



USAID
از طرف مردم امریکا
د امریکا دولس لخوا

AFGHANISTAN
PARLIAMENTARY ASSISTANCE
PROJECT

14 September 2008 Vol. 1, No. 19

Legislative Newsletter

Calendar

- Wolesi Jirga (Lower House) Agenda:
 - Electoral Law
 - Higher Education Law
 - Law on Health
 - Law on Social Behavior
 - Law on Water
 - Income Tax Law
 - Court Structure and Authorities Law
 - Police Law
 - Law on Rights and Privileges of the Relatives of Martyrs and Missing
 - Communication Services Regulatory Law
 - Extradition Law
 - Political Parties Law
 - Afghanistan National Development Strategy (ANDS)
 - Law on Mortgage of Immovable Assets in Banking Transactions
 - Passport Law
 - Law on Salaries of High Ranking Government Officials

- Meshrano Jirga (Upper House) Agenda:
 - Mining Materials Law
 - Law on Petroleum and Gas (Hydro Carbons)
 - Independent Election Commission Structure Law
 - Law on Rights and Privileges of the Disabled

- Joint Committees:
 - Law on Reform Commission of National Police Forces
 - Law on Gatherings, Protests, and Demonstrations
 - Statistics Law

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 ad hoc committee established to resolve the issue of Kuchi (nomad) seats in the draft Electoral Law has been unable to resolve the issue. Committee member, Chairman of the Electoral Law Subcommittee, and Kuchi seat opponent, Honorable Registani, explained last week that the Kuchi seat opponents will maintain their position. The Kuchi seat supporters argue that the law must be discussed and voted on openly in the plenary. The opponents speculate that demanding a plenary discussion is a ploy to delay debate (the Administrative Board would likely want to delay introducing the bill to avoid a repeat of spring session's tension and boycott by Kuchi seat opponents) and thus revert to the existing Electoral Law, which includes Kuchi seats.

The Electoral Law establishes the electoral system and will regulate electoral issues, including voting centers/polling stations, observers, election campaigns, candidacy, and counting.

Independent Election Commission Structure Law

After approval by the Wolesi Jirga, the law is with the Wolesi Jirga Legal Research Board. The draft should be sent to the Meshrano Jirga by the end of the week.

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

Mining Materials Law

The Meshrano Jirga plans to send the law to the Wolesi Jirga this week to forward to the President.

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

Law on Salaries of High Ranking Government Officials

The Meshrano Jirga approved the bill on September 9th with minor grammatical adjustments. The draft has been returned to the Wolesi Jirga for review and forwarding to the President.

The law determines salaries of all high ranking government officials.

Law on Petroleum and Gas (Hydro Carbons)

The bill is on the Meshrano Agenda for this week.

The law regulates petroleum and gas (Hydro Carbons), ownership, production, use, leases, contracts, research, and protection.

Law on Health

No date has been set for a planned discussion between the Wolesi Jirga Health, Sports, Youth, Labor and Laborers Committee and President Karzai, the Minister of Justice, and the head of Supreme Court regarding wording in Article 2, which MPs believe violates Article 52 of the Constitution guaranteeing free health care for all Afghans.

The law will regulate health services, maintenance and expansion of private health services and health centers, implementation of health projects in different areas of the country, prevention of disease, and protection of mothers and newborns.

Law on Social Behavior

On September 7th the Central Audit and Oversight on Implementation of the Law Committee suggested ending consideration of the law as all issues addressed therein have been covered by the Social Law and Criminal Code.

The draft law includes 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.

Law on Water

The Wolesi Jirga Communications, Transportation, City Development and Municipalities Committee completed its initial review of the draft on September 9th and distributed it to all Wolesi committees for consideration.

The law will regulate protection of water sources, their effective and sustainable use and distribution, and the rights of users according to Afghan tradition.

Income Tax Law

The Wolesi Jirga Finance and Budget Committee continued its consideration of the law last week. The draft is scheduled to reach the plenary on September 15th.

The law outlines taxes and taxing procedures according to Article 42 of the Constitution.

Law on Rights and Privileges of the Disabled

The Wolesi Jirga approved the law on September 13th. According to the Wolesi draft, disabled government employees injured while on the job will receive 20% of the highest government salary. All non-government disabled will receive 15% of the

lowest rank government salary, or approximately 750 Afghanis. Unregistered disabled would be able to obtain identity cards which will provide access to the benefit. The draft law now moves to the Meshrano Jirga.

The law aims to integrate and support the disabled economically.

Communication Services Regulatory Law

The Wolesi Jirga Communications, Transportation City Development and Municipalities Committee distributed the draft among all committees to prepare for an integrated Wolesi committee meeting.

The draft addresses rules and regulations for the telecommunication companies, including the number of operators in the country, and control of communication services.

Passport Law

After being returned to the Assembly by the President, the Wolesi Jirga Internal Affairs, Borders and Local Administrations Committee agreed to remove Articles 59, 60, 61 and 62 in a meeting with the Ministry of Interior passport and legislative department heads. MPs approved the measure in the Wolesi plenary on September 13th. According to Internal Affairs Committee Chairman, Fazel Azim Mujadidi, the suspended articles created an overly time consuming and expensive application process.

News

MPs Discuss Land Ownership Issues in Takhar

Debate ensued last week over claims to land in two districts of Takhar Province by returning Pashtun refugees on one hand and Tajiks and Uzbeks currently occupying the areas on the other. About 80 Pashtun families who fled during the Soviet occupation claim ownership granted by King Zahir Shah. There is speculation that the upcoming elections may be influencing the repatriation debate generally and that the problem in the north may expand. Below is an excerpt of the Wolesi Jirga plenary debate last week.

Honorable Hussaini: “Your Excellency Qanooni, I would like to address the Takhar issue but you do not take it seriously. The issue of Takhar is a big tragedy that will not be limited to that province. The same acts will be carried out in other provinces.”

Honorable Qanooni: “I have to know what the government plans to do.”

Honorable Hussaini: “Your Excellency Qanooni, you pretend to be powerless, while Parliament is the place for the people’s voice. Why are you ignoring reality?”

Honorable Miranai: “Your Excellency Qanooni, this is the house of the nation and we should not think about which tribe the problem relates to – this issue should be

decided. It is not only limited to Takhar Province but could be created in other provinces as well. I request you to act urgently on the issue of the Pashtuns who have been taken hostage by Uzbeks for the last twenty days. The law should be obeyed by everyone – this should not be a power struggle.”

Honorable Qanooni: “It is an executive issue, we have to wait and see what the government does.”

Honorable Sayee (Takhar): “Your Excellency Qanooni, this is an issue of Takhar Province and has no relation to other MPs. Pashtuns are in a minority there – these lands were distributed to them in the era of the ex-king, but now they belong to the people of Takhar.”

Honorable Hematyar: “I am an MP and the hostages are relevant to my tribe. When an MP of Takhar or Mazar is defending Daikondi Province, no one asks why, but when I defend my tribe, I don’t have the right. Those are my families and my cousins and those who took the Pashtuns hostage are offenders.”

Honorable Sayee: “We are called offenders. They (Pashtuns) migrated to Pakistan during the Russian invasion, repatriated during Rabani’s government, and again migrated to Pakistan. I ask the Assembly to set up a commission.”

Honorable Hematyar: “I don’t want your commission; I just want justice from the government.”

Honorable Sayee: “Instead of Khwaja Bahawodin land, Qazi Kabir will give you seventy acres of land outside Khwaja Bahawodin.”

Honorable Hematyar: “We have documents for our lands. We do not want charity from anyone. Qazi Kabir should give this land to his own tribe. If being the minority is the reason, then we Pashtuns are not weak in north. We want a legal decision. I do not need Qazi Kabir’s charity land and demand my own rights.”

Honorable Haji Almas: “The situation in Takhar province is in control. Honorable Qanooni should to give us an acceptable plan as what to do.”

Honorable Qanooni: “Let it be solved by the government. If ethnic/tribal war begins, it would have a terrible result.”

Wolesi Speaker Meets Leaders on Unrest in Nengarhar

On September 10th, Speaker Qanooni met with elders and influential leaders from Nengarhar Province to discuss residents’ complaints regarding the deteriorating security situation in the province. Elders asked Speaker Qanooni to assist in solving the conflict between the families (clans) of two important individuals – Kabul Governor Hajji Deen Mohammad and former Mujahiden commander Hajji Zaman. Speaker Qanooni expressed his concerns regarding the unrest and pledged to use the Wolesi Jirga’s influence to end the ongoing conflict.

Source: Wolesi Jirga DIPR

Senator Ganga Ram Remembered

On September 9th, Meshrano Jirga members mourned the death of their colleague, late Senator Ganga Ram, who passed away on September 5th in India. Honorable Senator Abdul Khaliq read a brief summary of the senator's life and service. The Meshrano Jirga issued a condolence letter to the Ganga Ram family and all Afghans.

Committee Unsuccessful in Calling Minister

After several attempts, the Wolesi Jirga Health, Sports, Youth, Labor and Laborers Committee has been unsuccessful in calling the Minister of Public Health, His Excellency Fatimi, for meetings. In its oversight role, the committee has also requested information including the ministerial budget, contracts, and structure several times with no response. If the Minister fails to attend a meeting this week, the committee will raise the issue in the Wolesi plenary.

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
ISAF – International Security Assistance Force
NATO – North Atlantic Treaty Organization
NDS – National Directorate of Security