

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



October 05, 2019

Regional Struggles for Resumption of Peace Talks

After peace talks between the United States and Taliban were called off by the US President Donald Trump before Afghanistan's presidential election, the Taliban delegation made trips to several countries, but the prospect of peace talks remained ambiguous.

Recently, Pakistan has hosted a Taliban delegation saying that it would support the resumption of peace talks. Meeting with the Taliban 12-member delegation, Pakistan's Foreign Affairs Minister Shah Mahmood Qureshi said Islamabad would continue to support all efforts to achieve sustainable peace in Afghanistan, which is essential for Pakistan's own socio-economic development. He added that an inclusive peace and reconciliation process, involving all sections of the Afghan society, was the only practical way forward. Reduction of violence by all parties were reportedly emphasized in the meeting.

Appreciating Pakistan's support for peace, the Taliban said both sides agreed on the need for a resumption of the peace process at the earliest opportunity.

However, Afghan presidential spokesman Sediq Sediqqi said in a Twitter post that only Afghan-owned and Afghan-led peace talks would lead to lasting and dignified peace in Afghanistan. He said, "No progress will be imminent if a peace process is not owned and led by the Afghan government."

It is widely believed that sidelining the Afghan government in the peace talks was a mistake. If the Afghan government had been included in the talks, it would not be shut down. The result of the US-Taliban draft agreement was not acceptable to Kabul, which could have been one of the reasons behind the cancellation of the talks. If the Kabul administration refuses the result of the talks, an agreement between the Taliban and their non-Afghan interlocutors would carry no significance.

When the Taliban delegation had visited Pakistan, US Special Envoy Zalmay Khalilzad had also a trip to Pakistan. Although there is no report about Khalilzad's meeting with the Taliban delegation in Pakistan, he would have traveled during the delegation's visit to meet with it. The three sides are likely to have agreed the resumption of peace talks perhaps with some conditions.

The Taliban must have learned that bargaining too hard and intensifying their attacks during the peace talks would be counterproductive.

Nonetheless, Hamdullah Mohib, Afghan National Security Adviser, said many headline Taliban fighters would not join peace process. He claimed that the Taliban were ready integrating with al-Qaeda, and in the event of a peace deal some members of the Taliban might join the Islamic State group.

Mohib also said that the Taliban interpreted the peace deal, which appeared close on the horizon, as a victory. He insisted that the Afghan government had to be involved in the peace talks would work at all.

However, I believe that al-Qaeda has been undermined to a great extent and lost its funding resources. Hamza bin Laden's death was also a strong blow to the group.

It is said that Russia plans to organize a meeting on the Afghan peace process this month, in which China, Pakistan, and the United States would participate.

Peace talks have to be revived and the process should be inclusive. The Taliban leadership has to accept sitting around the table with the Afghan government and reduce violence, especially against civilians. There should be a trilateral agreement acceptable to all three sides namely the Taliban, Washington, and Kabul so that it could put an end to the 18-year conflict.

In the meantime, regional states have to put pressure on the Taliban to stop violence and hold talks with bona fide intention. If the Taliban are sincere in the talks, they should stop targeting civilians and show flexibility. That is, they should not seek to impose only their own demands on their interlocutors. It would be more productive to push the Taliban for an agreement with the Afghan government rather than hosting their delegations after the talks cancellation.

If Russia is seeking to organize a meeting, it has to lead to a positive result. In other words, the meeting should not be organized only to add to the Taliban's credit and their international recognition. Moscow has to use its leverage on the Taliban to push them for ending the conflict and reaching an agreement with their negotiators.

Including more regional powers will bear better result in the talks. Russia and Pakistan are likely to have great leverage on the Taliban. They should be included to use their leverage. Moreover, the two countries have promised much but acted little. They have to take more practical and sincere steps so that the Taliban and their interlocutors reach a reasonable agreement.

No Peace is Feasible in Absence of Government in Afghanistan

By: Mohammad Zahir Akbar

Last Thursday, a Taliban 12-member delegation led by political deputy Mullah Abdul Ghani Baradar went to Islamabad and met with Pakistan's Foreign Affairs Minister Shah Mahmood Qureshi. In response to the event, Kabul called Islamabad to destroy the terrorist's safe haven in Pakistan instead of hosting them in the country. Speaking at a news conference in Kabul yesterday (Thursday, 9pm), the Presidential Spokesman Sadiq Siddiqui said that the Taliban's visit to Pakistan and holding meetings in Pakistan would not help the peace process. According to Mr. Siddiqui, this process can produce no results unless its ownership and leadership is in the hands of the Afghan government. "Unfortunately, the Taliban do not desist from violence, during election they attacked on different areas, threatened our elections and still persist in killing people," he added. "Still we do not see any commitment from Taliban on peace process."

The president's spokesman also emphasized that there is still a large number of terrorist's safe havens in Pakistan threatening security of Afghanistan and region. "The presence of safe havens, training centers and equipping Taliban fighters and dozens of other terror groups is a major challenge and obstacle to stability in the region and security in Afghanistan," he added. He said that so far Pakistan has not taken any practical action in this regard. Mr. Siddiqui called to Pakistani government that "hosting a group that is still perpetrating violence is against all principles and relations between states", especially Afghan government. The Afghanistan's constant demand from Pakistan is to destroy the terrorist's safe havens and play a positive role in Afghan peace and regional security. It is worth noting that the Taliban delegation headed by Mullah Baradar was officially invited by Islamabad. According to Soheil Shahin, a spokesman for the Taliban's political office in Qatar, the delegation was going to talk to Pakistani officials about "a series of important issues". At the same time, Pakistani media also reported that Zalmay Khalilzad, the US State Department's special envoy for peace in Afghanistan, also went to Islamabad to discuss about peace revival with Islamabad and Taliban, and reportedly both sides have agreed on resumption of the US and Taliban negotiation. As reports quoted from Mahmoud Qureshi, he urged "the existing regional and international consensus for achieving peace in Afghanistan is an unprecedented opportunity that should not be missed and the realization of this opportunity is at hands of the parties involved in Afghanistan."

After cancellation of the US-Taliban talks, it was the fourth trip that Taliban made to regional countries including Russia, Iran, China and now Pakistan. The Taliban trip to Pakistan is meaningfully simultaneous with presence of Zalmay Khalilzad in Pakistan. According to most Afghan experts, Zalmay Khalilzad has never had an impartial and successful achievement

in Afghanistan's issues. During the nine months of negotiations, he could marginalize the government of Afghanistan while legitimize the Taliban, but fortunately the game ended with a tweet from the US president. If the so-called peace succeeded and if the presidential election postponed because of unknown peace, then no one knows what would have happened in the country, now.

From this point of view, holding the presidential election was a great historic step for the Afghan people crossing from a difficult and uneven political hill. Almost no one believed in the elections, everyone wanted something different from the peace process, and saw the election as an obstacle to achieving their illegitimate demands. But the Afghan government untiringly resisted against all dilemmas and called that election was the only way out of the crisis. Now that the elections have been held and we are on the verge of forming a legitimate and elected government, there is no excuse to bypass the Afghan government and marginalize it. Zalmay Khalilzad has directly gone to Pakistan without any consultation with Afghan government though the Afghan election has not yet been announced and the Afghan president is still considered as a candidate. Principally, first he must have had consultation with the leadership of Afghan government and then to Islamabad or met with Taliban.

During the entire peace negotiation process, the only legitimate demand of Afghan people from the government of the United States and Mr. Khalilzad himself was that he should continue the peace process in consultation and coordination with the leadership of the Afghan government, but unfortunately this was always denied and the Afghan government and people have always been far behind the peace process. Therefore, the failure of Khalilzad's peace process with the Taliban was foreseeable because the Afghan people and government had no place in the process. His main counterpart was representatives of the Taliban who neither believed in peace and nor had enough authority for decision making. In every case, they had to regularly coordinate with sources in Pakistan, and eventually reached a vague agreement with a US special envoy that ultimately failed to work out.

Now, what has just started in Islamabad seems to be the continuation of Qatar's failed game and its defeat is predictable from now on. The reason is the process has restarted based on previous method which is marginalized the Afghan government and people. Undoubtedly, if the peace process is carried out in the absence of the Afghan government and people, and the Afghan government has no core ownership then the failure is certain. Everyone should know that unless the Afghan government is at the core of peace process and unless Taliban show a clear determination for realization of peace in the country, any peace action will lead to failure.

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The EU's Rule-of-Law Test

By: Tytti Tuppurainen

HELSENKI - The Supreme Court of the United Kingdom's recent ruling that Prime Minister Boris Johnson acted unlawfully in seeking to suspend (or "prorogue") the UK Parliament for five weeks to avoid debate of his plans for a "no-deal" Brexit underscores the centrality of the rule of law to democratic governance. But while the rule of law prevails in the UK, concerns are arising elsewhere in the European Union. For the EU, protecting the rule of law is an obligation - one that its leaders must be adamant in upholding.

In his book *The Origins of Political Order*, the political scientist Francis Fukuyama argued that the rule of law is the most difficult pillar for a successful modern society to construct. Organizing government administration and staging elections to a legislative body are relatively easy, and only a small number of failed states have no functioning public administration or legislature. But in far more countries, the absence of the rule of law is the primary source of instability and political decay.

For the EU, the rule of law is of central importance, because the EU is not simply a joint economic undertaking (although, as the economist Hernando de Soto has emphasized, the rule of law is also a prerequisite for a developed market economy). The EU's *raison d'être*, like that of its predecessors, is to guarantee peace between European countries and to safeguard human rights within its member states. And the bloc is founded on common values enshrined in its treaties.

The EU's commitment to the rule of law, set out in Article 2 of the Treaty on European Union, is straightforward. It stands for legality, legal certainty, the prohibition of arbitrary exercise of authority, the separation of powers, and an effective and independent judiciary. Respect for the rule of law affects different layers of society in very practical ways: at the level of the Union, the nation-state, companies, and citizens.

Within the EU, the rule of law is not a political statement or unattainable moral ideal, but a principle that public officials and courts are responsible for upholding. Moreover, the system of responsibilities also works the other way: the EU has an obligation to ensure that the treaty-based rights are respected in its member states.

These rights and duties came into the spotlight in June, when the European Court of Justice ruled that the controversial reform of Poland's Supreme Court violated EU law, as it undermined the principle of the irremovability of judges. After all, courts of law in a member state are also courts of law within the Union. The independence of courts is fundamental to protect the fundamental rights to effective judicial protection and a fair trial. The legal system and the judiciary within any EU member state are thus required to meet European standards, and the ECJ is obliged to intervene if necessary.

But although EU member states tend to comply with ECJ rulings, this is only a partial solution to the problem of curtailing threats to the rule of law. Fortunately, the EU has several other tools at its disposal. First, since 2014, EU member states have been conducting a dialogue to promote and safeguard the rule of law, including in the context of digitalization, migration, and media pluralism. Although these thematic discussions have been very fruitful in forging a basis for mutual understanding, the time is now ripe to strengthen the rule-of-law dialogue. It should be more systematic and fact-based, a genuine annual stocktaking of the state of the rule of law in the EU. The new rule-of-law review cycle suggested by the European Commission should provide the necessary data. This approach will enable member states to promote a more positive, constructive, and ultimately unifying discussion.

Second, the European Parliament voted in September 2018 to launch a process under Article 7 of the EU Treaty to address alleged breaches of the rule of law in Hungary (a similar procedure concerning Poland had been initiated earlier). This process requires the Council to assess whether the rule of law is being compromised in an EU country. If serious and persistent breaches of the rule of law are determined to have occurred, the Council has the power to suspend certain EU membership rights for the country in question. Finally, protecting the rule of law is important for protecting the EU's budget. For that reason, the Commission has proposed including rule-of-law safeguards in its next seven-year budget, or multi-annual financial framework, running from 2021 to 2027. In particular, the EU may freeze its funds in a member state if rule-of-law deficiencies there put this money at risk. This new conditionality is intended to deter, not coerce. After all, the duty to protect the EU's budget necessitates strict adherence to treaty-enshrined values.

Historically, some undemocratic societies with the rule of law have gradually developed into democracies. By contrast, societies without the rule of law experience democracy fleetingly, if at all. Political scientists Steven Levitsky and Daniel Ziblatt have described how authoritarian rulers strangle democracy by rewriting the rules and capturing the referees. In other words, they end the rule of law by twisting legislation and corrupting the judicial system. Democracy therefore dies, even if the façade of majoritarian power remains.

So, while constructing a system based on the rule of law is difficult, undermining it may be much easier, and might resemble Ernest Hemingway's description of how someone goes bankrupt: "Gradually, then suddenly." That is why the rule of law needs constant care everywhere, even in countries with long democratic traditions. Maintaining the rule of law requires determination and foresight. Its defenders need to act early and decisively. And if one step is not enough, they must take another.

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