



**USAID**  
از طرف مردم امریکا  
د امریکا دولس لخوا

AFGHANISTAN  
PARLIAMENTARY ASSISTANCE  
PROJECT

24 May 2010 Vol. 3, No.13

# Legislative Newsletter

## News

### **MPs boycott, demand submission of Cabinet nominees**

Wolesi Jirga MPs have begun boycotting their duties until President Karzai submits the list of remaining Cabinet nominees for the vacant ministerial posts. Lower house members began on May 22 and continued through an extraordinary session on the 23<sup>rd</sup> and regular session on the 24<sup>th</sup> to sit in silence for the duration of the sessions except to bang on their tables every five minutes in symbolic protest of what they perceive as government undermining of the WJ and failure to honor its Constitutional obligations.

Currently, acting ministers hold 11 Cabinet positions. MPs point out that a promise by the president to provide the list upon return from his US visit has not been honored.

“It’s a trick – they won’t send us another list. Those ministers who have been rejected but still head some of the ministries are doing so illegally. I urge you not to do anything but bang on the tables in protest and demand that the list be submitted,” argued Abdul Kabir Ranjbar (Kabul). Echoing the sentiment, Fawzia Kofi (Badakhshan) said, “I suggest that we close the doors of the house for as long as the government has not submitted the list...”

“This will continue until your demands are met,” announced Speaker Qanooni at the end of the Saturday’s session. “We will keep an open eye for the government’s response. If this doesn’t work, we will try other means.”

### **“Answer our questions or resign,” MPs tell second vice president**

The Wolesi Jirga last week called on Second Vice President Karim Khalili to either relinquish his chairmanship of the Emergency Response Committee (ERC) or accede to the lower house’s invitation to the plenary. The call follows Khalili’s rejection of an invitation by the WJ to address MPs’ concerns on government efforts to assist 24 provinces affected by floods earlier this month. It is the third time in as many weeks that Khalili has refused to attend WJ plenary sessions.

“We have just received the news that, unfortunately, Mr. Khalili, the chairman of the Emergency Response Committee, will not attend the plenary today” Speaker Qanooni announced on May 19. Qanooni explained that other members of the ERC, including the Deputy Minister of Parliamentary Affairs, Karim Baas, were available to respond to the MPs’ concerns. The WJ members, however, resolved to allow Mr. Bass into the plenary session solely to explain Khalili’s refusal to appear before the Assembly.

Bass told the MPs that the second vice president had responsibilities beyond the ERC. “The chairmanship of ERC is not Mr. Khalili’s main job, he is the second vice president and it is not appropriate for the WJ to invite the vice president,” he said. The assertion stirred angry protests from the WJ members. “I feel insulted,” said Abdul Kabir Ranjbar (Kabul). Shinkai Zahin Karokhil (Kabul) agreed, adding, “Your Excellency, the Speaker, I think that Mr. Khalili not only insulted Parliament, but the whole nation of Afghanistan.”

Some MPs viewed Khalili’s explanation as logical but insisted that the desperate flooding situation requires Assembly consultation. Khalili should, according to the MPs, view the invitation as affirmation of the importance of his role rather than an attempt to undermine him. “They should consider being here an honor, not as a bruise to their ego,” said Fazlullah Mujadidi (Logar).

MPs argued that, given the position’s powers, inviting Khalili is within the WJ’s purview. Abdul Azim Aziz (Badakhshan) explained that “We invited Mr. Khalili not as the second vice president, but as chairman of the ERC. If he thinks we can’t invite him, he should let a minister be the chairman so that we would be able to question them.” Abdul Majid (Nangarhar) supported the view, adding, “If we can’t question this committee, to whom is it accountable?”

The MPs also noted that if the president is accountable to the people and the WJ (under Article 69 of the Constitution), his vice presidents should not be exempted from the same. “When the president delegates authority, that authority comes with responsibility and accountability” noted Fawzia Kofi (Badakhshan).

Other MPs accused Khalili of according himself executive powers, which they argued are unconstitutional. The vice presidency is a symbolic post with no executive powers, they argued, and, as such, Khalili is obligated to appear before the WJ as and when the MPs need him. “I am glad that the government has raised the issue itself. Article 60 of the Constitution says that Mr. Khalili has only one job, that of representing the president in the absence of both the president and the first vice president,” said Abdul Kabir Ranjbar (Kabul).

To conclude, Speaker Qanooni said, “We deeply regret the second vice president’s decision not to come to the nation’s home today... I call on Mr. Khalili to either come to the WJ to answer MPs’ questions or formally resign from his post as chairman of the ERC.” MPs applauded the remarks.

Speaking to the press on May 20, Khalili stated that he will neither step down as ERC chairman nor accept the WJ invitation to its plenary session.

## **MPs walk out over tribal violence**

Over thirty Wolesi Jirga MPs walked out of the May 14 plenary session in protest of what they deem a lack of government action against armed aggression of Kuchis nomads on Hazara inhabitants of Behsud District in Wardak Province. The protest followed an alleged assault by Kuchis on the village of Behsud which left about five Hazara dead and others homeless.

At issue is the use of and, in some cases, title to the land. The Kuchis, primarily Pashtun, cite a decree issued by King Abdul Rahman Khan during the British colonial era at the end of the 19<sup>th</sup> century granting them right of pasture along their annual migration route. They argue that the decree also gives them title to the land. The Hazara, who occupy much of the disputed areas throughout the year, do not recognize the decree.

“Last night armed Kuchi people launched an assault on the Behsud village of Wardak. They killed five local people and torched several houses. The government has not reacted to this unprovoked attack. We, the MPs of Wardak constituency, will not participate in any session until this issue is resolved,” said Abdul Reza Rezayee.

At least one MP of Hazara origin accused the provincial security forces of turning their backs on the local population during the Kuchi attack. “We have to find out if the police and the *arbakis* (local government-funded militia) did actually leave the area, and, if they did, who ordered them?” asked Abdul Satar Darzabi (*Jawzjan*).

The debate generated an intense exchange between Hazara and Kuchi MPs with the sides exchanging allegations of wrong doing. The Pashtun MPs accused their Hazara colleagues of instigating the fight and then retreating when the Kuchis retaliated. “They started the fighting but ran away because they did not have the courage to stand to us. We will fight for our rights no matter what,” said Haji Alam Gul Kuchi (*Kuchi*). Refuting the allegation, Sediqa Mobarez (*Maidan Wardak*) said, “Hazaras are not aggressors; no Hazara has ever committed suicide.”

Some MPs accused both the Hazara and Kuchi leaders of fanning violence for selfish reasons. Referring to the committee formed to resolve last year’s Hazara-Kuchi violence, Shukria Barekzai (*Kabul*) accused its leaders of using the conflict to advance personal interests. “The Hazara and Kuchi leaders frequently visit the Palace to receive millions of dollars. What is this money for? They use this money for their own personal use.” She asked H.E. Speaker Qanooni (*Kabul*) to stop the debate because in her view, “The key to solving the conflict does not lie in the legislature but with those who are given millions of dollars to resolve the issue.”

Shekiba Hashimi (Kandahar) echoed Barezai's sentiments, adding that, "Parliament is not the place to discuss this. Those who walked out in protest must go to the president." Along the same lines, Gholam Farooq Miranai (Nangahar) suggested that the conflict should be addressed through the judicial system. "We need to show unity in the house. Some elements are only using this turmoil to gain political and financial advantages and therefore this should not be considered an ethnic conflict."

Recognizing that the conflict had the potential to split the lower house, Qanooni asked the MPs to exercise restraint until the issue had been resolved. "This is an old issue. It is a big problem that cannot be solved in Parliament. The issue must be solved by the judicial organs." The speaker requested that the government intervene to stop the fighting and allow the judiciary to find a lasting solution to the conflict.

Meanwhile, local media reported that a delegation to the region led by Second Vice President Karim Khalili was successful in quelling the violence. Despite the development, protesting MPs have vowed to continue until practical steps are taken which reflect the government's intention to end the conflict permanently. Several MJ senators joined the WJ protestors. The protest continued as of May 24.

## **MJ prepares for Peace Jirga, pushes inclusion of status of forces discussion**

Intense discussion on civilian casualties continued in the MJ last week with senators agreeing that they have explored all avenues to ensuring the number of civilians killed during Coalition force operations is reduced. As a result, the senators agreed to refer the issue to the Peace Jirga.

During the debate, the senators questioned what they see as government complacency in dealing with the issue. They alleged that despite repeated NA pleas for new legislation that would control the activities of the foreign forces, it is yet to act. According to the senators, the Afghan population is losing patience with the government's capacity to protect innocent civilians from international forces.

Referring to an incident in Nangarhar which reportedly killed 10 civilians, Mohammad Essa Khan Shinwarai (Nangarhar) complained that NATO forces treat people with suspicion and do not respect civilian lives. "Our tribe lives in the border of Nangarhar Province. So far we have prevented the insurgents from entering our district. The international forces, however, behave like there are insurgents in our district and do not abide by our laws."

Mohammad Alam Ezedyar (Panjshir), argued that the current agreement between the Afghan government and Coalition forces gives the international forces free reign in the country and excuses them from National Assembly scrutiny. As a way forward, Ezedyar proposed that the NA refer the issue to the Peace Jirga. "There will be a Peace Jirga soon, we should have a

draft relating to the activities of the Coalition forces to present to the Jirga and let the nation decide.”

Others agreed. Sifatullah Haqmal (Logar) said, “We have to get ready for the peace Jirga. We have to come up with good suggestions for the withdrawal of foreigners.”

Recommending an inclusive position, Mawlawee Abdul Wahab Erfan (Takhar), said that “...we must talk to the elders from the provinces prior to the gathering. That would help us find a way of preventing the influence of the international forces in the Peace Jirga.”

The Peace Jirga, while consultative rather than binding, may guide government policy on consultation, dialogue, and agreement with insurgents.

Unhappy with ISAF/US Commander General Stanley McChrystal for not appearing before the MJ and unsatisfied with the commander’s invitation for senators to visit his office, Abdul Hanan Haqyoon (Paktia) accused the US commander of avoiding the senators’ questions. “The US ambassador and commander of NATO forces should come to the MJ. If they do not come, we will take action,” he warned.

## **Senators ask for prosecution of charged officials**

By invitation of MJ senators, Deputy Attorney General Fazal Ahmad Faqiryar attended the Meshrano Jirga plenary on March 18 to explain the process for and progress in prosecuting corrupt officials. The senators were unhappy with what they perceive as deliberate delays by the AG’s office to respond to requests for follow up on cases referred by the MJ.

Senators regularly complain that government officials accused of corruption do not face the law but are rather promoted or set free to continue with their corrupt activities. According to the chairman of the MJ Complaints Committee, Dr. Zalmai Zabuli (Zabul), the Committee has referred several cases involving high-ranking government officials to the AG’s office, complete with supporting documents. Dr. Zabuli accuses the AG of ignoring the MJ’s suggestions. “We have referred cases involving high ranking government officials to the AG’s office but they have failed to follow up and prosecute those guilty of corruption,” complained Dr. Zabuli.

Dr. Zabuli further accused the AG’s office of protecting Wolesi Jirga MP, Professor Burhanudin Rabani, who is accused of ceasing a private house in Shar-e-Naw, Kabul. According to Dr. Zabuli, the AG’s office has done nothing to enforce the Court’s decision that Prof. Rabani vacate the house.

Among the concerns of Senators is what they view as dwindling public confidence in the AG’s office to curb corruption in government. “High-ranking officials are involved in corrupt activities. Instead of being prosecuted, the AG’s office has distanced itself from these acts of corruption citing ‘political considerations.’ The AG should publish the names of those

accused of corruption to deter those guilty of corruption from committing more crimes,' suggested Mullah Mohammad Faizi (Panjshir).

Several senators alluded to problems in their respective constituencies. They lamented the absence of attorneys to consider complaints from citizens, which they claim has forced citizens to turn to the Taliban for recourse. "Four district governors in Ghazni province live in Kabul instead of residing in their respective provinces. As a result, the locals rely on the Taliban to solve their problems," noted Bakht Bibi (Ghazni).

Also of concern to the MJ is the shortage of female attorneys to try cases involving women. "Lack of women prosecutors has created a lot of problems for women charged with various offences," protested Mahbooba Hoqooqmal (Kabul). She added that the shortage of attorneys also inconveniences prisoners who are held despite completing their sentences.

Responding to the senators' concerns, Faqiryar insisted that the AG's office was doing all it can to prosecute those guilty of corruption. He also explained that the law forbids his office from publishing the names of officials suspected of corruption. "We issue warrants of arrest of a number of government officials on a daily basis but for legal reasons, I cannot disclose their names," Faqiryar insisted. He further asked for the senators' support and promised to consider all proposals of the MJ.

## Legislation

No activity to report for the period.