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NEWS:

WJ Speaker And Members Attend Traditional Loya Jirga

Hajj Abdul Rauf Ibrahim, speaker of the Wolesi Jirga and at least 171 members attended the Traditional Loya Jirga. At least 117 Wolesi Jirga Members had registered to participate in the Traditional Loya Jirga (TLJ) scheduled for November 16-20. The participation of the Speaker and members was in contrast to the decision taken by the Wolesi Jirga plenary on June 25¹ not to participate in the Traditional Loya Jirga. The Afghan government convened the Jirga in Kabul, to consult traditional elders on the US-Afghan Strategic Agreement and the peace process with the Taliban.

Speaking at the Traditional Loya Jirga, President Karzai reaffirmed the role of Parliament as an Afghan institution. He restated that “the Afghan Parliament represents all people” and that the National Assembly (NA) “would have to approve any agreement” emanating from the Jirga. He called for respect to be accorded to the NA.

The decision on whether the WJ would participate in the traditional Jirga or not had resulted in heated debate in the house, despite the resolution taken by the house earlier not to participate. “Around 171 MPs registered to participate in the TLJ and we have since received their invitation cards. It is now up to the individual members to decide whether they want to take part or not,” announced Deputy Speaker Khalid Pashtoon in the September 12 plenary session. Mr. Pashtoon reminded members that the resolution by members to boycott the Jirga stood and could only be revoked by a “two thirds majority vote”.

Several members had objected to changing of the decision not to participate in the TLJ. They argued the TLJ is unconstitutional and questioned the source of the funding for the event at which over 2200 representatives were expected to attend. “The government has complete disregard of the legislative and judiciary arms of government. No one can annul or change WJ resolutions... Why didn't President Karzai seek MP's advice on these issues if the Jirga is merely a consultative process?” said Mr. Mirwais Yasini (Nangarhar).

Mr. Mohammad Naem Lalai Hameedzai (Kandahar) agreed and called on members to respect the Lower House resolutions. “The Government is insulting the Parliament. Jirgas in the history of Afghanistan are only held to decide on issues of national interest. The Constitution provides for the Wolesi Jirga, Meshrano Jirga and Loya Jirga but does not provide for a Traditional Loya Jirga.”

Ms. Fauzia Kofi (Badakhshan) suggested that MPs should summon the Minister of Finance to explain to members where government got funds to convene the TLJ. She also requested the house to summon the Minister of Foreign affairs, and national security advisor to brief the house on the Istanbul conference.

Head of the Law Protect Coalition, Mr. Hajji Abdul Zahir Qadeer (Nangarhar) criticized the government for not consulting with MPs in advance, “Traditional Loya Jirga should be discussed and the MPs should

¹ See APAP Legislative Newsletter 1 July 2011, Vol. 5 No.22:

<http://www.sunyaf.org/newsletter/2011/APAP%20Legislative%201%20July%202011.pdf>

be allowed to express their views...It (TLJ) is a parallel institution to WJ and if the MPs participate in the Jirga, their participation will give legitimacy to TLJ.”

The discussion on the TLJ had continued in the 14 November plenary session also attended by the Deputy Minister of Foreign affairs, Mr. Javed Ludin and National Security Advisor, Mr. Rangeen Dadfar Spanta. The two were summoned to the plenary to respond to MPs’ question regarding the agenda and funding of the TLJ.

In his address to the plenary, Dr. Spanta informed members that the TLJ will discuss two issues, the strategic partnership agreement with the US and the government initiative to reconcile with the Taliban. He reiterated that the TLJ is not a decision making Jirga but a consultative process. “The results of the TLJ and the final strategic partnership agreement will be sent to the NA for ratification. The decision to accept or reject the agreement lies in the NA.”

Both Deputy Minister Ludin and Dr. Spanta did not address the issue of funding and members did not press the two government officials for further information. Instead, Speaker Abdul Rauf Ibrahimi (Kunduz) suggestion that members vote to decide whether to participate in the TLJ or not failed to produce a unanimous decision.

Speaker Ibrahim concluded the debate in the WJ on the traditional Loya Jirga by advising members to “participate in TLJ as individuals and not in their capacity as members of the WJ”. His subsequent participation and that of 171 members remains unclear if they did so in their personal capacities. Speaker Ibrahimi was accorded proper protocol at the Traditional Loya Jirga, and the statements by the President would suggest that the participation was recognized as official WJ participation.

Meshrano Jirga Approves Emergency Response Law

The Meshrano Jirga (WJ) on 15 November approved amendments to the Law on Emergency Response and referred the Law on Chamber of Commerce and Industries to the Joint Commission. Both laws were passed by the Wolesi Jirga on 22 October and forwarded to the Upper House for consideration in terms of the rules. Senators passed the Emergency Response law without any amendments.

The Upper House however referred the amendments to the Chamber of Commerce and Industries Law to a joint committee of the WJ and MJ. Mr. Mohammad Ismayel Munshi (Jawzjan) criticized the drafters of the law of what he deemed unprofessionalism; “This Law was drafted by unprofessional people. They referred to the Chamber of commerce as a nonprofit organization.”

Najeeba Husaini (Appointee) brought the attention of senators to article eleven. The article addresses issues relating to the election of office bearers to the Chamber of Commerce. “The column of this article in the government draft is empty. Senators just skimmed through the article and did not make their final decision on the same.” Ms Husaini proposed that the law be sent back to the government for clarification before members can vote on the bill. The Upper House referred the law to a joint commission to discuss “inconsistencies between some articles”.

COMMITTEE NEWS

Wolesi Jirga Committees Discuss Quality Control Of Imported Products

The Wolesi Jirga's Natural Resources and Environment committee and the National Economic Committees on 13 November held a joint session to discuss quality and prices of such imported products as medicines, food, oil and gas. The meeting was also attended by Dr. Anwarulhaq Ahadi (Minister of Trade), Mr. Abdul Ghani Ghuryani (Deputy Minister of Agriculture, Irrigation and Livestock (MAIL), Mrs. Dr Nadera Hayat Burhani (Deputy Minister of Public Health (MoPH) and Mr. Mohammad Younus Nawandish (Kabul Mayor).

In their brief to the meeting, the government ministers raised concerns on the quality of goods illegally imported into the country. They said these are difficult to monitor as government has no control over them. "The trafficking problem does not only affect the quality of the medicines, oil and other goods brought illegally into the country, but also affects government income and national economy," said Mr. Ahadi.

Kabul Mayor Nawandish said local authorities do not have control over the transport system and water supply in cities under their jurisdiction. He said this impedes on the capacity of the local authorities' to implement their plans. He further called for a review of the Municipal Law to accord local councils the same authorities accorded to councils in other countries.

The Deputy Minister of Agriculture, Irrigation and Livestock said 'relevant ministries and government departments should combine their efforts of controlling and ensuring the quality of imported goods'. "Unfortunately, the Afghan National Police and the Interior Affairs Ministry are not ready to cooperate and as a result we cannot enforce our plans," said Mr. Ghuryani. He added that his ministry has built 4 laboratories to be used to test the quality of imported agricultural medicines.

Mr. Monwar Shah Bahadari (Herat) asked why there are no efforts to improve production of goods within the country instead of relying on imports. "How can we improve our own production? Does the Agriculture ministry have any strategy for food self-sufficiency?" asked Mr. Bahadari. Mrs. Habiba Danish (Takhar) concurred and proposed for the prohibition of imports of those goods that can be produced within the country. Kabul Member of Parliament, Mr. Ramazan Jumazada sought clarification on why gasoline prices in Kabul have been raised from 55Afs to 90Afs (Approximately USD1.22 to USD2).

Responding to MPs questions, Mr. Ghuryani confirmed his ministry has developed a strategy aimed at ensuring food self-sufficiency. "Implementation of this strategy requires a huge investment and security." Mr. Ahadi further said significant subsidies are required to improve national production and acknowledged that the country does not currently have adequate resources to fund subsidies. He assured the MPs that the cost of gasoline in Kabul will be reduced in "the next three days".

Women Affairs Committee Tackles Budget Execution.

Members of the Lower House Women Affairs, Civil Society and Human Rights Committee invited Mr. Hamedullah Sultani, Deputy Minister of Labor, Social Affairs, Martyr and Disables (MLSMD) to the 13 November committee meeting. Mr. Sultani was invited to update members of his ministry's development budget execution for the current fiscal year. The deputy minister was also asked to discuss his ministry's budget requirements for the next year.

Chairperson of the committee, Mrs. Fauzia Kofi (Badakhshan) asked Mr. Sultani to brief members on how much of the funds allocated to the MLSMD have been spent, explain projects for women implemented so far completed as well as challenges faced in executing the 1390 budget.

Mr. Sultani explained to members that his ministry's development budget allocation for 1390 was USD15million. "So far we have spent USD4 million of this allocated budget on vocational training in 20 provinces. Around 3,000 women have benefited from this training". He added that the MLSMD will spend another USD2 million by the end of the 1390 financial year.

The deputy minister informed members that the complicated procurement process delays implementation of projects. He added that based on a document approved by the Minister's Council all projects should be announced in provinces and the procurement process and bidding offers should follow at the provincial levels. "Most of the companies who bid for projects announced by the MLSMD are either not qualified to implement the projects or cannot cope with the project criteria. The MLSMD must go through the long procurement process again," Mr. Sultani said

On programs targeting women, Mr. Sultani said his ministry is currently piloting a Social Protection Program aimed at supporting the poorest families. "The program distributes between USD100-200 to poor families for 3 months. If this program is successful, we will extend it to all the 34 provinces."

Responding to the deputy minister's remarks, Mrs. Masouda Karokhi (Herat) accused the MLSMD of implementing projects that "do not have a positive impact and are not sustainable" in provinces. She suggested that the ministry should review these projects.

Mrs. Raihana Azad (Uruzgan) asked the deputy minister to explain when vocational training programs will be available in the remaining 14 provinces. "Does the budget cover only vocational programs or the entire ministry program?"

Referring to the numerous complaints received by the committee relating to the delays in the disbursement of funds to families of the martyrs, Mrs. Robaba Parwani (Kabul) requested the MLSMD to review the way disbursements are made. "I have requested for a proper mechanism in the ministry for Martyrs family to get their salaries on time... we (committee) have received many complaints that sometimes the ministry delays the salary payments by up to two months."

Responding to MPs questions, Mr. Sultani said, the Ministry has spent 29% of the allocated development budget and will raise this to 60% by the end of current financial year. "We announced some projects recently in the provinces and we expect to complete the procurement process and begin implementing projects as soon as possible." He assured MPs that the vocational training program is sustainability and up to 50 % of the graduates have gained employment in the private and public sectors. He further said the ministry plans to conduct similar programs for the disabled and martyrs families in the next fiscal year.