

Peace Prevails

A Review of the Process to Peace and Reconciliation between
the Afghan Government and Hezb-e Islami

Mushtaq Muhammad Rahim

Berghof Transitions Series No.

13

About this Series

This report is published within the framework of the Berghof Transition Series. Initiated in 2008, it originally included case studies produced for a research project on “Resistance/Liberation Movements and Transitions to Politics: Building a Network of Experience”. It has provided a unique space for “insider experts”, i.e. stakeholders in past and ongoing peace processes around the world, to reflect critically on their own experience in conflict transformation. Although the views expressed are those of the authors and contributors, and do not necessarily reflect the opinions of the Berghof Foundation, we deliberately seek to give a voice to the perspectives of those actors who are in the driving seat of conflict transformation. Even though every conflict setting is unique, we strongly believe that such experiential knowledge can help other peacebuilding stakeholders worldwide to learn from the failures and successes of their ‘peers’ in the various contexts explored in this publication series.

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Resistance/Liberation Movements and Transition to Politics

Contents

Executive summary	1
1 Introduction	2
2 An overview of the conflict	3
2.1 The conflict dynamics	3
2.2 The role of Hezb-e Islami	4
3 The background to the peace process and pre-negotiations	4
3.1 Developing a peace agenda	5
3.2 Enabling factors	7
3.3 Expectations	8
4 The peace negotiations and their outcome	9
4.1 The composition and capacity of the negotiating teams	9
4.2 Negotiating and drafting the peace agreement	11
4.3 Consulting civil society and emerging political groups	12
4.4 Contents of the peace agreement	12
5 Implementing the peace agreement	14
5.1 The organisational structure	14
5.2 Implementation	14
6 Conclusion	16
References	18
Annex I: Interviewees	19
Annex II : Text of the Peace and Reconciliation Agreement	21

Abbreviations

APRP	Afghanistan Peace and Reintegration Programme
CEO	Chief Executive Officer
CIA	Central Intelligence Agency
CSO	civil society organisation
ESPRP	Executive Secretariat of the Peace and Reintegration Process
EU	European Union
HPC	High Peace Council
ISAF	International Security Assistance Force
JCIPA	Joint Commission for Implementation of the Peace Agreement
MYO	Muslim Youth Organization
NATO	North Atlantic Treaty Organization
NDS	National Directorate of Security
NSA	National Security Advisor
NSC	National Security Council
NUG	National Unity Government
ONSC	Office of the National Security Council
PDPA	The People's Democratic Party of Afghanistan
SIGAR	Special Inspector General for Afghanistan Reconstruction
UNAMA	United Nations Assistance Mission in Afghanistan
US	United States (adj.)
USA	United States of America

Executive Summary

This study analyses the peace and reconciliation efforts of the Afghan government and the armed opposition group, Hezb-e Islami. It identifies enabling factors and limitations of the peace process, the resulting agreement and its implementation, as well as lessons learnt that can be used in future peace negotiations in Afghanistan. Hezb-e Islami was founded to establish Islamic governance in Afghanistan during the 1970s. It has been one of the main resistance groups throughout the various phases of armed conflict – fighting invading Soviet forces and the Soviet-backed regime throughout the 1980s and the civil war in the 1990s, battling the Taliban for territorial control and then, after the Taliban was ousted in 2001, combatting the Afghan government and its international backers.

In 2009, the government made a public commitment to engage in a peace process with opposition groups. That was followed by several years of pre-negotiation talks and then formal negotiations. Finally, in September 2016, a Peace and Reconciliation Agreement was signed between Hezb-e Islami and the Afghan government, represented by the High Peace Council (HPC), which enjoyed the full support of national political leaders and international actors. This study identifies various things that facilitated the peace process, including the role Hezb-e Islami played in Kabul and the announcement of the US troop withdrawal from Afghanistan, which helped the group prioritise peace over armed struggle – and shows how evolving power dynamics with respect to the Taliban finally persuaded the Hezb-e Islami leadership to seize the initiative before a peace process between the government and the Taliban could make their group irrelevant.

Unfortunately, the lack of inclusive consultations and technical expertise regarding format and specifics created serious problems for the peace agreement – particularly its political and technical implementation. Peace negotiations with the much larger and more complex Taliban require more professional negotiating. This includes preparing strategy and policy, having technical consultants and independent bodies to oversee implementation, and aiming strategic communications at the general public.

1 Introduction

In September 2016, the people of Afghanistan witnessed the signing of the first peace deal related to the 40-year conflict that has plagued their country. The Afghan government and Hezb-e Islami (the Islamic Party of Afghanistan), one of the many militant groups that had been fighting Afghan and international forces since 2001, negotiated a peace deal in 2015 and 2016. Before agreeing that Hezb-e Islami would abandon its armed struggle in exchange for the Afghan government facilitating Hezb-e Islami's entry into the political mainstream, the two sides conducted a meticulous dialogue process.

Considering that this peace process and its implementation were the first of their kind in Afghanistan, it is important to document the process, identifying strong points and problems, and noting innovative approaches that can be used in similar endeavours. The paper focuses on significant events, activities, interventions and milestones. Since the Afghan government is seeking to make political deals with other groups, especially the Taliban, it is important to learn what can be applied from its experience with Hezb-e Islami to future peace and reconciliation efforts.

The study is based on interviews with 17 key informants. The main interviewees were members of the two negotiating teams, senior to mid-level government leaders who participated in the various phases of negotiations, and Hezb-e Islami and High Peace Council (HPC) representatives. In addition, key government leaders who supported the peace and reconciliation effort and the top leadership of Hezb-e Islami who paved the ground for peace negotiations were interviewed. Information was also gathered from members of the international community who were directly or indirectly involved in the Afghan peace process, and representatives of civil society organisations. Besides semi-structured interviews made with sets of guiding questions, the study also reviewed secondary sources. Various reports and news articles were examined in order to map and analyse what helped create the right environment for the Afghan government to make peace and reconcile with Hezb-e Islami.

The body of the study is divided into four sections. Section 2 provides an overview of the Afghan conflict's dynamics and the emergence and evolution of Hezb-e Islami. Section 3 summarises peace and reconciliation efforts before Hezb-e Islami formally entered the negotiations, the Afghan government's early contacts with Hezb-e Islami, and the factors and expectations that pushed the two parties to seek a peaceful solution. Section 4 analyses the negotiating team's capacity and dynamics, limitations to the process and also the factors that facilitated its successful conclusion. Section 5 reviews the unfinished implementation of the peace deal between the Afghan Government and Hezb-e Islami. Finally, the report concludes with a list of lessons learnt from the research findings.

2 An overview of the conflict

This section describes the main phases and stakeholders of the Afghan conflict, and then goes into detail about how Hezb-e Islami emerged and its position in the conflict.

2.1 The conflict dynamics

For four decades Afghanistan has been torn by a conflict that has had many different phases: In 1973, an armed struggle broke out after Mohammad Daud Khan deposed the king and established the Republic of Afghanistan. Before that, various movements had sought to establish political systems inspired by political Islam or Maoist/Leninist communism. Daud Khan's new democratic government cracked down on those movements and detained many of their leaders. Many members managed to escape to neighbouring countries.

In 1978, the People's Democratic Party of Afghanistan (PDPA) led a bloody coup d'état against Daud Khan, killing him and his family. As the new regime began to impose its socialist agenda, many Afghans fled to Pakistan and Iran. When Soviet troops invaded Afghanistan in December 1979, the number of refugees grew. The Soviet invasion catalysed public resistance to the regime – and to the invaders. During the 1980s many fighters mobilised. Religious elites (ulema) and political counter-elites (Islamist parties, Maoists and others) decided to actively oppose a regime they abhorred and whose preemptive repression they regarded as a deadly threat (Giustozzi and Ibrahimi 2010). Resistance movements were supported by the USA and Arab countries and guided by the Pakistani military¹. The armed resistance finally compelled the Soviets to withdraw as per the accords signed in Geneva in 1988. In 1992, the Afghan communist regime collapsed.

After that, the resistance groups agreed to share power. They were not able to work together for long, however, and massive infighting turned into a civil war that was fought throughout the country. When the Taliban emerged in late 1994, Afghanistan was disintegrating (Rashid 2010). The new movement, which aimed to root out rogue militias, swept through most of the country and eliminated the resistance. At the time of the September 11, 2001 attacks on the USA, the Taliban were trying to win control of a small portion of Northern Afghanistan. On 7 October 2001, President Bush confirmed that since the Taliban had not complied with his demand to expel the Al-Qaeda leaders he blamed for the attack, an intensive campaign of bombing Taliban installations had been launched (Bird and Alex 2011).

After the Taliban forces were forced from Kabul in November 2001, the United Nations scheduled a formal conference in Bonn, Germany to establish a temporary government – and excluded the Taliban (Coll 2018). The international community considered that the group had been militarily eliminated and did not deserve to be part of the political process because of its ties to Al-Qaeda. However, the Taliban quickly began to resist the international forces militarily and continued to challenge Afghanistan's security and stability.

¹ The US Congress authorised annual budgets for the Central Intelligence Agency's (CIA) programme in Afghanistan. Under the agreement between the Saudi royal family and President Reagan that was designed to seal the anti-Communist, oily alliance between Washington and Riyadh, Saudi Arabia agreed to match CIA aid dollar for dollar (Coll 2004).

2.2 The role of Hezb-e Islami

Hezb-e Islami Afghanistan (the Islamic Party of Afghanistan) has been a key actor in the Afghan conflict. “The party traces its ideology, structure, and composition to the Muslim Youth Organization (MYO), a student and faculty group founded in 1969 at Kabul University that was supposed to be an Islamist alternative to the Marxist and Maoist movements that were spearheading anti-monarchy activities on campus and around the city” (Johnson 2018). Hezb-e Islami based itself on the Egyptian Muslim Brotherhood, which sought to establish political Islam in an Islamic caliphate.

The party was founded by Gulbaddin Hekmatyar, who first engaged in resistance against the state with other well-known Afghans and then formed his own group. After the Soviets invaded Afghanistan, Hezb-e Islami intensified its armed struggle and became one of the two most prominent groups fighting the Soviet-backed regime. At the time, Hezb-e Islami was believed to be receiving more political and financial support from the USA and Gulf countries than any other resistance group. After the Soviet withdrawal, Hezb-e Islami continued its armed struggle against the Kabul government of Dr Mohammad Najibullah.

The group was a key actor in the civil war that followed the collapse of Najibullah’s communist regime. Hezb-e Islami fiercely battled Jamiat-e Islami, its arch-rival since the early days of resistance, for control of Kabul, then fought the Taliban when it emerged in southern Afghanistan. Hezb-e Islami later collaborated with the Jamiat-e-Islami-led Kabul government in an effort to prevent the Taliban from taking over.

The third phase of Hezb-e Islami’s armed struggle was fighting against the International Security Assistance Force (ISAF) and the temporary national Afghan government established through the 2001 Bonn Agreement. Hezb-e Islami vowed to fight the international forces and their Afghan associates until all foreign troops left the country. Despite maintaining some strongholds in eastern Afghanistan, and in parts of northern and central Afghanistan, however, Hezb-e Islami never became as big a threat as the Taliban. The Taliban became the largest armed resistance group.

Hezb-e Islami and Hekmatyar have remained important players throughout the 40-year conflict by maintaining the group’s organisational structure, chain of command and politico-military effectiveness. Hekmatyar is a charismatic personality whose followers support him despite his autocratic decisions, some of them as radical as joining the peace and reconciliation process with the Afghan government after fighting it for almost 15 years. Although Hezb-e Islami was no longer powerful militarily during its last phase of resistance the group’s successful conclusion of a peace agreement is a very significant event in the history of Afghanistan.

3 The background of the peace process and pre-negotiations

3.1 Developing a peace agenda

The international community thought that after ousting the Taliban in 2001 and re-establishing the state apparatus, they had eliminated all the militant groups in Afghanistan. Hence, as they pushed to strengthen the military and administrative capacities of Afghan institutions, they did not engage with any of the militant opposition – in Bonn or afterwards. However, the insurgents continued to resist and gradually increased both their military might and impact through guerrilla warfare. Yet despite their growing military mobility, neither the successive Afghan governments (first ‘temporary’, then ‘transitional’) nor the international community felt it was important to politically integrate the armed opposition.

Hamid Karzai, first named interim leader and then elected president in 2004, soon recognised the need for a peace and reconciliation process and established a programme under former President Sibghatullah Mojaddedi in 2005. However, the ‘Program-e Tahkim-e Sulh’ failed to deliver: It claimed success in certain provinces but lacked a national framework and eventually became just a commission for resolving local grievances (UN Security Council 2012). Many observers regarded the programme as President Karzai’s bribe to gain the support of Mojaddedi’s constituents.

The peace and reconciliation agenda only became a priority after Karzai was re-elected for a second term in 2009. In his inauguration speech, Karzai (2009) announced his willingness to pursue peace and reconciliation. A consultative grand council, which supported the Karzai administration peace and reconciliation agenda, was held in Kabul in June 2010 (Permanent Mission of the Islamic Republic of Afghanistan to the United Nations 2010).

The National Consultative Peace Jirga (NCPJ) united 1,600 delegates from all walks of life representing the suffering nation of Afghanistan – including both Houses of Parliament, provincial councils, religious scholars, tribal leaders, civil society organizations and Afghan refugees residing in Iran and Pakistan (there were 13 categories of invitees) – to discuss how to end the state of insecurity and build a lasting peace (The Resolution Adopted at the Conclusion of the National Consultative Peace Jirga, 2010). Dr Abdullah Abdullah, a leading presidential candidate and his followers and supporters in parliament did not attend, however.

The NCPJ adopted a resolution based on three days of discussions. It called on the Afghan government to prioritise peace and for opposition groups to join the national peace process. It presented a framework for talks and proposed the establishment of a High Peace Council (HPC) to lead the national peace and reconciliation effort. Its 28 sub-committees presented detailed recommendations to guide the government in the future peace process. The government accepted the Jirga’s recommendations and established the HPC under former President Burhanuddin Rabbani. An executive secretariat responsible for offering technical and logistical support to the HPC was also established under Masoom Stanekzai, another senior aid and staunch supporter of President Karzai.

This peace and reconciliation initiative of the Afghan government was fully backed by its international partners. The Kabul International Conference of 20 July 2010 endorsed the programme and the international community pledged financial and political support for the peace process in the

conference communiqué (Kabul International Conference on Afghanistan 2010). Changes in the US administration after Barak Obama was elected president also resulted in new US policy on Afghanistan. The new administration announced its intention to wind up the longstanding Afghan conflict and support for the Afghan government's peace and reconciliation agenda.

The Afghan peace process began as part of the Afghanistan Peace and Reintegration Program (APRP) launched in August 2010. The programme pursued a two-fold agenda: 1) making peace and reconciling with the top leadership of the militant groups and 2) convincing foot soldiers and their leaders to quit the insurgency and go home. The APRP raised expectations amongst the general public and international community, and donor agencies poured a handsome amount of funding into the programme.

To begin the peace negotiations, the HPC opened a number of communication channels with the opposition groups. Countries in the region with links to the Taliban were requested to persuade it to join negotiations. But these efforts brought no tangible results, and with the conflict steadily intensifying, few low-ranking militants were reintegrated. Although the Taliban refused to negotiate peace with the Afghan government, Hezb-e Islami leaders in Kabul and pro-peace leaders elsewhere increased their efforts to dialogue with the government. Many high-profile envoys travelled to Kabul to meet with President Karzai, HPC leaders and representatives of their international partners. However, the government was less interested in negotiating with Hezb-e Islami than with the Taliban and continued to use the HPC to reach out to the Taliban leadership through various channels. A RAND Cooperation report argues that President Karzai and his inner circle probably wanted to reach an understanding with the Taliban leadership and the Pakistani military before engaging in a broader peace process (Shinn and Dobbins 2011). Hekmatyar had begun to reach out to President Karzai in 2007, but never managed to start any formal peace negotiations (Derksen 2018).

While campaigning for the 2014 presidential elections, Ashraf Ghani named peace and reconciliation as one of his top priorities. His focus enticed pro-peace and reconciliation Hezb-e Islami leaders to campaign with him. They also arranged meetings with representatives of Hekmatyar, and Ghani assured them that if he became president, he would start peace negotiations with Hezb-e Islami.

As soon as Ghani took the presidential oath, he renewed his commitment to peace and reconciliation with Hezb-e Islami. However, the elections had ended roughly. Allegations of fraud, long efforts to agree a National Unity Government (NUG) and wrangling between the 'leadership partnership' of President Ghani and his CEO Abdullah prevented Ghani from pursuing his election agenda. For nearly two years, the peace and reconciliation process suffered from a lack of leadership and strategy – until Ghani revamped the HPC in February 2016.

Long before the formal peace process began, informal talks were regularly held between the Office of the National Security Council (ONSC), which represented the president, and Hezb-e Islami representatives. Throughout the years, discussions were held about the parameters of the peace negotiations and the modus operandi. During these secret pre-negotiations, a lot of effort was given to building confidence, and the government showed its good will by attending. Hezb-e Islami leaders also continued to lobby the international community in order to garner external support for their peace and reconciliation agenda.

In March 2016, after the HPC was revamped, formal peace talks were initiated with Hezb-e Islami. One negotiating team represented the HPC, and three Hezb-e Islami senior leaders represented Hekmatyar. The ONSC did not participate in the dialogue but by troubleshooting deadlocks, remained actively engaged in the process.

3.2 Enabling factors

A number of Hezb-e Islami's mid-level leaders returned to Afghanistan after the October 2001 military intervention that had been authorised by the United Nations Security Council. A group of Hezb-e Islami members formally registered the 'Hezb-e Islami Afghanistan' political party, with approval from their leader Gulbuddin Hekmatyar, and started to take part in mainstream post-Taliban Afghan politics.

Various mid-level Hezb-e Islami leaders formed other factions and joined the democratic regime. By the end of 2014, at least six Hezb-e Islami factions were active in Kabul politics (Derksen 2018). The Hezb-e Islami leaders' political engagement paved their way to join the government, some as cabinet ministers.

Hezb-e Islami leaders in Kabul helped establish communication channels between Hezb-e Islami leaders who were still fighting ISAF and the Afghan government. Frequent informal contacts between the Afghan government and Hezb-e Islami's warring faction continued for a long time. Regular communications between the government and Hezb-e Islami did not lead to formal peace negotiations, however, as Hezb-e Islami remained engaged in fierce ideological and asymmetric warfare with it. One of the group's most pressing demands was the withdrawal of international forces from Afghanistan. It also wanted the constitution to be amended or replaced, and to have independent elections held under an independent authority.

After Barak H. Obama was elected president of the USA, he revealed his military and civilian strategy for Afghanistan and Pakistan. On March 27, 2009, President Obama announced a significant troop surge in Afghanistan to be followed by the withdrawal of US forces from Afghanistan by 2014. He also raised the possibility of peace and reconciliation that would bring willing insurgents in from the cold and isolate hard-core extremists (Clinton 2014). The change in strategy encouraged pro-peace and reconciliation members of Hezb-e Islami to urge their leadership to take part in peace negotiations.

Another factor that stimulated the Afghan government to try to reconcile with Hezb-e Islami was the way the militants were ceding ground to the Taliban. Hezb-e Islami had lost many of its military commanders and political cadres during the civil war and while fighting the Taliban. The group lost more territory during its armed struggle against ISAF because most of its fighters joined the Taliban, making it the most important militant group fighting ISAF and the Afghan government. The Taliban attracted everyone's attention.

The Taliban were the main target of both the new US strategy for Afghanistan and Kabul's peace overtures. Throughout the 2000s secret meetings were held with the Taliban and foreign diplomats. Meanwhile, the shadow stakeholders of the Afghan conflict – foreign countries and independent sources – were channelling all their financial and in-kind support to the Taliban, leaving Hezb-e Islami with a scarcity of resources to continue its armed struggle.

The Hezb-e Islami leadership, particularly those living abroad and hence not engaged in fighting, realised that the group was becoming irrelevant. Influential figures recognised that the group needed to radically change its long-term strategy and enter politics in order to stay significant. The pro-peace and reconciliation strategists were further encouraged by the announcement of the US troop withdrawal and the Afghan government's peace and reconciliation programme.

3.3 Expectations

Throughout the process of making peace and reconciling with Hezb-e Islami, all the parties had clear expectations, but the Afghan government did not try hard enough to communicate its expectations to the public and other stakeholders.

Given that Hezb-e Islami had controlled little territory in the years before the peace process began, the Afghan government and HPC members knew that a political settlement with Hezb-e Islami would have little impact on the conflict or the country's instability. Nevertheless, they opted to pursue a peace and reconciliation agenda with the group to demonstrate their political will to make peace with all opposition groups. The government thought that making peace with Hezb-e Islami would signal its serious intentions and commitment to peace and reconciliation and help strengthen pro-peace members of the Taliban.

Hezb-e Islami's pro-peace leaders realised that continuing to fight might not further their objectives. The steadily increasing number of civilian casualties further caused the Hezb-e Islami leadership to fear losing more support from the general public. Meanwhile, the Taliban's emergence and the backing it was receiving from countries in the region had significantly lowered Hezb-e Islami's standing. As a result, the senior leadership started to look for a win-win settlement of the conflict. With the US government announcing that it would withdraw its troops by 2014 – one of the militants' major demands – pro-peace Hezb-e Islami leaders urged Hekmatyar to join the political dialogue.

Hezb-e Islami decided to pursue their agenda politically. Seeing that the Afghan conflict was faced with a major stalemate, the group recognised that it could only be resolved through negotiations. The additional concern that the Taliban might participate in a peace process and eclipse Hezb-e Islami pushed the group's pro-peace leaders to step up their efforts for peace and reconciliation.

4 The peace negotiations and their outcome

The peace and reconciliation process with Hezb-e Islami followed the normal pattern of pre-negotiations, formal negotiations and signing a peace agreement. During the informal phase of pre-negotiations, which lasted from March 2015 to early 2016, the Afghan government engaged with Hezb-e Islami through the ONSC. Mohammad Haneef Atmar, the National Security Advisor (NSA), was the main interlocutor between Hezb-e Islami and President Ghani. Atmar's direct access to the President gave him full authority to engage with Hezb-e Islami and boosted the group's confidence in the talks. The pre-negotiations were not publicised.

The government and Hezb-e Islami discussed the modus operandi for the negotiation, shared key demands and engaged in confidence-building activities. Formal negotiations were initiated after the secret talks. The Afghan government delegated responsibility for negotiating to the HPC, and Hezb-e Islami continued to use its pre-negotiations team.

4.1 The composition and capacity of the negotiating teams

Team dynamics

The HPC conducted the peace negotiations with Hezb-e Islami. HPC's negotiating team included three deputies, Ataurahman Salim, Habiba Sarabi and Abdul Khabir Ochqoon, as well as Ayub Rafiqi, CEO of the HPC Executive Secretariat. The team members represented different political, social and ideological tendencies: Team leader Salim belonged to the Jamiat-e Islami Party, Hezb-e Islami's arch-rival over four decades. Mr Ochqoon represented the Junbush Mili party, another prominent group of the civil war era that had changed its loyalties frequently during in-fighting among warring factions. For her part, Sarabi, a staunch women's rights activist, claimed not to be linked to any political party.

The HPC negotiating team's heterogeneity and the historical rivalry of Hezb-e Islami and Jamiat-e Islami prevented it from being objective and repeatedly caused deadlocks during the negotiations. Memories of the past created bitter debates over various articles in the peace agreement. Time and again the negotiating teams needed a third-party mediator – in the person of Ghani's NSA Atmar, who played a pivotal facilitating role throughout the process. The peace negotiations with Hezb-e Islami illustrate how respected personalities that are trusted by both sides can help break impasses caused by polarised positions by the main parties.

With regards to the Hezb-e Islami negotiating team, it was led by Mohammed Karim Amin, accompanied by Atiqullah Safi. As the process became formalised, Dr Ghairat Baheer, a senior Hezb-e Islami leader, joined the team. The Hezb-e Islami team remained constant throughout the negotiation process. It based its approach on its analysis of the conflict and its vision for peace and reconciliation. Because a number of regional shadow stakeholders had already acted as spoilers, the negotiating team had to include diaspora-based individuals who could keep their distance from both regional political dynamics and Hezb-e Islami's mid-level leadership. Karim Amin joined the negotiating team from France, and Safi from Germany, their adoptive countries.

Aside from being independent of regional influences, these two individuals enjoyed the respect of Hezb-e Islami leaders because for a long time they had financially supported the group, which needed money to conduct its military agenda and maintain its educational infrastructure. By mobilising resources and channelling funds to Hezb-e Islami's social activities, these two members had gained Hezb-e Islami leaders' respect and confidence, which made them very appropriate representatives.

The European-based negotiators' dual nationalities also helped them have good relations with the ambassador of the European Union (EU) in Kabul, Franz-Michael Skjold Mellbin. Mellbin worked on building consensus among the international stakeholders, mediated major deadlocks and encouraged the Hezb-e Islami negotiators to remain focused and patient. Karim Amin's knowledge of French and English facilitated his efforts to garner support from international partners.

Both Karim Amin and Safi had been advocating peace and reconciliation for nearly a decade before joining the peace negotiations with the Afghan government. In France, Amin had established the Commission for Peace and Independence² forum, whose first meeting in 2007 was attended by some 400 Afghan elites from the diaspora. He also supported a television programme called *New Message*³ that advocated peace and reconciliation in Afghanistan. The two men's ideological and strategic commitment to ending the 40-year conflict was crucial to the success of the peace and reconciliation process.

The third member of the Hezb-e Islami negotiating team, Ghairat Baheer, was another wise choice. The son-in-law and long-time aid of Gulbuddin Hekmatyar, Baheer had been arrested by US forces in October 2002 and detained for six years. Only the personal lobbying efforts of former Afghan President Karzai got him released from prison in 2008. Since then, Baheer had acted as Karzai and Hekmatyar's go-between.

The president, with whom he had regular contact, influenced Baheer to advocate peace and reconciliation within the Hezb-e Islami leadership. In 1982, when he was still very young and the Afghan conflict was in its early stages, Baheer had negotiated with a Russian delegation. He subsequently represented Hezb-e Islami in peace negotiations with the Afghan government in Iraq, joined Muammar Qaddafi in Libya, and participated in a round of negotiations in London. This wealth of experience and the Hezb-e Islami leader's trust made Baheer a very suitable negotiator.

The negotiating team's capacity

The HPC and the Afghan government were poorly prepared for the peace process. The negotiating team lacked experience, had received no orientation or training in negotiations and had no idea how to approach peace talks and overcome standstills. Fortunately, ONSC advisor Haneef Atmar, chief architect of the peace and reconciliation process, was a seasoned politician who had engaged in many high-stake negotiations over the years. His presence compensated for the HPC negotiators' lack of experience and capacity.

To prepare the HPC negotiating team, the CEO of the HPC Executive Secretariat asked the United Nations Assistance Mission in Afghanistan (UNAMA) to organise a workshop on formal peace and reconciliation negotiations. An advisor was recruited to train the team on techniques and share best practices from peace negotiations around the world.

Although the Hezb-e Islami negotiators had received no formal training for peace negotiations, they were able to maintain an upper hand over their HPC counterparts. That is because from the outset, they

² کمیسیون صلح و آزادی

³ پیام نو

knew their parameters and shared a clear vision of their goal. Baheer's experience in various rounds of negotiations throughout his political and military career was an added value.

4.2 Negotiating and drafting the peace agreement

Reviewing Hezb-e Islami's preparations to negotiate peace and reconciliation with the Afghan government put in power after the US bombing campaign that began in October 2001 reveals that the group had long planned and strategised for the negotiations. In contrast to Hezb-e Islami's pro-active approach to the peace and reconciliation process, the HPC and the Afghan government were mostly reactive.

In March 2010, Hezb-e Islami had floated a document called the 'Covenant of National Salvation', which called for a transitional government to be established and international forces to be withdrawn. Hezb-e Islami joined the formal negotiations in 2015 with a document dubbed 'a peace and reconciliation proposal' that was based on that covenant. Initial discussions considered that document which was centred on the Hezb-e Islami's historical demands, some of which were so radical that the negotiations surely would have failed. The draft was revised to incorporate conditions and clauses from the Hezb-e Islami document as well as government proposals.

Negotiations continued over a new draft that contained input from both sides. However, trying to negotiate each clause, the teams repeatedly became deadlocked. Only by putting aside issues of serious contention for later discussion were they able to smoothly negotiate less contentious matters. The Hezb-e Islami team clearly knew its parameters regarding the peace agreement and all the details. The original document submitted for negotiations represented the vision of their leaders, who were always consulted regarding significant changes.

On the other hand, the HPC team always had to get the NUG's CEO Abdullah to buy in because he represented a faction that was one of Hezb-e Islami's most serious adversaries. The HPC negotiating team leader Attaurahman Salim and ONSC advisor Haneef Atmar shared every aspect of each article with Abdullah on a daily basis. Senior political leaders were regularly updated and consulted about the draft agreement.

Information was also shared and consultations held daily with the Afghan government's international partners, resulting in significant alterations of the draft agreement. According to the CEO of the HPC Executive Secretariat, the peace agreement was revised 37 times after the negotiating teams had already reached an agreement, including 25 revisions made in response to concerns expressed by the international community.

While building consensus and getting everyone involved to buy in helped unify support for peace and reconciliation with Hezb-e Islami, it also caused significant delays. Hezb-e Islami representatives became very frustrated by the continuous exchanges between negotiators and stakeholders, and some text changes bruised Hezb-e Islami leaders' egos, nearly causing the negotiations to collapse. Reviewing the process shows that because the negotiating parties had not agreed parameters with their groups and other stakeholders, the peace agreement underwent drastic changes at each stage of the negotiations – more often with regard to the Afghan government and the HPC than to Hezb-e Islami.

4.3 Consulting civil society and emerging political groups

President Karzai was the main driver of the peace and reconciliation process. He informally agreed with Hezb-e Islami leaders in Kabul and abroad to set the precedent of using non-military means of conflict resolution with a militant group. Pre-negotiations were mostly run by Karzai, with little involvement by national and international stakeholders.

Once formal negotiations began, the Afghan government reached out to political elites and consulted the international community. Throughout the process, however, civil society organisations (CSOs) and smaller political parties were ignored. Although numerous meetings were held for CSO representatives and the Hezb-e Islami negotiators to learn each other's point of view, CSOs and emerging political parties were constrained by a lack of direct participation in the negotiations. As a result, their concerns – especially women's rights – were disregarded, particularly after Hezb-e Islami joined the political system. Transitional justice and war victims' grievances were also left off the agenda.

The lack of consultation with CSOs and emerging political parties was mainly due to the government's wish to speed up the negotiations and swiftly reach an agreement in order to avoid national and international spoilers. Such a sense of urgency was understandable in light of the country's fragility and the negative impact of spoilers in the past. However, neglecting such important segments of society meant that the process lacked consensus and threatened the peace agreement's successful implementation.

4.4 Contents of the peace agreement

The peace agreement signed by Afghan President Ashraf Ghani and Hezb-e Islami leader Gulbuddin Hekmatyar was produced through cumbersome and prolonged negotiations on two sets of documents which were eventually combined into a merged and revised text. Politicians developed the documents without any input from people experienced in negotiating peace agreements. As a result, the peace agreement lacked important legal and technical stipulations.

The peace agreement covered issues ranging from removing the Hezb-e Islami leader from international sanctions lists to allocating land for refugees, integrating Hezb-e Islami into the Afghan government and releasing Hezb-e Islami prisoners. However, because the issues were agreed without input from experts, implementation of the final document has repeatedly been legally blocked.

The peace agreement included no guarantors of its implementation. Although the Afghan government rightly insisted on an 'Afghan-owned and Afghan-led' peace process, it is crucial to have the assurance that the signatories will remain committed to the agreement and its implementation. A guarantor – whether national or international – is needed to ensure that the parties meet their commitments as they move towards implementing a peace agreement.

The peace agreement also lacked a proper mechanism for resolving differences related to implementation and interpretation. Article 24 of the agreement merely states: 'In the event that any difference arises in the implementation of this agreement, both parties will resolve it through consultations and amicable negotiations with goodwill in the Joint Commission whose members will be appointed by both parties.'

Another technical flaw in the peace agreement is the absence of any independent monitoring mechanism to assess progress in the implementation process. On signing the peace agreement, Afghan President Ghani established a Joint Commission for Implementation of the Peace Agreement (JCIPA) comprised of government officials and HPC and Hezb-e Islami representatives. A number of JCIPA

members have commented that having an independent body to oversee, monitor and review the peace agreement's implementation would have helped all stakeholders by providing an independent view of the status of the implementation. Both parties seem to be blaming each other for the current deadlock: While the government considers that it has done its share and that it is Hezb-e Islami that has not been very responsive, Hezb-e Islami members have officially complained about the lack of progress in implementing the peace agreement.

The peace agreement consists of broad policy statements with no modus operandi to develop a detailed implementation plan. While peace agreements usually offer broad guidelines for reconciliation, the lack of an action plan makes it almost impossible to measure progress in implementation.

The negotiators had no prior experience of engaging in peace negotiations or working on peace agreements. They also lacked first-hand knowledge of successes and failures in other countries that would have helped them draft a document that could be easily be implemented and ensure Hezb-e Islami's effective transition from being a militant group to a mainstream national political party. This is yet another example of the Afghan government's lack of preparation for the peace and reconciliation process.

5 Implementing the peace agreement

After the peace agreement between the Afghan government and Hezb-e Islami had been signed in September 2016, President Ghani ordered the JCIPA's creation. His Special Representative for Political Affairs headed the commission, with deputies of the ONSC and the NDS representing the government. Four HPC deputies, three of whom had been involved in the negotiations, also sat on the commission. Hezb-e Islami was represented by two negotiating team members and a senior leader.

At first, the HPC Executive Secretariat was made responsible for the operational aspects of implementing the peace agreement under the auspices of the JCIPA. However, it lacked the funding and capacity to perform the job, so a separate 'Implementation Secretariat' was established under the JCIPA.

The new secretariat created several working committees to oversee implementation of the peace agreement's thematic articles. The committees addressed legal affairs/prisoners' release, reintegration, refugee affairs, reinstatement of former civil and military officials, and martyrs and the disabled. Responsibility for implementing other aspects of the peace agreement was assumed by government institutions not answerable to the Implementation Secretariat. For instance, the ONSC was assigned to get the Hezb-e Islami leader removed from international sanctions lists and the NDS was delegated to handle disarmament, demobilisation and reintegration.

The committees were made operational when the JCIPA started to work, with each committee headed by an official from the Implementation Secretariat. Other committee members included a Hezb-e Islami representative and representatives from the relevant government line ministries. The committees began to implement the peace agreement without the help of any policy guidelines or agreements about work procedures, which caused numerous legal and procedural questions and major delays.

At first the JCIPA met regularly, according to an agreed schedule. Over time, however, the meetings became ad hoc and irregular. Eventually, after its head was named CEO of the Executive Secretariat of the Peace and Reintegration Process (ESPRP), the JCIPA largely ceased to exist. The Implementation Secretariat was moved under the ESPRP – so the only mechanism for coordinating, overseeing and resolving differences was effectively abandoned.

5.1 The organisational structure

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5.2 Implementation

Implementing the peace agreement, which began under the JCIPA, was done in an ad hoc fashion, with no conflict transformation programme and a serious lack of capacity. As a result, the entire implementation process has had little impact on the conflict in Afghanistan.

Efforts at peace and reconciliation were mainly intended to signal other opposition groups that the Afghan government and its international partners wanted to resolve the conflict peacefully. It wanted to send a message that Hezb-e Islami would be integrated into national politics – so the Taliban should also negotiate. However, they failed to use traditional and modern channels to spread good news about the implementation process, and without any strategic communication about the peace agreement's implementation, it has had limited impact.

Prisoner release was another very important part of implementation: Individuals arrested during combat who had no criminal charges were to be let go. When implementation began, the government and Hezb-e Islami started to release prisoners: about 243 in 2017 and some 260 in 2018. Former prisoners were provided a nominal travel allowance and a set of new clothes. They received no other help to facilitate their return to civilian life.

There was also no programme for reintegrating Hezb-e Islami combatants or repatriating individuals. Considering that the group had spent over four decades in the Afghan mountains, they needed serious support to reintegrate into civilian life. A comprehensive conflict transformation programme should have been designed for the peace agreement.

Overall, the implementation process was treated as just an operational process instead of a significant technical part of transforming the conflict. The Afghan government's international partners stayed away from the entire process of implementation. Except for the EU, no donors showed any interest in supporting it. Although the EU offered programme funding through a partner organisation, it took them 18 months to begin to roll out a rather limited programme.

Hezb-e Islami leadership reported that it had promised to contribute to the peace process by reaching out to different parts of the Taliban on the battlefield. Mid-level Hezb-e Islami leaders claimed having contacts and communication channels to their counterparts in other groups that could have helped them facilitate a peace process. However, since these leaders have not been actively engaged in the peace process, their potential contribution has not been considered.

The lack of technical support from international partners and the absence of programme funding and conflict-transformation measures have prevented the peace agreement's implementation generating the expected results. In fact, although the successful conclusion of the process of peace and reconciliation was one of the main strategic objectives, it has received little attention.

6 Conclusion

The peace agreement signed by the Afghan government and Hezb-e Islami was a major event in the history of the Afghan conflict. As the first negotiating experience of the Afghan government, peace activists and native Afghan practitioners of conflict management, it is worthwhile reviewing the entire process to shine a light on its major strengths and weaknesses. It is also important to catalogue the lessons learnt for future endeavours.

The peace and reconciliation agreement between the Afghan government and Hezb-e Islami resulted from meticulous and honest efforts by individuals on both sides. It sent a strong message to all groups fighting the Afghan government that the president was seriously interested in building peace and reconciling with all opponents. Afghanistan's political leadership demonstrated its desire to bring all militant groups into the political mainstream.

The peace process conducted in Kabul with Hezb-e Islami was entirely Afghan-led and Afghan-owned, with all key stakeholders on-board throughout the process. However, the lack of preparation and capacity caused the process to be slower than expected, and the absence of technical experts meant that a peace agreement containing major flaws was finalised.

The Afghan government, the HPC and Hezb-e Islami have collaborated on implementing the peace agreement. While there has been minor dissent regarding the pace of implementation, two years after signing, all parties remain committed to the agreement. However, without a comprehensive implementation programme, the agreement has not respected the principles of conflict transformation: Implementation has just been 'managed' on an operational basis.

The peace process was initiated with certain expectations: The Afghan government wanted to reach a peaceful political settlement with Hezb-e Islami as a way of informing other groups of its willingness to end the conflict through a political process. For its part, Hezb-e Islami wanted to join mainstream politics at the national level and also win its major demands about returning to civilian life. The peace agreement allowed the two sides to achieve their objectives: Hezb-e Islami is now actively engaged in Afghan politics and the Afghan government is using the peace agreement as evidence of its will to make peace.

However, convincing other opposition groups to dialogue and finally resolve the longstanding Afghan conflict through political means requires comprehensive strategic communication. This has been lacking. In fact, the peace agreement with Hezb-e Islami has had no definitive impact on how other resistance groups, including the Taliban, view reconciliation (SIGAR 2018). This means that although the Afghan government and Hezb-e Islami have achieved their objectives for peace and reconciliation, some members of the political elite and the general public no longer trust the peace process. Good communication strategies are essential to be able to manage expectations about a peace process and secure the confidence of all segments of society.

Lessons learnt

- I. The Afghan government and its international partners mainly focused on rooting the Taliban on the battlefield. After toppling the Taliban regime, the new administration in Kabul and its partners ignored regional geopolitical dynamics and the possibility of the Taliban making a comeback. Thus, the Taliban was able to gather its resources and resume its activities. A key lesson from this experience is that efforts to militarily eliminate opposition groups must be accompanied by programmes to help them transform and join the political mainstream.
- II. The National Unity Government led by Ashraf Ghani latched onto the group that was most amenable to reconciliation among the many groups fighting the Afghan state. Although the Taliban has been the main addressee of proposed peace deals, in a complex conflict like that in Afghanistan every opportunity should be seized to signal political goodwill to other groups as well.

- III. Governments are the institutions most responsible for ensuring security and stability. It therefore behoves the Afghan government to take concrete steps towards building confidence with militant opposition groups that, in asymmetric conflicts, are always sceptical and recalcitrant in order to ensure that their concerns are recognised. The Ghani administration's bold approach to Hizb-e Islami encouraged proponents of peace within the group to openly lobby for peace and reconciliation.
- IV. Countries in conflict should be prepared for all phases of conflict transformation – from peacemaking to peacebuilding. This includes building the capacities of individuals to engage effectively at the various stages. Conflict management and transformation processes are highly unpredictable and some plans may become outdated. However, it is far better to remain prepared than be caught off guard.
- V. Before entering peace negotiations, it is crucial to build consensus about the objectives of the negotiations and the parameters for compromise. Attempting to build consensus at every step of negotiating is time-consuming and frustrating. The longer negotiations last, the more time spoilers have to interfere and disrupt the peace process.
- VI. A negotiating team must have a unified vision of the peace process in order to be able to negotiate efficiently and effectively. All negotiators must be on the same page, pursuing a common agenda.
- VII. Peace negotiations should always engage a third party who is respected and trusted by both sides. That individual (who need not be an outsider and can indeed be an insider such as a former official, religious scholar or spiritual leader) should remain informed about the negotiating process but only become actively involved when negotiators become deadlocked.
- VIII. Although peace and reconciliation processes are almost always led by politicians and military commanders, technicians who know about peace and reconciliation processes and are familiar with legal and administrative issues in the conflict zone must be involved. Technical experts ensure that these issues are considered in a peace agreement and help prevent future disputes. People well versed in conflict transformation and negotiation processes are also able to suggest crucial components of any agreement such as guarantors, a monitoring entity, and mechanisms for resolving future differences.
- IX. The Afghan government, the HPC and Hizb-e Islami successfully signed a peace agreement. However, global figures indicate nearly 50 per cent of all peace processes fail after the peace agreement has been signed (Paris 2004). A peace process must always be accompanied by the agreement's complete implementation and programmes that ensure its success.
- X. Throughout the peace process, strategic communication is critical for getting the public to buy into it, as well as for managing expectations and conveying the likely impact of a successful agreement. Strategic communication is central to the peace and reconciliation process. It was missing in the peace process between the Afghan government and Hizb-e Islami.

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Annex I: Interviewees⁴

Name	Designation	Organisation	Interview date
Ataurahman Salim	Deputy Head of the High Peace Council and head of negotiating team	HPC	28 Jul. 2018
Atiqullah Safi	Member of Hezb-e Islami negotiating team	Hezb-e Islami	21 Jul. 2018
Farhadullah Farhad	Deputy Chief Executive Officer	ESPRP	30 Jul. 2018
Franz-Michael Skjold Mellbin	EU Ambassador in Kabul	EU	8 Aug. 2018 (over email)
Ghairat Baheer	Member of Hezb-e Islami negotiating team	Hezb-e Islami	15 Aug. 2018
Graem Smith	A western diplomat	Did not disclose his institutional affiliation, as his employers insist.	7 Nov. 2018 (over email)
Habiba Sarabi	Deputy Head of the High Peace Council and negotiating team member	HPC	22 June 2018
Hasina Safi	Director of the Afghan Women's Network and HPC member	Afghan Women's Network	12 Sept. 2018
Lucy Perkins	Political Affairs Officer	United Nations Assistance Mission for Afghanistan (UNAMA)	30 Oct. 2018
M. Ayub Rafiqi	CEO, HPC Executive Secretariat	HPC Executive Secretariat	5 Aug. 2018
Mohammad Akram Khpalwak	Head of the Joint Commission for Implementation of the Peace Agreement (JCIPA) and the President's Special Representative for Political Affairs	ESPRP	12 Sept. 2018

⁴ Interviewees' designations while they were engaged in the peace process.

Mohammad Karim Amin	Chief Negotiator	Hezb-e Islami	29 Jul. 2018
Qazi Abdul Hakim Hakim	Hezb-e Islami Deputy Leader	Hezb-e Islami	28 Jul. 2018
Shah Mahmood Mia Khel	Country Director	United States Institute of Peace	23 Oct. 2018
Wahidullah Sabawoon	Hezb-e-Mutahed Islami Afghanistan Party Leader and Advisor to the President of Afghanistan on Tribal Affairs (former Senior Leader of Hezb-e Islami)	Hezb-e-Mutahed Islami Afghanistan Party	22 Jul. 2018
Wali Ahmadzai	Political Advisor	European Union	23 Jul. 2018
Wazhma Forogh	civil society activist (women peace and security)	civil society	6 Aug. 2018 (over email)

Annex II : Text of the Peace and Reconciliation Agreement

Agreement between the Government of the Islamic Republic of Afghanistan and Hezb-e Islami of Afghanistan (HIA) that has been constituted with the management and mediation of the High Peace Council

Kabul, 1 Mizan 1395 (22 September 2016)

In the Name of Allah, the Gracious and the Merciful “Verses from the Holy Qur’an”

≡ Preamble:

Given that an immediate end to war, establishment of a durable peace, and provision of security and justice in Afghanistan are fundamental desires of the nation, and they will guarantee the development of an honorable, free, and prosperous Afghanistan, it is the responsibility of each individual and the country’s key political strata, to join hands in working towards the realization of these common goals.

The current conditions in the country require that the root causes of the imposed war, instability, insecurity, and injustice be eradicated, and anything that threatens the country’s national unity, independence, national sovereignty, and territorial integrity be jointly countered. The state be in the service of and supported by the people, and the country’s constitution and all Islamic and national values be respected by all political and social organizations in the country.

With this goal in mind, the Government of the Islamic Republic of Afghanistan and Hezb-e Islami of Afghanistan have agreed to the following:

Chapter One: Basic Principles

≡ Article One:

Both parties, with firm and unshakable belief in exalted Allah and a steadfast faith in the holy religion of Islam, consider themselves bound to unconditional following of the noble principles of this religion and make this their objective.

≡ Article Two:

Both parties believe that religious principles and guidelines will be the basic foundation of all laws and government administration as the second and third articles of the Constitution of Afghanistan emphasize that (the sacred religion of Islam is the religion of the Islamic Republic of Afghanistan, and no law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan).

≡ Article Three:

The parties believe that all people of the nation have rights and responsibilities under the law and the law will guarantee the protection of the rights and privileges of every Afghan citizen, both women and men. A united and indivisible Afghanistan belongs to all tribes and the brave people of this land, and national sovereignty is the right of the nation, which is exercised directly or through its elected representatives.

≡ *Article Four:*

While state sovereignty and securing national interests are shared objectives of both parties; and both sides believe that Afghans can, through their unity and solidarity, counter threats and inhibit the crisis caused by war, with regards to the withdrawal of foreign forces from Afghanistan, both parties have their specific viewpoints. While both parties have full obligation to the commitments and established principles in this agreement, Hezb-e Islami of Afghanistan wants a reasonable timetable for the departure of foreign troops from the country.

Chapter Two: Commitments of the Parties

Part One: Commitment of the Government of the Islamic Republic of Afghanistan

≡ *Article Five:*

The Government of the Islamic Republic of Afghanistan guarantees that it will, for the sake of a permanent end to war and establishment of peace and lasting security in Afghanistan, upon signing of this agreement, officially request the United Nations Security Council and all relevant countries and organizations, to lift all sanctions that have been imposed on Hezb-e Islami of Afghanistan, its leadership, and its members in the earliest time possible. Additionally, the Government of the Islamic Republic of Afghanistan is obliged to use all possible means and efforts to lift every form of sanction off of the leaders and members of Hezb-e Islami in a timely manner.

≡ *Article Six:*

The Government of the Islamic Republic of Afghanistan, upon signing this agreement, officially announces that the honorable Emir of Hezb-e Islami of Afghanistan and its other prominent figures may live freely anywhere in this country, where they may wish, in accordance with the laws. The Government of the Islamic Republic of Afghanistan considers itself obliged to provide the necessary and appropriate conditions for the realization of this provision.

≡ *Article Seven:*

The Government of the Islamic Republic of Afghanistan is committed to announce officially that it recognizes Hezb-e Islami of Afghanistan's right to political activity in all political and social spheres in accordance with the Afghan constitution and fully cooperate in realizing this, and that Hezb-e Islami of Afghanistan can participate and nominate candidates in the presidential, parliamentary and provincial, district, and municipal elections.

≡ *Article Eight:*

The Government of the Islamic Republic of Afghanistan is committed to make preparations – in consultation with the political institutions, civil society organizations, and governmental agencies of the country – for greater reform of the electoral process and present specific plans in this regard. Additionally, the Government is committed to prepare the ground for the presence of Hezb-e Islami of Afghanistan in the process of the electoral reform. The Government – in consultation with relevant institutions – remains committed to amend the electoral system based on a proportional party representational system and like other political parties, consider the active presence of Hezb-e-Islami of Afghanistan in the electoral process and structures in accordance with the law. The details and implementation of this article will be referred to the Joint Executive Commission and ultimately presented for meeting and consent of the leaders of both sides of the agreement.

≡ *Article Nine:*

The Jehadi leader of Afghanistan, Honorable Gulbuddin Hekmatyar, will be accorded special honorary and respected status through a special presidential order by the President of the Islamic Republic of Afghanistan for the sake of establishing peace in the country and making efforts for the freedom of Afghanistan. The High Peace Council in coordination with the honorable delegation of Hezb-e Islami will specify a protocol in this regard and present it to the President of Afghanistan.

≡ *Article Ten:*

The leadership of Hezb-e Islami of Afghanistan may select two or three appropriate places for his residence in Afghanistan. Preparation of the place, conditions, and provision of an appropriate budget for his residence together with necessary security measures are the responsibilities of the Government of the Islamic Republic of Afghanistan. The details of the necessary measures will be worked out by the Joint Executive Commission which will be set up for the implementation of this agreement.

≡ *Article Eleven:*

The Government of the Islamic Republic of Afghanistan will guarantee judicial immunity of the leader and members of Hezb-e Islami in regards to past political and military acts upon announcement and in accordance with this agreement.

Additionally, the Government of the Islamic Republic of Afghanistan is committed to the release of the prisoners and detainees of Hezb-e-Islami of Afghanistan who have been imprisoned for political and military activities and against whom there are no haq-ul-abd [right of people – as opposed to right of God] claims, based on the list agreed by the Joint Executive Commission, through a special legal commission that will include representatives from Hezb-e Islami, in the earliest possible timeframe which is no longer than two months.

Hezb-e-Islami of Afghanistan is committed to ensure that the prisoners of Hezb-e Islami who are released will not return to the battlefield against the Government of the Islamic Republic of Afghanistan and will not join any illegally armed and terrorist groups. Oversight of this process and resolution of any dispute in this regard will be referred to the Joint Executive Commission in good faith.

≡ *Article Twelve:*

The leadership of the State and Government of Islamic Republic of Afghanistan commit to include the presence of Hezb-e Islami's leadership in the advising and decision making processes and implementation of important government and state policies. The details of this provision will be elaborated and determined by the Joint Commission.

≡ *Article Thirteen:*

The Government of the Islamic Republic of Afghanistan considers itself bound to provide the necessary conditions for the presence and participation of Hezb-e Islami of Afghanistan in government institutions in accordance with the law. An appropriate and acceptable framework for implementing this provision will be prepared by the Joint Executive Commission and presented at the meeting of the leaders of both parties for final decision.

≡ *Article Fourteen:*

The Government of the Islamic Republic of Afghanistan is committed to recruit lawfully eligible members and commanders of Hezb-e Islami of Afghanistan, who are interested in serving, into the

defense and security forces.

Additionally, the Islamic Republic of Afghanistan is committed to their lawful, honorable, safe, and sustainable integration into the society. The Joint Executive Commission will manage the details of the implementation of this provision.

≡ *Article Fifteen:*

Those government officials and officers of Hezb-e Islami of Afghanistan who have previously served in government institutions and were separated from duty will be reinstated, promoted or considered for retirement pension based on the period of their service in accordance with the law, provided that they can present proof and legal documents.

≡ *Article Sixteen:*

The Government of the Islamic Republic of Afghanistan is committed to take all measures to resolve the problems of the Afghan refugees living in Nusrat Mina Camp and other refugees based in Pakistan and Iran, and for their voluntary and dignified return to their homeland, including provision of land for their shelter with other necessary services in Kabul and other provinces. As the first step in this regard, the Government of the Islamic Republic of Afghanistan is committed to create practical conditions for the return of around 20,000 refugee families with the assistance of the international community. Moreover, the Government of the Islamic Republic of Afghanistan will undertake necessary measures to provide support to the families of martyrs and disabled members of Hezb-e-Islami like other martyrs and people with disability in the country. The implementation of this provision will be consolidated and organized by the Joint Executive Commission.

≡ *Article Seventeen:*

The return of all those figures and personnel of Hezb-e-Islami who live out of the country will take place in accordance with the conditions written in this agreement.

Part Two: Commitments of Hezb-e Islami of Afghanistan

≡ *Article Eighteen:*

After the official announcement of this agreement by the High Peace Council and the Government of the Islamic Republic of Afghanistan, Hezb-e Islami of Afghanistan will officially declare that it will – for the greater good of the country, permanent end to war, and establishment of an enduring peace – act as an important political party in the country, observe the constitution, instate permanent ceasefire, stop all military movement and activities, and based on information provided by Hezbi Islami of Afghanistan after signing of this agreement and in accordance with a plan and timetable by the Joint Executive Commission, disband its military structures. Additionally, upon signing of this agreement, Hezb-e Islami of Afghanistan commits to the release of those detainees who are in custody of Hezb-e Islami and hand them over to the government of Afghanistan in the earliest possible time. The Government of the Islamic Republic of Afghanistan will take necessary measures for the security of Hezb-e Islami of Afghanistan’s members.

≡ *Article Nineteen:*

Hezb-e Islami of Afghanistan commits to announce after signing this agreement that it will not maintain any ties with terrorist groups and illegally armed organizations and it will not support them.

≡ *Article Twenty:*

The Hezb-e Islami of Afghanistan, as an official political party, considers itself committed to cooperate with the Government of the Islamic Republic of Afghanistan in the defense of people and establishment of sustainable security across the country, and to open its offices in the capital and the provinces as an official party.

≡ *Article Twenty-One:*

Hezb-e Islami of Afghanistan is fully prepared to make efforts in establishing peace and permanent stability in Afghanistan in line with the understanding of its religious and historical responsibilities, and support the efforts of the High Peace Council in this regard.

Chapter Three: Miscellaneous

≡ *Article Twenty-Two:*

This agreement, as an authoritative and official document between the Government of the Islamic Republic of Afghanistan and Hezb-e Islami of Afghanistan with the management and mediation of the High Peace Council of Afghanistan, will be valid and enforceable as of its signature date. Any changes requested by either party after signing of this document must be in writing and incorporated in it after the consent of both parties.

≡ *Article Twenty-Three:*

For the purpose of supervision and comprehensive realization of this agreement, both parties agree to establish a Joint Executive Commission comprising of their authorized representatives. The aforementioned commission will operate in coordination with the High Peace Council of the Government of the Islamic Republic of Afghanistan,

≡ *Article Twenty-Four:*

In the event that any difference arises in the implementation of this agreement, both parties will resolve it through consultations and amicable negotiations with goodwill in the Joint Commission whose members will be appointed by both parties.

≡ *Article Twenty-Five:*

This agreement, consisting of three chapters and twenty-five articles, was signed by both parties on 1st day of Mizan, 1395 (22nd September, 2016).

End and Signatures

Head of Hezb-e Islami of Afghanistan's Negotiation team: Eng. Mohammad Amin Karim

Head of the High Peace Council Negotiation team: Maulavi Attaurahman Saleem

Representative of the Islamic Republic of Afghanistan: M Haneef Atmar

Chairperson of the High Peace Council of Afghanistan: Pir Sayed Ahmad Gailani

Emir of Hezb-e Islami of Afghanistan: Eng. Gulbuddin Hekmatyar

