enough engagement in the cabinet. The best and expert women must work in high government positions. Presence of weak women in the structure of the government decrease public trust on women capacity and capabilities. Therefore, this is expected from Wolesi Jirga to strengthen the role of women in the government ministries.

FEFA believes that Wolesi Jirga has a historic responsibility at this stage to form a strong government with voting to capable and qualified ministers. The important principle of republic and the principle of separation of power is mutual respect between the three branches of power and interaction and cooperation between them. People expect Wolesi Jirga to refrain from pragmatism, regional, religious and language considerations and vote qualify, expert and professional candidates as ministers.

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