



USAID
از طرف مردم امریکا
د امریکا دولس لخوا

AFGHANISTAN PARLIAMENTARY ASSISTANCE PROJECT

7 September 2009 Vol. 2, No. 24

Legislative Newsletter

Calendar

- Wolesi Jirga (Lower House) Agenda:
 - Electoral Law
 - Counter Terrorism Law
 - Law on Support and Competition
 - Law on Elimination of Violence Against Women
 - Law on Countering Immorality
 - Law on Firearms, Ammunition, and Explosives
 - Procurement Law
 - Customs Law
 - Law on Child Correction and Education Centers
 - Law on Local Governance
 - Education Law
 - Law on Medals and Badges
 - Law on the Structure, Duties, and Authorities of the Afghanistan Independent Human Rights Commission
 - Law on Private Security Companies
 - Higher Education Law
 - Law on Rights and Privileges of the Relatives of Martyrs and Missing
 - Law on Rights and Privileges of the Disabled
 - Statistics Law
 - Political Parties Law
 - Law on Juvenile Offenders
 - Independent Election Commission Structure Law
 - Law on Regulating the Ethical Relations of the Three Powers of State
- Meshrano Jirga (Upper House) Agenda:
 - Counternarcotics Law
 - Law on Cooperative and Limited Liability Companies
 - Law on Planting Seeds
 - Communication Services Regulatory Law
 - Law on Registration of Commercial Trademarks
- Joint Committees:
 - Government Structure Law
 - Organization and Jurisdiction of Courts Law
 - Law on Chamber of Commerce and Industry
 - Law on Transit
 - Law on Personnel Affairs of ANA Sergeants
 - Extradition Law
 - Criminal Procedure Code for Military Courts and Law on Military Crimes
 - Law on Health
 - Police Law

News

Parliamentarians Voice Support for Elections Process

Last week a number of parliamentarians from both houses came out in support of the presidential and provincial council election process. The MPs called upon the international community and all candidates to stop “opposing” the elections and wait for results to be declared.

Speaking to the press, Muhammad Mueen Mrastyal (Kunduz) said that the elections materialized as a result of huge sacrifices of the Afghan people. The MP said, “Afghans cast their votes in a very dangerous atmosphere. There were explosions, cutting of body parts, and rockets, but people cast their votes.”

In one gathering, which appeared to lean toward Karzai’s supporters, about one hundred parliamentarians, including women from both houses, met in the Wolesi Jirga conference hall. Several MPs responded to journalists’ questions.

When asked about the absence of certain Assembly leaders, Alamai Balkhi (Mazar), said, “We are here to support the law. It is a democratic country, and we should know that people have differences of thought and we should respect it.”

While recounting the positive aspects of the current elections, Hafizullah Zaki (Jozjan) said, “Unlike the previous presidential elections, which were based on ethnicity and region, we have a completely different picture this time. There is a national unity and some political groups like Hezb-e-Wahdat and Junbish, who had their own candidates for president, supported Mr. Karzai this time.”

When asked about the extensive fraud in current elections, Majidi said, “We know of fraud by some candidates, but we are here to support the legal process that tells us that the Election [Complaints] Commission should evaluate the fraud and then take the next step. So we are here to tell everyone to wait until then.”

The group issued a joint statement calling on all concerned parties to withhold predictions/judgments before the election results are declared by the Independent Election Commission.

Sardar Mohammad Rahman Oghly (Faryab) criticized the gathering contending that most of those gathered were either authorities from Karzai’s election office or selected MPs.

Wolesi Jirga Continues Work with Ministries

Continuing its meetings with ministries on their development plans for 2010, the Wolesi Jirga last week called the Ministries of Economy, Communication and Information Technology, and Transport and Civil Aviation.

Ministry of Communication and Information Technology

On 29 September, Communication Minister Amirzai Sangin summarized the ministry's activities and the state of communications in Afghanistan. Sangin explained that eighty percent of Afghans have access to telecommunications services and 10 million have mobile phones. An electronic ID system, expansion of a satellite network to connect districts, and continued development of a digital telephone system are among the ministry's ongoing and future projects.

During questioning, Bamyán MP Fakoóri Beheshti asked about the ministry's plans to reduce the discrepancy between availability of telecommunications services in the district centers versus the villages.

Mawlawi Abdul Khabir (Saripul) pointed out the use of mobile phones for criminal and/or insurgent activity and asked about the ministry's plans to control their use. In line with this, Nangarhar MP, Babrak Shinwari, suggested the government expand the use of digital telephones to reduce mobile phone use.

In response, Minister Sangin explained that the government requires companies to register all SIM cards and maintain records of users. To expand availability, Sangin pointed out that the government is responsible, per the Constitution, for encouraging domestic and foreign investment, which in turn should extend access to districts and villages.

Ministry of Economy

On Monday, 31 August, the Wolesi discussed the Ministry of Economy's activities and plans with Minister Mohammad Jalil Shams. While clarifying that the ministry, as primarily a policy planning body, does not have direct control over implementation of development plans, but rather a coordinating/supporting role with the ministries, Shams explained that, "We plan to recruit consultants for all ministries at a cost of \$2 million. In addition, we will spend \$2 million on procurement services for the ministries, and \$50 million on frontier projects." The ministry will propose, according to the minister, that donor nations support deprived provinces at the rate of one per year. Additionally, Shams said, the policies of all ministries, particularly the Ministry of Women Affairs, should be responsive to gender issues, as prioritized in the Afghanistan National Development Strategy (ANDS).

The minister, during the session, requested Parliament's assistance in resisting what he called "imposition" of the market system on Afghanistan's economy by the donor community, as providers of most of the development and half of the regular budgets. Given the country's nascent development status, limits should be placed on the free market, which means government price controls and discontinuation of public enterprise transfer to the private sector, according to Shams.

The minister invited MPs to discuss development ideas for their constituencies with the appropriate ministry.

During the question period, MP Niyaz Mohammad Amiri (Ghazni) commented, "I agree that transfer of state-owned enterprises has not been successful. It has caused a decrease in production. What plan does the ministry have to prevent this?"

Arguing for protection of Afghanistan's new markets, Sadeqi Zada Nili (Daikundi) said, "The government should impose limits on the import of goods, especially unnecessary food items, to promote domestic production."

Focusing on women's participation, Fawzia Kofi (Badakhshan) said: "The Ministry of Economy should have an executive role along with policy making power. It should be made clear what programs the ministry has for 2010 to bring improvements in women's lives." Supporting Kofi, Shinkai Karokhail (Kabul) commented, "The involvement of women is imperative because women make up half of society. The ministries, particularly the Ministry of Economy, should be fully committed to Afghanistan's treaties during the selection of the projects and should prioritize those projects which may have positive effects on women's lives."

Ministry of Transportation and Civil Aviation

On 2 September the Wolesi discussed the Ministry of Transport and Civil Aviation's 2010 plans with Minister Hamidullah Farooqi. Improvements to airport equipment, airport construction around the country, the Haj operation, and ministry capacity building are priorities, according to Farooqi.

The MPs' questions addressed the ministry's plans for new bus stations in Kabul, public transport for university students, airport construction/modernization, and privatization of Kabul Mili Bus and Aryana Airlines. The minister responded that the ministry is working to bring Mili Bus to standards comparable with private companies, that Kabul Municipality must grant permission for building new bus stations, that students receive a 50 percent discount for using public transport, and that there is no plan to privatize Aryana Airlines.

MPs Question Utility of Questioning Ministries

A number of MPs are unsatisfied with the ministries' presentation of their plans. Haji Khial Mohammad Husaini (Ghazni) suggested, "As far as I know, it is a waste of time, because not one of the ministries will provide written plans for 2010. During these verbal presentations they just repeat their past activities."

Suggesting a greater role for oversight, Mir Ahmad Joyenda (Kabul) told APAP that, "In fact the ministers do not have any specific plan for the year of 2010. As the Minister of Economy says, due to lack of capacity, the ministry did not implement 55% of its budget last year and cannot spend 45% of this year's either. My question is: What is the obligation and duty of the ministers who cannot implement the budget of their own ministry?"

Several MPs argued that the development plan issue could be better handled in the committees, rather than in the plenary sessions.

To date the Ministry of Rural Rehabilitation and Development (MRRD), Ministry of Communication and Information Technology (MoCIT), Ministry of Transport and Civil Aviation (MoTCA) and the Ministry of Economy (MoEC) have shared their 2010 development plans with the Wolesi Jirga. Similar planning meetings with the ministries will continue.

Legislation

Wolesi Jirga

Electoral Law

The Electoral Law establishes the electoral system and will regulate electoral issues, including voting centers/polling stations, observers, election campaigns, candidacy, candidate lists, voting eligibility, counting, and inter-agency cooperation on elections. The draft law addresses presidential, parliamentary, provincial, district, and mayoral elections.

Update: On 6 September, the Wolesi committees discussed the Electoral Law timeframe for consideration with Ministry of Justice, Supreme Court, Ministry of Parliamentary Affairs, and UNAMA representatives. Director of the Legislative Department of the Ministry of Justice, Mr. Halimi, assuming that the “last year” of the legislative term is the 12 months prior to the end of the term, argued that, based on Article 109 of the Constitution which forbids work on the law by the National Assembly within the “last year” of its term, the Assembly cannot amend the draft. The official also pointed out that the Assembly returned the bill to the government for referral to the yet to be established Independent Commission for Overseeing Implementation of the Constitution and must have a two-thirds majority in the plenary to call it back to the Wolesi Jirga. The Supreme Court and UNAMA representatives supported the position.

Meanwhile the Ministry of Parliamentary Affairs delivered a letter requesting the Wolesi Jirga not to include the draft law in its agenda. The MoPA representative, Mr. Dadshan, asked the MPs to submit requests for changes to the bill while suggesting the possibility of a presidential electoral decree over winter recess. Most MPs opposed the proposal arguing that the existing law precludes issuance of another electoral decree, not to mention that the government’s obligation to submit signed degrees to the Assembly within 30 days would contradict the prohibition of Assembly consideration of the draft.

One group of MPs, including Sayed Hussain Alemi Balkhi (Kabul), supported the government’s position based on Articles 83, 107, and 109 of the Constitution that the Wolesi is in the last year of its term and therefore prohibited from considering the draft. Another, which included Fawzia Kofi (Badakhshan), argued that the Constitution is unclear, especially in leaving undefined “last year” as either the last 12 months or “last year” as beginning at the start of the first session of the fifth year, rather than 12 months prior to the end of the term.

The Wolesi Jirga Committee of Chairs is considering further discussion on the issue.

Counter Terrorism Law

This law is drafted to counter terrorist crimes in light of provisions in paragraph two of Article 7 of the Constitution which obligates the state to “prevent all kinds of

terrorist activities, cultivation and smuggling of narcotics, and production and use of intoxicants.”

Update: Correction: The Wolesi Jirga Internal Affairs, Borders, and Local Administration Committee circulated the bill to other Wolesi committees their inputs.

Law on Support for Competition

The law is drafted, in light of provisions in Article 11 of the Constitution, which stipulates that matters of trade be regulated by law, to support competition and prevention of monopoly in the market. The objectives of this law are: Supporting prevention of unjust contracts, agreements and procedures that result in limiting, preventing or violating competition in the market of goods and services and the production process; prevention of monopoly in commerce activities; and to provide opportunities for positive competition aimed at boosting the welfare of the economy.

Update: The National Economy, NGOs, Rural Development, Agriculture and Livestock Committee of the Wolesi Jirga has amended the word “cash fine” with “punishment” in Articles 26, 30 and 31. The amendments adhere to the Supreme Court decision that cash fine violates Sharia Law.

Law on Elimination of Violence against Women

The draft law has been enacted in light of provisions in Article 24 and 54 of the Constitution guaranteeing rights. This draft initiated by the Ministry of Women’s Affairs, the Wolesi Jirga Women’s, Civil Society, and Human Rights Committee, and civil society, and processed by the Ministry of Justice, in consultation with the Supreme Court and Ministry of Interior. The objectives of the law are: Protection of women’s Islamic and legal rights, and human dignity; preventing of violations against women, provision of information and public training about violations against women; and prosecution of perpetrators of violations against women.

Update: The Wolesi Jirga Women’s Committee has reviewed one chapter with no significant changes.

Law on Countering Immorality

This law is drafted in the light of Article 24 of the Constitution – which guarantees liberty *unless affecting other freedoms as well as the public interest* – for maintaining order, public interests, and prevention of immorality. 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: Formerly known as the Social Behavior Law, the Counternarcotics Committee has begun reviewing the bill for potential improvements and additions to cover all aspects of immorality.

Law on Firearms, Ammunition and Explosives

The bill addresses affairs related to the acquisition, possession, transport, production, use, sale, import, and export of firearms, ammunition, and explosives.

Update: The Wolesi Jirga Internal Affairs, Borders and Local Administration Committee has circulated the bill to other Wolesi committees for comments and inputs.

Procurement Law

This bill addresses procurement of materials and services of the government and private entities. The draft law aims to promote transparency and equal opportunity in competitive procurement processes, control of financial and public expenditures, and supply of high quality goods and services.

Update: No change from last week. The bill was inactive in the Wolesi Jirga Budget and Finance Committee.

Customs Law

This bill is drafted in accordance with Article 42 of the Constitution to legislate customs affairs, including government collection of customs revenue, establishing customs duties, specifying the authority conferred on customs personnel, outlining export policies and procedures, and preventing customs violations.

Update: No change from last week. The bill is with the Wolesi Jirga Budget and Finance Committee.

Law on Child Correction and Education Centers

The bill is drafted in accordance with the values embodied in Article 54 of the Afghan Constitution and the UN Convention on the Rights of the Child. The draft law addresses issues of re-education and protection of suspected, accused, and convicted children in child correction and education centers.

Update: No change. The bill is pending discussion in a combined meeting of Wolesi Committees.

Local Governance Law

This law is drafted pursuant to Article 136 of the Constitution to provide for the management of issues relating to the numbers, areas, and structures of local administrations. The draft law also addresses affairs related to provincial governors, district governors and sub-district governors. Local administrations act to: secure the needs of local peoples in different areas of social, cultural and economic life; maintain order and protect public interests; implement state-proposed programs in related areas; and attract people's cooperation in securing government's development objectives.

Update: No change. As previously reported, further Wolesi consideration is pending clarification of Article 137 of the Constitution by the yet-to-be-established Independent Commission for Overseeing Implementation of the Constitution. At issue is the appointment versus election of provincial and local governors. Article 137 states: “The government, in preserving the principles of centralism, shall transfer necessary powers, in accordance with the law, to local administrations in order to accelerate and improve economic, social as well as cultural matters, and foster people’s participation in developing national life.”

The Wolesi Jirga has also requested verification of provincial population data – often a contentious issue as provinces aim to inflate their numbers for representation and resource issues – before reconsidering the draft.

Education law

The draft law guarantees equal and balanced access to free primary education for all Afghan citizens. The bill aims to eliminate illiteracy and improve the quality of education nationwide through instituting modern methodology and parental involvement in schools. In addition, the bill calls for improved professional qualifications of teachers, school principals, and Ministry of Education employees. The draft sets a minimum education level of grade eight for all Afghans and mandates design of age-appropriate curricula by the Ministry of Education.

Update: No change from last week. The draft law remains with the Wolesi Jirga Religious, Cultural, Education and Higher Education Committee.

Law on Medals and Badges

The Law on Medals and Badges regulates affairs related to the class, value, size, and production of official government medals and badges. The draft explains the types and purposes of various medals and badges and defines award conditions and processes.

Update: The Wolesi Jirga Religious, Cultural, Education and Higher Education Committee is reviewing mostly minor amendments from the committees.

Law on the Structure, Duties, and Authorities of the Afghanistan Independent Human Rights Commission

Pursuant to United Nations General Assembly Resolution 48/134 dated 20 December 1993 and provisions of Article 58 of the Afghan Constitution, the law, passed by decree, promotes respect for and monitoring of human rights, and governs the structure, functions, authorities, and activities of the Afghanistan Independent Human Rights Commission. It now requires ratification by the National Assembly.

Update: No change from last week. The bill is with the Wolesi Jirga Women’s, Civil Society, and Human Rights Committee.

Law on Private Security Companies

The bill regulates foreign and domestic private security companies (PSC) in Afghanistan and places licensing and oversight authority with the Ministry of Interior. The draft law establishes a board chaired by the Minister of Interior to oversee security companies' affairs. The board will review and approve applications before forwarding them to the Cabinet and revoke licenses or impose restrictions as deemed necessary.

Update: No change from last week. The Wolesi Jirga has returned the bill to the government for clarification of Article 5 of the Constitution by the not yet established Independent Commission for Overseeing Implementation of the Constitution. Article 5 states, "...attaining the security and defense capability of the country shall be the fundamental duties of the state." In light of this, some MPs take issue with the role and reach of private security companies in Afghanistan. Others question the "appropriateness" of the law for Afghanistan and suggest that that appropriateness be determined by the Implementation Commission.

Higher Education Law

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

Update: No change. The Wolesi has referred the draft to the government over the use of Pashtu versus Persian words for academic terminology in the draft. MPs have suggested that the not yet established Independent Commission for Overseeing Implementation of the Constitution clarify what constitutes "academic and national terminology" in the Article 16 phrase, "Academic and national administrative terminology and usage in the country shall be preserved." Some are advocating the use of Danishga (Persian) in addition to the traditional Pohantoon (Pashtu) for "university."

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 families' social, economic, and political needs, including housing and employment benefits.

Update: The bill was inactive last week. The government has rejected the bill over the issue of raising compensation for the families of the martyred and missing. As previously reported, the Assembly specified the amount of compensation to the families of martyrs and missing in Articles 4 and 5 as follows: survivors of martyred and missing military and higher level civilian authorities are entitled to 35 percent of the martyred or missing person's last monthly salary and other benefits. Other government workers are entitled to 30 percent of the same. The government wants to reduce the percentages. Wolesi Jirga Speaker Qanooni has instructed the Committee of the Disabled, Martyred, and Widowed to consider the draft in the coming weeks.

Law on Rights and Privileges of the Disabled

The law will integrate and support the disabled economically.

Update: The bill was inactive last week. The government has rejected the bill over the issue of raising compensation to the disabled. As previously reported and 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 Afghani. Unregistered disabled would be able to obtain identity cards which are required to receive the benefit. Wolesi Jirga Speaker Qanooni has instructed the Committee of the Disabled, Martyred, and Widowed to consider the draft in the coming weeks.

Statistics Law

The Statistic Law addresses the duties, authorities, and organization of the Independent Central Statistics Department. The law establishes a central office for coordination and integration of all statistical activities at the national level. The draft calls for conducting a census every 10 years and issuance of national ID cards.

Update: No change from last week. As previously reported, the bill has been rejected by the government. The Wolesi Jirga had amended the draft to call for use of national ID cards in conducting the census with the objective of excluding foreigners, especially in the border regions. The government countered that many people lack ID cards which will make completion of the census impossible. According to Wolesi Jirga Speaker Qanooni, all rejected bills will be considered during the coming month.

Political Parties Law

The law will regulate political parties' creation, activities, rights, and responsibilities.

Update: No change from last week. Drafting of the previously reported Wolesi adjustments described below is continuing in the Wolesi Women's, Civil Society, and Human Rights Committee.

As previously reported, the Assembly had amended the draft to specify that political parties have the right to establish offices outside the country and that the government is responsible for ensuring their security. The government rejected the amendment arguing that parties do not have the right to establish offices abroad and that ensuring security inside the country is its only responsibility (as specified in the original text). The Wolesi last week accepted the government's position but stated that, while not establishing offices abroad, parties are allowed to be active outside the country.

The Assembly had also amended the bill such that, "Dissolution of political parties shall take place by proposal of the Ministry of Justice." The government insists that dissolution authority lies with the Supreme Court, as specified in the original draft. Last week the Wolesi modified its amendment to specify that dissolution shall take place by proposal of the Ministry of Justice and through an authorized organ.

If approved by both houses, the new amendments will be sent back to the President. The Wolesi Jirga will not attempt to override the President's changes with a two-thirds majority.

Law on Juvenile Offenders

The bill is drafted based on Article 54 of the Constitution and human rights conventions to protect the rights and privileges of accused children.

Update: There is some talk that, after the government returned the bill over an Assembly amendment which includes "signs of maturity" (per Sharia Law) as well as age as criteria for classification of subjects as minors or adults, the Assembly may accept the original government language.

Independent Election Commission Structure Law

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

Update: No change. The bill was inactive last week in the Wolesi Jirga. As previously reported, the President rejected the bill last July over Assembly amendments that call for Wolesi Jirga approval of IEC presidential appointees. The government argues that lower house approval of the IEC commissioners and chair would be unconstitutional as the requirement is not mentioned in the document. IEC officials argue that Assembly approval of IEC commissioners would jeopardize their independence. Proponents of Assembly approval argue that exclusive presidential appointment of IEC members would promote bias and contradicts international best practice.

The President is also opposed to an Assembly amendment that would require the IEC Secretariat head to report to the IEC commissioners but has accepted that the Secretariat head report only to the IEC chairman.

Law on Regulating Ethical Relations of the Three Powers of State

The draft law establishes expectations for behavior and communication between representatives of the executive, legislative, and judicial branches of government.

Update: No changes last week. As previously reported, the Wolesi plenary may put the bill to a vote in an attempt to override the Meshrano's objections with a two-third majority. Justice and Judiciary Committee Chairman Abu Aman proposed changing "law" to "procedure" with the rationale that the document contains more ethical recommendations than mandates. The upper house returned the bill to the Wolesi Jirga with a letter clarifying that it is "advisory" and that the draft, if approved, would limit Parliament's authorities.

Meshrano Jirga

Counternarcotics Law

The draft law, in accordance with Article 7 of the Afghan Constitution, will prevent cultivation, trafficking, production, transaction, export and import of narcotics. The bill also addresses punishment of narcotics traffickers and promotes assistance from national and international organizations on countering narcotics processing, production, and facilities. The bill promotes cultivation of alternative crops.

Update: The Meshrano Jirga Environment and Public Welfare Committee has completed work on the draft. The committee has made only grammatical changes since the last update. As reported, the committee restored many of the Wolesi amendments – particularly sentencing periods – to the government versions.

Law on Cooperatives and Limited Liability Companies

The bill is drafted to govern the affairs and activities of cooperatives and limited liability companies.

Update: The draft is in the Meshrano Jirga.

Law on Planting Seeds

This bill is drafted to regulate planting, production, purchase, quality control, and trade of seeds, and related issues. Objectives of the bill include improving and developing planting and root seeds, protection of genetic resources and materials, and promoting scientific research on seeds.

Update: The draft is with the Meshrano Jirga where copies have been distributed to the committees for review and comments.

Communication Services Regulatory Law

The law is drafted in accordance with provisions of Articles 10 and 37 of the Afghan Constitution to enhance and develop telecommunications services, organize and monitor telecommunication markets, and govern business relationships among the Ministry of Communications, service providers, and customers.

Update: The Meshrano Jirga Committee on Telecommunications has begun working on the draft.

Law on Registration of Commercial Trademarks

This law is established to organize the registration and use of trademarks for industrial, commercial, communications, and agricultural goods, products and services. According to the law, a name, word, signature, written piece, map, title, stamp, picture, etc. can be registered. The law also regulates registration, change, and transfer of trademarks and restricts the use by two or more individuals, companies, offices, organizations or institutions of the same trademark.

Update: The bill was inactive the Meshrano last week.

Joint Committees

Government Structure Law

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

Update: A joint Committee of the houses has discussed the bill. Participants agreed that the Wolesi Jirga Justice and Judiciary Committee should request the Ministry of Justice to include significant bodies, such as the Independent Election Commission, the Central Audit Office, the Human Rights Commission, Advisors to the President, etc., in the bill before further deliberation and approval in the National Assembly.

The committee has also agreed with the Ministry of Justice to amend English language terms used in the draft.

Organization and Jurisdiction of Courts Law

The law will regulate the structure, staffing, and rights and responsibilities of the courts. Under the law, the Supreme Court, as the highest judicial authority, has the right to overturn or amend decisions of the lower courts. The courts review disputes, monitor implementation of the law, and protect citizens' rights in accordance with the law.

Update: No change from last week. The draft is pending discussion in a joint committee of the houses.

Chamber of Commerce and Industry Law

The bill, drafted pursuant to Articles 10, 11 and 13 of the Constitution, aims to defend the rights of private sector enterprises; develop commercial, industrial, agricultural, husbandry and other economic services in the private sector; coordinate the handicraft, trade union, and service industries; and pave the way for economic development of private sector enterprises, nationally and internationally.

Update: A joint committee of the houses has approved the Wolesi Jirga National Economy Committee requirement that that the Chamber of Commerce and Industry be independent, not "supervised" by a Cabinet committee.

Law on Transit

The bill is drafted to regulate transport affairs including provision of facilities for the transit of goods and their protection.

Update: A joint committee of the houses approved Wolesi Jirga Communication Committee amendments that require the transporter to inform the customer within two

days about the arrival of its shipment. The original draft specified five days, and the Meshrano Jirga had changed the Wolesi's two days to three days.

Law on Personnel Affairs of ANA Sergeants

The law regulates personnel issues including conditions for appointment, compensation for death and injury, rank, transfer, benefits, vacation, discipline, rewards, resignation, retirement, and reserve status of ANA sergeants and officers.

Update: No change from last week. The Meshrano has returned the draft to the Wolesi and is seeking to establish a joint committee to discuss differences over issues including appointment/recruitment powers.

Extradition Law

The bill governs the transfer of suspects, accused, and convicts to and from Afghanistan and addresses requests for judicial cooperation on criminal matters between Afghanistan and other countries. In line with Articles 7 and 28 of the Constitution, the bill seeks to implement Afghanistan's obligations under bilateral extradition treaties as well as consolidate procedures in existing laws which address Afghanistan's obligations under multilateral conventions, including the United Nations Convention against Transnational Organized Crime and the Convention for the Suppression of the Financing of Terrorism.

The proposed law generally follows the principles of the UN Model Law on Extradition and of most extradition laws, including those on covered offences, dual criminality requirement, prohibition against double jeopardy, and grounds for refusal of extradition requests. In addition, the bill conditions Afghanistan's approval of extradition requests on the provisions of the International Covenant on Civil and Political Rights and the Prohibition of Torture and Other Cruel, Inhuman, and Degrading Treatment.

Update: No change. Further discussion is pending formation of a joint committee of the houses. See the 18 May Newsletter for a summary of Wolesi Jirga amendments.

Criminal Procedure Code for Military Courts and Law on Military Crimes (one document)

The draft law addresses issues of crimes committed by Afghan National Army officers and soldiers. Procedures involving criminal investigation and reporting, arrest of the accused, collection of evidence, access to witnesses and evidence, rights of the convicted, court verdicts, punishment, etc. are covered.

Update: No change from last week. Further consideration of the draft is pending introduction of a joint committee of the houses.

Law on Health

The law regulates 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.

Update: A joint committee of the houses discussed the bill this week with the representatives of Ministry of Justice, Ministry of Finance and Ministry of Public Health.

The Minister of Public Health told MPs that the delay over charges for advanced health services has caused significant problems, including postponed inauguration of the Chinese-built Jamhoriyat Hospital – which is equipped with modern technology – due to the government’s inability to cover the cost of its use, and operate the hospital. The minister asked the house to pass the bill allowing the ministry to institute the fees.

As previously reported, the central issue is whether the government has the right under the Constitution to charge for “advanced” health services or should provide them free of charge as it is able. The Wolesi members may attempt to override the President’s veto with a two-thirds majority in the plenary.

Police Law

The law regulates the structure, responsibilities, duties, activities, and authorities of the police forces. The Wolesi draft gives the Minister of Interior responsibility for supervision of Kabul city, border, and highway and traffic police forces nationally. The regular MoI police forces in the provinces and districts would be supervised by provincial governors and district administrators.

Update: No change. The draft has been sent to the President but, reportedly, executive-legislative discussions continue on supervision of the provincial and district level police forces.

Acronyms

NDS – National Directorate of Security
MJ - Meshrano Jirga (Upper House)
MOF – Ministry of Finance
MOI – Ministry of Interior
MOD – Ministry of Defense
WJ – Wolesi Jirga (Lower House)