



## Not Signed and Sealed Just Yet: Kerry and Karzai's deal on the Bilateral Security Agreement

**Author :** Kate Clark

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**The United States Secretary of State, John Kerry, has flown home with the basis of a Bilateral Security Agreement in his pocket, finally thrashed out with President Hamed Karzai. On this depends continuing US and NATO missions after 2014. Negotiations on the deal have been long and painful, AAN senior analyst Kate Clark reports, because of fundamental problems with the 12-year old intervention: how can a nation be both sovereign and dependent on foreign aid and what exactly is the nature of the conflict?**

It was a hard, marathon session of negotiations during which Kerry and Karzai finally hammered out a deal after months of harsh words. Both sides have been saying they were prepared to walk away from the table and last week Karzai [told](#) the BBC the intervention had caused “a lot of suffering, a lot of loss of life, and no gains because the country is not secure”. In the end, though, as US officials travelling with Kerry [described](#) to journalists, there is now “a basic agreement on all the key issues”.

Few details have been made public (read the transcript of their press conference [here](#) or at the end of this dispatch) but both sides said everything had been agreed except continuing immunity for US military personnel from the Afghan courts. As in every other country in the world where its forces are based, the US insists on trying American soldiers accused of crimes itself. For the US this is non-negotiable as it showed by walking away from Iraq. Curiously, at the start of the year, Karzai [signalled](#) he had given up on Afghan jurisdiction over US



soldiers.(1) (For anyone needing a recap on the legalities of the US military presence in Afghanistan – what is the difference between a BSA and Status of Forces Agreement (SOFA), why immunity from Afghan prosecution is vital to Washington and so on, a previous dispatch by AAN covers [the basics](#)).

On the US side, the deal now has to go through what the officials travelling with Kerry called a “very technical, internal legal review”. On the Afghan side, it has to go to the Afghan National Security Council and a Loya Jirga to be convened in November which, [said](#) Karzai, “will be the one to make a decision, the final decision”. As AAN has reported in the past (see [here](#) and [here](#), such jirgas give respectability to sensitive decisions taken by the government while the hand-picked nature of the delegates pretty well ensures ‘the people’ take the right decisions. The deal will also be put before the Afghan parliament – which, when the government wants something badly enough, should also be expected to vote ‘correctly’. Karzai may try and ease any feelings of national humiliation felt over doing a deal with the superpower by playing up Afghan honour. He could be verbally offensive to the US – as he was at the Loya Jirga convened to discuss a security agreement with the US in December 2011 when he [told](#) cheering delegates that Afghanistan was a lion which did not have to bother to guard its own jungle.(2)

Both jirga and parliament should go the way of the government, but their agreement is not in the bag. Moreover, President Karzai himself also appeared to open the door for re-starting discussions when he said, “I did not study the details, the technical details of this particular agreement and I will have time tomorrow to study the details, to study the agreement in details.” For these reasons, possibly, both US and Afghan officials shrank from saying a deal had been done, presumably because there is ‘many a slip between cup and lip’. Nevertheless, they [presented themselves](#) as upbeat. They have now agreed the details of a deal. It must still be drafted, signed and sealed.

Without a BSA, all foreign troops withdraw. There would be no continuing US mission and no NATO training mission – it has said this is dependent on the US getting its BSA. Four billion dollars promised yearly for equipping and funding the Afghan security forces would also likely dry up. Businesses propped up by military spending – logistics, guards, protection, transport - would disappear and, without the security agreement and its signal of political goodwill, aid generally might also well ebb away from some donor countries.

If the BSA goes ahead, US officials have framed it as enabling two missions to continue: assisting, advising and training Afghan forces and a counter-terrorism mission against “the remnants of al Qaida.” Various issues still need to be scrutinised:

## *1. How many US soldiers – and contractors and CIA agents?*

One of the US officials travelling with Kerry said he did not think there had been any discussion of troop levels. When and if a figure is agreed and become public, it will still also be necessary to look at other staffing. The US military proclivity to outsource wherever possible - logistics,



catering, air support, intelligence gathering, targeting - means that currently the US Department of Defence alone [employs](#) more contractors than it has troops on the ground. This figure ignores those indirectly hired by the Department of Defence and contractors hired by other US government agencies. As the CIA also conducts hostilities in Afghanistan, the agency needs to be watched to see if it retains bases, a presence on bases and/or any continuing role working with Afghan militias and NDS paramilitaries (see reporting [here](#) and [here](#)).

## 2. Combat mission or not?

“There will be no combat mission after 2014,” said one of the officials travelling with Kerry, “What is clear is that combat operations would be much more exceptional after 2014...” Explaining this apparent paradox to baffled reporters, he said:

*I think that the range of combat operations that you would have seen will be greatly reduced from what you have now. Frankly, they would be, again, the counterterrorism mission to go after residual transnational threats, and then there could be some combat operations in terms of the troops that are working inside the training, advise and assist mission. And then of course, if there were ever a contingency where you have a force protection mission, that could also be a combat operation, but that would be as a contingency, not as a general rule.*

This is in line with recent US [statements](#) (including a speech by President Obama in May and a statement of his in January, see our analysis [here](#)). It gives a lot of room for manoeuvre.

## 3. Afghans in charge?

Karzai told reporters that, “Afghanistan’s national sovereignty was our most important issue for all of us”. He had reportedly been pressing for the Afghans to be in charge of counter-terrorism missions and for intelligence to be passed over for its forces to act on. The US, however, wanted to retain an independent mission. These are where Afghan sensitivities are at their highest, with anything to do with civilian casualties, night raids, detentions and support for Afghan militias having the potential to cause ill will between the allies. The most recent incident to infuriate the government, [referred to](#) by the presidential spokesman and in the post-deal press conference was US forces capturing a Pakistani Taliban leader, Latif Massud, brother of Tehrik-e Taliban-e Pakistan leader, Hakimullah, whom the NDS had been holding with the hope, apparently, of ‘turning’ him for use in negotiations with the Afghan Taliban. This story, as reported, is fishy: why would Kabul want to use a Pakistani Taleb to speak to its own Taliban? However, whatever was actually going on - the US' nabbing of a man from NDS custody - appears to have incensed the Afghan government.

The presidential spokesman said they had already been left wary by memorandums of understanding over night raids and detentions at Bagram signed last spring (see AAN reporting [here](#), [here](#), [here](#), [here](#) and [here](#)) which they felt the US had violated.(2) Now, said Karzai, “the United States will no longer conduct operations by themselves”.



That may not be the end of the story, however. Deals can be fudged, leaving both sides happy and with substantive issues still brushed under the carpet. The Bagram detention facility deal, for example, was renegotiated amid a great deal of rancour and the Afghan government eventually wrested control over Afghan detainees in March 2013. However, as AAN [reported](#), that final deal still gave something more like the appearance of sovereignty. Post-handover, US forces still detain and interrogate Afghans, including allegedly using sleep deprivation at one of its interrogation sites, the so-called *tor jail* (“the black jail”), on Bagram airbase. According to former detainees, even after the US hands detainees over to the Afghan authorities, it still has access to them for interrogation.

#### 4. External Attack

Karzai had said he was unhappy that, even after the US signed a [Strategic Partnership Agreement](#), the US took no action after Pakistan fired rockets across the border. This looks like a misreading of the agreement as nowhere does it commit the US to defend Afghan borders. Still, the desire for an explicit commitment to do this has been part of negotiations on the BSA. Un-named US officials alleged that Karzai feared the US was dealing behind his back with Pakistan and the Taliban and that this was just one of a number of issues important to Karzai which one of the officials [said](#) was “unfathomable” and “something between frustrating and offensive”. The US was never going to agree to a mutual defence pact, such as members of NATO sign up to, or commit itself to fight Pakistan on Afghanistan’s behalf. Yet, something was agreed which appeased Afghan fears. Karzai told journalists, “We have been provided written guarantee for the safety of Afghan people about invasion. A clear definition has been provided and we accepted it.”

#### 5. US detentions

As AAN [reported](#) earlier this month, the US military is still holding between 60 and 70 foreign detainees at Bagram, most captured in Afghanistan, others rendered there in the early days of the ‘global war on terror’ or from Iraq (the latter transfer held to be a breach of the Geneva Conventions by the UK Supreme Court). Many were cleared for release several years ago but remain in detention. They have far fewer rights than those at Guantanamo or Afghan detainees at Bagram. What happens to these men at the end of 2014 will be part of the detail of any BSA.

#### *Sovereignty and questions of who is fighting whom*

Much of the weariness and mistrust between Afghanistan and the United States boils down to basic, irreconcilable, structural issues with the intervention. How can Afghanistan possibly behave like a sovereign country when there are tens of thousands of foreign troops on the ground and foreign governments [pay](#) almost entirely for the police and army and for 60 to 80 per cent of the rest of the budget?

The foreign powers believe they have kept Karzai in power, defending him from the internal threat of the Taliban and bankrolling his state. He finds their continuing presence an irritant,



believing the international forces, far from helping his country, have merely caused suffering to his compatriots. In his reckoning, the US and NATO went after the wrong enemy. Instead of addressing the real threat - as he sees it - from Pakistan, they have miscast the conflict as internal. This is a basic argument over the nature of the war: is it an uprising or foreign meddling using Afghan proxies? Does the Afghan state need help to defeat internal or external enemies? Do the foreign armies help support the state or would Taleban come home peacefully without the foreign aggravation?(4) These basic issues will not be solved by the signing of a BSA, however much it promises to respect Afghan sovereignty. The irritation on both sides will not go away any time soon.

(1) President Karzai said:

*We understand that the issue of immunity is of very specific importance for the United States, as was for us the issue of sovereignty and detentions and the continued presence of international forces in Afghan villages and the very conduct of the war itself. With those issues resolved, as we did today, part of it — the rest was done earlier — I can go to the Afghan people and argue for immunity for U.S. troops in Afghanistan in a way that Afghan sovereignty will not be compromised, in a way that Afghan law will not be compromised, in a way that the provisions that we arrive at through our talks will give the United States the satisfaction of what it seeks and will also provide the Afghan people the benefits that they are seeking through this partnership and the subsequent agreement.*

(2) President Karzai said:

*Afghanistan is ready to sign strategic agreement with the United States, which is to our benefit. They bring us money; train our soldiers and police, and provide security for the home of the lion. The lion does not have leisure time to do all these things. They should protect his surroundings but should not touch the lion's home. They should protect the four boundaries of the jungle. They should train our police, America's assistances will be beneficial to Afghanistan, as will be of the West and other countries.*

(3) "We learned our lesson last time," Aimal Faizi, Karzai's spokesman, [said](#) of the those previous agreements which it felt the US had violated.

(4) In Mullah Omar's [Eid message](#) to the nation, he – or whoever drafts his statements – promised grave consequences for any BSA: "invaders should know that their limited bases will never be accepted. The current armed Jihad will continue against them with more momentum." At the same time, international forces are far more of a deterrent to the Taleban than Afghan ones. Anyone feeling a negotiated settlement is still in the offing might feel it would be easier to negotiate with foreign forces in situ and with funding still coming into the Afghan state and security forces.



Transcript of the [press conference](#) with President Karzai and Secretary of State, Kerry

October 12, 2013

**PRESIDENT KARZAI:** (Via interpreter) (Inaudible) Afghan and international media, the United States media, welcome to our today's press conference. And we apologize for making you waiting from morning up to now. Thanks for being so patient. And I'm very happy that today, His Excellency John Kerry, U.S. Secretary of State, is here with us in Kabul. He arrived here yesterday so that we can discuss our relationship with the United States, especially with regards to the security pact between Afghanistan and the United States. He has been kind enough to spend enough time with us, and we – he delayed his visit to Middle East so that we could discuss these issues in details, and both sides, so that we can both reach a result considering other national interests, both countries.

Are you all right?

**SECRETARY KERRY:** I'm all right, but I don't hear anything.

**PRESIDENT KARZAI:** (Via interpreter) Can you hear? Sir, can you hear us now?

**SECRETARY KERRY:** Yes.

**PRESIDENT KARZAI:** Can everyone hear us?

Brothers and sisters, as you are all aware, that after we signed the Strategic Partnership Agreement between Afghanistan and United States, we started to discuss security. Let's wait until we get the system fixed. Okay.

As you are aware, after we signed the Strategic Partnership Agreement, the United States and Afghanistan started discussing the security agreement between our two countries. It was a very difficult discussion. Afghanistan considered its own interest, United States considering its own interest. Afghanistan's interest is Afghanistan. Our main priority is Afghan sovereignty. Respecting Afghanistan's sovereignty was considered our highest priority. Unfortunately, our past experiences were not happy experiences. Afghanistan suffered a lot in the fight against international terrorism. Afghan houses suffered a lot. And Afghanistan's sovereignty has been violated, and the Afghan Government and the Afghan people were disappointed about all this.

The discussion of the security agreement has been an important issue, and our demand is our – defending our Afghan sovereignty. Afghanistan's national sovereignty was our most important issue for all of us. It has been. And one of the other important thing for all of us was the safety of the Afghan people as well as their assets and property from terror and terrorism, as well as from the fight against terrorism that's been conducted by international forces. And the Afghan people



suffered a lot so far.

Only 15 days ago, I met a very young girl from Kunar province of Afghanistan in a hospital. She lost her both eyes. She was 14 and a half years old. Her – she lost her face as well as her hand – one of these. And she also lost her whole family. It happened during foreign forces operation. The Afghan nation, whatever cost they paid, want a guarantee that such violation will not take place in terms of the lives of the people, children, and citizens. And under no circumstance or excuse, foreign forces will not search the homes of the Afghan people, the people of Afghanistan; will not attack – will not conduct any sort of ground attack or air attack on the Afghan homes.

The third issue is invasion or attack on Afghanistan. In our Strategic Partnership Agreement, it states United States committed itself to support Afghanistan in case of attack on Afghanistan. But we realized that we, once we signed the Strategic Partnership, some of our neighboring countries shot rockets and missiles on Afghan territory, but the United States did not even accept that such violation did take place in Afghanistan. At this point, the definition of invasion or attack was very important for all of us, so that we can have a clear definition of attack on our country or invasion of our country. Invasion means bringing mortars and tanks to Afghanistan. Invasion also means sending terrorism and suicide bombers to Afghanistan.

Four, and stopping foreign forces from whatever they do in Afghanistan so that international forces cannot conduct operations by themselves without permission. The Government of Afghanistan and I myself, during the past few years, have been in touch with security forces of other countries who are here to fight terror and defend their interest, and we had some sort of disappointments as well. In these cases, Afghanistan's sovereignty and definition of invasion, civilian casualties in Afghanistan, and prevention of foreign forces operation – we have been discussing this for a long now.

After a long discussion and exchanging thoughts and ideas, tonight we reached some sort of agreements. In our agreements, the United States will no longer conduct operations by themselves. We have been provided written guarantee for the safety of Afghan people about invasion. A clear definition has been provided and we accepted it. Our national sovereignty is being also clear, and they have committed themselves that they will respect and no violation will take place.

The security agreement we discussed today, many issues are related to this agreement. One element is foreign forces immunity. We don't have a common understanding on this, and such an issue is beyond Afghan Government authority. We therefore did not discuss this issue. And the decision about this particular subject will – is up to the Afghan people and especially the Loya Jirga. They will be the one to make the decision on this particular issue. The Afghan – this will go to the Afghan people, the Jirga itself, and it will be then sent to Afghan parliament, and such issue is beyond our authority, and it will be presented to Afghan people at Loya Jirga.

There are other things. There are other issues. We had a common understanding and a



common agreement, but I have been – I stated the most important issues during the past three nights, and I just mentioned these issues. But I did not study the details, the technical details of this particular agreement, and I will have time tomorrow to study the details, to study the agreement in details, and I will then send it to the Afghan Security Council and I will then also consult with the (inaudible) jirga, and then it will be presented to Afghan people's Loya Jirga, and they will be the one to make a decision, the final decision. If they approve it, it will be sent to Afghan parliament, and so that they can approve it too.

I just would like to be short on this. In this agreement, we considered national sovereignty and prevention of casualties, civilian casualty, and the clear definition of invasion. We reached some agreements. We reached agreements. Foreign troops and forces, foreign forces immunity, we were not able to discuss this because it is clear, because the Afghan people's Jirga will make their decision about this.

The whole document will be presented to the Loya Jirga. They will discuss it, especially this particular issue. United States Government and people, we are grateful of the American assistance to Afghanistan in order to bring changes in the area of education and the life of the Afghan people, and they did provide help in other areas too, and we are grateful of that. But we are hopeful beside we – while we appreciate this, we hope that the security agreement between Afghanistan and the United States, once the Jirga approve it, they will provide us with the things that we did not have during the past 10 years in Afghanistan, which is the safety of the Afghan people as well as the national sovereignty.

We hope to reach these goals, and we will present the document to the American people too. And I am grateful to His Excellency John Kerry and as well as the American people. We hope that once we finalize this agreement, the Afghan – Afghanistan and Americans will become real friends, friends in reality. Thank you so much.

**SECRETARY KERRY:** Well, Mr. President, thank you very, very much. Thank you first of all for your generous hospitality, as always. We appreciate it enormously. And I don't know who could produce a setting like this, which is really very, very beautiful. As we walked over here, the President informed me that some of these trees are probably more than 300 years old, maybe more.

**PRESIDENT KARZAI:** Maybe more.

**SECRETARY KERRY:** Maybe more. So it's a privilege to stand in a place that reminds us all about the history of Afghanistan, the durability, and really the importance of what we are trying to achieve here.

I thank the President for his serious effort over these last hours. Late last night, all last night, all today we have been discussing and we have been negotiating. And as the President said, these are not easy negotiations because they involve issues of life and death, issues of the future of a country, issues of emotions, and the history. Particularly, the kinds of things the President talked





about, about a young woman without a face. And indeed, there have been horrible things that have happened to people in the course of war. Too many Afghans have lost their lives. Too many Afghans have been subject to terrible violence. And the United States hopes and prays and looks forward to the day that Afghanistan can be free from that violence and that the people of Afghanistan will be free to move around and live their lives with full respect for their sovereignty and for their nationhood, for who they are as a people. The people of Afghanistan are a brave people, a capable people. And the United States has only respect for what the people of Afghanistan have been through and how difficult these years have been.

We also know that there are young men in hospitals in America, and women, who are still recovering from their wounds. And there are too many who have been buried in cemeteries in America because they came over here to help make a difference for this country and for the world – to fight terrorism, and to fight to give an opportunity for Afghanistan's future to blossom in its full sovereignty and with the full opportunities that people need and deserve.

We are proud of the fact that in the years that we have been here, in cooperation with President Karzai and the government, much has changed for the better. When we came here, there were maybe a million children in school, most of them boys. Today, there are 8 million, and perhaps 40 percent of them are young girls. When we came here, only 9 percent of the people in Afghanistan had access to health care. Today, 60 percent of the people in this country have access to health care. And when we came here, the life expectancy of Afghans was 20 years less than what it is today. It has grown by 20 years. There are many things that are positive, even as there have been great difficulties.

We want a different relationship. President Obama wants the United States to work in partnership with Afghanistan. And nothing would please us more or serve American interests more than to see an Afghanistan free and independent, and without the need for support from America or any other country. I know that's what President Karzai wants. That's what we want.

And I believe that in the last 24 hours, as we have worked hard at these issues that really have been negotiated over now for more than 11 months, that we have resolved, in these last 24 hours, the major issues that the President went through. We have resolved those issues. And we have put ourselves in a position for an enduring partnership going forward in the years ahead, providing that the political process of Afghanistan accepts that. We respect completely the President's need, the President's right, the Afghan people's need to approve of whatever agreement might come forward. We are pleased that the agreement that we have put together now is in a place where it can be submitted to a Loya Jirga, where it will now go through the appropriate political process of the President reviewing it and submitting it with his security cabinet, with his various – with the parliament and others, as is necessary.

But I need to make very clear that the one issue that is outstanding, which is an issue that we call an issue of jurisdiction – in our judgment, there is no immunity in this agreement. Anybody who were to do anything will be subject to the law. But the question of jurisdiction is an appropriate one for the President to submit to the Loya Jirga, and we have high confidence that



the people of Afghanistan will see the benefits that exist in this agreement. But we need to say that if the issue of jurisdiction cannot be resolved, then, unfortunately, there cannot be a bilateral security agreement. So we hope that that will be resolved. And it's up to the Afghan people, as it should be.

What we have achieved in this agreement addresses the fundamental questions the President has raised about aggression, about support, about – most importantly – the protection of Afghan people in their homes, in their lives. We respect completely, and President Obama supports and is committed to the principles that the President of Afghanistan has laid out in order to protect the people of Afghanistan. The people deserve to know that in their homes and in their lives they can be free from interference and free from violence. And we believe in that.

What has happened in this moment is important. It is a moment where the United States willingly and happily is able to work in partnership with our Afghan friends and transfer to the Afghan forces the full responsibility for the defense of Afghanistan as we near the end of 2014, and we will be in a very different position here – happily for the President, the government, and the people of Afghanistan. We will not be conducting combat operations; we will be engaged in training, assisting, and equipping the Afghan forces who will defend their country. And I think the President and the people of Afghanistan welcome that.

So in the agreements that we have reached here, we have in fact arrived at a point where we know with certainty how we can proceed down the road, to fully – fully guaranteeing the opportunities that the Afghan people want for their future.

We will have a respect that the President wants in a definitive way for the sovereignty of Afghanistan and for the people of Afghanistan. And over the coming year, the Afghan people will be assuming greater and greater responsibility. We welcome that. And we say very simply that this agreement, if it finally approved, will cement a relationship of cooperation, a relationship where the Government of Afghanistan is fully independent and sovereign and making its decisions, and the United States and those other friends who join in this effort will be helping and working in cooperation.

In addition, we will be following along the lines of what was agreed in Tokyo and in Chicago in terms of assistance, which will be important in order to sustain the development and the growth that has so characterized what has happened, even in the midst of war.

The Bilateral Security Agreement also provides the foundation for us to be able to work together against terrorism, against those who wish to harm us or our partners, our interests, and the region. And that is vital to both Americans and to Afghans. But let me underscore that nothing – neither this agreement when completed, nor the assistance that we provide – nothing can replace the commitment and energy of the Afghan people to be defining their own future.

So it is clear, through this agreement in addressing each of the concerns President Karzai has raised, that President Obama and the American people believe in the people of Afghanistan.



We are excited about the way the President and his government have put in place the workings of a new election. The election law, the registration of candidates, are all a great success. And we look forward to not picking any candidates, not being involved in the election, not in any way affecting it, but only to helping in any way that Afghanistan wants us to for this election to work effectively, free, fair, accessible, transparent, and accountable. This is an enormous transition. It's an historic moment for this country. And we are proud and pleased to be able to work at being part of it.

The United States believes firmly that lasting security and prosperity in a unified Afghanistan and an independent Afghanistan, whose people and sovereignty are respected, will take root when the people's voice is heard in the course of this election. And this will be a great legacy for President Karzai, who has led his country during these very, very difficult times.

So Mr. President, I'm very, very grateful to you as always. Your friendship, your warm welcome, the serious way which you and your team have really come at the difficult issues that we had to work on in the last few days. And we look forward to the technical review process that you will undergo, we will likewise undergo, and I am confident that in this agreement, we have laid the foundation for all of the issues that you listed to be addressed, and for the future success of your country and our friendship. Thank you, my friend.

**MODERATOR:** (Via interpreter) It is very late. We will just take two questions. The first question can be addressed to – the Secretary of State will choose the first question, and I will ask – pick up the second question.

**SECRETARY KERRY:** If I'm picking first, Lesley Wroughton.

**QUESTION:** Lesley Wroughton from Reuters. Mr. Secretary, you said that there's no deal without addressing the issue of immunity. How does one proceed with this, and what kinds of concessions do you need from each other to close this deal?

The same for you, President Karzai. What do you need for this – if the U.S. doesn't seal this deal, if this immunity issue is still outstanding, how do you see this relationship going forward?

The other question I have for the Secretary –

**SECRETARY KERRY:** That's all right – as I cough away. (Laughter.)

**QUESTION:** I'm sorry.

**SECRETARY KERRY:** It's all right.

**QUESTION:** And the other question I have – so I'm (inaudible) with the immunity. The second question is: What faith – this is for the Secretary. What faith does it show in Afghan sovereignty when the U.S. snatches a Taliban commander from Afghan hands when you're so close –



when you were so close to a deal?

To the President – how can Afghanistan stand for this kind of operation, and does it undermine you just when you're trying to agree on issues of counterterrorism and security?

**SECRETARY KERRY:** Yes. Well, let me – Lesley, let me begin by, first of all politely correcting you, the premise of your question about something called immunity. There is no immunity. There is no question of immunity. If an American who is part of any expeditionary force under agreement from the Afghan Government were to violate any law, as we have in the past, we will continue to prosecute to the full measure of that law, and any perpetrator of any incident, crime, anything will be punished. There is no immunity. Let me make that clear: No immunity.

And we have proven in many cases, unfortunately too many instances, that when somebody has violated the law, they have paid the price. There are people in prison today in the United States of America who have paid that price.

Secondly, with respect to the jurisdiction issue, we have great respect for Afghan sovereignty. And we will respect it, completely. And that is laid out in this agreement. But where we have forces in any part of the world, and we unfortunately have them in a number of places in the world – in Japan, in Korea, in Europe, in other parts of the world, Africa. Wherever our forces are found, they operate under the same standard. We are not singling out Afghanistan for any separate standard. We are defending exactly what the constitutional laws of the United States require.

Now, we completely respect that the President should decide appropriately that this issue ought to be decided in his Loya Jirga. We absolutely – that's the best of democracy. We embrace that. But there are realities that if it isn't resolved, we can't send our forces in places because we don't subject United States citizens to that kind of uncertainty with respect to their rights and lives. It is no comment on any other country. It's nothing negative. It's an historical tradition and something that exists everywhere in the world. So that is a very important principle.

Now, the President has expressed his concerns. He's been honest with us and upfront about it. But he understands that the other issues that we have resolved in this important agreement are important and that we have worked hard in good faith to resolve it. And so his consultative process will go to work, and the United States will respect that process, as we should.

With respect to counterterrorism activities and the apprehension of an individual, we followed the normal procedures that the United States follows in our agreement. We regret that this circumstance took place in some ways that some folks apparently the chain of communication didn't go as far. But we did what we are supposed to do under the agreement.

Now, I'm not going to discuss the details except to tell you that this individual is responsible for the loss of lives not just here in Afghanistan, but has plotted against the United States, has association with other major plots to injure many people, and is a serious terrorist. And so we



will work with the government, as we have said. We will absolutely work with the Government of Afghanistan to cooperate so that the appropriate process flows out of this, to respect their interests and respect their sovereignty. But this was a normal counterterrorism procedure, according to the standards that we have been operating by for a long period of time.

**PRESIDENT KARZAI:** Ma'am, as I said in my introductory remarks, the whole document will go before the Afghan Loya Jirga for their consideration and consultation. And if it is approved, it will go to the Afghan parliament for the formal approval of state – relevant state institutions.

The issue of jurisdiction is one such issue that is beyond the authority of the Afghan Government, and it is only and entirely up to the Afghan people to decide upon through two mechanisms: One is the traditional Loya Jirga of Afghanistan; the second is the constitutional mechanism, which is the Afghan parliament.

On the issue of seizing a Taliban commander by the U.S. Forces Afghanistan, this is an issue that we have raised in earnest with the United States in the past few days, as we have on other previous occasions of such arrests in which the Afghan laws were disregarded, which we do consider a violation of Afghan sovereignty. And therefore, our discussion today in particular has been focused on making sure that through the Bilateral Security Agreement we make sure that such violations are not repeated. This is an issue of extreme importance to the Afghan people, and it is an issue that the Afghan people will demand in very clear, vivid manifestation from their government to make sure is ours – meaning sovereignty.

**QUESTION:** (Via interpreter) Thank you, Mr. President. We welcome Secretary of State Mr. John Kerry to Afghanistan. And my question is specifically for Your Excellency. As you had serious discussion during the past two days with your U.S. counterpart, can you assure the Afghan people that after this agreement is signed, the United States will not conduct operations by themselves and they will consider Afghan people's sovereignty?

And how – what – how you came up with the definition of sovereignty? And also, that there is insurgency that (inaudible) Afghanistan, how do you define that? The third issue is, the Russian Foreign Minister Sergey (inaudible) stated that some specific terrorist group received training in Afghanistan, in terms of using chemical weapon. What do you think? What's your position on this?

**PRESIDENT KARZAI:** (Via interpreter) With regards to the security and safety of the Afghan people and the security of the Afghan people, as well as the honor of the Afghan people and their families, and as well as full sovereignty, both the Afghan people as well as their homes, we are aware that it's been years that we have been discussing this with our NATO and ISAF counterpart on this particular issue, the life of the Afghan people and the security of the Afghan people, and making sure that the house of the Afghan people are not searched under the name of fight against terror or not attacked under the name of the fighting against terror.

Civilian casualty in Afghanistan is one of the top priority of the Afghan Government, and it's



been our top priority and we try to address this so that the Afghan people can no longer suffer, not yesterday, not today, since the start of negotiation about Strategic Partnership Agreement with the U.S. Government, and after we signed the Strategic Partnership Agreement with the United States, I stated discussing security agreement with the United States. We have been raising our concerns with our counterparts.

Afghan sovereignty, the security of the Afghan people, and the safety of the Afghan homes, as well as respecting Afghan people's honor and culture, and the clear definition of terror, are the issues we have been discussing during the past two days with His Excellency the Secretary of State. And we had long and deep discussions about these issues. And I am very happy, and I can tell you that we received some guarantees and we have written guarantees especially about the definition of invasion or attack. And we will, later on, share this with our media. I don't know whether we can share this with you before Jirga or not, but we will definitely share it with you.

With regards to whether these guarantees will be implemented in practical or not, it is natural that the Afghan people (inaudible) and will move forward. Because we have a past, and we learn from our past. For the Afghan Government is going to seriously go forward, and will carefully go forward, and there is going to be no room for violation, including United States.

If they want to be partner with us, this partnership must completely guarantee sovereignty and security of Afghanistan. And we receive this through our document, but the rest will be up to the Afghan Government and our friends, and in order to build on this, based on mutual respect and friendship. And it's for their interests, too.

Mr. Lavrov, the Minister of Foreign Affairs of the Russian – he had some statements that Syrian extremist groups – or in part of Afghanistan that are out of control of the Afghan Government, and they received training chemical – how to use chemical weapon. And this is against Afghanistan, and this is against our well-being. The Afghan Government will take action against this, and our ally – we will also have some questions for our allies who are here with us so that we can find answers for these concerns.

They have to leave, and we are also leaving. We will have more discussions tomorrow. His Excellency the Secretary has to leave because he has been for the past two days. You have important questions, but we will meet next time.

**SECRETARY KERRY:** I have to get on the plane. And I apologize because we would like to stay longer. I just want to say that I agree with what the President said with respect to sovereignty. We will work at that because we believe we have defined in this agreement. And we're feeling very positive and excited about the possibilities from this agreement.

Final comment, Mr. President: Tonight, the Boston Red Sox – do you know who they are?

**PRESIDENT KARZAI:** Yes.



**SECRETARY KERRY:** It's a baseball team.

**PRESIDENT KARZAI:** It's a baseball team.

**SECRETARY KERRY:** They're going to play for the American League Championship in Boston, and we want some of your cricket and soccer team luck to go with me, okay?

**PRESIDENT KARZAI:** Wish you all the best of luck there.

**SECRETARY KERRY:** No, wish them, the Boston Red Sox.

**PRESIDENT KARZAI:** Well, they're your team, I believe. (Laughter.)

**SECRETARY KERRY:** My team. (Laughter.) Thank you.