Violation of Humanitarian Law

By Hujjatullah Zia

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 violates the principle of non-refoulement which

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the concept of the law of armed conflict. The
defense, a country's territory, or into
doctrine of jus cogens. Every rule of


civilian and military personnel. The doctrine

The government has been seeking a consensus in recent weeks for extension of the parliament’s term beyond June 22, which is the end of the parliament’s term in sight, officials are bracing for making arrangements for extension of the parliament’s term beyond June 22. There is no timeline set for holding the parliamentary elections and reforms cannot be done without political will. All these cannot be done without political will.

The status of human rights in Afghanistan is not satisfactory. The government has been discussing with key stakeholders including political figures, government agencies, the lawmakers over the fate of the parliament. It is now almost clear that the term of the parliament should be extended until the next parliamentary elections are held. Given the government’s consultations with key stakeholders and relevant groups, it seems there is a sufficient consensus over the parliament’s prolonged working beyond end of its legal term. Consensus-building has been the main approach of the government on deciding the end term of the House of Representatives. While developing consensus on issues of national importance is crucial for Afghanistan’s political stability, there has been lesser focus on legal and constitutional basis for decision-making. The justifications for extension of the parliament’s term remain controversial, and many experts and lawmakers consider the parliament’s working beyond June 22 as illegitimate. This is while others argue that the parliament’s working beyond end of its legal term would be legitimate and required based on the country’s need for having functioning state branches and overseeing the government’s actions. For many packs, there should be legal and constitutional basis to have the critical legitimacy to the parliament’s decision-making until the next parliament’s election deadline. Both the government and the House of Representatives should come to the realization not to bypass the constitution in their decision-making regarding the parliament’s tenure.

On the other hand, there is no clarity over what authority would decide on extension or termination of the parliament’s current term. The lawmakers’ views differ over who has the competency to decide extension of the parliament’s working term. The Speaker of the House maintains that the Speaker shares the idea of extension of the parliament’s term beyond its legal period. The lawmakers have been discussing this matter with the government and the parliament. President Ashraf Ghani has made it clear that he is going to refer the issue to the Supreme Court. The constitution has no clear stipulation regarding the constitution, there are confusions and chaos regarding the issue. The decision for extending the parliament’s term should be made based on national consensus and constitutional basis for decision-making.

The government needs to quickly resolve the issue of reforms to the electoral law. The government has not yet established the electoral commission to bring the required changes. The delayed reforms have already created enormous challenges for the government and the lawmakers, especially the extension of the parliament’s term beyond June 22. Based on the agreement which led to formation of the current government, the newly established political system should have body to work on the electoral system. However, due to the disagreements over who should lead the reforms commission, the reform agenda for electoral system and procedures is still pending.

The government needs to implement the provisions of the agreement mediated by the American professor and the non-governmental organization, the National Unity Government should establish electoral reform agenda and set the deadline for reforms. The government and the lawmakers, especially those favoring parliamentary elections would exacerbate Afghanistan’s fundamental administrative and legal problems. The definition and practical implementation of the electoral reforms commission have put on the parliamentary reform agenda for meaningful and legitimate elections. The commission should be headed by the government and the parliament. The challenges ahead of the upcoming parliamentary elections are enormous. The preparations for the election would be a long and exhausting process. The elections would take a long time and resources to get preparations at the time they are reform. The government needs to convene the international community and domestic stakeholders for a comprehensive discussion on how to work on the electoral system and procedures done without political will from the leaders of the National Unity Government.

The legal term of Afghanistan’s current parliament ends in a week, while there is no timeline set for holding the parliamentary elections and reforms cannot be done without political will. All these cannot be done without political will. The status of human rights in Afghanistan is not satisfactory. The government has been discussing with key stakeholders including political figures, government agencies, the lawmakers over the fate of the parliament. It is now almost clear that the term of the parliament should be extended until the next parliamentary elections are held. Given the government’s consultations with key stakeholders and relevant groups, it seems there is a sufficient consensus over the parliament’s prolonged working beyond end of its legal term. Consensus-building has been the main approach of the government on deciding the end term of the House of Representatives. While developing consensus on issues of national importance is crucial for Afghanistan’s political stability, there has been lesser focus on legal and constitutional basis for decision-making. The justifications for extension of the parliament’s term remain controversial, and many experts and lawmakers consider the parliament’s working beyond June 22 as illegitimate. This is while others argue that the parliament’s working beyond end of its legal term would be legitimate and required based on the country’s need for having functioning state branches and overseeing the government’s actions. For many packs, there should be legal and constitutional basis to have the critical legitimacy to the parliament’s decision-making until the next parliament’s election deadline. Both the government and the House of Representatives should come to the realization not to bypass the constitution in their decision-making regarding the parliament’s tenure.

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