The US Talks with the Afghan Taliban: Pulling the Rug from under a Government it Created

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Images of the Taliban’s seizure of Kabul and the dramatic evacuations of internationals and Afghan citizens in August 2021 are emblematic of a failed peace process, but the real turning point came three years prior, when the United States (US) decided that military withdrawal from Afghanistan, rather than sustaining a fragile Afghan government fighting the Taliban, was its prime objective.

The US entered direct talks with the Taliban, excluding the country’s legitimate authorities, which were highly dependent on international support for their survival. In the process, the US gave in to the Taliban’s demands, with the resultant peace treaty non-committal with regards to a ceasefire, and with built-in vagueness on mutual obligations, mechanisms for monitoring, and consequences of violations. In addition, the US made commitments on the behalf of an unwilling Afghan government, most importantly to a large-scale exchange of prisoners.

In effect, the US-Taliban agreement paved the way for the Taliban’s takeover, an outcome that was not given yet seemed highly likely, whether seen from the vantage point of 2018 (when talks started) or 2020 (when they were concluded). Here lies the core of the US ethical conundrum. However, there is a difference between the right of the US to decide to withdraw and to negotiate the terms for withdrawal, and the US undermining the Afghan republican government negotiation of the key terms for a possible intra-Afghan peace and making commitments on behalf of the Afghan government.
The US engaged in direct talks with the Taliban, this altered the sequencing (US committing to withdrawal in the absence of a negotiated settlement), with significant implications for participation (i.e. excluding GoA), as well as the procedures (i.e. US departing from its insistence on a ceasefire, and making commitments on behalf of GoA). The underlying issue, which will here be addressed first, was that the US had made a U-turn in its fundamental position regarding Afghanistan, from seeing the preservation of the democratic state and the political order that it had stood behind since 2001 as an absolute, to prioritizing its own military disengagement. As this brief will discuss, a range of objectives other than withdrawal were important to the US, but in the course of the negotiations, these proved to be secondary ones that could be sacrificed in order to move the process forward.

The US-Taliban ‘Agreement for Bringing Peace to Afghanistan’ was signed in Doha, Qatar on 29 February 2020. At the core of the agreement was a US commitment to ensure the withdrawal of all international forces against a Taliban guarantee to prevent terror groups from staging new attacks against the US and its allies from Afghan soil. The Taliban committed to engage in peace talks with other ‘Afghan parties’, within which a ceasefire would also be on the agenda. In addition, there were a number of confidence-building measures, most importantly the US commitments to lobby for the removal of international sanctions against key Taliban individuals and to orchestrate a prisoner exchange, in which the Afghan government would release 5,000 prisoners while the Taliban would release 1,000. The US asserted that the implementation of the agreement would be conditions-based, and there were reportedly secret annexes to the deal codifying a Reduction-in-Violence (RiV) and other issues. A joint declaration between the US and the Government of Afghanistan (GoA) was signed in Kabul on the same day.

The US-Taliban deal was the outcome of a year and a half of negotiations, made possible by the US giving in to the Taliban’s longstanding insistence that they would only talk to the Afghan government after having settled issues with the US. In this case brief, I draw on the framework developed for assessing ethical challenges in peace processes, developed by Kristoffer Lidén and Henrik Syse, which lays out five key dimensions: positions, participation, practices, procedures and principles. In this analysis, I emphasize the three dimensions most salient to the US-Taliban process: positions, participation and procedures. When
Over the next few years, a variety of reconciliation initiatives from Taliban circles were effectively stopped. From 2003 onwards, the Taliban – enjoying support from and sanctuary in neighbouring Pakistan – started to rebuild. By 2006 they were becoming a real military challenge to international and government forces, turning increasingly to a combination of guerrilla warfare and terror tactics, including improvised explosive devices and suicide bombing. The conflict intensified year by year, the Taliban gradually expanded its reach, and the number of deaths soared.

Prior to the 2018 turnaround, the US and its allies pursued reconciliation with a view to divide and weaken the Taliban, rather than to bring it into a political process. Even after 2009, when Barack Obama took up the US presidency, intent on seeking political solutions in Afghanistan, the emphasis remained on the armed campaign to weaken the Taliban, in sync with strengthening the government and its military capacity. By end of 2014, full responsibility for Afghan security was transferred to the government, with the US and its allies scaling down its presence and shifting into more of a supporting role. Efforts to establish a dialogue with the Taliban intensified – amongst other things resulting in the establishment of a de facto Taliban delegation in Doha, Qatar – yet failed to move beyond the ‘talks-about-talks’ stage. With the Taliban consistently insisting on talking directly to the US, while the US insisted that the talks had to be between the Taliban and the government, it proved difficult to get a real process underway.

By summer 2018, all of that changed, as US President Donald Trump – already a year and a half into his term in office – turned around and made clear that the US was ready to negotiate with the Taliban. By September, Zalmay Khalilzad was appointed US Special Representative for Afghanistan Reconciliation, tasked to lead the negotiations with the Taliban. The Afghan government, under President Ashraf Ghani, saw this as a stab in the back, given its dependence on the US, militarily and financially as well as politically. The Taliban enjoyed the legitimization that came with sitting across the table from the US, but insisted on continuing to fight while talking.
The US turnaround was a reflection of fundamental changes in its military strategic orientation. The US National Security Strategy that the Trump administration issued in mid-December 2017 had relegated counter-terror to tertiary status, with the new geopolitical rivalry with China and Russia the primary challenge and ‘rogue states’ (Iran, North Korea) the secondary one. It was a logical implication of this overall shift that the military commitment to Afghanistan should be ended, as President Trump signalled with his announcements from mid-2018. Yet, at that stage, while the ultimate priority was set, it was widely assumed that the US would maintain a smaller counter-terror presence in Afghanistan post-withdrawal. Even more importantly, it was expected that the pull-out would be conditional on the Taliban agreeing to deescalate violence (ideally through a ceasefire) during talks and enter some form of accommodative power-sharing arrangement with the government of the Republic.

These conditionalities became subject to serious doubt when the US President announced on 19 December 2018 that US troops in Afghanistan would be reduced by half. As pointed out in a 2019 Rand report, the announcement of troop withdrawal, not linked to progress in the peace talks, undermined the legitimacy of the government, weakened the Taliban’s incentives to compromise politically, encouraged states in the region to prepare for a post-US Afghanistan, and potentially enabled international terror attacks from Afghanistan. The withdrawal announcement came at a time when talks between the Taliban and the US were in their initial stages and seriously weakened the US’ main leverage at the talks, in effect signalling to the Taliban that US conditionalities were anything but absolute. It is not clear what the Taliban’s position was at the time, but it does seem reasonable – as the Afghan government would argue – that the US withdrawal announcement impacted the Taliban’s willingness to contemplate political accommodation with the government, as well as to deescalate militarily (a ceasefire was seen as an absolute requirement by the government and – early in the talks – also by the US).

Military withdrawal was a shared priority for both the US and the Taliban, even if for different reasons. For the Taliban, having been driven from power in the 2001 US-led intervention, which they saw as an occupation, this was a key objective of their fight. For the US, it was not only that global strategic priorities had shifted away from counter-terrorism and fragile states, it was also that its efforts to build a self-sustained Afghan state with a strong military apparatus had failed. A decade earlier, when President Obama announced the surge, a major element was to build Afghan military capacity, yet the Afghan defence forces remained overly dependent on foreign funding, arms, equipment, and expertise. As the US Special Inspector General for Afghanistan Reconstruction (SIGAR) pointed out repeatedly, the US and its allies had to take their share of the blame for those limitations. Even so, the weaknesses of the Afghan government and its military gave further impetus to the wish to withdraw. As the talks evolved, and it was clear to all parties that the US would withdraw militarily, making sure it could do so with minimal loss of life and equipment became increasingly important.
Another key objective, from a US perspective, was to prevent Afghanistan from hosting terror groups launching attacks internationally. This was the central reason for the US intervention in 2001. As talks proceeded, the Taliban stood firmly on its position that it would continue to host groups designated as terrorists and only commit to preventing new international attacks (paradoxically, the exact approach the Taliban pursued from 1996 to 2001, when it was last in power, without success). The language in the 2020 US-Taliban agreement – ‘the Taliban will not allow any of its members, other individuals or groups, including Al-Qaeda, to use the soil of Afghanistan to threaten the security of the United States and its allies’ – is a far cry from the US’ initial position on counter-terrorism.

Preserving the Afghan state – in the broadest possible sense, including the constitution, democratic procedures, legal apparatus and commitment to human rights obligations, as well as the institutional capacities – was also an objective, but it proved to be of secondary importance. When the Taliban rebuffed the US chief negotiator’s insistence that nothing was agreed until everything was agreed, implying that the US-Taliban mutual commitments would only apply once a settlement between the Afghan parties was concluded, the US gave in. The final agreement contains a clause by which the Taliban commits to engage in an intra-Afghan process within 10 days of the signing, but with no explicit consequences should those talks fail to bear fruit. In their book-length assessment of the endgame for the Afghan Republic, Ahmad Shuja Jamal and William Maley describe this as nothing but ‘betrayal’ by the US: of a close ally, of a vulnerable state and its population, and, ultimately, of its own values.

A key element in the final agreement concerned the exchange of combat and political prisoners, with the Taliban getting 5,000 of its own released, while the Afghan government would get 1,000 released from Taliban’s custody. This was a priority for the Taliban, but of much lesser importance to the US. When the agreement was signed, the prisoner’s exchange element was framed as a confidence-building measure. The Afghan government made clear that this was a violation of its sovereignty and ended up delaying implementation, but eventually gave in to US arm-twisting. In ethical terms, the US will to give something which was clearly under the jurisdiction of the excluded Afghan government – who protested – is hard to defend.

As talks progressed, the Taliban made gains across the board. Agreeing on withdrawal was the key issue in the talks, but ensuring the withdrawal could take place with minimum risk to US and allied military gained considerable attention. The US and the Taliban observed a virtual truce, while the intensity of intra-Afghan fighting was mounting. Ultimately, it does seem difficult to justify that the US, not only on behalf of itself and its allies, but indirectly also on behalf of a protesting Afghan government, privileged the withdrawal of its own forces (and counter-terrorism guarantees) over the goals of sustaining a sovereign Afghan regime which it had been instrumental in forming, and it is even harder to justify that it made commitments on behalf of that government against its expressed will.
The most conspicuous dimension of the peace process between the US and the Taliban is that after years of disagreement over who should be involved in the first cycle of negotiations – with the Taliban insisting on negotiating with the US as the ‘occupier’ and real power-holder, while the US insisted talks should be between the Taliban and Afghanistan’s legitimate government – the US gave in to the Taliban’s demands. Ahmad Shuja Jamal and William Maley, for example, argue that ‘the quantum leap was to conduct negotiations in the absence of the Afghan republic’. Former President Barack Obama’s much earlier decision to not only fight but also talk to the Taliban also constituted a ‘major shift’, but his insistence that the government ought to be involved in any substantial talks had proved to be a roadblock (one of many). Even so, the change in participation must be understood primarily as a result of the change in US positions, discussed above.

The Afghan government protested and tried in various ways to stall the US-Taliban talks. However, its continued dependence on US support – militarily, financially and politically – tempered the protests. The Taliban’s position, for well over a decade, had consistently been that negotiations with the US had to precede intra-Afghan negotiations, which also reflected their basic view that the Afghan government was not legitimate. The one exception to this was the talks in Murree, Pakistan in 2015, where the Taliban met with a delegation from the Afghan government, with China and the US as observers and Pakistan as the host. It remains unclear who within the Taliban had authorized the meeting, which came about as a result of Pakistani pressure on the organization to do so – ultimately reflecting a chain where the US urged China to exert pressure on Pakistan to bring the Taliban to the table. The process was met with widespread criticism within the Taliban, who backed out before the planned second meeting and had evidently learned to stick to its principled position of dealing with the US first.

The underlying issue, of course, was that the Taliban – continuing to refer to itself as the ‘Islamic Emirate of Afghanistan’ – saw itself as Afghanistan’s legitimate ruler and, by extension, refused to refer to the republican government by a term that would indicate it was the rightful authority. In 2013, the Taliban flew a banner proclaiming itself as the ‘Islamic Emirate of Afghanistan’ at the opening of their political office in Qatar, and the host state was forced to close the office (at least officially). The Taliban insisted on talking to other ‘Afghan parties’, and while the government was instrumental in deciding who met with them in official meetings, this fit the Taliban’s message that there was no government to be dealt with, only a set of groups with different interests and orientations. In the ultimate US-Taliban agreement from February 2020, the term adopted to refer to the Taliban is ‘the Islamic Emirate of Afghanistan which is not recognized by the United States as a state and is known as the Taliban’, and this term is used throughout the agreement, every time the Taliban is referred to. The government goes under the term ‘Afghan sides’.

The US sought to reassure the Afghan government that it would not only keep it informed, but also consult with it, throughout the talks in Doha. There were innumerable visits to
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Yet the key question here, which is ultimately an ethical one, is: can it be justified that an internationally legitimate government – regardless of its dependence on external support – is excluded from talks that predictably would determine its survival? If we were to see the change in US positions, to privileging military disengagement, as justifiable, simply pulling out would have been an option. The result would most likely have been a military victory for the Taliban – which was eventually the outcome after the US-Taliban agreement. It can of course be argued that the talks entailed a chance for a peaceful transition, potentially even for some form of power-sharing in which the Taliban could take part, but it can also be argued that the talks in reality were little else than a smokescreen for the US pull-out.
Procedures: Sequencing Matters

The procedures surrounding the negotiations – in particular when it comes to the de facto sequencing of the talks – are important. In the widest sense, the US decision to talk to the Taliban in the absence of the Afghan government, discussed above under participation, is also about sequencing. Here, we will be concerned primarily with the procedures underpinning the US-Taliban talks and the modifications they underwent in the process.

When the talks started, the US was intent that they would result in a ceasefire, preferably – having given up on a ceasefire as a precondition for talks – that the parties agreed on and started observing a ceasefire soon after talks started. The Taliban resisted, knowing all too well that military pressure was their main leverage at the negotiation table, and probably also worried that laying down arms would lead to open internal conflicts and disciplinary problems. Rather than a ceasefire, the concept of a Reduction-in-Violence (RiV) was adopted. In practice, that reduction would imply a mutual commitment by the parties to scale back violence against each other very significantly. In the run-up to the signing ceremony in 2020, a seven-day RiV period was implemented, which was largely observed across the board. Soon thereafter, however, the Taliban stepped up its armed campaign against the government. By then, the US and other international forces only intervened sparingly. Even in the final agreement, the only commitment that the Taliban made was for the ceasefire question to be on the agenda in the upcoming intra-Afghan talks.

US decision-makers were – in the absence of a ceasefire – committed to ‘fight & talk’, the idea that the military and peace-diplomatic efforts needed to go on simultaneously and be closely synchronized. Consecutive US and NATO decisions to extend the military presence, at least from 2009 onwards, were justified by the need to sustain pressure to get to a political solution. In practice, synchronization proved difficult. With the benefit of hindsight, it is clear that the effort to use military force to push the Taliban into talks in which it would make concessions failed in part because the Taliban continued to progress militarily, but importantly also because of an inability on the part of the US and its allies to synchronize its military efforts with its political ones. In short, everyone stated that talking and fighting needed to go hand in hand, but in practice, coordination proved difficult, and the fighting had long had primacy. Once talks really got underway, the diplomatic effort gained primacy, and US (and Afghan government) leverage evaporated.

The US signalled that they were committed to withdrawing militarily – and as soon as possible. There had long been talk of the ‘tweet of Damocles’, with reference to President Trump’s rash decision-making (highlighted by his 2019 decision to dump the long-time allied Kurdish forces in Syria). The turnaround came in another form, as Secretary of State Mike Pompeo announced, visiting Kabul in June 2019, that the US aimed at a peace deal by 1 September, which coincided with the launch of Trump’s electoral campaign. The message was not lost on the Taliban, who then got the final confirmation that the US was going to pull out, virtually on any condition, and could finalize the agreement with that in mind. The US had effectively given up its main source of leverage – and that of the Afghan government.
– even before finalizing its own deal with the Taliban, and before the onset of intra-Afghan negotiations. It was therefore unsurprising that the final US-Taliban deal was vague on the minimum standards and the monitoring of implementation.

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For the Afghan government, the consequences were devastating. With near certainty that the US would withdraw, and severe constraints on international military support to the Afghan government forces, the Taliban went on the offensive. Had the US, with its international allies, decided to impose conditions on the Taliban and maintain military pressure, it is uncertain what the consequences would have been: some would argue that a limited military presence could have kept the government in position and the Taliban at bay, others would argue that continued military presence may have made some sort of power-sharing deal with the Taliban possible. In either case, the question that it leaves us with is whether it was ethically justifiable, given the predictable consequences, to send such a strong signal that a military withdrawal would be forthcoming regardless of the outcome of the talks.
Conclusions

The US-Taliban deal virtually opened the gates to Kabul for the Taliban, leading to the downfall of the Afghan republican government. This case brief has laid out the dynamics of the US-Taliban process, specifically related to three core dimensions of peace talks – the positions, the participation and the procedures – which are intrinsically linked to each other. Once the US had changed its position, and decided to privilege military withdrawal from Afghanistan even if that should come at the cost of the state it had invested in so heavily, the Taliban had victory in sight. The shift in positions also led to the US accepting the Taliban’s preferred participation in talks, with US-Taliban talks preceding intra-Afghan negotiations, inevitably opening up for a process in which the Taliban got major breakthroughs at the negotiation table with the US, without having given any concessions vis-à-vis the government and its constituent actors. Ultimately, through the procedural dimensions of the US-Taliban process, where initial commitments to a ceasefire and to intra-Afghan talks were made non-binding and where US signals conferred near certainty that international military withdrawal would take place, the US deprived the Afghan government of any major leverage. The US also committed to a prisoners’ exchange on behalf of the government. Choices were made at each step of the way that contributed to the Taliban gaining undivided power by August 2021. Yet the main decision by the US was to disengage militarily, and then subordinate all other strategic priorities (with the exception of counter-terror commitments) to this objective.

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Notes

1. Agreement for Bringing Peace to Afghanistan between the Islamic Emirate of Afghanistan Which Is Not Recognized by the United States as a State and Is Known as the Taliban and the United States of America. 29 February 2020, Doha: Qatar.


16. Agreement for Bringing Peace to Afghanistan between the Islamic Emirate of Afghanistan which is not recognized by the United States as a state and...
The government’s eagerness to control the process made it reluctant to open up any new avenues of consultation and dialogue.


22. Ruttig, “Nothing is Agreed Until Everything is Agreed”: First Steps in Afghan Peace Negotiations.

23. Agreement for Bringing Peace to Afghanistan between the Islamic Emirate of Afghanistan Which Is Not Recognized by the United States as a State and Is Known as the Taliban and the United States of America.

24. The very limited inclusion of civil society would also be worthy of discussion, but falls outside the remit of this brief. In short, this was partly a result of the fact that the Taliban was sceptical of civil society and lacked resonance within it (one may argue it perceived itself as the only genuine civil society), but more importantly, the