

## National Reconciliation in Afghanistan. Conflict History and the Search for an Afghan Approach

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### Introduction

Three years after the war in Afghanistan unofficially ended in late 2001, first attempts have already been made by Afghan and international organizations to document past human rights abuses, consult the Afghan people on how to make the perpetrators accountable, and build capacities in peace-building. This is an encouraging sign. However, the people in general are still too reluctant to speak about their suffering during the war. Instead, their current priority is to struggle for economic survival in the highly competitive post-war reconstruction "business" with its emerging social injustice. This pragmatic attitude causes a basic problem. If the past is not addressed, efforts to build a lasting peace are endangered. As lessons from other post-war countries have shown, national reconciliation contributes to overcoming the past and reuniting a war-divided society.

To give an impetus to these initiatives, this paper reviews some issues crucial for discussing and designing a strategy of national reconciliation. The following topics are analysed:

(i) In view of the search for an indigenous Afghan concept, basic terms of a reconciliation process are explained. The linkage between the individual and national dimension of reconciliation is highlighted. "Lessons

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learned” from international experience with peace-building and national reconciliation are related to the Afghan efforts to initiate such a process.

(ii) The interviews conducted with a broad range of Afghan partners in Kabul, as well as previous workshop experience in various provinces, resulted in a worrisome observation: sections of the highly fragmented Afghan society have already developed their own “collective myths” about the causes of the war. This may turn into a major obstacle for a future reconciliation process. To narrow the gap between the rival perceptions, the phases of the almost 30 years of conflict and war are briefly summarized and the establishment of an Afghan “Historical Commission” is recommended.

(iii) First initiatives to break the silence on human rights abuses during the war and build peace are outlined. Afghan and international organizations are classified that are already preparing the ground for peace-building and a future reconciliation process.

(iv) Finally, six basic issues are highlighted which need to be taken into consideration if a culturally adjusted, specifically Afghan mechanism of national reconciliation is to be implemented. These include “lessons learned” from other post-war countries.

### Clarifying the terms

In the case of Afghanistan, defining the concept of reconciliation poses three problems:

- First, although the issue of reconciliation has been internationally accepted as useful for preventing protracted conflicts from turning violent again, there has been “little critical discussion” on the conceptual clarification.<sup>2</sup>
- Second, in Afghanistan the wounds of the long conflict, lasting for more than two decades, are still too fresh to allow for public discourse on reconciliation. Instead, the term peace-building has been promulgated by Afghan organizations which recently started to raise awareness on this issue. A related issue, namely addressing the wide-spread traumatization of almost the entire population, is still impeded by a social taboo against war victims. So far, only the Afghan Independent Human Rights Commission (AIHRC) and a few international non-governmental organizations

<sup>2</sup> Quoted from: Swedish International Development Agency (SIDA), *Reconciliation – Theory and Practice for Development Cooperation*, Stockholm 2003, p. 14 (below referred to as “SIDA, Reconciliation”).

(NGOs) have started to break the silence, slowly building up Afghan expertise in the legal, social and medical field. To support such initiatives, basic concepts have to be clarified and "working definitions" formulated.

- Third, a term and a concept appropriate to the particular Afghan process are still being discussed by the Afghan government, the leading advocates of a transitional justice/national reconciliation process like the AIHRC, and the public in general. As explained below (see p. 11 ff), it may even obstruct the process if a term with a strong Christian connotation is applied in the Afghan cultural-religious context.

### **Trauma and trauma treatment**

There exists a broad range of medical literature on trauma. This reflects the ongoing discussion on how to define it, taking into consideration specific causes as well as the cultural context. The purpose of this paper is better served by a general definition, however: a trauma is the deepest shock and the most horrible psychological, mental and/or physical experience a human being can suffer from in his or her life.<sup>3</sup>

Likewise, a broad range of medico-psychological schools and therapeutic approaches has been developed to help the traumatized person cope with his/her trauma or even overcome it. Here again, for our purpose, trauma treatment is defined in a basic manner: treatment aims at enabling the victim to integrate the traumatic experience in his or her life. Trauma treatment is a long-term process, comprising the following five stages: (i) basic security; (ii) stability; (iii) facing the trauma; (iv) "mourning work"; and (v) integrating the trauma and focussing on the future.

In principle, trauma treatment focuses on the individual victim. However, the individual "healing" process also implies a collective dimension: it complements, directly or indirectly, the process of national reconciliation. It is open to academic debate whether or not lessons from the individual "healing process" can be drawn for a national (re-)integration effort. To initiate a public discourse on potential conceptional similarities, the stages of an individual trauma treatment are correlated with corresponding requirements and tasks on the national level:

<sup>3</sup> This definition and the following explanations were formulated in consultation with Cornelia Reiser, a German clinical psychologist and psychological psychotherapist, specializing in trauma treatment.

- Establishing basic security: the victim has to feel safe, both physically and mentally, in the room (shelter) where he/she is treated; or, in general terms, the post-war environment has to guarantee a minimum of security;
- Providing stability: the victim has to be sure that the treatment will continue; or, in general terms, that treatment is not confined to an ad hoc "emergency kit" but aims at long-term, sustainable re-integration;
- Facing the trauma: recollecting and documenting the concrete suffering, be it individual or collective;
- "Mourning work": this psychological term can be explained as "working through" the trauma; it is a complex process in which ambivalent emotions burst open. Whether it is grief, guilt, fury, or hatred, all emotions should be expressed without judging them as "good" or "bad". This basic principle of "accepting all emotions" should be applied to the individual and the collective process of "working through"; and
- Integrating the trauma and reorientation: the traumatic experience becomes part of the individual life story or the collective/national history and the focus is redirected from the past to the future.

### Peace-building

The term peace-building shifts the focus from the individual to the national level, and from the personal to the political sphere.

Although it was not a new term, it became prominent in the international debate when then United Nations Secretary-General Boutros Boutros-Ghali announced his "Agenda for Peace" in 1992.<sup>4</sup> In the UN view, peace-building goes beyond crisis prevention, focussing on long-term structural transformation of the conflict-ridden country and including the civil society.

The Afghan preference for this term can be understood if peace-building is seen in a broader context. The prime intention is to support a conflict management that shifts the emphasis from the absence of violence ("negative peace") to promoting sustainable development, rebuilding state structures, and establishing a legal framework ("positive peace"). The protracted war in Afghanistan makes the core task even more difficult: how to change the relationship between the parties previously in conflict and between the warring leaders, but also between their followers and the civilian victims of the war. The previous "culture of war" has to be replaced by a "culture of

<sup>4</sup> See Boutros Boutros-Ghali, *An Agenda for Peace: Preventive Diplomacy, Peace-making and Peace-keeping*. Document A/47/277 - S/241111, United Nations, New York, 17 June 1992.

peace". This necessitates a long-term learning process on how to manage a conflict not by violent means and weapons but by peaceful, consensus-oriented mechanisms. This task establishes the link to "national reconciliation", as John Paul Lederach has rightly pointed out: "sustainable reconciliation" requires both structural and relational transformations.<sup>5</sup>

### National Reconciliation

In order to successfully break the "vicious circle of repeated war", also called "conflict trap",<sup>6</sup> "national reconciliation" has to be established as a political process on the national level. The national process is directly linked with the individual level, outlined in the approach towards trauma treatment, for the following reasons:

- One crucial task is to establish a forum, body, or framework where the individual victims can talk about their personal grief. This procedure serves an important political purpose because it assures the victims that their sufferings are officially acknowledged by the government and the people.
- This principle is also effective if the "reconciliation body" does not hold public hearings but meets in camera. It remains valid because the "reconciliation body" has been officially mandated by the government. The mandate includes the task of documenting the human rights violations and atrocities, even if the final report may not mention specific names of victims and perpetrators but summarizes the findings anonymously.
- National reconciliation and individual trauma treatment complement each other. The more local or international NGOs have paved the way by treating individual victims or enabling victimized groups to come to terms with their past, the more sustainable will the "national reconciliation body" be able to work.

Likewise, national reconciliation is supported by previous or ongoing peacebuilding efforts. Both processes address the problem of social fragmentation and conflictual attitudes like hatred and revenge on a political level. Both approaches promote a nation-wide learning process how to replace a confrontational relationship among the survivors by a cooperative one. How-

<sup>5</sup> See John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies*, Washington 1997, pp. 20, 82-83; here quoted from Catherine Morris, *What is Peacebuilding? One Definition*. 2000, website [http://www.peacemakers.ca/publications/peacebuilding\\_definition.html](http://www.peacemakers.ca/publications/peacebuilding_definition.html).

<sup>6</sup> Quoted from: SIDA, *Reconciliation*, p. 3.

ever, the concept of national reconciliation is distinguished by a unique dimension, not included in the concept of peace-building.

Reconciliation is a "two-way process, involving both perpetrator and victim, emphasizing mutuality."<sup>7</sup> Reconciliation aims at "healing relationships", i.e. relations between the victim and the perpetrator. There is another category which also has to be addressed by a national reconciliation, namely "beneficiaries". "Beneficiaries" are third parties who decided NOT to intervene in the conflict because they did not want to endanger their own interests or even benefited from the ongoing war. Beneficiaries can be local on-lookers, international organizations and companies, or external governments who turned a blind eye to the violent escalation.

There is an international discussion as to whether these beneficiaries' silent connivance may serve as an argument to make them feel bound to contribute to a reparation mechanism for the victims. In protracted, externalized conflicts like the Afghan one, many internal and external actors have been involved. Asking for their share in a reparation mechanism seems unrealistic. But at least they need to be engaged in a dialogue about international and regional confidence building measures, if a sustainable peace is to be achieved.

Whether on the regional or the national level, the task of reconciliation is daunting: both the victim and the perpetrator have to address the past. From there they have to move on and look into the future, search for common interests as survivors, and work towards jointly rebuilding the country and establishing a lasting peace. It is a painful learning process "through which a society moves from a divided past to a shared future".<sup>8</sup> It poses a great challenge because there is "no ready-made concept" of national reconciliation, but instead each post-war country has to design and conceptualize an indigenous approach, based on the particular culture and including traditional forms of mediation and reconciliation.

No rapid progress should be expected as many experts have repeatedly warned because reconciliation takes time. When the fighting has stopped and a ceasefire signed, all energies are needed for immediate survival and for physical reconstruction. Victims still live under a shock, cannot speak about their trauma, and are silenced by a social taboo. Perpetrators hide and hope that their evil deeds will remain undiscovered and unpunished.

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<sup>7</sup> Quoted from: SIDA, *Reconciliation*, p. 3

<sup>8</sup> Quoted from: International Institute for Democracy and Electoral Assistance (IDEA), *Reconciliation After Violent Conflict. A Handbook*, Stockholm 2003, p. 12 (below referred to as "IDEA Handbook").

Yet, there is also a lesson learned from reconciliation processes which succeeded or failed. Even if reconciliation takes time and may only be addressed after several years or even in the second generation, nevertheless, it is a necessary precondition for building a sustainable peace. Cases of inappropriate or politically distorted reconciliation efforts have shown that a country is prone to fall back into the "conflict trap". The "culture of violence" still rules societal behaviour, and aggression remains the prime means of "solving" controversies. Like a festering wound, it breaks open when a renewed escalation gets out of control, ultimately letting the conflict turn violent again.

### **Mosaleha: searching for an indigenous term for the specifically Afghan process**

Not only the concept but also the term as such has to be well embedded in the particular country's indigenous culture and religion. In early 2005, this "lesson learned" was again highlighted during an international conference in which experiences from five different conflict regions were compared: Latin America, Southeast Europe, Southeast Asia, Central Africa, and the Arab World. The experts reached a consensus that there is "no clear definition for the term reconciliation" and that "no universal concept" exists.<sup>9</sup>

Furthermore, the experts explicitly warned the international community not to impose a "Western" term or concept because it could lead "to resistance in the country concerned." Experts, in particular from non-Christian countries, also pointed out that in most non-Western languages often no literal translation of the term is available or possible.<sup>10</sup>

This strong warning is fully consonant with previous criticism of the strong Christian connotation of the term "reconciliation".<sup>11</sup> Even more controversial is the issue of "forgiveness". In Christian-based theological literature in general and Catholic understanding in particular, "forgiveness is at the

<sup>9</sup> Quoted from: Nina Scherg (GTZ), General Report on: From Dealing with the Past to Future Cooperation. Regional and Global Challenges to Reconciliation. International Conference jointly organized by the German Technical Cooperation (GTZ) and the Friedrich-Ebert-Foundation (FES), Berlin, 31 Jan – 2 Feb 2005, website: <http://www.gtz.de/de/dokumente/Conference-Report-Reconciliation-en.pdf>.

<sup>10</sup> *ibid.*

<sup>11</sup> See SIDA, Reconciliation, p. 13: "Reconciliation is used in the Christian tradition to describe the broken relationship between God and mankind due to sin, with Jesus re-establishing conciliation between them through the sacrifice of his life."

heart of reconciliation".<sup>12</sup> Here secular writers are divided. Some consider it a compelling component of the reconciliation process, while others are willing to waive it if the victim refuses to forgive his/her perpetrator.

If one discusses this issue in a non-Christian context, the controversy becomes even more complicated. In Muslim countries like Afghanistan, the Holy Koran determines the religious context for any approach towards reconciliation. In principle, the Holy Koran advocates the idea of forgiveness. However, it distinguishes between two different realms of law: *huq ul allah* = the law of God, and *huq ul abde* = the law of mankind. Certain injustices can only be forgiven by God, while others can be forgiven by human beings, i.e. by the individual victim. This distinction calls for basic clarification before national reconciliation can be started in Afghanistan. Leading members of the *Ulema* (religious scholars) have to decide which category of human rights abuses and atrocities (as defined by modern international law) falls under which realm of law. Their verdict must be approved by a public consensus among the Afghan people.

It is thus not surprising that efforts to search for an appropriate term and an indigenous concept reflecting the specific Afghan political, social and cultural-religious context have proved difficult. The first attempt to find an indigenous term was made by the AIHRC when it released its first comprehensive report on transitional justice in January 2005: "A Call for Justice" (see below AIHRC, p. 32 ff). The AIHRC propagated the term *ashti-ye melli* (the Dari word for "national reconciliation" which, however, does not imply "forgiveness"). Its equivalent in Pashtu, the second national language, is *melli pakhlayena*.

However, the Afghan President Hamid Karzai was not satisfied with this term. Instead, his adviser, the presidential "focal point" for this issue, suggested the term *ashti-ye melli wa adalat*<sup>13</sup> meaning "national reconciliation and justice" (in Pashtu *melli pakhlayena au adalat*). But again, objections were raised.

To overcome the impasse, the Dutch government on behalf of the European Union facilitated an internal conference in the Hague, Netherlands, on 6–7 June 2005. It was attended by leading representatives of the Afghan government, the AIHRC, the UN, the European Commission, and diplomats from European states as well as Canada and the U.S. An amended

<sup>12</sup> The original quotation is from Brian Starke, ed., *Working for Reconciliation: A Caritas Handbook*, Vatican City: Caritas Internationalis 1999; here quoted from SIDA, *Reconciliation*, p. 17

<sup>13</sup> Interview with Dr. Rangin Dadfar Spanta, Adviser for Political Affairs to the President and "Focal Point" for Transitional Justice, in Kabul on 19 March 2005.



version of the Action Plan on "Peace, Reconciliation and Justice in Afghanistan"<sup>14</sup> was accepted by the relevant Afghan participants. The title was chosen to adapt the relatively new field of "transitional justice" to the Afghan political and social context.

The most sensitive component was "justice" (*adalat* both in Dari and Pashtu) because it directly refers to the demand to put war criminals and human rights perpetrators on trial. The Afghan government certainly feared that the still fragile stability of the state might be undermined if the demand for justice figured too prominently in the Action Plan. It can be assumed that the term "peace" (*solh* in Dari, *solha* in Pashtu) was added for tactical reasons. Peace was the utmost political and mental desire of the war-tired Afghan people. It offered the government the most convincing argument to authorize a controversial action "for the sake of securing peace". At the same time, it also provided the government with a credible pretext to object to a demand by human rights advocates on the ground that it might "endanger peace". Vice versa it could be used by the AIHRC which argued that a truth-seeking mechanism and a criminal justice system should be established "to promote a sustainable peace". Finally, the most interesting innovation was the term "reconciliation" (*mosaleha* both in Dari and Pashtu). It replaced the previously suggested Persian term *ashti-ye melli*. *Mosaleha* is an Arabic term and associated with indigenous traditions of "peace making" after a dispute among various linguistic communities in the multi-ethnic Afghan society.

The fact that these terms have been agreed upon can be understood as an encouraging sign. However, much patience and political persistence are needed to translate the plan into practice. So far, the efforts are confined to a small group of insiders, comprising the AIHRC, the UN Assistance Mission to Afghanistan (UNAMA, in particular its Kabul-based human rights office), some human rights activists, and the Afghan Government. But resistance by a broad range of influential political actors is strong. It is thus doubtful whether the Action Plan can be implemented in the current timeframe of three years.

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<sup>14</sup> The text of the Action Plan in English and Dari were obtained by the author from the Kabul-based Office of the EU Special Representative (EUSR).

## History of the conflict

Every conflict has its unique history and its specific causes. Equally it has also been co-determined by escalation patterns common to conflicts of a similar type, e.g. “proxy wars” during the Cold War or ethnic conflicts in multi-ethnic states. In the case of protracted conflicts such as the Afghan one, the prolongation has been caused by a combination of both specific features and typical escalating factors. Therefore, any attempt to promote national reconciliation has to start with analysing the specific conflict history.

Yet, this is easier said than done. The first controversy arises about the “beginning” of the conflict or war. Did the first major military clash mark the beginning of the conflict/war? Or was there a highly conflictual situation preceding the actual militant confrontation which finally provoked the outbreak of direct fighting?

The second controversy is sparked off by determining the causes of the conflict/war. When the conflict lasted for several decades like the Afghan one, passed through different phases, and was twisted by major political upheavals (internal and global), it will be even more difficult to reach a broad consensus on the sources of conflict.

The third controversy is typical for any conflict/war in a highly-fragmented society, divided by mistrust and hatred. In such a socio-political context, each warring faction and victimized group advocates its own perception of what initially caused the conflict or why a ceasefire failed. Each group may construct its own “conflict narrative”, its own “collective myth” about the perceived causes and hand it down to the second generation, or – in the case of victorious successor governments – the “politically correct” history of the conflict/war is later officially included in text books at schools.

Thus, experience from successful or failed reconciliation processes has taught two lessons:

- Historical accounting via truth-telling is one of the most important steps in the reconciliation process.”<sup>15</sup>
- It is necessary to understand the past, and also to understand how people interpret their past.”<sup>16</sup>

<sup>15</sup> Quoted from IDEA Handbook, Chapter 8 “Truth-Telling”, p. 122.

<sup>16</sup> Quoted from IDEA Handbook, Chapter 3, p. 40

To initiate and guide such a "collective truth-telling" will be one of the first tasks of a future Afghan "reconciliation body." To give input to such a discussion, the chronology of the Afghan conflict is outlined below.

### Structure of the Afghan conflict

There are other protracted conflicts which have also gone through different stages and seen several regime changes. However, hardly any conflict has such a complicated history as the Afghan one.

From the perspective of conflict research, the beginning of the conflict has to be traced back to the late 1970s.<sup>17</sup> In the 70s, Kabul witnessed a fierce power struggle between four ideological schools: (i) conservative members of the royalist elite and the traditional *ulema* siding with the anti-reform establishment; (ii) liberal reformists of western orientation; (iii) Marxists, mainly Moscow oriented communists, and Maoists, all of them split in rival factions; (iv) Islamic radicals ("Islamists") gradually emerging, who, for the first time, considered Islam an instrument of political change; subsequently, they provided leaders and fighters for the *mujaheddin tanzims* (= groups, factions). Ultimately, this power struggle culminated in the communist *coup d'état* on 27 April 1978, the so-called Saur Revolution led by the Marxist Noor Mohammad Taraki. This marked the beginning of the conflict, which soon turned into a full-fledged guerrilla war between the Moscow-backed communist regime in Kabul and the U.S.-armed *mujaheddin* resistance.

The following conflict phases can be distinguished:

#### *First phase: April 1978 – December 1979*

The bloody power struggle between the three communist rivals Taraki, Hafizullah Amin, and Babrak Karmal, as well as highly controversial reforms, provoked uprisings all over the country. Alarmed by escalating unrest, the Soviet Union feared that her communist ally in Kabul had lost control of Afghanistan, a strategically important state on the Soviet Union's southern border. Ultimately, Soviet troops invaded the neutral state on 24 December 1979, captured the Presidential Palace in Kabul on 27 December and installed Babrak Karmal as the new president. – Twenty years later it

<sup>17</sup> The following analysis is based on research the author has done in her capacity as Senior Research Associate at the SWP, Berlin. The first time the author visited Afghanistan was in November 1996 and she held background talks in Jalalabad, Kabul and Kandahar. Since then she has repeatedly visited the country. – No specific references to the author's previous SWP publications on the Afghan conflict are given in the following.

became obvious that the internationally accepted version of the Soviet motives did not reflect the full reality. In January 1998, in a sensational interview with the French weekly magazine *Le Nouvel Observateur*, Zbigniew Brzezinski, the former National Security Adviser to U.S. President Jimmy Carter, revealed that the U.S. had secretly started supporting the *mujaheddin* as early as 3 July 1979, i.e. six months before the Soviet invasion. Washington took this decision fully realizing that it might provoke the Soviet Union to enter into war in Afghanistan.<sup>18</sup>

### *Second phase: 1980 – February 1989*

The Moscow-backed regime in Kabul was immediately threatened by a guerrilla-type liberation war fought by the *mujaheddin*, who were dependent on U.S. arms and broad-range support from various countries. Afghanistan turned into a theatre of war between “proxies” in the context of the Cold War era. On the one hand, the Afghan adversaries benefited from the ideological East-West confrontation. On the other, they were used by the ideological antagonists to serve Soviet resp. U.S. global interests. – In 1986, the Soviet leader Mikhail Gorbachov ordered the replacement of the controversial Babrak Karmal by Dr. Mohammad Najibullah, signalling a more accommodationist policy. Since Gorbachov had already realized by autumn 1985 that the war in Afghanistan could not be won, he worked towards a political “exit strategy” to disentangle the Soviet troops from the Afghan imbroglio. This paved the way for the UN-mediated Geneva Accords signed on 14 April 1988, facilitating a total withdrawal of the Soviet troops by 15 February 1989. However, the accords were not a “peace treaty”, since during the period of withdrawal both the Soviet Union and the United States heavily armed their respective Afghan allies.

### *Third phase: 1989 – 1992*

Contrary to U.S. and Western expectations, the Najibullah regime did not immediately collapse. Instead, the fighting became more and more internalized, with one side or the other gaining a temporary military advantage. The U.S. and the new Russian Federation (successor of the disintegrated former Soviet Union) lost political and military interest in containing the

<sup>18</sup> When Carter signed the first directive for secret aid, Brzezinski explained to him “that in my opinion this aid was going to induce a Soviet military intervention”. Brzezinski further elaborated that “we didn’t push the Russians to intervene, but we knowingly increased the probability that they would”. Quoted from: Ex-National Security Chief Brzezinski admits: Afghan Islamism was made in Washington. Interview with Zbigniew Brzezinski, President Jimmy Carter’s National Security Adviser in *Le Nouvel Observateur* (France), Jan 15-21, 1998, p. 76. Translated by Bill Blum. Website: <http://illuminati-news.com/brzezinski-interview.htm>.

Afghan war. This allowed the internal Afghan adversaries to intensify their confrontation. Ultimately, the turning point came when the *mujaheddin* were joined by pro-government militias belonging to the Uzbek General Abdul Rashid Dostum, the Ismailis and others. This decisive realignment of forces enabled the *mujaheddin* to enter Kabul on 6 April 1992, to overthrow Dr. Najibullah and force him to officially resign on 25 April 1992.

#### *Fourth phase: 1992 – October 1994*

Compared to the highly externalized “proxy war” in the 1980s, the pendulum now swung back to the opposite side. During this phase, the confrontation turned into a purely civil war between different *mujaheddin tan-zims*. It was internalized with only a low external involvement. Any state structure that still existed was destroyed, the capital Kabul was rocketed to ruins, and law and order broke down in large parts of the country. Afghanistan came under the rule of numerous warlords and fell prey to the cross-border operating drug mafia and war profiteers.

#### *Fifth phase: October 1994 – September 1996*

In entire secrecy, with strong Pakistani backing, the Taliban set up their power basis in the Kandahar region. For some time they were ignored by the international media, but initially welcomed by conservative sections of Afghan society and many ordinary people as a new, though dogmatic, “law and order force”. In October 1994, the Taliban hit the international media headlines for the first time when they secured transit for commercial trucks from Pakistan *en route* to Turkmenistan in the Kandahar region. Slowly the Taliban advanced to the east and the west. Trained and tactically advised by Pakistani agents, they exploited the people’s despair about the warlords’ despotic rule. Finally, the Taliban seized Kabul without fighting on 26/27 September 1996.

#### *Sixth phase: September 1996 – 5 December 2001*

The Taliban continued to assert their control over northern parts of the country, taking advantage of the Northern Alliance’s disunity. Initially the Taliban could count on secret political and financial support from international oil companies. They considered the Taliban a potential “guardian” of a pipeline connecting the Caspian gas resources in Turkmenistan with a future overseas transport facility in the Pakistani harbour *Gwadar* on the Arabian Sea. However, the turning point in the Taliban’s fate came in May 1997. After only five days occupation, the Taliban were ousted from the non-Pashtun provincial capital Mazar-i-Sharif in Northern Afghanistan, overshadowed by terrible massacres. Their defeat destroyed the myth of the

seemingly invincible Taliban forces and revealed their limited ethnic backing, primarily by Pashtuns.

International pressure mounted against the Taliban, and the U.S. started reconsidering their previous tacit support. The next turning point was the bombing of the U.S. embassies in Kenya and Tansania in August 1998, for which the Taliban-hosted Al Qa'ida was considered responsible. The U.S. retaliated with a missile attack on a Taliban/Al Qa'ida training camp and pushed for U.N. sanctions against the Taliban (first sanctions in October 1999, followed by a gradual tightening).

Since the Taliban could no longer expect international recognition, they radicalized under the growing influence of Osama bin Laden, the Al Qa'ida leader who had secretly fled from Sudan to Afghanistan in May 1996. The Taliban's grip on Afghan society and their contempt of the nation's cultural heritage added another chapter of despotic rule to the long history of war in the country. – Finally, the 23 years of conflict culminated in another massive military intervention by an external power, the U.S. In retaliation to Al Qa'ida's terrorist attacks of 11 September 2001, the U.S. destroyed the Taliban regime by aerial warfare, striking first on 7 October 2001. Within two months the Taliban regime collapsed. The military intervention was complemented by an international UN-mediated political framework, the Bonn Agreement, signed in the German city of Bonn on 5 December 2001. Thus, military intervention combined with political mediation by international powers ended the war and initiated a political process of peace-building.

#### *Seventh phase: 22 December 2001 until now*

The Bonn Process started with the inauguration of Hamid Karzai as the interim president on 22 December 2001 in Kabul. It facilitated first steps towards a legal and institutional rebuilding of a state system (approving a new constitution, rehabilitating ministries, building administrative capacities). However, major deficiencies have also become obvious (i), the still fragile security situation and (ii) the alarming imbalance between high-profile economic reconstruction in the capital Kabul and relative neglect of major parts of the provincial hinterland.

The Bonn Process drew to a close with the Presidential Elections on 9 October 2004, the inauguration of newly elected President Hamid Karzai on 7 December 2004, and, finally, the Parliamentary Elections of 18 September 2005. - The transition from war to peace, from broad-range external support to Afghan responsibility ("Afghan ownership") has successfully begun. Yet, many obstacles still have to be overcome, and much effort is still needed to build a sustainable peace. In this regard, one of the crucial tasks of the new

Afghan government and the people will be how to deal with the conflictual past and the countless individual, collective and national wounds suffered during the decades of war.

### Dealing with controversial issues

As emphasized in Section 2.3, national reconciliation is a societal process. It involves the entire population and necessitates a public debate on the controversial issues mentioned above.

#### *Beginning of the conflict/war*

The first task is how to reach a national consensus on the beginning of the conflict/war. Since the numerous ethnic groups and ideological schools perceive the centuries of power struggle in Afghanistan's history in different ways, the debate will probably not remain confined to the three decades of conflict and war. Instead, it may lead to a national debate on the entire history, scrutinizing the controversial record of nation- and state-building since the state's foundation by Ahmad Shah Durrani in 1747. This assumption is corroborated by the experience of the author while doing research for this paper in Kabul. In an interview, lasting for several hours, with seven Afghan intellectuals,<sup>19</sup> the debate soon covered the last 250 years, pursuing the question of which internal and external obstacles had prevented the building of a united Afghan state since 1747. This is certainly important for historical research in general. However, for the particular purposes of national reconciliation, the public debate should focus only on the actual decades of the conflict and war. Therefore, the future Afghan "reconciliation body" may be well advised to set certain criteria for such a debate.

To facilitate a structured discussion, the Saur Revolution of April 1978 is suggested as the beginning of the actual conflict. This date is recommended for two different reasons: first, the conflict analysis arrived at the conclusion that it had been the *coup d'état* and its violent aftermath, which sparked the militant confrontation, finally provoking the Soviet invasion. Second, the Afghan Independent Human Rights Commission (AIHRC) has already taken a political decision on this issue. It has mandated the Commis-

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<sup>19</sup> In view of the highly sensitive issue at this early stage in post-war Afghanistan, the author assured all interview partners that their names would not be mentioned. The discussion took place in Kabul on 2 January 2005.

sion's transitional justice section to document human rights abuses starting with the bloody repercussions of the Saur Revolution.<sup>20</sup>

### *Classifying the causes*

The conflict structure is determined by two characteristics which are crucial for a reconciliation process. The first is the close linkage between external and internal causes. The second is the repeated regime changes, with the consequence that a person may have been a victim during one regime and a perpetrator during the subsequent one.

The issue of external and internal causes is highly politicized in the domestic discourse. Whenever one discusses the protracted war with Afghan partners, they immediately refer to the external causes. In political terms the reference is correct as there has been (and still is) a high external involvement. However, there is also a psychological dimension which has to be taken into consideration: you can relieve yourself more easily from your subconscious guilt if you can put the blame on your inimical neighbour. Therefore, the external-internal linkage has to be carefully scrutinized.

If we look at the conflict chronology, we observe the following pattern. In the second phase it was highly externalized, determined by the global interests of the former super powers. Thus, two sets of causes have to be distinguished: one external, fought by the Afghan "proxies" on behalf of the ideological antagonists of the Cold War, and one internal, the ideological and political power struggle between Afghan communists and Islamic *mujaheddin*. A decade later, in the fourth phase, the war had turned into a civil war, determined by purely internal causes, namely the power struggle between the Afghan factions.

During the subsequent decade the war gradually became externalized again, with a peak of external military intervention and political mediation in late 2001 in order to terminate the war (sixth phase). In the current phase from 2002 onwards, one should not overlook the high external involvement in the form of international aid for reconstructing the country and rebuilding the Afghan state. This involvement is now meant for peaceful purposes. However, if the peace-building efforts do not succeed, seeds may already have been sown for a future backlash and another militant confrontation between different Afghan power centres.

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<sup>20</sup> Interview with Dr. Sima Simar, Chairperson of the Afghan Independent Human Rights Commission (AIHRC), in Kabul on 22 December 2004.



In this context, an interesting observation can be made. In the 70s, preceding the Saur Revolution, one of the four ideological schools, namely the Western-oriented left, totally lost out to the other rivals. Many liberals were forced to migrate to Western countries, from which they have now returned to rebuild the country and state. They dominate the new cabinet introduced by President Hamid Karzai on 23 December 2004. Thus the Afghan conflict has turned full circle.

The conflict history can teach a crucial lesson to these new political decision makers. If they want to build a lasting peace they should avoid mistakes made by the coup leaders of the Saur Revolution in the initial phase of the conflict, namely to enforce reforms on the country for which the society was not yet ready. And another lesson should also be learned by the new decision makers: reconciliation will achieve its aim of uniting the fragmented country only if the old confrontation is not revived by acts of revenge. Instead, mechanisms should be established to reintegrate offenders whose actions do not fall into the category of capital crimes and who are willing to rehabilitate themselves by working for national reconstruction.

The last concern leads to the issue of repeated regime changes. Hardly any conflict has witnessed such a quick sequence of different regimes: first the communist regime, with its fratricidal war between the internal factions (led by Taraki, Amin, Karmal, Najibullah); then the infighting between the different *mujaheddin tanzims*; and finally the Taliban, not to speak of the interference of their respective external allies. Each of the regimes claimed to liberate and unite the country in the name of a radical ideology, which was dogmatic, often fatal to opponents and oppressive to the average man and woman who merely struggled to survive.

The consequences of the regime changes pose a daunting task for reconciliation efforts. Contrary to other conflicts, in the Afghan case there is no clear distinction between "good" and "bad", between "white" and "black". Instead, the perpetrator of one regime was victimized during the subsequent one and vice versa. The dividing line between sufferers and beneficiaries became blurred during the protracted war. When a future "reconciliation body" addresses this issue, it will probably face the problem that practically every surviving person can claim to be a victim. As a result (by implication) no perpetrators are left except the external enemies (inimical neighbouring countries, former regional and global powers, intelligence agencies). At first glance, this may offer a convenient pretext to avoid addressing the problem at all. However, ultimately it may backfire and endanger a sustainable national reconciliation because the hatred still harboured by the victims is merely redirected against external perpetrators but not accommodated or

overcome. Thus, aggression remains deeply rooted in the social fabric, preventing efforts to replace the "culture of violence" with a "culture of peace."

To summarize the issue of causes: Three categories can be distinguished: (i) external causes such as ulterior motives of the former super powers, regional and neighbouring countries, merely using the Afghan power struggle for their own interests, (ii) ideological or power interests of internal conflict parties, turning them into willing allies (collaborators, proxies) of the dominant external counterparts; and (iii) internal structural deficiencies of the Afghan state, such as financial dependence on external subsidies from foreign powers, conflictual repercussions of failed state-building, unbalanced political participation of different communities, economic rivalries including relative deprivation of certain regions/provinces, obstructed reforms of restrictive social traditions and inefficient, and corrupt administrative structures.

The first two categories, external and internal causes, underwent changes during the different conflict phases. For each phase they have to be analysed in detail, in particular the interplay between short-term interests of external and internal allies (collaborators). The third category includes causes dating back to the foundation of the Afghan state in 1747. Here, as already mentioned above, a general debate on the entire national history may have to be prevented if the focus on reconciling the survivors of the conflict and war from 1978 – 2001 is to be maintained.

*Understanding "conflict myths": Historical Commission recommended as a component of a national reconciliation mechanism*

Familiar with the complicated conflict history, the author was not surprised to be told rather different or even opposing accounts of the decades of war by her various interview partners.<sup>21</sup> A common observation can be made about the interviews: the differences in the subjective perceptions of what happened and why it happened were strongly determined by the ethnic group the person belonged to or the political faction with which the interviewee had previously been affiliated. This is a strong indicator that "col-

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<sup>21</sup> In addition to previous discussions in the provinces, the author systematically interviewed a broad range of Afghan partners in Kabul between December 2004 and January 2005. Among them were members of the new cabinet (appointed on 23 Dec 2004), leading persons of the AIHRC, leaders and trainers of Afghan NGOs active in the field of peace-building, religious personalities (both of the Sunni and Shia school), representatives of different ethnic and political groups, and socio-psychological experts of the few NGOs already active in the field of trauma and socio-psychological counselling. Anonymity was assured to all interview partners.

lective myths" have already been formed among the different sections of the post-war society. This development could be expected if one takes into account the highly fragmented society and the deep mistrust between factions.

Five different criteria can be identified about which "collective myths" have already been created:

- a) Belonging to a particular ethnic group: Here the main dividing line is whether it is an ethnic majority or minority.
- b) Affiliation with one of the former regimes or factions: Due to the repeated regime changes, the pattern according to which the former members have started coping with their past is quite diverse. So far, no clear dividing lines can be discerned but preliminary assumptions can already be made, e.g., (i) whether the person pursues political interests in view of the Parliamentary Elections in 2005 or has decided to refrain from future political activity; and (ii) whether or not the person belongs to a political faction well respected by the society (socio-religious honour of having fought in the *jihād* against the Soviet invaders).
- c) Age group: Three main groups can clearly be distinguished: (i) the elder generation from which many of the new cabinet members and politically influential persons have been recruited. They immediately recount personal experience of having suffered in the aftermath of the Saur Revolution and the early phase of Soviet invasion; (ii) the middle generation, which was politically active during the subsequent communist regimes. Here the subjective perception depends on the particular communist faction they previously belonged to, and – another interesting criterion with regard to women – many of the women who are currently politically active and/or targeted by international aid agencies attended school and were trained during the last communist regime. Naturally their subjective perception is strongly shaped by the relative social improvement under Dr. Najibullah's regime and the subsequent suppression by the *mujaheddin* and the Taliban; and (iii) the young generation, socialized during the *mujaheddin* and Taliban regimes and deprived of any formal education. According to UNAMA statistical data 57 per cent of the entire Afghan population are below 18!
- d) Residents of versus returnees to Afghanistan: There are two main dividing lines: (i) between those who remained in the country and survived all regimes and those who have returned from their foreign exile; and (ii) among the returnees, depending upon country of exile there are clear distinctions between: a) returnees from Pakistan, often English speaking; b) returnees from Iran, often with a good education of their women, but now feeling disadvantaged as a "Shia religious minority"

and as qualified but non-English speaking workers in the internationally supported reconstruction; and c) returnees from Western countries who are internally further divided according to the country of their Western exile: whether an English speaking country (in particular U.S.) or a country with one of the European languages. In the latter case, they fear being sidelined on the highest political decision-making level because of their limited command of English, although they are highly qualified and often hail from the royal family or the upper social strata of the pre-war society.

- e) Gender distinction: Here the dividing line is not so much between men and women in general as between educated women (of various ethnic or political affiliations) and conservative, restrictive men. Independent of whether the women had remained in the country or returned from Pakistani, Iranian or Western exile, their subjective perception has been strongly influenced by the growing Islamic, extremely conservative backlash enforced during the *mujaheddin* and Taliban regime.

These manifold divisions of previous victimization, mixed experiences, post-war frustrated expectations and discrimination have created a fragmented perception of the war, its causes, repercussions, suffering and political responsibilities. It reveals how deeply Afghan society is still split even if the survivors currently avoid addressing the dividing lines but, instead, emphasize their will to jointly rebuild the country and the state.

It will be the task of a future "reconciliation body" to make these fragmented perceptions compatible and transform them into a national history. Two aspects are important for a sustainable reconciliation: First this national history has to be accepted by all sections of society, and second, the broad consensus on the common history has to be achieved by a public debate supervised, guided and documented by a neutral Afghan institution.

Based on the experience of the author's interviews, it is recommended that an Afghan "Historical Commission" be established as a component of the future reconciliation process. The Commission's mandate should be limited to the three decades of war: analysing the conflict causes, acknowledging the different "collective narratives", promoting and supervising a public debate, and, finally, preparing draft documents as a step towards working out a national history. These documents must be approved by public consent and authorized by the President and the Parliament. Subsequently, the "national history" should be included in a nation-wide school curriculum on "peace education."

## **First initiatives to break the silence and build peace**

Reconciliation takes time, therefore no visible steps can be expected only three years after the war. A mixed response to addressing this issue was observed during the interviews. The different attitudes can be arranged on a scale. At one end is basic approval, agreement in principle that a lasting peace can only be built if the past is reviewed. At the opposite end, this is openly denied and one can sense concern or even subliminal fear. The broad middle reflects the overwhelming reluctance to address the issue at all. Typical responses are "the people are already reconciled, only a few big commanders have to be punished" or "we want to look into the future but do not deal with the past."

## **Reasons for the general reluctance**

When asked to explain this hesitation, the answers fall into three categories:

- a) Atmosphere of intimidation: The interviewees immediately referred to the general situation: too many former powerful persons (of various political affiliations) still hold high-ranking positions, they continue to dominate the current political scene, therefore hardly any chances are seen to put them on trial for their long record of human rights violations and atrocities.
- b) Prevailing mood of war-weariness: The general attitude can be described as "we are tired." Currently it is more important to secure economic survival of the family in the difficult post-war situation, which already reveals socio-economic imbalances between those who profit from the "international aid business" or illegal income (drug mafias) and those who are losing out in the first boom of physical reconstruction, although this boom is limited to Kabul and a few provincial regions benefiting from international aid priority.
- c) Disillusioning initial experiences with peace-building efforts: The few persons or organizations that have dared to address this issue reported two sets of obstacles: (i) from the international donor community a preference to fund "quick impact projects" with visible, statistically verifiable results, and to prioritize physical reconstruction projects, and a reluctance to pay for "soft" programmes on awareness-raising without clear, measurable indicators; and (ii) from local power brokers and conservative leaders on the community level who feel threatened by new approaches towards peaceful conflict resolution, therefore obstructing or even threatening the few Afghan pioneering efforts.

Disillusionment is not confined to those organizations already active in this field. Instead, it is shared by a growing section of the population who suffer from new human rights abuses since the transitional mechanism of the Bonn Process was established. This has initiated a controversy on the basic issue of how to sequence activities during the highly sensitive transition from war to peace. The key problem has been summarized by Barnett R. Rubin: "... (it) is not to argue that 'peace' should take priority over 'justice'. ... (Instead) peace and justice are interdependent, not contradictory."<sup>22</sup>

Rubin describes in detail that the UN, the U.S. and the international facilitators have given preference to "stability" to the detriment of "justice" ever since the first Bonn Conference in November-December 2001. Since then, this strategy has guided the entire Bonn Process. The then UN Special Representative of the Secretary-General (SRSG), Lakhdar Brahimi, played a decisive role in crafting the strategy. In a report to the Norwegian Ministry of Foreign Affairs, the authors highlight Brahimi's approach: "The priorities were evident in the language of the SRSG – which was an 'order and stability' rather than 'rights' language – as well as in his actions."<sup>23</sup>

Recently, such a sequencing has been more and more criticized by international and Afghan observers. They warn that the imperative of "stability first" and "justice only later" may jeopardize the fragile consolidation process in Afghanistan. Instead, they emphasize that "stability and justice" complement each other, or, as the AIHRC has it, "no peace without justice".

Thus, it is not surprising that hardly any ground has been prepared for peace-building, let alone reconciliation, during the immediate post-war period. The Afghan experience fully confirms lessons learned in other post-war countries: one has to wait until the time is ripe for initiating a national reconciliation process. In one of the interviews for this paper, the current dilemma for Afghan society and the policy makers was aptly described: when you do not talk about past human rights violations you will face problems in the future; however, when you talk about them you will face problems right now because you provoke a counterproductive reaction, namely aggravating the political polarization and deepening the social fragmentation.

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<sup>22</sup> Quoted from: Barnett R. Rubin, *Transitional justice and human rights in Afghanistan*. In: *International Affairs*, Vol. 79, No. 3, 2003, p. 577 (Revised version of the Anthony Hyman Memorial Lecture, London, 3 February 2003).

<sup>23</sup> Quoted from: Astri Suhrke, Kristian Berg Harpviken, Arne Strand, *Conflictual Peace-building: Afghanistan Two Years after Bonn*. Bergen (Norway) 2004, p. 40. Joint report by PRIO (International Peace Research Institute, Oslo) and Chr. Michelsen Institute, Bergen. Website: <http://www.cmi.no/publications/2004/rep/r2004-%204.pdf>.

### Low-key approaches of different organizations

The first initiatives to document war atrocities and argue for transitional justice were taken by two internationally outstanding Afghanistan and human rights experts: Patricia Gossman and Barnett R. Rubin. Patricia Gossman, Senior Researcher for Human Rights Watch, initiated the "The Afghanistan Justice Project" as the Project Director in late 2001. The first draft report on war atrocities was released in 2004 and an updated version in early 2005.<sup>24</sup> In 2003 Barnett R. Rubin published an insider account of the political obstacles to transitional justice during the Bonn Conference in late 2001 and the Emergency Loya Jirga in summer 2002. He summarized the prevailing international attitude as follows: "All appear to accept that the situation is too complex and currently too fragile for such measures."<sup>25</sup> And in Afghanistan, the independent though internationally funded "Afghanistan Research and Evaluation Unit" (AREU) published a first report in December 2003, strongly criticizing a policy of "impunity" tolerated by the UN and the international community.<sup>26</sup>

However, the international and Afghan reluctance towards transitional justice continued to prevail. Only from mid-2004 onwards has a cautious, low-key process been set in motion to break the silence. On the Afghan side, two different lines of arguments have been put forward: one urging that the many high-ranking perpetrators have to be made accountable for their human rights violations; the other arguing that peace-building and peace education of school children have to be promoted if the "culture of violence" is to be permanently overcome. The growing Afghan call for transitional justice was strengthened by the reference to the above mentioned international publications.

The rethinking has been facilitated by first indicators of political consolidation in Afghanistan. This is a promising perspective, even if the consolidation is only limited and relative in view of the still fragile security situation, the increasing attacks on international and Afghan organizations in

<sup>24</sup> The updated version of "The Afghanistan Justice Project" is called "Addressing the Past: The Legacy of War Crimes and the Political Transition in Afghanistan". See website <http://www.afghanistanjusticeproject.org>.

<sup>25</sup> Quoted from: Barnett R. Rubin, *Transitional justice and human rights in Afghanistan*, *ibid.*, p. 573. The author is grateful to Barnett R. Rubin for his immediate response to the first draft and comprehensive reference to international reports on this topic which are forthcoming or have not yet been released due to their sensitive nature.

<sup>26</sup> See Rama Mani, *Ending impunity and building justice in Afghanistan*. AREU Issues Paper Series, Kabul, December 2003. website: <http://www.areu.org.af/publications/Ending%20Impunity%20and%20Building%20Justice.pdf>

the wake of the Presidential Elections in early October 2004 and the unbalanced reconstruction efforts. Furthermore, President Karzai's repeated public criticism of the former commanders and his first tentative offers to so-called "moderate" Taliban to join the national reconstruction effort indicate that a new political strategy is in the offing. The revised approach has been backed by corresponding remarks of the key international actor in Afghanistan, the U.S. Ambassador Dr. Zalmay Khalilzad, and also by quiet diplomatic interventions of the European governments.

Thus, the domestic and international attitude has undergone a subtle change. However, the most fundamental obstacle still remains and is strongly criticized by the Afghan interview partners: the slow progress in the "DDR" process, i.e. disarming, demobilizing and reintegrating former fighters, and dissolving the militias of small commanders and private armies of big regional power brokers.

Those Afghan and international organizations that have already tried to break the silence benefit most from the new approach. They include the following:

- The Independent Afghan Human Rights Commission (AIHRC), a quasi-state organization initially mandated by the Bonn Agreement, established by a Presidential Decree from Hamid Karzai, and now by the new constitution of January 2004.
- Two pioneering Afghan NGOs: the Sanayee Development Foundation (SDF) and the Co-operation for Peace and Unity (CPAU), both based in Kabul.
- A growing number of smaller Afghan NGOs like Horizon Rehabilitation of Afghanistan (HRA, based in Kabul), other Kabul-based NGOs and new ones recently founded in the provinces; all of them depend on international funding.
- International NGOs like Afghanaid or Oxfam (Great Britain) with their broad range of aid and development projects in various provinces.
- International NGOs such as medica mondiale with its reputation for psycho-social counselling of war-traumatized women, and, most recently, Caritas Germany with its new training programme.

It is neither intended nor possible to provide a complete list of organizations active in this field. Instead, typical categories are highlighted according to the issue on which the different organizations focus. The organizations cover a broad range, from raising general awareness about peace-building to documenting torture cases for the first time and research on public opinion as regards the issue of perpetrators' accountability.



- a) Working with individual victims: At the level of individual victims, *medica mondiale* pioneered the training of Afghan medical and social staff on how to counsel traumatized women. Due to the war, no Afghan expertise is available so far, but must gradually be built up. Yet, even the limited efforts of helping women to cope with their mental and psychosomatic burden already offer some relief. At the time of writing, Caritas Germany has started building counselling centres and training Afghan male and female psycho-social counsellors on how to work with male and female traumatized victims.

There is an encouraging sign that these efforts will be supported at the national political level as the then Minister of Refugees and Repatriation, Dr. Azam Dadfar, is one of the few surviving Afghan psychiatrists. Recently he returned from his exile in the German city of Hamburg. There, and previously in Peshawar, he professionally worked on the traumatic experience of war. And he is the first expert commissioned to interview torture victims (see below AIHRC, p. 32 ff).

- b) Working with civil society: At the level of civil society, Afghan NGOs like Horizon Rehabilitation of Afghanistan have already covered some ground in raising awareness as regards peace-building. These types of Afghan NGOs promulgate a "positive peace concept" (Johan Galtung), and have already won confidence and built capacities at the grass root level in provincial regions. These NGOs do not focus solely on peace-building but include it as a cross-cutting topic in their other activities. – The same can be said with regard to international NGOs such as Afghanaid and Oxfam. At the time of writing, they are preparing to train their staff in peace-building issues, because they consider this a basic aspect of their various programmes in the provinces.<sup>27</sup>
- c) Working at the national level: At the national political level, a category of its own is constituted by the two partner NGOs, SDF and CPAU. Their focus on peace-building is guided by political lessons learned from other reconciliation processes, namely that peace-building is a precondition for establishing a sustainable peace. Currently, they are still forced to work at a low-key, grass roots level due to the above mentioned resistance. But they are already qualifying themselves for long-term efforts at national peace-building. Their approach is outlined below.
- d) Working at the political state level: Finally, at the political state level, the independent AIHRC has already won a nation-wide and international

<sup>27</sup> The training of Afghanaid and Oxfam staff was conceptualized and implemented by a female expert from the German „Civil Peace Service“ (CPS) in 2005.

reputation as a "human rights promoter" and "national watchdog" since its foundation in June 2002. Its particular contribution towards paving the way for a future national reconciliation process is described below.

### **SDF and CPAU: specific approaches towards peace-building**

Sanayee Development Foundation (SDF) was established initially as a small educational centre in Kabul in 1990. Due to the ongoing war, it was forced to shift its operational basis to Peshawar across the Pakistani border. It continued its activities inside Afghanistan on a limited scale, and started new projects for Afghan refugees in Peshawar and the North-West Frontier Province (NWFP). When the war ended in 2001, SDF returned to Kabul and now runs projects both in Afghanistan and Pakistan.<sup>28</sup>

Co-operation for Peace and Unity (CPAU) was founded as a network of committed Afghan individuals working in the aid community on both sides of the Afghan-Pakistani border in 1996. The aim was to build capacity among its own staff members and those of its partner organizations to integrate peace-building in their reconstruction and development activities. The changing situation after the war prompted CPAU to adjust accordingly. In 2002, the founding members, partner organizations (like SDF) and members of the network met for a strategic planning workshop. They decided to transform CPAU into an NGO and mandate it to work directly with communities in Afghanistan. Headquarters were shifted to Kabul and work in the provinces started.<sup>29</sup>

Two activities illustrate how closely the partner organizations SDF and CPAU have been cooperating and on which areas they focus. In September 1999, they jointly initiated a "Peace Education Program" in Afghan refugee schools in Peshawar. Currently, they collaborate in a joint project to develop a curriculum and produce teaching materials for peace education of grades 1–12 at Afghan schools (primary, secondary and higher levels).

<sup>28</sup> Information was collected during two interviews in January 2005, printed material provided by SDF, and from the request for a German CPS expert submitted to the German Development Service (DED) in March 2004. The German CPS expert started his two-year work with SDF in early 2005. SDF's website: <http://www.sanayee.org>

<sup>29</sup> Information is based on an interview in January 2005, printed material from CPAU, and the „Strategic Plan for 2004 to 2007, undertaken in July/August 2004". Like SDF, CPAU's request for an expert from the German CPS has been approved, the female expert started her two-year work in Spring 2005. CPAU's e-mail address: [cpaukabul@yahoo.com](mailto:cpaukabul@yahoo.com)

SDF pursues a broad range of activities such as education, peace-building, health, income generation, skill development, capacity building, and emergency relief. It has gained a reputation as the "train-the-trainer" institution for Afghan and international staff working in projects all over the country. Subjects covered by its training modules include respect for social values and non-conflictive communication, as well as practical skills in mediation and conflict resolution.

CPAU confines itself to the core issue of peace education. It has developed a standardized first training programme which includes three components:

- Concepts: (i) conflict, violence, peace, (ii) identity, power, (iii) development;
- Skills: (i) effective communication, (ii) negotiation, (iii) mediation; and
- Strategies: (i) conflict management styles, (ii) peace-building frameworks, (iii) strategy building/work plan.

Based on this programme, three different strategies are pursued:<sup>30</sup>

- Community-based peace-building: To promote peace, social justice and human rights through greater participation of community institutions;
- Capacity building and coordination: To strengthen human resources and coordination mechanisms necessary for development and peace-building in Afghanistan so as to maximise the long term impact; and
- Research and advocacy: To maximise learning from experiences, in order to advocate and influence positive change.

The last strategy indicates a mid-term ambition mentioned during the author's interview with CPAU. It intends to establish a department of peace-building at Kabul University in collaboration with international universities.

SDF and CPAU are guided by the vision of "achieving a sustainable peace". Their strategies pave the way to introducing a "culture of peace": (i) addressing the structural causes of the still prevailing "culture of violence" in Afghan society, (ii) seeking a long-term change of social attitudes by promoting peace education among the young generation of school children, and (iii) building human resources for peaceful conflict resolution in village councils and among school teachers.

SDF and CPAU are firmly entrenched in the civil society in several provinces, where they closely collaborate with local communities at the grass-root level. Although they do not yet operate in all regions of Afghanistan, they have the potential for national outreach. Their work at the

<sup>30</sup> See CPAU's Strategic Plan for 2004 to 2007, Section 3: Aims and Programme Strategies

local level is complemented by close interaction with international and UN organizations, whose staff they train and with whom they network. Thus, it is recommended that SDF and CPAU be involved as experienced multipliers and trainers in a national effort to reconcile Afghan society.

### **AIHRC: driving force of national reconciliation**

Since its establishment on 6 June 2002, the Afghan Independent Human Rights Commission (AIHRC) has been active in promoting human rights in civil society. From its main office in Kabul it has reached out to all regions by opening so-called "satellite offices". These offices regularly inform the public, train government officials, the fledgling national police force and influential civilian representatives in rule of law principles, and offer legal support to victims of current human rights violations, both male and female. The offices have repeatedly been impeded in their work by regional and local power brokers, and in a few cases the premises were even raided or burnt.

Strongly supported by the international community, the AIHRC has grown into a powerful lobby against human rights abuses committed in the past and present. When talking with the Chairperson, Dr. Sima Samar, the Kabul-based commissioners and the staff of the provincial offices, one can sense a strong mission to function as a political "watchdog" on human rights and rule of law principles vis-à-vis the new state authorities as well as the old power brokers, many of whom still dominate the political power balance and occupy official positions.

This political mission is further enforced by the fact that many AIHRC officials (up to the highest position) have been personally victimized or suffered with their families during the war. The official mandate and the personal motivation explain why the AIHRC has turned into the driving force for a national reconciliation. Among the many activities pursued by the AIHRC, the work of the transitional justice section is directly related to a future reconciliation process.

The AIHRC has been mandated "to develop a mechanism and a national strategy for transitional justice".<sup>31</sup> Its plan of action is twofold: (i) To document and collect evidence of human rights violations, dating back to the time of the Saur Revolution in April 1978. The documents are to be archived for "historical reference". (ii) To conduct a national consultation

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<sup>31</sup> Quoted from the AIHRC official definition of „transitional justice“, web-site <http://www.aihrc.org.af/transitionaljustice.htm>

on transitional justice. The underlying political goal is “to give the ownership” of the entire process “to victims and to the people of Afghanistan”. The consultation aims at developing a mechanism to deal with the perpetrators. This mechanism should be developed in such a manner that it is supported by “the majority of the population”.

As an important contribution to the first task, i.e. documenting the abuses, Dr. Azam Dadfar will soon publish his report. In 2004, still in his professional capacity as a highly qualified psychiatrist, the AIHRC commissioned him to interview some 100 torture victims and document the findings. The forthcoming report will be submitted by him in his previous capacity. However, it can be expected that Dr. Dadfar will use his current ministerial position in the cabinet to support the mechanism of transitional justice and national reconciliation.

The second task, i.e., conducting a national consultation on the future mechanism of accountability, has already been completed. The AIHRC officially released its report “A Call for Justice” on 29 January 2005.<sup>32</sup> To emphasize the report’s political significance, the UN High Commissioner for Human Rights (HCHR), the distinguished Canadian lawyer and former prosecutor of the International Criminal Tribunal for the Former Yugoslavia, Ms Louise Arbour, came to Kabul for this occasion.

In the Introduction, the AIHRC’s establishment and its special mandate for undertaking the national consultations and proposing a national strategy for transitional justice are briefly outlined. The results of the national consultations on the following topics are analysed in the subsequent chapters: Chapter 1 on Afghanistan’s legacy of human rights abuse, Chapter 2 on Transitional Justice – The role of criminal justice, Chapter 3 on Transitional Justice – non-judicial mechanisms, Chapter 4 on Forward-looking measures including reform, reconciliation and prevention, and Chapter 5 on Analysis and Recommendations. The report concludes with a detailed annex explaining the methodology and listing the questionnaires of the national consultations.

The report’s political significance stems from the recommendations in the final Chapter 5. The AIHRC addressed “recommendations” (including time lines for implementing them) to the Government of Afghanistan, the UN and the International Community, and the Afghan Civil Society. As could be expected, they immediately provoked a controversy. Since a broad public forum for such issues does not yet exist in Afghanistan, the contro-

<sup>32</sup> See AIHRC, A Call for Justice, Kabul, 29 January 2005, website [http://www.aihrc.org.af/rep\\_Eng\\_29\\_01\\_05.htm](http://www.aihrc.org.af/rep_Eng_29_01_05.htm)

versy remained confined to insiders with diverse political backgrounds. Human rights organizations welcomed and supported them, and Afghan and international policy makers started studying the broad range of political demands. In contrast, prominent former *mujaheddin* leaders immediately criticized the demands and even secretly threatened the responsible AIHRC commissioner for fear of being potentially prosecuted for their roles in the war.

It will take some time until some of the recommendations are implemented. However, a potential delay does not diminish the report's political significance. It is the first official Afghan document to outline a mechanism for making perpetrators accountable and reconciling a divided society. Three years after the country started moving from war to peace, the report marks a new assertiveness on the part of the victims' advocates. Their message is that the time has come to break the silence, to punish the perpetrators, and to struggle "towards the establishment of democratic institutions, peace and stability"<sup>33</sup>.

## Conclusion

In addition to the AIHRC recommendations, some fundamental considerations need to be emphasized. They are relevant for a future reconciliation process no matter how it is implemented.

First, the Afghan conflict is unique with regard to its extremely complicated structure. The external entanglement and the repeated regime changes have piled up different layers, each of them characterized by a particular composition of political responsibility, judicial accountability, offender-victim relationship, and a lasting moral encounter with the individual and collective emotions of guilt, hatred, and revenge.

Second, this complexity underlines the need to reconcile the rival "collective myths" and mandate an Afghan Historical Commission to work out a "national history" acceptable to all sections of Afghan society.

Third, the attempt to initiate a national reconciliation in Afghanistan seems to be the first ever in a Muslim country. Experience from other reconciliation processes has shown how important the socio-cultural environment is. Therefore, a unique approach has to be designed which adjusts to the particular religious, cultural and tribal values of Afghan society.

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<sup>33</sup> Quoted from the AIHRC report, Introduction, p. 3.

Fourth, these unique features pose a great challenge to the political authorities in Afghanistan because the risk of failure is high. They also place a heavy responsibility on the future Afghan "reconciliation body" because its work will be carefully observed by the international community.

Fifth, lessons from other reconciliation efforts have shown that success ultimately depends to a large degree on how well-balanced punitive and reconciling components are. If the punitive dimension dominates, it fuels the desire for revenge. If the reconciliatory dimension is too much emphasized, it erodes the victims' trust in the political process and causes renewed victimization, potentially provoking a future backlash.

Sixth, the most basic lesson learned from international experience is that reconciliation takes time. The greatest challenge is to select the appropriate moment for initiating the national process. If it is done too early, it opens old scores and aggravates the socio-political fragmentation. If it is done too late, it is likely to fail because perpetrators can no longer be made liable and "collective myths" have become too deeply rooted in the society and are passed on to the next generation.