

# Intra-Afghan Dialogue: Prospects and Challenges

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## Abstract

This chapter explores the prospects and challenges of approaching a national dialogue and an inclusive government in Afghanistan under the Taliban's rule in the context of international demands and internal dynamics. Highlighting the significance of inclusivity for recognition by the global community, including Russia and China, it considers the extent to which such a government can feasibly be achieved through intra-Afghan dialogue, given the Taliban's history and ideology. Despite initial promises, the formation of a Taliban-exclusive interim government raises questions about the movement's sincerity and the potential for genuine inclusivity. This article further considers the implications of the Taliban's approach to governance, the drafting of a new constitution, and the role of civil society in fostering democratic governance. Finally, it surveys the pathways to a national dialogue, addressing the challenges of meaningful inclusivity and the international community's role in facilitating constructive engagement.

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### Introduction

The international community, including close allies of the Taliban such as Russia and China, have made it clear to the de facto authorities of Afghanistan that the formation of an inclusive government is a major factor in the recognition of the Taliban government. In return, the Taliban have stated that they will form an inclusive – but not “selected” – government (Poya, 2002). Together with the issue of women’s and girl’s rights in Afghanistan, the issue of inclusivity and representation in Taliban governance has been a key issue in the global discourse on Afghanistan. In this light, this chapter will explore the following questions: Why is an inclusive government important for Afghanistan? Would an inclusive government formed by the Taliban really be inclusive? What would intra-Afghan dialogue look like, and who should be included in such dialogue? The chapter’s principal argument is that this inclusive government can (and should) only emerge as a result of an intra-Afghan dialogue. True change will take more than a dialogue between the political elite, however, and it is important to manage expectations. Nevertheless, one thing is clear – for the first time in four decades, Afghanistan is free from conflict and is governed by a single entity. This presents a unique opportunity that should not be missed.

The chapter will first look at the steps made by the Taliban toward inclusivity, before turning to inclusivity at the organizational level, focusing on the constitution; after this, it will discuss who can be considered legitimate representatives of the population in Afghanistan. The final two sections concentrate on the possibility of political plurality in Afghanistan on a party level, and on what the international community can do to support the national intra-Afghan dialogue necessary to enhance inclusivity.

### Inclusivity and National Dialogue

When examining the issue of inclusivity and the Taliban, discussions often return to the Bonn Agreement, the outcome of the Bonn Conference, where Afghan stakeholders were gathered with a view to the formation of a post-Taliban government in December 2001. The Taliban were not invited to the process. As argued by Bette Dam (2001), and recounted in detail in the first chapter of this anthology by Barnett Rubin, the choice by the United States to block any attempt of a negotiated agreement with the Taliban served, in part, to form the conditions for the instability that

followed (Rubin, 2024). It is worth challenging the argument that the United States' choice to exclude the Taliban was a missed opportunity and that the Taliban are repeating this same mistake, however. This is a weak argument for several reasons; fundamentally, it assumes that there was any incentive for either the United States or the Taliban to form a government that symbolically included the Taliban in the post-2001 setup. The United States could not justify its invasion if it included the Taliban as part of a post-invasion government, and the Taliban would not have been able to justify their initial resistance to the U.S. invasion. The United States was unwilling to accept a surrender from the Taliban, let alone include them in the government (Dam, 2021). Today, the same logic applies to the Taliban and those we expect them to accommodate. First, the Taliban cannot justify broad inclusivity when the expulsion of certain individuals was core to their struggle, while the Afghan opposition will not be able to justify joining the Taliban and legitimizing their rule having so long considered them mortal enemies – especially for the token roles in government they are likely to be granted. Second, even if the United States had included the Taliban back in 2001, they would realistically have only included splinter groups; if the Taliban did this today, it would imply that they had inducted non-controversial members from different political parties into their government. This would neither satisfy political inclusion, given that the leaders of different political parties would still be unhappy, nor prove to be a choice based on merit. While the Taliban need to form an inclusive government today, this does not need to be done in a manner echoing the United States formation of a fragile government made up of reviled warlords and corrupt politicians after 2001.

Their agreement to form a transitional government before their August 2021 takeover might lead one to conclude that the Taliban understood inclusivity to be a condition for international recognition of their government. The agreement was disrupted, however, by the fleeing of the Afghan president and the military takeover of Kabul by the Taliban (Quilty, 2022). After coming to power, the movement also attempted to engage in dialogue with different national groups, only to eventually announce an interim government made up exclusively of Taliban. While the Taliban seemed to have been willing to give cabinet positions to representatives of different political groups, many of these meetings with political figures within Afghanistan were later summarily awarded to different Taliban leaders. Taliban leaders, in the form of groups and individuals, visited

the likes of ex-president Hamid Karzai, the former chief executive Abdullah Abdullah and the leader of Hezbi Islami, Gulbuddin Hekmatyar, to discuss the formation of the cabinet. Promises for inclusion were provided by these Taliban leaders to the different parties they met. These promises were discussed in leadership meetings as well. A final meeting in Kandahar under the leadership of the Taliban Emir resulted in the announcement of a cabinet made up exclusively of Taliban members (Khan & Tanzeem, 2021). The Taliban's reference to the current cabinet as the "caretaker cabinet" might perhaps inspire hope that a more inclusive formation could follow (Al Jazeera, 2021). But this inclusive government could emerge only after a national dialogue.

It is worth positively acknowledging certain steps the Taliban have taken since their takeover to keep the prospects of a future dialogue alive. The announcement that amnesty would be granted to all their opponents was an unexpected but welcome step, even if it has not been implemented perfectly (Borger & Siddiqui, 2021). Some of the national opposition chose to stay in the country; most chose exile. The announcement of amnesty was followed by the announcement of a commission tasked with the safe return of ex-Republic officials (Radio Free Europe/ Radio Liberty, 2024). While there was much hope among those who returned, and among Afghans in general, that this commission would lead to a degree of inclusion, it resulted only in guarantees of safety for returnees and the return of their property.

Little clarity exists regarding the complete political structure the Taliban envision for their government. The only existent political manifesto, written by Chief Justice Mawlawi Abdul Hakim Haqqani and endorsed by the Taliban supreme leader, mentions a grand legislative council called the Shura. The members of this Shura are to be selected by the Emir and would be tasked with acting as a parliament with the Emir holding ultimate decision-making authority (Zaland, 2023). There have been no indications from the Taliban that such a Shura will be formed. Instead, the current leader of the Taliban has upended the leadership council, the Rahbari Shura, through which most of the movement's decisions have been made (West Point, 2024). The deputy of the Taliban movement, Sirajuddin Haqqani, a proponent of girls' education and the formation of an inclusive government, seems to have been demoted to the position of interim interior minister now that the leadership council has been dissolved. If the leader of the Taliban can revoke the traditional leadership council, then it is unlikely that he would want to form a legislative council. While

is unclear how much political power, if any, such a legislative shura would hold, such a body would increase the space for political participation and inclusion if the Taliban were to choose it.

## The Constitution of Afghanistan

An inclusive government in Afghanistan is vital to the drafting of a new constitution. The Taliban suspended the constitution drafted in 2004 on their coming to power, announcing that parts of the 1964 constitution drafted under King Zahir Shah would be instituted (Voice of America, 2024a). The past two years of Taliban rule, however, have seen a series of edicts from the supreme leader (Afghanistan Analysts Network, 2024). Ernest Fraenkel (2018), who wrote about the Nazi regime, describes such a system as a *dual state*: a state in which a totalitarian regime enacts a normative constitution while creating a parallel prerogative state in which the original constitution is undermined according to the needs of the ruling group. Historically, the forming of a constituent assembly to draft a new constitution after major political upheavals is a challenging task. Scholars have called this the *opening dilemma* – a period in which even democracies have a difficult time selecting a constituent assembly to draft a constitution when no representatives of the people have been elected yet (Bensel, 2022). In Afghanistan, this issue is further compounded by the lack of legitimate popular representation (a point that will be discussed later). Although the Taliban have announced their intention to draft a new constitution, it is imperative that the commission charged with the drafting process and the body responsible for ratifying it are not exclusively Taliban. While it is unclear which political body would ratify the constitution, interim Chief Justice Abdul Hakim Haqqani has indicated that the Shura (grand council) would be mandated to draft and ratify the constitution, with the leader reserving the power of veto (Rahimi & Watkins, 2024). The formation and structure of such a Shura would be a fundamental part of the discussions in any national dialogue; questions of legitimacy would, naturally, hang over a constitution drafted and ratified by the Taliban exclusively.

In the mold of other post-revolution regimes, the Taliban, deeply anxious to protect themselves against any counter-revolution, are currently working to consolidate their power. This leaves little room for action to build inclusivity: as William Byrd (2024) argues, it is not in the movement's self-interest to be more inclusive in this initial stage of their governance.

Acknowledging this institutional hesitance, the international community has to be mindful not to fuel any anxiety related to the hatching of conspiracies, or to give the impression that the Taliban are being excluded from conversations regarding Afghanistan's future. Whilst it is important that the international community gives a platform to those excluded by the Taliban, and eventually includes such individuals in international dialogue, caution should be exercised when it comes to endorsement of those who have officially denounced political reconciliation with the Taliban. A mixed message is sent to the Taliban, for example, with the financing and the hosting of offices for ex-Afghan military figures such as General Sami Sadaat, a man who stands accused of war crimes and who has declared military resistance against the Taliban – albeit with almost entirely no activity in the field (Ridley, 2022). International actors should also refrain from attending conferences organized by political groups such as the National Resistance Front (NRF) that have launched their insurgency campaigns in Afghanistan. The presence of the U.S. chargé d'affaires to Afghanistan Karen Decker at the Herat Dialogue, an event hosted and funded by the NRF, was one such recent example (Ariana News, 2024). This is counterproductive to international engagement with the Taliban and damages the trust required if they are to make concessions; the Taliban, barring other reasons, will only be willing to start a national dialogue once enough trust has been established to be seen as a viable path to international recognition. The UN Security Council resolution 2679 and subsequent Doha meetings, the last of which was attended by the Taliban, have charted a clear path forward for engagement. The Doha meetings aim to use confidence-building measures to build trust whilst impressing upon the Taliban the steps they would need to take in order to be recognized (Voice of America, 2024b).

There are also practical and moral reasons why the international community must be wary of imposing warlords and corrupt politicians who were recently exiled from Afghanistan. Though inclusion is fundamental to post-war societies if they are to be prevented from reverting to conflict, the imposition of warlords was central to the failure of the U.S. mission in Afghanistan (Niland, 2014). Allegations that the then-U.S. special envoy Zalmay Khalilzad handed the Taliban a list of such individuals to be included in the government undermine the utility of the national dialogue. Though the Taliban officially denied any such list being handed to them, it is likely that the United States and other international actors

have proposed names to the Taliban for inclusion into their government (Afghanistan International, 2023). This raises the important question of who should be considered a good, appropriate, candidate to represent the Afghan people.

### **Afghan Legitimacy**

The past 40 years of history demonstrate that, for the most part, those standing in line for an invitation to the national dialogue do not represent the Afghan people. Their participation in coups, the civil war and the failed and corrupt democratic system discredits them. Even the leaders and parties of the Afghan fight against the Soviets such as Hezbi Islami, Jamiat Islami, among others who used to enjoy the support of a large portion of the population, have now lost their legitimacy.

Most of these individuals were eventually given immunity for their past crimes and were handed a fresh start at the 2001 conference in Bonn, where Afghanistan's post-Taliban government was arranged. In the following 20 years, they joined others in forming a kleptocratic elite and gaining positions of power through electoral fraud (Special Inspector General for Afghanistan Reconstruction, 2021; Miller, 2024). The result was an unstable, inefficient regime which collapsed with the slightest pressure in the face of the Taliban surge. Historically speaking, Afghanistan has faced a prolonged crisis of representation that has only been exacerbated by the Taliban takeover, making it almost impossible to propose any party or person to represent the Afghan people.

In terms of legitimacy, ideally, the Taliban should have been negotiating the future of Afghanistan with the nation's civil society. Though many factors impeded the formation and growth of such a society in the country during the twenty years of U.S. occupation, the armed conflict underlay most of them. Only grassroots movements and a general, invested, engagement in the body politic can lead to sustainable change in the country: Afghans, that is, must be provided the support required to establish public spheres as conceptualized by Jurgen Habermas (2018) – egalitarian spheres capable of laying the ground for the emergence of an organic opposition. Whilst it remains important to pressure the Taliban to reform, the emergence of a public sphere is essential for sustainable change. A concept such as Adam Michnik's (1986) new-evolutionism, focused on creating grass-root movements, helpful to Poland as it found its path to

democracy, can prove central to Afghanistan's political and civic development. Once such a public sphere has emerged, Afghans can move past the negation of bad policies instituted by the Taliban to politics affirming a democratic Afghanistan (Goldfarb, 2005). The earliest stages of a development of this nature are evinced by the emergence of public intellectuals who have taken to the airwaves to speak truth to power. Among these men and women, the men (at least) have been invited to joint meetings with the Taliban to communicate their concerns to Taliban leadership (Tolo News, 2024). Despite intellectuals being detained by Taliban intelligence units from time to time, they have not stopped their social criticism. Women such as Tafsir Siaposh have continued to debate Taliban scholars on TV. Others such as Dr. Zerka Malyar and former member of parliament Mahbooba Siraj have also held public meetings with the group's leadership (Jalalzai, 2024; Al Jazeera, 2023). There are also men and women leading social initiatives that make both the Taliban and the international community recognize them as important civil actors. Ashely Jackson's (2021) work studying the interactions and negotiations between the Taliban and the civilian population during the Taliban's insurgency phase shows us that the Taliban are not indifferent towards the populations they rule, and nor had those populations rolled over for them. If the Taliban have previously shown some understanding of the importance of winning over those they govern, it is likely they will attempt it now that they are in power. However, the development of a strong public will take time and substantial effort to become a cohesive entity capable of exceeding local influence to generate pressure, nationally, sufficient to exact reforms from the Taliban.

The political opposition to the Taliban agree upon little. This was made clear through the Doha talks prior to the Taliban takeover, where the differences between powerful entities of the Republic hindered the emergence of a cohesive and unanimous vision for the talks' outcome (Baheer, 2023a). The international community have merely called upon the opposition to come to terms with one another instead of facilitating small-scale meetings between interested parties themselves. These meetings could inspire the concept of *agonistic pluralism* between the opposition groups – a form of domesticating hostility in which different groups can maintain their core beliefs while rallying around a common cause, seeing each other as adversaries rather than enemies (Mouffe, 1999). Such talks would have to be held away from the public eye as they should not appear to be dialogues regarding the future of Afghanistan without the Taliban. The



Afghanistan Future Thought Forum, founded after the Taliban takeover in 2021, is one such model to be emulated; including members from different political backgrounds who agree that a return to conflict is undesirable, the forum's meetings have been hosted by different governments. The forum itself has developed a working relationship with the Taliban (TOLONews, 2023). Such forums have to tread a fine line between gaining the Taliban's trust and legitimizing them without achieving tangible concessions. The recent public conferences, The Moscow Format and the Herat Dialogue, held in Russia and Tajikistan in November and December of 2023 respectively, were not only committing the error of platforming warlords and insurgent groups but were also attempting to discuss Afghanistan's future without the Taliban (Zahidi, 2023; O'Donnell, 2023). Viewed by the Taliban as attempts to form governments in-waiting, forums like these only serve to increase the Taliban's distrust of the international community.

### **Engaging and Incentivizing the Taliban**

Ultimately, due to the absence of a functioning democracy in the past twenty years of NATO occupation and the tumultuous state of political affairs before that, there are very few viable figures that might be proposed to the Taliban for partners in dialogue. Ultimately, this problem might best be solved by encouraging the Taliban to select the participants for a national dialogue themselves. Loose conditions can be set for both the ethnic, political and gender inclusivity expected of this dialogue and the resulting government itself. The initiation of such a process can be demanded as a confidence-building measure in the current international engagement with the Taliban. Incentives should be offered to the Taliban to encourage their willing participation in a process of this nature. Ultimately, those who want to be included in the process will have to impose themselves on the Taliban instead of expecting the international community to impose them.

The international community must not attempt to replicate the process implemented in negotiations with the Taliban in Doha. Despite efforts by the Qatari government to re-center the post-15th August, 2021 engagement and dialogue within the Doha agreement framework, there is little in the agreement that could usefully serve to guide future progress. The vague nature of the deal has led both parties – the United States and the Taliban – to accuse the other of having violated its terms. There is also the fact of the end of the war in Afghanistan and the drastic power

asymmetry between the Taliban and their opposition that renders it futile to view the dialogue in Doha's terms. Previous talks in Doha were between two warring parties competing for control over the country. But that is the case no longer. The Taliban hold the entirety of Afghanistan; they must be treated as the *de facto* authorities they are. There is, however, scope for the international community to use its leverage to push the Taliban towards a national dialogue – and the idea of inclusion.

It is important to recognize that the international community's lack of progress on engagement does not indicate an absence of leverage. There are certain things the Taliban need and the international community can provide. These include international recognition of the Taliban's status as the *de facto* government, which would lead to the release of Afghanistan's foreign assets, development aid, and lifting of sanctions against the movement, among other benefits (editor's note: see also Rigsby's chapter in this anthology). While the Taliban understand that recognition will bring benefits, their insistence that it should happen without their making concessions of their own has borne little fruit. An impasse has been created in the engagement process: the international community demand that the Taliban repeal the bans restricting women's right to education and work and form an inclusive government; the Taliban demand recognition (editor's note: see also Anderson's chapter in this anthology). This impasse was recently broken with the report by UN Special Coordinator for Afghanistan Feridun Sinirlioglu on the state of affairs in the country (United Nations, 2023). He recommended to the UNSC that a special envoy be appointed to Afghanistan tasked with pursuing confidence-building measures (CBMs) to facilitate the process of bringing Afghanistan back into the international order. The emphasis on the CBMs is an acknowledgement of the lack of trust between both parties attempting to engage, and the futility of demanding major concessions early. This would translate to the Taliban receiving invitations to certain international conferences to represent Afghanistan (especially in climate-related discussions), sanction relief and other measures whilst being expected to take steps to show their commitment to the process in return. Even if the Taliban cannot announce an inclusive government immediately, initiating a national dialogue process would gain them much favour with the international community.

The label used for such a national dialogue will have to be carefully chosen since the Taliban have refused to endorse any process that might legitimize their opponents. This new process would also have to exclude

foreign mediators. It would be necessary to communicate that dialogue as a confidence-building measure and conditions for accepting a possible outcome are essential – but the process would have to be Afghan-led and Afghan-owned. While this slogan was used to exhaustion before the fall of Kabul on August 15, 2021, a lack of a cohesive vision and sincerity rendered it meaningless. President Ashraf Ghani, apparently believing that his international allies would side with him until the very end, had little incentive to settle the conflict. The Taliban, on the other hand, stand to gain much from the initiation of such a dialogue and announcing an inclusive government. There is also the matter of the Taliban enjoying undivided sovereignty over all of Afghanistan – a state quite distinct from the islands of power that existed during the Republic’s time, from which spoilers were prone to emerge, derailing the negotiation process (Baheer, 2023b).

The Taliban must resolve their own internal differences regarding the role of political parties in the country. The current chief justice considers political parties to be un-Islamic – a view that has been translated into policy with the dissolving of the directorate tasked with the registration of political parties and the announcement in August 2023 by the de facto minister of justice that political parties were now banned (Radio Free Europe/ Radio Liberty, 2023). Acknowledging political parties and including them in the future government of Afghanistan is required if political plurality is to be realized.

### **Prospects and Challenges for a National Dialogue**

It is unrealistic to expect the Taliban to give any major parts of their government to individuals who are not members of the movement in the near future. First, the Taliban distributed positions of power between its top leadership, holding them to be the spoils of war; it is unlikely that any of the major members who still hold any degree of sway and following within the party are to be sidelined for the purposes of the inclusion of non-Taliban. Second, even prior to taking power, the Taliban were unwilling to concede powerful ministries in the putative interim transition government discussed before August 15. Statements from close aides of the former president Ashraf Ghani and the testimony of former special representative for Afghanistan reconciliation Zalmay Khalilzad to the House Foreign Relations Committee have shown that the Taliban had agreed not to make a military take-over of Kabul and were instead willing to agree to

a transitional government. It is only rational to assume that the Taliban, with their hold on most of Afghanistan's territory, would have not settled for anything less than the lion's share in such a setup. Such a transitional setup would have allowed the Taliban to hold the ministries of defence, foreign affairs, the interior, and others. It would be wishful thinking to expect senior positions in any of these ministries to be given to new entrants into the government today. The positions granted as a result of the national dialogue are likely to be tokenistic and subject to close Taliban oversight. Even a setup of this kind, however, would amplify progressive voices within the government. The goal should be to disrupt the internal echo chamber in which adherence to the party line is prioritized over moral conviction. Introducing non-Taliban members into the cabinet could help normalize dissent and the criticism of current policies. Those within the Taliban leadership who criticize the deplorable stance on women's rights might find allies among the new faces in the government. We must not reject incremental progress in the pursuit of an ideal that remains out of reach for now.

Keeping these issues in mind, it is vital that the Taliban appoint a body with the function of advancing dialogue so the process might eventually find formalization, and that a larger weight be attached to failure to deliver on promises made. The current political commission formed by the Taliban, headed by Deputy Prime Minister for Political Affairs Mawlawi Abdul Kabir, which includes six high-ranking members of their cabinet, appears to be a powerful body capable of conducting any future dialogue process.

Afghanistan needs dialogue of four kinds. From the short term to the long term, these are: closed-door dialogues held between select opposition entities outside Afghanistan; these opposition groups engaging with the Taliban both inside and outside the country; a national dialogue hosted inside Afghanistan; and a dialogue between the Taliban and the public within Afghanistan. The first and second types of dialogue are already taking place through platforms such as the Afghanistan Future Thought Forum (AFTF). It is necessary to bolster such efforts and to provide support for other similar initiatives that seek to work with the Taliban rather than against or around them whilst refusing to endorse the Taliban's more problematic policies.

All the international community can currently do is to provide support for independent Afghan efforts to bring together non-Taliban polit-

ical actors, persuade the Taliban to start a national dialogue and hope the Taliban honestly engage with reputable individuals beyond their own movement. The expectations and implications of inclusion should be communicated clearly to the Taliban. It has been unfortunate that most international conferences, including the UN meeting conducted for the Special Envoys for Afghanistan in Doha on February 2024, have so little transparency regarding the process of choosing the Afghan representatives they invite to sit across from the Taliban. The Taliban's refusal to participate in conferences if certain individuals are invited eventually whittles down the pool of participants acceptable to all parties, at least (Zaman, 2024). It is important to note that the dialogue between the Taliban and other Afghan political entities held outside the country must not be imposed on the Taliban. The Taliban had an experience in Oslo after their initial takeover sufficiently unpleasant to lead them to refuse to sit across from their opposition in the second Doha meeting in February 2024. Such opposition groups would have to utilize the support from foreign hosts to invite the Taliban to meetings in which issues of common interest are discussed, paving the way for future dialogue within Afghanistan.

There are no ideal solutions to this problem of inclusion. The Taliban have won their war and can only be removed through another that would cause excessive suffering for the Afghan people – but that does not mean all is in vain. Marginal progress can be made, starting with a national dialogue. Between the extremes of a government run exclusively by the Taliban and a nation of islands created by warlords governed by leeching sovereigns there is a middle ground: a national government to which Afghans of good repute can imagine themselves making a contribution. This is where the Taliban need to meet the world.

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