

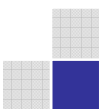


2011

Traditional Loya Jirga

Traditional Loya Jirga - Advisory Declaration

19th November 2011



Policy Deputy Directorate

Traditional Loya Jirgas Declaration

16-19 November 2011

Loya Jirga Convention Hall

Kabul - Afghanistan

Afghanistan is the cradle of Jirgas; Jirgas at different historical epoch of times have played a crucial and decisive role for the people of Afghanistan.

Peace is a sacred goal and a basic need for our people and the rest of the world. We, the people of Afghanistan believe that securing peace, enduring stability and developing Afghanistan can be only achieved through mutual understanding and acceptance of each other.

On the other hand, we are also aware of the fact that bringing peace needs constant struggle to combat factors such as terrorism which challenges stability and peace. Similarly, building infrastructure, rule of law and economical and social development require continuous efforts.

In this regard, Afghanistan needs joint efforts – regional and international collaboration in different sectors. To mention we can refer to some of the strategic cooperation such as: the strategic partnership agreement between the Islamic Republic of Afghanistan and Indian Republic which already has been endorsed, NATO long term commitment, European Union strategic relations agreement on economic cooperation, strategic cooperation agreement with France, declaration of long-term strategic partnership with the Royal British Government and negotiations for proclaiming a strategic cooperation document with Australia.

In order to get the opinion of the people, understanding peoples' demands towards ratifying the strategic cooperation with different countries, especially the strategic cooperation with the United States of America and agreement on an efficient and accepted mechanism for peace

process and talks with the armed oppositions, the Traditional Loya Jirga was invited in Kabul city. The Traditional Loya Jirga which started on 16th of November and ended on the 19th of November 2011, is one of the major Jirgas throughout the contemporary history of the country, where more than two thousand people from different layers of the society participated in sixteen categories and after a thorough dialogue and deliberation in forty working committees on the issues under discussions in the Jirga, the Jirga members, with a general consensus, have approved the following advisory declaration:

In the political sphere:

With the emphasis on the needs to preserve the achievements of the past ten years, respect the Afghanistan constitution, women rights, freedom of speech, and by taking into consideration the prevailing situation in the region, strategic cooperation with the United States of America, who is a strategic ally of the people and system of Afghanistan, is considered important; in order to ensure political, economic and military security of the country. Signing the strategic cooperation document with the United States of America is in conformity with the national interest of Afghanistan and it is of a significant importance, since by signing the strategic cooperation document, the political and military security of Afghanistan will be guaranteed in the region.

The Jirga members proposed that Afghanistan should consider the following fundamentals in all discussions, particularly in the framework of strategic negotiation with the United States of America:

1. All religious sanctities, culture and customs of the Afghan people should be respected without any shortcomings;
2. Respect Afghanistan's sovereignty and independence and present clear assurance in case of violation;
3. Respect and comply with the Afghan laws;
4. Afghanistan must be upgraded from the advantages of the seventh chapter of the United Nations Charter to the chapter six of the mentioned Charter;

5. The strategic cooperation document should be prepared in three languages (Pashto, Dari and English) and should begin with the statement: "بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ";
6. Military night operations that are conducted by the U.S. forces, should be immediately Afghanized;
7. All operations should be led by the Afghan security forces. American forces should restraint themselves from any arbitrary military operations without coordination with the Afghan security forces and respect the sovereignty of the country;
8. Foreign forces should not be allowed to search residential houses. If necessary, any kind of house-search should be only done by the Afghan security forces, and this process should be fully Afghanized;
9. After signing the strategic cooperation document, the enforcement of the strategic cooperation should take place as soon as possible;
10. In case of signing the strategic partnership document, specific information and agreements that will guarantee its implementation must be in place;
11. United States of America should commit to end all parallel structures to that of the Islamic Republic of Afghanistan, and assist Formal Governmental Institutions in performing their assigned tasks and responsibilities;
12. Jirga members are against the permanent presence of America in Afghanistan. However, until the Afghan Government is in a status to independently defend its territory, there are no problems with the presence of the foreign military forces. Therefore, any type of strategic partnership document that is signed with the United States of America, should be temporary and end within the next ten years;
13. America is must not intervene in the affaires related to the national assembly, political and judicial affairs of Afghanistan, or have prisons in Afghanistan. Therefore, the responsibility of all American prisons in Afghanistan, with all prisoners, should be handed over to the Afghan government as soon as possible;
14. As long as this strategic partnership document is valid, the United States of America must supply and provide all weaponry needs of the Afghan security forces and equip them with modern facilities and equipments, including Air and Land Forces;

15. United States of America must take immediate actions in rehabilitating, training, arming and equipping the Afghan Air Forces;
16. In case the weaponry and equipment needs of the Afghan Security Forces were not met, the Afghan Government should take appropriate actions after analyzing the situation;
17. The strategic partnership document shall be valid after the consultation with and ratification of the National Assembly;
18. In order to ensure the implementation of the strategic partnership, the signed document should be registered with the United Nations. The UN must also guarantee timely implementation of the United States of America's commitments;
19. When signing this document Afghanistan and America must be considered as two sovereign and equal countries, taking into consideration the common principles and Inter-governmental relations;
20. In this document it must be emphasized that, in case of attack or invasion from any country on Afghanistan, the United States will stand alongside Afghanistan;
21. The United States of America should support Afghan citizens; especially Afghan refugees living abroad and in cases of problems, United States of America should put pressure on the host countries;
22. The United States should guarantee that Afghanistan will not become a sphere of the political competitions;
23. The United States of America must guarantee that they will cooperate in the Afghan Peace Process, and their strategic partnership will also cover and strengthen issues related to peace process;
24. The strategic partnership document must be thoroughly studied, analyzed and evaluated by experts;
25. The strategic partnership document must be for ten years, however, it should be extendable after the completion of this period;
26. Afghanistan and the United States of America must have equal rights in terminating this agreement;

27. United States of America must cooperate with Afghanistan in discussions and conflicts over water;
28. By signing this document, all agreements and documents that were agreed upon during the Interim Government, Transitional Government and during the first era of the Elected Government must be terminated; and
29. The strategic partnership agreement, in case signed, will not be affected due to the changes in the political system in either of the two countries.

In Defense and Security Areas:

By the end of 2014, the transition process of security and defense responsibilities from Internationals to the Afghan security forces will be completed. Hence, the continuation of security cooperation from the influential countries of the world should be based on needs of Afghanistan. Realizing the fact that the security and stability of our country is still vulnerable due to internal and external threats, the strategic partnership between Afghanistan and the United States of America is of a special importance. Therefore, the Afghan people expect the support of the US in building capacities in the sectors of defense and security, with more focus on the following areas:

30. Based on the request of the Afghan people, the United States of America must help Afghanistan in deterring foreign invasions on time, in accordance with the accepted international norms;
31. American citizens, in case of committing crimes on Afghan territories must not have immunity (judicial immunity) and must be trailed and judged according to the Afghan Laws;
32. The American Forces must live under the Afghan Flag at their military facilities, and must respect the Afghan Constitution;
33. No military operations will take place from Afghan territories against any other country, except in the cases of war against terror. The United States of America must respect this principle and guarantee its implementation based on reliable grounds;

34. The United States of America must provide the conditions that will enable Afghanistan to protect its borders effectively;
35. The United States of America must bring considerable changes in their anti-terrorism and counter-narcotics strategies, and must target and demolish terrorists' nests and bases;
36. Strategic partnership documents must be in the form of a treaty, not a declaration or anything less than a treaty;
37. Acknowledging the fact that the United States of America and the International Community have helped develop, support, and equip the Afghan security forces so far, the Jirga members request that in supporting, equipping and arming Afghan security forces with modern equipments and provision of trainings, the United States' commitment must continue in an organized and scheduled framework;
38. Regarding security assistance of the United States of America to Afghanistan and the recruit of our military facilities by the US forces, now and after 2014, the Government of Afghanistan must consider all fundamental principles of international relations. Moreover, the number and variety of the military bases that the US wants to have in Afghanistan, should be determined from now;
39. In case of Agreement, the US military facilities and soldiers must be located completely outside the cities, far from the residential neighborhoods, mines and other natural resources;
40. It is preferred that these facilities be located near Afghan borders;
41. The United States is not allowed to use these Facilities in supporting the Afghan Government opposition;
42. Regarding compensations arising from the American Forces Facilities on private properties, clear instructions must be prepared and operationalized;
43. The United States, in return to using these facilities, is obliged to provide adequate budget, on yearly basis, that will be spent on capacity building, reconstruction, support of the national security forces and several other sectors such as education, health, power plants, extraction of underground resources and agricultural development;

In Economic and Social Development Sectors:

Considering the support of the international community in economic development and self-sufficiency of the Islamic Republic of Afghanistan, our people expect the United States of America to cooperate in the following economic and social development areas:

44. In relation to financial and monetary aid from the United States, there must be clear and scheduled commitments;
45. Most of the aid money must be spent through the Afghan National Budget, based on identified priorities;
46. Extra attention should be given to build the infrastructure of Afghanistan;
47. In order to enhance the Afghan economy, emphasis should be placed on trade development and attracting foreign investment;
48. Considering the critical geographical position of Afghanistan - as a conjunction between central Asia, South Asia and the Middle East, extra attention should be given to develop capacities in the areas of trade and transit;
49. Considering that Afghanistan is a rich country in terms of natural resources and acknowledging that mining has a major role in the country's economic stability, the United States of America should cooperate in persuading and attracting investments and build required capacities for the transparent extraction of mines in a way that the people of Afghanistan take the most advantage out of it;
50. The United States of America must cooperate in providing loans to the private sector;
51. The United States of America must seriously refrain to use or store atomic, chemical and biological weapons in Afghanistan, and must prevent dumping or burying atomic wastes inside Afghanistan, and cooperate with Afghan government in protection of the environment;
52. The United States of America must help Afghanistan with the growth and development of industries in a tangible way;
53. The United State's cooperation must increase in the health sector; and

54. United States of America must have specific commitments in relation to preparing and providing educational scholarships in various fields of higher education.

Peace process and return to peaceful life

55. As establishing peace is commanded by God and Afghanistan urgently needs peace, we emphasize on its continuation. However, considering previous year's experience we request changes in the peace process. Peace process should be inclusive and the Government of Afghanistan should take specific measures in all dimensions of the process, including this Jirgas recommendations;
56. The declaration of the National Consultative Peace Jirga, which consisted of sixteen articles and was a result of a three-day representatives' discussions, is once again confirmed and it is recommended that serious steps should be taken in its implementation. It is understood that continuous efforts are required to succeed in national programs. With changes in the conditions, there must be also changes in our techniques, however, the government should not change or link its policies according to the daily events, rather it should take action to correct the deficiencies;
57. The unexpected assassination of the former President of Afghanistan, His Excellency Professor Burhanuddin Rabbani, the Chairman of the High Peace Council and leader of the Afghan Jihad was a serious blow to the peace process. Whilst we are condemning and denouncing this un-Islamic action, we want the High Peace Council to follow his way and policies for which he lost his life and to stop the government enemies from vandalizing the peace process and creating disunity among Afghan nation, which is one of their main targets. We also recommend that in order to improve the public relations with the Government, the Government should remove the gap that currently exists between the people and the State, which is too, one of the factors leading our people to join the terrorists groups;
58. The Jirga members request the Islamic Republic of Pakistan to accept the Afghan delegation sent to investigate the assassination of Ustad Burhanudin Rabbani, and help them find out the truth;

59. In case the delegation fails, the international community is requested to assign a high level delegation to do a thorough investigation of the issue;
60. Jirga members want the international community to cooperate in the Afghan Peace Process and pressure the Islamic Republic of Pakistan and Islamic Republic of Iran to limit the functional opportunities for terrorist networks;
61. The Afghan government must take fundamental steps in identifying and limiting the factors that lead our fellow citizens to join different armed opposition groups;
62. Considering that at the moment, Masjids are the strongest tools used by the oppositions against the Government of Afghanistan, the Government must support spreading positive propaganda through these institutions;
63. The government must provide high level religious education facilities inside the country so that the children of Afghanistan, in order to seek religious studies, do not feel the need to go out of the country and become the victims of terrorism;
64. Successful implementation of any policy is dependant on strong, wise and committed leadership. Therefore, we request H.E. the President of Islamic Republic of Afghanistan to appoint someone propitious, experienced and religious who will be able to acquire the trust and confidence of all parties, as the Chief of High Peace Council. At the same time, it is necessary that the structure and number of members of the High Peace Council be reviewed and effectiveness and commitment be considered in the new structure;
65. In High Peace Council, its sub-structures and other government entities, one person should not be assigned with many key responsibilities;
66. High Peace Council Budget, its sources of financing and methods of expenditure and accountability must be reviewed;
67. Negotiations with the leaders of armed oppositions should take place from a strong position and be based on comprehensive analysis of the current situation, its realities, political environment and security of the region. Mobilization of public and government partnership, and attaining honest support and cooperation of the countries in the region and the world will make Afghanistan reach the target;

68. We, the members of the Traditional Loya Jirga, considering the latest events, we assume that the following points are critical in developing the new Peace Policy and recommend that:

- a. Friend, opposition and enemy should be defined explicitly so that the new Peace process can be implemented in that framework;
- b. Negotiations should only take place with those oppositions who have a valid Afghan citizenship, their current address is known and who are seeking political solutions to the nation's problems as a legitimate political movement;
- c. It is known to everyone that opposition leaders mostly reside in the Islamic Republic of Pakistan, and they are in close contact with certain circles. In order to ensure peace and stability in Afghanistan, Pakistan's honest and sustainable cooperation with our nation is an inevitable necessity. Expectations of the Jirga members from Pakistan is to change its approach towards Afghanistan and instead of creating insecurities, that has plagued their own country as well, should put its efforts in resolving these problems;
- d. The door to peace should be open to those armed oppositions and their leaders who are willing to cease violence and return to a peaceful life. Extra care should be taken to avoid the repetition of the past bitter experiences and the identity of the enemies who join the process in the name of joining peace, should be carefully distinguished. Additionally, safety and security of those who honestly join the peace process, must be assured and problems of those who are vulnerable to the criminal acts of the terrorists should be addressed appropriately and in time;
- e. Extra attention should be given to provinces, districts and villages so that people get a sense of ownership and trust. Peace process should be implemented parallel to the Transition process, good governance and development at the national level. The existing shortcomings in the working methods of the Provincial Peace Committees should be reviewed and resolved and at the same time, civilian and military authorities should provide their comprehensive support to these committees.

- Similarly, security and safety problems of the community elders, scholars and peace activists, who have constantly been attacked by the terrorists, should be addressed;
- f. To continuously review and study the peace process, a Center for Peace Studies should be established, and also an International Peace Conference should be held in one of the Islamic countries through which the Islamic scholars communicate the message of peace and declare the Fitwas about the illegality of war;
 - g. Poverty places a major challenge on ensuring security in the rural areas and villages of the country. The Government of Afghanistan should address this problem through provision of employment opportunities and education facilities.
69. The Government, in cooperation with the High Peace Council and all relevant institutions including Masjids, religious institutions, civil society and cultural institutions should take serious actions to promote the peace culture so that people have a clear understanding of the connection between the Transition Process, Peace Process, Regional and International Cooperation and the Strategic Partnership between the Afghan Government and the United States of America and other countries and so that they can actively and fearlessly participate in the peace process;
70. We emphasize that the peace process should be led by Afghans. While we appreciate the support of the international community, we request for their cooperation and support for this process to remain continuous. We, particularly, request for support and cooperation of the countries in the region and the Islamic countries,. Meanwhile, we request the international community to avoid any parallel activities to the ones of the Afghans and activities without proper consultation with the Government of Afghanistan or High Peace Council, fearing that it will create intelligence games;
71. We request all the neighboring countries and the ones in the region to stop competing in order to gain influence in Afghanistan through destabilizing the country. Instead, we request them to honestly and sincerely help Afghanistan overcome the problems due to the three decades of war. Stability in Afghanistan will result in stability in the region;
72. We, members of the Jirga, request the oppositions and their leaders, wherever they are, to treat the Afghan nation with responsibility. This is the time that the platform for

negotiations is there, and we could solve the problem without further bloodshed of thousands of innocent people. Afghans should not be the means for others to achieve their goals in our country, and put the national interests and lives of Afghans in danger. Those who choose to continue killing innocent people, irrespective of ordinance of God Almighty and wishes of the Afghan nation, will be held accountable and responsible for their actions;

73. We also recommend that those government authorities who are involved in the local instability in many ways and who try to destroy the system behind the scenes should be fired from their positions so that order and stability is ensured in the country;
74. The Afghan Government should hold serious negotiations with the Government of Pakistan in order to resolve security problems quickly and efficiently and ensure peace and stability in Afghanistan and in the entire region;
75. The United States of America should avoid secret negotiations with the Taliban leaders and oppositions of the Afghan Government; and
76. We request the authorities of the Preparation Commission Secretariat for holding the Traditional Loya Jirga to present all the recommendations of the working committees of the Jirga to the Government of Afghanistan and High Peace Council so that they can take appropriate measures in the light of these recommendations.

