



# Legislative Newsletter

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## NEWS:

### **Wolesi Jirga Rejects Second Budget Draft**

The Wolesi Jirga on 9 April rejected the second budget draft. This is the second time that members have rejected the 1391 budget. The first draft was rejected on 18 March with members citing seven reasons, including their rejection of a US\$80 million allocation to the Central Bank to bail out Kabul Bank. MPs also objected to the budget line item for the President's office because it was not clearly defined. A US\$10.7 million-bank commission to process civil servant salaries was also rejected.

Mr. Ameer Khan Yar (Nangahar) first presented the second draft of the 1391 budget to the plenary for approval on 7 April. He said, "The second budget draft submitted by the Ministry of Finance officials on 19 March reflects several proposals by the joint committee. The operating budget was increased by US\$3.8 million, bringing the total operating budget to US\$2.7 billion." He added that the second budget draft allocated AFN20.3 million to the WJ secretariat's staff salaries and a further AFN119 million was reserved for the purchase of vehicles for district administrators.

"The joint committee proposed an AFN50 million reduction on the presidential discretionary budget and banking fees for processing civil servants' salaries. Members proposed that the AFN100 million should then be used to build mosques, a gymnasium for the disabled and a hospital for drug addicts." Mr. Yar added that the joint committee proposed that two other projects be included in the budget before the WJ could vote on the budget. He, however, did not specify which projects the joint committee discussed with the Ministry of Finance officials.

Mr. Sediq Ahmad Usmanee (Parwan) was adamant that the Ministry of Finance should send the new revised draft, which reflects the MPs' proposals before the plenary could vote on the budget.

In response to Mr. Usmanee's contribution to the discussion, Mr. Yar said the Ministry of Finance officials have undertaken to revise the budget in line with MPs' recommendations and will be submitting a budget annex in due course.

Mr. Mohammad Muhaqq (Kabul) said; "Verbal promises are not acceptable. All proposed changes should be included in the budget bill and officially submitted to the WJ for approval." Mr. Mohammad Hussain Fahimi (Sar-e-Pul) criticized Mr. Yar for the way the Budget Committee handled the review of the second budget draft. "The second budget draft has not been submitted to the Wolesi Jirga for approval and Mr. Yar is pushing the MPs to approve a verbal commitment by the Minister Zakhilwal."

Mr. Haji Abdul Zaher Qadir (Nangarhar) referred the second budget draft back to the joint committee for finalization. He advised members that the draft would be tabled in the 9 April plenary session for a final vote.

On 9 April, Mr. Yar again presented the second budget draft to the plenary. "We held a joint committee meeting with Mr. Hazrat Omar Zakhelwal, Minister of Finance yesterday. We agreed to reduce the amount allocated to the central bank. AFN63.18 million will be used to finance WJ and MJ secretariat staff salary increments and AFN250 million will go towards construction of a ring road between Herat, Chegh-cheran

and Gardandiwal. A further AFN200 million will be used to construct universities and hospitals. Lastly AFN100 million will be allocated for construction of various districts streets.”

Speaking on behalf of the Internal Affairs Committee, Ms. Shekeba Hashemi (Kandahar) said her committee failed to reach a consensus on the second budget draft. “Some members proposed that we approve the budget draft while others insisted that a decision be made on the 1389 Qatia report before members pass their vote on the budget.” She added that a third group moved for the incorporation of the amendments agreed with Minister Zakhilwal before the budget is passed.

Mr. Sayed Hussain Alamee Balkhi (Kabul) said; “The second draft has a lot of problems... Even If Parliament rejected that budget a hundred times, the Ministry of Finance will not effect any changes. It is better we approve the second budget draft and the amendments proposed by the joint committee in yesterday’s meeting.”

Wolesi Jirga Speaker Mr. Abdul Rauf Ibrahimimi (Kunduz) urged the 133 members in the plenary to vote on the budget. The House rejected the budget after 62 MPs voted against it while 48 voted for the budget. Six MPs abstained from the vote and 19 members did not participate.

### **Finance Deputy Minister Under Fire**

Legislators in the Wolesi Jirga (WJ) on 11 April blasted Mr. Mustafa Mastoor, the Deputy Minister of Finance, for his recent statements in the media that the Lower House rejected the budget to push for salary increments. Members criticized the deputy minister for what they deemed irresponsible statements and called for Finance Minister Hazrat Omar Zakhilwal to dismiss Mr. Mastoor or they would give the minister himself a vote of no confidence.

Contributing to the discussion, Mr. Alhaj Ekram-udeen Rezazada (Ghor) said the deputy minister’s assertions were “baseless and untrue” and the only reason the Lower House decided to reject the second budget draft was to allow government officials more time to effect agreements made with the Minister of Finance in the joint committee.

Mr. Erfanullah Irfan (Kabul) said the Deputy Minister insulted the WJ. “The Minister of Finance should extend his apologies to the House, otherwise he should be interpellated,” said Mr. Irfan. Mr. Abdul Rauf Ibrahimimi (Kunduz) said, “Minister Zakhelwal told the council of chairs that Mr. Mastoor’s assertions are his personal thoughts and not the Ministry of Finance’s official position.”

Mr. Hussain Fahimi (Sar-e-pul) said that in accordance with the Rules of Procedure, a minister should be questioned if any of his staff errs. He suggested that the Minister of Finance be interpellated.

Mr. Mohammad Hafiz Mansoor (Kabul) said the fact that Parliament rejected the 1391 National Budget three times showed that the Afghan Parliament was a strong institution. Supporting calls for the interpellation of Mr. Mastoor, he said; “I want the Minister of Finance to be interpellated for three reasons: Firstly, he failed to spend the development budget. Second, his budget has been rejected by Parliament three times. Third, he delayed government workers’ salaries last year. If we pass a vote of no confidence on the Minister of Finance, his deputy will also go automatically.”

For Mr. Mohammad Naem Lalai Hameedzai (Kandahar), the reason why government officials can say whatever they want about the WJ is because the Lower House has been “weakened by Speaker Ibrahimimi who has failed to defend WJ resolutions”. Calling for the interpellation of Mr. Ibrahimimi in order to resolve

what he referred to as Lower House's, Mr. Hameedzai added that the Afghan government wanted a weak Parliament.

Mr. Sediq Ahmad Usmanee (Parwan), who claimed to have been present when the Deputy Minister of Finance made the remarks, was of the opinion that there were some powerful people behind Mr. Mastoor. "I was in the round table with the Deputy Minister of Finance at Tolo TV when he accused MPs. He seemed very strong and looked like he had the support of very strong government officials. I propose that the House summons both the Minister of Finance and his deputy to explain whether or not Mr. Mastoor has somebody behind him and we will make our decision thereafter."

At the end of the session, Members gave the Minister of Finance until Sunday to fire Mr. Mustafa Mastoor, otherwise the WJ will take drastic action against the Finance Minister.

### **Senators Concerned with Delays in Review of Proposed Legislation**

Meshrano Jirga (MJ) on 8 April expressed concern over delays in the submission of proposed legislation to Parliament for review and ratification. Some Senators proposed a joint session with the Wolesi Jirga (WJ) and the Minister of Justice to find a way forward but other Senators however, argued that they should be more concerned with the government's failure to implement laws already passed by the Parliament

In his opening remarks, Mr. Mohammad Alam Izedyar (Panjshir) informed the House that the Council of Chairs meeting on 28 March had decided to trace the root of the problem. "We need to find out whether the delays are in the process of drafting the bills or in the review of the bills by legislators." Mr. Izedyar further noted that since the beginning of this legislative year, the only legislation or statutory instruments which have been submitted to the Upper House are Friendship Agreements between The Islamic Republic of Afghanistan and the Republic of Turkmenistan, the International Development Law Organization Establishment Agreement and the Security Agreement between Islamic Republic of Afghanistan and ISAF Forces.

Mr. Gul Ahmad Azami (Farah) criticized what he called lawmakers' "total disrespect of the law". "We should not be complaining about delays by legislators in reviewing bills submitted to Parliament. Instead we should be concerned that laws passed by Parliament are not implemented. Even the country's constitution is ignored," he said.

Ms. Najiba Hussaini (Daikundi) said, "Laws such as the Anti-Hoarding Law and the Law on Elimination of Violence against Women (EVAW) were enacted to address society's problems. Over a hundred laws were passed in the first term of Parliament but only a handful were passed in the second term." Ms. Hussaini suggested that members ask the Ministry of Parliamentary Affairs about the number of laws sent to the WJ for approval before convening a joint session with the WJ to discuss this issue.

Mr. Mullah Mohammad Faizee (Panjshir) called for the elimination of contradictions in the laws. "There have been instances when, for example, various clauses of the same law contradict each other. This has to be resolved and the laws should apply equally to all persons," she said. According to her, laws and treaties were being submitted to the MJ very late, with treaties signed in 2003 and 2005 not being reviewed until 2012. Mr. Bashir Ahmad Samim (Badakhshan) said that the Health Law, which was approved nine years ago, has not yet been implemented. Meanwhile pharmaceutical companies were taking advantage of this delay, buying medical drugs from Pakistan and India for as little as AFN18 but selling them on the local market for well over AFN500. "There is a health mafia in this country and Members of Parliament and high ranking government officials are benefiting from this mafia."

Kabul MP Mr. Khaleqdad Balaghi added that the Independent Commission on Oversight and Implementation of the Constitution was not doing its job. He also said that MPs' should account for their crimes.

Ms. Anarkali Hunaryar (Appointee) urged the media to raise public awareness of the country's laws. She cited a lack of awareness on the Law on Elimination of Violence Against Women (EVAW). According to her, EVAW is not implemented because the public is unaware of its provisions, including several articles that provide for punishment and financial penalties.

### **Senators Disagree over Committee Report**

Mr. Hafiz Abdul Qayoum (Nuristan) presented the Legislative Affairs Committee report on a recent oversight visit to Balkh and Nangahar provinces to the Meshrano Jirga's 10 April plenary. The visit sought to investigate allegations of corruption in the two provincial customs departments that had been raised by the High Office of Oversight and Anti-Corruption (HOOAC). The report dismissed the corruption allegations to the ire of a number of senators who argued that the Committee did not fully investigate the issues at stake.

In his report, Mr. Qayoum said, "Following media reports on allegations by the HOOAC that Balkh and Nangahar customs departments had suffered losses of AFN3 billion and about AFN893million last year, the committee discussed the allegations in the 3 March meeting." Mr. Qayoum added that the Deputy Minister of Finance in charge of the customs department, Mr. Ilhamuddin Mazhar, and the HOOAC Assistant Mr. Gul Ahmad Azfar also attended the meeting where Mr. Azfar confirmed recent media reports of fraud allegations in the two provincial customs departments, noting that the cases have been referred to the Attorney General's Office for investigation. Mr. Qayoum further said Mr. Mazhar refuted the allegations arguing that no funds had been lost in the two provinces.

"The Committee decided to visit the two provinces to investigate the allegations and monitor the operations of both customs departments in the presence of representatives of the Ministry of Finance (MoF) and the High Office of Oversight on Anti-Corruption," said Mr. Qayoum

He further informed the Senators that Balkh Governor Mr. Atta Mohammad Noor, in a meeting with the Upper House delegation, branded the HOOAC allegations as "outrageous and a conspiracy against the purity of the province". Mr. Qayoum said that the Governor told them that they were free to investigate, audit the customs department and refer those responsible of any wrongdoing to the courts for prosecution. The delegation report also noted that the Nangarhar Governor neither confirmed nor denied the allegations of corruption leveled against his province.

Mr. Qayoum said that the Committee established that the import duty exemption granted to international organizations such as International Security Assistance Force (ISAF) and North Atlantic Treaty Organization (NATO) is costing the government a lot of revenue. He cited the Hairatan Border where only AFN8 billion a year is collected while up to AFN13 billion in customs duty on goods imported into the country by ISAF and NATO forces is lost. According to Mr. Qayoum's delegation, the system used to describe goods imported into the country is not transparent. They also felt that the contract between Afghanistan and ISAF on customs duty exemption should be revised. They also noted that border posts such as Torkham were not charging import duty and the customs declaration form was not being completed for petroleum products.

Mr. Qayoum further advised the Senators that after assessing the HOOAC allegations, the MJ delegation concluded that the charges of corruption were without basis.

In response, most Senators dismissed the delegation's report with some members arguing that customs officials become instant millionaires when they join the department. "We know that people pay a lot of money to be recruited by the customs department and once employed by the department they build high-rise buildings," argued Mr. Daud Assas (Zabul).

Mr. Nesar Ahmad Harees (Kabul) questioned why the Legislative Affairs Committee did not interrogate the HOOAC over the "unsubstantiated" allegations of corruption before presenting its report to the plenary. "You should have discussed your findings with HOOAC before bringing the report to the House," said Mr. Harees.

Rana Tarin (Kandahar) accused the delegation of wasting time and failing to get to the bottom of the corruption allegations in the two provinces. "Can you assure us there is no corruption in these two provinces? The delegation report is weak. The delegation only partied with governors and did not adequately investigate the allegations of corruption. This was not a recreational trip. If you were seriously investigating corruption allegations, why didn't you travel to Kandahar Province? The Kandahar Customs Department is the most corrupt in the country. We do not accept this report," said Mr. Tarin.

No conclusion was made on the report