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Only an Afghan-led peace process can bring peace to Afghanistan

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Abstract

By analysing the US-Taliban deal and the United States-Afghan joint declaration, this SADF Focus sheds light on the current and upcoming role of the Afghan government in the intra-Afghan dialogue. It is argued that the Afghan authorities need to lead the intra-Afghan dialogue and the overall peace process. If any deal is achieved that excludes them, they will lose their remaining legitimacy, resulting in a further enhancement of the urban-rural divide. This would also give regional power sharing arrangements with local stakeholders and militant groups further momentum. Moreover, the process of institution building and public services delivery by non-governmental agents, especially the Taliban in areas under their direct control, will continue. Considering the current political crisis in Kabul, the authors highlight the need for the US to maintain an oversight role in the country, particularly a 'hands-on approach' in the negotiation between the Taliban and the Afghan authorities.

Keywords

US-Taliban deal, United States-Afghan joint declaration, Intra-Afghan Dialogue, Ashraf Ghani, Abdullah Abdullah, Afghan Government, Pakistan; US, US Withdrawal, Taliban, Prisoner Exchange, Afghan Women

Introduction

After decades of fighting, a deal has been reached. On February 29, 2020, 'after one year of direct negotiations between the US and the Afghan Taliban, an agreement to end the fighting between two of the major combatants in the multi-actor Afghan war was signed' (Wolf in SADF Comment 171, 2020, p. 1). The agreement was signed by US Special Representative, Zalmay Khalilzad and the political head of the Taliban, Mullah Abdul Ghani Baradar. In Doha, Qatar, the two sides spent months going over the details of the agreement (NPR, 2020).

The two key documents analysed here are the <u>Doha agreement (US-Taliban deal)</u> and the simultaneous bilateral <u>United States-Afghan declaration</u>. The latter was developed to reassure Kabul of US support because of the Taliban's refusal to hold direct talks with Afghan authorities. These two documents are supposed to be a precursor for intra-Afghan talks. However, the Taliban's declaration to 'not keep violence down after the end of the "reduction of violence" week and their continuing refusal to talk to the Afghan authorities constitutes significant obstacles for the talks to start as envisaged' (Ruttig, 2020a, p. 1). According to Thomas Ruttig, 'the Doha agreement side-lines the Afghan government and the Islamic Republic of Afghanistan, amounting to a Taliban diplomatic victory' (Ruttig, 2020a, p. 8).

According to SADF Comment 171 (2020), 'the fact that the US-Taliban deal completely excludes the Afghan government and its forces is a tremendous shortcoming of the US-Taliban deal' (Wolf, 2020, p. 3). Some parallels can be drawn to 1968 when 'the US held private peace talks in Paris with North Vietnamese representatives without any South Vietnamese participation' (Kaiser, 2019, para 5), thus also excluding the most important player in negotiations. Furthermore, there are four specific points in the agreements that further weakens the position of the Afghan authorities: the unclear future direct role of the Afghan government, the US withdrawal, the prisoner issue, and the lack of protection provided to the Afghan citizenry, in particular Afghan women.

Therefore, the US-Taliban agreement undermines the Afghan government. Afghan authorities need to lead the intra-Afghan dialogue and the overall peace process. If any deal is achieved that excludes them, they will lose their remaining legitimacy. The US also needs to maintain an oversight role in the country. If the US does not adapt a "hands-on approach", there is the concrete threat that the Taliban will just "sit-out" the US withdrawal and start using coercive force to pressure a weak and fragmented "non-Taliban side" with a polarised and disunified government: Ashraf Ghani versus Abdullah Abdullah and other leading Afghan politicians.

The unclear future role of the Afghan government

An agreement aimed at fostering peace and dialogue between both sides, the Doha agreement fails to mention anything about what the role of the Afghan government would look like in the post-peace process Afghanistan. In this context, it is also important to mention that the agreement only refers vaguely towards a government in Afghanistan - but not towards the current government. It only 'refers to the "Afghan sides" as non-Taliban actors and the new post-settlement Afghan Islamic government as determined by the intra-Afghan dialogue and negotiations' (US Department of State, 2020a, p. 1). Also striking is the repeated mention of the name, "the Islamic Emirate of Afghanistan" "known as the Taliban" with the addendum that the US does not recognise it as a state. However, this caveat is rather pointless since the reappearance of the name "the Islamic Emirate of Afghanistan" on an official document signed by the US will be interpreted by the Taliban as an additional political and diplomatic success. Moreover, mentioning of the "Emirate" strengthens the Taliban's profile – more concretely, it suggests that their former regime is still the legitimate government in Afghanistan (which subsequently weakens the position of the Afghan authorities as the sole, justified representative of Afghanistan). This will also have ramifications for the Taliban's potential future acceptance of the country's constitution as well as all other political institutions and mechanisms, especially the electoral process.

Indeed, the Taliban remain reluctant to internalise democratic norms and values as well as to respect the post-2001 political-administrative structure of Afghanistan, and these ramifications will further materialise in political practice in areas under Taliban control and beyond. This can be interpreted as compromising the following commitment by the US (and the Afghan authorities): 'The two countries are committed to their longstanding relationship and their investments in building the Afghan institutions necessary to establish democratic norms, protect and preserve the unity of the country, and promote social and economic advancements and the rights of citizens' (US Department of State, 2020b, p. 1).

The Taliban still fail to recognise Afghan authorities as legitimate, recently insisting in an interview that 'today there is no government in Afghanistan, the elections were not held in a transparent manner, public turnout was low and only one million voted out of 36 million' (Tolo News, 2020, para 6). The Taliban has already announced that their religious leader is the only legitimate ruler in Afghanistan ("Haibatullah Akhundzada, is the country's only legal ruler").

Meanwhile, the ongoing political crisis in Kabul has left much to worry about. On 18 February 2020, the Independent Election Commission (IEC) declared incumbent Ashraf Ghani winner in a disputed

presidential election, winning 50.64% of the vote, while Abdullah Abdullah won 39.52% of the vote (Sediqi and Hakimi, 2020, para 2-3). However, the result is 'too narrow and disputed, and the manner of dealing with complaints is not transparent enough to quash doubts in his victory' (Ruttig, 2020b, para 1). Shortly after, Abdullah also declared himself the winner and declared his will to form his own government (Ruttig, 2020, para 1). Kabul's political instability 'could make it harder to establish the "inclusive" negotiating team international observers want to see sitting across the table from the Taliban' (Kermani, 2020, para 10). According to Ruttig, 'if these two leaders fail to reach a mutually acceptable compromise over the government and the negotiating team, this would undermine, to a great degree, and Afghan delegation in talks with the Taliban' (Ruttig, 2020a, p.16).

The ongoing political crisis further undermines the legitimacy of the political leadership among the Afghan citizenry. The political feud between Ghani and Abdullah has also further lowered the Taliban's opinion of the political leadership. The latest developments casts additional shadows in this regard, namely the 'double-presidential announcements' by Ghani and Abdullah. Furthermore, the fact that Abdullah is starting to deploy people loyal to him at provincial posts (appointing his own, parallel government) and increasingly enlisting "hardliners" with an anti-Ghani stand, will narrow down his possibility of finding an arrangement with his rival. There is the threat that the intra-Afghan dialogue will end up in tripartite negotiations (the Taliban on one side and an Abdullah and Ghani camp on the other side).

US withdrawal from Afghanistan

According to the Doha agreement, 'the US withdrawal is to be phased and only the second and final phase is conditions-based' (Ruttig, 2020a, p. 3). However, 'the US has not said that it would complete its troop withdrawal only when there is a peace agreement finalised' (Ruttig, 2020a, p. 9). Thus, there is no clear, causal linkage between US withdrawal and the intra-Afghan dialogue. US Defence Secretary Mark Esper insisted that 'the troop withdrawal is conditional on progress of the intra-Afghan peace agreement' (Esper, 2020). However, in analysing the Doha agreement and the declaration, Ruttig states that there is no provision that says this in either document. Essentially, 'the US can leave with intra-Afghan talks and intra-Afghan conflict ongoing' (Ruttig, 2020a, p. 9).

Former US Ambassador to Afghanistan Ryan Crocker and others have expressed their worries of seeing a complete US withdrawal, an echo of 1975 Vietnam when 'the North Vietnamese and the National Liberation Front (NLF) marched triumphantly into Saigon and the last Americans, along with some South Vietnamese allies, struggled frantically to escape by helicopter' (Herring, 2019, para

1). The US's ability to intervene militarily could be hindered; humanitarian and geopolitical consequences could also follow (Herring, 2019, para 1). Former US Defence Secretary Jim Mattis highlighted that 'about 20 terrorist groups, many of them offshoots of Al Qaeda and the Islamic State, would quickly use the freedom afforded by an American troop pull out to try to launch operations against Western targets' (French, 2019, para 9).

According to French (2019), there is also the issue of enforcement. He states that, 'it is already difficult to prevent terrorist safe havens from emerging when there's an American military presence in the country, including a presence sufficient enough to provide the kind of on-the-ground intelligence to identify emerging threats' (French, 2019, para 10). However, in the event of a total withdrawal, 'the American ability to identify and destroy safe havens that emerge in violation of the agreement would be limited, and the American appetite to re-enter the struggle would be non-existent' (French, 2019, para 10). It is also important to note that 'there is no provision that commits the Taliban to hand over or expel foreign fighters. The 'term "foreign fighters" is not used at all; rather they are referred to as those posing a threat to the US and its allies' (Ruttig, 2020a, p. 4).

As such, one can state that the US-Taliban deal diminishes the responsibility to achieve a ceasefire agreement and the formation of a post-settlement government (and other important outstanding issues) towards the Afghan parties. The US-Taliban deal gives the impression that the US will withdraw anyway, with or without an agreement on peace between the Afghan actors. Furthermore, it sends a signal to Afghan authorities that they should "give up hope" that US troops will remain in the country. Furthermore, it can be (mis)interpreted by the Taliban as meaning that the US is reducing its armed support for the Afghan government and encourage them to step up their attacks against Afghan forces. Unfortunately, this is already happening and has forced the US to conduct a defensive airstrike against a Taliban position (BBC News, 2020c).

The prisoner exchange issue

Provision C of the Doha agreement states 'the US is committed to start immediately to work with all relevant sides on a plan to expeditiously release combat and political prisoners as a confidence building measure with the coordination and approval of all relevant sides' (US Department of state 2020a, p. 2). The agreement further states that 'up to five thousand prisoners of the Taliban and up to one thousand prisoners of the other side will be released by March 10, 2020' (US Department of State 2020a, p. 2). However, this was not agreed to by the Afghan authorities. On 1 March 2020 at a press conference in Kabul, President Ashraf Ghani openly stated that 'he had made no commitment to

releasing 5,000 prisoners, that the release of detainees was not in the domain of the US and that only the Afghan government has that authority' (BBC News, 2020a). Ruttig (2020b) explains that 'agreeing to this would mean that the Afghan government would be giving away its one strong bargaining chip with the Taliban even before talks have started' (Ruttig, 2020b, p. 9). The prisoner issue would essentially allow for President Ghani to directly negotiate with the Taliban instead of just meeting with individuals in their private capacities as was the case in the <u>July 2019 intra-Afghan</u> dialogue in Doha.

However, recently there has been a change of heart on this matter. On 10 March 2020, President Ghani 'approved the release of 1,500 Taliban prisoners as part of efforts to secure a peace deal with the insurgent group' (BBC News, 2020b, para 1). Ghani emphasised that 'as part of the agreement, the Taliban must continue its reduction in violence, and bar al-Qaeda or any other extremist groups from operating in areas under their control' (BBC News, 2020b, para 7). But on 12 March 2020, just two days after Ghani 'signed an order to conditionally pardon and release Taliban prisoners to open the door for intra-Afghan talks, the Taliban rejected the government's decree' (Amiri, 2020a, para 1). According to Amiri, 'the Taliban believes that Ghani's decree about the release of the prisoners goes against the provisions of the peace deal signed between the US and the Taliban in Doha on February 29' (Amiri, 2020a, para 2).

Kabul university professor Faiz Mohammad Zaland states that 'the agreement between the US and the Taliban says that the US will facilitate the release of the Taliban prisoners. The agreement does not say anything about the preconditions that were highlighted by Dr Ashraf Ghani' (Amiri, 2020a, para 8). Specifically, Ghani requires 'the prisoners released to make a written commitment not to return to war and specifically states that the release of the 1,500 Taliban is a goodwill gesture' (Amiri, 2020a, para 11). Ghani further requires that 'with the beginning of the direct talks between the Afghan government and the Taliban, every two weeks 500 Taliban prisoners will be released--provided that a major reduction in violence continues--until 3,500 more are released' (Amiri, 2020a, para 11). It remains to be seen how the prisoner exchange issue will either help or hinder future peace talks. However, it is evident that including this in the Doha agreement without obtaining approval from Afghan authorities has caused more chaos, further undermining the Afghan government.

¹ The Afghanistan Independent Human Rights Commission (AIHRC) 'raised issues earlier about the proposed prisoner release in an open letter to the US, the Taliban and the Afghan government that raised concerns over the release of Taliban prisoners. In the letter, the human rights commission called on the US, the Taliban and the Afghan government not to undermine the demands of families of war victims for justice, nor to deny rights to the prisoners, and finally not to be irresponsible about keeping track of prisoners after they were released' (Amiri, 2020b, para 14-15).

The lack of protection of the Afghan citizenry, in particular Afghan women

Afghan women, and the Afghan society as a whole, 'have changed significantly with the emergence of female entrepreneurs, political leaders and nightly news anchors' (Ahmadi, 2019, para 4). Afghan women have worked hard for their rights and freedoms. The Taliban, by contrast, 'have evolved little on women's issues since being pushed from power in 2002, despite persistent claims to the contrary' (Ahmadi, 2019, para 4). According to Barr (2020), 'the Taliban also continue to carry out violent attacks against girls' schools and block women and girls from exercising many of their basic rights and remain deeply opposed to gender equality' (para 5).

Both the Doha agreement and the US-Afghan declaration states that 'the US and its allies are to be protected against threats from the Taliban and al-Qaeda, however, it does not mention the Afghan population, government or security forces' (Ruttig, 2020a). Ruttig highlights, 'hope that US allies might include Afghanistan, i.e. Afghan government forces and civilians, was dashed by the Taliban's resumption of violence against Afghan forces the day after the agreement was signed' (Ruttig, 2020a, p. 3).

Since the fall of the Taliban regime in 2001, 'Afghan women have been promised a better life, and to be protected by the rights enshrined in the 2004 Constitution. However, Afghan women have been constantly disillusioned by empty promises from the international community, the Afghan government, and the Taliban' (Guarda and Wolf in SADF Comment 150, 2019, p. 4). Not adding a provision in both documents on the protection of Afghan women gravely undermines the Afghan population and Afghan women. The Canadian Ambassador to Afghanistan, Dave Metcalfe, recently stated that 'the role of women in the national reconciliation process is critical and they must be given the chance to contribute to peace efforts' (Rahimi, 2020, para 1). He further highlights that 'no country can disregard half of its population in any effort of national reconciliation' (Rahimi, 2020, para 2). Beyond the negotiating table, 'women's participation is fundamental for all dimensions of building sustainable peace--women's engagements in post-conflict resolutions have tangible positive impacts on stabilisation and reconstruction of economies and social fabric' (Rahimi, 2020, para 2).

Afghan women have been more empowered than ever before to raise their voices and fight for their rights. However, it is of utmost importance for the international community to protect them against the Taliban and other extremists. The fact that the Doha agreement and the US-Afghan declaration do not include any provision on the protection of the Afghan population, particularly Afghan women, puts Afghan society in a very vulnerable position at the hands of the Taliban.

Pakistan's perspective on the Afghan peace process

Pakistan claims for itself a crucial role in the facilitation in all types of both current and upcoming negotiations in the context of the intra-Afghan dialogue. It will not accept to be pushed on the sidelines (or completely excluded) in the negotiations between the Afghan political leadership in Kabul and the Taliban. Instead it takes on an increasing proactive role in claiming its position in the negotiations². It is also interesting to note that Pakistan sees itself as the most qualified actor able to create a "favourable environment" for the intra-Afghan dialogue. This belief finds its expression in the following statement by Pakistan's Foreign Minister (FM) Shah Mehmood Qureshi: 'Pakistan can create a favourable environment, it cannot take (Afghanistan's) decisions' (TNI, 2020). Consequently, Pakistan not only undermines the notion of intra-Afghan talks from the beginning but also takes a strong partisan position in favour of the Taliban at the expense of the interests of the Afghan authorities. When Pakistan asks for "flexibility" from all actors involved (Siddiqui, 2020, March 3), it actually means "flexibility" from the Afghan authorities to accept the demands of the Taliban. Anything else is described as "stubbornness" by Pakistan's FM (Siddiqui, 2020, March 3). The use of such a strong term is not only insulting to the Afghan government, but also attempts to narrow down the room for Afghan politicians to manoeuvre and shows the Pakistani government's lack of respect for the Afghan authorities' decision-making process. Also relevant is the fact that in numerous statements Pakistani authorities do not refer to the role of the Afghan government in the intra-Afghan dialogue at all. Rather they point at the Afghan people as "interlocutors" (Geo News, 2020), which is a further indication that Pakistan still seems to support the Taliban policy of undermining the position of the Afghan government in any kind of upcoming talks.

In all other matters, Pakistan demands that the US stays out of Pakistan-Afghanistan affairs. In other words, Islamabad does not accept the 'Joint Declaration between the Islamic Republic of Afghanistan and the United States of America for Bringing Peace to Afghanistan' (U.S. Department of State, 2020, February 29b). It does not come by surprise that FM Qureshi reacted harshly against Point 4 of Part 1 (page 2) of the document – 'The United States commits to facilitate discussions between Afghanistan and Pakistan to work out arrangements to ensure neither country's security is threatened by actions from the territory of the other side'. Qureshi clearly points out to both US and Afghan

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² The latest public statements by Pakistan's Foreign Minister Shah Mehmood Qureshi reinforce this argument. Most noteworthy is the call for a "responsible withdrawal" of the US (Reuters, 2020), the demand that the Afghan authorities create a "favourable environment" (TNI, 2020) or the call on the Afghan political leadership to accept the "prisoner swap" - as well as Qureshi's request that the Afghan authorities ask the US for an explanation on the "prisoner swap" (Siddiqui, 2020, March 3).

authorities that there is no need to involve the US in the resolution of bilateral issues between Pakistan and Afghanistan: 'They [Afghan authorities] should talk directly to Pakistan. The US is planning to withdraw, and we will always remain neighbours' and 'if I have an issue with Afghanistan, I will not ask Washington to play a role' (Peshimam, 2020, para 4).

Final thoughts

If Afghan authorities fail to lead the peace process, they will lose their remaining legitimacy. As a result of this: (1) the urban-rural divide (Asey, 2019) could be further enhanced; (2) the growing emergence of regional power sharing arrangements with local stakeholders and militant groups could gain further momentum; and (3) the process of institution building and public services delivery by non-governmental agents, especially the Taliban in areas under their direct control, will continue. According to the BTI Transformation Index, 'particularly the north, northeast and west of Afghanistan witness an increasing influence of Talibanisation' (BTI, 2018, p. 6). The lack of trust will have negative ramifications in areas in which the Afghan authorities need to increase their presence as well as build confidence among the citizenry in the governmental institutions and democratic values and procedures.

For the US, the Doha agreement ensured a safe "exit-strategy", at least on paper and for the time being. However, it remains to be seen how far the safe withdrawal will materialise during the next 14 months. Furthermore, there were not many achievements in the deal besides some minor, vague guarantees by the Taliban to ensure that Afghan soil will be not used for Jihadist activities against the US and its allies. One of the major initial goals, the achievement of a ceasefire, was not achieved. The US hopes to use the Taliban: it seems that there is the idea that since the US cannot beat the Taliban, they can instrumentalise them for achieving some interests in Afghanistan, namely fighting the Islamic State of Iraq and Syria Khurasan (ISIS-K) and monitoring (containing) Iran's influence.

There are still many unanswered questions. For example, in the event of an outbreak of armed confrontations between civilian factions (and respective loyal elements within the Afghan National Defence and Security Forces/ANDSF), which role will the US take? How will the US deal with potential clashes between Ghani and Abdullah factions? Will the US try to stop further territorial gains and advancements by the Taliban now trying to benefit from the infights within the 'Afghan-political leadership'? Thus, Afghanistan needs a functioning government based on an inclusive working relationship between all major political actors, on the national level as well as between Kabul and regional actors.

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