



مركز الجزيرة للدراسات  
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## Reports

### Peacemaking in Afghanistan: Procedural and Substantive Challenges

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[Reuters]

## Abstract:

The peace process in Afghanistan is at a critical juncture. Either the current peace deal will bring together a war torn country or further divide it. Whether the outcome leads the country toward progress and development, or undermines and jeopardizes the current gains and achievements made over the last eighteen years remains to be seen.

In early May, the Afghan government hosted a national four-day Consultative Peace Loya Jirga. Three thousand people had been invited from all over Afghanistan to share their opinions on the national peace process. While the current administration has argued this traditional method of consultation would be inclusive of women, youth, Afghan returnees from neighboring countries, and representatives of ulemas, among others and, therefore, gather the opinions of a wide cross section of society, opponents of the government are suspicious. Former President, Hamid Karzai, is among a group of political elites boycotting the Loya Jirga despite his previous and active participation in the Afghan peace process. They claim the process is being used by the current government to influence its grip on power. Others view this as a blatant attempt by President Ashraf Ghani to use the Loya Jirga as a platform for his forthcoming election campaign.

What all of this speaks to is the continued division and mistrust between the current Afghan administration and opposition political elites regarding current efforts toward peace. Perhaps most destructively of all, however, is how this division and mistrust has served to create further delays in the peace process, whereby spoilers can benefit from this environment and thwart any substantive

discussion and dialogue from emerging. Moreover, this stand by certain political elites against the Loya Jirga and the recent crisis between Taliban and the Afghan government regarding the final list of participants for their Doha meeting are indicative of two central challenges to securing peace in Afghanistan: the fragility of the peace process and the significant leverage held by the Taliban movement. While the leverage exerted by Taliban may bring some clarity to how the peace process will advance, it also suggests the outcome of the peace talks could largely favor one of the key parties to the conflict, the Taliban, rather than the Afghan people.

## Introduction

Research suggests peace deals often fail when pre-conditions, such as a military stalemate and subsequent ceasefire, are not set. Yet, peace negotiations in Afghanistan were embarked upon without any discussion of preconditions. Taliban's recent announcement of a spring military offensive not only suggests fighting will escalate throughout the country where the Taliban will manage to gain some leverage at the negotiation table, but also the lack of setting preconditions prior to embarking upon peace can be considered as one of the major flaws at the heart of the process overall in the Afghan context. For peace talks to advance more concretely toward an agreement, parties must first be ready for a military truce, then open the idea of sharing power, and, finally, for a third part to oversee the implementation of the peace agreement.

Beyond the issue of setting necessary preconditions prior to embarking on a path toward peace, the limited participation of Afghans, European allies involved in the fight against terrorism in Afghanistan, and regional states with varying interests in the Afghan conflict, has undermined the fundamental principle of inclusiveness needed for a successful peace process. That said, the Afghan government has sought to demonstrate its understanding of the importance of inclusivity in various way.

First, the current administration provided a list of Afghans, who represented a broad cross section of society to participate in the Doha talks; however, the list was rejected by Taliban. Second, the government organized a National Women Consensus for Peace, that brought together 3000 Afghan women to discuss peace in February of this year. Third, the current efforts to organize a National Consultative Peace Loya Jirga. Nevertheless, these efforts made by the government are considered by a majority of opposition political figures not to be part of an inclusive peace process, but rather Ashraf Ghani's process to secure any potential political gain in the forthcoming elections. Due to the lack of trust of the current administration, these initiatives are neither supported nor legitimized by political elites or the population more generally.



US delegation at the Doha talks with Taliban representatives [Reuters]

Ultimately, if any peace deal is to materialize and to be sustainable in Afghanistan, it must be premised on a reconciliation model. The concept of reconciliation goes beyond negotiating a peace agreement between and among the parties to a conflict. Rather, it seeks to address the underlying grievances of the population at large. To do so, the peace process must comprehensively and seriously engage the issue of inclusivity. The results of doing so are two-fold. First, deep-seated conflict generating issues can be addressed and a viable agreement reached, and second, it becomes possible to embark upon rebuilding the multiplicity of damaged relationship between and among the parties who have been engaged in protracted conflict. This model also has the potential to increase public participation in a peace process, which not only serves to increase the legitimacy of the outcome, but also the sustainability of a deal.

A reconciliation model for peace must be based on agreed upon procedural arrangements and includes substantive debate on details of a peace agreement.

## **PROCEDURAL ARRANGEMENTS**

### **1. TRACK I - National Process**

The national level peace process has remained disorganized and divided. Disagreement and division between Afghan political elites has further widened in April and May 2019 around the issue of who

should lead talks with the Taliban. Opposition parties have come together and sought to use the peace process to dislodge President Ghani by arguing the president is not genuinely committed to peace. Taken together, the factionalized nature of political elites in Afghanistan, the Afghan government's position of holding onto power under any circumstances, and its view of the current negotiation process as a threat to its grip on power, impede any comprehensive national level peace process from being emerging.

Returning to the issue of inclusivity, in conflict contexts such as Afghanistan for the past eighteen years, and division of the country along various fault lines from ethnicity and socio-economic status to age and gender, it is imperative to broaden the spectrum of inclusion for peace horizontally and vertically. Regarding horizontal inclusion, the notion of meaningful participation goes beyond the token participation of certain political groups and representatives. Rather, ensuring the participation of political and institutional representatives from a cross section of Afghan society and representation from each province is paramount.

The inclusion of political parties, government representatives, government opposition groups, provincial and district level councils, women's group, educational institutions, and religious institutions can take many forms. For example, while it may not be necessary to include these groups in their entirety around the negotiation table with the Taliban, it is imperative each of these groups is given space and assistance to develop a coherent message of what they want a political settlement with the Taliban to look like.

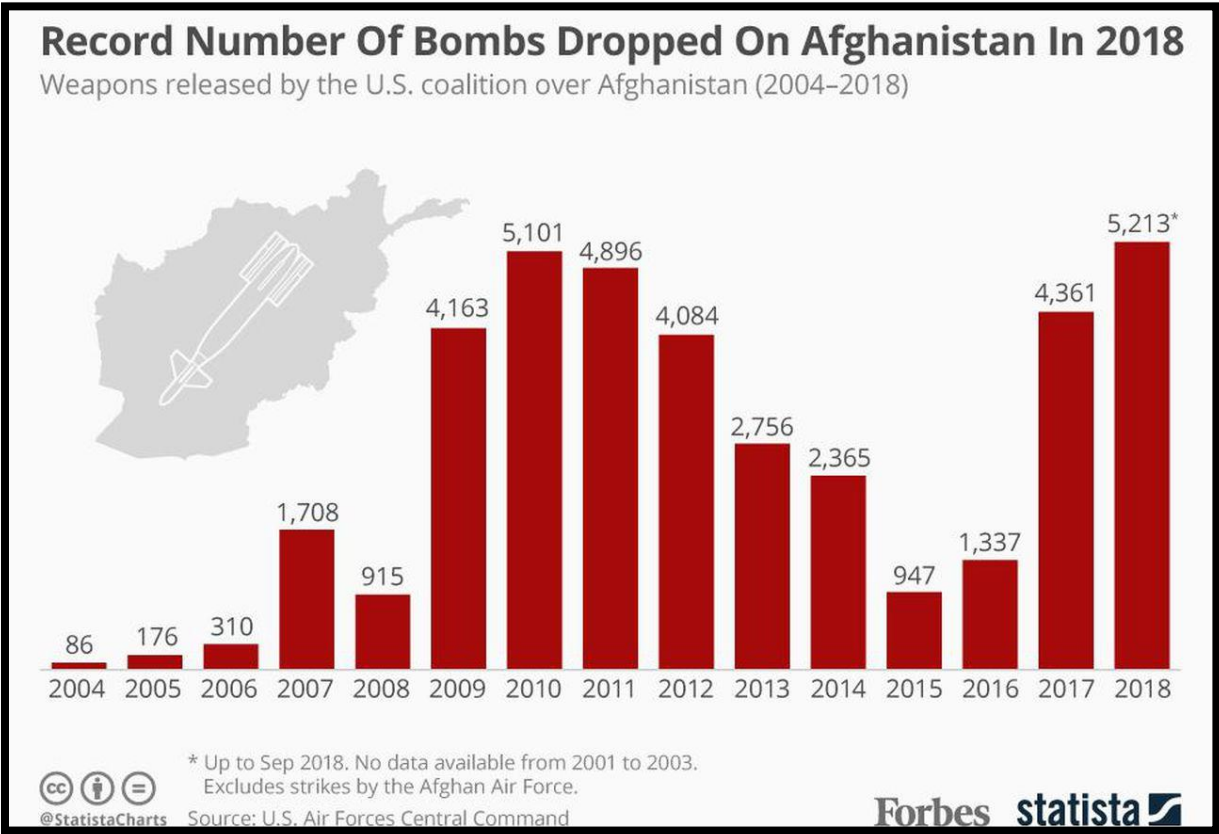
Beyond the political and institutional levels, a national peace process must also broaden inclusion vertically to include members of the general society who have borne witness and been impacted by the war. This framework for broad national inclusion in the peace process would help generate a settlement capable of addressing all of the conflict issues and the grievances held by the population. Moreover, including the Afghan people would not only increase their support for the process, but also the negotiated settlement. The crucial question then becomes how to achieve their broader inclusion in the Afghan peace process.

A cursory look at other cases such as the cases of Guatemala and Northern Ireland provide useful frameworks when considering how to include the Afghan people from local communities in the peace process. In both Guatemala and Northern Ireland grassroots subcommittees were developed by civil society groups. These committees included a cross section of people from local communities to initiate dialogue and discussion about substantive issues related to the conflict and what was needed for peace. In the case of Northern Island, communities and civil society were involved; educating people



about the peace process was central to local level efforts, as was bringing members of enemy communities together who were named as spoilers.

In the case of Columbia, civil society organizations took both an active role in influencing the peace agreement and in monitoring the peace accord. More specifically, Colombian civil society organizations developed a comprehensive and coherent policy document called “Cinco Claves” (Five Key Points), which they presented at the negotiating table in Havana, Cuba. Also, to monitor the peace accord, the Colombia government established a High-Level Women’s Sub-Commission to oversee the implementation of the gender-based commitments enshrined in the peace agreements.



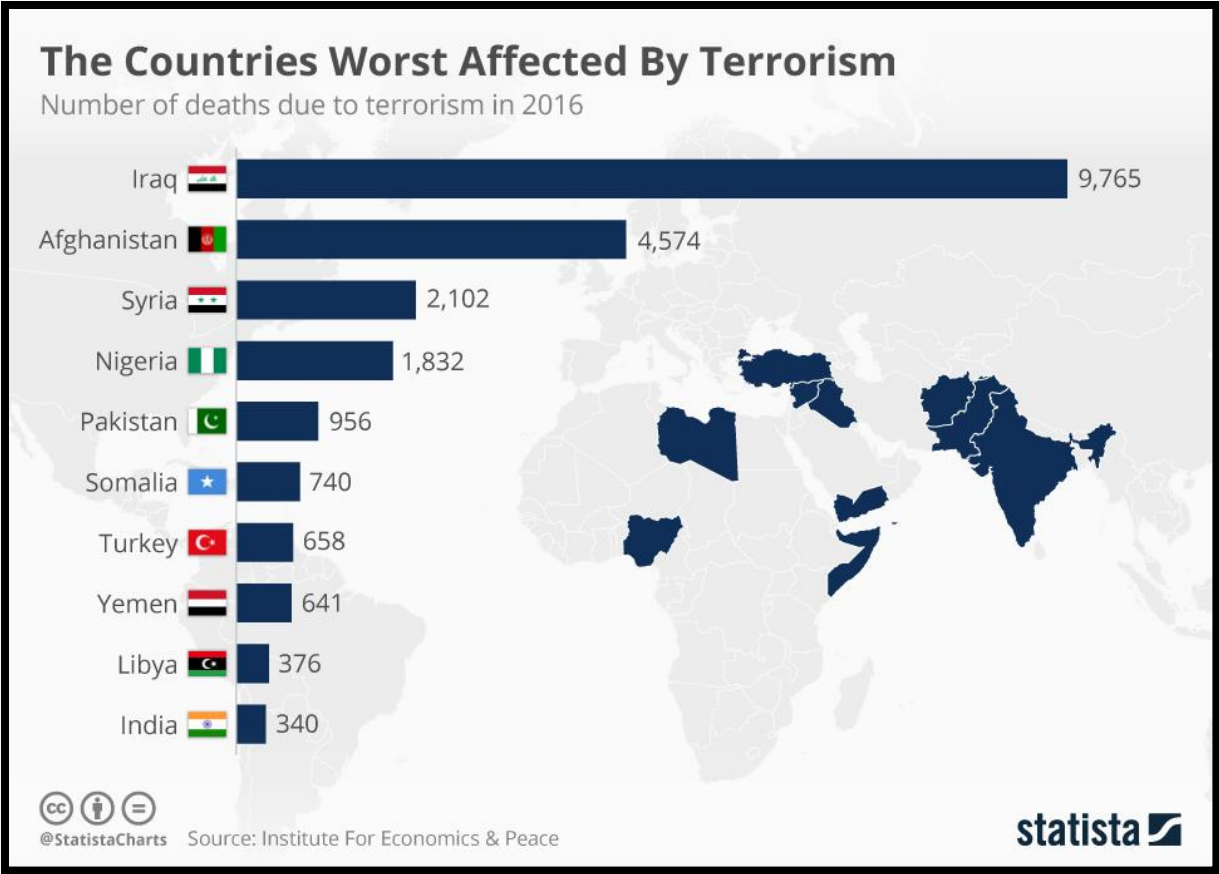
Bombs [STATISTA]

## 2. TRACK II - Regional Consensus

Regional diplomacy and engagement is essential for peace. Yet, this dimension of any peace process has been continually marginalized in the Afghan context. Regional states, including Pakistan, Iran, Russia, China, and India, who have major interests in the conflict and have remained prominent actors, have been sidestepped along with the European allies of Afghanistan in the fight against terrorism. Although these parties have geopolitical interests in Afghanistan, they have not been in direct conflict with either the Afghan government or the Taliban and, have thus been considered as secondary parties. Their participation in the process toward peace has been limited to consultation rather than

meaningful involvement in talks. Without the involvement of these key regional states, talks will not address the interests of all the parties engaged in or touched by the Afghan conflict.

Including these regional players is not without its challenges. Historical evidence from the post-Soviet withdrawal era in Afghanistan demonstrates how regional actors have proved to be either spoilers or cooperative. Their position has depended largely on how much benefit they are set to gain from any given outcome. Afghanistan’s relationship with Pakistan continues to be deeply intertwined to its own political history and that of its close neighbor. As an example, Afghans did not recognize the colonial-era Durand line, while Pakistan recognized it as a settled and permanent border with Afghanistan. From then on, the fractious political relationship between the two states has been reflected in various events, including Pakistan backing the mujahedeen against Najibullah Ahmadzai’s government, Afghanistan’s support for the greater Pashtunistan Movement in the 1970s, and the chronic political conflict between Pakistan and India who have partly fought their unresolved conflict inside Afghanistan through the use of their soft powers.



World Terrorism [STATISTA]

Over the past eighteen years, another narrative has framed the Pakistan-Afghanistan relations. Namely, Afghans consider Pakistan as an enemy to the stability and security of their country, and an unreliable neighbor that can undermine any opportunity that arises at any time. On the other hand, India’s development and reconstruction initiatives in Afghanistan have positioned India in the

imagination of Afghans as a friendly nation. This dueling perception Afghans have of Pakistan and India could be challenged through a balancing of interstate relations among the three states through more investment in economic growth. In the case of Iran, the regime has a paradoxical policy towards the Afghan conflict and the peace process. On the one hand, Iran does not want a dignified US withdrawal from Afghanistan due to its own political crisis with the US. On the other hand, the potential for the conflict in Afghanistan to destabilize the border between Afghanistan and Iran could incentivize Iran to supportive a peace process.

Factional divisions in Afghanistan not only jeopardize any process toward peace, but also the creation of a regional consensus around peace in Afghanistan. More specifically, regional stakeholders currently benefit from existing divisions between Afghans regarding their perceptions of their neighbors. Certain among these states have been known to finance political parties in Afghanistan with the view to advancing their own national interest. It is through their allies inside Afghanistan these stakeholders may seek to disrupt any political settlement that undermines their interests. Therefore, it is imperative Afghans unite around a common vision of war and peace; and how to approach peace in particular. If not, the meddling of regional countries is set to continue post-US withdrawal from Afghanistan, which could prevent any peace agreement from being implemented. However, Afghans should not expect to unite the interests of the various regional states as each country has a national and foreign interest in the region. Each of the regional state's potential in the region could, however, be utilized to fight against an insurgency that could destabilize the borders of Afghanistan and affect the security of the entire region.

## **SUBSTANCE OF INTRA-AFGHAN PEACE TALKS**

Although the procedural arrangements for intra-Afghan peace talks are crucial, so too is the substance of those talks. Intra-Afghan peace talks involving the Taliban, men and women representatives from the government, political parties, and civil society should embark upon serious discussion of the major issues, including ending the insurgency, the political arrangements of states (a political settlement), building credible institutions, and crafting a political system that preserves the institutional gains made over the past several years of transformation. The forthcoming Consultative Peace Loya Jirga is expected to provide answers to these questions along with a clear implementation framework. It also expected there will be a discussion regarding the preconditions needed to begin negotiations with the Taliban.

## **POLITICAL SETTLEMENT**

Taliban considers its understanding of Islam and Afghan culture as the ultimate source of its legitimacy and power. Its members often state they want assurances the Afghan state would be solely governed by Sharia law. More specifically, Taliban has often expressed a willingness for a Sharia-based state



system with a supreme leader such as an Amir chosen by an ahl-a-hal wa'l aqad assembly. However, any Taliban concept of an emirate in which figures, such as ulema and tribal elders are handpicked rather than elected by consensus, would challenge the current participatory electoral system in Afghanistan. Moreover, if Taliban is determined to gain control of power through building an Islamic Emirate, it would be difficult to remain optimistic about any peace deal.

While elections would be considered the first preferred option to transfer power peacefully in Afghanistan and build on the institutional gains of the past eighteen years, Taliban's demand for ultimate power makes an electoral process the least viable option. While Taliban has never officially made any demands with regards to the electoral process in Afghanistan, Taliban's anti-election sentiment has become visible through their public statements and, particularly their perception that the past three presidential and parliamentary elections were influenced by the foreigner entities. Their argument that elections in Afghanistan are neither Afghan owned nor run, rather than a critique steeped in theology, provides a possible opening to discussions with the Taliban about the procedures for conducting future election that could be agreed upon by all parties.

The other possible option is the creation of an Afghan Interim Administration or care-taker government. Afghanistan has previously experienced an Afghan Interim government, the first of which was formed by the Pakistan-based mujahidin leaders in 1989 after the withdrawal of Soviet troops. The second caretaker government was the Afghan Interim Administration of December 2001 led by the appointed interim president, Hamid Karzai. This proved a good model at the time when there was a lack of any formalized governmental system and institutions, and international linkages. Although interim administrations are often established to facilitate an inclusive government, they can also project an image of instability despite the existence of some form of a political system.

Moreover, the international community has invested heavily in the past eighteen years in institution building, including formulating new laws, policies, and procedures that respect human rights, civil liberties, health and education, creation of a supreme court, and three rounds of parliamentary and presidential elections. If there is still need for an interim government, this need clearly undermines the argument of gains and achievements. Any interim government is, after all, a launching pad from which to build and implement a new political system in order to direct institution and nation building. Second, given the current ethnic confrontation occurring in Afghanistan, it is unlikely an interim government would produce a political condition for power sharing or free and fair elections.

Rather than an interim government, there is much need and scope to implement a comprehensive political platform where Afghans can come together with a plan for power sharing among the various factions. It is widely perceived by Afghans that a power sharing arrangement is unlikely to be an

attractive proposition for the Taliban given their focus on gaining ultimate power based on an Islamic Emirate. However, the remarks made by the Taliban’s spokesperson after the Moscow conference in February regarding the Afghan constitution, reforming the Afghan security forces, and liberal values, illustrate a minimal degree of flexibility on their part that undermines the common perception the Taliban will stop as nothing short of absolute power.

## CONCLUSION

Intra-Afghan peace talks including Taliban must focus on the procedural and substantive issues related to a comprehensive political platform. Attention must be given to discussions on including the various political factions existing in Afghanistan, procedural arrangements for constitutional amendments, if that will be included in peace agreement (who should be included in consultations, how to engage in public outreach, and who should make the final decision and approve the reforms).

These procedural arrangements, along with the substantive debate around the type of government going forward (presidential or parliamentary), require debate and consensus. As do issues concerning the decentralization of powers to the provinces, constitutional amendments, and power sharing. Above all else, however, the central question at the heart of any process toward peace in Afghanistan is what the Taliban wants and requires at the leadership level in exchange for laying down their arms.



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