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PRESS BRIEFING BY AHMAD FAWZI, SPOKESMAN FOR THE SRSG FOR AFGHANISTAN

Following is a near-verbatim transcript of today's briefing at 2 pm Bonn time by Ahmad Fawzi, Spokesman for the Special Representative of the Secretary-General for Afghanistan, Lakhdar Brahimi:

Good afternoon everyone. First, I'd like to apologize for not having a briefing yesterday. I'm sure you all missed the briefing very much, but I'm sure you found ways to keep yourselves busy. I just didn't want to come up here and invent news for you. Not that I have much news today, but we'll give it a try.

Can I say something that is totally unrelated to these talks for a minute: Some colleagues from another part of the United Nations have asked me to alert you to a very important conference that is taking place here tomorrow. It is the International Conference on Freshwater. It will take place at the Bundeshaus in Bonn from the 3rd to the 7th of December. They have a press conference tomorrow at 5 p.m. with Sir Richard Jolly. Sir Richard is the Chair of the Water Supply and Sanitation Collaborative Council, and there are some other people in that press conference tomorrow: the Secretary-General of the World Summit on Sustainable Development, Mr Nittin Desai will be there, and the Head of UNEP, the UN Environment Programme, Klaus Toepfer, will also be there. It's happening in the Bundeshaus. And there is a press release in the back for those of you who are interested in the International Conference on Freshwater.

Back to the topic of the hour: Mr Brahimi and I just came from a visit to the Civil Society Conference for Peace and Reconstruction in Afghanistan, which we told you about the other day and continues. It is being organized by the Swiss Peace Foundation and the Foundation for Science and Politics in Berlin. He met with the delegates, they had a very cordial and frank exchange of views. He told them a bit about the conference, nothing that you wouldn't know, so I'm not going to go through it. They expressed their concerns and their hopes and their fears about what is going on in their country, and he was very pleased that they were assembled there. It's a huge group: about 150 people, and a good section of those are women participants, so it was quite heartening to see the Civil Society Conference going on with such great success. They gave him some documents, which were the products of their working groups.

Where are we now? Last night Mr Brahimi and the UN team submitted a text to the Afghan groups. He met with them first and went through the text verbally, point by point. There was a general mood of receptiveness, I would say, throughout the meeting. Some very hard choices have been made here. As you know, over the past five days he's been talking to the groups both individually and together, and what this text represents is all these opinions and various opinions, points of views and positions he has heard. Some we could reconcile, some we couldn't. They were all put into a mixer and this is what came out of the mixer, and we're hoping that they will all find it acceptable to them.

We're still talking about an Interim Authority. The Interim Authority will be composed of an Interim Administration, and a special Independent Commission for the Convening of the Emergency Loya Jirga. It will also consist of a Supreme Court of Afghanistan. The Interim Authority will run the country for a period of six months – this is all according to the first draft that we submitted to them yesterday - it took a very long time to translate into Pashtu and Dari. It is now in their hands in their own languages, so the first time they really had a chance to look at it may have been early this morning, because of the time it took to revise the final translations.

The UN team, headed by Mr Brahimi, will meet them again at 3.30 this afternoon to hear their views, to get their feedback on this draft that they are seeing for the first time. So they have a draft, and they're working on the draft. What it says is: There will be an Interim Authority, 6 months; then we go to the Emergency Loya Jirga, Transitional Authority, 2 years; constitution, broad-based multi-ethnic government in Afghanistan.

As they say, it's not final till it's final. There is an important missing link here: the names. We're still waiting for a list of names. The names we're talking about are the names of those who will be occupying the seats in the Interim Authority, the numbers we're talking about are more or less the same that we've been discussing over the past five days, and that is 20-30 names. Once the Interim Administration starts convening, they will then have some time to put together this Independent Commission, and it's envisaged that it will be formed of 21 members, the Independent Commission that will set up the Emergency Loya Jirga.

Let me again say that it's not over until it's over. We don't know what hitches lie ahead, so if you start asking me about time-frame, I'm afraid I'm going to have to say the word that every spokesman and journalist dreads: I do not know. But we're aiming hopefully for a clean text maybe by tomorrow morning. Again, I don't know. The missing link is the list of names. We have said to our friends on the hill - Mr Brahimi has said this very clearly - that we feel that it is important that we discuss and finalize a list of names in Bonn.

Now, I'd be happy to take your questions.

Question: Can you confirm the consensus that Mr Rabbani won't be heading this interim government? Second question: this Supreme Court, which function will it have, how many members will it have, and mostly, will it only last for six months also?

Answer: No, a judicial commission will be set up to set the legal framework for the Interim Authority and the selection of judges and the process of the selection of judges and all the process of setting them up will begin in the interim phase and move into the transitional phase. On the first part of your question concerning Mr Rabbani, I would like to say that Mr Rabbani is playing an important role in the success of the Bonn conference, and I cannot answer the question on what role he will play in the Interim Administration, because that, as yet, has not been decided. We have not received a list of names from the United Front, or from any of the other groups for that matter.

Question: Does this first draft also include a proposal on the multinational force and the role of the King?

Answer: Yes. The draft agreement, which is about 7 pages, does refer to the need to deploy a multinational force as early as possible. However, it also stresses that responsibility for security rests with the Afghan authorities themselves, but until such time as the Afghans themselves can build an army and a police force, the international community may assist them if we are requested to do so by the people meeting here in Bonn. The other part of your question was regarding the former King. Yes, it is suggested that the former King play a symbolic role in that he will preside over/open the Emergency Loya Jirga, but that is a proposal, this document has not been approved yet. And I caution us all not to consider this the end of the game - it's not.

Question: Does the draft document suggest that dual membership of the Authority and the Independent Commission to establish the Loya Jirga would be possible or impossible? On the matter of the King, does it suggest that he would have a role in choosing the leaders and deputy leaders of the Interim Authority from a list of names given to him?

Answer: No. On the first point it specifies very clearly that there cannot be dual membership of the interim administration and the independent commission on the convening of the Loya Jirga.

Question: I hear the Pashtun leader Karzai might be one of the biggest candidates, the Prime Minister of the Cabinet. Is that true?

Answer: You know more than I do. (Laughter.) I haven't seen the names; we haven't seen the names. It reminds me of something an American general said the other day. What we cannot see, we do not know. Sorry.

Question: Again about the King. We understood yesterday that, rather than presiding on the opening of the Loya Jirga as you just said, he would rather chair the convening of the Commission of the Loya Jirga, meaning that his role would not start when the Loya Jirga convenes, but his role would start right now as far as he will chair this commission. Can you confirm this please?

Answer: No I am sorry I can't confirm it but whatever positions may have existed a few days ago, have gradually changed over the past few days. What has been happening here is a process of reconciling views, and as I said, there were many, many positions on day one, on Tuesday, and different positions on Wednesday and we've taken all these and we've listened very carefully; and Mr Brahimi and his team, as I said, have listened to what the Afghan groups have said and taken all this and digested it into this document. It does not include what you just suggested. It does envisage a symbolic role for the former King, in that he would preside over the opening of the emergency Loya Jirga.

Question: I just wanted to make sure I'm not misunderstanding, that we've got clarity here, you're talking about something like up to 30 people in this whole administration, of which one part – an unspecified number – would be like the Government or the Cabinet, another part – separate, not with dual membership – would be the convenors of the Loya Jirga, or the Commission on the Loya Jirga, and a third group would be the Supreme Court. Have I understood you right?

Answer: Perfectly, I couldn't have put it better. (Correction: The Interim Administration alone would be composed of 25-30 members. The Independent Commission and the Supreme Court would have separate membership.

Question: In conversations with Security Council diplomats over the week-end there seems to be the feeling that it might not be possible to get together a multi-national force as quickly as the UN hopes to put the administration back into Kabul. Is there a possibility being thought of to bring this administration to Kabul with a different type of security in place rather than a multi-national force?

Answer: I don't think that we're going to wait for the deployment of a multi-national force before the interim administration begins its work. We have to get this administration on the ground, up and running, as quickly as possible. The deployment of a multi-national force, whatever its composition, mandate or duration, is going to take some time to put together.

Question: I'm interested to know – they discarded apparently the idea of having a supreme council because it was going to be very difficult, some factions said, to get it together in such a short time, so why do they think they will have in, obviously in its place, a Supreme Court, which in a country like Afghanistan would seem to be even more difficult to convene at short notice?

Answer: Good question. You know, politics is the art of the possible and if you're negotiating and you come across a brick wall, you can either stand there and hammer your head against it forever, or you can turn back and find another route. What they did here was turn around and think about this Supreme Council idea for a very long time, and think about it very hard, and decide that 120 names, 200 names maybe, might be a bit difficult to come up with now, and let's focus on the administration and on the convening of the emergency Loya Jirga, which after all is the most representative body that you can ever get in Afghanistan, as it represents the entire country as a Council of Elders, consists of representatives from every region, has about – when it does convene – 1,500 members, and makes momentous decisions. So let's focus on getting the emergency Loya Jirga. The Supreme Court, of course it'll take time. Not for one second do we imagine that we'll have a Supreme Court up and running within six months. It will take time. But it's in the agreement, at the moment, as it stands. And let's see what the text looks like at the end of the day.

Question: Will the Supreme Court deal with possible crimes of war, or in this draft document, does this document include the possibility of an amnesty?

Answer: No, this document rules out any amnesty for crimes of war or human rights' violations. Will the Supreme Court deal with crimes? The Supreme Court of Afghanistan will be set up to form a cornerstone of the judicial system of Afghanistan, and it is envisaged as one of the institutions that must be set up in the new Afghanistan.

Question: (Inaudible.) (About whether names for the Supreme Court and the Independent Commission will be prepared in Bonn)

Answer: No, they will work on the names during the interim and transitional periods. Let me also say again that this is a draft document, and let us see what it looks like at the end. I can't go into the nitty-gritty of the details here today, that's not why I'm here. I'm here to try and give you an idea of what's going on and how far we've come in these talks. That's how far we've come: we have a draft text and they are studying it. I can't go into every detail.

Question: If I can ask you about what the text might say about a multi-national force? You say it makes a reference to the need for it. Does it mention a possible size or mandate, or even purview for such a force? Is it limited to Kabul? Is it 200 people? Who decides that and how?

Answer: No it does not mention a size. It does not mention a mandate. It does not mention a time period. It mentions the need to secure Kabul and its immediate environment and move out to other areas of the country as necessary, once deployed. But that is a decision that is going to have to be taken by the Afghan parties and, once it's submitted to the United Nations Security Council, by that body itself. So there are no details on the multi-national force, just the need for its deployment.

Question: It looks like there is a certain difference, if not conflict, between the point of view of the United States of America concerning the deployment of any security forces and what you mentioned about the delegations' opinion or paper?

Answer: So what you are saying is that there is a difference between the United States on the question of multi-national forces, I see. The multi-national force is going to be deployed when the Afghan Administration asks for it to be deployed. That is what this document says. The force will also assist the Afghan Administration in rebuilding its own military capabilities and police. So, difference of opinion – I know what you are talking about – at this stage we are not going to jump onto a plane and parachute troops in. That's not going to happen. It's going to take some time and perhaps during that time period the situation on the ground will change in such a way that it will become acceptable, and it has to be acceptable, to members of the coalition.

Question: Are the delegates on the hill agreed on the legal system that they foresee for post-Taliban?

Answer: I am sorry, I really don't know.

Question: Is their discussion about Sharia law or English law?

Answer: No, no, there was no discussion about that. There was a reference to the judicial system in the document. Let's see how they react to it.

Question: Is this an Afghan solution to the Afghan problem or a UN solution to the Afghan problem?

Answer: From day one Brahimi said, and we have repeatedly said, what Afghanistan needs is an Afghanistan solution to its problems. An Afghan solution. A 100% Afghan solution. A homegrown solution to its problems. What the UN is doing is assisting. We are facilitating, well rather the German Government has facilitated this conference, and the United Nations is assisting the groups in reaching a consensus, and what we hope will be unanimity on most of the points. But at the end of the day the Afghans have the first and the last word.

Question: Does the draft document say anything about the proportions of the different delegations in the interim administration, and if so, what does it say?

Answer: Thank you very much, and no it doesn't. I know there's been a lot of talk about this but I can't confirm any figures at the moment, I'm very sorry.

Question: You've been telling us for four days now that the delegations are in agreement on the need for an interim authority to be decided here in Bonn. If they are not talking names yet and haggling over the individuals, what is it that is holding up this process?

Answer: Good question, you have me there! The names have always been a problem. And I'm told – this is my first foray into Afghanistan politics – but I'm told that those with more experience than me have said that you can have a beautiful agreement but when it comes down to names, it gets very difficult. What we have been doing over the past four days, yes, we did say on day one – they all said in their opening speeches – we favour a transition of power; we favour a transfer of power. What we are doing is trying to put all these words into a document that will work, that they will abide by. We want to produce a document that is worth the paper it is written on, not a weak agreement that that they will not respect when they go home. They have to agree to every word in this agreement and implement it, and we, the international community, will be watching very carefully how they implement the agreement. There is of course a reference to the role of the United Nations in this agreement, which we can come to later. But, what is holding it up? Putting everything down has not been an easy task. Working with them day and night to come to a common understanding about the politics of government, the composition of an administration, the convening of a Loya Jirga, how much time the next phase should take, which is the transitional phase, will take – leading up to a Constitution – there will be a constitutional commission, for example. I didn't mention that but in the transitional period there will be a constitutional commission, or that is the suggestion in the paper. I shouldn't be as assertive as I have been because this may be thrown out of the window when I get back to Petersberg. But how we envisage it, an amalgamation of all their ideas – and it took time to get those ideas reconciled – and finally when we submitted it last night in English, there seemed to be comfort with what we were saying. But they still have, and they have every right to have, because this is their agreement and I'm sure they sharpened their pencils this morning and made a lot of notes in the margins, and have comments and suggestions and rejections and we'll see what they say at 3.30 today.

Question: You mentioned that there is a proposal for the role of the King in opening the emergency Loya Jirga next Spring. Is this a proposal by the Rome group; did any of the delegations accept this proposal so far, and is it possible that the King might have a role in the Special Committee you mentioned?

Answer: Do you know, all the groups have been very understanding and have made concessions, each on their own part have made concessions. The Rome group has worked very hard in order to find an acceptable formula and yes, they seemed at the end of the day comfortable with this proposal, but it's still only a proposal that he open the emergency Loya Jirga and preside over the first session. Whether he will take part in the independent commission, that has not been mentioned in the draft.

Question: Who made the proposal?

Answer: I can't give you a specific group that made this proposal. These ideas have been going back and forth between the groups and the United Nations and we came up with this final text.

Question: First, can you confirm that the main problems concerning names have been coming from the Northern Alliance and secondly, is this idea of the Supreme Court, does it come out of the blue or has it been in the background all the while?

Answer: There's a lot that's been in the background for a long time. No, it's in the document as a result of our discussions with the parties and the United Nations' experience in the past.

And on, "Could I confirm that the main problems concerning names have been coming from the Northern Alliance", and I should say United Front actually, no, I can't. We haven't had lists from anyone. There are four groups up there and they are sitting on their lists.

Question: I'm just wondering, is there any talk, you mentioned there is a civil conference going on in the neighbouring town, is there any talk about this interim administration being made up from people from civil society or from the factions, and will there be a Head of State during this transitional period?

Answer: The criteria for selection of people who will serve on the transitional administration is that they will have personal integrity and professional competence. Civil society is mentioned several times in the document in the

context of the administration communicating with the various sectors of society, in for example setting up a Human Rights Commission, setting up a commission that deals with refugees and displaced persons and setting up a Civil Service Commission which will help the administration and eventually the transitional administration select and build up an infrastructure of competent civil servants. Thank you very much and I do hope we will see each other again tomorrow, but I can't tell exactly what time that will be. We'll know more a little later.

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