



November 19, 2013

## Endless Afghanistan? US-Afghan agreement would keep troops in place and funds flowing, perhaps indefinitely



By Richard Engel, NBC News Chief Foreign Correspondent

KABUL – While many Americans have been led to believe the war in Afghanistan will soon be over, a draft of a key US-Afghan security deal obtained by NBC News shows the United States is prepared to maintain military outposts in Afghanistan for many years to come, and pay to support hundreds of thousands of Afghan security forces.

The wide-ranging document, still unsigned by the United States and Afghanistan, has the potential to commit thousands of American troops to Afghanistan and spend billions of US taxpayer dollars.

The document outlines what appears to be the start of a new, open-ended military commitment in Afghanistan in the name of training and continuing to fight al-Qaeda. The war in Afghanistan doesn't seem to be ending, but renewed under new, scaled-down US-Afghan terms.

"The Parties acknowledge that continued US military operations to defeat al-Qaeda and its affiliates may be appropriate and agree to continue their close cooperation and coordination toward that end," the draft states.

The 25-page "Security and Defense Cooperation Agreement Between the United States of America and the Islamic Republic of Afghanistan" is a sweeping document, vague in places, highly specific in others, defining everything from the types of future missions US troops would be allowed to conduct in Afghanistan, to the use of radios and the taxation of American soldiers and contractors.

The bilateral security agreement will be debated this week in Kabul by around 2,500 village elders, academics and officials in a traditional Loya Jirga. While the Loya Jirga is strictly consultative, Afghan President Hamid Karzai has said he won't sign it without the Jirga's approval.

The copy of the draft -- the full text is available here -- is dated July 25, 2013. As a working draft, it is particularly revealing because it shows the back and forth negotiations, as US and Afghan officials added words and struck out paragraphs. The changes are marked by annotations still revealed in the text. The document is a work in progress. US officials say there have been more changes since July. The draft, however, does indicate the scope of this possible agreement with major implications for Washington, Kabul, US troops and the continuation of America's longest war.

Taken as a whole, the document describes a basic US-Afghan exchange. Afghanistan would allow Washington to operate military bases to train Afghan forces and conduct counter-terrorism operations against al-Qaeda after the current mission ends in 2014. For that foothold in this volatile mountain region wedged between Pakistan and Iran, the United States would agree to sustain and equip Afghanistan's large security force, which the government in Kabul currently cannot afford. The deal, according to the text, would take effect on January 1, 2015 and "shall remain in force until the end of 2024 and beyond." It could be terminated by either Washington or Kabul with two years advance written notice.

There is however what US officials believe is a contradiction in the July draft, which would effectively ask American troops to provide training and confront al-Qaeda from the confines of bases. While it says operations against al-Qaeda may be necessary, it also says US troops will not be allowed to make arrests or enter Afghan homes.

"No detention or arrest shall be carried out by the United States forces. The United States forces shall not search any homes or other real estate properties," it says.

"[The contradiction] was a matter of serious consternation at the highest levels" of the Obama administration over the weekend, according to one senior defense official. "It is the one remaining issue that could ultimately kill the deal." However, US officials believe that in a more recent draft, which was circulated among key Pentagon officials and US lawmakers on Monday, the US has won its position on this point.

The document doesn't specifically say how many US and NATO troops would remain in Afghanistan beyond 2014. Afghan officials tell NBC NEWS they hope it will be 10 to 15 thousand. US officials tell NBC

NEWS the number is closer to seven to eight thousand, with an additional contribution from NATO. Factoring in troop rotations, home leave, and breaks between deployments, the service of tens of thousands of American troops would be required to maintain a force of seven to eight thousand for a decade or longer. The anticipated costs would likely run into the billions quickly.

Afghan officials tell NBC NEWS the agreement is critical to Afghanistan's future stability. Without ongoing military assistance, training and funding, those officials say the government could collapse and Afghanistan would enter a civil war. If the agreement passes, the draft says Washington would commit to a long-term, indefinite military involvement in this land-locked Asian nation.

A spokesperson for the White House National Security Council did not comment on the draft version of the agreement, but said that "the President is still reviewing options from his national security team and has not made a decision about a possible U.S. presence after 2014."

The agreement circulating this week is unlikely to be the last. It first must pass through the Loya Jirga, then go onto parliament for final approval. "We're looking at 60-days or more" before the US and Afghanistan sign any agreement, defense officials said.

Here are highlights of the July draft of the bi-lateral agreement:

## **US BASES**

While the document specifically says the United States would not seek "permanent bases" in Afghanistan, the US military would have "access to and use of the agreed facilities and areas." Some of these areas would be for the "exclusive use" of US troops.

"Afghanistan hereby authorizes United States forces to exercise all rights and authorities within the agreed facilities and areas that are necessary for their use, operation, defense, or control, including the right to undertake new construction works," the document says.

US troops would be allowed to carry weapons, wear uniforms and guard the perimeter of those areas. The agreement does not say how many "exclusive use" sites there would be in Afghanistan. The United States also would also be permitted to keep vehicles and aircraft in Afghanistan, take off and land from Afghan soil, and fly through Afghan airspace. The facilities would be provided the US government "rent free," but significant costs would mount in other ways.

## **US PAYMENTS**

The draft agreement says the Afghan government should "eventually" pay for all of its defense and security personal. But until then, "so long as the strategic partnership agreement so provides, the United States shall have an obligation to seek funds on a yearly basis to support the training, equipping, advising and sustaining of the Afghan National Security Forces (ANSF), so that Afghanistan can independently secure and defend itself against internal and external threats, and help ensure that terrorists never again encroach on Afghan soil and threaten Afghanistan, the region, and the world." The specific amount of payment is not stated. The money would be "managed by relevant Afghan institutions."

## **STICKING POINTS**

The document shows a long and hard series of negotiations, particularly on the issue of legal jurisdiction. The draft initially insisted that US military personnel be subject to Afghan laws and, if accused of a crime, be tried in Afghan courts. This section in the July draft is crossed out. Afghan officials tell NBC NEWS the jurisdiction dispute appears to have been overcome, with US troops only being subject to American laws.

## **ENDLESS AFGHANISTAN?**

The document suggests Afghan negotiators want a long-term US presence, with US forces and contractors providing intelligence, training and funding, but also to keep American forces as confined as possible. It shows Afghans want to keep their US partners, but on their terms. It also suggests the United States is not confident that without a long-term commitment, the Afghan government can bring stability or effectively fight terrorism.

\*\*\*\*\*