

# The Two Trillion Dollar Misunderstanding – Sowing the Seeds of Instability from the Very Beginning

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## **Abstract**

This chapter examines the U.S. failure in Afghanistan, attributed to the application of the “War on Terror” doctrine. Utilizing records from Department of Defense interrogators, eyewitness accounts, the Bonn Agreement, as well as the personal observations from the author (a veteran US diplomat and Afghan scholar), the chapter highlights the initial Taliban leaders’ willingness to cooperate in 2001-2002. The main argument is that U.S. counter-terrorism policy, which equated the Taliban with al-Qaeda, missed early opportunities for stability, pushing the Taliban into exile and resistance. The chapter concludes that U.S. policy failures, despite later adjustments, led to the collapse of the Afghan government post-U.S. withdrawal. As an Annex, the chapter includes an unpublished non-paper, by former U.N. Special Representative of the Secretary-General Lakhdar Brahimi from 2003 on the Bonn Agreement.

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“Evidently, it is indispensable and urgent to give Afghanistan a more inclusive and more representative government that it now has.”

Lakhdar Brahimi

UN Special Representative of the Secretary-General, 2003<sup>1</sup>

The post-9/11 international operation in Afghanistan was based on a misunderstanding. The UN and many Afghans thought that international involvement would help Afghans build peace. The United States thought it would consolidate victory in a war without end. Both were wrong.

When victory proved impossible to define, let alone achieve, after spending an estimated 2.3 trillion dollars on a war that caused the deaths of 2,324 U.S. military personnel, 3,917 U.S. contractors, 1,144 allied troops, 70,000 Afghan military and police personnel, at least 46,319 Afghan civilians (likely a significant underestimate), 53,000 opposition fighters, and 67,000 people in Pakistan, the United States withdrew its troops, ended its aid programs, and walked away. The structures established during the 21-year international operation melted away overnight, and the Taliban strolled back into power (Bateman, 2022). I witnessed much of this as an advisor first to the UN mission to Afghanistan and then to the U.S. Special Representative for Afghanistan and Pakistan.

This chapter first recounts the formation of the Afghan government in 2001–2002 through the Bonn Agreement. The UN talks on Afghanistan that led to the Bonn agreement set out their goal in the preamble as establishing interim arrangements and a process that would transform these interim arrangements into a “broad-based, gender-sensitive, multi-ethnic and fully representative government” (United Nations, 2001, p.2). Overlooked at the time was that the stated objectives of the Bonn Agreement were not the overall objectives of the U.S.-led counter-terrorism operation. This section provides an account of the earliest signs that the way the United States implemented its counter-terrorism policy precluded the successful implementation of the transition envisaged at Bonn. Despite the discourse about democracy and human rights that legitimated the operation with many constituencies, the nature of Afghan governance was and remained a secondary issue for the United States.

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<sup>1</sup> Lakhdar Brahimi, “Non-Paper: Accelerating the Implementation of the Bonn Agreement”, September 2003. See the appendix of this chapter for the full text.

The core of the contradiction was the decision to exclude from the process any Taliban leaders, including those who surrendered. The second section shows that such inclusion could have been possible by examining the trajectories of major Taliban leaders, who almost all ended up in Guantanamo. The official dossiers compiled on these detainees by Department of Defense interrogators, as well as accounts from eyewitnesses and other reports, show that virtually all of the Taliban leadership tried to surrender in accord with Afghan traditions of intra-Afghan warfare and could have been included in the Bonn process without making unacceptable concessions to their reactionary policies. Repeated direct intervention by the United States prohibited such inclusion.

The war proved unwinnable on the terms set by the United States. As the international context changed so that the threat of terrorism receded and U.S. foreign policy priorities shifted, the country changed course from seeking to entrench a permanent presence in Afghanistan to seeking an exit. In their very different ways, both the Obama and Trump administrations supported a political settlement mainly to serve the primary goal of troop withdrawal, not vice versa. When Trump decided that troop withdrawal was practically the only goal in Afghanistan (other than not looking weak), and Biden accepted the *fait accompli* left by his predecessor, the United States carried out a unilateral troop withdrawal without using it as leverage for a political settlement.

Of course, it was right to prevent terrorists from attacking the United States and others from Afghanistan, just as it is now right for international powers to do whatever they can to dismantle the Taliban's apparatus of gender apartheid and extremist repression. But treating either goal as independent of fundamental issues of state building and governance will be, if not counterproductive, then at best non-productive.

### **Birth Defects**

Since the Taliban takeover in August 2021, the international community has unanimously urged the Taliban to form an "inclusive" government, but after 9/11 the George W. Bush administration blocked all attempts to include the Taliban in the new order. Within months if not weeks of the start of the U.S. military intervention in October 2001, virtually every Taliban leader but Mullah Omar surrendered and offered to cooperate with the new government. In early December, faced with defeat on all fronts, Omar

handed over power to his deputy, Defense Minister Obaidullah, who had been in secret talks with the CIA Pakistan station chief Robert Grenier since October (Grenier, 2015). On December 6, Obaidullah immediately reached a tentative agreement on a truce with Hamid Karzai, who had just been named to head an interim administration at the UN Talks on Afghanistan in Bonn. That truce could have enabled the Taliban to participate in the process set out in the Bonn Agreement to build a more inclusive and legitimate Afghan government, but Secretary of Defense Donald Rumsfeld threatened to withdraw support from Karzai if he reached any negotiated agreement with the Taliban (Dam, 2021; Coll, 2016).

Another senior CIA officer, Frank Archibald, was working with Taliban foreign minister Wakil Ahmad Mutawakkil. They worked out a plan to help the Taliban form a non-violent political movement to participate in the Bonn process. When Archibald presented the plan to the administration in Washington, Vice President Dick Cheney responded, “We’re not doing that. ... He’s going to be in a jumpsuit. He’s going to Guantánamo” (Coll, 2016)

When the United States began direct talks with a Taliban representative in November 2010, the first Taliban demand was that the United States release five Taliban leaders from Guantanamo as a confidence-building measure. Every one of them had surrendered to the new Afghan authorities or the United States. The two commanders of the Taliban in northern Afghanistan, Mullah Fazl and Nurullah Nuri, surrendered to Northern Alliance commander Abdul Rashid Dostum, disarmed Afghan, Arab, and other foreign fighters, and handed them over to Dostum. Several hundred were then massacred by Dostum’s troops en route to detention in the fort of Qala-i Jangi. Dostum kept Fazl and Nuri in a guest house until U.S. special forces showed up and took them (Gall, 2014).

Another leader, Mullah Khairullah Khairkhwah, had been a friend of Hamid Karzai. Both were members of Kandahar’s Popalzai tribe. Khairkhwah was negotiating with Karzai’s brother over a future government position when he was detained by Pakistani intelligence and handed over to the Americans. The other two of the Guantanamo Five, Abdul Haq Wasiq and Muhammad Nabi Omari, were detained by U.S. forces when they showed up for meetings to discuss how they might cooperate.<sup>2</sup>

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<sup>2</sup> The Guantanamo Five, or Taliban Five, were held at Guantanamo until their exchange for the United States Army sergeant Bowe Bergdahl; see below.

The decision by the United States to treat “those who have harbored terrorists” (the Taliban) the same as the terrorists themselves (al-Qaeda) left the Taliban with no choice but to fight or flee. It also reinforced U.S. dependence on cooperation with the small group of unrepresentative leaders who had spearheaded the United States’s anti-Taliban campaign. No wonder, then, that in September 2003, as preparations were underway for the Constitutional Loya Jirga, UN Special Representative of the Secretary-General Lakhdar Brahimi circulated a non-paper warning of the “limited representativeness of the Government and absence of sustained efforts to promote national unity and reconciliation” (see Appendix for the text of the non-paper).

The highest levels of the Bush administration were not interested in the politics of Afghanistan. On September 12, 2001, in a conversation with Deputy Secretary of State Richard Armitage, the director-general of Pakistan’s intelligence agency tried to rationalize the Taliban as the result of decades of war. Armitage cut him off, saying “history starts today” (PBS, n.d.). According to Bob Woodward, “As early as September 11 [Director of Central Intelligence George Tenet] had held that the Taliban and al-Qaeda were bound together, that they had to be treated as one enemy and eliminated” (Woodward, 2002, p. 192). In an October 1 video-conference with Secretary of Defense Donald Rumsfeld, Robert Grenier, who had been talking to senior Taliban leaders since September 12 in his role as CIA station chief in Pakistan, proposed a strategy “to motivate first the Taliban, and then others in the south [of Afghanistan], to join the international coalition against al-Qa’ida” (Grenier, 2015, p. 83). Rumsfeld greeted the presentation icily and did not call back when the connection dropped. At a Principals Committee meeting on October 3, Vice-President Cheney settled the matter: “We need the Taliban to be gone,” he said (Woodward, 2002, p. 192).

When the United States launched military operations in Afghanistan on October 7, the administration had not yet decided whether to become involved in building a successor regime in Afghanistan.<sup>3</sup> President Bush had campaigned against “nation building,” but as the reality sunk in that, if the Taliban were overthrown, something would have to take their place, the administration made a widely misunderstood decision. At a press con-

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3 See an account of an early part of the debate in Rubin, 2013, pp. 16–21.

ference on October 11, President Bush announced: “One of the things we’ve got to make sure of is that all parties ... have an opportunity to be a part of a new government ... I believe that the United Nations would – could provide the framework necessary to help meet those conditions” (White House, 2001).

This did not mean that strengthening and supporting a new Afghan government was the principal objective of the United States. On the contrary, delegating – or relegating – the political job to the UN signaled that the United States considered it to be secondary to its mission of killing and capturing terrorists. For the same reason, Washington blocked the expansion outside Kabul of the International Security and Assistance Force, which UN officials had proposed to serve as a nationwide stabilization force that would insulate the political process from pressure by armed factions. As the largest troop contributor and, in practical terms, the owner of the battlespace, the United States had the ultimate say on military deployments. The U.S. Department of Defense did not want its counter-terrorist forces encumbered by the need to coordinate with a stabilization force.

UN Secretary-General Kofi Annan assigned the job of helping Afghans build a new government to the UN Special Mission on Afghanistan (UN-SMA), which had been established in early 1994. He appointed Lakhdar Brahimi, the former foreign minister of Algeria and a veteran UN troubleshooter, to lead the effort, and I served as a member of Brahimi’s team. Brahimi began to organize talks among four Afghan groups, which took place between November 29 and December 5 in Bonn, Germany. He knew that including Taliban in the political process would be needed for peace, but inviting the Taliban to participate while the war was going on was impossible. In the process laid out in the Bonn Agreement, after the formation of an interim administration, the next step would be to convene an “Emergency Loya Jirga” (ELJ), which, as provided in the Bonn Agreement, would:

Decide on a Transitional Authority, including a broad-based transitional administration, to lead Afghanistan until such time as a fully representative government can be elected through free and fair elections to be held no later than two years from the date of the convening of the Emergency Loya Jirga. (United Nations, 2001, p.2)

As he wrote in the non-paper, however:

The Afghan delegates who met in Bonn in November/December 2001 were not fully representative of the diversity of the Afghan population. The Interim Administration hastily assembled at the end of that Conference was more the reflection of the ground realities suddenly created by the US military campaign than of the deeper and more lasting ethnic and social realities of the country. (Brahimi, 2003)

The military campaign had eliminated some and elevated others. The process set forth in the Bonn Agreement as negotiated by the UN consisted of a series of steps – interim administration, Emergency Loya Jirga, Transitional Administration, drafting of a constitution to be ratified as a Loya Jirga followed by elections – designed to make an unrepresentative interim government successively more representative and legitimate. The ELJ, Brahimi told the delegates, would include representatives of those Afghans who for one reason or another could not participate in Bonn. This included, but was not limited to, the Taliban.

The effort at broadening the government, however, confronted an obstacle foreshadowed at Bonn. U.S. Representative Dana Rohrbacher (Republican, California) showed up at the Petersburg Hotel where the talks were taking place. He asked the UN to arrange for him to speak to the Northern Alliance delegation. I knew Rohrbacher, whom I had first encountered when he was Senior Director for Afghanistan on President Ronald Reagan's National Security Council, and I helped arrange the meeting. Yunus Qanooni, chair of the Northern Alliance delegation, showed up with most of his team. To translate, we brought in Jawed Ludin, an Afghan refugee graduate student at the London School of Economics, the official interpreter for the Bonn Conference. Ludin later rose to the post of deputy foreign minister of the Islamic Republic of Afghanistan.

Rohrbacher opened the meeting by telling the Northern Alliance, "I want to thank you for taking revenge on our enemies. Let me know what weapons you need, and I will guarantee you get them." After the meeting, Ludin told the UN that he objected to having been dragooned into facilitating this meeting. "I thought this was supposed to be a peace conference!" he protested.<sup>4</sup>

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4 Author's notes.

By December 4, it was clear to the entire Taliban leadership that they had run out of alternatives in the face of the U.S. onslaught. An isolated Mullah Omar turned over leadership to Defense Minister Obaidullah. The next day, December 5, the UN announced that the UN Talks on Afghanistan had named Hamid Karzai as president. Obaidullah, whose discussions with Grenier had anticipated this moment, led a Taliban delegation to Karzai, who had reached Shah Wali Kot, a district center about 60 kilometers from Kandahar City. Obaidullah showed Karzai the letter in which Omar handed over power (Dam, 2021, pp. 248–249). The U.S. special forces around Karzai reported what was happening to the office of Secretary of Defense Donald Rumsfeld, who told them to keep their eyes on Karzai.

Later that day Karzai announced the Taliban's surrender to several press outlets. The agreement provided that:<sup>5</sup>

- The Taliban recognized Karzai as the leader of Afghanistan.
- They would turn over to him the four provinces remaining under their control (Kandahar, Uruzgan, Helmand, and Zabul).
- Karzai would release Taliban prisoners, grant an amnesty to the Taliban and allow Mullah Omar to live in Kandahar “with dignity”.
- Mullah Naqibullah, a prominent mujahidin commander from Arghandab district who had neither fought nor joined the Taliban, would become governor of Kandahar.
- The Taliban would surrender their arms to Mullah Naqibullah.

In Islamabad, Taliban ambassador Abdul Salaam Zaeef announced, “The Taliban [are] finished as a political force.” He added: “I think we should go home.” (Knowlton, 2001)

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5 The account of the Shah Wali Kot Agreement is based on the following sources: Interview with President Hamid Karzai, Kabul, November 2008; interview with Rais-i Baghran, a Taliban leader from Helmand, who participated in the talks; interview with Mullah Abdul Salaam Zaeef, who was then Taliban ambassador to Pakistan; Dam, 2021; Coll, 2018; Muñoz, 2011; Gopal, 2014; Grenier, 2015; Knowlton, 2001; Stout, 2001.

This agreement followed the traditions of inter-Afghan warfare. Once it was clear who would win, the victor would allow the losing side to surrender without humiliation. As the British envoy Montstuart Elphinstone described in his 1815 book *An Account of the Kingdom of Caubul*: “The victory is decided by some chief’s going over to the enemy; on which the greater part of the army either follows his example or takes to flight” (Elphinstone, 1992 [1815], VII, p. 276). The United States, however, did not know of or recognize this tradition, which in any case contradicted the doctrine of the War on Terror.

A few years later, Karzai told his biographer, Bette Dam, that “a few hours after his announcement of the surrender, a furious Rumsfeld had phoned him and ordered him to rescind the agreements made with the Taliban in public” (Dam, 2021, p. 249). The next day, December 6, Rumsfeld addressed the press at the Pentagon. In answer to reporters’ questions about the Shah Wali Kot agreement, he said there would be “no negotiated solution,” and that there was no question of Mullah Omar living in Kandahar with dignity (C-SPAN, 2001). He publicly threatened Karzai with a cutoff of U.S. support:

The opposition forces in and around Kandahar where it is believed Omar is, are fully aware of our very strong view on this. Our cooperation and assistance with these people would clearly take a turn south if something were to be done that was inconsistent with what I’ve said. To the extent our goals are frustrated or opposed, we would prefer to work with other people who would not oppose our goals. (Knowlton, 2001)

When asked if it wouldn’t be hard for the United States to oppose a deal struck by Karzai, who had just been named interim leader of the country, Rumsfeld dismissed the question as hypothetical and said, “I don’t believe it will happen” (Knowlton, 2001). In case the message wasn’t clear enough, U.S. forces in Kandahar captured the city on December 9 and enabled Gul Agha Sherzai rather than Naqibullah to become provincial governor. The Taliban scattered, arms in hand, some to their villages and some to Pakistan. Karzai no doubt remembered these events in later years, when the United States ritually intoned that reconciliation had to be “Afghan-owned and Afghan-led.”

## The Taliban Leadership from Surrender to Guantanamo

The five senior leaders whose release from Guantanamo the Taliban requested as a confidence building measure were: Mullah Fazl Mazloom; Mullah Noorullah Noori; Mullah Khairullah Khairkhwah; Abdul Haq Wasiq; and Muhammad Nabi Omari. Releasing them would have been a powerful way to communicate that the United States did not consider the Taliban to be identical to al-Qaeda, a necessary condition for peace talks. Each one of them had surrendered and one way or another had agreed not to take arms against the still-undefined and evolving new order. None of them had declared allegiance to al-Qaeda; several of them offered to help with the search for al-Qaeda or killed or detained al-Qaeda members themselves. Nonetheless, former Vice president Dick Cheney called them “the worst of the worst.” Here is what happened to them.

On November 9, 2001, Mazar-i Sharif fell to the forces of three Northern Alliance leaders, Abdul Rashid Dostum (Uzbek, former leader of one of Najibullah’s militias), Ata Muhammad Nur (Tajik, an ally of Ahmad Shah Massoud), and Muhammad Muhaqqiq (leader of the Hazara and other Shi’a forces), backed by U.S. special forces.<sup>6</sup> The Taliban’s military commander for Northern Afghanistan, Deputy Defense Minister Mullah Fazl, and Mullah Noorullah Noori, governor of Balkh and the senior Taliban political figure in North Afghanistan, led a retreat to nearby Kunduz.

Taloqan, Bamiyan, and Herat – cities in the north, central highlands and west of the country – surrendered in quick succession on November 11 and 12. On November 13, the Taliban negotiated the surrender of the eastern city of Jalalabad, which stood astride communications routes between Kabul and Pakistan. Their supply lines cut, the Taliban abandoned Kabul without a fight. Back in Kunduz, Fazl decided to surrender to Dostum. According to Noori’s Guantanamo detainee assessment:

On 17 November 2001, [Taliban Minister of Defense] Obaidullah Akhund advised AF-007<sup>7</sup> [Fazl] to surrender to Northern Alliance Commander General Dostum. Following

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6 This account is based on an interview with Faizullah Zaki, Dostum’s political advisor, who was with Dostum throughout these events, Kabul and Gall, 2014, pp. 20–44 (the author, Carlotta Gall, is a New York Times reporter who witnessed both the Dostum-Fazl press conference and the uprising at Qala-i Jangi).

7 ISN (Internment Serial Number) and AFN (Armed Forces number) here are numerical designations used for tracking individuals within the military system.

negotiations with General Dostum a group comprised of Taliban leadership, including detainee [Noori], AF-007 [Fazl]; and Abdullah Gulam Rasoul ISN -00008DP (AF -008), turned themselves over to General Dostum then moved the group to Mazar -e- Sharif and the forces they commanded to the Qala-i Jangi fortress.<sup>8</sup> (Rosenberg & Dance, 2014)

Obaidullah had secretly met CIA Station Chief Grenier several times to discuss how to separate the Taliban from al-Qaeda and marginalize Mullah Omar, who, alone among Taliban leaders, had staked his personal honor on the protection of Bin Laden.

The surrender was complicated by the presence in Kunduz of hundreds of al-Qaeda and other foreign fighters, and hundreds of Pakistanis, including both volunteer fighters and military officers (some retired and on contract) sent to advise and train the Taliban. By November 21, Fazl claimed to have disarmed the foreign fighters. A meeting of senior UN officials, that I attended as an aide to Brahimi, discussed the diplomatic and political impact of an air evacuation of Pakistanis who had been supporting the Taliban's war effort in Kunduz, secretly negotiated by President Musharraf of Pakistan with the United States. Among journalists and other internationals on the ground, this operation came to be known as the "airlift of evil".

On the night of November 21, Fazl and Noori drove from Kunduz to Dostum's fort in Qala-i Jangi, outside Mazar-i Sharif. Dostum, Ata, Muhaqqiq, global media, and U.S. special forces were waiting for them. *New York Times* reporter Carlotta Gall was there:

The talk focused on arranging a ceasefire and guarantees for the Taliban to surrender peacefully and give up their weapons. Close to midnight, General Dostum called in the reporters who had been waiting outside to hear Mullah Fazl an-

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8 Carlotta Gall, relying on a 2012 report by Afghan intelligence chief Amrullah Saleh, a Masoud protégé, claims that President Musharraf of Pakistan called Dostum three times to arrange a peaceful handover and extricate his men. Another account claims that Fazl had previously encircled Dostum in battle but allowed him to escape with his life – hence Dostum was indebted to Fazl. Fazl claimed to have made this decision on his own, but Gall reports that he remained throughout in touch with the Taliban leadership in Kandahar and its Pakistani mentors.

nounce his surrender. ... Mullah Fazl said they had reached an agreement to end the fighting, and the two men shook hands. The settlement included all foreign fighters. "They are all under my command and they will all surrender," he said. ... Dostum spoke of the twenty-five years of war that had pitted men against each other in every village, city, province, and tribe. "We should not wash blood with blood, we should wash blood with water," Dostum said. ... As dawn broke, Mullah Fazl drove back across the desert to Kunduz and did as he had promised. He made a speech to his followers and told them the fight was over. They were to hand over their weapons and would be allowed to go home. (Gall, 2014, p. 30)

Some of the foreign fighters refused to accept Fazl's orders and threatened him. "His bodyguards drew their weapons and shot some of the Arabs dead," Gall reported. "That ended the discussion. In the days that followed, Mullah Fazl kept his word and delivered thousands of Taliban and foreign fighters into the hands of the United Front" (Gall, 2014, p. 31).

After Dostum delivered the first batch of detainees to the prison in Qala-i Jangi, fighters from the Islamic Movement of Uzbekistan who had been fighting alongside the Taliban seized weapons and started a revolt. The fighting raged for five days, leaving hundreds of dead. On November 28, after the revolt had been quelled, Dostum's men transported thousands more Taliban prisoners to Qala-i Jangi, this time in shipping containers. According to Physicians for Human Rights, which examined evidence from mass graves in 2002, "as many as 2,000 surrendered Taliban fighters and others are believed to have been suffocated to death or shot in container trucks by U.S.-allied Afghan troops of the 'Northern Alliance,' and buried in a mass grave in Dasht-e-Leili, near the town of Sheberghan in northern Afghanistan" (Physicians for Human Rights, 2014). These and other atrocities posed additional obstacles to any further peacemaking.<sup>9</sup>

Dostum transferred Fazl and Noori to his guesthouse in Sheberghan. Sometime in December, U.S. special forces took custody of them. The

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<sup>9</sup> At his first meeting with U.S. representatives outside Munich on November 29, 2010, Taliban negotiator Tayyib Agha asked the United States to make public an internal report that he thought President Obama had commissioned about these killings. In fact, President Obama had asked for a report only on possible U.S. participation in these killings, not on the killings themselves, and resistance from the CIA rendered compiling such a report impossible.

United States first held them on the USS Bataan and then transferred them to Guantanamo when the camp opened on January 11, 2002. They were released in the 2014 prisoner exchange for Sergeant Bowe Bergdahl.

Mullah Khairullah Khaikhwah, who was a member of Karzai's Popalzai tribe, served as governor of Herat, a position that required communication with Iran, which the United States regarded with suspicion. Khaikhwah's Guantanamo dossier described him as "a friend of current Afghan President, Hamid Karzai." According to that dossier:

Immediately prior to the 11 September 2001 terrorist attacks, Mullah Omar approached detainee concerning his relationship with Karzai. Omar did not trust Karzai and told detainee that the relationship was under scrutiny. ... When the Taliban lost control, detainee contacted Karzai to discuss a position with the new government and detainee's personal safety. Several Karzai associates met with detainee in the time between the Taliban's fall and his arrest.

According to detainee, he traveled to Chaman, Pakistan in January 2002. In Chaman, detainee called [Ahmad] Wali Karzai, Hamid Karzai's brother, to negotiate surrender and integration into the new government. The following day, Abd al-Manan (probably Abd al- Manan Niyazi), a former Governor of Kabul, arrived and invited detainee to his house. Soon after detainee arrived at Manan's house (16 February 2002), Pakistani border patrol arrived with orders to arrest Manan. Manan was able to escape, but detainee was arrested. ... Pakistani authorities held detainee for 18 days until he was transferred to US custody in Quetta, PK.<sup>10</sup>

Khairkhwah arrived in Guantanamo on May 1, 2002.

In February 2011, President Karzai requested Khaikhwah's release, saying he had received a letter from Khaikhwah through his lawyer, offering to join the peace process. Former President of Afghanistan Burhanuddin Rabbani, then the chair of the High Peace Council, also wrote to U.S.

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<sup>10</sup> The dossier was published by Wikileaks in 2011 as part of the Guantanamo files (Wikileaks, 2011).

Ambassador Ryan Crocker, asking for the release of Khairkhwah (Farmer, 2017; Rubin, 2011).<sup>11</sup> To my knowledge, the United States never responded to either Karzai or Rabbani. Khairkhwah was released from Guantanamo on May 31, 2014, as part of the prisoner exchange that resulted in the release of Sgt. Bowe Bergdahl from Taliban captivity.

Abdul Haq Wasiq was the Taliban deputy minister of intelligence. Today he is head of their intelligence agency, the General Directorate of Intelligence. The “Capture Information” in his Guantanamo Detainee File requires no further elucidation:

**5. (U) Capture Information: a.** (S//NF) On 24 November 2001, detainee, along with his assistant Gohlam Ruhani, ISN US9AF-000003DP (AF-003, transferred); two Americans; and a translator met at the old government office in the town of Maqaur, Ghazni Province. Detainee was to bring the Taliban Minister of Intelligence, Qari Ahmadullah, to the meeting to provide information that would lead to the capture of Taliban Supreme Leader Mullah Muhammad Omar. Detainee did not bring Qari Ahmadullah but did offer assistance in locating Mullah Omar. Detainee requested a global positioning system (GPS) and the necessary radio frequencies to pass information back to the Americans in order to help locate the Taliban leader. Shortly after the meeting, US forces arrested detainee and AF-003 based on their position within the Taliban and support to Anti-Coalition Militia (ACM) members. (JTF-GTMO-CDR (n.d.))<sup>12</sup>

The file commented, “Detainee appears to be resentful of being apprehended while he claimed he was working for US and Coalition forces to find Mullah Omar.”

Wasiq too was released in 2014 in exchange for Bergdahl.

Omari, a member of the anti-Soviet mujahidin leader Jalaluddin Haqqani’s organization (the so-called Haqqani Network), took shelter in

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11 While serving as a U.S. government official, I saw the letter and urged a positive response, to no avail.

12 See also the transcript of Wasiq’s Combatant Status Review Hearing: <https://www.documentcloud.org/documents/75731-isn-4-abdul-haq-wasiq-combatant-status-review>.

the house of Qasam Jan, a tribal elder close to the Haqqanis from Gurbuz, Paktia. U.S. forces contacted Qasam and asked him to bring Omari for a meeting. The Americans reportedly gave guarantees of his security. When he came to the meeting, Omari was detained along with Qasam Jan. Qasam Jan ended up in Kabul prison for 17 months, while Omari was sent to Guantanamo.<sup>13</sup> Omari, too, was released in exchange for Bergdahl.

Other Taliban leaders had similar experiences. One of those who followed Zaeef's advice to return to his village was Mullah Abdul Ghani Baradar, then Taliban deputy leader. Like Khairkhwah, Baradar is a member of Karzai's Popalzai tribe. According to Karzai, Baradar sent him a letter saying he had returned to his village and recognized Karzai as president.<sup>14</sup> A few months later, Baradar sent Karzai another letter, this time from Pakistan. He told Karzai that U.S. special forces had come to his village to capture him. As Baradar made his escape to Pakistan, he wrote, he saw his little daughter running into the mountains. Now he would fight forever.

Baradar rose to be the most powerful member of the Taliban after Mullah Omar. In February 2010, the CIA captured him in Karachi in a joint operation with the ISI. Karzai claimed he had been engaged in indirect reconciliation talks with Baradar. In a meeting in his office in January 2012, which I attended Karzai asked U.S. Special Representative for Afghanistan and Pakistan Marc Grossman if the CIA and ISI were working together against reconciliation.<sup>15</sup>

At the request of U.S. Special Representative Zalmay Khalilzad, Pakistan released Baradar in 2018. He traveled to Doha, where he headed the Taliban team that negotiated with the U.S. Today he is deputy prime minister for economic affairs.

Jalaluddin Haqqani, the founder of the Haqqani Network, was one of ten "unilateral" commanders of the anti-Soviet mujahidin, so called because they were deemed by the CIA to merit a direct relationship rather than one mediated by the ISI (Coll, 2004). A member of the Zadran tribe

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13 Information on Omari comes from an interview with an Afghan from Khost who is currently in Kabul and has professional relations with the Haqqanis, as well as his Guantanamo detainee file.

14 Interview with President Hamid Karzai, Kabul, November 2008.

15 According to Filkins (2010), the ISI had manipulated the CIA into arresting Beradar to stop talks between the Taliban and Kabul that Pakistan did not control. This account was so widely regarded as credible that the CIA arranged a special presentation to persuade President Obama it was not true.

in Khost, he was the most important commander in Eastern Afghanistan, specifically in the three provinces of Khost, Paktia, and Paktika, known collectively as Loya (Greater) Paktia. Haqqani joined the Taliban in 1995, bringing much of his following with him.

Due to the historical relationship between Haqqani and the United States (Congressman Charlie Wilson of Texas had called him “goodness personified”), after 9/11 the United States initially thought it might be able to split him from the Taliban or even use him to remove Mullah Omar (Gopal, 2014a). Negotiations took place in Islamabad and the UAE, but the best offer from the United States was detention that would end at an unspecified date in return for cooperation. This was beneath Haqqani’s dignity. He aspired to be the leader of Loya Paktia.

After a particularly devastating U.S. air attack, including direct hits on Haqqani’s home, in early November, he instructed his commanders to surrender. Meanwhile, the United States had chosen another powerful member of the Zadran tribe, Pacha Khan, a rival of Haqqani’s, to run the area for them. Pacha Khan had participated in Bonn as a member of the Rome delegation.<sup>16</sup>

Nonetheless, Haqqani still tried to join the new dispensation. On December 20, 2001, he sent a delegation of nearly one hundred tribal elders to attend Karzai’s inauguration in Kabul two days later. Pacha Khan and hundreds of his men intercepted the convoy and demanded they recognize him as the leader of Loya Paktia. When they refused, Pacha Khan told his U.S. military contacts that a “Haqqani-al-Qaeda cavalcade was making its way toward Kabul. Shortly thereafter, amid deafening explosions, cars started bursting into flames. In all, 50 people, including many prominent tribal elders, died in the assault” (Gopal, 2014a).

Haqqani stubbornly refused to get the message, however:

In March 2002, he dispatched his brother Ibrahim Omari to Afghanistan in a bid to reconcile with Karzai. In a pub-

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16 In November 2001, Brahimi, Ashraf Ghani, and I went over the delegation lists submitted by the four groups that had been invited to the upcoming Bonn Talks. We noted that the Rome Group delegation did not include anyone who had set foot in Afghanistan in the last twenty years or so. When we suggested to them that, to avoid embarrassment, they should include some people who actually lived in Afghanistan, the reply came back that they had no such people in their group. Brahimi therefore asked the United Nations Special Mission to Afghanistan (UNSMIA) to find a leading supporter of the former king who lived in Afghanistan. UNSMA proposed Pacha Khan Zadran.

lic ceremony attended by hundreds of tribal elders and local dignitaries, Omari pledged allegiance to the new government and issued a call for Haqqani followers to return from Pakistan and work with the authorities. He was then appointed head of Paktia province's tribal council, an institution meant to link village elders with the Kabul government. Soon, hundreds of Haqqani's old sub-commanders, who had been hiding in fear of PKZ [Pacha Khan Zadran], came in from the cold. (Gopal, 2014a)

Omari enjoyed some support from the CIA for his efforts, but then:

As Omari was visiting the house of a government official near Kabul, U.S. Special Operations forces showed up—without the CIA's knowledge—and arrested him. That week, similar arrests of Haqqani followers took place across Loya Paktia. (Gopal, 2014)

After his release, Ibrahim told his tribal supporters, “He would never set foot on Afghan soil again until it was free of ‘the infidels.’ Not long after, he left for Pakistan” (Gopal, 2014a).

After the U.S. vetoed the Shah Wali Kot agreement, Wakil Ahmad Mutawakkil, the last Taliban foreign minister, went into hiding in Quetta, Pakistan.<sup>17</sup> Abdul Bashir Noorzai, a tribal leader and narcotics trafficker from Mutawakkil's district, reached him by telephone.<sup>18</sup> Noorzai convinced Mutawakkil to leave Pakistan and meet the Americans in Kandahar. Mutawakkil traveled to Kandahar Airfield, where he was arrested. The late Frank Archibald, a former Marine who had risen in the C.I.A.'s Special Activities Division and later represented the CIA in the office of SRAP Richard Holbrooke, questioned Mutawakkil. They talked about creating a new political party allied with Karzai. According to what Archibald later

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17 This account is based on Coll, 2016, and an interview with the late Frank Archibald.

18 At the time, Noorzai was helping the United States with information and contacts, though later he was lured to New York by the Drug Enforcement Agency. After several productive interviews with the FBI, he was arrested, and subsequently sentenced to federal prison as a drug kingpin. Noorzai was released in September 2020 in return for the release of Mark Frederick, an American abducted by the Taliban while working as a civilian contractor. The whole section is based on Coll 2016.

described to me and other colleagues, the C.I.A. officer “was practically living in a tent” with Mutawakkil, while working with him on “creating a legitimate Taliban political party to join the system.”

Steve Coll reported:

Mutawakil suggested that he could recruit other significant former Taliban to join. Archibald worked up a presentation about Taliban defectors and the future of Afghan politics, according to the account he later gave to colleagues. He flew back to Virginia and presented his ideas at C.I.A. headquarters. Vice President Dick Cheney attended. “We’re not doing that,” he declared after he heard the briefing. . . . The message from Washington for Mutawakil was “He’s going to be in a jumpsuit. He’s going to Guantánamo.” (Coll, 2016)

Archibald managed to prevent that, at least. During a conversation in my State Department office, Archibald recounted how he had personally dragged Mutawakkil off the plane that was supposed to transfer him to Guantanamo. The Afghan government imprisoned Mutawakkil at Bagram Airfield for about six months, before he was released into house arrest in Kabul.

These surrenders and offers of cooperation involved the Taliban top leadership, but the rejection of surrender or reconciliation was comprehensive. In May 2002, Brahimi asked me to help monitor the elections to the ELJ. I arrived in Jalalabad with Scott Smith, a United Nations Assistance Mission in Afghanistan (UNAMA) official who today is the organization’s political chief. In the waiting room of the UN office in Jalalabad we found Haji Ruhullah, the son of Jamil al-Rahman, the founder of the Salafi movement in Kunar, who had been assassinated in the summer of 1991. Ruhullah, who had inherited the leadership of his father’s movement, Jama’at al-Da’wa, was carrying several thick binders of resumé’s of people he wanted to propose to the UN as candidates for the ELJ.

When Smith and I were ushered into the office of the coordinator for UNAMA’s eastern region, we found Hajji Abdul Qadir Arsala, the governor of the province. I had met Hajji Qadir at Bonn. He had been a member of the United Front Delegation as representative of the Eastern Shura he led. When I told him that Hajji Ruhullah was sitting in the anteroom with binders full of candidates, I thought I was passing on a positive story

about public support for the ELJ. Hajji Qadir, however, immediately burst out, “He’s a terrorist!” and said that he should be arrested.<sup>19</sup>

We learned later that Hajji Qadir was feuding with Ruhullah over various matters, possibly including the distribution of British funds in an early failed effort to prevent cultivation of the opium poppy. Telling internationals that a rival was a terrorist was a standard tool used by Afghan power holders at that time. Hajji Qadir was elected as vice president of the transitional government at the Emergency Loya Jirga and was assassinated by an unknown assailant on July 6, 2002.

Ruhullah had also become a delegate to the ELJ despite Qadir’s opposition. He apparently had other enemies, however. On August 21, he hosted a dinner in honor of President Karzai’s newly appointed governor of Kunar. There Ruhullah told *New York Times* reporters “that it was ‘possible’ that al-Qaeda was regrouping in the mountain fastnesses. He said, ‘I told [U.S. Special Forces], ‘If there are Al Qaeda, tell us and we’ll take care of them’” (Burns, 2002).

A few hours later, in the early morning of August 22, U.S. soldiers arrested Ruhullah and 11 others on the basis of allegations of collaboration with the Taliban and al-Qaeda that were never confirmed. Ruhullah was transferred to Guantanamo, from which he was released after almost six years of detention on April 30, 2008. The Administrative Review Board, a U.S. military body charged with reviewing the threat status of detainees at Guantanamo, had recommended him for release on the grounds that:

- a. The detainee fought jihad against the Russians and fought against the Taliban and al Qaida at Tora Bora.
- b. The detainee supported the Northern Alliance in their efforts to defeat the Taliban, al Qaida, and Usama Bin Laden.
- c. In 1997 or 1998, the detainee traveled to Mazar-e-Sharif [sic] to visit with Massoud.
- d. The detainee traveled twice to Tajikistan in 1998 in connection with Masood and the Northern Alliance.
- e. The detainee traveled to Cyprus three times in 1999 to attend international conferences organized by influential

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19 In this interview Hajji Qadir presented a memorable summary of ethnic politics in Afghanistan. “The Pashtuns think they should control everything,” he said. “The Tajiks think that they should split everything 50-50 with the Pashtuns, and the Uzbeks and Hazaras think power should be shared equally among all four groups.” Adding up the numbers, it turns out it would require 300 percent of the power in Afghanistan to be divided as all groups wish.

expatriate Afghans to increase resistance to the Taliban. The detainee states that he never worked with the Arabs or against the Americans.<sup>20</sup>

Abdul Salaam Zaeef had known Ruhullah in Guantanamo. He mentioned this in a conversation we had shortly after his release. I asked Zaeef what he thought about the constitution of Afghanistan, since by then the United States and the Afghan governments had made “accepting the Afghan constitution” a precondition for Taliban to reconcile with the Afghan government. Zaeef responded that he had been unable to participate in the constitutional process because he had been detained in Guantanamo. There he had met Ruhullah, who told him, based on his experience at the ELJ, that political processes such as the Loya Jirga were under the surveillance of the Afghan intelligence agency, which prevented participants from speaking freely. Hence, regardless of its content, Zaeef refused to accord any legitimacy to the constitution.

The United States said it was working with “the tribes” in southern and eastern Afghanistan, but there was no such thing. It was working with selected tribal leaders, who used the U.S. policy of treating anyone labeled “Taliban” as if they were al-Qaeda members to settle scores and eliminate competitors, as Qadir had done.

Gul Agha Sherzai, America’s man in Kandahar, belongs to the Barakzai tribe, from which the Muhammadzai royal clan originated. He told his American handlers that leaders of the Ishaqzai and Nurzai tribes of Maiwand district were Taliban. Those tribes had enhanced their historically low status through participation in the Taliban regime, but in 2002 they were holding jirgas to declare their support for the new government and elect local representatives. “Gul Agha’s approach to opposing tribal factions in Maiwand,” Coll reported, “Was to tell the Americans they were all part of the Taliban, ‘and we believed him,’ [a] senior [military] officer conceded” (Coll, 2016). These reports resulted in bloody raids by U.S. special forces, leading to dozens of deaths, the humiliation of women whose houses were invaded, and the arrest and torture of respected elders. Eventually the Noorzais and Ishaqzais gave up trying to support the gov-

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<sup>20</sup> Sahib Ruhullah’s Full Administrative Review Board transcript is available at <https://www.documentcloud.org/documents/77423-isn-798-haji-sahib-rohullah-wakil-administrative>. See also [https://en.wikipedia.org/wiki/Sahib\\_Rohullah\\_Wakil#cite\\_note-Bbc20020824-4](https://en.wikipedia.org/wiki/Sahib_Rohullah_Wakil#cite_note-Bbc20020824-4).

ernment. They armed themselves with Taliban assistance to defend themselves from depredations at the hands of the United States and its local warlord clients (Gopal, 2014). This was one of the principal mechanisms through which the implementation of the U.S. policies of counter-terrorism and counter-insurgency by a military with no comprehension of the social context in which they were acting aggravated intertribal conflicts, producing more terrorism and more insurgency.

### The Paths Not Taken

The way the United States treated the Taliban as part of counter-terrorism policy virtually assured the insurgency that followed and handed Pakistan its principal tool – custody of the Taliban leadership – to use the insurgency to pressure the U.S. and Afghan governments. That does not mean, however, that Afghanistan would have become peaceful and stable if the United States had tried to include the Taliban in the Bonn process from the beginning. The United States was not the only driver of conflict in Afghanistan. Including Taliban in the political system could have produced new conflicts.

Conflicts having nothing to do with the Taliban soon broke out over control of Afghanistan's relatively few valuable resources. Not long after the establishment of the interim administration, Dostum and Atta went to war with each other. In March 2002, I was having dinner at the home of Defense Minister Muhammad Qasim Fahim when he received a call from Dostum. Amrullah Saleh, later to become Afghanistan's intelligence chief, vice president, and a leader of the anti-Taliban resistance, acted as interpreter, and I was accompanied by my colleague, Helena Malikyar, a member of the Rome group who later became the Afghan ambassador to Italy.

Dostum told Fahim that he was cutting a watermelon with Atta, a ritual of reconciliation, signifying that their fight – which had been over control of the fertilizer factory in Mazar-i Sharif – was over. This was the second-most valuable asset in the north, after the customs post at Hairatan border crossing. Dostum, Atta, and other power holders also soon reached agreement over the division of the customs revenue, which by law should have gone to the central government. Similar fights over the control of assets broke out in many parts of the country.

The violence and vengeance surrounding the Taliban's surrender to Dostum was only a small outburst of the massive anger that had built

up after decades of bloodshed. Efforts to include the Taliban would have had to reckon with the opposition of their former victims. Years after the November 2001 press conference in Qala-i Jangi, Muhaqqiq, whose Hazara followers had been massacred by the thousands at the hands of Fazl's troops, told Carlotta Gall why he remained silent: "I was not happy to be there. Looking at their faces they were a strange type of species. They looked tired and humbled. They were almost finished" (Gall, 2014, p. 30). Northern Alliance forces had also massacred hundreds of Taliban prisoners in Mazar-i Sharif after repulsing their 1997 offensive. When the Taliban recaptured Mazar the following year, they murdered thousands of Hazaras in revenge. These killings, as well as the uprising at Qala-i Jangi and the subsequent massacre by Dostum's men of perhaps thousands of Taliban and foreign fighters being transported in shipping containers could have been harbingers of the future.

The Taliban initiated a few other processes of outreach to the Afghan government during the Bonn Process, but once it was completed without them in the parliamentary elections of 2005, they escalated the insurgency, starting with a nearly successful offensive against Kandahar at the beginning of 2006. The initial U.S. offensive had convinced the Taliban that the United States had defeated them. After watching the United States in action for several years, however, they revised that estimate.

By 2009, it was clear to the incoming Obama administration that the effort was at best stalemated. The idea of negotiation with the Taliban began to gain traction. The U.S. military argued for postponing negotiations until they had achieved a "position of strength." But any position of strength had already been squandered, from day one, and for the better part of a decade.

The effort to find a political solution, in which I participated, moved in fits and starts, but the United States and Taliban were able to reach agreement in the Doha Agreement of February 29, 2020, only because President Trump radically simplified the process. Trump was not beholden to any of the U.S. and international constituencies that had invested in the new institutions of Afghanistan.

The Doha agreement, however, was not solely a reflection of Trump. It faithfully reproduced the American priorities that had guided the policy from the beginning, but in a new context. The threat from al-Qaeda and other terrorist groups had been greatly reduced. The rise of China, in particular, had changed U.S. security priorities. It was no longer necessary

to tie down troops in an unwinnable war in a largely hostile region; it was better to pull out and redeploy in accord with the new priority, great power conflict, which became so important as to earn itself a Washington acronym: GPC.

During Trump's first year in office, the national security establishment captured his Afghanistan policy through National Security Advisor General H. R. McMaster. McMaster crafted a policy that Trump announced in August 2017, doubling down on the military option and pressure on Pakistan. After a year, an August 2018 National Intelligence Estimate found that the policy was not working. This was not a major departure, as the intelligence community had consistently argued over the years that whatever the United States was doing was not working. Trump seized on the estimate to abandon the quest for victory and launch negotiations with the Taliban under the leadership of Zalmay Khalilzad, an Afghan-born former ambassador to Afghanistan, Iraq, and the UN, and long-time member of the Republican national security establishment.

The main reason that the Doha negotiations reached agreement, unlike the efforts in which I participated as an official of the Obama administration, was that for Trump the character of the government of Afghanistan was not just a low priority: it was not a priority at all. The Doha Agreement included a framework for political negotiations among Afghans, but Trump was not concerned with it. He wanted the troops out. He constantly tried to impose deadlines on Khalilzad and Secretary of State Mike Pompeo. But insisting on a political solution among Afghans made all those deadlines impossible.

The Doha Agreement reduced the conflict to the major demands of the United States and the Taliban. The Taliban wanted the U.S. to withdraw its troops, and that was enough for Trump as long as he could spin it as a success. Pompeo and Khalilzad prevailed on him to allow the negotiations to go on by promising the main thing the Washington had always wanted in return for a troop withdrawal – guarantees against anti-American terrorism. Khalilzad tried to link the political settlement to a political agreement by announcing several times that “Nothing is agreed until everything is agreed,” but that was not what the agreement said, and neither Trump nor any other major U.S. political figure insisted on it. Biden was no more a believer in a political settlement than was Trump. Throughout the Obama administration he had argued for a single-minded focus on counter-terrorism.

The Islamic Republic of Afghanistan was so dependent on U.S. financial and military assistance for its very existence that it had no leverage over the process except what the United States would grant it. To all those Afghans, Americans, and other international actors who had devoted themselves to building the new Afghanistan, this was a terrible and tragic failure. But ultimately the United States got the guarantees it had always wanted at a cost it was willing to bear. Those guarantees might not be worth much in practice, but while they held, Washington could pursue other priorities.

The philosopher poet Iqbal had called Afghanistan the Heart of Asia – but the United States was no longer concerned with Asia, the existence of which it now barely acknowledged. It tried to excise China from the globe by replacing “Asia” with something called the “Indo-Pacific.” As long as the United States has a policy toward the Indo-Pacific, but not toward Asia, Afghanistan will be a blank spot in the conceptual map of American policy-makers. It is slowly reverting to the status of those unexplored regions illustrated by pre-modern map makers<sup>21</sup> with depictions of monsters and other imagined creatures.

The United States has relegated Afghanistan to oblivion because of the need to focus on either great power competition or the new axis of evil – China, Russia, and Iran. What this oblivion overlooks is that China, Russia, and Iran, not to mention Pakistan and India – all of the non-Western nuclear powers – consider Afghanistan as vital to their national interests. Consequently, these countries have formed an informal bloc to prevent UN headquarters from gaining control of the struggling diplomatic process on Afghanistan. These countries favor regionally-based processes they run themselves without the participation of the UN or the U.S. Given its importance to the countries of greatest concern to the United States, Afghanistan cannot be dismissed as marginal to the emerging patterns of great-power competition. How – or whether – that state is governed will shape relations in a region that the United States has temporarily erased from the policy map: Asia.

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21 See, for example, <https://education.nationalgeographic.org/resource/here-be-dragons/>

# Non-Paper

## Accelerating the Implementation of the Bonn Agreement

### Introduction

1. The Bonn Process has served Afghanistan and the International Community well. Many objectives have, so far, been achieved and this was done, mostly, in a timely manner. Some achievements stand out: the change of currency, the National Development Framework and the Budget, the Independent Human Rights Commission, the first steps in the formation of a National Army and a National Police. Besides, quite a few projects will start yielding benefits in the not too distant future: the road reconstruction programme, the restoration of the power grid, agriculture activities.

2. The progress of other Bonn elements, however has not been as successful. The Civil Service reform, for example, has made little headway and there remains a clear lack of capacity in the Judicial sector. But what is making the Bonn process lose momentum, thus threatening the integrity of the whole programme of activities, are the widening gaps in three fundamental areas:

- a) Limited representativeness of the Government and absence of sustained efforts to promote national unity and reconciliation;
- b) The feeling that security has not improved and, in many areas, may now even be deteriorating, and
- c) The slow pace of reconstruction and the fact that the financial needs have proven greater than originally anticipated.

### **i. Representativeness of the Government and National Unity**

3. With regard to the limited representativeness of the Government, let us recall that the Afghan delegates who met in Bonn in November/December 2001 were not fully representative of the diversity of the Afghan population. The Interim Administration hastily assembled at the end of that Conference was more the reflection of the ground realities suddenly

created by the US military campaign than that of the deeper and more lasting ethnic and social realities of the country. Furthermore, the Emergency Loya Jirga, in June 2002, was a disappointment to many in so far as it failed to improve significantly the ethnic and social balance inside the Government.

4. The Government has tried to initiate some reforms, with some initial success but Government Ministries - especially Security institutions – remained disproportionately dominated by the Northern Alliance. In the eyes of most Afghans (not only Pashtuns) this situation limits the credibility of the Government. One senses a growing feeling of public dissatisfaction with the Government and that feeling is compounded by the behaviour of factional leaders who maintain political, military and financial power in the regions. Some, at least, of these factional leaders are becoming more and more unpopular and are often accused of building vast fortunes through all sorts of illicit and corrupt practices, including from the drug trade.

5. To heal the deep wounds left by 23 years of war, a credible plan for national reconciliation needed to be crafted and patiently implemented. Despite calls for national unity by the President and others, not enough has been done to address this key issue. On the contrary, a strong impression prevails that those groups and individuals who find themselves in positions of authority are jealously protecting – and abusing – their privileges. The perception that corruption exists in the administration both centrally and at local levels is coupled with the fear that the rapid expansion of the drug economy will undermine the nascent institutions of state.

## **ii. Security**

6. While grateful for the end of large scale wars, the Afghan public expected an end, also, to the misrule of factions, groups and individuals who are perpetrating abuse in various forms: rackets, illegal taxes, land grabbing, occupation of houses, persecution, arbitrary arrests, torture and even assassinations, and all sorts of humiliation and harassments.

7. In the South and South East, the feelings of disenfranchisement are fed by the convergence of the Government's inability to access some areas,

corruption and abuse by local commanders and government officials, and active propaganda by elements opposed to the peace process and their supporters outside of Afghanistan. The Taliban never accepted defeat and, as was expected, have been reorganizing, regrouping, reviving old alliances and building new ones, and mobilizing resources inside and outside the country. They, and others, are taking full advantage of the popular disaffection mentioned above. If violence attributed to them seems to be concentrated in the South and South East at present, they are certainly trying to gain support in the capital as well as in many parts of the rest of the country. The situation is reminiscent of what was witnessed after the establishment of the "Mujahedeen" Government in 1992. The spectacular rise of the Taliban, then, was a direct result of the hard, unjust and chaotic rule of the Mujahedeen rather than due to any enthusiasm for Taliban ideology.

8. The long-term solution to the security issue is, of course, for Afghanistan to build its own rule of law institutions. Work is being done, but progress is slow. In particular, there has been too much initial resistance to genuine reform of the Ministries of Defense and Interior and to that of the Intelligence establishment. Also, as indicated earlier, the reform of the judicial sector is yet to reach any meaningful level. The Bonn Agreement recognized that the process would be slow and that international assistance would be necessary to support the political process and help address the security needs while national institutions were being built. Thus the Agreement called for ISAF to be deployed in Kabul and later, if need be, beyond the capital. But the expansion of ISAF did not take place despite calls from all quarters in Afghanistan and repeated appeals from the Secretary-General and UNAMA. The recent adoption of resolution 1510 (2003) by the Security Council is welcome but it will not automatically translate into the actual expansion of ISAF. The PRTs are helping where they do exist. However, at the pace at which PRTs are being launched, they cannot be the full answer needed to overcome the security problems, protect the Bonn process and help to extend the authority of the central government.

### **iii. Reconstruction**

9. Reconstruction has also moved slowly, due to insufficient international funding, the weakness of public administration and, perhaps above all, to

the impact of insecurity. It was made abundantly evident during the last few months that, despite Iraq, Afghanistan will not be “forgotten” (at least not for another year or so) by the International Community in general and the donors in particular. The decision by the US to inject up to 1.2 billion dollars more into Afghanistan was particularly welcome. So was the support given by the President of the World Bank to the call made by the Afghan Finance Minister for a long-term commitment of the International Community to support Afghan reconstruction based on a more accurate assessment of the country's needs for its economy to reach sustainable levels.

10. Insufficient administrative capacity, especially in the provinces, poor communications and insecurity hinder implementation of programmes, increase costs and discourage private investment. There is an urgent need to break the vicious circle: Insecurity prevents reconstruction; and lack of reconstruction increases insecurity.

11. The Bonn process was scheduled to last up to the summer of 2004. In the rather short time remaining, the most challenging tasks of the entire process have to be completed: drafting and adopting the Constitution and preparing and organizing elections. Other projects have been started, but not completed: the creation of the National Army and National Police, reform of the Ministries of Defense and Interior as well as that of the Intelligence Department, reform and reorganization of the Judicial sector, implementation of DDR. This is a formidable programme by any standards and under any circumstances, but particularly daunting in the present conditions in Afghanistan, at a time when President Karzai and his international partners are finding it increasingly difficult to maintain the momentum and to mobilize public support.

12. It has, however, become abundantly clear that completing the programme under Bonn requires, first and foremost, that the shortcomings described earlier, in relation to a more representative government, national reconciliation, national unity, security and reconstruction are addressed urgently. If unresolved, these gaps will have the effect of disrupting the environment necessary for the successful completion of the Bonn Agenda. In particular, the constitutional and electoral exercises will be unlikely to produce a stable, legitimate political order. Rather, they could merely in-

stitutionalize what is inherently a fractured, unstable political order dominated by factional interests and local insecurity.

### **Constitution and Elections**

13. A number of critical questions loom. Will the Loya Jirga be successful in adopting the Constitution? Will all the conditions for holding credible free and fair elections be created between now and the summer/autumn of next year? And will the International Community be willing to commit up to 30 billion dollars at a multi-year pledging Conference which the Minister of Finance and the President of the World Bank are thinking of holding in early 2004?

14. The constitutional drafting process was slow, and suffered from attempts made by various factional interests promoting systems of government favouring narrow interests rather than stable national structures, and this dynamic may well enter the Loya Jirga. Nevertheless, the process of selection/election of the delegates to the Constitutional Loya Jirga has gone relatively well.

15. Every effort will be made to ensure a successful Constitutional Loya Jirga. But there will be 500 men and women, trying to review and agree on a text consisting of some 160 articles and addressing some of the most complex and controversial issues. A failure to agree on a new Constitution will be a set back, of course. But Afghanistan can certainly survive another few months with the 1964 Constitution as amended in Bonn. If on the other hand, the Constitution is adopted, that would be a welcome, additional success in the process, but a new Constitution is not, by itself going to solve Afghanistan's numerous difficulties: insecurity would still be a looming menace, and the narrow popular base of the Government a source of popular dissatisfaction amongst large sections of the Afghan population.

16. The daunting task of preparing for the registration of no less than 10 million voters is also underway. We have warned the Security Council that credible elections will depend upon the creation of a legislative, political and security environment in which voters can participate in the elections in a free, fair and fully informed manner. At present, however, the political control exercised by factional interests, and the insecurity prevalent in the

South in particular, do not bode well. Lack of access to significant portions of the South also make parliamentary elections well nigh impossible, because the inaccessible areas are predominantly Pashtun and this would result in their disenfranchisement and under-representation in the Parliament. Presidential elections based on a single, national constituency might be credibly held if only a few areas were excluded, though this too carries risks, particularly if the victor were to win by only a very small margin.

### **Bonn II**

17. Two years after Bonn and in view of the challenges ahead, it would be most useful to stop, and look back at what has – and has not – been achieved and reflect on the way forward. The overwhelming majority of people in Afghanistan feel uncertain about a positive outcome from the Constitutional Loya Jirga and national elections. Yet they are also united in the belief that the core outcomes intended by Bonn – a more balanced government, the rule of law, more security, and reconstruction – is the agenda that the country must follow.

18. How to correct the present course, regenerate momentum, accelerate the rebuilding of the state on more secure, more acceptable foundations, and do better in the field of reconstruction? One way of doing it might be that a systematic review of the Bonn Agenda is undertaken at this stage.

19. Evidently, it is indispensable and urgent to give Afghanistan a more inclusive and more representative government that it now has. It is equally evident that new financial resources need to be mobilized to cover reconstruction needs for a minimum of five years. It will be much easier in late 2003 and early 2004 to successfully undertake a needs assessment which would be far more accurate than the exercise completed in a hurry in 2001. Of course, donors will be vastly more encouraged to commit themselves to the very substantial funding requirements if they are, at the same time, associated in the formulation of the parallel, revised political agenda against which new funding is made conditional.

20. In Bonn, the Afghan parties were not fully representative of the whole spectrum of the diverse Afghan population. As for the international community, they were there as facilitators only. In Bonn II the Afghan partic-

ipants must reflect more truthfully and more fairly the ethnic and social diversity of Afghanistan. While the international community, building on the excellent working relationship established during the past two years, will be a full partner to help achieve an Afghan consensus and participate in the implementation of the new Agenda. A re-energised partnership would also send a strong signal to the “spoilers” that Afghans and the international community are committed to completing the political transition in Afghanistan.

21. A “Bonn II” conference would define an agenda for Afghanistan beyond the current Bonn process, build a national leadership to implement it and an international coalition and funding basis to support it. A coalition of those that support this agenda does exist, including many Afghan men and women who were not at Bonn in December 2001 and are not part of the Government at present. They need to be part of a new Conference to revise those programmes that made up the core of the agenda of Bonn I and to set new ones to initiate genuine reconciliation of the people and complete the rebuilding of the State of Afghanistan.

22. The Bonn Agreement envisaged a path to peace and stability for Afghanistan and it was a given that after 23 years of war, this path would not be without its challenges. Now, a critical stage has been reached. To realize success, the challenges described in this paper will need to be met squarely, lest they undermine the achievements made so far and deny Afghanistan and the international community the goals they have invested in and worked hard for. It must be underscored that peace and stability in Afghanistan are achievable. However, Afghans and their international partners must commit themselves, together, to fully realizing the spirit of Bonn and completing the transition. A “Bonn II” conference is one way to provide an opportunity to do so.

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