



Legislative Newsletter

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NEWS:

Wolesi Jirga Discusses Speaker's Election

After a lengthy debate on the need to amend Article 8 of Internal Rules and Procedures and whether the result of the first round of the Speaker's election should be referred to the Independent Commission of Oversight and Implementation of Constitution (ICOIC) for interpretation, as well as the need to run a third round vote, Wolesi Jirga (WJ) decided on 6 February that only new candidates will be allowed to contest the Tuesday January 8 election.

The deadlock over the election of the WJ Speaker has in part been a result of the Internal Rules and Procedures which state that a candidate for the position should obtain 50% plus one vote of the members present. However, after the first two rounds of elections none of the candidates won the required present majority.

MPs aligned to the government wanted the first round vote to be referred to the Supreme Court and ICOIC, but a number of other MPs said that the issue should be settled in Parliament instead of involving government institutions. According to the latter if MPs got the Supreme Court and ICOIC involved it would be an acknowledgement of the existence of Special Court of Elections.

Mr. Abdul Rasul Sayyaf (Kabul), who had not been able to win the 50-plus-one required votes of the WJ members, argued that Article 8 should be referred to the ICOIC. "According to Article 61 of the Constitution, a simple majority for the second round of elections for presidency is foreseen, and this should be used in elections for Speaker of WJ as well. In case of Wolesi Jirga disagreement, the content of the article should be referred to ICOIC for interpretation," said Mr. Sayyaf.

However, Mr. Mohammad Yunus Qanooni, who contested the first round vote with Mr. Sayyaf, disagreed. "Article 106 of the Constitution is perfectly clear and explicit that nothing is left for the interpretation and interference by any commission, we only refer an issue to the ICOIC if it is not clear. If we referred this case to the ICOIC it means we are going to accept the existence of the Special Court of Elections as well," he said.

A number of MPs were of the view that the longer the WJ continues its inconclusive discussion, the harder it will be to reach a settlement. According to the MPs, in order to break the deadlock a third round election should be held involving new candidates. "The debates over Internal Rules and Procedures are against the Constitution," said Ms. Shukria Barekzai (Kabul). "That is all there is, two individuals have taken the entire WJ hostage, one seeks another chance to have rights of nomination and the other is trying to impose themselves via the Supreme Court,"

She called on the interim Speaker to run the third round of elections involving new candidates. “If there was no candidate in the entire WJ, then we could discuss the Internal Rules and Procedures as an issue,” Ms. Shukria Barekzai added.

Some of the MPs were of the view that the WJ should not accept interference from outside the National Assembly. According to these MPs what some parliamentarians were doing betrays their sectarian and tribal tendencies. They said if the MPs continued this process it would damage the image of the WJ.

Deadlock Continues After Third Round of Elections

Tuesday 8 February, saw the third round of elections for the Wolesi Jirga (WJ) Speaker again fail to produce a winner. During the third round runoff vote, both Mr. Abdul Qayoum Sajjadi (Ghazni) and Mr. Amanullah Paiman (Badakhshan) failed to gain the required 50-plus-one votes.

The following members were nominated for the Speaker position and 242 MPs voted:

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| 1. Amanullah Paiman (Badakhshan-Tajik) | obtained 54 votes |
| 2. Maulawee Shahzada Shahed (Kunar-Pashtun) | obtained 40 votes |
| 3. Kamal Naser Usooli (Khost-Pashtun) | obtained 38 votes |
| 4. Abdul Qayoum Sajjadi (Ghazni-Hazara) | obtained 63 votes |
| 5. Abdul Hafeez Mansoor (Kabul-Tajik) | obtained 14 votes |
| 6. Manawar Shah Bahadori (Herat-Tajik) | obtained 21 votes |
| 7. Blank votes | 4 |
| 8. Spoilt votes | 8 |

Mr. Khalid Pashtoon (Kandahar) and Mullah Sayed Mohammad Akhond (Kandahar) were initially part of the candidates, but withdrew from the contest. Mr. Paiman and Mr. Sajjadi fought their way to the runoff but both failed to garner the required majority vote for the Speakership. 235 MPs cast their votes and 14 MPs were absent. Mr. Paiman obtained 69 votes while Mr. Sajjadi got 87 votes. There were 40 abstentions and 39 votes were invalid.

The Interim Speaker of WJ Mr. Mohammad Sarwar Usmani (Badakhshan) delayed the WJ plenary sessions till Saturday 12 February. A number of MPs requested a fourth round election, but some were of the opinion that without amending Article 8 of the Rules and Procedures it would not be possible to have a conclusive result.

After the inconclusive elections of 8 February, the interim Speaker requested amending the Internal Rules and Procedures. “Article 8 of the Rules and Procedures of the WJ is not a verse of the Holy Quran or Holy verse of Prophecy, MPs should make a decision regarding the amendment of this article,” he said.

A number of WJ members believe that if this process continues it will harm the Afghan people. “The National Budget is now at the Meshrano Jirga (MJ) and will soon come to the WJ, a number of ministries are being run by acting ministers, the MPs should approve ministers for those; and for the time being the MPs are not doing oversight responsibilities, all these issues will harm the nation,” Mr. Zaifnon Safi (Laghman) told APAP.

Meshrano Jirga Elects Committee Chairs

Meshrano Jirga (MJ) elected the Administrative Teams for committees on 5 February despite President Karzai's wish for delaying the elections till the introduction of appointed Senators.

At the beginning of the plenary, Speaker of the MJ, Mr. Fazel Hadi Muslimyar (Nangarhar) asked the members of each committee to go to their specified rooms and agree on their admin teams. All but two committees, Defense and Civil Societies and Women Affairs, had reached consensus on choosing their admin teams.

Senators cast their ballots and the chairmanship of both committees went to female Senators. The following are the committees that were put in place.

1. Culture, Religious Affairs, Education and Higher Education

Mahmood Daneshjo (Balkh), Chair
Mir Hamdullah Muneeb (), Deputy Chair
Abdul Rahman Hakimi (Ghazni), Secretary
Sefatullah Haqmal (Logar)
Mawlawi Raji (Baghlan)
Mohammad Amin Ahmadi (Kunar)

2. National Economy, Finance and Budget

Mawlawi Abdul Wahab Erfan (Takhar), Chair
Eng. Mohammaddudin Hamdard (Kunduz), Deputy Chair
Sayed Mohammad Saydee (Wardak), Secretary
Noor Mohammad Kafeel Noori (Kapisa)
Masooma Shadab (Sar e Pul)

3. Legislative, Justice and Judiciary

Ghulam Muhaydin Munsef (Kapisa), Chair
Hafez Abdul Qayom (Nuristan) Deputy Chair
Haji Abdullah (Kunduz), Secretary
Sayed Azizullah Ulfati (Jawzjan)
Ahmad Jawed Raof (Herat)

4. Social Affairs, Natural Resources and Environment

Abdul Hanan Haqwayoun (Paktia), Chair
Dr. Bashir Samim (Badakhshan), Deputy Chair
Khaleqdad Balaghi (Kabul), Secretary
Lutfullah Baba (Nangarhar)
Mohammad Asef Azami (Samangan)

5. Border and Tribal

Haji By Murad (Jawzjan), Chair
Saleh Mohammad Pahlawan (Kandahar), Deputy Chair
Shanaz Ghawsi (Herat), Secretary
Haji Majid (Balkh)
Rafi Ullah Haidari (Kunar)

- 6. Disabled, Families of the Martyred and the Refugees**
Sayed Mohammad Sadat Nasiri (Daikundi), Chair
Sayed Aqa Husain Hashemi (Samangan) Deputy Chair
Helai Achekzai (Uruzgan), Secretary
Mohammad Alam Izedyar (Panjshir)
Rafi Ullah Gul Afghan (Kabul)
- 7. Complaint**
Dr. Zulmai Zabuli (Zabul), Chair
Gul Ahmad Azami (Farah), Deputy Chair
Abdul Satar Efat (Baghlan) Secretary
Bismilah Afghanistanmal (Kandahar)
Hazrat Shah Nooristani (Nuristan)
- 8. Defense**
Roh Gul Khairzad (Nimroz), Chair (Deputy Chair and secretary to be elected later)
Bahram Khan Samkani (Paktia)
Ali Akbar Jamshidi (Daikundi)
Abdul Ahad Sultanzai (Helmand)
Mohammad Daud Asas (Zabul)
- 9. Civil Society and Women Affairs**
Bb Haji Khairunisa (Nimroz), Chair (Deputy Chair and Secretary to be elected later)
Sohaila Sharifi (Kabul)
Malika Mayeelzadah (Parwan)
Fazel Hadi Muslimyar (Nangarhar)
Wahida Safi (Laghman)
- 10. International Relations**
Arefullah Pashtoon (Khost), Chair
Sayed Farukh Shah Jenab (), Deputy Chair
Mohammad Yunus Takhari (Takhari), Secretary
Mullah Mohammad Faizi (Panjshir)
Amanullah Khan Azimi (Uruzgan)
- 11. Transportation, Communication, Accommodation and Kabul Municipality**
Ahmad Jawed Raof (Herat), Chair
Gulalai Akbari (Badakhshan), Deputy Chair
Sayed Asadullah Jafari (Bamyan), Secretary
Dir Khail Mangal (Khost)
Juma Udin (Paktika)
- 12. Provincial Councils, Senators Privileges and Immunity**
Mukaram Khan Nasiri (Laghman) Chair
Sayed Mohammad Khalid (Faryab), Deputy Chair
Ma'awen Ahmad (Ghor) Secretary
Khan Mohammad Khagi (Paktika)
Haji Khan Mohammad (Badghis)

Absence of Hazaras in Admin Board Stirs Controversy in MJ

Election of the Meshrano Jirga (MJ) Admin Board on 29 January caused a stir after it upset members of Hazara ethnic origin. Some of the Senators belonging to Hazara ethnic group were not happy about the composition of MJ's new admin team. There are nine Hazara Senators in the MJ and it's expected that three more would be appointed when the president submits the list of presidential appointees. But none of the three Hazara candidates was voted in to the secretariat of the MJ.

"We are Hazaras and that is our crime. Senators voted without considering national unity," said Mr. Khaleqdad Balaghi (Kabul) in the general plenary of 2 February. Mr. Balaghi is one of three Hazara candidates who nominated themselves for the post of secretary but lost the election. Other two candidates were; Zahra Sharifi (Wardak) and Sayed Mohammad Sadat Nasiri (Daikundi).

Responding to Mr. Balaghi, Mr. Mohammad Alam Izedyar (Panjshir) said that because there were three candidates from the ethnic Hazaras, they didn't know who to vote for. "We campaigned, we did our best but the votes were split between three of you. Had you presented one candidate, they would have won," argued Mr. Izedyar.

On 5 February when MJ was holding elections for the Committees' Admin team, Mr. Balaghi called on the leadership of the house to "compensate" the injustice during the election of MJ Admin Board and grant the chairmanship of two committees to Hazaras.

After the elections for the Admin Board of the Committees, only one Senator from ethnic Hazaras, Mr. Sayed Mohammad Sadat Nasiri (Daikundi), emerged as the chairman of the committee of the Disabled, Families of the Martyred and the Refugees Committee. However, it did little to calm some of the disappointed Hazara Senators.

Mr. Balaghi and Mr. Hidayatullah Rehayee (Bamyan) tried to walk out of the MJ on 5 February in protest, after the announcement of results for the committees' election but were restrained by other Senators.

Speaking to Afghan Parliamentary Assistance Project (APAP) Mr. Balaghi said that the crisis continues and he intends to meet Mr. Fazel Hadi Muslimyar (Nangarhar), the Speaker of the MJ on 9 February, to discuss a way out of this 'crisis'. "I am going to seek justice," said Mr. Balaghi.

1390 Budget Presented to Meshrano Jirga

Mr. Homayon Azizi, the Minister of Parliamentary Affairs presented the 1390 National Budget to the Senators during the plenary of 8 February. Mr. Hazrat Omar Zakhailwal, Minister of Finance, highlighted the main points in the Budget after Mr. Azizi formally presented it to the MJ.

Mr. Zakhailwal said that the economy grew by 7.5% and that he hoped to maintain that pace and the revenues were projected to rise by 31% to over US\$ 4.37 billion in 1390. A big proportion of the budget, US\$ 3.19 billion, is allocated to normal expenditure of the state and the remaining US\$1.4 billion is allocated to developmental projects. Significant amount of the the developmental budget is planned to be spent on infrastructure projects.

The rise in revenues, compared to year 1389 (2010), was one of the highlights of his speech. “There is a 25% rise in our operating budget due to expansion in security and education sectors,” said Mr. Zakhailwal.

Mr. Zakhailwal further said 80% of Afghans were still involved in agriculture and particular attention had been given to that sector.

Pleading with Senators to set aside their “minor differences” and work together for the interests of the country, Mr. Zakhailwal said: “This is an opportunity for us (National Assembly and the government) to work together and prove that we have the interests of the citizens in mind and not our own.”

Senators did not engage in a Q&A session with the officials and were asked by Mr. Fazel Hadi Muslimyar (Nangarhar), the Speaker of MJ to study and scrutinize the Budget first and if the Senators had any issues, the MJ could always invite the officials back to the House.

The Upper House has 15 days to consider the budget before referring it to the Wolesi Jirga. The Senators after scrutinizing the budget should send it to the WJ with an advisory note. The MJ cannot approve or reject the budget.

Senators Concerned about Safety of Afghans in Egypt

Meshrano Jirga (MJ) discussed the implications of the turmoil in Egypt on Afghan citizens living there in the plenary session of 6 February. Some 240 Afghans are currently studying or working in Egypt and have been stranded in their homes since the protests started.

Mr. Mawlavi Abdul Wahab Erfan (Takhar) said; “The authorities need to take action and do everything in their power to protect our citizens, especially our students.” Some Senators were of the view that the authorities in the Ministry of Higher Education (MoHE) should be invited to the MJ to brief Senators on the measures taken to protect or bring the Afghan students home.

Mr. Gholam Muhaydin Munsef (Kapisa) disagreed with this suggestion and said that MJ must focus on everyone, not only students. “Our concern is not only the students in Egypt; we must rescue every single Afghan who is trapped in there.” Other Senators agreed and asked the Admin Board to invite officials from Ministry of Foreign Affairs (MoFA) to MJ Committee meetings to update Senators on their efforts with regards to Afghan expatriates in Egypt.

Mr. Sefatullah Haqmal (Logar) suggested that the Minister of Foreign Affairs should be invited to the general plenary instead of Committee sessions, but not everybody agreed. Some Senators said that it would not be appropriate to invite the Minister of Foreign Affairs in the general plenary because they would have to wait till Sunday (13 February) and that would be too late. Rather, they decided to invite officials to the committees on Wednesday, 9 February. “We need to invite the Deputy Minister of Foreign Affairs to the Committee of International Affairs to answer our questions.” said Mr. Zulmai Zabuli (Zabul) Chairman of the Complaints Committee.

Some Senators were calling on the government to declare its official position regarding the protests in Egypt. “We call on the government to declare an official position in regards to freedom seekers,” said Mr. Hidayatullah Rehayee (Bamyan).

Mr. Mohammad Alam Izedyar (Panjshir), the Deputy Speaker, said that it was not for the Afghan government to declare an official position in regards to events in Egypt. “It is merely an internal issue and our government can’t interfere in that,” said Mr. Izedyar.

Legislation:

The Minister of Finance presented the 1390 (2011) budget to the Meshrano Jirga on 8 February. The MJ has 15 days to scrutinize the budget before submitting it to the Wolesi Jirga, with an advisory note.