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Conflict Assessment: Afghanistan

REPORT SUMMARY

This report focuses its assessment on Intra-Afghan negotiations envisioned under the U.S.-Taliban agreement signed in February of 2020. The researcher draws on the 2004 Afghanistan constitution as well as documents circulated throughout its creation in order to identify potential obstacles and issues of contention that could arise throughout the peace process.

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Introduction

The history of governance in Afghanistan has almost entirely been comprised of foreign conquest and power struggles between internally warring factions. It wasn't until 1747 that indigenous Pashtuns, Afghanistan's largest ethnic group, were able to secure a period of at least nominal rule until 1978. And it wasn't until the reign of Abd al-Raḥmān (1880 – 1901) that Afghanistan began to acquire even the semblance of a nation state. The development of the Afghan state would never reach full completion. Successive conflicts plaguing the region since 1979 would ensure the destruction of any remaining state structures. Consequently, the Islamic Republic of Afghanistan (IRA)¹, established in 2001 at the hands of the United States and the Afghan Northern Alliance, possessed neither a well-founded authority nor legitimacy in the eyes of the Afghan people. Moreover, the exclusion of Taliban members from this political transition would beckon a new phase of war rather than peace.

However, an agreement for bringing peace to Afghanistan signed by the U.S. and the Taliban in February of 2020 has signaled a potential de-escalation and resolution to more than 40 years of civil war.² The agreement outlines a plan for the complete withdrawal of U.S. troops from Afghanistan by mid 2021. In exchange, the Taliban agreed to participate in intra-Afghan negotiations with the IRA—placing a permanent and comprehensive ceasefire as a top priority on the agenda. The negotiations that commenced the following September symbolized a revolutionary milestone in the political history of Afghanistan. After centuries of imperialism and international intervention, representatives of Afghanistan's various ethnic minorities along with the Taliban and the region's Pashtun majority have finally agreed to participate in an entirely Afghan-led and Afghan owned process to outline a political road map for the future of Afghanistan.

¹ The current Internationally recognized government of Afghanistan.

² "Agreement for Bringing Peace to Afghanistan between the Islamic Emirate of Afghanistan which is not recognized by the United States as a state and is known as the Taliban and the United States of America," signed Feb. 29, 2020, *U.S. Department of State*.

These negotiations will attempt to reconcile decades of conflict between the Taliban and the IRA—who up until this point have had little interaction besides through warfare. Perhaps more importantly though, they will provide an opportunity to reevaluate the downfalls of the 2001 Bonn Agreement and proceeding 2004 constitution.³ The main challenges of the negotiations will not only be building trust between previously warring parties but also resolving institutional failures that have led to divisions within the constitutional coalition. Issues such as executive power-sharing and de-centralization have the potential to split the IRA party along ethnic lines.⁴ Acknowledging the failures of previous political institutions and effectively resolving power insecurities within the current political structure will be essential to the future stability of Afghanistan. This report will attempt to provide a historical context for current intra-Afghan negotiations in order to identify and address potential obstacles toward a sustainable peace agreement.

Participants

The pretense for the Bonn Agreement was that it would be a “victors’ peace.” This meant that the Taliban were entirely excluded from the negotiation table. The resulting Taliban insurgency against the newly established IRA made political development and stability virtually impossible. In order for the IRA to sustain power, the U.S. has been forced to maintain a military presence in the region since 2001. However, U.S. presence has only served to de-legitimize the IRA in the eyes of some Afghani people and attracted Islamic militant groups determined on resisting Western influence in the Middle East. The U.S.-Taliban agreement and current intra-Afghan negotiations represent a final acceptance that the Taliban are part of Afghan society and will not concede to any power structure by

³ The Bonn Accords outlined a road map for “reestablishing permanent institutions of government” in Afghanistan following the oust of the Taliban by U.S. forces in 2001. The resulting 2004 constitution for the “Islamic Republic of Afghanistan” was the next to last step in this process. The last step being the holding of “free and fair elections” as demarcated by the constitution.

⁴ United States Institute for Peace, 2020, *Constitutional Issues in the Afghan Peace Negotiations: Process and Substance*.

force.

However, the insufficiency of representation at Bonn does not stop at the exclusion of the Taliban. Despite sentiments regarding the ethnic inclusivity of the accords, the group assembled in Bonn was largely dominated by military commanders from the Northern Alliance and Afghan expatriates. Thus, the final accords did not represent the will of the people of Afghanistan either directly or indirectly. The UN veteran and former Algerian foreign minister Lakhdar Brahimi repeatedly stressed that no one would remember how unrepresentative the meeting had been if the participants managed to fashion a process that would lead to a legitimate and representative government.⁵ They did not.

Deciding who's going to be at the table is an important part of negotiations that can determine the outcome before talks have even begun. Representing all constituents affected by an agreement is paramount to any sustainable peace-building process. Participants to the current round of negotiations will need to be sufficiently representative of Afghanistan's diverse ethnic population if the post-settlement Islamic government is going to have any chance of maintaining legitimacy and power without international military support.

THE ISLAMIC REPUBLIC OF AFGHANISTAN

The IRA side consists of two entities. First, a 21-member negotiating team that includes four women and is reportedly representative of Afghanistan's major ethnic groups.⁶ Some civil society members, however, have criticized the composition of this delegation as not being entirely representative of all of Afghan society. The Transitional Justice Coordination Group (TJCG), describing itself as "a coalition of more than 26 human rights and war victims, organizations and independent activists," issued a statement in March

⁵ Rubin, Barnett R. "Crafting a Constitution for Afghanistan." *Journal of Democracy*, vol. 15 no. 3, 2004, p. 5-19. *Project MUSE*, doi:10.1353/jod.2004.0051.

⁶ The Afghan government's ministry of peace has published biographies of the negotiators, who together are known as the Peace Negotiation Team of the Islamic Republic of Afghanistan, at <https://smp.gov.af/index.php/en/peace-negotiation-team-islamic-republic-afghanistan>.

saying that the “absence of a representative of victims of war in the delegation has made it incomplete.” It called on the government to include victims of war representatives, arguing that, among other things, their stories can “have transformational effect on the negotiators, content and agenda of peace negotiations” and experiences show that “exclusion of war victims from the negotiation process makes the peace very fragile.”⁷

Others, particularly the Taliban, have criticized the selection method of the delegation which was entirely appointed by the Ghani administration. This contradicted the terms of the U.S.-Taliban agreement which stipulated that the IRA “may participate in intra-afghan negotiations as a part of other sides”—not appoint the entire negotiation team. A statement released by the Taliban spokesman, Zabihullah Mujahed, contended that the “team must be agreed upon by all effective Afghan sides so that it can represent all sides,” claiming that the “majority of other sides have rejected” the team announced by the government.⁸ Still other political players, as well as the international community consider the team to be sufficiently inclusive. For outside observers with little expertise on the complex composition of influential groups operating within the country, the extent to which the negotiation team is representative of Afghan society can only be seen in the outcome of the talks and future stability of the region.

The second entity comprising the IRA party is the recently formed High Council for National Reconciliation (HCNR). An unwieldy supervisory structure meant to guide the IRA negotiating team. This council was the result of a power-sharing agreement signed by President Ashraf Ghani and his chief rival Abdullah Abdullah in May of 2020.⁹ Abdullah agreed to recognize Ghani as the winner of the 2019 presidential elections and in exchange

⁷ Adili, Ali Yawar, and Khadija Hossaini. “Looking Ahead to Intra-Afghan Negotiations: A Scrutiny of Different Political Groups' Plans for Peace.” *Afghanistan Analysts Network - English*, 30 Apr. 2020, www.afghanistan-analysts.org/en/reports/war-and-peace/intra-afghan-negotiations-a-look-at-various-afghan-peace-plans/.

⁸ Ibid.

⁹ Abdullah Abdullah was the runner-up in the 2014 and 2019 presidential election’s against Ashraf Ghani. Establishing a prime minister position as a method of ethnic power-sharing in the executive has been part of his main platform. The Ghani and Abdullah rivalry culminated in Abdullah declaring himself president after Ghani’s disputed 2019 win.

he was made head of the HCNR—a deal he accepted on the understanding that these negotiations would be the venue for deciding the future structure of governance in Afghanistan. However, many contend that Ghani is not ready to hand authority over the peace process to his political rival and indeed the authority of Abdullah and potentially the HCNR have already been largely watered down in practice. This has only led to more internal discord and an apparent fractured front of the IRA when compared to the Taliban. Divisions within the party are sure to resurface once negotiations reach the point of discussing a system of government.

Those who have felt side-lined by the Ghani government over the past five years view an interim government as a necessary outcome of the talks. This is because an interim government would be indicative of the political transition and reform that some on the IRA negotiation team and Abdullah perceive as necessary for expanding ethnic representation in the current Afghan government. Ghani-supporters have vehemently opposed any interim arrangement as a potential outcome of negotiations. Critics say this is because such an arrangement would dilute Ghani's current presidential powers. Ghani-supporters, however, argue that an interim government would threaten the progress and break-down of political institutions already established under the 2004 constitution.

At the root of this debate is the unfinished businesses of effectively allocating powers to ethnic, political, and regional groups within Afghanistan through the Bonn Agreement. Moreover, it is an extension of an unresolved argument over decentralization vs. centralization in a pluralistic Afghan society. Upon reviewing the Bonn accords, Barnett Rubin described the political divisions regarding systems of governance along ethnic lines as such, "Pashtuns have tended to want a strong and Pashtun run central state, Tajiks have focused on power sharing in the central state, while Uzbeks and Hazaras have desired recognition of their identities and mechanisms of local self-government."¹⁰

¹⁰ Rubin, Barnett R. "Crafting a Constitution for Afghanistan." *Journal of Democracy*, vol. 15 no. 3, 2004, p. 5-19. *Project MUSE*, doi:10.1353/jod.2004.0051.

The power structure eventually adopted will most likely depend on which one can best be integrated with the Taliban's vision for Afghanistan's political future. This largely rules out strengthening mechanisms of local self-government as the Taliban has been particularly adamant on the establishment of a strong centralized Afghanistan. And while their 1998 draft constitution did allow the amir¹¹ to appoint a prime minister, it made clear that the prime minister must obey the amir—indicating that they are perhaps not fans of executive power sharing as well.¹²

THE TALIBAN

The Taliban party stems from a much more homogenous background consisting of eighteen Pashtuns, one Uzbek, one Turkmen, and one Tajik. The group also presents a stronger united front through their obedience to a single religious authority.¹³ Mawlawi Abdul Hakim Ishaqzai will lead negotiations for the Taliban, he is the group's chief justice and a close confidant of Haibatullah Akhundzada.¹⁴ Ishaqzai is reputed to be "a hard-liner dedicated to sustaining the jihad" until an Islamic emirate can be reestablished in Afghanistan.¹⁵ So far, the only condition the Taliban has stipulated for a ceasefire agreement is the establishment of an "Islamic system," which they have not defined. Their strong focus on securing the withdrawal of U.S. troops has provided little clarity on how they envision the country's political future. Though a recent paper by the International Crisis Group (ICG) on Taliban perspectives for peace quotes a recording of a Taliban delegate, distributed via audiotape to fighters in Afghanistan in which he assures them that "the movement would insist on three core demands during negotiations: the Taliban

¹¹ Amir is an Arabic term used by the Taliban to describe their supreme leader. According to Taliban doctrine, citizens must maintain unwavering obedience to the amir.

¹² United States Institute for Peace, 2020, *Constitutional Issues in the Afghan Peace Negotiations: Process and Substance*.

¹³ The Taliban's Islamic Emirate claims to implement the sovereignty of God through sharia law, as interpreted and applied by qualified Islamic scholars.

¹⁴ Current leader of the Taliban.

¹⁵ Bezhan, Frud. "Why Did the Taliban Appoint A Hard-Line Chief Negotiator for Intra-Afghan Talks?" *RFL / RL*, 11 Sept. 2020, www.rferl.org/a/why-did-the-taliban-appoint-a-hard-line-chief-negotiator-for-intra-afghan-talks-/30832252.html.

is to choose the leader of Afghanistan's future government, the future government must be an emirate and it is to be based entirely on Sharia"¹⁶

Some analysts question the true intentions of the Taliban and point to their recent escalation in violence as indicative of their lack of commitment to the talks. Shortly after a period of reduced violence leading up to U.S.-Taliban agreement, the group immediately resumed fighting with Afghan security forces. In the first half of 2020 they were responsible for more civilian casualties than had occurred during the first half of 2019.¹⁷ Taliban researcher Ashley Jackson reported that the group has "expanded their checkpoints in the past six months by a factor of four. That is massive" and it does beg the question as to "whether this is about increasing leverage at the bargaining table or whether this is about preparing for when talks break down."¹⁸

The mixed messages sent by the Taliban have produced fears among the population and government that they may be merely going along with the negotiations to speed up the continued withdrawal of U.S. troops. Then, with Afghan National Security forces weakened, take power by force. Though a member of the Taliban delegation did say in a July interview with Al Jazeera that "the Taliban understand very well that taking power by force will never end conflicts in Afghanistan and acknowledged that Afghan society was not the same compared to 2001."¹⁹

Issues in Contention

Current negotiations will need to not only reconcile the different political futures

¹⁶ "Taking Stock of the Taliban's Perspectives on Peace." Crisis Group, 11 Aug. 2020, www.crisisgroup.org/asia/south-asia/afghanistan/311-taking-stock-talibans-perspectives-peace.

¹⁷ Clark, Kate. "War in Afghanistan in 2020: Just as Much Violence, but No One Wants to Talk about It." *Afghanistan Analysts Network - English*, 25 Aug. 2020, www.afghanistan-analysts.org/en/reports/war-and-peace/war-in-afghanistan-in-2020-just-as-much-violence-but-no-one-wants-to-talk-about-it/.

¹⁸ Roehrs, Christine, et al. "Two Parties Too Wary for Peace? Central Questions for Talks with the Taleban in Doha." *Afghanistan Analysts Network - English*, 22 Sept. 2020, www.afghanistan-analysts.org/en/reports/war-and-peace/two-parties-too-wary-for-peace-central-questions-for-talks-with-the-taleban-in-doha/.

¹⁹ "What Will It Take to Achieve Lasting Peace in Afghanistan?" Al Jazeera, 11 July 2020, www.aljazeera.com/program/episode/2020/7/11/what-will-it-take-to-achieve-lasting-peace-in-afghanistan/.

envisioned by the Taliban and the IRA but also address issues that were never sufficiently resolved through the Bonn accords. Establishing a comprehensive political roadmap requires extensively addressing a plethora of potential issues and negotiations will need to take great care in acknowledging the concerns of all elements of Afghan society. This report will focus on only what the researchers perceives as the most controversial issues in contention.

ISLAMIC GOVERNANCE

Both the Taliban and the IRA agree that Afghanistan should be run by an Islamic system of Governance. But while this may appear to be a unifying force between the two parties, in reality it conceals centuries of religious discord and contrasting interpretations of Islam. Islamic law is governed by sharia²⁰, however, there is no written code of sharia. This means that an Islamic state must decide on its own how to apply sharia, either by privileging one sect²¹, codifying it themselves, or designating an official authority to interpret it. Thus, the issue in contention is not whether to implement an Islamic system but who has the authority to define what is Islam.

Article 3 of the 2004 Constitution states that "In Afghanistan no law may contradict the beliefs and provisions of the sacred religion of Islam." This means that Islam does not proscribe all political decisions but none of these decisions may be contrary to Islam. This was a concession to some of the views circulated by Islamist at Bonn. For example, an unsigned document attributed to two "professors" of sharia proposed that article 3 should

²⁰ "Islamic canonical law based on the teachings of the Qur'an and the traditions of the Prophet (Hadith and Sunna), prescribing both religious and secular duties and sometimes retributive penalties for lawbreaking. It has generally been supplemented by legislation adapted to the conditions of the day, though the manner in which it should be applied in modern states is a subject of dispute between Islamic fundamentalists and modernists."

"Sharia" *OED Online*, Oxford Languages n.d., www.oed.com/viewdictionaryentry/Entry/11125. Accessed 5 December 2020.

²¹ Muslims follow a variety of schools of thought or *fiqh*. The adherents of each school constitute a sect with a distinct identity and set of laws. This word is variously translated as school, doctrine, or sect. Afghan Sunnis follow the Hanafi sect, and most Shia in Afghanistan follow the Ja'afari sect, which is also the state religion of Iran.

read “No law may be enacted outside the framework of sharia and against the beliefs and provisions of the sacred religion of Islam.” Members of the constitutional coalition who continue to advocate for doctrine that accepts sharia as the only source of law may find common ground with the Taliban.

The current system relies on various judicial, legislative, and administrative institutions for ensuring the conformity of legislation, decrees, and other official documents with the constitution, including article 3.²² This was also a contested issue, however, as some delegates advocated for the establishment of a Constitutional High Court. This body's sole function was to ensure the conformity of legislation, decrees, and other official documents with the constitution, including article 3 and its verdicts were described as “final and unchangeable.”²³ However, delegates that favored structuring a constitutional court in a such a way that would preserve the republican aspects of the constitution won out and a powerless body with only advisory functions called the Independent Commission for Overseeing the Implementation of the Constitution was established. It is possible that members of the IRA's delegation will again advocate for the establishment of a more powerful body.

The Taliban understand that Afghanistan is in desperate need of international economic aid²⁴ and that the international community will not provide aid to a government that repeats past abuses. The Islamic Emirate they established in Afghanistan from 1996-2001 made them an international pariah and the subject of US sanctions and air strikes. Thus, the Taliban's need for international recognition and support will be a crucial driving force steering the group away from reinstating their old emirate. However, Rahmatullah Amiri, a Kabul-based political analyst contends that at the end of the day “the Taliban are

²² United States Institute for Peace, 2020, *Constitutional Issues in the Afghan Peace Negotiations: Process and Substance*.

²³ Ibid.

²⁴ The Taliban insisted on adding a provision to the U.S.-Taliban agreement that “the United States will seek economic cooperation for reconstruction with the new post-settlement Afghan Islamic government.”

clerics and implementation of their version of Islamic law is paramount for them.”²⁵ Moreover, international pressure aside, Kabul largely lacks the military advantage necessary to drive a hard bargain, especially with U.S. forces withdrawing. This means that they will most likely need to concede on particularly hot button issues for the Taliban.

Kamran Bokhari, a director at the Center for Global Policy, a Washington-based think-tank predicts that the outcome will most likely be “a hybrid between their medieval Sunni ideal and a modern Western-style state.”²⁶ Bokhari uses Iran’s Islamic republic as a probable template for Afghanistan. This system balances theocracy and democracy by establishing a top cleric as supreme leader with final say over all matters of state and religion. This leader is meant to supervise the office of the president, who represents the people’s will. Iran also possesses a powerful Guardian Council with responsibilities similar to those originally proposed under the Constitutional High Court mentioned above.

Whether or not this structure would be satisfactory and ensure long-term stability depends on how the supreme leader and president are appointed. The results of all three elections that have occurred under the 2004 constitution have been disputed by opposing candidates and their supporters. This is largely due to underlying conditions that make elections unpredictable and long. For one, Afghanistan has not had a valid census since the 1970s thus the Independent Election Commission (IEC) does not have accurate population estimates. In addition, most Afghans do not possess surnames let alone IDs making it difficult to acquire a credible voter registry. Without this data, ballot stuffers can plausibly claim that they mobilized thousands of supports and bitter opponents can sew internal discord by claiming fraud occurred.²⁷ Both the Ghani and Abdullah camp of the IRA agree that election reform is needed but so far neither has advocated for a concrete

²⁵ Bezhan, Frud. “Is The Taliban Seeking A 'Sunni Afghan Version' Of Iran?” *RFE/RL*, 2 Oct. 2020, www.rferl.org/a/is-the-taliban-seeking-a-sunni-afghan-version-of-iran-/30870998.html.

²⁶ Ibid.

²⁷ Thier, Alex, and Scott Worden. “Political Stability in Afghanistan: A 2020 Vision and Roadmap.” *United States Institute of Peace*, USIP, 17 Aug. 2017, www.usip.org/publications/2017/07/political-stability-afghanistan-2020-vision-and-roadmap.

alternative. Attempts at resolving voter registration problems have only butted up against cultural obstacles. For example, volunteers have tried going door to door to collect census data, however, many Afghan women are not allowed to open the door or speak to strangers when their husbands are away, as most are during the day.

If Bokhari's prediction comes true, the president and supreme leader will need to be appointed in a manner that ensures all ethnic groups and religious sects feel as though they have an equal opportunity for political participation and representation in government. The 2004 constitution has only resulted in the election of Pashtun presidents who traditionally appoint Pashtun dominant cabinets due to deeply rooted ethnic patronage. This has led other ethnic groups to feel largely side-lined and underrepresented by current means of appointment and election procedures—contributing to further internal discord following elections.

ISLAMIC SECTARIANISM

As mentioned above, there is no written code of sharia though various Islamic sects carry their own schools of jurisprudence. All constitutions preceding the establishment of the IRA privileged the Hanafi sect as the predominant interpretation of sharia. Hanafi is a sect of Sunni, one of the two main branches of Islam. As a Sunni Islamic fundamentalist group, the Taliban have insisted the negotiations be governed solely by Hanafi standards. Some analysts see this as indicative of an overall Taliban interest in making Hanafi Islam the official state doctrine of Afghanistan.

In the past, Pashtun ruling elites have used the supremacy of the Hanafi sect as a tool to exclude and persecute Muslims belonging to the Shia branch of Islam, particularly the Hazara ethnic group.²⁸ The Taliban now claim to recognize Hazaras and other Shia as Muslims and fellow Afghan brothers, however, early indications of this revised policy are limited to accepting the implementation of Shia jurisprudence only in areas where Shia

²⁸ Murshed, Iftikhar S. "Afghan Turmoil from 1747 to 2001 ." *Criterion Quarterly*, Admin [Http://Criterionquarterly.com/Wp-Content/Uploads/Logo-1.Png](http://Criterionquarterly.com/Wp-Content/Uploads/Logo-1.Png), 9 Apr. 2013, criterion-quarterly.com/the-afghan-turmoil-from-1747-to-2001/.

predominate. This would not satisfy the demands of Shia or the Islamic Republic who made a point to avoid privileging any sect in the 2004 Constitution as much as possible. In his book, *The Hazaras and the Afghan State*, scholar Niamatullah Ibrahimy recalls that in 1994, a high-level Taliban official similarly promised official recognition and autonomy for Hazaras, a promise that was never acknowledged or kept.²⁹ Moreover, the Taliban negotiation team includes two commanders who led the massacring of Hazara civilians by Taliban troops in 1998. Their presence could potentially spark fears and traumatic memories for members of the Hazara and other minority populations.³⁰ Acknowledging and addressing the concerns of Shia Muslims, and in particular the Hazara ethnic group, will be paramount for building trust between the two sides.

RIGHTS

Ghani has promised that his government will not accept any agreement that limits the rights granted to Afghans' under the 2004 constitution. Both the 2004 constitution and earlier draft Taliban constitutions include chapters on fundamental rights similar to the 1964 constitution of Afghanistan. However, they differ most notably on issues of gender equality with the Taliban requiring public veiling and restricting women's participation in politics. In addition, the 2004 constitution includes protections for rights not mentioned by the Taliban including "rights to freedom from forced labor, debt bondage; to voting and election, and to form associations and political parties; to freedom of movement within Afghanistan; to health care; to access to information about the government; and to intellectual property."³¹

In contrast, the Taliban have been relatively vague regarding their willingness to respect human rights, maintaining that they will respect all rights in accordance with Islam—which again, is dependent on their interpretation of sharia. In this respect, the

²⁹ Ibrahimy, *The Hazaras and the Afghan State*, 197–98.

³⁰ United States Institute for Peace, 2020, *Constitutional Issues in the Afghan Peace Negotiations: Process and Substance*.

³¹ Ibid.

Taliban may again find common ground with the more conservative members of the IRA delegation. Documents circulating at the 2003-04 Constitutional Loya Jirga³² proposed subjecting rights to limitations based “on the principles of sharia,” or “Islamic provisions.”³³ It is possible that the more Islamist proponents of the constitutional coalition will win out in current negotiations in order to achieve compromise with the Taliban. Such a vague guarantee of rights without any specification of who has the authority to interpret the limitations or principles of sharia does little to subdue Afghans concerned about losing the rights and freedoms they’ve only recently acquired. If such phrasing is to be used, the state will need to define what is consistent with Islam by codifying it in law—an extensive process that will require the difficult feat of forging a consensus on questions of Islamic governance and ideology that have been debated for centuries.

International Support

While it’s important that the negotiations themselves are entirely Afghan led, it remains necessary that the international community, particularly the U.S., continue providing ground military support to the IRA throughout the entire peace process. Complete U.S. withdrawal could potentially persuade the Taliban to skip negotiations all together and instead fall on their BATNA, a forceful takeover of Afghanistan. The new Biden administration must adopt a condition-based withdrawal plan that provides for complete withdrawal only when a strong democratic government has been established and recognized as legitimate by the Taliban.

Global powers such as the U.S. will need to grant Afghanistan the support, time, and resources to work through this difficult process. For Afghans, a bad peace deal that is rushed by dwindling U.S. military support will only put the country on the path of a new

³² A Loya Jirga is commonly a traditional council of elders called upon to approve and sometimes provide guidance for important decisions pertaining to Afghan society. The 2003-04 Constitutional Loya Jirga was the final approving body for the 2004 constitution.

³³ United States Institute for Peace, *Ibid.*

round of conflict rather than peace. Afghanistan's tumultuous past reveals the necessity of producing a deal that ensures winners on both sides. Only once a total consensus on government is reached through persuasion rather than force, will Afghanistan be free from conflict arising out of insurgencies and fracturing.

Conclusion

There are a number of contentious issues that could halt the Afghanistan peace process and either stall or collapse talks altogether. Negotiations are likely to be drawn out over fundamental questions regarding power holding, the role of the constitution, and human rights. Aside from a non-condition-based U.S. withdrawal, another potential spoiler is the disunity and competing interest of the IRA delegates. With internal discord regarding the authority of the HCNR and a potential interim arrangement, the Taliban may play on divisions within the IRA negotiating team and could even recruit influential members to their side. This could point negotiations heavily in favor of establishing an interim government. And according to some analysts, it is likely that the Ghani administration will pull the plug on talks altogether if they do head in this direction.³⁴

³⁴ Roehrs, Christine, et al. "Two Parties Too Wary for Peace? Central Questions for Talks with the Taleban in Doha." Afghanistan Analysts Network - English, 22 Sept. 2020, www.afghanistan-analysts.org/en/reports/war-and-

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