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Michael Byers on Canada's role in Afghanistan

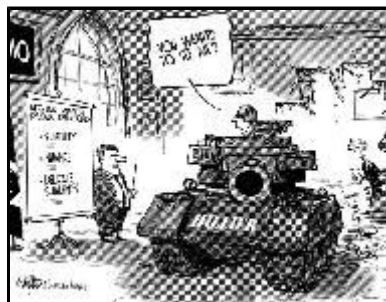
GLOBE AND MAIL UPDATE
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The Globe and Mail's Michael Valpy has described UBC's Michael Byers as the "angry academic voice of Canadian foreign policy." **'This is Stephen Harper's war'**

Prof. Byers is one of the country's leading scholars on international law, Mr. Valpy wrote, and "he argues that Canada's presence in Afghanistan has become the football of electoral politics, with less and less concern being paid to analyzing the military and political reasons why Canadian soldiers are there and being killed."

Recently, Prof. Byers took issue with John Manley's panel on Canada's future role in Afghanistan, arguing that Mr. Manley had his mind made up rather than taking a fresh, objective look at the issue. And Prof. Byers believes that "it's time to move from a combat-oriented approach to one that focuses on negotiation, peacemaking and nation-building. ... It's time to move NATO troops out, and UN peacekeepers in."

Prof. Byers was online to answer your questions about the Manley report conclusions, the Harper government's response and the latest arguments over how Canadian troops are handling Afghanistan prisoners. They appear at the bottom of this page.



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Prof. Byers holds a Canada Research Chair in Global Politics and International Law at the University of British Columbia, where he also serves as Academic Director of the Liu Institute for Global Issues. Prior to July 2004, he was a tenured Professor of Law and Director of Canadian Studies at Duke University. From 1996-1999, he was a Fellow of Jesus College, Oxford University. His work focuses on the interaction of international law and international politics, especially with regard to international organizations, the use of military force, the law of the sea, human rights and Canada-United States relations. He is the author of *Intent for a Nation: What is Canada For?* and *War Law: Understanding International Law and Armed Conflict*.

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Estanislao (Stan) Oziewicz, Foreign Editor, globeandmail.com: Prof. Byers, thank you so much for joining us today on these very important and controversial issues. There are many comments and questions (including ones sharply questioning your own positions) so let's get to them right away.

Robert Dresser, from Parksville, British Columbia: Is Afghanistan just an unresolved civil war on hiatus until the foreigners leave? It was pretty obviously a civil war until the United States and NATO got involved, siding with the 'Northern Alliance' to oust the Taliban. All we seem to have done is to drive the Taliban into a sanctuary in which they regrouped and recovered to return as an anti-Western insurgency. Meanwhile the Tajik, Uzbek and Hazara warlords are reportedly reconstituting and rearming their militias also. It strikes me that this civil war isn't over, just on hold. Do you agree?

Prof. Byers: Dear Robert, I'm not an expert in the history, culture or ethnic make-up of Afghanistan. But neither were the Canadian politicians

and generals who sent our troops to Kandahar. In their book *"The Unexpected War,"* Janice Stein and Eugene Lang quote Ken Calder, the then assistant deputy minister of policy in the Department of National Defence, as saying "We don't know anything about this country." That said, we do know that the Afghan tribes have always come together to expel foreign invaders, including the British and Soviet empires. When you add in the fact that Afghanistan is now the source of more than 90 per cent of the world's heroin, you get a nasty mix of tribal units, drug gangs, corrupt police and, of course, elements of the Taliban. To be blunt, I don't think we're holding anything together there now; in fact, we're probably making things worse.

D. Patrick: Professor Byers, naturally, it is desirable for some form of domestic peace process to proceed that can draw the Taliban into negotiation and into government, allowing Canadian and ISAF forces to withdraw from a combat role. President Hamid Karzai has also, repeatedly, left the door open to this. What evidence is there that the Taliban are prepared for such a process, that they will depart from a maximalist strategy based on military victory and the ambition to return to government, and are they capable of endorsing the pluralism that the current government represents? What actions would be needed to advance such a peace-building strategy in terms of diplomatic, defence and development interventions? More directly, is this not complimentary to the Manley report, which aims to sustain the 'space' in which security and development can take place until such time as a peace building process gets underway?

Prof. Byers: Dear Mr. Patrick, one of the failures of the Manley report is that, although it recommends a renewed diplomatic effort, it does so only with respect to those who are already our friends: i.e. the other countries of NATO and the Government of Pakistan. Yet effective diplomacy requires reaching out to opponents and enemies. Winston Churchill recognized this, saying that "jaw, jaw is always better than war, war." I simply cannot understand why this basic principle is so alien to Canadian decision-makers.

Are there factions within the insurgency that are open to negotiation? Of course there are. Afghanistan is a place where fighting and negotiation have always existed in tandem. Our biggest mental block, I think, is the assumption that somehow Afghanistan has to be a unitary state subject to the effective control of a central government in Kabul. Afghanistan isn't a western European country; it's a loose confederation of tribal units. Once we accept that reality, negotiating with all the various groups becomes a natural part of our strategy.

Brent Beach, from Victoria, British Columbia: There are two very different views of the Afghanistan problem. On the one side we have the Pollyanna, or I mean, the Manley report, which sees the problem as readily solvable: 1,000 more troops, some more military hardware and the war is won. On the other side, there are assessments comparing the number of soldiers involved in the losing Russian effort to those in the current NATO effort (one-tenth now), the fact that the Karzai government really only has partial control of one city (recent Taliban attacks even in Kabul), the problems with drug lords and war lords, and the imminent disintegration of Pakistan. Why has the Canadian media bought so completely into the Manley rose-coloured glasses view? Can the Afghanistan problem be solved without partition of the country and attachment of the bits to the neighbouring countries based on ethnic groupings?

Prof. Byers: Dear Brent, as you probably know, I've had serious misgivings about the so-called "independent" panel headed by John Manley. And these misgivings were only confirmed when it emerged that entire paragraphs of the report were cut-and-pasted from an article that Mr. Manley published in the journal "Policy Options" last October. (Scott Ross has done a useful comparison of the two documents on his blog, at: <http://thescottross.blogspot.com/>). So much for a "fresh" assessment of the situation!

For two years now, I've been arguing that the counter-insurgency approach has failed in Kandahar: that there is no military solution to the problem; that storming into compounds, bombing villages from the air (thank you, U.S. Air Force) and deploying tanks is not the way to win hearts and minds.

I happen to think that calling for a change of course demonstrates support for our troops, since sending them on a futile mission is the worst thing we can do to them. Unfortunately, the Harper government has worked hard to persuade people of the opposite: that opposing the mission somehow demonstrates a lack of support for the young men and women who try so hard to succeed. In my view, elements of the media were caught up in this false patriotism, too. And some of them, perhaps, simply took the cynical view that battles sell more newspapers than negotiations. In that context, the lack of scrutiny applied to the Manley report becomes slightly more comprehensible.

Dennis Petruck, from Canada: Mr. Byers, you obviously subscribe to the Liberal stand on this. How can you have peacekeeping where there is no peace? How do you train combat troops without taking them into combat? And who will take our place should we leave? What will happen to the Afghan civilians if no one steps up to the plate and the Taliban return? How can you do reconstruction without security being established first? Please answer these questions before I can begin to understand how your ideas will work in Afghanistan.

Prof. Byers: Dear Dennis, for the record, I'm not a Liberal. I'm an old-fashioned Red Tory who currently favours the New Democratic Party. I am pleased that the Liberals have moved towards the position that I've long been advocating, namely, that we should withdraw from the counter-insurgency mission and focus our efforts on diplomacy and development. Those who think that this position is naïve should reassess their own assumptions. How much of the absence of "peace" is due to our own actions? As the Canadian major general Andrew Leslie said in August 2005: "Every time you kill an angry young man overseas, you're creating fifteen more who will come after you." What, if anything, have we learned from the quagmire that the United States created for itself in Iraq with the very same counter-insurgency approach that we've adopted in Afghanistan? And just how secure are ordinary Afghans today? In terms of some measurements of security - such as the prevalence of rape - the situation is actually much worse than it was before we arrived.

I'm happy to admit that there are no easy answers. But a frank examination of our failures is an important part of doing things better. We've failed to contain the insurgency through force of arms. We're in a hole, and it's time to stop digging.

Bruce Weaver, from Canada: Mr. Byers, how can you have peacekeepers when the Taliban are kidnapping, killing, beheading those who try to help Afghans? Do you not need combat troops at the ready in certain cases? Remember most Taliban are not Afghans. Also, it seems more people are concerned about the rights of Taliban detainees than those of the Afghan people themselves who rights would be taken away should the Taliban return.

Prof. Byers: Dear Bruce, the most important reason for treating prisoners properly is that news of their good treatment finds its way back to our opponents in the field, who are then more willing to surrender when confronted with Canadian troops. In contrast, insurgents who believe they will be tortured if captured will fight to the death, and that in turn increases the risks to our soldiers. For this reason, those advocating effective protections for detainees are actually supporting our soldiers more than those who denigrate detainee rights.

On the issue of needing combat in some circumstances: yes, you're right. I'm not suggesting that Canadian soldiers should lay down their arms. In fact, even contemporary UN peacekeeping missions (in places like Lebanon or the Congo) provide robust mandates for the use of force, not just

in self-defence but also in protection of civilians. The issue is the approach: do you lead with guns, tanks and bombs and hold off on negotiations until you've somehow defeated the enemy; or do you combine a show of force with a strong commitment to diplomatic engagement and an acceptance of cultural and historical differences?

I was in Germany last week with four Canadian Members of Parliament (two Conservatives; two Liberals), and the question that I kept asking our German government hosts was, "What comes after NATO?"

Who is going to take over from that European defence alliance in two, five or ten years? It's a question to which there is only one answer. In the end, Afghanistan will be handed over to the United Nations, which specializes in a comprehensive approach to stabilizing and rebuilding failed states. The challenge for Canadians is, how do we facilitate that transition? By continuing the counter-insurgency? I think not.

K.S., from Toronto: The Manley report makes scant mention of the detainee problem (one paragraph out of 94 pages) despite the importance of this issue. If we hand over detainees to the Afghan authorities without ironclad assurances that they won't be mistreated we betray our values and become unwitting accomplices to torture. If we stop taking detainees or adopt a catch-and-release policy military operations become much more difficult and perhaps even futile. Given all this why hasn't a successful resolution of the detainee issue been made a condition of any possible extension of the mission?

Prof. Byers: Dear K.S., last week, a senior adviser to the Minister of Defence told me that the Canadian public doesn't care about detainees. In other words, it's an issue for the "elites" of this country but not for "ordinary" Canadians.

I think he's wrong. How we treat detainees reflects the degree of concern we have for our own soldiers. And it reflects the kind of country we want to be. Are we a country that wants to risk complicity in torture? Are we a country that is prepared to argue, on the basis of legal technicalities, that we don't have to uphold the same values abroad that we maintain at home?

On detainees, as on every single issue of foreign policy, we can afford to do the job right. And so we should, because of who we are.

Allen Crawford, from Vancouver: The one question I have failed to find in the media is: What Canadian purpose is served by our mission in Afghanistan?

Prof. Byers: Dear Allen, there are two ways of understanding your question. First, what Canadian purpose is served by our current counter-insurgency mission in Kandahar? The answer to this question is clear. As Janice Stein and Eugene Lang have documented, we sent our soldiers to southern Afghanistan because of a perceived need to appease the Bush administration after Paul Martin's decided to keep Canada out of U.S. missile defence.

Second, and more importantly, what Canadian purpose could be served in Afghanistan in the future? And the answer to this question depends on the approach we take. If we show leadership by pulling out of the counter-insurgency and focusing on a less aggressive, more diplomatic approach, we might be able to turn a failure into a success, for instance, by aiding the eventual transition to a comprehensive UN mission. I am not advocating that Canada abandon Afghanistan. What I am advocating is that we start crafting our own policies for a change, applying less aggressive approaches and supporting multilateral institutions in a manner more consistent with the traditions of Canadian foreign policy. It's time

to behave as were and still are: a powerful, progressive and independent country.

Mr. Oziewicz, globeandmail.com Foreign Editor: Prof. Byers, some provocative questions and thoughtful rejoinders. Thank you for participating today, and we look very much forward to having you again.

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