



PATRICIA GOSSMAN

E-mail: pgossman@yahoo.com

## Afghan High Peace Council Fails to Reflect Afghan Civil Society

### Summary

- The Afghan public, along with the international community, appears increasingly supportive of opening negotiations with the Taliban to end the war. The Karzai administration also supports this, as reflected by the June 2010 Peace Jirga held in Kabul and the 70-member High Peace Council that was formed thereafter.
- In spite of the talks, no one in Washington or Kabul has clarified what reconciliation means in practice, particularly with respect to accountability for abuses that occurred during the rule of the Taliban as well as those that occurred when rival factions fought with each other before the Taliban came to power.
- On November 10, 2010 representatives from Afghan and international NGOs, as well as the UN, gathered for a one-day Conference on Peace, Reconciliation, and Justice in Kabul to revitalize public discussion on peace and reconciliation among the government of Afghanistan, the international community, and Afghan civil society.
- The discussions revealed a troubling disconnect between the High Peace Council and Afghan civil society representatives who strongly criticized the Council's inclusion of former militia leaders among its members, the lack of transparency in its activities, and the lack of clarity in its objectives.
- These criticisms indicate that for a peace process to have broad, popular support, the Afghan government and the international community must make greater efforts to engage local leaders in a dialogue and account for the interests of communities and interest groups that are not represented in the High Peace Council.

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### Expanding the Reconciliation Conversation

‘Reconciliation’ is a current buzzword among policymakers working on Afghanistan, and it is increasingly seen as an important component of a strategy that would end the nine-year insurgency. This year has seen a number of Afghan government-sponsored events on the theme of reconciliation. A Peace Jirga held in Kabul in June 2010 led to the creation of the High Peace Council, which was tasked with devising a framework for talks with the Taliban. Again in June 2010, the Afghan government released its Afghanistan Peace and Reconciliation Programme (APRP), which in theory establishes guidelines for the government to reintegrate ‘low level’ fighters into local communities, provides financial incentives and job programs to lure fighters away from the Taliban cause, and supports political talks with the Taliban. In July 2010, the Kabul Conference of NATO members and

other world leaders endorsed in principle President Karzai's proposal to reintegrate former Taliban fighters. More recently, the concept of reconciliation, in general, as well as the APRP was further supported at the Lisbon Conference of NATO members in November 2010, which set a 2014 deadline for the final handover of security to the Afghan forces.

In spite of the talks, there is little clarity on what is meant by the term reconciliation and what a workable reconciliation policy would look like. No one in Washington or Kabul has clarified the scope of a reconciliation policy, and where accountability for abuses committed during the conflict fits in. Most importantly, it is not clear what might be on the table in negotiations with the Taliban beyond the oft-stated demands of severing ties with al-Qaeda, disarming, and accepting the current constitutional framework. In fact, reconciliation means different things to different Afghans depending on their experiences with the conflict and their positions within the political spectrum. This, in turn, affects their willingness to accept former combatants within their own communities as well as their support for the specific terms of an eventual peace agreement.

Afghans who have been at the forefront of work on human rights issues are deeply troubled by the prospect of a political deal with the Taliban. They are further concerned that the current discussions on reconciliation are not inclusive of the diverse Afghan interests and that both the government and international representatives are ignoring their concerns.

On November 10, the UN Assistance Mission in Afghanistan (UNAMA), Open Society Afghanistan, and the International Center for Transitional Justice, in partnership with Afghan Civil Society and Human Rights Network, and the Transitional Justice Coordination Group, sponsored a one-day Conference on Peace, Reconciliation, and Justice in Kabul. The purpose was to revitalize public discussion on peace and reconciliation among the government of Afghanistan, the international community, and Afghan civil society. To this end, former EU Special Representative, Francesc Vendrell, noted author and journalist, Ahmed Rashid, along with Masoom Stanekzai, the head of the Joint Secretariat of the High Peace Council, addressed a selected audience of civil society representatives and international diplomats. This marked one of the few occasions when a member of the Council addressed a public gathering about the work done by the High Peace Council. The conference allowed for little public participation beyond a small group of invited representatives from Afghan civil society groups, a handful of diplomats and other international observers, and attracted scant media coverage outside Afghanistan.

## Reconciliation as Part of a Broader Political Reform

As an experienced peacemaker and the UN special envoy to Afghanistan during the Taliban rule, Spanish diplomat Francesc Vendrell argued that the term reconciliation was being used for what was actually political talks with the Taliban. It is widely agreed among policymakers involved in peace negotiations that reconciliation as a component of peace settlements entails something more than just negotiating a power-sharing agreement with another party to the conflict. Genuine reconciliation entails addressing grievances among the population that have helped fuel the conflict.

The Geneva Accords of 1988 that governed the Soviet withdrawal from Afghanistan made no provision for a comprehensive political settlement, nor did it promote broader reconciliation among former enemies within Afghanistan. While the Bonn Agreement that ended Taliban rule in 2001 went further toward addressing past grievances, it was still essentially a power-sharing arrangement and did not address the fundamental problem of reconciliation (which was made more complicated by each successive conflict).

The experiences of other countries that have successfully negotiated settlements to long-standing conflicts indicate that the warring parties do not themselves have an interest in

addressing thorny issues of justice, and that third party facilitators are required to make sure that human rights issues are not forgotten. A wide body of literature attests to the fact that reconciliation is ineffective if isolated from other necessary political reforms. The 2007 UN resolution on the Year of Reconciliation, endorsed “truth and justice [as] indispensable elements for the attainment of reconciliation and lasting peace,” and called for all stakeholders to be involved in any reconciliation process.

Participants at the conference noted that the critical weakness in the current approach to reconciliation was tied to deeper problems within Afghanistan’s fledgling institutions. Recent election fraud has reinforced doubts about the state’s acceptance of the basic practices of democracy. Moreover, institutional reforms in the judicial and security sectors remain absent, and corruption is rife. Until the Afghan government makes significant progress in ensuring accountability within government institutions, building a viable judiciary and competent police, and addressing corruption, there is little chance that political negotiations with the Taliban will lead to a lasting peace. Forging such a settlement and fostering legitimacy in the Afghan state are intimately linked—success in the one is dependent on progress in the other.

## Ensuring Appropriate Public Participation

Ahmed Rashid, who chronicled the war in Afghanistan, has become an outspoken proponent of talks with the Taliban. Yet, he called upon Afghan civil society to insist on a role in talks on reconciliation, going forward. On the question of transparency, he acknowledged that peace negotiations had to be carried out in secret in order to succeed, but that the government had an obligation to inform the public about the framework for the talks so that the public understands what kind of agreement it is being asked to endorse. Civil society’s role in peacemaking should be to build a national consensus through dialogue and monitor the government’s performance. At peace talks with the Taliban, civil society representatives should be at the table, visible and vocal, making clear that the face of Afghanistan has changed since 2001, and that they are there to ensure that fundamental rights are not bargained away.

The current policies of the Afghan government toward soliciting and incorporating public input on the reconciliation process fall far short of what is required. Civil society groups attending the meeting complained that the High Peace Council has had little outreach to the public. There is very little information about the contacts it has made with the Taliban, the progress of their talks, and most importantly, what demands and proposals are considered negotiable. Civil society representatives acknowledged that those authorized to undertake negotiations of this kind during an ongoing conflict had to operate discreetly. But the absence of transparency about what is negotiable reveals a troubling disconnect between the functioning of the High Peace Council and the views of Afghan civil society.

One of the concerns raised by Afghan organizations was that “[i]nformation about the reconciliation process is not reaching the people, who remain largely unaware of it.”<sup>1</sup> Afghan civil society also raised concerns about the composition of the High Peace Council, whose members include many of the former faction leaders whose militias vied for control of the country during the civil war. In a statement released on October 4, Afghan civil society groups characterized the Council members as having “better experience in war rather than peace,” and argued that this would “adversely affect the trust of Afghans... in this process.”<sup>2</sup> According to the Afghanistan Analysts Network, “an analysis of the 70 High Peace Council members reveals that 53 of them formerly belonged or currently are linked to political groups that were armed factions involved in the civil wars of the 1980–90s.”<sup>3</sup> Many of these leaders are alleged to have committed war crimes and

## ABOUT THIS BRIEF

Patricia Gossman is a human rights expert who has investigated and reported on human rights violations in Afghanistan and elsewhere in South Asia for the past twenty-five years. She is the founder of the Afghanistan Justice Project and has worked on human rights issues for USIP, the International Center for Transitional Justice (ICTJ), and Human Rights Watch. Gossman participated in the one-day Conference on Peace, Reconciliation, and Justice in Kabul on behalf of ICTJ.



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serious human rights violations. The inclusion of so many tainted leaders in the peace process has already seriously undermined the legitimacy of the Council in the eyes of many Afghans.

Masoom Stanekzai, the head of the Joint Secretariat of the High Peace Council, acknowledged that there are people involved who were associated with past violence, but that “justice was a process” that “might have defects.” He urged civil society to play a bigger role, cautioning that if it did not do so, the Taliban would secure more gains in negotiations. However, he did not mention if the High Peace Council would necessarily guarantee such a representative role for the civil society groups—making it clear that more domestic and international advocacy would be necessary to produce changes in the current process.

## Conclusion

The opportunities for Afghan civil society to involve itself into what is now a fairly opaque process remain unclear. However, past experience suggests that forging a lasting settlement with the Taliban will require a transparent and participatory process that ensures local buy-in and support. Based on the issues raised by conference participants, the following steps might be taken to keep Afghan civil society better informed and ensure that the views of a range of Afghans are incorporated in the High Peace Council’s work:

- The High Peace Council should hold regular, frequent meetings with civil society groups, particularly in the provinces, even though soliciting local participation may require leaders to address demands that they would have preferred to ignore.
- Civil society groups should prepare position papers on key issues that could form the basis of discussions focusing on possible ‘red-line’ concerns in the area of women’s rights, justice, and other critical issues.
- Civil society groups should be engaged by the High Peace Council as part of a mechanism to consult more broadly with the Afghan public on how reconciliation should be achieved.
- Reconciliation activities should be based on an objective understanding of the harms caused during different phases of the conflict in Afghanistan. Therefore, some form of a truth-seeking commission whose aim would be to promote accountability should complement the High Peace Council’s work.
- The Council and the Afghan government should incorporate the government’s previous Action Plan for Peace, Reconciliation, and Justice—which provides a comprehensive framework for creating accountable institutions, promoting justice for past human rights violations and war crimes, and fostering reconciliation—into the current peace process.

## Endnotes

1. The statement of the one-day Conference on Justice and Reconciliation, Kabul, Afghanistan, November 10, 2010, [http://www.ictj.org/static/MENA/Afghanistan\\_Conference%20Statement\\_English\\_Final.pdf](http://www.ictj.org/static/MENA/Afghanistan_Conference%20Statement_English_Final.pdf).
2. The statement was posted on ReliefWeb by ACBAR, the Agency Coordinating Body for Afghan Relief, October 4, 2010, <http://www.reliefweb.int/rw/rwb.nsf/db900SID/VVOS-89WJSX?OpenDocument>.
3. Thomas Ruttig, “The Ex-Taliban on the High Peace Council: A renewed role for the Khuddam ul-Furqan?” Afghan Analysts Network, <http://aan-afghanistan.com/index.asp?id=1248>.