



Legislative Newsletter

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NEWS:

National Assembly Summer Recess Ends

As Parliament's summer recess officially ended this week¹, Afghan Senators returned to their legislative work as usual on July 23, the impasse between the Wolesi Jirga (WJ) on one hand and the Executive and Judiciary on the other continued. Senators of the Meshrano Jirga (MJ) went on their 45-day summer recess on June 5 while the WJ opted to continue their legislative work without the usual break.

There were many reasons for MPs to forgo their summer recess. The Special Election Court (SEC) was the most important one of them. Waiting for the list of ministerial nominees, further discussion on the Executive's proposed Traditional Loya Jirga, US-Afghan strategic partnership and finally reconciliation with the Taliban were the other reasons mentioned by some of the MPs. But the issue of the SEC was considered the most important amongst all of them. Despite the fact that the WJ protested for 24 days against the government, none of the issues have been resolved so far.

Speaking in the MJ plenary of 23 July, Mrs. Gulalai Akbari (Badakhshan) touched on the issue and asked the MJ Speaker to intervene. "The crisis between the executive and the legislators is harming us in every way. I suggest you [Speaker of MJ] take the initiative and resolve the issue."

Responding to Senator Akbari's suggestion, Mr. Fazel Hadi Muslimyar (Nangarhar), Speaker of MJ said, "I received a request from the WJ Speaker to mediate between the government and the WJ." Speaker Muslimyar, however, admitted that his efforts had not succeeded and claimed that the WJ was partly to blame. "When I received the request, I immediately held a meeting with WJ leadership and requested them to exercise restraint and refrain from confrontational and provocative decisions while the negotiations were ongoing." Speaker Muslimyar said. "But while I was busy trying to find a way out of the crisis, they [the MPs] passed a vote of no confidence on six Supreme Court Justices, including the Chief Justice. This complicated our job even more."

The leadership of the WJ has also been busy trying to negotiate a settlement. Mr. Abdul Rauf Ibrahimy (Kunduz), Speaker of the WJ, has met with the president twice this week in an attempt to end the lingering crisis. Although the MPs have been uncompromising in their collective position concerning the SEC, at the same time, they have been flexible in some aspects of the negotiations.

¹ WJ Internal Rules of Procedures, Article 40: "The period for summer and winter recess are from 15th of Jauza (5 June) to 1st Asad (July 23) and from 15th Qaus (6 December) to 1st Dalwa (20 Jan) of each year respectively."

When Speaker Ibrahimi announced during the plenary of 27 July, that he had a meeting with the President and the Chief Justice, it raised a few comments from the MPs. “You mean the former Chief Justice?” some MPs could be heard shouting from the floor. “Yes, the former Chief Justice.” came the reply from the Speaker. Speaker Ibrahimi reassured the MPs that he was representing their interests in that meeting. “Yes, [I am] meeting with the former Chief Justice but I promise you that I will only represent you and defend your decisions. I really hope this is the last time we are holding such a meeting on this issue.”

Relations between the MJ and WJ are somewhat awkward after some MPs referred to the Senators as “government’s people”. Speaker Muslimyar responded in the plenary of 23 July and said: “We are all “government’s people”, we are all part of the state of Afghanistan.”

MPs Ask for Contents of 2003 US Afghan Agreement

During their plenary session of 27 July, the Wolesi Jirga (WJ) asked for a copy of the agreement signed between the US and Afghan governments in 2003. Although it is not clear exactly what the terms and conditions of this agreement are, some MPs believe that it gives the US forces full authority to operate in Afghanistan to conduct operations against the Taliban insurgents without being legally subject to Afghan law.

The subject was raised previously on the house floor on 25 July when Mr. Alhaj Nawab Mangal (Paktia) raised the issue of the agreement, “Dr. Spanta [Rangin Dadfar Spanta president’s security advisor] said the other day that, according to a document signed in 2003, ISAF has full authority to conduct raids and operations at will, without consulting the Afghan government. This has undermined our national sovereignty and the house must try to find the person who has signed the document,” said Mr. Mangal.

Reporting to the MPs on 23 July, Dr. Spanta advised members that the 2003 agreement tied the hands of the Afghan government. He added that the Afghan government was weak at the time and that he would have probably signed the same document if he had been in the position to do so.

Mr. Abdul Satar Khawasi (Parwan) raised the issue again during the plenary of 27 July, calling for the Minister who signed the agreement to explain its contents to the WJ. “We want to know the content of the agreement. This is the reason why the US forces insult and humiliate our people without fear of prosecution,” Mr. Khawasi argued.

Ms. Fawzia Kofi (Badakhshan) however believed that the WJ should focus on many ongoing, important issues rather than focusing on one particular document from the past. “Our colleagues question the 2003 agreement. Well at least there is some sort of justification for that as we didn’t have a parliament then. But there are so many things happening right now that we need to consider,” said Ms. Kofi.

Concluding the discussion, Speaker Abdul Rauf Ibrahimi (Kunduz) instructed the Secretariat to send a letter asking the government for a copy of the 2003 agreement between Kabul-Washington.

Members of National Assembly Concerned about Drought

The issue of the drought that continues to affect the country has been an issue of concern in both houses of the National Assembly and there is growing concern among members that it may lead to famine in certain parts of the country.

Presenting a provincial report from Badghis province in the Meshrano Jirga (MJ) plenary on 26 July, Mr. Khan Mohammad Allah Yaar (Badghis) said; “The people of Badghis province witnessed drought of unprecedented proportions this year. There is an urgent need for aid to the famine stricken inhabitants of that province.” .

Although the fear of widespread famine is the most serious threat posed by this year’s drought in some parts of the country, Mr. Mir Bahadar Wasifi (Appointee) argued that drought displaced people from their own houses and villages. “Inhabitants of Badakhshan are emigrating to other provinces where they don’t even have basic shelter.”. Mr. Ali Akbar Jamshidi (Daikundi) agreed, adding “Daikundi is also affected by the drought and the people are migrating to Herat and Mazar. Unfortunately, they will have nowhere to live so they end up going to Iran.” Some Senators called upon MJ leadership to invite government officials responsible for emergency aid to update the senators about measures being taken by the government. “MJ should call the relevant officials and ask them about this matter,” said Mr. Hassan Hotak (Appointee).

Senator Haji Khagi (Paktika) saw no point in inviting the government officials; “Drought is an issue in the country and government authorities do nothing. Government always lie to the people and will not take any action” claimed Senator Khagi.

Although drought has affected all parts of Afghanistan, it seems to have severely affected the northern parts of the country. Speaking in the Wolesi Jirga plenary of 27 July, MP Alhaj Abdul Mutaleb Beg (Takhar) said; “The tragedy of drought has become so severe that the people have come down to the streets from their villages due to lack of water. The government needs to step up its efforts before it is too late.”

Senators Discuss ‘Deteriorating’ Security Situation

As the Meshrano Jirga (MJ) resumed its activities on 23 July, the topic of national security was high in their agenda. Since the Taliban announced operation “Badr” on 1 May, violence has escalated throughout the country causing the death of a number of top ranking Afghan officials and an MP.

“People are genuinely concerned about security. The Taliban must be stopped from turning the lives of the people into hell,” Mr. Meer Hussain Sediqi Parwani (Parwan) said. Mrs. Rana Tarin (Kandahar) concurred; “The situation is deteriorating. Those who hanged an eight year old child will have no mercy towards the president, the police or ordinary citizens”. Mrs. Tarin further called for a firmer stance against the Taliban; “We can’t call them our brothers, we must resist them and stand against them”.

Mrs. Belqis Roshan (Farah) reporting about her meeting with the families of victims in Farah province said: “They had one message to the President; if you don’t stop them [the Taliban], then you might as well hand us over to the ‘brothers’.”

Senators seemed to have different, sometimes conflicting views about the causes of the deteriorating security situation and ways to improve it. Mr. Sayed Farukh Shah Jenab (Faryab) blamed the National Directorate of Security (NDS). “The NDS is asleep; all they do is protect themselves with their armored cars and security personnel,” Mr. Khaleqdad Balaghi (Kabul), however asserted that it was not only the NDS that was responsible for the insecurity. “The reason for bad security is because of lack of attention to it by the authorities; we should question all the individuals responsible.”

Sayed Mohammad Sayedi (Wardak) suggested that the MJ should take the lead role in bringing peace. “Despite all the efforts, the situation is worsening. I propose that the MJ Speaker takes the initiative and talks to the President about this.”

Some Senators argued that marginalizing the Mujahidin had been wrong and may even be the reason for worsening security in the country. Mr. Sefatullah Haqmal (Logar) said: “The government should seek the help of former Mujahidin to turn the situation in favor of peace. Those who kill our brothers should not be called brothers; they are anything but our brothers.” Mrs. Gulalai Akbari (Badakhshan) also argued for bringing back the Mujahidin into an active role, “We need to turn to the former Mujahidin in order to help secure our country.”

Mr. Fazel Hadi Muslimyar (Nangarhar), Speaker of the MJ, said that before making any decision, it was best to hear from the minister in charge of security. The MJ has invited various officials to the plenary sessions next week to focus on the issue.

MPs Call for Normalization of WJ Activities

Since its establishment, the Special Election Court (SEC) has been a priority issue of concern among the MPs of Wolesi Jirga (WJ), so much so that they delayed their summer recess in June and held five plenary sessions each week. Although the issue with the SEC remains unresolved, MPs are calling for a return to regular legislative business in the WJ.

“What is the point of holding plenary sessions every day when we do not even have any agenda to discuss? The Internal Rules of Procedures state that we hold plenary sessions every other day. Why are we holding them every day?” Mr. Abdul Qayum Sajadi (Ghazni) asked in the plenary session of 27 July. There were many MPs who shared Mr. Sajadi’s sentiments. “Let’s resume the WJ’s normal duties and hold committee hearings normally; just as the Meshrano Jirga (MJ) is going about their regular duties.” Mr. Haji Muhammad Akbar Stanikzai (Logar) recommended.

Some MPs believe that the extraordinary sessions are damaging the lawmakers’ credibility in the eyes of the public. Mr. Asadullah Saadati (Daikundi) said: “There are a lot of rumors that the MPs are working for themselves, so we should resume regular legislative business of the house.” Mr. Saadati was pointing to the fact that the MPs’ efforts are seen by some as a struggle to protect their own seats rather than to stop an illegal action by the SEC. Mr. Jafar Mahdawi (Kabul) also

believed that the only way the MPs could prove to the public that they were not solely concerned about their own positions was to return to regular WJ business. “We need to normalize our sessions and remove the any doubts from minds of the people that we work towards our own goals.”

Mr. Abdul Latif Pedram (Badakhshan), however, called for maintaining the five day a week plenary sessions because the threat of the SEC had not yet been eliminated. “Since the crisis is not over yet, we should continue with everyday plenary sessions and hold committee hearings in the afternoons.” suggested Mr. Pedram. When his suggestion was frowned upon by some of his colleagues, Mr. Pedram added: “To be perfectly honest, we work so little that we cannot justify the privileges we receive.”

After hearing all the arguments, Mr. Abdul Rauf Ibrahimi (Kunduz), Speaker of the WJ announced that the house will return to normal working practices as of 30 July.

Acronyms:

MJ	Meshrano Jirga
NDS	National Directorate of Security
SEC	Special Elections Court
WJ	Wolesi Jirga