Report on the Jirga for Peace, Security and Reconciliation
(Paktia, Paktika, Khost, Logar, Ghazni and Wardak)

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<table>
<thead>
<tr>
<th>Content</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  INTRODUCTION</td>
<td>3</td>
</tr>
<tr>
<td>2  OBJECTIVES OF THE JIRGA</td>
<td>5</td>
</tr>
<tr>
<td>3  SYNTHESIS OF THE JIRGA RESULTS</td>
<td>5</td>
</tr>
<tr>
<td>4  KEY STATEMENTS OF THE PEACE JIRGA</td>
<td>7</td>
</tr>
<tr>
<td>5  CONCLUSION</td>
<td>12</td>
</tr>
</tbody>
</table>
1 Introduction

The Tribal Liaison Office (TLO) has worked since late 2003 in the Southeast of Afghanistan (Paktia, Khost, Paktika, Logar), facilitating the formal integration of communities and their traditional governance structures into Afghanistan’s new governance framework. More specifically TLO has worked on generating formal linkages between tribal/religious elders, shuras, the government and the international community with a focus on peace-building and conflict resolution.

In light of above, the importance of creating a process for on-going dialogue in the Southeast region (referred to as SER throughout the report) with local tribal communities has been of essence to the TLO strategy as tribal structures there are more robust in comparison to tribal structures in the east and the south. As a continuation of TLO’s strategy and the process of dialogue, a Jirga (the traditional process used by Pashtun tribes for centuries to resolve internal issues and crises) for peace and stability was facilitated for the provinces of the SER (Paktia, Paktika, Khost, Logar, and Ghazni). While Loya Paktia traditionally only included the three provinces of Paktia, Paktika and Khost, the inclusion of Logar and Ghazni makes sense out of the overall economic, political, tribal and security picture that has emerged over the past few years. Tribal elders requested the inclusion of Wardak due to its strategic, communal, factional and tribal links with the SER. The TLO Jirga provided a venue for influential tribal and religious figures backgrounds to adopt a regional view and discuss issues related to the expansion of a secure space for enhanced security, improved development and better governance. The points below provide the backdrop to some of the topics explored during the event:

- The 2006 Waziristan peace deal appears to have fueled cross-border insurgency especially into the SER. Since 2003 the province of Paktika, for instance, has been the worst affected by the emergence of insurgency. It, has been more or less the entry point for insurgents from southern Waziristan gradually overlapping to Khost, Paktia, southern Ghazni and Logar. The spoilers have been successful in manipulating existing rifts in tribal, religious and factional networks that usually overlap administrative boundaries encircling the provinces already mentioned. This situation also adversely affected the activities of development actors in the region as their area of operation shrank in response to increased insecurity. This vicious circle of interlinking underdevelopment and insecurity further increased resentment among those communities being left out of the national development agenda.

- The impact of instability in the Afghan border provinces has lead to deterioration in Pak-Afghan relations ultimately benefiting extremists, militants and drug networks along the porous border regions, fueling instability and criminality within these two fragile states. The upcoming Peace Jirga between Pakistan and Afghanistan would appear to be a step in the right direction although critics state that the process has been slow to gain momentum.
thus far. The tribal and religious elders see a very important role for themselves in the Peace Jirga as the Tribal Areas straddling the border are currently caught in the cross-fire between national and international combatants in the Global War on Terror (GWOT). To relieve the tribal areas of the current instability the full and proactive involvement of local leadership is a crucial factor which may need to be formalized as part of a long-term strategy to develop and stabilize the Tribal Areas of both Afghanistan and Pakistan.

- The much anticipated spring offensive, mostly covering the Pashtun belt is seen as a serious threat facing nascent democracy and post-conflict reconstruction in Afghanistan. The SER is one of the three Pashtun regions of the country which is of strategic importance in this regard as it bridges the Southern region through Zabul to the SER. The outbreak of insurgent activities across these three regions could ultimately be used to overstretch NATO forces as they attempt to tackle insurgency on an increasingly wider front. The current wave of insecurity across the Pashtun belt already points in this direction.

- It is important to note that the insurgency has been gradually spreading from remote, mountainous regions to more densely populated urban areas which has made the engagement of communities and their leadership even more critical for stability.

- Policies aimed at engaging tribal communities have so far led to escalation of conflict. The involvement of the local tribal leadership of such regions in an effort to create stability and foster reconciliation has led to bad experiences. The Waziristan and Musa Qala peace deals demonstrate this. Such deals have focused on specific region without seeing the larger tribal and regional context. The piecemeal, last minute nature of these efforts to bring in the tribal or religious structures will only expose members to violence from insurgent groups, a phenomenon which has already led to the killing of a number of key elders and leaders both in Afghanistan and Pakistan.

The idea of a Jirga on peace, stability and reconciliation emerged from a succession of discussions with tribal elders and religious figures of the region who share the common opinion that the insurgency poses a substantive threat to the integrity and survival of their communities. The tribal and religious elders from these provinces thus would like to strengthen mutual coordination and unity within their own communities in order to tackle insurgency-related problems in their region in collaboration with both the Afghan government and the international community. Even though these provinces only include one part of the fragile and insecure Pashtun belt, this peace Jirga represented a good template for testing different forms of engagement, which could later be modified and developed for the Eastern and Southern provinces of Afghanistan.
2 Objectives of the Jirga

The goal of this assembly was to continue working towards an improvement in peace, security, and development in the fragile geopolitical cluster of the SER provinces through constructive dialogue between representatives of local traditional and religious structures and the Afghan Government. More specifically the goals were to:

- Foster dialogue between the local tribal and religious leaders of the SER and the Afghan government.
- Strengthen coordination among the local leadership of the SER to work together on overlapping security issues among these provinces.
- Improve understanding about the major obstacles to peace and security that currently exist in these provinces, as well as the threat potential from the insurgent groups towards members of traditional structures, government and international actors.
- Identify a possible mechanism or process that can engage and possibly neutralize actors who could resort to ‘spoiler’ behavior; identifying incentives and disincentives for such actors to join the peace and reconstruction process.
- Develop recommendations on strategies for the stabilization of the SER. (plus Wardak) through cooperation among tribal/ religious and government structures.

3 Synthesis of the Jirga Results

The historic gathering was attended by 140 tribal elders, religious figures and government officials from the SER. Given that the method chosen for the workshop was that of a traditional Jirga, everybody had the right and ability to raise their concern about the situation in the region. Out of this open discussion, which stretched over two days, the following key issues emerged:

1. The tribal/religious elders wish to take an active role in peace building, reconciliation and stabilization processes. They form a unique bridge as intermediaries between the international community, the Afghan government, their local communities and insurgents in some, though not all cases. What is unclear is the authority that the government is currently

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1 The Jirga is a forum used as a platform for negotiations and dialogue in which stakeholders belonging to different tribes and networks approach one another in order to resolve disputes, gain resources, influence political process or to reach overall consensus upon a major issues facing them. These characteristics also determine the size of the Jirga and its significance. On a tribal level, the jirga forms the only available means of decision making and expresses in many ways the egalitarian ideals of Pashtun society. Secondly Jirga is a temporary body that is dissolved upon reaching an agreement this makes Jirga different from Shuras that are more stable and long term in their structure. Karokhail, M. Informal structures and approach of TLO pp. 193-211 (edited by Jennifer Bennet). Scratching the Surface: Democracy, Traditions and Gender Heinrich Boll Foundation location year
willing to give them in order to find practical solutions to the insecurity and violence facing the communities they represent. Although local community elders have denounced violence and expressed cooperation with the government on numerous occasions, no clear strategy on collaboration vis a vis security has emerged so far. This point is also important in the context of current insurgent tactics, increasingly targeting populated urban areas, leading to civilian casualties and further resentment among the local population. To address these challenges the working relationship with local elders and their communities should not only be one way and on an ad hoc basis but rather a sustainable relationship based on mutual understanding.

2. In a similar vein, the tribal elders gathered here see a crucial role for themselves in the upcoming cross-border Jirga between Pakistan and Afghanistan. Their major concern in this area is the selection of candidates with the appropriate credentials, most notably non-alignment with disruptive factions and acknowledged representation of their communities. The dynamics of insecurity and violence has severely affected the tribal areas along the Pak-Afghan border. Local tribes see this as a common challenge facing them on both sides of the Durand Line. The tribal leaders of these regions can make a significant contribution to efforts which aim to address cross-border insurgency and insurgent safe havens. Representation of local tribes in the sensitive border regions in any way which is less than satisfactory to communities and their authentic representatives would derail the Peace Jirga and lessen its productivity.

3. Just as the GWOT was sudden and unpredictable for the international community, those in representing the SER in the Jirga were similarly caught up in the aftermath as various forces, national and international, suddenly appeared in their areas single-mindedly seeking Al-Qaeda remnants. The terms of engagement of these military forces were never clearly discussed with credible tribal elders, leading to a series of misunderstandings and creating rifts which are still being exploited today. These rifts are becoming more evident as NATO tackles the re-emergence of Taliban, Al-Qaida, criminal and narcotics network elements, bent on weakening Afghan government legitimacy and testing NATO commitment. It is still not too late for the negotiating and engaging with local tribes in the SER and larger Pashtun belt but this requires clear terms of engagement which are acceptable to both parties, not only reducing collateral damage but carefully protecting communities from willful and unintentional abuse perpetrated by combatants.

4. Afghans should be free to practice their religion and local customs without fear of recriminations, detention and even torture as a result of baseless accusations that they are enemies of the state – Taliban, Al-Qaeda – labels which have been attached too loosely.

5. In many areas, including governance, development and security, the elders and those they represent consistently complain of a lack of transparency and accountability from government actors. As long as this lack of transparency and accountability persists people will lack confidence and the central government will increasingly be perceived as inconsistent and unreliable. As in much of the country, those living in the SER have witnessed corruption, lack of a rule of law and weak government outreach to districts. An
added factor has been the slow pace of development, due to a limited presence of development actors mainly as a result of insecurity.

6. The weakness of the state and its failure to deliver security and development has also exposed traditional elders to more criticism from their communities of an inability to deliver development to their respective regions in spite of providing support for the government. This will allow insurgent groups to tap into local, unaddressed grievances towards the state and undermine the position of tribal and religious elders friendly to the government.

7. In the opinion of the elders Quick Impact Projects (QIPs), although welcome, are not the answer where stabilization of insecure areas is the ultimate aim. They repeatedly stressed the importance of sustainable approaches – education, livelihoods, and large scale infrastructure. Long term projects would inevitably create stronger relations between communities, their representatives, the government and development actors. Emphasis was also placed on the issue of unemployed youth who are drawn to a life of fighting or crime due to lack of appropriate choices and opportunities. QIPs are overwhelmingly seen as the way forward in unstable areas while stable areas are excluded from plans and neglected. QIPs are at times implemented without proper engagement of communities at some or all stages. Contractors or NGOs may simply want to complete such projects quickly, occasionally bringing labor from outside the project area for convenience and speed. A more appropriate mechanism which involves communities in selection, implementation and monitoring of such projects will lead to more success.

4 Key Statements of the Peace Jirga

The key statements below are the direct outcome of the Jirga and were agreed upon unanimously by participants. These key messages were shared by the participants with the Afghan government during a visit to President Hamid Karzai at the Presidential Palace on the second day of the Jirga (February 7, 2007).

Governance and Development:

- Confidence in the government can only be built if transparency and accountability are shown, starting from the top levels of government. In this respect, the work done by the Supreme Court and Attorney General’s office are commendable.

- The international community should work to support the Afghan government and to coordinate their activities with government in such a way that the latter’s authority and legitimacy is enforced.

- In a democratic system, every person is allowed freedom of speech, religion and personal expression, including the way they dress. The international community taking these
democratic values into consideration should not put the stamp of Al Qaeda or Taliban on people because of they attended religious schools, have beards or because they dress in a certain way. In relation to this, respect should be shown towards the religion, faith, and culture of Afghans.

- A coordinated approach towards balanced development and reconstruction should be undertaken across the country.

Previous TLO research has shown that government performance and capacity has been hampered by four problems: lack of qualified personnel, physical infrastructure, financial and logistical resources and oversight and control mechanisms over public expenditures and processes. All these lead to poor performance, corruption, embezzlement of public monies and inefficient resource allocation. In this regard there has been consistent and yet unmet demand for rapid reforms that could lead to better accountability and transparency.

The efforts of the international community to provide assistance are seen as crucial to long-term stability and development of Afghanistan while the Government is persistently perceived as failing in its efforts to enforce security, rule of law and protection of human rights across the country. International efforts should focus on improving the credibility of the Afghan State in the areas of security, development. They should also aim at transferring capacity and resources for strengthening Government institutions and democratic principles, thereby enforcing the legitimacy of the state. At the same time however, social development policies and the democratization drive of the state must be within the framework the Constitution, thus reflecting the cultural and religious values of the Islamic Republic of Afghanistan.

Development efforts in the SER and larger Pashtun belt have been severely affected by the deteriorating security situation. The insurgency has been targeting development actors in particular as they symbolize the international presence which legitimizes the government. This limits operational space in the short term, while simultaneously increasing the political costs of involvement for governments of the main contributing countries and pressuring their public opinions. This strategy is currently paying off in favor of spoilers, capitalizing on local frustration and using it to counter NATO’s hearts and minds campaign. Such constraints have raised donor frustrations at not finding a critical mass of competent and convincing development partners and civil society groups at field level for implementing effective projects and programmes. The slow pace of development has further strengthened local perceptions in the SER that they are being marginalized from the mainstream of development aid allocated for Afghanistan, adding in turn to the regional frustrations. With these issues in mind, participants called for a balanced approach to the provision of development assistance in the SER. Such a balanced approach will address regional frustrations and contribute to strategies aimed at building national unity.
Security:

- The tribal *arbakees*\(^2\) should be revived since government forces have limited capacity to provide security on the border. Local tribes living in these regions have not been given any formal involvement in the provision of security in support of the Afghan government. The government should develop a clear policy as to how it can work with local tribes for strengthening security through a clear division of responsibilities.

- During the previous political processes (the Bonn agreement, the Emergency Loya Jirga, the Constitution Loya Jirga, etc.) some factions were excluded. These are now being used by others to destabilize Afghanistan.

- In the aftermath of the Bonn process, the Presidential elections, and the parliamentary elections, all aimed at fostering democracy, powerful elites continue to abuse their power (bribery, land grabbing, narcotics trade, and banditry). Inaction is reinforcing the lack of confidence people feel towards the government.

- Many “patak salars” or warlords from the Mujahideen period were removed when the Taliban came to power. Unfortunately, they are back in government positions, reinforcing the lack of confidence in and trust towards the government.

- Concrete steps have not been taken to end tribal, ethnic, and regional rivalries.

- Afghan refugees should be repatriated and arrangements made for IDPs to return to their homes from which they have been displaced by force. Such efforts will foster national unity and harmony.

- Unemployment among the youth is also a major cause for instability and criminality. Appropriate employment and education should be made available.

- The status of religious education should be improved through increasing the number of religious schools so that the youth can gain religious education within their own country without having to travel to other countries where they can be exploited by extremist groups.

- The initiative to conduct a cross-border Jirga is commendable. In the cross-border Jirga, those tribes living in the bordering provinces should be given proportionally more participation. Precedence should also be given to those familiar with conducting Jirgas to

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\(^2\) The *arbakee* is based on the concept of community policing. A group is mobilized by the district council to maintain security in collaboration with district police. The *arbakee* is not under the command of a single person as commander but rather under the command of the council working with the district governor and police chief.
maximize efficiency. In selection of candidates, priority should be given to those who have real influence within their communities and who are independent.

- Negotiations with Taliban and other insurgents with valid grievances, especially those from within the tribal groupings and communities represented at the Jirga, should begin as soon as possible. The efforts of the government and the international community can be further strengthened with the support of religious and tribal elders taking part in the reconciliation and negotiations process. The Afghan government and international community should give clearly delineated authority to such actors to negotiate with such aggrieved groups, in order to understand their issues and demands. If their demands are within the Constitutional and political frameworks then they can be resolved. If such a peace process is rejected by those insurgents approached and groups with grievances then the tribal elders and religious figures will take steps regarding their status as members of communities and tribal groupings.

- If the recommendations inherent in the statements made above are acceptable to the government and international community then tribal elders and religious figures are ready to take up their role and use their influence to move forward, possibly expanding this peace process to other provinces as well. A commission should be set up to follow up on the process.

The call made by the tribal elders of the SER for reviving the arbakees has been made on several occasions in the past for improving stability and security. It must be noted that the arbakee is a tradition unique to Paktia, Khost and Paktika. As a result the arbakee is viewed among communities not as a militia but rather as a form of community policing. The arbakee can be a useful asset for improving security provided that its status and structure is formalized and linked to the Ministry of Interior, as a form of auxiliary police for instance. Both the nature of the terrain and the current capacity of the state security apparatus renders the task of security provision in the porous border regions problematic for Afghan and NATO forces to say the least. In this regard, the arbakee could make a useful contribution, complementing the army, police and NATO forces. This would, however, require a more formal arrangement for successful implementation since the arbakee in Paktia and Khost are currently paid through operational funds allotted to provincial governments. This informal financing of the arbakee leads to irregularities in the payment of salaries which only leads to dissatisfaction and suspicions of corruption among local communities.

Another factor that dominates security and effects government legitimacy is the influence of the warlords/strongmen and the factional rivalries which have not diminished in spite of the democratic process moving forward in leaps and bounds. Many warlords and their proxies still dominate the government apparatus, fostering corruption and criminality along with ethnic and factional polarization, all contributing to a rapidly deteriorating security situation. Participants also see an increasing polarization of communities across the country, spurred on by spoilers cashing in on state weakness in tackling such issues. To handle this, the government has to focus on developing policies which fosters national unity and work towards eroding and eventually

Report on the Jirga for Peace, Security and Reconciliation
eliminating tribal, ethnic and regional rivalries. Instability stemming from political violence, criminality, cross-border insurgency and so on are also directly affecting local perceptions regarding the credibility, neutrality and purpose of the international presence in Afghanistan.

The status of youth in the SER was given special attention during the two day Jirga as a major factor contributing to instability. The insurgency is particularly tapping unemployed and disenchanted youth both in the rural areas of Afghanistan and the underdeveloped tribal areas of Pakistan. Linked to this, the status of religious and formal education remains poor. A credible strategy from the government in this regard could be to develop a formal curriculum for religious education and secondly to support initiatives for setting up functioning madrasas within Afghanistan. The call for increasing the number of religious schools has mostly been linked to the fact that Afghan youth in foreign sponsored religious schools are being systematically being radicalized. The strength of these neo-Taliban groups is already proving to be of major concern in the south.

Afghan refugees fleeing war and unrest over two decades eventually transformed refugee camps into large villages mostly in the North West Frontier Province and Baluchistan areas of Pakistan. Jirga participants called for more constructive steps towards repatriation of these refugees since the existence of these diaspora communities is seen as a major cause of instability in Afghanistan. Such refugee communities form an ideal source of recruits for extremist groups and their sympathizers, mostly being drawn into such groups through religious schools. The repatriation process will reduce the potential of exploitation of vulnerable communities by militant groups such as Al Qaeda/Taliban and Pakistan-based religious groups that are linked to the Deobandi religious networks straddling Afghanistan and Pakistan. Of similar concern was the status of the IDPs mostly unable to return to their place of origin due to persistent insecurity and intimidation. The repatriation and reintegration of IDPs and refugees will reduce the number of groups with valid grievances due to neglect by the government and international community. This will make a positive contribution to security and stability.
5 Conclusion

The discussions during the two day “Jirga for Peace, Stability and Reconciliation” clearly emphasized the willingness of the tribal elders and religious figures present to take an active part in the ongoing peace and reconstruction process of Afghanistan, mainly in the areas of reconciliation and stabilization. The overall mood among the participants was of cooperation, collaboration, sharing views, listening, and engaging in constructive debate in order to find solutions. This shows that in the SER the tribal Jirga remains a coherent and useful process for mobilizing representatives of local communities.

A key statement of the Jirga was the request for tribal and religious elders to be given clearly delineated and demarcated authority from the government to pursue a process of stability and reconciliation. A crucial factor in this regard will be the protection of those insurgents, Taliban groups, etc. who may surrender, with arrangements for amnesty and sanctuary needing to be clarified and respected by all members of the Afghan government and the international community. Neglecting to institute such protection will lead to a failure of any such process.

Most importantly, the participants saw the Jirga as the beginning of a process for peace building and reconciliation which they clearly want to see expanded to cover the rest of the country in order to underline that this is a national process, starting with unstable areas which are in dire need of engagement. However for such an initiative to be a successful, it requires the backing of the Afghan government and overall coordination with NATO forces leading to clear dialogue among all stakeholders.