

## Legislative Newsletter

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### NEWS:

#### **Meshrano Jirga Receives 1392 National Budget**

The Minister of Finance, Mr. Hazrat Omer Zakhilwal, on 6 November, introduced the draft 1392 National Budget to the Meshrano Jirga (MJ). The timing of the presentation was in terms of the budget calendar adopted by the Ministry of Finance. In his formal presentation to Senators, Minister Zakhilwal urged members to quickly ratify the document so as to “accelerate the development of the country.” According to the Afghanistan Constitution the MJ has 15 days to consider the budget bill before referring it to the Wolesi Jirga, which will have 30 days to adopt or reject it.

The 1392 National Budget has been adapted to the new fiscal year that runs from the 21<sup>st</sup> of December 2012 to the 20<sup>th</sup> of December 2013. Prior to this the fiscal year ran from March 21<sup>st</sup> till the next March. Ministers had consistently blamed the fiscal calendar for low development budget execution rates, when they appeared before the National Assembly during oversight hearings. Most ministers had claimed that with the fiscal year beginning in the spring, the time it took between the budget being passed and disbursements occurring, effectively ensured that a limited time was available for implementation before the winter months set in. Very little execution occurs during the winter owing to the inclement weather conditions.

In consequence, the National Assembly had engaged the Ministry of Finance and an amendment was made to the Public Finance Management Law, altering the fiscal year to the current December 21<sup>st</sup> beginning date. It is to be hoped that with the new fiscal year, by the springtime ministries will have close to 6 months to implement their development projects and programs. The ministries and Parliament are also hoping that this will result in development budget execution rates increasing.

In his presentation, Mr. Zakhilwal, informed the House that 95% of the Afghan economy depended on foreign aid funds. He advised the Senators that Afghanistan should make an effort to reduce expenditures and increase domestic revenues. Minister Zakhilwal reported a growth rate of 10% over the past ten years and suggested the average annual income for a typical Afghan citizen was \$650. He further assured the Senators that Afghanistan would not face an economic crisis after the withdrawal of NATO forces in 2014. In concluding his remarks on the budget, the Minister of Finance advised “We should pay attention to building up our infrastructure, take advantage of our geopolitical position, benefit from our mineral wealth (extraction industries) and develop our agriculture sector.” In reiteration the Minister said, “I am not concerned about 2014.”

Mr. Abdul Wahab Urfan (Takhar) Chairman of the Economic Affairs Commission of MJ thanked the Minister for his timely presentation of the budget. He further urged him to provide details of provincial allocations to the commissions, this would allow members to effectively discuss the allocated budgets for provinces and focus on sector specific issues.

According to the Constitution of Afghanistan, the MJ cannot make any changes to the National Budget draft, they may only make suggestions for improvement. After the constitutionally mandated 15 days, the MJ will transmit the Budget bill to the Wolesi Jirga (WJ). Last year the Wolesi Jirga rejected the 1391 National Budget twice (with various reasons) and only approved the third revision because the government added amendments and provisions that the WJ insisted upon.

*A brief overview of the 1392 National Budget presented by Minister Zakhilwal.*

- The total 1392 budget amount is 366 billion AFN (US\$ 7,042 million). The Development budget is 169 AFN billion (US\$ 3,269 million) and Operating budget is 196 AFN billion (US\$ 3,773 million)
- Current Budget Deficit is 12.7% which equals US\$ 243.8 million
- Operating Budget
  - Total Estimated Revenues for the 1392 Budget is US\$ 2,356 million, out of which US\$ 2,063 million (87.5%) will be used for funding the Operating Budget
  - 72% of the Operating is allocated for paying salaries (government and civil service)
  - Operating Budget Deficit is US\$ 37.1 million
- Development Budget
  - US\$ 36 million has been allocated for the twelve least developed provinces (US\$ 3 million per province)
  - The Development Budget deficit is US\$ 206.7 million, out of which US\$ 191 million is from the 1391 and US\$ 15 million is the new deficit amount for 1392
- 95% of Afghanistan's economy depends on foreign aid funding
- Economic Growth over the last ten years was 10%
- Annual income of Afghan citizens is \$650.

### **Wolesi Jirga Education Commission considers Amendments to the Higher Education Law.**

This week, the Commission on Religious, Cultural Affairs, Education and Higher Education of Wolesi Jirga (WJ) completed their clause – by - clause review of the 71 articles of the Law on Higher Education. As part of the deliberative process, the Commission sought advice and expertise from professors as well as the university student representatives.

This law has been stuck in the Wolesi Jirga for several years because of disagreements over terminology. The conclusion of a review of the law has been made a priority, as evidenced by the Speaker of WJ attending a Commission meeting this week. At the end of the meeting, Speaker Abdul Rauf Ibrahimy congratulated the Commission for finalizing its review of the law and suggesting amendments. "I believe the passage of this law will reduce the problems students and teachers of universities across the country are currently facing," he said. It is expected that the law and amendments will be sent to the other commissions in the WJ early next week.

The first version of the draft Law on Higher Education was initially prepared by the Ministry of Higher Education in 1989 published in the Official Gazette by the decree No 777 of the President. Wolesi Jirga received the draft law in 2007, but could not approve it due to controversial terminology in the draft. The WJ had then wanted to insert the terms "*Danishgah*" for "*Pohantoon*" for University and "*Danishkada*" instead of "*Pohanzay*" for faculty. The reason for controversy then was the assertions by some Members that "*Pohantoon*" and "*Pohanzay*" are national terms, included in the Constitution in addition to being widely used across the country. Some Members had argued that to make those terminology changes would have been unconstitutional. In August this year, the government re-sent the law to the WJ and urged the Parliament to ratify the law as soon as possible.

Although the law as presented in August contains new amendments addressing the disputed issues in 2007, there are now new areas of dispute and concern. These include the raises in university professors' salaries, the problem of scientific grades and extending the period of superannuation. Recognizing the importance of the bill, the Commission invited professors and representatives from Kabul University and other private institutions to provide testimony and comments on the law.

This week the Commission, following consultations with the stakeholders completed their review of the draft law. The law will be sent to other commissions, along with the amendments proposed by the Education Commission for their review and comments.

### **Wolesi Jirga Commissions Reject Government Fundamental Policy Lines Draft**

Rejecting the Government Fundamental Policy Lines submitted to it for review, Wolesi Jirga (Lower House) Members said the draft reads more like a report rather than a policy statement. They claimed it did not clarify the internal and external political policies of the state towards neighbors, government opponents and the international community. Mr. Ghulam Hussain Naseri (Maidan Wardak) statements aptly reflected member concerns when he claimed that all the President's speeches had been collected and are then sent to Parliament as the Fundamental Policy Lines of the State. "This can never be a country's policy lines," he opined.

According to clause two of Article 64 of the Afghan Constitution, one of the responsibilities and competencies of the President is to determine the fundamental policy of Afghanistan

with approval from the National Assembly. The State's positions on internal and foreign policy become the Fundamental Policy Line document. Despite the constitutional mandate and repeated requests, the draft has been very late coming to the Wolesi Jirga. Approximately nine months ago the Executive forwarded the Fundamental Policy Lines to the Lower House and it was sent to all commissions. Intense review and discussions within the commissions as well as debate during a recent plenary session has resulted in universal rejection of the document.

While the International Relations Commission of WJ, which is the lead commission in the review of the draft, did not receive comments from all the commissions, APAP has learned that all eighteen commissions of the Lower House rejected the draft Fundamental Policy Lines. The draft as presented to the Lower House contains both internal and foreign policy statements. The internal policies emphasize equipping and improving 350,000 Afghan security forces, the protection of private sector investments, the protection of freedoms of the press, strengthening the economy, major reconstruction, improving development of the agriculture sector, and administrative and judiciary reforms in the country. Regarding foreign policy, the only focus was on the government of Afghanistan's relationship with neighboring countries and on the intent to strengthen relations with the international community.

Speaking to APAP, a number of MPs believe that with the existence of foreign forces in Afghanistan, the negative reactions from neighboring countries on the continued presence of American forces in Afghanistan, tensions on border issues such as the Durand Line, lack of clarity on negotiations with the Taliban and on-going border attacks from Pakistan, are sensitive and important issues for the future of the Afghan government. Members believed these key issues were not explicitly addressed in the Fundamental Policy Lines draft submitted by the Government. Lawmakers claimed this is what they are looking for in the document and the absence thereof led them to reject the draft.

The chairman of the Legislative Affairs Commission of the Lower House, Mr. Qazi Nazir Ahmad Hanafi (Herat), told APAP that his committee alone provided 38 reasons to reject the draft. According to him the existence of 'exotic expressions' in the draft, lack of consideration to water dams, and inexact figures quoted (as if they were estimates) are the Commission's reasons for rejecting the document. He added, "The most important issue is the Durand line which is not clarified, and also our committee believes that the internal and external policies of the government are not clearly separated."

Summing up the overall sentiment of many MPs, Mr. Assadullah Sahadati (Daikundi) said "The content of this draft, sometime looks like the 'hopes' of the government and at other times it appears to be just a report. It does not clarify where we [as a nation] are going and I don't see any clear indication of dealing with the regional issues [Pakistan and the Durand Line]." He suggested that the document be concisely redrafted and the document should be classified into foreign policy and internal policy.

On November 7, the House voted to reject the draft Fundamental Policy Lines.

## Senators Strongly Disagree with the Creation of a New Jihadi Military Force

Members of the Meshrano Jirga (MJ) strongly objected to the statements of Mr. Mohammad Ismail Khan, Minister of Water and Energy, in which he stated the intention to build a new military force. The new force would serve to protect the country after the withdrawal of US and other international forces in 2014. Senators labeled this an “illegal military force” and said that state resources should be used for strengthening and building the capacity in the Afghan National Forces and not engaging in unhelpful pursuits.

At an appearance in western Herat province on Thursday November 1<sup>st</sup> Minister Khan told a gathering of former regional jihadi commanders that the Mujahedeen should also be given more roles in the government as the foreign armies – the NATO-led international security assistance force ISAF – had failed to ensure stability in the country.<sup>1</sup> The Minister, also a former jihadi commander, lamented that the commanders who fought against and defeated the Russians and then later the Taliban were sidelined in the (then) new Afghan government. In order for the Government to maintain its defenses and security, post NATO troop withdrawal in 2014, “it must have the support of the Mujahedeen” the Minister stated. He emphasized that just as the Mujahedeen had previously driven out the foreign invaders, so too there was now a need for the Mujahedeen to again rescue the country from “foreign conspiracies.” Even more alarming to the Senators was learning that this process is underway. The Minister informed that “registration” has started and the President is aware of the plans to reinstate the Mujahedeen army.

Chief among the Senators’ concerns is that rather than leading to security and prosperity in Afghanistan, the development will divide the country and lead to another civil war. Strongly rebuking the Minister’s statements, Mr. Haji Sheer Mohammad Akhundzada (Helmand) informed the House that those assembling with Ismail Khan “cannot represent the provinces.” Senator Akhundzada, who is from the southwestern part of the country, where Mr. Khan claims to have support, said that there is no support for this idea. “We are against this plan. No one [from the region] is with him.” Senator Akhundzada further speculated that the Minister has a political agenda behind this plan and “wants to fracture and return the country to civil war.” While the Senator did not cite any direct evidence of this, it could be surmised from the Minister’s later remarks as reported by TOLO news that “[the] future Afghan president to be introduced at the next election in 2014 should be elected in close collaboration with the Mujahedeen council.” The Minister is a Member of that Council.

Senators also warned that over the last few years the terms “Jihad” and “Mujahedeen” had been used for personal interests (as opposed to being used in the Nation’s interest) allowing for new privileges and positions to those who hold those titles. The aberration of the terms denigrates the meaning, so that instead of true Mujahedeen they have become “profiteers,” according to Senator Mohammad Daud Assas (Zabul), who also adamantly stated that “No one should use the name of Jihad for their own political agenda. We have Parliament, the National Police and the National Army.” He further reminded Senators of the jihadi leaders

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<sup>1</sup> <http://www.tolonews.com/en/afghanistan/8172-formation-of-mujahedeen-military-unit-is-underway-ismail-khan->

in the 1990s. They damaged the cause of jihad and he implored people to “not be deceived again in the name of the Mujahedeen Council.”

While not officially discussed in the Wolesi Jirga, the Chairman of the Legislative Affairs Commission, Mr. Qazi Nasir Ahmad Hanafi (Herat, the province from which the Minister comes) publically disagreed with Senators saying, “building such a force as the Mujahedeen would not create divisions, they can be part of defenders of the country.” While the Minister has hinted that the President is in support, whether such a measure as the creation of another armed force will pass through Parliament is yet to be known.

### **Parliament Commemorates Martyr Day, Honoring Members Who Have Been Killed**

This week the Parliament of Afghanistan commemorated the Martyrs’ Day (November 6) and honored those Members of the Wolesi Jirga who were killed five years ago in Baghlan province. Six members from National Economy Commission of Wolesi Jirga were killed in a terrorist attack on 6 November 2007. They had attended an oversight field visit to inspect a sugar firm in the province. Following that tragic incident, three Senators and seven MPs have also been killed in separate terrorist attacks.

Mr. Abdul Rauf Ibrahimy (Kunduz), the Speaker of the Wolesi Jirga (WJ) in his speech offered ‘salutation’ to the souls of martyrs and extended his condolences to the families of the murdered MPs. Mr. Ibrahimy stated that the people of Afghanistan are in a very precarious position, where they can elect to “accept the slavery of Afghanistan’s enemy” or they can join the “struggle and fight against slavery and the enemies of Afghanistan.” In his view while the second path was honorable, it called for personal sacrifice. “We [MPs] will be following the footsteps of our martyred MPs,” said the Speaker.

While the Speaker made overtures of peace, he also had a strong message for the ‘opponents of Afghanistan.’ The Speaker repeated calls on the armed opponents of the Government “to cease their violent machinations and aggression.” He stated that “they should stop killing their people [fellow Afghans] and instead work towards rebuilding the war ravaged country. I am hoping that Government opponents welcome the peace message from the Speaker of Wolesi Jirga.” Should the opponents not willingly lay down their arms and join the rebuilding of the Nation, then the Speaker called upon the Government to prosecute and punish the culprits. “I call on the Afghan armed forces to reply fire with fire. If they do not want to join the peace process then know that [we] will eliminate them.”

The First Deputy Speaker of the Meshrano Jirga, Mr. Mohammad Alam Ezedyar, also extended his condolences to the families of the martyrs that fought for the freedom, security and resistance against the invasion of foreigners to Afghanistan. He called the recent attacks over Eid “Anti-Islamic” and suggested that both houses of Parliament form a committee to push the Government to find those perpetrators and punish them. As Government has not issued “a single word about the detention or punishment of operators of the insurgents attack so far, Parliament must do so.”

## **Women’s Commission Inspects Maternity Ward at Malalai Hospital**

As part of its oversight responsibilities, the Women’s Affairs Commission of the Wolesi Jirga visited Malalai Maternity Hospital in Kabul. The visit was motivated by the inhumane treatment and abuse that has been occasioned on an Afghan woman, Gulsom in Tashkan district of Badakhshan province. The twenty-year-old woman, is currently recovering at the Hospital. The Women’s Affairs Commission is mandated to monitor the situation of Women and protection of their rights.

Gulsom, from Tashkan District of Badakhshan Province was beaten repeatedly by her husband, forced to give birth to a premature baby in unsanitary conditions, and was imprisoned in her home. After Gulsom came to the attention of the nation, there was an outcry from women’s groups to remove her from her abusive environment. On October 30<sup>th</sup> with the help of the organization Women for Women, she was moved to Malalai Maternity Hospital, where she and her child are now receiving much needed medical attention.

Doctor Nasrin Oryakhel, the Director of Malalai Maternity Hospital advised Gulsom’s health condition had significantly improved, but what she really needed was psychiatric treatment. While she had recovered from the physical effects of the beatings and premature delivery, the psychological effects from her abusive environment would take longer to heal. A psychologist has been identified for Gulsom and soon she will be moved to a shelter run by Women for Women.

Upon hearing her tale, the Women’s Affairs Commission reiterated the critical need for passage of the Elimination of Violence against Women law amendments. The law is intended to protect women against such instances of abuse. During their visit at Malalai Hospital, the Commission took the opportunity to tour the facilities and view the new technology at the hospital. Malalai Maternity Hospital now has two ICU rooms and new machines bought with funding provided by Afghan United Bank. The Commission found the maternity and children’s ward both clean and acceptable. Doctor Oryakhel shared the with Commission concerns about space (room) problems within the hospital. He was however hopeful and anticipated a significant budget allocation this year, which would allow them to expand.

## **Read more about the Chairperson of the Wolesi Jirga Women’s Affairs Commission**

As part of the “Brave Thinkers Series” in the [Atlantic Magazine](#), Afghanistan’s Fawzia Kofi was profiled. Read more in the article by Graeme Wood:

*“In Afghanistan, it is sometimes tough to tell the difference between bravery, optimism, and folly. In the past few months, Koofi—parliamentarian, widowed mother of two daughters, and 2014 presidential candidate—has exemplified all three.*

*On a platform that opposes corruption and supports women’s rights, the 37-year-old Koofi—whose politician father was assassinated in 1978, just before the Soviet*

*invasion—has launched a rather quixotic run for President Hamid Karzai’s job. Assassins have stalked her, and even if she survives to election day, her lack of power and supporters will doom Koofi’s chance at the polls.*

*War has shredded the rights of Afghans of both genders, and to be seen primarily as an advocate of just one group—and one as conspicuously oppressed as Afghan women—does not bode well for electoral success. Moral success is another matter. In Afghanistan, the only noble causes left are the lost ones.”*

## **Legislative Status**

**1-7 November 2012**

### **Upper House MJ:**

#### **Agreement on Bilateral Cooperation between the Islamic Republic of Afghanistan and Government of the Federal Republic of Germany**

The Bilateral Cooperation Agreement between the Islamic Republic of Afghanistan and Federal Germany is signed on 16th May 2012 by President Hamid Karzai and German Prime Minister Angela Merkel in Berlin. The agreement includes 9 articles and one Preface. The agreement concretizes Germany’s pledge of continued support to Afghanistan in the following areas: political, security, development cooperation, civil construction, education cooperation, academic and cultural cooperation, economic cooperation, civil aviation cooperation, foundation cooperation & the formation of an Afghan-German intergovernmental working group on cooperation.

**Status:** MJ plenary approved the Agreement on 4th November 2012

#### **Amendment Financial and Public Expenditure Law**

This law has been enacted in consideration of Article 75, paragraph 4 of the Constitution of Afghanistan for organization of financial affairs, management of financial affairs, the protection of public assets, preparation of budget, and [management of] public expenditure of the state administrations inside and outside of Afghanistan. The Government proposed amendment to Article 61 in relation to the Audit Powers of the Ministry of Finance. WJ amended the government proposed amendment as follow and approved on 24 September 2012.

1. All the State administrations shall establish an internal audit administration and report to their relevant offices.
2. To enhance the capacity of the internal auditors of the state administrations the Ministry of Finance can conduct training programs.
3. The auditors referenced in paragraph one of this article may require the relevant administrations to provide all information needed for accuracy of the financial affairs.

**Status:** MJ plenary on 4th November 2012 voted and approved the same WJ amendments.

### **SAARC Convention on Cooperation on Environment**

The Convention was signed by the Ministers of Foreign Affairs of the member States during the Sixteenth SAARC Summit held in Thimphu, Bhutan on April 2010. The Convention provides for cooperation in the field of environment and sustainable development through exchange of best practices and knowledge, capacity building and transfer of eco-friendly technology in a wide range of areas related to the environment. The implementation of the Convention has been entrusted to Governing Council, comprising of the Environment Ministers of Member States. The Convention will enter into force after it has been ratified by all Member States. The WJ approved the Convention on 3 October 2012.

**Status:** the MJ plenary ratified the Convention on 4th November 2012

**Agreement on Long Terms Cooperation between the Islamic Republic of Afghanistan & Australia** The Agreement is signed on 12th May 2012 on the occasion of Chicago conference. The agreement concretizes the Australian's pledge to continue support to Afghanistan after 2014 in the areas of security, development aid programs, encourage business and investment, cooperation on migration issues and foster people to people links and help preserve Afghanistan's cultural heritage. Through the Partnership, Australia will also work with the Government of Afghanistan to build the capacity of government and national institutions to promote and protect human rights.

**Status:** The MJ plenary ratified the Convention on 6th November 2012

### **Agreement of the Establishment of the International Anti-Corruption Academy as International Organization**

The International Anti-Corruption Academy as International Organization was established on 8th March 2011. The International Anti-Corruption Academy was approved by WJ on 01 October 2012. The agreement has one preface and 21 articles. The Academy's goal is to become a center for excellence, training, cooperation and academic research in the area of corruption. The Academy aims to contribute to the implementation of the United Nations Convention against Corruption (UNCAC) and other relevant regional and international legal instruments (OECD Anti-Bribery Convention, African Union Convention on Preventing and Combating Corruption, Inter-American Convention against Corruption, Group of States against Corruption GRECO). The international anti-corruption academy has 53 UN members' states and one international organization.

**Status:** the MJ plenary ratified the Convention on 6th November 2012

### **Kyoto Protocol**

The Protocol was initially adopted on 11 December 1997 in Kyoto, Japan, and entered into force on 16 February 2005. As of September 2011, 191 states have signed and ratified the

protocol. Afghanistan will be added to the list of ratified countries once it is approved by Parliament. WJ ratified the Protocol on 3rd October 2012; the protocol includes a preamble and 27 articles. The objective of the Kyoto protocol is to obtain the consent of the industrialized countries to reduce their emissions of greenhouse gases.

**Status:** under discussion in MJ commissions

### **Law of the Structure, Duties and Jurisdiction of the Attorney's Office**

The law was introduced on 6 October 2012 to the National Assembly, the WJ approved on 13th October 2012, the law includes in eight chapter and 42 articles. This law has been enacted pursuant to the provision of paragraph (3) article one hundred and thirty four (134) of the Afghanistan constitution, which says "The organization, authority as well as method of work of the Attorney's Office shall be regulated by law." This law is drafted for the purpose of regulating the affairs relating to the structure, duty, composition, authority and course of action of the Prosecutor Office. The principle objectives of this law are as follows: to strengthen legality and order in society; to defend the spiritual and corporeal rights, interests and freedom of individual and public for the purpose of rule of law and insuring the justice; to regulate the personal affairs of prosecutors and staff of civil service of the Attorney's Office; and to regulate the affairs relating to the prosecutors' punishment and disciplinary action responsibility.

**Status:** under discussion in MJ commissions

### **Law on the Structure, Duties and Jurisdiction of the Election Commission**

The Law has been codified pursuant to the provisions of Article 156 of the Afghanistan Constitution, which says "The Independent Elections Commission shall be established to administer and supervise every kind of election as well as refer to general public opinion of the people in accordance with the provisions of the law." The law is adapted for the purpose of regulating affairs regarding the Structure, Duties and jurisdiction and regulating the function and procedure of the Independent Election Commission. The law includes 4 chapters and 23 articles. The law was passed by the WJ on 24 September 2012

**Status:** the Law is under discussion in MJ commission, the most debated issue was the WJ

Proposed amendment to the composition of the ECC members that two international can be members in the ECC. The Legislative Committee of MJ put the law in their agenda for review.

### **Lower House (WJ)**

#### **Law on Higher Education**

This Law was enacted pursuant to the provisions of Article 43 and 46 of the Constitution of Afghanistan. Article 43 stated that "Education is the right of all citizens of Afghanistan, which shall be offered up to the B.A. level in the state educational institutes free of charge by the state".

The committee debated and reviewed all 71 articles. The most debated articles were:

1. Section one of article 41, which says “professors of the higher education institutions shall be retired after age (70)”. This article was amended as follow: “Professors of the higher education institutions shall be retired after age (75)”
2. Paragraph two of article 42 states “if member of academic position disobeys academic discipline rules, he/she shall be dismissed based on approval of the Higher Council in accordance with the provision of law”. This paragraph was amended as follow: “Member of academic position in case of explicit violation of the law shall be punished with following disciplinary actions: 1) advice, 2) notification, 3) decrease of salary, 4) transferring and 5) dismiss”.

**Status:** the law is under discussion in WJ Education commission.

### **Law on Elimination of Violence against women**

The draft bill on Elimination of Violence against Women was prepared by the government of Afghanistan (MOWA) in accordance with article 24 and 54 of the Constitution and based on the Afghanistan Obligation towards CEDAW International Convention, in order to criminalize all types of violence against women. This bill was then submitted to Ministerial Council for approval when the Parliament was on summer recess. The Elimination of Violence Against women law has been approved by Ministerial Council through approval number 16 on 15/04/1388 in 4 chapters and 44 articles, which has been later signed by the President through Legislative Decree number 91 on 29/04/1388. Afterward this law has been published in official GAZETTE number 989 since that the law is pending with the National Assembly.

The Principle Objectives of this law are safeguarding the religious and legal rights, protecting the human dignity of women, protecting the well-being of family, fighting against customs and traditional practices that cause violence against women contrary to the provisions of religion of Islam, protecting the victims of violence, ensuring public awareness and education on violence against women, and prosecuting perpetrators of violence against women. The law identifies all types of violence and set the punishment for each types of violence. Also, this law set the preventive measures and explained and the rights of victims, as well as identifying the implementing organizations and determined their duties and responsibilities.

**Status:** the WJ women commission finalized the law in the committee; the committee will have a

Conference on the law during coming days, and then will have a final joint commission within the house to put the law for vote.

### **Social Organizations Law**

This law has been drafted in consideration of Article 35, of the of the Constitution that says “To attain moral and material goals, the citizens of Afghanistan shall have the right to form

associations in accordance with provisions of the law. The people of Afghanistan shall have the right, in accordance with provisions of the law; to form political parties.....a party or association formed according to provisions of the law shall not be dissolved without legal causes and the order of an authoritative court. This law is drafted for the purpose of establishment of how to precede function, the rights, and obligation and dissolved of the Social Organizations. The law has 5 chapters and 31 articles, including: general provisions, registration and establishment procedure of the organizations, financial affairs, dissolve of the social organizations, miscellaneous provisions.

**Status:** the law is under discussion in WJ women affairs commission, the draft version will be shared with all 18 commissions for their consideration and review

### **Law on Telecommunication**

This Law has been enacted pursuant to Articles 10 and 37 of the Constitution of Afghanistan in order to promote and develop telecom services, regulate and supervise the telecom market, ensure relations between the Telecommunications Regulatory Authority (ATRA), Operators or Service Providers, Users, and other relevant agencies in the country. The law includes 17 chapters and 67 articles.

**Status:** under discussion in WJ commission

### **Criminal Procedure Code**

This Law has been formulated pursuant to the provision of Article (134) and observance of provisions (123) and section (1) of Article (75) of the Afghanistan Constitution in order to regulate the issues related to discovery and investigation of crime, filing a criminal law suit against the accused, proceedings for criminal cases in court, and the enforcement of decisions. The CPC aims to organize and regulate the criminal trails. Thus, it specifies the organization and jurisdiction of different bodies and criminal courts, and explains those principles which should be followed and those formalities which should be observed during detection and prosecution of criminals

**Status:** the law is under discussion in WJ Justice and Judiciary Affairs Commission

### **Energy Charter Treaty**

ECT is an international agreement, which establishes a multilateral framework for cross-border co-operation. The Energy Charter Treaty was signed in December 1994 and entered into legal force in April 1998. The treaty covers all aspects of commercial energy activities including trade, transit, investments and energy efficiency. The treaty is legally binding, including dispute resolution procedures. The Treaty's provisions focus on four broad areas: Energy Trade, Investment, Energy Efficiency, and Dispute Settlement. The treaty has been signed or acceded to by fifty-one countries and the European Union. Twenty-four states and ten international organizations have the status of observers to the Energy Charter. Observers have the right to attend all Charter meetings and to receive all related documentation, reports and analysis, and to participate in the working debates taking place

within the Energy Charter. The Islamic Republic of Afghanistan became an observer to the Charter in 2006. In December 2007, upon the country's completion of all the preparatory procedures, the Energy Charter Conference (the Charter's top governing and decision-making body) invited Afghanistan to accede to the Energy Charter Treaty.

**Status:** under discussion in WJ commissions

### **Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade**

The Rotterdam Convention is a multilateral treaty to promote shared responsibilities in relation to importation of hazardous chemicals. The convention promotes open exchange of information and calls on exporters of hazardous chemicals to use proper labeling, include directions on safe handling, and inform purchasers of any known restrictions or bans. Signatory nations can decide whether to allow or ban the importation of chemicals listed in the treaty, and exporting countries are obliged make sure that producers within their jurisdiction comply. The conversion includes a preamble, 30 articles and 5 annexes.

**Status:** Approved by a majority of votes in the November 7<sup>th</sup> plenary session of the Wolesi Jirga

### **Stockholm Convention on Persistent Organic Pollutants**

This is an International Environmental Convention, signed in 2001 and effective from May 2004, that aims to eliminate or restrict the production and use of persistent organic pollutants (POPs). Key elements of the Convention include the requirement that developed countries provide new and additional financial resources and measures to eliminate production and use of intentionally produced POPs, eliminate unintentionally produced POPs where feasible, and manage and dispose of POPs wastes in an environmentally sound manner. Precaution is exercised throughout the Stockholm Convention, with specific references in the preamble, the objective and the provision on identifying new POPs. The conversion includes a preamble, 30 articles and 6 annexes.

**Status:** Approved by a majority of votes in the November 7<sup>th</sup> plenary session of the Wolesi Jirga

### **UN Multilateral Agreement for the Establishment of an International Think Tank for Landlocked Developing Countries**

The overall goal of the UN Multilateral Agreement for the Establishment of an International Think Tank for Landlocked Developing countries is to use quality research and advocacy methods to help build the capacity of Landlocked Developing Countries (LLDCs) with a view to benefiting from international trade. Long-term goals include poverty reduction and raising human development in Landlocked Developing Countries. The byproduct of the Agreement will be promotion of cooperation between LLDCs, dissemination and sharing of information on trade related topics, and contributing to policy formulation as well as

fostering quality views and approaches among Landlocked Developing Countries. This agreement includes a preamble and 15 articles.

On behalf of Afghanistan the Multilateral Agreement for the Establishment of an International Think Tank for Landlocked Developing Countries was signed on 19 October 2011, by His Excellency, Dr. Zahir Tanin Permanent Representative of Afghanistan to the United Nations.

**Status:** Approved by a majority of votes in the November 7<sup>th</sup> plenary session of the Wolesi Jirga

### **Bills referred to Joint commission**

#### **Statistic Law**

This law is enacted for the purpose of organization of statistical activities in the country, formation, and determination of the duties and authorities of the Central Statistics Office. The law includes 7 chapters and 26 articles. WJ approved the proposed amendments to the Law on 22 September 2012.

The MJ Economic commission finalized the law and accepted some amendment brought by WJ but not all. The amendments were presented to the plenary session today 6<sup>th</sup> November 2012. The most debated article was article five which is about the establishment of the National Statistical Council to ensure better procedure of statistical activities in the country and to advise the Central Statistics Office. The Council shall be composed of ten members: The paragraph 2 of this article says "Authorized representatives of the related ministries and state administrations, will be members of this council" WJ amended the paragraph 2 through addition and identified the authorized representatives as follow: Minister on Economy, Minister of Finance, Minister of Education, Minister of Minister of Labor and work, Minister of Agriculture, Minister of Health, Head of Central Bank, Head of Science Academy, Head of ACCI, as member of the council.

Article 6<sup>th</sup> which is about the NSC duties and authorities: WJ added two paragraphs talking about the deposition of the Director of the Central Statistics Office, which says that "the NSC can propose for deposit of the Director if he found weak and misuses in management according to the provisions of law. The NSC can refer the Director of the CSO for prosecution if he hid the truth or release spurious statistic data. The MJ approved the original text not WJ Amendments.

**Status:** on 6<sup>th</sup> November 2012 the MJ plenary session accepted some of WJ proposed amendments, rejected other and approved the original text of the amendments (original government version). Therefore the law referred to the Joint commission.

#### **Audit and control Law,**

The Central Office of Audit and Control is the highest authority that has the responsibility of inspection of the financial activities of the administrations in the state. The Law was enacted based on the provisions of paragraph 4 of Article 75 of the Constitution of Afghanistan. Paragraph 4, of Article 75 of the Constitution stated that "Prepare the budget, regulate financial conditions of the state as well as protect public wealth". This law has 3 chapters and 27 articles. Chapter 1) discusses general provisions; chapter 2) discusses powers and duties of the Central Office of Audit and Control; chapter 3) is about miscellaneous provisions.

The Law is officially presented to the WJ plenary session on 6th August 2012 and approved. MJ approved the law on 12 August 2012 accepting some amendments of the WJ not all and the law was referred to the Joint commission. The JC had meeting on 10 September 2012 to discuss the Law and went through seven articles only, the discussion ended without agreement on Article 7. The MJ was supporting the government proposal that give to President Power to appoint the Head of the High Office of Central Audit (HOCA). Whereas WJ proposed that the President should nominate the HOCA head who should be approved by the Lower House. The JC agreed to send the issue to the Independent Commission of Oversight on Implementation of the Constitution requesting for their view and advice in this regard. The JC will have final discussion to finalize the rest of articles after the ICOCC view and advice.

**Status:** the law under discussion in Joint commission

### **Law on Personal Affairs of Afghan National Police**

The Law on Personal Affairs of Officers and Sergeants of the Afghan National Police was enacted in 8 chapters and 59 articles pursuant to the article 95 of the Afghanistan constitution to regulate the personal affairs including issues related to the appointment, recruitment, transfer, promotion, vacation, reward, punishment, suspension, resignation, retirement, and other personal affairs of the officers and sergeants of Afghan National Police.

Chapter 1 covers the general provisions, Chapter 2 provides for the issues related to the appointment, recruitment and transfer of Officers and sergeants, Chapter 3 provides for rights privileges and responsibilities, Chapter 4 states about the position of Officers and Sergeants, Chapter 5 covers issues related to the annual Leave and vacations for Officers and Sergeants, Chapter 6 discusses promotion of Officers and Sergeants, Chapter 7 provides for suspension and resignation of Officers and sergeants and Chapter 8 covers the miscellaneous provisions.

Law on Personal Affairs of Afghan National Police was approved by WJ on 12th May 2012. The MJ approved the law on 30 July 2012. There was some disagreement on articles between WJ and MJ and the law was referred to Joint Commission.

**Status:** The Law is still pending in joint commission for discussion

### **Law on Personal Affairs of the Afghanistan National Army Officers and Lieutenants**

The Law on Personal Affairs of Military Officers and Lieutenants was enacted in 9 chapters and 70 articles pursuant to the article 95 of the Afghanistan constitution to regulate the personal affairs including issues related to the appointment, recruitment, transfer, promotion, vacation, reward, punishment, suspension, resignation, retirement, and other personal affairs of the officers and sergeants of the Afghan National army.

Chapter 1 covers the general provisions, Chapter 2 provides for the rights and responsibilities, Chapter 3 provides for position of Officers and Sergeants, Chapter 4 states the promotion of Officers and Sergeants, Chapter 5 provides for appointment and transfer of Officers and Sergeants, Chapter 6 discusses issues related to the leave and vacation for Officers and Sergeants, Chapter 7 provides for suspension, resignation and retirement of Officers and sergeants, Chapter 8 provides for reserve services and Chapter 9 covers the miscellaneous provisions.

The law is approved by WJ on May 7 2011. On June 5 2011 MJ discussed the law and approved. The MJ did not accept all WJ amendments and the law was referred to Joint commission.

**Status:** The Law is still pending in joint commission for discussion.