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**AFGHANISTAN
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PROJECT**

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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 Health
 - Media Law
 - Afghanistan National Development Strategy (ANDS)
 - Law on Mortgage of Immovable Assets in Banking Transactions
 - Law on Water

- Meshrano Jirga (Upper House) Agenda:
 - Mining Materials Law
 - Law on Petroleum and Gas (Hydro Carbons)
 - Law on Salaries of High Ranking Government Officials

- 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 continue to wait for the IEC's rationale for designating 10 seats to Kuchis in the Lower House of the National Assembly.

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

Independent Election Commission Structure Law

The law has been included in the Wolesi Jirga plenary agenda for August 24th.

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

Mining Materials Law

The Meshrano Public Welfare and Environment Committee introduced the bill to the plenary session on August 17th, where the senators approved the first article. Due to the complexity of the bill's technical terms, the senators decided to invite representatives of the Ministry of Mining and Industries, Ministry of Justice, and Kabul University professors to answer questions during consideration of the law on August 24th.

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

Medicine Law

A joint committee of the houses approved the law on August 19th. The law will tentatively be sent for Presidential endorsement in early September.

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

Higher Education Law

On August 16th the committee established to resolve disagreements over language, including the traditional use of the Pashto term for "university," reported to the plenary session that because Article 16 of the Afghanistan Constitution does not clearly define "academic" and "national" terms, a request has been made to the Independent Commission of Constitution Implementation Monitoring to explain the

relevant section of Article 16. Further consideration of the Higher Education Law is postponed until the Wolesi receives the commission's explanation. The last paragraph of Article 16 states that, "Academic and national administrative terminology and usage in the country shall be preserved."

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

Law on Civil Servants

Correction: the law was approved and officially sent to the President in June. There have been conflicting reports from the Assembly that the law was returned for minor grammatical corrections.

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 and sent to the Meshrano Jirga where it is under consideration by the National Economy and Budget Committee. The committee should complete its review within 15 days and introduce the law to the Meshrano plenary.

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 still under consideration by the Meshrano Public Welfare and Environment Committee. It is scheduled to reach the plenary this week.

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

Law on Health

The Wolesi Jirga Health, Sports, Youth, Labor and Laborers Committee last week approved all but Article 2. The second part of Article 2 states, "Provision of advanced health services will be conducted based on government opportunities for fees according to the related legislative document." Legislators believe that this

violates Article 52 of Afghan Constitution which grants free health services for all citizens. Because the Ministry of Public Health officials' arguments did not satisfy the legislators, the committee intends to take the issue to President Karzai.

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 but was inactive last week.

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

Law on Social Behavior

Wolesi Jirga Antinarcotics Committee continued its work on the law. Progress on drafting/revision is expected to be slow.

The draft law includes 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.

Law on Mortgage of Immovable Assets in Banking Transactions

The Wolesi Jirga Finance and Budget Committee has completed consideration of the law and will send it to the plenary.

The law will regulate business and banking transactions that use immovable property as security and specifies the rights and obligations of the parties involved.

Law on Water

The law is under considered by the Wolesi Jirga Communications, Transportation, City Development and Municipalities Committee.

The law will regulate protection of water sources, their effective and sustainable use, and grantee equal distribution of water and maintenance of the rights of users according to Afghan tradition.

News

Wolesi Jirga Discusses Security Issues

On August 20 legislators discussed the security situation across the country. MPs condemned the attack on French forces in Surobi district of Kabul and expressed their condolences to the families and friends. Later the legislators expressed concerns regarding instability, NATO air strikes, residence searches by international forces, crime rates, impunity of criminals, and a lack of acceptance of responsibility by government officials. Like the Meshrano Jirga's discussions two weeks ago, the presence of international forces in Afghanistan was the focus of much of the debate.

Honorable Shahla Ata said, "I cried last year that foreigners' dogs check Muslims' funerals, but no one listened to me. I said they enter the compounds of Muslims and dishonor them, but no one listened. With all these injustices and apathy, people will join the Taliban. If I am subjected to such things, I myself will become a Talib. Honorable Abdullah Pari added that, "the reality is that the people are with Taliban – the foreigners commit egregious acts."

Honorable Farid identified the following security problems:

1. The coalition forces insult people. For example, at mid-night recently coalition forces entered a house in Tagab Province where six women and an eighty year old man were living. They shot the man and arrested a woman.
2. The coalition forces receive incorrect information and make mistakes, killing civilians.
3. There is no security in Kabul. The National Assembly, foreign troops and statesmen are living behind concrete barriers. Therefore, the defenseless people have to become Taliban.
4. The government's current policy towards the neighbor country is wrong.
5. Instead of maintaining security, the coalition forces have come in search of other goals – they should change their policy. I can maintain security within my own village on the condition the coalition forces not enter the village and kill my people. For the time being we should leave democracy aside."

A few MPs offered solutions. Honorable Sayaf said, "First, unless we find and discuss the cause of the insecurity, we cannot do anything. I have repeatedly asked why professionals are not appointed – we fought against the Russians and Taliban and defeated them. The mujahidin have the war skills but are now jobless, disarmed and stay in their houses. Some of them have joined the Taliban because of unemployment. You should not think only of those commanders who have high rise buildings and assets, but there are a number who are hungry and joined the Taliban. The government should use these warfare experts. People shall be free to decide on their own – to arm the nation to defend their territory."

Honorable Qazi Nazeer agreed. "The government brought the foreign forces for their own protection and tries to wash out the mujahidin. We have seen that no one among the mujahidin has been appointed in any province. I confirm Professor Sayaf's comments – they forced the mujahidin from power out of jealousy. Not only the

mujahidin, but the tribal, political and social leaders should be given power,” said the MP.

Honorable Noorzia Atmar commented, “If men fear, then let us women protect our country – we do not want the presence of foreigner troops in our country.” Honorable Niazy countered with, “If you intend to sympathize with Taliban and get close to them, I believe it would be worthless because they intend to apply Sharia law on you (women). We should collaborate with the government.”

Honorable Shekeba Hashimi accused the Afghan security forces of assisting the Taliban with, “Perhaps you know that during the night the government Ranger trucks ship food and ammunition to the Taliban.” According to the MP, the primary cause of the worsening security situation is the government’s appointment of irresponsible security officials. Honorable Moheen Marasteyal also blamed the government. “Security officials are being appointed after paying bribes. Instead of maintaining security these officials bring instability. There is a distance between the government and people because the government relies on the coalition forces and foreigners. The country cannot be protected by foreigners – it must be protected by our own people,” said the MP.

Other MPs rejected this position. “We can not be separated from the government. If you call the executive weak, obviously Parliament is weaker. We have to look for solutions, not escalations. We have to honestly cooperate with government to rescue Afghanistan,” said Honorable Nasima Neyazi.

Security Chief Discusses Protecting Parliament

As the security threats to the National Assembly appear to be growing, General Kamawal, head of the National Assembly’s Security Directorate, told APAP that the body has taken additional measures to ensure a safe environment for the legislators and staff.

The measures include recruitment of 400 policemen, reducing the number of Assembly entrances, barricading the perimeter, locating observation posts on the roof, installing cameras, and other protective measures. Enhanced screening of all vehicles and staff/visitors has also become routine.

The General explains, however, that this year the lack of resources, low salaries, insecurity, increasing suicide attacks in Kabul, and threats to the National Assembly are challenging Assembly security personnel. The current National Budget reclassified the Assembly security salaries to those of the Ministry of Communication, significantly reducing the Assembly force salaries. General Kamawal expressed concern that his men are comparing their salaries and facilities with other security institutions and worries that some may leave the job or reduce their diligence.

The security directorate faces challenges with regard to equipment as well. This year there is no budget for significant physical upgrades to the compound. The General pointed out that last year a donor agency provided fuel for vehicles, but this year he had to reach to an agreement with the Ministry of Interior to provided fuel and vehicle maintenance. The newly installed barriers around the compound were provided as a

favor from the NDS. While existing equipment is adequate, the General is concerned that there is no immediate availability of emergency funds should the security situation dictate rapid upgrades.

General Kamawal has requested that the government and the international community give attention to National Assembly security. Specific requests include assistance with returning the salary scale to that of other high profile institutions, specialized training for Assembly security personnel, additional procurement (equipment and fuel) funds, and immediate provision of sleeping containers for Assembly security personnel.

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