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Chapter 6

Trapped by the War on Terror

The Continuing Failure of the International Community to Address the Internal Displacement Crisis in Afghanistan

Raymond Kwun-Sun Lau

INTRODUCTION

On August 15, 2021, the government of the Islamic Republic of Afghanistan effectively collapsed after President Ashraf Ghani fled Kabul, the capital city, by helicopter to neighboring Uzbekistan (Al-Jazeera, 2021). The downfall of Ghani's government has not only marked the end of two decades of US nation-building efforts in Afghanistan and $2 trillion in aid and military investment (Sabga, 2021) but also the Taliban's return to power and a complete takeover of Afghanistan by the Islamic fundamentalist group, the country they ruled between 1996 and 2001 (CBC News, 2021). The abrupt US military and diplomatic withdrawal, as well as the evacuation operation on August 30 in the Afghan capital, was reminiscent of the fall of Saigon in 1975 during the Vietnam War (Brockell, 2021).

The withdrawal of the US and NATO troops from Afghanistan and the subsequent dramatic takeover by the Taliban have triggered profound concerns about the deteriorating human rights situation in the country. Between mid-August 2021 and mid-June 2022, the United Nations Assistance Mission in Afghanistan (UNAMA) documented 2,106 civilian casualties among whom 700 were killed and 1,406 were wounded, in comparison to

5,183 civilian casualties among whom 1,659 were killed and 3,524 were injured in the first six months of 2021 (United Nations Assistance Mission in Afghanistan, 2022). While there seemed to a decrease in the total number of civilians killed and injured, those civilian casualties, as UNAMA identified, were mainly caused by targeted attacks by the terrorist group, which identifies itself as the Islamic State in Iraq and the Levant–Khorasan Province, against ethnic and religious minority communities (UN News, 2022).

Yet perhaps the biggest concern in the aftermath of the Taliban takeover is that a new refugee and internal displacement crisis may unfold. This could result in a swelling number of displaced persons in Afghanistan (Sayed et al., 2021). The worsening security situation across Afghanistan has already caused an estimated 270,000 people to be internally displaced since January 2021, bringing the total number of internally displaced people (IDPs) to more than 3.5 million (UN News, 2021). With Pakistan and Iran that are Afghanistan's neighbors already hosting 2.2 million registered Afghan refugees, the Afghan people, according to the 2020 Global Trends Forced Displacement Report, have constituted the third-largest population of forced migrants, only after Syrians and Venezuelans (Sayed et al., 2021).

Indeed, Afghanistan has been mired in forty-five years of large-scale violent civil conflict and conflict-related protracted emergencies. The ongoing conflict, which can be traced back to the beginning of the civil war that started in 1978, has left Afghanistan economically and socially devastated. The four decades of armed conflict, serious human rights violations, and ethnic violence have made forced displacement of the Afghan people as refugees and as IDPs a recurring phenomenon. According to the Baseline Mobility Assessment conducted by the International Organization for Migration (IOM)'s Displacement Tracking Matrix (DTM) in Afghanistan, one in six people is either a returnee or an IDP in fifteen Afghan provinces (UN International Organization for Migration, 2018). With Ashraf Ghani's government being overthrown in August 2021, a large number of civilians remain vulnerable to continuous violence and insecurity, systematic human rights violations, and mass atrocities committed by the Taliban de facto authorities and other armed extremist groups.

Before the dramatic collapse of Ghani's government, the representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons, Walter Kaelin, made a week-long visit to Afghanistan in August 2007, calling on the government to prevent displacement and protect and assist the displaced (The Office of the High Commissioner for Human Rights, 2007). Against this backdrop, this chapter attempts to address the following questions: Has the Afghan government taken measures to prevent forced migration and internal displacement and provide protection against arbitrary displacement in the country? Whose responsibility is it to protect the IDPs in

Afghanistan when the national government is unable or unwilling to protect them? Has the international community stepped in to ensure protection to the IDPs as a result of the failure of the Afghan government to exercise its responsibility to protect such people?

By addressing the previous questions, this chapter adopts a historical approach, along with using a combination of sources, including relevant books, journal articles, print and electronic media, as well as archives and official publications of the United Nations, European Union, and North Atlantic Treaty Organization (NATO). The chapter starts with a brief sketch of the historical background of Afghanistan's internal displacement crisis since 1978. It then looks into the responses made by the Afghan government and the international community in addressing the humanitarian needs and increasing displacement risks of the Afghan people. The chapter is then followed by an analysis of the global war on terror launched in Afghanistan following the terrorist attacks of September 11, 2001. The chapter concludes by assessing the clash between the imperative of the US-led Coalition of the Willing to counter terrorist threats by launching the global war on terror and the international community's attempt to protect civilians amid the ongoing internal displacement crisis.

While the international community, including, most notably, the United Nations, NATO, the European Union, and an international Coalition of the Willing led by the United States, has been involved in the global war on terror after the terrorist attacks of September 11, 2001, the Responsibility to Protect (R2P) principle has never been successfully invoked as a means to protect civilians in Afghanistan effectively. This chapter, therefore, argues that the longstanding and ongoing situations of internal displacement in Afghanistan have demonstrated that the international community has been trapped in a "war on terror" prism because the international Coalition of the Willing led by the United States has been driven by a preoccupation with counter-terrorism, thereby neglecting the specific protection needs of IDPs. These twenty years of the "war on terror," as a result, have largely undermined the notion of an international community exercising a responsibility to protect the internally displaced Afghan population, making the invocation and successful operationalization of the R2P principle in Afghanistan very difficult, if not impossible.

A FORTY-FIVE-YEAR-OLD CRISIS OF FORCED DISPLACEMENT IN AFGHANISTAN: A HISTORICAL BACKGROUND

To begin with, Afghanistan, a country in Central Asia with a population of approximately 40.1 million, has been a largely united and relatively peaceful country since gaining its independence from Iran in 1747. Yet the country has been mired in continuous civil strife since the overthrow of Mohammed Zaher Shah's monarchy in 1973. The creation of a national republic by Mohammed Daoud Khan, a cousin of the Afghan ruler Zaher Shah, survived only five years until 1978. Since then, much of Afghanistan has seen continuous strife and chaos because a series of short-lived, weak, and unstable governments were incapable of sustaining peace and stability in the country.

Apart from experiencing weak and unstable governments, Afghanistan was also plunged into a decade of foreign occupation by the Soviet Union from 1980 to 1989. With the Afghan government fighting a full-scale resistance war against the Soviet troops, the country, during this period, had witnessed over five million Afghans fleeing to Pakistan and Iran as refugees (Farr, 2001). As both countries embraced Afghan refugees with open arms due to a common religion, the estimated five million Afghans in Pakistan and Iran represented one of the world's largest protracted refugee populations in modern history (Amnesty International, 2019).

In fact, along with the previously mentioned five million refugee outflows during the Soviet occupation, Afghanistan has witnessed at least another five major phases of forced displacement following the Soviet withdrawal from Afghanistan in 1989 (Ferris et al., 2011). The first phase of displacement, which took place from 1989 to 1995, was attributed to the withdrawal of the Soviet forces in 1989 and the collapse of the Afghan communist government and the Democratic Republic of Afghanistan in 1992. With refugees beginning to return to Afghanistan from Pakistan and Iran in 1992, a huge number of IDPs had emerged. Against this backdrop, a new ultraconservative Islamic fundamentalist movement, the Taliban, began to rise by seizing control of the southern city of Kandahar and the surrounding provinces. The Islamic Emirate of Afghanistan was established after the Taliban captured Kabul in 1996. Since the Taliban, meaning a group of *madrasah* (Islamic school) teachers and their students, aimed to put Afghanistan under the control of the Pashtuns, the largest ethnic group in the country, their push to power triggered another wave of forced population movement between 1996 and 2001. According to one UNHCR estimate, approximately 315,000 IDPs lived in Afghanistan at the end of 1998 (Farr, 2001, p. 123).

Then, following the terrorist attacks of September 11, 2001, the military intervention carried out by the United States and its coalition partners in the name of the global war on terror had resulted in a new wave of internal and international displacement, as some 200,000 to 300,000 Afghans fled to neighboring countries to avoid aerial bombardments by the US-led coalition forces. With an interim government established under Hamed Karzai's leadership in December 2001, following the end of Taliban rule, Afghanistan witnessed a massive return of refugees and IDPs. For instance, some 5 million Afghan refugees from Pakistan and Iran were repatriated, while some 1.2 million IDPs returned home through the world's largest assisted repatriation operation carried out by the UN High Commissioner for Refugees (Kessler, 2022).

Yet the overthrow of the Taliban rule by the US-led coalition forces was soon followed by a growing insurgency in Afghanistan, especially in the south, east, and southeast part of the country where the Pashas, the largest ethnic group in Afghanistan, exercise dominant control and influence. The Taliban, which are predominantly Pashtuns, quickly regrouped and began to wage insurgent attacks against the US-backed Afghan government since 2004. This, therefore, has prompted over 100,000 newly internally displaced Afghans in 2010 as a result of the armed conflict between the Taliban-led insurgent groups and US-led coalition forces.

With the increasing number of internally displaced Afghans trying to flee attacks as a result of the growing strength of the Taliban insurgency, Afghanistan has witnessed a simultaneous in- and outflow of people, that is, internal and external displacement and migration. There has been an acceleration of asylum seekers' flows to Europe and Pakistan, a steady rise of internal displacement, and a new wave of refugee returns especially from Pakistan, Iran, and Europe (Schmeidl, 2019). For instance, Pakistan, being one of the largest refugee-hosting countries in the world, has hosted 1.4 legally registered Afghan refugees and documented nearly 900,000 Afghans as economic migrants (Gul, 2023).

Yet with tensions between Islamabad and Kabul continuing to rise, the Pakistani government has ordered "illegal/unregistered foreigners" and those "overstaying their visa validity periods" to leave the country by November 1, 2023, whether voluntarily or through a forced deportation (BBC News, 2023). Those individuals who remain in Pakistan past the deadline, in the words of the country's Interior Minister Sarfraz Bugti, "will be detained and held in designated 'holding centers' before being transported to the nearest Afghan border crossing and repatriated" (Gul, 2023). As a result, almost 200,000 Afghan nationals have voluntarily returned to Afghanistan over the past two months ahead of the official deadline set by the Pakistani government.

Therefore, with the Pakistani authority establishing tighter restrictions on Afghans entering Pakistan, the options for Afghans of being granted asylum in a foreign country have become increasingly limited. In many respects, this forty-five-year-old conflict has not only caused massive damage to infrastructure and the economy of Afghanistan but also resulted in more and more Afghans being forcibly displaced within their own country. According to one estimate, one out of two Afghans have had at least one displacement experience (Schmeidl, 2019). In this context, with increasing number of Afghans being internally, other than externally, displaced within the country, those IDPs have been living in desperate conditions, lacking basic protection and assistance including access to food, water, shelter, healthcare, and education.

It is worth mentioning that the number of displaced persons in Afghanistan has continued to rise, even though there has been a gradual reduction of US-NATO coalition forces and transfer of security and counter-terrorism functions to Afghan National Security Forces (ANDS) since 2014. Some 461,000 new displacements, according to the Internal Displacement Monitoring Centre (IDMC), were documented in thirty-two of thirty-four provinces in 2019 alone (Kamruzzaman, Williams, Wardak, Cowly, et al., 2022). Many of those IDPs were forced to leave their homes because of conflict and violence, whereas at least a quarter of them are victims of natural disasters. Also, while those victims of natural disasters have chosen urban settlements to live, those IDPs affected by war, conflict, and violence have largely chosen to live in rural areas and in the regions (Kamruzzaman, Williams, Wardak, Cowly, et al., 2022).

One thing that is shared in common between the disaster-induced IDPs and the conflict-induced IDPs is that all of them are living in extreme poverty and struggling to get access to the most basic provisions for daily living, including clean water, food, adequate shelter, clothing, heating for warmth in winter, and electricity. As a result, the displacement of the IDPs has a significant negative impact on their physical and psychological well-being because both the conflict-induced IDPs and disaster-induced IDPs are simply "doing what they can to survive," given their very limited access to their basic needs, education, and employment opportunities (Kamruzzaman, Williams, Wardak, Cowly, et al., 2022).

Along with the consistent rise of internal displacement, ethnic conflict has also been an indispensable part of Afghanistan's political history. The Pashtuns, as mentioned earlier, have been the largest ethnic group in the country (42 percent) out of the fourteen major ethnic groups recognized by the Constitution of Afghanistan such as the Tajiks (27 percent), Hazaras (9 percent), and Uzbeks (9 percent) (Minority Rights Group International, n.d.). With different ethnic groups attempting to dominate other ethnic groups within Afghanistan, the ethnic and tribal divisions of the Afghan society, and

especially the confrontations between the numerically dominant Pashtuns and other non-Pashtun ethnic groups, have resulted in a prolonged period of political instability in the country.

THE AFGHAN GOVERNMENT'S RESPONSE: UNABLE AND UNWILLING TO PROTECT ITS POPULATION?

To begin with, even though the IDPs are in desperate need of life-saving assistance and protection, there has been (virtually) no responsible government to which the IDPs can seek assistance with because of the prolonged period of political instability in Afghanistan. The complex and unstable political, economic, and security environment in Afghanistan has not only devastated the Afghan economy but also exacerbated the internal displacement crisis of the country. Given the ethnically divided nature of the Afghan society (and the frequent occurrence of ethnic conflict in the country), those IDPs, who are largely unarmed civilians, must keep fleeing/hiding or seek protection by siding with either the Taliban or other resistance/rebel groups. In this sense, an IDP can be given some measure of protection by agreeing to side with the resistance/rebel groups of his/her ethnic background (Farr, 2001). The Pushtun, the largest ethnic group in Afghanistan, have largely sided with the Taliban, while the non-Pushtun groups, including the Tajik, Uzbeks, and Hazara, have sided with groups hostile to the Taliban.

With the Taliban regime being overthrown by the US-led military intervention (in the name of the global war on terror) in 2001, the Special Representative of the UN Secretary-General for Afghanistan Lakhdar Brahimi took the initiative by bringing four key groups—the Northern Alliance, the Rome Group, a Cyprus-based group supported by Iran, and a Peshawar-based group supported by Pakistan—to the negotiation table in Boon from November 27 to December 5 in the same year (The Guardian, 2001; Barakat and Zyck, 2010; Waldman, 2014; Bacon and Byman, 2023). With the rival groups agreeing to form a power-sharing government, a new interim government, known as the Interim Authority, was established. According to the resulting Bonn Agreement, this Interim Authority would be tasked with maintaining the day-to-day government of Afghanistan lasting for six months from December 22, 2001. While including a number of institutions, including a Central Bank and a Civil Service Commission, the agreement also contained provision for an emergency Loya Jirga (meaning "grand council" in Pashto), a mass national gathering that brings together representatives from the various ethnic, religious, and tribal communities in Afghanistan (Bezhan, 2013). The primary purpose of such a mass national gathering was to (1) establish a Transitional Authority to govern Afghanistan

until the elections scheduled for June 2004 and (2) establish a Constitutional Loya Jirga to adopt a new constitution for Afghanistan.

The formation of the interim power-sharing government was followed by the adoption of the Afghan Constitution in 2004 and the Afghanistan Compact in 2005. The new Constitution and the compact represented two important accomplishments that are coordinated to carry out the political reconstruction of the country. In an attempt to achieve the target outlined in the compact, the Afghanistan National Development Strategy (ANDS) was put in place by the government of Afghanistan in April 2008. Formally approved by President Hamid Karzai, the ANDS was a multisectoral national strategy that was organized under the three pillars of security: (1) security; (2) governance, rule of law, and human rights; and (3) economic and social development. Its objective was to "substantially reduce poverty, improve the lives of the Afghan people and create the foundation for a secure and stable country" (FAOLEX Database, 2008).

While attempting to carry out political reconstruction, the Afghan government acknowledged its responsibility to address the internal displacement crisis as President Karzai has "repeatedly emphasized that reducing [the] IDP caseload is a national priority" (Spink, 2004, p. 36). The 2003 report issued by the Ministry of Rural Development and Rehabilitation (MoRRD), for instance, highlighted that "the State of Afghanistan is responsible for protection and durable solution for the IDP population in the country with support from specialised agencies such as UNHCR, IOM and with financial assistance by the international community" (quoted in Solomon and Stark, 2011, p. 262). The MoRRD, along with Ministry of Refugees and Repatriation (the leading government ministry for conflict-induced IDPs) and the Ministry of Frontiers and Tribal Affairs (MoFTA), drafted the 2003 Regional Operation Plan for finding durable solutions for IDPs within a three-year period. As the plan included a Terms of Reference for an international adviser to help with its implementation, it also suggested that "the UN Guiding Principles on Internal Displacement are to be adhered to by the Afghan State to promote and seek permanent solutions for IDPs" (quoted in Solomon and Stark, 2011, p. 269).

Yet despite its acknowledgment of its responsibility to address the internal displacement crisis, the capacity of the Afghan government to enforce its authority and minimize the worsening forceful displacement and its adverse effects has remained limited. Even though "advocat[ing] with all relevant stakeholders to address causes of displacement and support initiatives to prevent further internal displacement" was included in the 2009–2010 Strategy Report of the Afghanistan National IDP Task Force (quoted in Solomon and Stark, 2011, p. 262), the fact that many of those IDPs have to seek protection by siding with either the Taliban or other resistance/rebel groups, as

mentioned earlier, reflects the inability of the government to fulfill its responsibility to protect its people from arbitrary and forceful displacement.

The inability of the Afghan government to address the internal displacement crisis as a national priority is challenged by the reemergence of the Taliban as an antigovernment force. Despite its overthrow by the US-led coalition forces in 2001, the Taliban regrouped and began an insurgency after the large-scale security transition from the NATO-led International Security Assistance Force (ISAF) mission to the Afghan National Defense and Security Forces (ANDSF) in 2014. The Taliban's resurgence, regrouping, and use of indiscriminate tactics such as improvised explosive devices (IEDs), suicide attacks, and rocket attacks, following the physical departure of international troops in 2014, have resulted in a sharp increase in the number of targeted attacks on civilians across the country: the first six months of 2015 witnessed a 78 percent increase in suicide attacks countrywide, compared with the same period in 2014 (Office of the Director of National Intelligence, n.d.).

The chaotic and volatile security situation was further complicated by the emergence of Islamic State-Khorasan Province (ISIS-K), Islamic State's affiliate in Afghanistan, as another antigovernment force since 2015. With the Taliban and the ISIS-K ramping up their military offensive (by taking advantage of the withdrawal of international troops), Afghanistan has witnessed a consistently high number of civilian casualties. The United Nations Mission to Afghanistan (UNAMA) reported that civilian deaths and injuries exceeded ten thousand for the sixth year in a row (2015–2020) (United Nations Mission to Afghanistan, 2020). What is particularly worrying, as the UNAMA pointed out, is that while 64 percent of the total civilian casualties (39 percent by Taliban, nearly 9 percent by ISIS-K) were caused by antigovernment elements (AGEs), 25 percent of civilian casualties were also caused by pro-government forces (PGFs) including the Afghan national security forces (23 percent) and other pro-government armed groups or undetermined PGFs (2 percent) (UN Department of Political and Peacebuilding Affairs, 2021).

In many ways, the Afghan government has proved itself unable and unwilling to fulfill its protection responsibilities toward its population because the civilian population has been subjected to mass atrocities committed by both the Afghan National Security Forces (PGFs) and the Taliban (AGEs) (Badalič, 2019; United Nations Mission to Afghanistan, 2021). The US withdrawal from Afghanistan and the abrupt takeover of the country by the Taliban in August 2021 have further compounded the humanitarian situation, as the promise made by the Taliban to form an "inclusive Islamic government" that represents all the people of Afghanistan has largely been unfulfilled (Poya, 2022). The continued threat of drought, climate change, and the economic crisis facing Afghanistan has made the war-ravaged country become engulfed

in an unprecedented humanitarian crisis "with a very real risk of systemic collapse and human catastrophe" (Center for Disaster Philanthropy, 2022).

Then, while the Taliban has (claimed they have) achieved full territorial control since seizing power in August 2021, there has been a significant rise in terrorist attacks by the Islamic State of Khorasan Province (ISKP), the Islamic State's (ISIS) affiliate in Afghanistan, targeting Shia, Hazaras, and other minorities at their mosques, schools, and workplaces (Strzyżyńska, 2022; Human Rights Watch, 2022). In the face of repeated attacks by the ISKP (ISIS) armed group, the Taliban has done little to "protect these communities from suicide bombings and other unlawful attacks or to provide necessary medical care and other assistance to victims and their families" (Human Rights Watch, 2022). Therefore, the Taliban's return to power has not brought security to Afghanistan and its people since they have failed their primary responsibility to protect at-risk civilians.

THE RESPONSE OF THE INTERNATIONAL COMMUNITY: CAPACITY BUILDING WITHOUT R2P?

Clearly, the internal displacement crisis in Afghanistan is characterized by widespread and systematic human rights abuses against civilians, including attacks on civilians by armed insurgent groups, extrajudicial killings by Afghan security forces, forcible displacement, arbitrary arrest and detention, government corruption, and lack of accountability and investigation in cases of violence against women (Steward, 2012; US Embassy in Afghanistan, 2018; Kamruzzaman, Williams, Wardak, Kabir, et al., 2022; Rajmil et al., 2022). Then, in the face of the Afghan government's manifest failure to protect its population by addressing the internal displacement crisis, what has been the international community's response to this forty-five-year-old forcible displacement crisis in Afghanistan?

The international community, through various combinations of the United Nations, regional organizations (including the European Union and NATO), and the US-led coalition, has been involved in various attempts at helping Afghanistan build capacity to address the internal displacement crisis. The capacity-building measures have been implemented in the form of providing military assistance, political support, and development aid since the fall of the Taliban in 2001. Building on the basis of the Bonn Agreement, the UN Security Council authorized the establishment of an International Security Assistance Force "to assist the Afghan Interim Authority in the maintenance of security in Kabul and its surrounding areas" (UN Security Council, 2001). With NATO taking the lead in the ISAF, the operation of the ISAF was aimed

to increase the capacity and capabilities of the Afghan National Security Forces (ANSF) in conducting security operations throughout the country.

Another important step taken by the UN Security Council was its authorization to establish the UN Assistance Mission in Afghanistan (UNAMA) in March 2002. In order to help strengthen the capacity of Afghanistan to achieve sustainable peace and development, UNAMA, which is headed by a Special Representative of the Secretary-General (SRSG) for Afghanistan, is assigned the responsibility to continue to assist the Afghan government with humanitarian assistance, economic and social stability, resilience, good offices, governance, rule of law, and security and regional cooperation between 2015 and 2024, a period commonly referred to as the "Transformation Decade." The role played by UNAMA is twofold: (1) providing support to the Bonn process and the development of a sustainable political system and (2) assisting relief, recovery, and reconstruction work for addressing short-term humanitarian needs and long-term socioeconomic development (Cottey, 2003).

In monitoring, reporting, and advocating for the human rights situation in Afghanistan as mandated by the UN Security Council, this UN special political mission has also implemented its human rights strategy by advocating for the protection of civilians, calling for the investigation of all human rights violations, ensuring the accountability of those responsible for the most serious crimes under international law, and strengthening access to justice for victims (United Nations Mission to Afghanistan, n.d.). Furthermore, the new Strategic Framework for Afghanistan for the period from 2023 to 2025 was launched by UNAMA in July 2023 for "addressing basic human needs in Afghanistan, prioritizing the needs and rights of those most vulnerable, including women and girls, children and youth, internally displaced persons, returnees, refugees, ethnic and religious minorities" (United Nations Assistance Mission to Afghanistan, 2023a).

Since 2002, the International Development Association (IDA) of the World Bank has established the Afghanistan Reconstruction Trust Fund (ARTF) for coordinating the reconstruction efforts of the international community in supporting the people of Afghanistan. The five projects funded by the ARTF with a total amount of $893 million are designed to provide urgent and essential food, livelihood, and health and education services to the people of Afghanistan. In order to guide the provision of more than $1 billion in funds from the ARTF, the World Bank's board of executive directors approved the World Bank expanded approach (Approach 2.0) in March 2022 (The World Bank, 2022).

The European Union has played a significant political and economic role in the reconstruction of the post-Taliban-led Afghanistan by making financial contributions and appointing an EU Special Representative (EUSR). Being the second largest donor to Afghanistan, the European Union financed

a 4.9 million Euro program by launching the European Rapid Reaction Mechanism (RRM) in Afghanistan in order to help the country's political transition after the 2001 Bonn Agreement (European Commission, 2001). Its financial commitment to the war-ravaged country after the fall of the Taliban was shown by its contribution of 8 billion Euros from the EC budget and EU member states in aid to Afghanistan between 2002 and 2010 (European Parliament, 2009). In the Cooperation Agreement on Partnership and Development (CAPD) signed in February 2017, the European Union declared its firm commitment to a long-term partnership with Afghanistan by establishing a legal framework for EU-Afghanistan cooperation (Council of the European Union, 2017). In the EU-Afghanistan Joint Declaration on Migration Cooperation signed in April 2021, the EU signified its intention to help "address irregular migration and promote joint efforts in the fight against migrant smuggling and human trafficking" and "facilitate the sustainable reintegration of people returning to Afghanistan by focusing on their individual needs and the needs of host and returning communities" (Delegation of the European Union to Afghanistan, 2021).

Even after the Taliban returned to power again in August 2021, the European Union continued its steadfast commitment and long-term support to the people of Afghanistan. In its written answer to the European Commission on August 31, 2021, the EU Vice-President High Representative and the President of the European Council announced that a "rapid reaction force of 50 000 soldiers that could be deployed in response to events such as those occurring in Afghanistan" would be formed (European Parliament, 2021).

In addition to the European Union, NATO, by invoking its collective defence obligation, as stated in Article 5 of the North Atlantic Treaty on September 12, 2001, took the lead of the International Security Assistance Force (ISAF) in Afghanistan on August 11, 2003, as mentioned earlier. Mandated by the United Nations, the primary objective of the ISAF, which was one of the largest coalitions in NATO's history, was to provide the Afghan government with effective security assistance across the country and prevent Afghanistan from becoming a safe haven for terrorists by developing new Afghan security forces (North Atlantic Treaty Organization, 2022a). The completion of the ISAF mission in December 2014 was followed by the launch of the Resolute Support Mission (RSM) in January 2015, whose objective was to train, advise, and assist Afghan security forces and institutions to fight terrorism and secure Afghanistan (North Atlantic Treaty Organization, 2022b). However, in acknowledging that "there is no military solution to the challenges Afghanistan faces," NATO has suspended all support to Afghanistan after completing the RSM forces' withdrawal and terminating the mission in August and September 2021 respectively (North Atlantic Treaty Organization, 2022c).

To a large extent, Afghanistan has witnessed the active engagement of the international community following the 9/11 terrorist attacks, most notably from the United Nations, the US-led Coalition of the Willing, NATO, and the European Union. Yet while the international engagement in Afghanistan has underscored the importance of continued international support for the stability of the country, efforts being made by the US-led Coalition of the Willing, NATO, and the European Union have been driven by the avowed intent of "combating terrorism," "combating the Taliban," or preventing Afghanistan again from becoming a safe haven for international terrorists to attack NATO member countries (North Atlantic Treaty Organization, 2022b), other than invoking the responsibility to protect the Afghan population from being forcibly displaced. The final goal of this chapter, therefore, is to analyze the clash between the international community's responsibility to protect the people of Afghanistan and the US-led Coalition of the Willing's preoccupation with counter-terrorism.

WHEN THE GLOBAL WAR ON TERROR TRUMPS R2P: KILLING TERRORISTS WITHOUT PROTECTING CIVILIANS?

In its attempt to fulfill its primary responsibility to protect the IDPs by addressing the internal displacement crisis, the Afghan government, in its 2003 Regional Operation Plan, reiterated that "the UN Guiding Principles on Internal Displacement are to be adhered to by the Afghan State to promote and seek permanent solutions for IDPs," as mentioned earlier. Yet as shown in the previous section, the Afghan government has proved itself to be unable and unwilling to exercise this responsibility to protect the IDPs, while the international community, especially the US-led Coalition of Willing, has been preoccupied with fighting against terrorism through the launch of global war on terror since 2001. What explains this mismatch between invoking R2P to protect the IDPs and launching the global war on terror for combating terrorism?

The UN Guiding Principles on Internal Displacement were first introduced by Francis M. Deng, the representative of the UN Secretary-General on Internally Displaced Persons (1992–2004) in 1998. Being tasked with developing the conceptual and legal framework for the international protection of the IDPs, Deng, along with Roberta Cohen, senior adviser to Deng, developed the concept of sovereignty as responsibility. This concept rests on the idea that sovereignty entails a "responsibility for promoting citizens' welfare and liberty," not merely a right to noninterference from external actors (Deng et al., 1996).

Building on this concept of sovereignty as responsibility, the principles affirm that the primary responsibility for protecting the displaced populations rests with their governments (Principles 3, 25). Those governments, however, are expected to request assistance from the international community if they are unable to provide the necessary protection and assistance. In such cases, humanitarian assistance offered by international humanitarian organizations "shall not be regarded as an unfriendly act or an interference in a State's internal affairs" (Principle 25). Also, while providing assistance, international humanitarian organizations should be mindful of "the protection needs and human rights of internally displaced persons and take appropriate measures in this regard" (Principle 27).

Here, Deng's "sovereignty as responsibility" concept has internal and external dimensions as "the internal dimension has to do with the degree to which the government is responsible to the need of its people," while "the international dimension has to do with the cooperation of sovereign states in helping or checking one another when a fellow state loses or refuses to use its capacity to provide protection and assistance for its citizens" (Deng et al., 1996, pp. xvii–xviii). As a result, the "irresponsible" behavior of those governments that attempt to shield themselves against warranted international scrutiny provides ample grounds for the legitimacy of international intervention: "A government that allows its citizens to suffer in a vacuum of responsibility for moral leadership cannot claim sovereignty in an effort to keep the outside world from stepping in to offer protection and assistance" (Deng et al., 1996, p. 33).

This "sovereignty as responsibility" has provided the intellectual backbone for the emergence of the R2P principle in 2001. At its simplest, the R2P principle emphasizes a state's primary responsibility for the protection of its population from four "mass atrocity crimes": genocide, war crimes, crimes against humanity, and ethnic cleansing. The international community has a responsibility to assist other countries in upholding their protection responsibility, and should states be unwilling or unable to protect their populations the international community should respond and take action to protect them. Underpinning this is a "global political commitment" endorsed by all the UN member states at the 2005 UN World Summit to prevent and respond to the four mass atrocity crimes mentioned earlier (Lebow, 2020).

Because the R2P principle is in line with the UN Guiding Principles on Internal Displacement, its universal endorsement by all the UN member states at the 2005 World Summit suggests that R2P would enhance protection for the IDPs because they were often the victims of R2P-related crimes (Evans, 2008, pp. 35–37). Yet despite the Afghan state's inability and unwillingness to protect IDPs, R2P has never been invoked (or mentioned explicitly) by the international community in addressing the internal displacement crisis in

Afghanistan. Then what explains the continuing failure of the international community to exercise its responsibility to protect the IDPs in Afghanistan?

First, the guiding principles, notwithstanding being "the most widely recognised framework outlining standards and measures to prevent, respond to and resolve internal displacement" (Office of the High Commissioner for Human Rights, 2023), cannot be invoked by the IDPs in need of protection and assistance because of the absence of monitoring or enforcement mechanisms (Goldman, 2009, p. 74). Even though the guiding principles have been translated into more than forty languages, there is no guarantee that the principles being accepted by states can/will be effectively implemented (Goldman, 2009, p. 74). Therefore, even though the Afghan government promised it would adhere to the guiding principles, the IDPs in Afghanistan are still subject to massive human rights violations because of the government's inability and unwillingness to implement the guiding principles.

Also, despite the fact that the guiding principles were developed by the representative of the United Nations Secretary-General on Internally Displaced Persons, the principles themselves "are not a UN declaration on the rights of internally displaced persons, nor do they constitute, as such, a binding instrument" (Kälin, 2008, p. 6). As the guiding principles are not "hard law," they were reportedly removed by the UN Legal office from the Secretary-General's report on implementing R2P (Cohen, 2010). This sidelining of the guiding principles, as Roberta Cohen rightfully suggests, sets a bad precedent for R2P's application and the promotion of the principles as a part and parcel for the protection of the IDPs.

Second, a lack of sufficient international intervention to ensure the physical safety of the IDPs in Afghanistan in particular and, in Jan Egeland's words (quoted in Schimmel, 2022, p. 512), the complete failure of the international community's response to the plight of the IDPs, in general, is attributed to the fact that the IDPs are not afforded any "explicit, focused and widely ratified explicit legal protection" like refugees under international law (quoted in Schimmel, 2022, p. 506). Given the absence of formal international human rights protection for the IDPs, their rights and needs tend to be ignored, as the humanitarian response from the UN agencies and member states is often insufficient to provide protection for the IDPs.

In many ways, the IDPs are trapped by sovereignty because they have to rely on the states in which they live to protect them (quoted in Schimmel, 2022, p. 506), because there is no single UN agency that is tasked with protecting and fulfilling the rights and needs of the IDPs (McNamara, 2005). As a result, this sovereignty trap that the IDPs in Afghanistan have fallen into makes them unable to claim refugee status and seek asylum because they remain stuck within the borders of their own countries (Schimmel, 2022).

Third, counter-terrorism has become the highest national priority of the United States after 9/11. Just three days after the deadliest terrorist attacks on American soil in US history, the US Congress authorized the president "to use all necessary and appropriate force" against those who could be held responsible for the terrorist attacks. The president, as acknowledged by Congress, has authority under the Constitution "to take action to deter and prevent acts of international terrorism against the United States" (Mandelbaum, 2016, pp. 133–34). Against this backdrop, the United States launched Operation Enduring Freedom against the Taliban regime in Afghanistan, one month after the 9/11 attacks. While enjoying strong backing and (virtually) unanimous support from the international community, the military intervention carried out by the Bush administration was driven by the goal of preventing further attacks on the citizens of the United States other than protecting civilians of other countries (Mandelbaum, 2016, p. 164).

With the United States being preoccupied with combating global terrorism, the release of the *National Security Strategy of the United States of America* by the George W. Bush administration in September 2002 has fundamentally changed the reception and interpretation of the R2P principle (Macfarlane et al., 2004). Perhaps somewhat unfortunately, the launch of *The Responsibility to Protect*, a report prepared by the International Commission on Intervention and State Sovereignty (ICISS), was preceded by the 9/11 attacks. Therefore, instead of exercising the international community's responsibility to protect whenever necessary, the US government has sought to wreak vengeance on those countries that harbored Osama bin Laden's Al Qaeda, the mastermind of the 9/11 attacks. Afghanistan, whose government, the Taliban, provided shelter to Osama bin Laden's Al Qaeda, responsible for a terrorist attack on the United States, has become the first trial case of this global war on terror.

If the IDPs in Afghanistan are victims of a sovereignty trap (Schimmel, 2022), then the international community (including the United Nations, NATO, the European Union, and the US-led Coalition of the Willing) as a whole has been the victim of the global war on terror trap. The 9/11 attacks and the subsequent war on terror have exerted a particularly stifling impact on the debate surrounding the implementation of R2P. America's war in Afghanistan has fundamentally shifted the terms of debate from the issue of intervention for human protection purposes to the issue of destroying all terrorists in the world and defending the American homeland (ICISS, 2001; Rinehart, 2016). With the international community being trapped by this decade-long global war on terror, preventing Afghanistan from becoming a hotbed of terrorism, and therefore, protecting the American people from terrorist threats, has been the focus of attention in the international community's engagement in the country. While invoking R2P could potentially assist with the protection of 6.6 million Afghan IDPs (Internal Displacement Monitoring Centre, n.d.), the international community's preoccupation with counter-terrorism has effectively sidelined, and therefore undermined, the notion of an international community exercising a responsibility to protect the Afghan IDPs from human rights abuses and other mass atrocity crimes.

CONCLUSION

The war on terror launched in Afghanistan in 2001 was in many ways a remarkable success: it took only two months for the United States to dismantle most of Al Qaeda's infrastructure and destroy terrorist bases in the country without deploying large numbers of its ground forces or suffering significant casualties. Over two decades after the 9/11 attacks, not a single foreign-based terrorist organization has managed to carry out one terrorist attack in the United States as the American government successfully foiled at least fifty instances of terrorist plots against US targets between 2001 and 2011 (Mandelbaum, 2016).

Yet while the American people have largely been protected from potential terrorist threats, the risk of mass atrocity crimes facing the people in Afghanistan is still high. The sudden downfall of the Western-backed Ashraf Ghani's government, the Taliban's dramatic return to power and the rapid departure of the United States, and the NATO troops in August 2021 have made the Afghan people more susceptible to systematic and targeted human rights violations, extrajudicial killing, arbitrary arrest, detainment, and torture perpetrated by the Taliban de facto authorities. Despite the renewal of UNAMA's mandate by the UN Security Council (United Nations Assistance Mission in Afghanistan, 2023b), the recurrence of widespread and systematic targeted attacks, as well as large-scale gender-based discrimination and violence against women and girls highlights the inability and unwillingness of the Taliban de facto authorities to protect vulnerable populations and IDPs.

Many of those "involuntarily immobile" population stuck in Afghanistan are in need of practical, accessible, and legal international protection (Nguyen, 2022), as there is considerable concern that the Taliban's takeover would lead to a new refugee crisis from Afghanistan (Sayed et al., 2021). A key concern for the United States, however, is whether Afghanistan under the Taliban will be used by Al Qaeda again as a base for terrorist attacks like in the pre-9/11 period, because the Taliban has not cut off its connection with Al Qaeda (Afzal et al., 2021). This renewed concern with "the risk for the Taliban of a high-profile Al Qaeda attack against the United States," in the aftermath of the Taliban's takeover, could stimulate the revival of interest among US policymakers in combating global terrorism. Then, if

the international community is, again, trapped by the global war on terror, invoking the international community's responsibility to protect the vulnerable populations and IDPs in Afghanistan could become even more unlikely.

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Displacement and Refugee Issues in South Asia

Uncovering the Contested Realities

Edited by Bulbul Siddiqi

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Contents

Introduction

Bulbul Siddiqi

Migration is a contested concept with diverse implications for people worldwide. Migration is also linked with two other issues: displacement and refugee issues in the present times. Displacement and refugee crisis–induced migration show the negative aspects of migration, where the dominant approach to seeing migration relies mainly on various positive impacts and consequences of migration (Ullah and Haque, 2020). It has different meanings for the people living in the global south and north. Present data from UNHCR shows that 108.5 million people worldwide were forcibly displaced at the end of 2022 (UNHCR, 2023). This figure is increasing every year. The same reports also show that low- and middle-income countries host 76 percent of these displaced people. South Asia is hosting many Rohingya refugees from Myanmar, and it also produces refugees (Afghanistan) who are taking shelter in the neighboring countries and many other countries in Europe and Asia.

This book focuses on displacement and refugee issues in the South Asian region. South Asia has been a critical research area in academia due to its important geographic location, geopolitical perspective, and diverse communities. Besides, poverty, hunger, climate change, political instability, and regional tension have generated displacement and refugee crises. An estimate suggests that the number of people in South Asia affected by displacement and migration varies from 2.5 to 50 million (Ghosh, 2016). Afghanistan alone has a 5.7 million displaced population. Among them, 2.6 million have taken shelter in Iran and 1.7 million in Pakistan (UNHCR, 2023). Pakistan has been hosting Afghan migrants since 1979 when the Soviet Union invaded Afghanistan, and many Afghani displaced people have been living in Pakistan for four decades. However, the Pakistan government instructed the Afghan migrants in Pakistan to leave within a month (Rahman, 2023). The situation worsened after 2017 after the massive exodus of the Rohingya in South Asian countries (Haque et al., 2023).