

Recruitment Process of Grade (B)'s (First & Second BASTs) Civil Services Servants in Afghanistan's Legal System

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Abstract: According to Afghanistan's legal system, there are 8 steps positions. The first one is the highest and the eighth one is the lowest. The recruitment process and criteria of these positions are a little bit difference from each other. So, this article will explore the whole recruitment process of first & second BASTs on the base of Afghanistan's legal system. This process starts from determining of the vacancies and announcement of them until declares success candidates. It will discuss how legally or legitimately people can be recruited as a first & second BASTs civil servants. Moreover, it will also determine that what criteria are needed for a person to register himself or herself as a qualify person. No one can be able to be a civil servant unless he or she completes the whole legal recruitment process. The article is written based on library research method and uses reliable sources in the ground.

Keyword: BAST, Civil Service, Civil Servants, Grad B, Afghanistan, Legal system

1. Information

The civil service recruitment process is considered as one of the most important process in the administrative structure of each country. Since the creation of the new government in Afghanistan and 2001's Boon Agreement regarding Afghanistan, this country has its own Independent Civil Service Commission for the recruitment of civil servants. According to the organizational structure of Afghanistan, there are 8 steps positions (BASTs). The position number 8th is considered as the lowest and number 1st is considered as the highest one. Each of these steps has its own criteria and conditions, but there is still ambiguity among people regarding these positions. Doing an academic research in this field has considered very important. This is why I have selected this topic to determine the Grad B's (first & second BASTs) recruitment process in order to answer some of the important questions. For instance; the recruitment of these positions are on the base of selections by high authority officials or competitions? What are the criteria for Grad B's candidates? How recruitment process starts and how it will finish? Which institutions are responsible to conduct the written exam and interview for these positions? The readers will be able to find answers for all of these questions in the context of this research. Moreover for the better management of recruitment process the government of Afghanistan enacted many laws include constitution.

1.1 Key Concepts about civil service servant's

In this part I am going to have short discussion about the essential terminologies like; civil services, civil servants, BAST, and grad (B).

- 1) **Civil Services:** Civil services are those executive and administrative state's actives which are done by civil servants (Afghanistan Civil Servants' law, 2008). The Civil Services Law of Afghanistan (2005, P. 2) gave the same definition with a little incremental changes as follow "The Civil Service performs all the executive and

administrative activities of the Government based on the provisions of law".

- 2) **Civil Servant:** When a person is appointed by the government in order to perform executive and administrative responsibilities is called civil servant (Hashimi & Lauth, 2016). This person should be recruited on the base of the provisions of law. A person will not consider as a civil servant when he doesn't have the grad or rank (Afghanistan's Civil Services Law, 2005). In another definition we can say that civil servant is a person who becomes a permanent servant in public administration on the base of the provisions of law in order to provide public services (Shahab Usufzai, 2017).
- 3) **BAST (Position):** It is a part of an organization structure which a civil servant can do his or her own related job. According to article 6, civil services have 8 BASTs with 5 steps (Afghanistan's Civil Servants' Law, 2008). The 8th one is the lowest and the 1st one is the heights (Hashimi & Lauth, 2016).
- 4) **Grade B:** This grade includes first & second BASTs civil servants (Appointment Board Procedure- Collocation, 2018). The first BAST is well-known as General Director, and second BAST is well-known as Director.

Grad B's (first & second BASTs) recruitment process in Afghanistan

For more clarification of this process, I am going to divide it into two parts. In the first part, I will have discussion on the recruitment, its related rules and principles, and in the second part I will mention about the recruitment process in Afghanistan legal system.

1- Recruitment: Recruitment means assign an able person in an appropriate position. This function will be done through announcement in order to find and recruit qualify and expert person for specific duties (Mohammadi, 2015). Or recruitment means fill the vacancies in the office (Shahab Usufzai, 2017). Observing some of the principles during the recruitment process considers very necessary.

(1): General principles of recruitment:

- **Principle of ability:** According to article 50 of Afghanistan's Constitution, without any discrimination, the state shall recruit Afghan citizens' to do the public jobs on the base of ability. Moreover during this process observing of the provisions of law consider necessary (Afghanistan Constitution, 2004). Criteria of ability is difference from one position to another. Like those criteria which are necessary for Afghanistan's president are different from minister's (Mohammadi Tamki, 2011).
- **Principle of rule of law:** All of the recruitment process should be on the base of the law (Cardona, 0). So, rule of law will pave the way to recruit qualified, impartial and hard worker person for the public service (UNODC, 2012).
- **Principle of equality:** Creation of equal opportunity for every individual is considered very important principle during the recruitment process (Mohammadi, 2015). Article 50 of Afghanistan's Constitution also emphasized on nondiscrimination during the recruitment process for the public affairs (Afghanistan Constitution, 2004). Afghanistan Labor Law mentioned on its article 9 that, discrimination during the recruitment process is not acceptable (Afghanistan Labor Law, 2006). Moreover Universal Declaration of Human Rights also considered equal access to public services as a fundamental rights of human being (Mohammadi Tamki, 2011). Any types of discrimination (gender, ethnic, religion and disable) are not allowed during the recruitment process (Afghanistan Civil Servants' law, 2008). But there is one exception for the disable people which is mentioned is the article 12 of the Disables' Recruitment Procedure for the Civil Service Administration, disable person has the right to get 3 extra marks as a bonus than able person during the recruitment written exam or interview (Disables' Recruitment Procedure for the Civil Service Administration, 2019).
- **Principle of impartiality:** Civil servants should be impartial during their duties. They shouldn't observe any favoritism or nepotism during the recruitment process. The only things which they should observe is the provision of law (Mohammadi Tamki, 2011). Finally, this principle will persuade the people to do their jobs on the base of willingness (Mohammadi, 2015).
- **Principle of job security:** When a person successfully passed the recruitment process and became the civil servant, he or she should have job security. It means that there should not be anxiety to him or her regarding termination job or shift from one place to another. So, civil servant should do his or her job as a permanent base (Mohammadi Tamki, 2011).
- **Equality between salary and work:** When administration pays the salary on the base of work, it will increase believes of the civil servants on administration. Unfortunately in some cases this principle violates in Afghanistan. It means that some civil servants get more salary under the title of (Super Scale), but some of them for the same positions get more less salary (Mohammadi Tamki, 2011).

(2): General principles of recruitment under Afghanistan's Civil Servants Law:

According to article 7 of Afghanistan's Civil Servants Law, a person can be hired as a civil servant whom should have the following conditions:

- Candidate should have Afghanistan's citizenship.
- Should be 18 years old or more than that. A person less than 18 years will not recruit as a civil servant (Shahab Usufzai, 2017).
- Should have health certificate from the Ministry of Public Health's related administration.
- Should have educational certificate (Afghanistan Labor Law, 2006).
- Shall not have been convicted on the crime of felony by the final decision of the court (Afghanistan Civil Servants' law, 2008).

(3): Specific criteria for the grad B's (first & second BASTs):

- Should have at least bachelor educational certificate.
- Should have at least four year related experience for first BAST (general director), but at least three year experience for second BAST (director).
- Should have good reputation and intelligence (Afghanistan Civil Servants' law, 2008).
- Should have ability to design policy for administration.
- Should have leading and controlling abilities (Afghanistan's Regulation on formulation of civil service grades law, 2008).

Recruitment process:

The recruitment is consisted of the following process:

(1): Announcement: Announcement of the civil services vacancies are considered very important (Afghanistan's Civil Services Law, 2005). Therefore grade B's (first & second BASTs) vacancies are announced through the Afghanistan Civil Service Commission website, all other websites which are related to the electronic recruitment process, and during a necessity time it will be announced through other social Media and tools (Appointment Board Procedure- Collocation, 2018). Since early 2018, Afghanistan Civil Service Commission created a website in order to announce the vacancies (UNAMA, 2018). The announced vacancies should have a specific bill of duties. A copy of the announcement should be preserve in the Appointment Board and in related ministry's human resource directorate (Appointment Board Procedure- Collocation, 2018).

Contents of the announcement: The announcement should be on Pashto & Dari languages, and it has the following points:

- 1) The title and location of the BAST with more exact information about the ministry, administration and related directorate.
- 2) Briefly information about the bill of duties with its goal, authorities and responsibilities, the fundamental duties of the BAST, and degree of education and experience which is important for it.
- 3) Skills and other necessary conditions according to the bill of duties.

- 4) Mention about the office which is responsible for circulating of the job's forms, the way that how people can receive this form and its address.
- 5) The place of announcement.
- 6) Starting & ending dates for registration (Appointment Board Procedure- Collocation, 2018).

Time for announcement:

- a) The announcement for the grad B's (first & second BASTs) will be 10 working days.
- b) If at least two qualify person didn't register themselves until the end of the announcement, or if one of the two candidates didn't participate in the exam, or if none of them success in the exam, the BAST will renounce for the second time.
- c) The second time announcement will be for 7 working days.
- d) If no one is determined after the second announcement, the related administration with the cooperation of the commission are obliged to bring some changes in the criteria and recruitments' conditions of the BAST on the base of the necessity of the society, and announce the BAST for 10 working days (Appointment Board Procedure- Collocation, 2018).

(2) Circulation and receiving of the forms for jobs:

Circulation of the forms according to the essence of the BAST and recruitment conditions may on the formation of the hard copy, online or either of them. The hard copy of the forms will be circulated through the Appointment Board or relevant offices after the written permission on the base of impartiality and transparency. If the online filling form is necessary or considers as condition for the BAST, so the candidates should fill it online (Appointment Board Procedure- Collocation, 2018).

(3): Submission of the form and the candidates' responsibilities:

The candidates are responsible to fill the forms on the base of guidance very carefully and completely. The candidates should also attach all of the documents which consider necessary. If the registration for the BAST is required on the formation of both hard copy and online, the online registration form will be saved automatically on the electronic recruitment system, and the hard copy should be submitted to the Appointment Board. The responsible civil servant will save the hard copy of the form on the electronic recruitment system, and if it is necessary he will share all of information with the candidates. After the last date of announcement no one will be able to fill the form both online and hard copy. The completion form will protect on the save place. No one has the right to access to these documents expect the responsible person. At the end, it is very necessary that the information which candidates include in the form should be authentic, otherwise he will withdraw from the competition (Appointment Board Procedure- Collocation, 2018).

(4): Educational documents: Educational documents consider as a very important criteria for a civil service candidate (Mohammadi, 2015). Therefore the grad B's (first & second BASTs) candidates are obliged to prepare their necessary educational documents after the ratification of the responsible offices, and submit them on time to the

commission. Having higher education according to the conditions of duties bill are considered very necessary for grad B's candidates. If a person doesn't able to prepare the exact educational documents, he will withdraw from the competition (Appointment Board Procedure- Collocation, 2018).

(5): Work experience: Work experience is something which a person can get it during the job (Mohammadi, 2015). The Curriculum Vita which has been approved by the first unit of ministries and administrations will be accepted as work experience. The Curriculum Vita should be approved by the related administration six months before the announcement, otherwise it will not have validity. If a candidate has experience of NGOs or private organizations, he or she is responsible to present those documents which are approved by the Ministry of Economics, or other related offices. Moreover, copy of the contract and tax payment bill are also necessary. The international NGOs work experience is acceptable for a person when he has the approval documents by the human resource office and copy of the contract from that NGO. If a person has experience from abroad the country, it will be accepted after the approval of Afghanistan embassy in that country and Ministry of Foreign Affairs. Finally, when a person doesn't able to provide the exact educational documents, or if there is any flaw in his or her educational documents, he or she will withdraw from the competition (Appointment Board Procedure- Collocation, 2018).

(6): Consider educational documents & work experience of the candidates:

Educational documents, work experience and other documents which are related to the grad B (first & second BASTs) will be examined by expert documents examiners, and its result regarding the authentic or flaw will be stacked on the cover of each candidate as notes (Appointment Board Procedure- Collocation, 2018).

(7): Shortlist: Those candidates whom have completed all the requirements of the bill of duties, and their documents passed as successfully from the documents examiners will be considered as qualify candidates for the next phase which is known as shortlist (Appointment Board Procedure- Collocation, 2018). The shortlist will be done by a committee which is created by the Appointment Board (Afghanistan's Civil Services Law, 2005). One of the commissioner will be on the top of the committee in order to lead and monitor from the process. Other members of the committee will be as follow; deputy minister or human resource directorate of related administration, and specialist of the Appointment Board as members (Appointment Board Procedure- Collocation, 2018).

(8): Process of the shortlist: Before to start work on the shortlist committee, specialists of the Appointment Board will consider and prepare all of the files of the candidates and make sure that these files have the following things: (1) copy of the announcement and bill of duties, (2) the chart of the candidates, (3) files of the all candidates, (4) shortlist chart of the candidates, and (5) form of conflict of interest. The shortlist committee will complete the shortlist process on the base of the documents, bill of duties and laws.

Appointment Board's specialists will inform all of those successful and rejected candidates within two working days through email or in necessary situation through mobile, and one copy of the email will remain on the related file. The reasons of rejection from short list should writ on the form of each candidate. Whenever they want, the administration can share it with them (Appointment Board Procedure-Collocation, 2018).

(9): The fundamental of the written exam and interview:

The exam of grade B's (first & second BASTs) includes both written exam and interview, in order to determine a better qualify candidates among others. Exam questions on the base of bill of duties will be selected on the day of the exam from the bank of questions or another believable source. The selection committee will make the answer key on the same session of question making in order to score the questions paper. According to the necessitation of the job, approximately two long questions among others will be by foreign language. If one or more than that candidates are not able to participate in the written exam, committee will take the exam from the present candidates. If some of the member of the committee are not able to participate on time in the exam, other members will take the exam. Before to start the exam all of the candidates will deadlock, and every member of the committee will fill and sign the conflict of interest's form in order to verify that there is no conflict and interest between candidates and members of the committee. The exam papers will be signed by the members of the committee, and the final result will verify by commissioner of the Appointment Board. All of the candidates will inform through emails, and mobile contacts at least three days before the conduction of the exam. Giving exact information about the date, time and place of exam is very important during the contact (Appointment Board Procedure-Collocation, 2018).

(10): Composition of the written exam & interview: The members of the written and interview committee are follow; 1) commissioner of the Appointment Board as a chief of the committee, 2) deputy minister and human resource directorate of the related administration as members, 3) specialist of the Appointments Board as a member, 4) as necessary or especially if the BAST is technical, so an expert on that field as a member, 5) as necessary the representative of the gender committee as a member, 6) as necessary the representative of the academic filed or civil society (Appointment Board Procedure- Collocation, 2018).

(11): Process of the written exam: The questions will be selected among other questions automatically by computer (Civil Services Activity Report, 2018). The written exam questions can be multiple choice, explanatory or both of them. If all questions are multiple choice questions, 100 questions will be selected, and each question will have half score which totally become 50 score. If questions are explanatory, five questions will be selected among others, and each question will have 10 score which totally becomes 50 score. In this case 20% of the questions should be related to the management. If question are hybrid of both of them, 60 questions will be selected for the written exam, and at least it should have 2 explanatory questions. The written exam score will be counted during the interview. The written

exam time will be 60 minutes for each candidates. Five top candidates whom got more than 50% of the score will be invited to the interview. Even one candidate has got more than 50% of the score will be interviewed by the committee. Originally the written exam will conduct electronically and the papers of the exam will be scored by the system. If the exam conducts simply without electronic system, the cutting system will apply on, and the recruitment committee will evaluate and score them. The result of the written exam will announce to the passed and rejected candidates in one working day (Appointment Board Procedure- Collocation, 2018).

(12): Process of the interview (oral exam): Interview includes five questions which should be related to the bill of duties and necessities of the BAST. The total score of the interview is 50 marks. Minimum time for each candidate during the interview will be 45 minutes. The marks will be given independently by every member of the committee. All of the interview from starting point up to end will record in the form of audio and video, and secretary is responsible to record all of the statements of the candidates during the interview on its specific form. Specialists will circulate the following documents to the members of the committee an hour before to start the interview; 1) the attendance sheet and eligible candidates' files, 2) shortlist of the candidates, 3) documents and results of the written exam, 4) form of the conflict interest (Appointment Board Procedure-Collocation, 2018).

(13): Final evaluation: When the examination finished, immediately the examination committee will consider the result of the examination according to the answer key. When exam doesn't finish until the official time of the day, in the beginning of the next working day this committee will do its work. When two candidates got the equal marks during the two (written & interview) exams, committee will make its decision of the base of educational level, experience and skills of the candidates. If experience and educational levels are equal, in this case female will have priority than male. After the final evaluation, the result will sent through email or mobile call to all candidates during the one working day (Appointment Board Procedure- Collocation, 2018). But the winner person will start his or her work when president signs his/her official letter in order to join the office (Afghanistan Civil Servants' law, 2008).

(14): Final evaluation: After the recruitment process, the file of the winner will save in the Appointment Board for five years.

(15): Compliance of the loser candidates: There is a specific Compliance Board in order to collect the compliance of the loser candidates. This board has three members. Among these members one of them will become a chief for one year (Afghanistan's Civil Services Law, 2005). If the grad B's (first & second BASTs) candidates have compliance on the process of shortlist, written exam or interview, they can write claim to the Compliance Board. The Compliance Board will consider all of the claims and will inform the candidates as soon as possible (Appointment Board Procedure- Collocation, 2018).

2. Conclusion

Civil servants which are also well-known as governmental staff has a long recruitment process. This process starts from the determining of the vacancies and announcement through internet website and other media utile interview and email for the successful candidates. According to this research there are 8 types of positions (BASTs) in Afghanistan's administrative system. The number first is the highest and the eighth is the lowest one. This research covered just the first and second positions (BASTs). These two positions consider as very important among others. Its recruitment and criteria are also difference from remaining positions. In the recruitment process their positions should be announced through specific website, and other social media. Each of the candidate should fill online and hard copy's form for registration. Moreover, they should have at least bachelor degree, and work experience in the related filed. There are two types of written and interview exams for in this process for 100 marks. Each of the candidate should get more than 50% marks in the written exams to be considered as a winner of the written exam. Among all candidates only 5 of them with top numbers will be allowed to participate in the interview. The average of marks will be taken from both written exam and interview. The high average exam candidate will consider as a success. Finally, when president sign his official letter, he or she can start job as a civil servant.

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