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# Legislative Newsletter

## Calendar

- Wolesi Jirga (Lower House) Agenda:
  - Electoral Law
  - Law on Social Behavior
  - Law on Water
  - Income Tax Law
  - Organization and Jurisdiction of Courts Law
  - Extradition Law
  - Law on Rights and Privileges of the Relatives of Martyrs and Missing
  - Law on Mortgage of Immovable Assets in Banking Transactions
  - Education Law
  - Higher Education Law
  - Law on Health
  - Police Law
  - Communication Services Regulatory Law
  - Political Parties Law
  - Afghanistan National Development Strategy (ANDS)
  
- Meshrano Jirga (Upper House) Agenda:
  - Independent Election Commission Structure Law
  - Law on Rights and Privileges of the Disabled
  - Passport Law
  - Private Investment Law
  - Law on Foreign Citizen Travel, Work, and Stay
  - Law of Certified Documents in Political Agencies of Afghanistan in Foreign Countries
  - Law on Civil Servants
  
- Joint Committees:
  - Mining Materials Law
  - Law on Salaries of High Ranking Government Officials
  - Law on Petroleum and Gas (Hydro Carbons)
  - 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 Electoral Law status remains unchanged from last week. A date for introduction in the Wolesi Jirga plenary is unknown. APAP has learned that the Wolesi Jirga is avoiding further plenary discussion of the draft until at least the start of the next session due to concerns of renewed tension over Article 9, which allocates 10 seats for Kuchi nomads in the Lower House. Last session said tension resulted in a five week walkout by Kuchi seat opponents.

### ***Independent Election Commission Structure Law***

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

Update: The Meshrano Jirga approved the bill last week. The draft is pending return to the Wolesi which will likely request a joint committee to discuss the Meshrano's amendments.

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

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

Update: A scheduled Meshrano-Wolesi joint committee meeting was not held due to the Wolesi Jirga secretariat's legislative drafting study mission to Egypt.

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

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

Update: No date has been set for a planned Meshrano-Wolesi joint committee meeting to discuss the Meshrano's amendments.

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

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

Update: The Wolesi Jirga has requested a joint committee meeting with the Meshrano to discuss the Upper House amendments. No date has been set.

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

The draft law includes a code for properly wearing a Hejab (a woman's headscarf), and prohibitions on: pigeon flying; men and women sharing 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.

Update: A date for the anticipated integrated meeting of Wolesi Jirga committees has not been set.

### ***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: Further plenary discussion of the bill is pending an integrated committee review and approval of Articles 8 and 34.

### ***Income Tax Law***

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

Update: The Wolesi Jirga has not sent its approved draft to the Meshrano Jirga due to the Wolesi Jirga secretariat's legislative drafting study mission to Egypt.

### ***Law on Rights and Privileges of the Disabled***

The law aims to integrate and support the disabled economically.

Update: The Meshrano Jirga is set to return the bill to the Wolesi when the secretariat staff returns from its legislative drafting study mission to Egypt.

### ***Passport Law***

The law regulates Afghan citizens' travel abroad.

Update: The Meshrano Jirga received a revised draft addressing its concerns from the Wolesi on November 8<sup>th</sup> and has begun its review.

### ***Organization and Jurisdiction of Courts Law***

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

Update: The Wolesi Jirga approved the draft law on November 15<sup>th</sup> and will forward it to the Meshrano Jirga by the end of the week.

### ***Extradition Law***

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

Update: An integrated meeting of Wolesi committees completed consideration of the law on November 16<sup>th</sup>. The draft is included in the Wolesi Jirga plenary agenda on November 17<sup>th</sup>.

### ***Private Investment Law***

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

Update: The law is awaiting consideration by the Meshrano Jirga.

### ***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 law was inactive last week.

### ***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 purpose of the law is 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 draft is set to move to the Meshrano after the Wolesi Jirga's approval on November 15<sup>th</sup>.

### ***Law on Foreign Citizen's Travel, Work and Stay***

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

Update: The Meshrano Jirga approved Articles 19 and 44 of the law on November 9<sup>th</sup>. The Meshrano draft sets the following rates for multiple entry visas: 90 USD for three months; 180 USD for six months; and 360 USD for one year. The Meshrano added a new paragraph to Article 19: "The price should be adjusted accordingly for citizens of those counties which charge Afghans more than said amount."

### ***Law of Certified Documents in Political Agencies of Afghanistan in Foreign Countries***

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

Update: The Meshrano Jirga approved all Wolesi amendments with a few minor changes on November 12<sup>th</sup>. The draft will now be returned to Wolesi.

### ***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 draft law was inactive 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 standards of Government employees; improve employee talent and work ethic; and provide employee housing and benefits.

Update: After the Assembly's approval of the law several months ago, the Independent Civil Service Commission (ICSC) requested the National Assembly to include Super Scale salaries for certain professional civil servants. The Wolesi refused to approve the government amendments, but the Meshrano approved the following addition to Article 36 on November 11<sup>th</sup>: "In order to keep and recruit more professional and experienced employees and to improve productivity of government institutions, exceptional financial advantages will be offered according to available finances of the government offices."

## **News**

### **Language Issue Raised Again**

Spurred by recent violent incidents, MPs last week commented on the lingering conflict over the use of Dari and Pashtu terms for academic titles. Honorable Marastial said, "There are problems among the university students. There are hands behind the curtains on the issue of 'pohantoon' and 'danishgah.' In Balkh Province the Governor solved the problem. Some university students were killed in the fight, but the Governor wrote the term in three languages 'danishgah' (Dari) 'pohantoon' (Pashtu) and 'university' on the board. The Ministry of Higher Education should solve the problem that it created. A similar problem arose in Baghlan Province yesterday."

Honorable Mohaqiq, Chairman of the Wolesi Jirga Religious, Cultural, Education and Higher Education Committee commented, “The Balkh Governor has done a good job. When people do not like ‘pohantoon,’ write ‘danishga’ instead.”

Honorable Haji Omar replied, “The term ‘danishgah’ is an Iranian term, and we do not permit Iranian culture.”

Honorable Mohaqiq: “They (the students) must fight then.”

Honorable Miranai: “The Ministry of Higher Education should act according to the Constitution, which tasks the Ministry of Justice to judge these matters.”

### **Wolesi Jirga Weighs in on Peace Negotiations**

Minister of Education Farooq Wardak attended the Wolesi Jirga plenary on November 12<sup>th</sup> to field legislators’ questions about government participation in recent conflict resolution negotiations in Saudi Arabia and Islamabad.

With regard to the Assembly’s limited role to date in negotiations, Honorable Fahimi asked, “Who authorized the Jirga and Jirgagay (small Jirga in Islamabad)?”

Minister Wardak replied, “I think there is no legal prohibition on working for peace in any country.”

Honorable Joyenda criticized the government for being exclusive: “You have talked of the negotiations behind closed doors. Would you clarify what they were? Many weak delegates were selected based on personal recommendations.” Honorable Alam Gul Kuch added, “The Jirga was headed by someone who was involved in fighting in the past. I can confidently tell you that the people in your Peace Jirga are not sound.”

The MPs continued with questions and comments asserting a greater role for Parliament in any peace process. Honorable Sultanzoi said, “The Wolesi Jirga has approved neither the Peace Jirga nor the Small Jirga.” Honorable Safya Seddiqi followed with, “Do the Peace Jirga and Jirgagay have any legitimacy?” Honorable Akbari suggested, “The President should have come here to consult the Assembly on the Peace Jirga and Small Jirga.”

Honorable Attaullah Ludin, Wolesi Jirga Justice and Judiciary Committee Chairman, supported negotiations with the opposition groups: “The Jirga is the custom of Afghans. There is no debate with the government opponents. If there is no talk with figures like Mr. Hekmatyar and Mr. Mullah Omar, how you can you bring peace?”

### **Budget and Finance Committee Discusses Ministry Expenditures**

The Wolesi Jirga Budget and Finance Committee met with the Minister of Antinarcotics, General Khudai Dad, on November 11<sup>th</sup> to discuss implementation of the Ministry’s development plans and execution of its 1385-1387 development budget. Minister Dad explained that, “In 1385 the Ministry of Antinarcotics spent 30 million USD, and in 1386, 37.4 million USD of its development budget on different projects.” The Committee asked the Minister to provide documentation for better

monitoring of provincial expenditures. Committee members and the Minister agreed on a schedule for legislators and ministerial teams to do site visits of the Ministry's projects.

### **Lower House Condemns Attack on High School Girls**

On November 15<sup>th</sup> the Wolesi Jirga condemned an acid attack on Nazo Anna High School girl students in Kandahar. The Wolesi characterized the action as the work of Afghanistan's enemies and called on Afghans to resist the unforgivable crimes of insurgents. The Wolesi asked government officials to identify the criminals and bring them to justice and called on the Independent Human Right Commission (IHRC) to convey the voices of the school girls and their families to the world community. Finally, the Wolesi requested that the Minister of Interior travel to Kandahar to monitor investigation of the case.

### **Committee Deputy Resigns**

The Deputy Chairman of the Wolesi Jirga Religious, Cultural, Education and Higher Education Affairs Committee, Moeen Marastial, resigned on November 12<sup>th</sup>. Honorable Marastial cited what he called an unprofessional approach and lack of law making knowledge of committee members as his rationale. "We have no major achievements during this legislative term. The committee members' approach to their job is not professional," Marastial said. "While the nation is waiting for us to approve laws, we are busy doing our own business. How can you expect a MP who does not know much about laws to work for the benefit of the public?" Despite his frustrations with the Committee, Honorable Marastial will continue to participate in Wolesi plenary sessions. "I will try to become member of another committee after winter recess. I will continue to participate in all Wolesi Jirga activities but the committee meetings."

### **MPs Question Emergency Committee**

On November 8<sup>th</sup>, by request of the Wolesi Jirga, the government Emergency Committee reported to the Wolesi Jirga on its preparation for winter. Legislators' questions covered poverty, hunger, unemployment, road closures, and lack of transparent plans to tackle irrigation problems. MPs criticized the absence of some Emergency Committee members and asked the executive to come up with short and long-term strategies on poverty reduction. Lawmakers also demanded appropriate actions by the executive to keep Afghanistan's major highways open and provide needy families with health services. The lawmakers called for equal distribution of aid in all parts of Afghanistan.

Emergency Committee member and Minister of Agriculture, Livestock and Irrigation, Mohammad, Asif Rahimi, told MPs his ministry has taken action in four different fields: distribution of food items; distribution of clothing, tents and other equipment; maintenance of roads; and preparation of grazing materials for animals. The Minister detailed information regarding food supplies and said, "If you MPs agree, I will raise the agriculture budget six times, but the budget itself will not be enough. We should build capacity. I would like to bring experts from inside and outside the country so we can raise the capacity of the ministry."

The Minister explained that the relevant ministries have incorporated recent supplemental food assistance to be distributed in the provinces.

### **Wolesi Speaker Meets Diplomats**

Wolesi Jirga Speaker Muhammad Younus Qanooni met with the Ambassador of the United Arab Emirates on November 9<sup>th</sup>. Agenda items included Afghanistan's current situation, preparation for the next presidential election, reconstruction, and the fight against terror.

The Speaker also met with ambassadors of Greece, Italy, Germany, Iran, and Norway to express his gratitude for their assistance. Honorable Qanooni called for expansion of the parliamentary relationship between Afghanistan and said countries. The ambassadors pledged that their countries will continue supporting Afghanistan in cultural, economic, military, and legislative affairs.

Source: Wolesi Jirga DIPR

### 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

PILDAT - Pakistan Institute of Legislative Development and Transparency

ICSC - Independent Civil Service Commission