

Agreement between the Two Campaign Teams Regarding the Structure of the National Unity Government

This period in Afghanistan's history requires a legitimate and functioning government committed to implementing a comprehensive program of reform to empower the Afghan public, thereby making the values of the Constitution a daily reality for the people of Afghanistan. Stability of the country is strengthened by a genuine political partnership between the President and the CEO, under the authority of the President. Dedicated to political consensus, commitment to reforms, and cooperative decision-making, the national unity government will fulfill the aspirations of the Afghan public for peace, stability, security, rule of law, justice, economic growth, and delivery of services, with particular attention to women, youth, Ulema, and vulnerable persons. Further, this agreement is based on the need for genuine and meaningful partnership and effective cooperation in the affairs of government, including design and implementation of reforms.

The relationship between the President and the CEO cannot be described solely and entirely by this agreement, but must be defined by the commitment of both sides to partnership, collegiality, collaboration, and, most importantly, responsibility to the people of Afghanistan. The President and CEO are honor bound to work together in that spirit of partnership.

A. Convening of a Loya Jirga to amend the Constitution and considering the proposal to create the post of executive prime minister

- On the basis of Article 2 of the Joint Statement of 17 Asad 1393 (August 8, 2014) and its attachment (“...convening of a Loya Jirga in two years to consider the post of an executive prime minister”), the President is committed to convoking a Loya Jirga for the purpose of debate on amending the Constitution and creating a post of executive prime minister.
- After the inauguration ceremony, the President will appoint in consultation with the CEO by executive order a commission to draft an amendment to the Constitution.
- On the basis of Article 140 of the Constitution, the national unity government is committed to holding district council elections as early as possible on the basis of a law in order to create a quorum for the Loya Jirga in accordance with Section 2 of Article 110 of the Constitution.
- The national unity government is committed to ratifying and enforcing a law on the organization of the basic organs of the state and determination of the boundaries and limits of local administration by legal means.
- The national unity government commits to completing the distribution of electronic/computerized identity cards to all the citizens of the country as quickly as possible.
- The above issues and other matters that are agreed to will be implemented on a schedule which is appended to this agreement.

B. The position of the Chief Executive Officer

- Until such time as the Constitution is amended and the position of executive prime minister is created, the position of Chief Executive Officer (CEO) will be created by presidential decree on the basis of Article 50 of the Constitution and Article 2 of the attached Joint

Declaration and its annex. The CEO and his deputies will be introduced in the presidential inauguration ceremony.

- The appointment of the CEO with the functions of an executive prime minister will take place through a proposal by the runner-up and the agreement of the President. The CEO will be answerable to the President.

- A special protocol for the CEO will be authorized in a presidential decree.

- The President will delegate by a presidential decree specific executive authorities to the CEO with a view to Articles 60, 64, 71, and 77 of the Constitution. Key elements of authorities will include the following:

1. Participation of the CEO with the President in bilateral decision-making meetings.

2. Carrying out administrative affairs and executive affairs of the government as determined by presidential decree.

3. Implementing the reform program of the National Unity Government.

4. Proposing reforms in all government agencies and decisively combatting official corruption.

5. Exercising specific administrative and financial authorities, which will be determined in a presidential decree.

6. Establishing working relationships of the executive branch of the government with the legislative and judicial branches within the framework of defined functions and authorities.

7. Implementing, monitoring, and supporting the policies, programs, and budgetary and financial affairs of the government.

8. Submitting necessary reports and proposals to the President.

9. The President, as the head of state and government, leads the Cabinet (Kabina), which meets at his discretion on government policy, strategy, budgeting, resource allocation, and legislation among its other functions and authorities. The Cabinet consists of the President, Vice-Presidents, CEO, Deputy CEOs, the Chief Advisor, and ministers. The CEO will be responsible for managing the Cabinet's implementation of government policies, and will report on progress to the President directly and in the Cabinet. To that end, the CEO will chair regular weekly meetings of the Council of Ministers (Shura-ye Waziran), consisting of the CEO, Deputy CEOs, and all ministers. The Council of Ministers will implement the executive affairs of the government. The CEO will also chair all the sub-committees of the Council of Ministers. Based on this article of the agreement, a presidential decree will introduce and define the new Council of Ministers as distinct from the Cabinet.

10. Providing advice and proposals to the President for appointment and dismissal of senior government officials and other government affairs.

11. Special representation of the President at the international level as deemed necessary by the President.

12. The CEO is a member of the National Security Council.

13. The CEO will have two deputies, who will be members of meetings of the cabinet and meetings of the National Security Council. The functions, authorities, and responsibilities of the CEO's deputies, in line with the CEO's functions and authorities, as well as an appropriate protocol for them, will be proposed by the CEO and approved by the President through presidential decree.

C. Appointment of senior officials

On the basis of the principles of national participation, fair representation, merit, honesty, and commitment to the reform programs of the national unity government, the parties are committed to the following:

- Parity in the selection of personnel between the President and the CEO at the level of head of key security and economic institutions, and independent directorates. As a consequence of this parity, and the provisions of Sections B(12) and (13) above, the two teams will be equally represented in the National Security Council at the leadership level, and equitably (barabarguna) represented at the membership level.
- The President and the CEO will agree upon a specific merit-based mechanism for the appointment of senior officials. The mechanism will provide for the full participation of the CEO in proposing nominees for all applicable positions and for full consideration of all nominations. In conformity with the intent of the Joint Declaration and its annex (Article 5), the President and the CEO will consult intensively on the selection of senior appointees not covered by the Civil Service Commission through the above mechanism, which can lead to equitable (Barabarguna) representation from both parties, and with attention to inclusivity and the political and societal composition of the country, with particular attention to women and youth, and persons with disabilities, for state institutions and agencies, including key judiciary and local administrative posts. The two parties are committed to early reform of the Civil Service Commission.
- Enabling broad participation of meritorious personalities and personnel of the country at various levels of the system, using these opportunities for securing enduring peace and stability and building a healthy administration.

D. Creation of the position of leader of the runner-up team

In line with the Joint Declaration of 17 Asad 1393 (August 8, 2014) and its annex, and with the goal of strengthening and expanding democracy, the position of the leader of the runner-up team, referred to in the mentioned document as the opposition leader, will be created and officially recognized within the framework of the government of the Islamic Republic of Afghanistan on the basis of a presidential decree. The responsibilities, authorities, and honors of this position will be spelled out in the decree. After the formation of the national unity government with the presence of the runner-up team on the basis of this agreement, this position will act as an ally of the national unity government.

E. Electoral reform

To ensure that future elections are fully credible, the electoral system (laws and institutions) requires fundamental changes. Immediately after the establishment of the government of national unity, the President will issue a decree to form a special commission for the reform of the electoral system in accordance with Article 7 of the Political Framework. Members of the special commission will be agreed between the President and the CEO. The special commission will report to the CEO on its progress and the Cabinet will review its recommendations and take the necessary steps for their implementation. The objective is to implement electoral reform before the 2015 parliamentary elections.

F. Implementation

Any divergence in views or dispute regarding the interpretation or application of this agreement shall be resolved through consultation between the parties.

The parties express appreciation for the role played by the international community in facilitating the political and technical agreements, and welcome the assurances the parties have received of its support for the implementation of this agreement and its engagement with the government of national unity.

G. Entry-into-force

Honoring their commitments to the Technical and Political Frameworks of July 12, 2014, and the Joint Declaration of August 8, 2014, as reflected throughout this agreement, the parties reaffirm their commitment regarding the outcome of the election and implementation of this agreement to establish the national unity government, which will enter into force upon signing by the two candidates in the presence of Afghan and international witnesses.

[signed] Dr. Mohammad Ashraf Ghani Ahmadzai Dr. Abdullah Abdullah

The foregoing signatures were witnessed by:

H.E. Jan Kubis, Special Representative of the Secretary General of the United Nations

H.E. James B. Cunningham, Ambassador of the United States of America

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