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Preface

Recently, President Ashraf Ghani has paid a high level state visit to New Delhi. The goal of the visit was, largely, to give a friendly message to India. Because, Ghani became closer to Pakistan in the early days of his take over. Moreover, the tripe was essential for economic, transit and trade reasons.

How much essential is president Ghani's visit to India? What were the achievements? What are the distinctions between Karzai and Ashraf Ghani's policies? These are the questions which can be answered in this Analysis.

On the other hand, for the first time *Wolasi Jirga* (Lower House) has demanded to review or even abrogate the BSA with the United States. The lower house of Afghan Parliament has raised such demand after series of clashes in northern Afghanistan. Some MNAs argues that the agreement was signed for the sake of peace and stability in Afghanistan, but with the BSA's approval, the situation is day by day becoming deteriorating.

CSRS and some alike strategic studies institutions conducted academic study of BSA with the help of experts. Most of the institutions recommended that Afghan government should not sign this agreement, because there were no binding commitments by the US regarding Afghanistan. Even then, President Ashraf Ghani signed the agreement. But the agreement has not brought peace and stability to the country, which was predicted by some Afghans. Now the question is, how much fair the question of parliament is?

The "Weekly Analysis" of CSRS will discuss the aforesaid topics in its weekly analysis.

Ghani's Visit to India: A Shift or Balance in Afghan Foreign Policy?



Last week, Afghan President Ashraf Ghani paid his first state visit to India since he had grabbed power. Earlier, President Ghani had visited China, Kingdom of Saudi Arabia, Pakistan, Azerbaijan, Turkmenistan, UK and the United States.

Since the last seven months, a lack of confidence has been felt in relations with India. Therefore, after seven months, Ghani tries to overcome this lack of confidence. The agenda of the visit includes transit, economic, agriculture and trade ties and issues.

The Back-ground of Afghan-India Relations

Afghanistan and India enjoys ancient relations. In the first half of twentieth century, Afghanistan supported India's independence and gave asylum to its freedom fighters. The relations got momentum in the second half of twentieth century due to joint hostility towards Pakistan. The other reason behind the closeness is that most of Afghan intellectuals attained their higher education in that country.

During USSR's invasion of Afghanistan in 1979, the government of Indira Gandhi did not condemned Russian invasion. Therefore, much of Afghans were frustrated with that

country. While on the other hand, Pakistan supported Afghan refugees and Mujahidin. It was the first time that Pakistan found admirers in Afghan political factions. Later on, in the 1990s, Pakistan and India supported their proxies and fueled the fire of Afghan civil war. The two countries continued their proxy war in Hamid Karzai's tenure.

After 9/11 and with the oust of Taliban's government, India became interested in Afghanistan, it assisted Kabul, took part in rehabilitation, trained Afghans in different sectors and besides invested around two billion dollars.

Hamid Karzai's Foreign Policy towards India

In the initial days of Hamid Karzai, Kabul enjoyed good relations with both, India and Pakistan. But when the Taliban's insurgency increased, Karzai became more suspicious towards Pakistan, and therefore inclined more to India.

When Barack Obama became the President of US in 2008 and, in 2009, US tried to intervene in Afghan election; it greatly affected Karzai's foreign policy. In this period (2009-2014), the relations between Kabul-Washington and Kabul-Islamabad were at its lowest ebb. However, on the other hand, its relations with Moscow, Delhi and Beijing improved. In this regard, Karzai in 2010, 2011, and 2014 paid visits to China. He had a visit to Russia in 2011 and had 14 visits to India at the end of 2014.

Hamid Karzai expanded its strategic and defense ties with India in the second term of his rule. India constructed Zaranj-Delaram Road, and promised to build a port in Chabahar of Iran. In 2011, Karzai signed the strategic agreement with India.

Reasons behind Ghani's Pivot to Pakistan

President Ashraf Ghani has inclined towards Pakistan due to the following reasons:

- To attract Pakistan's assistance in the peace process;
 - To decrease Afghanistan's transit problems;
 - Ashraf Ghani Needs Pakistan for the success of TAPI and CASA-1000 economic projects;
- besides, Indian decision to refuse Afghanistan's demands of military and combat

assistance too affected President Ghani's decisions. He gave some privileges to Pakistan.

The Indian refusal:

- In 2013, the then Afghan President Hamid Karzai visited India and submitted his wish-list to Indian officials. He asked military transport and combat assistance from India. Indians feared that by doing so, the Pakistani Lashkar-e-Taiba would kill Indian citizens. Therefore, New Delhi did not accept Karzai's demand. But however later, India made efforts to buy such weapons from Moscow for Kabul. The demand was suspended by Ashraf Ghani in his last visit to Pakistan.
- Though India constructed Zaranj-Delaram road which could connect Afghanistan with Iran. Besides it made efforts to construct Iran's Chabahar port. But according to an Indian analyst, New Delhi didn't become successful while doing so, because the relations between US and Iran were tense due to its nuclear program¹.
- India is a critic of Chinese President Xi Jinping's "One Belt, One Road" policy. India's criticism of new Silk Road is another reason which contradicts with Ghani's regional economic integration policy. Therefore, at the times, he was inclined more towards Pakistan.

Ashraf Ghani's Foreign Policy

Largely Ashraf Ghani's foreign policy revolves around three pivots:

First: peace and security;

Second: economic diplomacy;

Third: integrating Afghanistan with the region.

For his first priority, President Ghani improved its relations with Pakistan, China and Saudi Arabia. But his policy faces some setbacks regarding peace process. For instance, Ghani did not establish contacts with the Taliban, rather he insisted on the pressure-policy over Taliban. It seems so unlikely that peace can be attained through the pressurized policy. Therefore, Pressures can be considered an obstacle in the path of peace. The Last years of Afghan history has proved that peace cannot be made through power and Pressure.

¹ Suhasini Haidar, in step with Ghani's Afghanistan, the Hindu, April 24, 2015.

His second and third goals were also impossible without the cooperation of the two countries, namely Pakistan and Afghanistan. Therefore, Ashraf Ghani has started his visits from the aforementioned countries.

In the beginning, Ashraf Ghani's policy was criticized that he has placed India in its third axis of his foreign policy. But before his visit to India, he explained this by: "India is a part of our neighbors, which goes from Azerbaijan to India. India is a part of Asia and of donors of Afghanistan".

Efforts in Keeping Balance Foreign Policy

Afghan President Ghani has criticized the non-aligned policy. Besides, he tries to keep a diplomatic balance in the region. Therefore, when he supported Saudi Arabia in the Yemen crisis, he then, visited Tehran too. Besides constructing warm relations with Pakistan, he now visited India to keep its foreign policy more balance.

Keeping in view the efforts, it can be said that Kabul for the first time tries to have good relations with both countries: simultaneously. This balance will be continues until Pakistan honestly cooperate in bringing peace and security to Afghanistan. When Kabul loses confidence on Islamabad, once again it will get closer to Delhi.

Achievements of Ghani's visit to India

1. Ghani has decreased the lack of confidence which emerged after Ghani's visits to Pakistan and China. Therefore the Indian Prime Minister Narendra Modi accepted Kabul's long-awaited demand of heavy weapons.
2. In the transit sector, Indian officials demanded to be a part of APTTA. Though keeping in view Pak-India relations it seems unlikely that Pakistan would accept Indian exports through Wagah border. But, through Karachi port, its possibility can be predictable;
3. The construction work on Chabahar Port was suspended due to Iran's nuclear issue with the World, but after the 5+1 countries deal with Iran it has been restarted.
4. If Pakistan does play a positive role in peace and stability in Afghanistan in the upcoming months, the relations between Kabul-Delhi will become closer and closer.

5. A memorandum of understanding was signed which will pave the way for the Afghan Doctors to be trained in India.
6. Indians has expressed their readiness to assist Afghanistan, which would probably exert pressure on Pakistan.

Afghan Parliament Lately Regrets BSA Approval



With the expansion of unprecedented instabilities in Afghanistan, some members of the upper and lower houses have demanded a review or even abrogation of the Bilateral Security Agreement with the US. President Ashraf Ghani had signed the controversial BSA on the second day of his first term, early in October, 2014. However, now, members of the two houses argue that BSA has not benefited Afghanistan and the country has been further become more unsecured after the signing of BSA.

Before the approval of BSA, Center for Strategic and Regional Studies (CSRS) has invited a number of legal experts to assess all the sides of the agreement. The discussions continued for weeks. The conclusion of the debate was: BSA just fuels the ongoing conflict between the Afghan government and the Taliban, but, moreover, will more motivate the armed opposition. The analysis proposed to Afghan government to first resolve the conflict with its armed opposition before signing BSA. Unfortunately, neither the president and nor the parliament has paid any attentions to the recommendations recommended by CSRS.

The Afghan representative's Report on Negotiations with the US

The draft of the agreement was finalized during Hamid Karzai's tenure. It was just ready for the approval of the president. But, at the times, Eklil Ahmad Hakimi, the head of Afghan negotiating team with the US, wrote to Afghan president in his report that the agreement does not meet the strategic military needs of Afghanistan as a sovereign nation.

Hakimi wrote in his report is that what he understands from the negotiations with the US regarding BSA is that the United States is not ready for giving any binding commitment or security guarantees. The approval of the agreement is a timely guarantee not a binding one.

The report maintains that the agreement defines US military presence after 2014 in Afghanistan. Actually, "Status of Forces Agreement" (SOFA) has been signed with 122 countries by the US. Therefore, US party cannot make any edition/deduction to the agreement in technical sections.

The Afghan side of the negotiations writes, that the agreement belongs to executive branch of US government, therefore, US party refrains acceptance of any commitment which will require congress's approval.

In part of assistance to Afghan forces the agreement says:

US cannot add any explicit commitment regarding the financial support of the Afghan security forces into the text of the agreement.

Hamid Karzai and BSA

Though supporters of Hamid Karzai alleges that he came to know the problems of BSA on time and refused to sign it, but the realities are otherwise.

The report of Afghan party was dispatched to Karzai long before the Loya Jirga (grand gathering), in spite of the Hakimi's critical view regarding BSA, Karzai invited Loya Jirga, and where staunch supporters of the US policy were gathered. The Jirga approved the text and even there was a minor criticism not possible with it. The managers of the Jirga were the staunch supporters of the US.

If Karzai was really against the BSA signature, he would have not invited a Jirga with such participants on the basis of whom US claims that a great majority of Afghan people supported BSA. In the preamble of the agreement it has been argued.

Therefore, Karzai's opposition to BSA can be termed as artificial. The same Jirga then became the pretext for signing BSA to Ashraf Ghani.

Parliament and BSA

After the signature of BSA by Afghan government's representatives and US ambassador in Kabul, the Afghan parliament approved it along with the contract with the NATO (SOFA). Parliament approved it against the usual rules, on Sunday. Usually, the general meetings of parliament are convened on Mondays and Wednesdays.

One of the main reasons posed by the US supporters for approving BSA was that Afghanistan needs a powerful strategic partner to confront neighbor's interventions. US ambassador in Kabul, on the other hand, said that BSA is not being signed with the purpose to defend Afghanistan's borders against foreign interventions.

Though it was said that the agreement would be signed by the two presidents of the two countries, it was very clear from the beginning that the US does want an agreement with Afghanistan at such level. Signing the agreement by the American ambassador means that the US tried to minimize its moral commitments at the lowest level.

Reinforcement of Afghan Forces

Another hope for signing BSA was that the US government will reinforce the Afghan security forces, and they will be equipped with heavy artillery, but another story discloses that the US has not strong intentions to support Afghan Security Forces.

Special Inspector General for Afghanistan or SIGAR expressed that US forces dismantled sixteen out of twentieth aircrafts, which were bought down by the US from Italy. The four remaining will face the same fate sooner. The price of the air crafts was around \$400million. It has been said that the aircrafts were too old to be use, anymore.

US have not added any clear financial commitment in this regard.

Conclusion

Every treaty is a legal document. In case of any confusion both the parties are referred to. Therefore, the text should be very explicit and transparent to avoid any misleading interpretations. In case of any ambiguity, both the parties can interpret the provisions as accordance to its benefits.

The terms of “making efforts”, “both the parties work to” and “trying to” are available in the agreement. Only one point is explained here:

The parties recognize that ANDSF are responsible for securing the people and territory of Afghanistan. The parties shall work to enhance ANDSF’s ability to deter and respond to internal and external threats. Upon Afghan requests, the United States shall urgently support ANDSF in order to respond to the threats which are pointed towards Afghanistan’s security.

In this article the term “working” and “responding to any external threat” can have different meanings. And “support” is, too, with the US preparedness condition. Such conditions cannot make the US binding. Therefore, the US has not accepted any binding, which is to be demanded from Afghan parliament.

Contact Us:

Email: info@csrskabul.com - csrskabul@gmail.com

Website: www.csrskabul.com - www.csrskabul.net

Contact: (+93) 784089590

