

Afghanistan War of 2001 in the light of Just War Theory

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Abstract

The proponents of Just War Theory argue that the Afghanistan war of 2001 was a Just war. However, the application of Just War theory principles of last resort, legitimate authority, and proportionality to the Afghan war reveals that the US invasion of Afghanistan was unjust. The decision was taken without giving due consideration to alternate means of pursuing the Taliban. This paper is an attempt to examine the Just War Theory principles in the light of the Afghanistan war of 2001. The main focus of this paper is to analyze whether the Afghanistan war was just or unjust war.

Keywords: Just War Theory, 9/11, Operation Enduring Freedom, Afghanistan War.

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1. Introduction of Just War Theory

Just war theory is a connected body of ideas and values which defines when war can be ethically justified. It offers a set of moral rules; which states should follow during the war. Just war theory's main assumption is that sometimes societies can be morally justified in waging war.¹ One of the just war theory credits is that over time, it has developed probably the most comprehensive consideration of the legal justification to wage war and also how to maintain peace.² The just war tradition is concerned with describing the justification for resort to force, with limitations on the use of force, and with the obligation to use force in certain circumstances.³ At the same time, Just war theory requires that those who make decisions to wage the war should be constitutionally and legally authorized to do so. In addition, wars should be waged only for just cause. Legitimate authority and just cause are objective criteria about the morality of waging war.⁴

The moral debate on the use of armed force over the last 50 years has been due to the practical use of the idea of just war. This has been possible because of the two books by Paul Ramsay, *War and the Christian Conscience* (1961), and *The Just War* (1968). In the next decade, M. Walzer's *Just and Unjust Wars* (1977), carried the tradition of Just Wars into the realm of political philosophy.⁵ The

¹ Brian Orend, *The Morality of War*, Broadview Press: Canada, 2006, p 4.

² *Ibid.*, p 9.

³ Charles Reed, David Ryall (ed.), *The Price of Peace: Just War in the 21st Century*, Cambridge University Press: Cambridge, 2007, p 37.

⁴ Richard J. Regan, *Just War: Principles and Cases*, The Catholic University Press: USA, 1996, p 84.

⁵ James Turner Johnson, *Ethics and the use of Force: Just War in Historical Perspective*, Ashgate: USA, 2011, p 15.

historical origin of Just War tradition is deeply rooted in the experiences of war and political life in classical Greece and Rome and in the Old Testament. The writings of Augustine of Hippo in the fourth and early fifth centuries are identified as the first Christian Just War thought.⁶

Augustine is normally considered the originator of just war theory. However, Aristotle and Cicero have contributed to the development of the theory.⁷ As per Paul Christopher, the Greek Philosopher Aristotle has coined the term just war.⁸ The triad of Aristotle, Cicero, and Augustine are the founders of Just War theory. Augustine is often credited with inventing just war theory all by himself. However, this is a huge exaggeration that undermines the Greco–Roman contribution. It was Augustine, who insisted on the principle of ‘right intention’ both in *jus ad bellum* and *jus in bello*.⁹

Some scholars credit the origin of Just War traditional to the early Christian theologians especially Saint Ambrose (Circa 339-397 CE) and Augustine (354-430 CE).¹⁰ Just War theory is regarded as the most comprehensive and significant perspective on the principles of war and peace. As per Orend, Hugo Grotius is one of the chief classical members of the Just War tradition. While as, Michael Walzer is regarded as the contemporary Just War theorist. He further opines that the Just War theory tradition is a synthesis of classical Greco-Roman, as well as Christian values.¹¹ The classical Just War theory is based on two sets of rules about warfare. *Jus ad bellum* (the justice of war), determines when it is just to wage war, and *Jus in bello* (justice in war), determines how to fight a just war morally.¹²

The central idea of Just war theory is that sometimes states can have moral justification for waging war. In other words, war, as per just war theory is an ethically appropriate use of mass political violence.¹³ Just war theory is a secular concept, which means a way of thinking about war’s rightness or wrongness. As per Aristotle, it is morally justified to go to wars to prevent one’s community from being attacked and enslaved by another. The contemporary just war theorists consider self-defence as the most obvious just cause for war.¹⁴ However, interesting to note that Aristotle considers it right to go to war to gain an empire, provided: (i) this empire would benefit everybody including the conquered, and (ii) this empire would not become so large and rich that it would attack others and hence result in more wars.¹⁵ Likewise, Cicero endorsed wars of self-defence and was also supportive of empires. In addition, Cicero added the rules of proper authority and public declaration to the just war thinking. He also insisted on the need for restraint in battle and was a proponent of soldier rights in war.¹⁶

⁶ *Ibid.*, pp.14-16.

⁷ Regan, *Just War: Principles and Cases*, p 14.

⁸ Orend, *The Morality of War*, p 10.

⁹ *Ibid.*, p 12.

¹⁰ Howard M. Hensel, *The Prism of Just War: Asian and Western Perspectives on the Legitimate Use of Military Force*, Ashgate: England, 2010, p 8.

¹¹ Brian Orend, "War", *The Stanford Encyclopedia of Philosophy* (Fall 2008 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/fall2008/entries/war/>

¹² Hensel, *The Prism of Just War*, pp. 8-9.

¹³ Orend, *War*.

¹⁴ Orend, *The Morality of War*, p 10.

¹⁵ *Ibid.*, pp. 10-11.

¹⁶ *Ibid.*, p 11.

As for as the resort to use [armed] force was concerned, the classical just war tradition used the ideas of Aquinas which were based on: sovereign authority, a just cause, not reflect the wrong intention, and must aim positively at creating the peace.¹⁷ The importance of the requirement of the sovereign authority for the resort to force is that persons in such authority are responsible for the good of their political communities. Such persons or leaders are responsible both individually and collectively for maintaining the structure of relations among such communities. The right and responsibility to use force derive from this large responsibility. However, the use of the force defined here is one of the tools of the government and only of government.¹⁸ The emphasis on the requirement that use of force must be undertaken by the public authority and at the same time must seek to serve the common good is the main idea of Augustine's just war. However, this essential requirement has slipped in contemporary just war thought.¹⁹

Just cause in classical just war thinking meant the need either to defend against some threat to the common good or to retake something which was wrongly taken or to punish evildoers. Here, the just cause of defense was not self-defence as it is used and understood today but the defense of the peace and orders both of the immediate community in particular and of the system on which all the communities depend.²⁰

2. Moral Foundations of Just War Theory

Just war theory has a moral foundation in the following areas: First, just war theory values human life. Just war theory calls for the protection of the innocent and criticizes the methods of war. Second, just war theory calls for accountability for one's actions, both for individuals as well as collectively. Regardless of the provocation, just war theory states that we are ethically responsible for how we respond to the provocation. Third, just war theory states that the motives for going to war do have moral content. The motivation for going to war should be based on just cause, right intention, and last resort.²¹

The idea that war should be sanctioned by legitimate authority acknowledges that governments and law are the moral foundations. The just war theory is pragmatic in its character and application.²² For example, the idea of just cause is very practical as sometimes both sides will claim their cause is just. However, the side which can frame its war aims in terms of the moral high ground is receiving the necessary support of its constituents and the international community.²³

3. Principles of Just War Theory and Afghanistan War:

Just War theory consists of three principles. These are:

¹⁷ Johnson, *Ethics and the use of Force*, p 17.

¹⁸ *Ibid.*, pp. 17-18

¹⁹ *Ibid.*, p 18.

²⁰ *Ibid.*

²¹ Mark Rigstad, "Jus Ad Bellum After 9/11: A State of the Art Report", *The IPT Beacon*, Issue:3, June 2007, pp. 117-119.

²² Eric Patterson, "Just War in the 21st Century: Reconceptualizing Just War Theory after September 11", *International Politics*, Vol.42, 2005, p 118.

²³ *Ibid.*

3.1 *Jus ad bellum*: As political leaders order wars, they are responsible and accountable to *jus ad bellum* principles. Just War theory states that for any war to be justified must fulfil the following requirements:

i) Just Cause: A state which initiates a war must have morally good reasons. The only exception for a state to wage war is for the right reason. As per Greeks and Romans, self-defence against an attack is a just cause for using military force. At the same time, helping friends and coming to the aid of allies who were the victims of aggression is closely associated with self-defence.²⁴ Furthermore, the just cause also includes the protection of the common civilians from the brutal and oppressive regimes and punishment for crimes against humanity which remains uncorrected. However, as per the contemporary just war theorists like Walzer, the only Just cause for resorting to war is the resistance against aggression.²⁵ International law affirms that states have two rights of political sovereignty and territorial integrity and aggression involves the use of military force in violation of these rights.²⁶

The states have these rights to protect their people and to provide them with their human rights. If governments can do so, they are legitimate and vice-versa. From the moral point of view, only legitimate governments enjoy these rights, including the right to wage war. Brian Orend opines that there are three basic criteria for a legitimate government: First, the state should be accepted and recognized as legitimate both by its people as well as by the international community. Second, the state should not violate the rights of other legitimate states. In other words, legitimate states or governments do not commit aggression against other legitimate states. Finally, the legitimate states make sure to protect and safeguard the basic human rights of their citizens. And, As Orend argues, states failing any of these criteria have no right to govern or to go for war.²⁷ One might argue that why states should have rights at all? Acknowledgment of the rights of states has two implications. First, it gives moral legitimacy to the states. Second, to deter rogue states from violating these rights and also to maintain order. In addition, acknowledgment of rights makes it convenient to describe what is wrong about aggression and why it justifies war in response?²⁸

Another important issue in just cause is whether an armed humanitarian intervention is a just cause? When a state commits serious human rights abuses against its people and deploys armed forces against its people, it becomes a duty for the international community to act. As per just war theory, in that situation, it is permissible to intervene on behalf of the victims and to overthrow the rogue regime (For example, Libya's case of 2014). Aggression is the use of force in violation of someone's basic rights. That can be: (i) another person, (ii) another state or, (iii) a group of people (ethnic or religious, etc.).²⁹

The aggressor has no right to defend, instead, the aggressor must stop and surrender and face punishment. If the aggressor does not stop, it is permissible

²⁴ Hensel, *The Prism of Just War*, p 12.

²⁵ Aggression is the use of force in violation of one's basic rights.

²⁶ Orend, *War*.

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ *Ibid.*

for its victims to revolt and resorts to force to protect themselves. It is also permissible for others to come to the aid of the victims.³⁰

Another important issue in just cause is whether one must wait for the aggression actually to happen or whether in some cases it is allowed to launch a pre-emptive strike against anticipated aggression. The just war tradition is divided on this issue. Some argue that we must wait as it would be wrong to punish someone for an offense they have yet to commit while others argue that the best defense is a good defense. We should not let the aggressor have the upper hand. On the other hand, international law completely forbids pre-emptive strikes unless they are authorized in advance by the U.N Security Council.³¹

It is debatable to ask whether the U.S had just cause to defend itself against any foreign states particularly Afghanistan. The U.S led counter-terrorism efforts in Afghanistan could have targeted *Al-Qaida* without toppling the Taliban government. Taliban should have been left alone unless they would have hindered the U.S led Military operation in Afghanistan. However, the U.S led coalition did not opt for this option.³²

Some argue that 9/11 was not a surprise attack without prior declaration. They argue that the previous 1993 war bombing of the WTO, the 1998 embassy bombings in Kenya and Tanzania, and the 2000 bombing of the USS Cole made it clear that 9/11 was not the start of a new war. The U.S had just cause for war with *Al-Qaida* since 1993. However, the U.S did not act as it did after 9/11. Therefore, 9/11 did not present a *jus ad bellum* moment at all.³³

Furthermore, when compared with previous attacks, as mentioned above, there was nothing unique about neither the location nor anything strange about the kind of damage it caused. Al-Qaida had already launched an attack on U.S soil. So, 9/11 did not create a just cause for war. Furthermore, one could argue that the attacks were perpetrated by *Al-Qaida*, not by the Taliban, So, in the absence of direct attacks from the Taliban the 9/11 attacks cannot justifiably become interstate attacks. Moreover, it is not convincible to combat the war crimes of sub-state actors.³⁴

ii) Right Intention: Just war theory states that war must be waged to correct a wrong. War should not be waged for glory, revenge, or some other malicious purpose. The proper intention behind any military action should be to secure peace as wars are rooted in arrogance and pride. Justice in war requires the right intentions as well as the legitimate cause. However, the military action drawn by efforts of self-expansion undermines one's just cause.³⁵ The moral intentions of just cause for a just war include removal of threat. However, motives such as securing access to oil reserves or intentions of revenge undermine the legitimate intentions.³⁶

³⁰ *Ibid.*

³¹ *Ibid.*

³² Rigstad, *Jus Ad Bellum After 9/11*, p11.

³³ *Ibid.*, pp. 11-13.

³⁴ *Ibid.*, pp. 12-13.

³⁵ Hensel, *The Prism of Just War*, pp. 12-14.

³⁶ Jennifer Leaning, "Was the Afghan Conflict a Just War"?, *British Medical Journal*, Vol. 324, No. 7333, Feb. 9, 2002, p 353.

In the case of Afghanistan, the primary war aim in Afghanistan remains unsatisfied and the quest continues to track down and destroy the terrorist network.³⁷ The U.S.-led coalition forces got involved in regime change and democratization by force even though Afghanistan had not experienced total defeat.³⁸ The Al-Qaida leaders are still active and even have become stronger. Similarly, the Taliban is back in Afghanistan.

iii) Legitimate authority: Both classical, as well as contemporary just war theorists, argue that a legitimate authority must declare a state of war. As per Cicero, “No war is just unless it is waged after a formal demand for restoration or unless it has formally announced and declared beforehand.”³⁹ The legitimate authority means primarily states or their representatives (in contemporary times it could be U.N or NATO). Only members of these organizations can legitimately go to war. While the other groups which are not members of these organizations are likely to be branded as Guerrillas, insurgents, or terrorists.⁴⁰

A state may go to war only if the decision has been made by the appropriate authorities and also made public both to its citizens and the enemy state.⁴¹ In the context of Afghanistan, the case of legitimate authority must be determined by whether the decision to invade Afghanistan was legal and in alignment with the U.S political system or not; and secondly, whether the decision of waging war against Afghanistan was authorized by the proper authority as per the international law or not??

(a) U.S. Law (US Political System): Some argue that the OEF was not authorized by the U.S. Congress. It is being argued that President Bush activated the U.S Armed forces without formally seeking a congressional declaration of war.⁴²

(b) International law: Contemporary International law prohibits states to use force in their relations except in self-defence and actions authorized by the UN Security Council. Even if states are sometimes forced (if their rights of sovereignty and territorial integrity are violated) to use military force, there are some legal constraints that states have to follow and observe. The U.N Security Council Resolution 1368 of Sep. 12-2001 (that most of the defenders of US's invasion of Afghanistan of 2001 interpret as the explicit UNSC authorization), reads that the Council “Expresses its readiness to take all necessary steps to respond to the Sep. 11 attacks”.⁴³ Katzman, argues that this was interpreted as a U.N authorization for military action; however, it did not explicitly authorize military operation as the resolution did not give reference to chapter VII of the U.N Charter.⁴⁴ Similarly, Stephen R. Shalom in his detailed analysis of the Afghanistan war of 2001 argues that U.S led coalition force's invasion of Afghanistan was in violation of both U.S

³⁷ *Ibid.*

³⁸ Cora Sol Goldstein, “Just War Theory and Democratization by Force: Two Incompatible Agendas”, *Military Review*, Sep-Oct 2012, p 6.

³⁹ Hensel, *The Prism of Just War*, p 14.

⁴⁰ Patterson, *Just War in the 21st Century*, pp. 118-119.

⁴¹ Orend, *War*.

⁴² Leaning, *Was the Afghan Conflict a Just War?*, p 353.

⁴³ Kenneth Katzman, “Afghanistan: Post-Taliban Governance, Security, and U.S. Policy”, *Congressional Research Service*, RL 30588, February 24, 2015, p 7.

⁴⁴ *Ibid.*

domestic law as well as International law.⁴⁵ Shalom further argues that despite the overwhelming worldwide sympathy and support, the U.S did not go for the explicit UNSC authorization because the U.S did not want to share the control of its military operations with the UN, and also the U.S wanted to set the precedence for the future unilateral military operations (like in case of Iraq's invasion in 2003).⁴⁶

(iv) Self-defence: Some argue that the Security Council authorization is not needed as the UN charter recognized the right of self-defence. Under article 51, self-defence is a right exercisable as of the sole discretion of an attacked state and not a license to be granted by the Security Council. This surely seems true in September 2011 and the U.S certainly had the right to use force to stop terrorists who were attacking the U.S. However, some argue that as per the international law (UN charter) the response (self-defence) should be immediate, in proportion, to defend one's territory, to repel the aggression and can be invoked and used till the UNSC decides on the matter (self-defence is an exception to the provision of collective defense enshrined in the UN charter till UNSC decides the matter).⁴⁷ Shalom argues that the case of 9/11 does not fit and qualify in the right of self-defence because the attack was over; there was no immediate threat to the U.S, and the response was not immediate and did not adhere to the provisos and condition of the right of self-defence.⁴⁸

(v) Last Resort: The just war theory maintains that war should not be waged until all other reasonable means have been attempted and exhausted. Considering the human and material costs of war, the other methods of conflict resolution should be tried before using force. If neither negotiations nor arbitration resolves the conflict, then a grievant state is free to use force.⁴⁹ The principle of last resort argues that force must be used after all the other options like political and economic means have been attempted and exhausted.⁵⁰ Shalom argues that the U.S did not honestly and properly explore other options before resorting to military force.⁵¹ Leaning argues that the 9/11 attack should have been treated as a criminal rather than a military threat and a political and diplomatic response should have been adopted.⁵² Similarly, the notion of last resort is equally pragmatic. In reality, last resort is about the costs and benefits of action at any given time and those should have been explored honestly and properly.⁵³

(vi) Probability of Success: A state may resort to war if it is clear that doing so will have a measurable impact on the situation. Before the war, a state must measure the costs and benefits of the war. The aim should be to secure the just cause.⁵⁴ The question of justice is relevant only when both sides are equal in power, otherwise "the strong do what they can and the weak suffer what they

⁴⁵ Stephen R. Shalom, "Far from Infinite Justice: Just War Theory and Operation Enduring Freedom", *Arizona Journal of International and Comparative Law*, Vol.26, No.3, 2009, pp. 650-654.

⁴⁶ *Ibid.*, pp. 658-659.

⁴⁷ Adil Ahmad Haque, "The United Nations Charter at 75: Between Force and Self-Defense", *Just Security*, June 24, 2020, <https://www.justsecurity.org/70985/the-united-nations-charter-at-75-between-force-and-self-defense-part-one/>, accessed on 09-12-2021.

⁴⁸ Shalom, *Far from Infinite Justice*, pp. 660-661; pp 664-665.

⁴⁹ Hensel, *The Prism of Just War*, p 15.

⁵⁰ Leaning, *Was the Afghan Conflict a Just War?*, p 354.

⁵¹ Shalom, *Far from Infinite Justice*, pp 664-665; pp. 625-645.

⁵² Leaning, *Was the Afghan Conflict a Just War?*, p 354.

⁵³ Patterson, *Just War in the 21st Century*, p 119.

⁵⁴ Orend, *War*.

must".⁵⁵ The notion of success in war suggests that if a war is not winnable, it should not be fought.⁵⁶

The U.S. military occupation of Afghanistan in 2001 has been a neither military nor a political success. Afghanistan is still a failed state and a potential threat to the region. Democratization by force cannot succeed in Afghanistan as it is deeply fractured and divided by ethnic and religious rifts.⁵⁷ As Goldstein observed in 2012 that the government (non-Taliban) in Afghanistan is inefficient, corrupt, and does not most of the country. The Afghanistan security forces are weak. Afghanistan is the world's main producer of opium and also Taliban warlords are controlling the countryside.⁵⁸ The recent political events in Afghanistan (the sudden US withdrawal and the resultant regime change) support the above argument of Afghanistan being a weak and fragile state. The recent political changes in Afghanistan support that U.S military options in Afghanistan failed even after spending 20 years and billions of dollars in Afghanistan.

3.2 *Jus in bello:* *Jus in bello* refers to justice in war or the right conduct in the middle of battle. The responsibility for *jus in bello* is primarily of military commanders, officers, and soldiers as they are the ones who formulate and execute the war policy of a particular state. They are responsible for any breach of the principles of *jus in bello*.⁵⁹ This principle deals with the intensity and scope of warfare. Proportionality and discrimination are the main principles in this category.⁶⁰

(i) Proportionality: According to the principle of proportionality, to achieve the military objectives, combatants must cause no more destruction than is required. This principle concerns how much force is morally permissible.⁶¹ The principle of proportionality states that a minimum force should be used to accomplish objectives and we should not engage in costly conflict if there are cheaper (like economic diplomatic) options available. At the same time, the principle of proportionality is practical as it counts the costs and utility of various methods of warfare like should infantry, tanks, or be used in the war. Furthermore, proportionality highlights that sooner or later the war will end. Hence, just war theory brings ethical and practical considerations to the war.⁶²

(ii) Discrimination: The principle of discrimination describes who may be a morally legitimate target. As per the contemporary just war theory, non-combatants should be immune from direct and intentional killings. However, within the Greco-Roman tradition, everyone in a combatant state was treated as an enemy.⁶³

The rules governing *jus in bello* are both external and internal. External or traditional, *jus in bello* concerns the rules a state should observe regarding the

⁵⁵ Hensel, *The Prism of Just War*, p 22.

⁵⁶ Patterson, *Just War in the 21st Century*, p 119.

⁵⁷ Goldstein, *Just War Theory and Democratization by Force*, p 2.

⁵⁸ *Ibid.*, p 6.

⁵⁹ Orend, *War*.

⁶⁰ Hensel, *The Prism of Just War*, p 17.

⁶¹ *Ibid.*

⁶² Patterson, *Just War in the 21st Century*, pp. 119-120.

⁶³ Hensel, *The Prism of Just War*, p 20.

enemy. The rules of external *jus in bello* are:⁶⁴ (i) states must obey all international laws on weapons probation. For instance, chemical and biological weapons are forbidden by many treaties. Similarly, nuclear weapons should not be used and any use of them should be met with proper action by the international community, (ii) soldiers must discriminate between the civilian population and those legitimate military targets, and (iii) the prisoners of war should be treated as per the Geneva Conventions. It is wrong to target them with death, starvation, rape, torture, etc.⁶⁵

On the other hand, internal *jus in bello* concerns the rules a state must observe in connection with its people. Internal *jus in bello* requires a state to respect the human rights of its citizens during the crisis. It has been observed that the worst atrocities in wartime have occurred within national borders. Some states, in the guise of war with foreign powers, engage in massive internal human rights violations and sometimes, during the wartime situation impose emergency legislation which turns out to have been complete overkill.⁶⁶

Just war theory states that the means used in any war must conform with the international humanitarian law. These rules insist on when and how to engage forces in combat, whether the targets are states or non-state actors. These legal obligations would apply to Afghan civilians as well as Taliban soldiers. However, the U.S has not fully upheld these rules and obligations.⁶⁷ For instance, as observed by Shalom, the principles of proportionality (as discussed above) were not fully upheld properly. The indiscriminate and heavy bombing by the U.S led coalition forces resulted in both direct and indirect killings of hundreds and thousands of common Afghans. Similarly, the U.S led coalition forces the prisoners (the Taliban fighters, etc) were denied the rights as enshrined in the Geneva conventions and also as propounded by the principle of discrimination (as discussed above in detail).⁶⁸

3.3 Jus post bellum: Jus post bellum refers to justice after the war. It seeks to regulate the ending of wars and to facilitate the transition from war to peace. Following are the principles for Jus-post-bellum:⁶⁹

(i) The peace settlement should be measured and reasonable, as well as publically pro-claimed.

(ii) The settlement should safeguard those rights whose violation had triggered the war. These include basic human rights of life and liberty as well as state rights.

(iii) Distinction should be made between the leaders, the soldiers, and the civilians in the defeated country at the time of negotiation. Civilians are entitled to immunity from punitive post-war measures.

⁶⁴ Orend, *War*.

⁶⁵ *Ibid*.

⁶⁶ *Ibid*.

⁶⁷ Leaning, *Was the Afghan Conflict a Just War?*, pp. 354-355.

⁶⁸ Shalom, *Far from Infinite Justice*, pp. 668-677; p 690.

⁶⁹ Orend, *War*.

(iv) The leaders of the defeated country should face fair and public international trials for war crimes. Similarly, soldiers from all sides of the conflict must be held accountable for investigation and possible trials for war crimes.⁷⁰

The recent political events like the failure of the Doha agreements (as it did not result in the Intra-Afghan peace settlement); the sudden and surprising US withdrawal from Afghanistan without any concrete and meaningful peace settlement between the contesting parties (Taliban and the Ashraf Ghani led Afghan Government), and the dramatic Taliban takeover of Afghanistan in August 2021 depicts the failure of the U.S led coalition forces in upholding the principle of just post bellum in the Afghanistan context.

4. Conclusion

Just War theory emphasizes that all the criteria must be fulfilled for the declaration of war to be justified. It is important to note that the principles of *just cause*, *right intention*, and legitimate *or proper authority* are called deontological requirements. In other words, they are duty-based requirements or first principle requirements. Here, the duty is not to commit aggression. Despite widespread support of OEF by just war theorists; however, OEF failed at three important just-war principles. The last resort principle requires a state to make a good effort to achieve its goals by non-military means before going to war. However, OEF failed to meet this criterion. The U.S administration did not seriously peruse alternative means of action. Thus, they did not comply with the principle of last resort.

Similarly, the right authority principle requires that the decision to resort to force must be made by those who are legally authorized to do so. The authorization must comply with both domestic as well as international law. However, OEF failed to meet this criterion on both counts as well. Finally, the principle of proportionality requires that the costs of war should not exceed the benefits. The prisoners of war were not properly treated. Similarly, the civilians were indiscriminately harmed by the direct and indirect effects of the bombing. According to Just-War theory, a state can wage a Just-War if all the Just-War conditions are met. However, the U.S violated three of the Just-War principles. So, the war is surely unjust.

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⁷⁰ Shalom, p 690.