

The Critical Gap Between Local Versus International Perspectives on Security and
Justice and Its Implications for the U.S.-Led International Intervention in Afghanistan,
2001-2006: Between State-Building and the Global War on Terrorism

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DEDICATION

This is dedicated to my loving other half Farhat, and my wonderful daughter Talia.

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I would like to thank the many friends, relatives, and supporters who have made this happen. My loving wife, Farhat, supported me in every aspect of my research. My daughter, Talia, helped me with keeping the environment desirable for completing this research. Bruce Esposito, Marc Gopin, Tom Barfield and other friends helped me with sourcing, material, and encouragement. Drs. Avruch, Paczynska, and McGlinchey, and the graduate coordinators, were of invaluable help.

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ABSTRACT

THE CRITICAL GAP BETWEEN LOCAL VERSUS INTERNATIONAL PERSPECTIVES ON SECURITY AND JUSTICE AND ITS IMPLICATIONS FOR THE U.S.-LED INTERNATIONAL INTERVENTION IN AFGHANISTAN, 2001-2006: BETWEEN STATE-BUILDING AND THE GLOBAL WAR ON TERRORISM

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George Mason University, 2012

Director: Dr. Kevin Avruch

This research examines the differences between the perceptions of the U.S.-led international intervention actors and the Afghan population, particularly in the area of security and justice over the period between 2001 and 2006. Understanding these perceptions was instructive in assessing their possible implications for U.S. engagement, and in evaluating the relationship of the U.S. engagement to the attitudes of the Afghan population. This study concluded, among other factors, that the critical gap between international and local perspectives of security and justice suggest that the failed and failing state notions as argued in the literature and enshrined in key U.S. national security documents proved too narrow to guide the intervention in Afghanistan. Lessons from Centralization o q p c t e j were more a romantic understanding of a modern nation-state. Recent historical accounts, as briefly stated in this study, suggest that Afghan leaders and their international backers

often failed to understand the population, map their resources, and invest in the Afghan human capital. This tendency led the Afghan state elite to look outward to manipulate the environment that was available within the Great Game played between the Soviets and the U.S. during the Cold War as well as during the first six years of the post-Taliban era.

The difference of perspectives on security and justice between international forces and the local populace during the first six years, as was assessed in this study, suggests

may be a critical requirement for any future U.S.-led international intervention. This study concludes that relying on a narrow and highly generalized notion of failed and failing states was intellectually too thin of a basis upon which to wage an international intervention. In this direction, military interventions without a clear political strategy and adequate civilian resources will likely not win the war. A reasonable balance between the stated interests of the intervention actors and the basic needs of the locals must be attained, with the following points considered: (a) The U.S.-led counterterrorism objectives, without being transformed toward accommodating the basic needs of the local populations, failed to attain its objectives during the first six years of intervention; (b) A state centralization program in the area of security and justice is a failed model of polity and produces cultural violence, insecurity, and injustice; and (c) insurgency, corruption, and ethnic violence can be viewed as symptomatic outcomes of structural flaws that can be reinforced by cultural violence.

PREFACE

In 2002, soon after the removal of the Taliban from power, I found myself traveling to towns and villages across Afghanistan, observing local coping mechanisms in an effort to understand how local communities were surviving, both economically and politically. The study in which I was participating at that time was commissioned by the United States Agency for International Development (USAID) and designed to assist donor countries dealing with both the post-Taliban humanitarian crisis and peace-building in Afghanistan, the needs for which were caused by four years of devastating drought and almost three decades of violent conflicts. In the past and as a native of Afghanistan, I understood Afghanistan well from the perspective of a native participant in the armed resistance against the Soviet invasion in the 1980s and as a peace activist in the 1990s. But now, studying Afghanistan as a researcher with a team of American colleagues — all of us trained by professional higher educational institutions and coming from sharply different social and political experiences — required me to balance between what I considered the inside-out and outside-in understandings of the reality on the ground.

During the last 30 years of my life, I have encountered people across ethnic, religious, national, and international boundaries who have been directly or indirectly related to or concerned about events in Afghanistan. For me, Afghanistan has been the

catalyst via which I could understand the relationship between state and society, as well as the dynamics of social conflicts at local and international levels in practice.

In 1978 and 1979, I found myself in a crowded jail in Afghanistan among my high school teachers who, like me, were accused by security forces of being against the
x c p i w c t f " u v c v g " q h " v j g " R g q r n g ø u " F g o q e t c v k e "
jail among the Afghan educated elite, the cream of the cream, I listened to voices that criticized the brutes of a centralist political order that crushed its own citizens. The final
c p c n { u k u " q h " v j g " k p o c v g u " y c u " v j c v " õ v j g " C h i j
p q v " v j g " u q n w v k q p 0 ö " " " "

During the 1980s, when I was learning the art of war to find peace, Afghan nomads were being pressured by the central government security forces to abandon their pastoral lifestyle, settle, c p f " g p i c i g " k p " v j g " v tNonads could not imagine a life without freedom of movement and detested what was introduced as
õ o q f g t p k | c v k q p 0 ö " N c v g t . " v j g " r q r w n c t " t g u k u v
a two-sided reality. On one side, autonomous communities viewed their existence as the needed strength to balance the relationship with the state and check the intention of the
u v c v g ø u " r q n k v k e c n " g n k v g u ø " f g u k t g " v q " f q o k p c
leaders were suspicious of the central government (i.e., the Communist regime) for serving foreign masters. In response, the Communist regime defied local traditional autonomy and its embedded identity, belief system, and traditional practices of governance.

On the other side, a foreign superpower, walking in the trail left by the British colonialists, wanted to gulp Afghanistan down like their northern neighbors from the nineteenth and early twentieth centuries. Local Afghans viewed a totalitarian Afghan government and the Soviet invading forces as existential threats to their ontological needs for identity, freedom, and justice. For this reason, hundreds of thousands bore arms to

h k i j v " n q p i " d g h q t g " v j g " U q x k g v u ø " Y g u v g t p " g p g

In the Afghan resistance movement, I found myself face-to-face with Islamist militants were empowered via U.S. and Saudi financial assistance funneled through R c m k u v e Service Intelligence Directorate (ISI-D). Since 1984 I began to challenge the merit of the Afghan Islamists claiming Islamic purification of Afghanistan. Islamic ideology, also known as political Islam, aimed at establishing a purified, centralized, theocratic dictatorship and consolidating its writ by forcefully destroying community-based traditional systems of governance and condemning accepted traditional values that were mixed with local customs - some pre-Islamic - and faced stiff resistance. For many locals, including religious networks, political Islam as propagated by Islamist ideology and its political order was a similar ontological threat to what was introduced by the Afghan Communists. A h i j c p u ø " t g n k i k q w u " r t c e v k e g " y c u . " c moderate teaching of Sufism and local understanding of Islam as a source of moral guidance in acting fair and just.

The Afghan resistance turned into a highly politically charged movement whereby emerging frontline commanders became the defenders of Afghan traditional values while both the Communists and the Islamists were fighting an ideological war supported by the

After my encounter with key Heratya in 1984, I became instrumental in the emergence of frontline commanders who fought the Soviets and the Islamist organizations throughout the rest of the 1980s. Since the international community viewed Afghanistan from an outside-in perspective, as it was defined within the objectives of the Cold War, the ontological needs of the locals, who were struggling against both Communist and Islamist totalitarianism, were left unsatisfied. The subsequent Soviet withdrawal, followed by U.S. disengagement, left behind a military construct that led to the Afghan proxy war and the emergence of the Taliban regime. A shortage of resources and popular support led the Taliban to rely on Al Qaeda fighters and financing. The Taliban and Al Qaeda enterprise led to the events of 9/11, which then resulted in the subsequent removal of the militant regime from power by way of the U.S.-led international intervention.

From the beginning, I wondered whether the U.S.-led international intervention in Afghanistan would have the necessary strategic depth to address the ontological needs of the local populations, whether those populations would appreciate the intervention and embrace it, or alternatively see it as an impediment to their safety and way of life. In most cases of research in the United States, the post-Taliban era in Afghanistan has been framed within U.S. national security requirements. My participation in the research design, application, and execution of a number of key strategic studies has put me face-to-face with U.S. government officials and military personnel on a list designed by funding agencies with limited or no local participation. Working on the ground and listening to our targeted population via in-depth focus group interviews

forced me to analyze what I heard from the locals so that I could accurately relay information to USAID and other donors on subjects such as food security, human security, justice reform, and the role of non-state actors in post-Taliban peace-building. Participating in or leading studies that were commissioned by donor nations through USAID and the United States Institute of Peace (USIP) led me to a discussion that considered the behavior of a modern Afghan state as developed through a democratic and transparent electoral process.

My journey in the Afghan resistance movement, in peace activism, and in studying international intervention strategy and its application has been a tremendous opportunity and a profound blessing of survival. I have learned and evolved cognitively from many experiences, including repeated individual and group interviews conducted in 19 of the 34 provinces during field studies. This direct and indirect research and these experiences were instrumental in my ability to formulate my doctoral research question around how and why the international intervention actors and the locals perceived the post-Taliban era differently, and my focus on security and justice.

INTRODUCTION

This research examines the differences between the U.S.-led international intervention actors and the Afghan population, particularly in the area of security and justice, over the period between 2001 and 2006. Understanding these perceptions was instructive in assessing their possible implications to U.S. engagement, and in evaluating the relationship of the U.S. engagement to the attitudes of the Afghan population. Focusing on the period of 2001 through 2006 offers a solid baseline for further investigations and evaluations of such interventions, mainly because (a) the U.S.-led intervention was formulated on the assumption of global terrorist threats rising from failed and failing states, which was enshrined in key national documents, e.g. the 2002 U.S. National Security Strategy; and (b) it was during this time that the Taliban regime was removed as part of the Global War on Terrorism (GWOT) efforts. The intervention from 2001 to 2006 established an era of engagement as part of the GWOT by capturing and killing members of the Taliban and Al Qaeda, which set up subsequent years of the U.S. and coalition presence in Afghanistan. This research focused on developing an approach that explains v j g " k p v mindsets and how locals perceived and defined those mindsets in terms of cultural and human needs, specifically within the idea of a failed or failing state, as illustrated within the texts of Robert Rotberg, James Piazza, Ahmed Rashid, Petric Stewart, Asharaf Ghani, and Clare Lockhart. In order to create

greater validity, this research reviewed the work of another group of authors including Astri Suhrke and Kaja Borchgrevink, Rolf Schwartz, Derik Brinkerhoff, Aidan Hehir, Ahmed Nader Naderi, and Fatima Ayub who either have critical view of or go beyond the notion of failed and failing states. In addition, applying the discussion of basic human needs, as theorized by Abraham Maslow, John Burton, and Johan Galtung, enriched the analysis as it supports the data presented throughout the chapters. This approach established a theoretical conflict analysis framework for this research investigation as it indirectly assesses the role of the international intervention *in the local context* of Afghanistan's history and culture.

Let me be quite specific here. At the heart of the matter, the research focused on the local ~~r q r w n c v k q p ø~~ ~~he satisfaction of their basic needs,~~ particularly in terms of security and justice, which are located at the center of gravity of the post-Taliban local political dynamic. Indeed, there are many other issues and factors that influenced local perceptions, including regional political proxy, environmental degradation and severe loss of local livelihood and wealth, and three decades of regime change and conflicts. Security and justice, among several other key pillars, have been viewed as fundamental to both locals and intervention actors. The tenets of security and justice have formed the central foundation for a sufficient materialization of basic human needs for Afghans, while proving essential to meeting the objectives of the international intervention actors in Afghanistan.

D { " c r r n { k p i " I c n v w p i ø u " e-~~led~~international c n " h t c o g y
 intervention in Afghanistan as was explained by literatures on failed and failing states,

one can see that the intention on the American part was victory for the U.S. in bringing the terrorist plotters to justice, and removing the Taliban (as coconspirators of the terrorists) from power, which was thought would bring security and justice to Afghans and the world. However, during the first stage of the U.S.-led intervention, the reemergence of the Taliban, the rise of warlordism, state corruption, and a deadly insurgency complicated local hopes for security and justice and drove too much of a wedge between the international actors and the local population. With the presence of the intervention resources, most Afghans were positioned between predatory and state institutions, poor or no genuine capacity to support the well-being of the locals, and a deadly insurgency. Still, for average Afghans, although the living conditions under the new regime did not give them what they needed to move toward a civic social and political environment, their basic sense of security did necessarily improve in comparison to the deadly era of Taliban rule. Yet while the sense of insecurity and injustice may have lessened, it remained very real, as will be documented later on the local perspectives on security and justice. The sense of insecurity is, as interpreted through Galtung, in

r g q r n g ø, ü " ð g h k p g ü " ocht llave.j c v " v j g { " f

Besides examining the events took place between 2001 and 2006 and their relevance to this research, this research develops a theoretical baseline in chapter two for explaining how international and local perspectives on security and justice are different and why. From this standpoint, I review two groups of selected literatures looking at Afghanistan (a) from the perspective of failed and failing states and (b) from a wider

c p c n { v k e c n " c r r t q c e j " d { " e t k v k e k In light of " v j g " h c k

these reviews, this research also relies on selected literatures from the field of conflict analysis and resolution in order to ascertain why the international actors and local Afghans' perspectives on security and justice are different. In addition, I investigate the assumption of failed and failing states as the core narrative for defining the intervention.

To further focus discussion in later chapters, this research uses selected portions of the data collected by studies from Tufts University and USIP which, more broadly, reflect the research question within the specific timeframe of the first stage of the U.S.-led intervention. As will be discussed further, this stage is marked by removing the Taliban regime from power in 2001 and their reemergence as a full-blown insurgency in 2006. This focused investigation enabled me to explain the differences in perceptions on security and justice and the reasons these differences exist, but did not enable me to establish the level and scopes of these differences: That requires a different study at a different time. By necessity, I touch upon a number of critical issues such as the international intervention actors versus local expectations and their level of achievement within the stated timeframe in this study. Again, to what level and degree these expectations contributed to fulfilling the objectives of the intervention and the aspirations of the local population are not the intention of this research.

This research pays significant attention to the role of culture in shaping local perceptions and their way of understanding the U.S.-led international intervention. In this direction, I rely on research by Kevin Avruch and the notion of "cultural violence" originally discussed by Johan Galtung. Indeed, differences of perspectives and conceptual

drivers cause certain consequences regarding the attainability of the U.S.-led international intervention. This research discusses the basic needs for security and justice. Since security and justice are considered significant elements of local governance in this research, this interlink is used to highlight key consequences such as the crisis of governance as perceived by the locals. In examining this connection, this dissertation discusses the reemergence of the Taliban-led insurgency, and its spread beyond their traditional heartland in southern Afghanistan. From this angle, this research highlights alternative perspectives in addressing what I labeled as "addressing the short-term basic needs for security and justice among the population influenced by the Taliban. This highlights the presence of competing alternative perspectives to that of the Afghan government supported by the international intervention actors.

From a conflict analysis and resolution point of view, this dissertation discusses the relational nature of perspectives between international actors and locals: How different are they? This research discusses alternative perspectives on security and justice in respect to that of the locals and international actors. This leads to evaluating whether alternative perspectives on security and justice aligned with satisfying the basic needs of the population. Finally, it is worth stating that this research goes to great effort to explain the differences between the U.S.-led international intervention on ontological needs for security and justice, but is not intended to offer a research-based precise course of action toward their remedy. However, this research is intended to define

the character of the U.S.-led international intervention in Afghanistan through 2006 by questioning whether or not a military campaign without (a) strong civilian components and (b) inclusion of the host nation's ontological needs can be successful. This question sets up the direction for future research discussed in the conclusion of this dissertation.

CHAPTER ONE: PURPOSE OF STUDY

This dissertation develops a theoretical framework in order to answer its main research question using selected data and relevant analyses. Existing sets of data help clarify my main research question within a specific timeframe, the first stage of the U.S.-led international intervention. As will be discussed further, this stage is marked by removing of the Taliban regime from power in 2001 and their reemergence as a full-blown insurgency in 2006. This focused investigation examines the differences between perceptions of security and justice and the reasons behind those differences, but does not establish the level and scopes of these differences as that requires a different study at a different time. As a point of entry in this chapter, I present a short illustration of Operation Enduring Freedom launched by the U.S.-led military coalition in 2001. This will be followed by presenting the research question, research method, key sources of data, the case in question, and finally the data management schemes.

The removal of the Taliban regime, marked by the start of U.S.-led Operation Enduring Freedom (OEF) in 2001, once again attracted the Americans and other Western-allied nations back to Afghanistan, this time directly. This engagement suddenly turned Afghanistan into the center of gravity in fighting the GWOT and halting the spread of terrorism across the border regions of both Afghanistan and Pakistan. The U.S.-

led intervention strategy experienced military successes, but then the engagement was placed on the back burner due to the U.S. invasion of Iraq in 2003. What happened during that crucial period shaped the direction of the U.S.-led intervention in Afghanistan, as will be described.

As will be discussed throughout proceeding chapters, the military components of the U.S.-led campaign, on the one hand, and the political goals and motivations of the intervention, on the other, have led to fundamental problems in the way Operation Enduring Freedom was orchestrated. Negative consequences resulted, particularly in the way the intervention has led to the empowerment of warlords, massive corruption, and a deeply flawed justice system that offered the terrorist groups the regenerative capacity they needed to sustain an insurgency.

The doctrinal and operational shortfalls limited the U.S.-led international effort to end the conflict, spending many more billions of dollars and deploying more troops without an effective political strategy beyond what was called "fixing a failed state" that imposed superficial changes, but did not undo some of what was done at the early stages of the intervention. This is exactly the reason that understanding how and why the U.S.-led international effort failed from the perspectives of security and justice differed during the first stage of the U.S.-led intervention is critical to understanding what has taken place on the ground since. Thus, the purpose of this doctoral research is to explain the core narratives that

shaped the 2001 U.S.-led international intervention and perspectives as well as the underlying assumptions of the locals via a cultural and historical lens through 2006.

Research Question

Examining how and why the U.S.-led international intervention and locals perspectives during 2001-2006 are different is the main research question that this dissertation was designed to address. In explaining the core narrative, this dissertation relied on the conflict resolution assumption in order to relate local perceptions to the sense of basic human needs for security and justice. As I mentioned in the Preface, the Afghan people have consistently rejected systems of governance imposed from the outside that attempt to destroy their own indigenous systems of justice and cultural tradition. This has been true of their rejection of the Communists as well as the Taliban and Islamist ideologies. Thus, related questions are: Has the U.S.-led intervention purposely or inadvertently imposed yet another external system that is generating a less-than-enthusiastic embrace by the local population, who see all such outside systems as not addressing their ontological needs for security and justice? Has this been magnified by a strong drive to fix the state via the empowerment of a highly centralized government that is infiltrated by corruption and warlords? What does this suggest for a different or evolving strategy of international engagement?

All these questions are nuanced ways to frame the essential challenge of this dissertation to explain how and why the locals and international actors held different perceptions from 2001-2006, and the implications of these perceptions.

Research Methods

The primary method of research in this study was my review of field reports, focusing exclusively on detecting and understanding shifts in perceptions of levels of security and justice by the local population, as well as the way via which they were understood and experienced by the local populations. In this study I examined the assumption of failed and failing states as was explained by selected literatures as the foundation of the U.S. grand strategy in fighting global terrorism. This assumption has envisioned the U.S.-led international intervention in Afghanistan first as fighting global terrorism and later as fixing the failed Afghan state. Understanding local perspectives was analyzed by looking at state versus society relations and, to this end, locals' basic needs in light of what has been discussed within the need theory in the field of conflict analysis and conflict resolution. Urgent needs for security and justice in a collective manner within a specific timeframe: in the aftermath of the U.S.-led international intervention, from the removal of the Taliban regime from power in 2001 through 2006.

My primary resources were existing data compiled by Tufts University in Massachusetts on the subject of human security between 2004 and 2005, and the United States Institute of Peace (USIP) on systems of justice in Afghanistan between 2005 and 2006. I reviewed literatures on failed and failing states and their connection to global terrorism. In addition, I looked through other available data, opinion polls, and studies as they related to this research. The literatures on failed and failing states, key literatures on Afghanistan, the Tufts University and USIP data, most interviews with both locals and

international officials in Afghanistan, and additional published resources formed the backbone of my research methods.

Collectively, the data sets within these resources helped me to understand local perspectives and the differences in the areas of security and justice that occurred in the aftermath of the U.S.-led international intervention. I was able to detect and better understand, as the intervention rolled on the ground, how it was felt by local populations; in support of building a centralized government affected perspectives of security and justice.

My secondary resources were published literature particularly on failed states, opinion polls and research on intervention strategies, and non- u v c v g " c e v q t u ø " r g t on security and justice. In addition, during my 2009 visit to Kabul University, Herat University, and the EU-funded Afgha p k u v c p ø u " T g u g c t e j " C p c n { u k u " reviewed published material in Afghan languages, i.e. Dari and Pashtu. I looked at literature on traditional governing systems, particularly on local governance systems and the *jirga* process, and their role in the post-Taliban state of security and justice in Afghanistan.

Tufts University Field Research Data

The Tufts University field study on human security (Mazurana, Nojumi, Stites 2005) examined the security environment in the aftermath of the U.S.-led international intervention, with special attention paid to how the intervention has affected the livelihoods and human security of Afghans,¹ and the shifts in vulnerability experienced

¹ V j g " C h i j c p " i q x g t p o g p v ø u " E g p v t c n " U v f g h k p k ø k q ð Q l q h k' ð g

by the local populations after the Taliban was removed from power in 2001. The study did quantitative data collection through surveys showing *if and to what degree* individual and household security and access to necessities and livelihood, including access to justice, had changed since 2001. Qualitative data was also collected regarding formal and informal systems of justice, which significantly reflected the system of governance and conflict resolution that local populations relied on to manage conflict and access justice.

The Tufts University data included interviews with locals talking about the experiences of violence among individuals, households, and communities, which were used to evaluate levels of human security/insecurity and the availability of formal and traditional justice, conflict prevention, and mediation bodies.

United States Institute of Peace ø u " From Mediation Between State and Non-State Actors

In addition to the Tufts University field research, I relied on the data collected during the 2005-2006 USIP's Regional Consultation Meetings (RCMs) with government officials and community leaders from around 15 different provinces (male and female, urban and rural) of Afghanistan. The purpose of the RCMs was to (a) understand state, or formal, justice and non-state, or informal, justice systems; and (b) understand areas of cooperation toward improving the rule of law in the country. These USIP RCMs in eastern, southern, south central, and western Afghanistan were comprised of full-day separate and joint dialogues between government officials and community leaders.

Separate and joint women RCMs were part of the regular workshops in the eastern and

C h i j c p u 0 ö " V j g " Y q t n f " H q q f " R t q i t c o " * Y H R + " c p f " v j g " P T X C
criteria, which were also used.

western regions of Afghanistan. The RCMs were joined by official representatives from the United Nations Assistance Mission for Afghanistan (UNAMA) and the Afghan Independent Justice Mechanism (IJM). The process is already public knowledge.²

The discourse and dialogues between state and non-state actors were conducted on the following four themes: property disputes, family disputes, disputes over criminal offenses, and disputes over land. Data were collected through individual interviews with participants and higher ranking officials throughout the RCMs. State and non-state actors highlighted the parameters of their involvement in handling legal disputes and developed a more common understanding about both state and non-state justice systems in Afghanistan.

This study used the data collected during the USIP RCMs to illustrate two different approaches to security and justice: local vs. international (centralized and decentralized) to security and justice. The RCMs were designed from a conflict analysis and resolution perspective in order to find a neutral space wherein state and non-state actors could build a common understanding about the underlying dilemma concerning good governance, access to justice, and the rule of law in Afghanistan.

Applying Primary Sources of Data to the Case

Combining the data collected by Tufts University and the USIP on Afghanistan with secondary written literatures reflecting the post-Taliban state of affairs, particularly

² See Thomas Barfield, Neamat Nojumi, and Alexander Thier, *Clash of Two Goods: State and Non-State Dispute Resolution in Afghanistan* (Washington, DC: USIP, 2006). Also see "Project on the Role of Non-State Justice Systems in Fostering the Rule of Law in Post-Conflict Societies" at <http://www.usip.org/rule-law/conference-the-relationship-between-state-and-non-state-justice-systems-in-afghanistan>.

with regard to security and justice, was designed to answer the main research question. In part, a brief historical account of Afghanistan is discussed in this investigation, mainly to help better illustrate social and political dynamics and the policy orientation of the international intervention strategies played in their construction.

Validity

My research design and methodology were developed and conducted in such a way as to increase the

Since I was a key investigator on the Tufts University team as well as on the USIP mediation team, one may find some correlation between my analysis and their reporting.

As a multi-subject investigation, I worked on many different topics such as economic development, public health, and education. Each study was comprised of diverse subjects with multi-dimensional categories and in its totality, the Tufts field study and data were too wide for my dissertation research. For the sake of this research, I selected interviews on two specific themes: security and justice.

In the case of the USIP data, which aimed to understand the formal and informal justice systems from a legal perspective in order to advance the role of the state, I reviewed reported positions of state and non-state actors. The purpose was to craft historical and cultural understanding of state versus non-state perspectives of justice, in order to reflect local perspectives as explained in Chapter Five. I took additional analytical steps to define justice based on a conflict resolution perspective as an ontological need and not as the mere legal due process. Assessing the notion of failed and failing states and its doctrinal relevance to the strategies of the international

intervention in Afghanistan revealed the conceptual shortfalls of its operational application. Responding to those shortfalls from a local cultural and historical context offered the conceptual frame needed to construct a logical use of the Tufts and USIP data.

This research construct helped me to build a direct and logical interface between my analysis, and my first and secondary sources of data and other published literatures discussed in this dissertation.

Data Management and Analysis

Transcripts were labeled into twin sources of data: Tufts University and USIP field data that are open to the public; and written texts produced by independent researchers and organizations such as the Afghanistan Research and Analysis Unit in Kabul. These data included interviews with a wide variety of people ô i.e., traders, fuel sellers, water managers, shopkeepers, money changers, transporters, local police, national army, judges, prisoners, victims of insecurity and injustice, and merchants ô in an attempt to better ascertain the outcomes in terms of economic development, foreign investment, the role of international organizations, environment degradation, access to water, land, and the states of trades, etc.

I focused on data that reflected officials involved in government security, law enforcement, and judiciary systems, including those who worked with the courts, police, and detention centers at the provincial and district levels, and those involved in traditional institutions such as local *jirgas* and *shuras* among the tribal, rural, and urban populations. The main reason for this was to focus attention on the way via which the official organs of the U.S.-backed central government viewed security and justice compared with how

the broader portion of the population were experiencing and perceiving security and justice.

Tufts and USIP data, in the areas of security and justice, were collected by interviews with individuals who both worked and did not work for the central government or international organizations. More specifically, the USIP interviews were set up across two main spectrums: the formal and informal justice systems. Since there was already a division of categories within both field studies, I labeled data under these broad categories in order to understand the perspectives of locals versus international actors: one category reported local experiences regarding security and justice, and one reported experiences by international organizations and their backed government officials. This labeling helped me to establish distinctions of terminologies that referred to dispute settlement and conflict resolution and were used similarly within both government and non-governmental legal forums. For instance, the term *õ l w u v k e g ö " y c u* used in both categories of transcripts in order to show the importance of improving local security. However, for the international experience, justice meant reinforcement of the government-constituted legal system that principally established the notion of equality before the law and individual reward and punishment. In contrast, the local transcripts revealed justice to mean fairness for both perpetrator and victim within locally accepted norms and aimed to prevent further escalation of hostile behaviors, e.g. retribution over a dispute.

This system of data management and analysis enabled me to establish the needed relations between texts and the local context within which I would describe the effect of

the international intervention strategy as was understood and perceived by the local Afghans. This management system also offered me the capability to detect the differences in perspectives of security and justice between the international intervention actors and the Afghan population. This system also enabled this dissertation to explain why these perspectives are different, and to a lesser extent, talk about their implications.

CHAPTER TWO: LITERATURE REVIEW

The literature review for this research explored published works of two conceptual foundations of the U.S.-led international intervention in Afghanistan from two perspectives on security and justice as explained in later chapters. The theoretical framework in this chapter is aimed at explaining how and why international and local assumptions on security and justice are different in order to fill a knowledge gap around the literature on Afghanistan within the failed and failing states literatures. I used this approach to develop baseline assumptions to explain how they are different and why. From this standpoint, I reviewed two groups of selected literatures looking at Afghanistan (a) from the perspective of failed and failing states and (b) from those critical of this perspective by paying attention to key contributing factors causing insecurity and injustice in Afghanistan. In light of these reviews, I incorporate selected literature from the field of conflict analysis and resolution to examine why the international actors and local Afghans perspectives on security and justice are different. The literature in support of failed and failing states, to a certain extent, reflects the perspectives enshrined in the U.S.-led international intervention in Afghanistan. The review and its subsequent analysis revealed that the perspective which drove the U.S.-led international intervention did not reflect local Afghan perspectives. Instead, it was based on a narrow assumption that failed and failing states breed global terrorism which

threatens U.S. national security. This discussion reveals that the failed and failing states assumption formed the core narrative for defining the intervention on the basis of the Global War on Terrorism, as labeled by the Bush administration. Regardless of the validity of this assumption, this chapter and later chapters reveal that Afghans' expectations of the intervention were based on different sets of narratives. This chapter, and more so the following chapters, reveal that Afghan perspectives on security and justice formed a benchmark for their expectations of the U.S.-led international intervention signified by enhancing their local ability to prevent Afghanistan from having another form of predatory government like that of the Taliban regime.

The Case of Failed and Failing States and Selected Literatures

From October 2001 through the end of 2006, the U.S.-led resources made many efforts on a number of different fronts, ranging from humanitarian assistance and institutional building of the central government to numerous military operations. Up to 2003, the U.S. coalition forces had not faced serious challenges from the insurgents, but they gradually engaged deeper and more intensely as the insurgency grew. These forces conducted Operation Mountain Viper (August 2003), Operation Avalanche (December 2003), Operation Mountain Storm (March-July 2004), Operation Lightning Freedom (December 2004-February 2005) and Operation Elephant (October 2005). These successful military operations led to the Bush administration's assuming that combating the insurgency had practically ended in Afghanistan, which in turn led to Washington opening the space for the North Atlantic Treaty Organization (NATO)/ the International Security Assistance Force ISAF to assume responsibility of the security across

Afghanistan.³ Contrary to Washington's assumption that the insurgency was over, the level of violence in Afghanistan dramatically increased by mid-2006 and many of the districts in the south, southeast, and eastern regions fell to new waves of insurgency. This revived violence polarized the ethnic Pashtuns against the post-Taliban U.S.-backed political process.⁴

T g c u q p u " h q t " k p e t g c u g f " k p u g e w t k v { " c p f " v j
military operations were viewed differently by authors assessing the U.S. strategy and the local conditions inside Afghanistan. Some viewed corruption in the Afghan government, weak governance, under-resourced reconstruction, and the absence of security forces beyond major provincial centers. Others reasoned factors including the existence of safe havens in Pakistan, the impact of the U.S. invasion of Iraq, and a growing resentment against the operation due to civilian casualties by NATO and U.S. military operations.

This dissertation, instead of reviewing the above-stated reasons, and supporting or challenging their validity, is focused on selected literatures reflecting failed and failing states as key doctrinal assumptions that have been influential on the overall formulation and execution of the U.S.-led international intervention in Afghanistan. As a point of

t g h g t g p e g . " v j g " h c k n g f " c p f " h c k n k p i " u v c v g u ø "
D w u j " c f o k p k u v t c v k q p ø u " P c v k q p c n " U g e w t k v { " U v

³ Inci Kucukaksoy, "Joint Warfare Centre Conducts First Composite Headquarters Training for International Security Assistance Force (ISAF)," Joint Warfare Center, Norway, October 12, 2006.

⁴ David Rohde and David E. Sanger, "How a ÷ I q q f " Y c t ø " k p " C h ö N e j v Y o p k Times, c p " Y g p v " D August 12, 2007.

with the threats rising from failed and failing states as the main source of transnational terrorism against the United States.⁵

Relying on those assumptions, the policy of intervention and its execution was geared toward fixing the failed state of Afghanistan via a top-down stability process that was framed by the Bush administration within the concept of the Global War on Terrorism (GWOT). This suggests that there were two complementary tasks in front of the administration: fixing the failed state of Afghanistan and fighting the Global War on Terrorism. What was obvious throughout 2006 was that the Bush administration gave priority to the latter. This prioritization makes 2001 to 2006 an era of fighting global terrorism in Afghanistan, rather than fixing a failed state. Reviewing the failed and failing states' assumptions by different authors in this dissertation revealed a serious gap: the absence of local perspectives in the stated objectives of the intervention. Since local perspectives in Afghanistan vis-à-vis the U.S.-led international intervention can be numerous and contain a wide range of caveats, I narrowed my focus on perceptions of security and justice within a broader analytical framework in conflict analysis and resolution. For this purpose, I used data collected by Tufts University and the U.S. Institute of Peace to fill that knowledge gap presented in the failed and failing states literatures reviewed in this chapter.

Understanding local perspectives of security and justice enriched this dissertation to develop an analytical path that reveals the following: the importance of local perspectives in Afghanistan vis-à-vis the U.S.-led international intervention can be numerous and contain a wide range of caveats, I narrowed my focus on perceptions of security and justice within a broader analytical framework in conflict analysis and resolution. For this purpose, I used data collected by Tufts University and the U.S. Institute of Peace to fill that knowledge gap presented in the failed and failing states literatures reviewed in this chapter.

⁵ The National Security Strategy of the United States of America, White House, Washington, DC, 2002.

doctrinal and implicational perceptions that were apparent in the selected literatures that assume Afghanistan as a failed state and the U.S.-led international intervention's task as fixing the state in order to prevent further terrorist attacks on the United States.

In the following pages, I first review some of the literary assumptions around the notion of failed and failing states and very briefly the way these assumptions were viewed by the officials in charge of the policy formation in the U.S. and the U.K. Second, I review literatures that move beyond the assumptions of failed states in explaining the U.S.-led international intervention in Afghanistan. Third, I briefly conclude with an analytical response to (a) show the shortfalls of the notion of failed and failing states as a theoretical framework for policy formulation and policy implementation, and (b) explain how this research adds to the existing literatures. This chapter concludes by bringing the discussion into a brief selection of the literatures from the field of conflict analysis and resolution.

Key Assumptions on Failed States

Most authors discussing Afghanistan during 2001 to 2006 and even up to the present drove their analytical assumptions directly or indirectly from a notion of nation-state as it was historically formulated in the West. In most cases, these authors considered Afghanistan as a failed state and from that angle tried to explain the U.S.-led mission and the challenges ahead.

Robert I. Rotberg, in his 2002 article, articulated a deeper analysis by looking at the issue of failed and failing states from a human security perspective. An indicator for a failed state, as he asserts, is its inability to supply the hierarchy of political goods, most

importantly security, and particularly human security.⁶ He concludes the essence of

human security is sets of tools and possibilities via which both individuals and groups are

confronted with the risk of violence.⁷ From this perspective, Rotberg argues that the

public security of its citizens can be established. This means, in addition to

preventing cross-border threats, protecting the national order and the social structure are

essential human security needs, and their attainment is vital to the stability of the state.

The end state for all of this, as T q v d g t i " u w i i g u v u . " k u " ð v q " g p c d n

disputes with the state and with their fellow inhabitants without recourse to arms or other

h q t o u " q h " r j { u k e c n " e q g t e k q p 0 ð

h q t o u " q h " r j { u k e c n " e q g t e k q p 0 ð

Although T q v d g t i ø u " p q v k does not make theoretical sense, it fails w t k v {

to explain human security as perceived by societies like Afghanistan which are not

socially or politically cohesive. Positioning the state as the main provider of human

security might be applicable within a democratically mature political order that is forged

by established sets of political goods in the form of social contracts. However, in a

society like Afghanistan with a substantive agrarian economy that is severely damaged by

two decades of environmental degradation, several decades of wars that promoted

localism, and ethnic rivalries with a limited or nonexistent state system, the idea that the

state becomes the driving force to enable citizens to resolve their disputes with the state

and with their fellow citizens is too simplistic and not reflective of the on-the-ground

⁶ Robert I. Rotberg, "Failed State in World of Terror," *Foreign Affairs*, 2002.

⁷ Ibid.

⁸ Ibid.

reality. Recent Afghan history, as I will discuss later, reveals the interlink between state and society as problematic and state institutions as often being predatory.

The ability to peacefully settle disputes with the state and with fellow citizens within a secure political environment is an essential political good: justice. Rotberg

essential political goods that are central to the political process. Rotberg take a step deeper into the discussion by viewing security and justice as holding central roles in the hierarchy of political goods that make it possible to create enforceable rules of law, security of property, and inviolable contracts that legitimize and validate fair play within a given society. The prevailing presence of security and justice enables a society to participate freely, openly, and fully in politics and in a political process that encompasses the indispensable political good of freedom. From a human security

support for national and regional political institutions, like legislatures and courts; v q n g t c p e g " q h " f k u u g p v " c p f " f k h h g t¹⁰ p e g = " c p f " h

Most of what Rotberg suggests rightfully fits within a Jeffersonian Democracy where profound social and political contracts are established and the u v authority is checked by the function of the state and citizens who are empowered to be protected from the u v tyranny. Relying on the role of the state as the main provider of political goods and as the protectorate of the people is reflected in U.S. national documents and policy

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⁹ Ibid.
¹⁰ Ibid.

that, in the case of Afghanistan, led to the development of a rigid centralized political system using the U.S.-led international intervention to consolidate its writ rather than restoring security and justice.

I agree with Rotberg's argument that improving security and justice should have been central to the U.S.-led international intervention in order to fix the Afghan failed state, particularly if these political goods are to be delivered as the Afghan populace perceived. As will be discussed later, prioritizing counterterrorism without state-building did not enable the Afghan state to produce the political goods to create enforceable rules of law, security of property and inviolable contracts that legitimize and validate fair play within a given society.¹¹

Chester A. Crocker, in a 2003 *Foreign Affairs* article, also considered Afghanistan a failed state. Even though he agreed with a large body of scholars and policymakers that considered failed and failing states as the most significant source of threat to the

Global War on Terrorism. He also considered Afghanistan a failed state, but he argued attention and resources should be directed only to those failed states that pose threats with Weapons of Mass Destruction (WMDs), and Afghanistan did not. Crocker frames his critique on the fact that the administration held a poor perspective of the threats. He argues the "war on terrorism as

¹¹ Ibid.

g x k n " t¹²Crocker labels this confusion as "distorting the strategic picture."¹³ He concludes that the administration is not serious in addressing the threats rising from the failed and failing states and for this reason the war in Afghanistan, literally, is the wrong

y c t " d g e c w u g " k v " k u " p q v " k p h u w¹⁴ q t q g v 0 q h " o c " u c h

Like Rotberg, Crocker labeling Afghanistan as a failed state is not substantiated y k v j " C h i j c p k u v c p ø u " e w t t g p v " When it comes to U.S. k e c n " u national security interests, I agree with Crocker in considering WMDs and their proliferation as strategic threats to U.S. national security. However, Crocker ø argument drives from a conventional threat-based perspective popular in the 20th century and he neglects the unconventional threats of terrorism and non-state malign actors in the 21st century. There are significant bodies of literature that consider terrorism, particularly in relationship to WMDs, as a strategic threat if not as a short- to mid-term threat to post-9/11 U.S. national security.¹⁵ At a time when data reveals that non-state malign actors like Al Qaeda¹⁶ and the Japanese Aum Shinrikyo¹⁷ have persistently tried to acquire WMDs, as documented and argued by another host of authors and governments, it would be too naive to consider global terrorists as tools not actors.¹⁸

¹² Chester A. Crocker, "Engaging Failing States," *Foreign Affairs*, 2003.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ U g g " Y c n v g t " N c s w g w *Harvard International Review*, Fall 1998, and Department of State, *Patterns of Global Terrorism 2000*, April 2001.

¹⁶ H q t " c " f g v c k n g f " c e e q w p v " q h " D k p " N c f g p ø u " u g c t e j " h q t " Y V g t t q t k u v " U g c t e j " h q t " Y g ø g ø p u ' K ø h ' g, *Current Contents*, 1998, Vol. 17, No. 1, Issue 006; also see Kenneth Katzman, *Terrorism: Middle Eastern Groups and State Sponsors*, CRS Report RL30277.

¹⁷ See Robert Jay Lifton, *Destroying the World to Save It: Aum Shinrikyo, Apocalyptic Violence, and the New Global Terrorism* (New York: Macmillan Press, 2000).

¹⁸ General Accounting Office (GAO), *Combating Terrorism ø Need for Comprehensive Threat Assessments of Chemical and Biological Attacks*, GAO/NSIAD-99-385. " U g r v g o d g t " 3 ; ; ; 0 " C n u q " u g g

Ahmed Rashid, the renowned author on Afghanistan, concluded in his 2008 book, *Descent Into Chaos*, that the U.S.-led war on terrorism has left in its wake a far more unstable world than existed before, mainly because the international community "failed to take advantage of the post-9/11 window of opportunity." Rashid argues, "the consequences of state failure in any single country are unimaginable." Then, he writes:

At stake in Afghanistan is not just the future of President Hamid Karzai and the Afghan people yearning for stability, development, and education but also the entire global alliance that is trying to keep Afghanistan together. At stake are the future of the United Nations, the North Atlantic Treaty Organization (NATO), the European Union, and of course America's own power and prestige. It is difficult to see how the Taliban are not defeated in Afghanistan or if Bin Laden remains at large indefinitely. Yet the international community's lukewarm commitment to Afghanistan after 9/11 has been matched only by its incompetence, incoherence, and conflicting strategies.¹⁹

Rashid's sharp critiques of the U.S.-led international intervention stay at the surface without much depth. The key driver in his argument is the underlying highly generalized assumption within a broader international relations perspective that views the world as a community of nations and the stability of the world as tied to the stability of the states. Even though Rashid, more than many other authors on Afghanistan, pays attention to locally important historical and cultural nuances, he views them from the interest of the international intervention actors and neglects the role of the indigenous in democratization and stability. For this reason, Rashid, like many other authors, considers

L. Hinton, Jr., Assistant Comptroller General, National Security and International Affairs Division, Before the House Committee on Government Reform, Subcommittee on National Security, Veterans Affairs, and

¹⁹ Ahmed Rashid, *Descent Into Chaos: The United States and the Failure of Nation Building in Pakistan, Afghanistan, and Central Asia* (NY: Viking Penguin, 2008), p. xxxix.

the U.S.-led international intervention as a state-building mission while the Bush administration launched the Operation Enduring Freedom as a counterterrorism international intervention. Although I agree that looking at the crisis in Afghanistan from an international relations perspective and within the notion of nation-states, this perspective is narrow because he views the stability of the state in Afghanistan within the interests of the international intervention actors, not the indigenous populations. This is one of many ways to look at the problem set in Afghanistan from an outside-in perspective, rather than a more in-depth approach that includes local perspectives in relevance to local history and cultures.

James A. Piazza, in his 2008 article, also concluded that states plagued by long-term state failure are statistically more prone to become terrorist safe havens that do not have the international commitment to prevent transnational attacks and are often used as a base for international terrorism.²⁰ He uses Afghanistan as an example of a failed state, but he considers the Taliban area of operation as a region within a failed state. Piazza defines this as, "Regions of a country that are beyond the policing control of the central government and within which non-state actors can set up autonomous political, economic, and social institutions, or the segments of the polity of a country that are impenetrable by state actors."²¹

²⁰ James A. Piazza, "Incubators of Terror: Do Failed and Failing States Promote Transnational Terrorism?" *International Studies Quarterly* 52 (2008), 469-488.

²¹ Ibid.

What Piazza sees is a causal relationship of a failed state within which the central government fails at $\bar{o} r q n \bar{c} " e k j p g i " g p v k t$ Using "Afghanistan as the case study in this dissertation, it is clear that Piazza, like many authors supporting the authenticity of the failed and failing states idea, derives his argument from a conventional approach to explain a highly unconventional phenomenon. A historical review of many developing countries disproves $R k | c c \bar{o} u "$ that there is a validated correlation between a failed state and stateless areas wherein terrorism is bred and threatens local and international order. Piazza uses the southern and eastern parts of Afghanistan as well as the religious schools in Pakistan as examples $q h \bar{t} \bar{a} \bar{t} \bar{e} \bar{s}$ of stateless areas that show the correlation between failed states and terrorism. $Y j c v " e j c n n g p i g u " R k c | | c \bar{o} h c e v " v j c v " v j g u g " \bar{o} u v c v g n \bar{o} g$ if not centuries ago and have $j c x g " g z k$ never become a source of threat to the international order as it emerged in the post-Cold War era. If one measures $y j c v " R k c | | c " n c d g n u " c u "$ developing $v g n g u u$ countries, it may form one mass geography with millions of indigenous people. Strengthening the ability of states to expand their control over such a space is impossible, but it might not even be required. A case in point is Afghanistan, where billions of dollars of thousands of international military forces did not end what Piazza calls being stateless. The solution to the stateless areas, as argued by Piazza, is the expansion of the central government authority over these areas via which $\bar{p} o l i c i p i . \bar{o} " q t " v j g " w u g " q h " e$ law enforcement, can be established. This perspective does not pay attention to local grievances that influence $n q e c n u \bar{o} " d g j c x k q t " v q y c t f s " r q n k v k e c$ historical and cultural patterns of local politics suggesting that many of the areas that he

labels as "stateless" have been out of the control of the central governments for centuries without any terrorist threats. In addition, there are many remote geographies around the world upon which established states do not exert control or the ability to police.

In the work written by Asharaf Ghani and Clare Lockhart, their argument rests on the interconnection between global and domestic legitimacy, defined as a state's responsibility to its citizens. They prioritize the global legitimacy of the state and argue that the international institutions (i.e., the United Nations and the World Bank) need to come to an agreement in defining the goal and the function of the state as a prerequisite that can be supported by programs.²² The purpose of their book is to propose strategic frameworks to state-building; it is not an exclusive case study of Afghanistan. However, they apply their doctrinal argument to what they call state-building in Afghanistan on the basis of a highly generalized theoretical argument. Since they have a universal application in "fixing failed states" that can be tailored to local contexts via programs, they have a conventional and to a larger extent centralized approach to state-building with limited or no relevance to the particularities each geopolitical space or state may have. For this approach, they suggest, strategies of state-building need to "be cemented on the one hand and the citizenry on the other hand."²³ The second compact, which they view as the driving force for making a state legitimate, is performance in key economic, social, and political factions. Thus, state sovereignty is fully based on double compact

²² Asharaf Ghani, Clare Lockhart, *Fixing Failed States: A Framework for Rebuilding a Fractured World* (Oxford: Oxford University Press, 2008).

²³ Ibid pp. 14-20.

legitimacy²⁴ as the most significant base for legitimacy and the use of force. The problem with this highly generalized approach is that the stability of the state in a number of cases — like the majority of the authoritarian regimes in the greater Middle East, South Asia, Africa, and Latin America — is mainly based on international recognition rather than a contract with their citizens. So are these states, including China, Saudi Arabia, and Venezuela, failed or failing states because the regimes in power are not elected by their citizens? It seems there is confusion in the theoretical framework between democratic state systems and stable states in Ghani and Lockhart.

Ghani and Lockhart consider Afghanistan a failed state and for this reason they criticize the U.S.-led international intervention for not defining the goal of the state that, they argue, contributed to wastage of resources. From a double compact point of view, this can be defined as “global legitimization” by external actors. They argue that the international community had a significant opportunity or an “open moment,” as they suggest, wherein the Afghan citizens demonstrated a deep desire in strategies of development that the authors claimed they shared with the international community during 2001 through 2004. They see the root causes of the growing crisis, particularly the deterioration of security during 2001 through 2006, as being due to the resistance of the international community (mainly the U.S. and its international coalition partners) to their suggested strategies. As a result, they conclude that “the persistence of disjointed and wasteful practices [by the international community] are contributing factors to the current

²⁴ Ibid. pp. 24-34.

crisis and loss of momentum in Afghanistan."²⁵ As a result, Ghani and Lockhart conclude, "Neither the international community nor the Afghan government has succeeded in responding to and harnessing the energies of ordinary Afghans for building a state that would have legitimacy at home and internationally."²⁶ These claims were presented in their book at the time that Asharaf Ghani was a key instigator of the U.S.-led international intervention and served as the chief architect for building the Afghan state and its economic system. Ghani pushed for the World Bank-oriented free market economy at the expense of the public sector because that shifted most of the international assistance resources to the service-oriented non-governmental organizations and contracting companies. This push and shift depleted the Afghan public sector and prevented the newly established Afghan states from developing capabilities in support of sustainable economic development and political stability.

Barnett Rubin is a prominent author on U.S. policy for Afghanistan and, like the previous authors, views Afghanistan as a failed state and the U.S.-led mission as

He assesses that the U.S.-led international divisions, rivalries and fr

This is an accurate argument but there are many other factors, as I will discuss later, that have contributed to or collectively prevented the U.S.-led international intervention from attaining its mission objectives. Rubin sees the lack of delegation and coordination

²⁵ Ibid

²⁶ Ibid.

²⁷ Barnett R. Rubin . Peace Building and State-Building in Afghanistan: Constructing Sovereignty for Whose Security?, *Third World Quarterly* 27(1) (2006).

²⁸ Ibid.

amongst the international actors as the main factor in undermining the reconstruction of a nation state in Afghanistan, not social and political incoherence in the aftermath of the 1990s civil war and decades of conflicts. He supports the formation of a unified international decision-making body as a counterpart to the national government to bring order to the chaotic multi-agenda, doctrine, and aid policies.²⁹ Rubin views the incoherence amongst the international community as a key contributing factor to the rapid rise of insecurity and increased number of civilian and military deaths. He also includes in his assessment the inability of the U.S. and Pakistan to prevent the insurgents from infiltrating into Afghanistan as another serious shortfall contributing to the rise of insecurity. J q y " c n n " q h " v j k u " e c p " d g " e q p p g e v g f " v q " T w in his arguments.

In his 2008 Congressional Report, Kenneth Katzman pushed a positive spin by reporting from the Afghan officials who assessed that the stated objectives of the Bonn Accord (December 2001-January 2002) were met ô without evaluating the validity and effectiveness of the Bonn Accord giving the post-Taliban political process in Afghanistan, the role of regional stakeholders, and both the cultural and historical space of state formation amongst the Afghan populace. These achievements were listed as the convening of a parliament following parliamentary elections in September 2005, the presidential elections in October 2004, and the adoption of a new constitution in January 2004,³⁰ all measurements viewed by the international actors as key indicators of stability,

²⁹ Ibid.

³⁰ Katzman, Kenneth, *Afghanistan: Post-War Governance, Security, and U.S. Policy*, Congressional Report, 26 November 2008.

despite severe negligence of the Afghan political traditions, that the election in general and the individual voting system in particular were never considered as a means of legitimizing state and society relations. Katzman credited the policy shifts by the Obama administration to step up efforts, including the major expansion of the Afghan National Army in preparation for the transition of the mission to the Afghan authority, as positive steps.³¹ N k m g " r t g x k q w u " c w v j q t u " o g p v k q p g f " k p " v j k u based on the notion of fixing the Afghan failed state, under which the Afghan central government is viewed as the main engine for enforcing security, rule of law, and economic development.³² M c v | o c p ø u " c t s i t o w e o n t o f d e p t h g i v n v k p w g Afghanistan political history, wherein a fair and locally accepted balance between the authority of the state and the autonomy of the local population created sustainable stability.

Patrick Stewart, in a 2006 article, criticizes the assumptions justifying the intervention in Afghanistan based on what he calls "isolated examples, such as Al Qaeda's operations in Afghanistan."³³ Using Walter Laqueur's reference to the United Nations' listing of 49 countries as failed and failing states, Stewart rightfully argues that there are no terrorist activities in most of these countries. He warns that the interventionist approach under the pretext of reducing the threats rising from failed states (like Afghanistan and, he also notes, Columbia) has led the U.S. into an unsubstantiated direction that has wasted resources and focus.

³¹ Ibid.

³² Ibid.

³³ Patrick Stewart, "Weak States and Global Threats: Fact or Fiction?", *The Washington Quarterly* 29(2) (Spring 2006), p. 29.

Stewart questions the universal assumption of threats posed by failed and failing states and argues in favor of a more solid approach by "sitting priorities and tailoring responses to poor governance and its specific, attendant spillovers."³⁴ Stewart argues that state weakness should not be determined only by its inefficient capacity, "but it is also the question of will."³⁵ He uses examples like Zimbabwe under Robert Mugabe, where corruption and incompetency undermine the rule of law even while administratively the state capacity functions. Stewart reconstructs the notion of failed and failing states in order to establish a prioritization-based policy formulation. He differentiates all failed and failing states into four categories based on the performance of the states: "relatively good performers, states that are weak but willing, states that have the means but not the will, and those with neither the will, nor the way to fulfill the basic functions of the statehood."³⁶ With all its deeper analysis, particularly the recognition of the diversity of the state, a generalized perspective reappears within Stewart's work which is the centralization of his argument based on the notion of nation states. It might be wise to accept yet that there are different communities and political orders under which people may behave differently and build political and social contracts differently than what has been experienced in Europe under the Westphalian or post-Westphalian political orders. At its heart, Stewart's work is a critique of the Western political system which serves as a Western model of polity. Given Stewart's categorization of failed and failing states, the U.S.-led international intervention in Afghanistan through 2006 focuses more

³⁴ Ibid, p. 29.

³⁵ Ibid, p. 30.

³⁶ Ibid, p. 30

on building local collaboration in the fight against terrorism than the complex tasks of capacity building and determining political will, and this can be justifiable as it is defined by the U.S. national security documents. The question that remains unanswered by Stewart is whether or not the U.S. should have done state-building in Afghanistan at all.

In summary, Rot d g t i ø u " p q v k q p does make theoretical sense but w t k v { has too a generalized nature when it comes to addressing societies like Afghanistan ø. u Afghanistan ø n q n k v k e c n " e w n v w t g . " c v "-off nature and nng . " k u " d interventionism that is rooted in equilibrium between state and society. This means that human security demands significant investment in the social space wherein freedom, justice, and security can be established via sources of legitimate authority other than the state, mainly because the state has been the main source of threats to the Afghan populace ø human security for decades. As will be discussed later, international interventions that do not pay attention to the basic needs of the locals, which are key components of their human security, can turn into projects between the intervention actors and the state in its specific sense ô and not with the people. This can be seen in the U.S.-led international intervention in Afghanistan through 2006.

Crocker labels Afghanistan as a failed state but does not support the U.S.-led international intervention on the basis of its counterterrorism nature. He rightfully tries to make the case for considering WMDs and their proliferation as a strategic threat to U.S. national security. However, Crocker ø argument derives from a conventional threat-based perspective popular in the 20th century and he neglects the threats of terrorism and non-state malign actors in the 21st century. Significant bodies of literature consider terrorism,

particularly in relationship with WMDs, as strategic threat if not a short- to mid-term threat to post-9/11 U.S. national security.

Rashid's critiques of the U.S.-led international intervention blame almost everything on the United States, although there are dozens of other factors such as regional rivalries, the residues of past conflicts, war, etc., that may each have degraded Afghanistan's stability. A key driver in his argument is the underlying highly generalized assumption within a broader international relations perspective that views the world as a community of nations and the stability of the world as tied to the stability of the states. Rashid neglects the role of indigenous forces in democratization and stability programs. For this reason, Rashid, like many other authors, considers the U.S.-led international intervention as a state-building mission while the Bush administration launched Operation Enduring Freedom as an international counterterrorism intervention.

Likewise, Piazza derives his argument from a conventional approach to explain a highly unconventional phenomenon. A historical review of many developing countries can disapprove Piazza's conclusion and suggest that there is a validated correlation between a failed state and stateless areas wherein terrorism breeds and threatens local and international orders. Ghani and Lockhart also fell short of building a logical connection between external and internal legitimacy in assessing the state of a state. A key shortfall in their argument is that they present a highly generalized perception which considers the state's community of democratic systems as a benchmark of stability. Their internal legitimacy seems a utopia which diagnoses all social, political, and economic crises in the

developing world in one highly broad and general term by calling them failed and failing states. Ghani and Lockhart badly fail to fit the case of Afghanistan where implementing the Western-oriented notion of modern states has created a highly fragile and rigid centralized political order with limited or no historical validity.

The lack of delegation and coordination amongst the international actors in Afghanistan, as seen by Rubin, is a valid observation. But, again, this is only one of many different contributing factors in the shortfalls of the U.S.-led international intervention. From the standpoint of this dissertation, greater coordination and synchronization amongst the international actors could have improved their roles, but it would be difficult to imagine that the intervention objectives could be met in Afghanistan without satisfying the basic needs of the locals, particularly security and justice.

Kenneth Katzman's conclusion in taking the Bonn Accord as a benchmark to assess the improvement of the state of affairs in Afghanistan through 2006 may not be sufficient in assessing successful achievements. The Bonn Accord can be a mandate and its full implementation as claimed by the Afghan officials, as quoted by Katzman, should not lead to greater insecurity and injustice. If implementing the mandates established in the Bonn Conference led to greater insecurity and injustice, this suggests that there might be inaccuracy in the vision enshrined in the accord. Or, it would be very difficult to measure success based on implementing a mandate rather than by providing the life-transforming needs that can assist the indigenous population to live in conditions of security and justice.

Despite its deeper analysis, particularly the recognition of the diversity of states, U v g y c t v ø u a f g u n e p i g a s s u m i n g t h e i n t e r n a t i o n a l s y s t e m a s b e i n g c o m p r i s e d of nation states led him to create an expectation requesting all nations to behave in a uniform fashion. He argues that there are different state systems, but he falls into a similar conventional argument in labeling political orders that behave differently from the utopian Western modern states as failed and failing states. A key aspect missing in his perspective is the recognition that societies often evolve through different cultural programs that shape their tendency toward state and polity.

In conclusion, the notion of failed and failing states is not sufficient to collectively assess the problem sets across diverse groups of developing countries, particularly to consider such states as a threat due to v g t t q t k u v " ð u c p e e o f W M D s k g u ö " q t " This is true in the case of Afghanistan because the failed and failing states assumption (a) does not reflect local Afghan perspectives, and (b) is not sufficient enough to be accepted as a doctrinal framework for the U.S.-led international intervention in Afghanistan. To broaden this discussion, the following section reviews literature that goes beyond the generalized perception of failed and failing states.

Beyond the Interpretations of Failed and Failing States

Ahmad Nader Nadery accepts Afg j c p k u v c p ø u " c e j k g x g o g p v " k p transition, but he argues the country has stalled in the past because its people have never dealt with past injustices through development of a transitional justice strategy. Because of this, Nadery assesses, Afghanistan and its people are not only suffering from past traumas due to the ð i t c x g u v " x k q n c v k q p u " q h " j w o c p " t k i j v "

consequences stemming from these violations.³⁷ He blames the international community and the Afghan government who jointly, intervene to call for justice. From a conflict resolution perspective, Nadery's argument, without framing it on the basis of failed and failing states, highlights the importance of conflict transformation in post-conflict peace-building. Nadery believes that failure to deal with the crimes of the past threatens the legitimacy and democratic foundation of the state. The virtue of this argument is that it explains the absence of justice as it was explained by the international intervention actors in Afghanistan. In fact, the international community and Afghan leadership have been prevented from supporting transitional justice because of the presence of a significant number of former militia leaders with human rights violations records currently serving in the government. This substantiates the crucial role of satisfying the basic needs of the indigenous population in international interventions: Otherwise people can not transform from past traumas. According to Nadery, this disturbing reality has led, to a certain extent, to a distorted local perspective on justice, especially as many of these former militia men abuse the system and shape a culture of impunity that questions the entire justice system supported by the international intervention in Afghanistan.³⁸

Nadery's argument is that the international literature that looks at a political crisis like that in Afghanistan outside of the assumption of failed and failing states by trying to create greater depth in the discussion over transforming society beyond

³⁷ Ahmad Nader Nadery, "Peace or Justice? Transitional Justice in Afghanistan," *The International Journal of Transitional Justice*, Oxford University (2007).

³⁸ Ibid.

its past trauma. Brandon Hamber and Richard Wilson (2002) used human security data in a post-conflict environment in order to explain the state of human rights perspectives.

They strongly argue that conflict transformation requires the establishment of institutions that enforce parameters for protecting and improving human rights. In this direction they note the important role of truth and reconciliation as a socio-political and cultural capability toward peaceful transformation. This can be done by a wide variety of methods, but mainly by victims and perpetrators, regardless of whether or not their political order is labeled as a failed or failing state. The authors use South Africa as a case study and apply their findings in order to draw on trauma analysis experience and anthropological field work among survivors. Whether or not South Africa was a failed or failing state is a question that may need to be answered in a different place and time. The bottom line for their argument is that "nations are not like individuals in that they do not have collective psyches, that nation-building discourses on reconciliation often u w d q t f k p c v g " k p f k x k f w c n u ø " p g g f a l p r o c e s s e s o f " v j c v " v healing work on different time lines."³⁹ These arguments collectively and in different ways question the incorporation of former militia commanders (or, in the words of Nadery, human rights violators) into the post-Taliban state through 2006. This is a critique of the prioritization of building local coalitions in the Global War on Terrorism over building political will for good governance and the rule of law. Governance, here, means the ability to self-rule and not the system of reward and punishment that was labeled as justice under the pretext of failed and failing states.

³⁹ Brandon Hamber and Richard A. Wilson, "Symbolic Closure Through Memory, Reparation and Revenge in Post-Conflict Societies," *Journal of Human Rights* 1(1) (March 2002), pp. 35-53.

Derik Brinkerhoff views effective governance as a structural necessity for post-conflict state-building.⁴⁰ He argues that without effective governance it would be difficult to establish peace, reconstruct states, and prevent conflicts. Brinkerhoff's arguments shed light on the core conventional statist approach by focusing on people as the source of governance, not the state. This is why he argues that human security can be advanced only if post-conflict governance is reconstructed. Brinkerhoff rightfully argues that international intervention strategies need to incorporate policies that are focused on the linkages between security and governance. In this regard, Brinkerhoff argues that securing governance offers societies the ability to leave their traumatic conditions and move toward greater human development. As I will discuss to a certain extent later, *Transformation in the Case of "Korq" Afghanistan*, it is *governance* and not government that shapes the center of gravity of *Chicpukuv* and which demanded a *definitive transformation approach* under the guise of the U.S.-led international intervention.

Rolf Schwartz argues that post-conflict peace-building "requires sophisticated social engineering policies, is grounded in a historical understanding and subscribes to local ownership."⁴¹ Schwartz rightfully reemphasizes the role of history in the development of a given conflict and the struggle of societies that attempt to depart from it. In this case, state formation, he argues, has a central role in post-conflict peace-building: "This sensitization can best be captured through three issue-areas: security,

⁴⁰ Derick W. Brinkerhoff, *Governance in Post-Conflict Society: Rebuilding Fragile States* (London: T & F Books UK, 2007), pp. 210-27.

⁴¹ Rolf Schwarz, "Post-Conflict Peacebuilding: The Challenges of Security, Welfare and Representation," *Security Dialogue* 36(4) (2005), pp. 429-446.

y g n h c t g " c p f ⁴² What Schwartz argues offers a more holistic and evolutionary process in assessing the contemporary political crisis as transforming from violence to stability and peace. Even though Schwartz relies on the historical patterns of a conflict, he approaches the stated themes from a structural point of view, more or less along what Burton and Galtung argue. He moves beyond the narrow and too-conventional perspective of failed and failing states, from which he suggests the international actors pay attention to state-building, security, development aid, civil society, and sovereignty. It is not only the state that needs to be supported or built; Schwartz brings other key variables in order to help society to transform itself while receiving international assistance. Applying the notion of local ownership in Schwartz's assumption is highly critical for the post-Taliban political era of Afghanistan. This approach is hybrid and holistic and should fit well in explaining the difference of perspectives between international actors and the local population. This approach delves deeper into the whole discussion of political will and capacity building of the population as a way to move people out of conflict. Local ownership is a key characteristic of the political tradition in Afghanistan and it has been seen as a core narrative q h " n q e c n u ø " perspectives on security and justice as I will discuss more in later chapters.

Astri Suhrke and Kaja Borchgrevink go beyond the top-down analysis of failed and failing states by showing the failures of the state justice system as result of fieldwork conducted in both urban and rural Afghanistan. They assess that the current formal justice sector in Afghanistan is dysfunctional, even though reforming and reconstructing it have

⁴² Ibid.

been high on the Western-supported agenda. The authors reason such dysfunction to be

diversity and constant negations between Islamic principles, customary law, and Western legal traditions, ⁴³ This view goes deep in the heart of the life-transforming peace-building and post-conflict stability programs, and supports the idea that the assumption of failed and failing states is too narrow and almost irrelevant to the historical and cultural nature of societies like Afghanistan. The legal system backed by the international intervention actors in the post-Taliban era, the authors offer a profound narrative of justice as it has been perceived and attained by the Afghans for many decades.

The authors conclude that the extreme dependency of the Afghan state left no space for a genuine discourse. This means the international intervention has limited local participation in defining problems and offering solutions. Lack of accurate discourse has reduced options and choices in reforming and ⁴⁴ that can fit within the Afghan requirements. According to the authors, the conflicted nature of the Western universalistic approach by the donors toward reforming and rebuilding the justice system in Afghanistan has jammed the formal system (the state judiciary and law enforcement) from meeting the expectation of

⁴³ Astri Suhrke and Kaja Borchgrevink, "Negotiating Justice Sector Reform in Afghanistan," *Crime, Law and Social Change* 51(2) (2008).

⁴⁴ The concept of *syncretism*, the inclusiveness and e.g. melding of old and new ideas.

the population within the urban centers. They also argue that the formal justice system has failed to connect y k v j " t w t c n " C h i j c p k u v c p " y j g t g k p " x k r conservative religious constituency that wields moral authority and helps dispense justice c v " v j g " ⁴⁵ n q e c n " n g x g n 0 ö

Suhrke and D q t e j i findings reveals serious limitations on legitimacy and efficacy within the simple legal transplant by Western donors. Instead, they propose the h q n n q y k p i < " õ V q " d g " n g i k v k o c v g " c p f " g h h g e v k x g the foundations of justice in Afghan, i.e. Islamic law, as well as Afghan traditions, or what the mullahs describe as *islamiyat* and *afghaniyat*. öI argue that there are still deeper contexts, both cultural and historical, that the authors did not grasp well and which I will discuss briefly at the end of this chapter.⁴⁶ A key notion in the Afghan legal tradition is the development of some kind of transparent fairness between disputants and, more importantly, among the people who may directly or indirectly affect final adjudication or arbitration. This is very true in the Afghan political tradition: The people do not see justice via signing a binding contract with the state, but prefer to have a balanced relationship that can be checked by the trusted mediators representing their communities, not the state. This is the reason that in the last 200 years, the populace has voluntarily defended the country when there was a foreign invasion while the government in power was in agreement with the invaders.

Based on the above discussion, I can argue that what Suhrke and Borchgrevink argue shapes a fundamental critique to the notion that considers Afghanistan a failed

⁴⁵ Ibid.

⁴⁶ Ibid.

potentially effective if adequate space and resources are given by Western donors. This, in practice, offers a broader definition of justice in comparison to what is defined by the Afghan state or the U.S.-led international intervention programs in support of the rule of law in Afghanistan. As I will discuss more in a later chapter, this in turn suggests a more bottom-up legitimate and effective program to reform and reconstruct the justice system. The key emphasis here is the importance of paying attention to local perspectives on justice so that the locals view the justice system as fair and legitimate.

Fatima Ayub goes through a narrative of the U.S.-led international intervention in Afghanistan in order to establish the objectives of the intervention as an act of self-defense and not a humanitarian mission. Her argument poses a direct challenge to those authors who consider the U.S.-led international intervention as an effort to fix the failed state of Afghanistan. She describes the policy of the intervention as without having any intentions of focusing on the long-term stabilization, state-building, or economic development of Afghanistan.⁴⁷ Ayub states that the discussions of state-building and long-term stability were injected in U.S. policy toward Afghanistan to justify the prolongation of the U.S.-led military presence in Afghanistan, mainly because of its failure to bring Al Qaeda leaders to justice.⁴⁸ Ayub brings a more regional dimension into the discussion which criticizes the U.S. and NATO for limited or lack of policy in

⁴⁷ Fatima Ayub, "Fighting the Course? Humanitarian Intervention, the War on Terror and the Future of Afghanistan," *International Affairs* 84 (July 2008).

⁴⁸ Ibid.

transforming Afghanistan toward peace and stability. She analyzes the post-Taliban national security interests mismatch, she argues, led to the prioritization of power-sharing over progress via governance and development. As a result, she argues, a culture of impunity became the dominant trend across the newly formed Afghan government and left the responsibility for desperately needed structure and political reform without ownership.⁴⁹ Ayub's discussion is brilliant, but fails to substantiate her argument accusing the U.S. of deliberate lack of attention to enhancing governance and development programs because of its failure to justify its long-term military presence in Afghanistan. She also fails to explain why the U.S. needs a long-term military presence in Afghanistan. In claiming a mismatch between the mandates at the Bonn conference and the U.S. military objectives in Afghanistan, again she fails to develop her argument and also fails to assess other key factors, e.g., local conditions such as culture and history. At the regional level, she fails to mention the impact of the Islamization of Pakistan and Iran on the political process in Afghanistan and the proxy nature of this Islamization that has created, for the first time in the history of the country, well-funded and armed Islamist groups and leaders in positions of power.

In his well-resourced article, Aidan Hehir puts a serious challenge toward all of those authors who view Afghanistan as a failed state and the mission of the U.S.-led international intervention as being to fix the state. He argues that there is not enough

⁴⁹ Ibid.

empirical data to support the argument that international terrorism is a global phenomenon. He takes one step further and challenges the validity of literatures suggesting the requirement for external intervention and guided democratization as a solution to the problem. The author agrees that Afghanistan is a state that has served as a base for international terrorism and that this was the reason that UN Security Council Resolution 1378 in 2001 gained widespread international support.⁵⁰ The international consensus was built, the author argues, on the linkage between Afghanistan and the 9/11 attacks; not because Afghanistan was considered a failed state and the global community intended to fix it, but because of the active support by the Taliban regime for Al Qaeda. Also, Al Qaeda did not establish a base because Afghanistan was a failed state, but because the Taliban regime/the Afghan government allowed the terrorist leaders to use Afghanistan as a base. Thus, it is baseless to conclude terrorism emerged because the central government did not have control over a certain portion of the territory.⁵²

In conclusion, the author argues that the UN Security Council Resolution 1378 is a result of a democratic transition, but he challenges its sustainability mainly because the country has stalled in the past because of the absence of transitional justice or healing past wounds. This argument rightfully challenges the conventional wisdom that international intervention is its ultimate objective, justice propagated by the international intervention actors in

⁵⁰ UN Security Council Resolution 1378 in 2001 <http://www.un.org/Docs/scres/2001/sc2001.htm>

⁵¹ Aidan Hehir, "The Myth of the Failed State and the War on Terror: A Challenge to the Conventional Wisdom," *Journal of Intervention and Statebuilding* 1(3) (2007).

⁵² Ibid.

Afghanistan. Brandon Hamber and Richard Wilson use "human security" data in post-conflict Afghanistan to establish the case for the importance of human rights is another reflective discussion of the current reality in societies like Afghanistan. The notions of conflict transformation and the importance of establishing institutions to protect and improve human rights, as raised by authors, are highly significant in stability programs. In this direction the authors note the important role of truth and reconciliation as a socio-political and cultural capability toward peaceful transformation.

Brinkerhoff's people-centric approach establishes a significant literary step in moving beyond the narrow assumptions of the failed and failing states when problem sets like those in Afghanistan need to be investigated. Instead of states and governments, he focuses on *governance*, a more fundamental aspect of any stability program in places such as Afghanistan. As I will discuss more in later chapters, Brinkerhoff's argument on linking security to governance ascribes the most strategic characteristic of the current stability operations in Afghanistan. Rolf Schwartz's argument on the post-conflict peace-building need to build sophisticated social policies that can be rooted in a historical understanding and which subscribes to local ownership is an enriching contribution to this research. As I will discuss in later chapters, local ownership of stability programs in Afghanistan emerges as crucial to explain reasons of differences of perspectives on security and justice between international actors and the indigenous population.

Astri Suhrke and Kaja Borchgrevink go beyond the top-down analysis of failed and failing states by showing the failures of the state justice system after fieldwork conducted in both urban and rural Afghanistan. Their assessment of the post-Taliban

formal justice sector opens a window showing the differences of perspectives of security and justice between international actors and the local population. More importantly, it reveals the implications such diverse differences can cause for the stability of the country. This view goes deep in the heart of the life-transforming peace-building and post-conflict stability programs in that the assumption of failed and failing states is too narrow and almost irrelevant to the historical and cultural nature of societies like Afghanistan.

Ayub's discussion is brilliant, but fails to substantiate her argument accusing the U.S. of a deliberate lack of attention in enhancing governance and development programs. She blames Washington for justifying its long-term military presence in Afghanistan, literally, by holding back governance and development programs. Even though there is some validity in what she argues, she falls into some kind of conspiracy theory instead of developing her discussion on the importance of governance and economic development in the U.S.-led international intervention in Afghanistan.

By moving beyond the notion of failed and failing states in assessing the U.S.-led international intervention, Aidan Hehir questions the conventional argument of fixing states via military intervention. In doing so, he argues that there is not enough empirical evidence to support the claim that military intervention leads to stability and the end of terrorism. He takes one step further and challenges the validity of literatures suggesting the requirement for external intervention and guided democratization as a solution to the problem. The author's move beyond the narrow assumption of failed and failing states brings up issues that are crucial markers of stability, such as the ability to self-rule, or governance and establishing communal harmony and social stability rather than imposing

a reward and punishment system of justice as designed by international intervention actors.

This section highlights the importance of looking at a political crisis like that in Afghanistan from holistic and evolutionary perspectives that reflect the dynamic socio-political reality on the ground. This also establishes a theoretical framework to assess the difference of perspectives between international actors and the local population in the area of justice. In addition, this theoretical framework sets parameters to assess the reasons shaping such differences in assessing a political crisis and transformation from violence to stability and peace. In the light of this review, I will establish a comparative discussion between formal and informal justice systems in order to reveal the differences of perspectives between international actors and local populations. The following section will briefly illustrate the notion of failed and failing states in the U.S. and UK post-9/11 national security order that became the driving doctrinal framework in the international intervention against the Taliban regime and Al Qaeda sanctuaries in Afghanistan.

U.S. Foreign Policy and the Assumptions of Failed States

Regardless of the existence of different interpretations of the perception of failed and failing states and its highly limited scope of applicability to contemporary economies as were discussed in previous sections of this chapter, this perception turned into a self-evident proposition in the U.S. National Security Strategy under the Bush administration. The strategy considered these states as threatening Western civilizations and, from that angle, the national security of the United States. Incomplete to challenge such

v j t g c v u . " k p v g t p c v k q p c n " k p v g t h e t h r e a t s w e r e q p u " v q " ð h
generated. The philosophical assumption in fixing the failed and failing state was the
premise of liberating local populations via democratic governance to mitigate internal
instability and consequently root up the menace of global terrorism. The key argument
presented was the main reason indigenous populations become affected by terrorism: a
lack of freedom and democracy.

V j g " W O U O ø u " u v t q p i " n g c f g t u j k r " k p " v j g " I n q
assumption of failed and failing states encouraged other coalition partners, particularly
the United Kingdom, to arrive at a similar presumption. This assumption formed the
underlying narrative of the U.S. and other Western leaders in explaining the Global War
on Terrorism. In February 2002, British Prime Minister Tony Blair compared the intense
international interest in helping Afghanistan rebuild a new state with the lack of interest
in getting involved in helping the Congo: ð K h " { q w " c n n q y " c " u g t k g u " q h
then sooner or la v g t " { q w " g p f " w r " j c x k p , N o v e m b e r 2 , 2 0 0 2) " y k v j "
h g " e q p v k p w g f " c t i w k p i " v j ; t h i s a s s u m p t i o n l e d h i s " u v c v g u " d t
government into very close cooperation with the Bush administration.⁵³ Jack Straw,
D t k v c k p ø a t " g h v q t t g k " i q v " u v g j k u " v k o g . " g e j q g f " v j k u "
out of roughly 120 wars in the 1990s were between states . . . when we allow
i q x g t p o g p v u " v q " h c k n . " y c t n q t f u . " e t k k p c n u . "
the 2002 book, *Re-ordering the World*, edited by Mark Leonard, Robert Cooper, a senior

⁵³ D n c S e e k i n g S w r r q T a c k l e F a i l e d S t a t e s , ð D a w n , M o n d a y , J u l y 1 4 , 2 0 0 3 .

⁵⁴ Ibid.

c f x k u q t " k p " D n c k t ø u " i q x g t p o g p v . " w u g u " v j g " c u

to advocate Western intervention as an obligation to protect the global order. He writes:

Empire and imperialism are words that have become terms of abuse in the post-modern world. Today, there are no colonial powers willing to take on the job, though the opportunities, perhaps even the need, for colonisation is as great as it ever was in the 19th century. Those left out of the global economy risk falling into a vicious circle. Weak government means disorder and that means falling investment All the conditions for imperialism are there . . . the weak still need the strong and the strong still need an orderly world What is needed then is a new kind of imperialism, one acceptable to a world of human rights and cosmopolitan values.⁵⁵

In the United States, key officials very often used the assumption of the failed and failing states in order to justify the administration's foreign policy. In 2005, Secretary of State Condoleezza Rice echoed these sentiments, arguing:

Today . . . the greatest threats to our security are defined more by the dynamics within weak and failing states than by the borders between strong and aggressive ones Our experience of this new world leads us to conclude that the fundamental character of regimes matters more today than the international distribution of power.⁵⁶

The urgency that was felt by the Bush administration, especially considering that dealing with threats rising from the failed and failing states was a "top-priority," led to launching of special initiatives. On August 15, 2004, the administration established the Office of the Coordinator for Reconstruction and Stabilization (OCRS) with a mission statement that viewed failed and failing states as "one of the greatest national and international security challenges of our day, threatening vulnerable populations, their

⁵⁵ *Reordering the World*, edited by Mark Leonard, foreword by Tony Blair (London: The Foreign Policy Centre, 2002).

⁵⁶ Liana Sun Wyler, *Weak and Failing States: Evolving Security Threats and U.S. Policy*, CRS Report to Congress, August 28, 2008.

neighbors, our allies, and ourselves."⁵⁷ This threat analysis was based on the assumption of the nexus between these states with global terrorism. As a result, the administration established the Millennium Challenge Account (MCA), which was tasked with supporting good governance and justice among the affected nations. President Bush asked for \$3 billion from Congress for the MCA's programs for 2006, with a promise for increasing the allocation of funding to \$5 billion dollars.⁵⁸

The articulated rationale that drove the Bush administration to define this foreign policy initiative on the basis of a systematic linkage between intra-state collapse and national security was well established in numerous key national security documents. Starting from the Bush administration's National Security Doctrine released in September 2002, the assumption of the nexus between global terrorism and failed states became a dominant trend. The Commission on Weak States and U.S. National Security provides an indicative statement of this assumption:

Weak and failed governments generate instability, which harms their citizens, drags down their neighbors and ultimately threatens U.S. interests in building an effective international system, providing the foundation for continued prosperity, and, not least, protecting Americans from external threats to our security.⁵⁹

The U.S. National Intelligence Council outlined the logic underpinning this

r g t u r g e v k x g < " ð k p v g t p c n " e q p h n k e v u " e c p " r t q f w
territory or populations devoid of effective governmental control. In such instances those

⁵⁷ The U.S. State Department, Office of the Coordinator for Reconstruction and Stabilization (OCRS) . ö 2004.

⁵⁸ Report on Countries that Are Candidates for Millennium Challenge Account Eligibility in Fiscal Year 2006 . http://www.mcc.gov/documents/reports/fy06_candidate_report.pdf.

⁵⁹ Center for Global Development, 23 June 2004, Washington, DC, http://www.cgdev.org/section/initiatives/_archive/weakstates.

territories can become sanctuaries for transnational terrorists like al-S c g ⁶⁰ The 2005 National Intelligence Strategy of the United States (NIS) considered failed states "as [a] breeding ground of international instability, violence, and misery."⁶¹ The NIS continued, "we have learned to our peril that the lack of freedom in one state endangers the peace and freedom of others and that failed states are a refuge and breeding ground of extremism."⁶² This trend continued as the dominant national security narrative of U.S. foreign policy initiatives during this time. The 2006 National Security Strategy (NSS) reaffirmed the strong will of the Bush administration in mitigating "the challenges of our time by leading a growing community of democracies."⁶³ In the document, democracy was viewed as the universal remedy for the ills of global terrorism. This premise was based on the reaffirmation of the threats of failed states as it was assumed in the NSS 2005: "failed states . . . became safe havens for terrorists"⁶⁴

The adaptation of the failed and failing states concept by the Bush administration and the UK in framing the international intervention in Afghanistan in 2001 and the invasion of Iraq in 2003 was a shortcut policy approach to the growing political crisis across these developing countries. Labeling states in developing countries on the basis of a generalized linkage with global terrorism was too narrow to assess the threats posed against the international order. As discussed in the *Beyond the Failed and Failing States* section of this chapter, this linkage was never substantiated. Thus, considering the

⁶⁰ "The 2020 Global Landscape," 2005, <http://www.foia.cia.gov/2020/2020.pdf>.

⁶¹ National Intelligence Strategy, October, 2005, p. 12, <http://www.dni.gov/publications/NISOctober2005.pdf>.

⁶² Ibid, p. 8.

⁶³ National Security Strategy, 2006, p. ii, <http://www.comw.org/qdr/fulltext/nss2006.pdf>.

⁶⁴ Ibid, p. 15.

states within the developing world as existential threats served more as the means of an ideological justification of the NewCons in the Bush administration who saw the world in black and white. They pushed the administration to use U.S. military forces to fix failed states. At the heart of this policy approach was a gross neglect in attempting to understand the perspectives of the those populations/states that were considered failed and failing regarding the assumption that argued there are existential threats between global terrorism and failed and failing states. The U.S. and UK reliance on the notion of failed and failing states and their linkage of such states to global terrorism took place at a time when there were very different perspectives about threats to the international order present across developing countries that shaped a conceptual gap that needs to be investigated briefly. In the following section, I will discuss the conceptual assumption of failed and failing states in order to set the stage for going more in-depth into the differences of perspectives between international actors and the local population over security and justice in Afghanistan.

The Conceptual Gap in the Failed State Assumptions

V j g " w p k x g t u c n n { " q t k g p v g f " ã q p g " u k | g " h k v u represents conventional methods of intervention in highly unconventional complex social and political conditions. In the case of Afghanistan, the analytical assumptions that shaped the U.S.-led international intervention were rooted in this conventional notion of failed and failing states. As a result, fixing failed and failing states constructed the philosophical perceptions behind the intervention. Military resources were deployed to turn the international intervention's perception into Afghanistan's reality.

This formulation of policy and policy execution directed the U.S.-led resources into an operational environment that was wrapped tightly with local history and cultures. In Afghanistan, local history and cultures articulated local perspectives in a way often different than that assumed by the Western international intervention actors of failed and failing states. These differences are discussed briefly in the following pages and later, particularly with regard to perspectives of security and justice, in chapters four and five.

Defining the problem set in Afghanistan on the basis of failed and failing states and recommending external intervention in fixing them by the group of authors reviewed in this chapter offers some conventional and global frameworks that are more in line with multinational or international organizations such as the World Bank or the United Nations than with the normative social and political environment in Afghanistan. A critique on the notion of failed and failing states with respect to the Global War on Terrorism that was presented in this chapter by Fatima Ayub (2008), Aidan Hehir (2007), Astri Suhrke and Kaja Borchgrevink (2008) and Ahmed Nader Nadery (2007) enriches the literature \emptyset discourse over the application of U.S.-led intervention. Applying the failed and failing states concept to Afghanistan as a conventional assumption without paying attention to local history and cultures reveals a serious conceptual gap in the discourse of failed and failing state as it relates to the Global War on Terrorism in Afghanistan. Indeed, the emergence of this gap, amongst many other factors, has profoundly contributed to the rising challenges faced by the U.S.-led international intervention. As is demonstrated in the following chapters, explaining the differences

between local versus international perceptions, more specifically with regard to security and justice, is an attempt to fill this conceptual gap.

Literature that defined Afghanistan as a failed state, in most cases, fell short of taking local history and cultures and more importantly local perspectives into account. This shortfall is more obvious when authors suggest external intervention to fix these failed and failing states without significant investment in human development. For this reason their assumptions, as contributing to or reflected in the policy and application of policy in the U.S.-led international intervention in Afghanistan, faced the following analytical problems.

Considering Afghanistan as a failed or failing state because a central government cannot exert control over the whole territory without any substantiation, e.g. local historical accounts, is the first issue. Historically, the Afghan state's physical control of the entirety of its national territory has never been a valid reference point in assessing its ability to govern. The "double compact" model of state that Ghani and Lockhart discuss, for instance, has never had any historical record in Afghanistan. In addition, Afghanistan has never experienced a government that developed strategies to make key economic, social, and political institutions function and be viewed as fully legitimate in the eyes of the international community. Or, like many other states in the world that can be classified as failed states, it never threatened global security. In comparison with the Taliban regime, the time of the Musahiban monarchy was considered the most stable era of contemporary history, despite holding significantly less control over its territory.

Some authors even argue that internal or external violence affecting the affairs of the state and its populations cannot qualify a state to be labeled as failed or failing.

They do not condition failure and the absence of violence

on the absence of violence.⁶⁵ By looking at the

history and the political traditions in Afghanistan, one can clearly discover that the

stability and the legitimacy of the government were judged by the ability of its leaders to

balance their interests against local needs and priorities.

Selected authors in this review often used the *Failed State Index Report* that was compiled by Foreign Policy and the Fund for Peace in 2006.⁶⁶ The index uses 12

indicators of failure marks, with indicators of ten or higher as worst.⁶⁷ The 2006 index,

for instance, reported Afghanistan as ranked 10th based on the aggregated data by

researchers. At the same time, the index reported that Burundi ranked 15th in all 12

indicators while Zimbabwe, with a rank of 9.8, held no traces of threat to global security

from the perspective of the Global War on Terrorism. The 12 indicators of failure as a

methodology can be divided into two broad assumptions: (a) the administrative capability

and (b) coercive capacity. The aggregated negative results of both assumptions conclude

a state to be labeled as failed or failing. In most cases, it would be very difficult to have a

universal collaboration between both assumptions to establish a scientifically

substantiated conclusion.

⁶⁵ Rotberg, 2004, p. 4.

⁶⁶ *Failed State Index Report*, 2006.

⁶⁷ *Failed State Index Report*, 2007.

In summary, the assumption of failed and failing states faces the following challenges in building a coherent relationship between U.S. national security interests as reflected in the U.S.-led international intervention through 2006: It was not sufficient to address the aspirations of the local Afghans suffering from a theocratic dictatorship; also, the scope of the assumption was too narrow to build coherent political strategy in support of a successful military campaign.

Looking from the failed state index point of view, one can agree that the Taliban regime was falling short in the areas of administrative capability compared with a h w p e v k q p k p i " õ o q f g t p y e d s i g n i f i c a n t c o e r c i v e c a p a c i t y a n d g " t g i k o g claimed control over 80% of the territory, with a small percent controlled by the forces led by Ahmed Shah Massoud. The Taliban regime controlled all major cities, highways, airports, land ports, and international entries. The regime used coercion in disarming bandits and opening highways to commerce and trade. Given these facts, it would be difficult to mark the Taliban regime as a failed state based on the aggregated results of the indicators compiled by the index, and would be more complicated to recommend external intervention on that ground. Therefore, using indicators such as the presence of internal violence as seen in the conflict between the Taliban regime and the Northern Alliance, the dictatorial nature of the regime, and its territorial control, cannot fully explain the need for the U.S.-led international intervention in Afghanistan. To further this analysis, the next section will offer a more direct discussion from historical and cultural perspectives in Afghanistan in order to build a conceptual bridge between theory and practice as we move forward into the next chapters in this dissertation.

The Question of Stability and Failure of the State in Afghanistan

Contrary to the conventional and centralized approaches for fixing the state as discussed by the group of authors in the previous section in this chapter, effective Afghan leaders throughout of 20th century leveraged their power by devolving authority to non-state mediators to resolve many diverse local and regional grievances on the preserve order and enhance its authority even in the absence of effective state institutions that could provide basic services such as drinking water, passable roads, electricity, and widespread access to healthcare and education. This system was highly functional and grounded in local perceptions of fairness and trust, which were more community-based. The level of fairness and trustworthiness of the government authority in the eyes of the locals was the main factor that contributed to the legitimacy of the government, not the electoral process that was implanted by the international intervention actors in post-9/11 Afghanistan. The fairness and trust factors, historically, shaped a political process that also formed the legitimacy of the state in the eyes of the international community, as opposed to the universal application of an electoral political system programmed and funded by international organizations.

Taking the perception of fairness and trust at the community level as the most important unit of analysis in the statecraft equation of power and politics in Afghanistan leads to effective strategies to make the state sustainable. As was discussed by Astri Suhrke and Kaja Borchgrevink * 4 2 2 : + . " C h i j c p k u v c p ø u " v t c f k v k ethnic, linguistic, and tribal boundaries with ease because it was in the interest of all

parties to cooperate. As a result, Afghanistan benefited from an evolving traditional mediation system that settled disputes between people and governmental authority as well as amongst the population. It was a results-oriented system in which formal government institutions played a decreasingly smaller role the farther one was from the centers of state authority. This is still the case, even within the urban centers, as reflected in the data collected by Tufts University and USIP (and discussed in the following chapters of this research). Historically, state authority has not solely been based on the monopoly on or use of violence but on the ability of its leaders and state and non-state institutions to balance their interests with the collective desires and inspiration of the people.

Ghani and Lockhart, Barnett R. Rubin (2006), James A. Piazza (2008), and other authors fell severely short in acknowledging how this finely balanced system offered Afghanistan a sense of security and fairness in terms of justice as defined within Western social and political experiences. The 2006 U.S. National Security Strategy, for instance, recognized the virtue of democracy as the most strategic weapons system against terrorism. The document supported the argument that democracies can only "maintain order within their own borders." The document also suggested that democracies are the systems that can "address the causes of conflicts peacefully."⁶⁸ The

NSS i w k f g n k p g u . " n k m g " I j c p k " c p f " N q e m j c t v ø u " c t
r j k n q u q r j k e c n " q t k g p v c v k q p " v j c v " k u " t q q v g f " k
v j g q t { ö " v q " v j g " e j c n n g p i g u " r q u g f "radicpeace g t t q t k

⁶⁸ National Security Strategy, 2006, pp. 3-7.

theory in counterterrorism in Afghanistan denies the historical pattern of the stability of the state that has been attacked by radical regimes and their radical centralization programs, as seen in 1978 when the Communist regime seized power and began to use violent force in order to establish its authority over a country that had been maintaining political stability with a legitimately viewed government.

Similar to post-Taliban Afghanistan, under the Communist regime resources were targeted exclusively to building up the national government on the assumption that only increased centralized state power could bring stability to Afghanistan. In post-Taliban Afghanistan, these initiatives included expanding the reach of the national courts and police, building a stronger army, and giving unstinting support to all officials appointed by the Kabul government. In many of the assumptions presented by Ashraf Ghani and Clare Lockhart (2008), Ahmed Rashid (2008), Kenneth Katzman (2008), Barnett Rubin (2006), James Piazza (2008), Chester Crocker (2003), Patrick Stewart (2006), and Robert Rotberg (2002), to a large extent, the ineffectiveness of this strategy is evident, but the source of the problem is not. Most blame the international community or the Karzai administration in Kabul; both have many shortfalls, but the root cause is deeper.

In most cases, these authors offer valid perspectives that represent the vested interests of the international actors in Afghanistan with some level of accuracy. However, they analytically fall short by equating governance with the role of a government that is backed by the U.S.-led international intervention. Within an Afghan context, governance is the manner in which communities regulate themselves via a mediation system in order to preserve social order and maintain their security. While government is the action of

ruling the continuous exercise of state authority over its subjects in the case of Afghanistan, it has traditionally been via negotiation rather than force. In this direction, security is based on the local trust of the institutions that, after three decades of wars and conflict, do not behave as predatory actors, and justice stands on the fairness of settling disputes and resolving conflicts.

The analytical premises of the relationship between the local needs and the vested interests of governing institutions in the Western social and political experience presents a different dynamic. In the Western developed countries, governments are the monopoly suppliers of governance, yet this has not been the case historically in Afghanistan. In Afghanistan, there has been adequate governance in the absence or weak presence of formal central government institutions. In fact, in rural Afghanistan, where more than 80% of the population resides, even during the civil war era of the 1990s, this has been the norm rather than the exception. As will be reflected in the Tufts and USIP data in the later chapters of this research, the majority of the people resolved their disputes, engaged in commercial transactions, and developed social contracts mainly through non-governmental forums and mechanisms.

In sharp contrast to the policy and polity of the U.S.-led international intervention actors, the majority of Afghans have still rarely depended on formal government institutions to regulate local affairs. In the past, only when disputes that threatened the local peace grew beyond the ability of the local communities to handle them did district or provincial government authorities intervene with state power. Recent reports, including the International Crisis Group Report, *The Taliban in Afghanistan: A New Chapter in the Struggle for Power*

Judiciary, öNovember 2010, show that the majority of all civil and criminal cases, assumed to be the sole legal property of the formal state judiciary, are still adjudicated and settled outside of government courthouses.

This has created a profound discrepancy between the highly centralized political order, particularly in the area of security and justice, and the traditional practice of local i q x g t p c p e g " k p " C h i j c p k u v c p 0 " N q e c n u ø " t g n k c p e been a contributing factor to the weakness of the U.S.-backed centralized government, undermining the traditional balance between the interests of the state and the local u ø desire and needs. As the Tufts, USIP, and other recent data reveals, the practice of local governance, i.e. settlement of civil and criminal cases outside of government courthouses, is done with the full knowledge and often participation of local government officials. Yet both the acknowledgement and participation of the local officials are officially prohibited by the new Afghan civil and criminal codes.⁶⁹ Still, this practice has increasingly been the case in rural districts, even those not far from the major urban centers.⁷⁰ According to recent reports, such officials find informal methods of mediation and arbitration more effective and speedier for resolving local disputes than the formal court system of the government they serve.⁷¹

V j k u " o k p k o c n k u v " c r r t q c e j " v q " i q x g t p o g p v " residents and local officials during decades of stability is missing in the U.S.-led

⁶⁹ Amy Senier, "Rebuilding the Judicial Sector in Afghanistan: The Role of Customary Law," *The Fletcher School Online Journal for Issues Related to Southwest Asia and Islamic Civilization* (Spring 2006).

⁷⁰ Thomas Barfield, "Culture and Custom in Nation-Building: Law in Afghanistan," *60 Maine Law Review*. 347 (2008).

⁷¹ Kenneth Katzman, "Afghanistan: Government Formation and Performance," *Congressional Report*, 2009.

international intervention strategies. A minimalist state, traditionally, was devoted only to collecting taxes, conscripting soldiers, and preventing banditry, and allowed enough large space for the population to feel ownership and be responsible for the essence of security and fair relationships both among themselves and also with the state. In contrast, those regimes that insisted on imposing greater state authority generated insurgencies in opposition to them. In one case, that of Amir Abdur Rahman (1880-1901), the national state prevailed by using ethnic and religious cleansing and brutalities that destroyed the balance between state and non-state social authority and order. This destruction significantly contributed to a post-Abdur Rahman era of infighting among his successors and left serious scars in the inter-ethnic and religious character of Afghanistan that have never healed.⁷² More recent instances of state expansion under King Amanullah (1919-29)⁷³ and the People Democratic Party of Afghanistan (1978-92) failed and the national government collapsed.⁷⁴ In 1996, when the Taliban regime came to power, they violated that traditional balance between state and society by enforcing their highly centralized social and political orders rooted in their extremist theological and ideological doctrine. They even violated the *shura* notion of governance by selecting their commander as the emir of the movement.⁷⁵

K v " y c u " p q " c e n k k f v g v p n v g " ö v " j O c w y u (1 9 2 2 ; 1 9 7 3) , w h i c h f e l l p c u v
d g v y g g p " v j g u g " v j t g g " t c f k e c n " t g h q t o k p i " g t c u

⁷² M. Ghobar, *Afghanistan on the Path of History* (Kabul, Afghanistan: Government Publishing House, 1986).

⁷³ Ibid.

⁷⁴ Henry S. Bradsher, *Afghanistan and the Soviet Union* (Durham: Duke Press Policy Studies, 1983), pp. 72-73.

⁷⁵ Neamatollah Nojumi, *The Rise of the Taliban in Afghanistan, Mass Mobilization, Civil War and the Future of the Region* (NY: Palgrave Press, 2002), pp 36-48.

minimalism as its guiding policy. Despite its many administrative and coercive weaknesses, this dynasty gave Afghanistan a half century of peace. This system, in most cases, allowed full participation of the local communities in security and dispute settlements between the state and the population as well among residents. This balanced relationship between center and periphery offered needed space and stability. This balance c n u q " c n n q y g f " C h i j c p k u v c p ø u " v t c f k v k q p c n " locals were able to reinforce a sense of security and justice. This system provided the basis for the legitimacy of the state and offered the central government the ability to maintain its function throughout its existence. The social and civic spaces offered to Afghan communities constructed their narrative within the role of state and society.

Understanding this system, its historical and cultural relevance ô and more importantly, its role in any state-building or counterterrorism ô has been grossly absent from literatures looking at the U.S.-led international intervention on the basis of failed or failing states. In the following chapters, this research presents reflections from data collected by Tufts University and USIP in order to address this critical gap in the context of security and justice.

To this point, this chapter has reviewed literatures on the assumption of failed and failing states by two groups of authors, assessed its influence on UK and U.S. policy formulations, and built a coherent relevance to the case in Afghanistan. The conclusion that may be drawn from Afghan history is that local communities that resisted the Afghan i q x g t patterns to interfere in their affairs never rejected the need for *governance*. They viewed fixing governance in Afghanistan as empowering their values, values that

could reinforce their ability to self-rule and restore security and justice as they perceived the concepts. As will be discussed in the following chapters, this local perspective forms a departure point with the U.S.-led intervention which viewed the reason to fix the Afghan failed state as being because of its interlink with global terrorism. Local Afghans were hesitant to change their lives according to the requirement of the failed states objectives of the international actors. For instance, they just believed that their own informal institutions better maintained long-term local order than any distant government or international actors could. For this reason, they viewed security and justice not as sets of contracts between individuals and the state, but as holistic requirements for sustaining individual dignity and communal harmony.⁷⁶ Afghan history suggests that Afghan communities, including those tribal groups living on the border with Pakistan or China that insist on their autonomy, accepted the need for an Afghan government in Kabul that could take on higher-level responsibilities that require a state structure, and recognized its role in preserving internal security, protecting the larger international community.

Reflecting on this very important local reality with respect to the U.S.-led international intervention in Afghanistan should open the field to greater literary investigation. In order to establish a rational interconnection between the assumptions present and a focused explanation on differences of local vs. international perspectives of security and justice, a selected

⁷⁶ Barfield et al., 2006.

discussion on some key assumptions in conflict analysis and resolution can enrich the conceptual discourse presented in this dissertation. This discussion should add value to the current debate over peace-building in Afghanistan, which can be of benefit both to academia and policy investigations.

Relevant Conflict Resolution Assumptions

Why the international and local perspectives of security and justice are different in Afghanistan is a question that can be framed within certain assumptions in the field of conflict analysis and resolution. On the basis of the literature review in this dissertation, one way to answer this question would be that the U.S.-led international intervention backed the construction of a new state in the post-Taliban era from perspectives that stemmed from different motivations and political experiences. At its core was the task of fighting the Global War on Terrorism by fixing the failed Afghan state, mainly through the assumption of developing a democratic government based on an individual voting system and consisting of three branches of government to control the national territory and enforce the rule of law.

The doctrinal reasoning of the U.S.-led intervention was rooted in the post-9/11 National Security Strategy and the mentality of the Bush administration. The post-9/11 doctrinal reasoning, the nexus between failed and failing states and the Global War on Terrorism, constructed the underlying perspectives of the post-Taliban U.S.-backed reconstruction efforts, including security and justice, in Afghanistan. From this conventional perspective, security meant to fight terrorism (as was defined by the intervention policy) and to prevent Afghanistan from becoming a safe haven; justice

meant constricting capability to enforce the rule of law in support of international security objectives. From a Western political experience, this joint effort was conceptualized with threat-based analysis of failed and failing states and tied to the notion of nation-states in the post-Westphalian global order.

A second plausible understanding suggests that local Afghan perspectives, including security and justice, are rooted in local history and cultures that are influenced by political events and social changes. Since fixing the state in Afghanistan was a global initiative and was strongly based on conventional approaches driven by different Western donors, local Afghans did not have any say in the policy formulation or execution by the U.S.-led international intervention actors.

From the local Afghans perspective, a plausible reason to explain why there is a difference of perspectives stands on the fact that the majority of people viewed the end of the Taliban regime as the end of insecurity and injustice as well as the beginning of recovery from three decades of conflicts. In most areas, local perspectives had little or no concern about the concept of failed and failing states and their nexus to global terrorism. Thus, local Afghan perspectives are constructed by their social and political realities; they viewed the U.S.-led international intervention in their homeland with a different set of narratives. Afghan local perspectives, in practice, shaped the window through which they could make sense of their new reality that unfolded with the removal of the Taliban regime. In addition, the prolongation of the growing presence of foreign soldiers long after the removal of the Taliban regime from power turned into a development that locals did not have much explanation for. All of these situations make the two hypotheses

plausible because, among other things, each reflects different social and political experiences. To build a conceptual framework for an explanation within the field of conflict analysis and resolution, a discussion of the role of human needs theory and

e w n v w t g " q h h g t u " f g g r g t " g z r n c p c v k q p " h q t " v j g "

The Question of Basic Human Needs Theory

An important theme of this study is the question of basic human needs, which is often referred to in relation to the international intervention and its effect on local

C h i j c p u ø " p g g f " h q t " u g e w t k vs theory, developed by v k e g 0 " V j

Abraham Maslow (1962), has influenced many scholars of conflict study (including John Burton and Johan Galtung). Maslow suggested that there are certain universal basic

human needs implied for all of the human species regardless of ethnicity, race, and cultural orientations. Within this frame of thought, security and justice of the local

Afghans can be considered as the basic needs of the local populations.

K p " c f f k v k q p " v q " O c u n q y . " L q j p " D w t v q p ø u " p g works of Paul Sites and Johan Galtung. In his book, *Violence Explained* (2001), several

times Burton referenced R c w n " U k v g u ø u " w p f g t u v c p f k p i " q h " j w

includes both primary needs and derivative needs for justice. Burton reinterpreted

Maslow, Sites, and Galtung in order to develop a theoretical framework sufficient enough

to explore structural conflicts,⁷⁷ and eventually to define the ultimate goal of conflict

⁷⁷ John Burton, *Conflict Resolution as a Political System*, Working Paper # 1, Institute for Conflict Analysis and Resolution, George Mason University, 1995.

t g u q n w v k q p = " j g " u v c v g f . " ã U v t w e v s w i t e c n " x k q n g p e
f c o c i k p i " f g r t k x c v k q p u " e c w u g f " d { "78v j g " p c v w t g

T g n { k p i " q p " D w t v q p ø u " w p f g t u v c p f k p i " q h " d q

as structural violence is relevant to this study. Even though the need theory may look like a classic conflict analysis argument, it fits well in supporting this research on the notion of structural violence. As discussed previously, the international intervention became the main force of regime change in Afghanistan. The same force became the custodian of the post-Taliban political order. In principle, all of this turned into a structural order that was supported by local, regional, and international organizations via which resources were piped in to achieve their intended military and political objectives based on the perspectives of the international actors. At the bottom of this multibillion-dollar structure, wherein Afghans were at the receiving end, local communities were struggling to satisfy their basic human needs for security and justice according to their ways of understanding local reality under intervention. The presence of a conceptual gap made attaining the stated objectives by the international actors and the satisfaction of the basic needs by the locals complicated. In the mission, this growing complication resulted in many unexpected developments that have challenged both the locals and international actors.

By 2006, the reemergence of the Taliban, which will be discussed later, led to increasing insecurity and injustice even though more dollars, troops, and civilian advisors were sent to Afghanistan. As a result, Afghanistan during that period represented what Vivienne Jabri called violence in social conflicts. In her work, Jabri (1996) shed light on

⁷⁸ John Burton, *Violence Explained* (first published 1997, last 2001), p. 32.

the role of violence in social conflict. This work can be applied when considering how remnants of the Taliban that ran for their lives once they were removed by the U.S.-led coalition forces were soon able to reorganize and form an insurgency that was somewhat supported by Pashtuns on both sides of the borders between Afghanistan and Pakistan. The intention here is not to study or analyze the Taliban-led insurgency in Afghanistan, but to establish a point of reference in support of linking some of the post-Taliban developments to the broader conceptual discourse in this study.

The Taliban insurgency emerged as a form of social conflict that rejected the political process supported by the U.S.-led coalition in Afghanistan. Regardless of Jabri's tactical sense of analysis, those who joined the insurgency came from among the locals who adhered to different perspectives from those of the international actors or their local supporters. What is key here is that the post-Taliban social environment with respect to the intervention and fixing of the Afghan state provided the Taliban the regenerative ability to form an insurgency by 2006.

T k e j " T w d g p u v g k p " * 3 ; ; 6 + " e j c n n g p i g f " L c d t k
suggested that analyzing the sources of conflict as an integrated component of conceptualization of relations between the parties is valuable to the resolution of social conflicts. Therefore, analyzing the sources of a conflict and finding remedies are key building blocks in negotiation and conflict resolution. Furthermore, root causes of a e q p h n k e v " u j c r g " v j g " f { p c o k e u " v j c v " o c m g " c " e q
To establish an order of analysis in a collective sense, a conflict needs to be defined by its own type, similar to the format explained by Dennis J. D. Sandole (1993). This suggests

that the post-Taliban political environment can be defined, aside from other issues, by the difference in perceptions between the locals and the intervention actors; this antagonism can be seen reflected in insurgency and counterinsurgency literatures. Since a key component of the current crisis in Afghanistan requires a more in-depth discussion of culture, the following section is designed to shed light on this aspect of culture as a tool in explaining the narrative of the underpinning structure of perceptions by the international actors and local Afghans.

The Question of Culture

From the mid-1970s to present, additional literature looking from the perspective of culture — i.e., individual versus collective patterns of human behavior, organization, cooperation, and communication — joined conflict analysis and resolution literature. In 1959, renowned American anthropologist Edward Hall described culture in his first book as *The Silent Language*; his second book was titled as he labeled culture *The Hidden Dimension* (1966). In his fourth book, *Beyond Culture* (1976), he discussed in detail the many faces of culture and the way it affects people and shapes their values, identities, and the meanings of their actions.⁷⁹ Cultural traditions play a significant role in the differences as well as in the antagonistic perspectives around the U.S.-led international intervention in Afghanistan. Looking at the Taliban and Al Qaeda in Afghanistan as threats to global security and understanding them as a political tradition that is deeply rooted in the European experience of nation-state. This means that the formulation of the intervention policy is enriched by post-Westphalian

⁷⁹ Edward Hall, *Beyond Culture* (New York: Doubleday, 1976).

social and political experiences that have evolved in Western local cultures. This shared culture allowed European nations to join the U.S. in regime-change in Afghanistan.

On the side of the Afghans, their understanding of the political tradition of the balance of power between state and society led them to view radical changes perpetuated by the states in last three decades as antagonistic to their well-being. The Taliban regime, its rigid social codes, and theological extremisms were viewed as violations of societal space that had been present for centuries. The removal of the Taliban regime by the U.S.-led international forces was viewed as an opportunity to advance that traditional political culture.

Including culture in explaining the differences between local versus international perspectives in Afghanistan demands that attention be paid to contributing cultural narratives in support of those perspectives. The literature on the failed and failing states reviewed in this research failed to pay adequate attention to the role of culture in shaping these perspectives. How culture impacts social and political crises and their mitigations has been a long-standing theme of discussion across different disciplines. Scholars include Gulliver,⁸⁰ who discussed the cross-cultural perspective of negotiation, to Firth,⁸¹ Warfield,⁸² Howard,⁸³ Lederach,⁸⁴ Rogers and Steinfatt,⁸⁵ Kevin Avruch,⁸⁶ and

⁸⁰ P. H. Gulliver, *Disputes and Negotiations: A Cross-Cultural Perspective* (Orlando, FL, Academic Press, 1979).

⁸¹ A. Firth, (ed.), *The Discourse of Negotiation: Studies of Language in the Workplace* (New York: Elsevier, 1995).

⁸² Wallace Warfield, "Public-Policy Conflict Resolution: The Nexus Between Culture and Process." In *Conflict Resolution Theory and Practice*, Sandole, Dennis J. D. and Hugo van der Merwe, eds. (Manchester, U.K.: Manchester University Press, 1993).

⁸³ Mare Howard Ross, *The Management of Conflict: Interpretations and Interests in Comparative Perspective* (New Haven, CT: Yale University Press, 1996).

⁸⁴ John Paul Lederach, *A Framework for Building Peace* (Syracuse: New York University Press, 1995).

⁸⁵ Everett Rogers and Thomas Steinfatt, *Intercultural Communication* (Prospect Heights, IL: Waveland

Novinger,⁸⁷ who understood that social and political gaps between different or antagonistic perspectives as a result of cultural differences prevented remedial approaches to contemporary crisis.

Avruch critiques past theories due to their neglect of the role of culture while offering an alternative assumption that considers culture as a dynamic and derivative of individuals within a social and political context. He categorizes various uses of culture in contemporary literatures into three groups, all suffering from shortfalls that are "not merely conceptual or semantic."⁸⁸ Instead, he suggests that this shortfall stems out of their ideological assessment of culture. This builds an enriching perspective of the role of culture in shaping individual and group perspectives and stands against the generalized and universal approach of failed and failing states assumptions as the basis for the U.S.-led international intervention in Afghanistan. In addition, a lack of or limited explanation of the role of cultures in constructing and deconstructing group perspectives, as Tracy Novinger discusses in her book, *Intercultural Communication*, leads to the misinterpretation of both spoken and unspoken forms of communication, which can be detrimental to mitigating social and political crises.⁸⁹

The presence of the U.S.-led international actors in Afghanistan constructed two systems that involved two different cultural traditions, which enforced and reinforced

Press, 1999).

⁸⁶ Kevin Avruch, *Culture and Conflict Resolution* (Washington, DC: United States Institute of Peace, 1998).

⁸⁷ Tracy Novinger, *Intercultural Communication: A Practical Guide* (Austin, TX: University of Texas Press, 2001).

⁸⁸ Ibid, p. 7.

⁸⁹ Novinger, 2001, pp. 34-46.

different ways of thinking about the prolonged presence of the foreigners.⁹⁰ In Brian

U k p i g t ø u " c t v g k t a u w g u . " E q ð p w n t v e t v w r c " h < " " T g v j k p m k p i "

describes a notion that offers tools needed to explain both the normative and universal

ideas ascribed to a nation-state. He defines the purpose of contractual relations as to

ð c t v k e w n c v g " v j g " p c . v . k describes what a nation is " and p u g h t o l g e q o k p

d g . " c p f " j q y " k v⁹¹ Walter Wright, "A Whole Laborately Discovers

j q y " f k h h g t g p e g u " k p " r g t u r g e v k x g u " o c { " k o r g f g

diverge on such fundamental issues as individual autonomy and group interdependence.

He argues that it is necessary to be fully aware of the individual- and collective-based

paradigms that can amplify the ability of the mediator to overcome "cultural barriers to

an agreement."⁹² Wright bases his argument on his experience within the American

mediation models, which he argues are based on individualist cultural assumptions that

group-oriented or collectivist disputants in mediation and negotiation do not share.⁹³

V q " c f f t g u u " c p " C h - b e i n g c i t m u s t b e d o n e s o w i t h i n t h e w c n " y g n n

collective interpretation of cultural values that appears in the local symbolism of dignity

and honor, more so than in terms of economic benefit, job, and profession. The dignity

and honor of the person can be sustained only by complying with the collective cultural

feeling of the community. This is the reason that the k p v g t p c v k q p c n " k p v g t x g

⁹⁰ See Leigh L. Thompson, *The Mind and Heart of the Negotiator* (Upper Saddle River, NJ: Prentice-Hall, 2000). See also C. Hui and H. Triandis, "Individualism-Collectivism: A Study of Cross-Cultural Researchers," *Journal of Cultural Psychology* 17 (1986), and T. Menon et al., "Culture and the Construal of Agency: Attribution to Individuals Versus Dispositions," *Journal of Personality and Social Psychology* 76 (1999).

⁹¹ D t k c p " E 0 " I t u f a l " U g k t p u i g u t " E " q ð B w t r c e v w c n < " T H i s t o r y a n d T h e o r y i " V j g k t " Q 35(3) (October 1996), p, 319.

⁹² Wright, Walter A, "Cultural Issues in Mediation: Individualist and Collectivists Paradigms," available at <http://www.mediate.com/articles/wright.cfm>.

⁹³ Ibid.

perspective of security and justice, with individualistic and legalistic meanings, is not validated by the Afghan local culture, which stands on collective fairness toward individual members of the community and vice versa.

The above literature review and the added value of this research can conclude that social and political conflicts, for instance in the case of Afghanistan, are group- and community-based, similar to those social conflicts in Ireland⁹⁴ or in the Balkans.⁹⁵ In each one of these conflicts, the individual leaders spoke on the behalf of their people or community as a collective unit, rather than from the vested interests of individual leaders. Irish leaders negotiated separately on the behalf of the Catholics and Protestants, and Serbs, Croats, and Bosnians defended the collective interests of their communities. Negotiated social conflicts differ from negotiated settlements over personal and interfamily disputes about personal property, marriage, and business contracts.

What makes the situation different in Afghanistan is the social nature of community (rather than ethnicity) as a political unit. There are many mixed ethnic communities in Afghanistan and they have a strong sense of community that is reinforced by a system of traditional governance presented in the local forums of *jirga* or *shura*. Each may collectively represent a different set of cultural values. For instance, the ethnic Pashtun communities in the north and west political culture are close to the Tajik or Uzbek communities due to the ethnic mixture of the social units in which they live. This is different than in the south, east, and southeast wherein the dominant ethnic groups are

⁹⁴ Mari Fitzduff, *Beyond Violence: Conflict Resolution Process in Northern Ireland* (United Nations University, 2002).

⁹⁵ Dmitriy Gershenson and Herschel I. Grossman, "Civil Conflict: Ended or Never Ending?", *Journal of Conflict Resolution* (2000).

Pashtuns. This is true with non-Pashtuns living in mixed social units with Pashtuns. Therefore, there is no single political representative for any of the diverse Afghan ethnic groups at a national level.

Summary

In Afghanistan, the U.S.-led international intervention actors from 2001 through 2006 desired to consolidate a centrally organized process in order to form a local coalition partnership to achieve the objectives of the Global War on Terrorism. This process further developed into 'fixing the Afghan failed state' to prevent Afghanistan from becoming a safe haven for terrorism. However, for most Afghans, the idea of restoring governance and injecting international resources to enable rebuilding their communities shattered by wars and predatory and illegitimate regimes, including the Taliban, led them to cheer, in the most part, the arrival of the U.S.-led international intervention. Based on this perspective, removing the Taliban regime, crushing Al Qaeda's infrastructures, and later fixing the state were understood as assisting the restoration of just peace and security as a prerequisite to prevent the rise of militant forces and to establish a fair and democratic state structure. This framed the direction of the post-Taliban era toward reconstructing the relationship between state and society on the basis of a political tradition that is defined within their local perspectives.

In this chapter, a short review of literatures focusing on the assumptions of failed and failing states and a reflection of these assumptions in U.S. national documents and the views of U.S. and U.K. officials established the underlying philosophical differences in perspectives between locals and the international intervention actors. Further analysis,

including research by authors who are critical of this assumption due its highly generalized nature and the general failure to substantiate this argument within contemporary political crises across developing countries, revealed a conceptual gap in the literatures and policy perspectives regarding viewing Afghanistan as a failed state. In addition, using the military to defeat unconventional threats of terrorism or to fix failed and failing states, as desired by the New Conservatives in the Bush administration, has proven way more problematic and challenging than theorized. Analyzing these literary efforts in this chapter offered the needed theoretical framework for this study.

The failed and failing states assumptions in the literary debate over the U.S.-led international intervention often neglect to reflect local Afghan perceptions toward the ways and means of state formation in Afghanistan. Reviewing some of these assumptions builds a logical research role, in the following chapters, for Tufts and USIP data as greater supporting references. This research offers a trajectory into broader elaboration and discussion addressing and enriching the research questions.

CHAPTER THREE: HISTORICAL OVERVIEW

The U.S.-Led Anti-Taliban Military Intervention

The 9/11 terrorist attack on U.S. soil turned Afghanistan into an active war zone and the U.S. led a multinational coalition of forces. In early November 2001, the U.S. began an air attack on the Taliban and Al Qaeda forces in Afghanistan, while the U.S.-backed Northern Alliance forces in northern Afghanistan attacked Taliban and Al Qaeda forces and captured Mazar-e-Sharif; soon, the rest of their forces, which had been positioned in Panjshir Valley in northern Kabul, moved out against the Taliban and Al Qaeda forces in Kabul.⁹⁶ In several major cities such as Herat, Kandahar, and Kabul, the coalition forces, including the U.S. Special Forces, bore arms and freed city centers before the arrival of Northern Alliance and U.S. Special Forces. Even before the air attack, on October 27, with support of the UN and U.S., the anti-Taliban political groups, including representatives from the Northern Alliance, convened talks and formed the Bonn Accord.⁹⁷ Under this accord, the delegates nominated Hamid Karzai as the head of an Afghanistan Interim Authority (AIA), and placed Kabul under the protection of several thousand troops from the International Security Assistance Force (ISAF).

⁹⁶ Robert D. Black, "The U.S. Military Intervention in Afghanistan," *The Independent*, 12 November 2001, <http://www.independent.co.uk>.

⁹⁷ "United Nations," *United Nations*, 5 December 2001, <http://www.un.org>.

In December, the first post-Taliban government in Afghanistan was formed, and by June 2002, as was planned in the Bonn Accord, a *Loya Jirga* made up of 1,600 delegates from around the country had convened.⁹⁸ The delegates elected Hamid Karzai as the president of Afghanistan and his proposed cabinet for another two years. In December 2003, the delegates of the Constitutional *Loya Jirga* approved a new constitution, and opened the way for a presidential and parliamentary election.⁹⁹ The U.S. removal of the Taliban from power, as it was perceived by the international intervention strategy, was intended to (a) neutralize Al Qaeda's threats against the security of the U.S.-dominated international security order and (b) punish or bring to justice the perpetrators behind the 9/11 attacks. This interventional strategy was perceived by the local Afghans as opening the start of a path toward personal and communal security under a democratic and just political order.

U.S.-Led Intervention Strategy

The advancement of security and justice, as it was perceived by the Afghans, was not a top priority of the U.S.-led international intervention. The intervention, at its core, was a reactionary development to the terrorist attacks on American soil rather than a well-planned and well-thought engagement strategy; President George Bush and his administration quickly developed a plan of attack to avenge those responsible for striking America and killing thousands.¹⁰⁰ The objective of the mission evolved from the

⁹⁸ I q n p c | " G u h c p f k c t k . " ò C h to Debate Draft Constitution Nam d Tigh k t i c " E q p x g P U g e w R d i s F r e e E u r o p e ó Radio Liberty, 12 December 2003.

⁹⁹ Ibid.

¹⁰⁰ Pierre Tristam, "President Bush Launches Attack on Afghanistan, Speech to the Nation, "United Nations, October 7, 2001; c n u q President Delivers State of the Union Address," The White House, January 29, 2002.

systematic legal, diplomatic, and political process of the U.S. Congress and executive branch, allowing the intervention to be mapped out within the broader regional and global strategic interests of the United States. Generally, the intervention was a localized operation with strong global and strategic implications and highly limited attention to sustained efforts toward fixing the failed Afghan state and sustainably bettering the conditions of the people of Afghanistan.

In addition, the presence of the New Conservatives (or NeoCons), an ideological group in a position of influence within the executive branch in Washington, believing the use of the American military as the critical instrument of global change, utilized the U.S.-led international intervention in Afghanistan to doubly serve as a catalyst for bringing ideological doctrine, the New Conservatives injected a preconceived assumption into American foreign policy, suggesting that the United States, as the only superpower in the world, should move to bring large-scale structural changes. In this direction, they argued and conducted the notion of regime-change in Iraq which seriously undermined the objectives of the U.S.-led international intervention in Afghanistan.¹⁰²

The U.S.-led Operation Enduring Freedom (OEF), as a rapid military response to the September 11, 2001, terrorist attacks on America, never had the chance to mature within the American policy community as a stabilizing intervention to bring

¹⁰¹ Seymour M. Hersh, "Selective Intelligence: Donald Rumsfeld Has His Own Special Sources. Are They Reliable?" *The New Yorker*, May 12, 2003.

¹⁰² Ibid.

reconstruction and economic development to Afghanistan. This reactionary military approach, which y c u " f g h k p g f " c u " õ r t g g o r v k x g " r q n k e { . ö 2000 National Security Doctrine. This doctrine supported a rejectionist and protectionist h q t g k i p " r q n k e { = " k v " x k g y g f " E n k p v q p ø u " i n q d c n K p u v g c f a m p a i n s t o o d o n a protectionist policy formula and rejected the use of U.S. resources and military assets for peace-building across the globe, and particularly for use in helping the international system with the increasing number of ethnic, religious, and other local conflicts.¹⁰³ On principle, the first Bush National Security Doctrine did not foresee nation-building, or fixing failed and failing states, ö as a strategic role for the U.S., mainly because no significant threats were posed against the U.S. by other states. Operation Enduring Freedom introduced a drastic and rapid departure by not only committing American resources but also by building an international coalition to support the intervention in Afghanistan.¹⁰⁴

Since the U.S.-led international intervention set its course on killing and capturing Al Qaeda members and removing the Taliban regime, resourcing a democratic political process in Afghanistan was not part of its intended intervention strategy. For this particular reason, the U.S. and its coalitions were not ready to respond to local grievances or their perspectives on key important areas such as security and justice. This approach reflected a new political philosophy, known as the Bush Second Doctrine, that was formulated on the premise of viewing Al Qaeda as a global terrorist threat breeding

¹⁰³ C p v j q p { " N g y k u . " õ C d t q c f " ö *New York Times*, September 30, 2000, p f " v j g " Y q t n
¹⁰⁴ õ V j g " P c v k q p c n " U g e w t k v { " U v t c *The White House*, Washington DC, k v g f " U v c
 September 2002.

within a failed or failing state that required preemptive counterterrorism measures on a global level.¹⁰⁵ The application of this doctrine in Afghanistan focused only on the narrowly defined security interests of the United States as assumed by the Bush administration and its coalition forces. This security assumption prioritized building security and justice, as well as their cultural and historical political traditions of polity: restraining state power in the presence of larger social space without intrusion in local politics and religions.

The U.S. brought into play the United Nations 12 September 2001 Resolution 1368 as rationale for the strike; although it did not specifically authorize the U.S. military to respond to the September 11 attacks.¹⁰⁶ The U.S. Congress passed (S.J.

Res. 23, passed 98-0 in the Senate and with no objections in the House, P.L. 107-40)

persons [who] he determines planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or

presented administration officials with two possible aims for military action against the Taliban: (a) to punish them for their association with bin Laden but coerce their

¹⁰⁵ T. K. E. J. C. T. F. "H. C. N. M." 5. V. J. *The New York Times*, 15 July 2002. F. Q. E. V. T. K. P. G. Ö."

¹⁰⁶ UN Security Council Resolution 1368, 21 September 2001, <http://iilj.org/courses/documents/AfghanistanSCResolutions.pdf>.

¹⁰⁷ Authorization for the Use of Military Force – Afghanistan (September 18, 2001, Public Law 107-40 [S. J. RES. 23], 107th Congress.

cooperation in bringing him to justice rather than toppling them; or (b) to crush them, both as a form of punishment and in order to open the way for a new government in Afghanistan that would fully cooperate with U.S. action against Al Qaeda. Achieving either of those aims implied military operations of greater scope and intensity than what was required in targeting only Al Qaeda.

U.S. Post-9/11 Policy Toward the Taliban

In the weeks leading up to the war, the Bush administration exhibited the goals and nature of the prospective military operation in Afghanistan. Bringing bin Laden to justice was the key objective of the intervention; when dealing with the Taliban, the administration publicly emphasized the "punish and coerce" option. Toward this end, Pakistan endeavored to persuade the Taliban to comply with American demands and prevent a strike.¹⁰⁸ But there was little hope that the Taliban would or even could comply. The demands made of the Taliban leadership were both quite substantial and non-negotiable: turn over bin Laden and the Al Qaeda cadre, shut down all their training camps and sites, and open Afghanistan to U.S. inspections.

The existence of Al Qaeda's ability to suppress their armed political opposition forces. There were as many as 3,000 Al Qaeda volunteers in Afghanistan; the great majority of them operated as shock troops against anti-Taliban Afghan forces. Al Qaeda controlled dozens of military sites that served as a support system not only for the Taliban, but also the Chechens and Kashmiri

¹⁰⁸ Doyle McManus, "Bush Vows Firm 'Justice,' Lists Demands to Taliban; Speech: President Warns Afghanistan to Turn Over All Terrorists 'Or Share in Their Fate,'" *Los Angeles Times*, 21 September 2001, p. 1.

militants. Without Al Qaeda, and the support for the Kashmiri and Chechen militants, the Taliban regime could easily collapse. This ground reality made the fulfillment of a U.S.-forced diplomatic course in Afghanistan complicated, and required the Bush administration to make negotiable demands that would have been met by the Taliban regime.

Preparing for Anti-Taliban/Al Qaeda Military Intervention

Relying on UN Security Council Resolution 1333, the State Department closed the Taliban representative office in New York and the U.S. began preparing for the war to punish those responsible for the 9/11 terrorist attacks.¹⁰⁹ The Bush administration began to build support among its European allies for the more ambitious goal of forcing a regime change in Afghanistan. By late September 2001, the administration was openly encouraging indigenous resistance to the Taliban and pledging indirect support but without naming the Northern Alliance forces as the intended beneficiary.¹¹⁰ Once Operation Enduring Freedom (OEF) got under way, the administration's declared war aims transmuted rather quickly into the overthrow of the Taliban regime.¹¹¹ What remained to be determined was: (a) who or what would replace the Taliban and (b) how the Administration would bring about regime change in Afghanistan.

Initially the goal of regime replacement did not imply unleashing the Northern Alliance forces or completely uprooting the Taliban in the south. Instead, the U.S. aimed to pressure and weaken the Taliban through a combination of air attacks, special

¹⁰⁹ UN Security Council Resolution 1333 (2000) on the situation in Afghanistan.

¹¹⁰ Kenneth R. Bazinet, "Bush Urges Afghans to Dump Taliban; Backs Revolt but Says U.S. Not Targeting Gov't," *Daily News* (New York), 26 September 2001.

¹¹¹ Bryan Bender, "Moving Slowly, U.S. Aims to Topple Regime; Internally U.S. Seeks to Exploit Afghan Rifts," *Boston Globe*, 14 October 2001.

operations, and limited support to the Northern Alliance war effort. The U.S. also hoped to induce a split in the Taliban or create one, *de facto*, by killing off the most uncompromising elements of the movement and those linked closely to bin Laden, including Mullah Omar and members of his inner council in Kandahar, and a few other leaders including the Taliban Defense Minister Obeidullah Akhund and Justice Minister Mullah Nooruddin Turabi.¹¹² A more amenable "leftover Taliban" might then meld with other Pashtun elements being assembled by the United States and Pakistan. The final step would be the creation of a unity government incorporating the Northern Alliance, all under the direction of King Zahir Shah and the auspices of the United Nations.

Launching such a politically ambitious campaign (so soon after the September 11 attacks) without required civilian and other humanitarian preparation in support of the military intervention made the role of the U.S. Department of State marginal from the beginning of the intervention. This rash action and lack of strategic preparation for fixing the failing state was developed into the U.S. National Security Strategy just months later, directed U.S.-led intervention toward counterterrorist activities and regime change. Not only was the State Department called upon to assemble a multinational political framework supporting the coalition in weeks rather than months, the State Department had to do so under conditions of a war with unclear objectives and an ideological foundation laid down by the New Conservatives within the executive branch of the U.S. government. As Afghan expert Barnett Rubin stated, the State Department

¹¹² Pamela Constable, "U.S. Hopes to Attract Moderates in Taliban; Powell Sees Them in 'New Afghanistan,'" *Washington Post*, 17 October 2001, p. 24.

ō i q v " time upper-mid-level figure [Richard Haass] to handle the political side [of
 the war while] they have got all the Joint Chiefs of Staff working on the mi n k v c t¹¹³ " u k f g 0
 K v " y c u " e n g c t " v j c v " v j g " c f o k p k u v t c v k q p ø u "
 f k f " p q v " h q e w u " conflict stability as a political endgame;" rather, the
 strategy was based on the Global War on Terrorism without giving strategic priority to
 invest in the political development that would bring security and justice to the Afghan
 people. For instance, in December 6, 2001 testimony before the Senate Foreign Relations
 Committee, Richard Haass, the director of Policy Planning for the State Department,
 pledged that the United States would strictly limit its involvement in the post-war
 reconstruction of Afghanistan. Other countries would do most of the work and provide
 most of the funds, he suggested, because the United States did the "lion's share of the
 world's work" in the military operation.¹¹⁴

What Haass explained illustrates a lack of political strategy by the Bush
 administration and failure to incorporate strategies for what would later be known as
 fixing the failed and failing state within key national security documents. As a result,
 the strategy of the intervention did not pay attention to satisfying or even understanding
 the ontological needs for security and justice of the Afghan locals. Given the fact that the
 Global War on Terrorism as scribed by the Bush administration was more a military
 response to Al Qaeda and the Taliban in Afghanistan rather than a sound political
 strategy, had serious attention been paid to the plight of the local population in

¹¹³ Quoted from Richard Boudreaux and Tyler Marshall, "'Great Game II' Has a Wealth of Players," *Los Angeles Times*, 2 November 2001.

¹¹⁴ Jonathan Wright, "U.S. Outlines Limited Role in Rebuilding," *Houston Chronicle*, 7 December 2001, p. 28.

Afghanistan, the Afghan populace could have been offered a very different political experience. Additionally, the chances for the defeated Taliban and Al Qaeda to reemerge later as an effective insurgency that would cause the U.S. and coalition nations to prolong their presence and suffer substantial human and financial costs would be seriously limited. Although the Bush administration was very aware of the devastation of three decades of war and conflict in Afghanistan and its impact on state and non-state institutions, as well as the interference of neighboring countries, the lack of development, and massive humanitarian needs, it left those aspects to the coalition partners, which did not have the political will, capability, and resources to lead such state-building.

As the intervention prolonged, the Bush administration still did not construct a roadmap toward developing a U.S. government - Afghan civilian partnership in reconstruction programs. The distribution of responsibilities was decided on a voluntary basis, with coalition representatives working without political or legal justification or coordination among other representatives. Some could not or did not raise enough political will at home to generate required support for reconstruction programs in Afghanistan. As a result, fixing the failed Afghan state remained severely under-resourced, under-funded, and with scarce to no capability of providing needed public services. In the words of Patrick Stewart (2006), Afghanistan was becoming a regime with no capacity and political will. Since the non-state system of governance and traditional stability institutions were struggling to emerge out of years of conflict and damage that were inflicted by the Taliban regime, an indigenous leadership - with capacity and political will - never came to fruition through 2006. Political legitimacy of

the state became an ever-increasing challenge that turned into the most significant source of political and military liability for the U.S.-led international intervention in Afghanistan.

Although the Bush administration decided to pursue OEF, strategic questions such as the following were not considered in the intervention policy:

- How easily and quickly could the Taliban disintegrate by means of an air campaign that lacked a sufficient complement on the ground?
- How fully and effectively could Pakistan be compelled to cooperate in the Taliban's demise, when this goal threatened Pakistan's own security and stability?
- How reliably could the Northern Alliance win a campaign that might bleed them pale and yet not give them their primary objective: uncontested control of Kabul and northern Afghanistan?
- How fast could a representative Pashtun alternative to the Taliban be assembled?
- What would an Afghanistan without Al Qaeda and the Taliban look like?
- What would be needed from the U.S. side to fulfill such a political objective?

A war without a political strategy that envisioned what the U.S. wanted Afghanistan to look like and built the capabilities to achieve these objectives was in contrast to classical thinkers such as Carl von Clausewitz, who wrote in his book, *On*

War. " õ Y c t " e c p " p g x g t " d g " u g r c t c v g f " h t q o " r q n k v

matter, this is done in any way, all the threads of the different relations are to a certain

ex v g p v " d t q m g p . " c p f " y g " j c x g " d g h q¹¹⁵ t g " w u " c " u g p u

V j g " W 0 U 0 ø u " O k u t g c f k p i " q h " K p v g t p c n " C

There were three main political factions that needed to be brought under a joint platform in order to establish a broad-based national political system in Afghanistan:

1. The technocrats/traditionalist camp led by former Afghan King Zahir Shah, at v j g " v k o g " k p " g z k n g " k p " T q o g 0 " V j g " m k p i ø u " e c o r politicians and educated elites as well as traditionalist groups led by Mohammed Eshaq Gailani (the leader of the Qaderia Sufi order in Afghanistan) and Sibqhatollah Mujadadi (the leader of the Naghshbandia Sufi order in Afghanistan). Both Sufi orders represented the most popular and powerful faith-based social orders in Afghanistan. Although the h q t o g t " m k p i ø u " p g v y q t m " c r r g c t g f " u j q t v " k p " d w support of OEF, it could have relied on its popularity among the masses if it had received enough financial assistance from Washington. As Barnett Rubin later said, the Bush administration could no v " õ h k p f " j c n h " v j g " r t k e g " q h " c " e t w k u q h h k e g "¹¹⁶ k p " T q o g 0 ö

2. The anti-Taliban Northern Alliance forces, comprised of veteran Mujahideen commanders who fought against both the Soviets and the Taliban. The alliance was comprised mainly from non-Pashtun ethnic groups but with significant influence and membership of the Pashtuns in the Kandahar and Nangarhar provinces. Like the Clinton administration, and despite numerous requests for help, the Bush administration denied

¹¹⁵ Carl von Clausewitz, *On War* (NJ: Princeton University Press; 1st Edition, June 1, 1989).

¹¹⁶ Jonathan Wright, 2001.

c u u k u v c p e g " v q " v j g " P q t v j g t p " C n n k c p e g " i t q w r u
resisted step-by-step, a formidable militant coalition that was comprised of Afghan
Taliban and Arab, Uzbek, and Pakistani militant fighters, combined with the credible
logistical support of the Pakistani military and generous funding from the governments of
Saudi Arabia, United Arab Emirates, and wealthy individuals from across the Arab
Persian Gulf countries, cornered Massoud w f ø u " h q t e g u 0 " G x g p " u q . " O c u u
Panjshir Valley near Kabul, and numerous positions in northern Afghanistan.¹¹⁷ Prior to
his death, Massoud sent an open letter to the U.S. Congress describing the threat of Al
Qaeda and their Taliban supporters, but no one in Washington put forth the effort to take
his warning seriously. Massoud could have been instrumental in mobilizing forces
against the Taliban, but instead was killed by two Al Qaeda suicide bombers on
September 9, 2001.

Once OEF was underway, the Northern Alliance forces were suspicious of the
U.S. because of the lack of attention America paid to them when Massoud was alive and
was asking for help. In addition, Massoud was highly critical of the US/ISI-D pact during
the 1980s, which he felt i c x g " I w n d c f k p " J g m o c v { c t " v j g " n k q p
y j k e j " y c u " v j g p " w u g f " c i c k p u v " O c u u q w f ø u " h q t e
forces continued to act suspiciously toward the U.S. intents in Afghanistan, despite
serving as the main force against the Taliban and Al Qaeda. This was most obviously
u g g p " y j g p " v j g " P q t v j g t p " C n n k c p e g " h q t e g u " f k u
Kabul in 2001.

¹¹⁷ Ibid.

3. The more moderate elements among the Taliban, e.g. the leadership within the Kabul Council, who were also more pragmatic than the ideological Kandahar Council, which was under direct control of Mullah Omar and Al Qaeda. Key leaders of this element put down arms and joined the post-Taliban political process while many others just left for home. But the lack of an Afghan-oriented political process by the U.S.-led coalition motivated many of these Taliban to run for their lives from the U.S.-backed Pashtun militias in the south and later from their insurgencies. The broader constituency of the Kabul Council was the "younger generation" members of the Taliban, e.g. local leaders, veteran mujahedin, and new Taliban adherents who joined the group during its post-1994 rise to national power. Working with this faction could have demobilized the social and political base of the Taliban, especially by targeting the non-Kandahari forces and local commanders, whose loyalties were driven by their local interests rather than the Taliban ideology.

The Taliban is a devout vigilante group that was called into Afghan national politics and the formation of a central government, but they never transformed into a leader, Mullah Omar, always remained in Kandahar and did not institutionalize his rigid ideology within an administration that could offer, at its minimum, basic services. Thus, more of a spiritual tactic than a military one. The loss of Mazar-e-Sharif demoralized the Taliban forces and rapidly unraveled the Taliban regime; the Northern Alliance forces,

meanwhile, fought forward from Panjshir Valley and entered Kabul on November 12, 2001, where they were greeted by the jubilant populace.¹¹⁸

However, the Bush administration failed to quickly assemble a stronger Pashtun-
u w r r q t v g f " c n v g t p c v k x g " v q " V c n k d c p " r q y g t " c u "
coordination and coalition-building between these three main political possibilities.

During 2001 to 2006, the mission never developed with a political strategy that could envision anything beyond its limited antiterrorism military objectives. For this reason, the anti-Taliban forces did not view the U.S. seriously and assumed they would leave Afghanistan once again when their military/security interests were satisfied. Instead, the U.S. conducted military operations, often misguided by local rival groups, that killed hundreds of Pashtuns, aided their northern adversaries, and exacerbated a humanitarian crisis in Afghanistan.¹¹⁹ This turbulence reflected the difficulty of finding a strategy that could reconcile the Bush Administration's immediate war aims with a set of broader, longer-term U.S. strategic considerations ô such as stability in Afghanistan and in the region surrounding it.

The Military Outcomes of Operation Enduring Freedom

Q r g t c v k q p " G p f w t k p i " H t g g f q o " d g i c p " q p " Q e v
bombing of the Taliban command and communication systems and Al Qaeda training camps.¹²⁰ The bombing was not effective enough to cause the militant regime to collapse. On the ground, at first the Taliban was able to hold the area around the city of Mazar-e-

¹¹⁸ ô M c d w n " h c n n u " v BCP13 November 2001. C n n k c p e g . ö "

¹¹⁹ Ahmed Rashid, "Pakistan Intelligence Services Failing to Weaken Taliban," *Daily Telegraph* (London), 26 October 2001, p. 8.

¹²⁰ ô Q r g t c v k q p " G p f w t k p i " H t g g f q o " d g i c p " q p " Q e v (October, 2001).

Sharif and push back t j g " P q t v j g t p " C n n k c p e g ø u " k p k v k c n " c v
air strikes on Taliban and Al Qaeda forces, around 1,000 U.S. Special Operation forces
and the Northern Alliance and anti-Taliban Pashtun forces built unexpected pressure on
the Taliban defense lines.¹²¹ At the same time, about 1,300 Marines were deployed in
southern Afghanistan, around Kandahar, although they only engaged in a few serious
battles with the Taliban. As the result of this combination of forces, the Northern Alliance
forces took control of the strategic northern city of Mazar-e-Sharif on November 12,
2001.¹²²

The U.S. injected Hamid Karzai and Gul Agha Shirzai (another Pashtun leader) in
northern and southwestern Kandahar where they were protected and supported by Special
Forces units.¹²³ With substantial U.S. support, the Northern Alliance forces began attacks
on the Taliban and their foreign militant forces from the Panjshir Valley. The collapse of
the Taliban defense in the north and the capture of Mazar-e-Sharif by the alliance forces
encouraged people to rise up against the militants within Kabul, Herat, and other
locations.¹²⁴

V j g " V c n k d c p ø u " r q n k v k e c n " c p f " o k n k v c t { " q t
coalition of local militias built around an elusive and rigid political ideology that was
u w r r q t v g f " k p " r c t v u " d { " x c t k q w u " f k h h g t g p v " n q
military victories against local opposition, in particular the Massoud-led Northern

¹²¹ L k o " I c t c o q p g . " ð W 0 U 0 " C f x k u g t u " *American Forces Press* t p " C n n k c p e
Service, 6 November 2001.

¹²² Ismail Khan . *Māzar Falls to Alliance: Taliban Says They're Regrouping* . *DAWN*, November 10, 2001.

¹²³ Richard A. Clarke, *Against All Enemies: Inside America's War on Terror* (NY: Free Press, 2004), pp.
34-41.

¹²⁴ Garamone, 2001.

Alliance, had been achieved without the existence of air power on either side. The remarkable coordination of the Northern Alliance on the ground, now assisted by U.S.

U r g e k c n " H q t e g u " w p k v u . " c p f " v j g " W 0 U 0 ø u " u q r j k
on their command structure and caused a catastrophic collapse of their regime.¹²⁵ This military coordination led to the Taliban's abrupt withdrawal from Kabul and retreat to Kandahar in order to defend their spiritual leadership and base. The Taliban also retreated d c e m " v q " M c p f c j c t " d g e c w u g " on the greater Kandahar " V c n k d region and had been considered occupiers in Kabul and other parts of the country.¹²⁶

As of January 15, 2002, approximately 7,000 Taliban and foreign troops were prisoners; less than 500 of these had been transferred to U.S. custody.¹²⁷ A disproportionate number of the prisoners held by the Northern Alliance militias were foreign fighters, especially Uzbek and Pakistani.¹²⁸ The key Taliban commanders negotiated with Hamid Karzai, abandoned fighting, and surrendered Kandahar under the condition that the U.S. would protect them from the rival Pashtun militia (led by Gul Aqha Shirzai) so that they could live in their villages and towns as normal citizens. However, most of the top Taliban leadership survived the war and eluded capture, escaping k p v q " R c m k u v c p ø u " v t k d c n " c t g c u 0 " * N c v g t . " fresh for a new fight.) Of more than three dozen Taliban leaders on the Pentagon's "wanted list," more than 12 had been killed, injured, or had defected within the first few

¹²⁵ Ibid.

¹²⁶ Molly Moore and Kamran Khan, "Strategy Fails to Splinter Taliban; U.S., Pakistani Efforts Not Yielding Significant Defections," *Washington Post*, 26 October 2001, p. 1.

¹²⁷ Deborah Hastings, "7,000 Taliban, al-Qaida Being Held," *Washington Post*, 21 December 2001.

¹²⁸ John Moore, "International Red Cross Visits Taliban Prisoners Held by Marines at Kandahar Base," *Associated Press*, 29 December 2001.

months of fighting.¹²⁹ At least eight of the 20 top Al Qaeda leaders and aides pursued by the Pentagon in Afghanistan were believed dead; two had been reported captured as of January 15, 2002. Eleven training camps affiliated with Al Qaeda, and many other Al Qaeda facilities in Afghanistan, were destroyed or overrun.

The Taliban defense in the south and east finally collapsed as a result of the Pashtun opposition forces, including those led by Hamid Karzai and backed by the U.S. Special Forces units.¹³⁰ By December 9, 2001, the Taliban regime was removed from all provinces of Afghanistan and their leadership, including their Al Qaeda and Pakistani and Central Asian militant supporters, fled to Pakistan. During the first two weeks of March 2002, the U.S.-led Operation Anaconda ended by defeating the last Taliban and Al Qaeda stronghold in the Shah-i-Kot Valley, south of Gardez, Paktia Province. The U.S. and Afghan coalition forces continued securing most parts of the country, especially in the south and east, throughout 2002. On May 1, 2003, then-Secretary of Defense Rumsfeld

f g e n c t g f " õ o c l q t " e q o d¹³¹ c v " q r g t c v k q p u ö " j c f " g p f

Q r g t c v k q p " G p f w Regional Implications f q o ø u "

In addition to its direct impact on the Taliban and Al Qaeda, Operation Enduring Freedom (OEF) was the beginning of a new policy shift in the Bush Administration that was aimed at deterring rogue states generally from supporting terrorist attacks on U.S. assets and also advancing the U.S. influence in the Middle East and Central and South Asia toward greater regional and global security. As for Central and South Asia, OEF

¹²⁹ Matt Kelley, "Twenty More Suspected al-Qaida Fighters Sent to U.S. Marine base in Afghanistan," Associated Press, 27 December 2001.

¹³⁰ Ahmed Rashid, "Hamid Karzai Escapes Taliban Encirclement," *The Daily Telegraph*, November 12, 2001.

¹³¹ õ T w e l d u Major Combat O x g t " k p " C h i j c p k u v c p . ö " E P P . " 3 " O c { " 4 2 2 5 0

certainly advanced the U.S. position in Afghanistan and Central Asia generally. (Whether or not this influence can be sustained and long-term partnerships can be established with the south and central Asian countries, particularly Afghanistan, remains uncertain.) It also temporarily strengthened the U.S. influence in Pakistan with the Musharraf regime substantially dependent on U.S. support as of 2002. With the Taliban in power, Pakistan made a serious investment in the Taliban in order to establish a regime in Kabul that was friendly to Pakistan and hostile toward India. The removal of the Taliban regime from power was viewed as losing a strategic investment and security asset planned on in case of war against India.¹³²

Although the Musharraf government supported the operation, popular opinion opposed it by an 82% to 8% margin.¹³³ The objective to remove the Taliban from power was even less supported by the military and intelligence establishment. Religious, ethnic, and institutional ties between the Taliban and Pakistan's military and intelligence services (the ISI and smaller Intelligence Bureau) militated against any quick divorce. Musharraf had had neither sufficient time nor leverage to bring all these opposing elements to the U.S. policy fully into line. In fact, some elements worked at deadly cross-purposes to OEF, materially supporting Taliban resistance and undermining efforts to assemble an alternative to the Taliban inside Afghanistan.¹³⁴

¹³² Barry Bearak, "In Pakistan, a Shaky Ally," *New York Times*, 2 October 2001.

¹³³ *Gallup International Poll on Terrorism* (London: Gallup International Association, January 2002), available at <http://www.gallup-international.com>.

¹³⁴ Ahmed Rashid, "Intelligence Team Defied Musharraf to Help Taliban Pakistan," *Daily Telegraph* (London), 10 October 2001, p. 9.

In the end, Islamabad's partnership in fighting terrorism was only viewed from the perspective that was seen by the Pakistan military, as an act to support the national security of the country, and not what Washington articulated. Instead, Pakistan treated the question of terrorism within the broader security consideration toward India, a substantial enemy. This dual approach toward a U.S. partnership allowed Pakistan to offer safe havens for those Washington considered terrorists — even Osama bin Laden.¹³⁵ OEF created a new basis for cooperation with India and it also allowed India to become one of the top five donor countries to Afghanistan.¹³⁶

Translating this improved U.S. position into long-term strategic and material gain would be complicated. The greatest benefit of the early U.S. military intervention was felt by the Uzbek and, especially, Tajik military factions within the Northern Alliance, under the command of Abdul Rashid Dostum and Mohammad Qaseem Fahim, respectively. Although competitors, these militia groups shared two things: Russian relations and suspicious relationship toward the U.S.¹³⁷

The rapid takeover of Kabul against U.S. wishes by the Tajik forces was something that Russia viewed positively. Russia moved quickly to consolidate its gain, setting up a temporary mission and flying 12 cargo planes filled with humanitarian supplies into Bagram airport on November 26, which was more than the United Nations

¹³⁵ Carlotta Gall, Pir Zubair Shah, "The U.S. Partnership in Afghanistan: A New Chapter in U.S.-Pakistan Ties," *New York Times*, June 23, 2011.

¹³⁶ Kamran Khan, "Kabul Fall is Pakistan's Strategic Debacle," *The News*, January 7, 2002.

¹³⁷ Akbar Borisov, "Putin Rules Out Taliban, Reasserts Russian Role in Afghan Future," *Agence France Presse*, 22 October 2001.

was able to manage.¹³⁸ Along with the humanitarian supplies arrived several hundred armed Russian personnel.

India, Uzbekistan, and Tajikistan also benefited significantly from the advance of the Northern Alliance. For Iran, the outcome was mixed between a stable Afghanistan without the Taliban and its rivalry against the United States. Like Pakistan, it was not happy with the increased role of prominence of the pro-American royalists in the new government.

Afghanistan looms large in the security calculations of both Pakistan and Iran, and both worked energetically to "rebalance" the distribution of power in Afghanistan.¹³⁹ To their advantage, they share close cultural and institutional ties with the Afghan population as well as 65% of Afghanistan's borders. Since the beginning of Operation Enduring Freedom, the two countries have been more closely coordinating their policies on Afghanistan.

Political Shortfall Challenged Military Gains

Operation Enduring Freedom was not intended or designed to be a stability operation. The Taliban regime was removed in order to punish it and to expedite intense, large-scale action against Al Qaeda in Afghanistan. In other words, OEF was not designed to relieve the country from its widespread humanitarian crisis. Thus, the principal purpose of toppling the Taliban was realized not in the inauguration of Hamid Karzai, but in the roundup of foreign Taliban volunteers by the Northern Alliance, the

¹³⁸ Edward Epstein, "Hundreds of Russians Have Arrived in Kabul; Moscow Says Contingent Has Humanitarian Aims," *San Francisco Chronicle*, 30 November 2001.

¹³⁹ Edward Cody, "Iran Said to Aid Afghan Commander," *Washington Post*, 19 January 2002.

ground deployment of U.S. military personnel near Kandahar, and the joint pursuit of the Al Qaeda cadre by U.S. and allied Afghan forces.¹⁴⁰ Stability and humanitarian goals via state-building were clearly subordinate, and this was reflected in the costs of the operation.

As mentioned earlier, the operational synergy between the U.S. air power and Northern Alliance ground troops led to the sudden devolution of the Taliban. By November 10, the rapid advance of disparate anti-Taliban factions and tribal warlords c n n q y g f " v j g u g " n g c f g t u " v q " h w n h k n n " v j g k t " q r r interests. The Alliance victory and Taliban collapse profoundly altered the national and regional strategic situation in several ways that had not been anticipated by OEF planners. Most of the associated development at the local and regional levels later significantly contributed to the advancement of insecurity within Afghanistan with serious consequences for the U.S. and NATO. This rise in insecurity and violence stopped the progress of the Afghan political transition toward stability.¹⁴¹

The rapid victory of the Alliance groups and collapse of the Taliban also caused a vacuum of power that the U.S. was not prepared to fill; the interim government failed to attain even minimum control beyond Kabul. The U.S. perceived that by changing the regime in Kabul with a new political coalition, a national political order would develop. Instead, a political void that led later to the rise of warlordism emerged.

¹⁴⁰ Ahmed Rashid, "How My Friend Outwitted the Mullahs," *Daily Telegraph* (London), 8 December 2001, p. 4.

¹⁴¹ "Warlords and Allies," editorial, *The Washington Post*, February 25, 2002.

Operation Enduring Freedom Caused Social and Political Rifts

This power vacuum also ignited rivalries and regionalization within Afghan politics similar to that seen during the post-Soviet era, which led to civil war and a division of the country into five regional powers. Rather than following a "Taliban *versus* anti-Taliban" axis, conflict reoriented along purely ethnic, tribal, and sect lines. Within these circumstances, the position of Tajik and Uzbek minority interests advanced immediately following the U.S.-led intervention. As a result, from day one Afghan national politics developed into a new bipolar configuration: Pashtun *versus* non-Pashtun. The ethnic reframing of the Afghan political condition altered the political implications of U.S. military operations in the country, which had focused almost exclusively on Pashtun areas since late November 2001.¹⁴² The increased schisms between ethnic, tribal, and sect lines also increased the centrifugal pressures on the international coalition supporting the operation.

Once propelled into national power by America's gift of victory, the U.S. local alliance against Taliban and Al Qaeda immediately proved itself incapable of bringing stability and the rule of law to Afghanistan. The new militia leaders wasted no time before exhibiting rivalry among themselves for power. With the Taliban gone, the Alliance had lost its unifying rationale. Usually, the relative success in war of each member of a war coalition would have determinate influence on the post-war distribution of power. The alliances against Al Qaeda and the Taliban had been unearned. Thus, they did not reflect

¹⁴² Kathy Gannon, "New Afghan Interim Administration Clearly Favors the Northern Alliance," *AP Worldstream*, 6 December 2001.

the northern militias' relative strength either individually or as a group. The lack of a
u v c d k n k v { " r q n k e { " v q y c t f " h k z k p i " v j g " C h i j c p "
of the Northern Alliance to form national unity, even among themselves, left the
distribution of authority to be settled without any resources to answer how to do so fairly
and productively.¹⁴³

The Northern Alliance had five main geographic power bases: (1) the Tajik areas of the northeast, controlled by the Massoud group; (2) the Uzbek area of the north, centered on Mazar-i-Sharif and controlled by Abdul Rashid Dostum; (3) the provinces around Herat in the west controlled by the Tajik Ismail Khan; (4) the Hazara area of central Afghanistan, controlled by the Shiite leader Mohammad Karim Khalili; and (5) the Eastern Pashtun and Pashai part of the alliance in the eastern region, mainly Nangarhar and Kunar Provinces led by Hazrat Ali and Hajji Abdul Qadir. The eastern part of the alliance was involved in tense rivalries with zero coordination or cooperation. In each case, the individual U.S. local coalition groups that were resourced separately rushed into their home power bases as the Taliban collapsed. However, none of the militias exercised firm or intensive control over most of the territory they held. This, too, is indicative of the fact that the extent and rapidity of their victory did not lead to a political process that offered national governmental unity or allowed Afghanistan to depart from its past three decades of war and conflict and trauma, as Nader Naderi argued

¹⁴³ Paul Watson and Maura Reynolds, "For Some in Northern Alliance, Pact for New Government Falls Far Short; Accord: Dissenters Say Cabinet Appointments Fail to Reflect Their Efforts in War to Topple Taliban," *Los Angeles Times*, 7 December 2001, p. 28.

in the transitional justice for Afghanistan discussed in the literature review chapter.

The potential for future conflict among the militias resided in the fact that none of the areas under their control were nearly as ethnically homogenous as the militias that controlled them, and there were large zones in which no one exercised clear authority. In addition, many of the U.S. allied militia groups were involved in years of internal fighting.¹⁴⁴ Throughout Afghanistan, north and south, adjustment to the sudden change in the constellation of power entailed both an increase in and diffusion of ethno-religious, tribal, and factional conflict. However, the process of change in the Pashtun south differed from that in the north.

In the Pashtun belt along the border between Afghanistan and Pakistan, the Taliban's collapse fractured the political power and organization that had existed, reducing it to its local and tribal components. This put the south at a distinct disadvantage *vis-a-vis* the north, the west, and the east. When the Taliban fled Pashtun areas they handed power over to secondary religious and tribal leaders. Many of these had been warlords who had come to terms with the Taliban, joining their coalition as junior partners or retiring from political activity. As a consequence of Taliban rule, these leaders and their organizations were relatively weak. A more formidable Pashtun leadership element was the expatriate tribal leaders and former mujahedin whom the Taliban had driven from the country after 1995.¹⁴⁵ With the Taliban's retreat these former leaders and

¹⁴⁴ Norimitsu Onishi, "Afghan Warlords and Bandits Are Back in Business," *New York Times*, 28 December 2001, p. B1.

¹⁴⁵ Scott Baldauf Staff, "Power Shift in Afghanistan," *Christian Science Monitor*, 10 December 2001, p. 8.

warlords hastily returned from exile in a competitive drive to reestablish old networks of power. Relative to their northern counterparts, however, these Pashtun leaders were also weak. Having been disorganized, separated from their power bases, and denied external support during the Taliban rule, they were forced to rely on international assistance through the Afghan government channel or narcotics profits.

While in the north the constituent parts of the alliance began consolidating their influences on provincial and ethnic bases, in the south, sub-ethnic tribal groups began competing over access to power and control of the opium trade. Most of the Durani sub-tribes aligned with the central government that was led by Karzai, a fellow Durani.

Meanwhile, the Ghilzai sub-ethnic groups, who had been in control during the Taliban, d g i c p " v q " h k i j v " q x g t " v j g " e q p v t q n " q h " v j g " q r k Taliban. This process contributed a significant economic element to the rise of Taliban insurgency in the south, especially in Kandahar and Helmand.¹⁴⁶

By the end of 2003, the ethnically based rivalry between Durani and Ghilzai sub-ethnic groups turned the areas around the two provinces into an active violent operation still influenced by Al Qaeda and the Taliban. These intra-Pashtun rivalries veered outside the ability of the Afghan government to manage them.¹⁴⁷ In fact, the rival groups used U.S. and NATO forces against illegitimate targets that caused increased civilian deaths and damaged the standing of the U.S. and NATO presence in Afghanistan. By the end of 2002, targeted harassment and assaults on the inactive former Taliban leaders as a result

¹⁴⁶ "Afghanistan: Peace Elusive for New Government," *Stratford*, 19 December 2001.

¹⁴⁷ Rajiv Chandrasekaran, "Winning Defectors Proves Difficult; Tribal Leader Seeking Pashtun Converts Needed U.S. Assistance," *Washington Post*, 7 November 2001.

of personal and tribal vendettas forced most of them to flee into Pakistan, and eventually made the reemergence of the Taliban an Afghan reality. This process made the south more xenophobic against international assistance organizations and non-governmental organizations (NGOs), which left the south at a further disadvantage than other regions of the country.

A similar scenario developed in the southeast, where tribal rivalries and the e g p v t c n " i q x g t p o g p v ø u " k p c d k n k v { " v q " k p v g t h g t hostilities. These hostilities were manipulated and supported by the Taliban and Al Qaeda by using Pakistani tribal agencies as safe havens to feed a Pashtun insurgency in Afghanistan. This region later became the hotbed of the Al Qaeda-affiliated Haqhani Militant Network (HQN).¹⁴⁸

In the east, rivalries between Haji Qadir, a serious Pashtun leader fighting the Taliban on the side of the Northern Alliance, and Zaman Khan led to the assassination of Qadir, who had been the most prominent Pashtun leader after Karzai. With his strong roots in the eastern provinces, Qadir could have reconstituted the Pashtun regional power base and expanded it in support of the central government if he had survived. The east was the only Pashtun-dominated part of the Afghan Pashtun belt where the Taliban failed to make headway.

The U.S. Won the Fight But Not the War

The rapid collapse of the Taliban regime demoralized their will to resist the U.S.-backed anti-Taliban Pashtun and non-Pashtun forces. The Taliban retreated to Kandahar

¹⁴⁸ Peter Baker, "Defector Says Bin Laden Had Cash, Taliban In His Pocket," *Washington Post*, 30 November 2001.

and viewed it as their last stronghold against the advancing enemy. The Taliban grossly underestimated the effective imbalance between their military capabilities and those of the United States. This was not simply a matter of their having deficient firepower, but rather a lack of political vision in becoming responsible state holders.¹⁴⁹

As the leading faction of the Taliban leadership perceived the contest, it involved the core interests and values of their movement, which they could not surrender without a fight. The Taliban's retreat to the south and their adoption of a positional defense made the job of U.S. air power easier. Moreover, Kandahar is much closer than Kabul and Afghanistan's northern towns to the Arabian Sea. This resulted in shorter flight times for America's carrier-based combat aircraft, which translated into more sorties, bigger weapon payloads, and more time (and flexibility) over target areas. Clearly, the Taliban's strategic retreat did not solve the problem posed by U.S. air power.

The Taliban underestimated the anti-Taliban Pashtun forces with the support of the U.S. air power encroaching from two different directions to capture their spiritual capital, Kandahar City. A mix of U.S. Special Forces and Pashtun fighters, rallied around Hamid Karzai from the north, was supported by another anti-Taliban Pashtun force led by Gul Agha Shirzai from the southeast.¹⁵⁰ This combination of forces and total air superiority left no doubt in the mind of Mullah Omar and other Taliban/Al Qaeda leaders that they would vanish if they stayed. This asymmetrical power dynamic, as well as the lack of popular support wrongly assumed by the Taliban leaders forced the leadership

¹⁴⁹ L g h h t g { " T g e q t f . " õ E q n n c r u g f " E q w p v t k g u . " E c u w c n v { " F t
Parameters 32 (2002).

¹⁵⁰ Ibid.

to abandon fighting and accept the harsh reality. Some abandoned their positions in and around the city and fled to Pakistan, while many melted away among the local population.¹⁵¹ This fight represented the end of the reign of the Taliban both militarily and politically in Afghanistan.

Taliban Supreme Leader Mullah Omar, in fear for his life, escaped to the mountainous region between Kandahar and the Zabul provinces of Afghanistan with his security forces. Omar wandered around in the mountainous region between Afghanistan and Pakistan until he was given secured entry into Pakistan. Most other Taliban leaders were protected within the network of madrassas managed by Jamaat-e-Ulama-e-Islam (JUI) and ISI in and around Quetta, the capital of Baluchistan, Pakistan.¹⁵² It took over

U v c v g u " k p " C h i j c p k u v c p " This interview was used by the n " c p f " v q V c n k d c p ø u " R c m k u v c p k " j c p f n g t u " v q " t g k p h q t e g " movement.

By the end of 2002, the Taliban were fragmented as a political force and widely discredited as an ideological movement that had been driven from power in Afghanistan. There was no doubt that Al Qaeda infrastructure and operations in Afghanistan were initially destroyed and their capacity to act globally from Afghanistan was even temporarily disrupted significantly. According to the acting assistant director of the FBI's counterterrorism division, J. T. Caruso, as a result of Operation Enduring Freedom,

¹⁵¹ Ibid.

¹⁵² See Ahmed Rashid, *Taliban: Islam, Oil, and Fundamentalism in Central Asia* (New Haven, CT: Yale University Press, 2001).

¹⁵³ "BBC, May 7, 2002." "Q o c t . ö "

Al Qaeda's capacity to commit "horrific acts" had been reduced by 30%. Nonetheless, Taliban leadership and many members and veterans of the organization were able to flee into Pakistan (which questions the overall strategic plan of OEF), eventually reorganizing and developing into a serious fighting force against the U.S. coalition forces and the new Afghan government.¹⁵⁴

Omar was sheltered in a district outside the city of Quetta in winter 2002.¹⁵⁵ Omar formed a military committee to reorganize fighting in Kandahar, Helmand, Zabul, and Uruzgan provinces of Afghanistan. Four former Taliban operational leaders were appointed to run the war in these provinces: Mullah Dadullah, a famous corps commander; Mullah Akhtar Mohammed Usmani, former army chief; Mullah Abdul Razzaq, the former interior minister; and Mullah Barader Akhund, the former deputy defense minister. All of these appointees had close relationships with Al Qaeda and shared its violent global jihad agenda.

By the end of 2002, it was clear that the effect of long-term Islamization on Afghanistan was far from over, and the existence of Islamist groups who held substantial political and military power within and outside of the new central government remained. In addition, the reemergence of the Taliban in the southern and eastern parts of Afghanistan and their ability to organize cross-border military operations against the coalition and Afghan forces not only threatened the stability of the newly established regime in Kabul, but also gave momentum to the Islamists in the government to attempt

¹⁵⁴ U g g " E c t n " e q p g v v c . " õ U v t c p i g " X k e v q t { < " C " E t k v k e c n " C r C h i j c p k u v c p " Y c t . ö In Rivaq research monograph 6, 30 Hagary 2002. C n v g

¹⁵⁵ Ahmed Rashid, 2008, pp. 230-241.

to influence laws and dominate branches of the government.¹⁵⁶ In fact, the domination of the Islamists in the provincial governments in the North West Frontier and Baluchistan provinces of Pakistan in effect kept the internationally oriented support system alive for the Taliban and Al Qaeda.¹⁵⁷ This influence, along with their integration of militants within the tribal belt via marriage and through the existing network of religious schools, gave them a comparative advantage to survive military attacks by U.S., Afghan, and Pakistani forces.

Omar and other leading Taliban figures received popular support throughout the JUI party that was in the NWF and Baluchistan government after its 2002 electoral victory. From 2002 to 2004, for two years, JUI poured military and non-military resources toward supporting the reemergence of the Taliban in Afghanistan.¹⁵⁸ Both the U.S. and their European allies failed to see a strong correlation between the reemergence of the Taliban and Al Qaeda in Afghanistan and their brethren in South and Central Asia. These two years gone unchecked created an opportunity for the reemergence of the Taliban and subsequently of the emergence of new breed of Al Qaeda-inspired militants.¹⁵⁹

In Pakistan, the JUI and ISI support of the Taliban enabled them to launch their well-funded and organized attacks against the Afghan government and U.S.-led coalition

¹⁵⁶ Neamatollah Nojumi, Dyan Mazurana, and Elizabeth Stites, *After the Taliban: Life and Security in Rural Afghanistan* (Boulder, CO: Rowman and Littlefield Press, 2008), pp. 38-44.

¹⁵⁷ Hassan Abbas, *Pakistan's Drift Into Extremism: Allah, the Army, and America's War on Terror* (New York: M. E. Sharpe, 2005), pp. 132-38.

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

forces in 2004.¹⁶⁰ A multidimensional effort turned the Taliban military and political defeat in Afghanistan into a tactical military retreat that led to their reemergence as a key political and military actor in the future of Afghanistan.¹⁶¹

By 2004, President Karzai, who barely escaped assassination attempts by Islamist militants throughout the previous two years. These attempts indicated that the networks of the Islamist militants were alive and active to a level that posed serious threats against the national leaders despite the presence of thousands of sophisticated U.S.-led military units within the area. The Karzai government became particularly vulnerable due to the shortfall in reconstruction programs and slow social and economic development, as well as the extension of Islamist militant opposition that formed when Gulbadin Hekmatyar and Khaless (another conservative/Islamist leader) joined their camp. In addition, the integration of powerful warlords, each with control of their own private armies, jeopardized the ability of the Afghan government to provide physical and human security within the government-controlled areas.¹⁶²

The Reemergence of the Taliban

The Taliban and Al Qaeda leaders used its soil and support to reemerge against the U.S. coalition and Afghan government. The reemergence of the Taliban plunged Afghanistan further

¹⁶⁰ Ibid.

¹⁶¹ Ibid, pp. 219-228.

¹⁶² Matinuddin, Kamal, "Reconstruction of Afghanistan," *The News: Jang, Pakistan*, January 13, 2003.

into insecurity. Many parts of the south, southeast, and some parts of the east fell to the reemerged Taliban fighters. Afghans faced endless suicide bombing attacks brought by Al Qaeda to Afghanistan. Increased civilian casualties slowed reconstruction and challenged the formation of a stable central government that led to the prolongation of the U.S.-led coalition forces far beyond their original mandates.

V j g " V c n k d c p ø u " t g g o g t i g p e g " c p f " k v u " u w t x k
and international support system beyond the geographic boundaries of Afghanistan and also in the severe lack of political strategy by the U.S.-led international intervention toward the movement. In the U.S. approach toward the Taliban, the organization as a whole is viewed as a terrorist and criminal movement and this led to unchecked harassment and brutality against significant numbers of their leaders who decided to leave the movement, cease all military activities, and live as normal citizens in their towns and villages. Once these Taliban leaders who lived in Afghanistan became the target of abuse by the U.S.-backed militia, particularly in Kandahar and Helmand, many ran for their lives into Pakistan without any intention to reorganize and fight the U.S.-backed government in Afghanistan. However, the continuation of atrocities against the former Taliban leaders, and the abuse of power by the U.S. and coalition-backed Pashtun militia across Kandahar and Helmand, forced the Taliban to fall back into a militant network in Pakistan. This reorganization indicated that local conflicts became the Islamist

o k n k v c p v u ø " e g p v g t " q h " i t c x k v { " h q t " t g e t w k v k p
Like its rise to power, the reemergence of the Taliban was strongly rooted in the international intervention strategy of the United States in Afghanistan. U.S. pressure on

RCMKUCP "CPF" OWUJCTTCHØU "OKNKVCT { "GPICIGOG
supporters provoked a popular anti-COGTKECPCVVKVWFG "KP" VJCV "EQ
pressure forced the Pakistani militants supporting the Afghan Taliban to form their own
brand of a Taliban movement against the government of Pakistan.¹⁶³

VJG "NKOKVCVKQP" U "QP" QT "NCM" QH "UCVKUHCEV
with regard to security and justice, created legitimate grievances that gave reasons for
people to join the Taliban-led insurgency. This was the main reason that contributed to
the emergence of the Taliban transformation from a terrorist outfit in 2003 to an
insurgency movement in 2006.¹⁶⁴ During this time, the Taliban developed the needed
regenerative capacity rooted in their social and political bases within at least 80 out of
586 "FKUVTKEVU" KP "CHIJCPKVCP0" KPUWTIGPVUØ "
lack of access to justice and security by blaming the Afghan government, calling it a
ØRWRRGV "TGIKOGÖ" EQPVTQNNGF "D { "ØYGVGT P "KPx

This insurgency gave the militant Taliban the needed environment to perpetuate
their own political game at the expense of the local population and the good will of the
international community. This had happened as local perceptions about the outcome of
international intervention efforts remained without any significantly positive changes and
the gap between perceptions of security with the international actors also remained
substantial. The rise of corruption within the government institutions and the way

¹⁶³ Robert Marquand and Scott Baldauf, "Will Spies Who Know, Tell the U.S.?", *Christian Science Monitor*, 3 October 2001, p. 1.

¹⁶⁴ Thomas H. Johnson, "C h i j c p Post-Taliban Transition: The State of State-Building After War, ö *Central Asian Survey* (March June 2006), 25(1-2), 1-26.

security contracts being resourced by the U.S. and NATO, often misused by malign actors, continued to sustain the emerging gap.¹⁶⁵

Summary

A war that was based predominantly on limited U.S. military objectives under the banner of the Global War on Terrorism (GWOT) failed to turn into durable political stability in Afghanistan. It did not even "fix" the Afghan failed state even though the mission was labeled as such by the literatures that considered Afghanistan a failed state and were reviewed in this dissertation. This, for the most part, was related to the continuation of the tactical nature of U.S. policy toward Afghanistan.

Prior to the September 11 attacks, the Bush administration policy toward the Taliban regime in Afghanistan was restrained, applying economic and political pressure while preserving dialogue.¹⁶⁶ By the time the Bush administration began preparing for war to punish Al Qaeda for its 9/11 terrorist attacks, the Taliban controlled over 80% of Afghanistan. The Bush administration came to realize the importance of covert assistance to Northern Alliance forces.¹⁶⁷ However, the U.S. denial of assistance to Massoud before he was killed negatively impacted the opinions of his Northern Alliance forces, causing them to not trust the U.S. and to prioritize their own game plan once the U.S. relied on them to chase the Taliban and Al Qaeda during Operation Enduring Freedom. The death of Massoud before the U.S.-led intervention took away the Northern Alliance's charismatic leader

¹⁶⁵ U.S. Senate, Committee on Armed Services, "Inquiry Into the Role and Oversight of Private Security Contractors in Afghanistan," September 28, 2010.

¹⁶⁶ See Nojumi, 2002.

¹⁶⁷ Ibid.

who would have led them toward unity and reasonable political direction, particularly in consultation with major Pashtun leaders, as he had experienced and maintained during his fight against the Soviets and the Taliban.

In a reactive response to the September 11 terrorist attacks on America, the Bush administration stepped up engagement with Pakistan to try to end its support of the Taliban. The U.S. asked Pakistan to break ties with forces that Islamabad had viewed as a fundamental strategic investment toward its national security for over two decades.

R c m k u v c p ø u " c n n k c p e g " k p " D w u j ø u l l p o t e n t i a l , i n p a r t c k p u v " because Islamabad viewed India as its existential enemy, not the Taliban. This view has e q p v k p w g f " v q " u g r c t c v g " v j g " W 0 U 0 " c p f " R c m k u v c This situation was exactly the reason that bin Laden was able to find protected safe haven in Abbotabad, the main military cantonment of Pakistan, until he was killed by the U.S. U r g e k c n " H n J u l y 2 , 2 0 1 1 ø I n p r o c e e d i n g " y e a r s a f t e r 9 / 1 1 , t h e B u s h administration also neglected any potential goodwill available from Iran, India, or Russia in support of the mission in Afghanistan.

The strategic shortfalls of the U.S.-led anti-Taliban/Al Qaeda international intervention suggest that the classic international intervention that was based on the interests of the superpowers was not applicable to the contemporary local and regional e t k u k u 0 " H k z k p i " C h i j c p k u v c p ø u " h c k n g f " u v c v g . states, demanded strategic inclusion of strong civilian resources and leadership, and proactive regional diplomacy supported by mighty military forces; not the other way around. At the center of these requirements is an adjustment of the global interests with

the basic needs of the local population as are rooted in the local narratives and reflected in their cultural perspectives.

CHAPTER FOUR: SECURITY IN AFGHANISTAN

The goal of chapter four is to utilize the literature review, in chapter two, to develop a logical interlink between the theoretical framework of this research and a defined nature of the perspectives of security in Afghanistan in the wake of the U.S.-led international intervention. These linkages between the conceptual frameworks of the study and the factual analysis of the case are highly insightful in explaining how and why local and international perspectives of security in Afghanistan are different.

The difference between the state interests and objectives during the first stage through 2006 through 2006 is different in Afghanistan than in traditional conflicts, such as ethnic conflicts with strong social movement on both sides. As stated before, there are many different factors: three decades of war; internal political, ethnic, and tribal rifts; and the proxy political connections to regional stakeholders (i.e. Pakistan and Iran) to name a few. However, due to the centrality of security and justice, as was also discussed within the literatures on failed and failing states, and considering basic human needs theory within the conflict resolution literatures, the assessment of the local perceptions in light of basic human needs theory within the broader conflict resolution literatures frames this chapter. The case, as is observed in this study, shows how the philosophical underpinnings of the

intervention perspectives have differed from the local perceptions, particularly in the areas of security and justice.

As stated before, this dissertation is not claiming that the sharp differences in perspectives of security and justice are the only contributing factors causing insecurity and injustice. The impact of the intervention on local perceptions is framed to explain a rapidly decreasing sense of security and justice in the post-Taliban era. The underlying factor on the side of the U.S.-led international intervention in Afghanistan was the intention of obtaining victory for the U.S., which would be achieved by bringing the terrorist plotters to justice and removing the Taliban, as harborers and coconspirators of violence. The U.S. would bring peace and justice to Afghanistan. From a local perspective, crushing Al Qaeda and removing the Taliban regime was viewed by the majority of the population as a significantly positive political event that should have led to a just and secure environment for their human development.

However, the intervention did not define what security and justice meant to the local Afghans or develop capabilities to address these needs in accordance with local history and cultures. This led to unanticipated developments such as the rise of warlordism, state corruption, and a deadly insurgency, all of which reinforced insecurity and injustice. Practically, the intervention put the Afghans between predatory and illegitimate state institutions, a serious shortage of capacity for uplifting the local conditions, and a deadly insurgency. In part, the combination of pervasive corrupt

government institutions and the deadly insurgency formed a chicken-or-egg dilemma that demanded structural changes in post-Taliban Afghanistan.

The contextual analysis in this chapter provides a window into local perceptions to show how and why people have different, often diametrically opposed views of the same local perception, e.g. security. It also shows that the objectives for the war on terror had a sharp disconnect with what people considered key essentials.¹⁶⁸

By the end of 2006, the objectives of the new Afghan government began to shift toward state-building and, loosely, v j g " t g e q p u v t w e v k q p " q h " y j c v " y p c v k q p " u v c v g ö " ¹⁶⁹ by Barnett Rubin,¹⁷⁰ a ð t g r w d n k e c p " r n by A. Isurkeo¹⁷¹ " a q d h a " c w v j q t k v { democrat k e " i q x g t p o g p v " u { u v g o ö " y c k e v e j q " R ö f e r k j p g i e " m v u q " c p f " Rotberg.¹⁷² In principle, many of these authors viewed this shift as an attempt toward r w u j k p i " C h i j c p k u v c p " v q y c t f " v j g " e t g c v k q p " q h k p u r k t g f 'h y' k f g j o q ¹⁷³ e a p c f e g ö k t g g " o. ö t M j k u' g k p p g o f t g v viewed as an accurate and an adequate response to fixing the Afghan failed state as could be defined within a Western understanding of state formation.¹⁷⁴

¹⁶⁸ Michael J. McNern g { . " ö U v c d k n k | k p i " c p f " T g e q p M o d e l t o a e v k q p " q h " C h O w f f *Ragmeter* (Winter 2005-06), pp. 32-46.

¹⁶⁹ See Francis Fukuyama, *National Building Beyond Afghanistan and Iran* (MD: Johns Hopkins University Press, 2006).

¹⁷⁰ Barnett T w d C r a f t i n g a C o n s t i t u t i o n f o r A f g h a n i s t a n . *Journal of Democracy*, 2004.

¹⁷¹ C 0 " U w j t m g . " ö T g d e r i p t i o n s T h e P o s t - C o n f l i c t ' P r o j e c t ' i n C h i j c p *Third World Quarterly* (2007).

¹⁷² Robert Rotberg, *Building a New Afghanistan* (NY: Brookings Institution Press, 2007).

¹⁷³ H t c p e k u " I d e n t i t y I m m i g r a t i o n a n d L i b e r a l D e m o c r a c y . *Journal of Democracy* (2006).

¹⁷⁴ Conrad J. Schetter, *The " Bazaar Economy" of Afghanistan: A Comprehensive Approach* (Bonn University, 2002).

The formation of the new Afghan government as it was designed during December 2001 in Bonn was a great relief to the U.S. and its coalition, coming as it did more than three weeks after the surrender of Kabul and just one day before the final rout of the Taliban in Kandahar. But the agreement generated substantial dissent among many Afghan leaders who had spent the previous month consolidating new positions of power throughout the country. Most of these leaders were forced out from their positions by the Taliban when they came to power in 1996.¹⁷⁵ Using their alliance with the U.S. against the Taliban and Al Qaeda, these leaders reinstated their writ on the local population without any checks and balances and, with full impunity, rearmed their militia forces and employed local and international resources to reestablish their local and regional power.

The emergence of these powerful leaders (later known as warlords) as a result of the intervention accurately reflected a predatory power structure in Afghanistan. However, living conditions for the Afghan people were no different under these leaders, as their basic needs, including security and justice, still remained unsatisfied. The concentration of International Security Assistance Force (ISAF) in Kabul left most of the population under the brute reign of these leaders, who became part of the political regime supported and nurtured by the international intervention.¹⁷⁶

K p f g g f . " C h i j c p u ø " u v c v g " q h " u g e w t k v { " c p f "

Taliban, but the U.S.-led international intervention was sold to Afghans as the end of injustice and insecurity imposed by the Taliban and terrorist organizations like Al Qaeda.

¹⁷⁵ Nojumi, 2002, pp. 32-38.

¹⁷⁶ The Bonn Agreement (2001), *Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions*, Bonn, December 2001.

To backtrack, the Taliban rose to power in 1996 mainly because they mobilized forces and removed factional warlords and their militias from their positions of power. This Taliban effort, particularly in the south, resulted in popular support of the movement in 1994, which opened the way for them to march southward and capture Kabul. The international intervention reinstated large numbers of these unpopular individuals who themselves became the source of insecurity and injustice against the local populations.

The Struggle Between Real and Symbolic Powers

The interim government fashioned in Bonn essentially reflected a compromise between the predominant interests of the former Northern Alliance, who gained the powerful defense, interior, and foreign ministries, and those of the head of state, Hamid Karzai, a Pashtun royalist and visionary.¹⁷⁷ But neither Karzai nor the other Pashtun members of the administration could reliably command the loyalty of all the Pashtun factions, not even all the decidedly anti-Taliban ones.

Karzai lacked significant military power that he could reliably call his own and for this reason he relied heavily on the U.S. forces (and U.S. security contractors) for his own security. The final defeat of the Taliban in the south was mostly due to the action of U.S. air power and the ground forces of Gul Agha Shirzai, who restored himself as the governor of Kandahar. Karzai was also solely dependent militarily on U.S. forces, whose continuing operations in Pashtun areas, especially a bombing campaign, caused him to lose further political support in his own province of Kandahar. There was serious tension

¹⁷⁷ Rashid, 2008, pp. 46-53.

between Karzai's source of military power and his need to build his ethnically based political force in Kandahar and across the Afghan Pashtun belt.

McT | ck ø uvls-ø-vg others with formidable militia forces was evident in the government. Dealing with regionally based leaders and their formidable militia forces led Karzai to use the U.S. and other foreign forces as threats in consolidating his writ. His government came to be viewed as one that used U.S. intimidation to bargain issues and gain loyalty.¹⁷⁸ Using foreign military for gaining loyalty and respect was in total contradiction to the Afghan tradition of politics and power. The use of force to reach an intra-ethnic or communal politics consensus was forbidden, particularly if the source of force was a foreign military. This dependency cost Karzai his legitimacy, a crucial commodity in the Afghan political culture, particularly after years of illegitimate regimes taking power by force.

Among all the delegates in the December 2001 Bonn Conference, Karzai was a leader who was originally favored by the U.S. and was also the only leader with little or no social and political base of power in Afghanistan. Regional factions, particularly those under the umbrella of the Northern Alliance (which included significant numbers of Pashtuns as well) expected a partial role from the coalition. Once they resisted submitting to the state of affairs being presented by the coalition, they were labeled by Karzai as **Communist regime in the** 1980s and the Taliban in the 1990s and had made tremendous sacrifices for Afghanistan, became further alienated with the political process.

¹⁷⁸ Ibid.

In most cases, many of these powerbrokers viewed Karzai as a leader imposed by the Americans, something that he has rejected and denied numerous times.¹⁷⁹ This adversely impacted the political transition, causing serious friction and discontent and framing the national political agenda into a rivalry between Pashtuns versus non-Pashtuns. This rivalry overshadowed the formation of the constitution and the newly formed presidential and parliamentary electoral processes. The prolongation of the American-led position vis-à-vis their support of Karzai and his government led to further deepening of the rift between Pashtuns and non-Pashtun elites in the central government, which further weakened the Karzai administration.

Karzai's relative weakness paralleled that of the interim government of Afghanistan. The government operated from six different centers across the country, each of which Kabul did not have much real authority over any of these other centers, all listed below:

1. Kabul: the seat of the central government, with Karzai as the center of power of the Panjshiri Tajik militia forces commanded directly by Defense Minister Fahim. His militia control expanded from the city of Kabul to the northern and western districts and all the way up to the strategic Panjshir Valley. The Pashtun militias more immediately loyal to Karzai were under the command of Abdul Rasul Sayyaf, the Islamist Wahabi leader who controlled the

¹⁷⁹ Sue Chan, "Karzai: I'm No U.S. Puppet," CBS News, 11 February 2009.

eastern district of Paghman.¹⁸⁰ Fahim controlled around 20,000 armed militia

h q t e g u = " U c { { c h ø u-third of that amount.¹⁸¹ y g t g " c d q w v " q p g

2. Bamiyan: the center of the Hazara forces in the Northern Alliance led by warlord Mohammad Karim Khalili, leader of the Shiite Hazara party coalition, Hizb-Wahdat-i-Islami-yi. Khalili controlled 8,000 fighters and held a strong social and political base in the central province of Bamiyan.¹⁸²
3. Nangarhar: the center of eastern Pashtun region/forces with control over the four eastern provinces of the country and between 10,000 and 12,000 militia forces. These forces were led by Haji Abdul Qadir, former head of the Pashtun Eastern Council, along with three other warlords: Mohammad Zaman, Hazarat Ali, and Younis Khalis. The party of former Taliban dissidents, Khuddamul Furqan, also had influence on these four eastern provinces.
4. Herat: the western Tajik component in the Northern Alliance led by warlord Ismail Khan, who claimed control over 10,000-15,000 fighters. Ismail Khan extended his influence into Herat's five neighboring provinces.
5. Jawzjan: the center of the Uzbek component of the Northern Alliance led by General Abdul Rashid Dostum. He maintained a strong influence in Mazar-i-Sharif and controlled 10,000-12,000 fighters throughout five provinces in the northern part of the country.

¹⁸⁰ Nojumi et al., 2008, pp. 23-31.

¹⁸¹ Ibid.

¹⁸² P k c o c v w n n c j " K d t c j k o k . " õ V j g " F k u u k r c v k q p "- 2009,"õR q n k v k e
Crisis States Research Centre (2009).

6. Kandahar: under the leadership of Gul Agha Shirzai. He led 3,000-5,000 fighters in a desire to control the southern provinces. Shirzai considered himself a devoted commander to King Zahir, but his highly sectarian character c n u q " o c f g " j k o " c " e q o r g v k v q t " q h " M c t | c k ø u Pashtuns.¹⁸³

The diffuse character of military power in post-Taliban Afghanistan constituted a substantial limitation on the government's effective authority. Of course, the Karzai government could call on U.S. support whenever it needed it, but U.S. priorities were not identical to those of the interim government. Principally, the existence of warlords and their militia armies (that were initially supported by the U.S.) interpreted OEF as a punitive expedition and a manhunt rather than a nation-building exercise. Their influence caused structural challenges to the objectives of OEF and the promises of the Bonn Conference.

Different Paradigms of Security

This study shows two broad contradicting paradigms of security in Afghanistan.

International Actors' Perspectives of Security

The international intervention actors, as well as the Afghan government, often based their perception of security on force protection and the fulfillment of their organizational mandates that were designed to pursue the objectives of the U.S.-led international intervention: mainly fulfilling the objectives of the war against terrorism in Afghanistan through 2006. Security for the U.S.-led international forces as well as for the

¹⁸³ E c t n " Q A Nation At War: Kabūl; Attacks Riddle Afghanistan, Including Shootings and Explosions . *New York Times*, 10 September 2009.

Afghan government was assessed by the presence or absence of armed attacks by the insurgents. Based on this assessment, the absence of armed attacks against the U.S.-led intervention facilities, convoys, and programs marked an area as low risk; the higher the number of attacks, the risk level was elevated to medium or high. In this direction, the U.S.-led international intervention actors and the Afghan government fought the same enemy and shared a similar paradigm of security. In addition, the Afghan government and the coalition forces needed one another for building wider offensive and defensive positions against the Taliban insurgency. The Afghan military was enabled (i.e. trained, funded, and mobilized, particularly through 2006) by the U.S.-led international intervention resources and shared a similar perception of security as the international community.

From their early deployment in Afghanistan, the UN security codes for all international organizations operating in Afghanistan as well as for the Afghan government have been classified as follows: (a) "High Risk" areas, considered a "Hostile G p x k t q p o g p v . ö " e q n q t g f " t g f . " c t g " t g i k q p u " y j g under the UN mandates in Afghanistan are not permitted to enter for civilian programs, e.g. humanitarian assistance; (b) "Medium Risk" areas, colored yellow/orange, are e q p u k f g t g f " \$ W p e g t v c k p " G p x k t q p o g p v ö " c t g c u " y civilian operations of the international organizations is not established and where international civilian agencies, including Afghan government officials, are allowed to g p v g t " q p n { " k h " v j g { " c t g " r t q v g e v g f " d { " c t o g f " \$ R g t o k u u k x g " G p x k t q p o g p v . ö " e q n q t g f " d n w g . " y j

organizations can operate without armed guards.¹⁸⁴ According to the Tufts study, security maps were produced on a daily basis in order to prevent security incidents. Following the UN security codes was mandatory for all international organizations that were implementing U.S.- and coalition-funded programs throughout Afghanistan.

Practically, the security codes were a reflection of the U.S. and international and the U.S. and other coalitions were involved in humanitarian assistance across Afghanistan that helped locals with widespread food insecurity, opening schools, supporting the public health sector, and building the capacity of the government institutions. However, the empowerment of the warlords and armed Islamist groups in the government led to their manipulation of the humanitarian assistance. As the Tufts data meant that those actors were secure, even though the locals in the same area were subjugated to systematic direct and cultural violence by the warlords and armed militia as dangerous. Southern Pashtuns, particularly in the rural areas, are traditionally understanding of religion much more so than politics. Thus, in these areas, accepting the

¹⁸⁴ AIMS, UNAMA, Afghanistan, Kabul, 2003.

environment for farming, trading, and working on poppy production. Indeed, they were unable to practice some of their customary traditions as was envisioned freely by tribal
n g c f g t u . " d w v " k v " y c u " c " r t k e g " v j g { " y g t g " y k n n
for security.

Although there was not much that coincided between t j g " W 0 U 0 " e q c n k v k q p
against terrorism objectives with the ontological needs of locals for security, there was
one humanitarian assistance initiative in particular that is worth mentioning. Provincial
Reconstruction Teams (PRTs) were introduced as a new concept in local development in
q t f g t " v q " i c k p " v j g " r q r w n c v k q p ø u " u w r r q t v " h q t
Afghanistan. The first was established in Gardez in Paktia Province, and was co-located
y k v j " v j g " W 0 U 0 " U r g e k c n " H q a t e r e P R T s b e c a m e a p o p u l a r o " o g o d
concept, but there was no political will to establish them throughout all the Afghan
provinces. PRTs became an operational joint civil-military unit that focused on three
objectives: improving security, extending the authority of the Afghan central government,
and facilitating reconstruction.¹⁸⁵ However, the concept was not replicated in other parts
of the country until the reemergence of the Taliban in late 2003 and early 2004. By
October 2005, PRTs became part of the NATO-led International Security Assistance
Force (ISAF) mission in Afghanistan and were spread throughout the country. It took a
while for the U.S. civilian resources to become operational in communicating with the
tribes, but eventually PRTs began to build schools, clinics, and other small roads.¹⁸⁶

¹⁸⁵ Peter Viggo Jakobsen, *PRTs in Afghanistan: Successful But Not Sufficient*. DIIS Report 2005:6. Copenhagen: Danish Institute for International Studies (DIIS).

¹⁸⁶ Robert M. Perito, *The U.S. Experience With Provincial Reconstruction Teams in Afghanistan óLessons Identified. Special Report 152*. (Washington: United States Institute of Peace (USIP), 2005).

However, since the military forces based on PRTs were tasked with protecting the physical existence of the PRTs, those Afghans who worked on PRTs became insurgent targets once they returned to their towns and villages.

Afghans' Perspectives of Security

The majority of participants in the 2004 Tufts University data expressed their extreme concern about the state of security. A significant trend in the focus group interviews was the fact that local populations defined security from an inside-out perspective. The Tufts field study stated:

Afghans do not define security based purely on the absence of armed conflict or physical violence. Freedom from violence, bodily harm, or physical threats were important prerequisites to overall security in a given area, but these factors were

q p n { " r c t v " q h " y j c v " f g v g t o k p g f " v }¹⁸⁷g " q x g t c n

According to both the Tufts University focus group interviews in the provinces of Badghis, Herat, Kabul, Kandahar, and Nangarhar and the 2003 National Risk and Vulnerability Assessment's national survey, the majority of those interviewed in areas influenced by the Taliban and the Afghan government/international security forces considered insecurity as the absence of personal and community security, economic and resource security, and governance and political security.¹⁸⁸ Participants consistently defined their wellbeing in terms of human security. Generally, they defined their being, in the words of Galtung, by what they have or do not have that is necessary, beyond mere survival, but essential for their human development.

¹⁸⁷ "Human Security and Livelihood of Rural Afghans 2002-2003, *Feinstein International Famine Center, Tufts University*, June 2004, p. 40.

¹⁸⁸ *Ibid.*, p. 44.

In general, Afghans living in many of the areas labeled by the UN and the Tufte data little or no security problems or conflict in their daily lives during the time of the Taliban reemergence.¹⁸⁹ Local residents did not report paying bribes to the Taliban armed groups, insurgents' circuit courts settled disputes and their commanders enforced verdicts fully, and they supported community order as long as people did not communicate with the U.S. coalition and Afghan government. The Taliban imposed *zekat*, a form of Islamic taxation that summed around a 10% tax on agricultural products and business. This taxation was once a year, or per harvest, and included poppy production and narcotics trafficking.¹⁹⁰ In return for this tax, the reemerged Taliban offered security of the roads, market, and credits. A significant achievement by the Taliban was making poppy production, narcotics trafficking, and its highly lubricated credit system function well. They banned the use of the drugs while backing up advance credit to the farmers, settled disputes, and secured transportation and marketing.¹⁹¹ Sustaining the stability of this market among a significant portion of the population in the south and beyond (an estimated 3.3 million in Afghanistan alone) contributed significantly to local livelihood. This was a significant contribution for this population, who did not have access to led counter-narcotics programs.

¹⁸⁹ Ibid., p. 41.

¹⁹⁰ See Gretchen Peters, *How Opium Benefits the Taliban* (United States Institute of Peace, August 2009).

¹⁹¹ Ibid., pp. 15-21.

Primarily in the north, the west and the center of the country reported higher levels of insecurity and conflict. They were harassed by the warlords, their access to market was denied, and they suffered from serious injustices. They were forced to pay bribes to government checkpoints on the road to the market and for settling disputes and faced zero credit support in order to invest or expand their licit economic activities. In addition, because of the lack of control at the borders and the weakness of the regulatory role of the government, local farmers who produced, e.g., wheat flowers or other products could not compete in the market mainly due to drought and the importing of food items by the international aid organizations supported by the U.S. and other donors. Comparing both populations living in High

Risk and Low Risk regions. In the High Risk area, women were not able to own property, and their economic development was hindered while in the Low Risk area, women were able to own property and their economic development was not hindered.

Women in the High Risk area were not able to own property and their economic development was hindered. For example, Tufts and USIP data revealed that it was very difficult or impossible for women to get divorced due to domestic abuse. As a result, hundreds of women who had been forced into marriages as child-brides, often to older men, had to endure most inhumane suffering due to severe domestic abuses. Afghan law did not protect these young brides, and escaping from home was considered a crime punishable by imprisonment. The lack of protection for these young women led hundreds into self-mutilation by pouring kerosene over their bodies and setting themselves aflame.

According to a 2008 report by the Afghanistan Independent Human Rights Commission

(AIHRC), the number of self-immolation cases in Herat Province went up from 106 in

2006 to 187 in 2007.¹⁹² * U v k n n . " J g t c v " R t q x k p e g " y c u " e q p u k t

in 2006 v j g " C h i j c p " O k p k f a i r s r e p o r t e d o n l y 35 s e l f - i m m o l a t i o n c a s e s

k p " M c p f c j c t " R t q x k p e g . " c " ö O g f k w o ¹⁹³ i n t h e J k i j " T k

same year, Sima Samar, the head of AIHRC, protested publicly regarding the grim

situation for Afghan women, five years after the removal of the Taliban in Afghanistan.

U j g " u v c v g f . " ö u w k e k f g " k u " v j g " h k p c n " f g e k u k q p

u q n x g " v j g k t " r t q d n ¹⁹⁴ B y 2006, o n l y f i v e % o f g i r l s o f s c h o o l a g e w e r e 0 ö

enrolled in school; more than 300 schools were burned down by the insurgents, leaving

200,000 pupils with no access to education.¹⁹⁵

This discontinuity of the security paradigms showed that local Afghans and the international community perceived and experienced security very differently. This study also showed that in addition to the two dominant security perspectives, Afghan women, particularly those living in rural areas, experienced the highest levels of human insecurity over a wide range of issues relevant to their ontological needs. At the root of this insecurity was gender inequality, rooted in the structure of the governing system that dictated discriminatory rules concerning culture, economy, and social contracts.

Discrimination against Afghan women was the outcome of the presence of cultural violence rooted in the systematic failure of all forms of official and traditional

¹⁹² The Afghanistan Independent Human Rights Commission, http://www.aihrc.org/pre_eng_anti_pro_gov.pdf

¹⁹³ U g g " ö Y q o g p . " R g c e g " c p f " U g e w t k v { " k p " C h i j c p k u v c p < " K o T g u q n w v k q p " 3 5 4 7 . ö O g f k e c " O q p f k c n g . " Q e v q d g t " 4 2 2 9 0

¹⁹⁴ Payenda Sargand, BBC News, Kabul, 7 December, 2006.

¹⁹⁵ Scott Baldauf, "Afghan Schools Face Torch," *Christian Science Monitor*, February 2, 2006.

government and governance systems to protect and uphold the rights of women and girls. Even though the Afghan constitution granted women rights, the domination of warlords and the Islamists in the government institutions, particularly in the judiciary and law enforcement agencies, prevented the implementation of the constitution.¹⁹⁶

Local Level of Security as an Ontological Need

A question from the Tufts focus group interview asked, "How could the security of your families and communities be improved?" In one case, a fifty-year-old man stated that the bombing by the coalition forces had brought instability, yet he felt that the main q d u v c e n g " v q " u m 'è w h ' k w € j' q ç ¹⁹⁷ This statement suggests that c 0 ö the Afghan civilian communities were caught in the crossfire between the insurgents and v j g " e q c n k v k q p " o k n k v c t { 0 " V j k u " c n u q " k p f k e c v g education, something that the Taliban was against (as illustrated by its burning down of u e j q q n u . " r c t v k e w n c t n { " h q t " i k t n u + . " y c u " v t w n security as having more to do with their basic needs rather than insurgency or counterinsurgency. This also suggests that the notion of the Global War on Terrorism, as it was perceived by the U.S.-led coalitions, was not part of the local narrative in the south. The rationale for such a response was rooted in local experience wherein wars and conflicts devastated many elements of social stability. Afghans often viewed education as a source of enlightenment that could guide people to peaceful behaviors. In most cases, the older generations did not wish for their kids to go through what they had gone

¹⁹⁶ See Zarin V. Hamid and Wida Latif, Security Council Resolution 1325: Civil Society Monitoring Report, *Project of the Global Network of Women Peacebuilders*, 2006.

¹⁹⁷ Tufts University Interview, Pashtun man, age 50, Daman, Kandahar, December 14, 2003, pp. 51-54.

through. They wanted a better life for their children and believed that education would provide this.

A significant part of the local narratives also focused on the loss of a number of professional education classes and the need for tremendous human resources and a skilled workforce to reconstruct, manage, and lead in government and non-government institutions. In addition, education was viewed as a source of pride, dignity, and empowering medium that was tied with local aspects of security.

Many participants in Kandahar expressed the importance of schools in improving achieve security when we lack of access to health care was hindering security in their area.¹⁹⁸ These responses illustrated two obvious issues: (a) the coalition military operations, particularly the bombing of insurgent causing direct violence; and (b) the lack of schools and job opportunities caused human insecurity that can be labeled as indirect violence, along with what Galtung called cultural violence.

Indeed, the notion of direct and cultural violence can be argued at various levels independently or comparatively with both segments of the population who lived under the influence of the insurgents and those who lived under the influence of the coalitions. As stated, the Afghans in southern Afghanistan viewed education and jobs as the means

¹⁹⁸ Tufts University Interview, Pashtun man, age 35, Daman, Kandahar, December 14, 2003.

¹⁹⁹ Tufts University Interview, Pashtun man, age 34, Panj Wai, Kandahar, December 15, 2003.

for the betterment of their children's future and as the exit toward security and peace. At the local level, conflicts were often considered caused by illiteracy and backwardness. A woman, in her response to the same question in a different focus group, viewed a strong connection between education and peace. When she was asked about the priorities to

enlighten people when people are illiterate and backward.

A respondent from eastern Afghanistan told the Tufts team that injustice came from lack of enlightenment; she meant that war and violence were the products of a lack of education. Moreover, education within an eastern cultural philosophy, particularly

from Islamic mystical Sufism that is very popular in Afghanistan, is believed to polish the character of a person.

the thirteenth century poet-philosopher Rumi stated, education is meditation and meditation during which a human being leaves his/her animalistic characters and evolves as a human.²⁰¹ This responder was just one sample of many Afghans who view education as salvation from the illness of violence; in order to establish security and achieve justice, one should be educated.

There is no doubt that the underlying factor in the antagonistic perspectives held by those associated with the international community versus those held by local Afghans had much to do with the tactical difficulties of their tasks on the ground. In other words, they experienced threats of violence against their lives and properties in different ways.

²⁰⁰ Tufts University Interview, Pashtun woman, age 30, Panj Wai, Kandahar, December 15, 2003, p. 54.
²⁰¹ See Julia Scott Meisami, *Forward to Franklin Lewis, Rumi Past and Present, East and West* (Oneworld Publications, 2008).

These threats to the security of the U.S.-led international intervention actors, including aid agencies and personnel, particularly in areas labeled "High Risk," were common and increasingly violent. International actors reported and mapped incidents of direct hostile action and credible threats and offered an assessment for where and how aid organizations could operate. Since the international organizations as well as their Afghan government counterparts held an outside-in perspective of security at the policy level and were not living with the local population — despite having adequate intelligence about hostile activities — for the most part, attacks were unpredictable and very difficult to protect against. These realities on the ground that stemmed from both policy and practice of the international intervention actors and the Afghan government made areas labeled as "High Risk" government partners.

Simultaneously, rural Afghans faced a different series of threats and insecurities. These threats were the result of weakened local governance, caused by the disruption of traditional social networks and institutions by massive migration, shortages of local resources, conflicts over the last three decades, and finally the imbalanced relationship between state and society under the Communists and the Taliban regime. However, the growing pervasive corruption within the government institutions, particularly within the judiciary and law enforcement agencies, coupled with the rise of warlords (as the result of the international intervention) seriously exacerbated injustice and insecurity among the local populace.

In contrast to threats against international organizations that were unpredictable, threats against local populations could be predicted because the source of insecurity was rooted in the nature of the political institutions that were behaving predatorily during the first stage of the U.S.-led international intervention. As the insurgency intensified,

people made calculations to try to mitigate short-term and long-term negative outcomes from potential threats. In other words, they could, to a certain point, defend themselves against direct violence. However, they could not escape indirect and systematic violence imposed by the government institutions and introduced in its culture of violence. For instance, a rural Afghan man was likely to know the political affiliation of his local leader and thus know what he could or could not say or do against a warlord who was now in control of the civilian police. Likewise, the same man was likely to know which roads to avoid at certain times of day or night, and may know the movement of insurgents in the area.²⁰² These security risks were real, and people sought to manage them using a variety of coping mechanisms, some of which were more effective or had more positive long-term effects than others.

Post-Taliban Security Construct Hampers Governance

The structural challenges in relation to the outcome of the Bonn Accord developed soon after the international intervention forces began to implement the outcomes of the Accord. The Bonn Accord failed to offer OEF the political backing that it needed to stabilize Afghanistan; on a larger scale, OEF was not designed to resource a

²⁰² "Human Security í . ö " .4 2 2 6

political strategy beyond the representatives of the armed political groups. It was like an architectural dilemma of building the ceiling before the walls. The U.S.-led international forces created a security umbrella over the Afghan territory while average Afghans suffered from extreme insecurity, mainly at the hands of those who lost to the Taliban due to their unpopularity during the 1990s.²⁰³ This structural security flaw negatively affected the strategic environment for the implementation of the U.S. intervention objectives, and led to the potential for instability and expanded terrorist activities once the Taliban regime was removed from power. The subsequent conversion of Taliban terrorism into an insurgency was exactly the main reason for the prolongation of the U.S.-led military forces in Afghanistan; this instability further dragged the U.S and its allies into the Afghan crisis.

The U.S. militarized intervention strategy fell apart once the objectives of OEF collided with the competing interests of political actors, under whom the basic needs of the local population for security and justice remained unsatisfied.

Differences of Interests and Basic Local Needs

The pursuit of the Global War on Terrorism dictated the concept of security and justice for the U.S.-led international intervention actors in Afghanistan. Security for the international intervention forces meant to achieve justice, by bringing Osama bin Laden and his culprits to justice. This perception of security and justice, in both policy and practice, was an almost 180-degree diametrically different view from that of the Afghans. The rush for action without strategic depth toward stability led the Bush administration to

²⁰³ Nojumi, 2008, pp. 34-38.

ignore the principle requirements suggested by those who viewed the intervention as an attempt to fix the Afghan failed state due to its links to transnational terrorism. The administration misjudged the capacity and will of Afghan delegates at the Bonn Accord; the designers of OEF relied on the outcomes of the Bonn Accord as a substitute for the needed political engine to move the country toward stable political transformation.

The political engine assembled in Bonn fell apart soon after the U.S. military embedded former militia commanders (viewed by most Afghans as being responsible for further destruction, looting, and gross violations of human rights in the post-Soviet era) and allowed them access to guns and power in the fight against the Taliban and Al Qaeda without a program to manage them once the military objectives of the mission were obtained.²⁰⁴ In most cases, these commanders took ownership of the areas that were cleared of the Taliban with the financial and military assistance of the Americans, and in doing so took over ownership of the population residing in it. Soon, the now-monopolization of local resources and unchecked use of violent force turned these militia commanders into notorious warlords.²⁰⁵ Under them, average Afghans faced forced labor on poppy farms; illegal taxation; forced marriages of young girls; large-scale harassment of democratic activists, human rights advocates, and journalists; and unchecked bribery and corruption.²⁰⁶ The severity of these conditions in certain parts of the country was so

obvious that locals reminded themselves using the phrase "v j g " õ i q q f " f c { u ö " w p f g k p v g t x k g y . " v j g " E j c t d w n c m " F k u v t k e v ø u " e j k g h "

²⁰⁴ E q p t c f " U e j g v v g t . " T c k p g t " I n c u u p g t . " c p f " O c u q q f " M c t q C t e j k v g e v w t g *FES/IPC*, 2007 i j c p k u v c p . ö "

²⁰⁵ Ibid.

²⁰⁶ C p p c " D c f m j g p . " õ N k d g n e n F o r c e d M a r r i a g e s , B e a t i n g s , S e x u a l A b u s e " Y q Despite Taliban's Fall, *San Francisco Chronicle*, 16 April 2004.

officers were forcefully disarmed, kept in a private jail by the local militia when they

went to investigate the massacre.²⁰⁷

V j k u " g x q n w v k q p " k p v q " y j c v " y c u " n c d g n g f " d {
a time when millions of moderate Afghans were ready to jump into a deliberative
political process that could have led the country into stability and peace. But the lack of
American management throughout the intervention to check the scope, power, and
responsibility of local powerbrokers while financing, arming, and mobilizing them turned
them into emerging powerhouses that resuscitated the Islamist groups and militia
commanders, allowing them to take control of government positions and law enforcement
agencies, access substantial international security contracts, and finally dominate the
Afghan parliament once it was formed in 2005.²⁰⁸

D w u j ø u " Y c t " q p " V g t t q t k u o " k p " C h i j t o p k u v c p "
long-term interests of the United States. Instead, OEF was designed as an emotional
political outburst that was used by U.S. New Conservative ideologues in positions of
power and influence in the administration as a staging point for invading Iraq. In 2002,
Eric S. Margolis wrote:

The ideologues and Pentagon hawks driving administration policy recall the
T q o c p " u g p c v q t " E c v q . " y j q " g p f g b f " g x g t { " q t c
f g u v t q { g f # ö " H g y " q h " v j g u g " c t o e j c k t " y c t t k
served in U.S. armed forces, yet all are eager to send American soldiers to fight a
potentially bloody war whose benefits to the United States are doubtful.²⁰⁹

²⁰⁷ Neamat Nojumi interview with local leaders and police chief, Charbulak, District, Balkh Province, December 2004.

²⁰⁸ T c j k o w n n c j " r l o w s A r e G o i n g t o R e m a i n A F a c t o f L i f e i n A f g h a n i s t a n , *Jang.com.PK*, 2005.

²⁰⁹ Eric S. Margolis, *War at the Top of the World: The Struggle for Afghanistan and Asia* (Routledge, New York, 2002), pp. 34-42.

This suggests that OEF was both an emotional and ideological approach to U.S.

h q t g k i p " r q n k e { " v j c v " u g x g t g n { " w p f g t o k p g f " v j
Iraq and Afghanistan. In the case of Afghanistan, the way the intervention was
formulated began to prolong the war, waste billions of dollars of investment, and result in
the loss of life of U.S. and coalition military service members and Afghan civilians
y k v j q w v " u k i p k h k e c p v " t g u w n v u . " c v " n g c u v " d { " 4
military thinker of the 20th century, wrote that the goal of war is not victory, but peace.

õ C " y c t " v j c v " h c k n u " v q " c e j k g x g " e n g c t " r q n k v k e
c p f " h ²¹⁰ ~~W~~ ~~h~~ ~~e~~ ~~k~~ ~~w~~ ~~n~~ ~~o~~ ~~t~~ ~~e~~. Unfortunately, by 2006, the war did not result in peace, and it
c n u q " h c k n g f " v q " f g n k x g t " x k e v q t { " d { " õ m k n n k p i

This process blurred the minds of the local population about the objectives of the
U.S.-led international intervention. Key contributing factors of this confusion included:

(a) locals saw foreign military for several years with limited or no improvement of their
living conditions; (b) locals believed that the Taliban and Al Qaeda had retreated to
Pakistan, but foreign troops claimed they were fighting them in Afghanistan; and (c)

o k n k v k c " e q o o c p f g t u " c p f " K u n c o k u v u ø " c t o g f " r q
and had significant access to international assistance. The Afghan government
institutions became dominated by kin-based, illegitimate patron-client networks related
to warlords and former Islamist political parties, turning them into centers of corruption
and illegal activities. As a result, many of the basic needs of the local populations were
denied. These developments elevated threats against n q e c n u ø " q p v q n q i k e c n " p

²¹⁰ Eric S. Margolis, "Iran Invasion: The Road to Folly," *The American Conservative*, 17 October 2002.

Since the locals disfavored these illegitimate actors within the Afghan government, they
d g e c o g " c " u q w t e g " q h " n k c d k n k v { -led coalition v j g " C o g t k
presence in Afghanistan.²¹¹

Once the U.S. authority began to check the power of former militia commanders,
the Afghan warlords accused the U.S. of a double standard ô calling them heroes when
Washington needed their assistance against the Taliban and Al Qaeda, then viewing them
as warlords once the Taliban and Al Qaeda were defeated. U.S. Ambassador Zalmi
Khalilzad was instrumental in assisting Karzai with adjusting the power of the warlords.
However, Karzai was unable to make any drastic adjustments, and as a result the
warlords were simply shifted from one province and position to the next. This, indeed,
enabled these warlords to access greater power and resources through lucrative
reconstruction contracts, narcotics, and partnerships in trade and development deals,²¹²
while still maintaining their power bases at provincial levels. These developments caused
people to question the long-term outcomes of OEF, which contributed to the reemergence
of the Taliban and further spread of insecurity throughout Afghanistan. Caught between
the two evils of warlordism and Taliban insurgency, the Afghan independent-minded
civilian leadership witnessed the assassination of tribal leaders, progressive politicians,
c p f " c f x q e c v g u " q h " j w o c²¹³ p " t k i j v u " c p f " y q o g p ø u "

²¹¹ Nojumi, 2008, pp. 52-58.

²¹² Ibid.

²¹³ Ibid, pp. 44-48.

Rising Corruption

The rise of warlordism during the first stage of the U.S.-led intervention (2001-2006) and the y c t n i n t e g r a t i o n as a policy, into the Afghan government, put President Hamid Karzai in a much weaker position; even his survival was heavily dependent on direct U.S. security protection. In most cases, Ambassador Khalilzad intervened against the warlords on behalf of the Afghan president.²¹⁴ The rise and advancement of the Taliban-led insurgency from the south into the east, southeast, and central regions of Afghanistan forced Karzai and the Americans to tolerate the warlords and their patron-client networks, which led to their control of influential provincial positions, and even seats in the Afghan parliament.²¹⁵

The advancement of the warlords and Islamists from within the government and the Taliban-led insurgency and Al Qaeda terrorist groups from outside the government strategically fed each other. Both the Islamists and warlords within the government and the Taliban-led insurgency advocated for the further Islamization of Afghanistan, limita v k q p " q h " y q o g p ø u " t k i j v u . " c p f " r t q i t g u u k x g " u v c d k n k v { " r t q i t c o u 0 " C f f g f " v q " v j c v . " C h i j c p k and investment in human development ranked corruption in Afghanistan as 172 out of 179 countries in the world.²¹⁶

Opium production, even though it was illicit, emerged as the backbone of the local economy and its rapid annual increase generated hundreds of millions of dollars that

²¹⁴ C h | c n " M j c p . " ð C h i j c p " Y c D a i l y M a n i f o (19), M a y 2 0 0 4 . c p v " v q " F k u c t o .

²¹⁵ Carlotta Gall, "Islamists and Mujahedeen Secure Victory in Afghan X q v New York Times, 23 May 2005.

²¹⁶ *The 2006 Transparency International Corruption Perceptions Index.*

provided additional resources to armed militia and commanders in the government (See Figure 4.1).

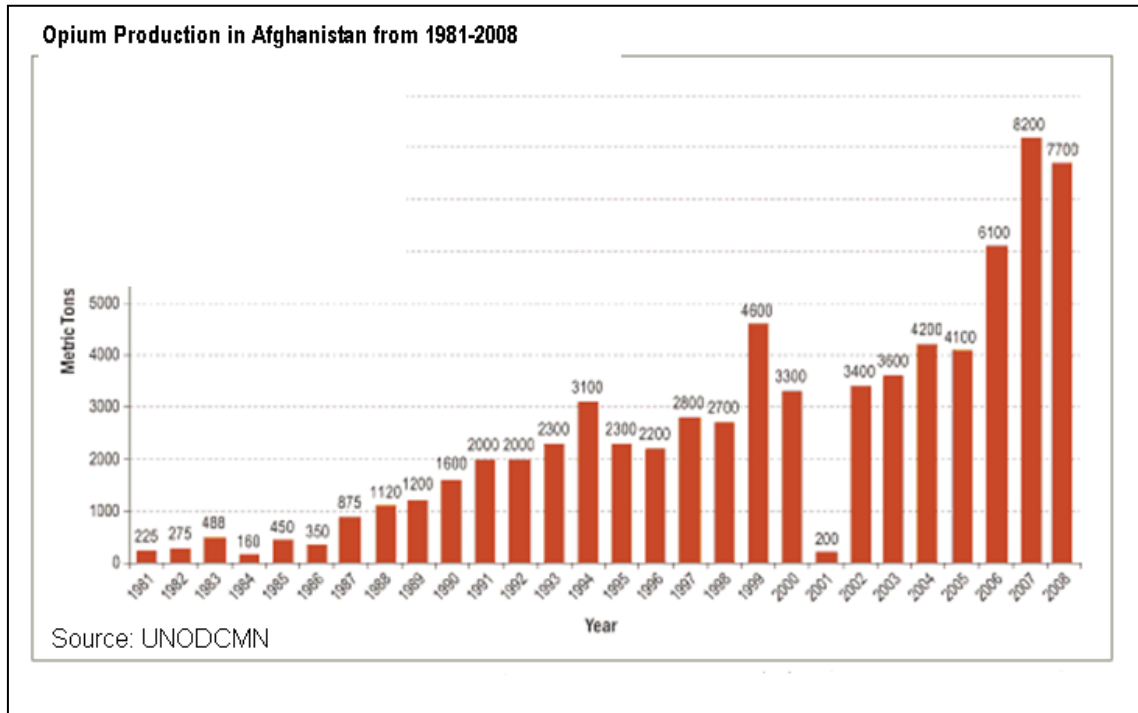


Figure 4.1. Opium Production Increase in Afghanistan From 1998-2008. Source: UNODCMN

By 2006, drug money provided over \$400 million annually, allowing the insurgency to become more pervasive and move beyond their traditional heartland in the south.²¹⁷ The unchecked nature of corruption across government agencies turned the

²¹⁷ *Assessment of Corruption in Afghanistan*, United States Agency for International Development, Washington, DC, 2009.

U.S.-backed Afghan government into a serious threat to the basic needs of the local population. A 2006 survey of 13 different provinces by Integrity Watch Afghanistan revealed that two-thirds of families had paid bribes; a significant number of respondents x k g y g f " e q t t w r v k q p " c u " j c x k p i " c p " õ g²¹⁸ The g o g n { " same report revealed that it was almost impossible to obtain a government job without bribery or nepotism.

Development of a Security Vacuum

As corruption, criminality, narcotics trafficking, and the violation of laws presumed to protect the citizens became routine practices by powerful individuals, families, and the patronage network in the government, the Afghan population was h w t v j g t " f k u k n n w u k q p g f " c d q w v " v j g " q w v e q o g u " q objectives. The rise of the warlords with access to hundreds of millions of dollars in aid and narcotics money and the reemergence of the Taliban suppressed many elements of the traditional security system that was enforced through a variety of social contracts (including *jirga* and *shura*) among local inhabitants. For many decades, these traditional security systems, particularly in rural Afghanistan, formed the backbone of the local system of governance. In addition, warlords and the Islamist armed groups restrained the effectiveness of the traditional security systems by imposing fear and intimidation and buying off local elders. In most cases, they began appointing their clients into these traditional forums in order to hijack local governance. This left the Afghan population

²¹⁸ Ibid.

in an extended security vacuum without any protection by the U.S.-led international military, the central government, or their traditional governing system.²¹⁹

This internal security vacuum and the absence of legitimate and positively effective civilian police and law enforcement agencies led people to question the authority of the central government. In addition, the locals viewed the U.S.-led international forces as an enabling source for the return of local militia and the corrupt government officials to power. This process disoriented many independent political activists and progressive forces around the country. At the same time, the security vacuum was getting filled by the Islamist forces from within as well as by the militants from outside the government. For this exact reason, as argued by the Afghan Independent Human Rights Commission, none of the militia commanders who were documented for gross human rights violations was brought to justice. Instead, many of them began serving in government positions and in support of a culture of impunity.²²⁰

Since stabilizing Afghanistan by addressing the security and justice needs of the
r g q r n g " y c u " o k u u k p i " h t q o " v j g " D w u j " c f o k p k u v t
Qaeda in Afghanistan, the establishment of the Afghan National Army turned into an extremely under-resourced and sluggish process. It never met its developmental ô training and equipping ô mandates. As a result, the development of an effective indigenous military authority and security force to expand its control over the country

²¹⁹ Barfield et al., 2006.

²²⁰ Human Rights Watch Says: Afghan Warlords Hold Government Jobs, ø " T c f k q " H t g g " G w t q r g .
December 2006.

was far from existent. These features of post-Taliban Afghanistan through 2006 implied a significant potential for internecine conflict, including terrorist activity and insurgency.

Centralization of the Political Order

The centralization of the state has been a 120-year-old struggle in Afghanistan that was escalated during the Communist regime and also during the Taliban regime. Once again, the U.S.-led international intervention also pursued this strategy once they removed the Taliban regime from power, by concentrating on the capital city without paying attention to the provinces. With heavy reliance on Western-influenced Afghan elites who maintained highly limited or no reach-back to the rest of the country, particularly within the rural majority, the intervention pushed for a top-down political contract, the 2004 national constitution, that all Afghans were demanded to sign. Since rather than the capital Kabul or even provinces, however, this top-down political construct contradicted the traditional political culture that was rooted in regions like greater Kandahar, greater Herat, and greater Paktia, etc., and had been for thousands of years.

By neglecting the historical and cultural lessons of Afghan governance and attempting to centralize the political structure by way of a top-down political program, a political vacuum filled by warlords resulted. In the words of Patrick Stewart (2006), the new regime failed to materialize either the capacity-building to provide service delivery or the political will to allow the failed Afghan state to be fixed. Consequently, many of the traditional governances and civil society networks fell victim to the will of the

warlords; their contributions to stability and peace-building were hampered. In addition, a deepening rift between the interests of the state elites and the basic needs of the local population, particularly the rural Afghans who comprise approximately 80% of the population, evolved. This political gap exacerbated insecurity and injustice for the locals, as warlords used the central government institutions to impose their will during the first stage of the intervention.

Since Afghanistan was suffering from decades of conflicts and massive economic and political crises, the post-Taliban top-down approach toward reinstating political power failed to energize the new political process toward stability and good governance. In addition, the presence of warlords and the rapid rise of corruption turned the state institutions into a predatory system of corruption under the manipulation of the state elite. Furthermore, the emergence of a deadly insurgency founded by Islamist extremists

v j t g c v g p g f " n q e c n u ø " u g e w t k v { " * c p f " v j g k t " c e e

The reconstruct of the political system under the auspices of the U.S.-led international intervention formed a structural dilemma wherein a culture of impunity, reinforced by pervasive corruption, the predatory nature of the state institutions, and the monopoly of power in the hands of the few who were financed by foreigners and protected by their militaries, flourished. This structural dilemma posed serious threats to both individual and group security and, through 2006, contributed significantly to the regenerating capacity of the Taliban, which turned Afghanistan into a quagmire for the U.S. and coalition forces that had not intended to engage in Afghanistan for so long.

From a conflict resolution perspective, as Johan Galtung explained, human development can be achieved if the basic needs of the population, in this case security and justice, are met. He viewed human development as a transformation from the survival stage of development to well-being, identity, and freedom.²²¹ In this case, conflict resolution is a process toward achieving the objectives of human development. These objectives deal more with life-saving and life-improving approaches rather than the mere survival of individuals and communities under the brutality of corrupt officials and predatory institutions.

In the case of Afghanistan, by neglecting the cultural and historical lessons of local governance and politics, the U.S.-led international intervention strategy put the people between the predatory state elite and the violent militant forces of the Taliban. Indeed, this is not a suggestion that all this happened as a political design by the Bush administration-led intervention in Afghanistan; rather it reveals both policy and operational shortfalls of the intervention. The planners of the intervention narrowly locked into their reliance on political and cultural experiences and neglected to incorporate the significant relevance of the Afghan local political culture into both policy and its policy implications. This contributed to a growing policy and operational gap between international vs. local perspectives, particularly on security and justice. By 2006, the unmatched culturally rooted perspectives in response to the international intervention objectives came to surface once the reemergence of the Taliban developed

²²¹ Galtung, Johan, *Peace by Peaceful Means: Peace and Conflict, Development and Civilization* (International Peace Research Institute (PRIO), 1996), pp. 21-33.

into a full-fledged insurgency that reactivated more U.S. and coalition military operations in the absence of effective indigenous law enforcement or military forces.

He Afghan villagers were k q p " õ p k l w u v k h k c d n g " c e e q t f k p i " v q " v j g " k p v g t p c v k q p c n Afghans, even those supporting the U.S.-backed government, were highly skeptical of these methods, because they were not justified according to local cultures. The t g n c v k q p u j k r " d g v y - g e g i n t e r n a t i o n a l i n t e r v e n t i o n " c x e g v t q u t w u ø " W 0 U 0 perspectives over security-related issues such as night raids and civilian casualties adversely escalated. The key issue relating to night rides had mainly to do with the very c u r g e v u " q h " v j g " C h i j c p " e w n v w t g " v j c v " x k g y g f " of the *nang* (dignity) and *namus* (honor).

Another example was payments to villagers who lost a loved one or more o g o d g t u " q h " v j t g k k g t p " f h n c { o " k h n k k t g g u . " ö d " { y " j ö k h e j " y c u " e q p u l intervention forces as "collateral damages." For the international coalition forces, financial compensation for human losses and property damages was an acceptable means of justice at the time of war. In contrast to and within an Afghan cultural setting, compensation for civilian casualties by the coalition forces should have instead been pursued through a social/communal process to establish healing at the personal, familial, and communal levels and involved acceptance of guilt and a request for forgiveness.

C " o g t g " o q p g v c t { " e q o r g p u c v k q p " v j c v " y c u " f untrusted government officials without the involvement of respected community and religious leaders or a healing process was insulting, and provoked more serious

vengeance.²²² This happened often because the U.S.-led coalition assumed the Afghan government as the sovereign authority of the country without understanding that the state, even a legitimate one, does not have the full legal authority over the life and death of a citizen. Legally, the responsibility for settling accidental deaths, e.g. civilian casualties, was divided between the family of the victim(s) and the state. Any settlement must focus on the forgiveness of the family, not the state. Under the Afghan criminal laws, which treat all killings as criminal and not civil, forgiveness from the family usually results in a life sentence.²²³

The centralization of political power in Afghanistan has always been explained as a modernization of the state. At its core, building a modern national army has always been a priority for Afghan leaders and presidents viewed the formation of a modern army as necessary to their authority. Their motives for establishing a modern army included: (a) balancing their authority in relation to the authority of the autonomous rural communities and tribal groups, and (b) competing with rival neighboring countries, particularly Pakistan.

In the post-Taliban era, building a modern military force for Afghanistan was viewed by the U.S.-led international intervention as being at the core of securing the population. The extreme form of centralization of the state in Afghanistan also

²²² Neamat Nojumi, interview with community leaders and government officials, Tufts University field Study, Nangarhar, Afghanistan, 2004.

²²³ Uggö Etkökc n " R t q e g f wöt "gC" hEiqjfcgpuk" uhvqct p" øCuh " iEj qcppu" vEkqwwt vvkuq p . Christina Jones Pauly and Neamatollah Nojumi, "Balancing Relations Between Society and State: Legal Steps Toward National Reconciliation and Reconstruction," *The American Journal of Comparative Law* (Fall 2004).

significantly hindered the ability of the government agencies to build their own local capacity to deliver services. This led to a structural contradiction between the administrative function of the state and the political order that rooted the way the international donors and the Afghan government conducted planning and budgeting.²²⁴ As a shortcut, the intervention forces built the military by incorporating former militias. However, these soldiers turned out to be more loyal to their former commanders and regional warlords than to the institution of the state. Building a modern state, even though the majority of their subjects were deprived of basic necessities for human development, was viewed by the intervention forces as the number one national priority.

Theoretical Approach

Burton established a general theoretical base for both security and justice as ontological needs.²²⁵ In his 1973 book *Control Theory: A Basis of Social Order* several times in his 1979 book *Deviance, Terrorism, and War*. In *Control*, Burton reports, Sites listed human needs in eight categories, and he divided them as follows:

- **Primary Needs:** Consistency of response, stimulation, security, and recognition.
- **Derivative Needs for Justice:** Meaning, rationality, and control.²²⁶

Burton borrowed the notion of human development from Abraham Maslow, who viewed human development as the ultimate goal for peace and conflict resolution. Burton

²²⁴ Astri Suhrke, "Upside-Down State Building: The Contradictions of the International Project in Afghanistan," in Whit Mason and Martin Krygier, *The Rule of Law in Afghanistan* (Cambridge: Cambridge University Press, 2010), pp. 8-11.

²²⁵ Burton, 2001.

²²⁶ Burton W. John, *Deviance, Terrorism and War*, (NY:Palgrave Macmillan December 1979);

did not talk directly about justice; however, one can interpret his sense of injustice in

U v t w e v w t c n " x k q n g p e g < " ð U v t w e

describe damaging deprivations caused by the nature of social institutions and

r q n k²²⁷ leaving past traumas unsolved and mitigated, as Ahmed Nader Naderi

argued in his 2007 article on transitional justice in Afghanistan, created structural

violence as a political system. This system was impacted by the presence of those

involved in gross human rights violations in the government, the unchecked access of

these people into centralized government resources in pursuit of their predatory interests,

and the military and financial backing of the U.S.-led international intervention. This

means that the structural violence that occurred during the first stage of the U.S.-led

intervention formed a culture of impunity for warlords, corrupt officials, and predatory

state institutions on one side, and an insurgency that conducted brutal tactics against the

civilian populations on the other. All of these developments from 2001 to 2006

collectively deprived Afghans from obtaining their ontological needs for security and

justice.

U q o g " e j c t c e v g t k u v k e u " q h " can be seen in hist c n " x k q n

u v c v g o g p v u < " ð U v t w e v w t c n " x k q n g p e g " k u " u q o g v k

g e q p q o k e " u c p e v k q p " c p f " f k u e t k o k p c v k q p u " k o r q

violence results from compliance processes, perceived insecurity and injustice, and

f g r t k x c v k q p " u w e j " c u " c p²²⁸ Sources of structural violence are d " q r r q

viewed by Burton as the policy and administrative decisions that are made by some and

²²⁷ Ibid., p. 32.

²²⁸ Ibid.

which adversely affect others. He concluded that "societies and institutions within them

and societies are divided between those who exercise leadership and those over whom they exercise authority.

Social groups are not recognized as personalities but rather as units serving the structure

without having any effective voice toward their well-

insecurity and injustice. He addressed two types of alienations:

1. Accepted Alienation generally means that even within liberal democracies those who do not vote for the political establishment have to follow the rules.

Burton argued that

2. Racial and political depolarization response to structural violence there will be resistance to imposed conditions,

violent resistance if necessary. There are human needs that will be

met

minority who experiences discrimination, in addition to other threats to identity and

²²⁹ Ibid., p. 32.

²³⁰ Ibid., p. 33.

²³¹ Ibid., p. 35.

²³² Ibid., p. 36.

recognition as a person, may be even more likely to act recklessly, to follow terrorist leaderships and to seek achievement in anti- u q e k c n " c p f " u²³³ Although u k x g " y c Pashtuns are not a minority ethnic group, their exclusion from the current political construct, as claimed by the insurgents, exemplifies one of the many issues that is valid in the case of Afghanistan. This can offer a significant theoretical basis that explains the upsurge of insurgency and the reemergence of the Taliban in 2003. Since the Taliban used ethnicity as a medium for mobilizing Pashtun communities into their military and political movement during their rule in Afghanistan, their removal from power by the U.S. unleashed an ethnic ravaging by non-Pashtuns against those Pashtuns who were associated with the Taliban. This inter-ethnic violence was indirectly promoted by the U.S.- n g f " k p v g t p c v k generalization of the entire Taliban and their u " associates as terrorists or as aiding terrorist entities. Ethnic brutality against the Pashtun communities associated with the Taliban, for instance, in northern Afghanistan and particularly in northwestern provinces of Jowzjan, Faryab, and Balkh, went unchecked. A similar tendency contributed to harsh and inhumane treatments of the Taliban/Pashtun prisoners during OEF that later caused a number of human rights investigations.²³⁴

The entrance of the Northern Alliance forces, and particularly the Tajik battalions, into Kabul and their control of key ministries in the new government alienated many Pashtuns and offered the Taliban a significant regenerating capacity. Although the ethnic dimension did not offer a totality of causal analysis for the core discussion of this study,

²³³ Ibid., p. 34.

²³⁴ L c p " N q d g . " ð V c n k d c p " R t k u q p @htisaidh EciñkepMññtok, p FelGuari j c p k u v c p 2002.

it can illustrate the way cultural violence can be relevant even from an ethnic conflict to the case in Afghanistan, as an illustration of the severe shortfalls of the U.S.-led international intervention strategy in encompassing social and political diversity; rather, it relied significantly on a top-down centralized approach toward engraining the population in the war on terrorism.

Human Development Theory

Galtung argued his development theory as a holistic approach to human

development which are relatively recent, and are of the study of the human condition into a multitude of specialties and disciplines also

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Galtung criticized disciplines that look at human

development in a static way, stating:

instead of holism, there has been a focus on only the economic aspects of the human condition. Yg " c t g " n g h v " y k v j " c " ö v j g q t { ö " q h " f g x g n q r o imbalances, incapable of taking into account the modernization diseases that affect the human body (cardiovascular diseases and malignant tumors), the mind (mental disorders) and spirit (a general sense of meaninglessness); incapable of handling problems of gross social and world maldevelopment (like patriarchy, bureaucratization, militarization, and other forms of top-heaviness; lack of participation in general, flagrant inequalities).²³⁶

Galtung viewed human development theory as an interconnected set of

developmental spaces that operates within the following hierarchy

J w o c p . " U q e k c n . " c p f " v j g " Y q t n f 0 ö " H k p c n n { . " j g

as follows:

²³⁵ Galtung 1996, P. 185.

²³⁶ Ibid., p. 185.

We also keep the assumption of development theory as dynamic, and interpret this as meaning changes towards betterment of the condition of human and other life. In other words, holism, dynamism, and ameliorism as benchmarks of development theory.²³⁷

What Galtung stated as holism, dynamism, and ameliorism is a systematic approach toward human development and its maintenance. In order to develop a

systematic approach toward human development goals, Galtung separated the goals of

development between development goals and survival goals. At the individual level, this means not succumbing to violence, direct or structural, and for something more than survival and that is "human well-being."²³⁸

For Afghans, the existence of the Taliban regime could be viewed as an obstacle

preventing them from moving toward human development. The Taliban regime followed the narrow interests of its leaders, who viewed themselves as the representatives of Allah on earth.²³⁹ The Taliban ordered the population to submit to the will of their supreme leaders, and if they did not, they would be punished. In this case, the Taliban regime

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²³⁷ Ibid., p. 186.

²³⁸ Ibid., p. 187.

²³⁹ See Ahmed Rashid, *The Taliban*, *Yale Nota Bene*, 2000. Also see Nojumi, 2002.

²⁴⁰ Ibid.

intervention as the beginning of a secure and just order that could end their protracted agony.

The reemergence of the Taliban and the rise of their insurgency, amongst other factors (e.g. safe havens in Pakistan), is rooted in both policy and operational gaps between the U.S.-n g f " k p v g t p c v k q p c n " k p v g t x g p v k q p ø u " k p needs of security as were perceived by the locals in a broad term. In fact, some locals who joined the insurgency did so as a protest against what they considered the ð k n n g i k v k o c v g èt m interests of the international intervention actors and the political order formulated toward those interests. This resulted in the absence of the needed depth in the post-Taliban political process that would give locals a t g r t g u g p v c v k x g " u r c e g 0 " V j g " V c n k d c p ø u " c d k n k v resolutions in contrast to the harassment, corruption, and predatory nature of the new government institution signified the narrowness or lack of representative space. This compelled many Pashtuns, for instance, to join the Taliban as well.²⁴⁴

In his civilization theory that stood on the satisfaction of basic ontological needs toward human development, Galtung argued that structural conflicts produce a violent culture that imposes injustice directly as well as indirectly. Galtung suggested that the human civilization is not violent, per se, but aspects of culture, the symbolic sphere of g z k u v g p e g . " c t g " w u g f " k p " c r r n k e c v k q p u " q h " ð u v

²⁴⁴ See Thomas Ruttig, "The Ex-Taliban on the High Peace Council," *Afghanistan Analysts Network*, October 2010.

c u " ð t g n k i k q p " c p f " k f g q n q i { . " n c p i w c i g " c p f " c t
used to justify or legitimize direct or structural x k q n ²⁴⁵ p e g 0 ö

C r r n { k p i " I c n v w p i ø u " e k x k n k being of the " v j g q t { "
C h i j c p u . " r c t v k e w n c t n { " v j g " u c v k u h c e v k q p " q h "
u g e q p f c t { " v q " v j g " k p v g t x g p v the Global War on v c v g f " u g e
T g t t q t k u o 0 " C n v j q w i j " v j g " n q e c n u ø " p g g f u " y g t g
interests, the Bush administration ø design of intervention in Afghanistan was very
limited to self-serving objectives, and neglected to include a political strategy
comprehensive enough to support a democratic political process to alleviate insecurity
and injustice. Instead, the intervention led to heightened insecurity and violence that
resulted in an increased number of civilian casualties after the removal of the Taliban in
2001. By December 2006, Human Rights Watch reported that 4,400 Afghans had been
killed, and the Taliban terrorist attacks had grown into a full-blown insurgency.²⁴⁶ For the
first time in the history of Afghanistan, suicide bombing was applied by the Taliban
against military and civilian targets (see Figure 4.2). These circumstances question the
doctrinal validity of fixing the Afghan failed state mainly to uproot terrorism and
insurgency.

²⁴⁵Johan Galtung, *Peace by Peaceful Means: Peace and Conflict, Development and Civilization* (Oslo: International Peace Research Institute 1996).

²⁴⁶ ð J w o c p " T k i j v u " Y c v e j í . ö " 4 2 2 8 0

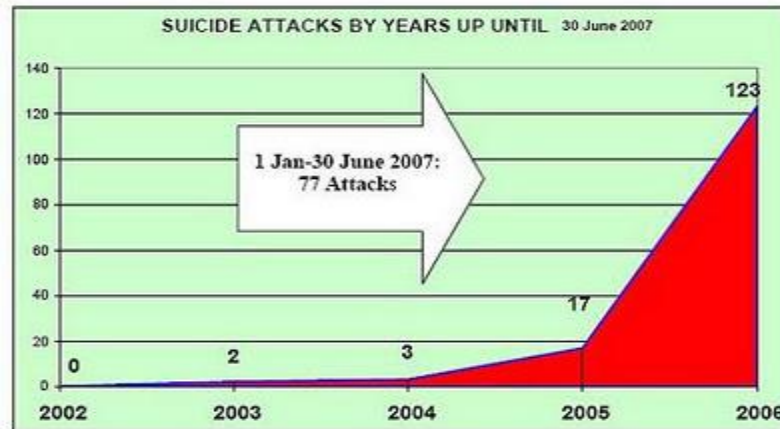


Figure 4.2. Suicide Attacks by Years Up Until 30 June 2007. Source: Suicide Attacks in Afghanistan . UNAMA.

Level of Culture in Shaping Local Perspectives

The contributing narratives mentioned in the literature review discuss international and local perspectives as presented by various authors. This research viewed the role of culture in shaping perspectives as significant and for this reason attempted to expand the discussion in spite of conflict resolution analysis. Kevin Avruch and Peter W. Black focused on the role of culture in conflict by describing the individual human being as encapsulated within a given culture, oftentimes without noticing its routine and constant effects on daily affairs. Indeed, there is another perspective; as Avruch wrote, "culture is a derivative of individual experience, something learned or created by individuals themselves or passed on to them socially by contemporaries or ancestors."²⁴⁷ This characterization assumes culture as a living being evolved via human interaction across time and space. Avruch and Black's comparative insights in distinguishing the two common views on culture – the assumption of universality and the assumption of

²⁴⁷ Avruch, 1998, p. 5.

about their future; when asked if things in Afghanistan were going in the right direction, only 54% agreed (down from 77% in 2005).²⁴⁹

A 2006 World Public Opinion poll showed that 50% of Afghans expressed their strong interest in economic assistance and only 13% in military assistance from the U.S. and its coalition. Even in the southern parts of Afghanistan, which were most affected by the Taliban resurgence, the majority of people requested both kinds of aid (see Figure 4.3).²⁵⁰

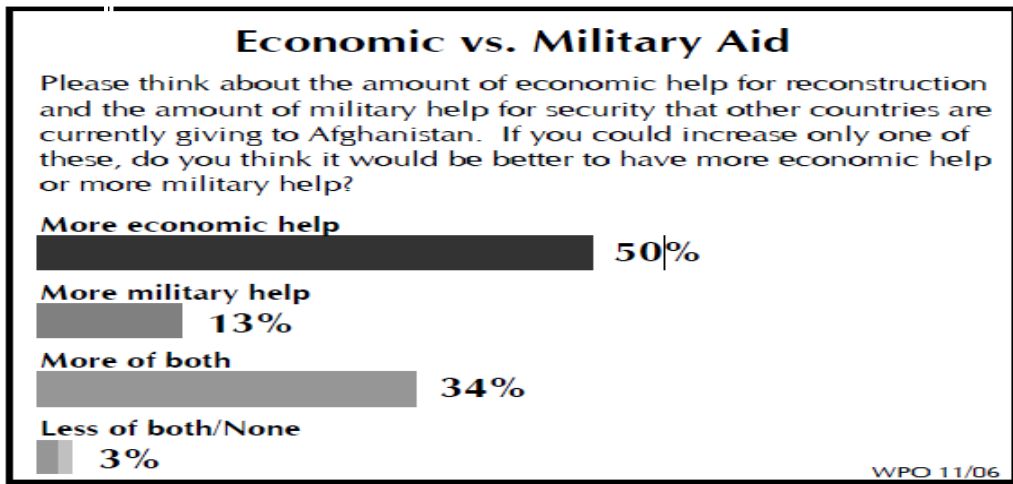


Figure 4.3. World Public Opinion Poll, December 14, 2006, available at http://www.worldpublicopinion.org/pipa/pdf/dec06/Afghanistan_Dec06_rpt.pdf.

²⁴⁹ Afghanistan: National Opinion Poll for BBC, ABC News and ARD. October 4, 2007. http://www.bbc.co.uk/pressoffice/pressreleases/stories/2007/02_february/09/afghanistan.shtml.

²⁵⁰ Afghan Public Opinion Amidst Rising Violence. WorldPublicOpinion.org Poll, December 14, 2006, available at http://www.worldpublicopinion.org/pipa/pdf/dec06/Afghanistan_Dec06_rpt.pdf.

Although Afghans were divided in their responses, the sentiment against the presence of U.S.-led coalition forces was reported as strongest in the Kandahar (south) and Nangarhar (east) regions, where nearly all respondents who had been affected by coalition activities commented on the killing of civilians by the coalition, and a number knew of or had family members injured or killed. An elderly respondent in Panj Wai district of Kandahar stated:

They brought insecurity. During the Taliban we could travel at any time but now we cannot go out after dark. The Coalition put in power those people who do not have a space in the community and people who do not respect the Islamic regulations.²⁵¹

In the north and west regions people generally viewed the coalition as a strong stabilizing force and hoped for ISAF expansion into their area. The main reason for this local tendency was that the people preferred U.S. and coalition forces over the local militia who were the main source of insecurity. Since the Taliban insurgents were mixed

y k v j " v j g " n q e c n " r q r w n c v k q p " k p " v j g " u q w v j . " v j
x k g y g f " c u " v j t g c v u " v q " n q e c n u ø " u g e w t k v { 0 "

Many people in the south enjoyed relative physical and economic security under v j g " V c n k d c p " c p f " u q o g " y g t g " c h h g e v g f " p g i c v k x respondents in the south complained about the new leaders and said that this change had brought increased insecurity to their area. For instance, a younger man in a district in Kandahar objected to the leaders who had been allowed to reclaim power after the fall of the Taliban; he held the coalition responsible for this change:

²⁵¹ Tufts interview, Pashtun man, age 72, Panj Wai, Kandahar, December 16, 2003.

The Coalition supported and put in power murderers who still have the blood of innocent people on their hands. Since the arrival of the Coalition, insecurity and discrimination has significantly increased. This situation did not exist during the Taliban time.²⁵²

An important portion of the Tufts study population in Kandahar province claimed that the coalition created an atmosphere in which opportunistic commanders reclaimed the positions they had held prior to the rise of the Taliban. Many men and women in the study from Kandahar cited insecurity due to fighting between the

commanders. Another common complaint was the perception that the coalition was targeting Pashtuns in particular. Some respondents

linked coalition activity to broader moves to limit Pashtun power or influence in the province. One respondent stated, "The coalition is trying to limit the power of the Pashtuns. They are trying to divide us. They are trying to make us fight each other." Another respondent stated, "The coalition is trying to limit the power of the Pashtuns. They are trying to divide us. They are trying to make us fight each other." Another respondent stated, "The coalition is trying to limit the power of the Pashtuns. They are trying to divide us. They are trying to make us fight each other."

The most commonly cited positive aspect of the Coalition presence in Kandahar province was its effect on minimizing open conflict between militia forces.²⁵⁶ People repeatedly told Tufts researchers that the armed groups would fight each other if the Coalition was to withdraw. This finding appeared to contradict the reports of insecurity caused by the return of the U.S.-backed local commanders and their militia. However,

²⁵² Tufts interview, Pashtun man, age 38, Panj Wai, Kandahar, December 15, 2003.

²⁵³ Tufts interview, Pashtun man, age 46, Arghandab, Kandahar, December 14, 2003.

²⁵⁴ Tufts interview, Pashtun man, age 50, Panj Wai, Kandahar, December 14, 2003.

²⁵⁵ Tufts interview, Pashtun man, age 38, Panj Wai, Kandahar, December 15, 2003.

²⁵⁶ Tufts interview, Pashtun men ages 30-50, Daman and Panj Wai, Kandahar, December 13-17, 2003.

this may indicate that while people were concerned about skirmishes at present, they feared worsening insecurity if the coalition departed. Both men and women made a point of highlighting this issue.

The Tufts study also revealed that some Pashtun interviewees felt they were being marginalized. Some government officials told Tufts researchers that particular ministers and government officials in Kabul were able to exert unchecked power because they enjoyed American support. They claimed that these ministers and officials were using their control over government financial resources to form ethnically based political constituencies, as well as to pressure other ministries and provincial officials if they were not Pashtun.

Many non-Pashtun interviewees also suspected that key American officials were biased towards particular factions within the Afghan government and the unbalanced American support intensified the ethnic tensions that already divided government and society. Respondents argued that such developments could potentially mirror the cleavage that occurred within the Afghan government during the Soviet era, in which the government was split into two hostile camps. To illustrate, a district official explained to Tufts researchers:

We approached the provincial authority for receiving our already past due salaries c p f " h k p c p e g u " v q " e q x g t " c f o k p k u v t c v k x g " p g Kabul yet. We then sent a delegate to Kabul [city], they informed us that the Ministry of Finance has not released the budget. We then approached the Finance O k p k u v t { . " d w v " y g " c t g " v q n f " v j g { " f q p ø v " j c provinces like Kandahar have received their budget and salaries on time. It is not fair and it is also very dangerous for our country.²⁵⁷

²⁵⁷ Tufts interview, district official, Guzara District, Herat, November 29 , 2003.

Tufts researchers revealed similar complaints from provincial officials in Mazar-i-Sharif, who viewed this policy as a politically motivated tool against non-Pashtun provinces.²⁵⁸ Some interviewees in the focus groups, however, were quick to point out that this influence of foreign powers could ultimately go either way for Afghanistan. A woman said, "The best way to have security is that we need not to have tension with the U.S. people. With the U.S. now involved here we have some security, but the U.S. could just as easily make this place insecure for us."²⁵⁹

Summary

Since the fall of the Taliban, the U.S. has been unable to dislodge the Taliban from power and scattered Al Qaeda to the hills or across the border into Pakistan, but Afghanistan did not come to rest as a stable place. In some respects, particularly during 2001 to 2006, its new circumstances resembled those of 1992, when a fragile peace brokered by outside powers was about to be tested. The post-Taliban Afghanistan was the beginning of a new role for the U.S. and NATO in South and Central Asia. Even though the Bush administration did not favor state-building in Afghanistan, concomitant with the war in Afghanistan, the U.S. military intervention in Iraq consumed attention and resources needed to fulfill the objectives of the Bonn Accord and/or the ability, for those who viewed Afghanistan as a failed state, to fix the state. This situation offered Al Qaeda and the Taliban a greater regional environment to fight the U.S. and coalition forces in Afghanistan. Taken together, these developments may portend a period of

²⁵⁸ Tufts interview, Provincial Court official, Mazar-e-Sharif, December 9, 2003.

²⁵⁹ Tufts interview, Tajik woman, age 38, Mir Bacha Kot, Kabul, November 3, 2003.

increased regional conflict that deeply involved the United States and significantly exceeded the issue of terrorism.

When it was launched, Operation Enduring Freedom was granted the dispensation of being a categorically "new war," which gave its architects considerable freedom. Actually, what was singular was not the war but the scale and audacity of the attack that America suffered on September 11th. In the wake of this attack, the impulse to declare war overwhelmed the attention to the war's possible stability effects and broader repercussions toward securing the U.S. long-term national security interests in Afghanistan and beyond. Once war commenced, the measure of success in Afghanistan came to focus too narrowly on battlefield gains of a mighty conventional force against the ragtag militia groups under the Taliban. So it should have come as no surprise that, three years after their removal from power, the Taliban reemerged, warlords gained prominence, and the central government remained without attachment to the population.

Toward balancing the mission and, particularly toward planners of Operation Enduring Freedom and foreign peace brokers in Bonn forgot to take into consideration the lessons learned from Afghan history and culture, particularly in paying attention to the improvement of security as a broad range of ontological needs and absolutely necessary for human development. The rise of warlords in the government, the pervasive culture of corruption, and the wide range of discrimination against women were overwhelming forces over millions of Afghans who desired to leave environments of insecurity and violence in both its direct and cultural forms.

The rise of warlordism and the state failures through 2006 in Afghanistan at an age of terrorism should draw global attention to a situation that encompasses conflict-prone and war-ravaged societies. This development needs a far more comprehensive policy reflection than what was viewed in the literatures that discussed the nexus between failed and failing states. Intra-state issues that often generate ethnic conflict and associated regional rivalries can shift the circumstances on the ground and pose serious challenges to the stated objectives of any international intervention. These circumstances accentuate the importance of remedial approach: conflict reduction, humanitarian relief, and development assistance and good governance of all types as integrated strategic steps in an international intervention scheme. And the situation u j q w n f " u g p u k v k | g " v j population to the problem of inadvertency in the conduct of military international intervention in cases like Afghanistan. But these issues and requirements fell largely q w v u k f g " v j g " u e q r g " q h "visionin"WashingtonEwhopviewed x c v k x g u counterterrorism as an ideological issue and took a hegemonic approach to resolve it militarily.

The conceptual review toward building a theoretical framework within which means and methods for building conflict resolution approaches were discussed and set the path toward looking at the prospect of security in Afghanistan. The intention of this chapter was to begin to establish an in-depth cognitive understanding of the underlying structural and cultural constructs of the conditions on the ground in order to explain the local versus U.S.-led international intervention perceptions on security, and later on justice. Toward that goal, constructing a theoretical framework, in practice, meant to

develop a strategic framework for an achievable post-Taliban Afghanistan at the time when a brazen insurgency began to put the U.S.-led international intervention objectives in Afghanistan to the test six years after they were defeated with the popular support of the locals.

A strategic framework as a pragmatic approach toward addressing the research question offers the needed understanding of the problem, enhances coherence, coordinates actors and instruments, and finally uses the data collected on the field and by Tufts and other sources to explain why and how international and local perspectives differ. Explanation of the state of security of the locals as they experienced it gradually shaped their perspectives which, in one way or the other, affected their attitude toward the U.S.-led international intervention in Afghanistan

In the field, Afghans told Tufts researchers that threats to their human security were widespread and came from a much broader range of sources than only open fighting or armed groups. Based on these responses, one can argue that international intervention strategies may not always recognize or act on the experiences and perceptions of what threatens or improves the human security of Afghan citizens, as demonstrated by the significant gap between the international perceptions of insecurity and that of the Afghans. At times, threats to the human security of Afghans came from the very institutions that were meant to protect people, most notably the police, other law enforcement agencies, and local government officials. Indeed, the Afghan people had no faith in these institutions, which they considered to be corrupt, inefficient, and lacking the will to deliver good governance.

The local perceptions and experiences of security and justice indicate that there is a long way to go beyond 2006 in improving security organizations and judiciary responsiveness and efficiency to offer the required essentials to the ontological needs of the locals. Efforts to train and expand the police were important, but cannot substitute for structural adjustments to make the government institutions responsible for the security needs of the population, which was viewed by the locals as more aligned with human security rather than the absence of physical violence. Building security organizations without satisfying the ontological need for security of the population was like economic development without human development strategies. Besides, historically, security of the Afghan population has never been established by the state-run law enforcement agencies.

V j g " d q v v q o " n k p g " h q t " v j k u " f k u e w u u k q p " k u " j q y

context of how the perceptions of security between the locals and the international intervention differed reveals a growing gap between the objectives of the intervention and

v j g " u g e w t k v { " p g g f " q h " v j g " n q e c n u 0 " W u k p i " I c n

international actors on the ground supported the Afghans ø ð d g k p i . ö " d w v " v j g k t " tremendous sacrifice, and investment fell short to a e j k g x g " ð j c x k p i . ö " g u r g e related to security.

CHAPTER FIVE: JUSTICE DEFINITION AND REFORMATION IN AFGHANISTAN

The goal of chapter five is to build on chapter four, the state of security, in order to better explain the different perceptions of justice as a significant local need through 2006, as held by the U.S.-led international intervention, and the local population. This chapter reveals the discrepancies between laws and their application, the state legal system, and the crisis of justice as an endemic problem throughout Afghanistan. At its core, injustice, with respect to insecurity, created a chicken-and-egg dilemma that contributed to the rise of armed political groups, a culture of impunity, and the expansion of a deadly insurgency.

In December 2001, in the midst of the U.S.-led rout of the Taliban, the United Nations brokered a consensus-building process among the (invited) anti-Taliban opposition delegates and key regional and international stakeholders in Bonn, Germany.²⁶⁰ These delegates to the conference that produced the Bonn Constitution as a legal framework until a new constitution was ratified. This agreement conditioned the application of the 1964

²⁶⁰ *The Bonn Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions*, Bonn, December 2001 * j g t g c h v g t . " õ v . j g " D q p p " C i t g

Agreement or any international legal norms²⁶¹ to which Afghanistan was a signatory. On the surface, this agreement was envisioned as a road map for fixing the Afghan failed states by the Afghan delegates. The Bonn Agreement also allowed the Afghan Authority to amend or appeal provisions that contradicted the agreed provisions or international norms.²⁶² Although the newly formed Transitional Islamic State of Afghanistan (TISA) and later the government of Afghanistan promised strong adherence to these international norms, the weakness of the judiciary and justice systems, the vital need for transitional justice in response to past crimes, assessment of the judiciary crisis in the light of three decades of conflict and bloodshed, and the absence of resources made the fulfillment of such promises elusive.

V q " h w t v j g t " e q o r n k e c v g " o c v v g t u . " h g y " q h " C or collected in one location. The 23 years of war brought the destruction of judicial institutions, and libraries and legal texts were burned and destroyed during the fighting. The hugely neglected understanding of the non-state justice system ô vital to creating a hybrid, affordable, and transparent judiciary in Afghanistan ô was never mentioned. As a result, international agencies such as the International Development Law Organization (IDLO), based in Rome, and a number of U.S.-based organizations reproduced and distributed the Afghan legal codes (1976 civil and penal codes) among the judiciary

²⁶¹ These norms includes all international legal provisions that were ratified by Afghanistan are as follow: The Genocide Convention of 1948 (acceded 1956), the Geneva Convention of 1949, the Convention on Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity of 1968 (acceded 1983), the Convention on the Elimination of All Forms of Discrimination Against Women of 1979 (acceded 1980), The International Covenant on Civil and Political Rights of 1966 (acceded 1983), the Convention on Elimination of All Forms of Racial Discrimination of 1966 (acceded 1983), the Convention Against Torture and Other Cruel, Inhuman Degrading Treatment or Punishment Rights of the Child of 1989 (ratified 1994).

²⁶² ð Vgj " D q p p " C i t g g o g p v ö . " K K . " 3 . " k k 0

sectors.²⁶³ In most cases, these texts that were originally designed to protect the interests of the state rather than enforce individual and communal justice were too little to help even the Afghan central government to lead the way. While IDLO distributed a limited number of these texts, there were more new cases that neither the 1964 nor 1976 constitution could offer remedies on. Criminal cases related to multiple deaths of individuals whose communities joined hostile political forces, different governments, or foreign militaries; civil cases that dealt with the involvement of members of one or more communities that each had a deed over a specific property; returning refugees who discovered that their properties and businesses were occupied, sold, and resold under different governments ranging from the communists, mujahideen, the Taliban and U.S.-backed post-Taliban authority — these were but some examples of cases that the Afghan government court system neither had the capacity nor the required human resources to manage. The Bonn conference and the donor agencies, in most cases, were reliant on their experiences in the past or in other parts of the world and were pretty well off from proposing a forward-looking response to the crisis of justice in Afghanistan. As a result, the centralized and poorly resourced and managed government judiciary was left with outdated texts and guidance and almost zero contributions received for its betterment from the United States. In addition, there were new legal provisions issued by President Karzai or passed by the Ministry of Justice that were not made available in text form to most of the courts through 2006. According to both Tufts and USIP data and other

²⁶³ Tufts researchers interview, Minister of Justice, December 13, 2003. The 1964 and 1976 criminal and civil codes are the same.

reports, many judges throughout the country were unaware of these new provisions, while some heard about them only on the radio.

Many reports viewed the Afghan government judiciary as a serious contributor to the rapid increase of injustice in Afghanistan through 2006. The judiciary was filled with inept judges and political appointees with limited or no legal training and heavily under the influence of the warlords and powerful government officials. The post-Taliban judiciary was dominated by Mr. Shinwari, an 80-year-old cleric who belonged to a very conservative Islamist political party and was appointed due to political deals behind closed doors. According to the International Crisis Group, Shinwari appointed some 137 judges to the bench; only a few appeared to have appropriate knowledge, even of Islamic law, and only one had training in both secular and Sharia jurisprudence, as required under the constitution.²⁶⁴

The 2001 Bonn Accord was a roadmap designed to establish a new national government to lead the country out of years of war and conflict. Yet it was devised on the basis of a centralized structure as it had been under the monarchic and Communist regimes, which defied the possibility of fixing the Afghan failed states with a system that could deliver stability and justice in a country that had been profoundly changed by years of war and large-scale displacement and forced migrations. Central to this roadmap was the formation of an emergency *loya jirga* that was viewed by the Afghan delegates and their international backers as the most authentic event designed to bring Afghan communal and tribal leaders under one tent to set up a legitimate political process for the

²⁶⁴ ð V j g " E t k u k u " q h " L w u v k e g " k p " C2004. j c p k u v c p . ö " K p v g t p c v k

country. The Bonn Agreement assigned a Special Independent Commission for the Convening of the Emergency *Loya Jirga* that was given the authority to determine the mechanism and number of delegates. As the largest grand assembly ever held in Afghanistan, the *loya jirga* gathered 1,501 Afghan delegates from inside and outside the country. With full international funding, technical and legal resources, and a security force, the 21-member *Loya Jirga* Commission convened this grand assembly as it was planned. Zahir Shah, the former Afghan king, returned from exile in Rome to open the first session.²⁶⁵ On 10 June 2002, the delegates arrived. On 13 June, the *loya jirga* selected Hamid Karzai to head the Transitional Government and by 19 June Karzai announced the makeup of his cabinet.²⁶⁶ The delegates to the emergency *loya jirga* used this traditional political process to mark the legitimization of a modern political transition that was actively supported by the United States and the United Nations. The emergency *loya jirga* tasked Karzai and his cabinet with a two-year transitional government and the goal of holding a presidential election in 2004.²⁶⁷

The 2004 Constitutional *Loya Jirga*

The formation of a national constitution was another important pillar on the roadmap designed during the Bonn Agreement in 2001. In order to achieve such an objective, the agreement recognized the traditional *loya jirga* as the mechanism via which representatives would debate, reject, and approve contents and finally ratify a document

²⁶⁵ C n k " L c n c n k . " õ C h i j c p k u v c p " k p " 4 2 2 6 < " G n g e v A s i a t S u n e y 4 5 (1) i t g u " c (2003), pp. 174-185.

²⁶⁶ C o k p " U c k m c n . " õ C h i j c p k u v c p " k p " 4 2 2 6 < " G n g e v A s i a t S u n e y 4 5 (1) i t g u " c (January/February 2005), pp. 88-97.

²⁶⁷ Larry P. I q q f u C h p i . j " c õ p k u v c p " k p " 4 2 2 6 < " G n g e v A s i a t S u n e y 4 5 (1) i t g u " c (January/February 2005), pp. 88-97.

to establish a legal framework for state and society. This process was supported by several international institutions that provided funding. In July 2003, Karzai outlined the process for delegate selection for the Constitutional *Loya Jirga*, stating that there would be 500 delegates: 344 elected by caucus at the district level; 64 women elected by caucus at the provincial level; 42 delegates from refugee, nomad, and minority communities; and 50 people (25 men, 25 women) appointed by President Karzai.

Afghanistan's last constitution was drafted for the Democratic Republic of Afghanistan in November 1987 under the Communist regime. In October 2002, Interim President Karzai appointed a nine-member Constitutional Drafting Commission, chaired by Vice-President Shahrani. Over the next six months, this body drafted a new constitution, based largely on the 1964 Afghan constitution that was written during the reign of the former king. Yet instead of debate, discussion, and in-depth political consultation, the initial draft was written primarily by the 35-member Constitutional Commission and the chief legal advisor to the Afghan head of state, Mr. Azimi. This commission travelled throughout the country and reworked the draft, which was not released to the public until November 2003, only weeks before the convention of the *loya jirga*.²⁶⁸

After weeks of argument, Afghanistan approved a new constitution, postponing some of the difficult political issues (including questions such as whether to allow top officials to hold citizenship in other countries, whether Dari or Pashto (two main languages) should be the official language, whether other local languages would be

²⁶⁸ D c t p g v v " T 0 " T w dCkhp i . j " cōp * kTugv + c " pD < w " kVn j fgk " pHi q n Gur reh t d H t d r y U v c v g n g u u " (April 2004), pp. 165-170.

recognized, whether former King Mohammed Zahir Shah should maintain the title "father of the nation," how to address women's rights, whether Afghanistan should be a free market economy, and whether higher education should be free) until a new government could be elected. Sabghatuallah Mujadidi, head of the Afghan constitutional assembly, declared success in adopting the country's new constitution. The final deal provided for a presidential government closer to a French or U.S. model, but with a stronger parliament than originally called for by the transitional government. That constitution, supported by Karzai, envisioned an Islamic republic with a bicameral legislature and a strong president, who would also serve as commander-in-chief of the military.

The new constitution demonstrated the *loya jirga* as a national unifying political institution. The 2004 constitution elevated the role of the *loya jirga* over all government and non-governmental institutions and declared that *loya jirga* is the highest manifestation of the will of the Afghan people. The constitution stated that neither the president nor his ministers nor members of the Supreme Court had voting rights in a *loya jirga* on the support of any particular individual or group, including the president.

While historically it was the king who most often initiated the process, the new constitution allowed for the House of People, one of the two houses of Parliament, to directly convene a *loya jirga* at any time. The constitution further stated that neither the president nor his ministers nor members of the Supreme Court had voting rights in a *loya*

²⁶⁹ Islamic Republic of Afghanistan, *The Constitution of the Islamic Republic of Afghanistan*, Kabul, Afghanistan 2002.

jirga; those are reserved for members of both houses of the Parliament and the provincial and district leaders. While in session, it trumps all other bodies of government.²⁷⁰

The heaviest debate surrounded the question of presidential vs. parliamentary systems of government. This debate was rooted in the emerging political narrative of power across ethnic groups. Historically, Afghanistan was ruled by the Pashtun dynasties for over 200 years. Afghan resistance against the Soviets in the 1980s led to the emergence of ethnic Tajiks, Hazaras, and Uzbeks as formidable armed groups who defied the Pashtun-dominated political order of the past. Pashtuns claimed that they were the largest ethnic group in the country and they should occupy the majority of the positions of power in the new political order. Non-Pashtuns argued that they, collectively, formed the majority and they needed to hold the majority in the central government. Many of the non-Pashtuns, particularly ethnic Hazaras, claimed their rights on the basis of over one hundred years of discrimination, marginalization, and deprivation of justice and political representation. These claims and issues put social justice and fair distribution of power at the center of the Afghan political debate.

Interim President Hamid Karzai and his team, backed by the U.S. Special Envoy to Afghanistan Zalmay Khalilzad (2001-2003), supported a centralized political order with a powerful executive within a republican platform who could effectively direct the executive branch. Others argued that for an ethnically diverse country coming out of years of conflict, a power-sharing model with a strong president presented the best hope

²⁷⁰ Ibid.

for national unity and reconciliation. But with the U.S. backing the centralized republican system, secret deliberation of decisions over key provisions of the constitution shifted the balance in support of the Karzai team. At one point President Karzai threatened that he would not run for the office in 2004 if a parliamentary system or semi-presidential system was created. Members of the Tajik-dominated Northern Alliance accused Karzai of buying off opponents with promises of influential positions in a post-election government. On 1 January 2004, more than 200 of the 502 delegates, mostly of Uzbek, Tajik, Hazara, and Turkmen minorities with their Pashtun alliances, refused to cast their ballots on the original draft constitution in protest over the content of the proposed constitution's 12 articles, dealing with whether Afghanistan should have a presidential or parliamentary system. This forced Chairman Sibghatullah Mojaddedi to call for a two-day adjournment.²⁷¹

Another historical and highly contentious issue during the Constitutional *Loya Jirga* process erupted when Malalai Joya, a delegate from the western province of Farah, criticized the *loya jirga* for allowing warlords, who were accused of gross violations of human rights and serious impediments to social justice in Afghanistan, to participate in the assembly because their presence and role questioned the legitimacy of the process. On December 17, 2003, she delivered the following speech:

My name is Malalai Joya from Farah Province. By the permission of the esteemed attendees, and by the name of God and the colored-shroud martyrs of the path of freedom, I would like to speak for couple of minutes. My criticism on all my compatriots is that why are they allowing the legitimacy and legality of this *loya jirga* come under question with the presence of those felons who brought our

²⁷¹ E c t n q v *Loya Jirga Gets Tense as Leader Walks Out* *International Herald Tribune*, 31 December 2003.

country to this state. I feel pity and I feel very sorry that those who call *loya jirga* an infidel basis equivalent to blasphemy after coming here their words are accepted, or please see the committees and what people are whispering about. The chairman of every committee is already selected. Why do you not take all these criminals to one committee so that we see what they want for this nation. These were those who turned our country into the nucleus of national and international wars. They were the most anti-women people in the society who wanted to [pause] who brought our country to this state and they intend to do the same again. I believe that it is a mistake to test those already being tested. They should be taken to national and international court. If they are forgiven by our people, the bare-footed Afghan people, our history will never forgive them. They are all recorded in the history of our country.²⁷²

L q { c ø u " u r g g e j " y c u " k p v g t t w r v g f " d { " v j g " K u

which caused the UN to put her under its security protection. Despite threats and confrontation posed by warlords and Islamist groups, Joya was elected as the representative from her province to the Afghan National Parliament.

O c p { " f g n g i c v g u " c f f g f " v q " the process had hœ t k v k e k u

specific criteria, that the rules of procedure were not followed, and that delegates were not properly prepared or educated about the issues. There were also complaints that many of the most important decisions were made by warlords and Islamist leaders, Karzai's favorites, and international representatives, such as U.S. envoy Zalmay Khalilzad, behind the scenes.²⁷³ All of these sentiments and accusations began to adversely affect the legitimacy of the Afghan government and question the motives of the U.S.-led international intervention in backing such a development.

²⁷² "UN Guarding *Loya Jirga* Delegate," BBC News, 18 December, 2003, available at http://news.bbc.co.uk/2/hi/south_asia/3331751.stm. Retrieved 8 December 2008.

²⁷³ Ansar Rahel and Jon Krakauer, *New York Times*, September 10, 2009.

The International Intervention Efforts in the Justice Sector

Six years after the signing of the Bonn Agreement and more than six years after the establishment of the government of Afghanistan, in 2006 the Afghan justice system was still struggling to put in place the basic elements essential for establishing the writ of the government — even within major urban centers. The Bonn Agreement called for the establishment of three commissions: the Judicial Reform Commission (JRC), the Constitutional Commission, and the Afghan Independent Human Rights Commission (AIHRC). However, the Judicial Reform Commission remained under-resourced comparatively and was unable to establish tangible progress to reform the judicial system. By 2006, a civil and criminal justice system began to function in some areas with U.S.-led international assistance, but government courts were still extremely poorly resourced, and judges and prosecutors were not trained and were poorly paid. Although the Afghan constitution was ratified in January 2004, it will be years (past 2006) before a complete set of laws are created and legal cadres are developed.

To put the Afghan government judiciary system in a historical perspective, the authority of the formal state-centralized legal system in the past was limited to the provincial centers. The population in the rest of the country relied on informal legal systems that were based on customs and traditions and functioned via local institutions. When seeking redress, people often first approached the traditional local forum. If this forum failed to provide conflict resolution or offer a suitable remedy, then people approached the official government courts in the nearest district or provincial center. In some cases, the district government officials encouraged people to use local mechanisms

in order to provide greater services to the residents, foster community harmony, and establish workable relations between the state and society.

D { " v j g " g p f " q h " 4 2 2 8 . " C h i j c p k u v c p ø u " h q t o c
comprised of an estimated 255 primary (district) courts and 32 provincial courts. Kabul was home to the High Court of Appeal (*Estinaf*), which heard appeals made against decisions by the provincial courts, and the Supreme Court, headed by the Chief Justice. The Court of Cassation (*Tamiz*) acted as an administrative court of appeals within the Supreme Court.²⁷⁴ All of these courts adjudicated litigations based on the legal codes embodied in the 1964 constitution and the *Hanafi* jurisprudence of Islamic *Sharia*, the dominant Islamic school of thought in Afghanistan. Additionally, there were new provisions and special decrees issued by the Supreme Court.²⁷⁵

From 2001 to 2006, the judiciary remained the most underfunded institution of the government, with serious shortages of capacity and human resources. In addition, it was considered one of the most corrupt organizations of the central government and it deepened the shortfalls of the Afghan "failed state." Many judicial personnel still had little legal knowledge or experience. The shortages of basic facilities, low salaries, and an increasing number of litigations that had created a nightmare for the Afghan government has to do, to a large extent, with the lack of priority for state-building by the U.S. and coalition forces (who were instead more concerned with the objectives of the GWOT).²⁷⁶

²⁷⁴ Amnesty International, *Re-establishing the Rule of Law* (2003), 5. Afghanistan also has a separate system of specialized courts, which includes the Family Court and the Juvenile Court.

²⁷⁵ N k x k p i u v q p " C t o k v c i g . " ð Afgh Generation of War, *WZokR* (2007). " E q o r g v g p

²⁷⁶ None of the primary courts that we visited in the winter months was properly heated. No court had any means of transportation or communication. I found similar conditions in the High Court in Kabul, where offices were without heat or telephones. In Herat, the local government provided a mini-bus for

The state of the government judiciary became one of the most serious threats to local ontological need for justice. Hundreds of individuals with theological backgrounds, but no legal education or training, and who were incorporated during the Taliban regime, continued to work within the court system. A highly conservative cleric was put in charge of the national supreme court in order to satisfy his Islamist political party led by p q v q t k q w u " u c n c h k u v " n g c f g t " C d f w n " T c u u w n " U c { *modus operandi* of expelling judges trained within the secular legal system and Islamic legal practices. Because the U.S.-led international intervention actors were focused on the objectives of the Global War on Terrorism instead of strengthening and reforming the judiciary, it quickly evolved into a highly conservative and tyrannical organization still controlled by Taliban-minded cadres.

The severe shortage experienced by the judiciary allowed the law enforcement agencies of the government to be used as instruments of abuse of power and widespread corruption across state institutions. A 2006 Asia Foundation *Survey* reported that the majority of Afghans interviewed considered corruption as a major problem in Afghanistan (Figures 5.1 and 5.2).

transporting the officials from the two districts that were within a close distance to the city, but the officials had to pay for fuel and any necessary repairs of the vehicle. Prioritization of fixing the state justice in order to establish its writ was largely missing on the U.S. side.

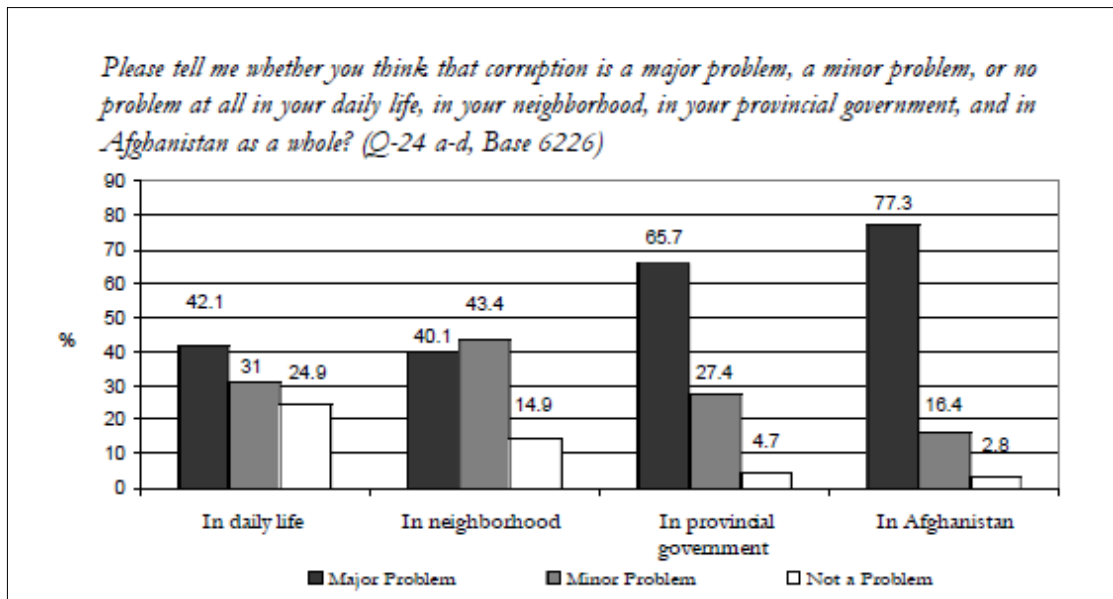


Figure 5.1. People See Corruption as a Major Problem. Source: *õ R g q r n g The w t x g { . ' Asia Foundation 2006.*

Whenever you have contacted government officials, how often in the past year have you had to give cash, a gift or perform a favour to an official? If you had contacts with such officials in the past year. Was it in all cases, most of the cases, in isolated or in no cases. (Q.26 a-g, Base 6226)

Institution	Always (%)	In most cases (%)	In isolated cases (%)	'Yes' (%)	'Yes' (those with contact) (%)	Never (%)	No contact (%)
Municipality	6	8	12	26	46	30	44
Customs office	5	9	7	21	32	29	50
Police	5	12	19	36	53	32	32
Courts	10	12	13	35	55	28	37
State electricity board	5	8	11	24	44	31	45
Public Healthcare	5	13	19	37	51	36	27
Applying for work	11	12	11	34	60	23	43

Figure 5.2. Corruption Indicators in Afghanistan. Source: *õ R g q r n g The Asia x g { . ö " Foundation 2006.*

Limits Within the Formal Justice System

The concept of justice as it was defined by the U.S.-led international intervention in Afghanistan had an individual rights focus that was based on Western political and legal experience and practice. This was the reason that whatever resources that came from the international community, even highly limited, were directed at fixing the formal judiciary system to make it deliver justice, rather than spending the time to understand and invest in the much less familiar informal justice system (represented largely through *jirga*) in Afghanistan. This effort continued while corruption and abuse of the judiciary spread throughout the entire government justice system. Since justice is the front face of any government, the weakness and predatory nature of the system and the culture of impunity that was practiced across the government offices cost it its legitimacy.

Fixing the state judiciary was not at the top of the priorities of the Bush administration. It was not given enough priority in the Global War on Terrorism (compared with killing and capturing those labeled as terrorists). As a result, the injustice rampant in the government offered the Taliban insurgency greater strategic capability. In the areas under the influence of the Taliban, the informal justice system was used. State and non-state participants (officials and community leaders) interviewed during the USIP's Regional Consultation Meetings (RCMs) addressed a number of different critical areas that present significant challenges against

the work of the state judiciary and the justice system in Afghanistan. Participants raised the following fundamental flaws in the formal justice system in Afghanistan to the USIP.

The Patron-Client Networks Undermine the Rule of Law

Interfering in the affairs of legal processes of dispute in favor of one of the clients – often the offender – became the legacy built as a result of years of neglect and
o k u w u g " d { " v j g " u v c v g ø u " g n k v g " q x g t " v j g " n c u v "
and influential government officials and local power-holders in the affairs of the judiciary. According to participants in the RCMs, preferred kinship, political affiliation, and intimidation influenced key judicial decisions within government court houses.

According to the 2004 Afghan constitution, the laws of organization of the judiciary mandated preventive procedures to eliminate kinship favoritism and enhance impartiality. One of these procedures was the appointment of judges to a place that was
p q v " v j g k t " t g u k f g p e g 0 " K p " v j k u " t g i c t f . " C h i j c
process that forced them to stay away from areas where they were related to the locals. However, this required them to stay away from their families for extended periods of time. They could not financially afford to pay rent or carry the cost of daily or even weekly transportation fees to home. They could not move their families to a rural district because the quality of schools was below average, and health care facilities were almost non-existent. In districts where new courts were not built, a judge slept in a lonely room next to the offices, and some lived in the local mosques. This degraded working environment made the Afghan judges highly vulnerable to intimidation, corruption, and illegal influences by the patron-client networks within the Afghan state institutions.

The Afghan wars and conflicts created political armed groups and commanders who were integrated in the government and had access to tremendous sources of cash and weapons. The control of opium fields, narcotics, and smuggling at the local and regional levels by these groups and commanders in post-Taliban Afghanistan mobilized many commanders and affiliates of these groups into a highly powerful and wealthy social class. According to participants of the RCMs, many of these commanders and political groups moved along with the process of political transition in order to manipulate upcoming opportunities. Others become prominent government officials who continued to maintain client networks at their localities, resulting in law-breaking and the manipulation of the current openness in financial investments and extended partnerships with trade communities inside and beyond Afghanistan. These client networks were detrimental to administrative and judiciary reforms.

Officials within the judiciary and non-state actors complained to the USIP team about the risks they went through every day. A prominent judge in Herat city who talked to the USIP team under the condition of anonymity stated that he had been receiving numerous death threats because he had been receiving " r t g x g p v g f " v j g " õ o c t t k c i g ö " two men, one 40 and one 24 years older than the girls, who were a part of a patron-client network in Gulran District.²⁷⁷ In another interview with the USIP team, a prominent provincial judge in Nangarhar, who asked to remain anonymous, complained about the intervention of a higher-ranking government official who was called on behalf of one of his former militia commanders, who was apprehended for smuggling by the local

²⁷⁷ USIP interview with the Deputy of Provincial judge, Herat, Afghanistan, 2005.

authorities.²⁷⁸ õ K " m p g y " v j æ gy p" K g" "e jc k p ø .v "" æ qj "c K n " e q w n f p ø v " f q
q h h g p f g t . ö " j g " c f f g f 0 "

This kind of interference occurred in an opposite manner, too; for instance, those who committed even minor offenses could be handed down maximum punishments.

According to an international non-governmental organization official the head of a district court in Nangarhar sentenced two brothers to over 20 years in prison upon the request from a prominent government official. The two brothers were arrested for breaking into a residential property owned by a relative of that official.²⁷⁹ õ V j k u " j c r r g p g f " y j k n
c e v w c n " r w p k u j o g p v " u j q w n f p ø v " i q " o q t g " v j c p " v
official.

Structural and Procedural Challenges

Government participants to the USIP RCMs reported structural and procedural
n k o k v c v k q p u " k p " c f l w f k e c v k p i " n g i c n " f k u r w v g u
o q p v j u " v q " e q o r n g v g " c " n g i c n " e c u g " c p f " u g p f " k
Karimi, provincial prosecutor in Herat.²⁸⁰ According to Prosecutor Karimi, a case would not be formed right away once a complaint is filed at the *Huqooq* (provincial office of the ministry of justice). The *Huqooq* called upon both sides of a dispute to appear for a legal meeting. This happened only if both sides of the dispute had correct addresses and were willing to appear. In contrast, the informal justice forums for dispute settlement and conflict resolution did not need addresses or the required administration because

²⁷⁸ USIP interview with a provincial judge, Nangarhar, Afghanistan, 2005.

²⁷⁹ USIP interview with official representative of an international non-governmental organization, Nangarhar, Afghanistan. 2005.

²⁸⁰ P q l w o k ø u " k p v g t x k g y " y k v j " C d f w n " I j c p k " M c t k o k . " r t q x k
2006.

mediators already knew disputants and mobilized the collective authority of the community to enforce decisions.

At the heart of the matter was the antagonistic underpinning of approaching and defining justice within a social and political context. The U.S.-led international

intervention viewed justice in Afghanistan as preventing Afghanistan from becoming a

v g t t q t k u v " u c h g " j c x g p " c i c k p 0 " V j w u . " n q e c n u ø " they were in conflict with this end. This approach to local justice was exactly the main

reason that protection of warlords and malignant actors, whose role in achieving the U.S.-

n g f " e q c n k v k q p u ø " u g e w t k v { " q d l g e v k x g u " y c u " x k o q u v " u k i p k h k e c p v " v j t g c v " c i c k p u v " v j g " u c v k u h

In post-war Afghanistan, especially in the crowded major urban centers, people often did not have proper mailing addresses. Through 2006, there had not even been an

efficient domestic post system in place as the mailing connection with the outside world was not functioning well. In one case, the *Huqooq* had to ask the local police to bring the

accused side of a dispute to a legal meeting. At this point, the process shifted to the hands of the local police who may or may not be willing to take the office of the r t q u g e w v q t ø u

request seriously. This police tendency could be the result of various conditions at the local level, including a scenario in which the accused person was a powerful individual

and ignored the request from the *Huqooq* office. The local police may not have had the

e q t t g e v " c f f t g u u " q h " v j g " c e e w u g f " r g t u q p . " q t "

v t c p u r q t v c v k q p " v q " k p h q t o " v j c v " r g t u q p " v q " c r
Colonel Mohammadi, from Herat police department.²⁸¹

Once both u k f g u " q h " c " f k u r w v g " c r r g c t " k p " c " n g i c
the legal officials at the *Huqooq* play the role of arbitrator by encouraging both sides to
settle the dispute outside the government court. The prosecutor asks both sides to think
about the offer and come back for the second meeting. If parties appear at the second
legal meeting and express their interest in pursuing the case at the court, the *Huqooq*
admits the case and begins to compile evidence. The investigation continues by collecting
evidence from the government archive if the disputed matter had been filed previously in
any government offices. Since this sort of investigation needs manual labor at each step,
completing a case is often a lengthy process. A primary court hears a legal dispute only
when the case is completed. A judge may reject a case due to insufficient evidence.

õ V j g t g " c t g " o c p { " e c u g u " v j *Huqooq* office and the c e m " c p f " h
primary court for long period of time until it is completed from the perspective of the
l w f i g u . õ " u c k f " C d *Huqooq* office in Nangarhar.²⁸² j g " j g c f " q h "

With regard to the above hurdles, the Afghan government judiciary suffered from
severe shortages of trained attorneys, judges, court staff, and other technical and
administrative requirements essential for making a functioning state justice system as had
been anticipated at the Bonn conference.

²⁸¹ P q l w o k ø u " k p v g t x k g y " y k v j " Herat Province, Afghanistan, January 22, j " O q j c o o c
2006.

²⁸² P q l w o k ø u " k p v g t x k g y " y k v j " C d office in Nangarhar Province, j g " j g c f " q h "
Afghanistan, December 30, 2005.

In addition, participating judges in the USIP RCMs repeatedly complained about the low salaries of judges, the severity of logistics, and the poor working environment. Prolongation of legal cases within the Afghan judiciary and court system contributed to public frustration about the function of the judiciary. It was this frustration that caused the non-state participants to accuse ô sometimes angrily ô the government officials of bribery and illegal activities in a face-to-face dialogue during the joint sessions of USIP RCMs.²⁸³ The non-state participants as well as the state participants reported the current state of corruption within the government offices, especially within the judiciary, as an epidemic that was becoming an endemic dilemma for post-Taliban Afghanistan. As a result, unchecked corruption and bribery throughout the system became ugly characteristics of the Afghan state judiciary, undermining the legitimacy, accountability, and independence of the post-Taliban political order.

Limits and Opportunities in the *Jirga* System

The non-state justice system was not recognized or even mentioned at the Bonn Conference, nor was it understood by the planners of the U.S.-led international intervention in Afghanistan. Non-government and government participants in the USIP RCMs reported that a *jirga* was often able to resolve a dispute within three sessions. A three-session *jirga* typically begins with first *jirga*. If matters are not resolved within first *jirga* it will move to second *jirga*, and if second *jirga* fails to produce a result, the case

²⁸³ During the USIP RCMs, a couple of times the verbal attacks of non-state participants who were accusing the government officials of corruption disrupted the flow of the seminars. In Herat, Arif Khan Kuchi shouted angrily while naming government officials, and in particular the district administrators, as thieves, bribe-takers, and smugglers. This happened while Herat's deputy governor, three sub-district administrators, a number of judges, civilian police officers, etc. were present in the RCMs. In all three regions, controlling the first fifteen minutes of the joint RCM was a serious challenge (Nojumi's field notes 2005-2006).

will move up to third *jirga*. According to Mohammed Akbar, a Safi community leader and former teacher, the first *jirga* is called *Assaassi Jirga* (a *jirga* where a case may or not come to a conclusion), and the second *jirga* is called *Ikhtiary Jirga*, meaning that the disputants are free to approach the government court or go for a greater *jirga*.²⁸⁴ An *Ikhtiary Jirga* would review the ruling of the first *jirga* for a disputant who agrees with the outcome versus the disputant who rejects it. The third *jirga* is called *Tam-ul-Ikhtiar* (a *jirga* with full discretion). First *jirga* can be formed within a village; second *jirga* involves individuals outside of the village; and third *jirga* invites experts from among a larger membership of the community.

According to participants, non-state justice experts and leaders were invited from other communities or provinces to produce a satisfying remedy to a dispute.²⁸⁵ The logic for doing this was to preserve the impartiality of the *jirga* because it was widely believed that a powerful *jirga* is an impartial one. Oftentimes there is an inter-ethnic or communal dispute upon which the local leaders and experts ô in one way or another ô are considered attached elements to their community. Since an inter-community dispute is considered a collective grievance, the judgments of the leaders and experts on each side are viewed as biased. In this circumstance, a delegation from each community sits together in order to build consensus over a third party intervener, who could be an expert or leader of a third community within or outside of the province. In the case of intra-ethnically based community disputes, the local communities in dispute call upon *Jirga-e-Kalan-e-Qawmi* (greatest council within a sub-ethnic group), i.e. *Zadran Jirga*, *Mangal Jirga*, and

²⁸⁴ Nojumi's field notes 2005-2006..

²⁸⁵ Ibid.

Khogiani Jirga.²⁸⁶ *Jirga* are individual leaders and experts that are known by all local leaders within a sub-

Participants in RCMs from eastern, southern, south central, and western Afghanistan reported that most civil disputes were handled by the first *jirga* (*Assaassi Jirga*), which is comprised of three sessions. Abdurahman Taheri, a community leader from Karukh District in Herat, described the step-by-step formation of a *jirga* as follows: the agreement of both sides of a dispute to resolve their grievance(s) via a local *jirga* rather than a government court; the selection of respected community members who are acceptable to both sides; and the agreement of these respected community members to sit in a requested *jirga* seems a complicated process, but disputants decided on *jirga* over government court matters move into already known patterns.²⁸⁸ People do know each other well and they

According to Wali Akbar Shah, a leader of Zadran Pashtuns, experts in non-state legal principles know *jirga* rules from memory; there are no written laws that they can use when resolving disputes. Learning rules of *jirga* and techniques of mediation and negotiation is often a hereditary process via which knowledge and experiences are transferred from one generation to the next.²⁸⁹ For instance, the *Zadran Jirga* experts,

²⁸⁶ The Pashtu term for greatest council within a sub-ethnic group is known as *De Loya Qawmi Jirga*.

²⁸⁷ *Mediator* from the Ahmedzai Pastun sub-ethnic group. Both brothers are involved in mediation of various civil and criminal disputes throughout southern and south central Afghanistan (Pul-e-Alam District, Logar Province, January 13, 2006).

²⁸⁸ *Mediator* from the Ahmedzai Pastun sub-ethnic group. Both brothers are involved in mediation of various civil and criminal disputes throughout southern and south central Afghanistan (Pul-e-Alam District, Logar Province, January 13, 2006).

²⁸⁹ *Mediator* from the Ahmedzai Pastun sub-ethnic group. Both brothers are involved in mediation of various civil and criminal disputes throughout southern and south central Afghanistan (Pul-e-Alam District, Logar Province, January 13, 2006).

known as *Speen-Zadran* (white bearded of Zadran), often select one of their qualified sons to begin learning principles, methods, and techniques of mediation and dispute resolution from his early teenage years.²⁹⁰ Such a boy receives gifts such as shoes, clothes, and public tribute for his contribution from early on. After and before each *jirga*, the father explains the rationale and reason beyond methods and articles of agreement for resolving each case. Practically, such a young boy grows up in a highly discursive and analytical process where he acquires a mastery of mediation, staying there until he is able to establish himself within his community and beyond.²⁹¹

The non-state participants argued that a *jirga* can offer what a government judiciary cannot provide, by being cost-effective and resolving a dispute within a short period of time, thereby providing a logistical convenience to the locals in resolving their grievances in a fair way. In addition, the non-state participants said that the current state of the judiciary in Afghanistan was more problematic than helpful to their communities. Participants in eastern, southern, south central, and western Afghanistan expressed their reliance on locally oriented remedies via *jirga* and viewed it as a conflict prevention system. Indeed, the existence of various shortages within the government system combined with corruption and illegal activities convinced locals to increasingly rely on the work of the *jirga* system.

Participants viewed the ability of *jirga* with respect to the Afghan social system and the living culture as surpassing the ability of the government judiciary. In spite of

²⁹⁰ Zadran is a Pashtun sub-ethnic group living mostly in southern Afghanistan.

²⁹¹ P q l w o k ø u " k p v g t x k g y " y k v, deputy minister of tribal affairs, Dectem 2005.

what one would think, both state and non-state actors supported the above proposition.

Participants argued that, at the time of violent conflicts between members of

communities, an offender often runs away to unknown areas or crosses the porous

border. ²⁹² Running into a different province, especially across the border, challenges

the ability of the Afghan justice system to prosecute the offender in the custody of the law enforcement

agencies. ²⁹³ Running into a different province, especially across the border, challenges

the ability of the Afghan justice system to prosecute the offender in the custody of the law enforcement

agencies. ²⁹³ Running into a different province, especially across the border, challenges

the ability of the Afghan justice system to prosecute the offender in the custody of the law enforcement agencies in Nangarhar.²⁹³

Compared with the government judiciary, a *jirga* utilizes the extended network of

the local community to communicate across communities within different provinces or

across the Afghan borders with its neighboring countries. In this circumstance, a runaway

offender is often represented by a member of his family when forming a *jirga*. In the first

session of the *jirga*, the members of the community agree to prohibit retribution inside or outside of Afghanistan. Any violation of the prohibition of

retribution protocol would be a new offense against the violator; this establishes the first

step toward building a trusted space between both sides. It is like a ceasefire enforced in

an armed conflict where hostile parties hold fire and instead engage in negotiation and

peace-building. Utilizing the cross-community networks inside and beyond the

geopolitical borders of Afghanistan gives the Afghan *jirga* system a comparative

²⁹² P q l w o k ø u " k p v g t x k g y " y k v j " C d f w n " S c f k t " S c p c ø c v . " v j g " Nangarhar Province, December 29, 2005.

²⁹³ P q l w o k ø u " k p v g t x k g y " y k v j " C d f w n " S c f k t " S c p c ø c v . " v j g " Afghan Attorney General, Nangarhar Province, December 28, 2005.

advantage over the functions and limitations of the government judicial system.

According to General Abdul Malik Sadiqi, the Afghan government can ask countries to return criminals if it has an extradition treaty in place.²⁹⁴ However, Abdul Karim Brahuvi, minister of tribal and border affairs, suggested that extradition may be possible only if the exact location of a runaway offender is known.²⁹⁵

Participants argued that a true *jirga* was one in which the client was able to freely put his or her trust in the hands of respected community members who were voluntarily willing to take the case and offer a fair and impartial remedy. They argued that this kind of *jirga* system was based on the accurate knowledge existing about a case as well as on the clients at the local level. The ethical responsibility of those sitting to judge a legal dispute offered the credibility for dispute settlement. The processes of *jirga* with adequate legitimacy as contained within the trusted space for voluntary participation of disputants and the impartiality of arbitrators and adjudicators, even at the local level, enhanced the ability of the locals to satisfy their ontological need for justice. This provided Afghan local communities the ability to develop a conflict prevention system at the heart of their social and cultural infrastructure.

Yet, through 2006, there was almost zero attention by the U.S.-led international intervention actors and aid organizations to support the ability of this informal justice system to settle civil disputes. Some international organizations, particularly those

²⁹⁴ P q l w o k ø u " k p v g t x k g y " y k v j " I g p g t c n " C d f w n " O c n k m " U c f k s
December 26, 2005.

²⁹⁵ P q l w o k ø u K a r i m B r a h u v i, m i n i s t e r o f t r i b a l a f f a i r s .

male-female groups that discriminated against the rights of women.²⁹⁶ However, most of these organizations and international community actors in Afghanistan failed to understand the important role of informal justice in establishing and sustaining communal harmony, regardless of the gender status of its members. In addition, due to a highly limited understanding of the informal justice system and its vital role in local governance, particularly among the rural population, they failed to separate the individual family reinforcement of certain behaviors from customary laws, community wide accepted norms in settling disputes.

In Afghanistan, customs are binding agreements between members of a family. For instance, revenge killing is a family matter in which members of community-binding social contracts that are designed to stop violence (e.g., revenge killing), and help members to sustain harmony and calmness, which are vital for human development in a given community.

The Tufts data, in correlation with the 2003 National Risk and Vulnerability Assessment (NRVA) survey that was conducted in 1,850 villages (one out of twenty) throughout the country, asked the village *shuras* (councils) if they had experienced any violent conflicts or insecurity in the previous year, and asked if these problems were related to land, water, or political affiliation.²⁹⁷ The majority reported intimidation by key power holders who interfered in the traditional governance system and the affairs of

²⁹⁶ H q t " g z c o r n g " u g g " X c n g p v k p g " O 0 " O q i j c f c o . " ð R g c e g d w k n q p " C h i j c p k u v c p . " K t c s " c p f " R c n g u v k p g . ö " U q e k g v { " h q t " K 63-72.

²⁹⁷ See International Crisis Group (ICG), *Peacebuilding in Afghanistan* (Kabul/Brussels: ICG Asia Report #64, September 2003): i.

shuras. Many of these warlords who were part of the new government appointed their handpicked individuals into the *shura* system and did not accept the *ujw* decision if it was against their interests.

The bottom line was that the empowerment of warlords and armed political groups and their unchecked influence in the government judiciary prevented the government justice system from functioning while the same malignant individuals and actors made every effort to interfere in the informal justice system. In addition, the lack of resources to support the informal justice system through 2006 left the Afghan people with a grim perception of justice, which further undermined the satisfaction of their ontological needs for justice.

Afghanistan Between Two Legal Systems

Both Tufts and USIP data revealed the government judiciary, especially at the rural and urban district levels, use the *jirga* system for settling criminal cases, despite the fact that the Afghan constitution and law consider the judiciary and the court system as an independent legal entity of the state.²⁹⁸ Amendments to the constitution and the state laws gave the rights of adjudication of legal disputes, particularly criminal offenses, to the state judiciary only.²⁹⁹ Under Afghan Criminal Codes, a criminal offense had two compartments: a civil component known as *Haqh-ul-Abd*; and a criminal component known as *Haqh-ul-Allah*.³⁰⁰ In this regard, the criminal component of criminal offenses

²⁹⁸ Islamic Republic of Afghanistan Constitution, Articles 116 and 121, Kabul 2004.

²⁹⁹ Islamic Republic of Afghanistan, Procedures of the Criminal Offenses, Articles 9-14, Kabul 2004.

³⁰⁰ The concept of *Haqh-ul-Allah* means the exclusive Rights of God and *Haqh-ul-Abd* means the Rights of individual human beings as well as violate the rights of the Creator. Thus, an individual human being

was considered the exclusive legal territory of the state. As such, the intervention of government officials in the ruling of the courts or in using non-state justice mechanisms, i.e. *jirga*, to settle both components of a criminal offense, was considered a breach of the Afghan laws and a punishable crime.

Under the U.S.-led coalition in Afghanistan, the intervention of government officials from the executive branch in the decisions of the provincial and district courts had negatively affected locals' trust of the most important institution of the state, the judiciary and law enforcement agency. The *g q x g t p o g p v ø u " g z g e w v k x g " d t* dominated by warlords, former militia commanders, and Islamist leaders interfering in the affairs of government judiciary, along with the presence of foreign advisors who were often trained in Western legal traditions with limited or no comprehension of the Afghan legal tradition, particularly the role of Islamic jurisprudence in the hierarchy of the legal order. More importantly, most of these advisors had never experienced the non-state justice system and lack of data on it made it almost impossible for them to assist the government judiciary to be effective.

Prioritization of the support for achieving the objectives of the Global War on Terrorism did not require the judiciary to be fixed because "captured terrorists" by the U.S. forces were kept under U.S. military authority in Afghanistan or transferred to Guantanamo facilities. However, many of these Afghan government officials in the justice sector and law enforcement developed motives that directly contradicted the

whose civil rights are violated can negotiate or forgive his or her rights with the violator, but no one can *p g i q v k c v g " v j g " t k i j v u " q h " I q f 0 " U k p e g " v j g " u v c v g " k u " v j* accountability and punishment on His behalf.

n q e c n u ø " p g g f u " h q t " l w u v k e g 0 " V j k u " i c x g " r g q r n
 acceptability of going around the law and relying more on kinship, political affiliation,
 and bribery. In addition, this also caused the breakdown of the legal processes within the
 law enforcement agencies by putting kinship and political affiliation over the rule of
 law.³⁰¹ Participants in USIP RCMs viewed such intervention as the distortion of the
 public image of the state, especially that of the judiciary, and also the unchecked upsurge
 q h " e q t t w r v k q p 0 " ð V j g " k t q p { " k u " v j c v " v j g " i q x g
 y k n n " r w p k u j " v j g " i q x g t p o g p v " k h N a k a v A h m e d h h k e k c n
 Alizai, a community leader from Kushk District in Herat.³⁰²

The lack of attention to justice as a vital ontological need of the locals by the
 U.S.-led international intervention created a serious political vacuum that was filled by
 patronage client networks that developed direct and indirect access to the resources
 assigned by intervention actors for Afghanistan. This development shaped a culture of
 impunity at the expense of the American people, the international community, and most
 importantly, the Afghan people. As a result, Afghans faced massive injustice that further
 undermined their ability in reorganizing their communities after having been shattered by
 years of wars and conflicts. Justice as an ontological need was a necessary means to
 allow Afghans to move toward human development and live in a civil environment,
 which they expected after the removal of the Taliban regime.

³⁰¹ Neamat Nojumi et al. . " ð C h i j c p k u v c þ ø g < U H q v g o n " ð W t E w k v k q p c n . " c p
 University, June 2004, p. 16.

³⁰² P q l w o k ø u " k p v g t x k g y " y k v j " P c u c t " C j o g f " C n k | c k . " v j g " j
 District, Herat Province, Afghanistan, January 21, 2006.

Those gathered at the Bonn Accord in December 2001 did not anticipate the need to offer justice to the populace who had suffered from the predatory nature of the state intuitions over the last three decades; neither did the U.S.-led international intervention actors. This is exactly the reason why not even one Afghan leader nor militia commander who was accused of war crimes was brought to justice. Instead, the majority of them were paid by the U.S.-led international intervention to hunt down Al Qaeda or the Taliban, and then allowed to incorporate into government positions with access to billions of dollars in international assistance. Due to serious shortfalls, a lack of political will (as shown by a number of authors in the literature review) on the side of the U.S.-led international intervention actors, and the incorporation of these Islamist leaders and militia comm p f g t u " * o c p { " y k v j " i t q u u " j w o c p " t k i j v u ø positions, the government judiciary failed to provide the needed services to the population. In stark opposition to meeting this need, the government judiciary instead became a tool in the hands of powerful warlords and corrupt government officials. As a result, settling civil cases via the non-state mechanism of a jirga by using procedural methods of *Islah* (fixing something that gone wrong or peace-building), which often took place out of government court houses, became more readily utilized. This development further placed the populace on the fringe of U.S.-backed state institutions.

H t q o " C (1998) notion of culture as living being, one can conclude that a u q e k c a perspective is shaped by the way in which they define their social reality as they evolve within a given political experience. The U.S.-led international k p v g t x g p v k q p ø u " r g t e g r v k q p " q h " v j g " t w n g " q h " n

introduced by the states in the past by the state elite but never implemented. In addition, the U.S.-led state justice system, designed to punish and reward individuals, continued to the establishment of the rule of law continued to be anchored around what is fair for the community rather than just for an individual. Additionally, a state justice system that failed to prosecute even one war criminal and in fact rewarded them with posts in the post-Taliban political regime led many Afghans to doubt the claims of the international intervention-backed justice system.

Decentralized Traditional Conflict Resolution

Inter- and intra-ethnic and community violence involving several families or communities was and has been a highly complicated area for both the central government and local communities. Participants in the USIP RCMs from eastern, southern, south central, and western Afghanistan reported that armed conflicts were more complicated than non-violent conflicts. Still, non-state actors were convinced that the role of *jirga* in resolving armed conflicts was more effective than that of the government. The state divided. However, they did not deny the highly effective role of *jirga* in stopping retribution and bringing peace to a community.

Mohammed Afzal Muslih, a leader of Pashtun Mohamand in Nangarhar, suggested that the role of government in resolving violent conflicts is sometimes more destructive. Different government officials are often not impartial, transferring their factional political and ideological confrontations into the local disputes, especially

community-based armed conflicts. Noor Ahmed, the government administrator in Kuhsan District, west of Herat City, argued that the government had been supportive of the work of the *jirga* in resolving community-based violent confrontations.³⁰³

Armed conflicts between two or more sub-ethnic groups or communities in Afghanistan were often the outcome of years of siding with different hostile groups and regimes in power. For instance, the rivalry between the Madizai Pashtuns and the Baluch in Kuhsan district of Herat resulted from one siding with the Communist regime and one with the Afghan Mujahideen groups. These two communities killed over 45 and injured over 30 of their members in the form of retributive assassinations. This scenario played out similarly throughout Afghanistan where community-based rivalries mingled with hostile political armed groups within the Afghan government.³⁰⁴

Community-based armed conflicts in post-Soviet as well as in post-Taliban Afghanistan were a serious challenge that negatively affected the improvement of security and community stability. This was an area that the armed government opposition camp (i.e. remnants of the Taliban, followers of Hekmatyar, etc.) manipulated, but could have been resolved through voluntary or enforced mediation of a *jirga*. The formation of the National Reconciliation (ANIR), headed by Sibqhatollah Mujadidi, was an attempt to bridge the rifts between community-based rivalries that were manipulated by the insurgent groups.³⁰⁵ Even though this was a positive development, it

³⁰³ Interview with Noor Ahmed, government administrator in Kuhsan District District, Hirat Province, January 20, 2006.

³⁰⁴ For more information see, Nojumi, 2002.

³⁰⁵ Sibqhatollah Mujadidi is a former Afghan Mujahideen leader and a leader of the Naghshbania Sufi order in Afghanistan. Mujadidi served briefly as the transitional president of the post-Soviet Mujahideen government in Afghanistan.

was not elevated beyond the realm of the political game played by the Afghan

peaceful interaction, recognition, but case-by-case. It is apparent, we need a greater effort on the side of the government and active participation in the process. The situation in Nuristan Province.³⁰⁶

Participants also reported that the intervention in and resolution of community-based armed conflict must be done in two ways: (a) parties to an armed conflict must voluntarily request the mediation of a *jirga* before conflict escalates; and (b) community leaders must decide to send a delegation to both sides of the conflict, encouraging both sides to resolve their conflict via *jirga*. These interventions can be the result of an exhaustion of local resources, often combined with unmatched human casualties and destruction, or as a result of the intervention of a highly respected third party, i.e. leaders of other communities, who have good relations with both sides of the conflict and can open the way toward negotiation and a peaceful settlement. In either case, the objective of intervention is to restore communal order, which is crucial to the recovery of livelihood, farming, road security, market access, basic healthcare, etc. As Tariq Usman, the IRC program officer in southern Afghanistan, stated:

Communities that we serve via the National Solidarity Program (NSP) and the establishments of the Community Development Councils (CDC) are understand the importance of peace to the improvement of their local resources. In our areas of operation, there are communities that were engaged in long-term armed conflicts and supported hostile groups among Mujahideen or fought in the conflict

³⁰⁶ P q w o k ø u " k p v g t x k g y " y k v j " C | c o " I w n . " c " e q o o w p k v { " n g c f January 2, 2006.

between the Communist regime and Mujahideen. These communities are slowly realizing that they need their manpower for reconstruction and development rather than retributive assassinations. Once one rival community signs with the NSP [National Solidarity Program] program, establishes their CDCs, and receives developmental funds, the other rival group voluntarily approaches us because they did not want to fall behind in reconstruction and development of their communities. We are hoping to see the transformation of community-based violent confrontations into peaceful competitions for rebuilding local capacity, and developing human capital at the village level.³⁰⁷

Participants reported that community-based armed conflict was a serious source of local instability. Still, certain factions within and outside of the government had vested interests in keeping rival communities divided. Nasrullah Arsalai, director of Abdul Haq Foundation in Nangarhar, stated that communal peace-building was at varying times both a prerequisite and an integrated element of Afghan reconstruction.³⁰⁸ Arsalai played a significant role in building dispute resolution mechanisms via *jirga* at the community level. Arsalai led a number of tense negotiations and mediations in resolving community- and clan-based violent conflicts among Afghan Pashtuns in eastern Afghanistan. Arsalai stated:

Years of wars and armed conflict has negatively affected the conflict resolution ability of the Afghan local communities. One of the main affected areas is the marginalization of the community leaders by the armed political groups who relied on their fighters rather than the consensus of their communities. As a result, Afghan communities were denied access to one of the most vital resources, the positive and constructive role of non-factional community leaders. This was an important factor of the prolongation of civil war in the 1980s and 1990s. Giving a chance to the Afghan community leaders and to be an integrated part of the current political transition is crucial for the survival of Afghanistan. This means to allow people to have a meaning of community and individual identity. We can utilize the traditional role of the community leaders to be transferred from a symbolic position into an active dynamism. This can happen at the grassroots

³⁰⁷ P q l w o k ø u " k p v q q U s m a n k I G C P r o g r a m O f f i c e r V n c S o u t h e r n A f g h a n i s t a n , M o h a m m e d A a q a D i s t r i c t , L o g a r P r o v i n c e , J a n u a r y 1 3 , 2 0 0 6 .

³⁰⁸ P q l w o k ø u " k p v g t x k g y " y k v j " P c u t w n n c j " C t u c n c k . " F k t g e v N a n g a r h a r P r o v i n c e , J a n u a r y 2 , 2 0 0 6 .

n g x g n . " c v " v j g " h q w p f l e a n k i n g t h e " v i l l a g e s " a n d w i t h " e q o o w p k
districts. With this dynamism we can utilize our traditional/available resources to
build a prosperous Afghanistan.³⁰⁹

The above narratives suggest that the *jirga* system has been an important mechanism in mediating community- and clan-based armed conflicts before they got out of control, causing further casualties and destruction. This suggests that the Afghan informal justice system formed the backbone of the Afghan traditional governance system that was grossly neglected by the U.S.-led international intervention policy. As a result, the U.S.-led coalition and state system it supported looked at justice from the perspective of the shared objectives of the Global War on Terrorism. In doing so, they failed to prepare the social and political environment for the locals to effectively pursue the satisfaction of their ontological need for justice according to their own perspectives. In addition, the informal justice system, which the Afghans used to strengthen local governance and enhance a non-violence culture, was overwhelmed by the number of legal crises and challenges. The weakness of the informal judiciary and the predatory nature of the state justice system under the U.S.-led international intervention widened the gap between the international vs. local perspectives of justice. This development added layers of complications in the ways via which each side was looking at justice differently and justifying it with different sets of rationales. These complications and the differences of perspectives of justice fostered various degrees of direct and cultural violence, as Galtung argued, within the Afghan local communities.

³⁰⁹ Ibid.

Justice from the Perspective of Conflict Resolution

As mentioned previously, Galtung developed his concept of social justice on the basis of three basic goals: being (personal growth and freedom), having (socioeconomic growth and equality), and the relation between being and having (justice). They are all related directly or indirectly to individuals that are generally at the local level.³¹⁰ But they are meaningfully defined also at the global level, for communities or societies. Two of the goals related to being (personal growth and freedom), two to having (socioeconomic growth and equality), and the last one to the relation between being and having (justice).³¹¹

Justice is defined as the state of affairs in which all human beings have the same right to be political citizens (e.g., to vote) economic citizens (e.g., to sign a contract) and cultural citizens (e.g., to participate in cultural life).³¹² Social justice should be defined as the state of affairs in which all human beings have the same right to be political citizens (e.g., to vote) economic citizens (e.g., to sign a contract) and cultural citizens (e.g., to participate in cultural life).³¹²

³¹⁰ Johan Galtung, *The True Worlds: A Transitional Perspective* (New York: The Free Press, 1980).

³¹¹ *Ibid.*, p. 146.

³¹² *Ibid.*

From local Afghan perspectives that came out of Tufts and USIP data, how
international intervention, resulting in perspectives that differed from the intervention
actors. Most Afghans viewed the Taliban regime as an instrument of brutality that took
away their freedom, discriminated against their religious and ethnic minorities, violated
interpret the religion and cultures as fit the political interests of the regime. Therefore, the
removal of the Taliban was viewed as a historical event that should have allowed them to
regain what the Taliban had taken away. As a result, the majority of Afghans viewed the
removal of the Taliban regime as the promotion of justice and security vital to their
human development. In most major cities the Afghan youth bore arms and ran after the
Taliban without any help from the U.S.-led coalition. This movement expedited the
collapse of the Taliban regime throughout Afghanistan.

Removing the Taliban from power and suppressing Al Qaeda and other terrorist
capabilities in Afghanistan offered Afghans a sense of ownership of individual and
community identity and freedom from the brutality of the regime. Removing the regime
However, the prioritization of GWOT objectives without effective inclusion of the locals
aspirations and needs led to the rise of warlords, corruption, and the reemergence of the
Taliban by 2006.

in the form of structural violence. Galtung understood social justice as the correlation

of social justice and basic human needs, including freedom and security, with respect to human development.³¹³

In the case of the U.S.-led international intervention in Afghanistan, one can see that the intention was victory for the U.S. in bringing the terrorist plotters to justice, and removing the Taliban as harborers and co-conspirators of the terrorists from power, which it was thought would bring peace and justice to Afghans. Killing those considered as terrorists was justified as dictated by policies supporting the GWOT. Capturing those considered as terrorists by the U.S.-led international intervention remained under the mandates of the military. This killing and capturing was considered ultimate justice. For average Afghans, the living conditions under the new regime did not give them what they needed to move toward a better civic social and political environment by 2006. The increase of insecurity and injustice they did not have.³¹⁴

³¹³ Ibid.

³¹⁴ Ø F g x g n q r o g A p A p p r o a c h A e t t d k u " U r c e g u . *Peace by Peaceful Means: i ø u " d q q m " Peace and Conflict, Development and Civilization* (Oslo: International Peace Research Institute 1996).

Summary

U k z " { g c t u " c h v g t " v j g " t g o q x c n " q h " v j g " V c n k

source of dispute and conflict resolution remained informal justice that continued to form the backbone of local governance. The informal justice system was rooted in years of political and cultural experiences that evolved through years of war and peace. Since the U.S.-led international intervention in 2001, the majority of local disputes were routinely resolved by trusted members of the communities seated in a circle of a *jirga/shura* forum outside of government courthouses. The 2004 constitution revealed that, after hundreds of years of a mythical past, a new generation of Afghans validated the utmost importance of *loya jirga* as a mega-scale conflict resolution system for their contemporary affairs. Afghans with diverse ethnic, tribal, and linguistic fragmentation all seemed to concur; the majority of the population, from the Islamists to moderate forces, imagined the constitutional *loya jirga* as a legitimate forum for their voices and concerns to be heard by their fellow countrymen. What became significant and highly relevant to security and justice was how the outcome of *loya jirga* could be incorporated into a fair political process allowing Afghan society to transform itself out of war and conflict. The international intervention planners, both at the donor and Afghan government levels, x k g y g f " v j g " e g p v t c n " i q x g t p o g p v ø u " c d k n k v { " v q consolidation of power into a central column of stability. They neglected to pay attention beyond the highly narrow state bureaucracy into the vast spectrum of Afghan society and v j g " p g g f " h q t " t q d w u v " k p x g u v o g p v " k p " j w o c p " e c ontological needs for justice.

Within the traditional informal system of justice, local interpretations of *Sharia* and customary law were reflective of evolving social and political experiences and had a specific place for helping locals to develop normative remedies to their legal issues. Both Tufts and USIP data clearly illustrated that the state justice system was fraught with injustice, clientism, fraud, and corruption and enjoyed little if any standing with the local population. At the same time, the non-state justice system offered a wide range of remedies, but still suffered from various systematic shortfalls that adversely impacted its effectiveness, mostly due to the lack of recognition by the U.S.-led international intervention actors and their backed political order in Afghanistan.

In theory, the law enforcement agencies created and upheld the formal court system as a result of the 2004 constitution, which was considered at the heart of efforts in fixing the failed Afghan state, but secondary to GWOT as perceived by the Bush administration. However, there existed a wide range of socio-political, logistical, and resource-related factors that negatively influenced the ability of the formal justice system to apply the laws accordingly and appropriately, and the ability of the police to enforce these laws. The core paradox of the Afghan formal justice system was not, therefore, the absence of laws but, rather, the lack of political will on the side of the U.S.-led international intervention and from that angle, by the Afghan central authority to enforce these laws in a just way.

The U.S.-led international intervention actors and their donor agencies needed to recognize "justice" as their priority. Given the Afghan history and culture, justice probably needed to be put above security as was defined by

the international actors in Afghanistan. The main reason for this need was that in Afghanistan, social stability formed the significant element of local security; satisfying the ontological needs of justice could have made security sustainable. More importantly, such a formula could have prevented the reemergence of the Taliban, which prolonged involvement of U.S. and NATO forces in Afghanistan for many more years.

E J C R V G T " U K Z < " V J G " U V W F [ø U " E Q P V T K D W V K Q P " V Q '

The difference of the perspectives and their supporting narratives of both the U.S.-led international intervention and the Afghan locals, in particular over security and civilization theory in conflict resolution. Explaining the difference and its contributing reasons revealed that there was a fundamental gap between the stated interests of the U.S.-led international intervention and the locals' needs for security and justice. This gap was explored in chapters four and five to a higher degree, which mapped out the differences and rationales of each side. In addition, this explanation via investigative data analysis proved that the U.S.-led international intervention's objectives did not materialize by 2006.

By analyzing the categorization of Afghanistan as a failed state by the literatures reviewed in chapter two and also as it was assumed by the Bush administration, this research added important value by: (a) challenging the assumptions considering Afghanistan as a failed state; (b) revealing the Bush administration's narrow intent in waging an international intervention that failed to capture Osama bin Laden and other culprits of the 9/11 attacks, and (c) applied the cultural and structural theories within the conflict analysis and resolution field to a contemporary case, Afghanistan, with both local and global applications. The intervention's political outcomes failed, in the words of

Patrick Stewart, to build adequate state capacity and political will, argued as a necessity for fixing failed states.

By 2006, the dominant perception of the failed and failing states, and its nexus to transnational terrorism in the intervention policy and its execution, was geared toward fixing the failed state of Afghanistan within the concept of the Global War on Terrorism. Yet this approach appeared out of sync both with the operational reality on the ground and a vision with limited or no strategic depth. Under the 2002 U.S. National Security Strategy,³¹⁵ the intervention was set in motion to achieve two critical tasks: (a) fix the failed state of Afghanistan and (b) fight the Global War on Terrorism. Chapters four and five revealed that the intervention prioritized the second, while Washington's policy never matured toward fixing what the U.S. national security document considered as a failed state.

The analytical response of this research in chapter two, the literature review, in questioning the validity of assuming Afghanistan as a failed state due to the limited control or absence of control of the central government over national territory is supported by the in-depth data analysis in chapters four and five. Even though this analysis questions the notion of the failed state as a plausible assumption in the case of Afghanistan, chapters four and five support the validity of the caveats argued by some of the authors discussed in chapter two. For instance, Robert I. Rotberg's articulation of the failed states due to the initial crisis of human security supports the concluding analysis of this research. Rotberg recognizes the inability of the state to supply the hierarchy of

³¹⁵ <https://www.fdiintelligence.com/2015/02/22/2002-national-security-strategy/>

political goods, and most importantly security, within a broader principle of human security that goes far beyond what was established by the end of 2006 in Afghanistan.³¹⁶

He considers human security as sets of possibilities via which both individuals and

international actors consider human security. In his book, Rotberg's argument is that, in the consideration, chapters four and five reveal that a post-Taliban state was unable to provide the political security under which the private and public security of its citizens could be established. The data presented in chapters four and five concluded that the difference of perspectives contributed to a growing gap between the international and local perspectives of security and justice. This gap formed a wide operational space between what the international intervention actors desired to accomplish those needs that the local population struggled to attain.

Rotberg considers justice as another important essential political good. He argues that without a secure political environment disputes cannot be settled and justice will fail to prevail. The explanation of the differences of perspectives of justice between the international intervention and locals in chapter five concluded that justice, in the case of two systems of justice in Afghanistan, is not the legal property of the state; non-state justice systems can enable the citizens to settle disputes among themselves or with the state in a peaceful manner. The historical balance of authority between state and society in the Afghan political tradition is an essential political good that is essential for the state. Based on Rotberg's argument, the historical balance of authority between state and society in the Afghan political tradition is an essential political good that is essential for the state.

³¹⁶ Rotberg, 2002.

³¹⁷ Ibid.

³¹⁸ Ibid.

argument, improving security and justice should have been central to the U.S.-led international intervention in order to fix the Afghan failed state. As was revealed in chapters four and five, the prioritization of counterterrorism without state-building did not enable the Afghan state to produce the political goods to create enforceable rules of law, security of property and inviolable contracts that could legitimize and validate fair play within Afghan society.³¹⁹

Examining the differences of perspectives between the international intervention and the local population on security and justice again challenges the assumptions by Ahmed Rashid and Barnett Rubin that consider Afghanistan as a failed state. However, chapters four and five build a collaborated connection between Rotberg's argument on the absence of political goods, particularly security and justice and what Rashid calls the failures of the international community to take the advantage offered by the post-9/11 environment to fix the failed state of Afghanistan. He warns that the consequences of "state failure in Afghanistan are unimaginable."³²⁰

The discussion on the non-state justice system and its role in communal stability and local governance in chapter five, in one way or another, challenged James Piazza's assumption that considers Ch i j tribal areas and religious schools as "stateless areas." The important role of the non-state justice in settling disputes outside of the government courthouses and even the involvement of the local government officials in these forums, because of its ability for greater fair play and effective implementation as ascribed in chapter five, revealed the sharp differences of perspectives of justice between the

³¹⁹ Ibid.

³²⁰ Rashid, 2008, p. xxxix.

international forces and locals. The data and analysis on the role of the non-state justice, the traditional role of the local community in security, and their ownership role outside of the state structure disqualified Piazza's perception of a "stateless" area in the case of Afghanistan.

This dissertation revealed that the creation of a centralized political system in Afghanistan, at its substance, was not rooted in the indigenous socio-political narratives but was often considered a collection of the state elites who were trained and educated in European the Western educational institutions. The discussion on centralization versus decentralization of the national governance system in Afghanistan reveals differences of perspectives between international actors and the Afghan populace. The most significant contributing factor of this study to the conflict resolution literature is that international military intervention ought to be the means for an obvious political end with a strong equilibrium between the international versus local interests and aspiration for human development. This issue of course needs to be further developed and used as a point of reference toward future U.S.-led international military interventions in years to come.

Future international military intervention, probably, will take place across developing countries wherein lessons from local history and cultures and their incorporation into the intervention \emptyset n q n k e k g u " y k n n " d g " u k i p k h k e c p are often encapsulated by local perceptions that are shaped by local narratives. This research established the fact that one-size-fits-all kinds of intellectual assumptions such as the notion of failed and failing states are too narrow to direct international military and civilian resources toward advancing global security. As in Afghanistan, ontological needs

for security and justice will form the center of gravity in peace-building in years to come. As the world is getting smaller and the global community becomes even more of a global village, future crises, regardless of their forms, may provoke international interventions in various forms, e.g. military or non-military, humanitarian, or a combination of both in stability or peace operations.

This research also revealed that to a greater degree, the reemergence of the Taliban did not come mainly as a reaction to the presence of the U.S.-led military intervention. If we consider security and justice as they were experienced by the Afghan populace from 2001 to 2006, the post-Taliban political order failed to provide governance. If this is the case, the research can conclude that the legitimate local grievances rooted in the weak or absent governance, particularly by warlords, and the presence of a culture of impunity and corruption inside government institutions and extreme centralization in a conventional form undermined the traditional balance between state and society in Afghanistan. In part, one can conclude that these legitimate grievances drove people to join the Taliban insurgency.

V j k u " u v w f { " x c n k f c v g u " C x t w e j ø u " p s q v k q p " q h
evolutionary role in shaping and reshaping local perspectives and reinforcing certain political and social experiences across times and locations are crucial in analyzing social and political crises. Thus, culture, as was ascribed by Avruch, and its role in the human mind as a force that transfers one from war and conflict to non-violence and peace, did not materialize in Afghanistan. The epidemic of the culture of impunity across the Afghan government and beyond and the misuse of the U.S. and NATO security contracts

by malign actors reinforced many elements of the culture of conflict and war. This development, along with other key challenges, prevented Afghanistan to depart from past trauma and achieve both transitional and social justice to a required level which was not achieved.

Key Highlights of the Case

According to the literature review in chapter two, the assessment of the field via the data collected by Tufts and USIP in chapters four and five, and other sources presented in this research, a difference of perceptions of security and justice between the U.S.-led international intervention and the Afghan populace is viewed as the dominant paradigm during 2001 to 2006. At the heart of the findings of the case study were the differing perspectives on security and justice between international intervention actors and the local population through 2006, which created an operational gap between k p v g t x g p v k q p " k p v g t g u v u " c p f " n q e c n u ø " q p v q n q i tremendous challenges to the attainability of both. These differences were rooted in the varying cultural and historical narratives of each side.

This study narrated how the absence of a political strategy beheld a military campaign within its limited objectives without resulting in a political end-game that could have saved the U.S. and coalition billions of dollars and thousands of lives. The study also revealed that a military offensive without a comprehensive political strategy led both military and civilian resources toward the creation of a predatory and unjust political order and institutions that made the intervention actors liable for the unanticipated insecurity and injustice. In most cases, many of the malignant actors became busy with

consolidating their political power and challenging the genuine indigenous allies and forces of stability and justice, which hindered any ability to address the desperate needs of the locals for security and justice through 2006. As a result, billions of dollars worth of assistance created an environment wherein the majority of civil society groups and networks, youth federations, professional associations, religious communities, and thousands of honest Afghans in and outside of the Afghan government were caught between a deadly insurgency and corrupt government.³²¹

This study concludes that there was difference of perspectives on security and justice between the U.S.-led international intervention and the local Afghans. This research explained why there were differences between these two dominant perspectives, but establishing the level and scopes of these differences requires a different study at a different time. Another concluding revelation in this study is the emerging gap between international and local expectations of the outcomes of the intervention, particularly in the areas of security and justice. This research reveals that this gap is rooted in the differences of perspectives and their different philosophical underlyings. This dissertation is not claiming that the expectation gap alone resulted in the shortfalls of achieving the objectives of the U.S.-led international intervention in Afghanistan, but it has validated this gap as a significant contributor. However, to what degree and levels this gap has contributed to insecurity and injustice and the shortfalls of the intended objectives of the U.S.-led

³²¹ U.S. Department of State, "2009 Afghanistan Country Report on Human Rights Practices," *U.S. Department of State Country Reports on Human Rights Practices 2009*, (Washington, DC: U.S. Department of State, 2010), 422. <https://www.state.gov/r/p/e/hrrpt/2010/01/2009-afghanistan.html>

international intervention during 2001 through 2006 is not clear, nor has that been the intention of this study.

In the light of Galtung & Burton & Avruch's theoretical discussions in conflict resolution, this research, to a larger degree, established that the crisis in Afghanistan is structural and, in part, cultural. Combining the difference of perspectives, for instance in the area of security and justice, with its philosophical and operational consequences, the expectation gap between international actors and the locals, the centralization of the state institution, the growing predatory nature of these institutions, the crisis of governance, and finally the eruption of a deadly insurgency are significant elements of a structural dilemma that requires a structural remedy. The intention of this study was not to offer a remedy or specific recommendations to this structural dilemma. That said, strategic rethinking of the U.S.-led international intervention toward a robust and genuine balance of intended security interests and locals ontological needs, in this case security and justice, should be steps toward the right direction.

If the crisis of Afghanistan is considered a structural dilemma, the culture of impunity created by warlords and corrupt government institutions during 2001 to 2006 should make the case, as Galtung considered in some sort and shape, for cultural violence. The crisis of governance significantly contributed to an emerging social and political void wherein the defeated Taliban movement emerged to offer alternatives for security and justice. Such alternatives, regardless of their ideological and sectarian codifications, began to address the short-term basic needs of a portion of the locals for justice mainly because there was no other alternative available in the public sphere. As a

binding social contract, what the insurgents offered was appealing to certain groups amongst the local populations, who seemed willing to trade some of their rights to attain some sort of solution to the profound insecurity and injustice they were facing. Even though this solution brought with it significant harassment and rigidity in the insurgent social and financial contracts. With all its brutality, enforceable, and did not require bribing. This was how the Taliban shadow government and their circuit court system began to introduce competing alternatives to that of the government judiciary and law enforcement institutions in south and southeastern part of the country.

From a conflict analysis and resolution point of view, this dissertation also concluded that it would be difficult to frame the Taliban-led insurgency against the U.S.-led coalition and their backed Afghan central government as a political conflict mainly because the Taliban insurgency appeared as the result of warlordism, corruption, and the prolongation of the presence of foreign troops. The Taliban did not reemerge for the satisfaction of the basic needs of the population; on the contrary, they formed an insurgency to reestablish a theocratic dictatorship that would deny security and justice as was discussed in this research. In this case, their alternatives for security and justice were the means, not the ends, of their violent political campaign to reach that end regardless of how many civilians were killed. The insurgency movement, in part, contains an ideological core toward Afghanistan national polity. This core is designed to attain political power via violence in the name of religion while defying the populace from their

historical free practice of religion. This characteristic of the insurgency put them on an antagonistic path against the U.S.-led intervention actors and the Afghan central government. Since the insurgents' ideological interpretation of religion, culture, society, and even history is another form of extreme centralization, it contradicts and denies long-
 v g t o " u c v k u h c e v k q p " q h " v j g " n q e c n u ø " I p v q n q i k e
 c f f k v k q p . " k p u w t i g n e s l o a b p a r t i c i p a t i o n i n k f a i r a n d d e m o c r a t i c n q i { " f
 political representation and this makes their political end, if succeed, the reestablishment of theocratic dictatorship. From this stance, the antagonistic relationship between the U.S.-led international intervention security interests and those of the insurgents forms a political conflict.

Future Research

This study has gone to great effort to explain the differences between the U.S.-led international intervention ø u " c l o c a l s ' p e r s p e c t i v e s o n o n t o l o g i c a l n e e d s f o r s e c u r i t y and justice without offering a research-based precise course of action toward their remedy.

Challenging the notion that considers Afghanistan as a failed state and reviewing it in the mission of the U.S.-led international intervention, particularly during 2001 to 2006, is a first step toward a thorough evaluation of that notion being universally applied. From a conflict resolution stance, the application of the notion of failed and failing states and its doctrinal interlink to the U.S.-led international intervention needs further inquiry. This study can offer some baseline methodological approaches that can be highly useful, particularly if there is another U.S.-led military international intervention in the future. In

this case, the analysis presented in this research could offer profound insights toward building more synchronized interaction between the global security interests of the intervention and the basic needs of the populations in host countries.

In the case of Afghanistan, the early formation of a decentralized political order with strong emphasis on regional administrative planning and effective district-level implementation could have offered Afghanistan a government of national unity and the early deployment of a large contingent of peace-keepers, beyond Kabul, would have supported it. This could have transformed the reemergence of the Taliban into a non-military political process. Relying on the 2001 Bonn meeting to produce both a new government and a peace-keeping force for Afghanistan was a strategic mistake that led the U.S. and international intervention strategy to drop the stability ball in Afghanistan.³²²

In the end, the findings of this dissertation research make clear that a military intervention without a strong civilian component is not necessarily going to produce the intended results — even though the might of fire power and the use of military technological advancement make such a military engagement highly asymmetrical. It may win every single battle but there is no assurance for winning the war. This also explains that there is room to adjust policies by devising modifications to create a reasonable balance between the priority of the host countries and the stated objectives of the interventional forces by recognizing both the philosophical and implicational differences of the intended expectations. Finally, it is the governance, not the

³²² Rohde and Sanger, 2007.

government, that matters in a country like Afghanistan, which is characterized as having a weak government but being a strong community.

Conclusion

The examination of how and why the international versus local perspectives on security and justice differ illustrates that interventions can be most successful when they acknowledge the j q u v " r q r w n c v k q p particularly security and justice. p " p g g f u The Afghanistan case study also suggests that international intervention can have life-saving, life-improving ô and more importantly, life-transforming ô outcomes by injecting resources for positive change against social and political diseases developed by wars and political violence.

Explaining the difference of perspectives between international vs. locals in this research concludes that the U.S.-led international intervention under the influence of American New Conservative political ideology was: (a) an emotional reaction to the tragedy of the 9/11 terrorist attack, (b) designed to punish those who were responsible and those who were considered as the culprits, and (c) designed to use military forces in a foreign territory with serious neglect of balancing the U.S. national security interests with v j g " u c v k u h c e v k q p " q h " v j g " j q u v " r q r w n c v k q p ø u " shortfalls undermined a genuine global effort that was authorized by the UN Security Council to protect global security via the betterment of the local conditions in Afghanistan. In addition, this approach caused the prolongation of the U.S. engagement beyond its original mandate (now over ten years) and cost Americans and the allied nations billions of dollars and hundreds of lives, even after President Bush declared an

õ g p f " q h " v j g " o k u u k q p ö " k p " C h i j c p k u v c p 0 " K p " c f
and the unattainable nature of the mission objectives caused the prolongation of the
U.S. military presence in that country. This is one of the key reasons that popular support
for the military campaign in Afghanistan waned among the Americans and other allied
nations. Indeed these two issues are not the concern of this study and need a different
discussion at another time, but are mentioned here to make a point that needs future
research.

Assessing the state of security and justice in chapters four and five by utilizing the
data collected by Tufts University and the USIP was designed to explain the impact of
the U.S.-led international intervention on those highly critical basic needs of the host
communities in their own words. For this purpose, this study relied on the work of
Burton, Galtung, and Avruch within the field of conflict resolution in order to develop a
focused theoretical framework for conceptual arguments. The notion of failed and failing
states, despite certain caveats presented by a number of authors in chapter two, should
open the path for further investigation of that notion within the field of conflict
resolution. In this case, the authors' works were applied as a theoretical point of reference
to assess the perspectives of the host communities and to examine their differences with the U.S.-led international intervention perspective of
security and justice.

AFTERWORD: AFGHANISTAN SINCE 2006

Going beyond 2006 in order to explain the differences in perspectives between the U.S.-led international intervention actors and Afghan locals and the underpinning philosophical reasoning on security and justice will be another study by itself that requires digging into both doctrinal and operational shifts of the intervention from 2007-2008 and from 2009 to present. Each one of these periods has different characteristics ô sometimes sharply different. However, in most cases, both periods continue to carry the structural shortfalls created during 2001 to 2006. It would difficult, if not impossible, to treat the entire U.S.-led international intervention in Afghanistan from the beginning to the present with one set of analysis. The purpose of this section as an afterword is to offer a general sense of understanding of the post-2006 developments in Afghanistan and to offer a small window in this dissertation into future studies and outlooks.

The year 2006 marked a dramatic increase in the Taliban-led insurgency activities, during which the Afghan civilian casualties increased dramatically. Despite greater contributions of military and financial resources to Afghanistan by the U.S. and coalition nations, insecurity continued to spread beyond the Taliban stronghold in the u q w v j 0 " V j g " k p u wôthe Quppta Shura"Taliban, the"Haqqani network, u c p f " I w n d c f k p " -E-Islamî ôexpanded the in areas of operations and

incorporated suicide bombing attacks into their activities.³²³ As a result, the Kabul government was increasingly losing influence over larger portions of land and populations. For the first time, the international actors expressed their strong willingness to participate in reconstruction and stability-building during the London Conference (January 31-February 1, 2006).

Since this willingness was not part of the plan originally formulated for the intervention, this shift can be viewed as a forced-realization on the basis of fear from Al Qaeda and the Taliban retaking power in Afghanistan; this on its merit needs further investigation. From 2006 to 2009, the process, the escalation of violence and tense military activities, the institutionalization of corruption in the Afghan central government, and the contribution of more resources toward building the capacity of the government institutions slowed the expansion of the insurgency-controlled areas. This phase of the intervention, with its own characteristics (e.g. continued strategic political direction under-resourced as a result of, among other things, the prolongation of the invasion of Iraq, which v q q m " t g u q w t e g u " c p f " c v v g p v k q p " h) , q o " C h i demands further investigation.

By 2009, according to a United Nations report, security further deteriorated. The Taliban attacks were considered responsible for up to 76% of civilian casualties,³²⁴ and the Afghanistan Independent Human Rights Commission labeled the Taliban attacks against civilians as war crimes.³²⁵ This also forced the Afghan religious leaders to call

³²³ Rothstein, Hy, *Afghanistan and the Troubled Future of Unconventional Warfare* (Naval Post Graduate Press, 2009).

³²⁴ UN: Taliban Responsible for 76% of Deaths in Afghanistan," *The Weekly Standard*, 08 October, 2010.

³²⁵ Ibid.

k p u w t a t t a c k s o n c i v i l i a n s a g a i n s t I s l a m . ³²⁶ Indeed, the efforts for rebuilding the Afghan security forces and other government institutional capabilities were producing convincing figures for the interventional planners, but there was not a significant shift in local perceptions on security and justice. The Afghanistan National Army and Afghanistan National Police suffered from shortages of training, equipment, salary, and political direction for the country. The number of soldiers and policemen leaving the force without reporting back to service continued to rise and the ANA continued to be significantly dependent on the logistical and operational support from the International Security Assistance Force (ISAF).³²⁷

There have been various different perspectives and conclusions about the U.S.-led international intervention since 2006. One conclusion is offered by Thomas Johnson and Chris Mason, from the U.S. National Intelligence Community, who have criticized the U.S. government since 2006 to establish a politically significant presence throughout the country, b) the failure of the international community to create a secure rural environment in the south conducive to development and reconstruction, and c) the virtually complete lack of meaningful improvement in the lives of the great majority of the people in the

During the second stage of the U.S.-led international intervention, particularly in the post-London Conference time period, NATO began to push for the staffing and

³²⁶ "AIHRC Calls Civilian Deaths War Crime". *Tolonews*. January 13, 2011.

³²⁷ H q t " k p u v c p e g . " C p v j q p { " J 0 " E q t f g u o c p . " C f c o " P c w u p g t " Forces: What it wi n n " V c m g " v q " K o r n g o g p v " v j g " K U C H " U v t c v g i { . ö " E g November 2011.

³²⁸ See Thomas Johnson and Chris Mason, Chapter 24 in *U.S. Response to the Global Security Environment*, 2007, available at http://www.nps.edu/programs/ccs/Docs/Pubs/chp24Johnson_Mason_Terrorism.pdf.

development of the Provincial Reconstruction Teams (PRT) across 26 out of 34 provinces in Afghanistan. The PRT structure was originally developed by the U.S. in an agreement with the Afghan government to expand the presence of the international security forces across Afghanistan, and was assumed to extend the writ of the Afghan government throughout the country.³²⁹ For this purpose, the PRTs embedded civilian capabilities such as engineers and agricultural experts along with small contingents of international NGOs (instead of the Afghan government) in providing development and governance was undermined by the growing insecurity and complications in coordination across the coalition nations.³³⁰

The establishment of PRTs attracted more attention from the U.S. and NATO. The role of PRTs formed the center of discussion during the 2008 NATO Summit in Bucharest; this attention was transformed in the 2009 NATO Summit as the reaffirmation of the U.S. political programs for Afghanistan. Since then the strategic vision of ISAF followed: a) a firm and shared long-term commitment, b) support for enhanced Afghan leadership and responsibility, c) a comprehensive approach by the international community, d) a bringing together of civilian and military efforts, and e) increased cooperation and

³²⁹ Michael J. Dziedzic and Colonel Michael K. Seidl, *Provincial Reconstruction Team, USIP Special Report 147*, September 2005.

³³⁰ Policy Options for State-building in Afghanistan: The Role of NATO PRTs in ISAF, 13 May 2009

g p i c i g o g p v " y k v j " C h i j c p k u v ³³¹ While the ISAF contributing countries built and introduced their vision, the Afghan government also developed the Afghanistan National Development Strategy (ANDS),³³² originally introduced during the 2006 London Conference, but never supported or adopted into planning by the U.S.-led coalitions.³³³

The international coalitions had a difficult time in coordinating the efforts between the UN, the U.S., and NATO for a number of years in order to bring effectiveness at the local level and direct resources toward improving local conditions. A NATO in Afghanistan was concluded. In January 2008, the U.S. supported UN Secretary I g p g t c n " D c p " M k " O q q p ø u diplomat Paddy Ashdown as the ð u w r g t " g p x q { 0 ö " D w v " M c, likely due to his lack of the authority j g " c r r of the international community in forcing him into genuine accountability in his presidency. Karzai wanted to continue to be the only higher power in Afghanistan with everybody, including the U.S. and international community, answering to him, even if at the expense of good governance and improved security and justice in the country. The international community failed to be accountable for billions of dollars of funding and thousands of their military forces and allowed Ashdown to withdraw his name in January 2008.³³⁴

³³¹ ð U w o o k v " F g e n c t c v k q p " q p " C h i j c p k u v Participating in the g f " d { " J g c M g g v k p i " q h " v j g " P q t v j " C v n c p v k e " E q w p e k n " k p " U v t c u d q w t i

³³² ð C h i j c p k u v e v o p m e n t S t r a t e g y 2 0 0 8 - 4 E 3 5 . ö " K u n c o k e " T g r w d n k e " q h " C

³³³ James F. Dobbins, *After the Taliban: Nation-Building in Afghanistan* (Dulles, VA: Potomac Books, 2008).

³³⁴ E c v j g t k p g " R j k G e t s H i s W a y a s U N A p p o i n t M e d i a - P r o f i l e E n v o y , ö *The Sunday*

Improving governance had been a key discussion among the locals; later it was picked up by the international communities, particularly once they noticed that the post-Taliban political process had been infiltrated by warlords, Islamist groups, and corrupt networks. The U.S. encouraged the Afghan government in building local governance in order to improve security and the rule of law. On principle, the intention was to rebuild sub-national governance and the ability of the central government at the provincial and district levels to develop effectiveness in service delivery. However, the centralized nature of the government political system continued to undermine any empowerment of the local government officials beyond the tasks given by the central government in Kabul. Some attention is being paid to the tribal and other local structures such as *shuras* and *jirgas* — traditional governing institutions that narrowly support the central government.

Instead of supporting bottom-up governance at the district and provincial levels through popular participation, the Afghan central government created a top-down process politically controlled by the executive branch and President Karzai in order to control provincial governors rather than to improve governance.³³⁵ This was also viewed as weakening the ministry of interior which had previously held the responsibility. The IDLG reported directly to the president and became responsible for selecting all civilian officials, mainly provincial and

Times, 7 March 2008.

³³⁵ Ugg " Cp v j q p { " N q { f . " õ E q t t Aw E v p q g t " D j k d g k ü ç 67 The W n h k p k è *Sunday Times*, 24 November 2007.

district governors. With the support of the Bush administration, the IDLG launched a social outreach program designed to reduce the fast-increasing rift between the government and the people. They formed local district *shura* and tribal associations and offered \$200 per month to tribal leaders and other participants in order to purchase their loyalty to the government and also to convince them to not support the insurgents.³³⁶ IDLG added more layers of bureaucracy, which was challenged at all levels by other ministries when it came to budgeting and coordination. In March 2010, IDLG published the Sub-National Governance Policy to be implemented across the country. Key objectives for this policy were to improve accountability, political representation, and also to offer the provincial governors greater authority. Many administrative and legal experts considered this policy as another bureaucratic regulatory document full of legal, planning, and authoritative contradictions and ambiguities. The policy that was k p v t q f w e y g ö f " n c c u e ' m ð g n f " e n g c t " o g c u w t g u " h q t " g z g e w v capability to be enforced.³³⁷

On February 8, 2009, the Obama administration appointed former Ambassador Richard Holbrooke as the presidential envoy to Afghanistan and Pakistan. Indeed, the U.S.-led ISAF mission in Afghanistan came to a new stage a year after Obama became the president of the United States, mainly via the appointment of General McChrystal, who pushed for greater coordination with the Afghan government. The appointment of General Petraeus as the head of ISAF brought another significant shift in the military operation on the ground. This shift led to focusing on end the presence of both

³³⁶ \$200 is equivalent to c n o q u v " 5 " o q p v j. See Katzman, 2009. { " q h " v g c e j g t

³³⁷ Michel Leach, "Whither the Sub-National Governance," draft version, November 2011.

insurgency strategy and legitimate governance supported by development programs. This policy was significantly led on the ground by the military leaders, particularly under General David Petraeus in 2010 and 2011, but still Afghanistan demanded serious political reforms and structural adjustment in order to offer its citizens the ability to satisfy their ontological needs for security and justice.

Protecting people as the center of gravity in a U.S.-led international counter-insurgency in Afghanistan turned into an operational capability that Al-Qaeda and the insurgents were unable to hold. Al Qaeda and its affiliate groups and to a certain extent the Taliban strategy were designed to spread a trans-regional insurgency centered in Afghanistan and Pakistan in order to realize global terrorism against the U.S. and its allies.³³⁹ Indeed, the killing of Osama bin Laden by the U.S Special Forces on May 3, 2011, was a significant setback for Al Qaeda, especially after its trans-regional relevance was overshadowed by the Arab Uprising in the greater Middle East, particularly in Tunisia and Egypt.

On the face of all military achievements by the U.S.-led forces and at a time when Afghanistan ranks 179 out of 180 countries in the Global Corruption Perception Index, the militants are converting the weakness in governance and developing it into a strategic weapons system in order to gain comparative advantages against the economic superiority and military firepower of the U.S. and ISAF partners;³⁴⁰ this has contributed significantly to a slow shift in local perspectives of security and justice. This and the presence of the safe havens in Pakistan made the insurgence sustain a widespread

³³⁹ "Al-Qaeda has Merged with Taliban to Fight U.S.," *The Economist*, (17 July 2008), <http://www.economist.com>.

³⁴⁰ Global Corruption Perception Index, 2010.

perception of insecurity across Afghanistan despite losing every military confrontation and control over their territory. Such conclusions suggest there is no military solution without a long-term strategic engagement to condition U.S.-led coalition resources and efforts for serious and honest administrative, legal, and political reforms in the Afghan government, and direct empowerment of civil society and private sectors in support of the counter-insurgency. In addition, Afghanistan does need regional diplomatic efforts and the effective closure of the safe havens in Pakistan. All of this can provide the healthy space for Afghanistan to positively and effectively shift their perspectives of security and justice.

On the ground in Afghanistan, the U.S. and ISAF are currently bleeding legitimacy due to their support, active and passive, of predatory and corrupt government officials and institutions. In addition to the dangerous absence of an operational framework to integrate U.S. military and civilian efforts on the ground, the highly fragile local governments and insufficient security have been preventing the improvement and expansion of governance and development programs. At the heart of this is the severely under-resourced U.S. civilian capability to capitalize on the outcome of significant military achievements. Afghans came along and the majority are standing with the post-Taliban political process in the face of all challenges and odds. On August 20, 2010, for instance, frustrated and exhausted Afghans risked their lives during a troubled and corrupted presidential election in order to prove their trust in a democratic political process and a peaceful homeland.³⁴¹ Now, the ball is in the U.S. and ISAF courts to shape

³⁴¹ See Katzman, 2009.

their current transition into a long-term commitment, with a focus on development and governance that can be protected by security.

Born Afghan, I have served in the resistance of my birth country against a foreign oppressor, the Soviets. As an American, I am sitting on the crossroads of two political cultures and offering ideas that foster legitimacy of the account and perspective via research. Peace and stability reside in the confidence of the people, and Al Qaeda and the Taliban are trying to take advantage of the shortfalls in governance. Afghanistan is already becoming a significant marker for the future role of the U.S. and NATO in the Great Game of Southwest and C g p v t c n " C u k c 0 " V j g " Q d c o c " c f o k p k desires to set the stage for effective performance by the actors with resources to bring measurable results showing success, but it is doubtful that it will do so because the administration failed to offer a political strategy for its endgame in Afghanistan. Transition and exit strategy is not a political strategy. Instead, a political strategy should define what kind of Afghanistan the U.S. foresees in relationship to what kind of Afghanistan Afghans wants to live in by the end of withdrawal of the U.S. and coalition forces. This demands an urgent introduction of an operational framework designed to synchronize the untidy efforts between the U.S., NATO, the Afghan government, and regional allies. An operational framework that offers space for genuine religious and community leaders along with the national government will provide the needed physical and moral support for enabling the people of Afghanistan to build an alternative reality via the empowerment of civil space against Al Qaeda and Taliban. The death of the Al

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particularly security and justice, are effectively addressed.

The Perception of Security and Justice Versus Reality on the Ground

In April 2009, I traveled to Afghanistan and met people living in the southern parts of the country. They told me that the 2005 and 2006 coalition operations to clear the Taliban from the area devastated their livelihood, where the economy is based on a culture of farming and gardening. The loss of these economic resources created a booming illicit economy based on poppy production and narcotics trafficking. In the absence of governance and security, the Taliban has emerged as a shadow government by providing the needed security for producers, buyers, and traffickers, while setting up a circuit court system to manage disputes and address local grievances. The Taliban's courts enjoy popular recognition among the local people because they are free from bribery, they are affordable, and they enforce their legal decisions by force and intimidation, although of a Taliban brand.³⁴²

In the western part, I met a group of returning refugees enthusiastic about working in the Taliban-controlled poppy fields compared to smuggling narcotics across the border into Iran and Turkmenistan or as cheap labor for NGOs. People from eastern Afghanistan argued that they have never supported the Taliban but they cannot rely on Kabul for security. "If we can get resources within our towns and villages we will make the eastern region a successful example for Pashtuns of Afghanistan and Pakistan," said a community leader. In Kabul, members of the business community told me that they do

³⁴² Tim McGirk, "Taliban World," *Time*, 16 September 2009. Chijcpku

not have trust in the police and are hiring their own private security guards. At the end of a soccer game, I asked a group of college students about the future. Each was very solemn in stating their commitment for making Afghanistan a peaceful and promising nation if a world without the Taliban emerges.

K p " L w p g " 4 2 3 2 . " R t g u k f g p v " Q d c o c ø u " c p p q w p e v t q q r u " v q " C h i j c p k u v c p " k p field to shape against the { " ð u w t i g insurgents and also create the space for the Afghan National Army and security forces. However, Afghanistan fell short in a civilian surge that could support government reforms and capacity building. This was the reason that a group of diplomats from 15 different countries called for a diplomatic surge to Afghanistan.³⁴³ Afghans already knew that maintaining the development of the ANA and other Afghan national security assets capable of satisfying the current and future security needs cannot be achieved without a sustained commitment from the U.S. and international community. Yet it was obvious among the people I encountered the fading confidence in the Afghan government and the growing doubts in the U.S. commitment in Afghanistan.

Building confidence in the Afghan government cannot be achieved without setting the stage for defining the political direction of the current political transition. At the heart of the matter will be the formulation of an operational framework to integrate the U.S. and ISAF military and civilian efforts in Afghanistan. Pushing the mission forward within such a framework will direct military resources toward better protecting governance and development to increase the indigenous civic space as a strategic

³⁴³ Stella Clingmon, ð v k o g " h q t " c " ÷ ð n k A f g h a n i s t a n c ö P B S , e 2 5 ' N o v 2 0 1 1 .

alternative to radicalism and militancy. Only then will the rapid development of Afghan national security forces fulfill the long-term security requirements.

Recent survey data reveals that the Afghan public opinion views the ANA as the most respected institution of the Afghan government. Conversely, its sluggish development and poorly equipped status adversely impact its ability to execute its key task: to defeat enemies like the Taliban in combat. The U.S. plan for building the ANA has three phases: (1) ANA development, (2) transition to Afghan primacy, and (3) transition to strategic partnership. The plan relies on U.S. and ISAF assistance, manpower, and training to expand the current 80,000-man-army to a self-sustaining 120,000 by 2013 and 134,000 by 2014. To complete this task, an estimated \$17 billion in the next four years is required, far less than the \$40 billion of direct U.S. military cost in Afghanistan.³⁴⁴

According to a recent Government Accountability Office (GAO) assessment, only 40% of the ANA is trained in the conduct of operations such that they can operate with U.S. and ISAF forces. This shortcoming requires a robust increase of mentoring, combat experience, and equipment so that the units operating with U.S. and ISAF forces are able to execute missions independently in conjunction with coalition units. Raising salaries to \$110 per month and establishing a positive public image has reduced AWOL issues from 12 to 8% in 2008.³⁴⁵ However, many military experts view the maturation of the ANA as a generational development that is dependent on the long-term commitment of the U.S.

³⁴⁴ See Anthony H. Cordesman, *Shape, Clear, Hold, Build, and Transfer: The Metrics of the Afghan War* (Center for Strategic and International Study, January 2010).

³⁴⁵ \$110 USD equals 5200 Afs (local currency).

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shortages are averaging 40% of what is required, including machine guns and vehicles.

The same figure applies to functional artillery pieces with more than 40% not functional.³⁴⁶

In the 1980s, the Soviet-built Afghan army crumbled within months because it never matured to sustain itself. Given the current low American and European public support for the war in Afghanistan and scarcity of resources due to the global financial crisis, greater cooperation among countries supporting the ANA is required. Already, steps toward utilizing regional resources via training programs for the Afghan military officers in Turkey, Jordan, and India have been highly effective. These countries have expressed their willingness to take further steps in building the ANA's needed capabilities. Involving the military resources of Afghanistan's regional countries, including Russia and China, in the buildup of the ANA and ANSF must be encouraged by the highest levels of government of the ISAF partner nations. The November 2011 *loya jirga* unanimously supported a 10-year strategic partnership with the U.S. and the U.S.-led coalition partners in Afghanistan declared their long-term commitments during the Bonn II conference in December.³⁴⁷ Such an emphasis by world leaders should ensure the ANA achieves the capability that will allow it to plan and execute missions independently by the time the U.S. begins to withdraw forces from Afghanistan in 2014.

³⁴⁶ See U.S. Government Accountability Office, *Key Issues for Congressional Oversight*, 5 May 2010.

³⁴⁷ "China's Role in Afghanistan," *Los Angeles Times*, 9 November 2011; "Russia's Role in Afghanistan," *Daily Outlook Afghanistan*, 7 December 2011.

Only a robust and capable ANA can allow ISAF to step back from the security mission, thus removing the stigma from the U.S. and NATO presence in Afghanistan.

It would be significant for Afghanistan to build a regional management team involving countries with real geopolitical equities in Afghanistan. Such an arrangement would bring inherent long-term strategic value to the decision-making process. Additionally, a regional arrangement in the conduct of the struggle will assist in decreasing Iran's suspicions about the intention of the U.S. and NATO presence in that country as a harbinger for regime changes in Tehran, and refute Pakistan's conclusion that the U.S. presence in Afghanistan benefits India. Increasing the combat capability of key Afghan institutions will boost the already positive Afghan public opinion toward the post-Taliban political transition.

When it comes to the government justice system, it is still seriously lagging behind. The 2010 International Crisis Group stated:

Ch i j c p k u v c p ø u " l w u v k e g " u { u v g o " k u " k p " c " e c repeated pledges over the last nine years, the majority of Afghans still have little or no access to judicial institutions. Lack of justice has destabilized the country and judicial institutions have withered to near non-existence. Many courts are inoperable and those that do function are understaffed. Insecurity, lack of proper training and low salaries has driven many judges and prosecutors from their jobs. Those who remain are highly susceptible to corruption. Indeed, there is very little that is systematic about the legal system, and there is little evidence that the Afghan government has the resources or political will to tackle the challenge. The public, consequently, has no confidence in the formal justice sector amid an atmosphere of impunity. A growing majority of Afghans have been forced to accept the rough justice of Taliban and criminal powerbrokers in areas of the country that lie beyond government control.³⁴⁸

³⁴⁸ ð T g h q t o k p i " C h i j c p k u v c p ø u " l w u v k e g " u { u v g o " k u " k p " c " e c

The state justice system by nature is designed to protect the interests of the state rather than elevate the satisfaction of the basic needs of the locals for justice. Still, Afghan civil society groups and human rights activists have been able to help people without bribing, or obtain a permit for business and trade without being shaken down by government officials. Still, the non-state justice system is the most popular form of justice, as people can settle disputes faster and with less cost.³⁴⁹

The National Solidarity Program and Economic Development

According to UNODC/MCN, there were 2 million Afghans involved in opium cultivation in 2005; by 2008, the estimated production reached \$700 million, equivalent to 1.5% of GDP. However, opium trafficking continued to loom large in Afghanistan economy.³⁵⁰

Still, mega-reconstruction projects are on the top of the list within government ministries for the right reasons. However, recent data evaluating the impact of the National Solidarity Program (NSP) reveals a successful approach in economic development, as well as in the advancement of good governance because it allows locals to identify their priorities, then design and implement projects. The NSP brings micro-level development to the local level, while it redefines the role of the government as the provider of services to local communities. This is exactly the reason behind the success

³⁴⁹ ð Ch i j c p k u v c p ø u " V t k d c n " G n f @ IrishTimes, 22 April 2011. <http://www.irishtimes.com/news/ireland/irish-news/justice-system-works-but-not-for-all-2011-04-22>
³⁵⁰ H q t " o q t g " k p h q t o c v k q p " u g g " ð Ch i j c p k u v c p " Q r k w o " U w t x g Crime, November 2008.

of a program that has so far reached 17 million of the estimated 36 million total population of Afghanistan.³⁵¹ The CDCs have completed over 32,000 of a total of 51,000 small- u e c n g " f g x g n q r o g p v c n " r t q l g e v u " u w d o k v v g f " H clinics, electricity, and roads. NSP has already established the baseline for a successful bottom-up model by linking development and governance. The formation of CDCs via electoral processes allows Afghan communities to identify, plan, manage, and monitor their own micro-level developmental projects even while they are severely short of capabilities, similar to CDCs to support local governance.³⁵²

A strong sense of ownership by the communities executing these projects has prevented the Taliban from attacking NSP-initiated efforts, while many of the schools built by NGOs, PRTs, and the Afghan government have been attacked. In addition, a strong sense of ownership empowers rural Afghans to make decisions positively affecting their own lives, even at micro-levels, via development projects. However, the NSP never grew desperately needed capability and resource allocation for supporting local governance in order to create the vital linkage between governance and development. From a development point of view, the NSP has already contributed to the empowerment of an inclusive civic space. An adequate civic space by political reforms at the local governance level in Afghanistan can create the momentum for positively shifting the local perspectives toward greater equilibrium between international and local perspectives of security and justice. This should offer, if not in the short-term but in the

³⁵¹ Assessing the National Solidarity Program: The Role of Accountability in Reconstruction, *Integrity Watch, Afghanistan* (2007).

³⁵² See Stephen Biddle, Christia Fontini, and J. Alexander Their, *Defining Success in Afghanistan*, *Foreign Affairs Journal* (July/August 2010).

mid-term range, the needed civic space within which genuine leaders are able to step forward to embolden an alternative future reality.

The rise of indigenous leaders within the Afghan human terrain will mobilize urbanites, villagers, and tribal social networks toward one direction: the strategic buffer needed for the Afghan government to build its institutions while enabling the populations to keep the government accountable for cleaning its offices of corruption. The creation of a viable civic space that is emboldened by the needed equilibrium between the international versus local perspectives of security and justice should overcome the existing political fault lines — the weak or absent governance — that offer Al Qaeda and the Taliban a regenerative capacity. A popular outreach by rising indigenous leaders could create a national solidarity broad enough to engage the majority of the currently unengaged Afghans. This should offer the U.S.-led international intervention actors the political and social capital necessary to hold and build once they clear an area.

Summary

The difference of perspectives on security and justice between international forces and the local populace during the first six years, as was assessed in this study, suggests the requirement for any future U.S.-led international intervention. This study can conclude that relying on a narrow and highly generalized notion of failed and failing states intellectually was too thin a basis upon which to wage an international intervention. In this direction, no military intervention without a clear political strategy and adequate civilian resources may win the war. A reasonable balance between the stated interests of

the intervention actors and the basic needs of the locals must be attained, with the following points considered:

- The U.S.-led intervention objectives, without its transformation toward the accommodation of the basic needs of the local populations, failed to attain its objectives during the first six years of intervention;
- A state centralization program in the area of security and justice is a failed model of polity and produces cultural violence, insecurity and injustice; and
- Insurgency, corruption, and ethnic violence can be viewed as symptomatic outcomes of structural flaws that can be reinforced by cultural violence.

The way via which the U.S.-backed regime in Kabul was constructed has followed the footsteps of its predecessors while utilizing international assistance and the presence of foreign forces toward further centralization of the state. This study concluded, among other factors, that the critical gap between international and local perspectives of security and justice suggests that the failed and failing state notions as argued by authors stated above and enshrined in the key U.S. national security documents proved too narrow to guide the intervention in Afghanistan. Lessons from Afghan history suggest that Afghan centralization was not a romantic understanding of a modern nation-state. Recent historical accounts, as briefly stated in this study, suggest that Afghan leaders and their international backers often failed to understand the population, map their resources, and invest in the Afghan human capital. This tendency led the Afghan state elite to look outward to manipulate the

environment that was available within the Great Game played between the Soviets and the U.S. during the Cold War as well as during the first six years of the post-Taliban era.

Through 2006, the U.S.-led international intervention strategies have grossly neglected the reality of Afghanistan as the only country in the region that has never been colonized. This means that the traditional governing system and the local perspective over authority and state legitimacy have strong appeal among the population. This negligence, among other factors, can be a significant reason for why almost no one in the West imagined that the Afghan Taliban could reemerge and run such a powerful insurgency.

REFERENCES

REFERENCES

2006 Transparency International Corruption Perceptions Index, *The Global Coalition Against Corruption*.

Aatef, Abdul Zaher Aatef (member of the Advisory Council, Pashtun Zarghoon District, Herat Province), in discussion with the author (January 22, 2006).

Aatifi, Mohammed Aassaf (Hoghoogh prosecutor in Herat), in discussion with the author (January 22, 2006).

Abbas, Hassan. *Pakistan's Dirty War*. New York: M. E. Sharpe, 2005.

C f c o u . " P Policy Options for State-Building in Afghanistan: The Role of NATO R T V u " k p " F g x g n q r o S A S (13 May 2009) h i j c p k u v c p . ö "

õ C h i j c p t " N q " { C p " f L q t u g u " M c t | c k ø u L ' s U A n g e l e s T i m e s } " R c e v November 9, 2011

õ C h i j c p k u v c p " P c v k q p c n - 4 E g s g ö d K a g p v k U v T g v y d f Afghanistan.

õ Afghanistan: Peace Elusive for New Government, *öStratford* (December 19, 2001).

õ C h i j c p k u v c p ø u " V t k d c n " G n f *Irish Times*, (April 22, D c n c p e k 2011).

õ C h i j c p k u v c p < " P c B B C A B C N e w s " a n d A R D p k q p " R q n n . ö " http://www.bbc.co.uk/pressoffice/pressreleases/stories/2007/02_february/09/afghanistan.shtml

õ C h i j c p " R w d n k e " Q r k p k q W o r l d P u b l i c O p i n i o n . o r g P o l i k p i " X k q n g (December 14, 2006). http://www.worldpublicopinion.org/pipa/pdf/dec06/Afghanistan_Dec06_rpt.pdf

Ahad, Abdul (prosecutor at the Investigation Unit, Provincial Office of the Afghan Attorney General, Nangarhar Province), in discussion with the author (December 28, 2005).

Ahmed, Noor (government administrator in Kuhsan District, Herat Province), in discussion with the author (January 20, 2006).

Qaeda has Made Terrorism Truly International *The Economist* (July 17, 2008).

Alizai, Nasar Ahmed Alizai (head of Community Development Council, Kushk District, Herat Province), in discussion with the author (January 21, 2006).

Amnesty International, *Re-establishing the Rule of Law*, 5, 2003.

Controlling the "Nuclear Pipeline" through Afghanistan *The Economist* (2007).

Arsalai, Nasrullah (director of Abdul Haq Foundation, Jalalabad City, Nangarhar Province), in discussion with the author (January 2, 2006).

Asia Foundation, The, *The People Survey*, 2006.

Controlling the "Nuclear Pipeline" through Afghanistan *Integrity Watch Afghanistan* (2007).

Controlling the "Nuclear Pipeline" through Afghanistan *United States Agency for International Development* (2009).

Authorization for the Use of Military Force in Afghanistan September 18, 2001, Public Law 107-40 [S. J. RES. 23], 107th Congress.

Avruch, Kevin. *Culture and Conflict Resolution*. Washington, DC: United States Institute of Peace Press, 1998.

Ayub, Fatima. Controlling the "Nuclear Pipeline" through Afghanistan *International Affairs*, July 2008, p. 84.

Babrazai, Mohammed Umar Babrazai (deputy minister of Tribal Affairs), in discussion with the author (December 26, 2005).

Defining the "Nuclear Pipeline" through Afghanistan *San Francisco Chronicle* (April 16, 2004).

D c m g t . " R g v g t 0 " ð F g h g e v q t " U c { u " D W p s h i n g t o n f g p " J c f
Post (November 30, 2001).

D c n f c w h . " U e q v v 0 " ð C h C h r i s t i a n S t i b e M a q i a m (F e b r u a r y 2 e g " V q t e j
2006).

Barfield, Thomas. ð E w n v w t g " c p f " E w k n v f l o p ' k p " N e y ' k l q p " C h i j c
Maine Law Review, 347 (2008).

Barfield, Thomas, Neamat Nojumi and Alexander Their. *Clash of Two Goods: State and
Non-State Dispute Resolution in Afghanistan*. Washington, DC: United States
Institute of Peace Press, 2006.

ð D c u k e u " q h " D q U n i t e d N a t i o n s (D e c e m b e r 5 , 2 0 0 1) . ð "

Bazinet, Kenneth R 0 " ð D w u j " W t i g u " C h i j c p u " v q " F w o r " V c n k
P q v " V c t i g v k p i " D a i l y N e w s (S e p t e m b e r 2 6 , 2 0 0 1) . q t m + "

D g c t c m . " D c t t { 0 " ð K p N e w Y o r k T i m e s (O c t o b e r 2 , 2 0 0 1) . j c m { " C n n { .

D g p f g t . " D t { c p 0 ' S . ð A n q t o T o p p l e R e g i m e q I n t e r n a l l y . U . S S e e k s t o
G z r n q k v " C B o s t o n G l o b e , O c t o b e r 1 4 , 2 0 0 1 . "

D k f f n g . " U v g r j g p . " E j t k u v k c " H q v k p k . " c p f " L 0 " C
C h i j c p F o r e i g n A f f a i r s J o u r n a l (J u l y / A u g u s t 2 0 1 0) .

ð n c e k i n g S u p p o t v F a c k l e F a i l e d S t a t e s , ð D a w n , M o n d a y , J u l y 1 4 , 2 0 0 3 .

Bonn Agreement, The (2001), *Agreement on Provisional Arrangements in Afghanistan
Pending the Re-Establishment of Permanent Government Institutions*, Bonn,
December 2001.

D q t e j i t g x k p i o u s A c t i o n s a n d C i v i l S o c i e t y i n R o s t - 4 2 2 3 " C h i j c p k u v c p
International Peace Research Institute (November 2007).

D q t k u q x . " R u l e d O u t T a l i b a n , R e a s s e s s e s R u s s i a n R o l e i n A f g h a n F w v w t g . ð "
Agence France Presse (October 22, 2001).

Boudreaux, Rich c t f " c p f " V { n g t " O c t u j c n n 0 " ð) I t o g c v " I c o
Angeles Times (November 2, 2001).

Bradsher, Henry S. *Afghanistan and the Soviet Union*, Durham: Duke Press Policy
Studies, 1983, pp. 72-73.

Brinkerhoff, Derick W. *Governance in Post-Conflict Society: Rebuilding Fragile States* (London: T & F Books UK, 2007), pp. 210-27.

Burton, John W. *Conflict: Human Needs Theory*. New York: St. Martin Press, 1993.

Burton, John. *Conflict: Resolution and Prevention*. New York: Oxford University Press, 2003.
Dwight P. Lippman. "Ephraim Talwan Institute for Conflict Analysis and Resolution, George Mason University (1995)." *Washington Post* (January 19, 2002).

Burton, John. *Violence Explained*. New York, St. Martin Press, 1997, 2001.

Chan, Sue. "MCTP: WDU CBS News, February 16, 2009."

Chandrasekaran, Rajiv. "Winning Defectors Proves Difficult; Tribal Leader Seeking Pashtun Converts Needed U.S. Assistance," *Washington Post* (November 7, 2001).

Clarke, Richard A. *Against All Enemies: Inside America's War on Terror*. New York: Free Press, 2004.

Enkpiop. "Uganda: Vlog" hqt PBS (March 25, 2011).

Ef { . "Gyctf" ðKtcp "Uc Washington Post (January 19, 2002).

Constable, Pamela. "U.S. Hopes to Attract Moderates In Taliban; Powell Sees Them in 'New Afghanistan'," *Washington Post* (October 17, 2001).

Convention on the Prevention and Punishment of the Crime of Genocide 1948.
<http://www.hrweb.org/legal/genocide.html>

Cooper, Robert in *Reordering the World*, edited by Mark Leonard, foreword by Tony Blair, published by The Foreign Policy Centre, London, 2002.

Cordesman, Anthony H. *Shape, Clear, Hold, Build, and Transfer: The Metrics of the Afghan War*. Washington, DC: Center for Strategic and International Study, 2010.

ðEt k o k p c n " R t q e g f w t g " E q f g u " h q t " C h i . j c p " E q w t v
ðEt k u k u " q h " L w, The International Crisis Group (2004). v c p

Crocker, E j g u v g t " C 0 " ðG p i Foreign Affairs, 2003 n k p i " U v c v g u . ö "

Dobbins, James F. *After the Taliban: Nation-Building in Afghanistan*. Dulles, VA: Potomac Books, 2008.

õ F q p c n f " T w o u h g n f " J c u " J k u " Q y p *The New Yorker* n " U q w t e (May 12, 2003).

Dziedzic, Michael J. and Colonel Michael K. Seidl. õ R t q x k p e k c n " T g e q p u v t w *USIP Special Report 147* (September 2005).

Epstein, Edward. "Hundreds of Russians have arrived in Kabul; Moscow says contingent has humanitarian aims," *San Francisco Chronicle* (November 30 2001).

G u h c p f k c t k a n l s t a n q l u o y a j i r g a C o h v e c s h i t o D e b a t e D r a f t C o n s t i t u t i o n C o k f " V k i j *Radio Free Europe* v *Radio Liberty* (December 12, 2003).

õ H c k n g f " c p f " H c k n k p i " U v c v g " K p f g z ö " * 4 2 2 ; + 0
Failed and Failing State Index ö(2007).

Failed State Index. Foreign Policy and the Fund for Peace (2006).

H c n m . " T k e j c t f 0 " õ V *The Nation* (July 15, 2002). " F q e v t k p g . ö "

Firth, A., ed. *The Discourse of Negotiation. Studies of Language in the Workplace*. New York: Elsevier, 1995.

Fitzduff, Mari. *Beyond Violence: Conflict Resolution Process in Northern Ireland*. New York, United Nations University, 2002.

H w m w { c o c . " H t *Immigration and Liberal Democracy* v k q v e { *Journal of* ö "
Democracy (2006).

Fukuyama, Francis. *National Building Beyond Afghanistan and Iran*. Washington, DC, Johns Hopkins University Press, 2006.

I c n n . " E c t n q v v c 0 " õ K u n c o k u v u " c p f " *New York Times* j g f g g p " (May 23, 2005).

I c n n . " E c t n q v v c 0 " õ N q { c " L k t *Intendtidngl Harald* V g p u g " c u " *Tribune* (December 31, 2003).

Gall, Carlotta, Pir Zubair Shah, and Eric Schmitt. õ E g n n q r j c p g " Q h h g t u " E n w N c f g p ø u " *New York Times*, Jun 28, 2011 ö "

Gallup International Association (January 2002). <http://www.gallup-international.com>

Galtung, Johan. *Peace by Peaceful Means: Peace and Conflict, Development and Civilization*. Oslo: International Peace Research Institute (PRIO), 1996.

Galtung, Johan. *The True Worlds: A Transitional Perspective*. New York: The Free Press, 1980.

Gannon, Kathy. "New Afghan Interim Administration Clearly Favors the Northern Alliance," *AP Worldstream* (December 6, 2001).

Gardner, Peter. "Afghanistan: Forces Press Service (November 6, 2001).

General Accounting Office (GAO). *Combating Terrorism: Need for Comprehensive Threat Assessments of Chemical and Biological Attacks*, GAO/NSIAD-99-163 (September, 1999).

Geneva Convention of 1949 and Additional Protocols.
<http://www.icrc.org/eng/war-and-law/treaties-customary-law/geneva-conventions/index.jsp>.

Gershenson, Dmitriy and Herschel I. "Economic Impact of Conflict Resolution" (2000).

Ghani, Asharaf, Clare Lockhart, *Fixing Failed States, A framework for Rebuilding a Fractured World* (Oxford: Oxford University Press, 2008).

Ghobar, M. *Afghanistan on the Path of History*, Government Publishing House, Kabul, Afghanistan, 1986.

Ghyum, Abdul Ghyum (head of prosecutor's office in Nangarhar Province), in discussion with the author (December 30, 2005).

Global Corruption Perception Index (2010)
http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results

Global Corruption Perception Index (2005): 88-97.

Gul, Azam (community leader from Kamdich District in Nuristan Province), in discussion with the author (January 2, 2006).

Gulliver, P. H. *Disputes and Negotiations: A Cross-Cultural Perspective*. Orlando, FL: Academic Press, 1979.

Hall, Edward. *Beyond Culture*. New York: Doubleday, 1976.

Hamber, Brandon and Richard A. Wilson. "Symbolic Closure Through Memory, Reparation and Revenge in Post-Conflict Societies," *Journal of Human Rights* Volume 1, Issue 1 (March 2002): 35-53.

J c o k f . " \ c t k p " X 0 " c p f " Y k f c " N c v k h 0 " ð U g e w t k v { " O q p k v q t k *Project of the Global Network of Women Peacebuilders* (2006).

Hastings, Deborah. "7,000 Taliban, al-Qaida Being Held," *Washington Post* (December 21, 2001).

Hayat, Hayatollah (Provincial Judge, Logar Province, Afghanistan), in discussion with the author (January 15, 2006).

Hehir, Aidan. ð V j g " O { v j " q h " v j g " H c k n g f " U v c v g " c p f " v j E q p x g p v k q p *Journal of Interfection and Statebuilding* 1(3), 2007.

J g t u j . " U g { o q w t " O 0 " ð U g n g e v k x H i s " O k m S p e c i a l n k i g p e g . U q w t e g u . " C t g *The New Yorker* (May 12, 2003). g A ö "

Hui, C. and H. Triandis. "Individualism-Collectivism: A Study of Cross-Cultural Researchers," *Journal of Cultural Psychology* 17 (1986).

ð J w o c p " T k i j v u " Y c v e j " U c { u < " ÷ C h i *RadioFreeX* c t n q t f u *Europe* (December 12, 2006).

"Human Security and Livelihood of Rural Afghans 2002-4 2 2 *Feinstein International Famine Center, Tufts University* (June 2004).

K d t c j k o k . " P k c o c v w n n c j 0 " ð V j g " F k u u k r c v k q p " q h Hazaras 2001 - 4 2 2 *Crisis States Research Centre* 2009

ð K p s w k t { " k p v q " v j g " T q n g " c p f " Q *U.S. Senate, i j v " q h " R t Committee on Armed Services* (September 28, 2010).

International Covenant on Civil and Political Rights of 1966 (acceded 1983).

International Crisis Group (ICG), *Peacebuilding in Afghanistan* (Kabul/Brussels: ICG Asia Report #64, September 2003): i.

õ K p v g t x k g y " y k BBC, Monday 17, 2002. j " Q o c t . ö "

K u n c o k e " T g r w d n k e " q h " C h i j c p k u v c p . " õ C h i j c p k u
4 2 3 5 0 ö "

Islamic Republic of Afghanistan, Afghan Criminal Procedural Codes art. IX (ch. 3),
CCCIC (2004).

Islamic Republic of Afghanistan. *The Constitution of the Islamic Republic of
Afghanistan*, Kabul, Afghanistan 2002.

Islamic Republic of Afghanistan Constitution, Articles CXVI, CXXI (2002, 2004).

Islamic Republic of Afghanistan, Procedural Mandates of the Adjudication of Civil Cases
art. XVII, XVIII-XIX (2004).

Islamic Republic of Afghanistan, Procedures of the Criminal Offenses art. IX-XIV
(2004).

Ismail, Mohammed Ismail (Hoghoogh Prosecutor, Jalalabad City, Nangarhar Province),
in discussion with the author (January 1, 2006).

Jabri, Vivienne, *Conflict Analysis and Reconsidered*, (Manchester: Manchester
University Press, 1996)

L c m q d u g p . " R g v g t " X k i i q 0 " B U T o V S w " h k h p k " C o n f l i p j v c . p ö k " u v c
Institute for International Studies DIIS Report (2005).

L c n c n k . " C n k 0 " õ C h i j c p k u v c p " k a p i d ' S t r e y 2 V 4 1 < 4 3 , V j g " U v t
No. 1, (January/February 2003): 174-185.

Johnson, V j q o c u " J 0 " õ C h - T a l i b a n T r a n s i t i o n : T h e S t a t e o f S t a t e - B u i l d i n g
C h v g t C e n t r a l A s i a S u r v e y (March & June 2006), 25(1-2), 1-26.

Johnson, Thomas Johnson and Chris Mason, Chapter 24 k U.S. *Response to the Global
Security Environment*, 2007. [http://www.nps.edu/programs/ccs/Docs/Pubs/
chp24Johnson_Mason_Terrorism.pdf](http://www.nps.edu/programs/ccs/Docs/Pubs/chp24Johnson_Mason_Terrorism.pdf)

õ M c H a l l s n o N o r t h e r n A l l i a n c e , ö B B C (November 13, 2001).

Karimi, Abdul Ghani (provincial prosecutor, Herat), in discussion with the author
(January 22, 2006).

M c v | o c p . " M g p p g v j 0 " ð C h i j c p k u v c p < " I q x g t p o g p v
Congressional Research Service (April 21, 2009).

Katzman, Kenneth. *Afghanistan: Post-War Governance, Security, and U.S. Policy*,
Congressional Report, 26 November 2008.

Katzman, Kenneth. *Terrorism: Middle Eastern Groups and State Sponsors*, CRS Report
RL30277 2008.

Kelley, Matt. "Twenty More Suspected al-Qaida Fighters Sent to U.S. Marine Base in
Afghanistan," *Associated Press* (December 27, 2001).

ð M g { " K u u w g u " h q t " E q p i t g u u k q p c n " Q x g t u k i j v . ö "
5, 2010).

M j c p . " C h | c n 0 " ð C h i j c p " Y *Daily Monitor* Vol. II Issue 19 e v c p v " v q
(May 2004).

Khan, Haji Azad Khan (leader of Ahmedzai, Logar), in discussion with the author
(January 14, 2006).

M j c p . " K u o ~~Falls to Alliance~~ Taliban Says T j g { R o g t i g t " q w D A W N i . ö "
(November 10, 2001).

Khan, Kamran. "Kabul Fa n n " k u " R c m k u v c p *The New York Times* (January 7 g i k e " F g d c e
2002).

Kucukaksoy, Inci. ð *Int Warfare Centre Conducts First Composite Headquarters*
V t c k p k p i " h q t " K p v g t p c v k q p c n " U g e w t k v { " C u u
Center, Norway, October 12, 2006.

Laqueur, Walter. ð V g t t q t ø u *Harvard International Review* (Fall 1998).

Leach, Michel. ð Y j k v j g -tP " c w j k g g " p U v n d " I q x g t p c p e g . ö " f t c h v " x

Leader, Stefan. ð W u c o c " D k p " N c f g p " c p f " v j g " V g t t q t k u v " U
Destruction . ð ċ p g ø u " K p v g , Vol. 011, Issue 006 (June 1, 1998).

Lederach, John Paul. *A Framework for Building Peace*. Syracuse, NY: University Press,
1995.

N g y k u . " C p v j q p { 0 " ð C d t q c f " *New York Times* (September 30, 2000).

Lifton, Robert Jay. *Destroying the World to Save It: Aum Shinrikyo, Apocalyptic Violence, and the New Global Terrorism* (New York: Macmillan Press, 2000).

N q d g . " L c p 0 " ð V c n k d c p " R t k u q p *Christian Science Monitor* (February 4, 2002).

N q { f . " C p v j q p { 0 " ð E q t t w r A *Concept that Is Engulfed* u " c p f " V t c C h i j c p *The Sunday Times* (November 24, 2007).

O c r r k p i " v j g " I n q d c n " H w v w t g . " T g r q t v " q h " v j g " P NIC 2004 <http://www.foia.cia.gov/2020/2020.pdf>

O c t i q n k u . " G t k e " U 0 " ð K t c *The American Conservative* " V j g " T q c f (October 17, 2002).

Margolis, Eric S. *War at the Top of the World: The Struggle for Afghanistan and Asia*. New York: Routledge, 2002.

Marquand, Robert and Scott Baldauf. "Will Spies Who Know, Tell the U.S.?" *Christian Science Monitor* (October 3, 2001): 1.

O c v k p w f f k p . " M c o c n . " ð T g *The News: Jangy Rakisan* q p " q h " C h i j (January 13, 2003).

O e I k t m . " V k o 0 " ð D g j k p f " v j g *World* u " T g u w t i g (September 16, 2009).

O e O c p w u . " F q { n g 0 " ð D w u j " X q y u " H k t o ") L w u v k e g .) President Warns Afghanistan to Turn Over All Terrorists 'Or Share in Their Fate," *Los Angeles Times* (September 21, 2001): 1.

McNern g { . " O k e j c g n " L 0 " ð U v c d k n k | k p i " c p f " T g e q p u v M q f g n " q t " *Parade* (Winter 2005-06): 32-46.

Meisami, Julia Scott. *Forward to Franklin Lewis, Rumi Past and Present, East and West*. NY: Oneworld Publications, 2008.

Menon, T. et al., "Culture and the Construal of Agency: Attribution to Individuals Versus Dispositions," *Journal of Personality and Social Psychology* 76 (1999).

Mohammadi, Colonel Nasrullah (Herat Province), in discussion with the author (January 22, 2006).

Moore, John. "International Red Cross Visits Taliban Prisoners Held by Marines at Kandahar Base," *Associated Press* (December 29, 2001).

Moore, Molly and Kamran Khan. "Strategy Fails to Splinter Taliban; U.S., Pakistani Efforts Not Yielding Significant Defections," *Washington Post* (October 26, 2001): 1.

Nadery, Ahmad Nader. "The Role of Transitional Justice in Afghanistan," *The International Journal of Transitional Justice*, Oxford University, 2007.

National Intelligence Strategy, October, 2005, p. 12, <http://www.dni.gov/publications/NISOctober2005.pdf>.

"The White House," *The White House* (September 2002).

Nojumi, Neamatollah, et al. *After the Taliban: Life and Security in Rural Afghanistan*. Boulder, Colorado: Rowman and Littlefield Press, 2008.

Nojumi, Neamatollah. *The Rise of the Taliban in Afghanistan: Mass Mobilization, Civil War and the Future of the Region*. New York: Palgrave Publishing, 2002.

Park, J. "The Taliban in Afghanistan," *The Journal of Democracy* (June 2004).

Novinger, Tracy. *Intercultural Communication: A Practical Guide*. Austin, TX: University of Texas Press, 2001.

On the Brink: Weak States and U.S. National Security, Center for Global Development, 23 June 2004, Washington, DC, http://www.cgdev.org/section/initiatives/_archive/weakstates.

Onishi, Norimitsu. "Afghan Warlords and Bandits Are Back in Business," *New York Times* (December 28, 2001)

"What Strategy?" *Washington Post* (October 2001).

"A Nation at War: Kabul Attacks Riddle Afghanistan, Including Shootings and Explosions," *New York Times* (September 10, 2009).

R c w n { . " E j t k u v k p c " L q p g u " c p f " P g c o c v q n n c j " P q l
and State: Legal Steps T q y c t f " P c v k q p c n " T g e q p e ~~Kh~~ k c v k q p
American Journal of Comparative Law (Fall 2004).

õ R g q r n g ~~As~~ ~~W~~ ~~o~~ ~~u~~ ~~n~~ ~~d~~ ~~a~~ ~~g~~ ~~i~~ ~~o~~ ~~n~~ (2006).

Peters, Gretchen. *How Opium Benefits the Taliban*. Washington, DC: United States
Institute of Peace, 2009.

R g t k v q . " T q d g t v " O O " õ V j g " W O U O " G z r g t k g p e g " y k v
Afghanistan óN g u u q p u " ~~W~~ ~~r~~ ~~i~~ ~~t~~ ~~e~~ ~~s~~ ~~t~~ ~~a~~ ~~t~~ ~~e~~ ~~s~~ ~~I~~ ~~n~~ ~~s~~ ~~t~~ ~~i~~ ~~t~~ ~~u~~ ~~t~~ ~~e~~ ~~o~~ ~~f~~ ~~P~~ ~~e~~ ~~a~~ ~~c~~ ~~e~~ Special Report
152 (2005).

R j k n k r . " E c v j g t k p g 0 " õ J c o k f " M c -P r o f i t g k " " G i p g x v q u { " . J ö k " u " "
The Sunday Times (March 7, 2008).

Piazza, James A. "Incubators of Terror: Do Failed and Failing States Promote
Transnational Terrorism?" *International Studies Quarterly* (2008) 52, 469-488.

R q r j s o . " R g v g t 0 " õ L w d k n c p v e g O C ~~The Independent~~ n u " v q " P q
(November 12, 2001).

õ R q ~~Du~~ ~~q~~ ~~v~~ ~~p~~ ~~p~~ " K K " C ~~Daily Outlook Afghanistan~~, December 7, 2011.

õ R t g u k f g p v " F g n k x g t u " ~~The White House~~ (January 29, 2002). k q p " C f f

õ R t g u k f g p v " Q d c o c ø u " ~~Get Way Forward~~ in ~~Afghanistan~~ and ~~Pakistan~~ p c v k q p " q p
R c m k u v c p . ö " F g e g o d g t " 3 . " 4 2 2 ; . " c -p r e s s -k n c d n g "
office/remarks-president-address-nation-way-forward-afghanistan-and-pakistan

"Project on the Role of Non-State Justice Systems in Fostering the Rule of Law in Post-
Conflict Societies," <http://www.usip.org/rule-law/conference-the-relationship-between-state-and-non-state-justice-systems-in-afghanistan>

Rahel, Ansar and Jon Krakauer, *New York Times*, September 10, 2009.

Rashid, Ahmed. "Hamid Karzai Escapes Taliban Encirclement," *Daily Telegraph*
(November 12, 2001).

T c u j k f . " C j o g ~~Team~~ ~~Defied~~ ~~Musharraf~~ ~~to~~ ~~Help~~ ~~Taliban~~ ~~Pakistan~~," *Daily*
Telegraph (London) October 10, 2001: 9.

Rashid, Ahmed. "Pakistan Intelligence Services Failing to Weaken Taliban," *Daily*
Telegraph (London) (October 26, 2001): 8.

Rashid, Ahmed. "How My Friend Outwitted the Mullahs," *Daily Telegraph* (London), (December 8, 2001): 4.

T c u j k f . " C j o ~~Yale Nota Bene~~(2000) d c p . ö "

Rashid, Ahmed. *Descent Into Chaos: The United States and the Failure of Nation Building in Pakistan, Afghanistan, and Central Asia*. New York: Viking Publishing Group, 2008.

Rashid, Ahmed. *Taliban: Islam, Oil, and Fundamentalism in Central Asia*. New Haven, CT: Yale University Press, 2001.

Re e q t f . " L g h h t g { 0 " ð E q n n c r u g f " E q w p v t k g u . " E c u w Y c t ~~Parameters~~ Vol. 32 (2002).

ð T g h q t o k p i " C h i j c p k u ~~Asia Report~~ No. D95 (November 17, w f k e k c t { . 2010).

Report on Countries That Are Candidates for Millennium Challenge Account Eligibility
k p " H k u e c n " [g c t " 4 2 2 8 . ö "
http://www.mcc.gov/documents/reports/fy06_candidate_report.pdf

Rogers, Everett and Thomas Steinfatt. *Intercultural Communication*. Prospect Heights, IL: Waveland Press, 1999.

Rohde, David and David E. S c p i g t 0 " ð J q y " c " ÷ I q q f " Y c ~~New~~ " k p " C h *York Times* (August 12, 2007).

Ross, Mare Howard. *The Management of Conflict: Interpretations and Interests in Comparative Perspective*. New Haven, CT: Yale University Press, 1996.

Rotberg, Robert I. *Building a New Afghanistan*. Brookings Institution Press (2007).

Rotberg, T q d g t v " K 0 " ð H c k n g f " ~~Foreign Affairs~~, 2002: Y q t n f " q h " V g

Rothstein, Hy. *Afghanistan and the Troubled Future of Unconventional Warfare*. Monterey, CA: Naval Post Graduate Press, 2009.

Rubin, Barnett R. Peace Building and State-Building in Afghanistan: Constructing Sovereignty for Whose Security?, *Third World Quarterly*, Volume 27, Issue 1, 2006.

T w d k p . " D c t p g v v " T 0 " ð E t c h v ~~Koprial~~"ofDemocracy v k v w v k q p (2004).

T w d k p . " D c t p g v v " T 0 " ð V * j T g g " + H D q r k m { f " k q p h i " " U h c i v j g e r p g k u u w " c
Current History (April 2004): 165-170.

ð T w o u h g n f < " O c l q t " E q o C N N (M a y 1 , 2 0 0 3) . " k p " C h i j c p k u v c

T w v v k i . " V j - q V o c n u k 0 d " c ð p V " j q g p " " G v z j g A f g h a n i s t a n A n a l y s t s " E q w p e k n .
Network (October 2010).

Sadiqi, General Abdul Malik Sadiqi (deputy minister of interior, Kabul City, Kabul), in
discussion with the author (December 26, 2005).

U c k m c n . " C o k p 0 " ð C h i j S a r p i k o n (2 0 0 2) p " C h v g t " N q { c " L k t i

Sandole, Dennis J. D. (1993).

Sargand, Payenda. BBC News, Kabul, 7 December, 2006.

Schetter, Conrad J. V j g " ð D c | c c t " G e q p q o { ö " q h " C h i j c p k u v c
Bonn, Germany: Bonn University, 2002.

U e j g v v g t . " E q p t c f . " T c k p g t " I n c u u p g t . " c p f " O c u
Local Security Architecture k p " C h i j F E S / I R G u (2 0 0 7) p . ö "

Schwarz, Rolf. "Post-Conflict Peacebuilding: The Challenges of Security, Welfare and
Representation," *Security Dialogue* Vol. 36, No. 4 (2005): 429-446.

Senier, Amy. ð T g d w k n f k p i " v j g " L w f k e k l e o f C u s t o m a r y q t " k p " C h
N c y T h e F l e t c h e r S c h o o l O n l i n e J o u r n a l f o r I s s u e s R e l a t e d t o S o u t h w e s t A s i a
and Islamic Civilization, Spring 2006.

ð U k n g p e g " k u " x k q n g p e g . " G p f " H u j a n R i g h t s U n i t e d " q h " Y q o
Nations Assistance Mission in Afghanistan (July 8, 2009).

U k p i g t . " D t k c V p r s u E 0 E I q p v ð E w n w w n e h T g v H i s t o r y m k p i " V j
and Theory Vol. 35, No. 3. (October 1996): 319.

Staff, Scott Baldauf. "Power Shift in Afghanistan," *Christian Science Monitor* (December
10, 2001): 8.

ð U v c v g o g p v " q h " J g p t { " N 0 " J k p v q p . " L t 0 . " C u u k u v
International Affairs Division, Before the House Committee on Government
Reform, Subcommittee on National Security, Veterans Affairs, and International
Relations, q p " E q o d c v k p i " V g t t q t k u o < " C u u g u u k p i " v

Stewart, Patrick 0 Weak States and Global Threats: Fact or Fiction?, öThe Washington Quarterly, Vol. 29, N. 2, Spring 2006, p. 29.

Shurke, Astri. "Upside-Down State Building: The Contradictions of the International Project in Afghanistan, öin Whit Mason and Martin Krygier, *The Rule of Law in Afghanistan* (Cambridge: Cambridge University Press, 2010), pp. 8-11.

Suhrke, Astri 0 " ö T g e q p u v t w e v k q post-conflict project p k u c v k q p < " v Af i j c p k *Third World Quarterly* (2007).

Suhrke, Astri, c p f " M c l c " D q t e j i t g x k p m . " ö P g i q v k c v k p i " C h i j c p *Crimey Law and Social Change* 51(2), 2008.

ö Suicide Attacks in Afghanistan 2001- 4 2 2 United Nation Assistance Mission to Afghanistan, 1 September, 2007.

ö U w o o k v " F g e n c t c v k q p " q p " C h i j c p k u v c p . ö " K u u w g participating in the meeting of the North Atlantic Council in Strasbourg/Kehl (April 4, 2009).

Thompson, Leigh L. *The Mind and Heart of the Negotiator*. Upper Saddle River, NJ: Prentice-Hall, 2000.

V t k u v c o . " R k g t t g 0 " ö R t g u k f g p v " D w u j " N c w p e j g u " *United Nations* (October 7, 2001).

von Clausewitz, Carl. *On War*, 1st Edition. New Jersey, Princeton University Press, 1989.

Warfield, Wallace, "Public-Policy Conflict Resolution: The Nexus Between Culture and Process." In *Conflict Resolution Theory and Practice*. Edited by Sandole, Dennis J.D. and Hugo van der Merwe. Manchester, U.K.: Manchester University Press, 1993.

"Warlords and Allies" (editorial), *Washington Post* (February 25, 2002).

Watson, Paul and Maura Reynolds. "For Some in Northern Alliance, Pact for New Government Falls Far Short; Accord: Dissenters Say Cabinet Appointments Fail to Reflect Their Efforts in War to Topple Taliban," *Los Angeles Times* (December 7, 2001): 28.

ö W P " I w c t f k p i " N q { c " L k t i c " F g n g i c v g . ö " D D E " P g y December 8, 2008. http://news.bbc.co.uk/2/hi/south_asia/3331751.stm

ö W P ' g e w t k v { " E q w p e k n " ö In the situation in Afghanistan 5 5 ö " * 4 2 2 2 +

WP " U g e w t k v { " E q w p e k n " T g u q n w v k q p " 3 5 8 : . ö " 4 3 "
 [http://iilj.org/courses/documents/ AfghanistanSCResolutions.pdf](http://iilj.org/courses/documents/AfghanistanSCResolutions.pdf).

WP < " V c n k d c p " T g u r q p u k d n g " *The Weekly Standard* h " F g c v j u
 (October 8, 2010).

U.S. Department of U v c v g . " ð Q h h k e g " q h " v j g " E q q t f k p c v q t "
 * Q E T U + . ö " 4 2 2 6 0

U.S. Department of State, *Patterns of Global Terrorism 2000*, April 2001.

U.S. Government Accountability Office, *Key Issues for Congressional Oversight*, 5 May
 2010.

W O U O " U g p c v g . " E q o o k v v g g " q p " C t o g f " U g t x k e g u . "
 Private Security Contractors in Afgha p k u v c p . ö " U g r v g o d g t " 4 : . " 4

Wright, Jonathan. "U.S. Outlines Limited Role in Rebuilding," *Houston Chronicle*
 (December 7, 2001): 28.

Y t k i j v . " Y c n v g t " C 0 " ð E w n v w t c n " K u u w g u " k p " O g f k
 R c t c f k i o u . ö " c x c k nate.com/articles/wright.vfm. r < 1 1 y y y 0 o g f

Wyler, Liana Sun. *Weak and Failing States: Evolving Security Threats and U.S. Policy*,
 CRS Report to Congress, August 28, 2008.

[w u w h | c k . " T c j k o w n n c j 0 " ð Y c t n q t f u " C t g " I q k p i "
 Jang.com.PK (2005).

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