

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



July 25, 2019

## Consequences of Accepting the Unilateral Demands of the Taliban

The seventh round of United States-Taliban talks in Doha will start soon. What is evident is that the US-Taliban negotiations in Doha have more in odds that in common; as a result, they have been stalling in recent rounds, after some initial progress. The third factor; the Afghan government, have been the main key neglected factor so far in the peace talks process.

### Achievement of Permanent Peace Is Impossible without Participation of Afghan Government

Basically, bringing peace to Afghanistan and preserving it; is the first priority of the government. Afghanistan has to build peace. Building peace is the first ever duty of the government. Afghan government has to work to include everyone in a likely signed ceasefire agreement by developing a really effective peace mechanism. This mechanism will improve the ceasefire agreement.

As a result, Afghan government held the Peace Consultative Loya Jirga to develop a road map for peace to be supported by all Afghans and the regional and international community. The Peace Loya Jirga identified preserving the Islamic republic of Afghanistan, preserving the Constitution, preserving the 18 year achievements and emending the constitution based on the mechanism identified in the constitution, as the red lines of the peace talks.

On the other hand, it is the Afghan government to guarantee Human Rights, honor the commitments made in the peace accords with the Taliban, and respond effectively to protect the life and dignity of those who may be put at great risk for advancing peace and Human Rights.

### The Consequences of Neglecting the Afghan Government in the Peace Talks

If the current process that sidelines the Afghan government from the talks continues, the majority of Afghans, especially women, religious and ethnic minority groups, will not accept a peace deal with the Taliban. As the experience of civil war shows in Afghanistan, there will be no peace restored in the country. In fact, a weak and non-inclusive peace deal will lead the country to the new round of conflicts similar to the Afghan civil war in 1990s. This war which started in 1989 was one of the bloodiest and most destructive wars in Afghan history. The Civil War resulted in more than 100,000 deaths and the destruction of Kabul and other main cities. It nearly destroyed all economic, education, health and governance infrastructures of the country.

The United States and the international community shall act in a responsible manner in managing the Afghan peace talks and reaching an agreement. If they push for a hasty withdrawal from Afghanistan, they may accept most of the demands of the Taliban, including replacing the Islamic Republic governance system with the Emirate of Taliban. This would mean a total surrender of the international community and Afghans to a terrorist group. The consequences of such surrender would be catastrophic; because it would encourage other terrorist groups e.g. ISIS, Al-Qaeda to pursue the same path and demands.

## Afghans Fear Return of Islamic Emirate

By: Hujjatullah Zia

Afghans fear that return of the "Islamic Emirate" after peace agreement between the Taliban and their Afghan and US interlocutors will put the democratic achievements, including human rights, at stake.

Women are particularly concerned about their rights and freedoms, which have been largely violated during the Taliban's regime (1996-2001), and believe that their social, political, and economic activities will be restricted.

Whether or not Taliban's marginalization in the Emergency Loya Jirga (Grand Council), held after the Bonn Conference, was a political error, the US Special Representative for Afghanistan Reconciliation Zalmay Khalilzad said in his book "The Envoy" that "the Taliban made decisions via a shura of Islamic scholars. The very concept of a Loya Jirga was anathema to them, representing the democratic and national values they despised. Formally involving the Taliban, moreover, would have provoked the Northern Alliance's ire, jeopardizing the Loya Jirga's broader success". Hence, the Taliban had boycotted the Emergency Loya Jirga, which pushed for democratic principles, and would not participate even if they were invited.

In the Loya Jirga, in which the transitional government was formed, Khalilzad said that Ayatollah Mohseni, a Shia cleric, had urged former Afghan President Hamid Karzai to support sharia law, but Khalilzad already had told the Afghan leadership that the international community would not back Afghanistan "if Sharia were imposed and basic rights for women and minorities were not protected". He added, "I knew we would end up with a system that accommodated sharia principles and also committed Afghanistan to international norms, principles, and laws regarding human rights."

In addition to supporting Islamic tenets, Afghan Constitution adheres to democratic principles and officially recognizes the Universal Declaration of Human Rights and the UN Charter. Constitutionally, men and women are equal before the law and neither should be discriminated on the basis of their gender. Unlike some Islamic countries, Afghan women are allowed to run for presidency and be judges. In the post-Taliban administration, Afghan women made great strides and hold high political positions, including ministers, ambassadors, governors, MPs, etc.

It is most likely that the Taliban seek to convene Loya Jirga, after reaching peace agreement, to make amendments to the constitution so as to restrict the social and political role of women. Pushing for establishment of Islamic Emirate, the Taliban will intend to impose sharia law, perhaps with Taliban interpretation.

With this in mind, the Taliban interlocutors have to be cautious not to bargain democratic gains at the negotiating table. Moreover, the international community and regional and global stakeholders have to side with Afghan nation and state, which advocate democratic principles.

A report released by Afghanistan Independent Human Rights Commission shows that 98.5 percent of Afghans are supporting the current political system and only 1.5 percent have supported return of the Taliban's Islamic Emirate. It indicates that Afghans are strong supporters of democracy and Islamic Emirate would not be acceptable to them.

Afghans seek to exercise their rights and freedoms, which are neither against constitution nor against Islamic tenets. Both men and women should be able to play their social and political role so that the country could make progress. That is to say, women's active role in social and political arenas will contribute to the country's development.

For example, Pakistan is an Islamic country and women are widely involved in social and political activities. However, religious fundamentalists do not challenge women's social role there. Afghanistan also is seeking to have a democratic country, where both men and women could play their role in collective life and their activities should not be restricted on the basis of their gender.

It should be noted that the current Afghan Constitution was endorsed in the presence of high-level clerics, who participate in the Loya Jirga. Thus, the constitution accommodates Islamic principles and moderate sharia law as it states in Article 3, "No law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan." Meanwhile, Article 149 says, "The principles of adherence to the tenets of the Holy religion of Islam as well as Islamic Republicanism shall not be amended." Regarding human rights, it adds that "amending fundamental rights of the people shall be permitted only to improve them." Thus, no individual or group is allowed to amend the citizens' fundamental rights - rights to life, liberty, and property - unless to improve them or change "Islamic Republicanism".

Although the Taliban have claimed that their ideology is moderated and they would not enter Afghanistan with the past radical worldview, it has not been proved yet. The Taliban still continue their harsh approach in areas under their domination. So mistrust lingers and Afghans are fearful of the Islamic Emirate's return.

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## Afghanistan on the Eve of Presidential Campaign: Worries and Advancements

By: Mohammad Zahir Akbari

The good news is that Afghan government become able to provide almost the entire presidential election budget from its own pocket. Recently, president Ghani said "I have allocated seven billion AFN, which is money of Afghan people, for the cost of great historic event, means election and determination about future destiny of the country and this is the first time that we will spend the election cost from nation pocket." The president emphasized, "In our political literature, we have two terms embodying forever, republican and citizen. No one can take umbrellas from our republicanism and rights based on citizenship. These are the values that young people and our passionate women are proudly defending it, and there will be no compromise about these two principles." He added Afghanistan has no fundamental contention with any nation; the factual dispute is over the location that slowly turning into a beneficial crossroads of the region.

Meanwhile, there are also worries and concerns which relate to the transparency and foreign interference. Given the last two elections in 2014 and 2018 people are extremely concerned about election transparency and ability of Independent Election Commission (IEC). As already mentioned, the next concern pertains to foreign interferences in the presidential election. This concern has intensified when IEC announced the ceiling of expenses for election campaign about 442 million Afghans for each candidate. Comparing to the previous presidential election and the election of 2014 which was limited to around 10 million Afghans for each candidate, but it has increased about 400 percent. Although the IEC officials did not explain the reasons for the dramatic increase in cost of campaign spending, the head of the Electoral Complaints Commission spokesman, Qassem Elyasy, said to media: "we had a meeting in previous days with the election commissioners, they argued the decided cost is reasonable because the whole country is determined as single polling constituency and it requires more campaign and expenses."

Regarding this, the secretary of the Electoral Complaints Commission added that the election commission officials did not consult with the Electoral Complaints Commission on setting the ceiling for election expenses. According to him, it was necessary to discuss the matter with the Joint Committee on this matter, and the officials of both Commissions should have discussed and explained the reasons earlier. Yousuf Rashid, the Executive Director of FIFA, also confirmed the permitted amount for the campaign, saying that when he asked the Electoral Commission about the reason for the increased cost of the campaign, the election commission officials justified because of the increased number of voters.

However, the Independent Election Commission (IEC) has issued a bill to curb unscrupulous spending by candidates. According to the bill, the candidates' financial resources must be specific and they must create a bank account in order to verify the source and amount of money they spend. According to the electoral campaign bill, presidential candidates should pay their campaign costs through legitimate and domestic

sources. The money which spent on election campaigns should be legal and its taxes must have been paid to the government. The bill also prohibits use of public property during the campaign, unless the competent authority provides the same facilities to all candidates in a constituency. In this regard, Mohammad Ashraf Ghani also emphasized on impartiality of government officials and staffs during the electoral campaign days. Beside this, children exploitation has been prohibited by the ministry of education.

According to Habibul Rahman Nang, the IEC secretariat chairman, the registration process of movable and immovable assets of candidates are under process and will be completed shortly. He added this program was of important part of the commission's efforts to monitor and control the cost of campaigning for candidates. Accordingly, along with legal guidelines, the candidates cannot use illegal money and outside aid in their election campaigns. Article 6 of the electoral campaign bill states: "candidates, political parties and political coalition cannot accept or receive any financial and non-financial assistance from foreign nationals or political authorities of other countries."

In accordance with the bills and electoral procedures, the presidential candidates must submit monthly reports on their assistance and expenditures they receive from any third person. According to article 7 of the internal procedure of election, the candidates are required to submit two monthly reports during the electoral campaign. The first report must be submitted to the commission at the 30th to 35th of the campaign day, and the second report should be submitted to the commission in the silent period (48 hours before the Election Day). The bill also advises the candidates and their supporters not interfere in other candidates' affairs or destroy the promotional materials of other candidates, or create obstacles. Using the signs of electoral commissions or signs of government departments are prohibited in election campaigns. Installing, typing or drawing promotional materials in government offices has also been banned.

The last concern which is raised on the eve of the presidential election campaign is about littering the cities by spread and installation of too many papers and posters. Therefore, all candidates and their supporters are suggested to use banners, billboards, and electric ways to preserve cleanliness and beauty of cities. Otherwise, according to the campaign bill it is the job of municipal employees to remove the advertising posters. In the past presidential and parliamentary elections, complaints about irresponsible behavior of candidates' supporters, the destruction of public places or the use of residential houses were reported, and the officials from the IEC say they will follow similar procedure during and before the election campaigns. The Municipality of Kabul has also announced on its Face-book page that it has called on the election commission officials to "meet the requirements of the candidates for election campaigning in the run-up to the presidential campaign."

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