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**AFGHANISTAN
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Legislative Newsletter

Calendar

- Wolesi Jirga (Lower House) Agenda:
 - Electoral Law
 - Independent Election Commission Structure Law
 - Law on Personnel Affairs of ANA, ANP and NDC Sergeants
 - Road Toll Law
 - Labor Law
 - Government Enterprises Law
 - Land Ownership Affairs Law
 - Monitoring of Constitution Implementation
 - Higher Education Law
 - Law on Health
 - Media Law
 - Law on Social Behavior
 - Law on Water
 - Income Tax Law
 - Law on Rights and Privileges of the Disabled
 - 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

- Meshrano Jirga (Upper House) Agenda:
 - Mining Materials Law
 - Law on Salaries of High Ranking Government Officials
 - Law on Petroleum and Gas (Hydro Carbons)

- 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 official Assembly agendas will remain in the calendar above.

Wolesi Overrides President's Rejection of Seven Bills

The Wolesi Jirga last week voted to make law seven bills rejected by the President's office. The Media, Labor, Road Toll, Personnel Affairs of ANA, ANP and NDC Sergeants, Government Enterprises, Land Ownership Affairs, and Monitoring of Constitution Implementation Laws were approved by the constitutionally mandated 2/3 majority vote.

Electoral Law

The Wolesi Jirga Electoral Law Subcommittee is prepared to continue discussions of the law in the plenary, but no date has been set.

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

The Wolesi Jirga approved the bill on September 6th with several amendments to the government draft. The Wolesi version requires a Lower House vote of confidence for IEC commissioners after nomination by the President. The Wolesi draft also mandates that the commissioners forgo political party membership at the time of appointment, and that the heads of IEC provincial and district offices not originate from of the province of their appointment. The bill now moves to the Meshrano Jirga.

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

Law on Personnel Affairs of ANA, ANP and NDC Sergeants

The Wolesi Jirga has voted by 2/3 to override the President's rejection of the bill, making it law.

The law will regulate personnel affairs (appointment, transfer, vacation, discipline, rewards, and retirement) of ANA, ANP and NDS sergeants.

Road Toll Law

The Wolesi Jirga has voted by 2/3 to override the President's rejection of the bill, making it law.

The Road Toll Law will regulate taxation of vehicles using national highways. Vehicles moving out of the cities will be required to pay road tolls. The revenues collected will fund construction and maintenance of highways.

Labor Law

The Wolesi Jirga has voted by 2/3 to override the President's rejection of the bill, making it law.

The Labor Law will regulate the rights, responsibilities, and benefits of employees.

Mining Materials Law

The Meshrano Jirga approved the law on August 31st. It will now be sent to the Wolesi Jirga for forwarding to the President.

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

Higher Education Law

Further consideration of the law has been delayed by the Wolesi Jirga Religious, Cultural, Education and Higher Education Affairs Committee pending the Independent Constitution Implementation Monitoring Committee's response clarifying the intended meaning of "academic" and "national" in Article 16 of the Constitution.

The law will regulate the activities of public and private higher education institutions in Afghanistan.

Law on Salaries of High Ranking Government Officials

The National Economy and Budget Committee introduced the law to the Meshrano plenary, which has included it in this week's agenda.

The law determines salaries of all high ranking government officials.

Law on Petroleum and Gas (Hydro Carbons)

The law will be considered after approval of the Law on Salaries of High Ranking Government Officials, a government priority.

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

Law on Health

MPs have decided to discuss with President Karzai, the Minister of Justice, and the head of Supreme Court wording in Article 2 which they 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.

Media Law

On August 31st, the Wolesi Jirga approved the Media Law by a 2/3 majority without the President's amendments. Legislators voted to make state owned television station, RTA, an independent news agency. RTA would be managed by a commission board of governors with the head elected from the governing commission.

The law will regulate media activities and addresses freedom of speech and expression.

Law on Social Behavior

The Committee of Chairs considered the law on September 4th and decided that all committees will submit their suggestions and proposed amendments to the Antinarcotics Committee of Wolesi Jirga after the end of Ramadan. The Anti-Narcotics Committee's original draft contained over 80 articles. The Wolesi Jirga Legal Board, however, reduced it to 20 articles after determining that many were copied from the 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 approved 8 articles of the bill on September 2nd. Discussion of the bill continued on September 4th in the presence of representatives from the Ministries of Water and Energy, Mining and Industries, Agriculture and Livestock, Urban Devolvement, Kabul Municipality, and the Independent Department of Environmental Protection.

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

Income Tax Law

The law is being considered by the Wolesi Jirga Finance and Budget Committee.

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

News

Wolesi Approves New Attorney General

On August 31st, after an introduction by Minister of Parliamentary Affairs, Mohammad Farooq Wardak, the Wolesi Jirga issued a vote of confidence for President Karzai's nominee for Attorney General, Mohammad Ishaq Aleko. Before voting 157 for and 32 against, legislators questioned the former Deputy Attorney General about his plans regarding corruption, drug smuggling, and high ranking government officials accused of various crimes. Aleko outlined his goals as: implementing the law impartially; maintaining justice regardless of ethnic, racial, regional and linguistic distinction; providing a connection between the National Assembly and the Attorney General's Office; and capacity building of the Attorney General's office employees. Aleko replaces Abdul Jabar Sabit, who was removed by the President Karzai for announcing his intention to run for president.

Herat MPs Accuse Provincial Security Officials of Supporting Criminals

In a security meeting with President Karzai last week, several MPs from Herat accused local officials in the province of assisting kidnappers. The MPs, including Honorable Aziz Ahmad Nadem, Salam Qazizada, Saljoqi, and Jebraieli called for removal of the corrupt officials. President Karzai pledged to address the problems people are facing in Herat.

Source: Afghanistan Times

Committee Re-Issues Border Security Proposal

Below is the proposal in its entirety.

Proposed Draft of the Meshrano Jirga Tribal Affairs, Frontiers, and Nomads Committee Regarding Protecting Borders of the Country

You know better that the security situation of the country is worsening day-by-day and the experiences prove that no power can maintain security by force. The only way to overcome this problem is through the assemblies of tribes, elders, dignitaries and influential people.

Because incursion of foreigners has created problems and insecurity in the country, the borders of Afghanistan are in danger of attacks by the outsiders. For maintaining security and solving this problem, the Committee of Tribes, Frontiers and Nomads re-proposes the draft which was proposed three years ago, by this committee:

1. Tribal militia shall be established in the structure of the Ministry of Tribes and Frontier Affairs and the expenses shall be paid by the Ministry.
2. The tribal militia shall be responsible to the tribal council and it shall only operate in its relevant district, under the observation of the district.
3. Based on necessity, the tribal militia could be established in all insecure areas of the country.

The General Commander of Frontier Police proposed the establishment of Tribal Militia Forces to the Committee of Tribes, Frontiers and Nomads, as well. He said that establishing tribal militia, in addition to the frontier police, would be beneficial and a greater help to the frontier police. According to the general commander of the frontier police, the country's borders are protected by three police with two Kalashnikovs in each brigade which is a low quantity and insufficient for protecting the frontier. According to the General, there is no possibility for expansion of the police structure.

We hope that the proposed draft is approved through the Meshrano Jirga plenary as soon as possible and referred to Afghanistan's Security Council for scrutiny so the necessary measures are taken in this regard.

Regards,

Senator Peer Sayed Ahmad Gilani
Chair of Tribes, Frontiers, Nomads and Immigrants Committee

Acronyms:

ANA – Afghan National Army
ANDS – Afghanistan National Development Strategy
ANP – Afghan National Police
IEC – Independent Election Commission
ISAF – International Security Assistance Force
NATO – North Atlantic Treaty Organization
NDS – National Directorate of Security