



SPECIAL REPORT

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ABOUT THE REPORT

This report is based on six months of field research between January and June 2010, funded by the U.S. Institute of Peace and Canadian Global Peace and Security Fund. The research involved separate, in-depth interviews with eighty individuals, mainly in Kabul and Kandahar, including fourteen insurgents, as well as former Taliban officials, diplomats, analysts, community and tribal leaders, and civil society representatives.

It also involved forty interviews and ten focus groups with ordinary Afghans. To encourage frankness, and for safety reasons, most interviews were nonattributable.

The aim was to better understand insurgent motivations and objectives, and in light of this, to assess the feasibility, risks, and implications of negotiations. The field research, which focused on the core Quetta Shura-led Taliban, faced constraints of access, verification, and insurgent differentiation.

The findings should therefore be seen as a step toward understanding the movement, rather than anything more complete.

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Matt Waldman

Dangerous Liaisons with the Afghan Taliban

The Feasibility and Risks of Negotiations

Summary

- Motivations of Taliban insurgents are variable, multiple, and often involve—with the first three commonly emphasized by insurgents—retaliation against perceived military aggression; resistance to perceived foreign invasion; opposition to abuse of power and impunity; exclusion from power or resources; the effect of social and economic deprivation; and other factors, including expediency or opportunism.
- Taliban objectives vary correspondingly, and often include—with all but the last two commonly asserted by commanders—withdrawal of foreign forces; law and order, especially as enforced by *ulema* (Islamic scholars) against criminals; application of sharia, involving harsher punishments and changes to the Afghan constitution; legitimate exercise of power or Islamic government; conformity with perceived Islamic social rules, involving further constraints on women; political, but possibly not administrative, power; and peace and security.
- Some Taliban leaders are interested in talks, but the prospects are hindered by mistrust, ambiguity in the allied position, and the efforts of both sides to escalate to a position of strength.
- While Taliban tactics are deplorable, many insurgents' motivations are understandable, and certain objectives could be considered valid. There is a degree of convergence of insurgent and wider Afghan and international interests. Considering this, and given the constraints of counterinsurgency and transition strategies as well as the deteriorating security situation, the Afghan-international coalition should seek to engage in direct or indirect exploratory talks with the Taliban.
- Confidence building may involve the delisting and release of insurgents, amnesty, de-escalation of hostilities, or local cease-fires, but each measure requires careful control and reciprocity. The negotiating process involves major challenges, especially in managing

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spoilers on all sides. It requires the support, but not excessive influence, of Pakistan and other regional powers.

- However, this process should not lead to neglecting efforts to build the capacity and legitimacy of the state; a rush to negotiate would be self-defeating. Moreover, the goal should not be a quick deal between power holders, but a settlement that reflects the will and aspirations of the nation.
- An agreement could threaten human rights and freedoms, especially those of women and girls, and democratization. Talks should therefore involve legitimate representatives of Afghan society, and the process should be reinforced by long-term efforts to promote genuine reconciliation between hostile groups. To be effective and enduring, a power-sharing settlement must be inclusive, just, and address the underlying causes of the conflict, especially the abuse of power.

Introduction

Although the number of U.S. and other foreign forces in Afghanistan has increased, from 30,000 in early 2006 to some 150,000 as of September 2010, there has been a steady resurgence of the Taliban and other insurgent groups. They have increased their attacks by more than 40 percent in each of the last four years,² causing an escalation in military and civilian casualties, and systematically attacked and intimidated civilians associated with the Afghan government. They now have control or influence in more than half the country, having expanded from the south and southeast to parts of the north, center, and west.³ This expansion has led to profound concerns about the efficacy of conventional warfighting and an increased international emphasis on counterinsurgency, transition, and reconciliation.

The heavyweight counterinsurgency strategy formulated by General Stanley McChrystal has faced severe challenges and significant progress is unlikely without the two sine qua nons for counterinsurgency: a legitimate, functioning government and denial of external sanctuary for insurgents. The Kabul regime is largely corrupt and ineffective, and insurgents obtain sanctuary and support in Pakistan. Transition, meaning efforts to build Afghan forces and transfer responsibilities to them, also faces major obstacles and will take longer than anticipated.

Thus there is increasing consideration of the potential for reconciliation with insurgents. In October 2008, Taliban and Afghan government representatives met in Saudi Arabia, and Robert Gates, U.S. secretary of defense, has said he could envisage reconciliation with elements of the Taliban as part of an eventual political outcome.⁴ In 2009, the former British foreign secretary and the previous UN special representative for Afghanistan each advocated efforts to achieve an inclusive political settlement.⁵ Reconciliation was heralded at the January 2010 London Conference on Afghanistan, and in March, one insurgent group, Hizb-i-Islami, held talks with Afghan and foreign officials.⁶ In June, a government-orchestrated peace *jiirga* endorsed a plan to reintegrate insurgents, requested the removal of Taliban leaders from the UN blacklist, and called for talks with the armed opposition.⁷ More recently, Pakistani intelligence and military chiefs met with Afghan and U.S. officials regarding the potential for talks with the Haqqani insurgent group.⁸ These developments raise the question of whether negotiation with insurgents is feasible or desirable, which requires an understanding of why insurgents are fighting.⁹

Taliban Motivations and Objectives

This section considers the motivations and objectives of the Taliban, though it is reasonable to expect some commonality with other insurgent groups. It draws on the views of Taliban

commanders, which may skew the findings, but they and other informed interviewees were also asked about the motivations of foot soldiers.¹⁰ Motivations and objectives cannot be understood in isolation; the section therefore begins with observations derived from interviews about the general state of the movement.

State of the Taliban

Commanders acknowledged that Taliban forces were fatigued and under increased military pressure, but they were confident of the movement's prospects for eventually forcing foreign forces to withdraw. The Taliban is well-sourced in funding, munitions, and equipment, much of which commanders said is provided by or through Pakistan's Directorate for Inter-Services Intelligence (ISI) or military officials. Interviewees also reported that Pakistani territory is used for their command; for logistics, planning, training, and recruitment; and for treatment or recuperation. Many were unhappy about perceived ISI influence over the movement, especially at the leadership level.

Taliban units appear to be cohesive, and commanders regard themselves as falling within a relatively robust organizational hierarchy. However, they consider the Taliban—the largest of eight major insurgent factions—as comprising different groups with varying tactics, goals, and supporters. Many spoke of factional suspicion, mistrust, and even antipathy, especially between local and Pakistan-based groups, the latter of which they saw as more extreme.

Commanders asserted that the Taliban cause is just, but many displayed unease about certain tactics. They expressed regret for the unintended deaths of civilians, attacks on schools or non-governmental organizations (NGOs), and assassinations of tribal or community leaders. Some even said they regretted having to kill Afghan police and soldiers.

Most claimed that they were popular with locals, who provided them with essential assistance such as food and shelter. As one commander put it: "If they didn't [support and assist], the Taliban could not resist foreign forces."¹¹ However, some of this support may derive from insurgent coercion or intimidation, and a number of commanders from the south and southeast admitted that public support had declined because they were seen to have brought fighting to the area or caused greater hardship. As one Kandahari commander admitted, "The people in my area are kind of lost; they can't decide whether to support the government or Taliban. None of the Afghans are happy about this situation."¹² According to many local leaders or analysts in Kandahar, the insurgents are not popular but are preferred to the government. Taliban strength, they argued, was largely a function of government degeneracy and weakness.

Motivations

Insurgent motivations are variable, multiple, and difficult to ascertain. For any given insurgent there are usually several motivating factors, configured according to personal background, experience, or circumstances. Interviews suggest at least five main clusters of motivations, the first three of which insurgents often emphasized.

The first motivation is retaliation for perceived military aggression by foreign forces, especially involving civilian casualties and abusive raids or detentions. As one southern insurgent put it,

The foreigners here do not observe the rules of their own countries; they are far wilder than the animals of the jungle. They bomb weddings, for example in Shindand, killing over two hundred innocent civilians. They shout about human rights more than most but then they kill people and call it a mistake. How can they call it a mistake after eight or nine years? If this continues, the resistance will continue.¹³

Interviews suggest that the longer the conflict has gone on, the greater the significance and prevalence of this motivation. One southern commander explained how an attack by foreign forces incited him to fight:

I am a landowner and was working on the land. I was not a Talib. But some years ago American special forces came and entered my home without my permission at night and killed my two sons, my father, and two uncles without any reason. Another time they did the same thing in another village in my district. When I saw their acts and knew they came only to kill us, not to help, I started fighting against them. They forced me to fight them and now I will continue to fight them so long as they are in Afghanistan.¹⁴

Another commander argued that “if international forces keep bombing and killing civilians not only the Taliban but also all the rest of the nation will fight them.”¹⁵

A second related but broader motivation is resistance to perceived invading infidel forces that threaten Afghan and Islamic values and culture. Taliban interviewees saw themselves as fighting a just war, a jihad in defense of their country and religion. Indeed, several of the commanders had attended madrassas in Pakistan where they were continually exhorted to do so. As one insurgent put it, in rejecting government plans for reintegration, “At the moment our country is invaded, there is no true sharia. Can we accept these [conditions] for money? How then could I call myself a Muslim and an Afghan?”¹⁶

Third is resistance to officials regarded as dishonest, corrupt, and unjust, who benefit from impunity. A commander from Wardak province explained: “Many, many fight because of the killing of Afghans, the invasion and order of the Holy Quran to stand up against injustice and corrupt government. The lack of sharia law means that if a robber or a murderer is arrested he knows he can buy his way out.”¹⁷ A senior UN official based in Kandahar argued a “sense of injustice” was driving many fighters.¹⁸ An experienced Afghan analyst described how: “Wherever you go the government is seen as part of the trouble. Governance is not just about projects; it’s about justice and impartiality in decision-making, which right now is awful.”¹⁹ As another UN official observed, foreign powers are implicated as well: “Most are fighting because of the corrupt system that we [the West] are supporting.”²⁰

A fourth and related motivation, not so widely acknowledged in interviews, is exclusion from power or resources. It appears that certain groups, often tribes or subclans, see allying with the Taliban as a means of challenging such exclusion or gaining leverage in local power struggles.

Fifth is social and economic security for the destitute and unemployed, which some insurgents and Afghan analysts, especially in the south, see as the main motivation for more than half of all insurgents.²¹ A related factor, rarely acknowledged in interviews, is the stigma of such circumstances, and the sense of purpose, status, and solidarity associated with the insurgency. Given the danger and discomfort of fighting, as well as the potency of some of the causes mentioned above, it may be that economic and social factors do not themselves constitute a cause for fighting; rather, they may be conditions that increase the likelihood of mobilization. As a southern Talib put it, “Poverty and unemployment help a lot with recruitment.”²²

Apart from the five main motivations, there are at least two other types of motivation of varying significance. Some individuals apparently join the insurgency out of expediency: They are coerced, intimidated, or pressured into fighting, or believe it is in their personal and family interests, perhaps judging that the insurgents will ultimately prevail. There are also opportunists who exploit the insurgency for criminal purposes, such as extortion or narcotics, or to strengthen their power and influence.

Objectives

The objectives of the Taliban vary among individual commanders and groups, and are affected by a range of factors, such as local power dynamics and group leadership.²³ While the operational goals of units are local, most commanders interviewed stressed two main goals of the movement: the withdrawal of foreign forces and establishment of sharia. The interviews, however, suggest there are several separate but related goals.

First and foremost is the withdrawal of foreign troops. A small minority of insurgents appears to see the killing of foreign forces, especially Americans, as an end in itself. For the majority, however, it is justified either by their cause or retribution. Many Talibs and former Taliban officials, such as former foreign minister Mawlawi Mutawakil, saw the conflict as a “war of independence,”²⁴ and the struggle has been woven into the historic narrative of expelling foreign infidel invaders. A few commanders acknowledged that a rapid withdrawal of foreign forces could aggravate the conflict, as did some former Taliban officials, such as Mawlawi Mujahid. Some insurgents even claimed their aim was to curb the aggressive conduct of foreign forces: “If the Americans stop bombing, killing, and raiding then every Talib is ready to put his gun on the ground.”²⁵ For almost all, however, the withdrawal of foreign forces was an absolute goal.

For the majority of insurgents interviewed, the concept of sharia as an objective was panoptic and multidimensional—not only religious and legal, but also political, moral, and cultural. Different insurgents emphasized different aspects of sharia, but at least four common meanings can be identified. First is the enforcement of law and order. In this sense, sharia means the firm, swift, and fair dispensation of justice, especially in criminal cases; there is often a concomitant assumption that *ulema* (Islamic scholars) should have a prominent juridical role. This kind of sharia was often defined by its corollary: an end to the bribery of judges, less crime, and greater public safety.

Second, insurgents saw sharia as the application of Islamic law but few could articulate what this meant in practice, beyond more severe punishments for criminals, including amputation and capital punishment. As one commander put it, “sharia is for the welfare of the communities. There will be no crimes because if robbers are caught their hands will be cut off, murderers will be killed, and good punishment given to kidnappers.”²⁶ Another commander confided that he and some of his comrades did not support the restitution of extreme punishments as applied during the Taliban regime, but thought the majority did. Other interviewees not associated with the Taliban, including a female member of parliament, said they supported the Taliban’s general position on punishments.

Most insurgents interviewed said the Afghan constitution should be changed, but were unable to say how. The commanders’ support for this goal is probably attributable to their belief that the constitution was engineered by Western powers and their aversion to aspects of democracy as currently manifested in Afghanistan, rather than any profound objections to the constitutional framework. Some former Taliban leaders argued that the constitution should be changed to give *ulema* a greater role in the affairs of state, a view that the current Taliban leadership probably shares.

Third, insurgents regarded sharia as entailing the legitimate exercise of power. All insurgents interviewed called for an administration free from corrupt, predatory, and unjust officials, or those serving foreign interests. Some abbreviated this as a call for Islamic government.

A southern commander emphasized Taliban demands for honest government. Another explained: “The government is supposed to be reformed, but corrupt warlords are in government with loads of money and huge houses; how much money? If the international community sent money to the poor, they stole that money and put it in their pockets. If President

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[Hamid] Karzai took steps against these people then we would support it.” He added that if foreign forces left, “they formed a proper government and stopped corruption by those in power, we are not so crazy to keep fighting.”²⁷

Fourth, insurgents equated sharia with a truly Afghan and Islamic society that resists the imposition of what are perceived as immoral Western practices, especially those associated with the liberation or sexualization of women. Insurgents argued for a strict form of *purdah*, which includes the requirement for women to use the hijab and conceal their form, and the separation of men and women at work and in education. They contended that such practices, which are common in southern Afghanistan, are necessary to protect women. Former Taliban figures and a number of other interviewees not associated with the insurgency echoed these views.

Some interviewees suggested that since the Taliban regime some within the movement had moderated their views on women. Whether true or not, the extreme policies of the former regime, insurgent interviews, and accounts of Taliban attacks and intimidation from the field suggest that they would seek to restrict girls’ access to secondary and higher-level education; limit women’s opportunities for certain types of jobs or public roles; strictly enforce social codes affecting women; curtail their access to public spaces; and require a *mahram* to accompany them.²⁸

It is evident that Taliban commanders seek power at the local level, and the insurgency itself forms part of a national struggle for power. But it is not clear to what extent this is an end in itself or a means to the ends described above. Few of the insurgents interviewed said they wished to see the Taliban in government; most tacitly distinguished between the acquisition of power to achieve the movement’s goals and the administration of government. As one southeastern commander put it, “Our target is not to capture the country, just to force the withdrawal of the infidels and bring sharia.”²⁹ Some specifically rejected the idea that the insurgents would govern: “We don’t want governorships or ministries. We want sharia—which is for the welfare of all communities.” This rejection may be because field commanders are primarily concerned about their local influence, or it may be a spurious position promulgated by the leadership to conceal their real ambitions. Alternatively, Taliban leaders may believe, as a Western official remarked, “[in modern-day Afghanistan] giving people ministries is a way of removing them from power.”³⁰ They may be seeking political rather than administrative power.

A final goal, which may seem paradoxical, is peace and security. Many commanders believed that forcing foreign troops to withdraw and imposing sharia is the only way to achieve law and order, and end the fighting. Many expressed their strong desire for peace. As one southern commander said: “I want the world to remove their young guys from Afghanistan, not to see them killed, and them not to kill our young guys; and not to cause our women and children to cry, or to make your women and your children cry. Please leave us, and our people, and our country to make our life and government by ourselves; this is our habit and history.”³¹

Most commanders seemed cognizant of the dangers of ethnic and factional conflict, as well as the interference of neighboring countries. None interviewed spoke in a derogatory way about particular ethnicities or tribes, although under the former Taliban regime there was discrimination against and mistreatment of ethnic and religious minorities.

Most Taliban goals are framed within a religious narrative that binds together disparate aims and activities; it is also a source of motivation, commitment, and legitimacy. While it may have less significance in the south than in the southeast, interviews suggest that many mid- to-high-ranking Talibs have religious credentials.

The insurgents interviewed did not espouse al-Qaeda’s extremist ideology, and one commander said: “We want good relations with foreign countries.”³² Interviewees regarded

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the Taliban as having few links with al-Qaeda, different strategic goals, and a different Islamic philosophy—a point emphasized by former Taliban deputy minister Mawlawi Arsala Rahmani. No interviewee considered al-Qaeda a significant actor in Afghanistan, which comports with recent U.S. intelligence assessments.³³

This report does not seek to analyze the Taliban movement's copious public statements; however, many are consistent with the views of field commanders. For example, in his Eid al-Fitr message of September 2009, Mullah Omar, the movement's spiritual leader, denounced the "invading forces" for their "policy of brutality and atrocity, hoping that they will subjugate the brave people of Afghanistan by dint of military power."³⁴ He condemns "the rampant corruption in the surrogate Kabul administration, the existence of mafia networks, the tyranny and high-handedness of the warlords, and spread and increase of the centers of obscenity." He also echoes what commanders see as the movement's two principal aims: "Our goal is to gain independence of the country and establish a just Islamic system there."

In his 2010 Eid al-Fitr message Mullah Omar goes further than Taliban commanders in acknowledging an ambition to exercise power, and implies that Taliban leaders should hold ultimate state authority. But he is not explicit about their role in government and emphasizes the need for competency and inclusivity: "All God-fearing, experienced, and professional cadres of the Afghan society will be part and parcel of this system without any political, racial, and lingual discrimination . . . [to whom] administrative responsibilities will be devolved."³⁵

His message is not consistent with al-Qaeda's transnational *jihadi* struggle and calls for a new Islamic caliphate, defining the Taliban as a "nationalist movement"³⁶ and stating that "we want to frame our foreign policy on the principle that we will not harm others nor allow others to harm us."³⁷

Feasibility, Risks, and Implications of Negotiations

This research does not address the feasibility of local-level negotiations with insurgents. The viability of local agreements could be undermined by the insurgency's impetus and reach, or the absence of a broader supporting framework; the issue undoubtedly requires further study. In light of the above findings, this section considers whether negotiations with the Taliban, as a movement, are feasible, and if so, what the risks and implications are. (It cannot be assumed that these assessments would necessarily apply to other insurgent groups.) It considers the international and Taliban perspective on negotiations, conditions for talks, scope for confidence building, elements of a process, threats from spoilers, the role of Pakistan and regional players, and finally, the substance of an agreement.

Taliban Perspectives on Negotiations

Mullah Omar has signaled an interest in negotiations, which is ostensibly contingent on the withdrawal of foreign forces. Reaffirming the Taliban's goals of independence and an "Islamic system," he says, somewhat tautologically: "We can consider any option that could lead to the achievement of this goal. We have left open all options and ways towards this end. However, this will only be feasible when the country is free from the trampling steps of the invading forces and has gained independence."³⁸

Most commanders interviewed echoed this position: "If America withdraws its troops from Afghanistan, then negotiations with the Afghan government will be possible."³⁹ However, this may be a tactical negotiating position, mirroring the international demands that insurgents accept the Afghan constitution and renounce violence. As Mawlawi Mutawakil points out, both demands ignore contentious issues;⁴⁰ thus, each side reinforces the obduracy of

The Taliban leadership may have no intention to negotiate but feign an interest in doing so because Afghans widely support the idea.

the other. As one southern Taliban commander put it, “we were, are, and will be ready for peace, but it has its conditions. Infidels cannot impose things on us—then we will not stop fighting.”⁴¹

The Taliban leadership may have no intention to negotiate but feign an interest in doing so because Afghans widely support the idea. They may calculate that the tide of events is in their favor: They are expanding their territorial influence and inflicting more casualties on the coalition, which is increasingly looking to withdraw; the government is weak and unpopular; they have a safe haven, external support, and a steady supply of recruits. They may also believe that they can outlast international forces.

On the other hand, some interviewees, such as former Taliban deputy minister Hotak, suggested that a number of Taliban leaders support the idea of talks and, ultimately, some form of settlement.⁴² They are forced to live in exile in Pakistan and endure ISI pressure; American troop presence is growing (and many are skeptical of the scheduled 2011 draw-down); large numbers of commanders are being captured or killed; fighters are fatigued; and Afghan communities are objecting to Taliban presence. Taliban leaders may also recognize the powerful yearning for peace among the population, and, as former Taliban ambassador Mullah Zaeef put it, “the responsibility for any Muslim to try to stop the bloodshed.”⁴³

However, interviews suggest that talks are hindered by mistrust. This is partly due to long-standing enmities, and what Taliban leaders regard as their severe and unjust treatment after the fall of their regime. Former Taliban officials say that although they publicly acknowledged the new regime in Kabul, they were harassed, imprisoned, mistreated, and forced to flee to Pakistan. They point out that they were excluded from the Bonn process and disparage past reconciliation efforts by the Strengthening Peace Commission for a lack of political will and resources. Many commanders also regard the new international emphasis on reintegrating fighters as demonstrating a disinterest in higher-level negotiations.

One senior Taliban interviewee suggested that commanders increasingly perceive power and authority in the movement as vesting with hard-line elements of the leadership. Thus, even if talks with more moderate Taliban leaders were successful, such leaders may not be able to bring the movement with them. Also, a number of Taliban foot soldiers and commanders may feel that they have little to gain from negotiations, or that it betrays their cause. Therefore, notwithstanding the movement’s hierarchy, there are questions about the leadership’s ability to bring field commanders with them, and of commanders to bring their fighters.

International and Afghan Perspectives on Negotiations

The Afghan government’s position on negotiations is ambiguous, and there are multiple international policies on and interpretations of reconciliation. Some see it as a counter-insurgency tool to weaken and divide the enemy, involving efforts to induce individual Taliban leaders and factions to switch to the government side. Others see it as an elite pact, or series of deals, that divide power between government and insurgent leaders, allowing foreign forces to withdraw without conceding defeat. Still others see it as a process to address grievances between different groups and factions, especially those within or connected to the government and the Taliban, to resolve the core conflict, and reach a more inclusive political settlement. Finally, some emphasize the need for long-term efforts to build better relations and trust between groups in a fragmented society, thereby promoting conflict resolution at all levels.

Although the United States has given limited support to President Karzai’s outreach to insurgent groups and dialogue with Pakistan, many interviewees associated the U.S. position on reconciliation with the first interpretation. This position could be considered as

reintegration plus, or, as an American military manual describes it, golden surrender, which is qualitatively different from, and perhaps incompatible with, genuine negotiations.⁴⁴ One European diplomat doubted that the United States would seriously support negotiations, arguing, “They don’t compromise, their model is winning ... they have a radically different perception of what a political solution means.”⁴⁵ In fact, there is no clearly defined U.S. position on negotiations. This, and the *mélange* of international policies, appears to have convinced Taliban leaders that the West is not genuinely interested in talks, and so long as these circumstances persist, there is little prospect for serious dialogue.

Conditions for Negotiations

The prospects for negotiations are also affected by the coalition’s campaign strategy and the conflict’s overall dynamics. Many Western officials believe that negotiations should only be attempted once a position of strength has been achieved and that the military surge will drive insurgents to the negotiating table.

Given the constraints of counterinsurgency operations, and Taliban sanctuary and support in Pakistan, it is questionable whether it is even possible for the coalition to achieve a position of strength. An influential theory of negotiations, propounded by I. William Zartman, suggests that talks are more likely to succeed where both sides believe there is a mutually hurting stalemate.⁴⁶ Theory acknowledges that escalation can sometimes help to bring this about, but the apparent conviction of the coalition and the Taliban that each can significantly strengthen its position, or even win, is unlikely to be conducive to talks. Meanwhile, the short-term effect of the coalition’s approach is to intensify the conflict and reinforce mistrust. As a southern commander asked: “Why is the West pouring millions of dollars into reconciliation and then trying to kill us with big operations like Marja?”⁴⁷ Special forces operations against insurgent commanders might also be reducing the prospects for negotiations. As an insurgent political figure observed, “Foreign forces kill commanders but they are just replaced, and the one that replaces the commander often has more confidence and more enmity. The people coming up are more aggressive, vengeful, and also become angrier.”⁴⁸

Building Confidence

Given the high levels of mistrust, substantive talks are unlikely without building confidence. One measure, called for by all the former Taliban interviewees and endorsed at the recent peace *jirga*, is to remove insurgent figures from the UN sanctions list. Some individuals have recently been delisted, although others have been added. Moreover, despite the insurgency’s changing leadership, the list of 132 figures has changed little since 2002. In addition, a U.S. “joint prioritized effects list” designates a significant number of high-ranking insurgents for kill or capture. Perhaps a more pertinent and difficult question is if, when, and how that list should change.

Another confidence-building measure endorsed by the peace *jirga* is to release insurgent detainees held on the basis of “inaccurate information or unsubstantiated allegations.”⁴⁹ While many prisoners have been detained arbitrarily, or are being held indefinitely without charge or trial, some observers are concerned about the potential for political interference with the judicial process, or fear that active insurgents or those guilty of serious crimes will be released.

Delisting or releasing certain insurgents may be necessary, if not sufficient, to build confidence between the warring parties. However, comparative cases suggest that unilateral gestures add little or no momentum toward talks.⁵⁰ If a dialogue were established, the

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Taliban could be required to reciprocate, such as agreeing in certain areas to desist from attacks on civilians and schools or allow access to NGOs or government workers. Patience and caution are required. As a senior UN official warned: “There’s a strong appetite for getting out of here [among Western powers]. A concern is we’ll give too much, too fast.”⁵¹ This raises the question of amnesty, which is offered to all combatants who reconcile. It is effected through Afghanistan’s National Reconciliation, General Amnesty, and National Stability Law, brought into force in January 2010, and is promised in the government’s Peace and Reintegration Program. However, there are questions about the eligibility for and scope of any purported amnesty, and how this can be reconciled with demands for accountability and the government’s obligations under international law.

The vast majority of interviewees, including insurgents, believe that those guilty of the most serious crimes should be tried, and that this should include crimes committed since the 1978 Saur revolution. Most believe this can only happen if there is stability and a stronger, more impartial government. As one southern commander said: “If Karzai, Mullah Mohammad Omer, or others committed these crimes, we are ready to hand them over to court for trial or punishment, but not now; this can only work when there is a strong, independent government.”⁵²

Cease-fires or the de-escalation of hostilities could help to build confidence. A number of temporary, local cease-fires have been agreed in the current conflict, including one in 2009 in northern Kandahar, which lasted for six weeks so that a cholera outbreak could be dealt with. However, comparative cases suggest that cease-fires do little to build trust and are often exploited by one or both parties to the conflict unless they are reciprocal and part of a structured process.⁵³

A more limited but still valuable confidence-building tool is regulated public statements and recognition. During 2009, in response to Taliban requests, the United Nations tacitly acknowledged the role of insurgents in allowing access for polio vaccinations. The Taliban reciprocated by removing anti-UN statements from its website. Remarks such as those by Jaap de Hoop Scheffer, Secretary General of the North Atlantic Treaty Organization (NATO), which oversimplify the conflict as a “fight against extremism and terrorism,” are likely to diminish the prospects for talks.⁵⁴

Managing the Process

If the parties do enter into talks, there are numerous questions about the form and scope of the process. Even the question of which actors are represented in talks and with what status is a minefield, given the segmentation and fragmentation within the insurgency, Afghan government, and international community. There are also questions about the involvement of political blocs outside the government, Afghan civil society—including women’s organizations—and community or tribal representatives. As Afghan politicians stressed in interviews, any process not perceived as inclusive and sufficiently representative of Afghanistan’s ethnically diverse population and various interest groups will be seen as illegitimate, threatening the viability of its outcome.

Given the enmity and mistrust between Taliban leaders and government figures, and misgivings about the intentions of President Karzai and his allies, the choice of mediator will be critical. Insurgents widely regard the United Nations as pursuing a U.S. agenda, and some insurgents suggested mediation could be undertaken instead by an Islamic state, such as Saudi Arabia, which hosted initial talks in 2008.⁵⁵ However, observers question Saudi Arabia’s suitability given its long-standing alliance with Pakistan, and there are concerns among rights groups and organizations that represent women.⁵⁶ Other options could be mediation by Turkey, the Organization of the Islamic Conference (OIC), or the Conference on

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Interaction and Confidence Building Measures in Asia (CICA), perhaps in conjunction with the United Nations. Unofficial track II talks could support negotiations, as could certain influential individuals such as *ulema* in Pakistan. As one Afghan analyst remarked, “Many of them [the insurgents] don’t look through the prism of political realism. The Taliban are hugely influenced by Pakistani religious leaders. Whether you like them or not, you have to bring them in; they can talk their language.”⁵⁷

The framework, scope, and guiding principles of any talks may be difficult to establish. In particular, what role should human rights considerations have, and are there Afghan and international preconditions? Without clarity, unity, and resolve on certain issues, there is a risk that too much will be conceded. But as a former senior diplomat pointed out, insisting on preconditions, or establishing ambitious red lines prematurely, might block the process altogether.⁵⁸ Also, given the diversity and complexity of actors and interests as well as widespread animosity and mistrust, any process will be lengthy. Peace processes in other countries, such as Northern Ireland, suggest that measures to improve relations between hostile groups will take years. A process without such efforts, that seeks to cut deals rather than build relations, would be acutely vulnerable to spoilers.

Spoilers

Power holders on all sides may seek to disrupt or derail a negotiations process. Whether any given actor ultimately acts as a spoiler depends on many factors, including their motivations, interests, and the structure and nature of negotiations. Some may be limited or “greedy” spoilers, whose demands can be managed; others may be total spoilers, seeking only to sabotage the process.

It is highly likely that hard-line elements of the insurgent movement would seek to scupper any negotiations. For certain ideological fighters, any dialogue with those they consider to be infidel invaders or their puppets would be anathema. Some Taliban commanders described the mentality of these insurgents, who they say are often supported by the ISI: “They will never stop fighting in the country; they want to destroy the government and bring chaos. They feel that only the Taliban are Muslims, but those who are just normal, working Afghans—who die in the suicide attacks—they think they are all infidels.”⁵⁹ The al-Qaeda leadership may regard negotiations as betraying their cause and seize the opportunity to intervene; the network of militant Islamist groups known as the Pakistani Taliban, which have so far focused their attacks on the Pakistani state, may do likewise.

In addition, political figures and strongmen inside or associated with the Afghan government believe that negotiations could diminish their share of power or opportunities for graft. A number of interviewees, including a European diplomat, questioned whether senior government figures are genuinely interested in achieving peace.⁶⁰ Many individuals are accumulating vast profits from the conflict, especially through security, supply, or reconstruction contracts, and resolving the conflict would threaten their lucrative activities. Likewise, criminal groups and drug traffickers are likely to perceive negotiations as a threat to the status quo—an environment of pervasive instability, corruption, and impunity that facilitates their illicit activities.

Strategies for dealing with spoilers must be developed. It may be necessary to integrate some into the process and provide guarantees, but it will undoubtedly be necessary to seek to marginalize, exclude, or contain certain others.

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Pakistan and the Region

Due to its latent conflict with India, parts of the Pakistani military and ISI have long aspired to have significant influence, or “strategic depth” in Afghanistan.⁶¹ They are anxious about what they regard as a strong Indian presence in the country and a Kabul–New Delhi alliance. This anxiety is reinforced by concerns about the disputed Durand Line that divides Afghanistan and Pakistan, along with an enduring insurgency in Balochistan. They see the Taliban as allowing them to maintain strategic influence, and thus, according to almost all interviewees, they provide them with sanctuary and significant support. As one Western official put it, “From the point of view of Pakistan, the Taliban are an instrument of pressure against Afghanistan, the U.S. and NATO, in order to provide leverage to realize their strategic interests in Afghanistan, which primarily are the reduction or elimination of Indian presence and getting the cooperation of Afghanistan in Pakistan’s internal issues, especially Pashtun and Baloch issues.”⁶² This puts Pakistan in the powerful position of potential facilitator or spoiler of negotiations.

In early 2010 the ISI arrested the Taliban’s supreme military commander, Mullah Baradar—who was believed to have had independent contacts with the Karzai regime—as well as other members of the Taliban leadership council, known as the Quetta Shura. Virtually all interviewees, insurgents and otherwise, interpreted this as an effort to block negotiations. As one diplomat put it, “Until today [February 2010], every single person who was willing to talk about peace, they’ve [the Pakistani authorities] arrested.”⁶³ The arrests were probably an attempt to demonstrate that Pakistan would obstruct talks unless it was fully involved in the process.

Taliban commanders’ opinions differed on whether Pakistan should be directly involved in talks, as they did about the direct involvement of international forces. However, virtually all interviewees, both insurgent and not, believed that negotiations could not succeed without Pakistan’s backing. Some interviewees thought that if Pakistan’s military and ISI chiefs believe they have influence over the process they might support negotiations, which perhaps accounts for their recent overtures regarding the Haqqani network. A senior Western official argued that “Pakistan does not want an Afghanistan controlled by the Taliban.”⁶⁴ A Pakistan analyst concurred, pointing to concerns within the Pakistani military that this could lead to an alliance between the Afghan and Pakistani Taliban, who could benefit from “reverse strategic depth” inside Afghanistan.⁶⁵

However, given the persistent role of Pakistan’s military and ISI in supporting insurgents, especially the ruthless Haqqani network, their inclusion in talks must be handled cautiously. It requires a difficult balance to be struck between expediency and Afghan sovereignty. If Pakistan believes its influence is insufficient, it will not support the process, yet the perception of excessive influence could provoke opposition inside Afghanistan or countermeasures by neighboring countries. Moreover, the best means to bring about Pakistan’s constructive engagement is to address the underlying causes of its conduct: the perceived threat from India. Ultimately, this depends on improved relations between the two adversaries, which requires persistent encouragement, pressure, and support from the international community. It could be reinforced by more effective use of U.S. incentives and disincentives in Pakistan; modifications and perhaps a diminution in the scope of India’s presence in Afghanistan; and, conceivably, Afghanistan’s commitment to geopolitical nonalignment.

Any negotiations process must involve consultation and engagement with other states in the region—not least India, Iran, Russia, and China—who are maneuvering to protect their interests in anticipation of U.S. withdrawal. The shape of such a process is beyond the scope of this study, but it will require concerted efforts to identify, and as far as reasonably possible, accommodate their legitimate security concerns and strategic interests.

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Substance of an Agreement

It is impossible to predict the terms or tacit understandings of any possible agreement between the Afghan government and the Taliban. However, interviewees identified key issues and questions with regard to power sharing, troop withdrawal, al-Qaeda, and human rights.

Most analysts interviewed assumed that the essence of an agreement would be power sharing, an approach espoused by theorists such as Caroline Hartzell, Matthew Hoddi, and Barbara Walter.⁶⁶ In other words, the Taliban might acquire a direct or indirect share of central power, or govern certain areas. Either way, their de facto control of large parts of the country could become de jure authority. As one Afghan analyst pointed out, power sharing “is happening right now, in Ghazni, Uruzgan, and Kandahar,”⁶⁷ arguing that there were understandings among power holders, including the Taliban, over the division of resources. Arguably, this fuels corruption, entrenches impunity, and perpetuates conflict; a number of interviewees questioned whether any arrangement could be functional or durable, and how the parties could be held to their commitments. They also raised concerns about post-agreement spoilers should certain factions believe they have been excluded, or how, in practice, state political, economic, or military power could be shared.

Interviewees did not perceive the withdrawal of international forces as problematic per se, so long as it was incremental and according to terms agreed by all sides. Questions were raised, however, about what forces would take their place; the impartiality and effectiveness of Afghan national security forces; and what measures might be required to demobilize insurgents.

The coalition will require some form of commitment regarding al-Qaeda. Some insurgent interviewees suggested that the inclinations and connections of certain Taliban leaders may make it difficult for them to renounce the group expressly. However, as noted above, interviews also suggest that links between the Taliban and al-Qaeda are minimal—though perhaps more substantial with respect to the Haqqani group—and that the Taliban might conceivably commit to seeking to prevent Afghanistan’s territory being used by groups that threaten foreign states. Nevertheless, there are questions about what form of commitment, given by whom, the United States would accept, and how adherence would be monitored. Furthermore, would the United States be granted the capability to launch air strikes against extremist groups, as it does in northwest Pakistan?

As part of an agreement, it may be that certain Afghan laws are altered, or steps initiated to amend the Afghan constitution. Given Taliban commanders’ demands for sharia, they could defy the leadership’s accession to any agreement that did not include such measures.

Any curtailment of women’s rights is likely to provoke Afghan and international resistance, but what would happen in practice? In much of Afghanistan, whether insurgent or government controlled, there are already significant restrictions on the rights, freedoms, and opportunities of women and girls. The government has done little to tackle abuses against women, and in some cases has connived in their mistreatment or marginalization. The key questions are therefore: If there were any agreement with insurgents, what changes would be instituted, or might ensue, especially in the areas of health, education, work, and family life? Would such changes be acceptable to Afghan women, and Afghan society at large?

It should not be assumed that the current Taliban movement is a replica of the former regime; new circumstances may impose new constraints. However, given the record of the former Taliban regime, serious questions must be asked about the likely implications for women and girls. There are questions, too, about the protection of civil and political rights, especially rights to equality and nondiscrimination; democratic rights and freedom of expression for individuals and the media; rights against inhuman and degrading treatment; and rights to a fair trial. These issues are germane to the evolving nature of Afghan society.

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The international community must make efforts to protect fundamental rights, but perceived attempts to impose Western standards in a predominantly conservative, patriarchal society are likely to be counterproductive. If such efforts are seen as too uncompromising, they could derail negotiations altogether. The potentially unsatisfactory outcome of negotiations must therefore be weighed against the potential threat to rights by a possible expansion of the insurgency or intensification of the conflict.

Conclusions and Recommendations

Insurgent tactics have involved the massacre of civilians through indiscriminate roadside and suicide bombs, as well as the assassination of hundreds of community, tribal, and religious leaders and officials. Since the beginning of 2007 insurgents have killed more than 4,400 Afghan civilians.⁶⁸ Nevertheless, the predatory and abusive conduct of many government officials or connected power holders is also reprehensible. Moreover, the focus of Taliban attacks has been foreign and Afghan forces, and in this respect, some of the insurgents' motivations are understandable. Many are fighting what they perceive as aggressive invading forces and their proxies. Their resistance is reinforced by the egregious and widespread abuse of power; the supply of recruits is increased by conditions of severe social and economic hardship.

Thus, while Taliban tactics may be abhorrent, many of their stated goals could be considered valid. Their demands for law and order, and honest governance coincide with the aspirations of the Afghan population and the international community. It is primarily for this reason, and because some groups are more moderate or protect local interests, that in some areas they have community sympathy or support.

The potential for negotiations should be explored, given that, first, the Taliban's chief objective is a withdrawal of foreign troops, which ultimately coincides with Western and Afghan interests; second, certain Taliban goals, and the idea of talks, are broadly supported by Afghans; and third, there are severe constraints on counterinsurgency and transition strategies. This process requires controlled, incremental, and reciprocal confidence building as well as a U.S. willingness to engage, directly or indirectly, with insurgents. However, the process faces an array of challenges, especially division within the international community, Afghan government and insurgency, and deep-seated mistrust, which is compounded by the current military strategy.

A settlement could threaten the rights and opportunities of women and girls as well as ethnic or religious minorities. It threatens the civil and political rights of all Afghans. Thus, the Afghan people, through their leaders and legitimate representatives, must be involved in the process. As an Afghan female official from Kandahar put it, "The constitution is not against sharia. If they want to change it, this is an issue, a decision, which belongs to the Afghan ordinary people—the population."⁶⁹ Strategies are also required to deal with spoilers on all sides and involve Pakistan. Given Afghanistan's place in the Pakistan-India power struggle, concerted international efforts must be made to improve their relationship and to accommodate Pakistan's legitimate geopolitical concerns.

With the immense challenges involved in negotiations and the Afghan government's lack of credibility, the entire process requires strong, proactive international support as well as effective mediation. However, it should not lead to the neglect of efforts to improve governance, build effective security forces, or promote development. The outcome is uncertain, and a rush to negotiate might reinforce the determination of insurgents to win, or of opposing factions to disrupt the process.

Moreover, reaching a settlement is no guarantee of peace. It would be extremely difficult to implement, given the myriad of local, national, and regional conflicts and power

struggles. Nearly half of all settlements of civil conflicts collapse within five years.⁷⁰ The 1988 Geneva Accords that formalized the withdrawal of Soviet forces from Afghanistan were succeeded by civil war. A negotiation process should thus prioritize long-term efforts to build relations between hostile groups and to address the fissures that divide Afghan society. Afghans must broadly regard any political settlement as both inclusive and just; an agreement that does not reflect the aspirations of Afghanistan's different social, ethnic, tribal, and other groups or factions, or one that is perceived to trade justice for expediency, is unlikely to endure. It will almost certainly require credible guarantees from foreign countries or international organizations to ensure that its principal terms are respected.

There is also the risk of a settlement with no real efforts to address the causes of the conflict. One tribal leader from Kandahar warned of a deal between discredited leaders, regarded as the proxies of foreigners, and called for political reform: "If you don't remove the killers and the corrupt from government, and stop the abuse of the people, we will not solve this conflict."⁷¹ And in the words of an ISAF General: "We know that the Taliban will have to be accommodated on terms that the Northern Alliance will accept, and Pakistan will accept ... but there's a danger of a 'thieves' pact' which leaves the power brokers in place, with people no better off and that's the reason why many joined the fighting in the first place."⁷² The goal should not only be to end the core conflict but to address its underlying causes, which is essential for the achievement of an enduring peace.

Notes

1. The views expressed in this report are the author's own and do not represent those of any other individual or organization.
2. See the quarterly reports of the Afghan NGO Safety Office, 2006–10, http://www.afgnsso.org/index_files/Page447.htm (accessed September 2010).
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4. "Gates: Afghan Militants Key to Country's Future," *The Associated Press*, July 10, 2008.
5. For example: David Miliband, Council on Foreign Relations speech, July 27, 2009, <http://www.cfr.org/publication/19909/> (accessed August 30, 2010).
6. Jon Boone, "Karzai Reveals Talks with Afghan Rebels," *The Guardian*, March 22, 2010.
7. See: "Resolution Adopted at the Conclusion of the National Consultative Peace Jirga," Kabul, June 2–4, 2010.
8. Karin Brulliard and Karen DeYoung, "Pakistan, Afghanistan Begin Talks about Dealing with Insurgents," *The Washington Post*, June 19, 2010.
9. This report represents an attempt to identify and understand key issues relevant to negotiation. It is not intended as a detailed anatomy of the insurgency; see Afghanistan Analysts Network, *The Other Side: Dimensions of the Afghan Insurgency* (Kabul: AAN, July 2009).
10. The author conducted semistructured, in-depth, face-to-face interviews with seventy-six individuals who were contacted and interviewed separately: ten Afghan insurgents (nine insurgent commanders, seven from the Taliban, two from the Haqqani network, and one Taliban intermediary); ten former senior Taliban officials; twenty Afghan and foreign analysts, academics, NGO workers, or journalists; twelve foreign diplomats or officials; eight Afghan politicians or officials; six UN officials; five Afghan religious, community, and tribal leaders; and five foreign soldiers. A research assistant conducted a further four interviews with Afghan insurgents (three Taliban commanders and one political figure). The author extends his thanks to Obaidullah Ali, Gran Hewad, Iris Ruttig, LPB, who wished to remain anonymous, and former Harvard students for their extensive assistance and support.
11. Interview, March 2010.
12. Interview, March 2010.
13. Interview, March 2010.
14. Interview, May 2010.
15. Interview, March 2010.
16. Interview, March 2010.
17. Interview, March 2010.
18. Interview, February 2010.
19. Interview, February 2010.
20. Interview, February 2010.
21. Interviews, March 2010.
22. Interview, March 2010.
23. Generally, insurgent interviewees did not claim to know the particular objectives of the leadership.

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24. Interview, February 2010.
25. Interview, May 2010.
26. Interview, March 2010.
27. Interview, May 2010.
28. *Mahram* refers to all those male relatives whom a woman cannot marry at any time in her life.
29. Interview, March 2010.
30. Interview, June 2010.
31. Interview, May 2010.
32. Interview, March 2010.
33. "Panetta: Afghan War Has 'Serious Problems,' But Progress Being Made," CNN.com, June 27, 2010.
34. Mullah Omar's Eid al-Fitr message, September 2009. A translation is available on the website of the Middle East Media Research Institute: <http://www.memri.org/report/en/0/0/0/0/0/3646.htm> (accessed September 2010).
35. Mullah Omar's Eid al-Fitr message, September 2010. A translation is available on the website of <http://zakiraah.wordpress.com/> (accessed September 2010).
36. Mullah Omar's Eid al-Fitr message, September 2009.
37. Mullah Omar's Eid al-Fitr message, September 2010.
38. Mullah Omar's Eid al-Fitr message, September 2009.
39. Interview, March 2010.
40. Interview, February 2010.
41. Interview, March 2010.
42. Interview, February 2010.
43. Interview, February 2010.
44. U.S. Military Joint Chiefs of Staff, *Counterinsurgency Operations*, Joint Publication 3-24 (Washington, DC: Joint Chiefs of Staff, 2009), VI-20-VI-21.
45. Interview, March 2010.
46. I. William Zartman, *Negotiation and Conflict Management: Essays on Theory and Practice* (Oxford: Routledge, 2008).
47. Interview, March 2010.
48. Interview, March 2010.
49. "Resolution Adopted at the Conclusion of the National Consultative Peace Jirga," section 8.
50. John Darby and Roger Mac Ginty, eds., *Contemporary Peacemaking: Conflict, Peace Processes, and Post-War Reconstruction*, 354-56 (London: Palgrave Macmillan, 2008).
51. Interview, February 2010.
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54. Mina Al Oraibi, "Can Afghanistan be Saved?," *Christian Science Monitor*, November 3, 2009.
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62. Seminar on Afghanistan, Washington D.C., June 2010. The seminar was conducted under Chatham House rules.
63. Interview, February 2010.
64. Interview, June 2010.
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66. Caroline Hartzell and Matthew Hoddie, *Crafting Peace: Power-Sharing Institutions and the Negotiated Settlement of Civil Wars* (State College, PA: Pennsylvania State University Press, 2007); and Barbara Walter, *Committing to Peace: The Successful Settlement of Civil Wars* (Princeton, NJ: Princeton University Press, 2002).
67. Interview, February 2010.
68. Statistics compiled by analysis of the UN Annual and Mid-Year Protection of Civilians In Armed Conflict Reports, United Nations Assistance Mission in Afghanistan, <http://unama.unmissions.org/Default.aspx?tabid=1816> (accessed September 2010).
69. Interview, March 2010.
70. Christine Bell, "Negotiating Human Rights," in Darby and Mac Ginty, *Contemporary Peacemaking*, 212.
71. Interview, March 2010.
72. Interview, March 2010.



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