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## Introduction

As only a few days are remaining for the unity government's five-year term to officially end, the Supreme Court of Afghanistan extended president's tenure until the re-election of a new president. In addition, the upcoming presidential elections were also delayed after the appointment of new commissioners and will be held on 28 of September, 2019. As the consultative Loya Jirga will be conducted next week in Kabul, some of unity government officials, political parties and leader refused to participate in the Loya Jirga and considered it as President Ghani's election campaign. Extension of Ghani's term and related issues are discussed in the first part of CSRS Weekly analysis.

The second part of the analysis is apportioned to the increase in groundwater reserves. The ministry of energy and water announced that the underground water level in Kabul has increase from 2-12 meters. Last year, around 350 thousand people of 20 provinces abandoned their homes due to aridity. Afghanistan is an agricultural country and according to statistics, around 65% of its people are busy in agriculture and livestock sector. With increase in groundwater reserves, aridity will be eliminated and economic problems of people will be resolved.

## **Increase in underground water reserves: a positive for aridity reduction**



Ministry of energy and water of Afghanistan finally announced that groundwater reserves have increased in Kabul. According to the statistics of the ministry, this year's groundwater level has increased by 2-12 meters compared to April, 2019. Based on their studies, lesser amount of underground water has been found in eastern areas of Kabul, compared to the west of Kabul, where sufficient land is available for snow absorption.

Increase in groundwater is reported in a time when 350 thousand Afghans abandoned their homes due to aridity in 20 provinces of Afghanistan last year.

Although precipitations of the year caused heavy casualties to the people, but they have also brought a good news of lesser aridity to all over the country. Here, we discuss the increase in groundwater in Kabul and its effect on people's lives.

## **Water shortage problem**

Besides war, insecurity and economic crisis, natural disasters also cause human and financial harms to the people of Afghanistan every year. Among them, water shortage is one of the major challenges that the people of Afghanistan were facing since last few years.

Although Afghanistan has excessive flowing water, but due to inability to use it, people are forced to unprofessionally dig deep wells to obtain water. Unstandardized digging of boreholes and aridity during last three decades have led to groundwater scarcity in Kabul recently.

According the latest report United Nations' office for the coordination of humanitarian affairs (OCHA), around 2 million individuals lacked food due to aridity in 2018. Besides aridness in other provinces, Kabul also witnessed water scarcity. Due to climate change and water shortage, People were forced to obtain water from distant areas. Even some ancient subterranean water canals and wells which were up to 100 deep, dried out in some provinces.

One of the negative effects of water shortage is obliteration of agricultural lands and moisture in the environment. Agricultural lands are not only essential for cultivation and receiving of agricultural products, but also help to filter water and preclude storms and floods.

Afghanistan has witnessed aridity many times and each time it polluted the air, destroyed agricultural products and has caused human and financial harms to the people of Afghanistan. According to the World Bank, nearly 6.5 million peoples were facing serious problems due to water shortage since 2000.

## **Increase in underground water**

Although due to lack of snowfalls and rainfalls, people were facing water shortage problem all over the country and some wells even dried out in some provinces during last few years, especially in 2018, but increase in precipitations in winter of 2019 has escalated the level of groundwater, besides flowing water.

According to the findings of Afghanistan ministry of energy and water, precipitations in winter of 2019 were by 51% higher compared to the last five

years. The ministry says that 2019 will be good year for securement of agricultural water reserves and improvement of the condition of environment in Afghanistan.

Afghanistan is an agricultural country and its economy largely relies on agriculture. Rainfalls and snowfalls of last year's winter which increased flowing water and underground water reserves, will elevate agricultural products all over the country. Because of aridity and water shortage in 2019, wheat crops decrease from 4.2 tons to 2.5 tons. However, due to heavy rainfall last year, it is expected that agricultural products will grow, which will have positive effect on people's economic condition.

Besides all these, although heavy precipitations and increase in ground water reserves is a good news, but experts of environment and water say that precipitations and increase in groundwater reserves are temporary and will have no advantage in long-run. They emphasize that it will be useful for groundwater reserves if deep wells are dug and dikes are built so that water of floods can be reserved and underground can be nourished after filtration of reserved water.

### **Solutions to water shortage crisis**

Water scarcity in all over the world has now turned into a catastrophe. Considering the crisis and aridity during last few years, prudence in water usage is an inevitable need for avoiding water shortage crisis.

In order to be judicious and avoid water shortage crisis in Afghanistan, it is necessary to consider the following points.

**Sensible use of water in agriculture:** Although Afghanistan is an agricultural country, but its agricultural and cultivation system is still traditional. To properly manage water and reduce its usage, it is necessary to cultivate in a region according to its water reserves. In those areas which have low water reserves, products should be cultivated which require lesser amount of water. Conversely, in those areas which have excessive water reserves, products should be cultivated which need a lot of water. In addition, it is necessary to utilize modern cultivation equipment in order to avoid useless flow of water.

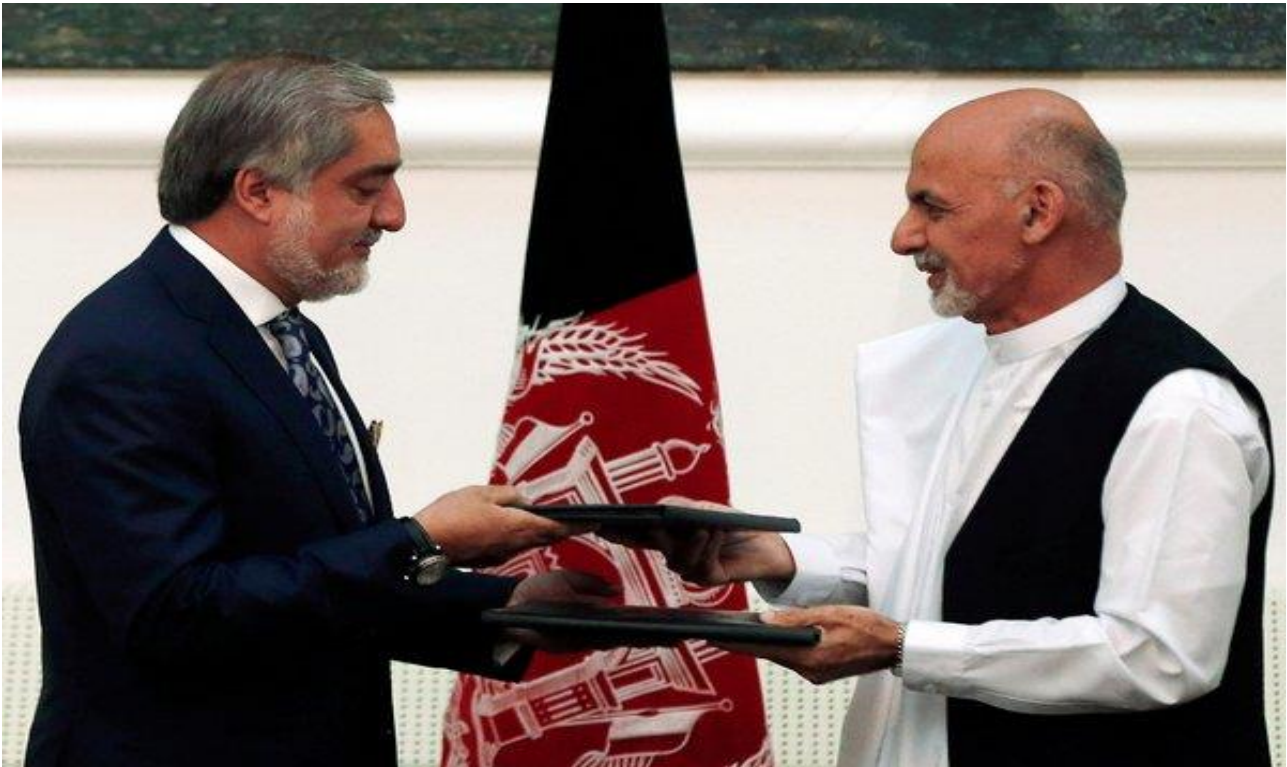
**Reservation of rain water:** accumulation and reservation of rain water is another way of preventing water shortage crisis. Reserved rain water can be used to

nourish underground water reserves and can be availed for cultivation and gardening.

**Prudence in water usage:** One of the solutions to prevent water scarcity crisis is to avoid excessive use of water at homes and in surroundings. It is necessary for families to avoid water squandering while using water in kitchens, bathrooms, gardens, or while washing car. Regarding this issue, public awareness is necessary.

**Preventing of deep wells digging:** One of the causes of groundwater shortage, especially in cities of Afghanistan, is digging deep boreholes in order to water crops or to use it for business purposes. Regarding this issue, government officials are required to prevent unprofessional well diggings and to nourish underground water reserves.

## Extension of the Unity Government's term; a legal assessment



According to the constitution of Afghanistan, term of the president will end on 22 of May 2019. However, the Supreme Court extended president's tenure until the time when a new president is officially elected. According to Supreme Court's decision and the constitution of Afghanistan, presidential elections should be conducted before the end of president's term, within 30 to 60 days. Although the presidential elections were previously delayed to 20 of April 2019 due to peace negotiations between the U.S. and the Taliban, poor management by the election commission, internal conflicts and absence of budget, but later delayed to 20 of July and finally to 28 of September, 2019. Based on the request of president office's policy department in legal affairs, the Supreme Court extended president's term until the re-election of a new president. Political parties and some nominated candidates for presidential elections criticized the Supreme Court's decision and said that according to the constitution, president's term is only valid until 22 of May, 2019.

Legal analysts and many Afghan politicians believe that the Supreme Court's decision contradicts that law and above the authority of the Supreme Court. However, the office the chief executive welcomed supreme court's decision and has said that similar decision decisions have been made previously and according to supreme court's decision, not only president's term will be extended until the reelection of a new president, but chief executive's tenure as well.

### **The five-year governance of the national Unity Government**

In war-torn country like Afghanistan where the conflicts over power is always happen, the establishment of coalition government with the name of national Unity Government was the main cause of weak government.

A deep analysis of five-year governance of national Unity Government shows that there were profound internal conflicts since the first day of the formation of NUG. In the beginning, there were power dispute between President Ashraf Ghani and Chief Executive Abdullah Abdullah, which further spread within their electoral tickets. Even after five-years, these internal conflicts are yet to be resolved which have been emerging in one or another form. The most recent disagreement was over Loya Jirga, The Abdullah Abdullah warned that he will not attend the Loya Jirga. He said that it is a form of election campaign for president Ghani. Meanwhile, other political parties, leaders and some nominated candidates for presidential elections are also boycotting the event.

Despite political tensions, the Unity government has made some progress in stabilizing the economy and improving other civil services. However, the security situation has worsened. The war zone is extended from south to the north. Unlike the past, the war escalated in the Northern provinces. Kunduz, Ghazni and Farah provinces collapsed by the Taliban and they almost reached to the center of Helmand and Uruzgan provinces. In addition, Afghan government lost control over most of the regions in the country. Civilian casualties have increased comparatively and the Islamic State group "ISIS" got a foothold in Afghanistan and rapidly extended their operations from the east to the north and other regions of the country. In the meantime, the casualties of Afghan security personnel have



also been increased. President Ghani has confirmed that 45,000 security personnel were killed since the establishment of the National Unity Government.

The peace process is considered to be the only solution to the ongoing war. In the past, the National Unity Government has treated peace process as a mere slogan. On the other hand, since Khalilzad got his duty as the U.S. special envoy, he has met the Taliban representatives five times. He also had multiple meeting with Afghan government officials, political and national leaders, in order to create regional and international consensus on Afghanistan peace process. The talks between the Taliban and Afghan politicians in Russia and Intra-Afghan peace negotiations in Qatar (which was unfortunately canceled) have raised hopes for the Afghan peace. In addition to other sections, The NUG foreign policies were very responsive and were tied to the security situation in the country. Although the foreign policies were shaky and unstable, but the NUG managed some good results in foreign relations, particularly in securing foreign aids, which include local projects of energy transition, trade and transportation and trade agreements with some partner countries.

### **Extension of the president's term; a few legal criticisms**

According the constitution of Afghanistan, president's term is five years and suppose to end on 22 of May and tenure should be transferred to the new president. Unfortunately, the president was unable to conduct presidential and parliamentary elections on time. Despite three-year delay in parliamentary elections and inauguration of the new parliament last Friday on 26 of April, final results of Kabul province are still not announced. In addition, presidential elections delayed until 6 months and will be conducted on 28 of September, 2019. Considering the conditions, it seems that the presidential elections will not be conducted on the latest specified date. Supreme Court's decision thus, did not fix the final date of the term.

In addition, there is nothing stated in the constitution which gives authority to make decision regarding the president's term. According to the constitution, analyzing legal, legislative decrees, international agreements and alliances can be the authority of the Supreme Court. Moreover, the high council of Supreme Court

made quick decision regarding the issue. The official letter no.29 was sent to the Supreme Court by the president office's department of legal affairs on Wednesday, 28<sup>th</sup> of Hamal. Only half working day (Thursday) and a holiday (Friday) later, the extension of the president's term is issued by the Supreme Court. This indicates how quickly a national case was resolved.

Considering the conditions, despite legal fragilities related to the extension of the president's term, the decision might be acceptable for the nation, considering constraints. However, the president and the unity government must remain committed to peace and prioritize peace before the elections. If the goal is to extend government's tenure and to delay the peace process, results will be unfavorable and harmful for the nation.

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