

<b>Country/entity</b>	Afghanistan
<b>Region</b>	Europe and Eurasia
<b>Agreement name</b>	Resolution of the Asad 1399 (August 2020) Consultative Peace Loya Jirga
<b>Date</b>	19 Aug 2020
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	Yes
<b>Agreement/conflict level</b>	Intrastate/intrastate conflict

### Afghan Wars (1979 - )

The agreements are drawn from two distinct conflict periods. Post Soviet-intervention period. First, after an uprising against the communist government, the Soviet Union invaded Afghanistan in December 1979 and set up a puppet government. Fierce resistance came in on the form of domestic and foreign Mujahidin fighters who, by 1988, forced the Soviet Union to withdraw. The Communist government that remained was defeated in 1992 against a background of violence, which spiralled into a tumultuous multi-party civil war with a strong tribal basis. In 1993 a peace accord was signed, but by 1994 the conflict realigned itself as the Islamic-based Taliban emerged from the refugee camps, eventually occupying the capital city of Kabul in September 1996 spurring groups that had militantly opposed the communist government to unite in opposition to the Taliban.

Post US-intervention period. After the terror attacks on September 11, 2001, the United States invaded Afghanistan and removed the Taliban from power. In December 2001, the UNSC mandated the International Security Assistance Force (ISAF) to assist Afghanistan's interim authorities. In 2003 ISAF command was placed under NATO's responsibility. Within three years, however, the Taliban managed to re-group and re-structure and launched intense resistance to the internationally-recognized Afghanistan government and NATO support troops. Despite this resurgence of the Taliban, NATO leaders lacked the necessary support for the mission abroad, and NATO troops were withdrawn by the end of 2014.

Close  
Afghan Wars (1979 - )

<b>Stage</b>	Pre-negotiation/process
<b>Conflict nature</b>	Government/territory
<b>Peace process</b>	Afghanistan: 2000s Post-intervention process

**Parties**

Ashraf Ghani  
President of Afghanistan, representing the Afghan Government.

Dr. Abdullah Abdullah  
Chairperson of the High Council for National Reconciliation (HCNR), representing the Afghan government and broader peace oversight.

Taliban Political Office (Qatar)  
Taliban insurgent group in negotiations.

Masum Stanekzai  
Head of the Afghan Government's Negotiating Team, representing the Islamic Republic of Afghanistan in talks.

Shahrzad Akbar  
Chair of the Afghanistan Independent Human Rights Commission (AIHRC), representing civil society and victims' rights.

Abdul Rab Rasul Sayyaf  
Political leader and initial chairman of the Loya Jirga, representing Afghan elders and political figures.

Belqis Roshan  
Farah Member of Parliament, representing dissenting voices in the Afghan parliament.

Hamid Karzai  
Former President of Afghanistan, representing Afghan political stability and consensus-building efforts.

Gulbuddin Hekmatyar  
Leader of Hezb-e Islami, representing an opposition political party.

Atta Muhammad Nur  
Leader of a faction of Jamiat-e Islami, representing a major political faction in Afghanistan.

<b>Third parties</b>	<p>Zalmay Khalilzad US Special Representative for Afghanistan Reconciliation, representing the United States.</p> <p>Mike Pompeo Representing the US Department of State's role in mediating the peace process.</p> <p>Ross Wilson US Chargé d'Affaires, representing US diplomatic engagement in Afghanistan.</p> <p>United Nations (UN)</p> <p>Organization of Islamic Cooperation (OIC)</p> <p>Pakistan (implicitly referenced)</p> <p>Qatar</p> <p>European Union (implicitly referenced through international community)</p>
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**Description** This resolution from the Consultative Peace Loya Jirga approved the release of 400 Taliban prisoners as a prerequisite for peace negotiations while establishing framework conditions for the peace process. The agreement emphasized maintaining democratic values, the republican system, and constitutional order while calling for an immediate ceasefire and direct negotiations with the Taliban. The resolution also outlined specific requirements for protecting women's rights, preserving achievements of the past two decades, and ensuring the peace process remained transparent and inclusive.

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<b>Agreement document</b>	<a href="#">AF_200819_Resolution of the Asad 1399 Consultative Peace Loya Jirga (opens in new tab)</a>   <a href="#">Download PDF</a>
<b>Source of document</b>	<a href="https://www.afghanistan-analysts.org/en/reports/war-and-peace/kabul-opens-door-for-peace-talks-the-results-of-the-loya-jirga-on-prisoners-and-peace/">https://www.afghanistan-analysts.org/en/reports/war-and-peace/kabul-opens-door-for-peace-talks-the-results-of-the-loya-jirga-on-prisoners-and-peace/</a>

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**Groups**

<b>Children/youth</b>	No specific mention.
<b>Disabled persons</b>	No specific mention.
<b>Elderly/age</b>	No specific mention.
<b>Migrant workers</b>	No specific mention.

<b>Racial/ethnic/ national group</b>	Groups→Racial/ethnic/national group→Substantive 12. During peace negotiations, the principles of democracy and the republican system (jamhuriyat) as well as the fundamental rights of the citizens of the country, especially ethnic, religious [dini and mazhabi] minorities, which are enshrined in chapter two of the constitution and its other articles should not be compromised at all.
<b>Religious groups</b>	Groups→Religious groups→Substantive 12. During peace negotiations, the principles of democracy and the republican system (jamhuriyat) as well as the fundamental rights of the citizens of the country, especially ethnic, religious [dini and mazhabi] minorities, which are enshrined in chapter two of the constitution and its other articles should not be compromised at all.
<b>Indigenous people</b>	No specific mention.
<b>Other groups</b>	No specific mention.
<b>Refugees/displaced persons</b>	No specific mention.
<b>Social class</b>	No specific mention.

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## Gender

<b>Women, girls and gender</b>	We, the 3,400 members of the Consultative Peace Loya Jirga, including both women and men representing 23 different classes of society from 34 provinces, came together in the capital of the country. 13. The Consultative Peace Loya Jirga emphasises that the country's women, who represent half of society, should enjoy legal and political status and should have a constructive role and participation in all phases of the peace process. 20. The government of the Islamic Republic of Afghanistan is obliged to present specific guidance in the light of national interests and to take necessary action to further improve and strengthen the negotiation team and to strengthen women's presence in all phases of the peace process
<b>Men and boys</b>	No specific mention.
<b>LGBTI</b>	No specific mention.
<b>Family</b>	No specific mention.

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## **State definition**

**Nature of state (general)** 12. During peace negotiations, the principles of democracy and the republican system (jamhuriyat) as well as the fundamental rights of the citizens of the country, especially ethnic, religious [dini and mazhabi] minorities, which are enshrined in chapter two of the constitution and its other articles should not be compromised at all.

**State configuration** No specific mention.

**Self determination** No specific mention.

**Referendum** No specific mention.

**State symbols** No specific mention.

**Independence/ secession** No specific mention.

**Accession/ unification** No specific mention.

**Border delimitation** No specific mention.

**Cross-border provision** No specific mention.

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## **Governance**

**Political institutions (new or reformed)** No specific mention.

**Elections** No specific mention.

**Electoral commission** No specific mention.

**Political parties reform** No specific mention.

**Civil society**

We, the 3,400 members of the Consultative Peace Loya Jirga, including both women and men representing 23 different classes of society from 34 provinces, came together in the capital of the country.

15. The Loya Jirga members recommend that the principle of national participation be observed in the formation of the High Council for National Reconciliation and national figures, political leaders, respected ulema, tribal elders, women, youths, civil society and other strata of society be included in its composition.

At the same time, the Jirga members request that all countries and international organisations deliver on their commitments and continue their assistance and cooperation throughout the negotiations process and after a peace agreement has been reached at.

24. The Loya Jirga members announce their complete preparedness for providing any necessary advice and cooperation during the peace process and the government [should] make full use of the advice and capacities of the Loya Jirga members for ensuring the continuation of the discussion on peace, which is one of its [the government's] priorities.

25. Since the Jirga members have provided specific and detailed recommendations on various issues, which are useful for future action by the government, these recommendations [should] be sent to the president as an attachment to this resolution so that relevant institutions [can] be instructed in this regard

**Traditional/  
religious leaders**

Acknowledging that the Loya Jirga is deemed to be the highest manifestation of the people's will for consultation on issues of supreme interest to our country, and that our dear country's history show that the people of Afghanistan, at critical junctures, have referred to their collective wisdom through historical loya jirgas for the purpose of maintaining territorial integrity, national sovereignty and the taking of important and most appropriate decisions.

The Consultative Peace Loya Jirga, based on the consultations of its members during their working committees, presents the following recommendations to the government of the Islamic Republic of Afghanistan, the Taleban, Islamic countries and the international community:

1. The Loya Jirga members welcome and support the peace process in achieving an enduring and dignified peace that will result in security and stability throughout the country.

11. Islamic values, the role of the ulema, basic government institutions, democracy and the achievements of the people of Afghanistan [made] in the last two decades should be preserved and strengthened

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**Public administration** No specific mention.

**Constitution** Governance→Constitution→Constitution affirmation/renewal  
12. During peace negotiations, the principles of democracy and the republican system (jamhuriyat) as well as the fundamental rights of the citizens of the country, especially ethnic, religious [dini and mazhabi] minorities, which are enshrined in chapter two of the constitution and its other articles should not be compromised at all.  
14. The Consultative Loya Jirga members believe that the constitution is the national document and should be preserved.  
But in case of need, amendments to the constitution are possible [only] through the mechanism provided for in [the constitution] itself.

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**Power sharing**

**Political power sharing** No specific mention.

**Territorial power sharing** No specific mention.

**Economic power sharing** No specific mention.

**Military power sharing** No specific mention.

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**Human rights and equality**

**Human rights/RoL general** No specific mention.

**Bill of rights/similar** No specific mention.

**Treaty incorporation** No specific mention.

**Civil and political rights** No specific mention.

**Socio-economic rights** No specific mention.

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## **Rights related issues**

<b>Citizenship</b>	No specific mention.
<b>Democracy</b>	11. Islamic values, the role of the ulema, basic government institutions, democracy and the achievements of the people of Afghanistan [made] in the last two decades should be preserved and strengthened 12. During peace negotiations, the principles of democracy and the republican system (jamhuriyat) as well as the fundamental rights of the citizens of the country, especially ethnic, religious [dini and mazhabi] minorities, which are enshrined in chapter two of the constitution and its other articles should not be compromised at all.
<b>Detention procedures</b>	No specific mention.
<b>Media and communication</b>	Rights related issues→Media and communication→Other 16. The Jirga emphasises the transparency of the peace process and expects the High Council for National Reconciliation and the negotiation team to provide information to the people of Afghanistan on a timely basis regarding any developments within the process.
<b>Mobility/access</b>	No specific mention.
<b>Protection measures</b>	No specific mention.
<b>Other</b>	No specific mention.

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## **Rights institutions**

<b>NHRI</b>	No specific mention.
<b>Regional or international human rights institutions</b>	No specific mention.

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## **Justice sector reform**

<b>Criminal justice and emergency law</b>	No specific mention.
<b>State of emergency provisions</b>	No specific mention.
<b>Judiciary and courts</b>	No specific mention.

**Prisons and detention** No specific mention.

**Traditional Laws** 8. The haq ul-abd [victims' rights] of those released by the Taleban shall be reserved in case of demand.  
11. Islamic values, the role of the ulema, basic government institutions, democracy and the achievements of the people of Afghanistan [made] in the last two decades should be preserved and strengthened

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**Socio-economic reconstruction**

**Development or socio-economic reconstruction** Socio-economic reconstruction→Development or socio-economic reconstruction→Infrastructure and reconstruction  
18. The Jirga stresses that in the course of negotiations with the Taleban, understanding [should] be reached on a clear mechanism to provide social order, security of installations and infrastructure and [broader] stability in the country to dispel people's concerns.

**National economic plan** No specific mention.

**Natural resources** No specific mention.

**International funds** No specific mention.

**Business** No specific mention.

**Taxation** No specific mention.

**Banks** No specific mention.

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**Land, property and environment**

**Land reform/rights** No specific mention.

**Pastoralist/nomadism rights** No specific mention.

**Cultural heritage** No specific mention.

**Environment** No specific mention.

**Water or riparian rights or access** No specific mention.



**Security sector**

<b>Security Guarantees</b>	18. The Jirga stresses that in the course of negotiations with the Taleban, understanding [should] be reached on a clear mechanism to provide social order, security of installations and infrastructure and [broader] stability in the country to dispel people's concerns.
<b>Ceasefire</b>	Security sector→Ceasefire→General commitments 5. The Jirga calls for an immediate and lasting ceasefire throughout the country and calls on the international community, especially the US, to deliver on their commitments to the people of Afghanistan in this regard. 10. While peace efforts are underway, the Loya Jirga members call on the government and the Taleban to cease armed violence and to resolve all disputes through talks.
<b>Police</b>	No specific mention.
<b>Armed forces</b>	17. The country's security and defence forces, as the guardians of national sovereignty and territorial integrity, should be supported and strengthened. 19. In order to pay tribute to the country's security and defence forces, which are the pride of the people, it is recommended that the government commute the remaining prison terms of those among the country's security and defence forces convicted of crimes [the amnesty of which is] under the authority of the president, with the exception of treason.
<b>DDR</b>	No specific mention.
<b>Intelligence services</b>	No specific mention.
<b>Parastatal/rebel and opposition group forces</b>	We did so in order to present our consultations/advice regarding the release of 400 Taleban prisoners and to determine the framework for peace negotiations with the Taleban. 7. Considering that the government releases the Taleban prisoners, the Jirga also calls on the Taleban to fulfil their obligation to release all civilian and military captives of the government and release them immediately. In addition, those convicted on mere charges of [having had] relations with the Taleban should [also] be included in a [presidential] decree about an amnesty.
<b>Withdrawal of foreign forces</b>	No specific mention.
<b>Corruption</b>	No specific mention.
<b>Crime/organised crime</b>	No specific mention.
<b>Drugs</b>	No specific mention.
<b>Terrorism</b>	9. We request the international community to prevent any interference by countries directly or indirectly involved in destabilising the country or supporting terrorist groups.

## **Transitional justice**

**Transitional justice general** No specific mention.

**Amnesty/pardon** No specific mention.

**Courts** No specific mention.

**Mechanism** No specific mention.

**Prisoner release** We did so in order to present our consultations/advice regarding the release of 400 Taleban prisoners and to determine the framework for peace negotiations with the Taleban.

2. The Jirga approves the release of 400 prisoners demanded by the Taleban in order to remove any obstacles so that peace negotiations can begin, to stop the bloodshed and observe the public interest.

3. If there are foreign nationals among these prisoners, they should be handed to their respective countries upon securing credible guarantees from them [for the ex-prisoners].

4. It [should] be ensured that upon the release of these prisoners, direct negotiations start immediately, without any excuses

6. The people and government of the Islamic Republic of Afghanistan [must] be assured that the prisoners who are released do not return to the battlefield and that their activities be monitored.

7. Considering that the government releases the Taleban prisoners, the Jirga also calls on the Taleban to fulfil their obligation to release all civilian and military captives of the government and release them immediately.

8. The haq ul-abd [victims' rights] of those released by the Taleban shall be reserved in case of demand.

**Vetting** No specific mention.

**Victims** 8. The haq ul-abd [victims' rights] of those released by the Taleban shall be reserved in case of demand.

Meanwhile, the heirs of martyrs of security institutions and victims of terrorist incidents [should] be better looked after.

**Missing persons** No specific mention.

**Reparations** No specific mention.

**Reconciliation** No specific mention.

**Implementation**

**UN signatory** No specific mention.

**Other international signatory** No specific mention.

**Referendum for agreement** No specific mention.

**International mission/force/similar** No specific mention.

**Enforcement mechanism** No specific mention.

