

In the Name of God, the Most Merciful, the Most Kind

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Why Kazakhstan Holds Early Presidential Election

Ambassador of the Republic of Kazakhstan, Alimkhan Yassengediev, hosted an Iftar Ceremony in the Embassy of the Kazakhstan in Kabul. Representative of the Afghan National Parliament, MoHE, Universities, President Media Advisor, Media Outlets, CSOs, and Foreign Delegations participated in the event. Geldiev briefed the participants on Kazakhstan early presidential elections, the challenges and opportunities of the elections, bilateral relations between the two countries, and strategic commitment of Kazakhstan on boosting sustainable regional cooperation. Referring to the reasons of early elections, Geldiev said, "as you are in the picture the first president of Kazakhstan, Nursultan Nazarbayev, resigned in March 2019. " According to the Constitution of Kazakhstan the speaker of the legislative upper house, Kassym-Jomart Tokayev, replaced him as the interim head of state until a new election is held", he added.

According to the Country's constitution and electoral law, Kassym-Jomart Tokayev, can serve as the Interim head of the state until 2020, but he decided to hold the election June 9 to put an end to political uncertainty in the Central Asian nation. In terms of legal aspects of the early elections Tokayev consulted with the Constitution High Council and it announced that it did not have any legal problem to hold a snap presidential election.

President has specific duties and absolute authorities. "Practicing these authorities requires to hold the elections, because the interim head cannot practice them", Geldiev clarified.

The new president shall work on the implementation of the strategy of Elbasy," Geldiev said, referring to Nazarbayev by his constitutional title which translates as "Leader of the Nation". This can help us to cope with the economic challenges that face the country.

Referring to the political challenges of the presidential election, Geldiev said, "Comparing to Afghanistan we have less political challenges, however, there are certain challenges that we shall cope with them; one of the major presidential election challenges in Kazakhstan is the political opposition groups," he said. They can misuse the power vacuum in the country. In terms of crisis management in the country, he said, "Since speaker of the legislative upper house, who has replaced the president as the head of the interim government, is not an elected person, does not have the necessary power to well manage the crisis in the country."

Referring to the long presidential tenure of Nazarbayev, "considering the transition period, the previous president served for a long time to prepare the grounds for a stable nation," he said.

The main aim of the presidential election is to support the president and enable him to charge his roles and responsibilities properly. Referring to the status of Nazarbayev, he said, "The first Kazakh president will remain as "Leader of the Nation" and founder of Kazakhstan. He will be the head of the National Security Council. The permanent and non-permanent members of NSC will be introduced by the leader and approved by the president. The "Leader of the Nation" will chair Noor Watan Party, the ruling party of Kazakhstan which more than 70 percent of the nation supports it," he stated. "The Leader also is the chairman of the National Assembly of Kazakhstan People that its main duty is to protect the interests of the Kazakh people including the minorities," he added.

Referring to the continuation of the Kazakhstan foreign policy, he said, "We submitted our first note to the embassy of Afghanistan in Kazakhstan and embassies of other countries, reaffirming that our policies towards Afghanistan will not change and we will continue supporting Afghanistan." And we will continue our regional cooperation strategies.

Transparency and credibility of the presidential election are the issues that have raised concerns in the country. "International observers and observers of the political parties will oversight the elections to ensure a credible election," he said.

Regarding of the election results, Geldiev said that the people of Kazakhstan are the ultimate decision makers and we will respect their decision. "Regardless of the presidential election results, we will maintain our good relations with Afghanistan, he emphasized.

Kazakhstan presidential election will be held on June 9, 2019. This is one of major political developments that will have specific democratic outcomes for Kazakhstan and the region. As Kazakhstan is one of the main supporters of Afghanistan in different areas, especially in higher education and economic sectors, this election is considered very vital for the future relations of the two countries. A Transparent and credible presidential election can ensure continuation of maintaining stability and ethnic peace in Kazakhstan. It will facilitate the rise of a new generation of leaders who will continue the reforms that are under way in the country and will accelerate economic development in Kazakhstan.

Challenges Hampering Law Enforcement

By: Hujjatullah Zia

Democratic principles and human rights have been a dominant discourse in Afghanistan. Afghan Constitution has been approved following the Bonn Conference based on democracy and international values. One's rights to life and liberty and the principle of nondiscrimination have been highly salient in the constitution.

Afghanistan's post-Taliban Constitution officially recognized the Universal Declaration of Human Rights (UDHR) and the United Nations Charter, which point out human rights issues from a secular perspective.

To view the rights, freedoms, and dignity of mankind from the perspective of Afghan Constitution and UDHR, both men and women have equal rights and freedoms and racial, sexual, and religious discrimination has room in neither of them. Afghan Constitution states in Article 22, "Any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden. The citizens of Afghanistan, man and woman, have equal rights and duties before the law." Moreover, it is said in Article 24 that "liberty and human dignity are inviolable. The state shall respect and protect liberty as well as human dignity."

Meanwhile, the UDHR states in Article 2, "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Being supported by national and international principles and institutions, Afghan women have made great strides as they are holding high political positions. The level of sexual discrimination also decreased to a great extent. As a result of active participation of women rights organizations in spreading awareness and women's empowerment, the social perspective towards women has changed to some level. Since changing the deeply embedded traditional culture across Afghanistan is not possible overnight, challenges and obstacles still continue. Before pointing out the challenges, it should be noted that notwithstanding its recognition of UDHR and United Nations Charter, Afghan Constitution is contrary to some secular principles of the international instruments. For instance, Article 18 of UDHR which says that "everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private" will not be supported by Afghan Constitution as it articulates in Article 3, "No law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan." There are also

some other items, including unlimited rights to marriage, in the UDHR which are in conflict with Afghan Constitution.

In terms of lack of law enforcement, there are two main obstacles. First, administrative corruption within the government's body, including judicial system, has hampered law enforcement in Afghanistan. Afghan Constitution was violated mostly by officials and strongmen, who consider themselves beyond law. For example, delay in presidential and parliamentary elections, electoral rigging, violating law with impunity - to name but a few - are contrary to constitution. Afghanistan's position on the top list of corrupt countries for many years suggests that officials are widely involved in corruption.

Meanwhile, the unmitigated insurgency across Afghanistan has been the second obstacle before law enforcement. Warring parties have not only been involved in gross violation of law and public rights, but also challenged the smooth implementation of law, especially in remote areas and tribal belts. Implementing their sharia - interpreted on parochial mindset - and tribal code of conduct, the Taliban fighters have been conducting desert courts in remote areas and punished men and women physically in public. Hence, their harsh practices and gross violation of law inflicted strong blow to democracy and human rights issues.

Racial and factional discrimination still continues in Afghanistan as high-ranking officials always seek to appoint individuals, who share the same racial and factional backgrounds, to high political positions. Such an orientation is highly felt within the government's machinery. That is, preferring their individual interests to national interests, a number of officials violate law with impunity.

Considering the aforementioned facts, democratic and human rights discourse have been debated hotly and all layers of Afghan society have been affected in some ways. However, obstacles still hamper the smooth implementation of national laws, mainly the constitution. The rights and freedoms of Afghan men and women are being violated in one way or another. There are still individual and collective activities going on to undermine democratic values and the implementation of law.

To institutionalize democracy in Afghan society, officials have to observe national laws and implement them equally on individuals. Racial, sexual and religious discrimination should be ended. Civil society and the media should observe the implementation of law and raise their voice against injustice and lawlessness.

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The future of peace in Afghanistan is Rooted in Lessons from the Past (Part 2)

By: EFSAS

US-Taliban Talks

In the complexity that has arisen from decades of conflict, with the multitude of actors aligning themselves on ethnic lines and the lack of national Afghan unity, reaching a consensus is proving to be nearly impossible. However, it seems that the future of Afghanistan will be played out by two main internal actors; the Taliban and the Afghan government led by Ashraf Ghani, an independent politician. And yet, there is little to no interaction between the Taliban and the government as the Taliban does not recognize the government as a legitimate entity, and the government does not appreciate the Taliban's political momentum with other States. By engaging in talks with foreign governments and Afghan elites, the Taliban is gaining political credibility that is undermining Ghani's government. Taliban leaders have attended several rounds of talks with the US in Doha, Qatar. While both sides seem eager to end this war of 18 years, there is one major point of discord which is the timeframe of US troops withdrawal. The Trump administration is willing to start withdrawing troops, as long as the Taliban holds up to its side of the bargain which is to prevent jihadist organizations from operating in the country. The US has also made demands that the Taliban start a dialogue with the Afghan government before they withdraw their troops, something which the Taliban is reluctant to do while only hinting at a potential political discussion with the Afghan government once the US leaves.

If Donald Trump's eagerness to withdraw from Afghanistan precipitates a rash deal with the Taliban, with no sustainable plan for the country and no guarantee that the Taliban will hold up to its end of the bargain, the results could be disastrous. The US presence, as resented as it is by Afghans, does maintain a form of control over the regional status of Afghanistan. Should the US leave Afghanistan in the state that it is today, the country would be up for grabs as regional powers and internal actors would attempt to defend their strategic and regional interests in the country. Afghanistan's immediate neighbours would gain from reconstructing Afghanistan, and lose if another conflict were to erupt from lack of internal political stability. Some of the countries, especially Pakistan and Iran, alongside their dubious role, have also had to manage the spillovers of Afghan wars in the past, in terms of mass refugee influx and the proliferation of terrorist groups aligning themselves on ethnic lines, which do not stop at the established borders. Pashtuns are present in Afghanistan and Pakistan, while Baloch are present in Iran, Afghanistan and Pakistan. If Afghan political powers are unable to suppress terrorist and insurgent groups following the withdrawal of US troops, these groups could draw on ethnic oriented discourses to rally citizens, and Afghan refugees, in neighbouring countries to join their cause, as it has been done in the past.

Afghan Government sidelined

Third party States that are engaged in the peace talks hold the responsibility to include the Afghan government, as leaving it out is an impediment to the peace process. Aside from meeting US envoys in Doha, the Taliban also met with prominent Afghan politicians - including the former president Hamid Karzai - in Moscow in February. The Kremlin was not directly involved in organizing the talks, since this was done by the Afghan diaspora in Russia, yet the country did play a role in facilitating logistics. The talks were held at the President Hotel, owned by the Kremlin, and the ten-member Taliban delegation was authorized to enter the country, despite the Taliban being a designated terrorist organization by the Russian government since 2003. Once again, the legitimate, democratically elected and internationally recognized government was sidelined, meaning that the agreements that may arise from discussions at the table in Moscow cannot be implemented, unless they are brought to Ghani's government.

The position of the Afghan government regarding the peace process is that it should be "Afghan-owned, Afghan-led". Hence, as the US establishes more political talks with the Taliban, while it continues to conduct military operations against it in Taliban occupied territory, Kabul sees this as a betrayal on behalf of their strategic ally, as the US' alienation from the Afghan government contributes to the erosion of Ghani's political presence and undermines his government's legitimacy. However, Ghani refuses to let his government be pushed aside. And yet, with security and economic conditions having worsened since Ghani's election, the Afghan president and his government are losing ground with the Afghan population and international actors. With the - twice postponed - presidential elections coming up in September this year, if Ghani hopes to be re-elected, he needs to be able to engage in the US-Taliban talks. As direct discussion with the Taliban is a route supported by other nations such as Russia and China, one would argue that it makes little sense for the Afghan government to try and diverge from this path. However, by engaging directly with the Taliban, or at least accommodating them, third party States have now given the Taliban enough confidence in their political momentum, which only reinforces their adamant refusal to accept Ghani's government as a legitimate actor. While the attempts by the US and other international

powers to sit across the table with the Taliban in search of the long-elusive peace in Afghanistan, are welcome developments, the absence of insistence that the terrorist outfit eschew violence prior to ushering it onto the table does raise serious concerns, and therefore there should be efforts to bring the Afghan government to the negotiating table. While everyone demands a slice of the Afghan cake, Ghani's government feeds on crumbs and Afghan civilians are once again left to starve.

Regional Interests

The glimmer of hope for the Afghan peace process has caught the attention of other regional actors. As mentioned above, these actors stand to gain from a stable Afghanistan, but only if the government in charge is sympathetic to their interests. One of the regional scenarios that should be taken into account during this peace process is the fact that countries such as Pakistan, China, India, Iran and Russia will compete for influence in Afghanistan.

In addition, Pakistan's close ties with the Taliban cannot be neglected. Hypothetically speaking, if the Taliban was to reach an agreement with the Ghani's government, and potentially become a legitimate political party, where would the Taliban fighters go? Would there be a place for them in the Afghan Army or security forces? Could they be reintegrated into society after all the horrors they have committed? Or would they simply be recruited by terrorist organizations based in Pakistan in order to continue Pakistan's proxy war in Indian Administered Jammu & Kashmir as was done with former Mujahideen fighters at the end of the 80s when the Soviets left? There remains a major concern of the risk of thousands of experienced fighters suddenly being unemployed and seeking to join other terrorist factions, moving east into Indian Administered Jammu & Kashmir, west into the Middle East and north into Central Asia.

Aside from the military ties between Pakistan and the Taliban, there are economic routes at stake. In theory, Pakistan could provide Afghanistan with access to the Indian market, as Afghanistan provides Pakistan with an access to the Central Asian market. Yet in order to come to an economic agreement, the two governments have to be on good terms, which is not always the case as the neighbours share a strained relationship due to Pakistan's sponsorship of the Taliban.

As for India, its aim is to limit the influence of Pakistan in Afghanistan, as it has preached that the peace process must be "Afghan-led, Afghan-owned", but New Delhi remains weary of the influence the Pakistani military establishment holds over the Taliban and other jihadist groups. India also has economic interests in Afghanistan as it provides the country with an access to Central Asian energy reserves, and the Indian government has been funding aid and infrastructure developments in the country. India's position is that it advocates for a strong central government, which would be able to counter Pakistani influence. New Delhi has also expressed discontent vis-à-vis the US-Taliban talks, agreeing with the Afghan government's stance that this undermines the position of the legitimate government in Kabul.

China is keeping an eye on the situation as well as one of its main concerns is the risk of Islamic extremism spilling over into its Muslim majority Xinjiang province where Beijing has been preoccupied in brutally crushing dissent among the Uyghur population. Furthermore, China's global economic plan known as the Belt and Road Initiative requires stable Central- and South Asian regions. So far, Beijing has agreed that the US must withdraw its troops, and the country has also expressed the sentiment that the peace process must be inclusive and Afghan-led. Beijing is well aware that a rapid pull out of American troops could precipitate yet another civil war in Afghanistan which would lead to concerns regarding the stability of South Asia, especially when the future of its Belt and Road Initiative is at stake. China's solution to this is to push forward its objectives at diplomatic platforms such as its own Shanghai Cooperation Organisation.

Conclusion

Rebuilding Afghanistan will require an unprecedented amount of cooperation, from a multitude of actors which are not known for their negotiation abilities. A rash peace deal, seen as the complete removal of foreign presence without a transition plan, must not be promulgated by the US and the Taliban, since such precipitative actions could again lead to internal conflict.

Nevertheless, it is of paramount importance that foreign actors do not impose their interpretation of a solution on the country; Afghans must decide what type of governance works best for them. Any government set in place must be decided for by all parties to the conflict as the act of marginalizing one could be the catalyst that could precede another civil war.

The reconstruction of the Afghan State should not come at the detriment of its population. Afghan civilians have held the status of collateral damage for 40 years; in a region where an abundance of insurgent and terrorist groups draw on the misery of civilians, the common people's pain and justifiable grievances must be addressed to truly commence the peace process and recovery of the country.

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