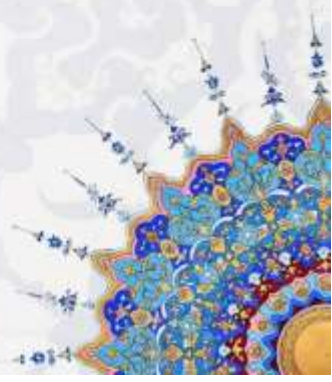


# Political Settlement of the Afghanistan Conflict

Divergent Models

Omar Saqr



Afghan Institute for Strategic Studies



**Political Settlement of the Afghanistan Conflict**

**Divergent Models**



Peace studies V

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## FOREWORD

This Paper is published under the aegis of AISS's Peace Studies research series. Other publications under AISS' Peace Studies series include *The Fallacy of Peace Process in Afghanistan (2018)*; *Modalities of Conflict Resolution in Afghanistan: A Negotiated Settlement Scenario (2018)*; *Four Decades of Efforts for Peace and Reconciliation in Afghanistan (2017)*; *Afghan People's Attitude and Perceptions toward Peace Talks between the Government and the Taliban (2016)*.

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Omar Sadr





## INTRODUCTION

This paper explores and analyses different possibilities of a political settlement in Afghanistan. It particularly assesses the prospects of four different forms of political settlement: (i) inclusion of insurgents in the elections; (ii) decentralization of power; (iii) power sharing, and (iv) the interim government. Generally, once the parties to the conflict agree on a negotiated settlement of the conflict, there is a need for sorting out a political mechanism for the reorganization of politics and power. This paper seeks to address the following research questions:

- What are the prospects of a political settlement in Afghanistan?
- What are the assets and liabilities/advantages and drawbacks of the above mentioned four different settlements?
- Is it possible to accommodate an ideological insurgency which makes an ideological distinction between “the Republic” and the “Islamic Emirate” as two different and irreconcilable political systems?
- Is it possible to accommodate/reintegrate a highly ideological insurgency into a system which is marked by weakened governance system, the crisis of legitimacy and rampant corruption?

This paper suggests that the prospects of a political settlement look, at best, challenging and perplexing. A military stalemate is a necessary but

not a sufficient condition for a positive negotiated settlement. It is less likely that the insurgency agrees to a power sharing arrangement or inclusion in the elections if it is deeply immersed in radical ideology and perceives the stalemate in its favor. With less than five months left for the next round of presidential elections in Afghanistan, the government is also less likely to accept any settlement other than inclusion of insurgents in the elections. On the one hand, in a fragile context such as Afghanistan, elections do not necessarily lead to inclusive and stable settlement, on the other hand, the condition required for the interim government is not met yet. With the growing fear that a possible agreement with the Taliban may lead to a breakdown of order or loss of the recent democratic gains, it is important that the peace efforts should avoid any hast. Any form of political settlement should work as a tool both for democratization and statecraft. Lastly, role of the guarantors is crucial in possibility and impossibility of any of the settlement mechanisms.

This paper is organized into five sections. The introduction presents the rationale and the methodology of the study. Section II provides an overview of the character of conflict and the fault lines between the parties in the post-2001 period. Section III is devoted to the institutional arrangements for the “political settlement” of the conflict, which include elections, decentralization, power sharing, and the interim government. Section IV examines the lessons to be learned from the 2001 Bonn agreement. Finally, drawing on the findings of this study the conclusion articulates key arguments of the paper.

## **Rationale and Analytical Framework**

The desirability of a negotiated political settlement to the conflict in Afghanistan has been reiterated since 2010 (Masadykov, Giustozzi and Page 2010; ICG 2012; Clarke and Paul 2014; Larson and Rumsbotham 2018; Ibrahimi 2018; Saikal 2018). There are two paradigm shifts in the political terminology of peace. First, while the term “political reconciliation” has been prevalent since 2001, at the current juncture, it has been replaced by the term ‘political settlement.’ For instance, Ambassador Richard Holbrooke, the US Special Representative for Afghanistan and Pakistan in 2009 prohibited the use of the term political settlement to his team. Barnett Rubin who was working with Holbrooke states, “in the papers we drafted, Holbrooke prohibited use of the term “political settlement” in favor of an interagency-friendly euphemism that we came up with: ‘threat reduction’” (Rubin 2015). However, after appointment of Ambassador Zalmay Khalilzad as the US Special Representative for Afghanistan Reconciliation the policy has shifted toward “political settlement” with the Taliban. Moreover, the recent study also shows that majority of the people are in favor of the peaceful resolution of the conflict which involves a negotiated settlement, however, if that the Taliban reject the peace offers, majority of the people suggest that military force should be used against the Taliban (Sadr 2018, 65).

The second shift is replacement of the phrase “Afghanistan-owned and led” peace process with the phrase “intra-Afghan” peace talks. While the phrase “Afghanistan-owned and led” peace process denoted a state-centric peace talks, the phrase “intra-Afghan” talks does not necessarily indicate a

state-centric process, rather, it reduces the state to a faction. With no doubt, the shift in terminology indicates a shift in the scenarios and approaches of the US and the Government of Afghanistan with regard to the Taliban. So far, there have been different proposals for peace in Afghanistan in the literature.

1. In January 2010, United Nations Assistance Mission in Afghanistan (UNAMA) advisors, Talatbek Masadykov, Antonio Giustozzi, and James Michael Page, proposed the formation of a broader commission comprised of government officials and community leaders from conflict zones to take responsibility for reconciliation with the insurgents (2010, 18-19). The proposed agenda included an opportunity for the reconciled insurgents to participate in the political process and the postponement of the presidential/parliamentary elections.
2. In March 2012, International Crisis Group (ICG) proposed the formation of a mediation panel comprised of international experts and mediators appointed by the UN. The panel, according to ICG, had to be “a board-like structure in which five to seven mediators, led by a chairperson with a neutral political profile, determine critical issues such as inclusion of items on the negotiating agenda, timing and sequencing of meetings between various interlocutors and appropriate policy lines regarding implementation of aspects of internationally-backed accords” (2012, 37). The proposal included a division of labor between the members of the panel, each dealing with one aspect of the settlement.

3. In November 2015, Theo Farrell and Michael Semple (2015, 101-102) proposed an ideal power sharing arrangement with the Taliban. They argued that as a national peace deal is not attainable with the Taliban, it is better to divide them and pursue some local ceasefires with some factions.
4. In August 2018, Haroun Mir (2018) argued that given the lack of internal political consensus and unavailability of the rightful representative of the people of Afghanistan, the UN should organize an international conference, same as the 2001 Bonn Conference, on Afghanistan. President Karzai also reiterated the same proposal as a way to establish a new security mechanism for Afghanistan (Karzai 2018).
5. In December 2018, a confidential prototype agreement prepared at RAND Corporation titled “Agreement on a Comprehensive Settlement of the Conflict in Afghanistan,” was leaked (Anonymous 2018). The document drew an interim government as a solution and a way out toward a political settlement.

Moreover, the Government of Afghanistan is broadly criticized for the lack of a comprehensive peace plan. However, the critics have not come up with an alternative peace plan. Beyond the rhetoric that there is a need for a political settlement with the Taliban, the political parties and even the civil society activists have not come up with roadmaps for peace settlement. For example, Mohammad Natiqi (personal interview. December 15, 2018) said that “the subjects and terms of negotiations would be decided once we meet the Taliban.” Of the political elites, only three have presented a written

plan for a political settlement in Afghanistan: President Ashraf Ghani, Mohammad Umer Daudzai, and Atta Mohammad Noor.

Ghani's February 2018 peace offer to the Taliban and his speech in November 2018 "Geneva Conference Road Map for Achieving Peace" is based on his co-authored paper with Clare Lockhart titled "Writing the History of the Future: Securing Stability through Peace Agreements" published in 2007. Ghani and Lockhart (2007, 289) argued, "nearly all the peace agreements should contain the following seven major topics: the political process; the legal framework; the internal reorganization of the state; provision of security; inclusive economic and social development; a partnership with the international community; implementation." Ghani's 2018 "Road Map for Achieving Peace" also comprised the same seven elements.

In his 2013 Farsi article, Atta Mohammad Noor, Jamiat Party Executive Chairperson, proposed that a National Consensus Assembly comprised of 15 constituencies, namely, government, Mujahideen leaders, civil society, women activists, parliamentarians, political opposition, political parties, well-known personalities, armed opposition, youths, Ulama, scholars, poets, experts, and disabled should be formed. He suggested that besides political, constitutional and electoral reforms, the National Consensus Assembly should deliberate and propose a solution on two fundamental issues related to peace in Afghanistan: the mechanism of withdrawal of international forces and the mechanisms for integration of

the Taliban into the system (Noor 2013). What is interesting in this proposal is the inclusion of the Taliban's representatives in the Assembly.

A similar proposal has been presented by Umer Daudzai in his discussion paper, "A Way Out of Quagmire" published in May 2018 on his webpage (2018a). He argued that there is a need to "a tailor-made consensus-building process." The consensus, according to him, should be constructed through an all-inclusive political umbrella where the Taliban or at least "pro-Taliban non-militant leaders" participate. In another position paper, "Political Settlement of the Afghanistan Crisis," he suggests a three-stage political settlement (2018b). The first stage involves an informal intra-Afghanistan talks. Few steps are needed, according to him, to do this: to establish a national consensus a grand consultative assembly at the level of a constituent assembly should be convened to discuss the baselines of the talk. The assembly may also create a mini-mediation group to talk with "approachable" Taliban. The second stage would see high-level and comprehensive talks with Pakistan. As a result, a comprehensive peace agreement is expected to be signed with Pakistan guaranteed by major powers. And finally, the US should consider talks with the Taliban.

Later in an op-ed, he elaborated more on this stating that peace cannot be concluded through a bilateral peace accord between the government and the Taliban. According to him, the Taliban will not agree to a bilateral agreement with the Government of Afghanistan. Hence, such a format is not feasible. Furthermore, the current government, per him, has inherited the conflict from the previous administrations. The conflict is much broader and older than the current government. Instead what is needed is a board-based "national peace compact" which includes different constituencies,

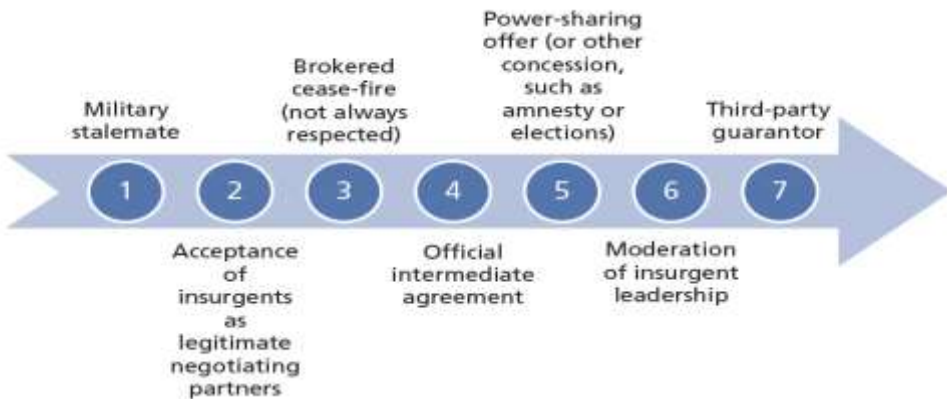
including the government. According to him, a national peace compact would be a comprehensive document which will cover all the aspects and dimensions of peace from the beginning till end. The document should be comprehensive enough to include different political parties and constituencies in Afghanistan. In the beginning, a small group of the experts shall prepare a draft. In the second stage, the government, Taliban, the High Peace Council, political parties, civil society, and other activists shall review and ratify the draft (Daudzai 2018c). What is risky in the above proposal is that the state has been reduced to a faction. While there could be multiple roadmaps and prototype agreements on a peace settlement in Afghanistan, it is important to note that they should not be and cannot be *fait accompli*. Any proposed plan should be based on a comprehensive understanding of the nature and causes of the conflict and it should as well have a long-term vision for sustainable and just peace as well.

The underlying assumption of these propositions for a political settlement is the point that the conflict in Afghanistan is marked by a military stalemate and that it cannot be settled by force. Thus, a negotiated settlement is needed (Ibrahimi 2018, 42). Based on this assumption, a series of efforts have been pursued toward a negotiated settlement of the conflict by the Government of Afghanistan and the US in the last couple of years. However, any of these efforts barely gave fruits. On the contrary, the violence and conflicts has escalated. The critical point at this juncture is the fact that a stalemate is a necessary but not sufficient condition for a political settlement.

For comprehending and addressing the above-mentioned questions, it is important to know how a negotiated political settlement unfolds and



what steps are required to reach a positive outcome. In this context, a negotiated settlement may refer both to the process as well as to the outcome. Comparing 13 cases of insurgencies settled through a negotiated outcome, Colin P. Clarke and Christopher Paul (2014) present a model on how a negotiated settlement unfolds. The model presents a seven-step process which begins with a stalemate and ends with an agreement guaranteed by a third party. Nonetheless, it is important to note that all the cases might not go through the same sequence and a linear path. This model provides an analytical framework to better understand the conflict and process toward peace.



*Figure 1 Model for Reaching a Negotiated Settlement (Clarke and Paul 2014, 5)*

To most of the scholars and policy-makers, the conflict in Afghanistan had reached the first step, i.e. the military stalemate (Farrel and Semple 2015, 86-87) with the fall of Kunduz in 2014. At the 62<sup>nd</sup> Pugwash Conference in 2017 Anwar ul-Haq Ahady said, “I think there has been stalemate since 2010-2011. But in the past two years, there is a new

stalemate. The Afghan government could defend cities but has given up on villages” (Ahady 2017). The second stage, which is acceptance of insurgents as a legitimate negotiating partner by the Government of Afghanistan, has been reiterated several times. President Karzai had called on the leadership of the Taliban to join the system and form its party. The establishment of a liaison office for the Taliban in Qatar in 2013 was a step forward in the recognition of the Taliban as a negotiating partner.

Notwithstanding the above-mentioned intent, both the Karzai government and the current National Unity Government (NUG) in its first few years did not consider the Taliban as an independent negotiating partner. To them, the Taliban was inseparable from their Pakistani handlers. The shift happened once President Ghani proposed a peace offer to the Taliban in February 2018. The offer included both a political framework consisting of a ceasefire and transformation of insurgents into a political party, and a legal framework consisting of lifting the sanctions and review of the current constitution (Ghani 2018a). The US also put a step forward in recognition of the Taliban as a party by introducing Ambassador Zalmay Khalilzad as a Special Representative for Afghanistan Reconciliation in September 2018. Hence, as Omar Zakhilwal, Former Ambassador of Afghanistan in Pakistan (2018) stated that there is an (increasing) recognition of the Taliban as a party to the conflict. The fact that the Government of Afghanistan asks Taliban for negotiations is a declaration that the Taliban is recognized as a party. Ironically, on the contrary, the Taliban denied recognizing the Government of Afghanistan as a legitimate negotiating partner.

The third stage of reaching a negotiated settlement, according to Clarke and Paul model is ceasefire. The government offered a 10-day ceasefire with the Taliban in June for Eid-ul-Fitr, followed by another truce for Eid-al-Adha in August 2018. The Taliban respected the truce in June, though the second ceasefire was followed by a major attack on the central province of Ghazni. At the current moment, Ambassador Khalilzad has held five rounds of talk with the Taliban to reach an intermediate agreement – stage four. The preliminary agreement at this stage included four issues: “ceasefire, counter-terrorism, troop withdrawal, and intra-Afghan negotiations” (Harrison 2019). In addition, the Taliban has declined to talk with the Government of Afghanistan. The major challenge is disagreement over the institutional arrangements and concessions mentioned in stage five of the model.

While the Taliban officially rejects the offer of an interim government in the talks with Ambassador Khalilzad, some Taliban officials, speaking with media at the condition of anonymity, confirm that they demanded the formation of a caretaker government (Reuters 2018). Right after this report, however, the incumbent Government of Afghanistan took a stance against these speculations. In a series of tweet threads on December 19, 2018, Hamdullah Mohib, the National Security Advisor to President Ghani, stated that “the authority to make any decision about Afghanistan’s future lies with the Afghan people and their elected leaders. There is no substitute for an elected government. There will be no deal over the sacrifices of the Afghan people...But ongoing speculations, some often misleading, need to be cleared up” (Mohib 2018). Similarly, on December 28, in the Geneva Conference on Afghanistan, President Ghani stated,

there is a renewed consensus that the constitution is the rulebook that binds us as free citizens of a democratic polity...Afghans have shown that we believe inclusive, transparent, and timely elections are the key to the renewal of bonds between us and our elected government. Our people firmly reject any notions of extra-constitutional change (Ghani 2018b).

Moreover, there are divergent and contrasting opinions on the way forward to have a settlement among different constituencies in Afghanistan. Some of the proposals are self-contradictory in this regard. For instance, in his 2018 discussion paper, “A Way out of Quagmire,” Umer Daudzai takes a contradictory stance (2018a). As a solution, in a section titled “election-first, must be the way forward,” he writes,

they [Taliban] know that they can disrupt elections and ultimately defeat constitutional democracy. If we as the state win the war but lose democracy, we still have lost. If we lose democracy, we cannot win the war against the Taliban. Taliban are trying to prove that democracy as a western value is not compatible with the Afghan conservative society. They want to prove that their narrative is the most suitable and will ultimately prevail...The new narrative within the new paradigm must be to win democracy. Afghan government with the help of the international community must make sure all elections are held within the constitutional timeframe.

However, right in the subsequent section, he suggests an interim government as a way out.

In my view, there is no harm if the US talks to them [Taliban] and facilitates the Afghan political elites to talk to the Taliban...Some concessions will have to be given to the Taliban who have also indicated that they may participate in the national consensus building process and would possibly nominate technocrats for an interim government. In their view, the primary role of the interim government would include the drafting of a new

constitution, disarming all armed groups and individuals outside the ANDSF and holding election based on the new constitution.

Having said this, it is clear that the plausible options and institutional arrangements for the settlement between the Taliban and the Government of Afghanistan have not been systematically examined both at the policy and theoretical level. To address this gap, this paper suggests a conceptual framework for political settlement, which includes four possible ways, namely, electoral system reform and inclusion of the insurgents in the representative democracy, decentralization of the political system, power sharing arrangements and interim government. This framework is a synthesis of Donald Rothchild (2009) theory of conflict management and Yossi Shain and Lynn Berat (1995) theory of interim government. Based on the interviews conducted, I will examine the possibility-impossibility, practicality-impracticality, pros and cons and probability of these arrangements. As the possibility and impossibility of any of the above political settlement is dependent on the causes of the conflict, demands of the parties, and the fault lines between them, the first section of the paper will analyze the causes of the conflict and the fault lines.

## **Methodology**

This paper is based on existing literature and uses extensive interviews. My attempt in these interviews was “to enter into the world of the respondents by appearing to know very little” (Leech 2002, 665). I also tried to have more of a conversation with the respondents rather than just an interview.

To find out divergent insights on the issues related to conflict settlement in Afghanistan, this study focuses on how the political settlement of the conflict has been conceived and perceived by the different constituencies. These constituencies include liberal-democrats, ethno-nationalists, religious conservatives, women and the self-proclaimed resistance constituency each having their own notions of what the eventual political settlement should look like. A total of 20 semi-structured interviews were conducted (see annex). I also participated in different political circles debating the peace process and the Taliban. Sample selection in this research was informed by two criteria. The first and most important criterion was the representativeness of interviewees. Selected individuals had to represent one of the above constituencies. The second criterion has been that an interviewee must have sufficient knowledge about the Taliban through direct or indirect contact with the insurgent group.

However, there were three challenges in identifying and conducting an interview with respective constituencies. First, most of the interviewees tried to avoid being identified as members of any political constituencies. For instance, Gul Rahman Qazi, a professor of law who is close to President Hamid Karzai, stated, “my constituency is the constituency of Afghanistan...If we want this Afghanistan to become an Afghanistan, every one of us should become Afghanistan-centric. There should not be any other constituency for us” (personal interview. December 25, 2018). Similarly, Waheed Mozhdah, a former Taliban diplomat, stated, “I call myself a pragmatist” (personal interview. December 11, 2018).

Second, some of the interviewees did not identify themselves exclusively with one constituency. For instance, the individuals who

identified themselves as resistance constituency in this study simultaneously claimed of being a democrat because of their adoption of modern values such as gender equality and democracy. For instance, Hafiz Mansor stated that they had been one of the advocates of democracy and fundamental rights and liberties in the 2003 Constituent Assembly.

In addition, the definition of these constituencies is not much clear in the context of Afghanistan. For example, the resistance constituency's definition as an "anti-Taliban constituency" has a fluid understanding. This constituency had fought to liberate Afghanistan against the informal alliance of global terrorists such as Al-Qaida, regional radicals of Chechen, Punjabi, Uighur, and Arab extremists, and the Taliban that were reportedly working as Pakistan's proxy.

Third, the issues of political participation and representation have been mediated through different sociological factors such as ethnicity, tribe, region, age, gender, and religion. Hence, there are two forms of constituencies. The earlier could be called *ideational constituencies* and the latter *sociological constituencies*. Most of the interviewees also avoided to identify themselves in terms of ethno-national categories. Therefore, the paper avoids labeling the interviewees with a constituency if they have not indicated a self-proclaimed identification for themselves.





## **CHARACTER OF THE CONFLICT**

This section analyses the character of the conflict. Without a doubt, any peace plan and political settlement require an understanding of the nature and character of the conflict. A comprehensive peace plan must not only address the underlying causes of the conflict but also understand the demands and interests of the parties to the conflict. Moreover, to craft a comprehensive peace plan as well as a roadmap for the settlement, one needs to identify the fault lines between the parties, the ways to address the fault lines, and the scope and scale of compromises.

This section consists of two parts. The first part tries to flesh out the causes of the conflict and insurgency of the Taliban. Challenging the minimalistic and reductionist understanding of the Taliban's insurgency, it provides a four-dimensional approach to explain the causes of the conflict: the background factors, mobilization strategy, triggers, and catalysts. Subsequently, the second part discusses the fault lines between the Taliban and the rest of the people. This will help us to know the negotiable and non-negotiable areas.

## Causes of the Conflict

In a protracted and prolonged conflict like that of Afghanistan's there are multiple underlying factors, drivers and causes. The conflict in Afghanistan is multi-dimensional. There is not a unified view on the Taliban and the cause of their conflict and violence. Different constituencies mostly have distinct understandings of the post-2001 phase of the conflict. The Taliban considers the conflict as a war against the invasion of an infidel Great Power which toppled an Islamic State. President Ghani considers the war as an undeclared war between Afghanistan and Pakistan. President Karzai, on the other hand, believed that the conflict exists as a result of dissatisfaction of a segment of citizens, which he tends to call "disenchanted brothers" as well as lack of will for peace by the US. The resistance constituency, which fought against the Taliban in the 1990s, believes that the latter is a proxy of Pakistan and waging war on its behalf. Some others believe that the war in Afghanistan is a part of the global *jihad* against modern values and civilization.

Similarly, the parties to the conflict do not recognize each other as a party to the conflict. There are three parties to the conflict in Afghanistan: The Government of Afghanistan, the Taliban, and the US and NATO. Each of these parties has a different stance on who the primary and secondary parties is. For the Taliban, the primary party is the US, and the secondary party is the government of Afghanistan. The US official stance states that the Taliban and the Government of Afghanistan are the primary parties. The Government of Afghanistan believes that the primary party to the conflict

is Pakistan and, hence, the Taliban is a secondary party. It assumes that conflict is with Pakistan and the Taliban is a symptom of that conflict.

It is important to note that the complexity of the conflict in Afghanistan not only involves a multiplicity of “causes” but also the multiplicity of “types of causes.” Some literature does not clearly distinguish between four separate types of causes: triggers, catalysts, background causes and mobilization strategy of the conflict (Ibrahimi 2018; Qazi 2011). Similarly, most of the respondents in this research also did not differentiate between these four types of causes. Of all the parties to the conflict, the Taliban has the most articulated stance on the causes of the conflict. Many of the people close to the Taliban claim that very few have a fair and genuine understanding of the nature and cause of the Taliban. For instance, Both Nazar Mohammad Mutmaeen and Waheed Mozhdah stated that so far many people do not have a correct understanding about the cause of the Taliban insurgency (Mutmaeen. Personal interview. December 1, 2018, and Mozhdah. Personal interview. December 11, 2018).

Thus, reducing the underlying causes of the conflict to one or two factors amounts to oversimplification of the nature and character of the conflict. To understand the character of conflict in Afghanistan, the paper employs Dan Smith’s typology of causes of conflict. Based on David Dessler’s typology of the cause of the conflict, Smith (2004, 5) articulates an analytical framework which presents four types of the causes. These include background causes, mobilization strategy, triggers, and catalysts. This framework helps to comprehend different layers of the causes, and hence it eases drawing of the strategy of conflict resolution and a roadmap for a political settlement.

## 1. Background Causes

The background causes of conflict are those socio-economic, political and national cleavages at the group level that constitute the underlying conditions of the conflict. Systematic discrimination and exclusion of groups from power or resources by the state or economic marginalization of a region can be considered as the background causes of conflict (Smith 2004, 8). The protracted conflict in Afghanistan has activated and re-enforced many social, political and ethnonational cleavages and grievances. While this fact has been denied by the most actors, recently some politicians do agree to the fact that ethnic, sectarian and political divides are the friction in Afghanistan (see Daudzai 2018a).

People close to the Taliban argue that the fundamental cause of conflict is the injustice meted out to the Pashtuns (Mutmaeen, Nazar Mohammad. Personal interview. December 1, 2018). According to them, in the post-2001 political order, the Pashtun got a lesser share of power. They believe that the non-Pashtun groups have been over-represented in the state bodies (Qazi 2011, 7; Tarzi 2008). It is said, the state recruitments and state allocations have not been just to Pashtuns. Moreover, the Taliban assumes that their cause of war is based on certain legitimate grievances. According to this perspective, the Taliban was excluded from the Bonn 2001 conference. The Pashtuns have been prosecuted, bombed, raided and killed by both the American forces and the Government of Afghanistan.

On the one hand, the ethnic category is a group consciousness which plays a functional role and becomes important in the political process in

providing its members a sense of physical security, belongingness, access to resources and cultural fulfillment. On the other hand, ethnic patrons and elites can manipulate and manage the groups for the purpose of bargaining over state-controlled resources both for themselves and the group. For instance, one of the interviewees who had participated in the Moscow conference with the Taliban in February 2019, stated that the Taliban elites who he interacted with consider themselves as a sole representative of Pashtuns. These Taliban also challenge the legitimacy of the Kabul-based Pashtun elites saying that they could not be representative of Pashtuns.

Donald Rothchild states, “elites can manage their memberships because they tap into something genuine: a deep desire for inclusion in the identity group, an uncertainty that the state will prove a reliable and effective protector, and *a fear* that the *balance of forces* among groups will shift decisively to the disadvantage of their community” [emphasis added] (Rothchild 2009, 246). According to Rothchild, for fulfilling their demands, the ethnic entrepreneurs may enter into concessions, bargaining, alliances building and threats of non-compliance. For instance, the competition among Afghanistan’s political parties is largely based on the country’s ethno-regions. One can see the same rhetoric among the Taliban as ethnoreligious entrepreneurs/patrons to mobilize their followers. In the statements of the Taliban’s affiliates and political supporters, one observes “fear of the balances of forces” and as well as the point that the state is not an effective protector of Pashtuns. Pashtuns usually express their grievances of exclusion from the state and overrepresentation of Tajiks and Hazaras in it. Similarly, they argue that the post-2001 state has systematically targeted Pashtuns. As most of the times the ethnic patrons

operate out of public view, the Taliban leaders have not put their ethnic claims in public. Instead, they have stated the same through informal channels.

It would be simplistic to reduce all the conflict as one between the Pashtun and non-Pashtun. Part of this dichotomy has been constructed by some of the ruling elites to turn the ordinary Pashtuns against the non-Pashtuns so that they could secure their power on this pretext. Fazel Ahmad Manawi states, “If one sees the reality, the groups who have occupied the Taliban share are the Pashtun groups inside the government. The other ethno-national groups have just received their own share” (personal interview. December 10, 2018). Furthermore, the non-Pashtuns claim that the Taliban or their political supporter’s belief of non-Pashtuns over occupying the power is not true. On the contrary, non-Pashtuns have received their own share of power (Ahmadi, Amin. Personal interview. December 1, 2018).

Given the recent formation of many ethnic groups, they lack homogeneity and cohesiveness to exert influence in the political arena as unified entities. Hence, same as the African ethnic groups, the ethnic groups in Afghanistan also reveal the persistence of subethnic schisms such as regional, tribal and clan cleavages (Rothchild 2009). Accordingly, the Taliban is also a symptom of the intra-tribal feud and competition that prevails amongst the Pashtuns. Giustozzi, Antonio, Gopal, and Linschoten subscribe to this perspective. According to Giustozzi one of the main reasons for the re-emergence of the Taliban has been the harassment and marginalization of the Taliban by the warlords and local Pashtun tribal leaders in the Southern provinces Kandahar, Uruzgan, Helmand aligned

with Hamid Karzai (Giustozzi 2007). Post-2001 Afghanistan witnessed a shift of power between the Pashtun tribes in the South. The aristocratic tribes such as Popalzai and Barakzai who were linked with the royal family prior to fall of Shah in 1973 came back to power with Karzai as the head of the interim administration, the transitional government, and finally the Republic. In Kandahar, there is a strong sense of alienation among the Panjpai Pashtuns who have been marginalized by the Zirak Pashtuns. Anand Gopal argues that while Panjpai Pashtun consists around 27% of Kandahar, they occupy only 10% government positions (Gopal 2010, 12). As one of the ex-advisors to the National Security Council (NSA) stated,

Local disputes, complaints, and inter-tribal and inter-ethnic problems in the south-west, and inter-group dispute and widespread discontentment, particularly the extension of war, in the north, west and other parts of the country have been the main causes of their conflict. With no doubt, at the outset, a major chunk of the Taliban in the south-west were mainly the tribes who perceived themselves as oppressed and marginalized such as Noorzai, Alizai, Ishaqzai, and/or Hotak. Therefore, most of the Taliban members who have been involved in the drug trafficking were of these tribes...Soon after Mullah Omar runaway from Kandahar and the Taliban was eliminated from there, the power was shifted to the people who not only had a deep tribal feud with the Taliban leadership but also they were the one that the Taliban considered as an enemy. Therefore, the Taliban fled from the free of revenge. As a result, it caused greater grievance among the Taliban (personal interview. April 23, 2018).

The local warlords and strongmen in the South also used the international community as an instrument to marginalize their rivals. Hence, unknowingly, the international forces also fell into the trap of the tribal cleavages of Pashtuns.

What the American intervention did affect, however, was the distribution of power at the district level and higher; American- and state-directed violence in the 2001-04 period was limited to particular communities and conducted along specific lines of patronage and exclusion; those who enjoyed access to the foreign forces held the power, and those who lacked such access were liable to be targeted. As a result, certain communities were winners in the post-2001 order, and certain communities predated upon. For example, a systematic campaign of the U.S. and Kandahar governor Gul Agha Sherzai to target leading figures of the Ishaqzai tribe in western Kandahar resulted in the majority of that community being effectively excluded from the post-2001 order. Similarly, American targeting (with strongmen Mir Wali and Amir Dado) in central and northern Helmand forced the exclusion of subsets of the Alizai communities of Kajaki and Baghran districts, and the Ishaqzai community in Sangin (Gopal and Linschoten 2017, 33).

While Afghan nationalism usually blames external factors as causes of the conflict, it is clear that ethnonational, religious and political frictions also existed in Afghanistan. The above-mentioned social, tribal and ethnic cleavages functioned as background causes of the Taliban insurgency, whereas these do not constitute their mobilization strategy or the triggers of the conflict.



## 2. Mobilization Strategy

Mobilization strategy is about the conceptualized and portrayed objectives of the parties of the conflict which are fundamentally linked to the political behavior of these parties (Smith 2004, 8). The Taliban claims that the primary cause of the conflict is “interference and invasion of foreigners.” The Taliban’s articulation of the conflict and its causes heavily endorse religious terms, concepts, imagery, and symbols. Thomas Johnson has analyzed the Taliban usage of religious narratives in their mobilization strategy (2017). The terms that Taliban adopts are drawn from the Islamic terminology: Muslim Mujahid Nation, Islamic system, martyr. However, the way the Taliban explains the causes of conflict uses a mixture of political and religious issues. For instance, Sher Mohammad Abbas Stanikzai, the Taliban Chief negotiator’s speech in November Moscow Conference reads “when the United States of America invaded the Afghan oppressed nation by lame excuses to topple an Islamic system, this turned the peaceful life and security of the Afghans into disorder; occupied the country; martyred hundreds of thousands of Afghans; displaced similar number and destroyed their villages and houses” (Alemarah 2018). The above sentence presents three forms of issues. First, fundamental grievances such as displacement of people or destroying of villages. Second, political issues such as occupying of the country and state of disorder. And third, religious issues such as toppling of an Islamic system. Similarly, the Opinions page of Alemarah website, the Taliban regularly updates with the articles justifying the war based on the Islamist ideology. For instance, on February 5, 2019, the website published an op-ed titled “For Which Purposes the Taliban Should Make Peace.” The article which

is written originally in Arabic by Mufti Abdulah Reshad and translated into Farsi justifies Jihad (Reshad 2019).

The Taliban official stance does not refer to the conflict as a war of power politics or an ethnic war. The Taliban has consciously avoided using the ethnic terminology as mobilization strategy to justify their war. They have also rejected the point that they are fighting for power. Instead, they claim that they are fighting for the independence of the country from the illegal occupation of the US and its puppet administration in Kabul and the establishment of an Islamic government.<sup>1</sup> These two mobilization strategies have mobilized a major chunk of the Taliban's rank and file and legitimized their war as a "just war" to their followers.

### **3. Triggers**

The triggers are those factors which specify the timing of conflict as it should take place or occur at a particular moment rather than some other time (Smith 2004, 8). It is difficult to determine triggers which caused the reemergence of the Taliban insurgency after 2001. Similarly, it is challenging to specify one particular date as the onset of the conflict. The initial reorganization of the Taliban began as early as early 2002 when Mullah Omar contacted his commanders such as Mullah Dadullah to recruit new fighters from the Pashtun villages in the Pakhtunkhwa and Baluchistan (Giustozzi 2007). Based on one account, the first suicide attack after the fall of the Taliban happened in December 2002 targeting the military base

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<sup>1</sup> For more on the Taliban mobilization strategy, refer to Alemarah webpage.

of the International Security Assistance Forces (ISAF) in Kabul (Tarzi 2008, 283). However, according to the other account, the first violent attack by the Taliban after their fall happened in March 2003 in Kandahar as a group of Taliban under Mullah Dadullah killed international-staff of ICRC (Masadykov, Giustozzi and Page 2010, 2). Both these accounts show that it almost took one year for the Taliban to regroup and initiate an attack.

Two factors can explain why the conflict re-erupted by late 2002 or early 2003. First, the radical factions of the Taliban did not accept the new order established in Bonn in 2001 and remained committed to establishing a theological state and launching Jihad against the US which helped the resistance forces to topple the Taliban. Second, part of the Taliban was willing to accept the established order and not to challenge it. However, in the words of Barnett Rubin it was the US counter-terrorism policy toward the Taliban that turned them against the US. They were marginalized, suppressed and prosecuted. For instance, some Taliban leadership including Mullah Obaidullah, Berader, Syed Mohammad Haqqani, and Akhtar Mohammad Mansur accepted the Bonn process and agreed to not fight the government on the condition that the government shall not prosecute them and provide them amnesty (Qazi 2011, 7). Amin Tarzi (2008) writes that at the initial stage Karzai declared amnesty. Some of the Taliban leaders, such as Obaidullah Akhund and Nuruddin Turabi who were detained in Kandahar were freed. Special Representative of the United Nation Security General, Lakhdar Brahimi supported Karzai's idea of political accommodation of the Taliban, however, the US did not accept accommodating the Taliban figures. According to Rubin,

In a meeting in his office in November, 2008, President Karzai told me that soon after his inauguration, on December 22, 2001, he received letters of support from Taliban leaders who had returned to their villages. These leaders were soon hunted down by U.S. Special Forces; some of those who escaped, such as Mullah Baradar, became leaders of the insurgency. In the U.N. office in Jalalabad in May, 2002, I met Haji Ruhullah, the nephew of Jamil-ur-Rahman, the founder of the Salafi movement Jama'at al-Da'wa, a group allied with the Taliban. I had come to Jalalabad at Brahimi's request to report on the second round of indirect elections to the Emergency Loya Jirga. Ruhullah was trying to participate. He had brought a binder full of biographies and photographs of his movement's candidates. Three months later, on August 21, 2002, U.S. soldiers came to his village, in Kunar province, arrested him, and sent him first to Bagram and then to Guantánamo. Since his release, in 2008, he has been living peacefully in Afghanistan, but he and his fellow former detainees are not always inclined to accept the legitimacy of a government based on a process from which counter-terrorism policy excluded them (Rubin 2015).

The Taliban figures reached out at least three times with a reconciliatory gesture in early 2001 and 2002. In December 2001, for first time the Taliban offered a surrender letter to Hamid Karzai in the Shah Walikot and demanded amnesty (Coll 2018, 101). The second offer come by Tayeb Agha in 2002. Steve Coll states,

Credible Taliban leaders continued to reach out to both Karzai and the United States despite the rejections they had received in late 2001. Tayeb Agha, a political and press aide in Mullah Mohammad Omar's former office in Kandahar, and Mullah Abdul Ghani Baradar, a military deputy to Omar, approached Haji Mohammad Ibrahim Akhundzada, a leader in Uruzgan Province who was from Hamid Karzai's tribe...He provided a letter purportedly from the Taliban leader. The thrust of the note, according to an American official who later reviewed the matter, was "Look, the Bonn

Conference just happened...We want to be part of Afghanistan's future and I'll let my Shura decide how to do this" (Coll 2018, 140-141).

Third proposal come from the CIA stations in Pakistan and Afghanistan. Some of the CIA officers such as Rich Blee at Kabul Station and Frank Archibald at Kandahar Station were of the idea that the Taliban leaders are corrigible. They reached to Wakil Ahmad Mutawakil, the last Taliban foreign minister to set up a Taliban political organization to participate in the Bonn Process. However, the CIA headquarter and Vice President Dick Cheney did not accept the proposal. Coll states,

The deposed foreign minister had gone into hiding in Quetta, Pakistan. [Bashir] Noorzai [opium trafficker and CIA agent] reached him by telephone and "convinced him" to meet the Americans in Kandahar. Mutawakil traveled to Kandahar Airfield...They [Frank Archibald and Mutawakil] talked about creating a new political party allied with Karzai. "Let's bring him on board," Blee agreed. "Taliban for Karzai" was the general idea the C.I.A. explored—it offered a propaganda line, if nothing else. According to what Archibald later described to colleagues, the C.I.A. officer "was practically living in a tent" with Mutawakil, while working with him on "creating a legitimate Taliban political party to join the system." Mutawakil suggested that he could recruit other significant former Taliban to join. Archibald worked up a presentation about Taliban defectors and the future of Afghan politics, according to the account he later gave to colleagues. He flew back to Virginia and presented his ideas at C.I.A. headquarters. Vice President Dick Cheney attended. "We're not doing that," he declared after he heard the briefing (Coll 2018, 141).

However, the overall Bush administration policy considered the Taliban as international armed conflict combatant. It aimed to arrest and prosecute the Taliban leadership accused of links with Al-Qaida. This policy of the

US toward the Taliban leadership triggered the re-emergence of the Taliban in late 2002. Waheed Mozhdah (personal interview. December 11, 2018) also considers the same issue as the cause of Taliban insurgency. According to him, the US prevented the transformation of the Taliban from an ideological group into a political one.

#### **4. Catalysts**

The catalysts are the factors that escalate and intensify the conflict as well as contribute to the longevity of the conflict (Smith 2004, 8). Some literature argues that the lack of good governance, corruption, and the inability of state in service delivery and justice have been the causes of the conflict. However, it is important to note that these factors are catalysts that help in prolongation of the conflict and increase its intensity. Likewise, the political economy of the war such as drug economy, illegal mining and Taliban taxation also helps as catalysts. And finally, the geopolitical and geostrategic calculations are also responsible for the prolongation of the conflict (Daudzai 2018a). The neighboring countries supporting and harboring the Taliban is the third catalyst. At the early stage, Pakistan supported the Taliban (Qazi 2011, 15). Most recently, Taliban diversified its foreign funding sources. The other countries in the region and some wealthy individuals in the Persian Gulf provided a foreign donation for the insurgency of the Taliban (Giustozzi 2017 and Azami 2018).

The Taliban also capitalized on the tribal cleavages, dissatisfactions, and discontents of Pashtuns to mobilize local communities for a war against the state and international forces. Nonetheless, while

grievances create a conducive environment for the insurgency, it cannot sustain an insurgency and cannot bring different segments of people together around one cause. The insurgency translates the grievances of discontented people into a boarder worldview and ideology. The worldview articulates and channels the demands and desires of the insurgents and provides a long-term vision concerning the position of the group and the way forward. With no doubt, the longevity of the Taliban insurgency relies on the grievance of the people, but it has also presented the people with an alternative narrative and ideology. The Taliban has built its ideological claims around the grievances of political.

While Dan Smith's framework helps to avoid falling in the trap of oversimplification of causes and a false sense of linearity, it fails to flag the factors that not only rationalize the above-mentioned types of causes but also bind them together. There are two pillars which shape the Taliban ideology and, thus, their demands: Afghan ethnonationalism and radical Islamic ideology. These two factors are not just the catalysts, or triggers, or mobilizing strategy, or the background causes. Ideology is the factor which binds all aforementioned elements together. As Davood Moradian, head of the Afghan Institute for Strategic Studies states,

the Taliban are essentially an ideological movement and that they have an ideology which is part of Pan-Islamist movement and then they have access to ideological infrastructure. That are madrasas in Pakistan, Mosque and Islamist party...They see themselves as the sole representative of Afghan nationalism and Islamic values. They don't recognize non-Taliban as sufficiently Afghan or sufficiently Muslim. The Talib means the absolute Afghan and absolute Muslim-ness (Moradian 2017).

The Taliban presents a different “vision” or “idea” of Afghanistan: Islamic Emirate. As an ideological group, the political vision of the Taliban is that of a theological state ruled by Sharia law. While in the republic the legal basis of political legitimacy for the ruler is the will of the people through elections, in the Emirate, religion is the basis of political legitimacy. In a republic system, the highest normative authority which defines the structure of the state and its relations with citizens is the constitution. On the contrary, in an Emirate, it is the judgment of the Clergy (*Mullah*) who interprets and modifies the religious law.

Afghan ethnonationalism of the Taliban also presents a certain vision of the national distribution of power. As Amin Tarzi argues, “[w]hile the Pashtuns may not have supported all the platforms and ideologies of the Taliban, they appreciated the position of power the Pashtun-dominated Taliban held over the population...one could understand how this community might reflect on the days when their community was in power and seek to reassert their control” (Tarzi 2008, 285, 290). While it has been argued that the Taliban understands the importance of power sharing in the diverse society of Afghanistan, the contention remains on the distribution of power both at the center between the different branches of power, namely, the executive, judiciary, and legislative, and also between the center and peripheries. This issue implies that the current conflict is deeply rooted in the “idea of Afghanistan” and its current constitutional order. Hence, any settlement of the conflict needs to address the crisis of the notion of state, i.e., whether it should be a republic or Emirate, and the crisis of distribution of power. The constitutional order should be an agenda for negotiation with the Taliban.



To conclude, the causes of the Taliban conflict could be classified into two categories of stated and unstated causes. The stated cause by the Taliban is that of mobilization strategy. The unstated causes are radicalism, greed for power, and some grievances. In most cases, these greed and grievances have taken an ethno-religious shape which has given the conflict an ethno-religious flavor. The Taliban leadership could also be characterized as ethno-religious entrepreneurs/patrons.

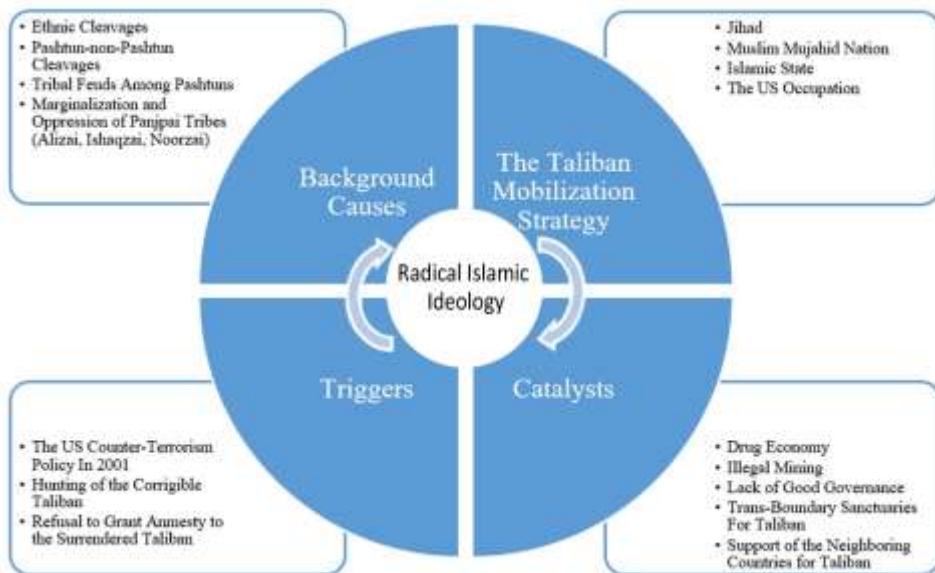


Figure 2 Types of the Conflict in Afghanistan

## **The Fault Lines**

It is important to note that a negotiated settlement should not be taken for granted. Before drawing any institutional arrangement and roadmaps for a short-term settlement, it is crucial to think about and address a critical question. Is it possible to accommodate an ideological insurgency which makes an ideological distinction between “the Republic” and the “Islamic Emirate” as two different and irreconcilable political systems? Interrogating this question will not only determine the nature of institutional arrangements for settlement but also the subsequent roadmap for peace talks and its agenda. The possibility and impossibility of any institutional arrangement depends on the stance and agreement between the parties as well as the state of conflict. A precondition of this issue would be to understand the fault lines between the Taliban and the Government of Afghanistan.

As the Taliban has transformed from a traditionalist group to an ideological group (Gopal and Linschoten 2017), ideologically they are more inclined toward the Islamists. Understandably the fault line between the Taliban and others would be ideological fault line. Abdul Hakim Mujahid who served as an envoy of the Taliban in the 1990s, argues, “their [Taliban] thinking is still very rigid...They are not familiar with modern political systems. They totally reject the presidency and the constitution. Their beliefs are rooted in conservative rural and Islamic values. Whatever they might accept has to be within the framework and the language of Islamic scholarship” (Mujahid quoted Constable 2018).

Besides the withdrawal of the international troops, the other “red line” for the Taliban is a Sharia-based state (Osman and Gopal 2016, 30). In their official stance and their communiqués, the Taliban considers itself as Islamic Emirate as opposed to republic which it deems less Islamic. There are three issues that the Taliban emphasizes as the character of an Islamic state: implementation of Sharia penal code, *Hudood*, gender segregation, and limited freedom of media.<sup>2</sup> For instance, in February 2019 Moscow conference, the Taliban delegate stated that women cannot become president of the state and cannot judge the cases related to *Hudood* and *Qisas*. Located in the global jihadist movement, Islamic Emirate of the Taliban is a theological state which derives its legitimacy from the “transcendental realm” rather than the will and consent of the people through elections. The critical institutions of Islamic Emirate are the following:

(1) Amir al-Muminin: Unlike the Republic, the head of the Islamic Emirate, Amir al-Muminin’s (Commander of the faithful) authority is unlimited with no constitutional mechanism for accountability.

(2) Shura-e Ulama (Clergy Council) and Dar al-ifta: Dar al-ifta is an institution which provides fatwa (legal opinion) on both religious and worldly life issues. Shura-e Ulama functions as a filter institution which cross-checks the religious authenticity of a political decision.

(3) Muhtasib (Community Inspector): A religious police ensuring implementation of religious laws in society, including the moral policing

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<sup>2</sup> See the articles written in the Taliban webpage, Alemarah. For instance, an article published on January 27, 2019 argues the differences between Islamic regime and democracy (Muhajir 2019).

of individual behavior, gender segregation, and freedom of media.<sup>3</sup> The Department of Amr-e Belmarof wa Nahy az Munkar (the Promotion of Virtue and the Prevention of Vice) is the body which implemented this issue. The Clergy Council and Muhtasib are the bodies which regularly supervise the limits of civil liberties and gender issues. While the Taliban are talking about women rights, they do not subscribe to gender equality in public. For instance, the Taliban stance in Moscow conference states:

The Islamic Emirate of Afghanistan considers woman as the builders of a Muslim society and is committed to all rights of women that have been given to them by the sacred religion of Islam. Islam has given women all fundamental rights, such as business and ownership, inheritance, education, work, choosing one's husband, security, health, and right to good life.

It is very clear that the statement does not mention anything about gender equality. For instance, Nazar Mohammad Mutmaeen stated, "this constitution has been translated from the western models and it is not Afghani...the western liberties are not acceptable...Women and men are not equal. Who is saying they are equal? Islam has not allowed it" (personal interview. December 1, 2018). Oliver Roy's characterization of the Islamists would be beneficial in understanding this context. According to him, "the Islamist woman militates and studies; she enters into politics, although she is excluded from specific posts: she cannot be a judge or a head of state. The Islamists' obsession is not that women should return to the home, but that the sexes be separated in public" (Roy 1994, 59).

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<sup>3</sup> A good example of mushtasib is ratification of Hasba Bill in the state assembly of North-Western province of Pakistan in 2003.

On the contrary, the red line for the people and the Government of Afghanistan, as has been reiterated many times, is the democratic gains in the last 18 years. These gains include representative democracy, civil liberties and rights, equal citizenship, and gender equality, which have been enshrined in the constitutional order of the republic. For instance, study shows that 59.5% of the people claim that the Taliban must respect human rights and women right. Similarly, 49% of the people claim that the Taliban should respect Afghanistan constitution (Sadr 2018, 70). At the apparent level, the fault line is between two different political systems and even two different ways of life: The Republic of Afghanistan and Islamic Emirate. As Barnett Rubin states, “[i]f the Taliban are determined to fight until they destroy representative democracy and replace it with an Islamic Emirate implementing the same regressive policies that they enforced during 1996-2001 there is not enough common ground even to imagine a political settlement” (Osman and Gopal 2016, 4). The same conclusion has been resonated in different interviews from all the constituencies.

Garzai Laeq stated,

if the Taliban’s expectation is return to the Islamic Emirate...it would be a step backward toward medievalian dogmatism. The Idea of Islamic Emirate which is the base of the Taliban governance philosophy was reiterated several times by the Islamic Emirate Envoy in the Moscow conference. Acceptance of such a governance system would be extinction of democracy (email interview. December 23, 2018).

Similarly, Hafiz Mansor stated, “I think we cannot negotiate with the Taliban on two issues: (1) territorial integrity of Afghanistan and (2) the second chapter of the 2004 constitution on fundamental rights and liberties of citizens. Rest of the issues are open for negotiations” (personal interview.

December 10, 2018). Another person told me, “there are certain values that we have gained and we are utilizing...these values are not limited to the contemporary Afghanistan. Neither they have been granted by the US nor the Taliban can deprive us from them” (anonymous. Personal interview. December 13, 2018).

Gul Rahman Qazi argued that national sovereignty, territorial integrity, and self-determination of the people of Afghanistan are the red lines. According to him, these are the issues that not only the Taliban but also the Government of Afghanistan has compromised in past years. So, there are fundamental cultural and civil differences between with the Taliban (Kofi, Fawzia. Personal interview. December 24, 2018).

Hence, if the Taliban is thinking ideologically and its desire is for regime change and replacement of the system, there is little room for compromise. There is a clear and non-compromizable moral, cultural, political and ideological distinction between the Taliban and the rest of the people, which has been reflected in the distinctions between the Republic and the Islamic Emirate. One of the interviewees told me, “the primary aim of the Taliban is a Talibani Emirate which is unacceptable to the rest of people. I do not see any positive scenario in accommodation of the Taliban because the Taliban is the one who has never compromised their ideology even one millimeter so far” (personal interview. December 15, 2018).

However, it is also argued that the fault line is not between western liberal democracy and an Islamic Sharia. Instead, it is more or less a contention within Islam. For instance, Mansor argues that “the fault line is the Talibani way of thinking. That needs to be defeated. If the Taliban are proposing Islamic Emirate, it is important to clarify to them that *Amirs* did

not have a uniform authority throughout the Islamic history: Abbasids, Ottomans and finally Amir Habibullah. These are the issues open to interpretation” (personal interview. December 10, 2018). The current political system of Afghanistan is also Islamic. Based on the constitution, no law could be passed in contradiction with the principles of Islam. Mahiudeen Mahdi also argues that the Taliban understanding of Islam is a fault line for us. The way they preserve Islam is not acceptable.

Interestingly, none of the constituencies claimed justice, including transitional justice, as a red line for accepting and accommodating the Taliban. Even the Afghanistan Independent Human Rights Commission (AIHRC), which has a constitutional mandate to observe the human rights practice and document the violation of human rights, does not present any concrete and written position paper or action plan. While all the political parties have become active in asserting their opinion or presenting their roadmap, AIHRC has not presented any document for peace with the Taliban. Sima Samar, Head of AIHRC stated that “we don’t have any specific plan...it is not our job to be a part of the peace process” (personal interview. December 9, 2018). While asked if she thinks that there is a need for a roadmap or action plan to determine a mechanism for participation of the war victims, she stated, “I don’t think this is related to us...our job is only advocacy.” Notwithstanding, it is clear that AIHRC has not produced any position plan to advocate the role of those whose rights have been violated or even of the war victims.

A marginal perspective, on the contrary, claims that much of the Taliban reasoning about the form of the state and rights and liberties of the people is not based on any ideological ground rather it is built on the

political reasoning. While the leadership of the Taliban argues that the current state does not require any change as it is based on Islamic principles (Osman and Gopal 2016), most of the rank-and-file do not have any clear idea about the form of state and has disposed it to the religious clergy. Burhan Osman goes to the extent that he claims that most of the Taliban's members do not "advocate for the revival of the Islamic Emirate" (Osman 2018, 17). Gul Rahman Qazi, who met with the Qatar office three years ago, also claims that the main contention is not whether there should be Islamic Emirate or a Republic. He narrates, "we have not spoken [with the Taliban] whether the system should be a Republic or an Emirate. However, we spoke how Islamic the government should be. The Taliban said we do not have better people than you. You design an Islamic government on paper. We will accept it closed eyes." A subsequent assumption in this approach is the point that the Taliban is looking for structural adjustment within the system either as a face-saving strategy or as a way to accommodate (Daudzai 2018a, 2018b, 2018c).

It is important to note that the above optimistic perspective has not been endorsed by the Taliban. The Taliban so far has never stated that they accept the republican representative democracy and that they are only considering minor structural readjustments. The Taliban has desisted elaborating the issue (Sheikh and Khan 2019). As Anwar ul-Haq Ahady stated, the Taliban demands "greater attention to Islamic principles, but Taliban should specify what do they mean" (Ahady 2017). It is understandable that a "greater attention to Islamic principles" refers to the more dogmatic principles of Deobandi movement. Albeit, the current system is not in contradiction with the fundamental of Islamic values. It is



naïve to fully buy the promise that the Taliban has totally changed to accept liberal democracy, gender equality and civil liberties. Its core values still remain the same. For them the aforementioned issues should be regulated and constrained by traditional jurisprudence – the *Fiqh*. To do that, amendment of the current constitution is a top agenda for the Taliban. According to Garzai Laeq, before calling the constitutional assembly to amend the constitution, it is crucial to understand the issues which the Taliban want to amend (email interview. December 23, 2018). Otherwise, how far can the people go on accepting and fulfilling the demands and wishes of the Taliban which might not be liberal?

To conclude, there are two kinds of red lines laid down by different interviewees. The first category of red lines is connected with the state as an entity such as independence, national sovereignty, and territorial integrity. The second category is value-based red lines such as fundamental rights and liberties. It is clear that the conflict is fought over ideational issues such as the ideology, legitimacy and culture. Similarly, there are two stands with regard to the fault lines. The first stands states that while the redlines cannot be compromised, they could be discussed in negotiations with the Taliban. However, the second perspective states that these redline should not be negotiated at all with the Taliban. Nonetheless, given the ideological nature of the fault lines, the prospects for a political settlement would be challenging.



## **INSTITUTIONAL ARRANGEMENTS FOR A POLITICAL SETTLEMENT**

The political settlement involves a negotiated outcome or process which outlines how power is organized and distributed in a post-conflict state (see Ingram 2014a, 2014b). As of today, the US is negotiating the status of its troops in Afghanistan and a ceasefire; the next stage of negotiations would be on a political settlement between the government and the Taliban. The peace agreement with the Taliban would include a section on “political arrangements” which would address the issues concerning the nature of the state and a probable structural adjustment. Apparently, any institutional arrangement should satisfy all constituencies including the ethnic constituencies and political factions. Based on historical data and interviews with the different political elites in Kabul, this section analyzes the divergent model of institutional arrangements.

To analyze the prospects of a settlement, I devise an analytical framework by synthesizing Donald Rothchild’s theory of conflict management (2009, 246), Leonard Wantchekon’s warlord democratization (2004), and Yossi Shain and Lynn Berat theory of interim government (1995, 63). While all the authors consider a stalemate necessary for a settlement, they draw different prospects for the same. Rothchild suggests four institutional arrangements, namely, national elections and reservation of seats in the legislature, diffusion of power at the local level and

federalism, resource allocation at the local level or economic allocations, and power sharing arrangements for settlement of the ethnic conflict. This paper amends the Rothchild framework by the omission of resource allocation, as the causes of the Taliban insurgency are not redistribution of resources. However, based on data collected through interviews, I add interim government as an institutional arrangement to the framework.

### **National Elections**

With the initiation of talks between the US and the Taliban, a dichotomy emerged whether to hold the upcoming presidential elections or have peace with the Taliban. This either-or-dichotomy has placed elections in opposition to the peace process. Nonetheless, the primary model of a political settlement with the Taliban is to provide a chance for them to participate in Afghanistan's representative democracy as a constituency and contest elections. Both former president Karzai and the National Unity Government (NUG) offered the Taliban to join the system and take part in it. Political participation has been opened in the last seventeen years to the Taliban members. In April 2004, Hamid Karzai, the then Chairperson of the Transitional Administration invited the Taliban to participate in the presidential and parliamentary elections (Golnaz 2004). Following this call, some Taliban participated in the elections. Mullah Mutawakil, Mullah Khaksar, and Mullah Qalamuddin, and Abdul Salaam Rocketi run for parliamentary elections from Kandahar and Zabul respectively in September 2005. Later, Rocketi nominated himself for the presidential elections in 2009. However, ironically Rocketi joined the Taliban after

some years and pledged allegiance to Mullah Mansor (Alemarah 2016). Overall, the Taliban has rejected elections as a western system imposed by the US. In the 2009 and later elections, the Taliban intimidated people from participating in the elections. They threatened people by facing punishment (Masadykov, Giustozzi and Page 2010, 4).

The Government of Afghanistan has kept open the possibility of accommodating the Taliban as a group through elections. NUG's peace offer in February 2018 formally proposed the Taliban that the government is willing to recognize the Taliban as a political party and that they can participate in the system. Zalmay Khalilzad, the US Special Representative for Reconciliation in Afghanistan, at the beginning of his mission, stated that "ideally, of course, it would be good to have an agreement with the Taliban first, and then have the presidential election, because then the Talibs will also participate in a possible election, or whatever road map the Afghans agree to" (Khalilzad 2018). Gulbuddin Hekmatyar, leader of Hezb Islami Party, also suggested that the Taliban can make an alliance and a joint electoral ticket with the like-minded parties, discuss a common agenda for the future of Afghanistan and contest elections. He stated that Hezb Islami is ready to negotiate with Taliban and form a joint electoral ticket in the upcoming presidential elections (Hekmatyar 2018).

However, the Taliban did not accept this model of accommodation. For instance, Nazar Mohammad Mutmaeen argued, "election and peace [at this moment] are opposed to each other by nature. If we hold election that means, we do not want peace. If we want peace, so we should not hold election" (personal interview. December 1, 2018).

The Taliban's lack of willingness to participate in the system through national elections can be explained by several factors. First, this model required the Taliban to recognize the legitimacy of the current system and the logic of representative democracy. The Taliban abhorred from recognizing the current representative democracy for two reasons. First, they claim that it has been imposed by the western superpower, the US. Tied to this, they also claim that they do not recognize the constitution which has been copied from the western models and it has been imposed by the US intervention. Second, the Taliban claims that representative democracy is not compatible with Islamic Sharia based on their own reading. Instead, they refer to their version of government as Islamic Emirate, which is a theocratic government.

The second reason is the Taliban's "fear of extinction" in elections. Wantchekon argues (2004, 28), the party to the conflict accepts elections as settlement of the conflict if it assesses "a high enough chance of winning the elections so that the short-term net gain of not accepting electoral outcomes is outweighed by the long-term gain of abiding by them." There are two possible reasons for this fear. Firstly, the Taliban understand the fact that they might not win the popular vote. My earlier study on the level of acceptance of the Taliban's conduct and policies indicates that the Taliban's policies do not have popularity. An absolute majority (91 percent) of the respondents stated that they do not endorse to Taliban conduct and policies (Sadr 2018, 52). The Asia Foundation survey also indicated the same trend. On the contrary, the other reason is lack of the Taliban's trust on the existing institutions to act as impartial arbitrators. As claimed by Farouq Azam, to ensure the trust of the Taliban, at least half of the Elections

Commission and the key ministries influential in fair elections should be appointed by the Taliban (personal interview. November 26, 2018).

Third, the Taliban's participation in the elections would ideally mean that they have accepted the present political system including the constitution and laws, which according to them is based on the US counter-terrorism policy and invasion. Most of the Taliban translates this approach not as an accommodation to the system but as surrender. As soon as they accept the current system, their rationale for the past two decades of war, which was justified based on Islamic ideology, would be questioned. Their radical rank-and-file would also disobey them. Also, as put by Shah Mahmood Miakhel, the Taliban assumes that accepting the current system would also mean that their prisoners with the Government of Afghanistan would be tried under the current law of Afghanistan as criminal prisoners (personal interview. December 26, 2018). Given the current military stalemate, the Taliban assumes that it is unbeatable and hence it does not accept this mechanism.

Fourth, a military stalemate will make a warring faction to participate in the democratic process and take part in election, only if it financially depends on the citizen rather than external sources (Wantchekon 2004). Given the level of income the Taliban raises from the control of natural resources, drug trafficking and donation and sponsor from the patrons, it is less likely that it accepts election.

Fifth, the Taliban assumes that a peace deal with President Ghani ahead of the upcoming elections would create a conflict of interest for Ghani who is running as one of the candidates. It is likely that President

Ghani will unilaterally drive personal benefit from the peace accord with the Taliban and try to win the upcoming elections. Zalmay Khalilzad, the US chief negotiator with the Taliban also reiterated the same issue.

On the contrary, the majority of the respondents said the only acceptable way to accommodate the Taliban for them is through a democratic order.

According to one respondent,

These two processes [elections and peace talks with the Taliban] should not be mixed with each other. They should be considered independent of each other... Negotiating with the Taliban as a party should happen from an address. That address is the system. Now if you bypass the system then who will negotiate? (anonymous. Personal interview. December 13, 2018).

Similarly, Ahmad Wali Masoud argued,

A successful peace accord with the Taliban requires a broad-based national government representing all the forces accepting the constitution including the current democratic constituency, women, war victims and the previous resistance constituency. A prerequisite of this condition is holding a free and fair elections to form a national government. A truly national government will provide us a unified front and position of strengthen to negotiate with the Taliban. If the Taliban want to participate in the election, that is most welcome. However, if it says it does not participate in this phase, then it is of utmost importance to hold the elections (Masoud, Ahmad Wali. Personal interview. December 1, 2018).

To most of the respondents, the best case scenario is the one in which the Taliban accepts the current political system. Several reasons have been raised on why the only best option for the Taliban is to participate in the elections.



First, according to the respondents, the current representative democratic system is one of the fundamental gains for the people of Afghanistan. With an uncertainty whether the Taliban is willing to respect the gains and values Afghanistan achieved in the last seventeen years or not, the respondents univocally stated that they cannot surrender the entire system to the Taliban. Reflecting on the above-mentioned concerns, some political movements/circles firmly opposed postponement of elections for the sake of the Taliban in the last three years.

Second, any other option except participation in the elections would be a prerogative of the insurgents and which would construct precedence for the like-minded groups to follow (Samar, Sima. Personal interview. December 9, 2018). If the Taliban is not accepting the current representative democracy and elections, an alternative mechanism could be a referendum to evaluate the popularity and acceptability of the current republic system vis-à-vis the Emirate. Hafiz Mansor says,

And even, most importantly, we are ready to make a referendum on the *Talibi* System [Emirate] and the Republic system, as it is a contestation issue. I have suggested the same in the 2003 Constituent Assembly for Salam Azimi, Head of the Drafting Committee of the Constitution, “You have just presented one model. Present the members different models to vote: the People’s Democratic Party of Afghanistan (PDPA) model, the Shahi (monarchy) model, the Talibi model (Islamic Emirate), and Republic Model.” The Taliban claims that the people are in favor of them, but it is the US who has toppled us. Let us determine this at the onset whether the people want them or not. Why not to defeat them politically (personal interview. December 10, 2018).

Hence, when the insurgency is not weakened militarily and it is more ideological in nature, it would not accept election as an arbitration mechanism to settle the conflict. On the contrary, the incumbent government and most of the democratic constituency consider joining of the insurgents to the political process through elections as desired and best case scenario.

While holding elections is the best case scenario for the government and the democratic constituency, it is important to note that in areas affected by conflict such as Afghanistan, election can reinforce fragility and make settlement unstable. While the representative democracy in the post-2001 has opened up the system for political participation to the insurgents, it needs some reform to function efficiently. The current constitution of Afghanistan has set up at least six elections: presidential, the lower house, the upper house, provincial councils, district councils, and municipality council. It means that the political system is open for democratic participation from the public. However, there are two fundamental challenges that affect the electoral system. The first challenge is the incompatibility between the nature of elected bodies and the governance structure. According to Abdullah Ahmadzai, while elected bodies are designed for a decentralized governance structure, in practice, they do not exercise the same authority. Having elected bodies all the way down to the district councils while not having authority for the same bodies is a gap which needs to be bridged (Ahmadzai 2018).

The second issue was the majoritarian nature of electoral systems. In a multi-national country such as Afghanistan, Single Non-transferable Vote (SNTV) system reinforces a sense of marginalization. Similar to what

Ghana experienced following its democratization in the 1990s, the political system in Afghanistan is shaped around ethno-national lines. The majoritarian electoral system creates a zero-sum condition where the losing party fears the situation of being excluded from the government as well resulting in curtailed access to their assumed share of state allocations and recruitments. This is what Donald Horowitz calls the “fear of extinction” (Horowitz quoted in Rothchild 2009, 251). This system was finally replaced with Multi-dimensional Representation (MDR) System in February 2019.

### **Power Sharing Coalitions**

Power sharing coalitions have been prevalent in most of the post-Civil War countries to ensure inclusive decision-making institutions, especially in the executive and to convince the weaker group(s) that their vital interests regarding security and well-being within the government will be protected. The assumption is that if a conflict is in a situation of stalemate and the government proposes a power sharing coalition, the weaker party would accept the proposal (Rothchild 2009, 254). If this assumption is true, the Taliban should have agreed for a power sharing arrangement in last one decade. The key question is while the conflict in Afghanistan is a hurting stalemate, why has the Taliban not accepted a power sharing arrangement yet?

A fundamental reason for the conflict in Afghanistan is the uneven distribution of power in a diverse society. Each ethnic group has its own perception about the portion of power it deserves. According to one interviewee, most of the Pashtuns think that minority groups such as Hazara

and Uzbeks have been given more share in the state than what they are entitled to (Farouq, Azam. Personal interview. November 26, 2018) and as stated in the previous section this issue has been raised as discontent of the Taliban. Similarly, Barnett Rubin puts it, “Pushtuns have tended to want a strong and Pushtun-run central state. Tajiks have focused on power sharing in the central state, while Uzbeks and Hazaras have desired recognition of their identities and mechanisms of local self-government” (Rubin 2004, 11).

In its broadest understanding, power sharing entails participation in elections, inclusion in the cabinet and ministerial positions, integration in the military forces and territorial autonomy (Clarke and Paul 2014, 12). However, the precise definition only refers to sharing the executive power of the state. There are two approaches to power sharing: (1) Consociational approach: a multi-ethnic coalition which provides each ethnic group a portion in the state. For instance, the 1989 *Taif Agreement* established a consociational agreement between Sunnis, Shias, and Christians in Lebanon; (2) Integrative approach: formation of a coalition of the parties before elections to form an inclusive but majoritarian government (Clarke and Paul 2014, 13). Some research has proposed a power sharing arrangement as a way forward for attaining “sustainable peace” in Afghanistan. For instance, Theo Farrell and Michael Semple argue, “it is hard to see a sustainable peace deal that does not involve some kind of power sharing arrangement with the Taliban” (Farrell and Semple 2015, 97).

Although the different constituencies in Afghanistan are not clear about the power sharing models, both the consociational and integrative to

power sharing have been proposed. While talking about power sharing, one interviewee stated, there is an unstated and unanimous consensus among the non-Pashtuns that any share of power given/allocated to the Taliban should be granted from the share of Pashtuns in the government. This model subscribes to a consociational model of power sharing (anonymous. Personal interview. November 29, 2018).

Karzai offered an integrative power sharing formula to the Taliban which included political participation at central government positions during his tenure (NBC 2007). According to Karzai,

what can we do to provide an opportunity for the Taliban to participate in the elections. We cannot grant autonomy to the Taliban inside Afghanistan. However, as we have appointed governors from other political parties, we can have from the Taliban as well. We can appoint their members in the government and the judiciary. The chief justice position is vacant; we can introduce one of their members to this position” (Karzai as quoted in Spanta 2017, 717).

Given the present centralized presidential system, it is clear that Karzai not only offered the Taliban positions in the executive and judiciary but also he offered governorships at the provincial level.

It has been assumed that accommodating the Taliban in the mainstream politics provides an incentive for the insurgents to turn into politicians. The lures of power sharing are such that they seem to ascertain political influence and legitimacy. The question is to what extent power sharing offer would convince the Taliban to leave insurgency.

As the Taliban is a religious movement, according to some interviewees, the peace settlement would require to address the position of

the Taliban Amir which is a religio-political position. Several structural adjustments have been proposed as an incentive to the political leadership of the Taliban to join the system. Most of these proposals include the establishment of an institution on the same line of Iran's Guardian Council or Assembly of Experts which are respectively a constitutional council and a council of supervising the supreme leader or Egypt's Dar al-ifta. For instance, in his two different discussion papers, Umer Daudzai suggests an establishment of both the constitutional Dar al-ifta and the Iranian type Guardian Council/Assembly of Experts. His first proposal is constitutionalization of the existing Council of Clerics, the same as Egypt.

We have an informal organization called the Council of Clerics. It is ethnically and geographically inclusive, but they are seen as a tool at the president's hand. Their status is not reflected in the constitution. If this council is more formalized and reflected in the constitution and is led by the title of Mufti Azam (highest official of religious law), the Taliban and their followers would have achieved what they wanted since they would be able to see a place for themselves within the Council of Clerics. The authority and the limits to the scope of the council's work shall be reflected in the constitution and the relevant laws of the country (Daudzai 2018a).

Daudzai's second proposal includes the formation of a High State Council (HSC) both as a constitutional court/council as well as a supervisory body on the president. According to him, HCS should be responsible for the five tasks below:

1. To ensure that all activities of the state and the government contribute to the strengthening of the national unity of the country
2. To advise the head of state and government on further strengthening national cohesion

3. To ensure that all activities of the state and government are in accordance with the constitution
4. To oversee the peace process in lieu of the High Peace Council (HPC)
5. To mediate and resolve any post-election major disputes

Furthermore, he suggests nine constituencies as members of the council. These constituencies are both functional and sociological/political.

1. All ex-Jihadi Leaders (including grand leaders of the Taliban when reconciled)
2. All ex-Presidents and ex-Chief Justices for a lifetime
3. Chairman of the Independent Human Rights Commission
4. Chairman of the Ulema (clerics) Council – elected through election within the Ulema of the country
5. At least two female members
6. Two top university professors (one woman and one man) of the country
7. At least two members shall be from the minority ethnic groups
8. Chairman of the Chamber of Commerce
9. Chairman of the Union of the war disabled

Gul Rahman Qazi also reiterated the same proposal:

There should be a High Decision-Making Council to...outline the main red lines of the state. Constitutional Court could also be part of the same. The current Independent Commission for Overseeing the Implementation of Constitution should be converted to a constitutional court, and the Taliban Ulama should also be included.

However, it is crucial to understand that any form of structural readjustment should not undermine the republican nature of the state which is a fault line as stated in the previous section. Addition of a non-elected High Decision Making Council should be consistent with the spirit of a republican regime.

Contrary to the assumption that a hurting military stalemate makes a power sharing arrangement possible, the prospects of power sharing is not feasible in the current scenario in Afghanistan. Primarily, the Taliban has consistently rejected a power sharing coalition. Nazar Mohammad Mutmaeen who is close to the Taliban stated, “the Taliban does not aim a power sharing either with the current administration of Ashraf Ghani or the any other administration coming through election” (personal interview. December 1, 2018). There are several reasons that power sharing with the Taliban look impossible and uncertain.

First, the constituencies that assume that the Taliban is an ideological group believe that as the Taliban does not accept a representative democracy, they will never agree on coming on board with the current political order. Instead, the Taliban desires the full replacement of the order with a theological state (anonymous. Personal interview. December 15, 2018). In the political model of the Taliban, the Supreme Amir/Amir ul Momineen does not fit properly with power sharing arrangements. Organizationally, the Taliban is divided over the issues of power sharing between those who think politically, like the diplomats, and those who are ideological. The political wing of the Taliban is more inclined to a power sharing arrangement, whereas the field commanders are against this approach as they are more ideological (Farrell and Semple 2015, 98). As



drug and narcotics cultivation, trade and tax constitute a major share of the Taliban business (Azami 2018), it is critical to ask how much their ideological inclination or desire for more economic gains and profit have been replaced by political will for a settlement. The cases of Irish Republican Army (IRA), the Liberation Tigers of Tamil Eelam (LTTE) showed that even though the insurgencies had access to a large amount of money through crime, they have not left their ideological commitments (Clarke and Paul 2014, 55). We need to know more about the Taliban. As Hafiz Mansor argues, while the earlier generation of the Taliban was more political and to some extent thinking about profit, the current generation, especially the rank-and-file, are more ideological (personal interview. 2018).

Second, the Taliban does not trust the government. For instance, Naser Timory states, the Taliban believe that Karzai used the High Peace Council (HPC) as a war strategy to divide the Taliban and settle smalls groups of them within the system to weaken them. Ghani continued to do the same. Karzai wanted peace provided the Taliban to acknowledge his presidency. Ghani is looking for the same with his five-year peace plan (personal interview. February 5, 2019).

Similarly, according to some of the interviewees, there has been a constituency in Afghanistan who has not been in favor of accommodation of the Taliban. They assume that the presence of the Taliban in Kabul as a threat to their political life. For instance, Fazel Ahmad Manawi argues,

The government in Kabul believed that if the Taliban was given a chance through a peace settlement or any other approaches, it would either limit their power or displace them. As the distribution of power in Afghanistan is

an ethnic distribution and as the Taliban was predominantly from one ethnic group, the Pashtun elites feared that if the Taliban comes into power, it will take their share. So, they used the peace process as a political game (personal interview. December 10, 2018).

Waheed Mozhdah also recaps the same, “this point is correct. I have reiterated this issue multiple times. Karzai did not accept Mr. Hekmatyar because of the same issue. They did not accommodate Hekmatyar, as they assumed that once Hekmatyar came, he will displace them.”

Third, the current state of stalemate in the conflict has not become a hurting point for the Taliban to push it into accepting a power sharing arrangement. The Taliban considers power sharing not as an opportunity but as a surrender. The recent desperation of the US to conclude the conflict anyhow through a negotiated settlement has made the Taliban hopeful to receive a bigger concession.

Ideologically also the Taliban are not inclined toward a power sharing government. The Taliban has rejected such kind of proposals (Mujahid 2019). They believe any possible way of integrating into the system should be through a mechanism in which they should not be assumed surrendered. In this case, the Taliban will negotiate only to buy time, to force the international troops to withdraw, and finally storm back to take power.

However, it is clear for the Taliban that they cannot establish a monopoly over the state. They understand that a stable government requires consent and participation of the people and different constituencies. If power sharing would be accepted as a model of political settlement, the anti-Taliban resistance constituency would also demand a share. The peace

deal with the Taliban should take into consideration the mounting tensions between Pashtuns and non-Pashtuns. As Steve Coll states, “Afghanistan’s history indicates that a durable peace will be impossible without sustainable power-sharing between Pashtuns and non-Pashtuns. Since the Taliban constitute a substantial element of Pashtun politics, it would be difficult to construct such a settlement without at least attempting to include some of their leaders” (Coll 2010).

Moreover, a comparative study of the power sharing arrangement in different African countries indicates that power sharing coalitions have either led to a shaky and unstable government or reverted to conflict. In all these cases, the insurgents demanded more control over the state or resources or legitimacy or autonomy. The uncertainty in all of these cases resulted in insecurity and finally the emergence of hardliners or outbidders who do not respect the agreement. Donald Rothchild identifies three patterns in power sharing arrangements in the post-conflict African countries (Rothchild 2009, 254).

1. An unsteady power sharing coalition: in these cases, the parties manage to continue the coalition mechanism and survive the transition period, but the level of confidence and trust among the parties was as low as it led to instability. The Sun City agreement in the Democratic Republic of Congo in 2002, Burundi, and Liberian are the prime examples of this pattern.
2. Asymmetrical pattern: in this pattern one region reaches a power sharing agreement while the other region does not. As a consequence, there would be an incomplete peace process. The best example of this pattern is Sudan where a peace agreement was concluded in 2005 to

end the north-south conflict. However, the talk in Abuja over Darfur faced a deadlock in 2007.

3. High tension within elites despite a balanced power sharing: in the case, 1993 Arusha Accord in Rwanda and 2003 Cote d'Ivoire a balance and equal power sharing was concluded. However, the hardliners in both cases felt their status was threatened, and hence they came out of the agreement.

The above-mentioned cases clearly show that a power sharing coalition with the Taliban is less likely at this juncture. Should a power sharing take place, it would be either unstable or it would fail.

### **Decentralization**

Unlike power sharing which is based on an inclusive decision-making at the central level, decentralization involves partitioned decision-making. There are conflictual opinions on how decentralization has been considered as a mechanism for the settlement of conflicts. Ashraf Ghani and Clare Lockhart argue, “in many countries across the world conflicting parties in a civil war have hit upon decentralization as the mechanism for bringing peace” (Ghani and Lockhart 2007, 281). On the contrary, Donald Rothchild argues that “as recent data indicate, negotiating parties have not realized genuine federalism as part of a civil war settlement; of the 55 agreements that ended civil war since 1945...there were no cases of full political decentralization and only nine cases of semi-federalism (Rothchild 2009, 255).

Ghani and Lockhart identify three models of decentralization as mechanisms of settlement. The first model of agreements retains the territorial unity of the state, but it provides great recognition to the identity and culture of the community such as the 1998 Philippines and 2001 Macedonia. The second model is agreement on a transition period to decide whether to stay as a union in the state or to secede, such as in the cases of Serbia and Montenegro. And, the third model is where the parties agree to a ceasefire but leave the exploring of a political solution to future such as the case of Ache in Indonesia.

The Taliban does not fight for the reason of cultural autonomy, empowering of local decision-making or even redesigning the resource allocation at the region level. Ironically, they consider a centralized state structure more favorable (Sheikh and Khan 2019). As stated in the previous section, the Taliban's mobilizing strategy is based on re-establishing an Islamic Emirate which is fundamentally in contradiction with the decentralized model of governance.

However, the centralized system has functioned both as a background cause and a catalyst to prolongation and intensification the war. Anthropologists such as Hodayun Sidky (2019), Thomas Barfield and Nazif Shahrani who studied Afghanistan society ethnographically perceive the current centralized system as hindrance to the stable peace. Barfield argues, "This structure [centralized system] is the greatest impediment to making peace because it makes people fearful that any compromise from the center might lead to handing their opponents absolute power to oppress them" (Barfield 2019, 8). According to Barfield, this fear could be seen

both among the ethnic groups as well as among the rural/urban population. Elaborating on the ethnic dimension of it, Nazif Shahrani states,

If strategies to address violence in Afghanistan are to gain sustainable traction, they need to acknowledge and account for northern resistance to Pashtun influence and its association with both Kabul and external intervention. A priority from this perspective is to revise commitments to centralised authority enshrined in the 2004 constitution in favor of devolved decision-making to regional institutions (Shahrani 2018, 41).

Contrary to the clichéd claim that the decentralized system will be destabilizing at the current scenario in Afghanistan, this perspective argues that it is the centralized presidential system which reinforces instability. “Afghanistan is falling apart because its all or nothing center is unstable” (Barfield 2019, 8). In fact, according to this approach, a decentralized approach provides the opportunity to accommodate the regional factions of the Taliban in the local governance. A decentralized system addresses a number of factors stated as background causes or catalysts of the Taliban war in the previous section. For instance, Taliban has taken arms for the reasons such as local tribal feud or fear of prosecution in the hands of their opponents at the local and central administration.

As far as local power sharing is concerned, the recent Afghan Institute for Strategic Studies research shows that almost 30% of the people suggest giving the Taliban a share at the local level (Sadr 2018, 69). Decentralization has been suggested by some politicians as a solution: the notorious jihadist, Gulbuddin Hekmatyar, and a federalist politician, Abdul Latif Pedram. Presenting his proposal in an interview with The New York Times on March 4, 2018, Hekmatyar stated that a local autonomy should

be granted to the Taliban in certain regions/provinces under the title of “secure regions.” According to him, while these regions remain integral to Afghanistan, the Afghanistan National Army should withdraw from there. However, Pedram has argued that any form of cession of regions to the Taliban should be through a constitutional federal order or otherwise it will lead to fragmentation of Afghanistan. In two separate interviews (with BBC Persian on August 15, 2009 and with Sputnik Afghanistan on July 31, 2018), Pedram argued that the Taliban should not “surrender” to the state and that they could instead be accommodated in a federal order through negotiations. According to him, the Taliban represents a fundamental ethnocultural difference in Afghanistan which could only be accommodated in a constitutional federal order. If people in the Taliban strongholds, i.e. in the southern region, elect the Taliban as their administrators that should be accepted.

However, this solution is excluded from the mainstream discourse in Afghanistan for variety of reasons. Politics of majoritarianism, Afghan ethnonationalism, and fear of disintegration of the country have reinforced marginalization of a decentralized system. On the contrary, the proposal of decentralization is a stable long term compromise through structural readjustment of the state and of redistribution of power at the local level.

## **Caretaker or Interim Government**

An alternative mechanism for the accommodation of the Taliban is through the establishment of an interim administration. The proposal for the formation of the interim government has been proposed at different stages by the opposition political parties and the Taliban. The Taliban proposed the formation of an interim administration in track-2 meetings such as Chantilly in 2013. Similarly, Anwar ul-Haq Ahady stated, “two years ago in a gathering like this, they [Taliban] specified three conditions which were the withdrawal of international forces, provisional government, and revision in the constitution. But they have not elaborated on any of these issues, so that is not very helpful” (Ahady 2017). With the initiation of the talks between Zalmay Khalilzad as the US Special Representative for Peace and Reconciliation in Afghanistan with the Taliban, the proposal for the interim government has come up once again. Atta Mohammad Noor, Chief Executive of Jamiat Party proposed formation of an interim government in the Moscow conference on February 5, 2019. While both Khalilzad and the Taliban have officially rejected any speculation that they have demanded or offered interim government as an option, the media reports as well as the reaction of the NUG leadership to any extra-constitutional measure has indicated that interim government has been discussed in the negotiations, indeed. As one of the Taliban officials stated to Reuters on December 18, 2018, that “if...the U.S. appoints the head of a caretaker government in Afghanistan that we nominate, then we can think about a ceasefire,” it is clear that the Taliban considers an interim government headed by them. However, President Ghani on the day of his nomination for presidential elections stated, “people of Afghanistan do not accept an interim



government, not today, not tomorrow, not in a hundred years...Whoever comes up with such stupid proposals – a few ex-officials that I wouldn't even accept as my students – should rethink.”

Having said this, it is clear that opinions are divided over the option of an interim government between three lots: full supporters, opponents, and conditional supporters.

Let us look at the “supporters” first. The proponents of interim government present three different rationales, which they believe can lead to eventual political settlement with and accommodation of the Taliban. First, according to Shah Mahmood Miakhel, the Taliban has fought against the system in last 17 years. Joining the system would negate the fundamental rationale which the Taliban fought and its insurgency would be considered unjust war. It will lose their political credibility both in the eyes of their rank-and-file and in the eyes common people. How it could convince its rank and file to join the system? That is why it considers a possible interim government as a way out (Miakhel. Personal interview. December 26, 2018).

Second, it is argued that Afghanistan is in a *force majeure* state-of-affairs. The constitution has already been suspended after the 2014 “fraudulent” election and the formation of the National Unity Government (NUG). Alternatively, they argue that the NUG also failed to implement and observe the constitution. Hence, as the law is suspended in current condition, the only option is going back to the will of the people which is *Ijma* (consensus) and an interim government would be a way out to re-

establish the constitutional order (Qazi, Gul Rahman. Personal interview. December 25, 2018).

Third, it is said that the Taliban does not trust this government. For instance, Nazar Mohammad Mutmaeen argued, “if the next government come through election, its endeavour would be to stay in power for five years to finish its term. That means continuation of war for the next five years. Instead, an interim government is a better option because it will not stay in power for a five-year term” (personal interview. December 1, 2018).

The current scenario is the same as 1990s when the communist regime presented a peace plan and the Mujahideen rejected it. They also did not trust the government. Hence, Farouq Azam says an interim government would be a way out of the conflict (personal interview. November 26, 2018). According to Waheed Mozhdah (personal interview. December 11, 2018), “we need a government which should neither take the side of the Taliban nor be anti-Taliban. A list should be prepared both from the government side and the Taliban side to lead the interim government.”

The second stream, the “opponents,” reject the idea of an interim government both as unconstitutional and also as a contradiction to democracy. There are genuine concerns about the caretaker or interim government. While democracy is based on representative government, the interim government would be unelected and unrepresentative (Laeq, Garzai. Email interview. December 23, 2018). As the base rule for the interim government is not clear, and it is not constitutional, it would create

a legal limbo. On the one hand, the caretaker government might do things which would not be in its mandate and could even try to extend its tenure beyond the admissible timeframe. Similarly, it would be an extra concession to the insurgents which will create a precedence for other like-minded groups to walk the same path. The other groups will be emboldened to challenge the state (Samar, Sima. Personal interview. December 9, 2018).

Hafiz Mansor (personal interview. December 10, 2018) stated, “its [interim government] appearance seems very simple and practical. However, as the Farsi proverb says, *buz dar jan kandan, qasab dar gham charbu* [goat is struggling for life, and the butcher is after the fat], an interim government is an option for most of the political groups who does not have a share in the government. It will ensure them both share of power and money.” Hence, according to this stream, an interim government would not only be not a solution, but it will become a liability that can intensify the existing problems.

The third stream is that of those who accept the interim based on certain conditions. While they do not propose an interim government as the first option, they consider it as one of the possible approaches. Fazel Ahmad Manawi (personal interview. December 10, 2018) argues,

achieving peace is not without cost. Whatever mechanism helps us to reach the real peace should not be resisted. The interim government proposal is not a bad proposal, because it would not be worse than the current government. As far as the US and the international community are present in Afghanistan, the situation will not get worse. It does not mean that this government has maintained stability and order and the interim government would not. The

current government has become sensitive (which is unacceptable) to the Taliban and also to the opposition. If a change takes place, there would not be any problem.

It is clear that this group's acceptance of an interim government is conditional.

Most importantly, the important condition, stated by interviewees, is that an interim government should not mean beginning from the scratch. For instance, Fawzia Kofi (personal interview. December 24, 2018) argues, "if the mechanism and the rules for the interim government could be agreed, it could be a solution. A set of criteria should be established based on which the interim government should be created and function."

1. The current constitution shall be the base of the game for the interim administration (Manawi, Fazel Ahmad. Personal interview. December 10, 2018, and Ahmadi, Amin. personal interview. December 1, 2018). It could be a framework for governance till the new constitution is developed (Kofi, Fawzia. Personal interview. December 24, 2018).
2. The interim government should not be for a long term and should not have all the authorities of an elected government. It should be mandated to administer transition and change: one accommodation of the Taliban, and second conduct of elections and few limited authorities. The security of the citizen is a principle, and that is a priority (Manawi, Fazel Ahmad. Personal interview. December 10, 2018).
3. People who agree to lead the interim government should not be allowed to contest the elections afterward and should not be

allowed to use the peace process as personal agenda to lobby or campaign for themselves,

4. S/he should be not ethno-extremist or religious extremist. (Kofi, Fawzia. Personal interview. December 24, 2018 and Qazi, Gul Rahman. Personal interview. December 25, 2018).

Nonetheless, the interim government has remained under-theorized and under-developed in the context of Afghanistan. Many of the proponents of interim administration have not laid out what are the procedures and mechanisms for the formation of such government and how it should function. Except Zalmay Khalilzad's "Prospects for the Afghan Interim Government" (1991) and Barnett Rubin's "The Failure of an Internationally Sponsored Interim Government in Afghanistan" (1995), there is no literature by local scholars in the Farsi, except a few op-eds (see Lalzad 2018 and Poya 2018) analyzing the faith and prospects of the interim government in 1990s Afghanistan. As a result, there is not much clarity in Afghanistan when it comes to the differences between interim and caretaker governments. The problem also comes from a lack of distinct indigenous terminologies for both these types of governments. *Hokumat Muwaqat* is the term referred to both caretaker and interim administration. An alternative term to differentiate between the interim and caretaker in Farsi could be the term used in Urdu for caretaker government: *Sarprast Hokumat*<sup>4</sup>. Below, I provide a conceptual analysis of interim government and the possible scenarios.

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<sup>4</sup> In Hindi, caretaker government is called "*kaaryavaahak sarkaar*," which means a government that is responsible for some tasks only.

## **Types of Interim Government and Possible Scenarios**

While both the caretaker government and interim government are temporary administrations, they differ in the procedure of selection and nature. The caretaker government is a mechanism in an established democratic parliamentary system, but interim government usually sets after the transition from a crisis such as conflict or dictatorship. The caretaker government is usually practiced in the parliamentary system when the government faces a no-confidence vote from the parliament or the house which the government is responsible for is dissolved. In this condition, once the elected government's term is finished, the non-elected officials would take responsibility as a caretaker government.

The caretaker government primarily has two responsibilities: conducting and executing the routine functions of the government and preparing a conducive condition for free and fair elections (Majid 2018). For this purpose, the caretaker government is supposed to be non-partisan, impartial, with no political affiliations and it should not take controversial decisions. As the caretaker government is a temporary and non-elected government, a major concern is that there should be enough rules and parameters which regulate and limit the authority and responsibilities of the caretaker government. In the UK there are conventions that clarify the mandate of the caretaker government and draws the basic principles. In India, the election commission has set a code which determines the guidelines for all officials staying in office during the transition period between two elections. In Pakistan the election act states,

The caretaker government shall not: take major policy decisions except on urgent matters; take any decision or make a policy that may have effect or pre-empt the exercise of authority by the future elected Government; enter into major contract or undertaking if it is detrimental to public interest; enter into major international negotiation with any foreign country or international agency or sign or ratify any international binding instrument except in an exceptional case; make promotions or major appointments of public officials but may make acting or short term appointments in public interest; transfer public officials unless it is considered expedient and after approval of the Commission; and attempt to influence the elections or do or cause to be done anything which may, in any manner, influence or adversely affect the free and fair elections (NAP 2017, Chapter XIV, Article 230 (2)).

Of the important criteria of the caretaker administration is the selection of an impartial, non-partisan independent person to take responsibility of the caretaker government. In Pakistan, a retired Chief Justice is considered for the position. S/he should be agreed by both the government and opposition (Majid 2018). In Bangladesh, the head and ten other officials for caretaker would be appointed and removed by the president. However, the concern is that appointment of the caretaker government by the all-powerful president would violate the independence of the caretaker (Bhuiyan 2003, 44).

Unlike the caretaker government, the interim administration is a temporary government which is formed in the crisis conditions as an emergency response to facilitate and administer the transition in a post-conflict or a post-authoritarian regime. For example, in 1991 when the military president Ershad was forced to step down in Bangladesh, the major political parties agreed to form an interim government led by the incumbent Chief Justice through consensus. The government was responsible for

conducting democratic elections (Bhuiyan 2003). The best example of differentiation between caretaker and the interim government is the case of Bangladesh post-abolition of the caretaker government system in 2011. The ruling prime minister wanted an incumbent interim government by extending her own rule, but Khalida Zia, the leader of the opposition, demanded a technocrat caretaker government (Rahman 2013).

Yossi Shain and Juan J. Linz (1995) devise four types of interim government: revolutionary provisional government, power sharing provisional coalition, incumbent caretaker government, and international provisional government. This classification helps us to understand the prospects and nuances of the interim government in Afghanistan.

*1. Revolutionary provisional government:*

When a government is overthrown through a coup d'état or revolution, the new ruling elite who captures the power declares itself a provisional government mandated to administer transition to democratic order. The prominent example of this type of interim government is the post-second World War subversion of authoritarian regimes. Of the characters of revolutionary provisional governments are its desire to break away from the old regime, and its crisis of legitimacy as it has come into existence through a sudden transition. The successful cases where a revolutionary provisional government facilitated the transition to a democratic order include 1944 de Gaulle' provisional government in France; in Portugal in 1974, and in the Philippines in 1986. However, in most cases, such interim governments failed to stay true to their promise to deliver the promised democratic transition. The 1959-1960 Fidel Castro's provisional administration in



Cuba; the 1962 Algerian National Liberation Front (FLN); the 1974 Ethiopian Provisional Military Administrative Council (PAMC), and the “social democratic” regime of the Nicaraguan Sandinistas established their own autocratic rule in the name of provisional government. These cases indicate that once the provisional government is established by the revolutionaries, they often do not leave the power they attain. They make tall promises about free and fair elections, but use the interim period to sideline their opponents and take major policy decisions (Shain and Linz 1995, 31).

In the current scenario, it is unlikely that the Taliban will overthrow the state and usurp power and keep all that to itself. However, if the level of conflict escalates, there is a danger that the state might not be able to retain whatever legitimacy it has, resulting in its collapse. Even if the Taliban takes over the entire political system and establishes a provisional government, it is unlikely that they will subsequently commit to a democratic transition of power through elections. As Barnett Rubin stated in the context of late 1980s Mujahideen war against the communist regime in Afghanistan, “Islam rather than democracy was the rallying cry of the opposition” (Rubin 1995, 213). The same holds true for the Taliban today. Hence, if the Taliban is given a free hand to topple the state and establish a revolutionary provisional government of their own, they will lack both the moral commitment as well as ideological rationale for transitioning to a democracy. Simply put they will not leave the authority once it is handed over to them.

## 2. *Power sharing provisional coalition:*

It is important to note that a power sharing provisional coalition is different from power sharing negotiated pact as an institutional response to the distribution of power, which was addressed in the previous section. These two are different in scope, objective, and mandate. A power sharing interim coalition is a government where the government and the insurgency agree to a shared power coalition in a transitional government. Such a kind of power sharing is risky for both the incumbent government and the opposition. A power sharing provisional government for the incumbent administration is a kind of compromise over its legitimacy and reflects weakness of its status (Shain and Linz 1995, 42).

A power sharing provisional government is possible under two conditions. First, the opposition should not be revolutionary or ideological. Second, the level of violence and conflict should not be high. Both these conditions do not hold true for the current scenario in Afghanistan: the Taliban is an ideological group, unless it relinquishes its ideological demands, and that the level of conflict is also at its highest scale.

Notwithstanding, some of the respondents argue that the Taliban is willing to go ahead with a power sharing interim government. In this case, the challenge would be to draw a power sharing arrangement. What portion of the share would the Taliban claim? How to ensure that a power sharing interim government does not lead to the polarization of society? While talking about power sharing, many of the pro-interim government elites have the 2001 Bonn Conference power sharing as a model: distribution of the executive branch between the resistance constituency and the western

diaspora. As ethnicity has turned into a politically relevant category for power sharing in the post-Bonn agreement, a critical challenge would be ethnic distribution and allocation of shares. According to one of the interviewee who has a contact line with the Taliban and also participated the recent February 5, 2019 Moscow conference, “the Taliban considers it as sole representative of Pashtuns. It considers non-Pashtun parties as main negotiating party” (anonymous. Personal interview. February 15, 2019). Similarly, there is an unstated and unanimous consensus among the non-Pashtuns that any share of power given to the Taliban, where the power sharing mechanism is designed on ethnonational terms, should be granted from within the share of power that the Pashtuns currently enjoy in the government (anonymous. Personal interview. November 29, 2018). The politics of representation had been one of the challenges of the 2001 UN Talks on Afghanistan in Bonn. For instance, Lakhdar Brahimi stated “I think the few people we got from the south, I mean frankly, were groups of exiles which were not really representative of the south” (Brahimi 2008a).

### 3. *Incumbent caretaker government:*

When the ruling government is forced to step down, or loses its democratic legitimacy, a temporary government of the incumbents will promise to lead the transition period. This type of interim government might be accepted by the other parties to avoid the risk of a power vacuum. The fundamental condition for acceptance of incumbent as caretaker is the existence of a level of trust by the public and opposition on the commitment of ruling elite in transition as well as to repel the risk of state collapse and anarchy. Some of the examples of caretaker government established by the incumbent and agreed to by the opposition are 1976 Spain, 1984 Uruguay, 1987 South

Korea and 1993 South Africa (Shain and Linz 1995, 53). While an incumbent caretaker government lacks democratic legitimacy, it would be accepted to maintain public order and avoid a state of anarchy.

This option is not feasible in the current scenarios for multiple reasons. First, the ruling government does not have a will for the formation of an incumbent interim government. President Ghani has firmly rejected any form of interim government. Second, as the Taliban does not recognize the current government as legitimate, and thus, they are unlikely to accept the formation of an incumbent caretaker government since it would be an extension of the same government in one way.

#### *4. International provisional government:*

When the rivalry between the aspirants of power and the government is deep-seated, violent and seemingly irresolvable that it rules out the possibility of an incumbent-led caretaker government, or the power sharing interim government or the full victory of the insurgents to establish a provisional government, Yossi Shain and Lynn Berat (1995, 63) propose the formation of a fourth model, which is an internationally governed interim government. Currently, the rivalry between the Taliban, as aspirants of power, and the government is so deep-seated, violent and seemingly irresolvable that it rules out the possibility of an incumbent-led caretaker government, or a power sharing interim government or the full victory of the Taliban to establish a provisional government. So far, President Ashraf Ghani has firmly rejected any possibility of an interim government. On a public interview with *TOLOnews* on February 5, 2019, he reiterated that interim government is not a solution. Thus, the most likely scenario is

formation of an interim government under the aegis of international community. Given the fact that the US is a party to the talks with the Taliban and can act as a strong guarantor for the agreement, an internationally formed interim government is the most likely case. The US has enough financial, political and military leverage to enforce an interim government on the incumbent NUG.

Shain and Berat developed this model based on the experience of Namibia in 1990 and proposed the same model for other cases such as the 1990 Afghanistan and 1991 Cambodia. The UN implemented this model in Cambodia, however, their model failed in Afghanistan as the state collapsed in 1992. Based on the failed experience of the interim government in the 1990s Afghanistan, they revised their theory and laid out five necessary conditions for formation of an interim government. Below, I discuss these conditions and their relevance to the case of Afghanistan.

### **Conditions for an Interim Government**

Shain and Berat suggest five pre-conditions for formation of an interim government by international community. These are the conditions that all parties to the conflict including the US, NATO, the Government of Afghanistan and the Taliban should consider while opting for an interim government as an institutional arrangement. First, an “interim government is suitable only in places where the state has not failed and where state institutions have remained largely intact” (Shain and Berat 1995, 64). Accordingly, by no means, the centrality of the state in Afghanistan should be undermined and bypassed. Currently, most of the institutions of the state

are intact. The international community should support the state and sustain it.

Second, “the incumbent regime, although perhaps severely weakened, has not been totally delegitimized by other factions and exerts a high-level of control over the means of violence and other state institutions of legal-rational aspiration” (Shain and Berat 1995, 64). Unfortunately, this condition has not been respected by most of the stakeholders and constituencies. The Taliban has consistently rejected to talk with the state. The current negotiations of the US have also contributed to the delegitimization of the state in Afghanistan. As Ryan Crocker, a former Ambassador of the US in Afghanistan stated, “the Taliban has said all along that it refuses to negotiate with the government, considering the government the illegitimate puppet of the U.S. occupation. By acceding to this Taliban demand, we have ourselves delegitimized the government we claim to support” (Crocker 2019). And lastly, most of the political parties and political actors in Afghanistan have also bypassed the state by directly contacting the Taliban or expressing interest in the so-called “intra-Afghan talks” in the absence of the state. It is important that the state should not be reduced to a faction. Instead it should be state-centric.

Third, “parties to the conflict are bound to foreign patrons who are united in their desire to end strife and are in a strong position to influence the behavior of rival leaders and factions” (Shain and Berat 1995, 65). In a protracted conflict such as Afghanistan, there are multiple foreign patrons behind the parties to the conflict. The US, NATO, and majority of the international community support the Government of Afghanistan. On the other hand, the Taliban has diversified their patrons. Traditionally, Pakistan

has been the patron of the Taliban. However, Iran, Russia, and the Persian Gulf countries have joined Pakistan in patronizing the Taliban. The critical question is to what extent Pakistan and other patrons of the Taliban are willing to support the peace process and ending the conflict? In an optimistic condition, Pakistan will help only when it's ensured that Afghanistan will be recognized by all as a neutral state. If the strategic security concerns of Pakistan would not be addressed, it would try to maintain the radical segments of the Taliban as its client. Pakistan would use the radical factions of the Taliban as spoiler of the peace accord to relaunch a new phase of insurgency. Another ultimate option for Pakistan would be the model of Hezbollah of Lebanon. According to this model, while the Taliban would integrate in the system, it will maintain its militia identity as well as maintain its control over a portion territory.

As the US is currently negotiating the Taliban in the absence of the Government of Afghanistan, its role could not be neglected in any possible agreement. The 2003 US invasion in Iraq implies that external actors could play determining role on the nature and type of the interim administration. After the invasion, the Coalition Provisional Authority was established which was headed by the US Ambassador Paul Bremer. Subsequent to that there was a disagreement over the type and nature of the interim government between the UN representative, Lakhdar Brahimi and the US authorities. Brahimi envisioned and proposed a non-political and technocrat interim government with 12 to 15 ministries. The technocrats should commit not to be elected to the political offices. However, the US desired a political interim administration to be susceptible to influence. Finally, once it was formed the Iraqi people did not have any control over its

formation. Ayad Allawi, who was not a technocrat, was chosen as its head. Allawi did not have the authority to choose or propose a candidate for the ministries instead he was given a list of two to three choices for each ministry from which he was allowed to select one (Allawi 2007, 284).

Fourth, “parties to the conflict are largely interested in accommodating each other democratically or otherwise, and, indeed, are encouraged to do so by their foreign patrons” (Shain and Berat 1995, 65). As stated in the previous sections, the Government of Afghanistan and most of the political parties and constituencies are willing to accommodate the Taliban in a democratic process. However, there is no indication that the Taliban is willing to embrace the democratic process.

Fifth, “although there may be extreme positions among rival factions, there is still a thread of communication that may be bolstered by the presence of a symbolic central authority figure who is respected by all members of other factions across the political spectrum and by the population at large” (Shain and Berat 1995, 65). Finding a figure who would be respected by all constituencies and factions in Afghanistan if not difficult would be a challenging task.

The above-mentioned conditions signify that the interim government is a challenging option as an institutional arrangement at the current juncture in Afghanistan. Two points become clear. If an insurgency is ideological and it is in a dominant position against the government, it is less likely to accept elections, power sharing or decentralization. Instead, it is more likely to opt for the structural readjustment of the state or an interim government as a means of gaining a dignified entry into politics. Currently,



the necessary conditions required for a successful interim government – discussed by Shain and Baret (1995) as the conditions for the establishment of a particular kind of interim government – are not available or are uncertain in the current scenario. Understandably, most of the interviewees also doubted the effectiveness and efficiency of the interim government as a solution in the current context. It is important that all state institutions should remain intact. Its legitimacy and authority should not be undermined. The political factions should not bypass the state and should not establish an independent exclusive contact line with the Taliban. The patrons of the Taliban should provide enough guarantee to compel them in favor of democratic accommodation.

As the conditions are not viable at the moment, the interim government would be a liability which would not only undermine the democratic and liberal gains achieved in last 17 years, but will also magnify the risk of state fragmentation. The historical experiences of the interim government in Afghanistan indicate that the incumbent, revolutionary, and the power sharing interim government have never been a solution as an arbitration mechanism. President Ghani also reiterated the failed experience of proposed interim government in 1992 which led to state fragmentation and civil war.

Historically, the above types of interim governments have been proposed by different parties in the last 30 years in Afghanistan. None of which was successful. The country has also experienced three forms of interim governments including the incumbent interim government, the revolutionary interim government, and the power sharing interim government. Four proposals for interim government came at the end of

1980s and early 1990s by the Najibullah government, the Mujahideen and their patrons. The fifth experience of interim government goes back to the 2001 Bonn process.

The first proposal for interim government had come from President Mohammad Najibullah's government in the late 1980s. His government had proposed an interim government based on power sharing between the incumbents and Mujahideen. The government had offered local power and also military positions at the central government to the insurgents. However, like the Taliban of today, the Mujahideen had back then rejected the offer. As the offer was rejected, Najibullah's government followed the Nicaraguan model which was that of an incumbent interim government. A Constituent Assembly was called to ratify the new constitution in December 1987. The government also reserved some seats for Mujahideen in the April 1988 parliamentary elections.

The second proposal for interim government came from Mikhail Gorbachev in December 1988. He proposed a cease-fire, deployment of UN peacekeepers and formation of a power sharing interim government within the framework of the "National Reconciliation" of Kabul government (Rubin 1995, 221).

The third initiative for interim government was taken by Mujahideen. As the Soviet troops left Afghanistan, the countries supporting Mujahideen pushed them to form an interim government. In February 1989, a large council of the seven Sunni Mujahideen parties formed Interim Islamic Government of Afghanistan (IIGA). This was mostly like a provisional revolutionary government with the exception that they had not

toppled the communist government. In 1991, Zalmay Khalilzad who is now leading the US talks with the Taliban wrote a paper for the Rand's National Defense Research Institute and the US Secretary of Defense on the prospect of the interim government in Afghanistan. He considered three issues as the reasons why the Mujahideen's interim government failed to materialize. First, its member lacked internal cohesion and unity. Second, the Pakistan-based Mujahideen parties failed to broaden the base of interim government by including the Iran-based Shia parties and other diaspora in the West. Third, Mujahideen could not, as well, make a major military victory against the Najibullah's government.

The fourth proposal for interim government at this stage came from other actors who proposed an internationally sponsored, non-political, technocratic interim government headed by the former *Shah* (King). However, this proposal did not ask UN to form the interim government or administer its elections. The international interim government option was also discussed in the negotiations between the US and USSR. In September 1989, both sides agreed that there is a need for a transitional period. While election was agreed as a means for settling the conflict same as the Cambodian model, however, disagreement remained over the mechanism of transition. The US insisted stepping down of President Najibullah, but the USSR proposed a Nicaraguan Model of the incumbent interim government. By December 1990 both sides reached an agreement for an UN-sponsored interim administration, but the Soviet hardliners refused the deal (Rubin 1995, 225).

The 2001 UN Talks on Afghanistan in Bonn agreed on the establishment of power sharing interim government. The three parties out

of four parties participating in the conference, namely, the resistance constituency, the ex-*Shah* (Rome circle), and Peshawar *Shura* shared the power in the interim government. The fourth party, the Cyprus circle which was representing Gulbuddin Hekmatyar declined to participate in the government. Equally important was the role of UN enshrined in the agreement.

In the post-Bonn process, the proposition of interim administration has been presented by both the political opposition and the figures close to the Taliban. The main argument of the political parties has been that to prevent interference of the incumbent government in elections, an interim government should be formed before the elections. The National Front, formed on November 11, 2011, claimed that the government lacks sufficient legitimacy. While it emphasized the need for free and fair presidential elections and supported peace with the Taliban, it also emphasized the need for reform of political system from a presidential system to parliamentary, and it discarded the traditional Jirga to discuss this issue. Subsequently, the National Front demanded the formation of the interim government before the 2014 presidential elections. Later, on the eve of the 2014 electoral crisis, one of the proposals was regarding the formation of an interim administration. This proposal was put forward as a solution to the situation in which the constitutional institutions do not respond to the crisis (Rosenberg 2014). Lack of trust in free and fair 2018 parliamentary elections led some of these figures to propose interim administration again. The Grand National Coalition of Afghanistan demanded the creation of an interim administration to administer the elections. Many of the Tajik leaders in this coalition, including Atta

Mohammad Noor, Mohammad Ismail Khan, and Ahmad Zai Massoud, called for the formation of an interim administration to administer and guarantee fair elections. According to this proposal, the structure of the state would remain the same and will continue its functions, however only the president and the ministers would be dismissed and replaced. For example, on September 10, 2018 Sana News Agency reported that Ismail Khan stated that if the government is not able to hold fair elections and prevent corrupt elections, it is better that the international community declare an interim administration. Similarly, Noor stated that if the government and the election commission do not accept and implement reforms in the electoral procedures, he will boycott elections and proposed the establishment of an interim government (Radfar 2018). President Karzai rejected the proposal for an interim government then, however, he turned into a strong supporter of it once his tenure finished. According to some of the interviewees, Karzai advocates for a power sharing interim government so that he could have a major share in it.

However, it is not much clear if the proposal shared by the aforementioned political parties consider a technocrat, non-partisan caretaker government or a power sharing interim government. The concern of the political opposition is fundamentally linked to the failure of the 2004 constitution to provide a clear answer for a situation that an incumbent president's tenure finishes but s/he fails to hold the elections. The constitution only elucidates an interim president under four conditions. If the ruling president dies, resigns, gets dismissed or is diagnosed with an incurable disease, the first vice-president would become the interim president for three months. The interim president is mandated to hold

elections within three months, but s/he cannot dismiss the ministers, hold a referendum and amend the constitution (article 67).

The growing interest for interim government both as a mechanism for administering the elections and as an arbitration mechanism for settlement of the conflict indicates that the government has increasingly lost its political credibility. The opposition claims that the government is reduced to a factional institution which could not represent all socio-political segments. This approach challenges the exclusive role of the incumbent government as the only party to negotiate with the Taliban. Instead, it suggests that quadrilateral approach in which political parties, civil society, government and the Taliban negotiate the prospects of a settlement.

### **Mandate and Procedure of an Interim Government**

If the above conditions are met and the interim government is accepted by the parties, it should come as a result of the peace settlement. It is similar to what has been suggested by Rand's prototype agreement called "Agreement on a Comprehensive Settlement of the Conflict in Afghanistan"<sup>5</sup> which considers an interim government as part of a peace agreement with the Taliban (Anonymous 2018). Article II.4 of the document states, "upon signature of this Agreement, a Transitional

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<sup>5</sup> In December 2018, a 49-page document titled "Agreement on a Comprehensive Settlement of the Conflict in Afghanistan" developed by Rand Corporation was leaked. The document is prepared as a prototype agreement with the Taliban which lays down provisions regarding withdrawal of international forces, amendment of the constitution and formation of a transitional governance.

Government shall be established composed of the structures and bodies set forth in the provisions of this Article.” While the document specifies the structure and lists the duties of the interim government, it does not clarify how the interim government should be formed. The proponents of the interim government, in this paper, present three methods to create it.

1. A mediator panel: a neutral 50-60-member mediator group consisting of different constituencies in Afghanistan plus experts of the UN and Organization of Islamic Cooperation (OIC) trusted and accepted by all parties to take the responsibility for establishing an interim government (Azam, Farouq. Personal interview. November 26, 2018).
2. A traditional Jirga: at the first stage a group of political elites should take the initiative, then at the second stage their decision for the formation of an interim government should be ratified by a traditional Jirga (Qazi, Gul Rahman. Personal interview. December 25, 2018). It is worth mentioning that the proposed traditional Jirga is not rooted in representative democratic spirit as it is practiced an elected Constituent Assembly. The Jirga is an invented tradition which its decisions have always been manipulated by the politicians (see Hanafi 2004).
3. An International Conference: the third possible method would be formation of an international conference similar to the 2001 UN Talks on Afghanistan in Bonn. Along with the parties to the conflict, namely, the Government of Afghanistan, the Taliban and the US, the other participants could be the UN-coordinated international participants, the grantors and supporters of the agreement, and representatives of victims, women, civil society and political parties.

Once the method for the formation of the interim government is agreed upon, the second issue would be its composition and structure. There could be two models for the interim government. First, a consensus-based, technocrat non-political, non-partisan caretaker government with a strong international and regional guarantees. Second, a mixture of technocrat and political composition. A consensus-based non-partisan could be selected at the top level for the chairperson but the second layer could be selected from different constituencies as a power sharing interim government. Similarly, technocrats could be selected for the technical ministries. In the latter case, the Taliban can also take part in the interim government. In this scenario, some of the critical questions would be the following: what would be the basis of the distribution of power? What would be the share of the Taliban in the interim government? How many constituencies would be included in the power sharing? These issues will intensify the complexity and would make the interim government unstable. It is important that the US does not repeat the mistakes of enforcing a political interim government in Iraq. The Rand document suggests a Chairperson with a probable three or four vice Chairperson and a number of members responsible for the administration of Ministries. The document also suggests that the Chairperson and three Vice Chairperson should be distributed between four main ethno-national groups namely, a Pashtun, a Tajik, an Uzbek and a Hazara.

Lastly, the end state of an agreement for an interim government should be a democratic order. The peace agreement with the Taliban should agree on democracy as an arbitration mechanism between the warring factions, and it should function as a mechanism for state (re)construction. The people want to settle on a democracy. The peace agreement should avoid returning



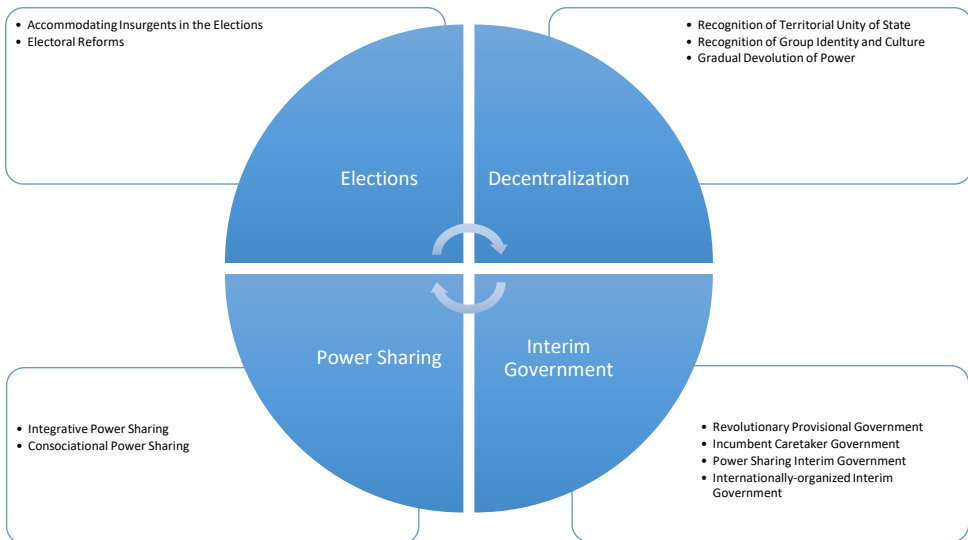
to civil war and prevent tyrannical rule. To ensure democratic order as the end state, the interim government should be designed and mandated very carefully. It should follow the following functions and responsibilities stated by Shain and Berat (1995, 68).

1. The factions should be disarmed.
2. No group should be excluded from the political process except the groups who refuse to disarm.
3. A timetable should be drawn for the elections. This timetable should include a maximum of 18 months' pre-election to allow repatriation of the refugees.
4. Elections should be conducted under the supervision of the UN officials.
5. After the elections, a constitution must be drafted.
6. To avoid domination by any single constituency, a two-thirds majority must be required for ratification of any new constitution.
7. To establish stability, the international interim authority must remain in the country for some mutually agreed upon time.

### **The Way Forward**

To conclude, it should be acknowledged that the aforementioned settlement mechanisms are not mutually exclusive. They could be inter-related with each other in different sequencing order. Any of these mechanisms or all of them in various sequences and combinations could play a role in the peace process. The sequencing will depend on how the parties to the conflict agree

and design a process. It could begin with elections and then continue with further reforms of the system such as devolution of the power to the periphery. Alternatively, it could begin with an interim government which would be mandated to amend the constitution and call for elections. Similarly, a decentralization can go with the power sharing model at the center.



*Figure 3 Divergent Models of an Institutional Arrangement for a Political Settlement*

However, amid the growing optimism for a political settlement, the prospects for a negotiated settlement is unclear. It is important to ensure that any plausible settlement should not intensify the fragility of the state. The peace process and peace agreement should ensure the continuity of the state. As the sufficient conditions required for an interim government are not available, the only mechanism which guarantees the continuation of the state is the elections and commitment to address the constitutional crisis.

## **PEACE AGREEMENT AS DEMOCRATIZATION AND STATECRAFT**

In the previous section, I discussed the prospects of four institutional arrangements – elections, power sharing, decentralization, interim government – for a political settlement. The section concluded that the end state of any institutional arrangement should contribute to further democratization and strengthening of the state institutions. To this end, the peace agreement with the Taliban should be another brick in the current democratic order established at the Bonn conference. As Zalmay Khalilzad had put it before the 2014 elections, the Bonn settlement and political order should be maintained, but at the same time, there is a need for reform. He argued, “the challenge is how to maintain a balance between continuation and reform...at the current situation, there are certain threats to Afghanistan. There is a need for a national program and a national team and a national consensus. According to me, this national consensus should have two aspects: one a balance for the continuation and second reform” (Khalilzad 2013).

To analyze the prospect of balancing between continuity and reform, this section critically analyses the Bonn agreement. It tries to answer two questions. First, what lessons are to be learned from the Bonn agreement, and second, what mistakes should not be repeated in the peace agreement with the Taliban.

## **Post-war Democratization**

The current political order is based on the agreement that was arrived at during the Bonn conference, which was subsequently enshrined in the Constitution of 2004. The 2001 Bonn peace agreement functioned as a pact to reestablish a social contract between the people of Afghanistan and the state. It drew a roadmap for a post-conflict stage settlement that included an interim administration, transitional government, the drafting of a new constitution, and finally presidential and parliamentary elections.

The Bonn Agreement-2001 basically laid down the foundation for, what is called, “post-civil war democratization.” According to Leonard Wantchekon (2004), unlike the classic political theories which preclude the possibility of democratization from a civil war context, the recent empirical cases from Africa and America such as El Salvador, Guatemala, Nicaragua, and Mozambique indicate that civil war can give rise to the post-civil war democratization. Wantchekon lays down several characteristics for this form of democratization. According to him, post-civil war democratization is basically motivated by the desire for political order, not popular representation and political accountability. The aim of the post-civil war democracy is to end the war and anarchy and to prevent the elites from reverting to war. Unlike the case of transition from authoritarianism to democracy, the case of transition from war to democracy comes in the backdrop of a weak civil society. In fact, democracy in the latter case is the outcome of a peace agreement. In this case, democracy is used as an institutional response to end the war and political violence. The transitional phase entails disarmament and demobilization of the predatory warring

factions, and the electoral process is utilized as a tool for establishing political order. While the post-authoritarian democratization is based on Locke, Hamilton and Madisonian notions of democracy, the post-civil war democracy is in accordance with the Hobbesian notion of order. That means that post-civil war democracy is often a minimalist democracy derived from the need for order.

The theory is based on the rational choice model which assumes actors and parties of the conflict as rational and economic driven groups. It states that the chances that conflict would end in a democracy depends on the level of parties' dependence on the conflict, on citizen's investment and/or the level of financial independence, natural resource or foreign donation and sanctuaries.

Even though Wantchekon did not talk about the case of Afghanistan in his theory on post-civil war democratization, the 2001 Bonn agreement functioned both as peace agreement and a roadmap for democratization in Afghanistan. It was an effort to rebuild the social contract amongst different parties to the conflict. However, there are certain nuances in the case of the Afghanistan civil war. The two warring parties in the late 1990s war were the Burhanuddin government, which was the coalition of several factions under the title United Front for the Salvation of Afghanistan (UFSA), and the Taliban. The equilibrium of the conflict did not lead to a stalemate so that the one or both the parties to the conflict consider negotiating a peace agreement. The Taliban was heavily sponsored by drug traffickers and external actors, such as Al Qaida and Pakistan (Bhatty and Hoffman 2001). This conflict was settled by the intervention of external actor, namely the US, as a great power.

While the Bonn settlement has been considered and cherished as the best political settlement in Afghanistan in recent history, it has also been contested. It has been lauded for establishing the broadest political framework for an inclusive system in the history of modern Afghanistan. To know the success of the Bonn settlement, it is important to understand the basis of bargaining and decision-making at Bonn. According to Zalmay Khalilzad, the 1960s' democratic procedure was accepted as a base for decision-making at the Bonn conference. According to the 1964 Constitution's spirit, the King had the right to present a candidate prime minister for the National Shura for its ratification. This spirit was agreed in the Bonn conference as well. The Rome circle, which was representing the former King, Zahir Shah, was given the right to propose a candidate for the Chairmanship of Interim Administration and the other three parties in the Bonn was given the right to vote and veto the Zahir Shah's circle proposal (Khalilzad 2013). Khalilzad's statement indicates that a spirit of the parliamentary system was agreed and applied in the Bonn Conference. The Bonn agreement broke successfully, based on a parliamentary system spirit. However, the irony is that this spirit was not continued following the Bonn conference.

In the current state, there are divergent perspectives on the prospects and fate of the Bonn settlement. On the one hand, there is a strong view that the Bonn has laid down the foundation for a democratic process in Afghanistan and, hence, it should be continued and strengthened through reforms, and on the other hand, there is an emerging perspective to reconfigure the post-2001 Bonn order. Eighteen years after the 2001 Bonn conference, the political order set up the post-Bonn agreement in 2001 has

led to discontent amongst different constituencies. There is considerable discontent over representation and participation in the Bonn Conference and post-Bonn process. The politics of representation is not just about elections and participation in the government; it also includes national issues such as the peace process. In the following section, I outline some of the problems of the Bonn agreement which should not be repeated in the prospective peace agreement with the Taliban.

### **Lessons from Bonn Peace Agreement**

The primary lacuna of the Bonn peace agreement was the absence of key constituencies in the conference. Seven years after the conference, Brahimi stated, “the deal was reached hastily, by people who did not adequately represent all key constituencies in Afghanistan, and it ignored some core political issues” (Brahimi 2008b). Thus, any haste should be avoided in the peace deal with the Taliban. It should also be ensured that key stakeholder and constituencies are represented.

Second, the Bonn conference bypassed the de jure state and it was reduced to a faction. Professor Burhanuddin Rabbani, then-President of the Islamic State of Afghanistan, who held the country’s seat at the UN, was not willing to accept the Bonn Agreement to be convened outside Afghanistan. He notified the chief negotiator of his government, Yunus Qanuni to not agree about anything in Bonn. According to him, the conference should be convened and organized in Kabul by the government of Afghanistan. Accordingly, at the current stage, the state should not be

bypassed in the peace with the Taliban and it should not be reduced to a faction among many others.

The third criticism of the Bonn conference was the lack of genuine participation and presentation of civil society (Schirch 2011, 10; Gossman 2018: 123). During the concluding session of his speech during the Bonn agreement, Lakhdar Brahimi referred that Afghanistan's delegation at a conference attended a parallel civil society meeting (Brahimi 2001a). It is evident that the role crafted for civil society was nominal and a show-case role. The civil society organizations did not have participation in the decision-making process. The failure to address and include the issues concerning human rights, transitional justice, and disarmament of the armed groups has been because of the exclusion of civil society. This also led to the empowerment of warlord in the post-Bonn agreement. A political deal with the Taliban should not happen in the absence of civil society. Similarly, the issues related to transitional justice and disarmament of the rank-and-file should be taken seriously.

The fourth criticism is that the Bonn Process failed to accommodate the changes in the socio-political landscape of Afghanistan which came into being through the resistance against the Soviets and resistance against the Taliban. The selection of the head of the interim government at the Bonn conference and the political framework set up post-Bonn agreement did not respond to these fundamental changes (Masoud, Ahmad Wali. Personal interview. December 1, 2018). Likewise, a peace agreement with the Taliban should not negate the social transformation which Afghanistan has undergone in past 17 years in terms of proliferation of modern democratic norms, generational shift and devolution of power. The peace agreement



with the Taliban should safeguard the democratic values and help the political system reforms.

The fifth criticism is the absence of one of the parties to the conflict namely, the Taliban from the agreement. It has been argued that if the Taliban had participated in the Bonn conference as a party, they would have been bound to the accord. Lack of representation of the Taliban in the Bonn conference has been flagged as one of the main lacunas of the Bonn process. In an interview with Radio Free Europe on December 2008, Brahimi stated that “they [Taliban] couldn’t have been included in Bonn because they wouldn’t have come even if we had asked them...I think the few people we got from the south, I mean frankly, were groups of exiles which were not really representative of the south” (Brahimi 2008a). At the current scenario, exclusion of any faction will create a zero-sum game. The excluded party would potential turn to a spoiler.

The sixth discontent comes from the ethnic groups. In a press conference following the conclusion of the Bonn Agreement, Lakhdar Brahimi stated, “no ethnic group is happy because there is no statistics...every ethnic group thinks, and they are absolutely certain that they are much numerous...that is why one of the things that they have asked the UN is to do the census” (Brahimi 2001b). The dilemma of inclusion and exclusion of ethnicity in the peace processes and state-building processes are tied to a fundamental issue such as what are the boundaries of ethnicity and how ethnicity is perceived and defined in a particular country. The challenge of the ethnic denomination is that it categorized people into mutually exclusive categories while people do not consider themselves affiliated with these categories.

The ethnic classification of people in Afghanistan was constructed by anthropologists in the 20<sup>th</sup> century as they borrowed these categories from other societies. Using ethnicity as an overarching category to analyze the social and political developments is a reductionist measure, which ignores multiple other factors of social structure and identity in Afghanistan. It is important to note that social structures in Afghanistan are heterogeneous whereas the conceptual span of the ethnic category is limited and not powerful enough to encompass such an extremely heterogeneous social structure. Localism, clientelism, clan or tribal affiliations, a religion such as Sufism, political Islam, and even family define the dominant framework of political identity and social behavior (Schetter 2005). It is undeniable that ethnicity was one angle of the conflict. However, one cannot reduce it to that factor only. This criterion has made some politicians to unwillingly associate themselves with one or other ethnic groups.

The Bonn conference was a landmark event in the sense that for the first time it considered ethnic categories as politically relevant category for power sharing in Afghanistan. The fundamental logic behind adopting ethnicity as a template of power sharing came from the understanding that past conflicts in the country were an ethnic conflict. Hence, the political order in the country was speculated to be related to a balanced representation of perceived ethnic groups in a power sharing structure.

The undeclared ethnic standard for power sharing also deprived some politicians of the fruits of Bonn conference. For instance, while Abdul Star Serat, an Uzbek was agreed in the early stage as a Chairperson of the Interim administration, he was delisted later so that a Pashtun lead the interim administration. Much of the attention in the Bonn was to find a key

figure to administer. This is what Dana Rohrabacher called a “personality-based” decision making (Hughes 2010).

The fundamental issues in the post-Bonn stage have been the flaws in the state-building and the democratic processes. This issue has led to fundamental trust deficiency in the government institutions. For instance, the lack of state capacity in service delivery and providing justice and fraudulent elections have damaged public and elite confidence on the current nascent democratic institutions. The post-2001 phase is punctuated by the continuous cycle of crisis. Michael Semple characterizes the current state of crisis as “break down of social contract” (Semple 2018, 49). To use Karl Deutsch term “security community,” it is a breakdown of “security community.” In the context of Bonn conference, Ebrahim Afsah and Alexandra Hilal Guh argue that Afghanistan needs the will for reestablishing a security community (2005, 384). These crises are the crisis of constitution, legitimacy, political representation and political participation.

1. The constitutional crisis: the 2004 constitution has failed to play an arbitrator’s role among political actors and institution. In the last 17 years, the constitution could not stand as a mechanism of settling the conflict of interest between government institutions. Lack of a strong constitutional court to guarantee implementation of the constitution has been one of the reasons (ICG 2012, 35).
2. The crisis of legitimacy: Barnett Rubin has characterized the Bonn agreement as a process which entailed and reproduced the problem of “dual legitimacy.” Rubin refers to an inherent contradiction in the international state-building project. While the logic of state-building

is constructing “a sovereign center of political accountability,” the international effort undermines the same process. He argues,

The legitimacy of the operation derived initially from a combination of international legislation (Security Council resolutions supporting the coalition military action) and the political agreement reached under UN chairmanship at Bonn. The Bonn agreement outlines a process to increase the legitimacy of the interim administration to that of a fully elected constitutional government through internationally supported political processes. The UN, troop providers and donors, however, have tried to constrain these processes so as not to contradict international standards of human rights and key foreign interests (Rubin 2006, 179-180).

3. The crisis of political accommodation and inclusivity: Although democracy is assumed to be a representative political system that engages people with politics, liberal democracy has not been able to accommodate cultural diversity. The challenge is how to accommodate multiple ethnic groups with different political aspirations into national politics.
4. The crisis of distribution of power: Bargaining, alliance building, and coalitions have been revolving around the different modalities of political settlement and redistribution of power. Not only the Taliban but also different political opposition propose certain grievances from the nature of the state and their share in power. The centralization of power in a presidential and highly centralized system has manufactured increasing social discontent. Several constituencies have raised their dissatisfaction from the current order and expressed their desire to restructuring the order. Three claims on the issue of

redistribution of power have remained at the core of the demands: decentralization, parliamentary system, and proportional electoral system (Nishat, Irfani and Mohammadi 2017).

Different constituencies have divergent ideas with regard to the distribution of power and political system in Afghanistan. The ethno-nationalists and majoritarians think that they have compromised a lot in the post-Bonn political order by providing space to other ethnic groups. The multiculturalists assume that post-Bonn order is an exclusionary political system as it established a highly centralized presidential system. The Mujahideen factions claim they are sidelined. The technocrats and liberals believe that some *thekadars*<sup>6</sup> have taken the people as hostages. The divergence of opinion also exists among different ethnic groups concerning the issues of representation and political order. This issue has caused the crisis of political order and representation in the country which has led to the polarization of society around different constituencies with less tolerance of mutual dialogue. It is in this context that Ahmad Wali Masoud argues,

any lasting peace in Afghanistan relates to the addressing the crisis of distribution of power. It is nearly impossible to reach a lasting peace with the current political system. Hence, the first step to have a truly national state. The political forces which accept the constitution of Afghanistan should form the political structure in a manner that all the ethno-national groups should see themselves in power. While the current establishment is not willing to accommodate the demands of those who accept the

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<sup>6</sup> Ethnic entrepreneurs/patrons

constitution, how can it make peace with those such as the Taliban which does not accept the constitution? (personal interview. December 1, 2018).

An overview of post-2001 developments, transformations, and discontents indicates the rise of two fundamental issues: (1) Political system, electoral system, and constitutional reform (2) Mechanisms for peaceful settlement of the conflict. The reaction to the current state of affairs has ranged from the demand for constitutional reforms to reestablishment of social contract through a constituent assembly to the demand of the caretaker government. The nature of different constituencies' take on these three issues has defined the position of these groups on the modalities of the political settlement:

1. The status quoists.
2. The reformists: reforming the system through participation in the elections.
3. The revisionists: change of the system through extra-constitutional measures.

Having said this, the peace process in Afghanistan should not be reduced to a political deal with the Taliban limited to power sharing or an interim government. Instead, the peace process should address the constitutional crisis in the country. While the Bonn agreement was for building political order, and not popular representation and political accountability, the forthcoming agreement should go forward to strengthen the democracy, expand the state institutions, and intensify the constitutional reform, political system reform and electoral system reform.

## CONCLUSION

As it has been accepted that the conflict in Afghanistan should be settled through a negotiated approach, this paper tried to address the question of political mechanisms and institutional arrangements for a possible negotiated political settlement. In a representative democracy, elections are the mechanism for power distribution. However, the insurgents may not accept mere participation in the elections; they might, alternatively, negotiate for electoral reforms, decentralization of power, redistribution of resources, autonomy or interim government. This paper analyzed the prospects of four forms of institutional mechanisms for the settlement: participation of the Taliban in the elections, decentralization of power, power sharing arrangement, and an interim government.

The prospects for a political settlement are challenging. The incumbent National Unity Government oppose a genuine decentralization of power and interim government as an institutional arrangement. On the contrary, the Taliban, of course, does not have any commitment to a representative liberal democracy. They also think that accepting a deal with President Ghani and participation in the elections would create a conflict of interest for Ghani in the upcoming president election. Most of the interviewees close to the Taliban propose an interim government as an institutional mechanism. On the other hand, the young and evolving

democratic constituency, women and the previous resistance constituency are concerned if any possible approach engender the liberal and democratic values.

The prospects of any political settlement are linked to the balance of power between the parties and the nature of fault lines among them. A hurting stalemate drives the warring faction to contemplate an exit option from the conflict. However, it is proved that even though stalemate is a necessary condition, it is not sufficient for the settlement. Furthermore, the reason all diverse and adversary groups enter, remain or withdraw within an arrangement would be by the presence or absence of the guarantors i.e. the US.

It is less likely that the Taliban accepts participation in the elections or a power sharing arrangement at this moment. An insurgency does not accept a settlement in three conditions: (1) If it is fighting an ideological war and does not want to compromise on it; (2) If it has multiple financial sources other than the people, such as natural resources, drug trafficking and sponsorship from patrons; (3) If it perceives the status quo in its favor. All three conditions confirm with the Taliban. On the other hand, it is less likely that the Government of Afghanistan accept a power sharing interim government or a power sharing coalition while it has been sidelined from the ongoing peace efforts.

Sustaining and continuity of the current democratic order is an asset. Elections, constitutional reform and gradual devolution of power from center to periphery are the key to ensure continuity of democratic order. An interim government or a power sharing arrangement would become a



liability if the necessary conditions do not exist. In the current scenario, the circumstances are not favorable for an interim government. One of the conditions for opting for an interim government is that the state should not be delegitimized by other factions and its institutions should remain intact. Similarly, all the parties should have the stamina and political will to accommodate each other democratically. Finally, there should be enough guaranties by the guarantors that interim government would lead a transitional phase toward further democratization and constitutional reforms.

The precondition for any political settlement is the fact that the Taliban desists from their ideal of resurrecting the theological Islamic Emirate and also abhor from enforcing their ideology by force on others. They should understand the fact that modern democratic system is an indigenous demand of the people of Afghanistan. There is strong domestic resistance to the replacement of the current democratic system with any system which limits the rights, liberties, equality in front of the law, and political participation. The Taliban insurgency is an attack on the constitutional order in Afghanistan. However, given the internal discontent with the distribution of power, there is a broader constitutional crisis in the country. The constitutional crisis is marked by several factors. The constitution has lost its central function as a mechanism for resolving conflicts of interest between different agencies, government bodies and different constituencies' aspirant for power.

It is important to note that any political settlement should not remain limited to power sharing government or an interim government. The foundation of any political settlement is political and constitutional reform

which is a desire by the political opposition, democratic constituencies and ethnic groups. The externally-devised and externally-driven peace settlement focused on short and temporary gains would not result in a long term peace and would not satisfy all the constituencies. Thus, negotiation under the current condition will further destabilize the country.

The International Crisis Group writes, “the current experiment in negotiations has encountered significant hurdles in large part because it has been driven primarily by the US, along with the UK and Germany, rather than by Afghans, who have the most to gain or lose from it” (ICG 2012, 34). One can reiterate the same statement after seven years. It seems that we have not moved forward from the position we had been in with regard to a negotiated settlement with the Taliban and its conditions.

In the last seventeen years of war against the Taliban, the political elites in Afghanistan have not been able to present a political vision which mobilizes the people around one idea. “The idea of Afghanistan” has remained under-theorized. Based on what core values should Afghanistan be defined? The concept of republic is hardly translated into practical terms and ideas resonating the desire and inspiration for all.

There are the three possible scenarios for political settlement of conflict after the US resolve its disputes with the Taliban. First, the incumbent government and the anti-Taliban constituency resist any form of extra-constitutional accommodation of the Taliban and only offer participation in the elections. The Taliban would not accept participation in elections and would continue to fight an endless war with a united front of the government and anti-Taliban forces.

Second, the US withdraw of its forces in a hasty measure. With this, the state would become more fragile, weakened and prone to collapse. The Taliban might escalate their offense. And finally, the anti-Taliban constituency would have no other option than to re-group itself to fight and defend from Kabul.

Third, the US agrees for an interim government with the Taliban. The non-Taliban political forces also comply with the US for the same plan. A power sharing interim government would be formed for two years. The interim government would be mandated to call for a constituent assembly to amend the constitution and hold presidential elections.

Nonetheless, it should be clear that any form of a political settlement should be based on the people of Afghanistan's self-determination. The Taliban is not and should not be treated as representative of the people. Any "political settlement" between the Taliban and the great powers with no engagement, consultation and consent of the people would neither end the war nor help build sustainable peace. In the current scenario, the possibility of failure of a political settlement cannot be ruled out. In that case, the Government of Afghanistan, the anti-terror constituency and the possible international allies in the war against terror and Taliban should jointly continue to work toward state-building and find a reasonable end to the conflict in Afghanistan.



**Annex: List of Interviewees**

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3. Anonymous. 2018. (Ex-official of the National Security Council of Afghanistan). Personal interview. Kabul, April 23, 2018.
4. Anonymous. 2018. (Civil society activists and member of a think tank). Personal interview. Kabul, December 13, 2018.
5. Anonymous. 2018. (Member of Negotiating Team). Personal interview. Kabul, December 2, 2018.
6. Anonymous. 2018. (Official of Ministry of Foreign Affairs and Member of Jamiat Islami Party). Personal interview. Kabul, November 29, 2018.
7. Anonymous. 2018. (One of the participants of February 5, Moscow conference with the Taliban). Personal interview. Kabul, February 15, 2019
8. Azam, Farouq. 2018. (Chairman, Movement for Peaceful Transformation of Afghanistan and Former Minister of Education). Personal interview. Kabul, November 26, 2018.
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11. Manawi, Fazel Ahmad. 2018. (Former Head, Independent Elections Commission; Currently Chairperson, Etidal Peace and Democracy Foundation). Personal interview. Kabul, December 10, 2018.
12. Mansor, Hafiz. 2018. (Member of Parliament). Personal interview. Kabul, December 10, 2018
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14. Miakhel, Shah Mahmood. 2018. (United States Institute of Peace, Former Country Director, Afghanistan). Personal interview. Kabul, December 26, 2018
15. Mozhdah, Waheed. 2018. (Former Diplomat of the Taliban). Personal interview. Kabul, December 11, 2018
16. Mutmaeen, Nazar Mohammad. 2018. (Political analyst). Personal interview. Kabul, December 1, 2018.
17. Natiqi, Mohammad. 2018. (Deputy, Hezb Wahdat). Personal interview. Kabul, December 15, 2018.
18. Qazi, Qul Rahman. 2018. (Professor of Law). Personal interview. December 25, 2018.
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