

Ethics of the War on Terror – can the war in Afghanistan be won under the present rules of engagement?

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The laws of war seek to distinguish between combatants and non-combatants, and to impose limits in the conduct of war, especially proportionality in the use of force. This paper will address some ethical questions in the light of the US response to 9/11 and the rules under which the US waged war in Afghanistan without distinguishing between combatants and non-combatants. This unlawful war has been escalated from Afghanistan to the borderlands of Pakistan. How this prolonged war can be won under the present rules of engagement remains a question debated in this paper.

The appalling experience of the US on 9/11 at the World Trade Centre and the Pentagon was interpreted by the majority as an act perpetrated by Osama Bin Laden and his followers (non-state actors). Twelve hours later, the Bush Administration declared a global War on Terror for reasons of 'self-defence'. On 7 October 2001, the US commenced military intervention in Afghanistan (a non-combatant nation) in pursuit of Al-Qaeda ('unlawful combatant') to fight the War on Terror. The letter from the permanent representative of the US to the UNSC under Article 51 gave justification that 'such actions were taken in response to 9/11 and to prevent and deter future acts.'¹ The question arises; can self-defence be used against the territory of another state in response to an attack committed by a network or an organisation (non-state actors)?

Nevertheless, the US military intervention in Afghanistan was motivated by the following grand objectives under the cover of 'self-defence': *first*, topple a regime that harbours the Al-Qaeda. *Second*, eradicate their training camps; detain suspects and wipe out logistical support behind such operations. *Third*, transform Afghanistan's political and economic systems into a Western oriented democratic construct and free market economy. *Fourth*, make Afghanistan a gateway for the US to break the emerging multi-central global order increasingly dominated by Russia, China, and South Asia (particularly India). *Fifth*, to break the emerging energy hub that was transforming towards China.

¹ Helen Duffy, "The War on Terror and the Framework of International Law", (2005), p. 186

However, the US military intervention against a non-combatant populace certainly raises a series of ethical questions applicable to international law: under what rules and principles did the US military intervention in Afghanistan (in pursuit of non-state actors) take place? Is Article 51 (the right to self-defence) applicable in reaction to the 9/11 catastrophe under the modern rules of international law? Was the removal of the government by regime change a viable approach and the only available option to counter the terrorists' threat? Was military intervention the last resort in Afghanistan to counter Al-Qaeda? Did the US seriously consider using negotiations with the Taliban to encourage them to abandon Bin Laden? [This was the policy urged on the US by Pakistan prior to 9/11.] Were the other members of the coalition really threatened by the terrorists' attack? Can the coalition forces win this war under the present rules of engagement? This study addresses these questions and others.

International law on the one hand, enshrines respect for the territorial integrity and political independence of the state, and on the other hand, obliges all states to resolve disputes by peaceful means. The United Nations Charter 2 (3) declares: "All members shall settle their international disputes by peaceful means in such a manner that international peace and security and justice, shall not be compromised".² Thus, the peaceful approach addresses arbitration, judicial settlement, negotiation, mediation, conciliation or settlement of the disputes through the UN and regional organizations, which were never on the US agenda at the time of initiating this war. Furthermore, Article 2 (4) prohibits the unilateral use of force and obliges all members of the UN to:

Refrain in their international relations from threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the purposes of the UN³.

Even more so, the UN Charter advocates fundamental principle of sovereign equality and respect for the political independence of states.⁴ However, the role of the Security Council in accordance with its responsibilities under the Charter of the UN has never been invoked by the coalition states in waging this war. Instead, the US' unilateral approach has been applied through the 'will of coalition partners'. Article 51 asserts that "no nation may use military force except in self-defence - that means - in the

² Helen Duffy, "The War on Terror", p.144

³ Helen Duffy, "The War on Terror", p. 147

⁴ United Nations Universal declaration of Human Rights, Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948, available on <http://www.un.org/events/humanrights/2007/hrphotos/declaration%20eng.pdf>.

event of an armed attack against it by another country”⁵ Arguably, Article 51 is applicable when an attack is ongoing or imminent as a temporary measure until the UN Security Council introduces necessary measures for the maintenance of international peace and security.⁶ States are not entitled to retaliate once an attack is over. Moreover, the two resolutions passed by the Security Council (1386 and 1373) in response to 9/11 did not authorise the use of force but maintenance of peace and security by peaceful means.

However, the US appeared to overturn traditional limits by waging an unlawful war against a non-combatant nation (Afghanistan) for harbouring Osama Bin Laden and having become a ‘terrorist swamp’ (Rumsfeld’s phrase, and a key aspect of the ‘failed state’ syndrome). Bin Laden was at no time the leader of a state or nation. The US invaded foreign territory to attack those who had no territory of their own and had never been attached to the armed forces or governments of their host nation. Thus they were not regarded as ‘combatants’ but ‘unlawful combatants’. It can be argued that the Taliban regime failed to prevent these unlawful combatants (‘terrorists’) from operating out of its territory either in order to enhance their self-defence or because of failed measures. The dialogue process with Taliban Administration with regards handing over of the Al Qaeda leadership also could not be fully exhausted. Some opine that power tranquilized neo-conservative dominated US Administration failed to comprehend the long terms ramifications of this large scale intervention.

If a territorial link between Afghanistan and Al-Qaeda were to be sufficient to justify military action against it, this raises concerns about North America, South America, Europe, Africa and the Middle East which also harbour terrorist cells in their territories and could be subject to such humiliating military attacks.⁷ Indeed ‘the majority of hijackers who committed 9/11 incidents belonged to Saudi Arabia, not Afghanistan’⁸ and none of them was an Afghan national. There was no imminent threat to the world from Afghanistan but from terrorists who have no borders. In search of these terrorists, the US targeted the civilian population of Afghanistan who were not involved in or responsible at all for 9/11. Furthermore, the institutions of a sovereign state have been attacked and demolished in order to change a regime. Is it justifiable to violate and attack institutions of a state with a view to effecting regime change, while the state concerned is not responsible for the attack? ‘International law’, we are told, ‘does not permit intervention in other states in order to impose a

⁵ Jim Reed, “The Shocking Conclusion: My View- Our War In Afghanistan Is Unlawful”, (17 August 2008. available on <http://www.reedwrites.ca/2008/08/canada-its-war.html> .

⁶ Sulman Hassan, “The legality of the United States intervention in Afghanistan”, (15 July 2004), p. 2 available on <http://www.americansc.org.uk/Online/Forum/Afghanlegality.htm>

⁷ Helen Duffy, “The War on Terror”.

⁸ Richard Bonney, “False Prophets, The Clash of Civilisation and the Global War on Terror”, (2008), p. 4

democratic form of government.’⁹ Arguably, to deal with the representative of any states for their linkages with the terrorist organisations should be accompanied by legal means through the relevant international body (UN) under negotiation process or by the UN led forces alone.

The US military actions in Afghanistan have gone beyond the targeting of Al-Qaeda and the policy of regime change. Samuel Huntington asserted that the fundamental source of conflict in the post Cold War World would not be primarily ideological or economic but that culture would appear as the dominant force.¹⁰ For him, the fundamental conflicts of global politics will emerge between nations and groups of different civilizations. The ‘clash of civilizations’ will dominate global politics.¹¹ Professor Richard Bonney in his ‘False Prophets’ maintains that “the war we fight today is more than a military conflict; it is decisive ideological struggle of 21st century”¹². He further believed that, ‘Most Islamic terrorists are, in some sense, Islamists, but most Islamists are not terrorists’¹³. In the same way, all Pushtun tribesmen are not Taliban and all Taliban are not Al-Qaeda who are seeking revenge and embarked on retaliation for the invasion of their territory. That is why Professor Razia Musarrat maintained that “today the world faces what might be called a ‘clash of emotions’”¹⁴. Nonetheless, this war goes beyond that to a “War of Resources”, being fought to preserve Western vested interests under the shadow of ideological conflicts. Hence, “the Western world displays a culture of fear, the Arab and Muslim worlds are trapped in a culture of humiliation and much of Asia displays a culture of hope”.¹⁵ However, the well entrenched Western sponsored Westphalian concepts of sovereignty and non-intervention were compromised, thus, moral ascendancy lost.

Al Qaeda was a global phenomenon, not essentially linked with the erstwhile US protégé Taliban. The illiterate and traditional Pushtoons with obscurantist vision and blind followers of Pushtoonwali, oblivious of international responsibilities were not persuaded adequately to acquiesce to Western demands. Had the US coalition forces involved the UNSC and initiated negotiations with the Afghan regime to abandon Bin Laden and his followers, the world would not be as vulnerable as it seems today. The US’ disregard of UN decisions and abandonment of peaceful options to deal with 9/11 atrocities could not lead to any new solutions but instead created more terrorists.

⁹ Sulman Hassan, “The legality of the United States intervention in Afghanistan”, p.4

¹⁰ Samuel P. Huntington, “The Clash of Civilizations?” *Foreign Affairs*, (Summer 1993) available on <http://www.foreignaffairs.org/19930601faessay5188/samuel-p-huntington/the-clash-of-civilizations.html>.

¹¹ Ibid

¹² Richard Bonney, “False Prophets”, p. 1

¹³ Richard Bonney, “False Prophets”, p. 4

¹⁴ Razia Musarrat, “US War on Terrorism and its Impact on South Asia”, p. 6, available on <http://www.pu.edu.pk/polsc/jops/Currentissue-pdf/RAZIA.pdf>

¹⁵ Ibid

The war in Afghanistan conducted under the above highlighted rules has introduced massive civilian killings, insurgent attacks, and suicide bombing. The war is not getting closer to victory, but is becoming prolonged and endless. The Taliban are regrouping and making the coalition forces' job harder. Malik Nasrullah stated speaking in North Waziristan, "if America doesn't stop attacks in the tribal areas, we will prepare a lashkar (army) to attack US forces in Afghanistan... we will also seek support from tribal elders in Afghanistan to fight against America".¹⁶ Furthermore, Ayaz Wazir, a tribal Chief also declared, "if the Americans are coming to sort it out with force, they will create more enemies. The American might have supersonic jets and we might have to fight with stones in our hands, but we will stand up".¹⁷ However, the war in Afghanistan has brought the US and its allies into conflict with the Pashtun-dominated Taliban. US-Pakistan joint operations in the border region with Afghanistan resulted in civilian casualties and fuelled insurgency in South Waziristan. As a result, the coalition forces have failed in their mission based on the set parameters highlighted above. The US has been able to topple the Taliban regime in Afghanistan but has brought terrorism to the doorsteps of the neighbouring regions and states. The coalition's failure in the reconstruction of Afghanistan and its continued ineffective measures to bring peace and stability has driven the Afghan people into the hands of the Taliban and escalated this war towards the borderlands of Pakistan, which is another challenge for the US and its coalition at present.

Escalation of the war from Afghanistan to the Borderland of Pakistan

The US military intervention in Afghanistan has metamorphosised Pakistan's security calculus unexpectedly. The US presence in the region after 9/11 gave Pakistan an unexpected opportunity to fight its own war against terrorism. The ongoing insurgencies in Afghanistan's territory have introduced profound repercussion to Pakistan's security milieu. However, Pakistan a major player in this war has extended unprecedented services in multidimensional spheres. Pakistan is the only state which legitimised the US manoeuvre in the entire region by granting logistic support, sharing intelligence, capturing and handing over Al-Qaeda members and providing the ports and air force bases for their operation. Additionally, Pakistan deployed more than 120,000 of its troops to the Afghan border, significant numbers of whom – over 1200 – have been killed. Consequently, it lost billions of dollars worth economic infrastructure. Above all, Pakistan has been able to ban and shut down a large number of sectarian and militant organisations, introduce anti-terror laws, freeze bank accounts of terror organizations and introduced Madrassa reforms. Pakistan has suffered miserably. Today, Pakistan's tribal regions, bordering Afghanistan, which are an important base for the re-grouping of the Taliban, are major challenges for the coalition's forces as well as the government of Pakistan. A turbulent Afghanistan and

¹⁶ Richard Bonney, paper presented at Royal United Services Institute (RUSI), (25 September 2008)

¹⁷ Ibid

the Taliban's ideological and cultural base camp Federally Administered Tribal Areas (FATA) have become a threat to the political stability of Pakistan. FATA is governed through non-political system of Political Agents (PAs) under Frontier Crimes Regulation (FCR). With influx of Taliban and foreign fighters, the writ of the government gradually withered away. Resultantly, this war escalated from Al-Qaeda (combatant) to Taliban and Pushtun (non-combatants) since indiscriminate bombing targeted both categories without realizing the future implications. In the aftermath of Soviet withdrawal from Afghanistan, US left this war trodden country in lurch, the network of Jihadis intact and disengaged from Afghanistan. This network politically associated with various warlords in Afghanistan, brought devastation for almost a decade till emergence of Taliban, so called a stabilizing force with obscurantist and medieval mindset. The Afghan society wary of perpetual conflict found a better alternate in the form of Taliban, not by choice but by compulsion. International community could have gradually transformed and empowered the Taliban Administration through constructive engagement and consequently brought security and stability and introduced political reform. After all, even a wild animal is treated with empathy and tact in the west. In case of Taliban, who reduced the crime rate to the negligible proportion and managed to curtail poppy cultivation to the lowest ebb in the history of modern Afghanistan, no concerted efforts were made toward social and political transformation of their leadership. It is this failure, which has germinated seeds of mistrust and confidence deficit between Taliban and the West. This vacuum was intelligently exploited by Al Qaeda, and Osama Bin Laden, who by then, developed differences with certain US policy makers, once his benefactors, and embarked on anti-US tirade while capitalizing on this emotionally charged human capital. These are the people who are at loggerhead viz-a-viz Coalition forces engaged in Afghanistan and being abetted by their sympathisers settled in FATA. The US' indiscriminate strikes inside Pakistan on one hand further fuels the anti-Americanism among even the peace loving populace inside FATA, while on the other hands discredits Government and Armed Forces for kow-towing with US policy of unilateral pre-emption. It may be argued that militancy has heightened in Pakistan after two incidents; the US missile attack on a Bajaur Madrassa in October 2006, which left 80 students and teachers dead; and the Lal Masjid operation led by Pakistan's military on 10 July 2007.¹⁸ In response to these incidents, militants got united and managed to destabilise Musharraf's regime in Pakistan by mobilizing even the neutral society through intelligently crafted propaganda which later resulted in his ouster.

However, the present democratic regime in Pakistan also seems to be failing to grapple with the unsettled tribal areas. The US intervention in the tribal regions of Pakistan and its military strikes, particularly the ground action in Angoor Ada, has

¹⁸ Nasim Zara, "Anatomy of FATA conflict", The News, (17 September 2008).

provoked anti-Americanism deeply inside Pakistan. These incursions have proved rather counter-productive and earned discredit to the US world-wide. The incident occurred at a time, when Pakistani government managed to galvanize local tribes to help government in neutralization and expulsion of foreign fighters. Consequent to government's persuasion, Salarzai tribe retaliated in vengeance and expelled thousands of miscreants successfully and burning hundreds of the houses to the ashes. Pakistani security forces launched a large scale offensive in Bajaur, and successfully neutralized, one time stronghold of Takfiris (a group with extreme position on Islamic concepts), albeit after suffering huge losses. The operation resulted into massive displacement wherein more than 300,000 people conducted migration toward settled areas. Unfortunately, neither Pakistani Government, nor international / local NGOs could deliver adequate assistance in managing and transforming this huge chunk of populace, which is still vulnerable to fall in the hands of certain extremist militant organizations / groups. There is need to separate the local population from the Taliban who are intermingled with them.¹⁹ The US leadership is blaming Pakistan for doing not enough to eliminate Taliban in its tribal regions and their infiltration in Afghanistan.²⁰ Contrary to this, it is not that easy for Pakistan to handle its unsettled long Western border where Pashtun and Taliban are deeply embedded for long time. 'No Pakistan government can expect to stay in power for long if its commitment to that effort in Afghanistan is at the price of destabilising Pakistan itself.'²¹ The US government needs to understand that its policy is a failure in Afghanistan and it will not succeed without the help of Pakistan. Francesc Vendrell, the departing EU envoy to Afghanistan, stated, "We are not destined to fail but we are far from succeeding".²² He added: "I do leave with a sense of regret that we have made so many mistakes ... we have got to do a hell of a lot to make things right".²³ Apparently, the hell of a lot of mistakes has left little chance to win the war by peaceful means. The paper addresses a few policy options which both Pakistan and the US administration need to bring higher up their agenda if they aim to win this war.

How can this war be won?

The US government has been able to topple the Taliban regime, arrest large numbers of Al-Qaeda suspects, eradicate their training camps, detain suspects and wipe out logistical support behind such operations but has still failed to eliminate the Taliban and reconstruct Afghanistan. The American failure in Afghanistan, its inability to secure power sharing agreements at the centre (where the Pushtun have been completely neglected and who would have cooperated with the present regime in

¹⁹ Ibid

²⁰ Dr. Ishtiaq Ahmad, "Why NATO Mission in Afghanistan is Failing?", Journal, IPRI, Volume VIII, No. 1 (Winter 2008), p.62

²¹ Richrad Bonney, paper presented at RUSI , p. 5

²² Cyril Almeida, "Three Strikes & he's out?", Dawn, (17 September 2008).

²³ Ibid

Afghanistan), air strikes initiated by NATO forces on civilians and the diversion of the US forces to Iraq – these blunders have left Afghanistan in a perilous state and have transformed the unlawful war as well as giving Pakistan a far-reaching predicament. There is urgent need to take useful measures to prevent civilian deaths, the displacement of human lives, frustration and economic damage. The study addresses the following options at this juncture:

The Border Issue

The present ground realities are deeply embedded in historic deep-rooted complexities around the border region of Pakistan and Afghanistan. In the name of war on terror, historic conflict has been overwhelmed by the outsiders in the tribal regions. Targeting civilians in search of terrorists will not reduce militancy; instead the Durand Line dispute, the historic conflict between Pakistan and Afghanistan needs to be addressed. This border delineation took place on 12 November 1893 between Sir Henry Mortimer Durand, then foreign secretary in British India, and Amir Abdul Rahman, the king of Afghanistan.²⁴ The Afghan government maintains that the agreement, separating British India from Afghanistan along what is known as the Durand Line, was valid only for 100 years and expired in 1993.²⁵ However, no official document exists stating that the agreement is invalid after a hundred years (i.e. since 1993).²⁶ There is need to resolve the 2,400 km long Pak-Afghan border to discourage terrorist activity and promote peace. The Pashtun tribes are embedded around the border regions of Pakistan (Baluchistan, NWFP and FATA) and Afghanistan (Nuristan Northeast to Nimruz in the southwest), which are the victims of insurgencies. Pakistan's southwest Baluchistan and Helmand province in Afghanistan are the most difficult and remotest areas. The terrain in this region is better understood by the Taliban than the Coalition forces in the International Security Assistant Force (ISAF). The Taliban infiltration can only be tackled completely if this troubled border is completely settled and recognised as an international border. Bruce Riedel, former senior Central Intelligence Agency (CIA) official and a national security advisor to President Clinton stated,

No Afghan government has ever accepted this border. We have some leverage in Afghanistan now with the Kabul government. And we ought to think about whether we should use that leverage to make this borderline drawn by the foreign secretary of British

²⁴ Afghanistan-Pakistan: Focus on bilateral border dispute, IRIN, <http://www.irinnews.org/report.aspx?reportid=20801>

²⁵ *ibid*

²⁶ Pak-Afghan Relations (2005-07), IPRI FACTFILE, Vol. IX, No. 2, (February 2007), p. 5

India in 1893 into a real border. That would be in Pakistan's interest I think in the long term it is in everyone's interest.²⁷

The global community and particularly the US need to introduce measures to settle this dispute for the sake of world peace and to eradicate and stop the Taliban's manoeuvres from Afghanistan to Pakistan. That is how both the states can strengthen law and order within their own territories, which is in the interest of the international coalition if it wishes to win this war. Pakistan must introduce political parties act inside FATA, and subsequently fence the border to contain informal movement across the border, if at all, stakeholders are serious in settling the issue.

Welcome negotiations to prevent military actions

The US needs to adopt a smarter policy based on a diplomatic and cooperation-based approach instead of taking unilateral military action. Negotiation is the more viable approach to win the war against terrorism in the region. Thus far, US military strategy has not worked after seven long years of war. Pragmatically, the US needs to pull its forces out of the region and empower the governments of Afghanistan and Pakistan to defeat the terrorism once for all. Militants cannot be defeated by forcing them to accept dictated political terms; instead the policy of winning their hearts and minds through a well-orchestrated strategy is a solution. Pakistan's strategy was to sign peace pacts with the Utmanzai tribe in North Waziristan in 2006 in which they promised not to cross the Afghanistan border or attack Pakistan's security forces. There is a need to sign such pacts with all the other tribes. This would be a viable approach to isolate Taliban in its search for support within the FATA region. Musharraf's suggested multi-pronged strategy of social amelioration, political dialogue, economic development and selective use of force is a comprehensive panacea to overcome the existing dilapidation.

The present democratic regime in Pakistan also needs to bring the FATA region under direct democratic control instead of leaving the military with the sole responsibility. Local political agents can play a pivotal role in helping to separate the tribes from the Taliban. By striking the bordering region of Pakistan, the US is fuelling this war, spreading antagonism and animosity inside the Pakistani community and creating a powerful urge for vengeance and hatred within tribal society. The coalition forces must bear in mind that war against the Taliban and their affiliation with Al-Qaeda can be won only through a two-pronged strategy which includes the pursuit of dialogue with moderate Taliban elements by the democratically elected representatives of the people of Pakistan and Afghanistan.

²⁷ Masood Haider, "Call for resolving Durand Line issue", Dawn Newspaper, September 15, 2008 available on <http://www.dawn.com/2008/09/15/top17.htm>

Democracy is not the only solution

Both the US administration and the present regime in Pakistan need to understand that democracy is not the only means to eradicate the Taliban from tribal regions. The US needs to consider complementing military aid to Pakistan with more economic and humanitarian assistance. Ensure financial support for tribal regions' failing public education system and job-creating development assistance would do more to wean the large youth population in Pakistan and Afghanistan away from extremism than any amount of diplomatic pressure or the threat of military force. Furthermore, 'the US should assist Pakistan in establishing a National Counterinsurgency Academy and National Police Academy. Above all, there is need to introduce political reform in a FATA for the emergence of secular political parties to represent Pashtuns.'²⁸ US must immediately initiate ROZs development plan in FATA and capacity building of Frontier Corps. US built her image during reconstruction / rehabilitation by extending all out supports in the aftermath of Earthquake 2005, but soon lost by conducting indiscriminate strikes. It needs to be rebuilt, sooner the better. Otherwise, certain regional and extra regional players can en-cash the opportunity to the detriment of sustainable peace and stability in Afghanistan. There is also an utmost need to develop and reconstruct eastern and southeastern areas of Afghanistan and to eradicate unemployment and frustration from the both sides of the Durand - land. Both Pakistan and Afghanistan along with the coalition forces need to eradicate drug trafficking which is the main source of finance for the Taliban. Afghanistan must impose a more effective ban on growing opium crops, seizing opium shipments, and compensating farmers, in order to stabilize the region.

Relations between Afghanistan and Pakistan

Only the normalization of relations between Pakistan and Afghanistan can bring about stability and peace within the two states and help to eliminate insurgency across the border. Both Afghanistan and Pakistan need to welcome the Jirga process along-side the border to eradicate terrorism by mutual dialogue. The Afghan government claimed that insurgents are regrouping in Pakistan's territory and they launch attacks inside Afghanistan which President Musharraf's government denied.²⁹ Both states, instead of making allegations against the other, need to improve cooperation. The US needs to address the Afghan-Pakistan dispute to strengthen their relations which is in its own as well as the best interest of the entire region. A US official stated that "we continue to encourage the Pakistani and Afghan leaders to review all their options for meeting such a challenge to coordinate their efforts and secure the safety of civilians in the border area".³⁰ The Pakistan government needs to understand that its best

²⁸ Richard Bonney, Paper presented at RUSI, p. 6

²⁹ IPRI FACTFILE, p. 26

³⁰ IPRI FACTFILE, p. 52

security guarantee lies in a stable Afghanistan and good relations with the Karzai regime.

The Indian role in Afghanistan

Other regional and extra regional states such as Russia, India, Iran, Saudi Arabia and some of the Central Asian states are actively involved in Pak-Afghan issues. India in particular is playing a negative role inside Afghanistan along the Pakistan border by establishing its very strong intelligence network. Presumably, Pakistan is increasingly concerned at the Indian role in Afghanistan. Gregory R. Copley maintains that “now India is mounting active operations from Afghanistan to disrupt Pakistan’s security”.³¹ He further stated:

“Afghanistan was not facing problems which were coming from Pakistan rather as the US intelligence community is well aware, this is a problem which is exacerbated not only by the *Taliban* alliance with the so called *Al-Qaeda* movement, moving into Pakistan from Afghanistan, but also because of covert support by the Indian Government and its intelligence services...for the *Jihadist* movements”.³²

Gregory goes further saying that:

“the Indian Government has created a string of ‘consulates’ along the Afghan side of the Pakistan border, largely as intelligence collection facilities, and the large number of Indian intelligence officials were working closely with Afghan intelligence officials. This has caused the Pakistan Government some concern; given that the US has facilitated the Indian Intelligence build up against Pakistan...while the Pakistan army and Government have been working with the US in the area”.³³

More so, New Delhi and Kabul have introduced a defence pact allowing India to deploy around 150, 000 of its troops to Afghanistan by the end of next year.³⁴ Indeed, the India has availed an opportunity to deprive Pakistan from its Western border. Indian maneuvers along Pakistan’s western border will not only harm Pak-Afghan relations but also coalition interests and their alliance with Pakistan in the War against

³¹ Gregory R. Copley, “Pakistan: a Pivotal State at a Critical Time”, Paper presented at RUSI, (24 September 2008)

³² Ibid

³³ Ibid

³⁴ K. Naqshbandi, “Strategic Depth concept vindicated”, DAWN, (5 October 2008).

Terrorism. However, the international bodies like UNO should play a role to sideline all regional and extra regional states from Afghanistan-Pakistan disputes.

Conclusion

The US War on Terror has changed the global order. George W. Bush claimed that 11 September, changed the world but it was the American reaction to 11 September that changed the world.³⁵ Additionally, this war has heightened tensions between the Islamic world and the West. Moral issues have been sacrificed to self-righteousness. The US initiated this war because it had the power to invade and dismantle a state but not to rebuild and stabilise it. There are 26 NATO and 14 non NATO countries contributing troops to ISAF with each participating state's rules of engagement at variance with the others. The US and its allies will not be able to meet their agreed objectives under such complex and differing rules of engagement. To eliminate the terrorist networks of Al-Qaeda, their leadership and to dismantle terrorists' financial sources which remain intact, requires a different strategy. Strategies applied to this elusive war need to be reframed by the US and Pakistan because of the risk that the Taliban has greater staying power than the Coalition forces. As one Taliban leader has claimed the "Taliban are able to fight for 15 or 20 years against NATO and the Americans".³⁶ Though no one has claimed responsibility so far for the attack on the Marriott Hotel on 20 September, the attack is obviously a message to the government to deter from implementing the US diktat and to cease military operations in FATA.³⁷ It is a message which the new Pakistan government will need to resist. "Pakistan needs to strike a balance and fight terrorism that is and has been its own war for a while."³⁸

Above all, terrorist networks are scattered all over the world, and cannot be countered by waging wars or invading territories. The best way to counter terrorism is to strengthen homeland security. Instead of pouring billions of dollars outside, the US must introduce measures to ensure that none can operate inside its borders. The US failed strategy in counter terrorism has introduced long lasting challenges for years to come.

³⁵ Richard Bonney, "False Prophets", p. 4

³⁶ Richard Bonney, Paper presented at RUSI, p.4

³⁷ Feyral Leghari, 'Upping the ante: the Islamabad attack and al Qaeda involvement', Gulf Research Centre (22 Sept. 2008).

³⁸ Ibid.