



Legislative Newsletter

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NEWS

Meshrano Jirga Begins Sittings

Wolesi Jirga members still away preparing for elections

The Meshrano Jirga has resumed plenary sessions in line with the second legislative session of the National Assembly's fifth year which began on July 26th. The Wolesi Jirga is not expected back until after the September 18 Parliamentary elections, as members are fully engaged with election campaigns. Article 104 of the Constitution provides that the two houses should hold their sessions concurrently.

According to MJ Admin Board Second Secretary, Azizullah Ulfati, senators will not undertake their legislative role while the WJ remains on recess, but will instead focus on their oversight and representation roles. "The MJ will concentrate on security problems and organised crimes. We have formed working groups to travel to provinces across the country to talk to people about their problems," Mr. Ulfati said. He added that the current MJ session will run until December 4 when they will adjourn for their recess. "We have no intention to synchronize our holidays with the WJ calendar," concluded Mr. Ulfati.

The decision by the WJ to remain on recess until after the September elections and the subsequent decision by the MJ to limit their activities to representation and oversight functions means that the NA will only possibly engage in its key function of processing legislation after September. The late resumption by the WJ presents the possibility of a "lame duck parliament," with incumbent members resuming sitting after the elections, till possibly mid November when new members are expected to be sworn in. This will be the first time that the NA will be faced with such a situation and the effectiveness of such an arrangement remains to be seen. Equally undetermined at this stage is how outstanding legislative business will be handled. The Constitution is silent on whether legislative business can be carried forward to a new Parliament.

While the decision by the MJ to focus on its Representational and Oversight functions is welcome. It remains to be seen how this development will practically impact the National Assembly, particularly whether the Executive will issue any legislative decrees or for that matter if the MJ will be able to constitute committees with sufficient quorum to enable it to

conduct its agreed activities. In the absence of the WJ, the President can issue legislative decrees, even if the MJ is sitting.

Senators demand respect from the Executive.

In what has now become a constant refrain, Senators again accused government officials of not according them the same respect they claim is shown to the members of the Wolesi Jirga. The latest round of complaints was made during a plenary session on the 27th of July when the Attorney General, Ishaq Aleko was in attendance.

Senators accused government officials of applying double standards with NA members. They alleged government officials give preferential treatment to the WJ and snub MJ members and sessions. In emotionally charged protestations, Senators maintained their criticism of government officials.

Senator Mohammad Yunus Takhari accused Attorney General, Mr. Aleko of not treating him well when he visited the AG's office. "I visited your office and you didn't even say goodbye to me when you left your office. Who should we turn to? We are the people's representatives. Why are Senators treated differently from MPs of the Lower House?" complained Mr. Takhari. Concurring with the charge, Senator Alam Izedyar added that government officials have always held the WJ MPs in higher esteem compared with the MJ. He added that the issue has been raised with President Hamid Karzai. "This is indeed a serious problem. The president has sent a communiqué to all government departments, ordering them to treat all members of the NA equally," Mr. Izedyar said.

Responding to the Senators' accusations, Mr. Aleko denied the accusations arguing that he has availed his contact details to both WJ and MJ members. "Everybody has my contact details and is free to call me anytime. I even receive phone calls after working hours," said Mr. Aleko.

The complaint by Senators that they are not viewed in the same light as WJ members has become a perennial one, with no clear indication of a resolution to the perception. In May 2010, Senators accused cabinet ministries of choosing to attend WJ plenary sessions and sending their deputies and other low ranking officials to the MJ sessions. "The ministers deal dually with the NA, they themselves come to the WJ and send their deputies or any other low ranking officers to the MJ," complained First Deputy, Fazel Hadi Muslimyar at that time.

It remains to be seen if the latest round of protestations will result in any significant change in how the MJ view their relationship with the Executive, or if the MJ will take any steps to assert their authority.

Meshrano Jirga engages constituents.

Field visits conducted in Baglan and Kandahar provinces.

Consistent with its representational mandate, the Meshrano Jirga has been engaging in a series of field visits aimed at meeting the electorate and assessing security challenges they face. Reporting back to the plenary, members of two fact finding missions to Baglan and Kandahar provinces lamented the deteriorating security situation in the provinces.

The head of the Baglan delegation Senator Abdul Wali Raji in his report highlighted the link between development and security and lambasted the government for failing to take proactive steps to reduce insecurity. He described the security situation in Baglan province as “deteriorating.” Mr. Raji further warned that the situation could become worse if government did not immediately implement measures to quell the problem. “The government has failed to adopt necessary measures (to address Baglan province’s security challenges),” complained Mr. Raji, adding that recent floods compounded the numerous problems faced by the province and “the government has done nothing to help the people.”

Senator Haji Saleh Mohammad Palawan, in presenting a report on his delegation’s recent visit to Kandahar province also accused the government of not doing enough to address issues affecting Kandahar province: “The government must pay attention to Kandahar’s security situation,” he said. Mr. Palawan’s delegation indicated that there has not been any change in the security challenges facing Kandahar since the last MJ delegation to the province in March this year. The March delegation, again led by Senator Palawan had described the security forces in Kandahar as “generally weak and incapable of protecting civilians”. They had further noted that “the National Directorate of Security (NDS) is totally mutilated and the situation in Kandahar is so bad that neither the shopkeepers nor the people can go out for a walk without fearing for their lives.” The latest delegation left Kandahar with the same sentiments.

The plenary concluded the report back session with a recommendation that the government must implement necessary measures to guarantee security at a national level. The Upper House Deputy Speaker Fazal Hadi Muslimyar, assured senators that he would raise the issues discussed in the plenary session with the President in a meeting scheduled for August 7.

Status of Bills

With the MJ not conducting any legislative business in the absence of the WJ, there is no legislative activity to report at present.

Acronyms

MJ	Meshrano Jirga
NA	National Assembly
NDS	National Directorate of Security
WJ	Wolesi Jirga