TALKING ABOUT TALKS: TOWARD A POLITICAL SETTLEMENT IN AFGHANISTAN

Asia Report N°221 – 26 March 2012

International Crisis Group
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EXECUTIVE SUMMARY AND RECOMMENDATIONS

A negotiated political settlement is a desirable outcome to the conflict in Afghanistan, but current talks with the Taliban are unlikely to result in a sustainable peace. There is a risk that negotiations under present conditions could further destabilise the country and region. Debilitated by internal political divisions and external pressures, the Karzai government is poorly positioned to cut a deal with leaders of the insurgency. Afghanistan's security forces are ill-prepared to handle the power vacuum that will occur following the exit of international troops. As political competition heats up within the country in the run-up to NATO's withdrawal of combat forces at the end of 2014, the differing priorities and preferences of the parties to the conflict – from the Afghan government to the Taliban leadership to key regional and wider international actors – will further undermine the prospects of peace. To avoid another civil war, a major course correction is needed that results in the appointment of a UN-mandated mediation team and the adoption of a more realistic approach to resolution of the conflict.

No matter how much the U.S. and its NATO allies want to leave Afghanistan, it is unlikely that a Washington-brokered power-sharing agreement will hold long enough to ensure that the achievements of the last decade are not reversed. A lasting peace accord will ultimately require far more structured negotiations, under the imprimatur of the UN, than are presently being pursued. The Security Council should mandate Secretary-General Ban Ki-moon to appoint a small team of mutually agreeable mediators as soon as possible to ensure that critical stakeholders are fully consulted and will remain engaged in the negotiations process. The unequivocal commitment of the Security Council, which includes among its members Pakistan (through December 2013), will be vital to this endeavour. Consultations on preparations for the appointment and organisation of the team and the appointment of an individual to lead it should begin immediately with the aim of having the team in place well before the security transition is completed.

So far there is little evidence that any of the parties to the conflict recognise the urgency of the situation. Instead of a sequenced roadmap that would prioritise domestic reconciliation and include basic political reforms, accompanied by a multilateral mediation effort, the Afghan government and its international backers have adopted a market-bazaar approach to negotiations. Bargains are being cut with any and all comers, regardless of their political relevance or ability to influence outcomes. Far from being Afghan-led, the negotiating agenda has been dominated by Washington's desire to obtain a decent interval between the planned U.S. troop drawdown and the possibility of another bloody chapter in the conflict. The material effect of international support for negotiations so far has been to increase the incentives for spoilers, who include insurgents, government officials and war profiteers of all backgrounds and who now recognise that the international community's most urgent priority is to exit Afghanistan with or without a settlement.

The government's efforts to start negotiations have been both half-hearted and haphazard. Amid fundamental disagreements over the very meaning of reconciliation, the process appears focused on political accommodation with a phalanx of unsavoury powerbrokers. The rhetorical clamour over talks about talks has led to desperate and dangerous moves on the part of the government to bring purported leaders from the three main insurgent groups – the Taliban, Hizb-e Islami and the Haqqani network – to the negotiating table. This state of confusion has stoked fears among ethnic minorities, civil society and women that the aim of Karzai's reconciliation policy is primarily to shore up his constituency among conservative Pashtun elites at the expense of hard-fought protections for Afghan citizens. A thorough reassessment of Karzai's national reconciliation policy, the role of the High Peace Council and the Afghanistan Peace and Reintegration Program (APRP) is urgently needed. The program has faced staunch resistance from local security officials mistrustful of participants' motives, and its impact has been minimal at best.

The Afghan government must include all relevant domestic stakeholders in the negotiation process rather than the current amalgam of warlords. A small team of designated negotiators with demonstrated expertise in national and

international affairs should be selected to shape the agenda. The government's negotiating team should reflect the country's diversity – linguistically, ethnically, religiously and otherwise – and should include representatives from the Afghanistan Independent Human Rights Commission (AIHRC) and the National Security Council (NSC). The inclusion of members of the political opposition – conservatives and progressives alike – will be crucial to the team's success. Kabul should also ensure that a settlement is fully inclusive and protective of all citizens' rights. Greater transparency in the conduct of negotiations and more vigorous public outreach to the political opposition, ethnic minorities, women and a wide range of civil society actors will be critical in winning back the confidence of citizens in the negotiation process.

Confidence-building measures should not be limited to simply winning over Taliban support for negotiations but rather focus on ensuring the broadest buy-in for a settlement. Any deal that appears to give preferential treatment to the Taliban is likely to spark a significant backlash from the Northern Alliance, Hizb-e Islami and other major factions. A deal that aims at simply appeasing the Taliban could also lead to defections within government institutions, particularly the security forces. As dramatised by the widespread violence prompted by the burning of several copies of the Quran at the military base in Bagram in February 2012, all indicators point to a fragile political order that could rapidly disintegrate into a more virulent civil war, if the Afghan government and international community are unable to arrive at a more sustainable approach to settlement that moves beyond carving up the spoils of government.

External actors can act as either spoilers or facilitators of any internal negotiation process. While the negotiation process must be Afghan-led, any settlement would need substantial assistance from a neutral third party. The UN, aided by input from regional and other bodies such as the Organisation of Islamic Cooperation (OIC), has a crucial role to play. The UN Secretary-General should use his good offices to expand consultations with Kabul and key regional and extra-regional players, particularly the U.S., Pakistan and Iran, on the formal appointment of a mutually acceptable panel of mediators who are internationally recognised and respected for their knowledge of both international and Islamic law and regional political realities.

In the coming years, the government is likely to face even greater challenges to its legitimacy, as regional and global rivalries play out in its backyard. Ultimately, the success of any settlement will depend on Kabul's ability to set the negotiating agenda and ensure broad participation in what will certainly be a lengthy multi-step process, as well as on the insurgency's capacity to engage in a dialogue that focuses as much on political settlement as on security concerns. Ensuring that the next presidential election, at the end of Karzai's term in 2014, results in the peaceful transfer of power will be critical. Any attempt to extend his term would trigger an irreversible constitutional crisis and widen the appeal of armed resistance. No later than May 2013 – a year before the election is constitutionally mandated – the parliament must amend the constitution to clarify the rules of succession and define in detail the parameters of presidential authority, from the opening of the campaign to certification of polling results. Electoral reform must also be undertaken within the coming year in order to prevent another clash over the authority of the Independent Election Commission (IEC) and guarantee maximum participation in the polling process.

Constitutional reform is also essential to build support for a sustainable settlement. The current political system is fundamentally out of step with the diverse nature of Afghan society and at odds with the need to reconcile improved governance with local self-determination and broad access to the levers of power and justice. Imbalances among the executive, legislature and judiciary and the need for devolution of power from Kabul to the provinces must be addressed. Change of this sort cannot be implemented under the impetus of any single, decisive conference. A half-baked power-sharing arrangement between the ruling government and elements of the insurgency through a one-off consultative Loya Jirga (Grand Council) or under the aegis of yet another U.S.-led and externally manufactured international gathering will never adequately address the current anomalies in the constitution.

RECOMMENDATIONS

To work toward creation of a fully inclusive, transparent negotiation process that respects the country's diversity and is protective of the rights of all citizens

To the President and Parliament of Afghanistan:

1. Conduct a thorough reassessment of the Afghanistan Peace and Reintegration Program (APRP) and initiate reform of the High Peace Council; ensure that the monitoring and evaluation team publishes in Dari and Pashto every quarter a report on program, joint secretariat and council activities that includes a thorough assessment of expenditures as well as policy and implementation challenges. Consider discontinuing the APRP program if, by the end of its funding cycle in 2015, participation remains low and insecurity high in areas where the program has had historically low buy-in.

2. Appoint a small negotiating team with the aim of building trust between the parties and fostering a structured, sustained dialogue. Members of the government team should be drawn from the National Security Council, Afghanistan Independent Human Rights Commission and Afghan civil society and include women, ethnic minorities, civil servants experienced in local governance and economic issues and jurists with demonstrated expertise in international and Islamic law. Input on nominees should be sought from relevant branches of the executive as well as from parliament. Relatives of sitting office holders and individuals with active links to armed factions should not be considered.
3. Conduct greater public outreach on government plans for reconciliation to ensure that a broad spectrum of citizens contribute to shaping the negotiating agenda; consider supporting a nine- to twelve-month program of nationally supported television and radio programs focused on seeking public input to the peace process, as well as providing support for structured community dialogues to take place at the local level.
4. Conduct domestic consultations on planning for a constitutional convention to take place upon the signature of an internationally-guaranteed accord; devise a plan to hold a national referendum on constitutional reforms recommended under the aegis of the constitutional convention.

To recommit to Afghanistan's territorial integrity and principles of non-interference, make explicit support for an Afghan-led negotiation process and coalesce behind one UN-organised mechanism for engaging Afghan partners in that process

To the members of the UN Security Council, regional partners and major donor countries:

5. Use the remaining time before completion of the NATO withdrawal at the end of 2014 to:
   a) work with the UN to identify a mediation team that can effectively engage the Afghan state, insurgent leaders, regional actors and the international community;
   b) conduct consultations with relevant governmental bodies on engaging in negotiations under the rubric of a UN-mandated facilitation effort; and
   c) apply restraint in the initial phase of negotiations to ensure buy-in to the process by the Afghan government, political opposition and insurgent groups.
6. Give more vigorous support to regionally-backed cooperative arrangements by holding consultations on the design and architecture of a consultative mechanism that includes regional actors (Afghanistan, Pakistan, Iran, India and bordering Central Asian states) and other external players, eg, NATO, Russia, China and the U.S.
7. Adopt a Security Council resolution mandating the Secretary-General to appoint a team to be responsible for designing a multi-stage mediation process and undertaking consultations on the negotiating agenda with the leading parties to the conflict well before the completion of the security transition; the negotiating team should be under the direct guidance and management of the Secretary-General but should liaise with and draw on the resources and capacities of UNAMA to advance a coordinated negotiation process.
8. Conduct a thorough assessment of the Afghanistan Peace and Reintegration Program to determine specific benchmarks for continued financial contributions to it, including improvements in vetting, monitoring and oversight; consider defunding the program at the end of its life-cycle in 2015 if no demonstrable progress is made in these areas, and an internationally-backed political settlement that includes a robust plan for reintegrating and rehabilitating insurgent force has not been reached.

To the UN Secretary-General:

9. Initiate consultations with Afghan government leaders on the role of the UN following NATO withdrawal; seek counsel particularly from the permanent members of the Security Council and key regional actors, especially Pakistan and Iran, about the design of a UN mediation team, led by a designated envoy, to facilitate negotiations.
10. Appoint a mediation team composed of internationally-respected diplomats, scholars and jurists to facilitate the negotiations process by no later than March 2013; members should include a balanced mix of men and women and should be recognised for their demonstrated experience and expertise not least in regional politics. The team should consist of five to seven individuals under the chairmanship of a designated envoy selected by the Secretary-General.
11. Empower and resource the UN team to mediate negotiation of an agenda that addresses economic, legal and political concerns of the leading parties to the conflict and arrives at a political settlement that includes:
    a) a constitutional reform exercise;
    b) mechanisms for monitoring and enforcing implementation of the accord and for regular assessments of those mechanisms; and

c) solid financial and political guarantees from key international players that resources for monitoring and enforcement will be available for a minimum of five years following signature of the accord.

To advance electoral reform so that the Afghan government enjoys a stronger democratic base and consequent legitimacy

To the President and Parliament of Afghanistan:

12. Repeal the February 2010 presidential decree on elections; initiate consultations on electoral reform within the legislature with a view to adopting reforms to the electoral law that: give the lower house a measure of approval over the appointment of the Independent Elections Commission and the Electoral Complaints Commission, while clarifying the roles and responsibilities of both bodies; mandate an overhaul of the voter registry; and take such critical first steps as mapping and delimiting local constituencies based on population data regularly gathered by the Central Statistics Office.
13. Adopt a constitutional amendment that clarifies the rules of presidential succession so that the provisions for interim governance are strengthened in the event that the president is incapacitated and/or compelled to resign and ensures that elections for his/her replacement can be held freely and fairly; amend the electoral calendar for the presidency, parliament and provincial councils to better reflect geographic challenges and other limitations.

To the members of the UN Security Council, regional partners and major donor countries:

14. Prioritise discussion of electoral reforms for the international conference in Tokyo in July 2012 and negotiate an agreement from the Afghan government to address problems with the electoral calendar before May 2013.
15. Condition aid for future Afghan elections on the repeal of the February 2010 presidential decree on the electoral law, rationalisation of the electoral calendar and an overhaul of the voter registry, to include a redrawing of electoral constituencies to make them more responsive to present-day demographics and geographic divisions.

Kabul/Brussels, 26 March 2012

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I. INTRODUCTION

Efforts to reach a political settlement in Afghanistan stand little chance of success in the face of an internal crisis of governance, deep-seated political divisions, deteriorating security and widely differing interests and priorities of influential outside actors.[1] While the U.S. and its NATO allies would, at the very least, want the framework of a political settlement with all or most of the three main insurgent groups, including the Taliban, in place well before their planned withdrawal of combat forces from Afghanistan by December 2014,[2] the two key regional players, Pakistan and Iran, remain suspicious of U.S. motives.

Pakistan's politically dominant military seems confident that its Afghan proxies are on the way to victory. Iran has adopted a hedging strategy that entails investment in both the Taliban and its traditional allies in the Northern Alliance. Both countries perceive a politically weak Afghanistan as their best insurance against external incursions. Several countries with a stake in the region – India, Russia, China and the Central Asian republics in particular – fear that the U.S.-NATO drawdown will precipitate a destabilising return of the Taliban or, perhaps even more troubling, result in Afghanistan's next civil war. Under these circumstances, an agenda for reconciliation driven strictly and unilaterally by external actors is unlikely to deliver a durable peace.

Under such conditions, President Hamid Karzai's government would have limited capacity to deliver on its offers of security and political inclusion for reconciled insurgents. While crafting a durable set of regional accords is important, it is far more essential to prioritise meaningful domestic reconciliation. Brokering ad hoc deals with individual or small groups of insurgents is not the way to go. A poorly planned and hastily implemented national reconciliation process is more likely to fuel rather than resolve conflict in Afghanistan. Broad participation and buy-in is required.

Although the Karzai government should undoubtedly take the lead in any negotiations with insurgents, it appears incapable of articulating and implementing a vision of a political settlement that is acceptable to its political opposition, let alone armed insurgent groups. The challenges to the process are multiple, including heightened violence, ethnic tensions and deep fissures within the government itself.[3] The appointment of a small team of negotiators who reflect Afghanistan's ethnic, political and social diversity, and who are fully empowered to sit at the table with representatives of the international community would, therefore, be critical to the overall effort.

While tens of millions have been spent in support of building a bureaucracy for the peace process under the rubric of the presidentially mandated Afghanistan Peace and Reintegration Program (APRP) and the presidentially appointed High Council for Peace (HPC), crucial questions pertaining to amnesties, legal redress, restoration of rights

[1] Crisis Group has assessed the impact of factionalism and ethnic dynamics on Afghan institutions and the state's political structure in detail since 2001. See, Crisis Group Asia Briefings N°117, *Afghanistan's Elections Stalemate*, 23 February 2011; N°115, *Afghanistan: Exit vs. Engagement*, 28 November 2010; and Asia Reports N°207, *The Insurgency in Afghanistan's Heartland*, 27 June 2011; N°195, *Reforming Afghanistan's Broken Judiciary*, 17 November 2010; N°190, *A Force in Fragments: Reconstituting the Afghan National Army*, 12 May 2010; N°171, *Afghanistan's Election Challenges*, 24 June 2009; N°158; Taliban Propaganda: Winning the War of Words?, 24 June 2008; N°138, *Reforming Afghanistan's Police*, 30 August 2007; and N°123, *Countering Afghanistan's Insurgency: No Quick Fixes*, 2 November 2006.

[2] Following a January 2012 announcement by President Nicolas Sarkozy that France planned to end its combat mission in the Kapisa province, Secretary of Defense Leon Panetta said Washington was also considering an accelerated drawdown plan that would transition U.S. troops "from a combat role to a training, advise and assist role". Robert Burns, "Panetta: Afghanistan combat to end in 2013", Associated Press, 1 February 2012; Craig Whitlock, Karen DeYoung, "U.S., NATO will seek to end Afghan combat mission next year", *The Washington Post*, 2 February 2012.

[3] UNAMA documented 3,021 civilian casualties in 2011 – an 8 per cent increase over 2010, making it the deadliest year since the Taliban's ouster, with the insurgents responsible for most (2,332) civilian deaths, up 14 per cent from 2010. "Afghanistan: Annual Report 2011: Protection of Civilians", UNAMA, 2 February 2012.

and political reintegration have been left unaddressed. The end result is a policy that is based on appeasing some of the most destructive elements of Afghan society and a process that the government lacks the political will and capacity to see through. The resulting political vacuum has been reinforced by the pervasive abuse of key government security actors, most notably armed units linked to the Afghan Local Police (ALP) program, which in many areas of the country has become a repository for nominally reconciled ex-combatants that bolsters the authority of local powerbrokers.[4]

The government's reconciliation program is foundering in the wake of increased violence and targeted assassinations of leading political personalities.[5] The collapse of its putative peace process following the killing of former Afghan President and High Peace Council Chairman Burhanuddin Rabbani on 20 September 2011 underscores the increased potential for a deepening of the conflict upon withdrawal of U.S. and NATO forces. Non-Pashtuns allied with Northern Alliance powerbrokers are consequently girding for what they expect will be a long and bloody confrontation with Pashtuns in the south and east who, for lack of any legitimate government alternative, have allied themselves with the insurgency.

The limits of the current approach to negotiations with insurgent leaders in the Taliban, Hizb-e Islami and the Haqqani network, the three main armed opposition groups, have been amply demonstrated.[6] For the last two years, the presidential palace has been engaged in a desperate rearguard action to maintain its monopoly on domestic power in the face of deep domestic discontent. It is a given that as the constitutional limits of Karzai's term as president and withdrawal of international forces draw nearer, both the Afghan government and the U.S. will have less leverage in their negotiations with the Taliban and Pakistan, the primary supporter of the Afghan insurgency. Negotiations are unlikely in the near term to result in a comprehensive settlement.

The Pakistan military's support for the insurgency remains strong, undermining efforts to contain widening pockets of anti-government resistance in the south and east of Afghanistan. Frictions among members of the Taliban's Quetta Shura (council) leadership over the movement's longstanding dependence on the Pakistan military's intelligence arm, the Inter-Services Intelligence directorate (ISI) for guidance and support, have reportedly increased, and there are signs of fragmentation among rank-and-file insurgents.[7] Yet, the absence of a coherent roadmap for negotiations limits opportunities to exploit these divisions, and Pakistan's military still retains much of its control over the insurgent leadership, most notably over the Haqqani network.[8]

As yet, there are few incentives for insurgent leaders to break ranks with the Pakistani military, which is well positioned to marginalise or even eliminate perceived defectors. Moreover, for the Haqqani network, in particular, maintaining links with the ISI and al-Qaeda, the network's strongest external sources of support, remains a strategic imperative.[9] Unless the Pakistani military believes that the costs, domestic and external, of supporting the Afghan insurgency outweigh the gains, it is unlikely to take any significant action to eliminate cross-border safe havens in the near term.

Pakistani hardliners presently consider that the benefits of their current policy far outweigh the costs; they interpret the ambiguous U.S. post-2014 strategy for Afghanistan as admission of defeat and victory for their Afghan proxies. This contributes greatly to Kabul's lack of progress in talks with the insurgents. With increased doubts about the sustainability of the counter-insurgency campaign initiated in 2009 under former ISAF commanders Stanley McChrys-

[4] For detailed analysis of the proliferation of armed groups and the government's Afghan Local Police program, see "Just Don't Call It a Militia: Impunity, Militias, and the 'Afghan Local Police'", Human Rights Watch, September 2011.

[5] Assassinations by the insurgents of high-profile personalities affiliated with the government increased significantly in 2011. Notable attacks targeted General Mohammad Daoud Daoud, commander of the 303 Pamir Corps and chief of police for Regional Command North, killed in Takhar province on 28 May 2011; Ahmad Wali Karzai, the president's brother and chairman of the Kandahar provincial council, killed in Kandahar on 12 July 2011; Jan Mohammad Khan, former governor of Uruzgan and senior presidential adviser, killed in Kabul on 17 July 2011; Ghulam Haider Hamidi, mayor of Kandahar City and close associate of the Karzai family, killed in Kandahar on 29 July 2011; Burhanuddin Rabbani, former president, chairman of the High Peace Council and head of the Jamiat-e Islami party, killed in Kabul on 20 September 2011.

[6] Although the Afghan insurgency is deeply fragmented, it is generally considered to consist of three main groups: the Taliban, led by Mullah Omar's Quetta Shura in Pakistan, Hizb-e Islami, headed by former Afghan Prime Minister Gulbuddin Hekmatyar, and the Haqqani network, ostensibly allied with the Quetta Shura but under the direction of Sirajuddin Haqqani and his Miramshah, Pakistan-based council. The Taliban are believed to be the largest of the three. See also Crisis Group Report, *The Insurgency in Afghanistan's Heartland*, op. cit.

[7] Crisis Group interviews, May 2011 to December 2012, Kabul, New York and London.

[8] Statement of Admiral Michael Mullen, Chairman, Joint Chiefs of Staff, before the Senate Armed Services Committee on Afghanistan and Iraq, 22 September 2011.

[9] See Don Rassler, Vahid Brown, "The Haqqani Nexus and the Evolution of al-Qaida", Harmony Program; Combating Terrorism Center at West Point, 14 July 2011.

tal and David Petraeus,[10] the pendulum appears to have swung toward a more aggressive, but potentially costly counter-terrorism campaign involving use of U.S. Special Forces and Afghan militias against insurgent targets within Afghanistan and drone attacks against Afghan insurgents, their Pakistani allies and transnational terrorist networks in Pakistan's tribal borderlands. While U.S. officials tout this changed strategy and claim that the surge in U.S. troops has reversed the insurgency's momentum, there is strong evidence to suggest that even as the Taliban have lost ground in some areas of the south, they have picked up their pace in the east, centre and north.[11]

While the anticipated drawdown of U.S. and NATO troops by the end of 2014 will further reduce U.S. leverage on the insurgency, a decade of military operations has made the U.S. a full party to the conflict. It cannot act as the lead facilitator of negotiations and should not attempt to dominate the process. Its credibility as a third-party guarantor has been substantially undermined by deteriorating relations with Pakistan and Iran and support of an Afghan government widely perceived as corrupt. To ensure regional acceptance of a negotiation process, such efforts should be led by the UN, which should create a regional consultative mechanism to bring important players, including Pakistan, Iran, India and Russia onboard. Competing interests among external actors and political fragmentation among Afghan stakeholders necessitate a neutral forum and focal point for the bargaining process that can serve both as mediator and guarantor. The time leading up to NATO's end-of-2014 withdrawal should be used to create a mediation body acceptable to the Afghan state, its neighbours, key extra-regional actors and leaders of the armed insurgency.

The 2 November 2011 International Contact Group conference on Afghanistan in Istanbul was meant to address the need for an internationally-supported mechanism to facilitate negotiation of the conflict's regional aspects.[12] Pledges made to refrain from interference in Afghan affairs, to cooperate on regional security and economic issues and to assist Afghanistan in its stabilisation efforts were positive.[13] But the Istanbul process has thus far fallen far short of expectations, eliciting lukewarm responses from key players such as Pakistan, Iran and Russia. Unless a concerted effort is made to draw-up a roadmap and to agree on the structure of an international mediation body and regional consultative mechanism, it will likely prove to be another in what has already been a lost decade of unenforceable accords.

Incoherence among Western actors and Iran and Pakistan's competing interests have stoked anxieties among a number of states, including India, Russia and the Central Asian republics, over the potential for a new civil war in Afghanistan that will be far more virulent than the one that was fought in the 1990s after the Soviet withdrawal and could eventually destabilise the entire region.[14] This could result in these countries adopting hedging strategies involving reinvestment in clientelist approaches to different Afghan factions. Mistrust between Washington and its two most critical interlocutors in the region – the Kabul political elite and the Pakistani military – not to mention growing tensions with Tehran – have further clouded the prospects for successful negotiations with the insurgents

Although the U.S. has initiated contact with the Taliban,[15] Mullah Mohammad Omar's Quetta Shura has shown no desire to cease violence before foreign troops are withdrawn.[16] Taliban members involved in talks in Qatar have publicly rejected U.S. calls for direct engagement with the Afghan government as "pointless", and on 15 March 2012 said they were breaking off contacts with the U.S. as a result of American mishandling of the negotiations process.[17]

U.S. and other international officials have repeatedly acknowledged the shortcomings in their tactics but show little interest in recalibrating their approach, relying instead on a problematic strategy of "fight, talk, build".[18] In

[10] McChrystal was forced to resign as commander of ISAF and U.S. forces in July 2010. Petraeus, who replaced him in August 2010, was appointed director of the U.S. Central Intelligence Agency (CIA) in September 2011.

[11] "Letter dated 21 December 2010 from the Secretary-General [of the North Atlantic Treaty Organisation] addressed to the President of the Security Council", 29 December 2010, p. 5.

[12] Delegates from around a dozen countries, including Afghanistan, Pakistan, Iran, India, China and the U.S., as well as international organisations, attended the Istanbul conference, which resulted in a declaration in support of the "Istanbul Process on Regional Security and Cooperation for a Secure and Stable Afghanistan".

[13] The statement of principles issued at Istanbul, ibid, reaffirmed support for non-interference in Afghan affairs as outlined in the 2002 "Declaration of Good Neighbourly Relations".

[14] Crisis Group interviews, Indian officials, New Delhi, 11-12 July 2011.

[15] Crisis Group interviews, senior U.S. officials, Washington DC and Kabul, May-October 2011.

[16] The Taliban have repeatedly released statements from Mullah Omar saying the group will not negotiate while foreign troops are in the country. In a statement released on a Taliban website, http://alemarah-iea.net/, on 6 July 2011, the Taliban denounced reports of talks with U.S. officials as "baseless" and "categorically" rejected entering negotiations. At the same time, negotiations to open an office in Qatar were apparently underway, suggesting possible leadership differences over negotiations.

[17] "Declaration of the Islamic Emirate [of Afghanistan] about the suspension of dialogue with the Americans", 15 March 2012.

[18] U.S. Secretary of State Hillary Rodham Clinton first made reference to the "fight, talk, build" strategy in October 2011;

the wake of Osama bin Laden's death in Pakistan in May 2011, there are stronger indications that the Pakistan-based Taliban leadership and the Haqqani network, view their links with al-Qaeda as critical to strengthening their position at the negotiating table.[19] The insurgency's continued reliance on the Pakistani military and links with surviving elements of al-Qaeda, therefore, raise serious questions about the political import and, indeed, relevance of the handful of recently reconciled individual Taliban figures who are currently involved in efforts to broker a deal with the Karzai government. By all accounts, including theirs, this small cadre does not appear to be fully empowered to steer the insurgency toward a sustainable peace.[20]

Questions also remain as to the political value of a proposed power-sharing arrangement with Hizb-e Islami, the insurgent faction headed by former Prime Minister Gulbuddin Hekmatyar. Given that a substantial number of Hizb-e Islami members have already joined the Afghan government, there is no indication that a deal with that faction would substantially improve security or stability in the country. Rivalries within its political wing and ambivalence over Hekmatyar's continued leadership also suggest a lack of unity on routes to a deal.[21] The Afghan government and the international community must, therefore, be wary of policies that encourage factional favouritism and cautious in their negotiations with all insurgent factions, including Hizb-e Islami.

This report assesses the current approach to negotiations, explores possible alternative routes toward a political settlement in Afghanistan and underscores that any negotiation process that is not Afghan-led and fails to incorporate all Afghan stakeholders will likely fail. It also highlights the need for substantial and enduring international support if Afghanistan is to remain stable beyond 2014.

Examining past and present attempts to negotiate a settlement, from the Geneva Accords to the present, the report is based on field research conducted between June 2011 and early 2012 in Kabul, Lashkar Gah, Jalalabad, Mazar-e Sharif, New Delhi, Islamabad, Bonn, London, New York and Washington, and draws as well on published research by prominent regional experts. In general, the names of those believed to be directly involved in the negotiation process only appear in cases where they have either been publicly identified and verified by multiple sources or have agreed to be named in interviews with Crisis Group.[22]

see: "Secretary of State Hillary Rodham Clinton, Testimony Before the House Foreign Affairs Committee", Washington DC, 27 October 2011.

[19] Crisis Group interviews, former Taliban officials, Kabul, March-August 2011.

[20] Crisis Group interviews, former Taliban officials, Kabul, March-August 2011.

[21] Crisis Group interviews, Hizb-e Islami party officials, Kabul, June-October 2011.

[22] Due to the sensitivity of the information shared, the majority of those interviewed for this report requested anonymity.

II. A HISTORY OF FAILURE

For 35 years, Afghanistan has been shaped by repeated failures to negotiate a sustainable political settlement. Each stage of the conflict, starting with the violent coup against Prime Minister Sardar Mohammad Daoud Khan in 1978, has been capped by government programs to reconcile parties to the conflict. In each case, the attempt to broker a peace has suffered from intrinsic design flaws and lack of adequate support from the international community that has allowed external actors to undermine it. The root of these repeated failures lies primarily in confusion over the elements of reconciliation and disagreement over the desired end-state of a negotiated settlement. The successive rise and fall of Afghan governments – Daoud's, the Soviet-backed People's Democratic Party of Afghanistan (PDPA), the mujahidin under Rabbani and the Taliban – also provided little room for manoeuvre, let alone sufficient time to carve out lasting compromises on the political and constitutional contours of the state.

The international community meanwhile, has opted either for selective support – political and military – to chosen factions or, as in the case of the Geneva process in the 1980s, formal agreements that left out provisions for monitoring, sanctions and enforcement. Questions of accountability and culpability for breaches of negotiated agreements, more often than not accompanied by repeated breaches of international law, were also left unaddressed. The result is an intractable conflict that continues to this day. The success of any future negotiated settlement will need to move beyond power-sharing arrangements and require well-articulated, enforceable guarantees that are supported by sustained, full-scale UN engagement and strong backing from influential international actors.

A. THE GENEVA ACCORDS

The quest for a negotiated political settlement to end hostilities in Afghanistan began in the early 1980s, within little more than eighteen months of the Soviet intervention in December 1979.[23] There was almost immediate recognition in Moscow that the decision to send troops to back the PDPA government was a costly mistake.[24] Even as Kabul initiated sweeping reforms ostensibly aimed at modernising the state in 1980 and 1981, a split emerged within the Soviet Politburo over the extent of the military engagement and whether and how to bring the conflict to an end. Soviet sceptics, however, were soon sidelined by events as the U.S. imposed sanctions and began increasing its covert support[25] to mujahidin fighters, with the aid of Pakistan, Saudi Arabia, China and wealthy private donors in the Gulf states.[26]

As the conflict escalated, UN Secretary-General Perez de Cuellar appointed Diego Cordovez, under secretary-general for special political affairs, as his personal representative to Afghanistan, authorised to establish an agenda for negotiations in 1981. These proceeded in fits and starts along two tracks from April 1982 until April 1988, when the Geneva Accords were signed. The first track focused on the roles of the U.S. and Soviet Union in the region, more specifically in Afghanistan. The second track was informal and focused on the structure and future orientation of a post-Soviet government.[27]

However, by September 1987, the Soviets delinked the issue of withdrawal from the shape of the future Afghan government and began bypassing the UN in favour of back-channel bilateral talks with the U.S.[28] The tempo was dictated primarily by the ebb and flow of relations between the superpowers, but the focus was always on a formula for withdrawing Soviet troops and eliminating covert U.S. support for the mujahidin.[29] Despite informal UN efforts to push parties to the conflict toward an agreement that also outlined the status of the government in Kabul following the withdrawal of foreign forces, the Afghan government essentially became a casualty of superpower politics and factional infighting among the seven main mujahidin parties.[30] As agreement on the timetable for Soviet with-

[23] The Soviet Union intervened militarily in December 1979, a move that resulted in the killing of then PDPA head Hafizullah Amin and his replacement by Babrak Karmal.

[24] Two prominent Soviet officials, Alexei Kosygin, the long-serving deputy premier, and Foreign Minister Andrei Gromyko openly opposed the decision to invade. Politburo member and later president Mikhail Gorbachev agreed with the dissenters. Diego Cordovez and Selig S. Harrison, *Out of Afghanistan: The Inside Story of the Soviet Withdrawal* (New York/Oxford 1995), pp. 36-37.

[25] In July 1979, U.S. President Jimmy Carter issued a presidential finding authorising covert aid to the anti-Soviet Afghan resistance, marking the first in a long series of efforts to increase military assistance to Afghan mujahidin groups.

[26] Barnett Rubin, *The Search for Peace in Afghanistan: From Buffer State to Failed State* (Oxford 1999), p. 39.

[27] For analysis of the Geneva Accords, see Roseanne Klass, "Afghanistan: The Accords", *Foreign Affairs*, summer 1988.

[28] Rubin, op. cit, p. 83.

[29] Cordovez and Harrison, op. cit., pp. 1-10.

[30] The seven main mujahidin parties were: Burhanuddin Rabbani's Jamiat-e Islami; Hizb-e Islami-Gulbuddin (led by Gulbuddin Hekmatyar); Hizb-e Islami-Khalis (led by Mawlawi Mohammad Younus Khalis); Abdu al-Rabb Al-Rasul Sayyaf's Ittihad-e Islami; Pir Sayed Ahmad Gailani's Mahaz-e Milli-yi Islami-yi Afghanistan; Sebghatullah Mujaddedi's Jabha-yi Najat-i Milli-yi Afghanistan; and Mohammad Nabi Mohammadi's Harakat-e Inqelab-e Islami Afghanistan. For details, see Crisis Group Asia Briefing N°39, *Political Parties in Afghanistan*, 2 June 2005.

drawal began to take shape, political tensions between the mujahidin factions also emerged.[31]

The 1988 Geneva Accords focused narrowly on three main issues: withdrawal of Soviet forces, cessation of aid to the Afghan mujahidin and the right of return for Afghan refugees. Conditions, timing and parameters were laid out in four instruments bilaterally agreed by Pakistan and Afghanistan and guaranteed by the U.S. and the Soviet Union.[32] In the first, Pakistan and Afghanistan agreed to refrain from interference in the other's affairs and to respect its "sovereignty, political independence, territorial integrity, national unity, security and non-alignment";[33] as well as to "refrain from the promotion, encouragement or support, direct or indirect, of rebellious or secessionist activities ... which seeks to disrupt the unity or to undermine or subvert the political order" of the other.[34]

The third instrument outlined the conditions for and facilitation of the return of Afghan refugees from Pakistan, assigning the UN High Commissioner for Refugees (UNHCR) an oversight role.[35] Further, "The Declaration of International Guarantees", loosely outlined the U.S.-Soviet agreement on withdrawal of foreign troops and a halt to assistance for their respective Afghan proxies. The fourth instrument, covering the timetable for the phased withdrawal of Soviet troops, called upon the Secretary-General to "lend his good offices" and "consider alleged violations and to work out prompt and mutually satisfactory solutions to questions that may arise in implementation of the accords".[36]

The accords included few specifics on the pace of withdrawal, and there was no direct mention of the Afghan armed opposition per se; nor was there any specific mention of what precisely constituted support for "rebellious or secessionist activities". The absence of an enforcement mechanism, however, was the most glaring omission. The only provision for oversight and enforcement was included in an unsigned annex that envisaged two small teams of UN observers would be stationed in Islamabad and Kabul to assist the regional UN representative, whose mandate was limited to referring alleged violations to the Secretary-General in New York in the event of alleged violations.[37]

Since the Babrak Karmal government was formally recognised by the UN, the Secretary-General and Cordovez felt constrained from including any language that would necessitate an international solution to Afghanistan's governance problems. The UN thus did not explicitly call for creation of a new government, falling back instead on "tacit" understandings on various aspects of governmental and constitutional change. With the UN mandate narrowed only to settling disputes over the timing and conditionality of Soviet withdrawal, Cordovez, and later other UN officials, were restricted from offering formal support for Afghan reconciliation efforts.[38]

Once the timetable for withdrawal appeared to be within reach after Gorbachev's 1988 announcement on the issue, the focus of negotiations shifted to maintaining symmetry in the reduction of U.S. aid to the seven mujahidin parties and of Soviet aid to the Najibullah regime. Two years after the accords were signed, Washington and Moscow moved toward agreement on the cessation of aid, endorsing the establishment of a UN-sponsored interim administration to govern the country while details of a national political settlement and post-Soviet government were worked out.[39] This was in effect blocked, however, by hawkish elements in the Soviet government.

In the end, the accords were signed as the Soviets raced for the exit, without substantial provisions for enforcing the regional grand bargain and with few ways to ensure the stability of a post-Soviet Afghan government. As a senior Afghan official put it, Geneva marked the beginning of the end for genuine reconciliation and the start of an endless cycle of bargains struck and broken: "Reconciliation is, in effect, the undone job of the 1980s. This was what was discussed at Geneva in the 1980s .... Nothing is new about the framework of reconciliation when it

[31] The Pakistan government insisted that mujahidin leaders should meet with Cordovez to discuss the shape of the future government in Kabul, but Hizb-e Islami leader Gulbuddin Hekmatyar, Abdu al-Rabb Al-Rasul Sayyaf, head of Ittehad-e Islami and Younous Khalis, Hekmatyar's main rival, rejected talks.

[32] The Geneva Accords are outlined in four instruments accompanied by declarations of international guarantees by the U.S. and Soviet Union: I. Bilateral Agreement Between the Republic of Afghanistan and the Islamic Republic of Pakistan on the Principles of Mutual Relations, In Particular on Non-Interference and Non-Intervention; II. Declaration of International Guarantees; III. Bilateral Agreement Between The Republic of Afghanistan and Pakistan on the Voluntary Return of Refugees; IV. Agreement on the Interrelationships for the Settlement of the Situation Relating to Afghanistan.

[33] Geneva Accords of 1988; Annex I, Article II, Sec. 1.

[34] Geneva Accords, Annex I, Agreement 1, Article II, Sec. 7.

[35] Geneva Accords, Annex III, Agreement 2, Article VI.

[36] Geneva Accords, Annex I, Agreement 3, Parts 5-7.

[37] With no mention of a scheme for redress, sanctions or right of appeal in the event of a breach, there was no counterweight in the accords to the provision that arguably permitted the U.S. to continue arming Afghan resistance fighters in the event of a Soviet failure to draw down its forces sufficiently or to meet the withdrawal timetable.

[38] Cordovez and Harrison, op. cit., pp. 73-88.

[39] Barnett R. Rubin, "Post-Cold War State Disintegration: The Failure of International Conflict Resolution in Afghanistan", *Journal of International Affairs*, vol. 46, 1993.

comes to involving the regional players. Afghanistan has been the graveyard of political solutions".[40]

B. Reconciliation under Najibullah

Endeavours to pacify the anti-Soviet mujahidin and to reach a political settlement in Kabul had occurred in tandem with the Geneva process, starting as early as 1980 under PDPA chief Babrak Karmal. As popular support for the anti-Soviet uprising gathered momentum, a group of Soviet advisers attempted to contact and engage select mujahidin commanders.[41] At first informally, then under the official imprimatur of the Soviet 40th Army Division, such contacts resulted in dozens of temporary ceasefires and the occasional co-option of whole groups of mujahidin fighters. Though primarily tactical in nature, these contacts were particularly crucial to efforts by KhAD (*Khidamat-e Ittila 'at-i-Dawlati)*, the Afghan intelligence service, to broker deals with influential tribal elders in border areas.[42] Those attempts were accompanied by a more programmatic approach following the grant of a general amnesty for "counter-revolutionaries" who agreed to stop fighting in July 1981 and the introduction earlier that year of the National Fatherland Front, an organisation aimed at co-opting the opposition.

Soviet officials pushed Karmal's successor, Dr Mohammad Najibullah Ahmadzai,[43] to offer the opposition a power-sharing deal that would have placed select mujahidin leaders in key government positions, including as defence, state security and finance ministers. Despite strong opposition within the party to a power-sharing arrangement and rising fears over the impact of the Soviet withdrawal, Najibullah, sought to codify his program with the introduction of the National Reconciliation Policy in February 1986. At the PDPA congress, a fourteen-point resolution was passed, calling for an end to hostilities and reunification across ethnic and tribal lines. It resulted in the appointment of a National Reconciliation Commission charged with implementing the program.[44]

KhAD used established links to negotiate formal protocols with mujahidin commanders and influential elders.[45] Their dimensions were as varied as the geographic areas and factions involved, but principle elements included ceasefire provisions and grants to commanders of a degree of local autonomy allowing some discretion in the imposition of taxes and land distribution.[46] These piecemeal, tactical accommodations were mainly aimed at extending the government's security perimeters in contested areas. However, as in the Panjshir Valley truce negotiated with Ahmad Shah Massoud's forces in 1984, more often than not gave mujahidin leaders crucial tactical breathing room to reconstitute after sustaining particularly heavy losses.[47]

The program reached the peak of its effectiveness in 1988-1989 with the notable example of negotiated protocols in southern Afghanistan under the direction of Brigadier General Nur ul-Haq Oloomi, a Kandahari and Durrani Pashtun with deep roots in the region. Through a combination of guarantees of autonomy and active recruitment in government-sponsored and salaried militias, Oloomi built considerable support among the mujahidin for the government.[48] By 1990, he was able to claim that nearly all the mujahidin commanders in his area had either expressly entered into deals with the government or were in the process of talking with PDPA authorities.[49] Similar successes were seen in other parts of the country, such as Helmand and Herat, albeit on a smaller scale.

Several factors contributed to the success of the National Reconciliation Policy, particularly after the announcement of the Soviet withdrawal, including the reversal of several aggressive reform programs and Kabul's intentions to broaden political autonomy at the provincial and district levels. One estimate put the number of participants as high as 50,000 mujahidin fighters in the program's first year.[50] Much of this momentum was lost, nonetheless, after the Soviet Union's collapse in 1991 and the cut-off of Moscow's aid. Morale in the Afghan armed forces reached an all-time low, and desertions peaked due to internal fissures over the reconciliation policy.[51] Moreover, although Moscow agreed to Najibullah's replacement by a UN-backed transitional administration, there was little consensus on disarmament and demobilisation, leaving vast stores of weapons in the hands of competing mujahidin

[40] Crisis Group interview, New York, 25 May 2011.
[41] See Antonio Giustozzi, *War, Politics and Society in Afghanistan, 1978-1992* (Washington DC, 2000), pp. 120-154.
[42] Ibid, pp. 126-127.
[43] Najibullah was director of KhAD before succeeding Karmal as PDPA Secretary General in May 1986.
[44] Bator Beg and Ali Payam, "Charting a Course for a Sustainable Peace: Linking Transitional Justice and Reconciliation in Afghanistan", *Afghanistan Watch*, May 2010, p. 12.
[45] Michael Semple, "Reconciliation in Afghanistan", U.S. Institute of Peace (USIP), 2009, pp. 16-17.
[46] Giustozzi, op. cit., pp. 163-173.
[47] Semple, op. cit., p. 17.
[48] Crisis Group interview, Nur ul-Haq Oloomi, member of parliament and head of Hizb-e Mutahed Milli (National Unity Party), Kabul, 18 May 2011.
[49] Giustozzi, op. cit., p. 182.
[50] Beg and Payam, op. cit., p. 13.
[51] Ibid, pp. 196-197.

parties.[52] Najibullah's government crumbled under these pressures, and he resigned in April 1992.[53]

C. The Price of Power-Sharing: The Mujahidin and the Taliban

International attempts to mediate the political settlement and transition to a post-Soviet government structure continued simultaneously, but to little effect. As superpower influence in the region steadily evaporated in the wake of the Soviet Union's collapse and gradual withdrawal of U.S. support, Afghanistan's political landscape further fragmented. Following the downfall of Najibullah's regime in 1992, mujahidin jockeyed for power in Kabul, with rival factions briefly accepting interim government arrangements codified in three Pakistan-brokered accords.[54]

Under the April 1992 Peshawar Accord, power was apportioned between the Jamiat-e Islami and other mujahidin factions, with Sebghatullah Mojaddedi serving briefly as interim president of the 51-member Islamic Jihad Council before he was replaced by Rabbani. Hekmatyar was to be named prime minister, but having received the bulk of external support from the U.S., Pakistan and Saudi Arabia and reluctant to give up his quest for total power, rejected the offer, so the post went to Hizb-e Islami commander Ustad Abdul Farid. Other cabinet positions were divvied up along lines that paralleled the shadow government that had operated in Peshawar during the anti-Soviet jihad, with Ahmad Shah Massoud becoming defence minister. In August 1992, the Peshawar deal broke down, when Hekmatyar attempted to seize power and attacked Kabul, resulting in tens of thousand deaths.[55]

The 1993 Islamabad Accord resulted in a temporary rapprochement. The power-sharing deal envisioned a coalition government composed of the major mujahidin factions, with Rabbani as president and Hekmatyar prime minister. It soon collapsed, because of Hekmatyar's and Rabbani's rivalry. Frustrated by Hizb-e Islami's inability to capture or retain power, Pakistan shifted its support to Taliban forces, as they emerged in the southern provinces in 1994. Hekmatyar's forces crumbled under their pressure in 1995, and in May 1996, the Taliban ousted Massoud's fighters from Kabul, and most of the country soon fell into its hands.

In 1997, Rabbani and his Northern Alliance allies attempted to resurrect the coalition government in Mazar-e Sharif, with Rabbani continuing as president, Abdur Rahim Ghafoorzai[56] as prime minister, Massoud as defence minister, and General Abdul Malik Pahlawan, an ethnic Uzbek and rival of Uzbek strongman General Rashid Dostum, as foreign minister. The coalition, however, proved fragile, and attempts to broker a cessation of hostilities between the Northern Alliance and the Taliban repeatedly failed, including formal talks in Islamabad in the spring of 1998 sponsored by Pakistani Prime Minister Nawaz Sharif.[57]

With the civil war intensifying, the UN continued to push for agreement between the Taliban and the Northern Alliance through a series of special envoys appointed to lead the UN Special Mission to Afghanistan (UNSMA),[58] including Lakhdar Brahimi, former Algerian foreign minister,[59] tasked with mediating between the warring factions and, equally unsuccessfully, to create a grand regional framework for cooperation based on the "Six-plus-Two Group", Afghanistan's neighbours – China, Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan – the U.S. and Russia. While this culminated in the 1999 Tashkent Declaration, which reiterated the Geneva Accords' calls for a halt of external support to armed factions,[60] it was overtaken by events inside and outside Afghanistan.

The Taliban launched an offensive one week after the declaration was signed even, as their leader, Mullah Mohammad Omar, came under increasing international pressure to sever ties with his ally, Osama bin Laden, in the wake of al-Qaeda attacks on the U.S. embassies in Kenya and Tanzania in August 1998.[61] Brahimi subsequently resigned,

[52] Rubin, "Post-Cold War State Disintegration", op. cit.
[53] Najibullah was seized by the Taliban from the UN compound in Kabul where he had taken shelter and summarily executed on 27 September 1996.
[54] These included the Peshawar Accord (April 1992), Islamabad Accord (March 1993) and Mahiper Accord (May 1995).
[55] William Maley, *Afghanistan and the Taliban: The Rebirth of Fundamentalism?*, (New York, 1998), p. 33.

[56] Ghafoorzai, an ethnic Pashtun, served as Afghanistan's UN ambassador during the PDPA regime; after he died in a plane crash in Bamiyan province in August 1997, Abdul Ghafoor Rawan Farhadi replaced him.
[57] "Afghanistan Assessment: Version 4", UK Country Information and Policy Unit, September 1999, at www.asylumlaw.org/docs/afghanistan.
[58] UNSMA was established under General Assembly Resolution 208, Session 48, December 1993.
[59] Brahimi was appointed in July 1997, replacing German diplomat Norbert Holl who had led the UN mission in Kabul for little more than a year. After stepping down in October 1999, Brahimi was appointed head of the UN Assistance Mission in Afghanistan (UNAMA) in 2001 and served until 2004. He is a former member of the board of Crisis Group and was co-chair of the Century Foundation's "International Task Force on Afghanistan In Its Regional and Multilateral Dimensions".
[60] The "Tashkent Declaration on Fundamental Principles for a Peaceful Settlement of the Conflict" was signed by the Six-plus-Two Group in Tashkent on 19 July 1999, not long after the killing of eleven Iranian diplomats during the Taliban's siege of the northern city of Mazar-e Sharif.
[61] In 1999, the Security Council established a committee to administer sanctions pursuant to Resolution 1267, including an arms em-

acknowledging that UN efforts to broker a regional grand bargain to end the conflict had failed.

D. POST-9/11 AFGHANISTAN

A month after the 11 September 2001 terrorist attacks in New York and Washington, the U.S. launched a military campaign to oust the Taliban and disrupt al-Qaeda's operations in Afghanistan. With substantial Special Forces and CIA support, Northern Alliance commanders, ousted the Taliban from Kabul in December. The same month, Brahimi, again UN envoy to Afghanistan, convened a meeting in Bonn with Afghan powerbrokers, mainly from the Northern Alliance, that excluded the Taliban and Hizb-e Islami. Efforts focused on crafting a transitional government, which resulted in agreement on arrangements for an interim government and transition to a presidential system.[62] Hamid Karzai, a Popalzai Pashtun from an influential Kandahar family, was appointed president, in charge of an interim administration in which most ministries were distributed among Northern Alliance leaders and from which the Taliban and Hizb-e Islam were excluded.

The agreement forged at Bonn has repeatedly been identified as the first and most critical misstep of the international engagement since 2001.[63] The delegation to Bonn drew from the Rome group of Pashtun exiles loyal to King Zahir Shah, the Iranian-backed and ethnically mixed Cyprus group, the Peshawar group of Pashtun urban elite exiles in Pakistan and the Northern Alliance, a union of primarily Tajik and Uzbek forces.[64] The externally-backed patronage networks that had gained strength during the post-Soviet civil war were well reflected in the composition of the 23-member delegation, which consisted of primarily Dari-speaking urban elites and Pashtun technocrats, the lion's share of whom were the Iranian- and Indian-backed Northern Alliance delegates.

The predominance of Jamiat-e Islami and Northern Alliance loyalists in the security organs and the proliferation of non-Pashtun militias fuelled popular resentment among Pashtuns. As the Northern Alliance exploited the U.S. focus on capturing and eliminating al-Qaeda collaborators affiliated with the Taliban to settle scores with its former rivals, Pashtun alienation increased, and the prospects of bringing the predominantly Pashtun insurgents into the fold declined.[65] Unsurprisingly, there were few takers for the general amnesty Karzai offered the Taliban in December 2002.

By early 2003, much of the Taliban leadership had fled across the Pakistani border to Quetta, capital of Baluchistan province, reconstituting under a central Leadership Council (*rahbari* Shura). The exclusion of the Taliban and Hizb-e Islami and exodus of important powerbrokers in effect left non-Pashtun forces that had received strong backing from India and Iran during the civil war with the political upper-hand and Pashtun networks that had historically drawn heavily on Pakistani and Saudi support isolated and scrambling for a place in a reordered Afghanistan.

bargo as well as asset freezes and travel bans against several Taliban and al-Qaeda members and associated entities.

[62] On Bonn, see Crisis Group Asia Report N°62, *Afghanistan: The Problem of Pashtun Alienation*, 5 August 2003; Alex Strick von Linschoten, Felix Kuehn, "Separating the Taliban from al-Qaeda: The Core of Success in Afghanistan", Center on International Cooperation, New York University, February 2011; Hamish Nixon, "Achieving Durable Peace: Afghan Perspectives on a Peace Process", Peace Research Institute Oslo (PRIO), Chr. Michelsen Institute (CMI), USIP, June 2011.

[63] For analysis, see ibid.

[64] Richard P. Cronin, "Afghanistan: Challenges and Options for Reconstructing a Stable and Moderate State", Congressional Research Service (CRS), 24 April 2002.

[65] Crisis Group Report, *Afghanistan: The Problem of Pashtun Alienation*, op. cit.

III. COMPETING INTERESTS

Afghanistan has historically been deeply impacted by rivalries among regional actors and other external powers for political and economic primacy in South and Central Asia. Competing state interests reached their apogee with the partition of India in 1947 and the start of the Cold War that accelerated superpower rivalries between the U.S. and the Soviet Union and their regional allies. External intervention has played a major role in Afghanistan's freefall into a failed state over the course of three decades.

Regional tensions are underscored by the country's ongoing dispute with Pakistan over the legitimacy of the Durand Line border and to a much lesser extent disputes with other neighbours over security and trade barriers.[66] The 1988 Geneva Accords stipulated recognition of the Durand Line border but created no mechanism for addressing breaches of this provision, and the border remains disputed. Longstanding frictions between regional players such as Pakistan, Iran, Saudi Arabia and India and fluctuating tensions between the U.S., Pakistan and Iran have further underpinned the conflict.[67] The break-up of the Soviet Union in 1991 produced the birth of the newly independent states of Central Asia and a further reshaping of Afghanistan's security and economic relations, particularly with neighbouring Uzbekistan, Tajikistan and Turkmenistan.

Ongoing conflict has empowered transnational actors – insurgent, criminal, corporate and otherwise – providing them a powerful platform to advance their political and economic interests. Afghanistan's underdevelopment and perennial dependence on aid has also helped forge strong links between political elites and elements of the insurgency and criminal powerbrokers, and these local players rely in turn for survival on the patronage of influential regional and extra-regional actors. In Afghan perceptions, the pace and intensity of conflict, notwithstanding deep ideological underpinnings, has been shaped by regional interference and competition. A senior Afghan security official summed up a view commonly expressed by many fellow citizens:

> The roots of this war lie outside our borders. The insurgents are trained and financed from outside and then dispatched inside Afghanistan. Neighbouring countries do not want an independent Afghanistan. They do not want to lose their dominance of the Afghan market. If Iran or Pakistan, or both, lose their position in this market, who will consume their low quality goods? Unless the neighbouring countries are fully assured that their interests are not at risk in Afghanistan, they will not be prepared for peace.[68]

A. PAKISTAN

Many of Afghanistan's troubles stem from an uneasy relationship with Pakistan. Islamabad has consistently used Pashtun jihadi proxies to promote its perceived interests, partly because of Kabul's refusal to recognise the Durand Line as the international border and irredentist claims over its bordering regions. Seeing itself as a successor of British imperial rule, the Pakistan military is also bent on promoting Islamabad's political and economic predominance over its Afghan neighbour, which is perceived as within its primary sphere of influence. Despite their difference over the control of the Pashtun tribal belt, close economic ties have cemented the interdependency between the two countries. Landlocked Afghanistan's economy is deeply dependent on Pakistan – for the transit of exports and the import of essential commodities.[69] Aside from the benefits of trade, Pakistan is also interested in access to Central Asia's resources through Afghan territory.

However, for Pakistan's military, the country's authoritative decision-maker even during periods, as now, of elected government, such economic benefits are secondary to advancing perceived national security interests in Afghani-

[66] While the creation of modern Afghanistan began under Amir Abdul Rahman (1880-1901), the British controlled external relations and dominated internal politics until the Anglo-Afghan Treaty of 1921, which solidified independence. It also reinforced the southern and eastern borders, created by the 1893 treaty between Afghanistan and British India, which formed the basis for what has since been known as the Durand Line. While Pakistan, a British India successor state, recognises the Durand Line as its international border with Afghanistan, Kabul refuses to accept it.

[67] Analysis of regional aspects of the conflict has been wide-ranging over three decades; on the impact of regional dynamics on negotiations and political settlement, see Christian Berg Harpviken, "Afghanistan in a Neighbourhood Perspective: General Overview and Conceptualisation", Peace Research Institute-Oslo, 1 March 2010; James Shinn, James Dobbins, "Afghan Peace Talks: A Primer", Rand Corporation, August 2011; Lakhdar Brahimi, Thomas R. Pickering, "Afghanistan: Negotiating Peace; The Report of the Century Foundation International Task Force on Afghanistan in Its Regional and Multilateral Dimensions", 23 March 2011; Naseer Saghafi-Ameri, "Prospect for Peace and Stability in Afghanistan: Afghanistan Regional Dialogue; Background Paper No.1", Stockholm International Peace Research Institute, June 2011.

[68] Crisis Group interview, General Esmatullah Alizai, provincial chief of police, Balkh province, Mazar-e Sharif, 20 September 2011.

[69] Following the collapse of the Soviet Union, which for years absorbed the majority of Afghanistan's exports, Pakistan emerged as its biggest trading partner, followed closely by India, China, Uzbekistan and Iran. "Trade and Regional Cooperation Between Afghanistan and Its Neighbours", World Bank, report no. 26769, 18 February 2004, p. 12.

stan. Following the U.S.-led intervention, Pakistan has continued its longstanding policy of supporting Afghan Pashtun Islamist proxies, aiming primarily at ensuring that Kabul is controlled by a friendly regime. By providing safe haven to the Taliban and allied insurgent groups, particularly the Haqqani network, Pakistan is therefore a core party to the Afghan conflict.

Pakistani safe havens have played a significant role in reinvigorating the insurgency, with the Quetta Shura, the Haqqani network and the armed wing of Hizb-e Islami recruiting, fundraising and planning and conducting cross-border operations against the Afghan government and its NATO allies.[70] Close monitoring of Taliban and other insurgent leaders acts as a counterincentive to any who might be inclined to engage independently of Pakistan, in negotiations on Afghanistan's future.[71] The Pakistani military has systematically employed a campaign of arrests against high-ranking members of the Quetta Shura who have shown support for talks. As the NATO exit draws nearer, in the military's perceptions, victory is around the corner for its Afghan allies, which would enable Pakistan to play a central role in shaping the post-transition political order. According to a former officer, "Pakistan's role will be central to any effort directed at achieving peace and reconciliation in Afghanistan, regardless of whether or not the international community likes Pakistan's centrality when it comes to solving the Afghan imbroglio".[72]

Pakistan's support for the predominantly Pashtun insurgents has understandably strained relations with the Karzai administration and the U.S. The military's duplicity, post-11 September, in joining hands with the U.S.-led coalition in Afghanistan and then providing safe haven and support to the insurgents went unchallenged at first. Since the Musharraf regime's active support in eliminating al-Qaeda's presence was seen as a far greater priority than countering the Afghan insurgents, the U.S. was more than willing to turn a blind eye to support for the Taliban and the Haqqani network.[73] While billions of dollars were poured into the military's coffers, this failure to pressure Pakistan to end support for the insurgents allowed their leadership to regroup, reorganise and successfully wage a war of attrition across the border. It was only after international and Afghan casualties began to mount and the insurgents gained a foothold in most of the country, that the U.S. realised the cost of failing to draw clear redlines.

However, U.S. and NATO attempts to pressure or cajole the Pakistani military to end its support for the Taliban's Quetta Shura, the Haqqani network and, to a lesser extent, Gulbuddin's Hizb-e Islami have done little to change its cost-benefit analysis. On the contrary, the tight timelines for an international exit in Afghanistan have reinforced perceptions that the benefits far outweigh costs. The military leadership is confident that the U.S., wanting continued cooperation in countering al-Qaeda and its regional affiliates, would be hesitant to abandon the relationship. However, concerned that the U.S. and its NATO allies might opt for negotiations that sideline them, as talks to open a Taliban office in Qatar indicate, the military leaders have once again opted for a dual policy.

On the one hand, with former ISI chief General Shuja Pasha holding secret talks with American counterparts in Qatar, the military is assisting the U.S. in talks with the Taliban, for instance by allowing delegates to travel there.[74] According to former Taliban officials, several senior representatives, including Shahbuddin Delawar, former Taliban ambassador to Saudi Arabia, and Sher Mohammad Abbas Stanekzai, a one-time Taliban deputy foreign minster, have gone to Qatar to open a Quetta Shura office.[75] On the other, as the current spike in attacks suggests, the insurgents, more than likely with Pakistani encouragement, are attempting to hasten the pace of the international troop withdrawal.[76] To ensure that Pakistan is central to

[70] In his written testimony, the chairman of the U.S. Joint Chiefs of Staff, Admiral Michael Mullen, said, "the fact remains that the Quetta Shura [Taliban] and the Haqqani network operate from Pakistan with impunity. Extremist organisations serving as proxies of the government of Pakistan are attacking Afghan troops and civilians as well as U.S. soldiers .... For example, we believe that the Haqqani network ... has long enjoyed the support and protection of the Pakistani government and is, in many ways, a strategic arm of Pakistan's Inter-Services Intelligence Agency", statement before the Senate Armed Services Committee on Afghanistan and Iraq, 22 September 2011. See also Kenneth Katzman, "Afghanistan: Post-Taliban Governance, Security and U.S. Policy", CRS, 21 December 2011, p. 16.

[71] "State of the Taliban: Detainee Perspectives", TF-310, Bagram, Afghanistan, 6 January 2012.

[72] Crisis Group interview, Lt. General (retired) Kamal Matinuddin, Islamabad, 1 December 2011. Another retired general added: "Pakistan will continue to hold the key as far as making the Taliban more open to compromise is concerned". Crisis Group interview, Talat Masood, Islamabad, 1 December 2011.

[73] Crisis Group Report, *Countering Afghanistan's Insurgency*, op. cit.

[74] Arsala Rahmani, a former Taliban official and member of the Afghan High Peace Council, said, "this is a green light from Pakistan"; another former Taliban official Malawi Qalamuddin added that Pakistan "definitely supported this and is also helping". "Taliban negotiations: PM to discuss Afghan peace in Qatar", *The Express Tribune*, 5 February 2012. Alissa J. Rubin, "Former Taliban officials say U.S. talks started", *The New York Times*, 28 January 2012.

[75] Rob Taylor and Hamid Sahlizi, "Taliban willing to compromise, Afghan negotiators say", Reuters, 27 January 2012.

[76] According to a leaked NATO report based on 27,000 interrogations with more than 4,000 insurgent and al-Qaeda detainees, the Pakistani military and its intelligence arms are directing insurgent attacks against foreign troops and "Pakistan's manipu-

any settlement with the Taliban, an attempt is also underway to revive bilateral talks with Afghanistan on negotiations with the insurgents, stalled after the Rabbani assassination. Questions remain, however, as to how cohesive support is within in Pakistani institutions for resurrecting the dialogue between Kabul and Islamabad over negotiations with the Afghan insurgency.

Even in the unlikely event that Mullah Omar's Shura agrees in the near future on a negotiated peace, other insurgent factions, particularly the Haqqani network, are more than capable of derailing the Afghan peace.[77] But while the U.S. and its NATO allies must draw clear redlines, defining the costs of continued Pakistani support for the insurgents, and demonstrate the political will to follow through, they must not be sidetracked into accepting the civil-military bureaucracy's claims that Pakistan's Afghan policy is primarily determined by India's role in Afghanistan. At a bare minimum, they must draw the line at Pakistan's continued financial, logistic and tactical support for transnational insurgent groups operating within its borders and push for the prosecution of those who have clearly violated national security laws intended to bar support for terrorist groups.

Apologists for the military claim: "So long as India is suspected of supporting its proxies in Kabul, the Pakistan military establishment will be inclined towards those groups who are not Indian proxies, chief among them being the Taliban".[78] While a former foreign secretary insisted: "We can't object to India and Afghanistan having a relationship, but India cannot be allowed to develop strategic space and create problems for Pakistan in Balochistan and other areas, foment trouble there, and create a pro-India Afghan army".[79] A serving high-level foreign ministry official added: "We're less concerned about Indian support to the ANSF (Afghan National Security Forces) than their ability to do mischief in (bordering) FATA (Federally Administered Tribal Areas) and Balochistan".[80] With or without the Indian factor, Pakistani intervention in Afghanistan is likely to continue. But while Pakistan's interventionist policies in Afghanistan have little to do with India's role in Afghanistan, there is an element of competition between Islamabad and New Delhi, which is likely to intensify as the NATO drawdown is completed.

B. India

New Delhi's relations with Kabul have strengthened since the fall of the Taliban. India provided $750 million in aid between 2001 and 2007 alone, while India received a little more than 23 per cent of Afghanistan's total 2010 exports.[81] New Delhi has also expanded its influence over Afghanistan's foreign investment sector through a series of bilateral agreements, including a memorandum of cooperation between the India Export-Import Bank and the Afghanistan Investment Support Agency.[82] Investment in Afghanistan's extractive industries has steadily increased, with an India-based consortium led by the Steel Authority of India Ltd. (SAIL) winning the tender for exploration of the multi-billion dollar Hajigak iron ore mine in Bamiyan province in January 2012.[83]

India's political role in Afghanistan has grown in tandem with its economic influence, extending a reach into the security organs through its traditional alliance with Northern Alliance networks. This expansion of influence is responsible for the heated competition between India's main intelligence agency, the Research and Analysis Wing (RAW), and Pakistan's ISI, which is deeply suspicious of the activities of Indian consulates in provinces that border on Pakistan, such as Nangarhar and Kandahar. Unsurprisingly, Pakistan's key Afghan ally, the Haqqani network, has targeted Indian missions and enterprises, most notably by two separate attacks on the embassy in Kabul in July 2008 and October 2009, which some analysts believe had the Pakistani military's sanction.[84]

lation of the Taliban senior leadership continues unabated". "State of the Taliban: Detainee Perspectives", TF-310, Bagram, Afghanistan, 6 January 2012.

[77] Pakistan has repeatedly insisted that negotiations with the insurgents will fail unless "all groups" are included, a reference to the Haqqani network. In August 2011, ISI arranged a meeting between U.S. officials and Ibrahim Haqqani, Jalaluddin Haqqani's son, which was unsuccessful, and followed by the Haqqani-led attack on the U.S. embassy in Kabul the next month. Ahmed Rashid, "The U.S.-Pakistan relationship in the year ahead", *CTC Sentinel*, vol. 5, no. 1, January 2012. See also Karen DeYoung, "Obama administration's Afghanistan endgame gets off to bumpy start", *The Washington Post*, 6 February 2012.

[78] Crisis Group interview, retired senior military official, Islamabad, 1 December 2011.

[79] Crisis Group interview, former Foreign Secretary Riaz Khokhar, Islamabad, 12 December 2011.

[80] Crisis Group interview, Islamabad, 12 December 2011 A former ISI chief, however, rejecting concerns about the Indian threat, said, "the Indo-Afghan partnership does not constitute a threat to Pakistan .... Pakistan still holds far more cards when it comes to Afghanistan than India", Crisis Group interview, Lt. General (retired) Asad Durrani, 3 November 2011.

[81] "Afghanistan Trade Exports and Imports" *Economy Watch*, 9 December 2010.

[82] "Exim Bank: A Catalyst for India's International Trade", India EximBank, (undated).

[83] "SAIL-led consortium sees $11 bn investment in Afghanistan", Reuters, 30 November 2011.

[84] Mark Mazetti, Eric Schmidt, "Pakistanis aided attack in Kabul, U.S. officials say", *The New York Times*, 1 August 2008.

India is particularly concerned about the U.S.-led plans for negotiations with the Taliban, even as it acknowledges that there is little it can do to influence Washington and NATO to stay the course in Afghanistan. As India's ambassador to the U.S. explained, there is general agreement that a political solution must eventually be reached, but from New Delhi's point of view this is not "an overriding objective that needs to be achieved at all costs".[85] Fears in New Delhi remain strong that a Pakistan-backed power-sharing agreement with the Taliban would undermine India's traditional allies and pose a threat to its national security. An official explained:

> Our goal for Afghanistan is that it becomes a hub of trade, transit and energy. If we can support that, we will. If elements there become part of the government that becomes a threat to our national security, however, then there will be a problem. We can talk about redlines, women's rights, children's rights but to be blunt about it, our redline is that if elements in the Afghan government emerge as a threat to us, then we will have serious doubts about the prospects for peace in our neighbourhood. We don't want Afghanistan to become a safe haven for terrorists again.[86]

To protect its interests once U.S. and NATO forces depart, New Delhi signed a strategic partnership agreement with Afghanistan in November 2011. It includes training and light weapons for the Afghan National Army and support for the nascent Afghan air force, indicating India's intention to protect its interests and to counter Pakistan's influence, in a post-transition Afghanistan.[87] India has also offered itself as a potential bridge to Iran on the issues of the U.S. presence in Afghanistan and a post-transition political settlement, while simultaneously seeking to obtain concessions on U.S. sanctions that limit its ability to obtain Iranian oil.[88] Playing this card in the interests of encouraging Iran to accept a non-interference agreement is not without risks but, in combination with other third-party approaches, may be a starting point to engage Iran constructively in stabilising Afghanistan.

C. Iran

Iran's relations with Afghanistan are shaped by 30 years of civil war that resulted in influx of almost four million Afghan refugees, threatened the security of the country's Shia minority and provided interventionist opportunities for its main regional rival, Saudi Arabia. In the 1980s, Afghanistan's predominantly Shia Hazara population, marginalised by the pro-Pashtun political order supported by Pakistan, sought its own political ties in Iran. Following the Taliban's fall, Iran has been concerned as much by a possible Taliban resurgence as by the security threat the U.S. military presence in Afghanistan poses. Sour relations with Washington and the signature of the U.S.-Afghan Declaration of Strategic Partnership in 2005, however, pushed Tehran to give its policies on Afghanistan a decidedly more anti-American tone.[89] The rise of bilateral tensions over the nuclear issue and threats of Iranian retaliation for increasingly sharp economic sanctions have further exacerbated regional frictions.[90]

During the civil war of the 1990s and wary of the Taliban's Saudi backing and pro-Wahhabi leanings, Iran's Supreme Leader, Ayatollah Ali Khamenei, strongly supported the Northern Alliance's Hazara and Tajik-dominated mujahidin factions.[91] In 1997, the Taliban closed the Iranian embassy in Kabul, possibly with implicit U.S. support, though Washington still refused to officially recognise the Taliban government. Tensions reached their peak when the Taliban kidnapped and killed eight Iranian diplomats in 1998 in retaliation for Iranian support of the Northern Alliance in the protracted battle for control of the northern city of Mazar-e Sharif. The incident, which brought Iran to the brink of war with the Taliban, remains a sore point for Iranian leaders and has been raised in connection with more recent attempts to take certain Taliban members off the UN sanctions list.

It was in this context that Tehran offered to cooperate with Washington in its effort to topple the Taliban in 2001. The Iranian Revolutionary Guard provided the CIA with critical intelligence and, along with Russian and Indian intelligence services, gave the Northern Alliance critical support during the early days of the U.S.-led military intervention.[92] Iranian military officials also supported Northern Alliance efforts to target and capture Taliban and al-Qaeda members. Continuing to back Shuray-e Nazar, the Northern Alliance's power centre and core political-military leadership council, then in control of Afghanistan's power min-

[85] "India warns of Afghan 'terrorism' victory", Agence France-Presse, 24 January 2012.
[86] Crisis Group interview, New Delhi, 11 July 2011.
[87] Sanjeev Miglani, "With an eye on 2014, India steps up Afghan role", Reuters, 9 November 2011.
[88] Crisis Group interview, senior Indian government official, New Delhi, 11 July 2011.
[89] Kristian Berg Harpviken, "Afghanistan in a Neighborhood Perspective", Peace Research Institute Oslo, 2010, pp. 17-18.
[90] For background on U.S. policies on Iran and sanctions, see Crisis Group Middle East and Europe Report N°116, *In Heavy Waters: Iran's Nuclear Program, the Risk of War and Lessons from Turkey*, 23 February 2012; and Kenneth Katzman, "Iran Sanctions", CRS, 12 September 2011.
[91] Janne Bjerre Christensen, "Strained Alliances: Iran's Trouble Relations to Afghanistan and Pakistan", Danish Institute for International Studies, 2011, p. 9.
[92] Barnett R. Rubin with Sara Batmanglich, "The U.S. in Iran and Afghanistan: Policy Gone Awry", Center for International Studies, Massachusetts Institute of Technology, October 2008.

istries, Iran at one point offered to resource a joint military training effort for the nascent Afghan military.[93]

Cultivating Kabul, in Tehran's view, was not only a national security priority in regional terms but could also become the shortest route for promoting a rapprochement with Washington.[94] It consequently sent delegates to the first Bonn conference in 2001 using the opportunity to also expand its dialogue with the State Department. Iran used its considerable influence over the Northern Alliance to shape the interim government, pushing Mohammad Younus Qanooni, a leading member of the alliance, to accept a bargain crafted along with U.S., Russian and Indian delegates that gave the Northern Alliance sixteen of 26 cabinet positions in the new Afghan government.[95] Efforts to influence the top echelons of Afghanistan's power elite have been equally vigorous.

Iran has, meanwhile, used soft power to expand its influence, leveraging trade and cultural ties with Afghanistan to counter the influence of Saudi Arabia and Pakistan and investing heavily in programs and charities targeting the largely Shia Hazaras. The Imam Khomeini Relief Committee, its largest charity, has, for instance, spent $32 million to assist thousands of Afghan families and students.[96] Educational exchange has been important, with around 300,000 Afghan students studying at Iran's secondary and elementary schools and 7,000 Afghans enrolled in its universities.[97] Exports to Afghanistan have continued to expand, totalling more than $1.3 billion in 2010.[98]

Tehran's investment in the U.S.-led effort to stabilise Afghanistan began to wane as relations with Washington deteriorated under the Bush administration. This coincided with revelations that CIA officials had in 2002 offered to help insurgent Iranian groups topple the government and in the wake of the Bush characterisation of Iran as a pillar in the "axis of evil". Iran's outreach to the Taliban and Hizb-e Islami became more evident after Mahmoud Ahmadinejad was elected president in 2005, and representatives from both groups reportedly opened informal offices in Tehran.[99] Under Ahmadinejad, Tehran has publicly maintained a confrontational line on the U.S. presence in Afghanistan, while occasionally sending delegates to meetings in support of the negotiation process.[100] Until recently, the Obama administration continued to seek Iranian cooperation on regional efforts to stabilise Afghanistan but, as the bilateral relationship has deteriorated, so have prospects for such a role.

Adopting a hedging strategy with regard to a post-2014 Afghanistan, Iran is increasing its low-level support for the Taliban, allegedly reinvigorating support for training camps at the borders and serving as a way-station for a select group of Taliban leaders.[101] Increased outreach to the Afghan insurgency should be expected as various Taliban and Hizb-e Islami interlocutors jockey for leadership positions under a power-sharing arrangement.

While containment of the threat from Washington is at the centre of Tehran's security calculations, in the Afghanistan context Iran remains hemmed in by regional rivalries, particularly with Pakistan, that make opting out of a dialogue too cost-prohibitive from a national security point of view.[102] On the question of a political settlement, therefore, Iran's long-term interests lie in supporting the formation of an Afghan government able to maintain a balance between the need for financial and military support from Iran's regional and global rivals, while mitigating the threats posed by the Sunni Deobandi insurgents to non-Pashtun Afghan powerbrokers. Iran may thus be less inclined to support a power-sharing arrangement with the Taliban and more suspicious of a Taliban-dominated government if Taliban leaders are ultimately unable to shed their attachment to Sunni fundamentalism. As an Iranian official explained, "our concern is that there be no power-sharing with extremists elements. You can't distinguish between good militants, moderate militants or militant militants. They all want the same thing in the end; they are looking for an opportunity to expand their power base".[103]

D. Central Asian States

Afghanistan's Central Asian neighbours share similar anxieties about the insurgency's advance toward its northern borders. Three of the five former Soviet states – Turkmenistan, Uzbekistan, Tajikistan – border Afghanistan,

[93] James Dobbins, "Negotiating with Iran: Reflections from Personal Experience", *The Washington Quarterly*, January 2010, p. 156.
[94] Mohsen M. Milani, "Iran's Policy Towards Afghanistan", *The Middle East Journal*, vol. 60, no. 2, spring 2006, pp. 246-249.
[95] Dobbins, op. cit., pp. 154-156.
[96] Feda Hossain Maleki, "Imam Khomeini Relief Committee covered 12 thousand students", Afghan Voice News Agency, 22 April 2011.
[97] "Iran's investment in Afghan projects surged to $600 million", Moj News Agency, 31 November 2011.
[98] Paygahi Ittalaa Rasani Daulat, "Iran signs agreement with Afghanistan on expansion of commercial, industrial and mining cooperation", www.dolat.ir, 13 July 2011.
[99] Crisis Group interview, Wahid Mujhdeh, former Taliban official, Kabul, 24 November 2011.
[100] Crisis Group interview, Bonn, November 2011.
[101] "Fact Sheet: U.S. Treasury Department Targets Iran's Support for Terrorism: Treasury Announces New Sanctions Against Iran's Islamic Revolutionary Guards Corps-Qods Force Leadership", p. 1, 8 March 2010.
[102] Christensen, op. cit., pp. 9-13.
[103] Crisis Group interview, New York, 25 May 2011.

share some history with it and have significant cultural and economic links. With attacks on NATO convoys in Pakistan on the rise since late 2008, the Northern Distribution Network (NDN), the air and ground routes that interlink across Russia, the Caucasus and Central Asia, became in U.S. estimates a "critical component" in supporting coalition operations.[104] Starting in 2009, supplies for U.S. and NATO troops along it have increased to about 75 per cent of the total.[105] The wide swathe of territory in northern Afghanistan is also rich in minerals and oil and gas reserves. The U.S. has thus sought to bolster regional engagement on Afghanistan among Central Asian states with its New Silk Road initiative. These and other factors, such as the growth of drug and mineral trafficking routes in the north and north east, have incentivised competition between armed actors along Afghanistan's northern border.

Reports of Central Asian militants operating in Afghanistan's northern provinces have correspondingly increased since 2009.[106] Links between the Taliban and fighters of the Islamic Movement of Uzbekistan (IMU) are the partial by-product of al-Qaeda's transnational networks, forged in the late 1980s in Loya Paktia[107] under Jalaluddin Haqqani, one of bin Laden's closest Afghan allies. Those bonds have grown deeper, with improvements in communication infrastructure across South and Central Asia. The result is a profusion of links that transcend traditional ethnic divisions. It is no longer exceptional to find a Tajik IMU supporter paying tribute to propagandists from Ingushetia or Dagestan. Likewise, a number of IMU websites regularly host Islamic Emirates of Afghanistan statements and battlefield notes.

IMU fighters played a major role in the Taliban regime's last battles. Commander Juma Namangani and dozens of fighters were killed in November 2001. Like their northeastern cohort in the Haqqani network, the IMU retreated to Wana, in Pakistan's North Waziristan Agency. Though by 2007 the IMU appeared a spent force, facing hostility of local tribesmen, there were reports of its revival in the Afghan provinces of Kunduz and Takhar. In recent years, observers on both sides of the Tajik-Afghan border have suggested the mainly Tajik and Uzbek IMU has helped the Taliban to partially overcome its image as a pure Pashtun movement. Some Afghan officials believe Pakistan had a direct hand in the IMU's resurgence, suggesting it helped transfer fighters to northern Afghanistan.[108]

Central Asian states are concerned about deteriorating conditions in the south and increased militant activity along the border, but none are well disposed to confront the threat. While Uzbekistan maintains tight control over its borders, security is inconsistent in many areas along the Afghanistan-Tajikistan border. About 30 per cent of the drug flow from Afghanistan to Russia is through Tajikistan.[109] Corruption and poor governance is a trademark of all three of the countries that border Afghanistan, making for a challenging economic environment in which it is all the more difficult to implement effective counter-terrorism measures.

E. Russia and China

The threat posed by transnational links between Central Asian and Afghan insurgents is not strictly limited to Afghanistan's bordering states. The nature of the Central Asian region, in which each country has long and usually poorly-policed borders, means that a breakdown in security in Afghanistan could have a swift and severe knock-on effect. This has sparked serious worry to the north and east of the Central Asian corridor. Russia in particular closely tracks the ebb and flow of the insurgency in its traditional sphere of influence to the south, while opposing a U.S.-led negotiation process that might force a return to its interventionist past in Afghanistan. Although its diplomacy in the region has been decidedly lower profile than that of Iran and Pakistan, it has continued to invest substantially in political and economic engagement with Kabul. Like India, Russia has placed more emphasis on soft power, underwriting major infrastructure projects in the north such as a $1 billion refurbishment of the Salang tunnel.[110]

Much like its traditional, albeit nominal, allies on the Afghanistan question, India and Iran, Moscow has expressed support for negotiations with the insurgency but remained sceptical, often suggesting behind the scenes that it believes the current government lacks the capacity to broker a lasting deal. This ambiguity has allowed it political space to challenge proffers of reconciliation from key Afghan actors, such as Gulbuddin Hekmatyar, whom the Kremlin still views with great suspicion.[111] Under Vla-

[104] "Central Asia and the Transition in Afghanistan", U.S. Senate Foreign Relations Committee, 19 December 2011.
[105] According to official U.S. government estimates, about 40 per cent of NATO supplies go by land across the NDN, 31 per cent by air, primarily through the Manas air base in Uzbekistan, and 29 per cent through Pakistan.
[106] For in-depth analysis, see Crisis Group Asia Report N°205, *Tajikistan: The Changing Insurgent Threats*, 24 May 2011.
[107] Loya Paktia generally refers to the eastern border provinces of Paktia, Paktika and Khost.
[108] Crisis Group Report, *Tajikistan*, op. cit., 24 May 2011, pp. 10-15.
[109] "Central Asia and the Transition in Afghanistan", op. cit., p. 4.
[110] Crisis Group interview, senior Russian official, Kabul, November 2010.
[111] Talatbek Masadykov, Antonio Giustozzi, James Michael Page, "Negotiating with the Taliban: Toward a Solution for the Afghan Conflict", Crisis States Research Centre, London School of Economics, January 2010, p. 11.

dimir Putin, Moscow has adopted a policy of tactical resistance, for instance skirmishing vigorously on the Security Council over delisting Taliban members.[112] In addition to general concerns over the potential for delisted insurgents to return to the fight, its officials also express fear lifting sanctions against individuals could free financial resources to again benefit transnational terrorism.

China's policies on Afghanistan have been measurably influenced by both strong relations with Islamabad and its position vis-à-vis the marriage of convenience between Russia, Iran and India, which has historically provided support for the Northern Alliance. Nonetheless, China publicly appears, for now, uninterested in anything beyond acquiring natural resources and energy in Afghanistan, investing heavily, for instance, in the Aynak copper mine in Logar province in central Afghanistan and dominating the expanding extractive industries market. Yet, there are signs that any deterioration in stability might force it to recalibrate its position, particularly if its borders with Afghanistan and Tajikistan are affected. In May 2011, Chinese, Kyrgyz and Tajik security forces reportedly held joint counter-terrorism exercises in Xinjiang, China's restive, predominantly Muslim province in the west.[113]

Regional anxieties about Afghanistan destabilisation have led to a number of efforts over the years to establish a platform for dialogue and cooperation. Yet, earlier attempts to construct a regional framework for resolving the conflict, such as the 1999 "Six-plus-Two" formula, failed in the absence of effective mechanisms to monitor or enforce ceasefires and end neighbours' military support for Afghan factions. Most importantly, they failed to focus on internal reconciliation. Attempts to revive such a regional approach, including Uzbek President Islam Karimov's call in 2008 for the expansion of the "Six-plus-Two" to include NATO, have gained little traction.[114]

While a regional consensus to end the conflict in Afghanistan is certainly important, there are as yet few signs of progress. The Istanbul process might be a step in the right direction, but pledges at the 2 November 2011 International Contact Group conference to safeguard Afghanistan's sovereignty and enhance regional cooperation are far from sufficient.[115] On the contrary, they will likely be undercut by growing frictions between regional actors over the shape of a continued U.S. presence in Afghanistan, as well as over the U.S.-led negotiations on a post-transition political order. Hence there is need for a strong internationally backed body capable of successfully mediating the interests of diverse regional and extra-regional actors.

Mediation efforts will depend largely on the design of a consultative mechanism that strikes a careful balance between the actors central to the peace process – Afghanistan, the U.S., Pakistan and Iran – manages regional rivalries such as those between Pakistan and India, and addresses the concerns of those at the periphery, including Russia, China and the Central Asian and the Gulf states. The core actors must necessarily set the agenda and dictate the pace of the dialogue. Peripheral actors, such as Russia and China, could meanwhile act as important bridge-builders between the U.S. and Iran, the U.S. and Pakistan and Pakistan and India.

While the basic Istanbul framework could still inform the process, the U.S. is too much a party to the conflict to lead. The UN, through the Secretary-General, should devise the consultative mechanism, then oversee implementation. After closely consulting with the Afghan government, the UN should seek counsel from P5 countries and key regional actors, particularly Pakistan and Iran, on the potential for a Security Council resolution regarding appointment of UN-designated facilitators for negotiations. The mediation panel should have internationally-respected diplomats, scholars and jurists, a balanced mix of men and women recognised for their expertise in regional politics. Among other components, the agenda should focus on monitoring and enforcement mechanisms, including financial and political guarantees from primary parties to the conflict that resources to maintain those mechanisms would be available for a minimum of five years following the signing of any accord.

[112] Crisis Group interview, New York, 25 May 2011.
[113] Crisis Group Report, *Tajikistan*, op. cit., 24 May 2011, p. 14.
[114] Address by President Islam Karimov at the NATO Summit in Bucharest, 3 April 2008.
[115] Istanbul Process declaration, op. cit. Similar pledges are expected at the next major conferences in spring and summer 2012.

IV. FALSE DICHOTOMIES, FLAWED STRATEGIES

Since 2001, the U.S. has taken the lead in defining the means and agenda for securing and stabilising Afghanistan. Under Operation Enduring Freedom (OEF), planners, first under the leadership of Secretary of Defense Donald Rumsfeld and his successor, Robert Gates, initially pursued a counter-terrorism campaign aimed at eliminating al-Qaeda from the region and targeting its supporters, such as the Taliban. The strategy was doomed by flawed intelligence, resource deficits and poor coordination,[116] as well as by the overlapping mandates of ISAF and UNAMA, both of which often confused support for security with support for political reconciliation.[117]

Focused primarily on the Pashtun belt in the south and east, the military campaign has depended heavily on alliances with local strongmen, many implicated in human rights abuses and the drug trade. The strategy has also centred around attempting, unsuccessfully, to reshape Afghan security organs in the NATO mould, and then relying on deeply factionalised Afghan security officials to execute a counter-insurgency campaign aimed at isolating militant networks and separating the population from the insurgency.

This strategy has reinforced longstanding factional and ethnic rivalries, while empowering the rise of a predatory government, thus contributing substantially to the resurgence of the armed opposition to the Karzai administration. This is not surprising since its end result has been the redistribution of power among Northern Alliance heavyweights who dominate the security sector; deeper fragmentation of the national and regional political economy; and increased dependence of Afghan elites and their backers inside and outside of the country on a near permanent state of war. Meanwhile, affiliates of pro-Islamist parties, such as Hizb-e Islami, Jamiat-e Islami and, to a lesser extent, Ittehad-e Islami, have been allowed to dominate critical civilian ministries, providing a platform for radicalisation at nearly every level: from the courts, to the mosques and the streets.

Although U.S. pronouncements about the limits of a military solution to the conflict have been legion, the rhetoric around reconciliation has often been confused, while commitment to the principles of disarmament, demobilisation and reintegration (DDR) has been questionable. While the international community has spent hundreds of millions of dollars over the last decade on DDR, the U.S. military has concurrently spent millions more on measures such as the Commander's Emergency Response Program (CERP) and other means to maintain its influence over local powerbrokers. U.S. aid has also been used to arm groups nominally affiliated with the government through programs such as the Community Defence Initiative (CDI) and Afghan Local Police (ALP). These have resulted in little more than the temporary empowerment of selected local and national power-holders and the exclusion of the rest of the Afghan populace.

In Kabul, meanwhile, strategic incoherence has been the rule in the context of reconciliation and reintegration. More often than not, reconciled members in the top echelons of the insurgency have cut their path to political reinstatement through the presidential palace or parliament rather than the multi-million dollar DDR programs funded by the U.S. and its allies.[118] From the UN-supported Afghanistan New Beginnings Program (ANBP) and its successor project, the Disarmament of Illegally Armed Groups program (DIAG), to the Afghan government-supported Peace Through Strength (PTS, Proceay Takhim-e Solh) and the more recent Afghanistan Peace and Reintegration Program (APRP), these efforts have done little to stabilise the country.[119] On the contrary, U.S.-supported and "Afghan-led" reconciliation and reintegration efforts alike have reduced the state's already thin monopoly over the use of force.

Reconciliation of insurgents, moreover, has erroneously been linked to reintegration without gauging the impact of one on the other. Rather than confronting key structural defects, including the imbalances in the distribution of power at local and national levels and addressing past abuses, the Afghan government, with tacit international agreement, views the reconciliation process as a matter of cutting deals. Under the Obama administration, the two concepts have, in turn, been haphazardly linked to the withdrawal timetable. The hope is that against all odds a deal will somehow be stitched up in time for the departure of combat troops in 2014. Little is likely to be gained, however, from short-term, pay-to-play programs, while external actors continue to exert control over the main

[116] See Maj. General Mike Flynn, Captain Matthew Pottinger, Paul D. Batchelor, "Fixing Intel: A Blueprint for Making Intelligence Relevant in Afghanistan", Center for New American Security, January 2010.

[117] Talatbek Masadykov, Giustozzi, Page, "Negotiating with the Taliban", op. cit., pp. 5-6.

[118] Semple, op. cit.

[119] For analysis of reconciliation and reintegration efforts since 2001, see Crisis Group Asia Report N°65, *Disarmament and Reintegration in Afghanistan*, 30 September 2003; Tazreena Sajjad, "Peace at All Costs?: Reintegration and Reconciliation in Afghanistan", Afghanistan Research and Evaluation Unit (AREU), October 2010; and Deedee Derksen, "Peace from the Bottom Up?: The Afghanistan Peace and Reintegration Program", PRIO-USIP, September 2011.

means of supplying the armed opposition. For most combatants, whatever their ideological persuasion, joining the fight is the shortest route to financial gain and enhanced socio-political status. Chances are slim that reintegration efforts will hold, while barriers to participation in political and economic life remain so high for so many.

A. Early Disarmament and Reintegration Efforts

The proliferation of illegally armed groups and predominance of powerful commanders at the local and national levels have been among the primary obstacles to a political settlement. DDR efforts in the years immediately after the fall of the Taliban were generally predicated on the assumption that the state should maintain a monopoly over the use of force and that reduction of the numbers of non-state armed actors would ultimately contribute to stabilisation. Since 2001, various programmatic approaches to disarm, demobilise and reintegrate anti-government fighters and local militia members have had mixed results, since most have been bedevilled by poor design, weak oversight and limited support for implementation from both the government and the international community.

The DDR program for ex-combatants was outlined at the 2002 Petersburg conference, then mandated by presidential decree. At the time, the estimated strength of militias ranged from tens of thousands to as high as a million.[120] It was not until January 2003 that Karzai appointed members to four commissions charged with managing combatants and ex-combatants, including the Demobilisation and Reintegration Commission.[121] Progress was hindered by factional rivalries that eventually forced the UN to take control of the programming process.

In April 2003, the UN Development Programme (UNDP) launched the Afghanistan New Beginnings Program (ANBP), aimed at disarming and reintegrating an estimated 100,000 combatants.[122] The defence ministry was charged with identifying Afghan Military Force (AMF) units for disarmament. AMF commanders, many linked to the Tajik-dominated Shuray-e Nazar, were responsible for providing personnel lists that were to be vetted by the Regional Verification Committee. A soldier or officer verified as a combatant was required to turn in his weapons to a Mobile Disarmament Unit, responsible for collecting, storing and transporting them to Kabul. Demobilised fighters were provided jobs and in some cases monetary support.

With few effective verification mechanisms, however, the process was vulnerable to manipulation by factional commanders, particularly the predominantly Tajik Panjshiris affiliated with the Northern Alliance, represented by Defence Minister Mohammad Qasim Fahim.[123] Moreover, monetary incentives, far from uniformly issued, encouraged commanders to submit inflated personnel lists. Poor oversight and implementation further contributed to deeper entrenchment of factionalism. The majority of units targeted for DDR were not affiliated with the Northern Alliance, whose militias were often the last to demobilise. Deficiencies in vocational training and jobs creation further undercut the goal of reducing low-level fighters' dependency on local commanders. The three-year ANBP program, however, eventually had some success, with an estimated 70,000 weapons collected from more than 63,000 ex-fighters.[124] But reintegration lagged far behind; participants repeatedly faced obstacles in returning to work in their communities, not least due to weaknesses in vocational training.[125]

The DIAG project, under ANBP and with UNDP support, has faced similar challenges. It focuses on mitigating the threat to stability posed by illegal armed groups outside the purview of the initial program.[126] Under Mohammad Masoum Stanekzai, who had been deputy chair of the Demobilisation and Reintegration Commission, it aims to facilitate disarmament and reintegration through a combination of weapons collection and development projects.[127] Line ministries, such as rural rehabilitation and develop-

[120] Antonio Giustozzi, "Military Reform in Afghanistan", in Mark Sedra (ed.), "Confronting Afghanistan's Security Dilemma", Bonn International Centre for Conversion, September 2003, p. 24.

[121] The four defence commissions charged with managing combatants were: the National Disarmament Commission; the Demobilisation and Reintegration Commission; the Officer Recruiting and Training Commission; and the Soldier Recruiting Training Commission. For further discussion of the early stages of the DDR process, see Caroline A. Hartzell, "Missed Opportunities: The Impact of DDR on SSR in Afghanistan", USIP special report no. 70, April 2011.

[122] Crisis Group Report, *Disarmament and Reintegration in Afghanistan*, op. cit.

[123] Elected first-vice president beside Karzai in 2009, Fahim, who led Shuray-e Nazar in 2001, has been accused of directing fighters to use disproportionate and indiscriminate force, among other alleged war crimes, during the civil war of the 1990s. "Bloodstained hands: Past atrocities in Kabul and Afghanistan's legacy of impunity", Human Rights Watch, 6 July 2005.

[124] Sajjad, op. cit., p. 5.

[125] Hartzell, op. cit., p. 10.

[126] For DIAG program history and further details of structure and design, see "Disbandment of Illegal Armed Groups (DIAG)", UNDP Annual Progress Report 2010, 21 March 2011.

[127] Stanekzai has held a number of positions in the Karzai administration, first director of the Agency for Rehabilitation and Energy Conservation (2001-2002), communications and information minister (2002-2004). He wrote extensively about DDR in Afghanistan as a USIP fellow in Washington before returning to Kabul in 2009 and appointment as head of APRP in 2010.

ment, were given responsibility to implement projects and foster alternative employment opportunities.

DIAG has had modest success: 759 illegally armed groups were disbanded and more than 54,000 weapons collected from 2005 to 2010. However, increased insecurity and expansion of the insurgent presence countrywide have reduced participation. For instance, 255 illegal armed groups were disbanded in 2009 but only 71 in 2010.[128] Moreover, as with the early DDR program, it has not achieved sustainable reintegration; a substantial number of ex-combatants and militia members have returned to the fight, while long-term jobs remain relatively limited. This lack of progress has been further reinforced by U.S. and NATO support for powerful individuals with well-known links to armed illegal groups, in lieu of more sustainable approaches to securing strategic areas of the country.

Staggered progress on the reintegration of ex-combatants is paralleled by the Afghan government's limited success in national reconciliation and political settlement with the insurgent leadership. From the beginning, President Karzai has expressed support for political outreach to "moderate" Taliban and Hizb-e Islami fighters, granting the former an official amnesty in December 2001 and subsequently pushing informal, backchannel outreach to Taliban commanders and ex-Taliban government officials through his National Security Council.[129]

Initiated in May 2005 by presidential decree, the PTS program has been among the most controversial approaches. Under the direction of the former speaker of the upper house of the National Assembly, Sebghatullah Mujaddedi, it received support from the U.S., UK and Dutch governments and is billed as the capstone project of the national reconciliation effort.[130] With twelve regional offices, mostly in provinces in the south and east, it invites Taliban fighters to reconcile in exchange for amnesty, a certificate of demobilisation meant to guarantee their security and a modest stipend of 1,000 to 1,500 Afghanis ($20-$30) for travel costs.[131] Securing the release of detainees from the U.S.-controlled prisons in Bagram (Parwan province) and Guantanamo Bay is a secondary activity of the program.

The numbers reconciled under PTS are widely disputed. Its administrators claimed in June 2011 that 8,700 insurgents had been demobilised,[132] but UK and U.S. officials believe the figure is highly inflated.[133] Even some PTS administrators dispute its effectiveness. According to a former one, it has lacked political support in Kabul and been undermined by Pakistani support for the insurgents:

> Neither the Taliban nor the government of Afghanistan have the authority to make peace because they are both under the influence of outside powers. Whenever the Taliban and the Afghan government become independent, it will then be possible to make peace. PTS has not produced any results, and the current peace program will not produce results either.[134]

Despite these failed experiments, the Afghan government and the international community continue to support piecemeal DDR programs, refashioning each effort as an improved version of the last. While ISAF, the UN and the Afghan government have tended to look at these varied approaches to reintegration as potential ways to break the momentum of the insurgency, there is widespread distrust of them, particularly since, for many Afghans, they appear to reward the bellicose and punish the peaceful. It is unlikely that revisions will produce a paradigm shift on the battlefield so long as the larger questions, such as regional states' support for the insurgency, remain unresolved.

B. Afghanistan Peace and Reintegration Program (APRP)

Launched by presidential decree on 29 June 2010, after donors pledged an initial $140 million at the previous January's London conference, APRP is the capstone of current internationally-supported peace efforts. In theory, it is far more comprehensive than previous efforts to marry the twin goals of reintegration of ex-combatants and stabilisation of insecure areas by extending the government's reach into the provinces. In practice, it has faced significant challenges of administration at the centre and support by local implementers. There are also fundamental disagreements between its primary backers over the sequencing of political and strategic approaches to settlement at the insurgent leadership level versus operational and tactical approaches to lower commanders.

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[128] "Disbandment of Illegal Armed Groups (DIAG), UNDP, op. cit., p. 6.

[129] Semple, op. cit., pp. 39-42.

[130] Astri Suhrke, Torunn Wimpelmann Chaudhary, Aziz Hakimi, et al., "Conciliatory Approaches to Insurgency in Afghanistan: an Overview", Chr. Michelsen Institute (CMI), January 2009.

[131] Crisis Group interview, Syed Sharif Yousufi, deputy director, PTS program, Kabul, 14 June 2011.

[132] Ibid.

[133] In 2007, APRP claimed 4,599 insurgents had been reconciled; a UN study found that only about half were fighters. Joanna Nathan, "A Review of Reconciliation Efforts in Afghanistan", Combating Terrorism Center, U.S. Military Academy, 15 August 2009.

[134] Crisis Group interview, Haji Abdul Wahab Agha, ulema council representative and former PTS program administrator in Helmand province, Kabul, 27 July 2011.

The program was the product of months of pressure on Karzai from Afghan and Western interlocutors, including General Petraeus, who sold it as the bedrock of the U.S. counter-insurgency campaign. Yet, like many such efforts, APRP has suffered setbacks stemming from divergent views between ISAF and the Afghan government on its ultimate utility. The government has generally viewed the reintegration plan as a low-level complement to its search for a political deal with the Taliban and Hizb-e Islami at the leadership level and a means of reinforcing patronage networks. ISAF views it as a critical component of a military strategy, "an essential part of the [counter-insurgency] campaign",[135] aimed at weakening the insurgency and forcing the leadership to the table.[136]

While members of ISAF's Force Reintegration Cell, the international body charged with supporting the reintegration effort along with UNDP, have been careful to frame the program as a means of extending the government's reach at the local level, in practice ISAF implementers in the field tend to cast it as an intelligence tool that critically enhances targeting.[137] Coupled with ambiguities over reintegration candidates who have been streamed into various versions of the Afghan Local Police and Community Defence Initiative (CDI) programs, APRP has taken on the look and feel of a large intelligence and mercenary operation aimed at establishing militias as a bulwark against the insurgency, not a program aimed at defusing local grievances and ending the conflict.[138]

The program targets rank-and-file insurgents with the aim of returning them into the community and resolving local grievances.[139] Nearly $784 million has been allocated for implementation and support over five years, 2010-2015.[140] A little more than $221 million of this is streamed through UNDP, identified by the main donors – Japan, Germany, Denmark and Italy – as the lead international support agency for the APRP Joint Secretariat, the Afghan government entity, headed by Masoum Stanekzai, responsible for management and oversight.[141] The UK, U.S. and Norway also support the program.[142] Funds are distributed through the Peace and Reintegration Trust Fund (ARTF) and managed by the Joint Secretariat, which has established provincial bank accounts for transferring funds to provincial governors, the primary implementer of the program at the local level.[143]

Officially launched on the heels of the National Consultative Peace Jirga in June 2010,[144] the program envisions a three-part process: social outreach, confidence-building and negotiations under the purview of district leaders with the support of provincial government agencies; demobilisation, weapons management and registration; and consolidation of peace, supported primarily by the rural rehabilitation and development ministry and others. It aims to integrate fighters at all levels and with varying operational profiles: from fighters who operate close to home to upper-level commanders whose primary base is outside Afghanistan.[145] A three-pillar strategy has been outlined to promote the program, aimed at first strengthening security and civilian governance institutions; secondly facilitating political conditions for peace; and thirdly enhancing national, regional and wider international support for overall peace and stability efforts.[146]

APRP seeks amnesty (*afwa*) "among the government ex-combatants and communities, specifically men, women, minority groups and victims, and to provide support for demobilisation, removal from target/black lists, political amnesty and local security guarantees".[147] Programs in vocational training, Islamic and literacy education and job creation are managed by the Joint Secretariat, which has representatives from thirteen line ministries and government entities, including the interior and defence minis-

[135] "Reintegration Guide", Force Reintegration Cell (FRC), ISAF headquarters, 22 November 2010, p. 2.
[136] Derksen, op. cit.
[137] Crisis Group interviews, senior international advisers, Lashkar Gah, Helmand, 18-21 July 2011.
[138] Although the ALP was originally designed strictly for community defence, it has reportedly morphed into a way-station for APRP, providing local powerbrokers with a vehicle by which to grow their militia networks; see Derksen, op. cit., pp. 13-18.
[139] "On the structure and implementation of the peace, reconciliation and reintegration program", Presidential Decree no. 43, 29 June 2010.
[140] Sajjad, op. cit., p. 10.
[141] "Afghanistan Peace and Re-Integration Program; UNDP Support; 2011 First Quarter Progress Report", UNDP, April 2011.
[142] Japan is the lead donor for APRP, initially contributing a little more than $52 million out of $68 million pledged. As of late 2011, however, pledged funds had not been fully disbursed, ibid, p. 18.
[143] "Support to Afghanistan Peace and Reintegration Program", UNDP, May 2011.
[144] The consultative jirga (2-4 June 2010), in Kabul was chaired by former President Rabbani and attended by 1,600 delegates, primarily tribal elders, religious leaders and provincial and district level officials handpicked by the president's office.
[145] Sajjad, op. cit., p. 10.
[146] APRP document, Demobilisation and Reintegration Commission, July 2010.
[147] "Afghanistan Peace and Reintegration Program (APRP)", (Summary of Program Structure and Components), Demobilisation and Reintegration Commission, 7 July 2010.

tries, the National Directorate of Security (NDS) and the Independent Directorate of Local Governance (IDLG).[148]

Local NDS and officials from interior and defence coordinate the vetting of reintegration candidates, recording their names, origins and family or tribal affiliations where possible. Biometric scans are conducted, catalogued and included in a government database once candidates are further vetted and approved for registration by central security authorities in the corresponding line ministries in Kabul. Biometric kits, however, are reportedly in short supply, and the Joint Secretariat has been slow to train provincial security counterparts on the technology, a shortcoming that has in several cases caused serious delays in registration.[149]

Reintegration candidates are allowed to keep their weapons for personal security, but these must be registered. Those who provide a written pledge to lay down their arms and abide by the constitution are placed on restricted targeting lists, which gives them temporary amnesty.[150] Participants are additionally offered a small stipend for up to three months, temporary access to a government safe house and de-radicalisation and vocational training. But the program is designed primarily to address security guarantees rather than material benefits. An international military adviser explained: "The incentive of this program is that you're not going to get killed. You're going to be put on a restricted target list instead. That's the primary inducement, and it should stay that way".[151]

The presidentially-appointed 70-member High Peace Council leads the program, operating as the diplomatic arm of government efforts to build support for reconciliation and to reach out to insurgent leaders. Until his assassination in Kabul on 20 September 2011, it was chaired by Burhanuddin Rabbani, the public face of the program and primary broker of several of the nascent deals between the government and Taliban interlocutors. As discussed further below, many question the council's efficacy and legitimacy, including the predominance of mujahidin and factional leaders, and the inclusion of very few prominent women. Not surprisingly, it has also been bedevilled by internal fissures, which have impacted its effectiveness and ability to coordinate with the Joint Secretariat.

APRP's value mainly lies in the efforts made to involve provincial and district governors, who might otherwise be marginalised by centre-periphery dynamics, in its coordination and implementation. Provincial governors are the primary conduit for program funding and are also given authority to appoint members of the provincial peace council, both the main bridge for contact with potential reintegration candidates and the local affiliate of the High Peace Council. The Joint Secretariat, however, was slow starting and has encountered a number of challenges, notably in setting up a system for distributing funds to provincial governors and provincial joint secretariat teams charged with implementation. Competition for access to funds between line ministries and aid conditionality, as an international military adviser pointed out, have also hindered effectiveness:

> Progress depends on the government using the international trust fund to implement the program. The line ministries have all got their money, but their willingness to spend it and to lean into implementing the program just hasn't been there. There's a fair amount of competition between certain big ministries that already have well-developed capacities. Much of the $140 million isn't really going where it should. Many donors have [also] put caveats on their money and what they want to spend it on. So about only about 50 per cent of the money is undedicated, and a good portion of that goes to overheads.[152]

Formation of provincial peace councils similarly lagged behind, with just ten (of 34) approved and established between APRP's July 2010 start and March 2011.[153] By August that number had risen to nineteen and by October to 28, but their activities have been adversely affected by the fallout from Rabbani's killing. Implementers in Kabul say resistance from provincial leaders has stymied the program overall. Several Afghan and international officials involved noted strong scepticism among officials in western provinces such as Herat and south-western provinces such as Helmand, areas where the Taliban have made forceful in-roads. Following the U.S. military surge in

[148] Other supporting agencies include: the Government Media Information Centre (GMIC); the ministries of border and tribal affairs; Hajj and religious affairs; education; rural rehabilitation and development; agriculture, irrigation and livestock; labour; social affairs, martyrs and disabled; and public works; and the Demobilisation and Reintegration Commission.

[149] Crisis Group interview, senior international adviser, Lashkar Gah, Helmand, 18 July 2011.

[150] ISAF maintains the primary targeting list for capture or assassination. The Joint Prioritised Effects List (JPEL) at one point in 2010 reportedly held details of more than 2,000 senior Taliban and al-Qaeda insurgents; it is updated regularly, but little is known about targeting criteria or policy guidelines for the special forces that execute it. Philip Alson, "Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions", Addendum: Study on targeted killings, UN Human Rights Council, 28 May 2010; Nick Davies, "Afghanistan war logs: Task Force 373-special forces hunting top Taliban", *The Guardian*, and Matthias Gebauer, "War logs cast light on dirty side of Afghanistan conflict", *Der Spiegel*, both 25 July 2010.

[151] Crisis Group interview, Kabul, 14 June 2011.

[152] Crisis Group interview, Kabul, 14 August 2011.

[153] "Afghanistan Peace and Re-integration Program; UNDP Support", op. cit.

Helmand, some Western officials in particular have been wary of any effort to integrate insurgents, many of whom have fled north to avoid ISAF operations. An international adviser explained:

> The real fear is that people will see this program as an opportunity to move house. What they don't want is to bring more Pashtuns to the province and import their problems along with them. There is a real fear that this could have a destabilising effect.[154]

Scepticism in provinces where security is particularly fragile and the population is less ethnically diverse may explain why the program has made little headway. The numbers of reintegration candidates registered in northern and western provinces where the countryside is relatively more secure dwarf the number of those registered in the central-eastern region where security has been in sharp decline since 2007.[155] The majority of the 3,028 former fighters officially registered as reintegration candidates under APRP as of January 2012 were non-Pashtuns, primarily in northern provinces.[156] ISAF officials attribute imbalances in implementation in the south to lack of government capacity and a particularly challenging security environment.

In all, about 200 reintegration candidates had entered the program in the south as of January 2012. The problem of recruitment for it has proven particularly acute in Helmand, where only nineteen ex-combatants had signed-up. While many Afghan and international officials expressed confidence in Governor Gulab Mangal's administrative abilities, it was widely noted that his fragile relations with powerful figures in the Karzai government had sometimes hindered progress on key programs such as APRP.[157] According to an international adviser in Helmand, Mangal was initially "reticent about publicising reintegration efforts" for fear it would raise his profile and prompt a negative response from some in Kabul who view him as a potential competitor on the national political stage.[158]

Beyond such political reticence among local politicians, the program has also faced resistance from local security officials mistrustful of participants' motives and in some cases with legitimate fears reintegrated combatants may not be sincere or could easily shift allegiance when benefits run out or the political or security environment changes. For instance, security officials in the northern city of Mazar-e Sharif were especially ambivalent about APRP after the April 2011 killings of seven UNAMA staff by three men recently reintegrated under its auspices.[159]

The Afghan government has, as yet, done little to evaluate the program's shortcomings.[160] It is clearly still unaware that the main reasons for its ineffectiveness are the failure to obtain substantial local buy-in and the absence of vigorous support from the centre. Despite efforts to use APRP as a vehicle to enhance provincial governors' authority over the execution of public policy, the fundamentals of local governance remain hamstrung by a lack of a constitutional and legal framework for greater provincial autonomy. Until there is a substantial move to devolve power from the centre, Kabul will continue to control the functioning of provincial governance. Without a radical shift of the constitutional balance of power to the periphery, APRP is unlikely to reverse insurgency momentum. If a comprehensive reassessment fails to make it more effective, and participation remains relatively low at the end of the scheduled funding cycle in 2015 it should be discontinued until an internationally-backed political settlement has been reached that includes a robust plan for reintegrating and rehabilitating insurgent forces.

[154] Crisis Group interview, Force Reintegration Cell adviser, Kabul, 14 June 2011.

[155] According to statistics kept by the Force Reintegration Cell, the province breakdown of registered reintegration as of early January 2012 was; Faryab, 121; Jawzjan, 174; Balkh, 109; Kunduz, 288; Sar-e Pul, 492; Samangan, 56; Baghlan, 200; Takhar, 75; Badakhshan, 106; Paktika,1; Nangrahar, 31; Laghman, 83; Kunar, 49 Nuristan, one; Farah, 73; Herat, 143; Badghis, 805; Ghor, 22; Uruzgan, 48; Kandahar, 133; Helmand, 19; and all others none.

[156] Crisis Group interview, adviser Force Reintegration Cell-ISAF, Kabul, 14 August 2011.

[157] Crisis Group interviews, Afghan and international officials, Lashkar Gah, Helmand, 18-21 July 2011.

[158] Crisis Group interview, Lashkar Gah, Helmand, 19 July 2011.

[159] Crisis Group interviews, senior Afghan security officials, Mazar-e Sharif, 19-20 September 2011.

[160] Ibid.

V. NEGOTIATIONS IN CONTEXT

Calls for reconciliation between the Afghan government and the insurgency have taken on increased urgency with each year since the Taliban's fall in 2001. Starting with Karzai's decree granting a general amnesty in December 2002, examples of individual amnesties and deals predicated on power-sharing arrangements at the local and national levels are numerous. Kabul has employed a range of methods to bring individual Taliban into the political fold, most notably using the National Security Council (NSC) to deliver security guarantees for former officials, such as Mawlawi Arsala Rahmani, Wakil Ahmad Muttawakil and Mullah Abdul Salaam Rocketi.[161] The impact of their inclusion and of such deals on the reconciliation process, however, remains debatable.

President Karzai has, nonetheless, continued to make appeals to Mullah Omar, the supreme leader of the Taliban's Quetta Shura, and Gulbuddin Hekmatyar, head of the armed wing of the Hizb-e Islami faction. His calls for reconciliation with the "dear Taliban" and "upset brothers" have been met with rejection and in several cases outright derision from the insurgent groups.[162] It is unclear what, if any, effect his rhetoric on reconciliation has had beyond bolstering his weakening grip on his traditional Pashtun constituency. The last decade of U.S.-supported and debatably "Afghan-led" reconciliation and reintegration drives have further reduced the state's already thin monopoly of the use of force and undercut prospects for negotiations that might lead to sustainable peace.

In the face of deteriorating security, dwindling national and international support for the continuation of NATO's military engagement and the imminent withdrawal of foreign forces in December 2014 or even earlier, there appears to be a fresh consensus in Kabul and among its allies that neither the insurgents nor the coalition have the capacity to achieve a military victory. NATO and U.S. officials, increasingly focused on reintegration and reconciliation, have endorsed negotiations as a path to a "responsible political settlement", which is now a key pillar of the military exit strategy.[163] A plethora of reports and surveys in recent years also suggest strong popular support for a negotiated end to the conflict.[164]

These circumstances have led some to mistakenly conclude that where the military campaign against the insurgency has failed, a power-sharing arrangement between the government, the Taliban, Hekmatyar's Hizb-e Islami and potentially even the Haqqani network might succeed. But Karzai's haphazard efforts to cut deals with factional leaders within the insurgency are endangering the prospects for a near-term settlement. Changed domestic and international sentiment has given Karzai license to use the rhetoric of reconciliation to his political advantage, portraying himself and his politics of patronage as the linchpin of any future power-sharing arrangement. While compromise has often been the watchword of Karzai's administration, patronage has been the currency of its policy on negotiations with the Taliban and Hizb-e Islami "moderates", a short-sighted policy at best. Moreover, his government's credibility as a negotiating partner has been considerably weakened by widespread corruption and abuse of power.

For instance, when U.S. military officials held a one-day conference on reintegration and reconciliation at their Bagram air base, three of the five Afghan security officials invited to attend questioned the government's policy of granting amnesty to the Taliban, while the other two expressed deep scepticism about its ability to deliver on security guarantees.[165] While many Afghans may indeed be supportive of a negotiated settlement, they are, as a senior Afghan security official in Helmand pointed out, aware of the Karzai government's past failures and the slim prospects for success of the current approach: "There is a big difference between reconciliation of Dr. Najib[ullah]'s era and the current reconciliation policy. At that time, what that government said it would do, it delivered in ac-

[161] Under the Taliban, Rahmani, a Pashtun from Paktika province, served as higher education minister, Muttawakil, a Kandahari Pashtun, as foreign minister and Rocketi, a Pashtun from Zabul, as corps commander in the south east.

[162] Karzai, inaugural speech (unofficial translation), 19 November 2009; opening remarks, London Conference, 28 January 2010.

[163] On 18 February 2011, U.S. Secretary of State Hillary Rodham Clinton, outlining the Obama administration's position on reconciliation, called the possibility of negotiations with the Taliban "increasingly viable" in light of plans to transition security to the Afghan government control by the end of 2014. Official transcript at the launch of the Asia Society's series of Richard C. Holbrooke Memorial Addresses, New York, 18 February 2011, at www.state.gov.

[164] Surveys conducted by the Asia Foundation in 2010 and 2011 found support in all areas of the country for the government's attempts to address insecurity through negotiation, 82 per cent of respondents in 2011 and 83 in 2010, up from 71 per cent reported in 2009 surveys. See Mohammad Osman Tariq, Najla Ayoubi, Fazel Rabi Haqbeen, "Afghanistan in 2011: Survey of the Afghan People", and the same authors for the 2010 survey, The Asia Foundation, October 2011 and 2010.

[165] Sponsored by U.S. military officials under the command of Maj. General John F. Campbell, former commander of Regional Command-East, the day-long conference at Bagram air base on 2 February 2011was attended by U.S. State Department, UNAMA and Afghan government officials. Crisis Group attended as an observer.

tual fact, but today everything is just a slogan. We say a lot, but in practice we don't offer anything".[166]

Scepticism about the government's reconciliation policy stems primarily from a lack of agreement on what reconciliation means.[167] Beyond the oft-repeated "redlines" calling for insurgents to lay down their arms, disavow al-Qaeda and terrorism and adhere to the Afghan constitution, the government has yet to articulate its view on the pathway for the Taliban, Hizb-e Islami and other insurgent groups to join the political life of the state while guaranteeing the constitutional rights of women and minorities. How and whether the Taliban's numerous crimes against civilians and their repeated failure to adhere to the Quetta Shura's avowed commitment to protect civilians would be addressed has been left unsaid.[168] Nor has there been any acknowledgement of the Taliban's demand for an accounting for past government abuses.[169]

Laws have been passed to address crimes against the state, and amnesties have been granted in recognition of the state's power to pardon political offences and its obligation to mitigate the harmful effects of conflict. However, the government has yet to say how Afghans currently considered enemies of the state under the law would be transformed into full-fledged citizens, with constitutional rights and protections. All that has been on offer is a fistful of dollars, a flimsy paper guarantee of security and an invitation to once again live life on the margins, where there is no assurance and little evidence that the state will protect its citizens' rights.

Nor has the government laid out a plan to protect the rights of those most vulnerable – particularly women and minorities – in a newly reordered state. Indeed, the question of protecting women's rights under a power-sharing agreement with the Taliban has barely been touched on apart from occasional rhetoric. Several prominent women have raised objections to U.S. support for a Taliban office in Qatar, but beyond acknowledging their understandable anxiety, neither Kabul nor Washington has indicated more than a glancing interest in incorporating women in the negotiation process.[170]

Although a measure of exclusivity and secrecy around bilateral contacts may be necessary in the initial stages of the negotiation process, as many have suggested, the lack of transparency on the ultimate goal can be a hindrance. In the current highly charged political environment in which the presidential office's pay-to-play mentality has shaped many reconciliation deals, charlatans and con artists have retained the upper hand. This was certainly so in the well-publicised case of the government's attempts to cultivate Mullah Akhtar Mohammad Mansour, former director of civil aviation under the Taliban and a leading personality in the Quetta Shura. The man claiming to be Mansour was revealed in November 2010 to be an impostor who had received tens of thousands of dollars as part of a down-payment on contacts with high-ranking Taliban members. While some Western officials were apparently aware of UK-facilitated contacts with him, General Petraeus claimed that U.S. and NATO officials had been "sceptical all along" of his identity and motives.[171]

The international community, from the January 2010 London Conference to the December 2011 Bonn Conference, has repeatedly expressed support for reconciliation with the Taliban but been careful to avoid accountability and political enfranchisement questions. U.S. policy on reconciliation in particular appears almost entirely driven by timelines based on its own interests, above all the date for international transition. Many Western officials acknowledge that contacts with the insurgents have amounted to little more than "talks about talks".[172] Though the opening of a Taliban political office in Qatar might appear a substantial development, there is little clarity on how it is to operate, let alone who will be at the negotiating table. The Karzai administration's decision to recall its ambassador from Qatar in December 2011 as news of a breakthrough on the office leaked, suggests reluctance to fully endorse any move giving other actors greater influence over the talks' pace and tone.[173] The Taliban decision to suspend talks with the U.S. in March 2012 was another sign of the deep trust deficit between all the players.

[166] Crisis Group interview, Lashkar Gah, Helmand, 21 July 2011.
[167] Patricia Grossman, "Afghan High Peace Council fails to reflect Afghan civil society", PeaceBrief 74, USIP, 10 January 2011.
[168] For civilian casualties resulting from insurgent activity, see fn. 3 above. For analysis of the Taliban's role and the Quetta Shura's response to civilian casualties, see "Afghanistan: Annual Report 2011: Protection of Civilians", UNAMA, op. cit., and Kate Clark, "The *Layha*: Calling the Taleban to Account", Afghanistan Analysts Network, June 2011.
[169] Taliban leaders and representatives have repeatedly called for an accounting of incidents during the peak of the civil war and the 2001 U.S.-led military intervention, such as the slaughter of an estimated 3,000 Taliban by Uzbek commander Abdul Malik Pahlawan in Mazar-e Sharif in 1997 and the massacre of several hundred Taliban during and immediately after forces allied with General Rashid Dostum fought them at Qala-e Jangi in the Balkh province, 25 November-1 December 2001.
[170] Mushtaq Mojaddidi, "Afghan women fear Taliban return", Agence France-Presse, 12 February 2012.
[171] Dexter Filkins, Carlotta Gall, "Taliban leader in secret talks was an impostor", *The New York Times*, 22 November 2010; Kathy Gannon, Deb Riechman, "Petraeus not surprised about Taliban impostor", Associated Press, 23 November 2010.
[172] Crisis Group interviews, senior Western diplomats, Kabul, 8-11 August 2011.
[173] Rod Norland, "Afghan rebuke of Qatar sets back peace talks", *The New York Times*, 15 December 2011.

Most importantly, the U.S.-led process of fast-tracking negotiations with the insurgents lacks Afghan ownership and buy-in. Despite Western, particularly U.S. rhetoric on supporting and respecting an "Afghan-led" process of reconciliation, Kabul's input has been marginalised as a result of the Karzai government's resistance to the process and increased pressure in international quarters to rapidly wrap up the military engagement by any means necessary. However, a truly Afghan-led process would require far more than just the government taking the lead.

The glaring lack of transparency around the U.S.-led process is compounded by Karzai's failure to consult with his political opposition. The process has, therefore, understandably created a pervasive sense of anxiety among Tajiks, Hazaras, Uzbeks and other non-Pashtun ethnic groups, as well as women and civil society actors. Distrust for the government's approach to reconciliation, for instance, was enhanced when the justice ministry surreptitiously published a law in late 2010 that granted immunity from prosecution and political amnesty to all combatants engaged in hostilities prior to 2002.[174] Although the amnesty law was condemned by international human rights groups and the Afghanistan Independent Human Rights Commission (AIHRC),[175] the public response from internationals, who had strongly criticised parliament's initial decision to pass the law in 2007, was notable by its absence.[176]

Several opposition politicians are deeply concerned that the international community is willing to cede power to the predominantly Pashtun Taliban and abandon commitments made after the 2001 Bonn conference to support multi-ethnic, inclusive governance.[177] Ethnic tensions are already on the rise because of a number of factors, particularly the protracted crisis over the parliamentary polls of September 2010.[178] Karzai's interference in them and his endorsement of the special elections tribunal to resolve the crisis over widespread claims of fraud badly damaged relations between the president and the ethnically diverse Wolesi Jirga (lower house of parliament). The political opposition is even more averse to talks with the Taliban due to a series of high-profile assassinations of Northern Alliance leaders, such as that of General Daoud Daoud in Takhar in May 2011.[179]

Reflecting the sentiments of many, a former member of parliament stressed that non-Pashtun political factions are deeply concerned that the international community appears oblivious that its rush to the exit could pave the way for the next civil war:

> The problem with giving the Taliban power in this way is that 30 years ago, this monopoly on power and on coercion was lost to the Pashtuns. The Hazara community, the Tajik community and the Uzbeks have tasted power, and they know what local governance means and they have been defending themselves with guns for years now.[180]

The president is already not viewed as a credible broker, and his failure to broaden the national dialogue on political settlement is further undermining his standing with the political opposition. The absence of leading opposition personalities and the presence of few women at government-sponsored forums such as the June 2010 National Consultative Peace Jirga, the November 2011 Traditional Loya Jirga and the December 2011 Bonn Conference underscore the growing distance between the Karzai government and its political opposition. If a settlement is to lead to a sustainable peace, Kabul must incorporate the views and aspirations of the political opposition before any further negotiations with the armed opposition are undertaken.

A. Wheeling and Dealing

The negotiation of a political settlement has long suffered from having too many external actors with diverse interests and divergent strategies. But the main reason why reconciliation has yet to make progress lies within the country, namely the Karzai government's emphasis on patronage and power-sharing as the path to peace. While some former Taliban officials are now within the political fold, government-sponsored programs such as PTS have had limited success. Instead of bringing major Taliban figures onside, they have been largely used to mollify the political elite among Karzai's primary predominantly Pashtun constituency.[181] His appointment of the 70-member

[174] Jon Boone, "Afghanistan quietly brings into force Taliban amnesty law", *The Guardian*, 11 February 2010.
[175] Alissa J. Rubin, "Thousands of Afghans gather to oppose talks with the Taliban", *The New York Times*, 6 May 2011.
[176] The National Reconciliation, General Amnesty and National Stability Law was initially passed by parliament in 2007 but only officially promulgated after it was published in the national gazette in December 2010. It calls for "ending rivalries and building confidence among belligerent parties" and grants blanket amnesty to violators of international law. For an analysis of its implications, see Katherine Iliopoulos, "Afghan Amnesty Law a Setback for Peace", Crimes of War, www.crimesofwar.org.
[177] Crisis Group interview, Abdullah Abdullah, political opposition leader, former foreign minister, Kabul, 15 September 2011.
[178] For analysis of the 2010 parliamentary elections see Crisis Group Briefing, *Afghanistan's Elections Stalemate*, op. cit.
[179] Ray Rivera, "Taliban bomber infiltrates Afghan-NATO meeting, killing police official and others," *The New York Times*, 28 May 2011.
[180] Crisis Group interview, Kabul, 1 July 2011.
[181] Semple, op. cit., pp. 69-70.

High Peace Council in September 2010 must be viewed through this lens.[182]

On paper, the council is meant to serve as "an independent, neutral and peaceable foundation" charged with "taking forward the peace and national reconciliation process with [the] armed [opposition], influential figures and authorities in and out of the country".[183] According to government documents released in July 2010, the National Consultative Peace Jirga "gave the mandate to the High Peace Council to set national and regional policy; undertake outreach and political confidence-building measures with leaders of combatant groupings and those engaged in a national peace process".[184] Since the council leads the Afghanistan Peace and Reintegration Program, it should technically be responsible for setting policy parameters on reconciliation and reintegration, which would then be implemented by the Joint Secretariat.[185] There is a general assembly, an executive board with a president, three deputy presidents, a spokesman, committee chairmen and a chief executive officer, a secretariat and six committees. Its rules stipulate that the general assembly (all 70 council members) should meet monthly.[186]

While it is meant to be independent and neutral, the High Peace Council, like many other Afghan institutions, is rife with factional and ethnic divisions. By one count, 53 of the 70 members are either current or former members of armed groups active during the post-Soviet civil war.[187] The executive board, where most power lies, is dominated by Pashtuns, currently or formerly affiliated with the Taliban, Hizb-e Islami-Gulbuddin (HIG), Hizb-e Islami-Khalis (HIK) and Harakat-e Inqelab.

Former Taliban and Hizb-e Islami officials and affiliates are most heavily represented; twelve members worked in the Taliban government; thirteen have links to Hizb-e Islami.[188] They include the first deputy president (ex-Taliban ambassador to the UN Abdul Hakim Mujahid); co-chair of the detention review committee (Mawlawi Arsala Rahmani, former deputy higher education minister); and Mawlawi Mohammad Qalamuddin, ex-deputy head of the prevention of vice and propagation of virtue ministry. A substantial number are affiliated with Jamiat-e Islami, arguably Afghanistan's largest political faction, which High Peace Council President Rabbani led until his assassination. Other mujahidin-era parties are represented, but in far fewer numbers than their more conservative pro-Islamist counterparts.

Although its membership is ethnically diverse, the 41 conservative Islamist Pashtuns dominate.[189] Women are grossly under-represented, with only ten members. There are only twelve members, including the ten women, who might be identified as representative of broad civil society interests.[190] The council's outreach to civil society has been minimal as a result. Although members have been present at or presided over numerous jirgas and Shuras in various provinces as a part of the consultative process, such venues have often excluded women altogether. Moreover, the council has failed to broaden its outreach in general. Its government-sponsored website fails to even list the members or elaborate on the organisational structure.[191]

The council is viewed even by many members as a largely symbolic body meant to satisfy the West's dual demands for Karzai to actively engage on reconciliation and to give the appearance of broad participation in the process. Members complained that the general assembly rarely met during Rabbani's tenure, and the executive board acted without consulting other members.[192] Much of the council's influence stemmed from Rabbani, who with a handful of others such as Asadullah Khaled, former governor of Kandahar and Ghazni, pushed the process.[193] Several members said they were aware that some on the council had been in direct contact with Taliban interlocutors, but the majority also indicated that Rabbani and a few of the executive board did not share information on

[182] Deb Riechman, "Afghan government sets up 70-member peace council", Associated Press, 28 September 2010.
[183] "The First Principles of Internal Duties for The High Peace Council", High Peace Council Secretariat, unofficial translation, October 2010.
[184] "Afghanistan Peace and Reintegration Program (APRP)," (Summary of Program Structure and Components), op. cit.
[185] Ibid.
[186] "The First Principles", op. cit., Articles 8-13. The committees are international relations; outreach; grievance resolution, detention review; and public affairs and provincial affairs.
[187] See Thomas Ruttig, "The Ex-Taliban on the High Peace Council: A renewed role for the Khuddam ul-Furqan?", Afghanistan Analysts Network, April 2010.
[188] Ibid.

[189] Crisis Group independently analysed the council's ethnic and factional composition based on interviews with more than a dozen members from June to October 2011, as well as open-source documents and previous interviews with members. Interviewees identified their ethnic background, origins and past and present political affiliations. Its breakdown is Pashtun, 41; Tajik, thirteen; Hazara, six; Uzbek, four; Turkmen, two; Baloch, one; Pashayee, one. Some members have held different political affiliations over the years, and some once identified with smaller sub-groups of ethnic minorities may now identify with larger groups for political and personal reasons. Little about Afghan political identity can ever be said to be definitive.
[190] Ruttig, op. cit., pp. 1-2.
[191] Only the website's English version, www.hpc.af.org, is online; more than half the sub-page links appear inoperable.
[192] Crisis Group interviews, High Peace Council members, Kabul, 15 June 2011, 5 July 2011 and 12 July 2011.
[193] U.S. embassy Kabul cable no. 2746, 11 October 2008, released by WikiLeaks on 1 September 2011.

the meetings. Several, for instance, said they had been only vaguely aware of meetings in Germany between Tayeb Agha, a Popalzai Pashtun, former personal secretary of Mullah Omar and member of the Taliban's political committee, and U.S. officials, facilitated in part by Rabbani, before reports in the international press.[194]

Fewer still were aware of the role of Abdullah Anas, an Algerian national, ex-bin Laden associate and son-in-law of the late Abdullah Azzam, a prominent mujahidin supporter with Northern Alliance ties, in pushing a process for formation of a panel of Islamic legal scholars, chaired by the Egyptian scholar, Yusuf Qaradawi, to support the negotiation process.[195] Yet, the proposal to bring in Qaradawi, head of the International Union of Muslim Scholars, as a potential mediator was among the most controversial for some Taliban interlocutors and U.S. officials.[196] Long considered the intellectual leader of the Muslim Brotherhood, Qaradawi, who helped found the University of Qatar's Sharia faculty, may be as well known for his early endorsement of suicide attacks as a valid war tactic[197] as for his condemnation of the 11 September attacks. That he reversed his position on suicide attacks, characterising them as potentially damaging to the Muslim faith, has made him attractive to many involved in the Taliban talks, but leading Taliban members have flatly rejected proposals to include scholars like him in the mediation process.[198]

The secrecy around the dealings with Qaradawi, Anas, Agha and others embittered some on the council and made many wary of Rabbani. Several said they had raised doubts about other contacts with purported Taliban representatives and concerns about impostors but to no avail.[199] According to several members, not long before Rabbani's murder, a decision had been taken to notify NDS of any significant contacts with Taliban representatives and to coordinate with the Afghan security services to ensure the safety of both the Taliban representatives and council members with whom they came into contact. Executive board members apparently paid no heed to the decision. In retrospect, some members pointed to this disconnect between the executive board and the wider council membership as a fundamental reason behind the circumstances that led to Rabbani's assassination.[200]

Rabbani's dealings with the Taliban assassin had apparently progressed along a completely separate and secret track.[201] For contacts with Taliban leaders, he relied heavily on a close confidant and one-time ally, council member Rahmatullah Wahidyar, former Taliban deputy refugee affairs minister. Wahidyar spent time in Pakistan after the fall of the Taliban, reconciling with the government in 2005 on his return, along with a small cadre of ex-Taliban associated with Khudam ul-Furqan, a mujahidin-era group with strong links to Harakat-e Inqelab-e Islami, the parent party of many current Taliban leaders. He was appointed head of communications for the Joint Secretariat on APRP's launch in 2010 and reportedly facilitated contacts over several months between Rabbani, the APRP chief executive, Masoum Stanekzai, and Hamidullah Akhundzada, a purported ex-Taliban commander.[202] Akhundzada apparently arranged the meeting at which the purported Quetta Shura emissary killed Rabbani.[203]

It is unlikely that the findings of the NDS investigation into the assassination will ever be made fully public. Several close to Rabbani and with knowledge of his dealings with the Taliban, Anas, and Asadullah Khaled have suggested that the timing and response to it indicate a mix of motives and players behind the plot.[204] A little more than a week before, media reports surfaced of U.S. backing for the plan to open the Taliban office in Qatar, a plan Rabbani strongly supported. He was also reportedly close to negotiating the plan for the group of independent Islamic scholars to serve as auxiliary mediators and to arranging a meeting between that group and Taliban interlocutors in Kabul.[205] Internal divisions among Taliban leaders in Quetta over details of the proposed deal, which reportedly also included local ceasefires and for the council of scholars to issue a *fatwa* against suicide bombings within

[194] Dean Nelson and Ben Farmer, "Secret talks between Taliban and US collapse over leaks", *The Telegraph*, 10 August 2011.
[195] Crisis Group interviews, London, November 2011; Kabul December-January 2012.
[196] Qaradawi has written extensively on the Islamic laws of war (*fiqh al-jihad*) and has been called on intermittently to broker deals with the Taliban. In 2001, the OIC selected him to lead a delegation to meet with the Taliban government over the fatwa calling for destruction of the Buddhas at Bamiyan.
[197] Mark Oliver and Anushri Patel, "Controversy over cleric's visit grows", *The Guardian*, 19 July 2005.
[198] Crisis Group interview, Mullah Abdul Salaam Zaeef, former Taliban ambassador to Pakistan, Kabul, 16 January 2012.
[199] Ibid.
[200] Crisis Group interviews, High Peace Council members, Kabul, 3 October 2011 and 23 October 2011.
[201] Ibid.
[202] Alisa J. Rubin, Jack Healy, "Survivor tells of Taliban plot in former Afghan president's assassination", *The New York Times*, 22 September 2011.
[203] Wahidyar was interrogated by NDS investigators immediately afterwards and was still in NDS custody as of late February.
[204] Crisis Group interviews, October and November 2011. It has been suggested that plans for a delegation of Islamic scholars headed by Qaradawi to visit Kabul later that same month may have provided part of the impetus for the timing of the strike.
[205] Crisis Group interviews, October and November 2011.

Afghanistan, apparently was another motivation behind the assassination plot.[206]

Thus far, the most significant contacts with the Taliban and Hizb-e Islami – the two main insurgent factions confirmed to have opened lines of communication with Kabul – have bypassed formal Afghan institutions such as the High Peace Council. Nor has the Karzai government played a meaningful role, with the insurgents opting for bilateral contacts with U.S. officials and, on occasion, UK, German and other European officials.[207] This raises serious questions not just about the council's future role but also about the avowed U.S. commitment to an "Afghan-led" negotiation process. As Rabbani himself noted, shortly after he was appointed head of the council in 2010, Afghans affiliated with the government have far from been in the lead, and the process has been bedevilled by strategic ambiguity on the part of all external actors:

> With reconciliation, every country has its own agenda. I've heard that some U.S. delegates have been travelling with members of the Taliban. I've also met a Taliban member from the Netherlands who said that he had a letter from the government of the Netherlands guaranteeing his security in exchange for his reconciliation and contacts with the Taliban. The UK is making deals too. Every country has an agenda when it comes to reconciliation. But we can't afford this kind of fragmentation in the process.[208]

Whatever the possible initial necessity for some secrecy around bilateral contacts in the initial stages, the ongoing absence of transparency and of clarity on the ultimate goal is counter-productive. At present, there is no consensus within Afghanistan or among its international partners on the fundamental goals of talks with the Taliban, on the agenda or even on who is qualified to negotiate. Without some basic agreement between Afghan stakeholders, the U.S. and NATO partners on the criteria for establishing the credibility and strategic value of purported high-level insurgent interlocutors and on the end game itself, talks are unlikely to progress toward a meaningful settlement.

B. Talks about Talks

Contacts between the Afghan government, Taliban, Hizb-e Islami and other insurgent groups have long been underway, as noted, but took on urgency in 2008, as it became clear the insurgents were gaining ground across the country even as NATO slowly sought to disengage. The National Security Council (NSC) has spearheaded most of these efforts, arranging meetings and contacts between members of government and reconciled Taliban or Hizb-e Islami members inside and outside Afghanistan. Although the NSC is nominally led by Rangin Dadfar Spanta, the national security adviser and ex-foreign minister, the reconciliation portfolio is also handled by Engineer Ibrahim Spinzada, NSC deputy head, and Shaida Mohammad Abdali, a Popalzai Pashtun, long-time family friend of President Karzai and NSC co-deputy head. Following his appointment to lead NDS in 2010, Engineer Rahmatullah Nabil, a close Spinzada associate and former head of the presidential guard, has also emerged as a pivotal player in shaping the government's negotiations with the Taliban and Hizb-e Islami.

Spinzada and Abdali derive much of their influence from their strong friendship and various family alliances with the Karzai family, which date as far back as the early 1990s, when each worked with international organisations in the southern and eastern areas of the country. Spinzada, a Pashtun and native of Nimroz province, worked several years at that time for the UNHCR. During the Taliban era, he often acted as a chief liaison between international humanitarian aid agencies and Taliban administrators in the south. He has built on these contacts, allegedly parlaying his knowledge of key Taliban leaders to stitch up contacts and deliver messages to the Quetta Shura.[209] The highly personalised nature of Spinzada's approach to the reconciliation process, nonetheless, raises serious questions about the durability of Karzai's overall negotiation strategy.

Much of the NSC's focus, under the stewardship of Spinzada, Abdul Qayum Karzai, the president's older brother, and, to a much lesser extent, Ahmad Wali Karzai, his late half-brother, has centred on building bridges between the Karzai administration and their co-tribals in leadership positions in the Taliban's Quetta Shura, as well as potential Taliban allies with roots in Kandahar, where the Karzai family has long held land and power. Most notable among the latter was Mullah Abdul Ghani Baradar, a Popalzai Pashtun like Karzai and Tayeb Agha and a leading Taliban interlocutor from the southern province of Uruzgan.[210]

[206] Crisis Group interviews, London, November 2011 and Kabul, December 2011.

[207] Crisis Group interviews, senior Western government officials, Kabul, Washington, Bonn, June-December 2011. International media reports suggest meetings have been facilitated between Western and Afghan officials and representatives of the Haqqani network, but there has been no independent corroboration.

[208] Crisis Group interview, Kabul, 29 November 2010.

[209] Crisis Group interview, senior Afghan government official, Kabul, 16 August 2011.

[210] Thomas Ruttig, "Capturing the Taliban's second-in-command", *Foreign Policy* (online), 16 February 2010.

Baradar has been second in command of the Quetta Shura since at least 2007, when his predecessor, Mullah Akhtar Mohammad Osmani, was killed in battle. One of the first to join Mullah Omar in forming the Taliban in the 1990s, he has been accused of directing several massacres during the Taliban's reign[211] and is believed to have designed offensives that have killed hundreds of Afghan civilians, police and soldiers and dozens of coalition soldiers in Kandahar and Helmand in the last four years.[212]

Details about Baradar's contacts with the Karzai administration over the years have generally been founded on a mix of rumour and innuendo. It has been widely reported, nonetheless, that he had intermittent contact with Abdul Qayum and Ahmad Wali Karzai.[213] Not surprisingly, the NSC viewed him favourably, as among the Taliban leaders trusted by Mullah Omar likeliest to reconcile.[214] Afghan government contacts with him were abruptly broken when the ISI arrested him in Karachi, in a joint operation with the CIA in February 2010.[215] His capture was soon followed by the arrest of several other high-level Taliban in Pakistan, including Mawlawi Abdul Kabir, former head of the Peshawar Shura and governor of Nangarhar province under the Taliban government.[216] Although some captured in the sweep have reportedly since been released, Baradar apparently remains in custody in Pakistan.[217] The arrests were widely interpreted as a pre-emptive strike by the Pakistani military against the NSC's nascent efforts to cultivate links with sympathetic co-tribals on the Quetta Shura.[218]

Baradar's arrest left the Afghan government and international community with slim options for cultivating contacts with senior Taliban. Some U.S. and UK officials believe that ex-Taliban officials recently removed from the UN sanctions list may serve as the core of an "inchoate movement"[219] that would transform the Taliban from an armed group to a political organisation along the lines of the Hizb-e Islami Afghanistan party, which serves as the political wing of the armed faction led by Hekmatyar.[220] Most prominent among these are Mullah Abdul Salaam Zaeef, former Taliban ambassador to Pakistan; Wakil Ahmad Muttawakil, former Taliban foreign minister; Arsala Rahmani, who served in government under both Rabbani and the Taliban; and Abdul Hakim Mujahid, former UN representative for the Taliban regime and head of the recently revived Khuddam al-Furquan movement, a Taliban splinter group.

Rahmani, who reconciled with the government early on and was appointed senator in the Meshrano Jirga by Karzai in 2005 and 2010, and Mujahid are both members of the High Peace Council with close ties to the president's office. Until recently, they had been viewed by the presidential palace as outliers, but both have progressively gained political currency from their contacts with international interlocutors engaged in the negotiation process. All four former Taliban officials were delisted by the UN as part of individually negotiated deals brokered primarily through the NSC.[221]

They likely will play a central role in any negotiated settlement, but serious questions have been raised as to their political value, given their somewhat limited reach inside the Quetta Shura. By their own account, they are limited to the contact phase, delivering messages between the Taliban leadership and U.S., UK and European officials. Their statements and actions should be measured accordingly. According to a long-time analyst, publicity is unlikely to do much to enhance a Taliban interlocutor's credibility or ability to maintain lines of communications:

> The Taliban who might be interested in reintegration don't want to be in front of the television cameras saying Karzai is a great national hero for engaging the Taliban and publicly renouncing their allegiance to Quetta or wherever. They want to maintain a low profile where they can maintain a certain amount of stra-

[211] "Casting Shadows: War Crimes and Crimes Against Humanity: 1978-2001; Documentation and analysis of major patterns of abuse in the war in Afghanistan", The Afghanistan Justice Project, 2005, pp. 127-128. These reportedly include the summary executions of eleven Afghan personnel from the Bagram air base in 1999.

[212] Ron Moreau, "America's new nightmare", *Newsweek*, 24 July 2009.

[213] "Qayum Karzai and Ambassador Discuss Saudi Reconciliation Talks", U.S. embassy Kabul cable no. 2782, October 2008, released by WikiLeaks. Ahmad Wali Karzai was then the head of the Kandahar provincial council.

[214] Crisis Group interview, senior Afghan government official, Kabul, 16 August 2011.

[215] Mark Mazetti, Dexter Filkins, "Secret joint raid capture's Taliban's top commander", *The New York Times*, 15 February 2010.

[216] Pir Zubair Shah, Dexter Filkins, "Pakistani reports capture of a Taliban leader", *The New York Times*, 22 February 2010.

[217] Crisis Group interview, former Taliban official, Kabul, 18 March 2012.

[218] Praveen Swami, Dean Nelson, "Taliban second in command in talks with Afghan and US officials", *The Telegraph*, 20 October 2010.

[219] "Ex-Taliban seek mediation role", U.S. Embassy Kabul cable no. 1975, 31 July 2008, released by WikiLeaks, 2 December 2010.

[220] For a first-hand analysis of the role of ex-Taliban officials in the negotiation process and U.S. views on the Taliban's political prospects see "Ex-Taliban seek mediation role", U.S. embassy Kabul cable, no. 1975, 31 July 2008, released by WikiLeaks.

[221] Rahmani was one of several former Taliban officials delisted by the UN in July 2011.

tegic ambiguity that leaves them some room to live their lives but to also manoeuvre with the Quetta Shura.[222]

In contrast to its contacts with the Taliban, Afghan government attempts to cultivate members of Hekmatyar's Hizb-e Islami faction have made greater progress. The party's political wing has been given an increasingly active role in the government. Close to 50 members hold positions in the cabinet, parliament and civilian ministries or serve as provincial governors and in district-level government offices. Hekmatyar's faction is willing to compromise with the government largely because it is militarily weaker than its primary rivals, the Taliban and the Haqqani network. Fractures within it have also undermined its bargaining position.[223]

Hizb-e Islami's began to negotiate with the government in earnest in 2008, after an ostensible split in its upper echelons over leadership and political orientation.[224] Political wing representatives have tried to keep an appearance of arm's length relationship with Hekmatyar, whom the U.S. designated a global terrorist in 2003. Few take the distinctions seriously, particularly given the armed wing's long record of talks with the government. The most serious overtures to the armed wing began as early as May 2008, when Ghairat Bahir, Hekmatyar's son-in-law, was released from the U.S.-run prison in Bagram after six years, under a deal brokered by the Afghan government.[225] Bahir, who was ambassador to Australia and Pakistan during Hekmatyar's brief prime ministership, has played a pivotal role since, attending meetings with Kabul's representatives in the Maldives, Saudi Arabia and elsewhere.[226] In March 2010, he and Hekmatyar's chief deputy, Qutbuddin Hilal, laid out to Karzai in Kabul a fifteen-point peace plan that called for NATO withdrawal to begin in 2011 and parliament to do a constitutional review.[227]

While negotiations with Hizb-e Islami and the Taliban have progressed somewhat, it is unclear how they might impact outreach to the Haqqani network, which remains by far the most serious security threat. U.S. attempts to pressure the Haqqanis include imposing sanctions against key leaders and pressing Pakistan to ramp up operations against them in North Waziristan.[228]

As yet, there is little evidence that contacts with any of the insurgent groups have focused on substantive issues, including defining mechanisms for them to participate in the administration and/or governance of the Afghan state. Although the content of the discussions is known only to those involved, both precedent and recent developments suggest those with the Taliban have so far focused primarily on three issues:

- review and revision of the UN list of Taliban members targeted for sanctions and delisting certain of them; and the establishment and enforcement of national political amnesties for those who reconcile;
- establishment of a political office for the Taliban in a neutral third-party country and travel and housing arrangements for family members of select Taliban interlocutors/representatives who may be relocated to a neutral third-party country for security reasons; and
- release of select Taliban members and other insurgents detained in Afghan and U.S.-run prisons (primarily detainees held by the U.S. at Guantanamo Bay and Bagram).

U.S. government officials have described these manoeuvres as part of a menu of "confidence-building measures" with the insurgents.[229] How much confidence has been built on either side remains unclear. Numerous indicators since 2008, including Rabbani's assassination, suggest that at least some insurgent commanders are far from confident in the efficacy of talks. While several Taliban political advisers have begun pushing for the Quetta Shura to pursue negotiations and to develop a more specific political platform that contemplates a power-sharing arrangement, military commanders such as Malawi Kabir, the one-time head of armed operations in central and eastern Afghanistan, and Mullah Abdul Qayum Zakir, the one-time commander of southern military operations who now heads those in north-eastern and central Afghanistan, appear to remain adamant in their support for an all-or-nothing military solution to the conflict.

There is, as a result, a rift between Mullah Agha Jan Mutasim, former finance minister and head of the Taliban leadership council's political commission and one of the chief proponents of negotiations, and key military com-

[222] Crisis Group interview, former senior international adviser, 13 May 2011.
[223] See Crisis Group Report, *The Insurgency in Afghanistan's Heartland*, op. cit., 27 June 2011.
[224] Candace Rondeaux, "Afghan rebel positioned for key role", *The Washington Post*, 5 November 2008.
[225] Unpublished interview by Crisis Group analyst in former capacity, Ghairat Bahir, Islamabad, July 2008.
[226] Crisis Group interview, Sayed Sharif Yousufi, deputy director, PTS program, Kabul, 14 June 2011.
[227] Thomas Ruttig, "Gulbuddin ante portas-again", Afghanistan Analysts Network, 22 March 2010.
[228] Alex Rodriguez, "U.S. changes approach to pressing Pakistan on Haqqani network", *The Los Angeles Times*, 21 October 2011.
[229] Crisis Group interviews, U.S. government officials, Kabul and Washington DC, July 2011 to October 2011.

manders such as Zakir.[230] A Kandahari Pashtun from Panjwayi, Mutasim is a close associate of Mullah Omar and was for a time considered the leading force behind Tayyeb Agha's outreach to Western governments and the proposal to open a political office in Qatar.[231] Like other Taliban leaders who have tried to strike their own bargains, Mutasim, however, apparently fell afoul of both the Quetta Shura and the ISI when news of plans for the Qatar office leaked in summer 2011, a circumstance that may have led to an armed assault on his home in Karachi in August 2011.

With the assistance of the president's brother, Qayyum, and the Karzai family's long-time allies Assadullah Khaled and Arif Khan Noorzai,[232] the Afghan government has pursued a number of different options over the years, including opening such an office in either Saudi Arabia or Turkey.[233] Neither of those addresses has worked out, however. While Turkey could have been hesitant for fear of domestic political blowback over a move that might be perceived as supporting Islamist extremism,[234] the Saudi government is concerned about the Taliban's reluctance to publicly sever ties with al-Qaeda. Saudi and Turkish reservations over the Taliban office contributed to the U.S. push to move the venue to Qatar.

Although the U.S. has endorsed the move, and Qatar has agreed to give the office limited support, it was initially resisted by the Karzai government, which, with political brinkmanship as the press reported details of the deal in December 2011, recalled its ambassador from Doha for consultations.[235] Afghan officials publicly complained that neither the U.S. nor Qatar had properly consulted on the proposal, but the ambassador's recall was most likely meant to regain leverage in an increasingly fraught negotiating process. Far from building confidence, measures taken to support the U.S.-backed push for talks have so far underscored Karzai's irresolute approach to political settlement and differences between the Afghan government and the international community over the process.

Repeated flare-ups between Karzai's government and other international parties over the removal of certain Taliban members from the UN sanctions list have proved among the more significant obstacles in the negotiating process.[236] The Security Council established the list in 1999, pursuant to Resolution 1267, which outlined a regime of asset freezes, travel bans and arms embargoes against specific al-Qaeda, Taliban members and associated individuals and entities. Administration of the list was overseen by the "1267 Committee", a Council subsidiary headed by a rotating chairperson.[237] Its guidelines called for detailed cases to be presented regarding individuals or entities recommended for addition or removal to the list. Petitions for delisting can be submitted by the individual or entity in question through the state where residence or citizenship is claimed or the ombudsperson.[238]

Security Council Resolutions 1988 and 1989 (17 June 2011) separated the sanctions regimes for al-Qaeda and the Taliban. While the U.S. interpreted this as an important confidence-building measure, there is little public evidence the Taliban has reciprocated by signalling willingness to sever ties with al-Qaeda. Leaders in Quetta seem to want to keep a degree of strategic ambiguity over them, reaffirming, for instance, their support for transnational jihad, while omitting reference to revenge attacks, in a statement released four days after bin Laden was killed.[239] Mullah Zaeef, a leading Taliban personality involved in negotiations, suggested that it was unlikely the Taliban would ever publicly disavow al-Qaeda, since the group "has no dispute with al-Qaeda", but insisted that it was "not interested" in supporting al-Qaeda's global jihadist cause and would not allow al-Qaeda to operate in Afghanistan again.[240]

The UN-consolidated list originally included 144 Taliban members. Two dozen have been removed since Karzai announced his reconciliation policy at the 2010 London Conference.[241] Almost all were mid-level, mainly from the

[230] Crisis Group interviews, London, November 2011; Kabul December 2011.
[231] Crisis Group interviews, Kabul, December 2011, February 2012.
[232] Crisis Group interviews, London, November 2011.
[233] Matthew Rosenberg, Sharifullah Sahak, "Karzai agrees to let Taliban set up office in Qatar", *The New York Times*, 27 December 2011.
[234] Crisis Group interview, senior Turkish government official, New York, 25 May 2011.
[235] Amir Shah, "Karzai: Taliban office should be in Afghanistan", Associated Press, 15 December 2011.
[236] Crisis Group interview, senior Afghan government official, New York, 25 May 2011.
[237] "Guidelines of the Committee for the Conduct of Its Work", UN Security Council Committee Pursuant to Resolutions 1267 (1999) and 1989 (2011), 30 November 2011.
[238] The Office of the Ombudsperson was established by Security Council Resolution 1904 (2009), mandated to gather information concerning delisting of individuals or entities.
[239] "Statement of the Leadership Council of the Islamic Emirate of Afghanistan Regarding the Martyrdom of the Great Sheikh Osama bin Laden", Islamic Emirate of Afghanistan (IEA), 6 May 2011.
[240] Crisis Group interview, Mullah Abdul Salaam Zaeef, Kabul, 16 January 2012.
[241] The UN announced it would delist five Taliban members on 27 January 2010, a day before the London Conference; five more were delisted on 27 and 30 July 2010 and fourteen on 15 July 2011. According to the UN sanctions committee, the roster and former offices of delistees include: Wakil Ahmad Muttawakil, foreign minister; Fazal Mohammad, deputy commerce minister; Shams-us-Safa Aminzai, foreign ministry spokesman; Mohammad Musa Hotak, deputy planning minister; Abdul Ha-

central and eastern provinces; a quarter were already deceased. Several are now on the High Peace Council, and it is widely expected that some will eventually play a pivotal role in the administration of a Taliban political office.

The delisting process has generally moved slowly, partly due to Afghan government resistance, such as failure to give the sanctions committee the necessary case background materials.[242] In at least one instance, it blocked UK moves to kick-start delisting, claiming it had not been fully consulted.[243] The stalling tactics reflect not only inherent tensions over the highly politicised nature of the process but also the deepening divide within Karzai's inner circle over the pace and scope of the U.S.-led reconciliation efforts and the president's own reconciliation policy. While members of his NSC have periodically expressed support for negotiations, they differ over which former Taliban members should or are even able to play a role in the process.[244] Spanta, the national security adviser and ex-foreign minister, is one of the more sceptical.[245] A one-time Green Party activist and professor in Germany, he has pointed to the Taliban's safe havens in Pakistan as the primary barrier to building momentum for negotiations and has publicly recoiled at the suggestion talks might result in a power-sharing deal.[246]

More such hiccups are likely to be encountered as Kabul and Washington wrestle over the considerably more complex problem of the status of Taliban detainees held by the U.S. military in Guantanamo Bay and Bagram. Prisoner releases have long topped Taliban demands, and several have been negotiated as a result of contacts between the U.S., ISAF and Taliban interlocutors.[247] In general, the Obama administration has had greater latitude in using releases from Bagram as a confidence-building measure. Although U.S. management of that prison has been complicated by Afghan demands to speed up transfer of control, U.S. court decisions have so far insulated Washington from the kinds of legal constraints imposed by decisions on the status of prisoners at Guantanamo.[248] Following the signature of an agreement in March 2012 to transfer the prison to Afghan control before the end of the year, however, even that slim advantage may evaporate.[249]

The Obama administration has been hamstrung by its own policy failures as well as strong Congressional opposition to its efforts to close the prison at Guantanamo and to change the detention regime for terrorism suspects both generally and in the context of releasing Taliban prisoners. Congressional resistance reached its peak when it was revealed that former Taliban member and one-time Guantanamo detainee Mullah Abdul Qayum Zakir returned to the battlefield two years after the Afghan government negotiated his release in 2007.[250] Congressional opposition to Obama's January 2009 presidential order for closure of Guantanamo has in effect blocked a longstanding request from the Afghan government for the release of several prominent Taliban personalities.

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kim, deputy tribal and border affairs minister; Abdul Hakim Mujahid Mohammad Awrang, UN ambassador; Abdul Hakim Munib, governor of Uruzgan; Abdul Salam Zaeef, ambassador to Pakistan; Abdul Satar Paktin, deputy health minister; Abdul Samad Khaksar, deputy interior minister (deceased), Ahmad Shah Mohammad Islam Mohammadi, military commander (deceased); Mullah Mohammad Rabbani, chief of council of ministers (deceased); Rafiullah Moazin, deputy chief justice (deceased); Rahimullah Zarmati, deputy information and culture minister (deceased); Mohammad Hussain Mostaded, director of Kabul Science Academy (deceased); Mawlawi Abdul Ghafour, deputy agriculture minister; Mohammad Sohail Shaheen, second secretary, Embassy-Pakistan; Shamsullah Kamalzada, foreign ministry official, Embassy-Saudi Arabia; Sayed Alamuddin Asir, civil servant; Mohammad Daud, communications officer, Embassy-Pakistan; Mohammad Siddiq Akhundzada, deputy rural rehabilitation minister; Mawlawi Arsala Rahmani, deputy higher education minister; Mawlawi Habibullah Fawzi, foreign ministry official Embassy-Saudi Arabia; Mullah Faqir Mohammad Khanjari, director, vice and virtue ministry; Saeed ur-Rahman Haqqani, deputy public works minister. (The spellings of the names and titles included in the official UN sanctions list are a matter of considerable dispute; those above are drawn verbatim from that list.)

[242] Crisis Group interview, senior UN official, New York, 25 May 2011. Resolution 1988 built a new Afghan case committee.

[243] Crisis Group interviews, New York, 25 May 2011.

[244] Crisis Group interview, senior Afghan government official, Kabul, 15 August 2011.

[245] In May 2007, the Wolesi Jirga voted no confidence in Spanta, then foreign minister, but the Supreme Court ruled the vote unconstitutional.

[246] See "Interview with top Afghan security adviser: the stream of new insurgents is almost endless", *Der Spiegel* (online), 6 July 2011; and "Taliban are terrorists and murderers of Afghan people: Spanta", Tolonews.com, 13 February 2012.

[247] Crisis Group interview, former Taliban official, Kabul, 19 July 2011.

[248] For detailed analysis of the U.S.-run prison at Bagram, see "Detained and Denied in Afghanistan: How to make U.S. detention comply with the law", Human Rights First, May 2011. Regarding the status issues concerning Taliban prisoners in Guantanamo, see Rod Norland, "Karzai calls on U.S. to release Taliban official", *The New York Times*, 8 February 2011.

[249] Anne Gearan and Kathy Gannon, "U.S. wants 2012 talks for political office", Associated Press, 30 December 2011.

[250] One of thirteen prisoners released to the Afghan government in December 2007, Zakir has for the last several years directed Taliban military operations in the south east; he reportedly replaced Baradar as Mullah Omar's top lieutenant in 2011. He is suspected of being the lead architect of Rabbani's assassination.

Despite the domestic stalemate over U.S. detention policy, the release of Afghan prisoners at Guantanamo remains the focus of negotiations for both Kabul and the Taliban. Among them is Khairullah Said Wali Khairkhwa, former Taliban governor of Herat province and interior minister detained since May 2002. In early 2010, Karzai launched a public campaign for his repatriation, insisting he could be pivotal to Taliban support for negotiations.[251] It gained little traction. In June 2011, a U.S. federal court denied a habeas corpus petition filed on Khairkhwa's behalf by a North Carolina law firm hired by Hekmat Karzai, the president's cousin and head of a Kabul think-tank.[252]

Khairkhwa is now one of five Taliban officials in U.S. custody at the centre of a proposal to exchange them for Sgt. Bowe Bergdahl, the U.S. soldier the Taliban captured in eastern Afghanistan in June 2009.[253] In early March 2012, several Afghan government officials met with Khairkhwa and other prisoners during a visit to Guantanamo; all five detainees questioned agreed to be transferred to less restrictive custody in Qatar on condition that their families be allowed to join them there.[254] This raised hopes that negotiations between the Taliban and the U.S. had reached a new peak. Several Taliban interlocutors involved, however, grew sceptical as the releases were delayed, and U.S. officials apparently gave them a draft memorandum of understanding for greater Afghan government involvement in the negotiation process.[255] With tensions high over the Quran burnings at Bagram in February 2012 and after a U.S. soldier reportedly massacred sixteen civilians in Kandahar the next month, the Taliban announced a suspension of talks with the U.S. even as Karzai called for an accelerated U.S. troop withdrawal.[256]

In addition to the prisoner exchange and the opening of a Taliban political office in Qatar, the U.S.-backed deal at one point also involved negotiations over a series of ceasefires that could give the Taliban control in effect over wide swathes of the south and east.[257] Afghan government officials have acknowledged the outlines of such a deal but stated that they have rejected international proposals that would result in the de facto partitioning of the country as part of a power-sharing arrangement with the Taliban.[258] With the U.S. continuing to drive the process, the gap between the U.S. rhetoric on "Afghan-led" negotiations and the reality of deal-making with the Taliban that bypasses Afghan stakeholders is likely to widen in the lead up to the end-of-2014 transition.

[251] Rod Norland, "Karzai calls on the U.S. to free Taliban leader", *The New York Times*, 8 February 2011.
[252] Crisis Group interview, Hekmat Karzai, director, Centre for Conflict and Peace Studies, Kabul, 6 July 2011. *Kahirullah Said Wali Khairkhwa v. Barack Obama*, civil action no. 08-1805, U.S. District Court for the District of Columbia, 27 May 2011.
[253] "U.S. agrees 'in principle' to swap Taliban fighters for Bowe Bergdahl", *The Telegraph*, 13 January 2012.
[254] Anne Gearan, "Taliban prisoners at Guantanamo agree to transfer", Associated Press, 10 March 2012.
[255] Crisis Group interview, former Taliban official, Kabul, 18 March 2012.
[256] Yaroslav Trofimov, "Karzai calls for U.S. troop pull out", *The Wall Street Journal*, 15 March 2012.
[257] Crisis Group interview, former Taliban official, Kabul, 19 July 2011.
[258] Crisis Group interview, senior Afghan government official, Kabul, 16 August 2011.

VI. TOWARD A POLITICAL SETTLEMENT

A. BEYOND POWER-SHARING

Contacts and confidence-building measures will undoubtedly be critical to building momentum for a negotiated settlement. But the current experiment in negotiations has encountered significant hurdles in large part because it has been driven primarily by the U.S., along with the UK and Germany, rather than by Afghans, who have the most to gain or lose from it. The exclusive focus on the Taliban has left other equally challenging aspects of the conflict unaddressed. The steps taken thus far have failed to address the most critical questions facing the Afghan state and citizens, even as the U.S. and NATO forces begin their drawdown:

- can an aid-dependent government, weakened by corruption and insecurity and crippled by a crisis of legitimacy, integrate a highly ideological, armed movement into Afghanistan's current governance system?
- can the political system accommodate an ideological movement that insists on Sharia (Islamic law) as guiding constitutional principles?
- does the Taliban have the capacity to resolve fundamental differences between Salafist/Wahhabist hardliners and sections of the leadership more inclined to compromise on the role of Sharia in the post-transition Afghan state?
- will the Afghan political opposition cooperate in the restructuring of the political order along the lines suggested by the insurgents? and
- are the Afghan security institutions capable of protecting the country against external intervention, and is the international community willing to support a policy of non-interference in Afghanistan?

For now, it appears none of these questions can be answered affirmatively. Neither the U.S.-led initiative nor Afghan efforts at reconciliation are likely to result in a sustainable peace, given current levels of instability and insecurity, the strong distrust among critical players such as the U.S., Pakistan, Iran and India, and the track record of those countries for interference. Nor is an externally-devised and driven peace deal likely to resolve the mounting ethnic tensions between Pashtuns and non-Pashtuns. Kabul is unlikely to be able to broker a lasting agreement that would satisfy the country's main ethnic constituencies as long as the Taliban resists compromise on Sharia. Externally-driven temporary bargains with insurgent groups resulting in local ceasefires and short-term but relatively select compromises on issues such as education for girls are unlikely to prevent resumption of civil war. To be meaningful, negotiations must move past a power-sharing arrangement's limits and address key issues of accountability and political and constitutional reform, which should be the foundation of a meaningful settlement.

The negotiating positions of all involved – the Karzai government, its political opposition, the insurgents, regional actors (particularly Iran and Pakistan) and extra-regional powers (particularly the U.S.) – are likely to be quite fluid for the foreseeable future. In the short term, the prospects for a greater concurrence of interests that match-up with actions to promote stability in Afghanistan are exceedingly dim. This should not mean that the entire exercise of developing a negotiating agenda and planning for talks at different levels should be left for another day. With NATO's withdrawal imminent, the Afghan government and its international allies, particularly the U.S., need to stop making empty pronouncements on redlines and preconditions and push more urgently for a specific roadmap to settlement. It is no longer enough for Kabul to pay lip-service to the idea of national reconciliation or for the U.S. to simply paint an "Afghan face" on what is clearly an effort driven almost entirely by Washington.

B. DRAWING A ROADMAP

1. Devising a sustainable peace

In the long term, prospects for a successful negotiated settlement depend heavily on each actor's capacity to strike a balance between self-interested pursuit of power and promotion of collective security and stability at the local, national and regional levels. As NATO's engagement ends, Afghan political leaders – establishment, opposition and insurgents alike – need to articulate a vision for the country and develop the capacity for policy implementation and political accommodation. The Taliban must recognise there will be strong domestic resistance to substantially altering the basic democratic attributes of the constitutional system, including elected representative institutions and guaranteed rights and freedoms for all. Whatever the last decade's governance failures, Afghans have more than demonstrated their commitment to maintaining this democratic, inclusive structure, including an elected parliament. Pro-democracy elements within the political elite – especially minorities – have shown they are more than capable of putting up a fierce struggle, armed or political, to maintain a pluralistic political order.

This means that the Taliban will have to abandon the goal of resurrecting an Islamic emirate if they plan to be a part of the Afghan political order. Instead, they should demonstrate the capacity to develop a comprehensive platform that is domestically acceptable and acquire the political skills and resources to gain access to government through peaceful means. No external power can make this happen.

It will take years for the Taliban to develop the kind of political cohesiveness and talents needed to test its political ideals at the polls – if it ever happens at all.

2. Mapping the agenda

Stability in Afghanistan will remain elusive until the reconciliation process is recast in much broader terms, addressing the constitutional crises that Afghanistan has faced for the better part of three decades. The power imbalances between the executive, legislature and judiciary must be squarely addressed. But genuine redistribution of power will require the Afghan government and the international community to look beyond power-sharing with the insurgents as a means of stabilising the country.

The current conflict centres on whether the Afghan state should be an Islamic republic, an inclusive democracy or an Islamic emirate, with Sharia ordering the affairs of state either partially or totally or not at all. A secondary issue is the division of power between the executive, legislature and judiciary and its distribution between the capital, provinces, districts and municipalities. It is beyond this report's scope to address the entire complex of problems posed by the current constitution. Exploration of all the potential pathways for renegotiating a constitution that might accommodate majority Pashtun concerns over distribution of power and judicial review, along with the concerns of minorities and women deserves separate treatment.

It is increasingly clear, however, that a political deal is unlikely to last unless parties to the conflict support and endorse a shared legal framework for the national distribution of power and legal basis of political authority.[259] While the current executive and legislature support a republican order in which there is no higher normative authority than that of the constitution, the leadership of the predominantly Deobandi and Pashtun insurgency currently rejects this relatively inclusive system of governance. Its hardline elements see no room for a constitutional order beyond that implied by the strict application of Hanafi jurisprudence.

This fundamental tension implies that the constitution should ultimately be the starting point, not the end result of any bargaining process. Compromise on the role of Sharia in defining the political order should be expected, but the constitutional amendment process should be revised to provide sufficient relief to those citizens seeking to limit the impact of state intervention into civil and personal affairs. At minimum, a new constitutional order should enhance provincial power and local autonomy, provide a path for citizens to access independent impartial judicial review and strengthen checks and balances between the three branches. Change of this magnitude would eventually need the broad support of the Afghan people, either through a national referendum or another electoral mechanism that ensures buy-in from the greatest number of citizens possible.

No single entity will be able to address the scope of work needed to repair the constitution. Constitutional overhaul will likely require months of negotiations between a diverse set of actors in a formal and lengthy convention process. Separate standing constitutional committees on the executive, legislature, judiciary, electoral system, commerce and state appropriations, customs and borders and provincial, district and municipal authorities will need to be appointed through a Loya Jirga (Grand Council). Committees should include female delegates, members of under-represented minorities and at least one jurist in good standing, with demonstrated competency in Islamic *and* international law. This is the minimum needed to ensure that a constitutional reform process does not result in retrenchment of basic rights and fundamental guarantees provided for under the current constitution and Afghanistan's international legal obligations.[260]

The pending transition from NATO to Afghan control of security could provide an optimal platform for constitutional and electoral reform. This is particularly important because it overlaps with the 2014 presidential election. There is urgent need for parliament to adopt legislation that clarifies the rules of presidential succession and specifically defines the parameters of presidential authority from the opening of the election campaign to the final certification of polling results well before 2014. Any attempt to extend President Karzai's term beyond 2014 would trigger an irreversible constitutional crisis and widen the appeal of taking up arms against the government.

Diplomatic missions, UNAMA and ISAF should prioritise increasing support to enable parliament to pass legislative amendments to the electoral law aimed at clarifying the structure and role of the Independent Election Commission (IEC) and standing up a permanent Electoral Com-

[259] Crisis Group plans a subsequent analysis of the constitutional challenges.

[260] Afghanistan is a party to the following relevant international treaties: The 1949 Geneva Conventions; the 1948 Genocide Convention; the 1968 Convention on Non-Applicability of Statutory Limitations of War Crimes and Crimes Against Humanity; the 1979 Convention on the Elimination of All Forms of Discrimination Against Women; the 1966 International Covenant on Civil and Political Rights; the 1966 Convention on Elimination of All Forms of Racial Discrimination; the 1984 Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment; the 1989 Convention on the Rights of the Child; and the 1998 Rome Statute of the International Criminal Court.

plaints Commission. In February 2009, parliament approved and presented a law outlining the structure of the IEC and calling for lower house approval of IEC nominees, but Karzai refused to sign it. Months after he obtained a second term on the basis of a deeply fraudulent election, he further curtailed the IEC's independence, issuing a presidential decree that circumscribed its authority to make final determinations on polling irregularities and results.

Crisis Group has extensively documented the wide array of flaws in the electoral system and has long argued for changes to the electoral and political party laws and for an overhaul of the Single-Non-transferable Vote (SNTV) system.[261] Aid to the Afghan government for the 2014 presidential and 2015 parliamentary polls should be conditioned on repeal of the February 2010 presidential decree on the electoral law, rationalisation of the electoral calendar and an overhaul of the voter registry to include redrawing of electoral constituencies to make them more responsive to present demographics and political and geographic divisions. Timing is critical for these changes, as the constitution limits when electoral reform can be undertaken and stipulates when polls must be held; to avoid a major clash over the election schedule and changes to the electoral law reforms should be ratified no later than May 2013, ie, one year before the scheduled date for presidential elections to be held as mandated by the constitution.[262]

The positive impact of reforms of this sort will only be felt, however, if the government can fill the political and security void created by NATO's exit. Ensuring that the next presidential election results in the peaceful transfer of power at the end of Karzai's term in 2014 is critical to that effort.

3. Negotiating with the insurgency

While the resolution of the conflict must certainly be Afghan-led, the sustained reduction of hostilities will rely heavily on the international community's support for decades to come. External actors can and should play an important role in encouraging the Taliban to negotiate with other Afghan stakeholders. The external role will be even more critical in ensuring that regional actors facilitate rather than disrupt any internal negotiating process. At the same time, however, influential extra-regional actors should not seek shortcuts. Any attempt to stitch up a formalised, internationally-backed settlement according to timelines determined in Western capitals would do little more than encourage the insurgents and their regional backers, particularly the Pakistani military, to push even more strongly for a military victory, undermining any prospects for building the domestic consensus and compromise essential for a viable and sustainable peace.

Obstacles to arriving at an internationally-backed accord on a political settlement are legion. Much more will need to be done to formalise the negotiating process between Afghanistan, Pakistan, Iran, the U.S. and subsidiary external parties to the conflict such as India. Regional actors must be convinced that concerns over their internal stability can be aligned and better balanced against challenges posed by perceived external threats. They must also be convinced of the negative consequences, including potential domestic and external costs, of a failure to support the process. Since the U.S. is itself a party to the conflict, it is in no position to lead on this. The UN should do so. At the same time, the U.S., its NATO allies and other extra-regional actors such as Russia and China, and institutions such as the Organisation of Islamic Cooperation (OIC), can play a vital role by supporting the process and subsequently ensuring that agreements – regional and domestic – are comprehensively enforced.

Getting from here to there is easier said than done. During the last decade, Afghan regard for the UN has dimmed, and the appetite to wade deeper into the conflict has faded in New York, as UNAMA has repeatedly suffered attacks – both armed and political – since the 2009 presidential elections.[263] However, while several international organisations, including the OIC[264] and even the Shanghai Co-

[261] See Crisis Group Briefings, *Afghanistan's Elections Stalemate*, op. cit.; N°96, *Afghanistan: Elections and the Crisis of Governance*, 25 November 2009; and Report, *Afghanistan's Election Challenges*, op. cit.

[262] Art. 109, Chapter 6 of the 2004 Constitution states that "proposals for amending elections law shall not be included in the work agenda during the last year of the legislative term." Following the September 2010 parliamentary elections, the Wolesi Jirga was inaugurated on 26 January 2011; the current legislative term thus should end on 25 January 2016, making 25 January 2015 the latest date at which changes to the electoral law can be enacted. However, Art. 61, Chapter 3 of the 2004 Constitution states that the presidential term shall expire on 22 May of the fifth year after elections and that "elections for the new President shall be held within thirty to sixty days prior to the end of the presidential term." Confusion over term endings for both the president and parliament have been the cause of considerable debate and study as documented by Crisis Group in several reports. Election experts and analysts familiar with the system generally agree that the wisest course is to enact changes to the electoral law one year ahead of the scheduled presidential elections, ie, by May 2013 to ensure sufficient time to address any legal challenges to proposed changes.

[263] For analysis of the UN role in Afghanistan in the post-Taliban era, see Crisis Group Briefing, *Afghanistan: Elections and the Crisis of Governance*, op. cit.

[264] For more background, criticism and analysis of the OIC, see Toni Johnson, "Backgrounder: The Organisation of the Islamic Conference", Council on Foreign Relations, 29 June 2010; Austin Dacey and Colin Koproske, "Islam and Human Rights: Defending Universality at the United Nations", Center for Inquiry, 2008; Bassam Tibi, *The Challenge of Fundamentalism: Political Islam and the New World Disorder* (Berkeley, 1998).

operation Organisation (SCO), are likely to contribute to the process, the UN, despite its current limitations, is the only one with the capacity to facilitate negotiations and to ensure, with robust international support, the implementation of a settlement over the long term.

Some have suggested creation of a UN-backed "super envoy", tasked with overseeing the negotiations process,[265] but the conflict is too complex for a single envoy, and there is a danger that concentrating too much power in a single individual's hands could result in damaging and long-lasting misunderstandings between critical parties. The facilitation process should be designed to allow parties to the conflict to draw on a wide range of resources and expertise. Consideration should be given to a UN-appointed panel of internationally respected mediators, supported by experts well versed in the political realities of the region. This mediation panel would additionally need the input of experts experienced in economic and trade elements, drug and weapons trafficking and transnational terrorism.

The team needs to be small, well-structured and well-resourced to remain nimble and flexible enough to deal with the demands of multiple actors and potential spoilers. This means it requires leadership and organisation allowing for swift but well-reasoned decisions. It may be necessary to create a board-like structure in which five to seven mediators, led by a chairperson with a neutral political profile, determine critical issues such as inclusion of items on the negotiating agenda, timing and sequencing of meetings between various interlocutors and appropriate policy lines regarding implementation of aspects of internationally-backed accords. It will likely be necessary to have a division of labour, with each member responsible for one aspect of the negotiating process, eg, delisting and detention; legal (constitutional) and political institutions; economic, customs and trade policy; and monitoring and implementation. Such structural details should be consulted on with key actors like Afghanistan, Pakistan, Iran, and Security Council members well before 2014 to ensure the broadest and most sustainable buy-in possible.

A negotiated settlement in the regional context will necessarily unfold on multiple levels and across multiple platforms, as each actor, particularly Pakistan and Iran, calculates costs and benefits for its national security interests. An internationally-mediated accord will certainly require a mechanism to monitor and resolve disputes over perceived or actual breaches. The UN Secretary-General should initiate consultations with the Afghan government, NATO and core regional actors, such as Pakistan, India, Russia, China and bordering Central Asian states, as well as other UN member states, on implementation and oversight of such a mechanism to be undertaken upon NATO troop withdrawal.

Some analysts have suggested that the exploratory phase of negotiations with insurgents should include local ceasefires.[266] But there is a danger that piecemeal deals would only produce piecemeal results.[267] Attempts to broker local ceasefires are not likely to be sustainable until the political thicket of centre-periphery relations is addressed head-on and the distribution of power between the capital, provinces and districts is reorganised under an amended constitution. Ceasefires and other such confidence-building measures may emerge as higher priorities once an international mediating team is able to work with parties to the conflict to establish a negotiating agenda.

Broad-based participation in the negotiating process, that will ensure buy-in of any accord reached, is far more essential. Kabul must revisit its reconciliation policy and recast the role of the High Peace Council. The inclusion of members of the political opposition will be crucial to success. The negotiating team should also include a balance of representatives from the Afghanistan Independent Human Rights Commission, the National Security Council and select civil society actors, particularly women. Likewise, a balance must be struck between the interests of the diverse array of armed insurgent groups currently operating within Afghanistan, from the Haqqani network to the Taliban and Hizb-e Islami. Efforts will need to be made to grow the capacity within the insurgency for comprehensive political engagement under an electoral framework, as it moves progressively from an illegal armed force to a genuine political movement geared toward broad enfranchisement for all Afghans. In short, the negotiation process must include all stakeholders and reflect the country's diversity.

[265] Brahimi and Pickering, "Afghanistan: Negotiating Peace", op. cit., p. 8.

[266] Ibid, p. 63.

[267] The political blowback and security meltdown that followed a UK and ISAF backed effort to broker an individual ceasefire in the Musa Qala district of Helmand province in September 2006 is a case in point. The fourteen-point accord, signed under the authority of then-Governor Mohammad Daoud, called for a mutual withdrawal of ISAF and Taliban forces from the district centre and for the district council to nominate 50 men to maintain security under the aegis of the Afghanistan National Auxiliary Police. The accord not only failed but also allowed the insurgents to expand their space. Semple, op. cit., p. 31.

VII. CONCLUSION

The Afghan government is not and will not be equipped in the near term to negotiate a political settlement to end over three decades of conflict. Its efforts to build broad support for a national reconciliation process to date have been rendered ineffective by heightened violence, internal political fissures and interference by regional actors. The current approach has had detrimental effects on the process, eroding what little trust existed between the government and its political opposition, fuelling widespread opposition to the process and stoking xenophobic sentiments among war-weary Afghans that could, in the long term, pose serious risks for the country's stability.

Barring a major course correction in which all involved with the conflict thoroughly reassess their policies, progress on reconciliation by the end of 2014 is highly unlikely. Negotiations stand little chance of producing positive results if the Karzai government continues to exclude its political opposition, as well as civil society and the public at large, from the reconciliation process, ignoring the understandable concerns of ethnic minorities and women. Ending the conflict is a high-stakes game that will test each player to the limit. The price of a settlement will doubtless be dear, but there should be no discount on democracy; the state's fundamental obligation is to protect and defend the rights of all citizens and ensure equal access to justice. Eschewing defence of human rights as an impractical means to an unrealistic end would be counterproductive. As the government works for a compromise with the insurgents, the concerns of women and ethnic minorities must be incorporated in the new political order. Every effort must focus on increasing its capacity to negotiate an inclusive political solution.

The incentive structure for negotiations between the government, its political opposition and the insurgency must be recalibrated. All Kabul's opponents – armed and unarmed alike – must become genuine parts of the process, but contingent on their acceptance of a peaceful path to political participation and change, not by the barrel of the gun. Any viable peace will require constitutional change, including a fundamental restructuring of the current political order in which Kabul's political elites dictate provincial realities and government representatives remain unaccountable to their constituents. While there are certainly disagreements on which parts or how much of the constitution require change, there is growing domestic consensus that constitutional change is the best means of progressing toward a settlement. Chances are slim that the current political order will survive for long beyond 2014, unless the negotiations process is restructured to include meaningful political reform on this scale.

Afghan political realities cannot be ignored. Preservation of the Afghan republic is not a secondary issue; it is critical to national and regional stability. The U.S. and other influential actors should be wary of viewing confidence-building measures with the insurgents as ends in themselves. There is little point in securing a political office in a third country for the Taliban if its leadership remains non-committal about developing a genuine political platform and participating in a pluralistic political system where change comes through ballots, not bullets.

The UN is the only international organisation capable of drawing together the necessary political support and resources for what will undoubtedly be a lengthy and complex negotiating process. As NATO prepares to draw down its forces, coalition partners must begin to incorporate the UN more in the overall dialogue around transition, but beyond this basic step it is clear that a UN-mandated mediation team is the only realistic and sustainable way forward in terms of a negotiating process. The Security Council must move swiftly to adopt a mandate empowering the Secretary-General to appoint such a team, well before the end of 2013 when many decisions around NATO's continued presence and role will have already been decided.

Eleven years into the international engagement in Afghanistan, it is clear that political settlement without political incentives is a non-starter. However, collective consultation and transparency is most likely to win the day, not secrecy and unilateral action. The only route to the necessary domestic buy-in of a peace process is broader political participation at the local and national levels, supported by vigorous engagement at the regional and wider international levels. Coordination and consultation among all the actors at the table are a minimum requirement of a sustainable settlement. The redistribution of power under such a settlement will ultimately result from Afghan political processes rather than U.S. and NATO-backed grand bargains. Washington would do well to ensure that the Afghan government, the Afghan political opposition and regional actors are consulted at each juncture of its own deliberations on the way forward.

The rhetoric around reconciliation must be backed by an actionable plan to move forward with internationally-mediated negotiations and support for a UN-led process that places a premium on Afghan solutions to Afghan problems. Throwing money and military resources willy-nilly at the problem of widespread political disenfranchisement in Afghanistan will not bring greater security to the country or its region. The U.S. and NATO cannot single-handedly "fight, talk, build" a path to a negotiated end to the conflict simply by establishing a veneer of engagement with the Taliban. A deal with the Taliban alone will never be enough to secure the peace.

Kabul/Brussels, 26 March 2012

APPENDIX A

MAP OF AFGHANISTAN

APPENDIX B

GLOSSARY

AIHRC
Afghanistan Independent Human Rights Commission.

ALP
Afghan Local Police.

ANA
Afghan National Army.

ANP
Afghan National Police.

ANSF
Afghan National Security Forces.

APRP
Afghanistan Peace and Reintegration Program.

DDR
Demobilisation, Disarmament and Reintegration.

DIAG
Disarmament of Illegal Armed Groups.

Haqqani network
Militant Islamist military group founded by Jalaluddin Haqqani after his split with Hizb- e Islami-Khalis leader Mohammad Younus Khalis in the late 1980s.

Harakat-e Inqelab-e Islami (Islamic Revolutionary Movement)
A top Islamist party formed under the leadership of Mawlawi Mohammad Nabi, a Pashtun cleric, in the late 1980s in a bid to unite the fractured mujahidin parties.

Harakat-e Islami (Islamic Movement)
One of the main Shiite parties allied with the Northern Alliance to fight in the anti-Soviet jihad.

Hizb-e Islami-Gulbuddin, HIG (Islamic Party)
One of the leading radical Islamist parties of the anti-Soviet jihad era; led by Gulbuddin Hekmatyar, an ethnic Pashtun from Kunduz province.

HPC
High Peace council.

IEC
Independent Election Commission.

ISAF
International Security Assistance Force.

ISI
Inter-Services Intelligence directorate (Pakistan).

Loya Jirga
Grand Council.

NSC
National Security Council.

OIC
Organisation of Islamic Cooperation.

PTS
Peace Through Strength program.

Quetta Shura
The top leadership council of the Afghan Taliban, headed by Mullah Mohammad Omar and based in the southern Pakistani city of Quetta in Balochistan province.

UNAMA
United Nations Assistance Mission in Afghanistan.

APPENDIX C

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

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