



Legislative Newsletter

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NEWS

Wolesi Jirga Begins Elections Of Leadership Board.

Having chosen Haji Abdul Raof Ibrahimimi (Kunduz) last week to take the reins as speaker of the Lower House, this week the Wolesi Jirga (WJ) began the process of selecting the rest of their leadership to form the WJ's Administrative Board. The Internal Rules of Procedure provide for the election of a first and second deputy speaker once a speaker has been selected. To avoid the protracted month long delay to choose a speaker, some members suggested the rules be amended. Other MPs argued such action would contravene the Constitution. Members have complained the rules do not allow for finality to a voting process.

“Before conducting the vote, the session should make a decision on the blank votes by amending the rules of procedure,” said Mr. Mohammad Rafiq Shahir (Herat). He further suggested that Article 9 of the rules should also be amended to allow for a “simple majority” to suffice for election.

Mr. Mirwais Yasini (Nangahar) rejected the proposal suggesting that amending the house's internal rules would contravene Article 106 of the Constitution which provides that “the candidates should obtain the absolute majority votes”. Mr. Sediq Ahmad Usmani (Parwan) concurred, saying; “The house should conduct the vote through the same procedure because Article 106 of the Constitution is very clear, the candidates need to obtain the absolute majority vote. We cannot change the Constitution.”

After debate on proposals to amend the rules, Speaker Ibrahimimi announced the elections for the Administrative Board would be conducted in terms of the WJ's rules without amendment.

Two rounds of elections conducted on 28 February and 1 March failed to produce a winning candidate for the position of First Deputy Speaker. Nominees Mr. Nader Khan Katawazi (Paktika) and Mr. Abdul Ahad Afzali (Badakhshan) did not attain the 50% plus one vote required to secure the leadership position. A third round of voting is scheduled for the 5 March. As with the process to select a speaker, a new set of candidates will present themselves.

In a positive development, the remaining leadership positions of Second Deputy Speaker, First Secretary and Second Secretary were filled. Mr. Ahmad Behzad (Heart) attained 124 votes of the 207 members present to beat Mr. Abdul Wali Niazi (Badakhshan) and Ms Nazifa Zaki (Kabul) to the position of Second Deputy Speaker.

Mr. Abdul Qader Qalatwal (Zabul) polled 120 votes to become the First Secretary, defeating Mr. Mohammad Saleh Saljoqi (Herat), who previously held the position. Mr. Ahmad Farhad Azimi (Balkhi) had to wait for a second round of voting before he prevailed over Ms Humaira Ayobi (Farah) to clinch the post of Second Secretary. He polled 117 votes to Ms Ayobi's 110.

WJ Calls For Dissolution Of Elections Special Court.

Wolesi Jirga (WJ) on 2 March renewed calls for the dissolution of the Special Court appointed by President Karzai to investigate allegations of electoral fraud in the September 2010 parliamentary elections. The calls follow recent media reports that the Special Court had set up a fourteen member commission, comprising of representatives from different ministries to consider election related complaints.

“The Special Court does not have legitimacy and the WJ has passed a resolution to dissolve this court. However the president did not abolish it,” said Mohammad Sarwar Usmani (Farah). He further said the Lower House should invoke Article 127ⁱ of the Constitution to sack the High Council of Supreme Court for establishing the Special Court which in his view contravenes the Constitution.

Mohammad Rafiq Shahir (Herat) added that the executive and the judiciary should not interfere in election related issues. “The president has violated Articles 7, 8 and 58 of the Electoral Law.” As a possible solution to the president’s refusal to abolish the court, Mr. Mohammad Mohaqqeq (Kabul) suggested that a WJ delegation comprising of a representative from each province be set up to hold discussions with President Karzai to convince him to dissolve the Special Court. “I propose that a delegation from the WJ comprising of one MP from each constituency should be assigned to talk to the president and ask him to dissolve the Special Court. If the Special Court disqualifies one MP, we all should resign.”

Mr. Mohaqqeq’s suggestion was supported by the majority of members who voted set up a committee to meet with the President.

National Assembly Calls For End To Civilian Casualties.

Allegations that a recent international coalition forces operation in Ghaziabad district of Kunar province resulted in the death of 65 civilians led to renewed calls for an end to civilian casualties. National Assembly members who were part of a fact finding delegation to Ghaziabad, comprised of representatives from the National Assembly, Ministry of Defense, Ministry of Interior, and National Directorate of Security, this week reported back to their respective houses.

The deteriorating security situation in Ghaziabad district and nationally was condemned, with members of both houses accusing the coalition forces of failing to exercise caution when conducting their operations.

Senators expressed their concern over increasing numbers of civilian casualties resulting from coalition forces operations and Taliban attacks. “In the last month, we witnessed several terrorist attacks by the enemies of the country, which happened in different parts of the country. The security of the country is deteriorating day by day and has certainly affected the normal lives of our citizens,” said Senator Farukh Shah (Faryab). Sen. Shah further pointed out that the coalition forces have been “irresponsible and brutal and this has caused a huge number of civilian casualties.”

Senator Rafiullah Haidari (Kunar) concurred saying some of the “terrorist attacks” are carried out by “our so called international friends. There is no doubt that the Taliban are our enemies but the coalition forces came here to protect us and to improve security not to kill us like wild animals.” Senator Haidari, who was part of the fact finding delegation added that the delegation paid 10 000AFs to injured victims hospitalized in Kunar. “I would like to give the exact figures of civilians killed in

this brutal airstrike by the coalition forces; 10 women, 15 men, 19 girls aged between 6 months and 7 years old and 21 boys aged 1-6 years,” he said.

Fazal Hadi Muslimyar, Speaker of the Meshrano Jirga (MJ) also condemned the killing of civilians in Kunar and ordered the secretariat to draft a letter to the UN General Assembly condemning the attack.

Wolesi Jirga (WJ) members echoed the MJ’s condemnation of the Kunar airstrike and expressed their condolences to families and friends of the deceased. MPs expressed their deep concern with the operations of coalition forces and called upon the government to “follow this issue and make sure the perpetrators are legally pursued.”

Referring to the Kunar incident, Mr. Mawlawi Shahzada Shahed (Kunar) said, “Afghans also have a right to live. Unfortunately no one cares as we saw 65 civilians killed...other countries are defending the rights of their citizens. Unfortunately in Afghanistan a large number of people are killed but the government and the WJ does not even discuss this issue, yet it is the responsibility of the government and the WJ to defend the rights of their people,”

Mr. Mirwais Yasini (Nangahar) added that “In the past ten years, the civilian casualties have continued but the government does not have a strategy to prevent them. One of the responsibilities of the WJ is to monitor government activities; we should ask the government to develop a clear strategy.”

WJ Speaker, H.E. Haji Abdul Raof Ibrahim (Kunduz) added his voice to the condemnation, adding that the WJ would issue a declaration condemning the killing of civilians during coalition forces’ operations. “On Sunday, 6 March, we will summon the heads of Afghan security to the house and discuss the issue of civilian casualties with them.”

Committee News:

Meshrano Jirga

Complaints and Petitions Committee: The Meshrano Jirga’s (MJ) Complaints Committee on 28 February discussed the lack of coverage of the Upper House by Radio Television of Afghanistan (RTA). In the Committee’s view, RTA has imposed a blanket news blackout of MJ sessions.

Some Committee members suggested the blackout may be linked to the MJ leadership elections which were conducted before President Karzai recently appointed the 34 new senators. Committee members were of the view that MJ sessions were covered in RTA news bulletins until 29 January, when senators resolved to defy President Karzai’s directive to postpone Administrative Board elections until the executive appointed the remaining Upper House members.

“At times, we have had to call on the Minister of Culture and Information to instruct RTA to broadcast our sessions” said MJ Deputy Speaker, Mr. Mohammad Alam Izedyar (Panjshir). Chairman of the Complaints Commission Dr. Zalmai Zabuli (Zabul) concurred, adding; “We have to find out the reason why RTA is refusing to broadcast our news.” Fellow senators supported Dr. Zabuli’s suggestion and resolved to raise the issue with the Minister of Information and Culture in the 5 February committee meeting.

Legislation:

1390 National Budget: The Meshrano Jirga submitted the draft budget to the Wolesi Jirga on the 28 February in line with Article 98 of the Constitution. The WJ has 30 days to review the budget before voting to either reject or pass it with a two-thirds majority.

Upcoming Events

Wolesi Jirga

- 9 March Plenary session
Heads of Afghan Security organs summoned to discuss

Acronyms:

APAP- Afghanistan Parliamentary Assistance Project

H.E. - His Excellency

MJ – Meshrano Jirga

MP- Member of Parliament

NA- National Assembly

UN- United National

WJ – Wolesi Jirga

RTA- Radio Television Afghanistan

ⁱ Constitution Article 127; “If more than one third of the members of the House of People demand the trial of the Chief Justice of the Supreme Court or any of its members accused of a crime related to job performance or committing a crime, and, the House of the People approves this demand by two thirds majority of all members, the accused shall be dismissed and the issue referred to a special court.”