AREU

Afghanistan Research And Evaluation Unit
Policy Note Series

PAINFUL STEPS

Justice, Forgiveness and Compromise in Afghanistan's Peace Process

November 2011

Jay Lamey with Emily Winterbotham

Introduction

Peace in Afghanistan is frequently discussed but remains only a faint hope. As we move from meetings in Kabul to Bonn, and as strategies for the future are made and revised, it is vital that the voices of those who have suffered during Afghanistan's conflicts are heard and understood. An arrangement that respects their hopes and concerns stands the best chance of delivering a just and durable peace in the country.

Legacies of conflict are deeply felt by many Afghans, who report that psychological suffering is affecting their ability to cope with daily life. This is generally worst for those who have experienced the death or disappearance of close family members or been exposed to acts of violence—something experienced by many Afghans. Against this backdrop, there has been no comprehensive program to provide justice or compensation, and the desire for some form of "closure" remains strong.

Meanwhile, as the nation struggles with ongoing conflict, new suffering occurs on a daily basis. Communities in contested areas report feeling trapped between insurgents and the allied government and international forces, which can result in intimidation, deaths and displacement. Afghans who are not directly exposed to the continuing violence report being unable to feel "at peace" due to the presence of conflict in their country, which is widely seen as inhibiting national progress.

These findings are from an AREU research project that has focussed on the legacies of conflict in Afghanistan. It explored local perspectives on peace, justice and reconciliation, with a specific focus on gathering Afghan experiences, opinions and desires that could inform the quest for peace. People often expressed themselves through Dari and Pashto phrases that convey a need to "cool" or "calm" people's hearts and heal "*oqda*," which was often used to indicate hatred, hostility or obsessive feelings stemming from conflict.

The research was designed to reach communities with different ethnic compositions and differing exposure to conflict phases. The qualitative format allowed for the in-depth exploration of complex issues and histories, and provided space for people to reflect on some of the true hardships of war and the difficult challenges confronting the nation. Patterns are identifiable across, between and within the communities studied, and these are presented here in the context of national peace efforts and their implications for justice and long-term stability.

1. A Desire to Move Forward

Balancing demands for peace and justice is difficult. Many people expressed a desire for punishment or revenge against individuals or groups perceived to have committed serious crimes during Afghanistan's conflicts, particularly leaders who were identified as primarily responsible. This was often seen through an Islamic framework, which outlines specific punishments for certain crimes. However, many of these same people frequently also expressed a pragmatic capacity to forego these rights to retaliation in the interests of security and the long-term stability of Afghanistan. This is significant given that the principle of *huqooq-ul-ibad* was understood to confer the power to forgive on the victims of crimes only. Serious barriers to peace, reconciliation and justice were widely recognised, embodied in an ongoing insurgency as well as a government interwoven with wartime players. Although prospects were perceived as dim, a negotiated settlement was ultimately seen as vital. Afghan customs based on inclusive discussion and dispute resolution were seen as providing a platform on which this could take place.

Ethnicity and other forms of group identity have been used to mobilise people during Afghanistan's conflicts, particularly during the 1990s. Subsequently, ethnic tensions and rivalries remain in many areas, and are visible in or between local communities as well as at regional and national levels. However, people lamented this state of affairs and largely blamed conflict leaders for creating rifts between groups. Many people emphasised the need for reinforcing a broader Afghan identity, which has already been strengthened by wartime migration from and back to the "homeland." This desire and ability to transcend internal rivalries in search of national cohesion and progress is a positive trend for the future.

This did not mean simply forgetting the past. Instead, education programs and approaches that allowed for society and its future generations to learn from the past were favoured. Subsequently, there was considerable support for some combination of truth-seeking, apologies, forgiveness and compensation, although some feared these measures could undermine fragile stability. While such processes do not appear likely given the political and security context of Afghanistan today, they should not be pushed off the agenda. In fact, they could potentially serve a measure of justice while also fostering an environment more conducive to peace. Meanwhile, respondents believed that building legitimate government, which is a fundamental component of peace, requires limiting the power of those guilty of wartime violations. Overall, people who have suffered during wartime feel that their experiences have been ignored, and if opportunities arise in future to provide some form of acknowledgement, these are likely to be well received.

2. Afghan perspectives and ongoing peace efforts

The current peace initiative, launched in early 2010, is two-track: seeking "reintegration" of lower-level fighters into their communities while high-level talks aim at reaching a peace deal or "reconciliation" with the Taliban. The approach is underpinned by military force—insurgents have been the targets of increased attacks, particularly by special operations forces, that aim to force them to the table.

The clear distinction found in the research between "leaders" and "followers" and the belief that in most cases followers did not deserve punishment provides some support to the reintegration element. Afghans across the country are likely to be supportive of junior fighters rejoining their communities. This process has begun, administered by the Afghanistan Peace and Reintegration Programme secretariat and its provincial offices, in coordination with the International Security Assistance Force. According to programme documents, around 2,500 fighters had officially entered the program by October.[1] Some currently live in government safe houses and others have re-entered their communities of origin, which are expected to support them and prevent their return to the battlefield.

However, the clear distinction between the high and low-level processes was criticised as the plan emerged in 2010, including by an AREU study.[2] It pointed out that the reconciliation and reintegration processes needed to understood as part of a single strategy, and that their prospects were dependant on each other. The inherent difficulty of luring committed fighters away from the insurgency when its leaders have not entered negotiations and while underlying grievances are unaddressed was highlighted during the legacies of conflict research.

The Pashtun study community in rural Ghazni were generally supportive of the Taliban (although most community members still professed a strong desire for peace) and it was clear that some had joined their ranks. While it was identified as a factor, money did not appear to be the primary motivator. Instead, there was support for the Taliban's vision of an "Islamic state." While the very presence of the Taliban may have influenced respondents toward a more favourable appraisal, the consistency of supportive statements show a base of ideological agreement that cannot be ignored. People fighting on this basis and those who support them are less likely to be induced by cash payments and employment programs. In such cases, a political settlement would probably be necessary for large-scale reintegration to occur, and this community was still supportive of a negotiated approach to the conflict. In fact, communities like it are potentially highly supportive of a negotiated settlement that provides a share of power to the insurgency, because they believe that if Taliban individuals and ideas are integrated into the government, it will become more legitimate.

---

[1] ISAF Force Reintegration Cell, "ISAF-FRIC Reintegration Update" (Kabul: October 2011).

[2] Tazreena Sajjad, "Peace at all Costs? Reintegration and Reconciliation in Afghanistan" (Kabul: AREU, 2010).

However, as a community they were alone in offering this degree of support. In other study sites, sentiment generally ranged from a grudging acceptance that the Taliban may need to be offered some official positions for the sake of peace (rural Kabul) to outright opposition to any role for them in a future government (Bamiyan). For some, memories of Taliban violations were still fresh and their return was feared, particularly among Hazaras who felt they had been ethnically targeted, although this did not necessarily mean negotiations were opposed—only that acceptable outcomes were more constrained. When contrasted with the recognition that some communities are generally supportive of the Taliban, this implies that any settlement would need a good deal of local flexibility to be workable.

About the Research

AREU's legacies of conflict research was conducted in urban and rural areas of Ghazni, Bamiyan and Kabul Provinces. It included 321 respondent interviews, 70 focus groups and additional key-informant interviews in Kabul. Case studies for each province as well as a report detailing patterns of wartime violations are available from www.areu.org.af and a final report is due at the end of 2011. This policy note draws on the findings presented in these papers. The research was funded by the Royal Norwegian Embassy in Afghanistan.

Hopes for peace were generally not high among respondents, who criticised the composition of the High Peace Council as unrepresentative and doubted the Taliban's desire to participate in talks. In 2011, after some false starts, it was reported that secret talks did finally take place and for a time it was even mooted that the Taliban might send an envoy to Bonn in December 2011 or open an "embassy" in Qatar.[3] But the killing of ex-president Burhanuddin Rabbani by a supposed Taliban negotiator dealt a severe blow to the nascent process, with President Karzai subsequently shelving the idea of direct talks, saying he will focus instead on Pakistan.[4] While a settlement remains a remote possibility, the process thus far has clearly not yielded the desired results and its future looks bleak, an unfortunate justification of the pessimism felt by respondents.

Meanwhile, and partly as a result, the implementation of the reintegration component has been patchy.[5] Its results have been mostly in the north and west, and media reports showed disappointment among some fighters who had joined, with promised benefits not materialising.[6] International and government expectations of the APRP have always been high, perhaps unreasonably so given the lack of high-level talks, but the program infrastructure is now in place, including a donor-supported fund for its activities. Shortly before Rabbani's death, a conference took place in Kandahar between peace council members and local leaders with the goal of expanding the program into the key southern areas. As they push forward, some APRP officials now hope that progress on reintegration can provide a shot of momentum to the troubled high-level track. Delegates to the recent Loya Jirga supported continuing attempts at reconciliation if insurgents entered openly into negotiations with the Afghan government.[7]

It should not come as a surprise that a peace process implemented alongside an international military surge has not proved effective. Many respondents to the AREU research blamed the presence of international military forces for prolonging the conflict. They were looked upon with deep suspicion, even in areas where their activities are minimal. For example, some respondents in Bamiyan and rural Kabul believed that international forces were in fact collaborating with the Taliban to extend their stay in Afghanistan for selfish reasons, such as economic exploitation and as a base for regional influence. Respondents also pointed out the obvious problem of the Taliban refusing to talk while international forces remain in the country, and the likelihood that their presence would continue (the Loya Jirga conditionally supported a strategic pact that would extend US military presence beyond 2014). They questioned how effective peace talks could possibly take place under these conditions.

Subsequently, it was widely felt that any reconciliation process should be genuinely Afghan. It should be coordinated by a strong Afghan government and involve traditional mechanisms such as the jirga system,

---

[3] Catherine Philp, "Taliban office in Qatar approved by US," *The Times*, 13 September 2011.

[4] Jonathon Burch and Myra MacDonald, "Karzai Rules out Early Resumption of Taliban Talks," *Reuters*, 1 November 2011.

[5] For a sober appraisal of the APRP, see Deedee Derksen, "Impact or Illusion? Reintegration under the Afghanistan Peace and Reintegration Program" (Washington, DC: United States Institute of Peace, 2011).

[6] Julius Cavendish, "Luring Fighters Away from the Taliban: Why an Afghan Plan Is Floundering," *TIME*, 27 September 2011.

[7] See Kate Clark, "Traditional Loya Jirga 4: lacklustre political theatre" (Afghanistan Analysts Network, 19 November 2011), http://aan-afghanistan.com/index.asp?id=2259 (accessed 20 November 2011).

which provide a cultural template for negotiation and compromise. Some respondents did envisage a supporting role for international actors, such as the United Nations. The largest such group was younger urban women, who fear for the rights they have gained since 2001.

However, a major obstacle is government capacity and legitimacy. Many people questioned whether *this* government could deliver a just and enduring resolution to the conflict. Weaknesses in the justice sector were often singled out. If the government cannot handle common crimes, how could it handle the complexities of conflict-related issues? Likewise, respondents noted a lack of government presence and programs in rural areas where the Taliban reigned, or a lack of development activity and infrastructure in secure areas. Some communities also identified the presence of wartime actors in key official positions as undermining government legitimacy, and electoral sagas have done nothing to reduce this negative image.

3. Looking Ahead

It appears unlikely that conflict will end in Afghanistan in the next few years. The Taliban are entrenched and have shown their capacity to endure. International focus has shifted to damaging their military capability, securing population centres, and handing over responsibility for the conflict to boosted Afghan forces and administrators. In the meantime, the Afghan government faces internal and external constraints and does not have the ability or the political latitude necessary to strike an enduring settlement.

However, the lack of a quick solution does not mean the current approach is the wrong one. Strengthening the government's ability to provide services and security is a key to establishing its legitimacy. The handover of responsibility should continue, albeit at a sensible and manageable pace. Elections coinciding with the 2014 target for completing the transition must also be supported because they provide an opportunity for Afghan people to shape the composition of their government into something they can trust. When a legitimate government is in place and in charge, with international forces largely withdrawn, the conditions necessary for genuine negotiations—as identified by research respondents and reflected in statements by the insurgent leadership—will be in place.

As this process continues, steps can be taken to meet widespread demands for the recognition of people's suffering. One simple and immediate measure would be for the government to publicly embrace the official national Victims' Day on December 10. Small acts like this can contribute to government legitimacy and help pave the way for a broader reconciliation process in the future. Likewise, keeping local voices in the debate is necessary to guide any process in a direction that respects the wishes of ordinary Afghans and thus gains their support. At a minimum this would probably involve excluding or at least limiting the power of the worst wartime violators and some form of justice, however broadly understood. Nascent peace-building activities should also continue. Anti-government fighters should be helped off the battlefield if they wish and channels of communication should remain open to insurgent leaders in case unforeseen opportunities emerge for engagement. Even as fighting continues, any measure that builds a modicum of trust and goodwill can be considered an investment for the future.

Negotiations will not be easy when the time comes. There are competing ideas and visions for the country, entrenched power dynamics, and valuable resources at stake. These are set against a complex wartime history that has built deep mistrust and continues to involve significant external powers. However, the AREU research has shown that Afghans are willing to compromise for the sake of peace. "Revenge is a right but forgiveness is more valuable," said one. Leaders on all sides of the conflict must follow suit. This does not mean peace at any cost. It means placing Afghan desires at the centre of the negotiating table and working genuinely toward them. A peaceful and united country may be difficult to achieve, but it is not too much to ask.

About AREU

The Afghanistan Research and Evaluation Unit's mission is to inform and influence policy and practice through conducting high-quality, policy-relevant research and actively disseminating the results, and to promote a culture of research and learning. AREU was established in 2002 by the assistance community working in Afghanistan and has a board of directors with representation from donors, the United Nations and other multilateral agencies, and non-governmental organisations.

www.areu.org.af / areu@areu.org.af / Tel. +93 (0) 799 608 548