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Legislative Newsletter

Calendar

- Wolesi Jirga (Lower House) Agenda:
 - Electoral Law
 - Independent Election Commission Structure Law
 - Law on Rights and Privileges of the Disabled
 - Private Investment Law
 - Law on Rights and Privileges of the Relatives of Martyrs and Missing
 - Law on Foreign Citizen Travel, Work, and Stay
 - Law of Certified Documents in Political Agencies of Afghanistan in Foreign Countries
 - Education Law
 - Law on Civil Servants
 - Law on Medals and Badges
 - Higher Education Law
 - Law on Health
 - Police Law
 - Communication Services Regulatory Law
 - Political Parties Law
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 - Afghanistan National Development Strategy (ANDS)
 - Law on Personnel Affairs of ANA Sergeants
- Meshrano Jirga (Upper House) Agenda:
 - Law on Water
 - Income Tax Law
 - Passport Law
 - Organization and Jurisdiction of Courts Law
 - Extradition Law
 - Law on Mortgage of Immovable Assets in Banking Transactions
 - First Annex of the Law on Science Academy
 - Government Structure Law
- 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 law's reintroduction to the Wolesi Jirga plenary is unlikely this session.

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 sent the draft back to the Wolesi on the 19th. The Wolesi 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 date for the planned Meshrano-Wolesi joint committee meeting has not been set.

Law on Salaries of High Ranking Government Officials

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

Update: A Meshrano-Wolesi joint committee approved the draft on November 19th. The law will likely be sent to the President by the end of the week.

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 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 completed its deliberations and approved the draft on November 17th. The law now will now be sent to the Meshrano Jirga.

Income Tax Law

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

Update: The Wolesi Jirga sent its approved draft to the Meshrano Jirga on November 16th.

Law on Rights and Privileges of the Disabled

The law aims to integrate and support the disabled economically.

Update: The Meshrano Jirga sent its approved draft to the Wolesi on November 19th. The draft will now be forwarded to the President.

Passport Law

The law regulates Afghan citizens' travel abroad.

Update: The draft is scheduled to reach the Meshrano Jirga plenary on November 23rd.

Organization and Jurisdiction of Courts Law

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

Update: The Wolesi Jirga forwarded its approved draft to the Meshrano Jirga on November 19th.

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: Chairman of Justice and Judiciary Committee, Honorable Lodin, introduced the draft to the Wolesi Jirga plenary, which approved it on November 17th. The law will be sent to the Meshrano Jirga this week.

Private Investment Law

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

Update: The Meshrano Jirga approved the law and sent it back to the Wolesi on November 16th.

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: After approving the draft on November 19th, the Wolesi Jirga anticipates forwarding it to the Meshrano this week. During the debate, Honorable Ranjbar argued that language specifying that “dependents of Mujahidin” should be provided benefits is discriminatory without including the dependents of Communists. Honorable Registani countered that, “Just like the law on university professors, teachers, students, etc., the law on the martyrs’ dependants should be specific to ‘dependents of Mujahidin.’”

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 Wolesi Jirga approved the draft on November 15th and will forward it to the Meshrano for consideration. The Wolesi draft provides for long-term government loans for property owners to start businesses and construct facilities/houses. The law will also modernize the property registration system which will help prevent the usurpation of private property by powerful interests.

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 has returned the draft to the Wolesi Jirga with amendments on visa prices.

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 returned the draft to the Wolesi with minor amendments on November 19th.

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 Wolesi Jirga Religious, Cultural, Education and Higher Education Affairs Committee finished its review of the draft law on November 16th. The bill has been distributed to all Wolesi committees for consideration.

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: On November 19th, the Meshrano returned the law to the Wolesi, which will likely request a joint meeting to discuss the Meshrano's amendments.

1st 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 Meshrano Jirga approved the first annex of the Science Academy Law on November 16th after resolving disagreements over the salaries of professors and associate professors addressed in the annex. The remainder of the draft had been approved previously.

Law on Medals and Badges

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

Update: On November 17th, the Wolesi debated the draft law. Honorable Rahman Oghli argued that, "Nowadays, the medals are granted to those who are doing bad and illegal works. I suggest that the weight of such medals should be 28 or 35 kg and be hanged around the neck of the deserved people and they shall be obliged to walk two km per day in the city so the people shall notice their medals."

Government Structure Law

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

Update: The Meshrano Jirga Legislative, Justice and Judiciary Committee discussed the draft and proposed amendments last week.

News

Committees Discusses Mid-Year Budget with Ministry of Finance

Last week the Wolesi Jirga Budget and Finance and National Economy Committees discussed the mid-year review of the 1387 Budget (revenue collection and expenditure) with Deputy Minister of Finance, Wahidullah Sharani, and other MoF officials. According to Honorable Sultanzoi, Chairman of the Budget and Finance Committee, “Since this budget has many shortfalls and additions, we decided to submit it to the plenary.” The National Economy Committee will not support the budget unless it receives more detailed documentation and shortfalls are corrected by the ministry, according to Sultanzoi.

Committee member Noor Akbari commented, “When we asked for funds in this year’s budget to computerize Parliament’s voting system, the Ministry of Finance complained about a lack of funds. However, when we reviewed the mid-year budget, we found 100 million Afghanis added to the development budget of the Ministry of Information and Culture for publications in Europe and the United States. Considering the current security situation, we do realize the need for additional funds for the security institutions, but someone must explain the allocation of money for publications outside of Afghanistan.”

Also last week Deputy Minister Sharani explained to the Meshrano Jirga National Economy Committee that in the first six months of the current year, 60% of the core budget and 22% of the development budget was implemented, and added that this spending rate shows a decline from the previous year. He described the reasons as delayed provision of donor support as well as a lack of implementation of some development project contracts.

Wolesi Speaker Meets President on Elections Date

On November 19th the Wolesi Jirga Speaker announced the date of the next presidential election as May 2009. Speaker Qanooni said, “Honorable MPs, I have a piece of good news for you. I told the President your decision regarding the election date and the end of the President’s term. The President announced that he will not continue in his position even one day after the date specified in the Constitution, even though the Independent Election Commission has announced October 2009 as the date. I argued that this is contrary to the Constitution and he accepted May of next year. Your decision has been approved.”

The IEC officials argue that if the elections are conducted as specified in the Constitution, it will be impossible for all voters to participate due to cold weather and road closures.

Other MPs weighed in on the issue. Honorable Pacha Khan Zadran: “You are talking of elections while in the provinces where is fighting – no elections can be held. First bring peace and then do the elections.”

Honorable Hussaini: “As far as I know, in Ghazni Province when people go to town to purchase essential items, the government officials force them to get registration

cards. At the same time, the Taliban announced that those who get the cards will be killed. Who do you hold the elections for?"

Honorable Farahi: "Your Excellency Qanooni reached an agreement with the President, but have you witnessed honesty in the President's speech? He promises something in the morning and does the opposite of what he said."

Speaker Qanooni: "Yes, our discussion was faithful."

Honorable Oghly said, "I would like to congratulate you on the election date where the law won over pragmatism."

Herat Legislators End Strike

On November 15th, the National Assembly welcomed the return of Herat lawmakers to Assembly activities. The MPs were on strike for more than three weeks protesting the security situation in the province and the authorities' response to and alleged complicity in criminal activities, including kidnapping.

Honorable Tamim, Herat Province Senator, explained that the strike resulted in 19 Herat Province police and intelligence officials' removal from their positions and the appointment of replacements. He also thanked Speaker Mojadadi for resolving the problem by discussing the issue with the President directly. The MPs are also calling for the governor's replacement. Welcoming the legislators' return, Speaker Mujadidi said, "The President promised that more changes would come."

Speaker Meets with Elders

On November 20th, Helmand Province elders and tribal leaders met with Lower House Speaker Qanooni. The elders expressed concern about the security situation and problems of Helmand detainees jailed for drug trafficking. Speaker Qanooni emphasized that security is the government's responsibility but that, "If the crimes of certain detainees have not been proven after the expiration of the legal detention period, the Wolesi Jirga will contact the responsible institutions to request the detainee's release."

Source: DIPR

Border Security Proposal Discussed

On November 18th, the Meshrano Jirga discussed the Tribal Affairs, Frontier, Kuchis and Refugee Committee's proposed draft resolution on border security. The draft calls for developing, with funding from the Ministry of Frontier Affairs, Arbaki (tribal forces) in those provinces on international borders.

The debate split between those in support of using tribal forces for the security of border provinces and those in favor of improving the border police and National Army forces. Those opposed argued that developing the Arbaki forces is unnecessary under the current situation. A majority rejected the proposal.

Committee Meets with Hajj Pilgrims and Ministry Officials

Last week members of the Meshrano Jirga Religious Affairs, Cultural, Education and Higher Education Committee, led by Chairman Rahmani, along with Ministry of Pilgrimage and Pious Affairs representatives, met with a number of Hajj pilgrims in Eid-Gah mosque to discuss the Hajjis' complaints over delays in their transport to Saudi Arabia. The committee members discussed the pilgrims' concerns with the Ministry, which explained that their transportation will be executed according to the planned schedule through a contract with Sama, an Arab company.

Committee Hears Plans for the Betterment of Women's Lives

The Meshrano Jirga Disabled, Martyr, Gender and Civil Society Committee heard Minister of Women's Affairs, Dr. Hassanbano Ghazanfar's, presentation on the government's ten year national policy for betterment of the lives of Afghanistan's women. "According to the policy, more work would be done for women's self-reliance. Some job opportunities have been created for poor women and, with the Red Crescent's assistance, shelters have been provided for some of the women." In addition, the minister mentioned construction of an Afghan-Turkish school for girls in Kabul and that similar schools would be constructed in the future.

Wolesi Observes International Child Abuse Prevention Day

On November 19th, the Wolesi Jirga recognized International Child Abuse Prevention Day. The Wolesi speaker called use of children in drug trafficking, difficult physical jobs, sexual abuse, poverty, and a lack of education facilities for school age children as the main challenges in addressing the issue. The Wolesi Jirga requested that the government and all Afghans prevent child abuse. In a declaration, the Wolesi states, "The Lower House of Afghanistan National Assembly will do whatever it takes to maintain the legal rights of children. The Wolesi Jirga appreciates the hard work of international organizations which facilitated recognition of this day. The Wolesi Jirga hopes that, according to the Holy Religion of Islam, which condemns any kind of violence, child abuse will be ended in Afghanistan and all Afghans will live in peace, stability and brotherhood without being threatened by any kind of violence."

MPs Visit Girl Attack Victims

A group of female members of both houses of Parliament visited the Nazo Anna high school student being treated at the Science Academy Hospital in Kabul. While condemning the acid throwing attack on the Kandahar schoolgirls, the MPs requested the medical personnel of the Science Academy Hospital to do their best in treating the students. The students with third degree burns have reportedly been sent to India for further treatments.

Meshrano member Honorable Rida Azimi said, "I condemn the brutal rude action of acid spraying, and I suggest that the responsible people be strongly punished."

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