

**Partisans to Political Parties – Drawing on Lessons of Peace
Processes in Finding Lasting Peace in Afghanistan**

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IPS 688, December 19, 2003

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Introduction

Despite the Bush Administration's early criticism of nation-building, the United States currently finds itself in the position of occupying power in two distant states, Iraq and Afghanistan, having militarily invaded and overthrown their sovereign governments. This is also in spite of an American public that is highly intolerant of American casualties and divided over the rationale for at least one of the wars. With regards to Afghanistan, where a "post-conflict" process has been underway for the better part of a year, an analysis of the situation in comparison to other contemporary peace processes may be useful in formulating effective plans for establishing a viable new nation-state.

Chief among the problems in Afghanistan is the absence of an environment supportive of development. The most blatant examples of this fact are the ongoing military engagements of armed factions loyal to regional/ethnic warlords, the deposed Taliban regime, or al-Qa'eda. Armed bands roam the territory with impunity, demanding political allegiance or monetary tribute of ordinary Afghans. Also at risk are IGO and NGO personnel; even those conducting humanitarian missions have been subject to intimidation, robbery, rape, and/or murder. This basic lack of security to life and limb limits travel, communication, and commerce, reducing many Afghans to subsistence agriculture or opium cultivation.

More subtle but no less important victims of Afghan insecurity are the services normally provided by governments and civil societies. These include education, hospitals and clinics, construction and maintenance of infrastructures such as roads and communication networks, and social security programs.

Most scholars agree that people are unlikely to focus on building societal or governmental constructs so long as basic necessities such as food, shelter, and bodily protection remain unmet. Thus the question for American and Coalition custodians becomes how to

achieve sufficient order and security for Afghanistan to be able to escape its current cycle of violence and manage its own development. In order to achieve this, a necessary step is to bring the parties still actively engaged in violence or still poised to continue fighting to agree on a cessation of hostilities and on a process of building a new state. This study aims to explore the situation in Afghanistan; to compare it to other cases where warring factions successfully engaged in a peace process, ceased fighting, and developed a mutually-acceptable context by which to engage one another in a political process; and to identify lessons from these historic cases that are germane to establishing a similar outcome in Afghanistan.

Methodology

Two model cases will be examined in depth: El Salvador from 1989-1995, and Cambodia from 1991-1993. Each study will summarize the pertinent chronology of events, noting the actors involved and their roles, the agreements made and degree to which they were followed, and the resultant relationship of the warring parties. Following these brief histories, an analysis will be conducted identifying the factors important in contributing to the degree of success achieved. Supporting evidence from other, similar cases will be introduced, as well as related theoretical discussions. Finally, having drawn conclusions as to what practices most favor agreements of peaceful coexistence among contending factions, this study will examine the current realities at work in Afghanistan, and provide a critique of the policies being currently employed by the caretaker government and international custodians. If appropriate, recommendations will be made as to how policies might be improved.

Case 1: El Salvador, 1989-1995¹

The Salvadoran civil war began in 1980, following a successful 1979 military coup and its ensuing violent public oppression. Full-scale hostilities broke out shortly after the March, 1980 murder of Archbishop Oscar Arnulfo Romero (a vociferous critic of the government's human rights abuses) as he delivered a mass. The conflict pitted the government junta (hereafter, "the government") against an amalgam of resistance groups collectively known as the FMLN.

The agenda of the FMLN was reform both of the Salvadoran system of government and the distribution of capital. At the heart of both matters lay the elitist nature of the nation's society. Politically, a minority composed of security (police and military) forces controlled the instruments of government, and had a notable history of enforcing their policies with little regard for internationally-sanctioned human rights. Torture, kidnappings, and murder were common fates for dissidents. Economically, a very small number of people owned the vast majority of El Salvador's arable land and means of industry. This oligarchic structure was seen by supporters of the FMLN as exploitative of the greater part of Salvadoran society, leaving most without sufficient income or even economic opportunity while a very few gained enormous wealth.

That the FMLN adopted a Marxist doctrine is hardly surprising. Their primary goals were the ejection of the militarily-controlled government; reform of electoral, security, and judicial systems; and land reform. The group was well organized and resourced, enjoying a wide network of Salvadoran support including academics, religious officials, and union and labor advocates. Further support, in both political clout and physical materiel, came from the world's communist powers, especially the USSR, Cuba, and the Sandinistas in neighboring Nicaragua.

The government, as explained above, was essentially run by a group of military and

¹ For thorough coverage of the events of the Salvadoran conflict and peace process, see *The United Nations and El Salvador: 1990-1995*. The majority of this section is a summary of its account.

police officials seeking to maintain the status quo in general, and their own political power in particular. Official government security forces were supplemented by independent paramilitary organizations who opposed the rebel agenda. Though clearly undemocratic and repressive, the government was sustained from abroad by Western powers, notably the United States, as part of the West's global opposition to all instances of communist creep. El Salvador's geographic location played nicely into the arguments of believers in the Domino Theory, as Nicaragua had fallen to a Marxist insurgency in 1979, and Guatemala had been combating its own leftist rebels for over three decades.

By 1981 El Salvador was in a state of full-blown civil war. As in the other cases examined in this study, one result of the conflict was the complete lack of security, which in turn led to the stagnation of economic development. UN estimates cite a death toll of over 75,000 people over the course of the 1980's. Several aspects of the war particularly hurt El Salvador in its security-development linkage. For one, the war caused over a million Salvadorans to become internally-displaced refugees, largely preventing them from engaging in productive employment. Compounding the matter was the fact that many of the armed forces involved were irregulars, whose goals and tactics were, by definition, not uniform. This made it more difficult to maintain any realistic expectations as to what areas and activities were relatively safe for the general populous. Additionally, irregulars' favored targets included community and political leaders and elements of the nation's physical infrastructure – in short, those people and facilities necessary for the delivery of basic services and civil order. Finally, the protracted conflict caused most of El Salvador's development aid to disappear. While it is hardly surprising that foreign nations and organizations would hesitate to pour funds into a state where they are unlikely to make improvements, the loss served to exacerbate the economic and humanitarian dilemma already at

work.

Hostilities continued with few respites throughout the 1980's. During this time, the warring factions fought one another to a halt. Both sides remained well-established in their areas of control, maintaining effective military capacities, yet neither had sufficient strength of arms or political backing to decisively defeat the other. El Salvador endured a period of dynamic stalemate, where the combatants fought continually without realizing significant net progress. It became clear that both sides had sufficient strength to refuse to surrender, while neither side could win without a great deal more time and bloodshed. The Salvadorans, already exhausted from a decade of war, were thus in a position where both sides were willing to consider a political compromise.

Adding fuel to their willingness to negotiate a settlement was the international community. As previously stated, most foreign aid had been suspended so long as the violence continued. As early as 1981, the United Nations began calling for the cessation of hostilities in all of Latin America's ongoing conflicts. Early regional diplomatic agreements such as Esquipulas I (1986) and Esquipulas II (1987) provided little in the way of enforcement, but they did establish the norms on which peace agreements should ultimately be founded. After first establishing the commitment of the governments of El Salvador, Nicaragua, Guatemala, Honduras, and Costa Rica to "peace, cooperation and national sovereignty," the same governments avowed to pursue democratization, including open political dialogue and free and fair elections. These key agreements signaled the willingness of the Salvadoran government to consider a political peace settlement with the FMLN, which the international community used to nudge the process along. As Guatemala and Nicaragua began taking measures to abide by these commitments, UN funds began flowing in for economic revitalization and refugee resettlement.

Also contributing to the impact of the international community was the beginning of the end of the Cold War in 1989, and the apparent failure of world communism. Suddenly the Superpowers had less interest in bolstering the parties corresponding to their geo-strategic visions. In addition to directly pressuring their client factions to reach a settlement, the US and USSR (and its successor states) allowed the emergence of a climate within the United Nations that permitted the pursuit of peace in nations like El Salvador without conflicting with the grand bi-polar power game. Accordingly, the UN began in 1989 to establish peacekeeping operations in Central America to monitor human rights abuses and secure national borders. Even such a limited international military presence in America's backyard would have been impossible without the global detente.

In September of 1989, the warring Salvadoran factions agreed to begin negotiations with the aim of achieving a political peace settlement, and invited the UN Secretary-General to send a representative to serve as witness to the proceedings. The biggest initial point of contention was the order in which reciprocal concessions would occur; the FMLN wanted reforms to the army and electoral process before it disarmed, while the government insisted the FMLN disarm as a precondition to any compromise on its part. Negotiations soon ended, however, after the assassination of an FMLN leader sparked a new, particularly ferocious round of battles. The results were no different than past offensives, as despite hundreds of deaths, the two sides were unable to achieve any military advantages. Consequently, the factions individually contacted the Secretary-General's office in late 1989 and early 1990, asking for renewed facilitation of negotiations despite the continuing violence.

Following several months of shuttle diplomacy by a special representative of the Secretary-General, the combatants agreed on a format and schedule by which the settlement

would occur. The three main features included reaching agreements on the eventual status of various root issues (e.g., electoral, security, and judicial reform; human rights; economic structural changes) *as precursors to a ceasefire*; agreeing to UN monitoring and verification roles; and agreement that once the above had been established, the FMLN's status as a legal, integrated actor in El Salvador's politics would be finalized. After that, the combatants would resolve any remaining disagreements through the country's newly designed political processes and institutions.

There were many steps in implementing the compromises on underlying issues. Salient among these were a number of constitutional amendments that changed the way in which El Salvador's politics would henceforth be conducted. The military was to be placed firmly under civilian control, its mission narrowly defined to preclude domestic actions, its overall size reduced by about half, and its ranks to be "purified" of grave abusers of human rights. Police and judicial reform were also implemented. Officers were to be trained according to internationally-approved standards, and all command structures linking the national police force to the military were abolished. Meanwhile, the method by which Supreme Court judges were chosen was altered, and the court system was guaranteed a certain minimum funding level, all intended to increase the judiciary's transparency and independence. Changes were made to electoral mechanisms, most importantly by creating a new Supreme Electoral Tribunal as the nation's highest authority with regard to elections. Finally, under UN auspices, a group of highly-respected Salvadoran nationals was established as a Commission on the Truth. Its aim was to receive complaints of human rights abuses, investigate the cases, and publish a report detailing what abuses had been inflicted, who had inflicted them, and who had been the victims. Collectively, these measures contributed to an environment in which the government and the

FMLN could interact with some realistic expectations of fair play. That is, institutions were being changed so as not to favor either party, while grievances were being made very public in an unbiased and non-violent manner.

The agreed UN role was implemented through the United Nations Observer Mission in El Salvador, known by its Spanish acronym of ONUSAL. Beginning in July of 1991, ONUSAL established a presence throughout El Salvador. With an initial staff of 101, the program's mission was not military, but geared rather toward monitoring new human rights abuses and documenting charges of previous ones. ONUSAL established relationships with the national and local levels of leadership on both sides to clarify what behavior was expected from the combatants, as well as what the Salvadorans could expect from the Mission. Their other notable task was to safely escort FMLN leaders into and out of the country to attend negotiations.

It is notable that as the peace process evolved and delays were encountered, the UN was able to make its Mission's mandate evolve in kind. Firstly, ONUSAL's temporal mandate was extended several times to accommodate missed deadlines. Secondly, the scope of its activities were broadened as appropriate. In 1992, the human rights observers were augmented by two more groups. The Police Division was to assist in keeping civil order while the Salvadoran police were reorganized and retrained; the Military Division was to monitor the accords relating to the eventual ceasefire and disengagement of opposing units. In early 1993, ONUSAL was authorized to be further reinforced for yet another task – monitoring the national elections in March of 1994. Allowing the Mission to adapt and continually extending its timeline sent a powerful message to the warring factions that the international community, primarily in the form of the UN, was ready to stay involved until peace was achieved.

Though ONUSAL had no mandate to enforce measures resulting from negotiations nor to

punish any parties responsible for observed or documented human rights violations, it did investigate and report fairly objectively, and was respected by all but the most extreme elements on both sides of the conflict. It served as a credible, disinterested third-party; by publicizing failures of either side to abide by agreements, it could enhance or undermine the credibility of the warring factions at the negotiating table. Further, by enlisting other IGO's and a slew of NGO's to aid in their respective areas of expertise, the UN again bolstered the perception that the international community was dedicated to a successful peace agreement and would not easily back out in the event of stumbling blocks.

By way of reintegrating FMLN partisans into daily Salvadoran life, the government agreed to an amnesty allowing FMLN leaders to take part in public society. This measure made it possible for them to engage in the new political processes that were being forged, including the elections set for 1994. Furthermore, the elections were designed to allow for some power sharing. Though El Salvador retained a presidential system, its Legislative Assembly was to be elected by a system of proportional representation; this eliminated a measure of "winner-take-all" mentality, and meant that a group coming in second place could maintain a sizeable voting bloc. At the same time, elections were to be held for all 262 mayoral districts. This emphasis on devolution, with aspects of federalism, further reduced concerns that a side that failed to control either elected branch of the national government would be completely denied a voice in designing political programs.

Having more than a year in which to work, the UN election monitors embarked on a campaign of complete re-registration of voters, working closely with the new Supreme Electoral Tribunal so as to give El Salvador's institutions ownership of the process and some legitimacy for the future. The result was imperfect, but nonetheless an improvement upon existing voter

rolls. On election day, despite numerous irregularities, there were no documented cases of election tampering. Accordingly, ONUSAL was able to certify the election as acceptable. The presidential runoff election the following month showed significant improvements in the manner in which the elections were conducted, attesting to the new Tribunal's commitment to free and fair elections.

The party representing the incumbent government, ARENA, ultimately won the presidency, the largest bloc of Assembly seats, and a vast majority of mayoral posts. They did not, however, win a majority in the Assembly. The FMLN, allied with two other groups, lost the presidency by 2:1 in the runoff election. However, the FMLN won the second largest bloc of Assembly seats, guaranteeing it a voice in Salvadoran politics and establishing a firm base from which to contest future elections. Though problems in meeting some of the scheduled reforms remained even after the installment of the new government, sufficient faith remained in both of the major factions to ensure the viability of El Salvador as a democracy in progress and, more importantly, at peace.

*Case 2: Cambodia, 1991-1993*²

Cambodia has known very few periods of peace since the end of World War II. Fighting began in the 1950's against French colonial rule of Indochina, led largely by the Marxist, Vietnam-based Viet Minh. This gradually ended, only to be replaced by violence waged by internal groups in the pursuit of ruling power, as well as cross-border fighting with North and South Vietnam, US forces in Vietnam, and to a more limited extent with Thailand. A series of right-wing, nationalist-based governments under the control of Prince Norodom Sihanouk

² For thorough analyses of Cambodia's history and peace process, see the following: Austin, p. 180-204 ; "Cambodia – UNTAC;" "History of Cambodia." Wikipedia.

eventually gave way in 1970 to a military coup that installed a weak rightist government. This regime was immediately threatened by communist revolutionary forces that would come to be known as the Khmer Rouge (KR). Sustained for a time by friendly Western nations, most notable American air strikes against KR positions, the junta was unsustainable and fell to the KR in 1975.

What followed was four years of attempted “social engineering,” involving some of the most radical tactics ever used by any Marxist regime. The KR’s expansive definition of the bourgeoisie enemy resulted in the forced displacement of the majority of Cambodia’s urban population, subjecting them to brutal slave labor. They were deprived of food and medical care, and mass executions were common if groups were deemed insufficiently loyal to the new order. Conditions were not much different for the remainder of the population, with the notable exception that they were less often subjected to forcible relocation. Low end estimates put the death toll from 1975 to 1979 due to starvation, disease, and execution at 800,000; more credible yet still conservative estimates are in the range of 1.2 to 1.4 million dead.

The KR’s reign of terror devastated those parts of Cambodia’s economy that had not already been destroyed by decades of violence and corrupt mismanagement. Despite the personal counsel of Zhou Enlai to avoid the mistake of too much change too quickly, Khmer leaders attempted to change Cambodia faster than any other communist society to date. Self-sufficiency was a primary goal, especially in rice production. Rice production was seen as the key to achieving the *richesse* needed for higher standards of living, as it had been in the glory days of ancient, pre-colonial Cambodia. While industry was maintained at minimal levels and attempts were made similar to the backyard iron forges of China’s Great Leap Forward, the abolishment of currency and poor international relations meant minimal foreign trade or

inflowing aid.

While purging its internal population of undesirables, the KR regime also pursued a bellicose policy toward neighboring nations. Vietnam in particular was on the receiving end of many KR cross-border attacks. In 1979, Vietnam decided to settle the matter and launched a full-scale invasion of Cambodia, setting up a puppet government that would rule in Hanoi's name until 1989. This turn of events drove the KR back into the role for which it was ideally suited, i.e., guerrilla insurgency. Given the longstanding animosity between the two countries, Vietnam's invasion also spurred on the development of non-communist resistance groups.

When at last international diplomatic pressure and the war of attrition convinced Vietnam to withdraw from Cambodia in 1989, there were four Cambodian groups with significant power. The first was the Cambodian People's Party (CPP), which represented the remnants of the Vietnamese-installed regime. Second was the Party of Democratic Kampuchea (PDK), which was the new moniker of the Khmer Rouge communist resistance. Third was the Front Uni National Pour un Cambodge Indépendent, Neutre, Pacifique et Coopératif (FUNCINPEC), composed of anti-communist insurgents loyal to Prince Sihanouk. Last was the Kampuchean People's National Liberation Front (KPNLF), another rightist group headed by Son Sann, formerly Prime Minister under Prince Sihanouk.

The involvement of the international community under the auspices of the United Nations was again made possible by the ending of the Cold War. The de-polarizing nature of the geopolitical structure created a situation in which the former Superpowers could agree on the need for a peace process in a third country without fear of giving up strategic advantage. Meetings began in Paris in 1989 involving over a dozen nations, the UN Secretary-General, and the four major contenders in Cambodia. The stated goals of the conference were to realize the

full withdrawal of Vietnamese forces, to prevent the reemergence of the Khmer Rouge as the country's ruling power, and political self-determination for Cambodia.

The negotiations culminated in the establishment of the Supreme National Council of Cambodia (SNC), a transitional authority for Cambodian sovereignty composed of the four vying factions. This Council, in turn, immediately approved a sweeping mandate, temporarily transferring much of its authority to the UN. Having received all powers required to guarantee the peace accords, the UN Transitional Authority in Cambodia (UNTAC) was tasked with policing and monitoring a ceasefire the implementation of a new liberal, democratic system of government based on national elections. At the same time, the offices of the UNHCR were to resettle internally-displaced people and approximately 360,000 Cambodians who had fled to Thailand as refugees during the long years of struggle.

In ensuring the cessation of hostilities and the creation of a political environment suitable for the establishment of an elected democracy, UNTAC had several tasks. Among the most important was monitoring the ceasefire that had been agreed to and verifying that no factions were receiving foreign, non-UN sanctioned military support. As a corollary, UNTAC aimed to completely disarm the warring parties and enforce a 70% demobilization of the estimated 450,000 soldiers in combined formal and irregular forces. On the civilian front, UNTAC was to give general direction to the nation's administrative institutions, with specific attention to reforming the police and judicial sectors and ensuring the respect of human rights. In total, UNTAC eventually comprised over 21,000 UN personnel, including military peacekeepers and civilian administrators.

With such broad powers and a relatively large contingent of civilian monitors and military peacekeeping forces, it would seem that the international community had effectively

positioned itself as credibly committed to the process of peace and democratization. This commitment, however, was tempered by a limited and comparatively inflexible timetable. Aside from the UN's unwillingness to extend UNTAC's mission in the face of stumbling blocks, the premise of establishing the conditions necessary for democratization, in the span of 15 months, in a nation with no previous experience with democracy, was little short of absurd. The fact that UNTAC never received all of its allocated funding was another factor contributing to a perceived lack of international commitment.

By May 1992, a mere two months after the arrival of UNTAC personnel, it was evident that the PDK was not cooperating with the terms of disarmament or demobilization. The former KR failed to present their forces at the agreed points for disarmament and cantonment and denied UN authorities access to areas under their control. PDK assertions that their zones were not yet void of Vietnamese forces were not credible, especially after UNTAC took measures to confirm the absence of foreign interlopers. It was immediately evident that the PDK was merely stalling and finding excuses to avoid disarmament, while the other factions were generally complying with disarmament and demobilization measures.

According to the technicalities of the Paris Agreement, the UN mission was to pull out of the arrangement if the warring factions failed to cooperate or negotiate grievances in good faith. Yet it was decided that abandoning Cambodia because of the misbehavior of one of the four factions would be unfair to the nation as a whole and damaging to UN prestige. Indeed the decision not to withdraw could be seen as a renewed commitment by the international community, if not for the fact that UNTAC's mission was not sufficiently altered. Rather than placing further progress on hold while a way was found to overcome the PDK's spoilage, the UN chose to continue more or less as planned.

Unfortunately, this turn of events meant that the other three factions felt no reason to comply with DDR requirements, either. By October 1992 about 55,000 soldiers of various factions had surrendered their weapons and been cantoned as per the peace plan. This progress stopped in light of the PDK's non-participation, and 40,000 of these soldiers were subsequently allowed to leave for agricultural activities. The predictable result was frequent violation of the ceasefire as the four parties engaged in limited renewed armed hostilities. As the violence escalated, the leaders of the factions found it politically useful to criticize and vilify UNTAC. The CPP, which represented the forces of the incumbent government, particularly began to distance itself from the UN mission. FUNCINPEC and the KPNLF were generally more supportive, but did not hesitate to criticize UNTAC when expedient.

Yet despite a deteriorating relationship with the factional elites, UNTAC had done remarkably well among the Cambodian populous. By 1992's close, over 90% of the population had been registered to vote. Moreover, the people had been convinced of the importance of voting to determine the new course for their country, and that UNTAC was completely capable of administering a free, fair, and secret ballot-style election. This belief existed in spite of frequent instances of voter intimidation, mostly by elements of the PDK and CPP. In point of fact, public opinion was correct, especially following the UN decision to adapt UNTAC's mission to conduct and defend the national elections. Accordingly, UNTAC devoted significant resources to establishing secure voting sites and ensuring no interference with ballots, ballot boxes, or tally sheets, and the election period in May 1993 proceeded with few irregularities.

The system had been designed to elect a constituent assembly that would first formulate a new Cambodian Constitution, then serve as the first legislative body under the new regime. The seats would be allocated by a system of proportional representation, a design friendly to power-

sharing. Of 120 seats, FUNCINPEC won 58, the won CPP 51, the Buddhist Liberal Democratic Party (BLDP) won 10, with the remaining seat going to a smaller party. Due to the relatively close ideologies of the BLDP and FUNCINPEC, the leader of the latter, Prince Sihanouk, was elected interim head of state. The eventual government to be formed would, clearly, be a coalition of the two parties. Just as clearly, the CPP had won enough seats to ensure its voice in the process, including a *de facto* veto on policies it might find particularly objectionable. This would provide a stable basis on which all the parties could build, and therefore a good foundation for the future evolution of democratic rule in Cambodia

The FUNCINPEC/BLDP government, however, was never to be. The CPP, especially in the form of its leader Hun Sen, was not content with the electoral results, by which it was to be the opposition, albeit a very strong one. Immediately, the CPP began making accusations of massive electoral fraud on the part of its competitors and UNTAC. Though such accusations were completely baseless, they were made loudly and often, creating some measure of doubt among Cambodians. In June 1993, large portions of the military, still under CPP commanders and never disarmed, deployed themselves in provinces along the Vietnamese border and threatened to secede if the “fraudulent” election results were not set aside. Hun Sen and his colleagues claimed they could not talk down these generals without significant concessions to the CPP. Therefore in formulating the new government, Hun Sen was given the position of Second Prime Minister. The CPP was thus accorded far more power than that to which it was entitled based on the elections, and as such undermined the democratic foundation being laid for Cambodia. This was made all the more clear in Cambodia’s 1996 elections, when the CPP revived accusations of fraud in 1993 voting as part of its successful bid to win control of the national legislature.

Analysis of Models and Related Theoretical Discussions

The political accommodations leading to peace settlements in El Salvador and Cambodia in the early 1990's share numerous characteristics. Both involved internal warfare in less developed nations at the beginning of the post-Cold War era. Both saw the contest between Marxist and right-wing authoritarian factions, who after extended periods of violence (10 years in El Salvador, more than 20 in Cambodia) agreed to invite the United Nations to help achieve peace, culminating in signed accords. And in both instances, developmental progress was impeded by a fundamental lack of security.

Why, then, was the eventual political settlement in Cambodia was not nearly as successful as that of El Salvador? The answer may lie in some of the basic differences in the cases of study – the number of warring factions, the length of conflict, cultural familiarity with democracy, composition of UN intervention forces, etc. To more accurately assess the reasons for divergent outcomes, and therefore identify the factors most crucial to bringing civil combatants to political compromise, it is useful to examine related studies and the theories they address.

Third-Party Intervention

One frequently examined factor in the successful resolution of civil conflict is the presence of an intervening party. A disinterested actor external to the conflict could logically assist in a peace process by playing referee, by providing an objective authority to ensure fair play among the combatants. If this is true, we can expect to find that civil conflicts receiving intervention reach political settlements more often than conflicts without intervention. An

analysis of 41 civil conflicts between 1940 and 1990 found just such a correlation, and found it to be extremely strong.³ Of 35 examined conflicts without outside security guarantees of some sort, only two resulted in political settlements. The six cases having even a weak outside security guarantee all resulted in negotiated settlements.

Reaching a negotiated settlement, though, does not guarantee its successful implementation and an ensuing peaceful co-existence between civil combatants. A second study by the same researcher explored this variable among 17 civil conflicts from 1940 to 1990 in which negotiations were held between warring factions.⁴ Findings showed that though an accord was reached in 13 of these cases, only eight of these accords were implemented. (Were the study temporally broadened, we could add El Salvador to the list of successes.) In the other five cases, the combatants returned to war until one faction won, as happened in the four instances where settlements were never reached. Such a premise is further upheld by more recent examples; in Cambodia, Somalia, and arguably Bosnia, the presence of international peacekeepers has not led to a lasting peace in which warring parties successfully transitioned from military to political engagements.

These mixed results help clarify that neither the mere presence of an intervening actor nor a settlement accord is sufficient for ensuring the subsequent peaceful interaction of factions in a civil war. Such is evident from the two cases chosen for in-depth analysis in this study. In fact we are led to the curious conclusion that despite a large staff, the presence of armed peacekeeping troops, and virtual *carte blanche* in administering the nation's interim security affairs, UNTAC failed; meanwhile, with a smaller staff, no sovereign enforcement powers, and no armed personnel, ONUSAL succeeded. This apparent inconsistency may be explained by the

³ Walter 1997, p. 350.

⁴ Walter 1999, p. 128.

credibility of the intervening actor's commitment.⁵ Commitment need not be measured by military muscle or the size of the intervening force. Better measures seem to be the willingness of the third party to act predictably, according to the terms of the peace plan, and to negotiate extensions and revisions with the combatants when difficulties are encountered. Each time a new implementation problem arose in El Salvador, ONSUSAL sat down and harangued the two factions into further compromise, simultaneously securing an extension or broadening of its mandate. In Cambodia, the UN was unwilling to significantly postpone UNTAC's mission when the accords were not honored. Instead, UNTAC continued with its work on elections despite the complete breakdown of the DDR program and the ceasefire. As a result, the Cambodian factions were not prepared to accept the election outcomes and were confident that the international community was unwilling to stay and contest the CPP's usurpation.

Negotiations as Prerequisite for Ceasefire

The reason for having an intervening third party is to provide some guarantee to the warring factions that once they take measures toward fulfilling a peace settlement, the vulnerability thereby created will not be militarily exploited by an opponent. Even if a particular faction is in principle willing to stop fighting, surrender its arms, demobilize, submit to cantonment, and/or allow inspections of its areas of control, it is unlikely to actually follow through without assurances that the other faction(s) will do the same. Unilateral action on any such measure would put that party at a disadvantage in an ensuing attack against it.

Because of the very real dangers inherent in the common steps of peace processes, it is important that such measures be carefully orchestrated and monitored. To make this balance and verification possible, it is often necessary that the parties involved agree to the entire plan in

⁵ Maley, p. 166; Walter 1999, p. 154

advance of its implementation.⁶ This was the case in El Salvador, Mozambique, and Nicaragua, among others, and in each of these instances a political settlement was successfully implemented. Pursuing negotiations *a priori* to ceasefires also diminishes the ability of spoilers to sabotage the process, a phenomenon clearly visible in the ongoing impasse between Israelis and Palestinians. One must remember, however, that there are cases in which negotiated settlements have been signed, before or after affecting a ceasefire, but were never implemented. Thus we can say that the willingness to negotiate a settlement before realizing a ceasefire is not so much a guarantor of successful implementation, but rather a measure to prevent an impasse in negotiations.

Security as Prerequisite for New State

On a grassroots level, individual citizens are unlikely to engage in any political process, much less the difficult road to democratization, if their more basic needs are not met. The consensus of scholars on the subject is that individuals first concern themselves with obtaining water, food, and shelter; next with their physical well being, including good health and protection from violence; and only then with relative luxuries such as political rights.⁷

Therefore the goal of combatant and intervening parties alike must be to create a secure environment in which the nation's people have sufficient food and shelter and are not engaged in or surrounded by ongoing violence. This transitional period must emphasize the rule of law, based on principles agreed to in the peace settlement, applicable and enforced irrespective of the allegiance of those who would break it.⁸ This is crucial in establishing a sense of trust in the people who will form the constituency of the newly designed state. Without trust that the system

⁶ Walter 1999, p. 154-5

⁷ de Rover, p. 134; Plunkett, p. 212

⁸ Maley, p. 166 ; Plunkett, p. 208-9

can operate fairly, there is no foundation for a representative democracy. Police and judicial reform, verified by ONUSAL human rights observers, helped establish the necessary transitional security in El Salvador. The failure to disarm or demobilize the PDK and the CPP poisoned efforts to create a similar situation in Cambodia.

Rushed Elections

The results of Cambodia's UNTAC-run elections in spite of the general collapse of other portions of the peace process are demonstrative of another related theoretical argument. To wit, merely conducting an election does not a democracy make. Even a free, fair, and open election cannot convince warring parties to lay down their arms and respect the results. There must be a transition period between the ending of hostilities and the start of liberal, inclusive democracy.⁹ As discussed above, such a transitional period must be sufficiently long and respected by the warring factions that the public is reasonably assured that the new state will respect the democratic ideals regardless of election results. Sufficient time for DDR efforts is especially important; as we are shown by the example of Cambodia, the abject failure at disarmament facilitated rampant (if ultimately unsuccessful) voter intimidation by the PDK; and the failure to demobilize the combatants enabled the CPP to create the crisis of secessionist armies that enabled it to bastardize the election results.

There must also be time between a political settlement and the election of a new government to allow for full electoral participation.¹⁰ All groups interested in running for positions in the new state must have the opportunity to do so. They must have time to become familiarized with the mechanisms of democratic campaigning; time to organize themselves into

⁹ Austin, p. 201; Maley, p. 168; Walter 1999, p. 154

¹⁰ Austin, p. 201-2; Maley, p. 168

cohesive political parties; and sufficient time must elapse to ensure that the more powerful contenders cannot squelch smaller parties just long enough to influence the election. Aside from those running for office, the general populous must also have time to familiarize themselves not only with the full range of contenders, but with the new processes of government.

It is worth noting that socializing a post-conflict society to the democratic ideals pertinent to elections can be difficult, requiring resources from the international community in the form of funds and experts. Nations like Cambodia in 1991, having no experience worth mentioning with democracy, cannot be expected to quickly internalize the necessary values without help. Cambodia suffered from a lack of international assistance aimed at educating political parties on how to campaign, and at the elected assembly on constitutional design.¹¹ The Cambodian example nonetheless shows us how international expertise can succeed, demonstrated by UNTAC's accomplishment in convincing the general public of the importance of their participation in elections. This further demonstrates that elections that are successfully conducted, but whose results are not respected, are counterproductive to democratization. Such an outcome undermines the credibility of liberal democracy and sets a poor precedent for future elections.¹²

Civil-military relations

As noted in preceding sections, security sector reform is a vital step in establishing the trust necessary for democratization and, from there, the political engagement of former civil combatants. As part of the establishment of the rule of law, most peace processes and democratization schemes have emphasized the need to firmly place control of military and

¹¹ Austin, p. 197

¹² Austin, p. 201; Walter 1999, p. 154

security forces under civilian control. Restricting the role of the military to external actions and matters of defending territorial integrity are also typical of peace accords. Some scholars posit, though, that the most important aspect of civil-military relations is that of concordance. That is, it is more important that the military, civilian political apparatus, and citizenry mutually accept roles laid out for one another. It is this concordance of opinion that allows for the smooth functioning of society, rather than any intrinsic superiority of civilian governments in allocating roles.¹³ It therefore follows that the nature of civil-military relations should be based on the particular history of an individual state. In some instances, such as in Pakistan or Guatemala, one of the few constants during periods of strife has been a consensus among members of the military that order should be maintained. While the methods used by these militaries may be questionable, and while a military-dominated government is detrimental to liberal democracy, one must consider possible positive contributions from military institutions.

Having made this observation, we must bear in mind that concordance theory is not incompatible with civilian control of the military. It argues that civilian-controlled militaries are most likely to remain confined to their roles when the internal actors agree on those roles. And in most cases, the existing state military is not of a disposition to play a positive role in establishing trust or compromise among combatants. In El Salvador, the FMLN was adamant that the military be barred from domestic actions except in the case of repelling an invading force. They were equally insistent that the military be responsible to the newly-designed civilian government, and on purging all members of the military who failed to support these initiatives or who had histories of the abuses the FMLN sought to abolish. The new military would be retrained, and would include existing forces from both the government and the FMLN, while eliminating the worst elements of both. Other options open to designers of peace accords include

¹³ Schiff, p. 9

forming a new military out of equal numbers of combatant forces; combining militaries such that the troops of one faction are under the command of officers from another; abolishing units of a single constituency in favor of heterogeneous units; and restructuring lines of command such that no one group can freely control the entire apparatus.¹⁴

Post-Conflict Institutional Design

The subject of institutional design is too vast to be thoroughly treated in this work. Rather than exploring this realm in its entirety, we will instead highlight several lessons found by more comprehensive analyses.¹⁵ The most basic distillation of all these studies yields the following proposition: Combatants are more likely to accept and participate in a post-conflict political system the more that system distributes decision making power in such a way as to minimize the effects of “losing” the initial election. That is, the institutional design should prevent the ability of the party who “wins” the initial election to deny their opponents a voice in policy formulation, or from continuing to compete politically. Many scholars note that this is particularly true in conflicts along ethnic lines.

Options for achieving a reassuring distribution of power are too numerous to catalogue here, and can be chosen *à la carte* for any number of permutations. We will therefore content ourselves with some of the most common observations. First, parliamentary governments are generally more conducive to power-sharing than are presidential ones, as coalitions are often necessary to establish a voting majority. Another way of making legislatures more representative is the practice of proportional representation, common in many of Europe’s modern democracies. For particularly insecure combatants, it may be necessary to draft a design

¹⁴ Walter 1999, p. 141

¹⁵ See Austin, p. 180-204; Kim & Shapiro, p. 1-15; Maley, p. 163-179; Pansters, p. 235-263; Plunkett, p. 207-228; Resler & Kanet, p. 17-34; Silva, p. 171-196; Walter 1999, 127-155

that guarantees a certain minimum level of representation. This can be done through establishing a minimum number of seats in the legislature, as was done in Zimbabwe in the late 1970's, or a certain number or combination of posts within a cabinet, as is currently the case in Afghanistan.

Federal structures are another power-sharing tactic, allowing some devolution of authority to regional governments. This option fosters a sense of security in situations where contending factions occupy easily-demarcated geographic areas. A variation on this theme is to allow a faction wide autonomy in its area of control regardless of the results of national elections, as was the case in Mozambique, Bosnia, and Yemen in the early 1990's. By spreading out the locus of power, parliamentary/proportional/federal systems simultaneously ensure that some power is kept by an election's "loser" and forego a design featuring a powerful central government, the contention for which could easily be cause for renewed hostilities.

An important caveat to power-sharing designs is that while they are useful for a nascent democracy where trust is in short supply, they are weaker than some alternative designs and as such may not be useful for the country's long-term development. Therefore in drafting a constitution for a new state, it is vital that it include feasible measures for its own amendment, that it may evolve with the needs of the nation.¹⁶

Finally, the establishment of unbiased, egalitarian police and judicial systems, noted earlier as crucial to transitional periods, must be continued in the structure of the new governmental system. A free and independent judiciary and a respected police force are necessary balances for a government that is to be accountable to its own laws.

Spoilers

Spoilers are actors who act in a manner detrimental to a peace process. There are many

¹⁶ Maley, p. 169

types of spoilers and many motivations for such behavior.¹⁷ Not all spoilers can be dealt with in the same manner. It is important to note that actions that accommodate spoilers may encourage them to continue spoiling in the hopes of more rewards. In addition, custodian actors who accommodate or work with spoilers ultimately bolster the spoiler as a legitimate actor in the negotiation process. In order to manage the interference of a spoiler, it is necessary to assess the legitimacy of their demands and the nature of their actions. In general, successful tactics include (in order of escalating confrontation):

- Manipulation of a situation such that continued spoiling would cost more than it could gain.
- Socializing actors by establishing a set of norms by which the negotiations take place, and rewarding (accommodating) only that behavior which abides by those norms.
- The “departing train” tactic, whereby a peace process is moved forward despite continued opposition by a spoiler, such that they can either stop spoiling and participate or be denied a further voice; may necessitate limited use of force to neutralize actions of a spoiler who calls the bluff.
- Threat or actual withdrawal of the intervening force if there is not sufficient cooperation from the warring factions.
- Threat or use of force to disarm, disband, or otherwise render powerless an uncooperative spoiler.

A last factor to consider in managing spoilers in instances of civil strife is the support spoiling factions may receive from foreign patrons. The more support a faction receives from channels external to the international intervention force, the less influence that force can exert. It is much more difficult to force a sovereign patron to desist in its aid than it is to choke off purely

¹⁷ For a typology and analysis of spoilers, see Stedman, p. 5-53

private-sector procurement channels.

*Current Peace Process in Afghanistan*¹⁸

As stated at the outset, the situation in Afghanistan at the time of this writing is problematic. Though a repressive and criminal regime has been overthrown, violence between various groups continues at such levels as to force the withdrawal of most foreign, non-military reconstruction personnel. Native Afghans are little safer; armed groups who are loyal to various warlords or who are outright bandits make travel, commerce, and communications in Afghanistan nigh impossible. Warlords content in their fiefdoms straddle the line that separates internal interest groups with legitimate goals from spoilers whose continued positions of relative power and wealth depend on the maintenance of general disorder. The international community is, to its credit, engaged in the difficult task of helping Afghanistan forge a new state from this quagmire. Based on the lessons drawn in preceding sections, let us evaluate the management to date of the peace process.

Third-Party Intervention

The first lesson, and according to some theorists the most crucial, is the presence of a credible third party to act as referee. As has been stated, the international community is present in Afghanistan to act as custodians and mediators. The initial intervention in Afghanistan enjoyed broad political support, and accordingly the actors now engaged therein come from numerous nations. There are several thousand troops, mostly European, maintaining order in the capital city of Kabul, and over ten thousand American soldiers continue to battle remnants of the Taliban and al-Qa'eda. Clearly there is an intervening party, but its commitment can be

¹⁸ See Sedra 2002; Sedra 2003; and current newspapers

questioned. Although the international security force has been very effective in protecting orderly, daily life in Kabul, very little of Afghanistan enjoys this protection. The custodian powers have acknowledged the need to expand their security duties beyond the capital, but so far that has only been seen in the form of a few security squads tasked to bodyguard specific civilian reconstruction teams that venture into the provinces. The necessary resources, in troops, materiel, and money, have not yet been forthcoming.

Negotiations as Prerequisite for Ceasefire

The next lesson, beginning negotiations before establishing a cessation of hostilities, conforms to reality in Afghanistan. If a maintained ceasefire were made a precursor to talks, there would be little hope for progress. Instead the various power factions, embodied in regionally- and ethnically-defined warlords, have been engaged in a bargaining process since the Taliban was ousted. These tribal leaders have succeeded in installing a caretaker regime, albeit with massive aid from international custodians, and are currently debating the adoption of a draft constitution.

Security as Prerequisite for New State

Though a transitional government is in place, the aforementioned lack of security in Afghanistan constitutes an ongoing failure to establish the violence-free environment necessary to build public faith in the system. Afghans cannot be expected to feel inclined to learn about democratization and engage in a participatory civil society while they are destitute and in constant danger of bodily harm. Even if such interest exists, the interim administration must prove that the government is capable of providing basic civic services, such as effective public

security, in order to garner any credibility for the government to come. Some of the benefits of a functional liberal democracy must be made evident before Afghanistan can realistically be expected to construct institutions to ensure those benefits.

Rushed Elections

As is clear from what has already been described, the peace process in Afghanistan is largely in line with the principle of not rushing to elections. Rather than attempt a quick registration of voters and pushing through an election process that might or might not be respected, the intervening powers very wisely assembled the political elites of the country and had them form an Interim Administration, which was later reformed as the Transitional Islamic State of Afghanistan. This caretaker government is attempting to administer to the nation's most pressing needs while avoiding policy initiatives that are highly controversial. At the same time, it appointed several bodies to design and review a draft constitution. As of the time of this writing, a Loya Jirga is debating the amendment and adoption of the draft.

Civil-military relations

The issue of proper civil-military relations shows some progress. Officially, the transitional government is committed to establishing full subordination of the military to civilian authority. To this end, goals have been set to disarm and demobilize the majority of soldiers currently serving under the numerous factions. A comprehensive DDR program has begun in recent weeks; initial results are encouraging, seeing militiamen disarmed at the rate of about 1,000 per week. Another good sign came last week as Panjshiri Tajik warlords surrendered over a dozen missiles (including two captured Soviet SCUD's), 11 tanks, and 38 artillery pieces to the

central government. If the collection of small arms and heavy weapons continues to see such successes, opportunities to violate accords will dry up.

A new army is currently being trained, with guidance and careful oversight coming from the international community. A parallel effort is being conducted for a new Afghan police force, with the hopes that it will soon be able to return security to at least key areas of the country. Detracting from these positive signs, however, is the fact that the new security forces are under-resourced. Aside from not yet having enough personnel to perform effectively, they lack much necessary equipment. Additionally, pay levels are insufficient, resulting in high desertion rates.

Also cause for concern is the fact that control of the new military is largely vested in the hands of a single faction. Defense Minister Mohammed Fahim, army chief of staff General Bismullah Khan, and the Special Advisor on Security Yunis Qanooni, are all Panjshiri Tajiks, as are many of the officers filling key command posts. This near-monopoly of direct control over the only sanctioned state military forces is not conducive to convincing other factions to disengage or disarm.

Post-Conflict Institutional Design

With regard to institutional design, the fact that the new governmental system is still under construction makes it difficult to judge how closely it conforms to the lessons summarized in this analysis. A review of the draft constitution¹⁹ reveals a fairly strong presidency, rather than a parliamentary system. The method by which seats in the houses of the legislative assembly are to be filled is not made clear; we cannot currently predict if it will operate on the electoral principle of “first past the post” or proportional representation. Specific provision is made for a minimum number of women to serve in the assembly; the constitution requires at

¹⁹ See <http://www.constitution-afg.com/resrouces/Draft.Constitution.pdf>

least one woman delegate be elected to the Wolesi Jirga (People's Hous) from each province; also, among the one-third of the members of the Meshrano Jirga (House of Elders) that are appointed by the President, women shall account for not less than one-half. The Meshrano Jirga is further inclusive in its composition, with one-third its members being elected by the provincial councils and the remaining third elected by district councils.

The current draft indicates that cabinet posts are to be distributed by the President with the consent of the assembly, with no specific apportioning of portfolios to individual groups. This is a positive sign in two respects. First, it is a vast improvement on the current, interim government, in which cabinet posts are distributed among constituencies but in a highly inequitable manner. Second, it does not lock Afghanistan into a system that will need to evolve as political realities change.

The establishment of sub-national levels of government makes some provision for regional autonomy. The extent of that autonomy is not yet clear, but such a federalist leaning should contribute to a successful transition from armed confrontation to political engagement.

Spoilers

Lastly, we must judge the way in which spoilers have been managed. This, too, is difficult, as a great many actors can be seen as spoilers. There are at least half a dozen warlords with sufficient military and economic power to challenge the primacy of the central government, and most have shown some willingness to do so. A thorough analysis of the full spectrum of factions as to which are spoilers and their nature would be extremely useful. For the purposes of this analysis, we will make only a few generalized observations.

First, we will accept the arguments by political scholars and journalists that at least some

of the warlords are spoilers, who are acting primarily to maintain their positions of power and wealth at the expense of all else. This leads us to the conclusion that they will need to be dealt with by the actors attempting to implement a political peace settlement. Most of the successful tactics for managing spoilers (driving up the costs of non-compliance, the “departing train” tactic of isolating and neutralizing uncooperative parties, the threat or use of military force) necessitate significant strength deployed in such a manner as to encourage cooperation.

Currently, international forces are preoccupied with pursuing remnants of the Taliban and keeping order in Kabul, leaving few resources to confront spoilers. On the contrary, some of the least cooperative warlords are actually bolstered by coalition forces in the name of military expediency. Zadran, for example, who controls four southern Pashtun provinces that are a study in lawlessness, enjoys support from the US military in the form of arms, money, and tactical coordination.²⁰ US officials are aware of Zadran’s detrimental influence on both provincial security and respect for the central government, but nonetheless continue to support him because he and the forces he commands are useful allies in continuing operations against Taliban forces in the area. Behavior of this kind merely strengthens a spoiler’s hand, and therefore wounds the peace process.

Recommendations

Based on the lessons of our case studies and related works, it must be concluded that the tactics currently being used in achieving a successful political peace settlement in Afghanistan are a mixed lot. In a number of regards, the actors managing the process are acting in harmony with our findings. First and foremost, the international community has made a stake in the outcome and is providing a great deal of assistance to the factions in reaching an accord.

²⁰ Sedra 2002, p. 18

Negotiations continue despite continued violence. The establishment of a transitional administration to prepare for a new constitution and elections is an encouraging sign, as is the effort to establish reformed security forces along international standards. Lastly, the nascent design for the new Afghan government contains elements of power distribution that will give some assurances of security to the various partisans.

There are, however, a number of areas for improvement. Most poignant is the need for an increase in international forces to maintain basic security until such a time as Afghanistan's new police and/or military institutions can take over. The fact that the international community is unwilling to contribute further resources to the situation calls its commitment into question, which can only detract from the process' potential for success. Furthermore, without adequate levels of security in place in time for the takeover by an elected administration, the new government is likely to appear impotent in enforcing its laws, which will undermine faith in the system. By extension, if political progress continues to outpace progress in establishing security, it may be advisable to postpone implementation of the new system of government until it has a credible chance to succeed.

The current reforms to security forces should continue, but should also be expanded so as to end their dominance by a single faction. Concurrently, every effort should be made to ensure the success of the new DDR program. Finally, coalition forces must cease support for all factions fail to cooperate with the peace plan. Continuing such aid merely repeats a mistake that the US should already have learned not to make: America aided Afghan resistance fighters against the Soviets only to find itself threatened by elements of the *mujahidin* it helped to create. Thus the enemy of your enemy is your friend for a moment, but may become your new enemy tomorrow.

Conclusion

This analysis uses examples from recent history to assess the usefulness of existing efforts to achieve a political peace settlement in post-Taliban Afghanistan. Other work that could contribute to this analysis includes a full typology of Afghan spoiler factions, a review of the new constitution once it is adopted, and the inclusion of first-hand accounts of the situation in various parts of the country.

America and its allies must clearly see that their long-term friends in Afghanistan are those who support a liberal democratic society. By reinforcing their investments in Afghanistan now, by ensuring security and preventing sabotage by spoilers, the international community can underline its commitment to achieving a lasting political settlement. Doing so quite obviously comes at a price, but we have now repeatedly seen the price of leaving a nation to fail, and it is far higher.

Table: Evaluation of Lessons' Application in Afghanistan

Lesson	Application	Remarks
Third-party intervention	+ ? - -	<ul style="list-style-type: none"> ● Presence of int'l 3rd party ● Level of commitment ● Only protecting populous in Kabul ● Needs more resources
Negotiations as prerequisite for ceasefire	+	<ul style="list-style-type: none"> ● Seeking settlement despite troubles
Security as prerequisite for new state	-	<ul style="list-style-type: none"> ● Security at a low and falling, but constitutional convention is already underway
Rushed elections	+ +	<ul style="list-style-type: none"> ● Interim government established via elites ● Constitution being drafted w/ int'l expertise
Civil-military relations	+ - - ?	<ul style="list-style-type: none"> ● New army units being trained by int'l community ● New units not well resourced or deployed ● Control of military mostly in hands of one group ● DDR of warlord armies just beginning
Post-conflict institutional design	? + - + - +	<ul style="list-style-type: none"> ● Still in design process ● Interim government divides cabinet among groups ● Current division of cabinet power not equitable ● Some trends toward federalism ● Leaning toward presidential system ● Viable amendment mechanism
Spoilers	? - -	<ul style="list-style-type: none"> ● Questionable will of int'l forces to check combatants ● Some spoilers regarded as allies for the moment ● Int'l forces not deployed to enact most management techniques

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