

# Is the Afghan Peace Process Really in Shambles?

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## Resumo

### **Estará o Processo de Paz Afegão Realmente Condenado?**

Até hoje, não existiu um processo de paz no Afeganistão. Houve anos de “conversações sobre conversações”, e finalmente, em 2011, alguns contactos preliminares. Na maioria destes contactos nem o governo Afegão nem o HPC tiveram um papel relevante. Os contactos foram organizados por países com forças militares no Afeganistão.

É necessário alterar o paradigma e criar um enquadramento adequado a uma nova abordagem, que dê prioridade aos problemas Afegãos, na qual os Afegãos tomam decisões, mas são aconselhados e protegidos pela comunidade internacional.

## Abstract

*Up to now, there has been no ‘peace process’ in Afghanistan. There were years of ‘talks about talks’, and finally, in 2011, some preliminary contacts. In most of them, neither the Afghan government nor the HPC played a significant role. The contacts were organised by countries with troops in Afghanistan. There is a need to shift the paradigm and create a framework for a new approach, which prioritises Afghan problems and in which Afghans take decisions, are advised and protected by the international community.*



## Introduction

The assassination of the chairman of the High Peace Council (HPC) and former Afghan President Prof. Burhanuddin Rabbani on 20 September 2011 in Kabul seems to have changed everything in the coordinate system of the search for a mediated solution in Afghanistan with the *Taleban*. But is that so?

At a closer look, it were mainly opposition politicians – and some government members – who had been opposing negotiations with the *Taleban* for a long time who have declared the talks with the *Taleban* dead after the brutal murder. In contrast, President Hamed Karzai's messages are much more ambiguous.

Within the Afghan government, it was only the chairman of the National Security Council and former Foreign Minister, Rangin Dadfar Spanta, who declared '[t]he peace process which we began is dead.' (Nissenbaum and Habib, 2011). A clear statement also came from a presidential spokesman, after the President had consulted with *Jihadi* leaders and his internal circle of advisors: 'Now that the *Taleban* is being used as a tool by Pakistan's ISI, Afghanistan should consider Pakistan as the other side in the negotiation.' (s.a., 2011). Dr. Abdullah Abdullah, a former presidential candidate, foreign minister and Northern Alliance leader junior to Rabbani, reflects the position of the *mujahedin* opposition: 'This is a lesson for all of us that we shouldn't fool ourselves that this group [the *Taleban*], who [sic] has carried out so many crimes against the people of Afghanistan, are willing to make peace.'

It was mainly these messages, in context with President Karzai's ambiguous statements that were over-interpreted by mainstream international media and led them to far reaching conclusions. The *Wall Street Journal*, for example, reported that he 'has decided to suspend efforts to begin direct talks with the *Taleban*, turning his attention to cutting a deal with Pakistan' (Nissenbaum and Abi-Habib, 2011). Other headlines there read like: 'Afghan peace effort in tatters as turban bomb kills ex-president' (*The Independent*, 21 September 2011) or 'Afghan assassination means *Taliban* "want war, not peace"' (CNN, 20 September 2011).

## Kabul 'Reviews' it's Talks Policy

President Hamed Karzai's statements, in particular, need to be closely scrutinised. He has been known for years now for changing his messaging constantly, not only on 'reconciliation', the code word for negotiations with the *Taleban*.

What seems to be his most clear-cut statement on the issue so far, given in early November during a high-level regional conference on Afghanistan in Istanbul, reads as follows: '[W]e have stopped *talking about talking* to the *Taliban*' [my italics]

(Burch and MacDonald, 2011). This does *not* say that the Afghan government has stopped *talking* to the Taleban. This is not a general change of policy, it is a temporary halt, and it doesn't say that the talk process is over. *Reuters* got it right in its headline for the report in which this is quoted: 'Karzai rules out *early resumption* of Taliban talks' [my italics].

Actually, Karzai took almost two weeks after the killing of Rabbani to modify and formulate his position. On the very day of the assassination, being in Washington, he stated that 'this will not deter us from continuing the path that we have'. This could be read as if he would continue to pursue the path of talks. Then, in a speech broadcast over national Afghan TV on 3 October, he said: 'We are involved with the governments and not the forces that depend on them that is why we should talk to the governments who make the decisions.' (s.a., 2011a). This hints at the clientelistic relationship between Pakistan - or rather the Pakistani intelligence service, the ISI - and the *Taleban*. Many observers inside and outside Afghanistan believe that the ISI exerts a high degree of control over this group of Afghan insurgents. A recent article describes the relationship of it with Jihadist groups what 'high degree' means: '[W]hile [the ISI] funds and protects various *jihadist* groups, these groups often pick their own targets and the timing of their attacks' (Goldberg and Ambinder, 2011). In short: The ISI controls these groups' strategy not their day-to-day tactical operations.

Four days later, Karzai rephrased again: 'We have not said we will not talk to them [the *Taleban*]. We've said we don't know who to talk to. We're not dealing with an identifiable individual as a representative of the *Taleban*, or a place that we can knock on and say, "Well, here we are. We want to talk to you." Until that place emerges - an address and a representative - we will not be able to talk to the *Taleban* because we don't know where to find them.' (Riechmann, 2011).

Muhammed Omar Daudzai, Afghanistan's ambassador to Pakistan and former head of the Karzai office, explained: 'We want to go through Pakistan for any dialogue with the *Taliban*.' (Partlow and Brulliard, 2011). Deputy NSC head Shaida Muhammad Abdali added that '[f]rom now on to us, the *main* party for peace in Afghanistan is Pakistan, not the *Taleban*' [my italics]. (Nissenbaum and Abi-Habib, 2011).

Another factor is that Karzai's first reaction on the murder of Rabbani had to address those in Afghanistan who had strictly opposed any talks with the *Taleban* as a sell-out. Many of those belong to the political camp that was led by Rabbani: the former Northern Alliance *mujahedin*.

Spanta's above-mentioned statement, however, is a clear case of not only ambiguous messages but of diametrically opposed positions at the very top of the Kabul government. But Spanta did not change his position after Prof. Rabbani was killed. He had been known as one of the fiercest opponents of talks with the *Taleban* before.

This boils down to a position where talks with the Taleban are not completely off the table for the Kabul government. The break-off of the talks is only temporary. Kabul wants to talk to the *Taleban*, but through Pakistan, or with its help. And Karzai wants to wait for the recommendations of the Traditional *Loya Jirga* called to Kabul for 16 to 19 November 2011 (after this article went into print). But this will be a formality. The participants of this *jirga* are selected under strong governmental oversight (Ruttig, 2011) and will not go against the President's will.

### **No Address for the *Taleban*?**

One must also look at the rationale given by Karzai for the alleged break-off of talks with the *Taleban*. In his words, '[w]e cannot keep talking to suicide bombers, therefore we have stopped talking about talking to the *Taliban* until we have an address for the *Taliban* [author's italics]... until that day we have said we will be talking to our brothers in Pakistan to find a solution to the problem that we have'.

While it indeed makes sense to involve Pakistan, as the main backer of the *Taleban*, in such talks, such an approach also puts Pakistan in a very powerful position. It makes it the sole conduit for contacts with the *Taleban*, gives it control over such contacts and almost a position of a veto power. In the words of my AAN colleague Martine van Bijlert (2011): 'If Karzai means that he intends to end the haphazard attempts to establish personalized back-channels with random senior *Taleban* figures, then he is right. If he means to abandon the illusion that a power-sharing deal with a violent movement will bring peace, he is also right. [... But] the part about 'talking to Pakistan' [...] threatens to be operationalized in a similar superficial, ad hoc and one-sided way as the local so-called peace efforts were. It will, for one, be almost impossible to have meaningful talks based on the premises that the ISI is directly involved in support for the insurgency, as long as the Pakistani government denies any involvement'.

In contrast, Karzai's words that there is 'no address' for the *Taleban* are pure rhetoric. The ISI knows exactly where to find the members of the *Taleban* leadership, the so-called '*Quetta shura*' (in fact, *Rahbari Shura*, Leadership Council). During the 'arrest' wave in early 2009, after the capture of then Mullah Omar-deputy Mullah Baradar, the ISI had no difficulty in rounding up a large number of *Taleban* leaders within a few weeks to swear them in on its line: 'talks only through us'. It is also well known - and has been described repeatedly - how closely *Taleban* commanders are led by ISI minders who, amongst other things, decide whether interlocutors have access to them and in what timeframe. It is known, with *Taleban* commanders as well as the source that ISI people (not necessarily Pakistani citizen, but also Pakistani) sit in *Taleban shuras*. *Taleban* - as members of other Jihadi outfits - move openly in Quetta and elsewhere. It is known that the insurgents have access to

special vehicles or permits that allow them to pass checkpoints and that the Frontier Corps does not prevent them from crossing the Pakistani-Afghan border.<sup>1</sup> The *New York Times* wrote recently, with reference to 'military and political analysts who follow militant activity in Pakistan' that the *Haqqani* family 'maintains several town houses, including in Islamabad and elsewhere, and they have been known to visit military facilities in Rawalpindi, attend tribal gatherings and even travel abroad on pilgrimage' (Shah and Gall, 2011). Ergo, the problem with talking to the *Taleban* is not so much an issue of not knowing where to find them but of access to them which is controlled, restricted and instrumentalised by Pakistan. It is a matter of political will, on Pakistan's part, to allow talks to happen.

One plan to get out of this dilemma was to establish a *Taleban* office abroad. Turkey was one the countries that had been mentioned in this respect. Later, the discussion moved to Qatar. But of late, this discussion seems to have stopped, at least publicly, and no mention of it was made of it in Istanbul. If such an office is to work efficiently, one has to move not only the perspective *Taleban* interlocutors out of Pakistan's control, but also their families. Up to now, most leading *Taleban* have their families living in Pakistan where they are de facto hostages for the 'good behaviour' of those leaders.

### How Effective was the HPC?

If one claims that the murder of Rabbani was a strong – or even the final – blow to any process of talks with the *Taleban*, it has to be analysed how effective the HPC led by him has been so far. Here, the verdict is negative. Despite claims to the opposite by some HPC members, among them late Ustad Rabbani himself, there is no proof that it has been able to open a single meaningful channel to the insurgents. Tragically, the killing of Rabbani itself corroborates this: it was carried out by an individual about which the HPC hoped to open a genuine channel to the Quetta *Shura* and who was insufficiently screened.<sup>2</sup>

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1 For example see Qaiser Butt (2011). 'Kharotabad: A Taliban safe haven'. *Express Tribune*, 17 October. <http://tribune.com.pk/story/275651/kharotabad-a-taliban-safe-haven/>; Matt Waldman (2010). *Dangerous Liaisons with the Afghan Taliban: The Feasibility and Risks of Negotiations*. USIP Special Report 256. <http://www.usip.org/files/resources/SR%20256%20-%20Dangerous%20Liaisons%20with%20the%20Afghan%20Taliban.pdf>; David Rohde (2009). 'Inside the Islamic Emirate'. *New York Times*, 19 October. <http://www.nytimes.com/2009/10/19/world/asia/19hostage.html?fta=y>; Ron Moreau e Mark Hosenball (2008). 'Pakistan's Dangerous Double Game'. *Newsweek*, 22 September. <http://www.thedailybeast.com/newsweek/2008/09/12/pakistan-s-dangerous-double-game.html>; Ilyas Khan (2002). 'Pakistan's Afghan policy in post-Taliban period'. Paper presented at the seminar 'Future Trends of Afghanistan' organised by the China Institute of Contemporary International Relations (CICIR), Beijing, November, manuscript with the author.

2 More details in Kate Clark (2011). 'Death of Rabbani (5): Where is the evidence?'. *Afghanistan Analysts Network blog*, 13 October. <http://www.aan-afghanistan.org/index.asp?id=2158>.

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This author has already commented earlier that the HPC members list, for '[I]arge parts of civil society, as well as many of the "Afghans in the street" will [be] good reason to be cynical; a list like this signals that "reconciliation" may well end up simply adding the warlords that were excluded from Bonn to those already allowed in in 2001.' We had criticised that this 'is not a list of people that have been chosen for their contacts or mediation skills'. Our hope that the HPC might be combined with 'a more genuine contact group, consisting of second and third tier politicians and leaders, with good reputations, proven negotiation skills and not too close to the government' did not materialise. The establishment of the HPC remained purely symbolic, 'a reconfirmation of where the armed – and increasingly economic – power lies' in short: an instrument for keeping the status quo, not for change (van Bijlert and Ruttig, 2011). 'The HPC always seemed an unlikely vehicle for pursuing peace, not least in the choice of its chairman. [...] The HPC had not played a role in the most important breakthrough so far, the direct contacts between American negotiators and a Mullah Omar confidante, Tayyab Agha', writes Julian Borger (2011) in the *Guardian*.

Initiatives emanating from President Karzai's immediate realm were not more successful. Former UN and EU envoy Francesc Vendrell assessed that 'President Karzai has established no proper channel to talk to the Taleban. There are multiple channels. And it has not been done in a very professional way. [...] In a properly conducted negotiation, these would have happened in a third country. And the President would have appointed a particular [single] person who would have some credibility and some support in Afghan society to conduct these talks and preferably that would have been an intermediary.' (Clark, 2011).

Much of the effort also seems to have concentrated on *Hezb-e Islami*, the other important countrywide insurgent organisation, not least because access to them is easier. Many of Karzai's most trusted colleagues have been members of this party at some point.<sup>3</sup>

In general, there was not much of a 'peace process' going on that needed to be stopped.

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3 The latest official contact seems to have happened in April 2010, after which Hezb released a statement that practically called this initiative failed. Sporadic contacts between Hezb and Kabul, however, continued. In a last sign of that, a Hezb spokesman even did not fully rule out a participation in the November *jirga*. 'Rebel group says will never accept Afghan government's peace talks conditions', *Afghan Islamic Press*, Peshawar, 10 April 2010, quoted from *BBC Monitoring*; 'Hayat-e Hezb-e Islami dar Kabul', *Payam-e Mojahed*, Kabul, 17 September. 'Afghan rebel party's leader opposes Traditional Loya Jirga'. *Afghan Islamic Press*. Peshawar, 10 April 2010, quoted from *BBC Monitoring*.

### Before the Rabbani Killing: First Channels Opened

After years of sensationalist talks about talks, contacts with the *Taleban* and its sub-networks just had started to take off into the right direction before Rabbani's assassination. The first meaningful have been opened by non-Afghans. Germany, with the help of Qatar, had opened a channel to the Quetta *Shura* and then facilitated contacts direct US-*Taleban* contacts. The US itself has, according to Secretary of State Hillary Clinton, held at least one direct meeting with a leading member of the *Haqqani* family, Ibrahim Omari.<sup>4</sup> But she indicated that these contacts have been stopped the latest high-profile commando-style operations in and around Kabul which have been attributed to this group.<sup>5</sup>

Ahmad Rashid (2011) described three 'face-to-face meeting[s] between *Taleban* leaders and U.S. government officials' between 28 November 2010 and 7-8 May 2011, two in Germany and one in Qatar. Those talks, he writes, were preceded by nine meetings between German interlocutors and the *Taleban*, beginning in September 2009 in Dubai, which were started 'at the request of the *Taleban*'. According to Rashid's rendering, which seems to be based on detailed briefings from participants, 'all the same participants have taken part in the three rounds which have largely involved trying to develop confidence-building measures between the *Taleban* and the Americans, such as lifting sanctions from the *Taleban*, the freeing of *Taleban* prisoners and the opening of a *Taleban* representative office'. This looks like a serious attempt at least to fathom the main adversary's position.

Then, in the second half of May, the fact that such contacts are ongoing and the name of the *Taleban* mediator were provided to western media. On 17 May, the *Washington Post* wrote that 'the Obama administration is "getting more sure" that the contacts currently underway are with those who have a direct line to Omar and influence in the Pakistan-based Quetta *Shura*' and that the *Taleban* have 'transmitted [their] own list of demands', including the release of members detained in Guantanamo, the withdrawal of all foreign troops from Afghanistan, a comprehensive guarantee of a substantive *Taleban* role in a future Afghan government and the

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4 More often he is called Ibrahim Haqqani, but this is more to show that he is related to the network.

5 On 28 June against Hotel Intercontinental, the massive truck bomb on 10 September against a US base in Wardak province and on 13 September the attack against the US Embassy and ISAF headquarters. See: 'Clinton warns Taliban of "continuing assault"'. *BBC*, 20 October 2011, <http://www.bbc.co.uk/news/world-south-asia-15379332>; 'Hillary Clinton: US held meeting with Haqqani network', *BBC*, 21 October 2011, <http://www.bbc.co.uk/news/world-south-asia-15399820>.



opening of a formal office to facilitate contacts, preferably in Qatar. On 24 May, the German magazine *Der Spiegel* reported that Tayyeb Agha was the Taleban interlocutor (Koelbl and Stark, 2011).

Strikingly, the leak about Tayyeb Agha came from Afghan sources close to the presidential palace. Already on 20 March, Kabul-based daily newspaper *Weesa* that is close to Karzai's chef-de-cabinet Abdulkarim Khorram wrote that '[a] reliable source' has told it 'that America and the *Taleban* have recently held secret talks twice. The *Taleban* took part in these talks in Qatar and Germany under the leadership of Taib [sic] Agha, Mullah Omar's spokesman [sic]. The delegations of the *Taleban* and the US held talks for the first time in Spin Boldak six months ago. [...] The permanent American military bases are a key point in these talks. According to reliable sources, the *Taleban* have not yet accepted them.' (s.a., 2011c).<sup>6</sup>

The good news in those revelations was that Tayyeb Agha's name indicated that indeed a direct channel to the Quetta *Shura* had been found. Tayyeb Agha is a very close confidant of Mullah Omar, and has been so during the Taleban regime when he was Mullah Omar's 'head of office' in Kandahar. For a while, in 1999/2000, he also had worked at the *Taleban* embassy in Islamabad which might have acquainted him not only with the ISI but also with Western diplomats. He was mentioned amongst those Taleban who had been arrested by the ISI in the follow-up to the Mullah Baradar affair in 2009.<sup>7</sup> The bad news is that as a result of those revelations, the channel was disrupted and the interlocutor went into hiding. This is, at least, what involved governments claim. Media reported that Tayyeb Agha 'is hiding in Europe, and is afraid to return to Pakistan because of fears of reprisals. The United States has had no direct contact with him for months' (Gearan and Gannon, 2011). But in the meantime, Ahmad Rashid has been quoted as saying that 'his sources insist the contacts between Washington and the *Taliban* are continuing' (Borger, 2011a). Indeed, there had been no reports, or even rumours, that Tayyeb Agha had been harmed. One can only hope that these contacts are better protected now.

It has to be underlined, however, that the initial contacts were preliminary and exploratory. This has been confirmed by US sources.<sup>8</sup> It also has transpired that there were grave cultural misunderstandings between both sides: Reportedly, Washington proposed that the *Taleban* release a US soldier, Bowe Bergdahl, captured

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6 See also Thomas Ruttig (2011). 'Direct US-Taleban talks and the Bonn 2 conference'. *Afghanistan Analysts Network blog*, 18 May. <http://www.aan-afghanistan.org/index.asp?id=1726>.

7 More details in Thomas Ruttig (2010). 'The Taliban Arrest Wave in Pakistan: Reasserting Strategic Depth?'. *CTC Sentinel*, March, vol. 3 issue 3.

8 See for example Gearan and Gannon (2011).

in Paktika on 30 June 2009 by the *Haqqani* network, as a sign that they are serious, exert control over the whole movement and are able to 'deliver' on the outcome of any later negotiations.<sup>9</sup> Also reportedly, the *Taleban* were surprised that the US would raise what they see as a 'side issue' and did not want to talk about serious matters like a withdrawal plan.

Apart from Tayyeb Agha, there probably are also other channels to the *Taleban*. The *Washington Post* article quoted above mentions, 'several tracks, including through nongovernmental intermediaries'. Pakistani analyst and author Imtiaz Gul told *AFP* in last late-spring that the US special representative for Afghanistan and Pakistan, Marc Grossman, "Grossman told me the US is looking for people who can prove demonstrable access to Mullah Omar," [...]. A US official told me: "We don't want to remove him. We are very interested in talking to him." (AFP, 2011). A NDS spokesman in Kabul disclosed on 12 July that 'Taleban leaders Anwar-ul-Haq Mujahid and Mawlawi Qudratullah Jamal who is now [the] Taleban's ambassador are also in Pakistan and freely travel to [the] UAE and several other countries to participate in meetings on behalf of the Taleban' (s.a., 2011b). Since Mujahid was amongst those leaders rounded up in Pakistan after Mulla Beradar's arrest, this channel - if genuine - is one in which Pakistan is involved. Also, a former mujahedin leader, Ahmad Shah Ahmadzai, claimed in a media interview that he had brokered a meeting between a senior Taliban leader and Brigadier General Edward M. Reeder, then commander of the Combined Special Forces Special Operations Army Component Command in Kabul, already in summer 2009. During that meeting the *Taleban* had said that they were ready to enter into talks with the US as soon as they expressed their readiness to withdraw from the country. In exchange, they are said to have agreed to the US demand to sever their ties to *al-Qaeda*, while they rejected a US access to military bases in Afghanistan (Porter, 2011).

Soon after Tayyeb Agha was de-covered, another act of the drama unfolded, this time in form of a farce. President Karzai, in a speech before delegates of a National Youth Conference on 18 June in Kabul, also 'revealed' that 'peace talks are going on with the *Taleban*, accusing 'the foreign military and especially the United States itself' of going it alone and hinting that he has not been involved in

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<sup>9</sup> The *Taleban* have confirmed publicly that the prisoner question has been an issue in the meetings but not specified whether it was the US prisoner or the *Taleban* prisoners in Guantanamo and elsewhere or both. In his August 8<sup>th</sup> message, Mullah Omar said that 'the contacts which have been made with some parties for the release of prisoners can't be called a comprehensive negotiation'. (Trofimov and Abi-Habib, 2011). It is known that the *Taleban* are interested to get some of their leaders released. This was supported by the HPC. In June, however, a court in Washington DC denied *habeas corpus* for one of them, Khairullah Khairkhwa. See Joscelyn (2011).

or informed about these contacts. This claim, however, is contradicted with the source of the initial *Weesa* report that had emanated from Karzai's own palace. Later, also Rashid reports that 'Mr. Karzai has been fully briefed after each round and has unstintingly supported the Taleban's desire to hold separate talks with the Americans' (Rashid, 2011).

It is also still a question whether President Karzai is really interest in negotiations leading to a power-sharing that will diminish his power at least partially, or whether his 'talks about talks' are just a game of procrastination and keeping US support at his side. There are many in his entourage and his family who are interested in maintaining privileged access to external resources as long as they are flowing - and some will continue to flow also after 2014. This lobby makes the optimal profit when the status quo is kept: a not-too-intensive war without complete state breakdown, *i.e.* loss of power. Talks (about talks) as a delaying tactics would not be a new phenomenon in world history.

### **Do Rabbani's Killer Represent the Taleban?**

To deduct from Rabbani's killing that it reflected the *Taleban's* movement's unwillingness to talk is an over-simplification at best.

First, it is still not clear who committed the crime. The *Taleban* awkwardly neither have claimed nor denied responsibility for it. An early statement said that an investigation was still going on - but there is silence since. No results have been announced yet. In the mentioned statement, the *Taleban* said: 'Our position on this issue is that we can't talk about it and all the media reports that claim responsibility are groundless.' (Boone, 2011). Serajuddin Haqqani, the operational leader of the *Haqqani* network, a semi-autonomous network within the *Taleban* movement but much closer linked to (and influenced by) the ISI than the mainstream 'Quetta *Shura Taleban*'<sup>10</sup> even said that '[w]e haven't killed Burhanuddin Rabbani' (s.a., 2011d).

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10 Many authors and commentators treat the *Haqqani* network as a separate organisation from the *Taleban* (and use a capital 'n' in 'Network'). The leaders of the *Haqqani* network, however, accept *Taleban* leader Mullah Muhammad Omar as their supreme leader. At the same time, they are largely autonomous from the *Taleban* leadership on the tactical level - but this is not different from other *Taleban* networks. More importantly, they are closer linked to the ISI and Arab *jihadists* than the Kandahari mainstream *Taleban* - and easier to manipulate. For further information see Thomas Ruttig (2009). 'Loya Paktia's Insurgency: The Haqqani Network as an Autonomous Entity in the Taliban Universe' in Antonio Giustozzi (ed), *Decoding the New Taliban: Insights from the Afghan Field*, New York, Columbia University Press. Don Rassler and Wahid Brown (2011). *The Haqqani Nexus and the Evolution of al-Qa'ida*, The Combating Terrorism Center,

Looking at the thin evidence, a Kabul-based analyst of my organisation concludes that '[n]othing, apart from the assumption that the plot appears to have been hatched in Quetta on Pakistani soil, would appear to justify pointing the finger of blame at the *Taleban* leadership or the ISI'. She also adds that 'there is no evidence, either, that they are innocent' (Clark, 2011). The finger-pointing by the Afghan intelligence – still controlled by people who fought against the *Taleban* to a large extent – at Pakistan seems to be at least partially politically motivated.

Secondly, it is the experience from other peace processes that progress almost necessarily brings spoilers out of the woodwork. It is possible that the assassination was a 'rogue operation' from within the *Taleban* movement, with backing from (some in) the ISI and possibly with cooperation of non-Afghan *jihadist* groups. One way to explain the highly unusual *Taleban* silence about the Rabbani killing is that the movement's leaders assumed (or know) about an ISI connection; it has always carefully avoided everything in their actions and rhetoric that would be seen as an attack on Pakistan. But maybe, Rabbani was not even the intended target of this suicide attack but a target of opportunity. Which low-ranking 'envoy' could have expected to be seen by the HPC head?

The conclusion that the killing of Rabbani reflects the *Taleban* movement's general adversity to any talks also contradicts a major argument of those who believe that talks are useless, exactly because, as they believe, the *Taleban* do not speak with one voice.<sup>11</sup> If this is true, there is still the possibility that a significantly large and influential group in the *Taleban* movement still is interested in talks.<sup>12</sup>

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West Point, 14 July. [http://www.ctc.usma.edu/wp-content/uploads/2011/07/CTC-Haqqani-Report\\_Rassler-Brown-Final\\_Web.pdf](http://www.ctc.usma.edu/wp-content/uploads/2011/07/CTC-Haqqani-Report_Rassler-Brown-Final_Web.pdf). At the same time, US officials see that close ISI-*Haqqani* link and started to be open about it. Recent reports about this include Karen DeYoung (2011). 'U.S. goes after Haqqani network', *Washington Post*, 15 October. [http://www.washingtonpost.com/world/national-security/us-goes-after-haqqani-network/2011/10/14/gIQAj2i6kL\\_story.html](http://www.washingtonpost.com/world/national-security/us-goes-after-haqqani-network/2011/10/14/gIQAj2i6kL_story.html). See also outgoing chairman of the U.S. Joint Chiefs of Staff, Admiral Michael Mullen's statement at his last U.S. Senate hearing on 22 September: 'The Haqqani network, for one, acts as a veritable arm of Pakistan's internal services intelligence agency.' CNN (2011). 'Mullen keeps focus on Pakistan government link to Haqqani network'. 25 September. <http://edition.cnn.com/2011/09/28/us/mullen-pakistan/index.html>.

11 See for example Omar Daudzai (Afghan Ambassador to Pakistan) (2011). '[I]t's not a clear structure' in 'Afghan Envoy: Taliban Leaders Still a Mystery', *NPR*, 7 September. <http://www.npr.org/2011/09/07/140229843/afghan-negotiator-taliban-leaders-still-a-mystery>. Another former Afghan ambassador talks of 'the Taliban conglomerate' and 'the fragmented nature of the insurgency', Omar Samad (2011). 'The new Mullah Omar?'. *The AfPak Channel*, 7 September. [http://afpak.foreignpolicy.com/posts/2011/09/07/the\\_new\\_mullah\\_omar](http://afpak.foreignpolicy.com/posts/2011/09/07/the_new_mullah_omar).

12 This is even the case – but makes action more urgent – when, as some observers assert of late, there is a growing differentiation between a pro-talks and a 'militarist wing' of the *Taleban*.

The Afghan government apparently shares the latter position. Foreign Minister Zalmay Rassul stated after the Istanbul conference that '[w]e know that there are people among the *Taliban* and others that are willing to have peace under the conditions that we have proposed' (Jones, 2011). A member of the HPC underlined, in a meeting on 25 September, referring to 'direct contacts', that the *Taleban* leadership 'still wants peace', and in order to achieve this it is necessary to 'work honestly and consider the *Taleban* citizens of this country'.

In short, Rabbani's killing only shows that the spoilers 'on the other side' – amongst the *Taleban* and/or the ISI – are strong and influential, and that those who had earlier signalled a willingness to talk, and might still want to talk, are possibly in the defensive. Rabbani's killing does not mean that the whole *Taleban* movement is unwilling to talk peace. In this light, the Rabbani killing looks like a master shot of sabotage because, among other things, it opened a way to instrumentalise the killing for political purposes by those who reject talks on the Kabul side.

One step into a more sober assessment would be to drop the rather superficial terms of 'Quetta *Shura*' versus '*Haqqani*' *Taleban* in favour of a more useful one, 'ISI-steered *Taleban*'<sup>13</sup> versus independent-minded ones – and no protest from Islamabad should prevent us from doing so – and investigate which groups in the *Taleban* movement, including the *Haqqani* network, exactly are ISI-steered. We will possibly find out that these are only elements of both, and that not all *Taleban* are ISI puppets. It needs to be remembered that particularly many in the Quetta *Shura* have a history of dislike of being manipulated by the Pakistani military and the ISI, which is a part of it, when in power. The Waldman Report already quoted above has recently shown that this sentiment has not disappeared after their regime's ouster in 2001.

What also has kept those *Taleban* under Pakistan's influence is the insistence to describe the whole movement as alien to Afghan society by many of their former Afghan enemies and to simplistically label them as *al-Qaeda*-driven 'terrorists' in the West. The latter has been refuted by well-informed observers (van Linschoten and Kuehn, 2011). In a 2009 interview, they have clearly stated that the *Taleban* are 'one thing and *al-Qaeda* is another. They are global... we are just in the region' (CNN, 2009). Jason Burke (2008) confirms that '[t]here are no Afghans in *al-Qaeda*'s hierarchy and no Arabs in the *Taliban* command structure'. At the

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13 Reports about directly ISI-steered *Taleban* groups, independently operating from local *Taleban* groups, have been frequently received by the author since 2003, with examples in the three south-eastern provinces (Loya Paktia) and Uruzgan.

same time, it had been shown time and again that the *Haqqani* network is the *Taleban* component most closely linked with the ISI as well as with Arab *Jihadist* sources (Ruttig, 2011).<sup>14</sup>

### What do the *Taleban* Want?

The exploratory talks held by the US, Germany and Qatar were also to explore what the exact political positions and demands of *Taleban* were. The lack of knowledge on this issue, and the *Taleban's* failure to communicate their political aims beyond a handful of one-liners known for years, is still one of the major hurdles for meaningful talks.

Many have argued that the *Taleban* plan to wait till the western troop withdrawal is complete around 2014 and then try to overthrow the Kabul government and re-establish its pre-9/11 Islamic Emirate, the title they still use in their official statements, on their website and all other communication.<sup>15</sup> In his 28 August Islamic holiday message, Mullah Omar again summarised them in four words: 'an independent Islamic regime', independence being achieved through the complete withdrawal of foreign troops. But he also explained that 'contrary to the propaganda launched by [our] enemies, the policy of the Islamic Emirate is not aimed at monopolizing power', that 'all ethnicities will have participation in the regime and portfolios will be dispensed on the basis of merit.' (Trofimov and Abi-Habib, 2011; Siddique, 2011).

This use of the IEA title itself is a strong symbol that the *Taleban* still see themselves as the legitimate government of Afghanistan, illegally toppled from power by a foreign invasion. The diplomatic tone used in some *Taleban* statements over the past years indicates that it wants to be recognised as an official party to the Afghan conflict.<sup>16</sup> On 7 October 2009, Mullah Omar officially stated that the *Taleban* 'did not have any agenda to harm other countries, including Europe, nor do we have such agenda today' (Islamic Emirate of Afghanistan, 2009). In January 2010,

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14 There were even (uncorroborated) reports about an unsuccessful attempt to kill Mullah Omar in the second half of May this year. Around the same time, the Afghan intelligence service declared Mullah Omar 'disappeared'. See CNN (2011).

15 The original title, Islamic Movement of the *Taleban*, has been disappeared from official use.

16 See their 2009 'Open Letter of the Islamic Emirate of Afghanistan to Shanghai Summit,' 14 October. [http://www.revolutionmuslim.com/index.php?option=com\\_content&view=article&id=306:open-letter-of-the-islamic-emirate-of-afghanistan-to-shanghai-summit &catid=11:revolutionary-media&Itemid=15](http://www.revolutionmuslim.com/index.php?option=com_content&view=article&id=306:open-letter-of-the-islamic-emirate-of-afghanistan-to-shanghai-summit &catid=11:revolutionary-media&Itemid=15).

the *Taleban* Leadership Council stated that '[t]he Islamic Emirate want[s] to have good and positive relations with the neighbouring countries in an atmosphere of mutual respect and take far-reaching steps for bilateral cooperation, economic development and prosperous future.' (Islamic Emirate of Afghanistan, 2010).

What has almost been forgotten under the impression of the current military escalation, to which both sides contribute, are the signals from within the movement in 2007 and 2008 – before the US troop surge commenced in early 2009 – to the effect that high-ranking *Taleban* commanders understood that a military victory is impossible (particularly as long as US troops are in the country) and/or too costly in the sense of spilled Afghan blood. The realisation that they can't win against the US troops – who might stay on in Afghanistan beyond 2014, on the bases Washington wants to acquire – will still exist at least in the minds of some *Taleban* leaders. Although this is not something which can be expected from them to be stated officially, it needs to be linked to.

Despite the statement quoted, it is not clear whether the *Taleban* are ready to accept a pluralistic Afghanistan in which other political groups (including secular ones) can play a role. The same goes for women's rights and individual rights in general, among them equal access to education and health. There have been shifts in their positions on the latter issues<sup>17</sup>, but it is not clear whether these are merely tactical and local. They show, at the same time, that *Taleban* both react to international criticism and pressure by local populations. If the annual immunisation campaigns and the Peace Days organised by UN organisations, linked to unofficial temporary ceasefires, can be used as a yardstick, the *Taleban* have shown that there is a relative high degree of compliance on their side.

Of course, it would be desirable to learn about the *Taleban's* answers to these questions publicly. But it cannot be seriously expected from that them that they tell us everything we want to hear publicly before serious talks commence, while the US's kill-and-capture campaign is ongoing and a general mutual mistrust prevails. This remains to be the aim of future exploratory talks. One thing the international community can do about it, is to strengthen the 'talkers' in the *Taleban* ranks, first simply because continuing to be in contact indirectly strengthens their weight inside the movement – as the British government did in their early contacts with the IRA and *Sinn Féin*.

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17 See for example Antonio Giustozzi and Christoph Reuter (2011). *The Insurgents of the Afghan North: The rise of the Taleban, the self-abandonment of the Afghan government and the effects of ISAF's 'capture-and-kill campaign'*. Afghanistan Analysts Network, Thematic Report 04/2011, pp. 2-3. <http://www.aan-afghanistan.org/index.asp?id=1679>.

### Interim Conclusions

Up to now, there has been no 'peace process' in Afghanistan. There were years of 'talks about talks', and finally, in 2011, some preliminary contacts. In most of them, neither the Afghan government nor the HPC played a significant role. The contacts were organised by countries with troops in Afghanistan. The killing of Rabbani has played into the hands of those who do not want talks: the hardliners among the *Taleban* who believe that they can outwait the withdrawing Western troops, those in the US who still believe in a military solution (and believe in their own propaganda about a decisively 'weakened insurgency'), those on the Kabul side who do not want a power-sharing with the *Taleban* because they would lose and those elements in Pakistan's establishment who want to control Afghanistan, even at the cost of continued civil war. These are strong lobbies, and their often mono-dimensional and self-serving argumentations go down well even in the western media who already are turning away their attention from Afghanistan.

The military-centred strategy applied so far has not worked. It is both leading into the wrong direction and deepening causes of the crisis instead of alleviating it. Whether or not there has been a substantial degrading of the *Taleban*, by killing their 'leaders and facilitators', and whether or not there have been less attacks this summer – the *Taleban* still are there and control, directly or indirectly, large swathes of Afghanistan's territory and much of the Afghans' mindscape. Their influence has rather continuously grown since late 2001. This makes them the potential winners of this now ending round of the conflict.

Those who want to prevent them from completely taking over need to find a way to integrate them into a genuine political process of give-and-take which leads to a pluralistic Afghanistan. A political solution is necessary not just because a military 'solution' has failed but because a continuation of the current course will cost the lives of many more Afghans, of foreign military personnel and civilians, limit Afghans' space to live and block their ability to participate in their country's affairs, with the effect that there is no space to develop pressure to improve their own government's performance. A limited political space and a government that remains unreformed helps the *Taleban*.

The *Taleban* are not so heterogeneous that talks cannot bring a meaningful result. The 'Quetta *Shura Taleban*' is still their strongest group. The hawks amongst the *Taleban* (including amongst the *Haqqanis*) are just the loudest faction, and the sound of the explosions they cause should not be allowed to drown other voices. It is useful to engage them.



Pakistan's support for the *Taleban* is vital, but only half of the story. The second part of the story is internal Afghan, and equally important as a source of the *Taleban*'s strength: what is described as 'grievances and frustrations'. The list is long, and much harder than the term suggests, from endemic corruption to predatory behaviour that have become systemic in the government.

Any political settlement needs to be comprehensive, and it will not be viable unless it is not supported by a majority of Afghans across the political and social board. And it needs to be inclusive. This will only be the case when Afghans, at least, start seeing in it the chance again that major causes of Afghanistan's conflicts - from growing social inequality and poverty (which, among other things, blocks a genuine re-integration of fighters) to predatory government behaviour and impunity are addressed. This is a programme beyond 2014, and needs more than lip-service.

At the same time, it has to be made clear that negotiations do not mean capitulation. But this exactly is a widespread fear amongst Afghans - 'ordinary' ones, in civil society and political circles - who have sufficient reason not to trust their own government and also its international allies who already have set a date for leave without sufficiently making sure that what they leave behind (which they have 'shaped' more than Afghans did) does really work. Western governments need to be reminded of the political responsibility they took upon themselves in late 2001, and which cannot be shed just because one set of strategies have not worked and the other option seems to be really complicated.

A genuine peace process has yet to start even if there is no guarantee that it will end in success. While the atmosphere for negotiations has deteriorated and the polarisation between proponents and adversaries of talks with the insurgents has sharpened, the general constellation has not changed. To put it simply: Peace is still the priority of Afghans, although many would add not at any price.

The time to achieve this is short, and the clock is ticking away. But there are still three years that need to be used to find a viable solution that is palatable for all Afghan sides involved. No negotiations, definitely cannot solve Afghanistan's problems (Tellis, 2011).

### **The Crucial Element: What Does the US Want?**

The biggest question of all is not whether the *Taleban* are up for a political solution, but whether the US are.

The current radicalisation within the *Taleban* movement is a - hopefully unintended - fallout of the US military surge and the massively increased kill-and-capture operations. The latter has been replicated by the *Taleban*'s assassination campaign

against Afghan government officials and sympathisers.<sup>18</sup> Now, US Secretary of State Hillary Clinton has made it clear that talks are not completely off the table. '[M]ilitants could be part of a peaceful future for Afghanistan or "face continuing assault"', she was quoted. The new catch phrase is 'fight, talk, and build' (Levine, 2011), this means that there can be fighting and talks at the same time. But the military option might already be exhausted, between the contradictory contexts of a not sufficiently weakened insurgency and the growing discontents of broad sections of the Afghan population with the international military operation in general.

Furthermore, Washington still does not talk with one voice when it comes to Afghanistan. The new US ambassador to Kabul Ryan Crocker even contradicts Clinton when arguing that '[t]he *Taliban* needs to feel more pain *before* you get to a real readiness to reconcile them' [my italics]. For some European and US diplomats, Ahmed Rashid writes further, this reflects a 'new cabal in the US administration who want to delay talks with the *Taleban*'. Rashid himself criticises that Obama and Clinton 'appear to be doing nothing to discipline their officials' and warns that this is 'exactly what the *Taleban* irreconcilables want to hear, because they sabotage negotiations that representatives of the mainstream *Taleban* faction may be having with Kabul and Washington' (Rashid, 2011a).

The Crocker line is supported by influential voices in US think tanks, like Carnegie's Ashley J. Tellis who, in his recent Senate testimony, argued that it is 'not clear whether the Quetta *shura* has any genuine interest in reconciliation with the [Karzai government] on the terms laid out by the United States' because of the 2014 withdrawal date. He suggests that the 'acceptance of these terms would be tantamount to accepting defeat' on the *Taleban's* part and that, first of all, the strategic partnership currently negotiated between the US and Kabul 'would be much harder for the movement to accept' than even the current constitution.

There are a few crucial points in this statement. First, Tellis and the whole government in Washington are apparently unclear whether the US intends to stay (on the bases) or to withdraw. Secondly, the fact that terms for an Afghan solutions are 'laid out by the US', solely from what they define as their security interests. It is possibly hard to swallow for the most powerful country in the world that there is

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18 More information about its implications under International Humanitarian Law in Kate Clark (2011). *The Layha: Calling the Taleban to Account*. Afghanistan Analysts Network, Thematic Report 6/2011, <http://www.aan-afghanistan.org/index.asp?id=1894>. It also needs to be underlined that not all high-profile assassinations are *Taleban* operations. The murder of the President's half-brother Ahmad Wali Karzai, for example, has been proved as the deed of an individual unrelated to the insurgency.

the option (in particular after all the mistakes committed and the quagmire created) that this should be left to the Afghans and, for once, Afghan security interests be allowed to take priority after more than three decades of war. Maybe, it would serve US interests much more, in the end, to stop prescribing solutions and to help setting a just framework in which Afghans – across the board – can sort these things out themselves.

The current US position on the *Taleban* boils down to insisting that they break with *al-Qaida* and accept US bases. The red lines for negotiations have already been re-interpreted as the desired end state of negotiations by Secretary Clinton's February 18<sup>th</sup> Asia Society speech.<sup>19</sup> This means that constitutional rights and freedoms are put at disposal and that, assumed there is no military victory over the *Taleban*, the US is ready to accept a political deal in which one armed faction remaining outside government (the *Taleban*) is added to the existing regime, while the existing regime needs to be changed (*i.e.* reformed) in order to be able to tackle the causes of conflict in Afghanistan, of which the *Taleban*-led insurgency is only one, and a relatively late addition.

This recipe, together with the bases, is a recipe for the continuation of the current war, and the US – withdrawn or not – would be held responsible for the continuation of bloodshed. And it will never be acceptable to large portions of the Afghan population, from civil society to parts of the former *mujahedin*. Their position needs to be figured into any solution and not dismissed as of politically marginal groups – as it is often done, not publicly though, in western capitals.

The other option is reconciliation, of which negotiations with the *Taleban* is only one aspect. This requires shedding the military 'solution', which should not be difficult when looking at the sacrifices this would demand from their own forces and Afghans.

The logical sequence to implement this shift of paradigms would be: decide to stay, prevent the *Taleban* from pushing over the Karzai government but offer them a ceasefire and talks at the same time; help (or push) the Kabul government to bring their own people on board a solution, create a mechanism for finding a genuine national consensus about the 'whether' and 'how' of talks and about what else needs to be done to turn Afghanistan around from the abyss of a new and even harder post-2014 civil war; make sure that Karzai respects the constitution in 2014 (*i.e.* no third term), ensure that Afghan people have a real choice then, not just face a handpicked successor, as already announced; start reforming and making the

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<sup>19</sup> Find the full text here: <http://asiasociety.org/policy/strategic-challenges/us-asia/clinton-taliban-dump-al-qaida-or-face-consequences>.

current government more inclusive (and strengthen it by that); help creating a political middle ground. At the same time, face your own mistakes. Stop fuelling corruption and impunity, for example. Do not take your hands off and shed responsibility.

### **What Needs to be Done: A Few Points**

The most important is that there is a shift of paradigm and a framework developed for the new approach, which prioritises Afghan's problems, and in which Afghans take decisions, are advised and protected by the international community.

One element of a way forward towards a negotiated settlement would be to reconstruct the Afghan HPC, in order to make it effective. Afghans with an expertise for peace and negotiations can be added to it, or even better, to an independent contact group that informs to the HPC. It does not matter whether there will be fewer or more members. What counts is that the body is perceived as neutral, not as pro-government or government-driven. This should be combined with, preferably internationally led, Track II channels and a regional dimension in order to secure guarantees for a negotiated settlement.

Try to 'liberate' the *Taleban* from Pakistan. Explore ways for local and broader ceasefires, for ways to include *Taleban* into local administrations (not handing over areas), without forcing them to surrender. This could create the chance that certain areas actually start being administered for the first time. It is possible that the need to find solutions for creating employment and income, access to water, education or health – often un-political day-to-day work – brings about common ground between adversaries. This also would be a more constructive integration than just throwing money after 'reconciled' insurgents and let them sit around idly – like examples from Badghis, Kandahar, etc. show.

Create 'no attack zones' in areas inside Afghanistan which are already controlled by the *Taleban* (along the Colombian model) where they can prepare for a political approach, in exchange for their eschewal of attack operations. Such areas already exist, for example in the belt reaching from eastern Farah through southern Ghor (Pasaband) to parts of Helmand, Uruzgan and Kandahar. This also is not a hand-over of areas (and of sovereignty) to them and does not compromise the 'territorial integrity' of Afghanistan. (The *Taleban* also are not interested in splitting Afghanistan because they consider themselves as an all-Afghan movement, not a *Pashtun* and not at all a separatist one.) This will require a stop of kill-and-capture operations, at least in those areas.

Encourage, not curb, NGO activities in contested areas. Don't force them to take sides. Fully respect international humanitarian law vis-à-vis such actors. Liberate government-funded NGOs and GOs from COIN constraints.

Create broader political space in the political system that is polarised between the GoA and *Taliban* externally and the Karzai government and the internal 'opposition' (internally). Support political parties, civil society groups, trade unions, defend independent media.

Work the regional circuit, as Turkey has just started to do. Work on alleviating bilateral problems; improved bilateral relations between Afghanistan's immediate and 'near' neighbours will have positive repercussions on Afghanistan itself

Create a Post-2014 Development Trust Fund for Afghanistan that is run jointly and transparent, by third-party (Afghan/international civil society) oversight.

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