

# POLICY BRIEF

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## The Right Time for the Right Change in Afghanistan

by Rajab Taieb

### EXECUTIVE SUMMARY

Since the toppling of the Taliban regime in late 2001, Afghanistan has been experiencing a democratic centralized governance system established jointly by the Afghan elites and the international community. It was hoped that the centralized system would overcome the ethnically motivated problems, stabilize the country, and strengthen institution-building. However, it seems that the system has not been very successful in containing the issue of ethnic politics and bringing stability. The country is likely to witness new changes in the political and social dimensions after a possible peace deal with the Taliban. While such a deal is likely to end the war with the Taliban, it might also spark new social disputes and problems. As has been asked by Thomas Barfield, “how you can compromise with the Taliban if whoever controls Kabul sets the rules.”\* Taliban, as a conservative fundamentalist religious group, will with all certainty not accept all or even most of the democratic values gained in the past years, and the liberal parts of society presumably intends to object the strict rules and regulations that the Taliban are likely to demand. Therefore, to avoid possible conflicts, a form of post-peace deal system has to be designed in such a way that all segments of society are able to live the way they want. Such a system has to be decentralized in that whoever controls Kabul must not set all the rules, except at the national level. The solution this policy brief suggests is to decentralize Afghanistan via a federal model in which the people feel self-governed and set the rules for themselves at the local level while also obeying the rules set by the national government for the sake of national issues.

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\* Thomas J. Barfield (a prominent scholar on Afghanistan and Professor of Anthropology at Boston University), interview with author, October 4, 2020.

## A Look into the Peace Talks

In the past ten years, the call for settling the Afghan conflict through negotiations has been echoed by almost all the warring parties, regional countries, and the international community. Primarily, it was President Barack Obama's administration that considered negotiations with the Taliban as an option for ending the US war in Afghanistan, which had already by that time lasted nine years.<sup>1</sup> The decision of the Obama administration overruled the former President George W. Bush's ban on talk with the Taliban. In the aftermath of the 9/11 attack, Bush had said: "no nation can negotiate with terrorists."<sup>2</sup> The perception that the Afghan war can be ended only through negotiations resonated with Afghan politicians, neighboring countries,<sup>3</sup> the United Nations,<sup>4</sup> and the US – which by Obama's time had understood that greatest military force on Earth is incapable of winning a war against a rag-tag army of religious zealots.<sup>5</sup> It was – perhaps ironically – President Donald Trump's administration that seriously pushed for a political settlement. His security team constantly pushed the idea of settling the war through talks. In July 2018, Trump's administration ordered US diplomats to seek direct talks with the Taliban.<sup>6</sup> "The Taliban wants to make a deal, and we're meeting with

them,"<sup>7</sup> Trump said during his first ever visit to Afghanistan in 2019.

The three main parties – the Afghan government, the US, and the Taliban – on different occasions showed readiness for peace talks. In September 2018, Zalmay Khalilzad, an ethnic Pashtun Afghan-American academic and former U.S. Ambassador to Afghanistan, Iraq and the United Nations under George W. Bush, was appointed as the Special Representative for Afghanistan's Reconciliation by the Department of State. Since then, he has been engaged in talks with the Taliban and the Afghan government. After lengthy discussions and bargaining, the US and the Taliban signed the Agreement for Bringing Peace in Afghanistan in February 2020 in Doha, Qatar, a country which has been hosting the peace talks. This agreement only covers issues concerned with the US and the Taliban and does not say anything about the post-peace deal situation. The US-Taliban agreement has four main parts: First, the Taliban must ensure that the US and its allies will not be threatened from the soil of Afghanistan. Second, the US and allied troops will withdraw in 14 months. Third, the intra-Afghan talks should start. Fourth, a permanent ceasefire must be announced by the negotiators at the intra-Afghan talks.<sup>8</sup> Months after the US-Taliban agreement, intra-Afghan talks started on 12 September 2020 in Doha, Qatar, to decide about the possible post-peace deal arrangements.<sup>9</sup> Currently negotiations are ongoing on setting procedural rules for the intra-Afghan talks.

Although US officials repeatedly promised that the achievements of the past 19 years – by way of women and minority rights and a parliamentary democracy – would be preserved in the peace talks, the agreement does not

<sup>1</sup> James Dobbins, and Carter Malkasian, "Time to Negotiate in Afghanistan: How to Talk to the Taliban," *Foreign Affairs* 94, no. 4 (July/August 2015): 53-64.

<sup>2</sup> Mona K. Sheikh, and Maja T.J. Greenwood, "Taliban Talks: Past, Present and Prospects for US, Afghanistan and Pakistan," *Danish Institute for International Studies* (2013): 1-42.

<sup>3</sup> Ayaz Gul, "Ahead of Trump Meeting, Khan Says Afghan War 'Has No Military Solution'," *Voice of America*, July 22, 2019.

<sup>4</sup> Josh Smith, "No military solution in Afghanistan, U.N. chief says on Kabul visit," *Reuters*, June 14, 2017.

<sup>5</sup> Peter Baker, Mujib Mashal, and Michael Crowley, "How Trump's Plan to Secretly Meet With the Taliban Came Together, and Fell Apart," *The New York Times*, September 8, 2019.

<sup>6</sup> "White House Orders Direct Talks with Taliban," *TOLOnews*, July 16, 2018).

<sup>7</sup> Michael Crowley, "Trump Visits Afghanistan and Says He Reopened Talks with Taliban," *The New York Times*, November 28, 2019.

<sup>8</sup> "Agreement for Bringing Peace to Afghanistan," U.S. *Department of State*, (February 2020).

<sup>9</sup> "NATO welcomes the start of Afghan peace negotiations in Doha," *NATO*, September 12, 2020.

speak that language. Afghan women regularly have called on the Afghan government and US officials to preserve the gains made in the past years.<sup>10</sup> US officials, especially Khalilzad, repeatedly ensured the Afghan youths and women that the past achievements would be preserved, and those will become the cornerstones upon which more progress should be built.<sup>11</sup> Despite all the promises, the agreement does not concern itself about how the post-peace deal Afghanistan would look like. It has not drawn any redlines for keeping the achievements made in the post-Taliban era in different dimensions of the political and social lives of Afghanistan. The agreement only has paved the way for intra-Afghan talks. Now, it is the job of the Afghans to reconcile and draw the post-peace deal roadmap for Afghanistan.

## Fundamental Changes Likely To Happen

The possible post-peace deal Afghanistan definitely will not look like the Afghanistan we see today. Taliban, as a group with conservative fundamentalist religious views towards education, women, media, and democracy are likely to demand tremendous changes that will directly affect the lives of the Afghan people, especially women and religious and ethnic minorities. On the other hand, the liberal parts of the society, especially the people living in big cities and western, northern, and central parts of Afghanistan – Tajiks, Hazaras, Uzbeks – will not easily give up the democratic values they have experienced since the collapse of the Taliban regime. Therefore, a possible peace deal might end the military conflicts between the Taliban and the Afghan armed forces, but in the meantime, other disputes and divergences

are likely to arise between different segments of the society. Especially between the Taliban and pro-Taliban communities with the more liberal groups such as the Tajiks, Hazaras, Uzbeks, and the liberal Pashtuns living in cities.

The Taliban strictly opposes female education after the age of around eight, and female work outside the home. They also hold to the belief of a supposed Sharia law on the ‘burqa’ or head to toe cover for women when in public or private venues other than their own home. They continuously have been involved in burning girls’ schools, modifying curriculum in boys’ schools and replacing English classes with theology.<sup>12</sup> A study conducted by Ashley Jackson in the Taliban’s controlled areas shows that the Taliban in the areas under their control have removed the Afghan culture, constitution, and law textbooks from the curriculum and replaced them with their version of Islamic studies.<sup>13</sup> The study also found that the Taliban do not let girls, after a certain age, to attend school. In part, the study states that “this research could not identify a single girls’ secondary school open in an area of heavy Taliban influence or control.”<sup>14</sup>

Education and female education is only one example of dozens that the Taliban have a very conservative view about. In a possible post-peace deal Afghanistan, the Taliban will be part of a society which has changed a lot in the last 19 years. Accommodating the divergent views of the Taliban and the young generations seems to be very difficult. Tensions are likely to arise between the Taliban and pro-Taliban communities with the more liberal parts of the society, unless the government and Afghan elites adopt proactive measures. The divergent views already have deadlocked the intra-Afghan

<sup>10</sup> Lara Jakes, “Afghan women fear for their rights as US, Taliban talk peace,” *The Sydney Morning Herald*, August 24, 2019.

<sup>11</sup> Rajab Taieb, “Past Years Achievements Should Be Defended: Khalilzad,” *TOLOnews*, April 24, 2019.

<sup>12</sup> “Taliban burn down girls’ school in Afghanistan,” *The Observers*, November 4, 2015.

<sup>13</sup> Ashley Jackson, “Life under the Taliban shadow government,” *Overseas Development Institute* (June 2018): 1-31.

<sup>14</sup> *Ibid* 14.

talks in Doha. Although nearly one month has passed since the start of the talks, the negotiating teams have been unable to agree on “procedural rules for the negotiations”. One of the issues that they disagree over is the religious basis for the talks. “The Taliban insists that if a dispute emerges during the negotiations, the solution must be sought using the Hanafi jurisprudence.”<sup>15</sup> The Afghan government team which represent the people of Afghanistan disagrees with this, arguing that acceptance of this would exclude the Shiites who believes in Jafary jurisprudence. This indicate the depth of contradictions which will create problems later if not managed correctly. The post-peace deal roadmap must thus be designed in a way that helps all parts of the Afghan society and allow for them to live the way they want – otherwise, political tensions, as well as insecurity are likely to continue.

### **A Federal System Likely To Have the Capacity To Accommodate the Differences**

The divergent views of the Afghan elites – mostly educated abroad, some holding dual citizenship and thus holding European or North American passports – with the Taliban are likely to bring tremendous changes in both political and social dimensions in a possible post-peace deal Afghanistan. The Taliban repeatedly have claimed that they want a restoration of the Islamic Emirate that they had established before the US invasion of Afghanistan in October 2001 (aka “Operation Enduring Freedom”).<sup>16</sup> The Taliban does not consider the Afghan government legitimate, viewing it as an American puppet. In a conference with the Afghan political leaders in Moscow, they

demanded that a new constitution should be written to form an “inclusive Islamic system.”<sup>17</sup> It seems that in the intra-Afghan talks, the type of governance system would be one of the main topics of discussion. Changing the system of governance has to come after amendments in the current constitution. If the Afghans are supposed to make changes in this respect, this might be the right time to make the right change.

To avoid further conflicts and war, strengthen governance, and stabilize the country, the Afghan elites (including the Taliban) should decentralize the current centralized system and establish a federal model of governance in Afghanistan. In such a model, all segments of the society – the most conservative and the most liberal – can live the way they want without making trouble for each other. The Taliban, which mostly comes from the southern parts of the country with its leadership and foot soldiers being overwhelmingly Pashtun and Sunni fundamentalist Muslims, with many of them intent on resettling in the South, are also more accepted by the communities living in those provinces compared to other parts of the country. In a federal system, they, as a unit or as many units they might be, can have their own policies in terms of education, women’s rights, jurisdictions, and even Sharia law and live the way they favor. The liberal parts of the society, in cities and central, western, and northern parts of the country, can have their own policies. The majority of the people who live in the southern parts, the Pashtuns, are likely to get along with the Taliban. However, for the rest of the ethnic groups, it seems not possible. The federal government in Kabul should only handle national issues, while the federal units should be given full autonomy to design their policies, rules, and regulations

<sup>15</sup> Karim Amini, “Doha: General Meeting of Both Sides Held,” *TOLNews*, October 15, 2020.

<sup>16</sup> Anchal Vohra, “The United States Wants Peace, The Taliban Wants an Emirate,” *Foreign Policy*, March 2, 2020.

<sup>17</sup> “Taliban demand new constitution for Afghanistan,” *Egypt Independent*, February 6, 2019.

as the majority of the people demand in those units. Of course, such arrangements are intricate and need careful planning, but when something is supposed to be changed, it is better to bring the right change.

## Why a Federal System

Quite a large number of scholars and politicians argue that a centralized system is not working in Afghanistan because the landscape, the diversity, and governing structures are more appropriate for a decentralized system. In 2001, the academic David R. Cameron said that Afghanistan is a “perfect” candidate for federalism, emphasizing that the post-Taliban institution-building process should be based on a federal model.<sup>18</sup> In Afghanistan, in addition to other ethnic groups, four of them are larger groupings that struggle with gaining power over one another. In a broader division, each of these ethnic groups constitutes the majority of the population in different parts of the country.<sup>19</sup> Also, there are three main languages (Dari, Pashtu and Uzbek), and two main branches of Islam (Sunni and Shia). According to Cameron, these factors create local loyalties, and such loyalties are suitable for a federal system.

Jennifer Brick Murtazashvili claims that “on paper Afghanistan is not a federation, but informally it resembles a federation in which the customary governance operates at the district-level and village-level and the sources of authority of this sort of governance lie in custom and the customary organizations that have the capacity to govern at that level.”<sup>20</sup>

<sup>18</sup> David Cameron, “Overview: A role for federalism in Afghanistan after the Taliban,” *Forum of Federations*, October, 2001.

<sup>19</sup> Carol J. Riphpenburg, “Ethnicity and Civil Society in Contemporary Afghanistan,” *Middle East Journal* 59, no. 1 (winter 2005): 31-51.

<sup>20</sup> Jennifer Brick Murtazashvili, “Informal Federalism: Self-Governance and Power Sharing in Afghanistan,” *Publius* 44, no. 2 (Spring 2014): 324-343.

The district-level and village-level governance structures indeed exist in rural Afghanistan, which shares security information with the government authorities.<sup>21</sup> This cooperation works best when government officials are from the same region. Thomas Barfield identifies two levels of governing structures in rural Afghanistan that include the local government structure that represents the central government and the indigenous tribal or village structures that represent the local people. The indigenous structure facilitates communication between the local communities and the local government structure.<sup>22</sup> According to him, these local structures can facilitate governance in a decentralized system, such as a federal model.

Many scholars have criticized the centralized system established in the post-Taliban era for not being in line with Afghanistan’s realities. Barfield believes that the current centralized system is not part of the solution in Afghanistan, because it is not effective in such a country. “That system (centralized) is designed for kings and tyrants, just what Afghanistan has always been. And if you have a really strong leader to run it, that is a very effective system, right. But in a place like Afghanistan, that system broke down long ago.”<sup>23</sup> According to him Afghanistan has always been the victim of whoever controls Kabul telling everybody how to live.<sup>24</sup> Barfield and Nojumi argue that “America has wrongly assumed that building up a strong centralized government with formal institutions is the key

<sup>21</sup> Jennifer Brick Murtazashvili, “Informal Federalism: Self-Governance and Power Sharing in Afghanistan,” *Publius* 44, no. 2 (Spring 2014): 324-343.

<sup>22</sup> Thomas J. Barfield, *Weak links on a Rusty Chain: Structural weaknesses in Afghanistan’s Provincial government administration* (Berkeley, CA: Institute of International Studies, University of California, 1984), 170-73.

<sup>23</sup> Thomas J. Barfield (a prominent scholar on Afghanistan and professor of anthropology at Boston University), interview with author, October 4, 2020.

<sup>24</sup> Ibid.

to stability. While over the last nine years, the US and allied nations – key members of whom (such as the U.S. and Germany) ironically have a federal system of governance, themselves – have helped the Afghans to establish a national-level political system and rebuilt its army and courts, the government authority in the provincial and district levels has failed to take root and remains ineffective.”<sup>25</sup> They also argue that in rural Afghanistan, informal governing structures have always existed, even when formal government institutions did not. They claim that “stability in Afghanistan can best be achieved by giving priority to how Afghans, particularly rural Afghans, understand governance and giving them a greater role in it.”<sup>26</sup> Thus, they too push for a federal system. These scholarly arguments indicate that a federal structure indeed exists in Afghanistan, which only has to be formalized.

Inside Afghanistan, many Afghan politicians and ethnic leaders are also pushing the discourse of decentralizing power. This discourse is echoed by quite a large number of people, especially the youths, in social media and debates on TV. Such a system, likely to have the capacity to accommodate differences, helps governing structures to take root at the local levels, increases political participation, and is thus likely to increase political winners compared to the centralized system. Although a possible peace deal may end the fight between the Taliban and the Afghan armed forces, insecurity is likely to continue by other groups as Afghan officials have said around 20 terrorist groups are active in Afghanistan.<sup>27</sup> Since the US and allied troops are supposed to leave Afghanistan as part of the US-Taliban agreement, it is the Afghan armed forces (with

possible participation of ex-Taliban fighters) on their own to battle with the terrorists. A federal system will be useful in maintaining security, stability, and countering terrorists because the locals will have the authority to rule their areas, and it is they who better know the people, landscape, problems, and solutions at that level.

## Recommendations

- The Afghan elites (including the Taliban) should form a broad-based, Afghan-led, inclusive government that reflects Afghanistan’s diverse culture. This institution-building should be a bottom-up process to sustain. The needs and demands of the people should be heard, especially in the rural areas, and government services should reach to the remotest part of the country.
- Power should be decentralized in a possible post-peace deal situation; more autonomy should be given to the local governments, the local people should be given the authority to govern themselves, draft their own policies, rules, and regulations. In a deeply divided society like Afghanistan, in which people have divergent views on almost every issue, drafting policies at the national-level simply means ignoring the demands of the people. The wisest option is to let the locals decide about policies that concern their lives.
- A federal model system of governance should be adopted instead of the current highly centralized system. A federal system will increase political participation as the local people will govern themselves, and the feeling of being governed by others will cease to exist anymore. The increase in participation means the political winners will increase compared to political losers. Moreover, the increase of political winners will lead to less competition over gaining

<sup>25</sup> Thomas J. Barfield and Neamatollah Nojumi, “Bringing More Effective Governance to Afghanistan: 10 Pathways to Stability,” *Middle East Policy* 16, no. 4 (Winter 2010): 40-52.

<sup>26</sup> Ibid 41.

<sup>27</sup> Ahmad Wali Arian, “20 Terrorist Groups Fighting Against Afghan Government,” *TOLONews*, February 26, 2017.

power. As a result, governance structures at the local level will take root and will be strengthened. Through these structures, government services, including security services, will reach remote areas, which ultimately will increase stability and security.

- The distribution of power between the federal government and the local governments must be arranged in a way that empower the local governments in fighting terrorism, offering services, and building government-people trust. In the meantime, it must not encourage separatism.

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