WORKING PAPERS

Working Paper no. 66
- Development as State-making -

NEGOTIATING WITH THE TALIBAN:
TOWARD A SOLUTION FOR THE AFGHAN CONFLICT

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January 2010

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For the past eight years Afghanistan has found itself increasingly at a crossroads of intense activity in Central Asia. The interests of the region and those of other continents have coalesced to form a unique combination of events. The escalating conflict and unresolved concerns within, and in relation to, the country have led to renewed international attention and focus on Afghanistan and 'Af-Pak',[2] including increased military and diplomatic activity, which is also related to regional challenges and relations. The direct involvement of the international community took the shape of a deployment of military forces under UN Security Council mandate in 2001 (UN Security Council (UNSC) Resolution 1386) which led to the establishment of an International Security Assistance Force (ISAF) and of a UN Special Political Mission in the country. Outside this mandate Operation Enduring Freedom (OEF) was taking place separately and comprised a coalition of forces, with the United States taking the lead. Whilst international involvement has intensified in Afghanistan, finding a resolution to the ongoing conflict has so far defied diplomatic and military efforts.

A feature of the conflict in Afghanistan, during approximately the last 150 years,[3] has been the involvement of external forces and organisations and this has been a growing trend in recent decades. However, during that period Afghanistan was also at peace for long periods. There is no reason why long-lasting peace cannot be re-established. Afghanistan, its neighbours, the region and the international community together, all possess a vested interest in making a sustained peace in Afghanistan, despite the existing challenges. In spite of the difficult circumstances within Afghanistan and those that have been imposed upon the country and its people, the role of reconciliation has always provided a successful means − and an accepted method − for the settling of conflict. Indeed reconciliation has been a central feature of both social practices and social norms of the peoples of Afghanistan, often replacing the use of force. This has been the case locally, regionally and internationally. The Pashtun tribes along the border have a long history of well-developed religious, social and tribal structures, including their own governance and methods of resolving disputes. The

[2] Af-Pak refers to the area including Afghanistan and Pakistan and the combined political entity that is constituted by the close relationship between the actions, past and present, of actors in Afghanistan and Pakistan.
[3] Afghan wars: the First Anglo-Afghan War (1839-1842), Second Anglo-Afghan War (1878-1881), Third Anglo-Afghan War (1919), Soviet war in Afghanistan (1979-1989), Soviet involvement, Afghan Civil War (1989-1992), Najibullah's Regime collapse, Afghan Civil War between Mujahadeen (1992-1996), anarchy, Afghan Conflict (1996-2001), Taliban regime.

current instability, rather than being due to local traditions, is more the result of decades of conflict and the intentional dismantling of traditional structures in conflict, thereby leaving extremist groups to fill the social, political and security vacuum. It is a universal condition that societies develop their own social norms and methods to resolve and settle conflict, since communities cannot exist without the effective resolution of conflict.

This paper discusses the debate on reconciliation and negotiations with the Taliban, its future prospects and the role of the United Nations within it. It provides an outline of the current conflict as well as a discussion of the role of the UN and ISAF within it, from both a political and a legal perspective. We argue that the very fact the conflict in its various phases has been going on for so long offers opportunities for reconciliation. The bulk of the paper is inevitably dedicated to analysing the position of the different actors vis-à-vis negotiations. We deal with both pro-Afghan government and anti-government players, as well as with international actors. We review in detail past initiatives aimed towards reconciliation and explain why they did not succeed. In our conclusion we highlight some possible future steps to be taken.

The Current Conflict in Afghanistan

The current conflict in Afghanistan began on October 7, 2001 with a US military operation (OEF). This was launched in response to the September 11 attacks in New York. Two military operations are currently active in Afghanistan involving international forces. OEF is currently operating primarily in the eastern and southern parts of Afghanistan along the Pakistan border, and as of June 2009 approximately 28,300 US troops have been involved. The second international operation is the ISAF, which was established by the UNSC on December 20, 2001, under Resolution 1386. This same resolution created the UN Special Political Mission for Afghanistan.[4]

It was agreed that under the Bonn Agreement, no armed groups would be present in Kabul. However this was not achieved due to the conditions at the time. At the end of 2003 it was argued by the UN Special Representative of the Secretary General (SRSG), Lakhdar Brahimi, that ISAF should move out to areas both surrounding Kabul and throughout the country. On August 11, 2003, NATO took over the command and coordination of ISAF. On October 13, 2003, the UNSC authorised the expansion of ISAF's operations to include operations throughout Afghanistan under Resolution 1510 (UNSC 2003).[5]

The first obvious sign of a deterioration in security took place in March 2003 in Kandahar province, when an ICRC International staff-member was killed by a Taliban group led by Mullah Dadullah. This was a profound shock for the international aid community. In 2004, security incidents became more frequent in Kandahar, Uruzgan and Zabul provinces. In the autumn of 2004, presidential elections took place countrywide and on election day not a single security incident occurred in the whole country. As a result, rumours − especially persistent in the southern region − circulated that the US had pressured the Pakistani government for attacks to cease so that elections could take place. However, security continued to deteriorate after the elections − during 2004 the UN stopped travelling by road between Kandahar and Uruzgan − and this continued during 2005.

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[4] This was initially called United Nations Special Mission Afghanistan (UNSMA), and later referred to as United Nations Assistance Mission Afghanistan (UNAMA).
[5] http://www.nato.int/isaf/topics/mandate/unscr/resolution_1510.pdf

During the autumn of 2005, parliamentary elections were held and several security incidents took place. During the summer of 2006, there was a major escalation of the insurgency. The south was no longer readily accessible and there were security incidents in the south-east of the country and in the west. The UN restricted movement for its staff in unstable areas as a result. In 2007, the security situation further deteriorated in the south, south-east, west and east, and there was also violence in other areas. In 2008, almost 50 percent of Afghanistan was effectively a 'no-go area' for the international aid community and the UN. In the early part of 2009, various reports indicated that over 60 percent of the country was no longer safely accessible. However, since ISAF and the coalition forces regard the presence of a base in a region and the ability to travel in armed convoy as it being under control, even though attacks can take place and international aid organisations are unable to travel due to the security situation, this probably underestimates the true figure.

Successive UN resolutions have given a mandate for both a UN Assistance Mission, as a Special Political Mission, and for the presence and operations of ISAF. The latest resolution is UNSC Resolution 1868, of March 23, 2009, which states:

> 'Unanimously adopting resolution 1868 (2009), the Council instructed the United Nations Assistance Mission in Afghanistan (UNAMA) to lead international civilian efforts to, among other tasks, promote coherent international support to the Afghan Government and adherence to the principles of the Afghanistan Compact; strengthen cooperation with the International Security Assistance Force (ISAF); and, through an expanded presence countrywide, provide political outreach.'

The latter part, 'to provide political outreach', was first part of the UN mandate for Afghanistan in March 2007. The mandate of 2008 shaped further the political aspect to the UN's role and refers to good offices – including assistance with reconciliation − if requested by the Afghan government (UNSC 2007, 2008, 2009). This was further developed in Resolution 1868 (UNSC 2009), which reads:

> 'Provide political outreach through a strengthened and expanded presence throughout the country, provide good offices in support of Afghan-led reconciliation programs.'

As can be seen from events thus far, though ISAF and coalition forces have had conventional military superiority over anti-government elements, their actions since 2001 have pushed these towards active insurgency.[6] The Taliban, with the assistance of certain elements within military structures, radical foundations and Islamic political parties from other countries in the region has re-trained, re-equipped and pushed back significant gains by coalition forces.

By January 12, 2009, ISAF had approximately 55,100 troops from 41 countries, with NATO members providing the core of the force, of which approximately 23,300 troops came from the US.[7] Under the new US administration and its plans, a 'surge' in troop numbers is

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[6] The use of the term 'insurgency' for the state of conflict in Afghanistan has in the past been regarded by some in the Afghan government as problematic − presumably as this has, and had, negative connotations for their governance, since public support for the government is called into question, and also for the Afghan population, which must necessarily be at the centre of any settlement of the conflict. Nevertheless, it is generally accepted that an insurgency (defined as an organised movement aimed at the overthrow of a constituted government through use of subversion and armed conflict, by means of a protracted politico-military struggle designed to weaken government control and legitimacy while increasing insurgent control) is present in Afghanistan, and this has been openly discussed by military figures, such as General Petraeus, as well as by political figures.

[7] http://www.nato.int/isaf/docu/epub/pdf/placemat_archive/isaf_placemat_090112.pdf

expected in the range of 17,000 to 20,000 troops. Although this can be seen as a positive statement of commitment by those forces and their governments, opinion remains divided regarding the longer-term utility of this to the overall process of improving security in Afghanistan and therefore its efficacy, without other factors being addressed. Whilst an increase in troops may be helpful for stabilising the security situation in some areas, and to some extent for combating insurgents amongst the people in a military capacity, it is generally accepted that this cannot in and of itself bring security and peace. For example, during the Soviet occupation of Afghanistan, between 80,000 to 116,000 troops (depending on the period) were stationed and operated in the country. Despite their presence, the conflict was not resolved as the majority of the population did not support the Soviet-supported Afghan government of the time. Though more modern weapons are available today to ISAF and OEF, it is still unlikely that a military approach will ultimately settle the conflict. A substantial increase in the number of international forces (from some 30,000 in early 2006 to 64,000 in January 2009) has taken place, and during the same period there has been a significant and steady deterioration of security conditions, with a resurgence of anti-government elements. Indeed, according to UNDSS and other data viewed by the authors, attacks by insurgents in 2008 were 50 percent higher than in 2007, averaging 460 security incidents per month (Afghan NGO Safety Office 2009; Iraq Coalition Casualty Count 2009). In an insurgency where 'the enemy is deliberately choosing to keep the level and nature of the conflict where advantages of numbers and equipment are neutralized' (Smith 2006: 276), it is therefore the case that a surge using military means will not lead to a large reduction in security incidents. Under the current conditions of an insurgency in Afghanistan, as with other insurgencies, insurgents have been developing operations by creating disorder, using propaganda, improvised explosive devices, executions and assassinations. For example, during 2006-7 the Taliban, in districts of the southern provinces, executed those suspected of informing or of passing any information to international military forces. One such case was the execution of a 14 or16 year old youth along with an elderly lady in Helmand province. Their execution had a profound effect on the population. In different parts of unstable areas, the Taliban also assassinated other persons suspected of spying for international security forces and for working for governmental organisations. In 2007-8 the Taliban were able to easily assassinate government officials in Kandahar city.[8]

For the period from 2001 to 2005, the population was largely supportive of the government. In 2006-7, public opinion began to shift in favour of anti-government elements in unstable areas. For the period late 2008-9, the population in unstable areas is voluntarily providing support to insurgents, and the population in stable areas is distancing itself from the Afghan government. Beginning in the spring of 2008, the Taliban altered their strategy, moving from intimidation of the people, toward attempting to win their hearts and minds. Taliban sources confirmed that a decision to change tactics had been taken, so that the Taliban would stop killing Afghan civilians and target only those affiliated with the government, international military forces and Afghan National Security Forces (ANSF).[9] Intimidation nonetheless continued: in 2009, the population was told not to take part in the presidential elections or to face punishment. Girls were intimidated to stay away from school in some areas, as were male students and teachers in other areas. The spread of Taliban activities and other outrageous acts can be regarded as an attempt by the Taliban and anti-government elements to provoke a reaction, which can be an over-reaction as far as the civilian population is concerned. An example of this is the use of military force that creates collateral damage,

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[8] Author's personal conversation with Elders from Helmand and Kandahar provinces.
[9] Based on the reports received from Afghan National Security Forces and local interlocutors.

injuring or killing bystanders (Smith 2006: 276). However, the conflict has had negative effects for all parties, making the aim to reduce violence potentially more attractive.

UN, ISAF: Under the Same Mandate

UNAMA is a special political mission in support of the mandate under UNSC Resolution 1868 (2009), rather than a peacekeeping mission. The fact that ISAF and UNAMA are under the same mandate has been a considerable source of concern in recent times, not only for those operating within these institutions, but also for anti-government elements and the public. Whilst ISAF was not conducting military operations, it was acceptable to be under a UN mandate. When ISAF commenced combat operations, however, the political implications altered substantially, as a gap opened between the actions and activities of ISAF and the aims of UNAMA. The view of the Taliban is that the UN is tasked with bringing peace; yet it operates under the same mandate as ISAF, which has been conducting combat operations since 2003. This contradiction is visible to the population of Afghanistan as well.

Moreover, ISAF has struggled to adopt tactics better suited to counter-insurgency and its use of firepower has not always been sufficiently selective; at the same time it has struggled to cope with the political dimensions of counter-insurgency. The Taliban also cause collateral damage within the civil population, not least by using civilians as human shields, but they have used civilian losses for their own propaganda as well. In rural areas, the population is largely illiterate, uneducated and without access to a variety of news sources. In the eyes of civilians, the international military forces are often wrong on both counts, even if the difficulty in targeting Taliban amid the general population is well understood to knowledgeable observers. In view of plans for a military 'surge' it is important to guard against overreaction, as this would only help to drive the insurgency further and with increasing momentum. These rather inevitable consequences of military action strengthen the need for a resolution to the conflict.

As the largest contributor to ISAF and the proponent of OEF, the United States is also the only country present and the only international military force with a developed strategy towards insurgency in Afghanistan. Their counter-insurgency strategy can be typified in a critically acclaimed, well received and respected interim field manual (Department of the Army 2004). This strategy includes maintaining close coordination with the host nation's internal defence and development organisations.

> 'Combat operations are developed to neutralize the insurgent and, together with population and resources control measures, establish an environment within which political, social and economic progress is possible. IO [Information Operations] integrate all aspects of information to support and enhance the elements of combat power, with the goal of dominating the battle-space at the right time, at the right place, and with the right weapons or resources.'

The manual advocates a bottom-up approach rather than the imposition of force alone, and in closing with the enemy, as the enemy is intertwined with the civil population, indeed, the latest version of the manual (Department of the Army 2009) states:

> 'The end state of counterinsurgency operations is a legitimate Host Nation government that can provide effective governance. This includes providing for their populace, eliminating the root causes of the insurgency and preventing those root causes from returning.'

In terms of effective action:

> 'Commanders at all levels should select the LOE's (lines of effort) that relate best
> to achieving the desired end state. The following list of possible LOEs is not all-
> inclusive, However, it gives commanders a place to start:
> * Establish civil security.
> * Establish civil control.
> * Support HN [host nation] security forces.
> * Support to governance.
> * Restore essential services.[10]

However, it has been repeatedly seen that there are very great problems for the overall strategy and for its successful, as well as consistent and coherent, application. The reality in the past has been that these operations have caused considerable collateral damage in an environment of suspicion regarding the motives and intent, if not the methods, of international forces. Protecting the population has both hard and soft elements and each has its challenges. Moreover collateral damage hurts international forces most, due to historically rooted suspicions. There is little prospect of several of these circumstances significantly being altered, a fact that strengthens the importance of approaching the conflict from a new perspective.

Another argument in favour of an effort towards reconciliation are the presidential elections scheduled for August 20, 2009. Without adequate security and with a loss of confidence in the electoral process, there is the very real possibility that:

> 'The consequent sense of frustration or futility or fear of reprisals among sections
> of the population may lead them to embrace the assumption or conviction that
> violence is necessary, in which case there follows a carefully planned and
> executed struggle to seize the means of state power by using rational-calculating
> methods.' (Keene 1996: 134)

Unfortunately, there exists the very real danger that if the current path and approach is continued without appropriate alteration, the political, economic, social and security conditions will move from a situation of insurgency into one of civil war. This would have grave implications for all parties involved, including the international community.

A New State?

John Keene (1996: 134) remarks that '[c]ivil war is triggered by the absence of effective formal and informal channels for resolving certain social and political grievances'. Currently the most vulnerable area in Afghanistan is the south. In this region of the country a large proportion of the population is Pashtun. Pashtuns throughout the area feel that the international community mainly supports the non-Pashtun ethnic groups, who together blame them for constituting the core of the insurgency, or at least accuse them of being pro-insurgency. The danger of this is that Pashtun nationalists of all kinds could be drawn into the

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[10] In earlier versions of the manual on counterinsurgency (Department of the Army 2004) it is stated that: 'US forces can assist countries that are confronted by an insurgency by providing a safe and secure environment at the local level and continuously building on incremental successes.…End state and criteria of success: Protect the population; Establish local political institutions; Reinforce local governments; Eliminate insurgent capabilities; Exploit information from local sources.'

insurgency. This could eventually compromise the achievements of the past eight years, made by both the present government and the international community.

Sun Tzu (2008) states that '[w]hat is of supreme importance in war is to attack the enemy's strategy; next best is to disrupt his alliances; next best is to attack his army.' Smith (2006: 13) states, however, that one strategy rarely manages to be so successful over the other. It is also instructive to relate the strategic and tactical dynamic to the conflict. As Paddy Ashdown (Financial Times, February 12, 2008) has stated in relation to Afghanistan, selectively quoting Sun Tzu: 'Strategy without tactics is the slowest route to victory. Tactics without strategy is the noise before defeat.' An integrated approach is, in an insurgency, the only means to win the hearts and minds of the population, whilst strengthening the government institutions. These institutions draw off major sources of discontent in the civil population, amongst whom it is so important to gain support rather than driving them towards the insurgency through incremental alienation; and for this military means alone cannot suffice. As Rubin and Rashid (2008: 44) have written:

> 'Lowering the level of violence in the region and moving the global community toward genuine agreement on the long-term goals there would provide the space for Afghan leaders to create jobs and markets, provide better governance, do more to curb corruption and drug trafficking and overcome their countries' widening ethnic divisions. Lowering regional tensions would allow the Afghan government to have a more meaningful dialogue with those insurgents who are willing to disavow al Qaeda and take part in the political process.'

Violence induces radicalisation, but this can be only a temporary effect and one which can also be lessened and its effects reduced in a number of ways (Keane 1996). In today's Afghanistan, therefore, the scope for communication might be much wider and more central than some dogmatic or 'principled positions' that some may advocate. A process of reconciliation can lead to engagement in a way that is in keeping with the objective of both sides, which is that of necessary settlement and peace. This is an objective that requires incremental work. Indeed, communication is the most important element in settling matters: 'Without a process of reconciliation, conflicts considered to have been resolved can reappear and jolt the social climate in the national and international arena' (Nets-Zehngut 2007).

Reconciliation[11] can take place whilst violent conditions and violence still exist and can help generate a resolution to such conflict. Both violence and contact are riddled with ambiguities, yet contact can be a positive activity even if it does not bring about the desired result. Violence, even when justified by an extremist rhetoric, can serve the purpose of a trial of arms through which opposite parties test their respective strength. In the context of Afghanistan, with the great costs of the conflict so far endured and with the security situation worsening, the cost of communication between groups is relatively low.

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[11] Bloomfield et al. (2003) define reconciliation as: 'A broad and long-term process through which a society moves from a divided past to a shared future. The process of reconciliation is finding a way to live that permits a vision of the future; the (re)building of relationships; coming to terms with past acts and enemies; a society-wide, long-term process of deep change; a process of acknowledging, remembering, and learning from the past.' Reconciliation is dependent upon contact and communication. History demonstrates that the ability for humans to be reconciled is as marked as our capacities for extreme behaviour. It is also not unusual for discussions to be started before the cessation of hostilities.

The existing situation in Afghanistan

As has been observed, the security situation in Afghanistan is deteriorating, at a rate that is a cause for alarm. At the time of writing, there is still a very weak and corrupt government in Afghanistan, which is not supported to any great extent by the majority of the population. It is well known among the civilian population that the government, as well as the Afghan security forces, includes infamous warlords and these are supposed to form the nucleus of state-building institutions. They are regarded by many Afghans as no better than those leaders of the Taliban and Hezb-e-Islami who form the main opposition groups; this is especially so in the eyes of significant numbers of Pashtuns. A weak government, combined with civilian casualties from combat operations, is the main factor allowing the Taliban and Hezb-e-Islami to increase their reservoir of support and numbers. According to American military figures, civilian deaths in air strikes grew from 116 in 2006 to 321 in 2007, as the insurgency increased. Over the same period, the number of American air raids in Afghanistan increased by a third, and the number of bombs dropped doubled (The Economist, August 28, 2008). Since 2007, civilian deaths from air strikes, according to UN figures, were approximately 530, an increase from 2007 of just over 65 percent (UNAMA 2009). Between 2007 and 2008, the number of close air-support sorties, according to US Air Force figures, increased by approximately 46 percent. Air strikes − termed 'kinetic strikes' by US forces in OEF − increased by just over 7 percent between 2007 and 2008 (figures from US Central Command). As combat operations have increased, so have the number of air strikes, with consequent civilian casualties. The effect of this increase in the use of military force may be seen in the fact that two to three years ago, local communities in rural areas of the unstable provinces were not willing to support anti-government elements. In stark contrast, people in villages now provide shelter and food for anti-government elements voluntarily, and in cases where these are being pursued or chased by IMF/ANSF they hide them in their compounds (Interviews, local villagers).

The combined effects of this change, along with its effect on government institutions, has led to President Karzai's speeches on TV and Radio that he is a 'guest in his country', and that he has 'no power', that international military forces do not listen to him, and that they continue to use air strikes, which have become a deeply contentious matter. This increases the perception and belief amongst the population that the government is weak. It has also given the impression that the Afghan government is going to collapse, as well as the view that international military forces are present in Afghanistan to create difficulties, rather than to resolve them. This situation has been further exacerbated by President Karzai's emotional message to Mullah Omar in late 2008, which was rejected by Mullah Baradar, a close associate of Mullah Omar and fellow member of the Taliban Supreme Council. The consequent impression has given confidence to anti-government elements, and has led to the belief that they are getting stronger and that the government as well as international military forces are becoming weaker.

Developments in neighbouring Pakistan and Iran have also had an impact on anti-government elements. Pakistan is experiencing heavy fighting in several cities and districts between these and governmental forces; and the Afghan Taliban are both present and operational. Iran has taken the view that despite Sunni/Shia disagreements with the Taliban over ideology and religious matters, in the present circumstances 'the enemy of my enemy is a friend' and certain Iranian border-based groups have had contacts with the Taliban. Hezb-e-Islami (Hekmatyar) was more or less equally supported by Iran and Pakistan. Certain fundamentalist

political groups in Iran and Pakistan are thought to be supporting some anti-government elements in Afghanistan (Interviews, border officials).

The international community insisted on the presidential elections in 2009, allowing them to take place. However, their free and fair character was highly dubious in the view of many Afghans and the international community and the UN ended up being blamed for their flaws. The effect of these elections may well be that the country is going to be more than ever politically divided into two parts: Pashtun and non-Pashtun. Furthermore this could very possibly unite all groups of Pashtuns behind stronger elements, such as the Taliban, Hezb-e-Islami and jihadi groups − even those who are secular nationalist and progressive democrats.

Obama's administration has a new policy towards Afghanistan: to 'defeat the hardcore Taliban militarily and engage with the moderate elements'. It was perhaps not constructive to state this openly and to differentiate between these 'factions'.[12] Prior to this statement, some Taliban of a more moderate persuasion were willing to enter into discussions regarding reconciliation so to commence a peace process. Unfortunately, the statement by the Obama administration was interpreted as a signal of a lack of true willingness to engage in talks. As a result, far fewer Taliban are inclined to come forward or to discuss coming on-side.

UNAMA's Mandate and Further Actions and Activities

In UNAMA's March 2007 mandate renewal, the mission was directed 'to extend its good offices through outreach in Afghanistan.' It was understood that UNAMA would expand its dialogue and political outreach in support of the ongoing reconciliation programme, Program Tahkim-e-Solh (PTS), and would plan to support any future reconciliation programmes led by the Afghan government. The areas of political outreach and reconciliation in Afghanistan are not very different in practice. Both are supposed to reconcile anti-government elements who would support the Afghan constitution, cease violence and fighting, and commence a peaceful form of existence. During the Bonn Process in 2001, reconciliation received little or no support from the Afghan leaders recognised by the international community, or from the United States. Now, after several years of steadily increasing and intensifying insurgent activity in the south, south-east and south-west – now spreading northward – any serious effort to facilitate a reconciliation process will be considerably more difficult than half a decade ago. Nevertheless, it is apparent that further delaying a serious approach to negotiation would only lead to an even greater cost to eventual negotiations.

President Karzai has announced several times that the Afghan government is ready to talk to all groups that comprise anti-government elements, including their leaders. The leaders of hardcore Taliban and Hezb-e-Islami have responded that the negotiations are possible only if the international military forces leave Afghanistan. This position seems to be flexile to some degree, judging from different statements, and a withdrawal timetable might suffice to enable negotiations to be started. There is a growing consensus within the Afghan government, the international community and a significant proportion of individuals currently considered anti-government elements, over the need to promote reconciliation. In fact, the extremely sensitive nature of discussions, political outreach and reconciliation remain at the forefront of both the government and the international community's agenda.

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[12] As Kilcullen (2004) has put it: 'We must distinguish Al Qa'eda and the broader militant movements it symbolises – entities that use terrorism – from the tactic of terrorism itself.' This does not mean that this has to be done openly. Rather, approaches such as reconciliation that can gain traction in a wider and more integrated strategy, can be effected without such public pronouncements and in order to build confidence, as well as taking the higher moral ground.

This is in part due to the impetus given by the successful Afghan-Pakistan peace *jirga* in August 2007, which has been followed up. Discussions in 2007 have taken place largely within the context of the Policy Action Group (PAG), which is trying to mobilise the relevant parties. UNAMA and US and UK governmental representatives worked jointly under the framework of the PAG on the fundamental principles to underpin a reconciliation process in 2007. The National Security Council welcomed this effort and stated that it would prepare the Afghan government version of the key principles. Since then, there has been no movement on this particular matter.

The Positions of pro-Government and anti-Government Groups toward Reconciliation.

With regard to the PTS, President Karzai is cognisant that the programme has had limited results. The PTS was designed to win over former insurgents through the process of contacting and subsequently checking on their past activities and links. Certificates were issued once individual cases were processed. Those who went through the programme successfully were then supported to settle and to live a peaceful existence. In some areas, former Taliban were given land, such as in Khost province. Unfortunately, this programme enjoyed relative success only in the beginning and it subsequently suffered significant blows. Indeed, some of those participants who went through the programme found out that they were not necessarily safe, and in a significant number of cases participants were not treated by international military forces in keeping with the PTS agreement. As a result, trust was lost amongst those anti-government elements who were willing to be reconciled. By 2007, the programme was consequently on the wane. Later, it was stated that by 2008 some 5,000 former insurgents had been reconciled. However, the actual figure is more likely to be half this. Moreover, in many cases even the internally displaced persons brought in were not receiving the full amount they were supposed to receive, creating problems with the credibility of the whole process. While the president personally believes in the value of reconciliation, he is under pressure from northern Jihadi leaders and possibly from the US to keep, at this time, to rhetoric rather than action. Despite these shortcomings and pressures, Karzai is keen to strengthen the PTS and would like the person in charge, Sigbhatullah Mojadeddi, to retain an honourable role. Professor Mojadeddi, the head of the PTS commission and spokesman of the Upper House, is respected among key Jihadi groups, but has little influence beyond his own party members. His background prevents him from being seen as a trustworthy interlocutor by most anti-government elements. It is noteworthy that despite his position as head of the PTS, he was not selected to be part of the Afghanistan/Pakistan Peace *Jirga* commission, suggesting that the government is aware of his limited reach (Interviews, Afghan governmental officials).

Some ministers enjoy strong links to the Taliban, including several Mahaz commanders. While some ministers are given considerable credibility in Pakistan, others are not. It can be seen that there is therefore little unity in the government on reconciliation matters. A number of ministers, meanwhile, spend considerable time gathering information regarding anti-government elements, such as those who belong to non-Pashtun groups or to the Northern Alliance. However, Taliban and Hezb-e-Islami do not trust them. In the Parliament, the majority of the Meshrano Jirga and the Wolesi Jirga agree that reconciliation should take place and some tried to give some impetus to the process. Many different members of the parliament have genuine credibility with insurgent commanders. Some of the MPs have instituted programmes and movements at national and regional levels to contact and reconcile anti-governmental elements.

Meanwhile, Hezb-e-Islami claims to have split into two groups, one still linked to Gulbuddin Hekmatyar and currently active in the insurgency, and another which is part of the governmental system. Of 34 governors, as of spring 2009 more than one third belonged to or were politically affiliated with Hezb-e-Islami. Hekmatyar himself, according to Hezb-e-Islami sources, is willing to support reconciliation, but wants to see a timetable for the withdrawal of international military forces as a precondition to this process. A congress of Hezb-e-Islami, which took place in Kabul in July 2008, attended by government ministers linked to the party, showed that the split in this party between moderates and radicals is not substantial. Even among the 'moderates' support for Hekmatyar remains strong, despite the fact that he still figures on List 1267.[13] It is believed that the two factions of Hezb-e-Islami would reunite if he is reconciled. Representatives of Hezb-e-Islami had meetings in different countries in Europe and also in Afghanistan and Pakistan. It would be a very positive step if the UN could meet at some point with representatives of Hezb-e-Islami and/or Gulbuddin Hekmatyar himself, despite his name being on List 1267. Many believe that Hekmatyar and some other Hezb-e-Islami leaders are not any worse than some former *jihadis* who are already part of the government apparatus. Moreover, contradictions and divergences between Hezb-e-Islami and the Taliban should not be ignored.

Most of the tribal leaders in unstable areas support anti-government elements, either directly or indirectly, due to their tribal links. Strong tribal leaders can still play an important role as they still believe in reconciliation as a concept. The majority of those who join the Taliban do so motivated by personal losses, mistreatment or the actions of international military forces; a minority also join for financial gain. The Taliban leaders are divided in regard to reconciliation. Mullah Omar is reportedly ready to start negotiations, however he is fearful of punishment by elements within the Pakistani Inter-Services Intelligence agency (ISI) and Al-Qaeda. Very few radical Taliban leaders are very close to Al-Qaeda, and therefore there are few who do not support the idea of reconciliation. This stated, those who are willing to be reconciled are hesitant due in part to the pressure exerted on them by the more radical elements in the organisation, and also because they do not trust the PTS programme as run by Mojaddedi. They are sceptical that in the event of a reconciliation process they would receive protection from the Afghan government, coalition forces or from NATO. In general, Taliban leaders believe that the Organisation for Islamic Countries (OIC) and the UN have a role to play in the process of reconciliation. Already a number of high-level former Taliban have joined the system and held positions in government, for example: Munib, former Governor of Uruzgan, now member of Afghanistan/Pakistan Peace Jirga; Khial Mohammad Husseini, former Governor of Zabul, now Wolesi Jirga member; and Naim Kuchi, former high-ranking Taliban official, currently a Meshrano Jirga member. A few others, such as Mullah Zaeef, and Mullah Mutawakil, are in regular contact with President Karzai specifically on reconciliation issues.

There are well-known Afghan and Pakistan Taliban Shuras, including: the Supreme Leadership Council (Quetta Shura), the Peshawar Shura, the N. Waziristan Shura and the S. Waziristan Shura. The latter two include Pakistan Taliban supporting the Afghan Taliban in Pakistan and Afghanistan. The Quetta Shura under the leadership of Mullah Omar reportedly has hardcore Taliban members who are very closely linked with Al Qaida. They are reportedly strongly against any reconciliation process. Most of the other members of the

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[13] In 1999, the UNSC passed Resolution 1267 establishing the 1267 Committee (also known as the 'Al Qaida and Taliban Sanctions Committee'), tasked with monitoring the implementation of sanctions against the Taliban (from 1999) and Al Qaida (from 2000). The 1267 regime provided for the freezing of assets, a travel ban, and an arms embargo against those individuals and organisations included in the Consolidated List.

shura, who are willing to be reconciled and take part in this political process, are afraid to say this openly because of the presence of Al Qaida and some ISI elements. The same picture can be related to many of the Shura, including the Peshawar Shura. Nevertheless, some would like to start this process. This presents an opportunity at least to start some level of talks. Taliban who are now operating in Afghanistan are now being rotated every two to three months to new areas to prevent them from getting close to the people. This demonstrates the concern of the Taliban command that some are getting ready to talk and are setting up links and making contact with local officials. At the same time, the Taliban are receiving more and more recruits, mainly due to bad governance issues and air strikes, because there is no alternative way to express dissent (Interviews, Taliban representatives).

The Positions of the Key International Actors toward Reconciliation.

In the past and under the Bush administration, the US had no developed position regarding reconciliation. Under the Obama administration, the US has clearly enunciated a position stating a desire for reconciliation with moderate Taliban. The US had been walking a tightrope between an increasing awareness (especially within the State Department) of the role that reconciliation will play in stabilising Afghanistan, and the legal and congressional constraints that make supporting political outreach activities to armed groups very difficult. This is partly why the PTS programme, for which the US is the major donor, had concentrated on the lower level Taliban. The US is dissatisfied, however, with the progress made under Professor Mojaddedi's leadership, and had previously sought to identify ways to reach a more substantial group of potential reconcilees.

The US thought in terms of a two-track reconciliation process, with PTS focusing on low-level insurgents and a new higher (but less visible or formal) track, run by the Presidential Office. In addition, they wanted, as did the UK, the president to appoint a reconciliation official, reporting directly to the president, who would serve as the government focal point or coordinator. This official would oversee both tracks, with oversight responsibility for PTS. The US wanted the commission under Professor Mojadeddi to be expanded in order to reflect the president's board of tribal advisors. It would have preferred PTS to be better coordinated among all actors at the provincial level, including offices in a larger number of provinces. However, no clear action has since taken place.

The UK has been very interested in the dimension of reconciliation that empowers alienated communities and local structures. The UK has been a key financial supporter of the PTS, but saw its value primarily as an information-gathering tool, rather than as a way to conduct political outreach. Like the US, they wanted to overhaul the PTS and President Karzai to appoint a reconciliation 'tsar'. The UK wanted to see an advisory (not executive) commission supporting the reconciliation tsar, consisting of National Directorate of Security, National Security Council, International Directorate of Local Governance, Peace Strengthening Commission and other representatives, reflecting the ethnic and political diversity of Afghanistan. They also wanted to see a UN representative on this commission, in part to facilitate recommendations from the commission to the 1267 Committee. With regard to PTS, the UK was keen to see PTS offices in the provinces co-located with governor's offices, who would have had the lead on reconciliation at the provincial level. The UK also wanted PTS to develop effective 'back to work' programmes, which might be easier for other donors to fund. Their current position is not certain now.

In reconciliation efforts the British are generally not trusted by many in Afghanistan, as shown for example in the case of the reconciliation effort that took place in Musa Qala. This

initiative started in 2006, and was a very positive idea and the very first effort in reconciliation. It should be noted that it was not fully supported by the US government or the government of Afghanistan. Ex-Taliban commander Mullah Salam was convinced to join and appointed as district governor of Musa Qala. According to the agreement, he was supposed to be supported by British military forces. In reality, and according to him, he was neither given adequate support, nor the resources as promised by the British military and the government of Afghanistan. He became a target for the Taliban and on a number of occasions his family, who lived in a district close to Musa Qala, were attacked by the Taliban. He duly requested protection for his family from British military forces and the ANSF. Despite being promised this protection, it never materialised. Several of his close relatives, including his son, have been killed. As a tribal and religious leader, he is very frustrated and not sure about what to do. He stated that had he known in advance of all these failings, he would never have joined the side of the government. He stated that he was absolutely safe with the Taliban, and that now that he is not part of the Taliban he is a target. He also remains uncertain as to whether if he is part of the government apparatus or not (Interview, Mullah Salam). This has not helped the process of political settlement and shows that if not all parties are confident, or on board, good initiatives can fail and effective reconciliation be aborted.

The European Union (EU) understands the crucial role of reconciliation in a peace process. Some European countries have significant ties with the Northern Alliance, which is not yet ready to fully support this process. It is also probably difficult for the EU to send messages in support of reconciliation to their capitals in Europe, due partly to domestic public opinion, fed by the media, which is strongly anti-Taliban and Hezb-e-Islami. Nonetheless, some European countries are keen supporters of reconciliation, as demonstrated by the funding they have given to the PTS programme. They believe that political outreach to counter alienation among Pashtun communities is the key to lasting stability in the South. Moreover, an increasing number of EU countries are becoming interested in a political process. The perception is that they are waiting only for a clear statement and policy from the Obama administration in the US, and for the US to take the lead.

Russia, despite having been against reconciliation in recent years with those whom they perceive to be terrorists (due to negative experiences with extremist 'Wahabi' elements in Russia), is currently open to discussions about possible options for a political process. Russia is against Hezb-e-Islami, possibly because of the perception that Hezb-e-Islami was the most stubborn *jihadi* group in fighting against the Soviets and their client regime in Afghanistan in the 1980s. The Taliban are also considered to be a terrorist group, and Russia believes they should not be recognised as a political group or a force, failing however to differentiate between moderate and hardcore Taliban. This point of view will hopefully change. Russia has also stated that they would not object to reconciliation with those anti-government elements who are ready to stop fighting and to support the Afghan constitution.

Regional actors who are neighbours of Afghanistan are in general supportive of the political process. Turkmenistan previously had friendly relations with the Taliban regime, based upon their official policy of positive neutrality. They are supportive of the political process and understand that this conflict cannot be solved by military means only. Turkmen government officials have stated that they are ready to support this political process by all means.

Uzbekistan, one of the largest Central Asian states, believes that the Karzai government in Afghanistan is very weak and is unable to control the situation in the country. They understand, however, that a political process is both important and necessary. Therefore they

have proposed their own solution for the Afghan conflict, which centres on the reactivation of 6+2 (the six neighbouring countries of Afghanistan plus the US and Russia), as 6+3 (6+2 with the addition of one more actor, which would be NATO). Most of the representatives of the international community believe that Afghanistan should be part of these talks as the Karzai government is generally recognised as the legitimate government of Afghanistan. Uzbekistan hold the differing view that the presence of Afghanistan as part of 6+3 is irrelevant as the government of Afghanistan is unsustainable.

Tajikistan has close historical, cultural and traditional links with the country. As is understood, Tajiks compose the second largest group in Afghanistan and speak the same language. During the Taliban period, the Tajiks largely supported the Northern Alliance. Tajikistan's view is that they are ready support the reconciliation process under Karzai's government and have offered to share about their experiences of reconciliation in the wake of the civil war in Tajikistan.

China, which is also one of the bordering countries with Afghanistan, is positive towards a political settlement of the conflict. However, Chinas is currently focused mainly on trade and economic matters. The Shanghai Cooperation Organisation (SCO) member states are now paying serious attention to the conflict in Afghanistan. Russia's attempt to establish security belts capable of preventing drugs and terrorism coming from Afghanistan is the main issue now being considered by the SCO (Matveeva and Giustozzi 2008).

Iran is regarded as the principal external supporter of the Northern Alliance and is unlikely to support the Taliban strategically. Iran has never enjoyed good relations with the Taliban regime, but it mostly had good relations with another component of the opposition, Hezb-e-Islami. At this stage Iran is likely to act opportunistically against perceived enemies, including the US, with its involvement in Afghanistan, and in particular if the US is perceived by Iran to be seeking to establish a strategic presence in the country, beyond stabilising it. According to Taliban and local Afghan sources along the border with Iran, Taliban messengers were sent several times to Iran to meet with radical Iranian elements and discuss the issue of support to anti-government elements. Reportedly, certain radical elements in Iran have been providing such elements with limited support including medicines, light arms, logistics, as well as training on the Iranian side of the border for some groups operating in western Afghanistan. When international actors try to bring this matter up, officials in Tehran deny this and President Karzai supports the Iranian position in this regard. Iran supports reconciliation with Hezb-e-Islami elements; however, officially Tehran does not support reconciliation with the Taliban as a political group.

Pakistan has been a long-term advocate of reconciliation. The Taliban were the only regime in the history of Afghanistan to have had very close relations with the Pakistani government, and especially with elements of the ISI and the Pakistan army. Certain elements within the ISI and the army have traditionally been very close to hardcore Taliban elements. Prime Minister Asif Gilani belongs to the Pakistan Peoples' Party, now in a coalition government with Awami National Party (ANP), which continues to advocate reconciliation and negotiations. Meanwhile, Afrasiab Khattaq, ANP party leader in the North-West Frontier Province, suggested inviting all Taliban, including Baitullah Massoud, to sit down to discuss reconciliation. President Zardari has established a good rapport with President Karzai. The Peace *Jirga* initiative was supported by Pakistan and Afghanistan to bring together influential leaders from both sides of the border to discuss options for a peaceful solution. The first Peace *Jirga* took place in August 2007 in Kabul, and the second in 2008 in Islamabad. This

initiative, and military operations in parts of the Federally Administered Tribal Areas (FATA) have convinced Kabul that Pakistan's open approach to Taliban presence on its territory may now be at an end. However the resolution by the Pakistani parliament, calling for Pakistan to halt military operations and to re-initiate negotiations across the board, demonstrates that the constituency for a forward approach to counter-insurgency remains limited.

According to Taliban sources, apart from military operations in Bajaur and Swat, elements within the Pakistan army have been quite consistent in supporting Taliban groups operating in Afghanistan. Recruitment, training and logistics bases in FATA, Baluchistan and elsewhere for the Taliban are still intact. Pakistani security forces have concentrated on attacking and eliminating mainly those groups and persons who represent a threat to their domestic security. Whilst the ISI has developed a substantial counter-terrorism capability, eliminating and arresting hundreds of Al Qaida operatives, there is a strong perception among Afghans on both sides of the border that elements within ISI and Pakistan still continue to support Taliban, the Haqqani network and Hezb-e-Islami armed groups. They have established enduring truces with those oriented towards *jihad* in Afghanistan and punished those who are willing to reconcile without Pakistani involvement. In a conversation with a reconciled former Taliban official, the following example came up. Mullah Muhibullah, former governor of Jawzjan province during the Taliban regime and a man who spent several years in the Guantanamo facility, upon release spent one-and-a half years in Kandahar. As a result of mistreatment by international military forces and ANSF towards him and his family − including house searches, disrespect towards his family members and suspicion regarding his former links with Taliban elements − he was forced to relocate to Quetta in Pakistan. Subsequent to this he rejoined the Taliban in Quetta and was appointed by the Taliban to be the focal point for operations planning in the south of Afghanistan. Once, when he spoke with local Taliban commanders in the south of Afghanistan he told commanders not to attack Afghans during operations, and to attack only international military forces, because he regarded Afghans, in whatever capacity, as being brothers. When this request of Mullah Muhibullah was passed to certain elements in the ISI, and when he returned to Pakistan, after being in Afghanistan on operations, he was arrested. From this example it could be inferred that certain elements in ISI still support those hardcore elements in the Taliban and punish those who show an interest in reconciliation without their permission. This is confirmed by other Taliban sources also (Interviews, reconciled Taliban officials).

It also needs to be understood that Pakistan is concerned, for its own security, not to have a government in Afghanistan that is close to India. Pakistan suspects Indian NGOs and private companies, which are present along the Afghan-Pakistan border on the Afghanistan side, of being engaged not only in contracted work, but also in clandestine activities. Pakistan also claims, understandably, that the family of the leader of the armed opposition in Balochistan, Nawab Akbar Khan Bugti, who was killed in Pakistan by the army, has taken refuge in Kabul. This should also be taken into account when trying to understand Pakistan's position.

Despite India's support of the Northern Alliance during the Taliban period, which clearly illustrates its anti-Taliban position during that time, the current Indian position is to support reconciliation with those who are not on the consolidated List 1267 and who support the current Afghan constitution. This is very similar to the position of Russia towards reconciliation. The Taliban do not trust India, since India is well known to be a past supporter of the Northern Alliance.

Saudi Arabia has always relied heavily on Pakistan in shaping its policy towards Afghanistan. During the *jihad* of the 1980s, Saudi funds and expertise were channelled to the *mujahidin* almost exclusively through the ISI. During the Taliban regime, Saudi Arabia was one of only three states (with Pakistan and the UAE) to establish diplomatic relations with the Taliban government of Mullah Omar. Since 2001, Saudi Arabia has been cautious in its relations with Afghanistan as a result of the strong perceived influence of Shia Iran, post-Soviet Russia and India as well as of the Northern Alliance, which formed the largest party to the Bonn Agreement. From the beginning, President Karzai has sought to improve relations with Saudi Arabia, but has not yet met with any significant results. In 2007, Saudi Arabia began to adjust its orientation once the Taliban began to threaten the internal security of Pakistan. It is also notable that Saudi Arabia paid greater respect to President Karzai during his last visit and Saudi Arabia made an unprecedented pledge at the Paris Conference in 2008. The Saudi royal family remains deeply ambiguous in their posture towards Afghanistan today. The Taliban are still held in high regard and are regarded as legitimate successors to the *mujahidin* of the 1980s: their Deobandi views are closer to those of Saudi Arabia's Wahabis. This is particularly in relation to the more conventional Sufi-influenced approach to Islam historically prevalent in Afghanistan.

Saudi Arabia remains suspicious of Iranian influence and intentions in Afghanistan. However, with the international community increasingly focused on bringing stability and development to Afghanistan and the insurgency fuelling deep hostility towards Pakistan within Afghanistan, Saudi Arabia has been under steadily growing pressure to expand its relations with Kabul, rather than implicitly supporting Pakistan's agenda there. Saudi Arabia, like Pakistan, favours reconciliation, but unlike Pakistan has fewer national interests at stake in the success of such an initiative. According to Taliban sources, the Saudis have close relations with them. The Taliban trust them more than other countries and therefore would prefer to have the Saudis as one of the parties involved, if reconciliation talks were to commence. Saudi Arabia is not willing to be perceived as being supportive of the Taliban, however in reality they can influence the Taliban when necessary. In 2007, Riyadh signalled it was prepared to reinforce its direct relations with Kabul and stop the 'out-sourcing' of relations to Islamabad. This began a series of visits by emissaries of President Karzai on the one hand and King Abdullah's envoys on the other. These contacts culminated in an *Iftar*[14] given by King Abdullah for several senior Afghan government representatives and reconciled Taliban in Riyadh in late-September 2008. This was a clear signal that Saudi King Abdullah was prepared to play a greater role in an Afghan peace process and this process is still alive. There are different initiatives organised by Hezb-e-Islami and the international community, which are on-going, but there is no clear message as yet.

What has been done

With regard to reconciliation, the PTS has made some progress. However it has not reached far enough, and the lack of a coordinated support from the international community, ISAF and coalition forces has been a problem. List 1267 − expanded after September 11, 2001 and last updated on October 10, 2008 − now features 142 individuals associated with the Taliban, and 243 individuals and 113 entities or other groups and undertakings associated with Al Qaida. Despite reconciliation with the Karzai government by senior listed Taliban such as Mullah Mutawakil, Mullah Zaeef, Mullah Salaam Rocketi, Mullah Khaksar and others, none has been de-listed, largely as a result of differences among permanent UNSC members. Up to one third of those Taliban now on the Consolidated List also feature on ISAF and OEF target

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[14] During Ramadan, the meal that follows the end of fasting at dusk.

lists. Several have been killed in combat. Under heavy pressure from the US and the UK, Pakistan has placed a small number of anti-government elements under house arrest in Quetta and elsewhere. This has not prevented them from continuing to exercise authority in their respective organisations. The vast majority of insurgent commanders now operating in Afghanistan are not listed: they are too young to have participated in the Taliban regime. Apart from Gulbuddin Hekmatyar and Jalaluddin Haqqani themselves, almost no Hezb-i-Islami Gulbuddin or Haqqani network commanders feature on the Consolidated List.

In response to directions in UNAMA's March 2007 mandate renewal, and the growing body of opinion in favour of the need for a political solution, UNAMA has expanded its dialogue and political outreach in support of the ongoing Afghan government reconciliation program (PTS). It has become clear that, while there is a growing consensus both within the Afghan government and international community in favour of promoting reconciliation, all actors recognise that the PTS programme is unable to reach the breadth of anti-government elements wishing to reconcile. UNAMA mandates from 2007 through to 2009 (UNSC 2007, 2008, 2009) have all included the role and attempt to further the reconciliation process by:

1. Supporting the Afghan government, and assisting the National Security Council's office in order to produce key principles for an overall strategy toward reconciliation;

2. Holding meetings with anti-government elements or their representatives when they have made contact with UNAMA, then passing information on to government bodies.

UNAMA first met Taliban representatives in 2003, and held several meetings with low-level Taliban commanders. Reports of these meetings were passed to the SRSG's Office. In 2004-5, UNAMA did not have any meetings with anti-government elements. In 2006, meetings started again with representatives of anti-government elements, upon their request, including the Taliban. UNAMA political affairs officers held these meetings with the view to understanding the position of these groups and representatives, and informed the Afghan government. According to anti-government elements and their representatives, these meetings with UNAMA were called and held because they are, in their view, unable to speak directly with the Afghan government because it is too weak. They also do not trust the international military forces, as they are targeting them. This is why UNAMA is the only relatively credible organisation that can be approached by them in Afghanistan. Recent attempts by the Afghan government, started in 2008, to talk directly to the Taliban through Qauym Karzai, President Karzai's elder brother, created the misperception among Afghans that this was not a transparent government programme towards reconciliation, but rather a process driven by family interests. Although Qayum Karzai certainly had good intentions to help to bring about peace, it would perhaps have been more useful if the Afghan government had officially selected someone to lead this initiative.

Conclusion

President Karzai and the broader government have expressed to the head of UNAMA their support for UNAMA's role in assisting reconciliation activities. However, the government's ire with British efforts undertaken in Helmand in December 2007 − of which the president felt he had insufficient knowledge, and in which a UNAMA staff member was accidentally caught up − has increased the government's desire for greater control over the process. Additionally, in cases when UNAMA has made significant progress in facilitating a rapprochement between anti-government activists and the government, on several occasions funds given to support their rehabilitation have not been made available, suggesting that the government is not quite as ready for reconciliation as the rhetoric sometimes suggests. After

the re-election of President Karzai in 2009, statements coming from the capitals of the western world have shown a growing determination to pursue the path of negotiations with the Taliban. There is still ambiguity with regard to who should be involved in negotiations but it seems increasingly implicit that the leadership might be included too.

The language on reconciliation in recent mandate renewal, as in UNSC Resolution 1868 (2009), shows international support for UNAMA's role as a primary facilitator and leading coordinator of the international civilian effort in Afghanistan. Expectations of UNAMA providing leadership on this issue are therefore high and need to be managed. UNAMA, as empowered both by the recent mandate renewal (UNSCR 2009) and the support of the Afghan government and the international community, is in principle well placed to lead the international civilian community effort in support of the Afghan government's efforts in reconciliation. The evidence of dozens of anti-government elements coming to meet with UNAMA in an attempt to seek an alternative to fighting, suggests that the Taliban and fellow anti-government elements also see a place for UNAMA as a bridge in this process.

UNAMA's role should be that of a primary facilitator, in keeping with its mandate and the UN's trusted historical role and additional expertise. As such, UNAMA should seek to take advantage of the reservoir of good will it has accumulated during the course of its existence, and under the mandate of good offices stated in UNSC Resolution 1868 (2009). This was stated initially in UNSC Resolution 1746 (2007), sharpened in UNSC Resolution 1806 (2008) and further developed in UNSC Resolution 1868 (2009). In its role of good offices, relevant parties of UNAMA should have contact with anti-government groups willing to discuss peace and reconciliation so as to conduct themselves in accordance with the Afghan constitution. Individuals contacted by UNAMA in this context should initially exclude those persons whose names appear in lists connected with UNSC Resolution 1267. The UN and possibly the OIC will act as facilitators to engage in the reconciliation process/dialogue, involving key countries such as the US, UK, EU countries, Russia, China, Saudi Arabia, Pakistan, India, Iran and others.

With the advice and encouragement of key international community stakeholders and the UNSC, the Afghan government should create a commission, broader than the current PTS commission, that consists of representatives of the key governmental institutions and community leaders from active conflict zones where anti-government elements are known to be broadly supported (i.e. community leaders who are not insurgents themselves but who are known to have contacts and a certain degree of sympathy for the insurgency). Anti-government elements seeking reconciliation, either with or without UNAMA encouragement, would approach this group, which would interview individuals and issue documents to those approved for reconciliation. Such documents would be designed to guarantee non-harassment by international or Afghan government forces.

In order to build upon and to develop the positive achievements already made, the Afghan government should also come up with an official proposal regarding the delisting of only Afghan nationals from the consolidated List 1267. The Afghan parliament (both houses) has already expressed the opinion that only Afghans can decide who is a criminal and who should be forgiven. The delisting of Afghan nationals from List 1267 will show the readiness of the Afghan government to begin reconciliation and build trust among anti-government elements. Only by speaking with important Taliban and Hezb-e-Islami leaders can meaningful and important results be achieved. Moreover, this would help to balance the inadequacies and injustices in the inclusion of significant political players in the Bonn process: a matter which

poses very real challenges in relation to current legitimacy in the eyes of the Pashtun majority in particular. Once opposition groups (Taliban and Hezb-e-Islami) agree upon conditions of reconciliation, they should be given the opportunity to take part in the elections. Elections should ideally be postponed, unless a proper reconciliation process begins. Furthermore, it could be very dangerous to wait for the conflict to be exhausted before, or indeed prior to, starting negotiations.

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