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**AFGHANISTAN
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Legislative Newsletter

Calendar

- Wolesi Jirga (Lower House) Agenda:
 - Electoral Law
 - Education Law
 - Law on Medals and Badges
 - Law on Personnel Affairs of ANA Sergeants
 - Police Law
 - Law on Shia Affairs
 - Passport Law
 - Communication Services Regulatory Law
 - Law on Social Behavior
 - Afghanistan National Development Strategy (ANDS)
 - Higher Education Law
 - Political Parties Law

- Meshrano Jirga (Upper House) Agenda:
 - Law on Rights and Privileges of the Relatives of Martyrs and Missing
 - Government Structure Law
 - Law on Stamp Duties of Courts
 - Law on Water
 - Extradition Law
 - Law on Mortgage of Immovable Assets in Banking Transactions
 - Private Investment Law
 - Income Tax Law
 - Organization and Jurisdiction of Courts Law
 - Law on Health
 - Cooperation and Friendship Treaty between Afghanistan and Tajikistan

- Joint Committees:
 - Independent Election Commission Structure Law
 - Law on Foreign Citizen Travel, Work, and Stay
 - Law on Certified Documents Issued in Embassies and Consulates of Afghanistan
 - Law on Civil Servants
 - Law on Gatherings, Protests, and Demonstrations
 - Law on Rights and Privileges of the Disabled

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.

Last week Administrative Board and committee chair elections dominated the Assembly agendas. See election results in *News* below.

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: No change from last week. The draft law is not on the Wolesi agenda for the next two weeks. As reported, the head of the Electoral Law Subcommittee of the Wolesi Jirga Legislative Committee, Honorable Registani (Panjshir), is pushing to have the bill reintroduced.

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 draft law was not discussed as planned in the Wolesi last week.

Law on Medals and Badges

The Law on Medals and Badges regulates affairs related to class, value, size, and production of official government medals and badges.

Update: No changes from last week. The law is with the Wolesi Jirga Health, Sports, Youth, and Labor Committee.

Law on Personnel Affairs of ANA Sergeants

The law regulates personnel issues (appointment, transfer, vacation, discipline, rewards, and retirement) of ANA sergeants.

Update: No change from last week. The draft law is with the Wolesi Jirga Defense Committee.

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 police forces in the capital and the border as well as 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: The Wolesi Jirga approved the Police Law on January 28th. Several MPs raised concerns about potential abuse of the new powers the law would offer. The draft law is scheduled to be forwarded to the Meshrano Jirga by the end of next week.

Law on Shia Affairs

The draft law regulates the personal affairs of Shia citizens including marriage, divorce, remarriage (due to death of one of the partners), maintenance of orphan property, patrimony, and bankruptcy. The draft law dictates that the Supreme Court appoint professional judges to consider matters involving Shias.

Update: Consideration of the Law on Shia Affairs scheduled for 28 January was delayed due to discussion of the Police Law in the Wolesi plenary. The bill is included in Wolesi Jirga agenda for this week.

Passport Law

The law regulates Afghan citizens' travel abroad.

Update: The Meshrano Jirga approved repeal of four articles as requested by the President's office and returned the draft to the Wolesi to forward to the President. The measure aims to streamline the process for obtaining a passport.

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: The draft law has been sent to the Meshrano Jirga for consideration.

Government Structure Law

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

Update: No change from last week. The law is with the Meshrano Jirga Legislative, Justice and Judiciary Committee.

Law on Stamp Duties of Courts

The law regulates the price of stamp duties and administrative expenses of Afghanistan courts.

Update: No change from last week. The draft is with the Meshrano Jirga.

Law on Water

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

Update: No change. The draft law was inactive in the Meshrano Jirga last week.

Extradition Law

The proposed law regulates issues related to extradition of accused and convicted persons to and from Afghanistan. It also regulates the handling of requests for international judicial cooperation on criminal matters.

Update: Last week the draft law was introduced in the Meshrano plenary and sent to the Legislative Affairs Committee for review.

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 law aims to: secure debt and contracts using immovable property; facilitate access to negotiable credit 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 bill is pending introduction to the Meshrano plenary.

Private Investment Law

The law regulates issues related to encouraging and protecting private investment in a free market economy.

Update: By request of the government, the Wolesi has amended the maximum lease period for foreign investors from 50 to 90 years. The law is now with the Meshrano Jirga.

Income Tax Law

The law outlines tax rates and procedures in accordance with Article 42 of the Constitution.

Update: No changes. The amended Wolesi Jirga draft was inactive in the Meshrano Jirga last week.

Organization and Jurisdiction of Courts Law

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

Update: The draft law was introduced in the Meshrano plenary on 27 January.

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: The draft law was introduced in the Meshrano plenary on 27 January.

Independent Election Commission Structure Law

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

Update: No change from last week. The Wolesi Jirga has requested a joint committee to discuss the Meshrano's amendments. No date has been set.

Law on Foreign Citizens' Travel, Work and Stay

The law regulates issues related to foreign citizens' entry, work, and stay in Afghanistan.

Update: No change from last week. Consideration of the draft is pending introduction of Wolesi and Meshrano members to the joint committee.

Law on Certified Documents Issued in Embassies and Consulates of Afghanistan

The law regulates fees for certification of business, education related and other legal documents (power of attorney, birth certificates, etc.) issued in Afghan embassies and consulates.

Update: No change from last week. Consideration of the draft is pending introduction of Wolesi and Meshrano members to the joint committee.

Law on Civil Servants

The law addresses the salaries and ranks of civil service employees, and outlines measures to: make administrative corrections to Government systems; clarify job descriptions for Government employees; improve education levels of Government employees; improve employee qualifications and work ethic; and provide employee housing and benefits.

Update: No change from last week. The Wolesi Jirga has requested a joint meeting with the Upper House to discuss the Meshrano's amendments.

News

Assembly Appoints Committee to Review “District Council” Senators

The National Assembly last week appointed a committee of MPs and Senators to consider the contentious issue of the 34 Meshrano Jirga Senators elected by the Provincial Councils in place of those constitutionally mandated to be chosen by the District Councils. When District Councils were not established in the fall of 2005 for districting, security, and other reasons, President Karzai issued Decree 93 on 31 October authorizing the newly elected Provincial Councils to elect a second member to the Upper House of Parliament to replace the missing District Council senators.¹ Under the Constitution, these 34 “district” Senators should serve a three year term, which would have expired in December 2008. Because of this, some MPs argue that the Senators’ continued presence in the National Assembly is illegal. Others add that, because the President’s decree was never approved by the Lower House, its provision authorizing the district Senators’ term to match the Provincial Councils’ four year term is invalid.

On January 26th the Wolesi members, led by Speaker Qanooni, debated the legitimacy of the “district” Senators. While a majority seemed to favor action on the matter, some questioned why, if the President’s decree is “invalid,” the issue had not been raised earlier. Others in the Assembly, including the Legislative Department head, Abdul Wasea, expressed concern that eliminating Meshrano Jirga seats would hinder the Assembly’s function and hurt its credibility.

Solutions offered included the Provincial Councils electing new district Senators, and continuing Meshrano Jirga business in the absence of the 34 district Senators, which would likely entail procedural adjustments including revision of the quorum threshold.

The 20 member committee will continue its review of the issue.

UN Special Representative Weighs in on Election Date, Senators React

The United Nation’s Special Representative to Afghanistan, Kai Edie, met with Afghan Senators on 27 January, first in an open session, and then behind closed doors. During the open session, Mr. Edie pledged continued UN support in strengthening the Afghan Parliament.

Participants in the closed session reported that Mr. Eide explained the rationale for moving the Presidential election date back to late summer and asked Senators to support the delay. In addition to the tenuous security situation, a shortage (approximately 50 percent) of pledged donor support and unfavorable weather were cited as the reasons.

¹ The Constitution specifies that the Upper House be formed of three parts: 1/3 selected by the President; 1/3 elected form Provincial Councils (one senator from each province); and 1/3 elected from the Districts Councils of each province.

MPs raised questions about the implications of a delayed election date. “According to the Constitution, President Karzai’s term will be over in June. So now the question is, if the elections are delayed, what will happen to the government’s legitimacy until next autumn, and how it will be maintained? Based on the Constitution, if President Karzai continues ruling Afghanistan after June 2009, his governance will be considered illegal and illegitimate,” commented Senator Ezedyar, member of the Meshrano Jirga Legislative Committee.

“Afghanistan has its Constitution, and the United Nations must support it. We cannot tolerate UN interference in elections again. Calls for democratic governance will be questioned if foreigners interfere in elections. I don’t understand how the UN cannot find 60 million dollars. It is just another reason to keep Karzai in power,” said another Senator off the record.

Committee Chairpersons and Deputies Elected

Annual elections for the committee chairmanships of both houses took place last week. Per Meshrano Jirga rules, committee members announced their candidacy for the chairperson and deputy spots. Then, in a plenary session, Senators voted for every committee chair and deputy. The Wolesi Jirga committees each elect their own chairperson and deputy.

Meshrano Jirga

Committee	Vote Count
Complaint	
Mohammad Hanif “Hanafi” (Urozgan)	48
Dr Zalmai Zabuli (Zabul) (Incumbent)	34
Abstentions	4
Deputy Chair: Haji Raz Mohammad (Samangan)	
National Economy and Budget	
Mohammad Akbar Wahad (Faryab)	49
Ahmad Shah Ramazan (Balkh)	35
Abstentions	3
Deputy Chair: Said Hamid Big Janzda (Jowzjan)	
Provincial Council and Meshrano Jirga Immunity	
Haji Mokaram Khan Nasery (Laghman)	38
Mohammad Omar Shirzad (Kandahar)	25
Mullah Sayed Mohammad Akhond (Kandahar)	18
Abstentions	6
Deputy Chair: Mohammad Hassan Hotak (Zabul)	
Public Welfare and Environment	
Dr. Mohammad Omer Samim (Herat)	37
Madam Taiba Zahidi (Herat)	27

Dr. Bakhtar Aminzai (Paktia)	21
Abstentions	1
Deputy Chair: Abdul Baseer Dehqan (Badakhshan)	

Transport, Communication and Municipality

Qazi Sahadullah Abu Aman (Badakhshan)	34
Saber Khan Babakarkhel (Khost)	33
Eng.Abdul Wali AhmadZai (Logar)	17
Abstentions	3
Deputy chair: Amer Sahdullah (Takhar)	

International Relations

Mohammad Alam Ezatyar (Panshir)	57
Safar Mohammad Kakar (Kundoz)	26
Abstentions	4
Deputy chair: Rida Azimi (Parwan)	

Internal Security and Defense Affairs

Haji Saleh Mohammad Saleh (Kunar)	47
Dr.Abdull Ahmad Zahidi	37
Abstentions	3
Deputy Chair: Mohammad Hashem Urtaq (Faryab)	

Legislative Affairs, Justice and Judiciary

Mahbooba Hoqooqmal (Kabul)	44
Qurban Ali Urfani (Bamyan)	42
Abstentions	1
Deputy Chair: Kubra Mostafawi (Wardak)	

Religious Affairs, Cultural, Education and Higher Education Commission

Mr. Arsala Rahmani (Paktia)	Uncontested
Deputy Chair: Noorullah Mehmar (Nuristan)	

Tribal Affairs, Frontier, Kuchis and Refugee Commission

Pir Said Ibrahim Gilani (Zabul)	Uncontested
Deputy Chair: TBD	

Disabled, Martyr, Gender and Civil Society Commission

Madam Sediqa Balkhi (Balkh)	Uncontested
Deputy Chair: Qamar Khosti (Khost)	

Wolesi Jirga

Note: Most of the committee leadership was elected by consensus.

Communications, Transportation, City Development, and Municipalities

Chairman: Eng. Mohammad Khan (Ghazni)
Deputy: Fatima Aziz (Kunduz)

Finance and Budget

Chairman: Sediq Osmani (Parwan)

Deputy: Yusuf Ghazanfar (Balkh)

Immunities and Privileges of MPs

Chairman: Hajji Zainulabedein Farid (Parwan)

Deputy: Hajji Mohammad Anwar (Helmand)

National Economy, NGOs, Rural Development, Agriculture and Livestock

Chairman: Hajji Aziz Ahmad Nadem (Herat)

Deputy: Qurban Kohistani (Ghor)

Internal Affairs, Borders and Local Administrations

Chairman: Hajji Mohammad Almas (Parwan)

Deputy: Mohammad Mosa Hutak (Wardak)

Disabled, Martyrs, and Widows

Chair: Eng. Mohammad Asem (Baghlan)

Deputy: Homaira Gulshani (Sar-e-Pul)

Legislative Affairs

Chair: Burhan-u-deen Rabani (Badakhshan)

Deputy: Fazelullah Mujadidi (Logar)

International Affairs

Abdul Rab Rasoul Sayaf (Kabul)

Sayed Ishaq Gilani (Paktika)

Tribes, Nomads, Refugees and Displaced People Affairs

Chairman: Mullah Tarakhel Kochi (Kabul)

Deputy: Abdul Qader Kochi (Nangahar)

Health, Sports, Youth, Labor and Laborers

Chairman: Dr. Nehmatullah (Kabul)

Deputy: Mohammad Amin Qaneh (Kunduz)

Central Audit and Oversight on Implementation of the Law

Chairman: Mohammad Hashim Watanwal (Urozgan)

(Chairman Watanwal defeated incumbent Ranjbar with 6 votes)

Deputy: Safora Ilkhani (Bamyan)

Natural Recourses and Environment

Chair: Shafiqa Noori (Parwan)

Deputy: Shekeba Matin Hashimi (Kandahar)

Religious, Cultural, Education, and Higher Education Affairs

Chair: Hajji Mohammad Muhaqiq (Kabul)

Deputy: Abdul Aziz (Badakhshan)

Justice and Judiciary

Chair: Mawlawi Attaullah Lodin (Nangahar)

Deputy: Haji Mohammad Abdu (Balkh)

Antinarcotics: to be determined

Complaints: to be determined

Defense Affairs and Territorial Integrity: to be determined

Women, Civil Society and Human Rights Affairs: to be determined

Acronyms:

ANA – Afghan National Army

ANDS – Afghanistan National Development Strategy

ANP – Afghan National Police

DIPR – Department of Information and Public Relations

IEC – Independent Election Committee

IHRC – Independent Human Rights Commission

ISAF – International Security Assistance Force

NATO – North Atlantic Treaty Organization

NDS – National Directorate of Security

MoF – Ministry of Finance