A Mechanism to Resolve Conflict in Afghanistan

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Article

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Abstract

Forty years of civil war have made the Afghan nation not just tired of such internecine conflict but also demand an early end to human suffering in every form. The issue of armed conflict management was first mentioned in the inaugural issue of the Journal of Conflict Resolution in 1957 when Quincy Wright wrote that the resolution of international conflict can be facilitated by national government efforts "to prevent tensions from arising and aggravating disputes among nations. Such resolution can proceed through the application of appropriate methods of negotiation, mediation, conciliation, arbitration, judicial settlement, and the coordination of measures to prevent aggression." The lesson of reconciliation from the previous Apartheid regime in South Africa which had brought former adversaries to the negotiating table and work for a multi-cultural, democratic, and peaceful South Africa can be taken as a case in point for Afghanistan, along with the conflict resolution mechanisms used in divided societies like in Northern Ireland, the Balkans, Eastern Europe, North Africa, and the Middle East. In particular, the role of the Truth and Reconciliation Commission in South Africa and the presence of local communities in various parts of the world as well as in Afghanistan shall be looked at. Although it remains an uphill task for the Afghan people to forget the sufferings that they were made to undergo. Peace and reconciliation have to be given a chance. The role of the United Nations and other regional actors become very crucial over here in bringing about a lasting conciliation to this war-ravaged part of Asia also depicted as the heart of Asia.

Keywords: *Afghanistan, conflict resolution, reconciliation, South Africa, Truth Commissions*

Introduction

The people of Afghanistan have witnessed bloody conflicts for the last forty years. There seems to be no response to the conflict, which forced a generation of Afghans to flee their homes and live as refugees in foreign lands. 9/11 further aggravated the course of this conflict and brought the only surviving superpower, the United States of America[1] to the country and also leave Afghanistan abruptly by the middle of 2021.[2] The world only hoped with anguish that perhaps, a day is not far when just like any other peaceful nation Afghans would breathe a sigh of relief and cherish the fruits of peace and tranquility. After a passage of seventeen years, the country has

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[1] Enders, Walter, and Todd Sandler. "After 9/11: Is it all different now?" *Journal of Conflict Resolution* 49, no. 2 (2005): 259-277.

[2] Olsen, Gorm Rye. ""America is back or America first and the transatlantic relationship." *Politics and Governance* 10, no. 2 (2022): 154-164.

entered a phase that may see the withdrawal of foreign forces, both America and their allies with the Doha agreement[3] in place between the two former enemies, as the intra-Afghan dialogue for peace in the process takes stock of the situation. This has become all the more relevant with the change of regime and living under sanctions of the International Community. However, the question of peace still alludes the people, it remains a distant possibility with a series of violent acts committed by supposedly unknown groups at Medic in sans Frontier hospital, at an educational center located in a mostly minority district of the city of Kabul, Dashte-e-Barchi and very recently on the historic Kabul university campus. All of these incidents have put a serious question mark on the hopes of the afghans on conflict resolution process in the country as well as outside which is currently been held on foreign territory, thereby, inviting a fresh attempt on the part of the academicians to look at the lessons by re-visiting some of the conflict resolution processes adopted and applied to from the various conflict-ridden parts of the world. But, one thing is very clear, the conflict in Afghanistan and the issues one may find in the course of such an analysis on the nature of the conflict are quite unique and distinct from any other conflicts that have taken place in any other part of the world. The issue over here is how to reach a permanent resolution to the decades-old conflict in Afghanistan. Doha talks were indeed crucial but, there must be a significant role given to the Afghans by engaging civil society, women, and the youth in creating truly lasting peace and reconciliation. Without, the involvement of the Afghan civil society, women, youth, and members of fallen heroes their families of forty years of war, no peace could be a just and lasting one.

Let us, therefore, try to look at the root cause of conflict in Afghanistan and why it has persisted for so long. The answers to what went wrong in Afghanistan begin in that grey area of unlearned history lessons from the last failure of American foreign policy leading to desperate evacuations of an embassy in Saigon to the embassy in Kabul. Afghanistan is a political failure, it is a policy failure, it is a military failure, and it is a human failure.[4] Most of all, it is, was, and will forever be known as an avoidable failure as too many of us watched idly while it slowly metastasized into today's crisis -- a crisis that history and common sense were warning us about. Any post-mortem on "what went wrong in Afghanistan" that does not include a root cause of dysfunction within the United States government to operate as a competent and accountable governing mechanism is missing the root domestic cause of the foreign policy disaster that the Global War on Terror has become. The failures of the United States government to learn from past mistakes incubated the current dysfunction that inevitably bled through to foreign policy failures like America's 20 years in Afghanistan.[5] The United States which cannot conduct conflict resolution within its own government can neither project nor maintain a coherent foreign policy to the rest of the world. The artificially sterile environment in which policy and politics are too often debated dulls the senses with monochrome facts, devoid of the human factors involved. Black-and-white versions of foreign policy are presented more for the gain of the presenters than for the stability and prosperity of humanity. The red versus blue of American partisan politics does not work toward a negotiated and

[3] Khan, Muhammad Khurshid. "Afghanistan at the cross-roads after Doha Agreement." *CISS Insight Journal* 8, no. 2 (2020): P95-115.

[4] McKinley, P. Michael. "We all lost Afghanistan." *Foreign affairs* (2021).

[5] SIGAR 22-35-IP Evaluation Report, August 2022.

rational purple, but instead to generate profit and power. In the case of America's policy in Afghanistan and elsewhere, this money went flowing to contractors feeding off the Global War on Terror and a corrupt Afghan government that was a government in name only. It is an incestuous mess that prevents any action but kicking the can down the road to keep the machine going a little while longer. This reality doesn't break through by design, and observers and watchdogs have gradually become blinded to its dysfunction.

In the real world, such policy failures show vividly, calling out the lies presented to uphold power structures within the pristine halls of governance, far removed from the dirty reality of places like Afghanistan. In the real world, the results of such failures in governing and policy are as stark and shocking as the images of nameless, desperate people who are the human grist ground out of the bad, unaccountable policy mill.[6] At the level of governance, there was a rift between the tribal leaders and the government which in itself created a crisis for the country. This one may understand in the form of the existence of informal justice, an often debated yet poorly understood concept in Afghanistan. Generally, it refers to a series of mechanisms, such as local councils, that are outside of the state's direct control — though not necessarily beyond its influence — and that are used to resolve disputes and conflicts in a manner perceived as legitimate by local communities. While few Afghans have confidence in the state's ability to deliver justice through the formal court system, the informal justice sector in Afghanistan provides a pervasive and effective, if sometimes flawed, venue for the majority of the Afghan population to access justice. However, large, internationally sponsored programs attempting to promote rule of law through the informal justice sector have faced serious paradigmatic and programmatic challenges that have made these programs generally ineffective and, at times, counterproductive. In particular, failure to understand fragile local power dynamics and efforts to apply a unitary model has changed structures of local legitimacy and accountability and may have emboldened or empowered local actors with limited community oversight. Smaller, Afghan-led initiatives have met with more success in increasing predictable dispute resolution, suggesting that certain types of small, flexible, and context-responsive programs focused on linking the formal and informal sectors can promote more predictable access to justice, particularly given the challenges facing formal sector reform.[7]

Then one must not forget the fact that the hosting of Osama bin Laden and the 9/11 incident assumed responsibility which saw foreign powers ascend into Afghanistan and aggravate security concerns. So, when bin Laden returned to Afghanistan in May 1996, he was initially looking for a refuge from where he could continue his proselytizing campaign against the Saudi regime. He found refuge in Eastern Afghanistan with old allies from the Afghan-Soviet war.[8] When the Taliban came to power a few months later and invited bin Laden to stay under their protection, bin Laden saw an opportunity to continue the state-building project he had failed to finish in Sudan. An internal al-Qaida document from 1997 outlines the first contours of al-Qaida's Afghanistan strategy: Taliban-run Afghanistan would be an exemplary

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[6] Donaldson, Andrew. The root cause of the Afghanistan crisis? U.S. domestic politics, *Diplomatic Courier*. Accessed on 20 October 2022.

[7] Coburn, Noah. Informal justice and the international community in Afghanistan. Washington, DC: *United States Institute of Peace*, 2013.

[8] Akhtar, Nasreen. "Pakistan, Afghanistan, and the Taliban." *International Journal on World Peace* (2008): 49-73.

Islamic state and a base from which to spread the Islamic revolution. Like Sudan, Afghanistan was situated on the fringes of the Muslim world, far from the US influence that prevented al-Qaida from establishing a base in the Middle East.[9] Followed by the US-led invasion of Afghanistan saw the Taliban insurgency embracing the tactic of suicide bombings first in 2003.[10] Even now, as the Taliban attempts to transform from an insurgency into a government, its contingent of trained suicide bombers remains central to its military and political strategy, experts say.

In a victory parade after retaking power, the Taliban displayed its suicide bombers and an arsenal of explosives-laden suicide vests. The parade triggered outrage among many Afghans. The former insurgent group also announced the formation of a new "martyrdom brigade" made up of suicide bombers, in a move that experts say is an attempt to rebrand its suicide bombers as elite fighters ready to protect the new government.[11] Therefore, peace is necessary to re-building Afghanistan to curb insecurity emanating from the country as well as inside Afghanistan and for reconciling families affected by this war. An intra-Afghan dialogue is crucial where once again, the former oppositions will have to meet. But, the question is willing such meetings are good enough for bringing permanent and stable peace or not. The most crucial aspect is the people's participation in such a process where they can have the right to hear the political reasons for the years of violence and abuse that they have been through. People have to have the right to defend the values they care for. Nothing less than such acts may keep the peace process and a permanent conflict resolution a pipe dream. The Afghan peace should be to end sufferings in conflict-ravaged Afghanistan rather than be a tool of political maneuver whether by regional or global actors.

2. Mechanisms of Conflict Resolution

Amartya Sen[12] in one of his writings spoke on the nature of the shift which has taken place following the 9/11 incident when the global support for and the identification with the US as victims has taken place. A large part of the general attitude of the people has moved towards irritation for US policies and sometimes even to hostility toward them. For instance, the US tackling of global terrorism is considered limited to a security problem. Aside from governmental initiatives, civil society organizations and traditional power centers such as traditional Jirgas, ethnic and tribal Shuras, and Solidarity groups across the border can play a very significant role. And here, the role of these Afghan civil and traditional societies/Shuras can be extremely vital in bringing about lasting peace in a war-afflicted land. For instance, when on April 14 to 15 in 2011 an international conference took place in Tunis under the banner of "Addressing the Past, Building the Future: Justice in Times of Transition",[13] held under the auspices of the United Nations, one of the major areas discussed were the role of reconciliation commissions (which can be the above formal and informal institutions in case of Afghanistan), apart from themes like justice and

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[9] Stenersen, Anne. Al-Qaida in Afghanistan. Cambridge University Press, 2017.
[10] Ahmadzai, Atal. "Dying to Live." Perspectives on Terrorism 15, no. 1 (2021): 17-38.
[11] Siddique, Abubakar. As Taliban attempts to transform from insurgency to government, suicide bombers remain key to its strategy, *Radio Free Europe Radio Liberty*, November 04, 2021.
[12] Sen, Amartya. Peace and democratic society. Open Book Publishers, 2011.
[13] Fernández, Rosa Ana Alija, and Olga Martín Ortega. "Women's rights in the Arab Spring: A chance to flourish, a risk of hibernation." *Revista Estudios Juridicos. Segunda Epoca* 11 (2011).

security sector reforms. For example, the informal justice system in Afghanistan is less a system than an array of local mechanisms for resolving disputes. The term informal justice generally includes Shuras, a Dari word referring to permanent and quasi-permanent local councils, and Jirgas, a Pashto term used for more ad hoc meetings gathered to address a specific dispute.[14] Both involve groups of community leaders generally but not always men who discuss disputes and other political issues within the community. What is significant is that the authority of those involved exists at least in part outside the state. Across Afghanistan, informal mechanisms tend to be restorative rather than retributive seeking to promote community harmony through Islahi (reconciliation) rather than focusing on individual rights or personal punishments. Informal mechanisms frequently assign both parties with the responsibility to compensate for the wrong done and restore communal harmony rather than assigning a winner and a loser[15] Here, cross-border ethnic solidarity too can also play a crucial role, especially in terms of the youth and women in Afghanistan.

3. A South African Case

Equally, it is important to state why one chooses the South African case in resolving the forty-year-old conflict in Afghanistan. One must not lose sight of the fact that South Africa was perhaps the only country in the entire African continent that was able to steer its course clear of a prolonged and violent civil war between the whites and the blacks following the end of the white-minority rule in that part of the world and the formation of a government on reconciliation.[16] Therefore, we study the South African case. Here, the most relevant attempt in dealing with the past and the continuing traumatic experience of a people to reconcile with the wrongs that they suffered was the role played by the Truth and Reconciliation Commission in South Africa which enabled the former victims and their perpetrators to sit across including that provided by women's testimonies and make an attempt in bringing about lasting peace, security and stability in a new South Africa at the end of the troubled and the most brutal apartheid years. Here, interestingly the role of civil society in their efforts at reconciliation and the government's support ended the possibility of a renewed civil war breaking out between the whites and the majority of Africans.[17] Afghans can take out a leaf from such an experience in forging reconciliation between former enemies and thereby restoring the confidence of the people in themselves.

Therefore, the question is, can the social sphere ever become a sphere of forgiveness? This possibility is being put to test in South Africa during the operations of the Truth and Reconciliation Commission during which, forgiveness and guilt have converged in both powerful and controversial ways. If we quote Gallagher (2002),[18] 'as part of the negotiations leading to the adoption of a democratic constitution, the commission was established in 1995 to facilitate national reconciliation by creating a public record of human rights violations. In fact, in a series of public hearings, 2000 victims testified about their experiences of abuse.' Perpetrators appeared in a second set of hearings

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[14] Coburn, Noah, and John Dempsey. "Informal dispute resolution in Afghanistan." (2010).

[15] *Ibid*

[16] African Union Panel of the Wise, Opportunities and challenges in the fight against impunity, peace, justice, and reconciliation in Africa, *International Peace Institute* (2013)

[17] Kaminer, Debra, and Eagle, Gillian, *Traumatic Stress in South Africa, Patterns of Trauma Exposure in South Africa,* Wits University Press.

[18] Gallagher, Vanzanten, Susan, I want say: Forgive Me: South African discourse and forgiveness, *Modern Language Association.* March 2002, Vol. 117, No. 2 (Mar., 2002), pp. 303-306,

in an attempt to gain amnesty, which was given only if the applicant fully disclosed the abuses committed and demonstrated a political motivation for doing so. By November 2000 the Truth and Reconciliation Commission had refused 5,392 applications and had granted 849 amnesties. Some have opposed the amnesty provisions, contending that government has a legal duty to prosecute human rights violators, but others argued that the only way to achieve a peaceful reconciliation in South Africa at that moment was through a complete public accounting which was unlikely to occur in any legal prosecutions.

The generation of Afghans including the women who have suffered the consequences of warfare in their country, and the Afghan mothers who have sacrificed their sons to known and unknown violent perpetrators may find it difficult to forgive and thereby fail to facilitate a lasting peace process one of reconciliation. This process may appear a difficult one in the Afghan social system but, there can be no better process than truth and reconciliation. For how long, the people are going to suffer? There must be a way out and the South African example can be considered a case in point. In fact, some observers considered the amnesty provision of the TRC in the post-Apartheid context as a form of forgiveness, but Harvard Law School professor Martha Minow[19] noted that the TRC granted perpetrators legal immunity, not forgiveness, in a public process that insisted on standards of justice, in contrast with a blanket amnesty such as one issued to the Chilean military junta and which over a period of time had created a sense of social amnesia in Chile about past political abuses. In the case of South Africa, individuals had specifically requested for amnesty by openly acknowledging that they had committed abuses and continued to live with such social identification. Yet, they were not required to indicate remorse or ask for forgiveness. In the language of speech-act theory perpetrators' statements were required to be constative (conveying information) and not illocutionary (performing an act). Minow here explained, "the healing sought by the TRC did not require apologies of forgiveness. On behalf of bystanders and perpetrators as well as the victims, it sought to reestablish a baseline of right and wrong." The TRC was not making any attempt in righting the wrong. The TRC encouraged the formerly voiceless to speak to and the perpetrators to reveal their secrets, thereby, it hoped to construct a historical record that would create a new climate of respect for rights. Even the influential church leaders like Archbishop Desmond Tutu were involved in the design of the TRC thereby giving it a religious and a theological standing.[20] Similar lessons can be tested and tried in Afghanistan by forming a tree tier institution of mosque, civil society and traditional Shura/Jirga in giving the voiceless people of the country a platform for the achievement of a lasting peace and a permanent resolution to the ongoing conflict.

4. A Case for Divided Societies

At another level of looking at conflict and conflict, resolution one may look at the case of Northern Ireland. In a book on Northern Ireland: A Comparative Analysis, Frank Wright examined a number of what he termed 'frontier societies', including Prussian Poland, French Algeria, the Balkans, the southern states of the United States as well as of course, the Northern Ireland itself, which did witness a protracted

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[19] Minow, Martha. "Between vengeance and forgiveness: South Africa's truth and reconciliation commission." *Negotiation Journal* 14, no. 4 (1998): 319-355.
[20] *Ibid*

ethnoreligious conflict. Wright made three points, fundamental to his analysis of frontier societies and which can be readily applied to all deeply divided societies like the ones in Iraq and in Afghanistan. Frank Wright, pointed out that peace requires far more than just the absence of violence between communities. He used the term tranquility to describe a situation in which a truce prevailed because of the overwhelming power of the dominant community or because of the exhaustion of the combatants, in which the fear of inter-communal violence persisted and the antagonistic relationship between the communities remained essentially unchanged by the absence of actual violence. [21]

Wright argued, that 'once a force field has been generated, it breaks up nearly all the mechanisms that might cancel it.' Here, people's opinions are forged by their fears. He insisted that mutual recognition between communities of each other's fears was a vital component in reducing the level of conflict in a deeply divided society. And, this may also hold true for the current condition in Afghanistan. He argued, 'antagonism, which means being on different ends of a forced relationship, is more fundamental than all the various "things" the antagonism keeps for the dominant and denies to the dominated.' Once discrimination and the denial of self-determination are addressed conflict will soon disappear in such divided societies. [22] The challenge is how to tackle such issues and without making the conflict resolution process inclusive of such elements no permanent solution can be foreseen. The coming of the Emirate on the fifteenth of August 2021, the Taliban forces entered the city of Kabul and the republican government collapsed[23] like a house of cards pushing the entire population of the country into an abyss of uncertainty. The mainstream political leadership of the country had fled leaving behind a vacuum to be quickly occupied by the less experienced governance of the Taliban leadership. A year and a half have passed since the bloodless revolution in Kabul and the country still reels under severe economic issues as the International Community is emphasizing the new political dispensation to prove its legitimacy. Therefore, it becomes all the more important for the current political dispensation to perhaps initiate some kind of an intra-Afghan dialogue at the soonest.

5. Conclusion

The aspects of the Afghan conflict are diverse, there are a number of determinants but domestic fractions and regional interferences are twofold ones. UN as an international organization with the mandate of peace and security in the world has a moral responsibility to work for peace and security. The US as the current global power and partner to the Afghan government can play an important role in convincing the regional actors for a peaceful and secure Afghanistan and also ensuring inclusivity in the process. The international community can make efforts for a just and sustainable peace where all segments of afghan society are represented and ensured participation. The international community and Afghans need to look at the experiences of conflict-ravaged countries such as South Africa and use the lessons learned. The formation of the 'Afghan Truth commissions' in a form of a joint structure of the mosque, civil society, and traditional Shura/Jirga can be one of the most trusted mechanisms. In this mechanism, rural and urban, and religious

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[21] Wright, Frank. *Northern Ireland: A Comparative Analysis*. Rowman & Littlefield, 1988.
[22] Ibid
[23] Hussain, Ejaz. "Taliban 2.0 and Afghanistan–Pakistan Relations." *Journal of Asian Security and International Affairs* 9, no. 3 (2022): 462-474.

segments will all see themselves. Such a mechanism can ensure credibility in the process and help achieve a lasting and sustainable peace that will put an   end   to the forty   years   of conflict. The coming of the Emirate, therefore, makes it more pertinent to start an intra-Afghan dialogue at the earliest perhaps.

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