

**AFGHANISTAN**

ABDUL SAMAD

DR. BABAK KHALATBARI

No. 03/2008

## May & June 2008

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### Review

The people of Afghanistan will succeed!" the 91-year-old Zahir Shah told the assembly to applause. The parliamentary and provincial council elections were held on 18 September 2005. Afterwards, the first results were declared on 9 October. Final results were delayed by accusations of fraud, and were announced on 12 November. Former warlords and their followers gained the majority of seats in both the Lower House and provincial councils. Women won around 28% of the seats in the Lower House, six seats more than the 25% guaranteed in the Afghan Constitution which was launched in 2004. Approximately twelve million voters were eligible to vote for the 249 seats of the Wolesi Jirga, the Lower House of Parliament, and the 34 provincial councils.

### Executive Summary of April 2008:

The so called pro-constitution MPs, who were not happy about an article in the draft electoral law proposing electoral centers for the Kuchis (nomads) in all the provinces of Afghanistan, continued their strike since the beginning of the month of April to the beginning of the month of May. As the so called pro-constitution MPs dragged their strike and stayed away from the general session of the Lower House those MPs who were in the house, the issue of MPs absenteeism was once again the subject of discussions during the last week of the month of April. Not only the striking MPs were missing from the house but a large number of other MPs have also been missing through out the month of April and possibly many times since the new Parliament was inaugurated in December 2005. Majority of those MPs who were present in the house complained to the Speaker about missing

MPs and said that their work and reporting to the house achieved nothing since a large number of MPs remained outside the Parliament.

Parliamentary elections are almost two years away but it seems that the current Lower House of the Afghan Parliament is already losing its effectiveness. There are some MPs who are trying to urge other MPs in the Lower House to continue showing interest in the work of the Lower House and the problems of the citizens of Afghanistan. Those MPs who are trying to work and represent their constituents, their tasks have been made rather difficult by those MPs who are not interested in the career that they have chosen.

### Month of May 2008:

Lower House MPs discussed the public employees rank and salary draft law in the first week of the month of May. MPs agreed that the minimum wage for a public employee should be 7,000 Afghani or (\$140) per-month. While MPs agreed on the above mentioned amount of minimum wage, they also stressed that the government needs to control the prices of basic food commodities as the food prices have increased remarkably. There were some MPs who were asking the government to issue food coupons through government stores to government employees.

After more than a month, those MPs who started their strike on the 8th of April 2008 on the issue of electoral centers for the Kuchis, agreed to return to the Lower House on the 11th of May, after a delegation of MPs convinced them that it would be better for them to return and try to work out any differences in the house itself. While some

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MPs were on strike, those who were in the house discussed the draft public employees rank and salary law but were unable to approve any articles and in the mean time public schools teachers demonstrated and alleged that those MPs who were not reporting to the Lower House were not being serious about the plight of the school teachers and other public employees.

The Lower House was back to some normality on Monday the 12th of May after the striking MPs returned to the house. MPs once again discussed the public employees rank salary law and approved 5,000 Afghans (\$100) as the minimum wage for a public employee. In the draft law, the government had proposed 4,300 Afghans as the minimum wage. Lower House MPs once again asked the government to start issuing food coupons for public employees as current wages were not enough to support the families of public employees.

On the 14th of May, Kabul media reported about a bill drafted by the Economic Commission of the Upper House which is about attempting to decrease the ever increasing prices of food. On the basis of this bill, Upper House Senators proposes to the government to substantially import food and provide large amount of money to the Ministry of Commerce to import food and provide this imported food to more than 500,000 government employees.

Attorney General, Abdul Jabar Sabit as he had done before, once again alleged to the media that 22 MPs of the Afghan Parliament are being investigated by his office for cases of murder, corruption, attacks, land grabs, beating and misuse of public property. Mr. Sabit complained about the lack of cooperation of the executive of the Lower House in relation to these cases against MPs. He said some of the cases were prior to these gentlemen becoming MPs. However Mr. Sabit stressed that even after these MPs were elected and these days people were coming to his office to complain about these MPs. Mr. Sabit didn't name the MPs in front of the media.

Media reported that the father of the Lower House MP from Nangarhar, Hazrat Ali, was killed and seven members of his family including his wife were kidnapped by unidentified persons in Nangarhar province. Lower House MPs discussed this issue and asked relevant organizations to pursue this case. Hazrat Ali was a commander of the northern alliance operating in parts of Nangarhar province against the Taliban.

Justice Minister Mohammad Sarwar Danish, said that the government presented numerous laws to the Afghan Parliament but to-date apart from a handful of laws, the Parliament failed to approve the laws. The Minister added that it was of utmost importance that both houses of the Afghan Parliament speeded the approval of laws. Analysts believe political bickering within the Parliament and especially the Lower House is the main reason for lack of approving the laws of the country.

After the Justice Minister alleged that the Afghan Parliament lacked performance in approving the draft laws of the nation, the next day some MPs in the Lower House countered this and said that the Lower House approved almost 50 laws and many other international treaties and conventions. Abdul Satar Khwasi, First Secretary of the Lower House said that when the government needs some thing from the Lower House, it praises the House but when it dose not need it, it criticizes the . Lower House MP from Kabul Ramazan Bashardost said to the media that both houses of the Parliament need to work at least 10 hours instead of the regular 4 to approve more laws. Lower House MPs also say that some of the Laws approved by the Afghan Parliament and sent to the President for signing have not been signed by him and instead they were sent back to the Parliament for re-approval. The Juvenile Justice Law, the Land Law, Monitoring the Constitution Law, Administrative Finance Law, Government Owned Enterprises Law and the media law are some of these laws sent back to the Lower House, which the Lower House hasn't had a chance to work on them an reapprove them.

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The Lower House of the Afghan Parliament approved the draft rank and salary law of public employees' on the 19th of May. According to this law the minimum requirement for the appointment of high ranking public employee should be university degree and also ranking should take place according to merit and education.

An incident in Iraq, where the US soldier used the Quran as target to practice his shooting was discussed in the Upper House of the Afghan Parliament on the 20th of May and as soon as the discussion started on this issue Senators walked out of the house in protest. Outside the house a number of Senators accused the US for trying to play a double game under the name of fighting against terrorism. Senators alleged that the US is trying to denigrate Islam in many ways and some times using European countries for this purpose. Senators said Muslims could tolerate financial losses but they would not tolerate insult to their religion. Senators asked the US to punish the soldier behind this act in an open court and give him a harsh penalty to ensure that this act would not be repeated.

Following the condemnation of the US soldier's act in Iraq, the Lower House of the Afghan Parliament in its general session on the 21st of May condemned this action and issued a statement. Here is a brief version of this statement:

1. We condemned the unimaginable and anti human act of this US soldier which clearly shows insult to the sacred book of Muslims.
2. We ask the US to punish this soldier severely.
3. This sort of acts could not be tolerated by Muslims, and we are asking the UN to strictly put a stop to this kind of acts.
4. We are asking the Organization of Islamic Countries to take preventive measures in this regard.

5. We believe that mutual respect for each others religions to be in the interest of the world security.

6. We are asking the government of Afghanistan to express the deep disgust of the Afghan nation through its diplomatic channels and take serious steps to prevent such acts from repeating.

On the 27th of May, Lower House MPs decided that the those MPs allegedly accused by the Attorney General, will not be reporting to the Attorney General's office and instead the mentioned office should send its prosecutors to question the MPs in the Parliament. Gul Pacha Majeedi, Head of the MPs Security Commission said that the above decision was taken by the Heads of the Lower House Commissions to protect MPs against unfair conduct and also to-date these MPs have not been found guilty by any court of law.

Also on this day there was a confrontation between the Speaker of the Lower House, Mohammad Younus Qanooni and an outspoken MP from Kabul, Ramazan Bashardost, who accused the Emergency Committee comprising of various Ministries and government departments. The Speaker asked the respected MP to keep quiet and not criticize the committee, the MP refused and then the Speaker called in the security personal to throw the MP out of the house.

Institute of Parliamentary Affairs was inaugurated in the compound of the Afghan Parliament on the last day of the month of May. This Institute is funded by a project of the USAID.

Lower House congratulated the Afghan cricket team on their latest win in England to qualify for the world cup.

Lower House MPs also discussed a bill drafted by the Environment Commission of the Lower House about oil products which has 69 articles. According to this law some high ranking officials are not allowed to acquire activity license in this sector.

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Upper House Senators approved the draft medicine law and also the draft census law in the first week of the month of June 2008.

Lower House MPs discussed an agreement between the Afghan government and the Iranian government which will give the Iranian government a free hand to expel those Afghan refugees without any documents. The International Affairs Commission of the Lower House criticized this agreement and said that the Ministry of Refugees of the Afghan government has no right to sign such an agreement. The respected Commission asked the Ministry of Foreign Affairs to make an effort through diplomatic channels call this agreement null and void.

**Conclusion:**

The month of May begun with the return of the so called proconstitution MPs who were not happy with the draft electoral law proposing electoral centers for the Kuchis (Nomads) in every province of Afghanistan and remained on strike for more than a month. However, the striking MPs returned after school teachers accused them of not working to approve the draft rank and salary law of government employees.

The month of May also witnessed another confrontation between the Attorney General and those MPs he alleges to have been involved in various crimes before the establishment of this government and continue to commit offences. The Attorney General Mr. Abdul Jabar Sabit says these MPs number about 20 and are not willing to be investigated by his office. However, the MPs allege that Mr. Sabit has his own agenda and is trying to undermine the MPs and not really interested in pursuing criminals.

An incident that had taken place in Iraq where a US soldier used the Quran to practice his shooting was also an issue on the agenda of the Lower House MPs and Upper House Senators. After both houses of the Afghan Parliament discussed and issued statements condemning this act, the Afghan public also took to the street and demonstrated.

The draft rank salary law of the public employees was another law that created controversy as teacher and public employees accused Lower House MPs for not trying to approve this draft law as soon as possible so they can take advantage of the increase proposed by the government and hoping to get some increase in the salary from the Afghan Parliament. During the month of May a large number of teachers in the capital Kabul demonstrated and expressed their unhappiness.

Both houses of the Afghan Parliament began their 45 days summer recess on the 5th of June. The Afghan Parliament call these 45 days an opportunity for MPs and Senators to go to their respected provinces and consult with their constituents and come back with a report of the issues and present it to the general sessions of the respected houses. The next report will be starting on the 22nd July 2008.