



MAX PLANCK FOUNDATION
for International Peace and
the Rule of Law



موسسه حمیده برمکی برای حاکمیت قانون
HAMIDA BARMAKI ORGANIZATION
FOR THE RULE OF LAW

CONCEPT AND PROGRAM:
AFGHAN LEGAL STUDIES CONFERENCE

KABUL, 1-3 DECEMBER 2014

CONTACT:

Max Planck Foundation:

Dr. Tilmann Röder &
Dr. Elisa Novic (program)
novic@mpfpr.de

Ms. Antje König (logistics)
koenig@mpfpr.de

Hamida Barmaki Organization:

Sayed Hameed Zia (program)
zia@hborl.org.af
+93-772 014 425

Nawroz Rateb (logistics)
nawroz@hborl.org.af
+93-794 888 111

CONCEPT

The first Afghan Legal Studies Conference will be held in Kabul from 1 to 3 December 2014. The main aim of the conference is to provide a forum for scholars from Afghanistan and abroad where they can present and discuss recent results of their research. The organizers intend to strengthen academic exchange among Afghan law professors, Ph.D. students and independent researchers and connect them with the international scientific community.

The Afghan Legal Studies Conference is integrated in the Hamida Barmaki Ph.D. Scholarship Program of the Max Planck Foundation for International Peace and the Rule of Law. Sixteen candidates have been selected to write doctoral dissertations in different fields of law. Five of them will present some of their research results at the conference.

The Afghan Legal Studies Conference is hoped to contribute to the development of an independent, serious legal research culture in Afghanistan. Six axes of research have been identified and will constitute the basis for the conference panels: public law, private law, criminal law, international public law, interdisciplinary studies and the rule of law. The panel on interdisciplinary studies is open for presentations in the fields of legal history, legal sociology, legal anthropology, legal theory, legal philosophy and other areas related to law. Speakers may choose to present their papers in Dari or in English.

Selected conference papers will subsequently be published in Dari in the 1393 edition of the Yearbook of Afghan Legal Studies (سالنامه مطالعات حقوقی افغانستان).

ORGANIZERS

The Max Planck Foundation for International Peace and the Rule of Law provides assistance to the reconstruction of states that have experienced fundamental change. This includes post-conflict states, states in transition after a regime change, and new states that have come into existence after secession. The Foundation offers consultation, training and other forms of support.

The Hamida Barmaki Organization for the Rule of Law (HBORL) provides assistance in the areas of rule of law, access to justice, human rights and social peace in Afghanistan.

Both are independent, politically neutral nongovernmental and non-profit organizations. They collaborate in many projects in Afghanistan.

DONOR

The Afghan Legal Studies Conference is funded by the Foreign Office of the Federal Republic of Germany. The organizers are deeply grateful to the Foreign Office as well as the German Embassy in Kabul for their invaluable support.

PROGRAM

1 Dec. 2014 Opening of the Conference (Chair: Sayed Hameed Zia)

08:30-09:00 Registration of Participants

09:00-09:30 Opening Addresses – Markus Potzel, Abdul Ali Mohamadi

09:30-09:45 Concept of the New Conference Series, Tilmann Röder

Panel I: International Law (Chair: Rüdiger Wolfrum)

09:45-10:30 The Legal Framework Governing the Helmand River: An International Law Perspective, Mansour Jafarian

10:30-11:15 The Current Status of Afghanistan's Accession to the World Trade Organization, Humayoun Rahimi

Tea/Coffee Break

11:30-12:15 Afghan Children's Right to Education in Iran in Light of International Law, Mohsen Abdollahi

Lunch Break

Panel II: Interdisciplinary Studies (Chair: Tilmann Röder and Golnoosh Hakimdavar)

13:15-14:00 Hybrid Forms of Dispute Resolution and Access to Justice in Afghanistan: Conceptual Challenges, Opportunities and Concerns, Noah Coburn

14:00-14:45 The Power of Experience: Civil-war Effects on Seeking Justice through Disputing, Friederike Stahlmann

Tea/Coffee Break

15:00-15:45 Legal Pluralism in an Islamic State: Reflections on the Afghan Constitution, Asifa Quraishi

2 Dec. 2014 Panel III Public Law (Chair: Rüdiger Wolfrum)

09:00-09:45 Article 130 of the Afghan Constitution and its Implementation by Afghan Courts, Lutforahman Saeed

09:45-10:30 Constitutional Interpretation and Adjudication and the Relationship between the Executive and the Parliament during Karzai's Administration, Mohammad Hashim Kamali

Tea/Coffee Break

10:45-11:30 The Rights of Persons with Disabilities and Martyrs' Survivors in Afghanistan, Soraya Paikan

11:30-12:15 The Presidential Election in the Afghan Constitution, Javad Taghizadeh

Lunch Break

Panel IV: Private Law (Chair: Mohammad Hashim Kamali)

- 13:15-14:00 Afghan Laws on Islamic Finance: Lessons from Malaysia, Muhammad Yusuf Saleem
- 14:00-14:45 The Acquisition of Trademarks Rights in Afghanistan: A Comparative Law Perspective, Wali Naseh
- Tea/Coffee Break*
- 15:00-15:45 The Issue of Interfaith Marriage: The Indonesian Experience, Paripurna P Sugarda
- 15:45-16:30 Indirect Action under Art. 832 of the Afghan Civil Code, Ali Mohammad Mirzai

3 Dec. 2014 Panel V: Rule of Law (Chair: Tilmann Röder)

- 09:00-09:45 The Many Futures of Afghan Legal Education, Jon Eddy [cancelled]
- 09:45-10:30 Judicial Institutions in a Post-conflict Society: Gaining Legitimacy Through Reform, Salim Abdul Amin
- Tea/Coffee Break*
- 10:45-11:30 The Role of Attorneys-at-law and Bar Associations in Building the Rule of Law, Phillip Tahmindjis [cancelled]
- 11:30-12:15 Rule of Law Challenges in Afghanistan, Abdul Qayoom Sajjadi [cancelled]
- Lunch Break*

Panel VI: Criminal Law (Chair: Elisa Novic)

- 13:15-14:00 Criminal Intention in Afghan Law, Mohammad Qasim Hashimzai
- 14:00-14:45 The Criminalization of White-Collar Crime in Afghanistan, Haroon Mutasem
- Tea/Coffee Break*
- 14:45-15:30 Criminal Procedure Reform in Afghanistan Since 2002, Michael E. Hartmann
- 15:45-16:30 Victim Rights in the New Afghan Criminal Procedure Code (Art. 6), Hussein Gholami [cancelled]
- 16:30-16:45 Closing Address, Tilmann Röder, Sayed Hameed Zia