



## Center for Strategic & Regional Studies

Kabul

### **Weekly Analysis**-Issue Number 243 (March 3-10, 2018)

Weekly Analysis is one of CSRS' publications, which significantly analyses weekly economic and political events in Afghanistan and the region. The prime motive behind this is to provide strategic insights and policy solutions to decision-making institutions and individuals in order to help them to design best policies. Weekly Analysis is published in local languages (Pashto and Dari) and international languages (English and Arabic).

---

#### **In this issue:**

Preface..... 2

#### **The beginning of the third illegal year of the Parliament and the vague fate of the elections**

The Afghan Constitution and the extension of the working period of the parliament ..... 4

The performance of Wolesi Jirga in its two additional year ..... 5

The fate of the Parliamentary elections ..... 6

#### **The tenuous Pak-Afghan ties and its impacts on transit and trade**

The ups and downs of Kabul-Islamabad ties ..... 9

Kabul-Islamabad transit relations .....10

Trade between Afghanistan and Pakistan .....11

## **Preface**

The eight year of the Parliament started at a time that still there are plenty of mistrust about holding the upcoming parliamentary elections. Speaking at the inauguration ceremony of the Parliament, the Afghan president assured of holding the Parliamentary and Presidential elections and the transparency of electoral commissions.

Two years ago, the working period of the current Wolesi Jirga was extended illegally and due to the internal disagreements and some other challenges the NUG could not hold the elections in the past two years and still there exist piles of problems on the way of these elections. In this regard you would read in the first part of the Weekly Analysis of the Center for Strategic and Regional Studies (CSRS).

In the second part of the analysis, you would read about the impacts of the tenuous Kabul-Islamabad relations on trade and transit between the two countries. In the recent two years of the NUG, relations between Afghanistan and Pakistan have deteriorated more than ever, which has considerably reduced the level of trade between the two countries and it is still decreasing. The reasons behind this situation and the condition of trade between the two countries are issue that are analyzed in the second part of the analysis.

## The beginning of the third illegal year of the Parliament and the vague fate of the elections



The eight legislative and the third additional-illegal year of the sixteenth term of the Afghan Parliament was inaugurated with the speeches of the Afghan President on 16 Hout 1396 [solar date].

In the first meeting of the Parliament, Head of Wolesi Jirga Abdul Rauof Ibrahimy said that due to the delay in the Parliamentary elections, the working period of the Parliament was extended more than the specified period. He called upon the government to hold the parliamentary elections on its specified time. “All Afghans want a timely parliamentary and District council elections,” he said.

In this meeting, President Ghani insisted that the NUG was committed to hold the election on its specified time. President Ghani said: “To hold a fair and transparent election is one of the mechanisms for the rule of law and strengthens the legitimacy of the government and people’s trust in legal procedures.”

It comes at a time that the national and international watchdogs do not believe that the elections would be held on its specified time. The Independent Election Commission (IEC) has announced the (14 Saratan of 1397) as the day of parliamentary and district council elections. Nevertheless, one month ago, the officials in IEC said that the elections will not be held on the announced date.

The term of the Parliament, the deeds of Wolesi Jirga in its two additional year and the fate of the upcoming elections are issues that are analyzed here.

### **The Afghan Constitution and the extension of the working period of the parliament**

The second paragraph of the Afghan constitution writes: “the working period of Wolesi Jirga ends on the 1 Saratan [solar month] of the fifth year after the announcement of the results of the elections and the new council shall start its work.” Therefore, the working period of the current parliament has ended at the end of Jawza [solar month] of 1394. The third paragraph of the same article states: “the elections to elect the new members of the Parliament shall be held 30 to 60 days prior to the end of the working period of Wolesi Jirga.”

The elections crisis in 1393 and the internal conflicts between the leaders of the NUG about the implementation of the NUG agreement and electoral reforms after that, besides increasing insecurities, postponed the Parliamentary elections and the working period of the Parliament was extended until the announcement of the results of the next elections, based on a presidential decree on 29 Jawza 1394 [solar date].

The extension of the working period of Wolesi Jirga was faced with various reactions. Some representatives of the people in the Parliament, lawyers, and head of the Mishranu Jirga termed this extension to be illegal. Nevertheless, some representatives of the people welcomed it arguing that not having a Parliament lack of a third branch of the government. However, three years after that, still the NUG has not been able to hold the Parliamentary elections.

The Presidential Palace has extended the working period of the current parliament until the announcement of the results of the next parliamentary elections and since still the issue of holding the parliamentary elections is still not clear, the working period of Wolesi Jirga is extended until an unspecified time.

### **The performance of Wolesi Jirga in its two additional year**

1395 was the first additional year of Wolesi Jirga. Based on the findings of Free and Fair Election Forum of Afghanistan (FEFA), in this year the Afghan parliament had held 108 general meetings, 21 questioning sessions, 15 presentation of reports sessions, 6 interpellation sessions, 3 secret meetings, and 55 normal meetings.

In 1395, 41 legal documents including bills and legislative decrees and 38 international agreements were sent to the Afghan Parliament for approval or amendment. From these documents 37 was approved and 3 bills were rejected. Moreover, Wolesi Jirga summoned 22 government official and dismissed 7 ministers.

Overall, the findings of the FEFA shows that the Parliament had a better performance compared to the past year in areas of monitoring the government. Nevertheless, in areas of representing the people, the Parliament had not have any tangible achievement.

The second additional and the seventh legislative year of the Parliament had lesser achievements compared to its preceding year and had passed mostly in disagreements. Based on the remarks of Deputy Spokesperson of Wolesi Jirga Erfanullah Erfan in this year Wolesi Jirga has held 1 interpellation session, 54 general meetings, 14 questioning sessions, 3 presentation of reports sessions, and 34 common meetings. Moreover, in areas of legislation, the Parliament has approved 27 legal documents including 3 bills, 8 legislative decrees, 3 financial document and budget, and four international documents.

Overall, the seventh year of Parliament passed with challenges and internal conflicts and in this year some prominent members of the Parliament completely opposed the government.

At the beginning of the year, due to the difference between the executive and legislative branches, the acting ministers continued their work. Wolesi Jirga repeatedly asked the government to introduce the new ministers but the government introduced the new ministers after several months and the Parliament give vote of trust to 11 ministers.

Another issue that raised the conflict between the Parliament and the government as well as among the members of the Parliament was the issue of organizing a Loya Jirga to amend the Afghan constitution. In addition, the distribution of electronic ID cards was another controversial issue. The Parliament rejected the President's decree in this regard but Mishranu Jirga approved it and finally, it was approved by the joint commission of both houses of the Parliament.

### **The fate of the Parliamentary elections**

Although President Ghani insisted on the timely Parliamentary elections, but distrusts about the capacity and competence of the IEC to hold elections has increased in both national and international levels. It seems that due to the problems that exist in the IEC, this commission will not be able to manage the upcoming elections and the challenges ahead of it. This is one of the most important factors in the lack of trust towards holding the upcoming Parliamentary, District Council, and Presidential Elections.

The Special Representative of the UN Secretary General to Afghanistan Tadamichi Yamamoto had said that the Afghan IEC's preparations and efforts to hold a timely and transparent elections were not sufficient. Transparent Election Foundation of Afghanistan (TEFA) and other monitoring institutions have accused the government of intervening in the affairs of the electoral commission and have also expressed concern about lack of preparations for the upcoming elections.

Besides lack of trust towards the IEC, there are some other challenges that will make holding the elections even less probable on a timely and transparent manner:

**Security:** currently, we witness the worst security situation in all over the country and the Afghan government's control over its territory has reached to its lowest possible levels. Based on the recent report of SIGAR, the Afghan government's control over its territory has decreased from 72% in 1394 to 57% in 1396. In its three month report to the US Congress, released four months ago, SIGAR writes that only in the recent 6 months before the release date of the report, the Afghan government had lost control over 9 districts of the country and thus the armed oppositions of the government had control and influence over 54 districts of the country.

**Internal differences:** some watchdogs, politicians, and political parties do not seem to be satisfied with the reforms brought to the electoral system by the NUG because these reforms have not improved the performance of the electoral commissions. Even at the beginning, due to the internal differences of the government, the Selection Committee was formed in a way that did not have the required quality to select commissioners. On the other hand, one of the main steps to hold a transparent election was the distribution of electronic ID cards, while due to lack of coordination and disagreements between the leaders of the NUG, this process of distributing these ID cards were faced with challenges.

**Budget:** the expenditures of holding the Parliamentary and District Council Elections by the government is said to be \$120m, only \$30m of which will be prepared by the Afghan government and for the remaining budget, the international community must help. Although the donor countries have promised to make this amount of contribution but they insist that they should be made sure that this money is not wasted and misused. In current circumstances, this issue is also one of the main challenges of the Afghan government, because still the Afghan government is among the most corrupt countries in the world.

Therefore, it seems that due to the various problems, the NUG does not have a solid will to hold the upcoming elections and, thus, this election will be delayed , something that will further undermine the legitimacy of the regime.

## The tenuous Pak-Afghan ties and its impacts on transit and trade



For the first time last year, the Afghan and Pakistani military engaged in armed conflict at Turkham border, something that indicates the tenuous relations between the two countries in the past seven decades. Overall, relations between the two countries have witnessed many ups and downs; nevertheless, during the National Unity Government in Afghanistan, these ties have more deteriorated than ever.

Besides other areas, these tenuous relations have also affected transit and trade between the two countries. In the past 17 years, every time with the escalation of tensions between the two countries, trade and transit between them have also face major challenges.

During the past two years, when the relations between the two countries were deteriorating on a daily basis, trade between Kabul and Islamabad has reduced to more than 50% of its previous scale. This situation was, to a great extent, the result of efforts for regional economic integration on behalf of the NUG. As in the inauguration of the eight year of the Parliament, President Ghani said: “those days have passed, when some people could block the roads on us.”

Here you would about the tenuous ties between Kabul and Islamabad since 2001 and its impact on transit and trade.



## **The ups and downs of Kabul-Islamabad ties**

Relations between Afghanistan and Pakistan have always been the victim of mistrusts and preemptive concerns. That is why Pakistan's policy in Afghanistan is to get strategic depth in this country, which, on the one hand, aims at recognition of the Durand Line by Pakistan and, on the other hand, the restriction of Indian influence.

Since 2001, in both terms of President Karzai, relations between Kabul and Islamabad were not stable and mistrust was dominant in the relations between the two countries. Particularly, the Afghan government, during this period, had an unstable policy in this regard. During his two terms of Presidency, President Karzai had 21 visits to Pakistan. However, at the last days of his Presidency, still he complained from Pakistan: "The keys to Afghan peace lies with Pakistan and the US."

After the formation of the NUG, once again the relations between Kabul and Islamabad, experienced unprecedented ups and downs. At the beginning days of the NUG, ties between the two countries was unprecedentedly warm. The Afghan President give some privileges to Pakistan and then during the Afghan President's visit to Pakistan, Islamabad give the Afghan President the same courtesy that this country gives only to Chines and Saudi leaders.

Nevertheless, this period of partnership was very short and with the escalation of insecurities and Pakistan's shortcoming in fulfilling its promises about bringing the Taliban to the negotiation table, once again, mistrusts in relations between the two countries increased. Later, clashes between Afghan and Pakistani military occurred in Turkham and Chaman area and for the first time, Afghanistan rejected Pakistan's aid during the Heart of Asia Conference.

The clashes in Turkham not only increased distance between the two countries, but also escalated hatred between the nations of the two countries as well. These situation highly affected trade, transit, health and soft power between the two countries. Trade between the two countries reduced to one billion dollars and due to the continuation of these tenuous relations, thousands of Afghan refugees returned from Pakistan.

## **Kabul-Islamabad transit relations**

Landlocked countries are obliged to have trade with other countries only using the other countries' soil. Pakistan is a country that Afghanistan relied upon for its trade with the world in the past seven decades. Transit relations between the two countries started in 1965 with signing the (ATTA) agreement. Based on this agreement, Afghanistan can use the Karachi and Qasem ports for entrance and the Turkham and Chaman ports for exit. Nevertheless, besides other issues in this agreement, Afghanistan was not allowed to extend its trade relations with China through Pakistan's soil. Moreover, no final agreement was made about Afghanistan's trade with India through Wagi port.

After 2001, with the formation of the new government in Afghanistan, the two countries began discussions to review the ATTA agreement. These negotiations started in 2008 and finally, on 28 October 2010, the two countries signed an agreement, which was reinforced as of 12 June 2011.

This agreement has 58 articles, two indexes, and four protocols. Based on this agreement, Afghanistan had three entrance points (Karachi, Qasem and Guader ports). Moreover, besides Turkham and Chaman ports, the two countries also came to an agreement about Ghulam Khan Port as well. In this agreement, Afghanistan was allowed to have trade with China through "Sost" area of Pakistan. In addition, the issue of Afghan exports through Wagi Port was also finalized but Indian imports to Afghanistan through Pakistan was not permitted. Routes for trade from Pakistan to Afghanistan and Central Asia are shown. Moreover, Afghan trucks are allowed to go until Wagi and Pakistan's sea ports.

Despite all these agreements, these transit trade have face many challenges on behalf of the Pakistani officials and mostly, these transit ways were used as political tool to pressurize the Afghan government. Therefore, Afghanistan was forced to think about alternative ways, something that highly affected trade and transit between the two countries.

## Trade between Afghanistan and Pakistan

In past one and half decade, the greater part of Afghanistan's trade was with Pakistan. During the first year of the NUG in Afghanistan, when the bilateral relations were developed and some trade relations were resolved, imports and exports between the two countries increased. However, now it seems that trade between them is at its lowest rate possible. According to the head of Afghan-Pak Joint Commerce Chamber Motiwala, in the past two years trade between Kabul and Islamabad was \$2.7m; however, it is reduced to only \$1.2m now.

In an interview with Dawn, he has said that from 200 flour factories, 100 of them are closed. Moreover, according to him, before this 70000 containers of good were going to Afghanistan and now this number is reduced to 7000 containers.

According to Pakistani officials, the reason behind the bad market for Pakistani goods is the increase in imports from India and China. Nevertheless, there are some other reasons that has played a role in reducing the trade level between Kabul and Islamabad:

**First;** in the Afghan-Pak bilateral relations, Pakistan has always used transit and trade for political purposes. Whenever, tensions have escalated between Kabul and Islamabad, Pakistan had closed its routs on Afghan traders, which each time inflicts heavy losses to Afghan traders. Therefore, traders try to decrease their trade with and through Pakistan.

**Second;** Afghanistan's access to some alternative routes such as Chabahar port is another factor in this regard. Afghanistan accessed Indian Ocean through Iran, which facilitated the Kabul-Delhi trade. India sent hundred thousands of grain through this way to Afghanistan. Furthermore, an air corridor was also opened between the two countries and the Afghan traders, to a great extent, turned to the Iranian rout.

**Third;** the expansion of trade relations with the Central Asian countries and China and in the meanwhile, people's campaign against Pakistani goods in Afghanistan are another factors behind the reduction of trade scales between the two countries.

The End

---

**Contact Us:**

Email: [info@csrskabul.com](mailto:info@csrskabul.com) - [csrskabul@gmail.com](mailto:csrskabul@gmail.com)

Website: [www.csrskabul.com](http://www.csrskabul.com) - [www.csrskabul.net](http://www.csrskabul.net)

Office: (+93) 784089590

**Contact with Officials:**

Dr. AbdulBaqi Amin, General Director of CSRS: (+93) 789316120 [abdulbaqi123@hotmail.com](mailto:abdulbaqi123@hotmail.com)

Hekmatullah Zaland, Senior Manager: (+93) 775454048 [hekmat.zaland@gmail.com](mailto:hekmat.zaland@gmail.com)

**Note:** Please let us know your feedback and suggestions for the improvement of Weekly analysis.

