



Legislative Newsletter

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NEWS:

Wolesi Jirga Defers Second Deputy Speaker Elections

Following yet another inconclusive election for the second deputy speaker, the Wolesi Jirga on 28 January resolved to postpone the vote by two weeks. During the third run-off of the second poll, both Mr. Ahmad Shah Ramazan (Balkh) and Ms. Shah Gul Rezayee (Ghazni) failed to garner the required 50% plus one vote to be declared winner.

Speaking before the third run off of the second poll, Mr. Ghulam Farooq Majrooh (Herat) said Lower House members “have many other important issues to consider than just holding elections for the post of second deputy speaker”. He further proposed that if any of the two contestants failed to gain the requisite threshold to be declared winner of the poll, “the post should be left vacant”.

Mrs. Shukria Paikan (Faryab), Mrs. Shukria Barakzai (Kabul) and Mrs. Nazeefa Zaki (Kabul) concurred. The three further argued for the amendment of the internal rules of procedure before members could elect a second deputy speaker. In their view, the deadlock in the election of the second deputy speaker is in part as a result of article 8 of the internal rules, which provide that a candidate for the admin board position should obtain 50% plus one vote of members present.

Speaker Ibrahimy then presided over the run-off between Mr. Ramazan and Ms. Rezayee, which again failed to produce a clear winner. For any of the two contestants to be declared second deputy speaker, they had to draw at least 102 of the 201 members present at the time of voting. Mr. Ramazan polled 82 votes while Ms. Rezayee could only manage 77. There were 19 blank ballots and 23 abstentions.

Following the inconclusive vote, Mr. Khalid Pashtun (Kandahar) reiterated Mr. Majrooh sentiments that elections be postponed. “We should postpone the elections by a week to give members time to rethink the internal electoral process,” Mr. Pashtun said.

The plenary agreed to postpone the elections by two weeks, paving way for members to resume committee meetings on 29 January to conduct legislative committee leadership elections as well as begin to fulfill their legislative functions.

It remains unclear, however, how members will resolve the impasse in the second deputy speaker elections. The Legislative Committee last year amended internal rules and convened several joint committee meetings to discuss proposed amendments. The committee is yet to present the amendments to the plenary for ratification.

Lower House Elects Legislative Committees' Leadership

The Wolesi Jirga legislative committees elected leadership teams for 15 legislative committees. All but 3 committees completed elections for leadership. The following are the leadership for committees put in place.

1. Complaints And Petitions Committee

Mr. Ubaidullah Barakzai (Uruzgan) -Chairman – re-elected
Mr. Mohammed Aref Tayab (Heart) - Deputy chairman – re-elected
Mr. Abdalullah Mohammadi (Samangan) - Secretary – re-elected

2. Defense And Territorial Affairs Committees

Mr. Hamayoun (Khost) – Chairman – new
Mr. Hajji Agha Jan (Kapisa) – Deputy Chairman – new
Mr. Ali Akbar Qasemi (Ghazni)- Secretary – new

3. Finance, Budget, Public Accounts And Banking Affairs Committee

Mr. Amir Khan Yar (Nangahar) – Chairman – re-elected
Mr. Mohammad Azim Muhseni (Baghlan) - Deputy Chairman – new
Mr. Kamal Safi (Kunduz) - Secretary- re-elected

4. Health, Sports, Youths, Labor And Workers' Committee

Dr. Naqubullah Fayeque (Faryab)- Chairman- re-elected
Mr. Mujeeb ul-Rahman Samkanai (Paktia) – Deputy Chairman- re-elected
Dr. Neelofar Ibrahimi (Badakhshan) – Secretary - re-elected

5. Immunities And Privileges Committee

Mr. Sharifullah Kamawal (Kabul)- Chairman - re-elected
Mr. Hassan Sahrayee (Kuchi)- Vice Chairman - new
Ms. Zahra Tukhi Zabuli (Zabul)- Secretary - new

6. Internal Affairs (Internal Security, Border Control, National Security and Local Administration) Committee

Mr. Haji Mirdad Nejrabi (Kapisa)- Chairman - new
Mr. Haji Saleh Mohammad (Kunar) -Deputy - new
Miss. General Nazifa Zaki (Kabul)-secretary - new

7. International Affairs Committee

Mr. Abdul Rab Rasoul Sayaf (Kabul) – Chairman - re-elected
Mr. Mohammed Noor Akbari (Daikundi) – Deputy Chairman - re-elected
Ms. Rahima Jamee (Herat) – Secretary - new

8. Justice, Administrative Reform And Fight Against Corruption committee

Mr. Mohammad Muhaqeq (Kabul)- Chairman- re-elected
Mr. Ghulam Sarwar Usmani (Farah) – Vice Chairman - re-elected
Mr. Mohammad Abdu (Balkh) – Secretary - re-elected

9. Legislative Affairs Committee

Judge Nazir Ahmad Hanafi (Herat), Chairman - new
Ghulam Hussain Nasiri (Maiden Wardak)- Deputy chairman -new
Nazari Turkman (Kunduz)- Secretary - new

10. Narcotics, Toxic Substances And Ethics Committee

Mr. Alhaji Mohammad Wali Alizai (Helmand) – Chairman- new
Mr. Shah Abdul Ahad Afzali (Badakhshan) – Deputy chairman- re-elected
Mr. Chaman Shah Itemadi (Ghazni) – Secretary - re-elected

11. National Economy, NGOs, Rural Development, Agriculture And Animal Husbandry Committee

Mr. Mir Rahman Rahmani (Parwan) - Chairman - re-elected
Mr. Ramazan Jumazada (Kabul)- Deputy Chairman -new
Ms. Rangeena Kargar (Faryab) - Secretary - new

12. Natural Resources And Environment Committee

Mr. Ubaidullah Ramin (Baghan), Chairman -re-elected
Mr. Gul Badsha Majidee (Paktia), Deputy Chairman- re-elected
Mr. Sayed Dawood Nadari (Baghlan), Secretary- new

13. Religious And Cultural Affairs, Education And Higher Education Committee

Mr. Kamal Nasir Usoli (Khost) – Chairman - re-elected
Mr. Hajj Khali Shahid Zada (Herat) Deputy Chairman - new
Mrs. Najia Babakrkhail (Khost) - Secretary - new

14. Transport, Telecommunications, Urban And Housing Affairs, Water And Power Supply And Municipal Affairs Committee

Mr. Qais Hassan (Kabul)- Chairman - new
Mr. Mohammad Ibrahim Ghakhtai (Paktia)- Deputy Chairman - new
Mr. Engineer Mohammad Hashem Urtaq (Faryab)- Secretary - new

15. Women’s Affairs, Civil Society And Human Rights Committee

Mrs. Fawzia Kofi (Badakhshan) – Head of the commission – re-elected
Mrs. Aziza Jalis (Sar-e-pul) – Deputy chairman- re-elected
Mr. Ghulam Sarwar Fayez (Badghis) – Secretary - re- elected

Wolesi Jirga Questions Finance Minister over Budget Report

The Minister of Finance Mr. Hazrat Omar Zakhelwal and the General Director of Audit Mr. Shareef Sharifi attended the 1 February Wolesi Jirga (WJ) plenary session to respond to legislators’ questions on the 1389 Qatia report and allegations of fraud in the ministry.

Before addressing the plenary, Mr. Amir Khan Yar (Nangarhar) on behalf of the Budget and Finance Committee informed the House that the committee has drawn a list of alleged violations and essential projects that have not been implemented as well as those ministries that have not spent at least 50% of their budget. Mr. Kamal Naser Usoli (Khost) criticized Mr. Amir Khan’s assertion saying, “Whatever information that your committee has prepared is not accurate, because we have information that donors

declined to pay for projects, but still those amounts have been reflected in the national budget and the Ministry of Finance expects those projects to be implemented, while there are no funds available.”

Audit General Director Sharifi told the House that it is the MPs’ right to oversee the budget that they would have approved and track how the money would have been spent. He pointed out that the Central Audit Office has three months to audit the national budget.

Ms. Naheed Fareed (Herat) told the House that Afghanistan is one of the poorest countries in the world. “Afghanistan needs essential infrastructural projects to be implemented, but unfortunately ministries could not spend at least a third of their budget. I know that lack of capacity, proper management and bureaucracy are the key challenges,” she said.

Mr. Amir Khan Yar (Nangarhar) asked the Ministry of Finance to explain why five of the six withdrawals made on the AFN21 million budget of Farkhar district were illegal. He also queried the increase in the operative budget from 116Afs billion to 120 billion Afs and the decrease in the development budget from 110 billion Afs to 96 billion Afs. Mr. Amir Khan further asked the officials to explain why there were differences in the Ministry of Finance and Central Audit Office reports.

“Any increase or decrease in the national budget that has not been approved through the correct channels is unlawful. Mr. Minister, do you accept the violations? And also 29% of the advance payments made has not been reflected in the Qatia. And there are different reports that do not agree with each other, ” asked Mr. Munawar Shah Bahaduree (Herat).

Adding his voice to the discussion, Mr. Sediq Ahmad Usmanee (Parwan) said the Afghan constitution, public accounts expenditure laws and budget rules of procedure have been violated. He stated that the Wolesi Jirga rules of procedure for budget expenditure were disregarded in the Qatia report. The MP asked the Minister of Finance to explain why WJ resolutions were not being respected. “The most important thing in this Qatia is that the MoFA has increased the budget from 215 billion Afs to 231 billion Afs without Parliament’s approval. Also the Ministry of Finance has paid salaries of presidential palace staff from the Administrative Reforms Financial Code, which is illegal.”

In response to the questions, the Minister of Finance, Mr. Zakhilwal, denied violating any laws. He asserted that changes to the budget were sent to Parliament for approval, but the 16th term had not been elected. He said that donors do promise to fund some projects but sometimes fail to do so and those amounts are reflected in the Qatia. “Sometimes the private companies that implement our projects have low capacity while on the other hand government ministries have their own bureaucratic problems, and they can only answer for themselves,” Mr. Zakhilwal said.

Regarding the six withdrawals made to the Farkhar district budget, Mr. Zakhilwal said, “We have found out that 21 million Afs was withdrawn six times, and we reported this to Central Audit Office. We then arrested two staff members from the Ministry of Finance and they are under the prosecution of Attorney General Office for the offence.” Mr. Zakhilwal also added; “The discretionary and non-discretionary budget came to us in the middle of the year, so we are allowed, based on the presidential decree, to add those amounts to our national budget and just report that to Parliament.” The Minister of Finance also mentioned that there are some ministries that do not implement their budgets and the House should question them.

Mr. Iqbal Kuhestanee (Kapisa) said, “We are not convinced with answers presented by the Minister of Finance . . . the Ministry of Finance has disregarded the resolution of Parliament.” Mr. Sayed Ali Kazemi (Kabul) agreed with Mr. Kuhestanee and said that there is no need for further discussions because MPs are not convinced.

Mr. Zakhelwal, in response to Mr. Kuhestanee said, “MPs act obsessively and raise personal issues to exact some sort of revenge.”

Mr. Shareef Sharifi briefly stated that the Qatia report of central audit office is prepared based on evidence. “For the MPs’ information, it is not the fault of the Ministry of Finance that other ministries had problems in sending their budget reports to the Ministry of Finance and those ministries should be questioned.” The Central Audit Deputy Director concurred with Mr. Sharifi and said, “According to the Public Finance Law, those ministries that cannot spend their budget should report to the Ministry of Finance a month before, which unfortunately they have not done.”

However, MPs insisted that they were not convinced with the answers being presented by Minister of Finance, and some proposed the interpellation of the minister. The secretary reminded them that at least 20% of the MPs should bring to the admin board their written proposal for the interpellation of the Minister of Finance.

Reform and Justice Parliamentary Group Introduced to Meshrano Jirga

Mr. Rafiulla Haidari (Kunar) introduced the Reform and Justice Parliamentary Group to the Upper House plenary on 29 January. Mr. Haidari informed members that the parliamentary group was established in accordance with Article 12 of the Meshrano Jirga (MJ) internal rules. “The Reform and Justice Group was formed by a number of Senators with the aim of maintaining the honor and dignity of the Upper House and ensure the rights of all citizens,” said Mr. Rafiulla Haidari.

He added that the group has 39 members and is led by acting chairman Mr. Arsalan Rahmani (Appointee). Other members of the parliamentary group’s leadership include Mr. Mahmood Danishjo (Balkh) and Mr. Khaleqdad Balaghi (Kabul) as first deputy and second Deputy respectively. Mr. Rafiullah Haidari (Kunar) is the secretary while Mr. Ali Akbar Jamshidi (Daikundi) is the assistant secretary. Mr. Nesar Ahmad Harris (Appointee) and Mr. Bismillah Afghannal (Kandahar) will serve as the spokespersons of the group.

Meshrano Jirga Discusses Country’s Peace and Transition Processes

Senators on 29 January discussed the Afghan peace process and progress in transitioning security responsibilities from the international coalition forces to Afghan security personnel. Members were agreed that for any peace initiative to succeed, it has to be led by Afghans and not dictated by foreigners.

“The USA is negotiating directly with the Taliban and marginalizing the High Peace Council and the government. The Afghan government should make a decision on the peace process,” said Mr. Hedayatullah Rehayee (Bamyan). He added that the government should negotiate with Pakistan and not the Taliban

Ms. Anarkali Hunaryar (Appointee) concurred, adding that all Afghans should be involved in the peace process. She further called on all parties involved in the process to respect the constitution, women and human rights. Mr. Gul Ahmad Azami (Farah) agreed, saying: “Government should develop coordination mechanisms between the three pillars of the state before attempting to negotiate with the Taliban. Every pillar of the state should be included in the peace process.”

Adding his voice to the discussion, Mr. Nazar Mohammad Faqeer (Appointee) reiterated the need for the peace talks to be Afghan-led. “Taliban and Hezbe Islami are well known. They both fought against the Russians. We should not involve Al-Qaeda and foreign Taliban in the peace process. Afghans should lead the peace talks,” he said.

Speaking on the transfer of security duties, Mr. Arifullah Pashtoon (Khost) said the process would have a disastrous impact in the country if the international community does not adequately equip the Afghan security forces. Mr. Pashtoon’s sentiments resonated with the majority of members, who maintained the coalition forces should ensure their Afghan counterparts are adequately equipped to effectively defend the country. “I support the transition process and the international community should fulfill its commitments with regards to equipping the ANA and the Afghan National Police (ANP),” said Mr. Hassan Hotak (Appointee).

Mr. Daoud Assas (Zabul), however, voiced concern on the capacity of the Afghan security forces to assume the role currently played by the coalition forces. “I am against the security transition process. Both the ANA and ANP are not adequately equipped to take over this role,” Mr. Assas said.

Concluding the discussion, Speaker Fazel Hadi Muslimyar said, “Afghans want peace, this is why the High Peace Council was established. Our opponents should respect the constitution, women and human rights. Afghans should lead the peace process. The MJ supports the transition process and the international community should fulfill its commitments in equipping the ANA, ANP and Afghan Air Force as well.”