US INTERVENTION IN AFGHANISTAN: JUSTIFYING THE UNJUSTIFIABLE?
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ABSTRACT: This article argues that the USA and its Western allies have misused ‘Just War’ narratives to legitimise an external intervention in Afghanistan and their use of force during the War on Terror. It explores the extent to which such external interventions, military strategies, narratives and justifications by the USA may have contributed to state failure in Afghanistan. As the legitimacy of earlier external interventions is called into question, while the road ahead for Afghanistan remains precarious, thinking about a new paradigm of post-war reconstruction becomes important for the country and its people in years to come.

KEYWORDS: Afghanistan, al Qaeda, US intervention, Taliban, War on Terror

Introduction

In 2001, the USA invaded Afghanistan in pursuit of the War on Terror with the support of NATO and over 40 countries. For almost two decades, the USA has legitimised its military operations as ‘Operation Enduring Freedom’ (2001–14) and ‘Operation Freedom’s Sentinel’ from 2015 to the present. During these military endeavours, over 100,000 civilians (UN News, 2020) and over 60,000 security forces have been killed (Al Jazeera, 2019). This article focuses on the US military interventions in Afghanistan since 2001, conducted by or on behalf of the USA. Apart from questioning to what extent such military operations are in line with international law, it examines their detrimental impacts on the stability of Afghanistan and directs attention towards the new paradigm of post-war reconstruction.

Although the history of Afghanistan prior to 2001, and earlier US involvement, are important within the wider context (Khalilzad & Byman, 2000), this article assesses specifically the impact of US interventions on Afghanistan. Since 2001, the concept of ‘Just War’ has been used as a theoretical framework to scrutinise to what extent such external intervention in Afghanistan has adhered to recognised interna-
tional principles or has acted as a smokescreen for military misadventure (Ramsbotham et al., 2011). Key components of just war theory, such as the right to go to war (jus ad bellum) and the right conduct during the war (jus in bello) are put under scrutiny. It is not the purpose of this article to compare US intervention in Afghanistan with other interventions such as the war in Iraq. Both are instances of large-scale warfare in the wake of 9/11 (Jacobson, 2010). The Iraq war is a separate case study and as it drew to a close, violence in Afghanistan increased and casualties rocketed (Jacobson, 2010: 587). Afghanistan is now the longest conflict in US history and deserves serious attention. Understanding the accomplishments and mistakes of the USA in the wider context of attempts to justify external intervention in Afghanistan is paramount also for the future security of the state and the region. With the changing nature of US engagement in Afghanistan under Trump’s leadership, the significance of this article also lies in considering the future of Western presence in Afghanistan.

Methodologically, this article provides both quantitative and qualitative analysis of this intervention and its impacts. After this introduction, a brief consideration of Just War Theory in the context of the ‘War on Terror’ is followed by an analysis of the strategic objectives of US military intervention in Afghanistan, in light of international law principles. The necessity of intervention is then scrutinised, particularly in light of the serious problem of civilian deaths as collateral damage. The concluding analyses search for viable forms of post-conflict intervention.

**Just War Theory and War on Terror**

Just war doctrines originated in Catholic moral theology in the Middle Ages. As proposed by St Augustine of Hippo and St Thomas Aquinas, such doctrines were concerned with ‘holy warriors’ and ‘religious pacifists’ (Walzer, 2004: 4–20). In practice, just war theory has become deeply problematic, as it leaves much room for self-serving argumentations. The doctrine’s two main components relate to the decision or right to go to war (jus ad bellum) and conduct during the war (jus in bello), explained in the context of dispute resolution by Ramsbotham et al. (2011: 326). Considering the external intervention in Afghanistan to assess whether the US invasion adheres to just war criteria requires a brief examination of the right to go to war. Raines (2002: 224) explains the five main features of jus ad bellum: (a) there must be a just cause to go to war; (b) the decision ought to be made by a legitimate authority; (c) force is to be used only with the right intention and as a last resort; (d) there must be a reasonable hope for success, with peace as the expected outcome and (e) the use of force must be proportionate and discriminate.

There is now a prominent third component, relating to post-conflict scenarios, jus post bellum, considering the termination of war and aspects of its consequences (Ledwidge, 2013). Just war theorising raises many philosophical, legal and political questions, one of them being why it is important for a war to be just. War inevitably involves the use of force, and a large number of people are likely to get killed (Walzer,
Therefore, intellectual efforts to understand legitimate uses of force in morally worthy pursuits are urgent, to understand if deadly force can be used with the right intent and in ways that are morally acceptable in the eyes of the international community (Patterson, 2012: 119).

Regarding War on Terror, the global landmark event of 9/11 was undoubtedly the worst act of terrorism to occur on US soil. However, the events that followed, including justifications for the War on Terror, have been subject to harsh criticism. In the wake of 9/11, there were numerous attempts to persuade members of the Taliban to hand over terror suspects (Misra, 2004: 108). Perhaps, if they had done so, external intervention in South Asia may not have happened. However, attempts at non-violent negotiations failed, because of the Taliban’s lack of cooperation, at a critical moment, when failure was not an option for the USA, and cooperation with terrorists was not favoured by the USA (Misra, 2004: 110).

Quick resort to military means ensued when the USA declared the War on Terror as an act of self-defence. This resulted in the United Nations Security Council authorising a ‘War on Terror’ in Resolution 1368, based on their determination ‘to combat by all means threats to international peace and security caused by terrorist acts’ (The United Nations Security Council, 2001). However, nowhere in Resolution 1368 is an invasion legitimised. Therefore, the USA bypassed the Security Council and unilaterally initiated military strikes (Cortright, 2011: 13). Also, in efforts to authorise the use of force, the 107th Congress formed a joint resolution, called ‘Authorisation for Use of Military Force’ (AUMF), which legitimised the President to use ‘all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001’ (Congress, 2001).

The perceived threat of further acts of terrorism became increasingly imminent in the days following 9/11, so that military intervention became inescapable to protect the international community (Misra, 2004: 107). The methods involved countering al Qaeda and the Taliban regime, which hosted terrorist organisations such as al Qaeda. Therefore, the combined objectives to counter al Qaeda, suppress the Taliban regime and bring the perpetrators of 9/11 to justice were seen as ‘just purposes’ by the Bush Administration and the general public (Cortright, 2011: 10). At this time, the USA correctly held the Taliban accountable for allowing al Qaeda to be based in Afghanistan. To an extent, thus, the Taliban could also be indirectly held accountable for 9/11 (Carati, 2015: 204). Therefore, the external intervention was legitimised, because unseating the Taliban would thwart the functioning of the organisation (Carati, 2015: 204). But it was never clarified whether the Taliban was an enemy of the West, or ‘just an obstacle’ in the way of getting to al Qaeda (Carati, 2015: 206). Also, the West was arguably never the primary enemy of the Taliban, until the USA became an occupying force in Afghanistan.

Originally, overwhelming support for US military intervention in Afghanistan cannot be denied (Newport, 2014). At the time, intervention in Afghanistan was an
ideal way to punish Osama bin Laden and the Taliban for their actions (Jacobson, 2010: 586). Also, there was a notion that US President Bush was chosen by God ‘to lead a global war of good against evil’, therefore the War on Terror became a religious duty in the eyes of the public (Jacobson, 2010: 586). Globally, there was also increasing support for imposing democracy on states in need of it, and President Bush embraced the notion of forceful democratisation to counter-terrorism in the Middle East (Downes & Monten, 2013: 95). However, as Cortright (2011: 11) suggests, ‘the Bush Administration never seriously considered an alternative to war in Afghanistan’. Instead of seeking reconciliation, the USA was driven by ideological motivations to pursue the War on Terror, as they favoured regime change in Afghanistan and as indicated, saw little hope and scope for co-operation with the existing dispensation.

The declaration of the War on Terror made publicly and formally, was issued by a legitimate authority, the USA as a sovereign state. This would adhere to the *jus ad bellum* characteristics that Raines (2002) describes. However, the pursuit of a ‘Crusade’, as former President George W. Bush described it in his speech, ‘evokes images of a spiritual war originating not with governments but with God’ (Steuter & Wills, 2011: 261). To give the War on Terror a strong ideological character was a mistake (Carati, 2015: 209). The symbolic rhetoric used in this speech elevated the moral status and credibility of terrorists from murderers to soldiers (Cortright, 2011: 27). Unintentionally, Bush’s declaration resulted in the Taliban uniting Islamist terrorists to react to the West’s immoral schemes (Misra, 2002b: 580). For jihadists, the War on Terror acted as a magnet to unite them against US crusaders (Kaldor, 2013: 162). As Cortright (2011: 28) explains, waging war against a Muslim country after 9/11 validated al Qaeda’s ideology of ‘saving Islam from foreign infidels’, while there is a US tendency to blur just wars and crusades in a tale of ‘good vs evil’ (Walzer, 2004: 10). Members of the US army understood it as a ‘just and noble war’ (Brown, 2005: 194), fought to spread freedom, under the banner of *De Oppresso Liber* (Liberate the Oppressed), the motto of the US Army Special Forces. Evidently, Islamists did not view this in the same manner.

A state cannot invade another state without a probable chance of success. War not only needs to be just, it must also be a possible war to fight (Walzer, 2004: 14). When Bush declared the War on Terror, he emphasised that the road to victory may be long, but claimed that with the support of US allies, the likelihood of success was high. Receiving support from the UK and other Western forces increased the chances of a swift operation. Also, from a civilian perspective, in the early days of military intervention, the USA presence would have been welcomed, hoping that it would bring ‘an end to religious oppression and decades of violence’ (Kaldor, 2013: 156). Civilians would not have had any idea about how long the intervention would last, or what the post-conflict situation would look like. Early strategists predicted that the intervention would last only a few weeks prior to winter, possibly months during the spring (Rogers, 2004: 7). Perhaps, if anyone had known that this intervention would last for decades, they would not have pursued a military strategy.
Evidently, the international community shared many motivations to pursue the War on Terror. But the question still remains if they were just. Following 9/11, the enemy was unclear, alien, foreign and mysterious to a certain extent (Steuter & Wills, 2011: 257). It was not an identifiable entity as Nazi Germany’s armed aggression during World War II. Although countering al Qaeda was perceived as a just cause, ambitions to overthrow the Taliban regime and wage war against a non-governmental terrorist organisation appeared dubious (Cortright, 2011: 10). In the early days after 9/11, public outrage pushed the Bush administration into reacting quickly and forcefully to avoid criticism (Jacobson, 2010: 591). The world wanted revenge for the atrocities committed; non-violent means would not suffice. It would thus be reasonable to suggest that the *jus ad bellum* principle was extended to justify the War on Terror. But the prolonged intervention in Afghanistan and the strategies used during the War on Terror have begun to raise further questions.

**Strategies of US Intervention**

This section considers to what extent force was used in discriminate and proportionate ways during the US intervention in Afghanistan, examining to what extent this fits the principles of *jus in bello*. Strategically, the military objectives in Afghanistan had not been coherently defined (Misra, 2004: 108). The USA had a limited understanding of Afghanistan’s religious and cultural heritage at the time and risked creating ‘a permanent climate of conflict’ (Misra, 2002a: 17). The USA could not conduct a local military intervention alone. Therefore, they aligned themselves with Afghanistan’s Northern Alliance, a united military front fighting a defensive war against the Taliban (Misra, 2004: 109), providing them with troops on the ground. Regardless of their diminutive local knowledge, the US supported the quest of the Northern Alliance to overthrow the Taliban regime and counter al Qaeda (Rogers, 2004: 3).

The principles of *jus in bello* focus on how combatants should act during the war. Primarily, this depends on proportionality, asserting that there should be no actions that are *malum in se* (Walzer, 2004: 16). In retrospect, the Northern Alliance were as violent as the Taliban regime (Misra, 2004: 109). Pursuing a counter-terrorist strategy with a network of criminals was a risky, doubtful operation (Bird & Marshall, 2011: 251). It would seem contradictory to trust such an organisation if one wishes to achieve a successful outcome and end a war in accordance with just war doctrine. Nevertheless, support for the Northern Alliance continued and the USA helped them to take back some of the territory previously held by the Taliban. This action of counter-terrorism strategies, instead of eliminating targets, extended the war across borders and pushed renowned terrorists into what are since 2018 the erstwhile Federally Administered Tribal Areas (FATA) and into Pakistan.

Here, scale becomes the topic of conversation in discussions of proportionality. As Fixdal and Smith (1998: 304) explain, arguments about intervention ‘often dispute
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the size of the canvas on which the picture of an action and its consequences should be painted*. One of the military tactics carried out in Afghanistan was the ‘Kill-or-Capture’ techniques. It was assumed that killing the leader of a terrorist organisation would reduce the duration of military intervention. However, Raines (2002: 235) asks whether killing the leader of one of the group’s cells would end the activities of the group. The killing of Osama bin Laden, which occurred in Pakistan rather than in Afghanistan, appeared to be a success until it was realised that this tactic resulted in scattered leadership (Rogers, 2004: 191). It neither destroyed al Qaeda nor did it reduce the threat they posed to the international community. Other targeted killings included al Qaeda’s intelligence chief Abu Jihad al-Masri, al Qaeda’s explosives expert Abu Khabab al-Masri, al Qaeda’s Afghanistan commander Abu Laith al-Libi and, finally, Pakistan’s Taliban leader Baitullah Mehsud (Simon & Stevenson, 2009: 54). The USA might argue that the benefits of the Kill-or-Capture techniques are worth the cost (Wilner, 2010: 310). Yet killing terrorist leaders merely helps to sustain the storyline of presumed successes of the US War on Terror (Kaldor, 2013: 181), and does not get rid of terrorism itself.

The USA may have thought they could win the hearts and minds of Afghan civilians and build a relationship of trust between the various Afghan factions. To support this, they began erecting schools and clinics in efforts to build state capacity during the conflict. However, the growing number of civilian casualties, named as ‘collateral damage’, reduced any chance of winning civilian hearts and minds (Barry, 2017: 142). While the USA pursued the use of force as precisely as possible to avoid civilian casualties, that was not enough (Barry, 2017: 142). Civilian casualties seriously question the ethical nature of the intervention and challenge the war’s moral foundation (Cortright, 2011: 24). Many instances of strategic decision-making were flawed, with ‘inconsistent management of the implementation of strategy’ (Barry, 2017: 139). In 2010, when a military strike left 23 civilians dead, drone operators, based in Nevada, had mistaken three minibuses for a convoy carrying insurgent militants (Medeiros, 2013: 26). Earlier reports had stated that there may be civilians and children on board, yet the operators authorised the strike (Filkins, 2010). In this frame of mind, collateral damage becomes an accepted inevitability of conflict, but this inevitability of civilian collateral damage is only acceptable if the military operation is ‘proportionate to the objective’ (Medeiros, 2013: 26). Bad decision-making was evident in this case since reportedly no extremists were killed in this particular strike. Also, when uncovering the victims’ bodies, US forces had the opportunity to admit that they had killed civilians, yet failed to do so in a timely manner (Filkins, 2010). Sadly, between 2006 and 2013, at least 14,000 Afghan civilians were killed (Downes & Monten, 2013: 91).

Drone strikes have not been limited to Afghanistan and it is believed that over 400 strikes occurred in the erstwhile FATA area (Yousaf, 2017: 8). The drone programme conducted by the CIA in both Afghanistan and Pakistan goes against the premise that use of force must be proportionate and discriminate. The USA might defend such
drone usage because the elimination of terrorists justifies the outcome and the remote operators have blanket authority to conduct such operations (Yousaf, 2017: 14). However, within the framework of the UN Charter, drone strikes are a violation of international law (Yousaf, 2017: 18), rendering such strategies questionable and disproportionate.

Another claimed purpose of US policy in Afghanistan was to defend and protect women’s rights in efforts to increase public support for the intervention. Supporting women’s human rights in a war-torn society would certainly appear to be a just cause, as innocent women deserve the right to be protected. However, the rights of Afghan women alone do not justify military intervention and increased armed conflict. Ironically, conflict proliferation is more likely to harm Afghan women than help them because it destabilises the state. The best way to alleviate women’s suffering during the intervention in Afghanistan would have been through political dialogue, not asymmetric warfare. Mitchell and Banks (1996: 4) rightly argue that ‘methods that are distasteful in themselves can easily make the situation worse’. Strategies such as excessive use of force, widespread detention, torture and abuse as a means of extracting information, night raids and the destruction of terrorist safe havens (Kaldor, 2013: 166) all undermine the dignity of the belligerents, which in turn, provides further motivation for the Taliban to retaliate. It is true that states and terrorist organisations fight differently and incorporate contrasting tactics. However, that does not mean the USA should change its rules of engagement as a result of immoral Taliban tactics. An unconventional army does not legitimise an unconventional response (Montero, 2009).

In a similar argument, Byman (2006: 101) questions that if terrorism is condemned because it kills innocent people, how can one justify counterterrorism tactics that kill them, too? Moreover, methods such as sexual humiliation, sleep deprivation and waterboarding are not fair treatment of prisoners of war (Rubin, 2013: 456). Reportedly, US Special Forces were rewarded financially for harassing and intimidating Taliban members and for capturing and killing them (Kaldor, 2013: 168). Such strategies extended the War on Terror from a confined area in Kabul to a worldwide operation. It seems unfathomable how this fits the criteria of *jus in bello*.

It may of course be argued that the evil committed against the USA by the 9/11 attacks was of a magnitude that outweighs the cost of lives lost in Afghanistan and the resources used to wage war. To an extent, military intervention in Afghanistan may have succeeded in ridding the country from Taliban leaders and forcing al Qaeda out of the state (Carati, 2015: 203). However, as Reader (2014: 39) emphasises, the deaths in the War on Terror have far exceeded the fatalities caused by the attacks of 11 September 2001. Although self-defence was originally deemed a just cause, if this results in a disproportionate death toll, can it really be justified overall?

It would thus seem that military intervention in Afghanistan was an inappropriate method of conflict resolution. What seemed to be intended during the War on Terror was a regime change promoting good governance, a de-escalation of the conflict and
post-war reconstruction. Instead, asymmetric conflict occurred, with significant loss of life, human rights abuses, flourishing opium trade and a prolonged military intervention that has brought into question the trust and standing of the international community.

The Necessity of Intervention

As the necessity of intervention becomes subject to further scrutiny, the question arises whether the USA could have dealt with the situation differently. There are definitive lessons to be learned from the past two decades of military involvement. It seems that the entire purpose of pursuing the War on Terror was to ensure that Afghanistan could no longer remain a hotbed for terrorism to flourish, with 9/11 as the catalyst that justified and necessitated military intervention (Ledwidge, 2013: 194). To prevent future terrorist attacks, the USA and its allies declared military intervention as an act of self-defence, using ‘the most widely accepted just cause for the use of force’ (Cortright, 2011: 13). But what the USA and the UK perceive as acts of self-defence may also be understood as acts of assault that undermine Islamic identity (Misra, 2004: 113).

While humanitarian objectives as an additional motive were deemed a matter of moral consciousness, under the motto to ‘Liberate the Oppressed’, laudable objectives to assist civilians in matters of health and infrastructure do not justify military intervention. As Walzer (2006: 102) explains, states would not send their soldiers into other states ‘only in order to save lives’. The narrative projected in the public eye centred on hope that justice for 9/11 was being achieved (Rogers, 2004: 163). This was reinforced by the media to gain international attention on the world stage. In the words of Captain Diggs, a United States Army Special Forces officer, ‘many have made the ultimate sacrifice to protect all Americans and the liberties we cherish. There was little concern for self, but concern for the common cause - freedom’ (Brown, 2005: 193). This collective sentiment may have been held amid those participating in Operation Enduring Freedom, but is contrary to ground realities (Kaldor, 2013: 152). Rather than being destroyed, the Taliban regime has scattered across the state and any talk of the War on Terror being a success was false (Rogers, 2004: 188).

Kaldor (2013: 182) argues that the purpose of the War on Terror was war, constructed as being in the best interest of the USA to reaffirm American identity. Similarly, Szeman (2011: 167) suggests that the self-interested actions of the US during the War on Terror stood in direct opposition to its rhetoric of liberating the oppressed. Further, the corruption that ensued in relations with Afghan warlords undermined the US presence in the region. The USA was ill-equipped to recognise their contributions to corruption, and this fuelled anti-US grievances (Special Inspector General for Afghanistan Reconstruction, 2016). Instead of making anticorruption a top priority, the USA continued to make alliances with questionable actors.
US claims of wanting to defend international norms such as anti-terrorism and democracy are not universally agreed upon (Barry, 2017: 150), making it appear that the just war criteria have been altered to frame and defend military operations in Afghanistan as a just intervention. It seems the USA has continuously been drawn into a narrative of its own making, without any concern for the Afghans.

The Problem of Civilian Deaths

It is widely known that civilian casualties in Afghanistan have increased significantly since the US intervention began. However, to discuss civilian casualties, it is important to examine their cause. Documenting these casualties brings out the problematic nature of the military intervention as a counter-terrorism strategy since it has exacerbated the situation over the past two decades, instead of alleviating it.

The numbers of people killed in Afghanistan as a result of terrorism or terror-related activities are huge. Between 2016 and 2017, 4,653 people died (Institute for Economics & Peace, 2018: 12), making Afghanistan the country with the highest number of deaths caused by terrorism in the world. Some of the most violent attacks included a suicide attack in Kabul in May 2017, killing 93 people, a police attack in August 2017 killing 72 people and another suicide attack in October 2017, killing 74 people (Institute for Economics & Peace, 2018: 10). As recently as May 2020, a militant attack on a maternity ward of the Dasht-e-Barchi hospital in Kabul killed 24 people, including new-borns (BBC News, 2020). On average, around 3,000 civilians are killed annually, the majority supposedly falling victim to terrorism. Overall, from 2001 until 2018, 32,074 people lost their lives in terrorist-related activities (UNAMA, 2019: 2), but these figures would require careful further analysis regarding the causes. The reported yearly numbers of injured people are more than twice as large. From 1 January to 30 September 2018, UNAMA (2018) documented 8,050 civilian casualties (2,798 deaths and 5,252 injuries). In the first 11 months of 2018, it is reported that the USA dropped 6,823 bombs in Afghanistan (Al Jazeera News, 2019). Most casualties are caused by aerial operations and ground engagements (UNAMA, 2019: 2). The two tactics also explain why 63 per cent of the casualties are women (UNAMA, 2019: 10), while child deaths caused by aerial operations have reportedly more than doubled.

Such gruesome statistics might suggest that military intervention is needed to combat terrorism at all costs. In words reverberating from the Vietnam War, it may become ‘necessary to destroy the town to save it’ (Carter, 2018). However, as those statistics simply state casualty figures, they do not differentiate civilians and combatants, nor do they distinguish between deaths during the battle and because of acts of terror. In fact, these statistics portray the problematic nature of the external intervention. If such intervention was a success, one should see declining numbers of deaths caused by terrorism, but sadly we see the contrary. To argue that terrorists have caused more deaths than the USA and NATO, however, misses the main point, namely that
the basic objectives of the War on Terror have not been achieved. In April 2018, an airstrike targeting Taliban officials in Kunduz killed 50 people (Gossman, 2018). Three months later, in July 2018, airstrikes hitting a residential area in Kunduz killed 14 people, all of whom were women and children. The bomb had directly hit a house, destroying it completely (UNAMA, 2019: 41). Initially, the US forces attempted to deny responsibility for these civilian deaths. Such attacks do not fit with just war principles, they are unlawful and do not adhere to the criteria of discriminating between combatants and civilians.

Continuing high civilian casualties are deeply problematic, suggesting US failure to fulfil the obligation to protect citizens, while the Taliban uses growing public weariness of the war in Afghanistan to their advantage. Aware of the international community's desire to withdraw, which would provide them with the opportunity to regain strength, maintaining levels of violence remains a major motivator for terrorist activity. If civilians do not resort to working alongside the Taliban out of fear, they might still join them to seek retribution. For, often the death of a family member or friend caused by US action causes serious grievance and becomes a contributing factor for terrorist recruitment (Institute for Economics & Peace, 2018: 59). Strategically, targeted killings complicate matters, too, because the dead victims become martyrs (Byman, 2006: 100).

If the cost of civilian lives was outweighed by successful results, this debate would have taken a different path. However, by 2014 the USA had spent more than $54 billion on the Afghanistan Security Forces Fund (ASFF) to train and equip the Afghan military (Monten & Gisselquist, 2014: 185). This training did not prevent increased troop casualties. This displays just one economic downfall of external intervention and false estimates of how long the War on Terror would last. From a cost-benefit analysis perspective, too, the international engagement in Afghanistan has lasted far too long and cost far too much (Carati, 2015: 209). Looking at the Kill-or-Capture policy, this is questionable under international law, but it could even be argued that such operations 'constitute full-blown war crimes' (Medeiros, 2013: 38). This argument may be far-fetched, as the USA and their allies do not intend to kill civilians when they launch an operation. However, what has been witnessed on the ground undermines the ethical standards of war (Cortright, 2011: 12). Civilian deaths also counter the US objective to alleviate the suffering of women, given the consistently high number of female casualties in ground engagements, aerial operations and suicide attacks (UNAMA, 2018).

Overall, there is no real concern for post-war reconstruction (jus post bellum) in this War on Terror. There is a need for a long-term approach considering all aspects of a fully functioning society, security, governance, economy, healthcare and education. Given their long-term involvement, to a certain extent, the Western powers are responsible for the jus post bellum of Afghanistan. Firstly, in light of recent reports of civilian casualties, it is evident that military strikes need to be initiated with more precision. Simon and Stevenson (2009: 57) propose that the only acceptable form of
targeted killing in future would be for increased accurate intelligence that ‘prioritises minimising civilian casualties’. Similarly, the UNAMA (2019: 7) argue that operational practice ought to be improved to prevent civilian casualties. The underlying issue here is how much risk soldiers can or should be expected to expose themselves to in order to reduce the risk for civilians.

Alternatively, if the risk of the operation is of such magnitude that it puts both soldiers and civilians at risk, the best decision would be to withdraw. There will always be the problem of terrorist intermingling with the civilian population (UNAMA, 2019: 32). In this instance, could civilian casualties be considered as collateral damage? All of these moral dilemmas question the justifiability of military operations by external intervention. From a theological perspective and a moral standpoint, avoiding violent action in the defence of civilians may be a greater good than to pursue an act of ‘self-defence’ (Fixdal & Smith, 1998: 296). One of the biggest mistakes, Kaldor (2013: 183) argues, has been the failure to consider the position of members of civil society such as students, women and tribal elders. If more consideration had been given to the ethnic and tribal networks at the heart of Afghanistan’s society, instead of viewing the war as a form of business, intelligence may have been more accurate (Bird & Marshall, 2011: 250). How to include the perspective of the Afghan people would be a separate study. It may be noted here, though, that from the perspective of Afghani women, their prospects improved significantly as a result of Western humanitarian development, compared to their prospects under the Taliban regime (Carati, 2015: 202). However, as a survey of Afghan people in 2016 reports, 66 per cent believed matters were heading in the wrong direction, which suggests that over time, people have lost trust in the US intervention (Livingston & O’Hanlon, 2017: 22).

The Future of the Afghan War

If troops on the ground are still required in Afghanistan, consideration ought to be given to those participating in Operation Freedom’s Sentinel. Yet military presence and especially the employment of private military companies in Afghanistan exacerbate the situation, with negative impacts on possible good governance (Lovewine, 2014: 149). Continued military operations, including drone strikes and targeted killings, might generate further conflict, while a potential power vacuum may allow the Taliban to flourish again (Medeiros, 2013: 24). Sending more troops will only worsen the already massive costs of the war. Tactics such as airstrike and targeted killings have not been fruitful for the past two decades, rather they have nurtured feelings of doubt towards the USA and their international allies, and have subsequently ‘encouraged support for who was fighting them’ (Carati, 2015: 209).

To prevent a continuation of state failure, it would be in the best interest of the international community to reduce military strategies in favour of humanitarian strategies (Rotberg, 2004: 97). One may presume that the USA now has an improved
understanding of Afghanistan’s socio-cultural background. If there is better mutual
understanding among the allied forces and locals about what a ‘just’ society looks
like, this may improve matters of governance, though concepts such as stability, secu-
ritv and democracy may be understood differently by many in Afghanistan (Patterson,
2012: 174) than US policymakers. Any peace process that does not involve further
use of violence would benefit Afghanistan and its people. However, empty promises
can no longer be made. The USA has repeatedly announced plans to withdraw troops
from Afghanistan, yet have then failed to carry out this action (Ackerman, 2014). US
promises to withdraw in 2010 were inconsistent with an announcement urging
European allies to send more soldiers to Afghanistan (Carati, 2015: 212).

Some may argue that US troops should be completely withdrawn from
Afghanistan, while others would suggest that complete withdrawal from Afghanistan,
given the fragility of state institutions, would provide terrorist organisations with a
vacuum to fill. As argued by Allen & Hanlon (2017), ‘we need to avoid giving the
Taliban and others a reason to hope, or believe, that our presence will be ended before
the job is done’. Yet the risk of future terror attacks may not be reason enough to stay
in Afghanistan, as terrorist organisations have a mercurial structure spanning across
continents, with no restriction to Afghanistan. Clearly, militants are now operating
in neighbouring countries such as Pakistan, too. While Walzer (2006: 100) considers
the problematic nature of the ‘Ethics of Exit’ and asks whether the proposed future
for Afghanistan necessarily includes the presence of the West, Sir Sherard Cowper-
Coles, former British Ambassador to Kabul, advises that if Western forces were to
leave Afghanistan, the Afghan authorities might not remain in the South of the coun-
try for more than 24 hours, and the Taliban would regain control (Bird & Marshall,
2011: 258). However, if the USA were to decide to follow a policy of enlarging its
presence with an emphasis on good governance and humanitarian objectives, might
external intervention be more successful?

For *jus post bellum* to be effective, education, infrastructure and public health
should be at the top of the agenda to help improve the lives of civilians who are suf-
fereing in the post-conflict setting (Ledwidge, 2013: 263). Reconstruction requires
efforts including the rebuilding of homes (Patterson, 2012: 167). Efforts have been
made in Afghanistan to support civilians in finding employment as an alternative to
joining the insurgents (Ramsbotham et al., 2011: 290), a strategy which supports
local governments and may counteract corruption. Better living conditions have been
developed since 2001, as well as access to health services and educational facilities
(Carati, 2015: 202). Also, the USA has contributed to improving infrastructure,
training the Afghan police, creating stabilisation programmes and strengthening
community development (Special Inspector General for Afghanistan Reconstruction,
2019). There is still a long way to go in the Afghanistan humanitarian mission and a
strategy of prevention and persuasion may be more effective than the kill-or-capture
techniques used previously.

Redefining the end-goals would be necessary for the future of Afghanistan.
Although preventing terrorism may be a worthwhile endeavour, a continuation of
violent strategy is neither durable nor realistic. The USA cannot expect extremist
groups such as the Taliban to lay down their arms if their own intentions are to pursu
violence (Department of Defense, 2017). Based on the brief analysis presented in
this article, one can draw some preliminary conclusions that the *jus post bellum* pro-
posed here needs to focus on humanitarian intervention, not military engagement.
Since one could argue, however, that ‘humanitarian intervention is never purely
humanitarian’ (Fixdal & Smith, 1998: 284), it is important to ‘align objectives with
reality, and means with objectives’ (Rubin, 2013: 455). If the situation is to improve,
future investigation into the *jus post bellum* aspects of the just war doctrine is needed.

**Conclusions**

The War on Terror has clearly had a detrimental effect on the moral reputation of the
West, as a result of questionable tactics used during military intervention. The USA
in particular has paid a high price for their attempt to ‘permanently incapacitate Bin
Laden and other al Qaeda leaders and their Taliban enablers’ (Jacobson, 2010: 586).
Unsurprisingly, the long-term military operations in Afghanistan and their failure to
achieve the set objectives have reduced the West’s ‘appetite for military intervention’
(Barry, 2017: 137). The US public has become increasingly aware of some of the
atrocities during the military intervention in Afghanistan and have become opposed
to future use of military force (Newport, 2014).

An unnecessary war is an unjust war. If a solution can be achieved by non-violent
means, the USA, too, should see the moral obligation to pursue those means. It fol-
lows that the USA can no longer justify what has become unjustifiable. It is fallacious
to argue that as a result of violence escalating in the region, there has been little
option but to continue the military intervention. In fact, this toxic relationship
between acts of extremist violence and further violence to combat terrorism has
undermined Afghanistan’s capacity as a state since 2001 to develop its own self-heal-
ing mechanisms. The War on Terror, as a military operation, has itself become a
hazardous problem that has prolonged Western intervention in Afghanistan.

While optimistic policies proposing the spreading of democracy are not entirely
reliable, the USA and its allies can no longer assume that military might will or can
somehow impose a democratic model onto states with successful results (Downes &
Monten, 2013: 130). Although there have been some successful outcomes from the
War on Terror, that is not reason enough for military intervention to continue. If one
persists in believing that the War on Terror is a just war and the strategies used are
moral, one may slip into a mindset that all wars can be justified. There is no guaran-
tee that a war ‘against this faceless enemy’, whether in South Asia or other parts of the
world, will ever end (Misra, 2004: 111).

By analysing just war criteria in relation to Afghanistan, this article has suggested
that lessons may be learnt for the future consideration of external intervention. To
move forward, the USA must transition from objectives of self-interest to ones of
humanitarian intent. Barry (2017: 141) explains that ‘unless regime change is followed by successful stabilisation, the resulting conditions can be as bad as, if not worse than, those that preceded’. The continuation of military strategies, such as aerial attacks and other targeted killings, only escalates violence in Afghanistan and motivates extremists to retaliate. US motives have been questionable since 2001, as they have altered their position over time from a military invasion to a humanitarian mission, to a counter-insurgency operation and a state-building exercise. All this cannot be accomplished by outside intervention, hence the USA ought to pursue its future path carefully. Afghanistan continues to be at risk of becoming a failed state, and it is certainly a weak state (Rais, 2011). It seems unable to enforce state law, cannot provide basic infrastructure to its citizens and is plagued by violence and political corruption. It also has an ineffective judiciary and bureaucracy, as well as other state failure indicators (Global Policy Forum, 2020). Despite being ranked 9th on the Fragile States Index (Fund for Peace, 2020), Afghanistan is not beyond saving, however. Medeiros (2013: 43) highlights that ‘optimism, though in decidedly short supply, is to be found in a handful of places’. In light of such assessments and the findings of the present article, Western forces remaining in Afghanistan strictly for humanitarian purposes seems to be the best option. However, looking back at the troubled intervention examined in this article, any foreign forces may not be trusted, given the suffering that Afghanistan’s people have experienced.

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