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## AFGHANISTAN PARLIAMENTARY ASSISTANCE PROJECT

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# Legislative Newsletter

## News

### **MPs Approve Seven Minister Nominees**

*Ten of the President's choices go unapproved*

On 16 January, lower house MPs rejected over half of President Karzai's second list of nominee ministers, bringing the total approved after two rounds of deliberation to 14 of 25. The parliamentarians cited competence, familiarity, experience, and political dealing-making as considerations in their choices. Talk circulated among MPs about heavy negotiations between certain factions and the president, and between the factions for mutual support of candidates. Some also spoke of vote buying.

Zarar Ahmad Muqbel, a former interior minister and controversial figure among Afghans and internationals for alleged dealings while in that position, received 162 votes of confidence for the counternarcotics minister position, the highest of any nominee from the second list.

One of three female nominees received the Wolesi Jirga's approval. One of two rejected, Suraya Dalil, holds a degree from Harvard and has worked for the UN, but is generally unknown to MPs – except for rumors about her life in the West. Several MPs also cited experience at a “wrong address” (Warlords/UN/NGOs) as criteria for rejection of her and nominees generally.

All but one – Rasul, Ministry of Foreign Affairs – approved nominees from the second list were former Mujahidin. The majority of rejected MPs were not. Most of the second list have lived in Afghanistan or in the region throughout most of the years of war. Exceptions include Rasul and Dalil, who studied in France and the US, respectively.

MPs differ on why the majority of nominees in the second list were rejected.

Yunus Qanooni, Lower House Speaker told APAP: “This shows growing confidence and independent decision making by representatives of the people. The MPs' vote, to a large extent, reflects the views of their constituents.”

“We want a strong team of ministers,” said Aziz Ahmad Nadem (Herat). “One of the reasons why most of the nominees in the second list were rejected is that the president had assembled the list in a hurry. In at least one case, the nominee had not been consulted prior to his nomination. We approved the most qualified ones and rejected the rest.”

Some MPs were critical of their colleagues.

Daud Sultanzoi (Ghazni) told APAP: “Not only from second list, but even from the previous one, some capable candidates were rejected and some weak nominees received a vote of confidence. MPs don’t pay attention to programs, they are interested in playing political games.”

“The MPs voted based on ethnic and sectarian lines,” added Abdurrahman Oghli (Faryab).

Apart from the fact that the second list contained names of three female candidates – which was hailed as a positive step towards gender equality – the general feeling amongst the MPs was that the first list contained stronger candidates.

“The previous nominees were better qualified than the new ones,” according to Amir Mohammad Niazi (Ghazni).

Calling on the president to re-introduce some of the rejected nominees from the first list, Khial Mohammad Hussaini (Ghazni) said: “The MPs are not happy about rejecting several of them. They would have done a good job in office.”

Eng. Abas Noyan (Kabul), during the plenary question and answer session said: “The programs of the [current] nominees lack real substance and ignore realities. They are merely an attempt to win our votes.” He asked the designate minister of rural rehabilitation and development: “You have no past experience in rural development. How could you hope to succeed? Are you trying to practice here?”

Several MPs commented on the issue of funds exchanged for votes.

“It’s obvious that the president has some leverage in the WJ, he campaigns for some candidates and spends money,” said Sultanzoi. Asked specifically if money had changed hands, he added: “In Afghanistan, anything is possible.”

Some MPs believe that the reasons for the rejections go back to last year’s elections.

“This is the fallout of fraud in the presidential elections,” Fauzia Kofi (Badakhshan) told APAP. “Mr. Karzai is paying for all his fraudulent votes. This was the second attempt by him to have his cabinet approved, but he failed. I can tell you that you will not run out of rejection stories anytime soon.”

### ***Dostum and Mohaqeq Campaign ‘Backfires’***

After intensive last minute campaigning to have specific Uzbek and Hazara candidates included among President Karzai’s minister nominees, General Abdurashed Dostum and MP Haji Mohammad Mohaqeq (Kabul) are said to be angry over having their preferred nominees rejected by Wolesi Jirga members.

Explaining MPs’ votes, one MP, who requested not to be named, told APAP that, “We were invited to a gathering of mostly Mohaqeq’s supporters. General Dostum arrived as well and started asking us to vote for the nominees, in particular, for Uzbeks and Hazaras. He had a rather strange and bossy tone which in my view harmed the prospects of some of the nominees getting a vote of confidence.”

Aziz Ahmad Nadem (Herat) said to APAP: “Mr. Dostum’s campaign has clearly backfired on the nominees affiliated with him. MPs have minds of their own and are not here to follow orders of President Karzai or Mr. Dostum.”

Some MPs believe that Pashtun and Tajik (the two largest ethnic groups) MPs conspired against smaller ethnic groups.

Speaking on condition of anonymity, one MP said: “Only Pashtun and Tajik nominees were approved. The nominees of all other ethnic groups were rejected. There must be a conspiracy.”

### **MPs Want IEC and Electoral Law Reformed**

“Reforming the IEC and electoral law is essential before parliamentary elections,” say MPs. They argue that the government must ensure that the election is free, fair and nation-wide

On Sunday, 17 January, MPs discussed the upcoming parliamentary elections in Afghanistan, passing a resolution asking the government to ensure security of the elections in all parts of Afghanistan. They also called on the government to reform the Independent Election Commission and electoral law in order to ensure a free, fair and nation-wide election. MPs specifically asked the government for the implementation of the following as necessary preconditions to parliamentary elections:

- Securing the polling stations in all three phases of the election (before polling day, on polling day and after polling day when the votes are counted)
- Reforming the IEC, electoral law and procedures
- A clear time table for implementation of parliamentary elections and the conditions stated above

“Unless the above conditions are met, no election should be held,” stressed MPs.

MPs asked speaker Qanooni to meet with President Karzai to discuss the matter further. It would be the third such meeting this month.

President Karzai wants the elections to go ahead this spring but some MPs are crying foul. They argue that unless the Independent Election Commission is reformed and the electoral law amended, holding elections will create a crisis.

The IEC has been criticized for its handling of the 20 August presidential and Provincial Council elections. After a contentious presidential election and count, Provincial Council election results are still disputed in 30 of 34 provinces.

Some MPs argue that the nation has no faith in the IEC and needs to be reformed, including subjecting the IEC chairman to a vote of confidence as amended in the Assembly draft of the IEC Structure Law, which the president has vetoed.

Rahman Oghly (Faryab) told APAP that, “The president wants the parliamentary elections to go ahead before the IEC is reformed. His strategy is to stop the real representatives of the people and get people in the lower house who will always follow him.”

Other MPs deny Oghly’s accusations. “The president is being criticized for respecting the Constitution,” said one MP who did not want to be identified.

A more nuanced interpretation of the Constitution is required, argue other MPs.

According to Eng Mohammad Asem (Baghlan), “The Constitution requires all elections to be free, fair, and nation-wide. If the parliamentary elections are held in May, we will have respected one article of constitution [specifying the date], but because we won’t be able to have free, fair and nation-wide elections, we will have infringed three other articles.”

Others believe that the Wolesi resolution is not comprehensive enough to address serious problems facing Afghan elections.

Kabeer Ranjbar (Kabul) said: “The IEC is not the only problem. Even if we reformed the IEC, free, fair and nation-wide elections would not be guaranteed. The system needs reform. During presidential and Provincial Council elections, fraud was committed in the provinces. Powerful figures in the government had either bought off the local IEC officials or pressurized them to do as they wanted.”

He went on to outline a proposal:

“Those conditions outlined in the resolution alone cannot bring about a good election. Administrative reform in the provinces, disarming local militias, taking a census of all Afghans and distributing identity cards to them are also vital. Until these things happen, no election should take place. On the 22nd of May, when this Parliament’s term is up, it should be suspended. The MPs instead should then meet informally as pressure groups.”

Summarizing the Wolesi’s position, Speaker Qanooni explained that the elections should be held on time, but that there are certain pre-conditions that need to be in place before that can happen. “Our position is clear. We are legislators and the last thing we would want to do is to infringe on the Constitution. We want parliamentary elections to go ahead this spring, but, before that, the IEC must be reformed, the Electoral Law amended and security measures in place for all parts of Afghanistan. We don’t want to have an election for the sake of it; we want fair, free and nation-wide elections,” he said.

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