

# XXVIII

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## Panel V

### Commentary—The Road Ahead in Afghanistan

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James Terry<sup>1</sup>

**T**oday I will offer a series of observations on actions we must consider as the United States moves to the road ahead in Afghanistan. Winning the war on terrorism requires that we approach this complex problem in a multifaceted way. We must cultivate counter-terrorism cooperation on a regional basis as well as on an individual state basis for it is only through such cooperation that we can be successful.

Using all instruments of power available, we must stimulate an increased political will to act on the part of states on the front lines in this war on terrorism. We must enhance our public diplomacy efforts and economic support to stimulate religious and social institutions, especially educational institutions, to be more responsive and responsible in the education of their future citizens. We must further, across the reaches of the US Government, enhance our image and our relationship with the Muslim population, at home and abroad.

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1. James Terry, a retired Marine Colonel, serves as the Deputy Assistant Secretary of State for Regional, Global and Functional Affairs in the Bureau of Legislative Affairs within the US Department of State. The views expressed in these remarks are the views of the author alone.

Of critical importance in these efforts is our focus on non heavy-handed, American aid to countries struggling with the difficulty of dealing with the conditions that foster the development of terrorism. In these efforts, we can not be seen as unilateralists but instead must be seen as partners in the global effort to address these issues. We must foster the development of greater cooperative action, including the effective exchange of information, especially among Muslim states. This has occurred most recently with Morocco, a country with which the United States did not have as developed a relationship before the events of September 11th.

We must share the best counter-terrorism laws, regulations, and treaties we can develop with these states in an effort to aid them in the development of similar laws. We must create effective agreements between states for law enforcement operations so as to ensure that terrorists captured abroad are subject to extradition. And we must enhance cooperation in our nation's intelligence gathering and sharing, much as has been done since September 11th, with countries like Uzbekistan and Turkmenistan.

Regional training programs and bilateral programs designed to enhance forensic law enforcement and legal methodology, as are currently being pursued with Pakistan, must be undertaken. At the same time, it is critical that we guard against the imposition of those US laws and policies which alienate us from those we wish to influence. As an example, recent Arab bashing legislation proposed in the House of Representatives and the Senate does not necessarily serve our interests well. These efforts may well be called for but they do not help us in our efforts to appear even handed to different groups.

Operationally, it is important to understand that capacity building in such front line states must focus on the ultimate goal of individual state responsibility in dealing with the problems of terrorism. In working towards this goal, the United States must overcome the view that it has a bias against institutions such as the United Nations. It is important that we not be seen as UN bashing in either our legislation or our voice. In that regard, for the last nine months I have been the head of a working group addressing the American Servicemembers Protection Act.<sup>2</sup> Our focus has been on ensuring that this act does not deprive the president of the flexibility he needs to support the International Criminal Court when it is in our national interest to do so. That this work is occurring should be shared with coalition and allied partners to ensure they understand that while our principled objections to the problems

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2. American Servicemembers' Protection Act of 2002, Pub. L. No. 107-206, 116 Stat 899 (2002).

inherent in the Rome Statute remain very real, our government recognizes that there may be a time, if certain changes are made to the Rome Statute, when the United States will agree to become a member of the International Criminal Court.

The long-term goal of these operational considerations must be the internal sustainability of this process region-wide and world-wide. Our main goal must be to create national counter-terrorism systems that really do work. In support of this goal, we must focus on programs like our International Military Education and Training Program and ensure that funds for these programs support those countries working alongside us in pursuit of our goal. Such training assistance must account for the stated needs of the host and not just our perceived view of what would make them more effective. In this regard, a phased approach to engaging these countries would be useful.

Phasing our cooperation and operations with countries in such a way that we move from training to policy and then to operations may well allow us to gauge the will of these participants at each step; building trust and debunking myths about US objectives that are simply not true. On the diplomacy side, we must work with states to harness their desire to increase their regional counter-terrorism role. An example of how this can be successful is the regional counter-terrorism operations center for Southeast Asia, recently created by Indonesia, Malaysia, Singapore, and the United States. This new center promises real opportunities to work alongside and support our allies in the war on terrorism. Obviously, the regional combatant commanders and their respective staff judge advocates must play an important role in the development and working of these centers as consultation on the desired training, policy development and operations for such centers is critical for their success. Finally, useful agreements must be developed between the United States and other states which tie cooperation on counter-terrorism efforts to US assistance. Such agreements may, by necessity, need to be confidential in the early stages of cooperation but they are nonetheless necessary.

From a governmental process perspective, this will not be easy. In Southeast Asia for example, Congress must provide the authority to overcome restrictions on aid to countries such as Burma, Cambodia, Laos, and Indonesia. Necessarily, such legislation will be required to be drafted in such a way that US assistance is contingent upon the particular country's participation in the global war on terrorism. At the same time, over-reaching congressional mandates must be avoided. We must avoid the traditional "litmus test report" language as a condition for aid and we must ensure that the entire range of

foreign military financing, economic support funding and international military and education training funding is used.

Not surprisingly, we have invoked each of these strategies in our efforts in Afghanistan. Our goals for the road ahead in Afghanistan have focused on security, infrastructure support, nation building—and by that I include political development, education and woman's rights—and reconstruction (including the revitalization of the agricultural sector). In the security area, continued steps to destroy the al Qaeda network include the success of Operation ANACONDA and the other follow-on operations to ENDURING FREEDOM that have been complemented by the provision of stability by the International Security Assistance Force (ISAF) in Kabul.

The initial steps to train an Afghan Army and police force are key elements of the US and German efforts to build a more secure Afghanistan. In this task, the Germans are doing a superb job in developing a police organization that understands and respects fundamental human rights. An effort to build consensus among the different war lords has been pursued through their inclusion in the political process, most recently in the Loya Jirga electoral process; a process that resulted in the election of Hamed Karzai to head the transitional governing authority for the next two years. The inclusion of the war lords in this process has helped ease ethnic tensions existing in such cities as Mazar -e-Sharif, Kandahar, and Jalabad.

This is a great start but it is not enough. We must focus now on honing the instruments of power in the Afghan government. By that I mean the legal, economic, political, and military instruments. In that regard, the Bonn Agreement<sup>3</sup> that established this process eight months ago is holding. As an example, woman's rights have been emphasized through the naming of two women to major cabinet posts within Karzai's transitional authority. In the reconstruction area, three successful conferences in Washington, in Brussels, and in Tokyo have produced pledges of some 4.5 billion dollars in aid, and additional conferences are scheduled. Money is starting to flow to the transitional authority through UN development programs, bilateral donors and the accessing of assets frozen during the Taliban regime. Importantly also, refugees and displaced persons by the hundreds of thousands are returning to their homes, and schools have reopened for millions of Afghan children.

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3. Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions, Dec. 5, 2001, pmbL., at <http://www.uno.de/frieden/afghanistan/talks/agreement.htm> (Apr. 26, 2003).

To achieve these goals of political stability, economic development and effective reconstruction of Afghanistan's infrastructure, we must ensure that a broad based government at the working level—not just the cabinet level—is established. We must ensure that security forces are trained to respect and protect human rights. We must ensure that peaceful and cooperative relations are fostered between Afghanistan and its neighbors, especially Pakistan and Iran. We must ensure that major drug production and trafficking is eliminated.

Within the next two years, we must help Afghanistan move toward increased stability and prosperity; a stability and prosperity marked by a transitional authority beginning to provide important social services to its twenty-five million citizens. We must help Afghanistan develop into an emerging economy through agricultural development and small scale industry. We must facilitate the establishment of a national military and police force capable of assuming responsibility for internal security. And perhaps most importantly, we must be prepared to overcome the inevitable backlash which will result when this struggle proves to be long and hard. The road ahead in Afghanistan is surely a difficult one to traverse, but one that our country, working together with others, can do so with success.