

AFGHANISTAN

ABDUL SAMAD

DR. BABAK KHALATBARI

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July & August 2008

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Review

The people of Afghanistan will succeed!" the 91-year-old Zahir Shah told the assembly to applause. The parliamentary and provincial council elections were held on 18 September 2005. Afterwards, the first results were declared on 9 October. Final results were delayed by accusations of fraud, and were announced on 12 November. Former warlords and their followers gained the majority of seats in both the Lower House and provincial councils. Women won around 28% of the seats in the Lower House, six seats more than the 25% guaranteed in the Afghan Constitution which was launched in 2004. Approximately twelve million voters were eligible to vote for the 249 seats of the Wolesi Jirga, the Lower House of Parliament, and the 34 provincial councils.

Executive Summary of May and early June 2008:

The month of May begun with the return of the so called proconstitution MPs to the Lower House, who were not happy with the draft electoral law proposing electoral centers for the Kuchis (Nomads) in every province of Afghanistan and remained on strike for more than a month. However, the striking MPs returned after school teachers accused them of not working to approve the draft rank and salary law of government employees.

The month of May also witnessed another confrontation between the former Attorney General, Abdul Jabar Sabit, and those MPs he alleged to have been involved in various crimes before the establishment of the current government and continued to have committed offences during the reign of this government. The former Attorney General

said these MPs number about 20 and are not willing to be investigated by his office. However, the MPs allege that Mr. Sabit had his own agenda and was trying to undermine the MPs and not really interested in pursuing criminals.

An incident that had taken place in Iraq where a US soldier used the Quran to practice his shooting was also an issue on the agenda of the Lower House and Upper House. After both houses of the Afghan Parliament discussed and issued statements condemning this act, the Afghan public also took to the street and demonstrated against this act.

The draft salary and ranking law of the public employees was another law that created controversy as teachers and public employees accused Lower House MPs for not trying to approve this draft law as soon as possible so they can take advantage of the increase proposed by the government and were hoping to get some increase in the salary from the Afghan Parliament.

July and August 2008:

Both houses of the Afghan Parliament returned from their 45 days summer holidays and begun work on the 22nd of July. During these 45 days, another Lower House MP, Habibullah Jan from Kandahar was killed by unidentified persons in the Zerai District of Kandahar province.

As reported by the media in Kabul, it is expected that during this session, the Lower House will be working on the draft electoral law, to try and finish it before the end of this year for the Presidential elections in 2009 and Parliamentary elections in 2010, the draft higher education law, the draft

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salaries of high ranking government officials law and the ANDS (Afghan National Development Strategy) as well as decisions made in the recent conference on Afghanistan in the city of Paris, France.

In the last week of the month of July, the leader of the National Congress Party, Abdul Latif Pedram, who has been a very controversial person since the collapse of the Taliban government and has been advocating for a federal system of government in Afghanistan, once again created controversy when he insulted King Ammanullah Khan, who is the founder of modern Afghanistan. Pedram was being interviewed by a television channel and during this interview he insulted the former King and accused him of creating ethnic tension in Afghanistan. Both houses of the Afghan Parliament condemned what Pedram had said, and hundreds of Afghans demonstrated in Kabul and other provinces and asked the government to prosecute Pedram, or they would take the matter in to their own hands.

During this week, the NDS (National Directorate of Security) agents arrested Nasir Ahmad Fayaz, a prominent journalist working for the private television channel ARIANA. Mr. Fayaz was anchoring his regular weekly program 'The Truth' when NDS agents entered the television building, interrupted the program and took Mr. Fayaz. During this program Mr. Fayaz was going to evaluate the performance of the government during the past four years. After the arrest of Mr. Fayaz, Presidential spokesman, Hamidzada said that the government will no longer tolerate journalists wrongfully accusing members of the government. Some Lower House MPs spoke against this unlawful action of the government and condemned the arrest of Mr. Fayaz.

On the 2nd of August, Lower House MPs approved the draft salary and expenses law of the high ranking government officials (President, Deputy Presidents, Ministers, Members of Parliament, Heads of Independent Directorates, Chief Justice the Attorney General). According to this draft approved by the Lower House, the President would receive a salary of around \$2,000 per-

month, Vice Presidents \$ 1,500 and Heads of Independent Directorates and MPs \$ 1,300. Administrative, hospitality, travel and other related expenses are not included in the mentioned salaries.

On the 3rd of August, once again the Upper House called in higher ranking government security officials for questioning. Upper House Senators asked security officials about the deterioration of security. The National Director of Security, Amrullah Saleh, said to the Senators that Afghan security forces were faced with a much more sophisticated enemy, which current security forces were unable to deal with. Mr. Saleh was later on questioned by the media about the recent arrest of Nasir Ahmad Fayaz, ARIANA television journalist. Mr. Saleh refused to answer this question. One journalist even said to Mr. Saleh if the action taken by the agents of his Directorate was legal, which again Mr. Saleh didn't have anything to say and said that the question should be put to the Ministry of Information.

Mr. Fayaz who appeared on ARIANA television a few days later looked depressed and worried and said that he was being followed by unknown persons supposedly NDS agents and that he was very much concerned for the welfare of his family who were also being followed by the plain clothed NDS officers.

The draft higher education law which was presented by the government to the Lower House for approval almost three months ago was once again under discussion in the general session of the Lower House. Some of the articles in this draft law seem to be complicated for the MPs to deliberate on and approve. Therefore, the Lower House commissions are working on them to make them simpler for the MPs to vote on these articles in the general session. One example of this is the use of teaching language in the Universities classes: MPs finally agreed on the 4th of August that whichever class has a majority of either Pashto or Dari speaking students, the teacher is obliged to teach in that language. Another example of this is the word used for University, which is "Po-

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hantoon" in Pashto. Dari speakers MP want this changed to "Danisgha".

On the 6th of August, Lower House MPs once again discussed the draft higher education law. The item under the discussion was whether MPs and other government officials should be allowed to teach. Majority MPs decided that they should be allowed to teach and their teaching time should be recorded as their academic record but they are not allowed to receive any benefits for this teaching.

Lower House MPs also approved long distance education in the draft higher education law. The views on this item of the draft law differed amongst Lower House MPs. Some MPs believed that the situation was not right in Afghanistan for long distance learning, while others believed that Afghans should be given the opportunity to learn via this method if they wanted to do so.

On the 12th of August, Upper House Senators discussed the security situation in the country and agreed that a bill is needed to bring the status of the foreign forces under the laws of Afghanistan. Senators argued that such a legal status was needed for the reasons that foreign forces were behind the increasing civilian casualties. Upper House Foreign Affairs, Legislative and Defence Commission were tasked with drafting this bill.

After many days discussing the draft higher education law, Lower House MPs decided to hand over the complicated articles that MPs could not come to consensus on in the general session to the commissions again to work on, however, on the 16th of August the commissions also failed to make things easier for the MPs. Lower House MPs decided to leave the draft higher education law to be approved at a later date. This draft law seems to be in contradiction with the constitution of Afghanistan. While the Lower House says that this house should be the body to interpret articles in the constitution and for this purpose approved a commission but to-date the Lower House has failed to elect members of this commission. However, the Afghan government says that

only the Supreme Court has the authority to provide clarification of the complicated articles in the constitution.

Towards the end of the month of August, the Lower House also discussed the continued worsening of security situation in the country. Some former Jihadi Leaders and Commanders in the Lower House have once again called for the return of former Jihadi militias to assist with security. They believe these militias are experts in the field of security and they know how to bring security to this country.

As the security situation deteriorates and civilian casualties increases, the Upper House of the Afghan Parliament has raised the issue of local militia or 'Arbakis' to ensure security in their respected areas. Upper House Senators argued that the Arbakis would be able to look after the security in their own villages.

On the 25th of August, the Lower House executive and a number of MPs met with President Karzai and demanded that the presence of foreign forces in Afghanistan should be brought under the laws of Afghanistan. The government cabinet also met on this day and delivered a resolution which states the following:

1. The presence of the international community in Afghanistan should be reorganized on the basis of mutual agreement.
2. The authorities and responsibilities of the international forces should be organized on the basis of binding international and Afghan laws.
3. Illegal air operations on civilian targets, unilateral searching and arresting of innocent civilians must stop immediately.

This resolution was read in the presence of the representatives of the 34 provinces in the Lower House of the Afghan Parliament.

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The draft salary and ranking law of high ranking government officials was approved by the Lower House and according to this version of the draft law an MP or a Minister receives \$ 1,500 (75,000 Afghani). When the Lower House approved the draft public employee's salary law, the minimum wage for a public employee was 4,500 Afghanis or \$ 90 US a month. Since the collapse of the Taliban government a number of radio and television channels were established in the city of Kabul. It seems that the government is finding it increasingly difficult to tolerate criticism of its performance in these newly established media, as witnessed by the arrest of Nasir Ahmad Fayaz. abul media reported that Mr. Fayaz has been released but he has not returned to his work and is hiding. The draft higher education law was under discussion in the Lower House during the month of August and a number of articles of this law were approved. But according to MPs in the Lower House this draft law contradicts the constitution of Afghanistan and there is a need for an office to interpret the complicated articles in this draft law.

Both houses of the Afghan Parliament discussed the worsening of the security situation in the country, while the Upper House called for bringing the presence of the foreign forces under the laws of Afghanistan, the Lower House as it has done on numerous occasions in the last three years once again said that former Jihad commanders and militias will be able to help improve the security situation because they had the experience in this area. The government cabinet also joined the two houses of the Parliament and issued a statement that calls for the re-organization of foreign forces operating in Afghanistan under binding international and Afghan laws.