



BEYOND POWER SHARING

INSTITUTIONAL OPTIONS FOR AN AFGHAN PEACE PROCESS

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ABOUT THE REPORT

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[Any negotiated settlement to the Afghan conflict should involve a set of transitional arrangements to govern the period between the signing of a peace settlement, a cease-fire, and the entry into force of more permanent institutions for conflict management.]

Summary

- While the need for a peace process to end the conflict in Afghanistan becomes clearer with each passing month, there are deep doubts about the chances of achieving a settlement. While the challenges are formidable, they are also potentially surmountable with the right kind of process and settlement.
- All the phases of a peace process are linked. Beginning a process requires more than a conducive military situation; it also calls for potential negotiation scenarios that can generate the confidence to take the initial steps. The kind of negotiation that takes place will influence the comprehensiveness, quality, and therefore sustainability of the outcome.

The Problem

- The Afghanistan conflict has many overlapping structures and root causes, a large number of incoherent actors, and rapidly changing causal and escalating dynamics, each of which presents challenges for a peace process. Within Afghanistan, the struggle of International Security Assistance Force (ISAF) troops and increasingly Afghan security forces against the insurgency is the dominant “lens” through which Western actors view the conflict.
- This dimension is actually one layer over a more complex struggle for influence among political-military factions with roots in previous decades of conflict, shaped by ethnic, tribal, regional, and economic factors, and increasingly coupled to a broad-based legitimacy crisis. The character of the conflict will continue to change as military, political, and economic “transition” proceeds, and it will increasingly revert to a multipolar struggle among a dynamic combination of political factions with economic dimensions.

Initiating and Structuring Negotiations

- The core players in the conflict are complex and potentially incoherent actors who may have difficulty cohering around stable negotiating positions and delivering on agreements. Any viable peace process will need to encourage a pro-dialogue orientation within the actors, generate increased coherence in political positions, and protect the peace process against splits and violent setbacks.
- A key task of the prenegotiation stage will be to overcome lack of confidence among the armed conflict parties through effective third-party engagement, provide support for parties to be effective negotiators, and develop a detailed procedural and substantive negotiating framework.
- To manage such a complex, incoherent, and dynamic array of conflict and nonconflict parties, a negotiation will likely require time and division of the agenda into incremental steps, as well as multiple tracks or accords to facilitate inclusion of diverse interests on key issues. Mediators and support frameworks may be strong or weak, and play active or more passive roles as negotiations progress.

Agreeing Transitional Arrangements

- Any negotiated settlement to the Afghan conflict should involve a set of transitional arrangements to govern the period between the signing of a peace settlement, a cease-fire, and the entry into force of more permanent institutions for conflict management.
- Among other tasks, these arrangements need to overcome mistrust and insecurity among the parties, address governance challenges, and define an interim political order that

combines stability and continuity with inclusion and reform, while providing means of monitoring and verification.

Beyond Power Sharing in Long-Term Institutions

- Long-term institutions for distributing decision-making powers must also form part of a political settlement. Yet while enabling governance, institutions must not threaten the survival of any of the key parties to the conflict or the peace process may not be supported.
- Much of the debate about a peace settlement with insurgents in Afghanistan focuses only on political or territorial power sharing through central or provincial executive positions. However, a wide range of potential measures could create opportunities among the conflicting parties to share influence, as well as balance that influence with more roles for noncombatants, civilian political actors, and vulnerable groups.
- Power sharing and reform are not mutually exclusive approaches to addressing the political dimensions of the conflict. A combination of power-sharing, power-dividing, power-creating, and power-diffusing mechanisms can provide groups within divided societies with assurances that they will not be permanently excluded from state power and resources, while generating more effective and accountable governance and establishing the foundations for a more capable, accountable, and resilient state.
- In Afghanistan, this might include clarifying or even redefining the powers of the president, National Assembly, and the courts, modifying the relationship between the central government and provincial and district administrations, or creating and diffusing decision-making authority among new or existing institutions over issues such as appointments.

Introduction: Peace Is Possible

The need for a peace process to end the conflict in Afghanistan becomes clearer with each passing month, just as quickly as hopes for one often seem to recede. Despite many positive changes, ten years of deepening international involvement, both military and civilian, have been accompanied by a pattern of mounting violence. Since 2009 a dramatic escalation by NATO of both conventional counterinsurgency and special operations has certainly cost the insurgency lives and territory, and the prospects of an outright Taliban victory seem negligible. At the same time, the Taliban movement and its allies have shown resilience and flexibility, presenting a consistent tactical challenge in narrowing areas of the south and broad areas in the southeast and east, while extending their reach in the north.¹ A string of high-profile attacks and assassinations has undermined government and NATO claims of increasing security and eliminated key government allies, while deepening tensions among political factions with distinct ethnic overtones, raising the specter of a widening civil conflict.²

The United States and its partners seek to transfer the bulk of security responsibilities to the Afghan government by 2014, and there are concerns about the quality, unity, and sustainment costs of regular Afghan security forces and the effect of proliferating irregular units on government legitimacy.³ A succession of governance crises has undermined the last two national elections, threatens the continued delivery of international development assistance, and has paralyzed executive-legislative relations, bringing most avenues of institutionalized politics to a standstill. The security transition to 2014 will thus be accompanied by a challenging political succession and destabilizing economic conditions as output shrinks by upward of one third on the back of declining security and aid inflows.⁴

Such circumstances heighten the conclusion, already acknowledged by the United States, its international partners, and the Afghan government, that a diplomatic solution offers the best chance to avoid a deepening conflict. The Afghan government has pursued both private and public outreach to neighboring countries and insurgent groups centered on a seventy-member High Peace Council appointed in late 2010—an approach that encountered a serious setback with the September 20, 2011, assassination of council Chairman Burhanuddin Rabbani. Nevertheless, the United States, the Taliban, and more recently the Haqqani network have all claimed participation in preliminary talks, while contact between Gulbuddin Hekmatyar's Hezb-e Islami and Kabul has long been quite open.⁵

Yet, while the desirability of a negotiated outcome is increasingly clear, there are deep doubts about the chances of achieving a settlement. There are two important strands to such objections: (1) that the Taliban themselves are uninterested in negotiating and (2) that Pakistan will prevent an effective negotiation in order to preserve its influence over the outcome in Afghanistan. The claim that the Taliban leadership will never negotiate, either due to absolutist ideology or the perception that the war can be won through waiting out the U.S. drawdown, bears little scrutiny. The existence of a current of “pragmatic, politically thinking, pro-talks Taliban” has been demonstrated through contacts dating from 2007–08, their more recent participation in preliminary talks, and statements including but not limited to Mullah Omar's 2011 Eid message that claim the Taliban are focused on Afghan-specific goals and not international jihad. This evidence suggests recognition of the need to share political power with other groups, and potential moderation of some views on social issues. Evidence from field commanders also suggests some see talks with the leadership as acceptable.⁶

Admittedly, the relative influence of this current within the movement at present is unclear. However, this question and the spectacular assassination of Chairman Rabbani do

not indicate the impossibility of negotiation as has been asserted.⁷ Continued or intensified hostilities by branches of the insurgency do not in themselves demonstrate an unshakeable rejection of talks, just as intensified action by NATO or the Afghan government also does not. In fact, the current escalation reflects similar patterns in other conflicts as parties seek to leverage their position in advance of a potential negotiation. A study of relationships between escalation and negotiation in ten conflicts published in 2005 finds “that decisions to negotiate follow a party’s escalation of the conflict” and “that these correlations do, indeed, have a causal effect.”⁸ Consistent with this reading, for example, the head of the madrassa that trained Mullah Omar has called for continued armed struggle against U.S. forces in Afghanistan while offering to mediate between them and the Taliban.⁹ A key challenge of any peace process will be to enhance the appeal of negotiation among reluctant insurgents.

The second view—that without the acquiescence of the Pakistani security establishment no settlement is possible, and that that condition is unlikely to be fulfilled—is widely held in Afghanistan and among parts of the U.S. policy community. Much has been made of Pakistani efforts to maintain control over nascent negotiations through the arrest of “pro-talks” individuals during 2010, and the public reaction by the Karzai government to the Rabbani assassination reflects this line of thinking.¹⁰ A 2011 study suggests that Pakistan’s policy elites perceive that their interests increasingly lie with a stable and inclusive Afghan government—potentially including Taliban representation—that can protect Pakistan’s interests, chiefly by preventing excessive Indian influence. In this light, Pakistan’s interference in the peace process can be seen as hedging that results from skepticism over the chances of a successful negotiation, which in turn stems from the ambiguity of U.S. policy toward such talks.¹¹

Pakistani hostility, rather than being absolute, is in this sense part of a vicious circle driven by uncertain progress or prospects for an intra-Afghan process that would accommodate Pakistan’s concerns. It is possible that such progress might motivate gradual adjustments within Pakistan, converting a vicious circle of hedging to a more virtuous one of increasing prospects for peace.¹² Certainly, establishing the general parameters of a peace process and future institutional options as described in this paper, incorporating Pakistani input and broader regional agreement, could make a contribution to Pakistan’s confidence that a peace process could meet its concerns. Furthermore, even if one argues such a change in Pakistani security policy is *necessary* to achieve a settlement in Afghanistan, it is certainly not *sufficient* to make such a settlement stick. Therefore, an intra-Afghan settlement needs to be hammered out, as prominent advocates, including U.S. secretary of state Hillary Clinton, have noted.¹³ While this report focuses on the intra-Afghan terms of such a settlement, by no means do we consider that Pakistan’s engagement with those terms is not an important key to a lasting settlement.

The idea that the core of this intra-Afghan settlement will involve the sharing of political power and positions with Taliban representatives either at the central or provincial level is both widespread in public discourse, and the cause of considerable opposition.¹⁴ This opposition has two main strands. On the one hand, leaders of Afghan political or military factions that have a history of opposing the Taliban, or who represent minority communities that particularly suffered under their rule, warn that inclusion of the Taliban in a power-sharing agreement would ignite renewed factional struggle.¹⁵ On the other, a range of forces that can be broadly defined as civil society, including traditionally oriented tribal leaders, modernizing political parties, human rights and women’s groups, fear the consequences of accommodation with the Taliban for newfound democratic institutions and individual rights.¹⁶ The worst outcome from the point of view of any of these groups is a closed deal dividing influence between the current

regime and the Taliban—in the eyes of many precisely the route pursued by Kabul prior to the Rabbani killing.

While these issues are formidable, they are also potentially surmountable by the right kind of process and settlement. This report attempts to contribute to the evolution of a peace process that may be able to confront such objections about an agreement with the Taliban. A peace process requires both *ideas* and *will*. Of these, will is clearly most important: without the desire and efforts of leaders and their followers to exit conflict and seek peace, no quantity of well-meaning mediators, policy reports, or peacebuilding programs can lead to a durable settlement. However, ideas are needed to convert that will into a path toward a settlement, and to increase the chance of that settlement enduring:

Factors important in creating “ripe opportunities” for conflict resolution are . . . the availability and increasing acceptability of new sets of basic ideas, principles and concepts for addressing the conflict and, eventually, craft[ing] viable formulas and resources [for] peace agreements.¹⁷

Indeed, rich experience exists internationally to provide suggestions, lessons, and models, as a recent call from the Brookings Institution for a more robust political strategy in Afghanistan observes:

The international community can offer ideas here, based on previous experiences ranging from the termination of civil wars in Central America and Angola and Rwanda to the war crimes processes in the Balkans and Liberia to the Truth and Reconciliation process in South Africa to the mixed indigenous-international arrangements employed in Cambodia.¹⁸

However, to have any chance of success, such ideas must respond to Afghanistan’s unique conflict dynamics. Too often international actors—whether analysts, policymakers, or implementers—try to apply lessons that derive from what they know, rather than what is suited to the context. Military planners may tend to draw on recent experiences in Iraq, UN officials from major peacebuilding efforts such as those in Bosnia-Herzegovina or East Timor, and diplomats from their own country’s experience, such as that of the United Kingdom in Northern Ireland.

This report takes a different approach. Rather than lifting wholesale the experience of other peace processes that writ large may have limited applicability to the complexities of Afghanistan, it examines some specific challenges a peace process in Afghanistan will face, and then presents theoretical observations and some real world comparative examples that may be applicable to these challenges. The report does not aim to recommend a complete or a single set of institutions for an Afghan peace process, but rather to stimulate discussion on how to connect the particular challenges an Afghan peace process faces with the possibilities for peace that careful and innovative arrangements can and have produced even in complex and seemingly intractable conflicts.

To do this, the report develops in its next section a conflict analysis to clarify some of the particular challenges that the Afghan conflict presents. Following that, the paper discusses the challenges of initiating and structuring intra-Afghan negotiations to reach a settlement, focusing on the need for effective engagement by third parties, a support structure, and a negotiating framework with provisions for careful inclusion. Next, it discusses the key challenges and functions of transitional arrangements that will be needed in a settlement during the implementation of key provisions. Finally, it details longer-term institutions that can dampen fears about sharing power with the Taliban while addressing root causes of the conflict. In particular, the report outlines a range of examples of power-sharing, power-dividing, power-creating, and

power-diffusing models that go beyond the current focus on sharing power with insurgents to integrate elements of much-needed reform.

Challenges for a Peace Process: Analyzing the Afghan Conflict

It is beyond the scope of this report, and indeed the abilities of its authors, to comprehensively analyze or summarize the conflict in Afghanistan. Nevertheless, there are patterns that present challenges to any potential peace process discernible in the available literature on the conflict, and in the primary research conducted under the study of which this report forms a part. If used carefully and flexibly, formal conflict analysis frameworks can help focus attention on some of the challenges that a peace process must face.

Conflict resolution specialists have developed detailed conflict-mapping frameworks that emphasize history, context, and variations in the kinds of actors, the nature of the issues, and the contrasting beliefs and orientations that drive a given conflict.¹⁹ Most frameworks developed for practitioners—inevitably a little reductive—tend to stress three main elements:

- *structures* (sometimes referred to as root causes or conflict issues: “what is the conflict about?”—including international, regional, historical, and contextual factors);
- *actors* (“who are the parties to the conflict?”—including whether these are “primary,” “secondary,” or “third parties,” their interests and motivations, their relationships, resources, and capacities, and therefore their likely responses to different incentives); and
- *dynamics* (triggering or proximate causes of conflict, escalating factors, and changes in structures or issues as conflicts become longer and deeper rooted, or local capacities for management or resolution).²⁰

The Afghanistan conflict exhibits complications in each of these areas: it has many overlapping structures and causes, a large number of incoherent actors, and rapidly changing causal and escalating dynamics.

Structure: Dimensions of the Conflict

It goes without saying that the Afghan conflict actually comprises a number of interacting disputes at international, regional, national, and local levels. One attempt to outline this “conflict net” describes the international “war on terror” intertwined with regional disputes between India and Pakistan, between Pakistan and Afghanistan over the border and with Taliban groups active in both countries, between Saudi Arabia and Iran, and between the United States and Iran.²¹ Within Afghanistan, the struggle of International Security Assistance Force (ISAF) troops and increasingly Afghan security forces against a complex and cross-border insurgency is the dominant “lens” through which Western actors view the conflict. A well-publicized September 2011 discrepancy in the interpretation of security trends is a telling example of the difference of perspective between those who measure progress as a decline in insurgent attacks and those observing overall violence.²²

However, this counterinsurgency conflict is one layer over a more complex struggle for influence among political-military factions with roots in previous decades of conflict, that is in turn being shaped by ethnic, tribal, regional, and economic factors operating both nationally and locally. There is consequently a fragmentation of understandings of what the Afghanistan conflict is “about” among different actors, for different audiences, and in different locales. Many national-level Afghan leaders emphasize Afghanistan’s victimization in these wider regional struggles, while internally some focus more on U.S. and government actions driving the insur-

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gency, poor governance and the benefits corrupt elites derive from conflict, or historical ethnic rivalries and patterns of rule.²³

The insurgency does not tend to see or present itself as an ethnic Pashtun movement and has achieved modest expansion among other ethnicities primarily through clerical networks and in remote areas, yet some outside the insurgency view it in ethnic terms.²⁴ Within the Pashtun sphere, the tribe has a fluid, relative, and localized role in the conflict, just as it does in Afghan society more generally.²⁵ While the conflict cannot be understood without reference to tribal dynamics, these are but one factor or “arena” among others such as religious and commander networks dating to earlier conflicts, competition over opium production and trafficking, and a lack of articulated Pashtun political alternatives.²⁶

In addition to insurgency, regional, and factional dimensions, the Afghan conflict increasingly turns on a broad-based legitimacy crisis. The Taliban grew out of and benefited from widespread disillusionment with the outcome of short-lived power-sharing agreements among the mujahedin factions after 1992 and the resulting civil war and disorder.²⁷ Similarly now, the conflict is “for a broad cross-section of stakeholders, a legitimacy crisis stemming from a system of power and patronage distribution” that has resulted in the capture of the government by narrow elite interests who enjoy declining legitimacy and seek to mobilize societal tensions such as ethnic divisions to maintain their influence.²⁸ An important structural cause of the conflict therefore remains weak governance, and any peace process will need to address this issue through reform as well as power sharing if it is to lead to a durable peace.

Actors: A Cast of Complex and Incoherent Players

This multiplicity of conflict structures or “lenses” in turn complicates analysis of the conflict actors. Underlying much conflict analysis is an explicit or implicit assumption that actors—in the sense of discrete decision-making units—can be identified, and their motivations and resources catalogued.²⁹ For Afghanistan, the number, identity, and nature of the most relevant actors are matters of interpretation and are contested. As noted earlier, a counter-insurgency reading of the conflict suggests a government and its NATO allies with generally congruent interests confronted by an insurgency with several components, surrounded by concentric “rings” of regional and global players with their own interests.³⁰ An interpretation that focuses on the struggle among political-military factions emphasizes a larger range of actors engaged in armed and unarmed competition with each other in a “violent political marketplace” characterized by neo-patrimonial deal making.³¹ In turn, analyses of the war economy emphasize the importance of numerous war profiteers—so-called malign actor networks—in driving the conflict, whether their resources derive from drugs, or international transport and security contracts.³²

The result is a shifting cast of conflict actors depending on what aspects of the conflict are seen as most salient. Furthermore, those actors that can be identified exhibit great internal complexity and incoherence. Much attention in this regard has been paid to the insurgency. At the highest level of aggregation, division of the insurgency among three broad networks—the Quetta Shura Taliban, the Haqqanis, and Gulbuddin Hekmatyar’s Hezb-e Islami—is largely uncontroversial, though some prefer to distinguish between a Kandahari and Paktiawal/Waziristan network of Taliban.³³ It is fairly widely understood that these organizations have some shared and some distinct objectives and positions, and that a peace process may need to deal with them separately, exclude one or more of them, and may find them acting as spoilers.³⁴

Within this macrostructure, there is vibrant debate about the continuity of the Taliban organization, the coherence of its command and control and the impact of accelerated capture and kill operations, and the likelihood it can be split constructively, or will fragment destructively, during a peace process.³⁵ The Taliban form a network of networks that each draw on different group-based motivations. Depending on local dynamics, these groups can be tribal or subtribal, have roots in jihadi party divisions, or in closer ties of “*andiwal*” (allegiance based on past history of common struggle). They may be motivated by grievances against government policies or officials, revenge for abuses, ideological affinity, the need for support in local disputes, or desire to commit crimes or extract rents.

However, these disparate building blocks are also mobilized by a central Taliban leadership, and bound together through radicalization into an Islamist and increasingly nationalist ideological frame of reference.³⁶ Thus,

the system of reference individual Taleban or their leaders allude to—tribal, nationalist, or Islamist—depends on the circumstances under which a particular decision is taken and on the particular tactical or strategic aim at stake.³⁷

The Taliban as an organization also features a considerable degree of decentralization, despite the totalizing ideological views of the Taliban “emirate.” For example, in general its much-discussed “justice” system has not been imposed from the top down, but rather by establishing Taliban courts as available alternatives that adapt to the varying local roles and status of existing clerical networks.³⁸ While the Taliban code of conduct, the *layha*, establishes a loose set of centralized policies in military organization and behavior, significant decision-making powers—for example, over appointment of deputies, dress, non-governmental organization (NGO) activities, and celebrations—have been decentralized to the provincial level or below.³⁹ In the words of one Taliban cleric, “Commanders are responsible to Mullah Omar, but have to respond to the public.”⁴⁰ This structure allows a considerable degree of coordination and an ideological and material infrastructure, while enabling autonomy and resilience.⁴¹ However, it also makes it very difficult to judge the coherence of policy toward a negotiated political settlement, and creates a high probability of splits and independent action by segments whose local concerns are not met by a peace process: in short, spoilers.

It is not only the insurgency that features a complex and potentially incoherent structure. In fact, the Afghan government, the other political factions within the national scene, and even the international coalition exhibit divisions that prevent effective concerted action in relation to a peace process. Despite a presidential policy emphasizing “reconciliation” with the Taliban and a High Peace Council charged with the public pursuit of this policy, interviews with senior members of both the government and the council suggest both include individuals actively opposed to negotiations.⁴² What is sometimes known as the political or legal opposition has been struggling to cohere around a unified position or to agree to a leadership configuration; describing these actors based on pre-2001 labels such as the “Northern Alliance” or the Jamiat-e Islami is increasingly difficult as these are split into camps opposed to or allied to President Karzai.⁴³

Despite outwardly parallel mandates to support Afghanistan, the international community represented by the United States, NATO and its other members, and the United Nations may be among the least coherent of the groups of actors involved in this conflict. One need look no further than the diversity of views during development and implementation of the Afghanistan Peace and Reintegration Program to uncover significant differences of analysis and approach between ISAF, the Afghan government, and the United Nations.⁴⁴ Even within

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the United States government, there is a pattern of divergence between departments such as State and Defense on Afghan policy as a whole, and a negotiated settlement in particular.⁴⁵

This picture of the core players in the conflict is one of complex and potentially incoherent actors who may have difficulty settling on a single set of negotiating positions and delivering on agreements as a peace process advances. As one comprehensive review of the actors notes,

Low coherence is not good news for the prospects of an accord. Incoherent actors are difficult and unreliable counterparties in any negotiation. The actors may change course in midstream, their terms are likely to shift and be retraded, and their commitment to implementation is always suspect. For these reasons, an Afghan peace process will probably bear little resemblance to the Congress of Vienna, the Treaty of Versailles, or the Six Party Talks on Korea, all cases in which the participants had pretty clear ideas about their interests, objectives, and limitations.⁴⁶

A key quality of any viable peace process for Afghanistan will therefore be the ability to encourage pro-dialogue opinion within actors on all sides, generate increased coherence within conflict actor networks, and protect the peace process against the splits and violent setbacks that will inevitably arise.

Dynamics: Impact of a Changing Conflict

Finally, an examination of the conflict dynamics in Afghanistan illustrates additional challenges. As described earlier, the conflict in Afghanistan is a confluence of intersecting regional and internal conflict structures linking the post-2001 U.S. “war on terror” with regional tensions, internal historical rivalries, and legacies of past conflicts, governance weakness, and war, aid, and drugs economies. However, the balance of these factors is changing over time, altering the complexion of the conflict as quickly as efforts to resolve it are introduced.

A brief review of the development of the conflict after 2001 illustrates this dynamism. The trajectory of Taliban resurgence across the country has been examined in some detail.⁴⁷ While the top leadership fled to Pakistan, in the south and southeast many mid-level Taliban commanders attempted to melt back to their communities or negotiate a secure exit. In case after case, the installation of new local officials and the elevation of certain patronage networks fed rivalries that drove such men back into the Taliban organization.⁴⁸ In the south, this exploitation of local rivalries and events led to “widespread disillusionment with the government and foreign forces, giving the Taliban a rank-and-file force.”⁴⁹ While combinations of factors were at play everywhere, in some places this process ran more along tribal lines (Kandahar) or between confederacies of tribes (Uruzgan); in other places ethnicity (Ghazni), political factionalism (Loya Paktia), or competition over narcotics networks (Helmand) infused the process. This reliance on interested power brokers was combined with a “light-footprint” policy that saw foreign troops restricted to Kabul or engaged in special operations, often against targets suggested by the same brokers. The devastating impact of this lack of a political solution for the Taliban and the inadequate provision of security on the conflict has been outlined in considerable detail.⁵⁰

When NATO troops were deployed to the south in numbers during 2006, they were unable to prevent this political process, and some actions of the intensified international engagement, such as the removal of certain regional power brokers or counternarcotics activity, also exacerbated tensions.⁵¹ The resultant pattern of direct confrontation between a growing international military force and the insurgency generated new insurgent strategy and tactics influenced by Iraq, as larger scale engagements were supplanted by increased use of suicide attacks and improvised explosive devices.⁵² Thus, the post-2006 phase of the conflict has been characterized by escalation on both sides, with ISAF forces approximately quadrupling in

number and insurgent attacks per week increasing by about ten times between early 2008 and 2010.⁵³ These quantitative changes have enabled an insurgent discourse increasingly referring to national liberation from foreign occupation, such that the presence and behavior of foreign forces has become the most prominent grievance of both local fighters and insurgent leaders.⁵⁴ This ideological change has assisted the insurgency's ability to extend beyond the south and east into northern regions, often via clerical opposition to international military forces. In this sense, the conflict became increasingly "about" something new in the post-2006 period.

As the conflict proceeds into a new phase characterized by what is now called "transition," changes in its structure can also be expected.⁵⁶ A shift away from direct ISAF military involvement toward the expanded Afghan National Security Forces or local counterinsurgent irregulars and decreasing financial flows will reemphasize the kind of local disputes and rivalries that were prominent in the insurgency's early spread. It will also allow regional dimensions of the conflict with Pakistan, Iran, and India to gain even greater salience. The reorientation of political allegiances promised by elections scheduled for 2014 and possible agreements with segments of the insurgency will deepen already apparent tendencies to ethnic mobilization. It is likely there will be hard-core ideological opponents to any agreement no matter its terms, though the influence of these over their rank and file will vary as a process develops. If progress toward settlement is made, networks within and outside the principal political actors will be marginalized and will seek—indeed, probably have already sought—to derail the process through violence. Furthermore, progress may, perversely, enhance the destabilizing economic patterns caused by "transition" as cash-strapped foreign backers see less need to fund government security and potentially development expenditures. Shrinking flows will prompt existing networks, possibly on both sides of the Durand Line, to intensify criminal activities, or fragment as they become unable to maintain the patronage that binds them together.

In short, if after 2006 the conflict became increasingly structured as a counterinsurgency, after 2011 it will increasingly revert to a multipolar struggle among a combination of political factions with economic dimensions. In effect, the peace process will have to address a conflict that is again changing in character. This dynamism provides some information about the likely contours of the spoiler problem. Rather than dealing with a narrow range of splits between political "hard" and "soft" liners, the peace process in Afghanistan will need to be resilient in managing violence from a range of political, economic, and regional spoilers.⁵⁷ Structuring a settlement simply as an agreement between a "government" and "insurgents" will ignore the changing nature of many of the conflict actors. Instead, the process will have to involve institutional changes to help incorporate some of these spoilers into the new dispensation, or generate enough legitimacy to marginalize them despite ongoing violence.

These problems—the need to address multiple interrelated conflict structures, numerous and incoherent actors, and changing dynamics that multiply spoilers—are not unique to the Afghan conflict, but they complicate the challenges that a peace process will face. The following sections of the report examine the kinds of provisions that have been applied in other cases to constructively tackle these challenges at the different stages of a peace process, beginning with the challenges of arriving at and carrying out negotiations.

Structuring a settlement simply as an agreement between a "government" and "insurgents" will ignore the changing nature of many of the conflict actors.

Initiating and Structuring a Negotiation

As the introduction to this report outlines, in Afghanistan, the government and its international backers already accept the desirability of a negotiated settlement, and there are real indi-

cations that elements of the insurgency would explore this avenue under certain circumstances. However, confidence on all sides in the possibilities of a negotiated outcome to deliver core aims or result in sustainable peace is very low, and this is itself a major barrier to initiation of a process. As far as can be discerned publicly, current diplomatic efforts to initiate negotiations are largely passive, meaning they rely on a presumed continued military stalemate and efforts to prompt an improved regional situation to alter insurgent willingness to negotiate. Without a doubt, efforts to feel out the conditions under which Pakistan can be more supportive are important, and should continue. However, as noted in the introduction, these may also be aided if they are coupled with concrete possibilities for a negotiation and settlement that reassures the Pakistani security establishment.

It is often observed that the willingness to enter into a peace process is related to the emergence of a “mutually hurting stalemate.”⁵⁸ However, for this negative structural condition to lead to a viable peace process, it should contribute to a broader reevaluation of the armed group’s (and its supporters) chances of achieving key goals through negotiation:

What is more important than external pressures is the armed group’s subjective appreciation of a negotiated settlement as the first prize—as something that can actually deliver on their bottom line demands.⁵⁹

The insurgent organization shifts from a militant position, in which armed conflict is the only option, to a “dual strategy” open to the opportunities of both military action and negotiations, and eventually to an outright preference for a negotiated solution. Such a shift typically has less to do with individual attitudes or splits between “hawks” and “doves” than with the balance of arguments for each approach under the circumstances of the moment.⁶⁰ In fact, the most effective insurgent interlocutors in such a negotiation are not soft-liners, but rather militants who have come to view negotiations as a possible route to achieving group aims.⁶¹

Beyond the military situation, two important influences can alter that balance for a non-state armed group. The first is increased confidence that entering into a negotiation process per se will not fatally undermine its interests. The second is the availability of possible outcomes that can meet enough core goals to be worth exploring. In short, to make the decision to negotiate seriously, the conflict actors may need reassurance both in terms of process and potential outcomes. A key task of the peace process at the prenegotiation stage will thus be to overcome this lack of confidence among the armed conflict parties about a negotiation process. A well-considered peace process can help generate these reassurances through effective third-party engagement, support for parties to be more effective negotiators, and development of a negotiating framework or “road map” with both procedural and substantive elements. However, equally important will be using such a framework for reassuring other stakeholders that the resulting process will not be so dominated by armed actors that its outcome will generate renewed conflict or enjoy no legitimacy.

Effective Engagement and Support for an “International Facilitator”

Why are the exploratory contacts and increased clarity in the U.S. position in favor of a settlement not producing the required change of orientation on the part of the armed nonstate actors? As two highly experienced diplomats observe, this lack of progress is caused by

mistrust among all those so engaged, the low level of coherence in the objectives of most of the players, and the limited capacity to put together such a complex, multitiered diplomatic process. The United States has that capacity, but . . . as one of the major combatants, the United States is not well placed to mediate even a procedural accord.⁶²

Effective prenegotiation must help address this lack of confidence, coherence, and capacity. What kind of engagement is likely to be constructive in the Afghan conflict? First of all it is important that it be proactive, not based on waiting for insurgents to come to the table:

Successful engagement tends to strengthen the pro-dialogue elements within armed groups, while political isolation tends to strengthen hardliners. This suggests that minimal levels of engagement need to be the norm, not a concession.⁶³

Knowledgeable analysts of the insurgency describe just such currents of “pragmatic pro-talks” and militant Taliban, rather than ideological divisions:

There is no organised or recognisable “moderate” (or any other “political”) “faction” in the Taleban—to counterbalance the “religious” hardliners. . . . It appears to be more useful to differentiate between currents. . . . On one side, there are pragmatic, politically thinking, pro-talks Taleban who understand that a political solution is desirable but who still are conservative Islamists. On the other side are those who favour a purely military approach, often combined with a hypertrophic recourse to terrorist means.⁶⁴

One factor that works against pro-talks opinion within nonstate armed groups is the likelihood that negotiating with state (especially great power) counterparts will leave them at a disadvantage. There are also well-founded concerns about recognizing violent nonstate groups as equal negotiating partners, and negotiation structures can vary to reflect these concerns. Inevitably the distribution of power during negotiations is important in generating a decision to negotiate in the first place:

parties to a conflict—especially armed groups—are less likely to choose to negotiate if they consider the process strongly biased against their interests. They are likely to reject pre-conditions that require them to give up core goals [in] advance or their existing strategic advantages gained during conflict. . . . Instead they are likely to demand to enter talks on the basis of “parity of esteem” within the process and demand equal power in decision-making.⁶⁵

This is why considered engagement by a third party can be effective if it provides some legitimacy and recognition to the nonstate actors, while politically buffering state actors from the implications of full recognition of their enemies and their means:

Respect is the basic condition of any negotiation. The opponent must be recognized as a party with standing—a negotiating partner because of its ability to veto any agreement and an actor with identifiable reasons behind its actions. However, respect does not mean sympathizing with the terrorists’ aims and goals or even recognizing their legitimacy.⁶⁶

Increasingly, there have been high-profile calls for an international facilitator—via a range of possible institutional avenues including the United Nations, the Organization of the Islamic Conference (OIC), states, private organizations, or high-profile individuals—to lead exploratory discussions.⁶⁷ Such third-party engagement is needed not only to coordinate disparate initiatives toward a coherent track, but also to rebalance the internal relationships of the actors toward dialogue by reinforcing the sense that they can achieve their aims through negotiation. This will place complex demands on facilitation, including sustaining contact with nonstate actors that remain proscribed and potentially incoherent, supporting the credibility of the process despite limited international acceptance of the nonstate actors’ goals, supporting the negotiating capacity of the actors, and determining tricky logistics and security arrangements. Considerable and carefully considered support will be needed to carry out this challenging set of tasks and thus generate confidence.

It is likely no one facilitator or organization alone can bring all that is required to the table(s). Instead of focusing on the choice of a single mediation arrangement, some combination of a mediator or facilitator with a “group of friends” or contact group that brings diverse resources to the task may be useful, though there are potential pros and cons:

Potential benefits of grouping the external actors in some way include enhancing the leverage of the mediator, raising the visibility of the peace process, preempting rival mediation initiatives, and preparing for sustained support in implementation. However, groups also have disadvantages. The question of composition is delicate, as small groups, although undoubtedly more effective, risk excluding—and thus offending—significant potential partners. . . . In regionally intertwined conflicts, or conflicts that take place in the shadow of a regional power, what to do about the neighbors will be a constant concern.⁶⁸

Such a group might consist of states, as with early examples of such mechanisms in the Central American peace processes or in the “standing international conference” suggested in the Century Foundation report for Afghanistan (see box 1).⁶⁹ Groups under United Nations auspices “have generally been a mix of permanent members of the Security Council, interested regional actors, and midsize donor states or ‘helpful fixers’ with experience of the conflict” that can bring a range of resources to bear.⁷⁰ The mechanism must be able to build the credibility of the process and increase confidence in its lack of bias among all the parties. This requirement is one motivation for the frequent mention of the OIC, Saudi Arabia, or other Gulf states as potential mediators for the Islamic context of Afghanistan. In Afghanistan, as was the case in Central America, it is likely that neighboring countries will need to act as parties to a regional peace process, rather than members of a third-party support group. With these considerations in mind, one can picture a range of possible groups of friends from among one or more interested mid-sized Western states, sizeable distant Muslim states, along with Islamic partners who can reassure the insurgent parties, such as Saudi Arabia, or interested but removed regional powers, such as Turkey or the OIC.

However, such support mechanisms need not be comprised only of states or multilateral organizations, though these may certainly be important for the “heavy lifting” of logistics, security, and implementation guarantees. Recently restored negotiations between the government of the Philippines and the Moro Islamic Liberation Front (MILF) feature a novel form of international contact group that brings together four third-party governments with four interested international nongovernmental organizations (INGOs) with wide expertise in peace-making and peacebuilding generally, and in the Philippines specifically (see box 2).

While this example corresponds to an ongoing negotiation, the introduction of NGOs suggests possibilities for new kinds of support for mediation even in exploratory stages. In Afghanistan, there might be potential to increase the credibility of the process among the non-state actors by including nongovernmental or educational institutions with particular Islamic credentials, as well as organizations specializing in mediation or peacebuilding. Such engagement will need to come through an active third party, and may require a mechanism for diverse support that can provide legitimacy and credibility to the process, flexible negotiation support, and some heavy lifting as well.

Supporting the Parties’ Negotiating Capacity

Effective third-party engagement can help reassure parties and thus help induce and support a negotiation. However, governments, armed groups, political parties, and civil-society actors who have been immersed in a conflict environment for an extended period may be fragmented, lack negotiating skills or clearly developed positions, and be unaccustomed to the give and take of negotiations. Some groups may “need technical support to articulate their negotiation strategy and to develop skills and confidence in their ability to negotiate” an agreement.⁷¹ Accordingly, third parties should attempt to determine whether divided groups need help reconciling their positions and developing a common bargaining position before attempting to

Effective third-party engagement can help reassure parties and thus help induce and support a negotiation.

Box 1. The Contadora Group—Framing the Principles of Central American Peace

The Contadora group, comprising interested but not directly involved states of Mexico, Venezuela, Panama, and Colombia, was formed in January 1983 to support a peace process in Central America, where several insurgencies were tied in with regional conflicts and Cold War dynamics. The groups' foreign ministers met with the Central American governments to try to develop a peace plan focusing on regional and internal causes of the conflicts. Three core elements of the plan, known as the "21 Objectives," were the termination of foreign interference and the nonuse of neighboring territories to support insurgencies; respect for human, political, civil, economic, and social rights and measures to democratize; and the establishment of an appropriate verification and monitoring system—later requested from the United Nations.¹

While the Contadora plan in itself could not bring about an end to the conflicts, as conditions did not allow internal peace talks with insurgents in Nicaragua and El Salvador until later in the decade, these principles formed the backbone of all subsequent efforts, including those that formed the Salvadoran accords. Individual states from the group also continued to provide important assistance, with Spain providing the idea for a joint multiparty monitoring mechanism in El Salvador (COPAZ, discussed later in this report).

1. Dario Moreno, *The Struggle for Peace in Latin America* (Gainesville, FL: University Press of Florida, 1994), 55–60; "21 Objectives Document" (September 9, 1983), reproduced in Jack Child, *The Central American Peace Process, 1983–1991: Sheathing Swords, Building Confidence* (Boulder, CO: Lynne Rienner Publishers, 1992), 174–177.

Box 2. The Philippines International Contact Group—Mixed Composition Support

The 2008 breakdown of peace negotiations between the government of the Philippines and the MILF over provisions for the Autonomous Region of Muslim Mindanao (ARMM) later produced an agreement to create an international contact group empowered to "attend and observe the negotiations, visit and advise the parties to conflict . . . and meet with the parties upon request to resolve outstanding issues," under the coordination of the Malaysian facilitator of the negotiations. The agreement specified a preference for the inclusion of countries from the OIC and the European Union and allowed for the inclusion and support of international NGOs.¹

In addition to the United Kingdom, Turkey, Japan, and Saudi Arabia, the group includes the Asia Foundation (a regional INGO with broad activities), Conciliation Resources (a peacebuilding resource and training organization), the Centre for Humanitarian Dialogue (a mediation and mediation support organization), and Muhammadiyah (an international Islamic NGO). Before and after the formation of the group, these organizations have provided numerous forms of active support and expertise to the peace process locally and nationally. Their inclusion leverages these experiences and resources but also enables, through their local partners, an organic connection between the peace process and the broad scope of civil society in the Philippines involved in peacebuilding.

1. Claudia Hoffman, "Peace Negotiations in the Philippines: The Government, the MILF and International NGOs," *Peace Brief*, United States Institute of Peace, 2011.

negotiate with other groups. Such support may increase their confidence to pursue a negotiated outcome:

When leaders are more confident in the prospects of attaining their interests through political—rather than military—means and feel themselves able to skillfully negotiate to achieve their objectives, then a negotiated process become a more attractive option.⁷²

Training and capacity building that enables actors to analyze the sources of conflict and identify potential solutions, engage in policy formulation, and negotiate effectively can increase the probability that the negotiation process will be successful. However, groups may react if they see rival groups receiving support to enable them to play a more effective role, and thus support needs to be approached with sensitivity by third parties, perhaps by using one of the models of support groups described earlier. But properly preparing groups for the possibility that their rivals may also receive support can help to alert them to the role reciprocity plays in the negotiation process. Third parties should consider these types of sup-

Box 3. Mozambique—Capacity Support for Negotiations and Transformation

Mozambique's ten-year civil war ended with a settlement signed by the governing party, the Liberation Front of Mozambique (FRELIMO), and RENAMO, in 1992. At the start of the negotiation process, FRELIMO had significant advantages, including a well-established party structure, a tradition of unity, and experience as the government in power. RENAMO, on the other hand, lacked ideological coherence, knowledge of constitutional and electoral processes, and experience carrying out basic administrative and political tasks. It remained wary during early diplomatic activity prior to formal talks beginning in Rome in 1990.

South Africa, a RENAMO ally in the conflict, began to consider the group's future in light of unfolding political changes in southern Africa, and shifted its support away from military means toward encouraging and assisting the group to formulate and consolidate its political demands. During the negotiations, logistical and financial assistance provided by the international community enabled RENAMO leaders to participate on an equal footing.

The United Nations fostered a plan to hold democratic elections in 1994, giving RENAMO two years to develop into an opposition party. After the signing of Protocol 111 of the General Peace Accords that dealt with the electoral laws and guarantees of logistical support for RENAMO in the cities, the United Nations set up a trust fund to support the rebel group's transformation. Resources in the amount of US\$17 million gave RENAMO's leadership a realistic chance of competing in the multiparty elections and provided its former military commanders with salaries, houses, offices, and vehicles.

Funds from the international community bolstered Afonso Dhlakama's leadership position, allowing RENAMO to pay off military leaders and other officials it could no longer use; maintain the loyalty and services of selected party leaders; and attract new leaders and activists. Initially, financial support was disbursed directly to the party leadership for discretionary use. After the elections, party funding was to become contingent upon the party's ability to win office.¹

1. Giovanni M. Carbone, "Emerging Pluralist Politics in Mozambique: The FRELIMO-RENAMO Party System," Working Paper no. 23 (LSE Crisis States Programme, 2003), <http://eprints.lse.ac.uk/28268/1/WP23GC.pdf>; Carrie Manning, *The Politics of Peace in Mozambique: Post-Conflict Democratization, 1992-2000* (Westport, CT: Praeger, 2002); Severine Rugumamu and Osman Gilba, "Studies in Reconstruction and Capacity Building in Post-Conflict Countries in Africa: Some Lessons of Experience from Mozambique" (African Capacity Building Foundation, 2003); Jeremy Weinstein, "Mozambique: A Fading U.N. Success Story," *Journal of Democracy* 13, 1 (2002): 141-156.

port an investment in the peace process, in later policy processes, and in "good politics" after the settlement.⁷³

One example of multipronged third-party support to build the capacity and coherence of actors for a negotiation process took place in Mozambique. Although the years since the signing of the country's peace accord have not seen the Mozambican National Resistance (RENAMO) become a particularly effective opposition party, the support the group received in the run-up to and during the peace negotiations helped to secure its commitment to the peace process (see box 3).

Another example of a more structured technical support program was the Palestine Negotiation Support Unit (NSU), established in 1999 with mixed results (see box 4).

Establishing a Negotiating Framework

To further enhance the chances that the parties will accept a negotiation as a viable route to important preferred outcomes, the goal of third-party engagement and early negotiation support should be to achieve as comprehensive and explicit a framework for negotiation as possible. Ideally, such a framework will have two broad elements, each contributing to reassuring the parties that negotiation is the way forward:

- a *procedural* agreement that outlines how negotiations will proceed in terms of mediation, representation, sequencing, and decision making, as well as practical but difficult issues of logistics and security;

Box 4. The Palestine Negotiations Support Unit

The Palestine Negotiations Support Unit was established in 1999 through a request from the Palestine Liberation Organization (PLO) to the British government for technical and financial support in the run-up to the (eventually failed) final-status negotiations in 2000–2001. The unit was partially funded by the United Kingdom and later several other European nations with a mandate to provide legal, communications, and policy advice to Palestinian negotiators. The unit was integrated into the PLO's Negotiations Affairs Department in Ramallah and drew on the expertise of Palestinian-American and other Western-trained lawyers and officials.

The unit has a legal and policy department that aimed to strengthen and refine existing Palestinian negotiation positions, develop new positions, and contribute to resumption of permanent status negotiations. It provides advice on the permanent-status issues (security, settlements, Jerusalem, refugees, borders, and water), as well as other issues (economic relations, compensation, agriculture, tourism, health, transport, energy, telecommunications, and archaeology). The Communications Department publicizes and explains Palestinian negotiation positions.¹

The unit was embroiled in controversy in early 2011 after it was determined three employees were behind a leak to Al Jazeera of 1,600 key internal documents on Palestinian negotiation strategy over a ten-year period, prompting the resignation of the Palestinian Authority's chief negotiator.²

1. The authors are grateful for a suggestion by Michael Keating of the United Nations Mission in Afghanistan (UNAMA) regarding the NSU, personal communication, July 15, 2011. PLO Negotiations Affairs Department Web site, "About Us," www.nad-plo.org/etemplate.php?id=182.

2. Seamus Milne and Ian Black, "The Story Behind the Palestine Papers," *Guardian*, January 24, 2011.

- a statement of *fundamental principles* that outlines core substantive elements and limits, reassuring the parties that primary or existential interests will not be sacrificed and specifying agenda items that need to be negotiated.

A procedural agreement should determine how parties are represented and how many are included, thus suggesting how power will be structured during negotiations. Decision-making formulae, the makeup of delegations, logistical questions, the role and powers of the third party suggested time frames and pacing, and communications, recording, and confidentiality procedures can all contribute to clarity regarding the direction of the peace process. Two of the most important procedural issues that will need to be considered are the role of the third party and the structure of the negotiation. A mediator can play a stronger or weaker, a more or less active, role in a negotiating process. A strong mediator with solid international backing may be able to commit these resources to pushing a high-profile plan with top leaders, and to mobilize significant rewards or coercive provisions. A lower-profile mediator from a nongovernmental institution may have more flexibility in methods and formality, perhaps more easily gaining confidence and thus influence from knowledge or informational power.⁷⁴

The mediator may play a very active role, suggesting solutions and formulae and proposing texts based on consultation with the parties, or a more passive one that focuses on bringing the parties together and letting them resolve key questions. A fairly active mandate to integrate positions and suggest formulae can be an important way to support the balance between nonstate parties and states by elevating the position of the less legitimate actor while providing a buffer for the governments involved. For example, in El Salvador, Salvadoran government negotiators tried to push a minimal role for the United Nations mediator and continuous negotiations to capitalize on the weaknesses of a nonstate insurgent actor that had several component organizations and lacked coherence, while guerrilla groups sought an active mediation that could suggest settlement formulae to rebalance the relationship (see box 5). What kind of role is appropriate will depend on the nature of the mediator and the kind of support system available.

The structure of substantive talks might consist of direct or shuttle diplomacy, be conducted in parallel according to theme or sequenced over time, and held in continuous or punctuated sessions. In Afghanistan one might imagine a military-security negotiation focused on

Box 5. El Salvador—Sequential Negotiations, Resilience, and Consensus Building

The Salvadoran peace agreements were reached sequentially, with consecutive agreements building on earlier pacts. After transformations within both the regime and the insurgent Farabundo Martí National Liberation Front (FMLN, itself comprised of five separate insurgent parties) that enabled both to envision negotiating their core objectives, talks began in 1989.¹ Violent escalation on both sides followed, but served to weaken militant elements and heighten momentum for a settlement. The government wanted minimal UN involvement and continuous negotiations, while the FMLN needed active UN mediation and long breaks to consult its field commanders to balance the playing field.² The resulting “road map” signed in Geneva in 1990 specified alternating continuous and shuttle diplomacy, and set an agenda of future agreements on the armed forces, human rights, the judicial system, the electoral system, constitutional reform, economic and social issues, and UN verification. How to time the beginning of the cease-fire was a key question: it was agreed that each of these substantive issues would be negotiated prior to an “armed cease-fire,” which would then last until provisions for demobilization and reintegration of combatants were agreed.

However, the future of the Salvadoran Armed Forces was a major point of disagreement, and could not be settled first. Alvaro de Soto, the secretary-general’s appointed mediator, passed over this agenda item and provided text for an accord on human rights that was agreed easily, rebuilding some momentum. Subsequent active UN promotion of solutions for the security forces achieved several interrelated agreements, including purging the military with an ad hoc commission, dissolving certain special forces battalions and the police, and creating a new National Civilian Police. In a parallel process, constitutional reforms agreed to by the government, insurgents, and civilian political parties included a powerful human rights ombudsperson, a requirement that Supreme Court justices be approved by two thirds of the National Assembly, and a new Supreme Electoral Tribunal with multiparty representation in its leadership.

In order to achieve agreement on sequencing its demobilization with these other steps, the FMLN needed time and opportunity to intensively lobby its own commanders, even bringing them to Mexico to observe negotiations.³ Following the resolution of these key issues, a “compressed agenda” allowed settlement of outstanding points and details quite quickly, and an ad hoc temporary cease-fire became permanent when a comprehensive accord was signed in January 1992.

1. United Nations Department of Public Information, “The United Nations and El Salvador, 1990–1995,” 11.

2. Alvaro de Soto, “Ending Violent Conflict in El Salvador,” in *Herding Cats: Multiparty Mediation in a Complex World*, ed. Chester Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: United States Institute for Peace Press, 1999).

3. Sir Marrack Goulding, *Peacemonger* (London: John Murray, 2002), 229–230.

cease-fires or cantonment, future security arrangements, and verification measures such as military observation. This will primarily involve the United States, the Afghan government and insurgents, and perhaps the United Nations. A parallel political and social negotiation might involve wider inclusion of Afghan groups, perhaps with additional mediation from respected figures from within or outside Afghanistan, particularly with legitimate Islamic credentials and reputation.

However, such an approach may founder on the inability to separate these issues—a lasting cease-fire is unlikely to be agreed in the absence of political and social agreements. An alternative approach would be a series of consecutive negotiations, building upon each other and perhaps with varying participation, aiming to build momentum by generating a track record of mutual accommodation. For example, an agreement on allowing humanitarian access and limited cease-fires might come first to initiate the process. Talks on the future electoral system or power-sharing institutions and governance of the security forces might lead to a broader but “armed” cease-fire. This progress may be followed by final negotiations over demobilization, the withdrawal of international forces, and the means for verification of counterterrorism provisions including a clear break between insurgents and Al Qaida militants, as these are likely to be among the last cards “played” in a peace process.

A key advantage of such a process is that it can be paced in such a way that there is an opportunity for shuttling and consensus building not just between but also within incoherent parties. In South Africa, where the groups’ goals and command structures were quite clear, the

African National Congress still required several months to bring lower-level cadres around to some aspects of the agreements. In addition, when difficulties or setbacks arise, attention can be shifted to different agenda items or onto new tracks, as occurred in El Salvador during the sequential negotiation of six separate accords (see box 5). These features enhance the resilience of the peace process compared to a “big bang” peace conference to produce a comprehensive settlement. As also occurred in El Salvador, as momentum builds the configuration of talks can be adjusted to cover ground more quickly.

A procedural framework for Afghan negotiations might take a number of forms, but the need to generate confidence among the parties, especially insurgents, suggests a few features that might be helpful. A mediation mechanism will be needed that can be flexible, that can draw upon wide-ranging resources, including some that confer Islamic legitimacy, and that can actively promote solutions around sensitive issues like representation of the parties. A negotiation structure that can gradually generate momentum and provides space to build coherence within and between the multiple incoherent actors is also needed, suggesting that at least initially a procedural accord might seek to set a sequential and punctuated agenda. Of course, practical logistics and security issues will also be crucial, but they will depend on the mediation and support arrangements discussed in the previous section and lie beyond the scope of this report.

Once a procedure is established, one might assume the natural sequence is that parties decide to negotiate, and then through negotiations determine the nature of a settlement. In fact, it is more likely that further elaboration of the terms of a settlement will help initiate the process:

experience suggests that parties can only enter into negotiations when they have some idea of the parameters of a settlement. A framework document outlining these parameters has often been an effective element in bringing about a ceasefire and peace process.⁷⁵

A negotiating framework may benefit from an agreement or declaration that establishes some fundamental principles of the peace process, lays out key issues for negotiation, and may even suggest the overarching structure of a peace agreement. This process does not need to go into great detail, but a broad outline can help clarify areas of common interest and key issues for negotiation, and help reassure stakeholders on some fundamental issues. In South Africa a road map between the government and the African National Congress (ANC) developed in a series of “minutes” addressing issues such as defining political offenses, releasing prisoners, suspending armed action by the ANC, leveraging national, regional, and local structures to address situations of conflict, and reaching agreement for the commencement of constitutional exploratory talks.⁷⁶

In Afghanistan such principles might try to incorporate core concerns of different stakeholders to the conflict. For example, goals of the peace process might be stated along the following lines:

- establishing the conditions for Afghanistan’s independence from any foreign interference and the removal of foreign forces of any origin from its soil;
- preventing the use of Afghanistan’s territory for attacks outside the country or against the interests of other states;
- ending the suffering of the Afghan people by achieving a cease-fire, protecting civilians, and establishing means for resolving conflicts through peaceful means;
- promoting the development and well-being of Afghanistan’s people through the strengthening of national unity and participation of all members of society in national life, governance in accordance with Islamic principles, and respect for the rights of men,

women, and children, including access to education, economic development, justice, and protection from crime and corruption;

- providing for adequate verification acceptable to all signatories.

Without doubt, even principles such as these may prove difficult, but any agreement, even if purposely vague, may be of use in generating momentum. Additionally, it may be possible to establish key structural elements of the agreement by linking these goals together with specific means or elements of a procedural framework in some form of *x will do this when y has done that*. For example, the removal of all foreign troops may be linked to the establishment of an agreed mechanism for international verification that terrorist groups cannot operate from Afghanistan and that all Afghan groups have broken ties with Al Qaida militants.

The development of such a negotiating framework may occur through engagement by a mediator or members of a support group with leaders of the conflict parties and other stakeholders through informal channels or shuttle diplomacy. However, the process can also be prompted by unilateral proposals or declarations of basic principles by third parties or even the primary conflict actors. For example, in the Mozambique conflict, a negotiating framework grew out of unilateral declarations by the FRELIMO of “twelve principles” for direct dialogue, answered by an alternative “sixteen-point declaration” by the opposition RENAMO. These clarified both the considerable gaps that needed to be overcome procedurally, while establishing agreement on seeking a peaceful settlement.⁷⁷

Alternatively, ideas to fill out a negotiating framework can emerge through track II or track “1.5” efforts that focus on dialogue among unofficial representatives or mid-level players before an official mediation begins, as occurred through the inter-Tajik dialogue (see box 6). A track II process can also contribute to solving a problem that has been prominent in engagement efforts in Afghanistan, namely identifying who to talk to.

It is a kind of catch-22 that a conflict actor may not have enough confidence to enter into negotiations without some assurances about the process and outcomes, yet these will not be certain until a negotiation takes place. Developing a negotiating framework provides a bridge between phases of the peace process, and developing such frameworks can help transform a passive strategy for initiating negotiations into a more active one. However, beyond the conflicting parties, mechanisms in the negotiating framework for the inclusion and influence of other interests are also very important for the viability and durability of the peace process as it progresses.

The Importance of Broadening Inclusion in the Peace Process

The preceding discussion has focused on gaining the consent of the conflicting parties to negotiate. Often this process is delicate and undertaken through confidential channels focusing on the leaders or representatives of conflict parties before a formal process can begin. Experienced diplomats or conflict resolution theorists often stress the need for confidentiality during this phase, though some emphasize that a separate “public arena” still has a contribution to make by providing ideas and honing understandings of the conflict during “prenegotiations.”⁷⁸

However, there are a number of arguments for peace processes to include other actors and interests, with interrelated normative and pragmatic dimensions. The normative argument is that civilians and vulnerable groups are often the biggest victims of armed conflict, and therefore deserve to have a voice in efforts to resolve it. Leaders and groups that have pursued

Box 6. The Inter-Tajik Dialogue—Helping to Frame the Peace Process

The inter-Tajik dialogue was initiated in 1993 via the Dartmouth Conference, a long-standing bilateral U.S.-Russian informal negotiating mechanism, to see if “a group can be formed from within the civil conflict to design a peace process for their own country.” The participants were chosen from among the second or third layer of decision makers in the conflict factions. A conflict-mapping exercise was carried out, identifying key problems for a peace process, such as allowing displaced people to return home or developing a platform to represent the dispersed opposition—later resembled by the United Tajik Opposition. The dialogue group recorded its deliberations and contributed to the perception that negotiations were viable, meeting six times before track I negotiations began.

As official UN-mediated negotiations began in April 1994, the dialogue prepared the first of eighteen memoranda that conveyed ideas and suggestions about the peace process, and members served on the official delegations. The dialogue had an impact on the measures to monitor implementation of the eventual General Agreement through a multiparty commission. While the dialogue was very focused on the conflict parties, it continued to meet after the agreement and implementation concluded, turning its attention to civil society and other issues.¹

1. Randa M. Slim and Harold H. Saunders, “The Inter-Tajik Dialogue: From Civil War toward Civil Society,” in *Politics of Compromise: The Tajikistan Peace Process*, ed. Kamoludin Abdulaev and Catherine Barnes (London: Conciliation Resources, Accord, 2001), 44–47.

their aims through force should not be rewarded with the only seats at the table. Instead the peace process should try to redress the imbalance between the powerful and the powerless in conflict situations to prevent widespread “alienation” from the outcome and bolster the protection of vulnerable groups such as religious minorities and women, a particular concern in Afghanistan.⁷⁹

However, this inclusion should not be considered simply desirable yet optional. Case studies by practitioners and increasingly systematic studies by researchers are showing that peace is more durable when peacemaking goes beyond the inclusion of conflict elites to provide structures for civil society and mass inclusion, representation, or consultation.⁸⁰ The causes of this positive impact may include wider acceptance of a settlement because groups feel they were consulted, a settlement that deals better with root causes of the conflict because it addressed a wider cross section of interests, or better preparation for peaceful politics in the future by not only privileging armed groups.⁸¹

In short, the way that the negotiations take place is important for the quality and durability of the outcome they are likely to produce:

The complexity of a conflict situation may require a comprehensive response. It may require a negotiation structure capable of addressing a number of interconnected conflicts within the state or region. . . . Substantively, a comprehensive negotiation agenda deals with the multiple causes of conflict and addresses the needs and rights of the wider society as well as those of the belligerents.⁸²

The impact of lack of inclusion on the resilience of a peace settlement is “a particular concern in situations where the government and the armed groups lack a strong social support base and thus neither are seen as legitimate representatives of public interests.”⁸³ As described earlier in this report, the Afghan conflict consists of several overlapping structures, and the legitimacy of the conflict parties is a particular issue. Afghan politics over the last decade has been largely rebuilt around the leaders and networks of jihadi parties with ethnic bases, privileging them over other forces that may be legitimate. The Afghan government is widely seen as corrupt and captured by narrow interests, the insurgency is considered a tool of foreign influences, and historical jihadi ethnic leaders are losing credibility even as they stoke ethnic fears to bolster their positions.⁸⁴ Just as the Taliban do not represent majority Pashtun opinion, a wider range of social forces exists in mainstream Afghan society, and their exclusion has weakened the center ground of politics.

If the multilayered structure of the Afghan conflict is to be adequately addressed, it is imperative that a negotiation process broaden beyond combatant groups or leaders to encompass diverse representatives of other social groups and forces. Contrast this need with the approach taken in formulating the Bonn Process in 2001, since acknowledged by Lakhdar Brahimi himself as incomplete:

The group assembled in Bonn did not represent the people of Afghanistan, either directly or indirectly. The UN veteran and former Algerian foreign minister Lakhdar Brahimi . . . repeatedly stressed that no one would remember how unrepresentative the meeting had been if the participants managed to fashion a process that would lead to a legitimate and representative government.⁸⁵

In addition, such inclusion can have the advantage of diluting the impact of allowing the insurgency representation, and increase the palatability of negotiating with the Taliban for both internal opponents and skeptical international actors. For these reasons, any negotiating framework should include as a fundamental principle the incorporation of a range of unarmed actors and representatives throughout the peace process.

What should be the specific means for ensuring this kind of inclusion takes place in Afghanistan's peace process? There is a range of experience for including noncombatants in peace processes, and the best combination should be determined by Afghan stakeholders. However, three broad approaches are sometimes described:

- *representative* participation through political parties or other organizations;
- *consultation*, in which parallel public processes influence and contribute to negotiations;
- *direct participation*, where civil society is able to participate in negotiations directly, either at local or national levels.⁸⁶

To this list can be added debate facilitated by the media, and ratification or legitimation of negotiated agreements through election or referendum—a more ex post form of consultation. Each of these modes of participation may have a role to play in Afghanistan, and Lisa Schirch has developed in some detail examples for consideration in Afghanistan, such as a civil-society assembly as was created in Guatemala, or local-level direct conflict resolution as in Mali and already found in Afghanistan through diverse initiatives.⁸⁷ Whatever means are chosen, a few key issues specific to Afghanistan need to be considered.

First, Afghan civil society must be viewed broadly, going beyond Western-style nongovernmental, women's, or professional organizations to encompass a wide range of customary, tribal, and religious networks.⁸⁸ It should not be expected that this "sector" can or will speak with one voice, especially on issues as controversial as an acceptable peace settlement and the political future of the country. However, consultation with these social forces in recent years has repeated a quite superficial and narrow pattern. It has typically involved the convening of large assemblies under the Loya Jirga (Grand Assembly) label to ratify policies already determined among key domestic and international actors, and/or the opportunity to present a list of recommendations by a nominal number of "civil-society representatives." This pattern has been repeated in both domestic fora such as the National Consultative Peace Jirga in June 2010, and international conferences like the London conference of 2010 and the Bonn international conference in December 2011. Future arrangements need to go beyond imagining civil society as a coherent sector and structure mechanisms to represent the diversity of interests beyond the conflict parties and major political factions.

A second issue is how actively civil society should relate to the peace process. The described pattern of consultation has meant that civil society in Afghanistan is cast in a passive or

reactive role, having to respond to political steps and developments that are determined without its input. Given the fitful progress of engagement with the insurgency, and doubts about the rapid development of a regional atmosphere more conducive to progress, is there scope for civil-society actors to take a more active role in framing a potential peace process, as women's networks did in Liberia in 2003 (see box 7)?

This approach implies a considerably more active role for civil society than the current one of hoping to be recipients of commitments that the conflict parties will widen a future negotiation to noncombatant representatives:

If civil society organizations and a broader proportion of the overall public are sufficiently prepared to engage in peacemaking, it can both create a climate conducive to negotiations and help to ensure that the social infrastructure is developed for their voices to be heard at formal peace talks.⁸⁹

What structures should be adopted to advocate for representation? Should civil society seek to create broad alliances of noncombatants to advocate for civilian representation in a peace process, or pursue specific issue-based agendas, for example, in focusing on issues related to women specifically or victims of violence?

Finally, how can these efforts be supported? Just as initiation of a peace process may be encouraged by support to conflict parties, it should be asked what can be done for noncombatants and civil society in their efforts to overcome the disadvantages of their nongovernmental and pacific status to play meaningful roles. Such support may be material, but it can also be moral through consistent assertion of the need for broad participation beyond the conflict parties, and institutional through promotion and support of new mechanisms and reforms that foster ongoing participation.

Progress toward mechanisms for deliberation, debate, and the emergence of an active peace agenda among civil society should also translate to a broader conception of power sharing than the division of spoils or influence among the current government and the insurgents. In this sense, the shape of the negotiation process is in fact intimately connected to the forms of power sharing that emerge from it:

The negotiations at the center of most war-to-peace transitions have profound implications for the political settlement and even the state itself. . . . A process that includes formerly excluded groups can lead to a more inclusive and therefore resilient settlement in the future.⁹⁰

Transitional Arrangements and Implementation Challenges

A key dimension of any negotiated settlement to the Afghan conflict will be a set of transitional arrangements to govern the period between the signing of a peace settlement, a cease-fire, and the entry into force of more permanent institutions for the management of conflict. These interim arrangements are important because they can influence actors' commitment to the peace. They may take many forms, make limited or more dramatic alterations to the current institutional order, and involve different actors during the implementation period. This includes civil-society organizations, which may be able to exercise considerable influence, as well as third parties called upon to play a role in implementing these transitional arrangements. Finally, actors must keep in mind that the transitional arrangements they select create a political order that shapes long-term institutional choices and the nature of the peace that will be consolidated.

When deciding on transitional arrangements, it is important to consider the functions of the arrangements and the particular transition issues they must address. Typically, it is during

Box 7. Liberia—Women Take the Lead in the Peace Process

In Liberia, women's organizations and individual women, supported by the Women in Peacebuilding Network (WIPNET) and the Mano River Women's Peace Network (MARWOPNET), played an active role in pushing for peace at various points in the conflict. A defining moment for WIPNET's inclusion occurred when President Charles Taylor challenged its members to find the rebel leaders. The women funded a small delegation to Sierra Leone and arranged meetings between Taylor and the rebel leaders, earning them a reputation as objective intermediaries. In 2003, the Women of Liberia Mass Action for Peace Campaign engaged rebels by traveling all over the country.

MARWOPNET mediated a cease-fire between President Taylor and Liberia's rebels, the Liberians United for Democracy (LURD) and the Movement for Democracy in Liberia (MODEL). As a result, the Economic Community of West African States (ECOWAS), which sponsored subsequent peace negotiations, officially invited MARWOPNET to participate. It was the only women's group that received accreditation for the talks, and with the Liberian Bar Association and the Inter-Religious Council for Liberia was among the civil-society groups and political parties that signed the agreement. 2011 Nobel Laureate Leymah Gbowee also led a delegation of Liberian women to Ghana to continue to apply pressure on the warring factions during the peace process. They monitored the talks and staged a silent protest outside the presidential palace in Accra. When the talks stalled, the women closed the exits, refusing to let the negotiators out until progress was made.

After the Accra 2003 Comprehensive Peace Agreement (CPA) was signed, WIPNET shifted its focus from mediation to implementation. WIPNET demystified the peace agreement and empowered civil society to monitor its implementation by disseminating clear information to the Liberian public and women in particular.¹

1. UN Women, "Case Study: Liberia," <http://progress.unwomen.org/2011/07/case-study-liberia/>; Desirée Nilsson, *Crafting a Secure Peace: Evaluating Liberia's Comprehensive Peace Agreement 2003* (Uppsala: Uppsala University, Department of Peace and Conflict Research, 2009), 22.

this period that "war-torn societies initiate the lengthy struggle to construct legitimate political institutions, demobilize soldiers and resettle displaced populations, come to terms with past human-rights abuses and institutionalize rule of law, and begin moving their economies from relief to development."⁹¹ The transition period in Afghanistan will be particularly sensitive given the failure to complete these tasks in the preceding decade despite progress in many areas. Based in part on the conflict analysis earlier in this report, four functions in particular may stand out for transitional arrangements in an Afghan peace process:

- overcoming mistrust and insecurity among the parties;
- addressing governance drivers of the conflict;
- defining the political order, including balancing the relationships among the conflict parties and other stakeholders during the transition;
- setting the role of third parties in verification and providing resilience against challenges and setbacks.

Overcoming Security Dilemmas

Before a sustainable peace can be constructed, the parties to the conflict and the Afghan population must feel more secure. In the absence of such a sense of security, actors' commitment to the peace process will rapidly erode. However, the range of potential spoilers and the transition away from the security umbrella provided by ISAF will present acute challenges during the interim period of any Afghan peace process. In the words of one thorough assessment,

The most difficult challenge confronting any peace process in Afghanistan will be establishing and sustaining, despite the many potential spoilers, a minimum of law and order going into and lasting throughout the resultant political transition. It will be important—and difficult—both for the parties to an accord and for international peacekeepers

to identify deliberate violations of cease-fires that occur against the country's high level of background violence.⁹³

This makes it imperative to achieve real security gains during the transitional period. Although minimizing the role that violence plays in society will take time, requiring as it does the building of the rule of law, reform of the security sector, and changes in political culture, significant steps toward providing for the security of conflict actors and the population can be taken during the transitional period.

In light of the security dilemma, one of the most difficult steps for adversaries to take during the transition period is to demobilize their forces.⁹⁴ This step is a critical one, though, in the process of establishing an increased sense of security for the population and for the demilitarization of politics. As Afghans well know, having already experienced an internationally led disarmament, demobilization, and reintegration (DDR) program (the Afghan New Beginnings Program), long-term peace is not possible in the absence of a commitment to demobilization by powerful actors who benefit from armed conflict. It is also not possible with politicians who are determined to use the demobilization process to fulfill their own goals and distracted international actors who are not, for whatever reasons, fully committed to demobilization.⁹⁵ Fortunately, there is a range of transitional arrangements that can lay the groundwork for a successful DDR program and help foster security in the post-conflict environment.

Interim security arrangements can be conceptualized along a continuum, with the most basic and (supposedly) easiest-to-agree-upon options appearing at one end and the more politically and logistically difficult measures at the other. Among the first tasks that occur once a cease-fire has been agreed are a disengagement of forces and the disclosure by contending factions of their military dispositions. Because these processes will require some form of verification, decisions regarding the interim institution that is to be charged with that responsibility should already have been made. Formerly warring groups can work together to jointly monitor a cease-fire, as was done in Mozambique, combine with civil-society actors to monitor a cease-fire, as in the Local Monitoring Teams used in the Philippines, or rely on a third party to perform that function, as in the many examples of UN peacekeeping or military observation.⁹⁶ Some combination may be needed in Afghanistan, as well as the ability eventually to confirm a break with Al Qaeda and other outside terrorist organizations.

A number of arrangements can help provide for the security of contending factions during the period following a cease-fire and before demobilization and disarmament take place. One of these is buffer or confidence zones, areas patrolled by a neutral force designed to keep rivals apart. This mechanism was employed in Côte d'Ivoire, where 11,000 French troops and UN peacekeepers separated rebel and government forces across a 600-kilometer-long buffer zone. Alternately, fighting forces can be assigned to cantonment areas agreed among the parties, with arrangements for the storing and management of arms. The 2006 peace agreement in Nepal, for example, agreed to United Nations assistance to monitor "the confinement of Maoist army combatants and their weapons within designated cantonment areas and monitor the Nepal Army (NA) to ensure that it remains in its barracks and its weapons are not used against any side."⁹⁷ Similar arrangements were used to contain insurgents and military forces in El Salvador while confidence was built in the political process.

Not all of the arrangements will be suitable for use in every conflict environment (see box 8). If successfully implemented, cantonment arrangements in particular can serve to provide not only for the security of the rival fighting groups but also for populations that have borne much of the brunt of armed violence, and may cope better with the intermixing of rival

Long-term peace is not possible in the absence of a commitment to demobilization by powerful actors who benefit from armed conflict.

Box 8. Selected Interim Security Institutions and Cases

Cease-fire: including cessation of hostilities and disengagement of forces; disclosure of military disposition; verification

Buffer zones (Côte d'Ivoire)

Cantonment of troops (El Salvador; Burundi; Nepal)

Storage and management of arms (Nepal; Northern Ireland)

DDR (Mozambique; Sierra Leone)

CIVPOL (East Timor; Kosovo)

Military observers (Guatemala; Cyprus; Macedonia)

Peacekeeping forces (Liberia; Democratic Republic of Congo; Timor-Leste)

forces implied by asymmetric warfare in Afghanistan. It may also be particularly useful to consider monitoring models that put weapons “beyond the use” of demobilizing factions in order to avoid the cultural and security implications inherent in “laying down” or “surrendering” arms to the government. In addition, some arrangements are more complex and costly and require considerable commitment of third parties, including military observers (as in Guatemala, Cyprus, and Macedonia) or UN or other peacekeeping forces. United Nations Civilian Police (CIVPOL) have also been used widely, but typically in smaller peacebuilding cases such as Kosovo.

The availability and capacity of third-party options to implement or monitor the security provisions of an Afghan peace agreement will have to be considered carefully given the current trend to reduce international involvement in Afghanistan, the inherent risks due to spoilers, and the demands presented by the terrain. It may be that joint monitoring of security provisions by the Afghan parties themselves, preferably with civilian participation via civil society or institutions such as the Afghanistan Independent Human Rights Commission (AIHRC), will be needed, and international monitoring might be focused on areas of particular concern, such as borders.

More generally, civil-society representatives should have an important role in the design and implementation of security-related measures. As actors who have been affected by the conflict, they wield influence within communities that can shape local commitment to security initiatives, including the reintegration of ex-combatants into society.⁹⁸

Addressing State Weakness and Governance

Second, the transitional arrangements should confront sources of state weakness and governance issues that have been identified as key drivers of the conflict. In Afghanistan these issues include a perception that the state has been captured or divided among a small elite, high levels of corruption, and the inability of the state to provide security to the general population.⁹⁹ Although it is unlikely that these problems can be wholly resolved during the transition period, some progress on such issues must be achieved in order to shore up commitment to the peace process. In addition, unless the state becomes effective enough to perform key functions once third-party actors have departed the scene, long-run peace is unlikely to prevail. These arrangements may also need to provide for some alterations to the political order and the distribution of decision-making power.

Specialized arrangements can be designed to deal with governance during the transitional period. In Liberia, several innovative interim institutions were established to address serious government shortcomings in terms of capacity, corruption, and accountability that

Box 9. Liberia—Interim Arrangements for Addressing Governance Problems

The site of brutal civil wars in 1989–1996 and 2000–2003, Liberia has suffered decades of corrupt, inefficient, weak, and unaccountable government. A Governance Reform Commission (GRC) was created by the August 2003 Accra Comprehensive Peace Agreement to “promote the principles of good governance” by developing public sector reforms, improving decentralization and participation, supporting regional balance, quality, and integrity in appointments, and ensuring transparency and accountability by acting as a public ombudsperson.¹ The GRC wrote anticorruption legislation and a code of conduct for government employees, and designed decentralization reforms. The commissioners were appointed by the transitional government after confirmation by the transitional legislature: prior to her 2005 election to the presidency, Nobel Laureate Ellen Johnson-Sirleaf served as chair. In 2007, the Liberian government transformed the GRC into a permanent, financially and operationally autonomous Governance Commission to “promote good governance by advising, designing, and formulating appropriate policies and institutional arrangements and frameworks . . . and promoting integrity at all levels of society and within every public and private institution.”²

Concerned about the effects of corruption and mismanagement of public finances on the prospects for stable peace in Liberia, the country’s international partners—the United Nations, the World Bank, the International Monetary Fund, the European Community/European Union, Ghana, Nigeria, the United States, ECOWAS, and the African Union—initiated the Governance and Economic Management Assistance Program (GEMAP). GEMAP, signed by the National Transitional Government of Liberia (NTGL) in 2005, targeted management and accountability of public finance in revenue collection, expenditure controls, and government procurement and concession practices. It included a set of international controls, including placing international experts with cosignature authority in selected government ministries, agencies, and state-owned enterprises; international management contracts for selected institutions; and an international administrator in the Central Bank. GEMAP provided for the establishment of an Anti-Corruption Commission to enforce the law and a steering committee, chaired by the head of state with a representative of Liberia’s international partners as deputy, to oversee implementation.³

1. Republic of Liberia Governance Reform Commission, “First Quarterly Report,” June 30, 2004, http://codexijoma.ws/gvn/First_Progress_Report_of_GRC.html.

2. Government of the Republic of Liberia, “An Act of the Legislature to Establish the Governance Commission,” Section 3.1, August 2007.

3. Renata Dwan and Laura Bailey, “Liberia’s Governance and Economic Management Assistance Program (GEMAP)” (joint review by the Department of Peacekeeping Operations’ Peacekeeping Best Practices Section and the World Bank’s Fragile States Group, May 2006), www.peacekeepingbestpractices.unlb.org/PBPS/Library/DPKO-WB%20joint%20review%20of%20GEMAP%20FINAL.pdf.

had contributed to the conflict. These institutions included an independent Governance Reform Commission to recommend public administration, decentralization, and anticorruption reforms, and an intrusive joint international-Liberian management and monitoring system for key economic governance tasks (see box 9).

Similar institutions in Afghanistan have been created to address some key governance challenges. However, unlike the Liberian Governance Reform Commission, the leadership of Afghanistan’s nominally independent Independent Administrative Reform and Civil Service Commission (IARCSC) and its Independent Directorate of Local Governance (IDLG) are appointed by the president alone, and do not enjoy financial or operational autonomy or a clear mandate. The Afghanistan Reconstruction Trust Fund (ARTF) and related public financial management reforms also involve joint oversight by international institutions and the host government. They have been remarkably successful in putting in place a sound core public financial management system for resources channeled to the national budget or national programs, but this system is not comprehensive as huge flows of development assistance remain outside it.¹⁰⁰ Consideration might be given to measures with greater independence or more comprehensive buy-in by partners to address governance challenges more effectively.

In contrast to technocratic arrangements that rely on third-party actors or independent commissions, interim institutions can also place an emphasis on process and encourage joint decision making to create resilience during implementation. Institutions constructed on the

basis of “collaborative decision-making, transparency, and confidence-building” have proved effective in countries ranging from El Salvador to Mozambique.¹⁰¹ Widening participation in governance institutions by structuring them to include representatives of various groups, including civil society, might also help to address “negative-sum” perceptions regarding state capture and introduce more checks and balances.¹⁰²

Civil-society organizations and third-party actors have been involved in post-conflict transition settings in a variety of ways. They may do this through actual participation in interim arrangements or by acting as “a pressure group and a monitor of the implementation of agreement provisions.”¹⁰³ The extent of the impact that civil-society groups are able to have during the transition period ultimately will depend on how well organized they are, their ability to propose and assess policy options, the resources they command, and the extent to which opportunities are structured for them to participate in the transition process.¹⁰⁴ Such structures for inclusion will form an important part of defining the interim political order.

Establishing the Nature of the Interim Political Order

The transitional arrangements established during the unsettled period following the end of a civil war act as a bridge between an environment in which violence is used as a means of settling conflicts and one in which legitimate and established institutions become the basis for managing conflict. By creating “precedents, expectations, and patterns of behavior,” the interim institutions that are put into place during this period can shape the manner in which politics will function in the longer term.¹⁰⁵ These interim arrangements thus constitute an important first step in the process of establishing a post-conflict political order. The types of interim arrangements that may be put in place during this period can vary in two broad respects:

- the extent to which they preserve the government in power or confer some degree of power on previously excluded groups through power sharing;
- the extent to which they retain the institutions of the state or reform them or create new institutions designed to constrain the government’s power.

Based on these factors, it is possible to distinguish among three general types of transitional political orders—those that are *status quo*-oriented, those that are *hybrid* in nature, and those that are *power sharing*.

Generally speaking, interim political orders that are *status quo*-oriented resemble the political order that was in place prior to the settlement that ended the fighting. In these instances, settlements do not call for a transitional government. Rather, the government in power at the time of the settlement remains in office. Status quo interim political orders also tend to be ones where few or no reforms take place to constrain the government’s power. Finally, although this type of political order may allocate some type of influence to previously excluded groups or allow for their future participation in politics, the power(s) granted are not likely to give those groups any real ability to hold the government to the commitments it made as part of the settlement. Status quo interim political orders tend to be the product of negotiated truces rather than fully negotiated settlements of intrastate conflict.¹⁰⁶ Moldova and Morocco serve as examples of this type of interim political order. In the case of Moldova, although the 1992 cease-fire agreement did create a tripartite Joint Control Commission to work on an agreement to prevent future violence, it also deferred issues regarding the Transnistrian region’s status to a future political settlement. Morocco’s 1991 Settlement Plan put off any real type of political change by calling for a referendum on Saharawi self-determination that has yet to be held.

Box 10. Liberia—Hybrid Political Order with an Interim Government

Liberia's 2003 CPA established an interim government that combined power sharing by the warring parties with the inclusion of political parties and civil-society representatives at the political center through two transitional institutions. The CPA established the NTGL and the NTLA. The transitional government was headed by a chairman and a vice-chairman from political parties or civil society, and the twenty-one ministries were divided among the government and two armed factions (LURD and MODEL), political parties, and civil society. The warring factions each received five ministries, with the remaining six going to the political parties and civil society.

Seats in the Transitional National Assembly were also distributed in an inclusive manner with the three warring parties—the government of Liberia, LURD, and MODEL—each receiving twelve seats, political parties getting eighteen seats, civil society and interest groups taking seven seats, and each of Liberia's fifteen counties being assigned one seat. Other institutional reforms supported the more consensual politics based on these inclusive power-sharing bodies.¹

1. Nilsson, *Crafting a Secure Peace*.

At the opposite end of the spectrum, purely *power-sharing* peace settlements call for a transitional government to be established that includes opposition groups at the political center. In the case of these interim political orders, governments of national unity see contending groups share—or divide—power. Power can be distributed among groups politically, with cabinet seats being allocated to different factions, militarily (groups integrate their military forces during the transition period), or based on the division of economic or territorial spoils. During the Cambodian transitional period, state sovereignty was vested in a twelve-member Supreme National Council whose seats were divided between the incumbent governing party, the political opposition, and the insurgents. However, the incumbents' retention of the public administration and military apparatus allowed them to leverage a dominant position after the elections at the transition's end.

In between these extremes, a wide range of *hybrid* interim political orders are possible that combine some degree of continuity with power sharing and reform of institutions. Such combinations may be able to balance a need for stability with the demands of a negotiation for change in sensitive situations such as the multipolar Afghan context. Whether or not a transitional government is put into place, the settlements associated with this type of interim political order generally call for reforms that create institutions or rules that can constrain the government. Liberia and El Salvador offer two contrasting examples of hybrid political orders. The Liberian settlement established power sharing within the framework of an interim government with the added participation of civilian political parties and civil society (see box 10).

In contrast, the Salvadoran settlement maintained the constitutional framework and incumbent government during the transition, retaining considerable continuity and forcing the insurgents to gain access through competing within a democratic framework. However, it also introduced significant reforms that constrained the regime and gave both the insurgents and members of political and civil society a role in determining the nature of key institutions, such as the security organs and the electoral system (see box 11).

Given the concern over the protection of elements of the constitutional framework and international acceptance of the current government, the right combination of continuity, power sharing, and reform will be key to including but also constraining armed groups in general, and the Taliban in particular, in an Afghan peace settlement. A judicious combination of retaining the broad features of the constitution and government, but addressing significant reforms that provide both insurgent leaders and unarmed political and civil actors real influence and control over important decisions, such as security forces and the electoral system, may hold the best chance of managing a delicate transition.

Box 11. El Salvador—Hybrid Political Order with Continuity and Reform

El Salvador's peace settlement produced a hybrid interim political order. The country's 1992 settlement retained the constitutional framework and did not call for an interim government before the national elections in 1994, instead allowing the incumbent government to remain. However, it did mandate a number of reforms that constrained the power of the government and began to address key causes of the conflict.

These reforms included establishing a civilian commission to purge the officer corps of human rights violators, reducing the size of the army and disbanding the national police, treasury police, and national guard. In addition, it set up a National Commission for the Consolidation of the Peace (COPAZ)—including two government representatives, two representatives of the insurgent FMLN, and two representatives of other political parties in the legislative assembly—to monitor the implementation of the peace settlement. COPAZ, with its multiparty membership, was given key responsibilities that affected all the parties during the transitional period, such as drafting a revised electoral law, appointing the Supreme Electoral Tribunal, and recommending leadership of a new military academy.¹

1. "The New York Agreement," Section I. Text available in United Nations Department of Public Information, *The United Nations and El Salvador, 1990–1995* (United Nations, 1995), 159.

Third-Party Roles in Verification and Creating Resilience

The signing of an agreement marks the beginning of new challenges, and the line between settlement and implementation may become blurred as unexpected events, new issues, questions, and disagreements arise. In Afghanistan the complexity of the conflict drivers, the multiplicity of actors and interests, and the prevalence of spoilers mean that setbacks and unforeseen challenges will be inevitable. Transitional arrangements will be needed that provide means for actors to consult with one another regarding issues that were not addressed during the process of negotiating the settlement and to contend with problems or setbacks that arise during the settlement implementation process. Provisions for inclusion and consultation among the conflict parties are key to providing this resilience, but they will also need to be supported by outsiders.

Third-party actors—states, coalitions of states, regional and international organizations, and NGOs—may play a relatively limited or an extensive and even intrusive role during the post-conflict transition process. Third parties have in some instances limited themselves to providing oversight during the transitional period, while in others they have committed personnel to perform active roles in the political, security, and economic realms. For example, the OIC performed a narrow oversight function for the 1996 peace agreement signed by the government of the Philippines and the Moro National Liberation Front, while by far the most intrusive type of third-party involvement—and thus one of the least frequently employed—is the international trusteeship model seen in Bosnia and Herzegovina.

The impact that third-party involvement in transitional arrangements has on the duration and shape of the peace is likely to depend on a number of factors, including the nature of the conflict, the number and identity of the third parties that play a role, and the level of resources these parties commit. Evidence indicates that the weaker the capacity of the post-conflict state, the more important international assistance during the transition stage is likely to be in helping to build the basis for a durable peace.¹⁰⁷ Third-party commitments in relatively limited conflicts and small states such as Sierra Leone and Timor Leste have been dramatic indeed.

However, there are limits to international involvement based on third-party interests and commitment and the complexity of the recipient post-conflict milieu. The risks of very intrusive approaches are considerable, particularly in large and complex environments such as Afghanistan. Intensive international involvement can crowd out domestic capacity and create a form of unsustainable rentier state, with external resources contributing to corruption and

conflict through the distortion of heavy aid economies.¹⁰⁸ Deep involvement in implementation can reduce the ability of third parties to retain a neutral role in mediating disputes as they arise. This problem has arguably occurred with the United Nations Assistance Mission in Afghanistan (UNAMA) as its mandate to support the Afghan government has increasingly conflicted with the need for good offices in the country. The United Nations Mission in El Salvador (ONUSAL) was a small, limited verification mission, but this hands-off orientation meant the United Nations was able to retain sufficient credibility with all parties to mediate several serious disputes during settlement implementation regarding cantonment, demobilization and disarmament, and land transfers that could have derailed the peace process.¹⁰⁹

Of course, the final function of transitional arrangements in a peace settlement must be an agreed manner to transition to a longer-term set of institutions. This process often centers on elections, the ratification of a new constitution, or some other legitimating exercise such as a referendum. Indeed, the Bonn Process in Afghanistan was structured in such a way. Research suggests that most Afghans, and surprisingly even some active Taliban commanders, continue to support using elections to choose who governs Afghanistan, though concerns about foreign imposition of these mechanisms or the corruption of the process are also widespread. Some Afghan stakeholders still point to the Emergency and Constitutional Loya Jirgas held during the Bonn Process as legitimate forms of representation due to their inclusion of representatives from throughout the country, but they also view their outcomes as having been manipulated and hijacked by foreigners and leaders of armed factions.¹¹⁰ A key question for an Afghan peace process, given the political orientation of some parties and recent negative experience with elections, will be the acceptance across parties of elections, and if so, under what reform circumstances.

Most Afghans, and surprisingly even some active Taliban commanders, continue to support using elections to choose who governs Afghanistan.

Beyond Power Sharing: Institutional Arrangements for the Long Term

Transitional and implementation arrangements can be considered successful if they solidify actors' commitment to the peace during the uncertain period following the end of armed conflict. These arrangements do not provide a means for consolidating the peace, however:

If negotiations are conceived only as a means to reach agreement on ending a war, too often the results are a recycling of power within the same basic structures leaving the underlying causes largely untouched. . . . A peace process can present an opportunity that can be seized to develop a more peaceful future by addressing the issues generating conflict, reforming state institutions and key policies, as well as forging a sound basis for future relationships between those involved in the conflict.¹¹¹

Divided societies that have experienced armed conflict face critical choices regarding the institutions they will rely upon in order to peacefully manage conflict. Rules or institutions regarding the nature and distribution of decision-making rights within the state must be agreed if a functioning state is to reemerge. Those rules must provide the state with sufficient power to establish and maintain domestic order, enforce rules for the management of conflict, and make decisions regarding the distribution of resources.

Yet it is precisely this power that concerns groups in conflict. What if a rival faction comes to rule the state? How can a group ensure that its rival will not use its control of political power, coercive force, and economic resources to benefit some and against others?¹¹² These concerns are particularly pronounced in Afghanistan, where a history of contests over central power and widespread perceptions that the state is captured are drivers of conflict. While enabling governance, institutions must not threaten the survival of any of the key parties to the conflict. One type of institutional arrangement that has been used to bridge these contending interests is

political power sharing among contending factions. Sometimes power sharing is used to describe measures such as the division of cabinet posts or the ceding of territory among rival groups. As noted in the introduction, the prospect of this kind of division of spoils among conflict leaders is the source of considerable opposition to a peace process among Afghan political and social forces. Indeed, such a crude form of power sharing may present serious problems.

First, to the extent that peace agreements distribute state power among contending groups based on their military strength, power-sharing arrangements prevent weak or noncombatant parties from participating in government. Excluding weak armed groups can produce spoilers, and excluding nonarmed actors such as civil society or nonmilitarized political parties neglects the interests of stakeholders not represented by armed groups. Power sharing may thus limit representation in government to extremists at the expense of moderates, and leave the elites least likely to uphold norms of nonviolent bargaining and conflict resolution in control of the state.¹¹³ The continued influence of the leaders of Afghan mujahedin factions in central or provincial government provides a salient example of this form of politics. A final concern is that the patronage networks connected to such leaders will have to share a potentially decreasing resource pool as transition proceeds, worsening the destabilizing implications of simply expanding inclusion in the current patronage setup to new armed parties.

However, power sharing can be seen more broadly than as the inclusion of war leaders in executive power. While definitions vary in the academic literature, power sharing is fundamentally about the distribution of decision-making rights among different political actors, especially when “designed to marry principles of democracy with the need for conflict management in deeply divided societies.”¹¹⁴ The concept often encompasses constitutional forms that give conflicting groups a stake in government through means such as coalition government, territorial autonomy, and minority rights. Some widen the idea to include procedures (such as electoral systems that encourage candidates to appeal across group lines) that aim to integrate conflicting groups.¹¹⁵

Many current conceptions of power sharing, particularly as it relates to peace processes, emphasize any of a wide range of institutions that distribute decision-making powers among groups in the society rather than concentrating powers in a narrow elite or single party.¹¹⁶ Rigorous studies of a large number of conflicts have correlated such institutions with successful conflict settlement and more durable post-conflict peace.¹¹⁷ Recently two important findings in research on power sharing and conflict have been emerging. One is that the diversity of power-sharing configurations allows that combinations of more than one power-sharing institution can be used to reinforce each other and in turn greatly prolong peace.¹¹⁸ A second trend—discussed earlier—is the finding that peace is more durable when peacemaking and the resultant power-sharing institutions foster civil society inclusion, representation, or consultation.

Many analyses already recognize that an Afghan peace process must go beyond a narrow deal between the government and Taliban to encourage an “enlarged coalition government” on the one hand, or more “comprehensive” arrangements for social groups outside the main combatant factions.¹¹⁹ This also means going beyond the narrow and misplaced application of the term “reconciliation” to describe such a narrow negotiation between the Afghan government, the Taliban, and potentially Pakistan.¹²⁰ In addition, any arrangements in an Afghan peace process should aim to reduce the current great distance between the formal institutions that are found in the constitution and political sphere, and the informal practices

that currently shape decision-making through negotiations among a range of patronage networks, outside or alongside the channels of institutionalized politics. The concentration of formal powers in the presidency is a key facilitating condition creating this distance.

But specifically what means can be used to distribute decision-making powers beyond sharing power in the executive? This section describes how a combination of *power-sharing*, *power-dividing*, *power-creating*, and *power-diffusing* mechanisms can provide groups within divided societies with assurances that they will not be permanently excluded from state power and resources, or shut out of the policymaking process. In addition, such mechanisms can distribute decision-making powers and rights across a number of different dimensions of state power—that is, *political*, *military*, *territorial*, and *economic*. Building on this diversity, it is possible to get beyond the idea (and fears) of a political power-sharing arrangement among a narrow elite of war leaders to more varied and multidimensional solutions.¹²¹ Not all of these will be equally well suited to the Afghan context. Nevertheless, knowledge of the array of institutional options that exists as well as the different types of conflicts in which these institutions have been employed can help actors to design those arrangements that are most suitable given the parameters of the Afghan conflict.

Dimensions of State Power

State power may be viewed as having political, military, territorial, and economic dimensions. As any one of these can add to a conflict party's power, potentially to the detriment of other groups, rules (that is to say, institutions) regulating the exercise of power across each of these dimensions are of interest to groups in divided societies. However, each of these dimensions of state power is also divisible in ways that are different from the others, meaning it is possible to create institutions that impede any single group from exercising overall control over too many dimensions of state power.

- *The political dimension.* The political dimension encompasses the exercise of power by actors at the political center via their control of decision-making and/or agenda-setting processes. Groups in divided societies are concerned that politics could become a zero-sum game in which one group seizes control of the government and uses it to dominate or marginalize other groups. Power at the political center is generally allocated via one of three means—*elections*, *executive appointments*, and *administrative appointments*.
- *The military dimension.* Military power, particularly the extent of the state monopoly on the legitimate means of violence, is a central dimension of state power. Who controls the military and other state security forces in the aftermath of armed conflict is of particular concern to groups in a divided society. Leaders and followers fear that, once they disarm, those who control the state's coercive forces may use them to eliminate rival groups or damage their interests in some other way. Citizens and civil-society actors not represented by armed groups also have reason to fear this dimension of state power in the absence of checks on those who control the military levers of the state.
- *The economic dimension.* The economic dimension of state power centers on the control and use of economic assets under the jurisdiction of the state. One form this may take is state ownership or control of subsoil resources. States may have the power to distort or limit market competition or define and alter property rights to direct resources and economic opportunities to favored groups. Although fostering distributive justice among groups may be necessary for long-term peace and development, groups in divided societies are likely to have a more immediate concern—ensuring that control of the state's economic power does not provide some group with the means to exclude or threaten rivals—for example, by financing a return to armed conflict.

- *The territorial dimension.* This dimension of state power focuses on the exercise of political and administrative control over subnational units of the national territory. Political influence can be divided among different levels of government through territorially based decentralization (i.e., federalism, regional autonomy, or more modest forms of political decentralization) that provides groups with some degree of power and autonomy vis-à-vis the central government through locating certain kinds of decision making at subnational levels.

One may distinguish between power-sharing, power-dividing, power-creating, and power-diffusing mechanisms for distributing decision-making powers within the state. When combined with the four different dimensions of state power, this yields a wide variety of potential institutional arrangements. The most significant combinations are discussed next.

Power Sharing

Power-sharing mechanisms balance state power among former adversaries by including multiple elites in decision making. Power sharing can occur along political, military, and economic dimensions of state power.

*Political power sharing.*¹²² When groups feel threatened by majority rule, political power sharing can be designed to provide them with some guarantee of access to political power. Political power-sharing institutions rely on proportional strategies that share political power on the basis of some demographic (e.g., ethnicity or race) or political (e.g., party affiliation) principle. Groups are guaranteed representation within governing institutions by virtue of their group affiliation. The institutions at the heart of a proportional strategy for distributing political power are electoral proportional representation, administrative proportional representation, and proportional representation in the executive branch.

Electoral proportional representation uses systems that tend to lower the level of voter support a candidate or party must achieve to gain political office, decreasing the intensity of political competition and minimizing the disparity between a party's share of votes and the number of parliamentary seats it occupies. Administrative proportional representation guarantees groups' access to influence through positions on courts, commissions, the civil or foreign services, and other offices. Finally, proportional representation in the executive branch ensures groups a voice in the innermost circle of political power by appointing representatives to cabinet positions.

Political power sharing may utilize just one of these types of institutions or some combination of two or three of them. *Consociationalism* is a form of political power sharing using several proportional measures to guarantee ethnic, religious, or cultural groups representation at the political center. These measures include coalition cabinets in which executive power is shared among the parties, equality of power among ministers, and electoral proportional representation.¹²³ These features aim to produce a mutual veto among groups over issues of mutual concern such as economic policy, and control by a single group over issues of concern to the group, such as cultural affairs. Consociationalism also calls for other measures such as balance of power between the executive and the legislature that might be classified as power dividing rather than power sharing.

While consociationalism can be an effective way of enabling deeply divided societies to manage ethnic or other group differences, it also broadly defines politics according to those differences, and may introduce rigidity over the long term, as shown by the provisions in Burundi or Lebanon's consociational pacts (see boxes 12 and 13).

Military power sharing. To allay adversaries' concerns about a rival group's ability to use the state's security forces to threaten their interests, the state's coercive forces must

Box 12. Burundi—Consociational Power Sharing in an Ethnically Divided Society

Burundi has experienced several ethnically based civil wars between the dominant Tutsi minority and the Hutu majority since the country became independent in 1961. The country's most recent conflict, which began in 1993, ended with agreements signed in 2000, 2003, and 2006 calling for Tutsis and Hutus to share power at the political center. This is done within the executive branch by having the president assisted by two vice presidents who must be a Hutu and a Tutsi. In addition, the government is to include 60 percent Hutu and 40 percent Tutsi in its cabinet.

Within the legislative branch, Hutu and Tutsi representation is to hold at the same proportion. The Senate is to consist of an equal number of Hutu and Tutsi representatives. Should elections fail to produce the required quota, the constitution allows "the rectification of the imbalances through the co-optation mechanism provided by the electoral code" (Article 164). Finally, Burundi's postwar constitution also calls for political power sharing at the communal level, with no more than 67 percent of the country's mayors to belong to either the Tutsi or the Hutu group.¹

1. René Lemarchand, "Consociationalism and Power-Sharing in Africa: Rwanda, Burundi, and the Democratic Republic of the Congo," *African Affairs* 106, no. 422 (2006): 8.

somehow be neutralized or balanced. One way to achieve this is through military power sharing. Military power sharing calls for integrating rival factions' armed forces and reconstituting them as the state's security forces. This can be done either on the basis of some proportional formula representative of the size of the armed factions or on the basis of a strict balance in troop numbers among the contending parties. A military power-sharing arrangement has been put into effect in Burundi, where the state's security forces are to include equal numbers of Hutus and Tutsis.

Economic power sharing. Economic power sharing attempts to mitigate contending groups' concerns regarding state control of resources. Rules distribute wealth and income on some group basis, or at least prevent any one group from dominating economic resources. Economic power-sharing institutions may call for the state to allocate some specific pattern of resources to disadvantaged groups or to direct economic assets toward groups on the basis of geographic location. Sudan's 2005 Comprehensive Peace Agreement roughly divides net revenue from oil between North and South Sudan.¹²⁴

Power-sharing institutions in general are based on the logic that an assigned part of the influence available in a given domain should be allocated to contending factions on some group basis. This allocation is assumed to encourage a sense of mutual security. However, there are other ways to distribute such influence that may also be able to secure the assent of competing groups.

Power Dividing

Power-dividing institutions distribute decision-making powers by providing checks and balances that avoid the concentration of power within any single part of the government, thereby preventing one actor from dominating decision making within a particular dimension of power.

Political power dividing. Political power-dividing institutions allocate decision-making powers horizontally among the different branches of the government. A typical division of power is among the executive, legislative, and judicial branches of the state. Each of these branches is endowed with separate and independent powers and responsibilities, with no single branch to have more power than the others. Following Costa Rica's civil war in 1948, a new constitution established the three supreme powers as the executive, legislative, and judicial branches, with the Congress and judiciary seeing an increase in their powers, thus ensuring a balance of power among all three branches of the government. Lack of clarity and poor imple-

Box 13. Lebanon—Religious Consociationalism

Lebanon's Ta'if Accord, signed in 1989 as a means of ending the country's fifteen-year civil war, is a reformulation of a previous conflict management agreement, the National Pact of 1943. Both agreements are organized along religious confessional lines. Sectarian proportionality is still a characteristic of the agreement, but the proportion of Muslim to Christian legislators and officials has been increased to 50/50. The president of the republic remains a Maronite Christian, but his powers have been substantially reduced. The prime minister remains a Sunni Muslim, but the powers of the Council of Ministers, which he chairs, have been increased. The office of president of the Chamber of Deputies still goes to a Shiite, but his term is increased from one year to four, as is his influence. The power of the chamber has been increased by the elimination of the old provision allowing the executive to pass "urgent" legislation without parliamentary involvement. Finally, the Ta'if Accord calls for a gradual phasing out of political sectarianism.¹

1. Michael C. Hudson, "Lebanon after Ta'if: Another Reform Opportunity Lost?" *Arab Studies Quarterly* (1999).

mentation in the constitutional relationships between branches of the Afghan government have bedevilled politics since the election of the National Assembly in 2005, with the executive branch using a range of methods to subvert and minimize the role of the Assembly.

Military power dividing. Military power-dividing mechanisms attempt to provide a means of checking the ability of a majority group to use the coercive apparatus of the state to damage the interests of weaker groups. A principal means by which this has been done is to mandate the appointment of members of a subordinate group to key leadership positions including general, commander, director, or defense minister in the state's security forces, thereby ensuring that the chain of command is shared among groups. An example of this type of institution is the commissioning of Southern Sudan Liberation Movement leader and Anya-Nya commander-in-chief Major General Joseph Lagu as major general in the unified Sudanese army at the end of Sudan's civil war in 1972. Concerns about the ethnic composition of the leadership of the security forces in Afghanistan are frequently cited by leaders of various political factions.

Territorial power dividing. Power may also be divided vertically among levels of government, and may involve the allocation of territorial power among groups. By strengthening territorial units, territorial power-dividing institutions provide groups at the subnational level with some degree of autonomy vis-à-vis the central government. Examples of territorial power-dividing institutions include decentralization (also called devolution; see box 14), regional autonomy, and federalism.

Territorial power-dividing institutions can also be shaped to address specific groups or conflict drivers more directly. In Macedonia, following a brief ethnic conflict, decentralization to municipalities aimed to pass ethnically based cultural protections down to local levels (see box 15).

Economic power dividing. Generally used in conjunction with territorial power-dividing institutions, economic power-dividing measures are ones that transfer responsibilities over certain areas of activity and corresponding fiscal powers—that is, taxing and spending rights—to political subunits. Examples can be the use of community development funds (CDFs) in which communities or other subnational units choose their own priorities for the use of development spending, as in the National Solidarity Program in Afghanistan or the Indonesian Kecamatan Development Program.

Power Creating

Institutions that create new centers of power can act as a counterweight to existing centers of decision making. New centers of power or decision-making rights can be created from scratch. They can also be developed by giving formal recognition and legal structure to powers

Box 14. Rwanda—Decentralization as a Power-Dividing Process

The Rwandan decentralization policy notes that decentralization is part of the “principle of power-sharing as expressed in the Arusha Peace Accord between between the Government of the Rwandan Republic and Rwandan Patriotic Front. Up to now power-sharing has only been seen among the political elite at Parliament and Executive levels. The decentralization policy will reinforce power-sharing by ensuring that the Rwandese people themselves are empowered to shape their political, economic, and social destiny.”¹ Decentralization has enabled districts and communities to determine their leadership through democratic elections, institutionalized participatory development planning, and involved groups such as women, youth, and the disabled in decision making. However, the process began as a top-down initiative after the peace agreement, and generating the necessary political, civic, and bureaucratic buy-in to effectively decentralize real authority over decision making and resources has taken over a decade, and must be considered an ongoing process rather than a single reform.²

1. Government of Rwanda, “Decentralization Policy,” Ministry of Local Government, Good Governance, Community Development and Social Affairs, May 2000.

2. John-Mary Kauzya, “Political Decentralization in Africa: Experiences of Rwanda, Uganda and South Africa” (discussion paper, Governance and Public Administration Branch, United Nations Department for Economic and Social Affairs, December 2007).

heretofore exercised informally by customary institutions or actors, or indeed by creating new functions for customary institutions. Numerous examples of power-creating institutions exist for the political dimension of state power, with some countries devising new institutions of government as a means of checking the power of the executive, for example. An example of an economic power-creating institution is an independent central bank which is empowered to set monetary policy. Costa Rica, after its 1948 civil war, created new centers of power and diminished executive dominance by moving key functions such as elections and oversight of public finance to newly created autonomous institutions (see box 16).

In Afghanistan, new institutions such as the Afghanistan Independent Human Rights Commission, the Independent Administrative and Civil Service Reform Commission, and the Independent Electoral Commission have been created. However, these notably lack independence or a clearly mandated set of roles that would enable them to act as power-creating institutions.

Power Diffusing

Power-diffusing mechanisms spread decision-making rights and powers that had previously rested with one actor to multiple actors, thereby involving multiple influences in a consensual process. This type of institution has typically been used within the political dimension as a means of reducing the power of the executive, and often relates to appointment processes. One illustration of the diversity of power-diffusing arrangements is the power to appoint ministers, particularly where legislators are able to use proportionality or other rules to introduce balance vis-à-vis partisan, identity, or regionally based appointments made by the executive. In some countries, such as Mongolia, the legislature appoints ministers outright. In others, the legislature exercises appointment powers on the recommendation of the executive, as in Bulgaria and Ireland, or the executive may be required to appoint ministers in proportion to the representation of parties in the legislature, as in Fiji. Another form of this power diffusion is the right to approve the government as a whole, though not individual ministers, as is found in Romania.

In Afghanistan the constitution requires appointed ministers to receive approval from the legislature, as is also the case in China, but this requirement has been flouted in practice. In the absence of a developed party system or a proportional electoral framework, such power diffusion can also act as an opportunity for corruption. Furthermore, diffusing power over the

Box 15. Macedonia—Power Dividing through Decentralization to Municipalities

The 2001 Ohrid Framework Agreement aimed to provide a political settlement to conflict among Macedonia's majority Macedonians and the Albanian minority. Among its basic principles, the framework agreement declared, "The development of local self-government is essential for encouraging the participation of citizens in democratic life, and for promoting respect for the identity of communities" but also that "there are no territorial solutions to ethnic issues," rejecting federalism and autonomy, perceived as possible stepping-stones for secession. Instead, symmetric decentralization to an adjusted number of municipalities was pursued to offer limited autonomy to Macedonia's ethnic communities by increasing the number of competencies administered at the municipal level, including greater use of national languages and symbols, equitable representation of municipal employees, the use of "double-majority" voting in municipal councils, and municipal Committees for Inter-Community Relations.

The decentralization process in Macedonia has widely been regarded as a success story and is frequently considered a suitable model of ethnic conflict management that can be replicated in other regional contexts. However, the lack of transparency with which the boundaries of the eighty-three municipalities were redrawn gave rise to accusations that decentralization was becoming a "zero-sum" negotiation over control and access to resources between the two largest ethnic groups, and many smaller ethnic communities living scattered throughout the country fail to reach the thresholds required to benefit from the protection mechanisms.¹

1. A. Lyon, "Municipal Decentralisation in the Republic of Macedonia: Preserving a Multi-Ethnic State?" *Federal Governance* 8, no. 3 (2011): 28–49.

Box 16. Costa Rica—Political Power-Creating Institutions

Following the country's civil war in 1948, Costa Rica created two autonomous state organs that are equivalent in power to the legislative, executive, and judicial branches, although they are not equivalent in rank. The first is the Supreme Electoral Tribunal (TSE), an independent constitutional agency with full power to administer elections. The judges that make up the TSE are appointed by two thirds of the members of the Supreme Court of Justice for a period of six years with the possibility of a renewed appointment. The TSE has the power to organize, implement, and supervise all elections, including presidential, legislative, and local elections. Its decisions on the outcome of these elections are not subject to appeal.¹

The second institution to be created in Costa Rica at this time was the Office of the Comptroller General, an autonomous and independent state organ nominally subordinate to the Legislative Assembly. The Comptroller General's powers lie in the area of the vigilance of public finance. It is responsible for approving all budgets and can initiate actions leading to the removal of actors who have misappropriated public funds.²

1. Rubén Hernández Valle, "Costa Rica: A Powerful Constitutional Body," in *Electoral Management Bodies* (Stockholm: International IDEA), www.idea.int/publications/emd/upload/EMD_CS_Costa_Rica.pdf.

2. Costa Rica, Office of the Comptroller General of the Republic, "Political Constitution," www.intosaiitaudit.org/mandates/mandates/Mandates/Costa%20Rica.html#Costa_Rica.

composition of the government may be limited as a source of influence if policy making largely lies outside the cabinet in informal political arrangements with power brokers, as is often currently the case in Afghanistan.

However, power can be diffused over other kinds of appointments. The president of Afghanistan enjoys an extraordinarily high degree of autonomy in the power of appointment to judicial, administrative, and subnational posts, a problem that has also been known to contribute to governance problems in divided societies such as the Philippines. Such concentration of appointment power is not an inherent feature of presidential systems, and when it is present it tends to encourage a personalistic, zero-sum, and transactional form of politics, rather than the institutionalization of processes, checks, and balances (see box 17).

Legislatures might play a role in appointing or approving members of the judiciary or the civil service, perhaps making use of proportionality or other types of rules (the nature of these rules should be made as transparent as possible) to ensure that power is diffused in conflict-sensitive ways. Other actors could also play a role in appointment processes.

Box 17. Inadequate Diffusion of Appointment Powers in the Philippines

The president of the Philippines appoints the following officials with only nominal and ineffective checks by the legislature:

- secretaries (ministers) and undersecretaries of departments
- chairpersons or heads of bureaus or offices
- members of Constitutional Commissions (including on human rights), and the Office of the Ombudsman
- ambassadors and consuls
- officers of the armed forces, from the rank of colonel or naval captain
- heads of government-owned or -controlled corporations and their subsidiaries
- all other officers of government whose appointments are not otherwise provided by law.

These broad powers of appointment encourage patronage politics and corruption, and result in an “imperial presidency” that overwhelms the other branches and politicizes the judiciary. This undermines the creation of professional institutions that could render the presidency accountable, and has threatened government legitimacy, prompting calls for more effective checks.¹

1. Aquilino Q. Pimentel, “The Presidential Form of Government in the Philippines: A Critique,” in *Comó Hacer Que Funciona el Sistema Presidencial*, ed. Andrew Ellis, J. Jesús Orozco Henríquez, and Daniel Zovatto (Mexico City: UNAM/International IDEA 2009), 151–156.

Members of civil society or the Afghanistan Independent Human Rights Commission might serve on commissions charged with vetting candidates for public administrative or military positions, for example. It is important to note that the enforcement of these rules must be strongly incentivized—half-hearted attempts to give a relatively neutral Senior Appointments Panel or the Independent Directorate of Local Governance roles in choosing key administrative appointees have both foundered in Afghanistan. Given the role of the international community in funding the expenses and salaries of many officials, more could be done to encourage such diffusion of power.

Distributing Decision-Making Power

Table 1 illustrates some examples of the different categories of institutions discussed, and thus illustrates the breadth of the menu of options available to describe the allocation of decision-making powers in a political settlement. Some mechanisms that may have particular potential for addressing aspects of the Afghan conflict appear in bold font. These are but some examples of the range of institutions beyond executive power sharing that can distribute decision-making powers, contribute to actors’ security in the long term, and involve new players such as civil society. They are offered in order to prompt discussion, and not as a definitive or exhaustive list.

Much of the debate about a peace settlement with insurgents in Afghanistan focuses only on two of the sixteen available cells in this matrix: political or territorial power sharing through assignment of central or provincial executive positions. However, a wide range of potential measures could create opportunities among the conflicting parties in Afghanistan to share influence, as well as balance that influence among conflict parties with more roles for noncombatants, civilian political actors, and vulnerable groups.

Decisions regarding how state decision-making rights and powers are to be distributed are not the only challenging issues facing Afghanistan. Nevertheless, an awareness of the different types of institutions that have been used to manage conflict in countries emerging from violence, coupled with an assessment of those most appropriate for the Afghan context, can serve as a basis for structuring a peace that addresses the sensitivities and mistrust, legitimacy crisis, and sense of lose-lose politics that are currently rife in the country.

Table 1: Distributing Decision-Making Powers in Divided Societies

Dimension of State Power	Types of Mechanisms			
	Power-Sharing	Power-Dividing	Power-Creating	Power-Diffusing
Political	Political assignment of vice presidencies or cabinet positions; electoral proportional representation; rotating presidency	Improve balance of power among branches of government	Genuinely independent electoral commission; independent public finance authority	Effective legislative role in cabinet selection; approval of judicial and administrative appointments shared among political and civil society actors
Territorial	Assignment of provincial governorates	Political and administrative decentralization; territorial autonomy; federalism	Formation of new levels of government	Elected provincial governors
Military	Integration of rival militaries	Appointment of member of rival military as head of military forces	Disbandment and recreation of civilian military forces	Party-based, civil, or human rights vetting of military appointments; allow rival groups to retain security forces
Economic	Revenues shared on group basis	Fiscal decentralization	Independent central bank	

These power-sharing, power-dividing, power-creating, and power-diffusing institutions are not without their limitations. For one, they reflect the formal institutional channels of politics, which as noted earlier are often supplanted in Afghanistan by a government of relationships. However, the creation of mechanisms that include more stakeholders in formal decision making can over time lessen the distance between state institutions and the informal practices of power by increasing the need to negotiate and build consensus and improving transparency. These types of institutions tend to be elite-centric and, focused as they are on balancing power among various groups, may be limited in their potential to generate new interests that cut across group lines. While it is important to be mindful of these limitations, these institutional arrangements may also reflect the art of the possible given current conditions, and could play a role in laying the ground for a future defined not by violent competition but by political interaction.

Conclusions

This report has addressed broadly the impacts that the complexity of the Afghan conflict may have on the various phases of a peace process to bring the country to a durable negotiated political settlement, and introduced a selection of theoretical and practical institutional options that might help address these impacts. Some general conclusions about those options at each phase are presented here, building on the more detailed discussion in the body of the report.

A peace process requires still more active engagement. Outright military victory for any side appears unlikely, but the military situation is not sufficiently stable or acute to bring the parties to the table. While there is an increasing awareness of the need for a negotiated solution, the emergence of a peace process is also blocked by deep mistrust, incoherence, and insecurity on the part of the primary actors, whether domestic, regional, or international. Active engagement is needed to encourage the initiation of a process.

- A framework of interested (but not overly implicated) and resourceful supporters from other states and potentially NGOs, Islamic institutions, or multilateral associations, coupled with an impartial mediator, could introduce confidence. The involvement of third-party actors who have an unambiguous pro-peace process agenda can add credibility to the process by bringing proposals and resources to the problems of initiating negotiations.
- Despite concerns about full recognition of insurgent actors, support structures will need to increase the confidence of insurgents that negotiations represent a viable path to achieving security and some core aims in order to strengthen pro-dialogue arguments among hard-line conflict actors. At the same time, these structures need to reassure other actors and potential political and regional spoilers.

A negotiation may be preceded by efforts to agree on a negotiating framework. Part of the decision to enter negotiations with serious intent will rest on the negotiating framework for such talks and some parameters for the goals of the talks being agreed to by key parties. Even a set of minimally acceptable principles and basic procedures will help generate confidence. These are not the same as unilateral preconditions, though constructive unilateral declarations can play a role in developing them.

- More detailed proposals are needed for a negotiating framework that reflects procedural and substantive concerns of the parties in formulae for participation, agenda, sequencing, and verification; these could emerge through unilateral declarations, active mediation, exchanges between the parties, track II engagement, or combinations of these means.
- It should not be expected that such a negotiating framework can be agreed to quickly. Time and effort will be needed to establish some degree of consensus among and within the relevant parties and establish necessary practical confidence measures to facilitate negotiations, and in doing so generate some momentum toward talks.

Beyond gaining the assent of the primary conflict parties to initiate a peace negotiation, it is vital that the process be framed to include other political and social interests. It is not only desirable but essential for the quality and the durability of the outcome that diverse political actors and civil-society opinions have avenues for expression and inclusion in the peace process.

- The conflict in Afghanistan consists of a number of overlapping structures, and the dynamics of these conflict structures will change as transition proceeds. It is important that stakeholders beyond the government and the insurgents be represented in order to support a process that addresses a wider range of root causes or risk factors, such as governance, ethnicity, and gender.
- Broadening inclusion beyond the government and insurgents can move negotiation of political elements of a peace settlement beyond the extremes normally represented by armed actors in a conflict to reflect the range of—possibly more moderate—opinions represented by civilian social forces.
- There is a range of ways to facilitate expanded inclusion, such as through representation by civilian politicians, consultation with civil-society assemblies, or direct representation

Broadening inclusion beyond the government and insurgents can move negotiation of . . . a peace settlement beyond the extremes normally represented by armed actors in a conflict to reflect the range of . . . opinions represented by civilian social forces.

of civil society in negotiations locally or nationally. Civil-society actors should also consider how active to be in leading discussion or pressuring for certain processes, and around what issues or interests organization and action will be most effective.

Transitional arrangements will need to be designed and agreed on that can help address difficult security, governance, and verification concerns in order to generate confidence in a peace process. Reaching a settlement will require considerable detail on certain key challenges for the transitional period.

- Security is and will continue to be a paramount risk to any process, given the incoherent conflict actors and likely spoilers and the difficulties inherent in providing security support in Afghanistan. Creative use of armed cease-fires, cantonment, joint monitoring, and third-party support will likely be needed.
- The outlines of a hybrid interim political arrangement that combines aspects of the current regime and assurances for stakeholders invested in it with necessary checks and reforms for new actors will be needed. Transitioning from this interim order to a longer-term settlement may require careful consideration of means such as elections or representative assemblies, given the challenges these means have faced already.
- Given the mistrust and the incoherence of the parties, robust monitoring, verification, and problem-solving institutions will be needed and will be difficult to establish. These mechanisms may be a good avenue for including civilian actors along with conflict parties in joint monitoring and implementation support mechanisms. The balance between intrusive and more neutral third-party support will also be an important consideration: while robust international support may be warranted, this must also be weighed against appetite and the risks for third-party neutrality and flexibility in assisting with problems during implementation.

Power sharing and reform are not mutually exclusive approaches to addressing the political dimensions of the conflict in Afghanistan. A false dichotomy has at times been drawn between negotiating peace with insurgents and pursuing necessary governance reforms. Power sharing will be part of any long-term agreement, but this should not be conceived of as simply sharing posts between government and insurgent, but as a range of mechanisms to include many stakeholders in generating more effective and accountable governance and in establishing the foundations for a more capable, accountable, and resilient state.

- Discussions among political, social, and civil-society elements in Afghanistan can consider the range of institutional options available that help share, divide, diffuse, or even create decision-making power across different dimensions of state power.
- Broadening the agenda to include a range of potential reforms across many institutions may be a good way to make space for the concerns of a larger range of stakeholders, and protect the interests of more groups, whether conflict parties or unarmed civilian actors, against the consequences of actual or perceived domination of decision making by others.

An important theme running through this report is the interdependence of the phases of the peace process. To prepare and then begin a negotiation process requires not just a conducive military situation, but also the development of options for future phases that can induce interest from all parties and generate the confidence needed to take the initial steps. Establishing a negotiating framework in turn requires some determination of key issues and parameters for the peace settlement even in advance of that negotiation, as well as preparing for the challenges of maintaining coherence and addressing setbacks and spoilers.

Conversely, the kind of process established to handle negotiations will influence the comprehensiveness, quality, and therefore sustainability of the outcomes both in the transitional

period and over the longer term. In this sense, all the phases of a peace process are linked. That is why, precisely when doubts about the likelihood of a negotiated settlement may weigh heaviest on the parties to the Afghan conflict, it is so important to work hard to imagine options that might overcome those barriers.

Notes

1. International Security Assistance Force, "ISAF Violence Trends," Unclassified Monthly Release (presentation, Kabul, September 30, 2011), 4.
2. Prominent assassinations in 2011 include General Seyyedkheil (Kunduz police chief, March 10), Khan Mohammad (Kandahar police chief, April 15), General Daud Daud (police commander for Northern Zone, May 28), Ahmad Wali Karzai (head of Kandahar Provincial Council, July 12), Hikmatullah Hikmat (head of Kandahar *ulema shura*, July 14), Jan Mohammad Khan (senior presidential adviser, July 17), Ghulam Haydar Hamidi (mayor of Kandahar city, July 27), and Burhanuddin Rabbani (chairman of the High Peace Council, leader of Jamiat-e Islami, September 20). While attribution of all the killings to the Taliban is questionable, along with numerous attacks on less prominent figures, they demonstrate a dramatic escalation and a chilling effect on state functioning. See Kate Clark, "Killings Keep Leaders at Home," blog post, *Afghanistan Analysts Network*, August 4, 2011, www.aan-afghanistan.org/index.asp?id=1983.
3. For concerns with Afghan National Security Forces (ANSF) attrition rates, leadership, and sustainment costs, see Anthony H. Cordesman, "Afghanistan Win or Lose: Transition and the Coming Resource Crisis" (presentation, Center for Strategic and International Studies, September 22, 2011), <http://csis.org/publication/afghanistan-win-or-lose-transition-and-resource-crisis>. On concerns with irregular forces, see Human Rights Watch, "Just Don't Call It a Militia: Impunity, Militias, and the 'Afghan Local Police,'" September 2011.
4. The U.S. Treasury estimates of the economic contraction due to decreasing security and aid expenditures range from 12 to 40 percent, while the World Bank assesses that some 54 percent of GDP is related to services primarily linked to international military and aid spending. Cordesman, "Afghanistan Win or Lose," 2.
5. Kathy Gannon and Anne Gearon, "US-Taliban Talks Were Making Headway," *Associated Press*, August 29, 2011; "Haqqani Network Denies Killing Afghan Envoy Rabbani," *BBC Online*, October 3, 2011, www.bbc.co.uk/news/world-south-asia-15143513; Carlotta Gall, "Insurgent Faction Presents Afghan Peace Plan," *New York Times*, March 23, 2010.
6. Thomas Ruttig, "Negotiations with the Taliban: History and Prospects for the Future," New America Foundation, May 23, 2011, 7, 22; Ahmed Rashid, "What the Taliban Wants," blog post, *New York Review of Books*, August 29, 2011, www.nybooks.com/blogs/nyrblog/2011/aug/29/what-taliban-wants/. For a rebuttal of Rashid's analysis, see S. Iftikhar Murshed, "Mullah Omar's Eid Message," *International News*, September 25, 2011. For evidence from former Taliban officials and insurgent commanders, see Hamish Nixon, "Achieving Durable Peace: Afghan Perspectives on a Peace Process," PRIO Paper (Oslo: Chr. Michelsen Institute/Peace Research Institute Oslo/United States Institute of Peace, May 2011), 16–17.
7. Susan Sachs, "Failed Peace Council Dashes Hopes Afghans Can Achieve Reconciliation," *Globe and Mail*, October 16, 2011.
8. I. William Zartman, "Structures of Escalation and Negotiation," in *Escalation and Negotiation in International Conflict*, ed. I. William Zartman and Guy Faure (Cambridge: Cambridge University Press, 2005), 177. For example, in El Salvador in 1989, insurgents pursued "spectacular" attacks in the capital, San Salvador, successfully demonstrating that security could not be preserved in the most guarded precincts of the country. The Bosnian conflict was marked with large territorial gains, severe massacres, and the widest NATO escalation of air strikes in the year before the Dayton agreement was signed.
9. Associated Press, "Head of Islamic School that Spawned Taliban Insurgents Offers to Help Afghan Talks," November 1, 2011.
10. Ruttig, "Negotiations with the Taliban," 10; CNN Wire Staff, "Karzai Seeks Peace Talks with Pakistan, not Taliban," *CNN Online*, October 1, 2011.
11. Moeed Yusuf, Huma Yusuf, and Salman Zaidi, "Pakistan, the United States and the End Game in Afghanistan: Perceptions of Pakistan's Foreign Policy Elite," Policy Brief/Peace Brief, Jinnah Institute/United States Institute of Peace, July 25, 2011, 3.
12. See, for example, Omar Samad, "Afghanistan at a Critical Juncture," AfPak Channel blog post, *Foreign Policy*, October 6, 2011, http://afpak.foreignpolicy.com/posts/2011/10/06/afghanistan_at_a_critical_juncture.
13. Century Foundation, "Afghanistan: Negotiating Peace, the Report of The Century Foundation International Task Force on Afghanistan in Its Regional and Multilateral Dimensions" (New York: Century Foundation, 2011), 27; U.S. Department of State, "Secretary of State Hillary Rodham Clinton, Launch of the Asia Society's Series of Richard C. Holbrooke Memorial Addresses," transcript of remarks, February 18, 2011.
14. For examples, see "Could a Deal with the Taliban End the war in Afghanistan?" editorial, *Washington Post*, October 7, 2010; Astri Suhrke et al., "Conciliatory Approaches to the Insurgency in Afghanistan: An Overview," in *CMI Report* (Bergen/Oslo: Chr. Michelsen Institute/PRIO, 2009), 4. The Century Foundation report notes that a sharing of ministries is likely and also considers the broader political order over the longer term. See Century Foundation, "Afghanistan," 28. In July 2011, civil-society activists in

- Kabul speculated that certain ministries (Foreign Affairs, Education, Defense) were being kept filled with “acting” ministers to ease such a process. Afghan civil society leader, interview, Kabul, July 2011.
15. Nixon, “Achieving Durable Peace,” 13–14; Alissa J. Rubin, “Thousands of Afghans Rally in Kabul to Reject Any Peace with Taliban,” *New York Times*, May 5, 2011.
 16. Ruttig, “Negotiations with the Taliban,” 22.
 17. Catherine Barnes, “Renegotiating the Political Settlement in War-to-Peace Transitions,” paper commissioned by DFID (London: Conciliation Resources, 2009), 20. The concept of “mutually enticing opportunities” (MEOs) as necessary supplements to stalemate is discussed in Thomas Ohlson, “Understanding Causes of War and Peace,” *European Journal of International Relations* 14, no. 1 (2008): 147; I. William Zartman, “MEOs and Durable Settlements: A Theoretical and Empirical Evaluation of the Reasons for Durability of Peaceful Settlements in Civil Wars” (paper presented at the Annual Meeting of the American Political Science Association, September 2–5, 2004, http://citation.allacademic.com/meta/p_mla_apa_research_citation/0/6/0/1/7/pages60174/p60174-1.php).
 18. Gretchen Birkle, Michael O’Hanlon, and Hasina Sherjan, “Toward a Political Strategy for Afghanistan,” Policy Paper 27 (Washington, DC: Brookings Institution, May 2011), 10.
 19. A seminal conflict-mapping framework is presented in Paul Wehr, *Conflict Regulation* (Boulder, CO: Westview Press, 1979); see also Dennis Sandole, “A Comprehensive Mapping of Conflict and Conflict Resolution: A Three Pillar Approach,” *Peace and Conflict Studies* 5, no. 2 (December 1998): 1–30. For other references, see Paul Wehr, “Conflict Mapping,” in *Beyond Intractability*, ed. Guy Burgess and Heidi Burgess (September 2006), www.beyondintractability.org/essay/conflict_mapping/.
 20. For examples, see Swedish International Development Agency, *Manual for Conflict Analysis* (Stockholm: SIDA, 2006), 9–15; Jonathan Goodhand, Tony Vaux, and Robert Walker, *Conducting Conflict Assessments: Guidance Notes* (London: Department for International Development, 2002), 10–17.
 21. Corinna Vigier, *Conflict Assessment Afghanistan* (American Friends Service Committee, 2009), 34–57.
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 23. Nixon, “Achieving Durable Peace,” 7–14.
 24. Sippi Azarbaijani-Moghaddam, “Northern Exposure for the Taliban,” in *Decoding the New Taliban: Insights from the Afghan Field*, ed. Antonio Giustozzi (New York: Columbia University Press, 2009), 264; Antonio Giustozzi, *Koran, Kalashnikov and Laptop: The Neo-Taliban Insurgency in Afghanistan* (London: Hurst & Company, 2008), 48; Antonio Giustozzi, “The Taliban Beyond the Pashtuns,” *The Afghanistan Papers* (Waterloo, ON: Centre for International Governance Innovation, 2010), 12.
 25. Bernt Glatzer, “Is Afghanistan on the Brink of Ethnic and Tribal Disintegration?” in *Fundamentalism Reborn? Afghanistan and the Taliban*, ed. William Maley (London: Hurst and Co., 1998); Bernt Glatzer, “The Pashtun Tribal System,” in *Concept of Tribal Society*, ed. G. Pfeffer and D. K. Behera (New Delhi: Concept Publishers, 2002).
 26. Martine van Bijlert, *The Battle for Afghanistan: Militancy and Conflict in Zabul and Uruzgan* (Washington, DC: New America Foundation, 2010), 3; Thomas Ruttig, “How Tribal Are the Taliban? Thematic Report” (Afghanistan Analysts Network, 2010), 3, 24. For the view that tribe is overemphasized, see Giles Dorronsoro, “Focus and Exit: An Alternative Strategy for the Afghan War” (Washington, DC: Carnegie Endowment for International Peace, 2009), 4. On the role of drugs in fueling both order and disorder, see Tom Coghlan, “The Taliban in Helmand: An Oral History,” in *Decoding the New Taliban: Insights from the Afghan Field*, ed. Antonio Giustozzi (New York: Columbia University Press, 2009), 122–124, and Jonathan Goodhand, “Corrupting or Consolidating the Peace? The Drugs Economy and Post-Conflict Peacebuilding in Afghanistan,” *International Peacekeeping* 15, no. 3 (June 2008).
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 28. Nixon, “Achieving Durable Peace,” 10–12.
 29. See for example, Swedish International Development Agency, “Manual for Conflict Analysis,” 11.
 30. James Shinn and James Dobbins, “Afghan Peace Talks: A Primer” (Santa Monica, CA: RAND Corporation, 2011), 17–69. The authors do take care to enumerate divisions and divergences of interests within the dozen actors they identify, a task requiring more than fifty pages of description.
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32. Council on Foreign Relations, “Combating Afghanistan’s ‘Malign Governance,’” interview with Stephen Biddle, October 1, 2010, www.cfr.org/afghanistan/combating-afghanistans-malign-governance/p23071.
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 36. On the sequence of mobilization and radicalization, see Sarah Ladbury and Center for Peace and Unity (CPAU), *Testing Hypotheses on Radicalisation in Afghanistan* (Kabul: CPAU, 2009).
 37. Ruttig, “How Tribal Are the Taliban?,” 2. See also Thomas Ruttig, “The Other Side: Dimensions of the Afghan Insurgency: Causes, Actors and Approaches to ‘Talks,’” Afghanistan Analysts Network, 2009.
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 40. Coghlan, “The Taliban in Helmand,” 148.
 41. Dorronsoro, “Focus and Exit: An Alternative Strategy for the Afghan War,” 5, and Giustozzi, *Koran, Kalashnikov and Laptop*, 81–146.
 42. Nixon, “Achieving Durable Peace,” 12, 23.
 43. Pamela Constable, “Rivals to Afghanistan’s President in Disarray,” *Washington Post*, June 13, 2011; Afghan NGO director, personal communication, July 18, 2011.
 44. Derksen, “Peace from the Bottom-Up?” 4–5.
 45. Birkle, O’Hanlon, and Sherjan, “Toward a Political Strategy for Afghanistan,” 1–2.
 46. Shinn and Dobbins, “Afghan Peace Talks,” 18.
 47. In particular, see the volume of essays edited by Antonio Giustozzi, *Decoding the New Taliban: Insights from the Afghan Field* (New York: Columbia University Press, 2009) and the “Battle for Afghanistan” reports published by the New America Foundation; Anand Gopal, “The Battle for Afghanistan: Militancy and Conflict in Kandahar” (Washington: New America Foundation, 2010); McKenzie, “Militancy and Conflict in Helmand,” and van Bijlert, “Militancy and Conflict in Zabul and Uruzgan.”
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- Martine van Bijlert, "Unruly Commanders and Violent Power Struggles: Taliban Networks in Uruzgan," in *Decoding the New Taliban: Insights from the Afghan Field*, ed. Antonio Giustozzi (New York: Columbia University Press, 2009), 157–158; Gopal, "Militancy and Conflict in Kandahar"; Giustozzi, *Koran, Kalashnikov and Laptop*, 37–38; Reuter and Younus, "The Return of the Taliban in Andar."
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 60. Clem McCartney, "From Armed Struggle to Political Negotiations: Why? When? How?" in *Choosing to Engage: Armed Groups and Peace Processes*, ed. Robert Rucigliano (London: Conciliation Resources, Accord 16, 2005).
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 62. Shinn and Dobbins, "Afghan Peace Talks," 77.
 63. Barnes, "Renegotiating the Political Settlement in War-to-Peace Transitions," 21.
 64. Ruttig, "How Tribal Are the Taliban?" 24.
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 66. Quinney and Coyne, eds., *Talking to Groups that Use Terror*, 55–56.
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While the need for a peace process to end the conflict in Afghanistan becomes clearer with each passing month, there are deep doubts about the chances of achieving a political settlement. These doubts encompass uncertainty about insurgent intentions, the position of Pakistan, and fear about the consequences of sharing power at a central or even provincial level with the Taliban. While these issues are formidable, they are also potentially surmountable with the right kind of process and settlement. This report examines some specific challenges a peace process in Afghanistan will face and then presents theoretical observations and real world comparative examples that may be applicable to overcoming these challenges.

Related Links

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