

President One, Parliament Nil

Author: [Wahidullah Amani](#)

Despite appearances, the recent ministerial confirmation process shows the president is still firmly in control.

The first round of the cabinet confirmation process seemed to end in a draw. The Afghan president got some but not all his nominees accepted, while parliament showed its teeth by rejecting a few of the proposed ministers.

But analysts and inside players say that what the public observed was a carefully orchestrated spectacle in which President Hamed Karzai was clearly the director.

“It is very clear that Karzai was successful,” said Abdulsalaam Rocketi, a parliamentarian from Zabul, whose last name is a sobriquet he earned during the jihad due to his skill with a rocket-launcher. “But we had to reject some, just for balance.”

Out of Karzai’s 25 nominees, 17 were confirmed outright, three were finally accepted after a prolonged legal tussle ending in a Supreme Court ruling, and five were rejected completely. Karzai has yet to name new candidates for those posts.

“In my opinion, the government was successful and got all the ministers they really wanted,” said Habibullah Rafi, a political analyst and member of the Afghan Academy of Sciences.

The key ministries - defence, foreign affairs, and the interior - were confirmed without a murmur. The five who were rejected, say observers, had little backing within the administration and fell afoul of divisions within the parliament.

“The five ministers who failed were not confirmed because they had no support from the parliament and no support from Karzai,” said Fazel Rahman Oria, a political analyst and editor of the political monthly Payam.

The process clearly showed that the balance of power is tipped towards the executive, analysts say.

The International Crisis Group, ICG, in a report issued in mid-May, criticised the Karzai government for trying to prevent the legislature from becoming a viable working body.

“President Karzai’s administration does not seem to have learned the lessons of the past, appearing to calculate that a weak, fragmented National Assembly would mean more power for itself rather than a lost opportunity for the country,” ICG said in a press release.

During the cabinet confirmation process, insiders say the administration was able to manipulate internal divisions in the legislature and capitalise on its inexperience, so as to maintain the president’s hold on government.

“We had hoped that our parliament would show that they could work together and decide on issues,” said Ahmad Fahim Hakim, deputy head of the Afghan Independent Human Rights Commission, AIHRC. “But we saw that they have ethnic and linguistic issues that influence their actions. Everyone is thinking about his own interests, his own party, his own position, not about the constitution or the good of the nation.”

“There are problems in parliament,” said Mahmad Ishaq Rahgazar, a member from the northern province of Balkh. “Some of the ministers who were rejected had been successful in the past, but there were things going on in parliament - personal interests - that is why they were rejected.”

Oria argues that grave shortcomings in both the Karzai government and the parliament were laid bare.

“Karzai was absolutely the winner in this process. But he failed to make a national cabinet. It is the same as he had in the past, still smelling of druglords and warlords,” said Oria.

“Parliament, too, revealed itself during the confirmation process. It is disabled. Disabled and sick.”

The parliament did indeed encounter some problems during the confirmation. Three of the ministers failed to receive an absolute majority of votes. Instead, they fell into a legal no-man’s land, since they received more positive than negative votes but because of abstentions, failed to gain the 50 percent plus one set as the threshold at the beginning of the voting process.

The problem here was how to interpret of Article 106 of the Afghan constitution, which reads, “The quorum for sessions of each house of the National Assembly is a majority of its members, and its decisions are taken by a majority of the members present, unless this constitution states otherwise.”

Members of parliament argued for days, at one point almost coming to blows over the issue. In the end, they referred the matter back to Karzai to decide, thus giving the president the right to determine whether ministers whom he had proposed in the first place should be included in the cabinet.

Karzai in turn handed the matter over to the Supreme Court, which ruled that the three could be regarded as having been confirmed, since there were more yes than no votes for them. The ruling was that this satisfied the constitutional provision, so the abstentions were discounted.

The whole process left a sour taste in the mouths of many observers, who saw it as an abdication of power by the legislature.

“Article 106 is very clear,” said Rafi. “Parliament should decide. But they couldn’t. They gave away their right to the president. That was a big mistake.”

Parliament’s inexperience was to blame, said Rahgazar, the deputy from Balkh.

“The parliament should have set up a commission to explain this article,” he said. “It was the parliament’s fault. They should not have given the matter to Karzai to decide.”

“We never agreed on 50 per cent plus one,” said Malalai Shinwari, a deputy from Kabul. “All votes were on a majority basis. It was parliament’s mistake [to refer the matter to Karzai]. It was up to them to decide.”

Others maintained that the confirmation process was not transparent, and that those who were confirmed exercised undue influence on parliamentarians.

“Most of the ministers who were confirmed threw lavish parties for the deputies,” said Oria. “Some of them also gave out money. This is unacceptable.”

An article in early May in the Cheragh newspaper quoted an unnamed source in parliament as saying an agent for one of the ministerial candidates had been distributing envelopes full of money and other gifts, in return for the promise of a vote.

“It is one hundred per cent true that the ministers were giving parties,” said Rahgazar, “I received invitations from most of them, but I didn’t go. I knew why they were giving these parties.”

“The parliamentarians decided on the Cabinet based on these lunches and dinners,” said the AIHRC’s Hakim. “The week before the confirmation vote, most of the candidates were so busy going to parties that they didn’t even see their families.”

But Shinwari insisted that this was nothing out of the ordinary.

“It is normal for the ministers to throw parties,” she said. “That is their right. Otherwise, how are we supposed to get to know them?”

Rocketi also rejected the suggestion that parliamentarians were swayed by the festivities.

“You can’t buy a representative of the people for a lunch or a dinner,” he said angrily. “We confirmed the ministers whom we knew, on the basis of their qualifications.”

Asked whether the new cabinet was associated with drug lords and warlords, as had been suggested by some analysts, Rocketi exploded.

“How are we supposed to find ministers who were not warlords? This is Afghanistan. Are we supposed to pluck them from the sky?” he asked.

Mohammad Karim Rahimi, spokesperson for President Karzai, rejected the implication that anything other than qualifications had played a role in the confirmation process.

“The president was able to choose a professional cabinet, and that is why he got most of them confirmed,” said Rahimi. “Parliament did not think about their regions [of origin] or parties; it thought only of the nation.”

Wahidullah Amani is an IWPR staff reporter in Kabul. Jean MacKenzie is IWPR’s country director.

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