

## FPC Briefing: Understanding the conditions necessary for fruitful negotiations in Afghanistan

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### Introduction

This briefing paper will argue that the likelihood of negotiations with the Taliban leading to a reduction in violence in the long-term depends on when and how those designated as ‘terrorists’ are engaged, as well as who is negotiated with. It should be noted that while a reduction in violence may be a long-term aim of negotiations, it is entirely possible that the level of violence in the run-up to and during negotiations may remain constant or even escalate. This is not paradoxical, as the notion of parties meeting a ‘mutually hurting stalemate’ that causes them to seek negotiations is premised on the existence of conflict in the first place.<sup>1</sup> Arguably a quicker resolution alongside high levels of violence is kinder than a long drawn-out process with protracted conflict in the background. As William Zartman, an expert in conflict resolution, observes, once relations with terrorists get into the bargaining mode, ‘they are open to the same shifts and requirements of tactics as any other negotiation’.<sup>2</sup> Therefore, the conditions required to arrive at this stage are vitally important for ensuring the reduction of violence.

This paper will outline the conditions under which negotiations with ‘terrorists’ are *likely* to achieve a reduction in violence. Firstly, it will consider the issue of timing, arguing that there is not a single fixed point in time when negotiations are most likely to be successful; instead a number of different opportunities arise at various points where pragmatists on both sides perceive negotiations to be more preferable than the continuation of violence. Secondly, it will argue that the reduction of violence is more likely when groups who apparently try to derail the negotiations are accommodated into the process so that their needs are addressed. Thirdly, terrorist group dynamics will be considered as a factor that affects the outcome of negotiations. Fourthly, the role of domestic and international actors in the negotiation process will be explored. Finally, this paper will conclude that negotiating with those considered as ‘terrorist’—in this case, the Taliban—can lead to a reduction in violence in the long-term where conditions reach a confluence and establish an environment conducive to productive negotiations.

### The conditions for fruitful negotiations

#### Timing

Timing will have an impact on whether negotiations with the Taliban are to lead to a reduction in violence in the long-term. Unlike traditional interstate warfare—where diplomatic settlements came after the military had completed fighting—today, negotiations can take place without armed conflict having yet ended.<sup>3</sup> Therefore, in the absence of a clear point from which to begin negotiating in earnest, it is important to determine a time in any given conflict when negotiations are most likely to produce a reduction in violence. Peter Neumann highlights the risk of negotiating with those who are soon to be defeated who, with little to lose, may choose simply to escalate violence for one last all-out battle. Instead, talks are most likely to succeed when the terrorist group is questioning the utility of violence but not necessarily on the verge of defeat.<sup>4</sup> In Afghanistan, the majority of the Taliban perceive their overall situation in the military conflict as a positive one where gains could be made on their side from talks, which suggests that now may be a good time to negotiate.<sup>5</sup> Indeed, it

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<sup>1</sup> Zartman, I.W. (2001), ‘The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments’, *The Global Review of Ethnopolitics*, 1(1), pp.8-18: 13.

<sup>2</sup> Zartman, I.W., (2003), ‘Negotiating with Terrorists’, *International Negotiation*, 8(3), pp.443-450: 448.

<sup>3</sup> Pillar, P.R. (1983), *Negotiating Peace: War Termination as a Bargaining Process*, Princeton: Princeton University Press: 34-36.

<sup>4</sup> Neumann, P.R. (2007), ‘Negotiating with Terrorists’, *Foreign Affairs*, 86(1), pp.128-138: 132.

<sup>5</sup> Giustozzi, A. (2010), ‘Negotiating with the Taliban: Issues and Prospects’, *Century Foundation Report*, New York: The Century Foundation. [Accessed 21 August 2013]. Available from: <http://tcf.org/publications/pdfs/pb716/Giustozzi.pdf>: 23-24.

is important to avoid pushing terrorist groups to defeat because, even if they choose not to lash out, the chances of reducing violence will be unlikely.<sup>6</sup>

A terrorist organisation that is close to defeat will be reluctant to move first into negotiations as this would put substance behind claims that it was losing its battle. By this logic, a terrorist organisation that is not close to defeat will be the most willing to engage in talks.<sup>7</sup> It is almost never advantageous to engage a terrorist organisation that is not itself ready to negotiate: the late-20<sup>th</sup> century experiences of the British and Spanish governments in negotiating with the Provisional Irish Republic Army (IRA) and the *Euskadi Ta Askatasuna* (ETA) respectively demonstrate that the pursuance of dialogue at the wrong time can exacerbate conflict by convincing terrorist organisations that they can achieve negotiations and violence in tandem.<sup>8</sup> However, this is *not* to posit the existence of a fixed point in time when any terrorist group will be ready to negotiate. It must not be assumed that the limits of the bargaining range are fixed on a linear timeline of conflict. Instead, opportunities appear and disappear as the limits of the bargaining range constantly fluctuate.<sup>9</sup> Therefore, in order to achieve the most success in negotiations—and consequently the best chance of a reduction in violence—governments must seek negotiations with terrorists who are not defeated, but who have come to realise that their aims are unattainable by violent means and possibly better achieved by pursuing an alternative line of action.<sup>10</sup> This is known as the point of ‘ripeness’ for negotiations.<sup>11</sup>

Conflict ‘ripeness’ is temporal in nature insofar as it occurs when both parties are willing to take part in negotiations. However, seeking conflict ripeness for negotiations with terrorists is not simply a matter of each side waiting passively for a resolution. Additionally, ripeness is not an all-or-nothing proposition: while one part of a situation may be ripe for negotiation, other components may not be.<sup>12</sup> These factors can include, but are not limited to, perceptions on both sides of the adversary’s intractability, the untenability of the status quo and the availability of a heightened opportunity to begin negotiations.<sup>13</sup> However, the existence of an opportunity is not necessarily enough to start negotiations.

While the perception of a ‘mutually hurting stalemate’ creates the conditions for meaningful negotiations, actors must also perceive a ‘way out’ so that they have a goal to aim for in those talks. Additionally, each side requires a valid spokesperson who can lead them in the direction of negotiations.<sup>14</sup> This raises an important point: while the terrorist group may be attracted to the negotiating table, for a reduction in violence to be achieved the government side must also be ready to participate in productive talks.

If a reduction in violence is to go ahead, on the government side there must be a leadership change that brings security-minded pragmatists to power and those leaders must perceive that they have no alternative partners with whom to bypass the primary adversary.<sup>15</sup> The importance of the government being influenced by pragmatists cannot be unstated. For example, the Colombian

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<sup>6</sup> Pillar, *Negotiating Peace*: 68.

<sup>7</sup> *Ibid.*

<sup>8</sup> Bew, J., M. Frampton and I. Gurruchaga (2009), *Talking to Terrorists: Making Peace in Northern Ireland and the Basque Country*, London: Hurst & Company: 252-254.

<sup>9</sup> Pillar, *Negotiating Peace*: 40.

<sup>10</sup> Bew *et al.*, *Talking to Terrorists*: 255.

<sup>11</sup> Haass, R.N. (1988), ‘Ripeness and the settlement of international disputes’, *Survival: Global Politics and Strategy*, 30(3), pp.232-251: 232-233.

<sup>12</sup> *Ibid.*: 248-249.

<sup>13</sup> Lieberfeld, D. (1999), ‘Conflict “Ripeness” Revised: The South African and Israeli/Palestinian Cases’, *Negotiation Journal*, 15(1), pp.63-82: 65-74; see also Haass, ‘Ripeness and the settlement of international disputes’: 245-246; Pruitt, D.G. (2005), ‘Whither Ripeness Theory?’, *Working Paper*, 25, Fairfax: Institute for Conflict Analysis and Resolution. [Accessed 21 August 2013]. Available from: [http://scar.gmu.edu/wp\\_25\\_pruitt.pdf](http://scar.gmu.edu/wp_25_pruitt.pdf): 6-16.

<sup>14</sup> Zartman ‘The Timing of Peace Initiatives’: 8-12.

<sup>15</sup> Lieberfeld, ‘Conflict “Ripeness” Revised’: 65-74; see also Toros, H. (2012), *Terrorism, Talking and Transformation: A critical approach*, London: Routledge: 72-73.

government practice of assassinating *Union Patriótica* candidates hindered chances of productive negotiations taking place, angering the *Fuerzas Armadas Revolucionarias de Colombia* (FARC) and creating an environment in which it would be difficult to achieve peace.<sup>16</sup> This is indicative of a failure by the Colombian government to estimate the Best Alternative to a Negotiated Agreement<sup>17</sup> that, as Nicolas Urrutia notes, must be considered when making a decision to *enter* negotiations in the first place.<sup>18</sup> Instead, the Colombian government has pushed its situation further from the possibility of violence de-escalation—actions known as ‘spoiling’. However, spoiling is not automatically negative in all cases and if dealt with correctly can lead to a reduction in violence in the long-term.

### Engaging ‘spoilers’

Negotiations with the Taliban are an opportunity not only for the main negotiating parties to reconcile their differences, but also for other societal actors to assert their wishes in order to achieve a sustainable peace where the long-term de-escalation of violence is achieved. They are generally known as ‘spoilers’, defined as ‘groups and tactics that actively seek to hinder, delay, or undermine a conflict settlement through a variety of means and for a variety of motives’.<sup>19</sup> This is quite a broad definition which encompasses all actors engage in such activity, although they can be further distinguished by their aims. These ‘spoilers’ can be ‘total’ (seeking overall power), ‘limited’ (seeking finite goals) and ‘greedy’ (seeking goals that expand or contract based on calculations of cost and risk).<sup>20</sup> However, these groups are not necessarily in any way negative or detrimental to the peace process; indeed, quite the contrary can be true.

The increase of violence in the short-term by those factions who are marginalised can suggest that the peace process is working, as those who do not wish to see a conclusion to the negotiations desperately try to derail them as they see an agreement nearing.<sup>21</sup> Those left out of negotiated settlements have no stakes in peace and may have an interest in the continuation of conflict.<sup>22</sup> This is arguably the case in Afghanistan today, where reports predict violence will continue to escalate until NATO’s withdrawal in December, 2014.<sup>23</sup> Therefore, to simply exclude these actors from the peace process would not be a sustainable solution leading to a reduction in violence.

While insiders to the procedure can also disrupt the peace process (as the aforementioned case of Colombia has shown), spoilers are generally outsiders and usually take part in spoiling in the hope of influencing, rather than ending the negotiations.<sup>24</sup> In Afghanistan, spoilers have been quietly engaged with since the beginning of the conflict by the Karzai government<sup>25</sup> and more recently in public by the Obama administration.<sup>26</sup> This is entirely logical; it is in the interest of all parties to engage

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<sup>16</sup> Chernick, M. (2007), ‘FARC-EP: Las Fuerzas Armadas Revolucionarias de Colombia-Ejército de Pueblo’, in: M. Heiberg, B. O’Leary and J. Tirman (eds.), *Terror, Insurgency, and the State: Ending Protracted Conflicts*, Philadelphia: University of Pennsylvania Press, pp.51-82: 62.

<sup>17</sup> Fisher, R., W. Ury and B. Patton (1992), *Getting to yes: Negotiating an agreement without giving in*, London: Century Business: 101-102.

<sup>18</sup> Urrutia, N. (2002), ‘Negotiating with Terrorists: A Reassessment of Colombia’s Peace Policy’, *Stanford Journal of International Relations*, 3(2).

<sup>19</sup> Newman, E. and O. Richmond (2006), ‘Obstacles to peace processes: Understanding spoiling’, in: E. Newman and O. Richmond (eds.), *Challenges to peacebuilding: Managing spoilers during conflict resolution*, Tokyo: United Nations University Press, pp.1-19: 1.

<sup>20</sup> Stedman, S.J. (1997), ‘Spoiler Problems in Peace Processes’, *International Security*, 22(2), pp.5-53: 10-11.

<sup>21</sup> Newman and Richmond, ‘Obstacles to peace processes’: 17.

<sup>22</sup> Zahar, M.-J. (2003), ‘Reframing the Spoiler Debate in Peace Processes’, in: J. Darby and R. Mac Ginty (eds.), *Contemporary Peacemaking: Conflict, Violence, and Peace Processes*, Basingstoke: Palgrave Macmillan, pp.114-124: 121.

<sup>23</sup> ICG (2011), ‘The Insurgency in Afghanistan’s Heartland’, *International Crisis Group Asia Report*, 207, Brussels: International Crisis Group. [Accessed 1 February 2012]. Available from: <http://www.crisisgroup.org/~media/Files/asia/south-asia/afghanistan/207%20The%20Insurgency%20in%20Afghanistans%20Heartland.pdf>; ICG (2011), ‘Security in Afghanistan’, *International Crisis Group*, 23 August [Accessed 1 February 2012]. Available from: <http://www.crisisgroup.org/ar/Key%20Issues/Security%20in%20Afghanistan.aspx>.

<sup>24</sup> Newman and Richmond, ‘Obstacles to peace processes’: 18.

<sup>25</sup> Crews, R.D. (2008), ‘Moderate Taliban?’, in: R.D. Crews and A. Tarzi (eds.), *The Taliban and the Crisis of Afghanistan*, London: Harvard University Press, pp.238-273: 270; Giustozzi, A. (2007), *Koran, Kalashnikov and Laptop: The Neo-Taliban Insurgency in Afghanistan*, London: Hurst & Company: 206-207.

<sup>26</sup> Masadykov, T., A. Giustozzi and J.M. Page (2010), ‘Negotiating with the Taliban: Toward a solution for the Afghan conflict’, *Crisis States Working Paper*, 2(66), London: Crisis States Research Centre. [Accessed 1 February 2012]. Available from: <http://eprints.lse.ac.uk/28117/1/WP66.2.pdf>: 12.

terrorist organisations, including spoilers, if the goal is to be a reduction in violence. However, once the decision has been taken to engage these terrorist groups, there is still a question of who to engage within those groups in order to achieve productive negotiations with lasting results.

### Who to negotiate with

It must be understood that, regardless of the conditions under which negotiations occur, only certain types of terrorist groups can be negotiated with at specific times. While at first their complexity may seem problematic, the multiple layers of terrorist organisations also mean that there are more access points for negotiators to engage with.<sup>27</sup> However, the answer to the question of whether or not such engagements will be fruitful depends not only on whether the group's leadership will accept the terms of a settlement, but also on the extent to which the leadership is able to control its rank-and-file members once an agreement has been reached. Also important is the question of how much influence a group's political wing has.<sup>28</sup> Therefore, whether negotiations may lead to a reduction in violence depends largely on what type of terrorist organisation is being negotiated with.

While certain types of terrorist organisations are said to preclude the possibility of meaningful negotiations taking place, in reality most types can be productively negotiated with. Zartman rather simplistically defines three types of terrorist organisation: 'absolute', 'contingent' and 'conditional absolute'. He judges that the first type cannot be negotiated with because they simply have nothing to negotiate; their aims are too broad for this purpose. The second and third, he argues, can be open to negotiations.<sup>29</sup> However, Zartman's classifications are too rigid to dictate when negotiating with them will or will not lead to a reduction in violence. For example, absolute terrorists arguably *can* be negotiated with, but states find it hard to rationalise the aims of terrorist organisations whose ideologies have not become part of the 21<sup>st</sup> century's 'DNA'—al-Qaeda being a prominent illustration.<sup>30</sup> Zartman's view is also symptomatic of a tendency to focus only on the most extreme positions of terrorist organisations. For instance, even though al-Qaeda as a global network has an ideology that seems to be impossible to reconcile with Western liberal ideologies (and admittedly, other ideologies besides), the country-level nodes in its network may possess more easily reconcilable aims that can be engaged with<sup>31</sup> in order to de-escalate violence, one country at a time.

The simple classification of terrorist groups as 'absolute' suggests a failure (by misunderstanding or unwillingness) to see past initial positions and to instead address the interests and needs of a given 'absolute' terrorist group.<sup>32</sup> For example, Hamas has been vilified because it exalts absolutist rhetoric, but it can be argued that the organisation represents a limited spoiler that could be willing and capable of negotiating a peaceful settlement under specific circumstances.<sup>33</sup> The failure to recognise this has hindered the peace process and prevented the de-escalation of violence in the long-term.<sup>34</sup> Zartman is also here assuming that terrorist organisations never change and are unified in their opinions towards negotiations, whereas in reality, there is nothing to say that some terrorist groups cannot contain a fusion of absolute, contingent and conditional elements all continually contesting for prominence. Therefore, terrorist organisations' willingness to negotiate may vary

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<sup>27</sup> Toros, H. (2008), 'We Don't Negotiate with Terrorists!': Legitimacy and Complexity in Terrorist Conflicts', *Security Dialogue*, 39(4), pp.407-426: 418.

<sup>28</sup> Neumann, 'Negotiating with Terrorists': 130-132.

<sup>29</sup> Zartman, 'Negotiating with Terrorists': 446-447.

<sup>30</sup> Neumann, 'Negotiating with Terrorists': 129.

<sup>31</sup> Toros, 'We Don't Negotiate with Terrorists!': 418.

<sup>32</sup> Ertel, D. (2010), 'Getting Past Yes: Negotiating as if Implementation Mattered', in: R.J. Lewicki, D.M. Saunders and B. Barry (eds.), *Negotiation: Readings, Exercises and Cases*, New York: McGraw-Hill Irwin, pp.453-465: 459-461.

<sup>33</sup> Gunning, J. (2008), *Hamas in Politics: Democracy, Religion, Violence*, New York: Columbia University Press: 195-197; Milton-Edwards, B. and A. Crooke (2004), 'Elusive Ingredient: Hamas and the Peace Process', *Journal of Palestine Studies*, 33(4), pp.39-52: 49-51.

<sup>34</sup> Crooke, A. and B. Milton-Edwards (2003), 'Costly Choice: Hamas, Ceasefires and the Palestinian-Israeli Peace Process', *The World Today*, 59(12), pp.15-17; Milton-Edwards, B. and A. Crooke (2004b), 'Waving, Not Drowning: Strategic Dimensions of Ceasefires and Islamic Movements', *Security Dialogue*, 35(3), pp.295-310: 309-310.

between factions and under different conditions. These conditions are also affected by the willingness of other actors to support negotiations for a reduction in violence.

### Other actors to consider

It is important to consider that successful peace negotiations with the Taliban, like negotiations with all groups classed as 'terrorist', will require the effort of both the international community and local leaders. While the international community is capable of providing the 'glue' for agreements,<sup>35</sup> Veronique Dudouet, an expert in negotiation and insurgent movements, finds in a study of six terrorist organisations that five were able to come to a political solution primarily due to their adherence to popular demands for peace while international actors had a less important role of conferring legitimacy to domestic actors.<sup>36</sup> Indeed, the importance of the domestic actors themselves was exemplified by the fruitless Aceh peace process, which failed because the two sides suffered from internal divisions, mistrusted the other side and disagreed with the opposition on the fundamental issues being negotiated.<sup>37</sup> In such a situation, other democratic forces within the state could have assisted the international mediator in order to help the two parties solve their issues more amicably.

The classic dichotomy between the state and the terrorist organisation as the only two important actors in the negotiation is misplaced.<sup>38</sup> Negotiators in Afghanistan today would do well to understand that the Afghan people wish for justice as well as order,<sup>39</sup> having witnessed decades of intervention that in their view has destroyed their country time and again.<sup>40</sup> To end this cycle, ordinary Afghans themselves want *legitimate* negotiations to take place.<sup>41</sup> To address this, previous experience shows that non-governmental organisations in particular have the legitimacy to engage terrorist organisations in order to persuade them to reduce violence. For example, Geneva Call, an organisation specialising in the humanitarian engagement of armed non-state actors, has been able to use its open and transparent manner to engage and educate non-state actors so as to persuade them not to employ the use of anti-personnel landmines.<sup>42</sup> Moreover, civil society more broadly can have an important role to play in the negotiations themselves.<sup>43</sup>

Besides advocating human rights,<sup>44</sup> civil society organisations can be vital in order to give peace negotiations legitimacy and ensure the wishes of the population at large are taken into account, allowing for a more sustainable peace to develop following negotiations.<sup>45</sup> Such a democratic transformation following talks is extremely important for ensuring the reduction of violence; this is a role also for governments to participate in, as in order for violence to be alleviated, terrorist groups

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<sup>35</sup> Peake, G., C. Gormley-Heenan and M. Fitzduff (2004), 'From Warlords to Peacelords: Local Leadership Capacity in Peace Processes', *International Conflict Research Report*, Londonderry: International Conflict Research Institute. [Accessed 1 February 2012]. Available from: <http://www.incore.ulst.ac.uk/research/projects/wpl/WplFull.pdf>: 11-14.

<sup>36</sup> Dudouet, V. (2009), 'From War To Politics: Resistance/Liberation Movements in Transition', *Berghof Report*, 17, Berlin: Berghof Research Center for Constructive Conflict Management. [Accessed 1 February 2012]. Available from: <http://www.berghof-conflictresearch.org/documents/publications/br17e.pdf>: 47-49.

<sup>37</sup> Aspinall, E. and H. Crouch (2003), 'The Aceh Peace Process: Why it Failed', *Policy Studies*, 1, Washington, D.C.: East-West Center Washington. [Accessed 1 February 2012]. Available from: <http://www.eastwestcenter.org/sites/default/files/private/PS001.pdf>: x.

<sup>38</sup> Bew *et al.*, *Talking to Terrorists*: 248.

<sup>39</sup> Sarwari, A. and R.D. Crews (2008), 'Afghanistan and the Pax Americana', in: R.D. Crews and A. Tarzi (eds.), *The Taliban and the Crisis of Afghanistan*, London: Harvard University Press, pp.311-355: 355; see also Rubin, B.R., A. Saikal and J. Lindley-French (2009), 'The Way Forward in Afghanistan: Three Views', *Survival: Global Politics and Strategy*, 51(1), pp.83-96: 85-86.

<sup>40</sup> Marsden, P. (2009), *Afghanistan: Aid, Armies and Empires*, London: I.B. Tauris: 197-227.

<sup>41</sup> Giustozzi, *Koran, Kalashnikov and Laptop*: 315.

<sup>42</sup> Stott, N. (2007), 'Negotiating in Practice What is Non-Negotiable in Principle: Development Policy and Armed Non-State Actors', *Discussion Paper*, Bonn: German Development Institute. [Accessed 1 February 2012]. Available from: [http://www.die-gdi.de/CMS-Homepage/openwebcms3.nsf/\(ynDK\\_contentByKey\)/ADMR-7BRJ48/\\$FILE/8-2007.pdf](http://www.die-gdi.de/CMS-Homepage/openwebcms3.nsf/(ynDK_contentByKey)/ADMR-7BRJ48/$FILE/8-2007.pdf): 16-19.

<sup>43</sup> Pfaffenholz, T., D. Kew and A. Wanis-St. John (2006), 'Civil Society and Peace Negotiations: Why, Whether and How They Could be Involved', *Background Paper*, Oslo: Oslo Forum. [Accessed 1 February 2012]. Available from: <http://www.hcdcentre.org/files/CivilSocietyandPeaceNegotiations.pdf>: 67.

<sup>44</sup> OSCE (2007), 'The Role of Civil Society in Preventing Terrorism', *Informal Working Level Meeting Report*, Barcelona: OSCE Office for Democratic Institutions and Human Rights. [Accessed 1 February 2012]. Available from: <http://www.osce.org/odihr/25142>: 5.

<sup>45</sup> Pfaffenholz *et al.*, 'Civil Society and Peace Negotiations': 67-68.

must be engaged by states only once they are willing to accept and abide by democratic norms in search of a settlement.<sup>46</sup> The complexity of negotiating productively with groups classed as ‘terrorist’ is certainly noteworthy, but it should not preclude efforts to do so.

### **Pursuing a peaceful settlement with the Taliban**

The current situation in Afghanistan is a useful case study as it is complicated, involves actors classed as ‘terrorist’ and will require careful work if negotiations are to result in the reduction of violence. The use of the label *Taliban* is a powerful image which can aggravate some and unite others; it can be used to ‘rally supporters, polarize the population, or demonize the opposition’.<sup>47</sup> It is important to understand that the Taliban is made up of a number of factions that lack a strong, unified leadership in the middle,<sup>48</sup> something that makes it difficult, although not impossible, to negotiate with. However, this is also a problem on NATO’s side which lacks political and diplomatic cohesion.<sup>49</sup> Lacking a valid spokesman, a group may seem unable to negotiate, but this is only of secondary consideration<sup>50</sup> and will not necessarily spoil chances of coming to a political negotiation. The conditions for negotiations in Afghanistan, then, may be better than they might at first seem.

For productive negotiations to take place, the actors worth negotiating with need to first be identified. The Taliban can be broadly divided into two groups: those who wish to pursue *jihād* and those who wish to gradually gain political influence.<sup>51</sup> The former, a minority of Taliban who were opposed to negotiations, have become marginalised. The majority, who support negotiations, perceive their overall situation in the military conflict as a positive one which, as discussed, is an important prerequisite for negotiations.<sup>52</sup> These actors, sometimes called ‘moderates’ within the Taliban, are gaining prominence and will have to be incorporated into the political process if the current President Hamid Karzai is to retain the general population’s support.<sup>53</sup> Engaging them while dealing with powerful spoilers on both sides will be a challenge and the form of the pre-talks and the effectiveness of mediators will be crucial to the success of negotiations. Additionally, gaining support from Pakistan—a long-term advocate of reconciliation—and from other regional actors will also be vital to the success of the talks.<sup>54</sup> It is possible, then, that with the correct mediators available, it may be able to engage moderates with the goal of reducing violence—in fact, this process has already been underway for some time.

It is a myth that productive negotiations with the Taliban are impossible due to a lack of common ground. Indeed, the United States of America continually sought rapprochement with the Taliban moderates as early as 1999-2000, before the conflict even began, when the issue of poppy eradication brought the two parties together.<sup>55</sup> Furthermore, the Obama administration has voiced clear support for reconciling with the moderate Taliban.<sup>56</sup> Meanwhile, the Karzai government has made multiple reconciliation efforts at high cost since 2002,<sup>57</sup> including setting up the National

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<sup>46</sup> Bew *et al.*, *Talking to Terrorists*: 258-259; Toros, ‘We Don’t Negotiate with Terrorists!’: 414-415.

<sup>47</sup> Tarzi, A. (2008), ‘The Neo-Taliban’, in: R.D. Crews and A. Tarzi (eds.), *The Taliban and the Crisis of Afghanistan*, London: Harvard University Press, pp.274-310: 276.

<sup>48</sup> Tarzi, ‘The Neo-Taliban’: 294-296; see also Rashid, A. (2010), *Taliban: The Power of Militant Islam in Afghanistan and Beyond*, London: I.B. Tauris: 1-13, 217-246.

<sup>49</sup> Amend, K. (2010), ‘Counterinsurgency Principles for the Diplomat’, *Orbis*, 54(2), pp.215-231: 223-224, 229.

<sup>50</sup> Zartman ‘The Timing of Peace Initiatives’: 10-12.

<sup>51</sup> Tarzi, ‘The Neo-Taliban’: 297.

<sup>52</sup> Giustozzi, ‘Negotiating with the Taliban’: 23-24.

<sup>53</sup> Tarzi, ‘The Neo-Taliban’: 310.

<sup>54</sup> Katzman, K. (2011), ‘Afghanistan: Post-Taliban Governance, Security, and U.S. Policy’, *CRS Report for Congress*, 7-5700, RL30588, Washington, D.C.: Congressional Research Service: 41-42; Masadykov *et al.*, ‘Negotiating with the Taliban’: 13-16; Waldman, M. (2010), ‘Navigating Negotiations in Afghanistan’, *United States Institute of Peace Peacebrief*, 52, Washington, D.C.: United States Institute of Peace. [Accessed on 1 February 2012]. Available from:

<http://www.usip.org/files/resources/PB%2052%20Navigating%20Negotiations%20in%20Afghanistan.pdf>: 1.

<sup>55</sup> Tarzi, ‘The Neo-Taliban’: 305-306.

<sup>56</sup> Masadykov *et al.*, ‘Negotiating with the Taliban’: 12.

<sup>57</sup> Giustozzi, *Koran, Kalashnikov and Laptop*: 206-207.

Independent Commission for Peace and Reconciliation in 2005 for the purpose of negotiation with Taliban defectors.<sup>58</sup> The ground has been prepared for talks over the past decade.

Productive negotiations are entirely possible. As Harmonie Toros has argued with the use of al-Qaeda and the Moro Islamic Liberation Front as examples, even where a group as a whole appears to hold intractable views, with ‘total spoilers’ in the leadership, elements of that group can be engaged with the objective of coming to an agreement based on local issues.<sup>59</sup> The minority in the Taliban pursuing *jihad* as an end in itself can be seen as ‘total spoilers’. Their views cannot be reconciled with NATO or with other groups in Afghanistan, including the Karzai government and other members of the Taliban. However, the need for pragmatism has already sidelined these groups in the pursuit of talks; as early as 2005, negotiations were achieved with splinter groups and individual members of the ousted Taliban regime.<sup>60</sup> The spoilers are not gone, but their ability to prevent productive negotiations is waning. The route to the reduction of violence becomes ever-clearer.

The Taliban that exist currently have easily identifiable objectives that can be more easily reconciled with other groups. Previously, the ‘total spoilers’ of the Taliban regime were augmented by the pan-Islamist al-Qaeda leadership, whose main policy required keeping Afghanistan (and therefore the Taliban) from ever becoming palatable internationally.<sup>61</sup> Today, the Taliban has much more moderate demands. Firstly, a prerequisite for negotiations is that there are steps towards the withdrawal of foreign troops, which also serves to substantiate their propagandistic claims of ‘chasing foreign troops out of the country’.<sup>62</sup> This has been complied with, as NATO’s troop-sending states have promised to withdraw the last of their military forces from Afghanistan by the end of 2014.<sup>63</sup> The demands in the main body of the negotiations are likely to include the instigation of some form of Islamic law, as well as some form of power-sharing arrangement and the integration of their armed force within the national armed forces.<sup>64</sup> It should be emphasised that these are opening positions that will likely soften as negotiations progress.<sup>65</sup> However, the positions reflect the wider grievances of the Afghan population who, as aforementioned, wish for a just peace. Thus, some preliminary recommendations can be made for such negotiations in the interest of reducing violence.

Prospects for negotiations in the next year are good. Recent reports on Afghanistan have noted an escalation of violence and predicted that this will continue up until the withdrawal of troops in December, 2014.<sup>66</sup> However, as has been noted, escalating violence in the run up to negotiations may well be a way of keeping conditions ripe for meaningful talks to take place. A sustainable solution to reduce violence will have to be inclusive and just; it should seek to reflect all elements of Afghan society and address underlying causes of conflict.<sup>67</sup> However, it will also have to deprive al-Qaeda of its claim to legitimacy and must empower the Afghan government to take control of Afghanistan.<sup>68</sup> To assist in this, civil society<sup>69</sup> may be of key importance, having had influence in the Afghanistan negotiations of 2001. Setting up a civil society forum in parallel to the official

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<sup>58</sup> Crews, ‘Moderate Taliban?’: 270; Giustozzi, *Koran, Kalashnikov and Laptop*: 207.

<sup>59</sup> Toros, ‘We Don’t Negotiate with Terrorists!’: 418-421.

<sup>60</sup> Tarzi, ‘The Neo-Taliban’: 303-304.

<sup>61</sup> Tarzi, ‘The Neo-Taliban’: 305.

<sup>62</sup> Giustozzi, *Koran, Kalashnikov and Laptop*: 136; Giustozzi, ‘Negotiating with the Taliban’: 24.

<sup>63</sup> ICG, ‘Security in Afghanistan’.

<sup>64</sup> Giustozzi, *Koran, Kalashnikov and Laptop*: 136; Giustozzi, ‘Negotiating with the Taliban’: 24-25; Tarzi, ‘The Neo-Taliban’: 305.

<sup>65</sup> Katzman, ‘Afghanistan’: 40-41.

<sup>66</sup> ICG, ‘The Insurgency in Afghanistan’s Heartland’: i; ICG, ‘Security in Afghanistan’.

<sup>67</sup> Masadykov *et al.*, ‘Negotiating with the Taliban’: 13; Waldman, ‘Navigating Negotiations in Afghanistan’: 1.

<sup>68</sup> Rubin *et al.*, ‘The Way Forward in Afghanistan’: 85-86.

<sup>69</sup> Civil society is a contested term, but Thania Pfaffenholz, Darren Kew and Anthony Wanis-St. John give a useful working definition: ‘Civil society is typically defined as the vast array of public-oriented associations that are not formal parts of the governing institutions of the state: everything from community associations to religious institutions, trade unions, nongovernmental organizations (such as human rights groups, relief organizations, development organizations, and conflict resolution groups), business associations, and professional associations such as the Bar or accountants’ associations’ – see Pfaffenholz *et al.*, ‘Civil Society and Peace Negotiations’: 67.

negotiations can confer more legitimacy to the procedure as a whole;<sup>70</sup> legitimacy that would be bolstered further by the involvement of the United Nations Assistance Mission in Afghanistan.<sup>71</sup> This would be advisable for the forthcoming negotiations with the Taliban, but it is also important that Taliban key figures are given legitimacy in these talks. So far, a small number of Taliban figures have been removed from the list of wanted terrorists<sup>72</sup> and it would be advisable to remove more as the situation progresses.<sup>73</sup> These are some of the most basic steps that will have to be taken in order to achieve a reduction in violence as a result of negotiations with the Taliban.

## **Conclusion**

To conclude, while it may initially appear impossible to achieve a reduction in violence through negotiations the Taliban, deeper study reveals that this is in fact entirely possible under certain conditions. Most importantly, only certain terrorist actors can be engaged at a given time. There is not just one point in time when such actors will be willing to negotiate; their inclination for talks will most probably fluctuate as conditions around them change. However, as a general rule, talks are more likely to be initiated when violence in the short-term is raised to the point where pragmatists on both sides, who can see a way out of the conflict, perceive a 'mutually hurting stalemate' and a heightened opportunity for negotiation. The process initiated then relies on other factors, namely the ability of the negotiators to accommodate spoilers and the needs of the terrorist actors in question, in order to bring about a reduction in violence. In this inclusive process, both international and local actors, particularly civil society organisations, will have to be mobilised to support the negotiations for a resultant sustainable peace. As the ongoing situation in Afghanistan demonstrates, this is not a simple or a bloodless process but a difficult and complicated one with violence ever in the background. However, a short-term spike in war-fighting while negotiations are held may well lead to a long-term sustainable reduction in violence.

## **September 2013**

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<sup>70</sup> *Ibid.*: 71.

<sup>71</sup> Masadykov *et al.*, 'Negotiating with the Taliban': 17-19.

<sup>72</sup> Katzman, 'Afghanistan': 42-43.

<sup>73</sup> *Ibid.*: 16-17.