

SPECIAL FEATURE

# BRACING FOR THE LONG-HAUL: HOPES AND CHALLENGES DEFINING THE INTRA-AFGHAN TALKS

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## **Introduction**

As the much-anticipated intra-Afghan talks take place in Doha, there is still a great deal of uncertainty surrounding the outcome of these negotiations. Is the Taliban's ideology compatible with democratic norms? What will be the nature of US and international engagement in Afghanistan going forward? More importantly, in the scenario that these negotiations result in an agreement, what does the future of the Afghan government look like in terms of its structure? This essay aims to examine three key themes; 1) what are the main hurdles faced by the two parties during the current negotiations; 2) what would be the make-up of a post-settlement Afghan government?; and 3) what are the prospects for the Taliban transitioning into a predominantly political movement.

While the commencement of talks between the concerned parties is a monumental step, the eventual success of these negotiations is contingent upon several key issues being addressed. First, the future of the Afghan constitution and deciding who would have the authority to interpret and enforce what constitutes as Islamic will continue to be a matter of contention between the two parties. Second, the structure of a post-war government and the degree of centralisation of power is a subject that has the potential of dividing the Afghan government's negotiating team, while the Taliban are yet to concretely define their views on the matter. Third, despite exhibiting some signs of political maturity, questions remain over the ability of the Taliban to transition into a political movement and embrace democratic norms. The situation is further compounded by stressors such as the escalating level of violence, departure of US forces, an economic crisis, and potential factionalism within the Taliban. These factors could jeopardise not just the progress of these talks, but also the viability of a peace agreement. Hence, this complex inter-web of hurdles calls for cautious optimism and a great deal of patience on part of domestic, regional, and international supporters of the peace process.

## **Impediments to Progress**

The US-Taliban agreement signed in Doha on February 29, 2020 paved the way for the much-anticipated intra-Afghan talks. The agreement was a culmination of year-long meetings in which US Special Representative, Zalmay Khalilzad, played an instrumental role as he ferried between Kabul, Islamabad, Washington, and other capitals to convince the Taliban to join the negotiating table. Though the Doha agreement specified that peace talks would begin on March 10, disagreements between the two parties resulted in delays with the talks eventually commencing on September 12. The delay came about over the reluctance of Kabul regarding the release of 5,000 Taliban prisoners,

unrelenting violence being carried out by the Taliban, and a political gridlock in Kabul hindering the formation of the pro-government negotiating team. To clear these obstacles standing in the way of talks, the US government pressured both parties by conducting shuttle diplomacy, sporadic airstrikes on Taliban attacking government forces, and even threats of significantly reducing funding for Kabul.<sup>1</sup>

The commencement of the intra-Afghan negotiations on September 12 in Doha was the first official contact between the Taliban and Afghan government in a bid to achieve peace. Once the talks began, progress was stalled for nearly three months as the two sides wrangled over the rules and procedures for the negotiations. The finalization of procedures including the preamble of the Intra-Afghan negotiations is a significant development as the two sides will now formulate an agenda for more substantive talks going forward.<sup>2</sup> However, despite the optimism generated by this development, serious hurdles continue to imperil the progress and eventual success of these negotiations.

### *Unrelenting Violence*

Despite the ongoing peace talks between Kabul and the Taliban, the high intensity of violence continues to plague the negotiations. In October, a Taliban assault in Helmand forced approximately 40,000 civilians to flee their homes, disrupted telecommunications services, and closed the highway between Kandahar and Helmand. Moreover, the United Nations Assistance Mission in Afghanistan (UNAMA) reports that civilian populations continue to bear the brunt of Afghanistan's war with at least 1,282 deaths during the first six months of the year.<sup>3</sup> In its most recent report, UNAMA noted that since the start of talks on September 12, there has been no reduction in the documented number of civilian casualties in comparison to previous weeks. As per the latest quarterly report, there were 5,939 civilian casualties (2,117 killed and 3,822 injured) from 1 January to 30 September 2020.<sup>4</sup>

Though the Doha agreement requires the Taliban to permanently cease attacks targeting US and international forces, it does not address operations against Afghan government forces, which have

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<sup>1</sup> Andrew Watkins, "Intra-Afghan Negotiations Set to Begin," September 11, 2020, <https://www.crisisgroup.org/asia/south-asia/afghanistan/intra-afghan-negotiations-set-begin>.

<sup>2</sup> Kathy Gannon, "US Envoy: Afghan, Taliban Team Ready to Set Talks Agenda," December 2, 2020, <https://apnews.com/article/afghanistan-taliban-zalmay-khalilzad-e05cd88f865f705c0a8771195fab3e54>.

<sup>3</sup> Radio Free Afghanistan, "Local Officials, Kabul Clash Over Whether Children Were Killed In Mosque Air Strike," RFE/RL (Gandhara, RFE/RL, October 25, 2020), <https://gandhara.rferl.org/a/airstrike-on-mosque-kills-12-children-in-north-of-afghanistan/30906424.html>.

<sup>4</sup> "Afghanistan Peace Talks Fail to Slow Civilian Casualty Toll," UNAMA, October 27, 2020, <https://unama.unmissions.org/afghanistan-peace-talks-fail-slow-civilian-casualty-toll>.

continued unabated. Kabul has repeatedly stressed on the need for a permanent ceasefire, which the Taliban have rejected. Observers feel that it would be uncharacteristic of the Taliban to abandon violence, which is their main source of leverage, before a settlement is reached between the two parties. However, targeted reductions in violence could perhaps facilitate a more comprehensive ceasefire in the future. The unrelenting nature of the violence also has Washington concerned as U.S. Special Representative for Afghanistan Reconciliation Zalmay Khalilzad warned that the opportunity to achieve a political settlement between the government of Afghanistan and the insurgent Taliban will not be available forever.<sup>5</sup> In October 2020, the US stated that the ongoing Taliban attacks against the capital of the Helmand province were not in line with the Doha agreement and also launched airstrikes in support of Afghan government forces.<sup>6</sup>

### *Looming Withdrawal*

The complex negotiations also face the prospect of a premature withdrawal of all US forces from Afghanistan, reducing the Afghan government's leverage even further. While the Doha agreement obliged the Taliban to initiate peace talks, it did not require them to conclude the talks in order for the US troops to depart. US officials have characterised the prospective US withdrawal as conditions-based, however no specifics have been publicly offered. The conditions that might halt, reverse, or even alter the withdrawal timeline have not been spelled out. Furthermore, the fact that Afghan government representatives were not party to the US-Taliban talks, has raised concerns among locals about how the US might prioritise a military withdrawal over a complex political agreement that safeguards some of the humanitarian, social, and political accomplishments since 2001.<sup>7</sup>

Experts argue that continued violence by the Taliban is a troubling trend that would perhaps be exacerbated by the Americans pulling out before a durable agreement is reached between the two parties. Moreover, in such a scenario, the intra-Afghan dialogue would be seriously undermined since the talks between the two parties are at nascent stages. The Taliban would stand to be the beneficiary in such a situation as it would aid their efforts to dominate Afghanistan once the US forces leave. Experts further reason that such a move would result in a strategic void that could potentially lead to

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<sup>5</sup> Newsweek Pakistan, "Regional Spoilers Using Afghans as Cannon Fodder, Warns Khalilzad," Newsweek Pakistan, November 20, 2020, <https://www.newsweekpakistan.com/regional-spoilers-using-afghans-as-cannon-fodder-warns-khalilzad/?s=08>.

<sup>6</sup> Clayton Thomas, *Afghanistan: Background and U.S. Policy: In Brief*, CRS Report No. R45122 (Washington, DC: Congressional Research Service, 2020), <https://crsreports.congress.gov/product/pdf/R/R45122>.

<sup>7</sup> Ibid.

a collapse of the talks and escalating violence between the two sides.<sup>8</sup> Security is a serious challenge, with its own costs. Currently, the US spends \$4 billion a year on the ANSF. Escalating levels of violence have been a source of demoralisation for the ANSF and they have been reliant on US air power for holding territory against Taliban onslaughts. The Afghan security forces have been plagued by corruption. As per the August report by the Special Inspector General for Afghanistan Reconstruction (SIGAR), approximately half of all police in the Taliban held areas of the southern provinces use drugs and about 70% of police positions in those regions are “ghost” jobs that remain vacant but the salaries are diverted to officials on the take.<sup>9</sup>

The Afghan government is reliant on international support to fund both security and non-security sector costs. While donor nations are assisting the Afghan government with implementing economic reforms in order to increase economic growth and government revenues, realistically, Afghanistan will remain dependent on the international community to fund its forces for the foreseeable future. The US Department of Defense (DoD) report released in June 2020 predicts that it will be years before the Afghan economy will be able to fully generate adequate revenues to sustain a peacetime force. All components of the ANSF will therefore continue to rely in the long run on contracted logistical support and on the US primarily for funding needed to sustain combat operations.<sup>10</sup> Considering the fragility of the ANSF, it is crucial that the US and other donor nations continue assisting the ANSF both financially and logistically to avoid leaving behind a power vacuum and exacerbating an already precarious state of affairs.

### ***Economic Crisis***

The looming departure of US military forces could influence the level and types of assistance US may provide to Afghanistan. Also, US assistance could have an impact on the intra-Afghan talks, and vice versa. Special Representative Khalilzad stated in September 2020 that while the US is committed for the long term when it comes to providing assistance, US decisions would be contingent upon the

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<sup>8</sup> Eltaf Najafziada, Bloomberg.com (Bloomberg), accessed November 24, 2020, <https://www.bloomberg.com/news/articles/2020-10-19/early-u-s-troop-pullout-may-upset-fragile-intra-afghan-talks>.

<sup>9</sup> Kathy Gannon, “US Withdrawal Rattles Afghan Allies and Adversaries Alike,” AP NEWS (Associated Press, November 18, 2020), <https://apnews.com/article/joe-biden-afghanistan-troop-withdrawals-counterterrorism-islamabad-0a552eb4eaf31754271a890acb622c42>.

<sup>10</sup> “Enhancing Security and Stability In Afghanistan,” US Department of Defense, June 2020, [https://media.defense.gov/2020/Jul/01/2002348001/-1/-/1/1/ENHANCING\\_SECURITY\\_AND\\_STABILITY\\_IN\\_AFGHANISTAN.PDF](https://media.defense.gov/2020/Jul/01/2002348001/-1/-/1/1/ENHANCING_SECURITY_AND_STABILITY_IN_AFGHANISTAN.PDF).

outcome of the peace talks.<sup>11</sup> Moreover, it remains to be seen whether the prospect of changes to the nature and amount of aid will create any pressure or influence the behavior and policies of the Taliban or Afghan government.

In a scenario where the withdrawal of US and allied forces further weakens Afghanistan's already unstable economy, development aid would become even more critical. In recent years, GDP growth rates have averaged between 2% and 3% as compared to the post-2003 average of 7%. The unrelenting war has also stunted the growth of most domestic industries as well. While the troop withdrawal at a smaller scale this time around as compared to the drawdown in 2012 might not have as much of an adverse impact on the economic conditions in Afghanistan<sup>12</sup>, yet, it could still impact the situation significantly given the fallout of COVID-19 on the Afghan economy. The pandemic has infected tens of thousands of Afghans – an understated figure considering the lack of testing capacity.<sup>13</sup>

In its most recent report, the International Monetary Fund (IMF) described that poverty and unemployment are among the major challenges for the people of Afghanistan. The perpetual state of conflict and increasing fragility have contributed to weak growth and high unemployment. Afghanistan remains reliant on foreign aid, which finances its large underlying fiscal and current account deficits. The report predicts that Afghanistan's economic growth will contract by 5% in 2020 along with export volume decreasing by 35%.<sup>14</sup> While wheat production has continued to support agricultural growth, the industry and service output have been impacted significantly by lockdowns and border closures. The World Bank forecasts that it will take the Afghan economy several years to recover from the setback triggered by the pandemic, especially as new investment is constrained by political uncertainties, persistent insecurity, and questions surrounding ongoing international support. The situation is further compounded by the displacement crisis driven by escalating government and Taliban operations. The number of IDPs induced by conflict increased from 369,000 in 2018 to

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<sup>11</sup> Thomas, *Afghanistan: Background and U.S. Policy: In Brief*

<sup>12</sup> "The Economic Disaster Behind Afghanistan's Mounting Human Crisis," Crisis Group, October 3, 2016, <https://www.crisisgroup.org/asia/south-asia/afghanistan/economic-disaster-behind-afghanistan-s-mounting-human-crisis>.

<sup>13</sup> Andrew Watkins, "Intra-Afghan Negotiations Set to Begin," September 11, 2020, <https://www.crisisgroup.org/asia/south-asia/afghanistan/intra-afghan-negotiations-set-begin>.

<sup>14</sup> "Islamic Republic of Afghanistan : Request for a 42-Month Arrangement Under the Extended Credit Facility," IMF, November 13, 2020, <https://www.imf.org/en/Publications/CR/Issues/2020/11/13/Islamic-Republic-of-Afghanistan-Request-for-a-42-Month-Arrangement-Under-the-Extended-Credit-49888>.

462,803 in 2019. Additionally, 505,000 refugees returned to Afghanistan, primarily from Iran, during 2019.<sup>15</sup>

The current aid pledges expire at the end of this year, and international partners are due to re-evaluate future aid commitments this November at the Geneva Conference. What is paramount for development partners is ensuring continued and predictable grant support. It is imperative for these partners to keep in mind that a sudden decline in grant flows over the coming years would result in a major contraction in government services, hampering development outcomes and the prospects of future growth. Afghanistan will be in need of financial in the short, mid, and long term. International development partners at the 2020 Afghanistan Conference have pledged at least US\$ 3.3 billion for the first year of the upcoming quadrennial, with annual commitments expected to stay at the same level year-on-year.<sup>16</sup> However, donors have outlined ten principles on which assistance will be contingent during the ongoing Geneva conference. It is crucial that the evaluation of progress against these conditions is informed by the grim ground reality in Afghanistan and factors that would realistically be under the control of either the Afghan government or the Taliban.<sup>17</sup>

### ***Leadership and factionalism within the Taliban***

Political cohesion within the ranks of the Taliban is an ongoing concern for those who argue the Taliban could be divided into a hardline faction pushing for a maximalist takeover of Afghanistan, and a more moderate one willing to make power-sharing concessions.<sup>18</sup> This implies that in a scenario where the Taliban makes any meaningful concessions under international pressure, the group could splinter making the enforcement of any peace deal untenable. However, concerns of factionalism within the Taliban could perhaps be overstated considering their conduct during the negotiation process with the US since 2018. The Taliban chief, Mullah Akhunzada remained firmly in charge of the operational pyramid and managed to obtain the support of a loyal political structure on major decisions such as the ceasefire, conditions for troop withdrawal, and the language of the Doha

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<sup>15</sup> “Afghanistan Overview,” World Bank, accessed November 24, 2020, <https://www.worldbank.org/en/country/afghanistan/overview>.

<sup>16</sup> “Strong Support for Afghanistan at the 2020 Afghanistan Conference,” November 25, 2020, <https://unama.unmissions.org/strong-support-afghanistan-2020-afghanistan-conference>.

<sup>17</sup> “Key Elements for Sustained International Support to Peace and Development in Afghanistan,” European Union External Action, November 17, 2020, [https://eeas.europa.eu/headquarters/headquarters-homepage/88816/key-elements-sustained-international-support-peace-and-development-afghanistan\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/88816/key-elements-sustained-international-support-peace-and-development-afghanistan_en).

<sup>18</sup> Mujib Mashal, “As Taliban Talk Peace, ISIS Is Ready to Play the Spoiler in Afghanistan,” The New York Times, August 20, 2019, <https://www.nytimes.com/2019/08/20/world/asia/isis-afghanistan-peace.html>.

agreement.<sup>19</sup> Additionally, the Taliban's leadership has demonstrated its ability to control the rank-and-file of the movement in the past few years. Two instances in particular illustrate this; first, the two countrywide ceasefires the group announced and successfully implemented, one in 2018 and the other prior to signing the Doha agreement earlier this year,<sup>20</sup> second, after the Doha agreement, the Taliban kept its word by holding fire against American targets.<sup>21</sup>

Proponents of the fragmentation view also underestimate the effect of the Taliban leadership's careful management of intra-elite politics on cohesion. The Taliban's strategy has been to appoint powerful deputies, thus co-opting those who may exhibit the potential to become challengers.<sup>22</sup> Furthermore, the Taliban also seems to have regulated membership of the top-decision making body, the Rahbari Shura, through managing internal power dynamics and regional power-projection considerations.<sup>23</sup> When dealing with a powerful dissenting senior leader, the Taliban leadership has isolated that leader and opted to appoint someone with a similar political profile as a replacement. If required, the Taliban leadership exhibits no hesitation about using violence to put away challengers with forces from other parts of the country.<sup>24</sup>

## Competing Visions of a Post-War Afghanistan

While talks between the two parties at long last commenced, the two sides wrangled over laying out the ground rules for the talks going forward. One of the two core points of divergence were defined by the Taliban's insistence on a particular Islamic jurisprudence – the Hanafi fiqh – as the sole religious basis for the negotiations. The other issue was in relation to whether or not the US-Taliban deal signed earlier in February should serve as the overarching framework for the intra-Afghan talks.<sup>25</sup> Such preliminary disputes are an indication of how the peace process will be a long drawn out one with

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<sup>19</sup> Asfandiyar Mir, "Afghanistan's Terrorism Challenge: The Political Trajectories of Al-Qaeda, the Afghan Taliban, and the Islamic State," Middle East Institute, October 20, 2020, <https://www.mei.edu/publications/afghanistans-terrorism-challenge-political-trajectories-al-qaeda-afghan-taliban-and>.

<sup>20</sup> Pamela Constable, "Afghanistan Extends Cease-Fire with Taliban as Fighters Celebrate Eid with Civilians," The Washington Post (WP Company, June 17, 2018), [https://www.washingtonpost.com/world/asia\\_pacific/afghan-government-extends-cess-fire-with-taliban-as-fighters-join-civilians-to-celebrate-eid/2018/06/16/a3fcccce-7170-11e8-b4d8-caf78d4c544c\\_story.html](https://www.washingtonpost.com/world/asia_pacific/afghan-government-extends-cess-fire-with-taliban-as-fighters-join-civilians-to-celebrate-eid/2018/06/16/a3fcccce-7170-11e8-b4d8-caf78d4c544c_story.html).

<sup>21</sup> David S Cloud and Stefanie Glinski, "Afghanistan Truce Successful so Far, U.S. Ready to Sign Peace Deal with Taliban" (Los Angeles Times, February 28, 2020), <https://www.latimes.com/world-nation/story/2020-02-28/la-fg-afghanistan-taliban-peace-trump>.

<sup>22</sup> Ashley Jackson and Rahmatullah Amiri, "Insurgent Bureaucracy: How the Taliban Makes Policy," United States Institute of Peace, November 19, 2019, <https://www.usip.org/index.php/publications/2019/11/insurgent-bureaucracy-how-taliban-makes-policy>.

<sup>23</sup> Mir, Afghanistan's Terrorism Challenge.

<sup>24</sup> Kate Clark, "The Layha: Calling the Taleban to Account," Afghanistan Analysts Network - English, March 9, 2020, <https://www.afghanistan-analysts.org/en/special-reports/the-layha-calling-the-taleban-to-account/>.

<sup>25</sup> Mehdi J Hakimi, "The False Inclusivity of the Taliban's Emirate," Asia | Al Jazeera (Al Jazeera, October 26, 2020), <https://www.aljazeera.com/opinions/2020/10/26/the-false-inclusivity-of-the-talibans-emirate/>.



both parties attempting to reconcile their differing visions of a post-war Afghanistan. The political will of both sides to achieve piece will be put to the test once complex and dividing issues relating to the constitution and structure of a post-war government will be tabled.

### *Constitutional Stalemate*

One of the most contentious issues to be tabled during the talks is the future of the Afghan constitution. The Afghan government and a significant number of citizens are in support of the current Islamic Republic characterised by a democratic process for electing leaders, separation of powers between the executive, legislative, and judicial branches, and equal rights for women and men to be a part of the political process. There is strong desire to retain the gains that have been made on civil and political rights since the 2004 constitution was adopted. The Taliban on the other hand, have been much more transparent about what they oppose rather than what they support. The official position of the group has been that their struggle has been to end the foreign occupation of Afghanistan and to establish an Islamic order.<sup>26</sup> However, the group has thus far not defined what it would like to change in the current constitution in order to make a government truly Islamic in their view. Some speculate that a Taliban-run government would resemble the regime they established in the late 1990s, which was considerably restrictive in its interpretation of women's rights and civil liberties.<sup>27</sup>

The Taliban have not adopted a constitution; however, in 1998 they convened a group of religious scholars to draft one. The draft of this constitution was not released until 2005 after the 2004 constitution was adopted by the Afghan government. As per the draft, the ulama wielding the highest level of power would be those appointed by the leader of the Taliban. Additionally, all high-ranking officials would be Sunni Muslims that are adherents of the Hanafi sect. While the Taliban's doctrine is opposed to any group preference, in practice its appointments and policies have been in line with the group's ethnic and tribal composition. The draft constitution contains no mention of ethnicity or

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<sup>26</sup> Frud Bezhan, "Taliban Constitution Offers Glimpse Into Militant Group's Vision For Afghanistan," RadioFreeEurope/RadioLiberty, April 26, 2020, <https://www.rferl.org/a/taliban-constitution-offers-glimpse-into-militant-group-s-vision-for-afghanistan/30577298.html>.

<sup>27</sup> "Five Things to Know About the Afghan Peace Talks," United States Institute of Peace, September 14, 2020, <https://www.usip.org/publications/2020/09/five-things-know-about-afghan-peace-talks>.

diversity, except for a reference in article 11, which states both Pashto and Dari as official languages of Afghanistan.<sup>28</sup>

In principle, the implementation of Islamic provisions might seem to be a unifying force between the two parties, however the manner in which they are to be implemented is inherently a political decision. There is no written code of sharia; therefore, any Islamic state must figure out how the application will take place, be it by privileging a certain sect, codifying it in written law, or bestowing authority upon particular groups or institutions to interpret it. The point of contention is determining who would have the power to define and enforce what constitutes as “Islamic” since both the sides seem to have competing views on the matter.<sup>29</sup>

### *Politics of Statecraft*

The 2004 Afghan constitution provides for a presidential system of government with a bicameral legislature where the president is elected for a maximum of two five-year terms. Originally, the constitutional commission proposed a mixed system which would include a directly elected president and prime ministers, which several political actors viewed as a method of ethnic power sharing in the executive. The commission worked on several drafts trying to strike a balance of power between the president and prime minister, however these drafts failed to come up with a workable framework for resolving conflict between the two roles.<sup>30</sup>

Changing the political structure of the executive and the centralisation of the government is an issue that splits opinion largely along ethnic lines. To a large extent, Pashtuns have supported a presidential system with a centralised administration, whereas non-Pashtuns have been in favour of executive power sharing and measures of decentralisation and local autonomy.<sup>31</sup> While the proponents of the presidential system won out at the loya jirga, this remains a point of contention to date with opposition candidates like Abdullah Abdullah contesting presidential elections with a platform of bringing about constitutional reform to establish an office of prime minister. This issue is therefore likely to rear its

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<sup>28</sup> “Constitutional Issues in the Afghan Peace Negotiations: Process and Substance,” United States Institute of Peace, November 16, 2020, <https://www.usip.org/publications/2020/11/constitutional-issues-afghan-peace-negotiations-process-and-substance>.

<sup>29</sup> Ibid.

<sup>30</sup> Barnett R Rubin, “Crafting a Constitution for Afghanistan,” *Journal of Democracy* 15, no. 3 (July 2004): pp. 5-19.

<sup>31</sup> Ibid.

head again when negotiations reach the point of discussing the system of government, and it has the potential of dividing the Afghan government's negotiating team.

On the other hand, the Taliban might be amenable to instituting a prime minister position. The 1998 draft constitution gave the amir the authority to appoint a prime minister, however, it also stated that the prime minister must obey the amir.<sup>32</sup> Dr. Kamran Bokhari, Director of Analytical Development at the Center for Global Policy (CGP), explains that there will be probably be a republican component to the future state, which will be heavily undergirded by a thick theocratic layer. It is likely that an apex religious leadership post will likely be established.<sup>33</sup> Some experts argue that the Taliban also take inspiration from the Islamic Republic of Iran. Despite it being Shiite, its status as the first government of its kind has influenced a great number of Sunni Islamist actors, even those opposed to them ideologically.

### *Ideology and compatibility with democratic norms*

There has been a lot of speculation regarding the Taliban's ability to transition into a political force and embrace democratic norms. The Taliban claim that they earned their stripes by instituting law and order to Afghanistan after a chaotic civil war. The fact that such an outcome was achieved at the cost of draconian laws being enforced brutally does not, from their perspective, diminish their achievement. Furthermore, they feel that their claim to legitimacy is bolstered by comparing their rule to what they view as the tumult that followed after the US invasion in 2001.<sup>34</sup>

It is likely that the Taliban will be able to extract far greater concessions from the Afghan government than they will concede. This is not only because of their dominant position on the battlefield, but also because of the ideational conditions, both within the current Islamic Republic of Afghanistan and Afghan society. It is important to note that many of Taliban's opponents are also Islamists. This also explains why the current government setup has incorporated many "Talibanesque legal features."<sup>35</sup>

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<sup>32</sup> Barnett R Rubin, "Constitutional Issues in the Afghan Peace Negotiations: Process and Substance," United States Institute of Peace, November 16, 2020, <https://www.usip.org/publications/2020/11/constitutional-issues-afghan-peace-negotiations-process-and-substance>.

<sup>33</sup> Kamran Bokhari, "The Taliban Deal & U.S.-Jihadist Negotiations," Center for Global Policy, September 23, 2020, <https://cgpolicy.org/articles/the-taliban-deal-u-s-jihadist-negotiations/>.

<sup>34</sup> Bill Roggio, "At Moscow Conference, Taliban Refers to Itself as the 'Islamic Emirate' 61 Times," FDD's Long War Journal, November 10, 2018, <https://www.longwarjournal.org/archives/2018/11/at-moscow-conference-taliban-refers-to-itself-as-the-islamic-emirate-61-times.php>.

<sup>35</sup> "Taking Stock of the Taliban's Perspectives on Peace," Crisis Group, August 11, 2020, <https://www.crisisgroup.org/asia/south-asia/afghanistan/311-taking-stock-talibans-perspectives-peace>.

The negotiators on the Taliban side will likely leverage these ground realities to roll-back some of the democratic gains made since 2001. Both the US and Kabul are aware of such risks, yet they seem to be banking on the fact that the Taliban has undergone a process of political learning. Taliban assurances that they are no longer against women's education and employment does not necessarily mean that their views have changed, but are most likely tailoring terms to what the other side wants to hear.

In the past few years, the Taliban have exhibited some flexibility in their understanding of an "Islamic system". It should also be noted that they employ the term in more than one sense; in some instances when referring broadly to cultural and social norms, and in other cases it is used more explicitly to suggest a governing structure that enforces Islamic law and bestows political authority to the figures who interpret it. Although the group evidently would like to change Afghanistan's existing political system to challenge what it views as political and moral corruption, its vision for change still does appear to reflect certain concessions to practicality. This was illustrated in the group's attempts to posture as a shadow government.<sup>36</sup> Over the last decade, the Taliban have grappled with the imperative to govern and provide services to civilians who have come under their influence. Over time the group has gradually adjusted some of its harshest stances on issues such as education, modern technology, and media consumption. In several districts across the country, the Taliban has allowed government-salaried officials or internationally funded humanitarian workers to continue performing essential services. By allowing these services to continue, the Taliban is able to appropriate funding and technical expertise that it lacks itself. The Taliban puts in a great amount of effort to obscure this incapacity, going to the extent of issuing their own invoices for services that are provided by government bodies.<sup>37</sup>

Community pressure or perhaps the preferences of individual commanders have also resulted in adjustments to Taliban policy in different parts of the country, for instance on allowing girls' education.<sup>38</sup> The structure of the Taliban allows a significant degree of latitude to leaders at the district and village level, particularly when it comes to governance and community relations. This is testament

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<sup>36</sup> Jackson and Amiri, "Insurgent Bureaucracy: How the Taliban Makes Policy,".

<sup>37</sup> Mujib Mashal and Najim Rahim, "Taliban, Collecting Bills for Afghan Utilities, Tap New Revenue Sources" (The New York Times, January 28, 2017), <https://www.nytimes.com/2017/01/28/world/asia/taliban-collecting-electricity-bills-afghan.html>.

<sup>38</sup> "You Have No Right to Complain," Human Rights Watch, July 31, 2020, <https://www.hrw.org/report/2020/06/30/you-have-no-right-complain/education-social-restrictions-and-justice-taliban-held>.

to the political learning that the group has undergone as they have understood the importance of considering the local context.

While these are positive signs for the political maturity of the Taliban, the group's transition to a political force will still be a challenging one. This is because the Taliban are a militant movement, with armed struggle forming a core part of their founding ideology and nearly 30 years of organisational culture. Convincing the rank-and-file that the best way to achieve victory is negotiations instead of military might, will be a massive undertaking. It seems that making the case to the military wing that talks with the US were worth pursuing, and then to begin negotiations with Kabul after rejecting them for so long, required a great deal of lobbying on part of the political office and other more moderate elements in the group.

## **Conclusion**

Taking stock of the myriad factors that continue to influence the trajectory and potential success of the ongoing negotiations, donors and peace supporters need to be cognisant of the fact that both the parties will require time to build internal consensus on contentious issues that will eventually be tabled during the talks. Specifically with regard to the Taliban, it is important to realise that the group continues to primarily function as a military organisation, unlike other insurgencies around the world that have developed sophisticated political wings that can help ease the transition required as part of a political settlement. Therefore, even the most successful transition from the Taliban's current configuration to a predominantly political movement will be gradual. This is why the international community and regional supporters of the process will have to exhibit patience and modulate their expectations regarding the pace at which the current negotiations will proceed, and be wary of how long drawn a process it will be to unify and stabilise a country split along various lines.

Any kind of external pressure to fast-track deliberations on the most significant and contentious issues relating to the political structure of the government or constitutional amendments will not bode well for the future of Afghanistan. It is not just the Taliban that has been dismissive of the post 2001 setup of the Afghan government, as the government's structure and centralisation of power also alienated and split opinion among large segments of Afghan society. They are not inconsiderable, nor their cohorts easily diminished. Moreover, while acknowledging the contextual peculiarities, the recent example of a hasty withdrawal and coalition government setup in Iraq with its resulting consequences

should serve as a warning to the international community. The Afghans have a history of restrictive foreign formulas for governance or direct rule. Therefore, it needs to be reiterated that a sustainable peace can only be realised if the negotiations are entirely Afghan led and owned. It means that supporters of the process should limit their role to facilitating the talks and helping the Afghan economy recover and sustain itself. Pakistan has set a precedent in this regard for both regional and international supporters of the peace process; from playing a crucial role to bringing both sides to the table and reiterating support for a negotiated political settlement as the only path to enduring peace, to advancing a cooperative partnership for furthering political, economic, and people-to-people exchanges.<sup>39</sup> Addressing the socio-economic and humanitarian challenges that the Afghan people will continue to face even after an agreement is reached must be of paramount concern to all those who wish to see a peaceful and prosperous Afghanistan. The path will certainly not be linear, let alone smooth.

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<sup>39</sup> Mumtaz Alvi, "Pakistan Steps up Afghan Peace Efforts" (The News International, November 20, 2020), <https://www.thenews.com.pk/print/746403-pakistan-steps-up-afghan-peace-efforts>.

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