

Why Was A Political Settlement Not Achieved in Afghanistan: A Bargaining Challenge Approach

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Introduction

The post-2001 war in Afghanistan was fought between the government of the Islamic Republic of Afghanistan, the Taliban, and NATO led by the US from 2001-2021. While the US-Taliban war ended through a negotiated settlement, the Republic of Afghanistan-Taliban war did not. The Republic-Taliban peace negotiations (September 2020-April 2021) which was the second phase of the Doha peace process ended with the fall of the Republic and the Taliban military victory. Using the bargaining challenge approach, this paper tries to answer the question of why the Republic-Taliban war did not last through a negotiated settlement. It argues that the bargaining problems between the Taliban and the government were exacting. First, it will examine the failure of a settlement between the Taliban and the government of Afghanistan based on the bargaining challenges. Then, it will analyze some of the key policy implications of the findings.

Bargaining Challenges and Failed Peace Talks

A settlement allows parties to find a negotiated agreement to resolve disputes over the power, resources, and nature of the state. The peace process in Afghanistan was imagined around one of the following types of settlement by each party of the conflict: power-sharing, formation of an interim government, and/or inclusion of the Taliban into an electoral process. The chances of resolving the Taliban conflict were doomed to failure as the necessary conditions for any of the three proposed formats of the settlement were not available.

Not every peace talk ends in a negotiated settlement. More importantly, not every peace agreement creates sustainable peace. The peace process fails if the necessary and sufficient conditions for an agreement are not available. The conflict resolution literature indicates that compared to interstate war, historically, civil wars have rarely ended with a negotiated political settlement. One of the key reasons that armed conflicts are less likely to end through a negotiated settlement is bargaining obstacles.

This essay analyzes at least four bargaining challenges as causes of the failure of Afghanistan peace talks: the cost of war, the indivisibility of stakes, ambitious leaders and lack of mediations, and finally credible issues and lack of guarantors.

Cost of War

The cost assumption would argue that the Taliban and the Republic would have agreed on a settlement if the cost of the war was so high for the parties. A predominant assumption suggests that the conflict reached a stalemate between 2011 to 2014 when the Taliban could not advance into the main cities and the government could not recapture the rural areas. This has been a misleading assessment.

Based on the Correlates of War, there are four costs in a war: stalemate, length of the war, magnitude (deaths per every thousand people), and intensity (deaths per month). Except for the military stalemate, the cost of the Afghanistan war in terms of intensity, magnitude, and duration had increased by the fall of the Republic on August 15, 2021. The 2021 Global Peace Index report indicated Afghanistan as the world's least peaceful country as it had "the highest total number of deaths due to internal conflict of any nation."¹

Technically, a military stalemate would be materialized when a lack of advancement in the battleground is coupled with a perception that the military balance will not change soon. The Taliban's calculation of the stalemate was shaped by two factors. First, the Taliban differentiated

¹ Institute for Economics & Peace. "Global Peace Index 2021: Measuring Peace in a Complex World." Accessed on June 20, 2021. <http://visionofhumanity.org/reports>

a military stalemate with the Afghanistan National Army (ANA) from a stalemate with the international troops. They did not consider ANA determinant in the stalemate.

Second, the Taliban's perception of military stalemate was also shaped by the reduction of international troops and the timeline of troop pullout since 2011. The Taliban assumed that with the withdrawal of the international troops, the military balance will change in their favor. Both these factors were evident in the scale of violence on the battlefield.

A study of the Long War Journal showed that since 2017, the Taliban had gradually expanded its area of control.² Though the Trump administration increased the level of troops in order to force the Taliban to an agreement with the US, the Taliban significantly increased the level of violence across the country by all measures as soon as they signed the agreement with the US in February 2020 to test the capacity of ANA. In April 2021, when the Biden administration announced the complete withdrawal by September 2021, the Taliban captured around 80 districts. By the time the US left Bagram Air Base, the Taliban had claimed control of 220 out of 398 districts.³ Hence, as winning militarily was more favorable for the Taliban, the conflict did not reach a "mutual hurting stalemate" between the government of Afghanistan and the Taliban.

Indivisibility

A peaceful settlement would be unlikely when the stakes are difficult to divide. Conversely, the chance of a negotiated settlement increases as the stakes are divisible. The stake between the Taliban and the Republic was as high as difficult to divide. The Taliban did not claim a share of national revenues or local autonomy which would have been easily addressed. Rather, it aimed to take over the central government to remodel it based on a fundamentalist and tribal set of values and structures as an Emirate. On the other side, the government assumed that the survival of the

² Roggio, Bill 2021. Mapping Taliban Control in Afghanistan, Long War Journal, <https://www.longwarjournal.org/mapping-taliban-control-in-afghanistan>

³ Bill Roggio, "Mapping Taliban Control in Afghanistan," *Long War Journal*, Accessed on August 30, 2021. www.longwarjournal.org/mapping-taliban-control-in-afghanistan.

Republic was at stake. Both sides saw an agreement as self-destructive. So, with the indivisible stake, the Afghanistan conflict was less likely to get into a successfully negotiated agreement.

Lack of concessions and the role of mediation

The third bargaining challenge to the peace negotiation was the lack of good communication and the existence of ambitious leaders in both the Taliban and the Republic which hindered compromise and concessions. This issue could have been addressed by a neutral and skilled mediator.

First, both the Taliban and the Republic envisioned two different end states that reaching a middle ground not only required compromising leaders but also skillful mediators to support the parties in their search for compromise. From the beginning, the Taliban outlined its stance in vague and uncompromising terms such as establishing an Islamic state in Afghanistan.

A common thread between Ashraf Ghani's two main peace proposals, the 2018 *Road Map for Achieving Peace* in November and the 2019 *Seven Point Peace Plan* was an effort to keep the status quo and the constitutional order. Presenting the third proposal, *Securing End State: A Three-Phase Peace Roadmap* in April 2021, four months before his unexpected escape, he rejected an interim government and explicitly invoked elections as sources of legitimacy, presidential authorities based on the constitution, and the fact that he will not resign.

Moreover, the bargaining position of both sides and their deliberate negligence of the urgency of a peace agreement was also shaped by their understand about the role of the US troops. The government favored a status quo and did agree for concessions, as it thought the US military will prevent the collapse of the Republic and defend it against the offense of the Taliban. On the contrary, aware of the timetable of the withdrawal of the US troops, the Taliban tried to buy time and postpone the talks as much as possible. The Taliban's negotiation tactic was to avoid negotiation. For instance, they denied participating in a regional summit in Istanbul planned for April 2021 at the very last minute. They were telling the government side that the dispute

between them is not so intense, and it would be resolved very quickly once the international troops are out.

The bargaining was also challenged by the fragmentation of the Republic team by factionalism both in Kabul and Doha. With a narrow and factional stance, Ghani consistently undermined the High Council for National Reconciliation (HCNR), an institution that was solely authorized to lead and manage the peace process, and deliberately violated the principles of consensus and inclusion on the government side. Kabul was divided on what sort of concession should be given to the Taliban and what should be denied. While Ghani denied a power-sharing transition government, many other politicians including the opposition and HCNR were open for this option. This made numerous opposition politicians in Kabul reach out to the Taliban as an independent party apart from the government.

To bring these divergent positions to a compromise, strong, credible, and skilled mediation was required. Qatar, which was facilitating the talks, was perceived by the government of Afghanistan as a biased party with a vested interest. And the American chief negotiator, Zalmay Khalilzad's intentions were also questioned by Ghani and his close aides. Khalilzad tried to follow Álvaro de Soto and Richard Holbrook's single-text mediation model applied respectively in El Salvador and Bosnia by presenting a peace agreement draft proposal to the parties in January 2021. However, as the US agreed on a timeline to withdraw its troops in Afghanistan by May 2021, Khalilzad did not have enough leverage on the parties to persuade them to compromise and strike a deal. The only entity that partially accepted the draft was HCNR. Bringing together most of the political parties, HCNR presented a proposal that was closer to the State Department's draft in terms of the format of the transition, but it departed from it on two points. First, it proposed the 2004 constitution as a legal framework unless it contradicts the agreement. Second, it suggested a decentralized administrative model for the transition period.

Not only the Taliban did not give the proposals serious consideration, but they also did not offer any peace proposal. The Taliban's denial to participate in negotiations after April 2021 deprived a chance of negotiation for both HCNR and Khalilzad's proposed agreements.

Guarantees and Guarantors

The lack of a credible and capable guarantor was the last bargaining challenge in the peace process. A credible guarantor provides assurances to the parties that their existence would not be endangered during the peace accord implementation and the guarantor will hold all parties accountable for their promises. A credible guarantor is one who has an interest in fulfilling its promises as it guarantees to the parties. Moreover, a capable guarantor has the capacity to use forces as a sanction to enforce the terms of the agreement, in case one party does not comply with it. Given the intensity of the conflict between the Taliban and the government, a strong guarantor capable of the use of force was needed.

During the talks with the US, the Taliban asked European and Asian countries to play the role of guarantors. However, during the talks with the Republic, it did not ask for a guarantor. Similarly, Ghani reiterated the National Security Forces as the guarantor of Afghanistan. He totally ignored the need for an external guarantor. Russia and China whose subtle objective was to ensure the full withdrawal of the US troops from Afghanistan volunteered to take responsibility as a guarantor in mid-2019. However, when it came to the Republic-Taliban talks, it was evident that their proposal was a weak verbal guarantee with no enforcement capacity. Ghani showed little interest in using the opportunity offered by Russia and China. On the other hand, Pakistan which had a substantial influence over the Taliban denied playing the role of a guarantor.⁴

In the absence of a credible and strong guarantor in the region and within the Muslim majority states, the only option left was the US troops on the ground. As in the 1958 Lebanon agreement, where the US maintained fourteen thousand troops as guarantors, the US should have proactively played the role of a guarantor in Afghanistan. This would have ensured that the belligerents do not walk away from the bargaining table. After signing the agreement, it would have also ensured the security of the parties, cessation of the hostilities, and survival of an agreement. This leverage was lost when the US-Taliban deal in February 2020 set a 14-month timeline for the withdrawal of the US troops. The US also continuously signaled to the parties that whether they make an agreement or not, it is pulling its troops out.

⁴ The Nation. "Pakistan Facilitator Not Guarantor of Afghan Peace Process." Accessed on May 2, 2022. <https://nation.com.pk/2021/07/11/pakistan-facilitator-not-guarantor-of-afghan-peace-process/>

Agreeing on a fixed timeline to withdraw troops was also in contradiction with the initial principles of the negotiations played out by Khalilzad: “nothing is agreed upon until everything is agreed.” The US should have conditioned the withdrawal of troops to a successful peace agreement between the Republic and the Taliban.

In the absence of a credible and capable guarantor, the challenge of credibility of commitment between the Taliban and Ghani remained untouched. Each side perceived the outcome of the talks as zero-sum which threatened their existence.

Policy Implications

Some important lessons could be drawn from the failure of the peace talks in Afghanistan.

First, the failure of peace negotiation in a complicated and protracted conflict such as Afghanistan has numerous causes. The bargaining challenge approach can explain some of the causes of the failure. However, one should not neglect the role of ideational factors such as ideology and identity in Afghanistan. The three-decade war of the Taliban was equally driven by a parochial and contested Afghan nationalism and a fundamentalist political Islam. On the other side, the Republic was envisioned based on a constitutional order which guaranteed a set of fundamental rights for the citizens and established democratic order but also Afghan nationalism. The belligerent parties had incommensurable values and conceptions about rights, liberty, a system of governance, nationhood and the role of Islam.

Second, the bargaining challenge analysis shows that the high cost of the war in terms of duration of the war, intensity, and magnitude, and the offer of mediation did help in the initiation of the negotiation but none of them help the peaceful end of the conflict. The reasons were the absence of a strong security guarantee to address the security dilemma of the parties, poor mediation, lack of a mutually hurting stalemate, and the indivisibility of the stakes.

Third, the Taliban assume that a decisive victory is the end of the Afghanistan conflict. On the contrary, the peace studies literature indicates that the chances of peace failure are 200% higher following a military victory of an insurgent compared to a government victory in the first year of

victory.⁵ No need to mention that peace failed right at the time the Taliban declared a victory as the National Resistance Front challenged the Taliban. The conflict in Afghanistan would not be resolved until the background causes such as deep contention over the identity, values, ideology, and mechanisms for distribution of resources and power including the structure of the state are not resolved.

⁵ Mason, David, Mehmet Gurses, Patrick T. Brandt, and Jason Michael Quinn. "When Civil Wars Recur: Conditions for Durable Peace after Civil Wars." *International Studies Perspectives*, 12/2 (2011): 184.