

‘Agreeing to agree’

Negotiating peace with the Taliban

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In the autumn of 2018, the United States of America (US) initiated peace talks with the Taliban leadership, who are based in Doha, Qatar. This is one of several peace initiatives that have emerged since it became clear to US officials that the military effort was unlikely to bring decisive gains. Previous attempts to coax the Taliban into peace negotiations have not yielded the desired results. However, this time, the US entered the talks with a new approach. Previous demands on the Taliban were replaced by a set of conditions, and several rounds of negotiation have taken place. This process has increased the hopes of both the international community and the Afghan population for a sustainable peace in Afghanistan. The road to peace is complicated and uncertain. Many hurdles remain before – and if – a peace agreement between the state of Afghanistan and the Taliban can be signed. A main impediment is that the Taliban does not recognise the government of Afghanistan as legitimate, but rather as a ‘puppet’ managed by the US.

This brief presents an analysis of the challenges to peace and sustainable democratic development in Afghanistan, in the light of the current peace talks. It draws on interviews with representatives from the US Department of State (USDOS), the Pentagon, NATO allies participating in the international military effort in Afghanistan, and analysts and scholars with a background in the US government, as well as on statements by the US chief negotiator, Salmay Khalilzad.

US South Asia strategy

The current peace talks between the US and the Taliban, in Doha, Qatar, are the most significant to date. This is the first time in the nine years of peace efforts in Afghanistan that all sides seem serious about reaching a peace settlement. The peace talks were preceded by the adoption of a new US South Asia strategy, in 2017. One of the strategy’s main principles was the integration of all instruments of American power – e.g. diplomatic, economic, and military. In conjunction with this,

Background

Although the Taliban were ousted from power in 2001, they never laid down their arms, nor did they sign the Bonn peace agreement. Instead, they continued the armed struggle for the resurrection of the Islamic Emirate of Afghanistan, a state that is to be governed according to Taliban interpretation of Islamic law.

Initially, the US sought to defeat the Taliban on the battlefield, but without success. In 2010, the governments of both the US and Afghanistan realized that a political dialogue with the insurgency was necessary in order to end the conflict. A peace and reintegration process was established under the auspices of the High Peace Council (HPC) of Afghanistan. Several concessions were made to Taliban wishes, e.g. leaders were released from prison. A host of talks on peace negotiations were held, but without result.

The Taliban were allowed to establish a political office in Doha, Qatar, in 2013. The aim of this move was to provide the US and Afghan governments with a dialogue partner with whom they could negotiate peace. However, it failed to deliver results, until recently.

President Donald Trump declared that from then on the presence of American troops in Afghanistan would be based on conditions on the ground, rather than on a pre-set deadline. Military commanders were also allowed greater flexibility in shaping the deployment and use of American forces; a concrete example is the alteration of the rules of engagement¹ so that American troops have a wider mandate to engage with the so-called enemy.

¹ Rules dictating how troops conduct combat operations.

On the ground, also as a result of the South Asia strategy, the military campaign was intensified and the use of air power expanded, targeting the Taliban and the Islamic State (IS). The main intention was to force the Taliban to the negotiating table and, ultimately, to end the conflict. President Trump declared that it was a strategy 'high on military and low on diplomacy'. Even though this effort reduced the number of Taliban commanders and weakened their networks, the security situation did not improve. Rather, security across Afghanistan deteriorated as the insurgents retreated to targeting civilians. The Taliban focused their efforts on overrunning major population centers, although they never succeeded in gaining control and holding entire cities. The US strategy had seemingly succeeded. In February 2018, the Taliban sent a letter to the US Congress, offering to reach a settlement. In September of the same year, the US appointed Salmay Khalilzad to the role of Special Representative for the Afghanistan Reconciliation. His task was to seek a political agreement with the Taliban, through their office in Doha, Qatar.

Four key principles

Salmay Khalilzad is Afghan-born and a former US ambassador to Afghanistan. Once he was appointed reconciliation envoy, he engaged in intensive shuttle diplomacy, involving the Taliban and the Afghan government as well as other major actors and stakeholders in the region: Pakistan, the United Arab Emirates, China and India. As of May 2019, six rounds of talks had been held between the US and the Taliban, and a seventh was set to start in mid-June.

The parties have so far *agreed to agree* on four key principles:

- Prevent Afghanistan from becoming a platform for international terrorist groups;
- Withdrawal of American troops from Afghanistan;
- An intra-Afghan peace dialogue;
- A comprehensive cease fire and permanent reduction of violence.

Afghanistan shall not be a platform for terrorism

According to Khalilzad, the first six rounds of talks have focused on the first two principles. During a briefing in Brussels, he underlined that the intra-Afghan negotiations on a peace settlement and ceasefire will begin only when there is a finalised draft text that delineates the withdrawal of troops and how Afghanistan will be prevented from becoming a future safe haven for international terrorists. As part of the agreement, the Taliban will provide guarantees that terror groups will be kept at bay. Exactly what this mechanism will entail is still unclear. It is in this context noteworthy that the US government does not designate

the Taliban as a terror group, even if they meet the criteria. According to sources in Washington, the deterring factor has long been a concern that applying the terror label to the Taliban would restrict diplomatic contacts with them, thereby making peace talks more difficult. The Taliban, though, have so far refrained from officially rejecting Al Qaeda. On the other hand, Al Qaeda's presence in today's Afghanistan is limited, according to NATO sources, since the terror group is focusing its attention elsewhere.

According to Khalilzad, a fundamental idea in the draft agreement is that not only shall the state of Afghanistan prevent the establishment of terror groups on Afghan soil, but it shall also fight IS and other terror groups. This will alleviate the US of its responsibility for security, since following a settlement the Taliban will no longer pose a threat to the Afghan state, the US and its' allies. Instead, Taliban fighters will join the ranks of the Afghan Defense and Security Forces (ANDSF), as soldiers. In such a scenario, the ANDSF will have the capability to handle security threats against the state of Afghanistan. The Taliban would then also need to be involved in intelligence cooperation with the US. This is especially pertinent in the fight against IS.

Withdrawal of US troops

The withdrawal of American troops is a precarious item on the agenda of the peace talks. Khalilzad stated in May 2019 that a decision on the withdrawal is not to be expected 'anytime soon', since the US is no longer following a timetable. This marks a change in the American attitude expressed in December 2018, when President Trump tweeted that the US would withdraw its troops as soon as possible, and Khalilzad was given a six-month window to reach a settlement with the Taliban. It is obvious that President Trump is wavering on a decision on the withdrawal of American troops. Analysts consider this to be a major threat to the peace talks, however, since the president's unpredictable decision-making style could result in a hasty decision on troop withdrawal, with or without an agreement.

A precipitant departure by US forces will likely throw Afghanistan back to the 1990s, with civil war and the Taliban's return to power and their totalitarian governance. This may in turn facilitate Afghanistan's restoral as a hub from where international terrorists can launch attacks globally. At the same time, according to Washington-based analysts, in the US Congress there is consensus across party lines that it is time to withdraw from Afghanistan. This aids in the negotiations with the Taliban, who will not enter into a dialogue with the Afghan government before an agreement on withdrawal is reached.

Khalilzad has stated that the US is looking for a peace agreement, not a withdrawal agreement. Exactly what a withdrawal of US troops would entail, in the context of the current peace talks, is unclear. NATO's Resolute Support Mission (RSM) depends for its functioning and security on US military capability and infrastructure. A unilateral withdrawal of US forces, with NATO allies staying behind, is not a realistic scenario. However, among several of the major NATO allies it is assumed that the US will continue its military presence in Afghanistan in one form or other. It is expected that even after a formal withdrawal, the counter-terrorism capability and the military base in Bagram, together with a number of airfields in major population centres, will remain. The reason given is that this will be necessary in order to ensure that terror groups do not gain a stronghold in the region, and to keep at bay unique threats that are beyond the capability of the ANDSF to respond.

The NATO allies nevertheless remain to a large extent in the dark when it comes to the negotiations between the US and the Taliban. Khalilzad and other US officials continually repeat, almost as a mantra, 'In together, out together', without explaining whether a withdrawal of troops will need the consent of its NATO allies or not. Given President Trump's hesitant decision-making, it is reasonable to assume that NATO allies will have limited clout over the withdrawal of international troops from Afghanistan. It will most likely be an exercise in adapting to a US decision rather than in reaching consensus. No other nation on the ground in Afghanistan has the same military capability and capacity as US forces. If and when the US leaves, its NATO allies will have to follow suit.

Intra-Afghan talks

The intra-Afghan peace negotiations largely depend on the withdrawal of US armed forces. As mentioned above, the Taliban has yet to accept any engagement with the Afghan government. Khalilzad, on the other hand, has stressed that the US will back down from the peace talks as soon as possible, to allow leeway for an intra-Afghan dialogue. The US is therefore holding parallel talks with the government in Kabul, on the same issues as with the Taliban. The US goal is to reach similar agreement on the four key principles with each of the two parties. During the Khalilzad briefing mentioned above, he stated that reaching parallel agreement would facilitate any future intra-Afghan accord. In addition, it would create an assurance that Afghanistan would never again become a launching pad for international terrorism. Before this can happen, though, it is pivotal that both the Taliban and the Afghan government, together with the then Afghan political opposition, forge an accord.

In spite of its disdain for the Afghan government, in April 2019 the Taliban agreed to meet with a delegation of Afghan individuals – including women – in an effort to pave the way for direct negotiations with the government. The Taliban demanded that the participants would participate in their personal capacity. The meeting was derailed when the Taliban rejected the list of the delegation's participants. The Taliban perceived it as an attempt by the Kabul administration to put forward official representatives from the government.

Ceasefire

The main factor in attaining sustainable peace in Afghanistan is a permanent ceasefire and the reduction of violence. However, this principle has yet to be discussed between the Taliban and the US. On 12 April 2019, the Taliban announced the start of their annual combat season. Since then, there have been frequent terror attacks against civilians. At the moment, there are no signs of any de-escalation in the fighting.

Khalilzad has been unclear in his statements about whether a ceasefire will depend on the withdrawal of international troops. Until now, there has not been a clear link between a ceasefire and the three other principles discussed in Doha. In one worst-case scenario, the international troops could be withdrawn and the fighting between ANDSF and the Taliban would continue. The consequence would most likely be the return of Taliban governance and a totalitarian Afghanistan.

Another threat to a peace agreement is the issue of whether the Taliban representation in Doha really represents and exercises command and control over the entire organisation. If not, an agreed ceasefire would probably not be obeyed by all Taliban fighters throughout Afghanistan. On the other hand, the three-day ceasefire during Eid 2018, which was agreed by the Afghan government and the Taliban, was respected by almost 100% of the fighters. Although limited to a religious holiday, this was nevertheless a sign of some degree of command and control over the entire organisation.

The Taliban position

The Taliban have declared that they are not seeking a *monopoly on power*; at the same time, they reiterate that a non-negotiable condition is that Afghanistan is to be governed according to Islamic law and the Quran. Taliban statements assert that the current constitution has to be re-drafted and aligned accordingly. In addition, they underline that human rights and women's rights will be respected in accordance with Islamic law. What that means, exactly, is unclear, but it is obvious that it will entail restrictions regarding the personal freedom of both



men and women. The Taliban have also underlined that they demand the formation of a religious council, Ulama, which will guard and guide the Afghan governance and legal system in accordance with Islamic law.

Many analysts doubt that the Taliban have entered the negotiations in good faith. They have a poor track record when it comes to honouring settlements. In the 1990s, their early expansion from their stronghold in the south of Afghanistan was made possible mainly through co-opting or brokering settlements with powerholders and ethnic groups, rather than through military operations. Once they had established their rule, they violated existing agreements and turned on their allies.

At present, the insurgent group has every reason to engage in peace talks, since there are significant gains to be made. The Taliban know that the US wants to withdraw and that it is prepared to make unilateral concessions. Merely participating in the peace talks strengthens the Taliban's legitimacy. This aids their efforts to reshape their image from a terrorist insurgency movement to a political opposition fraction. Furthermore, prominent Taliban figures are being removed from the UN sanctions list and/or being released from imprisonment and allowed to travel freely. Among these figures is the Taliban's chief negotiator in Doha, Mullah Abdul Ghani Baradar. He co-founded the Taliban movement together with Mullah Mohammed Omar. Although the Taliban has a history of renegeing on settlements, the appointment of Baradar can also be interpreted as a sign that the insurgent group is serious about a negotiated peace agreement. He is well-respected among both the religious and military segments of the organisation.

The Taliban have much to gain, politically, through their participation in the peace talks. Previously, the US and the Afghan government had insisted that a set of demands needed to be fulfilled before a peace settlement could be reached. During the current peace talks, the US has made unilateral concessions and no longer speaks of non-negotiable red lines. Even the Afghan government has declared its willingness to hold peace talks without conditions. Today, the US and its NATO allies speak of *pragmatic condition-based* negotiations. US officials even say that 'some backsliding' in the gains made after the 2001 invasion can be expected. This is pertinent when it

comes to the Afghan constitution, democratic institutions, the judicial system, and human rights, especially women's rights.

In the current stage of the peace talks, the Taliban seemingly have the upper hand. As long as no ceasefire has been agreed, they can continue to negotiate and demand concessions. The only leverage the US has is funding. According to Khalilzad, the Taliban know that Afghanistan is totally dependent on international aid; if they come to power – through an agreement – they will have to honour their commitments, otherwise international funding will be cut. The question is whether the Taliban really care about international Western donors, or whether they will find other financial sources.

Conclusion

The peace talks between the US and the Taliban are elusive. The main challenge is the unpredictability of the two negotiating parties. If the US withdraws its armed forces without an agreement with the Taliban, it is most likely that Afghanistan will revert to civil war. The Taliban, on the other hand, only need to participate, profit from the negotiations, wait for US troops to leave, and then fight their way to power.

Another impediment to peace is that the government and the Taliban are not negotiating. Resolving the complexities of how to reconcile modern Afghanistan, a world of good governance, human rights, and health and education, with the Taliban worldview, has to be an intra-Afghan discussion. At present, the Taliban continues to reject the Afghan government.

Finally, and most importantly, without an agreement on a permanent comprehensive ceasefire and the reduction of violence, peace and development in Afghanistan will remain at large.

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