



**Independent Joint Anti-Corruption  
Monitoring and Evaluation Committee**

## **Irregular Hiring and Personnel Practices in the Ministry of Foreign Affairs**

### ***Issue***

Nepotism and patronage networks play a critical role in the appointment and promotion process in many Afghan ministries. This practice has become a major concern, as it violates both Afghan laws and the Constitutional right of equal access to job opportunities. The focus of this paper, however, is the rampant irregularities in the hiring and personnel practices at the Ministry of Foreign Affairs (MOFA).

### ***Legal Framework***

According to the Constitution of 2004, every citizen of Afghanistan has the right to work. This right is supported by the Afghan Labor Law, which stipulates that the government should ensure equal job opportunities for all its citizens. Further, civil-service regulations require positions to be filled based on merit and competency. Presidential Decree (PD) 92 also requires the Independent Administrative Reform and Civil Service Commission (IARCSC), and other relevant government institutions, to avoid all types of influence, favoritism, and personal ties in the appointment process. Similarly, PD 45 states that high-ranking government officials should not interfere, recommend, or mediate in the recruitment or appointment processes. These decrees echo the Universal Declaration of Human Rights and the International Convention on Economic, Social and Cultural Rights that emphasize the individual's right to work free from the disadvantages brought about by nepotism or discrimination. Afghanistan is a party to both conventions. Therefore, the practice of nepotism violates the laws and regulations in place for ensuring equal opportunities and a productive work environment.

The Civil Services Law (CSL) applies to MOFA, as it is the legal basis for preventing discriminatory hiring practices, such as nepotism, in all government entities.<sup>1</sup> But according to interviewees from MOFA's Human Resources Department (HRD), the CSL is *not* applicable to MOFA because of its supposedly unique structure and policies. They argue, rather speciously, that since the diplomatic posts are of the highest importance, they are subject to a different—and non-transparent—set of hiring policies. However, despite their

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<sup>1</sup> It is usually argued by advocates of MOFA's hiring autonomy that there exists a Presidential Decree governing its hiring practices that supersedes the CSL.



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protestations to the contrary, the IARCSC is clearly responsible for monitoring procedures relating to appointments and employment throughout the entire government.<sup>2</sup> As the Law on Diplomatic and Consular Staff (the “Law”) makes clear, the CSL is applicable to MOFA, particularly with regard to the appointment and qualifications of diplomatic and consular staff. Notwithstanding this requirement, IARCSC’s Appointments Board reported to MEC that they have not been consulted by MOFA officials about its hiring practices since 2005.

### ***MOFA’s Hiring Process***

As set forth in the Law, a candidate must fulfill certain requirements before being hired by MOFA, but these requirements are vague. They include having completed some unspecified amount of higher education in law, political science, business administration, journalism, economics or literature, and having knowledge of a foreign language. MOFA’s recruitment process also involves a written test, an interview, the completion of a probationary period, and graduation from the Diplomacy Institute. But pre-existing personal relationships appear to take precedence over actual qualifications in the hiring process. For example, internal rivalries among different factions within HRD have led to some candidates being hired immediately after taking the written test and sitting for an interview. Technically, this practice is illegal. In interviews with MEC, some HRD officials appeared remarkably complacent about the existence of nepotism and favoritism within MOFA, claiming, incorrectly, there is no specific law in place to prohibit such practices. Other HRD interviewees, however, admitted that nepotism is widespread, and practiced by all political factions.

### ***History of Nepotism***

During the former administration, a high percentage of MOFA officials did not have the required professional and/or educational backgrounds. Sources further indicated to MEC that a number of senior officials regularly interfered with the recruitment process. Additionally, many Afghan diplomats hired for key diplomatic positions were only high-school graduates, while many others were unqualified under the merit-based hiring policy.<sup>3</sup>

<sup>2</sup> See Presidential Directive 92.

<sup>3</sup> According to several MOFA sources, nepotism exists not only in the recruitment process, but also in the salary-determination process, with well-connected staff members paid higher salaries outside of normal channels.



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In an interview with MEC, a Member of the Parliament's Anti-Corruption Caucus stated that one recent Minister of Foreign Affairs only hired people from his own party. When his replacement took over, he had no authority to fire unqualified people who were already in place, since they had been hired by the former Minister or by other high-ranking members of MOFA who were influenced by outside actors, including Members of Parliament (MPs). The MP from the Anti-Corruption Caucus and other sources confirmed to MEC that such practices continued up until the last days of the previous administration.

Other examples of hiring irregularities abound. One Minister brought to MOFA a former *Tolo* television journalist with scant qualifications for the position that he ultimately occupied. Similarly, the niece of a former Deputy Minister for Administration and the niece of a Minister's spokesperson were appointed to two important positions in MOFA for which they were not qualified. Finally, and perhaps most questionably, the current employment statistics for MOFA show that many employees are from the same province.

These individual examples are reinforced by the events of last summer, when MOFA administered an entrance examination for about 1,300 job applicants. According to HRD, 48 of these candidates passed the test, but almost none of them have been hired. Instead, 40 other individuals were hired during the last days of the former Minister's term, which itself indicates the persistence of favoritism in MOFA's hiring practices. Moreover, a recent investigation by MEC found that:

- at least 12 close relatives of current or former MPs are employed by MOFA;
- at least 4 siblings or offspring of former ministers are employed by MOFA; and
- at least 7 other relatives of current or former high-ranking officials are also employed by MOFA.

In addition, MEC found that 8 current MOFA officials—including an ambassador, a deputy minister, and at least 3 political secretaries—have close personal ties to the highest level of the former administration.

### ***Overseas Postings***

When diplomats return from overseas assignments, their diplomatic passports are supposed to be collected in the airport. But according to several interviewees, most of



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them do not return their passports, subsequently using them for personal travel. These are not isolated improprieties. Based on information collected by MEC, a large number of diplomatic passports have been illegally issued to unqualified individuals based on personal ties.

Favored diplomats also often receive choice postings thanks to their political ties—at the expense of their colleagues' career prospects. For instance, one MOFA employee served for seventeen years and reported that he only served abroad for just a single three-year term because he lacked the connections and relations to get better assignments. Conversely, other employees who complete their overseas tours of duty never return to Afghanistan, but continue to serve at various overseas posts for many years. These disparities make it clear that MOFA's internal procedures are vulnerable to abuse, with favored employees receiving preferential treatment on a regular basis.

### **Conclusion**

Nepotism affects the fair and efficient hiring and promotion of individuals on the basis of competency and merit. It also diminishes incentives for less-well-connected employees to pursue further education and training. This harms the Ministry's overall reputation, as unqualified employees often render ineffective service to the government and citizens of Afghanistan.

### **Recommendations**

To ameliorate these problems, MEC recommends the following legal and procedural changes.

Outcome		Recommendations		Baseline	
1.	Enhance transparency in MOFA's hiring processes and take appropriate measures to ensure that all MOFA employees meet certain	a.	The Parliament should amend the Law on Diplomatic and Consular Staff to require all MOFA diplomatic and consular staff (excluding support personnel), and all applicants for such positions, to possess at least a Master's Degree (or a Doctorate) in a relevant subject area,	i.	30 May 2015. Illegal hiring practices, such as nepotism, are ubiquitous at MOFA, and successful applicants often possess only a high-school or undergraduate degree.



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	clearly defined standards.		including, but not limited to, international affairs or political science.		
		b.	The IARCSC should clarify that MOFA is not exempt from the Civil Service Law and that its hiring procedures must follow those employed by other government ministries.	ii.	30 May 2015. Some MOFA officials involved in the hiring process maintain that a Presidential Decree entitles them to ignore the Civil Service Law.
		c.	The Supreme Audit Office—in conjunction with other agencies, if appropriate—should conduct an audit of all MOFA hiring decisions since 2005.	iii.	30 May 2015. Many serving MOFA officials were hired based on their familial ties to powerful individuals, and not because of their qualifications.
		d.	MOFA should institute a policy specifically prohibiting nepotistic hiring practices.	iv.	30 May 2015. No such policy exists, and nepotism is still practiced at MOFA.