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Legislative Newsletter

Calendar

- Wolesi Jirga (Lower House) Agenda:
 - Electoral Law
 - Mining Materials Law
 - Law on Salaries of High Ranking Government Officials
 - Law on Petroleum and Gas (Hydro Carbons)
 - Law on Water
 - Income Tax Law
 - Passport Law
 - Organization and Jurisdiction of Courts Law
 - Extradition Law
 - Private Investment Law
 - Law on Rights and Privileges of the Relatives of Martyrs and Missing
 - Law on Mortgage of Immovable Assets in Banking Transactions
 - Education Law
 - Law on Medals and Badges
 - Law on Personnel Affairs of ANA Sergeants
 - Law on Health
 - Higher Education Law
 - Police Law
 - Communication Services Regulatory Law
 - Political Parties Law
 - Law on Social Behavior
 - Afghanistan National Development Strategy (ANDS)
- Meshrano Jirga (Upper House) Agenda:
 - Government Structure Law
 - Law on Stamp Duties of Courts
- Joint Committees:
 - Independent Election Commission Structure Law
 - Law on Foreign Citizen Travel, Work, and Stay
 - Law on Certified Documents Issued in Embassies and Consulates of Afghanistan
 - Law on Civil Servants
 - Law on Gatherings, Protests, and Demonstrations

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 Assembly agendas will remain in the calendar above.

Electoral Law

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

Update: The law is with the Wolesi Jirga.

Independent Election Commission Structure Law

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

Update: The Wolesi Jirga has requested a joint committee to discuss the Meshrano's amendments. The meeting will likely be held following winter recess.

Mining Materials Law

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

Update: A Meshrano-Wolesi joint committee approved the law on December 3rd. The draft will now be sent for presidential endorsement.

Law on Salaries of High Ranking Government Officials

The law determines the salaries of all high ranking government officials.

Update: The Assembly-approved draft will be sent to the President after Eid.

Law on Petroleum and Gas (Hydro Carbons)

The law regulates petroleum and gas ownership, production, lease agreements, contracts, research, and protection.

Update: The Meshrano-Wolesi joint committee approved the law on December 3rd. The law now will be sent to the President for signature.

Law on Water

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

Update: The Wolesi Jirga draft will be sent to the Meshrano Jirga after winter recess.

Income Tax Law

The law outlines tax rates and procedures in accordance with Article 42 of the Constitution.

Update: The Wolesi Jirga draft will be sent to the Meshrano Jirga after winter recess.

Passport Law

The law regulates Afghan citizens' travel abroad.

Update: The Wolesi Jirga is considering the Meshrano's amendments prior to forwarding the draft to the President.

Organization and Jurisdiction of Courts Law

The law will regulate the structure, staffing, and rights and responsibilities of the courts.

Update: The Wolesi is set to forward the draft to the Meshrano in the next session.

Extradition Law

The proposed law regulates issues related to extradition of accused and convicted persons to and from Afghanistan. It would also regulate the handling of requests for international judicial cooperation on criminal matters.

Update: The Wolesi is set to forward the draft to the Meshrano in the next session.

Private Investment Law

The law regulates issues related to encouraging and protecting private investment in a free market economy.

Update: The approved draft law is pending delivery to the President.

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

The law regulates 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.

Update: The Wolesi Jirga will send the draft to the Meshrano following winter recess.

Law on Mortgage of Immovable Assets in Banking Transactions

The law regulates business and banking transactions that use immovable property as security and specifies the rights and obligations of the parties involved. The law aims to: secure debt and contracts using immovable property; facilitate access to negotiable credits by securing immovable property; provide mutual agreement between parties to a banking transaction; and facilitate expansion of commerce, credit, investment, and economic growth.

Update: The Wolesi Jirga will send the draft to the Meshrano following winter recess.

Law on Foreign Citizens' Travel, Work and Stay

The law regulates issues related to foreign citizens' entry, work, and stay in Afghanistan.

Update: A scheduled Wolesi-Meshrano joint committee meeting did not take place last week. The meeting will likely occur following winter recess.

Law on Certified Documents Issued in Embassies and Consulates of Afghanistan

The law regulates fees for certification of business, education related and other legal documents (power of attorney, birth certificates, etc.) issued in Afghan embassies and consulates.

Update: A scheduled Wolesi-Meshrano joint committee meeting did not take place last week. The meeting will likely occur following winter recess.

Education law

The draft law would guarantee equal and balanced access to free primary education for all Afghan citizens. The law aims to eliminate illiteracy and improve the quality of education countrywide.

Update: The bill was inactive in the Wolesi Jirga last week.

Law on Civil Servants

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 levels of Government employees; improve employee qualifications and work ethic; and provide employee housing and benefits.

Update: The Wolesi Jirga has requested a joint meeting with the Upper House to discuss the Meshrano's amendments. The meeting will occur following winter recess.

First Annex of the Science Academy Law

The annex addresses the appointment, salaries, and ranks of Science Academy members and regulates the structure of the institution.

Update: The approved annex was sent to the President on November 30th.

Law on Medals and Badges

The Law on Medals and Badges regulates affairs related to class, value, size, and production of official government medals and badges.

Update: The law was inactive in the Wolesi last week.

Government Structure Law

The law regulates affairs related to government structure in accordance with the Afghan Constitution.

Update: The law was inactive in the Meshrano Jirga Legislative, Justice and Judiciary Committee last week due to lack of a quorum.

Law on Personnel Affairs of ANA Sergeants

The law regulates personnel issues (appointment, transfer, vacation, discipline, rewards, and retirement) of ANA sergeants.

Update: The Wolesi Jirga Defense Committee will consider the law after winter recess.

Law on Stamp Duties of Courts

The law regulates the price of stamp duties and administrative expenses of Afghanistan courts.

Update: The draft will be considered after winter recess.

Law on Health

The law regulates 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.

Update: The Wolesi Jirga will send the draft to the Meshrano after winter recess.

News

Law on Shia Affairs Tabled

On November 29th, Wolesi Jirga Justice and Judiciary Committee Chairman, Honorable Lodin, introduced the Law on Personal Affairs of Shias to the plenary. After long discussions, a majority of Shia MPs voted to ask Afghan Sunni and Shia scholars to conduct a comprehensive review of the draft and the Wolesi committees' amendments before further Assembly deliberation. Some are concerned about Shia laws, particularly those which address temporary marriages and problems between couples. At the same time, many believe that human rights issues that do not contradict the Quran should be included in the laws. Temporary marriage (Segha) was included in the original draft, but has been excluded from the Wolesi draft.

Honorable Erfan, supporting the review by religious scholars said, "We have been divided by the use of language, and we may once again be divided in the name of religion. We do not wish to be guilty in front of Allah Almighty and the people."

Honorable Neely expressed concern about the draft: "The Shiite followers have been living in Afghanistan until now, and no regime has addressed our religious law; it is humiliating now that the human rights commission gives advice on the Shiites' law and wants to affect the religion."

Honorable Sholgary, representative of Ghazni Province, said, "A lot of illegal issues, contrary to Islam, are included in it. For instance, nekah (wedlock) of aunt with nephew and contract-based weddings."

Consideration of the draft law will be continued after National Assembly winter recess.

Assembly Delegation Visits Pul-e-Charkhi

On November 30th a Wolesi Jirga Justice and Judiciary, Complaints and Central Audit and Oversight on Implementation of the Law Committee delegation visited Pul-e-Charkhi prison for the second time in the last six weeks after a riot left several prisoners dead. The Wolesi delegation considers the prison condition a "disaster" and has appointed a committee to review the incident closely. The Wolesi Jirga delegation requested the Ministry of Justice to closely review the prisoners' complaints, which include slow case reviews and prison officials' "attitudes," and seek fundamental solutions.

MPs Question Security Officials over Badghis Attack

On December 2nd, the Wolesi Jirga Defense Affairs and Territorial Integrity, International Affairs, and Internal Affairs Borders and Local Administrations Committees, in the presence of representatives from all Wolesi committees, questioned the Ministers of Defense, Interior, and the head of the NDS over a recent Taliban attack in Bala Murkghab District of Badghis Province which left approximately 58 security personnel dead and 14 injured.

Explaining the factors involved in the event, Minister of Interior, Hanif Atmar, said, “Tribal elders did not meet the security agreement’s conditions, there was a lack of air support for the military caravan, the weather conditions were bad, and the geography aided the insurgents.” Minister of Defense, Abdul Rahim Wardak, said that, “A competent delegation including representatives of the Ministry of Defense, Interior, and NDS have been sent to the area. The delegation has been tasked with conducting a comprehensive report on how the incident happened.”

The MPs considered the explanations unsatisfactory and blamed the officials for negligence. The Wolesi committee suggested capacity building of the security forces.

Honorable Yaqoubi, Badghis MP, said, “The Taliban killed 56 people, took another 30 hostage, and captured 30 Ranger Vehicles. The Taliban is a small group in Murkghab District and their commander was arrested by the government some time ago. When he was released from jail, he was immediately reappointed as commander on the provincial level. The people in the area are disappointed. If the government does not take some measures, people will revolt and an ethnic war may escalate.”

Honorable Oghli commented, “Our National Police are just reporters. They do nothing but report how many are killed and how many are injured. The Badghis incident is a shameful event, and we, the MPs, are just holding moaning ceremonies. It is said that Parliament has power. If we cannot perform our duties, let’s all resign. Why shall we continue our tenure for \$2000 charity? We cannot do anything. We had better not torture the nation anymore.” Honorable Malawi Abdul Aziz added, “Whenever the ministers attend a session, the MPs do not take part in the session; I confirm Rahman Ogholi’s words.”

Honorable Ranjbar countered, “In response to Honorable Oghli’s declaration, I should say that the Parliament is a house of the nation; we should utilize our authority and not resign. To resign from Parliament is unique to the Afghan Parliament; such a thing does not exist in other parliaments of the world. We must improve the government, not resign.”

Committee Conducts Pre-Budget Hearing

The Wolesi Jirga Budget and Finance Committee last week invited the representatives of eight ministries to consider how best the legislators’ views can be reflected in next year’s budget. Officials of the Ministries of Finance, Education, Public Welfare, Public Health, and Water and Energy heard lawmakers’ requests for equitable distribution of the budget and consideration of provincial council priorities. The MPs warned that if their views are not reflected in the 1388 budget, they will refuse to approve it.

In the meantime, the Wolesi plenary session approved Articles 1- 4 of the mid-year budget which include an increase in teachers’ and security force salaries and an addition to the Natural Disaster Department’s budget.

Acronyms:

ANA – Afghan National Army

ANDS – Afghanistan National Development Strategy

ANP – Afghan National Police

DIPR – Department of Information and Public Relations

IEC – Independent Election Commission

IHRC – Independent Human Rights Commission

ISAF – International Security Assistance Force

NATO – North Atlantic Treaty Organization

NDS – National Directorate of Security

MoF – Ministry of Finance