



USAID
از طرف مردم امریکا
د امریکا دولس لخوا

**AFGHANISTAN
PARLIAMENTARY ASSISTANCE
PROJECT**

25 January 2009 Vol. 2, No. 1

Legislative Newsletter

Calendar

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

- Meshrano Jirga (Upper House) Agenda:
 - Government Structure Law
 - Law on Stamp Duties of Courts
 - Law on Water
 - Extradition Law
 - Passport 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.

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: Head of the Electoral Law Subcommittee of the Wolesi Jirga Legislative Committee, Honorable Registani (Panshir), is pushing to have the bill reintroduced for consideration. It is unclear whether or when this will occur.

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 is on the Wolesi plenary schedule for this 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: The law is with the Wolesi Jirga Health 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: Consideration of the draft law in the Wolesi Jirga Defense Committee is pending election of a chairman.

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 is with the Wolesi Jirga.

Government Structure Law

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

Update: 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: 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: The Wolesi Jirga has forwarded its draft to the Meshrano Jirga.

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: The Wolesi draft was sent to the Meshrano on 14 December.

Passport Law

The law regulates Afghan citizens' travel abroad.

Update: The draft law is with the Meshrano Jirga.

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 Wolesi Jirga has forwarded the draft to the Meshrano.

Private Investment Law

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

Update: The Wolesi Jirga has amended Article 21 and returned the draft to the Meshrano.

Income Tax Law

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

Update: The Wolesi Jirga draft has been sent to the Meshrano Jirga with amendments.

Organization and Jurisdiction of Courts Law

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

Update: The Wolesi Jirga forwarded the draft to the Meshrano Jirga on 29 December.

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 Wolesi Jirga sent the draft to the Meshrano on 31 December.

Independent Election Commission Structure Law

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

Update: 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: 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: 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: The Wolesi Jirga has requested a joint meeting with the Upper House to discuss the Meshrano's amendments.

News

President Inaugurates Assembly's Fourth Year

The Afghanistan National Assembly inaugurated its fourth year on 20 January with guests including President Hamed Karzai, cabinet members, mujahidin leaders, foreign ambassadors, and representatives of the United Nations and international organizations in attendance.

In opening remarks, Wolesi Jirga Speaker Mohammad Younus Qanooni expressed concern about the country's security situation. "We hope that by the end of the National Assembly's fourth year, Afghanistan will no longer be threatened by terrorism," said the Speaker.

Highlighting progress over the last legislative session, Honorable Qanooni said, "Parliament has been successful in monitoring the executive branch activities and more effective in approving bills than in previous years." The Speaker offered the goals of increased cooperation between the three branches of government and continued improvement in Parliament's agenda setting, planning, and implementation of its Constitutional duties in serving the Afghan people.

In a speech of more than an hour, President Hamed Karzai highlighted the accomplishments of the last year including increased health care access, but also outlined the challenges facing the country.

Afghanistan faces rampant corruption, drug production and terrorism. In the last several years we have tried every way to decrease the corruption, but we have failed. The drug issue is equal to corruption and terrorism. Civilian deaths are the other major problem that we face. We have never complained about the death of a security official, but civilian casualties cannot be accepted... We are appreciative of the international community's participation in rebuilding Afghanistan. However, during meetings Afghans ask me who steals the international donations. I do admit corruption within the Afghan government – the reason for weak governance – but corruption in intentional organizations is even worse.

The President asked the armed opposition to end the conflict, join the government, and serve Afghanistan. The Afghan leader highlighted his top priority of an expanded and improved Afghan National Army of 134,000.

In concluding remarks, Upper House Speaker Mujadidi also addressed the issue of civilian casualties in foreign force air strikes: “If civilian casualties are continued, I am scared that Afghans will rise up and Afghanistan’s situation will be worse than Iraq.”

Assembly Leadership Elected

*The Speakers were not up for reelection as they serve the entire parliamentary term.

Meshrano Jirga

Upper House leadership elections on 21 January saw one change to the Administrative Board. In the Second Deputy Speaker position, Burhanullah Shinwari (Nangahar) lost his seat to Senator Mohammad Arif Sarwary (Panshir) by a vote of 38 to 42. Senators reelected Sayed Ahmad Gailani (Paktika) as the Meshrano Jirga First Deputy Speaker by a vote of 58 to challenger Arsala Rahmani’s (Paktika) 24.

Meshrano Jirga Secretary Aminudeen Muzafari (Kapisa) and Deputy Secretary Abdul Khaliq Hussaini (Laghman) faced no challengers.

To fill an empty seat created by the death of Senator Abdul Hafiz Zahir, the Takhar Provincial Council elected Honorable Senator Asadullah Sabet.

Wolesi Jirga

After two rounds on 24 and 25 January, 209 voting MPs reelected all Wolesi incumbents.

Incumbent Honorable Mirwais Yaseeni (Laghman), Honorable Arif Noorzai (Kandahar), and Honorable Shakila Hashimi (Logar) were nominees for First Deputy Speaker position. MPs reelected Honorable Yaseeni with 135 votes. Honorable Noorzai and Honorable Hashimi gained 85 and 3 votes respectively.

The Second Deputy Speaker nominees were incumbent Honorable Amanullah Payman (Badakhshan), Honorable Mir Ahmad Joyenda (Kabul), Honorable Malalai Ashaqzai (Kandahar), Honorable Safya Sadiqi (Nangahar), and Honorable Roqia Nayel (Ghor). During the first round of voting, none of the nominees gained the 50 percent plus 1 required for victory. The two highest vote getters, Honorable Payman and Honorable Nayel, gaining 85 and 42 votes respectively, advanced to the second round. Honorable Payman won the final count with 112 votes, remaining in his position.

Incumbent Wolesi Jirga Secretary Abdul Satar Khawasi (Parwan) was reelected over challenger Darwazi (Badakhshan) by 112 to 84.

Honorable Mohammad Saleh Saljoqi (Herat) received 121 votes to retain the Deputy Secretary post over challenger Honorable Sardar Rahman Oghli (Faryab).

Wolesi Jirga Discussed Session's Priorities

In its first regular meeting of 2009, the Wolesi Jirga discussed on 21 January its priorities for the coming session. Speaker Qanooni outlined the following priorities: consideration of citizen issues/problems/concerns; processing legislation; identifying regional issues; overseeing budget and other government activities; issuing parliamentary opinions; and improving problem solving methods.

Mr. Qanooni also stressed that, "Oversight is very important. If we pass hundreds of laws and if we don't do any oversight, what is the benefit?" He suggested making parliamentary oversight technical, explaining that the basis for effective oversight is good strategy.

Honorable Shokria Barakzai (Kabul) offered the following recommendations:

- Allocating 60% of the Assembly's time to oversight;
- Establishing an atmosphere of cooperation between the government and Parliament;
- Conducting meetings with ministers once a month; and,
- Increasing people's support of Parliament.

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

MoF – Ministry of Finance