



Legislative Newsletter

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NEWS:

Wolesi Jirga Rejects 1391 Budget

The 1391 National Budget submitted to the Afghan Parliament by the Executive has been rejected by the Wolesi Jirga. During its 18 March plenary session, Members (MPs) voted for a rejection based on seven reasons, including their rejection of a USD 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 USD10.7 million-bank commission to process civil servant salaries was also rejected.

Repeating a recurring deficiency in past budgets, the Afghan lawmakers also complained about a lack of consistency resulting in unequal budgetary allocations for provincial development as another key reason to reject this year's budget.

Insufficient funds for the Ministry of Education to recruit more teachers was another issue of concern for MPs. Currently the national average for teacher student ratio is one teacher to 134 students. MPs proposed a budget allocation that would reduce the ratio to at least one teacher to 40-45 students.

Lawmakers also identified insufficient funds to treat Afghans addicted to drugs. MPs considered the government's proposed US 1.5 million to be inadequate to provide rehabilitation services to the country's one million drug addicts.

The USD 18 million earmarked for the Garden Dewal Road Project (highway connecting Kabul, Maiden Wardak, Bamyan, Ghor and Heart provinces) was likewise deemed an inadequate investment in the country's infrastructure development, with MPs recommending that this allocation also be increased.

Summarizing the previous day's joint committee discussion to the plenary, Budget Committee representative Engineer Kamal (Kunduz) informed members that the Minister of Finance (MoF) attended the joint committee meetings. "Committee representatives raised their budget concerns to the Minister of Finance. He agreed, in principle, to revise the budget in line with members' proposals in the joint committee before resubmitting the Budget for approval by the Lower House." Engineer Kamal advised members to reject the budget draft submitted to the Lower House on 26 February before the expiry of the 30-day deadline provided in Article 98 of the Constitution.

"If we do not decide on the budget before the 30 day deadline lapses, it would be deemed passed," warned Engineer Kamal. The budget was subsequently put to a vote on 18 March. All but two members present voted to reject the budget.

Meanwhile, MPs on the same day resolved to create a technical committee to consider the fate of the fifteen ministers who failed to spend at least 40% of their development budget allocations. The ad hoc committee is expected to present its findings to the plenary for a final resolution.

Wolesi Jirga Receives Kandahar Delegation Report.

Following the alleged shooting of 16 civilians by a US Army soldier, the Wolesi Jirga sent a delegation to Kandahar last week. Ms. Shekeba Hashemi (Kandahar) on 17 March presented the delegation report to the plenary. Ms. Hashemi presented a report that was highly critical of the US Army and elicited significant protestations among Members. She informed Members that according to the information received by the delegation, there are suggestions that between 15 and 20 soldiers were involved in the 11 March incident. She indicated this was contrary to the report issued by the US Army.

“The US Army said only one soldier suffering from a mental breakdown committed this crime. This is not true. Both the Taliban and US Military have imposed a curfew and it is impossible for one person to leave their base at 2:00am... Eyewitnesses said around 15-20 soldiers, two choppers and an airplane were involved. Three different types of ammunition were retrieved from the scene indicating three different weapons were used. This was a pre-meditated operation,” she asserted in her report.

Ms. Hashemi further reported to the plenary that eleven members of one family, including three women, seven children and one baby, were shot dead before their bodies were set on fire. “Five members of another family, an elderly man and four children, were also killed before the perpetrators turned on a third family, killing a young man... It is worth mentioning that the barbaric American soldiers tore the clothes of all their female victims. They intended to rape them.” Ms. Hashemi added that the incident was an act of retaliation by American forces following destruction of an American tanker by a landmine five days earlier. “The Americans threatened to take vengeance on elderly men, women and children for a military tank destroyed by a landmine five days prior to the shooting incident.”

The report added that Kandahar elders requested the WJ delegation to investigate the actual number of soldiers involved in the incident, prosecute them in the Afghan public courts and also get a commitment from American forces that such incidents would never happen again. “The Afghan Chief of Army requested the US Army to handover the soldier allegedly involved in the incident to the Afghanistan government but was told he is protected by an immunity protocol between the US and the Afghan government.”

Responding to the report, Mr. Sayed Hussain Alami Balkhi (Kabul) reiterated the call for a public trial of “those behind the barbaric act.” He added the National Assembly nullified the immunity protocol referred to by the American forces in 2011. “Parliament abrogated the military technical agreement between ISAF and Afghanistan. We should ask the Ministry of Foreign Affairs whether or not ISAF has been officially advised of the decision taken by the Parliament.”

Mr. Sayed Ishaq Gailani (Paktika) said, “One drunken American soldier left the base and fell asleep under a tree. The next day American forces claimed he had a mental breakdown and killed sixteen people... He was not even involved in the incident. We know at least 15-20 people were involved.”

Contributing to the discussion, Ms. Shukria Barakzai (Kabul) said, “The Afghan officials who signed the immunity protocol with ISAF should be prosecuted. We should respect the blood of our countrymen.” Ms. Barakzai added that it is a crime for the military to shoot unarmed civilians. “I do not believe just one person killed the 16 civilians. ISAF officers do not travel alone, they are always escorted by convoys and choppers. A large group was involved... If it is not possible for the criminals to be prosecuted in Afghanistan, at least they should be tried in international courts. We need to reconstitute the prestige of Afghanistan. We should take risks. People should know that Afghanistan is different from Vietnam. The blood of every Afghan matters.”

The report presented by Ms. Hashemi and the delegation was subsequently contradicted in some material respects. Speaking during an extraordinary plenary session the following day, Mr. Abdul Khaleq Khan

Bala Karzai (Kandahar) refuted claims by the report that there had been attempted or an intention to rape female victims. “I met with families of the victims of Kandahar shooting incident, they are unhappy with recent media reports that the American soldiers raped the female victims. They said this is baseless and untrue,” said Mr. Karzai.

In his concluding remarks, Speaker Ibrahimy (Kunduz) reiterated Parliament’s rejection of the military technical agreement between Afghanistan and ISAF signed by the interim government in 2002. “The Afghan government was informed of the decision [to reject the Agreement] through the Ministry of Parliamentary Affairs. I propose that the Lower House send a delegation to meet with President Karzai before making a final decision on the Kandahar incident.”

Senators Criticize Admin Board

Meshrano Jirga Members on 18 March criticized their leadership (Administrative Board) for failing to send a delegation to Kandahar Province to investigate the killing of 16 civilians by an American soldier. Mr. Hajji Amanullah Azeemi (Uruzgan) led the barrage of criticism when he voiced his concern at the start of the day’s session. He further called on the Upper House leadership to “seriously investigate incidents involving foreign forces in the last few weeks.”

Senator Nesar Ahmad Harris (Appointee) concurred adding; “An official Meshrano Jirga delegation should go to Kandahar to investigate the incident and offer our condolences to the families of the victims...The Afghan Chief of Army told the president that the foreign forces did not cooperate with an Afghan delegation tasked with investigating the incident.” Mr. Harris further suggested the Upper House should issue a statement urging the government to “pressure the Americans to cooperate in the ongoing investigation.”

Responding to senators’ criticism, Second Deputy Speaker Rafiullah Gul Afghan (Kabul) informed members the Administrative Board tasked Mr. Rafiullah Haidari (Kunar) with leading a delegation to Kandahar province to investigate the shooting incident. “Mr. Haidari was appointed head of a delegation to Kandahar but Mr. Bismillah Afghanmal (Kandahar) advised Speaker Fazel Hadi Muslimyar (Nangahar) against sending a delegation due to the deteriorating security situation in the province.”

Mr. Mohammad Alam Izedyar supported the suggestion by Senator Harris to issue a statement urging the government to continue investigating the Kandahar shooting incident.

Concluding the discussion, Mr. Gul Afghan reiterated the decision by both Houses of the Parliament in October 2011 to reject the military technical agreement between Afghanistan and ISAF.

COMMITTEE NEWS

Education Committee Discusses Complaints

The Meshrano Jirga Religious and Cultural Affairs, Education and Higher Education Committee devoted its 17 March meeting to complaints submitted for its consideration. Deputy Chairperson, Senator Sefatullah Haqmal (Logar) presided over the meeting in which the following issues were discussed:

1. A teacher requested the Committee to raise the issue of low teachers’ salaries with the Ministry of Education. The Committee received a similar complaint from a group of teachers two weeks ago and decided to invite relevant officials to discuss progress in reviewing salaries paid to teachers.

2. Kabul Polytechnic University students complained of disruptions in their academic calendar each time the government convenes a Jirga. They claimed that the Loya Jirga tent housed next to their campus disrupts their normal academic activities and asked the committee to intervene on their behalf. The Committee resolved to visit the complainants to listen to their ideas on how to resolve the problem.