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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 seats 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.

## EXECUTIVE SUMMARY OF JANUARY 2007

The Reconciliation Commission that was formed soon after the inauguration in January 2007 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



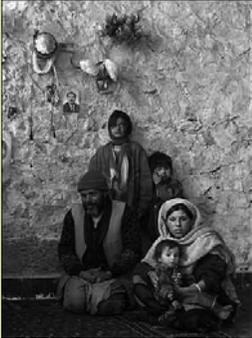
12<sup>th</sup> February in the Lower House, *Wolesi Jirga*. Later on, the National Reconciliation and Co-existence bill has also been approved by the *Meshrano Jirga* (Upper House) on 20<sup>th</sup> of February 2007. After changing the second article a little and adding that "the right of a person to seek justice is protected" the bill was approved. Probably, this could raise the national and international pressure on *Hamid Karzai* because the bill will go for signing to the President now. 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. Some human rights group 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 *Taliban 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.

## FEBRUARY 2007

Early in February, the *Wolesi Jirga* (WJ) MPs were kept busy electing their executives, the two Deputy Speakers and the two secretaries. *Mohammad Arif Noorzai*, MP from Kandahar and former Deputy Speaker was elected again to this

post. *Fauzia Kofi*, MP from Badakhshan and former Second Deputy Speaker was not able to retain her previous post. *Saleh Mohammad Saljoqui*, MP from Herat retained his post of the Second Secretary, while *Abdul Rahman Oghuli*, MP from Faryab could not retain his previous post of the First Secretary. *Abdul Satar Khawasi*, MP from Parwan was elected as the new First Secretary. It is worth mentioning that the Speaker of the WJ is elected for the entire legislative term.

On the 5<sup>th</sup> of February, a newly formed Parliamentary group in the WJ called the Third-Line, held a press conference to announce its existence, and on the same day the group said that it opposed the newly approved draft **reconciliation bill**. This group is made up of around 20 MPs. The group is headed by *Shukria Barakzai*, MP from Kabul. The group said that when the draft reconciliation bill was hastily presented to the Parliament, many MPs were not given the opportunity to express their opinions on the contents of the bill. A week after the approval of the draft reconciliation bill by majority MPs of the WJ, Presidential Spokesman, *Karim Rahimi* said that upon receiving the draft bill, President *Karzai* handed the bill to a group of lawyers for evaluation on the basis of the constitution of Afghanistan. *Rahimi* added that prior to the approval of the bill; no dialogue had taken place between the President and the WJ MPs. He went on to say that no one, not even the President has the right to pardon war-crimes. Anyhow, if the bill is signed by President *Hamid Karzai*, it will become a binding law according to the constitution of Afghanistan. On the 6<sup>th</sup> of February, media reported



night armed gunmen tried to break in-to the house of *Shakilla Hashami*, WJ MP from Logar province. Her house is located in the newly established suburb of Shirpor. *Shakilla Hashami* said this was the second time that gunmen have tried to break in-to her house since her daughter was killed a few months ago. Incidents like these were reported intensively in our Parliamentary Bulletin 1/2007.

After 6 rounds of voting, the post of the Second Deputy Speaker is still vacant. WJ MPs failed to elect the second Deputy Speaker. MPs decided that the election of the Second Deputy Speaker would be decided at a later date for the reasons that there was a need for reviewing internal working procedure articles relevant to election in the WJ itself. Currently, a figure of 50% + 1 vote of the majority MPs in the house is needed to win. Some MPs accused some groups in the WJ for trying to sabotage the work of the WJ by repeatedly placing blank votes in the box because they did not have a candidate. Placing blank votes meant that neither candidate could get the 50 % +1 votes (majority). The issue of the MPs security kept coming to the surface, *Shakilla Hashami*, WJ MP from Logar province appeared on a private television channel and accused local police officials for neglecting their duties. She said that when her daughter was killed a few months ago, she tried to contact local police several times but they did not answer her calls. She added that the head of the local police (10<sup>th</sup> zone) came to her house two weeks after her daughter was killed. Following MP *Hashami's* interview, the WJ's Interior Affairs Commission, called in the Kabul Police Chief, for questioning. The Kabul Police Chief, Mr. *Daulatzay* said that

there was not much he can do to reign in police in Kabul. He said many Kabul police belonged to certain groups, and an individual police was acting as he wanted and not necessarily following the orders of his commanders.

On the 11<sup>th</sup> of February, the government reported that the budget for the year of 1386 (2007/2008) has been prepared and sent to the WJ for approval. The next issue that was discussed in the WJ was the issue of the WJ 18 permanent commissions. On the 19<sup>th</sup> of February, it was decided that the 18 permanent commissions will remain as they are despite a large number of MPs wanting some of the commissions to merge, for the reason that some commissions performed similar duties. On the 20<sup>th</sup> of February, the WJ issued a statement condemning the latest remarks made by the Governor of the North Western Frontier Province of Pakistan, *Ali Mohammad Jan Orakzay*. The Governor said that the *Taliban* insurgency was now becoming a national liberation struggle. The WJ in its statement said that the interference of Pakistani officials in the affairs of Afghanistan was the cause of insecurity in this country.

On the 23<sup>rd</sup> of February, about 15,000 former *Mujahideen* gathered in the Kabul Stadium to express their support for the reconciliation bill. Media reported that prior to the gathering, a spokesman for the gathering said that the *Mujahideen* are able to mobilize 100s of thousands of people. However, after the gathering, media reported that it was a disappointing gathering for those who claimed otherwise. Vice President, *Mohammad Karim Khalili*, Lower House Speaker, *Mohammad Younus Qanooni*, former *Jihadi* Leaders, commanders and a number of MPs took part in the gathering. A day after the gathering, President *Karzai* said, "I am waiting to receive the reconciliation



bill officially. I will then study it and consult with experts. About signing or rejecting, all this will be done in accordance with the provisions of the constitution of Afghanistan and the *Sharia*." Media reported that the President is under pressure from both the *Mujahideen* and the international community. *Mujahideen* want him to sign under the original text of the bill; however, the President has also made a commitment that he will implement law and justice in accordance with the *Bonn* and *London* agreements.

During the last week of the month of February the government budget was discussed in the WJ. On the 26<sup>th</sup> of February the Minister of Finance, *Anwarul Haq Ahadi* was there to answer MPs questions. These are some of the questions that MPs asked:

1. The reason that Ministries were not able to spend their development budget last year, and when would Ministries be able to raise their capacity to use their development budget?
2. ANDS (Afghan National Development Strategy) and the Afghanistan compact are running behind time and indicators. One MP said that the ANDS has marginalized the Ministry of Finance.
3. The amount of money that Afghanistan has borrowed from foreign banks and the issue of interest rate and the constitution of Afghanistan, as well as can the Minister let MPs know about the amount of interest that Afghanistan pays on foreign loans?
4. 466.000 employees work in the composition of the government, has this number been actually checked, to find out if this number is correct or not?

5. When will the process of Public Government Reform end, and is this program itself becoming a corrupt process?

6. Some provinces still don't register their customs revenues. Smaller provinces have registered more customs revenues than those who have borders with neighbouring countries and some of these provinces.

7. The month of February ended with the issue of the budget and security issues.

## CONCLUSION

In the month of February, the MPs of the *Wolesi Jirga* wanted to discuss the government budget for the year 1386 (2007/8). However, the issue of insecurity in the country, MPs personal security and the controversial reconciliation bill kept coming to the surface. Former *Mujahideen* tried to give the reconciliation bill support and conducted a demonstration to put pressure on President *Karzai* by a relatively disappointing turnout of about 15,000 former *Mujahideen* in the Kabul Stadium. President *Karzai* has said that he will consult some experts before signing the bill. *Mujahideen* leaders were expecting a much larger turnout than this. WJ MP *Shakila Hashami* appeared on a private television channel to discuss her own personal security concerns after her daughter was killed a few months ago, and to inform the public not only about her own personal security concerns but to let the public know about the need for reform in the Afghan National Police (ANP) force, not only in the higher posts but the need to reform the policemen who are in daily contact with ordinary Afghans. The month of February was also witness

Dr. Kabir Ranjbar was born in 1943 in Kabul. In the Afghan Parliamentary elections of 2005, He was elected to the Wolesi Jirga from the province of Kabul. Dr. Ranjbar is the Head of the Central Auditing and Monitoring of the Law Commission of the Wolesi Jirga. He was a member of the Afghan Parliamentary delegation at the London Conference on Afghanistan in January 2006. In 1990 he was elected as the President of the Afghanistan Academy of Sciences and continued in this post for 2 years during the mujahideen government. In 2002 he was elected as the President of the Afghan Lawyers Union.



**“The destiny of this bill will determine the political status of the President, as well as providing an answer to where does the President stand: is he on the side of the democrats and the people of Afghanistan or is he on the side of the warlords?”**

to the announcement of a newly formed Parliamentary Group called *“khat-e-seowom”* (Third-Line). This group is made up of moderate to pro democracy MPs.

The budget is still in the WJ - MPs say that they will only approve the budget if the salaries of the public employees are raised. The Ministry of Finance has proposed a raise of US-\$ 4 in the monthly salaries of the government of Afghanistan in the proposed budget for the year 1386 (2007/8).

## GUEST CONTRIBUTION

Written by *Dr. Kabir Ranjbar*, MP of Wolesi Jirga

The Wolesi Jirga in three hours hastily approved a bill consisting of 11 articles that was full of contradictions. This bill was also approved by the Meshrano Jirga and if signed by the President it will become a binding law. However, this bill does not look like a law and its approval in the Wolesi Jirga was in contradiction with the constitution of Afghanistan. The bill repeatedly stresses on the reconciliation issue, and there is total consensus on this issue between all political forces and the President of Afghanistan, *Hamid Karzai*. Article 8 of the bill says that the Wolesi Jirga of Afghanistan invites all those armed groups opposed to the government of the Islamic Republic of Afghanistan, to join the strengthening of peace and national reconciliation process of Afghanistan. I believe that conducting a dialogue with all the opposition groups and their participation in the political process in the frame of the constitution and other laws of Afghanistan, is one way to solve the problems of Af-

ghanistan and to ensure peace and stability in the country. However, behind the anti war slogans and proposals of national reconciliation between opposition political forces of Afghanistan, there is also an objective that gives immunity from judicial prosecution to all war criminals and human rights violators of the past three decades history of Afghanistan. The approval of such a bill will not lead to peace and stability but will further widen the gap and add to the discontent of the millions of Afghans, who had suffered in the past three decades. While no organization including the Parliament of Afghanistan has the right to forgive the right of the people, this bill is also in clear contradiction with the constitution and international agreements of our country. Item 7 of article 97 of the constitution stipulates, if a bill is presented by 10 members of both houses, and if approved by one fifth of the members of the house, the bill is then included in the agenda of the house. This bill is in contradiction with this article of the constitution. This bill was presented by a commission of 9 members, no body knows who selected this commission and this bill was unexpectedly presented to the general session. Wolesi Jirga members were not aware of this bill and despite objections by some MPs, the bill was hastily approved by the majority of MPs. I and a number of other MPs objected and left the house. The first and second article of this bill gives immunity to all *Mujahideen* and persons who have been involved in the fighting of the past three decades in Afghanistan. Since the April coup of 1978 to-date a number of people in the governments of various regimes committed war crimes and human rights violations. Giving them immunity from judicial prosecution is in contradiction with article 22 of the constitution of Afghanistan, which says: "any kind of discrimination and privileges between



the citizens of this country is prohibited." Therefore, providing immunity for a number of citizens of Afghanistan and ignoring war crimes committed against people and demanding for immunity is in contradiction with the mentioned article of the constitution. The President before taking over his duties, made an oath in accordance with a special procedure, in that oath he committed himself to support the constitution, and he can not sign this bill. His Excellency, *Hamid Karzai* without changing the text of this bill, can send the bill back to the Wolesi Jirga in accordance with article 97 of the constitution, which explains the procedure for the approval of the bill. If this bill is signed by the President, the fundamental nature of this government comes under question, and that will lead to the people further distancing themselves from the government. The destiny of this bill will determine the political status of the President, as well as providing an answer to where does the President stand: is he on the side of the democrats and the people of Afghanistan or is he on the side of the warlords?

(03/06/2007, Dr. Kabir Ranjbar)



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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 of the Konrad-Adenauer-Foundation's Parliamentary Program. He is fluent in English, Pashto and Dari.

### **Dr. Babak Khalatbari**

Born in 1975 in Germany, he started his studies on the Middle East after his military service. He was a scholar of the Konrad-Adenauer-Foundation and 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.