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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
  - Higher Education Law
  - Law on Health
  - Police Law
  - Communication Services Regulatory Law
  - Political Parties Law
  - Afghanistan National Development Strategy (ANDS)
  - Education Law
  
- 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
  
- 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.

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

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

Update: The law was inactive last week due to lack of quorum caused by Assembly membership attendance of the Afghanistan-Pakistan Parliamentary Conference. Consideration of the law will continue this week.

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

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

Update: The scheduled Meshrano-Wolesi joint committee was not held due to the Afghanistan-Pakistan Parliamentary Conference.

### ***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: The Wolesi Jirga plenary approved seven articles of the law on October 29<sup>th</sup> and will continue its deliberations this week. During the discussions MPs criticized a controversial agreement which grants Iran the rights to Helmond's water. The MPs suggested finding a way to reverse the old agreement and restore Afghan ownership of its water sources.

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

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

Update: The Wolesi Jirga is scheduled to send the draft to the Meshrano Jirga by the end of the week.

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

The law aims to integrate and support the disabled economically.

Update: The Meshrano Jirga anticipates consideration of the draft on November 4<sup>th</sup>.

### ***Passport Law***

The law regulates Afghan citizens' travel abroad.

Update: The Meshrano Jirga Legislative Department returned the draft to the Wolesi on October 28<sup>th</sup> to correct grammatical mistakes and include several forgotten amendments.

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

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

Update: The draft is pending introduction to the Wolesi Jirga plenary.

### ***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: The law is still pending consideration by an integrated meeting of all Wolesi committees, but the Disabled, Martyred, and Widowed; Central Audit and Oversight on Implementation of the Law; and Immunities and Privileges of MPs committees considered the draft on October 28<sup>th</sup>. The lead committee for the bill, Justice and Judiciary, is currently busy with the Organization and Jurisdiction of Courts Law and does not expect to return to the Extradition Law during this parliamentary session.

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

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

Update: The law is pending 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 bill remained 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 bill was inactive in the Wolesi committees last week.

### ***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 law is with the Meshrano Jirga International Affairs Committee, which did not meet last week. The committee anticipates introducing the law to the Meshrano plenary on November 9<sup>th</sup>.

## ***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 law is with the Meshrano Jirga International Affairs Committee, which did not meet last week.

## ***Education law***

The draft law would grant 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 Wolesi Jirga Central Audit and Oversight on Implementation of the Law; and Religious, Cultural, Education and Higher Education Affairs committees considered the draft on October 26<sup>th</sup>.

## **News**

### **Wolesi Jirga Condemns Killing of Civilians**

On October 25, the Wolesi Jirga plenary condemned the Taliban killing of 27 Laghman Province residents on Kabul-Kandahar highway. The “killing of innocent residents of Laghman Province is a terrorist act violating human rights norms,” the Wolesi declaration states. Wolesi members expressed their condolences to the victims’ families and friends and Afghans generally. The Wolesi requested the government to question security officials on the matter and share the results with lawmakers. The security institutions were asked to provide the families with whatever assistance is necessary. The Laghman residents were reportedly traveling to Iran for employment proposes.

### **Herat Lawmakers Continue Assembly Boycott**

Boycotting Herat Province MPs said in a press conference last week, “Until the government establishes security in Herat, we will not participate in National Assembly activities.” Other Wolesi MPs criticized the executive for failing to take appropriate action to meet Herat residents’ demands. Honorable Moyeen Mrasthyaal (Kunduz) supported the Herat legislators in saying that they represent all Afghans, not just Heratis. Speaker Qanooni said, “I have contacted the officials regarding the insecurity in Herat. Let us take a serious decision about the kidnappers and terrorists. They are being apprehended and then released by paying a bribe. In my opinion, criminals shall not be forgiven.”

Honorable Sajad raised similar concerns about Ghazni Province: “Your Excellency Qanooni, the situation is very bad in Ghazni. Districts are under the Taliban’s control. Unless there is a solution to the problem, Ghazni would fall to the Taliban.

We shall take a serious decision in this regard, otherwise we will protest like the MPs of Herat Province.”

### **MPs Push for Diplomat’s Release**

On October 27<sup>th</sup>, the Wolesi Jirga called for greater action on behalf of the Afghan Ambassador to Islamabad, Abdul Khaleq Farahi, who was abducted in Peshawar in August.

Farahi Farah Province MP and brother of the abducted diplomat said, “I have regret; Abdul Khaleq Farahi is not only my brother, but an Afghan diplomat. If one of the President’s bodyguards were killed, what noises might have been heard? In the case of releasing my brother, you did nothing.” Honorable Farahi called for summoning of Ministry of Foreign Affairs officials to address the issue in the Assembly.

Speaker Qanooni explained that he wrote the government to take more assertive action and, by suggestion of Honorable Barakzai, contacted government representatives participating in the Peace Jirga in Islamabad who raised the issue with Pakistani officials in one of the sessions. The Pakistanis promised action.

If these measures fail, Honorable Barakzai suggested an Afghan special operation within Pakistan to free the diplomat.

### **MPs Continue Comments on Voter Registration Process**

Several MPs last week continued criticism of the ongoing election registration process. MPs reiterated the view that two registration centers per district provide inadequate access to residents in remote locations such as Badakhshan. Honorable Fauzia Kofi cited a lack of public awareness of the process. Honorable Sajadi noted the negative impact of the security situation on turnout. Speaker Qanooni supported these observations with, “We have received similar complaints from other provinces. No one has gone to register in the remote villages.”

Some MPs went as far as to suggest impropriety in the process. Honorable Sajadi said, “Registration cards are given to the representatives of Karzai to fill out at home.” Honorable Sultanzoi supported the accusation with, “As a representative of Ghazni Province, I 100 percent confirm Honorable Sajadi’s comments. Registration cards are taken to predetermined homes. I am an eye witness. Certain people are being paid by Karzai.” Speaker Qanooni commented, “Then what does electoral transparency mean? We must make serious inquiries with the elections authorities regarding the issue.” The IEC has denied these and other charges of multiple registrations.

### **Afghan-Pakistani Inter-Parliamentary Exchange Takes Place in Kabul**

The Second Joint Workshop of Afghan and Pakistani Parliamentarians took place on October 28<sup>th</sup> and 29<sup>th</sup> at the Serena Hotel. The workshop, sponsored by PILDAT and funded by the British Council, was intended to be an exchange of experiences of budgetary processes between parliamentary peers and a review of international best practice. A broader discussion of political, security and economic issues also took place. In his remarks, Wolesi Jirga Speaker Qanooni pointed out that budget input,

approval, implementation, and monitoring is one of the primary responsibilities of parliaments. “The budget is one of the fundamental instruments in moving towards development and improvement in different priority areas,” the Speaker said. Honorable Jan Muhammad Khan Jamali, Deputy Chair of the Pakistan Upper House said, “It is time for both countries and both parliaments to cooperate with each other. An exchange of experiences will have a great positive impact on our future work.”

Afghan participants included: Meshrano Jirga First Deputy Speaker Honorable Gailani; Wolesi Jirga Speaker, Honorable Qanooni; chairmen of the Upper and Lower House committees; Minister of Finance, Honorable Ahadi; Deputy Minister of Foreign Affairs, Honorable Farahi; Mohammad Akbar Wahdat, Chairman of Budget and Meshrano Jirga National Economy Committee, Mohammad Sediq Osmani, Chairman of the Wolesi Jirga Budget and Finance Committee, Secretary Generals of both houses, Afghan MPs, members of the Afghan Parliamentary staff and media.

Pakistani participants included: Senate Deputy Speaker Jamali; PILDAT Advisory Board Chairman, Senator S.M. Zafar; Omar Ayub Khan, Former Federal Minister of Finance, Revenue, Economic Affairs and Statistics; Mr. Ahmed Bilal Mehboob, PILDAT Executive Director; and Ms. Aasya Riaz, Deputy Director, PILDAT.

#### 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