



Legislative Newsletter

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NEWS:

Wolesi Jirga Passes 1390 National Budget

On 2 May, the Lower House passed the third draft of the 1390 National Budget proposed by the Executive after Members of Parliament (MPs) rejected the earlier drafts on 28 March and 25 April. The MPs cited six reasons for rejecting the two previous drafts, chief of which was the \$73 million USD proposed to compensate the Central Bank for funds used to bail out Kabul Bank.

Presenting the third draft to the plenary, Mr. Haji Amir Khan Yaar (Nangarhar), chairman of the Budget and Finance Committee, said all but one committee approved the third draft. “The controversial \$73 million allocated to the Central Bank in the first and second drafts has been removed in the third draft,” Mr. Yaar said.

Responding to Mr. Yaar’s presentation, Speaker Abdul Rauf Ibrahim (Kunduz) said; “Those members of the joint committee who disagree with the third draft should argue their case or else we will put the draft budget to the vote.”

Mr. Mohammad Hussain Fahimi (Sar-e-Pul), speaking on behalf of the committee overseeing the implementation of Law and Central Audit, said the budget should be rejected and highlighted what his committee deemed discrepancies in the figures in the third draft. “There is a 41% reduction in the development budget; no one dares question that reduction. The Budget Guidelines contradict the laws of the country,” he said.

Some members, particularly Mr. Ramazan Bashardorst (Kabul), questioned the validity of the decision made by the majority joint committee to approve the budget in the absence of a quorum. “Passage of the third draft was not legal. There was no quorum and therefore their views are not valid,” said Mr. Bashardorst.

Mr. Sayed Hussain Alemi Balkhi (Kabul) concurred, adding that the Disabled, Martyrs and Widows Committee had in fact sought advice from the Administrative Board on the lack of a quorum. “Mr. Abdul Qadir Qalatwal (First Secretary) said that he had consulted you (Speaker Ibrahim) about this and you told him that the committees could work even if the quorum hadn’t been established,” Mr. Balkhi said.

Despite the objections raised about the quorum, Speaker Ibrahim put the draft budget to a vote and it was approved by a simple majority.

SABA Parliamentary Group Introduced to WJ

Ms. Dehqanejad Ustad Najla introduced the SABA parliamentary group to the Wolesi Jirga (WJ) plenary on 30 May. She said the group was established in 2010 in accordance with Islamic principles and the Afghan constitution. “We currently have 23 members and our objectives include defending the national sovereignty and territorial integrity of Afghanistan, the rights of the Afghan people, ensuring social justice, protecting human rights, personal freedom and parliamentary struggle based on national interests,” she said. Ms. Najla added that Mr. Alhaj Mohammad Almas Zahid (Parwan) chairs the group. “Mr. Abdul Ghafar (Nangahar) is the deputy chairman while Mr. Sher Wali Wardak (Kabul) and I are spokesman and secretary respectively,” she said.

H.E. Abdul Rauf Ibrahim (Kunduz), WJ Speaker welcomed the formation of the group. “Congratulations on your success. I hope that other groups will be formed soon,” he said.

WJ briefed on Afghan-US strategic Pact, Second Bonn Conference, Proposed Loya Jirga

Minister of Foreign Affairs, Dr. Zalmay Rasoul and Presidential Security Advisor Rangin Dadfar Spanta on 4 May briefed the Wolesi Jirga (WJ) on the Afghan-US strategic partnership, the Second Bonn Conference and the proposed Loya Jirga.

Dr. Spanta informed the WJ that the government is working on the terms of the Afghan-US strategic agreement and the proposed pact will be sent to the National Assembly for approval. “Any agreement would have to go through the legal phases; first it would come to WJ, then to Meshrano Jirga and finally the endorsement of the President,” said Dr. Spanta. He also advised members that a decision is yet to be made on the agenda of the the Jirga, adding: “The Loya Jirga will not be an alternative to the National Assembly. It will not make any decisions. It is merely a consultative gathering.”

Briefing the WJ on the Second Bonn Conference, Dr. Rasoul said the proposed conference is an Afghan initiative and is not in any way related to the one that preceded it. “The Second Bonn Conference has nothing to do with First Bonn Conference. This will be a wholly Afghan process and Afghan-led and we will decide what to include in the agenda,” said Dr. Rasoul.

Mr. Obaidullah Ramin (Baghlan) questioned the relevance of the Second Bonn Conference. “What’s the need to hold the Second Bonn Conference while the Afghan state has its legal establishments?”

Several MPs questioned the logic of holding a Loya Jirga and sought an explanation from the government officials on what the Executive sought to accomplish from the proposed Jirga. Mr. Ahmad Farhad Majidi (Herat) said: “There must be a hidden agenda behind the traditional Jirga.” Ms. Ustad Rubaba Parwani Darwesh (Kabul) added: “What will be the role of women?”

“I am concerned about the traditional Loya Jirga. My concern is not about specific points, my concern is that there is an ongoing process to kill democracy and move back to traditional institutions,” said Mr. Mohammad Yunus Qanooni (Kabul).

Some members asked the two government officials to explain the benefits of entering into a strategic partnership with the US. Ms. Sheenkai Zaheen Karokhil (Kabul) said; “The nation of Afghanistan needs to

know the gains and the losses associated with this pact. What if the NA or the LG says no to this pact, what will be the plan B?” Mrs. Nahid Ahmad Farid (Herat) concurred and accused President Karzai of acting unilaterally; “On Sunday president Karzai attended one of the district council meetings and he said that the Afghan government had responded to US demands (regarding strategic partnership). If he has responded to their demands, did he guess what the people of Afghanistan want because he has not consulted the people’s representatives?”

Dr. Spanta and Mr. Rasoul did not respond to the MPs questions but requested more time to prepare their response and report back to the plenary next week.

WJ Ratifies TAPI And Ban On Cluster Munitions Convention

The Wolesi Jirga (WJ) on 30 April ratified the Turkmenistan-Afghanistan-Pakistan and India (TAPI) Gas Pipeline Project Agreement and the Convention on the Ban on Cluster Munitions. The MPs also used the plenary to air their views on Afghanistan’s Diplomatic Agreements with Fiji and Montenegro. Speaker Abdul Rauf Ibrahimy (Kunduz) chaired the plenary session.

Presenting the TAPI gas pipeline project to the plenary, Deputy International Relations Committee Chairman, MP Mohammad Noor Akbari (Daikundi) informed members that leaders of the four countries met in Ashgabat, Turkmenistan in December last year and agreed on some terms of the agreement. “The length of this pipeline from the source up to the target is 1 735km out of which 735km pass through Afghanistan, beginning from Turghondi to Spinboldak, 800km in Pakistan and the remaining will pass from the source of Afghanistan’s border,” MP Akbari said.

Mr. Akbari added that work on the project will begin in 2012 and will take two years to complete. “The project will be funded by a US company called Sharon and the total cost of the project is approximately \$7.8 billion USD. The project will create 7 000 jobs, and generate \$200 million USD annual revenue from transit duty.” The agreement was subsequently put to a vote and passed by a majority of the MPs present.

Arguing for the ratification of the Convention on the Ban on Cluster Munitions, Mr. Akbari explained that 34 countries produce cluster mines and 23 others have stockpiles of the landmines. “Afghanistan is a war-torn country and is one of those countries that still suffer from landmines and explosive materials; therefore signing the Convention is to the best interest of Afghanistan.” He added that all WJ standing committees had considered and affirmed the Convention. The Convention was also put to a vote and passed.

Two Diplomatic Relations Agreements with Fiji and Montenegro were also discussed in the plenary. Mr. Akbari explained that while the National Assembly has no jurisdiction over the said agreements, it was important that they knew of the same. Mr. Farhad Azimi (Balkh) criticized the government’s decision to enter into diplomatic agreements with the two countries. In his view, the agreements will not be beneficial to the people of Afghanistan as “Fiji and Montenegro are small countries”.

Ministers Address Senators Security Concerns

The Meshrano Jirga invited Ministers of Defense and Interior and the First Deputy Director of the National Directorate of Security to its 3 May plenary session to address senators' security concerns. In his opening remarks, Mr. Mohammad Alam Izedyar (Panjshir), First Deputy Speaker of the Meshrano Jirga (MJ) and chair of the session asked the government officials to brief members on the 18 April suicide attack on the Ministry of Defence (MoD), the Kandahar prison break, the 27 April Academy of Military Aviation incident where a pilot shot dead eight US soldiers and cancellation of a military parade on Victory Day¹.

Senator Ali Akbar Jamshidi (Daikundi) sought clarification on why the security sector had failed to stop insurgent attacks despite the existence of various intelligence departments. "The recent incidents have caused great concern amongst the peoples' representatives," Mr. Jamshidi said.

"Whenever there is an attack, the assailants have been dressed as soldiers or police officers. Would the relevant authorities answer why they have been recruited in your respected department?" asked Mr. Mawlawi Mohammad Faizi (Panjshir).

Some senators were concerned about the impact of Osama Bin Laden's death on Afghanistan. Mr. Arefullah Pashtoon (Khost) asked: "What is the impact of Osama's death on Afghanistan?" Mr. Nisar Ahmad Haris (Kabul) added; "After the Taliban announced the Badr operation in Afghanistan, people in Kabul are scared. Can you assure the people that the situation is under control?" Mrs. Lailuma Ahmadi (Panshir) asked the security officials about the possibility of using Osama bin Laden's death to ask Pakistan to "extradite Mullah Omar and Gulbudin Hematyar to the Afghan government".

In his response, Defence Minister Mohammad Rahim Wardak agreed with senators that the MoD attack on 18 April was "tragic and serious". "The MoD should be the safest place after the presidential palace and this should never have taken place. We are all saddened and affected by it, however, there is no firm defense mechanism against suicide bombers. No country has ever been able to fully shield herself against these types of attacks," he said.

Minister Wardak informed senators that preliminary investigations indicate that the pilot who shot and killed US soldiers in the Kabul Academy of Military Aviation centre suffered from mental illness. "The illness may have been caused by economic hardships that he had been facing recently and also some of our evidence indicates that he may have even been a gambler."

Addressing senators' questions on the impact of Bin Laden's death, Interior Minister, Mr. Bismilah Mohammadi said; "We know that Osama was killed in Pakistan and clearly he, together with his family were not living there in hiding. They enjoyed protection from the Pakistani government. It may open new avenues of frank negotiations with Pakistani authorities now."

MJ Commemorates Workers' Day

¹ 28 April, the day Mujahidin took power in Afghanistan

Senators used the 1 May plenary session to commemorate the 125th anniversary of International Workers Day and discuss employment related issues. Mr. Mohammad Alam Izedyar (Panjshir), First Deputy Speaker of the Meshrano Jirga (MJ) chaired the plenary.

Contributing to the discussion, Mr. Malawi Abdul Wahab Erfan (Takhar) said unemployment remains a challenge in the country and called on the government and private sector to help curb the problem. “We hope that the Afghan government pays more attention to job creation. It’s not only the responsibility of the government; the businessmen across the country should also be involved,” said Mr. Erfan.

Senator Abdul Hanan Haqwayoun (Paktia) agreed adding; “People can’t find jobs, unemployment is one of the main reasons for violence in Afghanistan.” This view resonated with the majority of senators who felt tackling unemployment will improve security in the country. Essa Khan Shinwari (Nangarhar) said: “Unemployment is causing so much social unrest and it needs to be tackled.” Mr. Sayed Farukh Shah Jenab (Faryab) added; “The issue of unemployment is very serious; poverty could push people towards infidelity.”

Some senators said that factory closures and subsequent redundancies across all industries were swelling the unemployment figures. They blamed the factory closures on an “irresponsible private sector” and called on private companies to act responsibly.

COMMITTEE NEWS:

Minister Apprises Meshrano Jirga Committee on Planned Land Distribution

The Meshrano Jirga Economic Committee invited the Minister of Agriculture Mohammad Asif Rahimi to its 2 May meeting to explain his ministry’s proposal to distribute government-owned land to private enterprises.

The Minister advised members that the proposal was made in view of the failure by the government to fully utilize some of its land. “Afghanistan has a lot of land that remains underutilized due to lack of resources. If we distribute some of this land to the private sector, they will be able to fully invest on the agriculture sector, which will benefit the country immensely.”

Mr. Rahimi added that land distributed to the private sector will be used only for agricultural purposes for the scheme to succeed. “There will be strong oversight of activities of the private organisations participating in the scheme. Those who fail to adhere to the terms of the agreement will lose the land,” said Mr. Rahimi.

MJ Economic Committee Briefed on Government Efforts to Recover Funds

Central Bank Governor Abdul Qadir Fitrat on 30 April briefed the Meshrano Jirga Economic Committee on government’s efforts to dissolve Kabul Bank as well as recover funds from debtors. In his briefing, Mr. Fitrat informed members that the government has developed a two-step process in closing down the troubled bank and recovering funds used to bail out Kabul Bank in 2010.

“The first stage will involve disposing of assets, equipment and staff. The second stage will entail dissolving the bank through dealing with the bank’s debts,” Mr. Fitrat said. He further informed the committee that the government will take possession of a building owned by Sher Khan Farnood valued at \$35.3 million USD to recover unpaid loans. “Gul Bahar has agreed to pay back the \$17 million USD loan extended to him with interest. He will pay back a total of \$39 million USD while Mr. Dawi will pay \$37 million USD to cover the \$26 million USD he borrowed plus interest,” said Mr. Fitrat.

The Central Bank Governor, however, advised the committee of the need to develop a mechanism to recover loans used to acquire properties outside the country. “If we don’t establish a special court to deal with these issues, the Central Bank will not be able to recover funds owed by Kabul Bank shareholders,” he said.

Acronyms

IGA	Inter Government Agreement
GPFA	Gas Pipeline Framework Agreement
MJ	Meshrano Jirga
MoD	Ministry of Defence
NA	National Assembly
TAPI	Turkmenistan-Afghanistan-Pakistan and India gas pipeline project
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
USD	United States Dollars
WJ	Wolesi Jirga