



Legislative Newsletter

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NEWS

Wolesi Jirga Elects First Deputy Speaker

Bringing finality to a month-long stalemate in the Lower House leadership elections, Mr. Khalid Pashtoon (Kandahar) was elected to the post of Wolesi Jirga (WJ) First Deputy Speaker on 6 March. The conclusion of the leadership elections paved the way for the lawmakers to set up committees and finally begin their work considering legislation, including the government's recently presented budget for the coming year.

Nominees Mr. Nader Khan Katawazi (Paktika) and Mr. Abdul Ahad Afzali (Badakhshan) initially contested in the first and second round elections on 28 February and 1 March. Both failed to attain the 50 percent-plus-one votes required to secure the post. MPs then resolved to open the third round to a new set of candidates on 5 March resulting in four MPs contesting the third round.

To be declared winner a candidate had to garner 112 of the total 222 votes cast. Results of the third round vote were as follows:

1. Mr. Khalid Pashtoon (Kandahar) 102 votes
2. Mrs. Qazi Rahila Saleem (Parwan) 57 votes
3. Mr. Ghulam Sarwar Fayez (Badghis) 29 votes
4. Mrs. Fatima Nazari (Kabul) 18 votes
5. Blank votes 9 votes
6. Rejected 7 votes

Mr. Pashtoon prevailed over Mrs. Saleem in the runoff between the two candidates in the third round with 114 votes to 70; 27 votes were deemed invalid.

“Thank you for choosing me to be your First Deputy Speaker. I promise to use my role to push for the dissolution of the Special Court,” said Mr. Pashtoon in his victory speech.

MPs Fail To Convince President Karzai To Abolish Special Court

A delegation of Wolesi Jirga members failed to convince President Hamid Karzai and the Chief Justice Abdul Salam Azimi to abolish the Special Elections Court appointed to investigate allegations of fraud in the September 2010 parliamentary elections. Representing the entire Lower House, the 37-member delegation met with the President and the Chief Justice in two separate meetings on 8 March to discuss the controversial issue.

Comprised of one MP from each constituency, the delegation was tasked to urge the President to dissolve the Special Court. Following their meeting on 8 March, the delegation reported that the President turned down their request although he sympathized with the WJ members.

Addressing the plenary, Mr. Mohammad Mohaqqueq (Kabul) said the delegation reiterated to President Karzai that the Special Court contravenes the Constitution and is therefore illegitimate. “We also advised the President that the Court’s decision to recount ballots in some provinces in the absence of candidates’ representatives and independent observers is unconstitutional,” said Mr. Mohaqqueq.

According to Mr. Mohaqqueq, President Karzai empathized with the concerns of the MPs but blamed “foreign hands” for attempting to undermine the September 2010 elections and discredit the Wolesi Jirga. Mr. Mohaqqueq added that the President proffered three possible solutions to resolve the issue. These included:

1. The WJ meets with the losing candidates and requests that they withdraw their electoral complaints from the courts.
2. President Karzai invites the losing candidates to the presidential palace and convinces them to withdraw their complaints from the electoral courts.
3. Change the name of the Special Court.

“We rejected the first and third options. We told the president that inviting losing candidates to the Lower House will create problems for members. We also told him that changing the Special Court’s name won’t solve anything. We asked President Karzai to meet the losing candidates and he agreed,” Mr. Mohaqqueq said.

Mr. Mohaqqueq further advised that ten members of the delegation met with the Chief Justice to discuss abolishing the Special Court. “The Chief Justice advised us that no one, not even the President, can withdraw a case that has been referred to the Supreme Court. He told us that, according to the Constitution, the Supreme Court should conclude all cases in its agenda.”

Concluding his report, Mr. Mohaqqueq said; “The delegation failed to convince President Karzai and the Chief Justice to abolish the Special Elections Court. It is clear that neither the President nor the Chief Justice want the issue resolved.” First Deputy Speaker Khalid Pashtoon who chaired the plenary session deferred debate on possible ways forward to the 12 March plenary session.

Civilian Casualties’ Discussions Continue in the National Assembly

The Wolesi Jirga (WJ) summoned the government’s top security officials to its plenary session on 9 March to update MPs on recent coalition forces operations that led to the deaths of more than 70 civilians in Kunar province. Mr. Bismillah Khan Mohammadi, Minister of Interior, Mr. Sher Mohammad Kareemi, Chief of Staff for the Army, and Major Gen. Abdul Qayum Katawazi, Deputy Director of the National Directorate of Security (NDS), appeared before the MPs. The Ministry of Defense was not represented as Minister Abdul Rahim Wardak was out of the country on official business.

In his brief to the plenary Mr. Mohammadi said the number of civilians killed in both coalition and Afghanistan National Security Forces' (ANSF) operations had significantly decreased in the last year. "We have created coordination centers across the country which has helped us reduce civilian casualties. We are discussing the issue of civilian casualties with NATO and have strongly raised the issue of casualties in Kunar province with foreign troops and they accepted that civilians were killed in the air strikes."

Mr. Mohammadi added that both NATO and the United States government have officially apologized to President Karzai. "The President told them that civilian casualties will be unacceptable in the future," he said.

Both Mr. Mohammad Kareemi and Gen. Katawazi agreed with Mohammadi's analysis that fewer civilians have been killed in recent military operations. Mr. Katawazi added that the security in the country has generally improved.

Responding to the security chief's brief; MPs Hajji Sakhi Meshwani and Mrs. Wagma Wazhma Safi (Kunar) called on the Afghan government to prosecute persons responsible for civilian casualties. Mr. Sarwar Usmani (Farah) concurred, adding; "Foreign troops are intentionally killing Afghan civilians and they should be tried for war crimes."

Meanwhile Meshrano Jirga (MJ) Senators also condemned recent air raids by international coalition forces in different parts of Afghanistan that have resulted in many civilian casualties. During their 6 March plenary session, Senators expressed anger and asked that the issue be dealt with immediately. Senator Mawlawi Abdul Wahab Erfan (Takhar) said: "Enough is enough, we can't tolerate this (civilian casualties) anymore."

According to Senator Erfan, two pregnant women were killed during a raid in Baharak village of Takhar province. Mr. Erfan also called on fellow Senators to consider the establishment of United States permanent bases in Afghanistan.

Senator Rafiullah Haidari (Kunar) echoed Mr. Erfani's sentiments saying, "Not long after the first incident in Kunar in which 60 people were killed, ISAF bombarded the Klonghal district of the same province and killed nine innocent children. This is inhumane." Mr. Haidari vowed to raise this issue with President Karzai and the international community.

MJ Complaints and Petitions Committee chairman Mr. Zulmai Zabuli (Zabul) had even harsher criticism of the ISAF air strikes. "They have come here to kill civilians...They do nothing else, they don't respect our culture," said Mr. Zabuli.

The international community was also criticized for allegedly disrespecting Afghan culture and traditions by filming female prisons. Senator Daud Asas (Zabul) said: "The foreigners are filming female prisons. It is against our culture and traditions." Echoing Senator Asas's criticism, Senator Mohammad Hassan Hotak (Zabul) claimed that the Holy Quran has been subject of disrespect by ISAF in Zabul province. "The ISAF in Zabul province have burnt (the) Holy Quran and thrown it in a rubbish bin."

Senator Mohammad Alam Izedyar (Panjshir), MJ First Deputy Speaker, assured the Senators that civilian casualties and the general conduct of the ISAF were serious matters which will not be taken

lightly. “We will discuss the issues with Afghan officials and, if deemed necessary, we will invite NATO commander Gen David Petraeus to explain these matters to us.”

Senators Discuss Permanent U.S. Bases In Afghanistan

Afghan Senators in the Meshrano Jirga (MJ) expressed mixed concerns regarding the proposal for permanent U.S. military bases in Afghanistan. The bulk of American military forces are scheduled to leave Afghanistan by 2014 but U.S. officials have stated that Washington DC and Kabul share a mutual desire for maintaining permanent bases in the country.

During the 8 March plenary, some Senators said that abandoning Afghanistan would pave the way for terrorists to return. Mr. Hidayatullah Rehayee (Bamyan) said: “If U.S. forces leave Afghanistan, once again Pakistan and Al-Qaida will take charge of the country. Hence it’s important that the U.S. forces remain here.” Mr. Nazar Mohammad Faqiri (Baghlan) agreed with Mr. Rehayee and said: “Afghanistan would face another crisis if U.S. forces left.”

Mr. Gholam Muhaydin Munsef (Kapisa), however, argued that there was no need for permanent bases. “It’s not in Afghanistan’s interests to allow permanent bases. Temporary bases might be acceptable if they [the U.S.] show that they are sincerely committed to bring peace and reconstruction to the country.”

A few Senators expressed concerned about the terms of an ongoing American military presence. “If those permanent bases are built here, and the terms of their stay is in line with international laws, it would not be a problem,” argued Mr. Farukh Shah Jenab (Faryab)

Other Senators questioned the authority of the MJ to make a decision on the issue, arguing that the nation would have to be consulted. “We have no authority to make any decision on this, even the President of Afghanistan said that he would ask the nation. It’s beyond our mandate.” said Mr. Rafiullah Haidari (Kunar). Agreeing with Senator Haidari, Mr. Arefullah Pashtoon (Khost) said: “We need a referendum for this.”

Legislation

There is no legislative activity to report at this time.

Upcoming Events:

- 15 March
NA Budget and Economic Committees to host a Budget Workshop for MPs and Senators in the Wolesi Jirga Conference Hall.

Acronyms:

ANSF	Afghanistan National Security Forces
ISAF	International Security Assistance Force
MJ	Meshrano Jirga
MP	Member of Parliament
NA	National Assembly
NATO	North Atlantic Treaty Organisation
NDS	National Directorate of Security (Afghan)
US	United States of America
WJ	Wolesi Jirga