

## The Path to a Political Solution in Afghanistan

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The gradual withdrawal of U.S. forces from Afghanistan, announced by President Barack Obama on June 22, 2011, has made the problem of achieving a political settlement in Afghanistan more urgent than ever before. The announcement came amid ongoing insurgent/terrorist operations and counter-operations and reports of U.S. talks with senior elements of the Taliban. The current dynamic interaction between negotiations among the main Afghan factions and unabating violence – including a series of high-profile political assassinations<sup>1</sup> – has further complicated matters. All this is accompanied by growing international diplomatic and political activity within the broader region at the intersection of the Middle East, South Asia, and Central Asia.

While closely intertwined, the intra-Afghan and regional dimensions are often addressed separately or in the wrong order, starting with the regional angle and reducing the intra-Afghan settlement to a function of the interests of regional powers. With such an approach, one easily falls into the trap of conflicting national interests (between, for example, Pakistan and India, Iran and Pakistan, and the Gulf States and Iran). Such controversies do not prevent multilateral dialogue on Afghanistan, but they easily surpass the impact of any regional framework.

Ultimately, even a degree of balance among the interests of regional powers does not substitute for a genuine political settlement in Afghanistan. The right order, hence, is the reverse: a solution must begin with an adequate intra-Afghan settlement, formulated in a way that accommodates the main legitimate concerns of key regional stakeholders (first and foremost, Pakistan and Iran). This memo suggests a framework for such a political solution.

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<sup>1</sup> One prominent example is the recent killing of the head of the Afghan Peace Council, Burhanuddin Rabbani, former Afghanistan president and leader of the Northern Alliance.

## **The Brahimi-Pickering Framework: A Critique**

As the U.S. military withdrawal from Afghanistan becomes a reality, the need for a negotiated intra-Afghan political arrangement with defined roles for regional powers has intensified. In March 2011, the Century Foundation's International Task Force on Afghanistan, co-chaired by Lakhdar Brahimi and Thomas R. Pickering, put forth an initiative ("the Brahimi-Pickering plan") that appeared to qualify as a genuine international peace proposal for Afghanistan, more than most other previous "peace plans." The plan called for a multilateral, UN-centered political process aimed at "resolving core differences and addressing legitimate grievances" and sought to include in the negotiations all the main armed "veto players." It explored how some of the legitimate concerns of the Taliban insurgency could be accommodated through a power-sharing arrangement and, in turn, what concessions could be extracted from the Taliban.

The Brahimi-Pickering plan also acknowledged the interrelationship between the intra-Afghan and the international dimensions of the peace process, which includes the interests of regional and extra-regional stakeholders as well as broader international security concerns. In terms of managing the peace process, it called for an increased role by the UN, as well as by Muslim states and organizations such as the Organization of the Islamic Conference (OIC, since June 2011 the Organization of Islamic Cooperation), and it emphasized the latter's potential contributions to a transitional peacekeeping force.

While the Brahimi-Pickering plan acknowledged deep international skepticism about the prospects for a negotiated solution, it claimed that "a substantive agreement that would end the war in a way that is acceptable to all parties concerned is possible." This claim, however, is insufficiently supported by the substantive part of the proposal. Most importantly, the Brahimi-Pickering plan fails to explain why the Taliban – a complex, decentralized, social and religious insurgent movement – would opt for negotiations over continuing its armed struggle and patiently waiting for the enemy's withdrawal, all the while increasingly acting as a shadow government in areas under its control. The plan treats armed parties in Afghanistan as "equal" rational actors primarily driven toward negotiation by military stalemate, and it attributes "an interest in a political process among at least some sections of the insurgency" to an alleged realization by the Taliban's "old" Quetta-based leadership that the only way to "get the Americans truly out is with a negotiated settlement in which their departure is part of the deal." The United States' ability to indefinitely maintain a reduced but capable force in Afghanistan, coupled with the toll inflicted by the counterinsurgency operations of 2010–2011 and the "uncertain" evolution of Pakistan, are presented as major factors that will push the Taliban toward talks.

While a military stalemate may serve as a powerful driver for negotiations, it usually plays such a role in the event of a symmetrical stalemate between comparable states or non-state actors. In Afghanistan, however, the stalemate between Afghanistan's main protagonists – in terms of conventional power, status, ideology, goals, social order, and organizational patterns – is fundamentally *asymmetrical* and in

no way implies equal interest in a peace process among the conflicting sides. To be sure, a stalemate on the ground poses a major challenge to the United States, especially in the context of U.S. domestic and electoral politics, and it is of growing embarrassment to NATO. The United States needs to talk to the Taliban to create a face-saving cover for its gradual withdrawal from Afghanistan, where it has had a long and costly deployment with unclear goals that produced an escalating insurgency and a weak and malfunctioning central state. In the end, the U.S. administration needs to be on a firm track toward a negotiated solution by 2012 and, preferably, to have a settlement in place by 2014.

But are there similarly strong pressures driving insurgents to negotiate peace with their adversary? For the Taliban, the current asymmetrical stalemate is anything but an embarrassment. On the contrary, it remains a powerful catalyst for the movement's revival and spread. It may even qualify as a military success, as illustrated by the Taliban's ability to strike at practically any target, including well-guarded officials. The Taliban insurgency has proved its capacity for patience (and, according to their radical Islamist ideology, this patience can extend to "eternity"). There is little ground to hope that what the Brahimi-Pickering plan refers to as a "new ambivalence" in Pakistan will push a critical mass within the complex conglomerate of the Taliban-led insurgency toward negotiated peace in Afghanistan within the timeframe set by the U.S. government. There is simply no comparable time, political, or social pressure on the Taliban to that which exists for the U.S. administration to engage in even a properly managed peace process, designed with significant international input.

In no way does this devalue the idea of a negotiated solution for Afghanistan, which in the longer-term remains the only alternative to ongoing conflict involving a reduced or residual foreign security presence and/or the reignition of civil war. But the Taliban's direct involvement in a genuine peace process — as opposed to token and sporadic contacts synchronized with the U.S. electoral cycle — will not be achieved in exchange for gradual U.S. withdrawal, nor secured only on technical grounds. It will ultimately depend on the *substance* of the proposed intra-Afghan settlement.

Reconciliation with the Taliban — the goal of a genuine peace process — cannot be achieved within the present constitutional framework, which was the result of a constitutional *jirga* process which the Taliban was not a party to. The Brahimi-Pickering plan recognizes the need to go beyond Afghanistan's 2004 constitution, but it still sees the constitution as the starting point for any talks and as a basis, if a flexible one, for a national political order. What the Brahimi-Pickering plan does not explain is how this vision can be reconciled with the Taliban's total lack of interest in any constitution or elections. The movement's own system of shadow governance is based on a set of rules and norms that is a "constitution above any constitution," a slightly modified version of a strict Deobandi interpretation of Sharia law. The "Islamic emirate of Afghanistan" is as much a ready-made system of law and order, tax collection, and even social regulation as it is an active insurgency force.

The Brahimi-Pickering plan suggests that such a system could ultimately be integrated into a fundamentally different kind of civil and political order, one that was

originally established via a Western-sponsored process. This could be done by redistributing ministry positions in a coalition government and making concessions for a somewhat greater role for elements of Sharia at the national level.

In contrast, this memo argues that the present system – a relatively centralized civil constitutional order with a strong presidential bias – is incapable of incorporating the Taliban at the national level, even with some modification. There is only one form of centralized administrative authority compatible with an Islamist Taliban-style rule – a radical Islamist one such as that which existed under the Taliban in the late 1990s. This is a scenario that is unlikely to be replicated in Afghanistan even after the gradual withdrawal of the United States and NATO.

At present, therefore, a centralized model cannot serve as a basis or goal for a stable power-sharing system that includes the Taliban. But if no genuine accommodation with the Taliban-led insurgency is found, there will be no peace in Afghanistan. Unsurprisingly, this dilemma creates considerable pessimism regarding the prospects for peace.

### **Regionalization as an Intra-Afghan Solution**

There is an intra-Afghan solution to this dilemma, but it is one that requires a new national political order. One alternative political arrangement would be a regional-based solution. The core of such a system would be a decentralized political order where main governance functions rest with five or six large regions. These already exist – the two or three northern regions, Herat, Hazarajat, and the southeast region, where the insurgents' de facto dominance and shadow governance would have to be recognized de jure. Because some regions have mixed populations, this arrangement would fall short of a complete ethno-sectarian partition. It would provide for a limited but indispensable role for a central authority primarily vested with arbitration and representative functions. A limited national constitution would primarily regulate relations between constituent regions and the functioning of a few national bodies – a national *jirga*, a smaller, professional national army explicitly tailored to external defense tasks, a respected but largely symbolic presidency to serve as an interregional arbiter and as Afghanistan's main international face, and a small executive administration. The primary function of the central administration would be to regulate and facilitate inter-regional economics, trade, reconstruction, and development. Key legislative and executive power in political, economic, and security spheres would rest with the regions and display significant regional specificities. While the role of Sharia at the national level may be somewhat expanded, the specific model will be up to each region to establish. This would allow, for instance, the Shia populations of Herat and Hazarajat to enjoy a large degree of autonomy and the northern regions to retain and develop a far more secularized system compared to the Islamist rule in the (post-) Taliban-controlled southeast. The role of elections would also change: in addition to general elections to a national *jirga* that would decide on a limited set of issues, regional elections would serve as the requirement for legitimizing region-specific governing systems (including degree of Sharia rule).

Such a complex system may help reconcile elements of a constitutional order with the Taliban-style Sharia-based governance system and with some traditional clan-based structures such as tribal militias. This is much more than the Taliban can get under any other power-sharing arrangement, a fact that may make it a viable option for the bulk of the movement and preferable to a return to full-scale civil war.

War remains a possibility if the U.S./NATO withdrawal is not accompanied by major progress toward a political settlement. In contrast to the early 1990s, the most likely outcome of such a war would not be overwhelming victory for the Taliban, which have to confront much greater international attention to Afghanistan, beefed-up capacities of other Afghan factions (including the more professional and better equipped army dominated by northerners), and the fact that withdrawal of foreign forces will diminish the catalyzing effect for the Taliban of “resistance against foreign invaders.” The most likely outcome of war would ultimately be the same regional-based solution, but one that will come closer to total fragmentation and be achieved at a much greater human and material cost.

For a genuine regional-based solution to be agreed upon and to start taking shape, the withdrawal of foreign troops will have to be well underway. This implies the need for an interim period prior to the delegation to the regional level of major security responsibilities (with the exception of external defense) that does not grant those responsibilities to the malfunctioning and erosive security structures of the present government, distrusted in insurgent-controlled areas. As the process of devolution will take time, a transition to a reduced and substantively different international security presence will be necessary to temporarily fill in the security vacuum. This does not necessarily have to be a mission led solely by the UN, especially given the mixed credibility of the UN Assistance Mission in Afghanistan (UNAMA) and local perceptions of its association with the U.S./NATO security presence. Preferably such a mission would launch under a joint umbrella of the UN and the OIC. The main function of this force would be to monitor security during the transition to a new system of governance and to guarantee non-interference by neighboring states.

### **Intra-Afghan Regionalization as a Way to Reconcile External Regional Stakeholders**

In general, the link between the intra-Afghan settlement and the broader regional framework may be disaggregated into three levels, in declining order of importance:

- (a) Pakistan and Iran, the two neighboring regional powers most directly affected by the situation and which enjoy significant influence;
- (b) Countries adjacent to the region less directly affected but with particular concerns or influence, including India, China, and, to a somewhat lesser extent, Russia, the Gulf States, and Turkey; and
- (c) Multilateral formats, institutionalized regional frameworks, and regional initiatives by international organizations.

The intra-Afghan regionalization arrangement outlined in the previous section stands a chance of striking a balance between the domestic dimensions of settlement and the interests of key regional stakeholders. While the proposed decentralized framework for Afghanistan will not primarily be driven by – or satisfy – the maximum demands of regional powers, it will be in line with their legitimate interests. The Pakistan-supported Pashtuns in Taliban-controlled areas will receive a significant share of formal power at the regional level while remaining a constituent part of the decentralized Afghan state. Regions with Shia dominance or a mixed population with a significant Shia presence will enjoy the same degree of autonomy. In particular, Hazarajat, as the most vulnerable region with the most victimized population, will likely become a natural center of gravity for any modified international presence. Iran will continue to play its role as the traditional benefactor of Afghanistan’s Shia and Persian-speaking populations and, together with other states like Uzbekistan, Russia, and India, support the northern regions.

Regional powers may not only assist in brokering an internationally-mediated agreement. They can also become additional informal guarantors of the agreement. This role cannot replace broader international guarantees for Afghanistan. However, it can serve as a natural complement, building upon the traditional links of regional powers to various parts of Afghanistan as well as upon existing regional multilateral formats.