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Afghanistan: transitional justice in the midst of war

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In Afghanistan, there has been much talk about, and international support for dealing with past injustices by developing transitional justice mechanisms. Reconciliation is being promoted as a nation-building strategy. This article argues that the implementation of transitional justice poses several challenges. First, a significant component of such a strategy is based on reconciliation taking place internally among competing armed groups and ethnic identities with the goal of transforming Afghan society. This assumes the cause of past conflicts to be internal and along ethnic divisions which limits the accountability for war crimes. It also considers violence and crimes of war as a thing of the past, ignoring the present situation. Furthermore, given the ongoing war between the US-led forces and the Taliban, insecurity and escalating levels of violence one has to question whether transitional justice can take place during a war. This article concludes that transitional justice is interconnected to perceptions of security and stability. The analysis of the present situation in Afghanistan poses critical questions as to whether memories of victims can be considered as the past in the midst of war.

Keywords: ethnicity; nation building; identity; transitional justice; reconciliation; Afghanistan

Introduction

Transitional justice mechanisms have emerged as a significant component of stable and sustainable peace settlements as well as nation building. The United Nations historical document *The Agenda for Peace* (Boutros-Ghali 1992, 1) set the foundation for comprehensive peace building processes that move beyond managing conflicts with peace keeping. Many UN peace operations have worked to implement significant changes by incorporating justice in the aftermath of conflicts as part of their mandate. Since then, transitional justice has become an integral part of post conflict peace building. The UN's decision to create an International Criminal Tribunal for Yugoslavia (ICTY) and Rwanda (ICTR) and later for Sierra Leone and Lebanon are all part of global efforts to address post conflict justice. Despite such efforts addressing the past can be complex. The need to deal with atrocities on behalf of victims as well as keeping an often fragile peace agreement can create tensions. On the one hand, the period after a conflict should be focused on moving a state and society toward nation building and a shared future. In doing so, the new transitional government must ensure that the cause of conflict that essentially led to the violence is dealt with. There is also the need for justice and addressing atrocities of the past. In post conflict societies, the issues of who has suffered more and can rightfully claim to be a victim can be challenging. In the context of a violent conflict, each opposing side may have its own narrative that forms their perception of the past.

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With this background Afghanistan provides many challenges from earlier cases such as South Africa and Latin America that shaped the foundation of transitional justice. There is much talk of reconciliation in Afghanistan that fall into two different levels. One is political reconciliation between the Afghan government and the Taliban as a way to open up negotiations leading to a peace agreement and a power-sharing government. Following the 2001 Bonn Accords, political reconciliation among the different Afghan factions was considered as a necessary step in achieving peace. Reconciliation between the Afghan government and the Taliban has dominated the discourse on Afghanistan particularly given the planned US military withdrawal in 2014. However, there is also another process of reconciliation taking place which is less focused on. It falls into a more traditional definition of transitional justice and calls for justice, accountability and dealing with atrocities of the past as part of nation building. With the spot light on political reconciliation, less attention has been given to ongoing efforts in dealing with crimes committed throughout the various conflicts in Afghanistan.

This article is focused on the latter and argues that in addressing transitional justice as the name assumes, society is considered to have transitioned before different methods to promote reconciliation between various groups can be applied. Furthermore, society is also understood to be in a post war and violence stage. Hence, the question arises as to whether transitional justice can be implemented during ongoing conflict, violence and absence of peace at the political level. Could this be the dawn of a new model to implement transitional justice as a strategy of nation building during rather than post conflict stage? These questions are explored within the context of the Bonn Accords, promotion of transitional justice in Afghanistan by the international community and more specifically by the Afghan Independent Human Rights Commission (AIHRC).¹ This body is mandated to propose strategies in promoting reconciliation and addressing the abuses of the past as a mechanism of transitional justice. The article concludes that the emerging discourse points to two distinct and competing perceptions of national reconciliation in Afghanistan. One is the question of local perceptions of the continuation of atrocities in the light of the ongoing conflict, violence, external military intervention and its impact on civilians. The other is international pressure to promote reconciliation as a component of nation building which considers the cause of conflicts in the past as internal rather than external interventions. Finally, implementation of reconciliation strategies would assume Afghanistan as a post conflict country that considers atrocities as something of the past instead of the present.

The boundaries of reconciliation

At the core of transitional justice, the term reconciliation is considered as a process which often begins with political negotiations and filters to all levels of society as a way to make peace enduring and sustainable (Lederach 1997, 6). Its central goal is to address atrocities in the past with a wide range of methods such as truth commissions, trials, reparations, restitution, memorials and educational programs.² Recently, there has been an effort to widen the definition of reconciliation that typically explores atrocities in the scope of violations to political and individual rights.³ The field has evolved to address the need for economic development, equality, active involvement of civil society and political participation as necessary components of reconciliation (De Greiff and Duthie 2009, 19).⁴ The need for such literature has come about as a general trend in transitional justice programs to ignore structural issues of marginalization, inequality, resource distribution and economic disparity (Miller 2008, 270).⁵ In addressing transitional justice, political and

economic inequalities that harbor the circumstances leading to oppression and violence also need to be dealt with. In post conflict societies such as Peru and Guatemala, for example, “recurring violence often arise out of socioeconomic grievances that caused earlier periods of political violence and human rights violations” (Laplante 2008, 332).

In some cases due to the fragility of the peace agreement or the likelihood of wide instability and violence, it has been necessary for the transitional government to favor political peace rather than accountability and a call for justice. In the past 25 years, many countries have enacted amnesties as a compromise and substitute for punitive measures such as trials, which may harm a fragile post conflict society.⁶ In Chile and Argentina, for example, given the silence and collective denial associated with acts committed by the regime, uncovering the past in the form of truth telling was a preferred option to punitive measures.⁷ In contrast in Aceh despite the Helsinki Memorandum which marked the end of the conflict as well as relative success in the disarmament efforts, lack of measures in addressing the past has led to new tensions (Clarke and Samsidar 2008, 30).

Others consider post conflict societies and the need for addressing atrocities in the past as not being different from a criminal justice system that relies on the rule of law. After all, as vital as is the need to restore political stability by addressing the past and seeking truth maybe it should not be a substitute for justice.⁸ From this view, the goal should be exclusively to bring those responsible for atrocities to justice. This does not necessarily have to be inclusive with other peace building methods such as restoration of trust or promotion of tolerance in the aftermath of conflicts. Critics point to the limits of law in uncovering the truth and leading to acknowledgment or remorse on the part of perpetrators as was the case at the Nuremberg trials (Van Zyl 1999, 650). Trials have the tendency to individualize guilt particularly in cases of state-sponsored atrocities. Yet, there are certain advantages in holding specific individuals responsible for committing atrocities. For example, the ICTY made it possible to shift the blame from Serbian people as a collective group to individual perpetrators (Rigby 2001, 4).

Despite the many obstacles in achieving reconciliation and overcoming the past, examples such as South Africa demonstrate that there is a way of moving to the future based on recalling truth about the past.⁹ In Afghanistan, the method to address past wrongs by first conducting nationwide consultation to gather testimonies is somewhat similar to South Africa. The Afghan government’s plan for justice and reconciliation is modeled with a focus on victims rather than trials and assigning blame. This method has been preferable since it supports a gradual process of documenting the scale of abuses that will eventually lead to a national debate on reconciliation rather than the guilt of perpetrators (Rubin 2003, 570). The concept of reconciliation is not necessarily a new idea in Afghanistan which has a rich history of a traditional justice system. Semple points out that reconciliation has a significant cultural value in Afghan society (2009, 13). Most of the populations in Afghanistan, particularly in rural areas already rely on traditional and informal dispute resolution by tribal councils known as Jirga. In such settings, community or religious elders use a restorative justice approach by including all parties involved to promote reconciliation as a way to avoid revenge and restore harmony in the community (Demsey and Coburn 2010, 2). Although reconciliation is a significant component of traditional justice in Afghan society, it has mainly been implemented at a local rather than national scale as experienced in post conflict South Africa. Despite reconciliation having a historical and cultural context as a component of justice, comparing Afghanistan to South Africa poses challenges given the differing political context. The complexity in the case of Afghanistan arises in terms of a fragile central state, political instability, continuous violence, weak civil society, presence of

armed factions and insecurity. Cases such as Guatemala and El Salvador demonstrate that a peace agreement is necessary and should take precedence leading to transitional justice. Other conditions also need to be present as in the example of Colombia where demobilization of armed factions was prioritized before political negotiations.¹⁰ In Afghanistan, the lack of a peace agreement and the backdrop of ongoing violence point to grievances by groups that may be unwilling to give up their arms when they consider themselves to be at war. As a result cessation of violence and demilitarization are unlikely to take place before efforts to broker a peace agreement. As demonstrated in the general overview and case studies, peacemaking or reaching a political agreement takes precedence before the implementation of transitional justice. Hence, the question remains and is explored in the next sections regarding the factors leading to Afghanistan's implementation of transitional justice given the lack of political reconciliation.

The politics of identity and transition

Afghanistan faces many challenges similar to other societies ravaged by war such as poverty, insecurity, weak and illegitimate government, poor infrastructure and political instability. At the same time, it is also grappling with the legacy of past violence and atrocities with the majority of the population having experienced death, destruction of livelihoods and displacement. Implementation of transitional justice requires not only the transition of society but also identifying periods of violence, perpetrators and victims as well as assigning accountability. The warring factions in Afghanistan have been diverse and include the Soviet army, resistance fighters, Taliban forces, global jihadists, war lords, Al-Qaeda, and currently the US-led coalition forces. External powers such as Russia, USA, Pakistan and Saudi Arabia have also been involved (Barakat and Chard 2002, 817). It is likely that in different periods of history various factions have developed a cause to directly engage in violence and are as a result perceived as perpetrators as well as victims of atrocities. Furthermore, unlike other cases where brutal and authoritarian regimes were replaced with some form of stability and democratic rule, transition in Afghanistan has been toward disorder, insecurity and instability. Efforts by international donor agencies have little impact in the transformation of the conflict with support for the Taliban increasingly visible at the local level (Schetter, Glassner, and Karokhail 2006, 6).

The Bonn Accords marked the end of the Taliban regime and the launch of nation building with a new centralized government and a democratic political system. It stressed a necessary period termed as a "transition" prior to the start of elections and participatory political institutions. The United Nations Security Council authorized the creation of an International Security Assistance Force (ISAF) to help maintain security and assist the transition under President Karzai.¹¹ December 2001 is marked as the transition from war with the emergency assembly system of Loya Jirga and a government serving as the representative of the Afghan people before formal elections. Wardak argues that the gathering of provincial leaders in a grand assembly setting known as Loya Jirga dates back to the eighteenth century in Afghanistan, while its success in collective political decision-making related to issues of national concern seem to depend on legitimacy, more specifically on the trust of leaders represented (2003, 13). The Loya Jirga presided over a 7-day period with 1500 delegates from various provinces throughout the country. Even though the Bonn Accords stress the need for democratic selection of representatives, in reality this was unlikely. The history of Afghanistan demonstrates that the imposition of external and imposed models whether communism by the Soviet Union or electoral democracy with its core values such as nation building, national identity and a centralized government have

never been realistic.¹² This is mainly due to the intertwined relationship between the state and provincial leaders, commonly referred to as “war lords”. According to Roy, in the context of Afghanistan, ignoring this reality can have negative consequences (2005, 1006). The strength of this relationship is a culmination of distrust for central power and sustainable, self-sufficient war lords with strong local allegiances, incomes and private armies (Goodson 2003, 84). Simonsen (2004, 709) considers the salience of ethnic rather than a national identity among war lords as a gradual consequence of wars and external interventions which politicized identities along ethnic lines. It is also embedded in the complex relationship between society and the war lord’s diverse and changing roles. Despite their current negative image, there have been positive examples of war lords addressing the needs of local villages for security (Giustozzi 2003, 4). The Accords were to provide the blue print for a representative and multi ethnic government. However, the implementation of a democratic model of assembly was challenged in a country with no previous experience of central authority and supportive political institutions.

The outcome as far as the selection of candidates, the role of external parties and division of power defy the core values of democracy (Tadjbakhsh and Schoiswohl 2008, 264). The selection of delegates attending the emergency Loya Jirga was supposed to be evaluated based on the tenet that candidates with allegations of past war crimes would not be elected as representatives. The USA concerned about short-term stability, became increasingly wary of marginalizing powerful war lords and their status as political figures (Ingalls 2004, 5). As a result despite high hopes for a democratic process, the end result was a dreadful compromise which undermined the legitimacy of Loya Jirga from the start. It led to the inclusion of many war lords favored by the USA as partners in its pursuance of national interest rather than trusted representatives of the Afghan people. The post Accord period presented the war lords with power, political representation and a platform to participate in nation building. As a result despite Karzai’s selection as the head of state, his legitimacy as president and governance throughout Afghanistan continues to be controversial.

Post transition identities: winners and losers

Literature on various peace agreements stresses the need to include all parties to ensure the sustainability of a peace agreement.¹³ Even though the Bonn Accords are often termed as an agreement, coalition victory had left the Taliban defeated and excluded from the negotiation table. The Accords were signed by the primarily Tajik Northern Alliance, the Rome Group (loyal to the former King, Mohammed Zahir Shah), the Cypress group (exiles with ties to Iran) and the Peshwar groups (mainly Pashtun exiles living in Pakistan). The Bonn Accords created an unequal and ethnically unbalanced power-sharing arrangement. Schetter argues that the model of an ethnically representative government was based on the premise that ethnicity was the most significant factor in the Afghan war which escalated rather than quelled divisions (2006, 57). In Afghanistan, throughout various conflicts, ethnic and tribal alliances have continuously shifted (Johnson 2006, 6). A good example is the preference in the selection of Karzai as the head of the interim administration given that he was strongly favored by the USA instead of the previous leader, King Zahir Shah. Karzai was considered as a moderate and most importantly, as someone with whom the USA felt at ease with. Furthermore, his identity as a Pashtun was considered to bring support of the ethnic group. King Zahir who enjoyed popular support among Pashtuns as well as moderate Afghans was persuaded to step aside and support the selection of Karzai. Far from the vision for an inclusive government, the

meeting in Bonn ensured that the USA would safeguard its national interests in preventing Al Qaeda from positions of power (Ayub and Kouvo 2008, 647). This led to competing agendas as the USA was training and partnering with the Afghan army at the same time as militia groups, necessary in its fight against terrorism. The USA has often used these groups as proxies in waging its own war.¹⁴ Instead of supporting political reconciliation between different factions in order to mitigate conflicts, the transitional Afghan government was led and supported by the international community in strengthening a central government and extending its authority throughout the country. Various provinces headed by tribal leaders pledged their support for the new government in return for political favors in the transitional period.

A clear winner of this strategy was the Tajik Shura-i-Nazar party. The Tajiks of the Northern Alliance opposed the Taliban and assisted the US forces in their military operation which eventually drove the Taliban out of Kabul. They won power in the significant ministries of security, intelligence and the police sector. For the Northern Alliance, this was only fair given that their long battle against the Taliban forces had granted them the right to have some control over the future of Afghanistan (Johnson 2006, 8). Many of the same people responsible for committing gross violations of human rights in the past were able to reestablish their power in the new government. This caused resentment from other ethnic groups mainly the Pashtuns in the south and east of Afghanistan (Jalali 2003, 179). US support and dominance of power by the Tajiks have undermined efforts to promote an environment of political reconciliation which has fueled animosity.

A peace agreement often allows various parties to work together to reach a political settlement. In Northern Ireland, for example, political parties have continuously forged a conciliatory political relationship to advance the peace process, with little progress on reconciliation among people on the ground.¹⁵ In contrast, in Afghanistan people demonstrate a need to move forward to achieve peace and stability without much reconciliation at a political level. The focus of the Bonn Accords was to secure an agreement between conflicting parties and consider the country as being in the post conflict phase. The results were a fragile peace and a hasty power-sharing arrangement at the cost of political stability. The USA will not be able to implement its exit strategy without reconciliation with the Taliban (*Associated Press*, March 16, 2012). In the meantime, the war lords have strengthened their position and political power and are unlikely to surrender to a negotiation deal that would once again place them at the mercy of the Taliban.

Addressing the past as nation building

Despite the failure to achieve political reconciliation, the Bonn Accords included the need for national reconciliation although the specific measures of justice were not addressed. National unity and reconciliation were considered necessary in state building, restoring relations, promoting a culture of coexistence and moving the country toward peace. To ensure long-term stability, the Accords had called for an independent and reformed judiciary, monitoring of human rights, appointment of civil servants and a new constitution. In negotiations, the USA had attempted to include a measure that would prevent granting of amnesties to perpetrators of war crimes. However, this was received with a strong opposition from the Afghan leadership. It was considered that the inclusion of such language would offend those fighters who took up arms in resistance to the Russian invasion.

As early as 2001, attention was focused on addressing past atrocities with the establishment of the AIHRC.¹⁶ The AIHRC mandate was initially defined by the presidential decree and later adopted formally as a component of the constitution in 2004. According to its

mandate, AIHRC was to “undertake national consultations, propose a strategy for transitional justice and addressing the abuses of the past” (AIHRC 2002, 5). Incorporating transitional justice despite the defeat of a previous regime is not necessarily a new effort. In Bosnia, the ICTY took place despite Serbia’s defeat which many considered as victors’ justice (Call 2004, 103). Yet, the situation in Bosnia is different since the US-brokered Dayton Agreement had ended political violence and atrocities by all sides (Malik 2000, 304). In Afghanistan, plans for transitional justice were taking place amidst ongoing violence. The task of transitional justice was led by the President’s office working in close cooperation with AIHRC, the United Nations Assistance Mission in Afghanistan and the Office of the High Commissioner for Human Rights. The Commission was given the mandate of a governmental monitoring body with the role to consult and evaluate the views of the Afghan people on transitional justice. Despite driving its mandate from the Afghan constitution, the AIHRC faced many challenges in receiving government funding relying entirely on international donors (Rimmer 2010, 6). This is not unique to Afghanistan as poorer countries have difficulties in channeling resources and funding to civil society groups in the face of dire socio-economic problems. In such circumstances, Call questions the intentions of the international community in support of transitional justice mechanisms that may render them selective in pursuing their own interests (2004, 109).

In 2002, the commission began a three-year, countrywide survey of Afghan views on creating truth and accountability for past war crimes. It managed to collect and analyze 4151 testimonies from 32 Afghan provinces covering the 1978–2001 conflict periods. In addition to individual testimonies from across the country, it also conducted focus groups with over 2000 participants. The collection of testimonies as a bottom-up approach is remarkable in the light of ongoing violence and security challenges.¹⁷ In the final report, AIHRC acknowledge the gratitude among ordinary Afghans for being consulted in such a project (AIHRC 2002, 6). The number of people participating in the fact-finding phase demonstrates the need among Afghan people to document their narratives and uncover the truth (Nadery 2007, 174).

The number of testimonies is a significant achievement, yet there are certain challenges due to the nature of the atrocities committed. First, the AIHRC’s decision to set the conflict timeframe as beginning in 1978 and ending in 2001 is somewhat controversial as it was not based on national consensus. Furthermore, it would be difficult to clearly assign blame to a particular group as each conflict period was responsible for the creation of various factions, fighters and political movements (Simonsen 2004, 717). As Maass (2006, 7) points out given the numerous ethnic and political divisions as well as diverse perceptions it is likely that the periods of conflict would not be perceived as confined to three decades. The AIHRC report states the need for “justice” in Afghan society. While many respondents consulted by AIHRC refer to this need, it is unclear what they mean by justice and who should be made accountable for the past.¹⁸ In the testimonies, there is a strong sense of blame and responsibility toward external powers, Pakistan, The Soviet Union, USA and Iran.¹⁹ As indicated in the AIHRC report (AIHRC 2002, 22), it is likely that the people of Afghanistan consider external military interventions rather than internal groups as accountable for past atrocities which complicates the pursuance of justice. Furthermore, perceptions of victimhood differ as certain groups may have been targeted for their particular identity and more specifically their ethnic membership. It would be difficult to consider a certain group as the perpetrator and others as victims as it is likely that such boundaries will be intertwined. Establishing an inclusive account of the past with the Taliban as the main perpetrator of crimes is also likely to be viewed as a biased tool of the international community (Call 2004, 104).

The commission finalized its findings with a report entitled “A Call for Justice” presented to President Karzai by the AIHRC. Based on AIHRC’s findings, a committee established by President Karzai drafted the “Action Plan for Peace, Reconciliation and Justice”. The Action Plan was formally adopted by the Afghan government after much international pressure in 2005. A conference sponsored by the UN High Commissioner for Human Rights on truth-seeking and reconciliation followed. The goal was to explore truth and reconciliation processes with consideration to lessons drawn from other countries. As with other cases such as Rwanda and the implementation of *Gacaca*, the conference was to consider traditional, cultural, religious and traditional methods of reconciliation.²⁰ The final Plan was comprehensive with a three-year implementation time table. It acknowledged the need for various methods of transitional justice to work together toward the preservation of peace and stability, strengthening of democracy, rule of law and administration of justice.²¹ A key theme of the “Action Plan” is the consistent demand from victims for documentation and the need for truth telling regarding Afghanistan’s recent history. The AIHRC report recommends the establishment of a prosecutor’s office, a war crimes tribunal, acknowledgment of past crimes, truth-seeking and the documentation of human rights violations, promotion of reconciliation and unity, accountability to prevent impunity and justice for all.

Despite the adoption of the “Action Plan” by the Afghan government in 2006, little progress other than symbolic actions such as establishment of the National Victims Day has been made. President Karzai accepted the report with promises to implement its recommendations. He also signed a controversial bill providing a blanket amnesty for war crimes committed during the conflict. The bill was a self-serving attempt by many of the country’s leading politicians to escape prosecution for crimes. In a controversial speech, Karzai encouraged the leadership of the Taliban to join in a process of national reconciliation, with a goal of nation building (Christia and Semple 2009, 34). In return, these groups and individuals would be immune from prosecution for atrocities committed before joining the process. In communities where violence has subsided, many consider the gesture of amnesty as an important tool for reconciliation aimed as a compromise for the sake of nation building and security (Tellis 2009, 6). But in the case of Afghanistan granting of amnesties has not resulted in ensuring an environment ripe for pursuing such goals. Karzai had initially claimed that he would not agree to such an amnesty, but was pressured into signing the bill by former Mujahidin leaders, who have a strong presence in the post-Taliban government. The discussion of amnesty for war crimes which started at the Bonn Conference was officially recognized and legally enforceable by 2010. Granting amnesty has also been viewed by some as a political strategy to promote peace without consideration for the victims (Kouvo and Mazoori 2011, 494). Providing amnesties is also against the ideas that led to the need for transitional justice as well as international law, which requires the Afghan government to investigate and prosecute war crimes.

Justice without peace

The overthrow of the Taliban regime did not end violence or mark a transitional period but the start of a new war. Insecurity and consistent violence have undermined the potential for progress in nation building (Thier 2009, 2). Without some form of transition, transitional justice mechanisms are unlikely to gain legitimacy and move society toward reconciliation. Immediately after the Taliban had surrendered they had launched a new strategy of combating the coalition forces in Afghanistan, termed as “insurgency” by the USA. Despite over 10 years of presence and increase in the number of coalition military

forces, the Taliban have made significant advances and remain strong (Masadykov, Antonio, and Michael 2010, 10). US efforts to build a centralized government in Kabul have shifted the focus of the international community from local governance issues, leaving the rest of Afghanistan in fragile conditions. In Kandahar, for example, the USA has fought hard to drive the Taliban out with military means as well as providing hundreds of millions in aid for basic services. Many of the city government positions in the provinces of Kandahar remain vacant, due to fear and intimidation by the Taliban. The US military is in many ways acting as the government by delivering basic infrastructure services such as road construction, housing, running health clinics and trash collection. The government in Kabul is not in favor of development assistance to the provinces that bypass its authority. As the Taliban gain more power and control, the overall stability and security in the provinces continue to falter with high numbers of violent incidences recorded among security forces and the civilian population (Waldman 2011, 10).

Initially, the Taliban military opposition was directed toward the presence of US troops and later the Karzai government. By 2005, the Taliban had changed their strategy from using violence against the Afghan people to winning moral support on the ground. The transformation of the Taliban from a religious force was a strategic decision based on crafting a new image as freedom fighters and an independence movement (Brahimi 2010, 4). According to Brahimi, the Taliban had learned from their past mistakes and were eager to present their movement as moderate (2010, 2). They have successfully relied on people's resentment of foreign forces to build popular support, particularly in the eastern and southern parts of Afghanistan. The civilian population of Afghanistan generally remains dissatisfied with the government of Karzai. Many have expressed their frustration by providing voluntary support to insurgents as a way to demonstrate their opposition (*Time*, November 25, 2011, 4). Furthermore, economic deprivation, lack of employment opportunities as well as harsh living conditions particularly in rural areas have led many youths to join various insurgent groups (Donini 2006, 9). The Pashtuns, some 43% of the population in the south, have been marginalized from holding power. The post Bonn period had left the Pashtuns victimized from what they considered as a deliberate attempt by the USA to punish their particular ethnic group for their support of the Taliban. Many Pashtuns perceive being the majority as their right to govern as they have done so in the past (Allan 2003, 197). As a result, there has been a surge in Pashtun nationalism with many increasingly accommodating the Taliban. Resentment as well as isolation from the central government has led many to join the Taliban in retaliation rather than on ideological grounds (Saikal 2010, 8).

While many transitional periods have included some form of Disarmament, Demobilization and Reintegration, the Taliban factions have strengthened their hold and are unlikely to disarm. In 2011, the US pledged \$50 million as part of efforts to provide incentives for the Taliban fighters to end violence. Despite such programs violence has continued and little has changed to persuade the Taliban fighters to give up their cause (*The Washington Post*, April 7, 2011). The Taliban have continuously demanded the immediate withdrawal of US forces as a precondition to negotiation talks. The USA is unlikely to withdraw their troops before 2014 as that move will be considered as a victory for the Taliban (Innocent 2009, 685). The death of Osama Bin Laden by special operation security forces has also further hampered reconciliation efforts. While the killing of Bin Laden is a victory for the USA, he was a mere figure head with little impact on the operation of the Taliban within Afghanistan. His elimination does not necessarily end the conflict and lead to peace and security (*The Guardian*, May 3, 2011, 10). As noted by a senior figure in the Taliban, "this is an ideological war. It was not just Osama bin Laden fighting".²² As far

as the future of political negotiations is concerned, the Taliban have declared their refusal to negotiate with the Afghan Government, until the departure of all foreign troops. Contrary to the common narrative depicted in the USA, the Taliban are not specifically a unified force. They are fragmented throughout Afghanistan and Pakistan into different factions and groups with tribal and ethnic support as well as internal divisions with some but not all belonging to Al Qaeda (Byman 2003, 143). There is also the regional dynamic with some supporters of the Taliban in Pakistan and Saudi Arabia. It would be difficult to construct a plan to include the Taliban in reconciliation or nation building without knowing precisely the significant power holders. Efforts for negotiating a peace agreement have been diverted to President Karzai. Yet, if the Afghan government were to hold talks with the Taliban it is not clear which leaders they would negotiate with.²³ The international community and Karzai government have failed to create or manage a meaningful political strategy which is a necessary step before the implementation of a national reconciliation.

Internal reconciliation

The period of war crimes and human rights violations as indicated by the AIHRC are limited to 1978–2001. Despite Afghanistan's present situation, the atrocities were considered in the context of past wars. The limited time period presents many obstacles as it does not take into consideration the presence of coalition forces. The USA has around 100,000 troops on active duty in Afghanistan. Due to its political interests as well as military intervention it is difficult to consider the USA as a broker of reconciliation and a neutral party. As early as 2004, Human Rights Watch has released reports with evidence of widespread abuses committed by US forces in Afghanistan. The report "Enduring Freedom" states that the US forces "have arbitrarily detained civilians, used excessive force during arrests of non-combatants and mistreated detainees" (2004, 4). The report concludes that the US administered system of arrest and detention in Afghanistan exists outside of the rule of law. Rubin (2003, 570) argues that since 2001 thousands of Afghan civilians have died in US bombing raids without public investigation, accountability or compensation. Furthermore, the presence of USA and North Atlantic Treaty Organization forces continues to be the cause of anger and violence. For example, in February 2012 deadly demonstrations quickly spread across provinces targeting USA and coalition military bases. Protesters were outraged by reports of Quran burning at a US military facility. A violent campaign was directed at Afghan government buildings and symbols of Western presence (*The New York Times*, February 23, 2012, 4). Such incidents have become common in Afghanistan where military incursions by US-led forces into the Taliban stronghold areas are often met with local resentment and vengeance, particularly when civilians are involved. An example of this is the attack by a US soldier that led to the death of 16 civilians in a suburb of Kandahar, considered as the Taliban heartland. The US soldier in this case had walked from his base, tried door after door, eventually breaking into separate civilian houses with the plan to kill (*The New York Times*, March 11, 2012, 1). Following the attacks, the Taliban threatened reprisal, as they often do after military actions they depict as atrocities against the people of Afghanistan. Despite President Karzai's appeal for calm, the Taliban were quick to capitalize on the events by calling on all Afghans to attack foreign targets in retaliation for the insult caused by the burning of the Quran. These events empower the Taliban forces to gain legitimacy as the defenders of people of Afghanistan as well as Islam, while strengthening their local power base. Such incidents are unlikely to create an environment of accountability and

acknowledgment for acts conducted by USA and coalition forces. Furthermore, they are likely to be counterproductive to the fragile trust that US forces have worked so hard by working in humanitarian and development areas.

Excluding the post-2001 period, fact-finding of the atrocities committed discredits the efforts undertaken by AIHRC. It leads to relativism in the rule of law by providing instant immunity for the US forces. It also limits narratives of collective memory regarding atrocities, human rights abuses and violence to events in the past. As argued by Grossman (2006, 272) "impunity for US forces responsible for human rights violations has made accountability for past crimes difficult". The concept of reconciliation has been promoted by the international community in the short term and without the necessary conditions. It has also undermined violence committed since 2001 by the coalition forces against civilians by limiting the period of investigations. Given the double standards, the current methods of transitional justice have failed to create a sense of legitimacy and ownership among Afghans. The people of Afghanistan should not be forced to consider atrocities as the past when they continue to live with violence, fear and insecurity. Any limitation for the victims in Afghanistan to identify the period of injustice could jeopardize the positive legacy of examples set from other cases of transitional justice.

In some cases, the transitional government's inability and lack of legitimacy to initiate processes to address atrocities have been taken up by civil society groups. Civil society can play a significant role by pressuring government, mobilizing support and developing appropriate mechanisms for addressing atrocities (Brahm 2007, 68). In Brazil, for example, the failure of government to address past atrocities encouraged various civil society groups to secretly document testimonies among thousands of victims. This led to the widely disseminated publication "Nunca Mais", detailing the victims, abuses committed and the individual responsible (Bickford 2007, 994). In the absence of judicial means some civil society organizations have made attempts to address reconciliation with alternative means. For example, the Afghanistan Human Rights and Democracy Organization consisting of young activists have created an open space for facilitating dialogues using theatre. With relative success they have utilized storytelling, performances and workshops to narrate victim's stories and experiences of violence (Siddiqui 2010, 4). Another positive development as explored by Kouvo and Mazoori is the Transitional Justice Coordination Group and the organization of victims' a Jirga (2011, 498). Such efforts can create an alternative space for the documentation of present and past atrocities.

However, ongoing violence and war in Afghanistan have severely weakened civil society. Quinn argues that an unfortunate symptom of war is the damage to civil society and the breakdown of social trust (2009, 174). Historically Afghanistan has always had an informal, vibrant and good number of civil society organizations with tribal, ethnic and religious ties that do not necessarily fit neatly into the Western notions of civil society. The informal religious organizations known as "Shura" and the "Jirga" are examples that have played a significant and sustainable role in society (Wardak 2003, 5). The demise in the influence of civil society is particularly surprising given that throughout the 1980s and increasingly since the war in 2001, the number of non-governmental organizations (NGOs) has increased sharply. Harpviken, Strand and Ask in their assessment of civil society in Afghanistan point out that by 2002 there were around 1020 NGO's registered with the Kabul authority, almost four to five times compared to the previous year (2002, 8). This rise is largely a response to external humanitarian and development agendas as well as increase in foreign funding. Aside from international NGOs that perform a variety of humanitarian and development tasks, the most basic obligations such as security and public welfare tasks are often funded and

implemented by international actors (Schetter 2006, 15). The lack of autonomy among civil society sectors has led to mistrust, lack of legitimacy and a general perception among the local population that their “values and norms are inferior” (Schetter 2006, 18). Therefore, the concept of civil society within the imposed model of democracy in Afghanistan has been complex and largely undermined.

Conclusion

Transitional justice mechanisms in Afghanistan were implemented with the expectation that such efforts would facilitate national reconciliation and, in essence, spill over to nation building. Given the worsening security situation and the increasing power of alleged perpetrators of war crimes in the government and parliament, transitional justice initiatives have come to a standstill. Their active and sustained role in the government positions has serious consequences for justice and accountability. Granting of impunity has also strengthened their position and reinstated a culture of denial. Research from other cases demonstrates that victims of past atrocities often consider peace and justice as linked to security. Security is compounded by inadequate disarmament measures, uneven police and judicial reform and a rise in violent attacks against civilians. Furthermore, the Afghan government has lost control and legitimacy outside of its stronghold Kabul. Much of Afghanistan remains in control of insurgents, war lords and international coalition forces. Internal reconciliation, currently the favored model pursued by the international community is also not likely to lead to state building and stability without accountability for violence committed by USA and coalition forces. To move forward violence should end and the cause of instability and insecurity in Afghanistan will have to be addressed as a priority. Trust is at the core of restoring relations and key to any reconciliation process. The Karzai government will need to gain legitimacy as transitional justice mechanisms are not likely to be trusted before addressing problems with governance and thus the respect of the Afghan people.

To sum up, Afghanistan presents a new model in the implementation of transitional justice at the time of war and more specifically where such efforts are promoted by external actors. Currently, transitional justice efforts in Afghanistan are being implemented in a three-tier system each with contradictory goals and interests. First and most important are the needs of the Afghan people, which have largely been ignored. The testimonies gathered by the AIHRC point to the urgent call among Afghan people for some level of accountability. There are also strong indications to hold past and present (including the USA) military interventions accountable. However, these demands are contradictory to the second tier, the Afghan government. Its interests lie in accommodating power holders mainly the war lords, and protecting such groups from the persecution evident by the blanket amnesty provided. Finally, there is the international community particularly the USA, the main stakeholder in promoting transitional justice and more specifically national reconciliation efforts. The US role in transitional justice can be considered as upholding its strategic and national interests. By framing past conflicts as internal and the main perpetrator as the Taliban, the USA has safeguarded its interests in the conflict. Furthermore, by limiting the period of investigations to 1978–2001, it has contextualized the conflict as a thing of the past and in essence granted itself as a neutral party with impunity against investigations for war crimes (*The Wall Street Journal*, November 26, 2011).

Given the long years of war and the different factions and foreign occupations, it is important that collective unity be fostered by a common vision of the past that does not place blame on the past but can construct a unified one in which it be made clear that

all the people of Afghanistan have suffered. As the planned 2014 military withdrawal from Afghanistan draws closer, the USA will also have to confront its past in Afghanistan. How do we reconcile with the Afghan people that have lived with insecurity and fear under the international coalition forces led by the USA for more than 10 years?

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Notes

1. More specifically the Transitional Justice Unit.
2. The popularity in the implementation of transitional justice in post conflict societies has not been without controversy. See Kerr and Mobekk (2007, 8).
3. For a discussion on the expansion of the field of transitional justice see Teitel (2008, 1).
4. See, for example, De Greiff and Duthie (2009, 19).
5. Miller (2008, 270) argues that causes of conflict such as economic recourses and inequality must be addressed as part of reconciliation efforts.
6. The issue of amnesty continues to be controversial particularly in cases where blanket amnesties were granted. For more on this see Ludwin King (2010, 577).
7. These two cases are some of the earliest in the implementation of Truth Commissions. They also set as examples and lessons learned for the South African Truth Commission. For more on these cases see Nino (1991, 2619).
8. Some literature discusses specific case studies such as South Africa. See Mamdani (2000, 176).
9. The South African case has often been considered as a model of success for other Truth Commissions. Accounts of its success vary. See Gibson (2004, 201).
10. Demilitarization is often considered as a pre-condition to peace negotiations.
11. The US military response to 11 September 2001 attacks was named "Operation Enduring Freedom".
12. The imposition of democracy has been particularly popular since the end of Cold War. See Haass (1998, 170).
13. For more on this argument see Walter (1999, 127).
14. This is particularly more evident in the aftermath of US military intervention.
15. Despite political stability, reconciliation at the local level remains unresolved. See Atashi (2011, 211).
16. Although not related to its mandate regarding transitional justice the AIHRC also monitors current human rights violations by foreign troops and violence against children and women.
17. In Cambodia, for example, extensive documentation, research and archiving have played a significant role in efforts by civil society groups to address past crimes with little government support.
18. For a discussion on Justice System in Afghanistan see Jones Pauly and Nojumi (2004, 843).
19. With the majority of respondents (53.7%) suggesting that all are responsible.
20. Gacaca is broadly considered as the traditional system of reconciliation based on restorative justice in Rwanda.
21. In 12 December 2005, the government adopted a five-point "Action Plan" mapping the road for reconciliation similar to the process of reconciliation in South Africa.
22. Mullah Abdul Salam Zaeef was a former Taliban Ambassador to Pakistan.
23. Attempts at political talks between the USA and the Taliban started as early as 2007.

References

- AIHRC (Afghan Independent Human Rights Commission). 2002. "Transitional Justice Challenging Injustice, Meeting Accountability." Afghan Independent Human Rights Commission Report. Web December 10, 2010.

- Allan, Nigel J. R. 2003. "Rethinking Governance in Afghanistan." *Journal of International Affairs* 56 (1): 193–202.
- Atashi, Elham. 2011. "Peace Dividends: The Role of External Aid in Peace Building." In *Building Peace in Northern Ireland*, edited by Maria Power, 209–227. Liverpool: Liverpool University Press.
- Ayub, Fatima, and Sari Kouvo. 2008. "Righting the Course? Humanitarian Intervention, the War on Terror and the Future of Afghanistan." *International Affairs* 84 (4): 641–657.
- Barakat, Sultan, and Margaret Chard. 2002. "Theories, Rhetoric and Practice: Recovering the Capacities of War-Torn Societies." *Third World Quarterly* 23 (5): 817–835.
- Bickford, Louis. 2007. "Unofficial Truth Projects." *Human Rights Quarterly* 29 (4): 994–1035.
- Boutros-Ghali, Boutros. 1992. *An Agenda for Peace: Preventive Diplomacy, Peacemaking, and Peace-Keeping: Report of the Secretary-General Pursuant to the Statement Adopted by the Summit Meeting of the Security Council on 31 January 1992*. New York: United Nations.
- Brahimi, Alia. 2010. "The Taliban's Evolving Ideology." Working paper 2. LSE Global Governance, July. Web December 3, 2010.
- Brahm, Eric. 2007. "Transitional Justice, Civil Society, and the Development of the Rule of Law in Post-Conflict Societies." *The International Journal of Not-for-Profit Law* 9 (4): 62–72.
- Byman, Daniel. 2003. "Al-Qaeda as an Adversary: Do We Understand Our Enemy?" *World Politics* 56 (1): 139–163.
- Call, Charles T. 2004. "Is Transitional Justice Really Just?" *Brown Journal of World Affairs* 11 (1): 101–113.
- Christia, Fotini, and Michael Semple. 2009. "Flipping the Taliban: How to Win in Afghanistan." *Foreign Affairs* 88 (4): 34–45.
- Clarke, Ross, and Galuh W. Samsidar. 2008. *Considering Victims, The Aceh Peace Process from a Transitional Justice Perspective*. New York: International Center for Transitional Justice.
- De Greiff, Pablo, and Roger Duthie, ed. 2009. *Transitional Justice and Development: Making Connections*. New York: Social Sciences Research Council.
- Demsey, John, and Noah Coburn. 2010. "Traditional Dispute Resolution and Stability in Afghanistan." Peace Brief. United States Institute for Peace, February 16. Web December 10, 2010.
- Donini, Antonio. 2006. "Humanitarian Agenda 2015: Afghanistan Country Study." Briefing paper. Medford, MA: The Feinstein International Center, Tufts University.
- Gibson, James L. 2004. "Does Truth Lead to Reconciliation? Testing the Causal Assumptions of the South African Truth and Reconciliation Process." *American Journal of Political Science* 48 (2): 201–217.
- Giustozzi, Antonio. 2003. "Respectable War Lords? The Politics of State Building in Post-Taliban Afghanistan." Crisis States Program, Development Research Center working paper series 33. London: LSE.
- Goodson, Larry. 2003. "Afghanistan's Long Road to Reconstruction." *Journal of Democracy* 14 (1): 82–99.
- Grossman, Patricia. 2006. "Truth, Justice and Stability in Afghanistan." In *Transitional Justice in the Twenty First Century, Beyond Truth Versus Justice*, edited by Naomi Roht Arriaza and Javier Mariezcurrena, 255–277. Cambridge: Cambridge University Press.
- Haass, Richard N, ed. 1998. *Intervention: The Use of American Military Force in the Post-Cold War World*. Washington, DC: Brookings Institution Press.
- Harpviken, Kristian Berg, Arne Strand, and Karin Ask. 2002. *Afghanistan and Civil Society*. Peshawar/Bergen: Norwegian Ministry of Foreign Affairs, 8 December. Web January 12, 2011.
- Human Rights Watch. 2004. *Enduring Freedom: Abuses by US forces in Afghanistan*. Human Rights Watch Report 16 (3), New York: Human Rights Watch, 8 March 2004. Web January 18, 2010.
- Ingalls, James. 2004. "The New Afghan Constitution: A Step Backwards for Democracy." *Foreign Policy in Focus* 4: 1–10.
- Innocent, Malou. 2009. "Should the President Announce an Afghanistan Exit Strategy?" *CQ Researcher* 19 (28): 689.
- Jalali, Ali A. 2003. "Afghanistan in 2002: The Struggle to Win the Peace." *Asian Survey* 43 (1): 174–185.
- Johnson, Thomas H. 2006. "The Prospects for Post-Conflict Afghanistan: A Call of the Sirens to the Country's Troubled Past." *Strategic Insights* 5 (2): 1–29.

- Jones Pauly, Christina, and Neamat Nojumi. 2004. "Balancing Relations Between Society and State: Legal Steps Toward National Reconciliation and Reconstruction of Afghanistan." *American Society of Comparative Law* 52 (4): 825–857.
- Kerr, Rachel, and Eirin Mobekk. 2007. *Peace and Justice: Seeking Accountability after War*. Cambridge: Polity Press.
- Kouvo, Sari, and Dallas Mazoori. 2011. "Reconciliation, Justice and Mobilization of War Victims in Afghanistan." *International Journal of Transitional Justice* 5 (3): 492–503.
- Laplante, Lisa J. 2008. "Transitional Justice and Peace Building: Diagnosing and Addressing the Socio-Economic Roots of Violence through a Human Rights Framework." *International Journal of Transitional Justice* 2 (3): 331–355.
- Lederach, John. 1997. *Building Peace*. Washington, DC: United States Institute of Peace Press.
- Ludwin King, Elizabeth. 2010. "Amnesties in a Time of Transition." *The George Washington International Law Review* 41 (3): 577–618.
- Maass, Citha. 2006. "National Reconciliation in Afghanistan, Conflict History and the Search for an Afghan Approach." *Internationales Asienforum* 37 (1–2): 5–35.
- Malik, John. 2000. "The Dayton Agreement and Elections in Bosnia: Entrenching Ethnic Cleansing Through Democracy." *Stanford Journal of International Law* 36 (2): 303–355.
- Mamdani, Mahmood. 2000. "The Truth According to the TRC." In *The Politics of Memory: Truth, Healing and Social Justice*, edited by Ifi Amadiume and Abdullahi An-Na'im, 176–183. London: Zed Books.
- Masadykov, Talatbek, Giustozzi Antonio, and Page James Michael. 2010. "Negotiating with the Taliban: Toward a Solution for the Afghan Conflict." Crisis States Research Centre working papers series 2, 66. London: Crisis States Research Centre, LSE.
- Miller, Zinaida. 2008. "Effects of Invisibility: In Search of the Economic in Transitional Justice." *International Journal of Transitional Justice* 2 (3): 266–291.
- Nadery, Ahmad N. 2007. "Peace or Justice? Transitional Justice in Afghanistan." *International Journal of Transitional Justice* 1 (1): 173–179.
- Nino, Carlos S. 1991. "The Duty to Punish Past Abuses of Human Rights Put into Context: The Case of Argentina." *Yale Law Journal* 100 (8): 2619–2640.
- Quinn, Joanna. 2009. "What of Reconciliation: Traditional Mechanisms of Acknowledgement in Uganda." In *Reconciliation (s) Transitional Justice in Post-Conflict Societies*, edited by Joanna Quinn, 174–206. Montreal: McGill-Queen's University Press.
- Rigby, Andrew. 2001. *Justice and Reconciliation: After the Violence*. Boulder, CO: Lynne Rienner.
- Rimmer Harris, Susan. 2010. "Building Democracy and Justice after Conflict: The Afghanistan Independent Human Rights Commission." Working Paper No. 5, CIGJ. Canberra: Australian National University. Web February 10, 2011.
- Roy, Oliver. 2005. "The Predicament of 'Civil Society' in Central Asia and the 'Greater Middle East'." *International Affairs* 81 (5): 1001–1012.
- Rubin, Barnett R. 2003. "Transitional Justice and Human Rights in Afghanistan." *International Affairs* 79 (3): 567–581.
- Saikal, Amin. 2010. "Afghanistan and Pakistan: The Question of Pashtun Nationalism?" *Journal of Muslim Minority Affairs* 30 (1): 5–17.
- Schetter, Conrad. 2006. *The Dilemma of Reconstruction in Afghanistan, International Intervention Between the State, Civil Society and Traditional Elites, Promoting Democracy under Conditions of State Fragility*. Berlin: Heinrich Böll Foundation, 1.
- Schetter, Conrad, Rainer Glassner, and Masood Karokhail. 2006. *Understanding Local Violence Security Arrangements in Kandahar, Kunduz and Paktia (Afghanistan)*. Bonn: Center for Development Research, University of Bonn.
- Semple, Michael. 2009. *Reconciliation in Afghanistan*. Washington, DC: United States Institute of Peace Press.
- Siddiqui, Nadia. 2010. "Theatre and Transitional Justice in Afghanistan, Creating Spaces for Change." ICTJ Briefing. New York: International Center for Transitional Justice. December 1.
- Simonsen, Sven G. 2004. "Ethnicising Afghanistan? Inclusion and Exclusion in Post-Bonn Institution Building." *Third World Quarterly* 25 (4): 707–729.
- Tadjbakhsh, Shahrbanou, and Michael Schoiswohl. 2008. "Playing with Fire? The International Community's Democratization Experiment in Afghanistan." *International Peacekeeping* 15 (2): 252–267.

- Teitel, Ruti. 2008. "Editorial Note-Transitional Justice Globalized." *International Journal of Transitional Justice* 2 (1): 1–4.
- Tellis, Ashley J. 2009. "Reconciling With the Taliban? Toward an Alternative Grand Strategy in Afghanistan." Carnegie Endowment for International Peace, April. Web March 19, 2010.
- Thier, Alexander J., ed. 2009. *The Future of Afghanistan*. Washington, DC: United States Institute of Peace.
- Van Zyl, Paul. 1999. "Dilemmas of Transitional Justice: The Case of South Africa's Truth and Reconciliation Commission." *Journal of International Affairs* 52 (2): 647–667.
- Waldman, Matt. 2011. *Dangerous Liaisons with the Afghan Taliban: The Feasibility and Risks of Negotiation*. Special Report 256. United States Institute of Peace, October 2010. Web March 26.
- Walter, Barbara F. 1999. "Designing Transitions from Civil War: Demobilization, Democratization, and Commitments to Peace." *International Security* 24 (1): 127–155.
- Wardak, Ali. 2003. *Jirga: A Traditional Mechanism of Conflict Resolution in Afghanistan*, 1–20. Trefforest, UK: University of Glamorgan. Web March 20, 2012.