

# AFGHANISTAN: TIME FOR PEACE?

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# South Asia Scan



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## **Afghanistan: Time for Peace?**

Rani D Mullen

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## Executive Summary

In 2019, Afghanistan appears at a political precipice, with the Taliban controlling more territory than at any time since 2001 and the United States (US) administration talking to the Taliban in order to withdraw their troops, if possible, before the US elections in 2020. After arguably four decades of war – a war which has killed more than 32,000 Afghan civilians in the past decade – war-weary Afghans want peace, as do their international supporters. Yet, in the changing political and security climate, many worry that the significant gains achieved over the past 18 years, ranging from women's rights and a more than doubling of school enrolment rates to a 20-year increase in life expectancy, might be sacrificed in the rush to negotiate a fragile peace. This situation requires urgent efforts amongst Afghan and international policy makers, analysts and researchers to better understand, analyse and propose ways of ensuring successful peace talks and indeed prevent a return of a Taliban government, as well as longer-term stability in the region.

This publication first provides a brief historical overview of Afghanistan up to 2018 before analysing the main international, domestic, and individual-level factors contributing to the ongoing conflict in the country. It then examines the recent political dynamics with the potential to change the conflict, including the rising domestic and international pressure for peace. It also points to a 'tipping point' like the current situation where the political balance, which just last year looked to be a drawn-out stalemate, is shifting in favour of the Taliban. Yet, any plan to end the long war in Afghanistan can only succeed if it is seen as legitimate in the eyes of the Afghans and is supported by Afghanistan's neighbours and international backers. Any peace plan will also need to successfully navigate political minefields, ranging from holding inclusive peace talks to safeguarding the human rights of the Afghans. If the challenges to peace talks can be addressed in a manner satisfactory to the Afghan people, then the balance might finally tip in favour of ending a war that has caused huge bloodshed and tragedy for over a generation of Afghans.

## Introduction

On 19 August 2018, Afghanistan celebrated 99 years of being a fully independent country. The day should have been a day of celebration and national pride. After all, Afghanistan was never colonised. Independence Day marks the 1919 defeat of Britain in the Third Anglo-Afghan War and Afghanistan regaining control over its foreign affairs in the era of the ‘Great Game’ – the 19th century battle for influence over Afghanistan between the empires of British India and Russia. The small, underdeveloped country of Afghanistan managed to defeat the mighty British Empire, as well as one of the two superpowers, the Soviet Union, in the late 1980s. Yet, Afghan independence day in 2018 came on the heels of the Taliban besieging Ghazni – Afghanistan’s second most populous city and only 150 kilometres south of its capital Kabul – for five days before government forces could retake the city. It also came a few days after a suicide bomber entered a school in a Shia neighbourhood located in the heart of Kabul, killing over 50 students, girls and boys, all under 19 years of age.

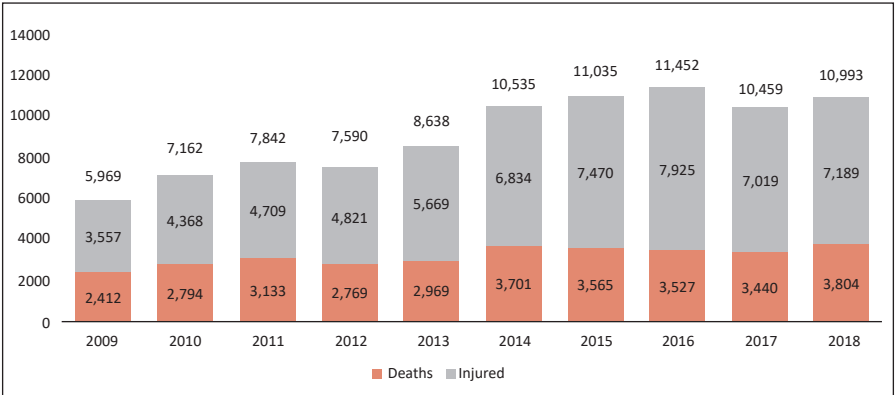
The news from Afghanistan is not all discouraging. Significant gains have been made particularly in the social sector over the past 18 years. These gains are worth appreciating in a country that had some of the worst social indicators in the world in 2001. Afghan life expectancy has increased by nearly 20 years, maternal and infant mortality rates have fallen tremendously, there are many more boys and particularly more girls going to school, and literacy rates have increased significantly.

Yet, despite these gains since 2001, Afghanistan in 2019 appeared at the political precipice in several ways. Most notably, after 18 years of international troops in Afghanistan, US President Donald Trump is fast-tracking discussions between the US and Taliban representatives in order to pull US troops out of Afghanistan. A marathon two weeks of negotiations between the US and the Taliban ended on 12 March 2019 with the Taliban “promising” to not allow terrorist attacks from Afghanistan and a plan for the withdrawal of US troops, but no breakthrough. Meanwhile, the elected government of Afghanistan was sidelined during these discussions, leading to questions of the talks undermining the legitimacy of the Afghan government. These discussions, which have raised the possibility of peace in Afghanistan after four decades of war, have also led to the spectre of a return of the Taliban and are taking place at a time of high levels of insecurity, with 2018 being the deadliest year in Afghanistan since the September 11 terrorist attacks in the US (Figure 1). By early 2019, the negotiating position of the Taliban



was strong since they contested or controlled as much as two-thirds of the country (Figure 2),<sup>1</sup> despite tremendous amount of resources, international and national, spent on securing and rebuilding Afghanistan. Moreover, economic growth was stagnant, corruption high and poverty rates were increasing. Despite some good news, such as the hope of an enduring peace, high turnout at the October 2018 parliamentary elections and Afghanistan being declared one of the top 10 improvers in the 2019 ‘Doing Business Ranking’, the security and economic indicators weighed on the everyday lives of Afghans, as did the implications of a Taliban return for human rights. Moreover, being a highly aid-dependent country, the declining resources were squeezing the resources available to an already vulnerable state. How then should one evaluate the Afghan state today and the prospects of its survival?

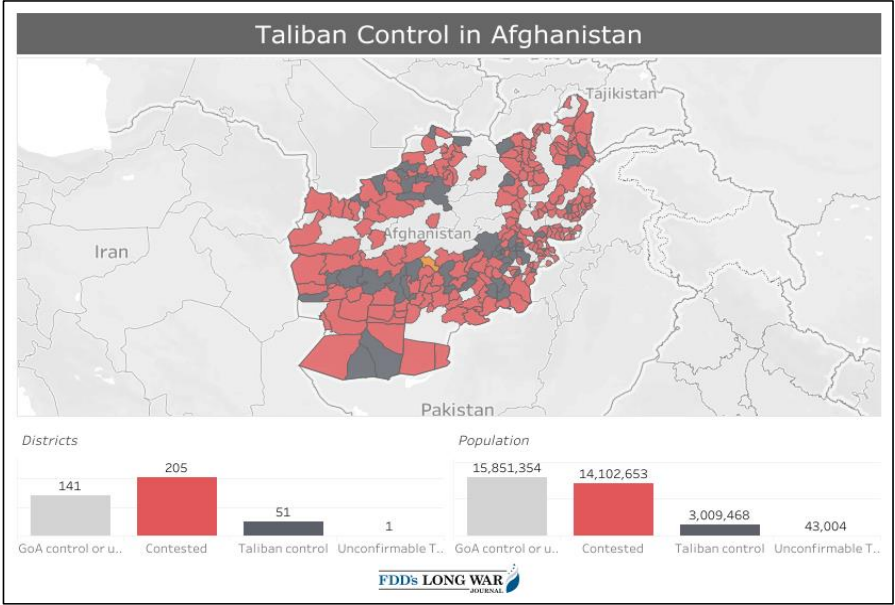
**Figure 1: Total number of casualties and injuries in Afghanistan, 2009 - 2018**



Source: [https://unama.unmissions.org/sites/default/files/afghanistan\\_protection\\_of\\_civilians\\_annual\\_report\\_2018\\_final\\_24\\_feb\\_2019\\_0.pdf](https://unama.unmissions.org/sites/default/files/afghanistan_protection_of_civilians_annual_report_2018_final_24_feb_2019_0.pdf)

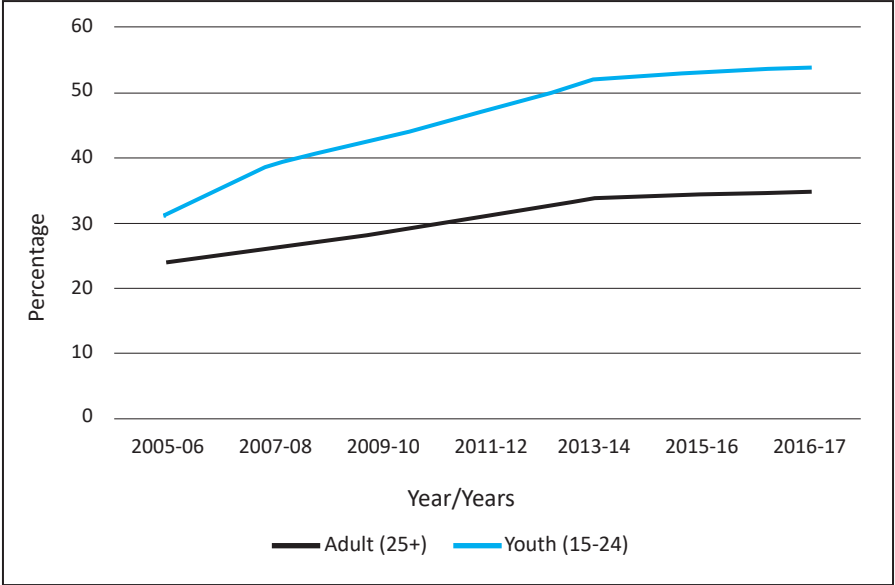
1. Borhan Osman, ‘The Costs of Escalating Violence in Afghanistan’, *International Crisis Group Commentary* (7 February 2018), <https://www.crisisgroup.org/asia/south-asia/afghanistan/cost-escalating-violence-afghanistan>. Accessed on 22 August 2018.

Figure 2: Taliban controlled and contested areas of Afghanistan in 2019



Source: Bill Roggio and Alexandra Gutowski. Taliban Control in Afghanistan. FDD's The Long War Journal. Updated every few days at: <https://www.longwarjournal.org/mapping-taliban-control-in-afghanistan>, accessed 4 March 2019.

Figure 3: Afghan youth and adult literacy rates, by survey year



Source: 'Afghanistan Living Conditions Survey 2016-2017', Highlights Report, Islamic Republic of Afghanistan Central Statistics Organization, p.9., [http://cso.gov.af/Content/files/Surveys/ALCS/Final%20English%20ALCS%20Highlight\(1\).pdf](http://cso.gov.af/Content/files/Surveys/ALCS/Final%20English%20ALCS%20Highlight(1).pdf). Accessed on 17 August 2018.

This publication will provide an overview of Afghanistan's political history, the causes of the ongoing conflict, recent dynamics with the potential to change the conflict, and issues with that will need to be addressed for a lasting peace. Each section of the report will examine the issue at the international, regional, and domestic levels.

## **Afghanistan until 2018**

The rough outline of Afghan history is easy to present. Wedged between the expanding British Indian Empire and the similarly growing Russian Empire, Afghanistan in the 19th and early 20th centuries was the site of the 'The Great Game' – the diplomatic and political battle for influence between the Russian and the British empires. After regaining full sovereignty at the end of the Third Anglo-Afghan War in 1919, Afghan kings governed the country until the Republican government of Mohammed Daud Khan was overthrown and killed in 1978 by the pro-Soviet People's Democratic Party. This led to the 1979 invasion of Afghanistan by the Soviets and the setting up of a communist government.

### **Foreign Intervention during the Cold War**

Many of the political rivalries and factions in Afghanistan today have their roots in the 1980s struggle between the Soviet-backed Afghan governments and the anti-Soviet, guerrilla-like, opposition groups, backed by the US, China, Saudi Arabia, Iran and Pakistan, which became known as the Mujahedeen. Afghanistan in the 1980s was at the international level a Cold War battleground which saw the Soviet troops-backed Afghan government fight the largely US-financed Mujahedeen group, with neighbouring countries trying to secure their own interests in Afghanistan.

The tremendous hardship of the 1980s civil war, which killed 1.5 million Afghans and displaced five million Afghans, largely to Iran and Pakistan, left Afghans vulnerable to recruitment by foreign powers. In particular, Pakistan's Inter-Services Intelligence (ISI) coordinated, channelled foreign funding and military hardware, and even recruited for the Mujahedeen groups. Foreign funds also helped set up madrassas (religious schools) along the Afghanistan-Pakistan border, which turned out religious students, many of whom were recruited into the Mujahedeen and later into the Taliban.

### **Soviet Withdrawal and Re-descent into Civil War**

By 1988, it was clear that the Soviets were hemorrhaging money and soldiers in Afghanistan, leading them to sign the Geneva Accords, setting out their withdrawal. Neither the leaders of the Afghan Mujahedeen nor the Iranians were represented at the talks, which ensured that these parties would continue to fight for their interests in Afghanistan. Also, as financial assistance from the US and Soviets dried up, it was replaced to some extent by Arab funding for the more extremist Mujahedeen

groups, thereby ensuring the continuation of Afghanistan's civil war and the continued meddling by external governments like those of Pakistan, Iran and Saudi Arabia. Despite the 1992 Peshawar Accords between many factions of the Mujahedeen, Afghanistan re-descended into civil war soon thereafter.

## **The Rise of the Taliban and the Reengagement of Regional Actors**

Like the civil war of the 1980s, the civil war of the 1990s was also driven by international, national and individual level factors. In the midst of the Afghan civil war, the Taliban movement emerged in 1994 with significant support from the ISI.<sup>2</sup> Saudi Arabia, largely wanting to counter Shia Iran's growing influence in Afghanistan, also funded and exported its conservative form of Islam to the Sunni Pashtuns who formed the core of the Taliban.<sup>3</sup> As the Taliban gained momentum, other Mujahedeen groups, who had battled one another just years earlier, formed the anti-Taliban resistance known as the Northern Alliance.

By the late 1990s, international actors such as India and Iran were actively supporting the Northern Alliance. For India, the 1999 hijacking of an Indian Airlines flight to Afghanistan by Al-Qaeda-linked terrorists, was a watershed moment and led it to reengage in Afghanistan. For Iran, the watershed moment was a year earlier in 1998, when Taliban militia attacked and killed 11 Iranian diplomats and a journalist. After the killing of their diplomats, Iran, like India, saw the Taliban government as an existential threat and more actively channelled support to the Northern Alliance.

By 2001, the Indian- and Iranian-backed Northern Alliance, controlled less than 10 per cent of the country, while the Taliban government, which was officially recognised and supported only by Pakistan, the United Arab Emirates and Saudi Arabia, controlled most of the country.

## **September 11 and its Aftermath**

The terror attacks of 9/11 had far-reaching consequences for Afghan politics, altering not only international engagement in the country, but also

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2. This has been substantiated by numerous authors. See for example: Jeanne K Giraldo, *Terrorism Financing and State Responses: A Comparative Perspective* (Palo Alto: Stanford University Press, 2007), p. 96; Larry P. Goodson, *Afghanistan's Endless War: State Failure, Regional Politics and the Rise of the Taliban* (Seattle: University of Washington Press) p. 111; or Owen Bennett Jones, *Pakistan: eye of the storm* (New Haven: Yale University Press), p. 240.
  3. See for example Steve Coll, *Ghost Wars: The Secret History of the C.I.A, Afghanistan and Bin Laden, From the Soviet Invasion to September 10, 2001* (NY: Penguin, 2004).

its domestic power balance. On 9 September 2001, suicide bombers killed the charismatic leader of the Northern Alliance, Ahmad Shah Massoud. Two days later, on 11 September 2001, four terrorist attacks were carried out against the US on the instruction of Afghanistan-based Osama bin Laden. In October 2001, US-led forces invaded Afghanistan and by mid-November 2001, Kabul fell and the Taliban retreated to the South and across the border into Pakistan. The speed of victory gave the illusion that the Taliban had been completely vanquished as former warlords and Northern Alliance leaders, whose very rule and infighting had led to the rise of the Taliban, came back to power in Kabul.

Key to understanding the political trajectory of Afghanistan after 9/11 is to appreciate the extensive role played by the US, the largest source of funding to Afghanistan after 2001. While the US-led coalition was still fighting the Taliban in late December 2001, a conference in Bonn, Germany, set out a political roadmap for reconstituting the Afghan government. Through three rounds of presidential elections and the continued “war on terror”, most of the funding for building up the Afghan state’s institutions through 2018, from an army to administration capacity in the Afghan ministries, came from the international community. Yet, on the ground in Afghanistan, the international community could not supply its troops and work towards building peace without engaging Afghanistan’s neighbours, highlighting the continued intersections of international, national and individual level politics in Afghanistan.

## The Ongoing Conflict

Afghanistan today is more insecure than at any time since the 2001 defeat of the Taliban by US forces, as seen in Figure 2. Afghanistan literally appeared to be at a political precipice with radical Islamist groups increasingly gaining control of physical territory and showing little willingness to negotiate a peace directly with their fellow Afghans, despite repeated outreach to them by the Afghan government. According to Afghan President Ghani, the Taliban are fighting an unrestricted war, “This war is against civilians. This war is against religious institutions. This war is against both secular and sacred places.”<sup>4</sup>

In 2019, the war in Afghanistan was also in its 18th year – or ending its fourth decade, depending on what one sees as the beginning of the conflict. Yet, nowhere in the world perhaps can the case for multiplicity of conflict causes – international, regional and domestic – be more easily made than in Afghanistan in 2019. A better understanding of the conflict causes is also key to addressing the different levels of conflict and, hopefully with the help of international, regional and Afghan actors, of solving it.

### International Dimensions

While the conflict in Afghanistan pre-9/11 might be categorised as primarily a civil war with outside funding, the invasion and continuing presence of a US-led coalition reinforced the international dimensions of the conflict. Moreover, as early as 2004, there were reports of the Taliban coming back from Pakistan and infiltrating rural areas in Afghanistan’s southern provinces,<sup>5</sup> highlighting that, without support from international actors, this defeated group, largely based in Pakistan, would not have been able to stage a comeback.

Afghanistan in 2019 continued to have a large international military and political presence. The International Security Assistance Force, the North Atlantic Treaty Organisation (NATO)-led and United Nations (UN) sanctioned force, was in Afghanistan from 2001 – 2014 and led combat operations to secure Afghanistan and help rebuild Afghanistan’s security forces. Its successor, Operation Resolute Support (ORS), took over in 2014

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4. President Ashraf Ghani’s speech at the India Foundation on September 19, 2018 as quoted by Siyar Sirat, ‘Afghanistan’s War is Unrestricted: Ghani’, *Tolo News* (19 September 2018), <https://www.tolonews.com/afghanistan/afghanistan%E2%80%99s-war-unrestricted-ghani>. Accessed on 20 September 2018.
  5. Steve Coll, *Ghost Wars: The Secret History of the C.I.A, Afghanistan and Bin Laden, From the Soviet Invasion to September 10, 2001* (NY: Penguin, 2004).p.225.

in a supporting role to the Afghan armed services and with a commitment to support Afghan security forces through 2024. International troops continued to be viewed favourably by the vast majority of Afghans,<sup>6</sup> even though surveys indicated that Afghans did not view international troops as playing any significant role in the provision of security in their country.<sup>7</sup> While ORS' mandate now is only to support the Afghan armed forces, the Taliban view it as an occupying force and want it to leave Afghanistan as a precondition to peace talks with the Afghan government.

Another international level factor in the current conflict in Afghanistan is the UN Assistance Mission to Afghanistan (UNAMA), which has a UN mandate to rebuild political institutions and support the functioning of the Afghan government. While the UNAMA has coordinated "international civilian efforts in full cooperation with the Government of Afghanistan"<sup>8</sup> over the past 17 years, the Taliban have repeatedly stated that the UNAMA is an international political intervention in a sovereign country.

In addition to the impact of international military and political support in Afghanistan, there has also been a resurgence of international power politics, particularly after 2014.

### Russian Reengagement

One of these countries which has increased its reengagement in Afghanistan in order to protect its interests in Central Asia is Russia. Over the past few years, Russia has hosted a series of regional conferences to explore peace prospects in Afghanistan, has repeatedly indicated that it would undertake military measures against terrorist organisations such as the Islamic State in Iraq and Syria (ISIS), potentially even within Afghanistan, and has opened channels of communications with the Taliban.<sup>9</sup> Russian objectives in Afghanistan are driven by wanting to prevent threats from Islamic terrorist groups in Afghanistan from spilling over into Central Asia and curbing the opium and heroin drug traffic emanating from

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6. Mathew Warshaw, 'Afghan Futures: A National Public Opinion Survey', *Langer Research Associates* (29 January 2015), p.4., [http://acsor-surveys.com/wp-content/uploads/2015/01/Afghan-Futures-Wave-6-Analysis\\_FINAL-v2.pdf](http://acsor-surveys.com/wp-content/uploads/2015/01/Afghan-Futures-Wave-6-Analysis_FINAL-v2.pdf). Accessed on 20 September 2018.

7. 'A Survey of the Afghan People: Afghanistan in 2017', *The Asia Foundation*, p.51. [https://asiafoundation.org/wp-content/uploads/2017/11/2017\\_AfghanSurvey\\_report.pdf](https://asiafoundation.org/wp-content/uploads/2017/11/2017_AfghanSurvey_report.pdf). Accessed on 1 October 2018.

8. 'Mandate', *UNAMA*, <https://unama.unmissions.org/mandate>. Accessed on 15 September 2018.

9. 'Russia in Afghanistan; its concerns and the probability of military intervention', *Center for Strategic & Regional Studies* (29 July 2017), <http://csrskabul.com/en/blog/russia-afghanistan-concerns-probability-military-intervention/>. Accessed on 15 September 2018.



Afghanistan, as well as a desire for geopolitical influence, particularly vis-à-vis the US.

### Regional Powers in Afghanistan

Another major international-level factor influencing the ongoing conflict is the role of Afghanistan's neighbours. Afghanistan's borders are an artifact of the 19th century 'Great Game' and colonial politics and belie the fact that most Afghan ethnic groups in the border areas have common ethnic as well as historical, linguistic, and cultural links with populations on the other side of the border. Moreover, both Iran and Pakistan hosted a couple of million Afghan refugees starting in the 1980s and still host significant refugee populations today. Central Asian states are the source of energy for Afghanistan, are one of the major conduits for the opium drug trade from Afghanistan to Russia and Western Europe, have occasionally hosted several of the Northern Alliance leaders, and are today sandwiched between an increasingly politically aggressive Russia and an economically powerful China. India has also played an important role in Afghanistan as the largest regional donor and the fifth largest global donor. While India, under pressure from the US, has to date not played a large role in Afghanistan beyond development projects, the new US South Asia strategy and its own strategic interests are likely to lead India to play a greater role.

Of all of Afghanistan's neighbours, Pakistan and China have the greatest ability to support peace and development in Afghanistan today – or play a spoiler role. Since Afghanistan is a land-locked country, US-led coalition forces depended on Afghanistan's neighbours to be able to fight the short war in 2001 and, thereafter, to supply their forces and personnel in Afghanistan. Nowhere was this dependency clearer than in the case of Pakistan. After 2001 and particularly after US President George Bush's 2002 "Axis of Evil" speech<sup>10</sup> which ruled out cooperation with Iran, US-led coalition forces increasingly depended on Pakistan for supplying of their forces and rooting out remnants of Al-Qaeda. Pakistan, under pressure from the US, turned from an ally of the Taliban to an ally of the US, but used its growing leverage to remind the US of Pakistan's strategic interests in Afghanistan.

Pakistan has historically had a policy of trying to maintain and even enlarge its sphere of influence in Afghanistan. Despite official protestations to the

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10. Prior to President Bush's "Axis of Evil" speech in January 2002, Iran had been collaborating with the West to defeat the Taliban. After this speech, which branded Iran as part of an "Axis of Evil" that sponsored terrorism, Iranian-US relations rapidly deteriorated, as did their collaboration in Afghanistan.

contrary, there is significant evidence that the ISI has continued a policy of trying to maintain “strategic depth” in Afghanistan by hosting, funding and seeking to legitimise their proxies – the Taliban, the Al-Qaeda-linked Haqqani network, and the ISI pawn Hekmatyar and his fighters – within Afghanistan.<sup>11</sup> This double game with the Americans, where the ISI, on the one hand, cooperated with the US, allowing supplies bound for Afghanistan to transit its territory in exchange for hundreds of millions of dollars in subsidies, while, on the other hand, continuing to provide sanctuary to and support for Taliban and even Al-Qaeda-affiliated groups,<sup>12</sup> led to a backlash against Pakistan by the Trump administration in 2017.

Yet, knowledge of the Pakistani military’s duplicitous role was known well before 2017. Latest by 2012, when Osama bin Laden was found living in Pakistan next door to their elite military school, the US realised that Pakistan was not a reliable partner for its mission in Afghanistan. However, US dependency on Pakistan for supplying its troops and embassy in Afghanistan continued to prevent it from calling Pakistani military and intelligence institutions to account. This dynamic changed with the drawdown of US forces in 2014 and with publications over the past few years detailing the extensive contacts between Pakistan and militant groups in Afghanistan, which in turn led to a change in perception among American lawmakers as well as President Trump’s new South Asia policy. In 2017, President Trump publicly chastised Pakistan for its double game and suspended virtually all security and foreign aid assistance to Pakistan in order to pressure it into change its policy towards Afghanistan. However, by early 2019, as the US prioritised peace in Afghanistan, a peace for which the help of Pakistan is essential, the Pakistan factor in Afghan politics gained further prominence.

The other main regional actor, and one with potential wherewithal to change the stability in Afghanistan is China. Despite sharing a short 76-kilometre border with Afghanistan, China has not played a large role in Afghan politics until recently. After the defeat of the Taliban, China was content to free-ride on international security provision in Afghanistan, with Chinese military and development aid being virtually absent beyond a few large-scale economic investments.

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11. Peter Tomsen, ‘The Good War?’, *Foreign Affairs* (November/December 2014), <https://www.foreignaffairs.com/articles/afghanistan/2014-10-19/good-war>. Accessed on 20 September 2018.

12. See in particular the accounts by Steve Coll in *Directorate S* (New York: Penguin Press, 2018) and Carlotta Gall in *The Wrong Enemy* (New York: Houghton Mifflin Harcourt, 2014).

However, over the last few years, China has increasingly become worried that Afghanistan's security situation will spill over and exacerbate Islamic extremists in Xianjiang, China's western province bordering Afghanistan. Though Chinese development assistance continues to be minimal (China has provided a total of US\$90 million [S\$124 million] of development assistance and US\$70 million [S\$96 million] in military assistance since 2015) and few economic investments have materialised, there are credible reports of the Chinese military building a military base in Afghanistan's Wakhan Corridor with potential plans to station Chinese troops at the base in Afghanistan, as well as at a nearby Chinese outpost in Tajikistan.<sup>13</sup> A military presence in Afghanistan would provide China greater leverage with the Afghan government, the Taliban and Pakistan. It would also help them to address Islamic extremist within China. Chinese engagement will also grow in the Afghanistan-Pakistan border areas due to its US\$60 billion (S\$83 billion) of investments in the Chinese-Pakistan Economic Corridor (CPEC). These include plans for roads and other infrastructure connecting the Chinese-leased port of Gwadar in Pakistan, through contested areas of Kashmir which borders the Wakhan corridor, to China's Xianjiang province. Moreover, China has offered to connect Afghanistan with its ambitious infrastructure investments under the CPEC, thereby providing Afghanistan with potential economic opportunities.

China is interested in safeguarding the CPEC, as well as preventing the spread of Islamic militancy at its western doorstep. Its large investments in Pakistan, which is severely indebted to China largely due to loans it took to finance the CPEC, will provide it with leverage over Pakistan to reign in its links with militant groups. Moreover, China's interests in Afghanistan increasingly mirror those of India, Iran and Afghanistan's Central Asian neighbours, none of whom want to see a resurgent Taliban or other extremist Islamist group rule Afghanistan. China could, therefore, be the regional game changer in the long war in Afghanistan.

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13. Ben Farmer, 'China 'building military base in Afghanistan' as increasingly active army grows in influence abroad', *The Telegraph* (29 August 2018), <https://www.telegraph.co.uk/news/2018/08/29/china-building-military-base-afghanistan/> and Gary Shih, 'In Central Asia's forbidding highlands, a quiet newcomer: Chinese troops', *The Washington Post* (14 February 2019), [https://www.washingtonpost.com/world/asia\\_pacific/in-central-asias-forbidding-highlands-a-quiet-newcomer-chinese-troops/2019/02/18/78d4a8d0-1e62-11e9-a759-2b8541bbbe20\\_story.html?utm\\_term=.06817db9c5e7](https://www.washingtonpost.com/world/asia_pacific/in-central-asias-forbidding-highlands-a-quiet-newcomer-chinese-troops/2019/02/18/78d4a8d0-1e62-11e9-a759-2b8541bbbe20_story.html?utm_term=.06817db9c5e7). Accessed 4 March 2019.

## Domestic Factors

At the domestic level, the failure of the state to provide basic governance and services such as security, the continued presence of anti-state actors ranging from the Taliban and the ISIS to warlords, and the thriving illegal drug economy continue to foster the Afghan war.

The state failure literature points out that states fail when they are convulsed by longer-term violence and are no longer able to provide public goods – which in turn further erodes their legitimacy. Among public goods, none is as essential to state legitimacy as the provision of security. In Afghanistan, insecurity is due to the inability of the government to prevent cross-border attacks and infiltration, domestic attacks from terrorist organisations, and daily crime, including high levels of corruption as witnessed by Afghanistan ranking 172 out of 180 countries on the 2018 Transparency International Corruption Perception Index.<sup>14</sup> It is this inability to provide security which has enabled regional and international actors to challenge the Afghan state's monopoly over violence within its own borders.

State failure also encompasses the ability of a state to provide other public goods. In Afghanistan, the ability to provide public goods, while significantly curtailed due to insecurity, has unequivocally increased since the low levels provided by the Taliban in 2001. Health and education indicators have improved. Moreover, extensive infrastructure has been built, elections have been held and incomes have increased. Overall, despite the deterioration of security since 2001, the Afghan state and its international backers have been able to provide significant public goods, making the average Afghan today undoubtedly better off than during Taliban rule pre-2001.

Another factor contributing to insecurity in Afghanistan is the growth of anti-state actors and groups that challenge state authority, the Taliban in particular. Recent research including by the US State Department has shown that the Taliban insurgency continues to operate out of Pakistan-based safe havens from where senior leaders direct the insurgency in Afghanistan.<sup>15</sup> Also, the more internationally-linked and funded Al-Qaeda and the Taliban continue to remain closely and firmly allied as numerous

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14. 'Afghanistan', *Transparency International*, <https://www.transparency.org/country/AFG>. Accessed on 4 March 2019.

15. US Department of State, "Chapter 1. Country reports: South Asia; Bureau of Counterterrorism and Countering Violent Extremism", <https://www.state.gov/j/ct/rls/crt/2017/282845.htm#AFGHANISTAN>. Accessed on 29 September 2018.

studies have shown. With support from Pakistan's ISI, the Taliban have been able to grow within Afghanistan to the point where, by early 2019, analysts found that it controlled or contested over 60 per cent of the districts in Afghanistan.

A further factor fueling the Taliban and other terrorist organisations is the thriving illegal opium cultivation in Afghanistan. In a vicious cycle, drug cultivation and the growing narco-economy funds the Taliban, providing them with further resources to wrestle territory from the government and grow more opium. Up to 85 per cent of global illicit opium production, valued up to US\$6 billion (S\$8 billion), is produced in these largely Taliban-controlled areas today.<sup>16</sup> It is no coincidence that opium cultivation in 2017 was the highest ever recorded in Afghan history and a quadrupling of the amount cultivated under the Taliban pre-2001 at the same time that the country witnessed some of the highest levels of insecurity.

State failure, the resurgence of the Taliban and other terrorist organisations such as ISIS, and the thriving illegal opium economy have created a tenuous situation in Afghanistan, that was exacerbated with the 2013/14 withdrawal of most of the international troops around whom the post-war Afghan economy was built. Given the absence of a state with resources and wherewithal to counter the spread of the Taliban, increased opium poppy cultivation is driving and reinforcing a growing presence of the Taliban. This vicious cycle is likely to continue unless some strong countervailing measures take place.

## **Individual Factors**

While international and national level factors have exacerbated the fragile current political situation in Afghanistan, individual level factors have also contributed to the tenuous situation in a country where ethnic and tribal loyalties and hierarchies are significant. On the government side, the 2014 elections produced Afghanistan's first democratic transfer of power and ended in a power-sharing deal with Ashraf Ghani being named president and Abdullah Abdullah as the Chief Executive. Tensions between these two leaders and with other members of the government such as the notorious former warlord and now Vice President Abdul Rashid Dostum have made governing with a united voice difficult. In addition, former President Karzai, who retains a significant political following, continues to remain active

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16. Afghanistan Opium Survey 2017, United National Office of Drugs and Crime, 2018, [https://www.unodc.org/documents/crop-monitoring/Afghanistan/Afghan\\_opium\\_survey\\_2017\\_cult\\_prod\\_web.pdf](https://www.unodc.org/documents/crop-monitoring/Afghanistan/Afghan_opium_survey_2017_cult_prod_web.pdf). Accessed 1 October 2018.

politically. Moreover, some of the same warlords who helped overthrow the Afghan regime in 1992 and who are now politicians continue to undermine the elected Afghan government. These individual rivalries have created deep political rifts in Kabul and a situation where the government spends substantial time ironing out differences among government officials rather than presenting a united front focused on governing the country.

## Potential Game Changers

Despite widespread insecurity, wrangling between political actors, and continued interventions by international actors each with different agendas, there are also increasing prospects for a longer-term peace in Afghanistan. On the domestic side, Afghanistan witnessed a historic ceasefire between the government and the Taliban, as well as international forces over the three days of the Eid-al-Fitr holiday in June 2018. While the Taliban refused to join the Afghan government in extending the ceasefire and still refuse to negotiate peace with the Afghan government, the short ceasefire was indicative of the widespread thirst for peace among all Afghans. Moreover, in September 2018, the US named Zalmay Khalilzad as the Special Representative for Afghanistan Reconciliation and, since then, several rounds of talks between the US and the Taliban have increased the momentum for peace.

### Domestic Pressures for Peace

The driving force for peace within Afghanistan today is that the majority of Afghans are simply fed up with the incessant four decades of violence. This majority yearning for peace led to the rise of a grassroots peace movement within Afghanistan, and is compelling both the Afghan government and the Taliban to work towards a peace deal.

The grassroots peace movement started rather innocuously in Helmand with a dozen people protesting violence in March 2018. The movement then spread within Helmand and to several other provinces, gaining attention. When a group of these protestors then marched to Kabul, with strangers joining it along the way and politicians meeting it, the group highlighted a compelling alternative to political violence and has offered a fresh alternative to end the intractable conflict and gradually move towards a long-term and sustainable peace process.

Another factor that has increased domestic pressure for peace is the growing insecurity in the country and the need for the Afghan government to explore fresh approaches to bring the Taliban to the negotiating table. The lack of public confidence in the Afghan government in the run-up to the July 2019 presidential elections has put further pressure on the government to seek peace talks with the Taliban.

Though the growing insecurity in Afghanistan might lead one to think otherwise, there is also rising pressure on the Taliban to negotiate a peace deal with the Afghan government in a country decimated by, and tired of,

war. The Taliban's statements that the Afghan government lacks legitimacy and is a puppet government ruled by foreign actors have increasingly rung hollow, with the growth of the domestic peace movement and demands by the movement to negotiate a peace deal. Pressure built further on the Taliban in 2018 after the issuing of fatwas (legal opinions issued by Islamic scholars) against terrorism by international religious leaders meetings in Indonesia, Afghanistan and Saudi Arabia in 2018. There are also continued signs of divisions among the Taliban which could be exploited. Finally, the peace offer by the Afghan government and the peace the US is trying to negotiate provide the Taliban with a pathway to retaining power and legitimacy by contesting elections as a political party.

### **Regional and International Pressures for Peace**

Regional and international actors have also tried to bring the Taliban to the negotiating table and have repeatedly expressed their support for a peaceful domestic resolution to the conflict in Afghanistan. Several countries have hosted peace conferences to explore pathways for long-term reconciliation, such as the 2018 Tashkent conference where 22 countries ratified a declaration, stating their collective support for the Afghan government and its efforts to negotiate a peaceful resolution to the violence in Afghanistan. Afghanistan's neighbour, Iran, hosted bilateral talks with the Taliban in December 2018 and China has repeatedly offered to mediate between the Afghan government, the Taliban and Pakistan. Neighbouring Pakistan has also played a crucial role as an interlocutor over the past years. It was the host of peace negotiations between the Afghan government and the Taliban in 2015, but the Afghan government felt betrayed when it emerged that the Taliban leader Mullah Omar had been dead for two years at the time of negotiations – a fact that Pakistan's ISI likely knew about. Such incidences have led many Afghans to remain wary of the Pakistani government and army, viewing Pakistani support for an Afghan peace process as being reluctant and likely only as a result of pressure from China and the US. Nevertheless, as the US has stepped up its peace talks in 2018/19 with the Taliban, it has also become clear that Pakistan is likely to play a pivotal role in these peace talks and in an eventual agreement.

Besides regional actors, there has also been increasing pressure by international actors to find a peaceful solution to the violence in Afghanistan. A resurgent Russia sought to regain influence in Afghanistan by offering to host peace talks between the Taliban and the Afghan government in 2018 – a move welcomed in Kabul only if Afghanistan was



in the lead and hosting talks in Moscow in February 2019 which were attended by the Taliban and senior Afghan politicians, though not officially by the Afghan government.

However, the most significant push towards peace in Afghanistan in 2018/19 has come from the US-initiated Afghanistan peace talks with the Taliban. The Trump administration initially tried to change the momentum towards peace in Afghanistan through its 2017 South Asia Policy. This policy focused on putting pressure on the Taliban to negotiate peace by increasing the number of US troops in Afghanistan and putting pressure on Pakistan to stop providing safe havens for and nurturing of the terrorist organisations there. In 2018, the US followed up by cutting most military and foreign aid funding to Pakistan and, together with other members of the Financial Action Task Force (FATF), putting Pakistan on their grey list for failing to adequately combat the financing of terrorism. It also threatened that it, as the dominant shareholder of the International Monetary Fund (IMF) might block a Fund bailout package for Pakistan's broke economy. While these moves together put pressure on Pakistan to take greater action against terror groups, by April 2019, they did not bring the Taliban to the table to negotiate peace in Afghanistan with the Afghan government.

In the fall of 2018, President Trump's frustration with the lack of progress on Afghan peace talks, coupled with a desire to deliver on his 2016 campaign promise to end the war in Afghanistan and bring American troops home, led the US to again change tactics. Ambassador Khalilzad was appointed to engage in peace talks with the Taliban to secure a US exit. Khalilzad also increasingly reached out to Pakistan, since its support is crucial to concluding peace in Afghanistan. By early 2019, the US found an increasingly more cooperative partner in Pakistan, especially when it became clear that bilateral loans and foreign investment flows were not going to be enough to save Pakistan's economy and that Pakistan would need to get off the FATF grey list and require an IMF bailout package to turn around its economy.

For its part, Pakistan initiated efforts in late 2018 and, in early 2019, their efforts to try to persuade the Taliban to accept peace talks gained momentum when Pakistan released the co-founder of the Afghan Taliban, Mullah Baradar, and another high-ranking Taliban member. Pakistani government raids on some Taliban houses and the arrest of several other members of the Taliban who live in Pakistan further increased Pakistani pressure on the Taliban to negotiate peace. At the same time, there was

also evidence that Pakistan was using its leverage with the Taliban and the US to push the pro-Pakistan faction of the Taliban to represent the Taliban at peace talks, in order to ensure Pakistan's continued influence in Afghan politics. In return for Pakistan's pressure on the Taliban, the US has used its formidable influence within the IMF and Pakistan in early 2019 was in discussions to secure an IMF bailout. Both the US and Pakistan were thus trying to use their leverage with each other to extract concessions while ensuring their interests were represented with regards to Afghan peace talks.

### **Changing Military Pressure on the Taliban**

Pressure on the Taliban to find an alternative to fighting the war and a military solution initially came from a changed security policy under the Trump administration. Unlike the Obama administration, which had started a significant drawdown of American troops in Afghanistan, Trump initially increased US troop presence to 14,000 in 2017,<sup>17</sup> stating that forces levels needed to be driven by the security situation within Afghanistan.<sup>18</sup> Yet, by early 2019, as the US was stepping up efforts to negotiate peace, the US was cutting its troop presence by 1,000 and discussing a troop pullout within five years. This decreased military pressure on the Taliban in the spring of 2019, together with the Taliban announcement of their spring offensive, emboldened the Taliban in 2019.

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17. Alex Ward, 'Trump is sending more than 3,000 troops to Afghanistan', Vox (19 September 2017), <https://www.vox.com/world/2017/9/19/16227730/trump-afghanistan-3000-troops-mattis>. Accessed on 23 June 2018.

18. Greg Jaffe, Missy Ryan, 'Up to 1,000 more U.S. troops could be headed to Afghanistan this spring', *The Washington Post* (21 January 2018), [https://www.washingtonpost.com/world/national-security/up-to-1000-more-us-troops-could-be-headed-to-afghanistan-this-spring/2018/01/21/153930b6-fd1b-11e7-a46b-a3614530bd87\\_story.html?utm\\_term=.e065ebc33387](https://www.washingtonpost.com/world/national-security/up-to-1000-more-us-troops-could-be-headed-to-afghanistan-this-spring/2018/01/21/153930b6-fd1b-11e7-a46b-a3614530bd87_story.html?utm_term=.e065ebc33387). Accessed on 24 June 2018.

## **Addressing Key Issues for an Enduring Peace**

By early 2019, the dynamics of the Afghan conflict had changed. What only at the beginning of 2018 had looked like a years-long, drawn-out stalemate, was increasingly looking like a tipping point where the Taliban were tipping the balances in their favour. This led to an emerging consensus among the Afghan government and its international partners that the only solution to the insecurity was to engage in peace talks with the Taliban. However, as talks with the Taliban were ongoing in early 2019, it is also clear that the international, regional and domestic drivers of the conflict make the challenge of finding an enduring political settlement a difficult one. Addressing the following four issues will be key to navigating the path to peace in Afghanistan.

### **An Afghan-led and Afghan-owned Peace**

The most important lesson from the past four decades of war in Afghanistan is that any peace agreement that is not Afghan-led and Afghan-owned will not endure. It is therefore paramount that the current jostling, if not rivalry, between the US and Russia, and to some extent China, to broker a successful peace deal be stopped. Without the Afghan government clearly being the one that leads the peace negotiations and without these three major powers agreeing to a common platform for engaging with the Taliban through an Afghan government-led process, any peace deal will be difficult to reach, and if reached, will have little staying power.

Over the past few years, the US, Russia and China, as well as Iran and Pakistan, have each been pursuing its own policy of outreach to the Taliban, with little coordination and prioritisation given to the elected government of Afghanistan. When Afghan President Ghani's offer of direct peace talks with the Taliban was rejected by the Taliban earlier in 2018, the US and Russia continued to engage separately with the Taliban in an effort to foster a peace deal. Despite President Ghani reportedly appealing privately to the US government several times that the US' direct talks with the Taliban at such a critical juncture might well undermine the Afghan government, senior US officials reached out to the Taliban in late 2018 with Khalilzad taking the lead once he was appointed. In addition to undermining trust between the US and the Afghan government, such direct outreach by the Americans to the Taliban without the inclusion of the Afghan government endangers the legitimacy of the Afghan government, not only in the eyes of the Afghan citizenry, but also as seen

by the Taliban, who have repeatedly stated that they will not negotiate with the Afghan government which they view it as a stooge of the US.

Similarly, Russia, 30 years after withdrawing its troops from Afghanistan, still retains strategic interests in the Central Asian states bordering Afghanistan and has pursued direct contacts and a conference with the Taliban to ostensibly safeguard those interest. Yet, Russian outreach engagement with the Taliban has also further legitimised the Taliban and made clear that the Taliban have partners other than the US and the Afghan government to negotiate with.

Likewise, the Chinese government met the Taliban several times in 2018 in Pakistan-negotiated meetings, also ostensibly aimed at brokering peace talks. China, which has long been concerned about the potential for Islamist spill-over from Afghanistan to its western majority Muslim region of Xinjiang, has also maintained contact with the Taliban through Pakistan since the failed Pakistan-brokered 2015 peace talks. Though Chinese government officials in 2018 were careful to state that China supports Afghan leadership and Afghan ownership of potential peace talks, such independent wooing of the Taliban by China has also further strengthened the legitimacy and the negotiating position of the Taliban.

By jostling to be the main peace broker with the Taliban, all three countries have bypassed the Afghan government and, ironically, are undermining their stated aim of finding a durable peace settlement. With such courting of the Taliban by global powers, it is also no wonder that the Taliban have little incentive to engage with the Afghan government directly. Moreover, meetings with the Taliban that are not Afghan government-led only reinforce the Taliban's claim that the elected Afghan government is a vassal of international governments.

One of the main lessons of the December 2001 Bonn Talks and peace negotiations in general is that for any political settlement to be lasting, it must be inclusive of all the main local combatants, in addition to major international power brokers. Moreover, one should not let one or a few outside negotiators control the peace process. In Afghanistan, it is the elected representatives of the Afghan people who should determine the political settlement, including whether they are ready to forge a peace deal with a group that continues to terrorise Afghans on a daily basis. Without such Afghan government-owned peace talks and talks where Afghans are in the driver's seat, there will be no enduring political settlement with the Taliban or indeed with neighbouring countries that have the ability to be

spoilers of any potential peace deal. A successful peace deal needs to be an intra-Afghan peace deal. And without the Afghans and neighbouring countries on board, there will be no durable peace agreement.

## **The Role of the US and the International Community in Afghanistan**

Another issue that could well determine whether regional powers, and indeed the Taliban, agree to a peace deal and its longevity is the role of the international community and particularly the US in Afghanistan after a peace deal. In particular, the two main aspects of what role the international community would play after a potential peace agreement in terms of 'boots on the ground' and in terms of financial assistance need to be resolved in a manner acceptable to the majority of the Afghans.

The Taliban views international troops in Afghanistan as an occupying force and the withdrawal of all foreign troops before formal peace negotiations has been their repeatedly stated position. Yet, international troops in Afghanistan under the NATO-led ORS mission have a formal security commitment in Afghanistan through 2024. Moreover, US negotiations with the Taliban in early 2019 were focused on US troops and were not negotiating on behalf of the ORS mission. Furthermore, for the US, maintaining at least a couple of military bases along with a minimal presence of US military in Afghanistan after any peace agreement is a high priority. Too many monetary and human resources have been invested by the US and maintaining a stake in Afghan security is seen as strategically too important to give up in a Vietnam War-style total withdrawal. The US is also keen to keep at least one of their bases in Afghanistan in order to monitor the activities of regional and global powers like Iran, Pakistan, China and Russia in the region. The Afghan government, on the other hand, worries that any such withdrawal of international troops will only strengthen the Taliban presence in their country, thereby undermining any peace deal in the longer run.

The 2014 self-declared US date for the drawdown of US troops and the end of combat operations in Afghanistan hold a clear lesson for negotiating with the Taliban on the role of international troops in Afghanistan. Once the US announced in 2011 that it would withdraw its combat troops by the end of 2014, it did not take rocket science to know that the Taliban would wait out the troop withdrawal and increase their offensive. Indeed, security in Afghanistan has unequivocally worsened since NATO formally ended its combat operations in 2014, with the Taliban strengthening their presence throughout the country. Similarly, giving in to the Taliban

precondition for peace negotiations is only likely to strengthen their negotiating position, thereby undermining longer-term peace.

In addition, ensuring the durability of any peace agreement will require longer-term commitment of a third party guarantor in the form of the international community, including US and other international troops and financial assistance. While the US is at odds with most of the main international peace brokers in Afghanistan, the ability to produce a lasting peace deal in Afghanistan would be undermined by a full-scale withdrawal of international troops. Moreover, while Afghanistan has continued to make gains on social and economic development, those gains have also slowed down with the decrease levels of international development assistance to Afghanistan since 2014. A lasting peace agreement will, therefore, need to include a commitment by the regional and international community to provide peace-keeping troops to Afghanistan, ideally in the form of a UN mandate or other form acceptable to Afghans. It will also require sustained levels of development assistance for several years as Afghanistan transitions towards greater self-sufficiency.

### **Inclusive Peace Talks**

Enabling a successful peace agreement will also require the inclusion of all Afghans, regardless of ethnic background, religion or gender, in any negotiations towards a peace agreement. The representation of Afghanistan's different ethnic groups and Shia as well as the majority Sunni Muslims is obvious for the legitimacy of any peace deal. So is the role of women. The 2004 Afghan constitution guarantees Afghan women substantial rights on paper, with Article 22 stating that citizens have equal rights before the law. Similarly, it gives some freedom of religion by stating that followers of other faiths shall be free to practice their religion. Women's rights were a priority area in rebuilding Afghanistan after 2002 and substantial gains have been made in improving the status of women from the abysmally low indicators during the Taliban period. Similarly, legal rights of religious and ethnic minorities enabled these minorities to thrive compared to the Taliban period. Yet, despite these formal guarantees, the interpretation of the constitution and Islamic law in a conservative social environment has meant that these gains have been fragile. And they have been under stress with the decrease in foreign funding since 2014.

Given this background, it is perhaps not surprising that many Afghan women and ethnic and religious minorities view the outreach to the Taliban as a betrayal of the promises made to them in the Afghan

constitution and by foreign funders. Many politicians, seeing the large political changes in the wake of the 2014 security transition, have sought to distance themselves from interventions that are seen as western interventions, particularly women's rights.<sup>19</sup> In this environment, it is particularly important that efforts to lay the groundwork for peace talks are inclusive of and mindful of the rights of Afghan women, as well as ethnic and religious minorities. Their inclusion at each step towards a peace deal with the Taliban will help to safeguard their rights at a time when Afghan women and minorities stand to potentially lose the fragile gains they have made. The lack of an inclusive process should be a red flag to all involved in the peace process since it will determine the legitimacy of any potential peace deal in the eyes not only of the foreign funders of the Afghan government, but also by more than half its population.

### **The Role of Islam and Safeguarding of the Constitution**

Another main issue that needs to be negotiated for successful peace talks and a durable peace is the role of Islam in Afghanistan and safeguarding of rights of all Afghans in their constitution. The contradictions surrounding the role of Islam in the identity and law of the state are in Afghanistan's constitution, which states in Article 1 that, "Afghanistan shall be an Islamic Republic, independent, unitary and indivisible state."<sup>20</sup> Yet, the constitution also sets out that no law in Afghanistan shall contravene Islam. As cases charging apostasy and gender inequality in the application of laws illustrate, there remains a considerable grey zone between Afghanistan's constitution and the constitution's provision that empowers courts to use Islamic law for cases not covered by the constitution.

This grey zone of the Afghan constitution between human rights guaranteed under the constitution and the different interpretations of Islamic law, a result of compromises between advocates of liberal democracy, Afghan warlords, and Islamic clerics in the writing of the constitution, has been cautiously navigated since the defeat of the Taliban. However, the Taliban, which espouse ultra-conservative religious views, have repeatedly stated that they are the true defenders of Islam against the government's secular forces and that they do not accept the Afghan constitution. Freedoms Afghans now enjoy – from freedom of the press

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19. Anastasiya Hozaynova, 'Sharia and Women's Rights in Afghanistan', *United State Institute of Peace – Special Report* (May 2014), [https://www.usip.org/sites/default/files/SR347-Sharia\\_and\\_Women%E2%80%99s\\_Rights\\_in\\_Afghanistan.pdf](https://www.usip.org/sites/default/files/SR347-Sharia_and_Women%E2%80%99s_Rights_in_Afghanistan.pdf). Accessed on 1 November 2018.

20. 'The Constitution of Afghanistan', Islamic Republic of Afghanistan, <http://www.afghanembassy.com.pl/afg/images/pliki/TheConstitution.pdf>. Accessed on 15 November 2018.

to rights of religious minorities – stand to be undermined by any peace agreement with the Taliban. Peace discussions should ensure that the Taliban’s interpretation of Islam and Islamic law does not erode the liberal-democratic framework which Afghanistan has built up for the past 18 years.

In addition to safeguarding the role of Islam as laid out in Afghanistan’s constitution, any future power-sharing agreement with the Taliban should be devised within the framework of the constitution, including the holding of elections at the national and subnational levels. In Afghanistan, a country with a median age of 18 years and with one of the youngest populations in the world, an entire generation has grown up since 2001 under a liberal constitution which safeguards the rights of all, including women, ethnic minorities, and non-Muslims. Afghanistan’s religious leadership in 2018 reclaimed Islam from the Taliban and other terrorist groups through a series of meetings of Islamic scholars who declared the sanctity of life in Islam, including the illegality of suicide attacks, and condemned terrorism of the kind employed by the Taliban. Any peace deal with the Taliban would need to ensure that the rights of Afghans under their constitution and under Islamic law as interpreted by Islamic scholars are safeguarded. Any peace agreements which would undermine international human rights in Afghanistan by using the constitution as a bargaining chip with the Taliban should also be a red flag for Afghans and their international backers.

## **Rule of Law and Justice**

A final issue which will need to be navigated to the satisfaction of Afghans in order to ensure an enduring peace is that of the rule of law and justice. A rule of law is one which has four universal principles just and evenly applied laws, accountability of all, an open government where the process of law from enactment to enforcement are transparent and fair, and one where dispute resolution is impartial and transparent.<sup>21</sup>

Nearly 15 years after the adoption of Afghanistan’s constitution, Afghanistan is still far from being a country defined by the rule of law, one in which the law of the country restricts any arbitrary exercise of power. Survey findings from Afghanistan indicate that there continues to be a high perception of government corruption and impunity, particularly within

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21. ‘What is the Rule of Law’, World Justice Project, <https://worldjusticeproject.org/about-us/overview/what-rule-law>. Accessed on 28 November 2018.



the legal system.<sup>22</sup> Moreover, international citizens and governments in Afghanistan are also often not subject to the rule of the country as the death of an Afghan commando in custody of US and Czech soldiers in November 2018 illustrates.

At the same time, justice, in the context of a conflict-ridden country like Afghanistan, also concerns identifying those who have committed past crimes, imposing sanctions on those who committed human rights violations, providing reparations to victims, and establishing an environment which will prevent future abuses. For Afghanistan, this will entail implementing their rule of law, even if it means going after powerful government officials. Yet, in a country which has had a civil war for nearly four decades, there are many individuals in positions of power who stand accused of crimes against humanity who have not been prosecuted. Moreover, the very crimes these individuals stand accused of have sometimes made them heroes to other segments of the Afghan population. For example, Afghanistan's First Vice President Abdul Rashid Dostum is accused of a long history of human rights abuses, including killing of many Taliban during the war – which made him a hero amongst some Afghans in his home in northern Afghanistan. Dostum has also recently been accused of abducting and raping a political rival and went into exile for a few months after these charges were levelled, only to return to a hero's welcome and to date no prosecution of charges. Another local leader from the North, Alipoor, created an illegally armed group a few years ago which stands accused of attacking security forces, but also of fighting the Taliban. The later endeared him to many in his home region, while the former meant that he broke laws which led to his arrest in November 2018. The protests in Kabul in the wake of Alipoor's arrest and his subsequent release highlight that the Afghan government has a difficult path to tread in a country where implementing the rule of law is not only difficult if the accused is powerful, but it is also viewed by some as unjust.

Any Afghan peace agreement will therefore need to not only ensure that the Taliban accept the Afghan constitution and rule of law, it will also have to address the large issue of justice, including justice for the victims of Taliban atrocities. Successful attempts by the Afghan government in 2017 and 2018 to remove warlords accused of crimes from positions of power and by the Afghan Independent Election Commission of

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22 . 'The Rule of Law in Afghanistan: Key Findings from the 2017 Extended General Population Poll', World Justice Project, [https://worldjusticeproject.org/sites/default/files/documents/WJP\\_Afghanistan\\_Report\\_2017\\_Final\\_Online-Edition-Reduced.pdf](https://worldjusticeproject.org/sites/default/files/documents/WJP_Afghanistan_Report_2017_Final_Online-Edition-Reduced.pdf). Accessed on 29 November 2018.

Afghanistan in 2018 to ensure that warlords would not be allowed to stand for parliamentary or presidential elections offer some hope that nobody should be above the law. An intra-Afghan peace deal with the Taliban that does not ensure a government based on rule of law as well as justice should also be a fourth red line for all sides involved in the peace negotiations.

## Wither Afghanistan?

The war in Afghanistan seems unending to many worldwide, but most of all to Afghans, more than two generations of whom have grown up never knowing their country at peace. By early 2019 high levels of insecurity and aid fatigue among donor countries made Afghanistan appear to be at a political precipice. Donor fatigue was particularly high in countries who had been providing the majority of aid and troops to Afghanistan for over 17 years. It has also increasingly become clear that international troops will not win the war in Afghanistan. At best, they could hope to engage in a Vietnam War-like stalemate that would continue to erode the legitimacy of the international endeavour in their home countries. Special Representative for Afghanistan Reconciliation Khalilzad's attempts to cajole the Afghan government and the Taliban to form peace negotiation teams should be understood as a novel attempt to capitalise on the war-weariness of the country and its donors to end the Afghan war stalemate.

Yet, what are the chances that the peace talks with the Taliban lead to an enduring peace? We know from the literature on civil wars and political settlements that a successful negotiated peace with the Taliban will be difficult, since there is no decisive military victory; power asymmetries continue to exist between the Afghan government, the US and the Taliban; and there are many potential political "spoilers" at the national and international levels. Any successful process for bringing peace to Afghanistan in 2019 needs to be seen as legitimate in the eyes of the Afghans and needs to include all the main domestic, regional, and international actors. A legitimate process also needs to be first and foremost Afghan-led. To date, there has been little indication that the US-led talks with the Taliban, including the March 2019 talks in Doha, were comprised of any Afghan government representatives, let alone talks that were Afghan-led. This has led to push back from the Afghan government, including harsh criticism of the US from Afghanistan's National Security Advisor Hamdullah Mohib for bypassing the Afghan government in their talks with the Taliban.

Second, any plan to end the long war in Afghanistan can only succeed if it is seen as legitimate and is supported by Afghanistan's neighbours and international backers. Peace talks that are US-led and only include Pakistan and side-line Iran, China and other neighbouring countries with legitimate stakes in the Afghan peace process are unlikely to lead to an enduring peace.

Third, there are weaknesses in the Taliban negotiating position that have not been exploited in the current peace talks. Despite what the Afghan security situation in early 2019 might suggest, the American attempt to push peace talks might have a chance of succeeding if weaknesses of the Taliban are exploited. In 2018/19 the Taliban had made gains on the battlefield, but were losing the battle for legitimacy – particularly after international meetings of religious scholars in Indonesia, Afghanistan and Saudi Arabia all ended in declarations stating that fighting among Muslims is strictly “prohibited by Allah” and calling for an end to the “evil” Afghan fighting. Moreover, Afghan grassroots peace movements which started to form in 2018 and which were largely youth-led were not given a chance to strengthen the Afghan negotiation position. Also, in 2018, 75 Taliban laid down their weapons and joined the peace process in Afghanistan’s Nangarhar province, while political parties and individuals debated how to ensure an inclusive government team to negotiate peace. The 2018 events further de-legitimised the Taliban claim of representing Afghans or Islamic principles. Moreover, there is disunity among the Taliban in terms of how to engage in the peace process and what concessions to make. The decreasing legitimacy of and divisions among the Taliban are weaknesses of the Taliban’s negotiating position that can and should be exploited for successful peace negotiations.

Fourth, the American push for peace has not secured full commitment to the peace process by Afghanistan’s crucial neighbour, Pakistan, which continues to maintain links and likely even supports “non-state actors” such as the Taliban. Other neighbouring countries like Iran and China were not even consulted, and neither was Russia. In a war-weary country torn apart by four decades of war, any legitimate push for peace has been welcomed by Afghans. The key to breaking the war stalemate and launching a successful peace process, however, will hinge on securing buy-in from Afghanistan neighbours and its international backers.

After more than 17 years of international engagement in Afghanistan, the prospects for peace are at a tipping point. A resurgent Taliban, yet one whose legitimacy has been weakened by recent Islamic scholars call for peace, and war fatigue amongst regional and international actors has created greater momentum for peace than ever before. If the challenges to peace talks can be addressed in a manner satisfactory to the Afghan people, then the balance might finally tip in favour of ending a war that has caused huge bloodshed and tragedy for a generation of Afghans. Yet, in the rush to cut losses in the Afghan war, there is great danger that

international interlocutors and Afghans do not play well the leverage they have vis-à-vis the Taliban. By mid-March 2019, the Doha talks between the US and the Taliban had yielded a tentative promise by the Taliban to not again host terrorist who might attack the US and some progress on the withdrawal of American troops. Yet, the crucial issue of making the peace process an Afghan-led one and one where Afghanistan and its international backers better exploit the divisions among the Taliban and use the decreased legitimacy of the Taliban to negotiate peace had made little progress. A peace agreement should not compromise on the gains that have been achieved. Any potential power-sharing agreement between the Afghan government and the Taliban will naturally be the result of compromise. However, that compromise should not come at the expense of the majority of Afghans or it will be bound to fail in the long run.

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