

AFGHANISTAN

ABDUL SAMAD

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No. 02/2009

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February 2009

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 18th September 2005. Afterwards, the first results were declared on 9th October. Final results were delayed by accusations of fraud, and were announced on 12th November. Former warlords and their followers achieved the majority of seats in both, the Lower House and provincial councils. Women won around 28% of the seats in the Lower House, six more seats than the 25% clause in the Afghan Constitution, which had been launched in 2004, guaranteed them. Approximately twelve million voters were eligible to vote for 249 seats of the Wolesi Jirga, the Lower House of Parliament, and the 34 provincial councils.

Executive Summary: The Konrad-Adenauer-Foundation (KAF) office in Kabul, Afghanistan, covered the work of the Afghan Parliament for the past two years. The Afghan government, its Parliament, and most importantly the Afghan people are going through the most challenging time since the end of the Taliban government in late 2001. In addition to the work of the Afghan Parliament, the KAF office in Kabul, Afghanistan, will be making efforts to cover other important issues affecting the lives of the Afghan people. Unless the lives of ordinary Afghans are improved and improved quickly, security, stability and eventual peace will remain a distant reality. In the January 2009 bulletin the major issue was the upcoming Presidential election and its timing. This issue is once again the subject of discussion in the February bulletin, and interestingly, the timing of the election has not become clearer with the Presidential decree issued on the last day of February 2009. Afghan analysts believe that this de-

crete is a calculated move by the current government to remain in power until the end of the Presidential election.

Parliamentary Affairs: When both houses of the Parliament resumed their fourth legislative year on December 20th 2008, the Lower House MPs discussed the continued tenure of the one third of the Senators in the Upper House, who according to the Afghan constitution should have been replaced after three years by new members from the District Councils. Lower House MPs said that the tenure of these Senators is unconstitutional. MPs decided to form a commission to work on this issue. On 1st of February 2009 majority of the Lower House Senators commented on the move by the Lower House and said that this issue had nothing to do with the Lower House and its MPs.

On the 2nd of February 2009 the Lower House MPs summoned the Minister of Public Health citing improper spending of development budget, the terrible condition in the public hospitals and cronyism in that Ministry. According to the internal rules of procedures of the Lower House, 20% of the MPs can summon a minister or a government official to the Lower House for questioning.

There was a debate in the Lower House about the Afghan election commission delaying the presidential and provincial councils' elections. Majority MPs commented on the clear violation of the Afghan constitution and said that a commission to oversee the implementation of the constitution should soon be established in the Lower House.

The Ministry of Finance presented the budget of the Afghan government for the year 1388 (2009/10) to the Upper House of

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the Afghan Parliament on the 2nd of February 2009. Minister of Finance, Anwarul Haq Ahadi said that the government budget for the mentioned year is 152 billion Afghanis. The ordinary budget is 90 billion and 953 million Afghanis, out of that the development budget is 85 billion and 96 million Afghanis. Minister Ahadi added that the foreign development budget is 3 billion and 369 million Afghanis, which will be funded by donors and it is not under the control of the Afghan government.

On the 8th of February 2009 Upper House Senators discussed the recent killings of civilians in the Sharesafa district of Zabul province. Upper House Speaker, Sebghatullah Mogaddedi said, "when the international forces arrived in Afghanistan, majority Afghans were happy that they will keep Afghans safe from those who were killing and threatening them, however, today foreign forces are also killing Afghans". Dr. Zalmay, the Lower House Senator from Zabul said, "the local government officials are giving wrong information to the foreign forces. The killing of civilians must stop or we will close the doors of the Upper House and return to our provinces and tell the people that the foreigners and the government have no regard for our concerns." The Coalition Forces' Spokesman said that the people killed in the Sharesafa district were involved in making bombs. Upper House Senators issued a statement in which they called upon the UN to stop foreign forces from searching peoples' homes unlawfully at night and air bombardment leading to civilian casualties. Majority Upper House Senators were of the view that there is a need to legalise the existence of foreign forces under the Afghan laws.

Three government Ministers, Abdul Karim Barahwi, the new Minister for Refugees, Wahidullah Shahrani, the new Minister for Commerce and Assadullah Khalid, the new Minister for tribal affairs were introduced to the Lower House on the 9th of February 2009. Whaiduallh Shahrani was approved by 120 MPs, Karim Barahwi was approved by 104 MPs and Assadullah Khalid, the former governor of Kandahar province re-

ceived 91 votes only and failed to get the approval of the Lower House MPs.

Upper House Senators approved the government budget for the year 1388 (2009/10) on the 17th of February 2009. However, the Senators expressed their opinion about the shortcomings in the budget and especially about the unbalanced budget allocated to those provinces where the security is not adequate. Senators added that the budget allocated to some government Ministries had vague areas, which will contribute to corruption. Deputy Minister of Finance, Mustafa Mastor, said that certain big projects were given priority in the provinces and they will be implemented in specific areas. He added that the foreign assistance in the budget from last year which was 4 billion and 700 million Afghanis had decreased to 3 billion and 600 million Afghanis for this year.

Conclusion: The district councils do not exist and this is one more constitutional issue that needs clarification before the district councils can be established. According to the government, only the Supreme Court has the authority to deliberate over constitutional matters. However, the Lower House MPs argue that this house should be the institution to interpret the Afghan constitution. Lower House MPs have made several attempts to form a commission with 25 members for the interpretation of the Afghan constitution, however, MPs have found it difficult to come to a consensus and elect all of the 25 members to this commission. In the first attempt last year, Lower House MPs only managed to elect less than five members of this commission.

Elections: The Head of the United Nations Assistance Mission (UNAMA), Kai Eide on 1st of February 2009 said that any decision taken by the Afghan election commission has the support of UNAMA. Media reported that the United States and the British High Commission also issued statements in support of the Afghan election commission to delay the Presidential and provincial councils' election from 21st of May 2009 to 20th of August 2009.

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The cabinet meeting chaired by the President approved the date of 20th August 2009 for the Presidential and provincial councils' elections. On 3rd February the government funded daily newspaper "Annis" reported that the government cabinet based its support on the support of the SRSG and the donor countries.

On 4th February 2009, Ghulam Farouq Meranai, the Lower House MP from Nangarhar and a member of the Afghan Millat party executive announced to the media that the current Minister for Finance, Anwarul Haq Ahadi, is the Millat Party's candidate for the Afghan Presidential election in 2009.

During a press conference with the UN Secretary General Ban Ki-moon, President Karzai in response to a question said that he has consulted the Chief Justice and the Speakers of both the houses of the Afghan Parliament about the timing and the issue of whether his tenure ends in May 2009 or December 2009, because the President took the oath in December 2004 and not in May 2004.

After the Afghan Millat Party nominated Anwarul Haq Ahadi, as its candidate for the Presidential election, a few days later he resigned from the post of the Minister for Finance and informed the media that the incumbent President Hamid Karzai will be his closest opponent in the election 2009.

On 14th February 2009, the First Vice President, Ahmad Zia Masood, while speaking on the occasion of the withdrawal of the former Soviet Union red army from Afghanistan said, that the current government is corrupt, ineffective and never paid attention to the welfare of the people. Lower House MP from Kabul, Ramazan Bashardost said, "the two current Vice Presidents, Ahmad Zia Masood and Karim Khalili, were sitting there like hungry wolves and whenever President Karzai went abroad, these two officials appointed their own friends to important government posts". Farooq Merranai, Lower House MP from Nangarhar said, "if a government is corrupt and ineffective you simply leave that government".

On 17th February 2009 the Afghan election commission reported to the media that in the final phase of the voter registration in the provinces of Kandahar, Zabul, Helmand and Nimroz, more than 400,000 persons have registered as voters. Abdul Rahim Nawashtyar, the Afghan election commission responsible for the media said that the voter registration in these provinces have exceeded his expectations.

Local media reported that the former President of Afghanistan (during the civil war of the early 1990s) Burhanudin Rabani said that after the 1st of Jawza 1388 (22nd of May 2009) when the term of the current President ends, an interim government should be put in place. The establishment of an interim government will add to the confidence of the public to participate in the election.

On 25th February 2009 the daily newspaper Annis reported of another consultative meeting Chaired by President Hamid Karzai, which was attended by Jihadi Leaders, Vice Presidents, Chief Justice and the Attorney General of Afghanistan. According to this paper, the purpose of this consultative meeting was to discuss the timing of the election and for the President to finalise his decision and make an announcement to the public. The President briefed the participants about his latest discussion with the US President, Barak Obama and the increase of the US forces to Afghanistan. While discussing the new US strategy, a discussion on the rights of the Bagram prisoners (as also discussed recently by the Afghan cabinet which says that all the prisoners at Bagram have the right to a defence lawyer) and the visit of an Afghan delegation to USA were also on the agenda for discussion.

On 28th February 2009, President Karzai issued a decree for all the upcoming elections (presidential, parliamentary, provincial councils', district councils' and municipality elections) to be held in accordance with the constitution of Afghanistan. According to this decree, Presidential and Provincial Councils' elections should be held 30 to 60 days before the 22nd of May 2009 when the term of the President ends as per the Af-

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ghan constitution. The Afghan election commission has already announced and postponed the Presidential and the Provincial Councils' elections from the 22nd of May to the 20th of August 2009 citing a number of obstacles (security, weather and technical issues) which it hopes will be removed until August 2009. UNAMA and donors have already supported this decision of the election commission. Abdul Kabir Ranjbar, Lower House MP from Kabul said to the media that this decree should have been issued earlier, for the reasons that potential presidential candidates are required to register with the election commission as candidates 120 days prior to the election date, which means that this decree clearly violates the Afghan electoral law. Mohammad Dawood Sultanzoy, Lower House MP from Ghazni said that this decree of the President is totally unacceptable and according to the Afghan constitution, the President has no right to issue decrees on electoral issues. Election related issues should be left to the Election Commission. Farouq Bashar, Teacher of the Kabul University Law Faculty said that the Presidential decree observes the Afghan constitution but the timing of this decree is questionable.

Security & Governance Issues: Media reported that according to the local people of Arghandab district of Kandahar province, international forces killed 4 civilians on the 30th of January 2009 in that area. Local people said to the media that civilian casualties increase day-by-day and they will no longer tolerate civilian killings in this province. According to the local people, coalition forces also killed 3 members of a family and took 8 people with them. After the killed persons were buried, hundreds of people blocked the highway and demonstrated on the main highway. Deputy Governor of Kandahar, Ghulam Jailani Humayoun, Head of Police in Kandahar, Matiulah Qaate, District Governor of Arghandab and Head of the District Police joined the demonstration. The Deputy Governor informed media that the killed persons were civilians. However, the Coalition forces said to the media that the killed persons were terrorists.

On the 3rd of February 2009 the National Directorate of Security (NDS) Spokesman, Sayeed Ansary, informed media that the NDS arrested a group of 17 persons in Kabul, who were behind the recent suicide attacks in Kabul. Mr. Ansary said that this group was also responsible for the recent attack near the German Embassy and the latest attack at the roundabout near the US Embassy.

After the resignation of the Minister for Finance, Anwarul Haq Ahadi, President Hamid Karzai appointed Omar Zakhilwal, as the caretaker Minister for Finance. According to the government funded Annis daily, Zakhilwal will be introduced to the Lower House of the Afghan Parliament soon to get its vote of approval.

Media reported that on 7th of February 2009, the district governor of Ghoshta district in Nangarhar and the Secretary of the Nangarhar provincial council were both gunned down by armed persons.

The government funded daily Hewad reported on the 9th of February 2009 - that the person behind the killing of the Nangarhar provincial council secretary, Khan Mohammad, was prosecuted and executed by the Dar-e Noor tribal elders in a trial that took place in a 'desert court'.

On the 11th of February 2009, media reported a number of suicide attacks on the Ministry of Justice and the Prisons Directorate in Kabul. According to the local media, more than 20 persons were killed and more than 60 persons were injured in these attacks. Majority of those killed and injured were civilians. These attacks happened almost a week after the NDS reported to the media that it has arrested a group of 17 persons behind suicide attacks in the city of Kabul. However, in a joint press conference with the Minister of Interior, the Head of NDS, Amrullah Saleh (a young man in his late twenties) claimed that 21 persons have already been arrested in connection with these attacks just four hours after the attacks on the 11th of February 2009.

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On 12th February 2009, media reported about signing of an agreement between the Afghan Minister of Defence, Rahim Wardak and the NATO Commander in Afghanistan, General David McKiernan. Media said that the purpose of this agreement would be to reduce civilian casualties through better coordination of operations of the foreign security forces with the Afghan security forces.

International and local media said on the 18th of February 2009 that based on the report of the British forces in Helmand, 60% of the Afghan police force are addicted to drugs in that province. Helmand Provincial Governor, Gulab Mangal, and the Chief of Police, Assadullah Shirzad, admitted that there is the drug problem in the police force but they reject the of 60% figure.

It was reported by the local media on the 21st of February 2009 that the US forces killed one person at night and took three persons into custody in Logar province. Hundreds of people from the area blocked the main highway from Kabul to Logar. The demonstrators were seen on the television burning tyres and standing there demanding the release of the three persons taken by the US forces. Local media reported that the demonstrators opened the highway after the US forces released the arrested persons.

Conclusion: The arrest of a group in Kabul by the NDS allegedly responsible for the recent suicide attacks, if based on facts and evidence is a welcome news to the people of Kabul and especially the families of the victims of these horrendous attacks. Last year prisoners in the Kabul's main prison of Pule-Charkhi went on strike a number of times. Prisoners as well as Lower House MPs who visited the prison, complained about the investigation department of the NDS. Prisoners and MPs have also asked for the removal of this department.

After the suicide attacks on the 11th of February 2009, the residents of Kabul were very worried for the reasons that majority of the victims in these recent and past attacks have been civilians. The people of Kabul speaking with the local media said that

there are several reasons as to how the persons behind these attacks find sanctuaries in the city of Kabul; corruption in the government forces is the main reason. The other reasons are that the ordinary police on the road do not know how to do their day-to-day jobs professionally as majority of the police is illiterate.

In relation to the execution of a person allegedly responsible for the murder of the Nangarhar provincial council secretary, Khan Mohammad, the Afghan Human Rights Commission Spokesman, Nader Naderi said to the media, "Afghans are increasingly turning to traditional justice means for the reasons that they have lost trust in the formal government judicial institutions".

Here are some comments about signing of an agreement between the Afghan Minister of Defence and NATO Commander to Afghanistan, to coordinate security operations between the foreign security forces and the Afghan government security forces: Mohammad Dawood Sultanzoy, Lower House MP from Ghazni said, "the Afghan government should have raised its voice about civilian casualties many years ago. The Afghan government raising its voice now seems like the President is campaigning for the up-coming elections". Dr. Rostar Taraki, a former Teacher of the Kabul University Law Faculty said, " this agreement might be difficult to implement as agreements are always violated by the stronger party. There is a need for this kind of agreements to get the approval of the Afghan Parliament and the presence of the International Forces in Afghanistan be made legal under the Afghan laws'. An Afghan who was speaking on Radio Azadi was also sceptical about this agreement. He said that the civilian casualties would continue in Afghanistan since the decisions are made by the field commanders and that this was also the same when the former Soviet Union forces were here in Afghanistan.

International Affairs: The UN Secretary General, Ban Ki Moon, visited Kabul on the 4th of February 2009 and met with President Karzai.

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The Netherlands' Prime Minister, Jan Peter Balkenende, visited Kabul on the 10th of February 2009. He met with President Karzai and later on held a joint press conference with the Afghan President. In this press conference, President Karzai said that his ongoing altercation with the United States was like a friendly wrestling match and he will come out of this match eventually as a winner. In a response to a question from the media about the timing of the Presidential election (20th of August 2009), the President said that his first job was ensuring security and overseeing issues linked with the development of Afghanistan and finding legitimate solution to the obstacles in the constitution, due to which we do not know if my term as the President ends in May 2009 or in December 2009.

The new US Envoy to Afghanistan, Richard Holbrook, visited Afghanistan for the first time as "the US Envoy". According to the daily newspaper Annis dated 15th of February 2009, he met with the First and Second Vice Presidents, Ahmad Zia Masood and Karim Khalili and with Seyed Ahmad Gailani, an Afghan religious leader. On this day, Annis also had the following headlines, **"Hamid Karzai in a meeting with his security team"** and **"on-time, coordinated and professional steps by security forces were bone crunching answers to the terrorist"**.

James Dobbins, an analyst at the RAND CORP said, "the US record in Afghanistan in the past seven years has not been good; therefore, the Afghans and their President should not be blamed". And Lisa Curtis of the Heritage Foundation considers publicity against Hamid Karzai a kind of interference in the Afghan election process, which is creating an atmosphere of anti Karzai.

President Karzai, Richard Holbrook and the Afghan Foreign Minister, Spanta held a press conference on the 15th of February 2009 in which the new US envoy to Afghanistan, Richard Holbrook spoke little and said that he was here in Kabul on behalf of the US President and US Secretary of State to once again renew the commitment of the US with Afghanistan to listen to the Af-

ghans. President Karzai said that he was pleased that the US government has agreed with his request to President Obama, asking him to include the Afghan government while drafting of the new US strategy for Afghanistan. Richard Holbrook added that the US supported the decision of the Afghan Election Commission to postpone the Afghan Presidential election from May 2009 to August 2009.

During the month of February 2009, local media also reported that after 30 years, the US Embassy in Afghanistan officially begun issuing non-immigration visas to Afghans from its Embassy in Kabul.

Conclusion: On the 11th of February 2009 the daily newspaper Annis in its front page run these headlines, **"According to the BBC and ARD surveys, 59% of the people believe that the Afghan government made considerable progress"**. A survey by the United States D3 Systems showed **that Majority of the people consider the work of the President of the Islamic Republic of Afghanistan, Hamid Karzai as positive and 95% of the people are opposed to the Taliban.**

Human Rights: On the 1st of February 2009, hundreds of Afghan returnees from the neighbouring countries of Iran and Pakistan demonstrated in-front of the Refugees Directorate of the northern province of Balkh. The Refugees complained to the media about lack of attention to their plight by provincial officials and not getting the assistance they were promised. The returnees alleged that the assistance allocated for them instead goes to the pockets of the local government officials.

Human Rights officials and the family of Gul Afroz, the young girl who was sexually assaulted by armed gangs in the Northern Province of Sarepol said that the 12 years sentence given to the alleged criminals by the local court is not sufficient. According to the local media, 13 year old Gul Afroz and her family receive constant threats from the perpetrators. The attackers keep telling them not to go to the government or they would kill her and her family. The family of

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this girl says that the attackers are militias and are supported by an MP from Sarepol province in the Lower House of the Afghan Parliament. Maghferat Samimi, the Head of the Human Rights Commission in the northern province of Balkh agrees with the family of the girl and says that these persons are militias and the 12 year sentence was also influenced by the interference of powerful persons. This incident happened three months ago in the Kohistanat district of Sarepol province and the human rights officials and the family of the victim are asking for maximum punishment to the alleged criminals.

On the 11th of February 2009, media reported the raping of a 17 year old girl in the northern province of Baghlan. According to the police in Baghlan, two persons have been arrested in relation to this case. Local police said that this woman was kidnapped from one area of Baghlan province and taken to a different location in Baghlan.

Fauzia Gailani, Lower House MP from the western province of Herat said to the local media that despite the wealth and prosperity in the mentioned province, violence against women continues. Ahmad Yousuf Nooristani, the newly appointed governor while agreeing with some degree of violence said that relevant government institutions have been asked to work on this issue.

After foreign and local media said that the US government will not give the Bagram detainees access to the US courts to legally defend them against their detention, the Afghan government Attorney General, Mohammad Ishaq Aloko said to the local media, "I can not believe that a country with such democratic system and progress will deny detainees their rights". A number of ordinary Afghans were also interviewed by the private television channel Tolo. They all said that this kind of attitude from the US was unacceptable to the Afghans. The former Afghan Ambassador to Pakistan during the Taliban government, Abdul Salam Zaif, who was interviewed by the BBC local language program said that he is in the process of taking legal action against the Pakistani government for handing him over

to the US authorities even when he was recognized as the official Ambassador of Afghanistan to Pakistan by the Pakistani government. He also said that he will take legal action against the US for his detention in Guantanamo when he knows that legal action is possible against the US but at the moment, the US is considering itself above all the laws.

Conclusion: Malalay Shinwari, Lower House MP from Kabul said to the media that a delegation from Sarepol province visited the Parliament last year to complain about the behaviour of armed militias linked with government officials. The delegation also complained about the son of a MP currently a member of the Lower House of the Afghan Parliament. Malalay Shinwari added that in majority of the Northern provinces people complained about the lack of justice and the rule of law. Armed militias believe that they are above the law and can do anything they want.

Environment: As part of the government initiative to reduce the ever increasing air pollution of Kabul city, a commission comprising of officials from the National Environment Protection Agency (NEPA), the Kabul Municipality and the Skilled Workers Union has been established to oversee the conversion of numerous bakeries in the city of Kabul from wood and other material to LPG. Mohammad Baheer, NEPA's Deputy Director said to the media that around 2000 bakeries would need to change their method of baking breads to LPG and afterwards this process would be implemented in the public baths.

On the 22nd of February 2009 - Annis daily reported that hundreds and thousands of litres of petroleum fuel had been prevented from entering the country at the northern port of Hairatan after the fuel was checked by the newly established norm and standard authority laboratory.

Conclusion: According to the NEPA, the Kabul air is 3 to 4 times more polluted than the cities of the neighbouring countries. Kabul city is full of second, third and fourth hand cars using low quality mixed petro-

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leum fuel. There are thousands of bakeries and public baths in the city of Kabul and since 2002 as the demand increased for cheap construction material, hundreds of brick kilns have been built circling Kabul. Traditionally, the bakeries bake their breads with the wood but there are some bakeries and public baths which use anything that will burn such as plastic, cardboards and other materials collected from rubbish dumps. Brick kilns use coal and rubber for making bricks. Majority roads, streets and footpaths in the city of Kabul are still unpaved and the dust from these mixes with the thick black smoke from cars, bakeries, public baths and brick kilns and this is the reason that the Kabul air is more polluted than the cities of the neighbouring countries.