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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

- 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 Meshrano Jirga approved the bill last week, reversing several Wolesi amendments. Meshrano Jirga input included removing the Wolesi's amendments requiring Lower House votes of confidence for the IEC chairman and commissioners and the Wolesi amendment allowing investigation and arrest of IEC commissioners for crimes (rather than requiring the President's approval for such action). The Meshrano agreed with Wolesi amendments requiring exclusive Afghan citizenship for commissioners (no dual citizenship) and that IEC provincial heads not be residents of the province of assignment. The IEC Deputy Chief Electoral Officer was on hand to provide Senators with an explanation of the government draft. The draft now returns to the Wolesi which will likely request a joint committee to discuss the different versions.

Mining Materials Law

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

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: On November 1st, the Wolesi Jirga plenary approved all but Articles 8 and 34 of the law, which will be discussed further in an integrated committee meeting. MPs are concerned about Afghanistan's water flow to neighboring countries and are demanding a review of a 1963 agreement between Afghanistan and Iran on use of the Helmand River. Farah MP Mohammad Nahim Farahi commented during the debate, "According to the Constitution, Parliament has the right to assess, extend or cancel agreements which do not secure Afghanistan's national interest."

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 approved the law on November 4th after explanations by the Ministries of Martyred and Disabled, Labor and Social Affairs, and Finance.

Passport Law

The law regulates Afghan citizens' travel abroad.

Update: The Wolesi Jirga Legal Research Board continues to polish the draft law as requested by the Meshrano Jirga. The corrected version is scheduled to be returned to the Meshrano by the end of the week.

Organization and Jurisdiction of Courts Law

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

Update: The Wolesi Jirga plenary approved Articles 4-30 of the law on November 3rd. Further discussion will continue this 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: The law is still pending consideration by an integrated meeting of all Wolesi committees, but the Central Audit and Oversight on Implementation of the Law Committee continued its deliberations on November 2nd. 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 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: When all Wolesi committees have submitted their suggestions and amendments to the Disabled, Martyrs, and Widows Committee, the bill will be considered at an integrated committee meeting before being introduced to the plenary.

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 committees, in an integrated meeting led by the National Economy Committee, approved the bill on November 3rd. The draft is pending introduction to the plenary.

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 anticipates introducing the draft to the plenary on November 9th.

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 and may be introduced to the plenary this week.

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 Central Audit and Oversight on Implementation of the Law; and Religious, Cultural, Education and Higher Education Affairs Committees considered the draft on November 2nd.

News

National Assembly Commemorates First Anniversary of Baghlan Incident

On November 5th, legislators, Cabinet members, foreign ambassadors, the UN Special Representative, and relatives of the victims commemorated the first anniversary of the murder of 6 MPs in Baghlan Province last year.

Various leaders expressed their grief and thoughts on the assassination. The Minister of Information and Culture, Abdul Karim Khuram, read a condolence message from President Karzai to the families, and all Afghans, calling for an end to the war. Wolesi Jirga Speaker Honorable Qanooni requested further follow-up by the

government: “It is better to close the Baghlan case rather than not know its causes. We have shut the doors of Parliament in response to the slow investigation of the case. However, in the end we have learned that we have two options only: not knowing the results and conviction of innocent individuals. We have chosen the first option. We need to witness the public prosecution of those responsible, but until now the criminals have not even identified.” Speaker Qanooni went on to say, “It is not only bribery which is very common in the government, but the absence of prosecution is a very big issue. Why have the criminals not been identified? I want the President and the related organs to take the required measures in this regard.”

Meshrano Jirga Speaker Sebgathullah Mujadidi argued that the MPs’ assassins should have been convicted a year ago and demanded public prosecution of abductors and criminals generally. “I told the President many times that criminals, abductors and murders should be prosecuted publicly to teach other criminals a lesson,” Mujadidi said. “It is a matter of grief that our foreign friends do not deter suicide bombings. I want to say that the foreigners know the place of the suicide attackers, but they do not eliminate them. The nest of the terrorists is the ISI of Pakistan.” The Speaker called for a greater role by Afghan forces in addressing the insurgency issue: “Unless the Afghans find a solution to the issue, the foreigners can do nothing.” Honorable Sultanzoi added, “Let’s rescue this ship which has no captain. Let’s ignore the statements and mottos and find a solution.”

Honorable Qanooni recommended naming the road where the blast occurred “Baghlan Martyred Street.”

Complaint Committee Reviews Murder Case

On November 2nd, the Wolesi Jirga Complaint Committee reviewed the case of Mrs. Khal Bebi, resident of Sar-e-Pul Province who has been convicted of murder. In a complaint letter, Mrs. Bebi writes, “Alem raped my two brothers and wanted to rape my daughter. I stabbed him with a knife. Later he passed away.” Bebi and her daughter are currently being held at a women’s detention center. After a long discussion, the Committee members decided to consider Babi’s action self defense and requested that the Supreme Court Legal and Study Department review the case carefully.

Source: Wolesi Jirga DIPR

Herat MPs: Not Satisfied with Changes

Honorable Ahmad Behzad, boycotting Herat Province MP spokesperson, said last week, “Although some Herat Province police officials have been removed, Herat MPs and senators will continue the strike. We learned that the Ministry of Interior has dismissed eight Herat City district police chiefs due to negligence and that the vacant positions will be filled with new officers appointed by Kabul. Herat province MPs and Senators met with President Karzai on Tuesday. The President promised additional changes in Herat administrative officials in the near future,” Behzad added.

According to Behzad, many of the abductions, murders, and armed robberies in Herat are being organized by provincial government officials.

Refugee Voting Addressed

The Wolesi Jirga Tribes, Nomads, Refugees and Displaced Persons Committee last week discussed the issue of Afghan refugees' participation in the upcoming Presidential election with the acting Minister of Immigration, the head of the Consulate Department of the Ministry of Foreign Affairs, and the IEC Deputy Chief Electoral Officer. The head of the Ministry of Foreign Affairs Consulate Department, Mr. Panjshiri, promised to facilitate creation of polling centers in Afghan embassies and general consulates abroad. "We will pay particular attention to polling centers in neighboring countries like Iran and Pakistan," Panjshir said. Talking about Afghan participation in next year's election, the acting Minister of Immigration said, "We do not have exact statistics about Afghan refugees, but if the IEC needs them, we will try to prepare." The Deputy Chief Electoral Officer, Zekria Barekzai, promised to share IEC decisions with the Committee.

Committee Discusses Purchase of Wheat

MPs last week called on the government to send food aid to rural areas immediately to avoid a potential humanitarian crisis during the winter months. The Wolesi Jirga Budget and Finance Committee discussed the purchase of 100,000 tons of wheat for strategic reserves with the Deputy Minister of Finance, Wahidullah Shahrani. According to Shahrani, the Ministry of Finance will allocate 100 million dollars for the purpose. 80 million USD will be taken from Logar cooper mine revenues and the balance covered in next year's national core budget. According to the MoF, the allocated funds should be sufficient to cover all administrative and transportation expenses in delivering the wheat to all required locations. The Royal United Services Institute says that 25,000 tons of aid are needed immediately and that another 70,000 tons will be needed by February.

Committee Questions Minister of Water and Energy on Power Supplies

The Wolesi Jirga Transportation and Communication Committee summoned Minister of Water and Energy, Ismail Khan, to the plenary to answer questions about the lack of electricity in Kabul city, despite what it called significant investment. Minister Khan defended the Ministry by pointing out an increase from 60 to 127 megawatts during his tenure. Minister Khan in part blamed the insurgency and what he called a broken agreement by the Uzbek government to supply power until the end of October, but also noted that the Uzbek president has promised power until the end of December or January based on a 30% advance payment.

During the questioning, Honorable Mohammad Khan commented, "You said that Uzbekistan did not stand on its word and that the contract is for 20 years and the rate of per KW power is not known and there is no guarantee in this regard. Thus, this contract is completely Afghanistan's loss."

Ismail Khan: "The donor countries negotiate with both sides and decide themselves. They guarantee the contract as well."

Honorable Khyal Mohammad: "You've stated that there is a contract guarantee between Afghanistan and Tajikistan by the Asian Development Bank, we have to ask

why there isn't such a guarantee between Afghanistan and Uzbekistan? We have questions and concerns about the future. You may have confidence, but we don't. Tell us about the money allocated.”

Honorable Mohammad Khan questioned the need for expensive studies and suggested working practically on two projects versus studying ten. The Minister explained that international donors require study prior to committing to projects.

Minister Khan concluded with, “We have 300 million US in our development budget and have spent 175 million and will spend the remaining amount between now and February, 2009. You shall grant me and my Ministry of Water and Energy colleagues an appreciation letter and thank us.” The Minister promised 70% coverage in Kabul over the coming 18 months.

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