



# Legislative Newsletter

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## NEWS:

### **1391 Budget submitted to Parliament.**

The 1391 Budget was submitted to Parliament on the 5<sup>th</sup> of February. The Minister of Finance and the Deputy Minister of Parliamentary Affairs attended the Meshrano Jirga (MJ) plenary to present the budget to Senators, in accordance with Article 98 of the Constitution. The Constitution provides that “the State Budget and Development program of the government shall be submitted, through the House of Elders (MJ) to the House of the people along with its advisory views”.

The Deputy Minister of Parliamentary Affairs, Dr. Kareem Baz, presenting the 1391 budget, noted the tremendous achievements the MJ had made in the previous year, in respect of budget oversight. “I hope this will continue . . . According to article 98 of the Constitution the budget is submitted to the Upper House so members can review it and send it to the Wolesi Jirga (WJ) with their comments,” said Deputy Minister Baz.

In his remarks at the same plenary, Finance Minister Mr. Hazrat Omar Zakhelwal noted the “delicate stage,” Afghanistan was at. He referenced the challenges facing the nation and spoke of the transfer of security responsibilities to Afghan forces as heralding a “positive step towards real independence.” Minister Zakhelwal said that there now existed an enabling internal and external environment for peace talks, and he reflected that given the commitments made at the Bonn Conference and anticipated development support after the Chicago and Tokyo conferences, it was imperative that as Afghan people, “We shouldn’t waste these opportunities.”

Presenting the highlights of the 1391 budget, Mr. Zakhelwal said the total budget is for 224,5 billion Afn (USD\$4,8 billion). He indicated that there is a 12,5 billion Afn (USD\$250 million) budget deficit. He further informed members that the operational budget amounts to 134,3 billion Afn of which 77 billion Afn is from local revenues while the development budget amounts to 110 billion Afn (USD\$2,2 billion).

Mr. Zakhelwal stated that the bulk of the development budget would be spent on the infrastructure, education and health sectors. “Electricity will be provided to several provinces and the electricity capacity is expected to grow to 1 128 megawatts. “Afghanistan mines are developing, which is likely to attract investors,” he said. “We remain optimistic despite serious challenges. The Afghan government will try to court more donors to support us particularly after the completion of the security transition process,” Minister Zakhelwal added.

Mr. Alam Izedyar (Panjshir) thanked the ministers for presenting the 1391 budget to the MJ. He reminded members that the Upper House now has 15 days to review the budget before sending it to the WJ along with an advisory note. “A copy of the budget will be availed to all members to seriously review and discuss the budget in legislative commissions, he said.

Meanwhile, senators began discussing the budget in the 7 January plenary session. Mr. Maulawee Irfan (Takhar) briefly summarized the 1391 budget to members, saying; "There are positive points in this budget such as the increase in the annual income of ordinary people from \$180 to \$600 and this is a very good sign. The domestic revenue increased to 87,9 billion Afn, which also indicates an improvement. The deficit in the development budget is now 22%, down from last year's 44%. The budget also indicates a 7,4% growth in the national economy, although I do not totally agree with this figure."

Mr. Hafez Abdul Qayoum (Nuristan) said the budget has positive and negative aspects. "Increase of annual income and students' budget is a positive sign. Balance in provincial allocations was again ignored," he said. Mr. Mullah Faizee (Panjshir) and Mrs. Najiba Hussaini (Appointee) concurred adding the provincial budgets are just duplicated from one year to the next with no real considerations applied.

### **Meshrano Jirga Delegation to Pakistan Presents Report**

A senatorial delegation to Pakistan presented its report to the plenary on 7 February. The delegation headed by Speaker Fazel Hadi Muslimyar (Nangarhar) visited Pakistan earlier this month to discuss the peace process and the trade and transit agreement between the two countries among other issues.

Reporting to the plenary, Mr. Gul Ahmad Azami (Farah) told the session that Afghanistan's turmoil is a result of internal, regional and international challenges. "Afghanistan should play a constructive role in peace negotiations. The government should lead the Qatar peace process," said Mr. Azami. He further stated that the MJ delegation visited Pakistan in an effort to improve ties with the neighboring country. The delegation held meetings with several high-ranking officials including the Pakistani Prime Minister Mr. Sayed Yousuf Reza Gilani, Minister of Foreign Affairs, Senate Chairman, Minister of Refugees, Afghan Ambassador in Pakistan and representatives of Afghan refugees.

"The meetings discussed bilateral cooperation and stressed the need for future follow up meetings," said Mr. Gul Ahmad Azami. He also reported that Speaker Muslimyar had told Pakistani officials that practical steps should be taken to ensure both countries' problems are solved. Mr. Azami added that the delegation discussed the peace process, Afghan transit and refugees' problems with the Pakistani Prime Minister, who was keen to solve all problems raised and promised to take practical steps in this regard.

Responding to the report, Mr. Ali Akbar Jamshidi (Daikundi) questioned Pakistan's 'honesty' in the Afghan peace process. "Pakistan has never been honest with the Afghan people. Will Pakistan honestly play its role to bring peace to Afghanistan? Did the Pakistani Senate invite the MJ delegation or President Karzai sent it? Did you have a specific agenda to visit Pakistan?"

Mrs. Najiba Hussaini (Appointee) and Mr. Younus Takhari (Takhar) asked Mr. Azami what the views of Pakistani officials were in respect of Al-Qaeda. "Did the MJ delegation deliver any presidential message to Pakistani officials? Will Pakistan change its policies towards Afghanistan or not?" asked Mr. Takhari.

Responding to the Senator's questions, Mr. Azami said the Pakistani Senate invited the MJ delegation. "We covered several issues in our discussions such as the current peace talks, Afghan transit and refugees problem. There is a difference in the views of the Pakistan military and civil government on many issues" he said.

## **Lower House Considers Interpellating Ministers**

The Wolesi Jirga (WJ) on 6 February resolved to summon all ministers who failed to spend at least 40% of their development budget in 1389. The decision follows the appearance of the Minister of Finance and the Auditor General in a plenary session of 1 February where MPs had been left unconvinced by explanations proffered by the former on budget expenditure as well as some aspects of the 1389 Qatia report.

Introducing the subject to the plenary, Speaker Abdul Rauf Ibrahim (Kunduz) said, “We summoned the Minister of Finance (MoF) and the General Director of Central Audit Office to last Wednesday’s plenary session to respond to MPs’ questions pertaining the 1389 Qatia report. Unfortunately they could not convince MPs. We discussed this issue in this Council of Chairs meeting and resolved to include the Qatia report on the agenda for further discussion.” Mr. Ibrahim added that less than 50% of the development budget was spent and proposed that all ministries that spent less than 40% of their development budgets be summoned to relevant legislative committees for questioning. “Committees will be expected to present their reports to the plenary.”

Responding to the Speaker’s opening remarks, Mr. Ghulam Farooq Majroh (Herat) said the joint committee on the Qatia had already provided members with adequate information. “While the joint committee advised that 120 of the 199 projects were funded through the discretionary budget, the MoF claims that the budget of most of these projects was non discretionary money. I support the view of most members that we interpellate all the ministries that failed to spend more than 40% of their development budget, including the MoF.”

While supporting the proposal to interpellate underperforming ministers, Mr. Meerbat Khand Mangal (Khost) suggested that MPs should also “ascertain that those ministries that spent 60% of their budget implemented effective projects and that these projects are evenly distributed across provinces.”

Contributing to the debate, Ms. Naheed Fareed (Herat) objected to proposals by Haji Almas Zahid (Parwan) that members go directly to casting votes of no confidence for those ministers who failed to spend 40% of their development budgets. “There will be a crisis in the Afghan cabinet if we remove ministers leaving seven acting ministers. Besides what guarantee do we have that the government will respect our decision?” said Ms. Fareed.

Mohammad Zekria Sawda (Badakhshan) also advised caution on rushing to pass a vote of no confidence on ministers. “The Wolesi Jirga passed a vote of no confidence on the Attorney General and Head of Supreme Court but they are still occupying their posts,” he said, adding that some of the ministers who receive a vote of no confidence are nominated as acting ministers, which in his view is an insult to the WJ.

Speaker Ibrahim (Kunduz) announced that he has received the written proposal of one fifth of members calling for the interpellation of the Minister of Finance. He promised to include the proposal in next week’s Council of Chairs meeting agenda. Mr. Engineer Mohammad Alem Qarar (Langman) however questioned the authenticity of the proposal to interpellate the Minister of Finance. “This proposal is not acceptable to some of us. The proposal should bear the member’s name, father’s name and constituency of each MP who signs it and no member should sign on behalf of another member.”

In his contribution to the discussion, Mr. Mohammad Reza Khoshak Watandost (Herat) suggested that members first listen to explanations given by underperforming ministries before interpellating the responsible ministers. Ms. Lailuma Hakami (Nangarhar) agreed and said, “We decided in the budget and finance committee that those ministries that failed to spend more than 40% of their budget should be

interpellated. We should also keep in mind that both the Wolesi and Meshrano Jirgas spent less than 40% of their budgets.”

Mr. Ramazan Bashardost (Kabul) supported this view, adding; “Before considering the budget of other ministries, let us question Parliament for failing to spend at least 40% of its budget. The Wolesi Jirga actually spent 12% of its budget.”

The WJ Secretary General Mr. Khudai Nazar Nasrat was subsequently asked to brief the House on the expenditure of the WJ. Mr. Nasrat said the Lower House did not have a development budget but had only previously received \$150 000 from the Canadian government towards construction work currently ongoing at the Afghanistan Parliamentary Institute.

At the end of the session, members resolved to summon all the budgetary units that failed to spend more than 40% of their development votes for questioning. “The council of chairs will determine the dates when the ministers will be summoned to the plenary in next week’s meeting,” said Speaker Ibrahim.

## **COMMITTEE NEWS**

### **Wolesi Jirga Women Affairs Committee Lauded for Promoting Women’s Political and Legislative Participation**

The Wolesi Jirga (WJ) Women Affairs, Civil Society and Human Rights Committee has been lauded for its efforts in seeking to promote women political participation, strengthening of women’s participation in law-making and the identification and categorization of women’s legal problems. This came out at a press conference on 7 February following a women’s forum organized by the Women Affairs Committee.

Afghanistan Human Rights and Democracy Organization (AHRDO) Managing Director Dr. Khudadad Bisharat praised the WJ women’s committee as he presented a report of discussions conducted as part of legislative theaters in various provinces. His report, which contained at least 24 policy and legislative recommendations for further consideration by the Afghan government and National Assembly, was shared with the Women’s commission of the WJ.

According to Mr. Bisharat AHRDO is trying to address some of the challenges that women face through promoting a new and innovative approach called Legislative Theater. This new technique aims to promote women’s participation in political decision-making and in the drafting of legislation. It involves women from the bottom-up to create spaces for Afghan women to come together, discuss women’s issues and initiate a search for women-led grassroots strategies for change.

Mr. Bisharat added that more than 4 500 Afghan women from all walks of life played a key role in discussion of women’s rights issues. “The consultations carried out by AHRDO found a variety of Afghan laws, including article 398<sup>1</sup> of the penal code to be crime generating,” said Dr. Bisharat.

The Chairperson of the Women Affairs Committee, Ms. Fawzia Koofi (Badakhshan), appreciated the new method of consultations and promised to share the ideas and recommendations of the organization with various committees of the WJ. According to Ms. Koofi, some of the points that were raised by the AHRDO regarding the Law on Elimination of Violence against Women (EVAW) have already been

discussed in the committee's sessions. She said, "Based on EVAW, a commission has been established to follow up cases of violence against women, but according to committee information the representative of civil society organizations (CSOs) is not included; the women affairs committee will work hard to ensure involvement of a representative of CSOs in the commission."

Women Affairs Committee Secretary Mr. Sarwar Faiz (Badghis) also said that the Afghan government should make all efforts to ensure the security of women and promote their political rights. "The Women Affairs Committee will strongly follow up the recent cases of violence against women in their oversight activities," he said.