

# **US LOOKING FOR A BETTER SOFA TO LEAVE BEHIND IN AFGHANISTAN AFTER IRAQ FAILURE**

Much to the consternation of those who want all war, all the time, Iraq managed to force the US into a complete pullout of troops at the end of 2011, even though there had been efforts to develop a Status of Forces Agreement (SOFA) that would have allowed a number of troops to stay on as trainers. Because Iraq would not grant criminal immunity to those remaining forces, the US finally withdrew completely. There had been great hope within the Obama administration that the agreement could be reached, especially because it suffered no consequences from its craven behavior in announcing the end of combat operations in August of 2010, which it achieved merely by redefining 50,000 combat troops as non-combat troops. There have been analyses both at the time of the negotiation failure by Josh Rogin and in September of this year by the New York Times, but the unifying theme is that when Iraq would not agree to immunity the US decided on the pullout, despite the best efforts by the Obama administration to claim that a complete withdrawal had been their plan all along.

The Obama administration began negotiations today with Afghanistan on a SOFA for the conditions under which US troops may stay behind after the handover of security control to Afghanistan at the end of 2014. Once again, the Obama administration will first play the semantics game, as the 2014 deadline is for the end of combat operations, as was the first deadline in Iraq. The US is seeking to leave behind a significant training force (that is fully capable of combat but defined otherwise, I'm sure) but is once again seeking criminal immunity for the remaining troops.

There are significant complications for the negotiations. First, the training relationship between NATO forces and Afghan forces is much worse than it was in Iraq, as green on blue killings have threatened how the US has gone about its mission in Afghanistan. Further, the issue of legal standing is complicated greatly by the fact that the US insists on trying Robert Bales in the US while Afghanistan wants to try him there.

Reuters describes the beginning of negotiations:

Afghanistan and the United States have started talks that will eventually define how many American troops stay in the country after most NATO combat forces leave at the end of 2014, and the scope of their mission.

The bilateral security negotiations could take months, and are expected to be difficult. The round of talks that began on Thursday will cover the legal basis for U.S. soldiers to work in Afghanistan post-2014.

"This document is intended to provide the legal authority for U.S. armed forces and their civilian component to continue a presence in Afghanistan with the full approval of the government of Afghanistan," said James B. Warlick, deputy special representative for Afghanistan and Pakistan, who will be leading the U.S. delegation.

And, of course, immunity is front and center as the primary issue:

The thorniest issue in future talks will be whether U.S. soldiers in Afghanistan are given immunity from prosecution under Afghan law.

This is a movie that we have seen before. It is nearly impossible to see how its ending will

differ much from Iraq, although I suspect that the combination of the war-weariness of the public and the ongoing risk of trainers being killed might prompt the US to agree that the end of combat operations this time might actually coincide with a complete withdrawal rather than a redefinition of troops. If that decision can be reached quickly (and a hard line from Afghanistan on immunity could hasten it), perhaps there would then be some hope that the timetable also can be accelerated significantly. The end of 2014 is still more than two full years away. That is a long time for the Obama administration to look at ongoing deaths and huge monetary outlays at a time when most Americans (excluding defense contractors and neocons) have had enough war and debt is the largest political issue in the country.