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NEWS

MPs Hear about Reconciliation Process

The Wolesi Jirga (WJ) invited Professor Burhanudin Rabbani, Chairman of the High Peace Council, to the general plenary of 4 June for an update on the Afghan peace process. Mr. Rabbani's remarks prompted disapproval from some MPs concerning the government's reconciliatory tone towards the Taliban as they called for a tougher approach.

Professor Rabbani gave a brief update about the peace process and said: "No decision made by this Council would become enforceable unless it has your approval." Despite his upbeat presentation about the prospect for peace in Afghanistan, Mr. Eng Saadat Zaheer (Panjshir) reminded the House of the Takhar incident and called on the government for swift action. "We condemn General Daud's assassination and we call on the government to take revenge. If the government is not capable of that, there are others who are perfectly capable of doing that."

Although Professor Rabbani's presentation met with applause by most of the MPs, there were some who spoke against his "softer tone" towards the Taliban. "Why does the House of the People ignore these series of assassinations? The Taliban kill us and we call them brothers." said Mr. Samiullah Samim (Farah). "If they are brothers of the President, why are they killing my brothers? Perhaps I am not his [President] brother?" added Mr. Samim.

Mr. Baktash Siavash, an MP from Kabul, accused the president of "defending" the Taliban and said: "My other message to the president is that the Taliban are a criminal, ungrateful, God-denying force that would first kill the one who supports them [if they gained power once again]."

WJ Speaker, Mr. Abdul Rauf Ibrahim (Kunduz), echoed concerns about the "series of assassinations" in his concluding comments and called on the government to take all measures to prevent them. "If these killings don't stop, I only see a dark future for Afghanistan." said Speaker Ibrahim.

Wolesi Jirga Delays its Summer Recess

On 5 June, members of the Wolesi Jirga (WJ) decided to postpone their recess while the Meshrano Jirga chose to go on their summer break on its previously appointed date of 5 June. The summer recess is set to conclude on 23 July¹ Following lengthy discussions in the WJ about whether or not to continue working and delay the recess period, the MPs decided to delay the start of the Lower House's recess for fifteen days.

Some of the MPs argued against delaying the recess and called it "illegal". "We have to go on recess on 15 Jawza [5 June] whether you like it or not. The fact that we are holding an extraordinary session today [5 June] is illegal. We should have been on recess today." argued Mr. Abdul Sattar Darzabi (Jawzjan).

Mr. Muhammad Naeem Lalai Hameedzai (Kandahar), however, urged his colleagues to be flexible. "The recess is not the word of God and we can change it. I suggest we give it up and continue our work." Echoing Mr. Hameedai's argument, Mr. Abdul Qayum Sajadi (Ghazni) said: "There are no legal issues with continuing our work but we have to consider the reasons for staying back."

The MPs cited many reasons to delay their WJ's summer recess, in particular the Special Elections Court. Waiting for the list of ministerial nominees, further discussion about the traditional Loya Jirga, the proposed US-Afghan Strategic Partnership and reconciliation with the Taliban were other reasons that were raised as justification to delay the recess.

Mr. Ustad Muhammad Aref Rahmani a Hazara MP from Ghazni province, warned his fellow MPs that the Special Elections Court might announce its verdict in their absence. "I would like to be frank with you, the Special Elections Court might try to change things in our absence and appoint members to the WJ." claimed Mr. Rahmani. Mr. Mohammad Hussain Fahimi (Sar e Pul) agreed with Mr. Rahmani that the Special Elections Court might remove some of the MPs but also gave another reason why they should delay their recess, "You can go on recess if you want to, but some of you won't make it back [because the Special Court will remove them] and the rest will be humiliated because the traditional Loya Jirga will do your work."

Regardless of the reasons, it was clear that the overwhelming majority of the MPs were in favor of delaying their recess. The debate moved from reasons for or against the delay, to finding a legal mechanism for the delay. Mr. Mohammad Saleh Saljoqi (Herat) argued that rolling the recess over to another time was not possible. Instead, he recommended reducing the summer recess as the right approach. "We can reduce the number of days we have for summer recess but we can't shift it to a later date." argued Mr. Saljoqi.

¹ WJ Internal Rules of Procedures, Article 40: "The period for summer and winter recess are from 15th of Jauza (5 June) to 1th Asad (July 23) and from 15th Qaus (6 December) to 1th Dalwa (20 Jan) of each year respectively."

But the specific suggestion for delaying the recess for fifteen days came from Mr. Haji Mohammad Almas (Parwan) who said: “Dear Speaker, I suggest we work for another fifteen days. We are not changing anything; we are reducing our summer recess by fifteen days.”

The motion was put to the vote and was approved by majority of the MPs.

Peace Caravan Parliamentary Group Introduced to WJ

Mr. Haji Muhammad Nazeer Ahmadzai (Kuchi) introduced the Peace Caravan parliamentary group to the Wolesi Jirga (WJ) plenary on 5 June. He said that the group currently has 52 members and is led by Mr. Haji Abdul Zahir Qadeer (Nangarhar). “Working towards national unity, confidence building and bringing peace to the country are some of this group’s objectives.” said Mr. Ahmadzai.

Speaker Ibrahimy welcomed the formation of the Peace Caravan group and called on other MPs to try and form more parliamentary groups. The Peace Caravan is only the second parliamentary group to be established, following the earlier establishment of the SABA Parliamentary group. In the absence of political parties within the WJ, many MPs believe that establishment of parliamentary groups could be a positive step.

MPs Discuss Legality of Traditional Loya Jirga

In the 7 June general plenary session, members of the Wolesi Jirga (WJ) discussed the legal basis to convene a traditional Loya Jirga. Although there is no official date or agenda yet for the proposed Loyal Jirga, reports have speculated that the executive would seek the Jirga’s advice about a proposed US-Afghan strategic partnership.² The session’s debate focused not on the proposed agenda, however, but whether or not such a forum would be legal under the Afghan Constitution.

Some MPs believe that holding a traditional Loya Jirga violates the Constitution. “Article 110³ of the Constitution clearly lays out the framework of the Loya Jirga but there is no mention of a traditional Loya Jirga. Therefore it would be illegal to hold a traditional Loya Jirga.” said Mr. Gholam Hussain Nasiri (Wardak). Mr. Muhammad Reza Watandust Khoshak (Herat) agreed with his fellow MPs and said: “The traditional Loya Jirga has no legal basis and can’t offer a way out of this crisis.”

Without specific reference to the Constitution, other MPs argued that holding a traditional Loya Jirga would be much more inclusive than the Loya Jirga mentioned in the Constitution.

Ms. Ustad Rubaba Parwani Darwesh (Kabul) quoted President Karzai as saying: “Holding a traditional Loya Jirga would be inclusive of all political elders [a term used to refer to Jihadi leaders who no longer hold official positions but nonetheless are perceived to command

² See our previous newsletter dated 06 May 2011

³ Article 110 of the Constitution states: “Loya Jirga is the highest manifestation of the people of Afghanistan. Loya Jirga consists of the following: Members of the National Assembly. Chairpersons of the provincial and district councils. The ministers, Chief Justice and members of the Supreme Court, can participate in the sessions of the Loya Jirga without the right to vote.”

considerable influence amongst the people] .” Ms. Shokria Barekzai (Kabul) also agreed that the President has a right to consult the “elders”.

Mr. Shir Wali Wardak (Wardak) did not specifically address the legal question, but offered, “I would like to point out to the fact that formation of a traditional Loya Jirga is not an end in and of itself, but rather a means to a sacred end. That end is lasting peace in Afghanistan.”

Mr. Abdul Hafiz Mansoor (Kabul) fears that the traditional Loya Jirga might be an attempt to create a parallel legal institution alongside the WJ. “My question is, why hold a traditional Loya Jirga? We all know that a strategic partnership between Afghanistan and USA is the actual agenda. I draw your attention to Clause 5 of Article 90⁴ in the Constitution. Ratification of any treaty is our job, no Jirga can have a say in that.” argued Mr. Mansoor

MPs Discuss Afghan-US Strategic Partnership Agreement

Members of Wolesi Jirga (WJ) focused on their 8 June plenary session debate on the proposed strategic partnership agreement between Afghanistan and the United States. The details of the agreement have yet to be finalized by the two countries. According to WJ Speaker, Mr. Abdul Rauf Ibrahimy (Kunduz), the draft agreement has been sent back and forth between Kabul and Washington five times. Some MPs insisted that the National Assembly should be involved in drafting such a significant bilateral agreement, while others disagreed with that viewpoint.

Mr. Mohammad Sarwar Usmani Farahi (Farah) believed that if the MPs are not involved in drafting the agreement from the outset, it will be difficult for the MPs to change it once it has been signed by the two countries. “We have to be involved in its drafting or once the agreement is signed by the presidents; it is very rare for the parliament to then reject it.” Mr. Zaheer Saadat (Panjshir) agreed, explaining: “Some say that it is beyond our scope of work to know the details of the agreement from the beginning. I beg to differ. We must be in the picture for every single detail in order to be able to make an informed decision about it.”

Mr. Alhaj Gulpadsha Majidi (Paktia) believed that the MPs have a right to know about the contents of the agreement and urged his fellow legislators to demand the information from the government. “The MPs have been silenced by the Special Court and I say if you can’t claim your own right, how can you represent your constituents?” said Mr. Majidi.

There are many reasons why the MPs would want to know about the contents of the agreement. Some disagreed about Parliament’s legal authority to amend the bilateral agreement, as opposed to simply rejecting or accepting it without modification. Mr. Haji Monawar Shah Bahaduri (Herat) tried to assure his colleagues by highlighting the difference between bilateral and multilateral agreements. “When the agreement is bilateral, we can

⁴ Article 90 (5) of the Constitution states: “The National Assembly has the following powers: “Ratification of international treaties and agreements, or abrogation of the membership of Afghanistan to them”

amend it. I disagree with those friends who believe that we can only accept or reject it. We cannot amend multilateral agreements, however.”

Despite the fact that the overwhelming majority of the MPs seemed to support such an agreement, Mr. Abdul Satar Khawasi, an MP from Parwan province, reminded his colleagues about past agreements which, in his view, have been the source of much suffering of the Afghan people. “Our people have always suffered from disgraceful agreements. Take Durand line for instance, it is the mother of all problems for Afghanistan. These agreements might have short term positive effects, but in long run, they will always harm our historical and political life.” argued Mr. Khawasi.

Some believed that without knowing the nature and the content of the proposed agreement, it would be wrong to discuss it. “We are punching in the air. Why have we even included this in our agenda? We know nothing about it and we still continue to discuss it.” argued Mr. Haji Muhammad Daud Kalakani (Kabul). Many other MPs agreed with Mr. Kalakani and urged their colleagues to stop discussing the agreement because it was too early.

There were no committees meeting.

Acronyms

MJ Meshrano Jirga
NA National Assembly
WJ Wolesi Jirga