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## Navigating Negotiations in Afghanistan

### Summary

- There are reasons for skepticism about government-insurgent talks, especially as both sides are known for abusive, unjust and discriminatory policies. However, given the constraints of counterinsurgency, obstacles to an anticipated security transition, and the threat of worsening conflict, the potential for negotiations should be explored.
- Field research indicates that the coalition's military surge is intensifying the conflict, and compounding enmity and mistrust between the parties. It is therefore reducing the prospects of negotiations, which require confidence-building measures that should be incremental, structured and reciprocal.
- Strategies should be developed to deal with powerful spoilers, on all sides, that may try to disrupt the process. The form of pre-talks, and the effectiveness of mediators and "track two" interlocutors, will be critical.
- Pakistan provides assistance to, and has significant influence over, the Taliban. Talks require Pakistan's support, but giving its officials excessive influence over the process could trigger opposition within Afghanistan and countermeasures from regional states. The perceived threat from India is driving Pakistan's geostrategic policies, thus concerted efforts are required to improve Pakistan-India relations.
- Negotiations could lead to a power-sharing agreement, but implementation would be highly challenging, especially due to multifarious factional and other power struggles. An agreement could also involve constitutional or legislative changes that curtail fundamental civil and political rights, especially those of women and girls.
- Genuine reconciliation efforts are required to build better relations between hostile groups. For legitimacy and viability, any settlement must be both inclusive and just: it should therefore seek to reflect the aspirations of all elements of Afghanistan's diverse society. It should also seek to address underlying causes of the conflict, especially the abuse of power.

“Any agreement is unlikely to achieve long-term stability unless it addresses some of the fundamental causes of the conflict: especially the abuse of power, and predatory and exclusionary politics.”

### Reconciliation and Negotiations

The intensification of the conflict in Afghanistan has been accompanied by increased consideration of the potential for "reconciliation" with insurgents. Some policymakers see this as inducing high-level insurgent defections ("reintegration plus") and thus weakening and dividing the enemy, or as cutting deals with them to facilitate foreign forces' departure (arguably, "negotiations lite").

Some see it as a process to reach an inclusive political settlement, which requires negotiating with representatives of the insurgent movement. But, is this feasible or desirable?

## Why Not Negotiate?

- The insurgents are fragmented, have demonstrated little interest in negotiations, and most apparently believe that they will ultimately prevail. There are so many potential domestic or regional spoilers that negotiations are highly unlikely to succeed and, even so, insurgents could renege on the terms of an agreement, which may be impossible to enforce.
- The former Taliban regime was oppressive, abusive and discriminatory; negotiating could lead to major concessions on fundamental civil and political rights. It could lead to even further denial of the rights of women and girls, especially regarding the rights to work, education and personal liberty, which had been systematically violated under the former regime.
- An agreement that is perceived to empower the Taliban could exacerbate factional and ethnic tensions, and even provoke armed opposition.
- A deal with insurgents could violate the demands of national justice and international law. Insurgents have committed atrocities against Afghan civilians, having killed more than 4,000 since January 2007. Many are guilty of crimes against humanity and should be held accountable.

These are compelling arguments against negotiations, but powerful arguments in favor must also be considered.

## Why Negotiate?

- Afghans have been through three decades of war, instability or disorder; more than 2,500 civilians were killed in the conflict last year alone. There is widespread yearning for peace that might be achieved by negotiations.
- Pragmatic insurgent leaders realize the limits of their ambitions, and they are interested in negotiations. Some Pakistani officials fear an alliance between the Afghan and Pakistani Taliban, and may therefore back a broad-based settlement. Islamic states and international organizations could underwrite the agreement.
- Counterinsurgency is not succeeding, Afghan forces are weak and international forces are looking to withdraw. The alternative to a negotiated, power-sharing settlement may be a major expansion of Taliban-held territory, and potentially a new civil war.
- A continuation and possible intensification of the current conflict could be even more deleterious for human rights—especially those of women and girls—than a negotiated peace. A settlement might even eventually improve Taliban, and possibly government, accountability to the population.

Assessing the risks and opportunities of negotiations, and anticipating implications, is acutely difficult. That said, the major flaws and constraints of the current approach suggest that the potential for negotiations should at least be explored. Moreover, an increasing number of Western policymakers see the current course as politically and financially unsustainable, and the idea of talks is widely supported by the Afghan population. Therefore, conditions conducive to negotiations, and the steps to support the process, must be considered.

## What Conditions Could Facilitate Talks?

Many Western officials believe that the coalition needs to apply heavy military pressure to achieve a “position of strength” before negotiating. However, the “ripeness theory” of negotiations suggests that the best conditions for negotiations are when both sides believe they are in a “mutually hurt-

ing stalemate” in which neither thinks it can escalate to victory or a significantly stronger position.<sup>1</sup> Though conditions in Afghanistan could be categorized as stalemate, each side is escalating its operations. While some escalations can facilitate negotiations, they can also increase violence and enmity—as appears to be happening in Afghanistan—which make talks less likely.

## What Steps Could Support Talks?

Field research on the insurgency suggests that the biggest immediate obstacle to talks is mistrust: the insurgents do not believe that the Afghan government and the West are serious about negotiations. A number of steps are being taken to help build confidence between the parties: removal of Taliban figures from the United Nations blacklist; releasing certain insurgent detainees; and offering amnesty to those who “reconcile.”

But comparative cases suggest that the value of such confidence-building steps depends on whether they are part of a structured dialogue and are reciprocal. If too much is conceded too quickly, it could provoke a backlash. Most Afghans, for example, do not support an amnesty for those who have committed the most egregious crimes.

Such a dialogue, sometimes known as “pre-talks,” has not yet been initiated, and will be necessary for negotiations to succeed. Although they may be conducted secretly, pre-talks would require coherent, international backing, supplemented by controlled public statements. A single official should be authorized to speak on behalf of the international community with respect to reconciliation and a negotiations roadmap could be agreed with the Afghan government, setting out key stages and objectives of the process. A respected individual, preferably a Muslim, should be appointed to represent the international community in undisclosed, exploratory talks.

Talks will require effective mediators to facilitate communications, build trust, propose solutions, and use leverage. Comparative cases suggest that a partial mediator can sometimes be advantageous. While insurgents view the United Nations as biased towards the U.S., one option could be mediation efforts conducted by the U.N. in conjunction with a Muslim country, such as Turkey, the Organization of the Islamic Conference (OIC), or the Conference on Interaction and Confidence Building Measures in Asia (CICA).

Unofficial “track two” talks may also be required to precede or supplement this process and help to move the parties away from a zero-sum, to a problem-solving approach. Key individuals, such as *ulema* (religious scholars) in Pakistan who are respected by Taliban leaders, could be influential.

## What Could Undermine Negotiations?

Even if confidence-building measures are effective, unrealistic preconditions could block negotiations. This applies to Taliban demands for the total withdrawal of foreign troops, and international demands for insurgents to accept the Afghan constitution and lay down their weapons.

Comparative research shows that negotiations could be undermined by spoilers and hostile neighbors. Certain groups or factions perceive negotiations as a threat to their influence, and within ethnic minorities there is concern about discrimination and marginalization, which they experienced under the former Taliban regime. Elements of these groups may therefore seek to impede or disrupt talks unless they are sufficiently involved in the process and provided with guarantees.

Some strongmen inside or linked to the government see a resolution of the conflict as threatening opportunities for graft or profit-making. Extremist or fundamentalist groups within the insurgency would regard negotiations as a betrayal of their jihadist cause, as might ordinary foot

soldiers. Because some of these groups or individuals could seek to subvert negotiations, strategies will be required to ensure they are marginalized or contained.

Parts of the Pakistan military and intelligence services have been providing the Afghan Taliban with sanctuary and substantial support. Largely due to its rivalry with India, they seek to secure significant influence in Afghanistan, and see the Taliban as an instrument for achieving this. Given its influence over the insurgents, negotiations could not succeed without Pakistan's support. Pakistan must therefore be involved in the process, but if that involvement is excessive other countries such as India, Russia and Iran—who are concerned about their regional influence after NATO's eventual withdrawal—may take countermeasures. The process must therefore include a dialogue with regional powers and seek to accommodate their legitimate geopolitical interests. It could potentially be reinforced by improvements in India-Pakistan relations; modifications to, or a diminution in, India's presence in Afghanistan; and a commitment from Afghanistan to geopolitical nonalignment.

## What Would a Settlement Involve?

A settlement is likely to involve a degree of power-sharing—whether at national or local level. Given the enmity between government and insurgent figures, along with multifarious factional and other national and local power struggles, any agreement will be extremely difficult to implement. Credible external guarantees would be required to underwrite and support any agreement, as suggested by theorists.<sup>2</sup>

An agreement would presumably involve stipulations regarding the withdrawal of foreign forces. This would need to be managed and mutually agreed upon, together with interim security measures, to ensure that it did not precipitate renewed conflict.

Some form of commitment would be required from insurgents that they will not harbor extremist groups that could threaten foreign countries. Field research suggests that links between the Taliban and al-Qaida are limited, and this commitment may therefore be feasible. However, certain insurgent groups, such as the Haqqani network, are closely linked to al-Qaida, and there are questions about how any commitment could be monitored or enforced.

Any settlement would need to accommodate widespread insurgent demands for *Sharia*, which, in their eyes, is a broad, multidimensional concept. They may seek measures to curb corruption and enforce certain criminal laws, which would be largely supported by ordinary Afghans and the international community.

They may seek constitutional amendments to increase the role of the *ulema* in state affairs and the application of strict social conventions. They may also seek more severe punishments for criminals, and a further curtailment of fundamental civil and political rights, and the rights and freedoms of women. Some of these objectives, which may or may not be acknowledged in an agreement, are likely to be perceived as undesirable, unjust or extreme, and thus opposed by parts of Afghan society and the international community.

Any settlement is unlikely to achieve long-term stability unless it addresses some of the fundamental causes of the conflict: especially the abuse of power, and predatory and exclusionary politics. It would require efforts to promote genuine reconciliation in Afghanistan's fractured and factionalized society. Moreover, any changes to Afghanistan's constitution, laws or conventions require the support of the Afghan people—it is they who have to live with the outcome. Without this, the legitimacy and therefore the viability of any settlement would be in doubt.

## ABOUT THIS BRIEF

This brief is based on six months of field research conducted by Matt Waldman in Afghanistan for a forthcoming USIP report on the drivers of the insurgency and the risks, feasibility and implications of negotiations. The research was facilitated by Afghanistan Analysts Network, and funded by the USIP Grant Program and the Canadian Global Peace and Security Fund. Mr. Waldman was formerly a fellow at Harvard University and Oxfam's Head of Policy in Afghanistan from 2006-2009. He was advised on the project by Thomas Ruttig, co-director of Afghanistan Analysts Network. The author's conclusions and recommendations are his own.



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## Recommendations

With regard to negotiations, the Afghan government and international community should:

- Approach negotiations with caution, given the significant risks, and not assume an escalation of military operations will be conducive to talks.
- Ensure international coherence; modify unrealistic preconditions; develop a roadmap for talks; seek the involvement of reliable, effective mediators; engage in direct or indirect talks with insurgent leaders.
- Develop and support confidence-building measures such as delisting or releasing insurgents, offering amnesty, or de-escalating hostilities, but ensure they are controlled, incremental and reciprocal; consider prospective mechanisms of accountability.
- Persist in efforts to improve governance or build effective security forces; the outcome of negotiations is uncertain and a rush to negotiate might bolster the insurgents' determination to win.
- Support "track two" talks, and reinforce the process with local and national measures to improve relations between hostile groups.
- Develop strategies to integrate, marginalize or contain potential spoilers.
- Seek to obtain Pakistan's support for negotiations, but ensure its influence is not excessive; initiate bilateral dialogues with regional powers in order to identify and accommodate their legitimate geopolitical interests; seek to improve India-Pakistan relations incrementally, and address issues of contention.
- Anticipate some form of power-sharing, which will need external guarantors.
- Develop realistic red lines on human rights, especially affecting women and girls; ensure any agreement seeks to address underlying causes of the conflict, especially the abuse of power.
- Ensure legitimate representatives of Afghanistan's various ethnic, social, political and interest groups are included in negotiations; commit to a long-term, arduous process.

## Endnotes

1. See works by William Zartman.
2. See works by Barbara Walter, Caroline Hartzell and Matthew Hoddie.