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THE BATTLE FOR AFGHANISTAN

Negotiations with the Taliban: History and Prospects for the Future

THOMAS RUTTIG, MAY 2011

What was really new in these developments in Afghanistan in the last year? For the first time, the Kabul government affirmed that there were contacts with Taliban leaders. At the same time, it played them down as unsubstantial and without results. Without doubt, contacts between the Karzai government and individual insurgents exist, but they have not been systematized and there is still no comprehensive strategy for going forward on talks or even negotiations on reconciliation.

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Introduction

The debate about “reconciliation” between Taliban insurgents and the Afghan government started moving again in 2010. What remains unclear is whether a process of reconciliation has already commenced and meaningful contacts with the insurgents have been established. Substantive talks, however, are clearly not yet underway.

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without results. Without doubt, contacts between the Karzai government and individual insurgents exist, but they have not been systematized and there is still no comprehensive strategy for going forward on talks or even negotiations on reconciliation.

Second, NATO confirmed that it has facilitated these talks technically and by implicitly giving security guarantees for interlocutors. At the same, the new U.S. strategy, including a kill-and-capture program targeting Taliban commanders, does not point toward reconciliation; rather, it has given the upper hand to Taliban hardliners who oppose any talks. This could lead to the ascent of a younger, more radicalized generation of Taliban commanders to replace those killed, who were better known and might have included some inclined toward a political solution.

Third, a High Peace Council with 70 members has been established by the Afghan government as the sole body authorized to pursue reconciliation. Because President Hamid Karzai nominated its members, however, it is seen as a governmental body that will not be able to conduct

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meaningful negotiations because the Taliban, and many Afghans do not consider it a neutral party.

The fourth new point is that Pakistani authorities have dropped their line of denying all support for and control over the Taliban. For the first time they admitted openly that they are able to ‘deliver’ Taliban leaders for talks. The arrest of Mullah Abdul Ghani Baradar, deputy to Taliban leader Mullah Muhammad Omar, was a statement of intent: talks with the Afghan Taliban are possible, but not without a key Pakistani role. At the same time, new research asserted that while the Taliban accept Pakistani support, many of their commanders nevertheless do not appreciate Pakistani influence on Afghan politics.¹

These developments have created a growing fear among important social, political, and ethnic groups in Afghanistan that President Hamid Karzai might go for a deal with the Taliban, or certain elements of the movement. This is seen by many Afghans as a Pashtun solution, at the expense of other ethnic minorities and women. It has increased polarization and mistrust and undermines the still-weak Afghan institutions.

This paper analyzes these developments in light of the debate over “reconciliation.” The first section provides an overview of the context and clarifies the language of the current debate in order to avoid misunderstandings and shed light on the “public diplomacy” spin that aims to show progress where there is little. The second and third sections detail and weigh the reported initial contacts between insurgents and the Afghan government. The fourth section describes the motivations of the main actors, discusses the aspects of a negotiated settlement in Afghanistan—principles, obstacles, and possible steps and mechanisms—and explores the likelihood of such a process being initiated. The paper concludes with recommendations and suggestions on where to begin and what needs to be changed for the process to have a chance of success. The reconciliation process is only in a very early stage, and many questions remain unanswered. These include many

details about how meaningful negotiations can be structured, both at the Afghan level and internationally.

Part 1: Context and Main Developments in 2010

In a significant development early last year, Pakistan, as the main protector of various insurgent groups, claimed a key position in any political initiative by making clear—with the public arrest of Taliban deputy leader Mullah Baradar in early February of 2010^a—that no talks could be held without its consent. Baradar, the Taliban movement’s de facto chief of operations, reportedly had attempted to open a separate channel of talks with the Kabul government, using channels in the Karzai family, both in Kabul and in Kandahar and trying to act independently from the Taliban supporters (and minders) in Pakistan’s military establishment.² According to some unofficial reports, the meetings took place in Spin Boldak, a border town inside Afghanistan, included relatives of President Karzai, and did not focus on political matters but on business-related issues. At the time of his arrest, Baradar headed the Taliban’s second-highest authority, the Leadership Council (the Rahbari Shura, also known as the Quetta Shura), and was the highest-ranking Talib still able to operate; only Mullah Omar, as the Taliban’s spiritual leader or *amir ul-mo’menin*, has a higher position. Omar, however, is in hiding and kept isolated from much of the movement, and he is reported not to be in favor of talks.³

Pakistan also moved on from sending mixed messages about whether or not the Taliban are using safe havens on its territory to openly and unequivocally admitting that it is able to influence them. In February 2010, Gen. Ashfaq Parvez Kayani, the head of Pakistan’s military, told NATO that his country would be ready to open communication

^aA nom de guerre; his real name is Abdul Ghani. The exact date of his arrest is unknown. The New York Times, the original source of the report of the arrest, said it had learned about the operation on February 11 and that Baradar had been arrested almost a week earlier. Mark Mazzetti and Dexter Filkins, “Secret Joint Raid Captures Taliban’s Top Commander,” New York Times, February 15, 2010, <http://www.nytimes.com/2010/02/16/world/asia/16intel.html?ref=asia>.

channels with the Taliban.⁴ Around the same time, a high-ranking official of Islamabad's Ministry of Foreign Affairs spoke of Pakistan's "considerable influence on the Taliban."⁵

On the Afghan domestic stage, in 2010 President Karzai, under the pressure of the Western plan to hand over lead security responsibility to Afghan security forces by 2014, confirmed for the first time that his government has maintained "long-lasting" contacts with the Taliban on different levels. At the same time, he played down their significance as still "in a nascent stage" and "little more than the exchange of desires for peace."⁶ There were also several Kabul government contacts with Hezb-e Islami Gulbuddin (HIG), the second-largest insurgent group operating in Afghanistan.^b Two HIG deputy leaders were received by Karzai and held talks in Kabul, which ended without clear results.

On the administrative side, the Karzai government in late September 2010 established a 70-member High Peace Council, which is supposed to open channels and create a mechanism for talks with insurgents. This followed a National Consultative Peace Jirga in Kabul in June, after which the Afghan government claimed it had achieved a national consensus on "reconciliation."^c In July 2010, it submitted the Afghanistan Peace and Reintegration Program (APRP) to the international Kabul Conference on the country's future, where the program was endorsed by the international community.

In contrast, the international dimension of the conflict—in particular Pakistan's support for the insurgency—has not yet

been sufficiently addressed, neither by the Afghan nor the U.S. government. While Kabul's relationship with Islamabad has been going through a rollercoaster of accusations and rapprochement since 2001, the U.S. government is stuck between recognizing the necessity to exert pressure on Pakistan in order to curb Afghan insurgent infrastructure and to stop Pakistani political support for them (while fighting its own Taliban) and the fear that Pakistan might become the larger problem compared with Afghanistan if there is state failure and/or an Islamist take-over that puts the country's nuclear arsenal into the hands of possibly al-Qaeda-linked radicals. Apart from bilateral U.S.-Pakistani and Afghan-Pakistani channels as well as the Afghan-Pakistani-ISAF (International Security Assistance Force) Tripartite Commission, which is a military body, no mechanisms exist to address this purpose.

In late November of 2010, controversy erupted when it was discovered that a man involved in secret meetings with top Afghan leaders, who claimed to be Mullah Akhtar Muhammad Mansour, the current Taliban's number two and Minister for Civil Aviation during their regime in the 1990s, was actually an impostor.⁷ This significantly discredited the current approach to reconciliation among the public and signified the complexity of the process when even basic information is missing that would have allowed to positively identify possible high-ranking Taliban interlocutors.

Following Gen. Stanley McChrystal's replacement in June of 2010 as commander of the U.S.-led forces in Afghanistan, there was another shift in U.S. strategy. Under his successor Gen. David Petraeus, a two-pronged approach was adopted: talking to the insurgents while continuing to decimate them. This was based on President Barack Obama's intention to "disrupt" al-Qaeda and "degrade" the Taliban⁸ to a level where they would not be able to return to power. It was widely read as an attempt to weaken the Taliban militarily and ultimately force them to the negotiating table. A wave of reports on alleged "talks"

b I do not consider the Haqqani network an independent organization but a semi-autonomous entity within the Taliban movement. See: Thomas Ruttig, "Loya Paktia's Insurgency: The Haqqani Network as an Autonomous Entity in the Taliban Universe", in: Antonio Giustozzi (ed.), *Decoding the New Taliban. Insights from the Afghan Field*, Columbia, 2009, pp. 57-88

c Both, however, were convened by President Karzai, who – mainly through close advisors - handpicked mainly allies for both bodies. See: Martine van Bijlert and Thomas Ruttig, "Warlords' Peace Council," AAN blog, September 28, 2010, <http://www.aan-afghanistan.org/index.asp?id=1175>; Thomas Ruttig, "The Big Karzai Show," AAN blog, June 2, 2010, <http://www.aan-afghanistan.org/index.asp?id=790>.

between high-ranking insurgents and the Afghan government created the impression that significant progress had been made in the fall of 2010, but this soon died down.⁹

The U.S. strategy, however, has in effect undermined rather than improved the chances for negotiations.

The U.S. strategy, however, has in effect undermined rather than improved the chances for negotiations. The Taliban leadership—along with large parts of the Afghan population, including the political class—does not believe that the United States is really committed to “reconciliation.” Conspicuously, there was no reference to the subject of reconciliation in the final document of the NATO summit in Lisbon in November 2010. Despite the significant number of casualties the Taliban have suffered, including among commanders, there is no sign that their momentum has been stopped, in spite of U.S. military assertions to the contrary. Instead, their geographic reach, ethnic inclusiveness, and potential for intimidation seem to be growing. This has been confirmed for the three major regions of the insurgency’s influence, in Afghanistan’s south, southeast and north; there also is an escalation of fighting in the eastern region.^d In fact, the U.S. dual strategy has pushed the Taliban further away from any readiness to enter into talks.

^d Here, the traditional Afghan regional terminology is used: south for the provinces around Kandahar, southeast for greater Paktia and Ghazni, east for the provinces around Jalalabad. For the trends in the political and security situation see, for the south: Anand Gopal, *The Battle for Afghanistan: Militancy and Conflict in Kandahar*, New America Foundation Policy Paper, Washington, November 9, 2010; and for the north: Antonio Giustozzi and Christoph Reuter, *The Insurgents of the North: The rise of the Taliban, the self-abandonment of the Afghan government and the effects of ISAF’s ‘capture-and-kill campaign’*, Afghanistan Analysts Network, Berlin/Kabul, forthcoming. For the southeast, this was confirmed by various local observers during the author’s trip to the region in early December 2010.

Particularly important are new tendencies -- since their successful expansion into the Afghan north and northeast beginning in 2008 -- that indicate the Taliban’s growing ability to cross ethnic boundaries between Pashtuns and non-Pashtuns. In the first phase of this expansion, former Tajik *mujahedin* groups in Herat province joined the fight against the “foreign occupation” in 2008. While the Tajik groups were organizationally still independent of the Taliban, they adopted the Taliban’s rhetoric and modus operandi.¹⁰ Farther east, in Faryab, Balkh, and Kunduz, the Taliban initially used Pashtun minority pockets as door-openers, but have been increasingly recruiting non-Pashtun commanders and fighters since at least 2009. One recent report points to an “increasing number of non-Pashtun fighters” all over northern Afghanistan, among them “Uzbeks, Turkmen, Aimaks and to a lesser extent, Tajiks... in significant numbers.” Another one that looked at 20 provinces pointed to “Afghans of Uzbek, Nuristani, Pashai, Gujar, Aimaq, Baluch and Tajik ethnicity participating in the insurgency.”¹¹ In southern Afghanistan, Baluch smuggling networks are cooperating with the Taliban. Giustozzi and Reuter point to the role of the Islamic clergy in recruitment that cuts across ethnic lines.¹² This indicates that while the Taliban have never seen themselves as a Pashtun-only movement, they are increasingly able to show this on the ground.

The Taliban leadership also has shifted its rhetoric -- and possibly its position -- with regard to the Shia minority in Afghanistan in the past few years. While Taliban fighters committed a number of massacres against Shia Hazara during the movement’s rule in the 1990s, in his October 2006 message on the eve of the Eid holiday, Taliban leader Mullah Omar for the first time appealed to his fighters “not to go for sectarian hatred. All Muslims of different schools of thought are brothers and there is no difference among them.”¹³ This was an attempt to make overtures to former Shia *mujahedin* commanders. Although the majority of Taliban fighters still are Pashtuns, the movement has started to redefine itself as a nationalist-Islamist one,

emphasizing the message that it fights a foreign occupation and wants to restore Afghanistan's independence.¹⁴

On the other hand, the Taliban's expansion into new ethnic and social environments is hampered by the movement's symbiosis with the country's drug economy and a surge of armed criminal groups using the Taliban label, which limits its appeal to large portions of the Afghan population. Amongst the Hazara and other Shia groups, in particular, the Taliban's rhetoric of inclusiveness has not met with much sympathy.

Apart from these shifts, the U.S. strategy is also leading to the rise of a new generation of younger, more radical Taliban commanders who are replacing those killed or captured by the U.S. forces. If they move up in the hierarchy, a real neo-Taliban movement could emerge. Those young generation neo-Taliban could turn out to be more 'jihadist-internationalist' than the current one. It even could split off the original Taliban and reject a political deal agreed by the current old guard leaders. Educated in radical madrassas in Pakistan and much more dependent on the ISI, since they lack the contact to the rural society within Afghanistan the old guard still commands, such a movement would be under much stronger Pakistani influence than the current one. It could serve as a pro-Pakistani proxy 'reserve force' for the period after the anticipated Western withdrawal, in case the insurgency continues or a full-scale civil war breaks out.

Reconciliation vs. 'Reconciliation'

The Afghan and, even more, the international debate over "reconciliation" is polluted by imprecise or euphemistic language that needs to be clarified. The term "reconciliation" is widely used as a synonym for "talks with the Taliban" aimed at ending the armed hostilities and reaching a political accommodation in Afghanistan. But conceptually, this definition is much too narrow, first because a political deal would not automatically end the

current conflict. Similarly, an end to the fighting would not be the same as "peace."

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Many Afghans, particularly in the Pashtun-dominated south, see reconciliation first as the need for an accommodation between alienated tribal (or other) groups and the national government and its local representatives. This would end the monopoly of power wielded by some tribes that are closely linked with the central government and would reintegrate the alienated groups – that is, create tribally broad-based administrations in the provinces again. For others, reconciliation should also involve the failure to address the war crimes and human rights abuses committed during the Soviet invasion, Afghanistan's civil war, and the Taliban's rule.

In this paper, therefore, "reconciliation" refers to a broad societal process of addressing and healing wounds suffered by Afghans during more than 30 years of war with all its accompanying features, like gross human rights violations, war crimes, the disintegration of the social fabric of Afghanistan, and the emergence of a culture of violence – including the spread of terrorism – that still dominates relations in Afghanistan's society and state institutions. Contacts with the Taliban and other insurgent groups – ranging from initial exploratory talks to possible future negotiations – would be just one part of this broader agenda. If talks with the Taliban proceed without being embedded in a broader social process, they might even run counter to genuine reconciliation, particularly if a limited

political deal between armed factions or political cliques not based on a broad political consensus leave out and are imposed on those who are not a party to it.

For example, negotiations leading to a possible power-sharing arrangement including the Karzai camp in Kabul (essentially a patronage network based on economic power reinforced by quasi-militias) on one hand, and any insurgent group (or faction of it) on the other, would very likely not result in an end to the fighting. Rather, it would be a rearrangement of how the spoils are distributed. This option is often described as a “thieves’ pact.”¹⁵ More importantly, it would not remove the major causes of the insurgency, like widespread political and economic exclusion, predatory behavior by government representatives, corruption, and impunity.

Parts of the insurgency might decide to continue fighting, in particular if they have continued backing from outside powers – as in the case of a potential Pakistani-backed neo-Taliban movement. Armed factions from the Afghan north that were not included in a deal, or opposed to it, might continue to rearm themselves and take to the mountains again. Civil society, and social and political groups, might start a campaign of civil protests against such a deal.

In general, the terms used with regard to policies and institutions meant to bring forward reconciliation and created in the follow-up to the latest international Afghanistan conferences have a strong whiff of euphemism about them. The separation, in the officially used terminology and in the design of programs, between “reconciliation” (now replaced by “peace” in the APRP’s language; it is widely used for a power-sharing agreement between the current Kabul government and [parts of] the insurgents) and “reintegration” (aiming at ‘peeling off’ insurgents on an individual basis with the help of material incentives) is artificial. It is driven by the politically correct language of an “Afghan lead” in this process that does not exist in reality, treats the insurgency mainly as a technical problem, and supposes that many Taliban can be won over

by economic and social incentives – thereby underestimating the political motives that drive the Taliban insurgency, including its foot soldiers.

In this constellation, the West needs to rethink its position. As a party to the conflict, it cannot claim to act as the “reconciler,” i.e., a neutral referee – not in the eyes of the majority of Afghans who initially supported the post-9/11 intervention, in both its military and civilian incarnations, and not in the eyes of the insurgents. The West lost this position exactly because it did not behave as a neutral actor in the immediate post-Taliban Afghan political arena: first by integrating the delegitimized warlords into the new political setup while providing them with impunity; second by unconditionally supporting a central government that increasingly behaved like just another faction instead of unifying the country, and thus increasingly lost legitimacy; and third by not reacting to Taliban overtures to join the new system.¹⁶

Part 2: Initial contacts between the Afghan government and the insurgents

The Post-9/11 Period and the Fall of the Taliban

The events of 2010 were by far not the first attempts at talking to the Taliban or including them in the post-2001 political setup. According to journalist Anand Gopal, on the Taliban’s part, the first effort was reportedly made by a group of “Mullah Omar’s chief lieutenants [who] secretly gathered and decided to surrender to the forces of Hamid Karzai” in late 2001, claiming to have permission from the Taliban leader to surrender. This group included Mullah Omar’s chief of office during the Taliban regime Tayyeb Agha, the movement’s number two after the collapse of the Taliban regime, then already a powerful commander, Mullah Baradar, the Taliban regime’s defence minister Mullah Obaidullah, and its interior minister, Mullah Abdul Razzaq – all still relevant actors today. In a letter delivered to Karzai, they “accepted Karzai’s recent selection at the Bonn Conference as the country’s interim leader and

acknowledged that the Islamic Emirate (the official name of the Taliban government) had no chance of surviving.” The group’s main request “was to be given immunity from arrest in exchange for agreeing to abstain from political life...Some members even saw the new government as Islamic and legitimate...But Karzai...ignored the overtures – largely due to pressures from the United States and the Northern Alliance, the Taliban’s erstwhile enemy.” As a result of continuing intimidation and harassment by the Afghan government, most of the involved Taliban leaders slipped back into Pakistan and became leading figures in the movement’s resurgence.¹⁷

Simultaneously in late 2001, a group of ex-Talibs established a political party in Pakistan called Jamiat-e Khuddam ul-Furqan, which presented itself as the moderate Taliban group. But in those days, the U.S. strategy of mopping up “Taliban remnants” was accompanied by the “we do not talk to terrorists” doctrine, and the group’s overture to the Kabul government was rejected under this influence. Its members were allowed to return and settle in Kabul in 2004, but were basically left alone in a guesthouse for some years without any political role. Only recently, and much too late, they were finally incorporated into the High Peace Council.¹⁸ But it can be assumed that the years of neglect sent a clear message to Taliban on the ‘other side who would have been willing to join the process – namely, if you do so, you will end up in oblivion.

Former Taliban also took part as individuals in the Emergency Loya Jirga, or grand assembly, in 2002. One of them was Abdul Hakim Munib,¹⁹ who even served as governor of Uruzgan province for about a year in 2006 and 2007. Since he was not deleted from the U.N. sanctions list, even Western countries active in this province -- the Netherlands with their PRT as well as the U.S. and Australia -- were unable to officially support him in this role and create a positive example of what political reintegration could look like.

The Saudi Initiative

During 2007 and 2008, a relatively strong current within the Kandahari mainstream of the Taliban had realized that they were not able to achieve victory (i.e., re-establish the Islamic Emirate) by military means or that this would be too costly in human lives, recognizing that civilian casualties could result in a loss of support among the Afghan population. These elements, called “pious Taliban” by some Afghans, particularly considered the contemporary wave of suicide attacks as “un-Islamic” and reacted to it by issuing the *layha* (the code of conduct for Taliban fighters, a revised edition of which was published in mid-2010), which provides for more consideration of civilians during such attacks.²⁰ These Taliban also might have had a role – by providing inside information – in the May 2007 killing of Mullah Dadullah, the most notorious proponent of the Taliban’s terrorist tendencies, who had copied the methods used by Abu Musab al-Zarqawi in Iraq and was considered out of control by the Taliban’s leadership body, the Quetta Shura. This Taliban current had been discussing the usefulness of a political solution that would involve talks with the Afghan government and/or its foreign allies and reached out to individual Afghan politicians. This was the pre-surge phase, and according to a report referring to one key player in such contacts – London-based Abdullah Anas, an Algerian who had fought with the *mujahedin* and later became close to Osama bin Laden – Mullah Omar had “given the green light to talks” before Saudi-sponsored talks in October 2008 and “for the first time, there [was] a language of peace [used] on both sides.”²¹

Qudratullah Jamal, the former Taliban minister for information and culture, has often been cited as open to and involved in negotiations. He is said to have played a leading role in Taliban contacts with Kabul as early as 2004 and also recently, in fall 2010.²² According to one newspaper report, Jamal was appointed by the Taliban leadership council in early 2009 as a liaison officer for “well-wishers and friends throughout the world,”

something like an ambassador-at-large.²³ This would make him a possible go-between for Arab and other governments. The first serious attempt at direct contacts was undertaken when the Saudi king invited a delegation of Afghan government officials, legislators, and former but now “reconciled” Taliban officials to Mecca in October 2008. During the holy month of Ramadan, they met with “Afghans close to the Quetta-based Taliban leadership”²⁴ and envoys sent by HIG.²⁵ The former Al Qaeda member, now a possible interlocutor with the Taliban, Abdullah Anas reportedly also has made efforts “supported by Mr. Karzai” to lobby “influential Muslim clerics and international leaders of jihads in an attempt to draw the Taliban away from Al Qaeda and to bring peace to Afghanistan” since 2006.²⁶ High-ranking Saudi officials have recently stated, however, that they will not pursue the peace process until the Taliban have agreed to sever links with al-Qaeda.²⁷

The U.A.E. Role

Various other contacts, involving also the United Nations, were made in or financed by the United Arab Emirates. These included meetings in Dubai in spring 2009 and early 2010 between Kai Eide, then U.N. special representative for Afghanistan, and Taliban envoys who – according to some sources with insight into these issues – had been authorized by Mullah Omar and included the current head of the Taliban’s political committee, Tayyeb Agha, a confidant of the Taliban leader. This was before arrest of Taliban second in command Mullah Baradar in February of 2010. In early October 2010, a second round of meetings of the so-called Abu Dhabi process was held in Kabul, funded by the emirate of Abu Dhabi through the U.S.-based East-West Institute. Hekmat Karzai, President Karzai’s cousin and head of the Kabul-based Centre for Conflict and Peace Studies, is a senior fellow at the institute. But no “serving” Taliban took part in these meetings, just some “reconciled” ones, including Mullah Abdul Salam Zaeef and former foreign minister Wakil Ahmed Mutawakil. These meetings, however, represent

exploratory attempts involving people who are perceived to be close to – but not necessarily representing or speaking for – the Taliban.

Gulbuddin Hekmatyar

A more focused attempt was undertaken by the Kabul government with Hezb-e Islami Gulbuddin (HIG), starting in late 2008. These contacts were expedited by the availability of many possible go-betweens. Already in 2003, there were more than 200 former high- or mid-ranking Hezb cadres working in governmental institutions. Today, there is a growing number of Hezb-affiliated provincial and district governors and a Hezb wing officially operating as a registered political party (though its reluctantly declared break with Gulbuddin Hekmatyar is doubted by many Afghan observers).²⁸ Before the 2010 elections, there was an unofficial Hezb faction of some 35 in the lower house of parliament, likely the biggest one there.²⁹ Furthermore, Hezb has been the natural political orientation for many otherwise unaffiliated Pashtun intellectuals who are not able to identify with more traditional, conservative outlets like Hezb-e Islami (Khaless) (the Islamic Party, Khaless faction) and Harakat-e Inqilab-e Islami (Movement for an Islamic Revolution) or the Wahhabi Dawat-e Islami (formerly Ittehad-e Islami; Islamic Call/Islamic Unity) led by former warlord Abdul Rabb Rasul Sayyaf, now a member of the Afghan lower house.^e

For the first time, HIG leader Gulbuddin Hekmatyar signalled readiness for conditional peace talks – at least publicly – in late 2006, a move preceded by general offers for reconciliation by President Karzai. In May 2008, reports about an exchange of letters between Hekmatyar and Karzai leaked into the Afghan media, and in October 2008 the HIG conditions for talks were reported for the first time.³⁰ One of Hekmatyar’s sons-in-law, Ghairat Bahir, a deputy leader of HIG, was released from a Kabul jail in May 2008;

^e These groups belonged to the seven main Sunni *mujahedin* groups during the fight against the Soviet occupation (1979-89) and are now registered as official political parties.

he was immediately received by President Karzai³¹ and U.N. Special Representative Kai Eide. This was followed by the release of Hekmatyar's brother Shahabuddin by the Pakistani authorities in January 2009 after five months of custody. In January 2010, the party's other deputy leader, Qutbuddin Hellal, led an HIG delegation to Kabul, where it handed over a peace proposal including the demand for a timetable for the withdrawal of all Western troops from Afghanistan as a prerequisite for any negotiations.³² Although the talks were called unsuccessful by HIG,³³ they seem to have resulted in a softening of the party's position vis-à-vis the September 2010 parliamentary elections; at least this was the perception of the Taliban, who openly criticized this position and became more confrontational with HIG in various areas of Afghanistan.³⁴ In October 2010, Bahir was quoted as saying that HIG still had "regular contacts" with the Kabul government but that the process was "at an early stage."³⁵

In a parallel but less influential development, a series of talks in the Maldives since at least January 2010³⁶ have involved a number of Afghan parliamentarians and HIG figures – among them Hekmatyar's son Firuz and son-in-law Humayun Jarir – as well as religious scholars close to the Taliban.

The releases of Bahir and Shahabuddin signal that Pakistan is again diversifying its options within the Afghan insurgency. It is not focusing entirely on the Taliban anymore but bringing HIG, which had relied more on Iranian support in past years, back into the political arena.³⁷ Ever since, HIG has become more visible militarily in eastern and northeastern Afghanistan.

Of late, Pakistan and some Saudi officials have been promoting the idea that the Haqqani network needs to be included in a possible 'reconciliation' because it represented a "moderate strand" in the insurgency.³⁸ Behind these attempts, there is one main motivation: Pakistan is interested in implanting its proxy: the Haqqani network is known to be close to the Pakistani intelligence

service and is not directly involved in the Pakistani Taliban's insurgency against the government in Islamabad. If implemented, this would give the Pakistani establishment a more direct say in Afghan affairs.

Reintegration

President Karzai has long advocated political accommodation with the Taliban and the Hezb-e Islami led by Gulbuddin Hekmatyar (HIG).^f He has repeatedly called them "disaffected brothers" and urged their leaders personally to return to the political process, only to be rebuffed by the U.S. government – which, like the United Nations, the European Union, and individual countries – has kept many of them on its sanctions list, branded as terrorists. Such rhetorical forays by Karzai have also been opposed by a large variety of Afghan political and social groups, from segments of the non-Pashtun former *mujahedin* to pro-democracy parties and organized women.

A first attempt to entice Taliban foot soldiers to switch sides with financial incentives – the so-called PTS, Dari for "Program for Strengthening Peace" – ended in complete failure and was called "financially and morally corrupt."³⁹ Assessments have shown that among "all 4,634 individuals who had entered the program by October 2007 ... there had been almost no previously known [insurgency-related] individuals,"⁴⁰ let alone members of the Taliban or HIG leaderships. Nevertheless, the program was never officially dissolved and President Karzai contemplated for some time appointing its head, Sebghatullah Mojaddedi, the chairman of the Afghan Senate, also as chairman of the High Peace

^f All other "organizations," like the Haqqani, Mansour, and other networks, are parts of the Taliban movement, recognizing Mullah Omar as their spiritual leader, or have become so of late, as with the hitherto independent Wahhabi groups in Kunar and Nuristan in early 2010. For details on the relationships between the different insurgent groups and the mainstream Taliban, see: Thomas Ruttig, *The Other Side: Dimensions of the Afghan Insurgency: Causes, Actors and Approaches to 'Talks,'* AAN Thematic Report 01/2009, Kabul/Berlin, July 2009.

Council established in September 2010. He ultimately chose former president Burhanuddin Rabbani instead.

Part 3: Reconciliation in 2010

The Arrest of Mullah Baradar

Baradar's arrest in early 2010 was accompanied by a wave of arrests or summonses (some reported, some unreported) of at least half a dozen high-ranking Talibs by the Pakistani intelligence service, the ISI.⁴¹ Among the names mentioned:

- Former Taliban deputy and acting “prime minister” Maulvi Kabir⁴²
- Former head of the “commission”⁴³ and former Zabul governor Maulvi Muhammad Yunus
- Former Kandahar governor Mullah Muhammad Hassan Rahmani
- Former Herat and Kabul corps commander Mullah Abdul Ra’uf
- Mullah Abdul Qayyum Zaker, now one of Baradar’s two successors
- Mullah Omar’s close advisers Seyyed Tayyeb Agha and Jehangirwal
- Agha Jan Mutassem, a former Taliban finance minister said to be Mullah Omar’s son-in-law who also was head of the Taliban’s political committee until early 2009
- the Taliban “shadow” provincial governors of Kunduz and Baghlan
- Sirajuddin Haqqani and Anwar-ul-Haq Mujahed, the leaders of two semi-autonomous networks associated with the Taliban.⁴⁴

This list includes almost everyone with key positions in the Taliban movement and reflects Pakistan’s enormous control over the Taliban leadership on its territory. With these measures, the Pakistani military de facto claimed a veto on all negotiations with the Taliban and therefore on Afghanistan’s political future.

Meanwhile, the U.S. and NATO commander in Afghanistan, Gen. David Petraeus, has essentially dropped the population-centered counterinsurgency (COIN) approach he initially developed in favor of a primarily anti-terrorism approach, and he has replaced the more qualitative criteria for measuring progress in Afghanistan with quantitative measures. Although his new strategy has been described as a two-pronged approach of “shooting and talking,”⁴⁵ its emphasis is on killing and capturing insurgents.

This strategy resulted in a large number of Taliban commanders being taken out of action by U.S. forces in 2010. Between mid-May and mid-August alone, 350 mid-level commanders reportedly were killed or captured with, by end of October, 15 “shadow” governors among them; at the same point, the U.S. military had registered an 11 percent increase in civilian deaths, compared with the previous year.⁴⁶

In the regions where the insurgency is strongest, however, this has not resulted in a decrease in insurgent activity.

In the regions where the insurgency is strongest, however, this has not resulted in a decrease in insurgent activity. In southern and southeastern Afghanistan, the number of insurgent attacks is further increasing, in the southeast more rapidly than in the south. The Taliban’s recruitment drive is also reportedly unhampered. NATO operations in the south, such as in Marjah and around Kandahar, resulted in only limited success. In the southeast, the Haqqani network has set up permanent bases on Afghan territory for the first time and now is establishing structures of a shadow government like in the south. Even according to some U.S. military sources – against the backdrop of a well-resourced U.S. and NATO public information campaign that has tried to spin the narrative in the opposite direction – the Taliban remain able to compensate for their

losses and to maintain their command-and-control structure.⁴⁷

At the same time, reports from various areas of Afghanistan indicate that the commanders replacing the killed and captured leaders are increasingly younger and more radical than their predecessors.

At the same time, reports from various areas of Afghanistan indicate that the commanders replacing the killed and captured leaders are increasingly younger and more radical than their predecessors. The generational change at the top of the more centralized Haqqani network in the southeast is only one example of that. There, the transition from the charismatic, tribally grounded but ailing *mujahedin* leader Jalaluddin Haqqani to his son, the less experienced but radical Sirajuddin Haqqani, who already has assumed responsibility for the network's day-to-day military operations, is almost complete. Haqqani the son was too young to fight in the anti-Soviet jihad and received a Wahhabi religious education in Saudi Arabia during this time. Therefore, he is more weakly rooted in the Zadran tribe – the network's core basis – compared with his father.⁴⁸

Altogether, the U.S. military and political practice on the ground does not seem to indicate that the United States is really interested in pursuing a political solution with the Taliban at the present. Negotiations seem to be a Plan B only – with the mentality, why negotiate when the adversaries are weak? The emphasis seems rather to be on “degrading”⁴⁹ or even militarily destroying the movement. This approach might have been encouraged by events in Colombia and Sri Lanka, where long-term insurgencies have been crushed or at least heavily weakened by military means.

The New Wave of Contacts

The 2010 U.S. strategy shift under Gen. Petraeus was accompanied by a wave of reports about alleged high-level contacts between insurgents and the Kabul government, ostensibly indicating an acceleration toward a political solution in Afghanistan.

It started when al-Jazeera reported on a shuttle mission of Haqqani network emissaries to Kabul. On June 27, 2010, the Qatar-based TV channel reported that President Karzai “has met Sirajuddin Haqqani, leader of a major anti-government faction, in face-to-face talks” and that the younger Haqqani “is reported to have been accompanied by Pakistan’s army chief and the head of its intelligence services.”⁵⁰ This raised observers’ eyebrows, as the Haqqanis are the primary target of U.S. drone strikes in the Pakistani tribal areas. Taliban specialist Michael Semple, contacted by al-Jazeera for comment on the same day, hung the story a bit lower, but might have been closer to the truth: “Afghans that I talk to ... passed along stories of shuttle diplomacy between Ibrahim Haqqani [brother of Jalaluddin Haqqani] and Karzai’s government. They claimed Haqqani would travel between Islamabad, Kabul, and Miranshah.”⁵¹ (Ibrahim Haqqani uses Omari as his second name; Haqqani is often ascribed to him to show his family relationship with the network’s leaders.) It is possible, though, Ibrahim Omari/Haqqani did not travel himself.

In the case that these reports have some element of truth, this raises the question whether Omari/Haqqani was talking on behalf of Jalaluddin Haqqani, the aging founder of the network, or Sirajuddin, the son who leads the movement operationally; and, if the latter, whether he also talked on behalf of the Taliban leadership. Sirajuddin Haqqani has made it clear that he does not consider his network to be a separate entity from the Taliban movement and its Quetta Shura leadership council.⁵²

The “Haqqani overture” was followed by a systematic press briefing campaign in the autumn of 2010. In late September 2010, Gen. Petraeus told a newspaper that there were “very high-level Taliban leaders who have sought to reach out to the highest levels of the Afghan government and, indeed, have done that.”⁵³ This followed the June 2010 Peace Jirga and the establishment of the Afghan government’s High Peace Council in September. On Sept. 30, the U.N. special envoy to Afghanistan, Staffan de Mistura, announced optimistically in a speech at a New York-based think tank that he reckoned the reconciliation process with the Taliban could be completed by July 2011, the date set by President Obama for the beginning of the U.S. withdrawal, and would lead to a peace settlement because he believed the Taliban had concluded they could not win the war militarily.⁵⁴

On October 6, 2010, the Associated Press reported that “several Pakistanis and Afghans insist that CIA officials have held clandestine meetings with top Taliban leaders, some at the level of the Taliban’s shadow Cabinet ministers. At least two rounds of meetings were held in Pakistan’s Khyber Pakhtunkhwa province bordering Afghanistan, according to a former Taliban member who spoke on condition of anonymity because of fears for his own safety. He said the talks were held in the area between the towns of Peshawar and Mardan and included Qudratullah Jamal, the former Taliban information minister.” The report did not say when these supposed talks occurred, and the CIA denied that any such meetings took place.⁵⁵

One day later, the British *Independent*, citing diplomatic sources, reported that “secret high-level negotiations between the Afghan government and the Taliban leadership aimed at ending the war have begun... Meetings which included delegates of the Quetta Shura, the Taliban’s Pakistan-based governing body which is overseen by Mullah Mohammed Omar, are believed to have taken place in Dubai. ... Talks have also taken place in Kabul with ‘indirect representatives’ of the insurgency.”⁵⁶

On October 19, the *New York Times* cited an Afghan official “with knowledge of the talks” as saying that “in at least one case, Taliban leaders crossed the border and boarded a NATO aircraft bound for Kabul. ... In other cases, NATO troops have secured roads to allow Taliban officials to reach Afghan- and NATO-controlled areas so they can take part in discussions. Most of the discussions have taken place outside of Kabul.” This followed a Times report from Brussels in which a NATO official confirmed that “personnel from NATO nations in Afghanistan ‘have indeed facilitated to various degrees the contacts’ by allowing Taliban leaders to travel to the Afghan capital.”⁵⁷

The *Independent* reported on October 18 that it had “learned that there are six sets of negotiations, some more viable than others, taking place with the aim of arriving at a cease-fire and paving the way for Western forces to pull out of the conflict.”⁵⁸

On October 31, the AP’s Kathy Gannon reported that “three Taliban figures met secretly with Afghanistan’s president two weeks ago.”⁵⁹ According to a former Afghan official cited as the source for the report, the group included Maulvi Abdul Kabir, who is from the same Zadran tribe as the leaders of the Haqqani network and had served as governor of Nangarhar province and deputy (and later acting) prime minister during the Taliban rule. The two others were identified as Mullah Sadre Azam and Anwar-ul-Haq Mujahed, the latter “credited with helping Osama bin Laden escape the U.S. assault on Tora Bora in 2001.”⁶⁰ The report said the men “were brought by helicopter from Peshawar and spent two nights in a luxury Kabul hotel before returning to Pakistan.” According to the story, these talks were “an effort by the Afghan government to weaken the U.S.-led coalition’s most vicious enemy ... the Haqqani network.” U.S. and Afghan officials, the report said, “hope that if Kabir agrees to quit the insurgency, it could split the Zadran tribe and undercut the pool of recruits from which the Haqqanis currently draw fighters” and thus “help shift the power balance in eastern provinces where the network poses a major threat.”⁶¹

Kabir is the case that most clearly demonstrates how Pakistan's intelligence service, the ISI, is handling leading Taliban figures and how it might facilitate talks with the movement.

Kabir is the case that most clearly demonstrates how Pakistan's intelligence service, the ISI, is handling leading Taliban figures and how it might facilitate talks with the movement: When reportedly arrested as one of a number of Taliban leaders early 2009 by the Pakistani authorities, Kabir was not active at the front anymore. Instead, he reportedly led a life of relative luxury – with “a beautiful house close to the Pakistani town of Nowshera in the North West Frontier Province [now renamed Khyber Pakhtunkhwa] and placidly driving around in a posh SUV with a diplomatic number plate.”⁶² In other words, Pakistan has relatively easy ways to ‘deliver’ leading Taliban for negotiations with Kabul. It is just a matter of political will and interest.

Although many of the reports of contacts have been published by respected media and journalists, they are difficult to verify. They are often based on anonymous sources (Afghan, U.S., or “Western”), and they may well be part of a psychological warfare operation to sow mistrust in insurgent ranks or even an attempt to undermine genuine negotiations. In a serious process, such contacts do not belong in the public realm, at least in their initial phases, as this could jeopardize those on the insurgents' side who participate, apart from a general necessity for confidentiality.

There have always been contacts and talks with the Taliban. This is ingrained in the network-based nature of Afghan society. But it is important to look at their substance. Martine van Bijlert explains how this works:

Adversaries tend to stay in touch with each other as much as they can. Seeming opponents share tribal ties, years in the trenches, histories as former classmates, neighbours, business partners, brothers-in-arms. ... Much of the talk is simply to keep channels of communication open. A fair share of it is focused on practical issues, most prominently the release of detainees and property, safe access to the wounded and dead on a shared battlefield, and safe passage in general. These are largely low- or mid-level contacts and much of it is done without explicit authorisation or high-level backing on both sides (although it is unlikely to be done without any). However, given the nature of Afghan patronage politics, petitioners will go as high up the chain as they possibly can – on both sides – to get their requests granted and to establish contacts that may prove useful in the future. This means that even relatively minor issues can involve quite high-level contacts. [The current contacts are] mainly aimed at figuring out what was on the table and whether the talk of talks ... was serious and was taking place at the right level.⁶³

This was confirmed by “Pakistanis and Afghans familiar with the process” who insisted that “all contacts have been limited to indirect message exchanges, using mediators who include former Taliban members” and were “exploratory, with all sides trying to assess the other's positions.”⁶⁴

Of late, Afghan and Western officials have tried to play down the reported contacts – or, according to another interpretation, put them to the right level. President Karzai stated in a mid-November interview with the *Washington Post* that he had had “one or two” meetings with Taliban leaders about three months earlier but that they were not much more than “the exchange of desires for peace.”⁶⁵

He had previously described such meetings as “rather unofficial personal contacts.” NATO’s civilian representative in Kabul, Mark Sedwill, saw the contacts as at an “embryonic stage.” The late Richard Holbrooke, then the special U.S. envoy, stated in late October that “there’s less here than meets the eye,” adding that “I know the difference between talks, negotiations, talks about talks, and we’re not even at that stage.”⁶⁶ This was followed by the disclosure that the man who was purportedly the highest-ranking Taliban contact so far was in fact an impostor.⁶⁷

A Wrong Start: The Peace Jirga and the High Peace Council

Starting with the January 2010 London conference on the future of Afghanistan, the Karzai government has ostensibly taken the lead on “reconciliation” matters. The political basis is the Afghanistan Peace and Reintegration Program (APRP), which looks more like a project and funding proposal than a full-fledged strategy. The substantial budget submitted with it will surely create perverse incentives.

The bodies established on the basis of the London conference – the Peace Jirga and the High Peace Council (HPC) – have significant shortcomings. The major one is that they do not represent and have not led to a national consensus on talks and reconciliation. The Peace Jirga delegates, as well as those of the HPC, were handpicked by presidential allies and then decorated with a “woman quota” – which, by the way, is substantially lower in the HPC than in parliament.

The Peace Jirga was a déjà vu of big tent ‘democracy’ as experienced during the 2002 and 2003 Loya Jirgas, when there was relatively lively discussion but key decision-making was top-down, pre-arranged and imposed by former *mujahedin* leaders and Karzai allies like Sayyaf and Shia Pashtun former *mujahedin* leader Sheikh Muhammad Asef Mohseni from the podium. The same happened at the Peace Jirga: There were pluralistic voices during the initial

working group phase although the selection of the jirga deputies was highly controlled (with some fig-leaf participants from civil society who were more vocal than expected by the organizers). But control over key procedures, like the composition and the choice of discussion group chairpersons and rapporteurs (and note that only one group was led by a woman) made sure that no dissent was passed upwards. In the final plenary session, the jirga chairman announced that “we unanimously support [the] government’s peace plan” (i.e., the APRP), without it being discussed in the working groups or the final plenary session or the document even distributed among everyone.

The HPC is largely made up of heavyweight former jihadi and anti-Taliban leaders, several regional strongmen, leaders of the above-ground Hezb-e Islami wing and some of the jihadi splinter groups, various “reconciled Taliban,” and a large number of regular Karzai loyalists (some of these categories overlap). There is also a sprinkling of women and one non-affiliated “urban intellectual.” Absent are members of the top rank of the political opposition (or at least that remaining part of it, led by Dr. Abdullah, Yunus Qanuni, and the family of late *mujahedin* leader Ahmad Shah Massoud), civil society, representatives of the moderate or pro-democratic political parties, independent business people, and the NGO community that delivers aid and medical services in insurgency-influenced areas. Also absent are media personalities who can bridge the divides between urban and rural settings and between tribal and civil society, people with experience in the Najibullah-led reconciliation efforts between 1986 and his fall in 1992, and politicians or local leaders who have earned a reputation of speaking up for their communities or for mediating conflicts, a capacity close to social reality. There is also not a single representative of the royal family with its diverse branches.

The High Peace Council is not a group of people chosen for their contacts or mediation skills. It is a confirmation of where the armed – and increasingly, economic – power lies

and where it will remain; that is, among the kind of people trusted by “the palace.” In particular, the council features the same figures at its top (as demonstrated by the members’ list with its consecutive numbers⁶⁸) who are already in Karzai’s informal advisory council of ‘jihadi’ (former *mujahedin*) leaders or in his kitchen cabinet in the presidential office. From that point of view, the HPC is more of a status quo-preserving body than one that might open up the process and integrate newcomers on terms not already established. This raises the bigger question of whether the Karzai government and the former jihadi leaders on the HPC are really ready to reconcile with other actors – that is, to share power, particularly with a movement like the Taliban that, at least in parts, is known for its anti-corruption attitude, coupled with crude methods to implement it.

However, even these policies and structures might still serve as a starting point if their conceptual scope and inclusiveness can be substantially expanded, and if they are coupled with some proper checks and balances provided by representatives of those concerned about where a hasty, unconditional “reconciliation” could lead the country.

Several Afghan civil society umbrella groups called on October 4, 2010 for the replacement of HPC members accused of human rights violations or suspected of war crimes “with experts and those with greater experience in conflict resolution, mediation and reconciliation” and for the involvement of civil society organizations “in all decision making.”⁶⁹ It is unlikely, however, that these demands will be met. Possible alternatives include expanding the HPC or establishing a “shadow HPC” with representatives from civil society and other under-represented groups. In both options, members should include second- and third-tier politicians and civil society figures with good reputations and proven negotiation skills who are not too close to the government. If members are added to the HPC, they should equal the number already on the council. If a shadow HPC is formed, it should be

mandatory for the government to consult it on equal terms with the HPC.

Also, the greater presence of former Taliban with insight into processes among insurgents would be a step in the right direction if utilized properly, in particular given that this group submitted its own 7-point plan for negotiations to major domestic and international actors in Kabul in mid-2008 under the self-explanatory title ‘*Sola gam pe gam*’ (Peace Step by Step). This plan includes the following points.

- 1) That the Afghan government convince the international military forces that the war cannot be won militarily;
- 2) Starting initial contacts between all involved parties on confidence building measures which would include that the ‘armed opposition’ stop destroying civilian infrastructure, Kabul release ‘some’ Taliban prisoners and the international forces stop all operations not approved by the Afghan government (including house searches and arrests), and are concentrated at some ‘centers’;
- 3) A jirga of mutually acceptable Afghans contacts the parties who will be tasked with working out a peace plan;
- 4) The jirga informs all relevant Afghan forces about the procedure of the peace process, secures U.N. and Islamic Conference support for round table talks including security guarantees for the Taliban participants;
- 5) The Taliban leaders are de-blacklisted, bounties on their heads lifted and a ceasefire is called;
- 6) A commission is established to organize a Loya Jirga;
- 7) This Loya Jirga votes on the decisions taken in the round-table discussions and proceeds to end the war.⁷⁰

This plan has strongly influenced initial steps taken by the HPC where some of its authors, like former Taliban minister (now Senator) Arsala Rahmani are amongst the most active and vocal.

Part 4: Aims and Obstacles

The Afghan Actors' Aims

The political aims of the major Afghan actors involved are not clear cut. With it still unclear whether there will ever be a negotiations process (and how it would be conducted), everyone keeps as many options open as possible, such as being on board with any new initiative in case it really takes off. The actors include the Taliban, Hezb-e Islami Gulbuddin, the Haqqani network, the Afghan government, and the political opposition.

The Taliban

The Taliban seem to be in the starting best position for any political process. Although they are under strong military pressure, the West's timeline for a 2014 withdrawal of troops gives them a silver lining on the horizon. In their view, they can wait out the withdrawal and hope that power will simply fall into their hands when the Karzai government collapses –particularly if Pakistan keeps the movement as its strategic card for the next (regional) round of the power play in Afghanistan. Even if they come to a power-sharing agreement, the Taliban gain by peacefully re-entering the country's political institutions. And even if they do not regain power, simply remaining as a political force beyond a U.S. withdrawal would be seen as a Taliban victory over a powerful adversary.

Their political program for a future Afghanistan remains opaque, however.⁷¹ With Islam being both their program and ideology, the Taliban never published a political manifesto. In practice, their one-point agenda during their ascent in the 1990s needed no printing and was sufficient to appeal to Afghans who had tired of the political chaos: to establish a “truly Islamic order” by disarming all other groups that had “betrayed” Islam. (The Taliban considered themselves neutral in the inter-factional fighting.) Their understanding of politics and society became manifest only after they began taking power in Kandahar in 1994, where

they established their headquarters, and Kabul in 1996, through the rejection of any pluralism—religious or political—and the exclusion of women from the public sphere. Details were to be decided after the end of the civil war by Islamic scholars (*ulema*).

Since then, statements of Taliban leaders about their political aims have not become much clearer. In his latest Eid message, dated November 15, 2010, Mullah Omar called for the “establishment of a true Islamic and independent system in the country.” He added that “the Islamic Emirate of Afghanistan has [a] comprehensive policy for the efficiency of the future government of Afghanistan about true security, Islamic justice, education, economic progress, national unity and a foreign policy based on norms to protect itself from the harm of others and convince the world that the future Afghanistan will not harm them.”⁷²

In a 2009 interview, then-deputy leader Mullah Baradar listed the Taliban's aims in more detail: regaining “freedom, authority and ... Islamic Sovereignty” for “our Muslim nation” (Afghanistan) through “complete and unconditional withdrawal” of all Western forces; the establishment of a “truly representative Islamic Afghan administration based on the consent of our people”; and “a policy of mutual respect and non-interference with all countries of the world.” He said the Taliban would give “special attention to education as our financial resources permit us.”⁷³ Mullah Mutassim, then head of the Taliban political committee, earlier that year rejected any political power-sharing: “The Islamic Emirate demands to rule the country so as to establish an ... Islamic system in it.” Somewhat contradictorily, however, he said that “an Afghan strategy” for the future of the country should be determined “in consultation with all the Afghan groups.”⁷⁴

From those statements, it follows that the Taliban leadership's current main political aim is to re-establish the Islamic Emirate. To achieve this, they are attempting to force international forces to withdraw and the Kabul government to collapse by curbing its access to an

increasing area of the country. Additionally, they try to build political pressure on the governments of the troop-providing countries by influencing public opinion that, in many European countries and increasingly in North America, already has turned against the Western engagement in Afghanistan. By these means, they are effectively blocking the physical and institutional reconstruction process and creating permanent instability. At the same time, the Taliban have gradually changed attitudes on a series of contentious issues like education, health services, the role of the media, and their infamous dress code. Although these changes are not systematic and it is not clear to what extent they are accepted by field commanders and the rank and file, they do signal that the Taliban are able to change and to respond in particular to negative attitudes in the population caused by their zealotry. In a number of areas under Taliban control or influence, educational and health facilities are operating, female staff is accepted, and women and girls have access – although this varies locally, always under Taliban-set conditions.⁷⁵ The same goes for access by journalists and NGOs. This reflects the Taliban's attempt to present itself as a government in waiting that expects to return to the official political arena.

The Haqqani Network

The political aims of the Haqqani network are even more unclear. The network can best be described as a semi-autonomous part of the Taliban movement, with its ability to take its own decisions hampered by two sets of dependencies. On one hand, it has put itself under the leadership – religious or moral, at least – of Mullah Omar and the Taliban's Quetta Shura; at the same time, it makes decisions about daily military affairs and the shadow administrations in areas under its influence. Second, it is the part of the Afghan insurgency that is most strictly controlled by the ISI⁷⁶ and most closely linked to Arab jihadists, given the independent links to Arab funding of Jalaluddin Haqqani and the Wahhabi upbringing of his son Sirajuddin in Saudi Arabia. Jalaluddin Haqqani is described

as harboring only vague political ideas, centered on “sharia rule”; Sirajuddin Haqqani has not articulated his program. The network has put much less emphasis on developing structures of a parallel government in its areas and seems to be motivated mainly by old conflicts and recent grievances, mainly caused by corrupt and predatory behavior of local government representatives that often causes violent ethnic or inter-tribal conflict and – given the lack of viable political alternatives -- often only leaves open the way ‘into the mountains’ for its victims.

Hezb-e Islami Gulbuddin (HIG)

Hezb-e Islami published a peace plan in March 2010. While it is very detailed about an interim period during and after a quick withdrawal of foreign troops, it is vague about what a future Afghanistan would look like. It stipulates only that the first new elected parliament will revise the constitution. Apart from the establishment of Islamic courts to try war criminals and corrupt officials, there is not even the standard reference to an Islamic system of government; apparently, that goes without saying.

The plan foresees a withdrawal of foreign forces from populated areas and their concentration in military bases without the right to conduct operations on their own. The Afghan security forces are supposed to come under the control of a new seven-member National Security Council, composed of all important Afghan factions and based in a province without a foreign troop presence. A cease-fire would be in force and all political prisoners released. The current government and parliament would continue their duties until the withdrawal was completed; presidential, parliamentary, and provincial council elections would then be held on a party basis. The new cabinet would be an all-party body, with parties receiving seats according to the percentage of votes received. In the second elections, only those parties that received at least 10 percent of the vote in the first elections could participate.⁷⁷

The plan, however, should be taken with a grain of salt. HIG and its undisputed leader, Hekmatyar, are known for political opportunism. The group would probably accept any political deal that would give it a foothold in the Kabul government. This would be extremely dangerous, as HIG is known for its historical inability to share power and for its ruthless approach toward any competitors. It could try to neutralize competitors much better from inside. On the other hand, HIG's comparative "flexibility" vis-à-vis Kabul, including the attempts to open direct negotiations described above, has led to increased tensions with the Taliban. The latter accuse HIG of giving up the principles of the insurgency.⁷⁸

The Afghan Government and Political Opposition

Both the Karzai camp and the political opposition – the *mujahedin* "parties" that emerged from the Northern Alliance, the Taliban's main pre-2001 adversary – have the least to gain from a political deal that ends in power-sharing with insurgents. Not used to sharing but prone to monopolizing power and resources, they would definitely have to give up positions if other actors were added to the current setup. Their respective positions vis-a-vis the Taliban have additionally been undermined by a loss of the moral high ground and political legitimacy. In the case of the *mujahedin*, they lost their moral clout gained during their anti-Soviet resistance, when they proved to be unable to properly govern Afghanistan after the fall of the Najibullah regime in 1992 – when, instead, they caused another round of inter-factional war. Furthermore, they were not able to present a unity candidate during the 2004 and 2009 presidential elections (with some of its leaders choosing an alliance with Karzai) as well as strong lists during the 2005 and 2010 parliamentary elections. Although Karzai won both presidential elections, his own political legitimacy was undermined as a result of the massive electoral fraud committed during the second electoral cycle of 2009/10 when between one fifth and one fourth of all votes had to be disqualified. Both the Karzai and the opposition camp have to particularly fear the

Taliban, whose leaders still can be expected, at least partially, to implement strict moral standards and could fight corruption and the drug trade when back in power to detriment of the Karzai and the opposition camps. The Karzai and the opposition camps' ties to economic networks that are linked to illicit sectors of the economy make them particularly vulnerable to anti-corruption campaigns.

Officially, the Afghan government has adopted the "red lines" developed by the West for dealing with the insurgents.

Officially, the Afghan government has adopted the "red lines" developed by the West for dealing with the insurgents: that they sever all ties with al-Qaeda, lay down arms, and recognize the current constitution. However, its track record on respecting the Afghan constitution, including the enshrined rights and freedoms, is ambivalent at best. The government is dominated ideologically by Islamists and religious conservatives who enjoy significant influence over the president. At the same time, the moderating effect of individual reformers and democrats has all but disappeared. In recent meetings with foreign visitors, high-ranking officials have presented their own version of the red lines: national unity and integrity, the Islamic character of the state, and "basic" human rights. While there is little dissent from anyone on the first two issues, from the Taliban to the former *mujahedin* and even many of the democrats, the last point opens the doors wide for a watered-down compromise. What constitutes "basic" will be defined by those in power, and the likely outcome of a Karzai-Taliban is some "Taliban lite" version of the state. That would be vehemently opposed by the democrats, the minorities, and the marginalized.

Apart from these two forces – the Karzai camp and the opposition – in the Afghan state's current political setup, there is a fragmented but increasingly vocal spectrum of

civil society forces in the broader sense, from non-Islamist tribal leaders to pro-democratic parties, human rights groups, and the women's movement. These forces strive to safeguard the democratic freedoms and individual rights enshrined in the constitution and partially implemented since 2001, but they have been neglected as genuine political partners by the West as a result of its single-minded focus on the person of Karzai.

Parts of the political opposition, primarily the non-Pashtun elements, share the fears of the pro-democratic forces that the Taliban and Hezb-e Islami will return and dominate a future political set-up. However, the opposition also could become part of the problem rather than the solution; the major parties' pasts are tainted, they are often still armed and lacking internal democratic procedures, and they waver between an opposition role and partaking in the spoils of government. That does not make them a counterweight to the Taliban. Neither amongst these nor the other parties is there any political force that can attract significant parts of the Pashtun population. Due to their ideological closeness, based on varieties of Islamism, even a new alliance between the Taliban and parts of the current *ex-mujahedin* opposition is possible – in particular when there is no or less Western presence that still bolsters pro-democratic and pro-human rights political forces. The result could be a government based on a broad alliance of multi-ethnic Islamist forces.

Preconditions and Red Lines

As to expect early in a process of talks, there are a number of preconditions or “red lines” in the way of meaningful talks. These positions, however, are not necessarily unchangeable. As a first step, meaningful channels should be opened to sound out each other's positions. In that sense, contacts as recently reported make sense. However, a coordinated approach among the Afghan government, the HPC, and other Afghan actors, as well as their foreign allies, must be adopted to avoid making this a free-for-all

that would create a cacophony of voices and allow involved actors to be played against one another.

The Taliban's public position is that they want all Western troops out of the country first before entering into structured talks. HIG has been more nuanced on this point; it instead demands a timetable for withdrawal as a prerequisite for any talks. It also suggests redeploying the Western troops to specified bases until the withdrawal. Such a change of position might be expected from the Taliban, too, at some point in a quid pro quo.

The existence of U.S. bases on Afghan territory and Washington's interest in keeping them after the handover of security responsibilities to the Afghan government, envisaged for 2014, also might become a stumbling block.

The existence of U.S. bases on Afghan territory and Washington's interest in keeping them after the handover of security responsibilities to the Afghan government, envisaged for 2014, also might become a stumbling block. From the U.S. point of view, an agreement to retain such bases is a core prerequisite for its anti-terrorism policy, mainly with an eye toward the Pakistan-Afghanistan border regions that serve as staging areas for a variety of militant Islamist and terrorist groups and a possible takeover of Pakistan (including its nuclear arsenal). It is hard to imagine, though, that the Taliban, whose *raison d'être* has increasingly become to fight a “foreign occupation,” might accept such installations in the long term, and some close to the movement have already expressed such views.⁷⁹

The same goes for a rebranded “training” mission. Most of the political opposition also would like to see the international troops depart, and members have pushed for

a status of forces agreement in the meantime, as a number of initiatives in the 2005-10 Wolesi Jirga (the lower house of parliament) showed. Both the Karzai camp and the pro-democratic forces, meanwhile, see the presence of the troops as insurance for the ability to maintain power or for the continuation of freedom and rights. Common among all of them and the Taliban, with gradual differences, is the demand for a modus operandi respecting Afghans and a growing dislike of the current U.S. military approach of “kinetic” and Special Forces operations.

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With regard to Afghanistan’s future political setup, the Taliban demand the reestablishment of the Islamic Emirate based on sharia, or Islamic law. However, their leaders also have made statements that include the possibility of “consultations” with other groups about the future state structure. HIG, in contrast, favors an elected, party-based parliamentary system with high hurdles that, in effect, would limit inclusiveness significantly. The Karzai camp, the political opposition, and the pro-democratic forces are not unified on this subject. While the former prefers maintaining the current, strongly centralized presidential system, the opposition favors transitioning to a parliamentary system, with some elements supporting a federal system that would allow a devolution of power either to the provinces or larger regions.^g The weak and disunited pro-democratic forces favor a system as open as possible and would, therefore, line up with these forces in favor of the parliamentary option, but necessarily towards

g Here, one should have no illusions: As long as those political forces are still armed, federalism would transfer the current undemocratic system into the regions. Instead of one clientele system, there would be a number of subnational systems.

more provincial and regional autonomy.^h Most political forces, with the exception of the supporters of a federal state, prefer a unitary centralized state.

As for the future of the main insurgent organizations’ leaders, a proposal has been floated that would result in the Taliban’s Mullah Omar and the HIG’s Hekmatyar going into exile in Saudi Arabia or another Islamic country “with protection and treatment as a former head of state.”⁸⁰

However, it is hard to believe that either organization would accept this, given the key role both leaders play and, in Mullah Omar’s case, his symbolic role as the embodiment of unity in the various Taliban networks. To drop Mullah Omar would basically jeopardize the movement’s very coherence. This should not be confused with the floated proposal that Mullah Omar not directly participate in negotiations (which also would be a question of personal security) and that in particular the Taliban need an “address” outside or inside Afghanistan.

On the other hand, the West has established its own preconditions that the Taliban must meet to enter any official talks: accepting the current Afghan constitution (including a broad set of international norms and standards, human and women’s rights, freedom of media and speech, etc.), stopping violence and laying down arms, and severing all links with al-Qaeda. Secretary of State Hillary Clinton, however, seems to have recently reinterpreted these ‘red lines’ from preconditions to enter talk to ‘necessary outcomes of any negotiation’, i.e. parts of a desired end state of a political process.⁸¹

Speaking practically, the last point – i.e. severing links with al-Qaeda – does not seem to be out of range; the Kandahari mainstream of the Taliban,⁸² represented by the ‘Quetta

h Almost all political parties opted to replace the current Single Non-Transferable Vote (SNTV) election system with a combined party-based/single-seat constituency system before the 2005 parliamentary elections, and many reiterated this position before the 2010 elections although, in contrast to 2005, there was no consultation with them when the new election law was composed.

shura', have repeatedly made clear that they neither share the international jihadist agenda of al-Qaeda nor are they organizationally linked to the group. Although Mullah Omar had refused to denounce Osama bin Laden before the terrorist attacks of September 11, 2011, and to distance himself and his organisation from al-Qaeda afterwards, there are signs of an increasing pragmatism – and even realism – on this particular point. In a key 2009 interview, Taliban spokesman Zabihullah Mujahid declared that 'we [the Taliban] are one thing and al-Qaeda is another. They are global[,] we are just in the region.'⁸³ Despite Mullah Omar's stubborn insistence on not withdrawing 'hospitality' from the al-Qaeda leader, the Taliban have at times kept themselves away from al-Qaeda organizationally: the group did not join the 'World Islamic Front for Jihad against Jews and Crusaders' set up by Osama bin Laden in February 1998 in Afghanistan with groups from Bangladesh, Egypt, and Pakistan. Over the recent years, the Taliban also have become less dependent on al-Qaeda financially and logistically because they managed to diversify their funding base, with income from 'taxes' raised by their shadow structures – amongst other issues on reconstruction and even military contracts – becoming more and more important. To expect an open Taliban declaration of a break with al-Qaeda under current circumstances is premature; it should correctly be made a target of negotiations. This will also be true for the Haqqani network – whether it acts on its own or under its allegiance with the Taliban leadership: its special links with al-Qaeda and other Arab elements are more driven by history and family links than by ideology at this point.⁸⁴

Laying down arms, however – coupled with "reintegration" – will be unacceptable for the Taliban because they perceived this as a demand for surrender. So far, only local fringe groups of insurgents have accepted that offer – and often under pressure from rival groups, as was the case when HIG fighters lost a fight for domination in the north of Baghlan province in mid-2010 against the Taliban⁸⁵ – and decided to 'reconcile' with the government. Such groups can easily cross back to the front line again when

the reason they changed sides disappears, or when incentives are more attractive elsewhere. (The Soviet-Afghan attempts at reconciliation in the 1980s and 1990s proved that an incentives-based approach is highly problematic and not sustainable. It creates perverse incentives and encourages multiple side-switching; in this period the Soviet-backed Kabul government was almost in a competition to pay off *mujahedin* groups.)⁸⁶

The current Afghan constitution clashes with the Taliban demand for the reestablishment of the Islamic Emirate and the predominance of sharia.

The current Afghan constitution clashes with the Taliban demand for the reestablishment of the Islamic Emirate and the predominance of sharia. Implicit in the West's red line referring to the constitution are the guaranteed rights and freedoms. However, it cannot be taken for granted that both the West and the Karzai government (already under strong Islamist influence from within) will stick to them. And ideally, negotiations need to involve give-and-take and end in compromise. This includes increasing the pressure on the Taliban that they will not renege on some of their post-2011 shifts of position on some major political issues that had been contentious for the pre-2001 Taliban – like education, health services, the role of the media and NGOs, and their dress code – and make them their officially recognized policies. Such statements of their leadership are still missing on every single one of the issues. But they represent attractive incentives for a movement that traditionally has sought official recognition by the world and which currently aims at presenting itself as a political force and even a kind of government in waiting.

Obstacles

The Taliban's ability to negotiate is hampered by the lack of a political arm similar to the IRA's Sinn Féin in Northern Ireland, the ETA's Herri Batasuna in Spain, or the FARC's Unión Patriótica in Colombia. The Taliban's political committee is too dependent on the movement's leaders and has neither the autonomy to act nor – at least currently, in contrast to 2007-08 – the authority to negotiate. More important, it is not clear whether there is a continuing discussion among the committee members about civilian casualties and the need for a political solution since the U.S. surge beginning in early 2009 that was perceived by the Taliban as a declaration of war – in short, whether there still is a pragmatic faction of “doves.”

Therefore, it is more useful to differentiate between two unstructured currents: pragmatic, politically thinking, pro-talks Taliban who understand that a political solution is desirable but who are still conservative Islamists; and those who favor a purely military approach, often combined with an excessive use of terrorist means. Both groups compete for the allegiance of foot soldiers who have joined the insurgency because of marginalization or exclusion by the current regime, –the *majburi* (forced) and *na-raz* (disappointed) and are originally non-political (although there is a radicalization process going on amongst them).⁸⁷ But with the Taliban still increasing their reach, their operational scope unstopped, and the hard-liners still dominating, they might have no appetite to negotiate and may prefer to wait out the expected withdrawal of Western troops.

The West's ability to negotiate is also hampered by the currently predominant strategy of “shooting and talking,” which boils down to an attempt to weaken the Taliban and to gain a position of strength before entering any meaningful negotiations. However, the failure to make substantial military gains against the insurgency, the insurgency's growing geographical and ethnic scope, and the eroding mistrust among the population of the coalition

show that this strategy is not working. Therefore, a redefinition of “position of strength” is necessary –from military strength to moral and political strength. This must include, for example, practical steps to show that the statement that there can be “no military solution” is more than lip service. There also must be steps to remove obstacles to a political solution and, above all, to push for governance and institutional reform on the “Kabul side” of things. Giving up on state (or institution) building leads into the wrong direction. As the ‘ripeness’ theory of negotiations suggests, the best conditions for negotiations are when both sides believe neither can escalate to victory or a significantly stronger position.⁸⁸

This would require that both sides – the United States/International Security Assistance Force and the Taliban leadership -- make the human security of Afghans and the protection of the civilian population their most relevant target, not, in the first case, force protection and in the second, the power to intimidate.

Also extremely helpful for a negotiated settlement would be for the West to redefine its timelines for engagement in Afghanistan – beyond the military draw-down scheduled to be completed by 2014 -- and to genuinely commit to further engagement, including investment in Afghan institutions, aid, and development.⁸⁹ The lethal “logic” that a military draw-down will also pull away most civilian resources from Afghanistan needs to be reversed.

Confidence-Building Measures

Apart from opening meaningful channels – including through track II and similar processes – there is a need for confidence-building measures to facilitate reconciliation processes in Afghanistan. This means first continuing what already is underway, officially and unofficially, including the removal of politically minded insurgent leaders from sanctions and terrorism lists, the vetted and lawful release of prisoners, and local cease-fires. The last can provide a bridge to the establishment of “calm zones” (without

fighting) and more formal demilitarized zones. Ceasing to label insurgents as terrorists by the Afghan government and the international community might also be such a step – not least because that description of them is too narrow.

The Afghan government, through the High Peace Council, and its external allies should scrutinize whether a sufficiently extensive area inside Afghanistan could be designed as a demilitarized hub, without compromising national sovereignty. It would be a place where the Taliban leadership could relocate without fear of attack or where negotiations could be conducted, as was done (although finally unsuccessfully) in Colombia. It could also take advantage of the fact that the insurgents already virtually control large swaths of Afghan territory. Most important, this could “liberate” the Taliban leadership from the undue influence of Pakistan and contribute to “Afghanizing” the conflict. (Such a step would require, however, that the insurgents subscribe to a set of obligations as well, like not using this hub a staging area for attacks.) Supplying the population of such an area with aid and development assistance, and regulating traffic in and out, would also serve to build confidence. However, this plan would require a measure of trust on the part of the insurgents (who would give up their safe havens in Pakistan), which currently seems utopian. Therefore, such an option should be considered for an advanced stage of the process. The value of such confidence-building measures in general depends on “whether they are part of a structured dialogue and are reciprocal.”⁹⁰

The demands for reciprocity on the part of the insurgents should focus on the needs of the Afghan civilian population, not primarily on the Western troops. It could include the release of kidnapped persons, an agreement to halt attacks on civilians and civilian facilities such as health clinics and schools, and allowing access for NGOs and government workers. Furthermore, the Afghan government (which often remains surprisingly quiet about Taliban atrocities) and its international backers should demand that the Taliban stick to their own code of conduct, the *layha*,

which is implemented very randomly at best when it comes to protection of civilians. This would also encourage the Afghan media and other societal groups to join in on holding the Taliban to account for disregarding civilian casualties.

Confidence-building measures also need to consider those political and social forces in Afghanistan that fear to lose out in a possible political deal with the Taliban – like women, ethnic and other minorities and the pro-democratic forces.

Confidence-building measures also need to consider those political and social forces in Afghanistan that fear to lose out in a possible political deal with the Taliban – like women, ethnic and other minorities and the pro-democratic forces. Foremost, there must be transparency in the approach to contacts and future negotiations. Among the most controversial issues is amnesty for insurgents, either in a pre-talks process or as a result of talks. Most Afghans are not in favor of an amnesty for the people who were politically responsible for mass human rights violations or war crimes committed up to the end of the Taliban regime in 2001,⁹¹ or for those who were politically responsible for such actions. On the other hand, there is a de facto amnesty for the civil war parties linked to the current setup in Kabul, the so-called amnesty bill passed by the Afghan parliament in 2007, but enforced only in late 2009.⁹² The amnesty in the bill covers the post-2001 insurgents by implication as well. While this form of law is de facto a form of collective impunity, reconciliation would demand an approach which is based on individual accountability.

The way the members of the Peace Jirga and the HPC were handpicked set a negative example, despite the symbolic presence of some women and civil society actors. It also has

exacerbated the fears of those groups that were excluded or still feel sidelined from the “reconciliation” process as it has played out. Here, the international community can play a central role by helping the Afghan government to start nationwide consultations and a public debate about reconciliation issues and to open up the space for it, including a guarantee of media freedom and the protection of critical voices.

Ideally, any negotiation process should be based on a joint strategy agreed upon between the Afghan government (based on a consensus reached in truly nationwide consultations) and its international allies. On the U.S. side, in particular, unity of command and policy needs to be established. Among other steps, the Special Forces need to be brought under ISAF command in practice and their central role needs to be relinquished. Basically, it is the decision between a military or a political-diplomatic approach to the insurgency.

These steps, by its strongest actor, would help to re-establish the international community’s ability to find its way back to a neutral role in Afghanistan as during the immediate post-Taliban period, with the Bonn Conference and the U.N. lead. This way, it would be able to provide the “credible external guarantees,” and the ability to exert political pressure when needed, “required to underwrite and support any agreement.”⁹³

The Pakistan Factor

The Taliban and their associated networks, as well as HIG, can rely on a system of extensive relations in Pakistan. These include the local tribal populations, parts of the Pakistani government – primarily in the armed forces, the ISI, and the Frontier Corps – and the various Islamist parties and terrorist groups in the Federally Administered Tribal Areas and beyond. The logistical and political backing the insurgents enjoy in and from Pakistan clearly belongs to their infrastructure. This Pakistani approach – denied for many years but now claimed with much self-

assuredness by the Pakistanis⁹⁴ – stems from the tense relationship between Afghanistan and Pakistan since the 1947 partition of British-ruled India and the establishment of Pakistan.ⁱ

In this new Great Game, officially retired ISI officers, open proponents of an Islamist and anti-Western agenda, are likely one outsourced political instrument that provides the Pakistani military “plausible deniability” in cases it is accused of aiding the Taliban while officially following a line that supports peace talks between Kabul and the insurgents. Following from this, the Haqqani network seems to enjoy a most-favored status currently. Those links and structures are vital for the Taliban. It also can be safely assumed that Taliban leaders who have been flown to Kabul for talks – if indeed that is true – travelled with Pakistan’s consent or even under its orders.

As long as Islamabad stays entangled in such a game, and India and Pakistan do not allow at least a degree of moderation in their own conflict, a solution in Afghanistan will remain extremely difficult.

As long as Islamabad stays entangled in such a game, and India and Pakistan do not allow at least a degree of moderation in their own conflict, a solution in Afghanistan will remain extremely difficult. Therefore, steps toward detente between India and Pakistan are vital for stabilization in Afghanistan. This would provide for a

i Afghanistan and Pakistan had witnessed tense bilateral relations since Pakistan became independent after the 1947 partition of India. This was mainly caused by the incorporation of Pashtun areas of former British India into Pakistan against Afghanistan’s will and Afghanistan, as a result, opposing the UN accession of its new neighbor. Both countries mutually supported armed insurgencies on the other side of the border and imposed trade blockades on the other side during various periods over the past 63 years. The biggest problem is that most of the common border, the so-called Durand Line – seen as British-imposed by Kabul – remains without recognition.

realistic redefinition of both countries' national security interests in the region.

Conclusion: Elements for a Reconciliation Framework

The current situation – with the West's timetable for a 2014 withdrawal and a resilient and growing insurgency – leaves two main options on reconciliation: to approach it as a broad societal process or to go for a quick fix.

In the first case, the core causes of the Afghan conflicts^j would be addressed in all its dimensions over the long term. This would include the development of an increasingly efficient, transparent, and legitimate government, as well as Afghan mechanisms to discuss the country's future political course, including possible constitutional and institutional reforms. During this process, the lead would be transferred to Afghan institutions—but only when they are ready for the job, i.e. when they are recognized as sufficiently impartial, uncorrupted and effective by most Afghans. Ways how to achieve this need would be determined in a process involving a broad variety of Afghan players interacting on a level playing field, “escorted” and guaranteed by the international community – i.e. within a democratic and participative framework. Talks with insurgents—direct or indirect—would be only one part of the overall reconciliation process, which would be aimed at reaching an initial political settlement to end violence, creating transitional institutions to pursue the process, and providing a mechanism for constitutional and institutional reform.

This would also mean redefining the role of the West—the United States as its strongest actor, the U.N. as its most representative one—away from being parties to the conflict

toward being (more) neutral actors again. What could be honestly called the “international community” with regard to Afghanistan needs to be revived. This would require the West to step back from its currently monopolistic role and bring in non-NATO countries such as China and Russia on terms that reflect their respective weight. At the same time, the West should not withdraw from the political responsibility it accepted at the 2001 Bonn conference, which has been magnified by the failures of the post-2001 political process in Afghanistan.

This will not occur without a real (and not only gradual) strategic shift by the United States that commits fully to a political solution in Afghanistan. Instead of the current double strategy of “shooting and talking” at the same time, it should concentrate on “talking instead of shooting.” This means turning the tanker around, not steering it a bit more to the east or west. It would redefine the current understanding of “position of strength” away from strictly military terms to political and moral terms. In this framework, military means would be used only for self-defense, which includes defending Afghan institutions and their officials, as well as the work of political reform. Such a shift in the military approach would also significantly remove a major recruitment factor for the insurgents: civilian casualties. On the U.S. side, this would require implementing full unity of command within the military, including a stop to any independent action by special operations forces as well as a unified approach between civilian and military actors, a transparent status of forces agreement for U.S. troops needs to be concluded, with involvement by the Afghan parliament.

In this framework, the international community should urge the Afghan government to start genuine nationwide consultations and a public debate about reconciliation-related issues, based on the lessons of 2001 to 2010, to avoid a repetition of governmental failure. It needs to ensure that open space for this process exists; media freedom and protection for critical voices are essential.

^j These causes include the insurgency against the Karzai government and its external allies, and also grave differences between various actors about the political system in Afghanistan, questions of justice for wrongs committed during three decades of war, as well as many conflicts about local resources that have become politicized over the past three decades and consequently escalated while traditional mechanisms of resolution have been undermined.

As a first step, existing “reconciliation” bodies like the High Peace Council and its secretariat should be reformed by broadening participation. Checks and balances must be added, either by expanding the existing HPC with the addition of civil society representatives and experts on mediation, or by the creation of another council to shadow it. In the latter case, the two groups should be on equal terms, both in numbers and with the same rights – that is, a shadow HPC should be consulted as intensively as the original HPC. These bodies could tie together existing contacts with insurgents, both at the institutional level (via presidential diplomacy, the HPC, and so on) and at the personal level, namely relations between political leaders at all levels and even individuals who know insurgent commanders or fighters personally or are related to them and maintain personal links characteristic for Afghan society. They could ensure that both sides have the ability to sound out the other’s current positions on a political solution. This would require a joint strategy agreed upon by the Afghan government (based on a consensus reached in truly national consultations) and its international allies. A proliferation of “talking” actors should be avoided, such as different governments developing their own channels.

Current confidence-building measures like dropping U.N. sanctions against conciliatory insurgent leaders and releases of political prisoners (but in a transparent way, based on clear criteria) should be continued and expanded. They should be based on reciprocity and focused on the needs of the Afghan civilian population and the aid community; force protection should not be the defining factor. New measures can be explored, such as local cease-fires and the establishment of a neutral zone where the Taliban leadership can reside, without fear of attack, for the purpose of negotiations. Supplying the population of such an area with aid and services, and arranging for humanitarian providers to cross the front lines of the area, would also build confidence.

Confidence-building measures also need to consider those political and social forces in Afghanistan that fear to lose

out in a possible political deal with the Taliban; this could be addressed mainly through transparency and inclusion.

Inclusive regional mechanisms of consultation need to be re-established immediately, so that neighboring nations and other interested countries buy in to a political solution. The issue of post-2014 U.S. bases on Afghan territory is central: Alternative and collective options to defend against terrorist threats in the region should be explored and developed. The “Pakistan factor” also needs to be part of such regional mechanisms. This would be best supported by separate initiatives aimed at easing tensions between Pakistan and India, and with Iran.

The other alternative – a quick fix power-sharing agreement between the current unreformed Kabul government and elements of the insurgents – would only paper over the causes of the current conflicts. It would redistribute the cards in the current game of resource capture for a while, but in fact would perpetuate the conflicts, increasing the danger of a new round of civil war. It would lead to four more years of muddling through until the end of 2014, and then possibly force the international community, against its desire, to return to Afghanistan at some point in the future. Only a push for better governance and institutional reform, as well as regional mechanisms for further stability, will create a chance to win back the Afghan population’s declining support for the current form of the international involvement in their country – and that of their neighboring Muslim countries. Finally, it will be the mass of ordinary Afghans who will decide the success or failure of any political solution – just by opting for one side or the other.

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12 Giustozzi and Reuter, *The Northern Front*, p. 1.

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16 On Taliban overtures, see Gopal, *The Battle for Afghanistan*, p. 6; Michael Semple, *Reconciliation in Afghanistan*, USIP Perspectives Series, Washington, 2009, pp. 39-42.

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36 Julian Borger, "UN in secret peace talks with Taliban," *Guardian*, January 28, 2010.

37 Hekmatyar lived in Iran under house arrest after the Taliban took Kabul in 1996 but was released following President George W. Bush's "axis of evil" speech in 2002. His family resides in Tehran. Bahir visited Britain in early 2009, and there were HIG contacts with the team led by U.S. envoy Richard Holbrooke in early spring 2009. The latter was confirmed by Hekmatyar in an interview with German TV, a transcript of which here: <http://www.heute.de/ZDFheute/download/0,6741,7018647,00.pdf>.

38 “Jalaluddin Haqqani is ‘someone who could be reached out to ... to negotiate and bring [the Taliban] into the fold,’ Prince Turki, the former Saudi ambassador to the U.S., told a group of about 80 government and business leaders and journalists over dinner in Washington.” Jon Ward, “Saudi prince says Taliban leader could be U.S. ally,” Washington Times, April 27, 2009, <http://www.washingtontimes.com/weblogs/potus-notes/2009/apr/27/saudi-prince-says-taliban-leader-could-be-us-ally/>. See also: “Pakistan plans to broker Afghan deal,” Agence France-Presse, June 16, 2010, http://www.google.com/hostednews/afp/article/ALeqM5iCQ35TNLzjhFUxn_ugUlfX Bib2mA.

39 Internal U.N. document seen by the author. Parallel to PTS, the U.S. military had started an allegiance program for Taliban fighters who wished to lay down their arms, “requiring them to take an oath of allegiance to the Afghan government and giving them an identification card to guarantee their safety.” Carlotta Gall, “Taliban Trek Rocky Road Back to Afghanistan,” New York Times, March 20, 2005, <http://www.nytimes.com/2005/03/20/international/asia/20afghan.html>.

40 Semple, *Reconciliation in Afghanistan*, p. 55.

41 Various sources (both media reports and individuals with links to the Taliban interviewed by the author in Kabul in March and November 2010) differed about who was arrested and “summoned” or not. See for example: Anand Gopal, “Half of Afghanistan Taliban leadership arrested in Pakistan,” Christian Science Monitor, February 24, 2010, <http://www.csmonitor.com/World/Asia-South-Central/2010/0224/Half-of-Afghanistan-Taliban-leadership-arrested-in-Pakistan>; Deb Riechmann and Munir Ahmad, “Pakistani officials: Nearly 15 top Taliban held,” Associated Press, February 25, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/02/25/AR2010022501502.html>; Tolo TV (Kabul), news in Dari, February 28, 2010, cited in BBC Monitoring Service (Afghanistan) March 1, 2010; “Pakistan: Key Taliban leader ‘held in Karachi,’” AKI news agency, March 4, 2010, <http://www.adnkronos.com/AKI/English/Security/?id=3.1.79935520>.

42 Some observers believe that he is a member of the Quetta Shura under the nom de guerre of Mullah Qaher.

43 The “commission” was a Taliban body that traveled through various provinces to question the Afghan population about the behavior of local Taliban commanders. This happened after the publication of the layha, the third edition of the code of conduct for Taliban fighters issued in the name of Mullah Omar in mid-2009. On the commission also see: Thomas Ruttig, *The Other Side*, p. 17-18.

44 Thomas Ruttig, “The Taliban Arrest Wave in Pakistan: Reasserting Strategic Depth?” CTC Sentinel, March 2010, vol. 3, issue 3, pp. 14-16. Mujahed is the leader of the the Tora Bora Jihad Front (De Tora Bora Jehadi Mahaz) in Nangrahar province (eastern Afghanistan) which is based on remnants of the former mujahedin organisation Hezb-e Islami (Khaless).

45 David Ignatius wrote: “He is shooting more, increasing special-operations raids and bombings on Taliban commanders. But he is also talking more—endorsing President Hamid Karzai’s reconciliation talks with Taliban officials,” in “Diplomacy with a punch,” Washington Post, October 19, 2010.

46 David S. Cloud, “Afghan civilian deaths caused by allied forces rise,” Los Angeles Times, November 1, 2010, referring to “internal U.S. military statistics.”

47 See: Greg Miller, “U.S. military campaign to topple resilient Taliban hasn’t succeeded,” Washington Post, October 27, 2010. This was confirmed to the author by Afghan and international observers for the Haqqani network in southeastern Afghanistan (September and December 2010).

48 See also: Tom Gregg, “Talk to the Haqqanis, before it’s too late,” Foreign Policy, AFPak Channel, September 22, 2010, http://afpak.foreignpolicy.com/posts/2010/09/22/talk_to_the_haqqanis_before_its_too_late.

49 President Obama’s Final Orders, in *Obama’s Wars*, p. 385.

50 Zeina Khodr, “Karzai ‘holds talks’ with Haqqani,” al-Jazeera, June 27, 2010, <http://english.aljazeera.net/news/asia/2010/06/20106277582708497.html>.

51 Greg Carlstrom, “Afghan talks raise speculation,” al-Jazeera, June 27, 2010, <http://english.aljazeera.net/news/asia/2010/06/2010627202528829196.html>.

52 “The Haqqani Group or the Haqqani Network Group is not an official name or a name we chose. This name is used by the enemies in order to divide the Mujahideen. We are under the highly capable Emirate of the Amir of the Faithful Mullah Umar, may Allah protect him, and we wage Jihad in the path of Allah. The name of Islamic Emirate is the official name for us and all the Mujahideen in Afghanistan.” Ansar al-Mujahideen Forum Q&A with Sirajuddin Haqqani, June 11, 2010, English translation released on June 11, 2010, by the NEFA Foundation, http://www.nefafoundation.org/miscellaneous/NEFA_Sirajuddin_6102010.pdf.

53 Alissa J. Rubin, “Petraeus Says Taliban Have Reached Out to Karzai,” New York Times, September 28, 2010.

54 Reported in the Huffington Post, October 1, 2010, http://www.huffingtonpost.com/stephen-schlesinger/the-un-thinks-the-end-is_b_747555.html.

55 Kathy Gannon, “Taliban set preconditions for formal peace talks,” Associated Press, October 6, 2010.

56 Kim Sengupta and Julius Cavendish, “Taliban’s high command in secret talks to end war in Afghanistan,” Independent, October 7, 2010.

57 Dexter Filkins, “Taliban Elite, Aided by NATO, Join Talks for Afghan Peace,” New York Times, October 19, 2010; Thom Shanker, David E. Sanger, and Eric Schmitt, “U.S. Aids Taliban to Attend Talks on Making Peace,” New York Times, October 13, 2010.

58 Kim Sengupta, “Nato launches major offensive to clear Taliban heartland,” Independent, October 18, 2010.

59 Kathy Gannon, “Afghanistan’s Karzai secretly met with 3 Taliban,” The Associated Press, October 31, 2010, http://news.yahoo.com/s/ap/20101031/ap_on_re_as/as_afghanistan_taliban_talks

60 Anwar ul-Haq Mujahed is the son of the deceased Maulvi Yunes Khaless, leader of Hezb-e Islami (Khaless), one of the seven major Sunni and Pakistan-based mujahedin “parties” in the 1980s. This party has split into two wings: One is now allied with Karzai; the other, under Anwar ul-Haq, opposes the Karzai government. Anwar ul-Haq Mujahed, a.k.a. “khalifa,” the son, established the so-called Tora Bora Military Front in early 2007 as an insurgent outfit operating in the southern Nangrahar home area of the Khugiani tribe.

61 Kathy Gannon, “Taliban hold secret talks with Afghan president,” Associated Press, October 31, 2010.

62 Willi Germund, “Finding Kabir,” AAN blog, March 2, 2010, <http://www.aan-afghanistan.org/index.asp?id=688>.

63 Martine van Bijlert, “Are Talks with the Taliban Snow-Balling?” <http://www.aan-afghanistan.org/index.asp?id=1241>

64 Kathy Gannon, “Taliban set preconditions.”

65 Joshua Partlow, “Karzai wants U.S. to reduce military operations in Afghanistan,” Washington Post, November 14, 2010.

66 Partlow, “Karzai wants”; “Afghan President Karzai confirms Taliban ‘contacts,’” BBC, October 11, 2010; “Taliban contacts still at embryonic stage: NATO envoy,” Reuters, September 28, 2010; “‘Less than meets the eye’ on Taliban talks: US envoy,” Agence France-Presse, October 29, 2010.

67 Dexter Filkins and Carlotta Gall, “Taliban Leader”; “Taliban chief Mullah Omar rules out Afghan peace talks,” BBC, November 15, 2010.

68 Van Bijlert and Ruttig, “Warlords’ Peace Council.”

69 Civil Society Resolution, October 4, 2010, <http://www.reliefweb.int/rw/rwb.nsf/db900SID/VVOS-89WJSX?OpenDocument>.

70 For more details see: See: Ruttig, *The Ex-Taliban*, p. 4.

71 The following part is an updated version from: Thomas Ruttig, *The Other Side*, pp. 19-20.

72 "Message of Felicitation of the Esteemed Amir-ol-Momineen on the Occasion of Eid-ul-Odha," November 15, 2010, translated by the NEFA Foundation.

73 "Text of interview of the esteemed Mullah Beradar Akhund, Deputy Ameerul Mo'mineen of The Islamic Emirate of Afghanistan With the 'SARK' magazine," June 23, 2009, <http://alemarah1.org/english/marki-23-06-2009.html> (accessed July 1, 2009; the link does not work anymore – but the author has a downloaded copy). The magazine's name is misspelled and should read *Srak* (Pashto: beam of light).

74 Sayed Salahuddin, "Taliban say want peace with Afghans, NATO troops out," Reuters, February 26, 2009.

75 See for example: Yaroslav Trofimov and Habib Khan Totakhil, "Aid Groups Seek Safety Pacts With Taliban," *Wall Street Journal*, November 22, 2010, <http://online.wsj.com/article/SB10001424052748704756804575608440626421822.html>; Thomas Ruttig, "The Air Is Getting Thicker in Paktia," AAN blog, December 8, 2010, <http://www.aan-afghanistan.org/index.asp?id=1372>.

76 Its ailing leader Jalaluddin Haqqani is reportedly hospitalized in Rawalpindi, most likely under strict ISI supervision.

77 Ruttig, "Gulbuddin ante portas—again."

78 Author's interviews local observers in Gardez, September, October and December 2010.

79 Author's interview with a high-ranking Talib released from a Kabul jail, March 2010.

80 Kathy Gannon, "Taliban set preconditions."

81 In her Inaugural Holbrooke Lecture at the Asia Society in New York, February 18, 2011.

82 This should also be the case with the Haqqani network, which considers itself a part of the Taliban movement, not a separate organization. While the Haqqani network has closer (and historically longer) relations with al-Qaeda, this does not necessarily mean that it shares its jihadist ideas.

83 Transcript: Afghan Taliban spokesman discusses war, CNN (online), 5 May 2009.

84 This might change, however, when the transition from Haqqani the Elder, who is more of a tribal leader, to the younger Serajuddin Haqqani, who has been educated as a Wahhabi in Saudi Arabia, is final. Then, much depends on whether Riyadh is willing to use its influence on him.

85 See for example, Thomas Ruttig, "Another militia creation gone wrong," *Afghanistan Analysts Network*, October 18, 2010, <http://aan-afghanistan.com/index.asp?id=1234>.

86 The author was a witness of Soviet-Afghan policy of 'national reconciliation' in 1988/89 as a political officer at the GDR Embassy in Kabul.

87 My AAN colleague Martine van Bijlert has introduced these local Afghan terms into the literature: *majburi* (forced) and *na-raz* (discontent) Taliban. See "Unruly Commanders and Violent Power Struggles: Taliban networks in Uruzgan" in Giustozzi, *Decoding the New Taliban: Insights from the Afghan Field*, London 2009, pp 160-1.

88 See Matt Waldman, *Navigating Negotiations in Afghanistan*, USIP Peace Brief 52, September 13, 2010, pp. 2-3.

89 See media reports about the lack of progress in building up local government, for example: Josh Boak, "In Afghanistan, U.S. 'civilian surge' falls short in building local government", *Washington Post*, March 8, 2011, <http://www.washingtonpost.com/wp-dyn/content/article/2011/03/08/AR2011030805351.html>.

90 Waldman, *Navigating Negotiations*, p. 3.

91 See the most comprehensive poll on this issue so far: Afghan Independent Human Rights Commission, *A Call for Justice*, Kabul 2005. There has been no similar research on post-Taliban regime crimes published yet.

92 Officially called the National Reconciliation, General Amnesty and National Stability Law, it was passed and approved by President Karzai in March 2007, but was not published (and therefore did not become law) until December 2009. See: Sari Kouvo, "After two years in legal limbo: A first glance at the approved 'Amnesty law,'" AAN blog, February 22, 2010.

93 Waldman, *Navigating Negotiations*, p. 4.

94 Pakistan's military chief, Gen. Ashfaq Parvez Kayani, has told NATO that his country would be ready to open communication channels with the Taliban. See: Jane Perlez, "Pakistan Is Said to Pursue Role in U.S.-Afghan Talks," *New York Times*, February 9, 2010. A high-ranking official of Islamabad's foreign office was more blunt: "We have considerable influence on the Taliban and will play our role in securing peace in Afghanistan." See: Willi Germund, "Pakistan lässt Taliban-Chef auffliegen," *Salzburger Nachrichten*, February 17, 2010.



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