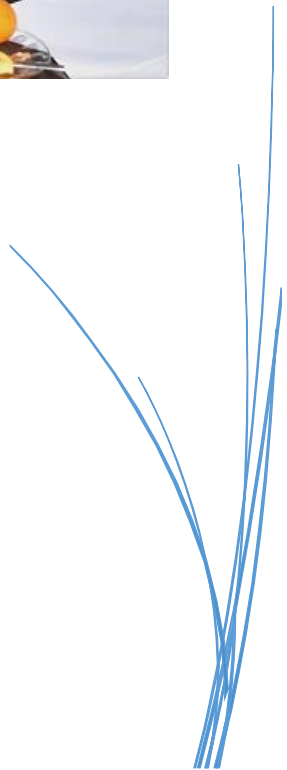


AN OVERVIEW OF THE DRAFT AFGHAN PEACE PLANS AND REQUIREMENTS OF THE CURRENT STAGE

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Translated from Pashto

Preface

Over the past few months, the Afghan peace process has seen continuous developments and changes, which have further complicated the process and added to the concerns about the future of the process. The new U.S. plan for peace in Afghanistan gave new dimensions to the peace process and raised new hopes and concerns on national and international levels. Considering the importance of the current stage of the peace process and the critical situation of the country, the Center for Strategic and Regional Studies (CSRS) has convened a roundtable to comprehensively evaluate the current peace plans and the status quo in Afghanistan. The names of some political and academic figures who were the participants of the roundtable, and a short report of their discussions could be reached [here](#). The purpose of the roundtable was to provide the pertinent sides with ideas and recommendations which will contribute to resolving complex and disputed issues and to bring the positions of both sides closer together, and consequently helping them to resolve the Afghan issue through talks and put an end to the on-going bloodstained war. Based on the roundtable discussions, this article evaluates the current peace plans for peace in Afghanistan, discusses the demands and requirements of the current phase and proposes recommendations for the success of the peace process.

A Look at the Proposed Peace Plans

Overall, a practical and concrete plan for the Afghan peace, based on which, a notable progress could be made, has not been prepared in the last years. Some plans that were particularly prepared by the Afghan government were not actually applicable. Recently, proclamation of the US plan for the Afghan peace mobilized various sides to present their recommendations and views for its reform and modification. These efforts for preparing peace plans were made when it was

perceived that the US plan for peace in Afghanistan is rudimentary and negotiable. Therefore, the US plan is considered as the basic plan in all these efforts, and is either reformed or recommendations have been made for its reform. However, it is most probable that this plan will act as the primary guideline for intra-Afghan concord since the main political pressure in the international community is from the US who strives for a “responsible” withdrawal from Afghanistan. Although the US plan is practical to some extent, but has its serious flaws. But, the US plan for peace in Afghanistan was not evaluated comprehensively at the national level, as well as an alternative plan was also not witnessed.

As a response for the US peace plan, the High Council for National Reconciliation proclaimed that they have combined 30 draft peace plans and claimed that they have prepared a cohesive one for the intra-Afghan concord. However, the plan presented by the high council is not discussible because, with minor changes, it is the same plan presented by the US. On the other hand, with changes based on President Ghani's draft peace plan and some other views, it has been made a completely contradictory document.

The roundtable held by the CSRS has made two deductions from the existing plans for peace. First, Considering the circumstances, the US plan will be presented for an agreement between Afghans and will lead to a peace deal with a minor reformation. In this regard, discussions were that the plan has some serious flaws and shortcomings. If presented for peace discussion in its present form and both sides agree upon it, it will lead to instability and failure of the process. Secondly, a new plan should be presented for peace talks. But before we discuss the nature of a new plan, here we point out flaws and shortcomings of the current plan.

A: Guiding Principles:

The first part of the US plan for Afghan peace contains principles that if accepted, will build the foundations of the new constitution of Afghanistan. This part needs reformation. The following are some examples of its flaws.

The plan points out the Afghan government and the Taliban as the two sides of the agreement. Seemingly, it will be the repetition of the Bunn Conference as some Afghan sides were ignored in decision making. Presently, if all Afghan sides other than Taliban are considered as the government side in this plan, that would not be a genuine approach because many politicians and parties stand against the policies of the Afghan government and will also not accept decisions of the government in the future. The plan distributes power between these two sides which will be a repetition of the past failed experience such as the national unity government. Therefore, the plan should mainly focus on establishing an impartial interim administration in the country. In addition, the plan should explicitly point out that the agreement is between the Taliban, the Afghan government and other political sides. Content of the plan should also adhere this principle. Likewise, the United States has been indicated as the mediator and guarantor, while the US is a key side of the case. Meanwhile, responsibilities of guarantors have also not been enlightened.

In addition to the presence of foreign forces in the country, the main disagreement is over the government system that weather it is an Islamic system or not. This is because consideration of Islamic principles in the constitution has always been emphasized in the last two decades, but the Taliban do not agree that the constitution is in accordance with Islamic Shariah. Claims of both sides are very general in this regard and there is no plan that explains presence of required Islamic principles in the constitution. The US plan also in general discusses this matter. For instance, the plan states that official religion of the government will be Islam, while the current constitution also emphasizes on this point. However,

at least it should be explicitly stated that every law including the constitution must be in accordance with the Shariah and new laws that are against the Shariah must not be created. This point should be an article of the constitution and must never be reformed, so that misinterpretation of the constitution is avoided and will not be used against the Islamic laws. As a result, at least it will be assured that no one in the future will be able to challenge the fact that the regime and its constitution is against the Islamic law.

Additionally, establishment of a high Council of Islamic jurisprudence is stated in the plan. According to the plan, purpose of the council will be to advise local and national governmental bodies. Firstly, the main purpose of the council is ambiguous i.e. what is actually meant by advise? Establishment of such body might be to assure that the future system acts according to the Islamic law. Meanwhile, there are concerns that such council might be distorted by authorities and rulers for their own interests. Such occurrences have already been experienced by some countries. Therefore, the purpose of the council should be explicitly enlightened and impartiality of rulings should be assured. In order to reform the laws for its accordance with Shariah, it is preferred to establish such body using a clear mechanism. It can be pursued either through the constitution (by obliging via an article that all laws and rules should be in accordance with Shariah) or establishing an independent commission. But its purpose must be to Islamize the laws. Decisions made by such commission must be made obligatory, so that Islamization of laws is satisfactorily certain.

Furthermore, the issue of transitional justice for the victims of 42 years has also been mentioned in the plan. It seemingly aims to put former Mujahiddin and the Taliban under an equivalent pressure. However, the issue of corruption of the last two decades has been disregarded, so that some people are pardoned and kept in power. If the issue of transitional justice is conferred, corruption cases of high ranking officials must also be discussed. Corruption has been a sign of disgrace

for Afghans and has been a main obstacle for governance, development, and security. Conversely, corruption cases of corrupt officials have not been discussed in the plan.

On the other hand, the issue of transitional justice can become a controversial issue. This is because Hamid Karzai Once granted general pardon after being sanctioned by the National assembly in 2007. At that time, the grant was vastly criticized because it presented amnesty to war criminals and human rights violators. Raising similar matters once again may cause fear and subsequently lead to obstacles toward peace, despite its positive impact. Similarly, the issue of transitional justice has been discussed ambiguously and there is no elaboration on how exactly transitional justice will be implemented. Hence, stating such matter in a provisional document can add to problems of the peace process.

The issue of elections is another fundamental issue which has been a basic cause of corruption and chaos in Afghanistan. Despite the fact that elections and corruption are correlated in Afghanistan, the plan does not discuss any mechanism for future elections. An insight to previous elections will indicate that this fundamental problem has often led to extensive corruption, injustice and consequently political and security instability. Due to such unfavorable happenings, the last two presidential elections led to coalitions in power and consequently led to calamities in the country.

The issue of returning refugees is another key issue, and no mechanism in this regard has been pointed out in the plan. Also, there has never been a concord on a strategy for returning refugees in the last two decades.

B: Interim Government

The US plan mainly focuses on establishing an interim government which divides the structure of the government between the Emirates and the Republic. It can be considered as one of the main flaws of the plan because even if the two opposing

sides gather together in a governmental structure, it will not be able to act as a well-coordinated administration. Hence, the plan should support establishing an impartial government, instead of a joint administration.

The plan does not determine duration of the interim government, which will be discussed during the intra-Afghan talks. In this regard, a bold point is that some sides support lengthy duration of interim government. However, a longer duration of interim government is never in interest of the country, as it leads to corruption, foreign interferences and many other problems. Duration of the interim government should not exceed 18 months.

Some other parts of the plan are also very controversial. For instance, it discusses two types of governmental systems; presidential and parliamentary. This issue is highly provocative and cannot be resolved in a single conference. On the other hand, it is not up to a limited number of individuals to choose a governmental system, rather it depends on the decision of the whole nation.

Regarding the national assembly, the plan offers two options. First is to introduce representatives of the Taliban and increase the number of members of the parliament. Second is to suspend the parliament for certain duration. The first option faced many critics which argue that inclusion of new members raises questions about the legitimacy of the house of representatives, as the new members have not been elected by the people. However, if this argument is considered valid, then the whole idea of establishing an interim government should also be questioned, as it will be a result of a peace deal, while the peace process cannot succeed without establishing an interim government. Therefore, political figures recommend that the house of representative should be preserved with some reforms and new roles. This is because parliament can play a constructive. Particularly, if accomplished in presence representatives of the Taliban in the parliament, it will remarkably reduce problems and shortcomings.

Although the plan emphasizes neutrality of Afghanistan and that the Afghan soil will not be used against other countries, but it does not state a mechanism that will prevent the international community and countries in the region from interfering in Afghanistan's internal affairs. This is because if agreement with other countries does not occur in this regard, Afghanistan cannot witness peace and stability. The main cause of the Afghan calamity is correspondingly presence of foreign forces and interferences of neighboring countries.

In addition, the plan does not particularly discuss continuation of aids from the international community after a peace agreement, while far more support is required in the future in order to witness success of the peace agreement.

C: Ceasefire

There is no explicit statement about implementation of a ceasefire in the plan. It only mentions a commission which will be informed in case a side break the ceasefire or violates the agreement. It also does not enlighten penalties in case a side violate the ceasefire. Hence, this part only introduces a commission, while that circumstances do not barely require observation; rather a capable force is required to maintain the ceasefire, which can be either national or international or a joint force. The working mechanism of the Ceasefire Monitoring Commission has also been presented to be very flawed.

Also, the plan does not present a disarming mechanism, while success of a political concord is largely connected to disarming and demobilization process. At least both sides should reach an agreement regarding relative key matters in this regard.

Another flaw of the plan is that the documents does not introduce any mechanism for supervision and observation, due to which, a peace agreement will be broken quickly after it is signed. Similar flaw existed in the agreement between Hezbe-

Islami and the Afghan government, and now both sides blame each other for breaking the agreement.

Furthermore, the plan has in many occasions used terminology that is either ambiguous or can have multiple interpretations. For instance, the term “Meaningful participation” is equivocal. Also, “having role”, “giving role”, “advice” and many other terms are mostly vague. Instead, responsibilities should be explicitly stated. There are many similar terms that are ambiguous and can cause future conflicts due to the lack of trust between both sides.

Requirements of the Current Phase

The second conclusion of the political and academic figures in the roundtable was that such detailed plan is not necessary because there is no conflict over fundamental issues and many matters of conflict being discussed are values and details. Discussion over each subject and details is impossible in a conference. Presently, the first step should be ceasefire and establishing an impartial interim government. Later on, the nation should by itself make decisions regarding values via Loya Jirga. Particularly, those matters which will consequently lead to establishing an elected government should be sanctioned via Loya Jirga. On the other hand, intra-Afghan dialogue cannot progress without pressures from the International community. Therefore, Afghan sides should reach an agreement under international pressures and implement ceasefire.

In order to witness success in the peace process, participants of the roundtable all agreed on the idea that considering the involved sides and circumstances within the country, discussion over details and values will lead to deadlock in the peace process. The first round of Intra-Afghan dialogue when details and specifics were discussed is an example of such deadlock, which continued for three months and consequently ended without any result. Hence, the current stage is required to succeed the process in three phases.

First: Ceasefire should be implemented before everything else and war should be immediately stopped. This is because the main cause (i.e. presence of foreign forces) of the current war is no longer valid.

Second: A completely impartial interim government should be established. It should not be a joint administration resulted from distribution of power.

Third: Later, the interim government should work on reformation of the constitution, forming a national consensus about the new constitution via Loya Jirga, and consequently opening ways for establishing an elected government based on the constitution.

Currently, there are three angles to the discussion: peace and war, distribution of power, and nature of values. Intellectuals believe that if values such as type of the government, rights and other sub-topics are discussed in a conference as stated in the plan, the process will undeniably face deadlock. This is because such disagreements are vast enough that it will not be resolved in one or two conferences. Moreover, such decisions do not concern only a certain number of individuals, but should be the result of the decisions of entire Afghan nation. Therefore, mechanisms should be discussed for such matters, and should be pursued accordingly. That is why the first step towards peace should be ceasefire, since the key cause of continuance of war has been presence of foreign forces, which is no longer a concern. In order for the process to succeed, in addition to ceasefire, an agreement over fundamental issues should be signed and an impartial government, where power has not been distributed and values are not discussed, should be established. Although there are a very few number of fundamental conflict issues, but reaching an agreement in an environment of distrust will surely challenge the process.

Some issues such as the interim government should be discussed and both sides will probably reach a conclusion in this regard. But, making decisions about

values and other key matters is the authority of the entire nation. It is preferred that either a concord should occur about establishing a commission, or mechanisms for resolving key matters should be deliberated.

Additionally, the issue of regional consensus should not be disregarded. Presently countries in the region, especially China, India, Iran and Pakistan have remained quiet. In order to prevent any possible efforts for failure of the peace process in case these countries see their interests at risk, their trust is necessary to be attained. These countries can also play a constructive role in persuading both sides to solve their problem through negotiations.

Key Points and Recommendations:

- The country is currently in a critical situation. Therefore, the Afghan leaders should act responsibly and take maximum advantage of the opportunity to end the bloodstained war.
- The opportunity for peace will be put at risk if any relative side refuse to participate in the intra-Afghan dialogue or strive to create obstacles for it. As a result, the bloody war will persist and the nation will remain its victims. Therefore, both sides should act sensibly and truly enter the intra-Afghan dialogue.
- Currently, there is no political consensus within the country and political leaders are vigorously involved in internal conflicts. Particularly, there is no consensus about a plan for a peace deal. Hence, it is necessary to enable a political consensus between politicians of the country. In addition, dissensions between various sides, especially that involve the Afghan government should not lead to deadlock of the peace process.
- It is not possible to reach an agreement over every detail in intra-Afghan peace conferences. If strived so, it may lead to failure of the whole process. Therefore, both sides should reach an agreement over fundamental issues.

The Afghan nation should be allowed to decide about the values and details of key matters.

- Establishment of an interim government is a rational demand and achieving peace without an interim administration is improbable. However, it is crucial for the interim government to be impartial and should not be established as a result of power distribution.
- The existing draft peace plans for intra-Afghan concord, especially the US plan for the Afghan peace have serious flaws and shortcomings. Instead, a brief plan for the first stage of the peace talks that include implementation of ceasefire and establishment of an impartial interim government should be developed. This will open doors for discussing issues related to values such as the constitution, holding Loya Jirga for reforming the constitution, and establishment of an elected government based on the new constitution.
- Considering the US plan, an equal distribution of power between the Taliban and the Afghan government raises concerns that the failed experience of Bunn conference will be repeated once again. Therefore, involvement of other Afghan political sides is vital for the success of the future government and the entire process.
- Although the duration of an interim government has not been specified, considering the circumstances, the duration must be short. This is because continuance of an interim government for a longer period will confound issues and increase regional and international interferences. Hence, validity of an interim government should not exceed 18 months.
- Meanwhile, there are concerns that establishment of an interim government will scatter the system and cause chaos. In this regard, the international community is required to continue their support in order to preserve governmental bodies and organizations.

- There are also concerns that establishment of the High Council of Islamic Jurisprudence will be accepted as the main source of Fatwa, and therefore, cause problems. First, it is preferred to establish a court for Islamization of laws. But even if a Council for Islamic Jurisprudence is established, it should not act as the only source of Fatwa. Instead, its role should be of a commission that Islamizes laws and prevents creation of any law that goes against the Islamic Shariah.
- The US plan does not present a clear mechanism that will prevent countries in the world and in the region from interfering in internal affairs of Afghanistan. While one of the main causes of the ongoing war is foreign interferences. In this regard, a clear mechanism and strategy is required.
- Presently, establishment of an environment of trust is extremely significant. This could be possible through an interim government. Efforts should be made locally and internationally in order to establish trust among the warring sides. Any declarations that trigger hostilities should be avoided.

The end