

A house divided:

Can Afghan elites resolve their differences in the pursuit of peace?



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INTRODUCTION

According to the Global Peace Index, Afghanistan is currently the least peaceful country in the world. Its four-decade long conflict—in its various iterations—has come at great human and economic cost. Today, Afghanistan has the highest number of conflict-related deaths globally; and losses equivalent to 51% of its Gross National Product (GNP).¹

Peace is possible. But lasting peace is much harder to achieve. Globally, two-thirds of all armed conflicts since the mid-1980s have resulted in peace agreements.² However, nearly half of all countries relapse into conflict within five to ten years.³ In Afghanistan, there was a resurgence of violence roughly six years⁴ after the 2001 Bonn Agreement,⁵ a peace accord brokered by the United Nations following the US-led invasion that ended the short-lived Taliban regime.

There is also an increase in domestic pressure for peace in Afghanistan, resulting from an increase in Taliban attacks not only against Afghan security forces who are killed in their thousands every year, but also the deaths of hundreds of civilians from direct and collateral attacks by the Taliban in the last few months of 2020 alone.⁶

Over the past decade, various peace efforts (both national and international) in Afghanistan have resulted in mixed success.⁷ Despite a long-awaited peace agreement between the United States and the Taliban dated February 29, 2020,⁸ which has brought a negotiated settlement between the Taliban insurgency and the Afghan government closer than ever, fighting continues.

There are numerous voices who feel that the US-Taliban agreement has made too many concessions to the Taliban “without requiring it to make any substantive commitments to ensuring a genuine peace process”.⁹ It included the provision to release 5,000 Taliban prisoners, including 400 individuals with criminal charges (e.g. kidnapping, rape, and murder), which the Afghan government was reluctant to agree due to contradictions with its legal framework and domestic pressure. President Ashraf Ghani convened a Loya Jirga on August 9-11, 2020 in order to obtain approval from community leaders for the prisoner release and seek to resolve this pressure.¹⁰

The release has not been the only stumbling block for peace in Afghanistan, another has been the divisions within the Afghan government. Here it is worthwhile to recalling Abraham Lincoln’s June 1858 speech during the US civil war: “A house divided against itself, cannot stand.”

The two most recent Afghan presidential elections are a case in point. The 2019 presidential elections¹¹ resulted in a repeat of the 2014 stand-off between the two main contenders: the incumbent Dr. Ashraf Ghani, and his challenger, Dr. Abdullah Abdullah, followed by the brokering of the National Unity Government in 2015.¹² Particularly given recent memories of the 2015 electoral debacle, there was national disappointment when, this time, the two main candidates were sworn in on the same day.¹³ After months of uncertainty, the most recent power-sharing agreement¹⁴ was reached in May 2020 after several failed national, international, and shuttle diplomacy efforts.

In addition to these power games, there has also been a lack of agreement (or clarity) among Afghan politicians about what constitutes peace, and what concessions could be made by the

Afghan government for it to be achieved. Discussions around a possible interim government with the Taliban have been a particular source of contention between President Ghani and other politicians.¹⁵

In contrast to the Afghan government, the Taliban has presented a relatively united front when it comes to peace negotiations.¹⁶ It remains to be seen how serious they are about entering a power-sharing agreement,¹⁷ and what concessions they would make towards returning to the Islamic Emirate and framing women's rights strictly under Sharia.

This has raised urgent concerns from Afghan women seeking to maintain their hard-won rights and civil society actors who do not wish to give up democracy, both of which are enshrined in the Afghan constitution.¹⁸

In light of these counterpoints, this ambitious, action-oriented, research project aims to understand the range of views held by key members of the political elite about a peaceful future, how this compares to the views of key civil society and women rights activists, and how they might be consolidated into a coherent platform in order to enable a common voice during negotiations with the Taliban.

METHODOLOGY

This research¹⁹ was led by the Afghan Women's Education Centre (AWEC)²⁰ in collaboration with the Salah Peace consortium,²¹ and the Afghanistan Journalist Union.²² The lead authors are Palwasha Hassan, Executive Director of AWEC, and Mirwais Wardak, Managing Director of the Peace Training & Research Organization (PTRO). We would like to thank Dr Susanne Schmeidl from UNSW Sydney for providing extensive comments on various draft versions of this report and Eva Barboni from Atalanta for review and editing support.

The research is focused on a series of qualitative, semi-structured, in-depth interviews with leaders who are representative of the political spectrum and civil society in Afghanistan. To facilitate access to key political decision makers, interviews were conducted by three renowned researchers and civil society activists (two men and one woman) with extensive networks, outreach, and understanding of Afghan politics and the dynamics within different political parties. In order to build a relationship of trust with interviewees, conversations were conducted in the native language of the interview partner.

Research participants were selected using judgment sampling, in order to be representative of the political spectrum in Afghanistan. They include individuals who offer a depth of knowledge about the peace process, including representatives from the main political parties and key parliamentarians.

Furthermore, we sought to include prominent ex-Jihadi commanders with strong bases beyond Kabul, women's rights activists, and independent leaders from outside the key political parties in Kabul. Representation of ethnic and religious groups was also considered in the selection of interviewees.

This sampling process has enabled us to obtain a diverse range of ideas from across the political and ethnic spectrum. Despite only including representatives from the three largest ethnic

groups in the country (Pashtun, Tajik, and Hazara), we are confident that the views represented provide the breadth of experience and depth of knowledge required to draw meaningful insights.

A total of 20 interviews were conducted between mid-December 2019 and mid-February 2020, which generally lasted between one and two hours. The interview participants (six of whom were women) can be roughly divided into three groups across the political spectrum. However, we do acknowledge that that nature of Afghan politics makes any clear-cut divisions difficult. They are:

- Pro-government group: Politicians that are part of the ruling coalition around President Ashraf Ghani (6 interviews)
- Opposition group: Politicians opposed to President Ashraf Ghani (9 interviews)
- An independent and eclectic group of political and civil society activists working towards peace in Afghanistan (5 interviews)

The last group of interview participants are included in order to gauge how well elite views represented those of civil society and women rights activists, who they ostensibly represent. All interviews were voice recorded with the permission of the participants in order to ensure accuracy and facilitate the reproduction of quotes for this report—all of which have been anonymized. The use of recording equipment may have impacted on how candid some of the interview participants were in their responses, but we believe that the trade-off between accuracy and full candor was warranted given the requirement for precision in this research. It is also important to acknowledge that the turmoil during the 2019 presidential elections—coinciding with our interview period—may have further affected the candor of interview participants.

VISION FOR PEACE

Before we can build peace, we must have a clear vision of what that peace should be. This is not an easy endeavor, as “few words are so often used and abused” with many efforts and policies claiming that they serve peace.²³ This is perhaps because “it is hard to be all-out against peace,”²⁴ especially during conflict.

Indeed, our research shows agreement amongst all interviewees on the need to end Afghanistan’s protracted conflict. After four decades of fighting, one would be hard-pressed to find many Afghan elites that are against peace, with a population that has made their desire for peace abundantly clear.

To further our understanding of peace and perhaps also to illustrate why the word peace is used in so many different ways, Galtung presents the distinction between “negative peace” (the absence of violence) and “positive peace” (a society which embodies values of social justice).²⁵ The aim of most peace agreements is to achieve “negative peace” and end actions that cause violent death and human suffering. No doubt a positive move, but perhaps not enough for sustainable peace.

Indeed, the most important and pressing outcome for the Afghan public is at least the reduction of violence (i.e. negative peace). To date this has however not been delivered by the Taliban.

With the exception of three days during the 2020 Eid al-Fitr and a partial cease fire maintained during Eid Al-Adha, violence has evolved to include more brutal targeting of civilians in attacks against hospitals, mosques, and funeral ceremonies. Although the Taliban has denied its association with these attacks, many Afghans see the Islamic State and other insurgency groups active in the country as an extension of the Taliban.²⁶

To broker sustainable peace, however, the route to “positive peace” must also be outlined. Without this, violent conflict is likely to resurge. It is during the process of mapping this journey where disagreements often surface. An aspiration for positive peace is the beginning of the path to peaceful and constructive conflict resolution (or “well-managed social conflict”).²⁷ Our interviews demonstrate that there is no joint vision beyond reaching negative peace.

In our interviews with political elites, we found that amongst pro-government participants peace is seen as a synonym for stability, and the current political system (a democratic republic) is viewed as the best option for achieving a stable coexistence in a multi-ethnic country. Supporters of President Ghani see peace negotiations as an opportunity to reach a power-sharing agreement, in which the Taliban buys into the current participatory governance structure.

In the opposition camp, there is instead an emphasis on peace as a safeguarding of equal rights for all ethno-linguistic groups in Afghanistan. Particularly former Jihadi leaders tend to see themselves as an ultimate representation of Afghanistan’s ethno-linguistic and geo-political diversity, even if this may not be the same view in the wider population. Afghan elites with Jihadi backgrounds consider themselves to be a resistance force to the Taliban, having fought them in the past. And they may do so again if peace negotiations fail and the current government collapses.

This rights-based approach to peace, focused on diversity and inclusivity, is also favored by independents—especially civil society and women’s rights activists, although their focus is less narrowly defined. These groups view peace as the achievement of equal rights for women and minorities, with respect for geographic and ethnic diversity. They feel strongly that the Taliban should disconnect from other terrorist groups, reduce conflict, and ensure the country does not return to the point in history when women had no rights and were confined within their homes.

A few respondents, mostly non-aligned political elites, disagreed with the views highlighted so far, and instead are looking for a political deal with the Taliban for the sole purpose of putting an end to the war. This group’s position is most closely aligned with the “limited ambition” of the United States in the Afghan peace process.²⁸

This group’s focus on “negative peace” is grounded in their disappointment with democracy, basing their views on the experience of the last two presidential elections and poor governance in recent years. For them, the ultimate outcome of a peace deal would be a new political order, one that is not grounded in the past 18 years.

At face value, this group may be best placed to reach an interim arrangement with the Taliban and an end to fighting, which is also desired by the Afghan population. Whether they are the best group to negotiate a positive future for the country based on social justice principles,

however, is less clear. Too many questions remain about how willing they are to defend basic civic and women's rights.

Some of the respondents believe there should be a joint stance reached against the Taliban's demand for an Emirate prior to the start of negotiations. Pro-government elites have made it clear that considering the option of an Emirate is akin to treason. This has made this subject a taboo among political circles in Kabul. Critiques are numerous, a key one being that political leaders who would consider a different form of government are more interested in an opportunity to sneak into office than in protecting democratic principles.

Others believe that the Taliban will not accept the current government structure and think that compromises are needed in order to reach peace but are afraid of public opinion if they suggest a system that falls between the current Republic and a Taliban Emirate.

In light of the above, what has frustrated progress to date is that despite the numerous meetings among the different political elites inside the government—and in opposition to it—no consensus has been reached as to what a peaceful future in Afghanistan may look like (including how it would be governed), and what compromises are needed to reach a peace deal with the Taliban. There has also been no transparency about these meetings and the disagreements between the different political factions. What has become clear, however, is that there is more agreement about reaching “negative peace” vs. a vision on how to achieve “positive peace.” And in the end, civil society and women leaders fear that political opportunism may win out over human rights considerations.

GETTING TO PEACE

What the interviews make very clear is that many Afghan political elites are more concerned with the process of “getting to peace” than ultimately what peace may entail. The interviews thus strongly focused around inclusion and representation in peace negotiations, overcoming a trust deficit and the need for confidence-building measures, and how to deal with the past (transitional justice).

There was also disagreement about the desired process for achieving peace. The pro-government camp views the peace process as something achieved in stages; they are not exclusively interested in a negotiated settlement to end fighting (negative peace), but envision a complex, long-term process across local, regional, and international dimensions. Their fear of losing power, however, cannot be ignored in this, which is perhaps why the Afghan government has tried to control the selection of negotiation teams and peace councils.

The opposition camp, in contrast, sees inclusion and representation as the biggest priority throughout the process. This view has been shaped by the decades of protracted conflict in Afghanistan that at times has pitted ethnic groups against each other on the battlefield and in politics.

THE “INCLUSION” DILEMMA

Past research on peace agreements has shown that questions of “inclusion” and “exclusion” are crucial in determining whether a peace process is successful in the long term.²⁹ This inclusivity dilemma has two aspects: who is included at the negotiating table; and what issues are addressed and resolved. Including representatives from civil society,³⁰ women,³¹ and more recently youth,³² has been emphasized as important for the success of peace processes and achieving sustainable peace. Highlighting the importance of inclusive processes, a recent UNDP report on *Forging Resilient Social Contracts* highlighted that political settlements are only as successful as the way in which they address core conflict issues.³³

An effective, inclusive process needs to give a society’s diverse groups the opportunity to be heard and to have their concerns addressed. This would include not just the different ethno-linguistic and demographic groups, but also special interest groups such as victims’ families, women’s and human rights activists, civil society and internally displaced people as well as refugee returnees.³⁴ Not all of these groups are currently adequately represented in the process.

Afghanistan is a multi-cultural society with great ethno-linguistic diversity. Decades of war and forced displacement have left scars on people’s memories and changing demographics (64% of the Afghan population is under 25 years old)³⁵ have increased societal fragmentation and created competing identities within Afghan society. This has also led to a breakdown of trust and a disbelief that one group might be able to represent the views of others. For many Afghans, protracted conflict and war crimes cannot be completely divorced from Afghanistan’s political elite.

Coupled with real or perceived exclusion, questions of inclusion and representation in the Afghan peace process are complex to address. For example, many Afghans feel that elites operate in a nepotistic manner, serving the interests of their patronage network over the Afghan population more generally; a classic characteristic of a neo-patrimonial regime.³⁶

There was limited consensus between the different interview participants as to how one can best achieve inclusion in the Afghan peace process.

The pro-government interview participants reflected the view of the Afghan president that a carefully selected negotiation team would be able to represent the diversity of the Afghan population and its views. This is in line with the outlook of a technocratic president that perhaps does not understand some of the concerns by ethnic minorities as to having their views represented by somebody outside their group, especially by someone who has returned to Afghanistan recently and lacks a domestic constituency.

Respondents from the political opposition expressed views that are in line with their vision of peace, with an emphasis on the importance of including representation for the ethnic and geographical diversity in Afghanistan, including the legacy of the Jihadi parties. While opposition politicians admit that it is the government’s responsibility to build a representative negotiation team, they ultimately see themselves as custodians of geo-ethnic interests, following a similar formula as the 2001 Bonn process.

This already demonstrates that the problem of inclusive peace is intrinsically linked to how respondents viewed an inclusive government. It is important to recall that many of the respondents in this research were candidates or close allies to candidates in the 2019

presidential elections, who subsequently established a Council of the Presidential Elections Candidates to challenge the results. Almost all of them believe in and advocate for a national participatory government. They believe a government comprising BOTH presidential candidates with a share of power proportionate to their votes will not only resolve the deadlock of election results but will also result in a representative peace negotiation team. However, pro-government respondents believe that those who lost elections are seeking power—not a durable peace.

A majority of all respondents felt that the current electoral democracy is the only way to ensure a sustainable peace among socially and politically diverse groups in Afghanistan. Thus, a few dissenting voices aside, most respondents felt the current political order needed defending.

Regardless of this pro-democracy stance, many respondents still felt that peace negotiations belong to the political elite. While all interview participants believed that women, civil society and the media should have a voice in the peace process and express their vision of peace, none saw their representation during peace talks as an important issue. More importantly, there were views that civil society groups are self-interested entities rather than genuine representatives of women, youth, and other marginalized voices. Some respondents even called their impartiality—and that of media organizations—into question, raising issues about their perceived alignment with political parties or international actors, particularly in the last 20 years. Their concerns, however, may stem from a fear of emerging leaders who are not connected to political elites and parties.

Last, but certainly not least, some female respondents emphasized the need to have experienced individuals with the right technical knowledge and negotiation skills included in peace negotiations, such as women familiar with Sharia law. While they understood that political parties, ethnic groups, and other segments of society need to be represented in the National Peace Council, they felt that it was not enough to simply include women as a tokenistic gesture in negotiation teams if these women lack the knowledge and skills required to defend women's rights independently of their parties' conservative viewpoints.

Suspensions that elite politicians will attempt to guarantee their power base by agreeing to changes to civil liberties is the driving force behind demands from women's rights groups and civil society activists to have a seat at the negotiation table. The tokenistic "add women and stir" approach to inclusive peacebuilding has been critiqued as futile,³⁷ and Afghanistan's political elite may wish to consider sustained evidence that including women meaningfully in peace processes has been strongly associated with peacebuilding success.

OVERCOMING THE TRUST DEFICIT

The previous section already illustrated that there is a significant trust deficit among the Afghan polity, and even greater mistrust of the Taliban and their intentions for peace. This affects perceptions as to the best approach to negotiations and pre-peace talks open to Afghanistan and the wider global community.

Over four decades of conflict, violence has left many scars on the memories of individuals in Afghan society. Any prolonged war means that people suffer, and during the civil war (1992-96), the conflict was fought along ethnic lines that left thousands dead and opened the door for

the rise and eventual takeover of the Taliban. Wars in which ethnic factions dominate the battlefield lead to atrocities being committed. In Afghanistan's experience, different ethno-linguistic groups have diverse experiences of victimization and have "created different narratives of the conflict."³⁸

The Taliban, considered by many as a pro-Pashtun movement due to the composition of their fighting force, has been blamed for genocide against minority groups during their regime and other human rights violations against the Afghan population. Yet after the fall of the Taliban regime, there were also atrocities committed against Taliban fighters and Pashtuns living in Northern and Western Afghanistan.³⁹

These memories of war atrocities, along with long-standing historical grievances by ethnic minorities, continue to haunt Afghan politics and has influenced ethnic divisions among politicians and a lack of collective identity in the Afghan parliament. This division is now also threatening a united stance in the present peace process.

The trust deficit around an inclusive peace processes, however, can also be traced back to the disappointment with the 2001 Bonn peace agreement, which failed to include civil society and the Taliban; although a parallel meeting with civil society actors was organized at last minute. The exclusion of the Taliban, in particular, has been seen by some analysts as a lost opportunity for peace that has prolonged the conflict in Afghanistan.⁴⁰

Furthermore, some of our respondents view the Bonn process as having empowered certain ethnic groups more than others, adding new grievances to historical ones. The fact that those who were sitting at the peace table in Bonn ended up having a (greater) share in the subsequent political order in Afghanistan has influenced why so many respondents equate inclusion with WHO is present in peace negotiations rather than WHAT key cross-cutting issues (e.g. human rights) needed voicing.

The legacy of the past conflict, the Bonn agreement and the 20 years since has made some respondents wonder where the allegiance of political elites (inside and outside the government) really lies. Pro-government camps view most political leaders as being incentivized by neighboring countries, while non-government and opposition participants view the government as being too Pashtun-centric, and even more President-centric. One woman interviewee highlighted a longer-term need for the decentralization of power from the center to the provinces, and therefore a need for a change in the constitution to guarantee all ethnic groups a share of decision-making power.

Significant doubts were also raised during the interviews about the commitment of the Taliban to the peace process due to their continuation of violence. Most political leaders interviewed doubt whether the Taliban really aspire to peace. Instead, they predict that the Taliban will continue with violent acts throughout the peace process to demonstrate their strength. In peace negotiations, symmetry of power can help to guide the process. However, while the government holds all of the power, the Taliban continues to seek to create unrest across up to 64% of Afghan soil and continues to assert their military superiority.⁴¹

A general perception among all the respondents is that the Taliban field commanders won't abide by decisions made by their political leadership for two reasons. First, respondents believe that the Taliban see an opportunity to win the war militarily after a hasty American withdrawal.

Secondly, they think that there are those among the Taliban whose interests are better served by conflict than peace. This means that even if there is a peace agreement with the Taliban, some Taliban will likely form offshoots to continue fighting or join more radical groups such as Al-Qaida and ISIS.

The view of the Afghan polity of the peace process is not only influenced by the current violence perpetuated by the Taliban, but also a desire to protect the current status-quo of power sharing and ethnic and geographic diversity and, for gender-based groups, sustaining the rights and privileges obtained from the 2001 Bonn agreement. This, however, might be hard to achieve, as peace also requires making compromises. In the end, Afghan peace will rest upon the compromises the Afghan government, political elites and the Taliban are willing to make, and whether such compromises reflect what the Afghan population is willing to live with.

DEALING WITH THE PAST - JUSTICE AND REINTEGRATION

As noted in the previous section, four decades of war and shifting conflict lines have blurred the boundaries between victim and perpetrator; groups have been victimized during some phases of the conflict and acted as the perpetrators of violence in others. This vicious cycle of violence, suffering, and trauma has affected almost all of the country's citizens throughout this multifaceted conflict. This has made justice a very complicated and highly sensitive topic in an already complex situation. This suggests that there must be a collective healing to facilitate the process of transformation from violence to peace.

In any transition and conflict transformation, justice for victims and the reintegration of ex-combatants are important components. This was once again underscored by the recent release of 400 Taliban prisoners, signed off by the three-day Loya Jirga convened by the Afghan government.⁴² Allowing ex-combatants to re-enter civilian life is crucial for building lasting peace and stability, as devoid of ties to community or resources for self-sufficiency, many ex-combatants would return to their guerrilla groups or armies.⁴³ For this to work, however, communities need to be allowed to deal with the past on their own terms.

To date, dealing with the past has had a mixed history in Afghanistan. There has been a tendency to ignore past crimes and provide perpetrators blanket impunity without having to answer to the public. This has led to additional grievances rather than healing between different groups. For example, a 2005 report by the Afghanistan Independent Human Rights Commission which recorded all abuses over the three previous decades of conflict was never official published due to being considered too controversial.⁴⁴ In 2008, the Afghan parliament passed the National Reconciliation, General Amnesty and National Stability Law that provided a near blanket amnesty for war crimes committed during the conflict between 1978 and 2001.⁴⁵ The law also promised amnesty to anyone currently committing crimes while fighting the Afghan government and international forces if they "cease their enmity" in the future and join a process of national reconciliation.⁴⁶

Past research in Afghanistan has indicated that many Afghans want peace and an end to impunity. However, at the same time, Afghans do understand that it will be difficult to punish every single perpetrator. Thus, many Afghans, especially among civil society, believe that restorative justice is the answer. During a previous dialogue with women peacebuilders (TLO workshop 2010),⁴⁷ and the most recent AWEC dialogue (2020) with women peacebuilders in

eight provinces,⁴⁸ women emphasized the need for indigenous restorative justice and local guarantors for peace.

Studies show that the dimensions of conflict are complex and not all drivers are political. Instead, local drivers of conflict that divide communities are related to personal, tribal, resource related issues—local conflicts that need local solutions. Women in these dialogues insisted that without dealing with past crimes, it will be difficult to move forward, and a peace agreement without transitional justice will eventually fail and lead to renewed conflict.

Participants at the two civil society workshops assert that Afghanistan customary mechanisms are a perfect tool for dealing with the past in a restorative manner. This could be achieved through local Shuras and Jirgas in every province, where an agreement among communities is reached on how to deal with war atrocities, which then binds them to keep the peace locally. Without such mechanisms, civil society fears that individuals will take justice into their own hands, which will only continue the conflict cycle.

In the interviews with Afghan political elites, neither reintegration nor justice were seen as priorities, and many interviewees—including women—believe that the Taliban will reintegrate in the same way as the Mujahedeen after the 2001 Bonn process.

Most respondents from all three groups argued that there was a need to learn the lessons from the various failed disarmament, demobilization, and reintegration (DDR) programs, especially the Tahkim-e Sulh and later the Afghanistan Peace and Reintegration Program (APRP).⁴⁹ Several pointed to economic reintegration of Taliban fighters into communities as a crucial step, believing that the majority of Taliban fighters are ordinary, poor Afghans, who will look for employment once a peace deal is in place. There was also speculation about the US agreement with the Taliban and respondents belonging to the political opposition suggested that Taliban fighters should be integrated into the Afghan National Security Force (ANSF) out of fears that they might otherwise continue to independently control territory which could lead to clashes with geo-political leaders.

Political elites interviewed also thought that there was a high likelihood that a general amnesty such as the one applied to Mujahedeen in 2008 would be extended to the Taliban, perhaps with the exception of cases with ongoing criminal proceedings. The most recent prisoner release suggests that it will be hard to pursue punitive justice for individual Taliban fighters. However, women respondents and civil society believe that keeping and defending citizen rights is a red line that should not be crossed.

Respondents with a civil society background insist on the need for transitional justice that can bring peace to communities. They also believe that instead of focusing on the reintegration of individual foot soldiers, it is better to support community-based development that can create jobs and help deal with the past rather than incentivizing militarization.

Respondents belonging to the political opposition, however, argued that transitional justice has been used as a political tool in Afghanistan. They argued that the general perception among the public and even the political leaders is that transitional justice is to prosecute, imprison, and execute leaders who were part of the civil war. But they also felt that some groups and leaders were specifically targeted by the proponents of transitional justice while others were not, which

has created suspicion around the concept. Perhaps, proponents of transitional justice may have failed to raise adequate awareness or educate people on the concept over the past 18 years.

While it is clear that reintegration of ex-combatants is high on the agenda of Afghanistan's political elite; they differ with civil society representatives about whether and how to deal with the past. There is, however, ample evidence that without dealing with the past, cycles of violence don't stop. It is possible to provide amnesty, but it is much harder to erase injustice from people's memories. Thus, there must be a healing process for all Afghans, regardless of language, ethnicity, race, history, and religion that can serve the whole nation without its further decay. Only a genuine balance of these hopes, expectations, and compromises can lead to peace talks that are honest and respectful of others' reality and status in a shared future.

CHANGING AFGHANISTAN'S CONSTITUTION?

According to our interviews, both pro-government elites and opposition leaders share the opinion that the Afghan constitution of 2004 can be altered if it offers an opportunity to bring peace to the country. Additionally, both sides agree that there is the need for a body of fundamental law above and beyond Sharia. In other words, they are willing to discuss constitutional amendments, but not a complete dismissal of the constitution. By and large, all political elites interviewed are also in support of a democratic governance system.

Nevertheless, there is significant disagreement as to what changes to agree to and the best mechanism for achieving them.

Some non-Pashtun leaders interviewed argued that they see discussions about constitutional amendments with the Taliban as an opportunity to decentralize the current government structure, and reform the concentration of power lying with a Pashtun President. It has to be noted that the 2004 Afghan Constitution makes no specifications as to the ethnicity, language or gender of an Afghan president or vice president, as both are elected through a direct vote.⁵⁰

The non-Pashtun leaders who believe there is an "over centralization" of power with a Pashtun president, and who have raised concerns among diplomatic circles in Kabul in the last two decades, will add strength to their argument on decentralizing power. But how to decentralize, and what kind of power sharing mechanism will better serve Afghanistan's needs, was not discussed at least among leaders outside of government. Moreover, such discussions do not happen when all government and non-government leaders are present prior to negotiations with Taliban.

This is not the first time that political elites have raised the need for constitutional changes in order to allow for better power-sharing between the different ethnic groups in Afghanistan. For example, one of the main propositions of the National Unity Government when it formed in 2015 was the need to revise the constitution in order to formalize the position of CEO as prime minister.⁵¹

Creating a role of prime minister has always been raised by Tajiks, and particularly the Jamiat Islami political party. But whether the rest of the ethnic groups will join them is still not clear—some would be satisfied with securing a vice president role and other concessional power sharing arrangements.

Respondents were unclear how the Taliban would see such an arrangement, given that the past Islamic Emirate was a highly centralized power structure. Although the Taliban did not have a formal constitution when ruling Afghanistan, the movement felt it necessary to formally reject the 2004 Afghan Constitution. In Moscow, talks between Afghan political elites and the Taliban raised the issue of developing a new constitution according to Islamic values.⁵² Because the Taliban's position is based on Sharia, comparative analysis of the constitution by the negotiation team is necessary to safeguard the desire by most people in Afghanistan for sustaining democracy and political order rather than regressing to an Emirate.

Regardless of these diverging views, the Afghan constitution will be an important document in upcoming intra-Afghan talks that can help clarify how Afghanistan defines rules for regulating government power, and the rights and duties for both citizens and the state. This is exactly why civil society activists and defenders of women's rights have concerns about discussions regarding constitutional changes as a pathway to reach peace. They fear that government and political elites will agree to strike out fundamental constitutional rights and freedoms that protect women and minorities, in exchange for a peace deal with the Taliban. It is important to note that, officially, the Afghan government has vowed to safeguard fundamental human rights as enshrined in the Constitution.⁵³ However, there are increasing concerns that there is no united stance among politicians on this.

For many civil society and women's rights defenders, the calls for a changes to the constitution may open the door for the introduction of more conservative values which will limit women's position in society and threaten the rights that have been enshrined since 2004.⁵⁴ Therefore, civil society activists and women's rights defenders emphasize that any changes must be made through the mechanisms already outlined in the constitution itself—a view echoed by wider civil society in past statements.⁵⁵

Civil society and human rights defenders believe that the stance taken by the European Union on electoral democracy and citizens' rights in the last year is promising, and they hope that other international interlocutors will follow the suit when the negotiations start.

THE FUTURE OF AFGHANISTAN'S GOVERNMENT

Perhaps unsurprising, given that interviews were conducted during the period of the 2019 presidential electorate dispute, a lot of discussion circled around the future of the Afghan government, including the necessity of interim measures to reach a peace agreement.

ISLAMIC EMIRATE VS. ISLAMIC REPUBLIC

A lot of discussion circled around the name of a post-peace deal Afghanistan and whether the Taliban's Emirate notion would win out over the current republic system.

The Taliban, throughout their negotiation with the United States and Afghans, have insisted on calling themselves the Islamic Emirate. In the peace deal with the United States, and at meetings with Afghan delegates in Moscow and Doha, they sent a message that they would only accept the name Emirate for their movement.

This stance on the term Emirate either as a name for their movement or as an intended system of governance for Afghanistan, has shocked many who lived under their rule in the 1990s, as

well as those who believe elections and democracy are the only way to transfer power and ensure stability.

While opposition leaders did not express support for an Islamic Emirate, they are also not trusted by activist groups to protect the fundamental human rights and civil liberties of all citizens, excepting perhaps their ethnic support base.

There has been a strong reaction from Afghan civil society against reviving an Emirate as a governance structure and Sharia jurisprudence as per Taliban interpretation, given bad memories of what this meant in practice during the first Taliban regime. The Taliban has since clarified that it is an old copy of constitution not new however they have not declared its revoking either.⁵⁶ Rather than remaining attached to the term Emirate, the Taliban's self-perceived need to respond to evolving Afghan society needs to be demonstrated to a new political order.

Elites from the political opposition admitted that the Taliban are unwilling to enter into any governance system with general elections and would be unlikely to integrate into the current system in a peace deal similar to the one with Hekmatyar. Although there be may significant disagreement as to what exact governance system (e.g. presidential or parliamentary) political elites favored, respondents from all three categories reported that sustaining a republic form of government is their priority. The few elites in the independent category, despite their liberal postures, have questioned the current republic system, while others reported that an inclination towards an undemocratic system is present within some political circles in Kabul. The highest levels of leadership may hide these opinions because they fear public backlash.

In light of the above, it has been clear in our discussions with political elites that no party wants an Emirate as a form of government, except the Taliban. As the discussion around possible constitutional amendments has already highlighted, those in pro-government groups expect that the most pressing and difficult agenda point to be discussed and agreed on in negotiation with the Taliban is the decision between an Emirate or a Republic. Meanwhile, all respondents have an expectation that international partners—in particular the EU—will put pressure on the Taliban to agree to an Islamic Republic. Despite the importance of this debate, however, to date political elites in Kabul have been unable to discuss the Emirate vs. Republic issue among themselves and reach an agreement that would prepare them for the intra-Afghan peace negotiations with the Taliban.

INTERIM GOVERNMENT OR ELECTIONS?

To integrate Taliban leadership, some of the political elites interviewed in the opposition group appear to be ready for the formation of a “Supreme Council” that includes the Taliban in a supervisory role to the government as a possible compromise. They also believe that the Taliban can use their knowledge to be effective in the justice sector. Others believed that such a set up will be difficult to dismantle in the future, and might set Afghanistan on the wrong path. Nevertheless, some respondents thought that if negotiations with the Taliban resulted in a verdict for an interim/broad-based government then the Afghan president should respect that decision.

However, even those political elites in favor of setting up a new interim/broad-based government that would accommodate the Taliban argued that this should only be a temporary measure to find peace; they believe that any subsequent government should be democratically elected. Although all the respondents stressed the importance of maintaining an electoral democracy, they had doubts that the Taliban would be amenable to doing so.

Almost all the respondents, regardless of their political convictions, believe that the Taliban are keen to push for a governance system that guarantees their power base without general elections. Most are of the opinion that the Taliban will dispute general elections because of past electoral flaws and corruption, but also because they believe the Taliban cannot win them. Many are of the view that the Taliban understands that they will be unable to secure sufficient public support in an election, given their poor reputation in the big population centers as well as among non-Pashtun ethnic groups, which form a majority of the population in Afghanistan.

Lastly, while respondents in the President's camp were not only ready to have an interim/broad-based government without elections to advance peace, they believed resolving the governance system will be the first and most difficult issue to negotiate with the Taliban. According to one of the respondents in this group, it will be difficult to move on any other issues in the peace negotiations until the point of a future and/or interim government is resolved. The rumors of the interim/broad-based government, however, and the hidden agendas for changing the governance system to accommodate ethnic and personal interests, has made the form of government discussion almost a taboo among many in Kabul.

THE ROLE OF REGIONAL/INTERNATIONAL ACTORS

The discussions with political elites about regional and international actors can be divided into three sections:

The US Role: Almost all of the respondents view the US role in the peace process with cautious optimism. Although they agree that a peace process is more realistic with US intervention, they also are suspicious of the US-Taliban peace deal. The upcoming elections in the US and the urgency to reach a peace deal with Taliban, many believe, weakened the Afghan government's position. Some of them also think that the US made unnecessary compromises with the Taliban, such as the release of prisoners, which made intra-Afghan negotiations more difficult.

Women in Afghan civil society are highly concerned that the US position on women's rights and democracy has shifted over the past year, from promoting those ideals to being willing to compromise them in order to get to a negotiated settlement with the Taliban. The official stance of the US government is also clear that Afghan women's rights are no longer a priority.⁵⁷ Thus, women's rights activists and civil society actors have put all their efforts into a continuous dialogue with women's activists and policy makers in the US and Europe, in order to ensure that their rights are not being compromised or sacrificed during peace negotiations.

Despite the ongoing peace negotiations between the US and the Taliban, some leaders in the pro-government group, and particularly those who have been briefed by US envoy Zalmay Khalilzad, believe that the US is not leaving completely. They also think that the US stance will be clearer after it has held presidential elections in November 2020. Others also implicitly

referred to the annexes to the US-Taliban deal, which might keep US troops use Taliban as an independent force that will fight for the strategic interests of the US in the region

However, many of the respondents across the board believe that the US betrayed the Afghan people by discussing their withdrawal with Taliban at a time when they had signed a Bilateral Security Agreement with the Afghan Government.

The role of regional countries: A supportive neighborhood is widely regarded as being a crucial determinant of a successful peace process.⁵⁸ Afghanistan's conflict history has illustrated that neighboring countries have not always supported stability and have rather played destabilizing roles. India, Pakistan, Iran, and Russia all play a significant role in sponsoring their favored actors in the Afghan conflict, making it difficult for any government to succeed in a war fought on so many fronts.

While many of the regional countries show their support for a peace process, including Pakistan's official position of supporting an Afghan-led and Afghan-owned process, there is much mistrust among Afghans on the actual role they play.

Interviewees cited the competing interests of the regional and international actors as an impediment to a durable peace in Afghanistan. Afghan politicians recognize that the role of regional and international actors in the peace process is important, however, how to accommodate the strategic interests of neighbors and international actors seems out of their control.

EU, NATO and other European countries: Several of the political elites see the role of the European Union (EU) as a mere extension of the United States' role in Afghanistan. They also believe that EU interests lie in curtailing refugee movement to their countries. Other political leaders see the EU's role as being important to post-peace development.

Human rights activists and women respondents believe that the EU is on their side and is a more honest partner despite their limited influence on the current process led by the United States. Thus, the international community is seen as a partner not only in bringing peace but also in continuing to support Afghanistan in a post-peace scenario. However, we do not know if the leverage of the international community to condition their aid on a "just" peace is felt by Taliban or not.

In light of the above, any peace process forged without building trust with regional countries and international partners will not be sufficient. It will be important to reach consensus with regional partners in particular on mutual agreed interests for the region, while ensuring that Afghanistan is accepted as an independent country.

Political and economic support from European countries and the United States will also be crucial for maintaining Afghanistan's democratic institutions and sustaining women's rights, human rights, freedom of speech and media, which have prevailed through the partnership.

International partners should realize that an Afghanistan with a balanced and democratic regime can be the best partner in tackling illegal immigration and security threats. This contrasts starkly with the Taliban, which has not renounced international terrorist groups and continues to inflict violence by pushing for the Afghan government to release international terrorist prisoners, following agreement from their US counterparts.

CONCLUSION

Nearly two decades after the 2001 Bonn peace agreement failed to deliver on the promise of peace, Afghanistan once again stands at a crossroads to finding a sustainable resolution to a protracted conflict that has raged for nearly four decades. The recent US-Taliban peace agreement has given a green light for the intra-Afghanistan peace dialogue. Furthermore, the fact that President Ghani and his main contender Dr Abdullah managed to reach a power-sharing compromise after the 2019 electoral debacle has removed another obstacle on the road to peace.

This report, however, has highlighted that reaching peace in Afghanistan means addressing some of the many divisions among the country's political elite—ranging from who is to be included in peace negotiations, to what issues need addressing, to how a future political order and Afghanistan government should look.

It was reassuring to hear that political elites do desire peace, and a majority want a future government that protects basic human rights and allows for participatory processes. However, it was disheartening that they have not yet found a way to overcome their differences.

What we found striking in our interviews, perhaps even more so than what was said, was what was not said or implied. Our interviews highlighted the large amount of distrust within the different factions of Afghanistan's political elite, between the political elite and the Taliban, between and civil society and those in power. The divisions among the leaders in Kabul are mirrored by Afghanistan's neighbors and international actors.

The interviews demonstrate that this peace process is raising many of the issues that were unresolved in the 2001 Bonn agreement and the nearly two decades that followed, chiefly around how power is best shared in a multi-ethnic country such as Afghanistan and whether and how one deals with past real and perceived grievances.

Existing differences and the intense level of distrust among political elites suggest that peace in Afghanistan must go above and beyond a peace agreement between the Afghan government and the Taliban. Evidence from other peace agreements has demonstrated that confidence-building measures are important for resolving conflict and reaching peace,⁵⁹ and our interviews strongly suggest that this is very much needed to move peace forward.

The findings from our research also made clear that a peace agreement needs to include some discussions around a pathway that ensures a move from negative peace (the end of destructive violence) to positive peace (a future where all Afghans feel they are represented in and protected by their government).

Given the many challenges faced by Afghanistan, including the COVID-19 pandemic,⁶⁰ which is threatening several more stable democracies than Afghanistan, it is important to acknowledge that this peace process will only be successful if Afghanistan's political elites learn from history.

History has proven that when it matters, Afghan elites can come together for a common goal. This happened when Afghanistan's Mujahedeen defeated the Soviet-backed communist government. However, history has also shown that unless a model for better power-sharing is found, distrust and war will continue.

A peace process can be an opportunity to knit together a frayed societal fabric and generate enduring stability, if ways can be found to deal with differences peacefully. At this critical juncture, what Afghanistan's political elites need to ask themselves is whether the current peace process that is meant to end fighting between the Afghan government and the Taliban is the best time to bicker among each other – or whether some of these differences are best left to be resolved at a later date.

If Afghan elites want to demonstrate to the Afghan people that they want peace, then they must put their current power battles aside that weaken the resolve for peace. They must prioritize building confidence over sowing distrust and take responsibility for their actions.

Yes, it is important to acknowledge that differences exist and need to be managed, and that that historical grievances will need to be addressed in a peaceful Afghanistan rather than being swept under the carpet. A process to deal with the past and resolve some of the underlying differences once and for all is very much called for, and desired by the Afghan people, so history does not repeat itself.

The Afghan government perhaps needs to lead the way and rethink what inclusive peace means. To build confidence in what clearly is a divided country and polity, they perhaps should see their role as facilitating negotiations with the Taliban, not controlling every aspect of it. For example, they could allow geo-political groups and civil society to select their own representatives to join into negotiations with the Taliban in order to allow for participation and voice. This simple step might not resolve all differences, but it would build a greater ownership of the process and reduce the desire by elites in opposition to have separate negotiations with the Taliban.

It is also important to see international actors as allies, but not drivers of the process. Afghan ownership of the process is important and provides an opportunity for the country to work to resolve its differences internally and in the region. Pressure by international actors can be helpful, but in the long run cannot guarantee peace. These guarantees need to be brokered with neighboring countries, and Afghanistan needs to find the balance and convergence among the conflicting regional interests. Afghan elites need to collectively define the national interest and try to engage with international interlocutors in partnerships based on trust.

In the end, the Afghan government needs to find unity in their peace negotiations with the Taliban, as “a house divided against itself cannot stand.”

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Afghan Women's Educational Center (AWEC)

AWEC is a non-political, non-profit, woman-headed national organization established in 1991 by a group of educated Afghan women in exile, who rallied together to address the lack of facilities for Afghan refugees in Islamabad and eventually Peshawar, in Pakistan. AWEC has always been involved in advocacy and awareness-raising for women and children's rights while providing services to those who frequently fall through safety nets. In recent years, one of AWEC's core activities has been to support women through mobilizing Afghans, from local communities to political elites, towards the goal of establishing peaceful society, reducing and eventually eliminate violence and increase women participation in home, communities and society in large.

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- ¹⁹ The research was overseen by a steering committee that included a SALAH consortium director with relevant background who helped to develop the questionnaire (see Appendix I) and facilitate the research process.
- ²⁰ AWEC is a non-political, non-profit, woman-headed national organization established in 1991 by a group of educated Afghan women in exile. Areas of focus include advocacy and awareness raising for women's and children's rights, as well as supporting women to achieve greater participation in the peace-building process. For more information: <https://awec.info/>
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