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## Preface

Almost a year ago, when the ISIS group declared “Islamic Caliphate” in the middle-east, the news has been circulating in the media regarding the IS presence in Afghanistan. Later on, Abdul Rauf Khadim, the former Taliban commander was selected as vice-Amir of IS in the region, but he was shortly targeted by the U.S. drones.

Moreover, since the last few months, clashes have been going on between Taliban and the fighters who call themselves as IS fighters. Hence, Taliban have written a letter to Al-Baghdadi in the last week, where they have asked him to not open a paralleled front in Afghanistan. The question is, are these fighters really a part of the main IS? Is the ongoing clash in Nangarhar province is under the command of IS or it has some other reasons? And more importantly is that what does Taliban’s letter mean and what would be Baghdadi’s response? In this weekly analysis you will read a detailed note on this story.

Besides this, the legal vacuum of the country was the top-story of the last week. The term of Afghanistan’s Parliament is going to expire today (20 June). Even initial steps have not been taken for parliamentary elections. The President wants to give legitimacy to parliament through the Supreme Court, while the court itself is being run by acting chief justice. Even some members of the parliament put the current government’s legitimacy under question. The question is what are the barriers to parliamentary elections and what is the origin of the problem?

In this week’s Weekly Analysis the Analysts and researchers in Center for Strategic & Regional Studies has provided analysis on the aforesaid topics.

## IS in Afghanistan: The beginning of a new Game?



Since the last few months, the news has been propagating about the IS presence in Afghanistan. But, the ISIS presence proved when Taliban Military council's member, Abdul Rauf Khadim joined the newly emerged group. The development was an alarm for Taliban. In that time, a minor clash happened between Taliban and Khadim in Kajaki district of Helmand province, but shortly after the incident both sides opted for talks. The talks were going on smoothly but when the U.S. drones targeted Khadim, before letting him recruit for his group the relations between Taliban and ISIS becomes severed.

Khadim's killing angered the main IS group in the middle-east. It looks that some people have told IS that Taliban were unsatisfied with Khadim's new stance, therefore they were involved in his killing.

Since then, another group emerged in eastern Afghanistan calling itself IS and declared war against Taliban. They have participated against Taliban in the war in some districts of Nangrahar and Taliban have retreated from some districts of the mentioned province. Some photos have been posted in the social media alleging IS behind the executed members of Taliban in Nangrahar.

## **The Ambiguities Regarding IS in Afghanistan**

Most of the close people to the Taliban are saying that the group calling itself IS fighting against Taliban in eastern Afghanistan are not real IS fighters. They say the group fights against Taliban is based on Kabul-Islamabad recent controversial intelligence MoU, Pakistan has equipped those members of Tahreek Taliban Pakistan which has announced their allegiance to IS and the former Afghan Mujahidin with its own Militia fighters to fight against Taliban.

There are some reports which reveal that persons of Hizbe Islami Hekmatyar are also among the so called IS. It is even said that a person of Hekmatyar by the name of Bakhtyar who had been a detainee of Guantanamo Bay leads IS in Bati-Kot of Nangrahar.

But officially the main IS group in Syria and Iraq has not expressed anything regarding presence of their members in Afghanistan. Only Abdul Rahim Muslimdost, who claims to be member of IS, has accused Taliban of being “Puppets” of ISI. He also confesses his group’s fight against Taliban.

The so called IS in eastern Afghanistan is very organized. They have openly set their military camps equipped with medical clinics and kitchens. They try to have good behavior with local people. They have told the local people that they have nothing to do with the government workers and even army members who come to their homes without uniform, and their fight is just against Taliban.

## **IS in Afghanistan: killing the Taliban**

When the so called IS group attacked the strongholds of Taliban in Nangarhar province they succeeded to push back Taliban fighters from different districts. The video clips showing execution of dozens of Taliban fighters by IS group have been published in social media.

But the mission of the newly emerged group is not confined to Afghanistan; they rather target the high profile commanders of Taliban inside Pakistan too. Taliban’s shadow governor of Nangarhar province, Maulawi Mir Ahmad Gul Hashimi has been murdered in Peshawar, Pakistan, by IS group.

Taliban called Hashmi's assassination a big loss for the group. Taliban wrote in their official site that the "enemies of Islam" will not reach to their vicious goals by murdering such personalities, and will not be able to weaken the already consolidated front of Islamic Emirate.

### **From Taliban with Love: A Letter to Abu-Bakr Al-Baghdadi**

It can be said that the Taliban have never been under pressure in the last thirteen years as they are now. Though the group has made efforts to put the newly emerging problems under the shadow of their successful diplomatic initiatives, and on the other hand show these problems as being impotent. But, the pressures from its military commanders had forced Taliban to clarify its stance regarding the so called IS in Afghanistan. Like any other important work which requires the approval of the leadership of Taliban, the approval of this letter has also took time to get the approval of Mullah Mohammad Omar and the signature of Mullah Akhtar Mohammad Mansoor. The date of its signature is 16<sup>th</sup> June of 2015.

In one part of the letter, some Jihadi personalities like Shaheed Abdullah Azzam, Osama Bin Laden, and Abu Massab Al-Zarqawi have been mentioned and called them as the students of the Jihadi school of Afghanistan. Mentioning of these people in the letter to Baghdadi is to show him that even your guiders and leaders had been the students in our Jihadi School and we are ahead of you in this area.

In this letter, Taliban have pointed out that the great achievements of Afghan Jihad against the Soviet Union had been lost due to differences among Mujahidin factions. It has been written in the letter that they (Taliban) with the injunctions of Quran and lessons of the former Jihad do not consider any plurality in the interest of Jihad or Muslims. They have prevented all the conspiracies with the virtue of single leadership. Therefore, the Islamic Emirate confines the Jihadi activities in Afghanistan under the Leadership of Emirate.

It has also been said in the letter that Mullah Mohammad Omar had been elected by 1500 religious scholars (the Ullema) and had been approved by the great Jurists like Al-Sheikh Hamoud Bin Aqala Al-Shuaibi and famous Jihadi leader like Osama Bin Laden.

It has also been mentioned in the letter that during the last years the enemies have made efforts to divide the united Taliban front, but had not been succeeded. In such critical situation your friends should not carry out activities to smash the united front of Jihad and pave the way for success of the enemies' conspiracies. It has been insisted in the letter that the paralleled jihad groups are not in the interest of Jihad and Mujahidin.

It has been asked from Baghdadi not to be influenced by the advices of people doing so for their vested interests, and not to judge the Afghan issues from far away.

## Conclusion

The letter from Taliban to IS can be considered as an ultimatum that they are not ready to allow any paralleled group that even fights against the U.S. security forces in Afghanistan. Any group that is interested in Jihad should carry out the duty under the flag of the Emirate. There is no need for any other group in the presence of Emirate. The letter, in short, warns IS about its interference in Afghanistan.

The indication of Mullah Mohammad Omar's selection as Amir Al-Momineen by a 1500 qualified Clergies and Mujahidin is proof for them the legitimate leadership of Mullah Mohammad Omar over that of Baghdadi. It indicates that from Taliban Perspective, Baghdadi is a self-proclaimed Caliph whose selection is not acceptable for all the Muslims.

Taliban's ultimatum can have two outcomes: Baghdadi would either approve those who fight in Afghanistan under the banner of IS, in this case it would be declaration of war against Taliban, because he does not accept his followers do Jihad under someone else leadership which would eliminate his legitimacy as Muslims' Caliph. In this case Taliban will find opportunity of support from the regional countries who are concerned regarding IS's influence in the region, and their fight will be accelerated against the IS.

The second possibility is that Baghdadi would not accept those who are fighting in Afghanistan as his followers. In this case it will be clarified that the group is production of the regional intelligence agencies and would not have further opportunity of recruitment in Afghanistan.

We can say that the letter from Taliban's leadership to Baghdadi, in spite of being late, is a very clever initiative of Taliban which would clarify IS presence in Afghanistan.

## Parliamentary Elections & Legitimacy Crisis



According to article 83 of the constitution of Afghanistan, on 1<sup>st</sup> Saratan (June 21) the term of Parliament will terminate. It is written in the constitution: “The working period of the parliament shall terminate after the disclosure of the results of the elections, on the 1<sup>st</sup> of Saratan of the fifth year and the new parliament shall commence its term”.

Up to now, the National Unity Government is not prepared for parliamentary elections. Last year, after electoral crisis, both sides of the NUG agreed that they will bring reforms in electoral system, after the cabinet was constituted.

The Memo of NUG says: “To make sure that the upcoming elections would be free and fair, the electoral system needs basics changes”. It maintains: “The President shall, according to agreement, after formation of government, order a commission for reform on the mentioned issue, through an ordinance”.

Cabinet of NUG was constituted lately; even until now the defense minister is not taken confidence vote from the parliament, that’s why reformation of electoral system was delayed. Then President Ashraf Ghani selected Shokria Barakzai as head of special commission for electoral reforms, but Abdullah Abdullah was against it.

Now, the majority members of Parliament blame government for all this. They are trying to continue their period and say, in constitution “After Election” is mentioned. According to their interpretation, their term will be extended until new election is held.

## **The Frist violation of Constitution!**

Normally, National Unity governments are established in countries, where both sides fought against each other for years, and constitution is delayed and no one can trust each other. In order to establish confidence, a government is being constituted on which all sides agree. In Afghanistan, the National unity government was made out of context. Here, establishment of National unity government was violation of constitution; because constitution has no chapter and no article on this.

When NUG was formed, no one cared about the constitution. Everyone was trying to break the impasse over the results of election. US secretary of state, John Kerry prioritized stalemate breaking, not the constitution. US government never respected Afghan Constitution. When in 2009, US government did an outlaw request to Hamid Karzai; he said it's against the constitution, and the American Secretary of State replied, 'burn the constitution!'

No one can legitimize this government of Afghanistan. Because, it is known that NUG is illegal. Even when the head of election commission announced the results of Presidential election, he did not clearly declare the winner and loser.

## **The Continuation of Legal Vacuum**

From the very beginning, the NUG has violated the law and constitution. At that time, it was a great success to reach a consensus. But it created many problems. For instance, executive office was illegitimate. Its budget is also a legal problem.

If grievance disagreements have not existed between the two factions of NUG, then cabinet might have been formed on time and, then, reforms of electoral system and Loya Jirga would have been summoned and the illegitimacy of NUG would have been easily removed. But, all this would have happened if it was on time. However, now, the parliament faces such a legitimacy problem that cannot have been created without the poor performance of the govt.



## Why Parliamentary Elections are delayed?

These are the basic reasons for the postponement of parliamentary elections:

- Disagreement over 2014 Presidential elections result between Ashraf Ghani and Abdullah Abdullah.
- After 2014 Presidential elections, both factions endeavored to constitute cabinet. It wasted nearly a year, which resulted in delay of parliamentary elections.

## Barriers to Parliamentary Elections

The following points are the main obstacles to parliamentary elections:

- **Lack of Funds:** The Head of independent election commission Ahmad Yusuf Nuristani has said that parliamentary elections would delay due to lack of funds. He added that all the funds of parliamentary election were spent on the second round of presidential elections. Nuristani said that, after UNDP denied granting funds, 960 people have lost its jobs.
- **Security:** The ongoing war in Afghanistan is another crucial obstacle to free and fair elections. Due to insecurity, Parliamentary elections may be held in different stages, so security personnel can concentrate on different regions.
- **Reforms in Electoral System:** After recent controversial elections, NUG decided to reform the electoral system. Shokria Barakzai was selected as the head of reform commission, but due to disagreement of Abdullah, she was removed from the mentioned post.

## The Challenge of Illegitimacy!

Unfortunately, the NUG has gradually committed illegal acts. Starting with the Saratan 1<sup>st</sup> (22 June) none of the three organs of the government would have legitimacy. First of all, chief executive office was formed illegally. Judicial organ is already governed by acting head. The only organ, which was according to law, was legislative organ. After 22 June, the legislative organ would be illegitimate.

Legislative organ cannot gain legitimacy from judiciary, because judiciary is headed by acting head.

Last week, a Member of Parliament has explicitly said that both president and Supreme Court do not have legitimacy.

That's how; systematically a series of violations of law were started. This series will continue, even after June 22. Apparently, NUG will be based on political agreement, let the lower house of Parliament continue illegally, so the only legal organ of the NUG will cease to be legitimate. On the other hand, it does not seem possible that elections will hold soon and the crisis of illegitimacy will be solved. If both factions of government do not endeavor to solve the problems, the crisis of illegitimacy will also affect NUG's legitimacy.

## Conclusions

Although the predecessor government of NUG had many problems, but it didn't face the crisis of legitimacy. Mostly, elections were holding on time and Member of Parliaments were granting legitimacy to the government. Despite the other problems, NUG faced the lack of legitimacy. All the three organs of government blame each other for the lack of legitimacy.

The ruling illegitimacy crisis had these conclusions:

- Government may lose the confidence of people.
- While negotiating with the Taliban, the government always stressed on the constitution. Now, when the government is not in accordance with the constitution, how comes they demands the Taliban to follow it?
- The entire fund that was spent on legal sector was lost.
- People of Afghanistan will lose their confidence in elections.
- Not only election, people will lose its confidence on democratic process and what is called 'achievements of 13 years' will be treated with doubts.

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