



USAID
از طرف مردم امریکا
د امریکا دولس لخوا

AFGHANISTAN
PARLIAMENTARY ASSISTANCE
PROJECT

28 September 2008 Vol. 1, No. 21

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
 - 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
 - Organization and Jurisdiction of Courts Law
 - Law on Rights and Privileges of the Disabled
 - Law on Reform Commission of National Police Forces
 - Statistics Law
- Meshrano Jirga (Upper House) Agenda:
 - Law on Petroleum and Gas (Hydro Carbons)
 - Passport Law
 - Independent Election Commission Structure Law
- Joint Committees:
 - Law on Gatherings, Protests, and Demonstrations
 - Law on Salaries of High Ranking Government Officials
 - Mining Materials 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 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 introduced in the Meshrano Jirga plenary on September 23rd and handed over to the Legislative Committee which has 15 days to review and amend the draft. The Wolesi Jirga's amendments include requiring a vote of confidence for the IEC chairman and commissioners, and prohibitions on dual citizenship and political party membership for commissioners.

Mining Materials Law

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

Update: The Wolesi Jirga has requested to review what were reported last week to be minor Meshrano Jirga amendments in a joint committee meeting. A date has not been set.

Law on Salaries of High Ranking Government Officials

The law determines salaries of all high ranking government officials.

Update: The Wolesi Jirga has requested to review the Meshrano Jirga amendments in a joint meeting. A date has not been determined.

Law on Petroleum and Gas (Hydro Carbons)

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

Update: The Meshrano Jirga approved 30 articles of the law on September 23rd in the presence of the Minister of Mining and Industry. Further consideration of the law is expected this week.

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 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.

Update: The Wolesi Jirga Antinarcotics Committee, the bill's author, plans to call an integrated meeting to discuss the draft after Eid holidays. Other committee leaders have said the draft violates privacy rights in the Constitution, duplicates the Social Law and Criminal Code, and have called for withdrawal of the draft.

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 Communications, Transportation, City Development and Municipalities; Disables, Martyrs, and Widows; and Health, Sports, Youth, Labor and Laborers; and Legislative Affairs Committees considered the draft last week in preparation for an integrated meeting of Wolesi committees scheduled for September 27th.

Income Tax Law

The law outlines tax rates and procedures according to Article 42 of the Constitution.

Update: The Wolesi Jirga plenary approved Articles 19 to 65 of the law last week. The approved draft stipulates that government employees with salaries of 5,000-12,500 Afghanis will pay 2% tax. Those who receive between 12,500 and 100,000 Afs will pay 10% and higher salaried persons will pay 20%. Landlords who receive rent between 10,000-100,000 Afs will pay 10%. Higher rent earners will pay 15%.

Law on Rights and Privileges of the Disabled

The law aims to integrate and support the disabled economically.

Update: The law is with the Wolesi Jirga Legal Research Board after its approval in the Wolesi Jirga plenary. It will now be sent to the Meshrano Jirga.

Communication Services Regulatory Law

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

Update: The bill is scheduled for consideration by a Wolesi integrated committee after the Eid holidays, but no date has been set.

Passport Law

The law regulates Afghan citizens' travel abroad and foreigners' entry and stay in Afghanistan.

Update: The Passport Law was sent to the Meshrano Jirga on September 24th.

Organization and Jurisdiction of Courts Law

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

Update: The scheduled integrated meeting of Wolesi committees did not take place on the 23rd.

Law on Reform Commission of National Police Forces

The law establishes a commission to reform the National Police Forces.

Update: After approval by a joint Wolesi-Meshrano Jirga meeting on September 23rd, the law is with the Wolesi Jirga Legal Research Board. The draft should be sent to the President after the Eid holidays.

Statistics Law

The law addresses the duties, authorities, and organization of the Independent Central Statistics Department and establishes coordination and integration of all statistical activities at the country level.

Update: After approval by a joint Wolesi-Meshrano Jirga committee meeting on September 24th, the law is with the Wolesi Jirga Legal Research Board. The draft should be sent to the President's office after the Eid holidays.

News

Land Dispute Discussion Continues

On September 21st, Wolesi Jirga Speaker Qanooni chaired a meeting of the Minister of Interior, Minister of Parliamentary Affairs, Head of the National Directorate of Security (NDS), the Local Administration Department deputy, and several legislators to discuss the issue of returnees to Khwaja Bahawodin District of Takhar Province. Honorable Qanooni asked the officials to find a comprehensive legal solution for the problem. The group decided to send a representative delegation to the district and report its findings to the justice officials in seeking a legal ruling.

Source: DIPR

On the same day, the Wolesi Jirga Tribes, Nomads, Refugees and Displaced Persons Affairs Committee held a meeting with representatives of the Ministries of

Immigration and Interior, the Local Administration Department, the Independent Human Rights Commission (IHRC), UNAMA and UNHCR to discuss the issue. Unsatisfied with the Khwaja Bahawodin's District officials' actions, the group will also send a delegation to the area and report back to the Committee.

Kuchi Issues Discussed

Last week the Wolesi Jirga Tribes, Nomads, Refugees and Displaced Persons Affairs Committee discussed the issue of Kuchi birth certificates with Ministry of Interior officials. The Committee also raised the issue of missing pension payments to the relatives of martyred Kuchis with Ministry of Martyred and Disabled officials. Both ministries were asked to resolve the issues as quickly as possible.

National Economy Committee Continues Oversight Activities

The Wolesi Jirga National Economy Committee on September 21st discussed the ministries' development spending, which, in the past, has fallen short of the allocated budget. The Committee will circulate a notice requesting all ministries to take appropriate actions to spend the majority of their budgets this year.

The Committee again pressed the Department of Natural Disasters to intensify its work in stocking food supplies in remote areas of the country prior to the onset of winter.

The Committee will request the Wolesi Jirga Secretariat to remove the Afghan National Development Strategy (ANDS) from the plenary session agenda due to its lack of details and unclear benchmarks.

Interview with Honorable Ali Setigh of Daikondi Province

September 21st, 2008

Q: Honorable representative, please briefly introduce yourself.

A: My name is Ali Setigh of the Hazara tribe. I am representative of the Hazara people from Daikondi Province. I am a member of the Third Line (Parliamentary group). I received my BA from Balkh University. I do not have any work experience. After my graduation, I was the chairman of the Youth Association in Human Rights.

Q: Today the International Day of Peace is being celebrated worldwide. Please share your opinion in this regard.

A: There is no peace in Afghanistan. To bring peace, human dignity shall be safeguarded. When we have security, we have peace. There are two kinds of security: security maintained by force, like the security of the Taliban era, and secondly, security maintained by the people themselves.

Q: Who can maintain security in Afghanistan?

A: First, the Afghan people, and second, the international community. At the moment we have war in the country.

Q: What is the main reason of the war?

A: There are a lot of reasons: 1) the low level of people's awareness, 2) the tribal and ethnic way of life, and 3) the religious life of two of our neighbors - Iran and Pakistan. For instance, there are 32,000 Madrasas in Pakistan which train extremists. Also, it is obvious that the Iranian government is an Akhundist or extremist government. Akhunds are being trained in Iran, and Iranians do not compare a grain of Iran's sand to the whole of Afghanistan. Iranian Akhunds come to Hazara and Shiites' places and propagate. Iran is an anti-US country and it is a stubborn enemy of the United States. Iran wants to conduct some highly devastating activities in Afghanistan. Iran can be compared to Pakistan: it has a strong influence inside the Afghan Parliament and has spent a lot of money.

Q: On which basis you claim Iran has spent a lot of money in the Parliament?

A: I am fully aware that during the elections Iran [spent several million dollars supporting several successful candidates].

Another reason is that one day in the plenary, during a discussion on the devastating activities of Pakistan, I took the time to speak about the devastating activities of Iran in our area when [I was cut off].

Q: How do you assess the insecurity in Afghanistan?

A: Loyal sons of Afghanistan and Pakistan love Afghanistan, but there are two things the neighbors are gaining advantages from: unawareness of the people and the oppressed and needy condition of the people.

Of course mistakes by the foreign forces are also a reason for insecurity and need to be improved. If their mission is legalized, this problem would be solved.

Q: Parliament is a democratic entity and peace shall initiate from the Parliament - what is your opinion in this regard?

A: Unfortunately our Parliament has killed democracy. Please assess the condition of the people and the government before and after the establishment of the Parliament. At the moment, the Parliament is in the hands of [a few people]. Parliament itself is a threat for the people of Afghanistan.

Q: As an elected representative, what is your message for the people and the government, this International Peace Day?

A: One of the achievements of the government was announcing a ceasefire which was accepted by the Coalition Forces and, more importantly, Mullah Omar, leader of the Taliban. This was a great victory. I hope that the conflict will be solved through discussion. War will be over when Mr. Karzai stops giving one million US dollars for monthly guest welcoming expenses to [certain MPs and former commanders]. He

should give that money to the nation. President Karzai shall become awake – may God bless you.

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