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## Legislative Newsletter

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### **NEWS:**

#### **Wolesi Jirga Debates Executive Powers of Traditional Loya Jirga**

The Wolesi Jirga (WJ) on 2 November debated the participation, legality and executive powers of the Traditional Loya Jirga (TLJ). Although not all MPs support boycotting the TLJ, a majority of them appeared to agree that the TLJ should have limited executive powers. According to the legislators, any agreement, convention or pact should be approved by the WJ, with the TLJ only playing a consultative rather than decision making role. “The organ which makes decisions on the international conventions and agreements is the WJ,” said the head of Law Support Coalition, Mr. Zahir Qadeer (Nangarhar). He termed the upcoming TLJ illegal and against the interests of the country.

More than 2 000 people are expected to attend the TLJ from November 15 to 17 in Kabul to discuss the US-Afghanistan strategic partnership and talks with the Taliban. Although the House has not made any official decision yet, more than one hundred MPs and almost all Senators have filled in forms confirming their participation.

Insisting on the position the WJ arrived at in its previous session on the TLJ’s powers, Mr. Sediqi Nelizada (Daikundi) cited an interview in which the Deputy Chief of Missions of the US Embassy in Kabul said, “The Parliament of Afghanistan is the only institution that can approve or reject the Afghan-US strategic partnership, not the Traditional Loya Jirga.” Concurring with Mr. Nelizada, Mr. Sediq Ahmad Usmanee (Parwan) also added that the TLJ cannot approve or reject the proposed strategic agreement because it is only a consultative Jirga. According to him, the President will get the wishes of Afghans from their representatives in Parliament, which is the only institution that can approve or reject the proposed strategic agreement with the US.

Mr. Asadullah Saadati (Daikundi) even went further and called holding such Jirgas a sign of dictatorship. “This Jirga is not in the interest of Afghanistan but paves the way for dictatorship,” he said, adding; “We don’t know the agenda of the Jirga and the number of the participants. Anyone who participates in this Jirga is a traitor.” Objecting to Mr. Saadati’s contribution, Mrs. Aryan Youn (Nangarhar) said, “Mr. Saadati should not label all MPs traitors.”

A number of MPs were of the view that the President should conduct advisory meetings with everyone and send the issue to Parliament for approval. They said that the House needs to have unity of purpose for it to be effective and bring prosperity to the country. “Around 116 members of the WJ have filled in membership forms for the Loya Jirga and this is a sign of differences among the MPs,” said, Mr. Sharwali Wardak (Kabul). He further proposed working out a mechanism for participation in the TLJ instead of debating its legality and powers “If the Senators and other organs are participating why not WJ members?” he asked.

Mr. Gul Pacha Majedee (Paktia) said he was going to participate in the TLJ because “the Traditional Loya Jirga will be conducted in the national interest and therefore all people should participate”. He informed the House that 2,030 people will take part in the TLJ.

Mr. Shahed Shahzada (Kunar) termed the strategic agreement between Afghanistan and the US “captivity and slavery”. According to him the US should only equip Afghan forces and leave. “This agreement is a continuation of the war in Afghanistan between America and Al-Qaeda,” he said, adding; “Participating in this Jirga is an act of being unfaithful to the nation.”

Concluding the session, Mr. Ibrahimi said all MPs should object in line with the house’s internal Rules of Procedures. He said, “126 MPs have decided not to participate in the Traditional Loya Jirga, but if you want to participate, we will change our decision by two thirds majority of the House.” He added that Members of the Administrative leadership board had not registered their names for the Traditional Loya Jirga yet.

### **MPs Discuss Interpellation of Hajj and Islamic Affairs Minister**

The Wolesi Jirga (WJ) plenary session on 31 October criticized the Minister of Hajj and Islamic Affairs, Mr. Mohammad Yusuf Niazi over poor travel arrangements for Hajjis going to Saudi Arabia. The irate MPs called for the minister’s interpellation. “Pilgrims are facing problems again this year, residential facilities are far from Kaaba and there are no competent Hajj instructors. Afghan airfares for the Hajj are more expensive compared to Pakistan and other countries,” Mr. Arif Rahman Rahmani (Ghazni) said.

According to the MPs, with only five days before the holy ceremonies, 750 pilgrims who had deposited their money in banks are still waiting to fly to Saudi Arabia when those who came in later have already left due to poor management of the Hajj process. “There are no competent instructors for Hajji Pilgrims because they were not recruited on merit,” said Mr. Asadullah Sharifi (Balkh). “The Speaker should follow up on the issue otherwise he will be held responsible and the people will ask him,” he added.

Citing Mr. Niazi’s explanation to the House last week, Mr. Mawlawi Abdul Rahman Rahmani (Balkh) stated, “The explanation of the Minister of Hajj was very weak, he merely pointed out the problems without giving us the solutions.” Mr. Rahmani further claimed that the Deputy Minister of Hajj sent seven of his relatives to Hajj and accommodated them nearer to Kaaba. “More than 715 Hajj Pilgrims are waiting in Eidgah Mosque to be transported to Saudi Arabia. They deposited their fees in banks but unfortunately they are still here,” he added, calling on the House to take serious measures on the issue and summon the Minister of Hajj for further explanations.

WJ Speaker Mr. Abdul Rauof Ibrahimi also told the session that six of his relatives failed to go to Hajj although they have paid and have bank receipts with them. “It is up to the members of the House to either call the minister for questioning or interpellation,” Mr. Ibrahimi said. The WJ referred the issue to the committee of chairs for further judgment.

Although the WJ made it clear that it was not happy with the ministry, Mr. Niazi told the House that so far 30 000 pilgrims have arrived in Saudi Arabia and almost 150 more visas will be issued by the Saudi embassy this week. He rejected claims made in the Meshrano Jirga on 30 October that he had neglected his duties.

## **Meshrano Jirga Grills Water and Energy Deputy Minister over Nangarhar Electricity Project**

Water and Energy Minister Mohammad Ismail Khan, Interior Ministry Deputy Minister Mr. Atmar and Ministry of Defense (MoD) Director of Operations Mr. Afzal Aman were summoned to the 30 October plenary session of the Meshrano Jirga (MJ), to update the House on challenges in the supply of electricity to Nangarhar Province. Although Mr. Khan could not attend the session due to official business commitments, his Deputy Eng. Gulam Farooq Qazi Zada appeared before the legislators.

The officials were summoned following a decision of the MJ when an oversight delegation returned from Nangarhar Province and brought complaints from the people regarding delays in providing electricity to the province. *(See more details in APAP Legislative Newsletter 21 October 2011).*

In his explanation, Water and Energy Deputy Minister Eng. Zada said the security situation has delayed progress in connecting electricity in Nangarhar. He added that contractors were attacked in Badpakht district of Laghman Province and their vehicles were torched. After the attack the Ministry of Water and Energy (MoWE) held joint sessions with the MoD and the Interior Ministry (MoI) to identify insecure places and presented a proposal to deploy security forces in the volatile areas to the Council of Ministers. The Council of Ministers approved the proposal but the Ministry of Finance is yet to release funds for that.

The deputy minister further informed the legislators of the MoI and ISAF commitment to maintain security in the area. "The work on the Nangarhar project only resumed about a week ago following an eight-month break," Eng. Zada said, adding, "The work of providing Nangarhar province with electricity will be completed by 21 December 2011."

According to Mr. Atmar, who is also General Director of Police, 80 police officers, 90 ANA soldiers, 40 local policemen and 20 NDS personnel have been deployed in the volatile areas and now the situation is under control. "We need 200 police officers to protect Machalgho Dam in Paktia because we are facing threats there," Mr. Atmar told Senators. Concurring with Mr. Atmar, MoD Director of Operations, Mr. Aman also assured the Senators that the area is clear now. "We have conducted military operations in Badpakht district of Laghman and cleared the area and now it is secure," he said.

A number of Senators showed dissatisfaction with the presentations, saying that the Water and Energy Ministry would not be able to complete the project by year end. "You did not present sufficient information on Nangarhar electricity. Will you provide electricity only to Jalalabad city or to the whole province?" Mr. Rafiullah Haidari (Kunar) asked the deputy minister and went on to criticize the ministry for not "laying a brick in Kunar Province".

Agreeing with Mr. Haidari's sentiment, Mr. Essa Khan Shinwari (Appointee) in turn strongly criticized the Water and Energy Ministry for failing to meet its commitments to Nangarhar Province. According to him, people of Nangarhar Province are disappointed with the ministry. "In the past it was the poor people who lied about their situation but now the ministers have started lying to the people," Mr. Shinwari added.

Mr. Ismail Munshi (Appointee) defended the Water and Energy Ministry and asked Senators what they would do if they were in the ministry's shoes. "If you (Senators) were them (Water and Energy Ministry) what would you do? Problems should be discussed with the people and we should negotiate with them otherwise these projects will prove uneconomical," He said.

## **Meshrano Jirga Apprised of Drug Addict Treatment**

Public Health Acting Minister Mrs. Suraya Dalil, Counter Narcotics Deputy Minister Mr. Ibrahim Azhari, and Minister of Public Works Mrs. Amina Afzali apprised the Meshrano Jirga (MJ) on 1 November on the treatment of addicts and their reintegration into society.

Briefing the legislators, Acting Minister Dalil said that the Ministry of Public Health's policy is to reduce the production of narcotics, treat addicts and reduce demand for narcotics in the country. According to her, addicts are treated for 45 days in health centers. "Ninety percent of the treated addicts often relapsed due to easy access to the narcotics. The reasons for addiction include poverty, migration and illiteracy," Mrs. Dalil told Senators. She added that there are 55 health centers – 20 government-run and 35 privately owned – providing treatment to drug addicts. According to the Acting Minister, the provinces of Nangarhar, Samangan, Balkh and Jawzjan have five centers, each equipped with 20 beds. "The Ministry of Public Health has a budget of \$800 000 for the year 1390 and we have so far spent 55% of the allocation to treat 2,500 addicts."

Contributing to the discussion, Mrs. Afzali declared the Ministry of Public Works' role in the treatment of drug addicts. She said, "Addiction is a major problem in our society. The reasons for this condition include poverty, migration and illiteracy." She added that in the past there were no addicts in Afghan society although narcotics were cultivated. "We have one million addicts in the country. The Ministry of Public Works does not have a specific budget for the treatment of addicts," Mrs. Amina said. She accepted that her ministry has the responsibility to provide vocational training to recovered addicts. "We have provided vocational training to 600 addicts after they were cured."

Counter Narcotics Deputy Minister Azhari said his ministry is a policy making organ. "The ministry is working on the strategy with the Ministry of Public Health to cure drug addicts and reintegrate them into the society," he said.

Mr. Gul Ahmad Azami (Farah) and Mr. Mahmood Danishjo (Balkh) asked the government officials about the standard of the treatment. "The acting minister told us that only 2,500 addicts were treated but the deputy minister said more than 1,400 were treated. I do not know which number is correct," said Mr. Danishjo. Mr. Azami added, "It is amazing that only 2,500 were cured out of one million addicts."

The lawmakers were not happy that the number of addicts is increasing every day, yet there are no serious measures to prevent addiction. "The number of addicts is increasing. I do not know why the government is saying the number of addicts is falling," Mr. Arifullah Pashtoon (Khost) said.

Agreeing with Mr. Pashtoon, the MJ Secretary Mr. Azizullah Ulfati (Jawzjan) suggested that the Acting Minister of Public Health should work with Ministry of Hajj Scholars to support a permanent method of treating drug addicts.

In response, Mr. Azhari said that 600 Islamic scholars have been hired in 34 provinces to educate the public on the dangers of narcotics. He said, "The ministry is also working to provide farmers with an alternative cash crop to turn to after narcotics are banned." According to the officials more than 14,000 addicts have been treated in the country, but it is a complicated process because the majority of people cured return to drug use.

## **MPs Discordant on Second Phase of Security Transfer**

During a 1 November press conference, Wolesi Jirga (WJ) First Deputy Speaker Mr. Khalid Pashtoon and MPs from southern provinces announced their opposition to the transfer of security forces in unsafe provinces. According to them, Kandahar shares a border with Pakistan and is under vast intervention from that country's government. "We want the Afghan government and the international community to delay the transition process, especially in Kandahar province, for the next one or two years," Mr. Pashtoon said.

The WJ's Defense Committee told the media on 30 October that the second phase of the security transfer should focus on insecure provinces. Committee Chairperson Ms. Shukria Barakzai argued that the security switch in the second phase to unsafe provinces will affect the relatively stable provinces. "Transfer of security responsibilities in unsafe areas to Afghan forces will enable the government to overcome the security challenges until the end of 2014," she said, adding that if the second stage of this process -- the "symbolic transfer" of responsibilities to be carried out in quiet areas -- is launched it will raise the security challenges.

Chief of Independent Directorate of Local Governance (IDLG), Abdul Khaliq Farahi has earlier announced a tentative list of provinces for the second phase of the transition in a provincial governors meeting. Based on that list Samangan, Badakhshan, Helmand, Ghazni, Nimroz, Ghor, Parwan, Nangarhar and Wardak provinces are included in the second stage of the security transfer.

However, MPs from the southern provinces disagreed with the Defense Committee's proposal. According to them, recent insurgent attacks and gun battles in Kandahar province show that there is still a need for foreign forces to remain. According to them, the Afghan National Army (ANA) and Afghan National Police (ANP) need more training and more heavy weaponry. "The international community and Afghan government should not be in a hurry to hand over the security responsibility to the ANA and ANP in Kandahar province," said Mr. Pashtoon. He added that provinces like Kandahar are centers of the Taliban and the level of insecurity is higher there than in other provinces. "Afghan security forces may claim that they can handle the security situation of Kandahar province, but their claim is not realistic."

In response to a question from the media that Kandahar is not on the list of provinces whose security responsibility would be transferred to Afghan forces, Mr. Pashtoon said that Kandahar is earmarked for the third phase of the transition. "Even by that time Kandahar province will not be ready for the transition process because it is a center of problems, insurgency and many other problems which originate from Kandahar province," he said.

## **COMMITTEE NEWS**

### **Wolesi Jirga Women's Affairs Committee Discusses Achievements and Challenges Of Women's Affairs Ministry**

The Women's Affairs, Civil Society and Human Rights Committee of the Wolesi Jirga (WJ) invited Acting Minister of Women Affairs (MoWA) Ms. Husn Banu Ghazanfar on 1 November to discuss MoWA's 1390 budget expenditure and next year's plans for enhancement of women programs. Based on information from the Ministry of Finance, the government has so far spent 11% of its annual development budget. "It is a big concern for the people's representatives in WJ. The committee needs to know the reasons," said Ms. Fawzia Kofi, chairperson of the committee.

Leading her committee, Ms. Fawzia asked the Acting Minister to indicate the amount allocated to the development budget of the MoWA in 1390, clarify the percentage of the allocation expended by MoWA, programs for implementing the budget and challenges preventing implementation of the budget.

Appreciating the committee's oversight initiative, Ms. Ghazanfar declared that the MoWA allocation to the development budget for the current year is \$20 million, of which MoWA has expended around 43%. According to her, most of the budget was allocated to construction of women affairs directorates in the provinces, and almost 90 percent of the work on some of the buildings has been completed. She further stated that MoWA is a policy making organ and that, since women and gender issues cross-cut all sectors, ministries should ensure they are gender sensitive in their projects. "All sector ministries should include women and gender issues in all their programs based on MoWA policies," Ms. Ghazanfar added.

Some of the legislators encouraged the minister to ensure that women's issues are included in all government programs. Mrs. Raihana Azad (Uruzgan) and Mrs. Masouda Karokhi (Herat) suggested that the MoWA increase the percentage of scholarships for girls. "I insist that the MoWA work closely with the Ministry of Education (MoE) to include gender and other issues relating to women in their programs," Mrs. Masouda Karokhi (Herat) said. She criticized the curriculum and MoE publications for ignoring gender issues. "When you read the text books, they are always talking about men – male poets, male authors, male champions . . . there are less stories in the textbooks about women," she said.

Committee Secretary Mr. Ghulam Sarwar FayeZ (Badghis) asked, "Did the MoWA have any program for children yet? And what is the policy of the MoWA on preparing the education curriculum?" Another MP, Mrs. Sherin Mohsini (Daikundi), requested the MoWA to conduct capacity development programs for women in her province.

Responding to the lawmakers' concerns, the Acting Women Affairs Minister informed legislators that they are drafting the law on dispossessed children, which will be sent to Parliament for further review and approval. According to her, "The Ministry of Labor, Social Affairs, Disabled and Martyrs is responsible for creating programs for children." She assured legislators that the MoWA will raise the percentage of scholarships for girls in order to increase their participation in higher education.

The committee decided that the MoWA should provide it with next year's plan and programs indicating the challenges in the process of budget expenditure. The committee will review and present it to the plenary session so that women's programs can be allocated increased budget funds.

### **Meshrano Jirga International Affairs Committee Express Concern over Scholarships**

On 29 October, the Meshrano Jirga (MJ) International Affairs Committee expressed concern over the scholarship distribution process and asked the Ministry of Higher Education (MoHE) to ensure that all provinces are fairly covered.

Briefing the Senators, MoHE Foreign Relations and Scholarship Director Dr. Sayed Shir Shah Sadaat indicated that the ministry has 50 donors who include USAID, NATO, India, Pakistan, Turkey, Kazakhstan and Japan, providing scholarships to the officials and common Afghan students. According to him, the MoHE offers scholarships on merit through exams where every student can participate based on the Scholarship Bill. The Deputy Minister of Education (MoE), Mr. Mohammad Siddiq Patman, also highlighted that the World Bank, JICA and UNICEF were among the top three donors of his ministry. Both officials however, did not provide exact numbers of scholarships distributed to students and the details of the criteria used.

Senators criticized both education officials, saying that although many countries offer thousands of scholarships to Afghan students, the process of selecting provinces and students is not transparent. They said this is why the MoHE does not include detailed information on scholarship quotas and beneficiaries' background on the ministry's official website. "We have heard that some provinces have more than 300 scholarships while others got less, I am not sure about the transparency of the process," said Mrs. Humaira Naimati (Balkh).

Agreeing with Mrs. Naimati, Mr. Patman said that the MoE is also not happy with the procedure used to offer scholarships. He suggested that the ministry uses a quota system or zoning of all provinces in order to ensure fairness and balanced development. "Every province, in accordance to its population and students should have a specific quota in scholarships or the scholarships should be allocated on zone basis," Mr. Patman said.

Appreciating Mr. Patman's proposal, Mrs. Najiba Hussaini (Daikundi) asked Mr. Abdul Qahar Abid, Cultural Affairs Director for the Ministry of Foreign Affairs about the ministry's role in scholarships. In response, Mr. Abid said that the Foreign Affairs Ministry only lobbies the donors and coordinates scholarship provider countries, the two education ministries and the Afghan ambassadors.

The MoHE was requested to provide a copy of the bill that deals with scholarships to the committee for possible amendments.