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# Intervention or Invasion: Legal Perspectives on US and NATO in Afghanistan

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## ABSTRACT

*This article critically examines, from the perspective of Articles 51 and 42 of the UN Charter, the legal frameworks underlying the U.S. invasion of Afghanistan and NATO's humanitarian intervention. It reviews the justification for the US-led invasion in reaction to the 9/11 attacks as an act of self-defense that appraises NATO's ensuing involvement under UNSC resolutions and the prevailing parameters of international law. The study delves into the origins of the 20-year conflict, with a focus on the tragedy of September 11 as the catalyst for the prolonged war. In particular, this analysis examines the complicated process of foreign troops drawdown, highlighting the impact of the Doha Agreement and the extended timeline set by the United States, which have exacerbated Afghanistan's economic and political upheavals. This analysis aims to illustrate the complex relationship between international law and geopolitical dynamics, with a particular focus on the legal and humanitarian dimensions of military intervention.*

**Keywords:** US, NATO, Invasion, UN Charter, Afghanistan.

## I. INTRODUCTION

A twenty-year conflict between the United States and Afghanistan was sparked by the horrific attacks of September 11, 2001, which were punctuated by disastrous acts on U.S. territory that claimed many lives and caused widespread destruction. While it was never definitively confirmed that the attackers were of Afghan origin or that the Afghan government supported their mission, the CIA claimed that Afghanistan played a role by harboring and aiding the attackers.<sup>2</sup> Afghanistan vehemently denied these allegations, expressed solidarity with the United States, and condemned the horrific acts that claimed thousands of lives. In response to these attacks, President Bush decisively authorized the invasion of Afghanistan on October 7, 2001.<sup>3</sup>

In addition, NATO joined forces with U.S. forces under the supervision of the Security Council

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<sup>2</sup> Steve Coll, *Ghost Wars: The Secret History of the CIA, Afghanistan and Bin Laden from the Soviet Invasion to September 10, 2001*, 371 (The Penguin Press 2004).

<sup>3</sup> Hook S. W. & Spanier J., *Amerikan Dış Politikası: İkinci Dünya Savaşı'ndan Günümüze* 294, Ö. Zihnioğlu (tr), İnkılâp Yayınları 2013.

to combat terrorism, uphold human rights, support the Afghan people, and uphold international humanitarian laws in Afghanistan. In a symbolic gesture, the U.S. and NATO asked the Taliban to provide safe passage for their troops to withdraw from Afghanistan in exchange for a ceasefire, marking the end of two decades of conflict. Over time, the U.S. and NATO have shifted their perception of the Taliban from adversary to potential partner, raising questions about the rationale behind their evolving stance since 2001.<sup>4</sup> Therefore, it is imperative to examine the root causes of this dynamic and the legitimacy of their extensive arguments in order to propose meaningful solutions to the longstanding disputes involving the U.S., NATO, and Afghanistan. While the U.S. asserts its right to defend itself against threats or aggression, its legal justification under the UN and Security Council frameworks lacks definitive consensus.<sup>5</sup>

In reality, the longest war in American history ended when all international forces returned to their respective countries, but Afghanistan remains largely unchanged, with widespread destruction of infrastructure and significant loss of life. Despite trillions of dollars in costs and civilian casualties, the mission has failed to achieve the goals originally set in 2001.<sup>6</sup> It should be strongly emphasized that the Doha Agreement, signed between the Taliban and the United States in Qatar on February 29, 2020, effectively nullified all previous bilateral arrangements for cooperation that the United States and NATO had entered into with the previous Afghan government.<sup>7</sup> Unfortunately, the implementation of the Doha Declaration faced significant challenges due to conflicting claims from both sides. The Taliban claimed that the United States had violated several conditions, such as the post-agreement ceasefire and the imposition of sanctions on Afghanistan after the Taliban's return to power.<sup>8</sup> The US accused the Taliban of violating the terms of the Doha Agreement by failing to form an inclusive government, consolidating power, and preventing international recognition of Afghanistan.<sup>9</sup>

This paper will attempt to answer the following questions: What legal grounds supported U.S. self-defense and NATO intervention in Afghanistan following the September 11 attacks? Were these actions consistent with international law, particularly the UN Charter and the principles

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<sup>4</sup> Zuhail Karakoç-Dora, *The US-led "War on Terror" in Afghanistan: 2001-2021*, 10 MANAS J. Soc. Stud. 172, 180 (2021).

<sup>5</sup> Thomas McDonnell, *The United States, International Law and the Struggle Against Terrorism* 263 (Routledge 2009).

<sup>6</sup> Karakoç-Dora, *supra* note 3, at 179.

<sup>7</sup> *Id.*, at 179.

<sup>8</sup> Ayaz Gul, *Taliban Urge US to Review New Sanctions, Calling Them Hurdle in Furthering Ties*, VOICE OF AMERICA (Oct. 12, 2022, 1:48 PM), <https://www.voanews.com/a/taliban-urge-us-to-review-new-sanctions-calling-them-hurdle-in-furthering-ties/6786934.html>.

<sup>9</sup> Bateman Kate, *A Year After the Taliban Takeover: What's Next for the U.S. in Afghanistan?*, UNITED STATES INSTITUTE OF PEACE (Aug. 11, 2022), <https://www.usip.org/publications/2022/08/year-after-taliban-takeover-whats-next-us-afghanistan>.

governing armed conflict? What were the main challenges the U.S. faced in defending itself against non-state actors in Afghanistan? Finally, has the U.S. achieved its objectives in the 20-year engagement that began with the invasion of Afghanistan in 2001?

## II. THE 9/11 INCIDENT: A DAY THAT CHANGED THE WORLD

On September 11, 2001, 3,000 Americans lost their lives in a tragedy of historic proportions. Nineteen assailants carried out a series of coordinated attacks by seizing four American jetliners in an attempt to cause wide-scale destruction in the United States. The perpetrators managed to crash two of the planes into the World Trade Center in New York City, while a third hit the Pentagon in Washington, D.C. The fourth plane was scuttled in Pennsylvania, inflicting serious loss of life and extensively damaging the buildings. This event is still a pivotal moment in the history of the United States and a profound change in the geopolitics of the world.<sup>10</sup>

There is no doubt that the September 11 attacks had a profound global impact and served as a precursor to the anticipated conflict between Afghanistan and the United States. Then-President Bush claimed that the assassinations were planned by al-Qaida leader Osama bin Laden, based in Afghanistan and an exile since the 1980s.<sup>11</sup> However, evidence was insufficient to definitively link the attacks to Afghanistan or directly implicate Osama. No party has formally claimed responsibility for the attacks, in accordance with U.S. allegations. The identity of the perpetrators and their motives for such acts are shrouded in mystery, despite claims and video evidence which seemed to support the accusations.

According to the CNN report, Osama bin Laden, the leader of al-Qaeda, allegedly denied his role in the attacks and stated that the Afghan government had granted him political asylum under certain conditions that prohibited him from using Afghan soil to threaten the United States or any other country. Bin Laden claimed that by remaining in Afghanistan solely as a refugee, he had complied with these conditions and fulfilled his obligations.<sup>12</sup> On October 29, 2004, Osama bin Laden commented on the 1982 war between Israel and Lebanon and praised the 19 individuals who took part in the attacks of September 11, 2001. He also stated that the United States should experience the suffering they caused by not harming their women and children.<sup>13</sup>

In accordance with legal norms, every individual has the right to defend himself in a court of law and is presumed innocent until proven guilty beyond a reasonable doubt. Therefore, there

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<sup>10</sup> National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report* 285 (2004).

<sup>11</sup> Anne Stenersen, *Al-Qaida in Afghanistan* 13 (1st ed. 2017).

<sup>12</sup> *Bin Laden Says He Wasn't Behind Attacks*, CNN (Sept. 17, 2001, 11:21 AM), <https://edition.cnn.com/2001/US/09/16/inv.binladen.denial/>.

<sup>13</sup> *Full Transcript of Bin Laden's Speech*, Al Jazeera (Nov. 1, 2004), <https://www.aljazeera.com/news/2004/11/1/full-transcript-of-bin-ladins-speech>.

is insufficient evidence to support the claim that Osama bin Laden was responsible for the 2001 attacks. Afghanistan reportedly had no information about the operations conducted in the United States, even if the U.S. allegation of his involvement is true. CIA Director Grenier confirmed that he held numerous discussions with senior Taliban leaders, including second-ranking Osmani, regarding handing over Osama bin Laden to the United States. He believed that a number of Taliban leaders were willing to facilitate his removal from Afghanistan because they were unhappy with his presence and were unable to control his activities.<sup>14</sup>

The September attacks were widely condemned by the UN and its member states, with the Security Council adopting a resolution expressing solidarity with the victims and reaffirming its commitment to the global fight against terrorism.<sup>15</sup> The government of Afghanistan, however, strongly condemned the alleged attack and expressed its condolences to the United States. Abdulsalam Zaif, Afghanistan's envoy to Pakistan, said Afghanistan deeply regrets the tragic incident and hopes that those responsible will be brought to justice.<sup>16</sup> Bush, however, maintained that Afghanistan was the origin of the September attacks and that bin Laden had used Afghan territory to stage operations against the United States. Simultaneously, Afghanistan was embroiled in civil war, with only 95% of its territory under centralized control which greatly affected its stability.<sup>17</sup>

It is important to note that the events of September 11 were not sudden; almost two months earlier, American authorities had expressed concern to Abdulsalam Zaef that the CIA had warned of an imminent serious threat from Afghanistan to the United States. The Afghan government was urged to prevent Osama from carrying out an attack on the United States, since he had been identified. Zaef went on to say that he had communicated with the central government and delivered a message from Afghanistan to the U.S. ambassador in Islamabad. In this communication, Afghan leader Mullah Omer assured U.S. authorities that Afghanistan harbored no intention of threatening the U.S. and expressed a desire to cooperate diplomatically based on shared global interests.<sup>18</sup>

The United States decided to focus its campaign against al-Qaeda in Afghanistan, despite Afghanistan's shunning and condemnation of the 9/11 acts, which sparked the invasion. Consequently, former U.S. President George W. Bush declared a war on terrorism and called

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<sup>14</sup> Robert L. Grenier, *88 Days to Kandahar: A CIA Diary* 55-69 (Simon & Schuster 2015).

<sup>15</sup> United Nations Security Council, Resolution 1368 (2001), U.N. Doc. S/RES/1368 (Sept. 12, 2001).

<sup>16</sup> *Taliban Diplomat Condemns Attacks*, CNN (Sept. 12, 2001, 12:18 PM), <http://edition.cnn.com/2001/WORLD/asiapcf/central/09/11/afghan.taliban/>.

<sup>17</sup> *Who Are the Taliban?*, BBC (Aug. 12, 2022), <https://www.bbc.com/news/world-south-asia-11451718>.

<sup>18</sup> Abdul Salam Zaef, *My Life with the Taliban* 138 (Alex Strick van Linschoten & Felix Kuehn trans., Columbia Univ. Press 2016).

for global support for the U.S. or risk being branded as a supporter of terrorism themselves.<sup>19</sup>

Having declared war, the international community faced a significant dilemma, unsure how to navigate maintaining neutrality during the U.S.-Afghanistan conflict. Each nation felt pressure to protect its strategic interests while avoiding antagonism. The September attacks were not the first conflict between the U.S. and Afghanistan. However, both countries were already in a complex situation before these events unfolded. In 1998, under President Bill Clinton, the United States launched air strikes against Afghanistan in retaliation for the bombings of the U.S. embassies in Tanzania and Kenya, exercising its right to self-defense under Article 51 of the United Nations Charter.<sup>20</sup>

### III. EXAMINING THE 2001 US MILITARY INTERVENTION IN AFGHANISTAN

Zaef, a former Afghan envoy to Pakistan who was considered the most credible figure to represent Afghanistan in negotiations with the U.S., claims that the U.S.-Afghan conflict over Osama bin Laden predates the September 11<sup>th</sup> attacks. He notes that representatives of the United Nations, the United States, and Saudi Arabia had all previously demanded that Afghanistan hand over bin Laden to the United States. Subsequently, after the attacks of September 11, 2001, the United States stepped up its demands that bin Laden be held accountable for his crimes.<sup>21</sup>

In a 2013 television debate in India on the U.S.-Afghan conflict, former C.I.A. director and former Afghan envoy to Pakistan Abdul Salam Zaef took part in a discussion that focused largely on the conflict between the Taliban, which has been a major source of tension between the two sides. Zaef explained that Afghanistan asked the United States to broker a peaceful resolution to the conflict between the two states. However, the United States insisted on its earlier demand for the handover of the al-Qaeda leader; if Afghanistan refused, the US warned that it would launch a military strike to capture him.<sup>22</sup>

Afghanistan proposed three options to the United States and urged the United States to choose the one that would best serve its interests. First, the US had to provide convincing proof that Osama bin Laden was the real mastermind behind the attacks. If proven guilty, the Afghan judiciary could handle the case under Islamic law. Second, if the U.S. did not want a trial in

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<sup>19</sup> *Global War on Terror*, George W. Bush Library (Oct. 17, 2001), <https://www.georgewbushlibrary.gov/research/topic-guides/global-war-terror>.

<sup>20</sup> Frederic L. Kirgis, *Cruise Missile Strikes in Afghanistan and Sudan*, 3(11) Am. Soc'y of Int'l L. Insights (Aug. 18, 1998), <https://www.asil.org/insights/volume/3/issue/11/cruise-missile-strikes-afghanistan-and-sudan>.

<sup>21</sup> Zaef, *Supra* note 17, at 134.

<sup>22</sup> Think2013: *Mullah Zaef and Robert Grenier*, Tehelka TV (Dec. 6, 2013), [https://www.youtube.com/watch?v=wGHyK\\_E5EOg..](https://www.youtube.com/watch?v=wGHyK_E5EOg..)

Afghanistan, a separate tribunal could be set up in a third Islamic country to which bin Laden could be sent to answer the charges and, if found guilty, be held accountable. Third, if neither option was acceptable, Afghanistan was willing to restrict bin Laden's movements, forbid him from any military or political activity, and force him to live as an isolated refugee.<sup>23</sup>

Regrettably, America's response was rejection of all these proposals. We pleaded with them to reconsider, to spare Afghanistan from attacking, and offered to help expel Osama. However, the U.S. authorities declared that the opportunity for negotiation was over and that they were preparing for an attack on Afghanistan because of critical concerns that had not been resolved.<sup>24</sup>

Meanwhile, Afghanistan sought diplomatic resolution, yet America refused further negotiations with Afghanistan.<sup>25</sup> Nevertheless, the U.S. insisted on using its military might to overthrow the Afghan government and install a regime that would be entirely subservient to its demands.<sup>26</sup> Following several failed rounds of negotiations, in which both sides failed to reach a political settlement, the U.S. invoked Article 51 of the U.N. Charter, claiming the right to defend itself, to overthrow the Afghan government, and to arrest Osama bin Laden. U.S. military aggression against Afghanistan began on October 7, 2001, with the cooperation of allies such as Australia, France, Canada, Germany, and the United Kingdom.<sup>27</sup>

#### IV. LEGAL CONSTRAINTS: PROHIBITIONS ON FORCE IN THE UN CHARTER

Force plays a central role in conflicts between opposing parties and is therefore a fundamental aspect of contemporary international law. Following the end of the Second World War in 1945, the global community sought to prevent future conflicts and to create a peaceful world in which states can live together without danger to each other. Thus, the United Nations, with the primary goals of preventing wars, resolving conflicts, and promoting global security and peace, was established as the preeminent global organization. Robust legal frameworks were seen as essential to govern the world effectively and to avoid resorting to violence whenever possible. Consequently, all UN members unanimously ratified the UN Charter, which serves as the cornerstone of international law governing interstate relations and peaceful conflict resolution.

When the UN Charter was ratified by all member nations, the primary focus shifted to maintaining global peace and security, particularly by prohibiting aggressive acts that could

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<sup>23</sup> Zaeef, *Supra* note 17, at 135.

<sup>24</sup> Tehelkatv *supra* note 21.

<sup>25</sup> Luke Harding & Rory McCarthy, *Bush Rejects Bin Laden Deal*, *The Guardian* (Sept. 21, 2001), <https://www.theguardian.com/world/2001/sep/21/afghanistan.september1111>.

<sup>26</sup> *US President Rejects Taliban Offer on Bin Laden*, *Associated Press* (Oct. 14, 2001), <https://www.youtube.com/watch?v=XvNb4qETXyY>.

<sup>27</sup> *Bush Announces Opening of Attacks*, *CNN* (Oct. 7, 2001), <https://edition.cnn.com/2001/US/10/07/ret.attack.bush/>.

lead to war. These encompass interfering in the inner affairs of other nations, threats to territorial sovereignty, and actions that undermine harmony and stability. Member states also pledged to refrain from the use of force to achieve the fundamental purposes of the UN Charter. According to UN Charter, force can only be used when peace and security are threatened by escalation of violence. The GA established explicit guidelines and mechanisms for managing and mitigating conflicts. In addition, extensive measures to preserve world peace and maintain international order have been adopted by both the General Assembly and the Security Council.

In alignment with the core principles of the United Nations Charter, any actions that threaten the sovereignty, political independence, or territorial integrity of any state are regarded as acts of aggression.<sup>28</sup> In this context, Article 2 (3) of the UN Charter prohibits the use of force and urges all member states to resolve their disputes peacefully, without jeopardizing global security and stability.<sup>29</sup> Article 2.(4) of UN Charter states that no state shall use or threaten to use force against the territorial integrity or political independence of any state, or in any manner inconsistent with the purposes of the Charter.<sup>30</sup>

The International Criminal Court further clarified the notion of aggressive acts by stating that it includes all activities related to the planning, preparation, and execution of acts intended to seize power, use force, and interfere in the internal affairs of another state.<sup>31</sup> Essentially, the UN Charter and its resolutions strictly prohibit aggressive acts leading to war and emphasize the need to avoid all confrontational crimes. It also prohibits violating a state's airspace, maritime borders, or territorial integrity, or providing military or political support to armed groups threatening another state's security and stability. In modern international law, the limitation of the use of force is considered a jus cogens norm, which all members of UN have an obligation to respect.

The UN Charter does not prohibit the use of force but regulates the use of force with the aim of achieving the basic goals of the UN Charter and preventing future conflicts that could threaten global stability and peace. Member States are expected to use peaceful means to settle their disputes and to avoid resorting to force. The UN Charter confers certain rights on nations, including the right to defend themselves under Art. 51, and permits sanctions or collective action under Art. 39, 41, and 42 in response to acts of aggression or breaches of sovereign territory.

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<sup>28</sup> U.N. Gen. Assembly Res. 3314 (Dec. 14, 1974).

<sup>29</sup> Charter of the United Nations art. 2, 1–5, June 26, 1945

<sup>30</sup> *Id.*

<sup>31</sup> Rome Statute of the International Criminal Court art. 8, July 17, 1998.



A state must meet certain basic objectives when exercising its right of self-defense or engaging in collective action. The primary aims of employing force are to prevent warfare, uphold security and stability, and address and resolve existing conflicts. Legitimate uses of force are based on two key principles: Jus ad Bellum and Jus in Bello. Jus ad Bellum refers to the criteria that must be met before a state can legitimately declare war, ensuring that such actions are conducted according to the established Charter. Jus in Bello, conversely, pertains to the regulation of warfare as defined by international humanitarian law (IHL). This principle dictates the methods and means of waging war, including which tactics and weapons are permitted or forbidden.<sup>32</sup>

Both criterias are fundamental to justifying the use of force, and all parties involved in a dispute must pursue a political resolution in full adherence to the UN Charter. The use of force is permissible only when all other methods of conflict resolution have been exhausted and the objective of the use of force should be the restoration of peace, not the pursuit of revenge. Hostilities must be conducted in accordance with the basic principles of international humanitarian law (IHL) as set forth in the Geneva Conventions and their Additional Protocols. The principles of proportionate force and respect for the laws of war must guide the conduct of all actors, which must carefully differentiate between protected and legitimate targets.<sup>33</sup>

In contrast, any use of force in violation of the provisions of the UN Charter, particularly Articles 2, 39, 41, 42, and 51, is an illegitimate use of force and a violation of the universal norms of international humanitarian law (IHL). The U.S.-Afghanistan conflict is an example of how the U.S. has asserted its right to defend itself against Afghanistan without seeking political solutions consistent with the UN Charter.<sup>34</sup>

In sum, the United States and its Western allies have relied on "Just War" principles to rationalize their involvement in Afghanistan and their military actions during the war on terror. This approach explores how these justifications might have influenced the strategic deployment of force by the U.S. and NATO that considers the potential impact on the effectiveness of their interventions as well as the broader consequences of their actions.<sup>35</sup>

## V. EVALUATING US SELF-DEFENSE MEASURES IN THE AFGHAN CONFLICT

In 2001, the United States and its allies began attacking Afghanistan without seeking either

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<sup>32</sup> Demet Şefika Mangır, *Uluslararası Antlaşmalar Hukukunda Jus Cogens Normlar ve Kuvvet Kullanımı*, in Murat Saraçlı (ed.), *Uluslararası Hukukta Güncel Sorun Alanları* 36 (Bing Bang 2012).

<sup>33</sup> Ruchi Anand, *Self-Defense in International Relations* 51 (Palgrave Macmillan 2015).

<sup>34</sup> Id., at 19.

<sup>35</sup> Leoni Connah, *US Intervention in Afghanistan: Justifying the Unjustifiable?*, 41 S. ASIA RES. 70 (2021).

explicit or implicit authorization from the Security Council. Their goal was to substantiate the claim that Afghanistan was complicit in or a sponsor of the attacks of September 11, 2001. However, the U.S. could not present convincing arguments to justify self-defense against Afghanistan or to induce the Security Council to authorize military action under Article 51 or a use of collective force. As a corollary, the U.S. attack egregiously violated both the UN Charter and existing international law.

According to the charter, every member state inherently possesses the right to self-defense and the use of force, if their sovereignty is threatened or their safety is at risk.<sup>36</sup> The attacked state must inform the Security Council to legitimize its defensive actions or seek collective force. Article 39 of the Charter directs the Security Council to assess acts of aggression against the victimized State and to take such actions as may be necessary to meet the threat effectively.<sup>37</sup>

If the measures required by Article 39 are not sufficient, Article 41 mandates that the signatory states must enforce the resolution of the Security Council against the offending state through the imposition of financial or political restrictions.<sup>38</sup> Article 42 requires member states to resort to collective military action as a last resort to maintain international peace, if the sanctions outlined in Article 41 do not suffice.<sup>39</sup> NATO, seen as the enforcing arm of the Security Council, can take collective military action if needed, carrying out missions as directed by the Council.

Article 51 of the Charter reaffirms the core right to defend oneself, asserting that a member state has the right to defend itself both collectively and individually in the event of an attack. However, it is crucial to understand that Article 51 requires a state to obtain formal authorization from the Security Council before exercising this right.<sup>40</sup>

By way of clarification, the use of force is necessary in certain situations under Articles 42 and 51 of the Charter. The primary objective is to neutralize threats to peace and security and compel the aggressor to cease hostilities and seek diplomatic settlement. There are two types of self-defense: pre-emptive self-defense and preventive self-defense. Pre-emptive self-defense allows a state to act when it perceives an imminent threat, while preventive self-defense is the deterrence of potential future threats. Once an armed attack is over, however, the right to continue fighting ceases. Legal experts argue that if pre-emptive self-defense is allowed to continue unchecked, it could evolve into preventive self-defense, which would create

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<sup>36</sup> Charter of the United Nations art. 51 (June 26, 1945).

<sup>37</sup> *Id.*, art 39.

<sup>38</sup> *Id.*, art 41.

<sup>39</sup> *Id.*, art 42.

<sup>40</sup> UN Charter, *supra* note 36.

increasingly complex problems with the norms of self-defense.<sup>41</sup>

Article 51 limits both collective and individual rights to self-defense and requires all members to obtain official authorization from the Security Council before exercising these rights. Nevertheless, the United States circumvented this protocol in Afghanistan by failing to seek or obtain Security Council authorization. Consequently, the U.S. invasion lacked any formal or implicit sanction from the Security Council resolutions.

Despite the seriousness of the events, the Security Council passed two resolutions expressing sympathy for the victims and calling for an international war on terror. Neither of these resolutions called for military action; instead, they prohibited any further attacks and called for a collective effort to combat terrorism. The second resolution was adopted on September 28, following the first resolution, which was adopted unanimously two days after September 11. UNSCR 1368 and UNSCR 1373 condemn the violence and demand that every precaution be taken to prevent future attacks.

Both of these resolutions are explicit and unambiguous in denying the United States the right to defend or use force against Afghanistan. Unfortunately, the U.S. has been violating key principles of the Charter, compromising the territorial sovereignty and political integrity of Afghanistan, violating the Geneva Conventions, and causing substantial civilian casualty over the past 20 years.<sup>42</sup>

Essentially, the U.S. invasion of Afghanistan was neither a preventive nor a pre-emptive measure. Prevention requires instant, continuous action and avoiding violence where possible, and that's not what happened here. Pre-emptive strikes are prohibited by the Charter and do not have a legal basis because of the complexity of the situation. There was no compelling reason to use force to prevent future aggression because the September attack had already taken place. Yet the U.S. launched its invasion a mere 27 days after the September incident took place. The U.S. and NATO military attacks on Afghanistan were deemed illegal since no UN Charter authorized such force, and it was argued that they acted out of provocation in the war against terror and neglecting peaceful alternatives. Critics contended that Article 51 of the UN Charter mandates Security Council authorization prior to a state's invocation of self-defense. They also argued that NATO's involvement in Afghanistan exacerbated violence, resulted in civilian casualties, and tarnished NATO's global reputation.<sup>43</sup>

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<sup>41</sup> Ruchi, *supra* note 32, at 84.

<sup>42</sup> Ryan T. Williams, *Dangerous Precedent: America's Illegal War in Afghanistan*, 33 U. Pa. J. Int'l L. 8 (2012).

<sup>43</sup> Faramarz Shirvani & Dr. Hedayatullah Shenasaee, *The Legality of Intervention of NATO in Afghanistan*, 5(3) Int'l J. Soc. Sci. & Hum. Rsch. 87 (2017).

To sum up the U.S. claim of self-defense was more about retaliation than a legitimate act of prevention or pre-emption.<sup>44</sup> The U.S. invasion of Afghanistan was a violation of the U.N. Charter, a challenge to the authority of the Security Council, and a flagrant disregard for basic principles of international law and humanitarian norms.<sup>45</sup> Moreover, the U.S. couldn't link Afghanistan to the mastermind behind these attacks. If it's believed that the attacks came from Afghanistan, why did the US wait so long to launch a preventive strike under the pretext of defending itself? In reality, although the Security Council passed resolutions expressing sympathy for the victims, the lack of concrete evidence led the UN to withhold support for the invasion.

Nevertheless, the core principles of international humanitarian law-such as proportionality, distinction, necessity, and other rules governing the conduct of hostilities have been completely ignored. Over the past two decades, the true nature of the U.S. commitment to the rule of law and humanitarian values has been revealed by the frequent use of banned weapons of mass destruction, such as the Mother of All Bombs (MOAB), and violations of prisoner of war laws.<sup>46</sup>

## VI. SELF-DEFENSE IN THE CONTEXT OF NON-STATE ACTORS' THREATS

The UN Charter outlines how force can be used against a state to defend against aggression or to address threats to peace and security. Nevertheless, the legality of the deployment of force against non-state actors continues to be debated by experts. Scholars have identified three main scenarios where using force against non-state actors might be justified. Unlike the first group, which strictly opposes such action, the second group supports it, while the third group allows for force in self-defense under specific conditions against non-state entities.<sup>47</sup>

In a limited sense, force can only be used if the defending state is directly attacked by the aggressor. Defensive action against non-state entities is not permitted; states wishing to take such action must first obtain permission from the host state where the militant group is based. In order to respond effectively to the militant group or its sponsor, the victim state must seek the consent of the territorial state and may inform the Security Council of the threat; otherwise, it may be seen as acting against the host state rather than in defense.<sup>48</sup> Here, Professor Tadli argues that any legitimate use of armed force against any non-state actor must first be authorized

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<sup>44</sup> Ryan T, *supra* note 41, at 13.

<sup>45</sup> Rabia Khan, *Was the NATO Invasion of Afghanistan Legal?*, E-International Relations (Nov. 6, 2013), <https://www.e-ir.info/2013/11/06/was-the-nato-invasion-of-afghanistan-legal/>.

<sup>46</sup> *Afghanistan/US, 'Mother of All Bombs'*, International Committee of the Red Cross (Apr. 13, 2017), <https://casebook.icrc.org/case-study/afghanistanus-mother-all-bombs>.

<sup>47</sup> Monica Hakimi, *Defensive Force Against Non-State Actors: The State of Play*, 91 Int'l L. Stud. 7 (2015).

<sup>48</sup> *Id.*, at 4.

by the host state.<sup>49</sup> O'Connell agrees with Tadli and asserts that any action taken against a non-state actor without the consent of the territorial state will be considered an attack on that state.<sup>50</sup>

In the view of a second group of scholars, it is permissible to use force against non-state actors without the consent of the state, if three conditions are met: if the host state is supporting an ongoing conflict or providing sanctuary to the militant group, or if the armed group is located in an area not controlled by the central government.<sup>51</sup>

The third category of legal scholars limits the aforementioned standards and imposes more stringent conditions for the authorization of the use of force against non-state actors. If the threat is serious, the host nation should be given a chance to cooperate, but if the host nation fails to do so after being given the opportunity by the defender nation, the defender nation can take appropriate action.<sup>52</sup>

In resolving the complex issue of the use of force against non-state actors, we must note that all jurists favor a negotiated solution without the use of force. However, if diplomacy fails, force may be used with host state support, but only to eliminate the threat, not to remain or occupy the country for geopolitical interests.

In the case of the United States, the use of defensive force against a non-state actor is a violation of the principles of international law. According to reports, the United States blamed al-Qaida for the September attacks and took defensive action against the network without Afghanistan's consent. The U.S. continued to overthrow the Afghan government and remain in the country for nearly two decades to pursue its strategic and military objectives, even though the alleged perpetrator was killed in Pakistan on May 2, 2011.<sup>53</sup> It is crucial to emphasize that while the United States' primary target was ultimately eliminated in Pakistan, Afghanistan was blamed for the September attacks, resulting in a 20-year occupation. If the intended goal was to eliminate the leader of al-Qaeda, why did the U.S. remain in Afghanistan for two decades, especially when that goal was achieved ten years before the US withdrawal from Afghanistan? If the real target was Osama bin Laden, the logical focus should have been in Pakistan, where he was eventually found and killed, rather than continuing a prolonged conflict in Afghanistan. Unfortunately, the U.S. decided to invade Afghanistan and maintain a presence there until

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<sup>49</sup> Dire Tladi, *The Nonconsenting Innocent State: The Problem with Bethlehem's Principle 12*, 107 Am. J. Int'l L. 571 (2013).

<sup>50</sup> Mary Ellen O'Connell, *Dangerous Departures*, 107 AM. J. INT'L L. 383 (2013).

<sup>51</sup> Theresa Reinold, *State Weakness, Irregular Warfare, and the Right to Self-Defense Post-9/11*, 105 Am. J. Int'l L. 244 (2011).

<sup>52</sup> Hakimi, *supra* note 44 at 16.

<sup>53</sup> *Osama Bin Laden Dead*, White House (May 2, 2011), <https://obamawhitehouse.archives.gov/blog/2011/05/02/osama-bin-laden-dead>.

August 31, 2021.<sup>54</sup>

## VII. ASSESSING NATO'S INTERVENTION IN AFGHANISTAN

NATO, or the North Atlantic Treaty Organization, is the world's largest and most powerful military alliance operating under the auspices of the United Nations. On April 4, 1949, members of the United Nations agreed on the North Atlantic Treaty for the purpose of maintaining peace and stability and promoting negotiated settlements instead of war. Since then, twenty-nine nations have endorsed the NATO treaty and committed themselves to fulfilling their responsibilities within the framework of the treaty.<sup>55</sup>

The main objectives of the pact were to address global security issues through the prevention and counteraction of any provocative actions that could endanger peace and security. Consequently, the fifth article of the treaty requires all members to defend one another if any member is attacked. The members have the right to defend themselves against any threat, and an attack on one member is considered to be an attack on all members.<sup>56</sup> It's important to recognize that NATO supports the United Nations Security Council in the implementation of its resolutions and in dealing with threats to global stability and peace. All NATO military operations that have taken place in various countries around the world, including Afghanistan, have been approved by the Security Council.

The main task of NATO is to support the decisions taken by the Security Council, in the area of law, where it uses its authority to preserve peace. In accordance with Article 42, the Security Council has the authority to call upon all member states for the deployment of armed forces in reaction to any breach of the peace. Consequently, NATO members are expected to indicate that they wish to make their forces available to respond. The article stipulates that NATO cannot act without the authorization of the Security Council and that at the end of the operation, the Security Council will order all the parties involved to withdraw their troops from the country concerned. However, if there are any agreements that have been made with the host country, they have to be honored.

NATO's command structure has two main components, each with different situational decision-making authority. The North Atlantic Council, led by the Secretary-General, serves as the highest authority, with each member state holding one vote within this governing body. The

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<sup>54</sup> Amanda Macias, U.S. Ends 20-Year War in Afghanistan with Final Evacuation Flights Out of Kabul, CNBC (Aug. 30, 2021), <https://www.cnbc.com/2021/08/30/afghanistan-update-last-us-troops-leave-kabul-ending-evacuation.html>.

<sup>55</sup> North Atlantic Treaty Organization (NATO), North Atlantic Treaty, art. 1 (1949).

<sup>56</sup> *Id.* art. 5.

Council has the power to take any military or diplomatic action that is necessary for the achievement of its objectives. Conversely, the development of strategy and tactics for international functional areas is the responsibility of the Armed Committee. The head of both bodies will be a civilian from the European Union, to be elected by the NATO member states.<sup>57</sup>

Although NATO did not participate in the initial U.S. attack on Afghanistan, some coalition forces supported the U.S. military operations. The Security Council recognized that human rights violations were taking place, that the situation was worsening, and that disasters and massacres were possible. Consequently, in order to prevent tragedies, maintain peace, and address the critical situation, the Security Council urged Member States to prepare to deploy their armed forces to Afghanistan.

On November 14, 2001, the Security Council passed a resolution establishing a Transitional Administration in Afghanistan. It urged all member states to support the new government financially and politically.<sup>58</sup> The international community remained engaged in convening the Bonn Conference as well as the formation of the new Afghan administration. On December 5, a newly elected government based on the Bonn Agreement was announced and Hamid Karzai sworn in to lead it for six months.<sup>59</sup>

As the U.S. and its allies battled the Taliban, concerns about the safety of residents and protected groups escalated. Afghanistan was at a critical juncture and lacked a national government to oversee the conflict and establish peace and security. On December 20, the Security Council approved a new resolution authorizing the deployment of ISAF forces to support the newly established provisional administration.<sup>60</sup>

ISAF's primary objective was to aid Afghanistan in the areas of security and stability, counterterrorism, enforcement of international humanitarian law, and protection of human rights. Initially, ISAF was mandated to last only six months beyond NATO's oversight, but it was extended several times until 2003.<sup>61</sup> It is important to note that the ISAF force consisted of 5,500 troops from 21 different countries under the leadership of the United Kingdom, the United States, Turkey, and the Netherlands for an extended period. In 2003, with the adoption of Resolution No. 1510, control was transferred to NATO, which expanded its mission from Kabul

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<sup>57</sup> Stephen M. Saideman & David P. Auerswald, *NATO in Afghanistan: Fighting Together, Fighting Alone* 120 (Princeton Univ. Press 2014).

<sup>58</sup> U.N. Security Council Res. 1378, U.N. Doc. S/RES/1378 (Nov. 14, 2001).

<sup>59</sup> U.N. Security Council Res. 1378, U.N. Doc. S/RES/1378 (Nov. 14, 2001).

<sup>60</sup> *Id.*, 1386.

<sup>61</sup> Michael V. Schleicher, *NATO in Afghanistan: A Political Military Alliance at War*, 2 NAT'L DEF. UNIV. 90, 22 (2008).

and the Bagram military airport to include the entire country that continued until the end of 2014.<sup>62</sup> It's important to note that Operation Enduring Freedom, a separate U.S. mission, and ISAF operated concurrently. By late 2014, the Bilateral Security Agreement and Resolute Support Mission took over these roles, and they were expected to continue until the end of 2024.<sup>63</sup>

## **VIII. DECISIVE MANDATES: THE EFFECTIVENESS OF SECURITY COUNCIL RESOLUTIONS**

The Security Council stands as the most powerful entity within the United Nations, holding substantial legal, executive, and legislative authority. However, its power is circumscribed by specific limitations and exceptions detailed in Chapter VII of the UN Charter. As a pivotal force in shaping international policies and decisions of Member States, the Security Council exerts exceptional influence. It is tasked with either encouraging adversaries to resolve conflicts through peaceful methods or, when necessary, authorizing the use of force against those who threaten international peace and security.<sup>64</sup>

There are five permanent members of the Security Council: the United States, the United Kingdom, the Russian Federation, France, and China, established under Chapter V of the UN Charter. It shall also include ten non-permanent members, who shall be elected by the General Assembly and hold office for a term of two years. The veto power of the Permanent Representatives gives them considerable power, and any action taken by them to implement regulations or to deal with problems is final and may not be contested by any other state.<sup>65</sup>

The decisions taken by the Security Council are binding on all states, which have agreed to these obligations through their acceptance of the Charter. These decisions may not be disregarded by any member. Article 25 requires all parties to accept and support the decisions of the Security Council and to implement them in accordance with the provisions of the Charter. These resolutions, which may involve the use of force or coercion, may sometimes require the support of military or political branches.<sup>66</sup>

The adoption of resolutions on all matters within its competence is the primary responsibility of the Security Council. The Council does not usually introduce new rules but has created its

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<sup>62</sup> Arif Bağbaşıoğlu, NATO'nun Afganistan Müdahalesi'ni Yeniden Düşünmek, 148 *Türkiye Günlüğü* 87 (2021).

<sup>63</sup> *NATO and Afghanistan*, NATO (Aug. 31, 2022), [https://www.nato.int/cps/en/natohq/topics\\_8189.htm](https://www.nato.int/cps/en/natohq/topics_8189.htm).

<sup>64</sup> Devon Whittle, *The Limits of Legality and the United Nations Security Council: Applying the Extra-Legal Measures Model to Chapter VII Action*, 26 *Eur. J. Int'l L.* 671 (2015).

<sup>65</sup> Charter *supra* note 28, art. 23.

<sup>66</sup> *Id.*, art. 25.



own guidelines and norms. Instead, it may implement, suspend, or reaffirm existing ones as the need arises. However, Article 103 states that the Security Council has the authority to impose limitations when deemed necessary in different circumstances.<sup>67</sup>

Scholars disagree on the legal authority of Security Council Resolutions, some arguing that these are binding on all Member States, while others argue that these are not binding. In the interest of clarifying the binding nature of these resolutions, let us examine the perspectives of several experts on this issue.

Sir Castles argues that all decisions made under Chapter VII of the Charter are legally binding and must be accepted by all parties as if they were lawful orders issued by national courts. On the other hand, decisions of other international bodies, taken on the basis of treaties, are not considered legally binding and can be set aside at the behest of any party. Consequently, decisions taken according to Security Council Resolutions take precedence and are recognized as official legal orders.<sup>68</sup>

Attorney Wood, on the other hand, argues that not all resolutions need to conform to legal standards. He argues that their legal status is different from that of treaties and that resolutions do not have the same legal authority as judgments, legislative acts or quasi-judicial decisions. Wood explains that UN resolutions fall into two categories-ones dealing with domestic matters and other dealing with external matters. External resolutions have both mandatory and optional types. Therefore, not every decision is equally binding on all members. Only binding resolutions have the authority to impose penalties or responsibilities on members or nonmembers, or to affirm the right of third parties to defend themselves or use force.<sup>69</sup>

Discussing the legal implications of Security Council resolutions, the two experts found that such resolutions generally lack legal force for Member States. Many resolutions are merely recommendations or relate to the internal workings of the Security Council and are not binding, despite the fact that Article 25 of the UN Charter obliges Member States to comply with the decisions of the Security Council. The only resolutions that have legal force and are enforceable are those adopted under Chapter VII of the UN Charter, which relate to measures for the maintenance or restoration of international peace and security. Obligations under international law, including the use of force for the maintenance of peace and the settlement of disputes, remain separate and apply independently of the more general resolutions of the Security

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<sup>67</sup> Michael C. Wood, *The Interpretation of Security Council Resolutions*, 2(1) Max Planck Y.B. U.N. L. Online 78 (1998).

<sup>68</sup> Alex C. Castles, *Legal Status of UN Resolution 5*, 7 *Adelaide L. Rev.* 71 (1967).

<sup>69</sup> Wood, *supra* note 66, at, 79.

Council.

Significant contrasts in the approach to international resolutions are evident in the situation involving the United States, NATO, and Afghanistan. The U.S. overthrew the Afghan government in the exercise of its right of pre-emptive self-defense, but in defiance of two binding Security Council resolutions that required compliance. NATO entered Afghanistan at the behest of the Security Council on December 2001 under the terms of UNSCR 1386. The NATO intervention, known as the International Security Assistance Force, complied with the mandate of the Security Council and continued through 2014.

It is crucial to clarify that NATO's withdrawal from Afghanistan was not a decision made by the Security Council. Instead, NATO, heavily influenced by direct and immediate pressure from the United States, responded primarily to serve American vested agendas. This change came to light with the scrutiny of the ostensibly humanitarian NATO intervention in Afghanistan in 2001, which revealed that US strategic interests were the prime motive behind the mission. When the United States decided to withdraw its troops from Afghanistan, NATO was quick to follow suit, underscoring the fact that its mission was closely tied to American priorities.

## **IX. EXIT STRATEGY: THE US AND NATO'S WITHDRAWAL FROM AFGHANISTAN**

It is crucial to recognize that at the outset of the U.S. invasion of Afghanistan, the timing and nature of the withdrawal of coalition forces, particularly the International Security Assistance Force (ISAF), was an unsettled issue. Indeed, former Afghan President Hamid Karzai failed to foresee the future and expressed uncertainty regarding when U.S. forces would eventually withdraw from Afghanistan. Nevertheless, the ISAF mission was initially set to last six months, but the Security Council, led by NATO, decided to extend it until 2014. The prolongation suggests that the U.S. has an ulterior motive in its involvement in Afghanistan.<sup>70</sup> In this regard, various Status of Forces Arrangements (SOFAs) were concluded with the previous Afghan government, the United States and NATO to ensure the presence of international military forces and civilian personnel in Afghanistan. Importantly, by ratifying these agreements, each party has demonstrated its commitment to meet its obligations and to promote and protect its mutual interests. The primary purpose of these SOFAs is to provide foreign civilian and military personnel with privileges and immunities from host nation jurisdiction. It can be argued that NATO and the United States have a number of SOFAs in place with international parties in

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<sup>70</sup> *US Eyeing to Set-Up Permanent Bases in Afghanistan: Karzai*, Tolonews (Sept. 21, 2013), <https://tolonews.com/afghanistan/us-eyeing-set-permanent-bases-afghanistan-karzai>.

order to achieve their common strategic objectives.<sup>71</sup>

The U.S. and Afghanistan entered into mutual arrangements for the exchange of formal declarations, and within these arrangements the U.S. and NATO established their respective facilities in Afghanistan. In turn, the formal statements made by the Security Council approved the NATO agreements, allowing NATO to fulfill its mandate and enjoy the privileges granted by the former Afghan government. In essence, the ISAF-Afghanistan Military Technical Agreement was the original Status of Forces Agreement (SOFA), which was subsequently replaced by the Resolute Support Mission on January 1, 2015, with a completion date of 2024.<sup>72</sup> Unlike ISAF and RSM agreements, all U.S. Status of Forces Agreements (SOFAs) between the two countries have been unilaterally imposed on Afghanistan. The first SOFA, called Operation Enduring Freedom, was later transformed into a Bilateral Security Agreement in 2015 and presumed to be ended on Dec. 31, 2024.<sup>73</sup>

As mentioned above, the U.S. strategy over the past twenty years has been ambiguous regarding the withdrawal of its troops from Afghanistan due to its twofold policy of securing its strategic interests in the region. This dual strategy has successfully addressed two complex challenges by securing the US's long-term presence in Afghanistan through a series of agreements, while at the same time pursuing peace negotiations with the Taliban. Consequently, in 2013, the US opened a Taliban political office in Doha, inaugurated by Qatari authorities and later shuttered over Karzai's opposition.<sup>74</sup>

First, Obama initiated the Doha negotiations that were so fraught with difficulties that they took more than nine years before they were concluded. Upon taking office, President Trump initially sought to use military pressure to deter his adversary, but this approach proved ineffective. President Trump then reversed his strategy and restarted the peace negotiations in July 2018, appointing Zalmay Khalilzad, an American of Afghan descent, as his envoy to promote a peaceful settlement of the Afghan conflict.<sup>75</sup> Consequently, despite eleven rounds of face-to-face negotiations, the United States could not convince the Taliban to accept its presence in Afghanistan. Therefore, the US had no choice but to withdraw their forces from Afghanistan to secure their goals. However, on February 29, 2020, the parties agreed to resolve the issue by

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<sup>71</sup> R. Chuck Mason, *Status of Forces Agreement (SOFA): What Is It, and How Has It Been Utilized?*, Congressional Research Service, 2012, at 7.

<sup>72</sup> UN Security Council Res. 2189, U.N. Doc. S/RES/2189 (Dec. 5, 2014).

<sup>73</sup> Bilateral Security Agreement Between Afghanistan and the United States (2014).

<sup>74</sup> *Afghan President Karzai to Boycott Talks with Taliban*, BBC (June 18, 2013), <https://www.bbc.com/news/world-asia-22973111>.

<sup>75</sup> *Ex-Ambassador Khalilzad to Become U.S. Adviser on Afghanistan*, REUTERS (Sept. 5, 2018), <https://www.reuters.com/article/us-usa-afghanistan-idUSKCN1LK2RC>.

signing a formal bilateral agreement between the Islamic Emirate of Afghanistan and the United States of America.<sup>76</sup>

The signing ceremony of the peace agreement was attended by a representative of the UN and various members of the world community. The deal calls for the withdrawal of all foreign military forces from Afghanistan by May 1, 2021, and demands that all parties honor the deal's obligations to ensure its success.<sup>77</sup> Subsequently, the agreement to cease hostilities and restore peace to the country was endorsed by the Security Council, with all 15 members voting in favor. In addition, they urged both Ashraf Ghani and the Taliban to work together to advance intra-Afghan negotiations with the goal of establishing a representative administration that would be acceptable to all of Afghanistan's stakeholders.<sup>78</sup> Meanwhile, President Biden continued the policy stance established during the Trump administration, reaffirming his devotion to the Doha agreement upon taking office. However, he has not been faithful to the original deadline for withdrawal from the agreement, with an extension of the deadline until August 31, 2021.<sup>79</sup>

The Doha agreement posed a challenge to NATO's continued presence in Afghanistan, although several NATO members, including Germany, have extended their contracts until 2022.<sup>80</sup> In response, there has been a decision that the NATO summit will be in Brussels on June 14, 2021. The Summit was designed to review previous decisions and set an accelerated timetable for withdrawing troops. The NATO ambassadors present at the conference reaffirmed their willingness to work with the United States without delay to end the 20-year conflict. They expressed their obligation to proceed together and to return together.<sup>81</sup> Eventually, the following timeline was completed, and on August 31, 2021, all international forces withdrew from Afghanistan and returned to their respective countries.<sup>82</sup>

Consistent with the realist theory that states are the primary actors in international politics, international organizations such as the United Nations and NATO are often seen as prioritizing Western interests. Realists argue that these organizations have no independent role and operate

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<sup>76</sup> Shereena Qazi, *Afghanistan's Taliban, US Sign Agreement Aimed at Ending War*, Al Jazeera (Feb. 29, 2020), <https://www.aljazeera.com/news/2020/2/29/afghanistans-taliban-us-sign-agreement-aimed-at-ending-war>.

<sup>77</sup> Agreement for Bringing Peace to Afghanistan Between the Islamic Emirate of Afghanistan and the United States (2020).

<sup>78</sup> S.C. Res. 2513, U.N. SCOR, 75th Sess., U.N. Doc. S/RES/2513 (2020).

<sup>79</sup> Helene Cooper & Eric Schmitt, *Stay or Go? Biden, Long a Critic of Afghan Deployments, Faces a Deadline*, N.Y. Times (Apr. 14, 2021), <https://www.nytimes.com/2021/02/16/us/politics/biden-afghanistan-troop-withdrawal-taliban.html>.

<sup>80</sup> *Germany Extends Military Mission in Afghanistan into 2022*, Reuters (Mar. 25, 2021), <https://www.reuters.com/article/us-afghanistan-germany-defence-idUSKBN2BH34J>.

<sup>81</sup> NATO, Brussels Summit, NATO (June 14, 2021), [https://www.nato.int/cps/en/natohq/news\\_185000.htm](https://www.nato.int/cps/en/natohq/news_185000.htm).

<sup>82</sup> CNBC, supra note 52.

under the influence of powerful nations.<sup>83</sup> In the instances of both the League of Nations and the United Nations, the influence of powerful nations significantly affects their operations, thereby constraining the autonomy of these organizations.<sup>84</sup> An example of this lack of independence is NATO, which is primarily driven by the interests of its member states, especially the United States. This has been evident in the US and NATO's involvement in Afghanistan, where the US has acted in its own interests without the complete approval of the UN Security Council. The realist perspective emphasizes the great power's significant influence in shaping the actions of international organizations, thus highlighting the inherent limitations of their independence.<sup>85</sup>

Consequently, the U.S. and NATO strategy of reducing their presence in Afghanistan has failed to gain the Security Council's endorsement for issuing any conclusive resolutions. Having invaded Afghanistan without prior Security Council authorization, the United States' subsequent evacuation was equally unauthorized. However, NATO had no choice but to withdraw from the country because its mandate was the security of the United States, and with the departure of the United States, NATO's presence in Afghanistan could no longer be expected to continue.

In summary, the pertinent critique is that both the U.S. military response and subsequent withdrawal were conducted without proper authorization and in violation of United Nations guidelines. Despite having entered into several Status of Forces Agreements (SOFA) with the previous Afghan government, the U.S. reneged on all of these agreements after experiencing operational setbacks and ultimately abandoned Afghanistan. This suggests that despite two decades of conflict and significant casualties, the 20-year U.S. commitment to fighting terrorism has resulted in no substantial improvement in Afghanistan, only numerous fatalities and human rights infringements.

## **X. REPERCUSSIONS OF VIOLATIONS OF THE DOHA ACCORD**

According to the Doha Accord, both parties have pledged to fulfill their corresponding obligations, with the anticipation that the U.S. will recognize the new Afghan government as a neutral entity upon its departure from Afghanistan. Thus, the agreement stipulates that the United Nations and other nations should establish diplomatic interactions with the new Afghan

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<sup>83</sup> Stephen McGlinchey, "International Relations," in *International Relations Theory*, ed. Rosie Waters and Christian Scheinplflug, E-International Relations, 2023, at 55.

<sup>84</sup> *Id.*

<sup>85</sup> NATO's Engagement in Afghanistan, 2003-2021: A Planner's Perspective, NATO (June 20, 2023), <https://www.nato.int/docu/review/articles/2023/06/20/nato-s-engagement-in-afghanistan-2003-2021-a-planners-perspective/>.

government. Meanwhile, the Taliban have pledged to fulfill their responsibilities as the legitimate representative of the country by refraining from using Afghan territory to launch attacks against the United States and its allies. In addition, they must address internal conflicts through the initiation of intra-Afghan dialogue and the establishment of an inclusive government that is broadly representative of Afghanistan's ethnic groups.<sup>86</sup>

Unfortunately, the U.S. reneged on its commitment by not releasing the 5,000 Taliban fighters who were a prerequisite for the start of intra-Afghan negotiations, even though the U.S. agreed to the terms of the peace agreement.<sup>87</sup> The Inter-Afghan Dialogue, which was supposed to begin in early March 2020 with an exchange of prisoners to advance a political settlement, has been postponed until September 2020 due to the strong opposition of Ashraf Ghani.<sup>88</sup> Clearly, the U.S. was the first to violate the peace accord, even though they had previously committed themselves to abiding by the basic principles necessary to ensure stability and security in Afghanistan. Subsequently, on September 12, 2020, the intra-Afghan negotiations were launched with the aim of establishing a new transitional government through a negotiated settlement of the country's internal conflicts.<sup>89</sup> Ashraf Ghani, however, proposed the development of an entirely new strategy of reconciliation that could potentially help him to retain his presidency, rather than to move forward with the Doha Accord.<sup>90</sup> The Taliban firmly rejected Ghani's proposal in favor of a consensus in line with the terms of the Doha agreement.<sup>91</sup>

The Doha deal that Donald Trump struck with the Taliban on February 29, 2020, was ratified by Joe Biden when he assumed the US presidency in 2021.<sup>92</sup> Joe Biden pushed for a delay in the withdrawal of foreign troops from May 1, 2021 to August 31, 2021.<sup>93</sup> The Taliban have repeatedly called on Biden to honor his commitments and withdraw all American troops, as

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<sup>86</sup> Doha supra note 76.

<sup>87</sup> Joe Walsh, *Trump Denies Releasing 5,000 Taliban Prisoners – But His Administration Negotiated for Their Release*, FORBES (Sept. 13, 2021), <https://www.forbes.com/sites/joewalsh/2021/09/13/trump-denies-releasing-5000-taliban-prisoners---but-his-administration-negotiated-for-their-release/?sh=2e5f9b30419b>.

<sup>88</sup> *Afghanistan Did Not Commit to Release 5,000 Taliban, Ghani Says*, Reuters (Mar. 1, 2020), <https://www.reuters.com/article/uk-usa-afghanistan-taliban-ghani-idUKKBN2001DD>.

<sup>89</sup> *Historic Afghan Talks Present ‘Major Opportunity’ for Peace: UN Secretary-General*, UN News (Sept. 10, 2020), <https://news.un.org/en/story/2020/09/1072222>.

<sup>90</sup> Thomas Gibbons-Neff, *Afghan Leader Digs In on Peace Talks Despite Progress, Officials Say*, New York Times (Nov. 29, 2020), <https://www.nytimes.com/2020/11/29/world/asia/afghanistan-taliban-peace-talks.html>.

<sup>91</sup> Sayed Salahuddin, *Taliban Rejects President Ghani's Offer to Shift Talks Venue from Doha to Kabul*, Arab News (Dec. 22, 2020), <https://www.arabnews.com/node/1780861/world>.

<sup>92</sup> *Remarks by President Biden on the Way Forward in Afghanistan*, White House (Apr. 14, 2021), <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/04/14/remarks-by-president-biden-on-the-way-forward-in-afghanistan/>

<sup>93</sup> Joey Garrison, *President Biden to Withdraw All U.S. Troops from Afghanistan by Sept. 11 Extending Trump's May 1 Deadline*, USA TODAY (Apr. 13, 2021), <https://www.usatoday.com/story/news/politics/2021/04/13/biden-withdraw-us-troops-afghanistan-sept-11-not-may-1/7205023002/>.

required by the Doha Reconciliation Pact; however, he has held firm to his position.<sup>94</sup> In this regard, the United States, which signed the peace agreement in Qatar, has committed another serious violation by extending the time limit.

Responding to the Taliban's claims, the U.S. has consistently accused them of failing to live up to their commitments to stop supporting terrorist groups and to form an inclusive government in Afghanistan. Both the United States and the United Nations have called on the Taliban to comply with their obligations under the Doha Agreement, to uphold human rights, and to support the education of girls in order to gain international recognition. Despite those objections, the US carried out a drone strike in Kabul, claiming that the strike killed Ayman Al-Zawahiri, the leader of al-Qaida. Responding to US concerns about girls' education, the Taliban have stressed that this is an internal Afghan matter. Since the beginning of the de facto administration, the Taliban has not taken an official stance against girls' education. Instead, they have consistently stated that plans are in place to open schools for girls and create an environment conducive to their education.<sup>95</sup> On the issue of harboring terrorists, the Taliban refuted the allegations, arguing that U.S. drones frequently encroach on Afghan territory and airspace, in contradiction to both the Doha Agreement and prevailing international norms.<sup>96</sup> The Taliban responded by claiming that the U.S. imposed a freeze on nearly \$10 billion in Afghan assets to put additional pressure on Afghanistan. Nevertheless, it has pressured the states on regional and international level not to recognize the legitimacy of the current Afghan government.<sup>97</sup>

## **XI. CONCLUSION**

In conclusion, the core principles of the UN Charter, particularly those relating to the legitimate use of force and self-defense, were grossly violated by the U.S. invasion of Afghanistan. The invasion's self-defense justification under Article 51 lacked the legitimacy of preventive or preemptive action and seemed more retaliatory than justified. In addition to causing widespread civilian casualty, US operations, characterized by banned weapons, drone strikes, and nighttime attacks, have wreaked havoc on Afghan infrastructure and society.

In 2001, diplomatic options were rejected in favor of military intervention, clearly disregarding

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<sup>94</sup> Shadi Khan Saif, *Taliban Urge Biden's Commitment to Afghan Peace Deal*, Anadolu Agency (Nov. 10, 2020), <https://www.aa.com.tr/en/asia-pacific/taliban-urge-bidens-commitment-to-afghan-peace-deal/2038927>.

<sup>95</sup> *The Case for Girls' Education: A Great Challenge for the Islamic Emirate*, Strategic and Regional Research Center, No. 396, at 7-8 (2022).

<sup>96</sup> Ali M. Latifi, *Taliban Still Struggling for International Recognition*, Al Jazeera (Sept. 7, 2021), <https://www.aljazeera.com/news/2021/10/7/taliban-afghanistan-international-recognition>.

<sup>97</sup> Ayaz Gul, *Taliban Say US Is 'Biggest Hurdle' to Diplomatic Recognition*, VOA (June 18, 2022), <https://www.voanews.com/a/taliban-say-us-is-biggest-hurdle-to-diplomatic-recognition/6623070.html>.

Article 2 of UN Charter which requires peaceful settlement of conflicts. The ISAF intervention, although authorized by the Security Council, also failed to comply with IHL, causing substantial harm to civilians and targeting protected facilities, raising concerns over compliance with the Geneva Conventions.

In addition, the withdrawal of NATO, which was largely the result of US decisions and lacked a broader international consensus, calls into question the legitimacy and efficacy of the intervention. US strategic objectives in Central Asia to establish an enduring geostrategic presence have not succeeded, resulting in a precipitous and controversial withdrawal from Afghanistan.

The failure of the U.S. to honor agreements with both former and current Afghan governments, combined with the freezing of Afghan assets, has exacerbated the humanitarian and economic crises and has had a profound impact on the lives of civilians. It also underscores the general neglect of the rights and needs of the population. In this way, the consequences of the US intervention in Afghanistan remind us of the limitations and ethical shortcomings of military strategy and underline the importance of diplomatic solutions and respecting international law.

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**XII. REFERENCES**

- Afghanistan/US, ‘Mother of All Bombs’, INT’L COMM. RED CROSS, Apr. 13, 2017, <https://casebook.icrc.org/case-study/afghanistanus-mother-all-bombs>.
- Aljazeera, ‘Full Transcript of Bin Laden’s Speech’ (Aljazeera, 1 Nov. 2001), <<https://www.aljazeera.com/news/2004/11/1/full-transcript-of-bin-ladins-speech>>.
- Ali M. Latifi, Taliban Still Struggling for International Recognition, ALJAZEERA, Sept. 7, 2021, <https://www.aljazeera.com/news/2021/10/7/taliban-afghanistan-international-recognition>.
- Associated Press, ‘US President rejects Taliban offer on bin Laden’ (Associated Press, 14 October 2001), <<https://www.youtube.com/watch?v=XvNb4qETXyY>> .
- Agreement for Bringing Peace to Afghanistan (2020), <<https://www.state.gov/wp-content/uploads/2020/02/Agreement-For-Bringing-Peace-to-Afghanistan-02.29.20.pdf>> .
- Alex C. Castles, ‘Legal Status of UN Resolution 5,’ *The Adelaide Law Review*, 1967 (7) 71-94.
- Ayaz Gul, Taliban Say US Is ‘Biggest Hurdle’ to Diplomatic Recognition, VOA, June 18, 2022, <https://www.voanews.com/a/taliban-say-us-is-biggest-hurdle-to-diplomatic-recognition/6623070.html>.
- Ayaz Gul, Taliban Urge US to Review New Sanctions, Calling Them Hurdle in Furthering Ties, VOA, Oct. 12, 2022, <https://www.voanews.com/a/taliban-urge-us-to-review-new-sanctions-calling-them-hurdle-in-furthering-ties/6786934.html>.
- A. Bağbaşıoğlu, ‘NATO’nun Afganistan Müdahalesi’ni Yeniden Düşünmek’ *Türkiye Günlüğü*, 2021 (148) 85-94.
- Amanda Macias, U.S. Ends 20-year War in Afghanistan with Final Evacuation Flights Out of Kabul, CNBC, Aug. 30, 2021, <https://www.cnn.com/2021/08/30/afghanistan-update-last-us-troops-leave-kabul-ending-evacuation.html>.
- ANNE STENERSEN, *AL-QAIDA IN AFGHANISTAN* (1st ed. 2017).
- A. RUCHI, *SELF-DEFENSE IN INTERNATIONAL RELATIONS* (Palgrave Macmillan 2015).
- BBC, ‘Who are the Taliban?’ (British Broadcasting Corporation, 12 August 2022), <<https://www.bbc.com/news/world-south-asia-11451718>> .

- BBC, 'Afghan President Karzai to boycott talks with Taliban' (British Broadcasting Corporation, 18 June 2013), <<https://www.bbc.com/news/world-asia-22973111>> .
- Bilateral Security Agreement (2014), <[https://www.academia.edu/44215906/Bilateral\\_Security\\_Agreement\\_between\\_Afghanistan\\_and\\_the\\_U\\_S\\_A\\_realistic\\_approach](https://www.academia.edu/44215906/Bilateral_Security_Agreement_between_Afghanistan_and_the_U_S_A_realistic_approach)> .
- Bin Laden Says He wasn't Behind Attacks, CNN, Sept. 17, 2001, <https://edition.cnn.com/2001/US/09/16/inv.binladen.denial/>.
- Bush Announces Opening of Attacks, CNN, Oct. 7, 2001, <https://edition.cnn.com/2001/US/10/07/ret.attack.bush/>.
- David P. Auerswald & S.M. Saideman, *NATO in Afghanistan: Fighting Together Fighting Alone* (Princeton University Press 2014).
- Devika Hovell, *The Limits of Legality and the United Nations Security Council: Applying the Extra-Legal Measures Model to Chapter VII Action*, 26 *EUR. J. INT'L L.* 671-98 (2015).
- Dire Tladi, *The Nonconsenting Innocent State: The Problem with Bethlehem's Principle 12*, 107 *AM. J. INT'L L.* 570-76 (2013).
- D. Ş. Mangır, *Uluslararası Antlaşmalar Hukukunda Jus Cogens Normlar ve Kuvvet Kullanımı*, in *ULUSLARARASI HUKUKTA GÜNCEL SORUN ALANLARI* (Murat Saraçlı ed., Bing Bang 2012).
- Frederic L. Kirgis, *Cruise Missile Strikes in Afghanistan and Sudan*, 3 *AM. SOC'Y INT'L L. INSIGHTS* 11 (1998), <https://www.asil.org/insights/volume/3/issue/11/cruise-missile-strikes-afghanistan-and-sudan>.
- *Global War on Terror*, GEORGE W. BUSH LIBRARY, Oct. 7, 2001, <https://www.georgewbushlibrary.gov/research/topic-guides/global-war-terror> .
- *Historic Afghan talks present 'major opportunity' for peace: UN Secretary-General*, UN NEWS, Sept. 10, 2020, <https://news.un.org/en/story/2020/09/1072222> .
- Helene Cooper & Eric Schmitt, *Stay or Go? Biden, Long a Critic of Afghan Deployments, Faces a Deadline*, N.Y. TIMES, Apr. 14, 2021, <https://www.nytimes.com/2021/02/16/us/politics/biden-afghanistan-troop-withdrawal-taliban.html>.
- Joey Garrison, *President Biden to Withdraw All U.S. Troops from Afghanistan by Sept. 11 Extending Trump's May 1 Deadline*, USA TODAY, Apr. 13, 2021, <https://www.usatoday.com/story/news/politics/2021/04/13/biden-withdraw-us-troops->

afghanistan-sept-11-not-may-1/7205023002/.

- Joseph Wash, Trump Denies Releasing 5,000 Taliban Prisoners – But His Administration Negotiated for Their Release, FORBES, Sept. 13, 2021, <https://www.forbes.com/sites/joewalsh/2021/09/13/trump-denies-releasing-5000-taliban-prisoners---but-his-administration-negotiated-for-their-release/?sh=2e5f9b30419b> .
- K. Bateman, ‘A Year after the Taliban Takeover: What’s Next for the U.S. in Afghanistan?’ (2022) United States Institute of Peace, <<https://www.usip.org/publications/2022/08/year-after-taliban-takeover-whats-next-us-afghanistan>> .
- Luke Harding & Rory McCarthy, Bush Rejects Bin Laden Deal, THE GUARDIAN, Sept. 21, 2001, <https://www.theguardian.com/world/2001/sep/21/afghanistan.september1111> .
- Mary Ellen O’Connell, Dangerous Departures, 107 AM. J. INT’L L. 380 (2013). Mir M. D. Miraki, Afghanistan Had Nothing to Do With 9/11, RENSE, Sept. 11, 2011, <https://rense.com/general94/afggj.htm> .
- Monica Hakimi, Defensive Force against Non-State Actors: The State of Play, 91 INT’L L. STUD. 1 (2015).
- McGlinchey, Stephen. “International Relations.” In *International Relations Theory*, edited by Rosie Waters and Christian Scheinpflug. E-International Relations.
- Michael C. Wood, The Interpretation of Security Council Resolutions, 2 MAX PLANCK Y.B. U.N. L. 73-95 (1998).
- Michael Phillips, Osama Bin Laden Dead, WHITE HOUSE, May 2, 2011, <https://obamawhitehouse.archives.gov/blog/2011/05/02/osama-bin-laden-dead> .
- Michael V. Schleicher, NATO in Afghanistan: A Political Military Alliance at War, 22 NAT’L DEF. UNIV. 90 (2008).
- NATO and Afghanistan, NATO, Aug. 31, 2022, [https://www.nato.int/cps/en/natohq/topics\\_8189.htm](https://www.nato.int/cps/en/natohq/topics_8189.htm) .
- NATO, Brussels Summit, NATO, June 14, 2021, [https://www.nato.int/cps/en/natohq/news\\_185000.htm](https://www.nato.int/cps/en/natohq/news_185000.htm) .
- Rabia Khan, Was the NATO Invasion of Afghanistan Legal?, E-INTERNATIONAL RELATIONS, Nov. 6, 2013, <https://www.e-ir.info/2013/11/06/was-the-nato-invasion-of-afghanistan-legal/> .
- ROBERT L. GRENIER, 88 DAYS TO KANDAHAR: A CIA DIARY (Simon & Schuster

2015).

- Rome Statute of the International Criminal Court, July 17, 1998, 2187 U.N.T.S. 90, <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>.
- R. CHUCK MASON, STATUS OF FORCES AGREEMENT (SOFA): WHAT IS IT, AND HOW HAS IT BEEN UTILIZED? (Cong. Research Serv. 2012).
- Ryan T. Williams, Dangerous Precedent: America's Illegal War in Afghanistan, 33 U. PA. J. INT'L L. 1-49 (2012).
- Richard Plummer & Mary Murphy, Ayman al-Zawahiri: Al-Qaeda Leader Killed in US Drone Strike, BBC, Aug. 2, 2022, <https://www.bbc.com/news/world-asia-62387167>.
- Reuters Staff, Ex-Ambassador Khalilzad to Become U.S. Adviser on Afghanistan, REUTERS, Sept. 5, 2018, <https://www.reuters.com/article/us-usa-afghanistan-idUSKCN1LK2RC>.
- Reuters Staff, Germany Extends Military Mission in Afghanistan into 2022, REUTERS, Mar. 25, 2021, <https://www.reuters.com/article/us-afghanistan-germany-defence-idUSKBN2BH34J>.
- Reuters Staff, Afghanistan Did Not Commit to Release 5,000 Taliban, Ghani Says, REUTERS, Mar. 1, 2020, <https://www.reuters.com/article/uk-usa-afghanistan-taliban-ghani-idUKKBN2001DD>.
- Remarks by President Biden on the Way Forward in Afghanistan, WHITEHOUSE, Apr. 14, 2021, <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/04/14/remarks-by-president-biden-on-the-way-forward-in-afghanistan/>.
- Strategic and Regional Research Center. The Case for Girls' Education: A Great Challenge for the Islamic Emirate, No. 396, at 1-12 (2022).
- Steve Coll, Ghost Wars: The Secret History of the CIA, Afghanistan, and Bin Laden, from the Soviet Invasion to September 10, 2001 (The Penguin Press 2004).
- STEVEN W. HOOK & JOHN SPANIER, AMERIKAN DIŞ POLİTİKASI: İKİNCİ DÜNYA SAVAŞI'NDAN GÜNÜMÜZE (Özlem Zihnioğlu trans., İnkılâp Yayınları 2013).
- Syed Qazi, Afghanistan's Taliban, US Sign Agreement Aimed at Ending War, ALJAZEERA, Feb. 29, 2020, <https://www.aljazeera.com/news/2020/2/29/afghanistans-taliban-us-sign-agreement-aimed-at-ending-war>.

- Syed Salahuddin, Taliban Rejects President Ghani's Offer to Shift Talks Venue from Doha to Kabul, ARAB NEWS, Dec. 22, 2020, <https://www.arabnews.com/node/1780861/world>.
- Shadi Saif, Taliban Urge Biden's Commitment to Afghan Peace Deal, ANADOLU AGENCY, Nov. 10, 2020, <https://www.aa.com.tr/en/asia-pacific/taliban-urge-bidens-commitment-to-afghan-peace-deal/2038927>.
- Taliban Diplomat Condemns Attacks, CNN, Sept. 12, 2001, <http://edition.cnn.com/2001/WORLD/asiapcf/central/09/11/afghan.taliban/>.
- Thomas Gibbons-Neff, Afghan Leader Digs In on Peace Talks Despite Progress, Officials Say, N.Y. TIMES, Nov. 29, 2020, <https://www.nytimes.com/2020/11/29/world/asia/afghanistan-taliban-peace-talks.html>.
- Thomas McDonnell, *The United States, International Law and The Struggle Against Terrorism* (Routledge 2009).
- Theresa Reinold, State Weakness, Irregular Warfare, and the Right to Self-Defense Post-9/11, 105 AM. J. INT'L L. 244 (2011).
- The 9/11 Commission Report, Final Report of The National Commission on Terrorist Attacks Upon The United States (Official Gov't ed. 2004).
- Tehelkatv, Think2013: Mullah Zaeef and Robert Grenier, YOUTUBE (Dec. 6, 2013), <https://www.youtube.com>.
- The North Atlantic Treaty (1949).
- US Eyeing to Set-Up Permanent Bases in Afghanistan: Karzai, TOLONNEWS, Sept. 21, 2013, <https://tolonews.com/afghanistan/us-eyeing-set-permanent-bases-afghanistan-karzai> (accessed Jan. 5, 2023).
- United Nations Charter (1945), <https://treaties.un.org/doc/publication/ctc/uncharter.pdf> (accessed Feb. 28, 2023).
- United Nations General Assembly Resolution 3314 (1974), <http://hrlibrary.umn.edu/instree/GAres3314.html> (accessed Feb. 28, 2023).
- United Nations Security Council Resolution 1368 (2001), <https://digitallibrary.un.org/record/448051?ln=en> (accessed Feb. 28, 2023).
- United Nations Security Council Resolution 1378 (2001), <https://digitallibrary.un.org/record/452431?ln=en> (accessed Feb. 28, 2023).

- United Nations Security Council Resolution 1383 (2001), <https://digitallibrary.un.org/record/454021?ln=en> (accessed Feb. 28, 2023).
- United Nations Security Council Resolution 2189 (2014), <https://digitallibrary.un.org/record/784885?ln=en> (accessed Feb. 28, 2023).
- United Nations Security Council Resolution 2513 (2020), <https://digitallibrary.un.org/record/3863118?ln=en> (accessed Feb. 28, 2023).
- Zaeef Abdul Salam, MY LIFE WITH THE TALIBAN (Alex Strick van Linschoten & Felix Kuehn trans., Columbia University Press 2016).
- Zeynep Karakoç-Dora, The US-led “War on Terror” in Afghanistan: 2001-2021, 10 MANAS J. SOC. STUD. 172 (2021).

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