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**AFGHANISTAN  
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# Legislative Newsletter

## Calendar

- Wolesi Jirga (Lower House) Agenda:
  - Electoral Law
  - Independent Election Commission Structure Law
  - Law on Rights and Privileges of the Disabled
  - Law on Rights and Privileges of the Relatives of Martyrs and Missing
  - Communication Services Regulatory Law
  - Higher Education Law
  - Law on Social Behavior
  - Extradition Law
  - Law on Personnel Affairs of ANA, ANP and NDC Sergeants
  - Political Parties Law
  - Law on Civil Servants
  - Law on Salaries of High Ranking Government Officials
  - Law on Health
  - Media Law
  - Afghanistan National Development Strategy (ANDS)
  
- Meshrano Jirga (Upper House) Agenda:
  - Mining Materials Law
  - Law on Petroleum and Gas (Hydro Carbons)
  
- Joint Committees:
  - Law on Reform Commission of National Police Forces
  - Law on Gatherings, Protests, and Demonstrations
  - Statistics Law
  - Medicine 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

*The status update and description of bills remaining inactive for several weeks have been removed. They will be reintroduced as the drafts become active. Bills on the official Assembly agendas will remain in the calendar above.*

### ***Electoral Law***

The ad hoc committee established to negotiate a resolution of the Kuchi seat conflict did not meet last week. The members are waiting for the IEC's rationale for designating 10 seats to Kuchis in the Lower House of the National Assembly. By seeking the IEC's justification for the seats, the committee aims to avoid another escalation of tension over the issue.

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

### ***Mining Materials Law***

The Meshrano Public Welfare and Environment Committee has completed its review of the draft law. The law is on the Meshrano Jirga plenary agenda for August 17<sup>th</sup>.

The law will regulate mine ownership and control, security, management, private investment, minerals, and other affairs related to mining.

### ***Law on Personnel Affairs of ANA, ANP and NDC Sergeants***

The bill saw no activity last week.

The law will regulate personnel affairs (appointment, transfer, vacation, discipline, rewards, and retirement) of ANA, ANP and the NDS sergeants.

### ***Medicine Law***

A joint committee of the houses may meet on August 17<sup>th</sup>.

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

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

On August 11<sup>th</sup>, MPs completed approval of all articles except 2, 29, and 34. Heated discussions over the traditional use of the Pashto term for "university" spurred creation of a committee to resolve the issue. The Wolesi Jirga Administrative Board has requested that the committee of five supporters of the use of Pashto terms and five supporters of the use of Dari terms report a decision to the plenary this week. See *News* below.

The law will regulate the activities of public and private higher education institutions in Afghanistan.

### ***Law on Civil Servants***

The law is under consideration by the Wolesi Jirga Justice and Judiciary Committee, which did not meet last week due to lack of a quorum.

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.

### ***Law on Salaries of High Ranking Government Officials***

The law has been approved by the Wolesi Jirga but has not yet been sent to the Meshrano Jirga. It may be sent by the end of the week.

The law determines salaries of all high ranking government officials.

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

There were no changes to the bill's status last week. It remains with the Legislative Affairs Committee of the Wolesi Jirga after being returned by the President's office.

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

### ***Law on Petroleum and Gas (Hydro Carbons)***

The law is under consideration by the Meshrano Public Welfare and Environment Committee. It is scheduled to reach the plenary in the second half of August.

The law regulates petroleum and gas (Hydro Carbons), ownership, production, use, leases, contracts, research, and protection.

### ***Law on Health***

There were no changes to the bill's status last week. It remains with the Wolesi Jirga Health, Sports, Youth, Labor and Laborers Committee.

The law will regulate health services, maintenance and expansion of private health services and health centers, implementation of health projects in different areas of the country, prevention of disease, and protection of mothers and newborns.

### ***Media Law***

The law is being considered by the Religious, Cultural, Education and Higher Education Affairs Committee.

The law will regulate media activities and addresses freedom of speech and expression.

## News

### **Wolesi Jirga Debates Language Issues**

MPs last week discussed the use of Dari vs. Pashto terms in the Higher Education Law. Traditionally, the Pashto term “Pohantoon” has been used for “university” in official state documents. Supporters of the status quo argue that Article 16 of the Constitution, which states, “Academic and national administrative terminology and usage in the country shall be preserved” forbids changes to the existing terminology. Other MPs argue that the Dari (Farsi) term “Danishgah” be used instead. Still others that, as a compromise, the corresponding term be used in the two translations. As mentioned above, an ad hoc committee has been established to negotiate a resolution and report back to the plenary.

Several MPs called for moving beyond the divisive language issue. Honorable Rabani said, “I think, you (Speaker Qanooni) must end the contentious discussions within the session. We have thousands of other problems, yet there is friction inside Parliament over the name of ‘university.’ I do not know why we are suspicious of each other’s language. This issue must be solved. You know that we have elections ahead of us.” Honorable Mirani added, “Why do we argue over such issues? Why are these issues raised in such a sensitive time? I declare with courage that if we either move toward national unity or actions are taken against national stability, it will begin in this Assembly. How shall we respond to the people while the basic and fundamental issues of Afghanistan remain unsolved? We can only respond that we have severely provoked sedition. The [Pashto] title of Kabul University, Pohantoon, is a well-recognized name and has a 70 year history. Why are such issues provoked now?” Honorable Joyanda said, “I affirm Honorable Rabani’s words. Everyday we provoke ethnic differences. Terrorism, poverty, rising prices, sexual violations, and thousands of calamities dominate our society. Honorable Qanooni, please you make the final decision.”

### **Meshrano Jirga Calls for Control of International Forces**

Responding to recent civilian deaths by international forces and allegations of the same, senators last week demanded that the presence of foreign forces be legitimized in Afghan law. Secretary Aminuding Muzafari asserted that the Senate must draft legislation to govern activities of the international forces based on Afghan law, which would, according to Honorable Ranjbar, help prevent civilian casualties. Honorable Baqir Sharifi said that it is not enough to condemn civilian deaths but that, “[the international forces] must be brought under the law and their activities must be controlled.” The International Relations, Internal Security and Defense, and Legislative and Judicial Affairs Committees will create a draft law that addresses the numbers, periods of stay, and base locations of the international forces in Afghanistan.

Other Meshrano Jirga members expressed opposing views. A few commented that better coordination with the Afghan security forces should be encouraged and that the international forces should be empowered to control their own activities in a more effective way. Professor Haqayeqi pointed out that international forces operate under existing UN and bilateral accords which override domestic law, therefore, a more effective approach would be to present a resolution to the UN and NATO.

### **Meshrano Issues Declaration Condemning Airstrike**

Below is a Meshrano Jirga declaration condemning an airstrike in Kapisa that senators claim killed civilians.

#### **Declaration of the Meshrano Jirga of the National Assembly on the air strike in Tagahb District of Kapisa Province 12 August 2008**

In the Name of Almighty Allah, the Most Merciful and the Most Compassionate

*“The sorrowful incident of 9<sup>th</sup> August of the current year involving the NATO air strike in Joi-Bar locality of Tagahb District of Kapisa Province that ended in the murder of 13 of our countrymen and injury of a number more, has caused sorrow for the Meshrano Jirga of the National Assembly.*

*The Meshrano Jirga of the National Assembly strongly condemns this irresponsible act of NATO forces and reminds NATO authorities once more that they should be strictly instructed that the murdering and injuring of civilians is not forgivable in any way and causes abhorrence to the coalition forces and distance between the people and the Afghan government. Unfortunately, in the past such events and incidents have happened in different parts of the country, as well.*

*Likewise, the Meshrano Jirga reminds NATO forces that during their operations the custom, traditions and all religious sensibilities of our people should be respected so as not to result in further alienation of the people and escalation of the situation.”*

In an unrelated Wolesi Jirga debate, the issue of civilian deaths also arose. Honorable Ustad Farid said, “I inform you that yesterday coalition forces bombed innocent people and when others went to gather the bodies, they were bombed as well. And the government claims that they have killed Taliban. So, you may come to check if a single Talib is among the dead, if so, the government is right. The ministers, Parliament and foreigners surround themselves by concrete barriers and the coalition forces come to massacre Muslim people.”

### **Wolesi Jirga Holds Preliminary Discussions of ANDS**

On August 13<sup>th</sup> the ANDS was introduced in the Wolesi Jirga plenary. Several MPs complained last week that the executive sends laws for their consideration after they are actually being implemented. “If ANDS was approved by the international community at the Paris Conference and donor countries have pledged some 20 billion dollars to the Afghan government, what is the reason to present the ANDS to legislators?” asked Kabul MP Honorable Kalakani. Honorable Khadem added, “The

development strategy should have been prepared by the government in consultation with Parliament, but today we face the completed act. If we reject the strategy, it will be an excuse for the international community to stop its aid and we will be accountable to the people.”

Wolesi members decided to establish a committee of MPs with economics experience to review and report on ANDS details.

### **Interpellation**

Sixty Wolesi Jirga MPs last week discussed calling the Ministers of Water and Energy, Rural Rehabilitation and Development, Agriculture and Commerce, and Economy for questioning on distribution of National Budget funds to the provinces, water, and other resource problems. Honorable Sultanzoi, Chairman of the National Economy Commission, suggested the relevant committees question the officials and, if necessary, call them to the plenary for further questioning and possible votes of no confidence.

Debate ensued on the usefulness of interpolations. Engineer Mohammad Khan said, “We have been interpolated several times, instead of the ministers. The ministers have to be questioned and we should represent the Afghan people. We are helping the government by removing its useless officials. Honorable Kalakani followed with, “Parliament’s decision regarding the dismissal of the Foreign Minister did not prevail and the dignity of Parliament was damaged.” Honorable Rahman Oghli agreed with, “Unfortunately, we have had a lot of deficiencies. It was the National Assembly’s fault that it could not maintain its position.”

### **Legislator Rejects Rumors of Applying for Political Asylum**

Last week Honorable Parween Mahmand Talwasa criticized Ariana TV for false reports of her application for political asylum in Italy. The MP insisted that, “I used my annual vacation in Europe with official permission of the Wolesi Jirga Secretariat. Although I wanted to spend few more days, I rushed back on the first Ariana Airlines flight due to the false reports. You can check my passport which indicates the exact entry and exit stamps” she said. The MP confirmed that she does not know where Fahima Ahmad Zai is at the moment. Speaker Qanooni asked the news agencies to be precise while making controversial reports.

### **MPs Respond to Accusations of Supporting the Taliban and Drug Trade**

Responding to the National Directorate of Security deputy, Dr. Abdullah Laghmani’s, assertion that a “number of delegates” of Parliament “support drug traffickers and terrorists,” Wolesi Jirga members have requested that the NDS present evidence to support its case.

### **Wolesi Releases Names of Chronically Absent Mps**

In its August 16<sup>th</sup> plenary session, the Wolesi Jirga announced names of chronically absent legislators.

The names of Honourable Abdul Qauem Karzai, Fraidun Mohmand, Mohammad Naeem Farahi, Fahima Ahmadzai, Shakila Hashimi, Shekeba Hashimi, Dr, Fazelullah Mujadidi, Helaludeen Helal, Malali Eshaqzai, Kobra Dehkan, Saifora Neyazi, Fatehullah Khan, Ghargasht Katawazi, Fatima Nazari, Freba Kakar, Hajji Abdul Wahab Jawzjani, Saifora Elkhani, Sabrina Sakeb, Hajji Yari and Haidar Khan Naemzoi were included in the report shared with media.

The estimated number of absentees from August 2-7<sup>th</sup> was announced as 66 and from August 9-14<sup>th</sup>, 52.

Acronyms:

ANA – Afghan National Army  
ANDS – Afghanistan National Development Strategy  
ANP – Afghan National Police  
IEC – Independent Election Commission  
NATO – North Atlantic Treaty Organization  
NDS – National Directorate of Security