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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

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***

According to Honorable Registani, Chairman of the Wolesi Jirga Electoral Law Subcommittee, the Independent Election Commission last week responded to the Kuchi seat ad hoc committee's request for a rationale for designating 10 seats to the nomads in the National Assembly. The IEC statement said, "The Independent Election Commission has no further comments on the Electoral Law. Amendments to the Electoral Law approved by a majority of legislators will have legal power after the President's endorsement." On August 28<sup>th</sup>, opponents of the designated seats decided to maintain their position that the seats are unconstitutional. Honorable Registani says the committee is ready for further discussion of the law in the plenary, but no date has been set.

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***

On August 27<sup>th</sup>, Wolesi Jirga members approved seven articles of the law. A majority of MPs voted to require Assembly approval of all IEC commissioners. The government draft of the law called for presidential appointment of IEC members without Parliament's endorsement, something the IEC argues is necessary to maintain the commissioners' independence. The committees will continue discussions and forward amendments to the Legislative Affairs Committee. Other important considerations as introduced by the IEC include the commission's impartial and independent operation, the authority and independence of the chair, obligations of the commission members, and the IEC's budgetary independence and authorities.

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

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

Last week the Meshrano plenary approved four articles of the law. The Minister of Mining and Industries, the Ministry of Justice Legislative Department head, and a Kabul Polytechnic University professor were available to answer questions.

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

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

The ad hoc committee established to resolve language issues in the Higher Education Law is waiting for the Independent Constitution Implementation Monitoring Committee's clarification of the intended meaning of "academic" and "national" in Article 16 of the Constitution. The Wolesi Jirga Religious, Cultural, Education and Higher Education Affairs Committee considered annexes to the Higher Education and Science Academy laws on August 24<sup>th</sup> and decided to continue discussion of additional annexes in a joint meeting of all Wolesi committees on August 31<sup>st</sup>.

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

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

The Meshrano Jirga National Economy and Budget Committee has completed consideration of the law which will likely be introduced to the Meshrano plenary this week.

The law determines salaries of all high ranking government officials.

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

Consideration of the law by the Meshrano Public Welfare and Environment Committee was delayed last week due to discussion of security issues and civilian deaths in military operations.

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

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

The bill saw no activity last week. Legislators are still concerned about wording in Article 2 which they believe violates Article 52 of the Constitution which guarantees free health care for all Afghans. The MPs are discussing taking the issue up with the President's office after being unsatisfied with the Ministry of Public Health's responses to their inquiries.

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 Wolesi Jirga Religious, Cultural, Education and Higher Education Affairs Committee has completed review of the President's amendments. Legislators will reportedly seek a 2/3 positive vote to approve the law without the President's amendments.

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

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

Wolesi Jirga Antinarcotics Committee completed drafting on August 24<sup>th</sup>. The law has been sent to the Wolesi Jirga Central Audit and Oversight on Implementation of the Law Committee.

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 draft saw no activity last week but will be introduced to the Wolesi Jirga plenary at a future date.

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 saw no activity in the Wolesi Jirga Communications, Transportation, City Development and Municipalities Committee last week.

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**

### **Parliament Continues Discussion of Security Issues and International Forces**

Fueled by fresh claims of high civilian casualties in Herat and Laghman, the Wolesi Jirga last week continued its discussion of civilian deaths by international forces. Speaker Qanooni and other MPs met with President Karzai on the issue and reported back to the plenary that the government has assigned the foreign and defense ministries to negotiate with representatives of the international forces and review their legal status within Afghanistan in keeping with Afghan and international law – something Parliament called for two weeks ago. Members of the Meshrano Jirga Administrative Board also met with the President on August 30<sup>th</sup> to support the government's effort. First Deputy Speaker Gailani stated the Upper House's support for the international presence but called for better management to promote accountability and compliance with international law and Afghan religious faith and tradition. The Meshrano is also reportedly still working on its own draft document to regulate international forces in Afghanistan.

At Speaker Qanooni's request, a delegation of MPs from Herat and members of the defense/security committees traveled to Shindad District of Herat to investigate reports of high civilian casualties. Honorable Safi reported that he believes the casualties were entirely civilian and that the international forces failed to coordinate with the Afghan forces. 90 civilians, including 15 older men, 15 women, and 60 children were killed, according to the MP. The UN has indicated that there is evidence to support these claims after conducting its own initial investigation. Senator Noor Mohammad, who was also among the delegation of four Wolesi MPs, two senators and government officials, reported, "Two villages, Azizabad and Nawabad of Shindand District, were bombed. I saw 15 houses completely destroyed with the residents martyred. All houses were bloody, destroyed and there was nothing seen except women and children's clothes and baked pots of food. We questioned the residents who described the incident. There were two commanders in this village, Timor and Nadir. According to the residents, they had problems with each other, but the reason was unclear. Nadir reportedly killed Timor eight months ago. On Friday night, late Timor's brother, Gul Ahmad, held a memorial ceremony and invited people from the village. It was two o'clock at night when the airstrike took place and as a result many civilians were killed. Everyone believes that Nadir provided the incorrect targeting information."

The US military contends that 25-35 militants and 5 civilians were killed and that the higher civilian death claims are part of an information campaign by the Taliban. By request of the US commanders within ISAF, the UN and Afghan government are considering a joint inquiry to reconcile the different accounts.

In the meantime, MPs again last week used strong language to condemn the alleged civilian casualties. Honorable Nadem of Herat said, "Around one hundred civilians including women and children were killed by the foreign security forces. If the foreign forces are here to kill innocent people, then we do not want their democracy and their presence in Afghanistan. The foreign forces should make it clear to us whether they are here to ensure security – or their own long-term agendas."

Honorable Qazizada, also of Herat, said, "People in Shindand have told me that there were no insurgents in the area but that agents had given incorrect reports to the US forces – and that the US forces believed them without verification. Yesterday the clerics of Shindand district asked the clerics of the Herat to visit the area – if they realize that civilians have been killed by US forces, they should declare Jihad against them."

On reported civilian casualties in Laghman, Honorable Mawlawee Sayed Rahman said, "I went to Laghman and witnessed that only innocent people were murdered in the air strikes. The people who you conduct injustice against, how can you expect them to participate in the elections? I visited the hospital to see the wounded. The majority were women, children and elders. One eighty-year-old man seized me by the collar and asked me to check whether there is a drop of al Qaida blood. If the injustice and atrocity of the government continues, all the masses should become al Qaida."

Honorable Mohammad Rahman Ughli of Faryab raised another recurring theme: “Nothing is wrong with the system – the current system is a democratic system and is the favorite of the people, and the current government is an elected government. The problem is with the officials who do not have the capacity to deal with the problems. The cabinet is incompetent so the Lower House should give a vote of no confidence to the ministers. Honorable Katawazi agreed: “The main factors creating insecurity are incompetent ministers and corruption within the government departments. People are losing confidence in the government and the international security forces.”

### **Security Committee Discussed Security Situation**

The Wolesi Jirga Internal Affairs Borders and Local Administrations Committee discussed the security situation on August 24<sup>th</sup>. Committee members strongly condemned the recent NATO air strike on Shindand district of Herat. Afghan security officials were asked to maintain security in Logar province and conduct a military operation against insurgents in Wardak Province. The committee requested MoD, MoI, and NDS officials to attend the next committee meeting and report on civilian casualties in Herat, Kapisa, and Laghman provinces.

### **Ministers Questioned about Plans to Help Kuchis**

The Tribes, Nomads, Refugees and Displaced Persons Committee of the Wolesi Jirga met with the Ministers of Agriculture and Livestock and Rural Rehabilitation Development on August 27<sup>th</sup>. Committee members questioned the ministers regarding their plans to assist Kuchis and people displaced due to drought. The Minister of Agriculture and Livestock, Obaidullah Ramin, explained that construction of 12 permanent and 8 moveable clinics for Kuchis and displaced persons are nearing completion. “The government provided our ministry with 50 million dollars. Several commissions were established to buy wheat from abroad. We will distribute that wheat among the poor population,” added the Minister. Minister of Rural Rehabilitation and Development, Esan Zia, described the “Food for Work” project which is available to Kuchis and explained the Ministry’s plans to make clean water available along Kuchis travel routes.

### **Acronyms:**

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