

Legislative Newsletter

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NEWS:

MPs Grill National Disaster Management Authority

The government's failure to stop fuel price hikes has led lawmakers to intensify their oversight discussions with relevant ministries about winter preparations. The Wolesi Jirga (WJ) invited the Afghanistan National Disaster Management Authority (ANDMA) on 30 November to brief legislators on their preparations for road closures, poverty reduction, providing health and other humanitarian assistances during the winter months.

Although the WJ conducted three plenary sessions last week and urged Ministries of Commerce, Finance and Economic to control hiking prices of fuel and gas, MPs contend that not only are rates increasing, but the public is also facing gas shortages in the capital city of Kabul. In his explanation to the plenary on November 22, Minister of Commerce and Industries Mr. Anwarulhaq Ahadi promised to intervene in the market to set a rate of 55 Afghanis (\$1.1 USD) for one kilogram of gas within two days. MPs Fakoori Beheshti (Bamyan) and Khalil Ahmad Shaheer (Herat) raised the issue of recent fuel price hikes. "The people cannot find propane in the market, the price of propane has gone up to 110 Afn (\$2.2 USD) per kilogram," said Mr. Shaheer.

Mr. Mohammad Abdo (Balkh) concurred, "There is a shortage of propane in the market. Mr. Ahadi did not fulfill his commitment to halt fuel price hikes." He further suggested that the relevant ministers should be invited back to the plenary to give members assurances that they would do something to lower the price of fuel.

The MPs are worried that if the current situation continues, potential road closures in the coming winter months might cause residents in rural areas to face problems accessing food. They asked ANDMA to take appropriate action to keep Afghanistan's major highways open.

ANDMA, which consists of the Ministries of Agriculture, Public Works, Public Health, Rural Rehabilitation and Development, Water and Energy, Refugees and Repatriation and the Agency of Fight against Natural Disaster, is responsible to stock food and other humanitarian supplies in remote areas of the country prior to the onset of winter. It is also tasked with providing services during the winter to prevent human disasters.

Mr. Abdul Qudus Hameedi, Minister of Public Works updated the House on preparations of the ministry for the upcoming winter season. According to him, the ministry selected 260 points in different parts of the country to provide emergency first aid and established eight referral centers across the country, "Companies have already been contracted to clear 90% of the roads during winter." Mr. Hameedi also said that his ministry is trying to accelerate construction work on the Khost-Gardez Road and that the World Bank will soon fund the second Salang Tunnel.

Providing lawmakers with detailed information regarding ANDMA efforts, Mr. Rahimi, Minister of Agriculture said that around 4,150 tons of wheat, 5,000 tons of rice, 10,000 tons of seed and 19,000 tons of grass for livestock will be provided to 14 provinces. According to Mr. Rahimi, “25,000 tons of wheat and 2,500 tons of rice have already been transported to the affected provinces.” He requested MPs to monitor the aid distribution process. He also said the government has already procured 10,000 tons of the required 100,000 tons of wheat from India and the consignment will be stored in different provinces of the country. “We will be receiving 35,000 tons of wheat in a few days,” Mr. Rahimi said, adding that the World Food Program (WFP) is providing \$450 million annually for this cause and the government appealed for a further \$142 million from international organizations to mitigate the effects of the current drought. “We have already received pledges of 40% of the total, of which \$12 million will be used to purchase food to be distributed by the UN and other international nongovernmental organizations in provinces affected by drought,” he said.

Mrs. Suraya Dalil, Acting Minister of Public Health briefly explained preparations of the Ministry of Public Health for the upcoming winter. “We are prepared to provide health services to one million people across the country in case of an emergency. The ministry has 15 mobile health centers to service nomads. The ministry will provide health services in 20 provinces,” said Mrs. Dalil. She also explained that 124 health centers are functional in Nangarhar province including two hospitals and more than six health care clinics that have been built to service refugees in the province.

After the briefings, lawmakers called for equal distribution of aid to all parts of Afghanistan and criticized ANDMA for focusing only on northern provinces. Mr. Tohkhee (Zabul) asked for clarification on why ANDMA is only focusing on provinces in the north and not paying any attention on southern provinces. Mr. Tohkhee (Zabul), Mr. Sulaimankhel (Paktika), Mr. Mulla Sayed Mohammad (Kandahar) and Mr. Sauesta Baz Naseri walked out of the session in protest.

Mrs. Nasima Niazi (Helmand) also objected to allocation of aid only to northern provinces. She said, “It is not acceptable to us. The ministries are only focusing on some areas.” Responding to Mrs. Niazi, the Deputy Speaker of the House Mr. Pashtoon said, “We should give priority to all affected areas.”

New Officials Receive Vote of Confidence

Nominees for three key government positions received support from the Wolesi Jirga on 26 November. The following received votes of confidence from the Lower House: Mr. Rahmatullah Nabeel for the position of General Director of National Directorate of Security (NDS); Mr. Noorullah Delawaree as General Bank Governor of Central Bank (CB); and Mr. Muneer Danish as member of the Commission on Oversight of Implementation of the Constitution.

The nominees needed 115 votes of confidence from the 229 MPs present to win approval. All three nominees polled the required 50%-plus one vote to secure the positions. Mr. Nabeel, who has been serving as acting director of the NDS since July 2010, received 208 votes and 12 in opposition. Mr. Delawaree, previously Central Bank Governor from 2004 to 2007, secured 173 votes with 34 in the negative. Mr. Danish garnered 155 votes in support and 46 in the negative for membership of the Commission on Oversight of Implementation of the Constitution (COIC).

After Parliamentary Affairs Minister Mr. Humayon Aziz introduced the nominees, Badakhshan province MP Amanullah Paiman criticized the candidates’ selection criteria, “I wish the proposed government

officials should have been introduced to Parliament based on merit rather than tribal and linguistic criteria.” He added, “Parliament should evaluate all current cabinet ministers and interpellate those who have not done anything so far.”

Outlining their strategies to the House, the nominees promised to work hand in hand with the National Assembly to bring changes to the banking system, prevent neighboring countries’ intelligence agents from interfering in Afghan affairs and ensuring rule of law and implementation of the Constitution.

Addressing the plenary, Central Bank Governor nominee Mr. Delawaree, who was currently serving as head of Afghanistan Investment Support Agency (AISA), said he has over 25 years experience in banking and is well versed with the current crisis in the banking sector in the country. “The problems of the banking sector are getting worse each day. We have witnessed problems in this sector, particularly the Kabul Bank crisis. We need to change the system to bring transparency and accountability.” He also informed MPs that once his appointment is approved, he will work to ensure that the “Islamic banking system will be incorporated into the current system.”

According to the MPs the Kabul Bank crisis will be a challenge for Mr. Delawaree. Earlier the International Monetary Fund (IMF) had suspended approval for loans to Afghanistan due to concerns over the Kabul Bank scandal and asked the Afghan government to clean up its financial system. The IMF only started releasing loans for Afghanistan after a \$51 million bailout of the Central Bank was approved by the National Assembly.

Mr. Abdul Zaher Qadeer (Nangarhar) asked the three nominees if they will be willing to be interpellated by the WJ and accept any no confidence vote passed on them. Paktika province MP Mr. Ishaq Gaillani suggested that the number of NDS staff should be increased, facilities in detention centers be improved and that NDS staff desist from torturing detainees. Mr. Gaillani alleged that most of the detainees tortured in NDS custody are Pashtun. He also asked ICOIC nominee Mr. Danish if government political positions would influence his decisions in the committee.

Mr. Mohammad Aref Rahmani (Ghazni) asked the new Central Bank chief about his plans to recoup funds embezzled from Kabul Bank. He also asked the NDS nominee to explain the circumstances behind leaking of the Traditional Loya Jirga security plans to insurgents.

In his brief remarks to lawmakers, Mr. Nabeel said for the NDS to succeed, it must constantly consult with the National Assembly. He informed MPs of the increase in the number of NDS staff by 84% and that they have been awarded bonuses for their extraordinary achievements.

Mr. Nabeel further advised the House that 2,732 Afghans and 100 foreigners involved in insurgent activities have been detained. “More than 200 of them are children who were being trained to be suicide bombers,” he said, adding that the NDS does not discriminate against any person. “All citizens are equal regardless of their tribe, race and language,” he said. Mr. Nabeel promised to work closely with his NATO counterparts to reduce the number of civilians killed during night raids. “To achieve this, we would first identify where the enemies are before we conduct operations,” Mr. Nabeel said.

ICOIC nominee, Mr. Danish also promised to properly monitor the rule of law and implementation of the Constitution.

Senators: Raising Knowledge Can Eliminate Violence Against Women

Commemorating the International Day of Elimination of Violence against Women, Senators on 27 November called on religious scholars, elders and women affairs committee of Meshrano Jirga (MJ) to play their role in raising citizens' awareness on rights of women. "I believe violence against women could only be eliminated if we implement Sharia Law and religious scholars play their role in raising citizens' awareness on the rights of women," said MJ Deputy Speaker Mr. Mohammad Alam Izedyar. He also stressed the need to strengthen the National Assembly's oversight function and drafting or amending laws on violence against women.

The International Day for the Elimination of Violence against Women has been observed on November 25 since 2000. This day is an occasion for governments, international organizations and nongovernmental organizations to raise public awareness on violence against women. Since 2001, Afghan women activists have worked hard to alleviate violence against women and have occasionally released reports of violence and raised concern regarding prosecution of perpetrators.

Senators called for implementation of Sharia Law to ensure women get their due rights. Mr. Izedyar, in his opening remarks said, "The Holy religion of Islam accords a very high and valuable place to women . . . Enemies of Islam are fighting Islam, alleging the Holy religion does not give or respect women's rights. Islam has a place for women." Concurring with Mr. Izedyar, Mr. Ghulam Mahiuddin Munsif (Kapisa) said, "Lack of awareness of the Islamic religion, constitution and laws of the land contribute to violence against women." He further suggested, "We should improve the education level amongst the citizens and the Islamic madras (schools) should play their role in eliminating violence against women in the country."

Ms. Anarkali Hunaryar (Appointee) and Mr. Sayed Farukh Shah Janab (Faryab) stressed the need to identify the different kinds of violence and find solutions. According to them, forced marriages, adoption of foreign cultures increases violence; and authorities' failure to enforce laws are some of the major reasons for violence against women. "Insecurity, corruption and non-implementation of laws pave way to violence against women," Ms. Hunaryar said, adding, "Self-immolation and eloping are also a result of violence against women in families." Mr. Janab said, "The government should monitor organizations which claim to work for women yet they promote immoral activities." He further accused women's shelters of "seducing women and promoting immorality".

Another Senator Ms. Rana Tareen (Appointee) accused the parties involved in the Afghan conflict of subjecting women to violence. According to her, only celebrating the days without raising problems faced by Afghan women will not be sufficient. "The rights of Afghan women have been violated by the Afghan government, international community and Taliban. Illegal night raids and home searches by the NATO forces are disrespectful to women," said Ms. Tareen. She asked the government to take serious measures in this regard, adding, "Women are unemployed and inadequate health and educational facilities for girls can be considered as violence against women."

The Law on Eliminating Violence against Women is under debate in the National Assembly, but the Women Affairs Committee of the Lower House has not yet presented it to the House allegedly due to lack of support by male MPs. Although female senators accept that considerable progress has been made in eliminating violence against women, however, they raised concern over workplace equality. "Afghan women are facing challenges in the work environment. Even in the Legislature women are deprived of their privileges," Mrs. Taiba Zahedee (Appointee) said, adding, "Islam accords women and men equal rights. I request the brothers in the House to respect and give all rights to their sisters in the House."

A religious scholar representing Kabul province in the Meshrano Jirga Mr. Khaliqdad Balaghi, said that violence against women should be eliminated, but according to him, women should be given emancipation in light of Islamic principles. “We should not use Afghan women as marketing tools. Some TV commercials show women in inappropriate clothing. Such clothing is prohibited by our religion and culture.” He alleged that making women wear such clothing is a form of violence against them.

Concluding the discussion, Mr. Izedyar acknowledged that violence exists in every society, but comparing to others Islam has uplifted women. He stressed that non-implementation of Sharia Law and illiteracy are the main reasons for violence.

Meshrano Jirga Approves Four International Agreements

On 29 November, the Meshrano Jirga (MJ) plenary session approved four international agreements signed between South Asian Association for Regional Cooperation (SAARC) member countries – Afghanistan, United Arab Emirates, Tajikistan – and one Memorandum of Understanding between Malaysia and Afghanistan.

The four Agreements sent to the MJ following approval by the Wolesi Jirga in October addressed the following: 1) the Establishment of SAARC University; 2) Establishment of SAARC Food Bank; 3) Agreement between Islamic Republic of Afghanistan and United Arab Emirates regarding the judicial assistance related to trade and civil rights; and 4) Agreement between Islamic Republic of Afghanistan and the Republic of Tajikistan concerning trade transit. Additionally, the MJ approved a Memorandum of Understanding between Afghanistan and Malaysia regarding deployment of Malaysian troops in Afghanistan.

Presenting the Agreements to the House, Senators from the International Committee of MJ Mrs. Najiba Husaini (Appointee) and Mrs. Humera Nemat (Appointee) explained that the Agreement to establish the SAARC University will give Afghan students the opportunity to study abroad while the SAARC Food Bank will provide Afghanistan with some technical training workshops, storage facilities, transfer of skills, research, conducting surveys and other relevant services.

Ms. Hussaini told Afghanistan Parliamentary Assistance Program (APAP) that the agreement between the Islamic Republic of Afghanistan and the United Arab Emirates related to judicial assistance on issues related to trade and civil rights will give Afghans living in the UAE legal and judicial rights. “Hundreds of Afghans are working in the UAE. This agreement will ensure their rights as Arab residents in a legal and judicial issue.” She added that the government of Afghanistan needs to sign international agreements and the National Assembly has to consider all aspects of the signed agreements and use their constitutional authority responsibly. “The Senators carefully reviewed all the articles of the Agreements before they were finally approved by the House,” she said.

Reportedly, The Memorandum of Understanding regarding the deployment of Malaysian troops in Afghanistan between the two countries was signed in July 2011 to allow Malaysia's participation in the reconstruction processes of Afghanistan. Although the agreement between Afghanistan and Tajikistan on trade transit was not approved in the International Affairs Committee session due to legal, technical and contextual deficiencies, it was nonetheless approved in the plenary session.

COMMITTEE NEWS:

MPs: All Afghan Students Shall Be Treated Equally

The Wolesi Jirga (WJ) Committee on Religious, Cultural Affairs, Education and Higher Education on 27 November invited Dr. Sayed Shah Sadat, Director of the Department of Foreign Relations of the Ministry of Higher Education (MoHE) and Director of the Department of Cultural Affairs of the Ministry of Foreign Affairs (MoFA) to brief MPs on scholarships for Afghan students and how they are treated abroad.

The Ministry of Higher Education (MoHE) has reportedly allocated USD5million this year to more than 2,000 students to pursue further education outside the country. According to MoHE seven students with high scores had been selected from each province to receive scholarships. Although the Ministry says that USD5 million will be enough to fund the student scholarships, MPs have received complaints that the MoHE and MoFA do not treat students equally. In his opening remarks, Committee Chairperson Mr. Kamal Nasir Usoli (Khost) questioned why the government does not pay for all Afghan students studying abroad. Concurring Mr. Usoli, Mrs. Saifora Niazi (Balkh) said, “All Afghan students shall be treated equally and students shall not be discriminated against.”

Responding to the question, Dr. Sadat said the government only pays for students who have gone through his Ministry and not those who have gone through embassies and or outside organizations. “We receive the list of students from the MoHE and we pay for those students who are on the list,” he explained.

According to the MPs, hundreds of students return from Tajikistan, India and other countries because they do not receive sufficient government support. The Committee had previously discussed with the MoHE the need for all students to receive the same level of government support. Briefing the committee members, Mr. Nematullah Ghafari (Helmand) said that the Ministry had promised to arrange a meeting with all the embassies granting scholarships to Afghan students like Turkey, Russia, India, Iran and Pakistan, to discuss the issue of scholarships. “No interference from other government organs in distributing of bursaries (scholarships) should be allowed,” said, Mr. Ghafari.

Parwan province MP, Mr. Abdulsatar Khawasi argued that all students studying abroad should receive a study allowance from the Afghanistan government. According to him, the government creates discrimination between Afghan students by not treating them equally. “We do not want to discriminate between Afghan students and we do not want them to be negative towards their country and their government.” Mr. Khawasi further supported the idea of discussing the issue with the embassies. “I support the idea to discuss with embassies to work with the Ministry of Higher Education and stop granting scholarships on their own because such practice creates problems for the Afghan people.”