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Legislative Newsletter

Calendar

- Wolesi Jirga (Lower House) Agenda:
 - Electoral Law
 - Independent Election Commission Structure Law
 - The Law on Rights and Privileges of the Disabled
 - Law on Rights and Privileges of the Relatives of Martyrs and Missing
 - Statistics Law
 - Higher Education Law
 - Cooperatives Law
 - Law on Civil Servants
 - Labor Law
 - Road Toll Law
 - Law on Social Behavior
 - Communication Services Regulatory Law
 - Forensic Medicine Law

- Meshrano Jirga (Upper House) Agenda:
 - Medicine Law
 - Mining Materials Law
 - Law on Personnel Affairs of ANA, ANP, and NDC Sergeants

- 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

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 ongoing parliamentary boycott and Mujahedeen Day related events. See News, page 5. The Independent Election Commission Structure Law, Forensic Medicine Law, and Higher Education Law did see substantive activity.

Electoral Law

The Wolesi Jirga boycott by Hazara, Uzbek, and Tajik electoral law detractors continued again last week. Speaker Qanooni has established a new committee of MPs to continue negotiations. The politics behind the boycott remain prevalent in the Assembly. 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 concluded its initial review of and amendments to the law and distributed it to the other Wolesi Jirga committees for review.

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

Mining Materials Law

By request of the Ministry of Mines and Minerals, the Meshrano Jirga has made consideration of the law a priority.

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 law, with President Karzai's amendments (which the Wolesi approved last year), is included in Meshrano Jirga's plenary agenda.

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 happen 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 completed its review on April 29th, adding one article to require government responsibility for security of forensic medicine workers. The amended draft will go to the Wolesi for review.

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 conflict and boycott.

The law aims to integrate and support the disabled economically.

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

The bill saw no activity last week due to the Assembly boycott.

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 Wolesi Jirga Communication, Transport, and Municipality Committee will tentatively approve the law this Tuesday after discussion with phone and internet company representatives.

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

The law is with the Religious, Cultural, Education and Higher Education Committee of Wolesi Jirga which has reviewed 38 articles. The Committee is waiting for input from the Ministry of Higher Education and Kabul University representatives.

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 law saw no substantive debate last week but was referenced by several Wolesi MPs as essential to ensuring that key employees, such as teachers, continue working.

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 review by the Wolesi Jirga.

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 Antinarcotics Committee continues its work on the law. Progress in its drafting/revision is expected to be slow.

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

Parliament Buries MP

On the 28th, MPs gathered in Parliament for prayers around the body of Honorable Fazel Rahman Samkanai, who died of wounds suffered in the Mujahedeen Day attack. Samkanai's family members, Government officials, Paktia Province elders and MPs participated in the ceremony. Late Honorable Samkanai's body was later buried in the future Parliament complex next to the tombs of 6 MPs killed in Baghlan Province last year.

The wounded Honorable Daoud Zazai has been sent to India with family members for further treatment.

Assembly Calls Security Officials for Questioning

The Wolesi Jirga on April 29th questioned Minister of Defense, Abdul Rahim Wardak, Interior Minister, Zazar Ahmad Muqbel, and the National Directorate of Security Director, Amrullah Saleh, regarding failure of the security forces to prevent, and their reaction during, the attacks on Mujahedeen Day celebrations on April 27th. The officials offered details in explaining the incident, including acknowledging that the security services had been infiltrated. In their defense, Mr. Saleh explained that the security services had foiled two additional plots prior to the event. The MPs posed tough questions but the attacks went both directions with MPs and officials

trading insults. All three officials were, however, contrite in accepting blame and offering condolences. Mr. Wardak agreed with MPs that the incident was shameful and damaging to Afghanistan's dignity in the international arena. Interior Minister Muqbel accepted the police force weakness in failing to prevent the incident.

Several MPs strongly criticized the security forces for fleeing during the attack. Afghans' reputation for bravery has been replaced by cowardice, according to Honorable Asakzai of Kandahar. As a result, Honorable Bashar Dost argued that Parliament should act as the court of justice in dealing with those who ran away, having done nothing for the country.

In line with this sentiment and unsatisfied with their testimony, the MPs voted to submit the officials to votes of confidence. Speaker Qanooni explained that 121 votes constituted 50% plus one (with Parliament reduced to 240 MPs due to deaths), which is the constitutionally mandated minimum to make a vote of no confidence binding. Mr. Wardak and Mr. Muqbel received 110 negative and 62 positive votes, while Mr. Saleh garnered 100 negative and 73 positive votes of confidence, so all three retained their jobs.

Later in the week, several MPs argued that due to MPs' continual absence (there were only 179 in attendance during the vote) the majority threshold should be lower. Other MPs blamed President Karzai's supporters for intentionally avoiding the special session. Several MPs, including Honorable Atmar and Honorable Bezhan accused others of striking deals with the government to vote in favor of the security bosses.

Electoral Law Boycott

The boycott debate was overtaken by last week's security developments. While the protest continued, many, but not all, from the boycotting group did participate in the security officials' interpolation and Honorable Samkanai's funeral.

In an apparent attempt to placate the boycotters and fill the gap left by the first ad hoc committee's dissolution, Speaker Qanooni suggested a new committee be appointed to mediate the dispute. After consultations with both sides, he offered the following eight MPs: Honorable Babrak Shinwari, Hon. Mueen Marastial, Hon. Khalid Pashtun, Hon. Jalala, Hon. Shukria Barakzai, Hon. Usmani, Hon. Olomi and Hon. Farahi. The commission will have no decision making authority but will report back to the Wolesi Jirga plenary.

Kuchi representative Honorable Alamgul Kuchi supported the step, explaining that, as an Afghan respecting Afghan culture, he would honor appointment of the Jirga or "committee" to resolve the issue. "This hall is not my personal house, it is the house of the nation and center of law. Let the issues be told. Personally, I have no problem with Tajik, Uzbek, Turkmen and Hazara people, but I do have problems with [certain individuals]."

New committee member Honorable Barakzai continued her criticism of MPs outside the Assembly, arguing that, "the MPs are strange. They do not care about hunger in the belly of the nation or grieve for their assassinated companion. They only think of tribal politics – if it is sabotage, it is very cowardly." To encourage accountability,

the MP asked that one signed list of boycotting MPs and a second list of absent MPs be taken and announced to the media.

Honorable Akbari reconfirmed the boycotters' position with, "we have been on strike from 26 March until now because of the two MPs' argument. If our demand (to take the electoral law off the agenda) is not accepted, we will carry on."

Wolesi Jirga Attendance

Frustrated by their inability to gain a majority vote of no confidence on April 29th, MPs on the 30th discussed ways to address the chronic problem of their colleagues' poor attendance. The MPs complained that important legislation – most recently the Civil Servants Law, on which public salaries depend – is frequently delayed in the Lower House due to lack of a quorum. The issue has been exacerbated by the current boycott. Speaker Qanooni called the dysfunction over the last 22 days "a huge waste of time."

The Speaker asked the legislators to develop a plan for resolving the matter permanently and promised a review of Wolesi Jirga policies. Ideas floated include reducing salary payments based number of days absent and distributing the funds to the poor. "Besides cutting financial benefits, I propose revealing the names to the media, so the people will realize that some elected MPs are irresponsible and ignorant," said Speaker Qanooni. To improve the Assembly's function, some suggested decreasing the majority threshold based on revised total membership numbers which reflect the attendance reality.

Meshrano Jirga Commemorates Murder of Senator

The special plenary session of the Meshrano on Wednesday, April 30th commemorated the first anniversary of Senator Farid's murder. The ceremony included recitation of the Holy Koran and prayers for the late Honorable Farid's soul. The Lower House Speaker and other legislators also participated in ceremony.

Speaker Qanooni Meets European Union Parliamentary Delegation

On April 28th Parliament Lower House speaker Mohammad Younus Qanooni met with an EU Parliament delegation. During the meeting Speaker Qanooni acknowledged the international community's assistance to Afghanistan and requested continued cooperation. Speaker Qanooni highlighted Afghanistan's progress over the last six years and acknowledged its failures.

The EU delegation expressed their condolences for Honorable Samkanai's death and promised to cooperate in expanding the Afghan and EU Parliament's relationship. Transparency in economic assistance, the security situation, and upcoming elections were also discussed.

Source: Wolesi Jirga DIPR