

H.E. Mr. Lakhdar Brahimi
U.N. Secretary General's
Special Representative for Afghanistan
UNEMA
House Nr. 32
Street Nr. 48
F 8-4
Islamabad

2002.05.29

Your Excellency,

We join the majority of Afghans in expressing our gratitude to you for your tireless efforts in mediating between the Afghan factions, and your endeavours to bring peace to the long suffering Afghan people. The gathering of the various factions at Bonn, and the signing of the Bonn Accord, was viewed by many as a major first step towards the achievement of peace and stability in Afghanistan. Moreover, even though the Interim Authority was markedly unbalanced ethically and unrepresentative of the Afghan nation, it was hoped that the terms of the Accords would be respected, and eventually lead to the formation of a competent broad-based government. Unfortunately, subsequent events have dashed these hopes. For, not only has the Interim Authority not respected the stipulations of the Accords, it has also used dubious devices aimed at perpetuating its hold on power beyond the mandated period. The most pernicious of these devices has been the subornation of the so called "Independent commission for the Convening of the Emergency Loya Jirga", because the chicanery inherent in the modalities and rules governing the number and types of delegates for the Emergency Loya Jirga casts grave doubts on the proposed Jirga's legitimacy.

As foreseen in the Bonn Accord, members of „the Emergency Loya Jirga Commission“ were supposed to be chosen by the U.N., from a list of qualified Afghans submitted by the various interested parties, and governed by the appropriate articles of the 1964 Afghan Constitution. Regrettably, the membership of the commission proved to be as ethnically skewed as the membership of the Interim Authority. Consequently, the rules and modalities propounded by the commission not only contravene the 1964 Constitution, but also ensures that the Loya Jirga process is manipulated in favour of one ethnic group, to the detriment of other ethnic groups. The stratagems used are quite brazen:

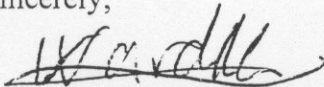
1. Out of 1501 delegates to the Emergency Loya Jirga, 500 are to be „appointed. These appointees are to be chosen by the Commission according to ambiguous criteria. This group is to include 160 women, 53 members of the Interim Authority, 20 „influential personalities“, and the 21 „Independent“ Commissioners themselves! The remaining 246 places out of the 500 are to be distributed amongst refugees, writers, scholars, and religious leaders- again chosen by the Commissioners. A notable example of how this power has been abused is the fact that the commission has recognised academic and social institutions in the north which do not even exist physically.
2. In allocating the 1001 indirectly elected seats, based on a formula which combines division of administrative districts and area population, there has been a gross inflation of districts and population in the north and west of the country, in favour of the Tajik ethnic minority which dominates the Interim Authority, and an equal deflation of districts and population in the south and east, to the detriment of the Pashtun ethnic majority. Despite the Commission's best efforts to disguise these crude efforts at gerrymandering, the process has led to a dramatic increase in

the number of administrative districts, from 216, as stipulated by the 1964 constitution, to 362, as devised by the „Independent“ Commission. Moreover, the Commission's population and district estimates do not have the remotest correlation with a study done by the Office of A.I.D. Representative for Afghanistan Affairs in 1990 („Afghanistan Population Estimates by Districts, Afghanistan's Population Inside and out“ by Thomas Eighmy, Ph.D.)

3. The way that the „Independent“ Commission has tried to disenfranchise a vast number of the Pashtun majority in south of the country can be demonstrated by considering the grievance of the Kochis, or Pashtun nomadic tribes of Afghanistan. Without entering into the semantics of „semi-sedantry“ and „semi-nomadic“, the 1990 A.I.D. study estimated the Kochi „true-nomadic“ population about 1 million. Assuming a 20% increase (a percentage increase which the Commission has uniquely applied to the favoured minorities in the north) the Kochi population ought to be estimated as being at least 1.2 million. And according to the Commission's rule of 1 delegate per 25,000 of population, Kochis should be represented by 48 delegates. But, the Commission has assigned the Kochis only 25 delegates, thus disenfranchising nearly half the Kochi population. This sort of unashamed manipulation of the electoral process, if it were to occur in a country ruled by law, would be challenged in the courts and justice demanded. Unfortunately, at the present time, the afghans have no recourse but to bring it to the notice of the U.N., and to seek justice in the court of world opinion.

To conclude, we the undersigned request no more than that the U.N. should act to defend the human rights of all Afghans, and not to sacrifice the future peace and stability of Afghanistan on the alter of expediency.

Yours Sincerely,



Dr. Yahya Wardak MD, DCH & TM
Director of Afghanistan Information Centrum

Lentersweg 27
22339 Hamburg, Germany
Tel./Fax: +49/40/538 64 03
info@afghanic.org
www.afghanic.org

Copy:

The Rt. Hon. George W. Bush – President of the United States of America
The Rt. Hon. Tony Blair, Prime minister of Great Britain
H. E. Mr. Gerhard Schröder, Chancellor of the Federal Republic Germany
H. E. Mr. Jacques Chirac – President of France
H. E. Mr. Berlusconi – Prime minister of Italy
The Hon. Pat Cox- President of the European Parliament
Dr. Zalmay Khalilzad- U.S President's Special Representative for Afghanistan
Mrs. Mary Robinson- U.N commissioner for Human Rights
Senator Joseph Biden- chairman of the U. S. Senate Foreign Relations committee.
Organisation of Islamic Conference
Human Rights Watch -New York
Press Release

Note: The letter has bin already signed by many Afghans. The list of signatories will be send to Mr Brahimi by post.