

U.S. POLICY TOWARD AFGHANISTAN

Policymakers should

- release Afghanistan's \$7 billion from the Federal Reserve Bank of New York;
- restart humanitarian aid—especially related to staple foods and medical supplies to help limit the suffering of Afghans in the current crisis;
- accelerate the Special Immigrant Visa process; and
- hold multiple public hearings on the misstatements and misrepresentations the U.S. government told the American people during the war in Afghanistan and at its end.

Since President Biden withdrew U.S. forces from Afghanistan in August 2021, the country's political, economic, and social conditions have deteriorated exponentially. Although U.S. personnel managed to airlift 125,000 people safely out of the country—the largest airlift in U.S. history and extraordinary by all measures—it did nothing for the Afghans and others left behind.

The Taliban takeover was followed by crippling sanctions that have done little to change the group's behavior and instead have made life miserable for the 37 million Afghans who remain there.

The George W. Bush administration invaded Afghanistan with the aim of dismantling al Qaeda and preventing the country from becoming a staging ground for anti-American terrorist groups. That aim was largely achieved by 2002, but the war limped on for another 19 years, morphing into an ambitious nation-building project. A U.S. intelligence assessment published after the killing of al Qaeda leader Ayman al-Zawahri in Kabul concluded that al Qaeda had still not been reconstituted in Afghanistan and was unable to use the country to launch attacks against the United States. The main post-withdrawal problem is a humanitarian crisis resulting from the collapse of the Afghan economy, which was partly caused by U.S. sanctions.

When it comes to Afghanistan, the Biden administration and Congress should do four things: (1) disburse Afghanistan’s central bank assets that the United States has confiscated, (2) restart and facilitate humanitarian aid to get food and medical supplies to Afghans, (3) accelerate the Special Immigrant Visa process and ensure that the Afghans who endangered their lives to help U.S. and allied forces are able to immigrate to the United States, and (4) create a plan for accountability that includes investigating U.S. policymakers and the military for the waste, lies, and corruption in the conduct of the war in Afghanistan.

Unfreezing Assets

After the Taliban forcefully took over Kabul in August 2021, the U.S. government seized the assets of Da Afghanistan Bank—Afghanistan’s central bank. The assets, approximately \$7 billion, are currently being held in the U.S. Federal Reserve Bank of New York. The assets consist of \$3.1 billion in U.S. bills and bonds, \$2.4 billion in World Bank Reserve Advisory and Management Partnership assets, \$1.2 billion in gold, \$1.3 billion in international accounts, and about \$300,000 in cash. The Biden administration did not need any new authority to freeze these reserves because the Taliban was (and remains) sanctioned under Executive Order 13224 as a Specially Designated Global Terrorist.

On February 11, 2022, the Biden administration announced that it would split Afghanistan’s assets between humanitarian assistance to the country and a 9/11 families lawsuit. That decision has politicized the 9/11 families further. In this instance, under the Justice Against Sponsors of Terrorism Act (JASTA), 130 of the 9/11 families sued the Taliban in the U.S. court system when the group forcibly took over Kabul in August 2021.

JASTA resulted from a desire to give 9/11 families a route to justice and accountability. Congress passed JASTA in 2016 over President Barack Obama’s veto. In the past, these kinds of cases have resulted in large damages for the plaintiffs, but the funds have never been paid. President Biden’s decision to allocate approximately \$3.5 billion of Afghanistan’s reserves to the latest lawsuit will be the first instance. Another group of 9/11 families deemed the lawsuit “morally wrong” and has written the White House to request that the funds be released to the Taliban.

U.S. policymakers should return the entirety of Afghanistan’s assets to Da Afghanistan Bank for two reasons. First, Afghanistan desperately needs the money to function. Its economy is in turmoil, and the country is in the midst of a humanitarian crisis, which worsened after an earthquake killed 1,000 people and injured over 1,500 others in eastern Afghanistan. During the war, about 80 percent of Afghanistan’s budget was funded by the United States and

international donors—and all of that ended when the Biden administration withdrew U.S. troops and froze the assets.

Second, for better or worse, the money is Afghanistan's, not the United States', and it should be returned to the country regardless of who is in power. The human suffering caused by withholding this money is preventable, and the United States should help prevent it. There is little reason to believe that the Taliban will use these funds in a way that jeopardizes U.S. national security.

Reshaping Assistance

The practical problem for Congress and the Biden administration is how to provide assistance to Afghanistan now that the central government has collapsed and the Taliban seems likely to remain in power for the foreseeable future. Some questions remain: If the United States provides aid, what conditions can it impose on the Taliban? Who should administer the flow of aid? How can the aid flow be transparent to limit corruption and waste? These questions, however, miss three key factors.

The first factor is U.S. leverage: The underlying assumption of these questions is that the Biden administration has leverage over the Taliban. Currently, it does not—and will not if present policy continues. The Taliban is no longer a nonstate actor with limited goals. The Taliban today is a state vying for international legitimacy and recognition, with an active foreign policy; it has cultivated relations with China, Russia, and Central Asian states. Any kind of U.S. leverage today, therefore, is dependent on other players as well, and on whether other states would put any (or similar) conditions on Afghanistan. It is in U.S. interests to acknowledge this reality and work multilaterally to deliver short-term humanitarian aid to Afghanistan.

Second, the assistance debates also ignore the fact that Afghanistan does not have the banking infrastructure and capacity to absorb large amounts of aid, which means that aid workers need to be on the ground for the distribution of monies to be effective. However, since the Taliban takeover, almost all large humanitarian organizations have left Afghanistan, which has made administering aid even more challenging since these organizations were at the forefront of aid and responsible for the daily activities associated with it. Their absence has led the country to become extremely food insecure. According to the United Nations Assistance Mission in Afghanistan, as of March 2022, 95 percent of Afghans are food insecure and 100 percent of female-led households in Afghanistan don't have enough food. Because the majority of humanitarian aid organizations are reluctant to return for fear of being sanctioned themselves, it is essential for the United States to lift sanctions on Afghanistan.

The third and most important factor is the end to which aid is directed. The reports from the Special Inspector General for Afghanistan Reconstruction all pointed to an emphasis on “nation building” and on building Afghanistan’s army. Moving forward, Congress should reprioritize its aid goals in Afghanistan to focus more on short-term humanitarian needs, such as food and medical supplies. Although the United States cannot build a nation in Afghanistan with aid any better than it could with its military, U.S. policy has contributed to the current crisis, and a limited and time-bound effort to avoid humanitarian suffering is appropriate.

Providing Asylum

Approximately 80,000 Afghans qualify for the Special Immigrant Visa, a program that Afghan translators, allies, and their family members who assisted U.S. forces can use to immigrate to the United States. While analysts have made the case for expediting applications, the State Department’s Bureau of Consular Affairs has been excruciatingly slow. This situation is related partly to the COVID-19 pandemic, but it is more attributable to bureaucratic incompetence or willful neglect.

History supports this interpretation. President Donald Trump signed a withdrawal deal with the Taliban in early 2020, declaring that all U.S. troops would leave Afghanistan within the year. Why, then, were Special Immigrant Visa applications not processed in a timely manner? Congress should prioritize the processing of these applications and ensure that those who do receive a U.S. visa are provided safe passage to the United States.

Creating Accountability

There seems to be an appetite for accountability in Congress. In the fall of 2021, the House Foreign Affairs Committee held two hearings on the U.S. withdrawal from Afghanistan to evaluate its disastrous execution. In February 2022, the Senate Foreign Relations Committee held a hearing on the humanitarian crisis that was unfolding. No hearings have been held since then. Perhaps stinging from the politics of the botched withdrawal, President Biden didn’t even mention Afghanistan in his State of the Union address.

The nonpartisan commission proposed by Senator Tammy Duckworth (D-IL) to study the war in Afghanistan as part of the fiscal year 2022 National Defense Authorization Act, which is set to begin its investigation this fall, is a welcome move. However, the U.S. government needs to hold more public hearings on U.S. involvement in Afghanistan centered on how U.S. policy-

makers and military leaders misled the American public on the war's progress, along with misperceptions about Afghanistan's reconstruction, waste, and corruption.

Conclusion

Even though the United States has withdrawn from Afghanistan, it should remain engaged to ensure that the Taliban government does not consort with anti-American terrorist groups. The Biden administration should create a plan of engagement with Afghanistan that focuses on diplomacy and basic needs. The plan should unfreeze Afghanistan's assets that remain in the New York Federal Reserve Bank, lift or loosen its sanctions to allow humanitarian assistance to get through, end the gridlock with the Special Immigrant Visa process, and investigate the failures and deceit of the U.S. war in that country to ensure accountability.

The U.S. government spent more than \$2 trillion on the war in Afghanistan, in addition to the lives of thousands of U.S. service members and, conservatively, tens of thousands of civilians. If the Biden administration is serious about creating a human-focused foreign policy, it needs to conduct an investigation into the U.S. war in Afghanistan that spans domestic and international issues.

Suggested Readings

- Allsop, Jon. "As Afghanistan Starves, the Pundit Class Turns Away." *Columbia Journalism Review*, January 21, 2022.
- Anderson, Jon Lee. "The Taliban Confront the Realities of Power." *New Yorker*, February 21, 2022.
- Cohen, Raphael S. "The Big Unanswered Question of the Afghanistan War." *Lawfare* (blog), October 3, 2021. Costs of War Project, Brown University. U.S. Budgetary Costs Figures, September 2021.
- Khan, Sahar. "The Taliban Are Back. Now What?" Commentary, Cato Institute, August 25, 2021.
- Tharoor, Ishaan. "The West Has a Hand in Afghanistan's Bleak State." *Washington Post*, June 1, 2022.

—*Prepared by Sahar Khan*

