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DECISIVE COMPROMISE WITH WOMEN BEHIND THE DOORS: THE FLAWED PROCESS OF AFGHAN PEACE NEGOTIATIONS

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Summary

- The Taliban claim to have evolved ideologically on women's rights since 2001 but there is no way to truly know until they have enough power to enact an agenda. As such, it is best not to take chances during peace negotiations and to continue to press them on the issue.
- The Taliban oversaw a period of excruciating hardship for women and girls between 1996 and 2001. Their violence continues to devastate them. It is the duty of the negotiating team— preferably with a significant number of women as team members— to hear out the experiences and needs of Afghan women and use them to craft an assertive diplomatic position protecting their rights.
- The Afghan government and its allies— particularly the United States— have come under scrutiny for their perceived flippancy with women's rights. The intra-Afghan talks are their chance to prove they are serious about this issue.

Afghan women's participation became ever so important in 2018; as the peace process began to gain momentum following US-Taliban talks, women's participation in the intra-Afghan dialogue was seen as a way to

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avert the possibility of compromising women's rights and safety for peace.² Women have voiced concerns that their current levels of participation are regarded merely as symbolic.³ Their roles in positions of authority have been deemed superficial since they lack political support and bear weak decision-making and enforcement power.⁴ This paper strives to answer the question of what measures can be taken to make sure that women will be adequately represented in the Afghan peace talks and their demands will not be ignored. The paper analyses women's current status, role, demands and concerns in the intra-Afghan negotiations. The paper finds that although women are already a part of the formal peace talks, their voices need to be further enhanced, supported and strengthened by all stakeholders in order to ensure their perspectives are not only heard but used to impact the process.

Women's Concerns Regarding the Peace Process

The US has committed through multiple diplomatic agreements to consolidating democracy, rule of law and human rights in Afghanistan since 2001.⁵ However, the US-Taliban negotiations conducted by US Special Representative for Afghanistan Reconciliation Zalmay Khalilzad have shown, the US has talked about their vital interests with the Taliban but not their commitments to Afghanistan which include safeguarding women's rights. As a result, female activists started to hold meetings and events to advocate for democracy and human rights and make their voices heard.⁶

At the centre of the peace talks is the case of women's constitutional rights. The codification of women's rights in the 2004 Constitution was hard-won along with other achievements in the inclusion of women in social, political, and economic spheres. As the Taliban want the current constitution changed,⁷ women fear that their achievements may be lost just as they had

2. Karzai, Hekmat Khalil. "An Unprecedented Peace Offer to the Taliban" *The New York Times*, March 11, 2018. <https://www.nytimes.com/2018/03/11/opinion/peace-taliban.html>

3. Salehi, Zarghona. "Afghan Women Say No to Symbolic Role in Peace Talks" *Pajhwok Afghan News*, 2019. <https://thefrontierpost.com/afghan-women-say-no-to-symbolic-role-in-peace-talks/>

4. Nijat, Aarya and Jennifer Murtazashvili "Women's Leadership Roles in Afghanistan" *United States Institute of Peace*. September 4, 2015. <https://www.usip.org/publications/2015/09/womens-leadership-roles-afghanistan>

5. Houlihan, Erin and William Spencer. "Rule of Law, Governance and Human Rights in Afghanistan, 2002 to 2016" *United States Institute for Peace*, August 29, 2017. <https://www.usip.org/publications/2017/08/rule-law-governance-and-human-rights-afghanistan-2002-2016>

6. Ahmadi, Belquis. "Afghan Talks: No Women, No Peace." *United States Institute of Peace*, 2019.

7. Kane, Sean. "Talking with the Taliban: Should the Afghan Constitution Be a Point of Negotiation?" *United States Institute for Peace*, January 2015. <https://www.usip.org/sites/default/files/SR356-Talking-with-the-Taliban-Should-the-Afghan-Constitution-Be-a-Point-of-Negotiation.pdf>

experienced during the Taliban regime of the late 90s. Tayeba Zahidi, former senator of the Mishrano Jirga (Upper House of the National Assembly of Afghanistan), shared her opinion about what the Taliban thought about women's constitutional rights and participation in society:⁸

“Firstly, the current Afghan Constitution is based on teachings of Islam and it is precisely stated in articles 1, 2, and 3. I was one of the members of the Constitutional Loya Jirga in 2003, and we tried to do our best to include the rights of women in the Constitution according to Shari’a. Thus, if the Taliban claim that they will accept women’s rights under Shari’a, in my opinion the current Constitution should not be seen as a point of tension in Afghan peace talks and the women’s constitutional rights should be recognized.”⁹

The Taliban claim that they have evolved ideologically since the height of their political power in the 1990s towards an ideology that is more accommodating to women.¹⁰ However, opinions are divided in this regard. Mohammad Rafiq Shahir, Head of the Herat Expert’s Council, believes that no one could actually surmise or predict what the Taliban would do after an intra-Afghan peace agreement is signed.¹¹ He noted that this could only be known when the Taliban are formally included in Afghan politics.¹²

The US -Taliban Agreement and the Concerns of Women

On 17 December 2019, Germany offered to hold a conference on intra-Afghan reconciliation in Doha, Qatar, between the Taliban and government representatives.¹³ This was the first meeting in which high-ranking Afghan government officials, amidst civil society actors, met with a delegation from the Taliban’s political office since the US began talks with the group. The Taliban had long stated that they would not negotiate with the Afghan

8. Zahidi, Tayeba, Former senator of the Mishrano Jirga (Upper House of the National Assembly of Afghanistan), Interview by the author. April 16, 2020.

9. Ibid.

10. Shahir, Mohammad Rafiq, Head of the Herat Expert’s Council, Interview by the author. April 16, 2020.

11. Ibid.

12. Ibid.

13. Sohail, Ajmal. “The Efficiency of German Contribution in the Afghan Peace Process.” *Modern Diplomacy*, November 12, 2019. <https://moderndiplomacy.eu/2019/11/12/the-efficiency-of-german-contribution-in-the-afghan-peace-process/>

government since they deemed this government a puppet of the US.¹⁴ As a result, this meeting was held under the condition of informality even if the goal of the attendees was to discuss a framework for reaching an eventual peace deal. This informality also permitted representatives of Afghan civil society and especially women to participate and gauge Taliban positions on human and women's rights. The Taliban showed interest in negotiating with representatives of President Ashraf Ghani and a joint statement on a "roadmap for peace" was reached at the end of the Doha meeting. The spokesman for the Taliban said they would hold talks with the government once a deal was signed with the United States.¹⁵

On 29 February 2020, the US and Taliban delegates signed a peace agreement.¹⁶ This agreement hinges on four major points: 1) a gradual withdrawal of American troops from Afghanistan; 2) a commitment by the Taliban regarding the refrainment from using Afghanistan as a base to commit attacks against the US and harbouring other terrorist groups who may pose a threat; 3) the earnest start of an intra-Afghan peace negotiation with the Afghan government in Kabul; 4) the end of terrorism and violence in Afghanistan.¹⁷

Although the US promised to help consolidate democracy, safeguard human rights and women's rights in Afghanistan¹⁸, the US-Taliban peace agreement does not mention neither what caused internal political debate in both the US and Afghanistan as to the actual nature of the deal and the underlying goals of the Trump administration.

Mohammad Rafiq Shahir, however, takes a cautiously optimistic view:

"The US-Taliban agreement signed on February 29th has a military basis and is brokered between the Taliban and the US, so there must

14. "Taliban Takes Districts Headquarters, Says It Will Not Negotiate with Afghan Government Team." Radio Free Europe, March 28, 2020. <https://www.rferl.org/a/taliban-takes-district-headquarters-says-it-will-not-negotiate-with-afghan-government-team/30514790.html>

15. Ibid.

16. Samad, Harris. "The Afghan Peace Process: Where Do We Go from Here?" Atlantic Council, March 23, 2020. <https://www.atlanticcouncil.org/blogs/new-atlanticist/the-afghan-peace-process-where-do-we-go-from-here/>

17. "Joint Declaration between the Islamic Republic of Afghanistan and the United States of America for Bringing Peace to Afghanistan." (n.d.) <https://reliefweb.int/sites/reliefweb.int/files/resources/02.29.20-US-Afghanistan-Joint-Declaration.pdf>

18. Ibid.

*not be any concern regarding the mention of women's rights, human rights, and democracy in this document. However, we hope that the US will deliver its promise and help include the mentioned terms in the prospective 'intra-Afghan peace agreement.'*¹⁹

This view is not shared by all and particularly not certain female civil society activists and politicians who made their opinions known to the American press that an immediate American withdrawal would endanger constitutional rights and democracy, citing Taliban demands to change the Constitution.²⁰ Ghizaal Haress, a commissioner at the Independent Commission for Overseeing the Implementation of the Constitution, tells The New York Times in early 2019 that "it is imperative that these constitutional rights are not compromised during the peace negotiations, as there has been a broad social and political consensus around the Constitution."²¹

The agreement does note that the Taliban should begin peace negotiations with the Afghan government and that they would be, to some extent, afforded a share of political power. Accordingly, there are strong concerns that a probable inclusion of the Taliban may once again expose the women to marginalization and violence²² as Taliban control usually means the barring of women from pursuing education, professional careers, and a political voice and the encouragement of a culture of repression against women who are seen to transgress such restrictions.

In addition to doubts around the Taliban position, issues with moving ahead on intra-Afghan negotiations arose from the government side as well. In March 2020, the Afghan government announced a committee consisting of 21 members to hold direct peace talks with the Taliban.²³ However, the office of former Chief Executive Officer Dr. Abdullah Abdullah objected to the composition of the committee and claimed that it was not comprehensive. The Afghan government refused to make any changes to

19. Shahir, Mohammad Rafiq, Head of the Herat Expert's Council, Interview by the author. April 16, 2020.

20. Safi, Mariam and Yourish, Muqaddesa. "What is wrong with Afghanistan's Peace Process?" The New York Times, February 20, 2019. <https://www.nytimes.com/2019/02/20/opinion/afghanistan-peace-talks.html>

21. Ibid.

22. "What Will Peace Talks Bode for Afghan Women?" International Crisis Group, April 6, 2020. <https://www.crisisgroup.org/asia/south-asia/afghanistan/what-will-peace-talks-bode-afghan-women>

23. Shams, Shamil. "US and Taliban Sign Historic Deal to End Afghan Conflict." DW, February 29, 2020. <https://www.dw.com/en/us-and-taliban-sign-historic-deal-to-end-afghan-conflict/a-52582850>

the peace committee.²⁴ Despite the fact that President Ghani had stated earlier that same year that women's participation was now seen at all levels in Afghanistan, on 22 May 2020, 12 male political leaders gathered to reach an agreement to end Ghani and Abdullah's political rivalry over the disputed results of the 2019 presidential elections after months of political deadlock inside the Afghan government. This in turn caused women's rights activists to raise their voice regarding the exclusion of women from the reconciliation processes and important agreements inside the government.²⁵ With pressure from the US to reach a compromise, Dr. Abdullah was then put in charge of the High Council for National Reconciliation (HNCR), responsible for talks with the Taliban.²⁶

Regarding the question of the inclusivity of the new negotiation team announced by the Afghan government, Tayeba Zahidi believes the members of this team were sufficiently diverse as they were from different sectors of Afghan society and that they bore the required expertise in their fields.²⁷

*"I believe that that all men and women in this team have a huge mission resting on their shoulders. They have to represent 100 percent of Afghanistan's population including women and address their demands comprehensively. Firstly, I am hopeful towards this team and think that it was an appropriate choice. And secondly, I emphasize that representatives inside this team should enter the peace talks bearing in mind that they are going to speak on the behalf of a large community, not just a few people. Besides men, they also have to represent all oppressed women who have long suffered from violence, social limitations, discrimination and abuse."*²⁸

Prospective Contribution of Women in the Peace Talks

Naheed Farid, Member of Parliament from Herat, believes that the role

24. Saif, Shadi Khan. "Afghanistan Rules Out Any Changes in Peace Committee." AA.com, March 29, 2020. <https://www.aa.com.tr/en/asia-pacific/afghanistan-rules-out-any-changes-in-peace-committee/1784027>

25. Gliniski, Stefanie. "Where Are the Women? Outcry over All-Male Government Meeting in Afghanistan." The Guardian, May 22, 2020. <https://www.theguardian.com/global-development/2020/may/22/where-are-the-women-afghanistan-all-male-government-meeting>

26. "Afghanistan president Ashraf Ghani and rival Abdullah ink power-sharing deal." DW, May 17, 2020. <https://www.dw.com/en/afghanistan-president-ashraf-ghani-and-rival-abdullah-ink-power-sharing-deal/a-53470402>

27. Zahidi, Tayeba, Former senator of the Mishrano Jirga (Upper House of the National Assembly of Afghanistan), Interview by the author. April 16, 2020.

28. Ibid.

women can play in the peace process is to ensure they have an impact on any future peace deal with the Taliban.²⁹ She argues that “Women constitute 50 percent of Afghan society and should be represented in the negotiations according to their population. Secondly, the selected women for the peace committee should be committed to conveying the messages and demands of all oppressed, active, working, and disabled women all over Afghanistan.”³⁰ While she identified ways women could improve their influence in the peace talks, she also foresees challenges that they will probably face during the talks. “As we all know, the Taliban do not want women to work and appear in public. They oppose the provisions of the current Constitution which has given constitutional rights to women. Thus, I think women rights will be an essential and furious debate during the talks,”³¹ added Farid.

Alongside the challenges that women can face before even reaching the negotiating table, there are also challenges that they may face once at the table. Layeqa Sadaqat, Law and Political Science lecturer, believes that “The most obvious challenge that the women will probably face in the talks is the fact that the role of women may not be recognized in these talks.” She also expressed her belief that women did not have much influence in current Afghan politics. Sadaqat concluded that women may probably be side-lined in the negotiations.³²

While many of those interviewed emphasized the burden female members of the peace delegation will face, some emphasized how important it was that the male members share the women’s burden especially when it comes to representing all of Afghanistan. Monesa Hassanzada, Deputy Governor of Herat province, states:

“All representatives inside the team should bear in mind that they are committed to representing a wide community inside Afghanistan. Women have been hit the hardest during 18 years of war and bloodshed in this country and they need to be considered during the peace talks. On the behalf of Herat’s women, we tried too much to include some of our influential female activists in these talks and we

29. Farid, Naheed. Member of Afghan Parliament, Interview by the author. April 16, 2020.

30. Ibid.

31. Farid, Naheed. Member of Afghan Parliament, Interview by the author. April 16, 2020.

32. Sadaqat, Layeqa, Law and Political Science Lecturer, Interview by the author. April 16, 2020.

even contacted the Presidential Palace. But, unfortunately, we could not have them involved in the negotiating team. However, it does not matter who will represent the women. The representatives must hold meetings with different communities advocating women's rights before the peace talks and listen to their thoughts and demands. More importantly, representatives have to be committed to represent women comprehensively and believe that all Afghan women are supporting them. Hereby, they can stay strong in the face of the challenges they may encounter.”³³

Taliban officials stated that in the case that a compromise is reached, they would recognize the rights of women according to Shari'a. Although the Taliban refused to give a clear example of 'women's rights under Shari'a', there are different opinions as to what this phrase means. Tariq Nabi, an Islamic scholar, lays out his reasoning for what the Taliban view of Shari'a might be:

“The Taliban are related to different Islamic sects in India, Pakistan, and Arab countries. Accordingly, there are different interpretations of women's rights among them. Some of them follow the Hanafi sect's view which stipulates that women can appear in public with hijab not covering their faces and hands. On the other hand, there are other groups of Taliban who support the perspective of the Hanbali sect which says that women should cover their faces and hands too. In this case, we can say that there is no consensus even among the Taliban itself over the term “women's rights under Shari'a.” I believe that the Taliban have used this term to divert the focus away from women rights for now in order to get prepared for the peace deal.”³⁴

The Afghan Negotiating Team has now been selected. However, opinions continue to revolve around the question of whether women's rights and demands will be met by them in an efficient manner. Female activists and women's rights defenders from Herat province in particular believe that the government must ensure that the voice of women will be heard in the peace talks and that their demands will not go unheeded.

33. Hassanzada, Monesa. Deputy Governor of Herat province, Interview by the author. April 17, 2020.

34. Nabi, Tariq. Religious Scholar, Interview by the author. April 18, 2020.

Policy Recommendations

Women can improve their influence in the peace talks in the following ways:

- Firstly, the greatest responsibility for advocating for women's rights rests on the shoulders of the Afghan government and the international community. The government officials along with the international players should take careful measure to note women's rights, human rights and democracy as prominent points on the negotiation agenda. It may be prudent to have a special envoy from the United Nations who could advocate for women's rights in the negotiations. We also need a women's affairs supervisor from the Afghan government who would be responsible for screening the talks to make sure that all demands by Afghan women are discussed and advocated for.
- Members of the negotiating team can hold meetings and sessions with female activists, women's rights advocates, and female survivors of violence and listen to their demands. The opinions of women should be noted and recorded during these sessions and part of these recordings can be played during the peace talks to convey the message of women to the Taliban and the Afghan government. Also, the representatives should sit beforehand with delegations from the opposition group in an informal gathering and try to negotiate with them on women's rights and demands.
- The peace negotiations team should meet men and women working in the government including ministers, advisors, ambassadors, and other officials to understand their ideas about the current role and effect of women in Afghan politics.
- Moreover, during meetings with the above people, negotiating team members should note the specific topics in which women face important difficulties. As a case in point, if women of a district or province report that they are not able to pursue their education due to security problems brought about by the Taliban's violence, it should be discussed with the Taliban during the talks.