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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 MARCH 2007

Lower House MPs at least in the Parliament tried to raise their voice on the continuing loss of the Afghan civilian lives, which is becoming a concern to the government as well as the Afghan public and the end result

could be loss of reputation and lack of the Afghan public confidence in NATO and coalition forces. The Lower House internal rule of procedure is still not approved almost a year and half after the

inauguration of the Parliament. On legal and technical issues, there are a handful of MPs who make a contribution to the discussion. The announcement of the National United Front made news inside and



outside the Lower House and it continues to make news. Even if it makes a difference or not, Afghans are increasingly taking their complaints to the Parliament, as it was witnessed during the month of April, when the workers union took a big number of its members to demonstrate on the road in front of the Afghan Parliament. The draft media law is still in the Lower House for approval and to-date the Lower House approved the status of the national radio and television station, it will not longer be controlled by the Ministry of Information and Culture.

APRIL 2007

In early April, media reported the establishment of a new Parliamentary Group. This new group is called "Afghanistan". The Leader of this group is the former Deputy Minister of Counter Narcotics and MP from Nangarhar province *Mirwais Yasseni*. This Parliamentary Group has 41 members, *Mohammad Hussain Fahimi* MP from Saripol province is the Deputy and *Homaira Akakhil*, MP from Balkh province is the Secretary of this group.

The government budget that was rejected by the Lower House earlier was again presented by the Ministry of Finance to the relevant commission of the Lower House (Finance and Budget Commission). When the budget was rejected by the Lower House, the main proposal from members of the Lower House were on increasing the monthly salaries of the government employees, which the Ministry of Finance says that it is unable to do because the donors do

not agree to increase in the government's ordinary budget. On the 9th of March, Lower House MPs discussed the assassination of *Ajmal Naqshbandi*. He was executed by the Taliban on the 8th of March in the province of Helmand. The Taliban kidnapped *Ajmal* when he was in Helmand assisting *Daniele Mastrogiacom* who is a correspondent of the Italian newspaper *La-Repubblica*. The Italian journalist who was taken as hostage was released in exchange for some Taliban prisoner but his Afghan colleague was not. Some MPs accused the Lower House for not being serious in helping *Ajmal*, while others said that it was the job of the government to help *Ajmal*.

On this day the Lower House as is often the case discussed some items in its rules of procedure. After a year and half the Lower House has not approved its own rules of procedure. Some MPs asked the executives to try and finish the rules of procedure before working on other issues.

On the 11th of April about 300 people demonstrated outside the Afghan Parliament. This demonstration was organized by the Workers Union of Afghanistan. Demonstrators said the new draft working law that was approved in late 2006 by the cabinet lacks legal, civil, national and international values. Demonstrators said the government was prejudice towards workers because in this law chapter 13 was omitted and there are 36 other instances which undermine the role of the Union as a democratic institution. Demonstrators also called the sale of government owned enterprises a very hasty step and a western



phenomenon. Demonstrators also complained about the salaries of government employees, redundancies, poverty and the allowances of the pensioners. The Upper House sent a delegation to meet with the demonstrators. On the 16th of April, Lower House approved the government budget for the Afghan year of 1386 (2007/2008) despite criticism from some MPs.

The objections from those MPs were directed at budget allocation for provinces. They said that the budget was not equally allocated to provinces. These MPs spoke in genera without referring to a specific province, which pro-government MPs objected to this and called it unfair criticism and asked opposition MPs to be more specific and mention the name of the province. The main point that majority MPs wanted the government to focus on and rejected the budget when the budget was first sent to the Lower House was the issue of increasing government employees salaries. MPs wanted an increase of 500 Afghanis (US-\$10). However, it was agreed that the salaries of public employees will be increased by 300 Afghanis (US-\$3) in this budget.

On the 21st of April, the Lower House discussed the media law. The first few days were spent on discussing the terminologies used in this law. One of the terms that attracted the attention of the MPs and quiet a few expressed their opinions was the term of copy-right. A number of MPs said that this term was an internationally accepted term and therefore it should be used as it is. Others said that an equivalent word should be found in the Afghan languages and the term copy-right should be left in the bracket next to

the local term. This last idea was accepted and approved by MPs.

On the 25th of April the issue that attracted the attention of the Lower House MPs was the status of the Radio Television Afghanistan (RTA). Currently RTA is under the control of the Ministry of Information and Culture and the budget for RTA comes from the government and advertising. After almost an hour of discussion three options were carried out: 1. to leave RTA in the control of the Ministry of Information. 2. RTA to be under the control of the government but operate as an independent institution. 3. RTA to be controlled by an independent commission. Opinion no 2 was approved by majority of the MPs present in the house. The issue of RTA was one of the issues discussed more than any other issues in this current draft media law which is being deliberated on in the Lower House since the 21st of April. So far only two chapters of the law have been approved by the Lower House.

On this day prior to MPs discussing the main agenda of the day (media law), MPs also discussed a number of other issues. One of these issues presented with some emotions was the issue of Afghan refugees expelled recently from Iran. MPs from the provinces bordering Iran said that Afghan refugees were forcibly expelled from Iran. Some time one or two members of the family members were in Afghanistan and the rest in Iran. MPs asked for the intervention of the Afghan government and UNHCR in this issue. Another issue discussed on this day and which keeps coming to the general sessions of the Lower House was the issue of MPs rights under the law. MPs are asking the Lower House and especially the executives of the House to look after their interests in accordance with the rights given to them by the constitu-



tion. On the last day of the month of April, as it has been happening since the inauguration of the Parliament in December 2005, the agenda of the Lower House (discussion on media law) was hijacked by MPs from the Western province of Herat. These MPs complained about an operation by coalition forces in the district of *Zirkoh* of Herat province. MPs said that coalition forces tried to search the houses of the local people in *Zirkho* district. MPs claimed coalition forces asked the local people to come out of their houses and leave women inside the house. Local men didn't trust coalition forces and refused to listen to them. MPs went on to say that coalition forces bombed the whole district at night causing casualties and as a result many people are dead, injured and displaced. A number of MPs said that coalition forces have been behind civilian casualties because they always acted above the laws of Afghanistan, if we want to end civilian casualties we need to bring coalition forces to act under the laws of Afghanistan and make their status in this country legal. A women MP said that coalition forces didn't need to go and search houses; she added that there might have been something that coalition forces needed to search the houses and Afghans need to watch their own behaviors because they were responsible for giving wrong information to coalition forces. At the end of the discussion, Lower House Speaker said that on Wednesday a number of MPs will go to meet with the President and try to put an end to these kinds of one sided operations by coalition forces.

SUMMARY OF THE PARLIAMENTARY GROUPS

In the Parliamentary Bulletin of April, despite lack of information, we would like to shed some light on the five Parliamentary Groups already established in the Lower House of the Afghan Parliament to-date. There is little information about members of these Groups, when they are announced only a few of them appear before the press to announce their existence in the Lower House and even in the House itself, it seems that there is little or no coordination between the members of the Groups when commenting on issues. The Parliament is still dominated by personalities rather than political parties or groups. Another important fact for setting-up a Parliamentary Group is in accordance with internal rules of procedures that at least 23 members are needed to form a Parliamentary Group in the Lower House.

Estiqlal-e-Milli

The First Parliamentary Group established in the Lower House was the Estiqlal-e-Milli (**National Independence**) Group, under the Leadership of *Sayed Mustafa Kazemi*, former Minister of Commerce in the Interim and Transitional governments and MP from Kabul, as well as Spokesman of the recently established National United Front (NUF). From the association of *Mr. Kazemi* with the NUF and as he is no longer in the cabinet, this group seems to be on the opposite side to the government. The Spokeswomen of this Group is *Noorzia Atmar*, MP



from Nangarhar. When this group was set-up it was announced that 23 MPs are members of this group.

Nezarat-e-Milli

The second Parliamentary Group established is named Nezarat-e-Milli (**National Monitoring**). The Leader of this Group is Engineer *Mohammad Asim*, former member of Hezb-e-Islami, member of the newly established National United Front and MP from Baghlan. The Spokesman of this Group is *Mohammad Alim Sayee*, MP from Takhar province. This Group has 21 MPs as members.



Taraqi Khwa

Taraqi Khwa (**Pro-progress**) is the third established Parliamentary Group. The Leader of this Group is the independent MP from Farah province, *Mohammad Nayeem Farahyee*. The Spokeswomen of the Group is *Najla Dehqan Nejad*, MP from Herat province. Mohammad Nayeem Farhayee has joined the recently established NUF.



Khat-e-Seowom

The fourth Group that was established in the Lower house is called the **Third-Line**. When this Group announced its existence during a press conference, during that conference it opposed the draft reconciliation bill. This group is made up of 21 MPs. The group is headed by *Shukria Barakzai*, MP from Kabul. Other known MPs in this Group are: *Abdulkabir Ranjbar*, MP from Kabul, *Noor Akbari*, MP from Daikundi, *Daoud Sultanzoy*, MP from Ghazni, *Hashim Wantanwal*, MP from Uruzgan. Members of this group says they are pro-democracy.



Afghanistan

The fifth Group that was established in the Lower House is simply called



Afghanistan. *Mirwais Yasseni*, former Deputy Minister for Counter Narcotics and MP from Nangarhar province is the Leader of this Group. *Mohammad Hussain Fahimi*, MP from Saripol province is the Deputy of the Group. *Homira Akakhil* is the Spokeswomen of this Group. When the Group was announced in early April, it said 41 MPs are members of this Group, which makes it the largest single Group in the Lower House. This Group might be a pro-government Group in the Lower House considering the number of MPs in it.

CONCLUSION

In the month of April, MPs discussed the killing of *Ajmal Naqshbandi* by the Taliban. The budget for the year 1386 (2007/2008) was discussed and approved. The media law was the next item on the agenda of the Lower House in late April. In the media law two issues that have so far attracted the attention of the Lower House MPs were the issue of copy-right and the status of the national television. Also in this bulletin Parliamentary Groups in the Lower House established to-date are introduced. These Groups are supposedly formed to take the place of political parties in the Lower House of the Parliament. Civilian casualties are continuing to make news in the Afghan Parliament and the Afghan media. Since the beginning of 2007, the numbers of civilian casualties have risen noticeably and it is giving coalition and NATO forces a bad name even if their actions were not deliberate.

GUEST CONTRIBUTION

Written by Faizullah Zaki, MP of Wolesi Jirga

The constitution of the Islamic Republic of Afghanistan has obliged

Mr. Faizullah Zaki, Member of the Lower House of the Afghan Parliament comes from the northern province of Jawzjan and is current Head of the Natural Resource and Environment Commission in the Wolesi Jirga. MP Zaki has a degree in geology from Kabul University. He is also the former spokesman of the Junbish Milli party which is headed by General Abdul Rashid Dostum.



„If a Parliament in Afghanistan is expected to perform properly its duties as a legislative institution, there is no other alternative but the need for the establishment and activities of the Parliamentary Groups.“

the government to implement democracy (1) and stipulates that "the citizens of Afghanistan have the right in accordance with the provisions of the law, to form political parties" (2). In contradiction to what is common in majority of the countries with democratic systems, Parliamentary election in our country (on the base of the election law) was held without the official participation of political parties, as a result today there is no political party faction officially in the Lower House and can not operate under political groups. From another side, the SNTV system was behind damaging internal unity in political parties and those who had co-operated prior to elections were divided and even opposed one another. Of course, there are a number of MPs, which have not had the membership of any party to-date and are willing to remain independent.

In order to remain independent inside the Parliament, one needs to distance itself from anything that has a smell of a political party or to at least portray itself as such. However, these emotions some times move up to an extent that a representative of the people falls in love with himself and builds a wall around himself. A wall which not only distances him from "parties" and "groups" but also makes him distinguished and "independent" from personalities like him.

This is how a person turns in-to a "party", a "party", which rivalry with other "party" is its first duty and not reconciliation and co-operation with them, and this is exactly what the people want from the Lower House. When there are no party factions present, the only

point of hope for expressing political solidarity and speeding up the process of decision making in the Lower House are Parliamentary Groups.

The status of Parliamentary Groups was one of the issues which the Lower House approached with allot of sensitivities. Discussion about various dimensions took one year until the internal procedure approved on the 12th of Hamal 1386 (March 2007) some what put an end to this discussion. In accordance with this final mentioned document, minimum (23) is the least number of MPs needed to form a Parliamentary Group; the maximum number is left open. In accordance with this provision, those Parliamentary Groups already established would need to reorganize themselves (3). The advantages of the (new rules of procedure) is that it makes the establishment of Parliamentary Groups simpler and there are not other conditions except that there is no contradiction to the constitution. Previously, the authority of Parliamentary Groups were limited to set together and introduce their members to the commissions, however, they are now not as restricted and there is no area of importance that is not foreseen in this new procedure for Parliamentary Groups.

There is one point for pause, and that is the 18 permanent commissions, which has shouldered the duties of the Parliamentary Groups in their absence, still retain their previous authorities. This is not common in other countries and in the Afghan Lower House it is problematic. However, there is total consensus on strengthening Parliamentary Groups, and the sep-

aration of duties and authorities between the two mentioned institutions. Which means that commissions will be busy more working in their areas of expertise and Parliamentary Groups to work on giving the process of decision making and politics in the Lower House a structure.

Perhaps the establishment of the "Afghanistan" (4) Parliamentary Group with 42 members could be accepted as a positive sign of the new (internal rules of procedure), however, such a judgment might be too early, for the reasons that almost 60% of the members are not in the Parliamentary Groups.

Challenges and opportunities

The following three challenges could possibly create problems for Parliamentary Groups:

A) Lack of awareness in the public that Parliament is a place of decision making and any decision depends on specific majority.

B) Lack of awareness that despite theoretical and political differences, representative of the people have no alternative but to work together and present the nation with laws, therefore, there is a need to nurture within themselves abilities of flexibility, tolerance of varied opinions and to seek ways of mutual understanding.

C) Lack of thought on the part of the executive of the House that the formation and active participation of Parliamentary Groups not only depends on the action of members but also in a serious way is linked with the performance of the executives as well.

Without triumphing over these mentioned challenges, not much can be expected from Parliamentary

Groups, as witnessed, established Parliamentary Groups in the past did not show strong group solidarity during election of the Second Deputy Speaker, in the area of oversight (demand for interpellation) and during legislative activities (presenting a bill).

Although, the establishment of Parliamentary Groups in itself is commendable, however, perhaps it might be necessary that they make a transition from using the "Group" instead of quantity for quality.

Quality and quantity in democratic system have close links. In another word, democracy is a system that depends on numbers, because as person getting one vote more than his rival, might be elected as member of a provincial council, Mayor or a President or vice versa, getting one fewer vote means remaining an ordinary citizen.

In the constitution of the country and internal rules of procedure of the Lower House, numbers are used widely as legitimate indicators for giving official status to the decisions of the House. (5) This imperative would give prominence to the roles of the Parliamentary Groups. For example, in the rules of procedure, Parliamentary Groups have the following 10 rights:

1) Right to participate in having a say in the agenda through the membership of the Leader of the Group in the committees leadership (article 10).

2) Getting the text of the amendments in the bill and expressing a reciprocal point of view (article 81).

3) Getting the draft budget and taking an united stand to it (article 87).

4) Asking questions from Ministers during sessions of giving the vote of approval (article 75).

5) Demanding priority for introducing a bill (article 79).

6) Demanding the continuation of the House sessions outside official hours (article 41).

7) Having an assured list of speakers on the issues within the agenda (article 55).

8) In accordance with the number of members having the right to enough time for presenting the opinions of the Group (article 54).

9) Demanding closed session of the House and also voting in secret (article 65).

10) Presenting a bill for voting in order to be included in the agenda of the House (article 77).

In addition, considering that 23 is the minimum number of MPs needed to establish a Group, the average might be around 25 or more, Parliamentary Groups could come to a bilateral or multilateral consensus and benefit from a much bigger say, such as demanding an interpellation of a Minister and decisive decisions to include their presented request in the agenda. However, decisions that have a national importance and depend on the consensus of the two third of the members, needs a bigger dialogue and understanding amongst all Parliamentary Groups.

It is a fact that in the best of situations a certain number of MPs would remain outside all Parliamentary Groups, and because current rules of procedure in its important procedures is stressing more on the permanent commissions and Parliamentary Groups, the role and standing of individual MPs could turn into a problematic issue in the public's view. It would be better to add smaller groups (10 MPs) in the internal rules of procedure, which can be called (like minded group).

These last mentioned groups, except members in the leadership commission, can enjoy the same right as other Parliamentary Groups. At the same time co-operation amongst smaller Parliamentary Groups in the long term could turn in-to bigger and seasoned Parliamentary Group.

If a Parliament in Afghanistan is expected to perform properly its duties as a legislative institution, there is no other alternative but the need for the establishment and activities of the Parliamentary Groups. This imperative can only be implemented if the executive and political activists believe in the importance of the matter and encourage the move in this direction.

It is possible that at the end of the legislative term, long lasting and commendable memories will be left by effective representation, actively participating in law making and decisive oversight over the activities of the government. It is possible that Parliamentary Groups on their own or in unity with others will establish the nucleus of political parties or electoral blocks of the future and those who are interested will serve the nation better in the coming terms.

At the same time, there is a danger that the Lower House might continue to work with the same main indicators: lack of concentration, political disorganization, long discussions and the slow and deplorable process of decision making. Then Parliamentary Groups would lose their colors and political parties outside the Parliament will become the main players of the future elections. In another word the con-

tinuation of this situation on the one hand will tire and disappoint a number of MPs and others will not have the face to seek the votes of their constituents. And if the people keep their faith in the Parliament, a large number of MPs in future terms might have a different composition, which in their activities, they will not join half united Parliamentary Groups but will rely on united political factions, that are determined and have fast intonation. (05/08/2007)

Parliamentary Groups

Group's name	Leader	Deputy	Secretary
Istiqlal-e-Milli	Sayed Mustafa Kazemi	Sayed Mohammad Gulabzoy	Khudai Nazar Sarmachar
Nizarat-e-Milli	Eng. Mohammad Asim	Ustad Akbari	Abdul Hadi Safi
Taraqi Khwa	Nayeem Farahee	Hilaludin Hilal	Rozguldi Awichee
Afghanistan	Mirwais Yasseni	Ahmad Fahim Fahimi	Homaira Akakhil

List of important indicators in the constitution and Lower House internal rules of procedure

No	Source	Topic for the decision	Required votes
1	Article 94 of the constitution	Annulling the veto vote	163
	Article 127 of the constitution	Final approval of differences between the joint delegation of both houses if the tow house can not come to consensus	163
	Article 69 of the constitution	Prosecution of the Chief Justice or a judge of the Supreme Court	163
	Article 67 of the internal rules of procedure	Convening of Loya Jirga for investigating accusation against the President Approval of amendments in the internal rules of procedure and reviewing any kind of decision previously taken by the house	163
2	Article 106 of the constitution	Minimum number needed for taking the vote in the house	125
	Article 92 of the constitution	Giving the vote of non confidence as a result of interpellation	125
3	Article 69 of the constitution	Produce accusation against the President Demanding the prosecution of the Chief	82
	Article 127 of the constitution	Justice of a judge of the Supreme Court Appointing a special commission for investigating the actions of the government	82
	Article 89 of the constitution	commission for investigating the actions of the government	82

4	Article 106 of the Constitution	Minimum number of votes needed for	63
5	Article 92 of the constitution	Interpellations of Ministers by the Lower House	50
6	Article 18 of the internal rules of procedure	Establishing a parliamentary group and taking advantage of its benefits	23
7	Article 97 of the constitution	Presenting a bill by the members	10
	Article 105 of the constitution	Demanding closed sessions of the Lower House	10
	Article 65 of the internal rules of procedure	Demanding for the elimination of doubt in the final vote	10



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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.