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Achieving Durable Peace: Afghan Perspectives on a Peace Process

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Contents

Executive Summary

While momentum continues to shift towards pursuing a peace settlement for Afghanistan, ambiguities remain in the US political and military strategy, and there are questions about the ability of the Afghan government to successfully lead a process and the insurgents' interest in one. A burgeoning body of commentary focuses on international and US strategy, but to be durable a settlement will need to involve some broad-based political and social agreements among Afghans. This crucial intra-Afghan dimension of the process requires detailed analysis of the views of Afghan stakeholders.

This paper presents findings from a set of 122 interviews with Afghan leaders and opinion-formers in political, military, economic, and social arenas about their views on the conflict and the issues that a peace process will have to address. This work forms part of an ongoing project by three leading international institutions to identify and clarify through research and dialogue issues and options for Afghanistan to move towards durable peace.

Understandings of the conflict

Several themes are prominent among the interviewees' understandings of what drives the conflict in Afghanistan. The first is that the conflict is **driven by a combination of external and internal factors** that interact in complex ways. However, as the conflict has gotten worse, **the impact of the presence and behaviour of NATO troops and the legitimacy problems of the Afghan government have become increasingly important**, alongside longer-standing issues grounded in regional politics or factional competition.

Afghans across different groups see the **United States as a key party to the conflict whose direct participation in a peace process is crucial to its success**, and therefore question the effectiveness of US emphasis on an "Afghan-led" reconciliation strategy. There is a need for clearer US policy and signalling if Afghan stakeholders are to take the prospect of a negotiated settlement seriously.

There is also a crosscutting perception of the **capture and division of the government among a small elite who act with a combination of ethnic, factional, economic and criminal motivations**, and parts of this system have developed interests in continued conflict. In this sense the conflict is not only a struggle for state power and resources between competing parties, it is also a legitimacy crisis stemming from a system of power and patronage distribution that is proving unable to manage societal and elite conflicts.

This capture and widespread feelings about a lack of transparency and illegitimacy in the routes many have taken to power also allows leaders of all ethnic groups to stoke existing perceptions that others are benefitting disproportionately in the current situation. Such perceptions exist among all groups, **generating an increasingly ethnic "negative-sum" politics.** The 2010 National Assembly elections and the discourse of "political reconciliation" of the Government of Afghanistan has heightened these ethnic readings, deepening grievances the Taliban can exploit and exacerbating the potential for ethnic conflict.

Substantive dimensions of a peace process

For some stakeholders the US announcement of withdrawal without clear linkage to a peace process makes a process less credible, while for others confusion over withdrawal dates casts doubt on US objectives in the country. While some political leaders see negotiation as undesirable and continued military action as the only option, many believe that **a clear framework for NATO withdrawal, perhaps with other changes to military posture, and linked to the prevention of terrorism** may offer possibilities within a peace process. Evidence on the Taliban suggests that full withdrawal of foreign forces may not be necessary for a settlement, but that a framework for withdrawal agreed with their leaders will be.

Given the deep legitimacy problems of the government, alongside demands for the withdrawal of foreign forces and the prevention of terrorism, **a peace settlement must address reform to be sustainable**. Most reform prescriptions focus less on large-scale institutional restructuring of the state and more on balancing an over-centralized Presidency and increasing the legitimacy for appointments through a more transparent system. There are **constituencies for decentralization and for a parliamentary system that also emphasize fairly incremental reform**, such as more roles for local councils and election of Governors.

Taliban reform proposals are as yet vague, but they may focus on elements of "reform" rather than straightforward participation in the illegitimate system of power-sharing. Most stakeholders believe that **constitutional reform should not be a barrier to peace, but also that it is not the most pressing issue in getting a settlement**; key principles of the constitution could be affirmed while considering changes through established or modified mechanisms in parallel with a peace process.

The limitations of current peace plans

Views on reintegration and the Afghanistan Peace and Reconciliation Program (APRP) vary from suspicion that it is a patronage device to **doubts about its impact due to government incapacity to provide security and address the core grievance of foreign forces' presence**. At the same time, there are **doubts about the morale of Afghan National Security Forces** while reconciliation initiatives by the government are ongoing or after NATO withdraws.

The **High Peace Council is not suited to mediate an intra-Afghan process**, nor is it likely to be empowered as a government delegation, and may best play a role in a Track II type process by advising and generating proposals.

Getting to a settlement: issues of process

The US is perceived to prosecute its military strategy independently of the Afghan government, and **must engage in negotiating a peace settlement because it has control over the central issue such a settlement must address**: the withdrawal of NATO forces in return for a Taliban agreement on terrorism. The current public posture of the "Afghan-lead" is a barrier to signalling this kind of engagement. Opinions differ on Pakistan's ideal role, but to balance Pakistani interests with Taliban autonomy, the US should probably support and participate in channels with both.

A peace process will likely entail discussion of the composition and future of the Afghan National Security Forces and a broad framework of demobilization or integration into security forces that can satisfy the security concerns of large groups of insurgents while not provoking

remilitarization by other groups. Regardless of the mechanism, **the current "transition" strategy for growing large Afghan National Security Forces and expanding local defence initiatives will almost certainly need re-examining** in the context of a settlement process.

A durable settlement may not involve radical restructuring of the state. It will however have to **address how people are seen to receive power and privileges**. There is a tension between this necessary reform and using political appointments to accommodate power-sharing demands, and trying to resolve the conflict with power-sharing through Taliban appointments should not be more than an interim measure and only with careful consideration. Instead, the intra-Afghan peace process should be **oriented towards broader inclusion of non-combatants, identification and facilitation of common and new interests**. Exploring multi-track diplomacy, civilian commissions, ombudspersons, national dialogues and other means of including diverse interests should be a priority.

Specific mediation and logistical arrangements for the intra-Afghan process are less important to stakeholders than are their **mutual acceptance by the parties**, in keeping with Afghan customary practices. **Elections are still quite widely considered a necessary and legitimate mechanism** – including by some operational Taliban – for transitioning from interim to long-term arrangements, though there are problems with the electoral system. Indirect bottom-up methods such as those used in the Emergency *Loya Jirga* also enjoy legitimacy.

The findings of the interviews suggest a number of key questions about the likely structure of a successful peace process, and areas where further research may be useful. These include the development and communication of military proposals, balancing the interests of Pakistan, interim and longer-term security sector power-sharing, the inclusion of non-combatants in the peace process, and interim and transitional political arrangements.

1. Introduction

Momentum continues to shift among international and Afghan actors towards a peace process for the worsening conflict in Afghanistan. Afghan government support for a political settlement and NATO programs aimed at convincing middle and lower-level fighters to abandon the insurgency are increasingly accompanied by advocacy for a negotiated settlement among international observers, and to some degree by action on the ground through the Afghan High Peace Council and less public channels.[1] The United States and its NATO allies have for some time acknowledged the necessity of a political process to end the war. The US government has recently clearly signalled its acceptance of, and increased flexibility over preconditions for, an "Afghan-led…responsible political settlement", and is reportedly pursuing pre-talks with some Taliban.[2] However, ambiguities remain in the US political and military strategy, neither the ability of the Afghan government to successfully lead a peace process nor the insurgents' interest in one is certain, and the regional context remains as challenging as ever.

Much of a burgeoning body of commentary focuses on international and US strategy. It emphasizes signalling US commitment to the possibility of negotiations, primarily through an acceptance of international mediation and confidence-building measures.[3] While the distinction between internal and external issues is an artificial one, and international and regional dynamics have profound influence on the course of the conflict, to be durable a settlement will need to involve some broad-based political and social agreements among Afghans. Indeed, those calling for talks emphasize that "a political order acceptable to Afghans will need to be negotiated", that to be sustainable the process "must include all parties and not just be a quick-fix deal with…the insurgency", or in the words of Secretary Clinton, "everyone has to feel they have a stake in the outcome and a responsibility for achieving it".[4] Naturally, whether such a settlement is achieved, and exactly what kind of a deal might be "inclusive enough", remains to be seen.[5]

This recognition of the crucial intra-Afghan dimension of the process is less often coupled with detailed examination of the range of Afghan stakeholders. There are questions about the interests of key actors and networks inside Afghanistan and their willingness or ability to make and uphold agreements, and thus workable options for a peace process and substantive settlement terms remain vague. This paper presents findings from a large set of interviews with Afghan leaders and opinion-formers about their views on the conflict and the issues that a peace process will have to address. The interviews were conducted in the context of an ongoing effort by three leading research institutions to identify and clarify through research and dialogue options for Afghanistan to move towards durable peace. A second phase of the project brings in international theoretical and comparative experience to help explore grounded options for a peace process.

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[1] See in particular The Century Foundation (2011) *Afghanistan: Negotiating Peace, The Report of The Century Foundation International Task Force on Afghanistan in Its Regional and Multilateral Dimensions*. New York: The Century Foundation; Minna Jarvenpaa (2011) *Making Peace in Afghanistan: The Missing Political Strategy*. Washington, DC: United States Institute of Peace; Ahmed Rashid (2010) "The Way Out of Afghanistan". *New York Review of Books* (December); "An open letter to President Obama", www.afghanistancalltoreason.com (accessed 6 May 2011).
[2] US Department of State, transcript of remarks, "Secretary of State Hillary Rodham Clinton, Launch of the Asia Society's Series of Richard C. Holbrooke Memorial Addresses" (18 February 2011); Steve Coll (2011) "US-Taliban Talks". *The New Yorker*, 18 February; Karen DeYoung (2011) "U.S. speeds up direct talks with Taliban". *Washington Post*, 17 May.
[3] In addition to sources cited above, some arguments combine the recommending negotiations with a potentially reduced US military footprint: Afghanistan Study Group (2010) *A New Way Forward: Rethinking U.S. Strategy in Afghanistan*. Washington, DC: New America Foundation; Council on Foreign Relations (2010) *U.S. Strategy for Afghanistan and Pakistan*. Washington, DC: CFR. An alternative viewpoint continues to emphasize giving aggressive counterinsurgency and investment in Afghan civilian and military capacity sufficient time to bear fruit, for example Paul D. Miller (2011) "Finish the Job: How the War in Afghanistan Can Be Won". *Foreign Affairs* 90(1); Ali Jalali (2010) "Afghanistan in Transition". *Parameters* (Autumn); Ashley J. Tellis (2009) *Reconciling with the Taliban: Toward and Alternative Grand Strategy in Afghanistan*. Washington, DC: Carnegie Endowment for International Peace.
[4] The Century Foundation (2011). p 27; "An open letter…", op. cit.; US Dept. of State, op. cit.
[5] World Bank (2011) *World Development Report 2011: Conflict, Security, and Development*. Washington, DC: The World Bank. p 120-7.

The 122 interviews cover a range of Afghan leaders in political, military, economic, and social arenas. They are not a representative sample of Afghans, but rather a cross-section of opinion-formers from diverse groups. The interviews cover National Assembly members from across the country, High Peace Council members, senior Government officials, political opposition and party leaders, former senior Taliban officials, currently active insurgent commanders, *ulema* council members, analysts, business figures, civil society representatives and women.

The interview subjects[6]

- *36 current or former members of both houses of the National Assembly from across Afghanistan and across ethnic groups and political affiliation;*
- *11 members of the High Peace Council including all vice-chairpersons and several sub-committee heads;*
- *12 current Ministers, Deputy Ministers, Provincial Governors, heads of departments or high-ranking members of the national security establishment;*
- *10 leaders of political "opposition" parties, and past or current leaders or commanders of all seven mujahedin parties;*
- *7 former officials of the Taliban regime;*
- *13 currently or recently active insurgent commanders operating in six provinces;*
- *3 prominent members of the ulema council;*
- *13 journalists, publishers, academics and political analysts;*
- *9 business owners or chief executives;*
- *14 civil society executives, human rights commission members, and tribal elders.*
- *14 respondents were women.*

The paper summarizes some of the key themes and points of view represented in these interviews, describing first some key elements of stakeholder understandings of the conflict and the issues a peace process will have to confront. It then describes views on current peace plans, and concludes with some implications for a viable and durable peace process in Afghanistan.

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[6] The sum of these categories does not correspond to the total interviews as some subjects belong to more than one category. A limitation is that the process was primarily undertaken in Kabul, and while there are interviewees representing many provinces, the analysis is best taken to represent views on national level issues rather than local ones.

2. Understandings of the conflict

The conflict in Afghanistan is characterized by an extraordinary intermingling of external and internal factors, and Afghan leaders speak about both the destructive influence of foreign interests, and the problems among Afghans themselves that drive the conflict. There are some particular aspects of the conflict emphasized by Afghan leaders that may differ from the external analysis of foreign policymakers, with important implications for the shape of a successful peace process for Afghanistan. Some of the elements of this "Afghan" understanding of the conflict are that the US is seen as a foreign interest and a principal party to the conflict, and that the intra-Afghan conflict must be seen both in terms of a legitimacy crisis around a faulty and captured post-Bonn government as well as a struggle for power defined in ethnic, tribal or factional terms.

It will not shock observers of Afghanistan that most Afghans interviewed believe that the conflict has causes outside its borders in the ubiquitous interference of "neighbouring countries", and that Pakistan's influence figures highest. Various reasons include some widely shared by analysts: that Pakistan is countering Indian influence in Afghanistan to preserve strategic depth, and using political Islamism to undermine Pashtun nationalism in cross-border areas and influence the long-standing question of the Durand line. While outside analysts tend to focus on such regional geopolitics, many Afghan leaders also harbour more general suspicions that Pakistan desires a perpetually weak Afghanistan to more easily exploit refugees and natural resources.[7]

Some point to Iranian interests in the conflict, mostly in terms of Iranian opposition to an armed US presence on its border. In a more unusual view, the attempt at democratization in Afghanistan is presented as a threat to the Iranian system: "if democracy were effective in Afghanistan, Iranian people would pressure to change their political system to democracy, which would leave no place for Iranian mullahs."[8] Iranian promotion of Shi'a interests appears as a reason for military interference only once among interviewees, though many more believe Iran tries to influence Afghan government policy through bribery and agents.

Many interviewees see the region through a broader geopolitical lens, and the United States and its NATO partners are key international players in the drama. A former Taliban official lists the overlapping fault lines:

> You see the competition between Iran and America, America and Russia, competition between Pakistan and India, China and America. Afghanistan is the ground for all this competition. People from Somalia, Arabs, Sudanese, Central Asian countries like Chechens, Tajikistan, Uzbekistan, Bangladesh, Pakistan are here in Afghanistan to fight. On the other side, the international community forces are also in Afghanistan to fight so-called terrorists. China, Pakistan, Russia and Iran don't want America to succeed in Afghanistan.[9]

Nobody sees these external factors as working alone. A few interviewed suggest that Afghan leaders act on behalf of foreign interests, either because their ambitions have led them to sell out the national interest in return for foreign support, or in the case of the Taliban perhaps because

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[7] Interview: former *Wolesi Jirga* member from eastern province (January 2011).
[8] Interview: former Deputy Minister (December 2010).
[9] Interview: former Taliban official (December 2010).

Pakistan leaves them no choice: the "root of this war is outside but the branches are inside Afghanistan".[10] A second viewpoint is that the weakness of Afghanistan's political and social institutions renders the country vulnerable to foreign interests: for example, an "underdeveloped army and police force threaten our territorial integrity and allow our neighbours, particularly Pakistan, to interfere in our affairs in order to promote its own interests."[11] Unemployment or poverty, or more often lack of education, enables this vulnerability to foreign designs.[12] Many interviewees also note that Afghanistan's internal problems and conflicts have become increasingly prominent as the post-2001 conflict worsens, and are exacerbated and enabled by foreign influences. Chief among these are the failings of the Afghan government and a widespread perception of its capture by criminal, economic, ethnic and factional interests.

Diverse and complex personal, local, tribal, and national grievances drive insurgent recruitment in Afghanistan.[13] The insurgency is a "network of networks" with segments of varying motivations and different organizing principles.[14] However, a growing body of primary research with insurgents finds their stated objectives principally consist of the removal of foreign forces and Western influence, and correcting un-Islamic, corrupt or predatory government. This was also the language found among those interviewed for this project.[15] In the words of one commander, "the Taliban's enemy is foreign troops and Afghan Government, we are fighting with both... I am fighting to release this Islamic country from these non-Muslim foreign troops and Taliban should win and make an Islamic government."[16] Islamic narratives are used to build on these two core grievances, as in-depth analysis by others has also found: "A religious message does resonate with the majority [of insurgents] but this is mainly because it is couched in terms of two keenly felt pragmatic grievances: the corruption of government and the presence of foreign forces."[17] The interviews show that this analysis of the reasons for the conflict worsening is not just the Taliban view: it is shared within the government itself, across civil society and the economy, and among many political leaders.

2.1. The US as belligerent

The awareness of geopolitics combines with the perceived failure of the US to deal with Pakistan's complicity to create a widespread perception that the US is not a benevolent interested party. Rather it is a, or perhaps *the*, principal belligerent in the conflict. Across political and social boundaries the "common perception is that America doesn't want peace and security for its long-term strategy".[18] Instead, there is a strong perception of a US military campaign prosecuted independently of Afghan government strategy: "Karzai himself says he does not know or control how many foreign forces come or go from Afghanistan...the outsiders play the decisive role."[19]

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[10] Interview: *Wolesi Jirga* member from northern province (January 2011).
[11] Interview: *Wolesi Jirga* member from western province (December 2010).
[12] Interviews: Chief Executive (December 2010) and incoming *Wolesi Jirga* member from southeastern province (January 2010).
[13] Some of the richest recent work on trajectories and motivations of insurgent mobilization or remobilization post-2001 is found in works edited or authored by Antonio Giustozzi, as well as the "Battle for Afghanistan" series of reports from the New America Foundation: Antonio Giustozzi (ed.) (2009) *Decoding the new Taliban: insights from the Afghan field.* New York: Columbia University Press; Anand Gopal (2010) *The Battle for Afghanistan: Militancy and Conflict in Kandahar.* Washington: New America Foundation; Martine van Bijlert (2010) *Militancy and Conflict in Zabul and Uruzgan.* Washington, DC: New America Foundation; Antonio Giustozzi (2008) *Koran, Kalashnikov and Laptop: The Neo-Taliban Insurgency in Afghanistan.* London: Hurst & Company.
[14] Thomas Ruttig (2010b) *How Tribal are the Taliban?* Afghanistan Analysts Network. p 26.
[15] Matthew Waldman (2010) *Dangerous Liaisons? An Assessment of the Feasibility and Risks of Negotiations with the Afghan Taliban.* Washington, DC: United States Institute of Peace. p 5-7.
[16] Interview: minor Taliban commander active in northern province (April 2011).
[17] Sarah Ladbury and Center for Peace and Unity (2009) *Testing Hypotheses on Radicalisation in Afghanistan.* Kabul: CPAU. p 63. On the twin objectives of independence and Islamic government and their relation to Islamic concepts of "oppression" (*zulm*) and "corruption" (*fissad*) in Taliban propaganda see Florian Broschk (2011) *Inciting the Believers to Fight.* Kabul/Berlin: Afghanistan Analysts Network. For another recent analysis of Taliban mobilizing "narratives" see Anne Stenersen (2010) *The Taliban insurgency in Afghanistan – organization, leadership and worldview.* Norwegian Defence Research Establishment.
[18] Interview: *Wolesi Jirga* member from southeastern province (January 2011).
[19] Interview: Journalist (December 2010).

The military strategy pursued by the US – both in its aggressive military counter-insurgency and its "transition" dimensions – generates doubts about US sincerity or commitment to a peaceful resolution of the conflict.

Doubts about US interest in peace

The United States needs to make it clear whether they really want to end the Taliban and bring peace here. If so, they need to assert more pressure on Pakistan. If the Afghan government has done one thing in the past few years, it is to show that Pakistan is key to solving Taliban. But the intention of the United States and their commitment is really a question to me. Do they really want to end it here? – Chief Executive of a logistics company

The international community has not shown a desire for ending this conflict because [the Americans] seem to have long-term goals. Possibly, the long-term goal is Iran, or China's economy... they have to have a reason for staying around and the continuation of the war is that reason. Many big people think this. – Former Taliban official and member of the High Peace Council

The US is no longer seen as a friendly country here to support us but most now think the US and other countries are here to advance their strategic interests...this makes people see the US as an aggressor. – *Wolesi Jirga* member from northern province

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Although there are significant constituencies who welcome the pressure that the military "surge" has brought to bear, there are also doubts about its sustainability and the likelihood of a successful "transition" to Afghan forces. The "win at all costs" strategy articulated by a number of Afghan supporters of military escalation actually involves three components, only one of which they observe happening: fight hard in Afghanistan, reform the Afghan government, and exert more pressure on Pakistan. This perspective is shared by a few *jihadi* leaders and modernizers, including some on the High Peace Council.[20] In this view, even though military action is important, it is impossible to make peace with a fragmented enemy that is under Pakistan's control:

> We have to negotiate separate peace with at least 6 different groups [Kandahari Taliban, Haqqani, Mansoor, Wahabis, Salafis, Hezb-e Islami] within the Taliban. Then there is the problem of external actors, there is Al Qaeda, ISI, Pakistani Islamic parties, drug and crime mafias, Arab sympathisers. These groups will not allow the Taliban to negotiate a separate peace...When the conflict is not in our hands, then the solution is also not in our hands...For the past 10 years US has not really fought, just wasted time. For one year it should fight really hard and defeat its enemies and at the same time clean the Afghan government. [21]

Others, including this former *Jamiat* commander, point to a lack of consistency in the strategy as the reason for its lack of success to date:

> Part of the international community says Taliban must be defeated first and then we should make peace. The other part says we have to make peace because military way is not solution. If you fight, you can't make peace...Every US minister says something different. There is no coordination amongst international community. If international community says we should make peace, then everyone in the international community should make

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[20] Interviews: *Hezb-e Wahdat* leader (January 2011) and incoming *Wolesi Jirga* member from western province (February 2011).
[21] Interview: Newspaper editor (December 2010).

peace. It doesn't happen if one country says yes and other says no.[22]

Afghan stakeholders thus see a disjuncture between the rhetoric and the reality of the US role in the conflict: the main belligerent in the conflict claims they are not fighting for themselves but rather supporting the Afghan government in its efforts, while the Afghan government appears to disavow interest in continued conflict. As one former MP put it: "for the mainstream [the US] are seen as a driver of the conflict, and on the Taliban side the government is seen as irrelevant and a puppet."[23]

While it is not universally shared, this view of the US as a main belligerent party necessarily calls into question for many Afghans the sincerity and effectiveness of US emphasis on an "Afghan-led" reconciliation strategy frequently referred to by US and ISAF officials in Kabul and by Secretary Clinton, often in tandem with divergent signals from the Department of Defence officials, who generally have emphasized "reintegration" of lower-level fighters as an additional counter-insurgency tool. The result is a lack of credibility among Afghan leaders for US claims to support a political solution in Afghanistan, and thus a reluctance to view a peace process as viable due to the centrality of the US to the conflict.

2.2. The captured government

The quality and behaviour of the Afghan government is an almost universally acknowledged driver of the conflict and, along with withdrawal and limiting potential international terrorism, the core issue a peace process must confront. This view is widely shared inside the government and even the cabinet. One deputy minister observed "people's grievances against government are a major source of support for armed opponents of government", while other government members explain the state's failings more in terms of conflict-induced weakness:

> In a weak state that lacks ability to provide basic services – and we are not a post-conflict state, we are an in-conflict state – a state that has a shadow economy, a criminal economy, trafficking, corruption, these are all contributing to conflict. With such a state there are a lot of people and groups who rise up to oppose it, since it is weak and cannot overcome all these challenges.[24]

Afghan leaders have a variety of views on the particular failings that drive the conflict. Among the most prominent are the prevalence of corruption, the abuses perpetrated by government officials and the empowerment of certain factional leaders, the failure to provide security to the general population, or the inability to manage or reap sufficient benefit from aid to Afghanistan. However, a common thread through these complaints is the capture or division of the government among a small elite who are seen to act with a combination of ethnic, factional, and especially economic and criminal motivations. This perception of a "government of mafia" is one that reaches from top to bottom.[25] A former MP and government official stresses that

> The most important thing in the Afghan government is that you hardly find honest compatriots, people who have good reputation in society, un-corrupt or less corrupt people in the Afghan government...If a district governor is corrupt, the whole district officials are corrupt. If the minister is corrupt, all the staff will be corrupt.[26]

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[22] Interview: Former *Wolesi Jirga* from central province (January 2011).
[23] Interview: Former *Wolesi Jirga* member from southern province (January 2011).
[24] Interview: Senior member of national security team (December 2010).
[25] Interview: Former Deputy Minister (December 2010).
[26] Interview: former *Wolesi Jirga* member (December 2010).

Or as one opposition politician noted pithily, "everything you put in a salt mine eventually becomes salt".[27] Research on subnational appointments confirms that the interaction between formal procedures and patronage politics has resulted in individuals being continuously recycled within the system "regardless of their performance".[28] Many interlocutors connect this process to the injustice of appointing people by their relation to groups, or by unclear methods: "a person who deserves to be on the ground is in the sky and a person who deserves to be in the sky is on the ground. This is not justice."[29]

The captured government

The Afghan government is a savage criminal enterprise that a few people run. – Former *Wolesi Jirga* member from western province

The current political administration is stuck in few political circles. Jobs are not given to people based on merit. Those who deserve a job, can't get that job. Every political circle works for the interests of that specific group. – *Wolesi Jirga* member from central province

The government is restricted to few specific figures and parties. The government is being controlled more and more by these parties and figures. The government of Afghanistan is in the hands of 19 people. – former *Wolesi Jirga* member and former deputy minister from northern province

Some ministers are nominated by foreign governments while others by internal power groups. People will trust the government when they see that its ministers are not appointed by the US, Pakistan or other countries and they work for the people. – Female civil society organizer

Most Afghans are unhappy because the system is dominated by 300-400 people in power, both in Kabul and in the provinces. They are being rotated around and dominate the political system. – Journalist

The international community and US always complain about warlords...but these warlords have gained extraordinary economical power. This shows that international community is lying to the people of Afghanistan. – *Wolesi Jirga* member from southeastern province

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That this perceived state capture and corruption is delegitimizing the state and fuelling or enabling the insurgency is pretty widely understood. However, there is a more intimate relationship between this aspect of the regime and the conflict, as the interests of this elite come to be aligned with continued conflict:

> The worrying signs are that our government can only sustain itself in an atmosphere where there is instability, chaos, and lack of accountability. All these are caused by insecurity; so the Afghan government and its officials have very little reason to confront the sources of insurgency and to tackle it. They benefit from insecurity. They have created partnerships.[30]

This identification of constituencies within government who benefit from war is not the complaint of any particular faction – it is found within the government, the political opposition, with those who oppose the idea of a negotiated settlement, and those already seeking one. A prominent central politician reveals,

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[27] Interview: Opposition politician (October 2010).
[28] Martine van Bijlert (2009) *Between Discipline and Discretion: Policies Surrounding Senior Subnational Appointments.* Kabul: Afghanistan Research and Evaluation Unit.
[29] Interview: Former *Wolesi Jirga* member from southern province (January 2011). For a good explanation of why the concept of "merit" for merit-based appointments is also problematic in the Afghan context, see van Bijlert (2009). p 11-12.
[30] Interview: former *Wolesi Jirga* member from western province (December 2010).

> I must tell you with regret that in Afghanistan, a government to which you can fully apply the definition of a government, does not exist. There are people in this government who don't want the stability of this regime. In this government we have people who have got rich because of the war, and they want to maintain that. In government we have people who have become millionaires in this war of *qawms* [ethnic, tribal or sub-tribal groups], and want to maintain their status.[31]

One implication of this dynamic may be that using the power of appointment to meet the demands of yet another armed faction for influence or inclusion will, at best, sit uneasily with many in the society, some of whom may seek to oppose it. At worst, it may trigger destabilizing responses from some who currently enjoy access to that power and possess the means. These "leaders [who] thrive in conflict", as much as any particular political group, may present challenges to any durable settlement process.[32]

2.3. Ethnicity and factionalism

While many of the interviews stress the economic and criminal motivations of those empowered by government, many also point to perceived imbalance in the distribution of power and resources among ethnic and other factional groups as driving the conflict. The idea that the government is captured by one or another ethnic or linguistic group is found across all groups. Politics has become not zero-sum, where conflict over resources is win-lose, but a "negative-sum" situation in which leaders of all ethnicities believe they are deprived.

The arguments are familiar ones, and need not be rehearsed at length. On one hand, former *mujahedin* and commanders from parties dominated by Hazara or Tajik leaders claim "the Pashtuns are not yet ready to share power with other ethnic groups" and that the government's and international community's moves to limit their influence led to the Taliban's resurgence: "now these [Tajik, Uzbek and Hazara] leaders are in a condition of political isolation and the Taliban became able to return back to Afghanistan."[33] On the other, the perception that northerners – *Panjshiris* particularly, but also the parties of other minorities – have dominated government, persists among many Pashtun leaders who also claim to have borne the brunt of the conflict, and is particularly vehement among *Kuchi* leaders who point to perceived official bias in recent conflicts over pasture in Behsud, Wardak. When the incontrovertible presence of one Pashtun Minister or another is raised, these individuals can be dismissed as "Americans" or "technocrats" who are not true representatives.[34]

Many of those interviewed trace the problems of ethnic and factional imbalance to the Bonn Agreement and Process. Many focus on the interim and transitional governments that entrenched the influence of the *Shura-e Nizar,* and particularly the *Panjshiri* leaders: "the whole of Afghanistan was given to one district".[35] However, while some – including one prominent women's rights activist – suggest the Taliban should have been included, it is interesting that even more see the non-participation of the *Hezb-e Islami* as the root of the imbalance against Pashtuns:

> A major "hidden" force, Hezb-e Islami, was also excluded. In a survey we had conducted, 70 percent of respondents who said they belonged to a party said they belonged to Hezb-e.

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[31] Interview: High-ranking government representative (December 2010).
[32] Interviews: Opposition member of *Wolesi Jirga* (October 2010) and former Governor (December 2010).
[33] Interview: Former provincial council member from northern province (February 2011) and *Hezb-e Wahdat* politician (December 2010).
[34] Interview: Businessman (December 2010).
[35] Interview: Former governor (December 2010).

> 50 percent of current technocrats within the government are Hezb-e Islami members. In the first parliament, Hezb-e Islami had 41 members. It is a strong and committed force. Hezb-e Islami was not invited to Bonn that is why Taliban and Hezb-e Islami are both continuing the fight.[36]

Or more pointedly put, "what is the difference between Hekmatyar and Rabbani that one landed on a white list and Hekmatyar on a black list in Bonn?"[37] Unsurprisingly, from the point of view of the supposed winners at Bonn, there are grounds for complaint as well: "the issue was the supremacy of certain tribes...Taliban were swept away in 2002...but their mentality...of the supremacy of one tribe over another remained, found its way into the constitution and in the structure of the government."[38]

Some, taking a step even further back, argue that thirty years of war has aided a historical process of dislodgement of Pashtun rule as the founding principle of the Afghan state.[39] These perspectives steer a few Afghans, primarily from the non-Pashtun ethnicities, to emphasize the conflict's internecine quality, contrasting with the prevailing view of the importance of NATO soldiers. As one *Jamiat* leader said of his own party,

> if the leaders of the former anti-Taliban alliance were not present in the current political system, the Taliban would not fire a single shot even the country was occupied by Israel...I see the present conflict as continuation of the conflict in the 1990s between the Taliban and the United Front...It is not a war against the foreign forces or Karzai's government. It has strong roots in the history of the country and can go back to the brutal killing of Habibullah Kalakani [Tajik *Amir*, in 1929] by Nadir Khan.[40]

There is also a sense among some interviewees that this ethnicization is in part the product of manipulation by leaders who no longer fully represent the constituencies they claim. For example, the declining absolute numbers of votes received in successive elections by a leader such as Mohaqeq was given as evidence of the declining legitimacy of his type of ethnically-identified *mujahedin* leader.[41] This dynamic may work in favour of peace, as one analyst with ties to Tajik leaders suggested: "Rabbani and Fahim are in favour of a deal if they can protect their privileges, as they have lost their base."[42]

The 2010 elections are seen to have worsened the situation. Both the results themselves – the absence of Pashtun winners in Ghazni chief among them – and the prevalence of fraud, have increased tensions over ethnicity in general, and Pashtun defensiveness in particular. Even without fraud, the electoral system was mentioned as disconnecting people from government as it "wastes the majority of votes of participants, which prevents a high degree of participation of people in power."[43] Finally, the prospect of opening a peace process with the Taliban has sharpened these issues. The language of reconciliation has strong ethnic content for many listeners who "hear the President and other top officials describing the Taliban as disaffected brothers...These have strengthened fears that some people look at the issue as a Pashtun process not a national one."[44] And naturally, many worry that "if the Taliban takes a significant share of

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[36] Interview: Journalist (December 2010).

[37] Interview: Former governor (December 2010).

[38] Interview: *Wolesi Jirga* member from northern province (December 2010).

[39] Interviews: University professor and member of *Wolesi Jirga* from northern province (December 2010).

[40] Interview: Former provincial council member from northern province (February 2011).

[41] Interview: Civil society activist (September 2010).

[42] Interview: Political analyst (December 2010).

[43] Interview: Journalist (December 2010). The SNTV system in Afghanistan has large multi-member constituencies so votes are spread among large numbers of candidates, and winners are often elected with small absolute and marginal numbers of votes, high "wasted" votes and sensitivity to fraud.

[44] Interviews: Government official from central province (January 2011).

power, the north, northeast and Hazarajat may turn their back to the government and withdraw their support."[45]

While many interviews do demonstrate that there is an ethnic dimension to understandings of the conflict, it is broadly agreed among analysts of the Taliban that the movement is not primarily ethno-nationalist in its aims or mobilizing narratives. While some support no doubt accrues through grievances viewed as Pashtun issues, "[t]his is less due to...sympathies for the Taleban than to the lack of any significant political middle ground either in the current polarization between the Taleban and the deeply corrupt and therefore unattractive Kabul government or in the Kabul political landscape with its tainted mujahedin *tanzim* and marginalized new political parties."[46] Some authors, often from the military perspective, have pointed to the divide between *Ghilzai* and *Durrani* tribal confederations as a driving dynamic, though this is at most one among many cleavages, and has been demonstrated as inadequate to explain many examples of Taliban mobilization, which on the whole has more local causes.[47]

Nevertheless, grievances and cleavages of all kinds, including ethnic, though more often tribal and local, have been used to great advantage by the Taliban in recent years, and therefore the deeper that ethnic and factional resentment penetrates the body politic, the more the Taliban can take advantage of it, as it is so adept at doing. Furthermore, the increasing interpretation of a peace process in ethnic terms by the other political and social forces increases the threat of ethnic conflict in response.

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[45] Interviews: Political party head from northern province (January 2011).
[46] Ruttig (2010b). p 16; Giustozzi (2008); Azarbaijani-Moghaddam, Sippi (2009) "Northern Exposure for the Taliban". In: Antonio Giustozzi (ed.) *Decoding the New Taliban: Insights from the Afghan Field*. New York: Columbia University Press (247-268).
[47] For a perspective that emphasizes and in doing so essentializes the Ghilzai-Durrani divide in explaining the Taliban Thomas H. Johnson and M. Chris Mason (2007) "Understanding the Taliban and Insurgency in Afghanistan". *Orbis*. A more nuanced view is found in Ruttig (2010b).

3. Substantive issues for a peace settlement

The nature of the conflict as expressed by interviewees helps to highlight the kinds of issues that, first and foremost, a peace settlement would have to address. The centrality of a framework for NATO withdrawal to gaining Taliban participation – at operational as well as strategic levels – is quite clear. So too the legitimacy crisis that faces Afghanistan suggests the need to address the issue of reform as well as the more typical peace process question of power-sharing.

3.1. A framework for NATO withdrawal

Both the presence but particularly the actions of NATO forces are well-known sources of public discontent in Afghanistan. Two former governors, members of the High Peace Council executive committee, and MPs from various constituencies all note the strength of the insurgent narratives about foreign occupation. In the words of one MP, the "Taliban tell us they fight because Afghanistan is invaded by foreign powers...This answer makes us shut up...As long as the foreign forces are in Afghanistan, making peace is absolutely not possible."[48] Elected representatives note worsening perceptions of behaviour with the escalating conflict: "In 2001 till 2004 the foreign forces weren't as wild as they are today...They didn't do blind bombardment and night raids as they are doing today...Because of these activities, people hate the foreigners and therefore people joined or stayed with the armed opposition".[49] There was as yet no recognition of the falling number of civilian casualties caused by NATO forces in 2010 despite rising force numbers and intensified operations.[50] Even those from minority or vulnerable communities with possibly the greatest concerns over a deal with the Taliban note the need for withdrawal, like the Uzbek MP who said that "the Americans are being seen as occupying forces now as compared to two years back", or the female MP who stated that "of course, the withdrawal of the foreign troops in 2014 is a good step to reduce the concerns of the Taliban and also help Afghanistan become truly independent." [51]

While there is wide agreement on the desirability of a withdrawal, opinions vary over the timing and conditions. A few voices – mainly former *Shura-e Nizar* leaders – maintain that no peace settlement is possible at all, stating that foreign forces are essential to continue pressuring the insurgents, at least until Afghan security forces are able to take over. Some Hazara and Pashtun politicians shared the view that "as long as there is an ongoing conflict, the majority of the people support the presence of foreign troops" but also that "if the people of Afghanistan come together and resolve conflicts we can together stand and ask the foreign forces to leave the country."[52] However, many others across key political and ethnic divides feel that progress could be achieved by clearer timetables or conditions for withdrawal, or changes to the behaviour and status of NATO forces.

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[48] Interview, *Wolesi Jirga* member from Kabul province (December 2010).
[49] Interviews, Former *Wolesi Jirga* member from southern province (January 2011).
[50] The United Nations and the AIHRC recorded that civilian deaths attributed to "pro-government forces" (comprising NATO and ANSF forces) in 2010 fell by 26 percent from 2009, despite increases in numbers of those forces by 107,000: United Nations Assistance Mission in Afghanistan & Afghanistan Independent Human Rights Commission (2011) *Afghanistan Annual Report 2010: Protection of Civilians in Armed Conflict.* Kabul: UNAMA/AIHRC. This report was released after the bulk of the interviews were completed.
[51] Interviews: *Wolesi Jirga* member from northern province (January 2011) and incoming Wolesi Jirga member from western province (December 2010).
[52] Interviews: former provincial governor (January 2011); *Wolesi Jirga* member from eastern province (January 2011); *Wolesi Jirga* member from southeastern province (December 2010).

3.1.1. Taliban views on withdrawal

Even with respect to the Taliban itself, there is evidence that the stated precondition of the withdrawal of foreign forces is an opening position. While one former Taliban official observed that "the armed opposition has a one point agenda – the presence of foreign forces", others in similar positions were more nuanced, suggesting that foreign forces need to "change their ways...They should control their operations and create a timetable for their presence".[53] A prominent *Hezb-e Islami* member and a former Taliban official noted that ceasing aerial attacks, or legal recognition of foreign forces, could form part of a negotiated solution.[54] Indeed, changes in the actions of NATO forces may already have an impact. One commander reported that he laid down his arms on agreement that "foreign troops shouldn't do any night raids, shouldn't search the houses of the people."[55] Anecdotal evidence from Kunar reports similar protocols being reached with ANSF after the departure of US forces.[56]

Interviews with operational commanders are interesting, if a little ambiguous, on the question of foreign troops withdrawal. While two local Taliban commanders in the north insisted "the invading forces must leave first" before peace talks, several commanders in both north and south seemed to suggest that two interrelated conditions – an agreement on American withdrawal and a cease-fire order from Mullah Omar or their superiors – would both be important in a decision to cease fighting, and that they would welcome such an order. Another commander suggested it was chiefly the local presence of American forces that prevented him from considering a ceasefire: if I stop fighting now, I think half of [this] district will come under the control of Americans.[57]

Taliban commanders on cease-fires and withdrawal

If the government and Taliban start negotiations and the Government accepts the demands of the Taliban, which is that the foreign troops should leave Afghanistan, and if Taliban and the Afghan government come to an agreement and Mullah Omar asks us to lay down our weapons, for sure I will lay down my weapons. – Taliban commander active in northern province (claims 50 fighters)

Yes, if our high-ranking Taliban commanders negotiate with the Afghan Government and they ask me to lay down my weapon I will lay down my weapon. Because I know that our leaders will ask us to lay down our weapon when there won't be any foreign troops in the area and won't be any threat to the villagers and people of Afghanistan. I am also very happy if this situation comes. – Taliban commander active in northern province (claims 20 fighters)

Elders also came to me. I rejected them. I told them as long as these foreign troops are in Afghanistan, until Mullah Omar will tell me to stop fighting, I will fight until that time. – Taliban commander active in southern province (claims 25 fighters)

I will be very happy that our leaders come to agreement with Afghan government. But I am sure that as long as there are foreign troops in Afghanistan there will not be an agreement. If Taliban and the Government come to agreement and our leader asks me to lay down my weapons, I am very happy to lay down my weapons and I know that if I lay down my weapons there will not be any problem for my people. – Taliban shadow district governor in northern province

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[53] Interviews: former Taliban officials; members of High Peace Council (December 2010).
[54] Interviews: *Wolesi Jirga* members from central provinces and former Taliban official and High Peace Council member (December 2011).
[55] Interview: Reintegrating Taliban commander in southern province (April 2011).
[56] Interview: NGO staff member (February 2011).
[57] Interview: Mid-level Taliban commander active in several northern provinces (April 2011).

While it is impossible to make definitive judgements about the flexibility of the Taliban leadership over the presence of foreign forces, it appears that of the two main stated objectives of the Taliban, a framework for the removal of foreign forces is probably more important to operational insurgent commanders and may take precedence over other demands in the short-term. There is also a consistent line on responsiveness to chain of command, naturally uncertain in practice until put to the test. They also suggest that there may be opportunities in offering structured changes to military operations or time, location, or conditions-based cantonments or cease-fires as integral aspects of a negotiating framework, in return for a framework to identify and tackle transnational terrorist threats, through the oft-cited "break" with Al Qaeda.

Several interviewees agreed that linking withdrawal to a peace process could be constructive, including this business leader:

> Everyone knows that the foreigners are leaving. And this is also a major condition by the Taliban. Why not use this announcement as a "credit" or a bargaining chip by the [High Peace] council? The way it was done now undermines the work. Taliban says that if I can sustain for another three years, I will have it all! I am not telling the United States not to withdraw. Do what you have to do, but don't use my credit. Don't break my momentum. If we can accept one of the Taliban conditions out of a position of strength, by actually proposing it to them rather than having them demand, we will be in a much better place.[58]

Instead of such a framework, the unclear or unilateral declarations of withdrawal to date are seen to have strengthened the insurgency and missed an opportunity:

> What has encouraged the Afghan insurgents and their supporters are the contraindicating announcements made by western officials about their withdrawal time. Different countries...have announced they are about to leave like Holland, Canada, Germany and even America. Different American officials have said the withdrawal time is 2011 and some said 2014. Some said they will stay a long time, some a short time, some say they will withdraw completely, some that they will withdraw partially or even some said that they will have permanent bases.[59]

3.2. Political, institutional and constitutional reform

The conflict in Afghanistan is not only a struggle for power and resources between competing parties even though it is often cast in ethnic terms, and there are identifiable interest groups at work. It is also, for a broad cross-section of stakeholders, a legitimacy crisis stemming from a system of power and patronage distribution that is inherently unstable by encouraging the perception of negative sum politics. If many of the shortcomings of the regime are perceived to be related to individuals, factions, parties, and their lack of legitimacy, the logical response for many is not necessarily to make big changes to state structure or institutions – a focus more often found among Afghanistan's foreign partners or a few organized opposition parties. Many MPs – especially incoming ones and those involved in "third line" or independent politics – activists, women, and journalists, call for "a fresh start with new spirit and new blood for statecraft in Afghanistan...people who have not accumulated wealth through war, did not participate in war and do not see their interest in continuation of conflict" or "a fundamental change in the government from leadership to the bottom."[60]

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[58] Interview: Businessman (December 2010).
[59] Former *Wolesi Jirga* member from central province (December 2010).
[60] Interviews: *Wolesi Jirga* "third line" member (January 2011) and incoming *Wolesi Jirga* member from northern province (December 2010).

These viewpoints connect the failings of the government to include "worthy" individuals not with a particular system, but rather with the lack of *any* system, often using the term *"nizam"*.[61] As one businessman notes, "heavy reliance on individuals needs to be stopped and instead investment should be in the system [*nizam*]".[62] While different interlocutors have different criteria for leadership – whether experience and skills, national feeling, or moral and religious virtue – a recurrent theme across political boundaries is that when political deals and non-transparent criteria form the basis for appointments, the nation suffers.

The concentration of power, particularly the power of appointment, in the Presidency, is seen as a key problem to be corrected. An opposition leader and former official notes that the all-pervasive need for Presidential approval opens opportunities for partiality, corruption and ineffectiveness: "Karzai signs on average 100 documents a day, and these only reach him after this [non-transparent] screening process."[63] This analysis is shared by Northern leaders, political activists, and modernizing MPs, for example the woman's rights leader who believes that "some authority should be taken away from the President" and an incoming Uzbek MP that says the national assembly should "try to reduce the president's powers."[64]

More concrete proposals for institutional reform, primarily among minority political leaders with long-standing reform interests, are also often explained in terms of a current system in which changes to leadership are difficult or impossible:

> the problem with the current system is that we cannot get rid of a corrupt and ineffective government...In a parliamentary system where the parliament has the power to dissolve the government we can end a government and call for fresh elections.[65]

Other prescriptions include strengthening the judiciary, altering the relationship between the presidency and the parliament, spreading power across empowered "super-Ministers". Other ideas include moving some power downwards to local levels through strengthened provincial councils, enacting existing provisions to elect municipal and district leaders, or introducing elected governors: "any opportunity to create a new narrative or some social movement should be pursued."[66]

With respect to political decentralization, there is clear interest as expected among politicians associated with minority ethnic parties and political opposition members, and less among Pashtuns. However, even those publicly in favour of decentralization emphasize that their support is for modest suggestions like giving local councils more "executive roles" in budget and development work, and electing governors. In several cases, supporters of such devolution note that these steps could be a way to integrate Taliban into the political system locally, and allow "well-governed" provinces to develop: "let the Taliban be tested at local politics – being in the opposition is easier than being in the government and trying to deliver."[67] Between the widespread concern about concentration of power, and the narrower interest in political decentralization, there is considerable space for negotiation over incremental changes to the system, and these might provide incentives for minority politicians to remain in the system.

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[61] Of Arabic origin referring to an "order" or "arrangement", or in Farsi, also statute. Interview: female *Wolesi Jirga* member (December 2010).
[62] Interview: Chief executive (January 2011).
[63] Interview: Political opposition leader (October 2010).
[64] Interviews: Women's rights leader (January 2011), incoming *Wolesi Jirga* member from northern province (December 2010).
[65] Interview: *Junbesh* leader (January 2011).
[66] Interview: Political opposition leader (October 2010).
[67] Interview: Businessman (December 2010).

Views on decentralization

Some change in the system is needed. Not a federation or federalism, but some form of decentralization with increased local accountability, for example to provincial councils. We need to create a stake for local leaders in their areas. What is happening now is that Taliban create for people access, responsiveness, and consistency. The government is not doing that...One possible avenue is to pursue voting in municipalities, which is constitutional but has been blocked by the President...We should seek decentralization in a way that resonates in the North and the South. – Political "opposition" leader

I do not mean to say the current system is flawless but I believe it is relatively good and it is the political leadership over the last one decade that has been tragic. The experience of the last years show that a centralized presidential system is not working in this plural society and perhaps it is time to start considering a different political system...I also want to stress that any revision in the system must not threaten the basic legal basis of the new system which recognizes the ethnic, cultural and linguistic diversity of the country. – *Hezb-e Wahdat* politician

If Pashtuns and non-pashtuns, Taliban, NA, if they come together and redefine their relations we could avoid another war. If they agree on a central government with greater autonomy at local levels, it's a way forward to peace. This is fundamental reform, constitutional reform. – *Junbesh* politician

I think the first thing that the west should do now is to decentralize power and give the people of each province the right to elect their own governors. This is can be an immediate step to prevent the division of the country into two parts. The north can stand on its feet, fight the enemy and develop economically. – Political "opposition" politician

Those who are calling for devolution of power and changes to the central system should find out if people are actually happy with their local, regional powers holders...People are generally fed up with their local power brokers. – Pashtun official

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3.2.1. Taliban view of political reform

Taliban views on political and institutional reform, as noted earlier in the paper, are both difficult to discern clearly and focused at least rhetorically on the non-Islamic character of the current system. However, interviews with other former Taliban officials indicate possible priorities. One such official expressed that the Taliban view of the Islamic regime can correspond to a Presidential system, in the person of *Amir*, but that equally important is the balance of that power with the principle of consultation, *shura*, that advises and protects the Islamic nature of the system. The selection of such a *shura*, he noted, might include a role for a parliament, but that the current system of parliamentary election was inadequate for such a purpose. The system would remain centralized, and emphasize reform of justice and defence institutions. Specifically, the current model of the national security forces – a large paid army coupled with increased reliance on local militias – was singled out for critique, with a return to two-year national service proposed to prevent factionalism and embody national values.[68]

A potential implication of these viewpoints on political-institutional issues is that a negotiation might be shaped around the division, and therefore horse-trading, between fairly broad constituencies favouring local integration or devolution as an opening for Taliban inclusion, and Taliban interest in changes to national structures. A second implication is that a broad range of actors may have some common ground in their diagnosis of a lack of balance in the presidential

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system, suggesting a negotiating agenda around diffusion of responsibility and oversight, and a focus on new procedures and outcomes in terms of appointments.

3.2.2. Negotiations over the constitution?

A great deal of attention has been paid to the question of whether a peace process might involve changes to the Afghan constitution. While it has been observed in relation to peace processes generally, that "addressing root causes will almost always have constitutional dimensions" the impression from the stakeholders in Afghanistan is that this is not the most pressing question.[69] Members of the government expressed quite varied positions on the importance of maintaining the constitution intact, but most agreed that it should not be altered in the course of peace negotiations, noting that it could be changed in the future: "if the issue is over the system of government, we need to know what is objected to and what is being proposed so we can take the discussion further."[70] Often repeated or paraphrased is Karzai's promise to dissatisfied delegates at the close of the 2004 Constitutional *Loya Jirga:* "The Constitution is not the Koran".[71] Many interviewees noted that debates over aspects of the constitution are already ongoing, and suggested that with peace could come the opportunity to reconsider the constitution through the *Loya Jirga* process, perhaps with some exceptions to procedures so insurgents could be included.[72]

For their part the Taliban themselves have not made detailed demands or identified pre-conditions regarding the constitution, focusing instead on the withdrawal of foreign troops. Some former Taliban officials suggested, perhaps predictably to underplay their real views before a foreign audience, that "the constitution does present some small issues, but these are not the main challenge...Getting to negotiations is the main challenge."[73] Two senior former Taliban suggested that the articles of the Constitution that enshrined both the Islamic and human rights provisions could be preserved.[74]

One political analyst suggested that "as long as we insist that we cannot change the constitution, we cannot, I think, have peace with the Taliban", noting they might want changes such as "the creation of new institutions such as the organization for Promoting Virtue and Preventing Vice" or "conditions such that the head of the government should be male, Muslim and Hanafi". On the other hand, they may seek more modest and non-constitutional adjustments to the role of institutions such as the Ministry of Haj or school and university curriculums".[75] A starting point for a peace process might be to specify the elements of the constitution considered crucial, and consider the process of constitutional amendment among the other political arrangements on the agenda.

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[69] Teresa Whitfield (2010) *Engaging with Armed Groups.* Geneva: Centre for Humanitarian Dialogue. p 32.
[70] Interviews: National Security official and Minister (December 2010).
[71] Barnett Rubin (2004) "Crafting a Constitution for Afghanistan". *Journal of Democracy* 15(3).
[72] Interview: Former Taliban official and High Peace Council member (December 2010).
[73] Interview: Former Taliban official (December 2010) and Former Taliban High Peace Council Member (October 2010).
[74] Interviews: Former Taliban officials and High Peace Council members (October and December 2010).
[75] Interview: University professor (December 2010).

4. Limitations of current peace strategies

The strategy pursued by NATO to pressure the insurgency and bring about either victory or some form of political settlement currently involves two important dimensions beyond military pressure: the "reintegration" of groups of combatants to weaken the insurgency, and the "transition" of security responsibilities to a strengthened Afghan National Security Forces (ANSF). The views of stakeholders on these two elements tend to support the overall picture of a lack of coherence between the requirements of a military and a political solution to the conflict. The Afghan government, for its part, points to the High Peace Council as the public face of its reconciliation efforts, but interviewees point to serious limitations to the council's potential.

4.1. Reintegration and the APRP

Reintegration as currently understood among Western military and civilian officials in Afghanistan, "focuses on local peace processes with the foot soldiers, small groups, and local leaders who form the bulk of the insurgency."[76] Among Afghan interlocutors there are supporters of a fighting as well as of a negotiating strategy, but very few believe that the middle ground, of fighting while hoping to negotiate only with individual or small group elements, is likely to bring serious results in the Afghan context. Echoing the evidence from Taliban commanders that they would seek approval for any ceasefire from above, several individuals such as this Governor, stress the hierarchical nature of the society and its importance to understanding the coherence of armed groups:

> Afghan society is traditional. In household decision are made by a patriarch. In villages khans and religious leaders make decisions. In schools teachers made decisions for you. In government, mostly authoritarian and monarchic, the order comes from above, rule is based on *farmans* from the president...All decisions are from the top. [77]

In the absence of a broader reconciliation process, many commanders see the process as one of surrender, not reintegration or reconciliation, and unlikely to bear much fruit.[78] Others, even within the government, emphasize the failure to provide security and other practical demands in the past:

> To date those who have surrendered in carefully arranged ceremonies and filmed by TV, were given *chapans* and housed in government guest houses for a few days, then were told to go back to their villages and to their poverty stricken life. They can't go back to their villages because the government can't protect them, they can't go back to their lands, can't buy their own land, their homes are taken by others, they can't get their homes back, so what is the point of returning?[79]

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[76] Islamic Republic of Afghanistan (2010), National Security Council Disarmament and Reintegration Commission (2010) Afghanistan Peace and Reconciliation Program: Final Program Document (12 July).
[77] Interview: Governor of central province (December 2010).
[78] Interview: Former Taliban official (November 2010).
[79] Interview: Deputy Minister (December 2010). A *chapan* is a ceremonial robe worn by respected customary or religious community leaders.

The reintegration provisions of the Afghanistan Peace and Reconciliation Program (APRP) are intended to address many of these shortcomings, and the program has significant resources behind it. Preliminary findings from ongoing research on reintegration suggests that while it may be early as the program infrastructure is not functioning properly yet, in its first year it has failed to adequately address key concerns around security, vocational training, and community development, and is attracting limited interest from groups of uncertain affiliation due to fear of being targeted and the lack of a broader reconciliation framework.[80] Perhaps the simplest explanation for the limited uptake is that the reintegration program, of which several Taliban commanders interviewed said they were aware, does not address the core question: "I heard about this reintegration program. I am not interested in this program, because our aim is to release Afghanistan from these foreign troops."[81] There are some claims of increased interest in the wake of the killing of Osama bin Laden but these are yet to be reflected in official figures or independently verified.

In terms of the large investment in APRP by donors, there was vocal scepticism, with several interviewees concerned the process "will...raise international funds and work as projects...these international funds will be spent on foreign trips, offices and provincial *shuras* with no real results."[82] This scepticism was matched by a widespread desire by human rights and women's organizers for a role in oversight and more consideration of non-combatants, victims and women in programs for communities receiving reintegrated fighters.[83]

4.2. "Transition" and the Afghan National Security Forces

Those who expressed views on the transition of security responsibilities to Afghan National Security Forces also cast doubt on the coherence of the strategy. Many interlocutors pointed to the ambiguity between US and Government of Afghanistan policy on political "reconciliation" referred to earlier in the paper as a threat to police and army morale: "They are not sure if they are fighting for the US/NATO or their country or for salary...They are not a committed force."[84] The pursuit of higher-level peace talks by the Afghan government and High Peace Council in the midst of intensified fighting in particular posed a threat in the eyes of some MPs:

> Our security forces shouldn't feel that the government doesn't care about them. The security forces should still have motivation to defend Afghanistan and should have motivation to fight. I mean peace talks with Taliban shouldn't affect the army's motivation for fighting...I say this because I am worried that the army shouldn't collapse before we reach peace and Taliban participation in the government.[85]

While conflicts frequently continue while negotiations are sought, and parties pursue military and political means in parallel, the sense is that a coherent multidimensional strategy to bring an end to the conflict is still not apparent. The implication is that were NATO and the United States to pursue the core aim of achieving a negotiated settlement it might imply changes to both the reintegration and transition dimensions of its military approach – a "de-conflicting" of military and political strategy.

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[80] The PRIO-USIP-CMI project has a research component focused on trends in reintegration and individual commander motivations at the time of writing.
[81] Interview: Taliban commander operating in central province (April 2011).
[82] Interviews: former *Jamiat* commander (February 2010).
[83] At time of writing several groups of civil society organizations had drafted proposals for improved participation and oversight over APRP processes.
[84] Interview: Former *Wolesi Jirga* member from central province (December 2010).
[85] Interview: Former *Wolesi Jirga* member from central province (December 2010).

4.3. The High Peace Council

The seventy-member High Peace Council named in September 2010 and chaired by *Jamiat* leader Burhanuddin Rabbani has become the main public component of the Government of Afghanistan's peace plan. The interviewees had widely varying views on the role of the High Peace Council, its membership, and its prospects for contributing to peace. Even among its members, viewpoints differed. These questions, and additional ones over the lack of sufficient representation of civil society groups, women and victims, were prominent at civil society meetings and consultations held in Kabul after the council was named.[86]

The most dismissive felt the council was a cash cow and a political manoeuvre to distract Karzai's opposition: "The council was created not for the sake of peace but to employ a number of unemployed leaders and prevent them from creating mischief."[87] Interestingly given Rabbani's chairmanship, similar views were repeated by several *Jamiat* politicians and parliamentarians, who also included the sidelining of the National Assembly as a motivation.[88] Women's rights activists and parliamentarians were among the most critical of the council.

Of those who took the institution at face value, one view, held by a few of the members themselves, was that the High Peace Council would act as a mediating body between the various sides of the conflict. In the words of a former Taliban cleric and council member "the Taliban now have a channel to negotiate with, now it depends upon Taliban whether to talk or not; we are mediators – one side is government the other is Taliban, we are neutral."[89] In fact, a number of delegates to the National Consultative Peace Jirga, the June 2010 consultation that recommended the formation of the council, reflected that this mediating role was what had been intended by the participants. But when the composition and leadership of the council was finally announced three months later, this was not the council that they saw:

> We all agreed to form a national council, to be representative of all of Afghanistan's groups. To include people who were not involved in conflict and were well respected among Afghans. To be then able to talk to the *mukhalifeen* [resistance]. This [resulting] council is a government commission, not a peoples' national representative body.[90]

Even most *Jamiatis* noted they don't see their leader Rabbani as the appropriate choice for chairman, and the one who did still felt that a more neutral council overall would help.[91]

Interestingly, it was not only the inclusion of the former enemies of the Taliban, but also for some the inclusion of ex-Taliban on the council that would hamper its ability to reach out to the insurgency: the "Taliban prefer their enemies than the former Taliban figures who are not with Taliban movement anymore...the Taliban movement hates these former Taliban."[92] The question of the effectiveness of the former Taliban on the council is also highlighted by the overlap between the ex-Taliban on the High Peace Council and the participants in the 2010 Maldives

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[86] Patricia Gossman (2011) Afghan High Peace Council Fails to Reflect Afghan Civil Society. Peacebrief No. 74. Washington, DC: United States Institute of Peace (10 January).

[87] Interview: Journalist (December 2010).

[88] Interviews: Jamiat leader (December 2010) and Wolesi Jirga member from northern province (January 2011).

[89] Interview: High Peace Council member (November 2010).

[90] Interview: Former governor and National Consultative Peace Jirga delegate (December 2010).

[91] Interviews: two Wolesi Jirga members with Jamiat background (December 2010).

[92] Interview: Wolesi Jirga member from southeastern province (December 2010). For an analysis of the political origins of the most prominent ex-Taliban on the HPC and its potential impact on their reach and legitimacy, see Thomas Ruttig (2010a) *The Ex-Taliban on the High Peace Council*. Berlin/Kabul: Afghanistan Analysts Network.

meetings that gained significant attention at the time but have failed to produce substantive progress towards a peace process.[93]

A different point of view on the role of the High Peace Council was that they were representatives of the government for a peace process, and that the opposition should introduce an equivalent negotiating team, as well as international and regional actors.[94] From this perspective, it can be argued that it makes sense to include influential members of conflicting and influential parties. These voices, from within the council, stressed the importance of having a figure like [*Jamiat* leader and former President] Rabbani and [Former Taliban ambassador to the UN] Abdul Hakim Mujahed together, or even that the aim of the council was reconciliation between these parties.[95]

Perspectives on the High Peace Council

The [consultative peace] jirga asked for a council to be formed to advance the peace agenda. But when the council was formed, the former jihadi leaders were put in charge. This was a violation of agreements reached by the Jirga. The Jirga did not agree that Rabbani or Sayyaf or Muhaqeq will be at the leadership of the council. This was a political compromise reached with Karzai. – Female National Consultative Peace Jirga delegate and *Wolesi Jirga* member

By appointing him as head of the High Peace Council, both Karzai and Rabbani win. Karzai has "destroyed" the opposition by dividing them. – Civil Society leader

The majority of Taliban are Pashtuns. Most members of High Peace Council must be impartial Pashtuns. I don't oppose Ustad Rabbani, I was in his party during jihad...Muhaqeq or people like them have fought a lot against the Taliban...Now these notorious guys are in the leadership of HPC. Taliban will not talk to this council. – Former *Wolesi Jirga* member from southern province

It could be more successful if it included more independent religious figures and intellectuals who were not involved in war in the country. We needed a third force of independent figures to lead the process. – *Junbesh* political leader

Some critics say that some members of the council were involved in previous fighting. I say if we had other people than these, then we would be criticized for why do we make peace through anonymous people. – High Peace Council Member

Ustad Rabbani's role as head of the High Peace Council is symbolic. Any real negotiation will take place inside the palace. Possibly, they will involve the council in media shows to the Afghan public and to the outside world. In practice, the Taliban will not negotiate with Rabbani. – Former Provincial Council member from northern province.

Many pointed to the need for non-combatants to mediate, often making reference to customary Afghan dispute resolution:

> We can bring peace by those who are impartial. We have always used the third parties in our small disputes or national or regional affairs. If two sides fight, then the third party is chosen to make peace between two parties. Unfortunately those who are heading the peace council are one side of the war.[96]

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[93] Tolo Afghan News (2010), "Maldives Conference will end with no result" (11 November), http://www.tolonews.com/en/afghanistan/1053-maldives-conference-will-end-with-no-results-, (accessed 13 May 2011).
[94] Interviews: Former PDPA politician and Wolesi Jirga member from southeastern province (January 2011).
[95] Interviews: Former Governor and High Peace Council member, Government Minister (December 2011).
[96] Interview: Former *Wolesi Jirga* member from northern province (December 2010).

Some of those who pointed to the need for a neutral body mentioned a preference for bottom-up selection or election by province and district for the peace council, closely echoing the selection of Emergency Loya Jirga delegates in 2002 and indicating some residual legitimacy in such processes.[97] Others noted the difficulty of finding non-involved, neutral people, after so many years of conflict.[98]

While there was therefore wide variation in viewpoints on the purpose, likely prospects, and suitability of the council, an almost universal theme was that the council would not be able to act as a mediator between the government and the insurgency. A mediator, whether Afghan or from outside the country, would still be needed for that purpose. Similarly, the insurgents do not yet have representation, and the Taliban and *Hezb-e Islami* affiliated members of the council cannot be viewed as being able to act in this capacity.

Whether the High Peace Council can play a useful role remains to be seen. Members have carried out visits to several regions of Afghanistan, as well as to Pakistan and Turkey. Were a concrete negotiation process to emerge, the council might potentially play an important Track II type role discussing and advising on issues of concern to the parties represented there. This is the view of a senior *Hezb-e Islami* member of the council:

> It wants to create the groundwork for hearing the concerns and demands of the [armed] opposition. To put together a list of their wishes. The Council can do the job of bringing these demands to the government, and advise the government which demands are good and which need to be discussed.[99]

It might even act, as many members believe it is empowered to, as representation for the government team. However, the council might equally be sidelined by what many see as a close hold on real negotiations by President Karzai's more immediate associates.

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[97] Interviews: *Wolesi Jirga* members from central and southeastern provinces (December 2010).
[98] Interview: *Wolesi Jirga* member from northern province (January 2011).
[99] Interview: High Peace Council member with *Hezb-e Islami* ties (December 2010).

5. Getting to a settlement: issues of process

While there are many factors that will influence the possible shapes of a peace process in Afghanistan, the interviews give an indication of a few key areas that are important to consider. Some of these – such as the relationship between reform and power-sharing or a security framework – have not received much attention in the international policy discussions mentioned in the introduction, while other areas – such as a US role – may benefit from further elaboration.

5.1. The US role, or "You cannot be half-pregnant"[100]

As the major financial and military supporter of the Afghan government and a belligerent, the US will have to participate in negotiations. Until the US clearly signals its willingness to take part in a peace process, not just support it in the abstract, insurgents and other Afghan constituencies will not take such a process seriously.

Unsurprisingly, the aspect of US involvement mentioned most often among the interviewees was the need for the US to pressure Pakistan: "the key to Afghanistan problem is in the hand of America and ISI."[101] However, this is usually, though not always, seen in parallel with the idea of direct US involvement in peace talks with the insurgents, to undermine the influence and control of Pakistan over the outcome. In the words of one former Taliban official:

> My advice is to enter directly into a dialogue with Taliban, don't let them again be used by the regional powers. Dissociate them from supporters. They have no real commonality with the Pakistan government in values or politics. If they had some support or some power, they wouldn't like Pakistan.[102]

There is some caution among interviewees that US involvement in negotiations be balanced by a commitment to support whatever agreements might be reached among Afghans on intra-Afghan issues. One idea is to divide talks between levels that address Afghan-only issues, and those that do not.[103]

The overwhelming sense from Afghan leaders across political divides is that if the US could signal commitment to act as a party to a peace process and lay out its terms more clearly, the strategic environment for a peace process would improve dramatically. The current public posture of the "Afghan-lead" is a barrier to this signalling. The recognition and legitimation that comes from direct (or via a process of shuttle diplomacy) negotiations would potentially open space for Taliban leaders, their commanders, and followers to identify their positions more clearly as apart from Pakistan, though the logistical and security challenges remain daunting. Of course, that recognition is precisely what die-hard opponents of the Taliban, or of a peace process will wish to deny. That is why it would be such a clear signal in favour of a negotiated settlement to grant it.

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[100] Interview: Chief Executive (January 2011).
[101] Interview: Former *Wolesi Jirga* member from southern province (January 2011).
[102] Interview: Former Taliban official and High Peace Council member (October 2010).
[103] Interview: Provincial Governor from central province (December 2010).

The US role in a negotiation

America has vital role in these peace talks. Since America is paying for all expenses, America controls ground and air of Afghanistan, so America is in front line of these talks – Jamiat politician and Wolesi Jirga member

The Afghan government is under the financial support of US. ANA, ANP and NDS are all supported by the US. America is right now fighting Taliban, so how can you ignore the American's role? It would be very good if these peace talks are between Taliban and US. – Former Taliban official

US should speak directly to insurgents, they should not wait or rely on the Afghan government to take the lead or deliver peace...The US and Europeans seems to be the only parties to the conflict that might want peace...Karzai is not interested in peace, his political survival is tied to the US and NATO presence and the conflict against Taliban...His allies are also not interested in peace, they are happy for US and NATO to continue to fight their former enemies...Taliban are not interested in peace, they are waiting for international forces to leave so they can take power. – Journalist

The biggest role of America and Europe during these peace talks will be to support the start of these talks...Without America and Europe's cooperation, these talks will be impossible...And in second part, whatever decisions are made in these talks, US and international community should support the decisions and ratify them. – Wolesi Jirga member from southeastern province

They have to assure us that they wouldn't interfere if we agree on something. What the west likes about peace talks is not acceptable for Afghans. I emphasize the west should support Afghans and Afghan government in these peace talks. They shouldn't teach us how we should do it. – Former Wolesi Jirga member from Kuchi constituency

Part of that engagement may involve exploring local initiatives like cease-fires, altered operations, or cantonment to open channels, with the goal of linking these efforts to the possibility of a national framework. It also may mean exploring and communicating confidentially potential withdrawal scenarios and acceptable corresponding steps on preventing terrorism that might be acceptable. While this type of discussion is no doubt underway at some levels, the credibility of the option to de-conflict military strategy with its political counterpart has not been established. In addition, more may be done to consider mutually acceptable "neutral" monitoring mechanisms for such steps on both sides, for example national or international implementation commissions, military observers, or joint verification bodies.

5.2. Power-sharing in the security sector: a missing link?

In addition to the withdrawal or substantial drawdown of NATO forces, a peace process will likely entail discussion of the composition and future of the Afghan National Security Forces. Some see reform as essential if future armed conflict is to be avoided:

> The reform of the security sector is a must. The insurgents don't trust the current security structures, the National Directorate of Security and Ministries of Interior and Defence are dominated by the Northern Alliance. They might not be willing to cede power to *Hezb-e Islami* and Taliban by allowing them to join the political process and integrate them in the security organs.[104]

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[104] Interview: Journalist (December 2010).

Evidence from the limited reintegration "events" to date suggest that those local commanders who show interest in reintegration are asking to maintain control over their own security either by retaining arms or being integrated into local security structures: effectively they wish to remain local commanders.[105]   A peace settlement will need a broad framework of demobilization or integration into security forces that can satisfy the security concerns of large groups of insurgents without handing over tracts of territory to their free military rein. At the same time, accommodation with insurgent fighters and networks must not provoke remilitarization of the conflict by other groups. This challenge should also take into account likely scenarios for international resources and will for post-conflict international disarmament and peacekeeping efforts – it is possible that both financial constraints and caution over involvement of forces in Afghanistan will influence potential participants in such activities.

Several insurgent commanders reported that they would be interested in a role in the security forces after an agreement is achieved, such as this one: "When we have a joint government with Taliban after the departure of foreign troops, I'll be a good police chief."[106]   One idea mentioned by several interviewees as an interim measure was "joint policing or peacekeeping" by elements of the Taliban and ANSF.[107] Longer-term agreements on joint participation or integration of opposing parties in security forces could be negotiated. Another solution may be the definition of areas of responsibility or the cantonment or demobilization of combatants, perhaps with verification by neutral military observers.

Regardless of the outcome, the current "transition" strategy for growing large Afghan National Security Forces and implementing local level security initiatives such as the Afghan Local Police (ALP) and Village Stability Operations will almost certainly need re-examining if the insurgents are to agree to a cease-fire, yet this element of a potential settlement seems to have been neglected thus far.

5.3. Reform vs. Power-sharing: A false dichotomy?

A significant proportion of stakeholders hold the view that reform should be pursued before the government negotiate with insurgents. For them, the key to the balance of power between government and insurgency is not military power, but the legitimacy from which it stems. This view is particularly pronounced among women interviewees. Thus, unless the government can improve its moral standing in the society, it must "negotiate from a position of weakness and should surrender to them".[108] Unfortunately, it is clear from the recent historical record that reform in general, and improvements to the legitimacy of appointments in particular, have been sporadic at best, and more often an illusion.

Others consider the inclusion of the Taliban in key posts as a viable quick path to a settlement. The main contour of this debate is between confining power-sharing to subnational institutions and Taliban interest in influence over central institutions. Discussions with former Taliban leaders suggest that simply placing Taliban officials in political posts, whether national or subnational, may miss the point. Instead of gaining posts, it seems that their interest is in securing a kind of reform, perhaps through participating in the consultative function of *shura* or some variation on a guardianship role.[109] At the ground level, Taliban viewpoints on the

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[105] Interviews: APRP implementers, Joint Secretariat Staff, and ISAF staff (February and April 2011).
[106] Interview: Taliban commander active in several northern provinces (April 2011).
[107] Interview: Businessman (December 2010).
[108] Interview: Former provincial governor (December 2010).
[109] Interviews: Former Taliban minister (February 2011) and university professor (December 2011).

mechanics of power-sharing vary, with some commanders claiming Taliban would accept local control, and others insisting that only national influence will do.

Varying views on power-sharing

Why not? Afghanistan is a big country and if anyone wants peace, they can work in the government too. But the condition is Afghanistan must have peace. They can take part in legislative, executive or judicial power. If Taliban live in peace and let others live in peace, no one is against them. They should run for parliamentary elections. – Former provincial governor and High Peace Council member.

I am generally against power-sharing with Taliban. They should not be given a governorship or a province or a ministry because they are Talibs and fought, and the only way to bring them in and stop fighting is to make these kind of political concessions to them. No one should be given a post on the basis of faction. Currently posts are given on the basis of ethnic divisions and representation of different groups.[110] – *Jamiat* Commander from central province

It is good to have a joint government. I can't claim that people who work with the government are non-muslim, they are all muslim...Taliban don't want certain parts of Afghanistan for them. It is not possible that one part be controlled by Taliban and the other part is controlled by Afghans and foreigners. – Taliban commander active in northern province

It will be good for Taliban to control one part of the country. At least they can implement sharia law in that part of the country. Islamic Emirate is able to do that. – Taliban commander active in eastern province

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A durable settlement may not involve radical restructuring of the state. It will however have to address how people are seen to receive power and privileges. There is a tension between this necessary reform and using political appointments to accommodate power-sharing demands in the context of peace talks, since the very appointment system that drives the conflict is to be used to diffuse it. In this light, perhaps the best way to generate broader legitimacy for a peace process is to ensure that it combines elements of the reform and power-sharing points of view, in such a way that each of these elements incentivize and reinforce the other.

5.4. Inclusion and the structure of talks

One way to do this might be to frame the peace process around the objective of broader inclusion in politics. Many interviewees describe a lack of political space between the government and its constituent factions and the Taliban, whether describing the media, religious networks and curricula, or human rights advocates and civil society. One way to encourage such space may be to shape a peace process that can help identify and mobilize common interests across groups or include new interests. As one leader of a political party expresses:

> Since Bonn political power has been dominated by people who have risen through fighting and violence. As a political activist, I do not recommend their exclusion but I think we need to maintain a balance and make sure that violence or threats of violence are not the appropriate means to political power. I think Afghanistan cannot move forward with a single group of people. We need more diverse individuals and broader support base for our government.[111]

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110 Interview: (January 2011).
111 Interview: Political party head (January 2011).

An example of a potential common interest lies among civil society, women and human rights activists, minorities, and some religious leaders. A broad current of opinion challenges the importance given to ethnic *jihadi* leaders in current power structures and stresses the need to include the concerns of victims and non-combatants in a settlement. Combined with growing youth, urban and educated populations that would resist reversal of post-2001 gains in civil and economic life, considerable forces have interests in broad considerations of rights, including those of women and girls, which if framed in appropriate terms including Islamic ones, can form a common position that may influence a peace process.

In this way the emphasis, at least for those now outside the system, is on including relevant forces in power, while at the same time beginning the process of reframing how power is assigned:

> Are not all these opportunist groups that already exist in government more than enough and you want to add another group? The solution is to remove the internal mafia and some other groups. You should also attract the good members of all these groups, and change the government from an unpopular one to a popular one.[112]

This is consistent with the position expressed by several former Northern Alliance leaders, that "peace cannot come through a deal, but rather it will have to be a process and a movement."[113]

New economic interests are another example of potentially important areas for interest groups to emerge. On the one hand, economic development may help to bridge divides as argued in the example given here:

> My manager is a Pashtun. He is not from my ethnic group. But because he is managing my economic affairs well, I don't care which ethnic groups he belongs to as long as he runs my company well. So economic interests could unite us.[114]

On the other, there are economic interests linked to the conflict. One official and another business leader respectively noted that those who had amassed wealth "are generally supportive of a peace process which would protect those interests and generate additional wealth", but there are also those who are accumulating wealth through conflict: "these include minister, governors and commanders/warlords who benefit from the international presence and continuation of conflict."[115] The balance between these interests and the incentives a process brings to bear will be key factors in its success.

It is therefore important to think in terms of a peace process that includes structures for a broader form of inclusion that reaches interest groups beyond the combatants, encourages cross-cutting positions, and is based in reform as well as the recognition of former enemies. There is a tension common in peace processes between the secrecy required to make progress with belligerents whose legitimacy and influence with their followers can easily be undermined, and the inclusion, transparency and consensus that can support a more legitimate, and therefore durable, outcome. While in general the need for secrecy may be greatest early in the process, with more space for openness later, there are also structural ways to help strike the balance. Exploring multi-track diplomacy, civilian commissions, ombudspersons, national dialogues and other means of including diverse interests should be a priority of the Afghan parties as well as interested third parties. Care must be taken to consider the ability of the structures chosen to neither marginalize groups nor become bogged down.

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[112] Interview: Former Deputy Minister (December 2010).
[113] Interview: Former *Wolesi Jirga* member from central province (December 2010).
[114] Interview: Chief Executive (December 2010).
[115] Interviews: Deputy Minister (December 2010) and businessman (October 2010).

Substantive talks might take place in parallel tracks according to the issues involved, or occur in a sequenced series of negotiations. In the first case, a "military table" might focus on steps for achieving and maintaining cease-fires, interim security arrangements, and a lasting framework for withdrawal and the prevention of terrorism, with their attendant verification measures. These talks will primarily involve the US, the Afghan government and the networks that make up the insurgency possibly with neighbouring powers, and would likely feature a higher degree of confidentiality.

A parallel political and social negotiation might involve wider inclusion of Afghan groups alongside government and insurgents, with mediation or input from respected figures from within and outside Afghanistan, particularly with legitimate Islamic credentials and reputation. This process might be able to draw upon references to customary dispute resolution practices more easily than the military process. In particular the appointment of trusted agents by disputing parties, and the mutual acceptance of mediators' judgments in *Jirga* were traditions that were referred to by interviewees when talking about intra-Afghan negotiations:

> The mediator has full authority and make decisions. And based on the balance of both sides, the third party makes a decision, which is binding. This could only happen with both sides have agreed to peace, wants peace and asked for mediation.[116]

While it may be difficult to imagine talks purely under this kind of customary arbitration, a key point is that, traditionally, mutual agreement on the terms of the negotiation and the credibility of the mediators is crucial to the acceptance of the decision. The current High Peace Council might represent the government or facilitate intra-Afghan dialogue in preparation for such talks, but is not likely to be effective in a mediating role, as noted earlier.

This model has potentially different implications for the peace process than recent policy proposals calling for an internationally-appointed high-level facilitator.[117] A common thread in discussions both about the mediator and practical issues like location for the talks is that stakeholders do not hold strong specific views, instead emphasizing that the most important thing is that the sides mutually agree on whatever arrangements, and therefore possibly different options should be proposed. In terms of location, the trust and agreement of both sides was key. There was frequent mention of a United Nations role for the negotiations, but usually alongside other state or non-state parties, and often noting that the UN need to dissociate itself from the government position.

An alternative would be a series of consecutive negotiations, building upon each other and with varying participation at each stage. The advantage of this approach may be to tackle more tractable issues first while building confidence and momentum to later resolve tough ones, or to agree the most important questions while leaving less significant issues until later. Talks might begin with the security framework, and later move to institutional reform issues, for example.

It might be important to seek near the outset a guiding framework agreement that sets basic principles governing the settlement that protect the political goals and reputation of the parties, if these can be agreed: for example, the independence of Afghanistan from foreign interference and the prevention of its use for terrorism, the gradual withdrawal of foreign forces, or the preservation of key principles, rights and protections. A framework agreement might also establish the procedures and format for structuring further talks to ensure the legitimacy of the mediation arrangements, particularly for the intra-Afghan dimension of talks. Whatever the

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[116] Interview: Journalist (December 2010).
[117] The Century Foundation (2011). p 50-3.

specific arrangements chosen, the nature of the conflict requires a balance between reform and power-sharing, and this in turn implies a structure that may be more drawn out, and one that might have to consider the sequencing and conditions for linking interim and transitional arrangements. A process with several steps may also prove more resilient to inevitable setbacks than a "big bang" peace conference.

5.4.1. Elections and transitional provisions

In considering the transition from interim to longer-lasting arrangements, it is worth noting that there is – perhaps surprisingly – still broad support, including among some of the smaller Taliban commanders interviewed, for the necessity of elections as a means of allocating political power. What this might mean in practice is a key question. Consideration should clearly be given in negotiations to revisions to the electoral system, potential changes to the electoral calendar, and the logistical and security challenges of implementing freer and fairer polls than recently seen in Afghanistan.

Support for elections

If the Taliban want to be part of Afghanistan's future in a constructive way, they must realize that they need to win the support of Afghans. – Former *Wolesi Jirga* member from western province

When the foreign troops leave Afghanistan for sure the Taliban and Government will open negotiations and they will find a way to bring peace in Afghanistan. I am thinking there will be another election in Afghanistan. Taliban will give their own candidates and the other groups will give their own candidates and anyone who wins the election will control Afghanistan and we will support them. – Taliban commander active in northern province (claims 50 fighters)

This is our country. If they leave we will have an independent government. I don't want TB to control Afghanistan. We should have another election and we'll see who will win. – Taliban commander, northern province

[T]emporary power sharing can be from one month to one year. During this period, government should pave the ground for elections. People should choose their president and representatives to the parliament in these elections. People's wish should be reflected in the elections. – *Wolesi Jirga* member from southeastern province

The chance must be given to Taliban's candidates to nominate for provincial councils and parliament. The results of elections must be cancelled and provide the opportunity for Taliban to run in new elections. We must pave the ground for Taliban and should tell them to introduce their candidates for presidential elections, parliament and provincial elections. When you make peace with opposition, you should give something to them. – Former *Wolesi Jirga* member from southern province

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Despite this support, elections may prove extremely challenging and the dangers of holding them under unsuitable conditions in Afghanistan should by now be clear. Alternative models for legitimizing a transition after interim arrangements agreed in a peace process expire may need to be explored as well. As noted earlier in relation to the High Peace Council, a range of interviewees still see methods of indirect selection of the type used during the Emergency and Constitutional *Loya Jirgas* as quite legitimate, with the common view being that it was the manipulation of these meetings that undermined their outcomes, not the process of selection.

5.5. Key questions for the parties and concluding remarks

This discussion raises some questions for belligerents and interested third parties to consider in identifying what kind of peace process may be most likely to succeed. These same questions also point to areas where further research, discussion, and input from the experiences – both positive and negative – of other conflicts might be helpful. Some examples are as follows:

- How can the US, the Afghan government, and the Taliban gain the confidence to develop and communicate military proposals and counter-proposals about withdrawal and short and long-term measures to prevent terrorism and safeguard agreements?
- How can a negotiation encourage independent Taliban decision-making on Afghan issues, while balancing the interests of Pakistan?
- What are workable options for interim and longer-term arrangements in the security sector that will be acceptable to different parties?
- What scenarios for international support – whether financial, monitoring, verification or enforcement – are possible?
- What methods of promoting inclusion of non-combatants, women, minorities and vulnerable groups will neither compromise negotiating progress nor cause the marginalization of these groups?
- How should the peace process manage the transition from interim measures to a longer-term consensus on reform issues including constitutional change?

The conflict in Afghanistan is so complex that almost any understanding of its causes will form a part, but only a part, of the story. Yet a peace process must necessarily reduce these complex dynamics to a set of issues, agreements and assurances. To attempt to do so without taking due account of the diversity and depth of Afghan views on what will bring peace to their country is a dangerous undertaking. At the same time, discussion and refinement of frameworks that might be applied to a peace process may stimulate new understandings of the conflict, and perhaps, help to transform it.

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Achieving Durable Peace: Afghan Perspectives on a Peace Process

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While momentum continues to shift towards pursuing a peace settlement for Afghanistan, ambiguities remain in the US political and military strategy, and there are questions about the ability of the Afghan government to successfully lead a process and the insurgents' interest in one. A burgeoning body of commentary focuses on international and US strategy, but to be durable a settlement will need to involve some broad-based political and social agreements among Afghans. This crucial intra-Afghan dimension of the process requires detailed analysis of the views of Afghan stakeholders.

This paper presents findings from a set of 122 interviews with Afghan leaders and opinion-formers in political, military, economic, and social arenas about their views on the conflict and the issues that a peace process will have to address. The findings of the interviews suggest a number of key questions about the likely structure of a successful peace process, and areas where further research may be useful. These include the development and communication of military proposals, balancing the interests of Pakistan, interim and longer-term security sector power-sharing, the inclusion of non-combatants in the peace process, and interim and transitional arrangements.

This work forms part of an ongoing project by the research institutions Chr. Michelsen Institute (CMI), United States Institute of Peace (USIP) and the Peace Research Institute Oslo (PRIO), to identify and clarify through research and dialogue issues and options for Afghanistan to move towards durable peace.