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# Legislative Newsletter

## Calendar

- Wolesi Jirga (Lower House) Agenda:
  - Electoral Law
  - Independent Election Commission Structure Law
  - Forensic Medicine Law
  - The Law on Rights and Privileges of the Disabled
  - Law on Rights and Privileges of the Relatives of Martyrs and Missing
  - Communication Services Regulatory Law
  - Statistics Law
  - Higher Education Law
  - Cooperatives Law
  - Law on Civil Servants
  - Labor Law
  - Law on Social Behavior
  
- Meshrano Jirga (Upper House) Agenda:
  - Mining Materials Law
  - Law on Personnel Affairs of ANA, ANP, and NDC Sergeants
  - 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
  - Road Toll 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 legislative schedule last week was limited due to the parliamentary boycott. The Law on Personnel Affairs of ANA, ANP and NDC Sergeants, Forensic Medicine Law, Law on Civil Servants, Road Toll Law, and Law on Social Behavior did see substantive activity. With the end of the Assembly boycott on May 11<sup>th</sup> (see News, page 5), greater legislative activity is expected this week. In future editions the status and descriptions of bills (below) will be removed when the bill does not see activity for several weeks. They will be reintroduced as bills become active again. Bills on the Assembly agendas will remain in the calendar above.*

### ***Electoral Law***

On May 11<sup>th</sup>, the boycotters and non-boycotters agreed on a compromise to end the Wolesi Jirga protest by Hazara, Uzbek, and Tajik electoral law detractors. See *News*, page 5.

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 Justice and Judiciary Committee awaits comments and amendments from the other Wolesi committees. The Committee will then compile the input for presentation to an integrated meeting of Wolesi committees and the plenary.

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

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

The law is on the Meshrano Jirga agenda.

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 Meshrano Jirga approved the law with Presidents Karzai's amendments on May 6<sup>th</sup> and will send it to the Wolesi to return to the President.

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

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

A scheduled joint Wolesi-Meshrano committee meeting did not take place 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 Meshrano Jirga sent its amended draft to the Wolesi Jirga on May 7<sup>th</sup>.

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 boycott, but the law remains on the agenda.

The law aims to integrate and support the disabled economically.

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

The law is pending a Wolesi Jirga integrated committee meeting.

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 scheduled Wolesi Jirga Communication, Transport, and Municipality Committee meeting with phone and internet company representatives did not happen last week but is being rescheduled with several companies including AWCC and Roshan.

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***

A scheduled meeting of the Wolesi Jirga Religious, Cultural, Education and Higher Education Committee with representatives of the Ministry of Higher Education and Kabul University did not happen last week.

The law will regulate the activities of public and private higher education institutions in Afghanistan. The Wolesi Jirga Legislative Affairs Committee has made several amendments to the bill.

### ***Medicine Law***

The Medicine Law is at the top of 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 scheduled joint Meshrano-Wolesi committee did not happen due to the electoral law boycott.

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

### ***Cooperatives Law***

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

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***

The Wolesi discussed the law last week, including arguing for a minimum 7,000 Afs salary, but was unable to vote on articles due to lack of a quorum. See "Food Prices," and "Teachers' Salaries" 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 Meshrano's amendments are scheduled for consideration by the Wolesi Jirga.

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

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

The Meshrano's amendments are pending discussion by a joint Wolesi-Meshrano committee tentatively scheduled for this Thursday. The Wolesi Jirga Economic Committee has introduced 3 legislators to the committee.

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**

The Wolesi Jirga Legal Board is working on the draft in cooperation with the Wolesi Jirga Antinarcotics Committee. The final draft will be shared with the Ministry of Justice before being sent to the other committees.

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

### **Electoral Law Boycott Resolved**

On May 10<sup>th</sup>, a group of 10 MPs from each side of the conflict plus the Wolesi Jirga Administrative Board agreed on conditions to resolve the Assembly boycott by MPs opposed to Kuchi seats and national constituency. The boycotters returned to the Assembly on May 11<sup>th</sup>. The signed Agreement terms states that:

1. Honorable Alum Gul Kuchi apologize for asserting that Kuchis are Afghanistan's original inhabitants while all other groups are immigrants. And that, in the absence of an apology, the Administrative Board institute disciplinary measures according to Wolesi Jirga internal regulations;
2. The Wolesi Administrative Board closely follow the Constitution and Wolesi Jirga's internal rules to avoid future procedural errors;

3. The committee of 10 MPs from each side continue to work on the issue of reserved Wolesi Jirga seats for Kuchis with close consideration for Articles 22 and 83 of the Constitution;
4. The definition of Kuchis outlined in the Public Registration Law (those without immovable property and who move frequently) be included in the Electoral Law;
5. The legitimacy of the April 8<sup>th</sup> vote approving designated seats for Kuchis (Article 9 of the Electoral Law) be reexamined. The joint committee will continue its discussion of the contentious articles and report their findings to the Committee of Chairs prior to further plenary discussion.
6. The joint committee thanks all respected MPs and those who worked for understanding and trust among MPs.

The debate over the contentious issues in the Electoral Law will begin again under a broader committee. Most of the core challenges remain: Honorable Registani, Chairman of the Wolesi Jirga Electoral Law Subcommittee, told APAP on May 8<sup>th</sup> that he and the former boycotters remain opposed to the 10 Wolesi Jirga seats, the provincial council, district, and village council seats, and a national constituency for Kuchis as unfair and unconstitutional advantages. The MP argues that Kuchis, being equal Afghans, should be registered and vote in provincial constituencies like other groups.

The boycotters have dropped their demand to send the law back to the Government due to the Independent Election Commission's reported pledge to leave the draft unchanged.

The non-boycotters argue that the accommodating measures in the Electoral Law are fair. Honorable Alum Gul Kuchi, as previously reported, remains entrenched in his defense of what he sees as rightfully, and legally, Kuchis'.

The two sides have reportedly agreed on the previous definition of Kuchis: those without immovable property and who move frequently. The impact the new, larger committee's deliberations have on the committee members themselves and the Wolesi Jirga as whole is to be determined.

Prior to the agreement, MPs from both sides agreed that the debate was becoming perilously ethnic with – generally – Pashtuns siding with the Kuchis and non-Pashtuns siding with the protesters. Honorable Haji Farid, appealed last week for his colleagues to rise above factionalism with, “Some of you have heard the Television interviews, where MPs are called smugglers, murderers, and plunderers. We passed two and half years under this umbrella, but there was nothing like this. I say clearly that some would like to drag Afghanistan once again to a situation like that after the collapse of Dr. Najibullah's government (in 1992 prior to the outbreak of civil war) by spreading this (divisiveness) through Parliament and fostering tribal strife. The boycotting MPs should come to Parliament, convince others, or be convinced themselves. If they would like to fight, Parliament is not the place for fighting...”

Pressure was also building to restore a quorum and process pressing legislation, including the Law on Civil Servants. “We are all public servants. No one has the right to avoid his duties. Protesters create problems realizing that without their

participation no law can be passed. I want to announce to all civil servants that your representatives are those inside the Assembly. If the law is not approved, the protesters and absentees are guilty for that,” said Honorable Merani.

### **Food Prices**

During discussion of the Law on Civil Servants, MPs asked the administration to develop a plan to control prices. Some legislators considered the salary increase, as discussed in the Law on Civil Servants debate, an ineffective solution given that price controls are not an option in the free market system, and instead asked for distribution of basic food items among civil servants. Speaker Qanooni said, “If inflation is not controlled by the government, salary increases will have no impact.”

### **Teachers’ Salaries**

Wolesi Jirga First Deputy Speaker Yaseeni informed the plenary that on April 26<sup>th</sup> he and Honorable Osmani, Budget and Finance Committee Chairman, met with demonstrating teachers about their unpaid salaries. Last week, Speaker Qanooni addressed the issue by pointing out that, “We are considering the Law on Civil Servants. But this law will be enforced after the Meshrano and President’s endorsements, which may take a long time. If the Ministry of Education has not paid salaries for two months, it should not be considered a Wolesi problem. Obviously we will try to approve the law as soon as we can, but the lack of quorum (due to the former boycott) makes this impossible.”

### **MPs Follow Up Interpellation Issue**

Heated debate erupted last week when Honorable Ranjbar and Honorable Fatama Aziz raised the issue of interpellation of ministers. Some argued that they want future interpellations to be open and that there should be no secret deals between government officials and MPs. “In each interpellation, the national welfare is not MPs concern, but their own interests are,” one MP said. Many MPs accused their colleagues of striking deals with the government during interpellation of the Ministers of Defense and Interior and Head of the National Directorate of Security after the Mujahedeen Day assassination attempt on President Karzai.