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PARLIAMENTARY BULLETIN

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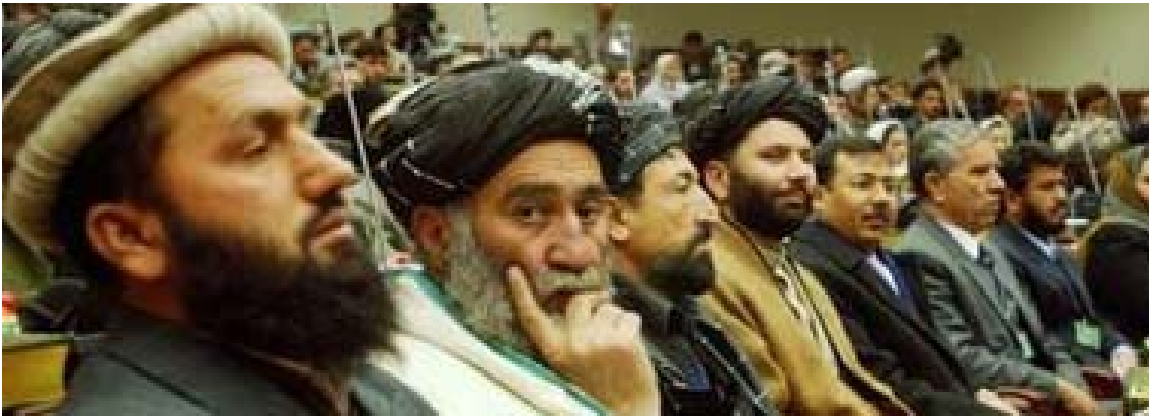
REVIEW

On 19 December 2005 the Afghan Parliament came together for the first time in three decades. The inaugural gathering began with a reading from the Koran and was followed by a brief speech by the ageing former King *Zahir Shah*, who was ousted in a coup in 1973. "I thank God that today I am participating in a ceremony that is a step towards rebuilding Afghanistan after decades of fighting. The people of Afghanistan will succeed!" the 91-year-old *Zahir Shah* told the assembly to applause. The parliamentary and provincial council elections were held on 18 September 2005. Afterwards, the first results were declared on 9 October. Final results were delayed by accusations of fraud, and were announced on 12 November. Former warlords and their followers gained the majority of seats in both the Lower House and provincial councils. Women won around 28% of the seats in the Lower House, six more than the 25% guaranteed in the Afghan Constitution which was launched in 2004. Approximately twelve million voters were eligible to vote for the 249 seats of the *Wolesi Jirga*, the Lower House of Parliament, and the 34 provincial councils.

INAUGURATION 2007

The second year of the Afghan Parliament was inaugurated by President *Hamid Karzai* on 22 January 2007 after returning from the winter break. Vice Presidents, cabinet ministers, Jihadi leaders and foreign diplomats attended the opening ceremony of the second legislative year of the elected Afghan Parliament. President *Karzai* delivered the main speech of the opening ceremony and said that during the first year of the Parliament all members worked with responsibility for their God and the people of Afghanistan. He mentioned that consulting government officials 321 times about relevant issues, as well as giving them healthy advice for improving their performance, were good examples of their work. The Afghan President added that they also managed to approve seven laws and deliberate over the texts of 32 other laws. During his speech President

Karzai emphasized the continuing fight against terrorism, tackling administrative corruption, and drug trafficking, stating that there was a direct link between the three struggles. Moreover, President *Karzai* said that all the three powers [legislature, executive and judiciary] of the Afghan government were faced with monumental tasks in the coming year. Therefore, there is a need for mobilizing all national and international means to end foreign interference, undertake a decisive campaign against narcotics, as well as strengthening government offices and the rule of law. The President also mentioned developments in the economic, education, health and human rights areas, as well as thanking the international community for its honesty, sacrifices and continued support. On the honesty and support of the international community, President *Karzai* said the *London Conference* and the participation of more than 70 countries in that conference was an overwhelming indication that the international community was and still is committed to the Islamic Republic of Afghanistan. *Mohammad Yonus Qanooni*,



Speaker of the *Wolesi Jirga* (Lower House), said that during the first year the Lower House had managed to form its 18 permanent commissions, approve its internal working procedure as well as seven minor laws. *Qanooni* also said that the day to day work of the Afghan Parliament evolved around the issues of poverty, low wages of government employees, security problems, terrorism, drought, and the issue of housing for refugees and returnees, as well as tens of other issues burdening the Afghan society, economy and politics. *Qanooni*, while emphasizing the strengthening of relations and coordination between the three powers of the government, stated that the overseeing of these bodies by the Parliament was intended to bring about transparency and not suspicion. He asked for a Code of Conduct for the employees of the three powers of the government. *Hamid Gailani*, Deputy Chair of *Meshrano Jirga* (Upper House), presented the working report of the first year of the Upper House and considered the second legislative year as very significant. *Gailani* described the first year as a learning experience. After the inauguration, both the Lower House and Upper House Heads of Commissions met under the Chair of their respected Speakers and Deputy Speakers to work on the timetables and agendas for the second legislative year.

REPORT ON ISSUES DISCUSSED IN JANUARY 2007

After this second inauguration ceremony, there is a feeling amongst analysts that the Parliament is coming on board with the government on some of the issues related to the security of the country. The first issue that was discussed by Lower House MPs after the inauguration was the issue of national reconciliation. Most recently President *Karzai* asked opposition forces fighting against the government to join the peace process on

Monday 29 January, during his speech to the *Shia* community on the day of *Ashura*. Lower House MPs also voted for the creation of a Reconciliation Commission to work on the reconciliation issue. *Qanooni*, Speaker of the Lower House, said that the establishment of this commission was needed for removing the widespread ethnic and linguistic differences which are considered to be the legacy of the war era. Former Jihadi leader and MP from Kabul, *Abdul Rassul Sayyaf*, urged the need for reconciliation with those who are fighting against the government. Some MPs criticised the latest Human Rights Watch (HRW) report, which is asking for the prosecution of some former Jihadi leaders allegedly involved in human rights violations. One MP argued why the HRW did not name the Americans in its report for their war crimes in Iraq. Lower House MPs discussed the assassination of *Maulawi Mohammad Islam Mohammadi*, MP from Samangan province, who was assassinated by armed gunmen on 26 January in the Kabul suburb of Karta-e-Parwan. *Maulawi Mohammadi* was the governor of Bamyan province when the Taliban destroyed the two giant Buddha statues there. Following the death of MP *Mohammadi*, two days later the son in-law of the former President of Afghanistan, *Burhanuddin Rabbani*, was shot by unidentified men in his apartment. Rabbani is now a Lower House MP from Badakhshan province. MPs have been asking the government for some time to either provide their security or give them an allowance with which they can hire security guards. The majority of MPs are concerned about their personal security. MPs already receive an allowance for hiring one security guard. Since the inauguration of the Parliament altogether three MPs have been assassinated. The issue of the personal security of MPS was the most discussed issue on the parliamentary agenda of the 26 January. MPs accused the government of neglecting their security and said that the government only shows interest in the Parliament when it needs to get the approval of the Parliament for a minister.

Shakiba Hashimi, MP from Loghar province, accused the government of not paying any attention to the security of the MPs. She lost her young daughter during an attempt on her life a few months ago. She still does not know the motive behind the attack or the identity of the people who killed her daughter. Following the discussions in the Lower House on the issue of security for the MPs, President *Karzai* issued a decree on 30th January. According to the decree the Ministry of Interior, the National Directorate of Security, the relevant commissions of both houses of the Parliament, and the Head of Parliament Security are given the duty to review the security of the members of the Parliament comprehensively once again, and to present their joint and coordinated proposals to the office of the President as soon as possible. Later on, Lower House Speaker, *Qanooni*, announced that in future every MP would have four personal security guards. Each security guard would get a salary similar to an Afghan National Army soldier. A number of MPs criticized the allowance for 4 security guards and said that this was a drain on the budget of Afghanistan.

The Reconciliation Commission that was formed soon after the inauguration presented a so called "*Manshur*" - a charter. The document is titled "**National Reconciliation and Co-existence**" and was forwarded to the general session of the Lower House for approval on 31 January 2007. On the basis of this bill/charter, all those who had taken part in the *Jihad* and *Muqaumat* (resistance) should be treated with respect within the framework of the Islamic Government of Afghanistan and should be immune from any kind of attack/allegation/accusation. The decision to approve the bill/charter was passed on the 12 February in the Lower House, *Wolesi Jirga*. In accordance with the Afghan Constitution the bill/charter has to also be approved by the Upper House, *Meshrano Jirga*, after which it will go for signing to the President.

The bill states the following:

- The mining and placing of barbed wire along the border of the Durand line is not a suitable means of preventing cross border infiltration;
- All sides involved in the internal fighting of the past two and half decades in Afghanistan should be immune from any kind of judicial prosecution for the purpose of national reconciliation between the various ethnic groups in Afghanistan;
- The bill criticizes the latest report of Human Rights Watch on the human rights violations of Jihadi leaders and considers the report to lack validity;
- The bill proposes the establishment of an Extraordinary Commission in the Lower House to pave the way for ending violence and lack of trust between the government and various opposition groups;
- The bill calls on the media to work for strengthening peace and reconciliation.

A number of MPs spoke against the bill, stating that war crimes and human rights violations can only be forgiven by the people of Afghanistan. Several lawmakers said President *Hamid Karzai*, who has led Afghanistan since the Taliban was ousted in 2001, knew of the assembly's move in advance. "In a way, this provides immunity for all," *Shukria Barakzai*, a leading woman activist MP, told Reuters. The female MP, who is quite popular and stands for a modern democratic Afghanistan, also stated that "this is not a law; this is about more power for the Mujahideen. Millions of Afghans will be unhappy." She was among a small group of delegates who left the session in protest. MP *Hajji Mohammad Mohaqiq*, who is the spokesman of the Reconciliation Commission, said that on the basis of the reconciliation bill/charter, a psychological guarantee is needed for all the various political factions in Afghanistan. Moreover, *Mohaqiq*, who is a former Mujahideen leader, and who was among the key legislators behind the amnesty, said it was in line with *Karzai's* efforts to push national reconciliation. He also believed the immunity would cover *Mullah Omar* and *Hekmatyar*.

CONCLUSION

Human rights groups have strongly pressed the Afghan government to punish those allegedly guilty of human rights violations, including some members of the Parliament and senior government officials, saying justice was vital for peace. "Afghans will see this as a sign that their Parliament is more concerned with protecting its own members than the people," said *Sam Zarifi* of Human Rights Watch. His organisation had asked in December 2006 for the setting up of a special court to deal with crimes committed during the time of the Soviet invasion (1979-1992), the Afghan civil war (1992-1996), and the Taleban era (1996-2001). In the years between 1992 and 2001 more than 60,000 civilians were killed. Bearing in mind the result of a 2005 survey of the Afghan Independent Human Rights Commission (AIHRC) which found that more than 60% of the interviewees were against an amnesty the bill/charter for National Reconciliation and Co-existence seems to be a political pre-emptive strike steered by former Mujahideen commanders and leaders. The United Nations in Kabul objected immediately. "For any process of national reconciliation to succeed, the suffering of victims must be acknowledged and impunity tackled," a spokesperson said in a statement. "No one has the right to forgive those responsible for human rights violations other than the victims

themselves.” The *Wolesi Jirga*, elected in late 2005, includes former senior communist officials, ex-Mujahideen leaders who fought the Soviets, and some former Taleban. Dozens of these current members of Parliament are currently being accused of human rights abuses. Both critics and supporters of the bill/charter say it covers Fugitive Taliban leader *Mullah Mohammad Omar* and former Prime Minister *Gulbuddin Hekmatyar* – who now heads his own militant group.

The National Reconciliation and Co-existence bill that was approved by the *Wolesi Jirga* (Lower House) earlier this month has also been approved by the *Meshrano Jirga* (Upper House) on 20th of February 2007. After changing the second article a little and adding that "the right of a person to seek justice is protected" the bill was approved. Probably, this will raise the national and international pressure on Hamid Karzai because the bill will go for signing to the President now.

Kabul, 20th of February 2007

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PARLIAMENTARY BULLETIN

The Bulletin covers on a monthly base issues discussed in the Afghan Parliament. Additionally, chosen Members of Parliament make a contribution to the bulletin on issues discussed in the previous month. MP Dr. Kabir Ranjbar (Democratic Party of Afghanistan) will write the first guest article in February. The bulletin will be published both in English and Dari or Pashto.

Abdul Samad Khan

Born in Kabul in 1961 Abdul Samad Khan graduated from the Afghanistan Military Academy. After the end of the Taliban regime he started to work with foreign media organizations like BBC, *Süddeutsche Zeitung* and *Neue Zürcher Zeitung*. In 2003 he worked with the EU Commission as a media analyst then he served as a political officer at the Canadian Embassy for three years. Since 2006 he is in charge for the Konrad-Adenauer-Foundation's Parliamentary Program. He is fluent in English, Pashto and Dari.

Dr. Babak Khalatbari

Born in 1975 in Witten, Germany, he started his studies on the Middle East after his military service. He was a scholar of the Konrad-Adenauer-Foundation and has studied at the University of Muenster, University of Cologne and Kuwait University. Since 2005 he heads the Kabul Office of the Konrad-Adenauer-Foundation. He speaks German, English, Arabic and some Dari.