

Is the Vienna JCPOA negotiation worth going on?

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On April 6, 2021, the relevant parties of the "Joint Comprehensive Action Plan" (JCPOA) began talks in Vienna on reviving the JCPOA. During Rouhani's presidency, six rounds of such talks were held, but no final solution was reached. Can and when will the seventh round of talks be held after Iran's new President Ebrahim Raisi takes office? This issue has attracted more attention from the international community.

In a TV interview on August 31, Iran's Foreign Minister Hossein Amir Abdollahian said the ongoing talks on reviving JCPOA must lead to concrete results for the Iranian nation. "The Islamic Republic welcomes whatever talks that are governed by logic."

Since the Biden administration came to power, it has also expressed hope to return to JCPOA. Until August 24, the U.S. special envoy for Iran, Robert Malley, said in an interview that for the United States and Iran to return to JCPOA "Washington is prepared to make 'difficult compromises'".

The Raisi administration's attitude towards the JCPOA negotiations in Vienna is no different from the previous one. That is, the effective lifting of sanctions on Iran by the United States and the joint compliance of the JCPOA by all parties are the basis for any agreement to be negotiated. Iran also believes that the Vienna JCPOA negotiations cannot involve Iran's missile and regional policy issues.

The position of the United States is that some sanctions that do not comply with the JCPOA can be lifted. Of course, Iran will also reverse its nuclear steps that do not comply with the JCPOA. The current focus of the dispute between the United States and Iran is whether the United States can lift all relevant sanctions as Iran wishes, and whether Iran's missile and regional policy issues can be included in the Vienna negotiations.



Now the United States wants to return to the JCPOA as soon as possible than Iran. The Trump administration's "extreme pressure" on Iran indeed had impact on Iran. Iran, which was under pressure for a period of time, was more eager to carry out the Vienna negotiations to return to the JCPOA.

However, several rounds of negotiations have been inconclusive. Iran, which has constantly explored the strategy of countering the "extreme pressure" of the United States, seems to have a much lower desire to continue negotiations than before. The U.S. failure in Afghanistan further eased the pressure on Iran.

In accordance with the relevant provisions of the JCPOA, Iran is rapidly advancing its nuclear development under the premise of maintaining communication with the International Atomic Energy Agency. Moreover, in recent years, Iran's diplomacy has shown a certain trend toward the East. President Raisi

and Foreign Minister Amir Abdollahian have repeatedly stated that developing relations with neighboring countries and Asian countries is the priority of the new Iranian administration. In addition, the relationship between Iran and the United States' strategic rivals China and Russia is also deepening.

These new developments make the United States and its partners in Europe and other places disturbed and hope to resolve the issue of returning to the JCPOA as soon as possible. They believe that this can eliminate the alleged challenges brought about by Iran's nuclear development, and it can also establish and maintain a good relationship with Iran.

On the other hand, although the urgency of Iran's return to the JCPOA negotiations has decreased, Tehran still hopes to resolve this issue as soon as possible, because only in this way the U.S. sanctions that Iran is suffering from can be alleviated and Iran can usher in a better development.

However, there is still a great distance between hope and reality. Because the United States has imposed sanctions on Iran for many reasons, it is not a simple executive order that can be lifted quickly. Moreover, the United States has strong anti-Iran and anti-JCPOA forces. The internal politics of the United States has determined that the sanctions against Iran are difficult to lift in a short period of time, which means that Washington cannot meet Iran's negotiation requirements for the time being.

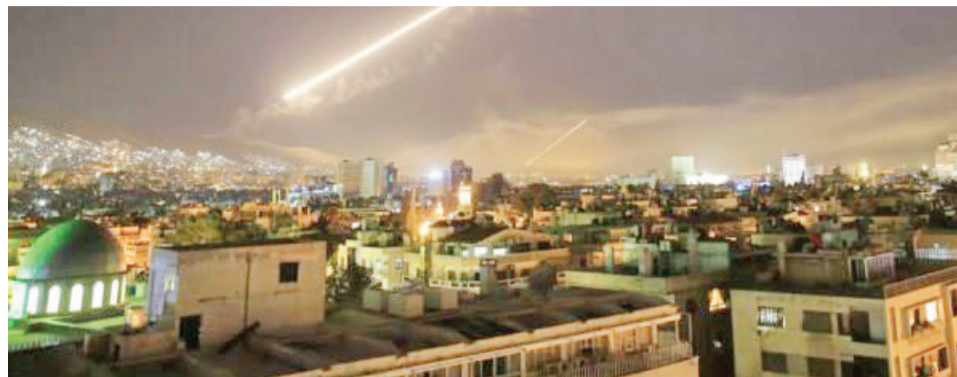
It is also very difficult for Iran to agree to include missile and regional policy issues in the Vienna negotiations. Iran's new administration has made this clear. However, these two issues are precisely what the United States and its allies are very concerned about. Obviously, enough time is needed to deal with the relationship between JCPOA negotiations and regional issues. Moreover, there are also strong anti-American and anti-JCPOA opinion in Iran. Iran's internal politics has also determined that it is difficult to compromise in the struggle against the United States.

Nevertheless, I think the negotiations in Vienna on reviving JCPOA should continue. Generally speaking, negotiation is an effective means to contain the further intensification of conflicts, and it is also a process of solving problems. By continuing the Vienna negotiations, at least the parties involved in the JCPOA can have a deeper understanding of each other, while also allowing time for the parties, especially the United States and Iran, to resolve their internal related issues.

As long as the parties have the same ultimate goal, no matter how difficult the negotiation is, it is worth continuing.

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Syria "repels" Israeli attack



The Syrian military's air defenses have repelled an Israeli attack with missiles near the capital Damascus, shooting down most of the missiles.

A military source told the country's state news agency "the Israeli enemy carried out an air aggression from southeast Beirut, targeting some points in the vicinity of the city of Damascus".

Syrian media say most of the missiles have been brought down and only material damage has been incurred. It follows a similar incident last month when Syria's air defenses shot down Israeli with missiles also coming from the direction of Lebanon, targeting the capital Damascus and the city of Homs.

At the time, the Russian military said "the Syrian air defense destroyed 22 of the 24 missiles using Russian-made Buk-M2E and Pantsir-S systems... There were no casualties among the Syrian military personnel or destruction of infrastructure".

The violation of Syria's sovereignty and Lebanese airspace has prompted complaints by both countries to the United Nations.

Israel has launched hundreds of aerial attacks against Syria, violating the Lebanese and Syrian sovereignty. According to the Secretary-General of Lebanon's Hezbollah, the aim of the attacks are to assist foreign-backed terrorists in Syria, slow down the Syrian army's liberation of the country

from militants and prevent the flow of advanced weapons to Lebanon.

Sayed Hassan Nasrallah says Israel has failed on all three fronts.

Meanwhile, the Syrian Foreign Ministry has called on the international humanitarian community to pressure Israeli authorities to end the regime's violations of Syrian nationals in the occupied Golan. Damascus also called for the immediate return of Syrian to towns occupied by Israel.

In a statement, the ministry said "the Syrian permanent mission, at the request of the Ministry of Foreign Affairs, sent letters to the Office of the UN High Commissioner for Human Rights and to the International Committee of the Red Cross in Geneva, demanding to exert pressure on the Israeli occupation authorities to stop their illegitimate practices against the Syrian citizens in Golan and to guarantee its compliance with its international legal obligations under the Geneva Conventions."

Analysts have praised Syria's diplomatic approach towards the Israeli occupation. They say it will be difficult to blame Syria in the future should Damascus take any potential military approach towards Israel as it exhausted all diplomatic options with the international community.

UK "intelligence failure" on Afghanistan

A leaked UK Foreign Office report seen by British media warned government ministers on July 22 that the withdrawal of U.S.-led foreign forces from Afghanistan would lead to "rapid Taliban advances".

The department's own intelligence, suggests Afghanistan's cities were in danger of being taken over in the aftermath of the departure of foreign military personnel at the end of August 2021.

During a two-hour grilling, the British Foreign Secretary, Dominic Raab, was asked by the Foreign Affairs Committee why he didn't act on the assessment warning by his own ministry? Raab defended his government's action telling the hearing that other intelligence had suggested Kabul was "unlikely" to fall this year.

Raab did admit the UK had been "caught out and surprised by the scale and speed of the fall of Kabul", accepting lessons would have to be learned from how the intelligence assessment was made.

The chairman of the Foreign Affairs Committee, Tom Tugendhat, dismissed Raab's assessment saying "the [leaked] document clearly indicates "the fall of cities", the "collapse of security forces" and that the embassy "may need to close"... a warning like this... was made on 22 July".

He also said there has been an "intelligence failure" on the part of British Government.

Hours after the hearing, Raab flew out to Qatar seeking safe passage for British nationals held up in Afghanistan amid growing public anger back home.

From 2013, Doha housed the political wing of the Taliban and is encouraging dialogue with the group despite not recognizing them as the government yet.

London, under former Prime Minister, Tony Blair, declared its stance in 2001 to stand "shoulder to shoulder" with Washington, when the U.S. waged its so-called war on terror, beginning with the invasion of Afghanistan.

On the ground in Afghanistan, Taliban sources say the leader of the new government, set to be announced very soon, will be the group's co-founder Mullah Abdul-Ghani Baradar. Mullah Baradar currents leads the Taliban's political bureau. Initial reports indicated an announcement would be made by Friday.

In Washington, the Senate Minority Leader Mitch McConnell has said that President Joe Biden will not be impeached over his administration's chaotic withdrawal from Afghanistan because both the House and Senate are Democrat-controlled.

In other developments, the president of the European Parliament has warned that the European Union must prepare for the influx of Afghan migrants who the EU says are set to flee the Taliban. David Sassoli told a conference in Slovenia, that "we cannot pretend that Afghanistan is not our business because we participated in that mission"

Elsewhere, the United Nations spokesman says humanitarian flights have resumed to northern and southern Afghanistan. Stephanie

Dujarric told reporters the UN Humanitarian Air Service is now operating flights "to enable 160 humanitarian organizations to continue their life-saving activities in Afghanistan's provinces"

He also says officials are working to establish a cargo air bridge to transport non-food items, such as medical and other emergency supplies.

A team from Qatar landed at the destroyed airport in Kabul, the first airliner to arrive there since the U.S. withdrawal and the first step towards getting the facility back up and running as a lifeline for aid. Qatar says it was working with the Taliban to reopen the airport as soon as possible. Turkey also says it was evaluating proposals from the Taliban and others for a role in running the airport.

Analysts say the delivery of vital humanitarian aid is of utmost importance to avoid violence in the country. According to U.S. officials, Kabul airport is in bad condition, with much of its basic infrastructure degraded or destroyed.

Some experts have blamed the disastrous U.S. exit for potential heavy damage to the Afghan economy.

A report by Fitch Solutions, the research arm of credit rating agency Fitch Group, says "the highly disruptive manner in which the U.S.'s security forces left the country and the Taliban takeover will mean that the economic pains for the country will be felt acutely over the short term".

Nevertheless, the White House says it has no plans to release billions of dollars in Afghan assets including gold, investments, and foreign currency reserves in the United States that Washington froze after the Taliban's takeover.

This is despite pressure from humanitarian groups and others who say the cost may be the collapse of Afghanistan's economy.

Much of the Afghan central bank's \$10 billion in assets are parked overseas where they are considered important leverage for the West to pressure the Taliban.

Meanwhile, celebrations have taken place marking the exit of the final U.S. troops to end a two-decade war, the Taliban have showcased some of the military hardware they captured during their takeover of Afghanistan. Taliban forces celebrated with gunfire on Tuesday after the last U.S. forces abandoned Kabul following a two-decade war.

Footage shows a long line of green Humvees and armored fighting vehicles drove in single file along a highway outside Kandahar, the spiritual birthplace of the movement, many flying white-and-black Taliban flags.

At least one Black Hawk helicopter has been seen flying over Kandahar, suggesting a pilot with the former U.S. trained Afghan army was at the controls as the Taliban lack the expertise to fly the helicopter.

The U.S.-led war, 20 years ago, has destroyed much of the country's vital infrastructure, economy while claiming the lives of hundreds of thousands of Afghans, more than 2,400 American troops and saw the emergence of new Takfiri terrorists groups.

The Taliban, the Afghan state and the rule of law

By Haroun Rahimi

The Taliban took over Afghanistan with great ease that few expected. Now that all foreign troops have withdrawn, the group faces the more difficult task of governing the country. Will it be able to cope?

The heartbreaking images of Afghans dying as they tried to catch a flight out of the country, as well as a general sense of anxiety and fear that many Afghans who remain in the country express to friends and the media, suggest that there are serious doubts about the Taliban's ability to govern.

The Taliban leadership, on other hand, have been expressing confidence they are up to the task, touting the group's ability to stop crimes and maintain security in the country. "We do not have any crimes happening at the moment", said Abdul Qahar Balkhi, a Taliban official, during a recent interview for Turkish channel Habertürk. Meanwhile, pro-Taliban social media accounts continue to share footage of alleged thieves being paraded around Afghan cities, or alleged robbers shaking in fear after arrest.

The recent horrendous attack at Kabul airport challenged this narrative, but the group blamed it on the U.S. and the mishandling of its withdrawal from Afghanistan. The Taliban leadership seems to think they have, at the very least, the security part of governance figured out.

However, I argue that the Taliban have a flawed understanding of what it means to provide security for a nation. People can only feel safe if they feel protected not only against criminals and terrorists but also against abuses by the state and those in power. The latter safeguard can only be achieved if the society is governed by the rule of law.

Although the term "rule of law" is widely used, there is no agreement on a single definition. In its wider meaning, it can include good governance and human rights guarantees, but here I will use a more practical definition. Society is governed by rule of law if: first, the laws are clear, easily accessible, and non-retroactive, second, all public institutions, including members of the ruling power, are accountable to the law

and, third, independent, impartial judges apply the laws.

If Afghans are not clear on what the laws are and cannot be sure that future laws will not be applied to their past actions, they will not feel safe. They will live in constant fear of state-sanctioned violence.

The Taliban is yet to either confirm that the existing laws of the country will remain in force or to lay out a new legal system. They often make general statements that suggest "Sharia" will be the law but anyone familiar with Fiqh, the human understanding of Sharia through which it is applied, knows that such statements raise more questions than they give answers.

The Taliban needs to clarify the basic rules in domains Afghans care most about as soon as possible to calm the nation and curb the exodus of citizens and capital flight. Sadly, the opposite seems to be happening. The Taliban has postponed answers on important questions.

If Afghans cannot be reasonably confident that those in power are constrained by transparent rules and that there are consequences for violations, they cannot feel safe. Right now, a person holding a gun who looks a certain way has the power to brutalize abuse, humiliate and possibly kill Afghans. Afghan social media is filled with examples of this.

How can everyone, including those in power, be made accountable to the laws?

First, achieving this objective requires the separation of power. If the power to make rules, enforce rules and adjudicate disputes is in the hands of a narrow group or those who are tasked with these functions are appointed, controlled, and loyal to a narrow group, then it is unlikely that the powerful will be held accountable. This means that different state powers should be vested in different institutions to enable them to maintain a system of checks and balances.

There should also be a certain

degree of decentralization of power to local authorities as well as direct political participation of the people via elections. Having Afghans elect local and national officials would ensure that power is distributed among different constituencies. This would provide meaningful constraints on the power of the state over its citizens.

Scholars have disagreed about the rule of law throughout Muslim history. Some have argued that Islam contains the perfect example of rule of law and separation of power since Fiqh is not under the control of the ruler but rather it is developed by the ulama, an independent class of Muslim scholars. Others have argued that the ulama and Muslim rulers were often allied to protect their own interest: to fend off heterodoxy, in order to preserve the position of the ulama and clamp down on political dissent to maintain the power of the ruling elite.

In the Afghan context, there is very little evidence that the ulama would be able to act as a constraint on the group. In the past, the Taliban simply ignored, or at times targeted, those ulama who did not align with it.

In addition to the separation of power, due process of law and judicial independence also need to be observed. Whenever the state or its representative makes a decision that could potentially adversely affect a person, due process of law must be observed. That means there must be a transparent process where the potentially affected party can challenge a decision by the state and the behaviour of state agents and feel reasonably confident that their challenge would be seriously considered by an impartial judge following rules that the challenger can understand.

The judge must be able to provide effective remedy should a violation be proven, and judgments must be enforced against the state or those in power. No single person presiding over a case as a judge should have the final say on important matters. The unsatisfied party must have the right to appeal.

The Islamic Republic of Afghanistan suffered from a lack of judicial independence in politically important cases as both Afghan presidents and their close allies nurtured a self-serving constitutional theory that the president as the head of state has oversight power over all three branches of the state, including the judiciary, and holds any residual powers not explicitly allocated under the constitution.

The Taliban, in the past, also did not adopt institutional measures to protect the judges from political influence. Following an understanding of the role of the judge in classical Fiqh, which treats it as an extension of political rule, and a judge as the agent of the ruler, the Taliban generally did not consider the need to protect the institution of the judiciary and the individual judges from the ruling power.

The Taliban has not shown an appetite for governing through institutions. It has tended to consider rule and governance personal and allegiance to the ruler a requirement. Its leadership tend to assume that good governance only requires the right people, which they understand to be those who are aligned with their ideology and have their trust.

That is why they have been staffing state institutions almost exclusively from within their ranks as they try not only to take control of the state and improve governance. Not enough attention is paid to the institutions of governance.

The only way the Taliban can govern Afghanistan to convince those Afghans, who want to leave, to remain and contribute to its development is by establishing the rule of law, due process and working to create good institutions.

For people to feel like their lives, property, and honor are protected, it is not enough for criminals and terrorists to be punished; it is equally, if not more, important for the state and those in power to be held accountable. The power must be constrained with institutional mechanisms of control such as separation of power, local and national elections, and due process of law.

(Source: AlJazeera)

Israel kills Palestinian in Gaza protests

Gaza's health ministry says Israeli forces have killed a Palestinian in the besieged Gaza Strip, taking part in protests against Israel's 14-year blockade of the territory.

The ministry says 26-year-old, Ahmad Saleh, was shot in the abdomen after Israeli troops opened live fire on the protesters.

Palestinian health authorities say at least 15 others, including five children, have been wounded with some in serious condition.

Palestinians have staged nightly protests along the so-called buffer zone for nearly one week now to voice their anger at an Israeli-led blockade of the territory.

They say demonstrations will continue until the

regime lifts the deadly siege. But Israeli forces have viciously attacked the protests leading to dozens of casualties.

The rallies add to a recent rise in violence that has tested a fragile ceasefire ending an 11-day Israeli war on Gaza in May when the Palestinian resistance took the regime by surprise with its missile power.