

**AFGHANISTAN:
A STUDY ON THE PROSPECTS FOR PEACE**

DISCUSSION PAPER

BY

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(RESEARCH FOR THIS DISCUSSION PAPER WAS SUPPORTED BY THE WALTER AND
DUNCAN GORDON FOUNDATION GLOBAL POLICY FELLOWSHIP)

MARCH 2008

AFGHANISTAN: A SCAN OF CURRENT PEACE EFFORTS

EXECUTIVE SUMMARY

Is a peace process in Afghanistan possible? Findings from 58 interviews carried out in January and February 2008 in Afghanistan indicate that nascent peace efforts are already under way. Peace initiatives are currently being carried out by the government of Afghanistan and Afghan civil society organizations, but these peace efforts are not receiving enough support from the international community and are disconnected, limiting their impact.

There are multiple tracks to current peace initiatives. One track focuses on political outreach and reconciliation with Taliban and other anti-government groups. The aim of this “political outreach and reconciliation” is to persuade combatants to leave the insurgency and accept the Afghan government. Another, largely civil society-based track focuses on transitional justice through symbolic measures, institutional reform, truth-seeking and documentation, and reconciliation between communities. Unfortunately, work on transitional justice has not received much support. The *Action Plan on Peace, Justice and Reconciliation*, developed by the Afghan Independent Human Rights Commission, however clearly sets out what could be done. Talks with Pakistan through the Peace Jirga, and recommendations to “dialogue” with “the opposition”, seem to be gaining some acceptance by the Afghan government and parliament. Efforts to disband militias linked to government officials, and support to community based peace-building initiatives are also underway. These elements suggest some prerequisites exist for a future peace process.

The question remains, why hasn’t a systematic peace process emerged? And what more is needed to support more coordinated peace efforts? Findings from this research study suggest that certain prerequisites are still lacking, namely cohesion and capacity within the Afghan government and parliament to carry out a more structured process. The degree to which various opposition groups are committed to consider peace options is uncertain. The international community also needs to clearly commit to encouraging peace efforts with the government and “the opposition”. A first step would be a clear peace-making and reconciliation mandate for the new United Nations Envoy. And of course, the parameters around how to engage with “the opposition” need to be taken into account by all involved.

The interviewees gave competing visions of what a peace process would look like. The extent to which military force should be used to place pressure on extremists and, perhaps even more moderate elements, remains a contentious issue. Findings also reveal instances where Taliban and former combatants returning to their communities were targeted for attacks. The attacks were due either to military/political confusion caused by a lack of communication or coordination about the return of former combatants, or deliberate misinformation by those seeking revenge.

Most interestingly, findings strongly indicate that negotiations between government and opposition groups are not necessarily the only or even dominant aspect of a peace process. Interviewees said that the legitimacy of any peace process in Afghanistan will ultimately be determined by the extent to which mechanisms for transitional justice are sufficiently addressed. While blanket amnesty clauses for warring parties were condemned, a trials approach to past war crimes was discouraged, fearing such trials could spark revenge attacks. Instead, Afghans interviewed called for documentation and eventual acknowledgement of past war crimes, compensation, and social reconciliation.

Links were noted between corruption, criminality and illegal armed groups. Interviewees stressed the importance of boosting efforts to disband militias in the lead-up to the 2009 elections.

Interviewees had differing opinions about the effectiveness of talks with Pakistan through the Peace Jirga. At best, some saw engagement with Pakistan as a step forward. At worst, the outcomes were seen as symbolic with little practical value. Findings showed that a military response in southern Afghanistan or north western Pakistan was not likely to increase security if fighters simply sought refuge by moving back and forth between the two countries. A political solution to the conflict is needed on both sides of the border.

The work of local civil society organizations is key to a lasting peace. Afghan NGOs are supporting community peace-building through traditional decision-making bodies such as *jirgas* and *shuras*. While *jirgas* and *shuras* were often more positively viewed than government courts, *shuras* and *jirgas* are seen, by some interviewees, to favour those in power to the detriment of marginalized actors, including women.

In the absence of a systematic peace process, Afghans have been and are still working on a number of peace initiatives. Clear strategies, however, to achieve peace and reconciliation, including transitional justice, will not evolve on their own. The prospect for peace grows more remote as violence continues unabated, and no concerted efforts are made to engage all parties in a dialogue for peace.

Summary of Recommendations

Canada should advocate for peace in Afghanistan by:

- ❑ Re-balancing its diplomatic, development and military strategies to place greater emphasis on building conditions necessary for an eventual peace process.
- ❑ Encouraging the international community and Afghan government to strengthen conditions for a future peace process and coordinate current efforts for peace.
- ❑ Supporting women's participation in ongoing peace efforts and in any eventual peace process.
- ❑ Promoting a "peace-making and national reconciliation" role for the new UN Envoy.

- ❑ Investing, financially and technically, in the Government of Afghanistan's peace efforts, including national efforts at establishing a shared vision on political reforms and national reconciliation.
- ❑ Supporting a re-commitment to the *Action Plan on Peace, Justice and Reconciliation* and advocating for the appropriate inclusion of transitional justice, women's rights and human rights in peace efforts.
- ❑ Discouraging blanket amnesty agreements.
- ❑ Supporting security sector reform efforts, including the disbandment of illegal armed groups.
- ❑ Ensuring diplomatic strategies in Pakistan and Afghanistan are complimentary and encourage confidence-building and political cooperation between Afghanistan and Pakistan.
- ❑ Funding innovative and independent channels (outside the PRTs) for peace-building work including human and women's rights strengthening, access to justice and judicial reform, peace education, ethnic and language rights, land and water rights, and the reintegration of refugees and displaced communities.

METHODOLOGY

Findings in this discussion paper are based on interviews that took place in Afghanistan in January and February 2008. International diplomats, international NGOs, Afghan NGOs, Afghan government officials, and other Afghan leaders were interviewed. Interviews focused on three themes: views on peace and causes of the conflict, priorities for development and peace-building, and prospects for a peace process. Research findings are qualitative, identifying perspectives of Afghans and international actors working on peace issues.

This paper focuses on political outreach/reconciliation, transitional justice and social reconciliation, disbanding illegal armed groups, engaging Pakistan and the Peace Jirga, and community based peace-building. Each area includes a brief scan of current efforts, presents Afghan and International perspectives, identifies key challenges, and offers recommendations.

This discussion paper intends to stimulate debate with the Canadian government, the international community and CCIC members, on options for Canada to further support peace efforts in Afghanistan. Findings and recommendations in this paper do not necessarily reflect the views of the Walter and Duncan Foundation.

BACKGROUND

CCIC has been calling for Canada to re-orient its mission in Afghanistan to place emphasis on better development, more diplomacy, and real security for Afghan civilians. This paper focuses on further diplomatic roles for Canada in supporting peace efforts. Field research for this paper was supported through the Walter and Duncan Gordon Foundation.

AFGHANISTAN: A STUDY ON THE PROSPECTS FOR PEACE

1. INTRODUCTION

Peace efforts in Afghanistan are not new. They were attempted by the United Nations in the 1980s, 1990s and during the Taliban's rule. When the Taliban was in power, the UN Envoy's mandate included negotiating a political agreement between the Northern Alliance, the Taliban, and the exiled King.

Other peace efforts were attempted by subsequent envoys, including an agreement with the 6+2 group (the 6 neighbouring countries + the US and Russia) not to support, militarily or financially, the Taliban, the Northern Alliance or others involved in the conflict. An agreement on paper was achieved, but not implemented.

Since these efforts, there has been no formal peace process to bring together the various parties to the Afghan conflict. After the US ousting of the Taliban regime post 9/11, the Bonn Conference of donors and Afghans established a road map for a post-Taliban government. A limitation of the Bonn process was that it did not address many of the causes of the war, or involve all actors. The Taliban and other opposition groups were left out of the state-building process, while other parties to the conflict such as the Northern Alliance were included.

Although there have been efforts since 2002 in political outreach and reconciliation, transitional justice, disbandment of armed groups, talks with Pakistan and community-based peace-building, these efforts are fractured. There is no clear peace process bringing together all sides of the conflict. In the short term, increased support for some current peace initiatives can help establish the pre-requisites for a more formal peace process. In the longer term, a peace process requires a sustained commitment by Canada and the international community to work with the government of Afghanistan, civil society, women's groups, and opposition/anti-government groups. They must all be engaged in building a shared vision for Afghanistan. This vision can only be developed by Afghans. The international community can help by enabling a wide spectrum of Afghan views, engaging regional actors, and providing financial and technical support.

2. CURRENT PEACE EFFORTS

2.1 Political Reconciliation

2.1.1 A Scan of Current Efforts

All Afghans, including those associated with the Taliban, are, according to President Hamid Karzai, welcome by the government if they renounce violence, abide by the constitution, and accept the elected government. Preconditions, established by President Karzai and the international community, for talks with opposition groups include:

- ❑ No negotiation with the Taliban as a blanket movement;
- ❑ Recognition of the constitution and legitimacy of the current administration;
- ❑ Renouncing violence and disarming; and,
- ❑ No withdrawal of the International Security Assistance Force (ISAF) (in response to Taliban demands that all international forces withdraw).

Currently “peace talks” are equated with “political reconciliation” or “political outreach”. Political outreach includes talking with individuals affiliated with the Taliban or other opposition forces. These talks, supported by the international community, aim to

- ❑ address grievance such as the unfair distribution of land and poor access to government services; and
- ❑ encourage combatants to disarm and resettle.

Financial assistance is sometimes provided for resettlement. Taliban and other opposition group members that have, to date, been engaged in peace talks include low-to-mid level commanders (no top Taliban leaders) and others simply opposed the current government.

The Strengthening Peace Commission (PTS), also referred to as the National Reconciliation Commission, was set up by the government to attract, often through financial incentives, “soft” Taliban and other “opposition” groups such as Hezb-i-Islami – Gulbuddin (HiG) to peace talks. The PTS was set up in 2005 and is still active in 11 provinces. According to one official, the PTS has involved 18 000 tribal and religious elders and has encouraged over 5000 people to stop fighting and reintegrate into civilian life. The program relies mostly on elders, religious figures, scholars, and popular media to reach out to “opposition” elements.

2.1.2 Findings

2.1.2.1 Views on Who are the Taliban?

Most interviewees did not see the Taliban as a homogenous group. Four distinct groupings or categories of Taliban were identified.

- ❑ Local or Afghan Taliban: Afghans based in Afghanistan.
- ❑ Pakistan-Afghan Taliban: Afghans educated in, working in, or with substantial links to, Pakistan.
- ❑ Pakistan Taliban: Taliban in Pakistan (non-Afghan), or Pakistani fighters in Afghanistan.
- ❑ Foreign Taliban: Taliban from other countries, sometimes with Al-Qaida links (for example, fighters from Chechnya and Saudi Arabia).

Political outreach or reconciliation efforts aimed at “talking to the Taliban” are mostly aimed at Afghan Taliban or Pakistan-Afghan Taliban. It was noted by some interviewed that the Afghan Taliban or Pakistan-Afghan Taliban are increasingly disenchanted with both the Pakistan Taliban and Foreign Taliban and distancing themselves from those groups. There may be an opportunity, according to the interviewees, to wedge the Afghan Taliban and Pakistan-Afghan Taliban away from the more extreme Pakistan Taliban and Foreign Taliban.

Less than a handful of those interviewed saw the Taliban as one group not to be engaged with under any circumstances. Others said that Pakistan and foreign elements were driving the Taliban, therefore negotiating with Local or Afghan Taliban would not net any results since the real power was outside Afghanistan in Pakistan.

2.1.2.2 Views on Political Outreach and Reconciliation

“The partnership between the government and the international community hasn’t delivered in all parts of the country equally well. Political outreach can help to reconnect with those people, and in some cases help resolve conflict. The Taliban or Pashtuns in the south are not the only groups that felt disenfranchised from government.”

(International official)

Political outreach addresses both insurgency and non-insurgency conflicts such as disputes over land, water, and pasturage, as well as tribal and ethnic tensions. Tension, it was noted, between former adversaries the Taliban and Northern Alliance fighters, remains strong.

“If Taliban and Hekmatyar come to the government, even if we manage not to lose values such as human rights and democracy, we lose stability because the Northern Alliance will start picking up arms.”

(Afghan civil society member)

There is a high level of acceptance for some form of political reconciliation to engage non-ideologically driven anti-government elements within the Taliban or Hezb-i-Islami.

The strategy of only approaching low-to-mid level commanders was questioned by one interviewee. This approach, it was argued, would not produce lasting peace as top opposition leaders would never be influenced.

The lack of coordination between political and military efforts was identified as a major challenge to political outreach and reconciliation. The lack of a clear mandate for political and military initiatives was noted generally, with specific examples from the Strengthening Peace Commission.

2.1.2.3 Views on The Strengthening Peace Commission

Interviewees were highly critical of the Strengthening Peace Commission (PTS). Many doubted whether the 5000 people “reconciled” were really Taliban combatants or even sympathizers. According to one international official

“We would argue that most of them (the 5000 reconciled) were not combatants and there is a financial motive that needs to be scrutinized.”

(International official)

The Commission was criticized for its use of funding to encourage “reconciliation” in large numbers without sufficient follow-up on reintegration.

When former Taliban do return home, they return to areas under government control, and therefore under control of their adversaries. There are allegations of harassment and attacks by local commanders and provincial governors when some Taliban returned to their villages.

Others interviewed said that some former Taliban commanders, disarmed through the PTS program, still cannot go home for fear of being killed or kidnapped by criminal elements.

There are further allegations that some of those that have disarmed, through the PTS program, have been attacked or taken prisoner by international forces. The international forces are, at best, taking action based on miscommunications about the activities of the returned former combatants and at worst, the misinformation is deliberate and aimed at exacting revenge. These former combatants believe that the government, through the PTS, has intentionally deceived them.

“It has happened a lot when the Taliban have returned, the Peace Commission has given them some certificates saying that they have been welcomed by the Peace Commission and not to bother them. But in reality, government officials have given reports to international forces, and as a result the international forces have attacked some of these people.”

(Anonymous)

Interviewees noted that for the PTS to work, low-to-mid level Taliban combatants must be able to return home and live free from harassment or threats of violence.

2.1.2.4 Views on Engaging the Taliban

Multiple sources mentioned that in the lead up to the Bonn Conference, there were attempts at involving the Taliban. However, the international community and Afghans were overwhelmingly opposed to bringing the Taliban to the table.

It was repeatedly stated that not all individuals associated with the Taliban ideologically oppose the government or the West. It was argued that for the majority of the Taliban, the insurgency offers employment and combatants are concerned with their own, and their families future.

There were multiple examples from credible sources, that combatants in Kandahar and other southern/Taliban areas are approaching either military or civilian international or Afghan officials and asking for help to disarm and return home.

“We have to make sure those wanting to lay down their weapons are prepared to play a constructive role in society. For example, are they willing to join mainstream society and willing to use their influence for counter-narcotics instead of trafficking narcotics, or to encourage disarmament and reintegration. We have to recognize there are going to be leaders. These individuals want to be leaders whichever side they are on, so we need to explain what it means to lead in accordance with the rules and laws of Afghanistan now.”

(International official)

Some reconciliation success stories were noted by interviewees. For example, last year a commander in Musa Quala district in Helmand province agreed to leave the insurgency and this year he was appointed as a government official. In 2003-04 some former Hezb-i-Islami followers also left the opposition and are now part of the government.

Among those supportive of talks with the Taliban, none thought it was possible to negotiate with Mullah Omar or other high level Taliban leaders in the near term. International diplomats, in particular, mentioned that those on international terrorist lists cannot be engaged. The interviewees were in favour of approaching “flat” or “soft” Taliban who are not ideologically motivated and may even be looking for a way out of the conflict.

Others warned that those bombing schools are not moderate Taliban but hardliners who could link with conservative elements in parliament and government. There are fears that engaging in talks with the Taliban would open the door for another Taliban regime, and loss of human, and in particular, women’s rights.

For the international community and Afghans, the extent to which the Taliban should be engaged proved to be the most sensitive and polarizing issue. Most, however, support some form of talks or engagement with the Taliban. Interestingly, those against talks saw the Taliban as a homogenous group and did not distinguish between categories or types of Taliban.

2.1.2.5 Views on the Government of Afghanistan

A significant number of Afghans interviewed expressed concern over the state of the government and stressed the need to strengthen the government before entering into substantial talks with the Taliban and other opposition groups.

“The government needs to be made into a stronger and more coherent government. It cannot approach the adversary from a position of weakness.”

(Anonymous)

The composition of the current government and parliament, which includes former warring factions and warlords, was cited as a cause of factional fighting and dysfunction within government and parliament. It was stated that although these actors may no longer be combatants on the battlefield, they are political adversaries.

“Bonn brought in warlords that by the end of the Taliban regime, were not much more than petty warlords. These actors were lionized after Bonn, made into heroes, and credited with saving Afghanistan from the Russians. Nothing was done to punish them for past atrocities or for crimes being committed now. Fighting the Taliban has led to turning a blind eye to other actors, and as a result, criminalized behavior has become legitimized and entrenched.”

(International consultant)

On the inclusion of controversial former Northern Alliance elements in government, many said that it is not just the fact that former Northern Alliance leaders are in government that is problematic, it is their alignment with particular ministries, especially the police and army.

The acceptance of criminal or corrupt behaviour by senior government officials and politicians was mentioned as leading to a criminalized elite legitimized by the government. The existence of widespread corruption was confirmed by all interviewees. Its detrimental impact on the government is the one point of unanimous agreement.

“It’s more that people are not supporting the government, rather than whether they are necessarily supporting the opposition groups.”

(Afghan civil society organization)

The mistreatment of local populations by local government officials and the rise in militias with ties to government has created a convergence of impunity and corruption. Reform of the appointments process for provincial and district governors, and police chiefs, was seen as essential to ending corruption.

2.1.2.6 Views on a More Coordinated Peace Process

A common criticism, shared equally by Afghans and representatives of the international community, was the lack of coordination among international bodies engaged in political, military and development efforts. Regarding peace initiatives, some mentioned the risk of “too many hands in the jar” leading to confusion and even working at cross purposes.

Little information about current peace initiatives is shared with Afghans. Representatives from a women’s organization said that the lack of information about government peace efforts means that women are disconnected from current peace initiatives and likely from any future peace process.

When women are involved in peace efforts, the experience is positive.

“Our experience with women in peace processes shows that when their determination and ingenuity is harnessed – they really do drive the process faster and further.”

(International official)

Lack of communication is even more pronounced when the peace efforts are led by the international community. Lack of communication about even basic peace efforts has resulted in suspicion. It was suggested that in a culture so affected by war, the lack of participation of ordinary Afghans in peace efforts leads many to say that peace talks are being carried out for ulterior motives. Under the guise of peace, it is feared, political and geo-strategic agendas are being advanced.

International and Afghan officials said that there is a clear need for the Afghan government and the international community to provide a focal point for coordinating peace efforts. With so many countries involved and at least two government bodies dedicated to political outreach (the Strengthening Peace Commission and Peace Jirga – see below), clarity on where responsibility for peace efforts rests within the government is required.

Although most of the interviewees would support the UN as the lead facilitator in an organized and coordinated peace effort, others, notably some senior Afghan officials and some in Afghan civil society, are suspicious of UN efforts.

It was suggested by some Afghans that respected national figures, not necessarily in government, need to be involved in the peace process. A way forward could include a meeting of elders, key ministers, and government to coordinate peace efforts. In this scenario, the international community could play a convening role.

While the US is not seen as an impartial intervener, it is seen as the country most able to influence the Government of Pakistan. Unfortunately, the US is also viewed as a supporter of the Mujahedeen and Northern Alliance commanders. Some of these commanders are believed to be corrupt, involved in criminal networks, backed by militias and responsible for war crimes.

2.1.2 Challenges

Challenge One: Getting all the Actors on Board

The omission of the Taliban and other oppositions groups in the Bonn Agreement and subsequent state-building process while including former commanders of the Northern Alliance and other former armed parties is a key factor in the post-2002 conflict. The problem is not just that the Taliban was excluded. (Some, very justifiably, argue that the Taliban was responsible for atrocities and massive human rights abuses against women, men and children, and were rightly excluded in the Bonn process.) The problem is that not only were those affiliated with the Northern Alliance and other groups responsible for atrocities and abuses included in the Bonn Conference, but they were rewarded with the support from the international community and are now legitimate national figures.

A peace process is not just about negotiating with the Taliban. For any lasting peace, all parties to the conflict must be engaged. Government, parliament, those aligned with the Northern Alliance, other Mujahedeen groups, Hezb-i-Islami, other anti-government groups, and former communist allies need to be brought to the negotiating table. A very significant challenge is to integrate these groups into the government without jeopardizing human rights, in particular women's rights.

The government and international community are now in the difficult position of having to criticize certain Northern Alliance actors while also reaching out to some Taliban. This has created the perception, among some Northern Alliance supporters, that the international community is not treating all parties equally. The mistake made at Bonn of including the Northern Alliance and excluding the Taliban should not be repeated now in reverse. Afghans and internationals cautioned that if the Northern Alliance is alienated, armed conflict may increase in the north.

If political outreach/reconciliation is reduced to winning over local commanders with government positions, there is a risk of increasing corruption, weakening government and alienating ordinary Afghans. Targeting commanders for peace talks leaves women, who were not part of the armed conflict but suffered greatly from the war, out of the process. Women should not be further marginalized in political outreach/reconciliation efforts. While women's participation in a peace process was encouraged in principle, little suggests women's views are taken into account in current outreach efforts.

With current outreach efforts and for any future peace process, it is important to find the right balance between quiet and public diplomacy. Quiet, behind the scenes, diplomacy may be needed to allow space for parties to the conflict to explore difficult issues without undue political or public pressure. However, communicating publicly about peace initiatives may also be required to lessen suspicions around current efforts and help build widespread Afghan support for peace and reconciliation.

Challenge Two: Military and Political Confusion

Political outreach/reconciliation efforts are premised on a strategy of isolating extremists by engaging moderates. This strategy seems to assume that the moderates will be addressed politically, while extremists will be addressed militarily. The full implications of isolating the extremists and wedging moderates away from the extreme elements need to be explored. What is the likelihood of military operations eliminating all extremists? Does a combined military/political strategy place moderates at greater risk? Does this strategy simply postpone dealing with the inevitable tough questions of extremist demands?

The lack of coordination between the international military presence (each NATO troop contributing country), the Afghan security forces, international political actors (embassies and the UN), and the Afghan government, calls into question the extent to which military efforts follow political leads. Allegations of misinformation, motivated by personal grudges, leading to military efforts targeting those participating in outreach and reconciliation efforts is troubling. If former combatants believe that the government, through the PTS and other efforts, has intentionally deceived them, the peace effort loses its legitimacy and distrust of the government grows.

If a more coordinated peace process is pursued by the government and the international community it will likely be buttressed by a parallel and strong military effort. When a peace process includes both a political and military component, it is all the more critical to ensure that the political process is not compromised by military actions.

Challenge Three: The Role of the International Community

Some Afghans are suspicious of efforts, by the international community, to encourage negotiations with the Taliban. They fear that the international community's interest in a peace process is only motivated by the desire to pull out of Afghanistan. It is also feared that if an increased presence of Taliban in the Afghan government leads to a weakening of democratic governance, then funding from the international community for Afghan reconstruction will stop.

There are differing views on the role the international community could play in a formal peace process. The UN, most often cited as being best positioned for such work, will need to address suspicions, held by some Afghans, that UN representatives are spying for coalition forces. A proposed UN mandate for Afghanistan linking the UN to the NATO military mission risks only exacerbating these suspicions. Any integration of political, military, and humanitarian missions could adversely affect the humanitarian component if humanitarian workers are suspected of spying. If there is any further integration between political-military entities, then establishing an independent UN Office for the Coordination of Humanitarian Affairs (OCHA) in Afghanistan could help protect humanitarian workers from being linked to political and military efforts.

Interventions by the international community have, unfortunately, polarized Afghans. Afghan organizations supported and funded by the US tend to support US priorities and strategies. The same can be said for the European Union, the UN and other donors. The international community needs to recognize that it is not, nor is it perceived to be, impartial or neutral.

Challenge Four: Government Efforts

The Strengthening Peace Commission (PTS) has an implementation and accountability problem. The PTS's political outreach and political reconciliation efforts focus on former combatants and therefore favours a male-dominated perspective and privileged outcome. It is unclear if issues of compensation and re-settlement include access for female family members. The high degree of scepticism and disappointment in the PTS suggests the Commission requires reform.

While it is clear that government corruption and government reform need to be addressed, some fear that calls for reform could undermine the Karzai government. The Karzai government is facing challenges by the new United Front of Afghanistan (not to be confused with the old United National Front/ Northern Alliance). The United Front includes former Northern Alliance leaders (the Afghan First Vice President Ahmad Zia Mas'ud, Energy and Water Minister Mohammad Ismail Khan, Deputy Chief of Staff of the High Command of the Armed Forces of Afghanistan General Abdul Rashid Dostum, and Marshall Mohammad Qasim Fahim).

The Front has been calling for a parliamentary system and direct elections for provincial governors. President Karzai has indicated his opposition to a parliamentary and/or federal system. The international community, it was suggested, could play a role in helping Afghans develop options for political and government reforms.

2.1.4 Recommendations

Canada should:

- ❑ Re-balance its diplomatic, development and military strategies to place greater emphasis on building conditions necessary for an eventual peace process.
- ❑ Encourage the international community and Afghan government to strengthen conditions for a future peace process and coordinate current efforts for peace.
- ❑ Support women's participation in ongoing peace efforts and in any eventual peace process.
- ❑ Promote a "peace-making and national reconciliation" role for the new UN Envoy.
- ❑ Invest, financially and technically, in the Government of Afghanistan's peace efforts, including national efforts at establishing a shared vision on political reforms and national reconciliation.
- ❑ Advocate for an independent UN Office for the Coordination of Humanitarian Affairs.
- ❑ Call for an end to Afghan government corruption by
 - Ensuring that the Senior Appointment Panel outlined in the Afghanistan Compact (a panel established to screen all senior appointments to government, the judiciary, provincial governors, chiefs of police, district administrators and provincial heads of security) is fully functional.

2.2 Transitional Justice and Social Reconciliation

2.2.1 A Scan of Current Efforts

The Afghan Independent Human Rights Commission (AIHRC) was mandated with proposing a national strategy for transitional justice and for addressing past abuses. The AIHRC held consultations with over 6000 Afghans and submitted its recommendations, to President Karzai in January 2005, in a report called *A Call for Justice*. Subsequently, an *Action Plan on Peace, Reconciliation and Justice* was developed. It was to be implemented in collaboration with AIHRC and the United Nations Assistance Mission in Afghanistan (UNAMA).

The Action Plan outlines four areas for transitional justice: 1) symbolic measures, 2) institutional reform, 3) truth-seeking and documentation, and 4) reconciliation.

The Action Plan states that:

“These four areas are not alternative options, but are mutually reinforcing elements. The importance of “reconciliation” (key action 4) is particularly recognized because durable peace requires social re-integration and reconciliation in this country. Measures should be taken to make possible the return and re-integration of all hostile groups in the society and lead to the reduction of tensions, warmongering and bloodshed in the country. This peace and justice perspective can not mean to excuse genocide, war crimes, crimes against humanity and other gross violations of human rights. On the contrary, bold action against these crimes is itself a universally accepted moral principle.”

Reconciliation, as referred to in the Action Plan goes beyond political reconciliation (persuading anti-government elements to accept the government) to include social reconciliation between different ethnic, tribal and political groups.

2.2.2 Findings

2.2.2.1 Views on Pashtun Grievances

“Because the Northern Alliance represented mainly the non-Pashtun, and the Taliban were mainly Pashtun the outcome has been that quite a lot of Pashtun have sat on the fence when the Taliban re-emerged. They have not been willing to stand for the government because they have not seen the fruits the government was supposed to deliver. The regular Pashtun people would not necessarily fight the government, but they would not resist those that would actively fight.”

(International official)

One international official emphasized the need to understand that the Taliban are not only Pashtuns. Pashtun communities, however, may be more vulnerable to exploitation from the Taliban due to geographic, cultural and religious affinity. Hazaras, Uzbeks, Tajiks, and other ethnicities educated in Pakistani madrassas are also working against the government – a government they see as a puppet of the international community. It is important to recognize that:

“Not all Pashtuns are Taliban, and not all Taliban are Pashtuns”.

(International official)

When asked about Pashtun grievances in the south, it was suggested by at least one representative of the international community that the perceived grievances may be greater than the situation merits. It was stated that the imbalance in under-representation of Pashtuns in government in the post-2001 era has been largely addressed through increased number of Pashtuns in the administration. However, multiple sources said that there continues to be a feeling among Pashtuns that they have “lost out”. It was suggested that this view prevails, in part, because as one of the larger ethnic constituencies, some Pashtuns say that they should have a significant, if not a dominant role, in *running* the country – not simply *sharing* it.

It was also suggested, however, that the non-Pashtuns in parliament are now accusing President Karzai of having a Pashtun agenda because of the increase in Pashtuns in the administration.

Another Afghan civil society representative suggested the inclusion of more Pashtuns in government did not afford Pashtuns any more power. The real power (control of the media, defence, intelligence, and security), it was argued, is still held by those affiliated with the Northern Alliance. This interviewee also said that simply increasing Pashtuns in government would not solve the problem of under representation because the Pashtuns in government are not organized, and are in fact afraid to organize around Pashtun issues for fear of being linked to the Taliban.

One interviewee went so far as to say that:

“Five Taliban would do more than 200 Pashtuns because they are organized.”

(Anonymous)

Some interviewees said that Pashtuns do not want to speak Pashto in public (in Kabul) because speaking Pashto could be interpreted as being supportive of a Pashtun national agenda. Another interviewee referred to a strong anti-Pashtun sentiment in government including allegations of intimidation and harassment.

Afghan organizations working to document war crimes, bring together victims, and map conflicts suggested that their work is inadequately supported by the international community and that more needs to be done to understand how different communities suffered during the war.

“Every ethnicity has blames and claims – but nothing has been validated, so we need evidence researched. Some of the academics are saying things influencing the mind of the young. This research will at least put a stop or prevent people from manipulating the situation.”

(Afghan civil society member)

2.2.2.2 Views on Transitional Justice

“Peace is no substitute to accountability and justice. With out this there is the danger of personal revenge because people will not be satisfied. There is danger that victims will be victimized again.”

(Afghan civil society member)

Human rights advocates support the call for peace talks but also for accountability and justice. The legitimacy of a peace process is linked to its ability to address transitional justice. Interviewees stated that transitional justice also allows for reconciliation, compensation, and apologies for past wrongs. Interviewees stated that transitional justice has not received enough attention and more needs to be done to understand how there can be accountability for crimes and abuses without trials.

Many condemned the so-called “immunity bill”, passed by parliament last February, for granting blanket amnesties to combatants without any consideration of victim’s rights. Concern was expressed by those working in transitional justice that “justice” has erroneously become synonymous with “trials”. As a result, a high level of defensiveness and fear has been created. Some in positions of power fear that they will be accused of war crimes and brought to trial if transitional justice is pursued.

A number of interviewees highlighted the danger of personal revenge if a trials approach is adopted now. They said that with an atmosphere of revenge and the pervasiveness and availability of arms in Afghanistan, the result could be catastrophic.

One interviewee stated that it is difficult to implement transitional justice with the Taliban because transitional justice has not been consistently applied to the Northern Alliance and other groups responsible for war crimes. If transitional justice is to work it must be applied equally to all warring parties and individuals responsible for war crimes.

A number of Afghans highlighted the need for some kind of transitional justice process to at least acknowledge, document and verify crimes committed by all sides. A number of interviewees said that the international community unrealistically expects Afghanistan to go from decades of war to reconstruction without ever addressing the war:

“...women have been raped, men tortured, others abducted – these are unforgettable memories.”

(Anonymous)

Another Afghan advocate pointed out that one of the challenges to transitional justice is that it will require looking beyond Afghanistan’s borders. Countries that financed and assisted the communists, the Mujahedeen, the Taliban, Hezb-i-Islami and other armed groups, contributed to war crimes committed against Afghans.

Afghans also said the international community needs to acknowledge its part in creating the current conflict through its support for some human rights offenders.

“The international community needs to take responsibility of the distinction it has made between ‘good’ and ‘bad’ human rights abusers.”

(Afghan civil society member)

2.2.3 Challenges

Challenge One: Does Peace Include Justice?

The extent to which peace efforts should address issues of transitional justice has been a controversial issue in Afghanistan. Based on interviews, it appears that transitional justice at present is framed primarily as the four priorities (symbolic measures, institutional reform, truth-seeking and documentation, and reconciliation) identified in the *Action Plan on Peace, Reconciliation and Justice*. Transitional justice processes recognize that justice for past crimes can never be fully obtained; rather, transitional justice seeks to build avenues for victims and perpetrators to come to terms with the past.

Too often peace processes are reduced to negotiations between combatants and political leadership without sufficient consideration of the needs, priorities and war-time experiences of women and men victims and non-combatants. Just as peace processes require consideration of timing and appropriate pre-conditions, transitional justice initiatives, also require similar considerations. The recurrent theme in interviews of seeking accountability without trials suggests that Afghanistan does not have the legal/judicial system or political will at present to pursue more robust forms of transitional justice and accountability for war crimes.

Transitional justice processes vary from context to context. The process of determining which activities are most appropriate can lead to building the pre-requisites for a more established peace process or help solidify political processes by rooting them in society. Transitional justice mechanisms can also help create additional spaces for women to share their experiences and perspectives on the war, and for peace. In Afghanistan, fears over losing women's rights in a peace process that includes the Taliban shows the tensions arising from reducing peace efforts to simply negotiating with commanders in opposition groups.

Challenge Two: Political Will

Although *the Action Plan on Peace, Justice and Reconciliation* was endorsed in June 2005 by the Government of Afghanistan, the AIHRC and the UN, there has been little political will to implement the *Action Plan*. Conceived as a 3 year plan, it is set to end in June 2008. While the effort involved in developing the *Action Plan* should be commended, the failure of the government of Afghanistan and the international community to sufficiently support its implementation is a lost opportunity for peace. The existence of the immunity bill and the failure to implement the *Action Plan* are telling examples of the unwillingness and inability of the government to prevent serious human rights offenders from taking office. The UN High Commissioner for Human Rights, Louise Arbour, has called for a re-commitment to the *Action Plan*.

Related to transitional justice is the need for national reconciliation to go beyond political reconciliation and involve social reconciliation between all ethnic and tribal groups, and the majority of population (youth and women). In the absence of a formal peace process, community-based peace-building can help facilitate social reconciliation by responding to ethnic and tribal tensions (see section 2.5 Community Peace-building).

2.2.4 Recommendations

Canada should:

- ❑ Support a re-commitment to the *Action Plan on Peace, Justice and Reconciliation*, including providing financial resources for its implementation.
- ❑ Support organizations working for social reconciliation and transitional justice by funding Afghan civil society organizations.
- ❑ Support, financially and politically, human rights and women's rights organizations and the AIHRC.

- ❑ Advocate for the inclusion of transitional justice, women's rights and human rights in peace efforts.
- ❑ Discourage blanket amnesties.

2.3 Disbandment of Illegal Armed Groups

2.3.1 A scan of current efforts

The Afghan Military Force (AMF) was established as an interim army under the interim government after the fall of the Taliban. According to officials interviewed, the AMF consisted of mostly irregular forces formerly associated with the Northern Alliance. The first Demobilization, Disarmament and Reintegration (DDR) program focused on decommissioning the 64 000 soldiers belonging to the AMF. The AMF was replaced by the Afghan National Army (ANA). The DDR program ended in June 2005.

After June 2005, the Disbanding Illegal Armed Groups Program (DIAG) was launched. It runs until March 2011 and focuses on armed groups not decommissioned under the DDR program. These groups are now referred to as Illegal Armed Groups (IAGs). According to the *Afghanistan Compact* all illegal armed groups were to be disbanded by the end of 2007. The *Afghanistan Compact* also stipulates that by the end of 2010, programs aimed at generating employment opportunities for youth and demobilized soldiers should be expanded.

The DIAG program's aim is to disband armed groups, collect weapons, and provide approximately \$300 000 for community projects. The program has a database of 1800 to 2000 illegal armed groups. The information on IAGs is analyzed by security services and confirmed by intelligence officers. Lists of IAGs are then provided to provincial and district officials. At the end of negotiations, a declaration is signed indicating that weapons have been relinquished and that the IAG has disbanded. Weapons not registered are considered illegal weapons. If negotiations with the IAG fail, the program has an enforcement component and can call on the Ministry of Interior, the Afghan National Police, ISAF and the Afghan National Army to forcibly disband groups.

2.3.2 Findings

A number of representatives from the international community as well as Afghan CSOs said that immediately after Bonn, when the Taliban were removed from power, neither the government nor the international community sufficiently moved to disband the Northern Alliance militias. A number of interviewees said that at the time of the Loya Jirga in 2002, some Jihadi leaders responsible for atrocities were put in key government positions.

The prevalence of illegal armed groups, or militias, was cited as a reason why attempts at transitional justice have failed. The failure to prevent actors backed by, or affiliated with armed groups, from taking key positions in parliament and government has led to criminality, poor governance, and distrust of the government.

“Without dealing with these armed groups, criminal gangs and warlords ...even though people may be former Northern Alliance, if they are offered money, they will work on behalf of the Taliban.”

(Anonymous)

Interviewees noted that narco-traffickers are emerging as very wealthy mafias capable of paying off government officials. Weapons smuggling and trade within Afghanistan was mentioned as another constant challenge to peace.

Another interviewee described how disarmament efforts three years ago became centered around ethnicity.

“In the south people declined to give up weapons. So in the north, people refused to disarm because they thought the Pashtuns were armed, and could therefore use their weapons on them.”

(Afghan civil society representative)

One person interviewed questioned the relevance of pursuing DDR or DIAG efforts when the flow of weapons into Afghanistan from the “War on Terror” continues unabated. Hazrat Ali (a former Northern Alliance commander) in Tora Bora, for example, worked with coalition forces and given modern weapons and money to fight Al-Qaida.

“We need to wonder where have these weapons and money gone? People were expecting to see him (Hazrat Ali) put in jail. Instead they saw him get more and more power. Now he is one of the biggest power-brokers in the East. This sends a message of legitimacy that someone who was an obvious Northern Alliance commander responsible for killing hundreds and more is now being supported by the West. This sends the message that if you behave like him and support him you will be rewarded.”

(Anonymous)

2.3.3 Challenges

Critical to DIAG (and any future disbandment programs) is the distinction between “disbandment” and “disarmament”. Disbandment includes a political element in de-grouping armed groups and requires a strong focus on rule of law and security sector reform. Disarmament is a component of this, but not necessarily the principle objective. Given the proliferation of arms in Afghanistan, caches of which are still unknown, disarmament will be a long process. Disbandment refers more to de-grouping militias from those in power in government/parliament and in the districts and provinces.

While it may be argued that it was necessary to bring former Mujahedeen and Northern Alliance combatants and commanders into government in the post- Taliban era, failure to hold these actors accountable for current links to illegal armed groups, criminal networks and corruption has led to distrust and dysfunction in government.

The DIAG program was described as being moribund for the last year. Regardless of the state of the current DIAG program, it is clear that the disbandment of illegal groups is a necessary element of any peace process and for the establishment of rule of law. Because of the link between militias and members of parliament/government, progress in disbanding these groups must be made, particularly in lead-up to the 2009 elections.

2.3.4 Recommendations

Canada should:

- Encourage political groups and individuals in parliament to comply with DIAG.
- Support Afghan political reforms, in the lead-up to the 2009 elections, aimed at preventing individuals affiliated with IAGs from running for parliament.
- Support further disbandment processes and wider security sector reform efforts.

2.4 Pakistan and the Peace Jirga

2.4.1 A Scan of Current Efforts

The Peace Jirga was launched in 2006 with Pakistan, Afghanistan and the United States. The Afghan side of the Peace Jirga involved consultations, beginning in September 2006, of about 100 people from a number of provinces. In October 2006, a former Mujahedeen leader from Kandahar Pir Ghilani was appointed to lead the Afghan side of the Peace Jirga. In January 2007, the Pakistan side of the Peace Jirga was established. Preliminary meetings focused on getting agreement on agendas and participants. It was decided that contentious political issues such as the contested border between Afghanistan and Pakistan called the Durand Line would not be discussed in the Peace Jirga process. This initiative was described as being primarily Afghan-led, with the US providing budgetary support and playing a role in involving Pakistan. The United Nations Assistance Mission in Afghanistan was noted for its role in supporting the participation of women in the Afghan delegation.

The Afghan side of the Jirga established criteria for participation. Participants included parliamentarians, civil society, religious and tribal leaders, provincial councils and women. The Afghan side had representatives from all 34 provinces while the Pakistan side consisted of representatives mostly from the North Western Frontier Province (NWFP) and Baluchistan province.

In August 2007, an estimated 356 Afghans and 250 Pakistanis met as part of the Peace Jirga. According to those involved, this event was an important first confidence-building measure aimed at:

- addressing mistrust between the countries;
- seeing the Taliban and terrorism as a third force threatening both countries; and,
- working on common issues.

The Peace Jirga declaration recommended further cooperation between Afghanistan and Pakistan, including an agreement to set up a Joint Peace Jirga Committee. This committee would consist of 25 representatives each for Afghanistan and Pakistan. The declaration also recommended setting up sub-committees to examine confidence-building measures, drug trafficking/production, and refugee issues. The Joint Peace Jirga Committee is expected to organize and lead to another Peace Jirga between Pakistan and Afghanistan.

Other initiatives with Pakistan include workshops, supported by Canada, on cross-border confidence-building measures. The cross-border measures draw on Canada's experience with having a secure but open border with the United States. Discussions, taking place between officials rather than at higher political levels, are expected to continue.

2.4.2 Findings

2.4.2.1 Views on Pakistan

Pakistan's role in supporting the re-emergent Taliban post-2002 was frequently referred to in interviews. The government of Pakistan's (GoP) permissiveness in allowing the Taliban to use Pakistani territory to rest, gather and plot was seen as integral to the resurgence of the Taliban.

One official said that:

“It would be very difficult to have an insurgency without a neighboring country providing refuge territory.”

(International official)

The need for law enforcement to prevent the Taliban from finding sanctuary in Pakistan was repeatedly stated by Afghans and representatives from the international community. There were suggestions from some that efforts are now being made by Pakistan to crack down on the insurgency:

“We get reports of Pakistan arresting or fighting people involved in the Afghanistan based insurgency. Groups that used to feel at home in Pakistan are now looking over their shoulder. ”

(International official)

However, others remained highly critical of Pakistan's support for the Taliban:

“90% of this [the conflict] depends on ISI [Inter-Services Intelligence – the Government of Pakistan's intelligence wing], if they do not support the Pakistani Taliban, then peace is possible in Afghanistan.”

(Afghan representative)

Afghans interviewed noted Pakistan as one of the biggest obstacles to peace in Afghanistan. Pakistan's fear of losing influence in Afghanistan to Iran and India and economic concerns were noted as motives for Pakistan's continued involvement. Representatives from the international

community also recognized the de-stabilizing influence of Pakistan, but tended to identify Afghanistan-based de-stabilizing causes such as weak and dysfunctional government, corruption, and criminality as contributing significantly to the current conflict.

It was noted nearly unanimously by those working in the east and south, that managing border points is a key priority. There is substantial movement across the border with Afghans and Pakistanis from the border areas crossing back and forth on a daily basis. One family can live on both sides of the border, making it difficult to distinguish populations on the Afghan side from those in Pakistan.

In reference to Pakistan, one interviewee stated:

“We can not simply have a military solution that displaces the Taliban to a more dangerous country. On this side of the border we’ve displaced them onto the Pakistani side, and on the Pakistani side, they’ve also been displaced and are now clustered in the mountains. This has created an incubating situation that is going to explode. We’re seeing this now with Pakistan. It’s not just the Afghan side that’s a concern, its coming back to Pakistan as well.”

(International official)

Being able to control and secure the border through a law and order civilian effort was seen as a top priority among those working in border areas. The example of the open but secure border between the US and Canada was referred to in terms of building technical capacity. It was mentioned that there seems to be some political will to work on border security issues. It was suggested that the US should play a role in engaging Pakistan.

One interviewee noted that similar rules should apply to both Afghanistan and Pakistan. For example, if good governance, education, economic development and the judiciary are priorities for stability in Afghanistan, then those same priorities should apply for Pakistan.

2.4.2.2 Views on the Peace Jirga

Those involved in the Peace Jirga process characterized it as a good start because it was able to bring Pakistan and Afghanistan together for talks. The public acknowledgement by Pakistan for their role in supporting the Taliban was noted as a major step forward, especially since Pakistan had previously denied any connection. According to interviewees, the main objective the Peace Jirga was for both countries to say they were working together to combat terrorism.

“The gathering itself even beyond any forthcoming agreements was a major accomplishment, and Pakistan acknowledging their part in the Taliban and terrorism which for so long was denied, was a major breakthrough.”

(Afghan representative)

However, some Afghans did not put much stock in the Peace Jirga.

“The Peace Jirga was only a formality, nothing was implemented.”

(Afghan representative)

One of the decisions coming out of the Peace Jirga was to start talks with “local Taliban”. The Peace Jirga declaration points to *“expediting the ongoing process of dialogue for peace and reconciliation with opposition”*. One interviewee noted, however, that there is no agreement on engaging in talks with foreign terrorists. The interviewee said that the Joint Peace Jirga Committee is establishing parameters for talks with the opposition/local Taliban and identifying the 25 committee representatives each for Afghan and Pakistan. At the time of interviews, it was stated that formal talks with opposition groups through the Joint Peace Jirga Committee have yet to take place.

2.4.3 Challenges

Challenge One: Engaging Pakistan

Engaging with Pakistan in discussions aimed at cutting off Taliban access to sanctuary in Pakistan is a major challenge. Even if Pakistan is fully willing in principle, its capacity to keep the Taliban out of Pakistan is limited. A military approach adopted in the border areas in Pakistan may displace Pakistan Taliban into Afghanistan or push them into other areas of Pakistan with adverse repercussions for security in both countries.

While the idea of cross-border confidence-building is welcome, it is unclear how the border will be managed, particularly given that the border demarcation is contested. The example of the Canada-US border as an open yet secure border presumably refers to the inability of Afghanistan or Pakistan to close the border without severely damaging human and trade relations. The Pakistan-Afghan border is huge and spans difficult terrain. There are also the added difficulties of an insurgency, poverty and limited technical capacity. Monitoring the border will be a massive undertaking for both sides.

The international community’s approach to both Afghanistan and Pakistan must be consistent. For example, if the international community is encouraging talks with the Taliban in Afghanistan, it should also encourage the government of Pakistan to politically engage with the Taliban within its borders. Pakistan should be encouraged and supported to reach out to disenfranchised communities in the North Western Frontier Province and Baluchistan province. Regional cooperation between Afghanistan and Pakistan, with the support of the international community, is critical to any peace process.

Challenge Two: The Peace Jirga Outcomes

The Joint Peace Jirga Committee, one of the outcomes of the Peace Jirga, mandates talks and political outreach with local Afghan Taliban. However, representatives to the Joint Committee are still to be determined, and it is not clear how the Afghan and Pakistani Committees will work together.

There is a risk that problems identified with the Strengthening Peace Commission (PTS), such as large-scale outreach efforts with little accountability or follow-up, may be repeated with the new Joint Committee. Without clear government direction and support for talks with the opposition and assurance by the government that those engaged in the talks will be protected, individuals may still be at risk for harassment and attacks. Distrust of the government by “opposition communities” would only continue to grow. A clear plan to reintegrate “former opposition/Taliban” and to offer socio-economic support (beyond financial compensation) to transition to civilian life is needed.

The relationship between the Peace Jirga efforts and international political and military efforts is unclear. For example, how will “outreach” efforts through the Jirga ensure individuals will not be targeted by Afghan or international military forces. Lines of communication between the President’s office, the Joint Peace Jirga Committee, and Afghan and international forces will need to be clear, if experiences from the PTS are not to be repeated.

The Joint Peace Jirga Committee could open an avenue for women to participate in peace initiatives. With 25 representatives each for Afghanistan and Pakistan, women, if included could help set the parameters for dialogue with opposition groups and ensure that issues of concern to women are addressed. UNAMA, the Ministry of Women’s Affairs, the Parliamentary Women’s Caucus and a number of Afghan women’s networks and organizations could support women’s participation in the Joint Peace Jirga Committee.

Finally, it is not clear, with who or where within government ultimate responsibility for peace efforts lie. Parallel initiatives aimed at engaging the opposition in talks are currently housed in the Strengthening Peace Commission, the Joint Peace Jirga Committee and President Karzai’s office. For any peace process to be effective and legitimate, the Afghan government must first clearly outline who within government has the lead in establishing a peace process, and how the opposition will be engaged in dialogue.

2.4.4 Recommendations

Canada should:

- ❑ Ensure its diplomatic strategies in Pakistan and Afghanistan are complimentary and encourage confidence-building and political cooperation between Afghanistan and Pakistan.
- ❑ Support the Joint Peace Jirga Committee in its cross-border trust-building initiatives and in laying the ground for talks with the Taliban and other opposition groups.
- ❑ Call for financial accountability measures so that for all funds offered to opposition groups to demobilize are tracked.
- ❑ Support programming in reintegration, and the protection for individuals as they transition into civilian life.
- ❑ Encourage women’s participation on both Afghan and Pakistan Joint Peace Jirga Committees.

2.5 Community Peace-Building

2.5.1 A Scan of Current Efforts

Peace-building work carried out by Afghan NGOs includes:

- ❑ conflict mapping and mapping of tribes;
- ❑ conflict resolution through *shuras*, *jirgas*, cultural/community centers and youth associations;
- ❑ establishing peace councils to mediate local disputes;
- ❑ supporting women's empowerment and role in conflict resolution; and
- ❑ ensuring access to justice for men and women.

One organization, set up at the request of local tribal leaders wanting a forum to discuss the insurgency, now maps tribes for donors. The organization has set up conflict mediation commissions with elders, and has also conducted conflict resolution training.

Another Afghan organization described its work on conflict resolution and peace-building as conflict prevention. It supported public awareness events for Peace Day and held training sessions on conflict analysis, mapping, and resolution techniques.

Working with *jirgas* and *shuras*, another NGO aims to settle land claim and other disputes between individuals and communities.

Human rights strengthening, including access to justice for women, is an area of work for a number of Afghan organizations. In the absence of courts at the district and provincial level, these organizations attempt to raise awareness, in communities, about human rights norms in the constitution and marriage and family law.

Organizations working with women in conflict resolution at the community level, through cultural centers and community groups, raise awareness of the role women can play in conflict resolution. These groups have translated United Nations Security Council Resolution 1325 on Women, Peace and Security into Dari and Pashto. The resolution is used as an advocacy tool with women and girls. These groups teach women's rights, as interpreted by Islamic law and custom, and focus on skill and confidence-building.

An organization working on peace-building, community-based health and education described the foundational component of its work as dealing with the trauma of war and its psychological effects. Another component is building community trust through working with *shuras*, youth associations, elders, teachers, government representatives, and sometimes, ex-commanders. Building trust within communities and with government is also a priority.

Peace education was mentioned by a number of Afghans as a way to engage youth. Afghan NGOs are involved in peace education through curriculum development or teacher training programs. Curriculum revision, particularly history, remains a politically sensitive topic. The Ministry of Education is currently working on primary education materials to include peace education components.

2.5.2 Findings

2.5.2.1 Views on Community Level Conflicts

All interviewed acknowledge that there are community level tensions and conflicts. Ethnic tensions clearly add to these conflicts. Interviewees working at the community level, however, point out that local level conflicts exist even in mono-ethnic communities. Peace-building, to be successful, must go beyond simply identifying existing conflicts to working towards root causes and power relations within communities.

“As an outsider you can’t do much, but to figure out power structures and who has the power.”

(International civil society organization)

Many interviewed referred to Afghanistan as having a culture of violence. Violence against women, children, youth, and elders was repeatedly mentioned. It was noted by one interviewee that the culture of violence, conflict and warlordism has destroyed the memory of women’s traditional role in conflict resolution. This individual referred to the need to resurrect and re-validate this role.

“For example, if there was a conflict between tribes, an elderly woman would go and offer her veil on the ground and ask for the parties to stop fighting. People would stop out of respect and honour to the women. This was called ‘Chadar-i-bibi’ tradition.”

(Afghan civil society representative)

The interviewee lamented that only the detrimental practices, such as giving young girls as brides to settle a dispute, seem to be remembered. It was recognized that although *Chadar-i-bibi* is not ideal for getting to the root of the problem, the practice can help demonstrate that women were once involved in conflict resolution roles.

Language discrimination (Dari, Pashto and others) was also mentioned as an area for peace-building. Fears were expressed by some Pashto speakers that the act of speaking Pashto at work or in public (in Kabul) is seen as declaring a “nationalist” or “tribal” agenda. The interviewees, although recognizing the existence of language discrimination, are not involved in programming in this area.

Understanding tribal relations is critical to building security. In Uruzghan, for example, conflicts arising from tribal competition were noted. Equal access to programs for all tribes was repeatedly emphasized.

“People are traumatized and that expresses itself as jealousy, not accepting others, anger, and competition. This is a reflection of pervasive lack of trust.”

(Afghan civil society representative)

Lack of trust within communities and between communities, as well as between individuals was repeatedly mentioned. Working at the community level, it was suggested, could help build relationships of trust within and between communities and with government representatives. Interviewees attributed the lack of trust to the legacy of war during the Soviet occupation where community-based spying was prevalent. The Mujahedeen era ushered in infighting and inter-communal suspicions. And finally, repression and fear under the Taliban era as well as current psychological operations and propaganda has created an atmosphere of pervasive distrust.

2.5.2.2 Views on Civil Society Peace-Building Work

“Peace-building is not new here, it’s been around for sometime in other forms such as through the shuras and jirgas.”

(Afghan civil society representative)

Traditional conflict resolution and peace-building mechanisms, such as the *shuras* and *jirgas*, were mentioned as the principle bodies for conflict resolution at the community level. Representatives from organizations involved in peace-building pointed out that these traditional bodies pose challenges because the decision-makers in *shuras* are not necessarily trained or aware of the constitution, human rights, women’s rights, or other legal standards. It was mentioned by a number of civil society organizations that the tendency to apply customary law prevents legal rights and norms from taking root in the communities.

Shuras and *jirgas*, although easily accessible, tend to favour those in positions of power, and maintain the status-quo. For marginalized members of the community, in particular women, *shuras* and *jirgas* can work to their disadvantage. Despite criticism, however, *jirgas* and *shuras* are seen to be more effective and accessible than government courts.

It was also suggested that the *jirgas* and *shuras* could be used to support sub-national governance.

“Part of the problem, for example, when people are looking at sub-national governance, is that they look only at the government. Part of what we have to do is educate the people as well on what they can do, their responsibilities, and their power in holding government accountable. This is a country completely made up of networks of people. These networks represent processes. Everything happens between people. Knowledge passes on between people. These networks go beyond ethnic/tribal groups. These could be built on as this is how information and knowledge is passed on.”

(International Researcher)

The need to work more directly with civil society organizations and communities was emphasized. Multiple interviewees, working at the community level, describe communities as being in the position of mediating between the government and insurgents. However, it was noted that there needs to be more support for improving local governance to support greater community-government links.

Afghans working on peace-building are well-versed, educated and knowledgeable in conflict analysis and resolution training. Unfortunately, the lack of security and increased violence has made it difficult for Afghan NGOs to fully develop their peace-building programs.

“Currently the peace-building programs are prevention based, to prevent more conflict. Afghanistan is currently in conflict, we can’t say we are post-conflict. This training might be useful in the future when we have transitioned to a post war country, then these skills would be easier to use.”

(Afghan civil society representative)

Another Afghan NGO representative referred to the militarization of peace-building through organizations working through PRTs. The interviewee said that local communities know and care about the source of funding for peace-building initiatives.

“If you say you are receiving US money it will be difficult to work on conflict resolution. Because when you talk to local people they will say that it is the Americans and the PRTs that are trying to stop jihad. So for us, we can’t take money from the PRT or the US because people won’t trust us then. People won’t come to the shuras if the PRT is there, with people in uniform monitoring. However, it is tempting to take money from PRTs because they have much less reporting procedures.”

(Afghan civil society representative)

However, another Afghan organization engaged in conflict mapping does work with PRTs in the south and southeast. This organization saw no difference in working with the PRTs and working with the government through the National Solidarity Program (NSP) as the government is viewed by some in the region as an adversary.

There are clearly differences of opinion, within Afghan civil society organizations, on whether or not to engage with, or accept funds from, PRTs. It was stated by some interviewees that the international community should be more aware of this tension and not further exacerbate it by limited funding sources. Donors also tend to fund “favorite” organizations, further polarizing Afghan NGOs already split along ethnic/tribal/political lines.

“Civil society groups are also quite aligned by either ethnic/tribal or political affiliations. Ethnic divisions are deep but not often discussed. There is a huge lack of trust which reflects social breakdown from war.”

(International consultant)

2.5.3 Challenges

Challenge One: Independent Funding

The pool of Afghan civil society organizations is small, and the number of organizations directly engaged in peace-building is even smaller. The increasing demand by international donors for Afghan NGOs to work in the south and southeast may be increasing risk levels for Afghan NGOs who may not have opted to work in insecure areas without the impetus from donor funding/agendas.

PRTs were described as the most easily accessible source of funding in the south and southeast. Some organizations, however, do not accept funding from PRTs. Association with a PRT could be seen to compromise an organization's legitimacy with local communities. Accepting government funds for peace-building initiatives in the south, however, can also lead to a loss of credibility and impartiality for an organization. What is clear is that despite the flow of funds into Afghanistan, and the increasing demand for Afghan organizations' involvement in peace-building, funding streams for community peace-building are scarce.

Challenge Two: Appropriate and Relevant Activities

Interviewees overwhelmingly said that peace-building and conflict resolution training programs are useful, but their applicability to the current situation is limited. Those working in the south point to the lack of security making it difficult, if not impossible, to work in some communities.

Addressing power relations within communities and ensuring that marginalized groups, including women, have access to, and benefit from, local peace-building programs through *shuras* and *jirgas* was a common challenge identified. Balancing traditional values and structures with human rights and women's rights is a clear challenge.

Working at the community level can help to contain and resolve local disputes before they erupt into larger conflicts within or between communities. These local disputes, however, are often picked up and exploited by opposition groups. The conflicts then become political in nature and are often exacerbated. Given the prevalence of local conflicts, there is insufficient attention devoted to community peace-building.

Recommendations

Canada should:

- ❑ Increase support for strengthening the capacities and initiatives of Afghan civil society organizations, particularly those working on women's empowerment and local level disputes.
- ❑ Fund a number of Afghan organizations to ensure a wide spectrum of views and communities are supported.

- ❑ Establish innovate and independent funding mechanisms for the south of Afghanistan (outside the PRT and Afghan government) to ensure that peace-building by Afghan organizations is not politicized.
- ❑ Increase direct funding to peace-building work including, human and women’s rights strengthening, access to justice and judicial reform, peace education, ethnic and language rights, land and water rights, and reintegration of refugees and displaced communities.
- ❑ Encourage civil society organizations to develop conflict-sensitive programming.

3. GAP: UNDERSTANDING THE WAR ECONOMY

“At the political level, the opium industry is so well resourced and benefiting certain officials with people in important positions who have a personal economic incentive in perpetuation of the status-quo, which is dependent on insecurity, and leaves little incentives among these actors to see peace.”

(Anonymous)

Although the war/narco economy was not specifically part of interviews for this research study, the lack of understanding of its impact on the conflict in Afghanistan was mentioned by Afghan interviewees. Although there are studies on the opium economy, Afghans said that there is insufficient evidence to link to the war to drug trafficking and criminal elements within the government . Some interviewees said that President Karzai needs to arrest government officials or politicians linked to the drug trade to clearly show that corruption and criminality is not tolerated.

4. CONCLUSION: THE MISSING PEACE PROCESS

Is a peace process possible in Afghanistan? Findings suggest that peace efforts already exist, but that they are disconnected, making it difficult to build on successes and work towards a common goal of long-term peace and reconciliation. Much more needs to be done to create the pre-requisites for an inclusive peace process. Namely, clarity of purpose and political will within the government and international community is needed for a more coordinated peace effort. However, findings suggest that some elements for a peace process may already exist. Afghans are also outlining what they would like to see in a future peace process.

It is clear from interviews, that a peace process is not just about talking to, or even negotiating with, the Taliban. A peace process must involve the Northern Alliance, other armed groups like Hezb-i-Islami, the government, Afghan civil society organizations, women’s organizations, and youth associations.

Current political outreach and reconciliation efforts engage the Government of Afghanistan, the Taliban and other opposition groups in talks aimed at persuading opposition groups to support the government. This is a first step towards peace, but peace may not be sustainable if issues of power and resource distribution are not addressed. A coordinated peace process could address

grievances not just at the individual level but at the national level. Transitional justice in the form of symbolic measures, institutional reform, truth-seeking, and reconciliation also requires further consideration and support for a more systemic effort. Engaging Pakistan, disbanding militias and community-based peace-building are other areas of activity that with further support could help create the building blocks for a peace process. Without more concerted peace efforts in Afghanistan, violence risks continuing unabated.

Afghanistan is not in a post-conflict situation. The government of Afghanistan and the international community need to acknowledge this open conflict in order to build a legitimate peace process. Current frameworks for political institutions and development, stipulated in the *Bonn Agreement* and the *Afghanistan Compact*, are insufficient as they do not provide a roadmap to peace. It is time for Canada, and the International Community, to make sure that their support to Afghanistan sufficiently supports efforts for peace.

Canada must advocate for peace in Afghanistan by:

- ❑ Re-balancing its diplomatic, development and military strategies to place greater emphasis on building conditions necessary for an eventual peace process.
- ❑ Encouraging the international community and Afghan government to strengthen conditions for a future peace process and coordinate current efforts for peace.
- ❑ Supporting women’s participation in ongoing peace efforts and in any eventual peace process.
- ❑ Promoting a “peace-making and national reconciliation” role for the new UN Envoy.
- ❑ Investing, financially and technically, in the Government of Afghanistan’s peace efforts, including national efforts at establishing a shared vision on political reforms and national reconciliation.
- ❑ Supporting a re-commitment to the *Action Plan on Peace, Justice and Reconciliation* and advocating for the appropriate inclusion of transitional justice, women’s rights and human rights in peace efforts.
- ❑ Discouraging blanket amnesty agreements.
- ❑ Supporting security sector reform efforts, including the disbandment of illegal armed groups.
- ❑ Ensuring diplomatic strategies in Pakistan and Afghanistan are complimentary and encourage confidence-building and political cooperation between Afghanistan and Pakistan.
- ❑ Funding innovative and independent channels (outside the PRTs) for peace-building work including human and women’s rights strengthening, access to justice and judicial reform, peace education, ethnic and language rights, land and water rights, and the reintegration of refugees and displaced communities.

Afghans are hungry for peace and stability. It is well past the time to ensure peace and reconciliation receive priority attention in Afghanistan.

**ANNEX ONE:
ABBREVIATIONS**

AC	Afghanistan Compact
AIHRC	Afghan Independent Human Rights Commission
AMF	Afghan Military Force
ANA	Afghan National Army
ANGO	Afghan non-governmental organization
ANP	Afghan National Police
DDR	Disarmament, Demobilization, Reintegration
DIAG	Disbandment of Illegal Armed Groups
GOA	Government of Afghanistan
GOP	Government of Pakistan
IAG	Illegal Armed Group
INGO	International non-governmental organization
ISI	Inter-Services Intelligence (Pakistan's intelligence Agency)
ISAF	International Security Assistance Force
JCMB	Joint Coordination Monitoring Board
MOI	Ministry of Interior
MOD	Ministry of Defence
MOWA	Ministry of Women's Affairs
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organization
NSP	National Solidarity Program
NWFP	North Western Frontier Province (in Pakistan)
OCHA	Office for the Coordination of Humanitarian Affairs
PRT	Provincial Reconstruction Team
PTS	Strengthening Peace Commission / National Reconciliation Commission
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan

**ANNEX TWO:
TERMS**

Anti-government groups	Armed groups fighting the government of Afghanistan
Durand Line	Contested boundary line between Pakistan and Afghanistan
Hezb-i-Islami Gulbuddin	A military-political organization headed by Gulbuddin Hekmatyar.
International community	Western donors eg. US, UK, Canada, UN, European Union, as well as non-western donors Turkey, Jordan, India etc.
Jihadi leaders	Refers to those who fought the Soviet Union including the Mujahedeen, Gulbuddin Hekmatyar, and some Taliban leaders.
<i>jirga</i>	A tribal assembly of elders which takes decisions by consensus and settles disputes.
Loya Jirga	Refers to the emergency Loya Jirga, held in 2002 after the Bonn Agreement, where President Hamid Karzai was elected President of the Transitional Government. Traditionally, Loya Jirga refers to Afghan Grand Councils which function as decision-making bodies.
Mujahedeen	Armed Opposition groups to the Soviet occupation of Afghanistan and the pro-Soviet Afghan government in the late 1970 and 1980s.
Northern Alliance	Military-political organization created in the mid-1990s, pulling together non-Pashtun forces allied against the Taliban. It was headed by former President, Burhanuddin Rabbani and Commander Ahmad Shah Masoud.
Opposition groups	Current armed groups fighting the government such as the Taliban and Hezb-i-Islami.
<i>shura</i>	A council of leaders.

ANNEX THREE: INTERVIEW LIST

Institutional affiliation rather than individual names are provided below in order to protect the anonymity of interviewees. In total 58 people were interviewed consisting of 52 individual interviews and two small group interviews with Afghan women. In total, 16 Afghan women, and 21 Afghan men were interviewed. Eleven women, and ten men were interviewed from the international community. The listing of the organizations below does not imply their endorsement of the content or recommendations of this paper.

International

- Aga Khan Foundation
- Agency Coordinating Body for Afghan Relief
- Canadian officials
- Care International
- Consultants
- Danish Committee for Aid to Afghan Refugees
- European officials
- International Rescue Committee
- International Relief and Development
- Mercy Corps
- OXFAM
- Private individuals (x2)
- United States Agency for International Development
- United Nations Assistance Mission in Afghanistan, political staff

Afghan

- Afghan Civil Society Forum
- Afghan Independent Human Rights Commission
- Afghan Women's Resource Center (AWRC)
- AWRC Cultural Center
- Center for Peace and Unity in Afghanistan
- Former government officials
- Global Rights
- Human Rights Research and Advocacy Centre
- Ministry of Education, staff
- Parliamentarians
- Peace Jirga Secretariat
- Private Individuals (x3)
- Rights and Democracy
- Sanayee Development Organization
- Secretariat for Disbanding Illegal Armed Groups program
- Strengthening Peace Commission
- Tribal Liaison Office
- University of Kabul Professors