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# Legislative Newsletter

## Calendar

- Wolesi Jirga (Lower House) Agenda:
  - Electoral Law
  - Independent Election Commission Structure Law
  - The Law on Rights and Privileges of the Disabled
  - Law on Rights and Privileges of the Relatives of Martyrs and Missing
  - Statistics Law
  - Higher Education Law
  - Cooperatives Law
  - Law on Civil Servants
  - Labor Law
  - Road Toll Law
  - Law on Social Behavior
  
- Meshrano Jirga (Upper House) Agenda:
  - Forensic Medicine Law
  - Communication Services Regulatory Law
  - Medicine Law
  
- Joint Committees:
  - Law on Sale of Immoveable Property to Foreign Embassies and International Organizations
  - Law on Reform Commission of National Police Forces
  - Law on Gatherings, Protests, and Demonstrations
  - Political Parties Law

National Assembly weekly meeting schedule:

- Sundays and Tuesdays: Wolesi Jirga committees and Meshrano Jirga plenary
- Saturdays, Mondays, and Wednesdays: Meshrano Jirga committees and Wolesi Jirga plenary

## Legislation

*Last week saw limited legislative debate due to the ongoing parliamentary boycott by electoral law detractors. The Law on Social Behavior, the Law on Civil Servants, the Communication Services Regulatory Law, the Higher Education Law, the Cooperatives Law, and the Labor Law did see substantive activity.*

### ***Electoral Law***

The Wolesi Jirga boycott by Hazara, Uzbek, and Tajik MPs over the Kuchi national constituency provision of the draft electoral law continued for another week without resolution. The law saw no substantive debate last week, but the politics behind the boycott remain prevalent in the Assembly. See *News*, page 6.

The Electoral Law establishes the electoral system and will regulate electoral issues, including voting centers/polling stations, observers, election campaigns, candidacy, and counting.

### ***The Independent Election Commission (IEC) Structure Law***

The draft is with the Wolesi Jirga committees. The Justice and Judiciary Committee has amended the draft to require Lower House approval of the President's nominee for Independent Election Commission Chairman, and changed the authority for future amendments from the Cabinet to the National Assembly.

The law will outline the funding mechanism, structure, duties, authorities, procedures, and staffing of the body.

### ***Law on Sale of Immovable Property to Foreign Embassies and International Organizations***

A scheduled joint Wolesi-Meshrano committee meeting did not happen last week due to the MP boycott.

The law will regulate the sale of immovable property to foreign embassies and international organizations.

### ***Law on Reform Commission of National Police Forces***

The joint Wolesi-Meshrano committee did not meet last week due to the MP electoral law boycott.

The law establishes a commission to reform the National Police Forces.

### ***Forensic Medicine Law***

The law is on the Meshrano Jirga plenary agenda.

The law aims to professionalize forensic medicine services during criminal investigations by the Afghan justice institutions.

### ***Law on Rights and Privileges of the Disabled***

A scheduled Wolesi Jirga integrated committee meeting was not held last week due to the electoral law conflict and boycott. The law is pending consideration.

The law aims to integrate and support the disabled economically.

### ***Law on Rights and Privileges of the Relatives of Martyrs and Missing***

The bill saw no activity last week due to the electoral law conflict and boycott.

The law will regulate the special rights and privileges of families of the martyred and missing. The draft addresses the social, economic, and political needs of the families, including housing and employment benefits.

### ***Communication Services Regulatory Law***

The law is under consideration by the Meshrano Jirga Transport, Communication and Municipality Committee.

The draft addresses rules and regulations for the telecommunication companies, including the number of operators in the country, and control of communication services.

### ***Statistics Law***

The Statistics Law is with the National Economy Committee of the Wolesi Jirga, which did not meet last week due to the electoral law protest and boycott.

The Statistic Law addresses the duties, authorities, and organization of the Independent Central Statistics Department. The law establishes a central office for coordination and integration of all statistical activities at the country level.

### ***Higher Education Law***

The Wolesi Jirga Legislative Affairs Committee made several changes to the bill last week. University deans and heads of departments would now be elected by the institutions' boards of governors for three years. The Minister of Higher Education will then propose their approval to the President. The deans and heads of departments would be limited to two terms.

The law will regulate the activities of public and private higher education institutions in Afghanistan. The law addresses student rights and faculty benefits.

### ***Medicine Law***

The Medicine Law is included in the Meshrano Jirga's plenary agenda.

The Medicine Law regulates the production, import, stocking, and distribution of medicine and medical equipment.

### ***Law on Gatherings, Protests, and Demonstrations***

The law had been rescheduled for review by a joint Meshrano-Wolesi committee on April 21<sup>st</sup>, but did not see activity due to the electoral law boycott.

The law addresses management of gatherings, protests, and demonstrations.

### ***Cooperatives Law***

The Wolesi Jirga Economy Committee reviewed and accepted the Meshrano Jirga's amendments and will introduce the draft to the plenary for approval. A joint committee may be unnecessary.

The Cooperatives Law aims to regulate creation, registration, organization, and development of non-governmental and non-political cooperatives and cooperative unions with economic, social, cultural, and other goals.

### ***Political Parties Law***

A joint committee of the houses has been appointed to review the draft and Meshrano Jirga's amendments, but did not meet last week due to the boycott.

The law will regulate political parties' creation, activities, and rights and responsibilities.

### ***Law on Civil Servants (formerly referred to as the Government Employment Law)***

April 21<sup>st</sup>, the Wolesi plenary, led by Budget and Finance Committee Chairman, Honorable Osmani, discussed the salary component of the Law on Civil Servants. A majority agreed that a permanent solution should be developed to allow civil servant salaries to meet the fluctuating cost of living under the free market system. Some MPs expressed concern that, due to corruption and other factors, it is difficult to increase salaries using current national revenues, but asked the Ministry of Finance to locate funds for the purpose. MPs proposed that the Budget and Finance Committee, in cooperation with the Ministry of Finance, develop a new compensation policy and report back to the plenary. Two weeks ago, the Budget and Finance Committee proposed a minimum total allowance (salary, food, and transport) of 6,400 Afghanis versus the 4,300 proposed in the government draft. Also see *Food Prices* below.

The law addresses the salaries and ranks of civil service employees, and outlines measures to: make administrative corrections to Government systems; clarify job descriptions for Government employees; improve education standards of Government

employees; improve employee talent and work ethic; and provide employee housing and benefits.

### ***Labor Law***

The Labor Law has been approved by the Meshrano and sent back to Wolesi Jirga.

The Labor Law will regulate the rights, responsibilities, and benefits of employees.

### ***Road Toll Law***

The Meshrano's amendments are pending review by the Wolesi Jirga.

The Road Toll Law will regulate taxation of vehicles using national highways. Vehicles moving out of the cities will be required to pay road tolls. The revenues collected will fund construction and maintenance of highways.

### ***Law on Social Behavior***

Last week the Wolesi Jirga plenary briefly discussed and criticized the draft law on social behavior developed by Wolesi Jirga Antinarcotics Committee staff. An apparent majority of MPs favored collaboration with the Ministry of Justice to create an acceptable draft. Speaker Qanooni went on record to clarify that, contrary to media portrayals, MPs are not fundamentalists.

A few MPs, however, expressed support for a law and regulation of media content. According to Honorable Urfanullah, some TV programming is unconstitutional as it contradicts Islam – as do forcing boys and girls to dance at private parties and harassing girls on the street. Honorable Kalakani questioned why, given the consensus of religious scholars and the government, the “banned” Indian TV programs are still on the air. Honorable Atmar added that, because of Afghanistan's new “democracy of strangers” and the odd media freedom it entails, the country has lost a part of its glorious history. “Afghans do not have our own will - whatever our masters say, we obey them, lest the masters become angry and leave” the MP stated.

The original draft law included a code for properly wearing a Hejab (a woman's headscarf), and prohibitions on: pigeon flying; men and women in the same room at weddings; unrelated men and women speaking with each other in public; long hair on men; loud music at weddings; shops selling revealing clothing; and materials considered offensive to Islam, etc.

## News

### **MP Dies in Mujahedeen Day Attack**

Honorable Fazel Rahman Samkanai died of gunshot wounds incurred in an attack during Mujahedeen Day celebrations on April 27th. Honorable Muhammad Dauod Zazai was also seriously wounded in the attack.

MPs have called the Ministers of Defense and Interior and the head of the National Directorate of Security this week to provide an account of security precautions taken for the event.

### **Electoral Law Debate**

The conflict and boycott over the Kuchi national constituency provision of the government's draft electoral law continued without resolution last week. After attempting unsuccessfully to bring the sides to a compromise, head of the ad hoc committee established to negotiate the dispute, Honorable Almas, resigned.

The boycotters are now demanding that the draft law be removed from the Assembly agenda and that a panel of lawyers review it. The group is also calling for a new committee of 10 MPs from each side to negotiate resolution of the issue. The non-boycotters have rejected the idea of outside lawyers and reportedly favor bringing Honorable Almas's ad hoc committee back, but are open to discussing the new committee this week. The non-boycotters would like to continue the electoral law debate within the Assembly in the presence of all MPs.

In the meantime, the boycotters issued a press release which states that Kuchis, as full Afghan citizens, have the same rights as other Afghans. The group remains, however, opposed to a national constituency and 10 Lower House seats for the nomadic minority. The boycotters have requested that votes within the Assembly during the boycott be invalidated and that they be included, from outside the Assembly, in decisions of the Assembly – a move that would, as Honorable Sultanzoi points out, violate parliament's rules of procedure.

Within the Wolesi Jirga, many MPs have taken an unfavorable view of the boycott, emphasizing that, in light of the rising cost of food and other crises, MPs should bolster unity by playing their role in the national debate and avoid disrespecting Afghan democracy by boycotting its institutions. "I can't see any difference between the insurgency and the MPs who boycotted. They bring barriers to the development of Afghanistan and to Parliament. They both are the same," said Honorable Shinwari.

Kuchi representative, Honorable Alamgul, defended his position again last week with, "I am not lying about three things: first, my religion, Islam; second, my country; and third, national solidarity. I say curse of Allah to those who reject the rights of peoples who deserved them. Kochies' rights have been violated...I will never back down from attaining the rights of Kochies."

## **MPs Ask Government to Address High Food Prices**

Wolesi Jirga MPs in a special session on April 24<sup>th</sup> asked the government to provide wheat to the people, prevent hoarding, and develop short and long-term solutions to high food prices, including using an allotted \$50 million to purchase and distribute wheat as soon as possible. Other suggestions for the government included developing a plan to promote agricultural production, controlling prices, and purchasing wheat from Afghan farmers rather than importing it. One MP explained that high food prices are a global phenomenon, while others suggested a regional conspiracy to undermine Afghanistan's economy and security. A few MPs expressed concern about public unrest should the situation continue.

## **Speaker Qanooni Meets Head of European Union**

Wolesi Jirga Speaker Qanooni met with the EU High Representative for the Common Foreign and Security Policy, Javier Solana, last week to discuss a range of issues. The speaker thanked Mr. Solana for the crucial role played by European soldiers in improving Afghanistan's security. The upcoming Paris conference was also discussed with the hope that it will boost Afghanistan's development. The Speaker asked for the EU assistance in making the 2009 and 2010 elections transparent, free and fair while noting the importance of security in bolstering their legitimacy. Solana emphasized the EU's commitment to Afghanistan and pledged to increase political, economic, and security assistance. Wolesi First Deputy Speaker Honorable Yaseeni and Wolesi Jirga International Affairs Committee member Mohammad Doaud also attended the meeting.

Source: Wolesi Jirga Department of Information and Public Relations