

**Position Paper
On
Bilateral Security Agreement
between Afghanistan and the United States**

**Afghanistan Young Leaders Initiative
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Introduction

Delegates and elders from across Afghanistan are set to advise on one of the most critical decisions in the country's modern history – a decision that will impact the lives of our generation and the generations to come. After more than a decade of unprecedented change, Afghanistan has come a long way from where it was in 2001. Today, where we take our destiny and future is in our own hands – regardless of the advice given by the Loya Jirga – thanks to the sacrifices made by thousands of brave Afghan men and women in uniform and those of our international allies.

The goal of this position paper is to provide an objective viewpoint on whether or not signing the Bilateral Security Agreement (BSA) with the United States is necessary in the context of Afghanistan's national interests.

A Choice Or A Necessity?

The Fellows of the Afghanistan Young Leaders Initiative (AYLI) believe that any state action that helps secure the welfare of all Afghan people and contributes to their continued growth is a move in line with the national interests of Afghanistan. We believe that strengthening the rule of law, access to justice and opportunities to improve quality of life are essential to these interests. We also believe that any state action that mitigates threats and obstacles to Afghanistan's growth serve its national interests. It is our firm conviction that the BSA shares these objectives.

The mindset that this agreement is a zero-sum game meaning a gain for one party can only come at the expense of the other is illogical; the reasonable middle ground is ensuring mutual interests while balancing the trade-offs of both parties. Although we appreciate the efforts of the Afghan government to prioritize the nation's interests in negotiating the security pact, we believe there are many commonalities in the interests of Afghanistan and the United States, such as combating Al Qaeda and its associates. More broadly, signing this agreement will create hope for better future, and give assurance to the people of Afghanistan that the International Community, particularly the United States, is committed to Afghanistan's prosperity which will in turn strengthen Afghanistan's bargaining power at the negotiating table on both the regional and international levels.

Key Issues

The three issues in the document that are expected to be the most contentious are legal jurisdiction; U.S. unilateral operations inside Afghan territory post-2014; and foreign threats to Afghanistan's sovereignty, now classified as acts of "aggression."

National sovereignty in today's globalized world does not mean the same thing as it did in the 19th Century. Inter-dependency in the sphere of economy, military and even politics is the norm in the modern world. When the monetary currencies of our neighbors are more common and accepted in the day-to-day commercial exchanges throughout the country, and foreign nations are using proxies as instruments of foreign policy, the Bilateral Security Agreement would not present a threat to Afghan national sovereignty; rather, it would enable us to strengthen our ability to act autonomously in the long run.

Elements in neighboring countries are known to be the number one threat against Afghanistan and will continue to challenge the Afghan Government, particularly in the space left by the 2014 NATO drawdown. The U.S. government has offered a commitment to stand by Afghan forces in fighting not only against conventional foreign aggression, but also the safe havens of threats to Afghan security and their proxy groups, by any means necessary - economic, political and military. Simply put, if agreed, it would be a very strong

alliance for Afghanistan to have particularly because signing the BSA is a first step towards signing the Status of Force Agreement (SOFA) with NATO.

Regarding unilateral operations, the US forces are asking for permission to conduct operations in “exceptional” cases, primarily as an act of self-defense, but relying on Afghan forces for most of the operations. We believe ANSF involvement provides the right balance and will also serve as to increasingly motivate the U.S. military to focus on building the capacity and equipment of our security forces. Without US support, the harsh reality is the Afghan Government’s current inability to carry on with the financial responsibilities of the 352,000-strong ANSF. In a scenario in which the BSA goes unsigned, the ANSF will likely be unable to secure Afghanistan’s short term strategic interests such as protecting the April 2014 elections, let alone meet the country’s security needs in the next decade. At the moment, the ANSF is almost completely reliant on the financial support of the United States to operate. From the nearly \$2bn budget of the Ministry of Defense, less than 15% is from the national budget of the Afghan government, and the same goes for the budget of the Ministry of Interior. The BSA is a pre-requisite to the \$4.1bn annual commitment made at the Chicago NATO Summit in May 2012 and the military assistance of other NATO nations.

On the matter of legal jurisdiction over U.S. troops, we recognize that accepting this clause is not an ideal situation for Afghanistan but we do recognize the reality we are living in as well as the fact that other countries around the world have also agreed to give US primary legal jurisdiction as condition to bilateral security agreements. These terms are common and Afghanistan will not be an exception in accepting them; countries such as Japan and South Korea also have similar arrangements. Moreover, based on previous cases in Afghanistan we have seen positive indications that the US military and other NATO nations do prosecute crimes committed by their soldiers and that there is no immunity provided for criminal behavior.

Not Only A Security Pact

Afghanistan is recognized as an important strategic trade hub in Asia, connecting South Asia with Central Asia, at the crossroads of pipeline routes and huge oil and gas reserves. In all likelihood, Afghanistan’s major untapped natural resources could become the backbone of the national economy in long term. Therefore, strengthening ties with major consumer markets is critical. Afghanistan needs national, regional and international support to drive its economic ambitions. Insecurity has been the major factor behind obstacles preventing foreign investment and expertise being delivered to sectors with great potential, particularly in mining. The illicit drug and war economy has fueled civil war in Afghanistan over the past few decades. Challenges such as population growth, high illiteracy, economy fragility, terrorism, lawlessness, poor public services, high unemployment, dependency on foreign markets, and so on could plunge the country into an uncertain future that no one would like to risk.

Conclusion

While safeguarding tremendous achievements of last 12 years, we will continue to broaden those achievements thorough the decade of transformation, from 2015 to 2024. This was agreed in the International Afghanistan Conference in Bonn in December 2011, and supported by the NATO Chicago Summit in May 2012 and Tokyo Conference on Afghanistan in July 2012.

We are at a turning point where regression is a legitimate possibility. Gains in the realms of human rights (women’s rights particularly), freedom of expression, freedom of the press and electoral democracy are all vulnerable. Going forward is the only option. The elections in April mark a historic milestone – the first democratic handover from one elected president of Afghanistan to another. Ensuring a free and fair elections requires confidence building, international oversight and logistical support that are all firmly tied to the agreement that now lies in the hands of the Loya Jirga.

Disclaimer

Afghanistan Young Leaders Initiative (AYLI) is a non-partisan and non-political group of young Afghans who share common values and beliefs to address social, economic and political issues in Afghanistan. Our aim is to mobilize the youth for taking part in the critical nation building initiatives and advocating for positive change in building a secure, safe and equitable Afghan society. AYLI was established in 2011 in cooperation of Asia Society’s Asia 21 Young Leaders program. a21yli@gmail.com