

Briefing

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Rebooting a Political Settlement Engagement and Mediation after the Afghan Elections

Summary

- Political engagement and reconciliation should remain a priority for the international community, with the avoidance of a return to full-fledged civil war as its central goal.
- These priorities have fallen out of favour during the past year since the failure to capitalize on the opening of the Taliban's political office in Doha. The current Afghan government and its appointed body, the High Peace Council, continue to lack sufficient commitment, and no serious efforts are being made.
- Given the impending draw-down of foreign troops from the country and the potential for new political realities that the election will bring, diplomats and politicians should renew their commitment to finding acceptable paths forward.
- Reconciliation means engaging more than just the armed opposition. An important element is that the Afghan government is not united.
- Talks between the Taliban and foreign governments are not the most important channels for dialogue, and continuing to prioritize them in US policy on political reconciliation in Afghanistan is short-sighted and outdated.
- More thought needs to be given to bottom-up activities, instead of continuing to push the top-down process spearheaded by the United States.



Context

Political reconciliation in Afghanistan is as elusive as it is complex. The political coalition that has kept the country somewhat unified has always been fragile. Efforts throughout the 1990s to reconcile warring Afghan factions failed.¹ Political reconciliation had started to move higher up the list of solutions being pursued by foreign actors involved in Afghanistan in recent years, only to find confidence drop following obstacles to the Doha process in 2013. While talks with the Taliban form the centrepiece of a possible reconciliation process, the Taliban are only one group among many (not all of which are armed or opposed to the government) that need to be engaged and represented in order to find a lasting peace; many fundamental issues in Afghan society will need to be addressed.

Over the past year, news reports delivered a steady stream of rumours and misunderstandings about meetings and talks being held with the Taliban. Norway, the United Arab Emirates, Pakistan and the Afghan government have participated in these alleged meetings.² The culture of leaking information, be it for strategic or other reasons, and indiscriminate media coverage had and continue to have a severely negative effect on the existing contacts.

The last major event was the formal opening of the Taliban's Doha office, which was attended by the Deputy Foreign Minister of Qatar.³ The office would have allowed the Taliban to meet with delegations on political matters, and was hoped to be the starting point of formal talks. Instead, however, the opening was characterized by confusion, miscommunication and missed opportunities. After years of preliminary contacts, the leadership of the Afghan Taliban had sent emissaries to Qatar to open the official meeting place. Bad management and the misunderstanding of symbols and their meanings have meant that the Doha initiative is once again at a standstill. President Karzai has only a limited incentive to engage with the process, and the Talibs are hampered by internal issues of their own.⁴ The recent exchange of

prisoners – US soldier Bowe Bergdahl for five Talibs who were being held in Guantánamo – holds the potential to revitalize engagement, but for the moment this remains just potential.

A stable Afghanistan, however, will require a new political paradigm. The gains that have been made over the past decade are fragile at best, and a continuous effort will be required to forestall a further descent into instability and possible violence.⁵ Whatever the outcome of these recent efforts, the Afghan Taliban will remain a key stakeholder in Afghanistan's future; this will hold true for whatever post-2014 configuration emerges. In the short term, negotiations (or a time of heightened rhetoric and positioning) between the United States and President Karzai's Afghan government over the Bilateral Security Agreement (BSA) and the presidential elections have brought developments to a halt.⁶

The Taliban are themselves increasingly divided as to the future political trajectory of the movement. Official statements and interviews or conversations lay out the following position of the core leadership (as represented in Doha):⁷

- There are no 'secret' meetings taking place; anything that happens will be done openly and transparently.
- A political office and team has been set up for this purpose; they are to be the main point of contact for reconciliation efforts, and all dialogue should be conducted with them.⁸
- Too many other efforts and processes are being started (the Dubai/Agha Jan Mu'tasim statements, for example); these are presumed to be attempts to split the movement, and they are unwanted and counterproductive.
- The Taliban are still interested in talking through issues with the Americans, whom they conceive to be the real power behind the Kabul government, but these appear to be on hold for the moment.⁹

¹ See William Maley's *The Afghanistan Wars* (Palgrave Macmillan, 2002) for more detail.

² Borhan Osman, 'The Future of Peace Talks: What Would Make a Breakthrough Possible?', Afghan Analysts Network, 23 January 2014, <http://www.afghanistan-analysts.org/the-future-of-peace-talks-what-would-make-a-breakthrough-possible>.

³ Ibid.

⁴ Internal complications include long-standing issues of command and control, a leadership crisis spurred by individual commanders taking liberties within the current hierarchy (in so far as it exists any more) and general questions as to their strategy post-2014.

⁵ There is also a great disparity between gains that have reached Afghanistan's cities by comparison with the more remote rural districts.

⁶ It remains unclear whether the new political configuration for the Afghan government mooted following Kerry's visit to Afghanistan in mid-July 2014 bodes well for the prospect of political dialogue and engagement. For more, see Matthew Rosenberg, 'Afghans to alter the government', *New York Times*, 13 July 2014, <http://www.nytimes.com/2014/07/14/world/asia/afghans-to-alter-the-government-constitution-following-election.html>.

⁷ Assessments made in this paper are informed by almost a decade of experience in Afghanistan as well as on the basis of discussions with key Afghan (and non-Afghan) interlocutors over recent months.

⁸ There is some question as to whether this still applies. The case for a strong role being played by the Doha group has been cast into question by the activities of Agha Jan Mu'tasim and others, and general discussions within the movement as to the utility of this group.

⁹ In addition to these points, there seems to be a cautiousness brought about by the election process. Rumours of Taliban complicity in encouraging voter turnout in certain areas and a taciturn approach to media outreach make it difficult to discern the full picture of what is going on behind the scenes. The Taliban seem to be waiting before they make comments so as not to constrain their options for future political actions.

Opinions within the movement are divided.¹⁰ Supporters of a peaceful solution continue cautious attempts to encourage political engagement, but they do not have much power and are being targeted in an assassination campaign in both Afghanistan and Pakistan. Opponents of the process – in particular the Mahaz-i Fedayeen, a Taliban splinter group – continue to work actively against those who seek to engage either the Karzai government or foreigners. They act as spoilers, mostly through attacks that sour the environment for political engagement.

This *de facto* hiatus in talks offers a useful pause to think through and coordinate new strategies on how to move forward with political negotiations. Given, or perhaps despite, Karzai's reluctance, the new president seems likely to sign the BSA as one of his first orders of business. The presidential and provincial elections offer an inflection point around which new positions and strategies are possible from the summer of 2014 onwards. Political reconciliation is a central issue for the next president.¹¹ With the troop withdrawal and the concurrent cutbacks in financial support, the status quo has ended.¹²

Depending on the constellation that emerges after the Afghan elections, a reset of US–Afghan relations in some manner could allow for more follow-through and movement on political reconciliation. Western involvement seems almost mandatory – from Western countries' perspective, at least, given their close link to the efforts of the past thirteen years.

This briefing outlines some suggestions that have the potential to move forward the stalled political process in Afghanistan. The first section will explore the possible process and mechanics, and the second will consider the role of facilitation in the process.

Process

The central objective is to start a political process that has the potential to lead to a political settlement and that, at a bare minimum, curtails violence.¹³

Talks among Afghans need to be at the forefront of efforts being pursued. The timeframe for this is not tied to any specific events. Talks, in the end, are a necessary step on the road towards reconciliation. Overambitious timelines will be counterproductive; planning for long-

term support post-2015 while beginning/continuing to encourage direct talks with the armed opposition can be a positive contribution at this point. The ground needs to be prepared to bring to the table all major groups that can derail the process. The Afghan government, in this view, is not a representative body, but itself a network of actual stakeholders who do not necessarily agree with one another.

A necessary precondition is that some baseline trust is established. Normal trust-building measures, however, will be difficult to implement. We therefore suggest an alternative model to generate trust among actors through an international facilitation team. The details are explored in the second part of this paper, but suffice to say that within the local cultural context trust is a transferable commodity; trusted individuals who guarantee meetings and who can explain information in context will be able to fast-track the participation of key individuals.

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Another vital component to facilitate and aid direct talks will be a coordinated effort among regional actors, in particular Pakistan. While not a solution in itself, better coordination and agreement among these actors over acceptable future constellations in Afghanistan can go a long way to avert increasing violence.

The subject of discussions will be varied and wide in nature, and should not be limited by decisions already taken by international actors. The current political situation will not be sustainable unless all major donors are willing to continue support for the foreseeable future. While this might be difficult to accept, it should not be forgotten that often what is so vigorously defended as the central achievements of the past thirteen years exists in Kabul, sometimes in large provincial capitals, or only on paper. It is likely that the overall governance system will have to be revisited. Power is over-centralized. Reforms that give local communities more direct power over their local governments, allowing for informal organizations to be formally representative, could go a long way to address local grievances. This could include the right

¹⁰ Abubakar Siddique and Ahmad Takal, 'Taliban Infighting Escalating in Afghanistan and Pakistan', *Gandhara*, <http://gandhara.rferl.org/content/taliban-infighting/25404677.html>.

¹¹ A new president may not see political reconciliation as a priority, however.

¹² Note that there does seem to be a shift in Afghan public(ized) opinion away from talks in recent months towards an emphasis on 'defeating the Taliban'. This is an ongoing trend and it is difficult to see what effect it might have. It is, in any case, a negative factor in terms of trying to push for a political settlement (see note 13).

¹³ For the purposes of this paper, a political settlement is taken to mean a mediated agreement among all stakeholders within Afghanistan (i.e. not just the Afghan Taliban, in so far as they operate as a unified group), one that provides for a reduction of violence.

of communities to choose their own governors, to manage the fiscal affairs of their province with less central government interference and to find more effective ways in which these leaders can serve their communities. In the districts, elders, businessmen and others appear to seek less interference from the central government and a way to be able to handle their own affairs.

The role of clergy, religious representatives and religious educational institutions in the state needs to be addressed in a more comprehensive fashion, in particular with a view to the legislature. The presence (and role) of foreigners – from unarmed NGOs to a military presence – needs to be debated.¹⁴ Even if the BSA is signed by the next Afghan president (as seems likely), a broader debate at a subnational level about the role and future activities of foreigners in Afghanistan has the potential to defuse issues before they arise. In general, provincial governments need to be engaged in policy decisions, including on economic planning and government expenditure.

The United States has focused its efforts on the Taliban's political representation in Qatar. While this seemed like a viable strategy a few years ago, the situation is now quite different. With the departure of most combat troops and the winding down of the international commitment to active involvement in Afghanistan, ground realities have changed. Where the Taliban's delegation in Qatar was initially the official and only mouthpiece of the movement, this is no longer the case today. The Taliban's unity seems to face increasing challenges; competing individuals and factions have started to emerge, if not at the level to challenge the leadership, then at least in a position where spoiling is certainly possible. Focusing exclusively on Qatar is likely to prove detrimental in the long run and this will limit options. Individuals close to the process suggest that the representatives in Doha have been isolated and rendered politically moot by their peers and seniors based in Pakistan.

Currently it seems likely that two or even three viable separate top-down tracks are emerging within the Taliban movement. Given the unpredictable nature of the insurgency and scarce information, it is advisable to engage all viable emerging structures.

Top-down efforts should be paired and coordinated with bottom-up initiatives that seek to address local grievances and conflict. A new Afghan president and a new foreign facilitation representative – possibly including a new UN mandate for political reconciliation for a senior diplomat with experience, who is respected by all sides – could consolidate these different tracks of talks, and jettison those that are not working.

The role of spoilers (see also below) should not be discounted. Previous efforts have been harmed through malevolent intent as well as mismanagement. Various actors might hinder or obstruct the process: the international community, the Afghan president, the Pakistanis, and even potentially the UN by not having the coherence or capacity to undertake the role assigned to it. Unity of action on the part of the international community would be a significant help in this respect. Spoilers will always exist, though, and as such interference should be expected, which is to say they should be factored in as part of the plan.

The current structures in place to facilitate the negotiation process are inadequate for the task. The High Peace Council is not taken seriously as a body by any part of the armed opposition, nor do the main actors who are part of the Afghan body politic see it as a group with any clout or mandate for action.

The current structures in place to facilitate the negotiation process are inadequate for the task. The High Peace Council is not taken seriously as a body by any part of the armed opposition, nor do the main actors who are part of the Afghan body politic see it as a group with any clout or mandate for action. Its role can at most be advisory in its current incarnation. Despite Salahuddin Rabbani's promising beginning as head, a new head should be appointed. Together with the election of a new president of the country and the appointment of a foreign facilitator, this would be understood by the armed opposition as a clear signal and shift on reconciliation. The new Afghan president could make this transition and demonstrate a clear break with the previous government.

The process envisioned in this paper is one of a coordinated effort by a team of national and international facilitators who work to build broad-based support for talks among all stakeholders. This is neither to control the process nor to dictate outcomes. It would ideally see the formation of a representation of pro-government groups, or an Afghan government body, that consults with formal and informal stakeholders, along with a verified and functional line to opposition groups. The facilitation group would possibly be under a UN mandate. At the same time, bottom-up initiatives would help alleviate local drivers of conflict, strengthening the unity and resolve of those involved in discussions; this includes not only the armed opposition but all other political groupings around the country.

¹⁴ The issue is not quite that debate has not taken place, but rather that it has not crossed over into the domain of policy and government.

Facilitation

Internal and external facilitators can be instrumental in supporting political reconciliation. A process would only move forward if supported by facilitators who have established relationships with stakeholders and who coordinate with one another; to ensure coordination and avoid working at cross-purposes, they should be under the aegis of a UN Special Envoy. Facilitators would be chosen on the basis of their existing relationships with groups involved. In the local cultural context, individual relationships outweigh institutional ones; as noted, trust can be transferred.

This body's mandate would be to facilitate communication. It would perform shuttle visits between Afghan groups as well as regional and international stakeholders. It would need substantial international and local backing. A UN team would be best suited to function as neutral facilitators, though the scope and terms of their remit would need to be agreed, especially given the lack of trust between the United Nations Assistance Mission in Afghanistan (UNAMA) and the armed opposition in recent years.

Facilitators would be those individuals, organizations or states (or combination of the above) that could best perform the task.¹⁵ A new UN team would be the starting point for this: the head would ideally have prior experience in Afghanistan, be accepted by all parties as neutral and impartial, and be respected by neighbouring countries as well as key external parties such as the United States. This UN team would be supplemented by a roster of scholars, elders and 'friends' who could help facilitate bottom-up initiatives and who could be sent in to troubleshoot when smaller aspects need attention.

Bottom-up activities are one of the missing threads of the Afghan political reconciliation process as it is currently being pursued.

A new Afghan government is the *sine qua non* of progress on political reconciliation. While it seems highly unlikely that Karzai would seek to remain in power, the new government could potentially look much like the old, and the new president could see his power eroded should Karzai seek to retain some level of power and/or influence in Kabul.

Bottom-up activities are one of the missing threads of the Afghan political reconciliation process as it is currently being

pursued.¹⁶ There is a need for local assessments that could advise what activities and solutions are possible to address grievances and prevent conflict. This would most likely initially be sourced from NGOs operating around the country and other neutral parties (possibly the United Nations too). The kinds of issues to be addressed could include prisoner exchanges, local matters involving governance or affecting smaller communities, and – given the armed opposition's willingness to address this in recent years – also health- and education-related activities.

At a local level, mediators and facilitators could be involved, but they would need their mandate confirmed and supported by a more senior Afghan government body, one that was, in turn, supported and backed by an international body. These bottom-up activities would generate momentum for more involvement by all parties at a national and international level to move political reconciliation forward. Without activity at the lowest levels, however, efforts at the highest ones are unlikely to bear fruit. The difficulty will be to link the two together.

Conclusion and recommendations

The time is ripe for preparation of a new effort to tackle political reconciliation in Afghanistan. A new president and the departure of most foreign combat troops mean that a window will briefly open in which the armed opposition can be brought into a process that addresses legitimate grievances while making the process of governing Afghanistan more just for all.

Accordingly, we have suggested the formation of a newly mandated international body (most likely UN-led) to facilitate this process. This would be supplemented by a renamed High-Peace-Council-like body to handle talks among Afghans, as well as a roving team of facilitators/mediators to handle smaller matters on the ground (at the district level, for example).

In order for this to work, the following principles should guide the process:

- **A long-term perspective:** Thinking five years ahead, at the bare minimum, allows for better political calculations and decision-making. It also makes the bumps in the road along the way easier to stomach. Effective engagement will require patience as well as international support across the board simply to keep the political agenda moving.

¹⁵ Note that the offices of a new UN Special Envoy would be needed to ensure efforts are not duplicated and that whatever is happening has a strategic plan and direction.

¹⁶ Bottom-up initiatives focus on local conflict resolution that helps to address grievances and conflict fault lines within local communities. While this has traditionally been the realm of the state, a political reconciliation process in Afghanistan needs to reconcile more than the Taliban and the state; it needs to reconcile local communities with the government and in turn with the Taliban.

- **Sustained personal engagement:** Engagement must mean meeting with individuals more often, and on a more personal basis. Such meetings must, where possible, be much less goal-oriented and instead participants should take the opportunity to familiarize one another with their differing perspectives – for example, through a discussion of history, in which each party can explain where it is coming from in an environment open enough to tolerate debate of this kind without compromising specific policy goals. (This can be linked with efforts to improve access to health and education; such an approach could also help to re-establish some moral authority for the international community.)
- **Better understanding means smarter engagement:** Misunderstandings of the Taliban (and simplified characterization of their behaviour as that of a retrograde, static movement) often played a central role in the failure of diplomatic engagement in the past. An in-depth understanding of the Taliban's history, and familiarity with the background and biographies of key members, are preconditions for an ability to navigate the internal limitations of the movement as part of a negotiation strategy.
- **Deal in specifics, not principles:** Discussion of principles has often fed into and encouraged the Taliban's tendency to become defensive and to adopt rigid positions. The best approach in the past tended to be one that made each issue as specific and tangible as possible; even better was when negotiators managed to convey why the specific issue was important for them and what action points would help them. The Taliban's response to issues that were raised during meetings was significantly influenced by how they were presented through formal or informal diplomatic channels. The idea of framing also becomes important when listening to counter-propositions; there is often considerably more flexibility within a proposition if the right framing is found to reconcile different positions.
- **Avoid raised expectations:** In the past, the Taliban's senior leadership seemed most amenable to attending (or hosting) meetings where the details had been mostly discussed and agreed upon beforehand. At times negotiators seem prone to overstep their mandate and this should be expected. The appropriate response is not to point towards broken promises and apply pressure but to seek a renewed

solution that addresses the new problem that has arisen. Negotiators should work as far as possible to prepare the final terms of meetings where high-level delegates are invited, especially when the outcomes will be shared publicly, and limit expectations of meetings where preparations are not made.

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- **Pressure is sometimes necessary, but do not back people into a corner:** Pressure tactics seem never to have worked; the instrument of pressure being wielded was almost always too blunt, in contrast to the Pakistani ability to exert targeted and specific pressure against the Afghan Taliban, such as was applied prior to the official opening of the Doha office. Measures such as sanctions were not as effective (and became counterproductive) because they were not finite, and the Taliban could weather them with relative ease. Incentives have previously been of some use while negotiating with the Taliban, but more to sweeten the general mood and interface between two countries rather than as a means to a specific end. China, for example, delivered a variety of tangible benefits for the Taliban during the late 1990s without the expectation of a specific Taliban response.¹⁷ Incentives also only seem to have worked if the time between making the suggestion and delivery was very short. American engagement with the Taliban was hampered by the failure to deliver on hints or promises, thereby losing significant trust.

At the time of writing, the presidential election has not concluded. The handover of power will most probably take place towards the end of summer or in early autumn 2014. The current plan of *enteqal* or transition makes only tentative gestures at efforts to seek a political settlement, and even those (as currently conceived) have foundered in the past year. It is thus an excellent time to formulate and present a plan that not only seeks to place Afghans at the centre of their own political future, but that also envisions a holistic and inclusive settlement.

¹⁷ This included the restoration of the Taliban's +93 country dialling code, the provision of material and technical support in a variety of infrastructure projects and some cooperation on trade.

Opportunity in Crisis

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