

Legislative Newsletter

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NEWS:

National Assembly Announces Winter Recess

The Meshrano Jirga began its 45 day winter recess on 4 December. Announcing the winter recess, First Deputy Speaker, Mr. Mohammad Alam Izedyar (Panjshir) said senators will be expected back in the House on 21 January 2012 in line with the Upper House Rules of Procedure and Article 107 of the Afghan Constitution which provides; “The National Assembly shall hold two regular sessions annually. The term of both regular sessions shall be nine months every year.” Senator Izedyar also informed members that top in the agenda in the new session will be the discussion of the security plan proposed by the Commission of Defense.

Meanwhile the Wolesi Jirga also announced its winter recess on 5 December. Describing the Lower House accomplishment in 2011, Deputy Secretary, Mr. Mohammad Farhad Azemi (Balkh) said the WJ convened 130 plenary sessions of which 14 were extra-ordinary sessions, 23 hearings, 3 questionings, 24 protest sessions and 62 regular sections. “Parliament issued 36 resolutions, passed 7 bills, approved budget, and made decision on 38 various issues. Further the WJ in the last year passed 16 international treaties and one member’s bill, and rejected one treaty. In addition to these we had 26 oversight activities, issued 6 statements and announced our position on 38 issues.”

First deputy Speaker of Wolesi Jirga (WJ) Mr. Khalid Ahmad Pashtun (Kandahar) expressed satisfaction at the work achieved by members in the past year. He advised members that these achievements would be included in the WJ annual report which will be published and distributed before the start of the next session. He added that the Lower House will kick off the next session with the review of the 1389 Qatia report.

Senators Urge Bonn Conference to Consider Afghan’s Views

The Senators urged the leadership of the Meshrano Jirga (MJ) on December 4 to share their views on the administrative corruption, security and other issues with the international community in the Second Bonn Conference. The Speaker of the House, Mr. Fazel Hadi Muslimyar, represented the Upper House in the 5 December conference held to discuss international commitments after 2014.

According to the Senators, Afghans have suffered some serious challenges since the First Bonn Conference; the Second Conference will therefore have to consider the problems and concerns of the Afghan nation. Mr. Farukh Shah Janab (Faryab) called on MJ leadership, especially the Speaker, to express their views. “The future of Afghanistan will be discussed in the Second Bonn Conference. MJ should express its position with regards to this conference. Administrative corruption, security and the transition process to Afghan security pose mammoth challenges for Afghanistan.”

Mr. Abdul Baqee Baryal (Appointee) agreed with Mr. Janab and added the Speaker should listen to Senators' views on the Bonn Conference. "This event is taking place in very sensitive circumstances; the international community should fulfill their commitment after 2014." He also urged Pakistan to take part in the Second Bonn Conference.

Mrs. Najiba Husaini (Appointee) was of the view that the Second Bonn Conference would, like other international conferences, fail because the views of the Afghan people were not taken into account. Referring to the Istanbul Conference, Ms. Husaini said, "The conference (Istanbul Conference) did not achieve anything as the views of Afghans were not considered."

The Deputy Speaker of the House, Mr. Mohammad Alam Izedyar, promised to convey members' concerns to Speaker Muslimyar to "share MJ's view with the international community".

Meanwhile, Senators expressed concern on the rising prices of fuel and gas which have caused suffering among citizens for the past one month while relevant ministries were powerless to control soaring prices. Mulla Faizee (Panjshir), Mr. Samim Basheer (Badakhshan) and Mr. Abdul Wahab Irfan (Takhar) raised the issue of fuel price hikes. Mr. Daud Assas (Zabul) also criticized the MJ leadership for excluding important issues from the agenda.

Contributing to the debate on the fuel and gas prices, Mr. Abdul Hanan Haqwayoun (Paktia) said fuel prices had reached unsustainable levels and reiterated the need for the government to take steps to resolve the issue. "I think hoarders are guilty of selling propane at high prices. Some ministers and even some elements from the presidential palace are hoarding fuel products."

Wolesi Jirga Committees reports to the plenary

Wolesi Jirga (WJ) committees presented their legislative and oversight reports during the plenary sessions held on 3 and 4 December. Among the reports, the updates provided by the budget committee led MPs to call for the interpellation and prosecution of those ministers who fail to execute more than 30% of the development budget. "Those ministers who spent less than 50% should be invited for interpellation while those who manage to execute more than 65% should be appreciated by the House," the Chairman of the Budget Committee, Mr. Amir Khan Yar (Nangarhar), told the plenary session of the WJ joint committee meeting's decision.

The WJ has 18 standing committees. They are responsible for reviewing draft bills referred by the speaker of the House, proposing amendments to draft bills, presenting draft bills, conducting oversight and representation meetings and processing all other affairs which fall under the jurisdiction of the House in terms of the Constitution. The commissions which updated the House on their activities included; Disabled, Martyrs and Widows; Justice and Judiciary Affairs; Natural Resources and Environment; Narcotics, Toxic Substances and Ethics; Defense and Territorial Affairs, National Economic and Budget Affairs, Central Audit, Health, Sport, Youth, Labor and International Affairs.

The committee chairpersons reported that several committee meetings have been conducted with the ministries, government and non-government organizations with respect to the rights and privileges of the disabled people in the country, elimination of administrative corruption especially in the courts, mines and environment issues, narcotics and the security situation of the country. The committees also reviewed and passed several laws and agreements between Afghanistan and other countries. They also reported on their field visits to several provinces.

While briefing the House on the Budget Committee's activities, Mr. Amir Khan Yar (Nangarhar), Mr. Roqya Nayel (Ghor) and Eng Kamal (Kunduz) presented the Qatia report (annual financial report) for the year of 1389 (2010). Mr. Yar briefly highlighted the Afghan budget for the year 1389 (2010) and called on the government to disclose its expenditure to the nation. "It is the responsibility of the Wolesi Jirga to evaluate the Qatia and invite the officials to the House to ask them about their expenses," he said, adding, "The Central Audit of the government is not happy with the government expenses and expressed concerns in this regard." Mr. Manawar Shah Bahadori (Herat) concurred and criticized the government for sending the Qatia late to the House.

Mr. Yar further explained that the ministries were given 200 projects in 1389 (2010) but failed to implement these projects. "It was decided in joint session of the commissions that the ministers who fail to execute more than 30% of the development budget should be deemed as traitors and prosecuted."

MPs claim that, according to the Constitution, the House should have enough time to discuss Qatia before presentation of the New Year's National Budget to the House. If it is late, the House will not be able to go through the details, question the ministries and reflect the shortcomings to the nation in the media.

Mr. Sediq Ahmad Usmani (Parwan) also criticized the government for sending the Qatia to Parliament late. According to him, the relevant committee should be able to discuss the Qatia before reviewing the budget. "It is the responsibility of WJ to approve additions or amendments on the budget but the government added 16 billion Afn to the budget of 1389 (2010) without Parliament's approval. This is a violation of the Constitution."

On 4 December, during plenary session discussions, MPs once again raised the issue of Qatia and urged interpellation of relevant ministries. Mr. Mohammad Ibrahim Qasim (Kabul) said the Qatia had a lot of shortcomings and was not transparent. "Government officials should be summoned for questioning and if their responses are not convincing, the Wolesi Jirga should go for the interpellation of relevant ministers."

Contributing to the Qatia discussion, Mr. Abdul Satar Khawasee (Parwan), Nawab Mangal (Paktia), and Mohammad Azim Mohseni (Baghlan) suggested that members interpellate those ministers who have not spent the funds allocated to them in the 1390 budget. Another MP, Ms. Shukria Barakzai (Kabul), suggested that members should look beyond budget execution by ministries. "We should also interrogate what the money is spent on and the effectiveness of the programs implemented. Maybe some ministries use their budget allocation to purchase furniture and armored vehicles."

Concluding the discussion on the Qatia in the 5 December plenary session, First Deputy Speaker- Mr. Khalid Ahmad Pashtun (Kandahar) said the Lower House would continue to review the Qatia report after the winter recess.

COMMITTEE NEWS

Senators Concern of Security Transition

The Meshrano Jirga (MJ) Internal Security and Defense Affairs Committee discussed the national security issues during its 3 December committee meeting. According to the Committee, the second phase of this anticipated transition process should take place step by step and carefully, because the Afghan National

Security Forces (ANSF) does not yet have the capacity to carry out their security responsibilities in certain provinces.

Commenting on the recent air strike by NATO which reportedly killed 28 Pakistani soldiers on the border and resulted in Pakistan boycotting the Second Bonn Conference, Mr. Mohammad Amin Safi (Kunar) claimed the incident actually took place inside Afghanistan and not in Pakistan territory.

He pointed out that the incident actually took place in the Shokali area of Sarkano District, Kunar province. According to him several Taliban forces were also killed in the incident which was not reported in the media. He further said based on local information the Pakistani force crossed the border into Afghanistan providing support to the Taliban groups. During a joint military operation involving NATO and Afghan National Security Forces the Pakistani forces and Taliban were killed following an air attack, but unfortunately the Pakistan government claimed that their forces had been attacked by US airplanes inside the Pakistan border.

“I would suggest that a delegation of the Afghan government and international coalition forces be deployed to the area to establish the truth behind this baseless claim by the Pakistan government,” he added.

A number of Senators believe that the second phase of security transfer should be taken with a view of strengthening the Afghan National Forces. According to them, people have thrown their weight behind the process insisting it should become a genuine process not just a formality. “In the provinces or cities where the security transition took place, the international forces were not entirely effective in some areas,” said Mr. Ali Akbar Jamshidi (Daikundi).

Senator Mohammad Daud Assas (Zabul) also commented that the Afghan President had approved the commencement of the second phase based on suspect information submitted by governors and local administrations. “The reality is that the National Security Forces in these areas are not currently strong enough to execute their duties.” He further suggested that the second phase should be gradual while every effort is made to ensure that the Afghan National Security Forces are well equipped and prepared in every aspect and are strong enough to take up their security responsibilities. “I also suggest that any decision in this regard needs to be made based on the realities (on the ground).”

On November 26, President Karzai officially announced the second phase of the security transfer to ANSF. The process began last Thursday with NATO forces officially handing over Parwan province north of the capital to ANSF. Six provinces, as well as some districts and cities of Nangarhar, Wardak, Badghis, Jawzjan, Ghor, Ghazni, Badakhshan, Samangan, Daikundi, Nimrod, Helmand, Kabul, Takhar and Faryab are expected to transition formally to the Afghan forces in the coming weeks.

Mohammad Amin Safi (Kunar) and chairwoman of the committee of the Internal Security, Defense Affairs and Local Agencies, Ms. Roh Gul Khairzad (Nimrod) support the process. However, there were suggestions that the second phase of the transition process should take place in the central provinces as opposed to those located on the borders of the country, particularly along the borders with Pakistan and Iran. “I am suggesting that more attention and consideration be given to strengthening the borders, equipping and reinforcing the border security forces.”