
PIECEMEAL OR PEACE DEAL?

NATO, peace talks and a political settlement in Afghanistan

NATO Heads of Government Summit, Lisbon, 19 - 20 November 2010



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1) LISBON'S MISSING PEACE

NATO leaders meet in Lisbon on 19-20 November for a summit overshadowed by the war in Afghanistan and just weeks ahead of President Obama's crucial review of US strategy on the war expected in December. While there has been a flurry of recent reports about talks with the Taliban¹, underneath this surge of mood music hinting at a possible peace deal, a closer listening reveals little real change to the underlying drum beat on Afghanistan in NATO capitals.

As three organisations working across the fields of development, conflict resolution, and good governance and human rights we have come together because we believe that the international strategy on Afghanistan is at a critical point of both risk and opportunity, and must change. The Summit will be the last chance for NATO member states to consider a change of course on Afghanistan before next month's US policy review.

The Summit is expected to announce a timetable for the transition for Afghan security forces to take responsibility for the country's security, province by province, from 2011 to 2014. But leaders should also be holding serious high-level discussions on what it would take to achieve a comprehensive peace agreement which would ensure a real transition from war to peace. Instead NATO governments seem more comfortable focusing their resources on a military-driven strategy, instead of a political settlement. There has been an increase in rhetoric by NATO governments that, in the words of British Foreign Secretary William Hague, "there isn't a military only solution to what is happening in Afghanistan, there needs to be a political process as well... what we've always wanted to see is a political process that is supported by those military efforts to bring eventually a political settlement to Afghanistan".² But this has not been matched by a clear vision from NATO governments of what such a settlement looks like or a strategy for how it can be achieved, beyond a hope that, in Hague's words, "it may be that coming under intense military pressure encourages some of [the insurgents] to join that process".

Some US commentators like David Ignatius call this 'a shoot and talk strategy'. On the ground the recent strategy of the NATO-led International Security Assistance Force (ISAF) has been to target Taliban leaders. More than 300 have allegedly been killed or captured in the three months to October, according to General David Petraeus, the head of NATO forces in Afghanistan.³ There has been an intensified use of remotely piloted vehicles which, 'have flown more than 21,000 sorties so far this year, already surpassing the roughly 19,000 drone flights for all of last year', the *New York Times* reported.⁴

Further prevarication on developing the second track on peace talks is no longer tenable. Many NATO governments have made clear they plan to withdraw their forces from Afghanistan. With domestic political pressure in member states to set or to stick to troop withdrawal timetables, and patchy progress in the military campaign, NATO countries cannot secure – and leave – a stable Afghanistan without a complementary international political strategy for a peace settlement. An agreement will probably take a significant time to achieve. It will need to have several layers - not only the Afghan parties to the conflict, also regional players. Crucially, the Afghan people themselves will need to have a meaningful say in the deal if it is to stick and to work. We sketch out further at the end of this paper what such a deal might look like. (See section five below.)

In our view a clear window of opportunity is now available, while NATO countries come together just before the US review and ahead of the date set out for the start of US troop drawdown next July. A political solution is needed to deliver not only an end to the fighting, but sustainable long-term peace which will allow foreign troops to withdraw and really deliver a better future for Afghans. This is the only viable solution to avoid either a deepening military quagmire or a cut-and-run deal which might allow international troops to withdraw only to see another civil war lead to terrible human suffering and dangerous regional instability. That is why NATO governments should make clear at the Lisbon Summit their willingness to consider a new approach which puts reconciliation and the drive for a comprehensive peace settlement at the heart of the international strategy on Afghanistan by agreeing to back:

- The principle of comprehensive peace talks as central to the international strategy on Afghanistan.
- Practical mechanisms to get peace talks started. They should support UN Security Council backing for talks (along with a possible role for bodies such as the Organisation of Islamic States) and identify a high-level mediator or envoy to take talks forward with drive and urgency.
- Initiatives to enable ordinary Afghans to express their views about how to agree a long-term peace, including on which protections, compromises and agreements are acceptable, and which are not.

2) THE GROWING IMPERATIVE FOR A POLITICAL SETTLEMENT

A key nationwide survey on Afghan attitudes revealed an overwhelming majority of those surveyed support negotiations with the insurgency.⁵ The Taliban and other armed opposition groups have staged a significant resurgence in recent years. Attacks have increased not only in the South and East of the country but increasingly spread to previously peaceful areas in the North and West, gathering non-Pashtun support. Different insurgent factions have de facto control of many districts in the South and the East and have a strong presence in all the Southern provinces.

The human cost of three decades of war

Just as powerful a driver for a change in strategy is that Afghanistan needs peace in order to develop. The country currently sits second from bottom on the United Nation's league table of human development: the result of 32 years of war. The link between conflict and underdevelopment is well-established: in the 1978 – 2003 period conflict occurred in over half of all countries with low levels of human development.⁶ Development economist Professor Frances Stewart, has described the symbiotic relationship between conflict and development: 'Development failure is one of the causes of conflict, as well as a consequence, so that some countries are stuck in a vicious cycle of *Conflict MDG-failure Conflict MDG-failure*.⁷ Afghanistan displays this cycle strongly.

The cumulative effect of long conflict on Afghan society cannot be overstated:

- By the time of the international military intervention in 2001, an estimated half of the country's 1979 population was exiled, disabled or dead.⁸
- Insecurity is hampering efforts to rebuild the country's irrigation system, much of which was destroyed by the conflict prior to 2001.
- Child death rates have fallen slightly over the last nine years, but still a shocking one in four babies born will not live to see their fifth birthday, according to the UN; the worst rate in the world.⁹ The UN children's fund, UNICEF, has said that 'Afghanistan today is without doubt the most dangerous place to be born'.¹⁰
- On average, Afghans expect to die before they reach the age of 44, compared to 59 in all low income countries.¹¹
- Thirty percent of the population lacks sufficient food to eat.¹²
- Despite the increase in numbers of children, especially girls, attending school since 2002, still only 35 percent of children attend regularly. Hundreds of schools in the South of the country remain closed due to the fighting. Only 38 percent of young adults (15 - 24) can read and write, and the literacy rate of women is less than half that of men.¹³
- Despite the large-scale refugee returns after 2001, there are still 2.6 million Afghan refugees living in Pakistan and Iran.¹⁴
- 319,000 Afghans are currently displaced within the country due to the conflict and numbers are on the rise again.¹⁵

Growing grievances among Afghans

In the aftermath of Taliban rule and the creation of a new government in 2001, Afghans had hopes of a new start free from war, in which they and their government could rebuild the shattered institutions of the nation. There were also expectations for some degree of accountability for those Afghan leaders who had inflicted the worst violations on the civilian population. They also expected that those who were known to have been responsible for serious human rights violations would be prevented from taking office and that the cycle of impunity for past violations would end.

But this has not been the case. Continued war and chronic capacity problems have blocked the recovery of state institutions and the regeneration of democratic accountability. Many discredited decision-makers remain in positions of power. That there seemed to be no justice for families of victims and survivors of the conflict also led to anger with their new government. The continued lack of access to justice and a functioning court system has perpetuated this frustration with the government and the international forces, who they had expected to provide at least the basics of protection and justice. The failure to meet even these basic needs, and the widespread perception that many government institutions are corrupt and not in the service of Afghan citizens,¹⁶ and the compounded frustrations over flawed electoral processes, all contribute to entrenched divisions between the state and the population. Afghans also feel that the international forces have let them down in this regard. Research in the aftermath of the 2009 Presidential elections highlighted their discontent with the role the international community played by seeming to prop up the results of a flawed process.¹⁷

The escalating conflict also means that Afghan civilians are more and more in the line of fire. They want a peace deal not only to end the fighting, but also to provide the conditions for them to have a better chance to resolve the everyday grievances that prevent them pursuing their livelihoods, having a better say in their future and gaining access to justice when they need it.

Civilian casualties have jumped 31 percent in the first half of 2010 compared to the same period last year, with more children and women being killed and injured 'than ever before' in the current conflict, according to UNAMA.¹⁸ With worsening security comes growing resentment towards the actions of foreign forces, especially around searches, roadblocks, civilian casualties and detention. Recent research by the Open Society Foundations reflects the growing mistrust between Afghans and the international forces over rising casualties,¹⁹ despite efforts by NATO to limit civilian harm by restricting the use of tactics such as air strikes. The lack of proper, transparent investigations into casualties also reinforces this sense of alienation.

Much of this increase has been insurgent-inflicted, accounting for 76 percent of all casualties in 2010, according to UNAMA. This has included the escalation of insurgent assassinations of community leaders, teachers, doctors and civilians working with international forces and international organisations. However, ISAF and government forces have claimed responsibility for civilian protection, and ordinary people blame them for their inability to stem the violence. Though a key part of counterinsurgency strategy demands that soldiers protect population centres at greater risk to themselves, as forces draw closer to towns and villages, the insurgents follow them, and consequently more civilians are exposed to insurgent activity. And so the human cost of war to Afghans is likely to grow.

3) NATO AND PEACE TALKS: CURRENT STUMBLING BLOCKS

In order to address the imperative for a peace deal, NATO member states must rethink its policies on three key questions: first, the ability of its 'reintegration' policy to really change the dynamic in the war; second, its conclusion that a military campaign must precede a political process; and, third, its inability to recognise NATO's own role as a party and stakeholder to the conflict who must be part of any peace talks for them to succeed.

Reintegration or reconciliation?

The predominant NATO view remains that political reconciliation cannot be considered until the insurgency have been severely degraded and put at a position of weakness – largely by direct military means, but also by seeking to persuade them to give up their arms or swap sides through 'reintegration'. Sometimes blurred into notions of reconciliation, the aim of reintegration remains part of the strategy to reverse and undermine the capacity of the insurgency to fight, not to seek to engage it in a process to reach a peaceful settlement.

'Reintegration' is built on the belief that foot soldiers and lower-ranking insurgent commanders can be persuaded to swap allegiances if offered sufficient financial or other incentives. The policy aims to target the so-called 'ten dollar Taliban', believed to be signed up to the insurgency as a way of earning a living rather than from any strongly-felt conviction. It sits alongside the range of tactics to be deployed in NATO's counter-insurgency strategy against the Taliban.

Reintegration has been backed with international pledges of \$250 million through the Afghanistan Peace and Reconciliation Program (APRP), with its implementation expected to ramp up sharply over coming months.²⁰ But there is much scepticism that the current efforts to buy off members of armed opposition groups can work in the absence of a national peace agreement. This problem is even acknowledged in the APRP strategy document itself,²¹ raising serious questions about whether this is a sound use of donor funds.

Despite an apparent association between a peace process and 'reintegration', the policy departs little from the objectives of the dominant logic of military-defined success. It is these objectives on the ground that need to be redrawn in line with the acknowledgement that a political settlement is critical to a lasting sustainable solution.

Fighting for peace?

The coalition still continues to set conditions which suggest that they are not ready for a full blown peace track. The US Secretary of State, Hilary Clinton, in recent comments on reported contacts with the Taliban, repeated the mantra that for insurgents to be involved in the reintegration process: "our red lines for them are the same as the red lines for reconciliation. They have to renounce violence, give up their weapons, renounce al Qaeda and the insurgency and abide by the laws and constitution of Afghanistan."²² This same position was quickly echoed by NATO's Secretary-General. The fact that this familiar set of preconditions for foot-soldiers giving up arms or swapping sides is the same one being laid down for any talks about a high level political settlement would effectively mean demanding surrender in the eyes of most armed opposition groups, not being asked to enter talks.

While NATO had been making significant efforts to reduce the levels of civilian casualties, some fear there may be a shift back again to 'take the gloves off' to force the insurgents to the negotiating table. Certainly NATO seems unprepared to consider even small changes in military tactics to support any efforts by the Afghan government to initiate steps towards reconciliation. Former government minister Mahsoom Stanikzai, now head of the Secretariat for the Afghan High Peace Council recently formed to advise on Afghan-based reconciliation initiatives, said being prepared to halt military activities or night raids where local reconciliation talks might be taking place were "essential" for their success.²³ NATO Secretary General Anders Fogh Rasmussen explicitly dismissed such calls by saying: "No, I think we should continue our military operations. I do believe the best way to facilitate reconciliation and reintegration is to keep up the military pressure on the Taliban."²⁴

NATO countries and talks: In or out?

NATO countries' mantra is that any process of reconciliation must be 'Afghan-led'. Of course, a proper settlement must ultimately be shaped and decided by Afghans - and indeed by Afghans of all backgrounds, not just the current governing elite and leaders of the armed opposition groups. But it is disingenuous and unrealistic to argue that ensuring a process is ultimately Afghan-led does not require the engagement and support of the countries with troops on the ground as well as the regional players. The presence of foreign forces is one of the most central issues of contention for the armed opposition groups and indeed for many sections of the population. Peace talks which are not prepared directly to address this issue will be a non-starter for them. By the same token, it is also unrealistic to expect that NATO forces can effect an orderly withdrawal without a legitimate and more stable political environment.

Key Taliban leaders have made it clear that they cannot envisage any serious talks unless the US is involved. In early November a Taliban spokesman, Qari Mohammad Yousaf Ahmadi wrote a 2,300-word letter to *Messrs American Congressmen*, calling on the US Congress to send a fact-finding mission to Afghanistan. The leading commentator on the Taliban, Ahmed Rashid, wrote recently: 'The Taliban are desperately keen to talk to the U.S. directly, and for many Afghans only the direct involvement of the U.S. would give them hope that priorities such as a humane constitution, education and women's rights would not be bargained away by Mr. Karzai to retain a hold on power.'²⁵

Substantive talks would require a series of steps to build confidence and confidentiality in the formative stages – the flurry of activity around talks in October seemed to many commentators to be little more than a charade or an attempt to wrong foot the Taliban leadership. While certain initiatives by Saudi Arabia and the Maldives have certainly sought to convene dialogues at more junior levels, Saudi Arabia recently reported that they are no longer acting as a mediator and the Maldives' talks have been rejected by the Taliban leadership.

4) PURSUING A COMPREHENSIVE PEACE SETTLEMENT

‘There is no alternative’

While NATO governments continue to be reluctant to back a concerted search for a peace settlement, their citizens show a growing unease about what the present strategy is achieving.²⁶ They often express strong support for their soldiers and the young men dying and being injured in the war in Afghanistan every day, while being less clear on the purpose and result of it. Even amongst policymakers and parliamentarians the lack of apparent progress on the military front and the encroaching deadlines for withdrawal of troops (the Dutch this year, Canadians and Poles next, the US from 2011 and the UK by 2015) is sparking a growing search for other solutions.

Analysts in Europe point out that there is increasing dialogue and debate about the need for a political process to help end the conflict, but constructive discussion is often hampered by a fatalistic sense that there is no alternative to the current strategy. There is a view that so much ‘blood and treasure’ has been invested that there is no choice but to go on; or that somehow even raising such options is being disloyal to the sacrifice of ISAF troops on the ground. And yet if there were a hurried exit to meet stated withdrawal deadlines without a sustainable political settlement in place which led to renewed civil war it would leave many more questions over what the sacrifice was all about – and with Afghans once again left to pay a heavy price.

The British have been seen as one of the advocates within the Alliance for greater emphasis on peace talks and reconciliation. Other ISAF-contributing countries like Norway and Denmark have been also. British Prime Minister David Cameron called in June for a “political surge”. The UN is also establishing structures to explore the terrain and a possible role in supporting any process. On 31 October Staffan de Mistura, the UN Secretary-General’s Special Representative for Afghanistan, announced that the United Nations mission in Afghanistan had set up a group of experts known as the Salaam Support Group to support the work of the Afghan Government’s High Peace Council to help ‘find ways to ensure lasting peace in the country’.²⁷

Backroom deals?

If NATO countries put off the issue of peace talks, the real fear among Afghans and other concerned observers is that they may end up trying to broker a hurried deal engaging a small number of key Afghan power-brokers, just to facilitate the exit of foreign troops. A better approach would be to start meaningful discussions now, linked to a more transparent timetable for ‘transition’ or troop withdrawal. This would help create the necessary space for dialogue and would minimise the risk of a complete NATO pullout in the absence of a peace deal.

Recent moves do give some hope that a shift in approach is possible. There is certainly a growing focus on the exit strategy; but what type of exit remains very unclear. Many of the ‘new’ solutions being discussed quietly in official circles still do not amount to a real shift - or pose new dangers for the people for Afghanistan. A rushed cut-and-run deal from Afghanistan could be just as dangerous as a policy of ‘no change’. While the NATO summit comes at a time of growing speculation about a shift in strategy, the predominant approach being considered falls very short of a strategy to seek a peace process and comprehensive political settlement.

Included in this discussion needs to be the impact that any future settlement – particularly one involving the Taliban – would have on women’s rights in Afghanistan. This is, of course, a very real issue. Different strategies will need to be adopted to mitigate this risk. Both the international community and Afghan civil society groups will need to champion the defence of women’s rights as they take part in a future peace process. However, women’s rights cannot be brandished as a justification for continuing the status quo of conflict. The rights of women stand more chance of being advanced in a context of a just peace than in one of war; and until negotiations are held the parameters of what can be agreed cannot be known.

5) COMPONENTS OF A PEACE AGREEMENT

Despite the bleakness that characterizes Afghanistan policy discussions, and despite the very real threats of more serious instability, a clear opportunity is available. A political solution is needed to deliver not only an end to the fighting, but sustainable long-term peace which will allow foreign troops to withdraw and really deliver a better life for Afghans. Otherwise Afghanistan will come back and rebound on us as it did after it was ignored in the 1990s.

A peace process will need to encompass the domestic, regional and international dynamics of the conflict and the role of ISAF members. Pakistan's role will be crucial – though so too will be that of key regional players like Iran, China, India, Russia and Tajikistan. Other countries may be able to help mediate or encourage the parties to engage in talks, such as Saudi Arabia. All parties will need to be persuaded it is a process worth taking part in. A settlement would have to contend with addressing the encroachment and abuse of power by both the government and pro-government forces, as well as the abuses and demands of the insurgency.

Ultimately a just and comprehensive political settlement will need to secure the support of not just negotiators, but the people of Afghanistan who will need to accept the new settlement as one that will provide security, justice and more effective governance. In practice this means that Afghans will need to feel they can trust the process and engage with it, but to date Afghans remain heavily sceptical about lack of transparency in the current government-led initiative, the membership of the High Peace Council and the intent of the reintegration process.

The challenges of constructing and pursuing a search for a peace settlement are immense. Overcoming mistrust and addressing the three levels of a solution will be hard, painstaking work. But the strategy of concluding 'there is no alternative' and simply pressing on with the same approach is bleak for Afghans, their neighbours and the people and troops of NATO countries, and contains many risks too. We do not aim to prescribe a detailed blueprint for a peace deal – this will be for the parties to determine – but below we suggest ten likely ingredients of a process and agreement that could not only end the war but underpin a lasting peace.

Ten ingredients for peace

- 1) **Nations with forces in Afghanistan need to accept that, as parties to the conflict, they need to be parties to the peace.** The intention to withdraw and provide transition to Afghan security forces has now been stated in general terms by the key players, but an orderly and phased withdrawal of foreign forces should be made an integral part of a comprehensive agreement (not just decided unilaterally or outside a coordinated process). Mechanisms to ensure orderly transition could include phasing or changing the nature of the forces (for example, to an international peace-keeping force). Such a shift could provide a key to engaging insurgent groups, in turn unlocking important concessions from them.
- 2) **The main insurgent groups need to be accepted as interlocutors** in a political process, along with other major political groupings, as long as they are prepared to talk instead of fight and within the framework of the current Afghan constitution.
- 3) The process needs to ensure a formal, if moderated, **role for Afghanistan's neighbours / regional players** – who could also be guarantors of any settlement in the longer term. We recognise this will not be easy - but a serious round of bilateral discussions with key countries could start this process, perhaps under the auspices of an envoy with high-level international backing.
- 4) Genuine mechanisms are needed to **engage with ordinary Afghans and civil society**, including women and women's organisations, about how to achieve peace, what compromises are acceptable (and what not) and the key elements of building a peaceful future for the country. In other contexts this has taken the form of public debates, hearings or shadow negotiations and meetings where citizens have publicly voiced their concerns about rights and accountability and actively challenged parties to the conflict to respect their demands and grievances.²⁸ Such initiatives could link into existing mechanisms such as the recently-formed High Peace Council. In a recent major conference of civil society in Kabul, participants called on the Council to establish a standing committee for rights organizations, women's activists, and members of the diplomatic community in order to ensure dialogue and more transparency to the Council's work.
- 5) **Early confidence building measures** to build a dynamic towards peace could include agreements by the international forces to stop the use of the most resented forms of tactics by coalition forces such as night raids in specific areas or times. Locally-negotiated ceasefires could be another example (such as suspensions for vaccination campaigns or religious festivals).
- 6) **Tangible guarantees on the protection of human and civil rights**, particularly women's rights, would have to be accepted by all parties to an agreement. There would need to be processes to address human rights abuses committed by all sides in the conflict and **redress for victims**, in ways that also addressed the need for genuine reconciliation. The Afghan government has committed itself as far back as 2006 to a process of truth-seeking and accountability, and this action plan was endorsed by the international community.²⁹ It will be critical to **reform and support institutions to ensure they can protect rights and deliver redress** following a deal. Aid donors will need to instate monitoring mechanisms to ensure that government institutions are being run professionally and more transparently; and this will be a longer-term process.
- 7) **A properly-run disarmament and reintegration process** which takes into account the lessons learned from previous attempts. The process must be accountable and transparent - either moving insurgents into civilian life or a properly integrated security force that is not seen as a tool of one of the parties to the conflict. Due attention must be paid to regulating the arms trade in Afghanistan.
- 8) Disarmament would need to be accompanied by **an ordered transition to a re-organised armed forces and police** in a way that reassures all groups that the monopoly of power and arms is not going to be concentrated in the hands of one particular ruling elite or ethnic group, and that the security institutions will reflect Afghanistan's ethnic diversity. Independent oversight of the security forces would be essential, and international support to these institutions should be conditioned on whether they are transparent and effective.
- 9) To make a political settlement successful at the national level, it will need to be underpinned by **practical programmes to help resolve local disputes** over issues like land, water and the administration of justice that have fuelled the broader conflict. This could be linked to aid and reconstruction programmes in the relevant economic sectors and to helping Afghanistan's chronically-stretched justice and courts system.
- 10) There will need to be a clear path towards the holding of new and more genuinely **democratic elections** so that current political figures can be held accountable for their actions, even if this follows on from an agreed transitional political arrangement such as a government of national unity. Credible international guarantees will be vital to underpin this.

6) THREE STEPS TO START THE PATH TO PEACE TALKS

In Lisbon NATO countries should agree to back:

- **The principle of comprehensive peace talks** as central to the international strategy on Afghanistan.
- **Practical mechanisms to get peace talks started.** They should support UN Security Council backing for talks (along with a possible role for bodies such as the Organisation of Islamic States) and identify a high-level mediator or envoy to take talks forward with drive and urgency.
- **Initiatives to enable ordinary Afghans to express their views about how to agree a long-term peace,** including on which protections, compromises and agreements are acceptable, and which are not.

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- 28 There are a number of international examples where civil society initiatives have helped to increase trust and cement peace in conflict-affected countries. In Guatemala *Asemblea de la Sociedad Civil* paralleled the two-year official peace negotiations. Eventually two thirds of their proposals made their way into the peace agreement. In Northern Ireland a survey was commissioned where 3,000 people submitted testimonies to a Norwegian academic. A number of the recommendations on human rights were adopted into the 1998 Good Friday Agreement and the commission proved influential in creating an atmosphere of inclusiveness. (See Thania Paffenholz, *Civil Society and Peace building: A Critical Assessment*, 2010, Boulder: Lynne Rienner)
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