



Legislative Newsletter

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NEWS

MPs Call New MoPA Directives “Unconstitutional”

The Ministry of Parliamentary Affairs (MoPA) has proposed a new set of directives, consisting of eight clauses, to govern relations between the Legislative and Executive branches of the Afghan government. The directives, which were approved unanimously by the cabinet ministers on 18 October, are already causing considerable consternation among Members of Parliament (MPs).

According to the MPs, one of the most controversial clauses stipulates that the internal rules and procedures of the National Assembly (NA) should be revised jointly by representatives of the Ministry of Justice, MoPA and the NA. The MPs may resist such an arrangement which they consider to be outside interference in the functioning of the National Assembly.

The directives also stipulate that “no demand by a member of parliament from the executive should be fulfilled unless authorized by the Ministry of Parliamentary Affairs.” MPs said this move is illegitimate. “The Afghan constitution stipulates that any commission of the National Assembly can question any minister about special issues.¹ This directive means that a commission wanting to question a minister would need the permission of MoPA. It is simply unconstitutional,” argued Abdul Kabir Ranjbar (Kabul) in the general plenary on 20 October.

Abdulsatar Khawasi (Parwan) echoed the general sentiment in Parliament when he questioned the very existence of the MoPA. “We don’t need a Ministry of Parliamentary Affairs; we just need a directorate of parliamentary affairs. This body is established based on political motives in order to appease individuals with big egos,” he declared. During the Wolesi Jirga plenary, MPs could be heard shouting, “We do not recognize the MoPA, we have not voted for this ministry!”

The directives have not yet been officially sent to the NA, but given the strong reaction from MPs, the stage is set for yet another confrontation between the National Assembly and the Executive. Amanullah Paiman (Badakhshan) believes this could undermine progress in other areas. “For the government to succeed there is need for better relations with the NA,” he said.

¹ Article 93 of the Afghan constitution states: “Any commission of both houses of the parliament can question any Minister about special issues. The individual questioned shall provide an oral or written response.”

MPs Briefed by an Upbeat Mining Minister

The Minister of Mines, Wahidulah Shahrani, was invited to the Wolesi Jirga (WJ) on 20 October to brief MPs about the potential of the mining industry in Afghanistan and was praised for “giving the country hope.” Mr. Shahrani said that the discovery of new mineral deposits, in addition to those already known, represented possible new revenue sources for the government and employment opportunities for Afghans. “The mining industry’s contribution to the Afghan government’s revenue is just \$1.2 billion [as of 2009]. With new mines and extraction from existing ones, we are hoping to raise that figure to \$15 billion by 2025,” said Mr. Shahrani.

Some MPs were clearly impressed by the prospect. “I always thought that the mining ministry was incompetent and idle. After listening to your briefing, I have changed my mind,” said Habiba Danesh (Takhar).

However, Dawood Sultanzoi (Ghazni) questioned the minister’s calculations. “The figure of \$15 billion by 2015 might sound impressive, but that is in nominal terms. You have not calculated for the rate of inflation. Not only that, you have not even considered the likely increase in prices of natural resources,” argued Mr. Sultanzoi.

Mr. Shahrani accepted that the figures were nominal and prone to price fluctuations, but said that the most important contribution of an expanded mining sector would be to the country’s Gross Domestic Product (GDP), and not simply to government revenues. “Extraction from these mines will have a multiplier effect,” he said. “In other words, the people who will be employed will have disposable incomes that they will spend. That will create demand for more goods and services and that in turn will create more employment.”

International engagement in Afghanistan also featured in the debate, as Sultan Mohammad Awrang (Badakhshan) questioned American motives. “Perhaps the minister could tell us why the US is planning to create four permanent bases in Afghanistan? Has that got anything to do with newly discovered natural wealth?” he asked. The Minister responded that he had no evidence to suggest a link between the foreign military presence and Afghanistan’s mineral resources.

Committee News

Senators Urged not to Forget Disabled “Heroes”

On 20 October, the Meshrano Jirga’s Health, Social Affairs, Environment, Martyrs and Disabled Committee held a public hearing on problems faced by people living with disabilities. The public hearing attracted 90 participants, including representatives of civil society organizations advocating for the rights of persons living with disabilities.

“It is important for Parliament to get people’s views on issues of concern and try to find solutions for problems they face on a day-to-day basis,” said Committee Chairperson Ms. Taiba Zahidi in her opening remarks. Ms Zahidi further assured participants that the Committee would consider all testimonies in finding solutions to the problems faced by people living with disabilities with a view to affording them with the same opportunities as the able bodied.

Presenting his testimony to the public hearing, the Director of the National Support Association for Disabled and Martyrs’ Heirs, Hajji Rahim Shahpoori, lamented the government’s failure to recognize

the sacrifices of people living with disabilities during the war. “The leaders of this country are enjoying the benefits of what we fought for—they have everything, we have nothing...Why is the government unable to provide facilities for the people living with disabilities?” Mr. Shahpoori added that people with disabilities have not been “repaid” for sacrificing their limbs for a better life for the people of Afghanistan. “We want our honor back—we shouldn’t be called disabled, instead we should be called heroes of this country,” he said.

Mohammad Sadiq Mohibi of the Afghanistan Community Based Rehabilitation Network also said the government was insincere in its approach to the disabled. “It is a political gimmick,” he said of disabled policy. “There is no budget allocation for the ministries [for the needs of the disabled].”

The committee also heard that there are limited education opportunities for people living with disabilities in Afghanistan. “There are over two and a half million people living with disabilities in Afghanistan, and an insignificant number have access to higher education. There are only two schools for the disabled in Kabul and no more than four in the whole country,” said Mohammad Alam Bayan, Director of the Special Education Department of Kabul’s Teacher Training Institute. Mr. Bayan also pointed out that there is no disabled representative on the High Council for Peace or a disabled advisor to the president, and said that the disabled were excluded from performing the pilgrimage to Mecca.

Ms Suraya Paikan, the Deputy Minister of Labor, Social Affairs, Martyrs and Disabled, earlier told the hearing that a new law designed to help the disabled is being held up due to concerns over how it should be funded. “Donors are not too keen on providing the funds that would allow the government to implement the law,” she said.

Legislation

There is no legislative activity to report at this time.

Upcoming Events:

Meshrano Jirga

- Kabul University Director of Education Department was invited to appear before the Committee of Religious, Cultural Affairs, Education and Higher Education on November 3, 2010
- The Minister of Public Works was summoned to attend the November 2 plenary session

Wolesi Jirga

- The Minister of Health will present his Ministry’s report to the November 1 plenary session.

Acronyms

GDP	Gross Domestic Product
MJ	Meshrano Jirga
MoPA	Ministry of Parliamentary Affairs
NA	National Assembly
WJ	Wolesi Jirga