



Legislative Newsletter

17 February 2012, Vol. 7, No. 04

NEWS:

Wolesi Jirga Second Deputy Speaker elected

The Wolesi Jirga (WJ) on 12 February elected Mr. Nematullah Ghafari (Helmand) to serve as Second Deputy Speaker in a dramatic poll that ended weeks of debate in the Lower House on how to resolve the election impasse.

With Speaker Abdul Rauf Ibrahim (Kunduz) presiding, four members presented themselves for election to the post of second deputy speaker on 11 February. However, none of the four polled the required 50% plus one vote as provided by the internal rules. Mr. Nematullah Ghafari (Helmand) won 66 votes to Dr. Shah Jahan's (Ghazni) 62. Mr. Nazir Ahmad Ahmadzai (Kuchi) and Ms. Shakila Hashimi (Logar) managed 45 and 13 votes respectively. There were six abstentions and six blank ballots.

A second round between the contestants in which 188 ballots were cast, again produced an inconclusive result. Mr. Ghafari this time garnered 86 while Mr. Jahan won 71 votes. More than 20 members abstained and 10 MPs cast blank ballots. Mr. Jahan then pulled out of the race before members could cast their votes for a third round pitting the same candidates and threw his weight behind Mr. Ghafari.

Mr. Abdul Qayum Sajadee (Ghazni) immediately suggested that Mr. Ghafari be declared "automatic winner since one of the contestants has withdrawn from the race". Ms. Fawzia Koofi (Badakhshan) concurred, "Since the internal rules are silent on how to deal with present circumstances, Mr. Ghafari should be declared the new second deputy speaker. From a legal perspective, when one contestant pulls out of a race, his/her rival should be deemed an automatic a winner," said Ms. Koofi.

Mr. Sayed Hussain Alamee Balkhi (Kabul) objected, insisting that for any contestant to be declared winner, they had to poll 50% plus one vote of members present as provided by the internal rules. "When a candidate withdraws from the poll, it does not necessarily mean that those who voted for him give up as well. We do not constitute a quorum at the moment," said Mr. Balkhi.

Ms. Shukria Barakzai (Kabul) said a 50% plus one majority should approve whatever course the Lower House decides to take. "We have a quorum, we should have a public vote on this issue for the process to be legitimate."

With members divided on how to resolve the impasse, Speaker Ibrahim called for an extra ordinary plenary session the following day to decide on a possible solution.

A heated debate ensued on 12 February with some members accusing the House leadership of tribalism. "The Wolesi Jirga admin board should be impartial. The second deputy speaker's seat is not a Hazara seat but can be filled by any Afghan. This act (of impartiality) will divide the nation, dividing the nation is a

treasonous act,” said Mr. Gul Padshah Majedee (Paktia). Ms. Qazi Rahela Saleem (Panjshir) supported Mr. Majedee, alleging that she had been advised against standing for the post of first deputy speaker because the seat is reserved for a Pashtun. “We are not a united nation. The admin board seats are allocated according to tribe. Former WJ Secretary Mr. Qalatwal (Abdul Qadir Qalatwal (Zabul), a Pashtun, was replaced by another Pashtun, Mr. Khawasee (Abdul Satar Khawasee (Parwan). Non-Pashtuns could not gain enough votes to be first deputy speaker. Even key ministries like defense, education, finance and national security and Attorney General are reserved for Pashtuns,” she said.

Subsequently, members unanimously agreed to proceed to the third round with only one contestant. They also decided to use a public vote instead of a secret ballot and 122 of the 126 members raised their green cards to elect Mr. Ghafaree.

Meshrano Jirga Hears Three Reports

The Meshrano Jirga on 12 February heard a report from the Defense and Martyrs and Disabled Affairs joint committee and two others from Sar-e-pul and Kapisa provinces. The reports are part of the Upper House’s efforts and commitment to be more responsive to their constituents.

Mr. Abdul Wali Rajee (Baghlan) presented the MJ delegation report from Sar-e-Pul province. He said the delegation visited the province to meet residents and discuss their problems before raising the issues with the local governor. “Residents closed the Sar-e-pul bazaar to protest against the governor. The residents requested the Independent Directorate of Local Governance (IDLG) and the central government to remove the current governor but their request was ignored,” said Mr. Rajee. He also stated that the Sar-e-pul residents travelled to Kabul to seek audience with President Karzai but were not given the opportunity to meet with the president. “The people cannot tolerate the governor anymore and have held demonstrations against him,” he said.

Mr. Rajee further informed members that Sar-e-pul residents requested the MJ delegation to convey their message to the president.

Mr. Ghulam Mahiuddin Munsif (Kapisa) presented a report on civilian casualties in Kapisa province. “About 8 people were killed during a NATO air strike on 8 February. A joint investigation team was assigned by the president to visit the field and prepare the report,” said Mr. Munsif. He informed the House that Afghan security forces placed the blame on NATO and accused the international forces of conducting the airstrikes without coordinating with the local forces. “Kapisa residents requested the government to investigate the incident and bring the culprits to book,” he said.

Presenting the Defense & Martyrs and Disabled Affairs joint Committee report, Mr. Abdul Baqee Baryal (Appointee) and Mr. Daoud Assas (Zabul) said the two committees (internal security, defense affairs and local organs committee and handicapped, disabled, dependents of martyrs and refugees committee) held joint meetings with officials from the ministries of Interior, Foreign Affairs and Refugees and Repatriation to discuss shortage of passports, problems of Afghan refugees in Iran and the Asylum Law.

“The Minister of Refugees said almost 50,000 passports have been printed and are ready for distribution in the country. Of the 50,000 passports, 15,000 were sent to Iran for Afghan refugees,” said Mr. Assas. Mr. Baryal added that the officials informed the joint commission that they have held tri-partite meetings with Iran, United Nations High Commissioner for Refugees and Pakistan to discuss the condition of refugees and a memorandum of understanding will be signed during the Tokyo conference.

Wolesi Jirga Passes Two International Agreements

The Wolesi Jirga (WJ) on 13 February passed two international agreements – the International Development Law Organization (IDLO) Establishment Agreement and the Friendship and Cooperation Agreement between the Islamic Republic of Afghanistan and Republic of Turkmenistan. MPs passed the two international pacts without questions.

Presenting the IDLO Establishment Agreement to the plenary for approval Mr. Mohammad Abdu (Balkh) informed the House that Afghanistan's Ambassador to Italy Mr. Mohammad Musa Marhrofee signed the agreement and the Council of Ministers also assented to the agreement. Mr. Abdu further explained that the agreement, which has 15 articles, seeks to "encourage and facilitate the growth and use of legal resources in the development process, contribute to the establishment, progressive development and application of good governance and the rule of law in Third World countries, assist member states in international trade issues and improve the country's legal and judicial systems".

Masters Mohammad Noor Akbari (Daikundi) and Jafar Mehdawee (Kabul) presented the Friendship and Cooperation Agreement between Afghanistan and Turkmenistan. They informed the House that the agreement, which covers the spheres of power, transportation, trade, cultural and humanitarian industries, was signed on 6 September 2011 and seeks to maintain friendly relations between the two countries.

COMMITTEE NEWS

Wolesi Jirga Education Committee Discusses Granting of Bursaries

The Lower House's Education Committee on 14 February discussed awarding of bursaries to students enrolled in foreign universities. Higher Education Minister H.E. Sarwar Danish, his deputy Mr. Babory, and the Minister of Hajj, H.E. Mohammad Yousif Naiyazi, attended the committee meeting to respond to members' questions.

Contributing to the debate, Mrs. Najia Babakrkhalil (Paktika) said four students from Paktia and one from Logar provinces who were initially granted bursaries have since been informed that their funding has been allocated to other students. "Why were they replaced with other students when they were granted bursaries on merit?" Responding to the question, Minister Danish said, "The ministry did not replace them, but these students were replaced by the embassy that provided the bursaries. Such problems are created by the embassies."

Mr. Abdul Wadood Paiman (Kunduz) advised the higher education minister to "raise this issue with the embassies, the Council of Ministers and the President. If the government of Afghanistan cannot solve this problem, it will pave the way for the interference of embassies in Afghanistan's internal affairs".

The minister said that the issue was discussed with the embassies and they promised that the scholarships will be distributed through the Ministry of Higher Education, but they broke their promises and distributed the bursaries based on their political affinities with certain parties and groups. He said that except for Turkey, they said that they have a regulation that 50 percent of bursaries shall be distributed by their embassies. According to the minister, the issue was also raised with the Council of Ministers and President Hamid Karzai, and they were advised to accept the condition because the embassies apply this rule to all countries.

The commission also discussed the distribution of scholarships per provinces based on the percentage of the Kankoor (Universities Entry Test). The minister said that they allotted scholarships for each province and 30 percent of the allotment was reserved for girls.

Mines Minister Attends WJ Natural Resources Committee Meeting

Mines Minister Mr. Wahidullah Shahrani along with his technical team on 14 February attended the Wolesi Jirga's Natural Resources Committee meeting to respond to questions pertaining to awarding of mining contracts to international companies.

In his opening remarks, Mr. Sayed Dawood Nadari, Deputy Chairperson of the commission, criticized the minister for not attending previous sessions he had been summoned to. Mr. Nadari said that the commission was not informed on international contracts regarding Afghan mines and asked the minister to provide relevant information in this regard.

Minister. Shahrani informed members that the Mes Aainak Copper contract was awarded to a Chinese company while the Haji Gak Iron Contract is going to be signed with an Indian consortium and a Canadian Company. The Aamo Zone Oil contract was awarded to the Chinese government oil company CNPC. The minister said that the following mines are going to be presented for bidding this year and they will collect the offers by the end of 2012: Afghan-Tajik Oil Zone, Copper Mine of Heart Province, Copper Mine of Sar-e-Pul Province, Gold Mine of Badakhshan Province and Gold Mine of Ghazni Province.

The minister assured the commission that his ministry is paying due attention to environmental issues and this along with other key points, led the ministry to choose Indian and Canadian companies as winners of the Haji Gak Iron Mine bid. Responding to a question on "what the minister has done in terms of reform and institutional development for the ministry", Mr. Shahrani pointed out that the "National Policy of the National Mines has been developed, which covers all the main parts of a contract including the environmental issues. In terms of capacity building, tens of government officials have been sent abroad for higher education and amendments in relevant laws have been brought". The minister also said that they had revised the ministry's structure and have set up a Legal Directorate for the ministry.

The commission promised to visit the ministry on 28 February to confirm and evaluate the minister's responses.

MJ Committees Discuss 1391 Budget

The Legislative Affairs Committee of the Meshrano Jirga (MJ) on 13 February discussed the 1391 budget allocation to the Legal and Justice sector. Deputy Attorney General Abdul Wakil, Independent Electoral Commission Secretary General Zakria Barakzai, Justice Ministry Head of Policy Sha Wali Attaiee and Human Rights Commission Executive Director Mahmoodi attended the meeting. Representatives of the Administrative Reform Commission, Fight against Corruption Commission and Acting Deputy Finance Minister Mohammad Aqa also attended the committee meeting.

Opening the meeting, the Commission's Deputy Chairperson, Mr. Ghulam Muhoodin Munsif, asked participants to share their views on their allocations in the 1391 budget. "The commission also endeavors

to find out the shortages and problems in the proposed budget which we will share with the MJ budget commission,” said Mr. Munsif.

All government agencies’ representatives, except the Human Rights Commission, expressed satisfaction with the 1391 budget. The Human Right Commission criticized the Ministry of Finance for excluding its allocation from the National Budget, saying that the previous year they were promised \$1 million but ended up getting only \$500 000 at the end of the year.

Thereafter, the Acting Deputy Minister of Finance shed light on budgetary allocations to all government organs. He also pointed out that the Finance Ministry does not prepare the National Budget on its own but works with a Budget Committee composed of representatives of the ministries of Finance, Foreign Affairs, Economy and relevant government organs. He added that every government organ presents its organizational structure and proposed budget, but the Human Rights Commission did not do so and that is why it does not appear in the national budget.

Meanwhile, Dr. Elham, the Head of the Budget and Finance Department of the Ministry of Interior Affairs attended the MJ Internal Affairs and Defense Committee meeting to discuss issues related to the 1391 budget. The committee also required information about the budget expenditures of the concerned ministry. Mr. Mohammad Amin Safi, Chairman of the Committee, chaired the meeting.

Dr. Elham told the committee that his ministry has spent 85% of its executive budget to date and would have used between 96-99% by the end of the year (21 March). “The Ministry of Interior Affairs spent 52% of its development budget and would probably raise that to about 60% by the end of the year . . . during the current year the budget for the ministry’s development projects was only availed 5 months late, which is one of the reasons we were unable to spend more of our budget.”

Dr. Elham also informed the committee that despite a number of challenges, the Interior Ministry is second only to the Ministry of Rural Development in terms of development budget expenditure.

The committee asked Dr. Elham to respond to allegations of corruption in the bidding process of logistical contracts, development projects and problems in terms of quality and quantity of the logistical materials provided to the police force through contractors especially in provinces and districts.

In response, the Interior Ministry’s Head of Budget and Finance said; “I do not deny the existence of corruption in the areas that have been mentioned, which is not my responsibility as Head of the Budget and Finance Department of the Ministry. There are relevant departments within the ministry that can respond to the Senators’ queries such as Construction, Logistics, Procurement, Internal Audit and the Anti-corruption Directorate.” Dr. Elham further assured the committee that he would pass all issues raised to the Interior Minister and all concerned departments of the ministry.