

UBI MAIOR, IBI IUS: ASSESSING JUSTICE SYSTEM REFORM IN AFGHANISTAN

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ABSTRACT

This study analyses the reform of justice in Afghanistan which started in the wake of the US-led military intervention of 2001. In particular, it focuses on the role of international actors and their interaction with local stakeholders. The research addresses a number of issues, relating to the way justice system reform is practically carried out in Afghanistan. It also highlights some provisional results, together with problems and dilemmas encountered in the reform activities. The main objective of this study is to evaluate whether the success of justice system reform in Afghanistan may be linked to any specific reason, feature or approach.

The research has been conducted under a twofold approach, comprising both theoretical and practical phases. The former phase has included the analysis of the relevant literature on the topic, drawing particular attention on several specific issues of interest (e.g. the development cooperation policies currently applied at international level, the 'local ownership' principle, the justice system in place in Afghanistan, etc.). This theoretical phase has been enriched by a period of study at the Department of Peace Studies of the University of Bradford (UK), and by the organization of the Conference on the Rule of Law in Afghanistan in July 2007. On the other hand, the practical phase has been characterized by a 'learning by doing' methodology, the author having served as a consultant to the Italian Development Cooperation Office in Kabul (Dec. 2007 – May 2008), working within the 'Italian Justice Program'.

This research confirms that justice system reform in Afghanistan may succeed only if development programmes are implemented through a real multilateral approach, involving domestic authorities and other relevant local stakeholders. Success is therefore linked to: limiting the political interests of donors (which should abandon the idea of gaining 'political dividends' from their assistance); establishing pooled financing mechanisms for the sector reform; restricting the use of bilateral projects; improving the efficacy of technical and financial aid; and concentrating the attention on the 'demand for justice' at local level rather than on the traditional supply of financial and technical assistance.

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